

**CALL AND NOTICE OF
SPECIAL MEETING
AT 7:00 PM
OF THE
PLANNING COMMISSION
VIA TELECONFERENCE**

FEBRUARY 8, 2021

TO THE MEMBERS OF THE VALLEJO PLANNING COMMISSION:

You are hereby notified that I do call the Vallejo Planning Commission in special session to consider only the matters stated on the agenda listed below.

NOTICE: Due to the current Shelter at Home Order and in conformance with the Governor's Executive Order N-29-30, the City of Vallejo has opted to hold a Planning Commission meeting via teleconference. Any interested members of the public desiring to communicate with the Planning Commission concerning any item listed on the agenda before or during consideration of that item must do so by either clicking on the hyperlinks contained in the meeting agenda or type the link into an internet browser. You will be taken to the internet platform where the meeting is held. There will be no public access to City Hall for any meetings until further notice.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL OF THE PLANNING COMMISSION**
- 4. STUDY SESSION**

*NOTICE: Members of the public wishing to address the Planning Commission on the Study Session item may do so via ZOOM (<https://ZoomRegular.Cityofvallejo.net>), or via phone, by dialing (669) 900-6833. Enter Meeting ID: 914 0075 0676#. Press *9 to digitally raise your hand from the phone.*

For additional instructions on how to speak during public comment, please visit, www.cityofvallejo.net/publiccomment. Each speaker is limited to five minutes pursuant to Vallejo Municipal Code Section 2.02.420.

A. NEW ZONING CODE STUDY SESSION

¹ Due to the Coronavirus emergency, all Planning Commission meetings will be held via teleconference. Members of the public may provide public comments during the meeting via ZOOM:

<https://ZoomRegular.CityofVallejo.net>

Option to join by phone:

Dial (669) 900-6833

Enter Meeting ID: 914 0075 0676#

Press *9 to digitally raise your hand from the phone

For additional instructions on how to speak during public comment, please visit,

www.cityofvallejo.net/publiccomment

Recommendation: Conduct a Study Session with the Planning Commission on the Draft New Zoning Code Project.

Contact: Christina Ratcliffe, Interim Planning & Development Services Director
(707) 648-4382

Christina.Ratcliffe@cityofvallejo.net

5. ADJOURNMENT

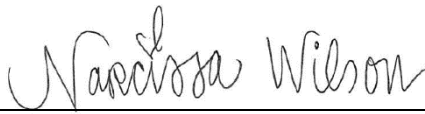
Dated: Friday, February 5, 2021



Christina Ratcliffe, Interim Planning and Development Services Director

I, Narcissa Wilson, Executive Secretary, do hereby certify that I have caused a true copy of the above notice and agenda to be delivered to each of the members of the Vallejo Planning Commission, at the time and in the manner prescribed by law and that this agenda was posted at City Hall, 555 Santa Clara Street, CA at 5:00 p.m., Friday, February 5, 2021.

Dated: Friday, February 5, 2021



Narcissa Wilson, Executive Secretary

Memos



MEMORANDUM

PLANNING DIVISION

DATE: February 8, 2021
TO: Planning Commission
FROM: Michelle Hightower, Senior Planner
Christina Ratcliffe, Interim Planning and Development Services Director
SUBJECT: New Zoning Code Project

BACKGROUND

On January 6, 2021, the City released the Draft New Zoning Code, Zoning Map and supporting Initial Study/Mitigated Negative Declaration (IS/MND) to the public for review and comments. Two Study Sessions to discuss the key changes and highlights of the New Zoning Code, including a joint Study Session with the City Council, took place on January 20, 2021 (Planning Commission) and February 2, 2021 (City Council and Planning Commission). The third Study Session is scheduled for Monday, February 8, 2021 with the Planning Commission. Formal public hearings on the New Zoning Code Project, which includes the Zoning Map, General Plan Amendments, IS/MND and other related actions are scheduled for Wednesday, February 17, 2021 (Planning Commission) and March 9, 2021 (City Council).

Development of the Draft New Zoning Code involved 15 months of Planning Commission Study Sessions and Community Open Houses from March 2019 to June 2020 that included public participation and comments. Completion of the entire draft document, map preparation, and environmental review took place between July and December 2020 with release of the final draft documents in January 2021. The Draft documents are available for review via the City's website, and public comments are being solicited on Open City Hall, the City's internet web forum.

The 2021 Study Sessions are intended to provide the Planning Commission, City Council and public an overview of the Draft New Zoning Code and Map prior to formal consideration. During the January 20, 2021 Study Session, Staff conducted a high level presentation on the project's background, adoption schedule, document contents, formatting improvements, major regulatory revisions from the current Code, and changes to the proposed General Plan Amendments presented by Staff in June 2020. Staff received several comments and questions from the Planning Commission.

The second 2021 Study Session involved a joint meeting with the City Council and Planning Commission. Staff and a representative from Stantec, Inc., the Zoning Code consultant, provided a more detailed presentation of the New Code's content and project elements. Members of the Planning Commission and City Council asked questions and offered comments on a wide range of topics. Members of the public also provided comments on the Project.

The subject Study Session is the third and final informal meeting for the Draft New Zoning Code before the Planning Commission and City Council Public Hearings. The focus of this Study Session is the Zoning Map and several policy issues raised during the prior two meetings. As a study session, no formal action will take place and public comments are welcomed.

DISCUSSION

Zoning Map

The Draft Zoning Map was presented to the Planning Commission during the June 15, 2020 Study Session. The map was developed based on the General Plan 2040 Land Use Map as well as policies and actions presented throughout the General Plan, Housing Element and Sonoma Boulevard Corridor Specific Plan. Because zoning is more specific than general plans, certain areas designated with a broad land use category in the General Plan have been mapped with a more precise zoning district. For example, areas designated as Business/Limited Residential in the General Plan are mapped with a mixed-use, commercial, office or industrial zoning district based on the land use development pattern and General Plan policy and vision for the area. This allows for a more consistent application of development standards and compatible land uses.

New Zoning Code District

The new Zoning Code includes four residential districts, 14 non-residential districts, and two additional districts for Specific Plans and Planned Development Master Plans (PDs), all of which are depicted in the Draft Zoning Map with a corresponding color. Several revisions and/or corrections have been made to the Zoning Map since the June meeting to allow further consistency with the General Plan land use map. This includes changing the zoning district for properties along the east side of Interstate 80 from NMX to RC. Tables of the zoning districts and corresponding General Plan land use designation are included in Sections 16.101 and 16.301 of the New Zoning Code. A copy of the table is provided below.

Figure 1

TABLE 16.301-A - ZONING DISTRICT AND GENERAL PLAN LAND USE DESIGNATION			
ZONING DISTRICT	MAP SYMBOL	DISTRICT NAME	GENERAL PLAN LAND USE DESIGNATION IMPLEMENTED BY ZONING DISTRICT
Residential Districts	RR	Rural Residential	Primarily Single-Family
	RLD	Residential Low Density	Primarily Single-Family
	RMD	Residential Medium Density	Mix of Housing Types/Medium Density
	RHD	Residential High Density	Mix of Housing Types/Medium Density Primarily Multi-Family
Mixed Use Districts	NMX	Neighborhood Mixed Use	Neighborhood Corridor Business/Limited Residential
	DMX	Downtown Mixed Use	District-Downtown/Waterfront, Central Corridor
	WMX	Waterfront Mixed Use	District-Downtown/Waterfront Parks, Open Space and Recreation Central Corridor
Commercial Districts	NC	Neighborhood Commercial	Primarily-Single Family, Neighborhood Corridor
	WC	Waterfront Commercial	Retail/Entertainment Business/Limited Residential
	CC	Central Corridor Commercial	Central Corridor District-North Gateway Business/Limited Residential
	RC	Regional Commercial	Retail/Entertainment Business/Limited Residential
Office and Medical Districts	O	Office	Business/Limited Residential Public Facilities and Institutions
	M	Medical	Business/Limited Residential Public Facilities and Institutions
Industrial Districts	IL	Limited Industrial	Business/Limited Industrial Business/Limited Residential
	IG	General Industrial	Industrial
Parks, Recreation and Open Space and Resource Conservation Districts	PROS	Parks, Recreation and Open Space	Parks, Recreation and Open Space
	RCN	Resource Conservation	Wetland
Public and Semi-Public Districts	PS	Public and Semi-Public	Public Facilities and Institutions

Outstanding Policy Issues

During the January 20th and February 2nd Study Sessions, several issues were raised that had not been previously discussed by the Planning Commission, such as adult uses in the downtown. Other issues such as establishing a "minimum" building height in commercial areas that could potentially limit new development were expressed. Staff has also recommended changes in the range of projects that would be subject to Design Review Board (DRB) review and recommendation to further streamline housing development in the City. Both the Planning Commission and City Council have conveyed this as a key objective for the New Zoning Code. The following policy questions are included to facilitate Commission discussion:

- Does the Planning Commission support allowing Adult uses in the downtown with a Major Use Permit?
- Does the Planning Commission support having a minimum building height of 40 feet for the NMZ zoning districts? (This district is generally mapped along the corridors.)
- Does the Planning Commission support a revised density threshold for design review as listed in the table below:

Table 1 - Residential Project Review

Current and Proposed In New Zoning Code		Proposed Revision	
2 - 10 units	Director Decision	2 - 50 Units	Director Decision
11 - 49 units	DRB Recommendation Director Decision	51 - 99 units	DRB Recommendation Director Decision
50 or more units	DRB Recommendation Planning Commission Decision	100 or more units	DRB Recommendation Planning Commission Decision

PUBLIC COMMENTS AND PLANNING COMMISSION INPUT

Public comments on the Draft New Zoning Code, Map and associated IS/MND can be made on Open City Hall or emailed directly to Planning Staff. Comments will be considered by the Planning Commission as part of the formal public hearing on February 17, 2021, and the City Council on March 9, 2021. Comments received after February 8, 2021 may not be addressed in the staff reports based on the date received. Staff's response to comments and questions from the Planning Commission and City Council during the public review period and Study Sessions will be included as attachments to the public hearing staff reports.

Staff received public comments regarding the elimination of the Residential View District, specifically mapped to encompass the Vallejo Heights neighborhood. Based on further review of ordinances adopted for this special district, the Draft New Zoning Code will be revised to include the Residential View District regulations in Part IV. Other editorial changes, minor corrections and clarifications will also be made to the New Zoning Code document presented to the Planning Commission on February 17, 2021 and City Council on March 9, 2021.

RECOMMENDATION

Staff recommends the Planning Commission:

1. Receive the Staff presentation and public comments regarding Zoning Code, Zoning Map and Policy Issues
2. Provide feedback to Staff

ATTACHMENTS

1. Public Comments received since January 6, 2021 (Does not include Open City Hall Comments)
2. Draft Zoning Map can be reviewed using the following link:

https://www.cityofvallejo.net/city_hall/departments_divisions/planning_and_development_services/planning_division/planning_division_document_library

PUBLIC COMMENTS ON DRAFT ZONING CODE

January 6, 2021 - February 4, 2021

From: [robert schussel](#)
To: [Robert H. McConnell](#); [Rozzana Verder-Aliga](#); [Tina Arriola](#); [Hakeem Brown](#); [Pippin Dew](#); [Mina Diaz](#); katy.meissner@cityofvallejo.net
Cc: [Greg Nyhoff](#); [Christina Ratcliffe](#); [JR Matulac](#); [Kathleen Diohep](#); [Michelle Hightower](#)
Subject: The Zoning Code Process is Flawed and needs to be fixed
Date: Thursday, February 04, 2021 11:57:24 AM

The current process for reviewing for the proposed Title 16 Zoning Code is flawed and needs to be fixed.

The time for Public comment needs to be extended by 45 days and the Planning Commission needs to do a detailed review of the Draft Zoning Code. City Council needs to ask that the current time lines for approving the draft Zoning code be extended so that a proper review process can occur.

Background

The development of the zoning code has taken over 4 years, wasted hundreds of thousands of dollars on failed efforts and used three different sets of consultants. Yet now City management (under pressure from Council members) wants to get approval for the Code even if the Public and Planning Commission are not given ample opportunity to properly review the final document.

What needs to be done

1) The City needs to conduct an extensive media campaign similar to what was done for the 2040 General Plan to let the Public know that the document exists and why they need to review it and make comments.

Even though the Zoning Code affects most Citizens, **only 134 people** (not the 3,000 or 30,000 mentioned at the joint meeting) **were notified** about the January 6 draft. The Public should be given an additional 45 days after the City conducts an extensive media effort.

2) The Planning Commission needs to hold 4 or 5 additional meetings and review in detail each of the 5 major sections of the Code. Half of the Planning Commissioners are new and have not been involved in most if any of the prior study sessions. Although there has been extensive input over the past 4 years this does not mean that

a detailed review of the January 6th document is not required.

My reading of the document suggests that **claims that the latest document was primarily word smithing is not accurate.** Even small changes are making significant differences and suggestions from the Planning Commission were not always incorporated.

Staff has never provided enough detail about how the change of consultants from Dyett & Bhatia to Stantec and work presented in previous workshops has been carried forward. Thus, **the need for Santec to review the videos of all of the Study Sessions** over the past few years .In addition the Planning Commission needs to hold meetings/study sessions in which detailed discussions of each major section occurs.

3) To adequately prepare for Study Sessions **the public should be given the date and specific Zoning code topics to be covered by the Planning Commission at a meeting.** Currently the Commissions future agenda only indicate that the 374-page document will be discussed.

Please require the staff to properly advertise the Draft Zoning code and provide an additional 4 or 5 study sessions so that the Public and Planning Commissioners can properly review the final document.

Robert Schussel PhD.

***** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. *****

From: [robert schussel](#)
To: [Christina Ratcliffe](#)
Cc: [Michelle Hightower](#); [Robert H. McConnell](#); [Rozzana Verder-Aliga](#); [Greg Nyhoff](#); [JR Matulac](#); [kathleen dihep](#); [Tina Arriola](#); [Hakeem Brown](#); [Pippin Dew](#); [Mina Diaz](#); katy.meissner@cityofvallejo.net
Subject: WILL PUBLIC BE ALLOWED TO SPEAK AT JOINT MEETING 7PM TUESDAY FEB 2 and CONCERNS ABOUT THE PROCESS
Date: Monday, February 01, 2021 1:08:57 PM

Ms Ratcliffe

Would you please acknowledge receipt.

Will the Public be allowed to speak at the 2/2/2021 Joint Special City Council and Planning Commission Meeting?

The statement in the Staff Report that no one from the Public spoke at January 20th meeting is misleading. Only 134 people were notified about January 6th Draft Zoning Code . Most of us were not even aware that the document existed until a Staff Report was issued a few days prior to the January 20 meeting.

How was the Public to provide thoughtful input on a 374 page document on such short notice. Thus the Public should have an opportunity to speak at the Feb 2 meeting.

I have two major concerns about the current process that needs to be addressed

1) LACK OF ADEQUATE NOTICING.

As you are aware only 134 individuals were notified about the draft. The City needs to conduct a media campaign to inform city residents about the Draft Code and why it is important they provide feedback. I would note that neither the city website nor the weekly City newsletter were used.

2) CHANGES IN CONTENT IN THE DRAFT FROM CONSULTANTS Dyett & Bhatia to Stantec ARE MORE THAN WORD SMITHING AND ADDITIONAL STUDY SESSIONS ARE NEEDED

I would also point out that **over half of the Planning Commissioners are new and did not participate in earlier Code discussions.** Thus your current 3 sessions are inadequate and unfair to the Public. More sessions with better advertising are needed

Robert Schussel PhD.

***** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. *****

From: [robert schussel](#)
To: [Michelle Hightower](#); [Christina Ratcliffe](#)
Cc: [Greg Nyhoff](#); [Robert H. McConnell](#); [Rozzana Verder-Aliga](#); [JR Matulac](#); [Kathleen Diohep](#); [marv kinney](#)
Subject: Comments for Draft Zoning Code
Date: Friday, January 29, 2021 12:34:55 PM

Ms Hightower and Ms Ratcliffe

Would you please acknowledge receipt.

1) I am trying to determine the cutoff date for submitting comments about the proposed zoning code.

2) As Notification on January 6 only included 134 citizens (neither former Commissioner Kinney or myself received one) will the date be extended and will the Planning Department conduct a media campaign to notify the entire City ?

3) Would you please answer the following

How the change of consultants from Dyett & Bhatia to Stantec and work presented in several previous workshops has been carried forward.

For example--In reading the Use Section of the Code parts are new or altered . I was told second hand that the City response was the changes by Stantec were primarily to reduce redundant text etc. Clearly this is not accurate. Thus my question.

4) As over half of the Planning commission was not involved in the majority of discussions about the zoning code will the City rethink the current process and hold Study Sessions on each of the Zoning Code sections that Stantec worked on?

5) The current agenda for Feb 2 does not include Public comments. When during the joint session will the public be allowed to speak?

Stay well

Robert Schussel PhD.

***** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. *****

Please indicate how the change of consultants from Dyett & Bhatia to Stantec and work presented in several previous workshops has been carried forward.

What Cities were used as templates for this document?.

Page 99 ADD ADU Primary Unit or ADU MUST be owner occupied

Page 103 NUDE needs to be defined. For example, If pasties are worn is the person now considered dressed?

Page 107 A2 use CITY rather than COUNTY

Page 108 need a statement somewhere that alcohol sales in minimarts, convenience stores etc. cannot occupy more 10% of the retail area.

Establishments that were nonconforming uses prior to August 25, 1998 and still do not possess a Minor or Major Use Permit for the sale and service of alcohol shall automatically become deemed approved uses and shall no longer be considered nonconforming uses. THEY SHOULD BE KEPT NON CONFORMING—WHAT IS THE RATIONALE?

Page 110 Need statement that Food must be stored in containers that prevent rodents etc from getting access to.

Why are significantly larger areas required for rabbits, pigeons and ducks. Why a different requirement from chickens?

What's the difference between a dog house and kennel—need to define. How large a dog house is allowed?

Page 111 H planting strip on street frontage should be 8 feet wide

Page 112 M air and water should be free to all

N At least 2 bathrooms should be provided

113 S Staff will walk grounds and adjacent area to pick up trash twice a day.

115 B /E cars for sale may not be parked on the street or contain signs indicating for sale or rent. Parking for customers must be on the facility—not the street.

119 C1 planting strip 8 feet

C2 100 sq feet at property intersections

122 C guards/armed security not allowed to post themselves on property. They need to be inside

123 B Buffer for parking should 6 feet

Page 127 walkway If pedestrians have to cross vehicle aisles signage/stop signs warning cars need to be provided

Page 128 G I is 1 parking space per 10 residents adequate considering that people may own a car/van?

Page 129 residents needs to sign a drug free/crime free pledge (much like 201 Maine etc.)

Page 131 7 capaCity needs to be corrected

Page 133 E Why is a separate access for a business NOT allowed? Seem it might be preferable

G & I1 business vehicles should be moved every 72 hours

Page 139 What is the maximum size allowed for a live/work unit?

Page 142 **16.326.05 OWNER AND OPERATOR RESPONSIBILITY--ADD** A licensed therapist must be on site during hours of operation

Page 143 E **16.327.04 SITE AND PERFORMANCE REQUIREMENTS ADD** 50-foot Area around truck and sitting/eating area to be cleared of trash, paper etc twice a day.

Page 150 Need a provision that trash, litter etc will be cleaned up nightly.

Page 153 9 Containers will not be allowed to overflow and contents must be removed daily.

Page 155 Abandoned shopping carts. If owners(business) are facility operator must notify owner. If shopping cart owner not known facility operator must dispose of cart.

Page 156 last paragraph There should be an onsite person even if just 6 or fewer residents

Page 157 A 3B adequate street parking for cars waiting to pick up or drop off students

Page 159 ADD Residents must sign/agree to crime free/drug free contract

Loitering not allowed.

Need a plan to deal with patrolling grounds for trash/litter daily and how garbage will be dealt with. Outdoor receptacles for trash and cigarettes required and not allowed to overflow.

Page 169 **16.339.03 DEEMED APPROVED REGULATIONS**

A. **Automatic deemed approved status** The use should stay non-conforming no matter when the tobacco business was founded

16.339.05 PERFORMANCE STANDARDS AND REQUIREMENTS APPLICABLE TO DEEMED-APPROVED RETAILERS Prohibit sale of weapons, knives and other illegal merchandise

THERE IS NOTHING IN HERE ABOUT SMOKE SHOPS WHICH ARE SIGNIFICANT NUSIANCES. Need to limit area devoted to non-tobacco sales, selling of single cigarettes, drug devices such as crack pipes etc.

WHY WAS THIS PART OF CODE REMOVED?????

Page **172Why aren't towers required to be disguised** If within 300 feet of a residential area or business area?

From: scott@scott-foster.com
To: [Michelle Hightower](#)
Subject: FW: I- 80 Project
Date: Thursday, February 04, 2021 11:08:02 AM
Attachments: [Scott Foster.vcf](#)

This was sent to the Planning commission in 2018

From: Scott Foster <scott@scott-foster.com>
Sent: Tuesday, May 15, 2018 1:51 PM
To: Scott Foster <scott@scott-foster.com>
Subject: FW: I- 80 Project

I-80 Project

Good evening Vallejo Planning Commissioners.

My name is Scott Foster, an I'm a lifelong resident of Vallejo as well as businessman here with my family dating back to 1941.

The reason I am here to night is to discuss an issue I have with the new 2040 General Plan. Over 15 years ago I have purchased 3 properties on the freeway that connected to a freeway exit. The 1st one I purchased was **1050 Interstate 80 (hence the address "Interstate 80")** from Robert White, who previously owned **Bob's Smorgybob** on the freeway. Over the last 15 years I to purchase another 4 adjoining properties to **1050-Interstate 80**. I even purchased one property, 625 Miller from the **City of Vallejo**. From the very beginning of the purchasing process, the City of Vallejo was aware of my intentions to rezone the whole area as Freeway Commercial. Part of the project was always to include a gas station. I was getting ready to go through the whole process of rezoning when I bought the City's commercial property at **625 Miller**, but during the negotiations with **Steve England** and **Michelle Hightower**, I was advised to wait for the **New General Plan**. I was told this new plan would change the area and bring it in line with the rest of the freeway properties. Now the new General Plan has changed the **Freeway Commercial** to **Retail Entertainment** all along the East side of the freeway from **Benicia Rd. to Springs Rd.**

The problem is they changed my properties with over **360 liner feet of freeway** exposure to **Neighborhood Corridor**. Every property on the east side of the freeway got the **Retail Entertainment** zoning except mine. This was not fair and I was never consulted about it. The **Neighborhood Corridor** zoning does "not allow" a gas station. This freeway property used to have a gas station on it from the 50's thru the 70's called Roy's Shell Station. I know, because used to work there when I was 16.

I have had several meeting with Mark Hoffheimer form the Planning Dept. and have requested meetings with Planning Director Aftshan. As to date, Aftshan has not responded to me for a meeting. After 15 years of investing in the freeway properties, my properties have been devalued. I did not invest hundreds of thousands of dollars to be downzoned to Neighborhood Corridor. Had the powers that be gone out and looked at the property, they would discover that these properties are not connected to the Springs Rd. corridor whatsoever. They are butted up against the freeway and the overpass.

I respectfully request that my properties be rezoned back in line with the rest of the properties along

the I-80 freeway.



***** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments.

Mayor McConnell, City Councilmembers and Planning Commissioners:

The Vallejo Heights Neighborhood Association (VHNA), Board of Directors and members, only recently became aware of a proposed zoning code change to eliminate the Residential View District (RVD) (Chapter 16.36 of the Vallejo Municipal Code) entirely. The VHNA strongly recommends that the removal of the RVD **not be implemented**. In addition, city staff is proposing that the RVD be replaced with Chapter 16.211 Hillside Development Standards. The VHNA submits the following comments for your consideration prior to the joint City Council and Planning Commission Special Meeting of February 2, 2021.

Residential View District Ordinance

On February 6, 1990, after noticed public hearings before both the Planning Commission and City Council, the Vallejo City Council adopted an ordinance which created the Vallejo Heights Residential View District. It specified that the Vallejo Heights Neighborhood Association, and affected adjacent property owners receive notice of building permits within the Vallejo Heights area. A "Notice of Restriction" on each property was to be recorded. The purpose of the recording was to make sure that buyers of property located in Vallejo Heights would be aware that existing views are protected.

16.36.020 (Applicability) states that the residential view district may be applied to residential neighborhoods with significant views. The RVD ordinance could be applied to other areas of Vallejo with views as a matter of being "equitable."

16.36.010 (D) (Title and Purpose) relates to "The protection of views as it pertains to the general plan goals and policies to preserve the natural character of the hillsides."

The purpose of the RVD ordinance was reinforced in the Vallejo General Plan 2040 Section 4 (Nature and Built Environment) under Policy NBE 1-5.. Action NBE1-5C specifically requires the City to "Continue to administer the residential view district regulations intended to preserve panoramic views of the surrounding natural and human-made environment from residential neighborhoods located on hills."

Hillside Development Standards

Supposedly, Hillside protection for the entire city of Vallejo, in place of the Residential View District Ordinance, has been added through the new Hillside Development Standards. Upon review of the proposed HDS, I find, in the words of Gertrude Stein, that "there is no there-there." Specifically, there are no provisions for providing notice to affected adjacent landowners, or to neighborhood organizations, such as the VHNA, of a "Hillside Development Permit". Such noticing would provide the opportunity for awareness of a development proposal and comments from concerned adjacent landowners and neighborhood organizations.

Vallejo General Plan 2040

To assist in the process to update the Vallejo General Plan, the City Council appointed a 15 member General Plan Working Group (GPWG). I was the Vice-Chair of the GPWG during the General Plan Update Process of several years. During the numerous meetings and community workshops, it was apparent from the input of residents and GPWG members that they were engaged in ensuring that an updated General Plan would be an aid to positive growth and economic development of Vallejo, as well as protecting and enhancing our natural environment.

The Zoning Code (Vallejo Municipal Code Title 16) is supposed to reflect the goals, policies and implementation measures expressed in General Plan 2040. To reiterate:

Action NBE1-5C specifically requires the City to "Continue to administer the residential view district

regulations intended to preserve panoramic views of the surrounding natural and human-made environment from residential neighborhoods located on hills.”

Specific Notice Not Provided:

While notice of public hearing for adoption of the New Zoning Code and Zoning Map was provided, nothing in the Project Description points to the fact that the Residential View District is being removed from the Municipal Code and the General Plan. At no time did the Vallejo Heights Neighborhood Association, receive a notice specifically pointing out that the RVD was being removed from the Municipal Code and the General Plan. This is totally unacceptable. A proposed change to eliminate an established View District Ordinance of 31 years, with no public input, is unbelievable.

To reiterate: The Vallejo Heights Neighborhood Organization (VHNA), Board of Directors and members, protest the elimination of the Residential View District Ordinance and urge you to reject its removal from the Vallejo Municipal Code and General Plan 2040.

Patricia Gatz, President VHNA
Vice-Chair General Plan Working Group

From: [Anne Carr](#)
To: [Michelle Hightower](#); [Gillian Hayes](#); [Christina Ratcliffe](#); [Greg Nyhoff](#); [Robert H. McConnell](#); [Tina Arriola](#); [Mina Diaz](#); [Pippin Dew](#); katy.meissner@cityofvallejo.net; [Rozzana Verder-Aliga](#); [Peggy Cohen-Thompson](#); [Kathleen DiohepPC](#); [Randy Larson](#); [JR Matulac](#); [Jamar Stamps](#); [Charles Palmares](#)
Cc: [Patricia Gatz](#); [Anita Yaffe](#); [Kim](#)
Subject: Re: DRAFT New Zoning Code and Map - View district eliminated?
Date: Thursday, January 28, 2021 4:44:55 PM

FROM:
Hichborn St
Vallejo CA

TO:
Michelle Hightower, Senior Planner
Gillian Hayes, Interim Deputy City Manager
Christina Ratcliffe, Interim Planning & Development Services Director
City Manager Greg Nyhoff
Mayor Robert McConnell
Vallejo City Council members Arriola, Dew, Diaz, Miessner, Verder-Aliga
Vallejo Planning Commissioners: Cohen-Thompson, Diohep, Larson, Matulac, Palmares, Stamps

CC:
Vallejo City Clerk Dawn Abrahamson
Patricia Gatz, President, Vallejo Heights Neighborhood Association

DATE: Jan 28, 2021

SUBJECTS: Proposal to eliminate Residential View District; inadequacy and ill-advised Hillside Development Standards

Dear Michelle Hightower, other Planning Department and Commission members, City Manager Nyhoff, and City Council and Planning Commission leaders:

I am completely opposed to the City of Vallejo proposal to eliminate the Residential View District regulations from Vallejo's municipal zoning code, and further have many reservations about the proposed Hillside Development Standards that are proposed in draft zoning code 16.211.

I also am appalled at the inadequate public notice you have made with respect to the Residential View District proposal. Only noticing to 134 houses does NOT reach all those who could be impacted in Vallejo Heights. Further, given that the Planning Commission meeting and hearing on Feb 1, 2021 has been cancelled, the deadline for comments on the proposed zoning code changes should be extended.

Finally, I demand that the Residential View District regulations in Chapter 16.36 be reinstated in the zoning code verbatim, reflecting the ordinance that established them in 1990, and the stipulation in the APPROVED General Plan 2040 that SPECIFICALLY calls for continuing and protecting the Residential View District regulations.

I go into detail in the material below, covering things that frankly City staff should know. Although it is said that: "The price of liberty is eternal vigilance," I cannot help but feel that the City of Vallejo government is often at war with citizens instead of helping and protecting us -- and this ill-advised zoning change is a prime example.

No one requested it, and in fact the Residential View District is supposed to be protected by both ordinance and the approved General Plan. Yet somehow the City thought it appropriate to try to sneak this major change into the Zoning Code. Honestly, in my opinion, whoever proposed this should be fired. Moreover, the proposed Hillside Development Standards are both inadequate for view protection, and completely miss the point of protecting views with a cumbersome mathematical standard that could

needlessly restrict development. The proposed zoning changes for views and hillsides are a big miss. Please fix it. There is precedent for protecting other areas, e.g., Historic districts, the waterfront, school zones, etc. Please keep the commitments made in the General Plan 2040.

Sincerely,
Anne Carr
Vallejo native

REGARDING THE RESIDENTIAL VIEW DISTRICT REGULATIONS

As you might know, Vallejo's View District Ordinance was established in 1990, and is codified in Municipal Code Chapter 16.36. The purpose of the Residential View District is to recognize and protect "panoramic views of surrounding natural and manmade environment." For details, please see Chapter 16.36.010 Title and Purpose, elucidated through points A-D, enclosed for your convenience:

"Chapter 16.36.010 Residential View Districts, Title and Purpose

A. The protection, enhancement and perpetuation of views to the residents of the unique topographical features which the Vallejo area offers, or that provide unique and irreplaceable assets to the city;

B. The retention of views;

c. The establishment of a design review process by which the city may pursue in conjunction with property owners the objective that views enjoyed by residents of the city will not be significantly obstructed;

D. The protection of views as it pertains to the general plan goals and policies to preserve the natural character of the hillsides."

RESIDENTIAL VIEW DISTRICT APPROVED IN GENERAL PLAN 2040

In the updated and APPROVED General Plan 2040, there is specific mention for protecting Scenic Resources, including specifically the pledge to continue to administer the View District regulations. Please See Policy NBE-1.5, and Action NBE-1-SC, included here for your convenience:

"From the General Plan 2040

Policy NBE-1.5, Action NBE-1-SC

"Continue to administer the residential view district regulations intended to preserve panoramic views of the surrounding natural and human-made environment from residential neighborhoods located on hills."

As a reminder, the production of the General Plan 2040 was a massive City and community project that spanned many years, millions of dollars, and hundreds of hours of volunteer time. I mention this, because at NO time in the project was there an proposal to gut the Residential View District regulations. In fact, these regulations were SPECIFICALLY named as regulations that should be continued.

SPECIAL DISTRICTS CAN AND SHOULD BE CREATED IN CITY

One wonders at the mental gymnastics the City staff employed to propose gutting the View District regulations. The explanation of "equity" is a non-starter, as the City does and should apply special regulations where needed, e.g., designation of a waterfront area, special considerations for school and hospital zones, special regulation for historic districts, regulations for industrial areas, etc

If we were to apply the City's logic throughout, there would be no regulations that designate any part of the city as having particular characteristics. With respect to View District regulations, having a Residential View District does not harm any other area; this is not a zero sum game. In fact, the City's code wisely allows other view districts to be created. In terms of equity, creating additional view districts would preserve views in additional areas. In short, the City can and should designate special areas in zoning in order to preserve and enhance characteristics of the area, whether it's for views, historic resources, or community resources such as schools, parks, hospitals and industrial activity.

"HILLSIDE DEVELOPMENT STANDARDS" INADEQUATE AND CUMBERSOME

The proposed Hillside Development Standards in Draft code 16.211 are both inadequate for view protection, and also needlessly cumbersome and restrictive. I elaborate below.

Regarding view protections, the mathematical proposal that says you can increase the size of a building by 50% does not consider the fact that increases far smaller than 50% could still damage neighboring views. It's very telling, that while the Residential View District emphasizes the visual, namely VIEWS -- the Hillside Development Standards do NOT mention views. The "Hillside Development Standards" miss the point of View Zoning altogether.

With respect to restricting new buildings based on the slope of a lot, those matters should be handled by building engineers and a property owner's resources. Obviously we need buildings to be safe; however, should an owner's resources allow safe development upon steep hillsides, as long as they meet appropriate building codes and engineering standards, and do not impact views, if an owner has the resources for hillside development, they should be considered. One can imagine that many developed hillsides in Vallejo and in the Bay Area would exceed the slope restrictions proposed.

CLOSING

In summation, The City of Vallejo needs to go back to the drawing board with respect to the zoning code for Residential View Districts; the proposed zoning changes do not respect views, and unfairly and recklessly eliminates a long-established ordinance. For precedent, one can look at proposed code 16.210 Historic Districts and Landmarks -- if the City is ok preserving those regulations, why not the Residential View District code? I shake my head at the ill-advised changes. Please fix this, asap.

On Wednesday, January 27, 2021, 3:45:09 PM PST, Michelle Hightower
<michelle.hightower@cityofvallejo.net> wrote:

Good afternoon Anne:

My apologies for the delay in responding to your email.

As presented in the Draft New Zoning Code, the Residential View District, which applies private property view protections to only one neighborhood, has been removed from the Code and will be removed from the General Plan in order to be equitable and allow reasonable development of the City. However, Hillside protections for the entire City have been added through the new Hillside Development Standards. This change will protect views throughout Vallejo and provide consistent hillside standards citywide.

Please let me know if you have any further questions.

Regards,

Michelle

From: Anne Carr <goodfind650@yahoo.com>

Sent: Friday, January 15, 2021 8:30 AM

To: Michelle Hightower <Michelle.Hightower@cityofvallejo.net>

Cc: Patricia Gatz <patricia1252g@gmail.com>; Anita Yaffe <anitayaffe@outlook.com>; Tim Hiemstra <timpchr@comcast.net>; Kim <king@napanet.net>; Katy Miessner <Katy.Miessner@cityofvallejo.net>; Robert H. McConnell <Robert.McConnell@cityofvallejo.net>

Subject: Fw: DRAFT New Zoning Code and Map - View district eliminated?

Dear Michelle,

I am very concerned about the proposed change to the Vallejo Heights View District. Can you confirm, please, a statement you made to a neighbor relative to the new proposed Zoning Codes?

"For Vallejo Heights, although there are no distinctive view district regulations, standards are included for hillside development."

FYI, if you propose eliminating View District zoning for Vallejo Heights, you can expect vociferous opposition.

I would find it very curious that the City would propose such a change to zoning that is seen as essential in Vallejo Heights. If anything, Vallejo's hillside properties would be enhanced by more view protection in other neighborhoods, not less.

I have to tell you, I am alarmed by this prospect. It makes me feel like the City is working against citizens and neighborhoods, instead of with us and for us. Why someone would contemplate a drastic change *that has not been requested* just adds to the sense of feeling like a citizen under siege -- from municipal government!

Anxiously awaiting your response,

Anne Carr

----- Forwarded Message -----

From: kim g. <kimg@napanet.net>

To: Anne Carr <goodfind650@yahoo.com>

Sent: Thursday, January 14, 2021, 6:26:11 PM PST

Subject: Re: DRAFT New Zoning Code and Map - PUBLIC RELEASE

Hi Anne,

Do you know what this means for our hillside. It appears they are doing away with the view district? Your take?

Thanks,

Kim

sent from Kim's MacBook Pro

On Jan 14, 2021, at 5:44 PM, Michelle Hightower <Michelle.Hightower@cityofvallejo.net> wrote:

Hi Kim:

The PC memo is available on the City's website that includes key changes since the Module and District Reports. There are lots of great process changes and organization improvements in the New Code and I intend to provide an overview for the public. For Vallejo Heights, although there are no distinctive

view district regulations, standards are included for hillside development. For the Waterfront, the Waterfront PDMP will remain in place. Please take a look and let me know if you have any comments or questions.

Best Regards,

Michelle

From: kim g. <kimg@napanet.net>
Sent: Tuesday, January 12, 2021 11:18 AM
To: Michelle Hightower <Michelle.Hightower@cityofvallejo.net>
Subject: Re: DRAFT New Zoning Code and Map - PUBLIC RELEASE

Hi Michelle,

Anything we need to be aware of in our area of Vallejo Heights and the waterfront. Thank you. Kim

sent from Kim's MacBook Pro

On Jan 7, 2021, at 5:26 PM, Michelle Hightower
<Michelle.Hightower@cityofvallejo.net> wrote:

Good Evening!

Please see the attached public notice regarding the release of the Draft New Zoning Code and Map, as well as the associated environmental document that are now available for public review and comment.

Comments can be provided on Open City Hall or sent to me via email.

Best Regards,

Michelle

Michelle Hightower

Senior Planner

City of Vallejo | Planning & Development Services Dept., Planning Division

[\(707\) 648-4506/](tel:7076484506) michelle.hightower@cityofvallejo.net

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******COVID-19 UPDATE:** As COVID-19 continues to evolve, the City of Vallejo is doing its part to limit the spread of the virus. Consistent with State and Federal guidance, and to limit potential exposure for employees and customers, **City Hall and the Central Permit Center will be closed to the public December 15, 2020 until further notice.**

During City Hall closure to the public, routine questions and inspections will still be responded to via phone 707-648-4328 or email, and applications may be submitted using one of the following options (payments must be sent using options 1 or 3):

1. Via drop box outside City Hall (555 Santa Clara Street, Vallejo)
2. Via e-mail
to: building.division@cityofvallejo.net, planning.division@cityofvallejo.net,
or cpc@cityofvallejo.net (Central Permit Center)
3. Via regular mail to: Building or Planning Division, 555 Santa Clara St, Vallejo, CA, 94590
4. Via
online: http://www.ci.vallejo.ca.us/online_services/central_permit_center

We recommend that you please call 707-648-4328 to make an appointment if you need to speak with a specific staff person.

If you need COVID support, we encourage you go to our website <https://www.cityofvallejo.net/NCOV> or for COVID urgent issues you may call the City's COVID hotline at (707) 648-8605.

We value your business and your safety, and thank you for your flexibility while we make necessary changes.

<Public Notice.2.17.20 CR.pdf>

***** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. *****

***** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. *****

***** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. *****

From: [Michelle Hightower](#)
To: [Christina Ratcliffe](#)
Subject: RE: New Zoning Code and Suggestions
Date: Wednesday, January 27, 2021 3:55:00 PM

Christina:

Yes; I saved her request in the file for map changes. I informed her that I do not believe there are any concerns to change the zoning for her property from NMX to NC, given they are both consistent with the Neighborhood Corridor GP land use designation. She wants to make sure the change happens. I also directed her to the land use map in the document for uses that are allowed in the NC district.

Thanks for forwarding.

Michelle

From: Christina Ratcliffe <Christina.Ratcliffe@cityofvallejo.net>
Sent: Wednesday, January 27, 2021 2:56 PM
To: Michelle Hightower <Michelle.Hightower@cityofvallejo.net>
Subject: FW: New Zoning Code and Suggestions

Michelle,
It looks like you were speaking with this person.
Christina

From: City Clerk
Sent: Wednesday, January 27, 2021 2:48 PM
To: Christina Ratcliffe <Christina.Ratcliffe@cityofvallejo.net>
Subject: FW: New Zoning Code and Suggestions

Good Afternoon Christina, please forward the email below to the Planning Commission members.
Thank you.

From: Farideh [<mailto:faridehmaza@gmail.com>]
Sent: Wednesday, January 27, 2021 2:42 PM
To: City Clerk <city.clerk@cityofvallejo.net>
Cc: christina.ratcliffe@cityofvallejo.net; Robert H. McConnell <Robert.McConnell@cityofvallejo.net>; farideh <faridehmaza@gmail.com>
Subject: New Zoning Code and Suggestions

Dear Planning Commissioners:

I attended the last Public Hearing on 1/18/2021. Unfortunately, after my name was called I was not able to speak due to meeting time out.

I have been in communication with Miss Hightower with her dedication and assistance she corrected and assigning NC Neighborhood commercial zoning to my parcels. The old zoning for these parcels were CP Pedestrian Shopping and Services. So, my question is will you be sending a confirmation that parcels: 0056-133-160,

0056-133-170 and 0056-133-180 will have the correct zoning of NC Neighborhood Commercial? Also, would NC zoning allow us to have a small storefront e.i, flower shop, restaurant, and professional offices?

The following are my suggestions for improving Vallejo with the new zoning plan:

- 1) Assigning some roundabout may help reduce traffic, especially along Sonoma Boulevard. One specific location would be at the end of highway 80 and the beginning of Sonoma Boulevard.
- 2) Beautify Vallejo by adding Bloveards with flowers in the center.
- 3) Government offices, libraries provide electric car charging stations.
- 4) New construction can be required to have a solar roof. The city of Vallejo requires a Solar roof for new constructions.

I appreciate your hard work and your dedication to the public.

Farideh Mazaheri

925-323-3917

***** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments.

David Ellison
Managing Director
Taylor Theus Holdings, Inc
4408 Forest Dr, Suite 350
Columbia, SC 29206

January 20, 2021

VIA E-MAIL

Ms. Michelle Hightower
Senior Planner
City of Vallejo
555 Santa Clara Street
Second Floor
Vallejo, CA 94590
michelle.hightower@cityofvallejo.net

Re: Comments on the Draft Zoning Update

Dear Ms. Hightower:

Taylor/Theus Holdings, Inc. (“Taylor”) has an interest in vacant property located at 384 Fairgrounds Drive (“Property”) in the City of Vallejo (“City”). On May 18, 2020, the Planning Commission unanimously approved a personal storage development (“Project”) on the Property, granting a Major Use Permit, Variance, Landscape Review, and Sign Permit. Since approved, the Project applicant and Taylor have been diligently working to prepare the documents needed to obtain a building permit but will not have begun vertical construction by the time the City plans to adopt a comprehensive revision to its zoning code (“Zoning Update”).

According to the draft Zoning Update released on January 6, 2021, the Property is proposed to be rezoned to Regional Commercial (“RC”), which prohibits self-storage and has different development regulations than the Property’s existing zoning. Taylor thanks the City for including Sections 16.101.02.L and 16.101.05.B (“Vesting Provisions”), which allow entitled projects to proceed with construction even if they do not conform to the Zoning Update. As explained below, however, we remain concerned about three issues in the Zoning Update.

1. Coordinate the Nonconforming and Vesting Provisions

First, the Zoning Update is unclear regarding how entitled projects constructed *after* the effective date of the Zoning Update will be treated. We suggest clarifying that such projects will be *legal* nonconforming by making the following revisions to Chapter 16.105, Nonconforming Uses:

- *Section 16.105.02.A:* Any legally established use, structure, or lot that is in existence or vested pursuant to Section 16.101.02.L on the effective date of the

Zoning Code or any subsequent amendment but does not comply with all of the standards and requirements of the Zoning Code shall be considered nonconforming. Nonconforming uses and structures may only be continued subject to the requirements of this Chapter.

- *Section 16.105.02.E:* Nothing contained in the Zoning Code shall be deemed to require any change in the plans, construction, or designated use of any building or structure that is vested pursuant to Section 16.101.02.L, even if construction has not begun, or for which a Building Permit has properly been issued, in accordance with the provision of ordinances then in effect and upon which actual construction has been started prior to the effective date of the Zoning Code, provided that in all such cases, permitting and actual construction shall be diligently carried on until completion of the building or structure.

The above suggested edits would make the Nonconforming Provisions consistent with the intent of the Vesting Provisions, which is to allow entitled, but unconstructed projects to proceed with permitting and construction, and once constructed, to remain as legal nonconforming uses and structures.

2. Clarify the Personal Storage Provisions

Second, Taylor is concerned about the new Personal Storage provisions. Taylor understands the City's desire to ensure personal storage is properly used. But the first sentence of Section 16.331.01, Personal Storage, is incomplete and thus confusing. As drafted, the sentence suggests that personal storage might indirectly support illegal activity, which is a common misconception unsupported by substantial evidence. For example, a South Charlotte Police Officer asked to research crime associated with the type of personal storage we build "found that a self-contained climate control storage facility is one of the safest and crime free types of storage facilities on the market today," with four of five such facilities in South Charlotte having zero service calls during the survey period. (Email from Peter Grant, Community Coordinator, Charlotte-Mecklenburg Policy Department to Keith MacVeen, Land Use Consultant (July 2016) [available upon request].)

Given the lack of support that personal storage promotes crime, even indirectly, and that the City will review each proposed personal storage project under its Major Use Permit requirements and impose appropriate conditions, as well as regulate operations under Chapter 16.331, we suggest removing any reference to criminality in Chapter 16.331, as shown below:

- *Section 16.331.01:* These provisions present regulations for Personal Storage facilities, which while not generating adverse impacts on their ~~its~~ surroundings, such as parking demand, traffic generation, fire, or safety hazard, or visual blight, ~~or use nonetheless require additional standards to ensure proper use indirectly supportive of illegal or criminal activity.~~ Personal Storage uses shall be located, developed, and operated in compliance with the following standards, which, ~~and~~ apply to all new facilities and the expansion of the storage areas of existing facilities where the storage area of the existing business is expanded.

3. Provide Consistent Information Regarding General Plan Conformity

Finally, the Zoning Update is inconsistent about whether Limited Industrial (“IL”) is consistent with the Business/Limited Residential (“B/LR”) General Plan land use designation. Table 16.102-A on page 5 of the Zoning Update does not list B/LR as a General Plan land use designation the IL zone implements, but Table 16.301-A on page 86 of the Zoning Update expressly includes B/LR as a General Plan land use designation the IL zone implements. According to the General Plan, the B/LR land use designation is “intended to facilitate high quality employment-based businesses, including . . . research and development; production, distribution, and repair (PDR); and *light industrial*, manufacturing, and similar uses conducted primarily inside of buildings.” (General Plan, p. 2-21 [emphasis added].) The uses permitted and conditionally permitted in the IL zone are consistent with the description of the B/LR land use designation in the General Plan. Accordingly, Table 16.102-A should be modified to be consistent with Table 16.301-A and include the B/LR General Plan land use designation as a designation implemented by the IL zone.

* * *

In conclusion, Taylor appreciates the inclusion of the Vesting Provisions in the Zoning Update and recommends the above minor clarifications to make the Zoning Update internally consistent and supportive of the Project. We look forward to working with the City to bring the Project to fruition and being a good neighbor with the community.

Please do not hesitate to contact me if you have any questions.

Sincerely,



David Ellison

cc: Christina Ratcliffe, Interim Planning and Development Services Director,
Christina.Ratcliffe@cityofvallejo.net.
Ryan Nickelson, ryan@lrginvestors.com
Linda Klein, lklein@coxcastle.com
Tyler Colpini, tcolpini@taylortheus.com
Steve Moffat, smoffat@taylortheus.com
Sam Hoffman, shoffman@taylortheus.com