CALL AND NOTICE OF
SPECIAL MEETING
AT 5:00 PM
OF THE VALLEJO CITY COUNCIL
VIA TELECONFERENCE
VIEW THE MEETING:

There are three different ways you can view this public meeting:

- **Watch Vallejo local channel 28**
- **Stream from the City website: www.cityofvallejo.net/Streaming**
- **Join the Zoom webinar:https://ZoomRegular.Cityofvallejo.net**

JUNE 7, 2021

TO THE MEMBERS OF THE VALLEJO CITY COUNCIL:

You are hereby notified that I do hereby call the Vallejo City Council 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 City Council meetings via teleconference. Members of the public may provide public comments during the City Council 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

No other items may be discussed during this special meeting. There will be no public access to City Hall for any City Council meetings until further notice.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Due to the Coronavirus emergency, all Special City Council meetings will be held via teleconference. Members of the public may provide public comments during the City Council 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 your phone.
For additional instructions on how to speak during public comment, please visit,
www.cityofvallejo.net/publiccomment

4. ACTION CALENDAR

*NOTICE: Members of the public wishing to address the Council on Action Calendar Items 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. **CONTINUED PUBLIC HEARING REGARDING APPEAL OF PLANNING COMMISSION APPROVAL OF MAJOR USE PERMIT FOR V-TOWN FARMS AT 5184 SONOMA BOULEVARD, SUITE 300 (Public Hearing was closed on May 25, 2021 - Additional Public Hearing comments are limited to the revised conditions of approval unless otherwise determined by Council)**

Recommendation: Review revised conditions of approval and adopt a Resolution denying Appeal (APP) #21-0004, and upholding the Planning Commission approval of and granting Major Use Permit (UP) #20-0008 for V-Town Farms at 5184 Sonoma Boulevard: Suite 300.

Contact: Christina Ratcliffe, AICP, Interim Planning & Development Services Director (707) 648-4382
Christina.Ratcliffe@cityofvallejo.net
Jonathan Atkinson, Senior Planner (707) 648-4346
Jonathan.Atkinson@cityofvallejo.net

B. **CONTINUED PUBLIC HEARING AND ADOPTION OF RESOLUTIONS AND INTRODUCTION OF ORDINANCES RELATING TO THE COMPREHENSIVE UPDATE OF THE CITY OF VALLEJO ZONING CODE, RELATED MITIGATED NEGATIVE DECLARATION, AND GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS**

Recommendation:

It is recommended that the City Council hold the continued public hearing on the Project and upon conclusion, take the following actions as recommended in the City Council Staff Report dated April 13, 2021:

1. Adopt a resolution to approve the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the New Zoning Code Project.
2. Adopt a resolution to approve amendments to the General Plan 2040 Text and Land Use Map as part of the New Zoning Code Project.
3. Introduce an ordinance to repeal the Northgate Specific Plan/Planned Development Master Plan and Planned Unit Development #575 and #582 as part of the New Zoning Code Project.
4. Introduce an ordinance to amend the Downtown Vallejo Specific Plan/Planned Development Master Plan as part of the New Zoning Code Project.
5. Introduce an ordinance to amend the White Slough Specific Area Plan as part of the New Zoning Code Project.
6. Introduce an ordinance to repeal the Zoning Code, Title 16 of the Vallejo Municipal Code, and repeal the Zoning Map and adopt the New Zoning Code as a reenactment of Title 16 and adopt the New Zoning Map.
7. Allow reading of above stated ordinances identified in Numbers 3 through 6 above by title only, waive reading of the entire ordinances, pursuant to Government Code Section 25131, and set the second hearing for adoption of the ordinances for June 27, 2021.

Contact: Christina Ratcliffe, AICP, Interim Planning & Development Services Director
Christina.Ratcliffe@cityofvallejo.net
Michelle Hightower, Senior Planner
Michelle.Hightower@cityofvallejo.net

5. ADJOURNMENT

Dated: Tuesday, June 1, 2021

Robert H. McConnell, Mayor

I, Dawn Abrahamson, City Clerk, do herby 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 City Council, 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., Tuesday, June 1, 2021.

Dated: Tuesday, June 1, 2021

Dawn G. Abrahamson, City Clerk

ACTION ITEM 4.A.

DATE: June 7, 2021

TO: Mayor and Members of the City Council

FROM: Christina Ratcliffe, Interim Planning & Development Services Director

SUBJECT: **CONTINUED PUBLIC HEARING REGARDING APPEAL OF PLANNING COMMISSION APPROVAL OF MAJOR USE PERMIT FOR V-TOWN FARMS AT 5184 SONOMA BOULEVARD, SUITE 300 (Public Hearing was closed on May 25, 2021 - Additional Public Hearing comments are limited to the revised conditions of approval unless otherwise determined by Council)**

RECOMMENDATION

Review revised conditions of approval and adopt a Resolution denying Appeal (APP) #21-0004, and upholding the Planning Commission approval of and granting Major Use Permit (UP) #20-0008 for V-Town Farms at 5184 Sonoma Boulevard: Suite 300.

REASONS FOR RECOMMENDATION

Staff recommends that the City Council uphold the Major Use Permit approval for the following reasons: (1) it is consistent with General Plan 2040 and the Vallejo Municipal Code; (2) provides reinvestment in Meadows Plaza; (3) provides economic benefits to the City, including job creation and tax revenue; and (4) the Planning Commission appropriately made all of the required findings to grant the subject Major Use Permit and related entitlements.

BACKGROUND AND DISCUSSION

On May 25, 2021, the City Council held a public hearing for Appeal (APP) #21-0004, which is a request to overturn Planning Commission approval of Major Use Permit (UP) #20-0008 for V-Town Farms at 5184 Sonoma Boulevard: Suite 300. The City Council directed City staff in a 6-0 vote to return on June 7, 2021 with revised conditions of approval addressing issues and concerns that were raised during the public hearing.

The revised conditions of approval include the following:

1. Community Outreach and Reporting Plan (CORP). Applicant shall, on a quarterly basis, engage in community outreach with residents and businesses located within a one-half mile radius of 5184 Sonoma Boulevard to address any issues and concerns arising from/regarding Applicant's cannabis business.
2. The first community outreach meeting shall be held within the first 90 days of V-Town Farms' opening and shall continue on a quarterly basis until such time as Council determines this condition can be lifted.
3. The community outreach meetings shall be organized and conducted by a facilitator chosen by the City and paid for by the Applicant.
4. In addition to organizing, guiding, and otherwise facilitating the community meetings, the facilitator

shall be responsible for documenting any issues raised by the community and the Applicant's response/resolution relating to the issues raised. Within ten days of conclusion of each quarterly meeting, the facilitator shall prepare and file a written report of the meeting with the City of Vallejo Planning Division.

5. Applicant shall post a toll-free phone near the front door of the premises to receive complaints from the neighborhood. Said number shall be staffed by a live person who shall document the complaints by means of a phone log.
6. Applicant shall provide the phone log to the CORP facilitator prior to each community meeting.
7. As offered by the Applicant, the Applicant shall make a good faith effort to employ up to 50% of its workforce with Vallejo residents, defined as persons living within Vallejo City limits.
8. Prior to opening, Applicant shall have installed an air filtration system that renders cannabis odors undetectable from the premises, other units in the same building as the cannabis business, adjacent tenant spaces, and public rights-of-way. (See Condition 41.)

   "41. A sufficient odor-absorbing ventilation and exhaust system shall be installed and operated to ensure that odor generated by the cannabis business is not detected outside of the property, anywhere on adjacent properties or public rights-of-way, or within any other separate use or unit located within the same building as the cannabis business.
9. As offered by the Applicant, Applicant shall donate a minimum of $600,000 annually to local non-profit agencies or schools of its choosing for the benefit of Vallejo residents, primarily those residing in District 2. Said donation shall be adjusted annually for inflation in accordance with the Consumer Price Index for All Urban Consumers (CPI-U), San Francisco-Oakland-Hayward, CA.
10. One year after commencement of operations, Planning Division staff shall prepare and submit a status report to the City Council, at a City Council meeting describing: (1) Applicant's community outreach efforts as reported by the facilitator; (2) the percentage of Vallejo residents employed by the cannabis business; and (3) how the community benefit funds were expended. At said City Council meeting, the City Council shall determine whether the CORP shall be continued for an additional 12-month period or whether the requirement for the CORP may be eliminated.

These new conditions of approval are included in the attached Resolution per the City Council's direction.

FISCAL IMPACT

Approval of the project could generate revenues of approximately $2,000,000 to the City from permit fee and cannabis business tax payments. Additionally, the project would provide property tax revenues to the City both directly from the subject property and indirectly through potential property values and potential investment in the surrounding area.

ENVIRONMENTAL REVIEW

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, Title 14, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (Class 1 “Existing Facilities”). The project is consistent with this exemption in that it involves the reuse of an existing building space for retail cannabis sales with minor building and site alterations. None of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects due to unusual circumstances, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource. Therefore, no further environmental review is required.

ATTACHMENTS

1.	Att. 1 APP21-0004 CC Resolution 2021-06-07
2.	Exhibit A APP21-0004 Revised Conditions 2021-06-07
3.	Exhibit B APP21-0004 General Plan Consistency 2021-06-07
4.	Att. 2 APP21-0004 Redacted Public Comments Received Since 2021-05-18
5.	Att. 3 APP21-0004 CC Packet 2021-05-25

CONTACT

Christina Ratcliffe, AICP, Interim Planning & Development Services Director (707) 648-4382
Christina.Ratcliffe@cityofvallejo.net
Jonathan Atkinson, Senior Planner (707) 648-4346
Jonathan.Atkinson@cityofvallejo.net

RESOLUTION NO. 21-_____ N.C.

A RESOLUTION DENYING APPEAL (APP) #21-0004, UPHOLDING PLANNING COMMISSION APPROVAL OF MAJOR USE PERMIT (UP) #20-0008, AND APPROVING MAJOR USE PERMIT (UP) #20-0008 TO ESTABLISH RETAIL CANNABIS SALES FOR V-TOWN FARMS WITH CANNABIS MANUFACTURING AND CANNABIS DISTRIBUTION AS ACCESSORY USES WITHIN AN EXISTING BUILDING SPACE IN MEADOWS PLAZA.

5184 SONOMA BOULEVARD: SUITE 300
APN #0067-150-300

* *

WHEREAS, on August 29, 2017, the City Council adopted General Plan 2040; and

WHEREAS, on July 23, 2020, Chuck Wesley of Kolaboration Vallejo, LLC, filed a Major Use Permit application to establish retail cannabis sales with cannabis manufacturing and cannabis distribution as accessory uses ("project") within an existing building space on property located at 5184 Sonoma Boulevard: Suite 300 ("project site"); and

WHEREAS, the project site has a General Plan 2040 land use designation of District – North Gateway; and

WHEREAS, the project site has an interim zoning designation of Pedestrian Shopping and Service (CP), is identified as Planned Development Commercial (PDC) District pursuant to the existing zoning code, and will be zoned Central Corridor Commercial (CC) District under the new zoning code; and

WHEREAS, on March 15, 2021, after giving all public notices required by State law and the City of Vallejo Municipal Code, the City of Vallejo Planning Commission conducted a duly noticed public hearing and approved the project; and

WHEREAS, on March 25, 2021, the Planning Division received an appeal from California Collective Care, requesting that the City Council overturn the Major Use Permit approval; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its decision on the project at issue herein, includes, but is not limited to: (1) the environmental document (categorical exemption) prepared for the project and the appendices and technical reports cited in and/or relied upon in preparing same; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the environmental document and the project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR; (5) the Vallejo Municipal Code and its related environmental documents; (6) all designs, plans, studies, data and correspondence submitted to the City in connection with the environmental document and the project; (7) all documentary and oral evidence received at public workshops, meetings, and hearings regarding the environmental document(s) and the project; (8) all other matters of common knowledge to the City Council including,

Approved as to form:

By: _____ *for*
Veronica A.F. Nebb
City Attorney

but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

WHEREAS, on May 25, 2021, the City Council considered testimony and evidence, both written and oral, provided at the public hearing, as well as other documents contained in the record of proceedings relating to the project, which are maintained in the offices of the City of Vallejo Planning Division; and

WHEREAS, on May 25, 2021, the City Council continued the public hearing to June 7, 2021; and

NOW THEREFORE, based on the Record, the City Council hereby makes the following findings:

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING:

Based on the fact that the project involves the reuse of an existing building with a retail cannabis use with minor building and site alterations, the City Council finds that approval and implementation of the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code §21000, et seq. and California Code of Regulations, Title 14, §15000, et seq. (Guidelines) pursuant to Guidelines Section 15301 ("Existing Facilities").

FACTS IN SUPPORT: *The project is proposed to be located within an existing shopping center, Meadows Plaza, in an existing building space formerly occupied by Food 4 Less. The project is not proposing expansion of the existing building space but rather involves only reoccupation of the space, interior and exterior alterations involving such things as interior partition walls, plumbing and electrical, painting and installation of windows consistent with the examples set forth in Guidelines Section 15301 (a).*

None of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows:

(a) the site is not located in an environmentally sensitive area,

FACTS IN SUPPORT: *The project site is located in an existing building space in an existing operating shopping center, as noted above.*

(b) there are no cumulative impacts,

FACTS IN SUPPORT: *The project site is located in an existing building space in an existing operating shopping center and replaces a previous retail use, as noted above.*

(c) there are no significant effects due to unusual circumstances,

FACTS IN SUPPORT: *The project site is located in a tenant space in an existing operating shopping center and replaces a previous retail use, as noted above.*

(d) the project is not located near a scenic highway,

FACTS IN SUPPORT: *There are no designated scenic highways in the City of Vallejo or otherwise near the project site.*

(e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5,

FACTS IN SUPPORT: *Planning Division staff checked the list of sites prepared pursuant to Government Code Section 65962.5 and verified that the project site is not located thereon.*

(f) the project would not affect any historical resource. Therefore, no further environmental review is required.

FACTS IN SUPPORT: *There are no historical resources located on the project site. The project site is located within and existing shopping center.*

II. FINDINGS RELEVANT TO THE DENIAL OF THE APPEAL

A. Appellant Claim: The proposed retail cannabis dispensary is too large and will invite crime.

According to the [Planning Commission] Staff Report, the proposed retail sales "will occupy 17,056 square feet of the floor area." Most licensed retail dispensaries in the State of California occupy no more than 2,000-5,000 SF. A "weed super store" in the City of Vallejo will attract unwanted crime.

***REASON FOR APPEAL: The Applicant failed to conduct a "public Safety Impact Study" regarding the potential adverse effects of a "weed super store" at this location which could harm surrounding businesses and local residents. Additionally, the Vallejo Police Department did not participate in the Planning Commission hearing and has been mute on this issue to date.**

Staff Response*:*

All retail cannabis businesses in Vallejo are required to maintain a confidential written security plan regardless of the size and intensity of the operation. The Vallejo Police Department reviewed the Use Permit application and written security plan for V-Town Farms, and did not raise any concerns. The retail cannabis business will employ uniformed security guard(s), as proposed and required, and utilize surveillance technology, as part of its operation. Meadows Plaza has been largely vacant since losing Walmart in 2007 and Food 4 Less in 2016. The introduction of an active retail cannabis business with both uniformed security and security cameras can improve security in the shopping center with the additional surveillance serving as a potential deterrent. No substantial evidence has been submitted that shows a tie between the square footage of a retail cannabis operation and the amount or nature of crime associated therewith. The stated subjective fears do not rise to the level of substantial evidence.

Accordingly, the City Council finds that Appellant's claim "A" is without merit.

B. Appellant Claim: The proposed location does not reflect the spirit and intent of the City's General Plan.

The City's General Plan 2040 does not support "cannabis use" and/or its related business at the proposed location at 5184 Sonoma Blvd., Suite 300. The D-NG zoning designation does not support a 17,000 SF "weed super store."

Staff Response*: V-Town Farms is consistent with the General Plan 2040 designation of District – North Gateway (D-NG). General Plan 2040 describes the D-NG designation as follows:*

> *The D-NG designation applies to the northern portion of the area north of SR 37 between Sonoma Boulevard and Broadway Street, a highly-visible area that serves as a gateway to Napa Valley from SR 37 (heading north) and to Vallejo from American Canyon (heading south). It is intended to foster an integrated, pedestrian-oriented place with a mix of uses, such as retail, dining, entertainment, and lodging, that cater to both motorists passing through and surrounding neighborhoods. It also incorporates higher-density residential development that supports nearby services and activates the area. The maximum permitted FAR in the D-NG designation is 2.0, with a minimum residential density of 30 dwelling units per acre up to 50 dwelling units per acre.*

A retail cannabis business in the North Gateway District is allowable pursuant to General Plan 2040. This use contributes to the diversity of uses that are envisioned for the North Gateway District. Retail cannabis sales is also a use that will serve both local residents and motorists passing through Vallejo. V-Town Farms would be particularly well-suited to attract both local residents and motorists with its high visibility from Sonoma Boulevard (Highway 29) and Broadway. An analysis of the project's consistency with General Plan 2040's Guiding Principles and Policies is contained in the Planning Staff report from March 15, 2021, which is attached hereto as Attachment 2 and incorporated herein by reference.

The project site is identified as Planned Development Commercial (PDC) District on the City's existing zoning map. The planned development for the project site permits retail uses but does not specifically mention cannabis use since at the time of the adoption of the planned development for Meadows Plaza, cannabis was not a legally permitted use.

On August 29, 2017, the City Council established the Interim Zoning Policy (IZP) to facilitate development and guide zoning interpretations from the adoption of General Plan 2040 to the adoption of the new zoning code. Under the IZP, each General Plan 2040 land use designation correlates to the City's existing zoning districts and specific plans for the purposes of applying land use and development standards to a proposal. The project site's General Plan 2040 designation of District – North Gateway (D-NG) correlates to the following zoning districts under the IZP: Pedestrian Shopping and Service (CP) District and High Density Residential (HDR) District.

The CP District is the "best fit" zoning designation authorized under the IZP because the project site is located within a commercial shopping center that can accommodate a variety of uses, including a retail cannabis business. In addition, the proposed zoning

of the project site in the new zoning code is Central Corridor Commercial (CC) District, which would also allow retail cannabis sales with a Minor Use Permit.

Under the IZP, in situations where the proposed use is permitted by General Plan 2040, but not clearly addressed in the existing zoning designation, the applicant may apply for a Major Use Permit to allow the use. Thus Staff required a Major Use Permit application for this project.

The process of a Major Use Permit in the present case is the strictest applicable process under the IZP. The Major Use Permit may be granted under the IZP provided the use is consistent with General Plan 2040 and subject to the following findings under Section 6 of the IZP:

1. *The proposal is appropriate in consideration of the characteristics of the surrounding area.*
2. *The proposal is consistent with the intent and desired character of the relevant land use designations(s) of General Plan 2040 and any associated General Plan policies.*
3. *The proposal will clearly promote implementation of General Plan 2040.*
4. *The proposal conforms to the zoning ordinance requirements of the applicable or "best fit" zoning district.*

The project is a retail use proposed to occupy a portion of an existing building that was used as a retail use. The improvements to the site and building façade and the conditions under which the store will operate, including security, air filters and hours of operation are appropriate for a retail use in an existing shopping center.

The proposal is for a retail use, which is consistent with the intent and land use designation of D-NG, and as such will promote the implementation of General Plan 2040.

The proposal conforms to the IZP "best fit" zoning of CP. In addition, the project site is proposed to be zoned CC District under the new zoning code. Retail cannabis sales uses will be permitted in the CC District with the issuance of a Minor Use Permit. City staff has applied the most restrictive zoning and required the applicant to obtain a Major Use Permit in the present case.

Accordingly, the City Council finds that the proposed project is consistent with the General Plan 2040 designation of District – North Gateway (D-NG).

<u>General Plan 2040 Guiding Principles</u>

- **Guiding Principle 13. Good Jobs, Education & Training. Vallejo provides people with good jobs and its young people with job training and the education they need to succeed. Vallejo embraces innovations in education, and the City's excellent educational institutions and trade schools play a prominent role in its economic vitality and community life.**

- **Guiding Principle 14. Innovation, Entrepreneurship & Successful Local Businesses. Vallejo welcomes innovative businesses and fosters entrepreneurship. It is a community that capitalizes on new technologies,**

community assets, and local knowledge – while helping local businesses to succeed.

- **Guiding Principle 15. Economic Development Aligned with Natural Environment. Vallejo values economic development and aligns well-designed projects with the protection and enhancement of environmental resources. It is a community where sustainable development is efficiently processed and provides broad benefits that serve community needs and enhance the quality of life.**

- **Guiding Principle 16. Stable, Strong & Diverse Economy. Vallejo is characterized by fiscal stability; a strong, diverse economy, including health care, education, and manufacturing; and efficient use of its lands and waterways. Vallejo's unique setting, community character, and favorable weather are major resources for economic expansion, including tourism and entertainment.**

  The project brings good jobs to Vallejo with an innovative business that results in the adaptive reuse of a vacant building and site. Specifically, these are jobs that will provide training and experience in an industry that is expanding throughout California. The project balances economic development with the natural environment in that it will result in the reuse of a vacant building on an infill site, and not disturb natural resources. Lastly, the project contributes to the diverse economy of Vallejo, while also drawing customers from both inside and outside of Vallejo. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Guiding Principles 13, 14, 15, and 16.

<u>General Plan 2040 Policies</u>

- **Policy NBE-2.8 Infill Development. Promote infill development and target vacant and underutilized sites for community-desired and enhancing uses that are compatible with surrounding uses.**

  The project site is a vacant building space in a commercial shopping center that has largely sat vacant for several years. Reuse of this underutilized building with a retail use that serves both local and regional customers and provides good jobs will enhance the economy of the area and Vallejo. The cannabis business will be subject to a collection of specific requirements, including the addition of new windows, to ensure it does not create any potential adverse impacts. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy NBE-2.8.

- **Policy NBE-3.8 North Gateway. Accelerate investment in the North Gateway area to achieve a mixed-use district that caters to both locals and regional travelers to Napa Valley.**

  Establishment of an active retail cannabis business at 5184 Sonoma Boulevard will help accelerate investment in the North Gateway, particularly Meadows Plaza, which has been largely vacant for years. The retail cannabis business can help draw customers from within and outside of Vallejo to Meadows Plaza for which existing businesses may benefit. Furthermore, new businesses may be encouraged to fill the vacant tenant spaces. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy NBE-3.8.

- **Policy NBE-3.14 Neighborhood Corridors**. **Connect the community with mixed-use corridors that function as neighborhood main streets for adjacent residential areas.**

  The establishment of a retail cannabis business contributes to the mix of uses along the Sonoma Boulevard corridor between Highway 29 and Mini Drive. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy NBE-3.14.

- **Policy NBE-5.13 Noise Control**. **Ensure that noise does not affect quality of life in the community.**

  All of the activities of the retail cannabis business, including the cannabis manufacturing and cannabis distribution accessory uses, will occur indoors and away from sensitive uses, such as residences. Furthermore, the retail cannabis business will be subject to noise-reduction requirements, as operational conditions. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy NBE-5.13.

- **Policy EET-2.1 Economic Diversification. Attract employment and tax generating businesses that support the economic diversity of the City**.

  The retail cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy EET-2.1.

- **Policy EET-3.4 Commercial and Neighborhood Corridors. Enhance commercial corridors to create a vibrant mix of places to live, work, shop, and play.**

  The operation of the cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy EET-3.4.

  Accordingly, for all of the reasons stated above, the City Council finds that Appellant's claim "B" is without merit.

  C. Appellant Claim: The proposed retail cannabis dispensary is located dangerously close to schools.

  Most cities in California require a 1,000 SF "buffer" between retail cannabis stores and K-12 schools in the community. While the City's buffer requires a 600-foot setback from schools, we are greatly concerned about the proposed new dispensary and its close proximity to Dan Mini Elementary

School (approximately 900 ft. buffer) and Griffin Academy Middle and High School (approximately 800 ft. buffer).

The Applicant failed to notify its neighbors and the greater Vallejo community of their intention to open a "weed super store" at the proposed location. The Applicant did not hold any Community Outreach Event nor did the Applicant conduct any substantial outreach with its surrounding businesses and local residents, which is a requirement of a Major Use Permit Application in the City of Vallejo.

Staff Response: *Both the Vallejo Municipal Code and California Bureau of Cannabis Control prohibit cannabis businesses from operating within 600 feet of K-12 schools, daycares, or youth centers. The proposed retail cannabis business is consistent with this requirement. Furthermore, the appellant fails to provide a basis for claiming that the retail cannabis business is "dangerously close" to area schools. Both Dan Mini Elementary School and Griffin Academy Middle School and High School are separated from the project site by Sonoma Boulevard (Highway 29) and Broadway/railroad respectively, and are located in residential neighborhoods greater than 800 feet from the proposed project site. The appellant fails to identify any negative impacts that V-Town Farms would have on either of the schools, especially in light of these physical separations. Further, the appeal seems to be raising questions as to whether the City's separation requirements set forth in the ordinance are appropriate. However, the issue of the appropriate separation standards was decided at the time of ordinance adoption. The proposed use more than meets the separation requirements of the existing ordinance. It would be fundamentally unfair to apply a greater separation requirement to the proposed use than set forth in the ordinance and applied to all other cannabis operators, including appellant.*

The Planning Division provided notice of the public hearing for the Use Permit to all property owners and neighborhood groups within 500 feet, the applicant, the Planning Commission, and in the Times Herald newspaper at least 10 business days before the public hearing in accordance with VMC Section 16.82.030.C. The appellant's claim that a community outreach event is a requirement for a Use Permit is incorrect. While a project applicant is welcome to conduct community outreach on behalf of a project; it is not a requirement of the Vallejo Municipal Code nor is it a requirement of the Use Permit application process.

Accordingly, the City Council finds that Appellant's claim "C" is without merit.

D. **Appellant Claim**: **V-Town Farms will harm CCC and will close down other local dispensaries.**

The City of Vallejo and the Planning Commission failed to conduct any meaningful and transparent "Economic Impact Report" highlighting the negative and adverse effects of a 17,000 SF 'weed super store' and its economic impact on the City's "Permitted Operators," or the eleven (11) original retail cannabis dispensaries in operation since 2015.

Staff Response: *The appellant's claim that V-Town Farms will put existing cannabis businesses in Vallejo out of business is at best speculative. The Vallejo*

Municipal Code does not require any cannabis business to conduct an "economic impact study" prior to operation. V-Town Farms will replace HTP Group, and thus maintain the total number of permitted cannabis businesses at 11. To require an "economic impact study" to be conducted because V-Town Farms is a perceived "weed super store" would be arbitrary and unreasonable.

Accordingly, the City Council finds that Appellant's claim "D" is without merit.

E. Appellant Claim: The Appellant believes that V-Town Farms is not categorically exempt from CEQA.

According the Staff Report provided the Planning Commission on March 15, 2021, the Report states: "The proposed project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1 "Existing Facilities") in that it involves the reuse of an existing building space for retail cannabis sales with minor building and site alterations. Therefore, no further environmental review is required."

In recognition of the City's General Plan 2040 and the new zoning of the North Gateway District (D-NG), the Appellant strongly believes that this project qualifies for Environmental Review and Staff must make findings on the project's environmental impact. Further, considering the massive size and impeding nature of the proposed project, the Appellant believes the following items support a CEQA Study: (1) The project will have a significant impact on the environment and (2) Significant effects have not been substantially mitigated.

Staff Response: *The proposed project for V-Town Farms is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 ("Existing Facilities"). V-Town Farms will occupy a 19,035 square foot portion of an existing 49,871 square foot building space that was formerly occupied by Food 4 Less. The project site had been the location of an existing retail establishment for approximately 25 years. The project is not proposing expansion of this existing building space but rather involves only reoccupation of the space, interior and exterior alterations involving such things as interior partition walls, plumbing and electrical, painting and installation of windows consistent with the examples set forth in Guidelines Section 15301 (a).*

None of the exceptions under CEQA Guidelines Section 15300.2 that preclude a project from a CEQA exemption apply. The project site is not located in an environmentally sensitive area in that it is an existing building space in a shopping center; the project replaces a previous retail use at the project site and does not create any cumulative impacts; there are no significant effects due to unusual circumstances; there are no designated scenic highways in the City of Vallejo; the project site is not listed on any lists prepared pursuant to Government Code Section 65962.5; and no historical resources are present nor impacted by the project. There are no significant environmental impacts to mitigate so requiring further environmental review, as suggested by the appellant is unnecessary.

Accordingly, the City Council finds that Appellant's claim "E" is without merit.

III. FINDINGS RELEVANT TO THE APPROVAL OF THE MAJOR USE PERMIT (VMC Section 16.82.050)

The City Council hereby finds that:

A. **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.**

FACTS IN SUPPORT: The project site is a vacant building space formerly home to Food 4 Less and is characterized by high visibility from Sonoma Boulevard (Highway 29) and a collection of buildings and site improvements that comprise Meadows Plaza. The retail cannabis business is compatible with uses typical of a shopping center, such as commercial shops, services, offices, and restaurants. Because the project involves the reuse of an existing building space, it is consistent with the desired scale, bulk, coverage, and density in the area. The City envisions a mix of uses in the North Gateway, including those that can attract both local residents and motorists passing through Vallejo to and from Napa County. An active retail cannabis establishment is well-suited to draw customers to Meadows Plaza both from within Vallejo and outside communities. The City's Technical Project Review Committee review of the use did not result in any concerns with respect to utilities, traffic and parking, or crime. The Vallejo Police Department also reviewed the project and did not identify any concerns. Furthermore, the cannabis business does not operate within a 600-foot radius of any potentially sensitive land uses, such as daycares, schools with grades kindergarten through 12, and youth centers. The cannabis business will be subject to Vallejo Municipal Code and State requirements, and Use Permit conditions to ensure that the operation does not result in an adverse effect on the surrounding area.

B. **That the impacts, as described in subsection A of this section, and the location of the proposed conditional use are consistent with the city general plan.**

*Refer to **Exhibit B** of this resolution, incorporated herein by this reference, for the analysis and findings of the project's consistency with General Plan 2040.*

IV. FINDINGS RELEVANT TO GENERAL PLAN 2040 CONSISTENCY (Interim Zoning Policy Section 6)

The City Council hereby finds that:

1. **The proposal is appropriate in consideration of the characteristics of the surrounding area.**

FACTS IN SUPPORT: The surrounding area is characterized by a variety of commercial, industrial, and residential uses, Broadway, Sonoma Boulevard

(Highway 29), and close proximity to the Vallejo and American Canyon border. The cannabis business is a retail use that is compatible with the existing and anticipated land uses for the surrounding area.

2. **The proposal is consistent with the intent and desired character of the relevant land use designations(s) of General Plan 2040 and any associated General Plan policies.**

   *Refer to **Exhibit B** of this resolution for the analysis and findings of the project's consistency with General Plan 2040 and associated policies.*

3. **The proposal will clearly promote implementation of General Plan 2040.**

   *Refer to **Exhibit B** of this resolution for the analysis and findings of the project's consistency with, and therefore implementation of, General Plan 2040.*

4. **The proposal conforms to the zoning ordinance requirements of the applicable or "best fit" zoning district.**

   FACTS IN SUPPORT: The "best fit" zoning district applicable to the proposal is the Pedestrian Shopping and Service District, which conditionally permits retail cannabis sales, with cannabis manufacturing and cannabis distribution permitted as accessory uses. The existing zoning is the Commercial Planned District 89-09, which permits retail sales and associated uses. The proposed Zoning Code designates the project site as Central Commercial Corridor (CC). Retail sales of cannabis with accessory manufacturing and distribution is permitted in the CC District with a Minor Use Permit.

V. FINDINGS RELEVANT TO THE APPROVAL OF THE MINOR USE PERMIT FOR RETAIL CANNABIS SALES USES (VMC Section 16.82.050.V)

The City Council hereby finds that:

1. **Regulatory Permits. Retail sales of cannabis uses must obtain and maintain all required state and local permits and licenses including the local regulatory permit to operate required under Chapter 7.200 of this code. Revocation of the state cannabis license or the local regulatory permit to operate under Chapter 7.200 of this code shall be grounds for revocation of the minor use permit for the retail sales of cannabis use. Valid and applicable state and local licenses and permits shall be publicly displayed at all times during hours of operation. Operations and location requirements must at all times comply with applicable regulations contained in Title 16 of the California Code of Regulations as those may be updated from time to time by the California Bureau of Cannabis Control.**

   FACTS IN SUPPORT: The applicant is required to obtain all regulatory permits under Vallejo Municipal Code Chapter 7.200 and to maintain all City and State of California permits and licenses, as set forth in condition of approval 1.

2. **Locational Limitation.**

   a. **Any retail sales of cannabis use may not be located within a six hundred-foot radius of a school providing instruction in kindergarten or any grades one through twelve, day care center, or youth center as defined in Health and Safety Code Section 11353.1. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.**

FACTS IN SUPPORT: The project site is consistent with this requirement in that there is no school providing instruction in kindergarten or any grades one through twelve, day care center, or youth center as defined in Health and Safety Code Section 11353.1, within a 600 ft. radius of the lot on which the use is proposed to be located, as measured per the above.

   b. **Any applicant for a use permit to conduct retail sales of cannabis, whether for 'adult use' or medicinal purposes, must conduct all retail sales at one site.**

FACTS IN SUPPORT: The applicant intends to operate a retail cannabis business only at the project site, which use is consistent with this requirement. The applicant's HTP Group location will close prior to the commencement of operations at this location. This will be verified by Planning Division staff.

3. **Development and Operational Standards. Retail sales of cannabis uses shall comply with site development standards specified in the applicable zoning district. Such uses shall also comply with the following standards:**

   a. **General:**

      i. **No person under age eighteen (for medical retail sales of cannabis) or twenty-one (for recreational retail sales of cannabis) shall be allowed on the property.**

      ii. **No transactions outside, or partially outside of an enclosed building are permitted. No transactions which are performed through walk-up or drive-through service are allowed.**

      iii. **The property shall not include patio or cafe seating, unless used exclusively for employees in an area not accessible to the general public.**

      iv. **No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis in any form shall be allowed on the property, including the parking areas of the property.**

v. **No alcohol shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to customers, employees, guests, visitors, or volunteers.**

vi. **No retail sales of cannabis shall occur, in any form, to anyone between the hours of eight p.m. and nine a.m., except delivery.**

vii. **The property complies with all applicable California State Building Code provisions, the city's property maintenance ordinance and is maintained free of debris, litter and trash.**

viii. **All transactions, including but not limited to cash or in-kind contributions, reimbursement or compensation, shall be fully documented.**

ix. **The owner will have a written security plan including procedures for verifying identification and age of purchasers. The plan must include a description of licensed and uniformed security guards who must be present on site during hours of operation, including their number, location and hours, as well as a theft prevention plan including locked exterior doors and windows during the times the business is closed. The licensed and uniformed security guard best practices shall comply with state law.**

x. **The point of sale software used to track retail sales must be acceptable to the finance director.**

xi. **Retail sellers of cannabis may only use one name to identify themselves in the minor use permit, the local regulatory permit, the state license and any other state or local permit that may be required.**

FACTS IN SUPPORT: Project conditions of approval ensure compliance with these standards. All of the above standards are contained in the Conditions of Approval 15-31 and the information submitted by the applicant, including the security plan.

b. **Limitations on retail area in industrial zones. In the Intensive Use-Limited (IU-L), Intensive Use (IU), and Planned Development Industrial (PDI) Districts, no more than fifty percent of the floor area shall be devoted to retail sales.**

FACTS IN SUPPORT: The project site is not located in an industrial zoning district. Therefore, this requirement does not apply.

c. **Lighting:**

i. **Exterior perimeter lighting shall be in place prior to operation;**

ii. **Exterior lighting shall be code compliant LED fixtures or high efficiency luminaries, and shall have an illumination intensity of between one and four foot candles;**

iii. **Lights shall be directed and shielded so as not to illuminate adjoining properties;**

iv. **Lights shall include housing to protect against breakage;**

v. **Broken or burnt out lights shall be replaced within forty-eight hours;**

vi. **Transitional lighting shall be incorporated in exterior areas providing access to and from buildings or uses within a site; and**

vii. **Trees and shrubs shall not interfere with the distribution of lighting as required by this section.**

FACTS IN SUPPORT: Project plans are compliant with these standards. In addition, continued adherence to these standards are also included as condition of approval 32.

d. **Signs:**

i. **A sign shall be posted on the door or in view of the entrance stating that no person under the age of eighteen (for medical retail sales of cannabis) or twenty-one (for recreational Retail sales of cannabis) is allowed on site.**

ii. **A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited.**

iii. **A sign shall be posted stating loitering on or near the premises is prohibited.**

iv. **A sign shall be posted outside the facility in full public view containing city contact information for both emergency situations and information regarding public concern about operations.**

v. **Other requirements as prescribed in Chapter 16.64.**

FACTS IN SUPPORT: Project condition of approval 8 and 33 require compliance with these standards. Staff will also inspect the project site prior to the opening of the dispensary to ensure this is the case. In addition, unannounced inspections are required on a regular basis.

e. **Windows: In order to promote a strong pedestrian connection for retail safety, visibility, crime prevention through environmental**

design and a positive active environment, support natural lighting, and enhance curb appeal and value of retail space:

i. No display of cannabis or cannabis product shall be permitted within ten feet of the window.

ii. Storefronts must maintain transparent windows that allow visibility into the store, with a minimum of sixty percent transparency on the street frontage at the ground level and allow visibility into the building at a minimum of four feet above the ground.

FACTS IN SUPPORT: Project plans and condition of approval 34 ensure compliance with these standards. The plans show the existing windows meet the above standards. In addition, Staff will inspect the project site prior to opening of store to ensure that the windows are transparent and the cannabis product is placed appropriately. In addition, unannounced inspections are required on a regular basis to ensure continued compliance.

f. Screening and landscaping:

i. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the planning manager or his or her designee shall not exceed three feet in height at maturity.

ii. Trees shall be pruned up to six feet above ground.

iii. Trees and shrubs shall be pruned back from windows, doors and walkways.

iv. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand.

v. Entrances to the site and parking lots shall be defined with landscaping or entry features.

vi. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry.

vii. Other requirements as prescribed in Chapter 16.70.

FACTS IN SUPPORT: Project plans show shrubs, stone and parking lot comply with the above standards, and City staff will inspect the project site prior to opening of store to ensure that all standards are in place. Condition of approval 35 further ensures compliance with these requirements. In addition, unannounced inspections are required on a regular basis to ensure continued compliance.

g. Noise:

i. The use of generators is prohibited, except as short-term temporary emergency back-up systems; and

ii. **Other requirements as prescribed in Section 16.72.030 shall apply.**

FACTS IN SUPPORT: Generators are not proposed nor allowed, except as a short-term temporary emergency back-up. Project condition of approval 36 ensures that all requirements in VMC Section 16.72.030 will be met.

h. Odor control: A sufficient odor-absorbing ventilation and exhaust system shall be installed and operated to ensure that odor generated by the use is not detected outside the property, anywhere on adjacent properties or public rights-of-way, or within any other separate use or unit located within the same building as the retail sales of cannabis use.

FACTS IN SUPPORT: Project condition of approval 37 ensures compliance with this requirement.

i. Maintenance:

1. Property shall be maintained free of debris, litter and trash; and
2. The use shall comply with Chapter 7.54, Property Maintenance.

FACTS IN SUPPORT: Project condition of approval 38 ensures compliance with this requirement.

j. Other performance standards: The use shall comply with all requirements prescribed in Chapter 16.72.

FACTS IN SUPPORT: Project conditions of approval 39-46 ensure compliance with this requirement.

VI. FINDINGS RELEVANT TO THE APPROVAL OF THE MINOR USE PERMIT FOR CANNABIS MANUFACTURING AND CANNABIS DISTRIBUTION ACCESSORY USES (VMC Section 16.58.040.H)

The City Council hereby finds that:

1. Cannabis manufacturing may be permitted as an accessory use subject to the following restrictions:

a. The extraction process shall consist of separating cannabinoids from cannabis plant material solely by press or non-volatile solvent between the temperatures of sixty and two hundred degrees Fahrenheit.

b. The extraction shall take place in an area not to exceed one hundred square feet located within or attached and internally connected to the principal structure.

c. The infusion process shall consist of the direct incorporation of cannabis, cannabinoids, or cannabis concentrates into an edible, topical or other product to produce a cannabis product.

d. **The cannabis manufacturing shall not exceed ten percent of the total floor area of the principal use or five hundred square feet, whichever is less.**

e. **The manufacturing space is only accessible to employees and shall not be visible to the general public.**

FACTS IN SUPPORT: Project plans and conditions of approval ensure compliance with these standards.

2. **Cannabis distribution may be permitted as an accessory use subject to the following restrictions:**

   a. **The area utilized for cannabis distribution shall not exceed thirty percent of the total floor area of the principal use or one thousand and five hundred square feet, whichever is lesser.**

   b. **The distribution storage area shall be fully enclosed within or attached and internally connected to the principal structure.**

   c. **The distribution storage area shall only be accessible to employees and shall not be visible to the general public.**

   FACTS IN SUPPORT: Project conditions of approval ensure compliance with these standards.

NOW, THEREFORE, BE IT RESOLVED; that based on the findings above, the evidence and testimony, both written and oral, presented at the City Council hearing and the Record as a whole, the City Council hereby DENIES the appeal, UPHOLDS the Planning Commission's approval of the Major Use Permit for the Project, and APPROVES Major Use Permit # 20-0008, subject to the Conditions of Approval attached hereto as Exhibit A, and in accordance with the plans attached hereto as Exhibit B.

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
ROBERT MCCONNELL
City of Vallejo City Council

Attest:

_____

DAWN ABRAHAMSON, CITY CLERK
City of Vallejo City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

V-TOWN FARMS
MAJOR USE PERMIT (UP) #20-0008
5184 SONOMA BOULEVARD: SUITE 300
APN # 0067-150-300

PERMIT DESCRIPTION: Establishment of retail cannabis sales for V-Town Farms with cannabis manufacturing and cannabis distribution, as accessory uses. V-Town Farms will occupy a 19,035 square foot portion of the existing 49,871 square foot building space that was formerly home to Food 4 Less in Meadows Plaza, and will require minor building and site alterations. Cannabis retail sales will occupy 17,056 square feet of the floor area. Cannabis manufacturing will occupy 494 square feet of the floor area and involve non-volatile processes to manufacture infused pre-rolls, cannabis beverages, and flower. Cannabis distribution will occupy 1,485 square feet of the floor area and will involve the packaging and shipment of cannabis products, including those manufactured on the premises. Cannabis cultivation is not proposed as part of the business operation. The remaining vacant 30,836 square feet of the floor area will not be part of the cannabis business operation The permitted hours of operation will be 9:00 A.M. to 8:00 P.M., or as allowed by the Vallejo Municipal Code, seven days a week.

A. PLANNING DIVISION

Jonathan Atkinson | jonathan.atkinson@cityofvallejo.net | (707) 648-4346

Special Conditions

1. The business owner shall not commence operation of any cannabis activities at 5184 Sonoma Boulevard: Suite 300 until the following occurs:

    a. City of Vallejo approval of a local regulatory permit transfer with HTP Group.

    b. City of Vallejo issuance of a certificate of occupancy for V-Town Farms at 5184 Sonoma Boulevard: Suite 300.

    c. State of California approval and issuance of all required licenses.

    d. HTP Group, Inc. has permanently closed its location at 4345 Sonoma Boulevard: Suite D-4 and has been inspected by City of Vallejo Planning Division staff.

2. Cannabis cultivation is not approved and shall not occur anywhere on the premises and/or within Vallejo City limits without City of Vallejo and State of California approvals.

3. The remaining portion of the building at 5184 Sonoma Boulevard: Suite 300 shall not contain any cannabis uses or activities nor be internally accessible to the cannabis business. Any proposed expansion of the cannabis business shall require written approval from both the City of Vallejo and State of California.

4. The premises shall be graffiti free. See Condition 43 for additional property maintenance requirements.

5. The existing chain-link fencing along the northern parcel boundary shall be replaced with new fencing to the satisfaction of the Planning Division.

6. All of the existing chain-link fencing with razor wire visible from Broadway shall be replaced with decorative metal fencing to the satisfaction of the Planning Division prior to operation.

7. All outdoor trash receptacles stored outside shall be secured in a trash enclosure designed to City of Vallejo standards. See Condition 40 for cannabis waste requirements.

8. Signs shall be consistent with the master sign program for Meadows Plaza and the City's Sign Ordinance. The abandoned monument sign structure north of the driveway on Broadway shall be removed. See Condition 38 for additional sign requirements.

9. Street trees shall be installed and maintained at a ratio of one per 50 feet of street frontage along Sonoma Boulevard and Broadway for the project site. No trees shall be removed without written authorization from the City of Vallejo Planning Division. Any trees removed from the subject property shall be replaced to the satisfaction of the Planning Division. See Condition 35 for additional landscaping requirements.

10. Community Outreach and Reporting Plan (CORP). Applicant shall, on a quarterly basis, engage in community outreach with residents and businesses located within a one-half mile radius of 5184 Sonoma Boulevard to address any issues and concerns arising from/regarding Applicant's cannabis business.
    a. The first community outreach meeting shall be held within the first 90 days of V-Town Farms' opening and shall continue on a quarterly basis until such time as Council determines this condition can be lifted.
    b. The community outreach meetings shall be organized and conducted by a facilitator chosen by the City and paid for by the Applicant.
    c. In addition to organizing, guiding, and otherwise facilitating the community meetings, the facilitator shall be responsible for documenting any issues raised by the community and the Applicant's response/resolution relating to the issues raised.
    d. Within ten days of conclusion of each quarterly meeting, the facilitator shall prepare and file a written report of the meeting with the City of Vallejo Planning Division.

11. Applicant shall post a toll-free phone near the front door of the premises to receive complaints from the neighborhood. Said number shall be staffed by a live person who shall document the complaints by means of a phone log. Applicant shall provide the phone log to the CORP facilitator prior to each community meeting.

12. As offered by the Applicant, the Applicant shall make a good faith effort to employ up to 50% Vallejo residents, defined as persons living within Vallejo city limits.

13. Prior to opening, Applicant shall have installed an air filtration system that renders cannabis odors undetectable from the premises, other units in the same building as the cannabis business, adjacent tenant spaces, and public rights-of-way. (See Condition 43 for additional odor-control requirements.

14. As offered by the Applicant, Applicant shall donate a minimum of $600,000 annually to local non-profit agencies or schools of its choosing for the benefit of Vallejo residents, primarily those residing in District 2. Said donation shall be adjusted annually for inflation in accordance with the Consumer Price Index for All Urban Consumers (CPI-U), San Francisco-Oakland-Hayward, CA.

15. One year after commencement of operations, Planning Division staff shall prepare and submit a status report to the City Council, at a City Council meeting describing: (1) Applicant's community outreach efforts as reported by the facilitator; (2) the percentage of Vallejo residents employed by the cannabis business; and (3) how the community benefit funds were expended. At said City Council meeting, the City Council shall determine whether the CORP shall be continued for an additional 12-month period or whether the requirement for the CORP may be eliminated.

General Requirements

16. The Planning & Development Services Director is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to the Planning Division demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. The Planning Division shall consult with affected City departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by the Planning and Development Services Director are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public review process. Any modification of the permit conditions shall be documented with an approval letter from the Planning Division, and shall not affect the original permit approval date or the term for expiration of the permit.

17. Within five working days after project approval, the applicant/operator shall pay the Notice of Exemption filing fee (the latest fees in effect at the time of payment) for County Clerk processing, made payable to Solano County and submitted to the City of Vallejo Planning Division. If an in-person filing is required, such filing shall be completed by the applicant, unless directed otherwise by the Planning Division. NOTE: If the fees are not paid and the Notice of Exemption is not filed within five working days after approval of the project, it will extend time frames for California Environmental Quality Act (CEQA) legal challenges.

18. The business owner shall submit a numbered list to the Planning Division with a written response on how each Use Permit condition herein will be satisfied prior to issuance of building permits and/or the commencement of the use.

19. Applicant shall indemnify, hold harmless, and defend City, its officers, officials, directors, employees, agents, volunteers and affiliates and each of them from any and all claims,

demands, causes of action, damages, costs, expenses, actual attorney's fees, applicant's fees, expert fees, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with Applicant's operations, or any subcontractor's operations, to be performed under this agreement for Applicant's or subcontractor's tort negligence including active or passive, or strict negligence, including but not limited to personal injury including, but not limited to bodily injury, emotional injury, sickness or disease, or death to persons and/or damage to property of anyone, including loss of use thereof, caused or alleged to be caused by any act or omission of Applicant, or any subcontractor, or anyone directly or indirectly employed by any of them or anyone for the full period of time allowed by the law, regardless to any limitation by insurance, with the exception of the sole negligence or willful misconduct of the City. No modification of the project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the Applicant's indemnity obligation.

Cannabis Permits and Licensing

20. Regulatory Permits. Prior to operation and maintained thereafter, the cannabis business shall obtain all required State and local permits and licenses, including the local regulatory permit to operate under Vallejo Municipal Code (VMC) Chapter 7.200. Revocation of the State cannabis license or the local regulatory permit to operate under VMC Chapter 7.200 shall be grounds for revocation of the Use Permit for the cannabis business.

    Valid and applicable State and local licenses and permits shall be publicly displayed at all times during hours of operation, and provided to the City of Vallejo to be maintained on file. Operations and location requirements must at all times comply with applicable regulations contained in Title 16 of the California Code of Regulations, as those may be updated from time to time by the California Bureau of Cannabis Control.

Operational Requirements

21. Operation of the cannabis business shall be substantially in accord with the approved Use Permit application submittal and plans dated "February 3, 2021" and "February 8, 2021" except as modified by the conditions stated herein.

22. Operation of the cannabis business shall be in compliance with all applicable State and VMC requirements.

23. Cannabis Manufacturing. All cannabis manufacturing shall comply with the following regulations:

    a. The extraction process shall consists of separating cannabinoids from cannabis plant material solely by press or non-volatile solvent between the temperatures of sixty and two hundred degrees Fahrenheit.

    b. The extraction shall take place in an area not to exceed one hundred square feet located within or attached and internally connected to the principal structure.

    c. The infusion process shall consist of the direct incorporation of cannabis, cannabinoids, or cannabis concentrates into an edible, topical or other product to produce a cannabis product.

d. The cannabis manufacturing shall not exceed ten percent of the total floor area of the principal use or five hundred square feet, whichever is less.

e. The manufacturing space is only accessible to employees and shall not be visible to the general public.

24. Cannabis Distribution. All cannabis distribution activities shall comply with the following regulations:

    a. The area utilized for cannabis distribution shall not exceed 30 percent of the total floor area of the retail sales of cannabis use or 1,500 square feet, whichever is less.

    b. The cannabis distribution storage area shall be fully enclosed within or attached and internally connected to the main building.

    c. The distribution storage area shall only be accessible to employees and shall not be visible to the general public.

25. The business owner and all managers shall be subject to background search and shall not be able to continue operations, if there are any felony convictions, as specified in subdivision (c) of Section 667.5 of the California Penal Code and subdivision (c) of Section 1192.7 of the California Penal Code. Any change in ownership shall require an amendment to the local regulatory permit and necessary background checks.

26. The business owner shall only conduct retail sales of cannabis at one location within Vallejo City limits.

27. No person under age 18 years (for medical retail sales of cannabis) or 21 years (for recreational retail sales of cannabis) shall be allowed on the property.

28. No transactions outside, or partially outside of an enclosed building are permitted. No transactions, which are performed through walk-up or drive-through service are allowed unless first authorized in writing by both the City of Vallejo and Bureau of Cannabis Control.

29. The property shall not include patio or cafe seating, unless used exclusively for employees in an area not accessible to the general public.

30. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis in any form shall be allowed on the property, including the parking areas of the property.

31. No alcohol shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to customers, employees, guests, visitors, or volunteers.

32. No retail sales of cannabis shall occur, in any form, to anyone between the hours of 8 P.M. and 9 A.M., or as allowed by the Vallejo Municipal Code, except delivery. The business owner shall not increase the hours of operation unless authorized in writing by both authorized staff of the City of Vallejo and the California Bureau of Cannabis Control.

33. The property shall comply with all applicable California State Building Code provisions, the City's property maintenance ordinance, and be maintained free of debris, litter and trash.

34. All transactions, including but not limited to cash or in-kind contributions, reimbursement or compensation, shall be fully documented.

35. The business owner shall maintain a written security plan, including procedures for verifying identification and age of purchasers, on file with the Planning and Development Services Department and the Vallejo Police Department. The plan must include a description of licensed and uniformed security guards, who must be present on site during hours of operation, including their number, location and hours, as well as a theft prevention plan including locked exterior doors and windows during the times the cannabis business is closed. The licensed and uniformed security guard best practices shall comply with State law. The Planning and Development Services Department and Vallejo Police Department shall be notified in writing of any revisions to the approved written security plan dated "Received July 23, 2020".

36. The point of sale software used to track retail sales must be deemed acceptable to the City of Vallejo Finance Director prior to operation.

37. The business owner shall only use one name to identify themselves in the Use Permit, the local regulatory permit to operate, the State license, and any other applicable State or local permit that may be required for the purposes of retail sales of cannabis.

38. Lighting. The following lighting requirements shall apply:

    a. Exterior perimeter lighting shall be in place prior to operation.

    b. Exterior lighting shall be code compliant LED fixtures or high efficiency luminaries, and shall have an illumination intensity of between one and four foot candles.

    c. Lights shall be directed and shielded so as not to illuminate adjoining properties.

    d. Lights shall include housing to protect against breakage.

    e. Broken or burnt out lights shall be replaced within 48 hours.

    f. Transitional lighting shall be incorporated in exterior areas providing access to and from buildings or uses within the site.

    g. Trees and shrubs shall not interfere with the distribution of lighting as required by this Use Permit.

39. Signs. The following signage requirements shall apply:

    a. A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 (for medical retail sales of cannabis) or 21 (for recreational retail sales of cannabis) is allowed on site.

b. A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited.

c. A sign shall be posted stating loitering on or near the premises is prohibited.

d. A sign shall be posted outside the facility in full public view containing City of Vallejo contact information for both emergency situations and information regarding public concern about operations.

e. Other Sign Ordinance requirements as prescribed in Title 16 of the VMC.

40. Windows. The following requirements for windows shall apply:

a. No display of cannabis or cannabis product shall be permitted within 10 feet of the window.

b. Storefronts shall maintain transparent windows that allow visibility into the store, with a minimum of 60 percent transparency on the street frontage at the ground level and allow visibility into the building at a minimum of four feet above the ground.

41. Screening and Landscaping. The following landscape requirements shall apply:

a. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the City of Vallejo Planning Manager or his or her designee shall not exceed three feet in height at maturity.

b. Trees shall be pruned up to six feet above ground.

c. Trees and shrubs shall be pruned back from windows, doors, and walkways.

d. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand.

e. Entrances to the site and parking lots shall be defined with landscaping or entry features.

f. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry.

g. Other screening and landscape regulations as prescribed in Title 16 of the VMC.

42. Noise. The following noise requirements shall apply:

a. The use of generators is prohibited, except as short-term temporary emergency back-up systems.

b. Other Noise Performance Standards as prescribed in Title 16 of the VMC.

43. Odor Control. A sufficient odor-absorbing ventilation and exhaust system shall be installed and operated to ensure that odor generated by the cannabis business is not detected

outside of the property, anywhere on adjacent properties or public rights-of-way, or within any other separate use or unit located within the same building as the cannabis business.

44. Property Maintenance. The following property maintenance requirements shall apply:

    a. Property shall be maintained free of debris, litter and trash.

    b. The cannabis business shall comply with the Property Maintenance Ordinance under VMC Chapter 7.54.

45. Tracking. The cannabis business shall comply with any labeling, testing, and track and trace program established by the City and/or State agencies. The operator must maintain records tracking all cannabis production and products and shall make all records related to commercial cannabis activity available to the City upon request.

46. Taxes. The cannabis business shall be current on the City's Marijuana Business License Tax and any additional applicable taxes enacted by the City or this Use Permit may be subject to revocation and/or local regulatory permit non-renewal and/or revocation.

47. Parking. The applicant shall maintain the 73 required onsite parking spaces to serve the cannabis business. Parking lot surfaces, lighting, and exterior landscaping shall be maintained in good condition in compliance with the approved plans.

48. Special Events. Special events are prohibited unless authorized in writing by both authorized staff of the City of Vallejo and the California Bureau of Cannabis Control.

49. Inspection. The dispensary shall be subject to inspections by appropriate local and State agencies, including but not limited to the City Manager's Office, Planning and Development Services Department, and/or a third-party inspector appointed by and acting on behalf of the City. Inspections may occur at random times for conformance with the Vallejo Municipal Code and City permit requirements. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the dispensary to immediately cease operations.

50. Exterior Modification. All exterior modifications to the building façade or site, including landscaping, parking lot improvements, fencing, lighting, and signage, shall be subject to City of Vallejo review and approval. Razor or barbed wire and similar fencing is not permitted.

51. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the City of Vallejo. Such changes may require a new or modified Use Permit and additional environmental review, if warranted.

52. Use Permit Certificate. This Use Permit, the approved project description, and approved floor plan shall be maintained on site and made available to City of Vallejo officials upon request.

Approval Time/Revocation

53. Approval of this Use Permit shall automatically expire 24 months from the date of approval, unless building permits are issued and authorized construction has commenced prior to the expiration date.

54. The Use Permit shall be deemed abandoned if the cannabis business operation remains not in use for 12 consecutive months. A new Use Permit shall be obtained prior to the resumption of the cannabis business, if deemed abandoned.

55. 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 Division staff is unable to obtain compliance or abatement, staff will refer the Use Permit to Code Enforcement and/or the Planning Commission for possible suspension or revocation.

B. BUILDING DIVISION

Steve Arnold | steve.arnold@cityofvallejo.net | (707) 648-4387

1. Permits required per California Code of Regulations, Title 24 and applicable City Ordinance in effect at the time of completed Building Permit application date and required fees paid at time of application. 2019 California Code of Regulations apply if permit application(s) received before end of 2022.

C. FIRE DEPARTMENT

Brian Pizzimenti | brian.pizzimenti@cityofvallejo.net | (707) 648-4436

1. Access roads that are fire lanes shall either be posted with permanent all-weather signs constructed and installed in accordance with the Fire Department Fire Lane Marking Standards or shall all have curbs painted red and a sign posted at each entrance. Contact the Fire Prevention Bureau for further information and design templates. Location of such areas shall be determined prior to final inspection.

2. Prior to final Inspection, in accordance with the 2019 Califoirnia Fire Code rooms or areas containing controls for HVAC systems, electrical panels, automatic fire extinguishing systems, fire alarm equipment or other detection, suppression or control elements shall be identified with appropriate signs.

3. A flush-mounted (recessed) Knox Box (key box) mounted no higher than 5 feet above the finished floor containing appropriate keys for emergency fire department access shall be provided. The minimium size box is the 3200 series with a hinged door and recessed mounting kit. The tamper kit is not required, box color may be any of the Knox options. It takes approximately 2 weeks for delivery. For more information call the Fire Prevention Division at (707) 648-4565

4. Keys for the Knox Box entry system required by the fire department shall be attached to durable tags with permanent marking identifying the door(s) or lock(s) that the key functions with. i.e. “MASTER” or “MECHANICAL ROOM”.

5. Prior to final inspection, in accordance with the 2019 California Fire Code approved address numbers shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall clearly contrast with their background. The characters shall be a minimum of 4" high (6" for Commercial) with a 1/2" stroke. The size of the building and distance or location of the address numbers from the roadway may necessitate larger numbers.

6. Prior to final inspection, the minimum fire-extinguisher requirement shall be one 2A-10BC rated portable unit in such locations so that maximum floor-travel distance does not exceed 75' to the nearest extinguisher from any portion of the building with a maximum of 3,000 square feet of floor area surveyed. Plan submittal shall include the proposed location of extinguishers. Final location shall be approved in the field by the fire department. Hazardous areas will require increased sizing of fire extinguishers.

7. All fire extinguishers shall be mounted in a conspicuous and readily accessible location either on a bracket or within an approved storage cabinet. Fire extinguishers shall be mounted so the top of the unit is 3 feet to 5 feet off the finished floor. If the extinguisher is not readily visible, a sign shall be located directly above the extinguisher. The sign shall be legible and of a contrasting color with its background. Final installation measures and indentification signage shall be approved in the field by the Fire Department prior to final inspection sign-off.

8. Means of egress illumination shall be provided and maintained at any time the building is occupied. The means of egress shall be illuminated of not less than 1 foot candle power and shall be approved by the Fire Prevention Division prior to sign-off of the final inspection.

9. Emergency exit lighting shall be provided at or near all exits and as designated by the Fire Marshal. Final exit lighting shall be approved by the Fire Marshal prior to sign-off of the final inspection.

10. In accordance with the 2019 California Fire Code Chapter 10, all emergency lighting and exit signs lights shall have two separate sources of power.

11. All buildings shall comply with the 2019 California Building Code, Chapter 10 Means of Egress requirments. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.

12. Provide a detailed means of egress, path of travel, exit plan plan prior to building permit approval. Due prior to Building Permit issuance.

13. Locking devices on exit doors shall conform to the 2016 California Fire Code Chapter 10, only one lock or latch requiring one motion/operation to open/unlock is required. No double keyed dead-bolts are permitted on exit doors. Panic hardware is required.

14. Maintain the width of the exit system; tables, chairs, merchandise storage systems and other devices shall not obstruct the means of egress along the path of exit travel based on the cumiulative occupant load served. Maintain clear access to all exits at all times.

15. A separate permit is required for Fire Alarm modification from the Vallejo Fire Department. Fire alarm system must have current annual certification prior to final inspection.

16. A separate permit is required for Fire Sprinkler modification from the Vallejo Fire Department. Fire sprinkler system must have current annual and five year certification prior to final inspection.

17. Duct smoke detectors complying with UL 268A shall be installed in accordance with the CBC, CFC, CMC and NFPA 72.

    a. In the main return air and exhaust air plenum of each air-conditioning system having a capacity greater than 2,000 CFM. Such detectors shall be located in a serviceable area downstream of the last duct inlet.

    b. At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air-conditioning system.

18. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Code Official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official per CFC § 506.1

19. Hazardous Materials Business Plan Requirements. Any occupancy that will be conducting operations or storing materials that are hazardous will obtain the appropriate permits from the City of Vallejo Fire Department and/or Solano County Evironmental Management prior to commencing business operations

20. The provisions of CFC § 407 shall be applicable where hazardous materials subject to permits under CFC § 5001.5 are used and/or stored on the premises or where required by the Fire Code Official.

21. Storage, use and handling of compressed gases in compressed containers, cylinders, tanks, and systems shall comply with CFC Chapter 53 including those gases regulated elsewhere in the CFC and/or any applicable NFPA Standards as determined by the Fire Code Official. Partially full compressed gas container, cylinders or tanks containing residual gases shall be considered as full for purposes of the controls required.

22. Compressed gases classified as hazardous materials shall also comply with CFC Chapter 50 for general requirements and chapter addressing specific hazards, including CFC Chapters 58 (Flammable Gases), 60 (Highly Toxic and Toxic Materials), 63 (Oxidizer, Oxidizing Gases, and Oxidizing Cryogenic Fluids) and 64 (Pyrophoric Materials) and/or any applicable NFPA Standards as determined by the Fire Code Official.

23. The storage, use and handling of all hazardous materials shall be in accordance with CFC Chapter 50 and California Health and Safety Code requirements. The maximum allowable quantity (MAQ) of hazardous materials per control area will be established using CFC § 5003.1. Applicant will need to contact the Fire Department for hazardous materials storage permitting and approval.

24. Fume Ventilation; continous mechanical ventilation shall be provided per the Calfornia Fire Code and the Building and Mechanical Code.

25. Hazardous Materials Inventory Statement (HMIS) per CFC § 5001.5.2. An application for building permit shall include an HMIS. The HIMS shall include the following information:

    a. Product name.
    b. Component.
    c. Chemical Abstract Service (CAS) number.
    d. Location where stored or used.
    e. Container size.
    f. Hazard classification.
    g. Amount in storage.
    h. Amount in use-closed systems.
    i. Amount in use-open systems.
    j. Safety Data Sheets (SDS) for all proposed materials

26. The business will also need to comply with electronic reporting requirements specific to the California Environmental Reporting System (CERS). Applicants will need to contact the Fire Department for direction and permitting related to hazardous materials inventory reporting amounts.

27. The smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in the areas indicated in CFC § 310. No smoking signs are required.

28. Storage of combustible materials in buildings shall be orderly. Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur per CFC § 315.

29. Any security device or system that emits any medium that could obscure a means of egress in any building, structure or premise shall be prohibited per CFC § 316.5.

30. High-piled storage or rack storage in any occupancy group shall comply with the CFC Chapter 32.

31. A final inspection from the Vallejo Fire Department is required prior to final occupancy.

D. WATER DEPARTMENT

Melissa Cansdale | melissa.cansdale@cityofvallejo.net | (707) 553-7223

1. Provide water meter and service sizing calculations per most recent California Plumbing Code and include a water fixture count table.

E. VALLEJO FLOOD AND WASTEWATER DISTRICT

Gustavo Silva | gussilva@vallejowastewater.org | (707) 644-8949

1. The applicant shall pay the applicable plan review fees prior to issuance of building permits.

EXHIBIT B

ANALYSIS AND FINDINGS OF THE PROJECT'S CONSISTENCY WITH GENERAL PLAN 2040, INCLUDING ITS GUIDLING PRINCIPLES AND POLICIES

V-Town Farms is consistent with its General Plan 2040 designation of District – North Gateway (D-NG). Pursuant to General Plan 2040, "[t]he D-NG designation applies to the northern portion of the area north of SR37 between Sonoma Boulevard and Broadway Street, a highly-visible area that serves as a gateway to Napa Valley from SR 37 (heading north) and to Vallejo from American Canyon (heading south). It is intended to foster an integrated, pedestrian oriented place with a mix of uses, such as retail, dining and entertainment, and lodging that cater to both motorists passing through and surrounding neighborhoods." A retail cannabis dispensary is a retail use and thus is allowable in the D-NG designation pursuant to General Plan 2040. Such use contributes to the diversity of uses envisioned for the North Gateway District. Retail cannabis sales will serve both local residents and motorists passing through Vallejo. V-Town Farms would be particularly well-suited to attract both local residents and motorists with its proximity to residences and high visibility from Sonoma Boulevard (Highway 29) and Broadway.

The current zoning designation for the project site is the Planned Development Commercial (PDC) District (Existing Zoning Map). Under the Interim Zoning Policy (IZP), which the City Council established to facilitate development and guide zoning interpretations from the adoption of General Plan 2040 to the adoption of the new zoning code, the project site is indicated as the Pedestrian Shopping and Service (CP) District. In 2017. Under the IZP, each General Plan 2040 land use designation correlates to the City's existing zoning districts and specific plans for the purposes of applying land use and development standards to a proposal. The project site's General Plan 2040 designation of District – North Gateway (D-NG) correlates to the following zoning districts under the IZP: Pedestrian Shopping and Service (CP) District and High Density Residential (HDR) District. Under the IZP, in situations where the proposed use is permitted by General Plan 2040, but not clearly addressed in the existing zoning or the IZP, the applicant may apply for a Major Use Permit to allow the use.

The project site is identified as Planned Development Commercial (PDC) District on the City's existing zoning map. The Planned Development Master Plan for the project site permits retail uses but does not specifically mention cannabis use, since at the time of the adoption of the Planned Development Master Plan, cannabis was not a legally permitted use. The CP District is the "best fit" zoning designation authorized under the IZP because the project site is located within a commercial shopping center that can accommodate a variety of uses, including a retail cannabis business. In addition, the proposed zoning of the project site in the new zoning code is Central Corridor Commercial (CC) District, which would allow retail cannabis sales with a Minor Use Permit. The project conforms with both the CP District and CC District zoning designations. Accordingly, the City Council finds the project is in conformance with General Plan 2040.

<u>General Plan 2040 Guiding Principles</u>

- **Guiding Principle 13. Good Jobs, Education & Training. Vallejo provides people with good jobs and its young people with job training and the education they need to succeed. Vallejo embraces innovations in education, and the City's excellent educational institutions and trade schools play a prominent role in its economic vitality and community life.**

- **Guiding Principle 14. Innovation, Entrepreneurship & Successful Local Businesses. Vallejo welcomes innovative businesses and fosters entrepreneurship. It is a community that capitalizes on new technologies, community assets, and local knowledge – while helping local businesses to succeed.**

- **Guiding Principle 15. Economic Development Aligned with Natural Environment. Vallejo values economic development and aligns well-designed projects with the protection and enhancement of environmental resources. It is a community where sustainable development is efficiently processed and provides broad benefits that serve community needs and enhance the quality of life.**

- **Guiding Principle 16. Stable, Strong & Diverse Economy. Vallejo is characterized by fiscal stability; a strong, diverse economy, including health care, education, and manufacturing; and efficient use of its lands and waterways. Vallejo's unique setting, community character, and favorable weather are major resources for economic expansion, including tourism and entertainment.**

  The project brings good jobs to Vallejo with an innovative business that results in the adaptive reuse of a vacant building and site. Specifically, these are jobs that will provide training and experience in an industry that is expanding throughout California. The project balances economic development with the natural environment in that it will result in the reuse of a vacant building on an infill site, and not disturb natural resources. Lastly, the project contributes to the diverse economy of Vallejo, while also drawing customers from both inside and outside of Vallejo. Therefore, the City Council finds that the proposed project is consistent with General Plan Guiding Principles 13, 14, 15, and 16.

<u>General Plan 2040 Policies</u>

- **Policy NBE-2.8 Infill Development. Promote infill development and target vacant and underutilized sites for community-desired and enhancing uses that are compatible with surrounding uses.**

  The project site is a vacant building space in a commercial shopping center that has largely sat vacant for several years. Reuse of this underutilized building with a retail use that serves both local and regional customers and provides good jobs will enhance the economy of the area and Vallejo. The cannabis business will be subject to a collection of specific requirements, including the addition of new windows, to ensure it does not create any potential adverse impacts. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy NBE-2.8.

- **Policy NBE-3.8 North Gateway. Accelerate investment in the North Gateway area to achieve a mixed-use district that caters to both locals and regional travelers to Napa Valley.**

  Establishment of an active retail cannabis business at 5184 Sonoma Boulevard will help accelerate investment in the North Gateway, particularly Meadows Plaza, which has been largely vacant for years. The retail cannabis business can help draw customers from within and outside of Vallejo to Meadows Plaza for which existing businesses may benefit. Furthermore, new businesses may be encouraged to fill the vacant tenant spaces.

Therefore, the City Council finds that the proposed project is consistent with General Plan Policy NBE-3.8.

- **Policy NBE-3.14 Neighborhood Corridors**. **Connect the community with mixed-use corridors that function as neighborhood main streets for adjacent residential areas.**

  The establishment of a retail cannabis business contributes to the mix of uses along the Sonoma Boulevard corridor between Highway 29 and Mini Drive. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy NBE-3.14.

- **Policy NBE-5.13 Noise Control**. **Ensure that noise does not affect quality of life in the community.**

  All of the activities of the retail cannabis business, including the cannabis manufacturing and cannabis distribution accessory uses, will occur indoors and away from sensitive uses, such as residences. Furthermore, the retail cannabis business will be subject to noise-reduction requirements, as operational conditions. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy NBE-5.13.

- **Policy EET-2.1 Economic Diversification. Attract employment and tax generating businesses that support the economic diversity of the City**.

  The retail cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy EET-2.1.

- **Policy EET-3.4 Commercial and Neighborhood Corridors. Enhance commercial corridors to create a vibrant mix of places to live, work, shop, and play.**

  The operation of the cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy EET-3.4.

Reed Smith LLP
Phillip H. Babich (SBN 269577)
101 Second St., #1800
San Francisco, CA 94105
tel: (415) 659-5654
email: pbabich@reedsmith.com
Attorney for Appellant
California Collective Care

ADMINISTRATIVE APPEAL

CITY COUNCIL

CITY OF VALLEJO

MAY 25, 2021

BRIEF IN SUPPORT OF APPEAL OF PLANNING COMMISSION'S MARCH 15, 2021 APPROVAL OF MAJOR USE PERMIT NO. 20-0008 FOR V-TOWN FARMS PROJECT LOCATED AT 5184 SONOMA BLVD.

APPEAL FILED AND ACCEPTED ON MARCH 25, 2021

APPEAL NO. 21-0004

1. INTRODUCTION

The Planning Commission abused its discretion by approving the V-Town Farms application for a major use permit even though the Project is in violation of the City's Zoning Ordinance and General Plan 2040. The commission misapplied the Interim Zoning Policy (IZP) to reach an incorrect conclusion that the Project was consistent with General Plan 2040.

The Planning Commission also abused its discretion in finding that the V-Town Farms Project was exempt from review under the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000, *et seq*.) The Project is not exempt because it does not fit within the "existing use" exemption, and the administrative record indicates a need for environmental review.

Appellant California Collective Care respectfully requests that the City Council grant its appeal and reverse the Planning Commissions' approvals for the Project.

2. BRIEF SUMMARY OF RELEVANT FACTS

The Project Applicant proposes to operate the largest cannabis retail business in the state at the North Gateway of Vallejo. The business, which would be called V-Town Farms, would occupy 19,035 square feet of the 50,000 square foot building that formerly housed Food 4 Less in Meadows

Plaza. Cannabis retail sales would occupy 17,056 square feet; cannabis manufacturing, 494 square feet; and, cannabis distribution, 1,485 square feet. (Staff Report (Mar. 15, 2021) at p. 4.)

The Project Applicant will control the remaining 30,836 square feet, but the Planning Commission proposes restrictions on the use of that space. Appellants are concerned that V-Town Farms will expand into that vast space to increase its retail business or possibly cultivate cannabis.

The local permit to conduct cannabis retail sales in Meadows Plaza is currently held and owned by Richard Sereghy, owner of HTP Group. V-Town Farms will replace HTP Group as one of the 11 cannabis retail permit holders in Vallejo upon receipt of all city and state permit approvals and licenses as part of a transfer agreement between the two entities. Public information has not been made available to determine whether HTP Group, V-Town Farms, and the City Manager have followed the strict procedures for transferring HTP Groups local regulatory permit (i.e. the “7.200 permit”) to V-Town Farms. For example, it has not been confirmed that a joint application for transfer was submitted to the City Manager at least three months prior to the desired date of transfer, as required under Vallejo Municipal Code section 7.200.100(C), or, if not, that the City Manager exercised his discretion appropriately in allowing for a shorter time period.

Also lacking in the administrative record are any studies that address the economic impact V-Town Farms would have on the other cannabis retailers who are much smaller. Appellant, for example, has been working with the City for decades to help build the local cannabis industry, and likely cannot compete with V-Town Farms pricing model which promotes "$20 Eighths," a price that is well below the market rate.

The Planning Commission approved the major use permit on March 15, 2021. Appellant timely filed an appeal on March 25, 2021.

3. ARGUMENT

(a) THE PLANNING COMMISSION ABUSED ITS DISCRETION BY APPROVING THE APPLICATION FOR A MAJOR USE PERMIT EVEN THOUGH THE PROJECT IS IN VIOLATION OF THE CITY'S ZONING ORDINANCE, GENERAL PLAN 2040, AND THE INTERIM ZONING POLICY (IZP)

An administrative agency's finding must be supported by substantial evidence, and its findings must support its decision. (*Harris v. City of Costa Mesa* (1994) 25 Cal.App.4th 963, 969.) An administrative agency must "consider the interest of neighboring property owners in reaching a decision whether to grant or deny a land use entitlement, and the opinions of neighbors may constitute substantial evidence on this issue." (*Id*. at p. 973, citing *Desmond v. County of Contra Costa* (1993) 21 Cal.App.4th 330, 337.)

An application for a conditional use permit should be denied if the proposed use would result in undesirable effects. (See *Harris*, 25

Cal.App.4th at p. 973; *Snow v. City of Garden Grove* (1961) 188 Cal.App.2d 496, 498.)

The Planning Commission should have denied the application for a major use permit. The Project does not comply with the current zoning ordinance. And, it does not comply with General Plan 2040. Because the Project does not comply with either the zoning ordinance or General Plan 2040, the Planning Commission was required, under the Interim Zoning Policy (IZP), to deny the application.

Instead, it misapplied the IZP to conclude that it could consider the Project for a major use permit. This was not correct. The Planning Commission should have rejected the Project on the undisputed grounds that retail cannabis is not an allowable use at the site.

The site is currently in a Planned Development Commercial (PDC) District. Retail cannabis sales is not a permitted use in a PDC District. (VMC, § 16.108.) The Staff Report acknowledged this: "The PDC District does not permit any cannabis uses. The PDC District was not considered for any cannabis uses when the City amended VMC Title 16 (zoning code) in 2018 nor is it included in the IZP or the draft zoning code." (Staff Report at p. 7.) However, the Planning Commission erred in concluding that "[t]his creates a conflict" for purposes of the IZP. (*Id*.) Not so.

Under the IZP, an "express conflict" "shall be deemed to be any situation where a proposal clearly conforms to General Plan 2040 but it is not permitted by the zoning and/or subdivision regulations, or where a proposal clearly does not conform to General Plan 2040 but is permitted or conditionally permitted by the zoning and/or subdivision regulations." (IZP at p. 2.) "The provisions of Section 4 and accompanying Table shall be used to determine whether an express conflict exists and the processes therein described, as applicable, shall be followed to resolve the conflict" (*Id*.) Section 4 provides that the "Community and Economic Development Director or his or her designee shall determine whether any specific land use and development proposal conforms to General Plan 2040. The Director shall use the guidelines adopted pursuant to Section 6 in making this determination." (IZP at p. 3.)

Here, there is no "express conflict" because the Project does not conform to General Plan 2040 and it is not permitted or conditionally permitted by the zoning and/or subdivision requirements. Therefore, the IZP guidance to resolve an "express conflict" is not applicable. The Project is simply not permitted.

The Project site is currently zoned as Planned Development Commercial (PDC). The PDC District does not allow any cannabis uses. Nor

is the use included in the IZP or the Draft Zoning Ordinance, according to the Staff Report.

Step 1 of the IZP analysis confirms this. Step 1 (Determine General Plan Land Use Designation and Consistency) provides: "Identify land use classification for the proposal under General Plan 2040. Determine whether the proposal is permitted under that land use designation and consistent with other relevant General Plan 2040 policies." (IZP at p. 4.) "If yes, proceed to Step 2. ***If not, the proposal shall be denied.***" (*Id*. [emphasis added].)

Here, the land use designation for the Project under General Plan 2040 is District - North Gate (D-NG). The Project, retail cannabis sales, is not permitted under D-NG. Because it is not a permitted use, the IZP analysis stops there; it is not necessary, nor permitted, to go to the next question and determine whether the Project is consistent with other relevant General Plan 2040 policies. Thus, the Planning Commission was required to deny the Project. In any event, the Project is not consistent with relevant General Plan 2040 policies. The policies do not mention cannabis retail sales. Indeed, the word "cannabis" appears nowhere in General Plan 2040.

Instead of stopping at the end of the IZP's Step 1, the Planning Commission conducted what it purported to be a consistency analysis. The Staff Report claims that the Project is "consistent" with the D-NG designation

because “a retail cannabis dispensary contributes to the diversity of uses that are [sic] envisioned for” the district.

The Project is not consistent with the D-NG designation which specified uses such as “retail, dining, entertainment, and lodging.” It does not specify retail cannabis.

The Staff Report claimed that the Project was consistent with General Plan 2040 because the “best fit” zoning purportedly applicable to the Project was consistent with the plan. However, the Planning Commission improperly applied the “best fit” analysis.

Step 2 of the IZP provides: “If the ***zone*** is not identified for the applicable General Plan 2040 land use designation, the Director shall identify the ‘best fit’ zoning district that corresponds to the land use classifications of General Plan 2040, pursuant to the incorporated and attached Table 1.” (IZP at p. 4 [emphasis added].) Here, the *zone* is identified for the applicable land use designation; the zone is without a question identified as D-NG. Thus, Step 2 is not applicable, and the Planning Director should not “determine which of the possible zones is the ‘best fit’ zone.” (IZP at p. 4.)

Consequently, Step 3 of the IZP is also not applicable. Step 3 provides: “In those instances where the Director determines an express conflict with General Plan 2040 and the process for zoning identification in

Steps 1 and 2 ***cannot be determined***, the Director may allow an applicant to seek determination of General Plan 2040 consistency by submitting an application for a major use permit[.]" (IZP a p. 4 [emphasis added].) Here, as previously discussed, there is no "express conflict," and the zoning identification *can* be determined; it's PDC under the current zoning and D-NG under General Plan 2040. Thus, Step 3 does not apply because the identification process under Steps 1 and 2 can be determined. The Planning Commission's decision to consider a major use permit application under Step 3 was, thus, not permitted under the IZP, and it was an abuse of discretion to do so.

Even if it was proper for the Planning Commission to conduct a consistency analysis, the Project fails the test. Section 6 of the IZP provides: "The four general plan consistency findings listed below provide the basis for determining if a specific development proposal is consistent with General Plan 2040. The Director or, where Planning Commission action is required, shall determine that a specific proposal is consistent with General Plan 2040 if he or she finds as follows: [¶] [1] The proposal is appropriate in consideration of the characteristics of the surrounding area; [¶] [2] The proposal is consistent with the intent and desired character of the relevant land use designation(s) of General Plan 2040 and any associated General

Plan policies; [¶] [3] The proposal will clearly promote implementation of General Plan 2040; and [¶] [4] The proposal conforms to the zoning ordinance requirements of the applicable or 'best fit' zoning district." (IZP at p. 5.)

The Planning Commission found that "[t]he project is consistent with D-NG designation in that a retail cannabis dispensary contributes to the diversity of uses that are envisioned for the North Gateway District. Retail cannabis is also a land use that will serve both local residents and motorists passing through Vallejo. V-Town Farms would be particularly well-suited to attract both local residents and motorists with its high visibility from Sonoma Boulevard (High 29) and Broadway Street and proximity to residences."

Practically any business can be said to "contribute[ ] to the diversity of uses that are envisioned for the North Gateway District." There is no meaningful attempt to explain how V-Town Farms would so contribute and, as such, the Planning Commission failed to support its findings and decision. (See *Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 516–517, fn. 16 [findings in support of a zoning variance must "expose the board's mode of analysis" and "setting forth findings solely in the language of the applicable legislation" is not approved by the California Supreme Court].)

In addition, the consistency finding ignores that there are already 11 retail cannabis dispensaries in Vallejo. The finding makes no attempt to explain how V-Town Farms will "promote implementation of General Plan 2040" if the existing dispensaries lose business. Even if V-Town Farms "attract[s] both local residents and motorists" due to its "high visibility" this will implicitly be at the expense of the other dispensaries. The Planning Commission makes no attempt to analyze or address this economic impact, except to implicitly recognize there will be an adverse impact for which the commission has no plan in response. And, incidentally, there is no attempt to explain how attracting motorists to purchase products that will impair their ability to drive is beneficial to Vallejo or anyone driving on Highway 29.

In contrast, the City conducted an economic analysis when it consider the application to change the site's zoning to PDC in 1989 and 1990. (Page 1 of Dec. 21, 1989 Economic Analysis, a true and correct copy of which is attached to this brief as **Attachment 1**.) The City "requested an analysis of the economic and fiscal impacts of the proposed commercial development relative to the effects of industrial development that could occur under current planning and zoning designations." (*Id*.) The report analyzed employment, revenue generation for the City, impact on industrial development, police protection, fire protection, and public works. (*Id*.)

Here, the Planning Commission did not analyze, let alone mention, the other cannabis retailers in Vallejo and how V-Town Farms, which would be the largest cannabis retailer in the state, would affect them. Thus, the Planning Commission abused its discretion in finding that the Project is consistent with General Plan 2040. Without analyzing the Project's economic impact on the City's existing cannabis retailers, the Planning Commission has no basis to find that the Project will "clearly promote implementation of General Plan 2040."

Many of the local cannabis retailers have been in Vallejo for decades and have worked with the City to build the local cannabis industry. From out-of-town, V-Town Farms has a pricing model that will likely drive out the local businesses. V-Town's sister dispensaries, CoCo Farms in Antioch and Rio Vista Farms in Rio Vista, advertise "$20 eighths"; i.e. one-eighth ounce of marijuana at the price of $20. This is far below the market price of $50 to $60 for one-eighth ounce of the product, and the company's pricing model appears to have the intent of driving out the competition in the short term then raising prices after cornering the market in the long term.

In addition, the Project applicant overstates the economic benefits the City will derive from tax revenues on the cannabis business. V-Town Farms claims that it will generate $2 million dollars in tax revenues for the City

annually. But this projection does not take into account lost tax revenues from existing cannabis retailers who will lose retail sales due to V-Town Farms' pricing model. As just one example, Vallejo Holistic Health Center paid the City $700,000 in taxes for cannabis sales in 2020. That is about one-third of V-Town Farms' projected tax payments from just one of the 10 other cannabis retailers in Vallejo. Thus, lost sales at these retailers will quickly offset any tax revenue gains the City expects to reap from V-Town Farms. The promise of tax money flowing into the City's coffers is hollow without accounting for these losses.

The Planning Commission did not study the economic impact of V-Town Farms on local dispensaries, and it was not justified in reaching the conclusion that the Project would be a net benefit to the City. Indeed, the Project might drain a vital and growing sector of Vallejo's economy, a result that is at odds General Plan 2040.

In addition, the Planning Commission misapplied the "best fit" analysis. It found that the "best fit" zoning district was "Pedestrian Shopping and Service District which conditionally permits 'Retail sales: cannabis' uses with cannabis manufacturing and cannabis distribution accessory uses." But this finding is not supported by the record. The Planning Commission impermissibly equates "retail sales," which is a permitted use in the current

PDC District, with retail cannabis sales, which is not permitted in the PDC District. It makes this leap by citing the *Draft* Zoning Ordinance and the *proposed* Central Commercial Corridor district which would allow retail sales of cannabis. This leap ignores the whole point of the IZP; the IZP is meant to help the Planning Commission reach land use decisions before the Draft Zoning Ordinance becomes law, which is not expected until July 27, 2021. The Planning Commission cannot apply the Draft Zoning Ordinance to its land use decisions. To do so is an abuse of discretion.

The Project simply does not fit with the City's vision for the gateway property. Since at least 1989, the City has viewed this property on Sonoma Boulevard as the northern gateway to Vallejo. When the City considered the application to change the zoning to PDC it paid close attention to how the proposed development on that property would reflect Vallejo's values. Multiple studies were conducted to analyze the development's visual and economic impacts. This was not done for the proposed V-Town Farms Project, which would dramatically change the City's gateway image. Not only would V-Town Farms be the "Home of the $20 Eighth," but Vallejo itself would carry that moniker. It's difficult to imagine how this would be consistent with the General Plan 2040 when the plan does not mention once the term

"cannabis," and it never envisioned making the state's largest cannabis retailer (17,000 square feet) the face of Vallejo.

(b) THE PLANNING COMMISSION ABUSED ITS DISCRETION IN FINDING THAT THE V-TOWN FARMS PROJECT WAS EXEMPT FROM CEQA REVIEW

The Planning Commission decided in error that the Project was exempt from the California Environmental Quality Act (CEQA). The Project is not an "existing use" and the Planning Commission incorrectly applied CEQA Guidelines section 15301 (Class 1: "Existing Facilities"). The Planning Commission found that "[t] project is consistent with this exemption in that it involves the reuse of an existing building space for retail cannabis sales with minor building and site alterations." (Staff Report at p. 9.) But that finding hardly satisfies the exemption's requirements.

Certain categories, or classes, of project a "categorically exempt" from CEQA review. (Pub. Res. Code, § 21084; Cal. Code Regs, tit. 14 (CEQA Guidelines), § 15300.) One of those categories is "Existing Facilities." (CEQA Guidelines, § 15301.)

This category "consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." (CEQA

Guidelines, § 15301.) "The key consideration is whether the project involves negligible or no expansion of use." (*Id*.)

This exemption applies only to activities involving "negligible" or "no expansion of existing or former use." (*Id*.) It does not apply to an activity that has never been reviewed under CEQA and involves a different regulatory scheme. (See *Azusa Land Reclamation Co. v Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165.)

Here, cannabis retail was not previously approved for the site and that use substantially differs from a grocery store. Cannabis retail involves a host of federal and state law requirements that were not implicated by the Food 4 Less grocery store, and cannabis retail brings security impacts not remotely similar to a grocery store.

The Planning Commission improperly equated cannabis retail with grocery retail and, in support of its "existing facilities" decision, it avoided the substantial difference between the activities and found that the proposed cannabis business "involves only reoccupation of the space, interior and exterior alterations involving such things as interior partition walls, plumbing and electrical, painting and installation of windows consistent with the examples set forth in Guidelines Section 15301(a)." (Resolution (Mar. 15, 2021) at p. 2.) This finding is not supported by substantial evidence.

Cannabis is a Schedule I drug under federal law and while California has legalized it, cannabis remains a quasi-legal product in the state. This status means that the Planning Commission should have considered whether the regulatory scheme would result in any environmental impacts.

In addition, the Planning Commission should have required a traffic study. V-Town Farms expects to have at least 1,500 customers per day. (UP20-0008 Project Description at p. 8.)

The decision to not study the Project's traffic impacts stands in stark contrast to the City's decision to conduct a CEQA review when it considered the zone change application to Planned Development Commercial (PDC) for the same property in 1990. At that time, the proposed Walmart project required CEQA review. (Page 4 of Feb. 21, 1990 Staff Report re PD89-09, a true and correct copy of which is attached to this brief as **Attachment 2**.) Among the studies prepared was a traffic impact study. (Page 12 of Feb. 2, 1989 Letter by The Kivelstadt Group, a true and correct copy of which is attached to this brief as **Attachment 3**.) Six key intersections were studied. The report provided mitigation measures and site improvements. (*Id*.)

In addition, the CEQA review included an economic impact study, a visual impact study, and a Phase I hazardous materials site assessment.

The site assessment found that while it was likely no hazardous materials "have originated on, been treated at, or been disposed of on the subject site," there was, based a review of available data, "a possibility, however, that petroleum hydrocarbons from off-site sources could have affected the site." (Page 1 of Dec. 22, 1989 Phase I Hazardous Materials Site Assessment, a true and correct copy of which is attached to this brief as **Attachment 4**.) The report suggested that "a further evaluation of the groundwater condition on site" could be conducted. (*Id*.)

The assessment identified five sites that were in or near the study area that were on the Regional Water Quality Control Board (RWQCB) Fuel Leaks list. (*Id*. at p.. 14.) The assessment concluded that "[b]ecause these properties are near the study area there is a possibility that they could affect the subject site." (*Id*.)

Because the prior environmental review found the potential for hazardous materials impacts on the property, the Planning Commission should have analyzed those findings and, at the very least, determined whether further study was warranted. The Planning Commission, therefore, erroneously concluded that the Project was exempt from CEQA review.

4. CONCLUSION

The Planning Commission abused its discretion by approving the V-Town Farms application for a major use permit even though the project is in violation of the City's Zoning Ordinance, General Plan 2040, and the Interim Zoning Policy (IZP).

It also abused its discretion in finding that the V-Town Farms Project was exempt from CEQA review. The Project is not exempt because it does not fit within the "existing use" exemption.

Appellant respectfully requests that the City Council grant its appeal and reverse the Planning Commissions' approvals for the V-Town Farms Project.

Dated: May 25, 2020

Respectfully Submitted,
REED SMITH LLP

Phillip H. Babich
Attorney for Appellant
California Collective Care

ATTACHMENT 1

21 December 1989

ECONOMIC ANALYSIS FOR THE KIVELSTADT GROUP'S MEADOWS PLAZA COMMERCIAL DEVELOPMENT, VALLEJO, CALIFORNIA

INTRODUCTION

The Kivelstadt Group, a private developer, proposes to develop retail and restaurant uses, including a Wal-Mart store, on a parcel of approximately 17.275 acres (known as Phase I) located in the City of Vallejo between Broadway and Sonoma Boulevard (Highway 29). If feasible, an additional 13 contiguous acres (known as Phases II and III) may be the subject of future development.

The project site is currently zoned IU, Intensive Use, which allows a variety of industrial uses. However, the IU zoning excludes retail uses which do not serve onsite industrial uses. Consequently, development for the proposed exclusive retail and restaurant uses would require a General Plan amendment, a rezoning, and approval of a Master Plan and Unit Plan for the site.

As part of the planning and approval process for the proposed planning and zoning changes, the City of Vallejo has requested an analysis of the economic and fiscal impacts of the proposed commercial development relative to the effects of industrial development that could occur under current planning and zoning designations. This analysis, which was completed for all of the three Phases, is provided below.

SUMMARY

The proposed commercial uses (predominantly retail, with some restaurant and service station), would generate an estimated 720 jobs, while the mix of industrial uses most likely to be developed under current zoning would generate an estimated 830 jobs. Due to weak demand for industrial space, industrial development would likely occur over a more protracted period, reducing the employment benefit of industrial development.

Both commercial and industrial development are anticipated to generate jobs with a similar distribution of wage levels, with the majority of jobs in both cases in the lower wage categories. Indirect job generation would be substantially higher for

industrial development; however, most of these jobs would be outside Vallejo.

For Phase I, both commercial and industrial development would generate net fiscal surpluses to the Vallejo General Fund; $374,100 per year for the proposed commercial development and $65,400 per year for industrial development, as shown in Table 1, page 3. Phases II and III would generate proportionate net fiscal surpluses. The substantially greater surplus associated with commercial development is attributable to the greater level of sales tax revenue anticipated for retail development.

EMPLOYMENT IMPACTS

PROPOSED COMMERCIAL DEVELOPMENT

The undeveloped project site currently has no employment. The proposed project consists of primarily retail uses (approximately 275,718 square feet), along with several restaurants (approximately 15,000 square feet) and a gas station (approximately 5,000 square feet), as shown in Table 2 (Table 2 and all subsequent tables are located at the end of this report). (The total retail square footage includes the potential Wal-Mart expansion of 30,000 square feet, which is shown separately in Table 2.) Of this total proposed development, Phase I would consist of 196,418 square feet of retail uses and a 6,000 square foot restaurant. Phases II and III would include 109,300 square feet of retail uses, 9,000 square feet of restaurants and a 5,000 square foot gas station.

Estimates of employment density factors (square feet of space per employee) vary. Those used in Table 2 are taken from a 1985 study of employment densities in Contra Costa County that was specifically conducted to provide a set of consistent densities for Bay Area development.[1] These factors were used because they are relevant to a comparable area, are relatively recent, used a consistent methodology for all land use types analyzed, and are based on a reasonably large sample size. Based on the employee density factors shown in Table 2, total permanent direct employment accommodated by the proposed project is estimated at approximately 720, with Phase I employment estimated at approximately 430. The major food retailer proposed for Phase I may be open 24 hours per day. In this case, actual employment generated by the proposed project would be somewhat higher, and use of the employment density factors discussed above represents

1478 0097

Table 1: Summary of Fiscal Impacts to Vallejo General Fund

	Phase I		Phases II and III		TOTAL	
Revenue	Proposed Commercial	Industrial	Proposed Commercial	Industrial	Proposed Commercial	Industrial
Property tax	7,155	8,455	5,109	6,363	12,264	14,818
Sales Tax	387,021	100,275	218,985	75,460	606,005	175,735
Utility Users	111,943	101,676	71,099	76,514	183,042	178,190
Business License	5,705	4,615	5,446	3,473	11,151	8,089
TOTAL REVENUE	511,824	215,022	300,638	161,811	812,462	376,832
Costs						
Police	57,952	62,942	36,903	47,366	94,855	110,308
Fire	34,802	37,799	22,161	28,445	56,963	66,244
Pub. Works	25,831	28,056	16,449	21,113	42,280	49,169
General Gov.	19,137	20,785	12,186	15,642	31,324	36,427
TOTAL COSTS	137,722	149,582	87,699	112,565	225,422	262,148
Net Fiscal Surplus	374,102	65,439	212,939	49,245	587,041	114,685

Source: EIP Associates

a conservative estimate of project employment.

PERMITTED INDUSTRIAL DEVELOPMENT

The site is currently zoned for industrial development, although no specific industrial development proposals have been submitted. Therefore, this analysis assumes a most likely mix of industrial uses that could occur at the site in the event of industrial development, as discussed below.

A number of types of industrial development are permitted under current zoning, but, in general, industrial development that could realistically occur is dependent on the demand in the Vallejo area for the various types of industrial development. A recent study for the City of Vallejo by Keyser Marston Associates regarding industrial development potential at another site in Vallejo provides a general analysis of the types of industrial development that Vallejo could realistically hope to attract.[2] This analysis was performed for a 42-acre site on Sonoma Boulevard adjacent to the Mare Island Slough, approximately three miles south of the proposed project. Part of that study addressed the relative suitability and attractiveness of Vallejo industrial sites relative to competing Bay Area industrial sites, given the current demand and supply situation for various types of industrial space.

In brief, the study found that there is an excess supply of industrial real estate in the Bay Area, that recent Solano County industrial development has been limited primarily to small warehousing and distribution, and that Vallejo has not been a major industrial presence to date in the County, with the exception of Mare Island. Based on these factors, the study identified an appropriate mix of industrial uses for the site; approximately 40 percent warehousing/distribution, 20 percent light manufacturing, 30 percent light industrial, and 10 percent R&D/office.

Because of the City- and region-wide nature of the demand and supply for industrial space, and the similarity of relevant characteristics of the two sites, such as size and transportation access, the conclusions of this portion of the Keyser Marston study are applicable to the Meadows Plaza site.

Thus, the mix of uses above is used in this analysis as the basis of the type of industrial development assumed to occur if the

project site is developed under current zoning. Some of these uses (Warehousing/Distribution and Light Manufacturing) have substantially lower parking requirements than commercial or office uses. As a result, more square feet of Warehousing/Distribution and Light Manufacturing can be constructed per acre than is the case for commercial or office-type uses. This is reflected in the FAR (Floor Area Ratio) of 0.37 shown in Table 3. The FAR for the Business Services and R&D/Office in the industrial development alternative is 0.26, the same as for the proposed commercial project, based on the similar parking requirements of these uses. As shown in Table 3, potential industrial development is estimated at approximately 428,400 square feet, higher than the amount of proposed commercial development due to the difference in parking requirements. Because the site is relatively long and narrow, it may be difficult in practice to locate this maximum permitted square footage of space on the site, while providing conformity to planning and building requirements and desirable industrial site layout. Use of the maximum square footage in estimating industrial employment represents a conservative approach to estimating the relative impact of the proposed commercial development.

Based on employee density factors discussed above, total permanent employment that would be accommodated by industrial development at the site is estimated at approximately 830, as shown in Table 3.

This is somewhat, although not dramatically, higher than the estimated employment for the proposed commercial uses. However, it should be noted that demand for industrial space is currently weak in the Vallejo area. As a result, it is likely that buildout of the site for industrial uses could only occur over an extended period. The Keyser Marston study discussed above projects an absorption rate of about 50,000 square feet per year for the site studied, if the property is offered at market rates. At this rate, buildout of industrial uses at the project site would take approximately nine years. Thus, while the site has the potential capacity for more industrial employment than commercial employment, the stronger demand for commercial space would likely result in equivalent or higher near- and medium-term commercial employment at the site.

21 December 1989

TYPES OF EMPLOYMENT

Employment by the commercial uses proposed at the site (predominantly retail, plus restaurant and service station) are anticipated to consist primarily of relatively lower-wage sales and clerical positions, with a minority of more highly-paid supervisorial and managerial positions. Employment by the assumed industrial uses at the site (including warehousing/distribution, light manufacturing, light industrial, and R&D/office) is also anticipated to consist mostly of relatively low-wage operative positions, with a minority of more highly-paid supervisorial and managerial positions. Due to the nature of the businesses involved and the greater influence of unionization, the industrial operative positions may tend to have a higher average wage level than the sales and clerical positions associated with the proposed commercial uses, and there may be a somewhat higher proportion of supervisorial and managerial positions associated with industrial development. However, these differences between commercial and industrial development are anticipated to be relatively small.

As discussed above, the weak market for industrial space would delay industrial job generation at the site, tending to offset any economic benefits of higher average wages. As a result, it is anticipated that the local income generation of commercial and industrial jobs at the site would be roughly similar.

INDIRECT EMPLOYMENT

In addition to the direct employment generation discussed above, indirect (secondary) employment, in a wide variety of businesses that serve the onsite businesses, would also be generated. This indirect employment would be located throughout the regional economy of the Bay Area and beyond, and it is likely that most indirect employment would be located outside Vallejo. Indirect employment is estimated at approximately 880 for the proposed commercial uses and 2,270 for the assumed industrial uses. The substantially greater level of indirect employment associated with industrial employment is due to the differing nature of industrial and retail businesses and their relationship with other sectors of the economy.

21 December 1989

FISCAL IMPACTS

PROPOSED PROJECT (COMMERCIAL USES)

Revenue

Major revenue sources for the City of Vallejo General Fund are shown in Table 4. Of these revenue sources, those that would be generated by the proposed project include Sales Tax, Property Tax, Utility Users' Tax, and Business License Taxes. These revenue sources are discussed individually below.

Property Tax. Since the passage of Proposition 13 (Article XIIIA of the California Constitution), property tax revenues (other than those for repayment of existing bonded indebtedness) are limited to one percent of assessed value. This $1.00 in tax revenue per $100 of assessed valuation is allocated among a variety of government entities. In Solano County, property tax revenue is allocated to cities on a County-wide basis. Additional revenue generated in Tax Area Code 7080 (which includes the proposed project site) has a preliminary estimate of approximately 30 percent of revenue allocated to the City of Vallejo. However, this 30 percent estimate is then used for further calculations on a County-wide basis to produce the Tax Apportionment Factors (AB 8 factors) which govern distribution of property tax revenues to entities such as the City of Vallejo General Fund. Through this process, a Tax Apportionment Factor (TAF) of approximately 6.6 percent of property tax revenue ($0.066 per $100) is allocated to the City of Vallejo General Fund.[3]

The increase in taxable assessed value associated with the proposed project would consist of the anticipated increase in land value plus the value of construction on the site.

Because the site already generates property tax based on the current value of the site, only increases in land value are included in this analysis. The current value of land at the site for industrial uses, as permitted by existing zoning, is estimated at $2.00 per square foot.[4,5] The proposed project involves purchase of the project site by the project sponsor at $3.00 per square foot, if the approvals for commercial development of the site discussed above are obtained.[6] Thus, implementation of the proposed project would result in an

increase in the value of the land at the site from $2.00 to $3.00 a square foot, due to the relative values of commercial and industrial land. Accordingly, Table 5 includes an increment of land value increase of $1.00 per square foot for the purposes of calculating property tax revenue.

The cost of constructing structures on the site, including site preparation and the various "soft costs" (design, engineering, planning, contingency, etc.) are estimated at $17,262,400, as shown in Table 5. This, together with the increased land value of $1,318,800, yields annual property tax revenue of $185,800, of which 6.6 percent, or $12,300 would be allocated to the Vallejo General Fund.

Sales Tax. State sales tax revenue would be generated by the proposed retail and restaurant uses. The California sales tax is levied at a rate of six percent, with additional local taxes levied in some parts of California. Of the six percent sales tax, one cent is returned by the State to cities in which the purchases were made, less a one percent charge for administration. Thus, approximately $0.99 is returned to the City of Vallejo for each $100 of taxable sales in the City.

Almost all retail sales in California are taxable; the major exceptions are unprepared food for home consumption and prescription drugs. Consequently, grocery stores and pharmacies have large proportions of nontaxable sales. Contemporary grocery stores sell substantial quantities of taxable non-food items, so it is assumed that 25 percent of grocery store sales would consist of taxable items. Table 6 shows estimated taxable sales and resulting City sales tax revenue from the proposed project.

Utility Users' Tax. The City of Vallejo collects a tax of 7.5 percent of utility costs (electricity, natural gas, telephone, and cable television). Table 7 shows estimated electricity, gas and telephone usage for land uses at the proposed project (significant cable television usage is not anticipated). The utility users' tax revenue calculations are based on the square footage of land uses discussed above, annual energy use factors per square foot, current energy prices as provided by Pacific Gas & Electric Company, and estimated telephone costs of $100 per 500 square feet of commercial space per month.[7,8]

Business Licenses. The City of Vallejo levies a business license fee. For a majority of Vallejo's businesses, it is based on

gross receipts, with the remainder paying a flat annual fee. In the case of the proposed project's retail and restaurant uses, business license fees are estimated on the basis of gross receipts as shown in Table 8. For businesses grossing over $500,000 annually, the semi-annual fee is calculated through a formula whereby gross receipts are first multiplied by a factor which ranges from 0.02 to 0.05. Then, the square root of the resulting number is taken. This produces the semi-annual license fee, which is multiplied by two to obtain annual revenue. In this analysis, the highest multiplication factor (0.05) is used for consistency; although this may overstate the actual revenues, the potential error is small and does not significantly affect the fiscal analysis.

One-time Fees. In addition to the annual revenue sources discussed above, the City levies a number of one-time fees on development and has recently adopted or is considering adoption of several additional one-time development fees. Because these one-time revenues would not contribute to the ongoing annual revenue that is the basis of this fiscal impact analysis, they have not been included in the analysis.

Service Costs

Major expenditure categories for the City of Vallejo General Fund are shown in Table 9, and are discussed individually below.

Police Protection. The proposed project is located in a developed area of Vallejo that is already served by the Vallejo Police Department. The Department does not anticipate that additional personnel or resources would be required to provide service at the current level to the proposed project area.[9] This is because the project area is already served by existing personnel, and the additional population generated is not large enough to substantiate a need for additional officers. In contrast, a larger or more physically isolated development could require additional personnel and/or extension of service to a new area. If no additional Police Department resources would be needed to provide service to the proposed project, no additional marginal costs for police protection can be identified for the proposed project. However, if the proposed project is implemented, it is reasonable to allocate a share of the existing Police Department costs (average costs) to the development on a pro rata basis. Using onsite employment as an order-of-magnitude proxy for the additional activity at the site and consequent

level of potential service demand, the estimated employment of 720 persons at the site constitutes 0.7 percent in Vallejo's 1989 population of 103,282.[10] This fraction of total Police Department costs of $13,759,516 amounts to $94,900, as shown in Table 1.

Fire Protection. The proposed project is located in a developed area of Vallejo that is already served by the Vallejo Fire Department. For reasons similar to those discussed above for police protection, the Vallejo Fire Department does not anticipate that additional personnel or resources would be required to provide service at the current level to the proposed project area.[11] As with police protection, no additional marginal costs for fire protection can be identified for the proposed project. An allocation of a share of the existing Fire Department costs of $8,263,000 (average costs) to the development on a pro rata basis, using the 0.7 percent factor above, results in an order-of-magnitude estimate of $57,000, as shown in Table 1.

General Government and Public Works. As shown in Table 9, General Government and Public Works are the other two major categories of General Fund expenditures. There are no specific additional costs in either of these categories that are anticipated to occur as a result of the proposed project, but, again using the approach of allocating a pro rata share of total costs in these categories to the project results in costs of $31,300 for General Government and $42,300 for Public Works, as shown in Table 1. The Public Works expenditures are annual maintenance-related costs, and differ from the developer-financed capital improvements anticipated for the site (including intersection signalization, turn lanes, roadway widening, curbs and gutters, street lights, utilities undergrounding, and water main extension).

INDUSTRIAL USES

Revenue

Property Tax. As discussed above, approximately 6.6 percent of property tax revenue generated by new development ($0.066 per $100) would be allocated to the City of Vallejo General Fund.[12] The increase in taxable assessed value, measured by construction costs including site preparation and soft costs, is estimated at $22,451,900, as shown in Table 10. This yields annual property

tax revenue of $224,500, of which 6.6 percent, or $14,800 would be allocated to the Vallejo General Fund. (Because land values are not anticipated to increase over current levels in the case of industrial development, no increment of land value increase is included in Table 10.) The site preparation cost used in Table 10 for industrial land is the same as that for commercial land in Table 5, although actual site preparation requirements may be less. To the extent that this overstates the actual industrial-related property taxes, it represents a conservative estimate of the relative impact of the proposed commercial development.

Sales Tax. As discussed above, $0.99 of sales tax revenue is returned to the City of Vallejo for each $100 of taxable sales in the City. As would be anticipated, the proposed retail and restaurant uses were estimated above to generate substantial sales tax revenues. However, "industrial" uses also generate taxable sales, for reasons such as predominantly manufacturing or wholesale operations which also include taxable retail sales, inclusion of some uses with retail sales in predominantly "industrial" districts, and other factors. The amount of taxable sales generated by industrial development varies greatly but can be substantial, depending on such factors as the types of businesses, the volumes of each business, and the proportion that is taxable. A previous study showed that 1987 taxable sales in an industrial area amounted to approximately $41 per square foot, exclusive of office space.[13] Adjusted to 1989 dollars, this would be approximately $45 per square foot, which would yield approximately $0.45 per square foot of tax revenue to the City.

As shown in Table 11, the resulting sales tax revenue is estimated at $175,700.

Utility Users' Tax. Using a methodology similar to that described above for the proposed commercial project, utility users' tax revenues from industrial development are estimated at $178,200, as shown in Table 12.

Business Licenses. Using a methodology similar to that described above for the proposed commercial project, business license revenues from industrial development are estimated at $8,100, as shown in Table 13.

One-time Fees. As discussed above, one-time revenues would not contribute to the ongoing annual revenue that is the basis of this fiscal impact analysis and have not been included in the

analysis. In general, the City's one-time fees would also be applicable to industrial development and are anticipated to provide a level of one-time revenue similar to that of commercial development.

Service Costs

Police and Fire Protection. As discussed above, the project site is located in a developed area of Vallejo that is already served by the Vallejo Police and Fire Departments, and these two departments do not anticipate that additional personnel or resources would be required to provide service at the current level to the proposed project area. Although no additional marginal costs for police and fire protection can be identified for industrial development at the project site, an allocation of a share of the existing Police and Fire Department costs (average costs) can be made, based on estimated industrial employment's 0.8 percent of Vallejo population. Applying this factor results in a police service cost of $110,300 and a fire protection cost of $66,200.

General Government and Public Works. There are no specific additional costs for General Government or Public Works that are anticipated to occur as a result of the proposed project, but, again using the approach of allocating a pro rata share of total costs to the project results in costs of $36,400 for General Government and $49,200 for Public Works, as shown in Table 1.

CONCLUSION

The direct employment impacts of the proposed commercial development and permitted industrial development would be similar in terms of both quantity and wage levels, and it is likely that weak demand for industrial space would delay the actual generation of industrial jobs. Thus, the beneficial economic impact of job creation within Vallejo would be similar or somewhat more favorable for commercial development relative to industrial development.

The indirect employment impacts of permitted industrial development would be substantially greater than those of the proposed commercial development. However, most of the indirect employment generation would occur outside of Vallejo, and weak demand for industrial space would delay the actual generation of these indirect industrial-related jobs. The direct job

generation within Vallejo discussed above is more important in terms of the relative beneficial employment effects of commercial and industrial development.

The net fiscal impact of commercial development (approximately $584,600 revenue to the Vallejo General Fund per year) is substantially greater than that of industrial development (approximately $114,700 per year). This is primarily due to the greater level of sales tax revenue generated by retail development.

The effects of Phase I development considered alone would be comparable to those of the entire project. Direct employment impacts would be roughly similar, indirect employment generation would be substantially greater for industrial development, and commercial development would produce a substantially greater fiscal surplus for Phase I development alone.

NOTES:

1. Gruen Gruen + Associates, Employment Densities by Type of Workplace, July 1985.

2. Keyser Marston Associates, Inc., "Preliminary Market Findings for Kaiser Property", Memorandum to Alvaro P. daSilva, Director of Economic Development, City of Vallejo, April 19, 1989.

3. Cecile Marasigan, Tax Revenue Accounting Manager, County of Solano, telephone communications, 7 December 1989 and 8 December 1989.

4. Keyser Marston Associates, Inc., "Preliminary Market Findings for Kaiser Property", Memorandum to Alvaro P. daSilva, Director of Economic Development, City of Vallejo, April 19, 1989.

5. Grubb & Ellis Commercial Real Estate Services, Walnut Creek, Price Listing for Industrially-zoned parcel, December 1989.

6. Carla Repetto, Repetto Realty, Inc., letter to Alvaro P. daSilva, Director of Economic Development, City of Vallejo, November 9, 1989.

7. City of Los Angeles Planning Department, Environmental Division, EIR Manual for Private Projects.

8. Mrs. Davis, Temporary Customer Service Supervisor, Pacific Gas and Electric Company, Vallejo Office, telephone communication, 7 December 1989.

9. Bill Thomas, Administrative Assistant for Planning, Vallejo Police Department, telephone communication, 7 December 1989.

10. California Department of Finance, Population Research Unit, Summary Report E-5 Population and Housing Estimates for California Cities and Counties, 25 April 1989. Calculations by EIP Associates.

11. Vince Sarullo, Assistant Fire Marshall, Vallejo Fire Department, telephone communication, 5 December 1989.

12. Cecile Marasigan, Tax Revenue Accounting Manager, County of Solano, telephone communication, 7 December 1989.

13. Angus McDonald & Associates, The Fiscal Impact of Blakeley Swartz Ranch: Butte County, Final Report, prepared for Blakeley Swartz California Property Investors, June 1988.

Table 2: Estimated Employment Accommodated by Proposed Meadows Plaza Retail/Restaurant Development

	Land Use Type	Sq. Ft. (1)	Sq. Ft. Per Emp. (2)	Direct Emp.	Indirect Emp. Factors (3)	Indirect Emp.
PHASE I						
Wal-Mart	Retail	116,418	(4)	245	1.20	294
Wal-Mart Exp.	Retail	30,000	(4)	63	1.20	76
Major 1 (Food)	Retail	50,000	510	98	1.20	118
Pad A	Restaurant	6,000	173	35	1.32	46
Subtotal (I)		202,418		441		533
PHASE II						
Major 2	Retail	31,400	510	62	1.20	74
Major 3	Retail	17,500	510	34	1.20	41
Small Shops B & C	Retail	16,400	510	32	1.20	39
Pad B	Restaurant	4,000	173	23	1.32	31
Pad C	Restaurant	5,000	173	29	1.32	38
PHASE III						
Building 1	Retail	12,000	510	24	1.20	28
Buildings 2 & 3	Retail	32,000	510	63	1.20	75
Gas Station	Service Commercial	5,000	487	10	1.70	17
Subtotal (II & III)		123,300		277		343
GRAND TOTALS		325,718		717		876

Source: EIP Associates and as noted below.

Notes:
1. Square footage of proposed uses provided by The Kivelstadt Group, with the exception of the two Wal-Mart units in Phase I, for which square footage was provided by Wal-Mart Stores Inc.
2. Based on employee density factors in Gruen Gruen & Associates, Employment Densities by Type of Workplace, July 1985.
3. Direct, Indirect, and Induced (Type II) Input-Output multipliers from Association of Bay Area Governments, Center for Analysis and Information Services, 1982 Input-Output Model and Economic Multipliers for the San Francisco Bay Region, June 1986.
4. Wal-Mart employment based on actual anticipated employment, per San Francisco Chronicle, "Wal-Mart Will Open 3 California Stores", July 19, 1989.

Table 3: Estimated Employment Accommodated by Industrial Development at Meadows Plaza Site

Land Use	Percent of site (1)	Acres	FAR	Sq. Ft.	Sq. Ft. Per Emp. (2)	Direct Emp.	Indirect Emp. Factors (3)	Indirect Emp.
. Warehousing/ Distribution	40%	12.1	0.37	195,179	586	333	3.42	1,139
. Light Manufacturing	20%	6.1	0.37	97,590	591	165	2.76	456
. Business Services	30%	9.1	0.26	101,698	487	209	2.00	418
. R&D/Office	10%	3.0	0.26	33,899	264	128	2.00	257
otals, of which:	100%	30.3		428,367		835		2,269
hase I	57%	17.3		244,427		477		1,295
hases II & III	43%	13.0		183,939		359		974

ource: EIP Associates and as noted below.

otes:

. Based on industrial land use mix in Keyser Marston Associates, nc., Preliminary Market Findings for Kaiser Property, April 19, 1989.

. Based on employee density factors in Gruen Gruen & Associates. mployment Densities by Type of Workplace, July 1985.

ultipliers for the San Francisco Bay Region, June 1986.

. Direct, Indirect, and Induced (Type II) Input-Output multipliers rom Association of Bay Area Governments, Center for Analysis and nformation Services, 1982 Input-Output Model and Economic ultipliers for the San Francisco Bay Region, June 1986.

Table 4: City of Vallejo General Fund Revenue Sources
1989-90 Fiscal Year, Proposed Budget (1)

Category (2)	Revenue	Percent of Total
Property Taxes	6,975,000	20.7%
Sales & Use Tax	6,200,000	18.4%
Utility Users Tax	5,148,000	15.2%
Motor Vehicle in-Lieu	3,600,000	10.7%
Use of Money & Property	2,206,000	6.5%
Charges for Current Services	2,132,200	6.3%
Franchise Tax	1,455,000	4.3%
Licenses & Permits	1,222,750	3.6%
Construction Permits		
Other		
Transfers	1,215,500	3.6%
Public Facilites Tax	1,000,000	3.0%
Transient Lodging	825,000	2.4%
Property Transfer Tax	800,000	2.4%
Business Licenses	395,000	1.2%
Other	308,000	0.9%
Revenue From Other Agencies	242,000	0.7%
Fines, Forfeits & Penalties	40,000	0.1%
TOTAL	33,764,450	100.0%

SOURCE: City of Vallejo, Proposed Budget Fiscal Year 1989-90, 12, 1989

Notes:
1. The 1989-90 Adopted Budget is not available; however, it is similar to the Proposed Budget used in this analysis.
2. Excludes Marine World Lease Revenue and Payments

Table 5: Property Tax Revenue, Proposed Commercial Uses

Item	Sq. Ft.	Cost Sq. Ft.	Total Cost
PHASE I			
Site Preparation	550,081	$2.85	$1,567,731
Construction			
Major Retail	166,418	30.00	4,992,540
Retail Expansion	30,000	30.00	900,000
Restaurant	6,000	50.00	300,000
Design, Engineering, Planning, Contingency, Etc. (30%)			2,398,081
Increase in Land Value	752,499	1.00	752,499
Phase I Subtotal			10,910,851
PHASE II			
Site Preparation	99,044	[illegible]	[illegible]
Construction			
Major Retail	48,000	30.00	[illegible]
Small Shop	16,400	35.00	574,000
Restaurant	9,000	50.00	450,000
Design, Engineering, Planning, Contingency, Etc. (30%)			[illegible]
Increase in Land Value	322,341	1.00	322,341
Phase II Subtotal			4,[illegible],647
PHASE III			
Site Preparation	194,936	2.85	555,568
Construction			
Small Shop	44,000	35.00	1,540,000
Gas Station	5,000	45.00	225,000
Design, Engineering, Planning, Contingency, Etc. (30%)			696,170
Increase in Land Value	243,936	1.00	243,936
Phase III Subtotal			3,260,674
TOTALS (Assessed Value)			18,581,172
Property Tax (1%), of which:			185,812
Phase I			108,409
Phases II & III			77,403
Vallejo Gen Fund Share (6.6%) (1), of which:			12,264
Phase I			7,155
Phases II & III			5,109

Source: The Kivelstadt Group, EIP Associates

Notes:
1. Cecile Marasigan, Tax Revenue Accounting Manager, telephone communications, 7 December 1989 and 8 December 1989.

Table 6: Sales Tax Revenues, Proposed Commercial Uses

Land Use	Type	Sq. Ft.	Sales Sq. Ft. ($1989) (1).(2)	Percent taxable	Sales tax (1%) ($1989)
PHASE I					
Wal-Mart (3)	Retail	116,418	$231	100%	268,926
Wal-Mart Exp.	Retail	30,000	231	100%	69,300
Major 1 (Food)	Retail	50,000	313	25%	39,125
Pad A	Restaurant	6,000	161	100%	9,670
subtotal (I)		202,418			387,021
PHASE II					
Major 2	Retail	31,400	204	100%	64,036
Major 3	Retail	17,500	180	100%	31,504
Small Shops B & C	Retail	16,400	172	100%	28,222
Pad B	Restaurant	4,000	161	100%	6,447
Pad C	Restaurant	5,000	164	100%	8,058
PHASE III					
Building 1	Retail	12,000	172	100%	20,650
Buildings 2 & 3	Retail	32,000	172	100%	55,067
Gas Station	Service Commercial	5,000	100	100%	5,000
subtotal (II & III)		123,300			218,985
GRAND TOTALS		325,718			605,005

Source: EIP Associates, and as noted below.

Notes:
1. Except for Wal-Mart (see note 3 below), anticipated annual sales per square foot from: Urban Land Institute, Dollars & Cents of Shopping Centers, 1987.
2. Annual sales inflated to 1989 dollars using: U.S. Bureau of Labor Statistics, Consumer Price Indexes, August 1989. Calculations by EIP Associates.
3. Anticipated annual sales per square foot for Wal-Mart from: Wal-Mart 1989 Annual Report, Fiscal Year Ending January 31, 1989, page 2.

Table 7: Utility Users Tax, Proposed Commercial Uses

Land Use		Sq. Ft.	Usage Factor (1) (kWh/sq. ft./yr.)	Consumption (kWh)	Cost (2) at $0.100 per kWh	tax Revenue (7.5%) (3)
ELECTRICITY						
PHASE I						
Wal-Mart	Retail	116,418	47.8	5,564,780	556,478	41,736
Wal-Mart Exp.	Retail	30,000	47.8	1,434,000	143,400	10,755
Major 1 (Food)	Retail	50,000	47.8	2,390,000	239,000	17,925
Pad A	Restaurant	6,000	76.9	461,400	46,140	3,461
subtotal (I)		202,418				73,876
PHASE II						
Major 2	Retail	31,400	47.8	1,500,920	150,092	11,257
Major 3	Retail	17,500	47.8	836,500	83,650	6,274
Small Shops B & C	Retail	16,400	47.8	783,920	78,392	5,879
Pad B	Restaurant	4,000	76.9	307,600	30,760	2,307
Pad C	Restaurant	5,000	76.9	384,500	38,450	2,884
PHASE III						
Building 1	Retail	12,000	47.8	573,600	57,360	4,302
Buildings 2 & 3	Retail	32,000	47.8	1,529,600	152,960	11,472
Gas Station	Service Commercial	5,000	95.2	476,000	47,600	3,570
subtotal (II & III)		123,300				47,945
Total Electricity		325,718				121,821
GAS			(C.F./sq. ft./yr.)	(therms)	$0.537 per therm	
PHASE I						
Wal-Mart	Retail	116,418	20	23,284	12,512	938
Wal-Mart Exp.	Retail	30,000	20	6,000	3,224	242
Major 1 (Food)	Retail	50,000	20	10,000	5,374	403
Pad A	Restaurant	6,000	20	1,200	645	48
subtotal (I)		202,418				1,632
PHASE II						
Major 2	Retail	31,400	20	6,280	3,375	253
Major 3	Retail	17,500	20	3,500	1,881	141
Small Shops B & C	Retail	16,400	20	3,280	1,763	132
Pad B	Restaurant	4,000	20	800	430	32
Pad C	Restaurant	5,000	20	1,000	537	40
PHASE III						
Building 1	Retail	12,000	20	2,400	1,290	97
Buildings 2 & 3	Retail	32,000	20	6,400	3,439	258
Gas Station	Service Commercial	5,000	3.3	165	89	7
subtotal (II & III)		123,300				960
Total Gas		325,718				2,592

1978 0115

Table 7 (continued)

TELEPHONE			(4)	
PHASE I				
Wal-Mart	Retail	116,418	279,403	20,955
Wal-Mart Exp.	Retail	30,000	72,000	5,400
Major 1 (Food)	Retail	50,000	120,000	9,000
Pad A	Restaurant	6,000	14,400	1,080
subtotal (I)		202,418		36,435
PHASE II				
Major 2	Retail	31,400	75,360	5,652
Major 3	Retail	17,500	42,000	3,150
Small Shops B & C	Retail	16,400	39,360	2,952
Pad B	Restaurant	4,000	9,600	720
Pad C	Restaurant	5,000	12,000	900
PHASE III				
Building 1	Retail	12,000	28,800	2,160
Buildings 2 & 3	Retail	32,000	76,800	5,760
Gas Station	Service	5,000	12,000	900
	Commercial			22,194
subtotal (II & III)		123,300		58,629
Total Telephone		325,718		183,042
TOTAL ALL UTILITIES, of which:				111,943
Phase I				71,099
Phases II & III				

Source: EIP Associates, and as noted below.

Notes:
1. City of Los Angeles Planning Department, Environmental Division, EIR Manual for Private Projects.
2. Mrs. Davis, Temporary Customer Service Supervisor, Pacific Gas and Electric Company, Vallejo Office, telephone comunication, 7 December 1989.
3. Nancy Rowley, Accountant, City of Vallejo Finance Department, personal communication, 5 December 1989.
4. $100 per month usage per 500 square feet.

able 8: Business Licenses, Proposed Commercial Uses

and Use	Type	Sq. Ft.	Sales Sq. Ft. ($1989) (1),(2)	Total Sales	Annual License Fee Class. A (3)
HASE I					
al-Mart (4)	Retail	116,418	$231	26,892,558	$2,319
al-Mart Exp.	Retail	30,000	231	6,930,000	$1,177
ajor 1 (Food)	Retail	50,000	313	15,649,973	$1,769
ad A	Restaurant	6,000	161	967,003	$440
subtotal (I)					5,705
HASE II					
ajor 2	Retail	31,400	204	6,403,601	$1,132
ajor 3	Retail	17,500	180	3,150,429	$794
mall Shops B & C	Retail	16,400	172	2,822,197	$751
ad B	Restaurant	4,000	161	644,669	$359
ad C	Restaurant	5,000	161	805,836	$401
HASE III					
uilding 1	Retail	12,000	172	2,065,022	$643
uildings 2 & 3	Retail	32,000	172	5,506,727	$1,049
as Station	Service	5,000	100	500,000	$316
	Commercial				
subtotal (II & III)					5,446
OTAL S		325,718		72,338,015	11,151

ource: EIP Associates, and as noted below.

ote:
1, Except for Wal-Mart (see note 3 below), anticipated annual ales per square foot from: Urban Land Institute, Dollars & ents of Shopping Centers, 1987.
2, Annual sales inflated to 1989 dollars using: U.S. Bureau f Labor Statistics, Consumer Price Indexes, August 1989.
alculations by EIP Associates.
3, See text for explanation of calculation of License Fee.
4, Anticipated annual sales per square foot for al-Mart from: Wal-Mart 1989 Annual Report, Fiscal Year nding January 31, 1989, page 2.

Table 9: City of Vallejo General Fund Expenditures
1989-90 Fiscal Year, Proposed Budget (1)

Category	Expenditure	Percent of Total
Police	13,759,516	39.5%
Fire	8,263,000	23.7%
Public Works	6,133,134	17.6%
General Government	4,543,775	13.1%
Fixed Charges	2,112,600	6.1%
TOTAL	34,812,025	100.0%

SOURCE: City of Vallejo, Proposed Budget Fiscal Year 1989-90, May 12, 1989

Notes:
1. The 1989-90 Adopted Budget is not available; however, it is very similar to the Proposed Budget used in this analysis.
2. Excludes Marine World Lease Revenue and Payments

Table 10: Property Tax Revenue, Industrial Development

Item	Sq. Ft.	Cost/ Sq. Ft. (1)	Total Cost
ENTIRE PARCEL (30.3 ACRES).			
Site Preparation	890,412	$2.85	2,537,675
Construction			
1. Warehousing/ Distribution	195,179	23.98	4,680,399
2. Light Manufacturing.	97,590	28.71	2,802,043
3. Business Services	101,698	53.47	5,437,954
4. R&D/Office	33,899	53.47	1,812,651
Design, Engineering, Planning, Contingency, Etc. (30%)			5,181,217
TOTALS (Assessed Value)			22,451,940
Property Tax (1%)			224,519
Vallejo Gen Fund Share (6.6%), of which:			14,818
Phase I			8,455
Phases II & III			6,363

Source: EIP Associates, and as noted below.

Notes:
1. Construction costs taken from: City of Vallejo, Office of the Building Official, Building Valuation Data, undated.

Table 11: Sales Tax Revenues, Industrial Uses

Land Use	Percent of site (1)	Acres	FAR (2)	Sq. Ft.	Taxable Sales/ Sq. Ft. (3)	Tax Revenue/ Sq. Ft.	Total Sales Tax Rev.
1. Warehousing/ Distribution	40%	12.1	0.37	195,179	$45	$0.45	$86,952
2. Light Manufactu	20%	6.1	0.37	97,590	45	$0.45	$43,476
3. Business Servic	30%	9.1	0.26	101,698	45	$0.45	$45,307
4. R&D/Office	10%	3.0	0.26	33,899	0	$0.00	$0
Total, of which:	100%	30.3		428,367			175,735
Phase I	57%						100,275
Phases II & III	43%						75,460

Source: EIP Associates, and as noted below.

Notes:
1. Keyser Marston Associates, Inc., Preliminary Market Findings for Kaiser Property, April 19, 1989.
2. Mike Miering, City of Vallejo Planning Department, telephone communication. 4 December 1989. Calculations by EIP Associates.
3. Angus McDonald & Associates, The Fiscal Impact of Blakeley Swartz Ranch: Butte County, June, 1988.

Table 12: Utility Users Tax, Industrial Uses

Land Use	Sq. Ft.	Usage Factor (1) (kWh/sq. ft./yr.)	Consumption (kWh)	Cost (2) $0.100 per kWh	Tax Revenue (7.5%) (3)
ELECTRICITY					
1. Warehousing/ Distribution	195,179	14.4	2,810.582	281,058	21,079
2. Light Manufacturing.	97,590	50.1	4,889,241	488,924	36,669
3. Business Services	101,698	95.2	9,681,680	968,168	72,613
4. R&D/Office	33,899	34.2	1,159,361	115,936	8,695
subtotal	428,367		18,540,863	1,854,086	139,056
GAS		(C.F./sq. ft./yr.)	(therms)	$0.537 per therm	
1. Warehousing/ Distribution	195,179	3.3	6,441	3,461	260
2. Light Manufacturing.	97,590	3.3	3,220	1,731	130
3. Business Services	101,698	3.5	3,559	1,913	143
4. R&D/Office	33,899	3.5	1,186	638	48
subtotal (Gas)	428,367		14,407	7,742	581
Telephone	428,367			(4) 514,040	38,553
GRAND TOTALS, of which:					178,190
Phase I					101,676
Phases II & III					76,514

Source: EIP Associates, and as noted below.

Notes:
1. City of Los Angeles Planning Department. Environmental Division, EIR Manual for Private Projects.
2. Mrs. Davis, Temporary Customer Service Supervisor, Pacific Gas and Electric Company, Vallejo Office, telephone comunication, 7 December 1989.
3. Nancy Rowley, Accountant, City of Vallejo Finance Department, personal communication, 5 December 1989.
4. $100 per month usage per 500 square feet.

Table 13: Business Licenses. Industrial Uses

Land Use	Sq. Ft.	Rcts./ Sq. Ft. ($1989)	Total Sales	Annual License Fee Class. A
1. Warehousing/ Distribution	195,179	$200	39,035,858	$2,794
2. Light Manufac.	97,590	$200	19,517,929	$1,976
3. Business Serv.	101,698	$200	20,339,663	$2,017
4. R&D/Office	33,899	$250	8,474,860	$1,302
TOTALS, of which:	428,367		87,368.310	$8,089
Phase I				4,615
Phases II & III				3,473

Source: EIP Associates

ATTACHMENT 2

PLANNING DIVISION
STAFF REPORT & RECOMMENDATION

Resolution of Intention #1001
Amendment Petition #1002
Agenda Item #M3, M4, M5 Planned Development #89-09 Date of Hearing: February 21, 1990

I. SUMMARY DATA

A. Application: To change the General Plan land use designation from Employment to Retail; to rezone two parcels of land from IU, Intensive Use to PDC, Planned Development Commercial; and to approve a Planned Development Master Plan for a shopping center. These actions are governed by Chapter 17.04-General Plan Amendments, Chapter 16.86-Amendments, of Chapter 16.108-Planned Development Commercial District, Chapter 16.116-Planned Development Permit Procedure, of the Vallejo Municipal Code.

B. Owner: OMIRP Properties, Inc.

C. Applicant: The Kivelstadt Group

D. Location: Between Broadway and Sonoma Boulevard at Meadows Drive, Assessor's Parcel No. 67-150-10 and 11

E. Public Notice: Notice of the hearing on the projects was sent to property owners within 300 feet of the property on February 7, 1990, further notice of the public hearing was published in the Times-Herald on February 9, 1990. In addition the proposed project site was posted by the Planning Division 10 days prior to the public hearing.

II. DETAILED PROJECT DESCRIPTION

The Meadows Plaza Shopping Center site is located on Sonoma Boulevard, north of Highway 37 and south of Mini Drive. It includes 17.275 acres and is bounded by Sonoma Boulevard on the west and Broadway on the east. The site is presently nonproductive vacant land. The current zoning for the property is Intensive Use, IU; the proposed zoning is Planned Development Commercial, PDC.

The project is composed of a 122,963 square foot Wal-Mart retail store with a garden center and a tire installation/auto lube facility; an approximately 6,000 square foot pad building, which will be utilized as either a sit-down restaurant or some other retail or service usage, and a major retail anchor tenant of up to 50,000 square feet. The design of the Wal-Mart store will provide for an expansion of up to 30,000 square feet.

The primary entry to the proposed project will be at Meadows Drive and Sonoma Boulevard with two secondary access points provided from Broadway. In order to facilitate traffic flow within the project an interior loop

road will connect the major entrance on Sonoma Boulevard and Meadows Drive with the major entrance off of Broadway. The loop road will pass in front of the Wal-Mart entrance, provide access to the garden center and auto service area, pass in front of the Pad, and connect to the west side of the Major Tenant parking lot. The loop road is also designed to allow connection to the adjoining vacant land to the north should that land ever develop with commercial or office type land uses. There will be initially 1,116 parking spaces provided; with the expansion of Wal-Mart the parking count is proposed to be reduced to 1048 spaces. Of that total, 977 are proposed to be standard sized, 61 are proposed as compact, and there are 10 spaces provided for handicapped.

The exterior of the Wal-Mart and Major anchor buildings will feature strong horizontal lines supplemented with color and form which will help reduce the buildings' scale and proportions. The use of lattice design stonework under stepped forms will help break up the length of the elevations. Both main buildings are designed with compatible colors, fascias, columns and materials. Materials are proposed to be split-face block on the lower portion of the building and plaster or dry-vit on the upper portions. Colors are primarily gray, blue and white.

III. PLANNING POLICY CONSIDERATIONS

A. General Plan

The General Plan land use designation for this area is for "Employment". As part of this application the applicant is proposing to change the designation to "Retail Commercial". The text of the General Plan notes that "the area around the northern end of Sonoma Boulevard suffers from poor planning in the past and the current mixture of uses includes trailer parks, vacant land, industrial and commercial uses. Lack of parking and loading space has created serious interference with surrounding uses." (page 23).

The General Plan recognizes the importance of having industrial land available for development within the City and the need to have a balance between jobs and housing.

One of the specific goals of the General Plan is:

> "To have a higher percentage of residents working in the Vallejo area." (pg 24)

A related policy is:

> "Review large vacant acreages for potential industrial development; existing industrially zoned areas should not be rezoned unless the zoning is appropriate." (pg 24)

Due to these provisions of the General Plan, staff asked that the applicant have an economic analysis prepared. EIP Associates

prepared and submitted an analysis (which is attached as Enclosure A). That analysis indicates that the proposed commercial development would generate an estimated 440 jobs, while the mix of industrial uses most likely to be developed would generate an estimated 477 jobs. It further indicates that the weak demand for industrial land within the City of Vallejo would likely cause development over a protracted period of time thus reducing the employment benefit of industrial development. The report indicated that both the commercial and industrial development would generate jobs with a similar distribution of wage levels, with the majority of jobs in both cases in the lower wage categories. Further, while the indirect job generation would be substantially higher for the industrial development, most of those jobs would be outside of Vallejo. The report indicated that for the first phase of development, the commercial development would generate a net fiscal surplus to the City of approximately $374,100 per year while the industrial development would only generate a net fiscal surplus of approximately $65,400 per year.

B. Traffic and Circulation

As part of the project review, staff requested that a traffic analysis be prepared (Enclosure E). The analysis, prepared by TJKM Consultants, indicates that while the existing level of service (LOS) is acceptable for most of the intersections adjacent to this project, the intersections of Sonoma Blvd./State Route 37 and Broadway/State Route 37 are operating at a LOS D. The analysis further indicated that with the improvements that were being installed as part of the project the LOS would stay the same for all the inter-sections, except for Meadows Drive/Sonoma Blvd. Due to Meadows Drive and Sonoma Blvd. becoming a four leg intersection with left turn pockets, delay time at the intersection for traffic traveling north would actually increase slightly. However, the increase in the delay time is more a factor of the improvements to the intersection rather than the traffic from the project. The level of service at Highway 37 and Broadway would improve, due to the mitigation measures that would be undertaken as part of the project.

C. Scenic Highways

The General Plan notes that State Highway 29 (Sonoma Boulevard) has been listed as eligible For Official Scenic Highway designation. In addition, the General Plan includes a specific goal to address development along our designated highways so as;

> "To protect and enhance the visual corridors of designated scenic routes." (pg 13)

1478 0045

A specific policy related to that goal and this project is:

> "Coordinate new development along scenic corridors; ..... requirements may include limited access, screening, landscaping, modified road design standards and park strips." (pg 13)

In addition there are policies in the General Plan related to the goal of insuring that retail sales areas should be "attractive, exciting shopping areas". Policy 5 under Business Street Design states: "Large parking lots should be buffered from the street", and Policy 6 states: "Heavily travelled commercial streets, for example Sonoma Boulevard, should be landscaped to reduce impact and to provide a sense of enclosure."

Due to these policies, the applicant was requested to prepare a visual analysis (Enclosure B). The report, prepared by EIP Associates, analyzes the existing conditions of the site and projects the potential visual impact that the proposed project might have. The report disrobes the site as a vacant lot which, prior to recent cleaning and grading, had been used for storage. The report further indicates that the project will be a significant change to the existing character of the site, but that the proposed buildings have been designed to diminish the potential adverse visual impact. The report suggests mitigation measures which have already been included in the project design to further improve the visual appearance of the site. Those mitigation measures are discussed as part of the CEQA requirements and included as conditions of approval.

E. Surrounding Land Use

To the south and the north of the project site is vacant land that is zoned IU, Intensive Use. To the west is Sonoma Boulevard (State Highway 29) beyond which is a single family residential neighborhood. To the east is Broadway beyond which is the Southern Pacific Railroad tracks and another single family residential neighborhood.

IV. RELATION TO CEQA

The project has been reviewed per the requirements of the California Environmental Quality Act. As part of the project submittal staff requested that the applicant have prepared a number of studies to address potential impacts. These studies included the "Visual Analysis Report", prepared by EIP Associates (Enclosure B); the "Hazardous Materials Site Assessment", prepared by Harding Lawson Associates (Enclosure C); the "Geotechnical Report", prepared by Harding Lawson Associates (Enclosure D); and the "Traffic Impact Study", prepared by TJKM Associates (Enclosure E). Staff reviewed these reports; and, based on the information contained therein and the project application, prepared an Initial Study, dated January 17, 1990 (Enclosure I). The Initial Study identified a number of areas of potential impacts that for the most part were evaluated by the

reports that were submitted. Those reports indicate that there are no significant impacts with regard to Earth, Water, Plant Life, Animal Life or Land Use. With regard to Light and Glare, Transportation and Circulation, and Aesthetics, the reports indicate potential impacts but all impacts created by the project can be fully mitigated.

A Public Notice of Intent to Adopt a Negative Declaration was subsequently prepared and posted January 19, 1990 (Enclosure J). Based on the above information a Draft Negative Declaration with mitigation measures has been prepared and is included in this report (Enclosure K). The Draft Negative Declaration includes proposed mitigation measures, many of which have already been included in the project design. With regard to the adverse potential visual impacts, the mitigation measures primarily deal with the following: providing additional landscaping along Sonoma Boulevard; installation of canopy trees along both sides of the entry drive; additional landscaping along the north facade of Wal-Mart; selection of appropriate plant materials given the site characteristics; use of compatible light fixtures that are designed in relationship to their use and location; and provision for the long term maintenance of the landscaping.

The Traffic Mitigations are divided into two categories, Off-Site Local Improvements and On-Site Improvements. The Off-Site Local Improvements include: participation in future improvements to the Mini Drive/Sonoma Boulevard and the Broadway/Mini Drive intersections; striping of a left-turn lane on the southern intersection of Broadway and Highway 37, and; installation of a signal on Broadway at the project entrance, when signal warrants prepared by the City within five(5) years of initial occupancy of the project indicate that it is needed; modification of the existing traffic signal at Sonoma Boulevard and Meadows Drive to allow for a four-legged intersection, with an eight phase traffic signal; and installation of a south-bound left turn pocket from Sonoma Boulevard and Meadows Drive intersection. The City as part of the project will be installing a median in Broadway, including a northbound left turn pocket which will be approximately 200 feet in length. The On-Site Improvements required for the project are a northbound deceleration lane off of Sonoma Boulevard into the project and an acceleration lane onto Sonoma Boulevard from the project. The developer shall also create an access easement to the adjacent property to the north; and the access to the service area for the Major Tenant shall be designed to allow for the safe movement of delivery vehicles without impacting other vehicular movements, and still providing adequate screening of the service area. The detailed mitigation measures are included in the attached Draft Negative Declaration and have been included as recommended conditions of approval for the Planned Development #89-09.

As required by CEQA, the Draft Negative Declaration was sent on January 21, 1990 to the State Clearinghouse for dissemination.

V. CONFORMANCE TO THE ZONING ORDINANCE

The parcels of land are currently zoned IU, Intensive Use. The applicant is proposing in one of its applications to rezone the property to PDC, Planned Development Commercial. The PDC zoning district was selected to allow specific definition of the proposed uses as well as specifically define the design parameters of the project. As such, the development standards are those submitted as part of this proposal for the Master Plan. This submittal provides sufficient details to satisfy the requirements of Section 16.116.040 of the Vallejo Municipal Code for the entire project.

VII. STAFF ANALYSIS

Staff's concerns with this project were principally divided into two areas. The first concern was with the proposed changes to the General Plan and the Zoning Designation from Employment/Industrial to Retail. While the General Plan allows types of retail zoning as a conditionally compatible with the Employment designation, it is staff's belief that the proposed project was significantly different than what that designation was supposed to be in relation to the General Plan. Therefore, although the General Plan designation could have possibly remained Employment and the property zoned PDC, Planned Development Commercial, the proposed project would not have been consistent with the intent of the General Plan. For staff to make any recommendation to the Planning Commission and the City Council on the change, given the Goals and Policies in the General Plan (see Section III), staff requested that the developer submit an economic evaluation to assure that their proposal was of economic benefit to the community.

That report, prepared by EIP Associates (Enclosure A), indicates that the existing and long term market for industrial land in the City of Vallejo is weak. In brief, the study found "that there is an excess supply of industrial real estate in the Bay Area, that recent Solano County industrial development has been limited primarily to small warehousing and distribution, and that Vallejo has not been a major industrial presence to date in the County". Because of this, it is unlikely that the development of the property in question with industrial type of users would happen any time in the near future. In addition the City of Vallejo has several other sites on which it is encouraging the development of industrial uses, leaving the potential for industrial development questionable.

With this in mind, staff was still concerned that the proposed project should satisfy the Goals and Policies in the General Plan related to the provision of employment opportunities for City residents and demonstration of economic benefit to the City. The EIP report indicates that employment under "the proposed commercial development and permitted industrial development would be similar in terms of both quantity and wage levels, and it is likely that weak demand for industrial space would delay the actual generation of the industrial jobs. Thus, the beneficial economic

impact of job creation within Vallejo would be similar or somewhat more favorable for commercial development relative to industrial development." The report further indicates that the indirect employment benefits while, greater for the permitted industrial use "would occur outside of Vallejo, and weak demand for industrial space again would delay the actual generation of these indirect industrial-related jobs". With regard to the net fiscal impact to the City the report indicates that the proposed commercial development would generate "substantially greater" revenues than that of industrial development, approximately $374,100 for commercial versus $65,439 for industrial.

Thus, based on the economic analysis, it would appear that the change to Retail in the General Plan and the Zoning designation would generate an equivalent number of jobs as industrial but in the near future as opposed to the distant future for industrial development. In addition, the fiscal benefit is greater to the City with the proposed change. It is thus staff's recommendation that the General Plan should be changed to Retail and that the Zoning designation should be changed to PDC, Planned Development Commercial.

Staff's other concern was with the development of the project itself. The applicant, its architects and engineers have been very cooperative in working with staff to address our concerns. For the most part, staff believes that the site plan is acceptable and the architecture is appropriate given the size of the buildings that are being proposed. There are, however, some minor issues with both the site plan and the architecture that need to be addressed.

The first issue is the site plan. One of the areas of concern is the site plan for the Major Tenant. The Major Tenant backs up to Broadway and the service entrance is separated by as little as 10 feet from the property line. In addition, it would appear from the survey prepared, the right-of-way in this area is less than adequate leaving, no additional room behind the proposed sidewalk for screening. Staff is also concerned that while the applicants' engineer has technically proven that the service driveway is adequate, the area available for service vehicles to maneuver is limited. There is not room for more than one delivery truck at a time to be unloading in the area although there is room for two additional trucks to wait on site. This combined with the concern that the parking in front of a supermarket has been proven to create circulation conflicts leads staff to propose that the Major Tenant should be moved forward approximately 18 feet into the fourteen parking spaces in front of the Major Tenant.

This would achieve a number of objectives: First, the area for landscaping along Broadway could be increased by an additional 5 feet for a total landscape screen of 15 feet. Second, the service area could be expanded by up to 13 feet providing better maneuverability and room for additional service vehicles to unload. Third, additional right-of-way if needed could be provided. Fourth, the building mass would be pulled further away from the street. Finally, the majority of parking in front of the building

would be eliminated leaving only four handicapped spaces to the south side of the market and 3 standard parking spaces to the north.

The applicant is opposed to this adjustment because through the design process so far they have lost a large percentage of their parking, and the proposed change would eliminate 12 additional parking spaces. Staff understands the concern, but the project after expansion is proposed to have a parking ratio of 1 parking space per 199 square feet. As staff proposed, the ratio would be reduced to 1 parking space per 202 square feet; well within the City of Vallejo standard of 1 parking space per 250 square feet and not a significant reduction in the ratio that the applicant has proposed. It should be noted that Wal-Mart, the anchor tenant, requires an overall parking ratio in excess of City requirements. However, due to the fact that the Major Tenant has not been selected and the size of the building could be reduced, staff recommends that the final resolution of this issue wait until the Unit Plan is submitted. By that time, the exact footprint of the Major tenant will be known, a survey will have been completed to identify available right-of-way, and detailed plans can be prepared at a larger scale to properly evaluate the service area.

Another site plan issue is access to the adjoining property. The applicant has agreed, per conditions outlined in the Master Plan, to allow for access to the adjoining property to the north should that property eventually be developed with some type of compatible land use. Staff was concerned that development of the subject property not preclude access because it is unlikely that there will be an opportunity to have another left in and out turn provided on Sonoma Boulevard. Staff has reviewed the conditions that the developer has proposed to allow access, and believe that they are reasonable and will allow the access to be created if needed.

Another issue that concerns staff is outside storage. While we have partially discussed this with regard to the Major Tenant and the applicant has included a reference in the Master Plan document; the issue needs to be further delineated.

The applicant is proposing as part of the Master Plan that Wal-Mart be allowed to park 13.5 ft. x 50 ft. trailers behind their building from time to time. While we do not routinely support this type of storage, staff understands that the Wal-Mart facility may need to do this during certain seasons of the year to satisfy peak demand. Staff, however, would like to have in the Master Plan a limit on the location and the number of trailers that can be stored at any one time. With regard to location and number, staff is recommending that the trailers be parked at the rear of the building, even with the building, across or diagonal to the parking stalls, allowing for a minimum of a 24 foot wide drive aisle, and they shall not be parked any farther to the east than 350 feet from the west end of the building.

With regard to other outside storage, page 9 of the Master Plan prohibits unenclosed outside storage, except for the trailers, which is acceptable. With regard to the TBO (tires,batteries and other) a provision should be

1478 0050

included that no inoperable vehicles be left over night outside of the building and further that no vehicles are to be repaired outside of the building.

The final issue with regard to storage is cart storage. As part of the unit plan for each phase, the applicant will have to submit an analysis which demonstrates that there is sufficient storage in designated areas of the parking lots for cart storage.

An issue already partially addressed as part of the Visual Analysis and CEQA review is landscaping and screening. While the applicant has addressed many of the concerns as part of the Master Plan, due to the general nature of the plan, staff concerns need to be further explained so that at the time of the Unit Plan submittals they are adequately addressed.

Landscape screening along Sonoma Boulevard needs to be significant. The screening can be a series of large clusters that provide dense pockets of material including large and medium size trees and shrubs spaced to provide carefully selected view corridors into the project. Adjacent to the TBO and the service areas, the screening should be virtually solid, allowing little or no views into that area.

Along Broadway, the concept should be the same. However, on the east side of Wal-Mart, the 15 feet that will remain after future expansion should be densely landscaped, and it should be made clear that the landscaping cannot be eliminated during the construction of the expansion. Behind the Major Tenant the landscaping should also be significant and continuous.

The Visual Analysis also recommends that "plantings should be added to the north facade of the Wal-Mart Building along the curb". This landscaped area should provide a variety of plant material that includes both vertical and horizontal material and should be designed so as not to be easily damaged by the pedestrian traffic patronizing the Wal-Mart store. Staff has also requested that some vertical planting be added at the rear of Wal-Mart in the parking area to help relieve the mass and height of the building.

The Visual Analysis also suggests the importance of the use of canopy trees along the major entrance, loop road and in the parking lot. The growth of trees in these locations has been a historical problem; and staff has requested, and the applicant has agreed, that the plant material selected be based on soil, underground water and wind conditions. Further, a maintenance plan will be developed to insure the establishment of the plant material and their long term vitality.

The final issue with regard to landscaping is that, due to the prominence of the site and the concern with the visual impact, staff is recommending that the site be both overplanted and that specimen material be used in critical areas.

Another issue with the site plan is lighting. While the applicant has agreed to use a consistent pallet of light fixtures and provide pedestrian light fixtures where appropriate, staff still has some concerns with the lighting design that needs to be addressed at the Unit Plan submittal.

With regard to the major fixtures, the applicant is proposing the fixtures be directional but on 39 foot standards on 2 -1/2 foot base and metal halide light bulbs where the City requires high pressure sodium vapor. Staff has requested that the height of the standards be limited to the height of the buildings; but the applicant has stated that Wal-Mart required the proposed height from a safety concern as well as a need to provide a light that is consistent with the interior to reduce the return of merchandise. While still concerned with the height of the fixtures staff, is only proposing that the lighting levels not exceed the minimum standards for this type of parking lots as required by the Crime Prevention Division.

Another concern is with the lighting at the rear of the buildings. These should be of a similar design as the fixtures in the parking lots, be directional,and the light spread be limited to the boundaries of the property.

With regard to the architecture, the staff is generally satisfied that the architecture, given the size of the buildings, is appropriate, and that the applicant and its architect have taken steps to address our concerns. At this point, many of staff's concerns are with the details that will need to be addressed at the time of the unit plan. Those concerns are discussed below.

The TBO is a relatively new addition to the project and no elevations have been submitted for that addition. Staff is concerned that the architecture for the TBO be consistent with the treatment on the remainder of the building, that the facility be fully enclosed and that any signs be designed to be consistent with the architecture.

The Sign Program in the Master Plan is not of sufficient detail at this point to insure that its fits the architecture of the project. As part of the Unit Plan submittal, a detailed sign program shall be submitted that identifies specific areas where the signs can be located, specific standards on their maximum and minimum sizes, the relation of the colors to those of the proposed project, their maximum coverage and their relationship to the architecture. Of specific concern is that the architecture be designed with specific signing areas, so that signs are not located over architectural features or allowed to float on a building in an undefined space.

Another issue not fully resolved is the design of the Pad building. The applicant has modified the Master Plan to include the statement that, "The retail pad design, although not presented in the submittal elevations, will also be compatible with the other Meadows Plaza structures in terms of colors and materials." Staff's concern is that the architecture, color, materials and signs should all be consistent with the design of the center.

1478 0052

However, for a single free standing user, a design may be appropriate that is of a different style of architecture and uses different materials and colors, but is still compatible. Although, if the building is not to be occupied by a single user, then the building should exactly conform to the overall design vocabulary for the center. Thus, staff is suggesting that the Master Plan be further amended to require that if the Pad building is divided into a multiple user, then the design shall be of the same design vocabulary.

VIII. STAFF RECOMMENDATION

It is staff's opinion that the proposed General Plan, Rezoning and the Master Plan are appropriate based on the analysis above and the additional information prepared by the applicant and its consultants. Therefore, staff is recommending that the Planning Commission recommend APPROVAL of the three following actions:

ACTION 1 Resolution of Intention # 1001

Forward a recommendation to the City Council to adopt the Draft Negative Declaration based on the review of the Initial Study and the attachments finding that there are no impacts associated with the change in the Land Use Designation to Retail Commercial and Approve Resolution of Intention #1001, Exhibit A-1, to change the General Plan in the area between Sonoma Boulevard and Broadway at the Meadows Drive intersection from Employment to Retail Commercial subject to the following:

Findings:

These findings are made based upon all evidence in the record, including but not limited to the staff report, testimony and written correspondence, all of which is incorporated by reference.

1. The proposed change in the Land Use Map of the General Plan is consistent with the Goals, Policies and intent of the General Plan to provide additional employment opportunities within the City as discussed in Section III of the staff report.

2. The change will allow the development of a project that will upgrade an under used portion of the community and provide additional employment and retail opportunities for the community as discussed in Section II, III, and VII of the staff report.

3. The proposed change will not have an adverse impact on the surrounding properties, and will allow improvement in the neighborhood as discussed in Section II, III and VII of the staff report.

1978 0053

ACTION 2: Amendment Petition # 1002

Forward a recommendation to the City Council to Approve Amendment Petition # 1002, Exhibit A-2, to rezone Assessor's Parcel No. 67-150-10 and 11, located between Sonoma Boulevard and Broadway across from Meadows Drive, to PDC, Planned Development Commercial, subject to the following:

Findings:

These findings are made based upon all evidence in the record, including but not limited to the staff report, testimony and written correspondence, all of which is incorporated by reference.

1. With the approval of Resolution of Intention #1001 the proposed change will conform to the General Plan designation of Retail Commercial as discussed in Section III of the staff report.

2. The proposed change is consistent with the Zoning Ordinance as discussed in Section V of the staff report.

3. The proposed change in the zoning designation will not have an adverse impact on the surrounding property as discussed in Sections III, IV, V, and VII of the staff report.

ACTION 3 Planned Development #89-09

Recommend that the City Council Approve Planned Development #89-09, the Master Plan for Meadows Plaza, Exhibit A-3, subject to the following:

Mitigations:

Visual Mitigation

1. The Developer of the Project shall submit as part of the Unit Plan landscape and irrigation plans which provide for additional landscape in these areas:

    a. Additional buffering vegetation along Sonoma Boulevard for the entire frontage of the project; special attention should be given to the service area for Wal-Mart.

    b. Since the redesign of the entrance has reduced the width of the median, canopy trees shall be shown on both sides of the entrance drive.

    c. Provide additional planting along the north facade of the Wal-Mart building along the curb.

    d. The selection of plant material should take into consideration the physical characteristics of the site including wind conditions and the underground water characteristics.

2. The Developer for the Project shall submit a lighting plan prior to building permit that includes cut sheets and photometry that complies with the requirements of the Building Security Administrative Rule 7.6. Focused and directional lighting shall be used. Lighting for pedestrian areas should be designed and located at a pedestrian scale.

3. The sign program submitted with the Unit plan submittal shall comply with the City of Vallejo Zoning Ordinance standards with regard to project signage.

4. The developer shall submit to the City of Vallejo prior to the time of issuance of occupancy permit for the Wal-Mart building a landscape maintenance plan and include provisions for maintenance within the CC&R's prepared for the project.

Traffic Mitigation

Off-Site Local Improvements

1. At such time that the City of Vallejo Public Works Department determines that traffic levels require, the developer shall participate in providing separate eastbound and westbound left turn pockets on Mini Drive at Sonoma Boulevard. This could be done by eliminating on-street parking on both sides of Mini Drive near the intersection and restriping the eastbound and westbound approaches to a left and two through lanes.

2. At such time that the City of Vallejo Public Works Department undertakes a signal warrant study for the intersection of Broadway and Mini Drive and that study indicates that a traffic signal is required, the developer/owner shall participate in proportion to their share of the cost of required improvements.

3. The developer shall provide left-turn lanes on Broadway and its intersection with Highway 37, by restriping the northbound approaches. (The southbound approach is being widened and restriped by Vallejo Garbage Service as part of another application). This can be done by adding one lane on Broadway by restriping the approach to create three lanes; a left-turn lane, a through lane and a separate right-turn lane. These improvements shall be installed prior to occupancy of the Wal-Mart building.

4. At the time a signal warrant study for Broadway, prepared by the City, at the project entrance indicates, provided the study was prepared within five years of the project occupancy, the developer/owner of the property shall install a traffic signal as determined by the Public Works Department. If the City goes forward with plans to construct a raised median on Broadway, a northbound left turn pocket with approximately 200 foot minimum storage length will be provided at each primary driveway.

5. The developer shall have the existing traffic signal at Sonoma Boulevard and Meadows Drive modified to allow for a four-legged intersection operation. With the traffic signal modification at this intersection, southbound left turn pocket from Sonoma Boulevard into the project shall also be provided. The left turn pocket should include a minimum of 200 feet of stacking length

plus a 120 foot transition taper. With the inclusion of the fourth leg into the intersection signal operation, a longer cycle length with eight phase operation would have to be provided. Traffic signal modification plans will be submitted to CalTrans for approval as part of the intersection improvement plans.

On-Site Improvements

To enhance site access and circulation, some site plan improvements were incorporated into the site plan that is currently being evaluated as part of Planned Development Permit #89-09. These improvements were included to mitigate potential impacts and they are as follows:

1. A northbound right turn deceleration lane is required on Sonoma Boulevard for traffic turning into the project driveway. A 315 foot long deceleration lane with a 120 foot long taper (a total length of 435 feet) is needed based on future traffic volumes and posted speed limit on Sonoma Boulevard. The deceleration lane shall be installed prior to any occupancy permits being granted.

2. A northbound acceleration lane may be required by CalTrans and, if so, it should have a length of 200 foot plus a 150 foot transition taper. The developer shall work with CalTrans to determine the potential need and if deemed necessary it shall be installed prior to occupancy of the Wal-Mart building.

3. The proposed project entrance on Sonoma Boulevard has a minimum of 50 foot on tangent at a 90 degree angle to State Route 29. The design of the project driveway should be closely coordinated between the civil engineers preparing the improvement plans and the traffic engineers preparing the signal modification plans. This is to ensure a smooth roadway alignment between Meadows Drive and the Project driveway from a signal operation standpoint and to allow conflict-free movement of eastbound and westbound vehicles.

4. The developer shall, subject to specified conditions, provide an access easement to the vacant property to the north across the project site. Vehicle access would only be required should the north property be developed with either retail or offices and if the adjoining property would pay their proportionate cost of the major access and internal roadway improvements, and the pro rata maintenance costs of the roadways serving the adjacent property.

5. Service access to the 50,000 square foot retail anchor on Broadway has been designed to allow for a smooth entry/exit operation of trucks. This includes returns of a 25 foot minimum radius. The developer shall have a turning radius analysis prepared and submitted for review and approval by the Planning Division and Public Works Department. If the design as proposed does not work per the Public Works Department's review, then the access should be redesigned to provide safe access and sufficient screening along Broadway which may entail reducing the depth of the building or moving it further to the west.

1478 0054

Findings:

These findings are made based upon all evidence in the record, including but not limited to the staff report, testimony and written correspondence, all of which is incorporated by reference.

A. With approval of the General Plan change to Retail Commercial, Resolution of Intention #1001, Action #1, the Master Plan for Meadows Plaza will be consistent with the Land Use Designation of the General Plan.

B. The proposed project as mitigated and conditioned will conform to all Goals and Policies of the General Plan as discussed in Section III of this staff report.

C. The Master Plan furthers the stated purpose of the Planned Development District by providing a high quality project which fits both the character and location of the project as discussed in Sections II and VII of the staff report.

D. The Master Plan is in conformity with and promotes public convenience, general welfare and good land use practice by providing a major shopping facility in the northern portion of the community and by improving the scenic quality of the two major thoroughfares.

E. The project as designed and conditioned will not be detrimental to health, safety and general welfare with the control of uses, the provision of lighting, fencing, landscaping and infrastructure improvements as discussed in Sections II, III, IV, V, and VII of the staff report.

F. The project as mitigated, conditioned and designed will not adversely affect the orderly development or the preservation of property values of surrounding areas because it provides a substantial improvement to vacant property allowing for the future planned growth and development within this portion of the City as discussed in Sections II, III and VII of the staff report.

Conditions to be satisfied with the submittal of the Unit Plan:

A. Items to be submitted per the Public Works Department comments:

1. Provide a survey of the right-of-way for Broadway. If the survey indicates that the right-of-way is less than 70.5 feet in any location along the project frontage City staff will review and approve developer's revisions to dimensions of the improvements on Broadway, consistent with the overall standards for such improvements on that street.

1478 0057

2. Provide bus turnout on Broadway north of the main entrance to the project (per Vallejo Transit's concurrence). Dedicate any necessary right-of-way (no more than 4 feet) for bus turnout.

3. Entrances to the project other than Sonoma Boulevard shall be standard driveway approach, unless otherwise approved by the City Engineer.

4. Truck loading/unloading area at the rear of the Major Tenant may be too tight; as part of the Unit Plan other options should be considered.

5. The driveway grades shall be no more than 3 percent slope.

B. Items to be submitted per VSFCD comments:

1. Show the 100 year overflow pattern on the preliminary grading plans. Building locations shall avoid the path.

2. Storm drainage runoff shall be conveyed over landscaped areas as feasible. This is to improve storm water quality leaving the site.

C. Items to be submitted per Building Division's comments:

1. Buildings less than 20 feet from the property line shall be 1 - hour construction.

2. The project shall comply with the Building Security Ordinance.

D. Items to be submitted per the Planning Division's comments:

1. Comply with the submittal requirements of the Zoning Ordinance per Section 16.116.070 and 16.116.080.

2. The location of the Major Tenant is to be determined based on a survey, the final floor plan that the tenant requires, the ability to access and service the designated tenant, the reduction of conflict in front of the Major Tenant and the ability to fully adequately the service area from Broadway.

3. The Master Plan should be modified to explicitly define the exact location of where the trailers are to be stored as the rear parking area behind Wal-Mart from the west edge of the building 350 feet to the east.

4. The Master Plan and CC&R's should include restrictions on exterior repair of vehicles and exterior storage of non-operable vehicles.

5. The unit plan shall demonstrate that there is sufficient storage in designated areas of the parking lots for shopping carts.

6. Submit and obtain staff approval of a detailed landscaping plan that specifically addresses all of the screening requirements outlined in the Visual Analysis, Negative Declaration and staff report. The plan shall pay special attention to the area along Sonoma Boulevard, Broadway, the parking lot, and the front and rear of Wal-Mart. The landscape plan should include the use of specimen plantings in critical areas.

7. The design and layout of the light fixtures shall be evaluated and a foot-candle analysis submitted to make sure that the quantity of light does not exceed City of Vallejo minimum standards.

8. Submit details and locations for all light fixtures, bicycle racks, trash receptacles, newspaper stands and other proposed exterior shopping center furniture.

9. The design for the TBO shall be consistent with the overall design concept in the Master Plan.

10. Submit a detailed sign program that identifies specific areas where the signs are to be located, specific standards on the maximum and minimum sizes of letters, the relationship of colors to those of the approved Master Plan, the maximum coverage and the relationship to the architecture.

11. Revise the architecture to provide specific signing areas.

12. Revise the text of the Master Plan to require that if the Pad building becomes multiple shop spaces the exterior shall have the same design vocabulary as the rest of the center.

General conditions to be complied with:

A. Conditions to reviewed and approved by the Public Works Department:

1. Plans must show the on and off site striping plans, median (landscaping) and all other mitigation measures for traffic improvements.

2. Underground the overhead utility lines along Broadway fronting the property.

3. Sign an agreement to participate in the cost of undergrounding the overhead utility wires along Sonoma Boulevard.

4. Install frontage improvements on Broadway including curb, gutter, sidewalk, street light and pavement widening, up to 15 feet in width, on project side as needed for the future widening of Broadway. The overall design of the widening on Broadway should consist of two sets of travel lanes (26 feet each direction), up to a 12 foot wide median and six foot sidewalk and curb and gutter on the project side and curb and gutter on the east side of Broadway.

5. A raised landscaped median with two (2) 200 foot left turn pockets at the two (2) project entrances on Broadway will be installed on Broadway along the project frontage plus any transition needed, all such improvements to be paid for by the City.

6. Install frontage improvements on Sonoma Boulevard including curb, gutter, acceleration and deceleration lanes, pavement widening needed to conform, street lights and street signage in conformity with plans approved by CalTrans. The timing of the installation of the street lights on Sonoma Boulevard to be agreed to by the City and the developer. The improvements shall be designed to accommodate the future installation of a six (6) foot sidewalk along Sonoma Boulevard by the City.

7. Install traffic control devices and related improvements in accordance with traffic mitigation plan prepared by TJKM.

8. Install traffic signal at the south entrance on Broadway, if warranted by a signal study prepared by the City within 5 years of full occupancy (including future expansion of WalMart of the project.

9. Obtain encroachment permit from CalTrans for performing any work within State Routes 29 and if necessary 37 right-of-way.

10. Site grading must be in compliance with the City Grading Ordinance. Submit supplemental soils investigation for review and approval.

11. Plans submitted to the Public Works Department for plan check shall be a completed set including all supporting documentation, calculations and pertinent reports. Plan set shall include but not be limited to grading and erosion control plans, improvement plans, joint trench

utility and street light plans and traffic mitigation plans. Plans must be prepared by an authorized Registered Engineer.

12. The project design engineer must be responsible for the project plans and must follow through during construction for any changes made from the approved plans subject to the City approval. At the completion of the project, the project design engineer must prepare and sign the "As Built". disclaimer,

13. Obtain street excavation permit from the Department of Public Works for performing any work within City streets. Pavement cutting and restoration work in a public street for utility installation shall require a street excavation permit. Street excavation shall conform to standards and methods as approved by the Public Works Department which will result in pavement restoration with minimal adverse impact to the pavement service life of the public street.

14. Provide bonds and pay applicable fees prior to approval of the project for construction.

15. This project shall comply with City Standards for public improvements unless specifically stated otherwise.

B. Conditions to be complied with per VSFCD review and approval:

1. VSFCD comments shall be construed to require modification of the project to any extent necessary to meet VSFCD requirements, unless specifically stated.

2. Project shall comply with District standards and design criteria.

3. The project as submitted was incomplete. The following information is needed:

   a. sufficient elevations (including contours),

   b. existing facilities (including buildings and easements),

   c. all proposed and existing District facilities to serve the project,

4. A VSFCD connection permit is required. Pay all applicable review and connection fees.

5. All storm drainage shall be collected onsite and conveyed underground to the public storm drain system.

1478 006

6. Provide complete improvement plans and supporting documentation for proposed sanitary sewage and storm drainage work for review and approval.

7. Non-District facilities serving more than one lot will not be allowed.

8. Provide project grading plan for review and acceptance.

9. Drainage from adjacent lands shall not be blocked.

10. Offsite District sanitary and/or storm drainage facilities shall be extended in proper easements as necessary.

11. District pipeline facilities shall be located in 15 foot wide easements or street rights-of-way.

12. Provide a standard District cleanout at the right-of-way/easement line per District standards.

13. The portion of onsite sewage system serving more than one legal parcel shall be a public system.

14. Comply with District Resolution 4138 regarding improvement of existing offsite storm drains and/or sanitary sewer facilities.

15. Comply with District pretreatment requirements for sanitary sewage.

16. Provide an agreement establishing maintenance/repair responsibility among commercial parcels using common private storm or sanitary sewer systems.

17. Offsite storm drainage facility shall be designed to accommodate an additional flow rate of approximately 80 cfs coming from the existing system at the intersection of Falcon and Stanford Drive.

18. Provide for dedication of an easement (15 feet in width) across property contiguous to the developer's southern boundary to accommodate the connection from Stanford/Falcon Drive. This easement is in addition to other easements which may be required for this project.

19. No trees or significant shrubs shall be planted within District easements.

C. Conditions to be complied with per the Fire Prevention Division's review and approval:

1. Water supply and access roads shall be provided prior to building permit sign off.

2. Water supply and access roads shall be provided prior to stock piling of combustible materials on site.

3. Plans for fire protection systems are required to be submitted, reviewed and accepted prior to system installation.

4. The Fire Department utilizes a key box system and requires the same to be installed for access purposes.

5. Every building is required to have address numbers per Fire Prevention Standard #205.

6. The storage and dispensing of flammable and combustible liquids on construction sites requires a permit.

7. Pay applicable fees.

8. Development sites shall be maintained weed free during construction.

9. Large trash receptacles placed adjacent to combustible construction, unprotected openings in structures, or in areas with heavy accumulations of vegetation extending over the top, shall be protected by at least one automatic fire sprinkler head.

10. Fire Division inspection required prior to occupancy.

11. Major Tenant and Pad buildings appear to require an automatic sprinkler system.

D. Conditions to be complied with per the Vallejo Garbage review and approval:

1. Enclosures for each bin should have inside dimensions of 10′ x 10′. Gates should be hinged at outside corners of enclosure opening.

2. There should be a minimum 20′ x 20′ x 6" reinforced concrete pad in front of the enclosure (excluding the pad within the enclosure).

3. The inside back and side walls of enclosures should have wooden or metal wear plates or bumpers.

4. Enclosures and service pad must be clear of overhead obstructions.

5. Enclosures should be placed so truck can drive directly into bin. There will be a bin rolling surcharge for indirect access where the bin must be rolled more than 20 feet.

6. Enclosure and pad shall be placed in an area with a slope of 2% or less to allow for drainage.

7. Gates must be unlocked for service, able to be opened at least 180 degrees and have a mechanism to hold them open during service.

8. All enclosures shall be inspected by Vallejo Garbage Service prior to bin delivery.

E. Conditions to be complied with per the Planning Division's review and approval:

1. Submit revised site plan for review and approval.

2. Prior to issuance of a building permit, the Planning Division shall confirm that the construction plot plan and elevations are in compliance with the approved plan.

3. All utility meters, transformers, etc., shall be screened in a manner approved by the Planning Division.

4. All commercial roof-mounted air conditioning or heating equipment, vents or ducts shall be screened from view in a manner approved by the Planning Division.

5. Submit details of trash enclosure for review and approval.

6. A sign permit is required prior to the erection of any sign, including flags, banners, etc.

E. Conditions that must be complied with per the Crime Division's review and approval:

1. Project shall comply with City of Vallejo, Administrative Rule 7.6 (Building Security Ordinance) and Chapter 12.48 et sec, Vallejo Municipal Code. It shall be the responsibility of the developer, project owner, architect, or general contractor to insure that all appropriate personnel have knowledge of all requirements of the ordinance and Chapter 12.48 and if necessary are provided copies of all documents.

2. The project developer, owner or general contractor shall provide the Vallejo Police Department, Crime Prevention Unit, a list of at least 2 persons, updated as necessary, who will be able to respond to the construction site after normal business or construction hours.

3. The construction site and all open storage of materials, supplies and equipment shall be secured by use of fencing and a lockable access gate. Any building or trailer used as storage or as an office shall be within the fenced portion of the construction site. The fenced area shall be illuminated during all hours of darkness.

4. Site lighting plans or designs shall be submitted to the Crime Prevention Unit for review and approval.

5. All pole mounted or raised fixtures at or near any walkway, breezeway, aisle, passageway, recess or driveway parking lot shall be a minimum of 8 feet in height from the ground to the lower base of the light fixture. The fixture housing shall be constructed so that the light is diffused downward. All light devices shall be protected by weather and vandal resistant covers.

6. All property site lighting shall be considered primary and all off-site lighting shall be considered secondary.

7. All exterior lighting fixtures installed at or near any driveway, walkway, aisle, passageway, recess, or parking lot shall be affixed in such a manner so as not to create a safety hazard to the occupants, surrounding property owners, visitors or customers.

8. All commercial property shall be posted with approved signage that prohibits illegal activity and gives notice for the legal removal of vehicles from private property under Section 22658 of the California Vehicle Code.

9. All plan or project changes shall be submitted to the Crime Prevention Unit for approval.

10. Obtain inspection from Crime Prevention Unit prior to occupancy.

F. Conditions that must be complied with per the Water Superintendent's review and approval:

1. Fire flow and pressure requirements of the Fire Department shall be satisfied. Fire flow at no less than 25 psig residual pressure shall be available within 1000 feet of any structure. One half of the fire flow shall be

available within 300 feet of any structure. For other developments, see the Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers.

2. Fire hydrant placement and fire sprinkler system installation, if any, shall meet the requirements of the Fire Department.

3. Hydraulic calculations shall be submitted to the Water Superintendent demonstrating that the fire flow requirements are satisfied.

4. Water system improvement plans shall be submitted to the Water Superintendent for review and approval, and shall contain at least:

   a. Location and size of fire sprinkler service connection(s).

   b. Location and size of domestic service connection(s).

   c. Location and size of irrigation service connection(s).

   d. Location of fire hydrants.

   e. Location of structures with respect to existing public water system improvements, such as mains, meters, etc.

   f. Location and size of any new water mains.

   g. Location and size of any off-site water system improvements.

5. The water system improvements shall be consistent with the Vallejo Water System Master Plan, 1985, prepared by Kennedy/Jenks Engineers.

6. Easements shall be provided for all water system improvements with minimum rights-of-way:

   a. 15 ft. wide (minimum) for water mains.

   b. 10 ft. wide (minimum) for fire hydrants, water meters, backflow preventors, double detector check valves, etc.

7. Backflow prevention devices are required on water service connections to irrigation systems, certain commercial water users, and to commercial fire sprinkler systems, per City Ordinance 922 N.C. (2d). Backflow devices shall be

installed in areas hidden by public view and/or screened by landscaping.

8. Each house/building should be metered separately.

9. Water service shall be provided by the City of Vallejo, following completion of the required water system improvements and payment of applicable fees. Performance and payment bonds shall be provided to the City of Vallejo prior to construction of water system improvements. Fees include those fees specified in the Vallejo Municipal Code, and fees for tapping, tie-ins, inspections, disinfection, construction water, and other services provided by the City with respect to the water system improvements.

10. Backflow prevention devices shall be installed in areas hidden from the public view and or mitigated by landscaping.

IX. APPEAL PROCEDURE

The applicant or any party adversely affected by the decision of the Planning Commission may within ten (10) days after the rendition of the decision of the Planning Commission appeal in writing to the City Council by filing such written appeal with the City Clerk. 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 day after the rendition of the decision of the Planning Commission.

a:\walmart

ATTACHMENT 3

THE
KIVEL
STADT
GROUP

February 2, 1990

DELIVERY BY HAND

Mr. Michael S. Meiring
Associate Planner
City of Vallejo
555 Santa Clara
Vallejo, California 94590

Re: Meadows Plaza Shopping Center
17.275 acres
Sonoma Boulevard, North of Highway 37
Vallejo, California (The "Project")

Dear Mike:

This is a restatement, supplement and substitution of the submittal forwarded to you on December 27, 1989 as the Project's application for General Plan Amendment, Rezone to Planned Development-Commercial and Master Plan. For your convenience, we have provided two clean copies of this letter and one copy red-lined to indicate changes from the December 27, 1989 submittal.

With the December 27, 1989 submittal, we enclosed the following documents:

1. A completed application for the General Plan Amendment, with the filing fee of $1,000;

2. A completed application for the Rezone to Planned Development-Commercial, with the filing fee of $500;

3. A completed application for the Master Plan for the Project, with a filing fee of $1,000;

4. A completed Applicant's Environmental Information Form, with a processing fee of $100;

5. Two copies of the list of property owners for the public notice requirements for the General Plan Amendment and Rezone, certified by the person who completed the list, as well as two sets of envelopes and one set of assessment maps marked to show the 300 foot boundaries, all as required by the City of Vallejo under its notice list requirements;

100 Spear Street
Suite 1640
San Francisco
California 94105
Tel: 415 495 0115
FAX: 415 495 0922

1478 0081

6. One copy of the list of property owners for the public notice requirements for the Master Plan, certified by the person who completed the list, as well as one set of envelopes. (The assessment maps are included in paragraph 5 above.)

We also submitted eight copies of each of the following:

7. Economic Analysis by EIP Associates (the "Fiscal Impact Report") Enclosure A;

8. Visual Analysis Report prepared by EIP Associates (the "Visual Analysis Report") Enclosure B;

9. Phase I Hazardous Materials Site Assessment prepared by Harding Lawson Associates (the "Toxic Report") Enclosure C;

10. Consultation prepared by Harding Lawson Associates, covering soils investigation (the "Geotechnical Report") Enclosure D;

11. Traffic Impact Study prepared by TJKM Transportation Consultants (the "Traffic Report") Enclosure E;

12. A site plan, which includes scope and phasing of the Project, all buildings and structures, public and private rights of way, parking and loading access, pedestrian areas and open space (the "Building Site Plan") Enclosure F;

13. A site plan, which includes preliminary grading information, utility locations, existing and proposed utility easements (the "Utility Site Plan") Enclosure E;

14. A preliminary landscape plan, designating location and generic types of trees, shrubs and ground cover (the "Landscape Plan") Enclosure F;

15. A Topograpical Survey (Enclosure G);

16. The ALTA Survey (Enclosure H);

17. A letter, dated December 27, 1989, constituting the narrative text for the Master Plan and incorporating development standards, to the extent not explicitly shown on the various site plans, which is hereby restated, supplemented and substituted;

18. Building elevations for Wal-Mart and the other major tenant (Enclosure F);

19. Perspectives of the Project (Enclosure F);

20. One 8-1/2" x 11" reduction of Enclosure F, constituting the site plans, elevations and perspectives; and

21. A color palette.

The plans which accompanied the December 27,1989 submittal were the result of work with the City staff, our consultants, architects, and engineers. They also included input from CalTrans and the Vallejo Sanitation and Flood Control District ("VSFCD"). The studies and analyses which accompanied the December 27, 1989 submittal contain the independent opinion of the various consultants, all of whom have provided information to the others to make the studies more comprehensive and accurate. This letter incorporates certain later comments of City staff, CalTrans and the VSFCD.

Project Location and Description:

The Meadows Plaza Shopping Center site is located on Sonoma Boulevard, north of Highway 37 and south of Mini Drive. It includes 17.275 acres and is bounded by Sonoma Boulevard on the west and Broadway on the east. The site is presently nonproductive vacant land. The current zoning for the Project is Intensive Use; the proposed zoning is Planned Development-Commercial.

It is anticipated that the Project will be composed of a 122,963 square foot Wal-Mart retail store with a garden center and tire installation/auto lube facility, a 6,000 square foot building, which will be utilized as either a sit-down restaurant or some other retail or service usage, and a major retail anchor tenant of 50,000 square feet. The design of the Wal-Mart store will provide for an expansion of up to 30,000 square feet. The primary entry to the Project will be at Meadows Drive and Sonoma Boulevard. Additional access will be provided on Broadway.

General Plan Amendment and Rezone:

The General Plan for the City of Vallejo (the "General Plan") states that the City "is not in as favorable a position for industrial development" as surrounding communities, therefore, commercial development is very important. "Estimated retail trade is expected to grow rapidly." Further, the General Plan states that "the City can . . . create the circumstances which favor . . . private decisions to locate in the City." This Project provides such an opportunity, by its ability to bring Wal-Mart to Vallejo.

The General Plan provides for five major commercial areas. Not specifically addressed is a sixth major commercial corridor which has developed along Sonoma Boulevard, north of downtown through Mini Drive.

Wal-Mart's desire to locate in the Project creates the perfect opportunity for a planned commercial development, enabling the City to attract a major retail tenant, to create significant sales tax and property tax revenues, and to generate local employment. The Fiscal Impact Report provided as Enclosure A to the December 27, 1989 letter states quite clearly the benefits to the City of such a planned commercial development. The Fiscal Impact Report finds an excess supply of industrial land in Vallejo, thereby greatly limiting development of the site of the proposed Project in the event it is not rezoned as herein proposed. Further, the Fiscal Impact Report estimates net revenues to the City at $374,100 per year if the Project is developed versus $65,439 for an industrial development, or approximately six times the revenue to the City should this Project be approved. Finally, employment for the Project is estimated at 435 under the Fiscal Impact Study.

The design of the Project is intended to serve the needs of the City from a retail point of view as well as from employment and fiscal points of view. It is unfortunately apparent that industrial uses on the northern part of Sonoma Boulevard are not the most desirable land use, due to the surrounding residential developments and the volume of traffic generated on Sonoma Boulevard, both of which make the land more suitable for retail. The access and visibility in terms of an entry into the City of Vallejo would be better served by a more attractive, more highly landscaped development than a basic industrial project. This is further bolstered by the fact that Sonoma Boulevard is eligible for Scenic Highway designation.

Furthermore, the site of the Project had been undeveloped and for sale unsuccessfully as industrial land for an extended period of time and any interest generated to date has been for use as a retail development.

A detailed review of the Fiscal Impact Report will provide further support for the General Plan Amendment and the rezoning of the Project site from Industrial Use to Planned Development-Commercial. The section below on Architecture and Landscaping also addresses certain General Plan concerns.

Architecture and Landscaping:

The General Plan states as a goal that retail sales areas should be "attractive, exciting shopping areas". Policy 5 under Business Street Design states: "Large parking lots should be buffered from the street", and Policy 6 states: "Heavily travelled commercial streets, for example, Sonoma Boulevard, should be landscaped to reduce impact and to provide a sense of enclosure."

The Project has been designed to accomplish these goals. For example, consistent architecture has been applied to reduce the apparent scale of the structures, and to provide an environment in the parking and surrounding areas that is sensitive to the need for greenery and visual appeal. Parking in excess of City requirements has been provided to help minimize parking and traffic congestion.

The exterior of the Wal-Mart and major anchor buildings will feature strong horizontal lines supplemented with color and form which help reduce building scale and proportions. The use of lattice design stonework under stepped forms will help break up the length of the elevations. Both main buildings are designed with compatible colors, fascias, columns and exterior materials. The retail pad design, although not presented in the submittal elevations, will also be compatible with the other Meadows Plaza structures in terms of colors and materials.

The Landscape Plan features canopy trees clustered in the main parking areas and a change of tree type at circulation ways. The perimeters will be well landscaped and service areas screened with trees, shrubs, and walls. The landscaping and side elevations have been designed to indicate a sensitivity to the visual corridors on Sonoma Boulevard and Broadway. Landscaping along Broadway adjacent to Wal-Mart will be maintained during the time Wal-Mart expands their building. In addition, the irrigation system is designed to permit the future expansion of the center.

The site is designed with pedestrian walkways to provide access between the individual retail tenants that is separated as much as possible from vehicular traffic. Vehicular access interconnects the Project, but strives for safety and slowing cars through lane curves, parking along access lanes and stop-sign control. Special paving is added in the roadways at all pedestrian crossings proximate to the retail tenants to emphasize pedestrian movement to and from these buildings, and to provide a change in texture for drivers of vehicles to induce a slowing of speed. The ramp in front of the garden center will be kept clear of any parking spaces, and will be used for pick-up only.

The material specifications and color palette have been created to be both visually appealing and to create good identification for the retail tenants. The colors will be gray, white and blue and the materials will be split-face block, dry-vit or plaster, and concrete columns.

Lighting:

All lighting fixtures will be hooded to direct the light downward. They will be painted to blend unobtrusively with the surrounding landscaping and to provide a consistency of appearance among the different types of fixtures that will be employed throughout the project. Directional lighting may be used along the entry monument areas as well as in selected locations on each of the buildings. All parking lot lighting will be metal halide, 400 watt with 39 foot standards on a 2-1/2 foot base. Where permitted, rear lighting affixed to the building facade will be utilized. Lower, smaller scale lighting will be employed along major pedestrian walkways.

Signage:

Signs will be individual, internally illuminated letters mounted on the canopies or fascia of the buildings. The signage for Wal-Mart has been submitted in detail with this application and the signage for each other tenant will be submitted as part of the Unit Plan application. A monument sign will be located at the Project's entrance, and a low-level sign will identify the entrance to Wal-Mart's garden and tire/quick-lube centers. This will ease circulation by providing easy identification of access to the garden and tire/quick-lube centers.

Setbacks, Height Limits and Maximum Lot Coverage:

Building setbacks will vary according to the location of each building on the site, but in no event will a building be within 10 feet of the property's boundary (see the Building Site Plan), with the exception of the 50,000 square foot anchor on the northeast. With City staff approval, such building may be located on the northern property line. Parking lot setbacks range from 15 feet to over 30 feet. The building heights will be limited to 26 feet and the maximum lot coverage to approximately 27.8% (assuming Wal-Mart expands by 30,000 square feet). The building fascia height will be sufficient to screen all mechanical equipment located on rooftops. Accessory structures are located on the site plan. These will be limited to a garden center, tire and quick-lube center, trash enclosures, compactors and other similar ancillary structures. All compactors and similar equipment will be screened in a manner architecturally consistent with the overall design.

The tire and quick-lube center will be an approximately 6,600 square foot facility. It would provide services for automobiles, passenger vans, and trucks with a rating not to exceed three-quarters of a ton. These services would be limited to routine service operations such as lube, oil change, smog check, minor tune-ups, etc. In addition, the center would sell, install, and service auto equipment and parts such as tires, batteries, mufflers, brakes, and miscellaneous accessories. Permitted uses exclude body repairs, painting, and more extensive servicing of vehicles such as internal engine and transmission work. All services will take place inside the building.

Permitted Land Uses:

The permitted land uses will be a wide range of retail uses, including general retail, supermarket, drug, liquor/wine store, sit-down restaurant, video, automotive products, quick-lube and ancillary services, sporting goods, art supplies, services, bank and any other uses not inconsistent with a general retail development. It is anticipated that alcoholic beverages will be sold for off-site and on-site consumption. Attached to this letter is a more detailed potential tenant listing.

Utilities and Drainage:

The Utility Site Plan provides for storm drainage, sanitary sewer, electricity, gas, water, telephone and cable (for security systems). Proposed locations for these utilities and appropriate easements are indicated. Our engineers have consulted with the VSFCD and have filed with VSFCD for review of preliminary plans. One portion of the sanitary sewer is presently being shown under the expansion area of the Wal-Mart store. Our engineers have indicated that there is no problem relocating this in the parking lots. The storm drain is presently shown within the landscape area bordering Sonoma Boulevard. It will be moved into the parking lot, due to VSFCD's limitations on landscaping.

A proposal for on-site treatment of storm drainage to remove trash, dirt, oil, grease and gasoline from storm flows originating on site will be incorporated into our detailed landscape and engineering plans. The preliminary proposal contained in the plans is being changed due to comments of VSFCD.

You will note from the Utility Site Plan that the infrastructure for the Project has been adequately addressed as to basic utilities, drainage, storm sewer, parking and irrigation.

Tenants:

The anchor tenant of the Project will be Wal-Mart. Wal-Mart has been one of the most successful general merchandise retailers in the United States for over the past ten years. Its sales are accelerating at a greater pace than its competitors. Wal-Mart's entry into California began earlier this year and it anticipates opening about thirty stores in Northern California within the next eighteen months. With this degree of market penetration, Wal-Mart will provide major advertising and media exposure to draw customers to its stores.

The other major retail anchor is anticipated to be a supermarket or other national/regional retailer. A supermarket or major drugstore, for example, and Wal-Mart would provide significant sales tax and property tax revenues to the City, as well as employment, as indicated in the Fiscal Impact Report and as stated above. It is anticipated that the 6,000 square foot building located adjacent to Sonoma Boulevard will be a sit-down restaurant tenant or another use complementary to the balance of the Project.

Hours of Operation:

In order to be in a position to fully service the immediate residential areas together with the customer traffic traveling on Sonoma Boulevard, we request that the hours of operation be established as follows:

General Retail:	10:00 a.m. until 10:00 p.m.
Supermarket:	24 hours a day, optional; otherwise, 6:00 a.m. until 11:00 p.m.
Restaurant:	6:00 a.m. until 10:00 p.m. Everyday except Friday and Saturday. 6:00 a.m. until Midnite on Friday and Saturday.

Trailer Storage

From time-to-time, Wal-Mart may park several 13.5'x 50' trailers behind their building to ensure adequate merchandise stock levels in the store. These trailers will be screened from the view of passing traffic by the 8 foot wall along the site's south boundary, as well as by landscaping at the southwest and southeast corners of the project site.

Conditions, Covenants and Restrictions ("CC&Rs"):

The Project may be subdivided into separate parcels generally locating each building on a separate parcel. The plans being submitted with this letter identify such separate parcels. A strict set of CC&Rs will be recorded, prior to selling Wal-Mart its parcel, to govern the operation and maintenance of the Project. The CC&Rs will include, among other topics, shared parking, traffic flow, employee parking, maintenance (both landscape and site), operating restrictions (including a prohibition on unenclosed outside storage except the trailers described above), management, signage and all other aspects of ownership of a retail development.

Included within the CC&Rs will be the ability of the Project to share access and easements with the property immediately to the north (the "North Property"), provided that satisfactory documentation and cost sharing arrangements can be agreed upon. Included within these requirements will be, among others, approval of access and condition of access from the North Property, pro rata maintenance of roadways entering the Project and serving the North Property, site plan approval for any building and parking configuration within 350 feet of the Project, maintenance of parking ratios on the Project when compared to the overall property, reimbursement for one-half the costs incurred by the Project to (i) obtain access off of Sonoma Boulevard, (ii) the cost of constructing the major roadways off Sonoma Boulevard and (iii) all other costs associated with the provision of access to the North Property; and payment of all of the costs of (a) the repair of any irrigation lines, and (b) constructing and subsequently removing the north wall abutting the Project and North Property.

Fiscal Impact and Visual Analysis Reports:

The Fiscal Impact and Visual Analysis Reports were prepared by EIP Associates for the Project and accompanied the December 27, 1989 submittal (Enclosures A and B). The Fiscal Impact Report focuses on the benefits, in revenue and employment, to the City of Vallejo, of developing the property as retail as opposed to industrial. The Fiscal Impact Report concludes that almost six times greater revenue would be generated to the City by permitting the Project to be developed as planned. In addition, the Report questions whether an industrial development is viable, except under a protracted development timetable, which further dilutes the industrial revenue assumptions. Employment generation slightly favored industrial development. However, the lack of ability to project the phasing of such an industrial development here, as on the revenue side, made the small employment gain inconse- quential. EIP also analyzed the use of City services and the attendant costs (police, fire, school, general governmental and public works). The conclusion states that there will be no increase in costs or services required, but an analysis was done of the pro-rata cost of existing City services to provide a "net revenue" figure for purposes of comparing the benefit to the City of retail versus industrial development.

The Visual Impact Report (Enclosure B) seeks to determine the visual impact this Project will have on surrounding land uses. Photomontages were prepared from several visual impact locations along Sonoma Boulevard, Broadway and surrounding residential areas. Although this Project will be larger in scale than the residential developments, the Visual Impact Report concluded that the Project would be appropriate from a visual context and consistent with existing uses on Sonoma Boulevard to the north and south. The Visual Impact Report recommends that landscaping be added in selected areas to further enhance the visual appeal of the Project. We believe we have followed such recommendations in the Landscape Plan.

Toxic Report:

The Toxic Report was prepared by Harding Lawson Associates for the Project and accompanied the December 27, 1989 submittal (Enclosure C). The Toxic Report conducted a Phase I Hazardous Materials inspection and review. Information available from city, county, state and federal agencies concerning the presence of contaminants was reviewed. Based upon this review, no hazardous materials were found on the site, or to have been treated or disposed of on the site. Furthermore, no current or historical presence of hazardous materials could be confirmed. The report recommends to The Kivelstadt Group that additional testing might be desirable to confirm that petroleum hydrocarbons from off-site sources have not affected the groundwater on the site. Discussions with Harding Lawson Associates indicate that (i) responsibility for any such contamination would rest with the source; and (ii) the proposed use of the property would not cause a health or safety hazard even if it were discovered that some groundwater contamination exists.

Geotechnical Report:

The Geotechnical Report was prepared by Harding Lawson Associates for the Project and accompanied the December 27, 1989 submittal (Enclosure D). The purpose of the Geotechnical Report was to review the soil and geological data on the site to determine the feasibility of the Project. The Geotechnical Report concludes that it is feasible to construct the Project on the property and that the soil and sub-surface conditions are typical for the area. Additional borings will be obtained prior to construction to provide detailed information for foundation design. The

landscape architect has commissioned soils tests specific to plant material and soil amendment. The results will be incorporated into the more specific Landscape Plan submitted with the Unit Plan for the Project.

Traffic Report:

The Traffic Report was prepared by TJKM Transportation Consultants for the Project and accompanied the December 27, 1989 submittal (Enclosure E). Based upon discussions with the City Traffic Engineer, six key intersections were studied. The Project in and of itself causes no significant or material impact to any one of the intersections. Mitigation measures have been provided in the Traffic Report so as to actually improve the level of service at certain intersections. Cumulative development under the General Plan does, however, cause one intersection to operate below LOS D, both with the project and with development of the site under the existing IU zoning. With the proposed CalTrans modifications and recommended local mitigation to these intersections, the level of service becomes generally acceptable.

On-site improvements recommended by TJKM have been incorporated into the Building Site Plan, as submitted.

We appreciate your assistance and look forward to continuing to work with you and members of the City staff on this Project.

Very truly yours,

THE KIVELSTADT GROUP

By: _____
Nancy L. Kivelson
President

NLK/cp

Attachments

PROSPECTIVE RETAIL TENANTS

APPAREL:	Fabrics & sewing General
APPLIANCES/ ELECTRONICS:	Computers/software Stereo Television & VCR's
AUTOMOTIVE:	Auto products & services Auto repair Gas station
DRUG:	Pharmacy Promotional, full line
FINANCIAL SERVICES:	Bank Insurance Real estate & loan broker Savings & loan Title insurance
FOOD SERVICE:	Coffee Delicatessen Full restaurant with bar Ice cream Pasta Pastry Pizza Sandwich/hamburger shop Yogurt
FURNISHINGS:	Beds & bedding Floor coverings Furniture Kitchenware Paint Wallpaper Window coverings
GIFT/SPECIAL:	Books Cards Gifts Stationery

PROSPECTIVE RETAIL TENANTS
(continued)

GROCERY:	Full service, 24 hour facility Specialty
HOBBY:	Bicycles with repair Cameras with repair Sporting goods - general & all speciality
LIQUOR:	Combined with Grocery Wine/liquor store
MUSIC/VIDEO:	Records, tapes, compact discs Video sales & rental
OTHER RETAIL:	Auto specialty supplies Beauty supplies Florist Garden supply General merchandise Hardware Home improvement Office supplies Pets -sales, supplies & grooming Toys
PERSONAL:	Haircutting Nail salon Photo processing Photography studio
PERSONAL SERVICES:	Dry cleaning Post office
SHOES:	Men, women, children Repair

ATTACHMENT 4

Harding Lawson Associates

A Report Prepared for

The Kivelstadt Group
100 Spear Street, Suite 1640
San Francisco, California 94105

PHASE I HAZARDOUS MATERIALS SITE ASSESSMENT
MEADOWS PLAZA PROJECT
VALLEJO, CALIFORNIA

HLA Job No. 19681,002.03

by

Doreen Meyer
Environmental Specialist

Stephen J. Osborne
Geotechnical Engineer

REGISTERED PROFESSIONAL ENGINEER
STEPHEN J. OSBORNE
No. 656
Exp. 03/31/91
GEOTECHNICAL
STATE OF CALIFORNIA

Harding Lawson Associates
1355 Willow Way, Suite 109
Concord, California 94520
415/687-9660

December 22, 1989

(Enclosure C)

TABLE OF CONTENTS

LIST OF ILLUSTRATIONS iii

I EXECUTIVE SUMMARY 1

II INTRODUCTION 2

III SCOPE OF SERVICES 3

IV SITE DESCRIPTION 4

A. Topography 4
B. Hydrology 4

V SITE HISTORY 5

A. Ownership History 5
B. Aerial Photograph Record 5

VI ASSESSMENT ACTIVITIES AND FINDINGS 7

A. Site Visit 7
B. Study Area Reconnaissance 7
C. Review of Regulatory Agency Records 9
D. Other Agency Contacts 16

VII FINDINGS AND CONCLUSIONS 19

VIII LIMITATIONS 20

IX ILLUSTRATIONS 21

APPENDIX

A SOLANO COUNTY ENVIRONMENTAL HEALTH DEPARTMENT HAZARDOUS MATERIALS FILES
B PERSONS INTERVIEWED AND DOCUMENTS REVIEWED

DISTRIBUTION

LIST OF ILLUSTRATIONS

Plate 1 Vicinity Map

Plate 2 Site Plan

I EXECUTIVE SUMMARY

We have reviewed information available from city, county, state, and federal agencies concerning the presence of contaminant sources on and within 1/4-mile of the site. On the basis of the information reviewed, HLA believes that no hazardous materials have originated on, been treated at, or been disposed of on the subject site. There is a possibility, however, that petroleum hydrocarbons from off-site sources could have affected the site. The Kivelstadt Group may choose to evaluate this possibility by conducting a further evaluation of the ground-water conditions on site. Such an assessment would provide more definitive information concerning the presence of petroleum hydrocarbons in the ground water.

II INTRODUCTION

This report presents the results of a Phase I Hazardous Materials Site Assessment (PSA) conducted by Harding Lawson Associates (HLA) for a property located in Vallejo, California (see Vicinity Map, Plate 1). The 17.275-acre property consists of two parcels (see Site Plan, Plate 2).

HLA understands that The Kivelstadt Group is in the process of purchasing the site with the intent to construct a shopping center.

The purpose of this assessment is to evaluate, on the basis of available information, whether the generation, use, storage, or disposal of hazardous materials has occurred on the site and/ or adjacent properties and whether such materials could have an impact on site development or create conditions that require mitigation.

This assessment is based on information gathered from federal, state, and local agencies; personal interviews with people familiar with the property; and a site visit conducted by HLA personnel.

1478 0193

III SCOPE OF SERVICES

To evaluate the potential impact of hazardous materials on the site, HLA conducted the PSA, which consisted of the following activities:

- Review available documents and aerial photographs related to historical development of the site and adjacent properties
- Contact appropriate federal, state, and local regulatory agencies for documented information concerning hazardous materials at the site and in the study area (the surrounding area within a 1/4-mile radius of site boundaries). The size of the study area is determined by industry standard.
- Conduct an on-site review and off-site reconnaissance to assess visible evidence of the generation, use, storage, or disposal of hazardous materials
- Review available reports for information pertaining to soil and ground-water contamination on the site and in its vicinity
- Evaluate findings and prepare this report.

IV SITE DESCRIPTION

The site is bordered to the north by a property with several farm buildings on it; to the south by the Vallejo Garbage Service property; on the east by Broadway Avenue; and on the west by Sonoma Boulevard.

The 17.275-acre site is comprised of two parcels, both currently undeveloped (see Site Plan, Plate 2). Fill has recently been placed on both parcels. A drainage ditch with a culvert runs roughly east/west across the southern half of the property. Overhead utility lines owned by Pacific Gas & Electric (PG&E) Company and Pacific Bell Telephone Company run along the entire eastern edge of the site. Overhead lines also cross the property just north of Parcel 1 from east to west (Plate 2).

A. Topography

The site is relatively level, with surface elevations ranging from approximately 11 to 20 feet (City of Vallejo Datum). Most of the site is covered with fill, with the remaining area covered with dense grass and brush.

B. Hydrology

At present, there is no surface water on the site. However, we anticipate that water must accumulate in the on-site drainage culverts during periods of precipitation. Although ground-water elevation data are not available, topography suggests that the regional ground-water flow direction is to the west, toward the Napa River.

1478 0135

V SITE HISTORY

A. Ownership History

The available ownership history for the site is as follows:

Date	Parcel Number	Grantee	Grantor
04/09/86	0067-150-10	OMIRP	Arlett L. Mini Mildred Quinn Cecelia Novelli
04/09/86	0067-150-11	OMIRP	Arlett L. Mini Mildred Quinn Cecelia Novelli
09/11/79	0067-150-10 & 11	Arlett Mini Mildred Quinn Cecelia Novelli	Henry A. Mini
04/18/62	0067-150-10 & 11	Henry A. Mini Mildred. Quinn Cecelia. Novelli	Blanche Mini

B. Aerial Photograph Record

Using aerial photographs available from Pacific Aerial Surveys in Oakland, California, HLA reviewed historical and current uses of the site and adjacent areas. Aerial photographs taken in 1958, 1963, 1966, 1968, 1970, 1975, 1984, and 1989 were examined. The photographs are described as follows:

- The 1958 photograph shows what appear to be a ranchette and several houses on the site. Other than these structures, the site was undeveloped. The surrounding area to the east and west contains residential neighborhoods and undeveloped land; the area north of the site is undeveloped and to the south are apparent commercial buildings.

- The 1963 photograph shows a stream flowing from the middle of the site into the Napa River.

- The 1966 and 1968 photographs appear similar to the 1958 photograph, except that in the 1968 photograph a gasoline station can be seen on the northwest corner of Sonoma Boulevard and Mini Drive (see #2 on Plate 1).

- In the 1970 photograph, a gasoline station is present on the southeast corner of Sonoma Boulevard and Mini Drive with another gasoline station across Mini Drive to the north (see #13 and #1, Plate 1)

- The 1975 and 1984 photographs appear similar to the 1970 photograph.

- In the 1989 photograph all of the buildings previously shown on the site have been removed. One ranchette with several buildings still remains north of the site, as do the gasoline stations still further north.

VI ASSESSMENT ACTIVITIES AND FINDINGS

HLA investigated both the site and study area (surrounding land within 1/4 mile of the site). Our findings are discussed in this section.

A. Site Visit

On December 5, 1989, HLA personnel visited the site to observe areas of potential environmental concern related to the use, storage, or disposal of hazardous materials. We found no evidence to suggest the current or historic presence of hazardous materials on the site.

During the visit, HLA personnel looked for, but did not find, evidence of the following:

- Surface impoundments,
- Water or monitoring wells,
- Areas of stained soil,
- Above-ground or underground fuel storage tanks and associated piping,
- Treatment or disposal operations for hazardous materials and/or waste,
- Odors.

B. Study Area Reconnaissance

HLA performed a reconnaissance of the study area on December 5, 1989. Observations of properties adjacent to the site were made from public roads.

We observed that the Custom Truck Toppers shop (Plate 1; #13) north of the site on Mini Drive used to be a gasoline

1478 0148

service station. A 400-gallon, above-ground, propane tank on the property is currently in use. A Chevron service station was noted across the street from the Custom Truck Toppers Shop on Mini Drive (Plate 1; #1). On the northwest corner of Mini Drive and Sonoma Boulevard is an abandoned Texaco station (Plate 1; #2).

Just north of the site, in an area partially covered with asphalt and concrete, are several old buildings and several trucks, semi-trucks, and cars. There was oil stained soil noted in this area. This oil staining appears to be surficial. Also in this area were several 5-gallon buckets containing what appeared to be waste oil, and approximately 12 55-gallon drums. Most of the latter were empty, but one seemed full. According to the label, this drum contains Woodlife R.T.U., a probable wood preservative. In the vicinity of this drum, we noted an area that contained old oil filters and some spilled oil (Plate 2; #1).

Some power/telephone lines extend from the main lines to the barn and other buildings. A great deal of metal pipe is currently stored on the property; we understand that it belongs to a company on Broadway Avenue, located to the south of the property, which is renting the land for that purpose.

Across Broadway Avenue just south of the site, a fuel pump was observed (Plate 1; #14). We have not learned whether any tanks are associated with it, however, it doesn't appear to be operational. To the north of this property is Claudes Automotive

repair shop (Plate 1; #10). Such businesses commonly have underground tanks for the storage of waste oil. Agency records indicate, however, that no tank is present at this site (see Appendix A).

Due south of the site, just within the study area, a trucking/transport firm with a large above-ground storage tank was noted. Agency records indicate that there is one 30,000-gallon above-ground diesel fuel tank and one 1,000-gallon above-ground waste oil storage tank located on the site (see Western Direct Transport, Appendix A). Adjacent to the southern end of the property, we noted construction of the new Vallejo Garbage Service buildings. Parallel to the eastern edge of the site, across Broadway, are Southern Pacific Railroad tracks and a residential development. To the west of the site is Sonoma Boulevard and another residential development (see Plate 2).

C. Review of Regulatory Agency Records

The discussion in this section is based on information provided by government agencies. Where indicated, HLA personnel reviewed agency files for detailed information on sites listed. A complete listing of documents reviewed and persons interviewed for this assessment is presented in Appendix B.

As part of the PSA, HLA reviewed and evaluated the following regulatory agency lists:

- **U.S. Environmental Protection Agency (USEPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), September 1988**

  CERCLIS provides information on businesses or properties that are in the federal Superfund program. Under this program, a business or property is identified and a preliminary assessment performed to determine whether the site shall become a Superfund site.

  None of the properties on this list are within the study area. The following properties are outside the 1/4-mile study area and are the nearest properties to the site that appear on this list.

  - Sherwin Williams Paint Company
    1417 Tennessee Street
    Vallejo, California

    Approximately 2-1/2 miles from the site.

  - Mare Island Naval Shipyard
    West end of Tennessee Road
    Vallejo, California

    Approximately 2-1/2 miles from the site.

  Given the distances between these properties and the site, the likelihood that conditions at these properties will affect the subject site is very low.

- **Hazardous Waste and Substances Site List (Cortese List), June 1989.**

  The Cortese List is compiled by the California State Office of Planning and Research and provides information concerning identified hazardous waste/substance sites within California.

  None of the properties on this list are within the study area. The following properties are outside the study area.

  - Chevron Station
    5200 Sonoma Boulevard
    Vallejo, California
    (Plate 1; #1)

1478 0151

Approximately 1/3 mile from the site. (This property is currently being monitored, see Section D for the Vallejo Fire Department summary of this property.)

- Texaco Station
  5201 Sonoma Boulevard
  Vallejo, California
  (Plate 1; #2)

  Approximately 1/3 mile from the site. (The tanks have reportedly been removed from this property; see Appendix A for the Solano County Environmental Health Department SCEHD summary of this property.)

Because these properties are close to the edge of the study area, there is a possibility that they could affect the subject site.

- **Expenditure Plan for Hazardous Substance Cleanup Bond Act of 1984 (State Bond Expenditure Plan), January 1989.**

The State Bond Expenditure Plan is compiled by the Department of Health Services (DHS) and contains a list of identified hazardous waste sites in California that have been targeted for clean-up by responsible parties, the DHS, or the USEPA for the next five fiscal years.

The following property is at the edge of the study area.

- California Iron Works/Caltrans
  227-229 Chabot Road
  State Route 37
  Vallejo, California
  (Plate 1; #3)

  Part of this property was used for the dismantling of electrical equipment. Transformers containing polychlorinated biphenyl (PCB) oils were dumped at the site. Sample analyses identified low to moderate levels of PCBs (100 to 200 parts per million [ppm]) in small localized pockets at depths of 8 to 12 feet below the surface. According to the Tier 3 (Minimum Hazard Threshold Site) report, there is no threat of release of PCBs to the atmosphere or surface water.

  The site has currently been abated to the satisfaction of the DHS and no further abatement activ-

1478 0152

ity has been scheduled. However, the DHS may reevaluate the site in the future and order that further abatement be done.

Given the distance between this property and the site and its status as satisfactorily abated for the time being, the likelihood that this property will affect the subject site is low.

- **DHS Abandoned Sites Lists, June 1989**

The DHS Abandoned Sites List provides information concerning past and present potentially hazardous waste sites that could be considered potential State Bond Expenditure Plan sites. Properties are on the Abandoned Sites List because of the owners' response to a screening questionnaire sent out by the DHS.

The following property is on the edge of the study area.

- Vallejo Ironworks/California Ironworks/Caltrans
  227-229 Chabot Road (State Route 37)
  Vallejo, California
  (Plate 1; #3)

The information for this site is the same as California Ironworks/CalTrans.

Given the distance between this property and the site and the fact that it is considered satisfactorily abated for the time being, the likelihood that this property will affect the subject site is low.

- **RWQCB North Bay Toxics List, September 1988**

The RWQCB North Bay Toxics List cites cases included in the RWQCB Site Management System for Solano County.

No properties or businesses are listed within the study area. The following properties are outside the 1/4-mile study area and are the nearest properties to the site that appear on this list.

- Pacific Gas & Electric
  Curtola and Sonoma Boulevard
  Vallejo, California

  Approximately 2-1/2 miles from the site.

- Times Herald Building
  500 Curtola Parkway
  Vallejo, California

  Approximately 2-1/2 miles from the site

Given the distance between these properties and the site, the likelihood that conditions at these properties will affect the subject site are low.

- **RWQCB Fuel Leaks for Solano and Napa Counties, August 1989**

The RWQCB Fuel Leaks List cites cases included in the RWQCB Site Management System for Solano and Napa Counties.

The following property is just inside the study area's southern boundary.

- Unknown
  2015 Broadway
  Vallejo, California
  (Plate 1; #4)

  This file was not available for review.
  (See Section D for the Vallejo Fire Department summary of this property.)

The following properties are just outside the study area.

- Arco Service Station
  1985 Broadway
  Vallejo, California
  (Plate 1; #5)

  In April 1987 a 6,000-gallon underground storage tank containing diesel fuel failed pressure testing. Excavation of the tank revealed a broken vent line leading from the tank. This line was repaired. It was also discovered that a 12,000-gallon gasoline tank had leaked; 168 gallons of gasoline were pumped from the tank backfill.

  Quarterly ground-water monitoring is still being performed but no information was available as to whether any remediation would take place.

- Shell Service Station
  1990 Broadway Avenue
  Vallejo, California
  (Plate 1; #6)

  This file was unavailable for review.
  (The tanks have reportedly been removed from this property; see Section D for the Vallejo Fire Department summary of this property.)

- Chevron Service Station
  5200 Sonoma Boulevard
  Vallejo, California
  (Plate 1; #1)

  Approximately 1/3 mile from the site

  This file was unavailable for review.
  (This property is currently being monitored see Section D see the Vallejo Fire Department summary of this property.)

- Texaco Service Station
  5201 Sonoma Boulevard
  Vallejo, California
  (Plate 1; #2)

  Approximately 1/3 mile from the site

  This file was unavailable for review.
  (See Section D for the Vallejo Fire Department summary of this property.)

Because these properties are near the study area, there is a possibility that they could affect the subject site.

- **Solano County Environmental Health Department (SCEHD) Fuel Leaks List, May 1989**

The SCEHD Fuel Leaks List cites cases in Solano County reported as having unauthorized fuel releases.

The following property is just outside the study area.

- Arco Service Station
  1985 Broadway
  Vallejo, California
  (Plate 1)
  (see above under "RWQCB Fuel Leaks List..." for summary of file)

Because this property is near the study area, there is a possibility that it could affect the subject site.

- **State Water Resources Control Board (SWRCB) Hazardous Substance Storage Container Information for Solano County, June 1988**

  The SWRCB Hazardous Substance Storage Container Information for Solano County identifies underground container by owner and provides information on container type, year installed, capacity, piping, leak detection, and the chemical composition of the product reportedly stored in the container.

  The following underground storage tanks are registered with the SWRCB and are inside the study area.

  - Syar Industries
    275 Mini Drive
    Vallejo, California
    (Plate 1; #12)

    One 8,000-gallon unleaded gasoline tank

  The following tanks are just outside the study area.

  - Hurst Arco Inc.
    1985 Broadway
    Vallejo, California
    (Plate 1: #5)

    Four 6,000-gallon gasoline tanks
    Two 6,000-gallon diesel fuel tanks
    One 6,000-gallon product tank
    Two 12,000-gallon gasoline tanks
    One 6,000-gallon premium gasoline tank
    One 5,000-gallon diesel fuel tank
    Two 6,000-gallon unleaded gasoline tank

    All of these underground tanks appear on the SWRCB list. However, it appears that entries for this site may have been duplicated.

  - Shell Service Station*
    1990 Broadway
    Vallejo, California
    (Plate 1; #6)

---

* These tanks are reported to have been removed, see Section D.

One 6,000-gallon unleaded gasoline tank
One 8,000-gallon gasoline tank
One 2,000-gallon premium gasoline tank
One 550-gallon waste oil tank

- Chevron U.S.A.
  5200 Sonoma Boulevard
  Vallejo, California
  (Plate 1; #1)

  Two 10,000-gallon gas tanks
  One 5,000-gallon gas tank
  One 1,000-gallon waste oil tank

- Texaco U.S.A.*
  5201 Sonoma
  Vallejo, California
  (Plate 1; #2)

  One 8,000-gallon premium gasoline tank
  One 8,000-gallon gasoline tank
  One 8,000-gallon unleaded gasoline tank
  One 550-gallon waste oil tank.

D. Other Agency Contacts

On December 11, 1989, an HLA representative visited the SCEHD to review hazardous materials files. The information obtained from these files is presented in Appendix A.

On two separate occasions (December 5 and December 11), Captain Jim Higgins of the Vallejo Fire Department was contacted regarding properties of environmental concern. We inquired about five properties that were not covered by the regulatory lists or the SCEHD files. All five properties are outside of the 1/4-mile study area. The information is as follows:

---

* These tanks are reported to have been removed, see Section D.

- Custom Truck Toppers
  5190 Sonoma Boulevard
  Vallejo, California
  (approximately 1/3 mile north of the site)
  (Plate 1; #13)

  The site used to be a gasoline service station but the tanks were removed in 1977. According to Fire Department files, no problems or concerns were indicated at the time of removal and no subsequent site investigation has been performed.

- Arco Station
  701 Mini Drive
  Vallejo, California
  (Plate 1; #7)

  There are underground tanks at the site but according to the fire department files everything is in compliance and no problems have ever been reported.

- Mobil Oil/BP
  1604 Marine World Parkway/Highway 37
  Vallejo, California
  (Plate 1; #8)

  During a routine fire department investigation, a leaking fitting was discovered on a sub-pump. The problem was corrected immediately, reportedly without a significant loss of product. No further investigation has been performed.

- Chevron
  5200 Sonoma Boulevard
  Vallejo, California
  (Plate 1; #1)

  In the fall of 1987, a 10,000-gallon gasoline tank failed pressure testing. The tank was relined but not removed. The property is currently being monitored, with a soil investigation still in progress.

- Coca Cola Distribution Center
  1609 Marine World Parkway/Highway 37
  Vallejo, California
  (Plate 1; #9)

  In June 1987, two gasoline tanks were removed from the property. No further information was available on this property.

Mr. Gary Silvera, Deputy Agriculture Commissioner with the SCDA, was contacted on December 8, 1989, regarding information pertaining to the application of pesticides on the site or in the surrounding area. Mr. Silvera indicated that he knew of no organized agricultural activity taking place on the site, and that he believed that pesticides or herbicides were not heavily used there. Mr Loren Mini, former owner of the property was also contacted regarding any knowledge of pesticide usage on the site. Mr. Mini indicated that to his knowledge neither pesticides or herbicides were used at the site in the past. Given this information, we anticipate that elevated concentrations of pesticide residue do not exist at the site.

Mr. Franz Nestlerode with the Vallejo Public Works Department was contacted regarding the city water supply. Mr. Nestlerode indicated that the main sources of drinking water are the Sacramento River and Lake Berryessa. It is understood by HLA that the proposed retail development will be connected to the city water supply system. Therefore it is not anticipated that drinking water would be obtained from ground water beneath the site. A review of the California Department of Water Resources well logs showed no wells registered within a 1/4-mile radius of the subject site.

VII FINDINGS AND CONCLUSIONS

Summarized below are the findings of this investigation.

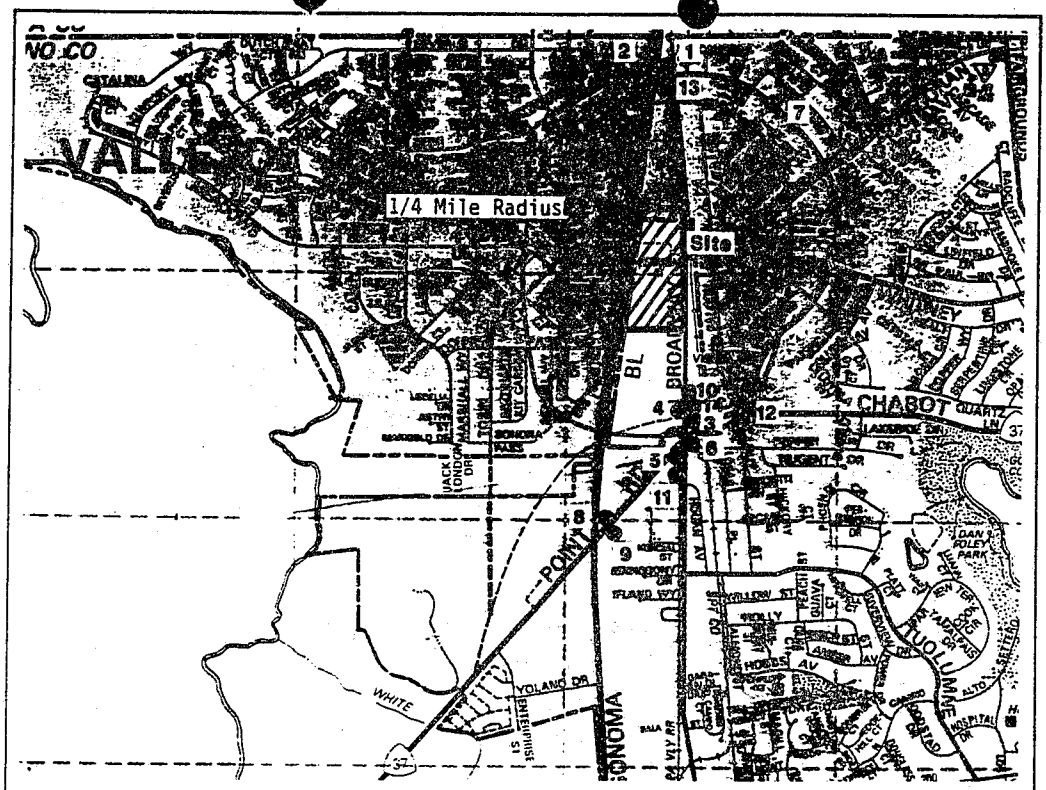
- We have found no evidence of storage or disposal of hazardous materials on the site.
- There are currently no underground or above-ground storage tanks on the site.
- There are no visible areas of stained soil on the site.
- There are several properties on the regulatory lists that are within the study area or just outside it.

On the basis of information reviewed in this study, HLA believes that no hazardous materials have originated on, been treated at, or been disposed of on the subject site. There is a possibility, however, that petroleum hydrocarbons from off-site sources could have affected the site. The Kivelstadt Group may choose to evaluate this possibility by conducting a further evaluation of the ground-water conditions on site. Such an assessment would provide more definitive information concerning the presence of petroleum hydrocarbons in the ground water.

VIII LIMITATIONS

This study was conducted in accordance with practices and procedures generally accepted in the consulting engineering field. The limited nature of HLA's assessment precludes the firm from providing a warranty or guarantee regarding the presence of hazardous material that could affect the site.

IX ILLUSTRATIONS



Sites of Environmental Concern

(1) Chevron Service Station
(2) Texaco Service Station
(3) California Ironworks/Cal Trans
(4) Unknown/Western Direct Transport/Arctic Fire
(5) Arco Service Station
(6) Shell Service Station
(7) Arco Service Station
(8) Mobil Oil/BP Service Station
(9) Coca Cola Distribution Center
(10) Claudes Automotive
(11) Cofab Corporation
(12) Syar Industries
(13) Custom Truck Toppers
(14) Fuel Pump

0 1/3 2/3
SCALE IN MILES

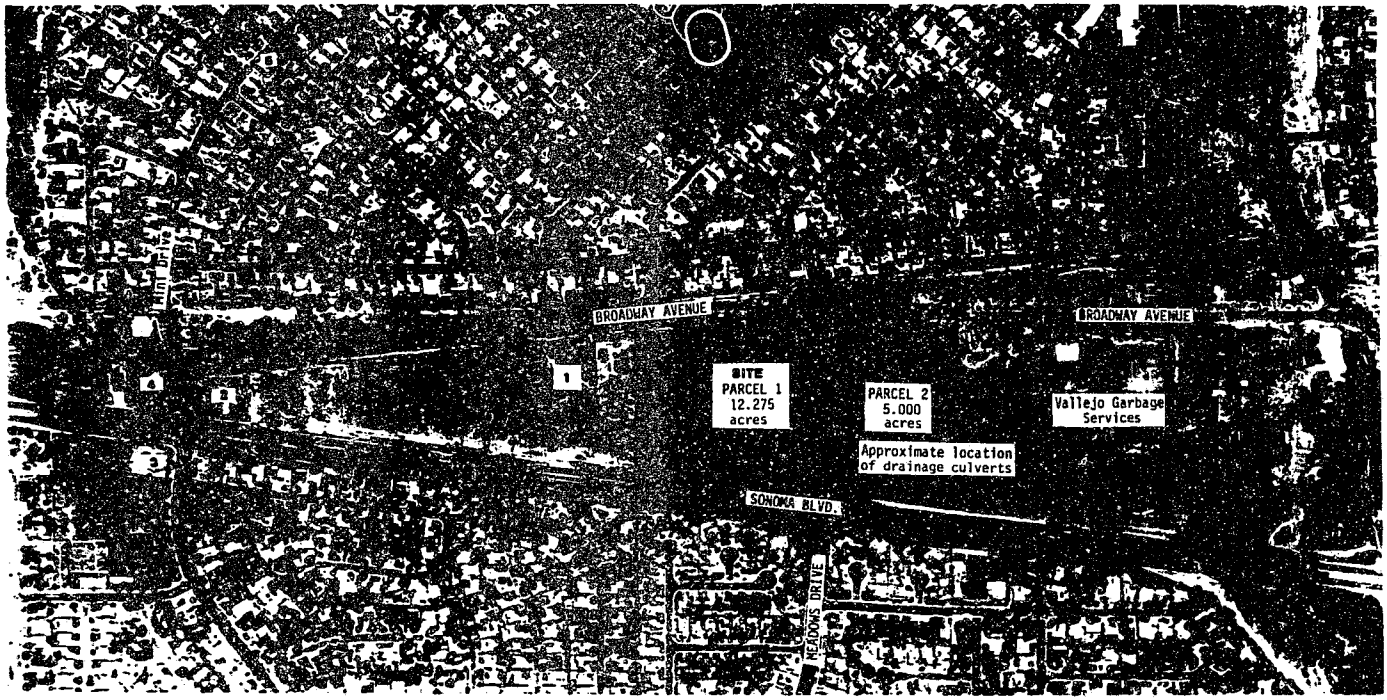
N

Harding Lawson Associates
Engineering and
Environmental Services

Vicinity Map
Meadows Plaza Project
Vallejo, California

PLATE
1

DRAWN	JOB NUMBER	APPROVED	DATE	REVISED DATE
KH	19681,002.03	DM	12/89	



LEGEND

(1) Area where soil staining was observed
(2) Custom Truck Toppers (former gasoline service station)
(3) Former Texaco Station
(4) Chevron Service Station
(5) Arco Service Station

Site Boundary
Southern Pacific Railroad
Power/Phone Lines
Parcel Boundary

0 345 690
SCALE IN FEET

N

HLA Harding Lawson Associates
Engineers and Geoscientists

Site Plan
Meadows Plaza Project
Vallejo, California

PLATE 2

DRAWN	JOB NUMBER	APPROVED	DATE	REVISED	DATE
KH	19681.002.03	DM	12/89		

Jonathan Atkinson

From: Christina Ratcliffe
Sent: Friday, May 21, 2021 12:16 PM
To: [redacted]
Cc: Greg Nyhoff; Anne Cardwell; Gillian Hayes; Jonathan Atkinson; Melissa Rhodes
Subject: RE: Question about the proposed dispensary on Sonoma

Mayor and Councilmembers (bcc'd)

and Mr. Shipley,

The City does not have any pending proposals on the old Walmart site (5180 Sonoma). There was a Preliminary Review submitted early this year for a self-storage, outdoor RV storage, tilt-up office, drive-through restaurant, and gas station with convenience store at this location. When the applicant was informed the proposal would require a General Plan Amendment and Zoning Code Amendment, as well as other entitlements, they put a hold on the Review in order to re-think the project. Regarding your concerns about potential traffic impacts, traffic impacts are evaluated based on type of use. This is a retail use going into an existing retail use location. There is no increase in square footage of the current structure. The Planning Commission found that:

"The proposed project for V-Town Farms is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 ("Existing Facilities"). V-Town Farms will occupy a 19,035 square foot portion of an existing 49,871 square foot building space that was formerly occupied by Food 4 Less. The project site had been the location of an existing retail establishment for approximately 25 years. The project is not proposing expansion of this existing building space but rather involves only reoccupation of the space, interior and exterior alterations involving such things as interior partition walls, plumbing and electrical, painting and installation of windows consistent with the examples set forth in Guidelines Section 15301 (a)."

The appeal of the Planning Commission approval of the project will be heard by the Council this Tuesday, May 25 at 7 PM. You can read more about the project in the Staff Report on the City's website here: City Agendas & Videos - City of Vallejo

Your email has been included as part of the public comments regarding the project and has been distributed to the Council.

Please let me know if you have any other questions.

Best,

Christina

Christina Ratcliffe
Interim Planning and Development Services Director
City of Vallejo | Planning & Development Services Dept.
(707) 648-4382 | christina.ratcliffe@cityofvallejo.net

******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 located at 555 Santa Clara Street will be open to the public for limited services between the hours of 9am to 3pm Monday through Thursday (closed Friday).**

During City Hall non-open to the public hours, routine questions will be responded to via phone Central Permit Center 707-648-4328 or email cpc@cityofvallejo.net 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 and patience while we make necessary changes to better serve you. Thank you for being our customer!

From: Robert H. McConnell
Sent: Thursday, May 20, 2021 6:05 PM
To: Anne Cardwell <Anne.Cardwell@cityofvallejo.net>; Melissa Rhodes <Melissa.Rhodes@cityofvallejo.net>
Subject: Fwd: Question about the proposed dispensary on Sonoma

Could you include the answers to these questions in your response to any other questions on this issue? Thank you.

Sent from my iPad

Begin forwarded message:

> **From:** David Shipley [redacted]
> **Date:** May 20, 2021 at 3:58:21 PM PDT
> **To:** "Robert H. McConnell" <Robert.McConnell@cityofvallejo.net>, Rozzana Verder-Aliga <Rozzana.Verder-Aliga@cityofvallejo.net>, Hermi Sunga <Hermie.Sunga@cityofvallejo.net>, Katy Miessner <Katy.Miessner@cityofvallejo.net>, Pippin Dew <Pippin.Dew@cityofvallejo.net>, Hakeem Brown <Hakeem.Brown@cityofvallejo.net>, Tina

Arriola <Tina.Arriola@cityofvallejo.net>
Subject: Question about the proposed dispensary on Sonoma

Mayor, Council Members,
There is an agenda item on permitting a dispensary in the old grocery on Sonoma in North Vallejo. I believe I have seen other proposals for development of the old Walmart (housing?), so was interested in knowing whether the dispensary may impact development of that adjacent site as well as any existing businesses still in that shopping center. I am also curious what impacts on traffic are to be expected as the dispensary will be well positioned to attract customers from American Canyon.

It would be a bad outcome if traffic increased, nearby business closed or development of the Walmart site is stalled. It would be an especially bad outcome if this already large dispensary depressed the Walmart property site value down to a future use as a grow site for the dispensary.

Thanks for your attention,
Dave Shipley
********** This is an EXTERNAL EMAIL. Stop and think before clicking links or opening attachments. **********

Jonathan Atkinson

From: Dawn Abrahamson
Sent: Thursday, May 20, 2021 4:08 PM
To: Dawn Abrahamson
Cc: Christina Ratcliffe; Jonathan Atkinson; Veronica Nebb; Anne Cardwell; Greg Nyhoff
Subject: FW: Constituent call against the mega cannabis business at old Food 4 Less

Good Afternoon Mayor & Councilmembers (bcc'd),

At the Mayor's request, I am forwarding a synopsis of a phone call his office received today regarding the V-Town Farms Cannabis Store Appeal (Action Item 9C) on your agenda for next Tuesday evening, May 25.

From: Erik Rzomp
Sent: Thursday, May 20, 2021 4:00 PM
To: Dawn Abrahamson <Dawn.Abrahamson@cityofvallejo.net>
Cc: Robert H. McConnell <Robert.McConnell@cityofvallejo.net>
Subject: Constituent call against the mega cannabis business at old Food 4 Less

Dawn can you send this to the remainder of the council?

The Mayor's office received this call today.

Nelida Superticioso and her family who live off of Mini Drive and her 9 brothers and sisters wanted to register their opposition to the CoCo farms/ V-Town farms cannabis business. They do not want it to go in to the old Food for less

Please count this as 10 voices against the business. They had a family meeting and were all in agreement to oppose the business.
Nelida Superticioso
Nonito Superticioso
Modesto Superticioso
Eduardo Superticioso
Roberto Superticioso
Belen Superticioso
Eric Superticioso
Joni Superticioso
Marcia Leach
Sonia Lumampao

Erik Rzomp
Executive Assistant to the Mayor, Robert H. McConnell
City of Vallejo | *Mayor's Office*
(707) 648-4377 | *erik.rzomp@cityofvallejo.net*

Jonathan Atkinson

From: Christina Ratcliffe
Sent: Friday, May 21, 2021 1:49 PM
To: Jonathan Atkinson
Subject: FW: Your Drug addiction Food for less building

For Public comment V Town.

From: City Clerk
Sent: Friday, May 21, 2021 1:47 PM
To: Dawn Abrahamson <Dawn.Abrahamson@cityofvallejo.net>
Cc: Christina Ratcliffe <Christina.Ratcliffe@cityofvallejo.net>; Veronica Nebb <Veronica.Nebb@cityofvallejo.net>; Greg Nyhoff <Greg.Nyhoff@cityofvallejo.net>; Anne Cardwell <Anne.Cardwell@cityofvallejo.net>
Subject: FW: Your Drug addiction Food for less building

Good Afternoon Mayor & Councilmembers (bcc'd),

Forwarding the email below to each of you. This pertains to the V-Town Farms Retail Cannabis appeal on Tuesday evening's agenda (Action Item 9C).

From: azalia vironchi [redacted]
Sent: Friday, May 21, 2021 12:42 PM
To: City Clerk <city.clerk@cityofvallejo.net>
Subject: Your Drug addiction Food for less building

Dear City of Vallejo or Dear City WORLD OF DRUG ADICTION OF VALLEJO.
It is a SHAME to see how you are allowing this business to flourish even with this cities blessings.
Firs it was the Lottery there was going to be so much money to help the City for Schools.
What did we get nothing a bunch of politicians that do not know how to do there work.
Then the bunch of Drug permits to all this Marihuana places. The City was going to get all this money and were going to have enough help for all this homeless and all this City problems we have. What happened nothing. all the homeless got worse and all the problems are still here. And now you are bringing more problems with this permit you have allowed.,
The City started cleaning around because you new you were going to give this permit.
Just as soon as they star the operation the problem will keep going even worse.
Hope all of your decisions do not harm your families because you are harming lots of families in this area. SHAME ON ALL OF YOU!!!!
Property Taxes are coming down due to your City's new venture., Because property value is coming down. do to your greed., do to not caring about families. greed, greed, what is next authorize this type of business in homes? HOPE son people will wake up and vote to change all of you politicians hope to get a real Accountant to make sure you all are not waiting Tx funds.

I am disappointed on you we do not even have a decent Police force because there is no money.
What a Shame!!! and you are bringing more shame to this City.

Thank you for not helping,

Azalia Vironchi

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

VALLEJO CHAMBER OF COMMERCE

President & CEO
JAMES COOPER

Chair 2020-2021
SHAWNA GILROY
Times-Herald

Chair-Elect 2022
ROBERT "BOB" ARP
CSU, California Maritime Academy

Treasurer
DERRICK KARIMIAN
Krystle Properties

Past Chair 2019
JACKIE ARNOLD
Soroptimist International of Vallejo

VICE CHAIRS
Government Affairs
ROBERT "BOB" ARP
CSU, California Maritime Academy

Economic Development
ROBERT BRISENO
BB&B Business Group

Membership Services
JEANNE KILKENNY-TURK
Vallejo Insurance Associates

DIRECTORS
SHAWN GAVNE
Alstom TLS

KRISSY HITESHEW
A-1 Guaranteed Heating & Air

KATHLEEN CONWAY-CARETTI
Redwood Eye Center

KENT FORTNER
Mare Island Brewing Co.

ELIZABRTH "PINKY" SANTIAGO
Bank of the West

DR. MATTHEW SYMKOWICK
Kaiser Permanente

BILLY CHARLES
Six Flags Discovery Kingdom

JIMMY PIERSON
Medic Ambulance

MARK GAMBA
Old Republic Title Company

BILL BURRAGE
Recology Vallejo

JANA MODENA
Jana Modena Consulting)

19 May 2021

TO: City of Vallejo
FROM: The Vallejo Chamber of Commerce
RE: Letter of Support for V-Town Farms

Good day! This letter is in regards to V-Town Farms, a cannabis industry business that will be located in the city of Vallejo, California.

V-Town Farms is a new business looking to locate in northern Vallejo, in a building formerly occupied by Food For Less. The Meadows Plaza shopping center, where this building is located, has lost many of its tenants since Food For Less left. Up until one year ago, the property was a magnet for homeless encampments and garbage, further diminishing the attractiveness of what is otherwise a great potential location for many different types of businesses.

In the months since Martin Wesley and his team secured their lease, they have worked hard to clean up the property. They've added fencing, hired security, and performed basic landscaping and property maintenance that will attract new businesses to the shopping center once V-Town Farms opens their store. It is clear they understand the security and beautification issues that threaten to overwhelm many commercial properties in Vallejo, and will work hard to maintain the property.

Just as importantly, they have a business plan for V-Town Farms that has worked well in other communities in which they have a store. The plan includes hiring over 100 people above minimum wage (with benefits). They are community-minded in their philanthropy, which translates into support for community groups and non-profits. They will also contribute much-needed revenue to the city's coffers (including over $2 million in permits and fees).

The City of Vallejo has stringent requirements for cannabis industry businesses. Provided these requirements have been met, the Vallejo Chamber of Commerce supports V-Town Farms in their effort to open their business at the former Food For Less location. We are confident they will be positive and proactive contributors to the Vallejo community. Thank you for receiving our letter of support!

Best regards,

Shawna Gilroy
Board Chair

James Cooper
President/CEO

Rick Sereghy
President, HTP Group
4345 Sonoma Blvd
Vallejo, CA 94589

May 21, 2021

Mayor and City Council
555 Santa Clara St. #3
Vallejo, CA 94590

Response to the Brief in Support of the V-Town Farms Appeal

The attorney's brief in support of the appeal of the planning commission decision to approve the V-Town Farms project fails to provide a solid basis for findings of fact to sustain the appeal. The lack of substance quickly becomes apparent with the Introductory section and the "Brief Summary of Relevant Facts" - which are not facts at all.

According to the brief: "Cannabis retail sales would occupy 17,056 square feet"- but the architect who drew up the plans gives the square footage of the sales area as 7,963 square feet. While sizable, that's less than half of the amount the appellants rely on for their hyperbolic characterizations of the project as the "largest cannabis retail business in the state" and a "megastore."

They never define those terms, or explain exactly how square footage might relate to the negative impacts they predict will inevitably occur. In any case the City recently approved a use permit allowing the VHHC cannabis retail operation to relocate to a facility with a total of 32,296 sq ft, and a sales area totaling 11,259 sq ft. That's nearly half again the size of

the V-Town Farms sales area, but there's been no corresponding hand-wringing over the disastrous impacts to other retailers or irresponsible talk about crime magnets. The V-Town Farms project is not the "largest cannabis retail business in the state." It's far from the largest in Vallejo.

The brief first attempts to argue that the planning commission had no discretion, and then contends that commissioners somehow abused their discretion. According to the appellant's attorney this project stands in clear violation of the site zoning and General Plan 2040, and should not have been approved. The crux of the argument appears to be that cannabis retail is not explicitly mentioned as a permissible use in the new North Gateway (D-NG) District. But the description of permissible uses for the zone is left deliberately nonspecific and allows for a mix of uses, with retail first on the list. No particular type of retail business is mentioned, and the brief does not explain why cannabis retail should be the lone exception that requires explicit permission to avoid a violation.

The brief goes on to argue that the project fails the consistency test, while offering no good reasons to draw such a conclusion. As the attorney points out: "Practically any business can be said to "contribute[ ] to the diversity of uses that are envisioned for the North Gateway District."" We are left to wonder why retail cannabis would not be included in such an extensive list. The brief seems to forget once again that it is the task of the appellant to provide some basis for findings to justify overturning a decision already made. The case law cited is inapplicable as it deals with findings required to approve a variance, which require a higher standard than findings of zoning consistency. The attorney is in apparent agreement with the

planning commission conclusion in saying that practically any business might qualify.

After listing the four established tests for consistency absent any reason why the project should fail them, the brief then attempts to add a fifth test for consistency which would require the City to consider impacts to the profitability of competing businesses elsewhere in the City. The notion that it is the City's responsibility to shield existing businesses from competition flies in the face of our market-based economic system and fails to consider the negative impacts to consumers in a marketplace devoid of meaningful competition. The legal cannabis industry in California continues to develop and evolve rapidly. The existing permit holders in Vallejo were not selected through any sort of merit process, and it is not in the interests of consumers, taxpayers, or the City to attempt to maintain a static local industry oligopoly in perpetuity.

The stated assumption that increased sales at V-Town will necessarily come at the expense of the existing retailers is highly speculative, and an economic study of the sort suggested as a requirement would have found no reliable data from which to draw firm conclusions. The economic impact analysis cited as an example from three decades ago dealt with the broad classifications of commercial vs industrial development. That is hardly comparable to requiring an in-depth analysis of potential impacts of a single project on the profitability of ten existing retailers in one narrow retail classification.

The implication that legal cannabis sales in Vallejo occur within a closed system where sales by one retailer automatically takes sales away from the others is just bad economics. The city is not geographically isolated and cannabis retail is a known destination business that can attract consumers

traveling through the area. (The scare tactics employed by the author with regard to impaired driving are offensive and baseless. No self-respecting member of the industry should indulge in perpetuating these lingering misconceptions for their own personal benefit).

In addition, the best estimates indicate that the illicit market still accounts for more than twice the total of legal sales in California. Those of us who managed to stay awake during undergraduate macroeconomics class may remember the effect of price on total sales volume and tax revenue when consumers have ready opportunity for substitution - which the black market represents. That dynamic means there is still a huge untapped reservoir of purchasing power locally and regionally that can enter the legal market if prices drop significantly.

Consumers would prefer to shop for the variety of safety-tested products the legal market is able to offer if prices were at all comparable. If V-Town Farms can significantly lower prices by capturing efficiencies through vertical integration, then nobody can claim to accurately predict how many more consumers might choose to purchase in the legal marketplace. What we can say with certainty is that this is not the zero sum game portrayed in the brief. The suggestion that the project “might drain a vital and growing sector of Vallejo’s economy” is patently absurd.

The attorney’s brief provides little support for its contention that the Planning Commission improperly equated cannabis retail with grocery retail, and avoided the substantial difference between these activities when invoking the existing use exemption from further CEQA review. The California Environmental Quality Act is intended to make projects better, not to be used as a tool to block or add to the cost of projects you don’t like - as appears to be the case here. The salient question is whether there is good reason to believe that the environmental impacts from one type of retail use

would be significantly greater than the prior use. The brief has little to say on that topic.

The attorney instead reaches back to the Walmart project proposed for the same site that required a CEQA review. The Initial Study found “no significant impacts with regard to Earth, Water, Plant Life, Animal Life, or Land Use.” With regard to other potential impacts like glare, circulation, and aesthetics the report concludes that “all impacts created by the project can be fully mitigated.” With the analysis already done, how is that history a reason to do it all again for a business with far less in the way of environmental impacts?

And in fact cannabis retail is less impactful than most retail businesses from an environmental perspective. The attorney seems to suggest that it is somehow qualitatively different because the use is so carefully regulated. That fact makes cannabis retail less likely to cause environmental damage, not more. The vague, ominous reference to “security impacts” is remarkably unconvincing.

The author contends that retail cannabis is “an activity that has never been reviewed under CEQA .” Actually every retail cannabis licensee in the State must demonstrate compliance with CEQA. While cultivation activities must go through layers of environmental review, both State and local jurisdictions recognize that the operation of a retail cannabis storefront involves very little in the way of environmental impacts, and local governments routinely provide CEQA exemptions for State license applicants replacing prior retail operations.

The Business and Professions Code in Division 10, Chapter 5, also stipulates that the CEQA Division: “does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires

discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity." The planning commission properly exercised its discretionary authority in authorizing the project, and the appellants have offered nothing of substance that could support findings of fact to justify overturning that decision.

Respectfully,

Rick Sereghy

President, HTP Group

A&C VENTURES
SONOMA, CA
EST? | 1992

May 22, 2021

Greg Nyhoff
City Manager
City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590

Re: **Appeal re Major Use Permit - V-Town Farms**
5184 Sonoma Boulevard, Suite 300

Dear Mr. Nyhoff:

As you know, ACV Vallejo, LLC owns the property located at 5180 Sonoma Boulevard, Vallejo, adjacent to the proposed V-Town Farms dispensary.

As you are aware, we expressed concerns at the March 15, 2021 Planning Commission meeting regarding V-Town Farms' application for a Major Use Permit. However, since that time we have gained a better understanding of V-Town Farms' planned improvements and operations.

So that there is no confusion, this will confirm that ACV Vallejo does not support the appeal and does not oppose V-Town Farms' proposed dispensary at 5184 Sonoma Boulevard.

Thank you.

Sincerely,

ACV VALLEJO, LLC

By: _____
Peter Wohlfeiler

cc: Charles Wesley
Gillian Hayes, Planning and Development Services Director, City of Vallejo

465 First Street West, 2nd Floor, Sonoma, CA 95476 Phone (707) 935-3700 Fax (707) 935-3707

Dear City Council and Staff for the City of Vallejo,

My name is Joanne Pomares I am the owner of Sushi Grill located in the Meadows Plaza on Sonoma Blvd. I am writing you today in support of V Town Farms moving into the old Food for Less building.

We opened Sushi Grill in August of 2015, we opened our family owned restaurant when Food for Less was still in operation. After Food for Less closed down, everything started to go very bad in Meadows Plaza, crime had risen up, abandoned cars, uncontrolled trash. Lots of loitering and scary people everywhere. we saw a definite decline in business. At night after we closed our business, we would be worried who might be in the parking lot waiting to do us harm. It was not a good situation.

Then The Wesleys came into the picture. Since they took over managing the center, they have cleaned up the parking lot, they got rid of all the abandon cars no more trash, they have security on sight 24 hours a day 7 days a week, everyone in the Plaza feels so much safer.
  There is no more loitering of scary people. Our business had been increasing since the Wesley's have taken over, and we anticipate more growth once they get there Dispensary opened for business, We all believe V Town Farms is the perfect fit for Meadows Plaza and will be a wonderful asset for the City of Vallejo in general, no more ugly abandoned building, with crime and trash and loitering.

I support the opening of V Town Farms!

Sincerely,

Joanne Pomares

SCOT CANDELL & ASSOCIATES

ATTORNEYS AT LAW

TEL: (415) 441-1776
WWW.CANDELL-LAW.COM

4040 CIVIC CENTER DRIVE, SUITE 219
SAN RAFAEL, CA 94909

Dear Mayor McConnell and esteemed members of the Vallejo City Council,

I have had the pleasure of working with the Vallejo City Council on cannabis related issues since 2012. Dispensaries were raided, cases dismissed, and several iterations of cannabis regulation were adopted. Despite everything we've seen during this cannabis evolution, something new and surprising always comes along. The latest shock is the absolute brazenness that California Care Collective ("CCC") is asking you violate the spirit of both state and local anti-trust laws to help them keep cannabis prices artificially high so that they can increase their profits at the expense of Vallejo customers.

CCC's remarkable argument goes like this: We (CCC) charge a lot of money for cannabis. A competitor is going to come to town and will be able to provide quality cannabis to consumers at a better price than we do. We (CCC) will not be able to continue gouging Vallejo consumers by overcharging them for our cannabis. We (CCC) are asking the City Council to find that this competition would have a "negative economic impact" on our (CCC) bottom line, and on that basis, you should overturn the Planning Commission's issuance of a use permit for the new dispensary V-Town Farms.

If CCC tried to keep competition out of Vallejo to keep prices high with the help of other dispensaries, they could be prosecuted for both state and federal antitrust violations. They needed to think of a way to get the City Council to do their dirty work for them. So, they hired a high priced law firm to submit a few circular arguments about why the competition should be kept out that go something like this:

1. Retail sales are permitted under the General Plan for the proposed district, but retail cannabis sales are not listed as permitted under the General Plan for this district. Therefore, the Planning Commission does not have the authority to use any discretion or perform any type of balancing to determine if a cannabis use would be appropriate at this location.

The problem with this argument is that in the very next sentence, it explains that "the word cannabis appears nowhere in the General Plan 4040." The reason the word cannabis does not appear in the General Plan is because the General Plan was written before cannabis was legal. Using that argument, every cannabis retail establishment would be inconsistent with the General Plan. This is clearly not the intention of the City. As the Interim Planning and Development Services Director correctly points out, cannabis retail sales at this location are consistent with the General Plan as the area "is intended to foster an integrated, pedestrian-oriented place with a mix of uses, such as retail, dining, entertainment, and lodging, that cater to both motorists passing through and surrounding neighborhoods." It correlates to the CP as a "best fit" zoning designation under the IZP. In addition, the site will be zoned CC under the new zoning code, where retail cannabis sales will be permitted with only a Minor Use Permit. The approval is not only warranted but any other decision would have been completely illogical.

2. The CEQA exemption should not have been granted because the proposed retail business will be selling different products than the prior retail business.

The purpose of the CEQA exemption is to exempt a project because the proposed change will not have a significant effect on the environment. It has already been established that no structural changes will have an effect on the environment. There will be no manufacturing on the premises that could have an impact on the environment. So, the argument put forth is that a consumer who purchases a brownie containing THC will somehow impact the environment more than a consumer who purchases a brownie that does not contain THC. Or that selling parsley is good for the environment while selling cannabis is bad for the environment. It makes absolutely no sense.

It is clear that the real motivation is not to protect the environment or the integrity of a neighborhood. The only motivation is to protect the profits of a cannabis retail operation afraid that competition will cause a drop in cannabis prices, something good for Vallejo consumers. The City Council should acknowledge that competition is good for consumers, that there is no legal basis on which to grant this appeal, the appeal should be denied, and the Use Permit for V-Town Farms should be issued.

Sincerely,

Scot Candell

Scot Candell

Ammericann Development LLC
Capital Office 1122 S Street, Suite 101 Sacramento, CA 95811
District Office 1339 Esplanade, Second Floor Chico, CA 95926
530.487.7036 Office 916.333.2938 Direct ammericann.com

May 25, 2021

VIA EMAIL

Attn: Mayor Robert H. McConnell and the Vallejo City Council
Re: V-Town Farms Appeal; 5184 Sonoma Boulevard, Suite 300; APN: 0067-150-300

Mayor McConnell And Vallejo City Councilmembers:

I am writing you today to openly oppose the "V-Town Farms Project" in front of you tonight at the Vallejo City Council meeting (5184 Sonoma Boulevard: Suite 300 – APN: 0067-150-300).

As a leading cannabis business consultant, I enjoyed the pleasure of working with the City of Vallejo from 2012 to 2015. During that time, I worked directly with the City of Vallejo and its Staff to implement the cannabis industry's "best practices" into a citywide and successful "Medical Cannabis Ordinance." This Cannabis Ordinance was created to protect both the City and its eleven (11) registered retail cannabis dispensaries.

Today, my firm proudly represents some of the original retail dispensary owners and operators in the City of Vallejo. My clients are recognized as leading cannabis dispensary owners and operators in the City of Vallejo. My clients and their businesses are active in the Vallejo community: (1) My clients provide needed funds and resources to local charity groups and nonprofits; (2) My clients are responsible business owners and keep their businesses and surrounding businesses clean and safe; and (3) My clients pay taxes to the City of Vallejo and they care deeply about the City of Vallejo and her exciting future.

My clients and I strongly believe that the City of Vallejo is facing a major cross-roads tonight on the issue of the V-Town Farms Project. Will the City of Vallejo embrace a "marijuana super store" and put the community at risk? Or will the City of Vallejo recognize the current success of the City's Cannabis Program and require V-Town Farms to operate at HTP's current location at 4345 Sonoma Boulevard?

We have enjoyed dozens and dozens of conversations with community members throughout the City of Vallejo. And nine out of ten people are saying the same thing: **The City of Vallejo does not need a "marijuana super store" in its community. A 17,056 SF retail cannabis dispensary doesn't exist anywhere in California for a reason. A "Wal Mart of weed" will only invite more crime, more loitering, and more calls to the Police Department.**

Like many others in the Vallejo community, we oppose this project for the following reasons:

(1) A group out of Antioch, CA, calling itself V-Towns Farms recently bought a local cannabis dispensary business in Vallejo, HTP Group, currently located at 4345 Sonoma Boulevard. Instead of operating the business out of its current location, V-Towns Farms recently applied for a Major Use Permit to relocate the business to 5184 Sonoma Boulevard, the former Food 4 Less building. **We oppose the relocation of this marijuana business.**

(2) According to V-Town Farms, the new marijuana business will occupy a 19,035 square foot portion of the existing 49,871 square foot building that was formerly home to Food 4 Less in Meadows Plaza. Cannabis retail sales will occupy 17,056 square feet of the floor area. Most cannabis dispensaries in Vallejo are approximately 2,500 SF in size. **We oppose a 17,056 SF marijuana super store in our community.**

(3) According to V-Town Farms, the proposed business will include a remaining 30,836 square feet of vacant space that will not be part of the cannabis business nor has any use been identified on the plans. That means that over half of the building will be dark and empty. This is a major public safety concern – considering the serious transient issue in this area. **We oppose a half-utilized business in the heart of the city's homeless camps.**

(4) It is well known that retail dispensaries can be an attractive target for crime, since these businesses will have significant cash and marijuana on site. V-Town Farms wants to open the largest marijuana super store in all of California in the City of Vallejo. Just last year, Vallejo was recognized as the 5th most dangerous city in the state. **We oppose a marijuana super store in Vallejo that will be a magnet for crime, loitering, and robberies.**

We respectfully ask that you consider the future of the City of Vallejo when you vote in favor of tonight's Appeal of the V-Town Farms Project. A vote tonight against a "marijuana super store" in the Vallejo community is a vote for the good people of Vallejo and their public safety.

If you have any questions for me, please contact me directly at (916) 717-2664.

Thank you for your leadership in the City of Vallejo.

Signed,

M. Max Del Real
President & CEO

cc: City Manager, City Attorney, Police Chief, Planning Dept., and City Clerk

AMMERICANN DEVELOPMENT

From:	Babich, Phillip H.
To:	Robert H. McConnell; City Atty; Dawn Abrahamson
Cc:	Max Del Real (max@ammericann.com); Jonathan Atkinson
Subject:	Appeal No. 21-0004 re V-Town Farms - questions re recusals
Date:	Tuesday, May 25, 2021 2:20:56 PM

Mayor McConnell:

I'm writing to request whether City Councilmembers Pippin Drew and Hakeem Brown intend to recuse themselves from tonight's vote on Appeal No. 21-0004 which challenges the Planning Commission's approval of the V-Town Farms Project at 5184 Sonoma Blvd.

It is my understanding that Councilmember Drew was involved as a real estate broker to facilitate the Project Applicant's purchase of the property that is the subject of this appeal. My understanding is based on information I received from Eric Thomas, who is the owner of 3PG/Monterery County Patient's Group and who was initially involved in the transaction while Councilmember Drew was acting as a real estate broker. Based on her prior dealings related to the subject property, it appears that there are grounds for a conflict of interest. Does Councilmember Drew intend to recuse herself? Or, is it the City's view that there are no grounds for a conflict of interest?

As for Councilmember Brown, his ownership of another cannabis business in Vallejo, LES/Life Enhancement Services, could be grounds for a conflict of interest. Does Councilmember Brown intend to recuse himself? Or, is it the City's view that there are no grounds for a conflict of interest?

Thank you very much for your attention to these issues. I realize these are sensitive matters, and I prefer to get clarification on them prior to the meeting to avoid any unnecessary controversy or embarrassment.

Sincerely,

Phillip Babich
Counsel for Appellant California Collective Care

~~~~~~~~~~~~~~~~~~~~~~
~~~~~~~~~~~~~~~~~~~~~~

Phillip H. Babich
Reed Smith LLP
101 2nd St., #1800
San Francisco, CA - 94105-3659
Ph: (415) 659-5654
Cell: (213) 999-5749
Fax: (415) 391-8269
Email: pbabich@reedsmith.com

* * *

This E-mail, along with any attachments, is considered confidential and may well be legally privileged. If you have received it in error, you are on notice of its status. Please notify us immediately by reply e-mail and then delete this message from your system. Please do not copy it or use it for any purposes, or disclose its contents to any other person. Thank you for your cooperation.

Disclaimer Version RS.US.201.407.01

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

Jonathan Atkinson

From: Dawn Abrahamson
Sent: Tuesday, May 25, 2021 3:52 PM
To: Christina Ratcliffe; Jonathan Atkinson; Veronica Nebb; Greg Nyhoff; Anne Cardwell
Subject: FW: THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A MAJOR USE PERMIT FOR VTOWN FARMS RETAIL CANNABIS STORE WITH ACCESSORY USES OF MANUFACTURING AND DISTRIBUTION

Forwarding.

From: Wanda Madeiros [redacted]
Sent: Tuesday, May 25, 2021 3:27 PM
To: Robert H. McConnell <Robert.McConnell@cityofvallejo.net>; Rozzana Verder-Aliga <Rozzana.Verder-Aliga@cityofvallejo.net>; Katy Miessner <Katy.Miessner@cityofvallejo.net>; Mina Diaz <Mina.Diaz@cityofvallejo.net>; Tina Arriola <Tina.Arriola@cityofvallejo.net>
Cc: Dawn Abrahamson <Dawn.Abrahamson@cityofvallejo.net>
Subject: THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A MAJOR USE PERMIT FOR VTOWN FARMS RETAIL CANNABIS STORE WITH ACCESSORY USES OF MANUFACTURING AND DISTRIBUTION

Dear Mayor, Vice Mayor and Esteemed City Councilors and City Clerk,

I am writing to you today to voice my opposition to the project and my support of the appeal before you tonight.

Vallejo cannot support a proposed "Cannabis Superstore." The Sonoma Blvd / Broadway St. corridors are already saturated with cannabis retail businesses and they are all within a few miles of each other. In addition, cannabis delivery companies from inside and outside of Vallejo are not paying local cannabis excise taxes and are impacting sales volumes of the current legally licensed cannabis companies.

I conducted a search today on Yelp that yielded the following number of cannabis establishments listed in Vallejo:

Cannabis retailers/dispensaries = 15 (I thought there were only 11 licensed in Vallejo)
Medical recommendations/MD's = 6
Cannabis delivery companies = 9
"Clinics" (whatever that means = 11
Cannabis tour/limo companies = 3
Total = 44

These showed as all located throughout Vallejo, with the exception of some of the delivery companies outside of Vallejo, but all servicing Vallejo. Our city legal department used to go after and close down unpermitted and unlicensed companies when Donna Moony was here, what happened to that function of the city? Has it ceased? Who is the legal representative of the city who is responsible for ensuring that illegal companies don't continue to set up shop in Vallejo?

Can Vallejo's 121,000 resident population, about a third of whom are qualifying adults support a cannabis "superstore", as well as the remaining and much smaller sized 10 local permitted cannabis

retailers? I think not. When the city first allowed these 11 permitted retailers, surrounding cities had no cannabis retailers. Now, the city of Napa has 5, Benicia has opened their doors to cannabis companies, Rio Vista has at least 5, Fairfield has approved and is in the process of accepting applications, and the city of Vacaville is also following suit. Many of the Vallejo cannabis businesses for years had customers from these cities and areas coming to Vallejo to purchase cannabis products. That demand has significantly slowed and will will stop altogether soon.

Most of the remaining 10 licensed cannabis retailers (including the one who is selling their business to CoCo Farms / V-Town Farms) have literally gone through hell meeting all of the regulations of city hall and the state. In the early days of raids, arrests, taking/destruction of inventory by the VPD, having to move locations numerous times, the financial losses, etc. Then here comes CoCo Farms, "home of the $20 eighth bag" and the city of Vallejo rolls out the red carpet for them and gives them opportunities and preference that the "LOCAL" cannabis companies were told by the city in the past that the property that CoCo Farms purchased would not be approved for any cannabis operation. Some have pleaded with the city to change land use and zoning so they can stay in the locations that they have poured finances into for the past 4-5 years and the city has refused to do so, but now they are willing to change the land use designation and zoning requirements for this out of town entity.

I've read that they (CoCo Farms) are only taking up a small portion of the humongous building that they purchased. Is this the highest and best use of this building, or set of buildings? Is the city of Vallejo going to inspect them monthly to verify that no other unlicensed operations are going on there? They have already proven untruthful and devious in their operations by performing work on the building without the necessary building permits. A company who owners are listed under so many layers of LLC's all over northern California should know that you get building permits before starting to work on any commercial building. Yes, they cleaned up the parking lot, but any other business or new property owner would have had to do the same thing. Why should they get special treatment?

Does the city really believe that this company will bring more tax dollars into the city coffers? They will just become a monopoly and drive the smaller businesses out of business, thus eliminating hundreds of jobs off the Vallejo job market, as well as the elimination of additional small businesses whom the cannabis industry supports throughout the area. The financial margins of small cannabis companies are so tight, with the high taxes (approx. 34%), plus exorbitant local and state licensing fees and all other related business costs, it is hard enough for them to make it as it is, now they will have to also contend with a "superstore".

This company (CoCo Farms) is built on a pyramid of different LLC's. I performed a quick search of the owners of CoCo Farms and all the LLC's they own. Ask them what kind of manufacturing they will be performing? Ask them how many jobs they will provide the community and what kind of jobs they will be providing? Ask them how many employees they employ at their Rio Vista location. When they were in front of the Rio Vista city council, they said that they projected hiring for 269 positions. I doubt very much if that is a reality today. Ask them what their affiliation with Kolaboration Vallejo LLC is? There Statement of Information under the Secretary of State states that their type of business is "Retail Sales", isn't that what V-town Farms is supposed to be doing? I found 2 job openings on www.indeed.com from Kolaboration Vallejo LLC for an Assistant Dispensary Manager and a Dispensary Retail Manager, the location is for Vallejo.

City councilors, please think of these issues when you make your decision tonight. Your decision will be impacting many people and their families lives and livelihood, you will be impacting many small local businesses and their viability, you will be impacting surrounding neighborhoods and just as

important, you will be impacting Vallejo's reputation. Be very careful who you put in bed with the city. Vote to investigate this appeal further, as well as the company and its owners.

Thank you for your time and attention to this matter,

Wanda Madeiros
Vallejo property owner for 19 years

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

Jonathan Atkinson

From: City Clerk
Sent: Tuesday, May 25, 2021 8:03 PM
To: Dawn Abrahamson
Cc: Gillian Hayes; Christina Ratcliffe; Jonathan Atkinson; Veronica Nebb; Greg Nyhoff; Anne Cardwell
Subject: FW: V- Town Farms

Good Evening Mayor & Councilmembers (bcc'd),

Forwarding the email below received this evening related to Action Calendar Item 9C on your meeting agenda.

From: Meg Pacifico [redacted]
Sent: Tuesday, May 25, 2021 7:13 PM
To: City Clerk <city.clerk@cityofvallejo.net>
Subject: V- Town Farms

Dear City Council:

Please know a lot of families are willing to sign a petition paper to prevent the establishment of the Marijuana outlet dispensary here in our beloved Vallejo. The following have initiated a class- action initiative to speak to the Council And let their sentiments be heard.

1. ANABEZA, Edna & Primo [redacted]
2. BANEZ, Romeo & Josephine [redacted]
3. FAVILLARAN, Edmond & Laura [redacted]
4. FAVILLARAN, Ronaldo & Larenze [redacted]
5. GANATOSI, Clarita [redacted]
6. ILAGAN, Imelda [redacted]
7. LAVARES, Bernard [redacted]
8. MADLANGBAYAN, Joselito & Elizabeth [redacted]
9. RAMIREZ, Ernesto & Jean [redacted]
10. SALAZAR, Claude & Leneita [redacted]
11. SCOTT, Eloise [redacted]
12. SOTO, Nelitta [redacted]

You may call us anytime and we will follow- through with the Mayor and the City Council.

SAFETY FIRST,

From Concerned Vallejoans

Sent from Mail for Windows 10

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

Jonathan Atkinson

From: TRIPLE SEVEN [redacted]
Sent: Wednesday, May 26, 2021 5:35 PM
To: Greg Nyhoff
Subject: Unfair treatment of original MC11 Dispensary operators

Dear city officials, my name is Roger Cordero and I am the director of Highway 29 Healthcare an original MC11 Dispensary located on 3737 Sonoma blvd Vallejo. I am sending this email to all because I am very concerned about how things are playing out with Vtown farms and their occupation of the food for less building.

The Vtown farms project should of been rejected last night at the council meeting, the appeal should of been granted. Highway 29 is not opposed to the sale of HTP but we are totally against the move to the proposed site . Reason being, we inquired about the building back in 2018

My partner and I personally met with Joanna Altman about the property after the 2040 zoning map was introduced to Cannabis operators. We were interested in moving and buying the location if it were available to us.

After meeting with Joanna, and several documented emails and phone calls we were denied because that property was not zoned correctly according to the map we were given. We have been on the sideline watching this play out, but at this point we are not going to stay quiet. We are not the only operators that were denied this property, there is evidence of at least 2 other operators that were also denied the property and they are preparing their case as well .

This is very unfair and smells strongly of discrimination and corruption. We ask that the project be denied at the next meeting, Vtown farms should have to abide by the same map we had to.

We have strong evidence and will seek legal action against the city and will subpoena Joanna Altman to testify if the city grants the permit.

We love our city, and thought we had a good relationship with our city officials but this doesn't seem to be the case. We hope for a peaceful resolution, and thank you for your time.

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

ACTION ITEM 9.C.

DATE: May 25, 2021

TO: Mayor and Members of the City Council

FROM: Christina Ratcliffe, Interim Planning & Development Services Director

SUBJECT: **HOLD A PUBLIC HEARING REGARDING THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A MAJOR USE PERMIT FOR V-TOWN FARMS RETAIL CANNABIS STORE WITH ACCESSORY USES OF MANUFACTURING AND DISTRIBUTION, AND ADOPT RESOLUTION RELATING TO SAME**

RECOMMENDATION

Conduct the public hearing and adopt a Resolution denying Appeal (APP) #21-0004, upholding the Planning Commission approval of and granting Major Use Permit (UP) #20-0008 for V-Town Farms at 5184 Sonoma Boulevard, Suite 300.

REASONS FOR RECOMMENDATION

Staff recommends that the City Council uphold the Planning Commission's approval of the Major Use Permit, deny the appeal, and grant the Major Use Permit for the following reasons: (1) it is consistent with General Plan 2040 and the Vallejo Municipal Code; (2) it provides for reinvestment in Meadows Plaza; (3) it provides economic benefits to the City, including job creation and tax revenue; and (4) all of the required findings to grant the subject Major Use Permit and related actions were and may be appropriately made.

BACKGROUND AND DISCUSSION

Subsequent to the adoption of the first statewide marijuana regulations in 2015, the City of Vallejo (”City”) undertook the study and adoption of regulations applicable to cannabis-related activity in the City. After much study and public input, it was determined that addressing modifications to the Vallejo Municipal Code (‘VMC”) to incorporate a regulatory framework for cannabis was best accomplished as a phased approach.

On September 12, 2017, the City Council adopted Ordinance No. 1770 N.C. (2d), which amended VMC Chapter 7.100 for the purpose of providing regulatory permits to the 11 existing medical marijuana dispensaries in the City.

On December 12, 2017, the City Council amended the VMC through the following actions: (1) Ordinance No. 1781 N.C. (2d), amending VMC Chapter 7.100 for medical marijuana dispensing; (2) Ordinance No. 1782 N.C. (2d), amending VMC Chapter 7.200 regulating medical marijuana cultivation, manufacturing, and distribution; and (3) Ordinance No. 1780 N.C. (2d), amending VMC Title 16, which established medical marijuana cultivation, manufacturing, and cultivation uses within particular zoning districts/general plan designations to become effective January 1, 2018.

On February 6, 2018, the City Council held a study session on the subject of adult-use or recreational marijuana business in Vallejo.

On February 27, 2018, the City Council adopted Ordinance No. 1785 N.C. (2d), which allowed the 11 existing medical marijuana dispensaries in possession of a regulatory permit to dispense, distribute, and deliver marijuana for recreational purposes.

On May 22, 2018, the City Council adopted zoning code amendments to add "recreational" marijuana to the existing allowed uses of medical marijuana cultivation, manufacturing, and distribution in the following zoning districts: Intensive Use (IU) District, Intensive Use – Limited (IU-L) District, and Planned Development Industrial (PDI) District. The existing allowed uses in the three zoning districts were approved by the City Council in December 2017.

On July 10, 2018, the White Slough Specific Plan was amended to allow retail cannabis sales, cannabis cultivation, cannabis manufacturing, and cannabis distribution uses in Zone 1A and to allow retail cannabis sales uses in Zone 2A.

On December 18, 2018, the City adopted several cannabis-related amendments to the VMC, which in part required each of the City's 11 existing cannabis businesses to obtain Minor Use Permits under Title 16 of the VMC and local regulatory permits under VMC Chapter 7.200 by January 1, 2022. The amendments also created a process to allow any one of the City's existing cannabis businesses to transfer a local regulatory permit obtained under VMC Chapter 7.200 to a new operator with City approval.

Current Application

Richard Sereghy and Nicholas Adan of HTP Group, Inc. have an existing retail cannabis business at 4345 Sonoma Boulevard: Suite D-4, and will transfer the local regulatory permit to Charles Wesley of Kolaboration Vallejo, LLC, as part of a transfer agreement. Kolaboration Vallejo, LLC, will operate as V-Town Farms, and will replace HTP Group upon receipt of all City and State of California permit approvals and licenses. There will be no increase in the total number of cannabis businesses in Vallejo.

HTP Group will cease operations prior to the commencement of operations for V-Town Farms. V-Town Farms will operate a retail cannabis business (with accessory uses of cannabis manufacturing and cannabis distribution) at 5184 Sonoma Boulevard, Suite 300 in Meadows Plaza. Cannabis cultivation is not proposed nor is it permitted at the project site. Mr. Wesley also owns and operates the following cannabis businesses in the region: Rio Vista Farms (Rio Vista, CA) and Coco Farms (Antioch, CA).

On March 15, 2021, the Planning Commission approved Major Use Permit (UP) #20-0008 for V-Town Farms in a 5-1 vote (Ayes: Matulac, Cohen-Thompson, Stamps, Palmares, and Bowman and Noes: Diohep). Public Comment received regarding this application and the appeal is included as Attachment 7.

On March 25, 2021, Max Del Real of Ammericann Development LLC filed Appeal (APP) #21-0004 on behalf of California Collective Care, an existing retail cannabis dispensary at 1639 Lewis Brown Drive (Vallejo, CA), requesting that the City Council overturn the Planning Commission approval of ,and deny, the Major Use Permit.

Key arguments for the appeal are detailed below in bold followed by staff's response in italics. The appeal request is an exhibit to this staff report and provided in its entirety.

1. <u>Appellant Claim</u>: The proposed retail cannabis dispensary is too large and will invite crime.

According to the Staff Report, the proposed retail sales "will occupy 17,056 square feet of the floor area." Most licensed retail dispensaries in the State of California occupy no more than 2,000-5,000 SF. A "weed super store" in the City of Vallejo will attract unwanted crime.

The Applicant failed to conduct a "Public Safety Impact Study" regarding the potential adverse effects of a "weed super store" at this location which could harm surrounding businesses and local residents. Additionally, the Vallejo Police Department did not participate in the Planning Commission hearing and has been mute on this issue to date.

<u>Staff Response</u>: *All retail cannabis businesses in Vallejo are required to maintain a confidential written security plan regardless of the size and intensity of the operation. The Vallejo Police Department reviewed the Use Permit application and written security plan for V-Town Farms, and did not raise any concerns. The retail cannabis business will employ uniformed security guard(s), as proposed and required, and utilize surveillance technology, as part of its operation. Meadows Plaza has been largely vacant since losing Walmart in 2007 and Food 4 Less in 2016. The introduction of an active retail cannabis business with both uniformed security and security cameras can improve security in the shopping center with the additional surveillance serving as a potential deterrent. The Vallejo Police Department reviewed the Security Plan and had no concerns. No substantial evidence has been submitted that shows a tie between the square footage of a retail cannabis operation and the amount or nature of crime associated therewith. The stated subjective fears do not rise to the level of substantial evidence.*

2. <u>Appellant Claim</u>: The proposed location does not reflect the spirit and intent of the City's General Plan.

The City's General Plan 2040 does not support "cannabis use" and/or its related business at the proposed location at 5184 Sonoma Boulevard, Suite 300. The D-NG zoning designation does not support a 17,000 SF "weed super store."

<u>Staff Response</u>: *V-Town Farms is consistent with the General Plan 2040 designation of District – North Gateway (D-NG). General Plan 2040 describes the D-NG designation as follows:*

The D-NG designation applies to the northern portion of the area north of SR 37 between Sonoma Boulevard and Broadway Street, a highly-visible area that serves as a gateway to Napa Valley from SR 37 (heading north) and to Vallejo from American Canyon (heading south). It is intended to foster an integrated, pedestrian-oriented place with a mix of uses, such as retail, dining, entertainment, and lodging, that cater to both motorists passing through and surrounding neighborhoods. It also incorporates higher-density residential

development that supports nearby services and activates the area. The maximum permitted FAR in the D-NG designation is 2.0, with a minimum residential density of 30 dwelling units per acre up to 50 dwelling units per acre.

A retail cannabis business in the North Gateway District is allowable pursuant to General Plan 2040, as such. This use contributes to the diversity of uses that are envisioned for the North Gateway District. Retail cannabis sales is also a use that will serve both local residents and motorists passing through Vallejo. V-Town Farms would be particularly well-suited to attract both local residents and motorists with its high visibility from Sonoma Boulevard (Highway 29) and Broadway and proximity to residences. An analysis of the project's consistency with General Plan 2040 Guiding Principles and Policies are contained in the Planning Staff report from March 15, 2021, which is attached hereto as Attachment 2 and incorporated herein by reference.

On August 29, 2017, the City Council established the Interim Zoning Policy (IZP) to facilitate development and guide zoning interpretations from the adoption of General Plan 2040 to the adoption of the new zoning code. Under the IZP, each General Plan 2040 land use designation correlates to the City's existing zoning districts and specific plans for the purposes of applying land use and development standards to a proposal. The project site's General Plan 2040 designation of District – North Gateway (D-NG) correlates to the following zoning districts under the IZP: Pedestrian Shopping and Service (CP) District and High Density Residential (HDR) District. Under the IZP, in situations where the proposed use is permitted by General Plan 2040, but not clearly addressed in the existing zoning designation, the applicant may apply for a Major Use Permit to allow the use.

The project site is identified as Planned Development Commercial (PDC) District on the City's existing zoning map. The Planned Development for the project site permits retail uses but does not specifically mention cannabis use since at the time of the adoption of the Planned Development for Meadows Plaza, cannabis was not a legally permitted use at all. The CP District is the "best fit" zoning designation authorized under the IZP because the project site is located within a commercial shopping center that can accommodate a variety of uses, including a retail cannabis business. In addition, the proposed zoning of the project site in the new zoning code is Central Corridor Commercial (CC) District, which would also allow retail cannabis sales with a Minor Use Permit. The project is in conformance with General Plan 2040 and both the CP District and CC District.

The issuance of a Major Use Permit in the present case is an application of the strictest applicable zoning under the IZP. Under the IZP, a Major Use Permit is the applicable land use entitlement. The Mayor Use Permit may be granted under the IZP provided the use is consistent with General Plan 2040 and subject to the following findings under Section 6 of the IZP:

1. *The proposal is appropriate in consideration of the characteristics of the surrounding area.*
2. *The proposal is consistent with the intent and desired character of the relevant land use designations(s) of General Plan 2040 and any associated General Plan policies.*
3. *The proposal will clearly promote implementation of General Plan 2040.*
4. *The proposal conforms to the zoning ordinance requirements of the applicable or "best fit" zoning*

district.

The project site will be zoned CC District under the new zoning code, as mentioned above. Retail cannabis sales uses will be permitted in the CC District with the issuance of a Minor Use Permit. City staff has applied the most restrictive zoning and required the applicant to obtain a Major Use Permit in the present case.

3. Appellant Claim: The proposed retail cannabis dispensary is located dangerously close to schools.

Most cities in California require a 1,000 SF "buffer" between retail cannabis stores and K-12 schools in the community. While the City's "buffer" requires a 600-foot setback from schools, we are greatly concerned about the proposed new dispensary and its close proximity to Dan Mini Elementary School (approximately 900 ft. buffer) and Griffin Academy Middle and High School (approximately 800 ft. buffer).

The Applicant failed to notify its neighbors and the greater Vallejo community of their intention to open a "weed super store" at the proposed location. The Applicant did not hold any Community Outreach Event nor did the Applicant conduct any substantial outreach with its surrounding businesses and local residents, which is a requirement of a Major Use Permit Application in the City of Vallejo.

Staff Response: *Both the Vallejo Municipal Code and California Bureau of Cannabis Control prohibit cannabis businesses from operating within 600 feet of K-12 schools, daycares, or youth centers. The proposed retail cannabis business is consistent with this requirement. Furthermore, the appellant fails to provide a basis for claiming that the retail cannabis business is "dangerously close" to area schools. Both Dan Mini Elementary School and Griffin Academy Middle School and High School are separated from the project site by Sonoma Boulevard (Highway 29) and Broadway/railroad respectively, and are located in residential neighborhoods greater than 800 feet from the proposed project site. The appellant fails to identify any negative impacts that V-Town Farms would have on either of the schools, especially in light of these physical separations. Further, the appeal seems to be raising questions as to whether the City's separation requirements set forth in the ordinance are appropriate. However, the issue of the appropriate separation standards was decided at the time of ordinance adoption. The proposed use more than meets the separation requirements of the existing ordinance. It would be fundamentally unfair to apply a greater separation requirement to the proposed use than set forth in the ordinance and applied to all other cannabis operators, including appellant.*

The Planning Division provided notice of the public hearing for the Use Permit to all property owners and neighborhood groups within 500 feet, the applicant, the Planning Commission, and in the Times Herald newspaper at least 10 business days before the public hearing in accordance with VMC Section 16.82.030.C. The appellant's claim that a community outreach event is a requirement for a Use Permit is incorrect. While a project applicant is welcome to conduct community outreach on behalf of a project; it is not a requirement of the Vallejo Municipal Code nor is it a requirement of the Use Permit application process.

4. Appellant Claim: V-Town Farms will harm CCC and will close down other local dispensaries.

The City of Vallejo and the Planning Commission failed to conduct any meaningful and transparent "Economic Impact Report" highlighting the negative and adverse effects of a 17,000 SF 'weed super store' and its economic impact on the City's "Permitted Operators," or the eleven (11) original retail cannabis dispensaries in operation since 2015.

Staff Response: *The appellant's claim that V-Town Farms will put existing cannabis businesses in Vallejo out of business is at best speculative. The Vallejo Municipal Code does not require any cannabis business to conduct an "economic impact study" prior to operation. V-Town Farms will replace HTP Group, and thus maintain the total number of permitted cannabis businesses at 11. To require an "economic impact study" to be conducted because V-Town Farms is a perceived "weed super store" would be arbitrary and unreasonable.*

5. Appellant Claim: The Appellant believes that V-Town Farms is not categorically exempt from CEQA.

According the Staff Report provided the Planning Commission on March 15, 2021, the Report states: "The proposed project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1 "Existing Facilities") in that it involves the reuse of an existing building space for retail cannabis sales with minor building and site alterations. Therefore, no further environmental review is required."

In recognition of the City's General Plan 2040 and the new zoning of the North Gateway District (D-NG), the Appellant strongly believes that this project qualifies for Environmental Review and Staff must make findings on the project's environmental impact. Further, considering the massive size and impeding nature of the proposed project, the Appellant believes the following items support a CEQA Study: (1) The project will have a significant impact on the environment and (2) Significant effects have not been substantially mitigated.

Staff Response: *The proposed project for V-Town Farms is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 ("Existing Facilities"). V-Town Farms will occupy a 19,035 square foot portion of an existing 49,871 square foot building space that was formerly occupied by Food 4 Less. The project site had been the location of an existing retail establishment for approximately 25 years. The project is not proposing expansion of this existing building space but rather involves only reoccupation of the space, interior and exterior alterations involving such things as interior partition walls, plumbing and electrical, painting and installation of windows consistent with the examples set forth in Guidelines Section 15301 (a).*

None of the exceptions under CEQA Guidelines Section 15300.2 that preclude a project from a CEQA exemption apply. The project site is not located in an environmentally sensitive area in that it is an existing building space in a shopping center; the project replaces a previous retail use at the project site and does not create any cumulative impacts; there are no significant effects due to unusual circumstances; there are no designated scenic highways in the City of Vallejo; the project site is not listed on any lists prepared pursuant to Government Code Section 65962.5; and no historical resources are present nor impacted by the project.

There are no significant environmental impacts to mitigate so requiring further environmental review, as suggested by the appellant is unnecessary.

MAJOR USE PERMIT

Use Permits are intended to allow for activities and uses that may not be appropriate for all locations and whose effect on the surrounding environment cannot be determined prior to being proposed for a particular location. Uses requiring a Use Permit may not be appropriate without specific conditions being applied that eliminate or minimize any negative impacts caused by the use. The project site is a vacant building space formerly home to Food 4 Less and is characterized by high visibility from Sonoma Boulevard (Highway 29) and a collection of buildings and improvements that comprise Meadows Plaza. The retail cannabis business is compatible with uses typical of a shopping center, such as commercial shops, services, offices, and restaurants.

Because the project involves the reuse of an existing building space; it is consistent with the desired scale, bulk, coverage, and density in the area. The City envisions a mix of uses in the North Gateway District, including those that can attract both local residents and motorists passing through Vallejo to and from Napa County (and vice versa). An active retail cannabis is well-suited to draw customers to Meadows Plaza both from within Vallejo and outside communities. The City's Technical Project Review Committee review of the use did not result in any concerns with respect to utilities, traffic and parking, or crime. The cannabis business will be subject to Vallejo Municipal Code and State requirements and Use Permit conditions to ensure the operation does not result in an adverse effect on the surrounding area. Use Permits are subject to the required findings under VMC Section 16.82.050. The findings to approve this Use Permit are presented with facts in support thereof in the attached Resolution.

FISCAL IMPACT

Approval of the project would provide revenue from permit fee and cannabis business tax payments to the City. Additionally, the project would provide property tax revenues to the City both directly from the subject property and indirectly through potential property values and potential investment in the surrounding area.

ENVIRONMENTAL REVIEW

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, Title 14, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (Class 1 "Existing Facilities"). The project is consistent with this exemption in that it involves the reuse of an existing building space for retail cannabis sales with minor building and site alterations. None of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects due to unusual circumstances, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section

65962.5, and (f) the project would not affect any historical resource. Therefore, no further environmental review is required.

ATTACHMENTS

1.	Att. 1 CC Resolution 2021-05-25
2.	Resolution Exhibit A 2021-05-25
3.	Resolution Exhibit B 2021-05-25
4.	Att. 2 PC Staff Report 2021-03-15
5.	Att. 3 Resolution PC 21-04
6.	Att. 4A Redacted Plans 2021-02-08
7.	Att. 4B Redacted Project Description 2020-12-04
8.	Att. 4C Transparency Elevations 2021-02-03
9.	Att. 5 Redacted Appeal Request 2021-03-25
10.	Att. 6 Interim Zoning Policy City Council 8-29-2017
11.	Att. 7 Redacted Public Comments 2021-05-12
12.	APP21-0004 2021-05-13 Public Comment (Rick Sereghy)

CONTACT

Christina Ratcliffe, AICP, Interim Planning & Development Services Director (707) 648-4382
Christina.Ratcliffe@cityofvallejo.net
Jonathan Atkinson, Senior Planner (707) 648-4346
Jonathan.Atkinson@cityofvallejo.net

Approved as to form:

By: _____ *for*
Veronica A.F. Nebb
City Attorney

RESOLUTION NO. 21-_____ N.C.

A RESOLUTION DENYING APPEAL (APP) #21-0004, UPHOLDING PLANNING COMMISSION APPROVAL OF MAJOR USE PERMIT (UP) #20-0008, AND APPROVING MAJOR USE PERMIT (UP) #20-0008, TO ESTABLISH RETAIL CANNABIS SALES FOR V-TOWN FARMS WITH CANNABIS MANUFACTURING AND CANNABIS DISTRIBUTION AS ACCESSORY USES WITHIN AN EXISTING BUILDING SPACE IN MEADOWS PLAZA.

5184 SONOMA BOULEVARD: SUITE 300
APN #0067-150-300

* *

WHEREAS, on August 29, 2017, the City Council adopted General Plan 2040; and

WHEREAS, on July 23, 2020, Chuck Wesley of Kolaboration Vallejo, LLC, filed a Major Use Permit application to establish retail cannabis sales with cannabis manufacturing and cannabis distribution, as accessory uses ("project") within an existing building space on property located at 5184 Sonoma Boulevard: Suite 300 ("project site"); and

WHEREAS, the project site has a General Plan 2040 land use designation of District – North Gateway; and

WHEREAS, the project site has an interim zoning designation of Pedestrian Shopping and Service (CP), identified as Planned Development Commercial (PDC) District pursuant to the existing zoning code, and will be zoned Central Corridor Commercial (CC) District under the new zoning code; and

WHEREAS, on March 15, 2021, after giving all public notices required by State law and the City of Vallejo Municipal Code, the City of Vallejo Planning Commission conducted a duly noticed public hearing and approved the project; and

WHEREAS, on March 25, 2021, the Planning Division received an appeal from California Collective Care, requesting that the City Council overturn the Major Use Permit approval; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its decision on the project at issue herein, includes, but is not limited to: (1) the environmental document (categorical exemption) prepared for the project and the appendices and technical reports cited in and/or relied upon in preparing same; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the environmental document and the project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR; (5) the Vallejo Municipal Code and

its related environmental documents; (6) all designs, plans, studies, data and correspondence submitted to the City in connection with the environmental document and the project; (7) all documentary and oral evidence received at public workshops, meetings, and hearings regarding the environmental document(s) and the project; (8) all other matters of common knowledge to the City Council including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

WHEREAS, the City Council considered testimony and evidence, both written and oral, provided at the public hearing, as well as other documents contained in the record of proceedings relating to the project, which are maintained in the offices of the City of Vallejo Planning Division; and

NOW THEREFORE, based on the Record, the City Council hereby makes the following findings:

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING:

Based on the fact that the project involves the reuse of an existing building with a retail cannabis use with minor building and site alterations, the City Council finds that approval and implementation of the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code §21000, et seq. and California Code of Regulations, Title 14, §15000, et seq. (Guidelines) pursuant to Guidelines Section 15301 ("Existing Facilities").

FACTS IN SUPPORT: *The project is proposed to be located within an existing shopping center, Meadows Plaza, in an existing building space formerly occupied by Food 4 Less. The project is not proposing expansion of the existing building space but rather involves only reoccupation of the space, interior and exterior alterations involving such things as interior partition walls, plumbing and electrical, painting and installation of windows consistent with the examples set forth in Guidelines Section 15301 (a).*

None of the exceptions in CEQA Guidelines Section 15300.2 apply as follows:

(a) the site is not located in an environmentally sensitive area,

FACTS IN SUPPORT: *The project site is located in an existing building space in an existing operating shopping center, as noted above.*

(b) there are no cumulative impacts,

FACTS IN SUPPORT: *The project site is located in an existing building space in an existing operating shopping center and replaces a previous retail use, as noted above.*

(c) there are no significant effects due to unusual circumstances,

FACTS IN SUPPORT: *The project site is located in a tenant space in an existing operating shopping center and replaces a previous retail use, as noted above.*

(d) the project is not located near a scenic highway,

FACTS IN SUPPORT: *There are no designated scenic highways in the City of Vallejo or otherwise near the project site.*

(e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5,

FACTS IN SUPPORT: *Planning Division staff checked the list of sites prepared pursuant to Government Code Section 65962.5 and verified that the project site is not located thereon.*

(f) the project would not affect any historical resource. Therefore, no further environmental review is required.

FACTS IN SUPPORT: *There are no historical resources located on the project site. The project site is located within and existing shopping center.*

II. FINDINGS RELEVANT TO THE DENIAL OF THE APPEAL

A. Appellant Claim: The proposed retail cannabis dispensary is too large and will invite crime.

According to the [Planning Commission] Staff Report, the proposed retail sales "will occupy 17,056 square feet of the floor area." Most licensed retail dispensaries in the State of California occupy no more than 2,000-5,000 SF. A "weed super store" in the City of Vallejo will attract unwanted crime.

***REASON FOR APPEAL: The Applicant failed to conduct a "public Safety Impact Study" regarding the potential adverse effects of a "weed super store" at this location which could harm surrounding businesses and local residents. Additionally, the Vallejo Police Department did not participate in the Planning Commission hearing and has been mute on this issue to date.**

Staff Response: *All retail cannabis businesses in Vallejo are required to maintain a confidential written security plan regardless of the size and intensity of the operation. The Vallejo Police Department reviewed the Use Permit application and written security plan for V-Town Farms, and did not raise any concerns. The retail cannabis business will employ uniformed security guard(s), as proposed and required, and utilize surveillance technology, as part of its operation. Meadows Plaza has been largely vacant since losing Walmart in 2007 and Food 4 Less in 2016. The introduction of an active retail cannabis business with both uniformed security and security cameras can improve security in the shopping center with the additional surveillance serving as a potential deterrent. No substantial evidence has been submitted that shows a tie between the square footage of a retail cannabis operation and the amount or nature of crime associated therewith. The stated subjective fears do not rise to the level of substantial evidence.*

Accordingly, the City Council finds that Appellant's claim "A" is without merit.

B. Appellant Claim: The proposed location does not reflect the spirit and intent of the City's General Plan.

The City's General Plan 2040 does not support "cannabis use" and/or its related business at the proposed location at 5184 Sonoma Blvd., Suite 300. The D-NG zoning designation does not support a 17,000 SF "weed super store."

Staff Response*: V-Town Farms is consistent with the General Plan 2040 designation of District – North Gateway (D-NG). General Plan 2040 describes the D-NG designation as follows:*

> *The D-NG designation applies to the northern portion of the area north of SR 37 between Sonoma Boulevard and Broadway Street, a highly-visible area that serves as a gateway to Napa Valley from SR 37 (heading north) and to Vallejo from American Canyon (heading south). It is intended to foster an integrated, pedestrian-oriented place with a mix of uses, such as retail, dining, entertainment, and lodging, that cater to both motorists passing through and surrounding neighborhoods. It also incorporates higher-density residential development that supports nearby services and activates the area. The maximum permitted FAR in the D-NG designation is 2.0, with a minimum residential density of 30 dwelling units per acre up to 50 dwelling units per acre.*

A retail cannabis business in the North Gateway District is allowable pursuant to General Plan 2040, as such. This use contributes to the diversity of uses that are envisioned for the North Gateway District. Retail cannabis sales is also a use that will serve both local residents and motorists passing through Vallejo. V-Town Farms would be particularly well-suited to attract both local residents and motorists with its high visibility from Sonoma Boulevard (Highway 29) and Broadway and proximity to residences. An analysis of the project's consistency with General Plan 2040 Guiding Principles and Policies are contained in the Planning Staff report from March 15, 2021, which is attached hereto as Attachment 2 and incorporated herein by reference.

On August 29, 2017, the City Council established the Interim Zoning Policy (IZP) to facilitate development and guide zoning interpretations from the adoption of General Plan 2040 to the adoption of the new zoning code. Under the IZP, each General Plan 2040 land use designation correlates to the City's existing zoning districts and specific plans for the purposes of applying land use and development standards to a proposal. The project site's General Plan 2040 designation of District – North Gateway (D-NG) correlates to the following zoning districts under the IZP: Pedestrian Shopping and Service (CP) District and High Density Residential (HDR) District. Under the IZP, in situations where the proposed use is permitted by General Plan 2040, but not clearly addressed in the existing zoning designation, the applicant may apply for a Major Use Permit to allow the use.

The project site is identified as Planned Development Commercial (PDC) District on the City's existing zoning map. The Planned Development for the project site permits retail uses but does not specifically mention cannabis use since at the time of the adoption of the Planned Development for Meadows Plaza, cannabis was not a legally permitted use at all. The CP District is the "best fit" zoning designation authorized

under the IZP because the project site is located within a commercial shopping center that can accommodate a variety of uses, including a retail cannabis business. In addition, the proposed zoning of the project site in the new zoning code is Central Corridor Commercial (CC) District, which would also allow retail cannabis sales with a Minor Use Permit. The project is in conformance with General Plan 2040 and both the CP District and CC District.

The issuance of a Major Use Permit in the present case is an application of the strictest applicable zoning under the IZP. Under the IZP, a Major Use Permit is the applicable land use entitlement. The Mayor Use Permit may be granted under the IZP provided the use is consistent with General Plan 2040 and subject to the following findings under Section 6 of the IZP:

1. *The proposal is appropriate in consideration of the characteristics of the surrounding area.*
2. *The proposal is consistent with the intent and desired character of the relevant land use designations(s) of General Plan 2040 and any associated General Plan policies.*
3. *The proposal will clearly promote implementation of General Plan 2040.*
4. *The proposal conforms to the zoning ordinance requirements of the applicable or "best fit" zoning district.*

The project site will be zoned CC District under the new zoning code, as mentioned above. Retail cannabis sales uses will be permitted in the CC District with the issuance of a Minor Use Permit. City staff has applied the most restrictive zoning and required the applicant to obtain a Major Use Permit in the present case.

Accordingly, the City Council finds that the proposed project is consistent with the General Plan 2040 designation of District – North Gateway (D-NG).

<u>General Plan 2040 Guiding Principles</u>

- **Guiding Principle 13. Good Jobs, Education & Training. Vallejo provides people with good jobs and its young people with job training and the education they need to succeed. Vallejo embraces innovations in education, and the City's excellent educational institutions and trade schools play a prominent role in its economic vitality and community life.**

- **Guiding Principle 14. Innovation, Entrepreneurship & Successful Local Businesses. Vallejo welcomes innovative businesses and fosters entrepreneurship. It is a community that capitalizes on new technologies, community assets, and local knowledge – while helping local businesses to succeed.**

- **Guiding Principle 15. Economic Development Aligned with Natural Environment. Vallejo values economic development and aligns well-designed projects with the protection and enhancement of environmental resources. It is a community where sustainable development is efficiently processed and provides broad benefits that serve community needs and enhance the quality of life.**

- **Guiding Principle 16. Stable, Strong & Diverse Economy. Vallejo is characterized by fiscal stability; a strong, diverse economy, including health care, education, and manufacturing; and efficient use of its lands and waterways. Vallejo's unique setting, community character, and favorable weather are major resources for economic expansion, including tourism and entertainment.**

  The project brings good jobs to Vallejo with an innovative business that results in the adaptive reuse of a vacant building and site. Specifically, these are jobs that will provide training and experience in an industry that is expanding throughout California. The project balances economic development with the natural environment in that it will result in the reuse of a vacant building on an infill site, and not disturb natural resources. Lastly, the project contributes to the diverse economy of Vallejo, while also drawing customers from both inside and outside of Vallejo. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Guiding Principles 13, 14, 15, and 16.

<u>General Plan 2040 Policies</u>

- **Policy NBE-2.8 Infill Development. Promote infill development and target vacant and underutilized sites for community-desired and enhancing uses that are compatible with surrounding uses.**

  The project site is a vacant building space in a commercial shopping center that has largely sat vacant for several years. Reuse of this underutilized building with a retail use that serves both local and regional customers and provides good jobs will enhance the economy of the area and Vallejo. The cannabis business will be subject to a collection of specific requirements, including the addition of new windows, to ensure it does not create any potential adverse impacts. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy NBE-2.8.

- **Policy NBE-3.8 North Gateway. Accelerate investment in the North Gateway area to achieve a mixed-use district that caters to both locals and regional travelers to Napa Valley.**

  Establishment of an active retail cannabis business at 5184 Sonoma Boulevard will help accelerate investment in the North Gateway, particularly Meadows Plaza, which has been largely vacant for years. The retail cannabis business can help draw customers from within and outside of Vallejo to Meadows Plaza for which existing businesses may benefit. Furthermore, new businesses may be encouraged to fill the vacant tenant spaces. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy NBE-3.8.

- **Policy NBE-3.14 Neighborhood Corridors**. **Connect the community with mixed-use corridors that function as neighborhood main streets for adjacent residential areas.**

  The establishment of a retail cannabis business contributes to the mix of uses along the Sonoma Boulevard corridor between Highway 29 and Mini Drive. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy NBE-3.14.

- **Policy NBE-5.13 Noise Control**. **Ensure that noise does not affect quality of life in the community.**

  All of the activities of the retail cannabis business, including the cannabis manufacturing and cannabis distribution accessory uses, will occur indoors and away from sensitive uses, such as residences. Furthermore, the retail cannabis business will be subject to noise-reduction requirements, as operational conditions. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy NBE-5.13.

- **Policy EET-2.1 Economic Diversification. Attract employment and tax generating businesses that support the economic diversity of the City**.

  The retail cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy EET-2.1.

- **Policy EET-3.4 Commercial and Neighborhood Corridors. Enhance commercial corridors to create a vibrant mix of places to live, work, shop, and play.**

  The operation of the cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses. Accordingly, the City Council finds that the proposed project is consistent with General Plan 2040 Policy EET-3.4.

  Accordingly, for all of the reasons stated above, the City Council finds that Appellant's claim "B" is without merit.

C. Appellant Claim: The proposed retail cannabis dispensary is located dangerously close to schools.

Most cities in California require a 1,000 SF "buffer" between retail cannabis stores and K-12 schools in the community. While the City's buffer requires a 600-foot setback from schools, we are greatly concerned about the proposed new dispensary and its close proximity to Dan Mini Elementary School (approximately 900 ft. buffer) and Griffin Academy Middle and High School (approximately 800 ft. buffer).

The Applicant failed to notify its neighbors and the greater Vallejo community of their intention to open a "weed super store" at the proposed location. The Applicant did not hold any Community Outreach Event nor did the Applicant conduct any substantial outreach with its surrounding businesses and local residents, which is a requirement of a Major Use Permit Application in the City of Vallejo.

Staff Response: *Both the Vallejo Municipal Code and California Bureau of Cannabis Control prohibit cannabis businesses from operating within 600 feet of K-12 schools, daycares, or youth centers. The proposed retail cannabis business is consistent with this requirement. Furthermore, the appellant fails to provide a basis for claiming that the retail cannabis business is "dangerously close" to area schools. Both Dan Mini Elementary School and Griffin Academy Middle School and High School are separated from the project site by Sonoma Boulevard (Highway 29) and Broadway/railroad respectively, and are located in residential neighborhoods greater than 800 feet from the proposed project site. The appellant fails to identify any negative impacts that V-Town Farms would have on either of the schools, especially in light of these physical separations. Further, the appeal seems to be raising questions as to whether the City's separation requirements set forth in the ordinance are appropriate. However, the issue of the appropriate separation standards was decided at the time of ordinance adoption. The proposed use more than meets the separation requirements of the existing ordinance. It would be fundamentally unfair to apply a greater separation requirement to the proposed use than set forth in the ordinance and applied to all other cannabis operators, including appellant.*

The Planning Division provided notice of the public hearing for the Use Permit to all property owners and neighborhood groups within 500 feet, the applicant, the Planning Commission, and in the Times Herald newspaper at least 10 business days before the public hearing in accordance with VMC Section 16.82.030.C. The appellant's claim that a community outreach event is a requirement for a Use Permit is incorrect. While a project applicant is welcome to conduct community outreach on behalf of a project; it is not a requirement of the Vallejo Municipal Code nor is it a requirement of the Use Permit application process.

Accordingly, the City Council finds that Appellant's claim "C" is without merit.

D. **Appellant Claim**: **V-Town Farms will harm CCC and will close down other local dispensaries.**

The City of Vallejo and the Planning Commission failed to conduct any meaningful and transparent "Economic Impact Report" highlighting the negative and adverse effects of a 17,000 SF 'weed super store' and its economic impact on the City's "Permitted Operators," or the eleven (11) original retail cannabis dispensaries in operation since 2015.

Staff Response: *The appellant's claim that V-Town Farms will put existing cannabis businesses in Vallejo out of business is at best speculative. The Vallejo Municipal Code does not require any cannabis business to conduct an "economic impact study" prior to operation. V-Town Farms will replace HTP Group, and thus maintain the total number of permitted cannabis businesses at 11. To require an "economic impact study" to be conducted because V-Town Farms is a perceived "weed super store" would be arbitrary and unreasonable.*

Accordingly, the City Council finds that Appellant's claim "D" is without merit.

E. **Appellant Claim: The Appellant believes that V-Town Farms is not categorically exempt from CEQA.**

According the Staff Report provided the Planning Commission on March 15, 2021, the Report states: "The proposed project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1 "Existing Facilities") in that it involves the reuse of an existing building space for retail cannabis sales with minor building and site alterations. Therefore, no further environmental review is required."

In recognition of the City's General Plan 2040 and the new zoning of the North Gateway District (D-NG), the Appellant strongly believes that this project qualifies for Environmental Review and Staff must make findings on the project's environmental impact. Further, considering the massive size and impeding nature of the proposed project, the Appellant believes the following items support a CEQA Study: (1) The project will have a significant impact on the environment and (2) Significant effects have not been substantially mitigated.

Staff Response: *The proposed project for V-Town Farms is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15301 ("Existing Facilities"). V-Town Farms will occupy a 19,035 square foot portion of an existing 49,871 square foot building space that was formerly occupied by Food 4 Less. The project site had been the location of an existing retail establishment for approximately 25 years. The project is not proposing expansion of this existing building space but rather involves only reoccupation of the space, interior and exterior alterations involving such things as interior partition walls, plumbing and electrical, painting and installation of windows consistent with the examples set forth in Guidelines Section 15301 (a).*

None of the exceptions under CEQA Guidelines Section 15300.2 that preclude a project from a CEQA exemption apply. The project site is not located in an environmentally sensitive area in that it is an existing building space in a shopping center; the project replaces a previous retail use at the project site and does not create any cumulative impacts; there are no significant effects due to unusual circumstances; there are no designated scenic highways in the City of Vallejo; the project site is not listed on any lists prepared pursuant to Government Code Section 65962.5; and no historical resources are present nor impacted by the project. There are no significant environmental impacts to mitigate so requiring further environmental review, as suggested by the appellant is unnecessary.

Accordingly, the City Council finds that Appellant's claim "E" is without merit.

III. FINDINGS RELEVANT TO THE APPROVAL OF THE MAJOR USE PERMIT (VMC Section 16.82.050)

The City Council hereby finds that:

A. **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.

FACTS IN SUPPORT: The project site is a vacant building space formerly home to Food 4 Less and is characterized by high visibility from Sonoma Boulevard (Highway 29) and a collection of buildings and site improvements that comprise Meadows Plaza. The retail cannabis business is compatible with uses typical of a shopping center, such as commercial shops, services, offices, and restaurants. Because the project involves the reuse of an existing building space, it is consistent with the desired scale, bulk, coverage, and density in the area. The City envisions a mix of uses in the North Gateway, including those that can attract both local residents and motorists passing through Vallejo to and from Napa County. An active retail cannabis establishment is well-suited to draw customers to Meadows Plaza both from within Vallejo and outside communities. The City's Technical Project Review Committee review of the use did not result in any concerns with respect to utilities, traffic and parking, or crime. The Vallejo Police Department also reviewed the project and did not identify any concerns. Furthermore, the cannabis business does not operate within a 600-foot radius of any potentially sensitive land uses, such as daycares, schools with grades kindergarten through 12, and youth centers. The cannabis business will be subject to Vallejo Municipal Code and State requirements, and Use Permit conditions to ensure that the operation does not result in an adverse effect on the surrounding area.

B. **That the impacts, as described in subsection A of this section, and the location of the proposed conditional use are consistent with the city general plan.**

*Refer to **Exhibit B** of this resolution, incorporated herein by this reference, for the analysis and findings of the project's consistency with General Plan 2040.*

IV. FINDINGS RELEVANT TO GENERAL PLAN 2040 CONSISTENCY (Interim Zoning Policy Section 6)

The City Council hereby finds that:

1. **The proposal is appropriate in consideration of the characteristics of the surrounding area.**

   FACTS IN SUPPORT: The surrounding area is characterized by a variety of commercial, industrial, and residential uses, Broadway, Sonoma Boulevard (Highway 29), and close proximity to the Vallejo and American Canyon border. The cannabis business is a retail use that is compatible with the existing and anticipated land uses for the surrounding area.

2. **The proposal is consistent with the intent and desired character of the relevant land use designations(s) of General Plan 2040 and any associated General Plan policies.**

   *Refer to **Exhibit B** of this resolution for the analysis and findings of the project's consistency with General Plan 2040 and associated policies.*

3. **The proposal will clearly promote implementation of General Plan 2040.**

   *Refer to **Exhibit B** of this resolution for the analysis and findings of the project's consistency with, and therefore implementation of, General Plan 2040.*

4. **The proposal conforms to the zoning ordinance requirements of the applicable or "best fit" zoning district.**

   FACTS IN SUPPORT: The "best fit" zoning district applicable to the proposal is the Pedestrian Shopping and Service District, which conditionally permits retail cannabis sales, with cannabis manufacturing and cannabis distribution permitted as accessory uses. The existing zoning is the Commercial Planned District 89-09, which permits retail sales and associated uses. The proposed Zoning Code designates the project site as Central Commercial Corridor (CC). Retail sales of cannabis with accessory manufacturing and distribution is permitted in the CC District with a Minor Use Permit.

V. FINDINGS RELEVANT TO THE APPROVAL OF THE MINOR USE PERMIT FOR RETAIL CANNABIS SALES USES (VMC Section 16.82.050.V)

The City Council hereby finds that:

1. **Regulatory Permits. Retail sales of cannabis uses must obtain and maintain all required state and local permits and licenses including the local regulatory permit to operate required under Chapter 7.200 of this code. Revocation of the state cannabis license or the local regulatory permit to operate under Chapter 7.200 of this code shall be grounds for revocation of the minor use permit for the retail sales of cannabis use. Valid and applicable state and local licenses and permits shall be publicly displayed at all times during hours of operation. Operations and location requirements must at all times comply with applicable regulations contained in Title 16 of the California Code of Regulations as those may be updated from time to time by the California Bureau of Cannabis Control.**

   FACTS IN SUPPORT: The applicant is required to obtain all regulatory permits under Vallejo Municipal Code Chapter 7.200 and to maintain all City and State of California permits and licenses, as set forth in condition of approval 1.

2. **Locational Limitation.**

   a. **Any retail sales of cannabis use may not be located within a six hundred-foot radius of a school providing instruction in kindergarten or any grades one through twelve, day care center, or youth center as defined in Health and Safety Code Section 11353.1. The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.**

FACTS IN SUPPORT: The project site is consistent with this requirement in that there is no school providing instruction in kindergarten or any grades one through twelve, day care center, or youth center as defined in Health and Safety Code Section 11353.1, within a 600 ft. radius of the lot on which the use is proposed to be located, as measured per the above.

b. Any applicant for a use permit to conduct retail sales of cannabis, whether for 'adult use' or medicinal purposes, must conduct all retail sales at one site.

FACTS IN SUPPORT: The applicant intends to operate a retail cannabis business only at the project site, which use is consistent with this requirement. The applicant's HTP Group location will close prior to the commencement of operations at this location. This will be verified by Planning Division staff.

3. Development and Operational Standards. Retail sales of cannabis uses shall comply with site development standards specified in the applicable zoning district. Such uses shall also comply with the following standards:

a. General:

i. No person under age eighteen (for medical retail sales of cannabis) or twenty-one (for recreational retail sales of cannabis) shall be allowed on the property.

ii. No transactions outside, or partially outside of an enclosed building are permitted. No transactions which are performed through walk-up or drive-through service are allowed.

iii. The property shall not include patio or cafe seating, unless used exclusively for employees in an area not accessible to the general public.

iv. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis in any form shall be allowed on the property, including the parking areas of the property.

v. No alcohol shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to customers, employees, guests, visitors, or volunteers.

vi. No retail sales of cannabis shall occur, in any form, to anyone between the hours of eight p.m. and nine a.m., except delivery.

vii. The property complies with all applicable California State Building Code provisions, the city's property maintenance ordinance and is maintained free of debris, litter and trash.

viii. **All transactions, including but not limited to cash or in-kind contributions, reimbursement or compensation, shall be fully documented.**

ix. **The owner will have a written security plan including procedures for verifying identification and age of purchasers. The plan must include a description of licensed and uniformed security guards who must be present on site during hours of operation, including their number, location and hours, as well as a theft prevention plan including locked exterior doors and windows during the times the business is closed. The licensed and uniformed security guard best practices shall comply with state law.**

x. **The point of sale software used to track retail sales must be acceptable to the finance director.**

xi. **Retail sellers of cannabis may only use one name to identify themselves in the minor use permit, the local regulatory permit, the state license and any other state or local permit that may be required.**

FACTS IN SUPPORT: Project conditions of approval ensure compliance with these standards. All of the above standards are contained in the Conditions of Approval 15-31 and the information submitted by the applicant, including the security plan.

b. **Limitations on retail area in industrial zones. In the Intensive Use-Limited (IU-L), Intensive Use (IU), and Planned Development Industrial (PDI) Districts, no more than fifty percent of the floor area shall be devoted to retail sales.**

FACTS IN SUPPORT: The project site is not located in an industrial zoning district. Therefore, this requirement does not apply.

c. **Lighting:**

i. **Exterior perimeter lighting shall be in place prior to operation;**

ii. **Exterior lighting shall be code compliant LED fixtures or high efficiency luminaries, and shall have an illumination intensity of between one and four foot candles;**

iii. **Lights shall be directed and shielded so as not to illuminate adjoining properties;**

iv. **Lights shall include housing to protect against breakage;**

v. **Broken or burnt out lights shall be replaced within forty-eight hours;**

vi. **Transitional lighting shall be incorporated in exterior areas providing access to and from buildings or uses within a site; and**

vii. **Trees and shrubs shall not interfere with the distribution of lighting as required by this section.**

FACTS IN SUPPORT: Project plans are compliant with these standards. In addition, continued adherence to these standards are also included as condition of approval 32.

d. **Signs:**

i. **A sign shall be posted on the door or in view of the entrance stating that no person under the age of eighteen (for medical retail sales of cannabis) or twenty-one (for recreational Retail sales of cannabis) is allowed on site.**

ii. **A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited.**

iii. **A sign shall be posted stating loitering on or near the premises is prohibited.**

iv. **A sign shall be posted outside the facility in full public view containing city contact information for both emergency situations and information regarding public concern about operations.**

v. **Other requirements as prescribed in Chapter 16.64.**

FACTS IN SUPPORT: Project condition of approval 8 and 33 require compliance with these standards. Staff will also inspect the project site prior to the opening of the dispensary to ensure this is the case. In addition, unannounced inspections are required on a regular basis.

e. **Windows: In order to promote a strong pedestrian connection for retail safety, visibility, crime prevention through environmental design and a positive active environment, support natural lighting, and enhance curb appeal and value of retail space:**

i. **No display of cannabis or cannabis product shall be permitted within ten feet of the window.**

ii. **Storefronts must maintain transparent windows that allow visibility into the store, with a minimum of sixty percent transparency on the street frontage at the ground level and allow visibility into the building at a minimum of four feet above the ground.**

FACTS IN SUPPORT: Project plans and condition of approval 34 ensure compliance with these standards. The plans show the existing windows meet the above standards. In addition, Staff will inspect the project site prior to opening of store to ensure that the windows are transparent and the cannabis product is placed appropriately. In addition, unannounced inspections are required on a regular basis to ensure continued compliance.

f. Screening and landscaping:

i. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the planning manager or his or her designee shall not exceed three feet in height at maturity.

ii. Trees shall be pruned up to six feet above ground.

iii. Trees and shrubs shall be pruned back from windows, doors and walkways.

iv. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand.

v. Entrances to the site and parking lots shall be defined with landscaping or entry features.

vi. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry.

vii. Other requirements as prescribed in Chapter 16.70.

FACTS IN SUPPORT: Project plans show shrubs, stone and parking lot comply with the above standards, and City staff will inspect the project site prior to opening of store to ensure that all standards are in place. Condition of approval 35 further ensures compliance with these requirements. In addition, unannounced inspections are required on a regular basis to ensure continued compliance.

g. Noise:

i. The use of generators is prohibited, except as short-term temporary emergency back-up systems; and

ii. **Other requirements as prescribed in Section 16.72.030 shall apply.**

FACTS IN SUPPORT: Generators are not proposed nor allowed, except as a short-term temporary emergency back-up. Project condition of approval 36 ensures that all requirements in VMC Section 16.72.030 will be met.

h. Odor control: A sufficient odor-absorbing ventilation and exhaust system shall be installed and operated to ensure that odor generated by the use is not detected outside the property, anywhere on adjacent properties or public rights-of-way, or within any other

separate use or unit located within the same building as the retail sales of cannabis use.

FACTS IN SUPPORT: Project condition of approval 37 ensures compliance with this requirement.

i. Maintenance:

1. Property shall be maintained free of debris, litter and trash; and
2. The use shall comply with Chapter 7.54, Property Maintenance.

FACTS IN SUPPORT: Project condition of approval 38 ensures compliance with this requirement.

j. Other performance standards: The use shall comply with all requirements prescribed in Chapter 16.72.

FACTS IN SUPPORT: Project conditions of approval 39-46 ensure compliance with this requirement.

VI. FINDINGS RELEVANT TO THE APPROVAL OF THE MINOR USE PERMIT FOR CANNABIS MANUFACTURING AND CANNABIS DISTRIBUTION ACCESSORY USES (VMC Section 16.58.040.H)

The City Council hereby finds that:

1. Cannabis manufacturing may be permitted as an accessory use subject to the following restrictions:

a. The extraction process shall consist of separating cannabinoids from cannabis plant material solely by press or non-volatile solvent between the temperatures of sixty and two hundred degrees Fahrenheit.

b. The extraction shall take place in an area not to exceed one hundred square feet located within or attached and internally connected to the principal structure.

c. The infusion process shall consist of the direct incorporation of cannabis, cannabinoids, or cannabis concentrates into an edible, topical or other product to produce a cannabis product.

d. The cannabis manufacturing shall not exceed ten percent of the total floor area of the principal use or five hundred square feet, whichever is less.

e. The manufacturing space is only accessible to employees and shall not be visible to the general public.

FACTS IN SUPPORT: Project plans and conditions of approval ensure compliance with these standards.

2. **Cannabis distribution may be permitted as an accessory use subject to the following restrictions:**

   a. **The area utilized for cannabis distribution shall not exceed thirty percent of the total floor area of the principal use or one thousand and five hundred square feet, whichever is lesser.**

   b. **The distribution storage area shall be fully enclosed within or attached and internally connected to the principal structure.**

   c. **The distribution storage area shall only be accessible to employees and shall not be visible to the general public.**

   FACTS IN SUPPORT: Project conditions of approval ensure compliance with these standards.

NOW, THEREFORE, BE IT RESOLVED; that based on the findings above, the evidence and testimony, both written and oral, presented at the City Council hearing and the Record as a whole, the City Council hereby DENIES the appeal, UPHOLDS the Planning Commission's approval of the Major Use Permit for the Project, and APPROVES Major Use Permit # 20-0008, subject to the Conditions of Approval attached hereto as Exhibit A, and in accordance with the plans attached hereto as Exhibit B.

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
ROBERT MCCONNELL
City of Vallejo City Council

Attest:

_____
DAWN ABRAHAMSON, CITY CLERK
City of Vallejo City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

V-TOWN FARMS
MAJOR USE PERMIT (UP) #20-0008
5184 SONOMA BOULEVARD: SUITE 300
APN # 0067-150-300

PERMIT DESCRIPTION: Establishment of retail cannabis sales for V-Town Farms with cannabis manufacturing and cannabis distribution, as accessory uses. V-Town Farms will occupy a 19,035 square foot portion of the existing 49,871 square foot building space that was formerly home to Food 4 Less in Meadows Plaza, and will require minor building and site alterations. Cannabis retail sales will occupy 17,056 square feet of the floor area. Cannabis manufacturing will occupy 494 square feet of the floor area and involve non-volatile processes to manufacture infused pre-rolls, cannabis beverages, and flower. Cannabis distribution will occupy 1,485 square feet of the floor area and will involve the packaging and shipment of cannabis products, including those manufactured on the premises. Cannabis cultivation is not proposed as part of the business operation. The remaining vacant 30,836 square feet of the floor area will not be part of the cannabis business operation The permitted hours of operation will be 9:00 A.M. to 8:00 P.M., or as allowed by the Vallejo Municipal Code, seven days a week.

A. PLANNING DIVISION

Jonathan Atkinson | jonathan.atkinson@cityofvallejo.net | (707) 648-4346

Special Conditions

1. The business owner shall not commence operation of any cannabis activities at 5184 Sonoma Boulevard: Suite 300 until the following occurs:

    a. City of Vallejo approval of a local regulatory permit transfer with HTP Group.

    b. City of Vallejo issuance of a certificate of occupancy for V-Town Farms at 5184 Sonoma Boulevard: Suite 300.

    c. State of California approval and issuance of all required licenses.

    d. HTP Group, Inc. has permanently closed its location at 4345 Sonoma Boulevard: Suite D-4 and has been inspected by City of Vallejo Planning Division staff.

2. Cannabis cultivation is not approved and shall not occur anywhere on the premises and/or within Vallejo City limits without City of Vallejo and State of California approvals.

3. The remaining portion of the building at 5184 Sonoma Boulevard: Suite 300 shall not contain any cannabis uses or activities nor be internally accessible to the cannabis business. Any proposed expansion of the cannabis business shall require written approval from both the City of Vallejo and State of California.

4. The premises shall be graffiti free. See Condition 38 for additional property maintenance requirements.

5. The existing chain-link fencing along the northern parcel boundary shall be replaced with new fencing to the satisfaction of the Planning Division.

6. All of the existing chain-link fencing with razor wire visible from Broadway shall be replaced with decorative metal fencing to the satisfaction of the Planning Division prior to operation.

7. All outdoor trash receptacles stored outside shall be secured in a trash enclosure designed to City of Vallejo standards. See Condition 35 for cannabis waste requirements.

8. Signs shall be consistent with the master sign program for Meadows Plaza and the City's Sign Ordinance. The abandoned monument sign structure north of the driveway on Broadway shall be removed. See Condition 33 for additional sign requirements.

9. Street trees shall be installed and maintained at a ratio of one per 50 feet of street frontage along Sonoma Boulevard and Broadway for the project site. No trees shall be removed without written authorization from the City of Vallejo Planning Division. Any trees removed from the subject property shall be replaced to the satisfaction of the Planning Division. See Condition 35 for additional landscaping requirements.

General Requirements

10. The Planning & Development Services Director is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to the Planning Division demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. The Planning Division shall consult with affected City departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by the Planning and Development Services Director are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public review process. Any modification of the permit conditions shall be documented with an approval letter from the Planning Division, and shall not affect the original permit approval date or the term for expiration of the permit.

11. Within five working days after project approval, the applicant/operator shall pay the Notice of Exemption filing fee (the latest fees in effect at the time of payment) for County Clerk processing, made payable to Solano County and submitted to the City of Vallejo Planning Division. If an in-person filing is required, such filing shall be completed by the applicant, unless directed otherwise by the Planning Division. NOTE: If the fees are not paid and the Notice of Exemption is not filed within five working days after approval of the project, it will extend time frames for California Environmental Quality Act (CEQA) legal challenges.

12. The business owner shall submit a numbered list to the Planning Division with a written response on how each Use Permit condition herein will be satisfied prior to issuance of building permits and/or the commencement of the use.

13. Applicant shall indemnify, hold harmless, and defend City, its officers, officials, directors, employees, agents, volunteers, Commissions, Committees, Boards, Agencies, Council

and affiliates and each of them (collectively, "City") from any and all claims, demands, causes of action, or proceeding (collectively, "Proceeding") brought against the City, the Project or Applicant, to: (1) attack, set aside, void or annul any approval for the Project, any action taken to provide environmental clearance under the California Environmental Quality Act (CEQA), (2) Proceedings of every kind and nature whatsoever arising out of or in connection with Applicant's, Applicant's officers, officials, directors, employees, agent, contractors, subcontractors, and affiliates (collectively "Applicant Parties", operations and activities, to be performed in implementing the Project or for Applicant Parties tort negligence including active or passive, or strict negligence, including but not limited to personal injury including, but not limited to bodily injury, emotional injury, sickness or disease, or death to persons and/or damage to property of anyone, including loss of use thereof, caused or alleged to be caused by any act, error or omission of Applicant Parties for the full period of time allowed by the law, regardless to any limitation by insurance, (3) all costs incurred in additional investigation, of or study of , or for supplementing, redrafting, revising, or amending any document (such as an EIR, Initial Study, Negative Declaration, or exemption) under CEQA, any General Plan Amendment, Specific Plan Amendment or amendment or processing of any entitlement required for the Project, if made necessary by such Proceeding; including but not limited to damages, expenses, attorney's fees (including City Attorney and any outside counsel hired by the City, expert fees, fees and/or costs and any and all other liabilities and expenses incurred whether in law or in equity, in connection with such Proceeding whether incurred by the applicant, the City, and/or the parties initiating or bringing such Proceeding. No modification of the Project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the Applicant's indemnity obligation. This indemnification obligation shall survive completion of the Project or abandonment thereof by the Applicant.

Cannabis Permits and Licensing

14. Regulatory Permits. Prior to operation and maintained thereafter, the cannabis business shall obtain all required State and local permits and licenses, including the local regulatory permit to operate under Vallejo Municipal Code (VMC) Chapter 7.200. Revocation of the State cannabis license or the local regulatory permit to operate under VMC Chapter 7.200 shall be grounds for revocation of the Use Permit for the cannabis business.

    Valid and applicable State and local licenses and permits shall be publicly displayed at all times during hours of operation, and provided to the City of Vallejo to be maintained on file. Operations and location requirements must at all times comply with applicable regulations contained in Title 16 of the California Code of Regulations, as those may be updated from time to time by the California Bureau of Cannabis Control.

Operational Requirements

15. Operation of the cannabis business shall be substantially in accord with the approved Use Permit application submittal and plans dated "February 3, 2021" and "February 8, 2021" except as modified by the conditions stated herein.

16. Operation of the cannabis business shall be in compliance with all applicable State and VMC requirements.

17. Cannabis Manufacturing. All cannabis manufacturing shall comply with the following regulations:

    a. The extraction process shall consist of separating cannabinoids from cannabis plant material solely by press or non-volatile solvent between the temperatures of sixty and two hundred degrees Fahrenheit.

    b. The extraction shall take place in an area not to exceed one hundred square feet located within or attached and internally connected to the principal structure.

    c. The infusion process shall consist of the direct incorporation of cannabis, cannabinoids, or cannabis concentrates into an edible, topical or other product to produce a cannabis product.

    d. The cannabis manufacturing shall not exceed ten percent of the total floor area of the principal use or five hundred square feet, whichever is less.

    e. The manufacturing space shall be accessible only to employees and shall not be visible to the general public.

18. Cannabis Distribution. All cannabis distribution activities shall comply with the following regulations:

    a. The area utilized for cannabis distribution shall not exceed 30 percent of the total floor area of the retail sales of cannabis use or 1,500 square feet, whichever is less.

    b. The cannabis distribution storage area shall be fully enclosed within or attached and internally connected to the main building.

    c. The distribution storage area shall be accessible only to employees and shall not be visible to the general public.

19. The business owner and all managers shall be subject to a criminal background search and shall not be able to continue operations, if there are any felony convictions, as specified in subdivision (c) of Section 667.5 of the California Penal Code and subdivision (c) of Section 1192.7 of the California Penal Code. Any change in ownership shall require an amendment to the local regulatory permit and necessary background checks.

20. The business owner shall only conduct retail sales of cannabis at one location within Vallejo City limits.

21. No person under age 18 years (for medical retail sales of cannabis) or 21 years (for recreational retail sales of cannabis) shall be allowed on the property.

22. No transactions outside, or partially outside of an enclosed building are permitted. No transactions, which are performed through walk-up or drive-through service are allowed unless first authorized in writing by both the City of Vallejo and Bureau of Cannabis Control.

23. The property shall not include patio or cafe seating, unless used exclusively for employees in an area not accessible to the general public.

24. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis in any form shall be allowed on the property, including the parking areas of the property.

25. No alcohol shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to customers, employees, guests, visitors, or volunteers.

26. No retail sales of cannabis shall occur, in any form, to anyone between the hours of 8 P.M. and 9 A.M., or as prohibited by the Vallejo Municipal Code, except delivery. The business owner shall not increase the hours of operation unless authorized in writing by both authorized staff of the City of Vallejo and the California Bureau of Cannabis Control.

27. The property shall comply with all applicable California State Building Code provisions, the City's property maintenance ordinance, and be maintained free of debris, litter and trash.

28. All transactions, including but not limited to cash or in-kind contributions, reimbursement or compensation, shall be fully documented.

29. The business owner shall maintain a written security plan, including procedures for verifying identification and age of purchasers, on file with the Planning and Development Services Department and the Vallejo Police Department. The plan must include a description of licensed and uniformed security guards, including their number, location, and hours, who must be present on site during hours of operation and a theft prevention plan, including locked exterior doors and windows during the times the cannabis business is closed. The licensed and uniformed security guard best practices shall comply with State law. The Planning and Development Services Department and Vallejo Police Department shall be notified in writing of any revisions to the approved written security plan dated “Received July 23, 2020”.

30. The point of sale software used to track retail sales must be deemed acceptable to the City of Vallejo Finance Director prior to operation.

31. The business owner shall only use one name to identify itself in the Use Permit, the local regulatory permit to operate, the State license, and any other applicable State or local permit that may be required for the purposes of retail sales of cannabis.

32. Lighting. The following lighting requirements shall apply:

    a. Exterior perimeter lighting shall be in place prior to operation.

    b. Exterior lighting shall be code compliant LED fixtures or high efficiency luminaries, and shall have an illumination intensity of between one and four foot candles.

    c. Lights shall be directed and shielded so as not to illuminate adjoining properties.

    d. Lights shall include housing to protect against breakage.

    e. Broken or burnt out lights shall be replaced within 48 hours.

f. Transitional lighting shall be incorporated in exterior areas providing access to and from buildings or uses within the site.

g. Trees and shrubs shall not interfere with the distribution of lighting as required by this Use Permit.

33. Signs. The following signage requirements shall apply:

a. A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 (for medical retail sales of cannabis) or 21 (for recreational retail sales of cannabis) is allowed on site.

b. A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited.

c. A sign shall be posted stating loitering on or near the premises is prohibited.

d. A sign shall be posted outside the facility in full public view containing City of Vallejo contact information for both emergency situations and information regarding public concern about operations.

e. Other Sign Ordinance requirements as prescribed in Title 16 of the VMC.

34. Windows. The following requirements for windows shall apply:

a. No display of cannabis or cannabis product shall be permitted within 10 feet of any window.

b. Storefronts shall maintain transparent windows that allow visibility into the store, with a minimum of 60 percent transparency on the street frontage at the ground level and allow visibility into the building at a minimum of four feet above the ground.

35. Screening and Landscaping. The following landscape requirements shall apply:

a. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the City of Vallejo Planning Manager or designee shall not exceed three feet in height at maturity.

b. Trees shall be pruned up to six feet above ground.

c. Trees and shrubs shall be pruned back from windows, doors, and walkways.

d. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand.

e. Entrances to the site and parking lots shall be defined with landscaping or entry features.

f. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry.

g. Other screening and landscape regulations as prescribed in Title 16 of the VMC.

36. Noise. The following noise requirements shall apply:

    a. The use of generators is prohibited, except as short-term temporary emergency back-up systems.

    b. Other Noise Performance Standards as prescribed in Title 16 of the VMC.

37. Odor Control. A sufficient odor-absorbing ventilation and exhaust system shall be installed and operated to ensure that odor generated by the cannabis business is not detected outside of the property, anywhere on adjacent properties or public rights-of-way, or within any other separate use or unit located within the same building as the cannabis business.

38. Property Maintenance. The following property maintenance requirements shall apply:

    a. Property shall be maintained free of debris, litter and trash.

    b. The cannabis business shall comply with the Property Maintenance Ordinance under VMC Chapter 7.54.

39. Tracking. The cannabis business shall comply with any labeling, testing, and track and trace program established by the City and/or State agencies. The operator must maintain records tracking all cannabis production and products and shall make all records related to commercial cannabis activity available to the City upon request.

40. Taxes. The cannabis business shall be current on the City's Marijuana Business License Tax and any additional applicable taxes enacted by the City or this Use Permit may be subject to revocation and/or local regulatory permit non-renewal and/or revocation.

41. Parking. The applicant shall maintain the 73 required onsite parking spaces to serve the cannabis business. Parking lot surfaces, lighting, and exterior landscaping shall be maintained in good condition in compliance with the approved plans.

42. Special Events. Special events are prohibited unless authorized in writing by both authorized staff of the City of Vallejo and the California Bureau of Cannabis Control.

43. Inspection. The dispensary shall be subject to inspections by appropriate local and State agencies, including but not limited to the City Manager's Office, Planning and Development Services Department, and/or a third-party inspector appointed by and acting on behalf of the City. Inspections may occur at random times for conformance with the Vallejo Municipal Code and City permit requirements. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the dispensary to immediately cease operations.

44. Exterior Modification. All exterior modifications to the building façade or site, including landscaping, parking lot improvements, fencing, lighting, and signage, shall be subject to City of Vallejo review and approval. Razor or barbed wire and similar fencing is not permitted.

45. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the City of Vallejo. Such changes may require a new or modified Use Permit and additional environmental review, if warranted.

46. Use Permit Certificate. This Use Permit, the approved project description, and approved floor plan shall be maintained on site and made available to City of Vallejo officials upon request.

Approval Time/Revocation

47. Approval of this Use Permit shall automatically expire 24 months from the date of approval, unless building permits are issued and authorized construction has commenced prior to the expiration date.

48. The Use Permit shall be deemed abandoned if the cannabis business operation does not remain in use for 12 consecutive months. A new Use Permit shall be obtained prior to the resumption of the cannabis business, if deemed abandoned.

49. 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 Division staff is unable to obtain compliance or abatement, staff will refer the Use Permit to Code Enforcement and/or the Planning Commission for possible suspension or revocation.

B. BUILDING DIVISION

Steve Arnold | steve.arnold@cityofvallejo.net | (707) 648-4387

1. Permits required per California Code of Regulations, Title 24 and applicable City Ordinance in effect at the time of completed Building Permit application date and required fees paid at time of application. 2019 California Code of Regulations apply if permit application(s) received before end of 2022.

C. FIRE DEPARTMENT

Brian Pizzimenti | brian.pizzimenti@cityofvallejo.net | (707) 648-4436

1. Access roads that are fire lanes shall either be posted with permanent all-weather signs constructed and installed in accordance with the Fire Department Fire Lane Marking Standards or shall all have curbs painted red and a sign posted at each entrance. Contact the Fire Prevention Bureau for further information and design templates. Location of such areas shall be determined prior to final inspection.

2. Prior to final Inspection, in accordance with the 2019 Califoirnia Fire Code rooms or areas containing controls for HVAC systems, electrical panels, automatic fire extinguishing systems, fire alarm equipment or other detection, suppression or control elements shall be identified with appropriate signs.

3. A flush-mounted (recessed) Knox Box (key box) mounted no higher than 5 feet above the finished floor containing appropriate keys for emergency fire department access shall be

provided. The minimium size box is the 3200 series with a hinged door and recessed mounting kit. The tamper kit is not required, box color may be any of the Knox options. It takes approximately 2 weeks for delivery. For more information call the Fire Prevention Division at (707) 648-4565

4. Keys for the Knox Box entry system required by the fire department shall be attached to durable tags with permanent marking identifying the door(s) or lock(s) that the key functions with. i.e. “MASTER” or “MECHANICAL ROOM”.

5. Prior to final inspection, in accordance with the 2019 California Fire Code approved address numbers shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall clearly contrast with their background. The characters shall be a minimum of 4" high (6” for Commercial) with a 1/2" stroke. The size of the building and distance or location of the address numbers from the roadway may necessitate larger numbers.

6. Prior to final inspection, the minimum fire-extinguisher requirement shall be one 2A-10BC rated portable unit in such locations so that maximum floor-travel distance does not exceed 75' to the nearest extinguisher from any portion of the building with a maximum of 3,000 square feet of floor area surveyed. Plan submittal shall include the proposed location of extinguishers. Final location shall be approved in the field by the fire department. Hazardous areas will require increased sizing of fire extinguishers.

7. All fire extinguishers shall be mounted in a conspicuous and readily accessible location either on a bracket or within an approved storage cabinet. Fire extinguishers shall be mounted so the top of the unit is 3 feet to 5 feet off the finished floor. If the extinguisher is not readily visible, a sign shall be located directly above the extinguisher. The sign shall be legible and of a contrasting color with its background. Final installation measures and indentification signage shall be approved in the field by the Fire Department prior to final inspection sign-off.

8. Means of egress illumination shall be provided and maintained at any time the building is occupied. The means of egress shall be illuminated of not less than 1 foot candle power and shall be approved by the Fire Prevention Division prior to sign-off of the final inspection.

9. Emergency exit lighting shall be provided at or near all exits and as designated by the Fire Marshal. Final exit lighting shall be approved by the Fire Marshal prior to sign-off of the final inspection.

10. In accordance with the 2019 California Fire Code Chapter 10, all emergency lighting and exit signs lights shall have two separate sources of power.

11. All buildings shall comply with the 2019 California Building Code, Chapter 10 Means of Egress requirments. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.

12. Provide a detailed means of egress, path of travel, exit plan plan prior to building permit approval. Due prior to Building Permit issuance.

13. Locking devices on exit doors shall conform to the 2016 California Fire Code Chapter 10, only one lock or latch requiring one motion/operation to open/unlock is required. No double keyed dead-bolts are permitted on exit doors. Panic hardware is required.

14. Maintain the width of the exit system; tables, chairs, merchandise storage systems and other devices shall not obstruct the means of egress along the path of exit travel based on the cumiulative occupant load served. Maintain clear access to all exits at all times.

15. A separate permit is required for Fire Alarm modification from the Vallejo Fire Department. Fire alarm system must have current annual certification prior to final inspection.

16. A separate permit is required for Fire Sprinkler modification from the Vallejo Fire Department. Fire sprinkler system must have current annual and five year certification prior to final inspection.

17. Duct smoke detectors complying with UL 268A shall be installed in accordance with the CBC, CFC, CMC and NFPA 72.

    a. In the main return air and exhaust air plenum of each air-conditioning system having a capacity greater than 2,000 CFM. Such detectors shall be located in a serviceable area downstream of the last duct inlet.

    b. At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air-conditioning system.

18. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Code Official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official per CFC § 506.1

19. Hazardous Materials Business Plan Requirements. Any occupancy that will be conducting operations or storing materials that are hazardous will obtain the appropriate permits from the City of Vallejo Fire Department and/or Solano County Evironmental Management prior to commencing business operations

20. The provisions of CFC § 407 shall be applicable where hazardous materials subject to permits under CFC § 5001.5 are used and/or stored on the premises or where required by the Fire Code Official.

21. Storage, use and handling of compressed gases in compressed containers, cylinders, tanks, and systems shall comply with CFC Chapter 53 including those gases regulated elsewhere in the CFC and/or any applicable NFPA Standards as determined by the Fire Code Official. Partially full compressed gas container, cylinders or tanks containing residual gases shall be considered as full for purposes of the controls required.

22. Compressed gases classified as hazardous materials shall also comply with CFC Chapter 50 for general requirements and chapter addressing specific hazards, including CFC Chapters 58 (Flammable Gases), 60 (Highly Toxic and Toxic Materials), 63 (Oxidizer, Oxidizing Gases, and Oxidizing Cryogenic Fluids) and 64 (Pyrophoric Materials) and/or any applicable NFPA Standards as determined by the Fire Code Official.

23. The storage, use and handling of all hazardous materials shall be in accordance with CFC Chapter 50 and California Health and Safety Code requirements. The maximum allowable quantity (MAQ) of hazardous materials per control area will be established using CFC § 5003.1. Applicant will need to contact the Fire Department for hazardous materials storage permitting and approval.

24. Fume Ventilation; continous mechanical ventilation shall be provided per the Calfornia Fire Code and the Building and Mechanical Code.

25. Hazardous Materials Inventory Statement (HMIS) per CFC § 5001.5.2. An application for building permit shall include an HMIS. The HIMS shall include the following information:

    a. Product name.
    b. Component.
    c. Chemical Abstract Service (CAS) number.
    d. Location where stored or used.
    e. Container size.
    f. Hazard classification.
    g. Amount in storage.
    h. Amount in use-closed systems.
    i. Amount in use-open systems.
    j. Safety Data Sheets (SDS) for all proposed materials

26. The business will also need to comply with electronic reporting requirements specific to the California Environmental Reporting System (CERS). Applicants will need to contact the Fire Department for direction and permitting related to hazardous materials inventory reporting amounts.

27. The smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in the areas indicated in CFC § 310. No smoking signs are required.

28. Storage of combustible materials in buildings shall be orderly. Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur per CFC § 315.

29. Any security device or system that emits any medium that could obscure a means of egress in any building, structure or premise shall be prohibited per CFC § 316.5.

30. High-piled storage or rack storage in any occupancy group shall comply with the CFC Chapter 32.

31. A final inspection from the Vallejo Fire Department is required prior to final occupancy.

D. WATER DEPARTMENT

Melissa Cansdale | melissa.cansdale@cityofvallejo.net | (707) 553-7223

1. Provide water meter and service sizing calculations per most recent California Plumbing Code and include a water fixture count table.

E. VALLEJO FLOOD AND WASTEWATER DISTRICT

Gustavo Silva | gussilva@vallejowastewater.org | (707) 644-8949

1. The applicant shall pay the applicable plan review fees prior to issuance of building permits.

Approved as to form:

By: _____ *for*
Veronica A.F. Nebb
City Attorney

EXHIBIT B

ANALYSIS AND FINDINGS OF THE PROJECT'S CONSISTENCY WITH GENERAL PLAN 2040, INCLUDING ITS GUIDLING PRINCIPLES AND POLICIES

V-Town Farms is consistent with its General Plan 2040 designation of District – North Gateway (D-NG). Pursuant to General Plan 2040, "[t]he D-NG designation applies to the northern portion of the area north of SR37 between Sonoma Boulevard and Broadway Street, a highly-visible area that serves as a gateway to Napa Valley from SR 37 (heading north) and to Vallejo from American Canyon (heading south). It is intended to foster an integrated, pedestrian oriented place with a mix of uses, such as retail, dining and entertainment, and lodging that cater to both motorists passing through and surrounding neighborhoods." A retail cannabis dispensary is a retail use and thus is allowable in the D-NG designation pursuant to General Plan 2040. Such use contributes to the diversity of uses envisioned for the North Gateway District. Retail cannabis sales will serve both local residents and motorists passing through Vallejo. V-Town Farms would be particularly well-suited to attract both local residents and motorists with its proximity to residences and high visibility from Sonoma Boulevard (Highway 29) and Broadway.

The current zoning designation for the project site is the Planned Development Commercial (PDC) District (Existing Zoning Map). Under the Interim Zoning Policy (IZP), which the City Council established to facilitate development and guide zoning interpretations from the adoption of General Plan 2040 to the adoption of the new zoning code, the project site is indicated as the Pedestrian Shopping and Service (CP) District. In 2017. Under the IZP, each General Plan 2040 land use designation correlates to the City's existing zoning districts and specific plans for the purposes of applying land use and development standards to a proposal. The project site's General Plan 2040 designation of District – North Gateway (D-NG) correlates to the following zoning districts under the IZP: Pedestrian Shopping and Service (CP) District and High Density Residential (HDR) District. Under the IZP, in situations where the proposed use is permitted by General Plan 2040, but not clearly addressed in the existing zoning or the IZP, the applicant may apply for a Major Use Permit to allow the use.

The project site is identified as Planned Development Commercial (PDC) District on the City's existing zoning map. The Planned Development Master Plan for the project site permits retail uses but does not specifically mention cannabis use, since at the time of the adoption of the Planned Development Master Plan, cannabis was not a legally permitted use. The CP District is the "best fit" zoning designation authorized under the IZP because the project site is located within a commercial shopping center that can accommodate a variety of uses, including a retail cannabis business. In addition, the proposed zoning of the project site in the new zoning code is Central Corridor Commercial (CC) District, which would allow retail cannabis sales with a Minor Use Permit. The project conforms with both the CP District and CC District zoning designations. Accordingly, the City Council finds the project is in conformance with General Plan 2040.

<u>General Plan 2040 Guiding Principles</u>

- **Guiding Principle 13. Good Jobs, Education & Training. Vallejo provides people with good jobs and its young people with job training and the education they need to succeed. Vallejo embraces innovations in education, and the City's excellent educational institutions and trade schools play a prominent role in its economic vitality and community life.**

- **Guiding Principle 14. Innovation, Entrepreneurship & Successful Local Businesses. Vallejo welcomes innovative businesses and fosters entrepreneurship. It is a community that capitalizes on new technologies, community assets, and local knowledge – while helping local businesses to succeed.**

- **Guiding Principle 15. Economic Development Aligned with Natural Environment. Vallejo values economic development and aligns well-designed projects with the protection and enhancement of environmental resources. It is a community where sustainable development is efficiently processed and provides broad benefits that serve community needs and enhance the quality of life.**

- **Guiding Principle 16. Stable, Strong & Diverse Economy. Vallejo is characterized by fiscal stability; a strong, diverse economy, including health care, education, and manufacturing; and efficient use of its lands and waterways. Vallejo's unique setting, community character, and favorable weather are major resources for economic expansion, including tourism and entertainment.**

  The project brings good jobs to Vallejo with an innovative business that results in the adaptive reuse of a vacant building and site. Specifically, these are jobs that will provide training and experience in an industry that is expanding throughout California. The project balances economic development with the natural environment in that it will result in the reuse of a vacant building on an infill site, and not disturb natural resources. Lastly, the project contributes to the diverse economy of Vallejo, while also drawing customers from both inside and outside of Vallejo. Therefore, the City Council finds that the proposed project is consistent with General Plan Guiding Principles 13, 14, 15, and 16.

<u>General Plan 2040 Policies</u>

- **Policy NBE-2.8 Infill Development. Promote infill development and target vacant and underutilized sites for community-desired and enhancing uses that are compatible with surrounding uses.**

  The project site is a vacant building space in a commercial shopping center that has largely sat vacant for several years. Reuse of this underutilized building with a retail use that serves both local and regional customers and provides good jobs will enhance the economy of the area and Vallejo. The cannabis business will be subject to a collection of specific requirements, including the addition of new windows, to ensure it does not create any potential adverse impacts. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy NBE-2.8.

- **Policy NBE-3.8 North Gateway. Accelerate investment in the North Gateway area to achieve a mixed-use district that caters to both locals and regional travelers to Napa Valley.**

Establishment of an active retail cannabis business at 5184 Sonoma Boulevard will help accelerate investment in the North Gateway, particularly Meadows Plaza, which has been largely vacant for years. The retail cannabis business can help draw customers from within and outside of Vallejo to Meadows Plaza for which existing businesses may benefit. Furthermore, new businesses may be encouraged to fill the vacant tenant spaces. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy NBE-3.8.

- **Policy NBE-3.14 Neighborhood Corridors**. **Connect the community with mixed-use corridors that function as neighborhood main streets for adjacent residential areas.**

  The establishment of a retail cannabis business contributes to the mix of uses along the Sonoma Boulevard corridor between Highway 29 and Mini Drive. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy NBE-3.14.

- **Policy NBE-5.13 Noise Control**. **Ensure that noise does not affect quality of life in the community.**

  All of the activities of the retail cannabis business, including the cannabis manufacturing and cannabis distribution accessory uses, will occur indoors and away from sensitive uses, such as residences. Furthermore, the retail cannabis business will be subject to noise-reduction requirements, as operational conditions. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy NBE-5.13.

- **Policy EET-2.1 Economic Diversification. Attract employment and tax generating businesses that support the economic diversity of the City**.

  The retail cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy EET-2.1.

- **Policy EET-3.4 Commercial and Neighborhood Corridors. Enhance commercial corridors to create a vibrant mix of places to live, work, shop, and play.**

  The operation of the cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses. Therefore, the City Council finds that the proposed project is consistent with General Plan Policy EET-3.4.

STAFF REPORT
CITY OF VALLEJO
PLANNING COMMISSION

I. PROJECT INFORMATION

DATE OF MEETING:	March 15, 2021 Item No. 4-A
PREPARED BY:	Jonathan Atkinson, Senior Planner
PROJECT LOCATION:	5184 Sonoma Boulevard: Suite 300 (APN: 0067-150-300)
PROJECT NUMBERS:	Major Use Permit (UP) #20-0008
REQUIRED APPROVALS:	Major Use Permit General Plan 2040 Consistency
PROJECT SUMMARY:	Establishment of retail cannabis sales for V-Town Farms with cannabis manufacturing and distribution, as accessory uses. The cannabis business will occupy a portion of an existing building space that was formerly home to Food 4 Less and will require tenant improvements. V-Town Farms will replace HTP Group, an existing cannabis business with retail sales at 4345 Sonoma Boulevard: Suite D-4, as part of a transfer agreement.
ENVIRONMENTAL DETERMINATION:	The project is categorically exempt pursuant to Section 15301 (Class 1: "Existing Facilities") of the California Environmental Quality Act (CEQA) Guidelines. Therefore, no further environmental review is required.
RECOMMENDATION:	Staff recommends that the Planning Commission adopt a Resolution to **APPROVE** Major Use Permit (UP) #20-0008 based on the findings in the Resolution.

PROJECT DATA SUMMARY:

Applicant:	Charles Wesley Kolaboration Vallejo, LLC 183 Main Street Rio Vista, CA 94571
Property Owner:	RPJR, LLC and JRMVP, LLC 10100 Santa Monica Boulevard Los Angeles, CA 90067
General Plan Designation:	District – North Gateway (D-N/G)

Specific Plan:	None
Zoning District:	Planned Development Commercial (PDC) District (Existing Zoning Map) Pedestrian Shopping and Service (CP) District (Interim Zoning Policy)
Existing Use:	Vacant Commercial Tenant Space
Surrounding Land Uses:	North: Vacant Land South: Vacant Building East: Broadway Street/Railroad West: Sonoma Boulevard (Highway 29)
Lot Area:	4.29 acres
Total Floor Area:	49,871 square feet
Parking Required/Provided:	73 spaces required / 258 spaces provided (on parcel)

II. PROJECT DESCRIPTION

A. Background

In December 2018, the City of Vallejo ("City") adopted several cannabis-related amendments to the Vallejo Municipal Code (VMC), which in part required each of the City's 11 existing cannabis business to obtain Minor Use Permits under Title 16 of the VMC and local regulatory permits under VMC Chapter 7.200 by January 1, 2022. The amendments also created a process for which any one of the City's existing cannabis businesses can transfer a local regulatory permit obtained under VMC Chapter 7.200 to a new operator with City approval.

Richard Sereghy and Nicholas Adan of HTP Group, Inc., an existing retail cannabis business at 4345 Sonoma Boulevard: Suite D-4, will transfer the local regulatory permit to Charles Wesley of Kolaboration Vallejo, LLC, as part of a transfer agreement. Kolaboration Vallejo, LLC, which will operate as V-Town Farms, will replace HTP Group upon receipt of all City of Vallejo and State of California permit approvals and licenses, as part of a transfer agreement. There will be no increase in the total number of cannabis businesses in Vallejo.

HTP Group will cease operations prior to the commencement of operations for V-Town Farms. V-Town Farms will operate a retail cannabis business with cannabis manufacturing and cannabis distribution, as accessory uses, at 5184 Sonoma Boulevard: Suite 300. Cannabis cultivation is not proposed nor is it permitted at the project site. Mr. Wesley also owns and operates the following cannabis businesses in the region: Rio Vista Farms (Rio Vista, CA) and Coco Farms (Antioch, CA).

B. Location and Land Use Context

The project site is one of three parcels that comprise Meadows Plaza, a commercial shopping center located on approximately 17.75 acres of land in North Vallejo. The following existing developments and land uses surround the project site: Undeveloped land is located to the north; Broadway is located to the east with a railroad and single-family residences on the other side of the street; two vacant buildings that are also part of Meadows Plaza are located to the south; and Sonoma Boulevard (Highway 29) is located to the west. The 4.29-acre project site is characterized by one commercial building, a surface parking lot, and mature landscaping. Meadows Plaza was formerly home to Walmart (closed in 2007) and Food 4 Less (closed in 2016) and has been largely vacant since 2016.

Figure 1 – Vicinity Map

C. Required Approvals

The project requires Planning Commission approval of the following:

Table 1 – Required Permit Approvals

Permit	Project
Major Use Permit	Retail sales: cannabis use General Plan 2040 Consistency (Interim Zoning Policy)

See Section III. Zoning Consistency for discussion of Interim Zoning Policy requirements.

D. Project Description

Establishment of retail cannabis sales for V-Town Farms with cannabis manufacturing and cannabis distribution, as accessory uses. V-Town Farms will occupy a 19,035 square foot portion of the existing 49,871 square foot building space that was formerly home to Food 4 Less in Meadows Plaza, and will require minor building and site alterations. Cannabis retail sales will occupy 17,056 square feet of the floor area. Cannabis manufacturing will occupy 494 square feet of the floor area and involve non-volatile processes to manufacture infused pre-rolls, cannabis beverages, and flower. Cannabis distribution will occupy 1,485 square feet of the floor area and will involve the packaging and shipment of cannabis products, including those manufactured on the premises. Cannabis cultivation is not proposed as part of the business operation nor is cultivation permitted at this location. The remaining vacant 30,836 square feet of the floor area will not be part of the cannabis business operation nor has any use been identified on the plans. Staff has added conditions requiring that there be no direct access between the cannabis business and vacant space, and that any expansion of the cannabis uses require modification of the Use Permit.

Table 2 – Breakdown of Building Space Floor Area

Use	Area	Percentage
Retail Cannabis Sales	17,056 square feet	34.2 percent
Cannabis Manufacturing	494 square feet	1 percent
Cannabis Distribution	1,485 square feet	3 percent
Vacant/Inaccessible	30,836 square feet	61.8 percent

III. STAFF ANALYSIS

A. General Plan Consistency

The General Plan 2040 land use designation for the project site is District – North Gateway (N/G). The General Plan characterizes this designation as follows (text applicable to the project is in **bold** text):

> ***District – North Gateway (D-NG).*** *The D-NG designation applies to the northern portion of the area north of SR 37 between Sonoma Boulevard and Broadway Street, a highly-visible area that serves as a gateway to Napa Valley from SR 37 (heading north) and to Vallejo from American Canyon (heading south).* ***It is intended to foster an integrated, pedestrian-oriented place with a mix of uses, such as retail, dining, entertainment, and lodging, that cater to both motorists passing through and surrounding neighborhoods.*** *It also incorporates higher-density residential development that supports nearby services and activates the area. The maximum permitted FAR in the D-NG designation is 2.0, with a minimum residential density of 30 dwelling units per acre up to 50 dwelling units per acre.*

The project is consistent with this designation in that a retail cannabis dispensary contributes to the diversity of uses that are envisioned for the North Gateway District. Retail cannabis is also a land use that will serve both local residents and motorists passing through Vallejo. V-Town Farms would be particularly well-suited to attract both local

residents and motorists with its high visibility from Sonoma Boulevard (Highway 29) and Broadway and proximity to residences.

The project is also consistent with all applicable General Plan 2040 guiding principles and policies. Key guiding principles and policies relevant to the project are shown below in **bold**, followed by Staff's analysis in *italics*:

General Plan 2040 Guiding Principles

- **Guiding Principle 13. Good Jobs, Education, & Training. Vallejo provides people with good jobs and its young people with job training and the education they need to succeed. Vallejo embraces innovations in education, and the city's excellent educational institutions and trade schools play a prominent role in its economic vitality and community life.**

- **Guiding Principle 14. Innovation, Entrepreneurship, & Successful Local Businesses. Vallejo welcomes innovative businesses and fosters entrepreneurship. It is a community that capitalizes on new technologies, community assets, and local knowledge – while helping local businesses to succeed.**

- **Guiding Principle 15. Economic Development Aligned with Natural Environment. Vallejo values economic development and aligns well-designed projects with the protection and enhancement of environmental resources. It is a community where sustainable development is efficiently processed and provides broad benefits that serve community needs and enhance the quality of life.**

- **Guiding Principle 16. Stable, Strong, & Diverse Economy. Vallejo is characterized by fiscal stability; a strong, diverse economy, including health care, education, and manufacturing; and efficient use of its lands and waterways. Vallejo's unique setting, community character, and favorable weather are major resources for economic expansion, including tourism and entertainment.**

  The project brings good jobs to Vallejo with an innovative business that results in the adaptive reuse of a vacant building and site. Specifically, these are jobs that will provide training and experience in an industry that is expanding throughout California. The project balances economic development with the natural environment in that it will result in the reuse of a vacant building on an infill site, and not disturb natural resources. Lastly, the project contributes to the diverse economy of Vallejo while also drawing customers from both inside and outside of Vallejo.

General Plan 2040 Policies

- **Policy NBE-2.8 Infill Development. Promote infill development targets vacant and underutilized sites for community-desired and enhancing uses that is compatible with surrounding uses.**

  The project site is a vacant building space in a commercial shopping center that has largely sat vacant for several years. Reuse of this underutilized building with a retail

use that serves both local and regional customers and provides good jobs will enhance the economy of the area and Vallejo. The cannabis business will be subject to a collection of specific requirements, including the addition of new windows, to ensure it does not create any potential adverse impacts.

- **Policy NBE-3.8 North Gateway. Accelerate investment in the North Gateway area to achieve a mixed-use district that caters to both locals and regional travelers to Napa Valley.**

  Establishment of an active retail cannabis business at 5184 Sonoma Boulevard will help accelerate investment in the North Gateway, particularly Meadows Plaza, which has been largely vacant for years. The retail cannabis business can help draw customers from within and outside of Vallejo to Meadows Plaza for which existing businesses may be benefit. Furthermore, new businesses may be encouraged to fill the vacant tenant spaces.

- **Policy NBE-3.14 Neighborhood Corridors. Connect the community with mixed-use corridors that function as neighborhood main streets for adjacent residential areas.**

  The establishment of a retail cannabis business contributes to the mix of uses along the Sonoma Boulevard corridor between Highway 29 and Mini Drive.

- **Policy NBE-5.13 Noise Control. Ensure that noise does not affect quality of life in the community.**

  All of the activities of the retail cannabis business, including the cannabis manufacturing and cannabis distribution accessory uses, will occur indoors and away from sensitive land uses, such as residences. Furthermore, the retail cannabis business will be subject to noise-reduction requirements, as operational conditions.

- **Policy EET-2.1 Economic Diversification. Attract employment- and tax generating businesses that support the economic diversity of the city.**

  The retail cannabis business will further Vallejo's economic diversification while also producing employment opportunities and contributing to its tax base.

- **Policy EET-3.4 Commercial and Neighborhood Corridors. Enhance commercial corridors to create a vibrant mix of places to live, work, shop, and play.**

  The operation of the cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses.

B. Zoning Consistency

<u>Interim Zoning Policy</u>

In 2017, the City Council established the Interim Zoning Policy (IZP) to facilitate development and guide zoning interpretations from the adoption of General Plan 2040 to

the adoption of the new zoning code. Under the IZP, each General Plan 2040 land use designation correlates to the City's existing zoning districts and specific plans for the purposes of applying land use and development standards to a proposal. The project site's General Plan 2040 designation of District – North Gateway (D-NG) correlates to the following zoning districts under the IZP: Pedestrian Shopping and Service (CP) District and High Density Residential (HDR) District.

However, the project site is identified as Planned Development Commercial (PDC) District on the City's existing zoning map. The PDC District does not permit any cannabis uses. The PDC District was not considered for any cannabis uses when the City amended VMC Title 16 (zoning code) in 2018 nor is it included in the IZP or the draft zoning code. This creates a conflict.

The IZP states that in those instances where the Planning and Development Services Director determines an express conflict with General Plan 2040 and the process for zoning identification in the IZP, an applicant may seek determination of General Plan 2040 consistency by filing a Major Use Permit application. This is why the project has come before the Planning Commission.

The CP District is the "best fit" zoning designation authorized under the IZP because the project site is located within a commercial shopping center that can accommodate a variety of uses, including a retail cannabis business.

In addition, the proposed zoning of the project site in the new zoning code is Central Corridor Commercial (CC) District, which would also allow retail cannabis sales with a Minor Use Permit. Although the project is in conformance with General Plan 2040 and both the CP District and CC District; there is an express conflict because the existing zoning designation of PDC District does not allow "Retail sales: cannabis" uses.

The Planning Commission may grant the approval of the Use Permit if the project is consistent with General Plan 2040 subject to the following findings under Section 6 of the IZP:

1. The proposal is appropriate in consideration of the characteristics of the surrounding area.
2. The proposal is consistent with the intent and desired character of the relevant land use designations(s) of General Plan 2040 and any associated General Plan policies.
3. The proposal will clearly promote implementation of General Plan 2040.
4. The proposal conforms to the zoning ordinance requirements of the applicable or "best fit" zoning district.

The project is consistent is consistent with District – North Gateway (D-NG) designation and several General Plan 2040 guiding principles and polices as discussed in the previous section of this staff report. The findings to make the General Plan 2040 Consistency Finding are presented in Section II of the attached Resolution.

<u>Land Use</u>

The CP District permits "Retail sales: cannabis" uses with the approval of a Minor Use Permit under VMC Section 16.24.050.A.1.

Accessory Uses

VMC Section 16.58.040.H.1 permits "Cannabis manufacturing" as an accessory use to a retail business with the following limitations:

a. *The extraction process shall consists of separating cannabinoids from cannabis plant material solely by press or non-volatile solvent between the temperatures of sixty and two hundred degrees Fahrenheit.*

b. *The extraction shall take place in an area not to exceed one hundred square feet located within or attached and internally connected to the principal structure.*

c. *The infusion process shall consist of the direct incorporation of cannabis, cannabinoids, or cannabis concentrates into an edible, topical or other product to produce a cannabis product.*

d. *The cannabis manufacturing shall not exceed ten percent of the total floor area of the principal use or five hundred square feet, whichever is less.*

e. *The manufacturing space is only accessible to employees and shall not be visible to the general public.*

VMC Section 16.58.040.H.2 permits "Cannabis distribution" as an accessory use to a retail cannabis business with the following limitations:

a. *The area utilized for cannabis distribution shall not exceed thirty percent of the total floor area of the principal use or one thousand and five hundred square feet, whichever is lesser.*

b. *The distribution storage area shall be fully enclosed within or attached and internally connected to the principal structure.*

c. *The distribution storage area shall only be accessible to employees and shall not be visible to the general public.*

The project is consistent with these accessory use standards both as proposed and conditioned.

Cannabis Standards

VMC Section 16.82.060.V contains permitting, development, and operational standards for retail cannabis uses. The project, as proposed and conditioned, is consistent with these standards. Notably, no retail cannabis business shall be located within a 600 foot of a parcel containing a K-12 school, daycare center, or youth center, as defined in Health and Safety Code Section 11353.1. The project is consistent with this requirement in that it is not located within 600 feet of any of these uses.

Transparency

VMC Section 16.82.060.V requires retail cannabis storefronts to maintain transparent windows that allow visibility into the store, with a minimum of 60 percent transparency on the street frontage at the ground level and allow visibility into the building at a minimum of four feet above the ground. The existing building space does not provide the minimum window transparency required. The applicant presented three options showing how the retail storefront portion of the cannabis business can meet the 60 percent requirement. Planning Division staff has interpreted this requirement to mean transparency across 60 percent of the storefront building elevation area, and has added a condition to the Use Permit requiring compliance.

C. Major Use Permit

Use Permits are intended to allow for activities and uses that may not be appropriate for all locations and whose effect on the surrounding environment cannot be determined prior to being proposed for a particular location. Uses requiring a Use Permit may not be appropriate without specific conditions being applied that eliminate or minimize any negative impacts caused by the use. The project site is a vacant building space formerly home to Food 4 Less and is characterized by high visibility from Sonoma Boulevard (Highway 29) and a collection of buildings and improvements that comprise Meadows Plaza. The retail cannabis business is compatible with uses typical of a shopping center, such as commercial shops, services, offices, and restaurants.

Because the project involves the reuse of an existing building space; it is consistent with the desired scale, bulk, coverage, and density in the area. The City envisions a mix of uses in the North Gateway, including those that can attract both local residents and motorists passing through Vallejo to and from Napa County. An active retail cannabis is well-suited to draw customers to Meadows Plaza both from within Vallejo and outside communities. The City's Technical Project Review Committee review of the use did not result in any concerns with respect to utilities, traffic and parking, or crime. The cannabis business will be subject to Vallejo Municipal Code and State requirements, and Use Permit conditions to ensure that the operation does not result in an adverse effect on the surrounding area. Use Permits are subject to the required findings under VMC Section 16.82.050. The findings to approve this Use Permit are presented in Section I of the attached Resolution.

D. Environmental Review

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, Title 14, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (Class 1 "Existing Facilities"). The project is consistent with this exemption in that it involves the reuse of an existing building space for retail cannabis sales with minor building and site alterations.

None of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects due to unusual circumstances, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste

site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource. Therefore, no further environmental review is required.

IV. NOTICING AND PUBLIC COMMENTS

The Planning Division provided the following notifications in accordance with Vallejo Municipal Code Section 16.82.030.C: Published a notice in the Times Herald newspaper on February 28, 2021. Mailed notices to every property owner and neighborhood group within 500 feet of the project site and the applicant through the United States Postal Service on March 1, 2021. The Casa Del Monte Homeowners Association is the only identified neighborhood group within 500 feet of the project site for the purposes of project notifications. The Planning Commission received notices via email on March 1, 2021. Staff has not received any communications in regards to the application as of writing this staff report (since issuing the public hearing notice). Elected and appointed official from both Rio Vista and Antioch prepared letters of support for the business owner that are attached to this staff report.

V. CONCLUSION / STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt a Resolution to **APPROVE** Major Use Permit (UP) #20-0008 with General Plan 2040 consistency findings based on the analysis contained in this staff report (and attached herein) and the findings provided in the attached Resolution and subject to the Use Permit Conditions of Approval attached as an exhibit.

VI. EXPIRATION

- Major Use Permit: Pursuant to VMC Section 16.82.090.A, approval of this Major Use Permit shall automatically expire 24 months after its approval unless authorized construction has commenced prior to the expiration date (**MARCH 15, 2023** *if approved at this meeting*).

VII. APPEAL PROCEDURE

The applicant or any party aggrieved by a determination of the Planning Commission may appeal the action to the City Council. Such appeal must be filed in writing with the Planning Division along with a fee payment of **$1,277** within ten (10) calendar days after the action by the Planning Commission. Such appeal shall not be timely filed unless it is received by the Planning Division no later than the close of business on the tenth day following the decision of the Planning Commission. The City Council may affirm, reverse or modify any decision of the Planning Commission that is appealed. The City Council may summarily reject any appeal upon determination that the appellant is not adversely affected by a decision under appeal.

VIII. ATTACHMENTS

1. Resolution
   - Exhibit A – Use Permit Conditions of Approval
2. Project Plans
3. Written Communications

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

CITY OF VALLEJO PLANNING COMMISION

RESOLUTION NO. PC21-04

A RESOLUTION APPROVING
MAJOR USE PERMIT (UP) #20-0008
GENERAL PLAN 2040 CONSISTENCY

TO ESTABLISH RETAIL CANNABIS SALES FOR V-TOWN FARMS WITH CANNABIS MANUFACTURING AND CANNABIS DISTRIBUTION, AS ACCESSORY USES WITHIN AN EXISTING BUILDING IN MEADOWS PLAZA.

5184 SONOMA BOULEVARD: SUITE 300
APN #0067-150-300

* *

WHEREAS, on August 29, 2017, the City Council adopted General Plan 2040; and

WHEREAS, on July 23, 2020, Chuck Wesley of Kolaboration Vallejo, LLC, filed a Major Use Permit application to establish retail cannabis sales with cannabis manufacturing and cannabis distribution, as accessory uses ("project") within an existing building space on property located at 5184 Sonoma Boulevard: Suite 300 ("project site"); and

WHEREAS, the project site has a General Plan 2040 land use designation of District – North Gateway; and

WHEREAS, the project site has an interim zoning designation of Pedestrian Shopping and Service (CP), identified as Planned Development Commercial (PDC) District pursuant to the existing zoning code, and will be zoned Central Corridor Commercial (CC) District under the new zoning code; and

WHEREAS, on February 23, 2021, the application was deemed complete for processing; and

WHEREAS, on March 15, 2021, after giving all public notices required by State law and the City of Vallejo Municipal Code, the City of Vallejo Planning Commission conducted a duly noticed public hearing; and

WHEREAS, the Record of Proceedings ("Record") upon which the Planning Commission bases its decision on the project at issue herein, includes, but is not limited to: (1) the environmental document (categorical exemption) prepared for the project and the appendices and technical reports cited in and/or relied upon in preparing same; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the environmental document and the project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR; (5) the Vallejo Municipal Code and its related environmental documents; (6) all designs, plans, studies, data and correspondence submitted to the City in connection with the

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

environmental document and the project; (7) all documentary and oral evidence received at public workshops, meetings, and hearings regarding the environmental document(s) and the project; (8) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

WHEREAS, the Planning Commission considered testimony and evidence, both written and oral, provided at the public hearing, as well as other documents contained in the record of proceedings relating to the project, which are maintained in the offices of the City of Vallejo Planning Division; and

WHEREAS, the Planning Commission considered testimony and evidence, both written and oral provided at the public hearing, as well as other documents contained in the Record relating to the Project, which are maintained in the offices of the City of Vallejo Planning Division; and

NOW THEREFORE, based on the Record, the Planning Commission hereby makes the following findings:

I. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING:

Based on the fact that the project involves the reuse of an existing building with a retail cannabis use with minor building and site alterations, the Planning Commission finds that approval and implementation of the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code §21000, et seq. and California Code of Regulations, Title 14, §15000, et seq. (Guidelines) pursuant to Guidelines Section 15301 ("Existing Facilities").

FACTS IN SUPPORT: *The project is proposed to be located within an existing shopping center, Meadows Plaza, in an existing building space formerly occupied by Food 4 Less. The project is not proposing expansion of the existing building space but rather involves only reoccupation of the space, interior and exterior alterations involving such things as interior partition walls, plumbing and electrical, painting and installation of windows consistent with the examples set forth in Guidelines Section 15301 (a).*

None of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows:

(a) the site is not located in an environmentally sensitive area,

FACTS IN SUPPORT: *The project site is located in an existing building space in an existing operating shopping center, as noted above.*

(b) there are no cumulative impacts,

FACTS IN SUPPORT: *The project site is located in an existing building space in an existing operating shopping center and replaces a previous retail use, as noted above.*

(c) there are no significant effects due to unusual circumstances,

FACTS IN SUPPORT: *The project site is located in a tenant space in an existing operating shopping center and replaces a previous retail use, as noted above.*

(d) the project is not located near a scenic highway,

FACTS IN SUPPORT: *There are no designated scenic highways in the City of Vallejo.*

(e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5,

FACTS IN SUPPORT: *Planning Division staff checked the list of sites prepared pursuant to Government Code Section 65962.5 and verified that the Project Site is not located thereon.*

(f) the project would not affect any historical resource. Therefore, no further environmental review is required.

FACTS IN SUPPORT: *There are no historical resources located on the project site. The project site is located within and existing shopping center.*

II. FINDINGS RELEVANT TO THE APPROVAL OF THE MAJOR USE PERMIT (VMC Section 16.82.050):

A. That the location, size, design and operating characteristics of the proposed conditional use will be compatible with adjacent uses, building or structures, with consideration given to harmony in scale, bulk, coverage, and density; to the availability of civic facilities and utilities, to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity and physical character of surrounding streets; and to any other relevant impact of the proposed use.

FACTS IN SUPPORT OF FINDINGS: The project site is a vacant building space formerly home to Food 4 Less and is characterized by high visibility from Sonoma Boulevard (Highway 29) and a collection of buildings and site improvements that comprise Meadows Plaza. The retail cannabis business is compatible with uses typical of a shopping center, such as commercial shops, services, offices, and restaurants. Because the project involves the reuse of an existing building space; it is consistent with the desired scale, bulk, coverage, and density in the area. The City envisions a mix of uses in the North Gateway, including those that can attract both local residents and motorists passing through Vallejo to and from Napa County. An active retail cannabis establishment is well-suited to draw customers to Meadows Plaza both from within Vallejo and outside communities. The City's Technical Project Review Committee review of the use did not result in any concerns with respect to utilities, traffic and parking, or crime. The Vallejo Police Department also reviewed the project and did not identify any concerns. Furthermore, the cannabis business does not operate within a 600-foot radius of any potentially sensitive land uses, such as daycares, schools with grades kindergarten through 12, and youth centers. The cannabis business will be subject to Vallejo Municipal Code and State requirements, and Use Permit

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

conditions to ensure that the operation does not result in an adverse effect on the surrounding area.

B. That the impacts, as described in subsection A of this section, and the location of the proposed conditional use are consistent with the city general plan.

FACTS IN SUPPORT OF FINDINGS: The General Plan 2040 Land Use Map designates the project site as District – North Gateway (D-NG). The project is consistent with D-NG designation in that a retail cannabis dispensary contributes to the diversity of uses that are envisioned for the North Gateway District. Retail cannabis is also a land use that will serve both local residents and motorists passing through Vallejo. V-Town Farms would be particularly well-suited to attract both local residents and motorists with its high visibility from Sonoma Boulevard (Highway 29) and Broadway Street and proximity to residences.

The project is also consistent with the following General Plan 2040 guiding principles:

(13) Good Jobs, Education, & Training. Vallejo provides people with good jobs and its young people with job training and the education they need to succeed. Vallejo embraces innovations in education, and the city's excellent educational institutions and trade schools play a prominent role in its economic vitality and community life; (14) Innovation, Entrepreneurship, & Successful Local Businesses. Vallejo welcomes innovative businesses and fosters entrepreneurship. It is a community that capitalizes on new technologies, community assets, and local knowledge – while helping local businesses to succeed; (15) Economic Development Aligned with Natural Environment. Vallejo values economic development and aligns well-designed projects with the protection and enhancement of environmental resources. It is a community where sustainable development is efficiently processed and provides broad benefits that serve community needs and enhance the quality of life: and (16) Stable, Strong, & Diverse Economy. Vallejo is characterized by fiscal stability; a strong, diverse economy, including health care, education, and manufacturing; and efficient use of its lands and waterways. Vallejo's unique setting, community character, and favorable weather are major resources for economic expansion, including tourism and entertainment.

The project brings good jobs to Vallejo with an innovative business that results in the adaptive reuse of a vacant building and site. Specifically, these are jobs that will provide training and experience in an industry that is expanding throughout California. The project balances economic development with the natural environment in that it will result in the reuse of a vacant building on an infill site, and not disturb natural resources. Lastly, the project contributes to the diverse economy of Vallejo while also drawing customers from both inside and outside of Vallejo.

The project is also consistent with the following General Plan 2040 policies: NBE-2.8 Infill Development. Promote infill development targets vacant and underutilized sites for community-desired and enhancing uses that is compatible with surrounding uses; NBE-3.8 North Gateway. Accelerate investment in the

North Gateway area to achieve a mixed-use district that caters to both locals and regional travelers to Napa Valley; NBE-3.14 Neighborhood Corridors. Connect the community with mixed-use corridors that function as neighborhood main streets for adjacent residential areas; NBE-5.13 Noise Control. Ensure that noise does not affect quality of life in the community; EET-2.1 Economic Diversification. Attract employment- and tax generating businesses that support the economic diversity of the city; and EET-3.4 Commercial and Neighborhood Corridors. Enhance commercial corridors to create a vibrant mix of places to live, work, shop, and play.

The project site is a vacant building space in a commercial shopping center that has largely sat vacant for several years. Reuse of this underutilized building with a retail use that serves both local and regional customers and provides good jobs will enhance the economy of the area and Vallejo. The cannabis business will be subject to a collection of specific requirements, including the addition of new windows, to ensure it does not create any potential adverse impacts. Establishment of an active retail cannabis business at 5184 Sonoma Boulevard will help accelerate investment in the North Gateway, particularly Meadows Plaza, which has been largely vacant for years. The retail cannabis business can help draw customers from within and outside of Vallejo to Meadows Plaza for which existing business may be benefit. Furthermore, new businesses may be encouraged to fill the vacant tenant spaces. The establishment of a retail cannabis business contributes to the mix of uses along the Sonoma Boulevard corridor between Highway 29 and Mini Drive. All of the activities of the retail cannabis business, including the cannabis manufacturing and cannabis distribution accessory uses, will occur indoors and away from sensitive land uses, such as residences. Furthermore, the retail cannabis business will be subject to noise-reduction requirements, as operational conditions. The retail cannabis business will further Vallejo's economic diversification while also producing employment opportunities and contributing to its tax base. The operation of the cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses.

III. FINDINGS RELEVANT TO GENERAL PLAN 2040 CONSISTENCY (Interim Zoning Policy Section 6):

1. The proposal is appropriate in consideration of the characteristics of the surrounding area.

   FACTS IN SUPPORT OF FINDINGS: The surrounding area is characterized by a variety of commercial, industrial, and residential uses, Broadway, Sonoma Boulevard (Highway 29), and close proximity to the Vallejo and American Canyon border. The cannabis business is a retail use that is compatible with the existing and anticipated land uses for the surrounding area.

2. The proposal is consistent with the intent and desired character of the relevant land use designations(s) of General Plan 2040 and any associated General Plan policies.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

FACTS IN SUPPORT OF FINDINGS: The General Plan 2040 Land Use Map designates the project site as District – North Gateway (D-NG). The Project is consistent with D-NG designation in that a retail cannabis dispensary contributes to the diversity of uses that are envisioned for the North Gateway District. Retail cannabis is also a land use that will serve both local residents and motorists passing through Vallejo. V-Town Farms would be particularly well-suited to attract both local residents and motorists with its high visibility from Sonoma Boulevard (Highway 29) and Broadway Street and proximity to residences.

The project is also consistent with the following General Plan 2040 policies: NBE-2.8 Infill Development. Promote infill development targets vacant and underutilized sites for community-desired and enhancing uses that is compatible with surrounding uses; NBE-3.8 North Gateway. Accelerate investment in the North Gateway area to achieve a mixed-use district that caters to both locals and regional travelers to Napa Valley; NBE-3.14 Neighborhood Corridors. Connect the community with mixed-use corridors that function as neighborhood main streets for adjacent residential areas; NBE-5.13 Noise Control. Ensure that noise does not affect quality of life in the community; EET-2.1 Economic Diversification. Attract employment- and tax generating businesses that support the economic diversity of the city; and EET-3.4 Commercial and Neighborhood Corridors. Enhance commercial corridors to create a vibrant mix of places to live, work, shop, and play.

The project site is a vacant building space in a commercial shopping center that has largely sat vacant for several years. Reuse of this underutilized building with a retail use that serves both local and regional customers and provides good jobs will enhance the economy of the area and Vallejo. The cannabis business will be subject to a collection of specific requirements, including the addition of new windows, to ensure it does not create any potential adverse impacts. Establishment of an active retail cannabis business at 5184 Sonoma Boulevard will help accelerate investment in the North Gateway, particularly Meadows Plaza, which has been largely vacant for years. The retail cannabis business can help draw customers from within and outside of Vallejo to Meadows Plaza for which existing business may be benefit. Furthermore, new businesses may be encouraged to fill the vacant tenant spaces. The establishment of a retail cannabis business contributes to the mix of uses along the Sonoma Boulevard corridor between Highway 29 and Mini Drive. All of the activities of the retail cannabis business, including the cannabis manufacturing and cannabis distribution accessory uses, will occur indoors and away from sensitive land uses, such as residences. Furthermore, the retail cannabis business will be subject to noise-reduction requirements, as operational conditions. The retail cannabis business will further Vallejo's economic diversification while also producing employment opportunities and contributing to its tax base. The operation of the cannabis business contributes to the vibrancy of the Sonoma Boulevard and Broadway corridors because it provides both employment and retail opportunities. The cannabis business is an economically vibrant use that can also draw customers into the area to the potential economic benefit of nearby businesses.

3. The proposal will clearly promote implementation of General Plan 2040.

   FACTS IN SUPPORT OF FINDINGS: The Project clearly promotes the implementation of General Plan 2040 in that a retail cannabis business can attract both residents and visitors, and contributes to the diversity of uses envisioned for the North Gateway.

4. The proposal conforms to the zoning ordinance requirements of the applicable or "best fit" zoning district.

   FACTS IN SUPPORT OF FINDINGS: The "best fit" zoning district of applicable through the interim zoning regulations is Pedestrian Shopping and Service District which conditionally permits "Retail sales: cannabis" uses with cannabis manufacturing and cannabis distribution accessory uses. The existing zoning is Commercial Planned District. Planned District 89-09 includes retail sales and associated uses as a permitted use. The proposed new Zoning Code designates the Project Site as Central Commercial Corridor (CC). Retail sales of cannabis with accessory manufacturing and distribution are permitted in the CC District with a Minor Use Permit.

III. FINDINGS RELEVANT TO THE APPROVAL OF THE MINOR USE PERMIT FOR RETAIL CANNABIS SALES USES (VMC Section 16.82.050.V):

V. Retail sales of cannabis. Where this code conflicts with Title 16 and MAUCRSA design and development standards, the more restrictive standards shall apply. All applicable district requirements are met, together with the following requirements:

1. Regulatory Permits. Retail sales of cannabis uses must obtain and maintain all required state and local permits and licenses including the local regulatory permit to operate required under Chapter 7.200 of this code. Revocation of the state cannabis license or the local regulatory permit to operate under Chapter 7.200 of this code shall be grounds for revocation of the minor use permit for the retail sales of cannabis use. Valid and applicable state and local licenses and permits shall be publicly displayed at all times during hours of operation. Operations and location requirements must at all times comply with applicable regulations contained in Title 16 of the California Code of Regulations as those may be updated from time to time by the California Bureau of Cannabis Control.

The applicant is required to obtain all regulatory permits under Vallejo Municipal Code Chapter 7.200, and maintain all City and State of California permits and licenses, as a condition of approval 1.

2. Locational Limitation.

   a. Any retail sales of cannabis use may not be located within a six hundred-foot radius of a school providing instruction in kindergarten or any grades one through twelve, day care center, or youth center as defined in Health and Safety Code Section 11353.1. The distance specified in this section

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.

The project site is consistent with this requirement in that there is no school providing instruction in kindergarten or any grades one through twelve, day care center, or youth center as defined in Health and Safety Code Section 11353.1 within a 600 ft. radius of the lot on which the use is proposed to be located.

b. Any applicant for a use permit to conduct retail sales of cannabis, whether for 'adult use' or medicinal purposes, must conduct all retail sales at one site.

The applicant will only operate a retail cannabis business at the project site and therefore the use is consistent with this requirement. The HTP Group location will close prior to the commencement of operations at this location. This will be verified by Planning Division staff.

3. Development and Operational Standards. Retail sales of cannabis uses shall comply with site development standards specified in the applicable zoning district. Such uses shall also comply with the following standards:

   a. General:

      i. No person under age eighteen (for medical retail sales of cannabis) or twenty-one (for recreational retail sales of cannabis) shall be allowed on the property.

      ii. No transactions outside, or partially outside of an enclosed building are permitted. No transactions which are performed through walk-up or drive-through service are allowed.

      iii. The property shall not include patio or cafe seating, unless used exclusively for employees in an area not accessible to the general public.

      iv. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis in any form shall be allowed on the property, including the parking areas of the property.

      v. No alcohol shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to customers, employees, guests, visitors, or volunteers.

      vi. No retail sales of cannabis shall occur, in any form, to anyone between the hours of eight p.m. and nine a.m., except delivery.

      vii. The property complies with all applicable California State Building Code provisions, the city's property maintenance ordinance and is maintained free of debris, litter and trash.

viii. All transactions, including but not limited to cash or in-kind contributions, reimbursement or compensation, shall be fully documented.

ix. The owner will have a written security plan including procedures for verifying identification and age of purchasers. The plan must include a description of licensed and uniformed security guards who must be present on site during hours of operation, including their number, location and hours, as well as a theft prevention plan including locked exterior doors and windows during the times the business is closed. The licensed and uniformed security guard best practices shall comply with state law.

x. The point of sale software used to track retail sales must be acceptable to the finance director.

xi. Retail sellers of cannabis may only use one name to identify themselves in the minor use permit, the local regulatory permit, the state license and any other state or local permit that may be required.

Project conditions of approval ensure compliance with these standards. All of the above standards are contained in the Conditions of Approval 15-31 and the information submitted by the applicant, including the security plan.

b. Limitations on retail area in industrial zones. In the Intensive Use-Limited (IU-L), Intensive Use (IU), and Planned Development Industrial (PDI) Districts, no more than fifty percent of the floor area shall be devoted to retail sales.

The project site is not located in an industrial zoning district. Therefore, this requirement does not apply.

c. Lighting:

i. Exterior perimeter lighting shall be in place prior to operation;

ii. Exterior lighting shall be code compliant LED fixtures or high efficiency luminaries, and shall have an illumination intensity of between one and four foot candles;

iii. Lights shall be directed and shielded so as not to illuminate adjoining properties;

iv. Lights shall include housing to protect against breakage;

v. Broken or burnt out lights shall be replaced within forty-eight hours;

vi. Transitional lighting shall be incorporated in exterior areas providing access to and from buildings or uses within a site; and

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

vii. Trees and shrubs shall not interfere with the distribution of lighting as required by this section.

Project plans call out lighting and planting that comply to these standards, in addition, continued adherence to these standards are also included as condition of approval 32.

d. Signs:

i. A sign shall be posted on the door or in view of the entrance stating that no person under the age of eighteen (for medical retail sales of cannabis) or twenty-one (for recreational Retail sales of cannabis) is allowed on site.

ii. A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited.

iii. A sign shall be posted stating loitering on or near the premises is prohibited.

iv. A sign shall be posted outside the facility in full public view containing city contact information for both emergency situations and information regarding public concern about operations.

v. Other requirements as prescribed in Chapter 16.64.

Project condition of approval 8 and 33 require compliance with these standards. All signs are called out in the conditions of approval and are required to be in place at all times. Staff will inspect the Project Site prior to opening of store to ensure this is the case. In addition, unannounced inspections are required on a regular basis.

e. Windows: In order to promote a strong pedestrian connection for retail safety, visibility, crime prevention through environmental design and a positive active environment, support natural lighting, and enhance curb appeal and value of retail space:

i. No display of cannabis or cannabis product shall be permitted within ten feet of the window.

ii. Storefronts must maintain transparent windows that allow visibility into the store, with a minimum of sixty percent transparency on the street frontage at the ground level and allow visibility into the building at a minimum of four feet above the ground.

Project plans and condition of approval 34 ensures compliance with these standards. The plans show the existing windows which, as conditioned, meet the above standards. In addition, Staff will inspect the Project Site prior to opening of store to ensure that the windows are transparent and the cannabis product is placed appropriately. In addition, unannounced inspections are required on a regular basis to ensure continued compliance.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

f. Screening and landscaping:

i. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the planning manager or his or her designee shall not exceed three feet in height at maturity.

ii. Trees shall be pruned up to six feet above ground.

iii. Trees and shrubs shall be pruned back from windows, doors and walkways.

iv. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand.

v. Entrances to the site and parking lots shall be defined with landscaping or entry features.

vi. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry.

vii. Other requirements as prescribed in Chapter 16.70.

Project plans show shrubs, stone and parking lot that comply with the above standards. Condition of approval 35 ensures compliance with these requirements. In addition, Staff will inspect the Project Site prior to opening of store to ensure that all standards are in place. In addition, unannounced inspections are required on a regular basis to ensure continued compliance.

g. Noise:

i. The use of generators is prohibited, except as short-term temporary emergency back-up systems; and
ii. Other requirements as prescribed in Section 16.72.030 shall apply.

Generators are not proposed nor allowed, except as a short-term temporary emergency back-up. Project condition of approval 36 ensures that all requirements in VMC Section 16.72.030 will be met.

h. Odor control: A sufficient odor-absorbing ventilation and exhaust system shall be installed and operated to ensure that odor generated by the use is not detected outside the property, anywhere on adjacent properties or public rights-of-way, or within any other separate use or unit located within the same building as the retail sales of cannabis use.

Project condition of approval 37 ensures compliance with this requirement.

i. Maintenance:

1. Property shall be maintained free of debris, litter and trash; and
2. The use shall comply with Chapter 7.54, Property Maintenance.

Project condition of approval 38 ensures compliance with this requirement.

j. Other performance standards: The use shall comply with all requirements prescribed in Chapter 16.72.

Project conditions of approval 39-46 ensure compliance with this requirement.

IV. FINDINGS RELEVANT TO THE APPROVAL OF THE MINOR USE PERMIT FOR CANNABIS MANUFACTURING AND CANNABIS DISTRIBUTION ACCESSORY USES (VMC Section 16.58.040.H):

1. Cannabis manufacturing may be permitted as an accessory use subject to the following restrictions:

   a. The extraction process shall consists of separating cannabinoids from cannabis plant material solely by press or non-volatile solvent between the temperatures of sixty and two hundred degrees Fahrenheit.

   b. The extraction shall take place in an area not to exceed one hundred square feet located within or attached and internally connected to the principal structure.

   c. The infusion process shall consist of the direct incorporation of cannabis, cannabinoids, or cannabis concentrates into an edible, topical or other product to produce a cannabis product.

   d. The cannabis manufacturing shall not exceed ten percent of the total floor area of the principal use or five hundred square feet, whichever is less.

   e. The manufacturing space is only accessible to employees and shall not be visible to the general public.

   Project plans and conditions of approval ensure compliance with these standards.

2. Cannabis distribution may be permitted as an accessory use subject to the following restrictions:

   a. The area utilized for cannabis distribution shall not exceed thirty percent of the total floor area of the principal use or one thousand and five hundred square feet, whichever is lesser.

   b. The distribution storage area shall be fully enclosed within or attached and internally connected to the principal structure.

   c. The distribution storage area shall only be accessible to employees and shall not be visible to the general public.

   Project conditions of approval ensure compliance with these standards.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

V. RESOLUTION APPROVING THE PROJECT AT 5184 SONOMA BOULEVARD: SUITE 300:

NOW, THEREFORE, BE RESOLVED that the Planning Commission hereby APPROVES Major Use Permit (UP) #20-0008 to establish retail cannabis sales with cannabis manufacturing and cannabis distribution, as accessory uses, based on the findings contained herein and subject to the Conditions of Approval attached as Exhibit A and incorporated herein by reference.

VI. VOTE:

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 15th day of March 2021 by the following vote to-wit:

AYES:	Chair Matulac, Commissioners Cohen-Thompson, Stamps, Palmares, and Bowman
NOES:	Vice Chair Diohep
ABSTAIN:	None
ABSENT:	None

DocuSigned by:
Diosdado "J.R." Matulac
78BAE836ABA3461...

DIOSDADO MATULAC, CHAIRPERSON
City of Vallejo Planning Commission

Attest:

DocuSigned by:
Christina Ratcliffe
7893C0F2C02241A...

CHRISTINA RATCLIFFE, AICP, SECRETARY
City of Vallejo Planning Commission

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

CONDITIONS OF APPROVAL

V-TOWN FARMS
MAJOR USE PERMIT (UP) #20-0008
5184 SONOMA BOULEVARD: SUITE 300
APN # 0067-150-300

PERMIT DESCRIPTION: Establishment of retail cannabis sales for V-Town Farms with cannabis manufacturing and cannabis distribution, as accessory uses. V-Town Farms will occupy a 19,035 square foot portion of the existing 49,871 square foot building space that was formerly home to Food 4 Less in Meadows Plaza, and will require minor building and site alterations. Cannabis retail sales will occupy 17,056 square feet of the floor area. Cannabis manufacturing will occupy 494 square feet of the floor area and involve non-volatile processes to manufacture infused pre-rolls, cannabis beverages, and flower. Cannabis distribution will occupy 1,485 square feet of the floor area and will involve the packaging and shipment of cannabis products, including those manufactured on the premises. Cannabis cultivation is not proposed as part of the business operation. The remaining vacant 30,836 square feet of the floor area will not be part of the cannabis business operation The permitted hours of operation will be 9:00 A.M. to 8:00 P.M., or as allowed by the Vallejo Municipal Code, seven days a week.

A. PLANNING DIVISION

Jonathan Atkinson | jonathan.atkinson@cityofvallejo.net | (707) 648-4346

Special Conditions

1. The business owner shall not commence operation of any cannabis activities at 5184 Sonoma Boulevard: Suite 300 until the following occurs:

    a. City of Vallejo approval of a local regulatory permit transfer with HTP Group.

    b. City of Vallejo issuance of a certificate of occupancy for V-Town Farms at 5184 Sonoma Boulevard: Suite 300.

    c. State of California approval and issuance of all required licenses.

    d. HTP Group, Inc. has permanently closed its location at 4345 Sonoma Boulevard: Suite D-4 and has been inspected by City of Vallejo Planning Division staff.

2. Cannabis cultivation is not approved and shall not occur anywhere on the premises and/or within Vallejo City limits without City of Vallejo and State of California approvals.

3. The remaining portion of the building at 5184 Sonoma Boulevard: Suite 300 shall not contain any cannabis uses or activities nor be internally accessible to the cannabis business. Any proposed expansion of the cannabis business shall require written approval from both the City of Vallejo and State of California.

4. The premises shall be graffiti free. See Condition 38 for additional property maintenance requirements.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

5. The existing chain-link fencing along the northern parcel boundary shall be replaced with new fencing to the satisfaction of the Planning Division.

6. All of the existing chain-link fencing with razor wire visible from Broadway shall be replaced with decorative metal fencing to the satisfaction of the Planning Division prior to operation.

7. All outdoor trash receptacles stored outside shall be secured in a trash enclosure designed to City of Vallejo standards. See Condition 35 for cannabis waste requirements.

8. Signs shall be consistent with the master sign program for Meadows Plaza and the City's Sign Ordinance. The abandoned monument sign structure north of the driveway on Broadway shall be removed. See Condition 33 for additional sign requirements.

9. Street trees shall be installed and maintained at a ratio of one per 50 feet of street frontage along Sonoma Boulevard and Broadway for the project site. No trees shall be removed without written authorization from the City of Vallejo Planning Division. Any trees removed from the subject property shall be replaced to the satisfaction of the Planning Division. See Condition 35 for additional landscaping requirements.

General Requirements

10. The Planning & Development Services Director is hereby authorized to modify these conditions for minor adjustments to respond to unforeseen field constraints provided that the goals of these conditions can be safely achieved in some other manner. The applicant must submit a written request to the Planning Division demonstrating that the condition(s) is infeasible due to specific constraints (e.g. lack of property rights) and shall include a proposed alternative measure or option to meet the goal or purpose of the condition. The Planning Division shall consult with affected City departments and agencies and may require an application for modification of the approved permit. Changes to conditions that may be authorized by the Planning and Development Services Director are limited to those items that are not adopted standards or were not adopted as mitigation measures or that were not at issue during the public review process. Any modification of the permit conditions shall be documented with an approval letter from the Planning Division, and shall not affect the original permit approval date or the term for expiration of the permit.

11. Within five working days after project approval, the applicant/operator shall pay the Notice of Exemption filing fee (the latest fees in effect at the time of payment) for County Clerk processing, made payable to Solano County and submitted to the City of Vallejo Planning Division. If an in-person filing is required, such filing shall be completed by the applicant, unless directed otherwise by the Planning Division. NOTE: If the fees are not paid and the Notice of Exemption is not filed within five working days after approval of the project, it will extend time frames for California Environmental Quality Act (CEQA) legal challenges.

12. The business owner shall submit a numbered list to the Planning Division with a written response on how each Use Permit condition herein will be satisfied prior to issuance of building permits and/or the commencement of the use.

13. Applicant shall indemnify, hold harmless, and defend City, its officers, officials, directors, employees, agents, volunteers and affiliates and each of them from any and all claims, demands, causes of action, damages, costs, expenses, actual attorney's fees, applicant's

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

fees, expert fees, losses or liability, in law or in equity, of every kind and nature whatsoever arising out of or in connection with Applicant's operations, or any subcontractor's operations, to be performed under this agreement for Applicant's or subcontractor's tort negligence including active or passive, or strict negligence, including but not limited to personal injury including, but not limited to bodily injury, emotional injury, sickness or disease, or death to persons and/or damage to property of anyone, including loss of use thereof, caused or alleged to be caused by any act or omission of Applicant, or any subcontractor, or anyone directly or indirectly employed by any of them or anyone for the full period of time allowed by the law, regardless to any limitation by insurance, with the exception of the sole negligence or willful misconduct of the City. No modification of the project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the Applicant's indemnity obligation.

Cannabis Permits and Licensing

14. Regulatory Permits. Prior to operation and maintained thereafter, the cannabis business shall obtain all required State and local permits and licenses, including the local regulatory permit to operate under Vallejo Municipal Code (VMC) Chapter 7.200. Revocation of the State cannabis license or the local regulatory permit to operate under VMC Chapter 7.200 shall be grounds for revocation of the Use Permit for the cannabis business.

    Valid and applicable State and local licenses and permits shall be publicly displayed at all times during hours of operation, and provided to the City of Vallejo to be maintained on file. Operations and location requirements must at all times comply with applicable regulations contained in Title 16 of the California Code of Regulations, as those may be updated from time to time by the California Bureau of Cannabis Control.

Operational Requirements

15. Operation of the cannabis business shall be substantially in accord with the approved Use Permit application submittal and plans dated "February 3, 2021" and "February 8, 2021" except as modified by the conditions stated herein.

16. Operation of the cannabis business shall be in compliance with all applicable State and VMC requirements.

17. Cannabis Manufacturing. All cannabis manufacturing shall comply with the following regulations:

    a. The extraction process shall consists of separating cannabinoids from cannabis plant material solely by press or non-volatile solvent between the temperatures of sixty and two hundred degrees Fahrenheit.

    b. The extraction shall take place in an area not to exceed one hundred square feet located within or attached and internally connected to the principal structure.

    c. The infusion process shall consist of the direct incorporation of cannabis, cannabinoids, or cannabis concentrates into an edible, topical or other product to produce a cannabis product.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

d. The cannabis manufacturing shall not exceed ten percent of the total floor area of the principal use or five hundred square feet, whichever is less.

e. The manufacturing space is only accessible to employees and shall not be visible to the general public.

18. Cannabis Distribution. All cannabis distribution activities shall comply with the following regulations:

    a. The area utilized for cannabis distribution shall not exceed 30 percent of the total floor area of the retail sales of cannabis use or 1,500 square feet, whichever is less.

    b. The cannabis distribution storage area shall be fully enclosed within or attached and internally connected to the main building.

    c. The distribution storage area shall only be accessible to employees and shall not be visible to the general public.

19. The business owner and all managers shall be subject to background search and shall not be able to continue operations, if there are any felony convictions, as specified in subdivision (c) of Section 667.5 of the California Penal Code and subdivision (c) of Section 1192.7 of the California Penal Code. Any change in ownership shall require an amendment to the local regulatory permit and necessary background checks.

20. The business owner shall only conduct retail sales of cannabis at one location within Vallejo City limits.

21. No person under age 18 years (for medical retail sales of cannabis) or 21 years (for recreational retail sales of cannabis) shall be allowed on the property.

22. No transactions outside, or partially outside of an enclosed building are permitted. No transactions, which are performed through walk-up or drive-through service are allowed unless first authorized in writing by both the City of Vallejo and Bureau of Cannabis Control.

23. The property shall not include patio or cafe seating, unless used exclusively for employees in an area not accessible to the general public.

24. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis in any form shall be allowed on the property, including the parking areas of the property.

25. No alcohol shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to customers, employees, guests, visitors, or volunteers.

26. No retail sales of cannabis shall occur, in any form, to anyone between the hours of 8 P.M. and 9 A.M., or as allowed by the Vallejo Municipal Code, except delivery. The business owner shall not increase the hours of operation unless authorized in writing by both authorized staff of the City of Vallejo and the California Bureau of Cannabis Control.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

27. The property shall comply with all applicable California State Building Code provisions, the City's property maintenance ordinance, and be maintained free of debris, litter and trash.

28. All transactions, including but not limited to cash or in-kind contributions, reimbursement or compensation, shall be fully documented.

29. The business owner shall maintain a written security plan, including procedures for verifying identification and age of purchasers, on file with the Planning and Development Services Department and the Vallejo Police Department. The plan must include a description of licensed and uniformed security guards, who must be present on site during hours of operation, including their number, location and hours, as well as a theft prevention plan including locked exterior doors and windows during the times the cannabis business is closed. The licensed and uniformed security guard best practices shall comply with State law. The Planning and Development Services Department and Vallejo Police Department shall be notified in writing of any revisions to the approved written security plan dated “Received July 23, 2020”.

30. The point of sale software used to track retail sales must be deemed acceptable to the City of Vallejo Finance Director prior to operation.

31. The business owner shall only use one name to identify themselves in the Use Permit, the local regulatory permit to operate, the State license, and any other applicable State or local permit that may be required for the purposes of retail sales of cannabis.

32. Lighting. The following lighting requirements shall apply:

    a. Exterior perimeter lighting shall be in place prior to operation.

    b. Exterior lighting shall be code compliant LED fixtures or high efficiency luminaries, and shall have an illumination intensity of between one and four foot candles.

    c. Lights shall be directed and shielded so as not to illuminate adjoining properties.

    d. Lights shall include housing to protect against breakage.

    e. Broken or burnt out lights shall be replaced within 48 hours.

    f. Transitional lighting shall be incorporated in exterior areas providing access to and from buildings or uses within the site.

    g. Trees and shrubs shall not interfere with the distribution of lighting as required by this Use Permit.

33. Signs. The following signage requirements shall apply:

    a. A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 (for medical retail sales of cannabis) or 21 (for recreational retail sales of cannabis) is allowed on site.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

b. A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited.

c. A sign shall be posted stating loitering on or near the premises is prohibited.

d. A sign shall be posted outside the facility in full public view containing City of Vallejo contact information for both emergency situations and information regarding public concern about operations.

e. Other Sign Ordinance requirements as prescribed in Title 16 of the VMC.

34. Windows. The following requirements for windows shall apply:

a. No display of cannabis or cannabis product shall be permitted within 10 feet of the window.

b. Storefronts shall maintain transparent windows that allow visibility into the store, with a minimum of 60 percent transparency on the street frontage at the ground level and allow visibility into the building at a minimum of four feet above the ground.

35. Screening and Landscaping. The following landscape requirements shall apply:

a. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the City of Vallejo Planning Manager or his or her designee shall not exceed three feet in height at maturity.

b. Trees shall be pruned up to six feet above ground.

c. Trees and shrubs shall be pruned back from windows, doors, and walkways.

d. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand.

e. Entrances to the site and parking lots shall be defined with landscaping or entry features.

f. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry.

g. Other screening and landscape regulations as prescribed in Title 16 of the VMC.

36. Noise. The following noise requirements shall apply:

a. The use of generators is prohibited, except as short-term temporary emergency back-up systems.

b. Other Noise Performance Standards as prescribed in Title 16 of the VMC.

37. Odor Control. A sufficient odor-absorbing ventilation and exhaust system shall be installed and operated to ensure that odor generated by the cannabis business is not detected

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

outside of the property, anywhere on adjacent properties or public rights-of-way, or within any other separate use or unit located within the same building as the cannabis business.

38. Property Maintenance. The following property maintenance requirements shall apply:

    a. Property shall be maintained free of debris, litter and trash.

    b. The cannabis business shall comply with the Property Maintenance Ordinance under VMC Chapter 7.54.

39. Tracking. The cannabis business shall comply with any labeling, testing, and track and trace program established by the City and/or State agencies. The operator must maintain records tracking all cannabis production and products and shall make all records related to commercial cannabis activity available to the City upon request.

40. Taxes. The cannabis business shall be current on the City's Marijuana Business License Tax and any additional applicable taxes enacted by the City or this Use Permit may be subject to revocation and/or local regulatory permit non-renewal and/or revocation.

41. Parking. The applicant shall maintain the 73 required onsite parking spaces to serve the cannabis business. Parking lot surfaces, lighting, and exterior landscaping shall be maintained in good condition in compliance with the approved plans.

42. Special Events. Special events are prohibited unless authorized in writing by both authorized staff of the City of Vallejo and the California Bureau of Cannabis Control.

43. Inspection. The dispensary shall be subject to inspections by appropriate local and State agencies, including but not limited to the City Manager's Office, Planning and Development Services Department, and/or a third-party inspector appointed by and acting on behalf of the City. Inspections may occur at random times for conformance with the Vallejo Municipal Code and City permit requirements. If interference in the performance of the duty of the agency having jurisdiction occurs, the agency may temporarily suspend the permit and order the dispensary to immediately cease operations.

44. Exterior Modification. All exterior modifications to the building façade or site, including landscaping, parking lot improvements, fencing, lighting, and signage, shall be subject to City of Vallejo review and approval. Razor or barbed wire and similar fencing is not permitted.

45. Any proposed modification, alteration, and/or expansion of the use authorized by this Use Permit shall require the prior review and approval of the City of Vallejo. Such changes may require a new or modified Use Permit and additional environmental review, if warranted.

46. Use Permit Certificate. This Use Permit, the approved project description, and approved floor plan shall be maintained on site and made available to City of Vallejo officials upon request.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

Approval Time/Revocation

47. Approval of this Use Permit shall automatically expire 24 months from the date of approval, unless building permits are issued and authorized construction has commenced prior to the expiration date.

48. The Use Permit shall be deemed abandoned if the cannabis business operation remains not in use for 12 consecutive months. A new Use Permit shall be obtained prior to the resumption of the cannabis business, if deemed abandoned.

49. 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 Division staff is unable to obtain compliance or abatement, staff will refer the Use Permit to Code Enforcement and/or the Planning Commission for possible suspension or revocation.

B. BUILDING DIVISION

Steve Arnold | steve.arnold@cityofvallejo.net | (707) 648-4387

1. Permits required per California Code of Regulations, Title 24 and applicable City Ordinance in effect at the time of completed Building Permit application date and required fees paid at time of application. 2019 California Code of Regulations apply if permit application(s) received before end of 2022.

C. FIRE DEPARTMENT

Brian Pizzimenti | brian.pizzimenti@cityofvallejo.net | (707) 648-4436

1. Access roads that are fire lanes shall either be posted with permanent all-weather signs constructed and installed in accordance with the Fire Department Fire Lane Marking Standards or shall all have curbs painted red and a sign posted at each entrance. Contact the Fire Prevention Bureau for further information and design templates. Location of such areas shall be determined prior to final inspection.

2. Prior to final Inspection, in accordance with the 2019 Califoirnia Fire Code rooms or areas containing controls for HVAC systems, electrical panels, automatic fire extinguishing systems, fire alarm equipment or other detection, suppression or control elements shall be identified with appropriate signs.

3. A flush-mounted (recessed) Knox Box (key box) mounted no higher than 5 feet above the finished floor containing appropriate keys for emergency fire department access shall be provided. The minimium size box is the 3200 series with a hinged door and recessed mounting kit. The tamper kit is not required, box color may be any of the Knox options. It takes approximately 2 weeks for delivery. For more information call the Fire Prevention Division at (707) 648-4565

4. Keys for the Knox Box entry system required by the fire department shall be attached to durable tags with permanent marking identifying the door(s) or lock(s) that the key functions with. i.e. “MASTER” or “MECHANICAL ROOM”.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

5. Prior to final inspection, in accordance with the 2019 California Fire Code approved address numbers shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall clearly contrast with their background. The characters shall be a minimum of 4" high (6" for Commercial) with a 1/2" stroke. The size of the building and distance or location of the address numbers from the roadway may necessitate larger numbers.

6. Prior to final inspection, the minimum fire-extinguisher requirement shall be one 2A-10BC rated portable unit in such locations so that maximum floor-travel distance does not exceed 75' to the nearest extinguisher from any portion of the building with a maximum of 3,000 square feet of floor area surveyed. Plan submittal shall include the proposed location of extinguishers. Final location shall be approved in the field by the fire department. Hazardous areas will require increased sizing of fire extinguishers.

7. All fire extinguishers shall be mounted in a conspicuous and readily accessible location either on a bracket or within an approved storage cabinet. Fire extinguishers shall be mounted so the top of the unit is 3 feet to 5 feet off the finished floor. If the extinguisher is not readily visible, a sign shall be located directly above the extinguisher. The sign shall be legible and of a contrasting color with its background. Final installation measures and indentification signage shall be approved in the field by the Fire Department prior to final inspection sign-off.

8. Means of egress illumination shall be provided and maintained at any time the building is occupied. The means of egress shall be illuminated of not less than 1 foot candle power and shall be approved by the Fire Prevention Division prior to sign-off of the final inspection.

9. Emergency exit lighting shall be provided at or near all exits and as designated by the Fire Marshal. Final exit lighting shall be approved by the Fire Marshal prior to sign-off of the final inspection.

10. In accordance with the 2019 California Fire Code Chapter 10, all emergency lighting and exit signs lights shall have two separate sources of power.

11. All buildings shall comply with the 2019 California Building Code, Chapter 10 Means of Egress requirments. Including but not limited to; exit signs, exit doors, exit hardware and exit illumination.

12. Provide a detailed means of egress, path of travel, exit plan plan prior to building permit approval. Due prior to Building Permit issuance.

13. Locking devices on exit doors shall conform to the 2016 California Fire Code Chapter 10, only one lock or latch requiring one motion/operation to open/unlock is required. No double keyed dead-bolts are permitted on exit doors. Panic hardware is required.

14. Maintain the width of the exit system; tables, chairs, merchandise storage systems and other devices shall not obstruct the means of egress along the path of exit travel based on the cumiulative occupant load served. Maintain clear access to all exits at all times.

15. A separate permit is required for Fire Alarm modification from the Vallejo Fire Department. Fire alarm system must have current annual certification prior to final inspection.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

16. A separate permit is required for Fire Sprinkler modification from the Vallejo Fire Department. Fire sprinkler system must have current annual and five year certification prior to final inspection.

17. Duct smoke detectors complying with UL 268A shall be installed in accordance with the CBC, CFC, CMC and NFPA 72.

    a. In the main return air and exhaust air plenum of each air-conditioning system having a capacity greater than 2,000 CFM. Such detectors shall be located in a serviceable area downstream of the last duct inlet.

    b. At each connection to a vertical duct or riser serving two or more stories from a return air duct or plenum of an air-conditioning system.

18. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the Fire Code Official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type and shall contain keys to gain necessary access as required by the Fire Code Official per CFC § 506.1

19. Hazardous Materials Business Plan Requirements. Any occupancy that will be conducting operations or storing materials that are hazardous will obtain the appropriate permits from the City of Vallejo Fire Department and/or Solano County Evironmental Management prior to commencing business operations

20. The provisions of CFC § 407 shall be applicable where hazardous materials subject to permits under CFC § 5001.5 are used and/or stored on the premises or where required by the Fire Code Official.

21. Storage, use and handling of compressed gases in compressed containers, cylinders, tanks, and systems shall comply with CFC Chapter 53 including those gases regulated elsewhere in the CFC and/or any applicable NFPA Standards as determined by the Fire Code Official. Partially full compressed gas container, cylinders or tanks containing residual gases shall be considered as full for purposes of the controls required.

22. Compressed gases classified as hazardous materials shall also comply with CFC Chapter 50 for general requirements and chapter addressing specific hazards, including CFC Chapters 58 (Flammable Gases), 60 (Highly Toxic and Toxic Materials), 63 (Oxidizer, Oxidizing Gases, and Oxidizing Cryogenic Fluids) and 64 (Pyrophoric Materials) and/or any applicable NFPA Standards as determined by the Fire Code Official.

23. The storage, use and handling of all hazardous materials shall be in accordance with CFC Chapter 50 and California Health and Safety Code requirements. The maximum allowable quantity (MAQ) of hazardous materials per control area will be established using CFC § 5003.1. Applicant will need to contact the Fire Department for hazardous materials storage permitting and approval.

24. Fume Ventilation; continous mechanical ventilation shall be provided per the Calfornia Fire Code and the Building and Mechanical Code.

DocuSign Envelope ID: C6607404-1BF0-4EF7-BBD3-E9A480A88342

25. Hazardous Materials Inventory Statement (HMIS) per CFC § 5001.5.2. An application for building permit shall include an HMIS. The HIMS shall include the following information:

    a. Product name.
    b. Component.
    c. Chemical Abstract Service (CAS) number.
    d. Location where stored or used.
    e. Container size.
    f. Hazard classification.
    g. Amount in storage.
    h. Amount in use-closed systems.
    i. Amount in use-open systems.
    j. Safety Data Sheets (SDS) for all proposed materials

26. The business will also need to comply with electronic reporting requirements specific to the California Environmental Reporting System (CERS). Applicants will need to contact the Fire Department for direction and permitting related to hazardous materials inventory reporting amounts.

27. The smoking or carrying of a lighted pipe, cigar, cigarette or any other type of smoking paraphernalia or material is prohibited in the areas indicated in CFC § 310. No smoking signs are required.

28. Storage of combustible materials in buildings shall be orderly. Storage shall be separated from heaters or heating devices by distance or shielding so that ignition cannot occur per CFC § 315.

29. Any security device or system that emits any medium that could obscure a means of egress in any building, structure or premise shall be prohibited per CFC § 316.5.

30. High-piled storage or rack storage in any occupancy group shall comply with the CFC Chapter 32.

31. A final inspection from the Vallejo Fire Department is required prior to final occupancy.

D. WATER DEPARTMENT

Melissa Cansdale | melissa.cansdale@cityofvallejo.net | (707) 553-7223

1. Provide water meter and service sizing calculations per most recent California Plumbing Code and include a water fixture count table.

E. VALLEJO FLOOD AND WASTEWATER DISTRICT

Gustavo Silva | gussilva@vallejowastewater.org | (707) 644-8949

1. The applicant shall pay the applicable plan review fees prior to issuance of building permits.

Kolaboration Vallejo LLC
5184 Sonoma Blvd.

Plan Set Index
July 23, 2020

Thumb Drive with Digital Copy of all Documents **Plan Set Index (This sheet)** **Plan Set Introduction** Executive Summary What We Are Requesting Fee Calculation **Planning Application** **Indemnification Agreement** **Proposal** Executive Summary Zoning Considerations Business Plan Accessory Uses Labor & Local Enterprise Plan Neighborhood Compatibility & Odor Control Plan Community Benefits Safety & Security Plan Fire Alarms and Fire Suppression **Development Plan Set in PDF Format** **Title Report** **Lease Agreement** **Note: Three Copies of the Cannabis Local Regulatory Permit Application for the City Manager accompany this Plan Set.**	**Plan Set Checklist** **C.3 Compliance Table** **Cover Sheet Details** **Development Plan Set** (3 full size sets of 24" x 36" collated and sized to no more than 9" x 13" and digital set) **Cover Page with Plan Set Index and C.3 Compliance Table and Cover Sheet Details** **Civil Engineer:** ExistingConditions Plan & Boundary Survey **Architect:** Cover Sheet As-Is Floor Plan 1st Floor As-Is Floor Plan 2nd Floor Proposed Floor Plan 1st Floor Proposed Floor Plan 2nd Floor As-Is Elevations No changes, except new signage on front. Front Signage Security System (designed by ADT) **Electrical:** Repairs only. **Mechanical/HVAC:** Repairs only. **Plumbing:** Repairs only. **Fire Alarms:** Repairs only. Panel location is shown on the Security System sheet. **Fire Sprinklers:** Repairs only.

Kolaboration Vallejo LLC
Cover Sheet Details
July 23, 2020

5184 Sonoma Blvd, Vallejo CA 94589
Property Owner: Joseph Ramani [redacted]
Property Tenant Contact: Charles Wesley [redacted]
Project Manager: Charles Wesley [redacted]

Architect: John Rovai, Project Manager– Studio Benavente Architects–Walnut Creek–925–934–7778
jrovai@studioarch.net

Civil Engineer: Taylor Elze - RFE Engineering - Roseville - 916-772-7800 -
TElze@RFEengineering.com

Project Description: Clean the exterior and interior. Add security devices. Add interior walls.

Legend of Symbols and Abbreviations

Property Details:
- General Plan Designation
- Zoning District
- Gross Square Feet of Parcel
- Net Lot Area
- Adjacent Land Uses..
  - To the North, an empty lot
  - To the South, other commercial areas of the Meadow Plaza Shopping Center
  - To the East… Broadway and then a residential area.
  - To the West… Highway 29 (Sonoma Blvd)
- Development Standards - Not applicable, as there is no development with this project.
- Square Footage of Existing Buildings
- Square Footage of Proposed Buildings
- Parking Analysis…
  - Existing
  - Proposed
- Percents of Lot Area… (no changes are planned)
  - Landscaping
  - Impervious Surfaces
  - Common Open Space
  - Private Usable Space
  - Covered by Buildings
  - Flood Zone

C.3 Compliance Table

Project Name / Number	**Kolaboration Vallejo LLC**
Application Submittal Date	**July 23, 2020**
Project Location	**5184 Sonoma Blvd. (former Food4Less)** **Suite 300**
Name of Owner or Developer	**Kolaboration Vallejo LLC** **Charles M. Wesley, Project Manager**
Project Type and Description	**Interior and Exterior Repairs** **Minor Tenant Improvements** ● **Counters** ● **Shelves** ● **Customer Check-in Area**
Total Project Site Area (acres)	**4.285 Acres**
Total New Impervious Surface Area (sq. ft.)	**None**
Total Replaced Impervious Surface Area	**None**
Total Pre-Project Impervious Surface Area	**56,814 sf - Building** **118,330 sf - Paved** **175,144 sf - Total**
Total Post-Project Impervious Surface Area	**Same as Pre-Project**
Runoff Reduction Measures Selected	**Not Applicable** **No Changes to Current Site Conditions**

SBA
STUDIO BENAVENTE ARCHITECTS
580 LENNON LANE, WALNUT CREEK, CA 94598
925.934.7778 sba@studioarch.net

ISSUE	DATE	DESCRIPTION
1	02-08-21	ISSUE FOR REVIEW

OWNERSHIP OF DOCUMENTS
THIS DOCUMENT AND THE IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF STUDIO BENAVENTE ARCHITECTS, AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF STUDIO BENAVENTE ARCHITECTS INC.

ARCHITECTURAL DESIGN REVIEW:
V–TOWN FARMS
5184 SONOMA BLVD. SUITE 330
VALLEJO, CA

OWNER /TENANT APPROVAL & DATE:

WET STAMP:

DRAWN BY: JR
CHECKED BY: JOB

SHEET TITLE:
COVER SHEET: C.3 COMPLIANCE TABLE,PLAN SET INDEX, DETAILS

SHEET NO.
A0.0

KOLABORATION FARMS\ VALLEJO\ SPA1.DGN
PROJECT NUMBER: 20MSC09
KOLABORATION FARMS\ VALLEJO\ SPA1.DGN

TOPOGRAPHIC & BOUNDARY SURVEY
5184 SONOMA BLVD.
VALLEJO, CA 94589
APN: 0067-150-300

LEGEND:

- CENTERLINE
- BOUNDARY
- PARCEL LINES
- EASEMENT
- FENCE
- RETAINING WALL
- STORM DRAIN MANHOLE
- SEWER MANHOLE
- WV — WATER VALVE
- FH — FIRE HYDRANT
- WM — WATER METER
- BF — REDUCED PRESSURE PRINCIPAL ASSEMBLY/ BACKFLOW PREVENTOR
- STREET LIGHT
- PB — ELECTRICAL PULL BOX
- E — ELECTRICAL STRUCTURE
- SIGN
- TREE
- 1440 — INDEX CONTOUR
- INTERMEDIATE CONTOURS
- SS — SANITARY SEWER
- SD — STORM DRAIN
- W — WATER
- 58.23 × — SURVEYED POINTS
- 100 100.00 PK — SURVEY CONTROL POINT
- FOUND MONUMENT AS NOTED
- DIMENSION POINT - NOTHING FOUND OR SET

FIELD SURVEY:
RFE ENGINEERING
DATES SURVEYED: 7/7, 7/21, 7/22/2020

BASIS OF BEARINGS:
FOUND CENTERLINE MONUMENTS ALONG BROADWAY AS SHOWN. SAID MONUMENTS ROTATED TO STATE PLANE COORDINATES, BEARING N 00°35'00 E.

BENCHMARK:
NGS BENCHMARK JT0400
LOCATED AT THE INTERSECTION OF MINI DRIVE AND DANROSE DRIVE, SET IN THE TOP OF A 6-INCH CONCRETE CYLINDER 1.0 FOOT BELOW THE SURFACE OF THE DRIVES, AND BENEATH A CAST IRON COVER INSCRIBED CITY MONUMENT

ELEVATION: 27.80 FEET (NAVD 88)

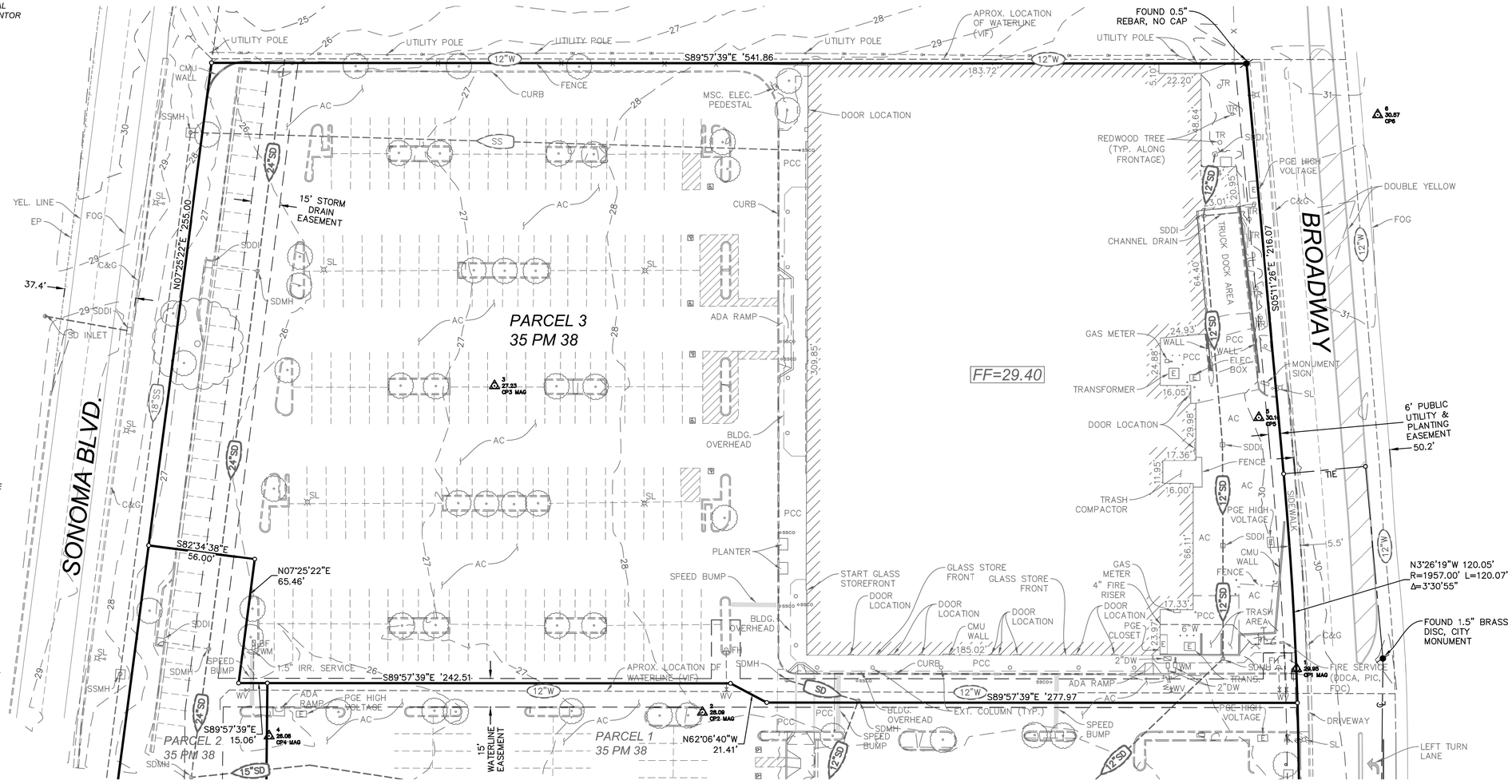
FLOOD PLAIN:
SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X", AREAS WITHIN ZONE "X" ARE DETERMINED TO BE OUTSIDE THE 0.2 ANNUAL CHANCE FLOOD PLAIN AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO.: 06095C0419F
DATED: 8-03-2016

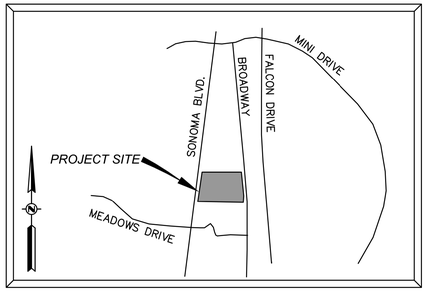
LEGAL DESCRIPTION:
PARCELS 3 AS SHOWN ON THAT CERTAIN MAP ENTITLED: "PARCEL MAP, LANDS OF OMIRP INC., VALLEJO, CALIFORNIA", WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF SOLANO COUNTY, CALIFORNIA ON JULY 10, 1990 IN BOOK 35 OF PARCEL MAPS, AT PAGE 37.

TITLE REPORT:
PLACER TITLE COMPANY
ORDER NO: P-408755

SITE INFORMATION:
LOT SIZE: 4.285± ACRES (186,672 SF)

TOTAL IMPERVIOUS: 4.02 ACRES (175,144 SF)





VICINITY MAP
NOT TO SCALE

ABBREVIATIONS:

AC	ASPHALT CONCRETE	FH	FIRE HYDRANT	MIN	MINIMUM	RPPA	REDUCED PRESSURE PRINCIPLE ASSEMBLY
BC	BEGIN CURVE	FL	FLOW LINE	NE	NORTHEAST	RW	RETAINING WALL
BLDG	BUILDING	FOC	FACE OF CURB	NW	NORTHWEST	SDMH	STORM DRAIN MANHOLE
BOC	BACK OF CURB	FS	FIRE SPRINKLER	OH	OVERHEAD	SD	STORM DRAIN
BOW	BACK-OF-WALK	GB	GRADE BREAK	OHT&E	OVERHEAD TELEPHONE & ELECTRIC	SE	SOUTHEAST
CONC	CONCRETE	GR	GRATE ELEVATION	OMP	OPEN METAL PIPE	SS	SANITARY SEWER
C&G	CURB & GUTTER	GV	GATE VALVE	(P)	PROPOSED	SSCO	SANITARY SEWER CLEAN OUT
CG&S	CURB, GUTTER & SIDEWALK	HC	HANDICAP	PCC	PORTLAND CEMENT CONCRETE OR POINT OF COMPOUND CURVE	SSMH	SANITARY SEWER MANHOLE
CENTERLINE		HCR	HANDICAP RAMP	PG	PROFILE GRADE	SWCT	SAWCUT
CR	CURB RETURN	IRR	IRRIGATION	PIV	POST INDICATOR VALVE	SW	SIDEWALK OR SOUTHWEST
DI	DRAIN / DROP INLET	INV	INVERT	℄	PROPERTY LINE	STA	STATION
DIP	DUCTILE IRON PIPE	JP	JOINT POLE	POC	POINT OF CONNECTION	TC	TOP OF CURB
DS	DOWN SPOUT	L	LENGTH	PT	POINT OF TANGENCY	TP	TOP OF PAVEMENT
(E)	EXISTING	LF	LINEAL FEET	PUE	PUBLIC UTILITY EASEMENT	TS	TOP OF SIDEWALK
EP	EDGE OF PAVEMENT	LIP	LIP OF GUTTER	RCP	REINFORCED CONCRETE PIPE	W	WATER
FDC	FIRE DEPARTMENT CONNECTION	LT	LEFT TURN OR LEFT	ROW	RIGHT-OF-WAY	WV	WATER VALVE
FF	FINISH FLOOR	MAX	MAXIMUM	RT	RIGHT TURN OR RIGHT	WM	WATER METER
FG	FINISHED GROUND	MH	MAINTENANCE HOLE				

UTILITY NOTE:
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

30 0 30 60
1 INCH = 30 FEET

NO.	REVISION	DATE	BY	APPRV'D

	BY	CHECK
DESIGN	TEE	RFE
DRAWN	TEE	RFE
QUANT.		

0 1 2
ORIGINAL SCALE IS IN INCHES

RFE ENGINEERING, INC.
Civil Engineers • Planners • Surveyors
2260 Douglas Blvd., Suite 160, Roseville, CA 95661
Ph: 916-772-2090 Fax: 916-772-2094
www.RFEengineering.com

KOLABORATION VALLEJO LLC
183 MAIN STREET
RIO VISTA, CA 94571

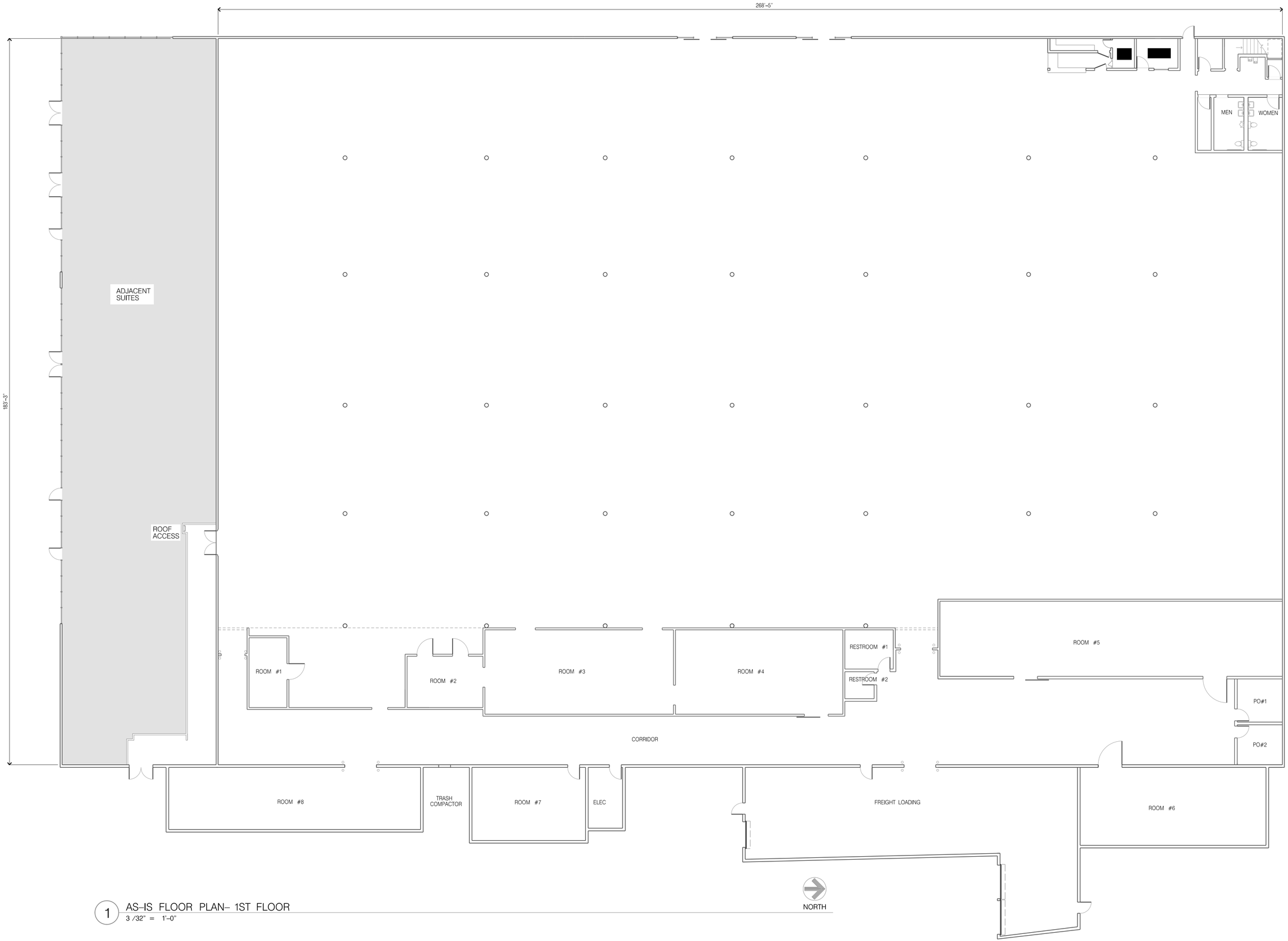
5184 SONOMA BOULEVARD
VALLEJO, CA 94589
APN: 0067-150-300

EXISTING CONDITIONS PLAN

Sheet 1
1 of 1
7-22-2020

Z:\2020 Projects\20088 5184 Sonoma Blvd Vallejo\Survey\XREF XPLN.dwg Jul 22, 2020-01:57 pm

RFE PROJECT #20088 – 5184 SONOMA BLVD., VALLEJO, CA 94589



1 AS-IS FLOOR PLAN- 1ST FLOOR
3 /32" = 1'-0"

SBA
STUDIO BENAVENTE ARCHITECTS
580 LENNON LANE, WALNUT CREEK, CA 94598
925.934.7778 sba@studioarch.net

ISSUE	DATE	DESCRIPTION
1	02-08-21	ISSUE FOR REVIEW

OWNERSHIP OF DOCUMENTS
THIS DOCUMENT AND THE IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF STUDIO BENAVENTE ARCHITECTS, AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF STUDIO BENAVENTE ARCHITECTS INC.

ARCHITECTURAL DESIGN REVIEW:
V-TOWN FARMS
5184 SONOMA BLVD, SUITE 330
VALLEJO, CA

OWNER /TENANT APPROVAL & DATE:

WET STAMP:

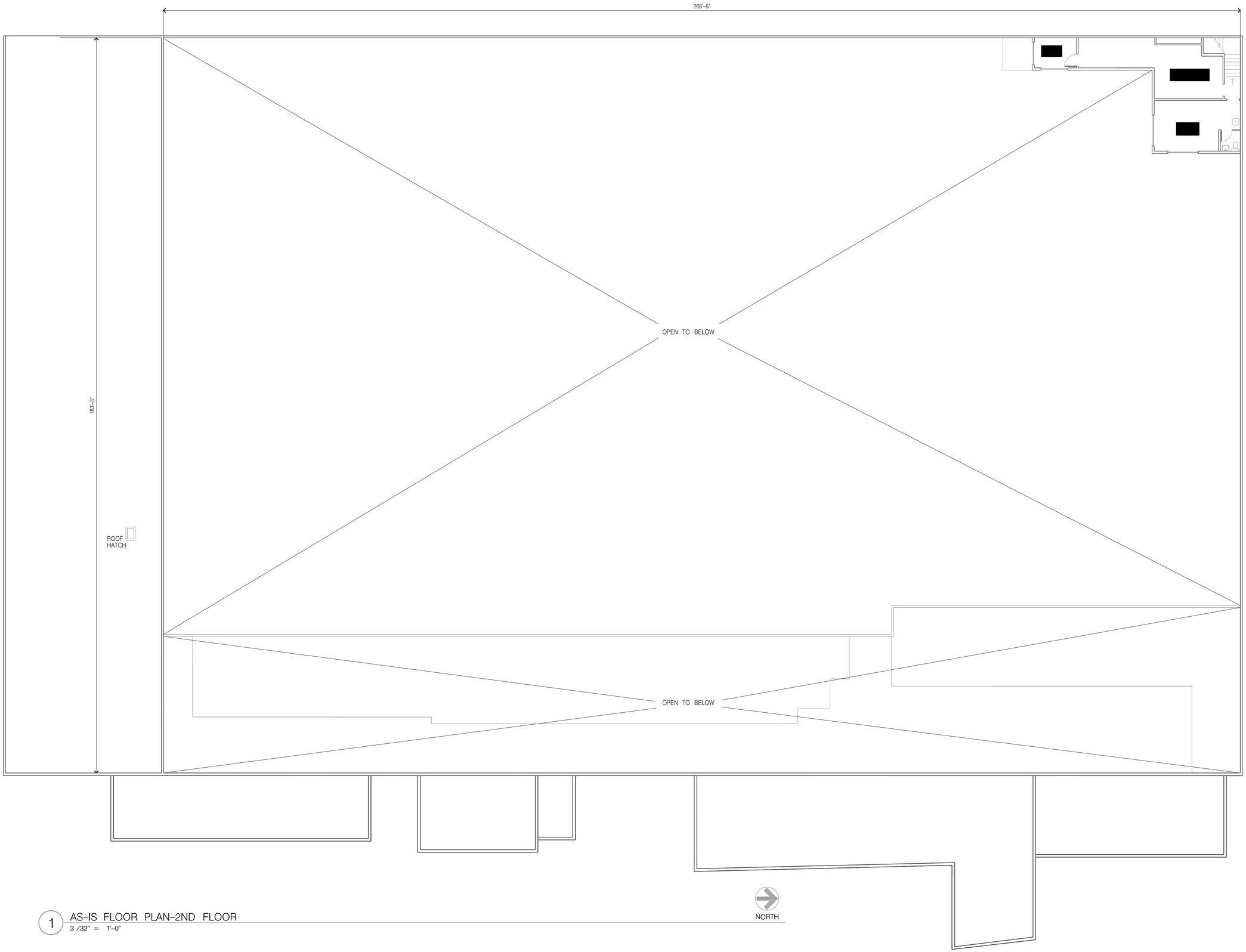
DRAWN BY: JR
CHECKED BY: JOB

SHEET TITLE:
AS-IS FLOOR PLAN-
1ST FLOOR

SHEET NO.
A1.0

PROJECT NUMBER: 20MSC09

KOLABORATION FARMS\ VALLEJO\ SPA.DGN



1 AS-IS FLOOR PLAN-2ND FLOOR
3 /32" = 1'-0"

STUDIO BENAVENTE ARCHITECTS
580 LENNON LANE, WALNUT CREEK, CA 94598
925.934.7778 sba@studioarch.net

ISSUE	DATE	DESCRIPTION
1	02-08-21	ISSUE FOR REVIEW

OWNERSHIP OF DOCUMENTS
THIS DOCUMENT AND THE IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF STUDIO BENAVENTE ARCHITECTS, AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF STUDIO BENAVENTE ARCHITECTS INC.

ARCHITECTURAL DESIGN REVIEW:
V-TOWN FARMS
5184 SONOMA BLVD. SUITE 330
VALLEJO, CA

OWNER /TENANT APPROVAL & DATE:

WET STAMP:

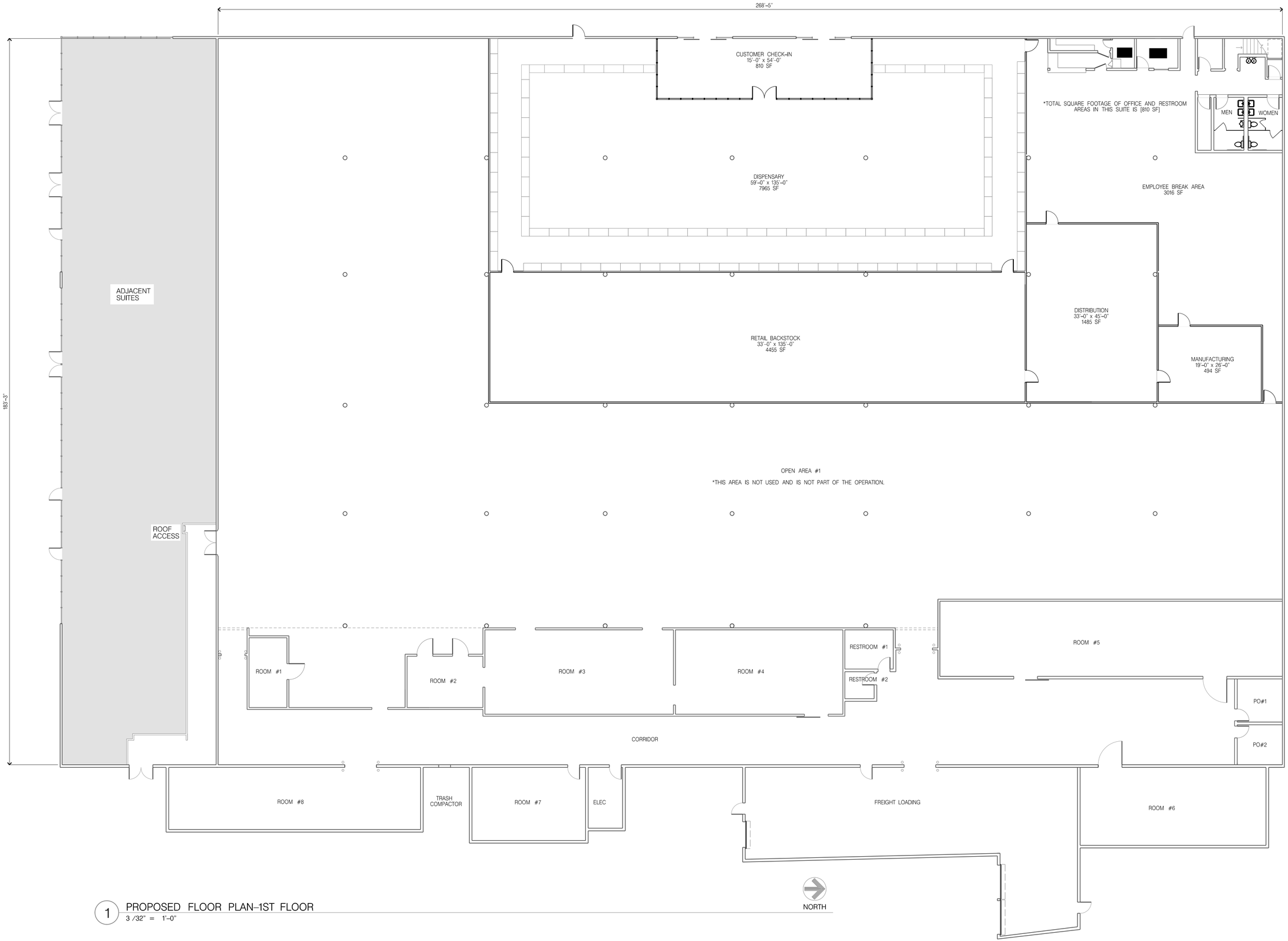
DRAWN BY: JR
CHECKED BY: JOB

SHEET TITLE:
AS-IS FLOOR PLAN-2ND FLOOR

SHEET NO.
A1.1

PROJECT NUMBER: 20MSC09

KOLABORATION FARMS\ VALLEJO\ SPA1.DGN



1 PROPOSED FLOOR PLAN–1ST FLOOR
3 /32" = 1'-0"

SBA
STUDIO BENAVENTE ARCHITECTS
580 LENNON LANE, WALNUT CREEK, CA 94598
925.934.7778 sba@studioarch.net

ISSUE	DATE	DESCRIPTION
1	02-08-21	ISSUE FOR REVIEW

OWNERSHIP OF DOCUMENTS
THIS DOCUMENT AND THE IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF STUDIO BENAVENTE ARCHITECTS, AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF STUDIO BENAVENTE ARCHITECTS INC.

ARCHITECTURAL DESIGN REVIEW:
V–TOWN FARMS
5184 SONOMA BLVD. SUITE 330
VALLEJO, CA

OWNER /TENANT APPROVAL & DATE:

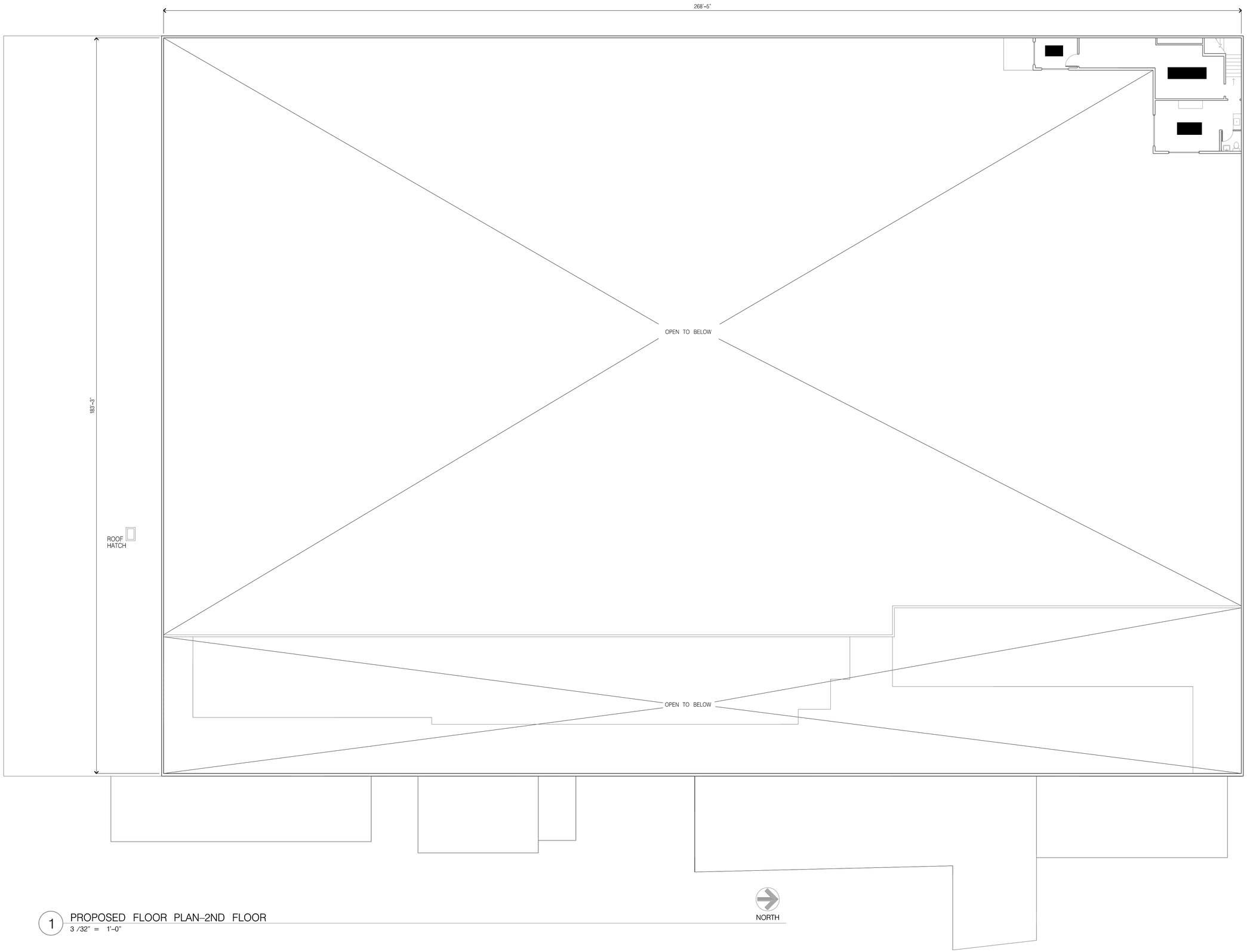
WET STAMP:

DRAWN BY: JR
CHECKED BY: JOB

SHEET TITLE:
PROPOSED SPACE PLAN–1ST FLOOR

SHEET NO.
A2.0

KOLABORATION FARMS\ VALLEJO\ SPA1.DGN
PROJECT NUMBER: 20MSC09
KOLABORATION FARMS\ VALLEJO\ SPA1.DGN



1 PROPOSED FLOOR PLAN-2ND FLOOR
3 /32" = 1'-0"

STUDIO BENAVENTE ARCHITECTS
580 LENNON LANE, WALNUT CREEK, CA 94598
925.934.7778 sba@studioarch.net

ISSUE	DATE	DESCRIPTION
1	02-08-21	ISSUE FOR REVIEW

OWNERSHIP OF DOCUMENTS
THIS DOCUMENT AND THE IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF STUDIO BENAVENTE ARCHITECTS, AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF STUDIO BENAVENTE ARCHITECTS INC.

ARCHITECTURAL DESIGN REVIEW:
V-TOWN FARMS
5184 SONOMA BLVD. SUITE 330
VALLEJO, CA

OWNER /TENANT APPROVAL & DATE:

WET STAMP:

DRAWN BY: JR
CHECKED BY: JOB

SHEET TITLE:
PROPOSED SPACE PLAN-2ND FLOOR

SHEET NO.
A2.1

KOLABORATION FARMS\ VALLEJO\ SPA1.DGN

PROJECT NUMBER: 20MSC09

KOLABORATION FARMS\ VALLEJO\ SPA1.DGN

4 WEST ELEVATION
N.T.S.

1 SOUTH ELEVATION
N.T.S.

2 NORTH ELEVATION
N.T.S.

5 UNASSIGNED
N.T.S.

3 EAST ELEVATION
N.T.S.

6 UNASSIGNED
N.T.S.

SBA
STUDIO BENAVENTE ARCHITECTS
580 LENNON LANE, WALNUT CREEK, CA 94598
925.934.7778 sba@studioarch.net

ISSUE	DATE	DESCRIPTION
1	02-08-21	ISSUE FOR REVIEW

OWNERSHIP OF DOCUMENTS
THIS DOCUMENT AND THE IDEAS INCORPORATED HEREIN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, ARE THE PROPERTY OF STUDIO BENAVENTE ARCHITECTS, AND ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF STUDIO BENAVENTE ARCHITECTS INC.

ARCHITECTURAL DESIGN REVIEW:
V–TOWN FARMS
5184 SONOMA BLVD. SUITE 330
VALLEJO, CA

OWNER /TENANT APPROVAL & DATE:

WET STAMP:

DRAWN BY: JR
CHECKED BY: JOB

SHEET TITLE:
EXTERIOR ELEVATION PHOTOS

SHEET NO.
A3.0

KOLABORATION FARMS\ VALLEJO\ SPA1.DGN
PROJECT NUMBER: 20MSC09
KOLABORATION FARMS\ VALLEJO\ SPA1.DGN

Kolaboration Vallejo LLC
dba V-Town Farms

Proposal
for the
Operation of a Type 12 Microbusiness with Storefront

Executive Summary

- This proposal anticipates that…
  - The current owners of HTP Group Incorporated will successfully transition the Cannabis Permit for this operation from a Chapter 7.100 permit to a Chapter 7.200 permit.
  - That the owners will then apply to transfer the ownership of HTP Group to Kolaboration Vallejo LLC.
  - That the City will approve the transfer of ownership.
  - That the owners of HTP Group will then sell it to Kolaboration Vallejo LLC.
- We propose to operate a Type 12 Microbusiness with a Retail Storefront at 5184 Sonoma Blvd. Retail, Manufacturing and Distribution activities will be conducted within a 13,000sf cannabis premise located in the North Gateway Zoning District.
- The location is the former Food 4 Less grocery store.
- Architectural renderings are provided in the Plan Set.
- [redacted]
- The Managing Members of V-Town Farms have done this before. The likelihood of success is very high. In 2017/2018 these Managers founded and developed Rio Vista Farms. In 2018/2019 they founded and developed Contra Costa Farms dba CoCo Farms (Antioch). Both companies are growing and highly profitable. [redacted]
- Using Best Practices develop in Rio Vista and Antioch, the V-Town Farms cannabis operation will (1) successfully mitigate the escape of Cannabis Odors from its premises and (2) ensure that its neighbors are not impacted by loitering and related public nuisances and (3) ensure that City Police are not burdened by distress calls from the operation.
- Great Neighbors with Big Hearts. Rio Vista Farms is the Rio Vista Chamber of Commerce Business of the Year with an impressive history of event sponsorships and community donations. Contra Costa Farms provides an

$8,000 monthly Grant to Beat The Streets for its Support Program for the Children of Incarcerated Parents.

- When allocating a limited number of permits, communities are mindful of the need to allocate the permits to parties who will produce benefits for the community. A permit in the hands of an operator who fails to execute or executes at a minimal level is a lost opportunity for the community. As evidenced by our success in Rio Vista and Antioch, we Execute, …and do it at a Grand level.
- The required fee for this Application ($5,133) accompanies it.
- The IZP for this Project was submitted on June 24, 2020, and is attached.

Zoning Considerations

- 5184 Sonoma Blvd is not located within a six hundred-foot radius of a school providing instruction in kindergarten or any grades one through twelve, day care center, or youth center as defined in Health and Safety Code Section 11353.1
- 5184 Sonoma Blvd. is located in the North Gateway Zoning District. This District is not zoned for Cannabis operations. However, Cannabis operations are anticipated for this District in the General Plan 2040. So, this request for approval and a Permit qualify under the Interim Zoning Policy.
- The Accessory Uses of Manufacturing and Distribution are contemplated for this operation and will be limited to 500sf for Manufacturing and 1.500sf for Distribution per City Code.

Business Plan

- Ownership & Qualifications
    - Kolaboration Vallejo (V-Town Farms) is an LLC with Contra Costa Farms LLC (CCF) as the majority member.
    - The Managing Members of CCF are also the Managing Members of V-Town Farms.
        - Charles M. Wesley
        - Martin C. Wesley
        - Andrew C. Wesley
    - A synopsis of Managing Member credentials is provided in Attachment A.

- Financial Plan
  - [redacted]
  - Operations… (Reference Attachment C for details)
    - Year 1… Revenue of [redacted] and Net Profit of [redacted]
    - Year 2… Revenue of [redacted] and Net Profit of [redacted]
    - Year 3… Revenue of [redacted] and Net Profit of [redacted]

- Employee Compensation…
  - As we did in Rio Vista and Antioch, Vallejo residents will be given hiring priority over non-residents.
  - [redacted]
  - [redacted]
    - [redacted]
    - [redacted]

- Hours of Operation…
  - Retail… Sunday through Saturday, 8am to 9pm, or as otherwise limited by the City
  - Manufacturing… Monday through Friday 8am to 5pm
  - Distribution… Monday through Friday 7am to 6pm
    Saturday through Sunday 7am to Noon

- Microbusiness Operations…
  - Retail…
    - The first hour of the day is spent replenishing shelves. Distribution and Retail employees participate.
    - From opening to closing, Customers are first checked-in. Then a Budtender will assist the Customer with his or her purchases. At the conclusion of the shopping experience, the Customer is Checked-out and pays with cash or debit card.
    - Please refer to Attachment D - Proposal Details - Retail Storefront Standards for additional information.
  - Distribution…
    - The first hour of the day is spent replenishing the Retail shelves.

        - Most of the remainder of the day is spent Intaking products from vendors and cycle counting inventory in both Distribution and Retail.
        - The balance is time is spent preparing products for shipment to other Cannabis distributors and dispensaries.
    - Manufacturing…
        - Bulk Cannabis is used to produce prerolls, infused prerolls (Triple Threat) and infused flower (aka Moon Rocks).
        - Please refer to <u>Attachment D</u> - Proposal Details - Manufacturing Standards and Processes for further information.

- Cash Handling Procedures…
    - [redacted]
    - [redacted]
    - [redacted]
    - [redacted]
    - [redacted]
    - [redacted]
    - [redacted].

- Inventory Control Procedures…
    - [redacted]
    - [redacted]
    - [redacted]
    - [redacted]

- [redacted]

- Business Formation…
  - Kolaboration Vallejo LLC is a California LLC formed on June 11, 2020.
  - The Articles of Organization and Statement of Information are included in Attachment F.

Accessory Uses

- V-Town Farms will conduct ongoing intercompany transactions with its sister companies (Rio Vista Farms and Contra Costa Farms).
- Contemplated are the following…
  - The manufacture of prerolls, infused prerolls, infused wine and infused flower.
    - The manufacture of these products involves simple “kitchen” appliances and will not involve volatile methods or ingredients.
    - Manufacturing will occur within the Accessory Use maximum area of 500 square feet.
    - Please refer to Attachment D - Proposal Details - Manufacturing Standards and Processes for further information.
  - The distribution of these products to sister companies and other licensed Cannabis distributors and dispensaries.
    - Distribution will occur within the Accessory Use maximum area of 1,500 square feet.

Labor & Local Enterprise Plan

- [redacted]
- [redacted]
  - [redacted]
  - [redacted]
    - [redacted]
    - [redacted]

    - [redacted].
- [redacted]
    - [redacted]
    - [redacted]
    - [redacted]
- [redacted]
- We promote from within, whenever possible.
- We employ a Human Resources Director to ensure that our Labor Practices are both lawful and equitable. We strive to maintain a professional environment in which everyone can feel proud and comfortable.
- Projected Staffing…
    - Budtenders - 90
        - Customer sales, stocking
    - Distribution Associates - 10
        - Stocking, Intake/Ship/Transfer Products, Cycle Counting
    - Manufacturing Associates - 10
        - Create prerolls, infused prerolls and infused flower.
        - Package and label.
    - Maintenance - 3
        - Maintenance of the interior and exterior and landscaping, with emphasis on creating a “Wow” Customer experience.
    - Managers - 5
        - Facility Administrator, Retail Manager, Distribution Manager, Manufacturing Manager, General Manager
- Employee Policies & Procedures…
    - Please refer to Attachment E for a synopsis of employment policies and practices.procedures.
    - The Spirit and Intent of our Employee Policies and Practices are these:
        - Provide Living Wage jobs for local residents based on their relative skills and merits.
        - Facilitate their success.
        - Provide a professional and Code-compliant work environment.
        - Demand performance.
        - Remove underperforming employees.

- We have already entered into Labor Peace Agreements for both Rio Vista Farms and Contra Costa Farms and attest that we will enter into a Labor Peace Agreement for V-Town Farms as well, if required to do so.
- Our hiring is solely merit based with the sole exception that preference will be given to Vallejo residents. We believe that it is in the best interests of the local community to encourage and promote those who have developed themselves for the opportunities at hand. Effectively, helping those who help themselves. We are an equal opportunity employer.

Neighborhood Compatibility And Odor Control Plan

- Our approach to Neighborhood Compatibility is to first anticipate and then mitigate. That is… what are the things that would be considered undesirable by our neighbors? Then, what can be done proactively to prevent these things?
- Odors…
    - Cannabis odors are detectable once a container of cannabis is opened. Because our Customers are not permitted to consume on the premises, the likelihood of an opened container is nil, and the event would be only momentary.
    - Cannabis odors are also detectable during the cultivation of Cannabis. No cultivation will occur at this facility. So, this is not a concern.
    - Cannabis odors are also detectable during Trimming, Manufacturing and Packaging operations. All of these activities are planned for this facility, and produce some amounts of Cannabis waste.
    - We use the professional services firm York Engineering to advise us on odor mitigation measures. In both Rio Vista and Antioch, we implemented their recommended measures and they work.
    - Attachment D - Proposal Details - Odor Control Plan contains the measures they recommended for our Antioch operation. During the permitting phase of this project, they will review the premise and provide a set of recommendations for that premise. At a minimum, they will include…
        - The creation of negative pressure in the building with exhaust fans.
        - The installation of Phresh carbon filters on the exhaust fans.
        - Sealing holes on the exterior walls of the building.
    - Once the measures have been implemented, York will visit the site and confirm that no odors are detectable beyond the boundaries of the premise.

    - Cannabis waste is first rendered unusable by mixing it with a 50% mixture of dirt. Then it is bagged and sealed and placed in a Organic waste bin for pickup by Republic Services. The bin is stored inside the building until the morning of the pickup. Then it is moved to a location in the gated parking lot on the west side of the building. This area will not be accessible to our Customers.
- Noise…
    - On-site consumption of cannabis products is not permitted on our premises. As a result, there is no reason for our Customers to linger on the premise.
    - This is the same policy we have implemented in Rio Vista and Antioch. Noise is not a problem at either location, and it will not be a problem here.
- Light…
    - This premise is located in a business park area. The parking lot and the parking lights are already in-place from the previous tenant. Nothing new is being added.
    - There are no residences in the area and no residents will be impacted by the lights.
- Loitering…
    - Our Customers are not permitted to consume on the premises. So, there is no need for them to loiter.
    - Loitering is considered a potential security risk.
    - If the Security Guards detect loitering or on-site consumption, they will politely request the Customers to leave.
- Litter…
    - We maintain all of our properties in pristine condition. Maintenance personnel are always attentive to the exterior conditions of the premise.
    - Customers may not consume on the premises. So, as is the case with both Rio Vista and Antioch, loitering-related litter will be nil.
- Traffic…
    - There will be minimal pedestrian traffic, as this premise is in a business park and not particularly accessible by foot. Certainly, some Customers may choose to walk to the store. However, this will be less than one percent of overall traffic.
    - Vehicle traffic will be substantial. We expect to service approximately 1,500 Customers every day. The parking lot is already sized to support this volume of traffic.

    - Potentially, some vehicle traffic might park on the street, where parking is permitted. We note that surrounding neighbors are already parking on the street.
- Responding to Neighbor complaints…
    - Based on our experience at both Rio Vista (Business Park) and Antioch (Heavy Industrial), there will be no complaints from our neighbors.
    - Our Facility Administrators are supposed to receive and resolve complaints, and the preferred approach is face-to-face.

Community Benefits

- [redacted]
- [redacted]
- Based on our experience in Rio Vista and Antioch, we will hire approximately 40 Vallejo residents. Total employment will be approximately 100.
- The number of employees together with approximately 1,500 Customer visits every day will be a huge boost for the neighboring businesses in the Meadows Plaza.
- V-Town Farms will follow the example of Rio Vista Farms and Contra Costa Farms and generously support local causes V-Town Farms believes in.

Safety And Security Plan (CONFIDENTIAL)

[redacted]

[redacted]

[redacted]

- Fire Prevention & Suppression:
    - The entire facility is sprinklered.
    - The Fire Control Panel is already present and appears to be functioning.
    - Prior to occupancy, the entire system will be tested by the Fire District.
- Gases and Chemicals proposed to be used: None
- Accident & Incident Reporting Procedures:
    - [redacted]
    - [redacted]
    - [redacted]
- Evacuation Procedures:
    - These will be posted prior to occupancy.
- Security Consultant: [redacted]
- Security Diagram: [redacted]

City of VALLEJO California

Planning Division · 555 Santa Clara Street · Vallejo · CA · 94590 · 707.648.4326

City of Vallejo Interim Zoning Policy
GENERAL PLAN 2040 CONSISTENCY CHECKLIST/WORKSHEET
FOR NEW DEVELOPMENT

PROJECT INFORMATION	
Applicant Name:	KOLABORATION VALLEJO LLC
Applicant Contact Info:	CHARLES WESLEY [redacted]
Project Address:	5184 SONOMA BLVD.
Brief Project Description:	CANNABIS RETAIL, MANUFACTURING AND DISTRIBUTION IN AN EXISTING BUILDING WITH MINOR IMPROVEMENTS.
Proposed Land Use:	PEDESTRIAN SHOPPING WITH ACCESSORY USES.
2040 GP Land Use Designation:	NORTH GATEWAY (D-NG)

Additional Project Information: SEE ATTACHMENT A		Yes	No	N/A
1.	Does the project have potential for creation of substantial traffic (100 vehicle trips per day) or generation of 10 or more parking spaces?	✓		
2.	Does the project involve a large-scale or "big box" commercial business?		✓	
3.	Does the project involve large-scale office, industrial or institutional development?		✓	
4.	Does the project propose new single-family or multi-family residential development?		✓	
5.	Could the project affect a street or bicycle facility?		✓	
6.	Is the project in the Downtown or Waterfront area?		✓	
7.	Is the project located within a designated Historic District?		✓	
8.	Is the project located within the boundaries of a Specific Plan or subject to an approved Master Plan/Unit Plan? NOT SURE			

STAFF USE ONLY

BASED ON REVIEW OF THE PROJECT DESCRIPTION AND REVIEW OF GENERAL PLAN DESIGNATION AND POLICIES, THE PROJECT IS:

Consistent with the General Plan_____	**Inconsistent with the General Plan_____**

Planner:	
Date:	
Notes/Comments:	

Issue Area	**Relevant General Plan 2040 Guiding Principles and Policies**
New Residential Development	Guiding Principles 1, 3, 6, 7, 8 CP-1.4, 1.7, 1.15, 2.2 NBE-1.1, 1.2, 1.15, 2.3, 2.7, 2.8, 3.5, 3.8, 3.12, 3.13, 3.14, 5.4, 5.6, 5.7, 5.13 (noise) EET-4.2
Commercial Development	Guiding Principles 13-16 CP-1.1, 1.7, 1.15, 2.2 NBE-1.1, 1.2, 1.7, 1.15, 2.3, 2.5, 2.8, 3.8, 3.12, 3.14, 5.4, 5.6, 5.7, 5.13 (noise) EET-3.4, 4.2
Office/Industrial/Institutional Development	Guiding Principles 13-16 CP-1.1, 1.2, 1.4, 1.5, 1.7, 1.15, 2.2, 3.4, 3.6, 3.8, 5.1 NBE-1.1, 1.2, 1.7, 1.15, 2.4, 2.6, 2.8, 2.9, 3.10, 3.12, 5.4, 5.6, 5.7, 5.13 (noise) EET-1.1, 1.2, 1.4, 1.5, 2.2, 3.1, 3.2, 3.4, 4.2
Traffic and Circulation	Guiding Principles 17-19 CP-1.6 NBE-1.8, 3.14 MTC-2.1, 2.5, 2.6, 2.7, 2.8, 2.13, 3.1, 3.4
Downtown/Waterfront Development	Guiding Principles 9-12 NBE-1.1, 1.6, 2.1, 2.4, 2.5, 2.6, 3.1, 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.5, 5.4 EET-1.3, 1.4, 3.3, 4.2 MTC-3.5
Historic Resources	NBE-1.9, 1.10, 1.11, 1.12
Specific Plans	NBE-2.4, 3.4, 3.7, 3.9, 3.11, 3.14, 4.1 EET-1.11 MTC-3.5

Zoning District

Existing Zoning District: _____

Applicable Zoning District: _____

Comments:

Kolaboration Vallejo LLC

Attachment A to the IZP Checklist

June 24, 2020

Project Description

- 5184 Sonoma Blvd exists in the North Gateway District
- This is a 4.29 acre site with an existing 50,000sf +/- building which was previously the site of a Food 4 Less store.
- There are approximately 100 parking spaces serving this premise.
- We intend to use the facility mostly as-is (see below) to operate a Cannabis Retail, Manufacturing and Distribution business.

Planned Improvements

- Security System: [redacted]
- Parking lot... Clean and freshen the parking stripes. Repair lights as needed.
- Landscaping... Trim all bushes and replace dead bushes as needed. Repair irrigation system as needed. Apply stone or mulch as needed.
- Building Exterior...
    - Paint a neutral/beige color.
    - Install a sign where the Food 4 Less sign previously existed.
- Building Interior...
    - Repair electrical and plumbing as needed.
    - Retail: Erect a 20 x 40 Customer Check-in area consisting of Glass-paneled walls eight feet high.
    - Retail: Erect a horseshoe-shaped counter area approximately 100 x 50. About 5,000sf.
    - Retail: Paint

- Distribution: Erect walls to partition it from the Retail and Manufacturing areas. Area size to conform to VMC Section 16.58.040.H .
- Distribution: Paint
- Manufacturing: Erect walls to partition it from the Retail and Distribution areas. Area size to conform to VMC Section 16.58.040.H .
- Manufacturing: Paint

Impact to Traffic

- Presently, there is no traffic because the facility is vacant.
- The planned use will restore traffic levels to those which likely were experienced when the Food 4 Less operated.
- We will see 1,500 customers per day, +/-.

Is This a Big Box ?

- This is a Big Box facility.
- However, we will use only about 8,000sf of it, +/-.

Attachment A

About the Managing Members

Updated July 1, 2020

- Martin Wesley, President
  - [redacted]
  - [redacted]
  - Background in Digital Marketing with firms like DoubleClick and Atlas DMT.
  - Co-Founded Blackfoot in 2004, which provided advanced campaign analytics for large Ad Agencies.
  - Co-Founded Rio Vista Farms in 2017 and Contra Costa Farms (aka CoCo Farms) in 2018. Both are successful Type 12 Cannabis operations.
  - Current Role... Corporate Development

- Andrew Wesley, Partner Development
  - [redacted]
  - [redacted]
  - Background in Digital Marketing with firms like Boost Media, BlackFoot, Webtrends and Ziff Davis.
  - Co-Founded Rio Vista Farms in 2017 and Contra Costa Farms (aka CoCo Farms) in 2018. Both are successful Type 12 Cannabis operations.
  - Current Role... Wholesale and Supply Channel Development

- Charles Wesley, CFO
  - [redacted]
  - [redacted]
  - Background in Finance, Controllership, Project Management & Turnarounds with firms like General Motors, Merrill Lynch, Capital Cities/ABC and Oracle.
  - MBA & CPA (not active)
  - Author: "The Handbook of Real Leadership" (2012)
  - Co-Founded Blackfoot in 2004, which provided advanced campaign analytics for large Ad Agencies.
  - Co-Founded Rio Vista Farms in 2017 and Contra Costa Farms (aka CoCo Farms) in 2018. Both are successful Type 12 Cannabis operations.
  - Ongoing Role... Treasury, Controllership, Project Management, Financial Planning, Raising Capital

Attachment B

Project Costs

Updated July 11, 2020

- $50,000 - Parking Lot Slurry & Stripe
- $30,000 - Landscaping Repairs
- $100,000 - Electrical Restorations
- $30,000 - Restroom Restorations
- $50,000 - HVAC Restorations
- $50,000 - Roof Repairs
- $3,000 - Door Repairs
- $100,000 - Remove Trash and Trade Fixtures
- [redacted] - Security System
- $100,000 - New Interior Walls and Counters
- $25,000 - New Signage On Existing Platform (9' x 82')
- $50,000 - Trade Fixtures
- [redacted] - Contingency
- $25,000 - Permits
- [redacted] - Licenses
- [redacted] - Inventory

Total Project Cost [redacted]

Kolaboration Vallejo LLC

Proposal Details - Attachment D

Revision: July 15, 2020

- Security & Safety Plan
- Manufacturing Standards & Processes
- Retail Storefront Standards
- Odor Control Plan

Kolaboration Vallejo LLC

Manufacturing Standards & Processes

Itemized below are the features and practices which will be present in our Manufacturing operation:

1. Cannabis Manufacturing is controlled by the California Department of Public Health (CDPH). This agency has proscribed a body of conditions and practices designed to ensure (1) a safe Manufacturing environment and (2) safe products for the public. Prior to commencing Manufacturing operations, we will have complied with all of the proscriptions of the CDPH.
2. Only non-volatile manufacturing will be conducted.
3. All equipment and devices will be UL Certified or Listed and approved for the intended use by the City.
4. Raw materials will be stored in the Supply Room and finished products will be stored in the Finished Goods room.

Below are the Manufacturing Processes planned for this facility:

Triple Threat Preroll - This process compounds a collection of cannabis products into a finished preroll known as a "Tripe Threat". No toxic or volatile materials are used. Approximately 20 pounds of Triple Threat will be produced weekly.

Atoms - This process infuses additives into flower to create infused flower. No toxic or volatile materials are used. Approximately 10 pounds of Atoms will be produced weekly.

Applicable to all Manufacturing Processes:

- Raw materials will be stored inside in the Manufacturing area in the Supply Room.
- Finished materials will be moved to the Finished Goods room.

Kolaboration Vallejo LLC

Retail Storefront Standards

- City and State Permits/Licenses will be prominently displayed for view by our Customers.
- The facility will be ADA accessible.
- Drive-through and Drive-up and Walk-up will not be offered.
- No one may enter the facility without first producing a valid form of identification proving that the person is at least 21 years of age. We use technology to scan the form of identification presented and this technology confirms if the ID is valid or not.
- Planned Hours of Operation: 8am till 9pm Monday through Sunday.
- No consumption of any form of Cannabis is permitted on the Premises.
- The entry door to the Dispensary will be manned by an armed guard. The Customer's ID will be immediately checked. Beyond the entry door, access is granted to the Dispensary only. Points of access to other areas of the premises will be by Controlled Access Card only.
- BCC Regulations require that the Inventory for any Premise activity must be co-located with that activity. So, products allocated to the Dispensary will be stored in the Dispensary in locked cabinets.
- Various devices such as Glass Bowls and Pipes are used by users of Cannabis. We will carry a range of these products for sale in its Dispensary. More specifically... Rolling papers, Bongs, Torches, Bubblers, Cones, Screens, Grinders, Pipes, Glass Bowls and Dabbers.
- Storefront Optics... The goal is to present the Storefront as an uplifting and non-threatening experience. To achieve this:
    - The building will be appointed with details to make it attractive and welcoming.
    - The grounds will be colorfully landscaped and kept clean.
    - Parking will be abundant.
    - The presence of armed security guards will facilitate a "safe" feeling.
    - Loitering will be discouraged. We prohibit the consumption of cannabis products on the Premises; so this will help to discourage loitering.

Yorke
ENGINEERING, LLC
www.YorkeEngr.com

March 17, 2020

Mr. Charles Wesley
Managing Member
Contra Costa Farms, LLC
[redacted]
E-mail: Chuck@RioVistaFarms.com

Subject: Contra Costa Farms Odor Mitigation Certification

Dear Mr. Wesley:

On February 24, 2020 Yorke Engineering (Yorke) visited the Contra Costa Farms (CCF) facility, located at 3400 Wilbur Ave. in Antioch, to evaluate the odor mitigation system and check whether cannabis odors were detected outside the building. The Odor Mitigation Plan (OMP) requires that a mechanical engineer, whose specialty is air quality, annually certify that no cannabis odors are detectable outside the facility. Additionally, we trained staff on procedures to check that the system is operating properly. Training documentation was provided to the operators for future reference.

ODOR MITIGATION ASSESSMENT AND CERTIFICATION

Yorke toured the inside of the CCF facility to understand the cannabis warehousing and retail operations and the operation of the odor mitigation system. The ventilation system was designed by HVAC professionals such that the facility operates under negative pressure with the exhaust fans vented to activated carbon filters. According to the HVAC installation company the air intakes are designed with backdraft dampers to prevent odors from escaping.

We examined the exhaust systems and verified that all exhaust points were vented to activated carbon filters. The carbon filters are Phresh brand filters and contain RC-48 activated, certified virgin carbon. There were no odors detected near the exhaust vents, indicating that the carbon filtration is effectively mitigating odors.

We examined the air intakes and verified with the installation company that they are fitted with backdraft dampers. The backdraft dampers are part of the HVAC system air intakes. The installation company informed us that the backdraft dampers were operational. Our training included procedures for the operator to verify monthly that the dampers are operating properly.

We confirmed that the facility operates under negative pressure as evidenced by light airflow from outside to inside when the back door was ajar. We verified the flow visually using an incense stick to generate smoke which was pulled into the building. In addition, other openings have been minimized to limit air intake and ensure a negative pressure condition.

We conducted a walk around the property along the property line and detected a slight cannabis odor near the front door while the front door was open. The wind was blowing at approximately 5-10 miles per hour from the West-Northwest direction (toward the East-Southeast) during our

evaluation. We walked some distance downwind of the facility and did not detect any cannabis odors.

CONCLUSION

Contra Costa Farms has implemented odor mitigation measures as required by their OMP. The undersigned is a mechanical engineer from Yorke Engineering that specializes in air quality. We certify that on the date of the site visit the odor mitigation system was operating as intended, and that aside from the detection of cannabis odor while the retail door was open, there were substantially no cannabis odors outside the facility. Attached are photos of the carbon filters, installation receipts. Should you have any questions or concerns, please contact me at (949) 482-8528.

Sincerely,

James Yorke
Mechanical Engineer
Yorke Engineering, LLC
JRYorke@YorkeEngr.com

cc: Peter Moore, PMoore@YorkeEngr.com, Yorke Engineering
Barbara Dean, Barbara@RioVistaFarms.com, Contra Costa Farms

Attachment:

1) Photos of the Installed Carbon Filters
2) Phresh Carbon Filter Information Sheet
3) Installation Receipt from Chess Air for HVAC system, Backdraft Dampers, and Filters

PHOTOS OF THE INSTALLED CARBON FILTERS

PHRESH CARBON FILTER INFORMATION SHEET

http://www.phreshfilter.com/shop/product/phresh-filters

RC-4/8 Virgin Carbon, Exclusive to Phresh Filters

Phresh® RC-4/8 Carbon

RC-4/8 AUSTRALIAN Certified CARBON

Competitors Carbon

RC-4/8 carbon averages up to 90% pure carbon content in every single gram. The power comes with purity!

RC-4/8 carbon has less than <2% moisture content. That means more space for odors and a longer life!

RC-4/8 carbon has a unique titanium fingerprint (>3mg/g). Imposters are easily exposed using a mass spectrum test!

RC-4/8 is the largest granulate size of Australian carbon. Anything smaller is slowing your airflow and adds weight... without increasing effectiveness!

RC-4/8 carbon is triple activated with "steam & pressure" for a typical ID of 1030mg/g. With each pass, the carbon becomes lighter, more porous and more active. Lighter carbon is better carbon!

Phresh filters have a small carbon footprint. Upon replacement, recycle aluminum and blend RC-4/8 carbon into your garden as a soil conditioner.

Phresh® Filters Feature:

1. Aluminum tops and bases for reduced weight. Half the weight of other filters.
2. 46mm (1.8") RC-4/8 activated, certified virgin carbon bed.
3. Machine packed carbon means more carbon and less movement.
4. Cone shaped internal base for optimum air flow.
5. Sealed, bagged, boxed and labeled directly after being manufactured for optimum life span, handling and presentation.
6. 51% open air custom mesh.
7. Unique "Anti Air Bypass" System.
8. Large selection of sizes available to fit any application.
9. Flange & pre-filter included.
10. 4" x 8" to 8" x 24" sizes only can be sent via UPS.
11. Bracket pricing is mix & match, ordered at one time, shipped to the same location.

ATTACHMENT F
(1 of 3)

California Secretary of State
Electronic Filing

FILED
Secretary of State
State of California

LLC Registration – Articles of Organization

Entity Name:	Kolaboration Vallejo LLC
Entity (File) Number:	202016410172
File Date:	06/11/2020
Entity Type:	Domestic LLC
Jurisdiction:	California

Detailed Filing Information

1. Entity Name:	Kolaboration Vallejo LLC
2. Business Addresses:	
a. Initial Street Address of Designated Office in California:	183 Main Street Rio Vista, California 94571 United States
b. Initial Mailing Address:	183 Main Street Rio Vista, California 94571 United States
3. Agent for Service of Process:	Charles M Wesley 183 Main Street Rio Vista California 94571 United States
4. Management Structure:	More than One Manager
5. Purpose Statement:	The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the California Revised Uniform Limited Liability Company Act.

Electronic Signature:

The organizer affirms the information contained herein is true and correct.

Organizer: Charles M Wesley

ATTACHMENT F (2 OF 3)

Secretary of State Statement of Information
(Limited Liability Company)

LLC-12

20-C86766

FILED

In the office of the Secretary of State of the State of California

JUL 20, 2020

This Space For Office Use Only

IMPORTANT — Read instructions before completing this form.

Filing Fee – $20.00

Copy Fees – First page $1.00; each attachment page $0.50; Certification Fee - $5.00 plus copy fees

1. Limited Liability Company Name (Enter the exact name of the LLC. If you registered in California using an alternate name, see instructions.)

KOLABORATION VALLEJO LLC

2. 12-Digit Secretary of State File Number	3. State, Foreign Country or Place of Organization (only if formed outside of California)
202016410172	CALIFORNIA

4. Business Addresses

	City (no abbreviations)	State	Zip Code
a. Street Address of Principal Office - Do not list a P.O. Box 183 Main Street	Rio Vista	CA	94571
b. Mailing Address of LLC, **if different than item 4a** 183 Main Street	Rio Vista	CA	94571
c. Street Address of **California** Office, if Item 4a is not in California - Do not list a P.O. Box 183 Main Street	Rio Vista	CA	94571

5. Manager(s) or Member(s)

If no **managers** have been appointed or elected, provide the name and address of each **member**. At least one name **and** address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an entity, complete Items 5b and 5c (leave Item 5a blank). Note: The LLC cannot serve as its own manager or member. If the LLC has additional managers/members, enter the name(s) and addresses on Form LLC-12A (see instructions).

a. First Name, if an individual - Do not complete Item 5b	Middle Name	Last Name	Suffix
Charles		Wesley	
b. Entity Name - Do not complete Item 5a			
c. Address [redacted]	City (no abbreviations) [redacted]	[redacted]	Zip Code [redacted]

6. Service of Process (Must provide either Individual **OR** Corporation.)

INDIVIDUAL – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is **not** a corporation)	Middle Name	Last Name	Suffix
Charles		Wesley	
b. Street Address (if agent is **not** a corporation) - **Do not enter a P.O. Box** [redacted]	City (no abbreviations) [redacted]	[redacted]	Zip Code [redacted]

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

a. Describe the type of business or services of the Limited Liability Company

Retail Sales

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix
b. Address	City (no abbreviations)	State	Zip Code

9. The Information contained herein, including any attachments, is true and correct.

Date	Type or Print Name of Person Completing the Form	Title	Signature
07/20/2020	Charles Wesley	Managing Member & CFO	

Return Address (Optional) (For communication from the Secretary of State related to this document, or if purchasing a copy of the filed document enter the name of a person or company and the mailing address. This information will become public when filed. SEE INSTRUCTIONS BEFORE COMPLETING.)

Name:

Company:

Address:

City/State/Zip:

ATTACHMENT F
(3 OF 3)

20-C86766

Attachment to Statement of Information (Limited Liability Company)	**LLC-12A Attachment**

A. Limited Liability Company Name

KOLABORATION VALLEJO LLC

This Space For Office Use Only

B. 12-Digit Secretary of State File Number	**C. State or Place of Organization** (only if formed outside of California)
202016410172	CALIFORNIA

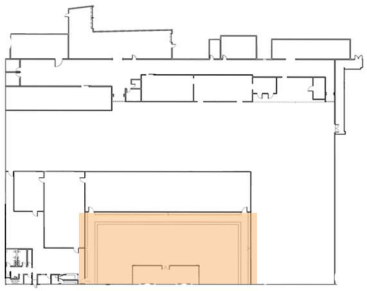
D. List of Additional Manager(s) or Member(s) - If the manager/member is an individual, enter the individual's name and address. If the manager/member is an entity, enter the entity's name and address. Note: The LLC cannot serve as its own manager or member.

First Name	Middle Name	Last Name	Suffix
Martin		Wesley	
Entity Name			
Address	City (no abbreviations)	State	Zip Code
[redacted]	[redacted]	[redacted]	[redacted]
First Name	Middle Name	Last Name	Suffix
Andrew		Wesley	
Entity Name			
Address	City (no abbreviations)	State	Zip Code
[redacted]	[redacted]	[redacted]	[redacted]
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code
First Name	Middle Name	Last Name	Suffix
Entity Name			
Address	City (no abbreviations)	State	Zip Code

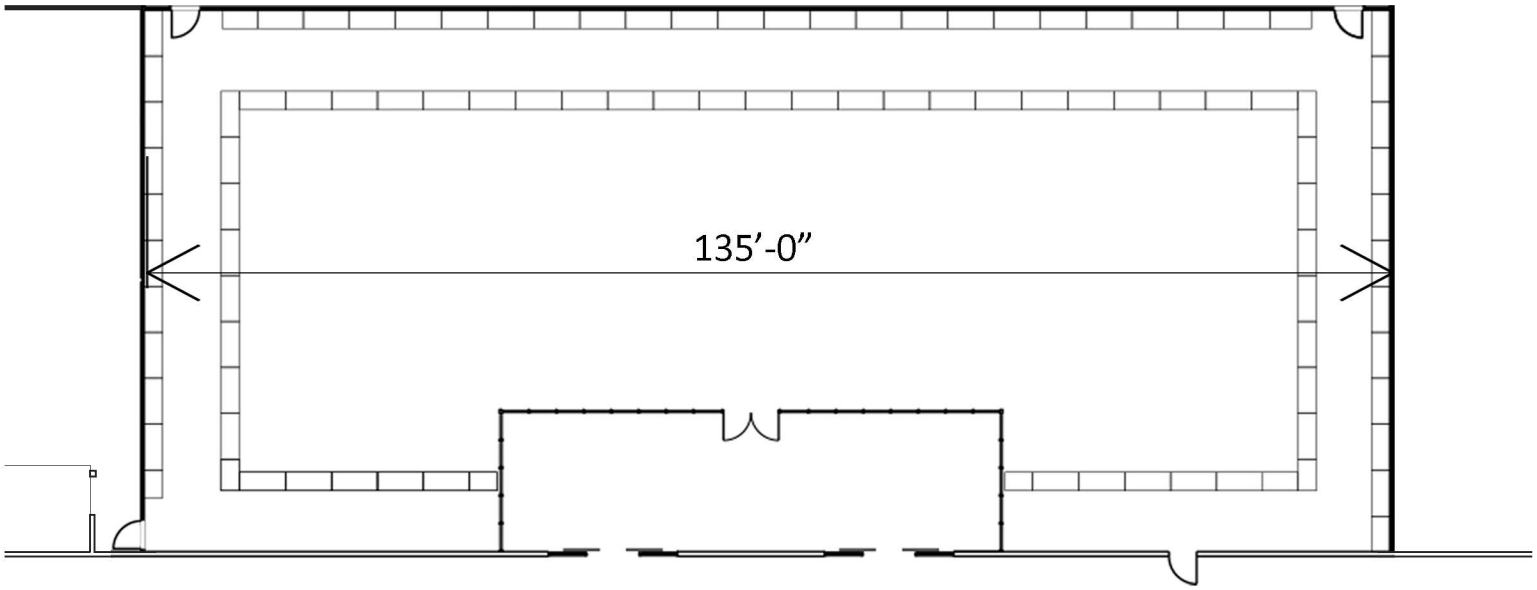
ARCHITECTURAL DESIGN REVIEW

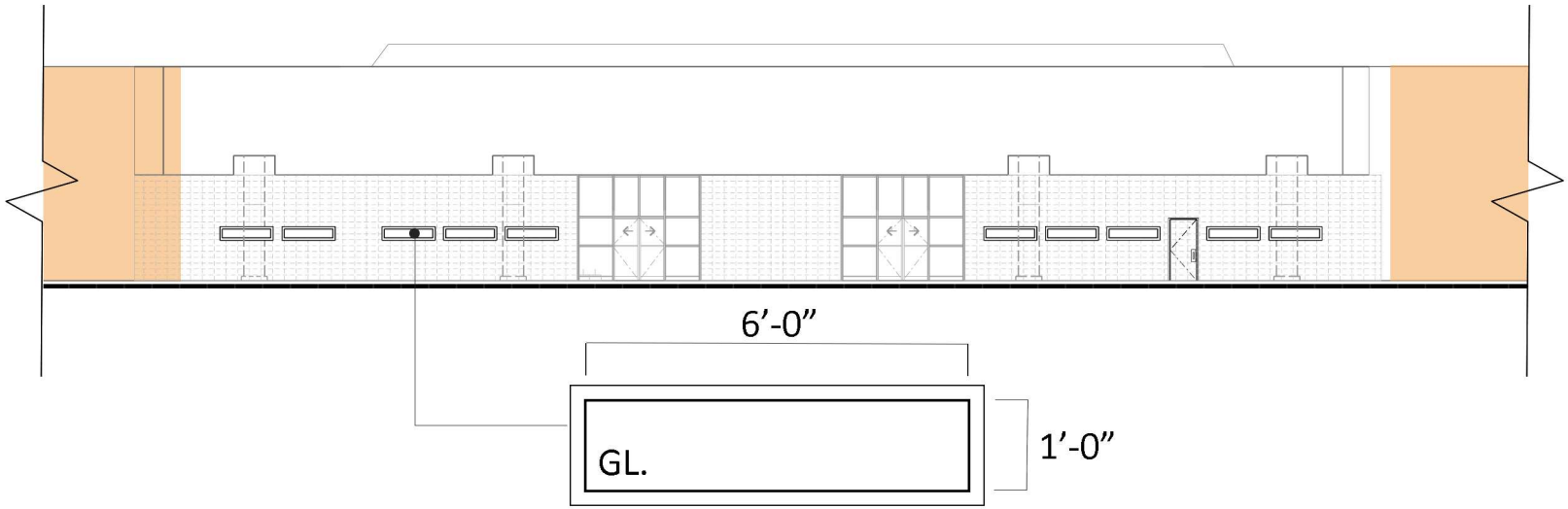
V-TOWN FARMS | 5184 SONOMA BLVD SUITE 300 VALLEJO, CA 94589

OPTION 1



Key Plan

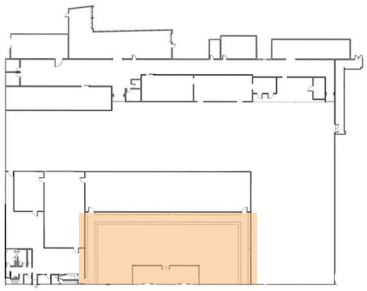




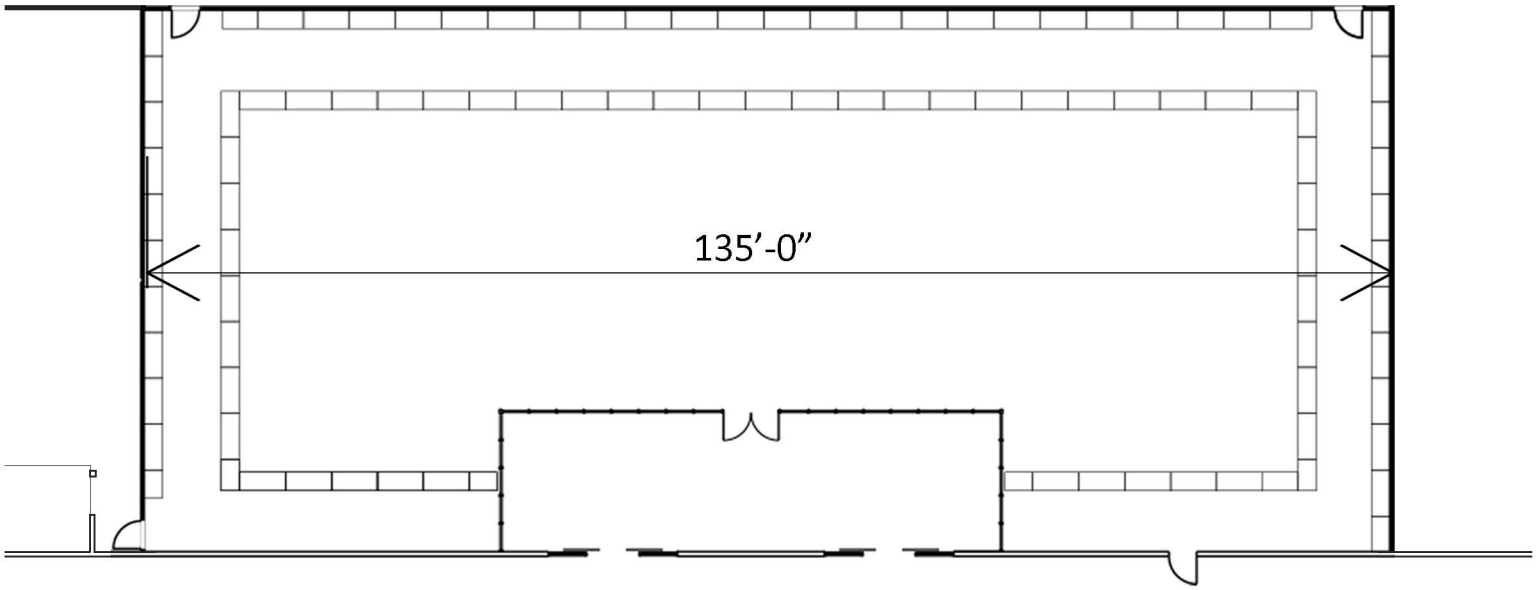
ARCHITECTURAL DESIGN REVIEW

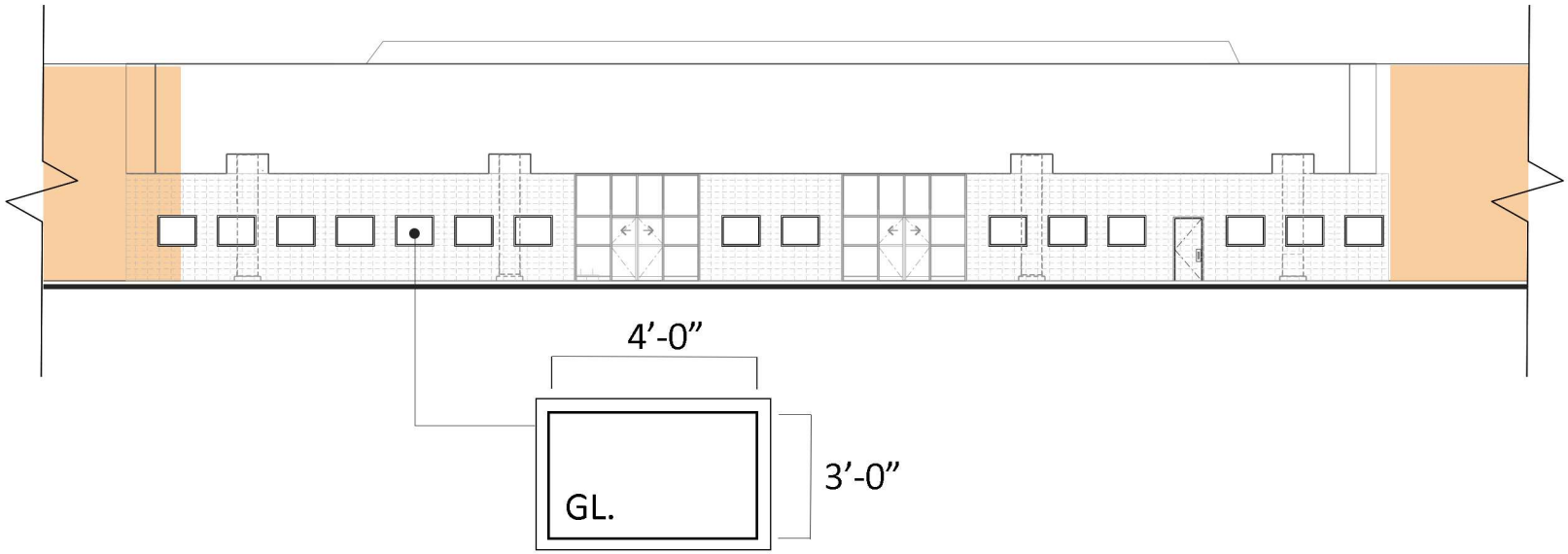
V-TOWN FARMS | 5184 SONOMA BLVD SUITE 300 VALLEJO, CA 94589

OPTION 2



Key Plan

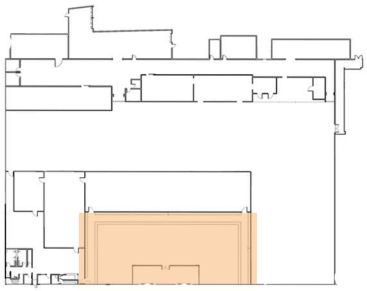




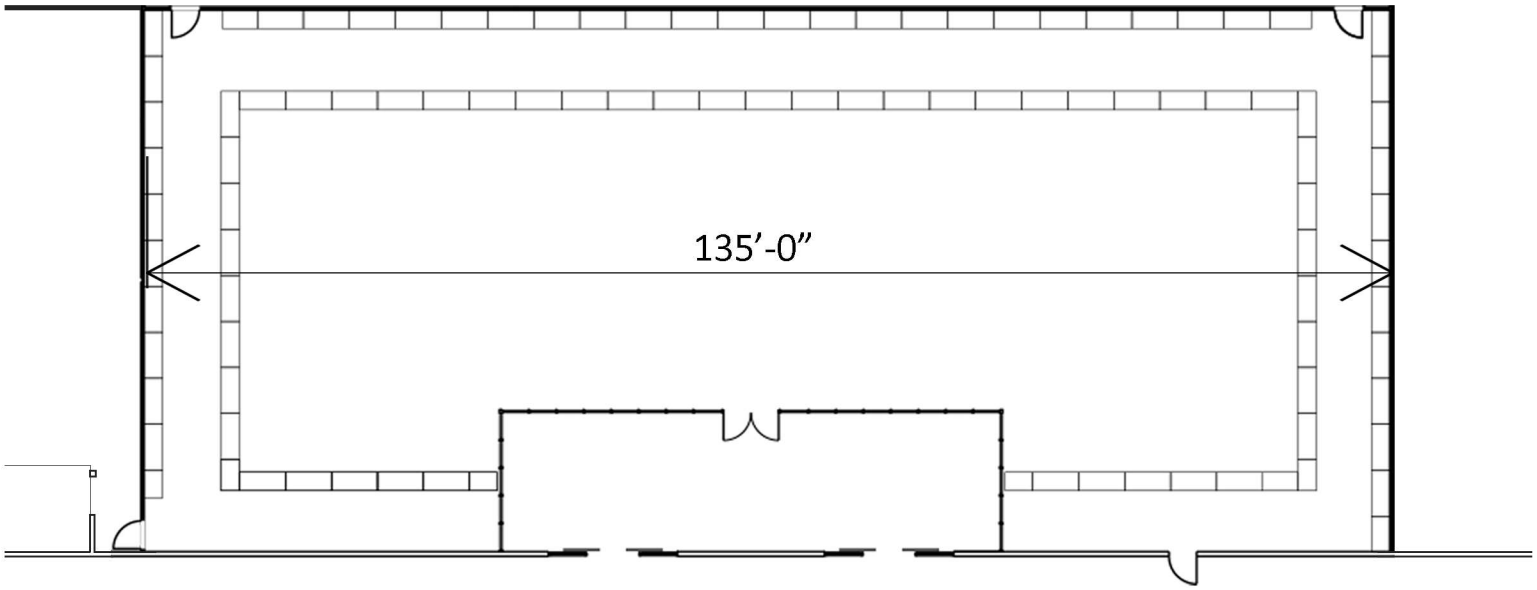
ARCHITECTURAL DESIGN REVIEW

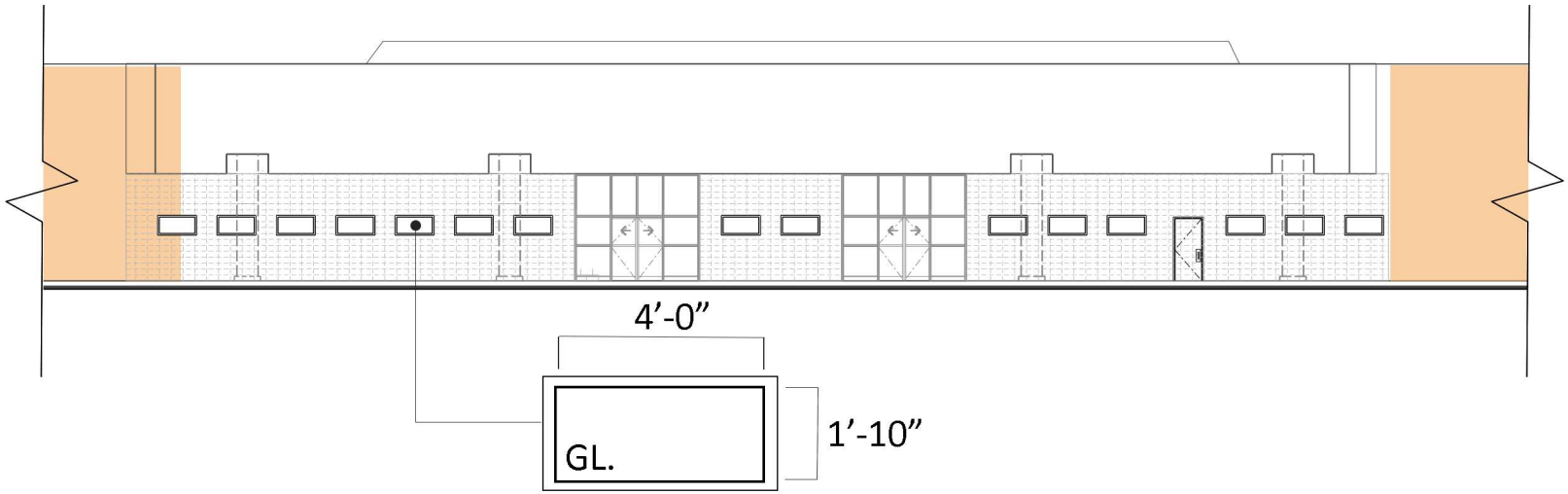
V-TOWN FARMS | 5184 SONOMA BLVD SUITE 300 VALLEJO, CA 94589

OPTION 3



Key Plan





RECEIVED

MAR 25 2021

CITY OF VALLEJO
PLANNING DIVISION

City of VALLEJO California

www.cityofvallejo.net

Central Permit Center · 555 Santa Clara Street · Vallejo · CA · 94590

Business License	Building	Planning	Public Works/Engineering
707.648.4357	707.648.4374	707.648.4326	707.651.7151

APPEAL APPLICATION

Date Accepted: 03/25/2021
Intake Planner: J. Atkinson

Notice to Appellants:

- Appeals must be filed by close of business on the 10th (tenth) calendar day following the decision being appealed. If the appeal deadline falls on a weekend or holiday, the deadline shall be extended to the next business day.
- The fee specified in the current fee schedule is required to file an appeal.
- Pursuant to Vallejo Municipal Code Sections 15.08.070, 15.080.080, 16.102.020 and/or 16.102.030, appeals must include a written statement of the reason or reasons for the appeal and why the appellant believes he or she is adversely affected by the administrative decision. An appeal may be summarily rejected upon determination that the appellant is not adversely affected by a decision under appeal.

PROJECT INFORMATION	APPELLANT INFORMATION		
Project Name (if applicable) V-Town Farms	Name California Collective Care		
Address/Location 5184 Sonoma Blvd., Suite 300	Address [redacted]		
Project Number(s) Major Use Permit (UP) #20-0008	City [redacted]	State [redacted]	Zip [redacted]
Date of Decision Being Appealed March 15, 2021	Phone [redacted]	Email [redacted]	

REASONS FOR APPEAL
(attach additional sheets if necessary)

Please see attachment.

Signature of Appellant: [signature] Date: March 25, 2021

FOR PLANNING DIVISION USE ONLY		
APPLICATION NAME/NUMBER: Appeal / APP21-0004	PROJECT TYPE	ESTIMATED FEES
	Appeal	$ 1,277-
PLANNER: J. Atkinson		
ASSOCIATED FILES:		

RECEIVED

MAR 25 2021

CITY OF VALLEJO
PLANNING DIVISION

AMMERICANN DEVELOPMENT

Ammericann Development LLC
Capital Office 1122 S Street, Suite 101 Sacramento, CA 95811
District Office 1339 Esplanade, Second Floor Chico, CA 95926
530.487.7036 Office 916.333.2938 Direct ammericann.com

March 25, 2021

VIA HAND DELIVERY

City of Vallejo
Central Permit Center
555 Santa Clara Street
Vallejo, CA 94590

Attn: City of Vallejo
Re: Appeal of V-Town Farms; 5184 Sonoma Boulevard, Suite 300; APN: 0067-150-300

Dear City of Vallejo:

I am writing you today to file a formal Appeal, on behalf of my client, against V-Town Farms and its plan to open and operate a "weed super store" at 5184 Sonoma Boulevard, Suite 300. This project was recently approved by the Vallejo Planning Commission on March 15, 2021. The APN is 0067-150-300 and Major Use Permit (UP) #20-0008.

Since 2008, my firm has served as a leading lobbying and consulting firm for the cannabis industry in California. For the past decade, I have worked closely with dozens of municipalities statewide on the issue of cannabis business regulation and taxation. In my profession, I have been recognized as a "cannabis business expert" by the California Legislature and the California Superior Courts.

From 2012 to 2015, I enjoyed the pleasure of working directly with the City of Vallejo and its local leadership to design and implement a "Medical Cannabis Ordinance." This Ordinance was created to protect both the City and its registered retail dispensaries. As the City's websites notes: "On July 28, 2015, the Vallejo City Council adopted an ordinance adding Chapter 7.100 to the Vallejo Municipal Code pertaining to requirements for limited immunity from civil prosecution for medical marijuana dispensaries." I am honored to have been a part of the original and historic effort to allow retail cannabis dispensaries to legally operate in the City of Vallejo.

Today, my firm proudly represents California Collective Care, a permitted cannabis retail dispensary in the City of Vallejo. California Collective Care ("CCC") is recognized as a leading cannabis dispensary business in the City of Vallejo. CCC was one of the original retail cannabis dispensaries in the City of Vallejo and is today recognized as one (1) of eleven (11) "Permitted Operators" in the City of Vallejo. (See Attachment #1)

The Appellant, CCC, operates a clean and safe retail cannabis business, at 1639 Lewis Brown Drive, that strictly adheres to the industry's "best practices." CCC is active in the Vallejo community and is committed to supporting neighborhoods and other local businesses: (1) CCC provides needed funds and resources to local charity groups and nonprofits; (2) CCC runs a responsible business that keeps its business and surrounding businesses in the area clean and safe; and (3) CCC pays taxes to the City of Vallejo and supports the City and its exciting future.

My client, as the Appellant, universally opposes the "V-Town Farms Project" at 5184 Sonoma Boulevard, Suite 300 (APN: 0067-150-300) and is filing this Appeal for the following reasons:

1. The proposed retail cannabis dispensary is too large and will invite crime

According to the Staff Report, the proposed retail sales "will occupy 17,056 square feet of the floor area." Most licensed retail dispensaries in the State of California occupy no more than 2,000-5,000 SF. A "weed super store" in the City of Vallejo will attract unwanted crime.

*REASON FOR APPEAL: The Applicant failed to conduct a "Public Safety Impact Study" regarding the potential adverse effects of a "weed super store" at this location which could harm surrounding businesses and local residents. Additionally, the Vallejo Police Department did not participate in the Planning Commission hearing and has been mute on this issue to date.

2. The proposed location does not reflect the spirit and intent of the City's General Plan

According to the City's General Plan 2040, the proposed dispensary location for V-Town Farms is located in the North Gateway District and does not support cannabis use. "District – North Gateway (D-NG) The D-NG designation applies to the northern portion of the area north of Highway 37 between Sonoma Boulevard and Broadway Street, a highly-visible area that serves as a gateway to Napa Valley from Highway 37 (heading north) and to Vallejo from American Canyon (heading south). It is intended to foster an integrated, pedestrian-oriented place with a mix of uses, such as retail, dining, entertainment, and lodging, that cater to both motorists passing through and surrounding neighborhoods. It also incorporates higher-density residential development that supports nearby services and activates the area. The maximum permitted FAR in the D-NG designation is 2.0, with a minimum residential density of 30 dwelling units per acre up to 50 dwelling units per acre."

*REASON FOR APPEAL: The City's General Plan 2040 does not support "cannabis use" and/or its related businesses at the proposed location at 5184 Sonoma Boulevard, Suite 300. The D-NG zoning designation does not support a 17,000 SF "weed super store." (See Attachment#2)

3. The proposed retail cannabis dispensary is located dangerously close to schools

Most cities in California require a 1,000 SF "buffer" between retail cannabis stores and K-12 schools in the community. While the City's "buffer" requires a 600-foot setback from schools, we are greatly concerned about the proposed new dispensary and its close proximity to Dan Mini Elementary School (approximately 900 ft. buffer) and Griffin Academy Middle and High School (approximately 800 ft. buffer).

*REASON FOR APPEAL: The Applicant failed to notify its neighbors and the greater Vallejo community of their intention to open a "weed super store" at the proposed location. The Applicant did not hold any Community Outreach Event nor did the Applicant conduct any substantial community outreach with its surrounding businesses and local residents, which is a requirement of a Major Use Permit Application in the City of Vallejo.

4. V-Town Farms will harm CCC and will close down other local dispensaries

The City of Vallejo does not need a 17,000 SF "weed super store." Since 2015, the City of Vallejo and its community have effectively managed and engaged the eleven (11) original and permitted retail cannabis dispensaries. V-Town Farms will drive cannabis prices down and local cannabis dispensaries out of business.

*REASON FOR APPEAL: The City of Vallejo and the Planning Commission failed to conduct any meaningful and transparent "Economic Impact Report" highlighting the negative and adverse effects of a 17,000 SF "weed super store" and its economic impact on the City's "Permitted Operators," or the eleven (11) original retail cannabis dispensaries in operation since 2015.

5. The Appellant believes that V-Town Farms is not categorically exempt from CEQA

According to the Staff Report provided to the Planning Commission on March 15, 2021, the Report states: "The proposed project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1 "Existing Facilities") in that it involves the reuse of an existing building space for retail cannabis sales with minor building and site alterations. Therefore, no further environmental review is required."

*REASON FOR APPEAL: In recognition of the City's General Plan 2040 and the new zoning of the North Gateway District (D-NG), the Appellant strongly believes that this project qualifies for Environmental Review and Staff must make findings on the project's environmental impact. Further, considering the massive size and impending nature of the proposed project, the Appellant believes the following items support a CEQA Study: (1) The project will have a significant impact on the environment and (2) Significant effects have not been substantially mitigated. (See Attachment #3)

Pursuant to Vallejo Municipal Code Sections 15.08.070, 15.080.080, 16.102.020 and 16.102.030, my client has herein formally provided the City of Vallejo with a written statement of the reasons for our Appeal and why the Appellant, California Collective Care, believes it is adversely affected by the recent decision of the Vallejo Planning Commission.

Recognizing that there remains serious concerns regarding this project and its untimely proposal, my firm respectfully submits the attached Appeal Application to the City of Vallejo on behalf of our client.

Thank you for your leadership in the City of Vallejo. We look forward to working with you in the future.

Signed,

M. Max Del Real
President & CEO

cc: Vallejo City Manager, City Attorney, Chief of Police, and City Clerk

AMMERICANN DEVELOPMENT

Attachment #1

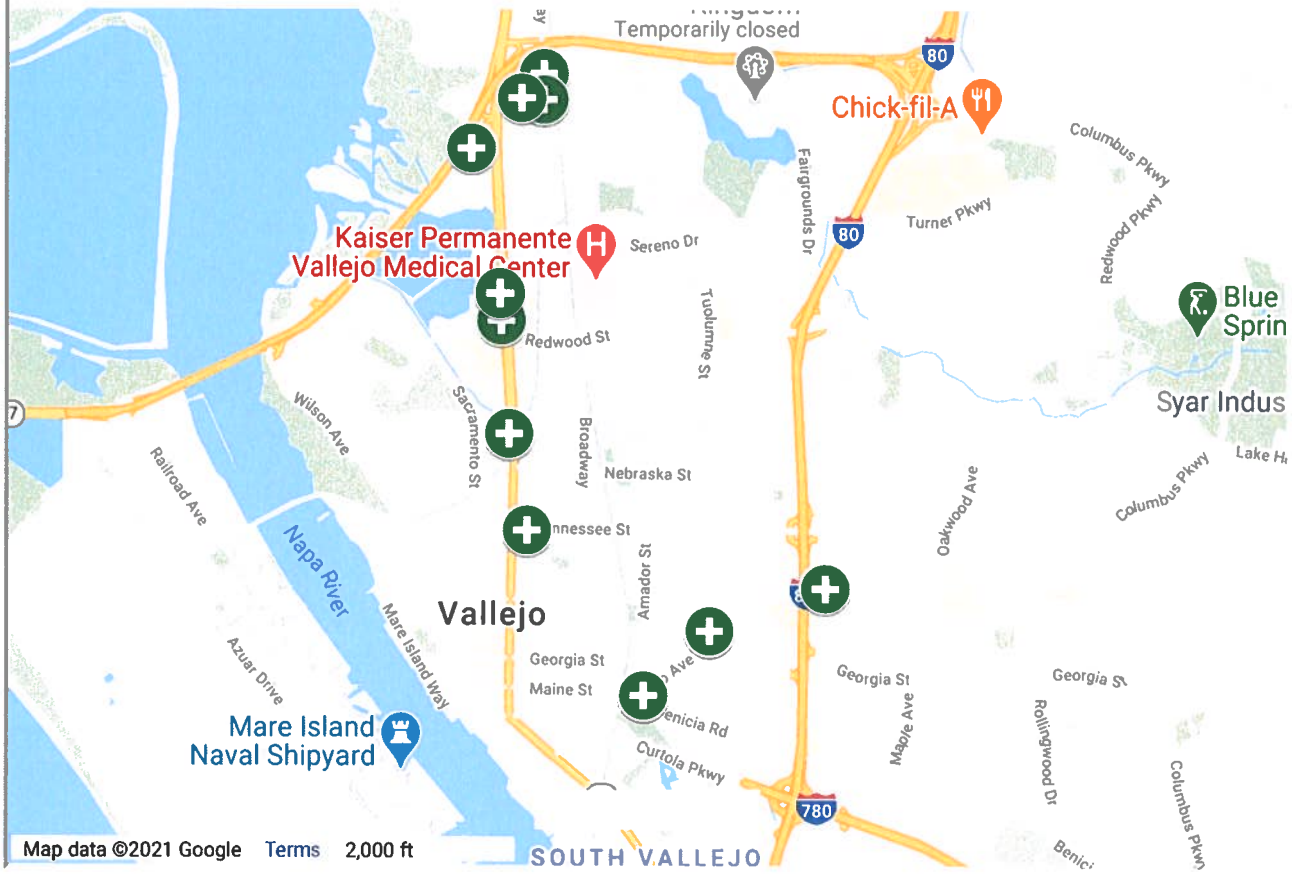
Permitted Operators

The following eleven retail operators located in Vallejo are currently in compliance with the City of Vallejo's Municipal Code. Additional information detailing requirements is available here.

3PG/Monterey County Patient's Group	1988 Broadway Street
Better Health Group	3611 Sonoma Boulevard
California Collective Care	1639 Lewis Brown Drive
Enhanced Energies/Vallejo Relief Center	1804 Capitol Street
H2C Homegrown Holistic Cooperative	3201 Sonoma Boulevard
Highway 29 Healthcare	3737 Sonoma Boulevard
HTP Group, Inc.	4345 Sonoma Boulevard
Life Enhancement Services	1966 Broadway Street
Releaf Alternative Cooperative, Inc.	1 Benicia Road
U.S. Bloom	1201 Springs Road
VHHC/Vallejo Holistic Health Center	539 Tennessee Street

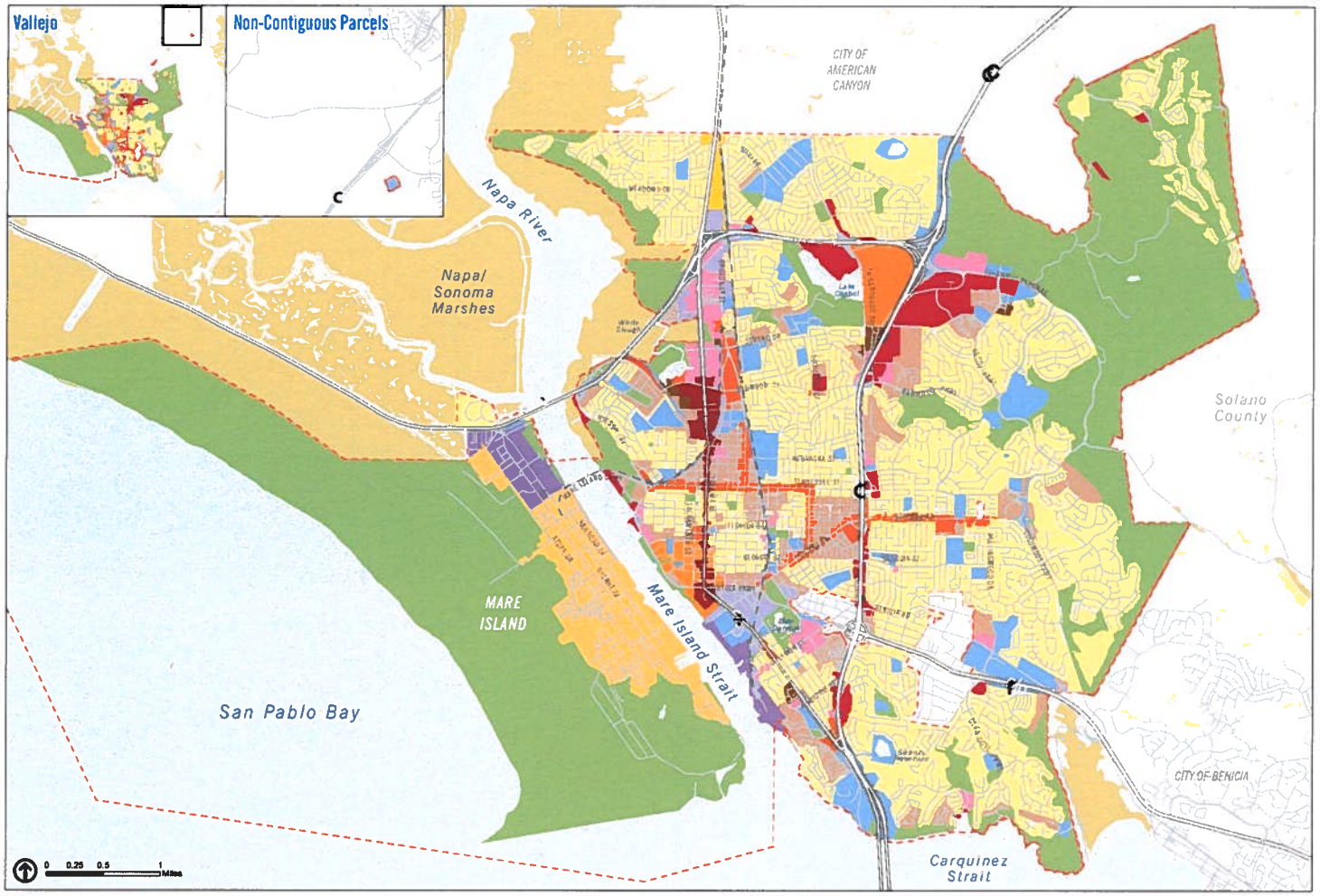
Compliant Dispensaries

This map was created by a user. Learn how to create your own.



© 2018 City of Vallejo | All Rights Reserved |
Powered by CivicLive | © 2018 West Corporation

Attachment #2



MAP PF-6
Land Use Map

Residential
- Primarily Single Family
- Mix of Housing Types
- Primarily Multi-Family

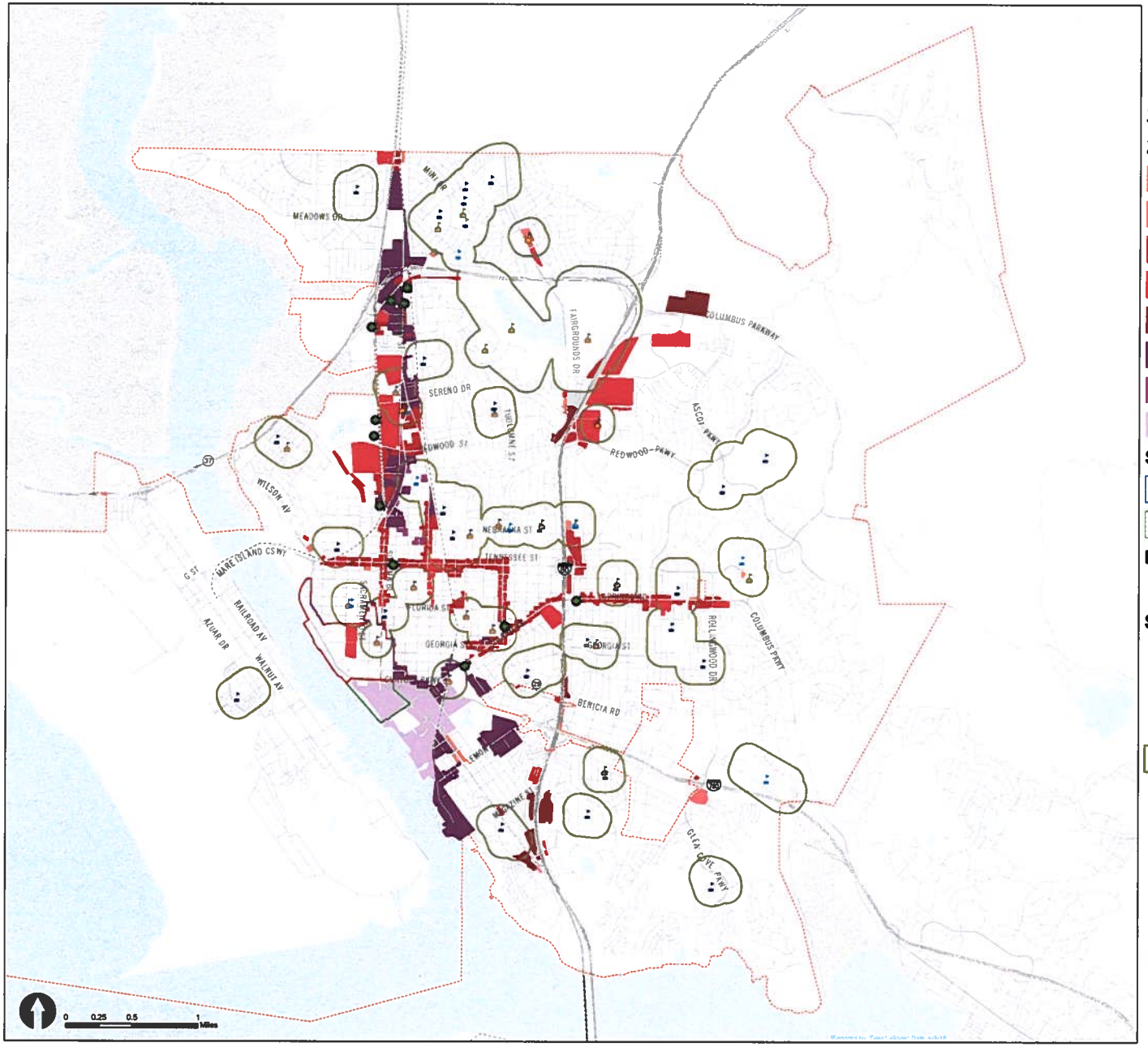
Mixed Use
- District - Downtown/Waterfront
- District - Mare Island
- District - Solano360
- District - North Gateway
- Central Corridor
- Neighborhood Corridor

Business and Industry
- Retail/Entertainment
- Business/Limited Residential
- Business/Light Industrial
- Industrial

Community
- Parks, Recreation and Open Space
- Public Facilities and Institutions

- Wetland
- Railroad
- Vallejo City Limit
- Sphere of Influence (SOI)

8/29/2017



Marijuana Dispensary Code Text Amendment

Zoning Designations in Consideration

Zoning Designations

- Limited Office District
- Neighborhood Shopping and Service District
- Linear Commercial District
- Pedestrian Shopping and Service District
- Freeway Shopping and Service District
- Intensive Use District
- Intensive Use - Limited
- Planned Development Industrial

Specific Plans

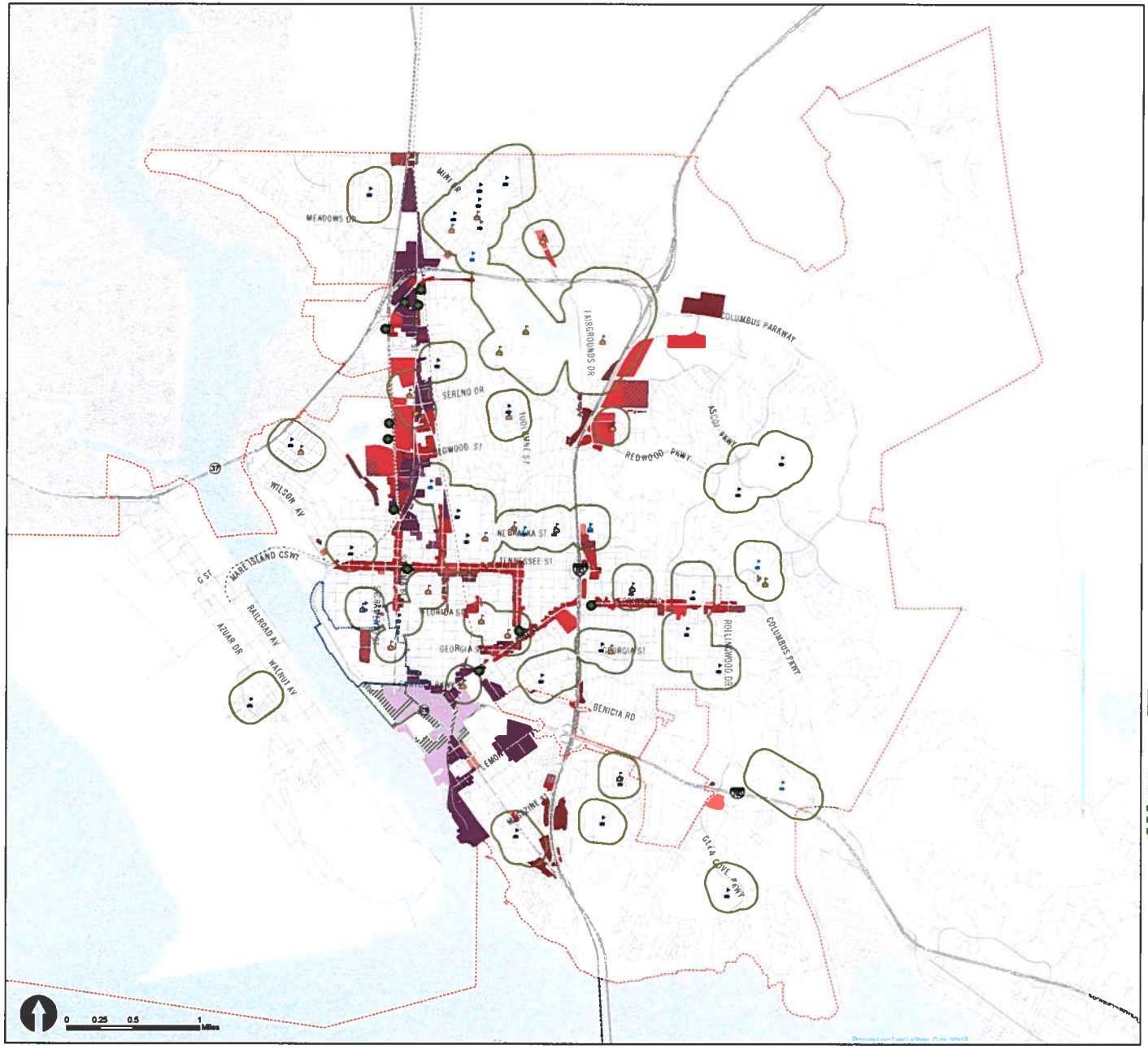
- Downtown/Central Waterfront District
- South Waterfront District

Marijuana Dispensaries

- Dispensary Location

Sensitive Land Use

- Public Schools
- Private Schools
- Child Care/ Youth Center Locations
- 600 ft. Sensitive Land Use Buffer



Marijuana Dispensary Code Text Amendment

General Plan 2040 Consistency

Zoning Designations

- Limited Office District
- Neighborhood Shopping and Service District
- Linear Commercial District
- Pedestrian Shopping and Service District
- Freeway Shopping and Service District
- Intensive Use District
- Intensive Use - Limited
- Planned Development Industrial
- No General Plan 2040 Consistency

Marijuana Dispensaries

- Dispensary Location

Sensitive Land Use

- Public Schools
- Private Schools
- Child Care/ Youth Center Locations
- 600 ft. Sensitive Land Use Buffer

Specific Plans

- Downtown/Central Waterfront District
- South Waterfront District

Total General Plan 2040 Consistency - 2,400.31 Acers
No General Plan 2040 Consistency - 278.21 Acers

Attachment #3

City of VALLEJO California

Central Permit Center · 555 Santa Clara Street · Vallejo · CA · 94590

Business License	Building	Fire Prevention	Planning	Public Works
707.648.4310	707.648.4374	707.648.4565	707.648.4326	707.651.7151

ENVIRONMENTAL REVIEW

What is an Environmental Review?

The City uses the environmental review process to analyze the potential environmental impacts that could result from a project. The California Environmental Quality Act of 1970 (CEQA) governs the standards and procedures for environmental review.

What is the purpose of an Environmental Review?

The purpose of environmental review is to evaluate a project's physical effects on man-made and natural conditions; consider measures for minimizing significant effects; and make findings on the project's environmental impact. The City may not approve a project unless adopted findings indicate one of the following:

1. The project will not have a significant impact on the environment
2. Significant effects have been substantially mitigated.
3. The significant remaining effects are unavoidable or are acceptable because of overriding considerations.

What are the steps in the process?

Environmental review is initiated when you submit an application. Staff will review the application and determine if the project is exempt from CEQA. Specific exemptions are listed in the CEQA guidelines. If your project is not exempt, you must submit the Environmental Information Form on page 3.Staff will review the environmental form and prepare an Initial Study identifying potential significant impacts. At this stage, you can modify your project or incorporate mitigation measures so the project may, if appropriate, qualify for a Negative Declaration.

What are the types of determinations?

Negative Declaration: If the Initial Study reveals that your project will not have a significant effect on the environment, a Negative Declaration will be processed and posted. A minimum 21 day public notice period is required before a Negative Declaration can be certified. If mitigation measures are required to reduce potentially significant impacts to less than significant levels, then the City will prepare a Mitigated Negative Declaration.

There is a filing fee of $_____ for Negative Declaration.

There is a filing fee of $_____ for Mitigated Negative Declaration.

There is an additional fee of **$50** payable to the City of Vallejo for the filing of the Notice of by Solano County.

Environmental Impact Report: An EIR will be required if substantial evidence shows that significant adverse environmental effects may result from your project.

When is an EIR required?

An EIR would be prepared by an independent consultant selected by a committee of the Planning Commission and paid for by the applicant. Next a meeting between the applicant, staff and consultant is scheduled. You may be required to submit additional technical information to assist in preparing the EIR.

What is the timing involved for the EIR process?

A draft EIR is generally prepared in 3 to 6 months, depending on the complexity of the project, followed by a minimum 30 day public review period (45 days for projects requiring review by State agencies). This review will include a Planning Commission public hearing.
Following the review period a Final EIR is prepared consisting of amendments to the draft and written responses to the comments received. Depending on the degree of public response, this process generally takes 30 to 90 days. A certification hearing is then scheduled before the Planning Commission and/or City Council. Action on the project can follow certification if all other City requirements have been satisfied.

Where can I get additional information?

You may contact the Planning Division at (707) 648-4326.

ACTION ITEM 4.B.

DATE: August 29, 2017
TO: Mayor and Members of the City Council
FROM: Andrea Ouse, Community and Economic Development Director
Brian Millar, Planning Consultant
Mark Hoffheimer, Senior Planner
SUBJECT: **ADOPT A RESOLUTION ESTABLISHING INTERIM ZONING POLICY**

RECOMMENDATION

Adopt a Resolution Establishing Interim Zoning policy.

REASONS FOR RECOMMENDATION

With adoption of General Plan 2040, there may be inconsistencies between the new General Plan and the City's existing Zoning Ordinance regarding regulation of land uses. Staff proposes that City Council adopt an Interim Zoning policy that would identify how General Plan consistency determinations can be made until the City completes its Development Code (replacing the existing Zoning Ordinance) in 2018.

BACKGROUND AND DISCUSSION

General Plan 2040 ("General Plan") is anticipated for adoption by City Council on August 29, 2017. The General Plan identifies a new series of land use designations applying to all lands within Vallejo. These land use designations describe a general range of uses, while also typically addressing intensity of use (in some cases identifying either residential density ranges or floor area ratio limitations for non-residential uses, etc.). A key implementation action for the new General Plan, particularly for implementing land use designations, will be City updating of the Zoning Ordinance, many sections of which are outdated and which do not comport with the new General Plan. The Zoning Ordinance prescribes development standards based on individual zoning districts for such criteria as building heights, setbacks, ranges of permitted and discretionary land uses, and related development considerations such as parking, landscaping, fencing and screening, signage, and similar standards. To synchronize the land use designations identified in the General Plan 2040 with appropriate development standards, the City has commenced work on creation of a new Zoning Ordinance (termed the "Development Code"). However, the Development Code is not anticipated to be completed and presented to City Council for adoption until spring/summer 2018.

As a result, land use and development goals and policies of General Plan 2040 and the City's existing Zoning Ordinance may conflict. This could result in some projects being consistent with General Plan 2040 but inconsistent with the Zoning Ordinance, or vice versa.

This would result in a "gap" of several months between General Plan adoption and Development Code adoption. To ensure a seamless process for review of development project applications and processing of building permits during this time, and to address potential for inconsistencies between the General Plan and the existing Zoning Ordinance, staff is proposing adoption of an Interim Zoning policy.

The Interim Zoning policy provides a framework for connecting the General Plan land use designations with a procedure to apply existing Zoning Ordinance provisions. Where a conflict may occur between the General Plan and Zoning Ordinance, the General Plan would serve as the controlling document. Once the Development Code is adopted in 2018, the Interim Zoning policy shall become null and void.

The Interim Zoning policy would apply to the following actions and approvals:

1. Ministerial permit applications. Ministerial permits are defined as those that involve little or no individual judgment by the public official as to the wisdom or manner of carrying out a project. These include, but are not limited to, building and demolition permits which can be issued by staff following site plan review, and also including sign permits and business licenses. .
2. Discretionary permit applications. Discretionary permits require the exercise of judgment or deliberation when the City decides to approve or disapprove a particular activity, as distinguished from situations where the City merely has to determine whether there is conformity with applicable policy documents and ordinances. These include a wide range of development applications, such as minor and major conditional use permit permits, site development plans and unit plans.
3. Amendments to, extensions of, or renewals of any previously issued permit.
4. Tentative Maps and time extensions for Tentative Maps.
5. Zone changes, General Plan Amendments, and other legislative actions.

To address projects in process prior to adoption of the new General Plan, the Interim Zoning policy would be inapplicable to the following:

1. Ministerial permit applications, including building permits, landscape plans, grading permits and improvement plans, associated with and contemplated by a discretionary permit prior to August 29, 2017.
2. Discretionary permit applications determined or deemed complete, pursuant to Government Code Section 65943, on or before August 29, 2017.
3. Administrative discretionary permit applications associated with and contemplated by a vesting tentative or final map approved prior to August 29, 2017.
4. Any permits issued in accordance with an approved development agreement to the extent that the development agreement prevents the application of General Plan 2040 policies.
5. Continuing operation, maintenance, and occupancy of a legal nonconforming use or structure. Nonconforming uses shall be governed by Vallejo Municipal Code Section 16.78.040.

Under the Interim Zoning policy, staff (Community Development Director or designee) would be required to make General Plan consistency determinations of proposed land uses and permit applications when determining if a proposed use or development at a specific location would be allowable based on provisions of the General Plan and Zoning Ordinance. A range of outcomes are identified under the Interim Zoning policy, depending upon if the land use proposal conforms to the General Plan and Zoning Ordinance provisions, resulting in a proposed use being permitted, disallowed, or allowed subject a Director determination of General Plan and “best fit” for Zoning Ordinance consistency, or if a Major Use Permit is required from the Planning Commission.

The four general plan consistency findings listed below would provide the basis under the Interim Zoning policy for determining if a specific development proposal is consistent with the General Plan:

1. If the proposal is appropriate in consideration of the characteristics of the surrounding area. (This would include evaluation of surrounding land uses related to the proposed land use.)
2. If the proposal is consistent with the intent and desired character of the relevant land use designations(s) of General Plan 2040 and any associated General Plan policies.
3. If the proposal will clearly promote implementation of General Plan 2040.
4. If the proposal conforms to the zoning ordinance requirements of the applicable or “best fit” zoning district.

A determination of the Director regarding General Plan conformity decisions could be appealed to the Planning Commission.

FISCAL IMPACT

There would be no fiscal impact to the City. The Interim Zoning policy will used by staff in evaluating land use proposals and permit applications, all of which will be subject to payment of applicable existing processing fees established by the City.

ENVIRONMENTAL REVIEW

This Interim Zoning policy, which describes administrative and organizational procedures, will not result in direct or indirect physical changes in the environment, and therefore adoption of the policy is not a project pursuant to the provisions of the California Environmental Quality Act (CEQA).

ATTACHMENTS

1.	Resolution Adopting Interim Zoning Policy
2.	Resolution Exhibit A: Interim Zoning Policy

CONTACT

Brian Millar, Planning Consultant, (707) 648-4326
brian.millar@cityofvallejo.net

RESOLUTION NO. 17 – 099 N.C.

ADOPTING AN INTERIM ZONING POLICY

BE IT RESOLVED by the City Council of the City of Vallejo as follows:

WHEREAS, General Plan 2040 was adopted on August 29, 2017, and identifies and has analyzed a new series of land use designations applying to all lands within Vallejo. These land use designations describe an intended range of land uses, while also typically addressing intensity of use (in some cases identifying either residential density ranges or floor area ratio limitations for non-residential uses, etc.); and

WHEREAS, a key implementation action for General Plan 2040, identifies updating of the zoning ordinance, which was last comprehensively updated in 1980. To synchronize the land use designations identified in General Plan 2040 with appropriate development standards, the City has commenced work on creation of the new zoning ordinance (termed the "Development Code"). However, the Development Code is not anticipated to be completed and presented to City Council for adoption until spring 2018; and

WHEREAS, to ensure a seamless process for the review of development projects applications and the processing of building permits until the Development Code is completed, the City has created an Interim Zoning Policy. The Interim Zoning Policy is also intended to resolve any inconsistencies between General Plan 2040 and the existing zoning ordinance. Once the Development Code is adopted in 2018, the Interim Zoning Policy shall become null and void.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF VALLEJO HEREBY RESOLVES TO APPROVE an Interim Zoning Policy as provided as Exhibit A to the Staff Report.

Adopted by the City Council of the City of Vallejo, State of California, at a special meeting on the 29th day of August, 2017, by the following vote:

AYES:	Mayor Sampayan, Vice-Mayor McConnell, Councilmembers Dew-Costa, Meissner, Sunga and Verder-Aliga
NOES:	None
ABSENT:	Councilmember Malgapo
ABSTAIN:	None

BOB SAMPAYAN, MAYOR

ATTEST:

DAWN G. ABRAHAMSON, CITY CLERK

CITY OF VALLEO
INTERIM ZONING POLICY
August 29, 2017

Section 1. Purpose; Consistency with General Plan required.

General Plan 2040 was adopted on August 29, 2017. General Plan 2040 identifies and has analyzed a new series of land use designations applying to all lands within Vallejo. These land use designations describe an intended range of land uses, while also typically addressing intensity of use (in some cases identifying either residential density ranges or floor area ratio limitations for non-residential uses, etc.).

A key implementation action for General Plan 2040, particularly for implementing land use designations, identifies updating of the zoning ordinance, which was last comprehensively updated in 1980. Additionally, many sections of the existing zoning ordinance are outdated and may present inconsistencies with General Plan 2040. The zoning ordinance prescribes development standards based on individual zoning districts for such criteria as building heights, setbacks, ranges of permitted and discretionary land uses, and related development considerations such as parking, landscaping, fencing and screening, signage, and similar standards. To synchronize the land use designations identified in the General Plan 2040 with appropriate development standards, the City has commenced work on creation of a new zoning ordinance (termed the "Development Code"). However, the Development Code is not anticipated to be completed and presented to City Council for adoption until spring/summer 2018.

As a result, land use and development goals and policies of General Plan 2040 and the City's existing zoning ordinance may conflict. This could result in some projects being consistent with General Plan 2040 but inconsistent with the zoning ordinance, or vice versa.

This would result in a "gap" of several months between General Plan 2040 adoption and Development Code adoption. To ensure a seamless process for the review of development project applications and the processing of building permits, this Interim Zoning Policy has been prepared. The purpose of this Interim Zoning Policy is to resolve inconsistencies between General Plan 2040 and the existing zoning ordinance.

The Interim Zoning Policy provides a framework for connecting General Plan 2040 land use designations with a procedure to apply existing zoning ordinance provisions. Where a conflict may arise between General Plan 2040 and the existing zoning ordinance, General Plan 2040 would serve as the controlling document. Once the Development Code is adopted in 2018, the Interim Zoning Policy shall become null and void.

Therefore, except as otherwise provided herein, no activities or facilities shall be established, substituted, expanded, constructed, altered, moved, or otherwise changed, and no lot lines shall be created or changed, except in conformity with General Plan 2040. To the extent that there is an express conflict between General Plan 2040 and the existing zoning ordinance, this requirement supersedes the requirement for conformity with the zoning ordinance stipulated in Section 16.02.040 of the Vallejo Municipal Code.

Section 2. General Plan 2040 prevails over zoning and subdivision ordinances.

Until the Development Code is fully updated, land use designations, zoning controls and subdivision controls specified by the land use zoning and subdivision ordinances shall apply, except where such action would expressly conflict with General Plan 2040. Where an express conflict does arise, General Plan 2040 policies and land use designations shall apply. An "express conflict" shall be deemed to be any situation where a proposal clearly conforms to General Plan 2040 but is not permitted by the zoning and/or subdivision regulations, or where a proposal clearly does not conform to General Plan 2040 but is permitted or conditionally permitted by the zoning and/or subdivision regulations. The provisions of Section 4 and accompanying Table 1 shall be used to determine whether an express conflict exists and the processes therein described, as applicable, shall be followed to resolve the conflict.

Section 3. Applicability.

A. Subject to exceptions in Section 3B, this Policy shall apply to all of the following actions and approvals:

    1. Ministerial permit applications. Ministerial permits are defined as those that involve little or no personal judgment by the public official as to the wisdom or manner of carrying out a project. These include, but are not limited to, building and demolition permits which can be issued by staff following site plan review, and also including sign permits and business licenses.

    2. Discretionary permit applications. Discretionary permits require the exercise of judgment or deliberation when the City decides to approve or disapprove a particular activity, as distinguished from situations where the City merely has to determine whether there is conformity with applicable policy documents and ordinances. These include a wide range of development applications, such as minor and major conditional use permit permits, site development plans and unit plans.

    3. Amendments to, extensions of, or renewals of any permit.

    4. Tentative maps and time extensions for tentative maps.

    5. Zone changes and other legislative actions.

B. For the following actions and approvals, the General Plan in effect prior to August 29, 2017 shall govern and this Interim Zoning Policy shall not apply:

1. Ministerial permit applications, including building permits, landscape plans, grading permits and improvement plans, associated with and contemplated by a discretionary permit that was approved prior to August 29, 2017.

2. Discretionary permit applications determined or deemed complete, pursuant to Government Code Section 65943, on or before August 29, 2017.

3. Administrative discretionary permit applications associated with and contemplated by a vesting tentative or final map approved prior to August 29, 2017.

4. Any permits issued in accordance with an approved development agreement to the extent that the development agreement prevents the application of General Plan 2040 policies.

5. Continuing operation, maintenance, and occupancy of a legal nonconforming use or structure. Nonconforming uses shall be governed by Vallejo Municipal Code Section 16.78.040.

Section 4. Determination of General Plan consistency by the Community and Economic Development Director.

The Community and Economic Development Director or his or her designee ("Director") shall determine whether any specific land use and development proposal conforms to General Plan 2040. The Director shall use the guidelines adopted pursuant to Section 6 in making this determination.

Section 5. Consistency review process.

A. City staff shall apply the General Plan 2040 policy consistency checklist, attached hereto as Exhibit A. The purpose of the checklist is to allow for a review to determine whether the proposed project is consistent with the policies of the General Plan 2040 that are not reflected in the existing zoning ordinance.

B. All applications shall include a policy consistency checklist completed by the applicant and submitted with the applicable development application.

C. Upon receipt of an application, staff shall review the completed checklist against adopted General Plan 2040 policies and land use designations, utilizing the consistency checklist. Staff shall also determine whether a General Plan consistency determination will be necessary. This determination shall include the following steps:

Step 1 – Determine General Plan Land Use Designation and Consistency

Identify land use classification for the proposal under General Plan 2040. Determine whether the proposal is permitted under that land use designation and consistent with other relevant General Plan 2040 policies. If yes, proceed to Step 2. If not, the proposal shall be denied. Alternatively, the applicant may modify the proposal so that it conforms to General Plan 2040, or may apply for a general plan amendment.

Step 2 – Determine Corollary Zoning Ordinance Criteria

Next the Director must identify the existing zoning district for the proposal under the zoning ordinance. Utilize Table 1 to determine if the existing zoning district applicable to the proposal location is listed as a zone which is consistent with the applicable General Plan 2040 land use designation for the proposal location. If it is, then the Director shall utilize all applicable land use and development standards of the zone in addressing the proposal, including whether the use is permitted by right, permitted subject to use permit approval, or not allowed.

If the zone is not identified for the applicable General Plan 2040 land use designation, the Director shall identify the "best fit" zoning district that corresponds to the land use classifications of General Plan 2040, pursuant to the incorporated and attached Table 1. Where Table 1 identifies more than one possible zone, the Director shall determine which of the possible zones is the "best fit" zone by considering the characteristics of the proposal, including the activity/facility type and the density and intensity of use; the land uses and other relevant characteristics of the surrounding area; and any relevant policies of General Plan 2040. The Director shall then utilize all applicable land use and development standards of the zone in addressing the proposal. The Director shall make consistency findings in this determination as detailed in Section 6.

For ministerial projects found to be consistent with General Plan 2040 and for uses which are permitted under the applicable zoning district, Staff may issue the ministerial permit based on compliance with applicable zoning district development regulations.

Step 3 – General Plan 2040 Consistency Determinations in Other Instances

In those instances where the Director determines an express conflict with General Plan 2040 and the process for zoning identification in Steps 1 and 2 cannot be determined, the Director may allow an applicant to seek determination of General Plan 2040 consistency by submitting an application for a major use permit, which shall be subject to payment of standard City application fees and review by the Planning Commission in accordance with provisions of the Municipal Code. Additionally, the Planning Commission may grant the major use permit only where it determines that the proposal is consistent with General Plan 2040 using the consistency findings in Section 6, below.

Section 6. General Plan 2040 consistency findings.

A. The four general plan consistency findings listed below provide the basis for determining if a specific development proposal is consistent with General Plan 2040. The Director or, where Planning Commission action is required, shall determine that a specific proposal is consistent with General Plan 2040 if he or she finds as follows:

    1. The proposal is appropriate in consideration of the characteristics of the surrounding area;

    2. The proposal is consistent with the intent and desired character of the relevant land use designations(s) of General Plan 2040 and any associated General Plan policies;

    3. The proposal will clearly promote implementation of General Plan 2040; and

    4. The proposal conforms to the zoning ordinance requirements of the applicable or "best fit" zoning district.

B. The Director shall maintain a written record of all such determinations in the Planning Division files.

Section 7. Appeal of Director's determination.

Decisions of the Director may be appealed in writing within ten calendar days to the Planning Commission in accordance with Section 16.102.030.

Section 8. New Definitions.

To the extent that this Interim Zoning Policy or any related documents prepared by staff introduce new terms that are not currently defined in the current zoning ordinance, staff may utilize the American Planning Association "A Planners Dictionary" for uses and definitions.

Section 9. Generally applicable laws.

Nothing in this Interim Zoning Policy shall be interpreted as exempting proposals subject to this Interim Zoning Policy from compliance with any generally applicable state or local law or regulation, including but not limited to the California Environmental Quality Act. Nothing in this Interim Zoning Policy shall be construed to limit the rights of a property owner to apply for a zone change or general plan amendment pursuant to the Vallejo Municipal Code.

Attachments:

1. General Plan 2040 Consistency Checklist *
2. General Plan2040/Existing Zoning District Consistency Table *

* Contact Planning Division for latest Checklist and Table, which include clerical revisions

Planning Division · 555 Santa Clara Street · Vallejo · CA · 94590 · 707.648.4326

City of Vallejo Interim Zoning Policy
GENERAL PLAN 2040 CONSISTENCY CHECKLIST/WORKSHEET
FOR NEW DEVELOPMENT

PROJECT INFORMATION	
Applicant Name:	
Applicant Contact Info:	
Project Address:	
Brief Project Description:	
Proposed Land Use:	
2040 GP Land Use Designation:	

	Additional Project Information:	Yes	No	N/A
1.	Does the project have potential for creation of substantial traffic (100 vehicle trips per day) or generation of 10 or more parking spaces?			
2.	Does the project involve a large-scale or “big box” commercial business?			
3.	Does the project involve large-scale office, industrial or institutional development?			
4.	Does the project propose new single-family or multi-family residential development?			
5.	Could the project affect a street or bicycle facility?			
6.	Is the project in the Downtown or Waterfront area?			
7.	Is the project located within a designated Historic District?			
8.	Is the project located within the boundaries of a Specific Plan or subject to an approved Master Plan/Unit Plan?			

STAFF USE ONLY

BASED ON REVIEW OF THE PROJECT DESCRIPTION AND REVIEW OF GENERAL PLAN DESIGNATION AND POLICIES, THE PROJECT IS:

Consistent with the General Plan_____	**Inconsistent with the General Plan_____**
Planner:	
Date:	
Notes/Comments:	

Issue Area	Relevant General Plan 2040 Guiding Principles and Policies
New Residential Development	Guiding Principles 1, 3, 6, 7, 8 CP-1.4, 1.7, 1.15, 2.2 NBE-1.1, 1.2, 1.15, 2.3, 2.7, 2.8, 3.5, 3.8, 3.12, 3.13, 3.14, 5.4, 5.6, 5.7, 5.13 (noise) EET-4.2
Commercial Development	Guiding Principles 13-16 CP-1.1, 1.7, 1.15, 2.2 NBE-1.1, 1.2, 1.7, 1.15, 2.3, 2.5, 2.8, 3.8, 3.12, 3.14, 5.4, 5.6, 5.7, 5.13 (noise) EET-3.4, 4.2
Office/Industrial/Institutional Development	Guiding Principles 13-16 CP-1.1, 1.2, 1.4, 1.5, 1.7, 1.15, 2.2, 3.4, 3.6, 3.8, 5.1 NBE-1.1, 1.2, 1.7, 1.15, 2.4, 2.6, 2.8, 2.9, 3.10, 3.12, 5.4, 5.6, 5.7, 5.13 (noise) EET-1.1, 1.2, 1.4, 1.5, 2.2, 3.1, 3.2, 3.4, 4.2
Traffic and Circulation	Guiding Principles 17-19 CP-1.6 NBE-1.8, 3.14 MTC-2.1, 2.5, 2.6, 2.7, 2.8, 2.13, 3.1, 3.4
Downtown/Waterfront Development	Guiding Principles 9-12 NBE-1.1, 1.6, 2.1, 2.4, 2.5, 2.6, 3.1, 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.5, 5.4 EET-1.3, 1.4, 3.3, 4.2 MTC-3.5
Historic Resources	NBE-1.9, 1.10, 1.11, 1.12
Specific Plans	NBE-2.4, 3.4, 3.7, 3.9, 3.11, 3.14, 4.1 EET-1.11 MTC-3.5

Zoning District

Existing Zoning District: _____

Applicable Zoning District: _____

Comments:

Planning Division · 555 Santa Clara Street · Vallejo · CA · 94590 · 707.648.4326

City of Vallejo Interim Zoning Policy
GENERAL PLAN 2040/EXISTING ZONING CODE CONSISTENCY TABLE

GENERAL PLAN 2040	EXISTING ZONING
Land Use Designations	**Applicable Existing Zoning Districts/Specific Plans ***
Primarily Single Family (R-SF)	Low Density Residential (LDR) Hiddenbrooke Specific Plan
Mix of Housing Types/Medium Density (R-MH)	Medium Density Residential (MDR) High Density Residential (HDR)
Primarily Multi-Family (R-MF)	High Density Residential (HDR) White Slough Specific Plan
District - Downtown/Waterfront (D-DW)	Downtown Specific Plan (DSP) Waterfront PDMP Pedestrian Shopping and Service District (CP)
District - Mare Island (D-MI)	Mare Island Specific Plan (MISP)
District - Solano 360 (D-360)	Solano 360 Specific Plan
District - North Gateway (D-NG)	Pedestrian Shopping and Service District (CP) High Density Residential (HDR)
Central Corridor (CC)	Sonoma Boulevard Specific Plan (policy only) Downtown Specific Plan (DSP) Pedestrian Shopping and Service District (CP) Linear Commercial (CL)
Neighborhood Corridor (NC)	Pedestrian Shopping and Service District (CP) Linear Commercial (CL) White Slough Specific Plan

GENERAL PLAN 2040	EXISTING ZONING
Land Use Designations	**Applicable Existing Zoning Districts/Specific Plans ***
Retail/Entertainment (RE)	Pedestrian Shopping and Service District (CP) Linear Commercial (CL) Freeway Shopping and Service District (CF) Waterfront Shopping and Service District (CW) Neighborhood Shopping and Service District (CN) Northgate Specific Plan
Business/Limited Residential (BR)	Pedestrian Shopping and Service District (CP) Linear Commercial (CL) Neighborhood Shopping and Service District (CN) Professional Office (PO) Intensive Use - Limited (IUL) High Density Residential (HDR) White Slough Specific Plan
Business/Light industrial (BLI)	Intensive Use (IU) Intensive Use - Limited (IUL) Neighborhood Shopping and Service District (CN) White Slough Specific Plan
Industrial (I)	Intensive Use (IU) Intensive Use- Limited (IUL)
Parks, Recreation, and Open Space (P-0S)	Public and Quasi-Public Facilities (PF) Resource Conservation (RC)
Public Facilities and Institutions (PF)	Public and Quasi-Public Facilities (PF) Medical (M)

* Planned Development (PD) Zones are applicable, where appropriate.

Kolaboration Vallejo LLC

dba V-Town Farms

Letters of Recommendation

- From the City of Rio Vista…
  - Mayor Ron Kott
  - Planning Commissioner Walt Stanish
- From the City of Antioch…
  - Mayor Lamar Thorpe

City of Rio Vista

One Main Street, Rio Vista, California 94571
Phone (707) 374-6451 Fax: (707) 374-6763

February 19, 2021

City of Vallejo

Dear Planning Department;

I am pleased to have the opportunity to provide support for the Rio Vista Farms Microbusiness Use Permit in the City of Vallejo

In 2017, the City of Rio Vista opened its 42-acre business park to cannabis. In November of that year, Rio Vista Farms purchased parcels and quickly became our anchor business for the park. They have been an excellent city partner providing revenue, jobs, and have been very involved in supporting community activities.

Rio Vista Farms became operational in mid-2018. Through the end of 2020, they have generated close to one million dollars for our general fund fee revenue for our city. This is an annuity stream that we expect to grow, and which can be used to support city activities. Additionally, their business has created about 150 new jobs. The wages paid to these workers will have a multiplier effect on our city economy.

Our city staff have found Rio Vista Farms principles to be engaged in their business and willing to accommodate concerns of citizens and staff. Their facility is attractive, very secure and includes sophisticated odor control equipment. To date there have not been any safety concerns or issues with drug abuse in the area.

Rio Vista Farms principals are actively engaged in our community. They have leased three different vacant storefronts to accommodate their administrative operations. They are principal financial sponsors for all our major and many minor civic events. They are always willing to meet any charitable request.

In short, I am happy Rio Vista Farms decided to locate in our community. They are what every city wants as a business partner.

Sincerely,

Ronald Kott

Ronald A. Kott
Mayor – Rio Vista

Pets 4 All

167 Main Street Rio Vista CA 94571

Respectfully,

I am pleased to provide a highly favorable reference for Charles M. Wesley. I have known Chuck for over three years and can attest to his outstanding character. As a chairman of the Rio Vista Planning Commission and during my tenure as President of the Rio Vista Chamber of Commerce, currently its treasurer, I've had the pleasure to work directly with Chuck in matters pertaining to Rio Vista Farms.

Please feel free to contact me at my number or email address below should you require any additional background information. Rio Vista Farms has been a great addition to our city.

Kind Regards,

Walt Stanish

707-374-2011

notmospick@aol.com

Dear Planning Department,

I am pleased to have the opportunity to provide support for the CoCo Farms Microbusiness Use Permit in the City of Vallejo.

In 2019, the city of Antioch opened its City to cannabis. Anticipating that we invited Rio Vista Farms to participate in the process to open CoCo Farms, Rio Vista Farms purchased a 10 acre parcel with a couple existing structures and quickly became our anchor cannabis business. They are currently one of our community's largest tax payers, and have created to date well over 100 good-paying jobs.

They have been an excellent city partner, providing revenue, offering jobs, and supporting community activities.

CoCo Farms became operational December 24, 2019, and has more than delivered on the promise of being a positive partner for the City.

In their first year, CoCo Farms generated well over $500,000 in general fund fee revenue for our city. Our January 2021 revenue from CoCo Farms was $95,000 which puts them on pace to contribute $1,000,000 for 2021.

This is an annuity stream that we expect to grow, and which can be used to support city activities. Additionally, their business has created about 150 new jobs. The wages paid to these workers will have a multiplier effect on our city economy.

Our city staff have found CoCo Farms principals to be engaged in their business and willing to accommodate concerns of citizens and staff. Their facility is attractive, very secure and includes sophisticated odor control equipment. To date, there have not been any safety concerns or issues with drug abuse in the area.

CoCo Farms principals are actively engaged in our community and have been a great partner to local charities that need critical support. Particularly through 2020, most operations struggle without their support.

In short, I am happy CoCo Farms decided to locate in our community. They are what every city wants as a business partner.

Sincerely,

Lamar A. Thorpe

ANTIOCH
CALIFORNIA

A&C VENTURES
SONOMA, CA
EST^D | 1992

March 11, 2021

Via Email: Jonathan.atkinson@cityofvallejo.net

Jonathan Atkinson
Planning Division
City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590

Re: **Application for Major Use Permit - V-Town Farms**
5184 Sonoma Boulevard, Suite 300

Dear Mr. Atkinson:

This letter of protest is submitted on behalf of ACV Vallejo, LLC, a California limited liability company (**"ACV"**) and the owner of 5180 Sonoma Boulevard, the property adjacent to 5184 Sonoma Boulevard.

As you may be aware, 5184 and 5180 Sonoma Boulevard are parties to that certain Declaration of Covenants, Conditions, Restrictions and Reciprocal Easements dated June 12, 1990 (**"CC&R's"**) and recorded in the Official Records of Solano County.

ACV objects to V-Town Farms' application for a Major Use Permit both with respect to the manufacturing and distribution of cannabis, in addition to the sale of cannabis. It is our understanding that V-Town Farms has already commenced construction in the proposed premises.

The CC&R's, which bind 5184 Sonoma Boulevard, restrict the permissible uses of the property to "commercial purposes of the type normally found in a retail shopping center." We have repeatedly informed V-Town Farms that manufacturing and distribution operations are not normally found in a retail shopping center, and thus are not permitted uses under the CC&R's. In addition, the sale of cannabis is also not normally found in a retail shopping center. In fact, of the authorized cannabis businesses currently in operation in Vallejo, none are in shopping centers. It is clear that the proposed use violates the CC&R's.

465 First Street West, 2nd Floor, Sonoma, CA 95476 Phone (707) 935-3700 Fax (707) 935-3707

In addition to constituting a violation of the CC&R's, a cannabis business would be highly detrimental to the community. There is already a significant homeless population surrounding the property and rampant drug use. A dispensary will only exacerbate these problems. In addition, it is important to realize that a dispensary will have an adverse impact on the neighborhood, which includes Dan Mini Elementary School and Griffin Academy Middle School and High School, all only a few short blocks from the proposed business. In addition, nearby Setterquist Park has children's play areas, little league fields, and basketball and tennis courts. Other schools and churches are also located in the neighborhood. Furthermore, a dispensary will have an adverse impact on redevelopment of the surrounding properties. By way of example, we receive daily calls from our alarm company notifying us of trespassers on our property immediately adjacent to V-Town Farm's proposed location, and we have experienced repeated and expensive vandalism caused by the homeless population. A cannabis dispensary will only make matters worse.

While we respect and support efforts to redevelop Meadows Plaza and the Sonoma Blvd. corridor, we object to V-Town Farm's application and request that it be denied.

Sincerely,

ACV VALLEJO, LLC

By: _____
Peter Wohlfeiler

465 First Street West, 2nd Floor, Sonoma, CA 95476 Phone (707) 935-3700 Fax (707) 935-3707

Jonathan Atkinson

From: Willie L Brown Jr. <wlb@williebrowninc.com>
Sent: Saturday, March 13, 2021 1:11 PM
To: Greg Nyhoff; Veronica Nebb
Cc: Melissa Rhodes; Jonathan Atkinson; sgellison@acventures.com; dwa@platinumadvisors.com; pbg@platinumadvisors.com; mem@platinumadvisors.com
Subject: Letter from Mayor Brown
Attachments: City of Vallejo.docx

Hello Mr. Nyhoff,

Please see the attached letter from Mayor Willie Brown.

Thank you,

Cynthia Nguyen
Executive Assistant
Willie L. Brown, Jr., Inc.
100 The Embarcadero Penthouse
San Francisco, CA 94105
Tel: 415.777.0310
wlb@williebrowninc.com
NOTICE: This electronic mail transmission may contain an attorney-client communication that is privileged at law. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this electronic mail transmission in error, please delete it from your system without copying it, and notify the sender by reply e-mail or by calling 415-777-0310, so that our address record can be corrected. Thank you.

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

WILLIE L. BROWN, JR.

ATTORNEY AT LAW

March 13, 2021

Greg Nyhoff
City Manager
City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590

Re: **Application for Major Use Permit - V-Town Farms**
5184 Sonoma Boulevard, Suite 300 – Request to Postpone

Dear Mr. Nyhoff:

I have been retained by ACV Vallejo, LLC, the owner of 5180 Sonoma Boulevard. My client's property is adjacent to 5184 Sonoma Boulevard, and for the reasons set forth below, I respectfully request that the hearing on V-Town Farms' application for a Major Use Permit be postponed to a later date.

Briefly, my client has concerns with V-Town Farms' plans as described in its application, particularly in light of the blight that already impacts the neighborhood and surrounding community.

5184 and 5180 Sonoma Boulevard constitute an 18-acre gateway site for the Sonoma Boulevard corridor and surrounding neighborhoods. My client has already submitted an application to extensively develop their property, and it is essential that the planning and development of both properties be coordinated in a thoughtful and comprehensive manner.

Therefore, we request a postponement to allow the parties and the City an opportunity to avoid conflict and work together for everyone's, including the community's, benefit.

Your cooperation would be greatly appreciated.

Sincerely,

Willie L. Brown, Jr.

cc:
ACV Vallejo, LLC
Veronica Nebb, City of Vallejo
Jonathan Atkinson, City of Vallejo

100 The Embarcadero, Penthouse
San Francisco, CA 94105

Telephone: (415) 777-0310
Email: wlb@williebrowninc.com

Jonathan Atkinson

From:	robert schussel [redacted]
Sent:	Sunday, March 14, 2021 1:17 PM
To:	Jonathan Atkinson
Cc:	Christina Ratcliffe; JR Matulac; Kathleen Diohep; Peggy A. Cohen-Thompson; Jamar Stamps; Charles Palmares; Melissa Bowman; katy.meissner@cityofvallejo.net; Robert H. McConnell
Subject:	Questions and Additional Conditions of Approval for V-Town Hearing March 16 2021

Mr. Atkinson
Would you please acknowledge receipt and post this email in written communications.

I am requesting that the below two questions be addressed for the V-Town Farms Planning Commission meeting on March 16 2021 and the following Conditions of Approval be added.

QUESTIONS

1) What legal right does the City/Planning Commission have to nullify the CC&Rs that prohibit manufacturing and distribution at the Meadows Plaza?

2) Why is the authority to change hours of operation being given to Staff instead of to the Planning Commission.?

ADDITIONAL CONDITIONS OF APPROVAL

1) Signs in windows including those required by law should be 15% or less coverage of the total square feet of windows in the front.

2) Sales should be limited to cannabis products and those related to cannabis use.

3) Arcade games and other forms of entertainment should be prohibited.

4) Guards/security should not be allowed to post themselves outside. Only periodic patrols should be allowed.

Robert Schussel PhD.

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

Jonathan Atkinson

From: Max Del Real <max@ammericann.com>
Sent: Monday, March 15, 2021 5:43 PM
To: Christina Ratcliffe
Cc: Jonathan Atkinson; Cesar Orozco; Robert H. McConnell
Subject: In Opposition to 5184 Sonoma Boulevard; APN: 0067-150-300
Attachments: VALLEJO - Letter to Planning Commission - 3.15.21.pdf

Ms. Ratcliffe,

Good evening. Please see that my attached letter gets added to tonight's record.

I have attached a formal letter addressed to the Vallejo Planning Commission. (See Attachment)

Thank you for your work in the City of Vallejo. Best.

M. Max Del Real
President & CEO

Ammericann Development LLC
530.487.7036 Office
916.717.2664 Direct
max@ammericann.com
www.ammericann.com

The information contained in this E-mail is confidential and may also contain privileged advocate-client information or work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this E-mail in error, please delete this message from your computer and immediately notify the sender. Thank you.

GO GREEN, GO PAPER-FREE.

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

Jonathan Atkinson

From: Max Del Real <max@ammericann.com>
Sent: Monday, March 15, 2021 5:53 PM
To: Michelle Straub
Cc: City Atty; Vallejo Police PIO; Dawn Abrahamson; Jonathan Atkinson
Subject: In Opposition to 5184 Sonoma Boulevard; APN: 0067-150-300
Attachments: VALLEJO - Letter to Planning Commission - 3.15.21.pdf

Ms. Straub,

Good evening. Please forward this email and its attachment to Mr. Greg Nyhoff.

I have attached a formal letter addressed to the Vallejo Planning Commission. (See Attachment)

Thank you for your work in the City of Vallejo. Best.

M. Max Del Real
President & CEO

Ammericann Development LLC
530.487.7036 Office
916.717.2664 Direct
max@ammericann.com
www.ammericann.com

The information contained in this E-mail is confidential and may also contain privileged advocate-client information or work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this E-mail in error, please delete this message from your computer and immediately notify the sender. Thank you.

GO GREEN, GO PAPER-FREE.

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

Jonathan Atkinson

From: Kathleen DiohepPC
Sent: Monday, March 15, 2021 6:04 PM
To: Christina Ratcliffe; Jonathan Atkinson; Veronica Nebb
Subject: Fw: In Opposition to 5184 Sonoma Boulevard; APN: 0067-150-300
Attachments: VALLEJO - Letter to Planning Commission - 3.15.21.pdf

---

From: Max Del Real <max@ammericann.com>
Sent: Monday, March 15, 2021 5:37 PM
To: Kathleen DiohepPC <Kathleen.DiohepPC@cityofvallejo.net>
Subject: In Opposition to 5184 Sonoma Boulevard; APN: 0067-150-300

To Whom It May Concern,

Good evening.

Please see the attached letter addressed to the Vallejo Planning Commission. (See Attachment)

We respectfully ask that you vote "No" on tonight's item re: 5184 Sonoma Boulevard; APN: 0067-150-300.

Thank you for your leadership in the City of Vallejo. Best.

M. Max Del Real
President & CEO

Ammericann Development LLC
530.487.7036 Office
916.717.2664 Direct
max@ammericann.com
www.ammericann.com

The information contained in this E-mail is confidential and may also contain privileged advocate-client information or work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this E-mail in error, please delete this message from your computer and immediately notify the sender. Thank you.

GO GREEN, GO PAPER-FREE.

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

Ammericann Development LLC
Capital Office 1122 S Street, Suite 101 Sacramento, CA 95811
District Office 1339 Esplanade, Second Floor Chico, CA 95926
530.487.7036 Office 916.333.2938 Direct ammericann.com

March 15, 2021

VIA EMAIL

Attn: Vallejo Planning Commission
Re: V-Town Farms; 5184 Sonoma Boulevard, Suite 300; APN: 0067-150-300

Dear Vallejo Planning Commission:

I am writing you today to oppose the "V-Town Farms Project" in front of you tonight (5184 Sonoma Boulevard: Suite 300 – APN: 0067-150-300) at the Vallejo Planning Commission.

Allow me to provide you with a brief introduction of my work:

Since 2008, I have worked as a leading legislative lobbyist and business consultant for the cannabis industry in California. I have worked with dozens of municipalities throughout the state on the issue of cannabis business regulations and the industry's "best practices." In my profession, I have been recognized as a "cannabis business expert" by the California Legislature and the California Superior Courts.

From 2012 to 2015, I enjoyed the pleasure of working directly with the City of Vallejo and its local leadership to design and implement a "Medical Cannabis Ordinance." This Ordinance was created to protect both the City and its registered retail dispensaries. As the City's websites notes: "On July 28, 2015, the Vallejo City Council adopted an ordinance adding Chapter 7.100 to the Vallejo Municipal Code pertaining to requirements for limited immunity from civil prosecution for medical marijuana dispensaries." I am honored to have been a part of the original and historic effort to allow retail cannabis dispensaries in the City of Vallejo.

Today, my firm proudly represents two (2) of the original retail dispensary owners and operators in the City of Vallejo. My clients today include Mr. Mike Tomada of California Collective Care and Mr. Eric Thomas of 3PG. My clients are recognized as leading cannabis dispensary owners and operators in the City of Vallejo. My clients and their businesses are active in the Vallejo community: (1) My clients provide needed funds and resources to local charity groups and nonprofits; (2) My clients are responsible business owners and keep their businesses and surrounding businesses clean and safe; and (3) My clients pay taxes to the City of Vallejo and they care deeply about the City and its exciting future.

As a governing, political body in the City of Vallejo, the Planning Commission is tasked, by law, to engage and perform the following: *"It shall be the function and duty of the Planning Commission to make and adopt, subject to the provisions of law, a comprehensive, long-term general plan for the physical development of the city, and of any land outside the bounces thereof, which in the commission's judgment there is relation to the planning of the city."*

In short, we believe it is the duty of the Planning Commission to "do what is best" for the City of Vallejo. Tonight, we respectfully ask that you do what is best for the City of Vallejo and vote "No" against the "V-Town Farms Project."

My clients and I universally oppose the "V-Town Farms Project" at 5184 Sonoma Boulevard, Suite 300 (APN: 0067-150-300) for the following reasons:

1. The proposed retail cannabis dispensary is too large and will invite crime

According to the Staff Report, the proposed retail sales "will occupy 17,056 square feet of the floor area." Most licensed retail dispensaries in the State of California occupy no more than 2,000-5,000 SF. A "weed super store" in the City of Vallejo will attract unwanted crime.

2. The proposed location does not reflect the spirit and intent of the City's General Plan

According to the City's General Plan 2040, the proposed dispensary location for V-Town Farms is located in the North Gateway District and does not support cannabis use. "District – North Gateway (D-NG) The D-NG designation applies to the northern portion of the area north of Highway 37 between Sonoma Boulevard and Broadway Street, a highly-visible area that serves as a gateway to Napa Valley from Highway 37 (heading north) and to Vallejo from American Canyon (heading south). It is intended to foster an integrated, pedestrian-oriented place with a mix of uses, such as retail, dining, entertainment, and lodging, that cater to both motorists passing through and surrounding neighborhoods. It also incorporates higher-density residential development that supports nearby services and activates the area. The maximum permitted FAR in the D-NG designation is 2.0, with a minimum residential density of 30 dwelling units per acre up to 50 dwelling units per acre." (See Attachment)

3. The proposed retail cannabis dispensary is located dangerously close to schools

Most cities in California require a 1,000 SF "buffer" between retail cannabis stores and K-12 schools in the community. While the City's "buffer" requires a 600-foot setback from schools, we are greatly concerned about the proposed new dispensary and its close proximity to Dan Mini Elementary School (approximately 900 ft. buffer) and Griffin Academy Middle and High School (approximately 800 ft. buffer).

4. The Applicant is not local and did not conduct any outreach to the community

It is disturbing to note that The Applicant failed to notify the good citizens and greater community of their intention to open a "weed super store" in the City of Vallejo. To our knowledge, The Applicant did not hold nor host any Community Outreach Event.

Recognizing that there are serious concerns regarding this project and its untimely proposal, we recommend that the Planning Commission deny a Conditional Use Permit (CUP) to The Applicant at 5184 Sonoma Boulevard, Suite 300 in the City of Vallejo.

I look forward to participating on tonight's ZOOM meeting.

Thank you for your leadership in the City of Vallejo.

Signed,

M. Max Del Real
President & CEO

cc: City Manager, City Attorney, Chief of Police, City Clerk, Mr. Tomada, and Mr. Thomas

AMMERICANN DEVELOPMENT

holder would terminate all rights to operate a cannabis business in Vallejo.

In order to transfer, relocate or expand, an original permit holder would be required to begin the transition process from the permit in Chapter 7.100 to the minor use permit in Title 16 and regulatory permit in Chapter 7.200. The Chapter 7.100 permit would remain non-transferable.

VMC Chapter 7.200 and Title 16 are expanded to incorporate many of Chapter 7.100 regulations for retail, and minor additions for testing labs. The cannabis business permit would be subject to annual review as the case has been. Chapter 7.200 would maintain prohibited activities, compliance requirements, some operating conditions, and the application, renewal, denial, revocation, and appeal processes for the permit. Site and use standards have been transferred to Title 16. Chapter 7.100 has been reduced down and references Title 16 and Chapter 7.200 where text would otherwise be duplicated.

Staff recommends allowing delivery for local operators as well as non-local operators. At the time of writing this report, the State is considering mandates that would allow delivery in every municipality in California regardless of local ordinance. The ability to regulate and enforce on delivery services that originate outside of Vallejo is extremely difficult and would burden already limited law enforcement services. Staff recommends requiring non-local delivery companies to apply for businesses licenses and tax certificates to ensure compliance with Measure C.

Throughout the code, the words marijuana, medical, recreational and dispensary are replaced with cannabis, retail, retail sales, and property, among other definitions. Some references to dispensary and medical remain, in particular to preserve the historic structure of Chapter 7.100.

Draft Ordinance Amending Title 16 on Zoning

The City recognizes that providing permits to applicants for certain specified cannabis activities is harmonious with State law and regulations. If approved, the ordinance would establish land use regulations for retail sales: cannabis and cannabis testing laboratories. The Ad-Hoc Committee has been working with staff to provide feedback on amendments to Title 7, Public Health, Safety and Welfare, and Title 16, Zoning (Attachment 3). A business would need to apply for and maintain both a Title 16 minor use permit as well as a Title 7 permit to operate.

Use Classifications, Definitions and Permit Requirements

The draft ordinance would amend subsection 16.06.020(C), Listing of use classifications – Commercial use types adding “Retail sales: cannabis, and Cannabis testing laboratory” and would establish the new use types in Sections 16.06.465 and 16.06.305, under Article IV, Commercial Use Types:

- Retail sales: cannabis: Any storefront use that dispenses, sells, makes available, delivers, infuses, packages, re-packages, labels, re-labels, or distributes cannabis for medicinal or recreational purposes. This use classification may include businesses that obtain a Retailer, Manufacturer, Distributor, or Microbusiness license from the State pursuant to Section 26050(a) of the Cal. Bus. &

Prof. Code, subject to the restrictions identified in Section 16.82.060.

- Cannabis testing laboratory. A testing laboratory, facility, or entity which offers or performs tests of cannabis goods to determine its chemical profile, the presence of contaminants, or other similar information. This use must obtain and maintain proper licenses from the State of California.

The ordinance would also amend VMC section 16.54.040 defining accessory use types to allow Cannabis Distribution and Manufacturing in limited capacities nearly identical to what was permitted in Chapter 7.100. Manufacturing would not exceed 10 percent of the total floor area of the primary retail use or 500 square feet, whichever is less, and within this space 100 square feet or less for the non-volatile extraction process. As for distribution, the not exceed would be 30 percent of the total floor area of the primary retail use or 1,500 square feet, whichever is less. Operators could still have the second code compliant location for the full use types in addition to these accessory uses at the retail site.

The draft ordinance would amend the zoning districts (Attachment 4) in following VMC sections adding retail sales of cannabis under sub-section uses subject to a minor use permit:

- 16.18.050 (A.2.) Limited Office District
- 16.20.050 (A.2.) Neighborhood Shopping and Service District
- 16.22.050 (A.3.) Linear Commercial District
- 16.24.050 Pedestrian Shopping and Service District
- 16.28.050 (A.2.) Freeway Shopping and Service District

Equivalent General Plan 2040 Designations (Attachment 5) per the Interim Zoning Policy are as follows:

- Central Corridor
- Neighborhood Corridor
- Retail/ Entertainment

As proposed, all cannabis uses would be permitted in the following districts:

- 16.33.050 Intensive use – limited
- 16.34.050 Intensive use
- 16.110.026 Planned development industrial

Equivalent General Plan 2040 Designations per the Interim Zoning Policy are as follows:

- Business/Limited Residential
- Business/Light Industrial
- Industrial

The draft ordinance amends existing Chapters 16.33 Intensive-Use Limited District, 16.34 Intensive-Use District and 16.110 Planned Development Industrial District, eliminating VMC Sections 16.33.030 (B) and

16.34.030 (C), and Section 16.110.021, permitted uses subject to limitations. Staff recommends adding new sections 16.33.050, 16.34.050, and 16.110.026, uses subject to a minor use permit, as provided in Chapter 16.82, to remain consistent with Title 7 as follows:

A.Commercial Use Types.

1.Cannabis testing laboratory
2.Retail sales: cannabis

B. Industrial Use Types

2.Cannabis cultivation
3.Cannabis distribution
4.Cannabis manufacturing

The draft ordinance would also amend VMC Section 16.82.150 to specify that a use permit authorizing retail sales of cannabis and cannabis testing laboratories would be deemed to be abandoned if the use ceases operation for one year in line with the other cannabis uses adopted by the City Council.

The Planning Commission added requirements for retail sites to replace non-functioning bulbs within 48 hours, not allowing entertainment and not allowing private security guards to be posted in front of the business. While staff is recommending to the City Council the bulb replacement, staff believes it will be very difficult to regulate and enforce entertainment and security guards. Additionally, in MAUCRSA, state law does not explicitly require security be outside, it does reference several sections of the business and professional code, which describes requirements that security personnel must be compliant to the business in which they are working. Staff recommends against this provision in particular because in addition to enforceability concerns, requiring them to be indoors could conflict with state law.

Standards and Criteria for Certain Conditionally Permitted Uses
As indicated above, moving these uses to conditionally permitted uses from uses subject to limitation, would maintain consistency between Title 7 and State licensing. This section also specifies that revocation of either a State license or the local cannabis business permit is grounds for revocation of the minor use permit in Title 16, and vice versa.

Cannabis testing laboratory would have the same development and operational standards as cannabis cultivation, distribution, and manufacturing. Retail sales of cannabis development and operational standards would maintain the same sensitive use buffer of 600-feet from places where children and youth are present, odor control, signs, lighting, maintenance, and noise requirements as cannabis cultivation, distribution, and manufacturing uses. Additionally, retail sales of cannabis would have similar screening and landscaping requirements.

Finally, general provisions would differ in some ways, specifically to limit visibility of product and transactions from outside the building, specifies the amount of floor space to no more than 50 percent for retails sales of

cannabis in the Intensive Use-Limited, Intensive Use, and Planned Development Industrial Districts, sets hours of operation consistent with Title 7 from nine o'clock (9:00) a.m. to eight o'clock (8:00) p.m. and prohibits cannabis consumption and offerings. Primary differences are attributed to the nature of the business type being open to the public.

In addition, the proposed amendments to VMC section 16.110.030 would indicate that, although VMC Chapters 16.70 (Screening and Landscaping Regulations) and 16.75 (Site Development Standards) are not generally applicable to the PDI zoning district, cannabis testing laboratory, retails sales of cannabis, cannabis marijuana cultivation, distribution, and manufacturing uses in that zoning district would be subject to those regulations and standards.

Finally, the proposed amendments to VMC section 16.62.100 would specify that cannabis testing laboratory, retail sales of cannabis, cannabis cultivation, distribution, and manufacturing uses would be subject to the same off-street parking requirements as other retail and industrial uses, respectively.

Cannabis Retail Design Toolkit

As part of the review, and in light of the former request of “good neighbor policy,” staff and the Ad-Hoc Committee propose a Cannabis Retail Design Toolkit (Attachment 6) as a method for incorporating the new business types into existing retail areas. The intent and purpose of the toolkit is to have cannabis retail similar in retail character to all other retail uses and fits with the context and surrounding. The toolkit encourages improvements for property owners and tenants in any retail setting with a set of design tools for façade, signage and landscaping improvements. Regardless of size, or stand-alone building or within a shopping center, tenants and owners are encouraged to apply best practices and design principles outlined in the toolkit. The overall goal is to assist property owners and tenants in a timely review of proposed high quality improvements, so that cannabis retail can continue to grow and stay vital in Vallejo.

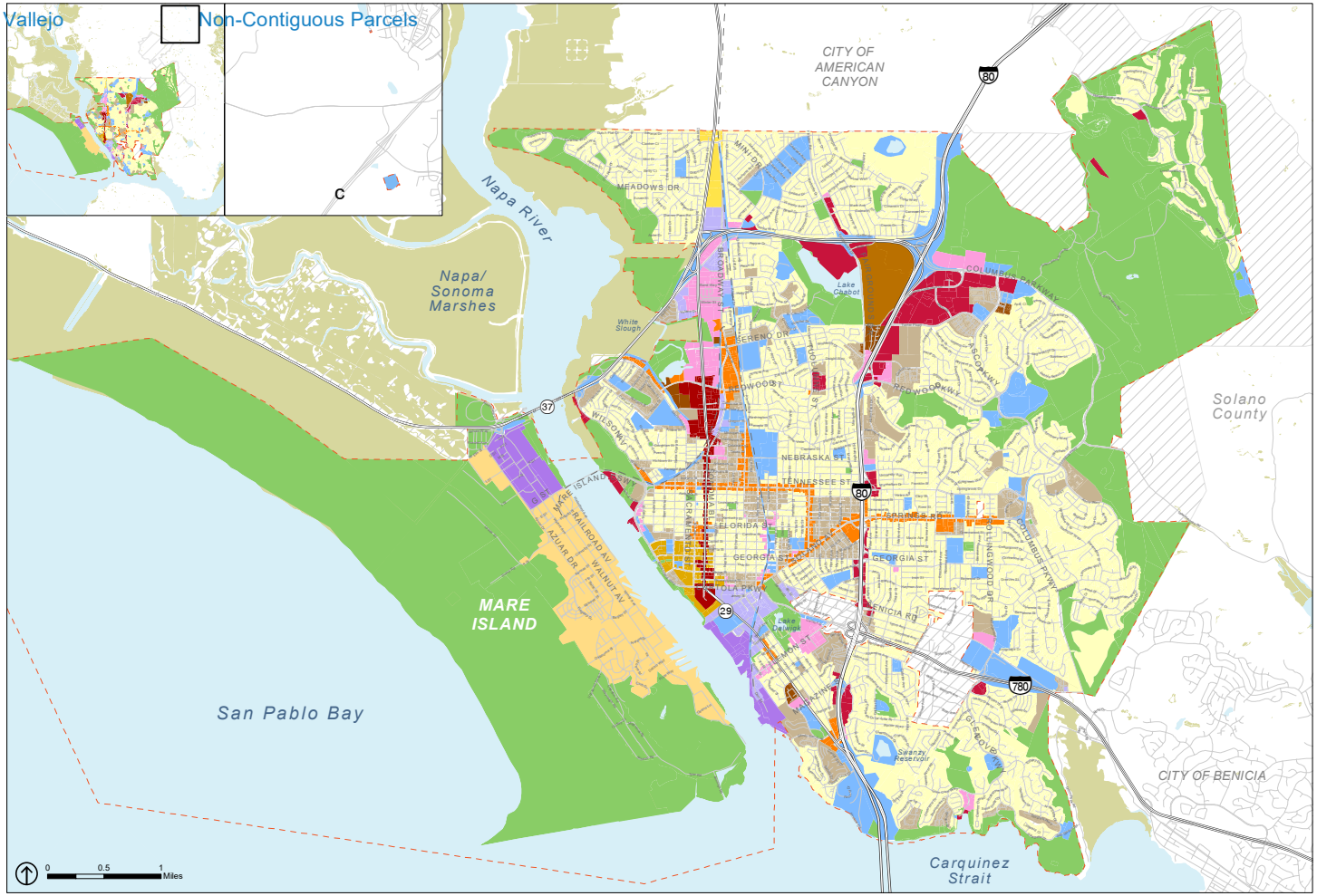
Northgate Specific Plan Area

Staff recommends amending the Northgate Specific Plan (Attachment 6) via adoption of a resolution (Attachment 7) to allow retail cannabis uses to the Northgate Specific Plan’s commercial center. This amendment is necessary for this use to be an option in the area of Vallejo. The management company, Brixmor, would still need to authorize the lease of their space.

Resolution Amending Cannabis Fees

Staff recommends the City Council approve a Resolution (Attachment 8) eliminating the existing marijuana application review meeting fee and refunding the operators that have paid the City this fee for Chapter 7.200 regulatory applications. The minor use permit fee substantially covers the time and cost of these applications.

Community & Stakeholder Meeting



CITY OF VALLEJO GENERAL PLAN 2040

Land Use Map

Residential

- Primarily Single Family
- Mix of Housing Types
- Primarily Multi-Family

Mixed Use

- District - Downtown/Waterfront
- District - Mare Island
- District - Solano360
- District - North Gateway
- Central Corridor
- Neighborhood Corridor

Business/Industrial

- Retail/Entertainment
- Business/Limited Residential
- Business/Light Industrial
- Industrial

Community

- Parks, Recreation and Open Space
- Public Facilities and Institutions

- Railroad
- Vallejo City Limit
- Wetland
- Sphere of Influence (SOI)

2/11/2020

PROPEL VALLEJO

Jonathan Atkinson

From: Al Green [redacted]
Sent: Tuesday, April 13, 2021 12:44 PM
To: rozza.verder-aliga@cityofvallejo.net; Tina Arriola; pippen.dew@cityofvallejo.net; Hakeem Brown; Mina Diaz; Katy Miessner; Greg Nyhoff; Melissa Rhodes; Gillian Hayes; Jonathan Atkinson; Peggy Cohen-Thompson; Kathleen DiohepPC; Melissa Bowman; Donald Douglass; JR Matulac; City Atty; state.clearinghouse@opr.ca.gov; Robert H. McConnell
Subject: Unfair and Discriminatory Cannabis Business Permitting Process in Vallejo CA
Attachments: 20171211_115536.jpg; Screenshot_20210412-182919_Gallery.jpg; Screenshot_20210412-183249_Gallery.jpg

To Our Fellow City Officials,

We represent the vast majority of licensed retail Cannabis businesses in the city of Vallejo, Ca. We are reaching out to you at this time in the hopes of a swift resolution in a concerning issue we have. It was brought to many of us that a large company has bought out a Cannabis Dispensary in Vallejo.

We are happily welcoming the new owners as they come in and help to heal our residents and anyone passing through. The concern and objection we have is the following. We have multiple records (emails/phone logs ect) of a handful of us original, compliant operators asking the appointed city official who handled the city's Cannabis licensing program at the time, for two specific locations to move our existing retail operations to (the old Food 4 Less and Walmart on the 5100 block of Sonoma Blvd) We were DECLINED and DENIED the option to do so, due to the zoning limits of where Cannabis Businesses may operate in town. The city of Vallejo issued a zoning map (General Plan 2040 Designations) back in 2017 . This map was given all to Cannabis Business operators to help direct us on where our businesses would be allowed to move if we decided to relocate. We were all instructed to stay inside the boundaries of the 3 shades of purple on the map when looking for potential properties, these 3 shades of purple include the following zonings, Industrial, Business/Limited Residential, Business/Light Industrial.

However, there is a NEW superstore company being granted one of the locations that we were all denied for (old Food For Less 5100 block Sonoma Blvd). Most of us have been here since the beginning when the Cannabis Industry formed in Vallejo, we have gone through the many hard and long struggles to become legal and licensed so we can continue to do business here. This is very unfair and discriminatory, this creates an unfair advantage against the operators that were trying to relocate their businesses to the argued locations and being denied. We are taking great offense on the decision to grant a permit to the superstore at the Food For Less . The location listed falls under a zoning district that is not permitted according to the city zoning map, that whole shopping center located on the 5100 block of Sonoma blvd is outlined in yellow which falls into Intensive Use District. Why is this location being excluded from the 2040 zoning map to accommodate a superstore with endless money? Did someone's pockets get greased? They should have to search and use the provided city zoning map just like the original operators had to do to find a location.

We are taking this matter very seriously and are asking the Vallejo city Council, city managing officials, and the planning commission to reconsider and revoke the right to operate outside of the general plan 2040 designations map at this time. As a whole, we still accept our new friends, we just ask for fairness, and equality. Fairness and Equality is what is needed in today's times more than ever. It is time for The City Of Vallejo to show that not one business is more superior than the other just because they have more money than the other.

If we cannot come to a promptly resolution on this matter , we will have to resort to a never before seen, mass legal action against the city for an unfair, discriminatory Cannabis Business permitting process. Replies are welcome. Thank you all for your time and service to the city of Vallejo, hopefully we can resolve this and keep moving our city forward. Have a wonderful day.

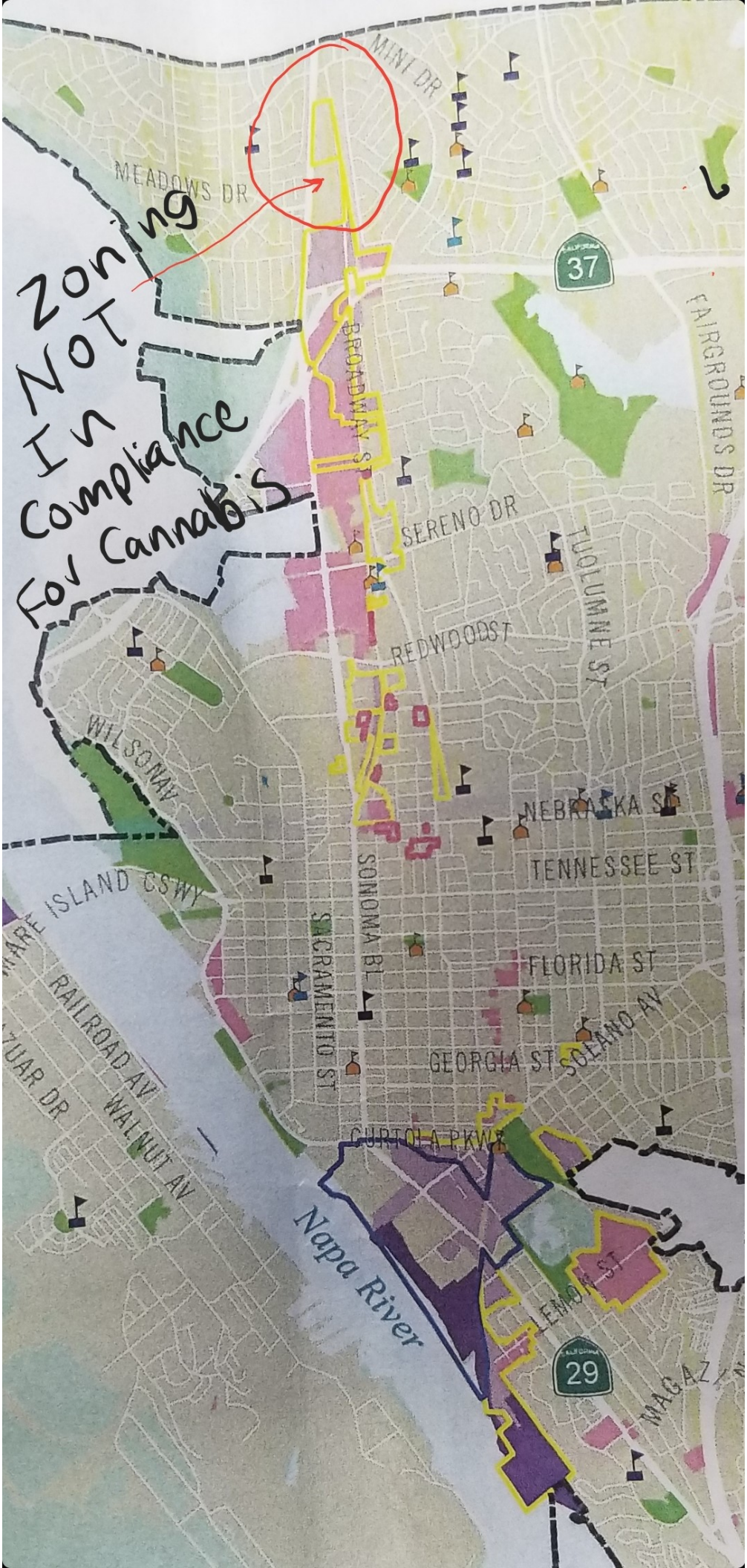
Yours truly,
Vallejo Cannabis Business Operators

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

Source:ESRI, 2017; City of Vallejo, 2017; PlaceWorks, 2017.

PLACEWORKS

Selected General Plan 2040 Designations


Zoning
NOT
In
Compliance
For Cannabis
MINI DR
MEADOWS DR
37
BROADWAY ST
FAIRGROUNDS DR
SERENO DR
TUOLUMNE ST
REDWOOD ST
WILSON AV
NEBRASKA ST
TENNESSEE ST
ISLAND CSWY
SONOMA BL
SACRAMENTO ST
FLORIDA ST
RAILROAD AV
GEORGIA ST
SOLANO AV
WALNUT AV
CURTOLA PKWY
Napa River
LEMON ST
29

2D

Jonathan Atkinson

From: Max Del Real <max@ammericann.com>
Sent: Tuesday, May 11, 2021 11:35 AM
To: Narcissa Wilson
Cc: Christina Ratcliffe; Livian Ellis; Margaret Kavanaugh-Lynch; Jonathan Atkinson
Subject: VALLEJO - Help Us Keep Our Community Safe
Attachments: VALLEJO - Community Outreach Packet.pdf

Ms. Hayes,

Good morning. I hope this note finds you well.

I am writing you today about a serious and important issue that is currently being debated in the City of Vallejo: A proposed 17,056 square foot marijuana super store at Meadows Plaza in Vallejo.

My firm represents a group called "Friends and Citizens for a Safe and Successful City of Vallejo." My clients are business owners, community leaders, and local citizens from Vallejo. We are very concerned that a new marijuana super store in Vallejo is going to damage the fine reputation of the City and also significantly increase crime.

I have attached herein our group's *Community Outreach Packet.* (See Attachment)

This packet will provide you with an overview of the project and why it is a bad thing for the City of Vallejo. Please read the packet in full and share it with your friends and colleagues.

I welcome the opportunity to speak with you further about this important issue. I can be reached directly at (916) 717-2664.

Thank you for your leadership in the City of Vallejo. Best.

M. Max Del Real
President & CEO

Ammericann Development LLC
530.487.7036 Office
916.717.2664 Direct
max@ammericann.com
www.ammericann.com

The information contained in this E-mail is confidential and may also contain privileged advocate-client information or work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this E-mail in error, please delete this message from your computer and immediately notify the sender. Thank you.

GO GREEN, GO PAPER-FREE.

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

Help Us Keep Our Community Safe in Vallejo, CA

Sponsored by Friends and Citizens for a Safe and Successful City of Vallejo

DISCLAIMER

The following *Community Outreach Packet* is designed for educational purposes only and does not make any guarantees, promises, nor contracts with any individuals or readers.

The information within this packet is shared in "good faith" by Friends and Citizens for a Safe and Successful City of Vallejo.

Any and all questions should be directed to the Project Consultant at:

M. Max Del Real
(916) 717-2664
max@ammericann.com

FRIENDS AND CITIZENS

In an effort to include a wide array of city officials, community leaders, business owners, and other influential civic groups in the City of Vallejo, this *Community Outreach Packet* was sent to the following groups and people:

Mayor Robert H. McConnell
Vice Mayor Rozzana Verder-Aliga
Councilmember Cristina Arriola
Councilmember Hakeem Brown
Councilmember Pippin Dew
Councilmember Mina Diaz
Councilmember Katy Miessner
City Manager Greg Nyhoff
City Attorney Veronica Nebb
Police Chief Shawny Williams
Vallejo POA President Michael Nichelini
Finance Director Rekha Nayar
Planning Director Gillian Hayes
Planning Dept. Christina Ratcliffe
Planning Dept. Jonathon Atkinson
City Clerk Dawn Abrahamson
Supervisor Erin Hannigan
District Attorney Krishna A. Abrams
Vallejo Cannabis Dispensary Owners
Vallejo Chamber of Commerce
Vallejo Unified School District
Vallejo Churches and Congregations
Vallejo Business Owners and Managers
A&C Ventures
Rotary Club of Vallejo
Vallejo Elks Lodge #559
The Salvation Army of Vallejo
Mr. Jimmy Genn
Vallejo Times Herald
San Francisco Chronicle
East Bay Times
ABC7 News
KRON4 News
NBC Bay Area News
KTVU FOX 2 News

TABLE OF CONTENTS

Section 1	Introduction
Section 2	Cannabis History
Section 3	Project Overview
Section 4	The Dangers Of This Project
Section 5	What You Can Do
Addendum A	Appeal Application
Addendum B	"Man wounded after shooting in parking lot of Antioch cannabis dispensary" (KTVU, 5/1/2021)

INTRODUCTION

Dear Friends And Fellow Citizens Of Vallejo,

We are writing you today with one important request: Help us keep our community safe.

Something awful is happening right now in our beloved community of Vallejo, CA. A group of out-of-towners is trying to open a "marijuana super store" in the former Food 4 Less building on Sonoma Boulevard. This property is currently vacant and is tagged heavily with graffiti. It is a high-crime zone located next to the abandoned Wal Mart building.

Here is what you need to know:

(1) A group out of Antioch, CA, calling itself V-Towns Farms recently bought a local cannabis dispensary business in Vallejo, HTP Group, currently located at 4345 Sonoma Boulevard. Instead of operating the business out of its current location, V-Towns Farms recently applied for a Major Use Permit to relocate the business to 5184 Sonoma Boulevard, the former Food 4 Less building. **We oppose the relocation of this marijuana business.**

(2) According to V-Town Farms, the new marijuana business will occupy a 19,035 square foot portion of the existing 49,871 square foot building that was formerly home to Food 4 Less in Meadows Plaza. Cannabis retail sales will occupy 17,056 square feet of the floor area. Most cannabis dispensaries in Vallejo are approximately 2,500 SF in size. **We oppose a 17,056 SF marijuana super store in our community.**

(3) According to V-Town Farms, the proposed business will include a remaining 30,836 square feet of vacant space that will not be part of the cannabis business nor has any use been identified on the plans. That means that over half of the building will be dark and empty. This is a major public safety concern – considering the serious transient issue in this area. **We oppose a half-utilized business in the heart of the city's homeless camps.**

(4) It is well known that retail dispensaries can be an attractive target for crime, since these businesses will have significant cash and marijuana on site. V-Town Farms wants to open the largest marijuana super store in all of California in the City of Vallejo. Just last year, Vallejo was recognized as the 5th most dangerous city in the state. **We oppose a marijuana super store in Vallejo that will be a magnet for crime, loitering, and robberies.**

It is our collective goal to solicit the help and support of our friends and neighbors in the local community in stopping this marijuana super store from opening in the City of Vallejo. Please take the time to read our *Community Outreach Packet* in full and follow the steps in the section entitled "What You Can Do."

Thank you for your leadership and support.

Friends and Citizens for a Safe and Successful City of Vallejo

CANNABIS HISTORY

The City of Vallejo has a rich and colorful history with its permitted retail cannabis businesses.

Like many cities throughout California, the City of Vallejo initially struggled to regulate the medical cannabis industry of the day. From 2012 to 2015, approximately forty (40) retail dispensaries opened and closed in Vallejo. In October of 2015, the State Legislature passed three bills to regulate medical marijuana. These bills affected both state and local government licensing and permitting of medical marijuana businesses.

In December 2018, the City of Vallejo adopted several cannabis-related amendments to the Vallejo Municipal Code (VMC), which in part required each of the City's eleven (11) existing cannabis business to obtain Minor Use Permits under Title 16 of the VMC and local regulatory permits under VMC Chapter 7.200 by January 1, 2022. The amendments also created a process for which any one of the City's existing cannabis businesses can transfer a local regulatory permit obtained under VMC Chapter 7.200 to a new operator with City approval.

While our group does not oppose the "transfer of the business" from one entity to another, we do strongly oppose the proposed relocation of the new marijuana super store in the former Food 4 Less building. All of the cannabis retail dispensaries currently operating in the City of Vallejo are small and quaint "mom and pop" businesses. On average, the average Vallejo cannabis dispensary operates in a 2,500 square foot commercial building and includes 10-15 employees. These retail businesses have private security and enjoy strong and positive relationships with their neighbors.

According to a recent Staff Report, Mr. Richard Sereghy and Mr. Nicholas Adan currently own HTP Group Inc., an existing retail cannabis business at 4345 Sonoma Boulevard. Mr. Sereghy and Mr. Adan will transfer the local regulatory permit to Mr. Charles Wesley of Kolaboration Vallejo LLC, as part of a transfer agreement. Kolaboration Vallejo LLC, which will operate as "V-Town Farms," will replace HTP Group upon receipt of all City of Vallejo and State of California permit approvals and licenses, as part of a transfer agreement. There will be no increase in the total number of cannabis retail businesses in the City of Vallejo. Mr. Wesley also owns and operates the following cannabis businesses in the region: Rio Vista Farms (Rio Vista, CA) and Coco Farms (Antioch, CA).

Again, our concerns include the following:

1. **V-Town Farms can safely stay at its current location at 4345 Sonoma Boulevard**

2. **A marijuana super store in Vallejo will close all of the "mom and pop" dispensaries**

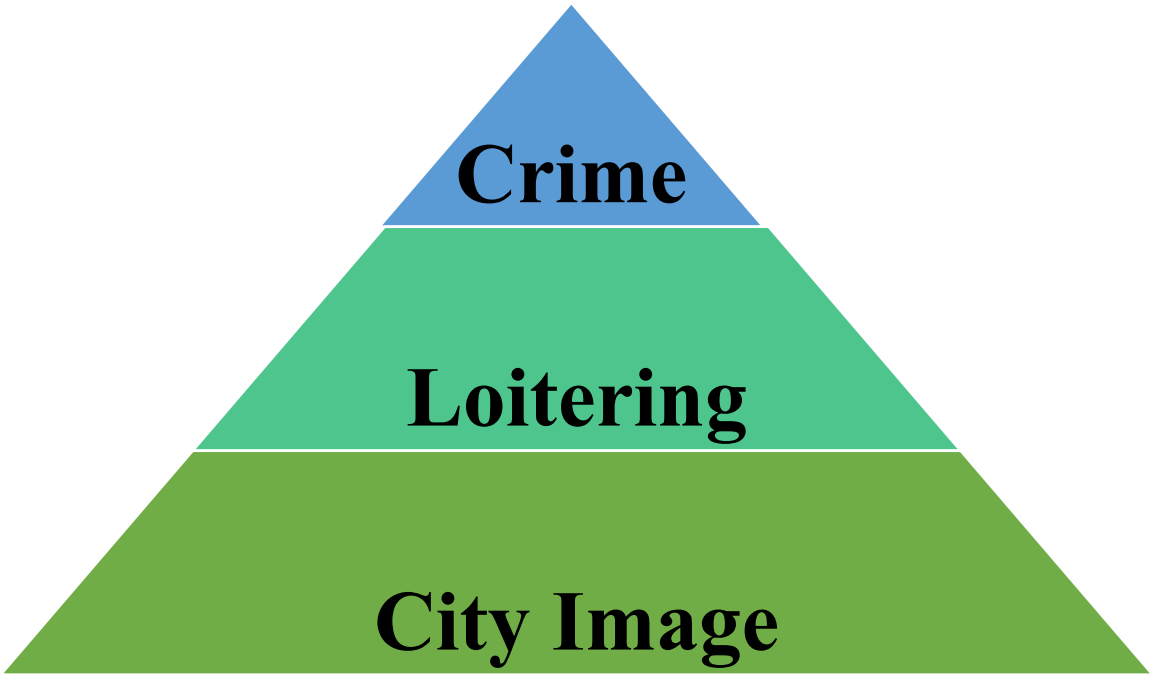
3. **A 17,056 square feet retail dispensary in Vallejo will increase crime in our community**

PROJECT OVERVIEW

On March 15, 2021, the City of Vallejo and its Planning Commission held a public hearing concerning the V-Town Farms project and its proposal. The following information was taken from the Staff Report:

Project Location:	5184 Sonoma Boulevard: Suite 300 (APN: 0067-150-300)
Project Numbers:	Major Use Permit (UP) #20-0008
Required Approvals:	Major Use Permit; General Plan 2040 Consistency
Project Summary:	Establishment of retail cannabis sales for V-Town Farms with cannabis manufacturing and distribution, as accessory uses. The cannabis business will occupy a portion of an existing building space that was formerly home to Food 4 Less and will require tenant improvements. V-Town Farms will replace HTP Group, an existing cannabis business with retail sales at 4345 Sonoma Boulevard: Suite D-4, as part of a transfer agreement.
Environmental Determination:	The project is categorically exempt pursuant to Section 15301 (Class 1: "Existing Facilities") of the California Environmental Quality Act (CEQA) Guidelines. Therefore, no further environmental review is required.
General Plan Designation:	District – North Gateway (D-N/G)
Appeal Hearing:	An Appeal was filed against V-Town Farms after its hearing at the Planning Commission. The Appeal Hearing (APP) #21-0004 is tentatively scheduled for a public hearing before the Vallejo City Council on Tuesday, May 25, 2021, at 7:00 P.M. via Zoom due to the pandemic.

THE DANGERS OF THIS PROJECT



The real and apparent dangers of this project must be stated in the following terms:

Crime

A marijuana super store in the Meadows Plaza in Vallejo will increase crime in that neighborhood. The proposed 17,056 square foot retail dispensary would be the largest marijuana store in California. The large amounts of cash and marijuana on site would invite dangerous crime.

Loitering

By definition, loitering is the act of remaining in a particular public place for an extended period of time without any apparent purpose. A marijuana super store in Vallejo will attract a rough and criminal element that will increase calls and reports to the Vallejo Police Department.

City Image

Most importantly, we believe it is fundamental to ask the following question in light of this project and its influence on the city and our future: **Does the City of Vallejo want to be known as the city with the biggest marijuana super store in California?**

WHAT YOU CAN DO

We are asking our Friends and Fellow Citizens to get involved in this important issue today.

What can you do? It's easy – just follow one of the following steps below:

1. Write a letter to the Vallejo City Council opposing the V-Town Farms Project

Opposition letters can be mailed to:

City of Vallejo
Attn: City Council
Re: V-Towns Farms Appeal
555 Santa Clara Street
Vallejo, CA 94590

2. Write an email to the Vallejo City Council opposing the V-Town Farms Project

Opposition emails can be emailed to:

dawn.abrahamson@cityofvallejo.net
Attn: City Clerk
Re: V-Towns Farms Appeal

3. Attend the Appeal Hearing and speak in opposition of the V-Town Farms Project

The Appeal Hearing (APP) #21-0004 is tentatively scheduled for a public hearing before the Vallejo City Council on Tuesday, May 25, 2021, at 7:00 P.M. via Zoom.

Addendum A

Appeal Application

RECEIVED

MAR 25 2021

CITY OF VALLEJO
PLANNING DIVISION

City of VALLEJO California

www.cityofvallejo.net

Central Permit Center · 555 Santa Clara Street · Vallejo · CA · 94590

Business License	Building	Planning	Public Works/Engineering
707.648.4357	707.648.4374	707.648.4326	707.651.7151

APPEAL APPLICATION

Date Accepted: 03/25/2021
Intake Planner: J. Atkinson

Notice to Appellants:

- Appeals must be filed by close of business on the 10th (tenth) calendar day following the decision being appealed. If the appeal deadline falls on a weekend or holiday, the deadline shall be extended to the next business day.
- The fee specified in the current fee schedule is required to file an appeal.
- Pursuant to Vallejo Municipal Code Sections 15.08.070, 15.080.080, 16.102.020 and/or 16.102.030, appeals must include a written statement of the reason or reasons for the appeal and why the appellant believes he or she is adversely affected by the administrative decision. An appeal may be summarily rejected upon determination that the appellant is not adversely affected by a decision under appeal.

PROJECT INFORMATION	APPELLANT INFORMATION		
Project Name (if applicable): V-Town Farms	Name: California Collective Care		
Address/Location: 5184 Sonoma Blvd., Suite 300	Address: 1639 Lewis Brown Drive		
Project Number(s): Major Use Permit (UP) #20-0008	City: Vallejo	State: CA	Zip: 94589
Date of Decision Being Appealed: March 15, 2021	Phone: [redacted]	Email: [redacted]	

REASONS FOR APPEAL
(attach additional sheets if necessary)

Please see attachment.

Signature of Appellant: [signature] Date: March 25, 2021

FOR PLANNING DIVISION USE ONLY		
APPLICATION NAME/NUMBER: Appeal / APP21-0004	PROJECT TYPE: Appeal	ESTIMATED FEES: $ 1,277-
PLANNER: J. Atkinson		
ASSOCIATED FILES:		

PLANNING APPLICATION

CITY OF VALLEJO, CALIFORNIA
*** CUSTOMER RECEIPT ***
Oper: 1GUERRERO Type: CW Drawer: 1
Date: 3/25/21 44 Receipt no: 148944

Description	Quantity	Amount
99 MISCELLANEOUS PAYMENT	1.00	$523.00
G/L account number: 00115023103009 5184 SONOMA BLVD #300		
P2 PERMIT COORDINATION FEE	1.00	$16.00
G/L account number: 00115023103025 5184 SONOMA BLVD #300		
P3 GENERAL PLAN UPDATE FEE	1.00	$26.00
G/L account number: 00115023103026 5184 SONOMA BLVD #300		
PT PLANNING TECH SURCHARGE	1.00	$21.00
G/L account number: 00115023103031 5184 SONOMA BLVD #300		
99 MISCELLANEOUS PAYMENT	1.00	$617.00
G/L account number: 00115023103008 5184 SONOMA BLVD #300		
P2 PERMIT COORDINATION FEE	1.00	$18.00
G/L account number: 00115023103025 5184 SONOMA BLVD #300		
P3 GENERAL PLAN UPDATE FEE	1.00	$31.00
G/L account number: 00115023103026 5184 SONOMA BLVD #300		
PT PLANNING TECH SURCHARGE	1.00	$25.00
G/L account number: 00115023103031 5184 SONOMA BLVD #300		

Tender detail
CA CASH $1300.00
Total tendered $1300.00
Total payment $1277.00
Change $23.00

Trans date: 3/25/21 Time: 14:52:39

THANK YOU FOR YOUR PAYMENT

	310-30-10 (EI)	EI $
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Minor Use Permit (Pub. Works Eng. Review)	310-36-19 (P8)	$
	310-30-10 (EI)	EI $
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $

		pplication Fee
		1502-
		$
		P2 $
		P3 $
		PT $
		$
		P2 $
		P3 $
		PT $
		$
		P2 $
		P3 $
		PT $
		$
		EI $
		P2 $
		P3 $
		PT $
		$
		2 $
		3 $
		T $
		$
		2 $
		3 $
		T $
		$
		$
		2 $
		3 $
		T $
		$
		$
		$
		$
		$
		$
		$
		$
		$

☐ Parcel Map – less than 5 lots (Pub. Works Eng. Review)	310-36-11 (TM)	$
	310-30-10 (EI)	EI $
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Planned Development ☐ Master Plan ☐ Unit Plan (Pub. Works Eng. Review)	310-30-21 (P5)	$
	310-30-10 (EI)	EI $
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Preliminary Review (fee based on project type)	310-_____	$
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☒ Public Notice ☐ 200' ☑ 500'	310-30-09 (PM)	$ 523
	310-30-25 (P6)	P2 $ 16
	310-30-26 (P3)	P3 $ 26
	310-30-31 (PT)	PT $ 21
☐ Sign Permit	310-36-24 (SN)	$
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Site Development (Pub. Works Eng. Review)	310-30-08 (SD)	$
	310-30-10 (EI)	EI $
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Small Lot Subdivision	310-36-11 (TM)	$
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Specific Plan _____ Specific Plan Amendment	310-36-25 (ZL)	$
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Tentative Map - 5 or more lots (Pub. Works Eng. Review)	310-36-11 (TM)	$
	310-30-10 (EI)	EI $
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Variance	310-36-26 (VA)	$
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Zoning & Code Text Amendment	310-36-25 (ZL)	$
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Zoning Verification Letter	310-36-25 (ZL)	$
	310-30-25 (P6)	P2 $
	310-30-26 (P3)	P3 $
	310-30-31 (PT)	PT $
☐ Fire Site Plan Review	001-2303-310-30-06 (FS)	FS $
☒ Other Appeal PAID	310-30-08	$ 617
	310-30-25 (P6)	P2 $ 18
	310-30-26 (P3)	P3 $ 31
	310-30-31 (PT)	PT $ 25
MAR 25 2021	TOTAL	$ 1,277

COMMERCIAL SERVICES

Ammericann Development LLC
Capital Office 1122 S Street, Suite 101 Sacramento, CA 95811
District Office 1339 Esplanade, Second Floor Chico, CA 95926
530.487.7036 Office 916.333.2938 Direct ammericann.com

March 25, 2021

VIA HAND DELIVERY

City of Vallejo
Central Permit Center
555 Santa Clara Street
Vallejo, CA 94590

Attn: City of Vallejo
Re: Appeal of V-Town Farms; 5184 Sonoma Boulevard, Suite 300; APN: 0067-150-300

Dear City of Vallejo:

I am writing you today to file a formal Appeal, on behalf of my client, against V-Town Farms and its plan to open and operate a "weed super store" at 5184 Sonoma Boulevard, Suite 300. This project was recently approved by the Vallejo Planning Commission on March 15, 2021. The APN is 0067-150-300 and Major Use Permit (UP) #20-0008.

Since 2008, my firm has served as a leading lobbying and consulting firm for the cannabis industry in California. For the past decade, I have worked closely with dozens of municipalities statewide on the issue of cannabis business regulation and taxation. In my profession, I have been recognized as a "cannabis business expert" by the California Legislature and the California Superior Courts.

From 2012 to 2015, I enjoyed the pleasure of working directly with the City of Vallejo and its local leadership to design and implement a "Medical Cannabis Ordinance." This Ordinance was created to protect both the City and its registered retail dispensaries. As the City's websites notes: "On July 28, 2015, the Vallejo City Council adopted an ordinance adding Chapter 7.100 to the Vallejo Municipal Code pertaining to requirements for limited immunity from civil prosecution for medical marijuana dispensaries." I am honored to have been a part of the original and historic effort to allow retail cannabis dispensaries to legally operate in the City of Vallejo.

Today, my firm proudly represents California Collective Care, a permitted cannabis retail dispensary in the City of Vallejo. California Collective Care ("CCC") is recognized as a leading cannabis dispensary business in the City of Vallejo. CCC was one of the original retail cannabis dispensaries in the City of Vallejo and is today recognized as one (1) of eleven (11) "Permitted Operators" in the City of Vallejo. (See Attachment #1)

The Appellant, CCC, operates a clean and safe retail cannabis business, at 1639 Lewis Brown Drive, that strictly adheres to the industry's "best practices." CCC is active in the Vallejo community and is committed to supporting neighborhoods and other local businesses: (1) CCC provides needed funds and resources to local charity groups and nonprofits; (2) CCC runs a responsible business that keeps its business and surrounding businesses in the area clean and safe; and (3) CCC pays taxes to the City of Vallejo and supports the City and its exciting future.

My client, as the Appellant, universally opposes the "V-Town Farms Project" at 5184 Sonoma Boulevard, Suite 300 (APN: 0067-150-300) and is filing this Appeal for the following reasons:

1. The proposed retail cannabis dispensary is too large and will invite crime

According to the Staff Report, the proposed retail sales "will occupy 17,056 square feet of the floor area." Most licensed retail dispensaries in the State of California occupy no more than 2,000-5,000 SF. A "weed super store" in the City of Vallejo will attract unwanted crime.

<u>*REASON FOR APPEAL: The Applicant failed to conduct a "Public Safety Impact Study" regarding the potential adverse effects of a "weed super store" at this location which could harm surrounding businesses and local residents. Additionally, the Vallejo Police Department did not participate in the Planning Commission hearing and has been mute on this issue to date.</u>

2. The proposed location does not reflect the spirit and intent of the City's General Plan

According to the City's General Plan 2040, the proposed dispensary location for V-Town Farms is located in the North Gateway District and does not support cannabis use. "District – North Gateway (D-NG) The D-NG designation applies to the northern portion of the area north of Highway 37 between Sonoma Boulevard and Broadway Street, a highly-visible area that serves as a gateway to Napa Valley from Highway 37 (heading north) and to Vallejo from American Canyon (heading south). It is intended to foster an integrated, pedestrian-oriented place with a mix of uses, such as retail, dining, entertainment, and lodging, that cater to both motorists passing through and surrounding neighborhoods. It also incorporates higher-density residential development that supports nearby services and activates the area. The maximum permitted FAR in the D-NG designation is 2.0, with a minimum residential density of 30 dwelling units per acre up to 50 dwelling units per acre."

<u>*REASON FOR APPEAL: The City's General Plan 2040 does not support "cannabis use" and/or its related businesses at the proposed location at 5184 Sonoma Boulevard, Suite 300. The D-NG zoning designation does not support a 17,000 SF "weed super store." (See Attachment#2)</u>

3. The proposed retail cannabis dispensary is located dangerously close to schools

Most cities in California require a 1,000 SF "buffer" between retail cannabis stores and K-12 schools in the community. While the City's "buffer" requires a 600-foot setback from schools, we are greatly concerned about the proposed new dispensary and its close proximity to Dan Mini Elementary School (approximately 900 ft. buffer) and Griffin Academy Middle and High School (approximately 800 ft. buffer).

*REASON FOR APPEAL: The Applicant failed to notify its neighbors and the greater Vallejo community of their intention to open a "weed super store" at the proposed location. The Applicant did not hold any Community Outreach Event nor did the Applicant conduct any substantial community outreach with its surrounding businesses and local residents, which is a requirement of a Major Use Permit Application in the City of Vallejo.

4. V-Town Farms will harm CCC and will close down other local dispensaries

The City of Vallejo does not need a 17,000 SF "weed super store." Since 2015, the City of Vallejo and its community have effectively managed and engaged the eleven (11) original and permitted retail cannabis dispensaries. V-Town Farms will drive cannabis prices down and local cannabis dispensaries out of business.

*REASON FOR APPEAL: The City of Vallejo and the Planning Commission failed to conduct any meaningful and transparent "Economic Impact Report" highlighting the negative and adverse effects of a 17,000 SF "weed super store" and its economic impact on the City's "Permitted Operators," or the eleven (11) original retail cannabis dispensaries in operation since 2015.

5. The Appellant believes that V-Town Farms is not categorically exempt from CEQA

According to the Staff Report provided to the Planning Commission on March 15, 2021, the Report states: "The proposed project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Class 1 "Existing Facilities") in that it involves the reuse of an existing building space for retail cannabis sales with minor building and site alterations. Therefore, no further environmental review is required."

*REASON FOR APPEAL: In recognition of the City's General Plan 2040 and the new zoning of the North Gateway District (D-NG), the Appellant strongly believes that this project qualifies for Environmental Review and Staff must make findings on the project's environmental impact. Further, considering the massive size and impending nature of the proposed project, the Appellant believes the following items support a CEQA Study: (1) The project will have a significant impact on the environment and (2) Significant effects have not been substantially mitigated. (See Attachment #3)

Pursuant to Vallejo Municipal Code Sections 15.08.070, 15.080.080, 16.102.020 and 16.102.030, my client has herein formally provided the City of Vallejo with a written statement of the reasons for our Appeal and why the Appellant, California Collective Care, believes it is adversely affected by the recent decision of the Vallejo Planning Commission.

Recognizing that there remains serious concerns regarding this project and its untimely proposal, my firm respectfully submits the attached Appeal Application to the City of Vallejo on behalf of our client.

Thank you for your leadership in the City of Vallejo. We look forward to working with you in the future.

Signed,

M. Max Del Real
President & CEO

cc: Vallejo City Manager, City Attorney, Chief of Police, and City Clerk

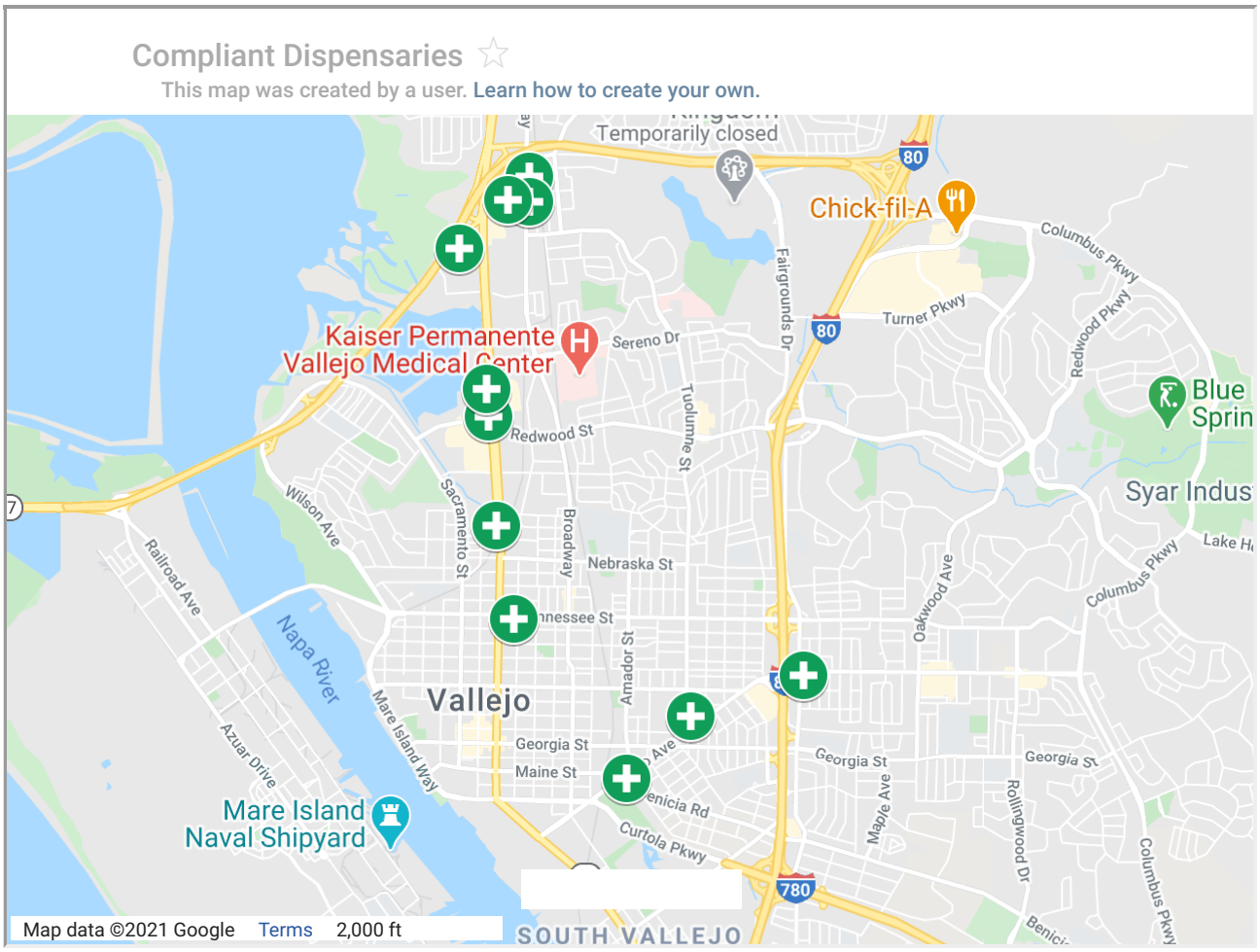
AMMERICANN DEVELOPMENT

Attachment #1

Permitted Operators

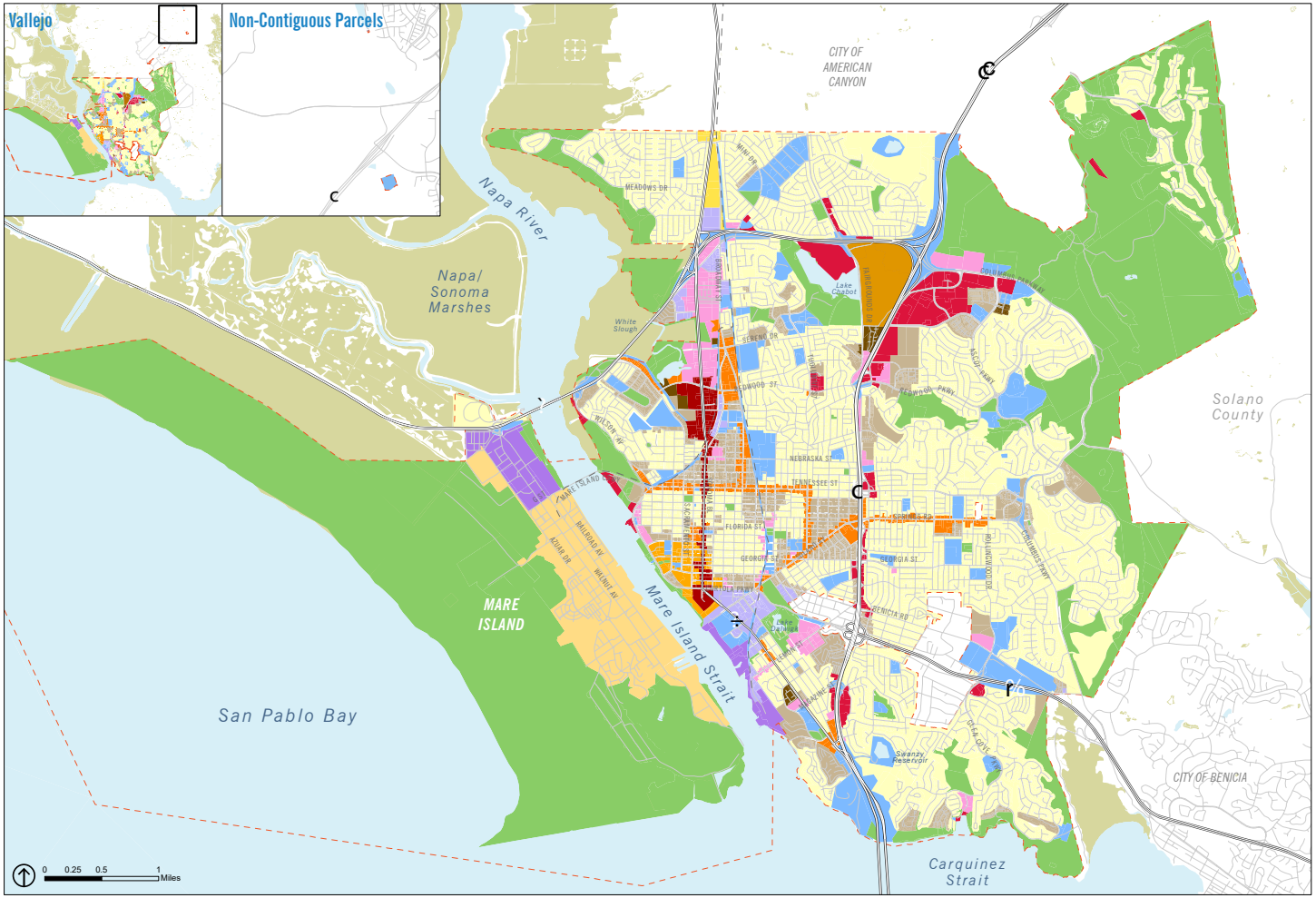
The following eleven retail operators located in Vallejo are currently in compliance with the City of Vallejo's Municipal Code. Additional information detailing requirements is available **here**.

3PG/Monterey County Patient's Group	1988 Broadway Street
Better Health Group	3611 Sonoma Boulevard
California Collective Care	1639 Lewis Brown Drive
Enhanced Energies/Vallejo Relief Center	1804 Capitol Street
H2C Homegrown Holistic Cooperative	3201 Sonoma Boulevard
Highway 29 Healthcare	3737 Sonoma Boulevard
HTP Group, Inc.	4345 Sonoma Boulevard
Life Enhancement Services	1966 Broadway Street
Releaf Alternative Cooperative, Inc.	1 Benicia Road
U.S. Bloom	1201 Springs Road
VHHC/Vallejo Holistic Health Center	539 Tennessee Street



© 2018 City of Vallejo | All Rights Reserved |
Powered by CivicLive | © 2018 West Corporation

Attachment #2



MAP PF-6
Land Use Map

Residential
- Primarily Single Family
- Mix of Housing Types
- Primarily Multi-Family

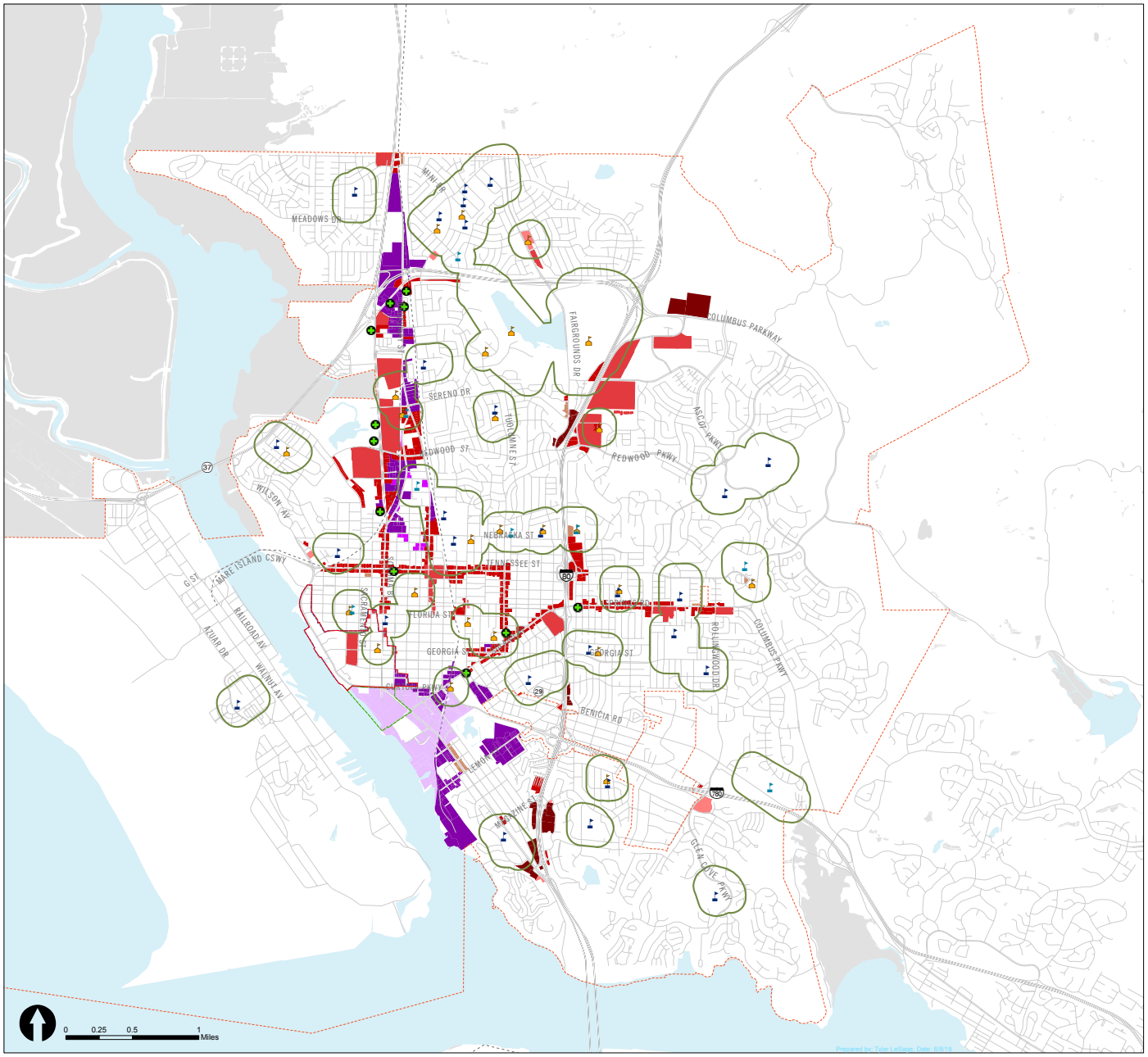
Mixed Use
- District - Downtown/Waterfront
- District - Mare Island
- District - Solano360
- District - North Gateway
- Central Corridor
- Neighborhood Corridor

Business and Industry
- Retail/Entertainment
- Business/Limited Residential
- Business/Light Industrial
- Industrial

Community
- Parks, Recreation and Open Space
- Public Facilities and Institutions

- Wetland
- Railroad
- Vallejo City Limit
- Sphere of Influence (SOI)

8/29/2017



Marijuana Dispensary Code Text Amendment

Zoning Designations in Consideration

Zoning Designations

- Limited Office District
- Neighborhood Shopping and Service District
- Linear Commercial District
- Pedestrian Shopping and Service District
- Freeway Shopping and Service District
- Intensive Use District
- Intensive Use - Limited
- Planned Development Industrial

Specific Plans

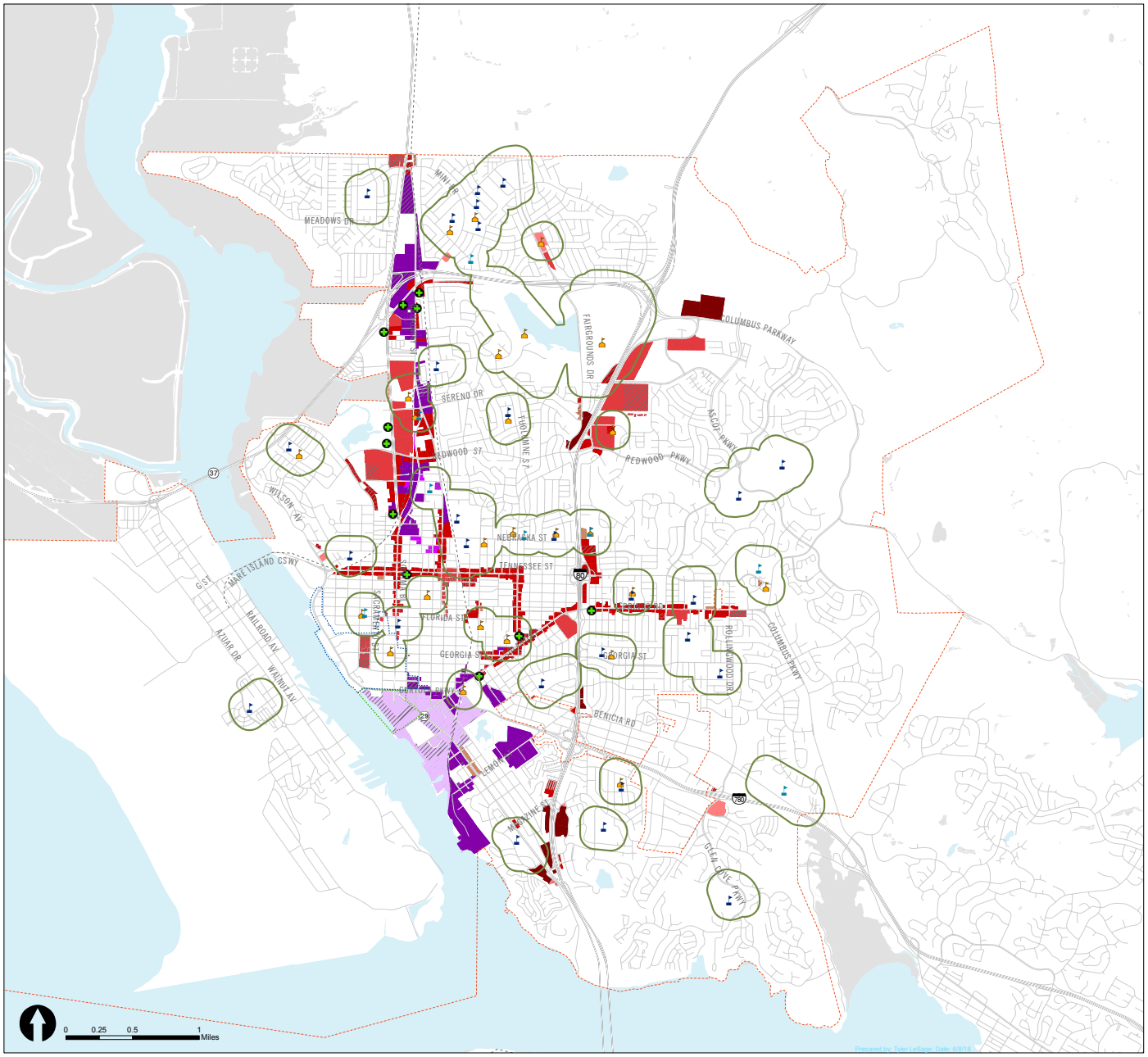
- Downtown/Central Waterfront District
- South Waterfront District

Marijuana Dispensaries

- Dispensary Location

Sensitive Land Use

- Public Schools
- Private Schools
- Child Care/ Youth Center Locations
- 600 ft. Sensitive Land Use Buffer



Marijuana Dispensary Code Text Amendment

General Plan 2040 Consistency

Zoning Designations

- Limited Office District
- Neighborhood Shopping and Service District
- Linear Commercial District
- Pedestrian Shopping and Service District
- Freeway Shopping and Service District
- Intensive Use District
- Intensive Use - Limited
- Planned Development Industrial
- No General Plan 2040 Consistency

Marijuana Dispensaries

- Dispensary Location

Sensitive Land Use

- Public Schools
- Private Schools
- Child Care/ Youth Center Locations
- 600 ft. Sensitive Land Use Buffer

Specific Plans

- Downtown/Central Waterfront District
- South Waterfront District

Total General Plan 2040 Consistency - 2,400.31 Acers
No General Plan 2040 Consistency - 278.21 Acers

Attachment #3

City of VALLEJO California

Central Permit Center · 555 Santa Clara Street · Vallejo · CA · 94590

Business License	Building	Fire Prevention	Planning	Public Works
707.648.4310	707.648.4374	707.648.4565	707.648.4326	707.651.7151

ENVIRONMENTAL REVIEW

What is an Environmental Review?

The City uses the environmental review process to analyze the potential environmental impacts that could result from a project. The California Environmental Quality Act of 1970 (CEQA) governs the standards and procedures for environmental review.

What is the purpose of an Environmental Review?

The purpose of environmental review is to evaluate a project's physical effects on man-made and natural conditions; consider measures for minimizing significant effects; and make findings on the project's environmental impact. The City may not approve a project unless adopted findings indicate one of the following:

1. The project will not have a significant impact on the environment
2. Significant effects have been substantially mitigated.
3. The significant remaining effects are unavoidable or are acceptable because of overriding considerations.

What are the steps in the process?

Environmental review is initiated when you submit an application. Staff will review the application and determine if the project is exempt from CEQA. Specific exemptions are listed in the CEQA guidelines. If your project is not exempt, you must submit the Environmental Information Form on page 3.Staff will review the environmental form and prepare an Initial Study identifying potential significant impacts. At this stage, you can modify your project or incorporate mitigation measures so the project may, if appropriate, qualify for a Negative Declaration.

What are the types of determinations?

Negative Declaration: If the Initial Study reveals that your project will not have a significant effect on the environment, a Negative Declaration will be processed and posted. A minimum 21 day public notice period is required before a Negative Declaration can be certified. If mitigation measures are required to reduce potentially significant impacts to less than significant levels, then the City will prepare a Mitigated Negative Declaration.

There is a filing fee of $_____ for Negative Declaration.

There is a filing fee of $_____ for Mitigated Negative Declaration.

There is an additional fee of $**50** payable to the City of Vallejo for the filing of the Notice of by Solano County.

Environmental Impact Report: An EIR will be required if substantial evidence shows that significant adverse environmental effects may result from your project.

When is an EIR required?

An EIR would be prepared by an independent consultant selected by a committee of the Planning Commission and paid for by the applicant. Next a meeting between the applicant, staff and consultant is scheduled. You may be required to submit additional technical information to assist in preparing the EIR.

What is the timing involved for the EIR process?

A draft EIR is generally prepared in 3 to 6 months, depending on the complexity of the project, followed by a minimum 30 day public review period (45 days for projects requiring review by State agencies). This review will include a Planning Commission public hearing.
Following the review period a Final EIR is prepared consisting of amendments to the draft and written responses to the comments received. Depending on the degree of public response, this process generally takes 30 to 90 days. A certification hearing is then scheduled before the Planning Commission and/or City Council. Action on the project can follow certification if all other City requirements have been satisfied.

Where can I get additional information?

You may contact the Planning Division at (707) 648-4326.

Addendum B

“Man wounded after shooting in parking lot of Antioch cannabis dispensary”
(KTVU, 5/1/2021)

Man wounded after shooting in parking lot of Antioch cannabis dispensary

By Dennis Culver | **Published** 5 days ago | Antioch | Bay City News

ANTIOCH, Calif. - Police in Antioch are investigating a shooting that occurred Thursday and sent a man to the hospital.

Officers with the Antioch Police Department responded Thursday at 8 p.m. to the CoCo Farms cannabis dispensary at 3400 Wilbur Avenue on a report of a shooting that had occurred in the parking lot.

Sponsored Links

Move quickly, it's not too late to lock in a lower rate for potentially the next...

Quicken Loans NMLS#3030

Learn More

When officers arrived, both the victim and the suspect had already fled the scene.

A short time later, a 27-year-old man suffering from multiple gunshot wounds was dropped off at the hospital, police said.

Police said the victim's injuries were not considered life threatening.

Investigators determined the victim had been shot by the occupant of a passing vehicle as the victim was walking through the parking lot.

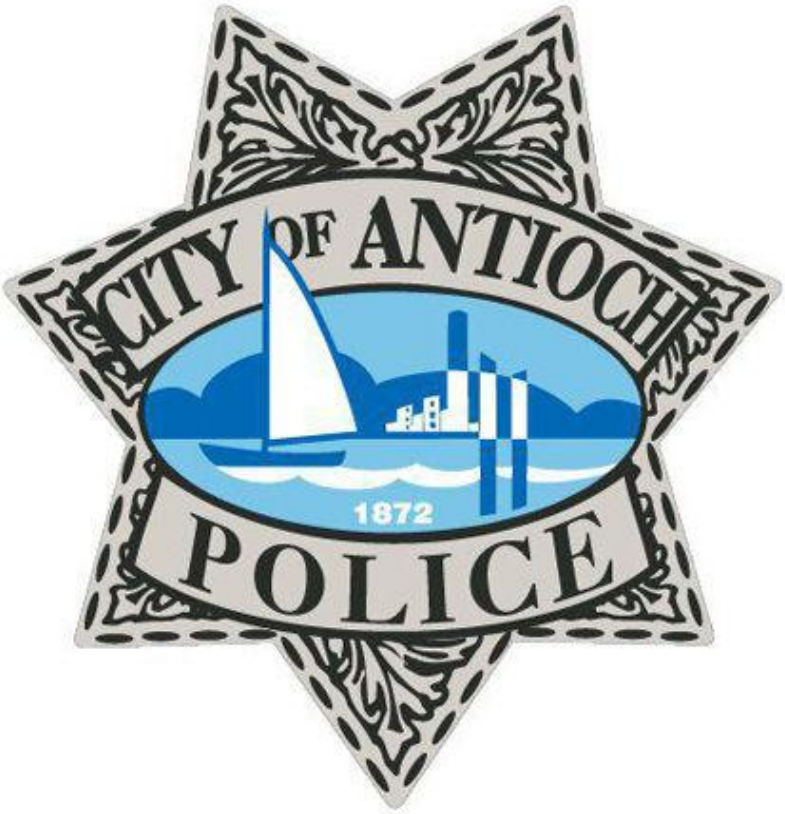
Police have not released any information on the suspect.

A shooting in Antioch just one day prior killed a 52-year-old man.

https://www.thepress.net/news/shooting-injures-one-in-antioch/article_ac109500-aa25-11eb-af33-e3ff0b1fd7d7.html

Shooting injures one in Antioch

Kyle Szymanski
Apr 30, 2021



A 27-year-old male was shot in the parking lot of CoCo Farms marijuana dispensary in Antioch Thursday night, but is expected to survive, Antioch police said in a news release Friday afternoon.

Police responded to the dispensary parking lot, at 3400 Wilbur Ave. at around 8 p.m., on reports of a shooting.

Arriving officers determined that both the victim and suspect(s) had left prior to law enforcement's arrival, but a short time later, the unidentified 27-year-old victim was dropped off at a local hospital suffering from multiple non-life threatening gunshot wounds.

Thank you for your support of
Friends and Citizens for a Safe and Successful City of Vallejo

Kolaboration Vallejo LLC

183 Main Street, Rio Vista CA 94571
480-225-1167

May 12, 2021

TO: City of Vallejo City Council Members

SUBJECT: Appeal Hearing (APP) #21-0004 – Community Outreach Packet

Respectfully,

The Outreach Packet for this Appeal caricatures a truth once spoken by Mark Twain… "A lie will travel half way 'round the world while the truth is putting on its shoes."

- Pertaining to "something awful" and "economic impact"… V-Town Farms is bringing 200 good paying jobs with company-paid health benefits AND $2 Million in annual fees to the City AND turning the blight once known as Meadows Plaza into an Attraction for the City. In addition, I urge you to listen to the recording of the Planning Commission Hearing of March 15th, during which several of the non-profits who have benefitted from our generosity stood in support of our Application.
- Pertaining to "it is a high-crime zone"… Not any more. Once open, we will have at least two armed Security Guards and video surveillance 24 x 7.
- To clarify… The purchase of HTP Group is contingent on our getting the Major Use Permit.
- Pertaining to "half the building will be dark"… As opposed to <u>all</u> of it being dark if we do not open.
- Pertaining to "in the heart of the City's homeless camps"… Not any more.
- Pertaining to "well known that retail dispensaries can be an attractive target for crime"… No basis in fact. We have operated four dispensaries for an aggregate total of 1,700 days with only one crime; an employee stole some cash.
- Pertaining to "a magnet for loitering"… Again, in 1,700 days of operation, loitering has never been a problem. Our customers understand that it is not permitted. They also understand that on-site consumption is also not permitted.

- Pertaining to "will close all of the mom and pop dispensaries"... No basis in fact. Conjecture. For some customers, "mom and pop" is an appeal. Local liquor stores co-exist with Bev Mo. Local gift shops co-exist with Wal Mart. Local restaurants co-exist with McDonalds. Safeways co-exist with Costco. Local Inns co-exist with Marriott. "Mom and Pop" vineyards co-exist with Gallo. BUT HERE IS THE LARGER OPPORTUNITY... We will create a "Draw". The model for this is what occurred in Murphys in Calaveras County. At one time, there were four wineries. Then Ironstone arrived and created an Attraction. Now, there are 30 wineries in Murphys; and Murphys was recently featured in Forbes Magazine. We can accomplish the same Draw in Vallejo. As a first step, we have already imagined with the other dispensaries a Destination Map showing the location of all Vallejo Dispensaries
- Pertaining to "will increase crime in our area"... On the contrary. Our presence will make it a beautified, crime-free zone. When we first occupied Meadows Plaza, it was full of homeless camps, piles of trash and abandoned cars. And worse... All of the vacant Units, including the Food 4 Less Unit were destroyed. The plumbing, the windows, the electrical, the walls, the air conditioning and the fixtures. That's crime.
- Pertaining to "will attract a rough and criminal element that will increase calls and reports to the Vallejo Police Department"... No basis in fact. In the 1,700 days that we have operated dispensaries, there have been three calls to the Police Department... the Antioch incident, described below, a domestic dispute in the Rio Vista parking lot and the employee theft of cash mentioned above.
- Pertaining to "outreach to our neighbors"... The three existing businesses on the site are thrilled that we are opening because it means they will survive and prosper with the increased traffic.
- Pertaining to "City Image"... Recall Meadows Plaza as it existed last Summer. Now imagine an Attraction on the road to Napa serving over 1,500 Customers every day; most of whom will come from neighboring cities. Imagine six vibrant retail establishments on the same property. Imagine community non-profits with new monies to support their missions. Imagine 200 families with a Living Wage and great health benefits. Better yet... review the attached letters from the Mayors of Rio Vista and Antioch. In the end, we can have a **Murphys-like Image with Grand Benefits.**
- Pertaining to the recent Antioch shooting incident... The ensuing Police investigation found: In a city other than Antioch, Person A murdered Person B. Person C, a friend of Person B, followed Person A to CoCo Farms in Antioch and shot him. Both immediately fled the scene. The incident had nothing to do with the CoCo Farms operation. It could have happened anywhere.

- Pertaining to the specific points in the Appeal… I will defer to the Planning Department to defeat them. But I will note that a 600 foot buffer is common across the State. The statement that "most cities require a 1,000 foot buffer" is false. Most cities require a 600 foot buffer.

It's disappointing that an Appellant can hold up Grand Benefits for the City and its Residents for two months for the modest investment of $1,300. No evidence of misconduct or negligence in the process of approving our Application has been provided; in fact, none has even been claimed.

The wide publication of the very misleading Outreach Packet is sure to generate dozens of calls on the 25th. I recommend you post this letter publicly to correct the misinformation contained in the Outreach Packet. Or, here is another approach: Begin Public Comment with 10 minutes for the Appellant followed by 10 minutes for the Applicant (me). I will basically read this letter and the truths contained in it will significantly quiet the "manufactured outrage".

Regards,

Charles M. Wesley

--
Charles M. ("Chuck") Wesley
Managing Member / Chief Financial Officer
[redacted]

Kolaboration Vallejo LLC

CITY OF RIO VISTA

One Main Street, Rio Vista, California 94571
Phone (707) 374-6451 Fax: (707) 374-6763

October 6, 2020

City of Concord
Planning Department

Dear Sir:

I am pleased to have the opportunity to provide support for the Rio Vista Farms Microbusiness Use Permit in the City of Concord.

In 2017, the city of Rio Vista opened its 42-acre business park to cannabis. In November of that year, Rio Vista Farms purchased parcels and quickly became our anchor business for the park. They have been an excellent city partner providing revenue, jobs, and have been very involved in supporting community activities.

Rio Vista Farms became operational in mid-2018. Through July of this year, Rio Vista Farms has generated about $500k in general fund fee revenue for our city. This is an annuity stream that we expect to grow, and which can be used to support city activities. Additionally, their business has created about 92 new jobs. The wages paid to these workers will have a multiplier effect on our city economy.

Our city staff have found Rio Vista Farms principals to be engaged in their business and willing to accommodate concerns of citizens and staff. Their facility is attractive, very secure and includes sophisticated odor control equipment. To date there have not been any safety concerns or issues with drug abuse in the area.

Rio Vista Farms principals are actively engaged in our community. They have leased three different vacant storefronts to accommodate their administrative operations. They are principal financial sponsors for all our major and many minor civic events. They are always willing to meet any charitable request.

In short, I am happy Rio Vista Farms decided to locate in our community. They are what every city wants as a business partner.

Sincerely,

Ronald A. Kott

Ronald A. Kott
Mayor – Rio Vista

Dear Planning Department,

I am pleased to have the opportunity to provide support for the CoCo Farms Microbusiness Use Permit in the City of Concord.

In 2019, the city of Antioch opened its City to cannabis. Anticipating that we invited Rio Vista Farms to participate in the process to open CoCo Farms, Rio Vista Farms purchased a 10 acre parcel with a couple existing structures and quickly became our anchor cannabis business. They are currently one of our community's largest tax payers, and have created to date well over 100 good-paying jobs.

They have been an excellent city partner, providing revenue, offering jobs, and supporting community activities.

CoCo Farms became operational December 24, 2019, and has more than delivered on the promise of being a positive partner for the City.

In their first year, CoCo Farms generated well over $500,000 in general fund fee revenue for our city. Our January 2021 revenue from CoCo Farms was $95,000 which puts them on pace to contribute $1,000,000 for 2021.

This is an annuity stream that we expect to grow, and which can be used to support city activities. Additionally, their business has created about 150 new jobs. The wages paid to these workers will have a multiplier effect on our city economy.

Our city staff have found CoCo Farms principals to be engaged in their business and willing to accommodate concerns of citizens and staff. Their facility is attractive, very secure and includes sophisticated odor control equipment. To date, there have not been any safety concerns or issues with drug abuse in the area.

CoCo Farms principals are actively engaged in our community and have been a great partner to local charities that need critical support. Particularly through 2020, most operations struggle without their support.

In short, I am happy CoCo Farms decided to locate in our community. They are what every city wants as a business partner.

Sincerely,

Lamar A. Thorpe

ANTIOCH
CALIFORNIA

Rick Sereghy, President
HTP Group
4345 Sonoma blvd
Vallejo, CA

May 13, 2021

Mayor and City Council
555 Santa Clara St. #3
Vallejo, CA 94590

Not Very Appealing

A self-styled Community Outreach Packet was recently distributed in support of a pending appeal of the Vallejo planning commission decision allowing the transfer of an existing retail cannabis permit and relocation of the business to the former Food 4 Less building at 5184 Sonoma Boulevard. The screed comes under the title: Help Us Keep Our Community Safe in Vallejo, CA and arrives prefaced with a disclaimer that it “does not make any guarantees, promises, nor contracts with individuals or readers.” This rambling presentation advances a series of unsupported arguments the appellants should be embarrassed to put on paper.

The appeal leans heavily on a thoroughly debunked imaginary linkage with crime and loitering typically advanced by knee-jerk opponents of the industry - not fellow cannabis business owners who know better. There is no statistical evidence to support such a connection, and none is offered in this obvious piece of propaganda. The author saves what he apparently thinks is a big clinching reveal for the very end - that the permitted company had the misfortune to experience a single incident of gun violence in the vicinity of their premises in Antioch. How does that make this

business any different from a Safeway or fast food operation or any other retail business in the current environment?

As the appellants well know, loitering is expressly forbidden on state-licensed cannabis business premises, even by employees, and studies consistently show that neighborhoods generally improve when retail cannabis businesses move in because of the required extensive security presence. That has been the experience in Vallejo as well. The instances of neighborhood crime and vandalism decreased markedly near the Naval Museum, for Instance, when a medical cannabis dispensary moved next door and ramped back up when the City forced the dispensary to move. The is no reason whatever to think that the permitted operation in question would be any different. Their suggestion that a public safety impact study is warranted now is simply baseless.

The appellants argue that “the proposed location does not reflect the spirit and intent of the City’s General Plan.” They offer no cogent argument as to why “The City’s General Plan 2040 does not support “cannabis use” and/or its related businesses at the proposed location” - while noting that the zoning district is intended to foster an integrated, pedestrian-oriented place with a mix of uses, including retail first on the list. The planning commission does not agree with the appellant’s incompatibility assessment, and repeatedly characterizing the project as a “weed super store” does nothing to change that fact.

The appeal posits that “The proposed retail cannabis dispensary is located dangerously close to schools,” and expresses a faux concern for the welfare of students at schools more than 800 feet away. The appellants should be ashamed of themselves for this transparent attempt to play on the unjustified fears of parents who may not know any better. There is no evidence whatsoever to indicate that these businesses pose the slightest

danger to school children at any distance, and local communities and the State began moving away from restrictive 1,000 foot setback requirements years ago as that fact became apparent. School age children have zero interaction with retail cannabis operations, and the watchful security presence only adds to the safety of their neighborhoods.

The environmental objection raised here is a puff of smoke. The appellants offer no reasons or evidence to support their assertion that the impacts from this project will be significantly greater or qualitatively different enough from other existing uses to justify additional environmental review. They point to no particular unmitigated significant impacts, and the attachment cited in support contains only the most general information about the CEQA process.

A consistent theme holds that the project is ‘big’ relative to the existing cannabis businesses, which would make it a “weed super store.” That’s not much of an opposition argument - sounds more like a tax bonanza for the City when they put it like that. In fact the existing permitted cannabis storefronts vary considerably in size, and the recent approval of an 8,000 sq ft facility met with no objections from the appellants. Finding a tenant to occupy and invest in this large derelict property is clearly a huge plus for the City and the local neighborhood. The suggestion that the new owners would let the sizable portion of the property not planned for retail cannabis sit idle to deteriorate and be occupied by transients is just nonsensical.

The real impetus behind this appeal is blatant self-interest on the part of a couple of the established local retailers that don’t want the competition. That fear is encapsulated in one of the stated reasons for the appeal, that

“V-Town Farms will harm CCC and will close down other local dispensaries.” In spinning out this argument the author ignores a large

chunk of historical context and advances some highly questionable economic theory.

In a History section the author attempts to paint the status quo in the context of a happy arrangement mutually arrived at to establish the current eleven “small and quaint mom and pop” scale retail cannabis permits. That account glosses over the fact that the City very badly wanted to limit the number of local permits to just two ‘weed super stores’ early on. Residents had voted overwhelmingly in 2011 to tax medical cannabis dispensaries. It was those voters rising up in support of the existing retailers that forced the Council to expand the list to the current eleven. The author claims to have been instrumental in writing the current set of Vallejo statutes, but strangely the people who were actually deeply involved don’t remember him contributing anything to the process.

This was not a merit-based selection process of the sort that is commonplace when issuing local cannabis retail business permits today, but instead rewarded these eleven sets of entrepreneurs for risk-taking in a highly uncertain legal environment. The author says it’s “awful” that some “out-of-towners” want to open a retail cannabis operation, ignoring that a number of the current permit holders do not live in Vallejo. The notion that the City is now obligated to protect the economic interests of the original permit holders is peculiar, to put it kindly. Things get downright bizarre with the suggestion that the planning commission and the City were somehow required to produce a biased economic impact report highlighting the negative and adverse impacts to existing businesses.

There are a number of reasons to question the assumption that cannabis storefronts of varied sizes can’t possibly co-exist in Vallejo. For starters it assumes a zero sum game, whereas the permit holders plan an extensive advertising campaign to draw new customers in from outside the city.

Destination businesses tap new sources of tax revenue by increasing the pool of customers for local businesses, while the benefits can ripple throughout the local economy.

The argument that “V-Town Farms will drive cannabis prices down” is also a head scratcher. So, consumers need to pay artificially higher prices so that the eleven original permit holders can profit? It’s somehow the City’s

job to make sure they don’t face competition from more efficient vertically integrated businesses?

The best estimates indicate that the current legal market accounts for only around 20% of the total cannabis market in California. Why? Because the combined state and local fees and taxes and the cost of compliance with a blizzard of red tape means that prices are far too high, and the legal market has gentrified further following passage of Proposition 64 as a result.

Macroeconomic theory tells us that if prices drop significantly, more consumers will turn away from the black market and increase the legal customer base. This is not a zero sum game, and it’s not lower prices that will drive competitors out of business, it’s lower profit margins. If businesses are able to offer consumers significantly lower prices by integrating vertically like V-town, that’s a good thing. If competition forces other permit holders to improve efficiencies and find ways to lower prices while maintaining acceptable profit margins, that’s a good thing.

The appellants might instead consider spending their effort and resources lobbying the City to slash local cannabis tax rates, which would benefit both permit holders and consumers alike. Cities like Seaside, CA are taking that step as they authorize additional retail permits. Lower rates and correspondingly lower prices on the shelf would increase the overall volume of sales and potentially increase the total tax revenue to the City.

This sloppy attempt at persuasion consists of a series of pejorative characterizations, unsupported assertions, and speculative economic theory. The scare tactics employed by this ‘out-of-towner’ lobbyist are offensive, and only serve to perpetuate lingering misconceptions the industry has been working hard to debunk for decades. The appellants offer nothing that would support the findings of fact needed to sustain an appeal of the planning commission decision.

Rick Sereghy,

President HTP Group

ACTION ITEM 4.B.

DATE: June 7, 2021
TO: Mayor and Members of the City Council
FROM: Gillian Hayes, Deputy City Manager
Christina Ratcliffe, AICP Interim Planning and Development Services Director

SUBJECT: CONTINUED PUBLIC HEARING AND ADOPTION OF RESOLUTIONS AND INTRODUCTION OF ORDINANCES RELATING TO THE COMPREHENSIVE UPDATE OF THE CITY OF VALLEJO ZONING CODE, RELATED MITIGATED NEGATIVE DECLARATION, AND GENERAL PLAN AND SPECIFIC PLAN AMENDMENTS

RECOMMENDATION

It is recommended that the City Council hold the continued public hearing on the Project and upon conclusion, take the following actions as recommended in the City Council Staff Report dated April 13, 2021:

1. Adopt a resolution to approve the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the New Zoning Code Project.
2. Adopt a resolution to approve amendments to the General Plan 2040 Text and Land Use Map as part of the New Zoning Code Project.
3. Introduce an ordinance to repeal the Northgate Specific Plan/Planned Development Master Plan and Planned Unit Development #575 and #582 as part of the New Zoning Code Project.
4. Introduce an ordinance to amend the Downtown Vallejo Specific Plan/Planned Development Master Plan as part of the New Zoning Code Project.
5. Introduce an ordinance to amend the White Slough Specific Area Plan as part of the New Zoning Code Project.
6. Introduce an ordinance to repeal the Zoning Code, Title 16 of the Vallejo Municipal Code, and repeal the Zoning Map and adopt the New Zoning Code as a reenactment of Title 16 and adopt the New Zoning Map.
7. Allow reading of above stated ordinances identified in Numbers 3 through 6 above by title only, waive reading of the entire ordinances, pursuant to Government Code Section 25131, and set the second hearing for adoption of the ordinances for June 27, 2021.

REASONS FOR RECOMMENDATION

On March 29, 2021, the Planning Commission voted unanimously to forward resolutions and ordinances related to the New Zoning Code Project to City Council for approval and adoption. The New Zoning Code Project is the first comprehensive update of Title 16 of the Vallejo Municipal Code since 1980. The updated document represents a complete redesign and modernization of the Zoning Code making it clear, approachable, flexible and easy to use. The New Zoning Code Project includes both text and map

amendments to Title 16 to reflect the goals, policies, and implementation measures expressed in General Plan 2040 that will guide future development and design throughout the City. It includes, but is not limited to new and revised zoning districts, permitting procedures, permitted and conditionally permitted land uses and development standards in each zoning district, city-wide development standards and land use definitions that regulate city-wide development. The New Zoning Code Project also includes General Plan Amendments, Specific Plan Amendments and a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

On April 13, 2021, the City Council held a public hearing to consider the New Zoning Code Project and voted unanimously to continue the public hearing to a date to be determined to allow additional review time for the Project. The City Council report dated April 13, 2021 cited the Planning Commission's unanimous recommendation on March 29, 2021 to forward resolutions and ordinances related to the New Zoning Code Project to City Council for approval and adoption.

BACKGROUND AND DISCUSSION

The New Zoning Code Project commenced in February 2019 as the final element of the Propel Vallejo initiatives that included the General Plan 2040 and Sonoma Boulevard Specific Plan adopted in August 2017. The Zoning Code update began following City Council's determination that a previous version of the Draft Updated Development Code prepared in 2018 would not be appropriate for Vallejo. This former version was developed according to Form Based Zoning (FBC) regulations that appeared too complicated and prescriptive to respond to long-term shifts that would support economic development in the City. As a result, Staff initiated the New Zoning Code Project that would include conventional zoning as part of a user-friendly and modern Code that incorporates best practices to facilitate the type of development the Vallejo community desires.

The Draft New Zoning Code is the culmination of 16 months of Planning Commission Study Sessions and Community Open Houses, meetings with stakeholders including neighborhood representatives, developers and architects familiar with City procedures, staff from various City departments, and members of City boards, commissions, and City Council that took place from March 2019 to June 2020. The Project also included the development of eight (8) Module and District Standards reports, numerous flyers and press releases, and other public outreach efforts.

The first public review Draft of the New Zoning Code and Zoning Map and supporting Initial Study/Mitigated Negative Declaration were released on January 6, 2021 and January 8, 2021. In compliance with the California Environmental Quality Act (CEQA), the 30-day public review period for the environmental document was from January 8, 2021 to February 8, 2021. The overall project schedule was revised and the deadline to submit written comments was extended to February 26, 2021.

Following the initial release of the Draft Zoning Code in January, an Annotated Draft Zoning Code was developed to identify the major changes from the current Zoning Code. A revised version of the Draft Zoning Code and Zoning Map were provided on March 5, 2021 to incorporate updates and corrections since the January version, and a comparison document was also prepared to show changes between the January and March documents. To capture additional corrections and clarifications to the March 5, 2021 document for

Planning Commission and City Council consideration, an Errata to the Draft Code has also been prepared. Final changes will be made following City Council adoption of the New Zoning Code, and a codified version for the Vallejo Municipal Code will be developed by the Zoning Code consultant.

Although the original schedule anticipated three Planning Commission Study sessions, the project schedule was revised to include two additional Study Sessions held with the Planning Commission from January 20, 2021 to February 24, 2021. During each Study Session, staff provided an overview of the project schedule, highlighted changes and updates based on comments received from the public and issues raised by the Planning Commission.

Planning Commission Public Hearings

On Monday, March 15, 2021, the Planning Commission held the first of two public hearings on the New Zoning Code Project. Staff presented the project elements and reviewed updates to the Draft Zoning Code, General Plan Amendments, Specific Plan Amendments, and potential Phase II projects based on public comments received and additional review of the document.During the public hearing, comments from community representatives were received regarding a number of issues including the need to extend the project schedule to allow additional time for public review and input, the Residential View District, tobacco shops, and adult uses.

The second and continued public hearing for the project took place on Monday, March 29, 2021 at a Special Meeting of the Planning Commission. Staff's presentation focused on additional changes and corrections to the Draft Zoning Code, the environmental review process, Residential View District and Hillside Development Standards, Adult Uses, massage establishments, and legal issues raised by the public regarding the public noticing and environmental review process pursuant to the California Environmental Quality Act (CEQA). Comments conveyed during the public hearing reflected similar concerns expressed during the first public hearing.

The City Council Staff report dated April 13, 2021 (See Attachment 1) provided an overview and key highlights of the New Zoning Code Project for City Council consideration. During the April 13th meeting, Staff presented the Staff report and received comments from the public and Council members regarding a number of Zoning Code related topics.

The Council gave direction to Staff to return with more information on several topics. These are listed below followed by Staff's responses:

1. Prohibition of deed restrictions that restrict allowed uses on private commercial property
   This topic was raised by Council members in connection with the practice of some grocery store chains placing deed restrictions on property that prohibit a competing grocery store from operating on that property for a certain amount of time. Staff does not believe that the City has the authority to prohibit deed restrictions between property owners for this purpose, but will research the matter and bring it back for discussion in Phase II of the project.

2. Inclusionary Housing Provisions & Increase Opportunities for Home Ownership & Consider Rental Protections
   Council members inquired as to the status of inclusionary housing provisions in the Zoning Code. Phase II of the Zoning Code includes preparation of inclusionary housing requirements which would be in addition to the State Density Bonus law. These requirements are key in increasing the supply of affordable housing in the City and have been on the Phase II project list since October of 2020. Staff anticipates that Planning Commission will want to prioritize the discussion on inclusionary housing to commence in the Fall of 2021.
   Members also expressed a desire to increase home ownership and renter protections to ensure renters do not lose their housing. Staff believes that these issues are policy decisions that should be discussed with the community during the Housing Element process in the fall.
3. Potential Geographic Concentration of Adult Uses
   Council members expressed concerns about the potential for geographic concentration of adult uses. Pursuant to federal law, local governments cannot impose regulations that prohibit adult uses outright, prohibit sexually explicit messages, require excessive locational requirements, or allow excessive admi nistrative discretion in the business license or special use permit regulations for these uses. In the current code, adult uses are allowed with a Major Use Permit in the following
   districts: Pedestrian Shopping and Service (CP): Retail
   shopping centers, plazas, etc.; Linear Commercial (CL): Retail, Entertainment-
   corridors such as Solano Avenue, Sonoma Blvd., and Springs Road; Intensive Use (IU): Retail -
   Industrial areas along Broadway, Ryder Street, Solano Avenue; Downtown Vallejo Specific Plan Areas
   2 & 4: Retail, Entertainment (excluding the Georgia Street corridor, Marin Housing, and Civic Center).
   The New Zoning Code would continue to allow
   adult uses with a Major Use Permit in the Central Commercial Corridor (CC): Retail, Business, Motion Picture; Sonoma Boulevard north to Curtola Parkway; and Downtown Mixed Use (DMX): Retail -
   Downtown Specific Plan areas excluding the Georgia St. corridor.
   A Major Use Permit requires findings of compatibility with the surrounding area and is intended to ensure that uses will be located and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. A Major Use Permit requires a public hearing before the Planning Commission, public noticing of properties within a 500-foot radius of the subject site, and a public notice is advertised in the Times Herald newspaper. This process allows for community input to individual uses. In addition, if a business does not comply with the Conditions of Approval, the Use Permit may be called up and revoked
4. Massage use regulations
   Council members expressed concern regarding illegal massage uses. In the New Code, Staff has worked to ensure that legitimate massage uses can operate, while preventing illegal uses from being established. The New Zoning Code includes a requirement that massage practitioners provide proof of certification from the California Massage Therapy Council (CMTC), and business owners obtain a Regulatory Permit that includes a background check by the Vallejo Police Department certifying the neither the applicant or partners (as applicable) of the business have been found guilty or pleaded nolo contendere within the past 7 years of a misdemeanor or a felony classified by the state as a sex or sex-related offense. The Regulatory Permit must be signed by both the applicant and property owner

or lessor of the premises. A Major Use Permit is also required for establishments with more than two or more operators.

As stated above, a Major Use Permit requires a public hearing before the Planning Commission, public noticing of properties within a 500-foot radius of the subject site, and a public notice is advertised in the Times Herald newspaper.This process allows for community input to individual uses. In addition, if a business does not comply with the Conditions of Approval, the Use Permit may be called up and revoked. Illegal massage uses will continue to be handled by the Vallejo Police Department.

5. Concern with outdoor lighting and signage at existing commercial properties

   Council members expressed concerns regarding excessive lighting and overly large signs and wanted to know what avenues were available to address these issues.

   Lighting: The outdoor lighting standards in the New Zoning Code apply to new development and to exterior alterations and additions to existing development that involve replacement of light fixtures or systems. The regulations include a requirement for shielding based on the property location (zoning district) and amount of lighting generated by the fixture. Where shielding is not required, any spot or floodlight shall be aimed no higher than 45 degrees. Enforcement of the new regulations for existing businesses would need to be voluntary. If existing businesses are in violation of existing Zoning Code, it is a Code Compliance issue. We are currently operating with one Code Compliance officer in the Building Division. Response to Code Compliance issues is therefore complaint-driven and health and safety issues are prioritized.

   Signage: Similar to the above, regulations regarding signage would be applicable to new signs and un-permitted signs would be responded to on a complaint-driven basis.

6. Proposed Zoning for property at Magazine/Sonoma (Northwest Corner)

   Council members asked about the Zoning for the property at Magazine and Sonoma. There is an approved housing development currently under appeal at this location that will be coming to the Council on June 15, 2021.

   The current zoning for this parcel is PDC (Planned Development Commercial), which is a zoning designation that is not being continued in the New Zoning Code. The Draft Zoning Map shows this property within the Residential High Density (RHD) zoning district, and has since June of 2020. This zoning is consistent with the Business/Limited Residential General Plan Land Use Designation, which states: *Business/Limited Residential (B/LR). The B/LR designation is intended to facilitate high quality employment-based businesses, including professional office; health care and life sciences; research and development; production, distribution, and repair (PDR); and light industrial, manufacturing, and similar uses conducted primarily inside of buildings. A mix of lot sizes is encouraged to accommodate small businesses as well as larger campus-style uses. Restaurants, retail stores, automotive services, personal and business services, hotels, and recreational facilities that cater to the needs of businesses, employees, and residents of the surrounding area are accommodated in the B/LR designation. Residential-only or mixed-use projects containing a residential component are also accommodated, providing that findings of compatibility can be made. The maximum permitted FAR in the B/LR designation is 2.0, with minimum residential density of 25 dwelling units per acre up to 50 dwelling units per acre. (The New Zoning Code project proposes to modify the density range for B/LR to 16 to 50 dwelling units per acre.)*

7. Proposed zoning for the Sperry Mills property

A Council member asked why re-zoning of the Sperry Mills site was not included in the Zoning Code update. In December of 2019, the Sperry Mills site lesee informed Staff that they planned to submit a Specific Plan application and prepare an associated environmental document for the site in March of 2020. The Zoning Code was in process at that time and in the interest of working with the lesee and Cal Maritime on the Specific Plan for the property that involved a potential multi-unit housing proposal, as well as maintaining the momentum of the Zoning Code Update, Staff opted to have the applicant move forward with the Specific Plan process at their expense. This proposal was never submitted. At present, the lesee has submitted a Temporary Use Permit application that has been deemed incomplete.

Since that time, the applicant has withdrawn the Temporary Use Permit application. Zoning for this property will be addressed during the New Zoning Code Project, Phase II. This will allow time for Staff to engage the public on appropriate zoning districts for the property.

8. Property maintenance regulations; adding additional distance for trash and debris collection for certain uses

   The Mayor asked about increasing the requirements for maintenance around certain options. The New Zoning Code includes property maintenance standards for alcohol, cannabis, mobile food vendors and quick service/fast food restaurants that require the owner or operator to provide for daily removal of trash, litter and debris from the premises and all abutting sidewalks within 100 feet of the premises within 30 minutes following closing. The Mayor asked if the Zoning Code could also require these establishments maintain a maintenance log. The various uses listed sometimes require Use Permits and sometimes do not. After consideration, Staff believes this requirement would not be enforceable and has not included it in the errata at this time.

9. Chain-link fencing prohibition

   This topic was discussed with the Planning Commission on October 7, 2019. The zoning consultant's recommendation included the prohibition of this type of fencing in residential areas. Although the Planning Commission questioned how nonconforming properties with be addressed, and there was no objection to the restriction, Staff recommended that this type of fencing continue to be allowed in the City. The recommendation was based on the large number of properties with chain-link fencing in residential neighborhoods and the challenge of enforcing the prohibition. Staff's recommendation was included in the draft Zoning Code recommended to the Council by the Commission

10. Food Trucks with produce sales and Food Deserts

    Council members expressed concerns regarding the lack of grocery stores in South Vallejo and asked if mobile food vendors have the ability to sell fresh fruits and vegetables from their vehicles. Staff notes that grocery stores are an allowed use on major corridors in Vallejo as well as in the CC and RC districts in the New Zoning Code.

    Food trucks are allowed in the current code with an Administrative Permit ,which could take up to three weeks to processdepending on staff workload. The New Zoning Code streamlines this process to require a Zoning Compliance Review, which is an over-the-counter approval. The Zoning Compliance Review is intended to incentivize these uses by simplifying the application process.

    The New Zoning Code also establishes three new land use classifications related to access to fresh fruits and vegetables, namely Farmer's Markets, Public Markets, and Produce Stores. These uses are permitted or conditionally permitted based on location on private property to support the General Plan

policies to encourage and provide healthy food choices for the Vallejo community.
Although not a part of the Zoning Code Update, Economic Development Staff are considering potential options for encouraging markets to locate in South Vallejo. In addition, Planning Staff is currently investigating potential grant funding for another Farmers' Market that could be located in South Vallejo. Other potential ideas are a Transit Stop Farmers' Markets, encouraging "pop-up" markets on underutilized parcels along major corridors, community farms, and urban farms. These projects would require staff and resources that are currently unavailable; but have the potential to create an impact and momentum for change.

11. Architectural Heritage and Landmarks Commission (AHLC)
The Council wanted to further discuss the AHLC's role. As provided in the April 13, 2021 Staff Report, the AHLC recommended changes to the Draft Zoning Code regarding the initiation and approval of Landmarks and Historic Districts, as well as AHLC purview for reviewing projects within the historic district boundaries. These changes were supported by the Planning Commission and included in the Errata. Staff also included the process for classifying landmarks and districts; however, the AHLC's recommendation to add that their purview of permits includes that any project visible from the street would require AHLC action, including alterations, window changes, etc. These changes have not been included in the Errata but may be added in the New Zoning Code if directed by City Council.

Additional Questions from the Public

Letters from the public were received just prior to and during the previous Council meeting that Staff did not have time to address. Comments included questions on the Residential View District (RVD), adult uses, live/work units, and housing regulations, specifically for the homeless population and Accessory Dwelling Unit (ADU) standards. Some of these topics are discussed above; below is a continued discussion of public concerns.

Residential View District
Property owners within the Residential View District (RVD) have expressed concern regarding the potential conflict between the RVD requirements and the Hillside Development Standards. In response, Staff has included the following new language shown in bold below in the Errata.

Section 16.212, Hillside Development Standards

1. Conflicts. In the event of a conflict between the provisions of this Chapter and other development code regulations, including the provisions of the applicable zoning district, the provisions of this Chapter shall apply. **The exception is when a project is also subject to Chapter 16.213, Residential View District, the more restrictive provision and greatest noticing requirements shall apply.**

The RVD is also being added to the zoning districts table, as requested.

Live/Work Units
A letter was received from a downtown property owner regarding the proposed live/work regulations. Although

the letter did not provide specific concerns, the major changes in the live/work regulations from the current code, particularly in the downtown area are as follows:

1. a minimum unit size 750 square feet has
2. a minimum unit size 750 square feet has been added;
3. a maximum of 33% of a unit can be used for residential use and Downtown Vallejo Specific Plan (DTVSP) allows work component to occupy more than 20% or 400 sff; and (3) additional standards are included regarding noise, hazardous materials, etc. Any live/work unit established prior to the adoption of the New Zoning Code may continue in perpetuity unless it is determined to be nonconforming and becomes abandoned or vacant for 12 or more months. Thereafter, conformance with the New Zoning Code will be required.

Housing
City Council received a letter from the Vallejo Housing Justice Coalition (VHJC) and several representatives voiced concerns during the public comment regarding housing development regulations in the proposed New Zoning Code, including Accessory Dwelling Unit standards.

To address those issues, Staff met with representatives of the organization in April. During the meeting, Staff clarified the intent of the language in the New Zoning Code regarding ADUs, committed to provide more clarity in the ADU regulations, and has since updated the Errata to the Zoning Code document dated 3.5.21 (See Errata, attached)

Additional Topics of Discussion

The New Zoning Code includes changes to the development review process for projects that involve Design Review Board. These changes as well as the updated Errata and project schedule are discussed below.

Design Review Board
The New Zoning Code includes a new Design Review section that provides procedures for Staff and the Design Review Board (DRB) to ensure that new development supports distinctive neighborhoods and districts with a diversity of building types, landscaping and site design in scale and character with the existing areas. The additional process expands the City's current practice of conducting design review and requires forwarding projects to the DRB for recommendations as follows:

Residential Projects:

- 2 - 10 units - Director Decision
- 11 - 49 units - Design Review Board Recommendation to Director for Director Decision
- 50 or More units – Design Review Board recommendation to Planning Commission for Planning Commission Decision

Non-Residential Projects:

- Structures or buildings up to 5,000 sf - Director Decision
- Structures or buildings more than 5,000 sf - Design Review Board Decision

Based on the above, projects that involve 50 or more residential units would require two public hearings, one before the DRB,another hearing before Planning Commission; however, the Planning Commission's decision on the project would be limited to design review and not regarding land use, unless a Use Permit (Major or Minor), is also required. The requirement that all major projects within the DMX (Downtown Mixed Use/Downtown Specific Plan) and WMX (Waterfront Mixed Use/Waterfrontand Vallejo Station Planned Development Master Plan) areas regarding land use and design review would remain within the purview of the DRB.

New Zoning Code Errata

Staff has provided additional updates to the Errata for City Council consideration. These changes address comments received during the City Council public hearing on April 13, 2021 and provide further clarification and corrections to the New Zoning Code.

In early May, Staff received a request from the Solano County Airport Land Use Commission (ALUC) to include a requirement in the New Zoning Code that wind turbines above 100 feet in height be located outside the line-of-sight of the Travis Radar installation. This would ensure the required compatibility of the Zoning Code Update with the Travis Air Force Base Land Use Compatibility Plan. Staff has included this additional in the Errata (See Errata, attached) On May 13, 2021, Staff received confirmation from the ALUC that as proposed, the Draft New Zoning Code is in compliance with the Plan.

Other agency input included a request from the Vallejo Flood and Wastewater District (VFWD) to require that trash enclosures not drain into the sanitary sewer, but comply with the VFWD requirements. (See Errata, attached)

Updated Project Schedule

The New Zoning Code Project schedule has been revised to include the subject public hearing. This additional time allowed for an extended public review period for the Project, including the associated environmental document. Asa result, it is anticipated that the second reading of the ordinances will take place on June 22, 2021 and the New Zoning Code and associated ordinances will be effective on July 22, 2021.

The project schedule also includes an update to the FY20/21 Master Fee Schedule in July 2021. The update is required to provide consistent planning application titles with the proposed titles in the New Zoning Code.

FISCAL IMPACT

The Project as described and recommended by the Planning Commission is not anticipated to have any foreseeable fiscal impact.

ENVIRONMENTAL REVIEW

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the New Zoning Code Project and was circulated for public review and comment in January 2021. The document has since been updated with corrections and minor revisions and was recommended for adoption by the Planning Commission on March 29, 2021, and presented to City Council on April 13, 2021. In light of the continued City Council public hearing for the Project, the deadline to receive written public comments on the IS/MND was extended to May 28, 2021. This included notifying the State Clearinghouse of the extension and providing the Revised IS/MND for review. To date, staff has not received any additional comments on the environmental document.

ATTACHMENTS

1.	City Council Staff Report Dated April 13, 2021
2.	Planning Commission Staff Report Dated March 29, 2021
3.	Resolution to Adopt the Mitigated Negative Declaration
4.	Resolution to Adopt the General Plan 2040 Text and Land Use Map
5.	Ordinance to Repeal the Northgate Specific Plan and PUDs #575 and #582
6.	Ordinance to Amend the Downtown Vallejo Specific Plan
7.	Ordinance to Amend the White Slough Specific Area Plan
8.	Ordinance to Repeal and Replace the Zoning Code and Zoning Map
9.	Exhibit A to Zoning Code/Map Ordinance - General PlanConsistency
10.	Exhibit B to Zoning Code/Map Ordinance - Specific Plan Consistency
11.	Exhibit C to Zoning Code/Map Ordinance - Draft New Zoning Code
12.	Attachment 1 to Exhibit C - Draft New Zoning Code Errata
13.	Exhibit D to Zoning Code/Map Ordinance - Draft New Zoning Map
14.	Public Comment Letters - April 13, 2021 Public Hearing
15.	Updated Public Comments and Staff Responses
16.	Public Comment Letter - June 7, 2021 Public Hearing

CONTACT

Christina Ratcliffe, AICP, Interim Planning & Development Services Director
Christina.Ratcliffe@cityofvallejo.net
Michelle Hightower, Senior Planner
Michelle.Hightower@cityofvallejo.net

NEW ZONING CODE PROJECT

ATTACHMENT 1

City Council Staff Report, April 13, 2021 and Attachments

ACTION ITEM 9.C.

DATE: April 13, 2021

TO: Mayor and Members of the City Council

FROM: Gillian Hayes, Interim Deputy City Manager
Christina Ratcliffe, Interim Planning and Development Services Director

SUBJECT: **PUBLIC HEARING AND ADOPTION OF RESOLUTIONS AND INTRODUCTION OF ORDINANCES RELATING TO THE COMPREHENSIVE UPDATE OF THE CITY OF VALLEJO ZONING CODE, RELATED MITIGATED NEGATIVE DECLARATION, GENERAL PLAN, AND SPECIFIC PLAN AMENDMENTS.**

RECOMMENDATION

1. Adopt a resolution to approve the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the New Zoning Code Project.
2. Adopt a resolution to approve amendments to the General Plan 2040 Text and Land Use Map as part of the New Zoning Code Project.
3. Introduce an ordinance to repeal the Northgate Specific Plan/Planned Development Master Plan and Planned Unit Development #575 and #582 as part of the New Zoning Code Project.
4. Introduce an ordinance to amend the Downtown Vallejo Specific Plan/Planned Development Master Plan as part of the New Zoning Code Project.
5. Introduce an ordinance to amend the White Slough Specific Area Plan as part of the New Zoning Code Project.
6. Introduce an ordinance to repeal the Zoning Code, Title 16 of the Vallejo Municipal Code, and repeal the Zoning Map and adopt the New Zoning Code as a reenactment of Title 16 and adopt the New Zoning Map.
7. Allow reading of above stated ordinances identified in Numbers 4 through 6 above by title only, waive reading of the entire ordinances, pursuant to Government Code Section 25131, and set the second hearing for adoption of the ordinances for April 27, 2021.

REASONS FOR RECOMMENDATION

On March 29, 2021, the Planning Commission voted unanimously to forward resolutions and ordinances related to the New Zoning Code Project to City Council for approval and adoption. The New Zoning Code Project is the first comprehensive update of Title 16 of the Vallejo Municipal Code since 1980. The updated document represents a complete redesign and modernization of the Zoning Code making it clear, approachable, flexible and easy to use. The New Zoning Code Project includes both text and map amendments to Title 16 to reflect the goals, policies, and implementation measures expressed in General Plan 2040 that will guide future development and design throughout the City. It includes, but is not limited to new and revised zoning districts, permitting procedures, permitted and conditionally permitted land uses and development standards in each zoning district, city-wide development standards and land use definitions that

regulate city-wide development. The New Zoning Code Project also includes General Plan Amendments, Specific Plan Amendments and a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

BACKGROUND AND DISCUSSION

The New Zoning Code Project commenced in February 2019 as the final element of the Propel Vallejo initiatives that included the General Plan 2040 and Sonoma Boulevard Specific Plan adopted in August 2017. The New Zoning Project began following City Council's determination that a previous version of the Draft Updated Zoning Code prepared in 2018 would not be appropriate for Vallejo. This former version was developed according to Form Based Zoning (FBZ) regulations that appeared too complicated and prescriptive to respond appropriately to long-term shifts that would support economic development in the City. As a result, Staff initiated the New Zoning Code Project that would include conventional zoning as part of a user-friendly and modern Code that incorporates best practices to facilitate the type of development the Vallejo community desires.

The Draft New Zoning Code is the culmination of 16 months of Planning Commission Study Sessions and Community Open Houses, meetings with stakeholders including neighborhood representatives, developers and architects familiar with City procedures, staff from various City departments, and members of City boards, commissions, and City Council that took place from March 2019 to March 2021. The Project included six open houses and a total of 15 Study Sessions. The Project also included the development of eight (8) Module and District Standards reports, numerous flyers and press releases, and other public outreach efforts.

It is important to note the public outreach and community involvement in the process. There have been six Community Open houses, 15 Study Sessions, a Planning Commission public hearing over two evenings, multiple public notices, flyers and announcements in the Newspaper, social media, the City's website, e-mails to interested parties, HOA's stakeholders, Chambers, mailing lists, property owners in Specific Plan/General Plan areas where amendments were proposed. Total social media reached 30,000 people.

The first public review Draft of the New Zoning Code and Zoning Map and supporting Initial Study/Mitigated Negative Declaration were noticed and posted on the City's website on January 6, 2021 and January 8, 2021. In compliance with the California Environmental Quality Act (CEQA), the 30-day public review period for the environmental document was from January 8, 2021 to February 8, 2021. The overall project schedule was extended and the deadline to submit written comments was extended to February 26, 2021.

Following the initial release of the Draft Zoning Code in January, an Annotated Draft Zoning Code was developed to identify the major changes from the current Zoning Code. A revised version of the Draft Zoning Code and Zoning Map were also provided on March 5, 2021 to incorporate updates and corrections since the January version, and a comparison document was prepared that identified the distinctions between the January and March Draft documents.

To capture additional corrections and clarifications to the March 5, 2021 document for Planning Commission and City Council consideration, an Errata to the Draft Code has also been prepared. Final changes to the

Draft Code will be made following City Council adoption, and a codified version for the Vallejo Municipal Code will be developed.

Public Comments

Staff received a number of public comments, as well as Planning Commission Comments throughout the development of the New Zoning Code. A summary of responses was provided as part of the Planning Commission's packet for the March 29, 2021 public hearing. This includes comments received during the March 2019 Open House, Zoning Code Modules 1 - 3 that took place from March 2019 to October 2019, and specific comments on the Draft Zoning Code document following the January 2021 release. Staff has included in this report the summary responses to over 240 public and Planning Commission comments.

Planning Commission Study Sessions and Public Hearing

To facilitate review of the New Zoning Code Project by the Planning Commission and City Council, and to solicit public input and feedback, the Project schedule anticipated three Planning Commission Study sessions, including one joint session with the City Council. In response to requests from the public and commissioners, the project schedule was extended by eight weeks to include two additional Study Sessions, and the public hearing dates were extended. The Study Sessions took place between January 20, 2021 and February 24, 2021. During each Study Session, staff provided an overview of the project schedule, highlighted changes and updates based on public comments and issues raised by the Planning Commission, and requested Planning Commission direction and recommendations regarding a variety of topics including minimum height for buildings along the corridors, proposed Hillside Development Standards, adult uses, maintenance requirements for cannabis, tobacco, mobile vending establishments and service stations with mini-markets, and late night operations.

On Monday, March 15, 2021, the Planning Commission held the first evening of a continued public hearing on the Project. Staff presented the project elements and reviewed updates to the Draft Zoning Code, General Plan Amendments, Specific Plan Amendments, and potential Phase II projects. During the public hearing, comments from community representatives were received regarding a number of comments including a request to further extend the project schedule to allow additional time for public review and input, questions regarding the Residential View District, and requirements for massage and adult uses.

The second evening of the continued public hearing for the project took place on Monday, March 29, 2021 at a Special Meeting of the Planning Commission. Staff's presentation focused on additional changes and corrections to the Draft Zoning Code, the environmental review process, and responses to concerns regarding the Residential View District, Hillside Development Standards, adult uses, massage establishments, and the public noticing and environmental review process pursuant to the California Environmental Quality Act (CEQA). Comments conveyed during the public hearing reflected similar comments expressed during the first public hearing and a specific request to rezone properties in the vicinity of Sonoma Boulevard and Magazine Street.

At the conclusion of the public hearing and following discussion, the Planning Commission recommended changes to the Project, which are included in the Errata.

1. Remove the proposal to amend the General Plan that would allow residential use in the Retail/Entertainment (RE) Land Use Designation and the proposed Regional Commercial Zoning District (RC), with the exception of properties designated as Business/Limited Residential. The discussion on allowing residential in the RE designation would be deferred until after the New Zoning Code is adopted and included in the Housing Element analysis. This change has been made to the General Plan Amendments per the Planning Commission direction; however, the City Council may choose to include include the amendment.
2. Revise the Draft Zoning Code to include recommendations from the Architectural Heritage and Landmarks Commission (AHLC) regarding approval authority for landmark designations. The AHLC recommends that regulations remain as provided in the current Code, which gives the AHLC review authority for landmark designations as opposed to City Council having that approval authority. (Staff has included this change in the Updated Errata to the Draft Zoning Code.)
3. Revise the public noticing requirements to add emailed notices to applicable commissions and boards, and include more details regarding project size on notices.
4. Defer discussions to rezone properties in the vicinity of Sonoma Boulevard and Magazine Street.
5. Extend the review and clean-up from the New Zoning Code from six months following adoption to one year.

<u>Future Projects</u>

Due to the wide range of topics addressed in a Zoning Code, several additional areas of interest will be discussed by the Commission following Code adoption as Phase II of the Project. These include Developer Incentives, Inclusionary Zoning, revised development standards for condos/townhomes, Short-Term Rentals and Design Guidelines. During Phase II, Staff will also amend the active Specific Plans to reference the New Zoning Code including the Hiddenbrooke, Mare Island, Solano360 and Sonoma Boulevard Specific Plans, update other Chapters in the Vallejo Municipal Code that reference Title 16 and ordinances associated with inactive Planned Development Master Plans and/or Unit Plans. During the March 29, 2021 Planning Commission meeting, the commissioners also directed Staff to add the potential for residential use in the Retail/Entertainment Land Use General Plan designation, and to discuss amending the General Plan designation for properties along Sonoma Boulevard near Magazine Street.

The table below is a comparison of the New Code and the changes suggested by the Architectural Heritage and Landmarks Commission (AHLC). The Planning Commission is recommending incorporating the AHLC recommendations into the New Zoning Code. These recommendations are included in the errata and include not only keeping the existing language, but adding the following:

1. Allow any Vallejo resident to initiate a district or landmark.
2. Any structure proposed for demolition that is “reasonably likely to be found a contributing resource” per federal, state or local criteria would come to AHLC for action.

3. Any project visible from the street would require AHLC action, including alterations, window changes, etc.
4. Adding the following statement to the purposes of the new chapter: “Create Historic Design Guidelines to balance between housing needs with preservation needs. These Guidelines shall address (1) Designated or Contributing Historic Resources; (2) Non-Contributing Existing Structures; and (3) New Construction."

Topic	Current Code	Draft New Code	AHLC Recommendations
Districts and Landmarks – Decision Authority	Action is by AHLC with appeal to City Council.	Action is by City Council with recommendation from AHLC.	Retain current procedure.
Districts and Landmarks – Initiation	New districts and landmarks may be initiated (formally proposed for designation) by AHLC, City Council, Planning Commission, Vallejo Architectural Heritage Foundation (VAHF), neighborhood associations, historic preservation organizations, owners of properties to be designated, or at least 25 unrelated residents of the City.	New districts and landmarks may be initiated by AHLC, City Council, or owners of properties to be designated. In addition, districts may be initiated by 50 percent of the property owners within the proposed district.	Retain current procedure with the following change:(1) allow any Vallejo resident to initiate a district or landmark.
Demolitions – Decision Authority	AHLC acts on all demolitions except that staff acts on accessory structures that are not on the Historic Resources Inventory (HRI).	Same as current code except staff may act on main structures that are not on the HRI and are positively identified as a non-contributing element to the district or landmark.	Same as new code, with clarification thatany structure proposed for demolition that is “reasonably likely to be found a contributing resource” per federal, state or local criteria would come to AHLC for action.
Accessory Structures,	AHLC acts on all accessory structures,	AHLC acts on accessory structures	Same as new code, exceptany project

Additions, Exterior Alterations – Decision Authority	additions of 100 sq. ft. or more, and alterations staff finds to be inconsistent with guidelines; staff acts on all others.	and additions over 500 sq. ft. and alterations involving character defining features; staff acts on all others.	visible from the street would require AHLC action, including alterations, window changes, etc.

In addition, the AHLC recommended adding the following statement to the purposes of the new chapter:

> "Create Historic Design Guidelines to balance between housing needs with preservation needs. These Guidelines shall address (1) Designated or Contributing Historic Resources; (2) Non-Contributing Existing Structures; and (3) New Construction"

To ensure the New Zoning Code is responsive and achieves the desired outcome, Staff had proposed to review and update the regulations within six months of adoption and conduct updates of the Zoning Code every two to three years to reflect current mandates and best practices in planning and development. Another outcome of the Planning Commission discussion on March 29, 2021 was direction to extend the review from six to 12 months.

As mandated by the State, Vallejo is updating the 2015 Housing Element for the 2023-2031 planning period. As a cost saving measure, the City has partnered with Solano County and the cities of Benicia, Dixon, Rio Visa and Suisun in updating the 2015 Housing Elements for the 2023-2031 planning period. This effort is being managed by the Solano Transportation Authority (STA) and the selected consultant is expected to develop clear, concise and legally defensible Housing Elements that meet the varied needs of each community during the next several months. The development of Vallejo's Housing Element will require input and feedback from the Vallejo community. A robust public outreach plan is anticipated. Amendments to the General Plan and Zoning Code may be required as a result of the Housing Element update, and the potential for residential development in the Retail/Entertainment Land Use Designation will be part of the analysis.

FISCAL IMPACT

The Project as described and recommended by the Planning Commission is not anticipated to have any foreseeable fiscal impact.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (Section 21000, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary "projects." A "project," under CEQA, is defined as "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." The New Zoning Code Project is considered a "project" under CEQA.

In compliance with CEQA, an Initial Study/Mitigated Negative Declaration (IS/MND) for the New Zoning Code

Project was prepared and circulated for public review on January 8, 2021 and posted at the State Clearinghouse on January 11, 2021. The IS/MND is tiered from the Environmental Impact Report (EIR) prepared for the General Plan 2040/Sonoma Boulevard Specific Plan, certified by the City Council in August 2017. Pursuant to Section 15152 of the CEQA Guidelines, an EIR or MND may tier from the environmental analysis of an earlier EIR or MND. Adoption of the Mitigated Negative Declaration satisfies Section 15074 (Consideration and Adoption of a Negative Declaration or Mitigated Negative Declaration) of the California Environmental Quality Act (CEQA).

Based on the IS/MND, future land uses allowed pursuant to the New Zoning Code will be subject to permitting and project specific use, development conditions as governed by the New Zoning Code. Additionally, future land uses would be subject to review on a project-by-project basis to determine compliance with CEQA. If necessary, project-level CEQA review will be required to determine project-specific impacts. The General Plan 2040/Sonoma Boulevard EIR and Mitigation Monitoring and Reporting Program (MMRP) are incorporated in the IS/MND by reference. A separate MMRP has been prepared for the project.

The IS/MND determined the following regarding the New Zoning Code Project:

1. The project will not result in any development that would adversely affect any aesthetic resources, agriculture and forestry resources, energy resources, greenhouse gas emissions, hazards or hazardous materials standards, hydrology and water quality, City of Vallejo General Plan Policies and the Zoning Code, mineral resources, population and housing, public services, recreation, Tribal Cultural Resources, or utilities and wildfires.
2. The project will not result in any development that would adversely affect any air quality, biological resources, cultural resources (including tribal cultural resources), geology and soils, noise, and transportation with implementation of mitigation measures included in the Initial Study and Mitigated Negative Declaration.

Staff received one non-substantive letter during the public review period from Caltrans. A final IS/MND was prepared for consideration that incorporated the above letter and a response, as well as corrections to the project description such as refinements to the General Plan Land Use Map Amendments and removing the deletion of the Residential View District as one of the General Plan Text Amendments. The Mitigation Monitoring and Reporting Program was also included as an attachment.

ATTACHMENTS

1.	Planning Commission Staff Report Dated March 29, 2021
2.	Resolution to Adopt Initial Study
3.	Exhibit A to Initial Study Resolution
4.	Resolution to Adopt General Plan Amendments
5.	Exhibit A to General Plan Amendment Resolution
6.	Exhibit B-1 and B-2 to General Plan Amendment Resolution

7.	Ordinance Repealing the Northgate Specific Plan
8.	Exhibit A to Ordinance Repealing the Northgate Specific Plan
9.	Ordinance Adopting Downtown Vallejo Specific Plan Amendment
10.	Ordinance Adopting White Slough Specific Area Plan Amendment
11.	Ordinance Adopting Repeal of Zoning Code and Map and Adopting New Zoning Code and Map
12.	Exhibit A to Zoning Code Ordinance - GP Findings
13.	Exhibit B to Zoning Code Ordinance - SP Findings
14.	Exhibit C to Zoning Code Ordinance - Draft Code & Errata
15.	Exhibit D to Zoning Code Ordinance - Draft Map
16.	Summary of Public and PC Comments and Responses
17.	AHLC Memo to City Council

CONTACT

Christina Ratcliffe, Interim Planning & Development Services Director (707) 648-4326
christina.ratcliffe@cityofvallejo.net
Michelle Hightower, Senior Planner (707) 648-4326
michelle.hightower@cityofvallejo.net

ATTACHMENT 1 - PLANNING COMMISSION STAFF REPORT

AND ATTACHMENTS DATED MARCH 29, 2021

https://www.cityofvallejo.net/common/pages/DisplayFile.aspx?itemId=17586019

Includes Planning Commission Memo dated March 29, 2021 and Attachments, and Planning Commission Report dated March 15, 2021 and Attachments.

Approved as to form:

By: _____
Veronica A.F. Nebb
City Attorney

CITY OF VALLEJO CITY COUNCIL

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE NEW ZONING CODE PROJECT

* *

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for the General Plan 2040 and Sonoma Boulevard Specific Plan, and adopted the General Plan 2040; and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, the City has completed a comprehensive update of Title 16, Zoning Code of the Vallejo Municipal Code to implement General Plan 2040; and

WHEREAS, the Project includes the following: (1) repealing the current Title 16, Zoning Code of the Vallejo Municipal Code in its entirety and adopting a new Title 16, Zoning Code; (2) repealing the current Zoning Map in its entirety and adopting a new Zoning Map; (3) amending the General Plan Text and Land Use Map; (4) repealing the Northgate Specific Plan/Master Plan and PUDs #575 and #582; (5) amending the Downtown Vallejo Specific Plan/Master Plan; and (6) amending the White Slough Specific Area Plan/Master Plan; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. (CEQA) and California Code of Regulations, Title 14, Chapter 3, (CEQA Guidelines) Section 15000 et seq. and specifically Guidelines Sections 15070-15074, an Initial Study/Mitigated Negative Declaration ("IS/MND") has been prepared for the Project (State Clearinghouse #2021010077) and was made available to the public for review on January 8, 2021 and posted at the State Clearinghouse on January 11, 2021. Said IS/MND is tiered from the Environmental Impact Report (EIR) prepared for the General Plan 2040 and Sonoma Boulevard Specific Plan, certified by the City Council in August 2017; and

WHEREAS, the IS/MND was prepared in compliance with the requirements of CEQA and the City of Vallejo Environmental Review Guidelines and included an analysis to determine if the Project would result in significant physical impacts to the environment; and

WHEREAS, the IS/MND did not identify any significant environmental impacts arising from the Project, or the operation of the Project that could not be mitigated to a less than significant level; and

WHEREAS, a Notice of Completion of the Initial Study and Mitigated Negative Declaration and Notice of Intent to Adopt a Negative Declaration were sent to the State Clearinghouse on January 8, 2021 and posted by the Clearinghouse on January 11, 2021 announcing a 30-day public review period for the IS/MND, beginning January 11, 2021 and ending on February 9, 2021; and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing announcing the 30-day public review period for the IS/MND, beginning January 8, 2021 and ending on February 9, 2021 and noticing the public hearing for February 17, 2021, was sent on January 7, 2021 to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice and was published in the Times Herald, a newspaper of local circulation on January 12, 2021; and

WHEREAS, on February 17, 2021, the Planning Commission held a public meeting and study session on the Project voted unanimously to continue the public hearing and adoption of the ISMND to March 15, 2021; and

WHEREAS, a revised Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing on March 15, 2021, allowing an extended public review period for the IS/MND to February 26, 2021 was sent on February 17, 2021 and on February 22, 2021 to all persons entitled to notice and was published in the Times Herald, a newspaper of local circulation on February 21, 2021; and

WHEREAS, the Planning Commission held a public hearing on March 15, 2021 that was continued to March 29, 2021 and considered all oral and written comments on the IS/MND, the Project, and associated actions; and

WHEREAS, on March 29, 2021, the Planning Commission voted unanimously to adopt Resolution No. 21-03, renumbered as Resolution No. 21-08 making findings and recommending the approval of the IS/MND and Mitigation Monitoring and Reporting Program to City Council; and

WHEREAS, notices of the public hearing of the City Council on the Project, including the IS/MND were sent March 31, 2021 to all persons entitled to notice and was published in the Times Herald, a newspaper of local circulation on April 3, 2021; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing and considered all oral and written comments on the IS/MND, the Project, and associated actions including the Mitigation Monitoring and Reporting Program; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby find as follows:

SECTION 1. Recitals.

The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2. Record.

The Record of Proceedings ("Record") upon which the City Council bases its action includes, but is not limited to: (1) the Initial Study and the appendices and technical reports cited in and/or relied upon in preparing the IS/MND; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the IS/MND and the Project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR, and the Vallejo Municipal Code; (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the IS/MND and the Project; (6) all documentary and oral evidence received at public workshops, meetings, and hearings, for the Project; and (7) all other matters of common knowledge to the City decision maker including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

The location and custodian of the records is the Planning and Development Services Department, 555 Santa Clara Street, Vallejo, California, 94590.

SECTION 3. Initial Study/Mitigated Negative Declaration – Findings.

Based on the information in the IS/MND for the Project, the Record as a whole, and all other matters deemed material and relevant considered by the City Council prior to adopting this resolution, the City Council hereby finds the following:

a. The IS/MND, dated March 8, 2021 with minor corrections as dated March 27, 2021 and April 8, 2021 has been completed in compliance with the California Environmental Quality Act (California Public Resources Code Section 21000 – 21178) and the City of Vallejo Environmental Review Guidelines; and

b. The minor corrections to the IS/MND dated March 27, 2021 and April 8, 2021 include typographical error corrections and corrections relating to revisions to the Project to not repeal the residential view ordinance and the General Plan corresponding designations. As such, the noted corrections are non-substantive and do not constitute substantial revisions to the Mitigated Negative Declaration in accordance with CEQA Guidelines Section 15073.5 in that such changes do not identify a new avoidable significant effect or new mitigation measures and were prepared in response to written or verbal comments during the review period. Such changes merely clarified and made insignificant modifications to the Mitigated Negative Declaration.

c. All significant environmental effects of the Project have been reduced to a less-than-significant level in that all significant environmental effects have been eliminated or substantially lessened as set forth in the IS/MND. Based upon the foregoing, the City Council finds, determines that the Project and its associated actions will not have a significant effect upon the environment. The City Council further finds that pursuant

to Section 15152 of the CEQA Guidelines the IS/MND is a tiered document based upon the environmental analysis of the General Plan EIR.

d. (1) The project will not result in any development that would adversely affect any aesthetic resources, agriculture and forestry resources, air quality, greenhouse gas emissions, hazards or hazardous materials standards, City of Vallejo General Plan Policies and the Zoning Code, mineral resources, population, housing, public services, or utilities. Future land uses allowed pursuant to the New Zoning Code will be subject to permitting and project specific use, development conditions as governed by the New Zoning Code. Additionally, future land uses would be subject to review on a project-by-project basis to determine compliance with CEQA. If necessary, project-level CEQA review will be required to determine project-specific impacts.

(2) The project will not result in any development that would adversely affect any biological resources, hydrology or water quality standards, cultural resources (including tribal cultural resources), geological hazards, noise, and traffic and circulation with implementation of mitigation measures included in the Initial Study and Mitigated Negative Declaration incorporated by reference. Future land uses allowed pursuant to the New Zoning Code will be subject to permitting and project specific use, development conditions as governed by the New Zoning Code. Additionally, future land uses would be subject to review on a project-by-project basis to determine compliance with CEQA. If necessary, project-level CEQA review will be required to determine project-specific impacts.

e. The IS/MND was presented to the City Council at a hearing before the public, the City Council reviewed and considered the information contained in the Mitigated Negative Declaration/Initial Study prior to making a decisions on the Project; and

f. The Mitigated Negative Declaration reflects the City's independent judgement and analysis as Lead Agency.

SECTION 4. Adoption of the Mitigated Negative Declaration.

BE IT FURTHER RESOLVED that based on the information in the IS/MND for the Project, the Record as a whole, and all other matters deemed material and relevant considered by the City Council prior to adopting this resolution, the City Council hereby adopts the Mitigated Negative Declaration for the Project, dated March 8, 2021 and updated on March 27, 2021 and April 8, 2021, on file in the City Clerk's Office.

SECTION 5. Adoption of Mitigation, Monitoring, and Reporting Program.

BE IT FURTHER RESOLVED that based on the information in the IS/MND for the Project, the Record as a whole, and all other matters deemed material and relevant considered by the City Council prior to adopting this resolution, the City Council hereby adopts the mitigation measures set forth in the IS/MND and its accompanying Mitigation, Monitoring, and Reporting Program ("MMRP) as Attachment A to the Mitigated Negative Declaration dated March 8, 2021 and updated on March 27, 2021 and April 8, 2021, on file in the City

Clerk's Office, pursuant to Public Resources Code Section 21081.6, which is a program design to ensure compliance with the mitigation measures imposed to avoid or substantially lessen the significant effects identified in the Mitigated Negative Declaration/Initial Study and said mitigation measures are described in the MMRP included therein and incorporated herein by reference.

Adopted by the City Council of the City of Vallejo at a regular meeting held on April 13, 2021 with the following vote:

AYES:

ABSENT:

ABSTAIN:

NOES:

_____

ROBERT H. MCCONNELL, MAYOR

ATTEST:

_____

DAWN ABRAHAMSON, CITY CLERK

EXHIBIT A TO ATTACHMENT 2

Initial Study/Mitigated Negative Declaration

Document Has Been Revised

hhttps://www.cityofvallejo.net/common/pages/

DisplayFile.aspx?itemId=17337490

Approved as to form:

By: _____
Veronica A.F. Nebb
City Attorney

CITY OF VALLEJO CITY COUNCIL

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL ADOPTING AMENDMENTS TO THE GENERAL PLAN TEXT AND LAND USE MAP AS PART OF THE NEW ZONING CODE PROJECT

****

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for General Plan 2040 and adopted the General Plan 2040, and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, on February 26, 2019, the City Council adopted a Resolution of Intention to amend the General Plan regarding residential densities in four General Plan commercial and mixed use land use designations to: (1) allow the City to respond to the current economic cycle and market demand for multi-family attached housing such as townhouses and low-rise multi-family housing; (2) provide flexibility for higher density mid-rise housing, with allowed maximum residential density unchanged when market conditions warrant; and (3) retain higher-density housing along the City's mixed-use corridors in support of General Plan 2040 and Housing Element policies; and

WHEREAS, in February 2019, the City initiated a comprehensive update of Title 16 (Zoning Code) of the Vallejo Municipal Code, to implement the General Plan 2040; and

WHEREAS, Staff determined that addressing residential densities in the four General Plan commercial and mixed use land use designations should be considered with the adoption of the new Zoning Code in order to provide clarity relating to potential future residential projects; and

WHEREAS, based on the analysis conducted for the new Zoning Code, Staff proposed in addition to adopting the comprehensive new Zoning Code, to amend the General Plan to: (1) address the residential densities in the four commercial and mixed use land use designations; (2) address residential use in additional areas to achieve the housing goals; and (3) amend the General Plan 2040 Land Use Map to correct errors and re-designate parcels to more closely align with their existing land use characteristics and future development potential (collectively, the General Plan Amendments); and

WHEREAS, the proposed General Plan Amendments, together with the Specific Plan Amendments, the repeal of the existing Zoning Code and Zoning Map, and the adoption of the new Zoning Code and Zoning Map constitute the Project; and

WHEREAS, on March 29, 2021, pursuant to Vallejo Municipal Code (VMC) Chapter 17.040.010 (C), the Planning Commission adopted Resolution of Intention No. PC 21-04A renumbered as PC 21-09A to amend the General Plan 2040 Text and Land Use Map as part of the Project; and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing announcing the 30-day public review period for the IS/MND, beginning January 8, 2021 and ending on February 9, 2021 and noticing the public hearing for February 17, 2021, was sent on January 7, 2021 to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice and was published in the Times Herald, a newspaper of local circulation on January 12, 2021; and

WHEREAS, on February 17, 2021, the Planning Commission held a public meeting and study session on the Project voted unanimously to continue the public hearing and adoption of the ISMND to March 15, 2021; and

WHEREAS, a revised Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing on March 15, 2021, allowing an extended public review period for the IS/MND to February 26, 2021 was sent on February 17, 2021 and on February 22, 2021 to all persons entitled to notice and was published in the Times Herald, a newspaper of local circulation on February 21, 2021; and

WHEREAS, the Planning Commission held a public hearing on March 15, 2021 that was continued to March 29, 2021 and considered all oral and written comments on the IS/MND, the Project, and associated actions; and

WHEREAS, on March 29, 2021, the Planning Commission voted unanimously to adopt Resolution No. 21-03, renumbered as Resolution No. 21-08 making findings and recommending the approval of the IS/MND and Mitigation Monitoring and Reporting Program to City Council; and

WHEREAS, on March 29, 2021, the Planning Commission adopted Resolution No. PC 21-04 renumbered as 21-09 to amend the General Plan 2040 Text and Land Use Map as part of the Project; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the Planning Commission; and

WHEREAS, notices of the public hearing of the City Council on the Project, including the IS/MND were sent on March 31, 2021 to all persons entitled to notice and a notice was published in the Times Herald, a newspaper of local circulation on April 3, 2021; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing and considered all oral and written comments on the IS/MND, the Project, and associated actions including the Mitigation Monitoring and Reporting Program; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were

given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, on April 13, 2021, the City Council adopted Resolution No.____ to approve and adopt the IS/MND for the Project.

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby finds and resolves as follows:

SECTION 1. Recitals.

The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2. Record.

The Record of Proceedings ("Record") upon which the City Council bases its decision includes, but is not limited to: (1) the Initial Study/Mitigated Negative Declaration (IS/MND) and the appendices and technical reports cited in and/or relied upon in preparing the IS/MND; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the IS/MND and the Project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR, and the Vallejo Municipal Code; (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the IS/MND and the Project; (6) all documentary and oral evidence received at public workshops, meetings, and hearings for the Project; and (7) all other matters of common knowledge to the City decision maker including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

SECTION 3. Findings.

The City Council hereby makes the following findings:

1. General Plan 2040 and the amendments set forth herein constitute a comprehensive, long-term document capable of guiding the future development of the City.

2. General Plan 2040 and the amendments set forth herein meet all the requirements for such plans as contained in the Planning and Zoning Law (Government Code, sections 65300-65303.4) and other laws, and was prepared in accordance with the requirements of Government Code Sections 65350 through 65362.

3. General Plan 2040, together with the previously adopted 2015 Housing Element, including the amendments set forth herein, contain all of the seven elements required by Section 65302 of the Government Code; land use, circulation, housing, conservation, open space, noise and safety elements. Additionally, the General Plan 2040 includes elements for community health, arts and culture, historic resources, and economic development element.

4. Consistent with California Government Code §66300, the actions specifically defined in Exhibit A and B to this Resolution, do not result in an overall reduction of housing

opportunities or intensity so that there would be a net loss in residential development capacity in Vallejo. These actions clarify the allowance of residential use in areas not originally envisioned for housing and may also facilitate the production of affordable housing. The facts supporting these findings are provided below.

A. General Plan Text Amendments

1. The General Plan text amendments to reduce the lower density range for the District North Gateway, Business/Limited Residential, Central Corridor, and Neighborhood Corridor Land Use Designations do not change the maximum residential density allowed; therefore, there is no net loss in residential development capacity.

2. The General Plan text amendment to allow live/work in the Light Industrial Land Use Designation allows residential use as an accessory to commercial or industrial use. This designation did not include residential use, and live/work is not considered as a residential use type; therefore, no net loss would result from this change and such change represents a clarification of the general plan.

B. General Plan Land Use Map Amendments

Area 1: Waterfront PDMP
The General Plan Land Use Map for six parcels in this area is adjusted for consistency with the Waterfront and Vallejo Station Planned Development Master Plan boundaries. Accordingly, this change has no effect on residential development capacity.

Areas 2 and 3: Broadway South
The General Plan Land Use Map for a total of 29 parcels in this area is corrected to reflect the existing land use pattern that includes a mix of uses including multi-family residential and neighborhood services. This change increases the residential capacity in this area to 30 units per acre, an increase from nine units per acre for properties designated as Primarily Single-family, and an increase from 25 units per acre for properties designated as Mix of Housing Types/Medium Residential Density. This provides an overall increase in residential development capacity by 37 units.

Area 4: Sutter Tennessee
The General Plan Land Use Map for four parcels in this area is corrected to reflect the existing land use pattern that includes residential use rather than commercial. While the residential capacity is reduced by two units, the increase in Area 2 and Area 8 offsets this and results in no net loss.

Area 5: I-80/Georgia Street
This area contains 14 parcels owned by the City of Vallejo and the California State Department of Transportation along the Interstate 80 freeway. The General Plan Land Use Map is corrected to re-designate the parcels from private to public use. Accordingly, a residential land use designation is not appropriate.

Area 6: Amador/Solano

The General Plan land use designation of Neighborhood Corridor for this one parcel is corrected to reflect the existing and surrounding land use pattern of Mix of Housing Types. The residential development density would be decreased from 16 to 30 units per acre to a maximum of 25 units per acre, a reduction of two units. However, given the increase in density capacity in Area 2, no net loss would result from this change.

Area 7: Vallejo Mobile Home Park
The General Plan Land Use Map for one parcel owned by Vallejo Mobile Home Park and two additional privately owned parcels is to correct and re-designate the properties from a Business/Limited Residential land use designation to Mix of Housing Types/Medium Density, which is consistent with other mobile home park land use designations in the City. These parcels were designated as Business/Limited Residential in error, as the current zoning for the properties is Medium Density Residential, which was also considered in the certified 2015 Housing Element.

Area 8: This area is a major corridor in the City and the proposed land use change is to increase the opportunity for redevelopment of the affected parcels with multi-family and neighborhood serving uses. This amendment increases the residential density capacity by 165 units offsetting the reductions mentioned above.

C. Internal Consistency

The proposed amendments identified in Exhibits A and B are internally consistent with the General Plan, as revised as set forth in the Record.

SECTION 4. Adoption.

BE IT FURTHER RESOLVED that the City Council approves the amendments to the General Plan 2040 text and Land Use Map, as provided by Exhibits A and B attached hereto and incorporated herein by reference.

Adopted by the City Council of the City of Vallejo at a regular meeting held on April 13, 2021 with the following vote:

AYES:
ABSENT:
ABSTAIN:
NOES:

_____
ROBERT H. MCCONNELL, MAYOR

ATTEST:

_____
DAWN ABRAHAMSON, CITY CLERK

NEW ZONING CODE UPDATED GENERAL PLAN TEXT AMENDMENTS
UPDATED April 8, 2021
Underlined/Bold: New Text, Strike-out - Deleted Text

TOPIC		REASON FOR CHANGE	PAGE NO.	PROPOSED AMENDMENT
1.	~~**Retail/Entertainment Land Use Designation** Add multi-family residential as a permitted use and density range.~~ ***The Planning Commission recommended that this text change be deferred until Phase II and considered during the Housing Element update. This also removes residential use from the proposed Regional Commercial (RC) zoning district.**	~~The inclusion of residential activity in this land use category supports General Plan Policy NBE-2.8 to target vacant and underutilized sites with compatible development, and Housing Element Programs A2.1.1 and H4.1.1 that encourage the expansion of opportunities for residential and mixed-use development as well as a variety of housing types.~~	~~2-21~~	~~The RE designation provides for general retail, services, and entertainment for local residents as well as consumers and visitors from the wider region. Permitted land uses include shopping centers, auto sales, amusement parks, hotels, restaurants, service stations, marine-related operations, offices, general retail~~~~**, mixed-use with housing, medium and high-density housing,**~~ ~~personal and business services, and similar commercial uses. The maximum permitted FAR in the RE designation is 1.5~~~~**. with a residential density of 18 to 50 dwelling units per acre**~~~~.~~
2.	**Business/Limited Industrial Land Use Designation** Add live/work as a permitted use.	The addition of live/work uses supports the General Plan and Housing Element goal to achieve a jobs/housing balance throughout the City by allowing housing within walking distance of employment centers.	2-21	The B/LI designation is intended to facilitate light industrial activities, including light manufacturing, warehousing and logistics; assembly; automotive service and maintenance, including auto body and painting operations; research and development; and production, distribution and repair (PDR) uses. Some light industrial and similar uses may include exterior storage areas. Professional office **and live/work** uses can also be accommodated in this designation. Secondary and accessory uses such as banks, cafes, printers, and office supply stores to serve the needs of employees and businesses are also

				encouraged. The maximum permitted FAR in the BLI designation is 2.5.
3.	**District – North Gateway (D-NG)** Revise the density range.	The proposed change in the minimum residential density will: • Allow the City to respond to the current economic cycle and market demand for multi-family attached housing, such as townhouses and low-rise multi-family housing; • Provide flexibility for higher density mid-rise housing, with allowed maximum residential density unchanged, when market conditions warrant; and • Retain higher-density housing along the City's mixed-use corridors in support of General Plan 2040 and Housing Element policies.	2-20	**District – North Gateway (D-NG).** The maximum permitted FAR in the D-NG designation is 2.0, with a minimum residential density of ~~30~~ **16** dwelling units per acre up to 50 dwelling units per acre.
4.	**Central Corridor (CC)** Revise the density range.	Same as above.	2-20	**Central Corridor (CC)** The residential density permitted is between ~~18~~ **16** and 50 dwelling units per acre.
5.	**Neighborhood Corridor (NC)** Revise the density range.	Same as above.	2-20	**Neighborhood Corridor (NC)** The maximum permitted FAR in the NC designation is 2.0, with minimum residential density of ~~**18**~~ 16 dwelling units per acre up to 30 dwelling units per acre.
6.	**Business/Limited Residential (B/LR)** Revise the density range.	Same as above.	2-21	**Business/Limited Residential (B/LR)** The maximum permitted FAR in the B/LR designation is 2.0, with minimum residential density of ~~25~~ **16** dwelling units per acre up to 50 dwelling units per acre.

NEW ZONING CODE UPDATED GENERAL PLAN MAP AMENDMENTS

March 29, 2021

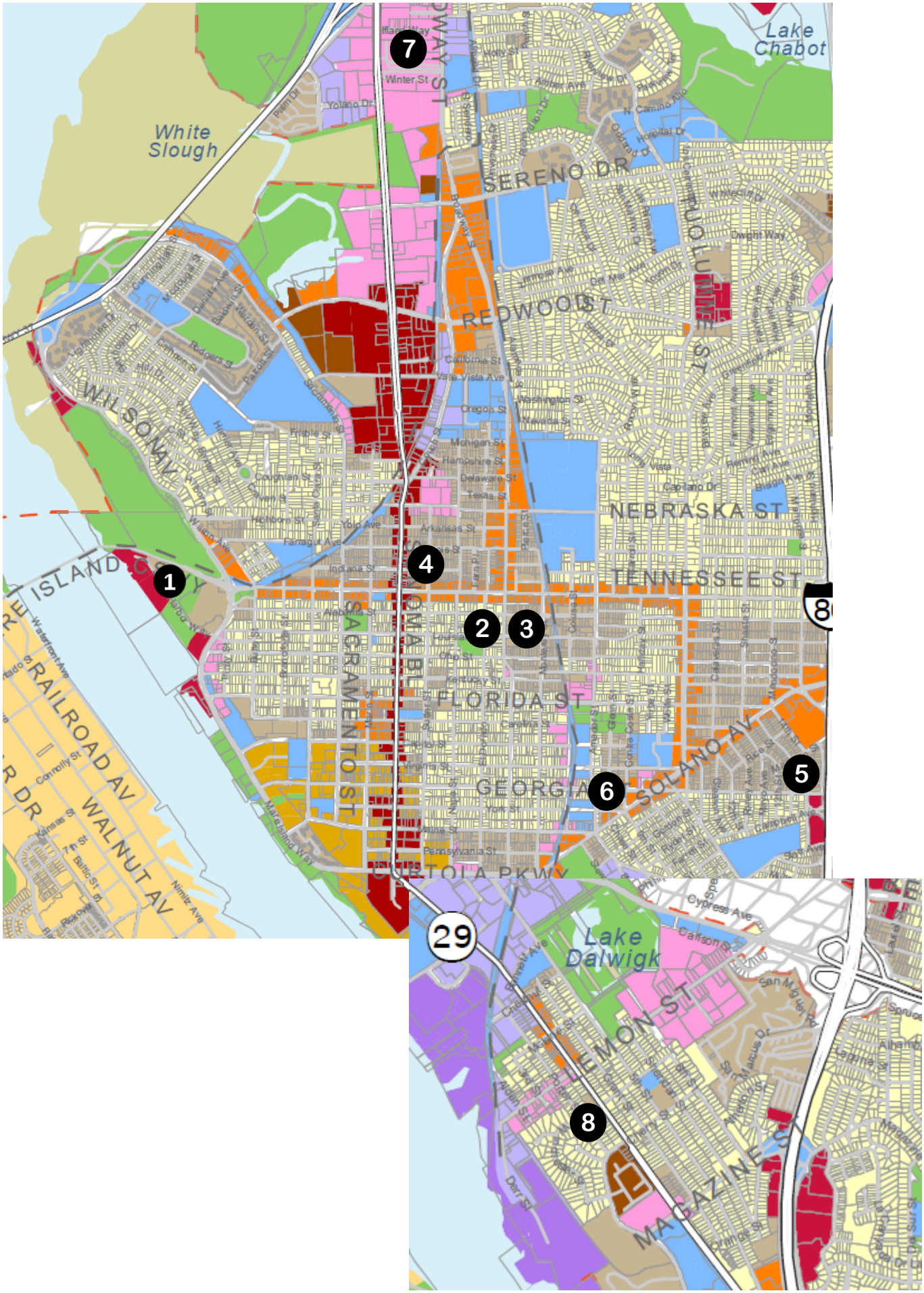
Underlined/Bold: New Text, Strike-out - Deleted Text

	AREA INDENTIFIER	APPROXIMATE LOCATION	GENERAL PLAN 2040 DESIGNATION	PROPOSED GENERAL PLAN DESIGNATION	PROPOSED ZONING DISTRICT	NUMBER OF PARCELS AFFECTED	DENSITY[a] CHANGES ACRES PER UNIT EXISTING / NEW	POLICY (P) OR CORRECTION (C)
1.	Waterfront PDMP	Mare Island Way, Tennessee Street, Sonoma Blvd., Curtola Parkway	Mix of Housing Types, Retail/ Entertainment	District – Downtown/ Waterfront, Retail/Entertainment	WMX-Waterfront Mixed-Use	~~12 (12.03 acres)~~ **6 (26.6 acres)**	N/A	C
2.	Broadway South	Broadway, Tennessee Street, Florida Street	Primarily Single Family	Neighborhood Corridor	NMX-Neighborhood Mixed-Use	11 (1.36 acres)	9/25 (Increase)	C
3.	Broadway South	Broadway, Tennessee Street, Florida Street	Mix of Housing Types	Neighborhood Corridor	NMX-Neighborhood Mixed-Use	~~18 (3.31 acres)~~ **8 (3.31 acres)**	25/16 to 50 (Increase)	C
4.	Sutter/ Tennessee	Sutter Street, Reo Alley	Neighborhood Corridor	Mix of Housing Types/Medium Density	RMD-Residential Medium Density	4 (0.31 acres)	16 to 50/25 (Reduction)	C
5.	I-80 Georgia West	Curry Street, Madigan, Georgia Street, I-80	Mix of Housing Types	Public Facilities	RMD-Residential Medium Density	13 (0.97 acres)	16 to 50/25 (Reduction)	C
6.	Amador/ Solano	Amador Street, Solano Avenue, York Street	Neighborhood Corridor	Mix of Housing Types/Medium Density	RMD-Residential Medium Density	1 (0.37 acres)	16 to 50/25 (Reduction)	C
7.	Vallejo Mobile Home Park	Sonoma, Sharon Street, Broadway, Ifland Way	Business/ Limited Residential	Mix of Housing Types/Medium Density	RMD-Residential Medium Density	3 (14.36 acres)	16 to 50/25 (Reduction)	C
8.	Sonoma South	Sonoma, Lemon Street, Magazine Street	Primarily Single Family	Neighborhood Corridor	NMX-Neighborhood Mixed-Use	43 (7.87 acres)	9/16 to 50 (Increase)	P

Note:

a. Density change includes proposed revision in density range.

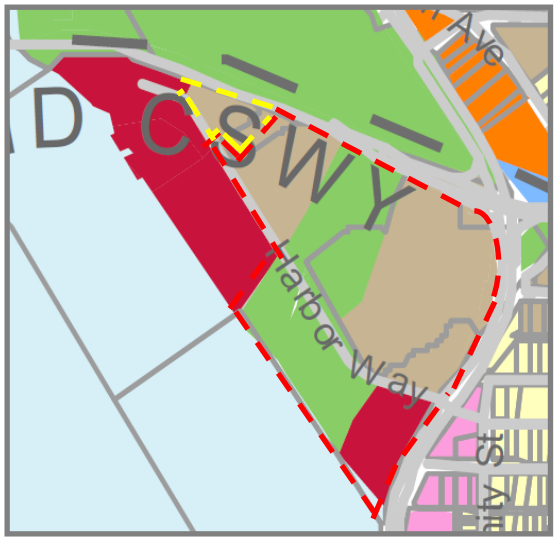
NEW ZONING CODE
UPDATED GENERAL PLAN MAP AMENDMENT LOCATIONS



1 **WATERFRONT PDMP**

Existing: Mix of Housing Types/Medium Density; Parks, Recreation & Open Space; and Retail/Entertainment

Proposed: District - Downtown/Waterfront and Retail/Entertainment -

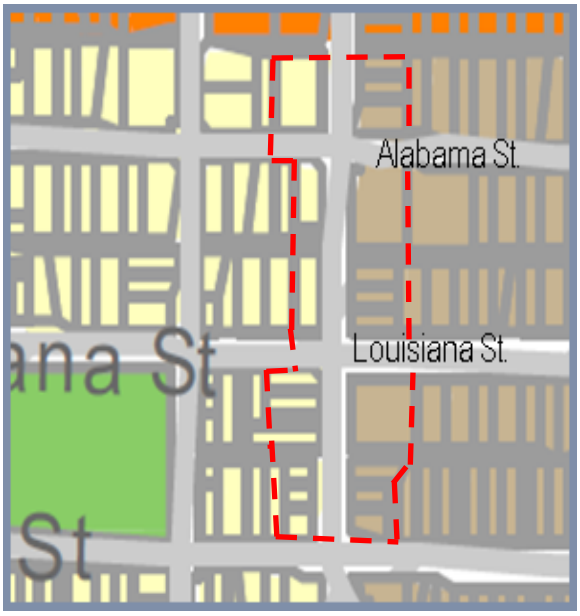


2 **BROADWAY SOUTH**

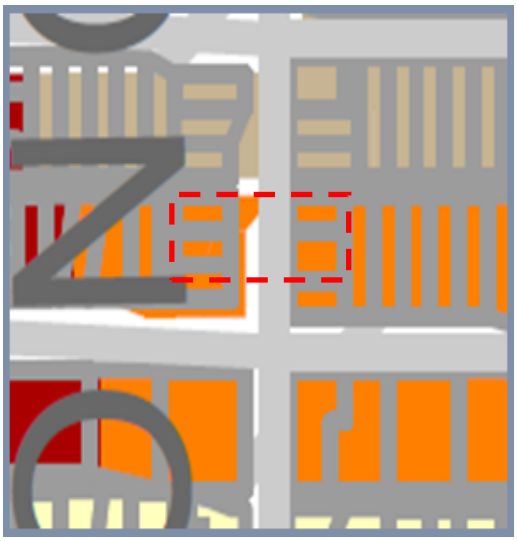
3

Existing: Primarily Single-Family and Mix of Housing Types/Medium Density

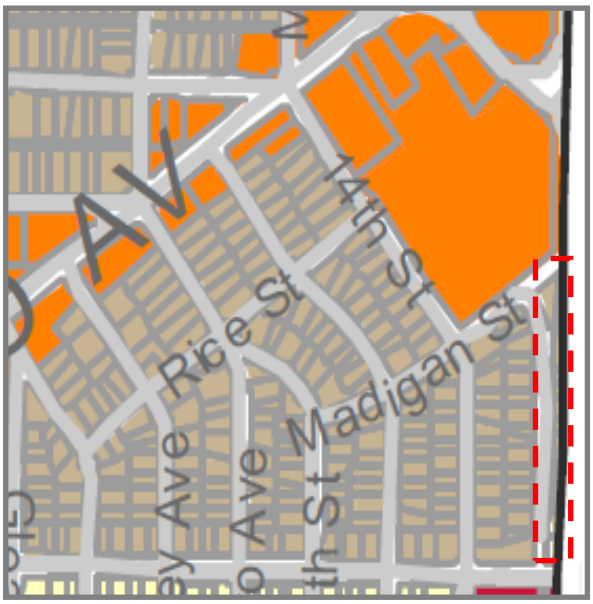
Proposed: Neighborhood Corridor



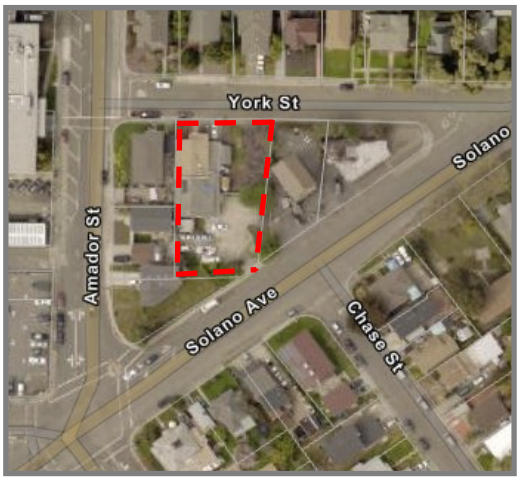
4 **SUTTER/TENNESSEE**
Existing: Neighborhood Corridor
Proposed: Mix of Housing Types/Medium Density



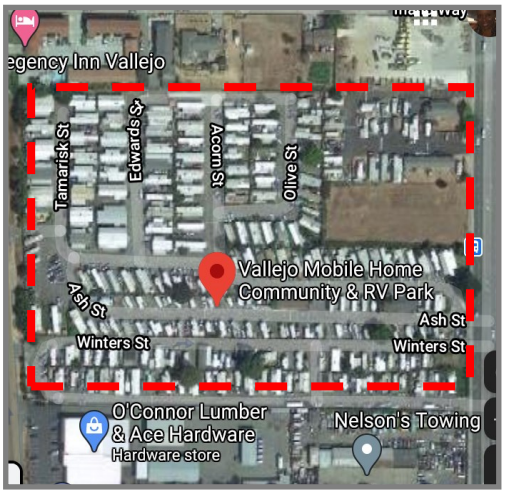
5 I-80 GEORGIA WEST
Existing:
Mix of Housing Types/Medium Density
Proposed:
Public Facilities

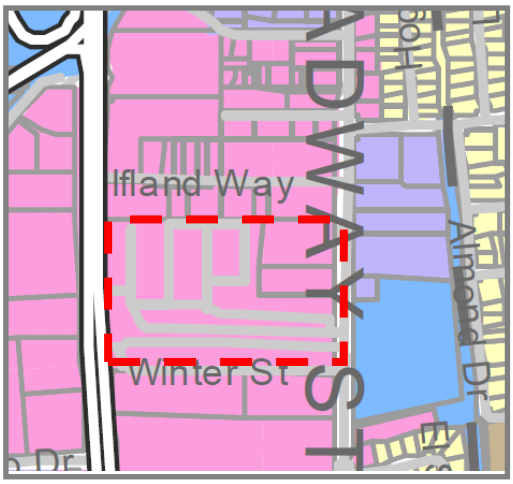


6 AMADOR/SOLANO
Existing: Neighborhood Corridor
Proposed: Mix of Housing Types/Medium Density



7 VALLEJO MOBILE HOME PARK
Existing: Business/Limited Residential
Proposed: Mixed of Housing Types/Medium Density





8 SONOMA SOUTH

Existing: Primarily Single-Family
Proposed: Neighborhood Corridor

Approved as to form:

By: _____
Veronica A.F. Nebb
City Attorney

ORDINANCE NO. _____N.C. (2d)

**AN ORDINANCE OF THE CITY OF VALLEJO
REPEALING NORTHGATE SPECIFIC PLAN/MASTER PLAN
AND PLANNED UNIT DEVELOPMENT 575 AND 582
AS PART OF THE NEW ZONING CODE PROJECT**

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for General Plan 2040 and adopted the General Plan 2040, and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, based on the analysis conducted for the new Zoning Code, Staff proposed in addition to adopting the comprehensive new Zoning Code, to amend the General Plan to: (1) address the residential densities in the four commercial and mixed use land use designations; (2) address residential use in additional areas to achieve the housing goals; and (3) amend the General Plan 2040 Land Use Map to correct errors and re-designate parcels to more closely align with their existing land use characteristics and future development potential (collectively, the General Plan Amendments); and

WHEREAS, additional actions were noted as being necessary to effectuate General Plan 2040 and the new Zoning Code, including Amendments to the Downtown Vallejo Specific Plan and White Slough Specific Area Plan, and which together with the General Plan Amendments and the adoption of the Zoning Code and Zoning Map constitute the Project; and

WHEREAS, the General Plan 2040 acknowledges that Vallejo's strategic location and transportation connections led to the adoption of long-range plans for key areas including the Northgate Specific Plan, which also serves as the Planned Development Master Plan (Master Plan) for the area; and

WHEREAS, the General Plan 2040 anticipated that due to near buildout of the Northgate Specific Plan/Master Plan area, both the land use regulations and development standards for the area would be provided in the New Zoning Code based on the General Plan land use designations; and

WHEREAS, the boundaries of the Northgate Specific Plan also include the Northeast Quadrant Gateway, which is subject to separate development and guidelines adopted by Planned Unit Development (PUD) # 575 and #582; and

WHEREAS, given that the goals and objectives for the Northgate Specific Plan and PUD #575 and #582 can be achieved through the newer regulations and standards provided in the new comprehensive Zoning Code, the City Council proposes to repeal the Northgate Specific Plan/Master Plan and PUD #575 and #582 as part of the Project allowing General Plan 2040 and the New Zoning Code to be the sole resources for land use regulations and development standards for the Northgate Specific Plan Area; and

WHEREAS, on March 29, 2021, pursuant to Vallejo Municipal Code (VMC) Chapter 17.040.010 (C), the Planning Commission adopted a Resolution of Intention No. PC 21-05A to repeal the Northgate Specific Plan and PUD #575 and #582; and

WHEREAS, an Initial Study/Negative Declaration (State Clearinghouse #2021010077) has been prepared for the Project in accordance with the California Environmental Quality Act; and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing announcing the 30-day public review period for the IS/MND, beginning January 8, 2021 and ending on February 9, 2021 and noticing the public hearing for February 17, 2021, was sent on January 7, 2021 to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice and was published in the Times Herald, a newspaper of local circulation on January 12, 2021; and

WHEREAS, on February 17, 2021, the Planning Commission held a public meeting and study session on the Project voted unanimously to continue the public hearing and adoption of the ISMND to March 15, 2021; and

WHEREAS, a revised Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing on March 15, 2021, allowing an extended public review period for the IS/MND to February 26, 2021 was sent on February 17, 2021 and on February 22, 2021 to all persons entitled to notice and was published in the Times Herald, a newspaper of local circulation on February 21, 2021; and

WHEREAS, the Planning Commission, by the adoption of Resolution No. PC 21-03, renumbered as 21-08, on March 29, 2021 recommended that the City Council adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the Project and to consider the IS/MND prior to taking any action on the Project; and

WHEREAS, the Planning Commission adopted Resolution PC. 21-05 to repeal the Northgate Specific Plan/Master Plan and PUD #575 and #582; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the Planning Commission; and

WHEREAS, a public notice for the City Council hearing was sent to all persons entitled to a notice between March 31, 2021 and April 1, 2021 and published in the Times Herald a newspaper of local circulation on April 3, 2021; and

WHEREAS, on April 13, 2021 the City Council held a duly noticed public hearing to consider the New Zoning Code Project, and

WHEREAS, all interested persons filed written comments with the City of Vallejo City Clerk at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, the Record of Proceedings ("Record") upon which the decision making body herein bases its decision includes, but is not limited to: (1) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the Zoning Code Project, (2) the evidence, facts, findings and other determinations set forth in this resolution, (3) the Final EIR prepared for General Plan 2040 and its implementing ordinances; (4) all documentary and oral evidence received during community open houses, Planning Commission Study Session and hearings or submitted to the City relating to the New Zoning Code Project; (5) all other matters of common knowledge to the decision making body including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

WHEREAS, on April 13, 2021 the City Council adopted Resolution No. ___ adopting the Initial Study/Mitigated Negative Declaration for the New Zoning Code Project; and

WHEREAS, on April 13, 2021 the City Council adopted Resolution No.___ to adopt Amendments to the General Plan Text and Land Use Map as part of the New Zoning Code Project.

SECTION 2. Findings.

1. The proposed repeal is consistent with the Vallejo Municipal Code. The Northgate Specific Plan was adopted as the Planned Development Master Plan for the Northgate area. Planned Development Master Plans may be amended pursuant to 16.116.140 of the Vallejo Municipal Code.

2. Planned Unit Developments #575 and #582 were incorporated as part of the Northgate Specific Plan.

3. The proposed repeal is consistent with California Government Code Section 65453 which states that a specific plan may be repealed in the same manner as it is required to be amended.

4. The proposed repeal of the Northgate Specific Plan/Master Plan and PUD #575 and #582 is consistent with the General Plan. The General Plan 2040 anticipated that due to near buildout of the Northgate Specific Plan area, both the land use regulations and development standards for the area would be provided in the New Zoning Code (referred to as the Development Code in the General Plan) based on the General Plan land use

designations. The New Zoning Code establishes a new zoning district, Regional Commercial, which is compatible with the General Plan land use designation for the Northgate Specific Plan area, identified as Retail/Entertainment in the General Plan Land Use Map.

SECTION 3. Repeal of Northgate Specific Plan.

As of the effective date of this ordinance, the Northgate Specific Plan provided as Exhibit A to this Ordinance is repealed in its entirety.

SECTION 4. Repeal of Planned Unit Development #575 and #582.

As of the effective date of this ordinance, Planned Unit Development 575 and 582 provided as Exhibit B to this Ordinance are hereby repealed in their entirety.

SECTION 5. Any typographical or clerical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration.

SECTION 6. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 7. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.

EXHIBIT A TO ATTACHMENT 4

Northgate Specific Plan and PUD #575 and #582

https://www.cityofvallejo.net/common/pages/DisplayFile.aspx?itemId=17566394

Approved as to form:

By: _____
Veronica A.F. Nebb
City Attorney

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

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING THE DOWNTOWN VALLEJO SPECIFIC PLAN/MASTER PLAN AS PART OF THE NEW ZONING CODE PROJECT

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for General Plan 2040 and adopted the General Plan 2040, and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, based on the analysis conducted for the new Zoning Code, Staff proposed in addition to adopting the comprehensive new Zoning Code, to amend the General Plan to: (1) address the residential densities in the four commercial and mixed use land use designations; (2) address residential use in additional areas to achieve the housing goals; and (3) amend the General Plan 2040 Land Use Map to correct errors and re-designate parcels to more closely align with their existing land use characteristics and future development potential (collectively, the General Plan Amendments); and

WHEREAS, as noted below, additional actions were determined as being necessary to effectuate General Plan 2040 and the new Zoning Code, including amendments to the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan, and repeal of the Northgate Specific Plan and Planned Unit Development #575 and #582, which together with the General Plan Amendments and the adoption of the Zoning Code constitute the Project;

WHEREAS, the General Plan 2040 acknowledges that Vallejo's strategic location and transportation connections led to the adoption of long-range plans for key areas including the Downtown Vallejo Specific Plan and White Slough Specific Area Plan, which also serve as the Planned Development Master Plan (Master Plan) for those areas, respectively; and

WHEREAS, the General Plan 2040 anticipated that development standards for the Downtown Vallejo Specific Plan/Master Plan and the land use regulations in the White Slough Specific Area Plan/Master Plan would be provided in the New Zoning Code; and

WHEREAS, both the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan provide unique policies, goals, and objectives as well as specific planning standards and regulations for land within their plan boundaries that remain relevant; and

WHEREAS, in order to provide a broader, more flexible range of land uses and implement objective development standards that could position Vallejo to be more competitive in the market

place, City Council proposes to amend the Downtown Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan by removing the land use regulations and selective development standards and referencing the New Zoning Code; and

WHEREAS, the proposed Specific Plan amendments will eliminate confusion, redundancy, and potential conflicts with the New Zoning Code; and

WHEREAS, on March 29, 2021, the Planning Commission adopted Resolution of Intention No. 21-06A directing staff to prepare amendments to the Downtown Vallejo Specific Plan/Master Plan and the White Slough Specific Area Plan/Master Plan; and

WHEREAS, an Initial Study/Negative Declaration (State Clearinghouse #2021010077) has been prepared for the Project in accordance with the California Environmental Quality Act; and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing announcing the 30-day public review period for the IS/MND, beginning January 8, 2021 and ending on February 9, 2021 and noticing the public hearing for February 17, 2021, was sent on January 7, 2021 to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice and was published in the Times Herald, a newspaper of local circulation on January 12, 2021; and

WHEREAS, on February 17, 2021, the Planning Commission held a public meeting and study session on the Project voted unanimously to continue the public hearing and adoption of the ISMND to March 15, 2021; and

WHEREAS, a revised Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing on March 15, 2021, allowing an extended public review period for the IS/MND to February 26, 2021 was sent on February 17, 2021 and on February 22, 2021 to all persons entitled to notice and was published in the Times Herald, a newspaper of local circulation on February 21, 2021; and

WHEREAS, the Planning Commission held a public hearing on March 15, 2021 that was continued to March 29, 2021 and considered all oral and written comments on the IS/MND, the Project, and associated actions; and

WHEREAS, on March 29, 2021, the Planning Commission voted unanimously to adopt Resolution No. 21-03, renumbered as Resolution No. 21-08 making findings and recommending the approval of the IS/MND and Mitigation Monitoring and Reporting Program to City Council; and

WHEREAS, the Planning Commission voted unanimously to adopt Resolution PC 21-06 to forward the amendments to the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master to City Council for adoption; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the Planning Commission; and

WHEREAS, notices of the public hearing of the City Council on the Project, including the IS/MND were sent on March 31, 2021 to all persons entitled to notice and a notice was published in the Times Herald, a newspaper of local circulation on April 3, 2021; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing and considered all oral and written comments on the IS/MND, the Project, and associated actions including the Mitigation Monitoring and Reporting Program; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, the Record of Proceedings ("Record") upon which the decision making body herein bases its decision includes, but is not limited to: (1) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to Project, (2) the evidence, facts, findings and other determinations set forth in this resolution, (3) the Final EIR prepared for General Plan 2040 and its implementing ordinances; (4) all documentary and oral evidence received during community open houses, Planning Commission Study Session and hearings or submitted to the City relating to the Project; (5) all other matters of common knowledge to the decision making body including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

WHEREAS, on April 13, 2021 City Council adopted Resolution No. ___ adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, on April 13, 2021 the City Council adopted Resolution No.___ to adopt Amendments to the General Plan Text and Land Use Map as part of the Project; and

WHEREAS, on April 13, 2021 the City Council adopted an Ordinance approving the Repeal of the Northgate Specific Plan and Planned Development Unit Plan #575 and #582 as part of the Project.

SECTION 2. Findings

1. The proposed amendments are consistent with the Vallejo Municipal Code. The Downtown Specific Plan is also the Planned Development Master Plan for the downtown area Planned Development Master Plans may be amended pursuant to 16.116.140 of the Vallejo Municipal Code.

2. The proposed amendment to the Downtown Vallejo Specific Plan/Master Plan is consistent with the Vallejo General Plan. The General Plan 2040 did not propose any significant changes to the Specific Plan and anticipated that the policies would continue implementation of the Specific Plan, except for development standards, which will be removed from the Specific Plan and addressed by the City's New Zoning Code (referred to as the Development Code in General Plan 2040. The land use regulations in the New Zoning Code will also implement the Specific Plan policies by providing a broader range of land uses, the land use regulations in the New Zoning Code, specifically the Downtown Mixed Use zoning district, and will also be applied to the Downtown Vallejo Specific Plan. This zoning district is consistent with the Downtown/Waterfront General Plan Land Use Designation for the area and implements the General Plan goal to foster a mix of uses that encourage people to live, work, play, and shop in close proximity.

SECTION 3. Downtown Vallejo Specific Plan Amendments. New text shown in **bold underline,** deleted text in ~~strike through.~~

A. Chapter 8, Land Use Regulations is hereby amended as follows:

INTRODUCTION

Title 16 of the Vallejo Municipal Code (Zoning Code) shall be used to regulate all land uses within the Specific Plan area, unless stated herein. ~~The Downtown Vallejo Specific Plan serves as the "zoning ordinance" for the Plan area. Accordingly, this chapter sets forth the land use regulations for the Plan area, which are unique to Downtown. The provisions of this chapter shall be used by the City to regulate all land uses within the Specific Plan area.~~

~~The regulations in this chapter are intended to promote land uses that are desirable and promote the goals and policies of the Specific Plan.~~ Land uses that are in conflict with and in existence at the time of adoption of ~~this Specific Plan~~ the Zoning Code are permitted to continue as legal nonconforming uses consistent with the provision of the Vallejo Municipal Code Chapter ~~16.78~~ **16.104**.

B. The following sections of Chapter 8, Land Use Regulations are hereby removed:

1. General Land Use Provisions
2. Interim Land Use Provisions
3. Figure 8.2 Interim Zoning Map
4. Table 8.1, Permitted and Conditional Land Uses
5. Special Land Use Provisions
6. Definitions for Unique Land Use Classifications

C. Chapter 9, Development Standards is hereby amended as follows:

INTRODUCTION

The purpose of the Development Standards is to guide future development in Downtown so that it is consistent with the vision and goals for the area as detailed in the Specific Plan. **Unless provided herein,** the Development Standards for Plan area **shall comply with Title 16 of the Vallejo Municipal Code**. ~~establish the appropriate building intensities and other requirements that are specific to Downtown. More importantly,~~ ~~these~~ **The** Standards are intended to encourage high quality development while providing the framework for creative designs.

USE OF DEVELOPMENT STANDARDS

Downtown Vallejo is envisioned to include a wide range of uses and to encourage mixed use buildings which contribute to a lively urban environment. ~~These standards are designed to promote mixed-use buildings where the first floor uses are those that contribute to an active street environment and the upper floors have the flexibility of including a wider range of uses. The land uses allowed in each of the Downtown districts is listed in detail in Chapter 8: Land Use Regulations.~~

~~This chapter contains standards and regulations that are mandatory for all development within the Specific Plan area that require discretionary approval. All projects , proposed within the Specific Plan that shall require the appropriate decision-making body to make the following finding:~~

~~"The proposed project meets the goals and policies of the Downtown Vallejo Specific Plan, including the intent of the Downtown Vallejo Design Guidelines."~~

RELATIONSHIP TO DESIGN GUIDELINES

~~In addition to the Development Standards included in this chapter, a~~ **A** comprehensive set of design guidelines - Downtown Vallejo Design Guidelines – were adopted for the Specific Plan area. The Development Standards **for the Specific Plan Area** are ~~included in this chapter~~ ~~**and**~~ **provided in Title 16 of the Vallejo Municipal Code and** should be used in conjunction with the Design Guidelines. While the Design Guidelines are interpretive and allow some level of discretion, they have stated objectives that provide the basis for project approval. ~~Specific references to Design Guidelines are included here for standards relating to building heights and parking where the standard must be considered in conjunction with the Design Guidelines. Both the Development Standards and the Design Guidelines indicate the minimum requirements. Compliance with the Development Standards Design Guidelines does not automatically guarantee project approval.~~

D. The following sections of Chapter 9, Development Standards are hereby removed:

1. Relationship to Other Documents
2. Development Standards
3. Interpretation of Development Standards
4. Exceptions to Development Standards
5. Outdoor Dining Performance Standards
6. Development Standards for Fast food/Take-out
7. Outdoor Display
8. Live-Work Performance Standards
9. Review Authority
10. Noticing Procedures

E. Chapter 9, Development Standards is hereby amended as follows:

REQUIRED APPROVALS
This section is removed and replaced as follows:

All approvals shall comply with Title 16 of the Vallejo Municipal Code (Zoning Code).

SECTION 4. Adoption of the Downtown Vallejo Specific Plan Amendment.

Based on the findings set forth herein and the Record as a whole, the City Council hereby adopts amendments to the Downtown Vallejo Specific Plan/Master Plan provided herein.

SECTION 5. Any typographical or clerical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration.

SECTION 6. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 7. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.

Approved as to form:

By: _____
Veronica A.F. Nebb
City Attorney

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

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING THE WHITE SLOUGH SPECIFC AREA PLAN/MASTER PLAN AS PART OF THE NEW ZONING CODE PROJECT

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for General Plan 2040 and adopted the General Plan 2040, and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, based on the analysis conducted for the new Zoning Code, Staff proposed in addition to adopting the comprehensive new Zoning Code to amend the General Plan to: (1) reduce the residential densities in the four commercial and mixed use land use designations; (2) allow residential use in additional areas to achieve the housing goals; and (3) amend the General Plan 2040 Land Use Map to correct errors and re-designate parcels to more closely align with their existing land use characteristics and future development potential (collectively, the General Plan Amendments); and

WHEREAS, additional actions were noted as being necessary to effectuate General Plan 2040 and the new Zoning Code, including amendments to Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan, and repeal of the Northgate Specific Plan and Planned Unit Development #575 and #582, which together with the General Plan Amendments and the adoption of the Zoning Code constitute the Project;

WHEREAS, the General Plan 2040 acknowledges that Vallejo's strategic location and transportation connections led to the adoption of long-range plans for key areas including the Downtown Vallejo Specific Plan and White Slough Specific Area Plan, which also serve as the Planned Development Master Plan (Master Plan) for those areas, respectively; and

WHEREAS, the General Plan 2040 anticipated that development standards for the Downtown Vallejo Specific Plan/Master Plan and the land use regulations in the White Slough Specific Area Plan/Master Plan would be provided in the New Zoning Code; and

WHEREAS, both the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan provide unique policies, goals, and objectives as well as specific planning standards and regulations for land within their plan boundaries that remain relevant; and

WHEREAS, in order to provide a broader, more flexible range of land uses and implement objective development standards that could position Vallejo to be more competitive in the market place, Staff proposes to amend the Downtown Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan by removing the land use regulations and selective development standards and referencing the New Zoning Code; and

WHEREAS, the proposed Specific Plan amendments will eliminate confusion, redundancy, and potential conflicts with the New Zoning Code; and

WHEREAS, on March 29, 2021, the Planning Commission adopted Resolution of Intention No. 21-07A directing staff to prepare amendments to the Downtown Vallejo Specific Plan/Master Plan and the White Slough Specific Area Plan/Master Plan; and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing announcing the 30-day public review period for the IS/MND, beginning January 8, 2021 and ending on February 9, 2021 and noticing the public hearing for February 17, 2021, was sent on January 7, 2021 to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice and was published in the Times Herald, a newspaper of local circulation on January 12, 2021; and

WHEREAS, on February 17, 2021, the Planning Commission held a public meeting and study session on the Project voted unanimously to continue the public hearing and adoption of the ISMND to March 15, 2021; and

WHEREAS, a revised Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing on March 15, 2021, allowing an extended public review period for the IS/MND to February 26, 2021 was sent on February 17, 2021 and on February 22, 2021 to all persons entitled to notice and was published in the Times Herald, a newspaper of local circulation on February 21, 2021; and

WHEREAS, the Planning Commission held a public hearing on March 15, 2021 that was continued to March 29, 2021 and considered all oral and written comments on the IS/MND, the Project, and associated actions; and

WHEREAS, on March 29, 2021, the Planning Commission voted unanimously to adopt Resolution No. 21-03, renumbered as Resolution No. 21-08 making findings and recommending the approval of the IS/MND and Mitigation Monitoring and Reporting Program to City Council; and

WHEREAS, the Planning Commission voted unanimously to adopt Resolution PC 21-06 to forward the amendments to the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master to City Council for adoption; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the Planning Commission; and

WHEREAS, notices of the public hearing of the City Council on the Project, including the IS/MND were sent on March 31, 2021 to all persons entitled to notice and a notice was published in the Times Herald, a newspaper of local circulation on April 3, 2021; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing and considered all oral and written comments on the IS/MND, the Project, and associated actions including the Mitigation Monitoring and Reporting Program; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, the Record of Proceedings ("Record") upon which the decision making body herein bases its decision includes, but is not limited to: (1) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the Zoning Code Project, (2) the evidence, facts, findings and other determinations set forth in this resolution, (3) the Final EIR prepared for General Plan 2040 and its implementing ordinances; (4) all documentary and oral evidence received during community open houses, Planning Commission Study Session and hearings or submitted to the City relating to the New Zoning Code Project; (5) all other matters of common knowledge to the decision making body including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

WHEREAS, on April 13, 2021 City Council adopted Resolution No. ___ adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the New Zoning Code Project; and

WHEREAS, on April 13, 2021 the City Council adopted Resolution No.___ to adopt Amendments to the General Plan Text and Land Use Map as part of the New Zoning Code Project; and

WHEREAS, on April 13, 2021 the City Council adopted an Ordinance approving the Repeal of the Northgate Specific Plan and Planned Development Unit Plan #575 and #582 as part of the New Zoning Code Project.

SECTION 2. Findings.

1. The proposed amendments are consistent with the Vallejo Municipal Code. The White Slough Specific Area Plan is also the Planned Development Master Plan for the area and Planned Development Master Plans may be amended pursuant to 16.116.140 of the Vallejo Municipal Code.

2. The proposed amendment to the White Slough Specific Area Plan/Master Plan is consistent with the Vallejo General Plan. The General Plan 2040 did not propose any significant changes to the Specific Plan, and anticipated that the policies would continue implementation of the Specific Plan, except for land use policies and corresponding development standards for commercial and residential development, which would be removed from the Specific Plan and addressed by the City's General Plan and New Zoning

Code (Development Code). The land use regulations provided in the Central Corridor Commercial zoning district in the New Zoning Code are compatible with the Central Corridor General Plan Land Use designation, which is the predominate land use designation for the area. The Central Corridor Commercial zoning district also allows more residential density which supports the Housing Element Program A 4.1.1 to encourage and facilitate the development of housing that is affordable to households with a wide range of incomes, particularly in the downtown area, by updating land use policies and regulations to create more development opportunities for housing.

SECTION 3. Amendments to the White Slough Specific Area Plan. New text shown in **bold underline** deleted text in ~~strike through.~~

A. Appendix 2, CITY OF VALLEJO ZONING STANDARDS FOR SOUTH WHITE SLOUGH, Allowed Uses is hereby removed, and replaced with the following:

LAND USE REGULATIONS ARE SUBJECT TO TITLE 16 OF THE VALLEJO MUNICIPAL CODE (ZONING CODE).

B. Development Standards is hereby amended as follows:

DEVELOPMENT STANDARDS

Properties Adjacent to South White Slough and East Lagoon

The intent of the design standards would insure that new development and rehabilitation projects enhance the environment of this area including Austin Creek. The standards would insure a well-designed and complementary background for the natural habitat.

o Site Organization

Buildings shall be sited to take advantage of their proximity to the water by such techniques as making sure the back of the building and/or the service area is not facing the water. On larger sites with multiple buildings, the structures shall be clustered around "public" spaces, such as landscaped areas and pedestrian plazas, that visually and physically open up to the water.

Buildings shall be sited to place parking, service, and loading areas away from the water. If this is not feasible due to site constraints, then landscaped berms and/or walls and fencing shall screen the parking areas from the water.

The maximum floor area ratio (FAR) for non-residential uses **shall comply with the FAR for the respective zoning district in which the property is located.** ~~is 0.25. However, property aggregation is~~

~~encouraged, and higher FAR's will be permitted for projects where aggregation occurs.~~

For residential uses, the maximum density **shall comply with the maximum density for the respective zoning district in which the property is located.** ~~is 20 units per gross acre.~~

At a minimum, there shall be a 25-foot access and landscape easement from the point of highest tide inward or the designated edge of the water.

- Architectural

~~Architectural style shall be contemporary. Thematic or trademark architecture is prohibited.~~

Buildings shall be designed to take advantage of their proximity to the water by such techniques as placing windows, terraces, entry ways on the water side. For multi-storied buildings, terracing of floors shall be used to help reduce the perceived size and mass of the buildings. Large, blank walls shall be avoided. Instead, offsets, varied wall materials and colors and other details shall be used to visually break up wall surfaces.

~~Building colors shall be neutral in color. However, accent colors are acceptable of they are secondary (10 percent of the total exterior wall area) to the overall color scheme.~~ The use of reflective glass or reflective metal surfaces on the water side of buildings is prohibited.

Maximum building height within 50 feet from the point of highest tidal action or the designated edge of the water shall be 35 feet. Outside this 50-foot band, the maximum building height shall **shall comply with the maximum height for the respective zoning district in which the building is located**. ~~is 75 feet~~.

All roof top equipment and other utility structures shall be screened from public view.

- Landscaping

All landscaping plans shall be prepared by a landscape architect and reflect a choice of plant material that will enhance the visual quality of the water and that will be compatible with the native plant species that exist in the area, especially for the areas immediately adjacent to the water.

Landscaping shall comply with Chapter ~~16.70~~ **16.504 Landscaping** of the Vallejo Municipal Code.

- Screening and Fencing

  ~~Urban~~ **Land** uses shall be separated from the water by fencing or screening. **Screening materials shall comply with Chapter 16.505 Fences, Walls and Screening of the Vallejo Municipal Code**. No barbed or razor wire is allowed.

- Parking and Loading

  Parking and loading shall comply with Chapter ~~16.62~~ **16.508 Off-street Parking and Loading** of the Vallejo Municipal Code.

- Signage

  Signage shall comply with Chapter ~~16.64~~ **16.509 Signs** of the Vallejo Municipal Code according to the type of use. However, no signage, except educational, directional, official, governmental, or other legally required signage shall be allowed on the side or sides of buildings which face the water.

  No pole signs or additional off-site signs (billboards) shall be allowed.

Other Properties within the Planning Area

The intent of the design standards would insure that this area of Vallejo is developed and redeveloped in a quality manner to complement the natural environment and to act as an attractive entrance to the city.

- Site Organization

  All structures, parking areas, driveways, and service areas on a site shall be organized to maintain the privacy of and be compatible with adjacent less- intensive uses. All service and loading areas shall be screened from public view.

  The maximum floor area ratio (FAR) for non-residential uses ~~is 0.33.~~ **shall comply with the FAR for the respective zoning district or districts in which the structure is located**~~. The maximum density for residential uses is 12 units per gross acre.~~

- Architectural

  ~~Architectural style shall be contemporary. Thematic or trademark architecture is prohibited.~~

  Terracing of floors shall be used in multi-storied buildings to reduce the perceived size and mass of the buildings. Large, blank walls shall be avoided. Instead, offsets, varied wall materials and colors, and other

details shall be used to break up wall surfaces visually.

Roof top equipment and other utility structures shall be screened from public view.

The maximum building height ~~is 75 shall feet.~~ **shall comply with the maximum height for the respective zoning district or districts in which the building is located.**

- Landscaping, Screening and Fencing

  Landscaping, screening, and fencing shall comply with Chapter ~~16.70~~ **16.504 Landscaping** of the Vallejo Municipal Code.

- Parking and Loading

  Parking and loading shall comply with Chapter ~~16.62~~ **16.508 Off-street Parking and Loading** of the Vallejo Municipal Code.

- Signage

  Signage shall comply with Chapter ~~16.64~~ **16.509 Signs** of the Vallejo Municipal Code. ~~according to use type~~.

  No additional off-site signage (billboards) is allowed.

SECTION 4. Adoption of the White Slough Specific Area Plan Amendment.

Based on the findings set forth herein and the Record as a whole, the City Council hereby adopts amendments to the White Slough Specific Area Plan/Master Plan as provided herein.

SECTION 5: Any typographical or clerical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration.

SECTION 6: Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 7: Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.

Approved as to form:

By: _____
Veronica A.F. Nebb
City Attorney

ORDINANCE NO. _____N.C. (2d)

AN ORDINANCE OF THE CITY OF VALLEJO TO REPEAL THE CURRENT ZONING CODE, TITLE 16 OF THE VALLEJO MUNICIPAL CODE AND ADOPT THE NEW ZONING CODE, AND REPEAL THE EXISTING ZONING MAP AND ADOPT THE NEW ZONING MAP AS PART OF THE NEW ZONING CODE PROJECT

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for General Plan 2040 and adopted the General Plan 2040, and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, in February 2019, the City initiated a comprehensive update of Title 16 (Zoning Code) of the Vallejo Municipal Code and update to the Zoning Map as part of the New Zoning Code Project to implement the General Plan 2040; and

WHEREAS, this is the first comprehensive update of the City's Zoning Code and Zoning Map since 1980; and

WHEREAS, the overarching objectives of the New Zoning Code are to ensure that the update is consistent with and implements the policies and objectives of the General Plan 2040 and establish new and modified land use regulations that will guide future development and design throughout the City; and

WHEREAS, the New Zoning Code Project includes the following: (1) repealing the current Title 16, Zoning Code of the Vallejo Municipal Code in its entirety and adopting a new Title 16, Zoning Code; (2) repealing the current Zoning Map in its entirety and adopting a new Zoning Map; (3) amending the General Plan Text and Land Use Map; (4) repealing the Northgate Specific Plan/Master Plan and PUDs #575 and #582; (5) amending the Downtown Vallejo Specific Plan/Master Plan; and (6) amending the White Slough Specific Area Plan/Master Plan; and

WHEREAS, an Initial Study/Negative Declaration (State Clearinghouse #2021010077) has been prepared for this Project in accordance with the California Environmental Quality Act; and

WHEREAS, a Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing announcing the 30-day public review period for the IS/MND, beginning January 8, 2021 and ending on February 9, 2021 and noticing a public hearing for February 17, 2021, was sent on January 7, 2021 to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice and was published in the Times Herald, a newspaper of local circulation on January 12, 2021; and

WHEREAS, on February 17, 2021, the Planning Commission held a public meeting and study session on the Project voted unanimously to continue the public hearing and adoption of the ISMND to March 15, 2021; and

WHEREAS, a revised Notice of Intent to Adopt a Negative Declaration and Hold a Public Hearing on March 15, 2021, allowing an extended public review period for the IS/MND to February 26, 2021 was sent on February 17, 2021 and on February 22, 2021 to all persons entitled to notice and was published in the Times Herald, a newspaper of local circulation on February 21, 2021; and

WHEREAS, the Planning Commission held a public hearing on March 15, 2021 that was continued to March 29, 2021 and considered all oral and written comments on the IS/MND, the Project, and associated actions; and

WHEREAS, on March 29, 2021, the Planning Commission voted unanimously to adopt Resolution No. 21-03, renumbered as Resolution No. 21-08 making findings and recommending the approval of the IS/MND and Mitigation Monitoring and Reporting Program to City Council; and

WHEREAS, on March 29, 2021, the Planning Commission adopted Resolution No. PC 21-07A adopting findings and recommending the City Council repeal the City's existing Zoning Code, Title 16 of the Vallejo Municipal Code and Zoning Map in its entirety and adopt the New Zoning Code, Title 16 of the Vallejo Municipal Code with suggested amendments and revisions and Zoning Map; and

WHEREAS, a public notice for the City Council hearing was sent to all persons entitled to a notice between March 31, 2021 and April 1, 2021 and published in the Times Herald a newspaper of local circulation on April 3, 2021; and

WHEREAS, on April 13, 2021 the City Council held a duly noticed public hearing to consider the New Zoning Code Project, and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered prior to taking action on the Project; and

WHEREAS, the Record of Proceedings ("Record") upon which the decision making body herein bases its decision includes, but is not limited to: (1) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the Project, including the IS/MND, (2) the evidence, facts, findings and other determinations set forth in this resolution, (3) the Final EIR prepared for General Plan 2040 and its implementing ordinances; (4) all

documentary and oral evidence received during community open houses, Planning Commission Study Session and hearings or submitted to the City relating to the Project; (5) all other matters of common knowledge to the decision making body including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

WHEREAS, on April 13, 2021 City Council adopted Resolution No. ___ adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, on April 13, 2021 the City Council adopted Resolution No.___ to adopt Amendments to the General Plan Text and Land Use Map as part of the Project; and

WHEREAS, on April 13, 2021 the City Council introduced an Ordinance approving the Repeal of the Northgate Specific Plan/Planned Development Master Plan and Planned Development Unit Plan #575 and #582 as part of the Project; and

WHEREAS, on April 13, 2021 the City Council introduced an Ordinance approving amendments to the Downtown Vallejo Specific Plan/Planned Development Master Plan; and

WHEREAS, on April 13, 2021 the City Council introduced an Ordinance approving amendments to the White Slough Specific Area Plan/Planned Development Master Plan.

SECTION 2. Findings.

1. In accordance with Government Code Section 65454, the proposed repeal of the current Zoning Code and Zoning Map and adoption of the New Zoning Code and Zoning Map is consistent with the General Plan, as provided in Exhibit A attached hereto and incorporated herein by reference.

2. In accordance with Government Code Section 65455, the proposed repeal of the current Zoning Code and Zoning Map, and adoption of the New Zoning Code and Zoning Map is consistent with the Mare Island Specific Plan, Solano 360 Specific Plan, Hiddenbrooke Specific Plan, Downtown Specific Plan, White Slough Specific Plan, Sonoma Blvd. Specific Plan as set forth in Exhibit B, attached hereto and incorporated herein by reference.
3. The Zoning Code dated 3.5.21 with Eratta thereto includes corrections that are non-substantive and do not constitute substantial revisions to the Mitigated Negative Declaration.

SECTION 3. Repeal of Zoning Code (Title 16) and Adoption of New Zoning Code (Revised Title 16).

Based on the findings set forth herein and the Record as a whole, the City Council hereby repeals the existing Zoning Code, Title 16 of the Vallejo Municipal Code, in its entirety and adopts the New Zoning Code as revised Title 16, as set forth in Exhibit C including the Eratta, attached hereto and incorporated herein by reference.

SECTION 4. Repeal of Zoning Map and Adoption of New Zoning Map.

Based on the findings set forth herein and the Record as a whole, the City Council hereby repeals the existing Zoning Map in its entirety and adopts the New Zoning Map as set forth in Exhibit D, attached hereto and incorporated herein by reference.

SECTION 5. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 6. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.

EXHIBIT A TO ORDINANCE TO REPEAL AND ADOPT NEW ZONING CODE AND MAP
NEW ZONING CODE GENERAL PLAN CONSISTENCY TABLE

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
1.	**Policy CP-1.1**	Retail Food Sources. Strive to ensure that all households in Vallejo have easy access to retail sources of affordable healthy food, including organic options, such as full service grocery stores, ethnic food markets, produce markets, and convenience stores.	16.301,16.314 16.301,16.318 16.301	New New New	As a healthy food choice, the New Zoning Code (NZC) adds Community Gardens as a new land use type, provides use standards, and permits this use in mixed use and commercial zoning districts. To provide healthy food alternatives that may be more easily accessible, the NZC adds Farmers Market as a new land use type, permits this use in mixed use and commercial zoning districts. To encourage markets that provide fresh produce, the NZC adds Produce Markets as a new land use type and permits this use mixed use and commercial zoning districts.
2.		Action CP-1.1B: Update City regulations and explore incentives to attract a full service grocery store to South Vallejo and to any other identified "food deserts."	See response to Policy CP1.1	New	The Sonoma Boulevard corridor from Magazine to Lemon Streets is zoned as Neighborhood Mixed (NMX), which will permit a full service grocery store in the South Vallejo area.
3.		Action CP-1.1D: Consider updating City regulations to limit the number of fast food outlets and mobile vendors serving primarily unhealthy food near schools and parks and in areas with existing fast food outlets.	16.301,16.316	Current	Commercial quotas and formula business regulations are difficult to administer and are not included in the NZC. However, the requirement for a Major Use Permit for a drive-through quick service/fast-food restaurants is retained to ensure that the location of a new establishments is appropriate.
4.	**Policy CP-1.2**	Locally Grown Food. Collaborate with community partners to support and expand Vallejo's community gardens, Community Supported Agriculture (CSA) programs, and urban agriculture.	16.301,16.314	Current	See response to CP-1.1 above
5.		Action CP-1.2A: Work with community garden programs, Vallejo City Unified School District (VCUSD), Solano Community College, residents, and other local advocates, to establish a network of community gardens as sources of fresh produce, education, and social cohesion.	16.301,16.314	Current	See response to Policy CP-1.1above

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
6.		Action CP-1.2B: Work with GVRD, residents, colleges and universities, Solano Public Health, and other community partners to identify community garden opportunities in parks or appropriate properties and on City-owned property.	See response to Policy CP-1.2 above	Current	The NZC supports this policy based on the response to Policy CP-1.1 above.
7.		Action CP-1.2C: Consider leasing publicly owned, non-contaminated vacant land for agricultural use, and work with partners such as colleges and universities to identify potential sites.	See response to Policy CP-1.2 above	Current	The NZC supports this policy based on the response to Policy CP-1.1 above.
8.		Action CP-1.2D: Develop City regulations that encourage urban agriculture and farm stands, as appropriate.	See response to Policy CP-1.2 above	Current	See response to Policy CP-1.1 above
9.		Action CP-1.2E: Publicize and promote the availability of food grown in Vallejo.	See response to Policy CP-1.2 above	Current	The NZC supports this policy based on the response to Policy CP-1.1 above. Also, see response to Policy CP-1.2 above
10.	**Policy CP-1.4**	Action CP-1.4C: Explore opportunities for providing access to safe places for recreational in-water activities, such as boating, kayaking, paddle boarding, and swimming.	16.203.03,O	New	The NZC adds a requirement that any development within 100 feet of a waterway provide public access along the shoreline consistent with State and Bay Consersrvation and Development Commission requirements. An additional requirement will be included that such development shall also be consistent with the General Plan policies regarding waterfront and shoreline areas.
11.	**Policy CP-1.6**	Active Transportation Network. Promote the healthbenefits of walking and bicycling by providing a convenient and safe network of bicycle paths and routes, sidewalks, pedestrian paths, and trails, including connections with major destinations such as civic facilities, educational institutions, employment centers, shopping, and recreation areas.	16.209.03	Current	The NZC retains the potential for granting a density bonus for projects within a Planned Development that provides interior pedestrian trails or bicycle paths connecting with designated city trails and paths.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
12.		Action CP-1.6D: Develop guidelines for public and private projects that promote safe, convenient, and attractive bike and pedestrian facilities, including amenities to enhance bike and pedestrian activity, such as bicycle racks, lockers, street trees, public art, and street furniture.	16.215.02,C.1.d 16. 508.12	New	The NZC adds the potential for granting a density bonus for projects providing a pedestrian and bicycle path that is a safe and convenient access to the transit centers. The NZC adds a new section on bicycle storage requirements that promotes safe, conveniet and attractive bicycle facilities.
13.	**Policy CP-1.7**	Action CP-1.7-B: Regularly maintain the health of City street trees.	16.504.04	Change	The NZC adds a provision that trees shall be preserved, maintained, or replaced as needed, and specfies when a tree shall be removed and replaced based on its condition.
14.		Action CP-1.7-C: Support efforts by stewardship agencies to preserve wetland and open space areas.	16.207 16.301	Current, Change	The NZC retains the Resource Conservation zoning district and removes several land uses currently allowed in the district to minimize the development intensity in wetland and open space areas.
15.		Action CP-1.7-E: Continue to implement green infrastructure practices that draw upon natural processes to address storm water drainage and flood control and potentially add to Vallejo's network of green spaces.	16.333.02 16.504. 16.504.11	Current	The NZC retains the requirement that recycling projects to comply with Best Management Practices for stormwater. The NZC adds a provision that requires the design of parking lot planters allow proper stormwater runoff. The NZC retains the requirements for stormwater management for landscapes. The NZC retains requirement that applicants refer to the Public Works Department or Regional Water Quality Board for applicable stormwater technical requirements.
16.	**Policy CP-1.10**	Tobacco Sales and Children. Protect children by restricting the location of tobacco sales.	16.301 16.340	Current	The NZC retains the requirement that tobacco retailers may not be established within 1,000 of a childcare center or school.
17.		Action CP-1.10A: Amend City regulations to require use permit review to consider the potential negative impacts of uses proposing to sell tobacco in proximity to schools and other youth-serving facilities, and in areas with existing tobacco retailers.	16.301 16.340	Current	The NZC retains the provision that a new tobacco retailer requires a Major use Permit and may not be established within 1,000 of a childcare center, school or an existing tobacco retailer.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
18.	**Policy CP-1.11**	Responsible Alcohol Sales. Promote responsible alcohol sales through regulation and education.	16.301 16.305	Current, New	The NZC supports this policy by retaining the requirement for a Major Use Permit for alcohol sales within the Neighborhood Commercial (NC) zoning district and for alcohol sales associated with a liquor store, convenient store or mini-market associated with gasoline sales, and requiring a Minor Use Permit for other uses.
19.	**Policy CP-1.12**	Action CP-1.12B: Update City regulations to set BAAQMD-recommended limits for particulate emissions from construction, demolition, debris hauling, and utility maintenance.	16.502.08	Current New	The NZC retains the requirement that no continuous, frequent or repetitive odors are permitted that exceed limits established byBAAQMD. The NZC adds construction requirements to ensure compliance with BAAQMD regarding emissions from construction and demolition.
20.		Action CP-1.15A: Require new development to incorporate site design, source control, and treatment measures to keep pollutants out of stormwater during construction and operational phases, consistent with City of Vallejo Municipal Ordinance.	16.504.11,G.4.g	Current	The NZC retains irrigation standard for stormwater projects consider the construction of wetlanand retention ponds that retain water, equaliz excess flow and filer pollutants.
21.		Action CP-1.15B: Encourage new development to incorporate low impact development (LID) strategies, such as rain gardens, filter strips, swales, and other natural drainage strategies, to the greatest extent feasible, in order to reduce stormwater runoff levels, improve infiltration to replenish groundwater sources, reduce localized flooding, and reduce pollutants close to their source.	16.505.11, G.4	Current	The NZC retains the irrigation standard that stormwater projects incorporate rain gardens, cisterns, and other harvesting or catchment systems.
22.		Action CP-1.15C: Consult with appropriate regional, State, and federal agencies to monitor water quality and address local sources of groundwater and soil contamination, including possible underground storage tanks, septic tanks, and industrial uses, as necessary, to achieve State and federal water quality standards.	16.320.02, A.9	New	The NZC adds a provision that hazardous waste facilities with subsurface storage shall develop a program that satisfies the Regional Water Quality Control Board Permit requirements for groundwater monitoring.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
23.	**Policy CP-1.13**	Action CP-2.3E: Work with property owners and public agencies to ensure that plant growth is managed to minimize fire danger.	16.504.08,D,2 16.504.09, G,3.f	Currrent, Change	The NZC retains and augments the requirement to minimize overgrowtn vegetation and removal of dead, decayed or hazardous trees, weeds and debris that may be dangerous to public safety and welfare. The NZC retains the requirement that a landscape design plan shall address fire safety and prevention.
24.	**Policy CP-3.2**	Action CP-3.2B: Support local arts groups, VCUSD, GVRD, and community organizations in developing and deliveoring art and cultural educational offerings and activities for the entire community.	16.318	New	The NZC adds Farmer's Market as a new land use type and includes that the use promotes economic opportunities for local artists.
25.	**Policy CP-3.4**	Parks. Plan for and provide parkland and facilities to support Vallejo's recreational needs.	16.301	Current	The NZC allows parks and recreation facilities in all of the zoning districts throughout the City.
26.	**Policy CP-4.2**	Broad Participation. Increase public participation by all segments of the community in City governance.	16.602.08	New	The NZC adds a provision that allows the Director to require a neighborhood or community meeting to receive public comments on any project anticipated to be of community concern due to potential environmental impacts or other signficant planning concerns.
27.	**Policy CP-4.3**	Informed Discussion. Provide decision-makers, project applicants, and residents with information about planning policies and regulations as well as advance notice of upcoming changes, projects or issues.	16.602.08, A,4	Current	The NZC retains and augments the public noticing process for all projects by establishing a consistenent 14-day notice for all Director decisions and public hearings for projects excempt from the California Environmental Quality Act (CEQA) and a 21-day notice for projects exempt from CEQA. The NZC adds additional public notice recipients for projects including property occupants, the School District, other local agency expected to provide water, wastewater treatment, streets, roads, schools, or other essential facilities to a project, applicable board or commission members, and any member of the public who has filed a written request for notice.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
28.	**Policy CP-5.1**	Child and Senior Care Facilities. Encourage the development of reasonably priced childcare and senior care facilities and services in a variety of settings, including in residential neighborhoods and near work sites, to meet the needs of Vallejo residents and employees.	16.214.03 16.302 16.315 16.301	Current New	The NZC supports this policy by adding the state mandated density bonus requirements for projects that include a percentage of units for affordable housing and if they include childcare facilities. The NZC streamlines the review process by removing the Major Use Permit requirement for a large day care center. Small day care centers are permitted by right in certain zoning districts, and large day care centers are permitted with a Minor Use Permit.
29.		Action CP-5.1B: Provide incentives such as density bonuses to residential and non-residential developers to encourage space for childcare and senior care facilities in new development.	16.214.03	New	The NZC adds the state mandated density bonus requirements for projects that include affordable housing units and childcare facilities.
30.	**Policy CP-5.2**	Action CP-5.2B: Continue to support local community service agencies and organizations in the provision of social services to Vallejoans in need, including special needs services that foster independence for older adults, people with disabilities, and those facing physical or mental challenges.	16.301 16.337	New	The NZC supports this action by establishing Social Service Center as a new land use type that is permitted in mixed use and commercial zoning districts.
31.	**Policy NBE-1.1**	Natural Resources. Protect and enhance hillsides, waterways, wetlands, occurrences of special-status species and sensitive natural communities, and aquatic and important wildlife habitat through land use decisions that avoid and mitigate potential environmental impacts on these resources to the extent feasible.	16.212 16.301	Current	The NZC retains and augments the Hillside Development Standards to protect and enhance hillisides. The NZC retains the Resource Conservation (RCN) zoning district and protects and enhances the wetlands, sensitive natural communitys and important wildlife habitat by minimizes development intentsity allowed in RCN areas.
32.		Action NBE-1.1E: Protect the remaining woodlands and native tree resources and require replacement plantings where native trees must be removed.	16.504	New	The NZC supports this action by establishing requirements for tree removal and replacement.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
33.		Action NBE-1.1F: Require a biological assessment for new development proposed on sites that are determined to have some potential to contain sensitive biological and wetland resources. The assessment should be conducted by a qualified professional to determine the presence or absence of any sensitive resources, should evaluate potential adverse effects, and should define measures for protecting the resources in compliance with State and federal laws. Detailed surveys are not necessary in locations where past and existing development have eliminated natural habitat and the potential for presence of sensitive biological resources.	16.612	Change	The NZC retains the requirement that projects must comply with the California Environmental Quality Act (CEQA) and includes the CEQA process procedures. Conducting biological assessements for new development will be required as deemed appropropriate based a project-specific environmental review checklist.
34.		Action NBE-1.1G: Avoid potential impacts on jurisdictional wetlands and other waters as part of new development to the maximum extent feasible. This should include streams and associated riparian habitat and coastal salt marsh habitat along the Vallejo shoreline. Where complete avoidance is not possible, require that appropriate authorizations be secured from State and federal jurisdictional agencies and that adequate replacement mitigation be provided to ensure there is no net loss in habitat acreage or values.	16.602.06	Change	The NZC retains the requirement that projects must comply with the California Environmental Quality Act (CEQA) and includes the CEQA process and procedures. Avoidance of potential impacts on jurisdictional wetlands and other waters, as well as compliance with State and federal requirements will be determined based on the project-specific environmental analysis.
35.	**Policy NBE-1.2**	Sensitive Resources. Ensure that adverse impacts on sensitive biological resources, including special-status species, sensitive natural communities, and wetlands are avoided and mitigated to the greatest extent feasible as development takes place.	16.602.06	Change	The NZC retains the requirement that projects must comply with the California Environmental Quality Act (CEQA) and includes the CEQA process procedures. Conducting biological assessements for new development will be required as deemed appropropriate based a project-specific environmental review checklist and mitigations will be imposed as needed.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
36.		Action NBE-1.2D: Continue to require environmental review of development applications pursuant to CEQA to assess the potential impacts on native species and habitat diversity. Require adequate mitigation measures for ensuring the protection of sensitive resources and achieving “no net loss” of sensitive habitat acreage, values, and functions and encourage early consultation with all trustee agencies and agencies with review authority pursuant to CEQA for projects in areas supporting special-status species, sensitive natural communities, or wetland that may be adversely affected by new development.	16.602.06	Change	The NZC retains the requirement that projects must comply with the California Environmental Quality Act (CEQA) and includes the CEQA process procedures. Conducting assessments on the potential impact for new development will be required as deemed appropropriate based a project-specific environmental review checklist.
37.	**Policy NBE-1.5**	Scenic Vistas. Protect and improve scenic vistas, including views from Interstate 80 and State Route 37 in Vallejo.	16.204.01	New	The NZC supports this policy by establishing the Regional Commercial (RC) zoning district, which is mapped along the freeway. Development standards for this zoning district are provided that may affect and improve the overall appearance of the freeway corridor.
38.		Action NBE-1.5B: Update City regulations for development within view of freeways in Vallejo.	16.204.01 16.301	New	The NZC includes the establishment of the Regional Commercial (RC) zoning district that is mapped along the freeway, and includes development standards may affect and improve the overall appearance of the freeway corridor.
39.		Action NBE-1.5C: 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.	16.213	Current	The NZC retains the Residential View District and includes the district on the updated Zoning Map.
40.	**Policy NBE-1.7**	Green Infrastructure. Encourage the installation of green infrastructure, including tools such as permeable pavement, rain gardens, constructed wetlands, grassy swales, rain barrels and cisterns, and green roofs, to treat stormwater, attenuate floods, increase groundwater recharge, and reduce urban heat islands.	16.604.03,B.i	New	The NZC supports this policy by adding a Design Review Chapter that requires project designs to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materialsl.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
41.	**Policy NBE-1.8**	Urban Forest. Encourage planting of street trees and landscaping to beautify the city, encourage walking and biking, and create a stronger sense of identity.	16.202-214 16.505	Current	The NZC supports this policy by retaining the requirement for street trees and landscaping.
42.		Action NBE-1.8B: Update the Tree Ordinance, including requirements for preservation of trees of a minimum size.	16.504	New	The NZC adds tree preservation requirements; however, the Tree Ordinance is administered by the Public Works Department.
43.	**Policy NBE-1.9**	Cultural Resources. Protect and preserve archaeological, historic, and other cultural resources.	16.614	Current	The NZC retains the requirement to protect and preserve archeological, historic and cultural resources through the provisions provided in the Architectureal Heritage and Historic Preservation Chapter.
44.		Action NBE-1.9A: Continue to require that land use activities comply with State requirements and follow best practices to ensure that cultural resources are not impacted and that appropriate agencies and technical experts are involved in the evaluation and protection of resources and sites.	16.614	Current	The NZC retains the requirement that land use activities comply with State law to protect and preserve archeological, historic and cultural resources, and that appropriate agencies and tehcnical experts are involved in the evaluation of historic resources through the provisions provided in the Architectureal Heritage and Historic Preservation Chapter.
45.	**Policy NBE-1.10**	Historic Resources. Encourage the protection, rehabilitation, and reuse of historic buildings and structures.	16.614	Current	The NZC supports this policy by retaining the requirement to protect and preserve archeological, historic and cultural resources through the provisions provided in the Architectureal Heritage and Historic Preservation Chapter.
46.		Action NBE-1.10B: Require the identification and protection of all on-site historic resources in conjunction with any proposed development, in compliance with all applicable City provisions (including the Downtown Specific Plan Historical Resource Assessment) and State and federal guidelines for the treatment of historic properties.	16.614	Current	The NZC retains the requirement to identify and protect historic resources through the provisions provided in the Architectureal Heritage and Historic Preservation Chapter. The Downtown Specific Plan Historical Resources Assessment will also be retained and referenced as needed.
47.	**Policy NBE-1.11**	Historic Districts. Preserve the integrity of the City's historic districts, including downtown, as physical changes occur within them.	16.614	Current	The NZC supports this policy by retaining provisions provided in the Architectureal Heritage and Historic Preservation Chapter, specifically the requirement that projects within historic districts shall require a Certificate of Appripriateness permit.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
48.		Action NBE-1.11B: Support preservation, rehabilitation, and reuse of known and potentially historic buildings in Downtown and consider periodic detailed assessments to update the list of existing historic resources.	16.614	Current	See response to Policy NBE-1.11 above.
49.	**Policy NBE-1.13**	Community Preservation. Encourage high standards of property maintenance and rapid abatement of conditions contributing to blight.	16.615	Current	The NZC supports this policy by retaining requirements to maintain properties through enforcement and abatement provisions.
50.		Action NBE-1.13A: Update City regulations, adequately staff and fund, and increase enforcement as needed to require adequate structure and yard upkeep, increase penalties for illegal dumping and graffiti, and prohibit inappropriate outdoor storage (including non-operating vehicles).	16.615 16.301	Current New	See response to Policy NBE-1.13 above. The NZC clarifies that outdoor storage of automobiles and inoperable vehicles are restricted to the industrial districts.
51.		Action NBE-1.13B: Support efforts by homeowners‘ associations, neighborhood groups, and civic organizations to abate nuisances and improve the appearance of the community.	16.615	Current	See response to Policy NBE-1.13 above.
52.	**Policy NBE-1.14**	Water Conservation. Promote water conservation through a range of proactive City efforts.	16.504.09	Current	The NZC supports this policy by retaining the Water Efficiency Landscape Ordinance (WELO) requirements to conserve water as part of the Landscaping Chapter. These requirements are applicable to private and public properties.
53.	**Policy NBE-1.15**	Energy Efficiency. Support measures to reduce energy consumption and increase energy efficiency in residential, commercial, industrial, and public buildings.	16.338	Change	The NZC retains and augment the requirement to reduce energy consumption and increasae enegy efficienty through the provisions affecting use of solar, wind, and other sources.
54.		Action NBE-1.16A: Continue to update the City’s Construction/Demolition Waste Reuse and Recycling Ordinance as higher diversion rates become feasible, necessary, or required.	16.501.08	New	The NZC supports this action by adding requirements for water, reuse and recylcing in a new Solid Waste, Recycling and Organic Waste Storage Chapter. The City’s Construction/Demolition Waste Reuse and Recycling Ordinance is administered by the Public Works Department.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
55.	**Policy NBE-2.1**	Strengthen Local Identity. Focus future growth to foster a vibrant Downtown/ Waterfront District, strong job centers, comfortable neighborhoods, thriving neighborhood corridors and urban villages, and retail/entertainment clusters that draw visitors from the city and the region.	16.301	New	The NZC supports this policy by establishing a range of zoning districts that allow increased residential density, a broad variety of land uses that contribute to an area's vibrancy and promotes retail/entertainment clusters, permits uses such as cafes, banks, and supportive businesses in the employment areas of the City, and a mix of uses along the neighbohood corridors.
56.		Action NBE-2.1A: Use the development review process, as appropriate, to facilitate attractive, creative development.	16.605 16.604	Current, New	The NZC retains the comprehensive development review process and adds a new Design Review Chapter to facility attractive, creative development.
57.		Action NBE-2.1B: Use City regulations, such as a Form-Based Code, to complement and enhance the character of existing older, walkable neighborhoods in Vallejo, particularly those in and around downtown.	16.201-208	New	The NZC adds more specific development standards for each zoning district, as provided throughout Part II, including standards for the downtown area (DMX Zoning District).
58.	**Policy NBE-2.2**	Inviting Gateways. Establish gateways that proudly announce entry to Vallejo with high-quality, similarly themed design and/or landscaping.	16.204	New	The NZC supports this policy by requiring that all new construction be subject to the Development Review process which may include conditions of approval that gateway development provide enhancements to announce the entry to the City, have high-quality and similarly themed design and/or landscaping.
59.		Action NBE-2.2A: Update City regulations and establish design guidelines, as needed, to improve key City gateways.	16.604	New	See response to Action NBE-2.1A and B above.
60.		Action NBE-2.2B: Support mural projects on freeway overpasses and install streetscape and landscape features and unifying signage to enhance gateways.	16.509	New	The NZC supports this Action by removing the sign permit requirement for murals. See response to Action NBE-1.1B above.
61.	**Policy NBE-2.3**	Inviting, Compatible Design. Promote attractive development that is compatible with surrounding uses.	16.604	New	See response to Action NBE-1.1A and B above.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
62.		Action NBE-2.3A: Continue to utilize development approval conditions to achieve compatibility between nearby uses and scale and style of buildings, and to establish limitations on activities that could create potential adverse effects.	16.605	Current	The NZC retains the requirement that all new construction be subject to the Development Review process, which may include conditions of approval that require compatibility between nearby uses and minimize any adverse effects.
63.		Action NBE-2.3B: Update City regulations to specify standards for moderate density, higher density, and mixed-use development that address quality of development and adequate transition to adjacent lower-density residential uses.	16.203.02 16.204.02 16.205.02 16.206.02 16.208.02	New	The NZC adds development standards that address the transition of mixed use development and lower density residential uses through the daylight plane and landscaped buffer requirement and maximum height limit for the mix use, commercial and industrial zoning districts.
64.		Action NBE-2.3C: Update City regulations to require high quality materials and coordinated, consistent design for signage, including business signs, street signs, public and institutional signs, and wayfinding signs along local streets and trails.	16.509.02	New	The NZC adds the requirement that sign programs include designs that are visually complementary and compatible with the scale and architectural style of the primary structures on the site, any prominent natural features on the site and on sites nearby.
65.	**Policy NBE-2.4**	Action NBE-2.4A: Continue to use the Mare Island Specific Plan to guide development and conservation on Mare Island and support activities that contribute to the economic and social well-being of the community.	16.210.01	Current	The NZC maintains the Mare Island Specific Plan as active regulatory document for land use and development on Mare Island.
66.		Action NBE-2.4C: Encourage and facilitate the location of maritime, life sciences, high-tech, and other emerging land uses in locations that will foster synergy with Vallejo's higher educational institutions.	16.301	Current	The NZC supports this policy by retaining the ability to establish maritime, life science, technnoligy and research and development uses in various zoning districts throughout the city.
67.	**Policy NBE-2.5**	Regional Retail and Entertainment. Support a thriving mix of regional retail and entertainment uses near Interstate 80.	16.204.01 16.301	New	The NZC includes the establishment of the Regional Commercial (RC) zoning district that is mapped along the freeway that permits a mix of retail entertainment uses.
68.		Action NBE-2.5A: Work with property owners in the Northgate Area to retain and attract businesses that cater both to local residents and regional shoppers, including through circulation and wayfinding improvements.	16.204.01 16.301	New	The NZC includes the establishment of the Regional Commercial (RC) zoning district that is mapped in the Northage Area and permits a mix of uses for local and regional shoppers.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
69.	**Policy NBE-2.6**	Action NBE-2.6C: Update City regulations to allow and encourage art studios, galleries, community arts spaces, and performing arts and nightlife venues in appropriate locations.	16.301	New	The NZC adds Artist's Studio as a new land use type and permits this use in the mix use and commercial zoning districts. Theaters and concert halls are classified as commercial entertainment facilities and are also permitted in the mix use and commercial zoning districts.
70.	**Policy NBE-2.7**	Action NBE-2.7A: Update City regulations to ensure housing opportunities in close proximity to employment centers and transit, including near the Ferry Terminal and Vallejo Transit Station.	16.215.01	New	The NZC adds a Transit Oriented Development chapter that identifies the Ferry terminal and Vallejo Transit Station as transit centers where a mix of uses are encouraged, including residential.
71.	**Policy NBE-2.8**	Infill Development. Promote infill development targets vacant and underutilized sites for community-desired and enhancing uses that is compatible with surrounding uses.	16.202.05	New	The NZC adds the provision to develop housing on small infill vacant lots. A Minor Use Permit can be granted for development of these lots provided that the development is compatible with the character of the surrounding area.
72.	**Policy NBE-2.9**	Action NBE-2.9E: Engage the Vallejo City Unified School District (VCUSD) in the review of major new residential development projects to ensure that adequate school facilities are or will be available to accommodate new students.	16.602.08	New	The NZC adds the Vallejo City Unified School District as a recipient of public notices for Planning projects.
73.	**Policy NBE-3.1**	Action NBE-3.1B: Continue the use of residential density bonuses to incentivize or fund the construction of public benefits, such as plazas, open space, and public art.	16.204.03	New	The NZC adds a density bonus incentive that includes providing public plazas, parks and public art as public benefits.
74.	**Policy NBE-3.2**	Downtown Identity. Ensure that buildings and public spaces contribute to the visual identity of the Downtown/Waterfront District and complement the walkable character of the area.	16.210	Current	The NZC retains the Downtown Vallejo Specific Plan and Waterfront Planned Development Master Plan Design Guidelines that include standards to ensure the visual identify of the area and that buildings and public spaces complement the walkable character.
75.		Action NBE-3.2A: Continue to apply the Downtown and Waterfront Design Guidelines and require compliance with the Secretary of the Interior's Standards for designated historic resources.	16.210	Current	See response to Policy NBE-3.2 above.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
76.	**Policy NBE-3.3**	Entertainment. Promote a variety of retail, restaurant, and entertainment uses that bring economic vitality downtown, enhance the Downtown Arts District, and activate the pedestrian environment.	16.301	Change	The NZC broadens the type of land uses allowed in the downtown including media production facilities and indoor entertainment facilitie.
77.		Action NBE-3.3B: Develop and implement a strategy to attract desired retailers to the Downtown/Waterfront District both in the near and long term.	16.301	Current, Change	The NZC supports this Action by broadening the type of land uses allowed in the downtown including media production facilities and indoor entertainment facilities, which may attract desired retailers to the area.
78.		Action NBE-3.3C: Update City regulations to allow for outdoor dining, with appropriate consideration for public safety and potential conflicts with neighboring uses and activities.	16.330	New	The NZC adds a new Outdoor Dining and Seating Chapter that includes standards to avoid potential conflicts with nearby uses.
79.	**Policy NBE-3.4**	Local Art Scene. Promote arts and culture, and integrate public art and performances spaces into public and private development.	16.215	New	The NZC supports this policy by adding a density bonus incentive that includes providing public plazas, parks and public art as public benefits.
80.		Action NBE-3.4C: Continue to support the Downtown Arts & Entertainment District consistent with the Downtown Specific Plan.	16.301	Current, Change	See response to Policy NBE-3.3
81.	**Policy NBE-3.5**	Variety of Housing. Attract and encourage higher-density residential development that offers a range of housing options throughout the downtown area, including market rate housing, flexible work-live units, as well as student and senior housing.	16.301	New Current	The NZC supports this policy by establishing the Downtown Mixed Use District (DMX) that allows a range of 30 to 90 units per acre. Property within this district are also within the boundaries of the Downtown Vallejo Specific Plan. The NZC further supports this policy by retaining the Downtown Specific Plan policy to allow live/work, multi-family housing and senior housing as permitted uses in the downtown.
82.		Action NBE-3.5D: Explore opportunities for transit-oriented development with major landowners, developers, and public agencies, including Water Emergency Transportation Authority (WETA) and Soltrans.	16.215.01	New	The NZC supports this policy by adding a new Transit Oriented Development Chapter that identifies the Ferry Terminal and Vallejo Transit Station as transit centers where a mix of uses are permitted and development incentives are included to encourage mixed use development.
83.		Action NBE-3.5E: Identify appropriate sites for a college campus or student union downtown.	16.301	Current	The NZC supports this policy by retaining the Downtown Vallejo Specific Plan policy to allow a college or trade school in the downtown area.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
84.	**Policy NBE-3.6**	Start Up Space. Promote a variety of incubator and small office opportunities.	16.301	New	The NZC supports this policy by permitting office development in mixed use and commercial zoning districts.
85.		Action NBE-3.6A: Update City regulations to allow for office space with a component of pedestrian-related activity, such as medical offices, in vacant retail shop fronts, as appropriate.	16.203.02 16.204.02	New	The NZC adds development standards that require mixed use projects to have a percentage of non-residential uses on the ground floor to activate the area. This may include medical offices, which are allowed in the mixed use and commercial districts.
86.	**Policy NBE-3.7**	Solano360. Achieve the objectives of the Solano360 Specific Plan.	16.210	Current	The NZC supports this policy by retaining the Solano360 Specific Plan as an active regulatory document for the area.
87.		Action NBE-3.7A: Implement Solano360 actions as resources allow.	16.210	Current	See response to Policy NBE-3.7 above.
88.	**Policy NBE-3.8**	North Gateway. Accelerate investment in the North Gateway area to achieve a mixed-use district that caters to both locals and regional travelers to Napa Valley.	16.301	New	The NZC supports this policy by including the North Gateway as part of the Central Corridor zoning district that allows a variety of uses that will cate to boh local and regional travelers.
89.		Action NBE-3.8A: Target business attraction strategies for the North Gateway that can take advantage of local commercial needs, as well as the area's location at the entry to the wine country.	16.301	New	See response to Policy NBE-3.8 above.
90.	**Policy NBE-3.9**	Mare Island Specific Plan. Achieve the objectives of the Mare Island Specific Plan to foster a multi-use community with a balance of industrial, office, commercial, residential, educational, recreation, cultural, and open space uses, meeting the needs of future generations.	16.210	Current	See response to Policy NBE-2.4A above.
91.	**Policy NBE-3.10**	Curtola Employment Center. Strengthen and grow the employment cluster directly south of the downtown area.	16.301	New	The NZC supports this policy by allowing uses such as cafes, banks, and supportive business establishments such as office suppy stores in the employment areas of the City, including the area south of downtown, such as the Limited Industrial (IL) zoning district.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
92.		Action NBE-3.10A: Update City regulations to allow for accessory and secondary activities that support the local workforce in the Curtola Employment District such as banks, cafes, printers, and office supply stores.	16.301	New	See response to Policy NBE-3.10 above.
93.		Action NBE-3.10B: Attract a mix of uses, such as multi-family housing, student housing, or a corporate or educational campus, to the City-owned south waterfront site that support the vitality of the Curtola Employment Center.	16.301	New	See response to Policy NBE-3.10 above. The NZC further supports this policy by mapping nearby parcels as Neighborhood Mixed Use (NMX) zoning district, which allows residential development with a maximum density 30 units per acre and 50 units per acre in areas with a General Plan designated of Businesss/Limited Residential.
94.	**Policy NBE-3.11**	Mare Island. Support industrial, office, and retail uses as envisioned in the Mare Island Specific Plan.	16.201.01	Current	See response to Policy NBE-2.4A above.
95.	**Policy NBE-3.12**	Sonoma-Broadway District. Foster a mixed-use employment district well-served by transit in the area surrounding Kaiser Permanente and Soltrans properties.	16.215.01	New	The NZC supports this policy by adding a new Transit Oriented Development Chapter that identifies the nearby Sereno Transit Facility as transit centers where a mix of uses are permitted and development incentives are included to encourage mixed use development.
96.		Action NBE-3.12A: Explore opportunities for transit-oriented development (i.e., Urban Village) near the Sereno Transit Center in collaboration with Soltrans and adjacent property owners.	16.215.01	New	See response to Policy NBE-3.12 above.
97.	**Policy NBE-3.13**	Neighborhood Character. Preserve the character of existing single-family residential neighborhoods.	16.605	Current, Change	The NZC requires building improvements and new development preserve the character of existing neighborhoods through the Development Review Permit process.
98.		Action NBE-3.13A: Continue to carefully review development proposals to preclude substantial increases in density and new land uses in order to minimize the impact to the character of existing single-family neighborhoods.	16.605	Current	The NZC requires residential density that is consistent with the General Plan, which does not allow for the substaintial inrease in density in single-family neighborhoods.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
99.		Action NBE-3.13B: Continue to allow a mix of housing types along the interconnected linear street grid that contributes to the charm and walkability of Vallejo's central residential neighborhoods, where appropriate.	16.202.02 16.203.02	New	The NZC adds the ability to develop a mix of housing types such as townhouses, bungalows, and garden development in the residential zoning districts, including the central neighborhoods.
100.		Action NBE-3.13C: Continue to allow small group homes for disabled persons and seniors in all residential zones, consistent with State housing law, and continue to allow large group homes and large family daycare facilities, subject to use permit requirements that minimize impacts to neighborhoods.	16.301	Current	The NZC retains the ability to establish small group homes and day care centers in the residential zoning districts, consistent with State law.
101.		Action NBE-3.13D: Continue to permit home-based businesses in residential neighborhoods, provided that off-site impacts are minimized and the residential nature of structures and their surroundings is not compromised.	16.321	Change	The NZC retains the ability to establish home-based businesses in residential neighborhoods, adds additional standards and lists businesses that are prohibited to minimze impacts on surrounding residences.
102.	**Policy NBE-3.14**	Action NBE-3.14B: Update City regulations to incorporate standards for activating corridors, including standards for the placement of doors and windows.	16.203.02 16.204.02	New	The NZC adds development standards that require mixed use projects to have a percentage of nonresidential uses on the ground floor to activate the area. This includes placement of entrances and window.
103.		Action NBE-3.14D: Use the Sonoma Boulevard Specific Plan to guide development and redevelopment along the Central Corridor.	16.210	New	The NZC supports this Action by retaining the Sonoma Boulevard Specific Plan as an active regulatory document that includes policies to guide development and redevlopment along the Central Corridor.
104.	**Policy NBE-4.1**	Action NBE-4.1B: Investigate and provide access to places for in-water recreational activities and for commercial and recreational small crafts, such as water taxis, canoes, and kayaks.	16.203.03,O	New	See response to Action CP-1.4C above.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
105.		Action NBE-4.1D: Update City regulations to emphasize mixed-use development along the central waterfront, on the east side of Mare Island Way that enhance connections between downtown and the waterfront.	16.210	New	The NZC includes the requirement that projects within the Waterfront Mixed Use (WMX) zoning district comply with the Waterfront Plannded Development Master Plan (PDMP) that includes mixed used development wihtin the central waterfront area and includes public improvements that connect the waterfront with the downtown.
106.	**Policy NBE-4.2**	Action NBE-4.2C: Encourage temporary uses such as food trucks, vendors, and festivals.	16.327	New	The NZC adds Mobile Food Vending as a new land use type that is allowed throughout the City, including in the Downtown Mixed Use (DMX) zoning district.
107.		Action NBE-4.4A: Continue to use the Waterfront Design Guidelines to guide public and private investments along the waterfront between Solano Avenue and the Mare Island Causeway.	16.03.02	New	The NZC includes the requirement that projects within the Waterfront Mixed Use (WMX) zoning district comply with the Waterfront Plannded Development Master Plan (PDMP), which includes the PDMP Design Guidelines.
108.		Action NBE-4.4B: Continue to use BCDC Public Access Design Guidelines in reviewing waterfront development proposals.	16.203.02	New	The NZC includes the requirement that projects within the Waterfront Mixed Use (WMX) zoning district comply with the Waterfront Plannded Development Master Plan (PDMP), which includes use of the BCDC Public Access Design Guidelines.
109.	**Policy NBE-5.1**	Event Readiness. Prepare sufficiently for major events to enable quick and effective response.	16.101.2,J.5	Current	The NZC retains the allowance for the City Council to authorize a temporary deviation from a provision of the Zoning Code during a local emergency.
110.	**Policy NBE-5.3**	Health and Safety Codes. Enforce development regulations and building code requirements to protect residents, businesses, and employees from flooding, liquefaction, earthquakes, fires, and other hazards.	16.602.06	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require an assessement of environmental impacts of a proposed development project on residents, businesses, and employees.
111.	**Policy NBE-5.4**	Project Location and Design. Prohibit development in any area where it is determined that the potential risk from natural hazards cannot be mitigated to acceptable levels.	16.602.06	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require an assessement of environmental impacts of a proposed development project and could result in prohibiting development in an area of potential risk.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
112.		Action NBE-5.4A: Continue to require geotechnical studies for land use proposals to determine engineering measures that may be necessary to adequately mitigate any seismic, flooding, sea level rise, landslide, erosion, or related risk.	16.602.06	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require a geotechnical study to determine if measures are needed to mitigate any associated impacts.
113.		Action NBE-5.4B: Continue to require drainage and erosion control measures for landslide-prone or geologically hazardous hillside areas to minimize risks to downhill areas.	16.213	Change	The NZC retains and augments the Hillside Development standards, which includes that hillside projects shall comply with Title 12 to minimize eroision impacts.
114.		Action NBE-5.4C: Continue to use the development review process to ensure that development is planned and constructed to resist the encroachment of uncontrolled fire.	16.602.06	Change	The NZC retains the requirement that the development review process includes project compliance with CEQA. This review process may include an assessment to ensure to ensure that development is planned and constructed to resist the encroachment of uncontrolled fire.
115.	**Policy NBE-5.6**	Flood Control Planning. Protect the community from potential flood events.	16.504.03	Change	The NZC support this policy by retaining regulations regarding flood hazards and includes refering applications for projects within a Flood zone to the Vallejo Flood and Waste Water Districts for review and recommendations.
116.		Action NBE-5.6B: Collaborate with the Vallejo Sanitation and Flood Control District (VSFCD) and Solano County Water Agency (SCWA) to implement comprehensive flood control planning.	16.507.3	Change	The NZC augments regulations regarding flood hazards and includes refering applications for projects within a Flood zone to the Vallejo Flood and Waste Water Districts for review and recommendations.
117.		Action NBE-5.6D: Continue to enforce City regulations that prohibit development, grading, and land modification activities that would adversely affect the local drainage system or create unacceptable erosion impacts.	16.213	Change	The NZC retains and augments the Hillside Development standards, which require projects located on property that has a slope of 15 percent or more to comply with Title 12 to minimize eroision impacts.
118.	**Policy NBE-5.7**	Design for Stormwater Control. Encourage new development and redevelopment to minimize the area of new roofs and paving.	16.504.E, F	New	The NZC supports this policy by requiring additional parking lot and garage rooftop planting.
119.	**Policy NBE-5.9**	Sea Level Rise. Plan for sea level rise and participate in regional adaptation efforts for areas of Vallejo at risk from sea level rise.	16.507	New	The NZC supports this policy by establishing requirements address sea level rise requirements in a new Natural Hazard Reductin Chapter

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
120.		Action NBE-5.9A: For City underground utilities, use materials that are more resistant to corrosion from saltwater intrusion.	16.501.10	New	The NZC supporst this action by including that all utilities be placed underground.
121.	**Policy NBE-5.10**	Site Safety. Ensure that affected soil, groundwater, or buildings will not have the potential to adversely affect the environment or the health and safety of site occupants.	16.602.10	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require that soil, groundwater, or buildings related to a development project will not adversely affect the environment.
122.		Action NBE-5.10A: Continue to require remediation of hazardous material releases from previous land uses as part of any redevelopment activities.	16.602.10	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require remediation of hazardous material releases from previous land uses as part of any redevelopment activities.
123.		Action NBE-5.10B: Continue to require environmental site assessments stipulated by State and County regulations for potential hazardous material releases from prior uses and assessments for lead and asbestos present in building materials.	16.602.10	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require environmental site assessments stipulated by State and County regarding hazardous material releases.
124.	**Policy NBE-5.11**	Risk Reduction. Reduce the risk of hazardous materials accidents, spills, and vapor releases, and minimize the effects of such incidents if they occur.	16.320	New	The NZC adds a new Hazardous Materials Handling and Storage Chapter for facilities involved in the handling or storage of hazardous materials and that includes measures to reduce the risks of accidents, spills and other related incidents.
125.		Action NBE-5.11E: Continue to require that all facilities where hazardous materials are used, handled, or stored are designed and constructed to minimize the possibility of environmental contamination and off-site impacts.	16.320	New	See response to Policy NBE-5.11 above.
126.		Action NBE-5.11F: Collaborate with county, State, and federal agencies to ensure that facilities where hazardous materials are used, handled, or stored are regularly inspected and that applicable regulations are enforced.	16.320	New	The NZC adds a new Hazardous Materials Handling and Storage Chapter for facilities involved in the handling or storage of hazardous materials and requires compliance with all applicable federal and state rgulations.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
127.	**Policy NBE-5.13**	Noise Control. Ensure that noise does not affect quality of life in the community.	16.502.10,C	Current	The NZC retains the requirement to locate noise-producing activity away from sensitive receptors. The various use standards also include requirements to maintain appropriate noise levels.
128.		Action NBE-5.13A: Continue to require that new noise-producing uses are located sufficiently far away from noise-sensitive receptors and/or include adequate noise mitigation, such as screening, barriers, sound enclosures, noise insulation, and/or restrictions on hours of operation.	16.502.10,C	Current	See response to Policy NBE-5.13 above.
129.		Action NBE-5.13C: Update City regulations to restrict the allowable hours to between 7 AM and 7 PM on weekdays for construction, demolition, maintenance, and loading/unloading activities that may impact noise-sensitive land uses.	16.502.10,D1	New	The NZC adds that construction, demolition and related activities that general noise that exceed the allowable limits must occur between 7 am and 7 pm in residential and mixed use districts.
130.		Action NBE-5.13D: Require proponents of mixed-use projects to notify potential residents that they may be affected by noise from adjacent/nearby commercial, retail, entertainment, and/or circulation components of the project.	16.502.10,D.3.e	New	The NZC adds a requirement that developers of mixed-use projects provide notification to residents regarding the potential noise exposure for other project components.
131.	**Policy NBE-5.14**	Vibration Control. Ensure that vibration does not affect quality of life in the community.	16.502.09	Current	The NZC retains requirement that no use shall be operated that produces vibrations that generaly do not affect adjacent uses.
132.	**Policy NBE-5.15**	Noise Compatibility Standards. Apply the General Plan noise and land use compatibility standards to all new residential, commercial, and mixed-use development and redevelopment.	16.502.10	New	The NZC includes the General Plan noise and land use compatibility standards for all use new development.
133.		Action NBE-5.15A: For new single-family residential projects, use a standard of 60 Ldn for exterior noise in private use areas, and require appropriate impact mitigation.	16.502.10	Current	The NZC retains the requirement that a new single-unit project that includes residential use has a noise limit of 65 Ldn for exterior noise in private areas.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
134.		Action NBE-5.15B: For new multi-family residential projects, use a standard of 65 Ldn in outdoor areas, excluding balconies, and require appropriate impact mitigation.	16.502.10	New	The NZC adds a new requirement that a new multiple-unit project has a noise limit of 65 Ldn in outdoor areas.
135.		Action NBE-5.15C: For new mixed-use projects that include a residential component, use a standard of 65 Ldn in outdoor areas, excluding balconies, and require the design to minimize commercial noise intrusion into residential areas, including by separating residential areas from noise-generating sources such as mechanical equipment, entertainment facilities, gathering places, loading bays, parking lots, driveways, and trash enclosures to the extent reasonably feasible.	16.502.10	New	The NZC adds a new requirement that requires a mixed use project that includes residential use has a noise limit of 65 Ldn.
136.		Action NBE-5.15F: Require acoustical studies with appropriate mitigation measures for projects that are likely to be exposed to noise levels that exceed the 'normally acceptable' standard and for any other projects that are likely to generate noise in excess of these standards.	16.502.10	New	The NZC adds a new requirement that the Director may require an acoustic study to assess noise levels for a project.

EXHIBIT B TO ORDINANCE TO REPEAL ZONING CODE AND MAP AND ADOPT NEW ZONING CODE AND NEW ZONING MAP

The New Zoning Code is consistent with the adopted Specific Plans as follows:

SP-1 Hiddenbrooke: The New Zoning Code is consistent with the Hiddenbrooke Specific Plan. The Project removes the Mixed Use Planned Development (MUPD) zoning district and rezones the area as "Specific Plan (SP)-1"; however, no changes to the Specific Plan are proposed.

SP-2 White Slough: The New Zoning Code is consistent with the White Slough Specific Area Plan, as it removes the Mixed Use Planned Development (MUPD) zoning district and includes a Specific Plan designation for the White Slough area, "Specific Plan (SP)-2". The Project rezones the area as Central Corridor Commercial (CC), Limited Industrial (IL), Neighborhood Mixed Use (NMX), Residential Medium Density (RMD) and Residential High Density (RHD), consistent with the General Plan land use designations of Business/Limited Residential, Central Corridor, Neighborhood Corridor, Limited Industrial, Mix of Housing Types/Medium Density, and Primarily Multi-family. The land use regulations in Appendix A of the Specific Plan are removed and the above zoning districts are referenced for land use and development standards; however, development standards that preserve the views and provide open space and trails will be retained to implement the goals of the Specific Plan to enhance, preserve, and protect the slough.

SP-3 Downtown Vallejo Specific Plan: The New Zoning Code is consistent with the Downtown Vallejo Specific Plan. The New Zoning Code removes the Mixed Use Planned Development (MUPD) Zoning District and rezones the area as Downtown Mixed Use (DMX) zoning district and includes (SP)-3" designation, and removes the Land Use Table in the Specific Plan, referencing Title 16. The combined zoning district allows the DMX zoning district to provide the land use regulations that permit or conditionally permit a range of uses, including a variety of housing types, retail and entertainment uses, and provide development standards to implement the overall goals and policies of the Specific Plan.

SP-4 Mare Island: The New Zoning Code Project is consistent with the Mare Island Specific Plan. The Project removes the Mixed Use Planned Development zoning district (MUPD) and rezones the most of the area as "Specific Plan (SP)-4", and rezones North Mare Island as General Industrial (IG) consistent with the General Plan 2040 Land Use Designation. The Project t does not propose any changes to the Specific Plan.

SP-5 Solano360: The New Zoning Code is consistent with the Solano360 Specific Plan, as it removes the Mixed Use Planned Development zoning district and rezones the area as "Specific Plan (SP)-5" and does not propose any changes to the Specific Plan.

SP-6 Sonoma Boulevard: The New Zoning Code is consistent with the Sonoma Boulevard Specific Plan, as it applies a Specific Plan zoning district for the area, "Specific Plan (SP)-6" and rezones the area as Central Corridor Commercial (CC). This combined zoning district allows the Zoning Code to provide the land use regulations and development standards for the area while supporting the goals and policies of the Specific Plan.

NEW ZONING CODE ERRATA UPDATED MARCH 31, 2021

The following changes will be made to the document dated 3.5.21 (Editorial changes and corrections such as capitalization, grammar, formatting, etc. will also be made but are not included in the list. A brief explanation for the change is provided in italics, where applicable.)

No.	Section No.	Page No.	Correction or Change (Added Text is shown in Bod, Deleted Text is shown in ~~Strike thru~~.)
1	16.101.02.I.2	2	Edit: All persons wishing to establish a use within the City must apply to the **Planning and Development Services Director (Director), as defined in Section 16.601.04, Planning and Development Services** Director…
2	16.104.04.A.4	8	Edit: Enclosed **(with walls)** and roofed porches and balconies;
3	16.105.03.A	15	Edit: A nonconformity may result from any inconsistency with ~~the~~ any one of or more requirements…..
4	Table 16.201-A	27	Add Additional Standard: **Projections into Required Yards - See Chapter 16.501.07, Projections into Required Yards**
5	16.202.03.A	29	Edit: Rooflines, exterior materials, windows, railings, porches and other design elements shall be designed in the same style as the existing building unless an alternative design is approved through **Chapter 16.605, Development Review.** ~~through Chapter 16.604, Design Review.~~ *(Design Review is not required for single-unit residential.)*
6	16.202.03.B	29	Edit: …..on documentation provided by the applicant may be approved subject to the provision of ~~Chapter 16.604, Design Review.~~ **Chapter 16.605, Development Review.** *(Same as above.)*
7	16.202..03.C	29	Edit: Alternative designs to create consistency with the architectural style of the building may be approved subject to the provisions of ~~Chapter 16.604, Design Review.~~ **Chapter 16.605, Development Review.** *(Same as above.)*
8	Table 16.202-B	31	Edit: Minimum/Maximum Density (units/net acre) for Business/Limited Residential General Plan Designation, ~~RMD - Max. 50~~ **n/a** *(RMD is not compatible with Business/Limited Residential)*
9	Table 16.202-B	31	Edit: Notes for Minimum Front Setbacks RMD: 15~~(C)~~ **(A)**; RHD:15 ~~(C)~~**A** and Street Side Setbacks, RMD: 10 ~~(D)~~ **(A)**; RHD 10 ~~(D)~~ **(A) (***All notes are provided in A.)*
10	Table 16.202-B	33	Add Additional Standard: **Projections into Required Yards - See Chapter 16.501.07, Projections into Required Yards,**
12	16.203.01	38	Edit: WMX Waterfront Mixed Use: …… Waterfront **and Vallejo Station** Planned Development Master Plan **(Waterfront PDMP)**
13	16.203.03.B	44	Edit: Development in mixed-use districts with more than 100 **linear** feet of frontage shall provide….
14	16.203.03.O	48	Edit: ….shall provide public access to and **a**long the shoreline consistent with State and Bay Conservation and Development Commission requirements**, and shall include in-water access where feasible, consistent with General Plan Policy NBE-4.1.**

15	16.204.03.L	58	Edit: shall provide public access to and **a**long the shoreline consistent with State and Bay Conservation and Development Commission requirements**, and shall include in-water access where feasible, consistent with General Plan Policy NBE-4.1.**
16	Table 16.206-A	64	Add Building Form and Location, Maximum Floor Area Ration (FAR): **IL- 2.5, IG-2.0**
17	16.207.03	67	Add C: **Any development along San Pablo Bay, the Napa River, Mare Island Strait, or the Carquinez Strait shall provide public access to and along the shoreline consistent with State and Bay Conservation and Development Commission requirements, and shall include in-water access where feasible, consistent with General Plan Policy NBE-4.1.**
18	16.209.01.G	70	Edit: ….development standards of the applicable Master Plan and/or **Planned Development** Unit Plan.
19	16.209.01.G.1.e	70	Edit: Northgate **(Residential)**
20	16.213.03	77	Edit: Notice of Restriction, shall consult with the Planning Division, City of Vallejo and secure a ~~Site~~ Development **Review** Permit if required by the above referenced ordinance.
21	16.214.09.B	78	Edit: Purchase of for sale units and Occupancy of rental units shall be reserved ~~the~~ **for** applicable moderate, low and very low…..
22	16.214.09.K.	79	Edit: A copy of this form is available from the ~~Community Development Department~~ **Planning Division**.
23	16.214.09.J	79	Edit: …required to reserve the lower income unit sat the controlled rents for a minimum of 55 **years** or such other period…..
24	16.214.10.B	79	Edit: ….this Chapter, shall be submitted with the **Below Market Rate (**BMR**)** Housing Plan required by this Chapter.
25	16.214.10.E	80	Edit: The Director may require that any pro form submitted pursuant to ~~Division (A)~~ **Subsection** A of this Chapter….
26	16.214.13.A	81	Edit: If the findings required by the previous Chapter can be made, the ~~decision making body~~ **Review Authority** may deny a concession……
27	16.214.13.B	81	Edit: If the findings required by the previous Chapter can be made the ~~decision making body~~ **Review Authority** may deny a waiver…..
28	16.214.13.B.1	81	Edit:…….to low-and moderate-income households. For the purpose of this ~~division~~ **Chapter**, specific adverse…..
29	16.214.14	81	Edit: ….required by this Zoning Code, including but not limited to requirements for ~~conditional u~~ **U**se **Permit** approval or ~~site d~~Development ~~plan r~~**R**eview and does not allow public hearings.
30	16.215.01	83	Edit: The purpose of the Transit Oriented Development (TOD) **Chapter** is to encourage an appropriate…..
31	16.301.01.A	87	Edit: Waterfront **and Vallejo Station** Planned Development Master Plan (**Waterfront** PDMP)
32	Table 16.301-A	88	Edit: Add Agricultural Processing, MNP in IL, and P in IG
33	Table 16.301-A	89	Edit: Alternate Fuels and Recharging Facilities - Add "P" in PS
34	Table 16.301-A	90	Edit: Restaurant with Drive-Through, NMX - ~~MNP~~, **MJP**; CC - ~~MNP~~, **MJP**, RC - **MNP**, ~~MJP~~

35	Table 16.301-A	91	Edit: Grocery Store/Supermarket Small (Less than 10,000 sf) - Add **MNP/3** in RLD, RMD, RHD
36	Table 16.301-A	91	Edit: Bed and Breakfast - Not Permitted in NMX, DMX, WC, CC, RC *(Single-unit not allowed in these zones)*
37	Table 16.301-A	93	Edit: Contractor's Yard, Add Additional Regulations Note - **Chapter 16.501.06, Outdoor Storage.**
38	Table 16.301-A	94	Edit: Recycling, Large, CC - ~~MNP~~, **MJP**; Recycling, Small, ~~MJP~~, **MNP**
39	Table 16.301-A	94	Edit: Outdoor Storage, Add Additional Regulations Note - **Chapter 16.501.06, Outdoor Storage.**
40	Table 16.301-A	95	Edit: School - Change from P to MNP/2 in RR, RL, RMD, RHD
41	Table 16.301-A	96	Edit: Single-Unit Detached, Add P/1 in WMX and NC
42	Table 16.301-A	96	Delete New Single-Unit Dwelling, Detached entirely
43	Table 16.301-A	96	Edit: Small Lot Development - Not Permitted in RHD
44	Table 16.301-A	97	Edit: Marina - Add "P" in WC
45	16.302.01.C	99	Edit: **Firearms** ~~Guns~~ Repair ands and/or sales. **Firearms** ~~Gun~~ repairs and sales are separate principal uses…..
46	16.303.02.E	100	Edit: …..shall not exceed 50 percent of the total floor area of the primary residential unit **or 1,200 square feet.**
47	16.304.04.A	105	Edit: ….during business hours the Regulatory Permit issued pursuant to the provisions of this ~~Division~~ **Chapter** for such Adult-Use Business in a conspicuous…..
48	16.304.04.B	105	Edit: Business Performer required to have a Permit in compliance with this ~~Division~~ **Chapter** with an identification…..
49	16.305.02.B.12.b.	109	Edit: ….shall be required to obtain a ~~Major~~ Use Permit prior to resuming business whether or not a ~~Major~~ Use Permit was obtained in the past for the premises.
50	16.307.02.P.4	115	Edit:…..the convenience store or mini market operation shall be prohibited between the hours of 10 p.m. and ~~6~~ **7** a.m. *(Consistent with auto related services.)*
51	16.308.02.E.3.a	118	Edit: Except for emergency-only pedestrian exits required by the **Chief** Building Official.
52	16.308.03.E.2	119	Edit: ….materials to minimize noise impacts on adjacent properties and shall not be operated before ~~8~~ **7** a.m. or after 6 p.m. (*Consistent with auto related services.)*
53	16.309.03.B	121	Edit:…..prepared by a qualified professional, demonstrates to the satisfaction of the **Planning** Commission that levels of spray…..
54	16.312.01	124	Edit: ….to operate establishments engaged in the **retail**, processing, cultivation or distribution of cannabis….
55	16.312.01	125	Edit:…..Permit for ~~the~~ cannabis **retail**, cultivation, distribution, manufacturing and testing laboratory use.
56	16.312.02.C	125	Edit: See Attachment for Revised Cannabis regulations
57	16.315.02.C	130	Edit: Add as last sentence; **Automobile stacking shall comply with Section 16.508.10, Stack-up Spaces for Drive-In and Drive-Through Facilities.**
58	26.432.05.O	137	Edit: Businesses involving ~~medical marijuana~~ **cannabis** activity;
59	16.326.02.B.1.b.iv	145	Edit: A written description of the proposed ~~business~~ Massage Establishment and how…..

60	16.327.02.E	148	Edit: At all times while vending, a valid business license and ~~Director's Permit~~ **Zoning Compliance Certificate** shall be displayed at the mobile food vending site.
61	16.327.02.H	148	Edit: ~~The permittee is responsible for maintain the clear path.~~ *(Redundant to first sentence.)*
62	16.327.02.L	149	Edit: The operation shall at all times comply with the provisions of ~~the City's Noise Ordinance~~ **Section 16.502.10, Noise…**
63	16.329.02.C.11	153	Edit: …..in accordance with ~~Table 16.601-A: Permit Review Authority~~ **Table 16.301-A Land Use Regulations**.
64	16.330.02.C	155	Add #8. **The owner operator shall provide for daily removal of trash liter and debris from the premises and on all abutting sidewalks within 100 feet of the premises.**
65	16.330.02.C.3.c.ii	154	Delete entirely. *(Repeat from c)*
66	16.333.02.B	158	Edit: Small recycling collection facilities are allowed subject to the ~~Director's approval~~ **Zoning Compliance Review, pursuant to Chapter 16.603 Zoning Compliance or a Minor Use Permit, Chapter 16.606, Minor and Major Use Permit**, and compliance with the criteria and the standards in this Section.
67	16.333.02.C	159	Edit: When a Major Use Permit is required in compliance with ~~Part II Base and Special Districts~~ **Table 16.301-B, Land Use Regulations Table** of the Zoning Code, …..
68	16.337.02.B	165	Edit: Centers may be operated between the hours of 8 a.m. and 8 p.m., **Monday through Saturday.**
69	16.338.02.C.8	167	Edit: ….meet the criteria established in this Chapter shall be permitted. ~~subject to approval of a Certificate of Appropriateness by the Director.~~ **Applicants are encouraged to locate panels away from principal (street-facing) facades, install the panels flush with roof plane (rather than elevated at a different angle), locate conduit and other ancillary equipment in a non-conspicuous location instead of the primary façade and avoid obstructing key architectural features.** *(State law allows building permits only.)*
70	16.339.02.I.6.c	172	Delete entirely. *(Repeat from I.4)*
71	16.339.02.k.3.b.	172	Edit: …removal of the permitted temporary use upon the expiration of the ~~Administrative~~ **Temporary** Use Permit.
72	16.339.03.D.6	173	Delete entirely; *(Redundant of D.5)*
73	16.339.03	173	Edit: Add at end of first paragraph **- Temporary Use Permits replaces the Administrative Permit and process.**
74	16.341.01.A	176	Edit:…..facilities already in existence at the time of adoption of ~~the ordinance codified in~~ this Zoning Code and to those which are approved under its provisions.
75	16.341.02.B	177	Edit: **Minor Use Permit and** Development Review Required. Unless exempted, **a Minor Use Permit, as provided in Chapter 16.606, Minor and Major Use Permit, and** Development Review Permit, as provided in 16.16.603, Development Review are required for the construction of a new wireless telecommunication facility or substantial change to an existing facility.
76	16.341.05.A.4.a	180	Edit:…..shall operate in compliance with the noise exposure standards contained in **Section 16.502.10, Noise,** and including…..

77	16.341.05.A.4.b	180	Edit: ……standards in **Section 16.502.10, Noise** ~~the General Plan~~ and including without limitation…..
78	16.341.07.A.	183	Edit: …..according to the approved plans and all condition in the Use Permit/Development Review approval.
79	16.341.07.B	183	Edit: ….any use or activity in connection with the authorized use covered by the ~~Conditional~~ Use Permit, which includes….
80	16.341.09.G	185	Edit: Standard Conditions of Approval; remove entirely. *(There are no standard conditions in the Code.)*
81	16.341.10	186	Edit: ….obligation to comply with every applicable provision in this Code~~, this Article~~, ~~any permit~~, any permit condition…..
82	16.501.03.A	192	Edit: ….from a street to a non-residential use cannot travers an ~~R~~**residential** zoning district…..
83	16.502.03	201	Remove entire section. *(Not included in Code.)*
84	16.502.10.D.1	206	Edit: …..noise exceeding levels in Table 16.502.E shall be limited to hours between 7a.m. and 7 p.m. in the **residential zoning districts** ~~Zoning Districts 1 and 2~~ and in any mixed-use district.
85	16.503.02.C.12	208	Edit: Provide employees with a subsidy, determined by the applicant and subject to review by the **Traffic Engineer** ~~Department of Transportation~~, if they use transit or commute by other alternative modes.
86	16.503.02.C.15	208	Edit: Provision of a shuttle program or participation in an existing shuttle program approved by the **Traffic Engineer** ~~Department of Transportation~~ and subject to any fees for the existing program.
87	16.603.03.B	209	Edit: …..The **Traffic Engineer** ~~Department of Transportation~~, a citywide TMA, or a consulting Traffic Engineer retained by the City at applicant's expense……
88	16.504.01.G.1	210	Edit: ….shall provide landscaping in compliance with the requirements of this Chapter except for new single-unit homes on existing lots as stated in subject Subsection ~~J~~ **4** below.
89	16.504.08.A.4	217	Edit: Remove #4. *(Repeated in B.)*
90	16.504.09.E	218	Edit: Landscape ~~Plan~~ Review **Permit** and Procedures: Landscape Review applications for a project subject to **Section 16.504.09, Water-Efficient Landscape Requirements and based on Subsection C, Applicability**, shall not be approved until plans and written material showing how the…..
91	16.504.05.04	232	Table 16.505-A, Required front yard, Notes: The maximum height allowed with an Exception Permit**: is 5 feet.**
92	16.505.04C.5	232	Edit: ….minimum of 10 feet from the front property line~~. or back of sidewalk, whichever is closest to the residence.~~
93	Table 16.506-A	239	Edit: Use Class and Lamp Type; Remove ~~LZ3,~~ ~~LZ2,~~ and ~~LZ3~~.
94	Table 16.507-A	243	Edit: Risk Zone D: Industrial, Residential, Commercial for fewer than 200 **occupants**; and Industrial Residential, and Commercial for 200 or more **occupants**; Public/Semi-Public
95	Table 16.508-A	247	Edit: Residential and Live/Work: 1~~.25~~ space~~s~~ per unit
96	16.508.04.C	247	Edit: Parking shall be provided by the minimum ~~parking by the minimum~~ provision ~~of 50%~~ of the ~~maximum~~ parking requirements noted in Table 508-B unless ……..
97	16.508.04.B.	248	Off-Street Parking Table: Correct Residential, All Residential Uses (except as noted below) ~~2~~ **1** per unit

98	16.508.06.C.5	250	Edit: ….appeal, may approve a Minor Use Permit**, as provided in Chapter 16.606, Minor and Major Use Permit** for shared parking…..
99	16.508.07.F.3	253	Edit: …..or its project across the lot, except upon the granting of ~~an~~ **a Minor Use Permit, as provided in Chapter 16.606, Minor and Major Use Permit,** ~~administrative use permit~~. To grant…..
100	16.508.04.A.	262	Edit: Where an applicant can demonstrate to the satisfaction of the **Director or** Planning Commission that variations…. be allowed with approval of ~~Discretionary~~ **Minor Use** Permit. To grant such a ~~Discretionary~~ **Use** Permit, the **Director or** Planning Commission shall make…..
101	16.509.03.P	266	Edit: Temporary ~~on-site wall-mounted~~ signs are allowed within commercial…….
102	16.509.06.E	273	Remove E entirely. *(Removed from Code; difficult to enforce)*
103	16.509.06.J	293	Edit: ….Any such appeal must be filed with ~~the Secretary of the nonelected Review body~~Planning Division or City Clerk, **in accordance with Section 16.602.12 Appeals**, within 10 calendar days....
104	16.602.06	291	Edit: …..Director has deemed necessary to make an environmental determination together with all required fees, **unless prohibited by State law**.
105	16.602.06. A-I	291-293	Remove entirely *(covered in CEQA Guidelines)*
106	16.602.06.J	293	Edit: ..Any such appeal must be filed **in accordance with Section 16.602.14**, **Appeals** ~~with the Secretary of the nonelected Review body~~ within 10 calendar days….
107	16.602.08.A.2	294	Edit: Projects subject to CEQA at least 21 calendar days before the date **of the Planning Commission hearing** or date of action when no public hearing is required.
108	16.602.08.D	294	Edit: Alternative Method for Large Mailings, Zoning Code Text Amendments, **and Planned Development**. If the number of property owners to whom the notice would be mailed or delivered is greater than 1,000, or the notice is for Zoning Code text amendment, **or a Planned Development text amendment**, a mailed notice is not required……
109	16.602.14.A.2	297	Edit: ….may be appealed to the City Council by filing a written appeal with **the City Clerk** ~~Director~~.
110	16.602.14.B	297	Edit: …..applicant, by the owner of property, or by any other person **aggrieved** ~~adversely affected~~ by a decision that is subject…
111	16.602.14.A	297	Edit: Add 3. **Multiple Actions. In the event an appeal is filed regarding a decision on one of multiple permits or City approvals concurrently granted for a single project (for example, the approval of a Use Permit is appealed on a project for which a Negative Declaration was approved at the same time), all concurrently granted determinations, findings, City permits and approvals for the project shall be automatically appealed, and shall be considered and acted upon in compliance with this Chapter.**
112	16.602.14.D.3	298	Edit: …The Director shall forward the appeal, the **Staff Report and Resolution** ~~Notice of Action~~, and all other documents…..
113	16.6024.01.J.1	300	Edit: …New residential development that consists of ~~more than~~ 2 **or more** ~~10~~ units.

114	16.604.01.K.2	300	Edit: a. **Structures or buildings up** ~~Up~~ to 5,000 sf - Director Decision b. **Structures or buildings more** than 5,000 sf ~~or More~~ - Design Review Board decision
115	16.604.01.L.5	301	Edit: Interior features and interior alterations ~~are~~ unless they materially affect a……
116	16.604.01.L	301	Add: **7. Surface parking lots**
117	16.604.02.D	301	Edit: Design Review Projects proposing new and amended ~~Master Plans and~~ Planned Developments
118	16.605.02.C	304	Remove entirely *(covered in Common Procedures)*
119	16.605.02.A.4	304	Edit: ~~Applications for~~ Development Review within a Specific Plan area or Planned Development zoning district **replaces the Unit Plan process**. **The application** shall also describe the specific design……
120	16.606.01	306	Edit: ….is required for uses or projects pursuant to Part II, ~~Base and Overlay districts~~ **Districts and Development Types,** Part III, ~~General Regulations~~ **Use Standards**…..
121	16.608.04.A	310	Edit: **Review** Authority and Duties:
122	16.608.04.	312	Add F: **Notification. Notice shall be provided in compliance with the requirements of Chapter 16.602, Common Procedures, Section 16.602.07, Noticing. When a project subject to an Exception Permit approval and requires a Development Review Permit, Use Permit, Variance, an amendment of the Zoning Code, or any other discretionary action, the notice for such approvals shall also state that the project is subject to an Exception.**
123	16.609.04.D.1	313	Edit: All development within a Specific Plan district shall require Development Review, in accordance with Chapter 16.605, Development Review, **which replaces the Planned Development Unit Plan permit and process,** and shall be subject…..
124	16.609.03	313	Add E. **Public Notice and Hearing. All applications for a Specific Plan or a Specific Plan Amendment shall require public noticing and hearings before the Planning Commission and City Council, pursuant to Chapter 16.612, General Plan Amendments of this Zoning Code.**
125	16.610.02	314	Add E. **Public Notice and Hearing. All applications for a Planned Development Plan shall require a public notice and hearings before the Planning Commission and City Council, pursuant to Chapter 16.602, Common Procedures.** **E. City Council Hearing and Action. After receiving the report from the Planning Commission, the City Council shall hold a duly noticed public hearing.** **1. All applications for a Planned Development Rezoning and Planned Development Plan shall require public noticing and hearings before the Planning Commission and City Council, pursuant to Chapter 16.602, Common Procedures.**
126	16.610.06	315	Edit: ….require a Development Review Permit, in accordance with Chapter 16.605, Development Review, **which replaces the Planned Development Unit Plan permit and process.**

127	16.610.07.B	315	Edit: ….approved PD Zoning District or Planned Development Plan shall be considered by the City council at a duly noticed public hearing, following a Planning Commission recommendation.
128	16.701	338	Edit: 10. Police Chief. The Police Chief of the City of ~~Navato~~ **Vallejo** or the authorized representatives thereof.
129	16.701	356	Add: **Large Format Liquor Store: Liquor store with 7,000 square feet or more of gross floor area with standard retail hours of operation.**
130	16.701	363	Edit: Recreation Facilities. Spectators are incidental ~~an~~ on a recurring basis.
The following changes are based on the Planning Commission Public Hearing on March 29, 2021 and Staff edits for greater clarity.			
131	Table 16.301-B	98	Edit: Note #15: ~~Only~~ **Not** permitted **except** in the White Slough Specific Plan Area Zone 1A.
132	16.602.08.B	294	Edit: A. Posted Notice is moved down to add - **B. Emailed Notice. On the same day that mailed notices are sent, an email with the notice shall be sent to:** **1. The Planning Commission, Architectural Heritage and Landmarks Commission and Design Review Board, as applicable, when a public hearing before the respective board or commission is required; and,** **2. The Planning Commission for projects subject to the Director's decision.** **C. Posted Notice.** (No changes) **D. Newspaper Notice.** (No changes) **E. Alternative Method for Large Mailings and Zoning Code Text Amendments.** (See changes in No. 108 above) **F. Contents of Notice.** 2. A general description of the proposed project, **<u>including the size of the use or project,</u>** and requested action; **G. Failure to Notify Individual Properties.** (No changes) **H. Community Meetings.** (No changes)
132	16.614.05	325	See Separate Architectural Heritage and Preservation Chapter Errata.
133	16.212.01.B	74	Edit: …..zoning district, the provisions of this Chapter shall apply. **The exception is when a project is also subject to Chapter 16.213, Residential View District, the more restrictive provision shall apply.**
134	Acknowledgements	ii	Add:Planning Commissioners: Diosdado "J.R." Matulac, Planning Commission Chair Kathleen Diohep, Planning Commission Vice-Chair Peggy Cohen-Thompson, Planning Commissioner Jamar Stamps, Planning Commissioner Charles Palmares, Planning Commissioner

			Melissa Bowman, Planning Commissioner Donald Douglas, Planning Commissioner Robert Schussel, Former Planning Commission Chair Thomas Judt, Former Planning Commissioner Marvin Kinney, Former Planning Commissioner Randy Larson, Former Planning Commissioner Chris Platzer, Former Planning Commissioner

Updated March 31, 2021
CHAPTER 16.312 CANNABIS PROCESS, CULTIVATION, DISTRIBUTION, TESTING AND RETAIL ERRATA
Remove 16.312.02.C through G Entirely and replace with the following:

C. **Development and Operation Standards.** Cannabis cultivation, distribution, manufacturing and testing laboratory establishments shall comply with the following restrictions:

1. Where this Code conflicts MAUCRSA design and development standards, the more restrictive standards shall apply. All applicable zoning district requirements must be met, together with the following requirements:

2. Development and Operational Standards:

a. General. All activities shall occur within a secure fence at least 8 feet in height that fully encloses the area. The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress.

i. No person under age 18 shall be allowed on the property.

ii. The site shall not be open to the general public.

iii. No transactions outside, or partially outside of an enclosed building are permitted. No transactions which are performed through walk-up or drive-through service are allowed.

iv. No use, inhalation, smoking, eating, ingestion, or otherwise consumption of cannabis on the property, including the parking areas of the property.

v. No exhibition or product sales area or retail sales are allowed on the premises.

b. Cultivation:

i. The canopy shall not exceed 10,000 square feet; and

ii. All cannabis cultivation shall occur indoors, completely enclosed in a structure with opaque walls, and shall not be visible from any public right-of-way

c. Lighting:

i. Exterior perimeter lighting shall be in place prior to operation;

ii. Exterior lighting shall be Code compliant LED fixtures or high efficacy luminaries, and shall have an illumination intensity of between one and four foot candles;

iii. Lights shall be directed and shielded so as not to illuminate into adjoining properties;

iv. Lights shall have a housing to protect against breakage;

v. Broken or burnt out lights shall be replaced within 5 calendar days;

vi. Transitional lighting shall be incorporated in exterior areas going to and from buildings or uses within a site; and

vii. Trees and shrubs shall not interfere with the distribution of lighting as required by this section.

d. Signs:

i. A sign shall be posted on the door or in view of the entrance stating that no person under the age of eighteen is allowed on site; and

ii. A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited; and

iii. A sign shall be posted stating loitering on or near the premises is prohibited; and

iv. A sign shall be posted outside the facility in full public view that contains contact information of the City manager's office for both in case of an emergency situations and for public concern of operations.

v. Other requirements as prescribed in **Chapter 16.509, Signs**.

e. Fencing, screening and landscaping:

i. All fencing shall be 8 feet tall, solid fence, masonry or board-on-board as approved by the planning manager or designee.

ii. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the planning manager or

his or her designee shall not exceed three feet in height at maturity;

iii. Trees shall be pruned up to six feet above ground;

iv. Trees and shrubs shall be pruned back from windows, doors and walkways;

v. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand;

vi. Entrances to the site and parking lots shall be defined with landscaping or entry feature;

vii. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry; and

viii. Other requirements as prescribed in **Chapter 16.508, Landscaping.**

f. Noise:

i. The use of generators is prohibited, except as short-term temporary emergency back-up systems; and

ii. Other requirements as prescribed in **Chapter 16.502.10 Noise**.

g. Odor control: A sufficient odor-absorbing ventilation and exhaust system shall be installed to ensure that odor generated by the use is not detected outside the property, anywhere on adjacent properties or public rights-of-way, or within any other unit located within the same building as the cannabis use.

h. Maintenance:

i. Property shall be maintained free of debris, litter and trash; and

ii. Comply with Chapter 7.54, Property Maintenance of the Vallejo Municipal Code.

i. Other performance standards: comply with all requirements prescribed in **Chapter 16.502, Performance Standards.**

D. **Retail Sales of Cannabis**. Where this Code conflicts MAUCRSA design and development standards, the more restrictive standards shall apply. All applicable district requirements are met, together with the following requirements:

1. Development and Operational Standards. Retail sales of cannabis uses shall comply with development standards specified in the applicable zoning district. Such uses shall also comply with the following standards:

a. General:

i. No person under age 18 (for medical retail sales of cannabis) or 21 (for recreational retail sales of cannabis) shall be allowed on the property.

ii. No transactions outside, or partially outside of an enclosed building are permitted. No transactions which are performed through walk-up or drive-through service are allowed.

iii. The property shall not include patio or café seating, unless used exclusively for employees in an area not accessible to the general public.

iv. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis in any form shall be allowed on the property, including the parking areas of the property.

v. No alcohol shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to customers, employees, guests, visitors, or volunteers.

vi. No retail sales of cannabis shall occur, in any form, to anyone between the hours of 10 p.m. p.m. and 6 a.m., except delivery.

vii. The property complies with all applicable California State Building Code provisions, the City's property maintenance ordinance and is maintained free of debris, litter and trash.

viii. All transactions, including but not limited to cash or in-kind contributions, reimbursement or compensation, shall be fully documented.

ix. The owner will have a written security plan including procedures for verifying identification and age of purchasers. The plan must include a description of licensed

and uniformed security guards who must be present on site during hours of operation, including their number, location and hours, as well as a theft prevention plan including locked exterior doors and windows during the times the business is closed. The licensed and uniformed security guard best practices shall comply with state law.

x. The point of sale software used to track retail sales must be acceptable to the finance director.

xi. Retail sellers of cannabis may only use one name to identify themselves in the minor use permit, the local regulatory permit, the state license and any other state or local permit that may be required.

b. Limitations on retail area in industrial zones. In the IL and IG zoning districts, no more than 50 percent of the floor area shall be devoted to retail sales.

c. Lighting:

i. Exterior perimeter lighting shall be in place prior to operation;

ii. Exterior lighting shall be Code compliant LED fixtures or high efficiency luminaries, and shall have an illumination intensity of between one and four foot candles;

iii. Lights shall be directed and shielded so as not to illuminate adjoining properties;

iv. Lights shall include housing to protect against breakage;

v. Broken or burnt out lights shall be replaced within 48 hours;

vi. Transitional lighting shall be incorporated in exterior areas providing access to and from buildings or uses within a site; and

vii. Trees and shrubs shall not interfere with the distribution of lighting as required by this section.

d. Signs:

i. A sign shall be posted on the door or in view of the entrance stating that no person under the age of eighteen (for medical retail sales of cannabis) or twenty-one (for recreational Retail sales of cannabis) is allowed on site.

ii. A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited.

iii. A sign shall be posted stating loitering on or near the premises is prohibited.

iv. A sign shall be posted outside the facility in full public view containing City contact information for both emergency situations

ERRATA FOR CHAPTER 16.614 ARCHITECTURAL HERITAGE AND PRESERVATION CHAPTER

16.614.05 INITIATION OF **LANDMARK** DESIGNATION

A. An application to add a new ~~"H" Historic District designation or~~ "L" Landmark property designation may be initiated by the City Council**,** ~~or~~ the Architectural Heritage and Landmarks Commission, **or as provided in this Chapter**. ~~In addition, an application to add a new "H" Historic District designation may be initiated by at least 50 percent of the affected property owners., and an application to add a new "L" Landmark property designation may be initiated by the subject property owner.~~

Remove 16.614.05.B and replace with the following:

B. **Landmarks Heritage Survey List.** The Architectural Heritage and Landmarks Commission shall undertake and complete one or more architectural heritage surveys. Upon completion of such survey(s), the Architectural Heritage and Landmarks Commission shall undertake to establish and maintain a list of structures, objects and areas having a special historical, cultural, architectural or aesthetic interest or value. This list may include single structures or sites, portions of structures, groups of structures, manmade or natural landscape elements, objects, works of art, or integrated combinations thereof.
Upon completion of such list, the Architectural Heritage and Landmarks Commission:

1. May carry out, assist and collaborate in studies and programs designed to identify and evaluate structures, objects, sites and areas worthy of preservation, and establish archives where pictorial evidence of the structures and their architectural plans, if any, may be preserved and maintained;

2. May consult with and consider the ideas and recommendations of civic groups, public agencies and citizens interested in historic preservation;

3. With permission of the owner or, where appropriate, of the owner's authorized agent, inspect structures, objects, sites and areas which it has reason to believe worthy of preservation;

4. May disseminate information to the public concerning those structures, objects, sites and areas deemed worthy of preservation, and may encourage and advise property owners and members of the community generally in the protection, enhancement, perpetuation and use of designated structures, property in historical districts, and other officially recognized property of historical, cultural or architectural interest;

5. May consider methods for encouraging and achieving preservation, and may establish such policies, rules and regulations as it deems necessary to administer and enforce this chapter, subject to approval by the City Council.

C. **Designation of Landmarks.** From the heritage survey list, the Architectural Heritage and Landmarks Commission may designate certain structures, sites, portions of structures, groups of structures, landscape elements, objects, works of art, or integrated combinations thereof as landmarks. Each such designation shall include a description of the characteristics of the designated item which justifies its designation, and shall also include a description of the particular features that should be preserved, and also include the location of the landmark.

B. **Designation Criteria.** The Architectural Heritage and Landmarks Commission shall use the following criteria when deciding whether to designate property as a landmark:

1. Architectural Merit:
   a. Property that is the first, last, only, or most significant architectural property of its type in the City or region.
   b. Property that is the prototype of, or outstanding example of, periods, styles, architectural movements, engineering or construction techniques, or an example of the more notable work, or of the best surviving work in the City or region of an architect, designer or master builder.
   c. Architectural examples worth preserving for the values they add when integrated into the total fabric of the City's neighborhoods.

2. Cultural Value: Structures, objects, sites and areas associated with the movement or evolution or religious, cultural, governmental, social and economic developments of the City;

3. Educational Value: Structures worth preserving for their educational value;

4. Historical Value: Preservation and enhancement of structures, objects, sites and areas that embody and express the history of Vallejo, Solano County, California, or the United States. History may be social, cultural, economic, political, religious or military;

5. Any property which is listed on the National Register and is described in Section 470a of Title 16 of the United States Code and/or is a registered state landmark.

C. **Classification of Designations.** Any property which the Architectural Heritage and Landmarks Commission finds to meet the criteria specified in Subsection B may be classified and designated as follows:

1. City Landmark. City landmarks shall include those structures found to have unique historical, architectural or aesthetic interest or value and which are eligible for or listed on the National Register of Historic Places.

2. Historic Structure. Historic structures shall include those structures found to have outstanding historical, architectural or aesthetic interest or value.

3. Structure of Merit**.** Structures of merit shall include those structures found to have significant historical, architectural or aesthetic interest or value.

4. Contributing Structure**.** Contributing structures shall include those structures found to warrant special historical, architectural or aesthetic interest or value.

D. **Initiation of Classification Designation.** The Architectural Heritage and Landmarks Commission shall initiate the designation of a structure. In addition, initiation may be made by the City Council, Planning Commission or Architectural Heritage and Landmarks Commission, or upon the request of the Vallejo Architectural Heritage Foundation, neighborhood associations, historic preservation organizations, the verified application of the owner or authorized agent of property to be designated, or by the application of at least 25 unrelated residents of the City.

Any such application shall be filed with the Architectural Heritage and Landmarks Commission upon forms which it shall provide, and shall be accompanied by all data required by the Architectural Heritage and Landmarks Commission.

E. **Public Hearing-Architectural Heritage and Landmarks Commission.**
Upon receipt of a request for designation, or the property owners' consent to the designation if nominated by the Architectural Heritage and Landmarks Commission or City Council the Architectural Heritage and Landmarks Commission, or the Secretary, shall schedule a public hearing and cause notice thereof to be published once in a newspaper of general circulation in the City. The Secretary shall also cause all owners of property within a 200-foot radius of the property in question, and any neighborhood group applicable to the property, to be notified of such application by mail. These notifications shall be made at least 21 days prior to the date scheduled for the hearing. After conducting a public hearing, the Architectural Heritage and Landmarks Commission shall determine whether to designate the structure as a City landmark, provided that no such designation shall be final prior to ratification at a subsequent meeting of the Architectural Heritage and Landmarks Commission.

F. **Time Limitation.** The Architectural Heritage and Landmarks Commission shall offer a public hearing, approve, disapprove or modify the request within 180 days after receipt of the request.

G. **Notice of Action Taken.** The Architectural Heritage and Landmarks Commission shall promptly notify in writing the applicant and owner of the property of such action taken. The Architectural Heritage and Landmarks Commission shall also mail a notice of its decision to persons requesting such notification. A copy of the notice of decision shall be filed with the Secretary.

H. **Resubmission or Reconsideration.** If a proposal initiated by application has been denied by the Architectural Heritage and Landmarks Commission, or by the City Council on appeal, subsequent application that is the same or substantially the same may not be submitted or reconsidered for at least one year from the effective date of final action on the original proposal unless substantial additional data becomes available, in which case the Architectural Heritage and Landmarks Commission may rule to hear a resubmitted application after 6 months.

ERRATA FOR CHAPTER 16.614 ARCHITECTURAL HERITAGE AND PRESERVATION CHAPTER

I. **Additional Notice of action.** When a structure has been designated as provided above, the Architectural Heritage and Landmarks Commission shall cause a copy of the designation, or notice thereof, to be recorded in the Office of the County Recorder and copies filed with the following: Planning Division, Building Division, Housing Authority, Solano County Board of Realtors, Vallejo Architectural Heritage Foundation, American Institute of Architects—Solano County Branch, Northern California Chapter. Such structure shall be shown as a separate overlay on the City's GIS map. (This is currently shown on separate map.)

16.614.06 **INITIATION** AND CRITERIA FOR ESTABLISHMENT OF HISTORIC DISTRICTS ~~AND LANDMARKS~~

A. An application to add a new "H" Historic District designation may be initiated by at least 50 percent of the affected property owners. Prior to adopting an ordinance designating an "H" Historic District **the Architectural Heritage and Landmarks Commission or** City Council shall determine that the area, structure, feature or site to be designated satisfies at least one of the following criteria:

ATTACHMENT 2

Planning Commission Staff Report, March 29, 2021

Includes Planning Commission Memo dated March 29, 2021 and Attachments and Planning Commission Report dated March 15, 2021 and Attachments

ATTACHMENT 3

CITY OF VALLEJO CITY COUNCIL

RESOLUTION NO. ____

A RESOLUTION OF THE CITY COUNCIL ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE NEW ZONING CODE PROJECT

* *

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for the General Plan 2040 and Sonoma Boulevard Specific Plan, and adopted the General Plan 2040; and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, the City has completed a comprehensive update of its Zoning Code, Title 16 of the Vallejo Municipal Code, to implement General Plan 2040; and

WHEREAS, the update includes the following actions: (1) repealing the current Title 16, Zoning Code of the Vallejo Municipal Code in its entirety and adopting a new Title 16, Zoning Code; (2) repealing the current Zoning Map in its entirety and adopting a new Zoning Map; (3) amending the General Plan Text and Land Use Map; (4) repealing the Northgate Specific Plan/Master Plan and Planned Unit Developments #575 and #582; (5) amending the Downtown Vallejo Specific Plan/Master Plan; and (6) amending the White Slough Specific Area Plan/Master Plan (collectively, the "Project"); and

WHEREAS, an Initial Study/Mitigated Negative Declaration ("IS/MND") has been prepared for the Project pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA) and the California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq. (CEQA Guidelines) and specifically Guidelines Sections 15070-15074; and

WHEREAS, the IS/MND is tiered from the Environmental Impact Report (EIR) prepared for the General Plan 2040 and Sonoma Boulevard Specific Plan, certified by the City Council in August 2017; and

WHEREAS, the IS/MND did not identify any significant environmental impacts arising from the Project or from the operation of the Project that could not be mitigated to a less than significant level; and

WHEREAS, the Notice of Completion of the IS/MND and Notice of Intent to Adopt a Mitigated Negative Declaration were posted on the State Clearinghouse on January 11, 2021 (State Clearinghouse #2021010077), announcing a 30-day public review period for the environmental document beginning January 11, 2021 and ending on February 9, 2021; and

Approved as to form:

By: _____ *for*

Veronica A.F. Nebb
City Attorney

WHEREAS, on January 7, 2021, a Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing on February 17, 2021 and announcing the 30-day public review period for the IS/MND beginning January 8, 2021 and ending on February 9, 2021 was sent to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice, and on January 12, 2021 was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on February 17, 2021, the Planning Commission opened the duly noticed public meeting on the Project and voted unanimously to continue the public hearing to March 15, 2021; and

WHEREAS, on February 17 and 22, 2021, a Revised Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing on March 15, 2021, extending the public review period for the IS/MND to February 26, 2021, was sent to all persons entitled to notice, and on February 21, 2021 was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on March 15, 2021, the Planning Commission held a duly noticed public hearing and considered all oral and written comments on the Project and the IS/MND, and continued the hearing to March 29, 2021; and

WHEREAS, on March 29, 2021, the Planning Commission held a public hearing continued from March 15, 2021 and considered all oral and written comments on the Project and the IS/MND, and upon conclusion of the public hearing voted unanimously to adopt Resolution No. 21-03, renumbered as Resolution No. 21-03A, making findings and recommending the approval of the IS/MND and Mitigation Monitoring and Reporting Program ("MMRP") to City Council; and

WHEREAS, on March 31, 2021, a Notice to Hold a Public Hearing on April 13, 2021 by the City Council on the Project and the IS/MND was sent to all persons entitled to notice and on April 3, 2021, was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing on the Project, the IS/MND, and the MMRP and considered all oral and written comments thereon; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard on the matter were given an opportunity to be heard, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, upon conclusion of the public hearing, the City Council voted unanimously to continue the public hearing to a date uncertain; and

WHEREAS, on April 28, 2021, the IS/MND was revised to correct errors and a Notice of Intent to Adopt a Revised Mitigated Negative Declaration and a Notice to Hold a Continued Public Hearing on June 7, 2021 were sent to all persons entitled to notice, was published in the Times Herald, a newspaper of local circulation, and sent to the State Clearinghouse, thereby extending the public review period to May 28, 2021; and;

WHEREAS, on June 7, 2021, the City Council held a duly noticed public hearing and considered all oral and written comments on the Revised IS/MND, the Project, and associated actions including the Mitigation Monitoring and Reporting Program; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby find as follows:

SECTION 1. Recitals.

The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2. Record.

The Record of Proceedings ("Record") upon which the City Council bases its action includes, but is not limited to: (1) the Revised Initial Study/Mitigated Negative Declaration (IS/MND) and the appendices and technical reports cited in and/or relied upon in preparing the same; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Revised IS/MND and the Project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR, and the Vallejo Municipal Code; (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the Revised IS/MND and the Project; (6) all documentary and oral evidence received at public workshops, meetings, and hearings, for the Project; and (7) all other matters of common knowledge to the City decision maker including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

The location and custodian of the records is the Planning and Development Services Department, 555 Santa Clara Street, Vallejo, California, 94590.

SECTION 3. Revised Initial Study/Mitigated Negative Declaration – Findings.

Based on the information in the Revised IS/MND for the Project, the Record as a whole, and all other matters deemed material and relevant considered by the City Council prior to adopting this resolution, the City Council hereby finds the following:

a. The Revised IS/MND dated April 28, 2021, with minor corrections from the January 6, 2021 document, has been completed in compliance with the California Environmental Quality Act (California Public Resources Code Sections 21000 – 21178) and the California Code of Regulations, Title 14, Chapter 3, (CEQA Guidelines) Section 15000 et seq.

b. The minor corrections to the IS/MND dated April 28, 2021 include correcting typographical errors relating to (1) the Project Description; (2) the General Plan land use designations corresponding to the New Zoning Code districts; and (3) the number of parcels affected by the General Plan Amendments. As such, the noted

corrections are non-substantive and do not constitute substantial revisions to the Mitigated Negative Declaration in accordance with CEQA Guidelines Section 15073.5 in that such changes do not identify a new avoidable significant effect or new mitigation measures. Such changes merely clarified and made insignificant modifications to the Mitigated Negative Declaration.

c. All significant environmental effects of the Project have been reduced to a less-than-significant level in that all significant environmental effects have been eliminated or substantially lessened as set forth in the Revised IS/MND. Based upon the foregoing, the City Council finds that the Project and its associated actions will not have a significant effect upon the environment. The City Council further finds that pursuant to Section 15152 of the CEQA Guidelines, the Revised IS/MND is a tiered document based upon the environmental analysis of the 2017 General Plan EIR.

d. (1) The Project will not result in any development that would adversely affect any aesthetic resources, agriculture and forestry resources, air quality, greenhouse gas emissions, hazards or hazardous materials standards, City of Vallejo General Plan Policies and the Zoning Code, mineral resources, population, housing, public services, or utilities. Future land uses allowed pursuant to the New Zoning Code will be subject to permitting and project-specific use development conditions as governed by the New Zoning Code. Additionally, future land uses will be subject to review on a project-by-project basis to determine compliance with CEQA and where necessary, project-level CEQA review will be required to determine project-specific impacts.

(2) The Project will not result in any development that would adversely affect any biological resources, hydrology or water quality standards, cultural resources (including tribal cultural resources), geological hazards, noise, and traffic and circulation with implementation of the mitigation measures included in the Revised IS/MND. Future land uses allowed pursuant to the New Zoning Code will be subject to permitting and project-specific use development conditions as governed by the New Zoning Code. Additionally, future land uses will be subject to review on a project-by-project basis to determine compliance with CEQA and, where necessary, project-level CEQA review will be required to determine project-specific impacts.

e. The Revised IS/MND was presented to the City Council at a hearing before the public wherein the City Council reviewed and considered the information contained in the Revised IS/MND prior to making a decision on the Project; and

f. The Revised IS/MND reflects the City's independent judgment and analysis as Lead Agency for the Project.

SECTION 4. Adoption of the Revised Initial Study/Mitigated Negative Declaration.

BE IT FURTHER RESOLVED that based on the information in the Revised IS/MND for the Project, the Record as a whole, and all other matters deemed material and relevant considered by the City Council prior to adopting this resolution, the City Council hereby

adopts the Revised Initial Study/Mitigated Negative Declaration for the Project dated April 28, 2021 and on file in the City Clerk's Office.

SECTION 5. Adoption of Mitigation, Monitoring, and Reporting Program.

BE IT FURTHER RESOLVED that based on the information in the Revised IS/MND for the Project, the Record as a whole, and all other matters deemed material and relevant considered by the City Council prior to adopting this resolution, the City Council hereby adopts the mitigation measures set forth in the Revised IS/MND and its accompanying Mitigation, Monitoring, and Reporting Program, attached thereto as Attachment 1 and incorporated herein by reference, in accordance with Public Resources Code Section 21081.6 to ensure compliance with the mitigation measures imposed to avoid or substantially lessen the significant effects that were identified in the Revised IS/MND.

Adopted by the City Council of the City of Vallejo at a regular meeting held on June 7, 2021 with the following vote:

AYES:

ABSENT:

ABSTAIN:

NOES:

_____

ROBERT H. MCCONNELL, MAYOR

ATTEST:

_____

DAWN ABRAHAMSOM, CITY CLERK

NEW ZONING CODE PROJECT

EXHIBIT A TO ATTACHMENT 3 - RESOLUTION ADOPTING INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Initial Study/Mitigated Negative Declaration and Attachments

https://www.cityofvallejo.net/common/pages/DisplayFile.aspx?itemId=17337490

ATTACHMENT 4

CITY OF VALLEJO CITY COUNCIL

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL ADOPTING AMENDMENTS TO THE GENERAL PLAN TEXT AND LAND USE MAP AS PART OF THE NEW ZONING CODE PROJECT

****

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for General Plan 2040 and adopted the General Plan 2040; and

WHEREAS, the City Council amended the General Plan 2040 in November 2017 and July 2018, and January 2020; and

WHEREAS, in February 2019, the City initiated a comprehensive update of Title 16 (Zoning Code) of the Vallejo Municipal Code to implement the General Plan 2040; and

WHEREAS, Staff determined that addressing residential densities in the four General Plan commercial and mixed-use land use designations should be considered with the adoption of the new Zoning Code in order to provide clarity relating to potential future residential projects; and

WHEREAS, on February 26, 2019, the City Council adopted a Resolution of Intention to amend the General Plan regarding residential densities in four General Plan commercial and mixed-use land use designations to: (1) allow the City to respond to the current economic cycle and market demand for multi-family attached housing such as townhouses and low-rise multi-family housing; (2) provide flexibility for higher density mid-rise housing; and (3) retain higher-density housing along the City's mixed-use corridors in support of General Plan 2040 and Housing Element policies; and

WHEREAS, based on the analysis conducted for the new Zoning Code, Staff proposed amending the General Plan to: (1) address the residential densities in four commercial and mixed use land use designations to meet market demands; (2) address residential use in additional areas to achieve the housing goals; and (3) correct errors and re-designate parcels in the General Plan 2040 Land Use Map to more closely align with their existing land use characteristics and future development potential (collectively, the "General Plan Amendments"); and

WHEREAS, the proposed General Plan Amendments, together with the Specific Plan Amendments, the repeal of the existing Zoning Code and Zoning Map, and the adoption of the new Zoning Code and Zoning Map constitute the Project; and

WHEREAS, an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse #2021010077) has been prepared for the Project in accordance with the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. (CEQA) and the California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq. (CEQA Guidelines); and

Approved as to form:

By: _____ *for*

Veronica A.F. Nebb
City Attorney

WHEREAS, on January 7, 2021, a Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing on February 17, 2021 and announcing the 30-day public review period for the IS/MND beginning January 8, 2021 and ending on February 9, 2021 was sent to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice, and on January 12, 2021 was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on February 17, 2021, the Planning Commission opened the duly noticed public meeting on the Project and voted unanimously to continue the public hearing to March 15, 2021; and

WHEREAS, on February 17 and 22, 2021, a Revised Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing on March 15, 2021, extending the public review period for the IS/MND to February 26, 2021, was sent to all persons entitled to notice, and on February 21, 2021 was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on March 15, 2021, the Planning Commission held a duly noticed public hearing and considered all oral and written comments on the Project and the IS/MND, and continued the hearing to March 29, 2021; and

WHEREAS, also on March 29, 2021, the Planning Commission adopted Resolution No. PC 21-04 to forward a recommendation to City Council to amend the General Plan 2040 Text and Land Use Map as part of the Project; and

WHEREAS, on March 31, 2021, a Notice to Hold a Public Hearing on April 13, 2021 by the City Council on the Project and the IS/MND was sent to all persons entitled to notice and on April 3, 2021, was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing on the Project, the IS/MND and the General Plan Amendments and considered all oral and written comments thereon; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard on the matter were given an opportunity to be heard, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, upon conclusion of the public hearing, the City Council voted unanimously to continue the public hearing to a date uncertain; and

WHEREAS, on April 28, 2021, the IS/MND was revised to correct errors and a Notice of Intent to Adopt a Revised Mitigated Negative Declaration and Hold a Continued Public Hearing on June 7, 2021 was sent to all persons entitled to notice, was published in the Times Herald, a newspaper of local circulation, and sent to the State Clearinghouse, thereby extending the public review period to May 28, 2021; and

WHEREAS, on June 7, 2021, the City Council held a duly noticed public hearing and considered all oral and written comments on the Revised IS/MND, the Project, and associated actions including the Mitigation Monitoring and Reporting Program; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with

the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council.

WHEREAS, on June 7, 2021, the City Council adopted Resolution No.____adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project.

NOW THEREFORE, BE IT RESOLVED, that the City Council hereby finds and resolves as follows:

SECTION 1: Recitals.

The foregoing recitals are true and correct and are incorporated into the findings herein.

SECTION 2: Record.

The Record of Proceedings ("Record") upon which the City Council bases its decision includes, but is not limited to: (1) the Initial Study/Mitigated Negative Declaration (IS/MND) and the appendices and technical reports cited in and/or relied upon in preparing the same; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the IS/MND and the Project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR, and the Vallejo Municipal Code; (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the IS/MND and the Project; (6) all documentary and oral evidence received at public workshops, meetings, and hearings for the Project; and (7) all other matters of common knowledge to the City decision maker including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas.

SECTION 3: Findings.

The City Council hereby makes the following findings:

1. General Plan 2040 and the amendments set forth herein constitute a comprehensive, long-term document capable of guiding the future development of the City.

2. General Plan 2040 and the amendments set forth herein meet all the requirements for such plans as contained in the Planning and Zoning Law (Government Code, sections 65300-65303.4) and other laws, and were prepared in accordance with the requirements of Government Code Sections 65350 through 65362, inclusive.

3. General Plan 2040, together with the previously adopted 2015 Housing Element and the amendments set forth herein, contain all of the seven elements required by Section 65302 of the Government Code, namely: land use, circulation, housing, conservation, open space, noise and safety. Additionally, General Plan 2040 includes elements for community health, arts and culture, historic resources, and economic development.

4. Consistent with California Government Code Section 66300, the actions specifically defined in Exhibit A and B to this Resolution do not result in an overall reduction of housing opportunities or intensity so as to create a net loss in residential development capacity in Vallejo. These actions clarify the allowance of residential use in areas not originally envisioned for housing and may facilitate the production of affordable housing. The facts supporting these findings are provided below.

A. General Plan Text Amendments

1. The General Plan text amendments to reduce the lower density range for the District North Gateway, Business/Limited Residential, Central Corridor, and Neighborhood Corridor Land Use Designations do not change the maximum residential densities allowed thereunder; therefore, there is no net loss in residential development capacity.

2. The General Plan text amendment to allow live/work as a use in the Light Industrial Land Use Designation allows residential use as an accessory to commercial or industrial use. This designation did not include residential use, and live/work is not considered as a residential use type; therefore, no net loss would result from this change and such change represents a clarification of the general plan.

B. General Plan Land Use Map Amendments

<u>Area 1: Waterfront PDMP</u>
The General Plan Land Use Map for six parcels in this area is adjusted for consistency with the Waterfront and Vallejo Station Planned Development Master Plan boundaries. Accordingly, this change has no effect on residential development capacity.

<u>Areas 2 and 3: Broadway South</u>
The General Plan Land Use Map for a total of 29 parcels in these areas is corrected to reflect the existing land use pattern that includes a mix of uses including multi-family residential and neighborhood services. This change increases the residential capacity in these areas to 30 units per acre from 9 units per acre for properties designated as Primarily Single-Family and an increase from 25 units per acre for properties designated as Mix of Housing Types/Medium Residential Density. This provides an overall increase in residential development capacity by 37 units.

<u>Area 4: Sutter Tennessee</u>
The General Plan Land Use Map for four parcels in this area is corrected to reflect the existing land use pattern that is primarily residential use rather than commercial. While the residential capacity is reduced by two units, the increase to the maximum residential density allowed in Area 2 and Area 8 offsets this and results in no net loss.

<u>Area 5: I-80/Georgia Street</u>
This area contains 14 parcels owned by the City of Vallejo and the California State Department of Transportation along the Interstate 80 freeway. The General

Plan Land Use Map is corrected to reflect that that they are -designated as public use. these parcels from private to public use

Area 6: Amador/Solano
The General Plan land use designation of Neighborhood Corridor for a single parcel in this area is corrected to reflect the existing and surrounding land use pattern of Mix of Housing Types. The residential development density is decreased from a range of 16 to 30 units per acre to a maximum of 25 units per acre, a reduction of two units based on the parcel size. However, given the increase in density capacity in Area 2, no net loss would result from this change.

Area 7: Vallejo Mobile Home Park
The General Plan Land Use Map for a single parcel owned by Vallejo Mobile Home Park and two additional privately owned parcels is corrected tore-designate the properties from a Business/Limited Residential land use designation to the Mix of Housing Types/Medium Density land use designation, which is consistent with other mobile home park land use designations in the City. These parcels were designated as Business/Limited Residential in error, as the current zoning for the properties is Medium Density Residential, which was also considered in the certified 2015 Housing Element.

Area 8: Sonoma Boulevard
This area is a major corridor in the City and the proposed land use change is to increase the opportunity for redevelopment of the parcels with multi-family residential and neighborhood land use designations from their current designation of Primarily Single-family to Neighborhood Corridor. This amendment increases the residential density capacity by 165 units offsetting the reductions mentioned above.

C. Internal Consistency

The proposed amendments identified in Exhibits A and B are internally consistent with the General Plan, as revised, as set forth in the Record.

SECTION 4: Adoption.

BE IT FURTHER RESOLVED that the City Council approves the amendments to the General Plan 2040 text and Land Use Map, as provided by Exhibits A and B attached hereto and incorporated herein by reference.

Adopted by the City Council of the City of Vallejo at a regular meeting held on June 7, 2021 with the following vote:

AYES:
ABSENT:
ABSTAIN:
NOES:

_____
ROBERT H. MCCONNELL, MAYOR

ATTEST:

_____

DAWN ABRAHAMSOM, CITY CLERK

ORDINANCE NO. _____N.C. (2d)

**AN ORDINANCE OF THE CITY OF VALLEJO
REPEALING NORTHGATE SPECIFIC PLAN/MASTER PLAN
AND PLANNED UNIT DEVELOPMENT 575 AND 582
AS PART OF THE NEW ZONING CODE PROJECT**

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for General Plan 2040 and adopted the General Plan 2040; and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, based on the analysis conducted for the new Zoning Code, Staff proposed amending the General Plan to: (1) address the residential densities in the four commercial and mixed use land use designations; (2) address residential use in additional areas to achieve the housing goals; and (3) amend the General Plan 2040 Land Use Map to correct errors and re-designate parcels to more closely align with their existing land use characteristics and future development potential (collectively, the "General Plan Amendments"); and

WHEREAS, Staff determined additional actions were necessary to effectuate General Plan 2040 and the new Zoning Code, including repealing the Northgate Specific Plan and amending the Downtown Vallejo Specific Plan and White Slough Specific Area Plan, which together with the General Plan Amendments and the adoption of the new Zoning Code and new Zoning Map constitute the "Project"; and

WHEREAS, the General Plan 2040 recognizes that Vallejo's strategic location and transportation connections led to the adoption of long-range plans for key areas of the City including the Northgate Specific Plan, which also serves as the Planned Development Master Plan (Master Plan) for that area; and

WHEREAS, Table 1-2 of the General Plan 2040, "Consistency with Adopted Plans," anticipates that due to near buildout of the Northgate Specific Plan/Master Plan area, the land use regulations and development standards for the area would be provided for in the New Zoning Code; and

WHEREAS, the boundaries of the Northgate Specific Plan also include the Northeast Quadrant Gateway area, which is subject to separate development and guidelines adopted by Planned Unit Developments (PUDs) # 575 and #582; and

Approved as to form:

By: _____ *for*

Veronica A.F. Nebb
City Attorney

WHEREAS, given that the goals and objectives for the Northgate Specific Plan and PUDs #575 and #582 can be achieved through the new regulations and standards provided of the new Zoning Code, the City Council proposes to repeal the Northgate Specific Plan/Master Plan and PUDs #575 and #582 as part of the Project, thereby allowing General Plan 2040 and the New Zoning Code to be the sole sources for the land use regulations and development standards for the Northgate Specific Plan Area; and

WHEREAS, on March 29, 2021, the Planning Commission adopted Resolution of Intention No. PC 21-05A directing staff to repeal the Northgate Specific Plan and PUDs #575 and #582; and

WHEREAS, an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse #2021010077) has been prepared for the Project in accordance with the California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq. and the California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq. (CEQA Guidelines); and

WHEREAS, on January 7, 2021, a Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing on February 17, 2021 and announcing the 30-day public review period for the IS/MND, beginning January 8, 2021 and ending on February 9, 2021 was sent to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice and on January 12, 2021, was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on February 17, 2021, the Planning Commission opened the duly noticed public meeting on the Project and voted unanimously to continue the public hearing to March 15, 2021; and

WHEREAS, on February 17 and 22, 2021, a Revised Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing on March 15, 2021, extending the public review period for the IS/MND to February 26, 2021, was sent to all persons entitled to notice, and on February 21, 2021 was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on March 15, 2021, the Planning Commission held a duly noticed public hearing and considered all oral and written comments on the Project and the IS/MND, and voted unanimously to continue the hearing to March 29, 2021; and

WHEREAS, on March 29, 2021, the Planning Commission held the public hearing continued from March 15, 2021 and considered all oral and written comments on the Project and the IS/MND and by the adoption of Resolution No. PC 21-03, renumbered as 21-03A, recommended that the City Council adopt the IS/MND and Mitigation Monitoring and Reporting Program (MMRP) for the Project and to consider the IS/MND prior to taking any action on the Project and, further, adopted Resolution PC No. 21-05 to forward to City Council for adoption an Ordinance repealing the Northgate Specific Plan/Master Plan and PUDs #575 and #582; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the Planning Commission; and

WHEREAS, on March 31, 2021, a Notice to Hold a Public Hearing on April 13, 2021 by the City Council on the Project and the IS/MND was sent to all persons entitled to notice and on April 3, 2021, was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing on the Project, the IS/MND, and the MMRP and considered all oral and written comments thereon; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard on the matter were given an opportunity to be heard, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, upon conclusion of the public hearing, the City Council voted unanimously to continue the public hearing to a date uncertain; and

WHEREAS, on April 28, 2021, the IS/MND was revised to correct errors and a Notice of Intent to Adopt a Revised Mitigated Negative Declaration and Hold a Continued Public Hearing on June 7, 2021 was sent to all persons entitled to notice, was published in the Times Herald, a newspaper of local circulation, and sent to the State Clearinghouse, thereby extending the public review period to May 28, 2021; and;

WHEREAS, on June 7, 2021, the City Council held a duly noticed public hearing and considered all oral and written comments on the Revised IS/MND, the Project, and associated actions including the MMRP; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its action includes, but is not limited to: (1) the Revised IS/MND and the appendices and technical reports cited in and/or relied upon in preparing the same; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Revised IS/MND and the Project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR, and the Vallejo Municipal Code; (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the Revised IS/MND and the Project; (6) all documentary and oral evidence received at public workshops, meetings, and hearings, for the Project; and (7) all other matters of common knowledge

to the City decision maker including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas; and

WHEREAS, on June 7, 2021, the City Council adopted Resolution No. ___ adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the New Zoning Code Project; and

WHEREAS, on June 7, 2021, the City Council adopted Resolution No.___ to adopt Amendments to the General Plan Text and Land Use Map as part of the New Zoning Code Project.

SECTION 2. Findings.

1. The proposed repeal of the Northgate Specific Plan/Master Plan and of PUDs #575 and #582 is consistent with the General Plan. The General Plan 2040 Table 1-2, Consistency with Adopted Plans, anticipates that due to near buildout of the Northgate Specific Plan area, both the land use regulations and development standards for the area will be provided for in the New Zoning Code (referred to as the Development Code in the General Plan). The New Zoning Code establishes a new zoning district, Regional Commercial, which is compatible with the General Plan land use designation for the Northgate Specific Plan area, identified as Retail/Entertainment in the General Plan Land Use Map.

SECTION 3. Repeal of Northgate Specific Plan.

As of the effective date of this ordinance, the Northgate Specific Plan attached as Exhibit A to this Ordinance is repealed in its entirety.

SECTION 4. Repeal of Planned Unit Developments #575 and #582.

As of the effective date of this ordinance, Planned Unit Developments Nos. 575 and 582 attached as Exhibit B to this Ordinance are hereby repealed in their entirety.

SECTION 5. Any typographical or clerical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration.

SECTION 6. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 7. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.

NEW ZONING CODE PROJECT

EXHIBIT A TO ATTACHMENT 5 - ORDINANCE REPEALING THE NORTHGATE SPECIFIC PLAN AND PUDs #575 and #582

Northgate Specific Plan and PUDs #575 and #582

https://www.cityofvallejo.net/common/pages/DisplayFile.aspx?itemId=17566394

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

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING THE DOWNTOWN VALLEJO SPECIFIC PLAN/MASTER PLAN AS PART OF THE NEW ZONING CODE PROJECT

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for General Plan 2040 and adopted the General Plan 2040; and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, based on the analysis conducted for the new Zoning Code, Staff proposed amending the General Plan to: (1) address the residential densities in four commercial and mixed use land use designations; (2) address residential use in additional areas to achieve the housing goals; and (3) amend the General Plan 2040 Land Use Map to correct errors and re-designate parcels to more closely align with their existing land use characteristics and future development potential (collectively, the "General Plan Amendments"); and

WHEREAS, Staff determined additional actions were necessary to effectuate General Plan 2040 and the new Zoning Code, including repealing the Northgate Specific Plan and repealing Planned Unit Developments #575 and #582, and amending the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan, which together with the General Plan Amendments and the adoption of the new Zoning Code and new Zoning Map constitute the Project;

WHEREAS, the General Plan 2040 acknowledges that Vallejo's strategic location and transportation connections led to the adoption of long-range plans for key areas including the Downtown Vallejo Specific Plan and White Slough Specific Area Plan, which also serve as the Planned Development Master Plan (Master Plan) for those areas, respectively; and

WHEREAS, the General Plan 2040 Table 1-2 Consistency with Adopted Plans anticipated that development standards for the Downtown Vallejo Specific Plan/Master Plan and the land use regulations in the White Slough Specific Area Plan/Master Plan would be provided in the New Zoning Code; and

WHEREAS, both the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan reflect unique policies, goals, and objectives as well as specific planning standards and regulations for land use within their plan boundaries that remain relevant; and

Approved as to form:

By: _____ *for*

Veronica A.F. Nebb
City Attorney

WHEREAS, in order to provide a broader, more flexible range of land uses and to implement objective development standards to position Vallejo to be more competitive in the market place, City Council proposes to amend the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan by amending select land use regulations and development standards and referencing the New Zoning Code; and

WHEREAS, the proposed Specific Plan amendments will eliminate confusion, redundancy, and potential conflicts with the New Zoning Code; and

WHEREAS, on March 29, 2021, the Planning Commission adopted Resolution of Intention No. PC 21-06A directing staff to prepare amendments to the Downtown Vallejo Specific Plan/Master Plan and the White Slough Specific Area Plan/Master Plan; and

WHEREAS, an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse #2021010077) has been prepared for the Project in accordance with the California Environmental Quality Act; and

WHEREAS, on January 7, 2021, a Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing on February 17, 2021 and announcing the 30-day public review period for the IS/MND, beginning January 8, 2021 and ending on February 9, 2021 was sent to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice and on January 12, 2021 was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on February 17, 2021, the Planning Commission opened the duly noticed public meeting on the Project and voted unanimously to continue the public hearing to March 15, 2021; and

WHEREAS, on February 17 and 22, 2021, a Revised Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing on March 15, 2021, extending the public review period for the IS/MND to February 26, 2021, was sent to all persons entitled to notice, and on February 21, 2021 was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on March 15, 2021, the Planning Commission held a duly noticed public hearing and considered all oral and written comments on the Project and the IS/MND, and voted unanimously to continue the hearing to March 29, 2021; and

WHEREAS, on March 29, 2021, the Planning Commission held the public hearing continued from March 15, 2021 and by the adoption of Resolution No. PC 21-03, renumbered as 21-03A, recommended that the City Council adopt the IS/MND and the Mitigation Monitoring and Reporting Program (MMRP) for the Project, and to consider the IS/MND prior to taking any action on the Project, and voted unanimously to adopt Resolution PC 21-06 to forward to City Council an Ordinance adopting the amendments to the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the Planning Commission; and

WHEREAS, on March 31, 2021, a Notice to Hold a Public Hearing on April 13, 2021 by the City Council on the Project and the IS/MND was sent to all persons entitled to notice and on April 3, 2021, was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing on the Project, the IS/MND, and the MMRP and considered all oral and written comments thereon; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard on the matter were given an opportunity to be heard, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, upon conclusion of the public hearing, the City Council voted unanimously to continue the public hearing to a date uncertain; and

WHEREAS, on April 28, 2021, the IS/MND was revised to correct errors and a Notice of Intent to Adopt a Revised Mitigated Negative Declaration and Hold a Continued Public Hearing on June 7, 2021 was sent to all persons entitled to notice, was published in the Times Herald, a newspaper of local circulation, and sent to the State Clearinghouse, thereby extending the public review period to May 28, 2021; and;

WHEREAS, on June 7, 2021, the City Council held a duly noticed public hearing and considered all oral and written comments on the Revised IS/MND, the Project, and associated actions including the MMRP; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its action includes, but is not limited to: (1) the Revised Initial Study/Mitigated Negative Declaration (IS/MND) and the appendices and technical reports cited in and/or relied upon in preparing the same; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Revised IS/MND and the Project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR, and the Vallejo Municipal Code; (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the Revised IS/MND and the Project; (6) all documentary and oral evidence received at public workshops, meetings, and hearings, for the Project; and (7) all other matters of common knowledge to the City decision maker including, but

not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas; and

WHEREAS, on June 7, 2021 City Council adopted Resolution No. ___ adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, on June 7, 2021 the City Council adopted Resolution No.___ to adopt Amendments to the General Plan Text and Land Use Map as part of the Project; and

WHEREAS, on June 7, 2021 the City Council introduced an Ordinance approving the Repeal of the Northgate Specific Plan and Planned Development Unit Plan #575 and #582 as part of the Project.

SECTION 2: Findings.

1. The proposed amendments are consistent with the Vallejo Municipal Code. The Downtown Vallejo Specific Plan is also the Planned Development Master Plan for the downtown area Planned Development Master Plans may be amended pursuant to 16.116.140 of the Vallejo Municipal Code.

2. The proposed amendment to the Downtown Vallejo Specific Plan/Master Plan is consistent with the Vallejo General Plan. The General Plan 2040 Table 1-2 Consistency with Adopted Plans does not propose any significant changes to the Specific Plan and anticipates that the policies in the Downtown Specific Plan would continue implementation of the Specific Plan, except for development standards, which will be removed from the Specific Plan and addressed by the City's New Zoning Code (referred to as the Development Code in General Plan 2040). The land use regulations in the New Zoning Code will also implement the Specific Plan policies by providing a broader range of land uses, specifically the Downtown Mixed Use zoning district. This zoning district is consistent with the Downtown/Waterfront General Plan Land Use Designation for the area and implements the General Plan goal to foster a mix of uses that encourage people to live, work, play, and shop in close proximity.

SECTION 3: Downtown Vallejo Specific Plan Amendments. New text shown in **bold underline,** deleted text in ~~strike through.~~

A. Chapter 8, Land Use Regulations is hereby amended as follows:

INTRODUCTION

Title 16 of the Vallejo Municipal Code (Zoning Code) shall be used to regulate all land uses within the Specific Plan area, unless stated herein. ~~The Downtown Vallejo Specific Plan serves as the "zoning ordinance" for the Plan area. Accordingly, this chapter sets forth the land use regulations for the Plan area, which are unique to Downtown. The~~

~~provisions of this chapter shall be used by the City to regulate all land uses within the Specific Plan area.~~

~~The regulations in this chapter are intended to promote land uses that are desirable and promote the goals and policies of the Specific Plan.~~ Land uses that are in conflict with and in existence at the time of adoption of ~~this Specific Plan~~ the Zoning Code are permitted to continue as legal nonconforming uses consistent with the provision of the Vallejo Municipal Code Chapter ~~16.78~~ **16.104**.

B. The following sections of Chapter 8, Land Use Regulations are hereby removed:

1. General Land Use Provisions
2. Interim Land Use Provisions
3. Figure 8.2 Interim Zoning Map
4. Table 8.1, Permitted and Conditional Land Uses
5. Special Land Use Provisions
6. Definitions for Unique Land Use Classifications

C. Chapter 9, Development Standards is hereby amended as follows:

INTRODUCTION

The purpose of the Development Standards is to guide future development in Downtown so that it is consistent with the vision and goals for the area as detailed in the Specific Plan. **Unless provided herein,** the Development Standards for Plan area **shall comply with Title 16 of the Vallejo Municipal Code**. ~~establish the appropriate building intensities and other requirements that are specific to Downtown. More importantly,~~ ~~these~~ **The** Standards are intended to encourage high quality development while providing the framework for creative designs.

USE OF DEVELOPMENT STANDARDS

Downtown Vallejo is envisioned to include a wide range of uses and to encourage mixed use buildings which contribute to a lively urban environment. ~~These standards are designed to promote mixed-use buildings where the first floor uses are those that contribute to an active street environment and the upper floors have the flexibility of including a wider range of uses. The land uses allowed in each of the Downtown districts is listed in detail in Chapter 8: Land Use Regulations.~~

~~This chapter contains standards and regulations that are mandatory for all development within the Specific Plan area that require discretionary~~

~~approval. All projects , proposed within the Specific Plan that shall require the appropriate decision-making body to make the following finding:~~

~~"The proposed project meets the goals and policies of the Downtown Vallejo Specific Plan, including the intent of the Downtown Vallejo Design Guidelines."~~

RELATIONSHIP TO DESIGN GUIDELINES

~~In addition to the Development Standards included in this chapter, a~~ **A** comprehensive set of design guidelines - Downtown Vallejo Design Guidelines – were adopted for the Specific Plan area. The Development Standards **for the Specific Plan Area** are ~~included in this chapter~~ **and provided in Title 16 of the Vallejo Municipal Code and** should be used in conjunction with the Design Guidelines. While the Design Guidelines are interpretive and allow some level of discretion, they have stated objectives that provide the basis for project approval. ~~Specific references to Design Guidelines are included here for standards relating to building heights and parking where the standard must be considered in conjunction with the Design Guidelines. Both the Development Standards and the Design Guidelines indicate the minimum requirements. Compliance with the Development Standards Design Guidelines does not automatically guarantee project approval.~~

D. The following sections of Chapter 9, Development Standards are hereby removed:

1. Relationship to Other Documents
2. Development Standards
3. Interpretation of Development Standards
4. Exceptions to Development Standards
5. Outdoor Dining Performance Standards
6. Development Standards for Fast food/Take-out
7. Outdoor Display
8. Live-Work Performance Standards
9. Review Authority
10. Noticing Procedures

E. Chapter 9, Development Standards is hereby amended as follows:

REQUIRED APPROVALS

This section is removed and replaced as follows:

All approvals shall comply with Title 16 of the Vallejo Municipal Code (Zoning Code).

SECTION 4: Adoption of the Downtown Vallejo Specific Plan Amendment.

Based on the findings set forth herein and the Record as a whole, the City Council hereby adopts amendments to the Downtown Vallejo Specific Plan/Master Plan provided herein.

SECTION 5: Typographical and Clerical Errors.

Any typographical or clerical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration.

SECTION 6: Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 7: Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.

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

AN ORDINANCE OF THE CITY OF VALLEJO AMENDING THE WHITE SLOUGH SPECIFC AREA PLAN/MASTER PLAN AS PART OF THE NEW ZONING CODE PROJECT

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for General Plan 2040 and adopted the General Plan 2040; and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, based on the analysis conducted for the new Zoning Code, Staff proposed amending the General Plan to: (1) reduce the residential densities in the four commercial and mixed use land use designations; (2) allow residential use in additional areas to achieve the housing goals; and (3) amend the General Plan 2040 Land Use Map to correct errors and re-designate parcels to more closely align with their existing land use characteristics and future development potential (collectively, the "General Plan Amendments"); and

WHEREAS, Staff determined additional actions were necessary to effectuate General Plan 2040 and the new Zoning Code, including repealing the Northgate Specific Plan and Planned Unit Development #575 and #582, amending the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan, which together with the General Plan Amendments and the adoption of the new Zoning Code and new Zoning Map constitute the Project; and

WHEREAS, the General Plan 2040 acknowledges that Vallejo's strategic location and transportation connections led to the adoption of long-range plans for key areas including the Downtown Vallejo Specific Plan and White Slough Specific Area Plan, which also serve as the Planned Development Master Plan (Master Plan) for those areas, respectively; and

WHEREAS, the General Plan 2040 anticipated that development standards for the Downtown Vallejo Specific Plan/Master Plan and the land use regulations in the White Slough Specific Area Plan/Master Plan would be provided in the New Zoning Code; and

WHEREAS, both the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan reflect unique policies, goals, and objectives as well as specific planning standards and regulations for land within their plan boundaries that remain relevant; and

Approved as to form:

By: _____ *for*

Veronica A.F. Nebb
City Attorney

WHEREAS, in order to provide a broader, more flexible range of land uses and to implement objective development standards to position Vallejo to be more competitive in the market place, Staff proposes to amend the Downtown Specific Plan/Master Plan and White Slough Specific Area Plan/Master Plan by amending select land use regulations and development standards and referencing the New Zoning Code; and

WHEREAS, the proposed Specific Plan amendments will eliminate confusion, redundancy, and potential conflicts with the New Zoning Code; and

WHEREAS, on March 29, 2021, the Planning Commission adopted Resolution of Intention No. PC 21-06A directing staff to prepare amendments to the Downtown Vallejo Specific Plan/Master Plan and the White Slough Specific Area Plan/Master Plan; and

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing announcing the 30-day public review period for the IS/MND, beginning January 8, 2021 and ending on February 9, 2021 and noticing the public hearing for February 17, 2021, was sent on January 7, 2021 to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice and was published in the Times Herald, a newspaper of local circulation on January 12, 2021; and

WHEREAS, on February 17, 2021, the Planning Commission opened the duly noticed public meeting on the Project and voted unanimously to continue the public hearing to March 15, 2021; and

WHEREAS, on February 17 and 22, 2021, a Revised Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing on March 15, 2021, extending the public review period for the IS/MND to February 26, 2021, was sent to all persons entitled to notice, and on February 21, 2021 was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on March 15, 2021, the Planning Commission held a duly noticed public hearing and considered all oral and written comments on the Project and the IS/MND, and voted unanimously to continue the hearing to March 29, 2021; and

WHEREAS, on March 29, 2021, the Planning Commission held the public hearing continued from March 15, 2021 and considered all oral and written comments on the Project and the IS/MND, and by the adoption of Resolution No. PC 21-03, renumbered as 21-03A, recommended that the City Council adopt the IS/MND and Mitigation Monitoring and Reporting Program (MMRP) for the Project and to consider the IS/MND prior to taking any action on the Project, and voted unanimously to adopt Resolution PC 21-06 to forward to City Council an Ordinance adopting the amendments to the Downtown Vallejo Specific Plan/Master Plan and White Slough Specific Area Plan/Master; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were

given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the Planning Commission; and

WHEREAS, on March 31, 2021, a Notice to Hold a Public Hearing on April 13, 2021 by the City Council on the Project and the IS/MND was sent to all persons entitled to notice and on April 3, 2021, was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing on the Project, the IS/MND, and the MMRP and considered all oral and written comments thereon; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard on the matter were given an opportunity to be heard, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, upon conclusion of the public hearing, the City Council voted unanimously to continue the public hearing to a date uncertain; and

WHEREAS, on April 28, 2021, the IS/MND was revised to correct errors and a Notice of Intent to Adopt a Revised Mitigated Negative Declaration and Hold a Continued Public Hearing on June 7, 2021 was sent to all persons entitled to notice, was published in the Times Herald, a newspaper of local circulation, and sent to the State Clearinghouse, thereby extending the public review period to May 28, 2021; and

WHEREAS, on June 7, 2021, the City Council held a duly noticed public hearing and considered all oral and written comments on the Revised IS/MND, the Project, and associated actions including the MMRP; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its action includes, but is not limited to: (1) the Revised Initial Study/Mitigated Negative Declaration (IS/MND) and the appendices and technical reports cited in and/or relied upon in preparing the Revised IS/MND; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Revised IS/MND and the Project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR, and the Vallejo Municipal Code; (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the Revised IS/MND and the Project; (6) all documentary and oral evidence received at public workshops, meetings, and hearings, for the Project; and (7) all other matters of common knowledge to the City decision maker including, but

not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas; and

WHEREAS, on June 7, 2021, City Council adopted Resolution No. ___ adopting the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the New Zoning Code Project; and

WHEREAS, on June 7, 2021, the City Council adopted Resolution No.___ to adopt Amendments to the General Plan Text and Land Use Map as part of the New Zoning Code Project; and

WHEREAS, on June 7, 2021, the City Council introduced an Ordinance approving the Repeal of the Northgate Specific Plan and Planned Development Unit Plan #575 and #582 as part of the New Zoning Code Project.

WHEREAS, on June 7, 2021, the City Council introduced an Ordinance to amend the Downtown Vallejo Specific Plan as part of the New Zoning Code Project.

SECTION 2. Findings.

1. The proposed amendments are consistent with the Vallejo Municipal Code. The White Slough Specific Area Plan is also the Planned Development Master Plan for the downtown area Planned Development Master Plans may be amended pursuant to 16.116.140 of the Vallejo Municipal Code.

2. The proposed amendment to the White Slough Specific Area Plan/Master Plan is consistent with the Vallejo General Plan. The General Plan 2040, Table 1-2, does not propose any significant changes to the Specific Plan and anticipates that its policies will continue implementation of the Specific Plan. The land use regulations provided in the Central Corridor Commercial zoning district in the New Zoning Code are compatible with the Central Corridor General Plan Land Use designation, which is the predominate land use designation for the White Slough Specific Area Plan area. The Central Corridor Commercial zoning district also allows more residential density, which supports Housing Element Program A 4.1.1 to encourage and facilitate the development of housing that is affordable to households with a wide range of incomes, particularly in the downtown area, by updating land use policies and regulations to create more development opportunities for housing.

SECTION 3. Amendments to the White Slough Specific Area Plan. New text shown in **bold underline** deleted text in ~~strike through.~~

A. Appendix 2, CITY OF VALLEJO ZONING STANDARDS FOR SOUTH WHITE SLOUGH, Allowed Uses is hereby removed, and replaced with the following:

LAND USE REGULATIONS ARE SUBJECT TO TITLE 16 OF THE VALLEJO MUNICIPAL CODE (ZONING CODE).

B. Development Standards is hereby amended as follows:

DEVELOPMENT STANDARDS

Properties Adjacent to South White Slough and East Lagoon

The intent of the design standards would insure that new development and rehabilitation projects enhance the environment of this area including Austin Creek. The standards would insure a well-designed and complementary background for the natural habitat.

o Site Organization

Buildings shall be sited to take advantage of their proximity to the water by such techniques as making sure the back of the building and/or the service area is not facing the water. On larger sites with multiple buildings, the structures shall be clustered around "public" spaces, such as landscaped areas and pedestrian plazas, that visually and physically open up to the water.

Buildings shall be sited to place parking, service, and loading areas away from the water. If this is not feasible due to site constraints, then landscaped berms and/or walls and fencing shall screen the parking areas from the water.

The maximum floor area ratio (FAR) for non-residential uses **shall comply with the FAR for the respective zoning district in which the property is located.** ~~is 0.25. However, property aggregation is encouraged, and higher FAR's will be permitted for projects where aggregation occurs.~~

For residential uses, the maximum density ~~–~~**shall comply with the maximum density for the respective zoning district in which the property is located.** ~~is 20 units per gross acre.~~

At a minimum, there shall be a 25-foot access and landscape easement from the point of highest tide inward or the designated edge of the water.

o Architectural

~~Architectural style shall be contemporary. Thematic or trademark architecture is prohibited.~~

Buildings shall be designed to take advantage of their proximity to the water by such techniques as placing windows, terraces, entry ways on the water side. For multi-storied buildings, terracing of floors shall be used to help reduce the perceived size and mass of the buildings. Large, blank walls shall be avoided. Instead, offsets, varied wall materials and colors and other details shall be used to visually break up wall surfaces.

~~Building colors shall be neutral in color. However, accent colors are acceptable of they are secondary (10 percent of the total exterior wall area) to the overall color scheme.~~ The use of reflective glass or reflective metal surfaces on the water side of buildings is prohibited.

Maximum building height within 50 feet from the point of highest tidal action or the designated edge of the water shall be 35 feet. Outside this 50-foot band, the maximum building height **shall comply with the maximum height for the respective zoning district in which the building is located**. ~~is 75 feet~~.

All roof top equipment and other utility structures shall be screened from public view.

- Landscaping

All landscaping plans shall be prepared by a landscape architect and reflect a choice of plant material that will enhance the visual quality of the water and that will be compatible with the native plant species that exist in the area, especially for the areas immediately adjacent to the water.

Landscaping shall comply with Chapter ~~16.70~~ **16.504 Landscaping** of the Vallejo Municipal Code.

- Screening and Fencing

~~Urban~~ **Land** uses shall be separated from the water by fencing or screening. **Screening materials shall comply with Chapter 16.505 Fences, Walls and Screening of the Vallejo Municipal Code**. No barbed or razor wire is allowed.

- Parking and Loading

Parking and loading shall comply with Chapter ~~16.62~~ **16.508 Off-street Parking and Loading** of the Vallejo Municipal Code.

- Signage

Signage shall comply with Chapter ~~16.64~~ **16.509 Signs** of the Vallejo Municipal Code according to the type of use. However, no signage, except educational, directional, official, governmental, or other legally required signage shall be allowed on the side or sides of buildings which face the water.

No pole signs or additional off-site signs (billboards) shall be allowed.

Other Properties within the Planning Area

The intent of the design standards would insure that this area of Vallejo is developed and redeveloped in a quality manner to complement the natural environment and to act as an attractive entrance to the city.

- Site Organization

All structures, parking areas, driveways, and service areas on a site shall be organized to maintain the privacy of and be compatible with adjacent less- intensive uses. All service and loading areas shall be screened from public view.

The maximum floor area ratio (FAR) for non-residential uses ~~is 0.33.~~ **shall comply with the FAR for the respective zoning district or districts in which the structure is located**~~. The maximum density for residential uses is 12 units per gross acre.~~

- Architectural

~~Architectural style shall be contemporary. Thematic or trademark architecture is prohibited.~~

Terracing of floors shall be used in multi-storied buildings to reduce the perceived size and mass of the buildings. Large, blank walls shall be avoided. Instead, offsets, varied wall materials and colors, and other details shall be used to break up wall surfaces visually.

Roof top equipment and other utility structures shall be screened from public view.

The maximum building height ~~is 75 shall feet.~~ **shall comply with the maximum height for the respective zoning district or districts in which the building is located.**

- Landscaping, Screening and Fencing

  Landscaping, screening, and fencing shall comply with Chapter ~~16.70~~ **16.504 Landscaping** of the Vallejo Municipal Code.

- Parking and Loading

  Parking and loading shall comply with Chapter ~~16.62~~ **16.508 Off-street Parking and Loading** of the Vallejo Municipal Code.

- Signage

  Signage shall comply with Chapter ~~16.64~~ **16.509 Signs** of the Vallejo Municipal Code. ~~according to use type~~.

  No additional off-site signage (billboards) is allowed.

SECTION 4. Adoption of the White Slough Specific Area Plan Amendment.

Based on the findings set forth herein and the Record as a whole, the City Council hereby adopts amendments to the White Slough Specific Area Plan/Master Plan as provided herein.

SECTION 5. Typographical and Clerical Errors.

Any typographical or clerical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration.

SECTION 6. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 7. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.

ORDINANCE NO. _____N.C. (2d)

AN ORDINANCE OF THE CITY OF VALLEJO TO REPEAL THE CURRENT ZONING CODE, TITLE 16 OF THE VALLEJO MUNICIPAL CODE AND ADOPT THE NEW ZONING CODE, AND REPEAL THE EXISTING ZONING MAP AND ADOPT THE NEW ZONING MAP AS PART OF THE NEW ZONING CODE PROJECT

THE COUNCIL OF THE CITY OF VALLEJO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

WHEREAS, on August 29, 2017, the City Council certified the Final Environment Impact Report (FEIR) for General Plan 2040 and adopted the General Plan 2040; and

WHEREAS, the City Council amended the General Plan 2040 in November 2017, July 2018, and January 2020; and

WHEREAS, in February 2019, the City initiated a comprehensive update of Title 16 (Zoning Code) of the Vallejo Municipal Code and of the Zoning Map as part of the New Zoning Code Project to implement the General Plan 2040; and

WHEREAS, this is the first comprehensive update of the City's Zoning Code and Zoning Map since 1980; and

WHEREAS, the overarching objectives of the New Zoning Code are to ensure that the update is consistent with and implements the policies and objectives of the General Plan 2040 and to establish new and modified land use regulations that will guide future development and design throughout the City; and

WHEREAS, the New Zoning Code Project includes the following actions: (1) repealing the current Title 16, Zoning Code of the Vallejo Municipal Code in its entirety and adopting a new Title 16, Zoning Code; (2) repealing the current Zoning Map in its entirety and adopting a new Zoning Map; (3) amending the General Plan Text and Land Use Map; (4) repealing the Northgate Specific Plan/Master Plan and PUDs #575 and #582; (5) amending the Downtown Vallejo Specific Plan/Master Plan; and (6) amending the White Slough Specific Area Plan/Master Plan, (collectively the "Project"); and

WHEREAS, on March 29, 2021, the Planning Commission adopted Resolution of Intention No. PC 21-07A directing staff to repeal the City's existing Zoning Code, Title 16 of the Vallejo Municipal Code and Zoning Map in their entirety and prepare the New Zoning Code, Title 16 of the Vallejo Municipal Code and Zoning Map; and

Approved as to form:

By: _____ *for*
Veronica A.F. Nebb
City Attorney

WHEREAS, an Initial Study/Mitigated Negative Declaration (IS/MND) (State Clearinghouse #2021010077) has been prepared for this Project in accordance with the California Environmental Quality Act (CEQA) Public Resources Code Sections 21000 et seq. and the California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq. (CEQA Guidelines); and

WHEREAS, on January 7, 2021, a Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing for February 17, 2021 and announcing the 30-day public review period for the IS/MND, beginning January 8, 2021 and ending on February 9, 2021 was sent to all public agencies potentially serving the Project, all responsible and trustee agencies, and all persons requesting notice and on January 12, 2021, was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on February 17, 2021, the Planning Commission opened the duly noticed public meeting on the Project and voted unanimously to continue the public hearing to March 15, 2021; and

WHEREAS, on February 17 and 22, 2021, a Revised Notice of Intent to Adopt a Mitigated Negative Declaration and Hold a Public Hearing on March 15, 2021, extending the public review period for the IS/MND to February 26, 2021, was sent to all persons entitled to notice, and on February 21, 2021 was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on March 15, 2021, the Planning Commission held a duly noticed public hearing and considered all oral and written comments on the Project and the IS/MND, and voted unanimously to continue the hearing to March 29, 2021; and

WHEREAS, on March 29, 2021, the Planning Commission held a public hearing and considered all oral and written comments on the Project and IS/MND and, by the adoption of Resolution No. PC 21-03, renumbered as 21-03A, recommended that the City Council adopt the IS/MND and Mitigation Monitoring and Reporting Program (MMRP) for the Project and consider the IS/MND prior to taking any action on the Project and, by the adoption of Resolution No. PC 21-07, adopted findings and recommended that the City Council repeal the City's existing Zoning Code, Title 16 of the Vallejo Municipal Code, in its entirety and adopt the New Zoning Code, Title 16 of the Vallejo Municipal Code, with suggested amendments and revisions, and repeal the existing Zoning Map and adopt the New Zoning Map; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the Planning Commission; and

WHEREAS, on March 31, 2021, a Notice to Hold a Public Hearing on April 13, 2021 on the Project, the IS/MND, and Mitigation Monitoring and Reporting Program ("MMRP") was sent to all persons entitled to notice and on April 3, 2021, was published in the Times Herald, a newspaper of local circulation; and

WHEREAS, on April 13, 2021, the City Council held a duly noticed public hearing on the Project, the IS/MND, and the MMRP and considered all oral and written comments thereon; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard on the matter were given an opportunity to be heard, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, upon conclusion of the public hearing, the City Council voted unanimously to continue the public hearing to a date uncertain; and

WHEREAS, on April 28, 2021, the IS/MND was revised to correct errors and a Notice of Intent to Adopt a Revised Mitigated Negative Declaration and Hold a Continued Public Hearing on June 7, 2021 was sent to all persons entitled to notice, was published in the Times Herald, a newspaper of local circulation, and sent to the State Clearinghouse, thereby extending the public review period to May 28, 2021; and

WHEREAS, on June 7, 2021, the City Council held a duly noticed public hearing and considered all oral and written comments on the Revised IS/MND, the Project, and the MMRP; and

WHEREAS, all interested persons were afforded the opportunity to file written comments with the City of Vallejo Planning Division at or before the hearing, all persons desiring to be heard were given an opportunity to be heard in this matter, and all such verbal and written testimony was considered by the City Council; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its action includes, but is not limited to: (1) the Revised IS/MND and the appendices and technical reports cited in and/or relied upon in preparing the same; (2) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the Revised IS/MND and the Project; (3) the evidence, facts, findings and other determinations set forth in this resolution; (4) the City of Vallejo General Plan and its related EIR, and the Vallejo Municipal Code; (5) all designs, plans, studies, data and correspondence submitted by the City in connection with the Revised IS/MND and the Project; (6) all documentary and oral evidence received at public workshops, meetings, and hearings, for the Project; and (7) all other matters of common knowledge to the City decision maker including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Vallejo and its surrounding areas; and

WHEREAS, on June 7, 2021, City Council adopted Resolution No. ___ adopting the IS/MND and MMRP for the Project; and

WHEREAS, on June 7, 2021, the City Council adopted Resolution No.___ to adopt Amendments to the General Plan Text and Land Use Map as part of the Project; and

WHEREAS, on June 7, 2021, the City Council introduced an Ordinance approving the Repeal of the Northgate Specific Plan/Planned Development Master Plan and Planned Development Unit Plans #575 and #582 as part of the Project; and

WHEREAS, on June 7, 2021, the City Council introduced an Ordinance approving amendments to the Downtown Vallejo Specific Plan/Planned Development Master Plan; and

WHEREAS, on June 7, 2021, the City Council introduced an Ordinance approving amendments to the White Slough Specific Area Plan/Planned Development Master Plan.

SECTION 2. Findings.

1. In accordance with Government Code Section 65454, the proposed repeal of the current Zoning Code and Zoning Map, and adoption of the New Zoning Code and Zoning Map, is consistent with the General Plan, as set forth in Exhibit A attached hereto and incorporated herein by reference.

2. In accordance with Government Code Section 65455, the proposed repeal of the current Zoning Code and Zoning Map, and adoption of the New Zoning Code and Zoning Map, is consistent with the Mare Island Specific Plan, Solano 360 Specific Plan, Hiddenbrooke Specific Plan, Downtown Specific Plan, White Slough Specific Plan, and Sonoma Blvd. Specific Plan as set forth in Exhibit B, attached hereto and incorporated herein by reference.

3. The Zoning Code dated March 5, 2021 with Errata thereto includes corrections that are non-substantive and do not constitute substantial revisions to the Mitigated Negative Declaration.

SECTION 3. Repeal of the Zoning Code (Title 16) and Adoption of the New Zoning Code (Revised Title 16).

Based on the findings set forth herein and the Record as a whole, the City Council hereby repeals the existing Zoning Code, Title 16 of the Vallejo Municipal Code, in its entirety and adopts the New Zoning Code as revised Title 16, as set forth in Exhibit C including the Errata, attached hereto and incorporated herein by reference.

SECTION 4. Repeal of the Zoning Map and Adoption of the New Zoning Map.

Based on the findings set forth herein and the Record as a whole, the City Council hereby repeals the existing Zoning Map in its entirety and adopts the New Zoning Map, attached hereto as Exhibit D and incorporated herein by reference.

SECTION 5. Typographical or Clerical Errors.

Any typographical or clerical errors in this Ordinance may be remedied by the City Attorney with the assistance of the City Clerk and shall not constitute an alteration.

SECTION 6. Severability.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed and adopted this Ordinance, and each and all provisions hereof, irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases may be declared invalid. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 7. Effective Date.

This Ordinance shall take effect and be in full force and effect from and after (30) days after its final passage.

EXHIBIT A TO ZONING CODE/MAP ORDINANCE
NEW ZONING CODE GENERAL PLAN CONSISTENCY TABLE

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
1.	**Policy CP-1.1**	Retail Food Sources. Strive to ensure that all households in Vallejo have easy access to retail sources of affordable healthy food, including organic options, such as full service grocery stores, ethnic food markets, produce markets, and convenience stores.	16.301,16.314 16.301,16.318 16.301	New New New	As a healthy food choice, the New Zoning Code (NZC) adds Community Gardens as a new land use type, provides use standards, and permits this use in mixed use and commercial zoning districts. To provide healthy food alternatives that may be more easily accessible, the NZC adds Farmers Market as a new land use type, permits this use in mixed use and commercial zoning districts. To encourage markets that provide fresh produce, the NZC adds Produce Markets as a new land use type and permits this use mixed use and commercial zoning districts.
2.		Action CP-1.1B: Update City regulations and explore incentives to attract a full service grocery store to South Vallejo and to any other identified "food deserts."	See response to Policy CP1.1	New	The Sonoma Boulevard corridor from Magazine to Lemon Streets is zoned as Neighborhood Mixed (NMX), which will permit a full service grocery store in the South Vallejo area.
3.		Action CP-1.1D: Consider updating City regulations to limit the number of fast food outlets and mobile vendors serving primarily unhealthy food near schools and parks and in areas with existing fast food outlets.	16.301,16.316	Current	Commercial quotas and formula business regulations are difficult to administer and are not included in the NZC. However, the requirement for a Major Use Permit for a drive-through quick service/fast-food restaurants is retained to ensure that the location of a new establishments is appropriate.
4.	**Policy CP-1.2**	Locally Grown Food. Collaborate with community partners to support and expand Vallejo's community gardens, Community Supported Agriculture (CSA) programs, and urban agriculture.	16.301,16.314	Current	See response to CP-1.1 above
5.		Action CP-1.2A: Work with community garden programs, Vallejo City Unified School District (VCUSD), Solano Community College, residents, and other local advocates, to establish a network of community gardens as sources of fresh produce, education, and social cohesion.	16.301,16.314	Current	See response to Policy CP-1.1above

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
6.		Action CP-1.2B: Work with GVRD, residents, colleges and universities, Solano Public Health, and other community partners to identify community garden opportunities in parks or appropriate properties and on City-owned property.	See response to Policy CP-1.2 above	Current	The NZC supports this policy based on the response to Policy CP-1.1 above.
7.		Action CP-1.2C: Consider leasing publicly owned, non-contaminated vacant land for agricultural use, and work with partners such as colleges and universities to identify potential sites.	See response to Policy CP-1.2 above	Current	The NZC supports this policy based on the response to Policy CP-1.1 above.
8.		Action CP-1.2D: Develop City regulations that encourage urban agriculture and farm stands, as appropriate.	See response to Policy CP-1.2 above	Current	See response to Policy CP-1.1 above
9.		Action CP-1.2E: Publicize and promote the availability of food grown in Vallejo.	See response to Policy CP-1.2 above	Current	The NZC supports this policy based on the response to Policy CP-1.1 above. Also, see response to Policy CP-1.2 above
10.	**Policy CP-1.4**	Action CP-1.4C: Explore opportunities for providing access to safe places for recreational in-water activities, such as boating, kayaking, paddle boarding, and swimming.	16.203.03,O	New	The NZC adds a requirement that any development within 100 feet of a waterway provide public access along the shoreline consistent with State and Bay Consersrvation and Development Commission requirements. An additional requirement will be included that such development shall also be consistent with the General Plan policies regarding waterfront and shoreline areas.
11.	**Policy CP-1.6**	Active Transportation Network. Promote the healthbenefits of walking and bicycling by providing a convenient and safe network of bicycle paths and routes, sidewalks, pedestrian paths, and trails, including connections with major destinations such as civic facilities, educational institutions, employment centers, shopping, and recreation areas.	16.209.03	Current	The NZC retains the potential for granting a density bonus for projects within a Planned Development that provides interior pedestrian trails or bicycle paths connecting with designated city trails and paths.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
12.		Action CP-1.6D: Develop guidelines for public and private projects that promote safe, convenient, and attractive bike and pedestrian facilities, including amenities to enhance bike and pedestrian activity, such as bicycle racks, lockers, street trees, public art, and street furniture.	16.215.02,C.1.d 16. 508.12	New	The NZC adds the potential for granting a density bonus for projects providing a pedestrian and bicycle path that is a safe and convenient access to the transit centers. The NZC adds a new section on bicycle storage requirements that promotes safe, conveniet and attractive bicycle facilities.
13.	**Policy CP-1.7**	Action CP-1.7-B: Regularly maintain the health of City street trees.	16.504.04	Change	The NZC adds a provision that trees shall be preserved, maintained, or replaced as needed, and specfies when a tree shall be removed and replaced based on its condition.
14.		Action CP-1.7-C: Support efforts by stewardship agencies to preserve wetland and open space areas.	16.207 16.301	Current, Change	The NZC retains the Resource Conservation zoning district and removes several land uses currently allowed in the district to minimize the development intensity in wetland and open space areas.
15.		Action CP-1.7-E: Continue to implement green infrastructure practices that draw upon natural processes to address storm water drainage and flood control and potentially add to Vallejo's network of green spaces.	16.333.02 16.504. 16.504.11	Current	The NZC retains the requirement that recycling projects to comply with Best Management Practices for stormwater. The NZC adds a provision that requires the design of parking lot planters allow proper stormwater runoff. The NZC retains the requirements for stormwater management for landscapes. The NZC retains requirement that applicants refer to the Public Works Department or Regional Water Quality Board for applicable stormwater technical requirements.
16.	**Policy CP-1.10**	Tobacco Sales and Children. Protect children by restricting the location of tobacco sales.	16.301 16.340	Current	The NZC retains the requirement that tobacco retailers may not be established within 1,000 of a childcare center or school.
17.		Action CP-1.10A: Amend City regulations to require use permit review to consider the potential negative impacts of uses proposing to sell tobacco in proximity to schools and other youth-serving facilities, and in areas with existing tobacco retailers.	16.301 16.340	Current	The NZC retains the provision that a new tobacco retailer requires a Major use Permit and may not be established within 1,000 of a childcare center, school or an existing tobacco retailer.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
18.	**Policy CP-1.11**	Responsible Alcohol Sales. Promote responsible alcohol sales through regulation and education.	16.301 16.305	Current, New	The NZC supports this policy by retaining the requirement for a Major Use Permit for alcohol sales within the Neighborhood Commercial (NC) zoning district and for alcohol sales associated with a liquor store, convenient store or mini-market associated with gasoline sales, and requiring a Minor Use Permit for other uses.
19.	**Policy CP-1.12**	Action CP-1.12B: Update City regulations to set BAAQMD-recommended limits for particulate emissions from construction, demolition, debris hauling, and utility maintenance.	16.502.08	Current New	The NZC retains the requirement that no continuous, frequent or repetitive odors are permitted that exceed limits established byBAAQMD. The NZC adds construction requirements to ensure compliance with BAAQMD regarding emissions from construction and demolition.
20.		Action CP-1.15A: Require new development to incorporate site design, source control, and treatment measures to keep pollutants out of stormwater during construction and operational phases, consistent with City of Vallejo Municipal Ordinance.	16.504.11,G.4.g	Current	The NZC retains irrigation standard for stormwater projects consider the construction of wetlanand retention ponds that retain water, equaliz excess flow and filer pollutants.
21.		Action CP-1.15B: Encourage new development to incorporate low impact development (LID) strategies, such as rain gardens, filter strips, swales, and other natural drainage strategies, to the greatest extent feasible, in order to reduce stormwater runoff levels, improve infiltration to replenish groundwater sources, reduce localized flooding, and reduce pollutants close to their source.	16.505.11, G.4	Current	The NZC retains the irrigation standard that stormwater projects incorporate rain gardens, cisterns, and other harvesting or catchment systems.
22.		Action CP-1.15C: Consult with appropriate regional, State, and federal agencies to monitor water quality and address local sources of groundwater and soil contamination, including possible underground storage tanks, septic tanks, and industrial uses, as necessary, to achieve State and federal water quality standards.	16.320.02, A.9	New	The NZC adds a provision that hazardous waste facilities with subsurface storage shall develop a program that satisfies the Regional Water Quality Control Board Permit requirements for groundwater monitoring.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
23.	**Policy CP-1.13**	Action CP-2.3E: Work with property owners and public agencies to ensure that plant growth is managed to minimize fire danger.	16.504.08,D,2 16.504.09, G,3.f	Currrent, Change	The NZC retains and augments the requirement to minimize overgrowtn vegetation and removal of dead, decayed or hazardous trees, weeds and debris that may be dangerous to public safety and welfare. The NZC retains the requirement that a landscape design plan shall address fire safety and prevention.
24.	**Policy CP-3.2**	Action CP-3.2B: Support local arts groups, VCUSD, GVRD, and community organizations in developing and deliveoring art and cultural educational offerings and activities for the entire community.	16.318	New	The NZC adds Farmer's Market as a new land use type and includes that the use promotes economic opportunities for local artists.
25.	**Policy CP-3.4**	Parks. Plan for and provide parkland and facilities to support Vallejo's recreational needs.	16.301	Current	The NZC allows parks and recreation facilities in all of the zoning districts throughout the City.
26.	**Policy CP-4.2**	Broad Participation. Increase public participation by all segments of the community in City governance.	16.602.08	New	The NZC adds a provision that allows the Director to require a neighborhood or community meeting to receive public comments on any project anticipated to be of community concern due to potential environmental impacts or other signficant planning concerns.
27.	**Policy CP-4.3**	Informed Discussion. Provide decision-makers, project applicants, and residents with information about planning policies and regulations as well as advance notice of upcoming changes, projects or issues.	16.602.08, A,4	Current	The NZC retains and augments the public noticing process for all projects by establishing a consistenent 14-day notice for all Director decisions and public hearings for projects excempt from the California Environmental Quality Act (CEQA) and a 21-day notice for projects exempt from CEQA. The NZC adds additional public notice recipients for projects including property occupants, the School District, other local agency expected to provide water, wastewater treatment, streets, roads, schools, or other essential facilities to a project, applicable board or commission members, and any member of the public who has filed a written request for notice.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
28.	**Policy CP-5.1**	Child and Senior Care Facilities. Encourage the development of reasonably priced childcare and senior care facilities and services in a variety of settings, including in residential neighborhoods and near work sites, to meet the needs of Vallejo residents and employees.	16.214.03 16.302 16.315 16.301	Current New	The NZC supports this policy by adding the state mandated density bonus requirements for projects that include a percentage of units for affordable housing and if they include childcare facilities. The NZC streamlines the review process by removing the Major Use Permit requirement for a large day care center. Small day care centers are permitted by right in certain zoning districts, and large day care centers are permitted with a Minor Use Permit.
29.		Action CP-5.1B: Provide incentives such as density bonuses to residential and non-residential developers to encourage space for childcare and senior care facilities in new development.	16.214.03	New	The NZC adds the state mandated density bonus requirements for projects that include affordable housing units and childcare facilities.
30.	**Policy CP-5.2**	Action CP-5.2B: Continue to support local community service agencies and organizations in the provision of social services to Vallejoans in need, including special needs services that foster independence for older adults, people with disabilities, and those facing physical or mental challenges.	16.301 16.337	New	The NZC supports this action by establishing Social Service Center as a new land use type that is permitted in mixed use and commercial zoning districts.
31.	**Policy NBE-1.1**	Natural Resources. Protect and enhance hillsides, waterways, wetlands, occurrences of special-status species and sensitive natural communities, and aquatic and important wildlife habitat through land use decisions that avoid and mitigate potential environmental impacts on these resources to the extent feasible.	16.212 16.301	Current	The NZC retains and augments the Hillside Development Standards to protect and enhance hillisides. The NZC retains the Resource Conservation (RCN) zoning district and protects and enhances the wetlands, sensitive natural communitys and important wildlife habitat by minimizes development intentsity allowed in RCN areas.
32.		Action NBE-1.1E: Protect the remaining woodlands and native tree resources and require replacement plantings where native trees must be removed.	16.504	New	The NZC supports this action by establishing requirements for tree removal and replacement.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
33.		Action NBE-1.1F: Require a biological assessment for new development proposed on sites that are determined to have some potential to contain sensitive biological and wetland resources. The assessment should be conducted by a qualified professional to determine the presence or absence of any sensitive resources, should evaluate potential adverse effects, and should define measures for protecting the resources in compliance with State and federal laws. Detailed surveys are not necessary in locations where past and existing development have eliminated natural habitat and the potential for presence of sensitive biological resources.	16.612	Change	The NZC retains the requirement that projects must comply with the California Environmental Quality Act (CEQA) and includes the CEQA process procedures. Conducting biological assessements for new development will be required as deemed appropropriate based a project-specific environmental review checklist.
34.		Action NBE-1.1G: Avoid potential impacts on jurisdictional wetlands and other waters as part of new development to the maximum extent feasible. This should include streams and associated riparian habitat and coastal salt marsh habitat along the Vallejo shoreline. Where complete avoidance is not possible, require that appropriate authorizations be secured from State and federal jurisdictional agencies and that adequate replacement mitigation be provided to ensure there is no net loss in habitat acreage or values.	16.602.06	Change	The NZC retains the requirement that projects must comply with the California Environmental Quality Act (CEQA) and includes the CEQA process and procedures. Avoidance of potential impacts on jurisdictional wetlands and other waters, as well as compliance with State and federal requirements will be determined based on the project-specific environmental analysis.
35.	**Policy NBE-1.2**	Sensitive Resources. Ensure that adverse impacts on sensitive biological resources, including special-status species, sensitive natural communities, and wetlands are avoided and mitigated to the greatest extent feasible as development takes place.	16.602.06	Change	The NZC retains the requirement that projects must comply with the California Environmental Quality Act (CEQA) and includes the CEQA process procedures. Conducting biological assessements for new development will be required as deemed appropropriate based a project-specific environmental review checklist and mitigations will be imposed as needed.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
36.		Action NBE-1.2D: Continue to require environmental review of development applications pursuant to CEQA to assess the potential impacts on native species and habitat diversity. Require adequate mitigation measures for ensuring the protection of sensitive resources and achieving “no net loss” of sensitive habitat acreage, values, and functions and encourage early consultation with all trustee agencies and agencies with review authority pursuant to CEQA for projects in areas supporting special-status species, sensitive natural communities, or wetland that may be adversely affected by new development.	16.602.06	Change	The NZC retains the requirement that projects must comply with the California Environmental Quality Act (CEQA) and includes the CEQA process procedures. Conducting assessments on the potential impact for new development will be required as deemed appropropriate based a project-specific environmental review checklist.
37.	**Policy NBE-1.5**	Scenic Vistas. Protect and improve scenic vistas, including views from Interstate 80 and State Route 37 in Vallejo.	16.204.01	New	The NZC supports this policy by establishing the Regional Commercial (RC) zoning district, which is mapped along the freeway. Development standards for this zoning district are provided that may affect and improve the overall appearance of the freeway corridor.
38.		Action NBE-1.5B: Update City regulations for development within view of freeways in Vallejo.	16.204.01 16.301	New	The NZC includes the establishment of the Regional Commercial (RC) zoning district that is mapped along the freeway, and includes development standards may affect and improve the overall appearance of the freeway corridor.
39.		Action NBE-1.5C: 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.	16.213	Current	The NZC retains the Residential View District and includes the district on the updated Zoning Map.
40.	**Policy NBE-1.7**	Green Infrastructure. Encourage the installation of green infrastructure, including tools such as permeable pavement, rain gardens, constructed wetlands, grassy swales, rain barrels and cisterns, and green roofs, to treat stormwater, attenuate floods, increase groundwater recharge, and reduce urban heat islands.	16.604.03,B.i	New	The NZC supports this policy by adding a Design Review Chapter that requires project designs to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materialsl.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
41.	**Policy NBE-1.8**	Urban Forest. Encourage planting of street trees and landscaping to beautify the city, encourage walking and biking, and create a stronger sense of identity.	16.202-214 16.505	Current	The NZC supports this policy by retaining the requirement for street trees and landscaping.
42.		Action NBE-1.8B: Update the Tree Ordinance, including requirements for preservation of trees of a minimum size.	16.504	New	The NZC adds tree preservation requirements; however, the Tree Ordinance is administered by the Public Works Department.
43.	**Policy NBE-1.9**	Cultural Resources. Protect and preserve archaeological, historic, and other cultural resources.	16.614	Current	The NZC retains the requirement to protect and preserve archeological, historic and cultural resources through the provisions provided in the Architectureal Heritage and Historic Preservation Chapter.
44.		Action NBE-1.9A: Continue to require that land use activities comply with State requirements and follow best practices to ensure that cultural resources are not impacted and that appropriate agencies and technical experts are involved in the evaluation and protection of resources and sites.	16.614	Current	The NZC retains the requirement that land use activities comply with State law to protect and preserve archeological, historic and cultural resources, and that appropriate agencies and tehcnical experts are involved in the evaluation of historic resources through the provisions provided in the Architectureal Heritage and Historic Preservation Chapter.
45.	**Policy NBE-1.10**	Historic Resources. Encourage the protection, rehabilitation, and reuse of historic buildings and structures.	16.614	Current	The NZC supports this policy by retaining the requirement to protect and preserve archeological, historic and cultural resources through the provisions provided in the Architectureal Heritage and Historic Preservation Chapter.
46.		Action NBE-1.10B: Require the identification and protection of all on-site historic resources in conjunction with any proposed development, in compliance with all applicable City provisions (including the Downtown Specific Plan Historical Resource Assessment) and State and federal guidelines for the treatment of historic properties.	16.614	Current	The NZC retains the requirement to identify and protect historic resources through the provisions provided in the Architectureal Heritage and Historic Preservation Chapter. The Downtown Specific Plan Historical Resources Assessment will also be retained and referenced as needed.
47.	**Policy NBE-1.11**	Historic Districts. Preserve the integrity of the City's historic districts, including downtown, as physical changes occur within them.	16.614	Current	The NZC supports this policy by retaining provisions provided in the Architectureal Heritage and Historic Preservation Chapter, specifically the requirement that projects within historic districts shall require a Certificate of Appripriateness permit.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
48.		Action NBE-1.11B: Support preservation, rehabilitation, and reuse of known and potentially historic buildings in Downtown and consider periodic detailed assessments to update the list of existing historic resources.	16.614	Current	See response to Policy NBE-1.11 above.
49.	**Policy NBE-1.13**	Community Preservation. Encourage high standards of property maintenance and rapid abatement of conditions contributing to blight.	16.615	Current	The NZC supports this policy by retaining requirements to maintain properties through enforcement and abatement provisions.
50.		Action NBE-1.13A: Update City regulations, adequately staff and fund, and increase enforcement as needed to require adequate structure and yard upkeep, increase penalties for illegal dumping and graffiti, and prohibit inappropriate outdoor storage (including non-operating vehicles).	16.615 16.301	Current New	See response to Policy NBE-1.13 above. The NZC clarifies that outdoor storage of automobiles and inoperable vehicles are restricted to the industrial districts.
51.		Action NBE-1.13B: Support efforts by homeowners‘ associations, neighborhood groups, and civic organizations to abate nuisances and improve the appearance of the community.	16.615	Current	See response to Policy NBE-1.13 above.
52.	**Policy NBE-1.14**	Water Conservation. Promote water conservation through a range of proactive City efforts.	16.504.09	Current	The NZC supports this policy by retaining the Water Efficiency Landscape Ordinance (WELO) requirements to conserve water as part of the Landscaping Chapter. These requirements are applicable to private and public properties.
53.	**Policy NBE-1.15**	Energy Efficiency. Support measures to reduce energy consumption and increase energy efficiency in residential, commercial, industrial, and public buildings.	16.338	Change	The NZC retains and augment the requirement to reduce energy consumption and increasae enegy efficienty through the provisions affecting use of solar, wind, and other sources.
54.		Action NBE-1.16A: Continue to update the City’s Construction/Demolition Waste Reuse and Recycling Ordinance as higher diversion rates become feasible, necessary, or required.	16.501.08	New	The NZC supports this action by adding requirements for water, reuse and recylcing in a new Solid Waste, Recycling and Organic Waste Storage Chapter. The City’s Construction/Demolition Waste Reuse and Recycling Ordinance is administered by the Public Works Department.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
55.	**Policy NBE-2.1**	Strengthen Local Identity. Focus future growth to foster a vibrant Downtown/ Waterfront District, strong job centers, comfortable neighborhoods, thriving neighborhood corridors and urban villages, and retail/entertainment clusters that draw visitors from the city and the region.	16.301	New	The NZC supports this policy by establishing a range of zoning districts that allow increased residential density, a broad variety of land uses that contribute to an area's vibrancy and promotes retail/entertainment clusters, permits uses such as cafes, banks, and supportive businesses in the employment areas of the City, and a mix of uses along the neighbohood corridors.
56.		Action NBE-2.1A: Use the development review process, as appropriate, to facilitate attractive, creative development.	16.605 16.604	Current, New	The NZC retains the comprehensive development review process and adds a new Design Review Chapter to facility attractive, creative development.
57.		Action NBE-2.1B: Use City regulations, such as a Form-Based Code, to complement and enhance the character of existing older, walkable neighborhoods in Vallejo, particularly those in and around downtown.	16.201-208	New	The NZC adds more specific development standards for each zoning district, as provided throughout Part II, including standards for the downtown area (DMX Zoning District).
58.	**Policy NBE-2.2**	Inviting Gateways. Establish gateways that proudly announce entry to Vallejo with high-quality, similarly themed design and/or landscaping.	16.204	New	The NZC supports this policy by requiring that all new construction be subject to the Development Review process which may include conditions of approval that gateway development provide enhancements to announce the entry to the City, have high-quality and similarly themed design and/or landscaping.
59.		Action NBE-2.2A: Update City regulations and establish design guidelines, as needed, to improve key City gateways.	16.604	New	See response to Action NBE-2.1A and B above.
60.		Action NBE-2.2B: Support mural projects on freeway overpasses and install streetscape and landscape features and unifying signage to enhance gateways.	16.509	New	The NZC supports this Action by removing the sign permit requirement for murals. See response to Action NBE-1.1B above.
61.	**Policy NBE-2.3**	Inviting, Compatible Design. Promote attractive development that is compatible with surrounding uses.	16.604	New	See response to Action NBE-1.1A and B above.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
62.		Action NBE-2.3A: Continue to utilize development approval conditions to achieve compatibility between nearby uses and scale and style of buildings, and to establish limitations on activities that could create potential adverse effects.	16.605	Current	The NZC retains the requirement that all new construction be subject to the Development Review process, which may include conditions of approval that require compatibility between nearby uses and minimize any adverse effects.
63.		Action NBE-2.3B: Update City regulations to specify standards for moderate density, higher density, and mixed-use development that address quality of development and adequate transition to adjacent lower-density residential uses.	16.203.02 16.204.02 16.205.02 16.206.02 16.208.02	New	The NZC adds development standards that address the transition of mixed use development and lower density residential uses through the daylight plane and landscaped buffer requirement and maximum height limit for the mix use, commercial and industrial zoning districts.
64.		Action NBE-2.3C: Update City regulations to require high quality materials and coordinated, consistent design for signage, including business signs, street signs, public and institutional signs, and wayfinding signs along local streets and trails.	16.509.02	New	The NZC adds the requirement that sign programs include designs that are visually complementary and compatible with the scale and architectural style of the primary structures on the site, any prominent natural features on the site and on sites nearby.
65.	**Policy NBE-2.4**	Action NBE-2.4A: Continue to use the Mare Island Specific Plan to guide development and conservation on Mare Island and support activities that contribute to the economic and social well-being of the community.	16.210.01	Current	The NZC maintains the Mare Island Specific Plan as active regulatory document for land use and development on Mare Island.
66.		Action NBE-2.4C: Encourage and facilitate the location of maritime, life sciences, high-tech, and other emerging land uses in locations that will foster synergy with Vallejo's higher educational institutions.	16.301	Current	The NZC supports this policy by retaining the ability to establish maritime, life science, technnoligy and research and development uses in various zoning districts throughout the city.
67.	**Policy NBE-2.5**	Regional Retail and Entertainment. Support a thriving mix of regional retail and entertainment uses near Interstate 80.	16.204.01 16.301	New	The NZC includes the establishment of the Regional Commercial (RC) zoning district that is mapped along the freeway that permits a mix of retail entertainment uses.
68.		Action NBE-2.5A: Work with property owners in the Northgate Area to retain and attract businesses that cater both to local residents and regional shoppers, including through circulation and wayfinding improvements.	16.204.01 16.301	New	The NZC includes the establishment of the Regional Commercial (RC) zoning district that is mapped in the Northage Area and permits a mix of uses for local and regional shoppers.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
69.	**Policy NBE-2.6**	Action NBE-2.6C: Update City regulations to allow and encourage art studios, galleries, community arts spaces, and performing arts and nightlife venues in appropriate locations.	16.301	New	The NZC adds Artist's Studio as a new land use type and permits this use in the mix use and commercial zoning districts. Theaters and concert halls are classified as commercial entertainment facilities and are also permitted in the mix use and commercial zoning districts.
70.	**Policy NBE-2.7**	Action NBE-2.7A: Update City regulations to ensure housing opportunities in close proximity to employment centers and transit, including near the Ferry Terminal and Vallejo Transit Station.	16.215.01	New	The NZC adds a Transit Oriented Development chapter that identifies the Ferry terminal and Vallejo Transit Station as transit centers where a mix of uses are encouraged, including residential.
71.	**Policy NBE-2.8**	Infill Development. Promote infill development targets vacant and underutilized sites for community-desired and enhancing uses that is compatible with surrounding uses.	16.202.05	New	The NZC adds the provision to develop housing on small infill vacant lots. A Minor Use Permit can be granted for development of these lots provided that the development is compatible with the character of the surrounding area.
72.	**Policy NBE-2.9**	Action NBE-2.9E: Engage the Vallejo City Unified School District (VCUSD) in the review of major new residential development projects to ensure that adequate school facilities are or will be available to accommodate new students.	16.602.08	New	The NZC adds the Vallejo City Unified School District as a recipient of public notices for Planning projects.
73.	**Policy NBE-3.1**	Action NBE-3.1B: Continue the use of residential density bonuses to incentivize or fund the construction of public benefits, such as plazas, open space, and public art.	16.204.03	New	The NZC adds a density bonus incentive that includes providing public plazas, parks and public art as public benefits.
74.	**Policy NBE-3.2**	Downtown Identity. Ensure that buildings and public spaces contribute to the visual identity of the Downtown/Waterfront District and complement the walkable character of the area.	16.210	Current	The NZC retains the Downtown Vallejo Specific Plan and Waterfront Planned Development Master Plan Design Guidelines that include standards to ensure the visual identify of the area and that buildings and public spaces complement the walkable character.
75.		Action NBE-3.2A: Continue to apply the Downtown and Waterfront Design Guidelines and require compliance with the Secretary of the Interior's Standards for designated historic resources.	16.210	Current	See response to Policy NBE-3.2 above.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
76.	**Policy NBE-3.3**	Entertainment. Promote a variety of retail, restaurant, and entertainment uses that bring economic vitality downtown, enhance the Downtown Arts District, and activate the pedestrian environment.	16.301	Change	The NZC broadens the type of land uses allowed in the downtown including media production facilities and indoor entertainment facilitie.
77.		Action NBE-3.3B: Develop and implement a strategy to attract desired retailers to the Downtown/Waterfront District both in the near and long term.	16.301	Current, Change	The NZC supports this Action by broadening the type of land uses allowed in the downtown including media production facilities and indoor entertainment facilities, which may attract desired retailers to the area.
78.		Action NBE-3.3C: Update City regulations to allow for outdoor dining, with appropriate consideration for public safety and potential conflicts with neighboring uses and activities.	16.330	New	The NZC adds a new Outdoor Dining and Seating Chapter that includes standards to avoid potential conflicts with nearby uses.
79.	**Policy NBE-3.4**	Local Art Scene. Promote arts and culture, and integrate public art and performances spaces into public and private development.	16.215	New	The NZC supports this policy by adding a density bonus incentive that includes providing public plazas, parks and public art as public benefits.
80.		Action NBE-3.4C: Continue to support the Downtown Arts & Entertainment District consistent with the Downtown Specific Plan.	16.301	Current, Change	See response to Policy NBE-3.3
81.	**Policy NBE-3.5**	Variety of Housing. Attract and encourage higher-density residential development that offers a range of housing options throughout the downtown area, including market rate housing, flexible work-live units, as well as student and senior housing.	16.301	New Current	The NZC supports this policy by establishing the Downtown Mixed Use District (DMX) that allows a range of 30 to 90 units per acre. Property within this district are also within the boundaries of the Downtown Vallejo Specific Plan. The NZC further supports this policy by retaining the Downtown Specific Plan policy to allow live/work, multi-family housing and senior housing as permitted uses in the downtown.
82.		Action NBE-3.5D: Explore opportunities for transit-oriented development with major landowners, developers, and public agencies, including Water Emergency Transportation Authority (WETA) and Soltrans.	16.215.01	New	The NZC supports this policy by adding a new Transit Oriented Development Chapter that identifies the Ferry Terminal and Vallejo Transit Station as transit centers where a mix of uses are permitted and development incentives are included to encourage mixed use development.
83.		Action NBE-3.5E: Identify appropriate sites for a college campus or student union downtown.	16.301	Current	The NZC supports this policy by retaining the Downtown Vallejo Specific Plan policy to allow a college or trade school in the downtown area.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
84.	**Policy NBE-3.6**	Start Up Space. Promote a variety of incubator and small office opportunities.	16.301	New	The NZC supports this policy by permitting office development in mixed use and commercial zoning districts.
85.		Action NBE-3.6A: Update City regulations to allow for office space with a component of pedestrian-related activity, such as medical offices, in vacant retail shop fronts, as appropriate.	16.203.02 16.204.02	New	The NZC adds development standards that require mixed use projects to have a percentage of non-residential uses on the ground floor to activate the area. This may include medical offices, which are allowed in the mixed use and commercial districts.
86.	**Policy NBE-3.7**	Solano360. Achieve the objectives of the Solano360 Specific Plan.	16.210	Current	The NZC supports this policy by retaining the Solano360 Specific Plan as an active regulatory document for the area.
87.		Action NBE-3.7A: Implement Solano360 actions as resources allow.	16.210	Current	See response to Policy NBE-3.7 above.
88.	**Policy NBE-3.8**	North Gateway. Accelerate investment in the North Gateway area to achieve a mixed-use district that caters to both locals and regional travelers to Napa Valley.	16.301	New	The NZC supports this policy by including the North Gateway as part of the Central Corridor zoning district that allows a variety of uses that will cate to boh local and regional travelers.
89.		Action NBE-3.8A: Target business attraction strategies for the North Gateway that can take advantage of local commercial needs, as well as the area's location at the entry to the wine country.	16.301	New	See response to Policy NBE-3.8 above.
90.	**Policy NBE-3.9**	Mare Island Specific Plan. Achieve the objectives of the Mare Island Specific Plan to foster a multi-use community with a balance of industrial, office, commercial, residential, educational, recreation, cultural, and open space uses, meeting the needs of future generations.	16.210	Current	See response to Policy NBE-2.4A above.
91.	**Policy NBE-3.10**	Curtola Employment Center. Strengthen and grow the employment cluster directly south of the downtown area.	16.301	New	The NZC supports this policy by allowing uses such as cafes, banks, and supportive business establishments such as office suppy stores in the employment areas of the City, including the area south of downtown, such as the Limited Industrial (IL) zoning district.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
92.		Action NBE-3.10A: Update City regulations to allow for accessory and secondary activities that support the local workforce in the Curtola Employment District such as banks, cafes, printers, and office supply stores.	16.301	New	See response to Policy NBE-3.10 above.
93.		Action NBE-3.10B: Attract a mix of uses, such as multi-family housing, student housing, or a corporate or educational campus, to the City-owned south waterfront site that support the vitality of the Curtola Employment Center.	16.301	New	See response to Policy NBE-3.10 above. The NZC further supports this policy by mapping nearby parcels as Neighborhood Mixed Use (NMX) zoning district, which allows residential development with a maximum density 30 units per acre and 50 units per acre in areas with a General Plan designated of Businesss/Limited Residential.
94.	**Policy NBE-3.11**	Mare Island. Support industrial, office, and retail uses as envisioned in the Mare Island Specific Plan.	16.201.01	Current	See response to Policy NBE-2.4A above.
95.	**Policy NBE-3.12**	Sonoma-Broadway District. Foster a mixed-use employment district well-served by transit in the area surrounding Kaiser Permanente and Soltrans properties.	16.215.01	New	The NZC supports this policy by adding a new Transit Oriented Development Chapter that identifies the nearby Sereno Transit Facility as transit centers where a mix of uses are permitted and development incentives are included to encourage mixed use development.
96.		Action NBE-3.12A: Explore opportunities for transit-oriented development (i.e., Urban Village) near the Sereno Transit Center in collaboration with Soltrans and adjacent property owners.	16.215.01	New	See response to Policy NBE-3.12 above.
97.	**Policy NBE-3.13**	Neighborhood Character. Preserve the character of existing single-family residential neighborhoods.	16.605	Current, Change	The NZC requires building improvements and new development preserve the character of existing neighborhoods through the Development Review Permit process.
98.		Action NBE-3.13A: Continue to carefully review development proposals to preclude substantial increases in density and new land uses in order to minimize the impact to the character of existing single-family neighborhoods.	16.605	Current	The NZC requires residential density that is consistent with the General Plan, which does not allow for the substaintial inrease in density in single-family neighborhoods.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
99.		Action NBE-3.13B: Continue to allow a mix of housing types along the interconnected linear street grid that contributes to the charm and walkability of Vallejo's central residential neighborhoods, where appropriate.	16.202.02 16.203.02	New	The NZC adds the ability to develop a mix of housing types such as townhouses, bungalows, and garden development in the residential zoning districts, including the central neighborhoods.
100.		Action NBE-3.13C: Continue to allow small group homes for disabled persons and seniors in all residential zones, consistent with State housing law, and continue to allow large group homes and large family daycare facilities, subject to use permit requirements that minimize impacts to neighborhoods.	16.301	Current	The NZC retains the ability to establish small group homes and day care centers in the residential zoning districts, consistent with State law.
101.		Action NBE-3.13D: Continue to permit home-based businesses in residential neighborhoods, provided that off-site impacts are minimized and the residential nature of structures and their surroundings is not compromised.	16.321	Change	The NZC retains the ability to establish home-based businesses in residential neighborhoods, adds additional standards and lists businesses that are prohibited to minimze impacts on surrounding residences.
102.	**Policy NBE-3.14**	Action NBE-3.14B: Update City regulations to incorporate standards for activating corridors, including standards for the placement of doors and windows.	16.203.02 16.204.02	New	The NZC adds development standards that require mixed use projects to have a percentage of nonresidential uses on the ground floor to activate the area. This includes placement of entrances and window.
103.		Action NBE-3.14D: Use the Sonoma Boulevard Specific Plan to guide development and redevelopment along the Central Corridor.	16.210	New	The NZC supports this Action by retaining the Sonoma Boulevard Specific Plan as an active regulatory document that includes policies to guide development and redevlopment along the Central Corridor.
104.	**Policy NBE-4.1**	Action NBE-4.1B: Investigate and provide access to places for in-water recreational activities and for commercial and recreational small crafts, such as water taxis, canoes, and kayaks.	16.203.03,O	New	See response to Action CP-1.4C above.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
105.		Action NBE-4.1D: Update City regulations to emphasize mixed-use development along the central waterfront, on the east side of Mare Island Way that enhance connections between downtown and the waterfront.	16.210	New	The NZC includes the requirement that projects within the Waterfront Mixed Use (WMX) zoning district comply with the Waterfront Plannded Development Master Plan (PDMP) that includes mixed used development wihtin the central waterfront area and includes public improvements that connect the waterfront with the downtown.
106.	**Policy NBE-4.2**	Action NBE-4.2C: Encourage temporary uses such as food trucks, vendors, and festivals.	16.327	New	The NZC adds Mobile Food Vending as a new land use type that is allowed throughout the City, including in the Downtown Mixed Use (DMX) zoning district.
107.		Action NBE-4.4A: Continue to use the Waterfront Design Guidelines to guide public and private investments along the waterfront between Solano Avenue and the Mare Island Causeway.	16.03.02	New	The NZC includes the requirement that projects within the Waterfront Mixed Use (WMX) zoning district comply with the Waterfront Plannded Development Master Plan (PDMP), which includes the PDMP Design Guidelines.
108.		Action NBE-4.4B: Continue to use BCDC Public Access Design Guidelines in reviewing waterfront development proposals.	16.203.02	New	The NZC includes the requirement that projects within the Waterfront Mixed Use (WMX) zoning district comply with the Waterfront Plannded Development Master Plan (PDMP), which includes use of the BCDC Public Access Design Guidelines.
109.	**Policy NBE-5.1**	Event Readiness. Prepare sufficiently for major events to enable quick and effective response.	16.101.2,J.5	Current	The NZC retains the allowance for the City Council to authorize a temporary deviation from a provision of the Zoning Code during a local emergency.
110.	**Policy NBE-5.3**	Health and Safety Codes. Enforce development regulations and building code requirements to protect residents, businesses, and employees from flooding, liquefaction, earthquakes, fires, and other hazards.	16.602.06	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require an assessement of environmental impacts of a proposed development project on residents, businesses, and employees.
111.	**Policy NBE-5.4**	Project Location and Design. Prohibit development in any area where it is determined that the potential risk from natural hazards cannot be mitigated to acceptable levels.	16.602.06	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require an assessement of environmental impacts of a proposed development project and could result in prohibiting development in an area of potential risk.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
112.		Action NBE-5.4A: Continue to require geotechnical studies for land use proposals to determine engineering measures that may be necessary to adequately mitigate any seismic, flooding, sea level rise, landslide, erosion, or related risk.	16.602.06	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require a geotechnical study to determine if measures are needed to mitigate any associated impacts.
113.		Action NBE-5.4B: Continue to require drainage and erosion control measures for landslide-prone or geologically hazardous hillside areas to minimize risks to downhill areas.	16.213	Change	The NZC retains and augments the Hillside Development standards, which includes that hillside projects shall comply with Title 12 to minimize eroision impacts.
114.		Action NBE-5.4C: Continue to use the development review process to ensure that development is planned and constructed to resist the encroachment of uncontrolled fire.	16.602.06	Change	The NZC retains the requirement that the development review process includes project compliance with CEQA. This review process may include an assessment to ensure to ensure that development is planned and constructed to resist the encroachment of uncontrolled fire.
115.	**Policy NBE-5.6**	Flood Control Planning. Protect the community from potential flood events.	16.504.03	Change	The NZC support this policy by retaining regulations regarding flood hazards and includes refering applications for projects within a Flood zone to the Vallejo Flood and Waste Water Districts for review and recommendations.
116.		Action NBE-5.6B: Collaborate with the Vallejo Sanitation and Flood Control District (VSFCD) and Solano County Water Agency (SCWA) to implement comprehensive flood control planning.	16.507.3	Change	The NZC augments regulations regarding flood hazards and includes refering applications for projects within a Flood zone to the Vallejo Flood and Waste Water Districts for review and recommendations.
117.		Action NBE-5.6D: Continue to enforce City regulations that prohibit development, grading, and land modification activities that would adversely affect the local drainage system or create unacceptable erosion impacts.	16.213	Change	The NZC retains and augments the Hillside Development standards, which require projects located on property that has a slope of 15 percent or more to comply with Title 12 to minimize eroision impacts.
118.	**Policy NBE-5.7**	Design for Stormwater Control. Encourage new development and redevelopment to minimize the area of new roofs and paving.	16.504.E, F	New	The NZC supports this policy by requiring additional parking lot and garage rooftop planting.
119.	**Policy NBE-5.9**	Sea Level Rise. Plan for sea level rise and participate in regional adaptation efforts for areas of Vallejo at risk from sea level rise.	16.507	New	The NZC supports this policy by establishing requirements address sea level rise requirements in a new Natural Hazard Reductin Chapter

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
120.		Action NBE-5.9A: For City underground utilities, use materials that are more resistant to corrosion from saltwater intrusion.	16.501.10	New	The NZC supporst this action by including that all utilities be placed underground.
121.	**Policy NBE-5.10**	Site Safety. Ensure that affected soil, groundwater, or buildings will not have the potential to adversely affect the environment or the health and safety of site occupants.	16.602.10	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require that soil, groundwater, or buildings related to a development project will not adversely affect the environment.
122.		Action NBE-5.10A: Continue to require remediation of hazardous material releases from previous land uses as part of any redevelopment activities.	16.602.10	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require remediation of hazardous material releases from previous land uses as part of any redevelopment activities.
123.		Action NBE-5.10B: Continue to require environmental site assessments stipulated by State and County regulations for potential hazardous material releases from prior uses and assessments for lead and asbestos present in building materials.	16.602.10	Change	The NZC retains the requirement that projects must comply with CEQA and adds the environmental process and precedures. CEQA compliance may require environmental site assessments stipulated by State and County regarding hazardous material releases.
124.	**Policy NBE-5.11**	Risk Reduction. Reduce the risk of hazardous materials accidents, spills, and vapor releases, and minimize the effects of such incidents if they occur.	16.320	New	The NZC adds a new Hazardous Materials Handling and Storage Chapter for facilities involved in the handling or storage of hazardous materials and that includes measures to reduce the risks of accidents, spills and other related incidents.
125.		Action NBE-5.11E: Continue to require that all facilities where hazardous materials are used, handled, or stored are designed and constructed to minimize the possibility of environmental contamination and off-site impacts.	16.320	New	See response to Policy NBE-5.11 above.
126.		Action NBE-5.11F: Collaborate with county, State, and federal agencies to ensure that facilities where hazardous materials are used, handled, or stored are regularly inspected and that applicable regulations are enforced.	16.320	New	The NZC adds a new Hazardous Materials Handling and Storage Chapter for facilities involved in the handling or storage of hazardous materials and requires compliance with all applicable federal and state rgulations.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
127.	**Policy NBE-5.13**	Noise Control. Ensure that noise does not affect quality of life in the community.	16.502.10,C	Current	The NZC retains the requirement to locate noise-producing activity away from sensitive receptors. The various use standards also include requirements to maintain appropriate noise levels.
128.		Action NBE-5.13A: Continue to require that new noise-producing uses are located sufficiently far away from noise-sensitive receptors and/or include adequate noise mitigation, such as screening, barriers, sound enclosures, noise insulation, and/or restrictions on hours of operation.	16.502.10,C	Current	See response to Policy NBE-5.13 above.
129.		Action NBE-5.13C: Update City regulations to restrict the allowable hours to between 7 AM and 7 PM on weekdays for construction, demolition, maintenance, and loading/unloading activities that may impact noise-sensitive land uses.	16.502.10,D1	New	The NZC adds that construction, demolition and related activities that general noise that exceed the allowable limits must occur between 7 am and 7 pm in residential and mixed use districts.
130.		Action NBE-5.13D: Require proponents of mixed-use projects to notify potential residents that they may be affected by noise from adjacent/nearby commercial, retail, entertainment, and/or circulation components of the project.	16.502.10,D.3.e	New	The NZC adds a requirement that developers of mixed-use projects provide notification to residents regarding the potential noise exposure for other project components.
131.	**Policy NBE-5.14**	Vibration Control. Ensure that vibration does not affect quality of life in the community.	16.502.09	Current	The NZC retains requirement that no use shall be operated that produces vibrations that generaly do not affect adjacent uses.
132.	**Policy NBE-5.15**	Noise Compatibility Standards. Apply the General Plan noise and land use compatibility standards to all new residential, commercial, and mixed-use development and redevelopment.	16.502.10	New	The NZC includes the General Plan noise and land use compatibility standards for all use new development.
133.		Action NBE-5.15A: For new single-family residential projects, use a standard of 60 Ldn for exterior noise in private use areas, and require appropriate impact mitigation.	16.502.10	Current	The NZC retains the requirement that a new single-unit project that includes residential use has a noise limit of 65 Ldn for exterior noise in private areas.

	General Plan Policy or Action		New Zoning Code Section No./s	New, Current, or Change in Regulation	Consistency Finding
134.		Action NBE-5.15B: For new multi-family residential projects, use a standard of 65 Ldn in outdoor areas, excluding balconies, and require appropriate impact mitigation.	16.502.10	New	The NZC adds a new requirement that a new multiple-unit project has a noise limit of 65 Ldn in outdoor areas.
135.		Action NBE-5.15C: For new mixed-use projects that include a residential component, use a standard of 65 Ldn in outdoor areas, excluding balconies, and require the design to minimize commercial noise intrusion into residential areas, including by separating residential areas from noise-generating sources such as mechanical equipment, entertainment facilities, gathering places, loading bays, parking lots, driveways, and trash enclosures to the extent reasonably feasible.	16.502.10	New	The NZC adds a new requirement that requires a mixed use project that includes residential use has a noise limit of 65 Ldn.
136.		Action NBE-5.15F: Require acoustical studies with appropriate mitigation measures for projects that are likely to be exposed to noise levels that exceed the 'normally acceptable' standard and for any other projects that are likely to generate noise in excess of these standards.	16.502.10	New	The NZC adds a new requirement that the Director may require an acoustic study to assess noise levels for a project.

EXHIBIT B TO ZONING CODE/MAP ORDINANCE
NEW ZONING CODE SPECIFIC PLAN CONSISTENCY FINDINGS

The New Zoning Code is consistent with the adopted Specific Plans as follows:

SP-1, Hiddenbrooke: The New Zoning Code Project is consistent with the Hiddenbrooke Specific Plan. The Project removes the Mixed Use Planned Development zoning district and rezones the area as "Specific Plan - 1"; however, no changes to the Specific Plan are proposed.

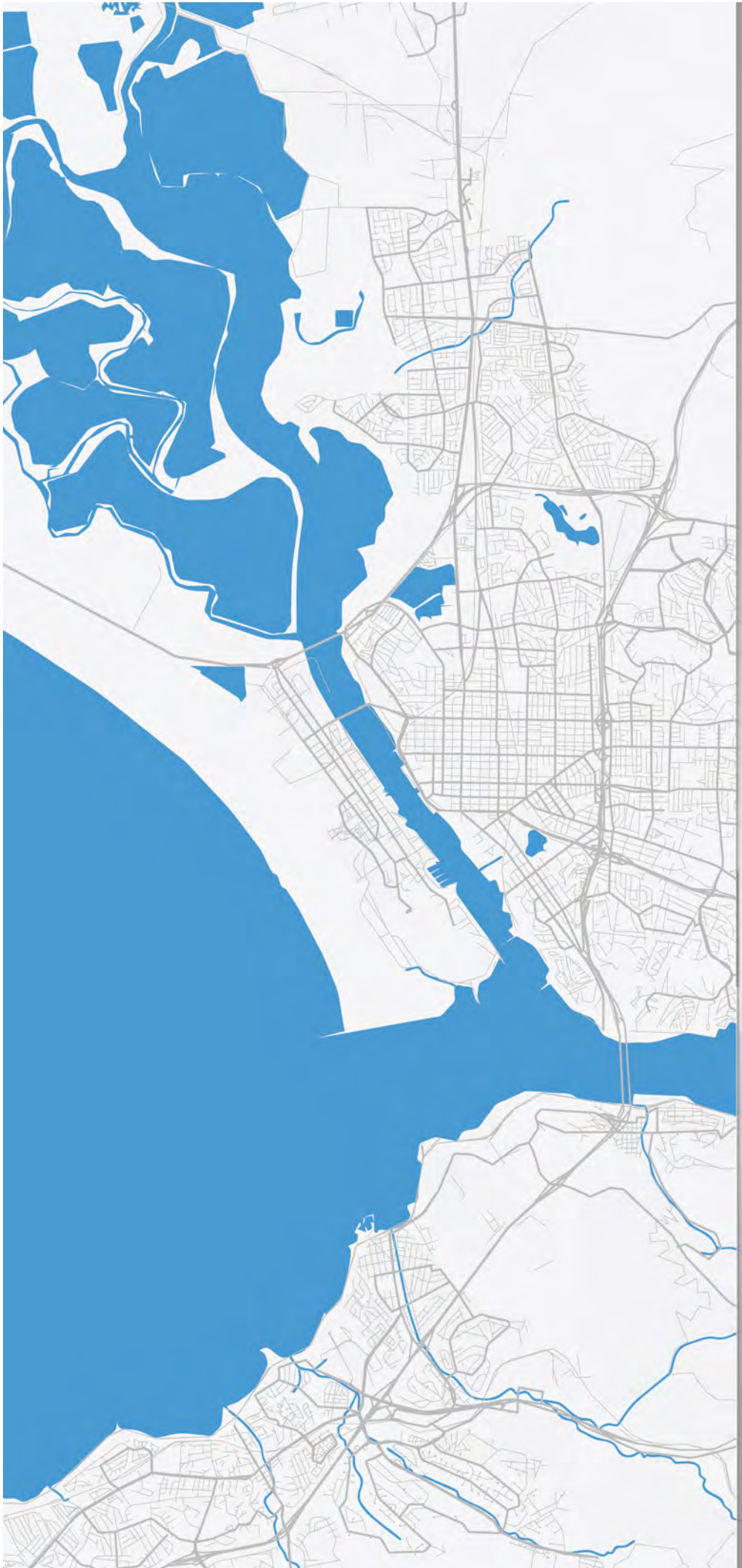
SP-2, White Slough: The New Zoning Code is consistent with the White Slough Specific Area Plan, as it includes a Specific Plan designation for the White Slough area, "Specific Plan - 2". The Project proposes to rezone the area as Central Corridor Commercial (CC), Limited Industrial (IL), Neighborhood Mixed Use (NMX), Residential Medium Density (RMD) and Residential High Density (RHD), consistent with the General Plan land use designations. The land use regulations for the area are removed, referencing the above zoning districts for land use and development standards; however, the development standards that preserve the views and provide open space and trails will be retained to implement the goals of the Specific Plan to enhance, preserve and protect the slough.

SP -3, Downtown Vallejo Specific Plan: The New Zoning Code is consistent with the Downtown Vallejo Specific Plan. The New Zoning Code provides a Downtown Mixed Use Zoning (DMX) District for the Downtown Vallejo Specific Plan area with the "Specific Plan-3" designation, and removes the Land Use Table in the Specific Plan, referencing Title 16. The combined zoning district allows the DMX zoning district to provide the land use regulations that permit or conditionally permit a range of uses including a variety of housing types, retail and entertainment uses, and provide development standards to implement the overall goals and policies of the Specific Plan.

SP - 4, Mare Island: The New Zoning Code Project is consistent with the Mare Island Specific Plan. The Project removes the Mixed Use Planned Development zoning district and rezones the area as "Specific Plan- 4" and does not propose any changes to the Specific Plan.

SP-5, Solano360: The New Zoning Code is consistent with the Solano360 Specific Plan, as it removes the Mixed Use Planned Development zoning district and rezones the area as "Specific Plan - 5" and does not propose any changes to the Specific Plan.

SP-6, Sonoma Boulevard: The New Zoning Code is consistent with the Sonoma Boulevard Specific Plan, as it includes a Specific Plan designation for the area as "Specific Plan -6" and rezones the area as Central Corridor Commercial (CC) zoning district. This combined zoning district allows the Zoning Code to provide the land use regulations and development standards for the area while supporting the goals and policies of the Specific Plan.



City of VALLEJO California

TITLE 16:

ZONING CODE

CITY OF VALLEJO, CA

DRAFT: 03/05/2021

© 2021 by the City of Vallejo, CA and Stantec Consulting Services, Inc. Reproduction permitted with credit in print.

ACKNOWLEDGMENTS

This document was prepared for the City of Vallejo, CA.

MAYOR & COUNCIL

Robert McConnell, Mayor
Bob Sampayan, Former Mayor
Hakeem Brown, City Council
Pippin Dew, City Council
Katy Miessner, City Council
Rozzana Verder-Aliga, City Council
Guillermina Diaz, City Council
Cristina (Tina) Airola, City Council
Hermie Sunga, Former City Council

Gillian Hayes, Interim Deputy City Manager
Christina Ratcliffe, Interim Planning & Development Services Director
Margaret Kavanaugh-Lynch, Planning Manager
Michelle Hightower, Senior Planner/Project Lead
Jonathan Atkinson, Senior Planner
Elena Barragan, Associate Planner
Cesar Orozco, Associate Planner

CONSULTANT TEAM

Stantec Consulting Services, Inc.
www.stantec.com

Craig Lewis, Project Director
Kevin Kohan, Planner
Dylan McKnight, Urban Designer
Astrid Mayak, Urban Designer

TABLE OF CONTENTS

PART I GENERAL PROVISIONS 1

16.101 INTRODUCTORY PROVISIONS 1
16.102 ESTABLISHMENT OF ZONING DISTRICTS 4
16.103 RULES FOR LANGUAGE AND INTERPRETATION 7
16.104 RULES FOR MEASUREMENT 8
16.105 NON-CONFORMING USES 15

PART II DISTRICTS AND DEVELOPMENT TYPES 23

16.201 ZONING DISTRICTS AND DEVELOPMENT STANDARDS 23
16.202 RESIDENTIAL DISTRICTS 25
16.203 MIXED-USE DISTRICTS 38
16.204 COMMERCIAL DISTRICTS 49
16.205 OFFICE AND MEDICAL DISTRICTS 59
16.206 INDUSTRIAL DISTRICTS 63
16.207 PARKS, RECREATION AND OPEN SPACE DISTRICTS 66
16.208 PUBLIC AND SEMI-PUBLIC DISTRICT 68
16.209 PLANNED DEVELOPMENT DISTRICT 70
16.210 SPECIFIC PLAN AREAS 72
16.211 HISTORIC DISTRICTS AND LANDMARKS 73
16.212 HILLSIDE DEVELOPMENT STANDARDS 73
16.213 RESIDENTIAL VIEW DISTRICT 75
16.214 AFFORDABLE HOUSING INCENTIVES 77
16.215 TRANSIT-ORIENTED DEVELOPMENT 83

PART III USE STANDARDS 87

16.301 USE STANDARDS TABLE 87
16.302 ACCESSORY USES 99
16.303 ACCESSORY DWELLING UNITS 100
16.304 ADULT USE REGULATIONS 102
16.305 ALCOHOLIC BEVERAGE SALES 108
16.306 ANIMAL KEEPING AND SERVICES 113
16.307 AUTOMOBILE SERVICE STATIONS 114
16.308 AUTOMOBILE/VEHICLE SALES, LEASING AND RENTALS 117
16.309 AUTOMOBILE/VEHICLE REPAIR, LIGHT AND HEAVY 120
16.310 AUTOMOBILE/VEHICLE WASHING 122
16.311 BED AND BREAKFAST LODGING 123
16.312 CANNABIS PROCESSING, CULTIVATION, DISTRIBUTION, TESTING AND RETAIL 124
16.313 COMMUNITY ASSEMBLY 126
16.314 COMMUNITY GARDENS 128
16.315 DAY CARE, ADULT AND CHILD 129
16.316 DRIVE-IN AND DRIVE-THROUGH FACILITIES 130
16.317 EMERGENCY SHELTERS 131
16.318 FARMER'S MARKETS 132
16.319 GROUP RESIDENTIAL 133
16.320 HAZARDOUS MATERIALS HANDLING AND STORAGE 134
16.321 HOME-BASED BUSINESS 135
16.322 LARGE-FORMAT RETAIL 138
16.323 LATE NIGHT BUSINESS OPERATIONS 141
16.324 LIVE/WORK UNITS 142
16.325 MANUFACTURED HOUSING 144
16.326 MASSAGE ESTABLISHMENTS 145
16.327 MOBILE FOOD VENDING 148
16.328 MOBILE HOME PARKS 149
16.329 OUTDOOR RETAIL DISPLAY AND SALES 152
16.330 OUTDOOR DINING AND SEATING 153
16.331 PERSONAL STORAGE 156
16.332 QUICK SERVICE RESTAURANT 157
16.333 RECYCLING FACILITIES 157
16.334 RESIDENTIAL CARE, GENERAL 162
16.335 SCHOOLS 163
16.336 SINGLE-ROOM OCCUPANCY HOUSING 164
16.337 SOCIAL SERVICE CENTERS 165
16.338 SOLAR AND WIND ENERGY SYSTEMS 166
16.339 TEMPORARY USES 169
16.340 TOBACCO PRODUCT SALES 174
16.341 WIRELESS TELECOMMUNICATIONS 176

PART IV BUILDING DESIGN STANDARDS 189

16.401 RESERVED 189

PART V SITE DEVELOPMENT STANDARDS 191

16.501 GENERAL DEVELOPMENT REGULATIONS 191
16.502 PERFORMANCE STANDARDS 201
16.503 TRIP-REDUCTION MEASURES 207
16.504 LANDSCAPING 210
16.505 FENCES, WALLS, AND SCREENING 230
16.506 LIGHTING AND GLARE 237
16.507 NATURAL HAZARD REDUCTION 242
16.508 OFF-STREET PARKING AND LOADING 244
16.509 SIGNS 263

PART VI PROCEDURES AND PERMITS 283

16.601 PLANNING AUTHORITIES 283
16.602 COMMON PROCEDURES 288
16.603 ZONING COMPLIANCE REVIEW 299
16.604 DESIGN REVIEW 300
16.605 DEVELOPMENT REVIEW 303
16.606 MINOR AND MAJOR USE PERMITS 306
16.607 VARIANCES 308
16.608 EXCEPTIONS 309
16.609 SPECIFIC PLANS AND AMENDMENTS 313
16.610 PLANNED DEVELOPMENT DISTRICTS 314
16.611 ZONING TEXT AND MAP AMENDMENTS 317
16.612 GENERAL PLAN AMENDMENTS 319
16.613 CONDOMINIUM CONVERSION 319
16.614 ARCHITECTURAL HERITAGE AND HISTORIC PRESERVATION 324
16.615 ENFORCEMENT AND ABATEMENT 330

PART VII GENERAL TERMS 335

16.701 LAND USE TERMS AND DEFINITIONS 335
16.702 WATER-EFFICIENT LANDSCAPING TERMS AND DEFINITIONS 374

PART I GENERAL PROVISIONS

16.101 INTRODUCTORY PROVISIONS

16.101.01 TITLE AND AUTHORITY

The provisions of Title 16 of the Municipal Code shall be known as the "Zoning Ordinance" of the City of Vallejo and cited herein as "the Zoning Code". These regulations are adopted pursuant to the authority contained in Section 65850 of the California Government Code.

16.101.02 PURPOSE AND APPLICABILITY

The purpose of the Zoning Code shall be to serve the public health, safety and general welfare, to provide the advantages resulting from the implementation of the Vallejo General Plan, cited in the Zoning Code as 'the General Plan", and to achieve the following objectives:

A. To provide a precise guide for the physical development of the City in a manner that will progressively achieve the arrangement of land uses depicted in the General Plan, consistent with the goals and policies of the General Plan;

B. To foster harmonious and workable relationships between different land uses to ensure compatible infill development consistent with the General Plan;

C. To support economic development and job creation and provide for the housing needs of all economic segments of the community consistent with the Housing Element;

D. To promote high quality architecture, landscaping and urban design that will conserve the City's natural beauty, improve its appearance and enhance its physical character;

E. To provide adequate open spaces for light and air;

F. To facilitate the adequate provision and appropriate location of community facilities, institutions, parks, and recreational areas;

G. To promote the stability of existing land uses that conform with the General Plan, protecting them from adverse influences and harmful intrusions, and conserve and enhance the value of real property; and

H. Promote responsible use and conservation of natural resources taking full account of present needs and interests without compromising the interests of future generations and other species.

City of VALLEJO California

SECTIONS

16.101 INTRODUCTORY PROVISIONS..... 1
16.102 ESTABLISHMENT OF ZONING DISTRICTS 4
16.103 RULES FOR LANGUAGE AND INTERPRETATION 7
16.104 RULES FOR MEASUREMENT 8
16.105 NON-CONFORMING USES.....15

The Zoning Code shall apply, to the extent permitted by law, to all property within the corporate limits of the City of Vallejo and to property for which applications for annexation and/or subdivisions have been submitted to the City of Vallejo, including all uses, structures and land owned by any private person, firm, corporation or organization, or the City of Vallejo or other local, State or federal agencies. Any governmental agency shall be exempt from the provisions of the Zoning Code only to the extent that such property may not be lawfully regulated by the City of Vallejo.

I. **Compliance with regulations.** No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved in any zoning district, except in accordance with the provisions of the Zoning Code. The lawful use or uses of all buildings, improvements and premises existing in any zoning district at the time of the adoption of and codified in the Zoning Code may be continued except as provided by the Zoning Code.

1. **Conformity of open spaces.** No yard, court or open space, or part thereof, shall be included as a part of the yard, court or open space similarly required for any other building, structure or dwelling under this Code.
2. **Permitted uses.** Any use that is not listed or enumerated in the Zoning Code is prohibited. Unless specified in this Code no land use may be established within the City by right. All persons wishing to establish a use within the City must apply to the Director or his or her designee to ascertain if the proposed use is permitted and must apply for and receive approval for the proposed use as provided in the Zoning Code.
3. **Permits.** Any person desiring to operate, establish, expand, convert one use to another, or relocate any use shall file with the Planning Division an application for the appropriate permit on a standard application form supplied by the Planning Division.
4. **Use justification.** It is the burden of the applicant to supply evidence to justify the approval of the proposed use, as applicable.

J. **Relation to other regulations.**

1. **General.** The regulations of the Zoning Code and requirements or conditions imposed pursuant to the Zoning Code shall not supersede any other regulations or requirements adopted or imposed by the Vallejo City Council, the State of California, or any federal agency that has jurisdiction by law over uses and development authorized by the Zoning Code. All uses and development authorized by the Zoning Code shall comply with all other such regulations and requirements. Where conflict occurs between the provisions of the Zoning Code and any other City ordinance, chapter, resolution, guideline or regulation, the more restrictive provisions shall control, unless otherwise specified.
2. **Permit Streamlining Act.** It is the intent of the Zoning Code that all actions taken by the review authority and decision-making body pursuant to the Zoning Code that are solely adjudicatory in nature be within a time frame consistent with the provisions of Government Code Section 65920 et seq. (The Permit Streamlining Act). Nothing in the Zoning Code shall be interpreted as imposing time limits on actions taken by the review authority and decision-making body pursuant to the Zoning Code that are legislative in nature or that require both adjudicatory and legislative judgments.
3. **Relation to private agreements.** The Zoning Code shall not annul any recorded easement, covenant, or other agreement now in effect, provided that where the Zoning Code imposes greater restriction than imposed by an easement, covenant, or agreement, the Zoning Code shall control.
4. **Relation to Prior Ordinance.** The provisions of the Zoning Code supersede all prior Zoning Ordinances codified in Title 16 of the Vallejo Municipal Code and any amendments. No provision of the Zoning Code shall validate any land use or structure established, constructed or maintained in violation of the prior Zoning Ordinance, unless such validation is specifically authorized by the Zoning Code and is in conformance with all other regulations.

5. **Application During Local Emergency.** The City Council may authorize a temporary deviation from a provision of the Zoning Code during a local emergency declared and ratified under the Vallejo Municipal Code. The City Council may authorize a temporary deviation during such emergency by resolution without notice or public hearing.

K. **Consistency with the General Plan.** Any permit, license or approval issued pursuant to the Zoning Code must be consistent with the General Plan and all applicable specific plans. In any case where there is a conflict between the Zoning Code and the General Plan, the General Plan shall prevail.

L. **Effect on previously approved projects and projects in progress.** Notwithstanding the provisions of this Zoning Code, the following projects may proceed in accordance with the provisions of the previous Zoning Code.

1. **Projects with currently valid Building Permit.** Any building or structure for which a Building Permit has been issued may be completed and used in accordance with the plans, specifications and permits on which said Building Permit was granted, provided that the issued Building Permit has not expired and that substantial construction has begun and is diligently pursued, and completed prior to the expiration of the Building Permit. Only one extension of up to one year shall be granted for any such Building Permit.
2. **Previously approved Development Permit.** The erection, construction, enlargement, demolition, moving, conversion of, and excavation and grading for any building or structure for which a Development Permit had been approved prior to the Effective Date of Ordinance Number TBD, and for which construction has begun and the entitlement vested within one year of the Effective Date of Ordinance Number TBD is valid and remains in effect.
3. **Applications deemed complete.** Any project for which an Development Permit application was filed and determined by the Department to be or which is deemed complete by operation of law, prior to the Effective Date of Ordinance Number TBD will be reviewed under the prior Zoning Code. However, in the event that such application is approved, a Building Permit must be applied for within 1 year of approval of such Development Permit approval, if such Building Permit is approved within such one year period, construction must be commenced and be vested within one year of the approval of such Building Permit. Any application submitted after the Effective Date of Ordinance Number TBD or any application not vested within the time period set forth herein shall result in any future development at the Site being required to be in compliance with this Zoning Code.

16.101.03 SEVERABILITY

If any chapter, section, paragraph, sentence, clause or phrase of the Zoning Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Zoning Code. The Vallejo City Council hereby declares that it would have passed the Zoning Code, and each chapter, section, sentence, clause and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

16.101.04 FEES

The City Council shall by resolution establish, and from time to time, amend the Master Fee Schedule that includes fees for permits, appeals, amendments, and approvals required or permitted by the Zoning Code. Applications processed concurrently shall be subject to separate fees for each application filed unless specifically exempted by the City Council.

16.102 ESTABLISHMENT OF ZONING DISTRICTS

16.102.01 ESTABLISHMENT OF DISTRICTS

The City is divided into the zoning districts that are consistent with and implement the General Plan. The zoning districts are described in **Parts II (16.200), Districts and Development Types** and **III (16.300), Use Standards** of this Code and are described in **Table 16.102-A: Zoning Districts**.

16.102.02 OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES

The boundaries of the zoning districts are established as shown on the map entitled "The Zoning Map of the City of Vallejo" on file in the office of the Planning Division. The map, including all explanatory matter thereon, is hereby made part of the Zoning Code.

16.102.03 ZONING BOUNDARY INTERPRETATIONS

Where uncertainty exists with respect to the boundaries of any of the district listed in **Section 16.102.01, Establishment of Districts** as shown on the zoning map or as otherwise established, the following rules shall apply:

A. **Where Boundaries Approximately Follow Streets, Alleys or Highways.** Where zoning district boundaries are indicated as approximately following the centerline or street line of streets, the centerline or alley line of alleys, or the centerline or the right-of-way line of highways, such lines shall be construed to be the zoning district boundaries.

B. **Where Boundaries Parallel Street Lines, Alley Lines or Highway Right-of-Way Lines.** Where zoning district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, the centerlines or alley lines of alleys, or the centerlines or right-of-way lines of highways, such zoning district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the zoning map.

C. **Where Boundaries Approximately Follow Lot Lines.** Where zoning district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be the boundaries.

D. **Where Boundaries Divide or Subdivide a Lot or Parcel.** Where a lot is divided by a zoning district boundary, the regulations applicable to each portion of the lot shall be applied as per the split district, and no use, other than parking serving a principal use on the site, can be located in a zoning district in which it is not a permitted or conditionally permitted use. A property owner may file an application for a Zoning Map Amendment and if applicable, General Plan Amendment, pursuant to the provisions of **Chapters 16.611, Zoning Text and Map Amendments** and **Chapter 16.612, General Plan Amendments** of the Zoning Code, such that regulations applicable to one zoning district are applied to all areas of the lot or parcel.

E. **Where the Boundary Follows a Railroad Line.** Where the boundary of a zoning district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the railroad line.

F. **Where the Boundary Follows a Body of Water.** Where the boundary of a zoning district follows a stream, lake or other body of water, the boundary line shall be construed to be at the limit of the jurisdiction of the City unless otherwise indicated.

G. **Submerged Areas Not Included in a Zoning District.** All areas within the corporate limits of the City that are under water and are not shown as included within any zoning district shall be subject to all of the regulations of the zoning district that immediately adjoins with water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

H. **District Regulations Apply to Schools, Parks, etc.** Any areas shown on the zoning map as park, playground, school, cemetery, water, street or right-of-way, shall be subject to the zoning regulations of the zoning district in which they are located. In case of doubt, the zoning regulations of the most restricted adjoining zoning district shall govern.

I. **Where property has not been included in a zoning district—Annexations.**

1. In every case where property has not been specifically included within a zoning district, the matter shall be brought to the Planning Commission on the application of the Planning Division for establishment of a zoning district at the time any development is proposed or upon sooner discovery that the property is not included in a zoning district.
2. Where territory is proposed to be annexed to the City, and it has not been previously pre-zoned, the territory shall be pre-zoned by the Planning Commission on application of the Planning Division prior to the proposed annexation.
3. In establishing the appropriate zoning districts as provided in this Section, the Planning Commission shall consider the following:

   a. Consistency with the General Plan;

   b. Existing land use and structures;

   c. Existing services and facilities; and

   d. In pre-zoning territory proposed for annexation, the previous zoning district (if applicable) and if consistent with the General Plan.

4. Vacation of public ways. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

J. **Interpretations.** In case of any remaining uncertainty, the Planning and Development Services Director, as defined in **Section 16.601.04, Planning and Development Services Director** shall determine the location of the district boundary. The Director's decision may be appealed to the Planning Commission in accordance with the procedures in **Section 16.601.07, Summary of Review Authorities for Decisions and Appeals**.

TABLE 16.102-A: ZONING DISTRICTS

ZONING DISTRICT	MAP SYMBOL	DISTRICT NAME	GENERAL PLAN LAND USE DESIGNATION
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	Primarily Multi-Family Business/Limited Residential
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, Recreation and Open Space 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 Neighborhood Corridor
	M	Medical	Business/Limited Residential, Public Facilities and Institutions Neighborhood Corridor
Industrial Districts	IL	Limited Industrial	Business/Limited Industrial, Business/Limited Residential
	IG	General Industrial	Industrial
Other/Special Districts	PROS	Parks, Recreation and Open Space	Parks, Recreation and Open Space
	RCN	Resource Conservation	Resource Conservation Wetland
	PS	Public and Semi-Public	Public Facilities and Institutions
	PD	Planned Development	Varies
	SP	Specific Plans: -Hiddenbrooke - White Slough - Downtown Vallejo - Mare Island - Solano360 - Sonoma Boulevard	Varies and Includes: Primarily Single Family District-Mare Island District-Solano 360 Business/Limited Residential Primarily Multi-Family Neighborhood Corridor
Whenever there is a conflict in the General Plan and Zoning District boundaries, density or development intensity, the General Plan shall prevail.			

16.102.04 OFFICIAL PLAN LINES

A. Official plan lines showing the future right-of-way line or plan lines for any street, highway, or other thoroughfare consistent with the General Plan Mobility, Transportation and Connectivity Element, adopted Specific Plans, or any other applicable plan approved by the City Council may be established on the zoning map or other Plan map appended to the zoning map.

B. No building, structure, or other improvement other than landscaping or paving, whether publicly or privately owned, shall hereafter be erected, altered in any manner, moved in or placed within the official plan lines of streets and highways as adopted pursuant to or by this, Zoning Code or closer to the street lines than the building setback lines as determined by this Zoning Code.

C. Official plan lines shall replace adjacent property lines in determining the location of structures.

16.103 RULES FOR LANGUAGE AND INTERPRETATION

16.103.01 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to provide precision in interpretation of the zoning regulations.

16.103.02 RULES FOR LANGUAGE

When interpreting the various portions of the Zoning Code, the following rules shall apply:

A. The particular controls the general.

B. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. "And" indicates that all connected words or provisions shall apply.
2. "Or" indicates that the connected words or provisions may apply singularly or in any combination.
3. "Either . . . or" indicates that the connected words or provisions shall apply singularly but not in combination.

C. In case of conflict between the text and a diagram or graphic, the text controls.

D. All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Vallejo, unless otherwise indicated.

E. All references to public officials are to those of the City of Vallejo, and include designated deputies of such officials, unless otherwise indicated.

F. All references to days are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the City offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period.

G. The words "shall," "will," "must" and "is to" are always mandatory and not discretionary. The words "should" or "may" are permissive.

H. The present tense includes the past and future tenses, and the future tense includes the past.

I. The singular number includes the plural, and the plural, the singular.

J. Chapters and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any Chapter.

16.103.03 RULES FOR INTERPRETATION

The Director shall make the interpretation for any term or definition not expressly identified in the Zoning Code or provide clarification and determination of these rules.

16.104 RULES FOR MEASUREMENT

16.104.01 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to explain how to perform calculations and measurements required to implement the zoning regulations. All terms have the same meaning as the definitions in Part VII, General Terms, of the Zoning Code.

16.104.02 FRACTIONS

Whenever the Zoning Code requires consideration of distances, parking spaces, residential dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, the results will be rounded as follows:

A. **General Rounding.** Fractions of one-half (0.5) or greater must be rounded up to the nearest whole number, and fractions of less than one-half (0.5) must be rounded down to the nearest whole number, except as otherwise provided.

B. **Exception for State Affordable Housing Density Bonus.** The calculation of fractions when an applicant seeks a density bonus for a housing development pursuant to Government Code Section 65915 or any successor statute shall be done as provided by state law.

16.104.03 DETERMINING LOT AREA

Lot area is the total amount of land within the property lines of a parcel, usually calculated in square feet or acres. Lot area is used to calculate Floor Area Ratio (FAR), residential density, and lot coverage.

16.104.04 DETERMINING FLOOR AREA

The floor area of a building is the sum of the gross horizontal areas of all floors of a building or other enclosed structure measured from the interior face of the exterior walls or, in the case of a shared wall, from the centerline of a wall separating the two buildings. Floor area is used to calculate Floor Area Ratio (FAR), determine parking requirements and all relevant impact fees, but the different types of floor area used to determine required parking for different uses, maximum FAR, and perform other calculations specific to different uses must be verified. Floor area is calculated in square feet.

A. **Included in Floor Area.** Floor area includes unenclosed decks, balconies, porches, and platforms if used for commercial or restaurant activity, if not used for commercial activity, it is not counted. In the case of a multi-story building that has covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features shall be counted only once at the floor level of their greatest area of horizontal extent. Floor area also includes:

1. All habitable space as defined in the Building Code on all levels and mezzanines, interior balconies, lofts, and closets;
2. Restrooms, lounges, lobbies, kitchens, storage areas, and interior hallways and corridors;
3. Portions of basements that meet Building Code requirements for habitable space;
4. Enclosed and roofed porches and balconies;
5. Interior courtyards, atria, paseos, walkways and corridors that are fully enclosed;
6. Storage and equipment spaces that are roofed and enclosed on all sides; and
7. Covered parking at or above grade.

B. **Excluded from Floor Area.**

Floor area does not include:

1. Stairways and stairwells (except at floor level);
2. Elevators and elevator equipment rooms and elevator shafts except at floor level;
3. Ramps to a subterranean or semi-subterranean parking structure or ramps between floors of a parking structure provided the ramp does not accommodate parking;
4. Loading spaces and docks used exclusively for loading and unloading;

5. Unenclosed decks, balconies, porches, and platforms not used for commercial or restaurant activity;
6. Subterranean or underground parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is five feet or less;
7. Semi-subterranean parking areas that meet the following criteria:
    a. The parking area is located below finished grade along a minimum of one street frontage;
    b. The portions of the parking area located above finished grade are a result of the site's slope and cannot feasibly be fully subterranean due to geological or physical site constraints; and
    c. The facades of any of the visible portions of the parking area located above finished grade are designed and landscaped to meet all of the applicable provisions of the Zoning Code;
8. Mechanical equipment rooms, electrical rooms, telecommunication equipment rooms, and similar space located below grade; and
9. Attics as defined in **Chapter 16.701, Land Use Terms and Definitions.**

C. **Commercial.** In addition to above, the following apply when calculating commercial floor area:

1. Uncovered courtyards, arcades, atria, paseos, walkways, and corridors located at or near the street level or which are accessible to the general public are excluded from the floor area provided they are not used as sales, display, storage, service, or production areas.
2. Unenclosed decks, balconies, porches, and platforms that are used for commercial or restaurant activity are included in the floor area.

D. **Floor Area for Parking Determination.** When calculating floor area for determining required parking, floor area means:

1. In the case of retail establishments, the area which is devoted to the display and selling of merchandise including space occupied by counters, fixtures, storage cabinets, and shelves;
2. In other cases, unless otherwise stated, the gross floor area is as calculated above.

16.104.05 DETERMINING RESIDENTIAL DENSITY

The maximum number of residential dwelling units allowed on any site is determined by dividing the area of the site in square feet by the minimum number of square feet of lot area required for each residential dwelling unit in the zoning district where the site is located.

16.104.06 DETERMINING LOT FRONTAGE

Lot frontage refers to that part of a lot abutting a street and determines the applicability of setback, access, and other requirements. The front lot line is the shortest line abutting a street line. The front yard on different types of lots is typically defined by the primary orientation and includes the following:

A. **Corner lot.** The front of a lot bounded by two or more intersecting streets is the narrowest dimension of the lot with street frontage or the building orientation from which front door access is taken.

B. **Double frontage lot.** When a lot that is not a corner lot has a pair of opposite lot lines along two more or less parallel public streets, both street lines shall be deemed front lot lines. Where buildings exist on the lot, frontage may be established by the orientation of the buildings, or if the building orientation does not clearly indicate lot frontage, by the location of the principal entrance.

C. **Flag lot.** The front of a flag lot is the side from which access is taken.

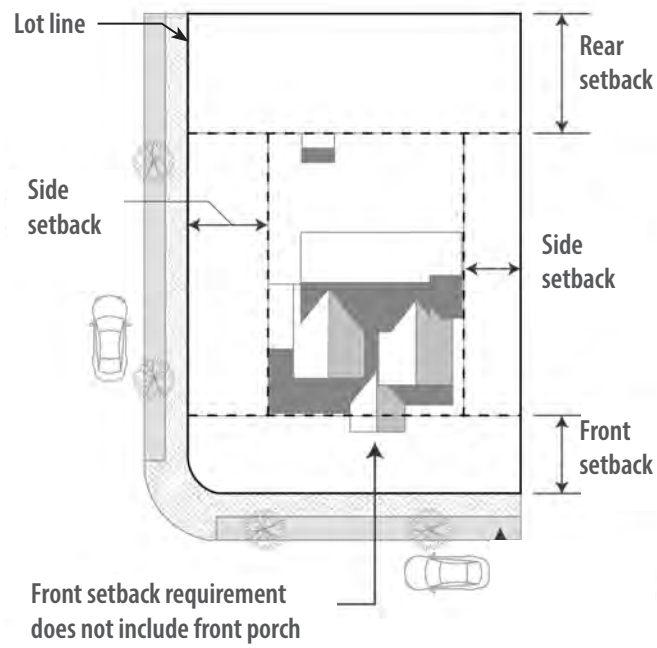
D. **Irregular lot.** In cases of an irregular lot or where there is discrepancy in determining the lot frontage, the Director shall make the determination.

16.104.07 DETERMINING SETBACKS

A setback line defining a required yard is parallel to and at the specified distance from the corresponding front, side, or rear lot line. The following regulations for determining yards apply when a lot abuts a proposed street or alley. For non-rectilinear parcels, setbacks shall be determined in accordance with the standards for measuring parcel width and depth in **Section 16.104.11, Measuring Lot Width and Depth.**

A. **Yards abutting planned street expansions.** If a property abuts an existing or proposed street for which the existing right-of-way is narrower than the right-of-way ultimately required for the street, the required setback shall be established from the future right-of-way rather than the property line.

FIGURE 16.104-A: DETERMINING SETBACKS (YARDS)



Yards on alleys.

1. If a side lot line abuts any alley, the yard shall be considered an interior side yard rather than a corner side yard.
2. In computing the minimum yard for any lot where such yard abuts an alley, no part of the width of the alley may be considered as part of the required yard.

B. **Measuring setbacks or yards.** Setbacks shall be measured as the distance between the nearest lot line and the closest point on the exterior of a building or structure, excluding building projections permitted by **Section 16.501.07, Projections Into Required Yards,** along a line at right angles from the adjacent City right-of-way. Setbacks shall be unobstructed from the ground to the sky unless an easement encroachment has been authorized or exceptions have been made, subject to compliance with the Building Code.

C. **Unknown property lines.** Where the property line of a developed lot is not known, the Director shall require an applicant to submit a survey by a licensed Professional Land Surveyor to verify or establish a property line.

16.104.08 DETERMINING FLOOR AREA RATIO

The Floor Area Ratio (FAR) is the ratio of the floor area, excluding the areas described below, of all principal and accessory buildings on a site to the site area. To calculate the FAR, floor area is divided by lot area, and typically expressed as a decimal. For example, if the floor area of all buildings on a site totals 20,000 square feet, and the site area is 10,000 square feet, the FAR is expressed as 2.0.

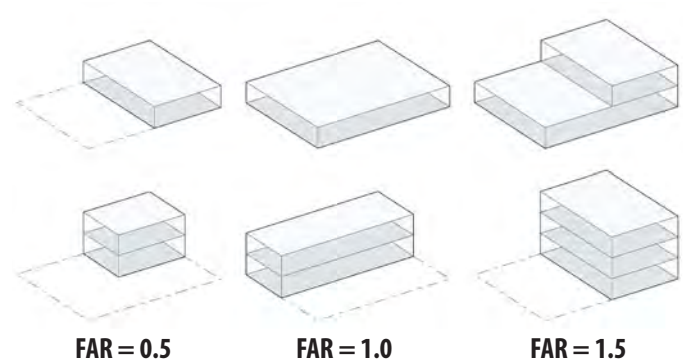
A. **Excluded from floor area in calculating FAR.** The following are excluded from the floor area when calculating FAR:

1. **Underground Areas.** Floor area located below finished grade.
2. **Parking.** Parking areas located below finished grade or finished floor of habitable space where the vertical distance between finished grade and finished floor is five feet or less. Structured parking areas located above finished grade where the vertical distance between finished grade and the floor of the parking level is 5 feet or less.

B. **Lot area adjustments when calculating FAR.** The following adjustments to the lot area shall be made when calculating FAR:

1. **Vehicular easements.** (Excluding easements for utility purposes), private streets and the pole portion of flag lots shall be excluded from the calculation of lot area.
2. **Street dedications.** If a street dedication is required, the calculation shall be based on the total area of the lot excluding the street dedication area.

FIGURE 16.104-B: DETERMINING FLOOR AREA RATIO



16.104.09 DETERMINING LOT COVERAGE

Lot coverage is the ratio of the total footprint area of all structures on a lot to the lot area, typically expressed as a percentage. The footprints of all principal and roofed accessory structures, including garages, carports, and roofed porches and decks shall be summed in order to calculate lot coverage. The following structures shall be excluded from the calculation:

A. Unenclosed, unroofed decks, uncovered patio slab, porches, landings, balconies and stairways less than six feet in height;

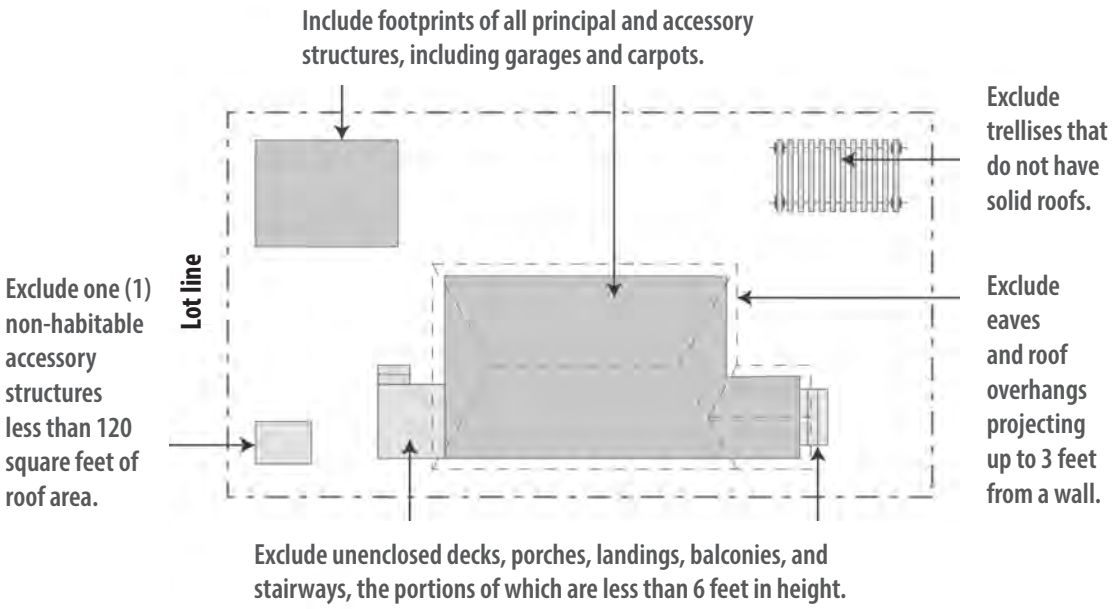
B. Eaves and roof overhangs projecting up to three feet from a wall;

C. Trellises and similar structures that do not have solid roofs; and

D. Swimming pools and hot tubs that are not enclosed in roofed structures.

E. Dog houses, children's playhouses, garbage enclosures, accessory structures less than 120 square feet and other similar structures, provided they are less than 6 feet in height.

FIGURE 16.104-C: DETERMINING LOT COVERAGE



16.104.10 MEASURING DISTANCES

A. **Measurements are Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

B. **Distances are Measured Horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

C. **Measurements Involving a Structure.** Measurements involving a structure are made to the closest support element of the structure and include portions of the structure above or below the ground.

D. **Measurement of Vehicle Stacking or Travel Areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured along the shortest side of the vehicle path. For example, curving driveways and travel lanes are measured along the shortest path of the driveway or travel lane.

E. **Measuring a Buffer or Radius.** When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line from all points along the lot line of the subject project, in all directions.

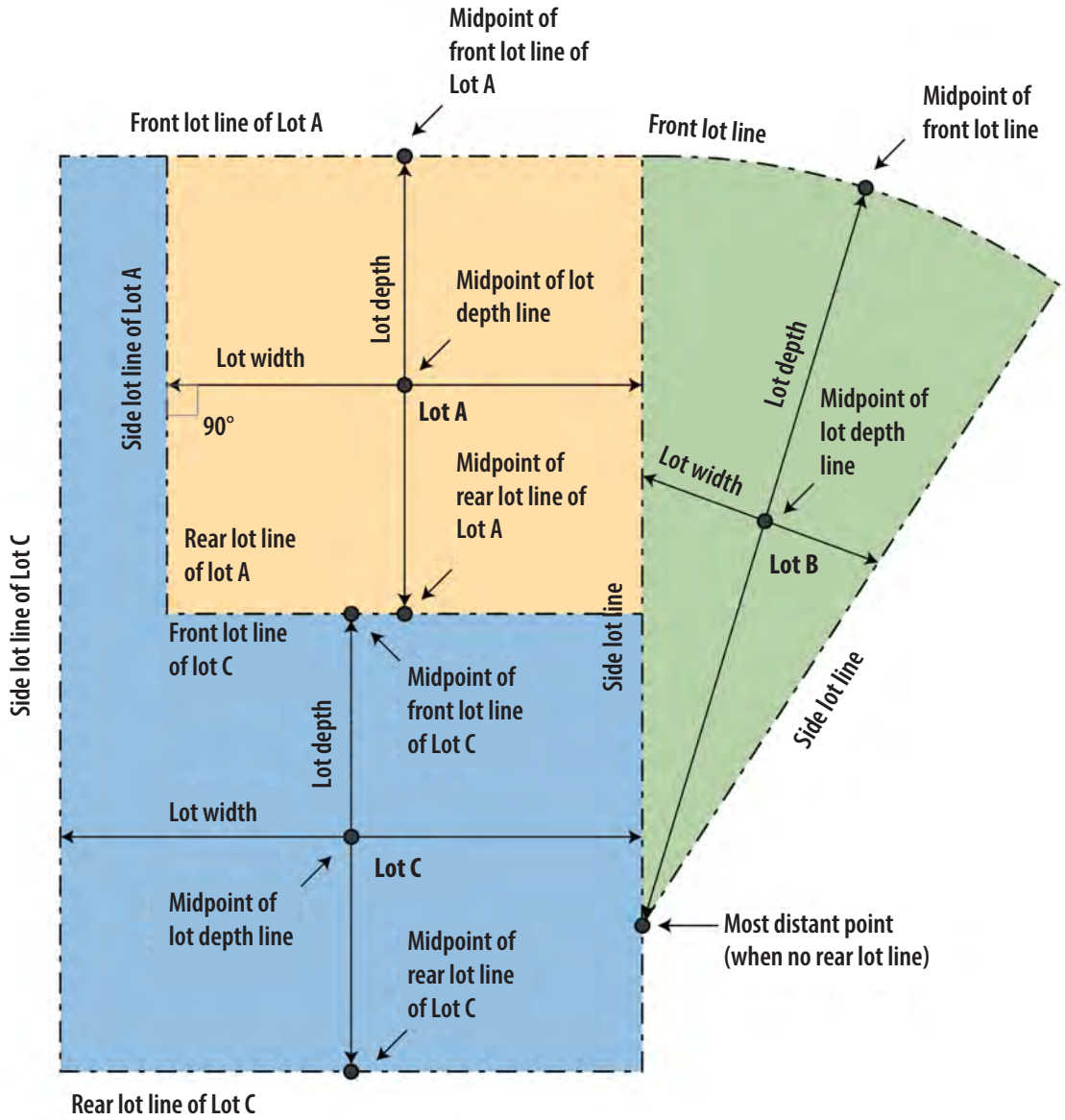
16.104.11 MEASURING LOT WIDTH AND DEPTH

Figure 16.104-D: Measuring Lot Width and Depth, shows the various ways to calculate lot width and depth as described below. Lot A represents a rectilinear lot, Lot B a non-rectilinear lot, and Lot C a flag lot.

A. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

B. **Lot Depth.** Lot depth is the horizontal distance between the front and rear property lines measured along a straight line drawn from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line.

FIGURE 16.104-D: MEASURING LOT WIDTH AND DEPTH



16.104.12 DETERMINING GRADE

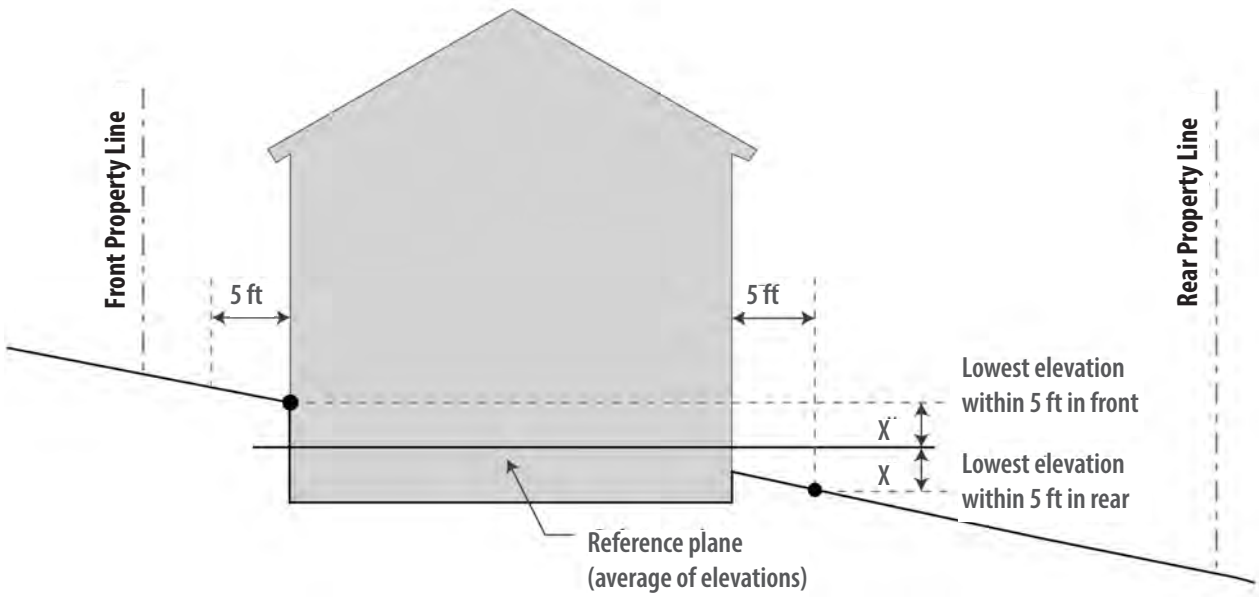
Grade is the location of the ground surface. For purposes of the Zoning Code, the grade of a building site used to determine building height shall be determined by one or more of the following:

A. **Existing grade.** The existing elevation of the ground at any point on a lot prior to grading for development. Existing grade may also be referred to as natural grade.

B. **Finished grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than 5 feet from the building, between the building and a line 5 feet from the building.

C. **Grade plane.** A reference plane representing the average elevation of the highest and lowest point of the finished surface of the ground adjoining the exterior building walls as defined in the California Building Code. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 5 feet from the building, between the building and a point 5 feet from the building.

FIGURE 16.104-E: GRADE PLANE



16.104.13 MEASURING BUILDING HEIGHT

A. The height of a proposed residential structure or addition is measured from the average elevation of that portion of the lot covered by the proposed residential structure or addition to the highest point of the roof with the following exceptions:

1. In the case of a roof with parapet walls, height is measured to the top of the parapet wall;
2. In the case of a gambrel roof, the average height of the roof is measured to a point between the ridge and the point where the uppermost change in the roof' slope occurs; and
3. In the case of a mansard roof, height is measured to the upper level of the roof deck.

B. Dormers, as defined in **Chapter 16.701, Land Use Terms and Definitions**, shall not be included in the average height calculation.

C. If a single structure crosses a zoning district boundary (e.g., where one structure is located in two or more different zoning or height districts), the maximum height shall be measured separately for each portion of the structure in order to ensure compliance with the zoning district in which it is located.

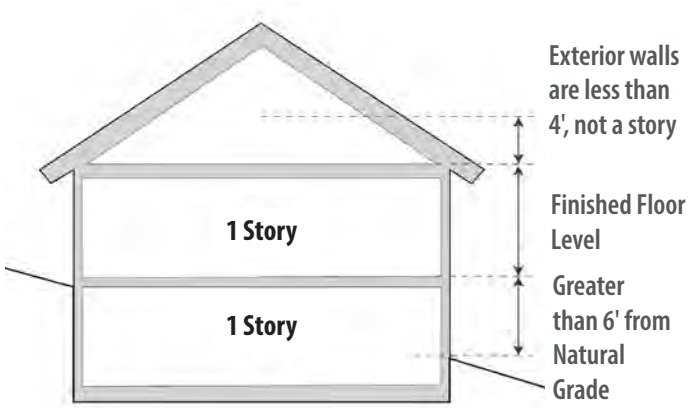
D. Building height calculations shall exclude rooftop appurtenances and features that do not contain conditioned space and are not intended for human occupancy, and public utility facilities, which by design or function must exceed the established height limits as provided for in **Section 16.501.05, Height Exceptions**.

16.104.14 DETERMINING THE NUMBER OF STORIES IN A BUILDING

A. A building story is that portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

1. If the finished floor level directly above a basement or cellar is more than 6 feet above natural grade for more than 50 percent of the total perimeter, such basement or cellar shall be considered a story.
2. A partial story under a gable, hip, or gambrel roof shall be considered a story when its top wall plates, on at least two opposite exterior walls, are four feet or more above the floor of such story.

FIGURE 16.104-F: DETERMINING STORIES



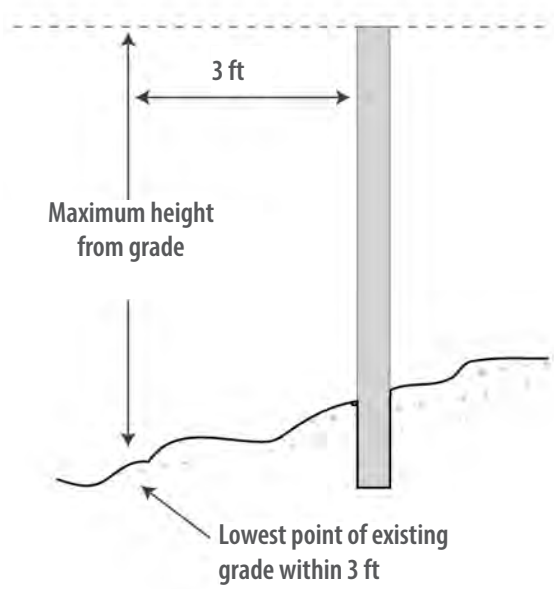
16.104.15 MEASURING HEIGHT OF FENCES AND WALLS

The height of any fence or wall shall be determined by measuring the vertical distance from the lowest finished grade within a 3-foot radius of any point on the fence or wall to the highest point of any portion of the fence or wall. In the case of fences or walls between the setback line and lot line, height shall be measured from highest finished grade adjacent to the fence or wall to the top of the fence or wall.

A. **Measuring height of fences on retaining walls.** The height of a fence that is on top of a retaining wall is measured from the lowest finished grade point within a 3-foot radius of any point on such fence to the highest point of the fence on the highest side of the wall. Any fence or railing required to comply with minimum height in applicable Building Code requirements is permitted.

B. **Measured in a continuum.** The height shall be measured in a continuum at each point along the wall or fence.

FIGURE 16.104-G: MEASURING HEIGHT OF FENCES AND WALLS



16.105 NON-CONFORMING USES

16.105.01 PURPOSE AND APPLICABILITY

The purpose of these regulations is to permit the continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with all of the standards and requirements of the Zoning Code in a manner that promotes the public health, safety, and general welfare and does not conflict with the goals and objectives of the General Plan. These regulations are also intended to:

A. Permit nonconforming structures and uses to remain as long as they are not determined to be public nuisances, as defined in Title 7, Article III of the Vallejo Municipal Code, and to allow for their regular maintenance and repair consistent with the regulations herein.

B. Reduce the number of nonconforming structures and uses that are no longer appropriate in the zoning districts in which they are located after abandonment, destruction, or major damage.

C. Permit the reestablishment of legally established residential units to provide additional housing opportunities for the community without changing the historic density and character of older residential areas.

D. Limit the number and extent of nonconforming structures by prohibiting their movement, alteration, restoration, or enlargement in a manner that would increase the nonconformity between the existing conditions and the current standards for the zoning districts in which they are located.

E. Permit the development of nonconforming lots in appropriate circumstances consistent with the regulations of this Chapter and the provisions of the Subdivision Map Act.

16.105.02 ESTABLISHMENT OF LEGAL NONCONFORMING USES, STRUCTURES AND LOTS

A. Any legally established use, structure, or lot that is in existence 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.

B. These regulations shall apply to all nonconforming lots, structures, and uses, except for those within the Mare Island Specific Plan area.

C. The provisions of these nonconforming regulations do not restrict any authority to require modification or termination of any nonconforming use or structure that has been declared to be a public nuisance by the City Council, pursuant to Title 7, Chapter III of the Vallejo Municipal Code.

D. Nonconforming uses, structures, and lots include:

1. Those made nonconforming by the addition of a standard or requirement of the Zoning Code previously not required for such use or structure; and
2. Uses and structures reclassified from permitted to being subject to a Discretionary Permit.
3. Uses and structures reclassified from permitted or being subject to a Discretionary Permit to being non-permitted or not allowed with a Discretionary Permit.

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 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, actual construction shall be diligently carried on until completion of the building or structure.

16.105.03 NONCONFORMITIES

A. A nonconformity may result from any inconsistency with the any one or more requirements of the Zoning Code including, but not limited to, location, density, intensity, floor area, coverage, height, yard, usable open space, buffering, performance standards, or the lack of an approved Use Permit, Development Review Permit, or other required authorization.

B. A use or structure shall not be deemed nonconforming solely because it does not conform with the parking dimension standards, overnight vehicle parking limitations, loading, planting area, or screening regulations of the zoning district in which it is located, or does not conform to the standards for the following building features:

1. Garage door location or garage door width;
2. Cornices, eaves, and other ornamental features that exceed maximum projections into required yards; or
3. Bay windows, balconies, and terraces above the second floor that exceed maximum projections into required yards. Also see, **Section 16.508.02(D), Nonconforming Parking.**

16.105.04 NONCONFORMING USES AND STRUCTURES—RIGHT TO CONTINUE

Any use or structure that was lawfully established prior to the effective date of the Zoning Code or of any subsequent amendments to its text or to the Zoning Map may only be continued and maintained provided there is no alteration, enlargement, or addition to any use, building or structure including, but not limited to:

A. No substitution, expansion, or other change in use nor any alteration or other change in structures, except as otherwise provided in this Chapter.

B. The right to continue a nonconforming use or structure shall attach to the land and shall not be affected by a change in ownership.

16.105.05 NONCONFORMING LOTS

Any lot that is smaller than the minimum lot size required by the Zoning Code or does not meet any of the applicable dimensional requirements shall be considered a legal nonconforming lot if it is described in the official records on file in the office of the Solano County Recorder as a lot of record under one ownership. A nonconforming lot may be used as a building site subject to compliance with all applicable requirements, unless a variance or other modification or exception is approved as provided for in this Zoning Code.

A. A nonconforming lot shall not be adjusted in any way that would increase the nonconformity in any way.

B. A conforming structure or use may be established on a nonconforming lot provided the structure or use conforms to the current standards of the zoning district in which it is located or meets the exception requirements in **Chapter 16.608, Exceptions.**

C. A nonconforming lot within a residential zoning district shall conform to the maximum allowable density of that zoning district. However, at a minimum, one single-unit dwelling unit and customary accessory buildings may be established on a nonconforming lot, provided the unit and accessory buildings conform to the current standards of the zoning district.

16.105.06 NONCONFORMING STRUCTURES

A. Ordinary maintenance and repairs or nonstructural alterations are encouraged and may be made to a nonconforming structure as required to improve and preserve the structure's existing condition, retard or eliminate wear or tear or physical deterioration, render space more usable, improve livability, or comply with the requirements of law.

B. A nonconforming structure shall not be moved unless it results in more conformity with the current standards of the zoning district of the new location.

C. Nonconforming structures not in a designated heritage or historic district may be restored as follows:

1. A nonconforming structure that is damaged, destroyed, or voluntarily demolished to the extent of less than 50 percent of the current market value may be restored with site development approval pursuant to **Chapter 16.605, Development Review**. The determination of the appraised value shall be the higher of:

   a. The records of the Assessor of the County of Solano for the fiscal year during which the application is received; or

   b. An appraisal performed by a certified appraiser.

2. Restoration shall be authorized and completed within 12 months of the date the damage, destruction, or demolition occurred. Failure to complete the restoration within 12 months, except as provided in **Section 16.105.12, Time Extensions**, may result in abatement pursuant to Chapter 7.54, Property Maintenance, of the Vallejo Municipal Code.

3. A nonconforming structure that is damaged, destroyed, or voluntarily demolished to the extent of 50 percent or more of the current market value may be restored to its original condition or to a more conforming condition provided a Major Use Permit is issued by the Planning Commission after making the findings required in **Chapter 16.606, Minor and Major Use Permits**. The restoration of the structure shall be authorized and completed within 12 months of the date of the damage, destruction or demolition. Failure to complete the restoration within 12 months, except as provided in this Chapter may result in abatement pursuant to Chapter 7.54, Property Maintenance, of the Vallejo Municipal Code.
4. A nonconforming structure in a designated heritage or historic district may be restored to its original condition or to a more conforming condition with the approval of a Certificate of Appropriateness, pursuant to **Chapter 16.614, Architectural Heritage and Historic Preservation**. The restoration of the structure shall be authorized and completed within 12 months of the date of the damage, destruction, or demolition. Failure to complete the restoration within 12 months may result in abatement pursuant to Chapter 7.54, Property Maintenance, of the Vallejo Municipal Code.

D. If the nonconforming structure is required by law to be demolished, the structure shall not be restored except in full conformity with the current standards for the zoning district in which it is located.

E. For the purposes of this Chapter, the extent of damage, destruction, or demolition shall be based on the ratio of the estimated market appraised value of the structure prior to such damage, destruction, or demolition to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made in writing by the applicant and shall be reviewed by the Director and the chief building official and the Director. Their final determination of estimated market appraised value by the chief building official and Director shall be considered final.

16.105.07 NONCONFORMING USES

The following provisions shall apply to all nonconforming uses, except for residential uses made nonconforming from reductions in density that are subject to the provisions of **Section 16.105.08, Nonconforming Residential Units Resulting From Reductions In Density**. No lawful residential use can lapse regardless of the length of time of non-use.

A. Nonconforming uses may be continued indefinitely subject to the provisions of this Chapter.
   1. A nonconforming residential use shall not intensify in terms of exceeding the residential density allowed by the applicable General Plan land use or zoning district in which the use is located.
   2. The nonconforming use of a structure or portion of structure shall not be expanded into any other portion of the structure nor changed except to a conforming use.
   3. If a nonconforming use ceases activity for a continuous period of 12 months, it shall be considered abandoned. Thereafter, the structure in which the nonconforming use was located shall be used only in accordance with the standards for the zoning district in which it is located. Abandonment or discontinuance shall include the cessation of a use for any reason, regardless of intent to resume or not abandon the use, except as provided in Sections B and C below. An active Building Permit shall indicate the use is not abandoned.
   4. If the primary structure occupied by a nonconforming use is hereafter removed, the subsequent use of the land on which such structure was located and the subsequent location and use of any new structure thereon shall be in conformity with the standards of the zoning district in which the land is located.
   5. No accessory use to a primary nonconforming use shall continue after such primary use ceases or is terminated.

6. A nonconforming use may be reestablished when the structure occupied by the nonconforming use is damaged, destroyed, or voluntarily demolished by less than 50 percent of the estimated market appraised value is restored to its original condition or a more conforming condition with the approval of a Development Review Permit, pursuant to the Zoning Code. Restoration of the structure shall be completed within 12 months of the date the damage or partial destruction occurred. Failure to complete the restoration within 12 months, except as provided in **Section 16.105.14, Time Extensions**, means the nonconforming status of the use is terminated and the use shall not be reestablished. Further, the failure to complete the restoration within 12 months may result in abatement of the structure pursuant to Chapter 7.54, Property Maintenance, of the Vallejo Municipal Code.

B. If a structure occupied by a nonconforming use is damaged, destroyed, or involuntarily demolished by 50 percent or more of the current market value, the nonconforming use may be restored under the following conditions:

1. If the structure is restored to its original conditions and conforms to all the current standards of the zoning district in which it is located with the approval of a Development Review Permit, pursuant to **Chapter 16.105, Non-Conforming Uses**; and
2. Provided the Planning Commission, pursuant to **Chapter 16.105 Non-Conforming Uses**, approves a Major Use Permit.

C. The restoration of the structure shall be authorized and completed within 12 months of the date of the damage or destruction. Failure to complete the restoration within 12 months, except as provided in **Section 16.105.14, Time Extensions**, Time Extensions, means the nonconforming status of the use is terminated and the use shall not be reestablished. Further, the failure to complete the restoration within 12 months may result in abatement of the structure pursuant to Chapter 7.54, Property Maintenance, of the Vallejo Municipal Code.

D. If a structure occupied by a nonconforming use is required by law to be demolished, the structure shall not be restored except in full conformity with the current standards for the zoning district in which it is located with the approval of a Development Review Permit, pursuant to **Chapter 16.600, Procedures And Permits**. The nonconforming status of the use shall be terminated, and the use shall not be reestablished.

E. For the purposes of this Chapter, the extent of damage, destruction, or demolition shall be based on the ratio of the appraised value of the structure at the time of such damage, destruction, or demolition to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made in writing by the applicant and shall be reviewed by the Chief Building Official and Director as follows:

1. The Chief Building Official or the Director may require submittal of an appraisal by a qualified real estate appraiser if the estimates are disputed by any affected party.
2. The cost of such an appraisal shall be the responsibility of the applicant.
3. Determinations of estimated market value by the Chief Building Official and Director resulting in controversy shall be forwarded to the Planning Commission for final determination.

F. A use that does not conform with the parking, loading, landscaping, screening, or sign regulations of the zoning district in which it is located shall not be considered a nonconforming use solely because of one or more of these physical nonconformities.

G. Once a nonconforming residential unit is abandoned, and unless a certificate of conformity has been issued pursuant to **Section 16.105.08, Nonconforming Residential Units Resulting From Reductions In Density**, the Chief Building Official and/or Director may require the removal of features of the unit contributing to the nonconformity. These features include, but are not limited to, multiple kitchens, multiple exterior doors and walls defining individual units.

16.105.08 NONCONFORMING RESIDENTIAL UNITS RESULTING FROM REDUCTIONS IN DENSITY

Nonconforming residential units resulting from decreases in density or other changes in zoning may be reestablished after ceasing activity for more than 12 months under the circumstances described below.

A. Reestablishing the Conformity of a Nonconforming Residential Unit. It shall be the responsibility of the applicant seeking a certificate of conformity to provide substantial evidence to support the required findings. Such evidence could include, but not be limited to, the following:

1. Completed application form;
2. Application fee, as established by the Master Fee Schedule; and
3. Substantial evidence to support the required findings in Section (5), below, with the applicant responsible for the burden of proof as defined in **Section 16.105.13, Burden of Proof** including:
4. Plans showing original construction of the unit.
5. Copies of Building Permits and/or other authorization for the unit.
6. Historic photographs and/or documents.
7. Written declarations made under the penalty of perjury.
8. Upon receipt of a complete application, the Director shall provide a public notice pursuant to **Chapter 16.602, Common Procedures**.
9. The Director shall issue a certificate of conformity only if, based on substantial evidence, all the following findings are made:

    a. The unit was originally and legally constructed (as can best be determined by available plans, permits, and other documentation) either as part of a multi-unit structure or as a separate structure within a group of units on one parcel;

    b. The reestablishment of the unit will not be detrimental to any existing or potential use or structure in the zoning district in which the nonconforming use is located. (Issues to be considered include but shall not be limited to the availability of parking, aesthetics, privacy, and physical compatibility with adjacent properties);

    c. The structure containing the unit cannot be easily converted for a use which conforms to the current zoning district; and

    d. If the structure is on the City's historic resources inventory, the loss of the nonconforming unit could result in the degradation of the architectural integrity of the structure or other adjacent structures or could result in the loss of the structure.

10. Appeals shall be processed and acted upon in compliance with **Chapter 16.602, Common Procedures.**
11. Once a certificate of conformity is issued, the unit shall be considered conforming. This conforming status shall not be lost, except as described in Section (B), below, even if the unit is not occupied for over 12 months.

B. All units reestablished under the provisions of this Chapter shall be brought into compliance with current building and housing codes, including the State Historic Building Code for eligible structures, as determined necessary by the chief building official, within 6 months of the date of the certificate of conformity. Failure to complete all required improvements within the 6-month period may result in the revocation of the certificate and the termination of the unit, except as provided in **Section 16.105.07, Nonconforming Uses**.

16.105.09 CHANGES AND SUBSTITUTIONS OF NONCONFORMING USES

No legal nonconforming use shall be changed to a different use type or sub-classification without the approval of a Major Use Permit unless the new use is a principally permitted use.

This requirement shall not apply to a change of ownership, tenancy, or management where the new use is of the same use type and use classification, if applicable, as the previous use, as defined in Part VII, and the use is not expanded or intensified. For the purposes of this Chapter, intensification includes an increase in the number of vehicle trips generated by a use, parking demand, number of employees on a site, hours of operation, and other similar characteristics as determined by the Director.

16.105.10 CHANGE FROM NONCONFORMING TO PERMITTED USE

Any nonconforming use may be changed to a principally permitted use in the zoning district in which it is located and complies with all applicable standards for such use.

16.105.11 ABSENCE OF PERMIT

Any use that is nonconforming solely by reason of the absence of a Use Permit may be changed to a conforming use by obtaining a Minor Use Permit pursuant to the requirements in **Chapter 16.606, Minor and Major Use Permits**.

16.105.12 TIME EXTENSIONS

There shall be no extension of time granted for an abandoned nonconforming use or structure, except as noted in **Sections 16.105.06, Nonconforming Structures**, and **16.105.07 Nonconforming Uses.**

A. In the event of judicial proceedings pertaining to the nonconforming use or structure that prevent the active operation of the use or occupation of the structure, the use or structure shall be considered abandoned if active operation or occupation has not occurred within 12 months after the conclusion of the judicial proceedings.

B. The Director may grant an extension of time, not to exceed an additional 12 months, to complete the authorized restoration of a nonconforming structure if the following findings are made:

   1. An unreasonable hardship would otherwise be imposed on the applicant;
   2. The delay in completing the restoration was beyond the control of the applicant; and
   3. The extension of time to complete the restoration would not be detrimental to any existing or potential permitted use or structure in the zoning district in which the structure is located.

16.105.13 BURDEN OF PROOF

A. Continuing the nonconforming status of a structure or use. It shall be the responsibility of the party interested in continuing the nonconforming status of a structure or use to prove that the structure or use is in active operation. Such proof could include, but not be limited to, the following:

   1. Active building permits;
   2. Judicial proceedings, including probate;
   3. Rental receipts;
   4. Utility records showing service periods and levels of consumption consistent with the active operation of the use or structure; and/or
   5. Records documenting efforts to actively rent, market, or sell the use or structure.

B. The burden of proof shall be met only if the following findings can be made:

   1. The use or structure was permitted when established;
   2. No conditions have occurred since the legal establishment that would require its abatement; and
   3. No unauthorized expansion, enlargement, or intensification of the use or structure has occurred and currently exists.

THIS PAGE INTENTIONALLY LEFT BLANK

PART II DISTRICTS AND DEVELOPMENT TYPES

16.201 ZONING DISTRICTS AND DEVELOPMENT STANDARDS

This section describes the zoning districts that are consistent with and implement the General Plan. The zoning districts and corresponding General Plan designations are provided in **Table 16.201-A: Zoning District and General Plan Land Use Designation**.

This section also provides the development regulations applicable to each zoning district. These standards are supplemented by **Part V (16.500) Site Development Standards,** of this Zoning Code. Whenever there is a conflict in the General Plan and Zoning Code standards, the General Plan shall prevail.

City of VALLEJO California

SECTIONS

16.201 ZONING DISTRICTS AND DEVELOPMENT STANDARDS 23
16.202 RESIDENTIAL DISTRICTS....25
16.203 MIXED-USE DISTRICTS....38
16.204 COMMERCIAL DISTRICTS 49
16.205 OFFICE AND MEDICAL DISTRICTS 59
16.206 INDUSTRIAL DISTRICTS....63
16.207 PARKS, RECREATION AND OPEN SPACE DISTRICTS....66
16.208 PUBLIC AND SEMI-PUBLIC DISTRICT....68
16.209 PLANNED DEVELOPMENT DISTRICT....70
16.210 SPECIFIC PLAN AREAS 72
16.211 HISTORIC DISTRICTS AND LANDMARKS....73
16.212 HILLSIDE DEVELOPMENT STANDARDS....73
16.213 RESIDENTIAL VIEW DISTRICT....75
16.214 AFFORDABLE HOUSING INCENTIVES....77
16.215 TRANSIT-ORIENTED DEVELOPMENT 83

TABLE 16.201-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, Business/Limited Residential
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 Neighborhood Corridor
	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

16.202 RESIDENTIAL DISTRICTS

16.202.01 PURPOSE AND APPLICABILITY

The purposes of the Residential ("R") Districts are to:

A. Preserve, protect, and enhance the character of the City's residential neighborhoods.

B. Ensure adequate light, air, and open space for each dwelling.

C. Ensure that the scale and design of new development and alterations and additions to existing structures are compatible with surrounding homes and appropriate to the physical characteristics of the site and the surrounding area.

D. Promote opportunities for housing for all income groups and for those with special housing needs.

E. Provide sites for public and semi-public land uses.

More specifically, the purposes of the individual Residential Zoning Districts are as follows:

RR Rural Residential: The RR Zoning District is intended for rural residential, agriculture, open space, and very low-density residential development with necessary supporting public service facilities.

RLD Residential Low Density: The RLD Zoning District is for low-density residential areas in which permanent single unit residences, including detached and attached (duplexes and townhouses) units, are the primary use. Other residential types including cottages and bungalows around courts may be seen in this district as well as small neighborhood serving retail. This district also allows a variety of neighborhood supportive services, public and educational facilities, open spaces and community facilities. The maximum permitted residential density is 9 dwelling units per acre, excluding accessory dwelling units.

RMD Residential Medium Density: The RMD Zoning District is intended to create and establish regulations for a district with a mix of housing types, including attached and detached, and small apartment buildings, subject to density limits (up to 25 dwelling units per acre) and design and development standards to ensure land use compatibility. Mixed-use development with residential and small commercial spaces may also be seen in this district. This district also allows a variety of neighborhood supportive services, public and educational facilities, open spaces and community facilities. Front, corner side, and rear yards are required, and zero-side yard development is permitted subject to discretionary review. In the established neighborhoods of the City, it is the intent of this district to maintain the existing pattern of single-family residences, including attached units and duplexes, while in the undeveloped areas of the City, it is the intent of this district to encourage the creation of multi-unit residential neighborhoods with a variety of housing types.

RHD Residential High Density: The RHD Zoning District is intended to create and establish regulations for a high-density residential district, in which a mix of housing types are allowed, subject to density limits (up to 40 dwelling units per acre) and design and development standards to ensure land use compatibility. Mixed-use development with residential and small commercial spaces is allowed. This district also allows a variety of neighborhood supportive services, public and educational facilities, open spaces and community facilities.

16.202.02 DEVELOPMENT REGULATIONS – RR AND RLD DISTRICTS

Table 16.202-A: Development Standards - RR and RLD Districts, prescribes the development standards for the RR and RLD Zoning Districts. The numbers in the illustration refers to corresponding regulations in the "#" column. Additional regulations are denoted in the fourth column where Chapter numbers refer to other parts of the Zoning Code, and individual letters refer to Sections as Additional Development Standards that directly follow the table. Diagrams below depict primary structures. See **Section 16.501.02, Accessory Buildings and Structures**.

TABLE 16.202-A: DEVELOPMENT STANDARDS - RR AND RLD DISTRICTS

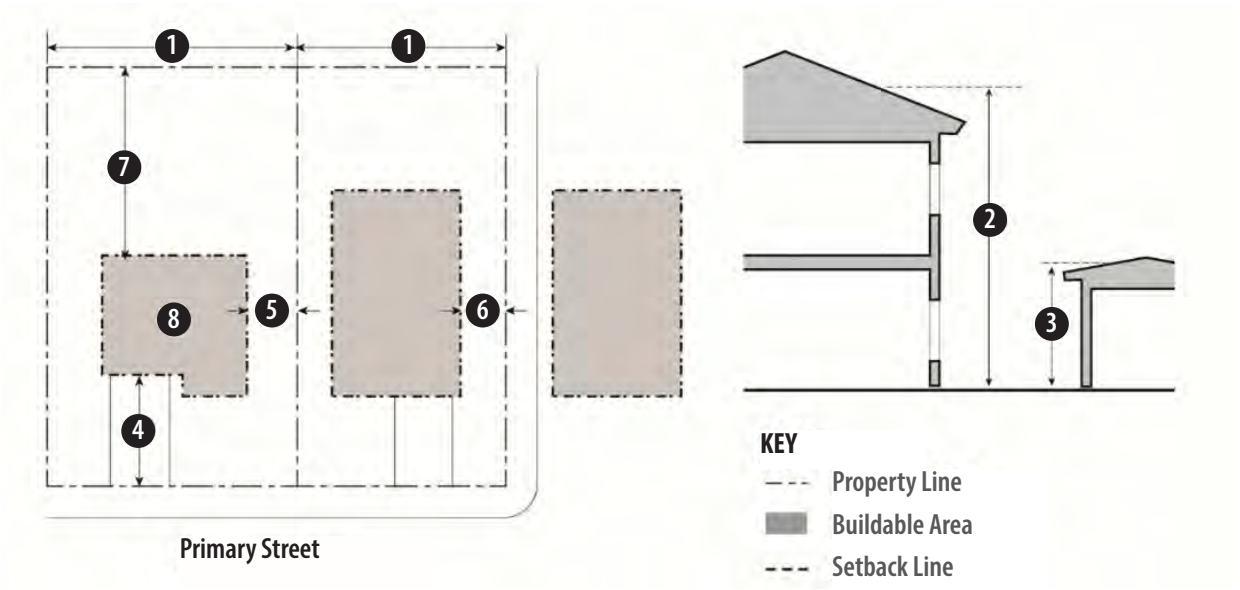


FIG #	DISTRICT	RR	RLD	ADDITIONAL REGULATIONS
	LOT AND DENSITY STANDARDS			
	Maximum Density (units/net acre)	9	9	
	Minimum Lot Size (sq. ft.)	2.5 acres (5 acres in -5; 10 acres in -10; and 15 acres in -15)	5,000	See **Section 16.202.05,** Small Lot Development
1	Minimum Lot Width (ft.)	(A)	50	
	BUILDING FORM AND LOCATION			
	Maximum Height (ft.)			
2	Main Building	35 (A)	35 (A)	See **Section 16.104.13**, Measuring Building Height, and **Section 16.501.02**, Accessory Buildings and Structures
3	Accessory Building	14 (A)	14	
	Minimum Setbacks (ft.)			
4	Front	30 (A)	15 (A)	See **Section 16.501.07**, Projections Into Required Yards
5	Interior Side	20 (A)	5 (A)	
6	Street Side	20 (A)	10 (A)	
1	Rear	20 (A)	5 (A)	
4 7	Garage	20	20	
	Minimum Distance between Buildings (ft.)	30	5	
8	Maximum Lot Coverage (% of Lot)	-	50	See **Section 16.202.05**, Small Lot Development, and **Chapter 16.104**, Rules For Measurement

TABLE 16.202-A: DEVELOPMENT STANDARDS - RR AND RLD DISTRICTS

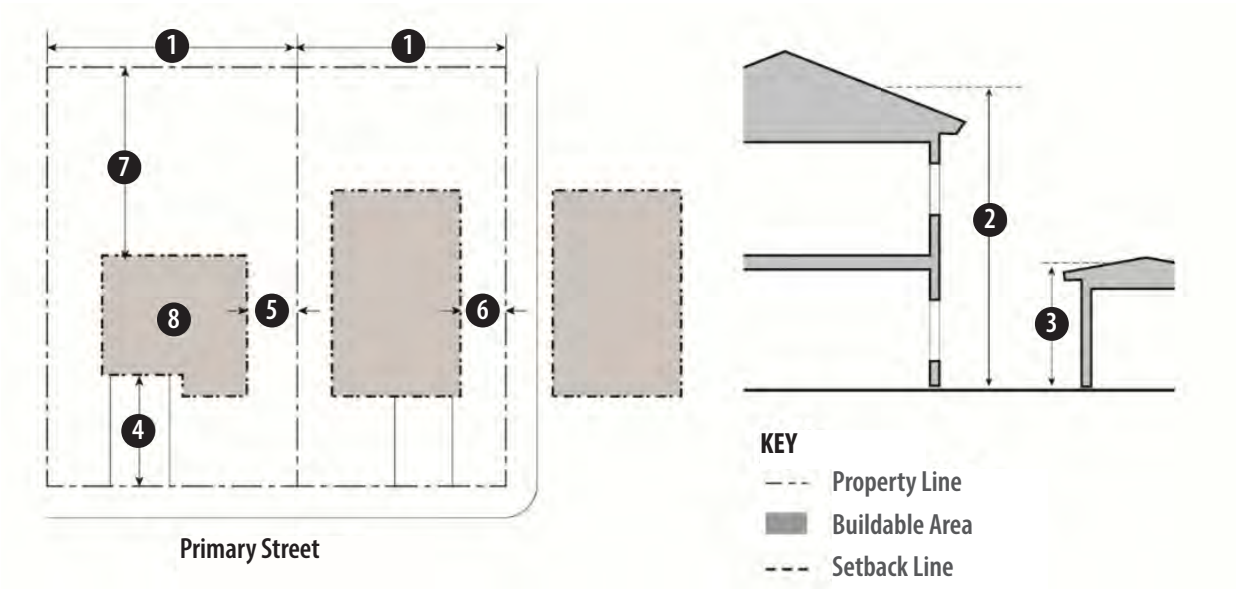
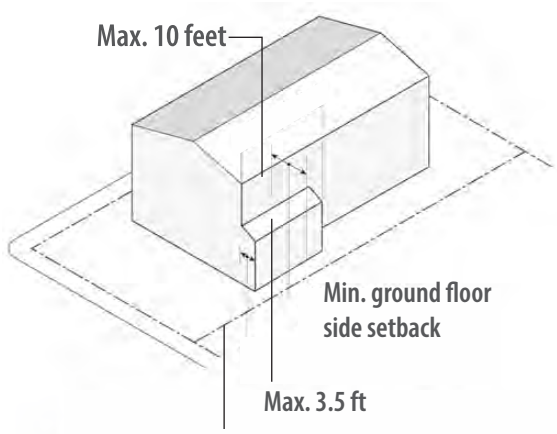


FIG #	DISTRICT	RR	RLD	ADDITIONAL REGULATIONS
	PARKING			
	On-site spaces per Unit (Total)	1	1	See **Section 16.501.05**, Height Exceptions
	On-site spaces per Unit (covered)	1	1	
	LANDSCAPING AND FENCING			
	Front Yard	Required		See **Chapter 16.504**, Landscaping
	Street Trees	1 per 50 ft. of frontage		
	Fence Height Limit (ft) Rear and Side	6	6	A one-foot extension up to 7 feet with a decorative finish such as lattice is allowed. See **Chapter 16.505**, Fences, Walls, and Screening
	ADDITIONAL STANDARDS			
	Exceptions to Height Limits	See **Section 16.501.05**, Height Exceptions		
	Fences and Walls	See **Chapter 16.505**, Fences, Walls, and Screening		
	Lighting	See **Chapter 16.506**, Lighting and Glare		
	Off-Street Parking and Loading	See **Chapter 16.508,** Off-Street Parking and Loading		
	Hillside Development Standards	See **Chapter 16.212**, Hillside Development Standards		
	Accessory Structures	No accessory structure in the RLD Zoning District shall exceed 1,000 sq. ft. in floor area. See **Section 16.501.02**, Accessory Buildings and Structures		

A. **Additional Development Standards for RR and RLD Districts.**

1. **Lot Dimensions.** The ratio of lot depth to lot width shall not be greater than 4:1.
2. **Building Height.** Height shall not exceed 35 feet. Accessory structures shall not exceed14 feet.
3. **Setback for Structures to Contain Animals.**
   a. Yards abutting streets: 60 feet and 20 feet for corrals and paddocks.
   b. Other yards: 20 feet plus 2 feet for each foot of building height over 14 feet.
4. **Variable Yards – Interior Lots.** One yard: 10 feet and the other: 5 feet plus 2 feet for each foot of building height over 24 feet.
5. **Exceptions to Required Depth of Side Yards.**
   a. **Lots less than 50 feet Wide.** The depth of a side yard on a lot less than 50 feet wide may be reduced to 10 percent of width of the lot provided:
      i. The lot was recorded with Solano County prior to the adoption of Ordinance No. 15 N.C. (March 19, 1947);
      ii. The yard does not abut a street;
      iii. The building constructed does not exceed one story within 5 feet of the property line; and
      iv. The minimum setback is 3 feet.
   b. **Lot Shown on Approved Tentative Map.** The setback of a side yard on a lot shown on a tentative map approved prior to February 24, 1970, may be reduced to a minimum of 5 feet upon Director approval.
6. **Side Setback Projection.** Covered walkways, porches, and verandas may project up to 3 feet into the required side setback for a maximum length of 10 feet. (See **Figure 16.202-A**)

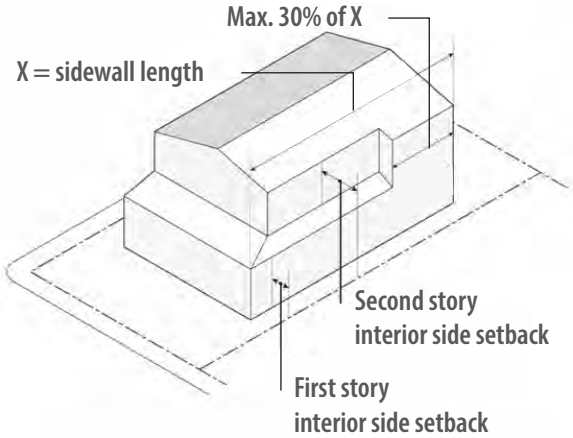
FIGURE 16.202-A: PORCHES WITHIN SIDE SETBACK



Covered walkways and porches may extend 3.5 feet into the side setback for a maximum length of 10 feet.

7. **Side Setback for Narrow Lots.**
   a. **Minimum.** The minimum side setback for lots with an average width of 45 feet or less shall be a minimum of 10 percent of the lot width, or three feet on one side, whichever is greater.
   b. **Second Story Projection.** On lots less than 45 feet in width, the upper story wall may project a maximum of four feet into the required second story setback for up to 30 percent of the length of the lower story wall. (See **Figure 16.202-B**)

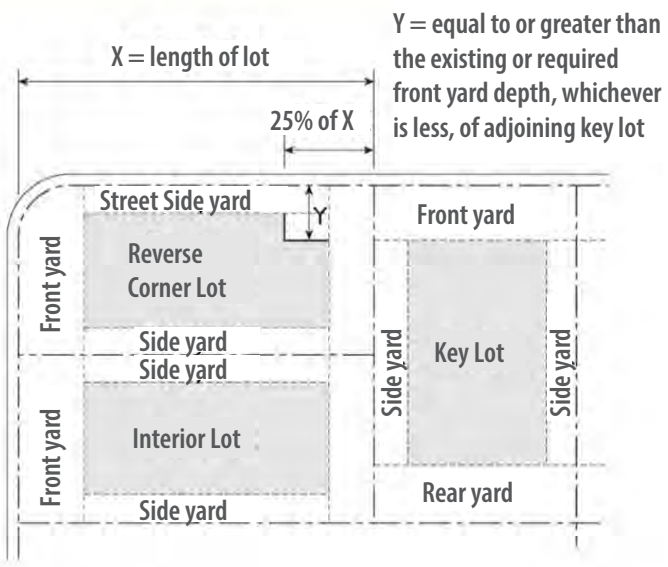
FIGURE 16.202-B: SECOND STORY PROJECTION ON NARROW LOTS



Upper story wall may align with the lower story wall for up to 30% of the length of lower story wall.

8. **Street Side Yards on Lots with Reversed Frontage.** The rear one-quarter of the street side yard shall not be less than the front yard required or existing on the lot adjoining such street side yard. (See **Figure 16.202-C**)

FIGURE 16.202-C: STREET SIDE SETBACK ON LOTS WITH REVERSED FRONTAGE



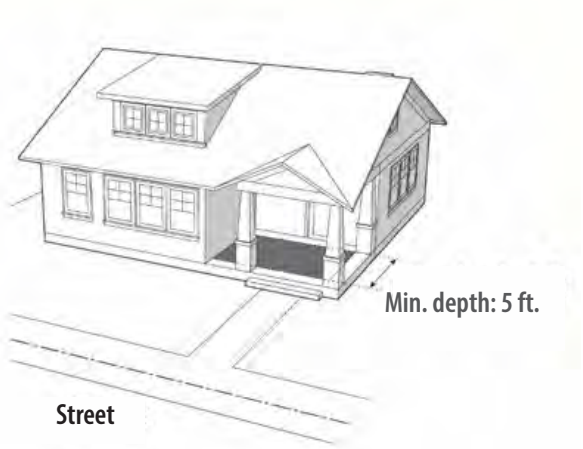
9. **Rear Setback.** In the RLD district, the rear setback may be reduced to 10 feet if the rear setback for abutting lots is 10 feet.

16.202.03 DESIGN STANDARDS FOR SINGLE UNIT HOUSING (DETACHED AND ATTACHED)

A. **Design of Building Additions.** Rooflines, exterior materials, windows, railings, porches, and other design elements shall be designed in the same style as the existing building unless an alternative design is approved through **Chapter 16.604, Design Review**.

B. **Building Entrances.** The principal entry shall be in a visible location facing the street and shall incorporate a projection (e.g., porch) or recess, with a minimum depth of five feet. A reduction in the depth of the projection or an alternative design that create a welcoming entry feature facing the street, such as a trellis or landscaped courtyard entry, and other design approach that is typical of the architectural style of the building based on documentation provided by the applicant may be approved subject to the provisions of **Chapter 16.604, Design Review**. (See **Figure 16.202-D** for example.)

FIGURE 16.202-D: BUILDING ENTRANCES



C. **Architectural Articulation.** Buildings shall include design features to create visual variety and avoid a large-scale and bulky appearance.

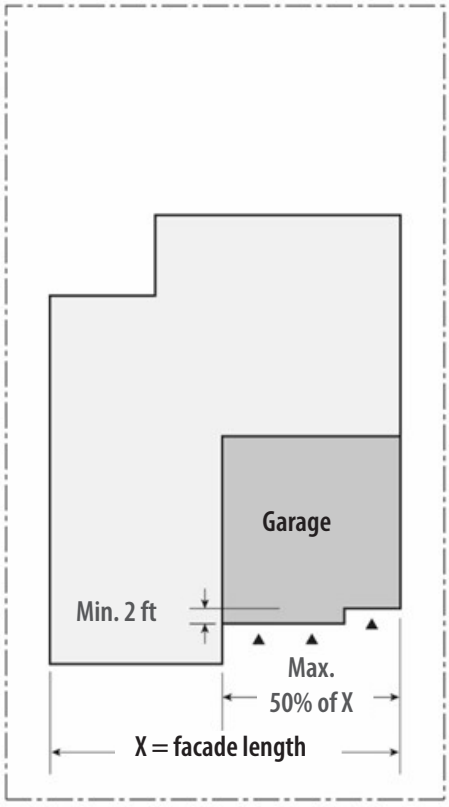
1. No street-facing façade shall run in a continuous plane of more than 25 feet without a window or a minimum four-foot projection, offset, or recess of the building wall at least one foot in depth. Building entrances and front porches, and projections into required front or street side yards such as stoops, bays, overhangs, chimneys, and trellises count towards this requirement.
2. Building elevations abutting street side yards shall be designed to provide at least one horizontal plane break of at least three feet, and one vertical break of at least one foot. Alternative designs to create consistency with the architectural style of the building may be approved subject to the provisions of **Chapter 16.604, Design Review**.

3. **Materials.** All materials shall allow for long-term durability and appearance. The exterior use of plywood or unfinished aluminum as siding materials is prohibited unless approved by the Director following review and approval under **Chapter 16.605, Development Review**.

D. **Garage Frontage.**

1. Where an attached garage is located on the front half of the lot and garage doors face a street, garage width shall not exceed 50 percent of the width of the front façade of the building (40 percent on lots wider than 100 feet). (See **Figure 16.202-E**)

FIGURE 16.202-E: GARAGE FRONTAGE



2. On front facades with both a two-car garage and a separate single car garage, (a total of three garage doors) the facades of the two garages must be offset a minimum of 2 feet.

E. **Paving.** The maximum amount of paving (impervious surface) in street-facing yards is 50 percent of the required yard.

F. **Driveways.** In addition to any other applicable requirements of **Chapter 16.508, Off-Street Parking and Loading**, curb cuts and driveways shall comply with the following:

1. Driveway approaches (curb cuts) are permitted only to provide access to garages, carports and parking spaces.
2. A maximum of one driveway up to 20 feet wide is permitted to serve a single unit. Driveways serving two or more units shall be the minimum width required by the Zoning Code.
3. All driveways shall be setback at least 5 feet from side property lines.
4. Driveways must have minimum three-foot wide planted area along a side or rear lot line.

G. **Alley Access.** A detached garage or carport is permitted to have access to the alley if:

1. The garage or carport entrance is setback a minimum of 5 feet from the rear property line;
2. The garage door does not cross the property line when opened or closed;
3. The alley is paved; and
4. The Director or Traffic Engineer finds that such access will not adversely affect vehicle or pedestrian use of the alley.

16.202.04 DEVELOPMENT STANDARDS — RMD AND RHD ZONING DISTRICTS

Table 16.202-B: Development Standards - RMD and RHD Districts, prescribes the development standards for the RMD and RHD Zoning Districts. Additional regulations are denoted in a right-hand column. Chapter numbers in this column refer to other Chapters of this Code, while individual letters refer to Sections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table.

TABLE 16.202-B: DEVELOPMENT STANDARDS - RMD AND RHD DISTRICTS

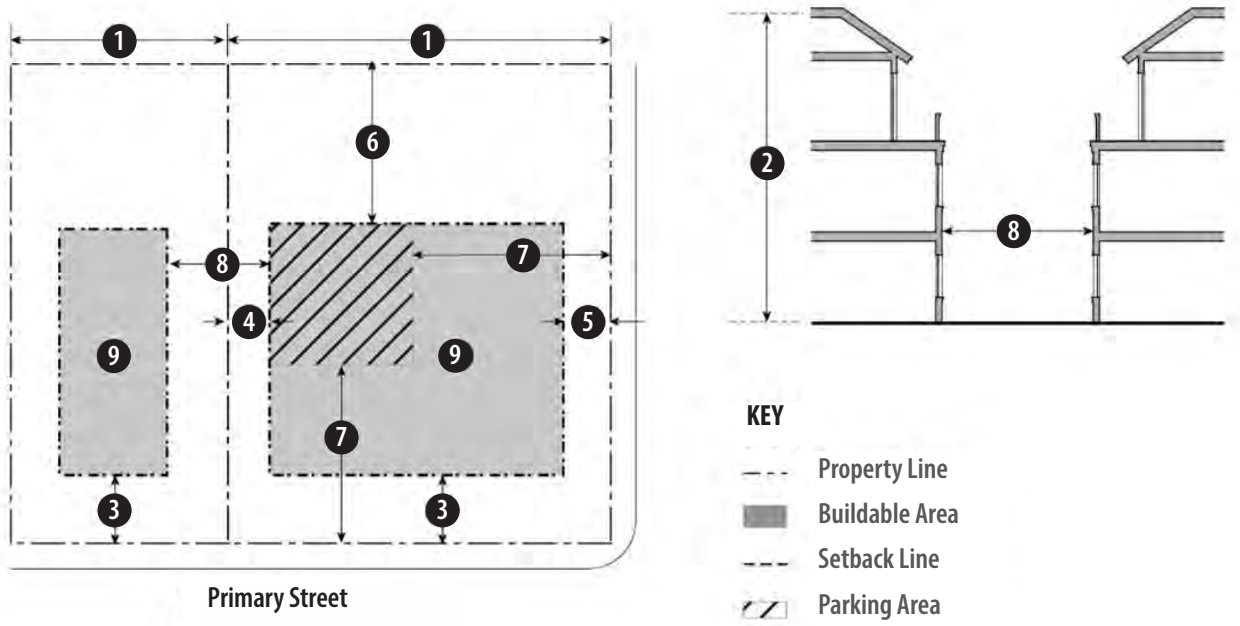
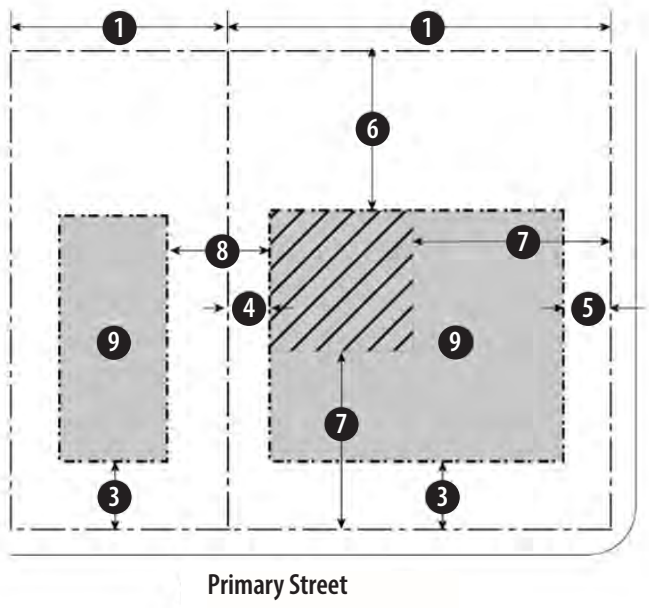


FIG #	DISTRICT	RMD	RHD	ADDITIONAL REGULATIONS
	LOT AND DENSITY STANDARDS			
	Density (units/net acre)	Max. 25	Max. 40	
	Minimum/Maximum Density (units/net acre) for Business/Limited Residential General Plan Designation	Max. 50	Max. 50	
	Minimum Lot Area per Unit (sq. ft.)	1,740	1,100	
	Minimum Lot Size (sq. ft.)	5,000	5,000	
1	**Minimum Lot Width (ft.)**	50	50	
	BUILDING FORM AND LOCATION			
	Maximum Height (ft.)			
2	Main Building	50	75	See **Section 16.501.05**, Height Exceptions
	Accessory Building	14	14	

TABLE 16.202-B: DEVELOPMENT STANDARDS - RMD AND RHD DISTRICTS



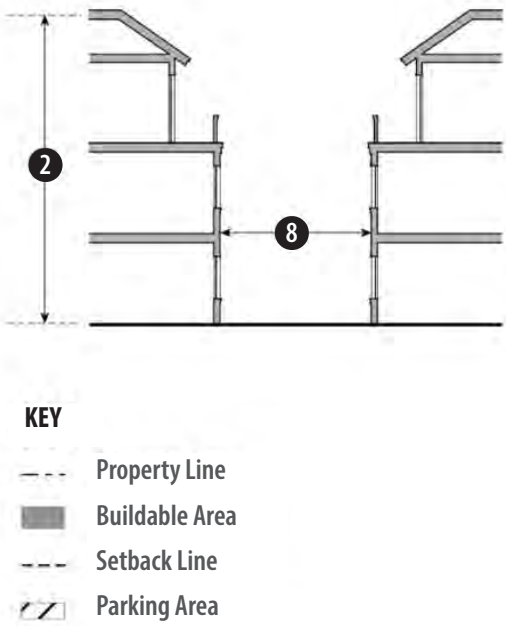
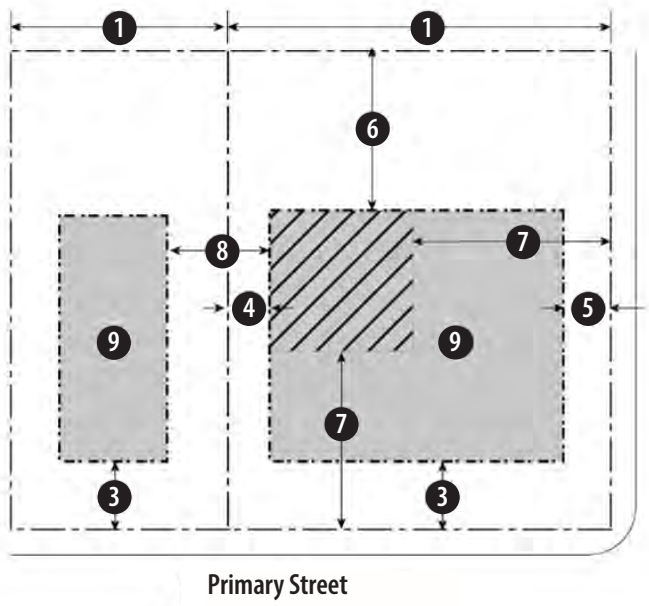


FIG #	DISTRICT	RMD	RHD	ADDITIONAL REGULATIONS
	Minimum Setbacks (ft.)			
3	Front	15 (C)	15 (C)	See **Section 16.501.07**, Projections Into Required Yards
4	Interior Side	5 for the first 2 stories, 10 thereafter (A)		
5	Street Side	10 (D)	10 (D)	
6	Rear	10 (A)	10 (A)	
7	Parking, from street facing property line	40 (A)	40 (A)	See **Section 16.202.04.A.5,** Parking Setback
8	**Minimum Distance between Buildings (ft.) as required by Fire and Building Codes or at least**	5	5	
9	**Maximum Lot Coverage (% of Lot)**	60	75	
	Maximum Upper Story Massing (% of Ground Floor Footprint)			
	2nd Story	100		
	3rd Story and Above	60 may be articulated through bays, relief, and architectural articulation		
	PARKING			
	On-site spaces per Unit (covered)	1	1	
	On-site spaces per Unit (total)	See **Chapter 16.508,** Off-Street Parking and Loading, **Table 16.508-B,** Off Street Parking Requirements		See **Chapter 16.508,** Off-Street Parking and Loading

TABLE 16.202-B: DEVELOPMENT STANDARDS - RMD AND RHD DISTRICTS



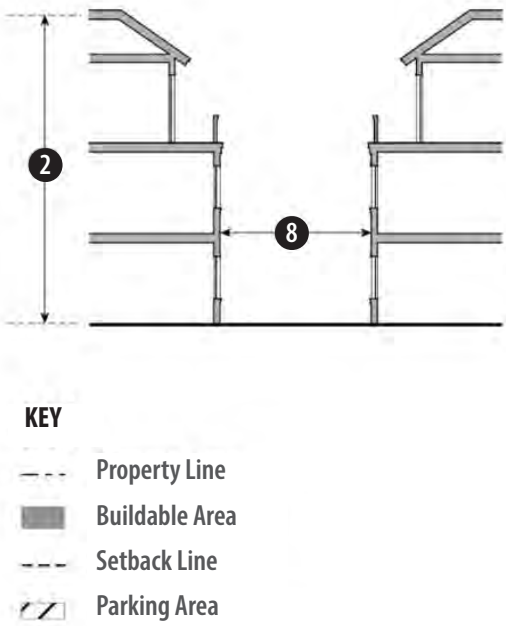


FIG #	DISTRICT	RMD	RHD	ADDITIONAL REGULATIONS
	OPEN SPACE, LANDSCAPING AND PAVING			
	Minimum Private Open Space (sq. ft. per unit)	75	60	See **Section 16.202.04.A.6,** Open Space and **Chapter 16.504**, Landscaping
	Minimum Total Open Space (sq. ft. per unit)	150	120	
	Required Additional Open Space for 3 or more bedrooms (sq. ft. per unit)	100 (common or private)		
	Minimum Amount of Landscaping (% of site)	30	25	See **Chapter 16.504**, Landscaping
	Maximum Paving in Street-facing yards (% of required yard)	50	50	
	Street Trees	1 per 50 ft. of frontage		See **Chapter 16.504**, Landscaping
	ADDITIONAL STANDARDS			
	Exceptions to Height Limits	See **Section 16.501.05**, Height Exceptions		
	Fences and Walls	See **Chapter 16.505**, Fences, Walls, and Screening		
	Lighting	See **Chapter 16.506**, Lighting and Glare		
	Off-Street Parking and Loading	See **Chapter 16.508,** Off-Street Parking and Loading		
	Hillside Development	See **Chapter 16.212**, Hillside Development Standards		
	Accessory Structures	No accessory structure in the RLD Zoning District shall exceed 1,000 sq. ft. in floor area. See **Section 16.501.02**, Accessory Buildings and Structures		

A. **Additional Development Standards — RMD and RHD Districts.**

1. **Transitional Standards.** Where an RMD or RHD District adjoins an RLD District, unless separated by a public right-of-way or other physical barrier:

   a. The building setback from the RLD District boundary shall be 10 feet for interior side yards and 20 feet for rear yards; and

   b. A landscaped planting area, a minimum of 5 feet in width from the lot line, shall be provided along all RLD District boundaries. A tree screen shall be planted in this area, with trees planted at maximum interval of 15 feet along with shrubs and or ground cover. (See **Chapter 16.505, Fences, Walls, and Screening**)

2. **Upper Story Setback – RHD District.** The fourth story of a street-facing building frontage shall be stepped back a minimum of 10 feet from the stories below. Exceptions may be granted by the Director, provided that an entry courtyard with a minimum depth of 20 feet, landscaping, and seating amenities are provided on the ground level, subject to **Chapter 16.608, Exceptions**.

3. **Reduced Front Setback.** Where 75 percent or more of the lots in a block, on both sides of the street, have been improved with buildings, the minimum front setback required for the entry element (stoop or projected porch) shall be the average of those on the improved lots or 15 feet, whichever is less.

4. **Street Side Yards on Lots with Reversed Frontage.** The rear one-quarter of the exterior side yard shall not be less than the front yard required or existing on the lot adjoining such exterior side yard.

5. **Parking Setback.** Parking may be located within 40 feet of the street-facing property line in accordance with the following standards.

   a. **Underground and Partially Submerged Parking.** Parking completely or partially underground shall match the setbacks of the main structure. The maximum height of a parking podium visible from a street shall not exceed five feet from finished grade to the edge of the podium.

   b. **Surface Parking.** Above ground parking may be located within 40 feet of a street facing property line with the approval of Minor Use Permit when the all of following findings can be made:

      i. The building is close to the street edge and parking is off the primary street;

      ii. The design incorporates habitable space built close to the street facing to the maximum extent feasible;

      iii. The parking area is well screened with a wall, hedge, trellis, and/or landscaping; and

      iv. The site is small and constrained such that underground, partially submerged, or surface parking located more than 40 feet from the street frontage is not feasible.

      v. There are unusual site constraints such as the slope, grading, easements etc.

6. **Open Space.** Private and common open space shall be provided in accordance with this Section. Private areas consist of balconies, decks, patios, fenced yards, and similar areas outside the residence. Common open space consists of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, or other improvements that enhance the outdoor environment. Landscaped courtyard entries that are oriented towards the public street and create a welcoming entry feature are also considered common areas.

   a. **Minimum Dimensions.**

      i. **Private Open Space.** Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than 10 feet Private open space located above ground level (e.g., balconies) shall have no dimension less than six feet.

      ii. **Common Open Space.** Minimum dimension of 15 feet.

b. **Usability.** A surface within the common open space shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing with a slope not exceeding 10 percent.

c. **Accessibility.**

i. **Private Open Space.** The space shall be accessible to only one living unit by a doorway or doorways to a habitable room or hallway.

ii. **Common Open Space.** The space shall be accessible to all living units on the lot. It shall be served by any access way qualifying as an egress facility from a dwelling unit.

7. **Planting Areas.**

a. **Setback Areas Adjoining Streets.** All visible portions of a required yard adjoining a street shall be planting area or hard scape that includes parking areas, driveways and walks, as well as areas covered by ornamental gravel, crushed rock or similar materials.

b. **Interior Setback Areas.** At least 50 percent of each required interior side setback and rear setback shall be planting areas having a minimum width of 5 feet adjoining a side or rear property line; provided, that the width of a required planting area may be reduced to two feet in one side or rear yard adjoining a driveway and an accessory structure may occupy a portion of the planting area in a rear yard.

c. **Adjoining an RLD District.** A continuous planting area having a minimum five-foot width shall adjoin an RLD District.

16.202.05 SMALL LOT DEVELOPMENT

A. **Purpose.** This Section provides opportunities to increase the supply of smaller dwelling units and potential rental housing units in the City by allowing housing development on smaller lots. It also is intended to establish design and development standards for these projects to ensure compatibility with the surrounding neighborhood where the General Plan proposes no change to existing neighborhood character.

B. **Permit Required.** Small lot development shall require a Minor Use Permit pursuant to **Chapter 16.606, Minor and Major Use Permits** and Small Lot Subdivision Parcel or Tentative Map approval pursuant to Vallejo Municipal Code Title 15, Subdivisions. The Minor Use Permit and Small Lot Subdivision Parcel Map or Tentative Map may be submitted and considered concurrently.

C. **Location.** Small lot development may be proposed and approved on any site within an RLD and RMD Zoning District where such development would be compatible with adjacent uses and the character of the area, and the density will not exceed the General Plan maximum. A small lot development shall not be allowed where the Director determines that such compatibility will not occur, public utilities and services are inadequate, or the landform is inappropriate for such development because of grading or impacts on views from adjacent lots.

D. **Lot Standards.** The Director or Planning Commission may approve smaller lots than required for the base district, but no less than 2,000 square feet in area and 25 feet in width, upon finding that the scale of the development will be similar to that of surrounding development and will contribute to underserved segments of the City's housing market in addition to any other findings required by **Chapter 16.606, Minor and Major Use Permits**.

E. Permitted Development Types. This Section illustrates development types allowed within all Residential Districts and provides supplemental standards for small lot single unit, bungalow court, and townhouse development types as defined in Part VII.

F. **Additional Development Standards — Small Lot Development Types.**

1. Entries are designed as prominent features, and garages are less dominant through:

   a. Minimum of 4-foot setback

   b. Design features such as framing and trim and lights

2. Small Lot Development Types shall be subject to the Development Standards in **Table 16.202-C: Development Standards – Small Lot Single Unit, Bungalow Court, & Townhouse Development.**

FIGURE 16.202-F: RESIDENTIAL DEVELOPMENT TYPE EXAMPLE-SMALL LOT SINGLE UNIT

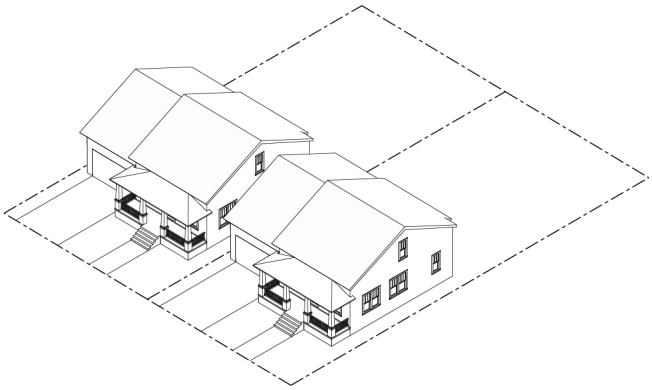


FIGURE 16.202-G: RESIDENTIAL DEVELOPMENT TYPE ILLUSTRATION-BUNGALOW COURT

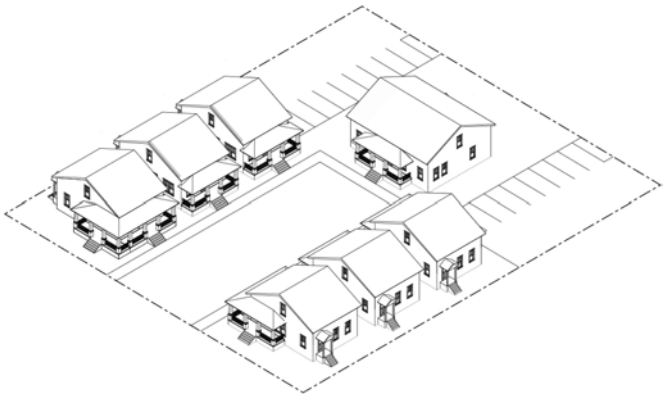


FIGURE 16.202-H: RESIDENTIAL DEVELOPMENT TYPE ILLUSTRATION-TOWNHOUSE DEVELOPMENT

TABLE 16.202-C: DEVELOPMENT STANDARDS – SMALL LOT SINGLE UNIT, BUNGALOW COURT, & TOWNHOUSE DEVELOPMENT			
STANDARD	**SMALL LOT SINGLE UNIT**	**BUNGALOW COURT**	**TOWNHOUSE**
SITE STANDARDS			
Minimum Lot Width (ft.)	25	75	80
Maximum Floor Area Ratio (FAR)	0.6	0.6	1.0
Maximum Lot Coverage (% of site)	65	65	65
BUILDING HEIGHT AND FORM			
Maximum Height	35	35	40
Maximum Building Length (ft.)	n/a	n/a	125
SETBACKS			
Individual Lot (ft.)			
Front	Minimum 10; 7 for porches, stoops, and dooryards.		
Side	1-story portion: 0 or minimum 3 if any setback is provided; 2nd and 3rd story portions: 5; for Townhouses, required setbacks apply to the ends of rows of attached units.		
Rear	5; 0 for a detached garage on an alley.		
PARKING AND ACCESS			
Maximum Garage Width (ft.)	Maximum 20; common garages not visible from the street may be wider to accommodate up to four cars.		
Access Location	Alley or side street, preferred. Secondary preference is setback a minimum of 4 feet from main entrance. Entries are designed as a prominent feature and are the main focal point. Entries are incorporated as part of porches or entrance feature		
BUILDING ORIENTATION			
Orientation	Facades shall be designed to orient towards the public street or to a common courtyard, if provided.		
Entrance Location	The main entrance to each ground floor dwelling shall be visible to and located directly off a common courtyard or directly from the street.		
USABLE OPEN SPACE			
Minimum Open Space (sq. ft. per unit)	300	200	200
Minimum Common Open Space	n/a	15% of lot area provided as a central courtyard	None required
Minimum Dimensions			
Ground floor, common (ft.)	n/a	20	15
Ground floor, private (ft.)	15	10	10
Balcony (ft.)	6	6	6
ADDITIONAL STANDARDS			
Minimum Visible Landscaping (% of site) (1)	30	30	25
Minimum Amount of Enclosed Storage Area in garages and accessory structure (sq. ft.)	200 or 10 % of net floor area, whichever is greater 200 for projects with fewer than 16 units		

16.203 MIXED-USE DISTRICTS

16.203.01 PURPOSE AND APPLICABILITY

This Chapter establishes the use regulations and site development standards for the Mixed-Use Zoning Districts. The purposes of the Mixed-Use Districts are as follows:

NMX Neighborhood Mixed Use: The NMX Zoning District is intended to create and establish regulations for neighborhood-serving mixed-use areas along the corridors. The neighborhood mixed-use areas include the primary commercial corridors such as Tennessee Street, Solano Avenue, Springs Road, Broadway, Sonoma Boulevard as well as other areas. Design and development standards will ensure that development at neighborhood nodes is appropriately scaled to ensure the physical form relates to and does not overwhelm adjacent single-family residential neighborhoods.

DMX Downtown Mixed Use: The DMX Zoning District is intended to create and establish regulations to implement the Downtown Vallejo Specific Plan that will promote a vibrant, pedestrian-oriented place that seamlessly integrates Downtown with the waterfront. A broad range of permitted uses are allowed to provide flexibility in the use of space. Standards for physical form will create an urban character in Downtown, with minimal setbacks and views into ground floor space to activate frontages.

WMX Waterfront Mixed Use: The WMX Zoning District is intended to create and establish regulations for a waterfront mixed-use district that will allow waterfront shopping and services, and other activities and residential development implementing the Waterfront Planned Development Master Plan. Design and development standards will create a pedestrian-oriented environment that is seamlessly integrates the waterfront with Downtown. Public access to the shoreline must be provided where development is adjacent to the Mare Island Strait as provided in State and Bay Conservation Development Commission requirements.

16.203.02 DEVELOPMENT REGULATIONS

Table 16.203-A: Development Regulations: Mixed-Use Districts prescribes the development standards for the mixed-use districts. Additional regulations are listed in the right-hand column. Chapter numbers in this column refer to other Chapters of the Zoning Code and individual letters refer to Sections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the "#" column in the table.

A. **WMX Exceptions.** Waterfront PDMP supersedes these regulations in the event of a conflict unless preempted by State requirements.

B. **Build-to Line.** Buildings shall be constructed at the street frontage or required setback line (the "build-to" line) for at least 60 percent of the building frontage. At least two-thirds of the area between the building and lot line shall be paved so that it functions as a wider public sidewalk. This requirement may be modified or waived by the Director upon finding that:

1. Substantial landscaping will be located between the build-to line and ground floor residential units to soften visual impact of buildings;
2. Entry courtyards, plazas, entries, or outdoor eating and display areas will be located between the build-to line and building, provided that the buildings will be built to the edge of the courtyard, plaza, or outdoor dining area; or
3. The building will incorporate an alternative entrance design facing the street that conforms to adopted design guidelines.

C. **Required Setbacks for Residential Uses.**

1. **Front Setbacks.** Buildings that are entirely residential and portions of buildings with residential uses on the ground floor may be setback up to 8 feet from the street lot line. The setback must be landscaped, but up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Vehicle access is not allowed through the setback unless the frontage provides the only access to the residential portion of the site.
2. **Interior Side and Rear Setbacks.** In order to provide light and air for residential units, the following minimum setbacks apply to any building wall containing windows for residential units and facing an interior side or rear setback area.
   a. For any wall containing windows, a setback of at least 5 feet shall be provided.
   b. The required setbacks apply to that portion of the building wall containing a window and extending 3 feet on either side of the window.

D. **Height Limitations and Exceptions.** In order to encourage more development along corridors, regardless of district, however acknowledging and preserving existing single-family residential areas, a height limit and landscape buffer is proposed as follows:

1. **Daylight Plane Required Adjacent to Residential Districts.** Buildings shall not extend above a plane starting at 25 feet in height directly above the property line abutting any residentially-zoned parcel, or where there is an alley, the centerline of the alley, and from that point, extending in at a 45-degree angle from vertical toward the interior of the site. The 25-foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to **Chapter 16.104, Rules for Measurement**.
2. **Architectural Features.** A parapet wall, cornice or sloping roof or solar energy system may project up to 4 feet above the height limit. Uninhabited roof structures that screen mechanical equipment and elevator penthouses are not included in the measurement of building height. Mechanical Equipment shall be integrated and architecturally designed to match the building and not visible from adjacent streets.
3. **Corner projections.** If the project site is on a corner site that is greater than 15,000 square feet, a tower or other projecting architectural elements may extend up to 12 feet above the top of a primary roof, provided that the square footage of the element(s) does not total more than 15 percent of the building footprint. The area above the uppermost permitted floor of the element(s) shall not be habitable space. The composition of the tower element shall be balanced, where the width of the tower has a proportional relationship to the height of the tower.
   a. The tower element shall be proportional to the rest of the building.
   b. The tower element shall not be stepped back more than one foot at any point.
   c. The maximum horizontal dimension of the tower element shall not exceed 100 feet.
   d. Fenestration at the base of the tower shall be greater than the top.
   e. The roof shall include architectural detailing, such as a cornice or eave.
4. **Landscaped Buffer Required.** A landscaped area at least 4 feet in width planted with evergreen shrubs shall be installed along the rear property line adjacent to any residential district to create a sound barrier and privacy screen. Shrubs shall be a minimum of 5 feet in height at planting time.

E. **Wide Buildings.** Any building over 60 feet wide shall be broken down to read as a series of buildings no wider than 60 feet each. Increases in the maximum building width and length may be approved through design review if recesses, offsets, or other architectural articulation modulate a "box-like" appearance.

F. **Building Projections.** The maximum width of any projection, including bay windows, is 10 feet, and the total of all projections along a building face shall not be more than 10 feet wide or 25 percent of the building frontage, whichever is greater.

G. **Limitations on Location of On-site Parking.** Parking may be located within 40 feet of the street facing property line in accordance with the following standards.

1. **Underground and Partially Submerged Parking.** Parking completely or partially underground, shall match the setbacks of the main structure. The maximum height of a parking podium visible from a street shall be 5 feet from finished grade.
2. **Surface Parking.** Above ground surface parking may be located within 40 feet of a street facing property line with the approval of a Minor Use Permit when the Director makes the following findings:
   a. Buildings are close to the public sidewalk to the maximum extent feasible;
   b. The parking area is screened along the public right-of-way with a wall, hedge, trellis, and/or landscaping; and,
   c. The site is small and constrained such that underground, partially submerged, or surface parking located more than 40 feet from the street frontage is not feasible.

H. **Residential Landscaping and Open Space.** Where residential uses are provided, residential open space "outdoor living area" must be provided as common or private open space. Private areas consist of balconies, decks, patios, or fenced yards directly accessible from the residence. Common areas consist of landscaped areas, walks, patios, swimming pools, barbeque areas, playgrounds, turf, rooftop areas, or other such improvements as are appropriate to enhance the outdoor living environment of the development and landscaped courtyard entries that are oriented towards the public street.

1. **Minimum Open Space.** At least 200 square feet of open space shall be provided for each unit in residential and mixed-use development. At least 10 percent of the site shall be landscaped open space.

    a. Private Open Space. 60 square feet shall be private open space on balconies or decks.

    b. Common Open Space. For each unit, 200 square feet of open space shall be provided, and spaces should be distributed throughout the site.

2. **Minimum Dimensions.**

    a. Private Open Space. Private open space located on the ground level (e.g., yards, decks, or patios) shall have no horizontal dimension less than 10 feet Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than 6 feet.

    b. Common Open Space. The minimum horizontal dimension is 20 feet.

3. **Usability.** A surface shall be provided that allows for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The maximum slope shall not exceed 10 percent.

4. **Accessibility.**

    a. **Private Open Space.** The space shall be accessible to only one living unit by a doorway to a habitable room or hallway.

    b. **Common Open Space.** The space shall be accessible to the living units on the lot. It shall be served by any stairway or other accessway qualifying as an egress facility from a dwelling unit.

I. **Non-residential Landscaping and Open Space.** All portions of the building site, exclusive of structures, parking areas, recreational uses, driveways and walkway, shall be landscaped.

TABLE 16.203-A: DEVELOPMENT STANDARDS: MIXED-USE DISTRICTS

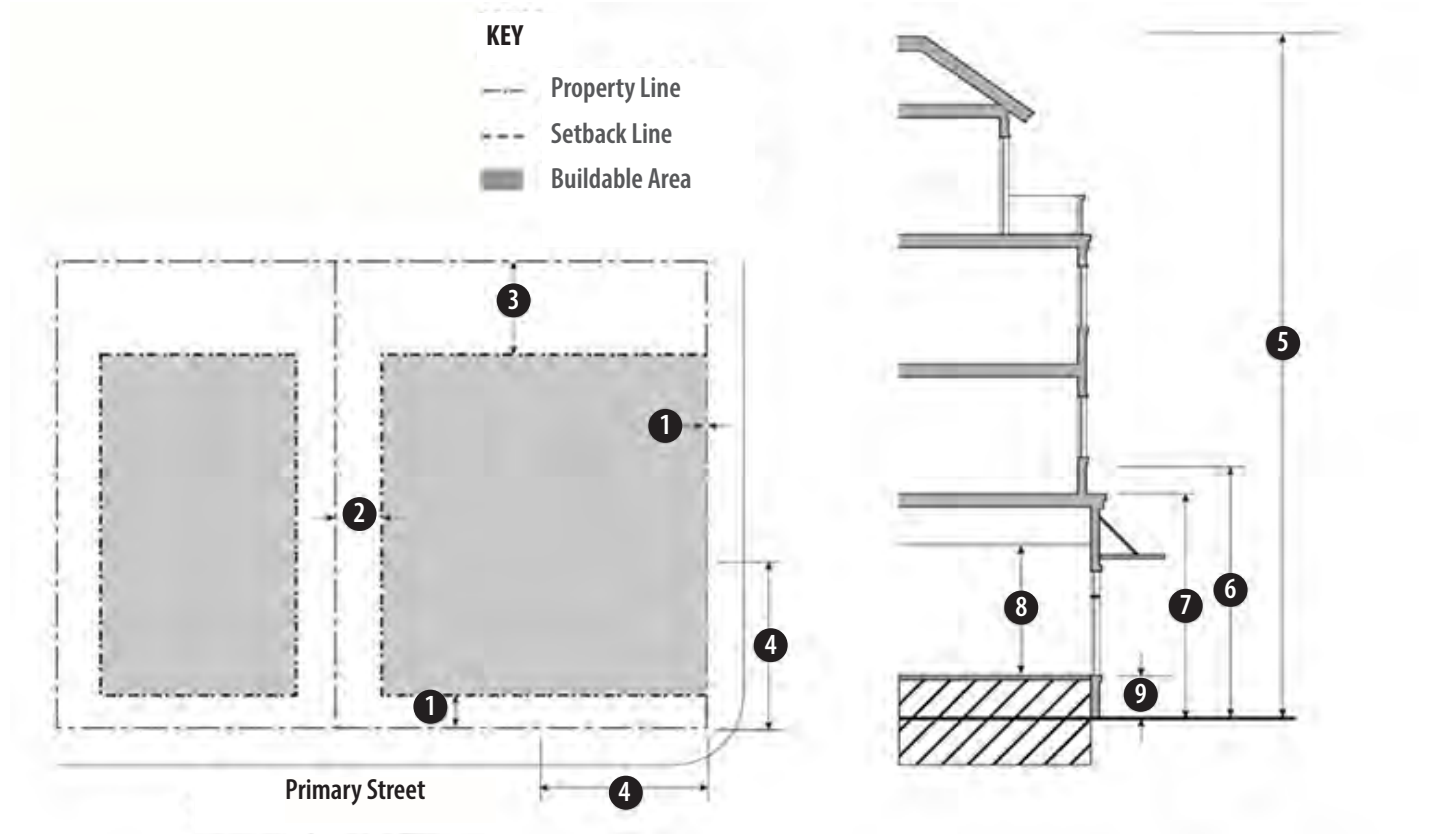


FIG #	DISTRICT	NMX	DMX	WMX	ADDITIONAL REGULATIONS
	LOT AND DENSITY				
	Minimum/Maxmium Density (units/net acre)	16/30	30/90	30/90	See **Chapter 16.104**, Rules For Measurement
	Minimum/Maximum Density (units/net acre) for Business/Limited Residential General Plan Designation	16/50	n/a	n/a	
	Minimum Lot Size (sq. ft.)	5,000	n/a	n/a	
	Minimum Lot Width (ft.)	50	n/a	n/a	
	Maximum Non-Residential Floor Area Ratio (FAR)	2.0	6.0	6.0	
	BUILDING PLACEMENT				
	Setback, Commercial and Mixed-Use Development (ft.)				
1	Street Frontage (B)	0	0-10	0	See **Section 16.501.07**, Projections Into Required Yards
2	Interior Side (B)	0/5 where abutting R District			
3	Rear (B)	5/10 where abutting R District			
4	Corner Build Area (ft.) (C)	30: Buildings must be located in accordance with the required setbacks within 30 ft. of every corner. Public plazas may be at the street corner provided buildings are built to the edge of the public plaza			

TABLE 16.203-A: DEVELOPMENT STANDARDS: MIXED-USE DISTRICTS

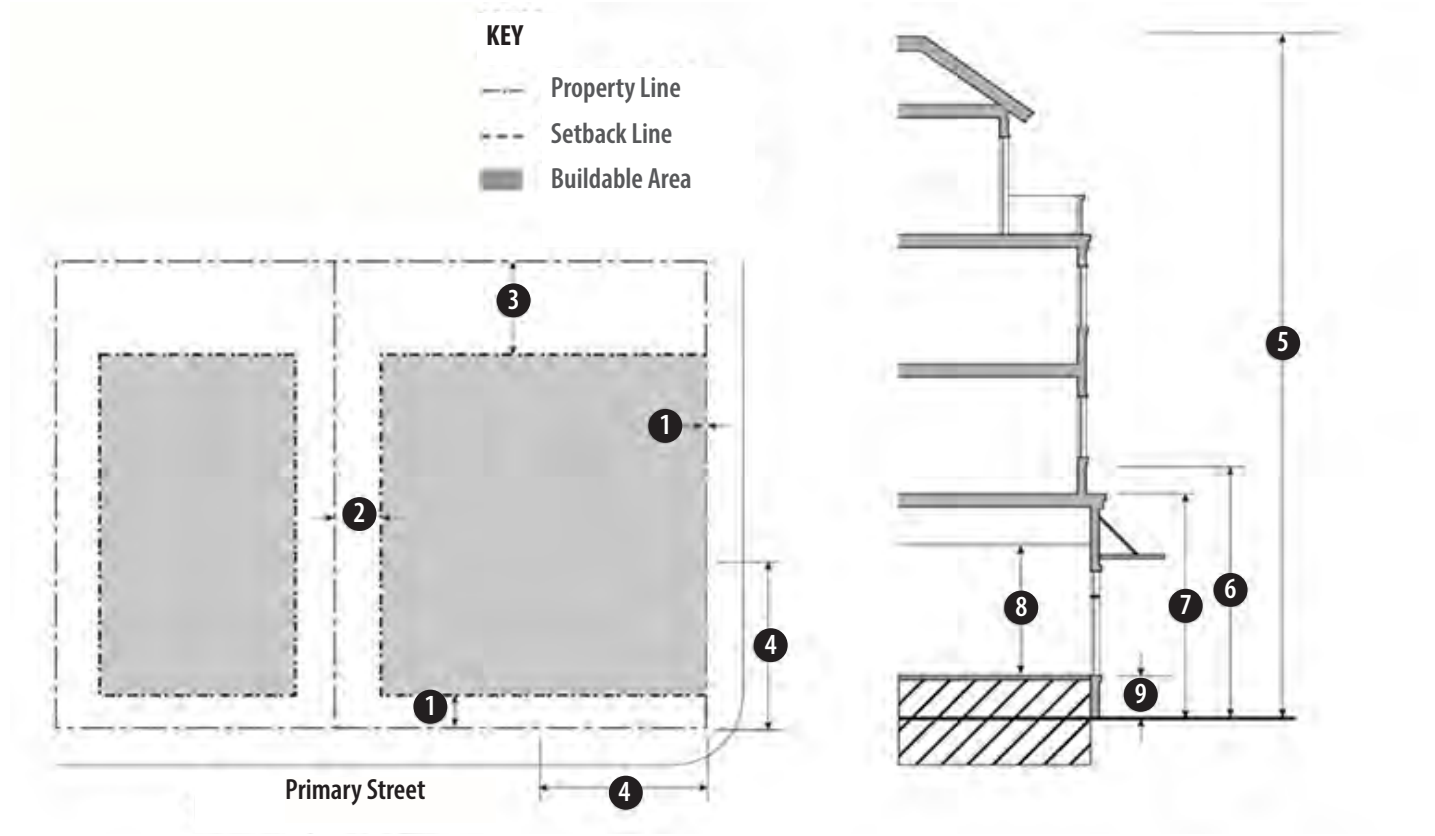


FIG #	DISTRICT	NMX	DMX	WMX	ADDITIONAL REGULATIONS
	BUILDING HEIGHT (STORIES)				
5	**Building Maximum Height (stories)**	5	8	Per Waterfront PDMP	See **Section C, D.1** and **Section 16.501.05**, Height Exceptions
	Building Maximum Height (ft.)	75	102	Same as above	
6	**Building Minimum Height (ft.)**	n/a	n/a	Same as above	
	GROUND FLOOR MINIMUM HEIGHT (FT.)				
7	**Ground Floor Residential Uses**	n/a	12	12	
7	**Ground Floor Non-Residential Uses**	15	15	15	
8	**First Floor Ceiling Height, Non-Residential Uses**	12	12	12	
9	**Parking Podium**	Maximum height of a parking podium visible from the street is 9 ft. from finished grade			

TABLE 16.203-A: DEVELOPMENT STANDARDS: MIXED-USE DISTRICTS

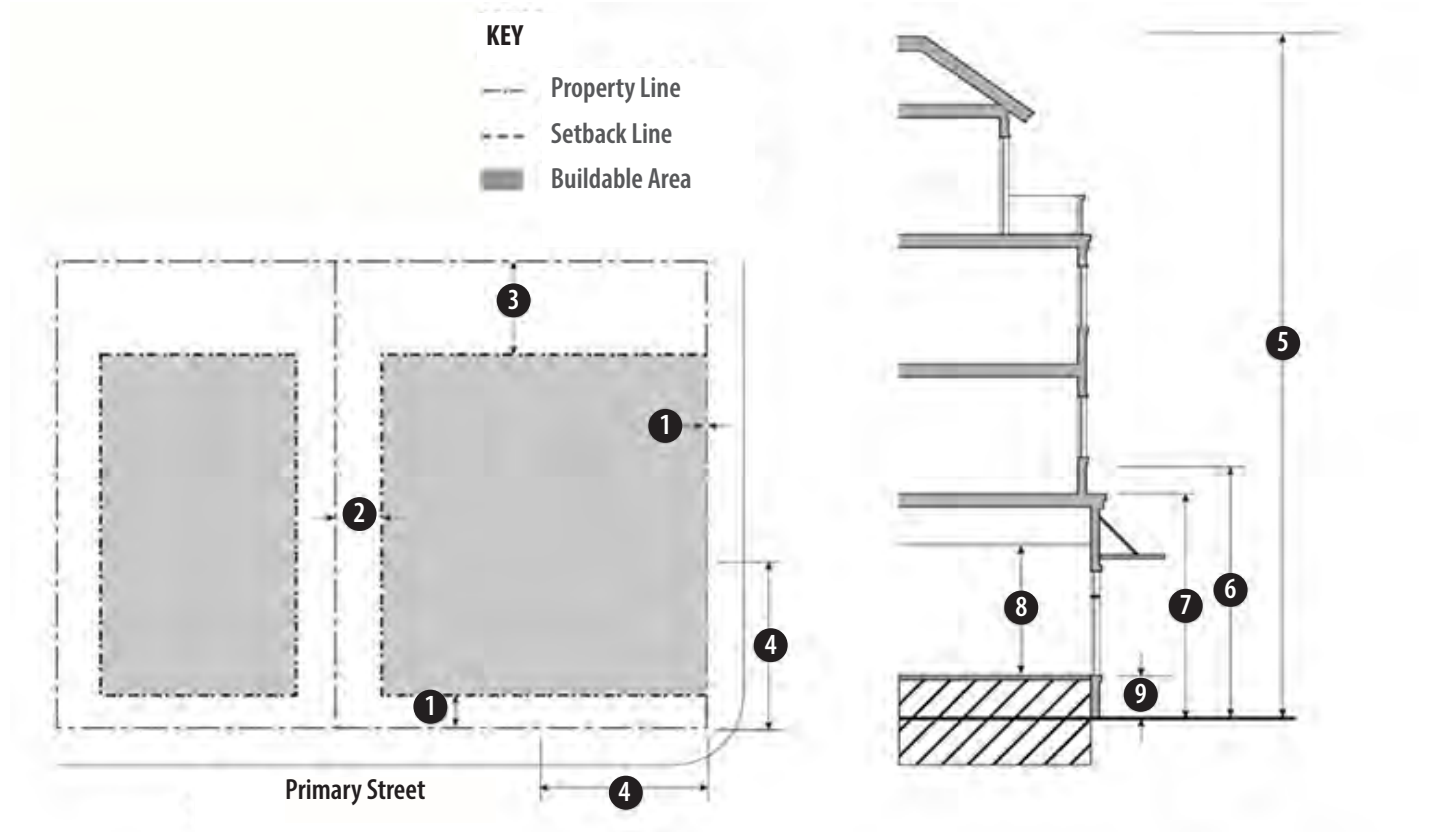


FIG #	DISTRICT	NMX	DMX	WMX	ADDITIONAL REGULATIONS
	OPEN SPACE				
	Residential				
	Minimum Private Open Space (sq. ft. per unit)	60 (H)	n/a	n/a	
	Minimum Common Open Space (sq. ft. per unit)	150 (H)	n/a	n/a	See **Chapter 16.504**, Landscaping
	Minimum Amount of Landscaping (% of site)	10 (H)	n/a	n/a	
	Non-Residential				
	Minimum Amount of Landscaping (% of site)	5 (I)	n/a	n/a	See **Chapter 16.504**, Landscaping
	LANDSCAPING				
	Minimum Perimeter Landscaping (ft.) when adjacent to R Zoning District	4 (D)	n/a	n/a	See **Chapter 16.504**, Landscaping
	Street Trees	1 per 30 ft. of frontage			
	ADDITIONAL STANDARDS				
	Fences and Walls	See **Chapter 16.505**, Fences, Walls, and Screening			
	Lighting	See **Chapter 16.506**, Lighting and Glare			
	Off-Street Parking and Loading	See **Chapter 16.508**, Off-Street Parking and Loading			
	Parking Lot Landscaping	See **Chapter 16.504**, Landscaping			

16.203.03 ADDITIONAL REGULATIONS

A. **Mixed-Use Development.** A combination of permitted commercial uses may be established in the same building or on the same lot as a residential use subject to compliance with all applicable requirements for the use and the development intensity. A minimum of 15 percent of non-residential space on the ground floor is required along street frontage (does not include alley).

B. **Minimum Required Active Commercial Uses on Frontages.** Development in mixed-use districts with more than 100 feet of frontage shall provide the following minimum ground-floor street frontage for active commercial uses (that have regular customers throughout the day e.g., retail shops, restaurants).

   a. **NMX District.** 30 percent on the primary frontage and 20 percent on secondary frontages.

   b. **DMX District.** 40 percent on the primary frontage and 30 percent on secondary frontages.

C. **Reductions – When Allowed.** The minimum required active use on secondary frontages may be reduced if the Director finds that (1) the proposed use has unique operational characteristics where the required active use is incompatible, such as in the case of a movie or live theater, and (2) street facing walls exhibit architectural relief and detailing that enhance the pedestrian environment.

D. **Pedestrian Entrances and Paths.**

   a. **Entrances.** All non-residential activities located at the street level shall provide one direct at-grade entrance from the public right-of-way for each street frontage exceeding 50 feet.

      i. Where such frontages exceed 100 feet, one entrance shall be provided for each 100 feet of frontage or portion thereof.

      ii. Separate pedestrian entrances for a single tenant must be at least 25 feet apart.

      iii. Recessed entrances shall not exceed 25 feet in width and the face of a door or gates shall be within 15 feet of the lot line.

   b. **Pedestrian Paths.** In shopping centers and mixed-use development, each commercial tenant space shall be accessible from an abutting public street by a pedestrian path that is at least 6 feet wide or as required by the City Engineer, whichever is greater.

      i. The path shall be continuous, clear of obstructions, easily identifiable as a pedestrian path, and visually distinguishable from other hardscaping.

      ii. Pedestrian paths shall be separated from vehicular access areas by wheel stops, curbs, landscaping, or other physical barriers, except when crossing driveways or aisles.

      iii. Pedestrian paths and sidewalks connecting building entrances to the street and public sidewalks shall be continuous, clear of obstructions, easily identifiable, and visually distinguishable from surrounding concrete or hardscape areas.

      iv. Pedestrian paths and sidewalks must be separated from parking area by wheel stops, curbs, landscaping, or other physical barriers.

E. **Additional Residential Density.** See **Chapter 16.214, Affordable Housing Incentives**, for provisions regarding additional density for affordable housing development.

F. **Street Preservation.** Existing public right-of-way shall be preserved. Public right-of-way shall not be eliminated or abandoned, unless substantial public benefits are provided, such as a new park, a community garden or a trail on pedestrian passages.

G. **Street Frontage Improvements.** New development shall provide street frontage improvements consistent with City standards and as required by the City Engineer in accordance with the following:

   a. **Between the Property Line and Curb.**

      i. **Sidewalks.** Sidewalks shall be provided if none exists or if the existing sidewalks are in poor condition and shall require approval by the City Engineer.

      ii. **Street Furniture.** Trash receptacles, benches, bike racks, and other street furniture shall be provided.

      iii. **Streetlights.** Pedestrian-scaled streetlights not to exceed 14 feet in height, including attachments from which banners may be hung, shall be provided.

iv. **Street Trees.** Shade trees shall be planted no more than 30 feet on center. Tree guards shall be provided. Trees shall be a minimum of 15 gallons in size, and at least 10 percent of the required trees shall be 24-inch box size or larger.

b. **Interior from Property Line.** Except where occupied by a building or necessary for parking access, the street frontage, for a depth of 10 feet from the property line, shall be utilized for pedestrian circulation or active outdoor uses, including, but not limited to outdoor dining; paved for public uses so that it functions as part of a wider public sidewalk; or improved with landscaping, public art, and/or pedestrian amenities, such as outdoor seating.

H. **Building Orientation and Entrances.**

a. Buildings shall be oriented to face public streets.

b. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 20 feet of a public sidewalk. The Director may grant exceptions to this standard in the DMX and WMX Zoning Districts for uses with unique needs.

c. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment, such as angled or rounded corners, arches, and other architectural elements.

d. Entrances to residential units shall be physically separated from the entrance to commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

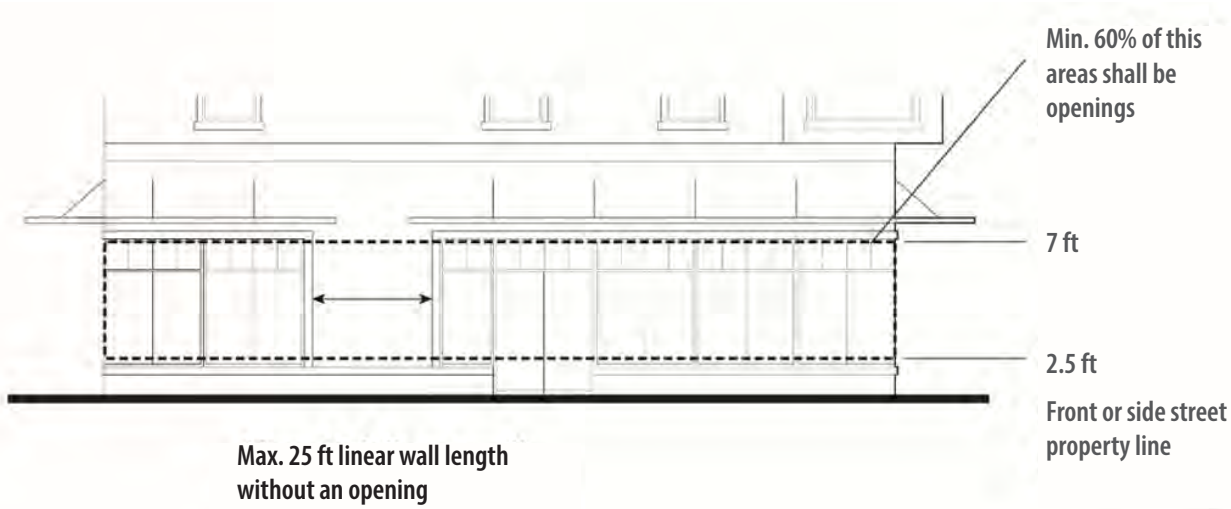
I. **Building Transparency.** Required Openings for Non-Residential Uses. Exterior walls facing and within 20 feet of a front property line on any primary street shall include windows, glass doors, or other openings for at least 60 percent of the building wall area located between 2 1/2 and 7 feet above the level of the sidewalk. (See **Figure 16.203-A**)

a. **Maximum Length Without Openings.** No wall may run in a continuous plane for more than 25 feet or 40 percent of a building's façade without a window or other opening. If a lot has more than one street frontage, this standard applies to the primary frontage. The Director may approve alternatives to the building transparency requirement if the Director finds that:

i. The proposed use has unique operational characteristics where providing the required windows and openings is incompatible, such as in the case of a movie or live theater; or

ii. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

FIGURE 16.203-A: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES



b. **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least 24 inches deep and set into a wall. Windows that provide visibility into storage areas, vehicle parking areas, utility areas and display cases attached to outside walls do not qualify.

c. **Exceptions for Parking Garages.** Multi-level garages are not required to meet the building transparency requirement of this Section. Instead, they must be screened and treated, consistent with the requirements of **Chapter 16.508, Off-Street Parking and Loading**.

d. **Alternatives Subject to Director's Approval.** Alternatives to the building transparency requirement may be approved if the Director finds that (1) the proposed use has unique operational characteristics where providing the required windows and openings is incompatible, and (2) street-facing building walls will exhibit architectural relief and detail and be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

J. **Building Design and Articulation.** The following standards apply to commercial and mixed-use development.

a. **Design of Street-Facing Facades.** In order to make streets more attractive to pedestrians, the street-facing facades of new development shall incorporate the following design features at the ground-floor level:

i. Articulated façades at the ground floor street frontage, which may include such measures as indentation in plane, change of materials in a complimentary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame and projecting elements such as awnings and marquees to provide shade and shelter;

1. Exterior lighting which provides for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination which avoids off-site glare.

2. Residential uses at the ground floor street frontage shall incorporate planted areas, porches, front stairs and/or other elements that contribute to a pedestrian environment. Pedestrian-oriented design elements may also include street furniture or other seating surfaces on private property and design amenities scaled to the pedestrian such as awnings, drinking fountains, paseos, arcades, colonnades, plazas, noncommercial community bulletin boards, public or private art and alternative paving materials in areas of pedestrian access. When provided, storefront security grates or grilles shall be located inside exterior windows, shall be retractable into pockets or overhead cylinders, and shall be completely concealed when retracted.

b. **Vertical Relationship.** Buildings shall be designed to have a distinctive base (ground floor level), middle (intermediate upper floor levels), and top (either top floor or roof level). Cornices, balconies, roof terraces, and other architectural elements should be used, as appropriate, to terminate rooflines and accentuate setbacks between stories.

c. **Windows.**

i. Window frames shall be inset at least 2 inches from the face of the building to enhance shadow-lines around the opening.

ii. Snap-in vinyl mullions between double pane glass are prohibited. If a divided light appearance is desired, mullions must be made of dimensional material projecting in front of the panes on both the inside and outside of the window.

iii. Exceptions may be granted by the Director to accommodate alternative window design complementary to the architectural style of the structure.

d. **Building Details.**

i. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.

ii. All applied surface ornamentation or decorative detailing shall be consistent with the architectural style of the building.

iii. Each side of the building that is visible from a public right-of-way shall be designed with a complementary level of detailing.

iv. A unified palate of materials shall be used on all sides of the building.

K. **Building Design Near Interstate Highway 80.** For any site that is fully or partially located within 200 feet of the right-of-way line of an Interstate Highway, buildings shall be designed with four-sided architecture where each exterior wall is designed with the same building articulation and the same quality of exterior materials as the primary façade.

L. **Roof Articulation.** Buildings exceeding 40,000 square feet in floor area shall be designed with staggered rooflines, shaded roof decks, or other forms of architectural articulation.

M. **Pedestrian Access on Large Sites (Over 5 acres).**

a. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

b. **Circulation Network.** Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes and trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

c. **Adjacent Properties.** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing for safety and security.

d. **Transit.** Safe and convenient pedestrian connections shall be provided from transit stops to building entrance.

e. **Interior Pedestrian Walkway Design.**

i. Walkways shall have a minimum clear, unobstructed width of 6 feet, where feasible, but at least 4 feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.

ii. Where a required walkway crosses driveway, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

iii. Where required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or another physical barrier.

N. **Shopping Centers.** Shopping centers containing 25,000 square feet or more of floor area are subject to the following standards and criteria for approval.

a. **Entry Plazas/Passenger Loading Areas.** A plaza shall be provided at the entry to each anchor tenant that provides for pedestrian circulation and loading and unloading. Entry plazas and passenger loading areas shall include unique, decorative paving materials, adequate seating areas, and provision of adequate shade from the summer sun, and attractive landscaping including trees or raised planters. Entry plazas with features described under paragraph 4(c) below may be counted toward the public plaza requirements.

b. **Location of Parking Areas.** Surface parking lots shall be located to provide users with maximum access to buildings within the shopping center without moving their vehicles either behind or to the side of buildings. Parking areas shall not be located between buildings and any primary street.

c. **On-Site Public Plazas.** Privately-owned, publicly accessible outdoor plazas for the use of customers and visitors shall be provided at a rate of 5 square feet per 1,000 square feet of floor area, up to 1,500 square feet for required outdoor plazas.

i. **Location.** Public plazas shall be visible from a public street, or from on-site areas normally frequented by customers, and shall be accessible during business hours.

ii. **Amenities.** On-site privately-owned public outdoor space shall include benches or other seating, and the ground surface shall be landscaped or surfaced with high-quality paving materials. Amenities shall be provided that enhance the comfort, aesthetics, or usability of the space, such as shade trees and other landscaping, shade structures, drinking fountains, water features, public art, and performance areas.

d. **Design Criteria.** In order to receive approval for a shopping center, the Director or the Planning Commission, whichever has final approval authority, shall find that all of the following criteria have been met.

i. **Integrated Theme.** Buildings and structures exhibit an integrated architectural theme that includes similar or complementary materials, colors, and design details.

ii. **Site Entrance.** The driveway entrance provides an organizing element to the site design with features such as a landscaped entry corridor or a divided median drive separated by a landscaped center dividing island.

iii. **Building Entrances.** Building entrances to anchor tenants and other large stores are prominent and inviting. The architectural details of building entrances are integrated with the overall building design in terms of materials, scale, proportion, and design elements.

iv. **Vehicular Circulation.** Safe, convenient vehicular circulation is provided within the development through an appropriate system of internal vehicular circulation routes based on a hierarchy of driveway aisles and cross routes. Where pedestrian circulation routes cross vehicular traffic aisles and driveways within a development, there are clearly delineated crosswalks that include clear sight lines, adequate warning signage, adequate lighting, and protective barrier posts or similar features at walkway entrances.

v. **Cart Corrals.** Adequate, convenient cart corrals are provided near building entrances and throughout the parking areas.

vi. **Lighting.** A combination of attractively designed and located lighting fixtures, including low pole lights, ground-mounted fixtures, light bollards, and architectural lighting provides interesting compositions for outdoor lighting, as well as a safe, secure environment.

vii. **Shade Areas.** Pedestrian areas, such as walkways, building entrances, and gathering areas, are adequately shaded from the summer sun through such techniques as the careful placement of trees and landscaping, trellis structures, projecting canopies, covered walkways, arcades, porticos, building orientation, and similar techniques.

O. **Public Access for Shoreline Development.** Any development abutting or within 100 feet of the San Pablo Bay, the Napa River, Mare Island Strait, or the Carquinez Strait shall provide public access to and long the shoreline consistent with State and Bay Conservation and Development Commission requirements.

16.204 COMMERCIAL DISTRICTS

16.204.01 PURPOSE AND APPLICABILITY

This Chapter establishes the use regulations and site development standards for the commercial Zoning Districts. The purpose of the Commercial and Corridor Zoning Districts is to:

A. Provide for the orderly, well-planned, and balanced growth of commercial and mixed-use districts.

B. Encourage a mix of uses that promote convenience, economic vitality, fiscal stability, and the quality of life in Vallejo.

C. Promote pedestrian- and transit-oriented, medium and high-density multi-family housing, mixed-use commercial centers at appropriate locations.

D. Establish design standards that improve the visual quality of development and create a unified, distinctive, and attractive character along streets and corridors.

E. Provide appropriate buffers and transition standards between commercial and adjacent residential neighborhoods.

More specifically, the purposes of the individual Commercial and Corridor Zoning Districts are as follows:

NC Neighborhood Commercial: The NC Zoning District is intended to create and establish regulations for neighborhoods in which limited retail commercial goods and services are provided on small sites to meet the day-to-day needs of local residents.

CC Central Corridor Commercial: The CC Zoning District is intended to create and establish regulations for community serving mixed-use areas along the Sonoma Boulevard Central Corridor and areas subject to the Sonoma Boulevard Specific Plan. Land uses include mixed-use with housing, medium and high density residential or non-residential uses at street level, subject to design and development standards to promote a mixed-use and pedestrian orientation.

WC Waterfront Commercial: The WC Zoning District is intended to create and establish regulations for areas along the waterfront that provide waterfront-related retail and service uses and visitor accommodations in building forms appropriately scaled to the waterfront. Public access to the shoreline must be provided where development is adjacent to the Napa River, Mare Island Strait, or Carquinez Strait. No residential uses are allowed.

RC Regional Commercial: The RC Zoning District is intended to create and establish regulations for sites that provide general retail, services, and commercial recreation and entertainment for local residents as well as consumers and visitors from the region. Design and development standards will accommodate auto-oriented uses and require buffering and transitions to adjacent residential neighborhoods.

16.204.02 DEVELOPMENT REGULATIONS

Table 16.204-A: Development Regulations: Commercial Districts prescribes the development standards for the commercial districts. Additional regulations are listed in the right-hand column. Chapter numbers in this column refer to other Chapters of the Zoning Code and individual letters refer to Sections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the "#" column in the table.

TABLE 16.204-A: DEVELOPMENT STANDARDS: COMMERCIAL DISTRICTS

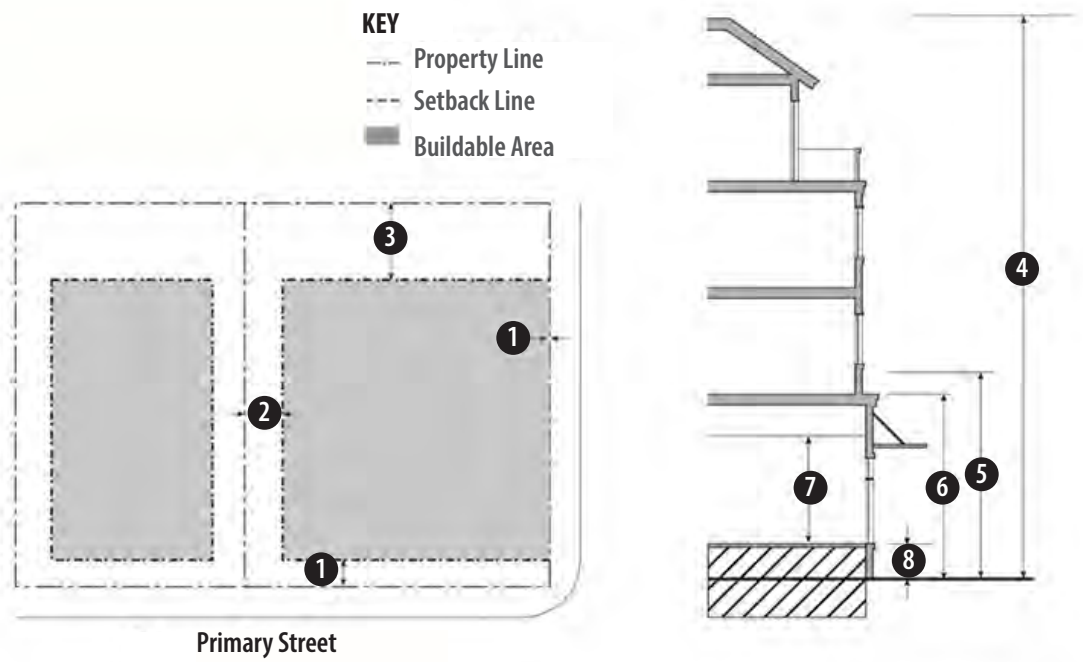


FIG #	DISTRICT	NC	WC	CC	RC	ADDITIONAL REGULATIONS
	LOT AND DENSITY					
	Minimum/Maximum Density (units/net acre)	16/30	n/a	16/50	18/50	
	Minimum Lot Size (sq. ft.)	n/a	5,000	5,000	5,000	
	Minimum Lot Width (ft.)	n/a	50	50	100	
	Maximum Non-Residential Floor Area Ratio (FAR)	2.0	2.0	3.0	1.5	
	BUILDING PLACEMENT					
	Minimum Front Setback, Residential Development	Zero to 8 ft.				
	Setbacks, Residential-only Development	Residential-only development is subject to the setback requirement of the RHD District				See **Section 16.501.07**, Projections Into Required Yards
	Setbacks, Commercial and Mixed-Use Development (ft.)					
1	Street Frontages (A)	0	0-10 where abutting R District			See **Section 16.501.07**, Projections Into Required Yards
2	Interior Side (B)	0/10 where abutting R District	5/10 where abutting R District			
3	Rear (B)	0/10 where abutting R District	5/10 where abutting R District			

TABLE 16.204-A: DEVELOPMENT STANDARDS: COMMERCIAL DISTRICTS

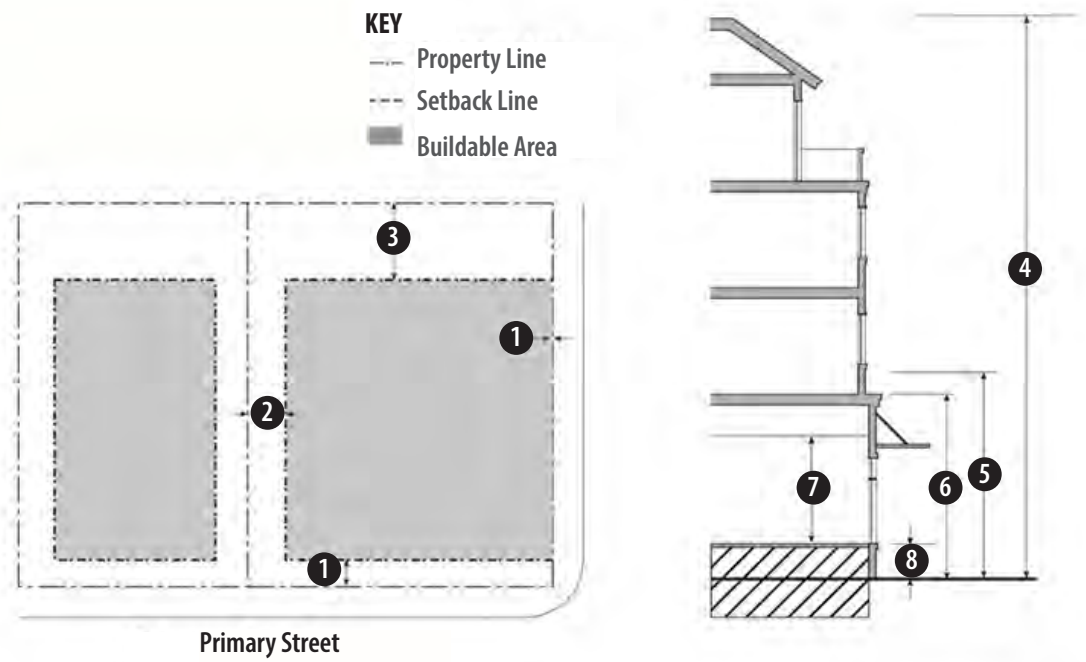


FIG #	DISTRICT	NC	WC	CC	RC	ADDITIONAL REGULATIONS
	BUILDING HEIGHT					
4	Building Maximum Height (stories)	3	3	8	8	See **Section 16.501.05**, Height Exceptions
5	Building Minimum Height (ft.)	n/a	n/a	n/a	n/a	
6	Ground Floor Residential Uses	n/a	n/a	12	12	
6	Ground Floor Non-Residential Uses	15	15	15	n/a	
7	First Floor Ceiling Height, Non-Residential Uses	50	50	50	100	
8	Parking Podium	Maximum height of a parking podium visible from the street is 9 ft. from finished grade				
	GROUND FLOOR MINIMUM HEIGHT					
	Ground Floor Residential Uses	n/a	12	12	12	
	Ground Floor Non-residential Uses	15	15	15	n/a	
	First Floor Ceiling Height, Non-residential Uses	12	12	12	n/a	
	Parking Podium	Maximum height of a parking podium visible from the street is 9 ft. from finished grade.				

TABLE 16.204-A: DEVELOPMENT STANDARDS: COMMERCIAL DISTRICTS

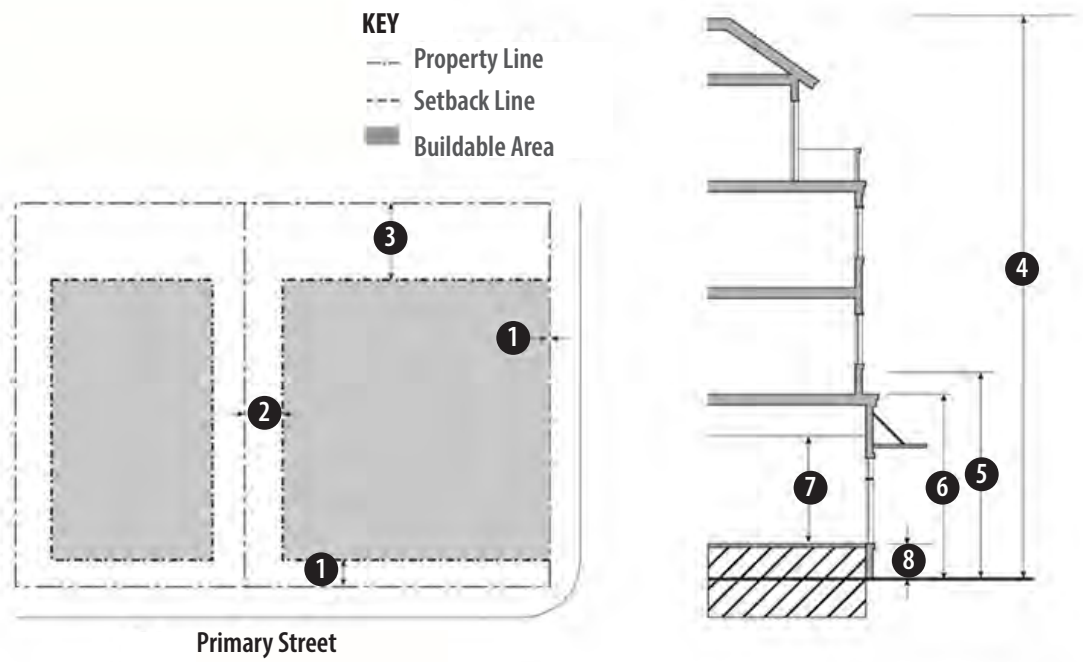


FIG #	DISTRICT	NC	WC	CC	RC	ADDITIONAL REGULATIONS
	OPEN SPACE					
	Residential					
	Minimum Private Open Space (sq. ft. per unit)	60 (I)	n/a	60 (I)	60 (I)	See **Chapter 16.504**, Landscaping
	Minimum Common Open Space (sq. ft. per Unit)	200 (I)	n/a	200 (I)	200 (I)	
	Non-Residential					
	Minimum Amount of Landscaping (% of site)	5 (J)	n/a (J)			See **Chapter 16.504**, Landscaping
	Street Trees (ft. frontage)	1 per 50 ft. of frontage	1 per 30 ft. of frontage			
	ADDITIONAL STANDARDS					
	Fences and Walls	See **Chapter 16.505**, Fences, Walls, and Screening				
	Lighting	See **Chapter 16.506**, Lighting and Glare				
	Off-Street Parking and Loading	See **Chapter 16.508**, Off-Street Parking and Loading				
	Parking Lot Landscaping	See **Chapter 16.504**, Landscaping				

A. **Build-to Line – NC and CC.** Buildings shall be constructed at the street frontage or required setback line (the "build-to" line) for at least 60 percent of the building frontage. At least two-thirds of the area between the building and lot line shall be paved so that it functions as a wider public sidewalk. Vehicle access is not allowed through the setback unless the frontage provides the only access to the residential portion of the site. This requirement may be modified or waived by the Director upon finding that:

1. Substantial landscaping at least 5 feet wide will be located between the build-to line and ground floor residential units to soften visual impact of buildings;
2. Entry courtyards, plazas, entries, or outdoor eating and display areas will be located between the build-to line and building, provided that the buildings will be built to the edge of the courtyard, plaza, or outdoor dining area; or
3. The building will incorporate an alternative entrance design that will create an entry feature facing the street.

B. **Required Side and Rear Yards for Residential Uses.** In order to provide light and air for residential units, the following minimum setbacks apply to any building wall containing windows for residential units and facing an interior side or rear yard.

1. For any wall containing windows, a setback of at least 5 feet shall be provided.
2. For any wall containing living room or bedroom windows, a setback of at least 10 feet shall be provided.
3. The required setbacks apply to that portion of the building wall containing a window and extending 3 feet on either side of the window.

C. **Height Limitations and Exceptions.** In order to encourage more development along corridors, regardless of district, however acknowledging and preserving existing single-family residential areas a height limit and buffer is proposed as follows:

D. **Daylight Plane Required Adjacent to Residential Districts.** Buildings shall not extend above a plane starting at 25 feet in height directly above the property line abutting any residentially-zoned parcel, or where there is an alley, the centerline of the alley, and from that point, extending in at a 45-degree angle from vertical toward the interior of the site. The 25-foot height measurement shall be taken from the same reference grade as determined for the subject site pursuant to **Chapter 16.104, Rules for Measurement**.

E. **Architectural Features.** A parapet wall, cornice, sloping roof or solar energy installation may project up to4 feet above the height limit. Uninhabited roof structures that screen mechanical equipment and elevator penthouses are not included in the measurement of building height. Mechanical Equipment shall be integrated and architecturally designed to match the building and not visible from adjacent streets.

F. **Corner Projections.** If the project site on a corner site that is greater than 15,000 square feet, a tower or other projecting architectural elements may extend up to 12 feet above the top of a pitched roof, provided that the square footage of the element(s) does not total more than 15 percent of the building footprint. The area above the uppermost permitted floor of the element(s) shall not be habitable space.

1. The composition of the tower element shall be balanced, where the width of the tower has a proportional relationship to the height of the tower.
2. The tower element shall be proportional to the rest of the building.
3. The tower element shall not be stepped back at any point.
4. The maximum horizontal dimension of the tower element shall not exceed 100 feet
5. Fenestration at the base of the tower shall be greater than the top.
6. The roof shall include architectural detailing, such as a cornice or eave.

G. Landscaped Buffer Required. A landscaped area at least 4 feet in width planted with evergreen shrubs shall be installed along the rear property line adjacent to any Residential Zoning District to create a sound barrier and privacy screen. Shrubs shall be a minimum of 5 feet in height at the time they are planted.

H. **Upper Story Limitations.** For the RC and CC Zoning Districts, the maximum allowable number of stories shall not exceed 3 within 50 feet of an RLD District. All floors above the third story in the CC District shall contain only residential uses and shall be set back a minimum of 10 feet from the story below.

16.204.03 ADDITIONAL REGULATIONS

A. **Mixed-Use Development.** A combination of permitted commercial uses may be established in the same building or on the same lot as a residential use subject to compliance with all applicable requirements for the use and the development intensity. A minimum of 15 percent of non-residential space on the ground floor is required along street frontage (does not include alley).

1. **Minimum Required Active Commercial Uses on Frontages.** Development in mixed-use districts with more than 100 feet of frontage shall provide the following minimum ground-floor street frontage for active commercial uses (that have regular customers throughout the day e.g., retail shops, restaurants).
2. CC District. 40 percent on the primary frontage and 30 percent on secondary frontages.
3. NC District. 30 percent on the primary frontage and 20 percent on secondary frontages.

B. **Reductions – When Allowed.** The minimum required active use on secondary frontages may be reduced if the Director finds that (1) the proposed use has unique operation characteristics where the required active use is incompatible, such as in the case or a movie or live theater, and (2) street facing walls exhibit architectural relief and detailing that enhance the pedestrian environment.

C. **Pedestrian Entrances and Paths.**

1. **Entrances.** All non-residential activities located at the street level shall provide one direct at-grade entrance from the public right-of-way for each street frontage exceeding 50 feet

   a. Where such frontages exceed 100 feet, one entrance shall be provided for each 100 feet of frontage or portion thereof.
   b. Separate pedestrian entrances for a single tenant must be at least 25 feet apart.
   c. Recessed entrances shall not exceed 25 feet in width and the face of a door or gates shall be within 15 feet of the lot line.

2. **Pedestrian Paths.** In shopping centers and mixed-use development, each commercial tenant space shall be accessible from an abutting public street by a pedestrian path that is at least 4 feet wide. The path shall be continuous, clear of obstructions, easily identifiable as a pedestrian path, and visually distinguishable from other hardscaping.

   a. Pedestrian paths shall be separated from vehicular access areas by wheel stops, curbs, landscaping, or other physical barriers, except when crossing driveways or aisles.
   b. Pedestrian paths and sidewalks connecting building entrances to the street and public sidewalks shall be continuous, clear of obstructions, easily identifiable, and visually distinguishable from surrounding concrete or hardscape areas.
   c. Pedestrian paths and sidewalks must be separated from parking area by wheel stops, curbs, landscaping, or other physical barriers.

D. **Additional Residential Density.** Additional residential density up to 25 percent may be approved, exceeding the limits set in **Chapter 16.214, Affordable Housing Incentives,** subject to the following:

1. On-site childcare or senior care facility for a minimum of 20 percent of the units equal to number of children providing service for, or
2. On-site public plaza or public park maintained by the development, or
3. Contribution to in-lieu affordable housing fee, or
4. On-site public art approved by the Arts Commission.

E. **Street Preservation.** Existing public right-of-way shall be preserved. Public right-of-way shall not be eliminated or abandoned, unless substantial public benefits are provided, such as a new park, a community garden or a trail on pedestrian passages.

TABLE 16.204-B: BUILDING FORM STANDARDS: COMMERCIAL DISTRICTS

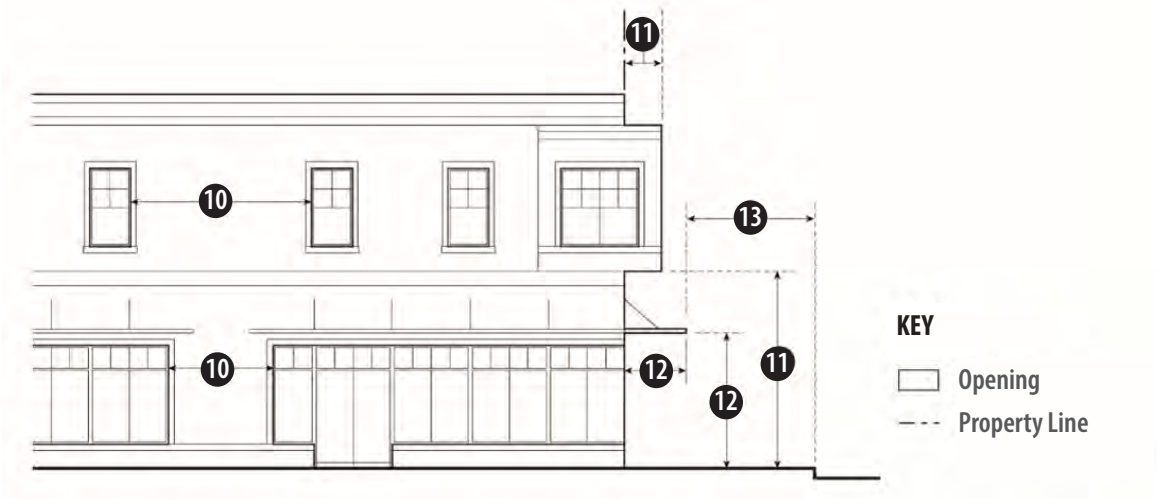
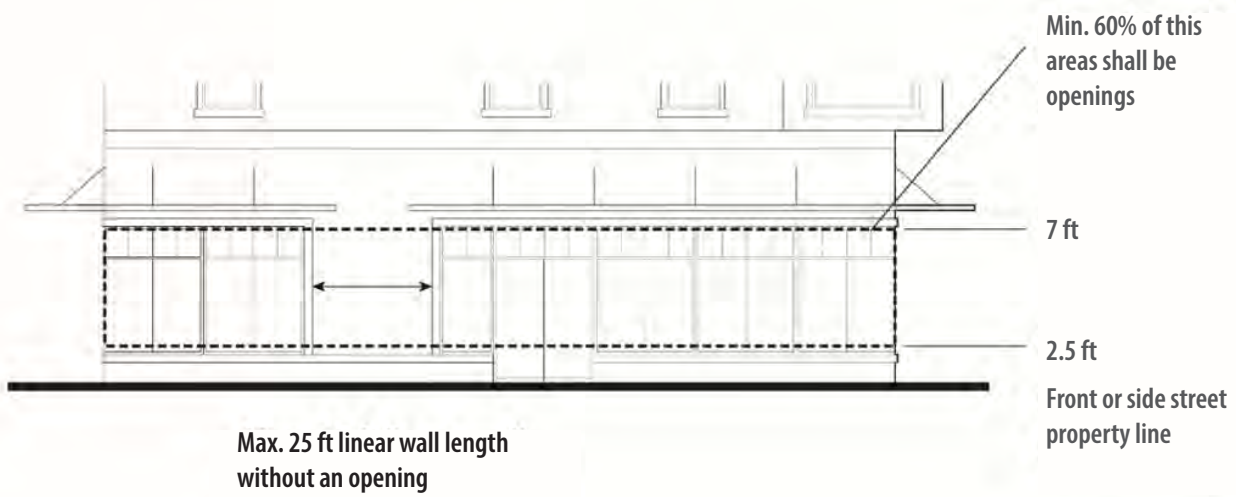


FIG #	DISTRICT	NC	WC	CC	RC	ADDITIONAL REGULATIONS
	Maximum Building Length (ft.)	100	150	150	200	
10	**Maximum Length of Blank Wall (ft.)**	10 for ground floor, 25 for upper floors	25 for upper floors	20 for ground floor, 25 for upper floors	50	(H)
11	**Bay Window Projections (ft.)**	Max. 3 ft. from primary facade and min. 12 ft. above sidewalk grade				(G)
12	**Awnings & Overhangs (ft.)**	Min. 4 ft. from primary facade and 8 ft. above sidewalk grade				
13	**Awning Setback from Curb**	Min. 2 ft. clear				

FIGURE 16.204-A: REQUIRED OPENINGS FOR NON-RESIDENTIAL USES



F. **Street Frontage Improvements.** New development shall provide street frontage improvements in accordance with the following:

1. **Between the Property Line and Curb.**

   a. Sidewalks. Sidewalks shall be provided if none exists or if the existing sidewalks are in poor condition.

   b. Street Furniture. Trash receptacles, benches, bike racks, and other street furniture shall be provided.

   c. Streetlights. Pedestrian-scaled streetlights not to exceed 14 feet in height, including attachments from which banners may be hung, shall be provided.

   d. Street Trees. Shade trees shall be planted no more than 30 feet on center. Tree guards shall be provided. Trees shall be a minimum of 15 gallons in size, and at least 10 percent of the required trees shall be 24-inch box size or larger.

2. **Interior from Property Line.** Except where occupied by a building or necessary for parking access, the street frontage, for a depth of 10 feet from the property line, shall be utilized for pedestrian circulation or active outdoor uses, including, but not limited to outdoor dining; paved for public uses so that it functions as part of a wider public sidewalk; or improved with landscaping, public art, and/or pedestrian amenities, such as outdoor seating.

G. **Building Orientation and Entrances.**

1. Buildings shall be oriented to face public streets.
2. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 20 feet of a public sidewalk. The Director may grant exceptions to this standard for uses with unique needs.
3. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment, such as angled or rounded corners, arches, and other architectural elements.
4. Entrances to residential units shall be physically separated from the entrance to commercial uses and clearly marked with a physical feature incorporated into the building or an appropriately scaled element applied to the facade.

H. **Building Transparency Required for Non-Residential Uses.** Exterior walls facing and within 20 feet of a front or street side property line shall include windows, glass doors, or other openings for at least 60 percent of the building wall area located between 2.5 and 7 feet above the level of the sidewalk.

1. **Required Openings.** No wall may run in a continuous plane (See **Table 16.204-B: Building Form Standards: Commercial Districts**) without a window or other opening. If a lot has more than one street frontage, this standard applies to the primary frontage.
2. **Design of Required Openings.** Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least 24 inches deep and set into a wall. Windows that provide visibility into storage areas, vehicle parking areas, utility areas and display cases attached to outside walls do not qualify.
3. **Exceptions for Parking Garages.** Multi-level garages are not required to meet the building transparency requirement of this Section. Instead, they must be screened and treated, consistent with the requirements of **Chapter 16.508, Off-Street Parking and Loading**.
4. **Alternatives through Director's Review.** Alternatives to the building transparency requirement may be approved if the Director finds that:

   a. The proposed use has unique operational characteristics where providing the required windows and openings is incompatible, such as in the case of a movieor live theater; and

   b. Street-facing building walls will exhibit architectural relief and detail and will be enhanced with landscaping to create visual interest at the pedestrian level.

I. **Building Design and Articulation.** Commercial and mixed-use buildings shall provide adequate architectural articulation and detail to avoid a bulky and "box-like" appearance subject to the following standards.

1. **Vertical Relationship.** Buildings shall be designed to have a distinctive base (ground floor level), middle (intermediate upper floor levels), and top (either top floor or roof level). Cornices, balconies, roof terraces, and other architectural elements should be used, as appropriate, to terminate rooflines and accentuate setbacks between stories.
2. **Windows.**
   a. Window frames shall be inset at least 2 inches from the face of the building to enhance shadow-line around opening.
   b. Snap-in vinyl mullions between double pane glass are prohibited. If a divided light appearance is desired, mullions must be made of dimensional material projecting in front of the panes on both the inside and outside of the window.
   c. Exceptions may be granted by the Director to accommodate an alternative window design that is consistent with the architectural style of the structure.
3. **Exterior Building Materials and Colors.**
   a. A unified palette of materials shall be used on all sides of buildings.
   b. Colors shall be used to help delineate windows and other architectural features to increase architectural interest.
4. **Building Details.**
   a. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
   b. All applied surface ornamentation or decorative detailing shall be consistent with the architectural style of the building.
   c. Each side of the building that is visible from a public right-of-way shall be designed with a complementary level of detailing.
5. **Roof Articulation.** Buildings exceeding 40,000 square feet in floor area shall be designed with staggered rooflines, shaded roof decks, or other forms of architectural articulation.

J. **Pedestrian Access on Large Sites (Over 5 acres).**

1. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
2. **Circulation Network.** Regular connections between on-site walkways and the public sidewalk and other planned or existing pedestrian routes and trails shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
3. **Adjacent Properties.** Direct and convenient access shall be provided from commercial and mixed-use projects to adjoining residential and commercial areas to the maximum extent feasible, while still providing for safety and security.
4. **Transit.** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
5. **Interior Pedestrian Walkway Design.**
   a. Walkways shall have a minimum clear, unobstructed width of 6 feet, where feasible, but at least 4 feet, shall be hard-surfaced, and paved with concrete, stone, tile, brick, or comparable material.
   b. Where a required walkway crosses driveway, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
   c. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least 4 inches high, bollards, or other physical barrier.

K. **Shopping Centers.** Shopping centers containing 25,000 square feet or more of floor area are subject to the following standards and criteria for approval.

1. **Entry Plazas/Passenger Loading Areas.** A plaza shall be provided at the entry to each anchor tenant that provides for pedestrian circulation and loading and unloading. Entry plazas and passenger loading areas shall include unique, decorative paving materials, adequate seating areas, and provision of adequate shade from the summer sun, and attractive landscaping including trees or raised planters. Entry plazas with features described under paragraph 4(c) below may be counted toward the public plaza requirements.
2. **Location of Parking Areas.** Surface parking lots shall be located to provide users with maximum access to buildings within the shopping center without moving their vehicles either behind or to the side of buildings. Parking areas shall not be located between buildings and any primary street.
3. **On-Site Public Plazas.** Privately-owned, publicly accessible outdoor plazas for the use of customers and visitors shall be provided at a rate of 5 square feet per 1,000 square feet of floor area, up to 1,500 square feet for required outdoor plazas.
   a. **Location.** Public plazas shall be visible from a public street, or from on-site areas normally frequented by customers, and shall be accessible during business hours.
   b. **Amenities.** On-site privately-owned public outdoor space shall include benches or other seating, and the ground surface shall be landscaped or surfaced with high-quality paving materials. Amenities shall be provided that enhance the comfort, aesthetics, or usability of the space, such as shade trees and other landscaping, shade structures, drinking fountains, water features, public art, and performance areas.
4. **Design Criteria.** In order to receive approval for a shopping center, the Director or the Planning Commission, whichever has final approval authority, shall find that all of the following criteria have been met.
   a. **Integrated Theme.** Buildings and structures exhibit an integrated architectural theme that includes similar or complementary materials, colors, and design details.
   b. **Site Entrance.** The driveway entrance provides an organizing element to the site design with features such as a landscaped entry corridor or a divided median drive separated by a landscaped center dividing island.
   c. **Building Entrances.** Building entrances to anchor tenants and other large stores are prominent and inviting. The architectural details of building entrances are integrated with the overall building design in terms of materials, scale, proportion, and design elements.
   d. **Vehicular Circulation.** Safe, convenient vehicular circulation is provided within the development through an appropriate system of internal vehicular circulation routes based on a hierarchy of driveway aisles and cross routes. Where pedestrian circulation routes cross vehicular traffic aisles and driveways within a development, there are clearly delineated crosswalks that include clear sight lines, adequate warning signage, adequate lighting, and protective barrier posts or similar features at walkway entrances.
   e. **Cart Corrals.** Adequate, convenient cart corrals are provided near building entrances and throughout the parking areas.
   f. **Lighting.** A combination of attractively designed and located lighting fixtures, including low pole lights, ground-mounted fixtures, light bollards, and architectural lighting provides interesting compositions for outdoor lighting, as well as a safe, secure environment.
   g. **Shade Areas.** Pedestrian areas, such as walkways, building entrances, and gathering areas, are adequately shaded from the summer sun through such techniques as the careful placement of trees and landscaping, trellis structures, projecting canopies, covered walkways, arcades, porticos, building orientation, and similar techniques.

L. **Public Access for Shoreline Development.** Any development along San Pablo Bay, the Napa River, Mare Island Strait, or the Carquinez Strait shall provide public access to and along shoreline consistent with State and Bay Conservation and Development Commission requirements.

16.205 OFFICE AND MEDICAL DISTRICTS

16.205.01 PURPOSE AND APPLICABILITY

The purposes of the Office "O" and Medical "M" Zoning Districts are to:

A. Provide sites for medical and office uses at appropriate locations.

B. Encourage a mix of compatible uses within these districts including multi-family residential development.

C. Establish design standards that improve the visual quality of development and create a unified, distinctive, and attractive character in these districts.

D. Provide appropriate buffers and transition standards between these districts and adjacent residential neighborhoods.

More specifically, the purposes of the individual O and M Zoning Districts are as follows:

O Office: The O Zoning District is intended to create and establish regulations for areas having an employment focus, but also supporting a mix of uses, especially business supportive uses. Residential-only development and office development with a residential component are allowed as major uses if design and compatibility standards are met.

M Medical: The M Zoning District is intended to create and establish regulations for areas with a concentration of medical facilities and supporting commercial services can be provided without the encroachment of incompatible uses. Design and development standards will ensure land use compatibility and appropriate buffers and transitions to adjacent residential neighborhoods.

16.205.02 DEVELOPMENT REGULATIONS

Table 16.205-A: Development Standards : Office And Medical Districts, prescribes the development standards for the O and M Zoning Districts. Additional regulations are listed in the right-hand column. Chapter numbers in this column refer to other Chapters of the Zoning Code and individual letters refer to Sections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the "#" column in the table.

TABLE 16.205-A: DEVELOPMENT STANDARDS : OFFICE AND MEDICAL DISTRICTS

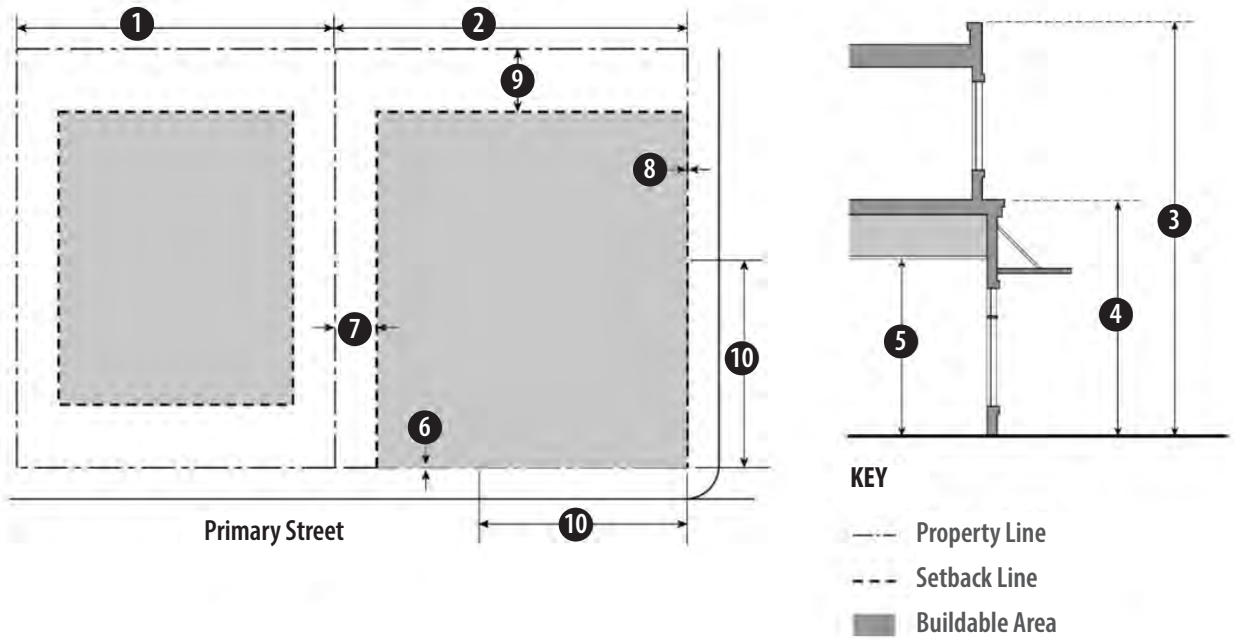


FIG #	DISTRICT	O	M	ADDITIONAL REGULATIONS
	LOT AND DENSITY STANDARDS			
	Minimum/Maximum Density	16/50	16/50	
	Minimum Lot Size (sq. ft.)	5,000	10,000	
	Corner Lots	6,000	10,000	
1	Minimum Lot Width (ft.)	50	50	
2	Corner Lots	60	60	
	BUILDING FORM AND LOCATION			
3	Maximum Height (ft.)	75; 35 within 50 ft. of an R District	75: 35 within 50 ft. of and R District	See **Section 16.501.05**, Height Exceptions
	Ground Floor Minimum (ft.)			
4	Ground Floor Commercial Uses	15	15	See **Section 16.501.07**, Projections Into Required Yards
5	First Floor Ceiling Height, Commercial uses (ft. clear)	12	12	
	Minimum Setbacks (ft.)			
6	Front	15		See **Section 16.501.07**, Projections Into Required Yards
7 10	Interior Side	5 plus 2 ft. for each story over 2		
8	Street Side	10		
9 10	Rear	10, 15 adjacent to R District		

TABLE 16.205-A: DEVELOPMENT STANDARDS : OFFICE AND MEDICAL DISTRICTS

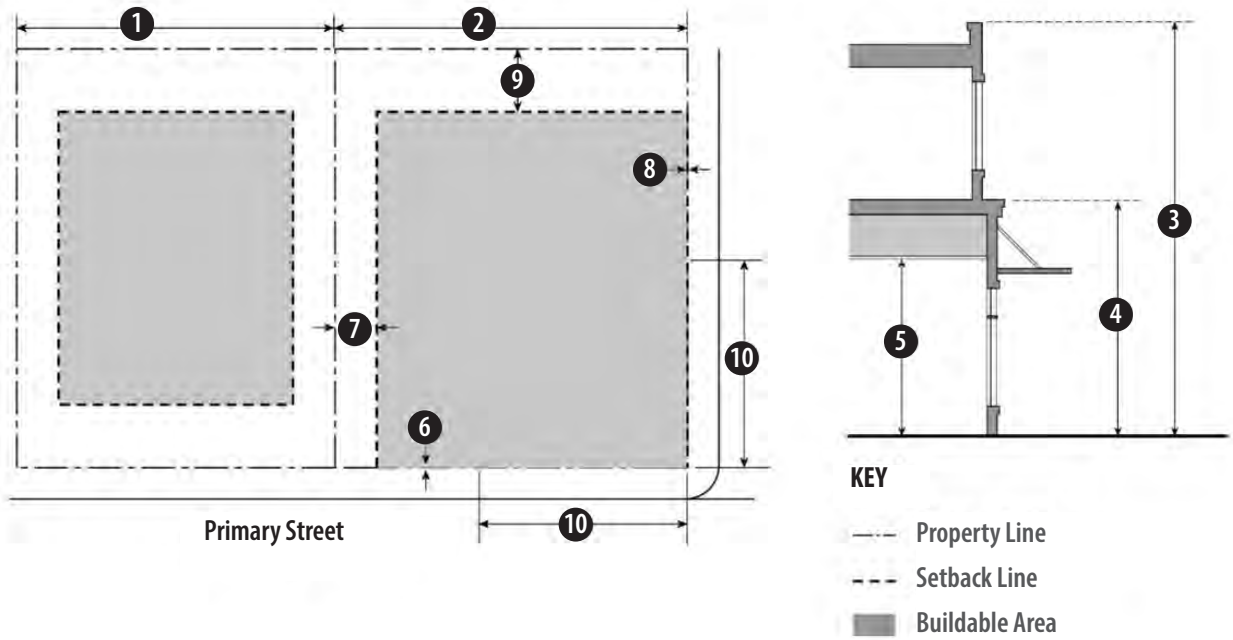


FIG #	DISTRICT	O	M	ADDITIONAL REGULATIONS
	Maximum Floor Area Ratio (FAR)	2.0	1.0	See **Chapter 16.104**, Rules for Measurement
OPEN SPACE				
	Minimum Private Open Space (sq. ft. per unit)	40 (A)	n/a	See **Chapter 16.505**, Fences, Walls, and Screening and **Chapter 16.504**, Landscaping
	Minimum Common Open Space (sq. ft. per Unit)	150 (A)	n/a	
LANDSCAPING				
	Minimum Amount of Landscaping (% of site)	25		See **Chapter 16.504**, Landscaping
	Street Trees (ft. frontage)	1 per 30 ft. of frontage (A)		
ADDITIONAL STANDARDS				
	Fences and Walls	See **Chapter 16.505**, Fences, Walls, and Screening		
	Lighting	See **Chapter 16.506**, Lighting and Glare		
	Off-Street Parking and Loading	See **Chapter 16.508,** Off-Street Parking and Loading		
	Parking Lot Landscaping	See **Chapter 16.504**, Landscaping		

A. **Additional Development Standards**. All development in the O and M Zoning Districts is subject to the following standards.

1. **Mixed-Use Development.** A combination of permitted commercial uses may be established in the same building or on the same lot as a residential use subject to compliance with all applicable requirements for the use and the development intensity. A minimum of 50 percent of non-residential space on the ground floor is required along street (not alley) frontage.
2. **Landscaping.** A minimum of 25 percent of the site must be landscaping. The minimum required landscaped area may be reduced to 20 percent of site area when the site includes an area with minimum dimensions of 30 feet by 30 feet planted with at least one large-canopy tree. At least 50 percent of the ground area within this space must planted with ground cover plants and the remainder may be hard-surfaced for use by pedestrians.
3. **Public Improvements.**
   a. **Sidewalks.** Sidewalks shall be provided if none already exist or if the existing sidewalks are in poor condition.
   b. **Street Furniture.** Trash receptacles, benches, bike racks, and other street furniture shall be provided.
   c. **Streetlights.** Pedestrian-scale streetlights shall be provided.
   d. **Street Trees.** Shade trees shall be planted no more than 30 feet on center. Tree guards shall be provided. Trees shall be a minimum 15 gallons in size, and at least 10 percent of the required trees shall be 24-inch box size or larger.
   e. **Orientation of Primary Building Entrance.** The primary building entrance shall face or be oriented to within 45 degrees of or parallel to the street frontage.
   f. **Building Articulation.** Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
   g. **Exterior Building Materials.** A unified palette of materials shall be used on all sides of buildings. Exterior building materials shall be stone, brick, stucco, and concrete block, painted wood clapboard, painted metal clapboard or other quality, durable materials.
4. **Pedestrian Access on Large Site (Over 10 acres).** On-site pedestrian circulation and access must be provided in compliance with the following standards.
   a. **Internal Connections.** A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.
   b. **Circulation Network.** Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.
   c. **Transit.** Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.
   d. **Interior Pedestrian Walkway Design**.
      i. Walkways shall have a minimum unobstructed width of 6 feet and shall be hard-surfaced.
      ii. Where a required walkway crosses driveway, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.
      iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least 4 inches high, bollards, or other physical barrier.
5. **Truck Docks, Loading, and Service Areas.** Truck docks, loading areas, and service areas must be screened and not visible from public streets. Drop-off areas may be located at the primary building entry.

16.206 INDUSTRIAL DISTRICTS

16.206.01 PURPOSE AND APPLICABILITY

The purpose of the Industrial "I" Zoning Districts is to:

A. Designate adequate land for businesses, manufacturing and industrial operations, and related storage, distribution and services supporting industry in the City;

B. Maintain and strengthen the City's economic and fiscal resources and provide employment opportunities for residents of the City and surrounding communities.

C. Establish appropriate development and design standards and buffering requirements to protect adjacent uses and ensure land use compatibility; and

D. Minimize the impacts of industrial development on adjacent residents.

More specifically, the purposes of the Industrial Zoning Districts are as follows:

IL Limited Industrial: The IL Zoning District is intended to create and establish regulations for a diverse range of light industrial and supportive uses as well as limited office and live/work uses. This district is primarily intended to accommodate industrial and flex space types of development.

IG General Industrial: The IG Zoning District is intended to create and establish regulations for a broad range of industrial activities, including general industrial, heavy industrial, manufacturing and supportive ancillary offices. This district is intended for activities that may potentially generate more noise, hazards and truck traffic than those in the IL district and establishes buffering and transition standards for any adjacent residential uses. Uses in this designation may also utilize rail and ships to transport materials and manufactured goods.

16.206.02 DEVELOPMENT REGULATIONS

Table 16.206-A: Development Standards : Industrial Districts, prescribes the development standards for Industrial Districts. Additional regulations are denoted in a right-hand column. Chapter numbers in this column refer to other Chapters of the Zoning Code, while individual letters refer to Sections that directly follow the table. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table.

TABLE 16.206-A: DEVELOPMENT STANDARDS : INDUSTRIAL DISTRICTS

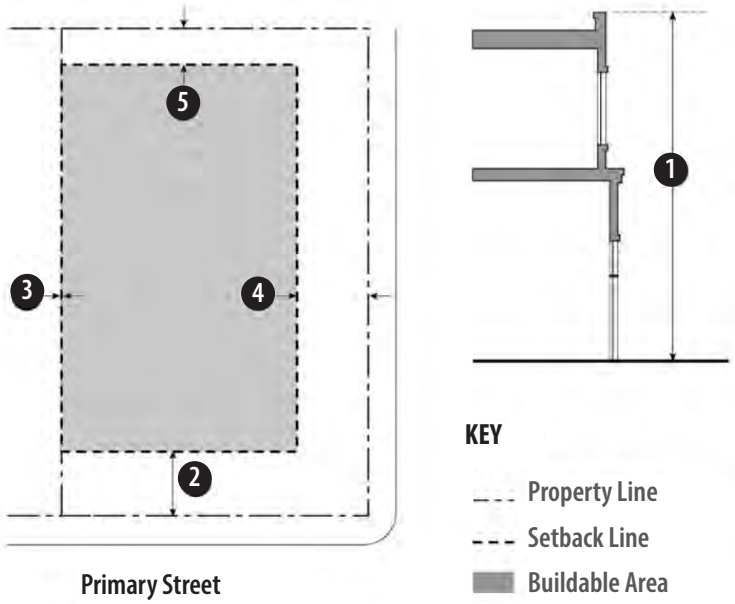


FIG #	DISTRICT	IL	IG	ADDITIONAL REGULATIONS
	BUILDING FORM AND LOCATION			
1	Maximum Height (ft.)	45	75	See **Section 16.204.03.A,** Mixed-Use Development and **Section 16.501.05**, Height Exceptions
	Minimum Setbacks (ft.) (B)			
2	Front	10	10	See **Section 16.501.07**, Projections Into Required Yards
3	Interior Side	0; 15 where abutting an R district	0; 15 where abutting an R district	
4	Street Side	10	10	
5	Rear	0; 15 where abutting an R district		See **Section 16.501.07**, Projections Into Required Yards
	BUILDING FORM AND LOCATION			
	Fences and Walls	See **Chapter 16.505**, Fences, Walls, and Screening		
	Lighting	See **Chapter 16.506**, Lighting and Glare		
	Off-Street Parking and Loading	See **Chapter 16.508,** Off-Street Parking and Loading		
	Parking Lot Landscaping	See **Chapter 16.504**, Landscaping		

16.206.03 ADDITIONAL REGULATIONS

A. **Mixed-Use Development.** A combination of permitted industrial or commercial uses may be established in the same building or on the same lot as a Live/Work use in the IL Zoning District, subject to compliance with all applicable requirements for the use and the development intensity. A minimum of 50 percent of non-residential space on the ground floor is required along street frontage (street does not include alley).

B. **Transitional Standards.** Where an Industrial District adjoins an R Zoning District, the following standards apply:

1. The maximum height is 35 feet within 50 feet of an RLD Zoning District, and 45 feet within 50 feet of an RMD and RHD Zoning Districts.
2. A landscaped planting area, a minimum of 10 feet in width, shall be provided along all Residential Zoning Districts boundaries, with trees planted at a minimum interval of 20 feet

C. **Perimeter Landscaping.** A perimeter planting strip of at least 5 feet shall be provided along all arterial streets and street frontages that are adjacent to Mixed-Use and Residential Zoning Districts.

D. The following additional improvements are required:

1. **Public Improvements.**

a. Sidewalks. Sidewalks shall be provided if none already exist or if the existing sidewalks are in poor condition.

b. Streetlights. Pedestrian-scale streetlights shall be provided.

c. Street Trees. Shade trees shall be planted no more than 30 feet on center. Tree guards shall be provided. Trees shall be a minimum 15 gallons in size, and at least 10 percent of the required trees shall be 24-inch box size or larger.

2. **Orientation of Primary Building Entrance.** The primary building entrance shall face or be oriented to within 45 degrees of or parallel to the street frontage.

a. Building Articulation. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.

b. Exterior Building Materials. A unified palette of materials shall be used on all sides of buildings. Exterior building materials shall be stone, brick, stucco, and concrete block, painted wood clapboard, painted metal clapboard or other quality, durable materials.

3. **Pedestrian Access on Large Site (Over 10 acres).** On-site pedestrian circulation and access must be provided in compliance with the following standards.

a. Internal Connections. A system of pedestrian walkways shall connect all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities.

b. Circulation Network. Regular connections between on-site walkways and the public sidewalk shall be provided. An on-site walkway shall connect the primary building entry or entries to a public sidewalk on each street frontage.

c. Transit. Safe and convenient pedestrian connections shall be provided from transit stops to building entrances.

d. Interior Pedestrian Walkway Design.

i. Walkways shall have a minimum unobstructed width of six feet and shall be hard-surfaced.

ii. Where a required walkway crosses driveway, parking areas, or loading areas, it must be clearly identifiable through the use of a raised crosswalk, a different paving material, or similar method.

iii. Where a required walkway is parallel and adjacent to an auto travel lane, it must be raised or separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

E. **Truck Docks, Loading, and Service Areas.** The outermost point of the truck docks, loading, and service areas are not permitted within 50 feet of the boundary of an R Zoning District.

16.207 PARKS, RECREATION AND OPEN SPACE DISTRICTS

16.207.01 PURPOSE AND APPLICABILITY

The purposes of the Parks, Recreation, and Open Space and the Resource Conservation Zoning Districts are to:

A. Provide land for development of parks and recreational facilities, consistent with the General Plan, and;

B. Ensure design compatibility between public uses and adjacent residential neighborhoods.

The specific purposes of the Parks, Recreation, and Open Space and the Resource Conservation Zoning Districts are as follows:

PROS Parks, Recreation and Open Space: The PROS Zoning District is intended to create and establish regulations for parks, recreation and open space areas allowing for recreational activities and/or natural resource preservation.

RCN Resource Conservation: The RCN Zoning District is intended to create and establish regulations to preserve remaining open spaces in their natural state and protect valuable resources. More specifically, this district is intended for undeveloped publicly owned lands, visually significant open lands, water areas, wetlands, and wildlife habitat. These areas are set aside as permanent open space preserves and may include trails, trail heads, and other facilities for low-impact public recreational uses. This district includes wetlands, mudflats, creek corridors and other natural preservation areas, as well as private lands deed-restricted for open space preservation.

16.207.02 DEVELOPMENT REGULATIONS

Table 16.207-A: Land Use Regulations - Parks, Recreation And Open Space, And Resource Conservation Districts, prescribes the development standards for PROS and RCN Zoning Districts. Additional regulations are listed in the right-hand column. Chapter numbers in this column refer to other Chapters of this Zoning Code. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table.

TABLE 16.207-A: LAND USE REGULATIONS - PARKS, RECREATION AND OPEN SPACE, AND RESOURCE CONSERVATION DISTRICTS

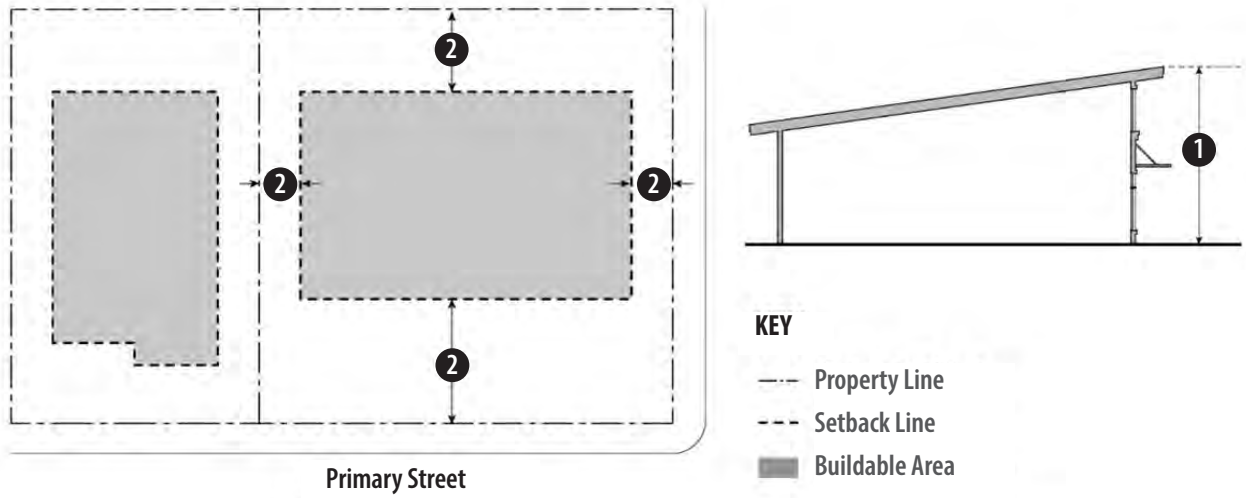


FIG	DISTRICT	PROS	RCN	ADDITIONAL REGULATIONS
LOT SIZE; BUILDING FORM AND LOCATION				
	Minimum Lot Size	10,000 sq. ft.	n/a	
	Minimum Lot Width (ft.)	n/a	n/a	
1	**Maximum Height (ft.)**	35	n/a	See **Section 16.501.05**, Height Exceptions
2	**All Setbacks and Buffers (ft.)**	50		
LANDSCAPING				
	Minimum % of Site	20 (A)	n/a	See **Chapter 16.504**, Landscaping
	Street Trees	1 per 30 sq. ft. of frontage	n/a	
	Parking Lot Landscaping	See **Chapter 16.504**, Landscaping		

16.207.03 ADDITIONAL REGULATIONS

A. **Landscaping.** A minimum of 20 percent of the site must be landscaped.

B. **Truck Docks, Loading and Service Areas.** Truck docks, loading areas, and service areas must be located at the rear or interior sides of buildings and screened so and not visible from public streets or residential neighborhoods.

16.208 PUBLIC AND SEMI-PUBLIC DISTRICT

16.208.01 PURPOSE AND APPLICABILITY

The purposes of the Public and Semi-Public "PS" Zoning District are to:

A. Provide land for development of public, cultural and institutional uses that provide services to the community;

B. Create and establish lower use regulations developments and for a public and semi-public facilities public utilities, and other community facilities; and

C. Ensure design compatibility between public uses and adjacent residential neighborhoods.

The specific purpose of the PS Zoning District is as follows:

PS Public and Semi-Public District: The PS Zoning District is intended to regulate areas that provide governmental and quasi-governmental services and supportive services.

16.208.02 DEVELOPMENT REGULATIONS

Table 16.208-A: Development Standards - Public And Semi-Public District, prescribes the development standards for the PS Zoning District. Additional regulations are denoted in a right-hand column. Chapter numbers in this column refer to other Chapters of the Zoning Code. The numbers in each illustration below refer to corresponding regulations in the "#" column in the associated table.

16.208.03 ADDITIONAL REGULATIONS

A. **Landscaping.** A minimum of 30 percent of the site must be landscaping. The minimum required landscaped area may be reduced to 20 percent of site area when the site includes an area with minimum dimensions of 30 feet by 30 feet planted with at least one large-canopy tree. At least 50 percent of the ground area within this space must be planted with ground cover plants and the remainder may be hard-surfaced for use by pedestrians.

B. **Truck Docks, Loading and Service Areas.** Truck docks, loading areas, and service areas must be located at the rear or interior sides of buildings and screened and not visible from public streets or residential properties.

TABLE 16.208-A: DEVELOPMENT STANDARDS - PUBLIC AND SEMI-PUBLIC DISTRICT

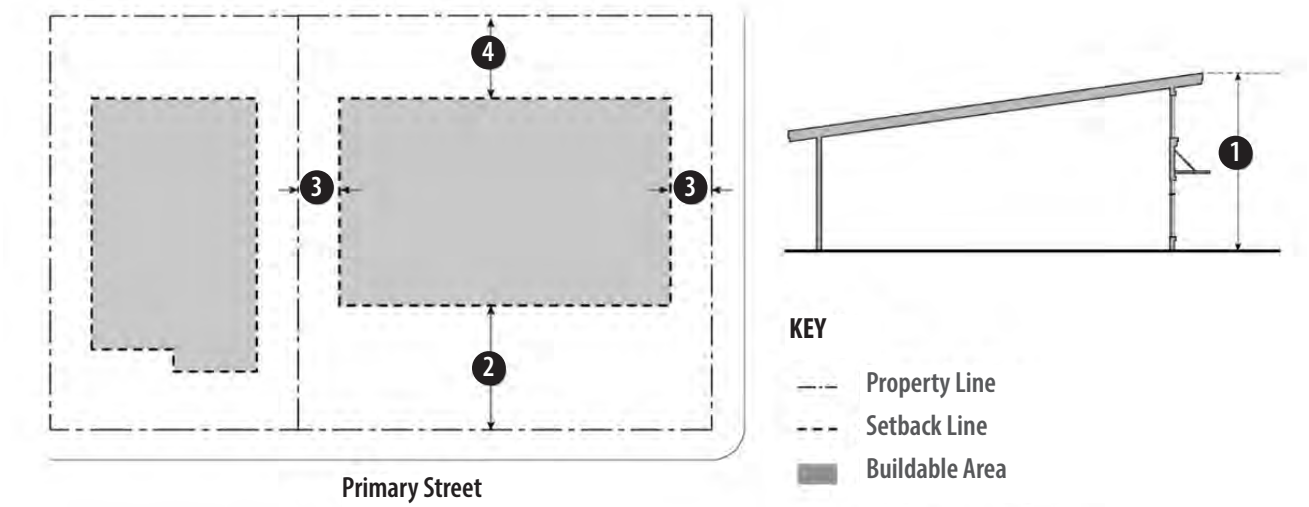


FIG #	DISTRICT	PS	ADDITIONAL REGULATIONS
LOT SIZE; BUILDING FORM AND LOCATION			
	Minimum Lot Size	10,000 sq. ft.	
	Minimum Lot Width (ft.)	n/a	
1	**Maximum Height (ft.)**	45; 35 within 50 ft. of an R District	See **Section 16.501.05**, Height Exceptions
	Minimum Setbacks (ft.)		
2	**Front**	10; when adjacent to an R district, the front setback is the same as that of the R district	See **Section 16.501.07**, Projections Into Required Yards
3	**Side**	10 - street side; 5 interior side, plus 2 ft. per story for buildings over two stories adjacent to an R District	
4	**Rear**	10; 15 adjacent to an R District	
	Maximum Floor Area Ratio (FAR)	1.0	
LANDSCAPING			
	Minimum % of site	30 (A)	
	Street Trees	1 per 30 ft. of frontage	See **Chapter 16.504**, Landscaping
	Parking Lot Landscaping	See **Chapter 16.504**, Landscaping	

16.209 PLANNED DEVELOPMENT DISTRICT

16.209.01 PURPOSE AND APPLICABILITY

This Chapter establishes regulations for Planned Development Zoning Districts that allow for one or more properties to be developed under a plan that provides for better coordinated development and incorporates development standards crafted to respond to site conditions in order to:

A. Provide flexibility by allowing diversification in regulations such as building relationships, setbacks, height limitations, lot sizes, types of structures, parking and the amount and location of open space;

B. Ensure substantial compliance with and implement the land use and density policies of the General Plan and any applicable Specific Plan;

C. Provide for efficient and cost-effective public facilities and services;

D. Allow for creative and experimental approaches to land development projects that incorporate design features that are more sensitive to site conditions including the application of new technologies or the innovative application of existing technologies relating to resource conservation;

E. Facilitate projects that provide greater amenities than would likely result from conventionally planned development; and

F. Protect public health, safety, and general welfare without unduly inhibiting developers attempting to secure the advantages of modern large-scale site planning for residential, commercial, or industrial purposes.

These provisions shall apply for:

G. **Development in Areas Subject to Existing Master Plans.** Properties located in approved subdivisions or within the boundaries of an area subject to an existing Master Plan and/or Unit Plan and meet the following criteria shall comply with the development standards of the applicable Master Plan and/or Unit Plan if:

1. Located within one of the following five areas:
   a. Garthe Ranch
   b. Glen Cove
   c. Hiddenbrooke
   d. Mare Island
   e. Northgate
2. Located in a Planned Development Zoning District;
3. Processed as a Planned Development Unit Plan, part of a Master Plan.

H. **Waterfront Planned Development Master Plan.** Projects within the WMX Zoning District and as specified in the Waterfront and Vallejo Station Project Planned Development Master Plan and accompanying Waterfront Design Guidelines (collectively, the "waterfront PDMP/design guidelines") for the waterfront area (the "waterfront area") shall be prepared consistent with the Waterfront PDMP/Design Guidelines, the Disposition and Development Agreement (the "DDA") between the City of Vallejo (the "City") and the developer of the waterfront area (the "developer"), and the development agreement between the City and the developer. Pursuant to the DDA, the City and the developer are obligated to timely appeal decisions of the Design Review Board regarding Development Review Permits for major projects, as determined by the Director, to the City Council.

I. **PD Planned Development.** PD Zoning Districts shall be noted on the Zoning Map by the designation "PD". PD districts must be consistent with the General Plan land use designation in which they are located.

16.209.02 LAND USE REGULATIONS

No use other than an existing use is permitted in a PD Zoning District except in accordance with a valid Planned Development Plan. Any permitted or conditional use authorized by the Zoning Code may be included in an approved Planned Development Plan consistent with the General Plan land use designation(s) for the property. Where a proposed land use is encompassed by the definition of the PD district's permitted use types but conflicts with the statement of purposes for this district, the proposed land use will not be permitted.

16.209.03 DEVELOPMENT REGULATIONS

A. **Establishment.** The development standards for a PD Zoning District shall be established as provided in **Section 16.610, Planned Development Districts.**

B. **Minimum Area.** The minimum area of a PD Zoning District shall be 4 contiguous acres; however, the City Council may approve a district smaller than 4 acres if it finds that rezoning to PD would provide greater benefits to the general welfare of Vallejo's residents and property owners than development under any base zoning district due to the unique characteristics of the site or the proposed use.

C. **Residential Unit Density.** Except where a density bonus is granted in compliance with the requirements of **Table 16.209-A: Density Bonuses For Planned Development Benefits,** or the City's density bonus regulations for affordable housing and childcare pursuant to **Chapter 16.214, Affordable Housing Incentives**, the total number of dwelling units in a PD Zoning District shall not exceed the maximum number permitted by the General Plan density for the total area designated for residential use, excluding areas devoted to public and private streets.

1. Densities may be mixed within the area included in the approved PD Plan.
2. The Planning Commission may authorize density bonuses that exceed the ranges specified in the General Plan as provided in the following table.

D. **Other Development Regulations.** Minimum lot area, yard requirements, building heights, and other physical development standards shall be as prescribed by the PD Plan.

TABLE 16.209-A: DENSITY BONUSES FOR PLANNED DEVELOPMENT BENEFITS

BENEFIT PROVIDED	DENSITY BONUS
Open space and/or recreation facilities for use by nonresidential as well as residents of the planned unit development.	Two dwelling units/acre of open space or 10,000 sq. ft. of approved recreation facilities
Provision of low or moderate-income housing, as defined by the housing element of the general plan.	See **Section 16.214**, Affordable Housing Incentives
Interior pedestrian trails or bicycle paths connecting with designated city trails and paths.	One dwelling unit per 1,000 ft. of paved pathway.
Senior citizen housing at locations consistent with General Plan	One dwelling unit per every 2 units provided.

16.210 SPECIFIC PLAN AREAS

16.210.01 PURPOSE AND APPLICABILITY

Specific Plans are regulatory documents established by the City to carry out specific purposes, as authorized by the Government Code, for specific geographic areas shown on the Zoning Map. Such Plans are governed by a set of regulations, which address specific subjects, such as land use, physical development, community design, transportation and public improvements, or impose requirements for detailed plans that may be applicable in sub-areas within the Specific Plan area. The provisions of a Specific Plan may be combined with provisions of a base Zoning District for the area to which the Specific Plan applies, and the more restrictive provisions will govern. Specific Plan provisions also may be substituted for citywide provisions included in the Zoning Code or Subdivision Regulations, as more specifically specified in the Specific Plan.

The existing Specific Plan Areas subject to this Chapter are provided in **Table 16.210-A** below.

TABLE 16.210-A: SPECIFIC PLANS

NAME	DATE ADOPTED	ZONING MAP NO.
Hiddenbrooke	1987	SP - 1
White Slough	1995 (A)	SP - 2
Downtown Vallejo	2005 (A)	SP - 3
Mare Island	2005 (A)	SP - 4
Solano360	2013 (A)	SP - 5
Sonoma Boulevard	2017	SP - 6
(A) - Subsequent Amendments have been adopted.		

16.210.02 DEVELOPMENT REGULATIONS

A Specific Plan shall be established and amended as provided in **Section 16.609.04, Administration**.

A. **Minimum Area.** The minimum area for a Specific Plan shall be 4 contiguous acres; however, the City Council may approve a district smaller than 4 acres if it finds that rezoning to a Specific Plan would provide greater benefits to the general welfare of Vallejo's residents and property owners than development under any base zoning district due to the unique characteristics of the site or the proposed use/s.

B. **Residential Unit Density.** Except where a density bonus is granted in compliance with the requirements of this Chapter or the City's density bonus regulations for affordable housing and childcare (**Chapter 16.214, Affordable Housing Incentives**) the total number of dwelling units in a Specific Plan area shall not exceed the maximum number permitted by the General Plan density for the total area designated for residential use, excluding areas devoted to public and private streets.

16.210.03 ADDITIONAL STANDARDS

The Specific Plan shall establish the development standards for a Specific Plan area as provided in **Section 16.609.04, Administration**.

16.211 HISTORIC DISTRICTS AND LANDMARKS

16.211.01 ESTABLISHMENT OF HISTORIC AND LANDMARK DISTRICTS

This chapter establishes two overlay zoning districts, the "H" Historic District designation and "L" Landmark. The "H" district may be combined with any base zoning district and an "L" property designation may be within any base zoning district or "H" Historic District.

16.211.02 CLASSIFICATION AND INTENT OF DISTRICTS

A. **Historic District.** This district may be made applicable to any area in the City with significant architectural heritage. Any zoning district, or a portion thereof, may be designated an "H" district. The intent is to preserve areas and specific buildings and structures which reflect elements of the cultural, social, economic, political and architectural history of the city. This district is intended to stabilize and improve property values in historical areas and to preserve specific buildings and structures which are considered to be of historical or architectural value, to foster civic pride and beauty, and to strengthen the community's economy.

B. **Landmark Designation.** The intent of a Landmark "L" designation is to achieve maximum feasible rehabilitation of properties with historic significance. Rehabilitation, as distinct from restoration, is the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use. In rehabilitation, those portions of the property important to illustrating historic, architectural and cultural values are preserved or restored.

16.212 HILLSIDE DEVELOPMENT STANDARDS

16.212.01 PURPOSE AND APPLICABILITY

These regulations ensure that Hillside Development complements and is sensitive to existing terrain, views, and significant natural landforms and features, and preserves and enhances Vallejo's scenic character, including its natural waterways and hillsides.

The provisions of this Chapter apply to any subdivision, new use, or structure (including accessory structures), additions to existing structures and other development on any parcel with an average slope of 15 percent or greater, hereinafter referred to as a "hillside parcel."

Slope measurement. Average Slope is the characteristic slope of the ground surface of an area of land, expressed as a percent, based on the most accurate available topographic information. Average slope shall be based upon the natural slope of the ground surface and determined based as follows:

1. **Basic Method.** This method can be used where the Director determines that slopes are uniform, with little variation. Where line drawn between the highest and lowest points on a parcel is adequate to represent the direction and extent of slope for the entire parcel, the difference in elevation between the high and low points, divided by the distance between the points will determine the average slope.
2. **Contour Measurement Method.** Where varied slope conditions or complex topography exist, average slope shall be measured pursuant to the following formula.

$$S = \frac{0.00229\,(I \times L)}{A}$$

Where: S = Average slope of the parcel in percent
A = Total number of acres in the parcel (or section measured)
L = Length of contour lines in scaled feet
I = Vertical distance of contour interval in feet

A. All measurements shall be taken in no greater than 10 ft increments for the vertical distance of contour lines. taking the vertical distance, or "rise," over the horizontal distance, or "run." The resulting fraction, or percentage, is the "slope" of the land.

B. **Conflicts.** In the event of a conflict between the provisions of this Chapter and other development code regulations, including the provisions of the applicable zoning district, the provisions of this Chapter shall apply.

C. **Exceptions.**

1. The provisions of this Chapter do not apply to additions to existing single-unit residences when the area of the addition is less than 50 percent of the area of the existing residence and there is no Hillside Development Permit for the existing residence.
2. Nothing in this Chapter shall prohibit the construction and occupancy of a single-unit residence on a hillside parcel created pursuant to the Subdivision Map Act and the City's subdivision ordinance. New development shall be built in compliance with this Chapter.

16.212.02 REQUIREMENTS

A. **Hillside Development Permit required.** A Hillside Development Permit shall be required for all development on any parcel where the Average Slope is 15% or greater and shall be processed in the same manner as a Minor Use Permit pursuant to **Chapter 16.606, Minor and Major Use Permits**, subject to the requirements of this Chapter.

B. **Soils and Geotechnical Report and Peer Review required.** All applications for a Hillside Development Permit, shall include, in addition to the requirements of Chapter 16.606, a soils and geotechnical studies prepared by a qualified licensed geotechnical engineer and engineering geologist.

1. The study shall include all information and materials required by the City engineer.
2. The report shall be all such reports shall be subject to peer review by a qualified licensed geotechnical engineer and engineering geologist hired by the City and paid for by the Applicant.
3. The applicant shall incorporate all recommendations into the design of the project.
4. This requirement may be waived if the City Engineer determines that the project, because of its size, location, or design, will not have a significant impact on the hillside, or that sufficient information already exists, and further analysis is not necessary.

C. **Density Reductions.** The minimum density shall be reduced on a hillside parcel such that no density is afforded for areas of the parcel that exceed a 30 percent slope.

D. **Development standards.** All hillside development shall comply with the following development standards in addition to the standards for the applicable base zoning district.

1. **Slope Limits.** Land with an average slope of 30 percent or more shall not be developed. Development on land with an average slope of 20 percent or more may be permitted by the Director only when all of the following findings can be made:

   a. It is substantially infeasible to locate the proposed building inside the maximum percent slope area;
   b. Where such location would have a substantially less impact on the environment;
   c. Where such location is deemed appropriate to facilitate clustered development; and
   d. Measures are included that provide adequate mitigation of environmental impacts such as visual, biological, and geotechnical impacts.

2. **Treatment of Sloped Areas.**

   a. All areas with an existing average slope of 30 percent or greater shall be left undisturbed;
   b. All areas with an existing average slope of 20 percent or more that are not covered with structures or used for access to the property shall not be paved, and shall only be disturbed as necessary to develop the site;
   c. Slopes created or altered by grading shall not exceed 30 percent; and
   d. For slopes up to 15 percent, impervious surfaces shall not exceed 40 percent of the gross land area. Slopes that exceed 15 percent shall not have impervious surfaces that exceed 30 percent or less.

3. **Protection of Ridgeline Views.** The highest point of any structure shall not be located within 100 vertical feet of a ridgeline (i.e., a ground line located at the highest elevation of a connected series of major and minor hills).

4. **Subfloor Parking for Nonresidential Buildings.** The maximum allowable floor area for nonresidential development may be increased to a maximum of 20 percent when at least 25 percent of the required parking spaces are provided below grade, or in a subfloor, and incorporated into the design of the building.

E. **Fences.** Exterior fencing on hillside parcels shall be limited to wire mesh with wood posts or other similar natural materials that are transparent and do not significantly affect views of the site. Chain link fencing, solid wood, masonry, or other opaque fence/wall materials are prohibited.

F. **Grading control.** All development subject to the requirements in this Chapter shall also be subject to the provisions of Chapter 12.40 of the Vallejo Municipal Code, entitled "Excavations, Grading and Filling."

16.213 RESIDENTIAL VIEW DISTRICT

16.213.01 PURPOSE AND APPLICABILITY

The purpose of this Chapter is create regulations for residential view districts which recognize that many of the City's residential neighborhoods are located on hills, thus affording residents panoramic views of the surrounding natural and manmade environment. These visual resources are significant neighborhood amenities and include views of San Pablo Bay, Mare Island Channel, the waterfront, Sulphur Springs Mountain, the Vaca Mountains, White Slough, the Napa River Wetlands, Sky Valley and the City itself. The existing development pattern of one-story and two-story structures, which predominates in these neighborhoods, has preserved these visual resources. Thus, it is the intent of this district to perpetuate this development pattern to the maximum extent practicable.

More specifically, the purpose of this Chapter is to promote the health, safety and general welfare of the public through:

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.

E. The residential view district may be applied to residential neighborhoods with significant panoramic views as designated by neighborhood development plans, by specific area plans, or by the Planning Commission and adopted by the City Council using the procedures established in **Chapter 16.611, Zoning Text and Map Amendments** of this Code. Any residential zoning district or a portion thereof may be designated as a residential view district.

16.213.02 DIRECTOR REVIEW AND EVALUATION

A. To protect the visual quality of highly scenic areas and maintain the character of the City, the Director will review all building plans for exterior changes or new structures on a site prior to the issuance of a building permit in a residential view district.

B. The Director will have three options available depending on the intent of the proposed plans:

1. If the plans do not propose changes in the building envelope of an existing structure, do not propose new structures, and the proposal satisfies all other planning concerns, the plans may be signed off to allow issuance of a building permit.
2. If the plans make changes in the building envelope of an existing structure or they propose construction of a new accessory structure, including an Accessory Dwelling Unit, but the Director determines that the improvements will not adversely impact adjacent property owners' views, the Director will cause all property owners within 200 feet of the site to be notified of the proposed application by mail deposited at least 15 working days prior to the date on which the Director intends to make a decision on the issuance of the building permit. If adjoining property owners believe the proposed application will impact their views, they shall notify the Director within 10 days of the City's notification. Upon such notice, the Director will then cause the applicant to submit a site Development Review application, per **Chapter 16.605, Development Review** and plans will be referred to the Planning Commission for determination, pursuant to **Chapter 16.602.09, Public Hearings**.
3. If the plans make changes in the building envelope of an existing structure, or propose construction of a new accessory structure, including an Accessory Dwelling Unit, that in the Director's opinion could obstruct significant views, or proposes a new primary structure, the applicant will submit a Development Review application, per **Chapter 16.605, Development Review**. That application shall be forwarded to the Planning Commission for determination, pursuant to **Chapter 16.602.09, Public Hearings**.

C. **Conditions.** The Director or Planning Commission may attach conditions to project review and/or site Development Review approvals. Such conditions must be consistent with this Chapter as the Director deems reasonable and necessary to carry out the intent of the Chapter.

D. **Findings Required.** If the Planning Commission grants a site Development Review approval in a view district, it shall find that the proposed project:

1. Will maximize open space preservation;
2. Protects view corridors, natural vegetation, land forms and other features;
3. Minimizes the appearance of visually intrusive structures;
4. Prevents the obstruction of property owners' views by requiring appropriate construction of new structures or additions to existing buildings or adjacent parcels;
5. Minimizes potential view loss from public areas;
6. Incorporates reasonably available design options that eliminate or lessen view obstructions.

E. The Director and the Planning Commission shall be required to make the findings set forth in **Section 16.605.03, Findings Required**.

F. **Referral to Neighborhood Organization.** Where an identified neighborhood planning or improvement organization exists, the Director shall give notice of and application within the residential view district if such proposed development would fall within or is immediately adjacent to the neighborhood. The organization shall be invited to make comment within 10 days of notification on the application.

G. Appeals of the Director or Planning Commission decision shall be filed in accordance with **Chapter 16.602, Common Procedures, Section 16.602.14, Appeals**.

16.213.03 NOTICE - RECORDING

With respect to the parcels of real property located within the boundaries of a residential review district per the provisions of this Section, the City Clerk shall cause to be recorded in the office of the recorder of Solano County, California, a "notice of restriction" substantially as follows:

Notice of Restriction

Notice is hereby given that this property in the City of Vallejo, Solano County, California, is subject to City of Vallejo Municipal Code Restrictions as provided in Chapter 16.212 Residential View District Ordinance. Prior to commencing any construction/remodeling the property owner shall consult with the Planning Division, City of Vallejo and secure a Site Development permit if required by the above referenced ordinance.

	City of Vallejo
	By_____
	City Clerk

16.213.04 OTHER ORDINANCES NOT AFFECTED

Nothing in this Chapter shall be construed to exempt any application from compliance with any requirement of any other provision of this code or any other ordinance of this city, or to amend any such other ordinance unless so stated in the ordinances codified in this chapter.

16.213.05 RELATION TO USE PERMIT, VARIANCE AND ZONING ORDINANCE AMENDMENT

When a development proposal subject to approval under this Chapter additionally requires a Use Permit, Variance, or an Amendment of the Zoning Code, this approval shall be conducted concurrently with any review required by the Use Permit, Variance or Amendment application.

16.214 AFFORDABLE HOUSING INCENTIVES

16.214.01 PURPOSE AND APPLICABILITY

This Chapter is intended to implement the State Density Bonus Law in compliance with the requirements of California Government Code Sections 65915 and 65917 and the Streamlined Ministerial Approval Process in Government Code Section 65913.4. It also implements the adopted housing element of the General Plan by providing incentives to encourage developers to construct affordable housing that will benefit lower income households.

16.214.02 DEFINITIONS

All terms have the same meaning as the definitions in Government Code Sections 65913.4, 65915 and 65917 unless otherwise defined by Part VII of this Zoning Code.

16.214.03 STATE-MANDATED DENSITY BONUS

A developer agreeing to construct at least 20 percent of a project's total housing units for lower- income households or 10 percent of the total units for very low-income households shall be granted an increase of 5 to 35 percent over the maximum residential density otherwise permitted, depending on the level of affordability, percentage of units that are affordable, and inclusion of child care facilities, and owner occupancy requirements in the housing development. Such Density Bonus shall be as set forth in California Government Code Section 65915. The provisions of this Chapter shall apply to the construction of projects that include 5 or more dwelling units.

16.214.04 DENSITY BONUS FOR LAND DONATION, CHILDCARE FACILITY, OR CONDOMINIUM CONVERSION

A. A housing development may be eligible for a density bonus for land donation pursuant to the requirements set forth in California Government Code Section 65915(g).

B. A housing development that contains a childcare facility as defined in California Government Code Section 65915(h) may be eligible for density bonus, concession, or incentive pursuant to the requirements set forth in California Government Code Section 65915(h).

C. Condominium conversions may be eligible for a density bonus, concession, or incentive pursuant to the requirements of California Government Code Section 65915.5.

16.214.05 CALCULATION OF DENSITY BONUS

A. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either density bonus units affordable to very low-income households, low-income households, or moderate-income households, or the housing development's status as a senior citizen housing development except as provided in this Title. Density bonuses from more than one category may not be combined. An applicant may propose and the Planning Commission, at its own discretion, may grant an additional density bonus as an incentive to a project eligible for such a benefit pursuant to California Government Code Section 65915(d)(2).

B. When calculating the number of permitted bonus units, any calculations resulting in fractional units shall be rounded to the next larger whole number.

C. The bonus units shall not be included when determining the number of density bonus units required to qualify for a density bonus. When calculating the required number of density bonus units, any calculations resulting in fractional units shall be rounded to the next larger integer.

D. The applicant may request a lesser density bonus than the housing development is entitled to, but no reduction will be permitted in the minimum percentages of required density bonus units pursuant to this Chapter.

16.214.06 STATE-MANDATED CONCESSIONS AND INCENTIVES

If an applicant proposes to provide at least one of the percentages of affordable units indicated in California Government Code Section the City shall grant one or more concessions or incentives, as defined in applicable state law, in order to facilitate achievement of the Density Bonus. The City shall only consider applications for Concessions or Incentives when a developer is eligible for and seeks and receives a State Density Bonus.

A. Additional density bonuses may be awarded by the Planning Commission based on the need for a particular housing type (e.g. 3- or 4-bedroom units).

B. **Waiver of development standards.** Applicants may seek a waiver of a development standard through an Exception Permit in accordance with **Chapter 16.608, Exceptions,** in accordance with the requirements of Government Code Section 65915.

16.214.07 CITY FINANCIAL PARTICIPATION NOT REQUIRED

Nothing in this Chapter requires the provision of direct financial incentives for the housing development, including but not limited to the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City at its sole discretion may choose to provide such direct financial Incentives.

16.214.08 PREVAILING WAGES

Financial and certain other incentives may require payment of prevailing wages by the developer if required by State law.

16.214.09 DENSITY BONUS AGREEMENT

To ensure that the parties meet their responsibilities, the City requires the developer to enter into a legally recorded Affordable Housing Agreement I the form approved by the Director and the City Attorney which shall at a minimum include the following:

A. A description of the residential development, including whether the housing units which qualify the housing development for a density bonus will be rented or owner-occupied;

B. Purchase of for sale units and Occupancy of rental units shall be reserved the applicable moderate, Low and very low income households as applicable and as such income limits are established by the Department of Housing and Urban Development (HUD). These figures are updated from time to time and will be given to the developer or owners as they are made available to the city by HUD.

C. Rents charged for the reserved units shall be no more than 30 percent of 60 percent of the area median income for moderate, and low income households and 30 percent of 50 percent for very low-income households.

D. The number, size and location of the housing units which qualify the housing development for a density bonus;

E. Provisions and/or documents for resale restrictions, deeds of trust, right of first refusal or rental restrictions;

F. Provisions for monitoring the ongoing affordability of the housing units which qualify the housing development for a density bonus, and the process for qualifying prospective resident households for income eligibility; and

G. Any additional obligations relevant to the compliance with this chapter.

H. **Owner-Occupied Agreements.** The Affordable Housing Agreement shall also include the Agreement requiring that purchaser of each owner-occupied housing unit which qualified the housing development for a density bonus to execute the City's standard form agreement as approved by the Planning Director and City Attorney, to be recorded against the parcel, and which includes such provisions as the city may require to ensure continued compliance with this Chapter.

I. Agreements for Child Care Facilities and Land Donations. Density bonus housing agreements for child care facilities and land dedications shall ensure continued compliance with all conditions included in Government Code Section 65915 (h)(2)(A) and (B) and Government Code Section 65915 (g)(2)(A through H), respectively.

J. The developer and/or future owner of the project, and each subsequent purchaser thereof shall be required to reserve the lower income units at the controlled rents for a minimum of 55 or such other period as required or permitted by state law.

K. To certify that the current owner has complied with the terms of the agreement, the owner shall file a Certification of Compliance form with the city on an annual basis. A copy of this form is available from the Community Development Department. This form indicates the lessees of the controlled units, their respective unit numbers, monthly rents, sales prices, household incomes, and phone numbers. Lease agreements for each of the units shall also be attached.

L. Should the owner or developer not be in compliance with the terms of the agreement they shall be subject to a fine established by the City Council and the length of the agreement shall be extended on an equivalent day-for-day basis, which shall be accessed on the property tax rolls pursuant to the Administrative Citation procedures in the Vallejo Municipal Code.

M. To compensate the city for processing costs, the developer or owner will be required to pay the City a fee established by the City Council and adopted in the annual Master Fee Schedule.

N. **Applicability.** All projects with approved density bonuses prior to the formulation of this policy are subject to the restrictions that were placed on them as conditions of their density bonuses. Projects that were constructed and occupied prior to the formulation of this policy are exempt from any density bonus restrictions.

16.214.10 APPLICATION PROCESS

A. Prior to the submittal of any Formal Permit Request, a developer shall submit to the City a preliminary proposal for a residential project for which a density bonus is sought. A formal request for the density bonus pursuant to the requirements of this Chapter may then be submitted to the city concurrently with the application(s) for any necessary permits. This request shall be considered by the Planning Commission along with the required Affordable Housing Agreement after any necessary permits are approved by the appropriate body (or concurrently if City Council approval is required as well).

B. All requests for density bonuses, concessions and incentives, any additional city incentives, parking reductions, and waivers provided pursuant to this Chapter, shall be submitted with the BMR Housing Plan required by this Chapter. The developer shall include the following additional information in the BMR Housing Plan:

1. A site plan depicting the number and location of all market rate units, BMR units, density bonus BMR units, and bonus units.
2. A calculation of the maximum number of dwelling units permitted by this Title and the General Plan, excluding any density bonus.
3. The targeted income level of the proposed density bonus BMR units.
4. Description of any requested concessions, incentives, waivers of development standards, or parking reductions requested pursuant to **Section 16.214.06, State-Mandated Concessions and Incentives**.

C. For all concessions and incentives except those listed in Division (I) of this Chapter, Concessions Not Requiring Financial Pro Forma from Applicant, a pro forma demonstrating that the requested concessions and incentives result in identifiable, financially sufficient, and actual cost reductions. The pro forma shall include:

1. The actual cost reduction achieved through the concession or incentive; and
2. Evidence that the cost reduction allows the Developer to provide affordable rents or affordable sales prices.

D. For waivers of development standards: evidence that the development standards for which the waivers are requested will have the effect of physically precluding the construction of the residential development with the density bonus, concessions, or incentives requested.

E. The Director may require that any pro forma submitted pursuant to Division (A) of this Chapter include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma. The cost of reviewing any required pro forma data, including but not limited to the cost to the city of hiring a consultant to review the pro forma, shall be borne by the Developer.

F. If a mixed-use building or development is proposed, the Developer shall provide evidence that nonresidential land uses will reduce the cost of the residential development, and the nonresidential land uses are compatible with the residential development and existing or planned surrounding development.

G. If a density bonus is requested for a land donation, the BMR Housing Plan shall show the location of the land to be dedicated, provide proof of site control, and provide evidence that each of the findings included in California Government Code Section 65915(g) can be made.

H. If a density bonus or concession is requested for a childcare facility or condominium conversion, the BMR Housing Plan shall provide evidence that the findings in California Government Code Section 65915(h) or 65915.5, as appropriate, can be made.

I. Concessions Not Requiring Financial Pro Forma from Applicant. The following concessions and incentives shall be available to the builder without any requirement that the builder submit a pro forma to the City demonstrating that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions:

1. A reduction in the usable open space requirement;
2. An increase in the maximum lot coverage requirement;
3. A reduction in minimum lot dimensions;
4. A reduction in minimum distance between buildings;
5. A reduction in landscaping area requirements;
6. Deferral until occupancy of development impact fees.

16.214.11 CITY REVIEW OF APPLICATION FOR STATE-MANDATED DENSITY BONUS, CONCESSIONS, AND INCENTIVES

Any request for a density bonus, concessions, incentives, waivers, or parking reductions shall be processed, reviewed, and approved or denied by the decision-making body (Planning Commission or the City Council on appeal) concurrently with the BMR Housing Plan required for the housing development. In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

16.214.12 FINDINGS FOR APPROVAL OF STATE-MANDATED DENSITY BONUS, CONCESSIONS, AND INCENTIVES

A. The housing development is eligible for a density bonus and any concessions, incentives, waivers, or parking reductions requested.

B. Any requested incentive or concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation if required.

C. The density bonus is based all or in part on donation of land, the findings included in California Government Code Section 65915(g).

D. If the density bonus, incentive, or concession is based all or in part on the inclusion of a childcare facility, the findings included in California Government Code Section 65915(h).

E. If the incentive or concession includes mixed-use development, the findings included in California Government Code Section 65915(k)(2).

F. If a waiver is requested, the development standards for which a waiver is requested would have the effect of physically precluding the construction of the residential development with the density bonus, concessions, or incentives permitted.

16.214.13 FINDINGS FOR DENIAL OF INCENTIVES, CONCESSIONS OR WAIVERS

A. **Denial of concessions and incentives.** If the findings required by the previous Chapter can be made, the decision-making body may deny a concession or incentive only if it makes a written finding, supported by substantial evidence, of either of the following:

1. The concession or incentive is not required to provide for affordable rents or affordable ownership costs.
2. The concession or incentive would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. For the purpose of this division, specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the residential development was deemed complete.
3. The concession or incentive would be contrary to state or federal law.

B. **Denial of waivers.** If the findings required by the previous Chapter can be made, the decision-making body may deny a waiver only if it makes a written finding, supported by substantial evidence, of any of the following:

1. The waiver would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households. For the purpose of this division, specific adverse impact means a significant, quantifiable, direct, and unavoidable impact, based on objective, and identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.
2. The waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
3. The waiver would be contrary to state or federal law.

C. **Denial of incentive or bonus for childcare center.** If the findings required by the previous Chapter can be made, the Review Authority may deny a density bonus, incentive, or concession that is based on the provision of childcare facilities only if it makes a written finding, based on substantial evidence, that the city already has adequate childcare facilities.

D. **Appeals.** The developer may appeal the denial of a request for a density bonus or a concession or incentive to the City Council.

16.214.14 STREAMLINED INFILL PROJECTS

An applicant proposing a residential development that includes at least 50 percent affordable units and meets the eligibility criteria of Government Code Section 65913.4 may request that the entitlement be approved through a streamlined, ministerial approval process. Projects that meet the eligibility criteria in this Chapter and the requirements of the State law shall be approved under a ministerial approval process, which exempts them from environmental review under the California Environmental Quality Act. This process also exempts such projects from any discretionary review that would otherwise be required by this Zoning Code, including, but not limited to requirements for conditional use approval or site development plan review, and does not allow public hearings.

A. **Eligibility criteria for streamlined ministerial approval.** The project shall meet all the following requirements pursuant to Government Code Section 65913.4:

1. The development shall be multi-family housing that contains 2 or more dwelling units that will be offered for rental or for sale. This definition does not include Accessory Dwelling Units (ADU) unless the project is for new construction of a single-unit home with an attached ADU in a zone that allows multi-family development.
2. At least 2-thirds of the square footage of the development shall be designated for residential use.

3. The developer shall dedicate at least 50 percent of the units in the project to households making 80 percent or less of the area median income and restricted by an agreement.
4. The development shall be consistent with all applicable standards of this Zoning Code.
5. At least 75 percent of the perimeter of the development site shall be developed with urban uses. For purposes of this Chapter, parcels that are only separated by a public street or highway shall be adjacent.
6. The zoning district or General Plan designation of the site shall allow for residential or residential mixed-use development as applicable to the project.
7. The project shall meet the parking requirements in **Chapter 16.508, Off-Street Parking and Loading**, of the Zoning Code or a maximum of one parking space per unit, whichever is lower. However, no parking will be required if the project is located:
    a. Within one half mile of a public transit stop,
    b. A designated architecturally or historically significant district;
    c. Within one block of a car-share vehicle station; or
    d. In a Permit Parking area but permits are not offered to development occupants.
8. The project site shall not be located in any of the following areas:
    a. Wetlands as defined by federal law;
    b. Within a flood plain designated by the Federal Emergency Management Agency (FEMA) or a FEMA-designated regulatory floodway Prime farmland or farmland of statewide importance as defined by the United States Department of Agriculture and designated on maps prepared by the State Department of Conservation or land zoned or designated for agricultural protection or preservation by a local voter-approved measure;
    c. A very high fire hazard severity zone designated by the State Department of Forestry and Fire Protection;
    d. A hazardous waste site designated by the State Department of Toxic Substances Control (DTSC) unless it has been cleared for residential or residential mixed-use by DTSC;
    e. Within an earthquake fault zone unless the development meets applicable seismic protection building code standards;
    f. Protected species habitat area;
    g. Lands under a conservation easement or identified for conservation in an adopted conservation plan or other adopted natural resource protection plan;
    h. A site where development would require demolition of housing subject to recorded rent restrictions or occupied by tenants during the past 10 years;
    i. A site where demolition of an historic structure listed on a local, state, or federal register;
    j. A site governed by the Mobile Home Residency Law, the Recreational, Vehicle Park Occupancy Law, the Mobile Home Parks Act, or the Special Occupancy Parks Act.

B. **Prevailing Wages.** If a land division is required, the project developer shall pay prevailing wages to a trained and skilled workforce as defined in the State law and the project shall be financed with low-income housing tax credits.

C. **Application and Review Process.** An applicant seeking approval under the requirements of this Chapter and Government Code Section 65913.4 shall submit proposed plans and an application for Streamlined Approval on the form issued by the Planning Division. The application shall be accompanied by a fee adopted by the City Council, Affordable Housing Supplemental Application Form signed by property owner or authorized agent, and dimensioned plans that meet the current application and checklist requirements.

16.215 TRANSIT-ORIENTED DEVELOPMENT

16.215.01 PURPOSE AND APPLICABILITY

The purpose of the Transit-Oriented Development (TOD) is to encourage an appropriate mixture and density of activity around transit centers and major transit routes to increase ridership and promote alternative modes of transportation to the automobile. The intent is to decrease auto-dependency and mitigate the effects of congestion and pollution. These regulations seek to achieve this by providing a pedestrian-, bicycle-, and transit-supportive environment configured in a compact pattern and a complementary mix of land uses all within a comfortable walking and bicycling distance from transit centers and major transit routes.

The specific objectives of the district are to:

A. Encourage people to walk, ride a bicycle or use transit;

B. Allow for a mix of uses to create an environment that engages people at the pedestrian scale;

C. Achieve a compact pattern of development that is more conducive to walking and bicycling;

D. Provide a high level of amenities that create a safe and comfortable environment for pedestrian, bicyclists, and other users;

E. Maintain an adequate level of parking and access for automobiles;

F. Create fine-grained detail in architectural and urban form that provides interest and complexity at the level of the pedestrian and bicyclist;

G. Encourage uses that allow round-the-clock activity around transit stations; such as 24-hour gyms, restaurants, and convenient stores.

H. Provide sufficient density of employees, residents and recreational users to support transit; and,

I. Generate a relatively high percentage of trips serviceable by transit.

These provisions shall apply to lands that are generally within a 2,500-foot radius of a park and ride lot or major transit stop as defined by this Title and California Public Resources Code Section 21064.3. including, but not limited to the following:

1. Curtola Park & Ride;
2. Sereno Transit Center (STC);
3. Downtown Vallejo Transit Center (VTC); and
4. Vallejo Waterfront Ferry Terminal.
5. If the underlying zoning district standards or any other ordinance or regulations are inconsistent with the provisions of this Chapter, the TOD standards shall control within the district.
6. For the purposes of this Chapter, non-residential and mixed-use development projects may include any use permitted in the zone where an eligible site is located except the following:

    a. Auto/vehicle sales and service
    b. Equipment rental
    c. Building materials sales and service
    d. Retail, large format
    e. Retail, with drive-through.
    f. Nursery and garden centers
    g. Fleet-based services.
    h. Repair services, appliances, equipment.
    i. Utility, major
    j. Warehousing, storage, and distribution.

16.215.02 DEVELOPMENT STANDARDS

The following requirements apply to any eligible TOD project. The incentives provided shall be provided in addition to any incentive or concession to which the project may be entitled under other provisions of the Zoning Code.

A. **Maximum density.** The maximum density allowed in the zoning district where a TOD development is proposed may be increased up to a maximum of 25 percent for residential projects that meet the requirements of this Chapter.

B. **Maximum Floor Area Ratio.** The maximum FAR allowed in the zone where a TOD development is proposed may be increased up to a maximum of 25 percent for mixed-use and non-residential projects that meet the requirements of this Chapter.

C. **Increase in Density.** A Minor Use Permit shall be required to approve any increase in density or FAR, in accordance with **Chapter 16.606, Minor and Major Use Permits**. In addition to any findings required for approval of the Use Permit and any other required discretionary planning approval, the Review Authority shall find that the TOD development meets the following criteria:

1. The Minor Use Permit shall only be granted if the project includes at least one of the following elements:

    a. Privately-maintained common open space with public seating or other street furniture that is accessible to the general public;

    b. Grocery store with at least 1,500 square feet of gross floor area;

    c. Limited-service restaurant with indoor or outdoor seating for customers;

    d. Pedestrian and bicycle path providing safe and convenient access to the transit center using the most direct route;

    e. Art feature such as a sculpture, mural, or fountain that is visible to the general public.

16.215.03 PARKING REQUIREMENTS

For an eligible TOD project, there shall be no minimum number of parking spaces as otherwise required by **Chapter 16.508, Off-Street Parking and Loading**.

THIS PAGE INTENTIONALLY LEFT BLANK

PART III USE STANDARDS

16.301 USE STANDARDS TABLE

16.301.01 LAND USE REGULATIONS

Table 16.301-A: Land Use Regulations, prescribes the land use regulations for all the Zoning Districts.

In cases where a specific land use or activity is not defined, the Director shall assign the land use or activity to a classification that is substantially similar in character. Use classifications and sub-classifications not listed in the table or not found to be substantially similar to the uses below are prohibited. Chapter numbers in the right-hand column refer to regulations in other parts of the Zoning Code.

A. **WMX Exceptions.** Land uses in the WMX district must comply with Table 3 of the Waterfront Planned Development Master Plan (PDMP). Waterfront Planned Development Master Plan supersedes these regulations in the event of a conflict unless preempted by State requirements.

B. **Applicability of All Other Standards:** In addition to the standards identified for the uses in this Part, each building or site shall still be subject to all other standards of this Code including, but not limited to **Part II (16.200), District and Development Types** and **Part V (16.500), Site Development Standards**.

SECTIONS

16.301 USE STANDARDS TABLE 87
16.302 ACCESSORY USES 99
16.303 ACCESSORY DWELLING UNITS 100
16.304 ADULT USE REGULATIONS 102
16.305 ALCOHOLIC BEVERAGE SALES 108
16.306 ANIMAL KEEPING AND SERVICES 113
16.307 AUTOMOBILE SERVICE STATIONS 114
16.308 AUTOMOBILE/VEHICLE SALES, LEASING AND RENTALS 117
16.309 AUTOMOBILE/VEHICLE REPAIR, LIGHT AND HEAVY 120
16.310 AUTOMOBILE/VEHICLE WASHING 122
16.311 BED AND BREAKFAST LODGING 123
16.312 CANNABIS PROCESSING, CULTIVATION, DISTRIBUTION, TESTING AND RETAIL 124
16.313 COMMUNITY ASSEMBLY 126
16.314 COMMUNITY GARDENS 128
16.315 DAY CARE, ADULT AND CHILD 129
16.316 DRIVE-IN AND DRIVE-THROUGH FACILITIES 130
16.317 EMERGENCY SHELTERS 131
16.318 FARMER'S MARKETS 132
16.319 GROUP RESIDENTIAL 133
16.320 HAZARDOUS MATERIALS HANDLING AND STORAGE 134
16.321 HOME-BASED BUSINESS 135
16.322 LARGE-FORMAT RETAIL 138
16.323 LATE NIGHT BUSINESS OPERATIONS 141
16.324 LIVE/WORK UNITS 142
16.325 MANUFACTURED HOUSING 144
16.326 MASSAGE ESTABLISHMENTS 145
16.327 MOBILE FOOD VENDING 148
16.328 MOBILE HOME PARKS 149
16.329 OUTDOOR RETAIL DISPLAY AND SALES 152
16.330 OUTDOOR DINING AND SEATING 153
16.331 PERSONAL STORAGE 156
16.332 QUICK SERVICE RESTAURANT 157
16.333 RECYCLING FACILITIES 157
16.334 RESIDENTIAL CARE, GENERAL 162
16.335 SCHOOLS 163
16.336 SINGLE-ROOM OCCUPANCY HOUSING 164
16.337 SOCIAL SERVICE CENTERS 165
16.338 SOLAR AND WIND ENERGY SYSTEMS 166
16.339 TEMPORARY USES 169
16.340 TOBACCO PRODUCT SALES 174
16.341 WIRELESS TELECOMMUNICATIONS 176

TABLE 16.301-A: LAND USE REGULATIONS

USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
Development Review (Section 16.605) is required for new construction, reconstruction, rehabilitation alteration, or other improvements to the exterior of a structure, (See Parts II and V for Development Standards).																			
AGRICULTURAL																			
Animal Husbandry	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
Cultivation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
Agricultural Production	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
COMMERCIAL																			
Adult Use Business	-	-	-	-	-	-	-	-	-	MJP	-	-	-	-	-	-	-	-	Note 6 and **Chapter 16.304**, Adult Use Regulations
Adult Motion Picture	-	-	-	-	-	-	-	-	-	MJP	-	-	-	-	-	-	-	-	
Adult Retail Store	-	-	-	-	-	MJP/ 11	-	-	-	MJP	-	-	-	-	-	-	-	-	
Animal Care, Sales and Services	(See sub-classifications below)																		
Animal Boarding	MNP	-	-	-	-	-	-	-	-	-	-	-	-	MNP	P	-	-	-	**Chapter 16.306**, Animal Keeping and Services
Auctioning	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	P	-	-	-	
Grooming and Pet Store	-	-	-	-	P	P/11	-	P/13	-	P	P	-	-	-	-	-	-	-	
Horse Stables	MNP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	**Chapter 16.306**, Animal Keeping and Services
Kennel	P	-	-	-	-	-	-	-	-	-	-	-	-	MNP	P	-	-	-	
Pet Clinic/Hospital	-	-	-	-	MNP /13	MNP	-	P/13	-	P	P	-	-	P	P	-	-	-	
Pet Day Care Service	P	-	-	-	P	-	P	MNP	-	P	P	-	-	P	-	-	-	-	
Auto/Vehicle and Equipment Facilities	(See sub-classifications below)																		
Commercial Vehicle/Fleet Storage, Commissary	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
Commercial Vehicles and Equipment	-	-	-	-	-	-	-	-	-	MNP	MNP	-	-	MNP	P	-	-	-	
Recreational Vehicles Storage, Public	-	-	-	-	-	-	-	-	-	-	MNP	-	-	MNP	P	-	-	-	

KEY:
P: Permitted; may be subject to zoning compliance determination ; **ZC:** Zoning Compliance Review required ; **MNP:** Minor Use Permit required ; **MJP:** Major Use Permit required ; **#:** See Notes at end of table

TABLE 16.301-A: LAND USE REGULATIONS

USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
Auto/Vehicle Sales	(See sub-classifications below)																		
Auto Broker, Office Only	-	-	-	-	P	P	P	P	P	P	P	P	-	P	-	-	-	-	**Chapter 16.308,** Automobile /Vehicle Sales, Leasing and Rentals
Auto Broker, Office w/ Indoor Display	-	-	-	-	P	-	-	-	-	P	P	-	-	P	-	-	-	-	
Auto/Vehicle New Sales, Leasing and Rentals - Major	-	-	-	-	-	-	-	-	-	MNP	-	-	-	-	-	-	-	-	
Auto/Vehicle New Sales, Leasing and Rentals - Minor	-	-	-	-	MNP	MNP /11, 26	-	-	-	MNP/ 16	MNP/ 16	-	-	-	-	-	-	-	
Auto/Vehicle Used Sales	-	-	-	-	MNP /21	-	-	-	-	MNP	-	-	-	MNP/ 21	MNP	-	-	-	
Auto/Vehicle Services	(See sub-classifications below)																		
Alternative Fuels and Recharging Facilities	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	-	-	-	**Chapter 16.309**, Automobile/Vehicle Repair, Light and Heavy
Auto Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
Auto/Vehicle Washing Detailing	-	-	-	-	MNP	-	-	-	-	MNP	MNP	-	-	P	P	-	-	-	**Chapter 16.310**, Automobile/Vehicle Washing
Auto/Vehicle Washing/ Detailing, Under 2,500 sq ft	-	-	-	-	MNP	-	-	P	-	P	P	-	-	P	P	-	-	-	
Auto/Vehicle/Equipment Repair - Heavy	-	-	-	-	-	-	-	-	-	P	MNP	-	-	P	P	-	-	-	**Chapter 16.309**, Automobile/Vehicle Repair, Light and Heavy
Auto/Vehicle/Equipment Repair - Light	-	-	-	-	MNP	-	-	-	-	P	P	-	-	P	P	-	-	-	
Service Station – Full Service	-	-	-	-	MJP	-	-	MJP	-	MNP	MNP	-	-	P	P	-	-	-	**Chapter 16.307**, Automobile Service Stations
Service Station – Minimum Service	-	-	-	-	MNP	-	-	-	-	MNP	MNP	-	-	MNP	MNP	-	-	-	
Salvage and Wrecking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	-	-	-	
Banks and Financial Institutions	(See sub-classifications below)																		
Bank and Credit Union	-	-	-	-	P	P	P	P	-	P	P	P	-	P	-	-	-	-	
Check Cashing Business	-	-	-	-	MNP	MNP	-	-	-	P	P	-	-	P	-	-	-	-	
Business Services	-	-	-	-	P	P	P	P	P	P	P	P	P/18	P/19	-	-	-	-	
Catering Service	-	-	-	-	MNP	MNP	P	MNP	-	P	P	-	-	P	P	-	-	-	

KEY:
P: Permitted; may be subject to zoning compliance determination ; **ZC:** Zoning Compliance Review required ; **MNP:** Minor Use Permit required ; **MJP:** Major Use Permit required ; **#:** See Notes at end of table

TABLE 16.301-A: LAND USE REGULATIONS

USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
Commercial Entertainment and Recreation	(See sub-classifications below)																		
Electronic Game Center	-	-	-	-	P	MNP /11	MNP	MNP/ 13	-	P	P	-	-	-	-	-	-	-	Note 10, **Chapter 16.304**, Adult Use Regulations, and **16.305**, Alcoholic Beverage Sales
Entertainment Facility, Large-scale (Indoor)	-	-	-	-	MNP	MNP	MNP	-	-	-	MJP	-	-	-	-	P/23	-	MJP	
Entertainment Facility, Large-scale (Outdoor)	-	-	-	-	-	MJP /11	MJP	-	MNP	MNP	MNP	-	-	-	-	-	-	MJP	
Entertainment Facility, Small-Scale	-	-	-	-	P	P	MNP	P	P	P	P	-	-	-	-	-	-	MJP	
Live Theatre	-	-	-	-	MNP	MNP	MNP	MNP/ 13	MNP	MNP	MNP	-	-	-	-	-	-	MJP	
Movie Theater	-	-	-	-	MNP	MNP	MNP	-	-	MNP	MNP	-	-	-	-	-	-	-	
Eating and Drinking Establishments	(See sub-classifications below)																		
Bar/Tavern/Lounge	-	-	-	-	MNP	MNP	MNP	MJP	MNP	MNP	MNP	-	-	-	-	-	-	-	Note 10; **Chapter 16.305**, Alcoholic Beverage Sales, 16.316, and 16.330
Brewpub	-	-	-	-	MNP	MNP	MNP	MJP	MNP	MNP	MNP	-	-	-	-	-	-	-	
Nightclub	-	-	-	-	MJP	MNP	MNP	-	-	MNP	MNP	-	-	-	-	-	-	-	
Restaurant with Drive-Through	-	-	-	-	MNP	-	-	-	-	MNP	MNP	-	-	-	-	-	-	-	
Restaurant, Full Service	-	-	-	-	P	P	P	P	P	P	P	P	-	-	-	-	-	-	
Restaurant, Limited Service	-	P/3	P/3	P/3	P	P	P	P	P	P	P	P	P/19	P/19	-	P/23	-	P/25	
Tasting Room/Wine Bar	-	-	-	-	MNP	MNP	MNP	MNP	MNP	MNP	MNP	-	-	-	-	-	-	-	
Mobile Food Vending, Off-street	-	-	-	-	ZC	ZC	ZC	ZC	-	ZC	ZC	-	-	-	-	-	-	-	**Chapter 16.327**, Mobile Food Vending
Equipment Rental	-	-	-	-	-	-	P/12	-	P/12	P	P	-	-	P	P	-	-	-	
Financial, Insurance and Real Estate Services	-	-	-	-	P	P	P	P/19	P/19	P	P	-	-	-	-	-	-	-	

KEY:
P: Permitted; may be subject to zoning compliance determination ; **ZC:** Zoning Compliance Review required ; **MNP:** Minor Use Permit required ; **MJP:** Major Use Permit required ; **#:** See Notes at end of table

TABLE 16.301-A: LAND USE REGULATIONS

USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
Food and Beverage Retail Sales	(See sub-classifications below)																		
Convenience Store	-	MNP /3	MNP /3	MNP /3	P	P	MNP	MNP/ 19	MNP/ 19	MNP/ 13	MNP/ 13	-	-	-	-	-	-	P/25	Note 10; **Chapter 16.305**, Alcoholic Beverage Sales
Farmers' Market	-	-	-	-	MNP	MNP	MNP	MNP	-	MNP	MNP	-	-	-	-	-	-	-	Note 21; **Chapters 16.318,** Farmer's Markets and **16.305**, Alcoholic Beverage Sales
Grocery Store/ Supermarket Small (Less than 10,000 sf)	-	-	-	-	P	P	P	P	MNP	P	P	-	-	-	-	-	-	-	
Grocery Store/ Supermarket Medium (10,000 sf - 50,000 sf)	-	-	-	-	MNP	MNP	MNP	-	-	P	P	-	-	-	-	-	-	-	Note 10; **Chapter 16.305**, Alcoholic Beverage Sales
Grocery Store/ Supermarket Large (More than 50,000 sf)	-	-	-	-	MJP	MJP	MJP	-	-	MNP	P	-	-	-	-	-	-	-	
Liquor Store	-	-	-	-	MJP	MJP	MJP	-	-	MJP	-	-	-	-	-	-	-	-	
Produce Store	-	-	-	-	P	P	P	P	MNP	P	P	-	-	-	-	-	-	-	
Public Market Small (Less than 30,000 sf)	-	-	-	-	MJP	MJP	MJP	-	-	MNP	MNP	-	-	P	P	-	-	-	Note 10; **Chapter 16.305**, Alcoholic Beverage Sales
Public Market Large (30,000 or More)	-	-	-	-	-	MJP	-	-	-	MJP	MJP	-	-	MNP	MNP	-	-	-	
Funeral and Interment Service	-	-	-	-	MJP	-	-	-	-	MJP	MJP	-	-	-	-	-	-	-	
Laboratory	-	-	-	-	P/13	P	-	-	-	P	P	P	P	P	P	-	-	-	
Live/Work Unit	-	MNP	MNP	MNP	ZC	ZC	MNP	MNP	MNP	ZC	ZC	MNP /20	-	MNP	-	-	-	-	**Chapter 16.324**, Live/Work Units
Lodging	(See sub-classifications below)																		
Bed and Breakfast	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	-	-	-	-	-	-	-	**Chapter 16.311**, Bed and Breakfast Lodging
Campground	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	-	-	
Hotels, Motels	-	-	-	MJP /5	MNP	MNP	MNP	-	MNP	P	P	-	-	-	-	-	-	-	
Maintenance or Repair Services	-	-	-	-	P	P	-	P/13	P	P	P	-	-	P	P	-	-	-	

KEY:
P: Permitted; may be subject to zoning compliance determination ; **ZC:** Zoning Compliance Review required ; **MNP:** Minor Use Permit required ; **MJP:** Major Use Permit required ; **#:** See Notes at end of table

TABLE 16.301-A: LAND USE REGULATIONS

USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
Nursery and Garden Center	(See sub-classifications below)																		
Nursery and Garden Center, Small (Less than 10,000 sf)	-	-	-	-	P	P	-	P	-	P	P	-	-	P	P	-	-	-	
Nursery and Garden Center, Large (10,000 sf or More)	-	-	-	-	MNP	-	-	MNP	-	P	P	-	-	P	P	-	-	-	
Offices	(See sub-classifications below)																		
Business and Professional Offices	-	-	-	-	P	P	P	P /13	P/13	P	P	P	P	-	-	-	-	-	
Medical and Dental Office	-	MNP /3	MNP/ 4	MNP/ 4	P	P	P	P/13	P/13	P	P	-	-	-	-	-	-	-	
Parking Facilities, Commercial	-	-	-	-	P	MNP	MNP	-	-	MNP	MNP	P	P	P	P	-	-	-	
Personal Services	(See sub-classifications below)																		
General Personal Services	-	MNP /3	MNP	MNP	P	P	P	-	-	-	-	P	-	-	-	-	-	-	
Massage Service	-	-	-	-	ZC /7	ZC /7, 11	ZC /7	ZC/ 7	ZC/ 7	ZC/ 7	C/ 7	ZC/ 7	ZC/ 7	-	-	-	-	-	**Chapter 16.326**, Massage Establishments
Massage Therapy	-	-	-	-	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	-	-	-	-	-	
Personal Services, Physical Training	-	-	MNP	MNP	-	-	-	P	P	P	P	-	-	-	-	P/23	-	-	
Retail Sales	(See sub-classifications below)																		
Building Materials, Sales and Services	-	-	-	-	MNP/ 26	MNP/ 26	-	-	-	MNP	MNP	-	-	P	P	-	-	-	
Cannabis, Retail	-	-	-	-	MNP	-	-	-	-	MNP	MNP	-	-	MNP	MNP	-	-	-	Vallejo Municipal Code Chapter 7.100, Marijuana; **Chapter 16.312**, Cannabis Processing, Cultivation, Distribution, Testing and Retail
Firearm Sales	-	-	-	-	-	-	-	-	-	MNP	MNP	-	-	-	-	-	-	-	
General Retail Small (Less than 10,000 sf)	-	MNP /3	MNP /3	MNP /3	P	P	P	P	P	P	P	P	-	-	-	-	-	-	Note 10; **Chapter 16.305**, Alcoholic Beverage Sales
General Retail Large (10,000 sf – 75,000 sf)	-	-	-	-	MNP	-	MNP	-	-	P	P	-	P	-	-	-	-	-	

KEY:
P: Permitted; may be subject to zoning compliance determination ; **ZC:** Zoning Compliance Review required ; **MNP:** Minor Use Permit required ; **MJP:** Major Use Permit required ; **#:** See Notes at end of table

TABLE 16.301-A: LAND USE REGULATIONS

USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
Large Format Retail (More than 75,000 sf)	-	-	-	-	-	-	-	-	-	MJP	MJP	-	-	MJP	-	-	-	-	Note 10; **Chapters 16.322,** Large Format Retail and **16.305**, Alcoholic Beverage Sales
Pawnshop	-	-	-	-	-	MNP	-	-	-	MNP	MNP	-	-	-	-	-	-	-	
Smoke Shop or Tobacco Retailer	-	-	-	-	MJP /8	MJP /8	-	-	-	MJP/ 8	MJP/ 8	-	-	-	-	-	-	-	**Chapter 16.340**, Tobacco Product Sales
Swap Meet (Indoor)	-	-	-	-	P	P	P	P	-	P	P	-	-	-	-	-	-	-	
Swap Meet (Outdoor)	-	-	-	-	MJP	-	-	-	-	MNP	MNP	-	-	-	-	-	-	-	
INDUSTRIAL																			
Artisan/Small-Scale Manufacturing	-	-	-	-	P	P	P	P/13	P	P	P	-	-	P	P	-	-	-	
Artist's Studio	(See sub-classifications below)																		
Artist's Studio-Light	-	-	-	-	P	P	P	P	P	P	P	-	-	P	-	-	-	-	
Artist's Studio-Heavy	-	-	-	-	MNP	MNP	MNP	-	-	MNP	MNP	-	-	P	P	-	-	-	
Breweries	(See sub-classifications below)																		
Brewery, Brew-on-Premises	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	Note 19; **Chapter 16.305**, Alcoholic Beverage Sales
Brewery Production - Micro	-	-	-	-	MNP	MNP	MNP	MNP	MNP	MNP	MNP	-	-	P	P	-	-	-	Note 10; **Chapter 16.305**, Alcoholic Beverage Sales and **Chapter 16.330**, Outdoor Dining and Seating
Brewery Production - Large	-	-	-	-	-	MNP	MNP	-	-	MNP	MNP	-	-	P	P	-	-	-	
Cannabis	(See sub-classifications below)																		
Cannabis Cultivation	-	-	-	-	-	-	-	-	-	MNP/ 15	-	-	-	MNP	MNP	-	-	-	Vallejo Municipal Code Chapter 7.200, Marijuana; **Chapter 16.312**, Cannabis Processing, Cultivation, Distribution, Testing and Retail
Cannabis Distribution	-	-	-	-	-	-	-	-	-	MNP/ 15	-	-	-	MNP	MNP	-	-	-	
Cannabis Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	MNP	-	-	-	
Cannabis Testing Laboratory	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	MNP	-	-	-	
Contractors' Yard	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	
Industry, General	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	P	-	-	-	

KEY:
P: Permitted; may be subject to zoning compliance determination ; **ZC:** Zoning Compliance Review required ; **MNP:** Minor Use Permit required ; **MJP:** Major Use Permit required ; **#:** See Notes at end of table

TABLE 16.301-A: LAND USE REGULATIONS

USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
Media Production	(See sub-classifications below)																		
Media Production Support Facility	-	-	-	-	P	P	P	P	-	P	P	P	-	P	P	-	-	-	
Media Production Full-Service Facility	-	-	-	-	-	-	-	-	-	MNP	MNP	P	-	P	P	-	-	-	
Recycling Facilities	(See sub-classifications below)																		
Recycling, Large	-	-	-	-	-	-	-	-	-	MNP	-	-	-	MJP	P	-	-	-	**Chapter 16.333**, Recycling Facilities
Recycling, Small	-	-	-	-	MNP	-	-	MNP	-	MJP	MNP	-	-	P	P	-	-	-	
Research and Development	-	-	-	-	P	P	P	-	-	P	P	P	P	MNP	MNP	-	-	-	
Warehousing, Storage and Distribution	(See sub-classifications below)																		
Chemical, Mineral, and Explosive Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	-	-	-	**Chapter 16.320**, Hazardous Materials Handling and Storage
Indoor Warehousing and Storage	-	-	-	-	-	-	-	-	-	MNP/17	MNP/17	-	-	P	P	-	-	-	
Outdoor Storage	-	-	-	-	-	-	-	-	-	-	-	-		MNP	P	-	-	-	
Mini-Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	MJP	-	-	-	**Chapter 16.331**, Personal Storage
PUBLIC AND SEMI-PUBLIC																			
Adult Day Care	(See sub-classifications below)																		
Small (6 or fewer and less than 5,000 sf)	P	P	P	P	P	P	P	MNP	-	MJP	-	-	-	-	-	-	-	-	**Chapter 16.315**, Day Care, Adult and Child
Large (More than 6 and 5,000 sf or larger)	MNP	MNP	MNP	MNP	MNP	MNP	MNP	P	-	MJP	-	-	-	-	-	-	-	-	
Cemetery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	-	-	
Childcare Center	(See sub-classifications below)																		
Small (Less than 5,000 sf)	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	-	-	-	**Chapter 16.315**, Day Care, Adult and Child
Large (5,000 sf or More)	-	-	-	-	MNP	MNP	-	MNP	-	P	P	-	-	-	-	-	-	-	
Child Care and Early Education Facility	(See sub-classifications below)																		
Small (Less than 5,000 sf)	P	MNP	MNP	MNP	MNP	MNP	-	-	-	-	-	-	-	-	-	-	-	-	**Chapter 16.315**, Day Care, Adult and Child
Large (5,000 sf or More)	MNP	MNP	MNP	MNP	-	-	-	-	-	MNP	-	-	-	-	-	-	-	-	

KEY:
P: Permitted; may be subject to zoning compliance determination ; **ZC:** Zoning Compliance Review required ; **MNP:** Minor Use Permit required ; **MJP:** Major Use Permit required ; **#:** See Notes at end of table

TABLE 16.301-A: LAND USE REGULATIONS

USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
Colleges and Trade Schools, Public or Private	(See sub-classifications below)																		
Small (Less than 10,000 sf)	P	MNP	MNP	MNP/11	MNP	MNP	-	-	-	P	P	P	P/18	MJP	-	-	-	MNP	
Large (10,000 sf or More)	MJP	-	MJP	MJP	MJP	MJP	-	-	-	MNP	MNP	MNP	MNP/18	-	-	-	-	-	
Community Assembly	(See sub-classifications below)																		**Chapter 16.313**, Community Assembly
Small (Less than 5,000 sf)	P	P	P	P	P	P	P	P	MNP	P	P	P	P	-	-	-	-	MNP	
Large (5,000 sf or More)	MNP	MNP	MNP	MNP	MNP	MJP	MJP	-	MJP	MJP	MJP	MNP	MNP	-	-	-	-	-	
Community Garden	ZC	ZC	ZC	ZC	ZC	-	-	ZC	-	ZC	ZC	-	-	-	-	ZC	-	-	**Chapter 16.314**, Community Gardens
Conference/ Convention Facility	-	-	-	-	-	MNP	MNP	-	MJP	MJP	MJP	-	-	-	-	-	-	MJP	
Cultural Facility	-	MJP	MJP	MJP	P	P	P	P	MNP	P	P	-	-	-	-	MNP	MNP	MJP	
Emergency Shelters	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	MJP	**Chapter 16.317**, Emergency Shelters
Government Office	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P/26	-	P	
Hospitals and Clinics	(See sub-classifications below)																		
Extended Care	-	-	MJP	MJP	MNP	-	-	MNP	-	MNP	MNP	-	-	-	-	-	-	-	
Hospital	-	-	-	-	MJP	-	-	-	-	MJP	MJP	-	MJP	-	-	-	-	-	
Park and Recreation Facilities, Public	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	P	MNP	P	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	-	-	P	
School (K-12)	P/2	P/2	P/2	P/2	-	-	-	-	-	-	-	-	-	-	-	-	-	P	**Chapter 16.335**, Schools
Small (Less than 10,000 sf)	-	-	-	-	P	P	-	P	-	MNP	MNP	-	-	-	-	-	-	-	
Large (10,000 sf or More)	-	-	-	-	MJP	MJP	-	P	-	MJP	MJP	-	-	-	-	-	-	-	
Social Services Center	(See sub-classifications below)																		**Chapter 16.337**, Social Service Centers
Small (Less than 5,000 sf)	-	-	-	-	P	P	P	P	MNP	P	P	-	-	-	-	-	-	P	
Large (5,000 sf or More)	-	-	-	-	MNP/13	MNP	MNP	MNP	MNP	MNP	MNP	-	-	-	-	-	-		

KEY:
P: Permitted; may be subject to zoning compliance determination ; **ZC:** Zoning Compliance Review required ; **MNP:** Minor Use Permit required ; **MJP:** Major Use Permit required ; **#:** See Notes at end of table

TABLE 16.301-A: LAND USE REGULATIONS

USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
RESIDENTIAL																			
Single-unit Residential	(See sub-classifications below)																		
Single-unit, Attached	-	P/1	P/1	P/1	P/1	P/1, 11	P/1	P/1	-	P/1	P/1	-	-	-	-	-	-	-	**Chapters 16.202.05**, Small Lot Development, **16.303**, Accessory Dwelling Units and **16.321**, Home-Based Business
Single-unit, Detached	P	P/1	P/1	P/1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
New Single-Unit Dwelling, Detached	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Existing Single-Unit Dwelling, Detached Permitted; Existing Single-Unit, Detached permitted in IL Only
Duplex	-	P/1	P/1	P/1	-	-	-	P/1	-	P/1	P/1	-	-	-	-	-	-	-	**Chapters 16.321**, Home-Based Business and **16.202.05**, Small Lot Development
Multi-Unit Residential (Three or More Units)	-	-	P	P	P/1	P/1	P/1	P/1	-	P/1	P/1	MNP/1	MNP/1	-	-	-	-	-	
Small Lot Development	-	MNP	MNP	MNP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	**Chapters 16.303**, Accessory Dwelling Units and **Chapter 16.321**, Home-Based Business
Guest House	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Group Residential	(See sub-classifications below)																		
Small (6 or fewer)	P	P	P	P	P	P	-	P	-	P	P	-	-	-	-	-	-	-	**Chapter 16.319**, Group Residential
Large (More than 6)	MNP	MNP	MNP	MNP	MNP	MJP	-	MNP	-	MNP	MNP	-	-	-	-	-	-	-	
Mobile Home Park	-	MJP	MJP	MJP	-	-	-	-	-	-	-	-	-	-	-	-	-	-	**Chapter 16.328**, Mobile Home Parks
Residential Care Facility	(See sub-classifications below)																		
Limited	P	P	P	P	MNP	-	-	-	-	-	-	-	P	-	-	-	-	-	**Chapter 16.334**, Residential Care, General
Senior	P	P	P	P	MNP	MNP/11	MJP	-	-	MNP	MNP	-	MNP	-	-	-	-	-	
Hospice, General	MNP	MNP	MNP	MNP	-	-	-	-	-	-	-	-	P	-	-	-	-	-	
Hospice, Limited	P	P	P	P	-	-	-	-	-	-	-	MNP	P	-	-	-	-	-	
Skilled Nursing Facility	MJP	MJP	MJP	MJP	-	-	-	-	-	-	-	-	P	-	-	-	-	-	

KEY:
P: Permitted; may be subject to zoning compliance determination ; **ZC:** Zoning Compliance Review required ; **MNP:** Minor Use Permit required ; **MJP:** Major Use Permit required ; **#:** See Notes at end of table

TABLE 16.301-A: LAND USE REGULATIONS

USE TYPES	RR	RLD	RMD	RHD	NMX	DMX	WMX	NC	WC	CC	RC	O	M	IL	IG	PROS	RCN	PS	ADDITIONAL REGULATIONS
Shopkeeper Unit	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	-	-	-	
Single Room Occupancy	-	-	MNP	MNP	MNP	MJP/ 11	-	P	-	MNP	MNP	-	-	-	-	-	-	-	**Chapter 16.336**, Single-Room Occupancy Housing
Supportive Housing	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	
Transitional Housing	P	P	P	P	P	P	P	P	-	P	P	-	-	-	-	-	-	-	
TRANSPORTATION, COMMUNICATION AND UTILITIES																			
Airport and Heliport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	MJP	
Communication Facilities	(See sub-classifications below)																		
Communications Antenna	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	MNP	-	**Chapter 16.341**, Wireless Telecommunications
Communications Tower	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	MNP	-	-	MJP	
Communications Equipment within Buildings	MNP	MNP	MNP	MNP	P	P	P	P	P	P	P	MNP	MNP	P	P	-	-	P/24	
Freight/Truck Terminal and Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	MNP	P	-	-	-	
Light Fleet-based Service	-	-	-	-	MNP	-	-	-	-	MNP	-	-	-	MNP	P	-	-	-	
Marina	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	
Passenger Station	-	-	-	-	MJP	MJP	MJP	-	P	P	P	-	-	-	-	-	-	MJP	
Utilities, Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Utilities, Major	-	-	-	-	-	-	-	-	-	-	-	MJP	MJP	MJP	MJP	MJP	MJP	P	
OTHER																			
Accessory Use	**Chapters 16.302**, Accessory Uses, **16.303**, Accessory Dwelling Units, and **16.306**, Animal Keeping and Services				**Chapters 16.302**, Accessory Uses and **16.303**, Accessory Dwelling Units														
Nonconforming Use	**Chapter 16.105**, Non-Conforming Uses																		
Temporary Use	**Chapter 16.339**, Temporary Uses																		

KEY:
P: Permitted; may be subject to zoning compliance determination ; **ZC:** Zoning Compliance Review required ; **MNP:** Minor Use Permit required ; **MJP:** Major Use Permit required ; **#:** See Notes at end of table

NOTE	DESCRIPTION
1	2-10 units permitted subject to Director decision. 11-49 units permitted subject to Director decision with Design Review Board recommendation. 50 or more units requires Design Review Board recommendation and Planning Commission decision. If project complies with State Gov. Code Sec. 65589.4, project is exempt from Design Review Board and Planning Commission review.
2	Minor Use Permit is required for an expansion of an existing school. A Major Use Permit is required for a new K-12 school, either new construction or conversion of a non-educational school building or facility.
3	Only allowed when 2,500 sq. ft. or less and located along a major corridor.
4	Only allowed on the ground floor in mixed-use buildings; a Major Use Permit is required for more than 2,500 sq. ft.
5	Major Use Permit is required and hotel shall not exceed 20 guest rooms.
6	May not be located within 500 ft. of a school, park or 1,000 of other Adult Use.
7	May not be located within 500 ft. from other Massage Services or 1,000 ft. of a school or park; a Major Use Permit is required for 3 or more operators.
8	May not be located within 1,000 ft. from another Tobacco Shop, or 1,000 ft. of a residential district, school or park. A Major Use Permit is required to include a Cigar/Hookah Lounge, Bar, or Café.
9	Only allowed on the ground floor of a building; a Major Use Permit is required for more than 25,000 sq. ft.
10	Any retail or eating or drinking establishment that sells or serves alcohol after Midnight (12 a.m.) shall require a Major Use Permit.

NOTE	DESCRIPTION
11	Not permitted within the Georgia Street Corridor between Sonoma Boulevard and Mare Island Way.
12	Limited to Marina-related Equipment Sales.
13	A Minor Use Permit is required between 2,500 sq. ft. and 5,000 sq. ft. and a Major Use Permit is required for more than 5,000 sq. ft.
14	Permitted along Solano Avenue between Georgia and Mariposa Streets.
15	Only permitted in the White Slough Specific Plan Area, Zone 1A.
16	Minor Use Permit not required for new auto sales on Auto Mall Parkway and west side of Sonoma Blvd. between Yolano Drive and Highway 37.
17	Allowed as an indoor accessory use, consistent with **Chapter 16.302**, Accessory Uses.
18	Limited to uses related to medical education.
19	Limited to small businesses (5,000 sq. ft. or less).
20	Only permitted above the ground level.
21	Minor Use Permit not required for Used Auto Sales on west side of Broadway between Tuolumne Street and Highway 37.
22	Only indoor cultivation allowed, including within greenhouses.
23	Limited to uses related to parks and recreation facilities, golf courses, or other public buildings.
24	Only as a secondary use in a Cultural Facility or Governmental Office.
25	Only in a mixed-use building to serve employees and visitors.
26	Indoor display or storage only. Outdoor display or storage is prohibited.

16.302 ACCESSORY USES

16.302.01 PURPOSE AND APPLICABILITY

This Chapter provides general guidance and specific standards for various accessory uses. For the purposes of this Chapter, the following are not considered accessory uses:

A. **Additional Dwelling Units.** Any use which increases the number of dwelling units in any building or on any lot beyond that permitted in the district, except for Accessory Dwelling Units as described in **Chapter 16.303, Accessory Dwelling Units**;

B. **Alcoholic Beverage Sales.** The sale of alcoholic beverages, whether on or off-site, shall not be considered an accessory use to any use, except department stores and florists, regardless of traditional associations or limited proportion of sales. Alcoholic beverage sales shall always be considered a principal use;

C. **Gun Repairs and/or Sales.** Gun repairs and sales are separate principal uses and shall not be considered accessory uses to any use; or

D. **Storage of Inoperative, Dismantled or Wrecked Vehicles in Residential Districts.** The storage of more than 2 inoperative, dismantled or wrecked vehicles shall not be considered an accessory residential land use and shall be prohibited in all residential districts.

16.302.02 ACCESSORY FOOD SERVICE

This Chapter establishes standards for food and beverage service that is clearly incidental and secondary to the primary use of a site.

A. **Applicability.** Food service operations that comply with the standards of this Chapter are considered accessory to a primary permitted use that is not a restaurant and are permitted wherever such primary use is permitted. Food service that is more extensive or intensive than described in this Chapter shall be separately classified as "Eating and Drinking Establishments" classification, as defined by Chapter 16.701, General Definitions.

B. **Primary Uses/Allowed Locations.** An accessory food service may serve and be located within a primary permitted non-residential use.

C. **Maximum Area.** The area utilized for on-site consumption of food and beverages, including seating, counter space, or other eating arrangement, shall not occupy more than 250 square feet of floor area. In addition, the consumption area may not exceed 33 percent of the floor area of the primary on-site use.

D. **Maximum Number of Seats.** The number of seats for patrons shall not exceed 20.

E. **Enclosure.** The seating area shall be defined by fixed barriers such as full or partial walls, fencing, or planters.

F. **Service.** Orders for food or beverages may not be taken from the table but rather shall be ordered at a counter.

G. **Entrances.** To ensure that an accessory food service remains accessory to the primary permitted use of the property, the food service shall not have a separate building entrance from the primary use.

H. **Parking.** The parking requirement for an accessory food service shall be based on the parking requirement for the primary permitted use of the property.

16.302.03 ACCESSORY COMMISSARY

This subsection provides standards for a restaurant to provide commercial vehicle commissary facilities for one mobile food truck where the commissary use is incidental and secondary to the primary use of a restaurant on the site.

A. **Zoning Compliance Review Required.** Pursuant to **Chapter 16.603, Zoning Compliance Review**.

B. **Operable Restaurant.** The site must include a restaurant that is operable and has a current City of Vallejo Business License.

C. **Parking and Traffic Flow.** The mobile food truck shall not occupy a required parking space for the restaurant and shall not obstruct vehicular or pedestrian circulation on the site.

16.303 ACCESSORY DWELLING UNITS

16.303.01 PURPOSE AND APPLICABILITY

The provisions outlined in this Chapter are intended to:

A. Implement California Government Code Sections 65852.2 and 65852.22 for the development of accessory dwelling units to increase the supply of smaller and more affordable residential units;

B. Expedite small-scale infill development; and

C. Implement the goals of the General Plan 2040 Housing Element to facilitate production of housing to accommodate Vallejo's fair share of the regional housing demand and Increase the overall supply and range of housing options in Vallejo.

Any application for an Accessory Dwelling Unit (ADU) or Junior Accessory Unit (JADU) that meets the location and development standards as provided in **Section 16.303.02, Required Standards** shall be processed ministerially; requiring a Zoning Compliance Review, pursuant to **Chapter 16.603, Zoning Compliance Review**, and shall not require a Discretionary Zoning Permit, per California Government Code Section 65852.2.

16.303.02 REQUIRED STANDARDS

A. **Zoning.** The lot is zoned for residential use and contains no more than one single-unit residential dwelling or primary unit, or one multiple unit structure which can also be constructed on the lot in conjunction with the construction of the ADU.

B. **Location on a lot.** The ADU can either be attached to the primary residential dwelling unit, located within the living area of the primary unit or an accessory structure, or detached from the primary unit if located on the same lot as the primary unit. An accessory structure includes a studio, pool house, or other similar structure.

C. **Subdividing.** No lot with an ADU shall be subdivided so that an ADU is on a separate lot from the primary unit with which it is associated.

D. **Number per lot.** More than one ADU may be located on any lot under the following circumstances and subject to compliance with all of the applicable requirements of this Chapter:

1. One JADU is within the primary unit structure and one ADU is located either within the existing primary unit, in an addition to the existing unit or in a detached structure;
2. One ADU or more is created through conversion of existing non-habitable space within a multiple-unit building as long as the total number of accessory units does not exceed 25 percent of the total number of units within the building; or
3. Up to 2 ADUs are created in a detached structure on the same lot as an existing multiple unit building.

E. **Unit Size.** The floor area of an ADU within the living area or structure of the primary unit or attached to the primary residential dwelling unit shall not exceed 50 percent of the total floor area of the primary residential unit. The floor area of a detached ADU shall not exceed 1,200 square feet. See **Section 16.303.03, Junior Accessory Development Units**, for size of JADU. A garage converted to an ADU is considered an attached ADU or JADU.

F. **Height.** A new detached ADU may not exceed 16 feet in height or 2 stories, whichever is less. The height of an ADU about a detached garage cannot exceed the maximum height of the applicable zoning district. An ADU located entirely within an existing structure shall not be subject to these height regulations.

G. **Setbacks.** A new detached ADU constructed above a garage shall be a minimum of 4 feet from the side and rear property line. A new detached ADU shall be a minimum of 4 feet from the side property line and the primary residential unit. No setback is required for:

1. An existing garage that is converted to an ADU or JADU, or a portion of an ADU;
2. A conversion of an existing accessory structure to an ADU; or
3. Placement of an ADU within an existing residence, if side and rear yard access is determined to be sufficient for fire safety by the Fire Division.

H. **Lot Coverage.** The construction of an ADU shall not cause lot coverage to exceed the maximum allowed on the parcel by this Zoning Code.

I. **Connectivity and Access.** No passageway shall be required between an ADU and the primary unit. An ADU that is created from conversion of floor within an existing dwelling unit or in an addition may have independent exterior access from the existing unit.

J. **Design Compatibility.** The design of any ADU requiring new construction or changes to the exterior of an existing structure shall be compatible with the existing primary unit as described in this Chapter. Design compatibility is defined as matching or being generally similar to the primary unit with respect to:

1. Shape, style, size and placement of exterior doors and windows;
2. Building siding or cladding materials and colors; and
3. Style of roof, roofing materials, and roof pitch.

K. **Historic District.** An ADU constructed in an historic district shall comply with all applicable objective historic standards. Any ADU that may have a potentially significant impact on any real property that is listed in the California Register of Historic Places is subject to environmental review as required by the Section 15064.5 of the CEQA Guidelines (California Code of Regulations, Determining the Significance of Impacts to Archeological and Historical Resources).

L. **Off-street Parking and Vehicular Access.** The ADU shall be provided with one additional off-street parking space than required for a single-unit dwelling. The additional space may be covered, uncovered, or tandem. No replacement parking is required when a garage, carport, or covered parking structure is demolished or converted to allow for construction of an ADU. The requirement for an additional parking space is waived under any of the following conditions:

1. The ADU is fully contained within the proposed or existing primary unit or in an existing accessory structure;
2. The ADU is located within one-half mile walking distance of a public transit stop or terminal;
3. The ADU is located on a street that requires On-Street Parking Permits and where a Parking Permit is not offered or otherwise available to the occupant of the ADU;
4. The ADU is located on a property where access is from a street with an unobstructed width of less than 20 feet, except for approved security gates, as the California Fire Code requires for fire apparatus access;
5. The ADU is located on property within a designated historic district;
6. The ADU is located within one block of a car share program area.

M. **Units for the Disabled.** To encourage the development of housing units for disabled individuals and persons with limited mobility, the Director may determine that reasonable deviation from the above requirements is necessary to install features that facilitate access and mobility for disabled persons. Such deviations may include the construction of ramps within the minimum side and rear yards, the design of doors and windows which are not completely architecturally consistent, and others as deemed appropriate.

16.303.03 JUNIOR ACCESSORY DEVELOPMENT UNITS

A JADU, also known as an efficiency unit, may be created within the walls of a proposed or existing primary residential dwelling unit or primary unit subject to the following regulations:

A. There may be no more than one JADU per parcel;

B. The JADU shall have an area of at least 150 feet and may not exceed 500 square feet;

C. The JADU shall be located entirely within the existing or proposed primary unit and have its own separate entrance except the existing building envelope may be expanded by up to 150 square feet to provide ingress and egress to the JADU;

D. The unit shall include an efficiency kitchen with a sink, cooking appliance, cooking surface and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed;

E. The JADU may share a bathroom with the primary residence or have its own bathroom;

F. No additional parking is required.

G. The JADU or primary unit must be owner-occupied. A deed restriction with this requirement shall be recorded with the Solano County Recorder prior to Occupancy Permit issuance.

16.303.04 PROCEDURES

A. **Application requirements.** Applications for ADUs and JADUs shall be submitted in writing on application forms issued by the Planning Division and shall include all of the information specified in application requirements established by the Director including building plans with sufficient information to make a proper determination that the project meets the standards specified in **Section 16.303.02, Required Standards**.

B. Applications shall be signed by the property owner and shall be accompanied by the fee established by the Master Fee Schedule. In addition to any other information required by this Zoning Code or the Director, the application shall include a statement of intention to consider leasing the unit as affordable housing and/or accepting vouchers under the federal Section 8 housing program.

C. **Application review.** An application that conforms with all of the applicable provisions of this Chapter shall be reviewed and approved by the Director as a ministerial action within 60 days of submittal. An applicant may request a delay in processing an ADU or JADU application in which case the 60-day time period shall be tolled for the period of the delay. If an application to create an ADU or JADU is submitted with a Permit Application to create a new single-unit dwelling on the property, the City may delay action on the application for the ADU or JADU until it acts on the Permit Application for the new dwelling.

16.303.05 DEED RESTRICTION

Prior to issuance of an Occupancy Permit, the applicant shall provide the Director with proof of recordation with Solano County of a deed restriction that shall run with the land, which requires the rental term of an ADU to exceed 30 days. For a JADU, a deed restriction shall also be provided that requires owner-occupancy for the primary unit or JADU.

16.303.06 APPEALS, EXPIRATIONS, EXTENSIONS, MODIFICATIONS AND REVOCATIONS

A. **Appeals.** A decision on a Zoning Clearance for an ADU may be appealed in accordance with **Section 16.602.14, Appeals**.

B. **Expiration, Extensions and Modifications.** A Zoning Clearance for an ADU is effective and may only be extended or modified as provided for in **Chapter 16.602, Common Procedures**, **Section 16.602.12, Expiration and Extension**, and **Section 16.602.12.D, Changes to an Approved Permit**.

C. **Revocations.** A Zoning Clearance for a ADU may be revoked pursuant to **Chapter 16.615, Enforcement and Abatement**. Pursuant to State Health and Safety Code Section 17980.12, an owner of an ADU that was built before January 1, 2020 may request a delay in enforcement until January 1, 2030 unless the correction is necessary to protect health and safety.

16.304 ADULT USE REGULATIONS

16.304.01 PURPOSE AND APPLICABILITY

These provisions provide special design guidelines/standards and development regulations to regulate the operation of Adult Use facilities, minimizing any associated negative secondary effects. This Chapter is not intended to provide exclusive regulation of the regulated Adult Use. Such uses shall comply with any and all applicable regulations imposed in other Chapters of the Zoning Code, other City ordinances, and state and federal law.

16.304.02 REQUIREMENTS

A. **Major Use Permit Required.**

1. No Adult Use may be established within the City by right. All persons wishing to establish an Adult Use within the City shall apply for and receive a Major Use Permit, as provided in **Chapter 16.606, Minor and Major Use Permits**.
2. It is the burden of the applicant to supply evidence to justify the granting of a Major Use Permit for an Adult Use.

B. **Regulatory Permit Also required.**

1. It is unlawful for any person to operate, engage in, conduct or carry on any Adult Use unless the owner of such business first obtains from the Director, and continues to maintain in full force and effect, an Adult Use Regulatory Permit for such business.
2. **Permit Application.**
   a. The owner of a proposed Adult Use Business shall be the only person eligible to obtain an Adult Use Regulatory Permit for such business. The owner shall not be eligible to obtain an Adult Use Regulatory Permit unless the owner is at least eighteen (18) years of age.
   b. The following shall be submitted to the Director at the time of the application for an Adult Use Regulatory Permit:
      i. A completed application form signed by:
         (a). the Applicant; and

(b). either the record owner of the property or the lessor of the premises (if the business premises are leased to the Applicant business) where the Adult Use Business is to be conducted.

ii. The Applicant's fingerprints on a form provided by the Vallejo Police Department. Any fees for the fingerprints shall be paid by the applicant.

iii. Two color photographs, taken within 6 months prior to the date of the application, that clearly show the applicant's face. Any fees for the photographs shall be paid by the applicant.

iv. A written description of the proposed Adult Use Business and how it will satisfy the requirements of this Chapter.

v. A site plan depicting the building unit proposed for the Adult Use Business. The site plan shall include a dimensional interior floor plan that depicts how the Adult Use Business will comply with the requirements of this Chapter. The site plan shall also include a diagram of the off-street parking areas required by **Chapter 16.508, Off-Street Parking and Loading** of this Code.

vi. A statement signed by the Applicant certifying under penalty of perjury that all of the information submitted in connection with the Application for an Adult Use Regulatory Permit is true and correct.

vii. A nonrefundable application fee in an amount set by the Master Fee Schedule.

c. If the Director determines that the Applicant has completed the application for an Adult Use Regulatory Permit improperly, the Director shall promptly notify the Applicant of such fact and shall return the application unprocessed. On request of the Applicant, the Director shall grant the Applicant an extension of time of 10 days to complete the application properly. The time period for granting or denying the requested permit shall be stayed during the period in which the Applicant is granted an extension of time.

3. **Approval or denial of permit.**

Background Check/Police Clearance. Applicants for an Adult Use Regulatory Permit Or Adult Performer Permit as defined in this Chapter shall provide proof that a background check has been cleared by the Vallejo Police Department for the Holder of the permit and all employees and Performers.

a. Neither the Applicant, if an individual, or any of the officers or general partners if a corporation or partnership, have been found guilty or pleaded nolo contendere within the past 7 years of a misdemeanor or a felony classified by the state as a sex or sex-related offense.

The Director shall, within 30 calendar days of the filing of a complete application, approve and issue the Adult Use Regulatory Permit if the requirements of this Chapter have been met; otherwise the permit shall be denied. Notice of the approval or denial of the permit shall be given to the Applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States Postal Service on the date of such decision. If the application is denied, the Director shall attach to the notice a statement of the reasons for the denial. The time period set forth in this paragraph shall not be Applicant.

Any interested person may appeal the decision of the Director to the Planning Commission in accordance with the **Section 16.602.14, Appeals**.

4. **Nontransferable.**

a. No person shall operate an Adult Use Business under the authority of an Adult Use Regulatory Permit at any place other than the address of the Adult Use Business stated in the application for the Adult Use Regulatory Permit.

b. No Adult Use Regulatory Permit issued pursuant to this Chapter shall be transferable.

c. Any attempt to transfer an Adult Use Regulatory Permit is hereby declared invalid and the permit shall automatically become void effective the date of such attempted transfer.

d. Nothing in this Section shall prevent the Director from approving a second Adult Use Regulatory Permit for a single location provided that the holder of the Adult Use Regulatory Permit previously approved for such location consents in writing to the automatic expiration of such previously approved permit upon the effective date of such second permit.

C. **Registration of Employees.**

Every permittee of an Adult-Use Regulatory Permit Business which provides live entertainment depicting specified anatomical areas or involving specified sexual activities shall maintain a register of all persons so performing on the premises and their permit numbers. The register shall be available for inspection during regular business hours by any police officer or health officer of the City.

16.304.03 PERFORMER PERMIT FILING AND PROCESSING

A. **Applicability.** No person shall engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an Adult-Use Business, without a valid Adult-Use Performer Permit issued by the City. All persons who have been issued an Adult-Use Regulatory Permit shall promptly supplement the information provided as part of the application for the Permit with the names of all Performers required to obtain an Adult Use Performer Permit, within 30 days of any change in the information originally submitted. Failure to submit the changes shall be grounds for suspension of the Adult-Use Regulatory Permit.

B. **Application Content.** The application for a Permit shall be made on a form provided by the Director. An original and 2 copies of the completed and sworn permit application shall be filed with the Director. The completed application shall contain the following information and be accompanied by the following documents:

1. The applicant's legal name and any other names (including "stage names" and aliases) used by the applicant;
2. Age, date and place of birth;
3. Height, weight, hair and eye color;
4. Present residence address and telephone number;
5. Whether the applicant has ever been convicted of:
   a. Any of the offenses set forth in Sections 315, 316, 266a, 266b, 266c, 266e, 266g, 266h, 266i, 647(a), 647(b) and 647(d) of the California Penal Code as those sections now exist or may hereafter be amended or renumbered or of any other misdemeanor or a felony classified by the state as a sex or sex-related offense; or
   b. The equivalent of the aforesaid offenses outside the State of California.
6. Whether the person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement shall be submitted giving the place of the registration, licensing or legal authorization, and the inclusive dates during which the person was so licensed, registered, or authorized to engage in prostitution.
7. State driver's license or identification number;
8. Satisfactory written proof that the applicant is at least 18 years of age;
9. The applicant's fingerprints on a form provided by the Vallejo Police Department, and a color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant;
10. If the application is made for the purpose of renewing a Permit, the applicant shall attach a copy of the Permit to be renewed.

The completed application shall be accompanied by a non-refundable application fee. The amount of the fee shall be set by resolution of the Council.

C. **Initial Application Review.** Upon receipt of an application and payment of the application fees, the Director shall immediately stamp the application as received and promptly investigate the application. If the Director determines that the applicant has completed the application improperly, the Director shall promptly notify the applicant of the fact and grant the applicant an extension of time of not more than 10 days to complete the application properly. In addition, the applicant may request an extension, not to exceed 10 days, of the time for the Director to act on the application. The time period for granting or denying a Permit shall be stayed during the period in which the applicant is granted an extension of time.

The Director shall, within 30 calendar days of the filing of a complete application, approve and issue the Adult Use Performer Permit if the requirements of this Chapter have been met; otherwise the permit shall be denied. Notice of the approval or denial of the permit shall be given to the Applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States Postal Service on the date of such decision. If the application is denied, the Director shall attach to the notice a statement of the reasons for the denial. The time period set forth in this paragraph shall not be extended except upon the written consent of the Applicant.

Any interested person may appeal the decision of the Planning Director to the Planning Commission in accordance with the **Section 16.602.14, Appeals**.

16.304.04 DISPLAY OF PERMIT AND IDENTIFICATION CARDS.

A. Every Adult-Use Business shall display at all times during business hours the Regulatory Permit issued pursuant to the provisions of this Division for such Adult-Use Business in a conspicuous place so that the same may be readily seen by all persons entering the Adult-Use Business.

B. The Director shall provide each Adult-Use Business Performer required to have a Permit in compliance with this Division with an identification card containing the name, address, photograph and permit number of the performer.

C. An Adult-Use Business Performer shall have their identification card available for inspection at all times during which the performer is on the premises of the Adult-Use Business.

16.304.05 LOCATIONAL LIMITATIONS

A. Subject to the limitations of this Chapter, Adult Uses may be located in the mixed-use or commercial land use designations, if permitted by the zoning district in which the property is located.

B. In those land use designations where the Adult Uses regulated by this Chapter would otherwise be permitted uses, it shall be unlawful to establish any such Adult Use if the location is:

1. Within a 500- foot radius of a school or park. The distance between a proposed Adult Use and the school or park shall be measured from the nearest exterior wall of the facility housing the Adult Use or proposed Adult Use to the nearest property line which includes a sensitive land use, along a straight line extended between the 2 points.
2. Within 1,000 feet of any other Adult Use as defined by this Chapter located either inside or outside the jurisdiction of the City. The distance between 2 Adult Uses shall be measured between the nearest exterior walls housing the Adult Uses along a straight line extended between the 2 uses.

C. The establishment of any Adult Use shall include the opening of such a business as a new business, the relocation of the business, or the conversion of an existing business to any Adult Use.

16.304.06 DEVELOPMENT AND OPERATING STANDARDS

A. **Background Check/Police Clearance.** Applicants for a Major Use Permit to operate an Adult Use as defined in this Chapter shall provide proof that a background check has been cleared by the Police Department.

B. **Hours of Operation.** It shall be unlawful for any operator or employee of an Adult Use to allow such Adult Use to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 12 midnight and 10 a.m. of any day, unless a Major Use Permit for a late night business operation has been granted by the Planning Commission pursuant to **Chapter 16.606, Minor and Major Use Permits**.

C. **Lighting Requirements.** All exterior areas of the Adult Use shall be illuminated at a minimum of 1.00-foot candle, minimally maintained and evenly distributed at ground level.

D. **Access Provisions.**

1. The operator of the Adult Use shall not permit any doors on the premises to be locked during business hours and, in addition, the operator shall be responsible to see that any room or area on the premises shall be readily accessible at all times and shall be open to view in its entirety for inspection by any law enforcement officer.
2. No Adult Use shall be operated in any manner that permits the observation of any material, adult oriented merchandise or activities depicting, describing or related to "specified anatomical areas" or "specified sexual activities" from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window, door or other aperture or opening. No exterior door or window on the premises shall be propped open or kept open at any time, and any exterior windows shall be covered with opaque covering at all times.
3. **Signage.** The Adult Use shall post in plain view inside the front portion of the business facility, in 2-inch print, a sign referencing California Penal Code Section 314.

E. **Regulation of Closed Booths.** No one shall maintain any arcade booth or individual viewing area unless the entire interior of such premises wherein the picture or entertainment that is viewed is visible upon entering into such premises; and, further, that the entire body of any viewing person is also visible immediately upon entrance to the premises without the assistance of mirrors or other viewing aids. No partially or fully enclosed booths/individual viewing area or partially or fully concealed booths/individual viewing area shall be maintained. No arcade booth shall be occupied by more than one patron at a time. No holes shall be permitted between arcade booths or individual viewing area. The booths shall be cleaned daily.

F. **Regulation of Viewing Areas.** All viewing areas within the Adult Use shall be visible from a continuous and accessible main aisle in a public portion of the establishment, and not obscured by any door, curtain, wall, 2-way mirror or other device which would prohibit a person from seeing into the viewing area from the main aisle. A manager shall be stationed in the main aisle or video monitoring shall be established at a location from which the inside of all of the viewing areas are visible at all times in order to enforce all rules and regulations. All viewing areas shall be designed or operated to permit occupancy of either one person only or more than 10 persons. "Viewing area" shall mean any area in which a person views performances, pictures, movies, videos or other presentations.

G. **Business License.** A person shall not own, operate, manage, conduct or maintain an Adult Use without first having obtained a business license in accordance with the provisions of Title 5, Business Licenses and Regulations, of the Vallejo Municipal Code.

H. **On-Site Manager.** All Adult Uses shall have a responsible person who shall be at least 21 years of age and who is on the premises to act as manager at all times during which the business is open. The individual designated as the on-site manager shall be responsible for all violations taking place on the premises.

I. **Minimum Age of Employees.** No person shall be employed in an adult business who is not at least 21 years of age.

J. **Security Measures.** All Adult Uses shall provide a security system that visually records and monitors the exterior premises of the property, including all parking lot areas; or, in the alternative, a uniformed security guard to patrol and monitor the exterior premises of the property, including the parking lot areas during all business hours. A sign indicating compliance with this provision shall be posted on the premises. The sign shall not exceed 2 feet by 3 feet and shall at a minimum be one foot by one and one-half feet.

K. **Nude Entertainment Business-Operating Requirements.** No person, association, partnership, or corporation shall engage in, conduct or carry on, or permit to be engaged in, conducted or carried on the operation of a nude entertainment business unless each and all of the following requirements are met:

1. No employee, owner, operator, responsible managing employee, manager or permittee of a nude entertainment business shall allow any person below the age of 18 years upon the premises or within the confines of any nude entertainment business if no liquor is served, or under the age of 21 years if liquor is served. Prior to commencing the sale of any alcoholic products, the property owner shall secure a Major Use Permit and comply with the provisions of **Chapter 16.305, Alcoholic Beverage Sales**.
2. No nude entertainer shall dance with or otherwise be within 4 feet of a patron while performing for compensation or while on licensed premises. This 4-foot separation shall be marked by a railing or other physical barrier designed to obstruct any contact between the entertainer and the patron(s).
3. No owner, operator, responsible managing employee, manager or permittee shall permit or allow at licensed premises any patron to approach within 4 feet of a nude entertainer or permit or allow a nude entertainer to approach within 4 feet of a patron.
4. All employees of nude entertainment businesses, other than nude entertainers while performing, shall, at a minimum while on or about the licensed premises, wear an opaque covering which covers their "specified anatomical areas."

L. **Disposal of Adult Oriented Merchandise and Materials.** Any and all adult oriented merchandise and materials discarded by an Adult Use shall be fully contained within a locked garbage receptacle at all times so that minors are not exposed to sexually explicit materials.

M. **Use Permit.** Procedure for an Adult Use:

1. Any person desiring to operate or establish an Adult Use within the City shall file with the Planning Division an application for a Major Use Permit on a standard application form supplied by the Planning Division.
2. The Planning Commission or City Council on appeal shall approve or conditionally approve an application for a Major Use Permit pursuant to **Chapter 16.606, Minor and Major Use Permits**. Information submitted by the Applicant shall substantiate the following findings: That the proposed use complies with the development and design requirements of the underlying zoning district in which it is located and with the applicable standards of this Chapter;
   a. That the proposed use complies with the locational limitations as specified in this Chapter; and
   b. That neither the Applicant, if an individual, or any of the officers or general partners, if a corporation or partnership, have been found guilty or pleaded nolo contenders within the past 4 years of a misdemeanor or a felony classified by the state as a sex or sex-related offense.
3. Any conditions imposed upon the permit shall be in keeping with the objective development standards of this Chapter above and the underlying zoning district in which the property is located.

16.304.07 USE PERMIT—JUDICIAL REVIEW OF DECISION TO GRANT OR DENY

A. The time for court challenge to a decision by the City Council is governed by California Code of Civil Procedure Section 1094.6.

B. Notice of the City Council's decision and its findings shall be mailed to the Applicant and shall include citation to California Code of Civil Procedure Section 1094.6.

16.304.08 USE PERMIT—APPEAL, EXPIRATION, MODIFICATIONS AND REVOCATION

A. **Appeal.** Any interested person may appeal the decision of the Planning Commission in accordance with the provisions of **Chapter 16.602, Common Procedures**, **Section 16.602.14, Appeals**.

B. **Expiration and Modifications.** A Major Use Permit for an Adult Use is effective and may only be extended or modified as provided for in **Chapter 16.602, Common Procedures**, **Section 16.602.12, Expiration and Extension**, and **Section 16.602.12.D, Changes to an Approved Permit.**

C. **Revocation.** Any permit issued pursuant to the provisions of this Chapter may be revoked by the City on the basis of any of the following:

1. That the business or activity has been conducted in a manner which violates one or more of the conditions imposed upon the issuance of the permit, or which fails to conform to the plans and procedures described in the application, or which violates the occupant load limits set by the fire marshal;

2. That the permittee has failed to obtain or maintain all required City, County, and State licenses and permits;
3. That the permit is being used to conduct an activity different from that for which it was issued;
4. That due to changes in on-site conditions, the Adult Use lacks sufficient on-site parking area for employees and the public under the standards set forth in **Chapter 16.508, Off-Street Parking and Loading**, except for an existing use that is legal and nonconforming with respect to parking;
5. That the building or structure in which the Adult Use is conducted is hazardous to the health or safety of the employees or patrons of the business or of the general public under the standards set forth in Title 12, Building and Construction, of the Vallejo Municipal Code;
6. That the permitted business creates sound levels which violate the provisions of Section 7.84, Regulations of Noise Disturbances, and Lighting Equipment of the Vallejo Municipal Code; and/or the Performance Standards for Noise specified in **Section 16.502.10, Noise**;
7. That the permittee, if an individual, or any of the officers or general partners, if a corporation or partnership, is found guilty or pleaded nolo contenders to a misdemeanor or felony classified by the state as a sex or sex-related offense during the period of the adult establishment's operation.

D. The revocation process shall be in accordance with the provisions of **Chapter 16.615, Enforcement and Abatement**.

E. In the event a permit is revoked pursuant to this Chapter, another Major Use Permit to operate an adult business shall not be granted to the permittee within 12 months after the date of such revocation.

16.305 ALCOHOLIC BEVERAGE SALES

16.305.01 PURPOSE AND APPLICABILITY

These regulations are established to implement the General Plan's policy to promote responsible sale and service of alcoholic beverages, as well as reduce impacts from the operation of businesses selling alcoholic beverages for on-site or off-site consumption.

16.305.02 REQUIREMENTS

A. **Use Permit Required.** No person shall dispense for sale or other consideration, alcoholic beverages, including beer, wine, malt beverages, and distilled spirits, for on-site or off-site consumption without first obtaining a Minor or Major Use Permit unless the sale or service is associated with a bona fide eating place, as defined by the California State Department of Alcoholic Beverage Control.

B. **All alcoholic beverage sales uses are also subject to the following requirements:**

1. The operator of the use shall prevent loitering or other activity in the parking lot that would be a nuisance to adjacent uses and/or residential neighborhoods;
2. The use shall not be located in a reporting district with more than the recommended maximum concentration of the applicable on or off-premises sales use, as recommended by the State of California Alcoholic Beverage Control Board (ABC), nor with a high crime rate as reported by the Vallejo Police Department unless the Director or the Planning Commission has made a determination of public convenience or necessity as provided for by State law and **Section 16.305.03, Determination of Public Convenience or Necessity** below;
3. Hours of operation are limited to 8 a.m. to 12 midnight, or in the DMX, 8 am to 1 am, daily unless the Planning Commission approves a Major Use Permit allowing additional hours pursuant to **Chapter 16.323, Late Night Business Operations** and considering:

   a. The impacts of any nearby discretionary land use that is already subject to a Major Use Permit and that also proposes to engage in late night alcohol sales and/or service;

b. Conditions including, but not limited to, interior and exterior restrictions such as noise controls, location and use of parking areas, sound barriers, and other performance standards to manage, minimize, mitigate, eliminate or reduce the impacts of that activity on the public health and safety.

4. The site shall be maintained free of litter and graffiti at all times. The owner or operator is responsible for daily removal of trash, litter, and debris from premises and on all abutting sidewalks with 20 feet of the premises. One permanent, non-flammable trash receptacle shall be installed near all public entrances and exits to the establishment.
5. Notices shall be prominently displayed that prohibit loitering and littering and request patrons to not disturb neighbors or block driveways;
6. Employees of the establishment shall walk a 100-foot radius from the facility at some point prior to 30 minutes after closing and shall pick up and dispose of any discarded beverage containers and other trash left by patrons.
7. The following signs shall be prominently displayed in a readily visible manner:

   a. "California State Law prohibits the sale of alcoholic beverages to persons under 21 years of age";
   b. "No loitering or public drinking"; and
   c. "It is illegal to possess an open container of alcohol in the vicinity of this establishment".

8. A copy of the conditions of approval and the ABC license shall be required to be kept on the premises and presented to any law enforcement officer or authorized City official upon request.
9. All businesses that engage in retail alcoholic beverage sales shall be subject to inspection by the City staff any time the Chief of Police, or their designee, finds that criminal or nuisance activities are occurring on or near the premises.
10. A sound wall up to 6 feet in height shall be provided between the business and any abutting residential zoning district or use. Such wall may not obstruct the view of the building or parking areas from the street.
11. When an existing alcohol outlet with a Major Use Permit changes ownership or undergoes an interior remodel, the establishment shall be subject to review pursuant to **Chapter 16.603, Zoning Compliance Review**, to ensure compliance with the existing Minor or Major Use Permit.
12. When an existing alcohol outlet without a Minor or Major Use Permit changes ownership or undergoes an interior remodel, it shall be subject to review pursuant to **Chapter 16.603, Zoning Compliance Review** and **Section 16.305.06, Deemed Approved Alcoholic Beverage Sales Establishments**, and the following additional requirements:

   a. An existing alcohol outlet that was lawfully established and is nonconforming solely due to the lack of an approved Minor or Major Use Permit is exempt from the requirements of this Chapter if the licensed premises have remained in continuous operation without substantial change in mode or character of operation. Approval of a Minor or Major Use Permit shall be required for a change in the licensed classification. The operation of an existing nonconforming alcohol outlet shall be considered lapsed and a Minor or Major Use Permit shall be required where operations have been discontinued for a period of over one year.
   b. Any existing premises where operations have been discontinued for these time periods shall be required to obtain a Major Use Permit prior to resuming business whether or not a Major Use Permit was obtained in the past for the premises.
   c. A substantial change in mode or character of operation shall include, but is not limited to, a change in operational hours that extends past 11 p.m. Sunday through Thursday and midnight on Friday and Saturday, a 5 percent increase in the floor area of the premises, a 10 percent increase in the shelf area used for the display of alcoholic beverages, queuing outside the establishment, age requirements for entry, checking identification at the door, implementing a cover charge, offering bottle service, or a 5 percent increase or decrease in the number of seats in any restaurant that serves alcoholic beverages, but in no case shall the increase exceed any established seating limitation in the underlying zoning district.

i. Bottle service shall mean the service of any full bottle of liquor, wine, or beer, of more than 375 ml, along with glass ware, mixers, garnishes, etc., in which patrons are able to then make their own drinks or pour their own wine or beer.

ii. Cover charge shall mean requiring payment of customers before they may enter the establishment.

16.305.03 DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY

The Director or the Planning Commission may make a determination of public convenience or necessity to allow the establishment of a new retail alcohol sales establishment or to allow the issuance of an additional license for any alcohol sales establishment in any area of the City that has an undue concentration of retail alcohol outlets or a higher crime rate than the average defined by the California Business and Professions Code Section 23958.4 (a).

A. **Applicability.** A determination of public convenience is necessary to allow approval of an additional license when:

1. A crime reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes from all crime reporting districts within the jurisdiction of the local law enforcement agency; or
2. The ratio of on- and off-sale retail licenses to population in the census tract or census division in which the premises are located exceeds the ratio of on- and off-sale retail licenses to population in the County.

B. **Basis for Determination.** The Director or the Planning Commission may make a determination of public convenience or a determination of necessity based on crime statistics provided by the Police Department and consideration of the following:

1. Special or unusual circumstances that justify a new establishment or license including, but not limited to, providing a service that existing alcohol sales uses do not offer;
2. Evidence that the proposed outlet needs the license in order to operate profitably;
3. If the business has a license at a different location and is relocating within the same census tract;
4. Consistency of the proposed use with the General Plan and any applicable Specific Plan or Planned Development approval and evidence that the proposed retail outlet will not have impacts detrimental to development or people living or working in the immediate surrounding neighborhood;
5. Proximity of other alcohol retail outlets, which would serve the needs of prospective patrons;
6. Proximity of the proposed site to a residential neighborhood or other sensitive land use such as elementary, secondary and high schools, transitional housing, or facilities providing services to homeless persons;
7. Whether the economic benefit of the proposed outlet to the district and/or the City will outweigh any possible negative impacts because the proposed use will attract patrons to the area and positively effect adjacent businesses by furthering a City objective, such as the creation and enhancement of entertain and craft beverage areas; and,
8. Whether there is a history of alcohol-related crimes or calls for police service for the area where the use is proposed.

16.305.04 EATING AND DRINKING ESTABLISHMENTS

Eating and drinking establishments offering: live entertainment, dancing or late-night alcohol beverage service and stand-alone banquet facilities offering alcohol beverage service, and bars, nightclubs (this does not apply to an Adult Nightclub), lounges, taverns, and taprooms offering alcohol beverage service in the NC Zoning District; shall require a Major Use Permit, as prescribed in **Chapter 16.606, Minor and Major Use Permits**, unless the sale or service is associated with a and any other establishment that services alcohol, with the exception of a bona fide eating place, as defined by the California State Department of Alcohol Beverage Control.

Bars, taverns, brewpubs, micro-breweries, tasting rooms or wine shop shall require a Minor Use Permit, as prescribed in **Chapter 16.606, Minor and Major Use Permits**; and pursuant to the applicable requirements of Part II, Districts and Development Types of the Zoning Code or an adopted Specific Plan or Planned Development Permit.

The Planning Commission or Director may only grant such a Use Permit if it makes the following findings and complies based on the substantial evidence in the record in addition to the findings required for approval of the Use Permit in accordance with **Chapter 16.606, Minor and Major Use Permits**:

A. The location and operating characteristics of the proposed alcohol sales will not adversely affect sensitive land uses in the surrounding area, including, but not limited to, residences, schools, parks, playgrounds, places of religious assembly, hospitals, and convalescent homes. For the purposes of this Chapter, "adversely affect" means to impact in a substantial, negative manner the economic value, habitability, or use of properties in the immediate area.

B. The impacts of any nearby discretionary land use that is already subject to a Use Permit and that also proposes to engage in late night alcohol sales and/or service are not increased;

C. Conditions including, but not limited to, interior and exterior restrictions such as noise controls, location and use of parking areas, sound barriers, and other performance standards manage, minimize, mitigate, eliminate or reduce the impacts of that activity on the public health and safety.

16.305.05 FOOD AND BEVERAGE RETAIL SALE ESTABLISHMENTS

Liquor stores, convenience stores, and mini-markets associated with fuel sales offering alcoholic beverages for off-site consumption shall require a Major Use Permit, as prescribed in **Chapter 16.606, Minor and Major Use Permits**.

A. The Planning Commission may grant such a permit only if, from the facts presented with the application, at the public hearing, or as determined by investigation, it finds that the conditions described in **Section 16.305.04, Eating and Drinking Establishments**, exist. The project shall meet the findings described in **Section 16.305.04**, or enjoyability of properties in the immediate area.

B. No liquor store, except for a large format liquor store, or convenience store, or mini-market associated with fuel sales offering alcoholic beverages for off-premise consumption shall be established within 1,000 feet of a property containing an existing or approved liquor store, convenience store or mini-market associated with fuel sales offering alcoholic beverages for off-site consumption.

C. A convenience store or mini-market may sell beer and wine under a ABC Type 20 license provided the total floor area devoted to display of such products does not exceed 10 percent of the gross floor area.

16.305.06 DEEMED APPROVED ALCOHOLIC BEVERAGE SALES ESTABLISHMENTS

A. **Purpose.** The regulations in this Chapter require that businesses selling alcoholic beverages, and were nonconforming uses before the adoption of these regulations, comply with performance standards and requirements to achieve the following objectives:

1. To protect adjacent neighborhoods from the harmful effects attributable to the sale of alcoholic beverages.
2. To provide opportunities for businesses which sell alcoholic beverages to operate in a mutually beneficial relationship to each other and to other commercial and civic services.
3. To provide mechanisms to address problems often associated with the public consumption of alcoholic beverages, such as litter, loitering, graffiti, unruly behavior and escalated noise levels.
4. To ensure that businesses which sell alcoholic beverages are not the source of undue public nuisances in the community.
5. To ensure that sites where alcoholic beverages are sold are properly maintained so that negative impacts generated by these activities are not harmful to the surrounding environment in any way.
6. To monitor deemed approved uses to ensure that they do not substantially change their mode or character of operation.

B. **Applicability.** All businesses engaged in the sale of alcoholic beverages, including eating and drinking 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.

1. Each such deemed approved use shall retain this status and may continue to engage in late night alcohol service, dancing and/or live entertainment provided such activities were lawfully engaged in prior to August 1, 2017, and as long as it complies with the deemed approved performance standards as specified in **Section 16.323.03, Late Night Alcohol Sales or Service**.

2. None of the provisions of this Chapter restrict any authority to require modification or termination of any deemed approved use which does not conform to the performance standards in sub-section E. or which has been declared to be a nuisance by the City Council.
3. Any business engaged in the sale of alcoholic beverages that obtained a Major Use Permit for the sale and service of alcohol prior to August 1, 2017 may continue to lawfully operate pursuant to the terms and conditions of its Major Use Permit so long as that permit has not been modified, revoked, suspended, or abandoned as set forth **Chapter 16.606, Minor and Major Use Permits** or **Chapter 16.615, Enforcement and Abatement** or sub-section C, Abandonment.

C. **Abandonment.** Whenever a deemed approved use discontinues active operation for a continuous period of 12 months, such deemed approved use shall not be resumed. Related structures may be utilized thereafter only for a permitted use. Furthermore, if another use has been substituted before the lapsing of 12 months, the original deemed approved use may not be resumed thereafter.

D. **Notification.** The Director shall notify the owner of each deemed approved use, and also the property owner if not the same, of the use's deemed approved status. Such notice shall be sent via certified return receipt mail; shall include a copy of the performance standards specified in sub-section E, Performance Standards for Deemed Approved Alcoholic Beverage Sales Uses, with the requirement that these be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review; notification that the use is required to comply with all these performance standards; that a Review Fee is required, the amount of such fee shall be as established or amended by the City Council; and that the use is required to comply with all other aspects of the deemed approved regulations. Should the notice be returned, then the notice shall be sent via regular U.S. Mail. Failure of any person to receive notice given pursuant to this Chapter shall not affect the deemed approved status of the use.

E. **Performance Standards for Deemed Approved Alcoholic Beverage Sales Uses.** An alcoholic beverage sales establishment shall retain its deemed approved status only if it conforms with all of the following standards:

1. It does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.
2. It does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area.
3. It does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests.
4. It does not result in violations to any applicable provision of any other City, state, or federal regulation, ordinance, or statute.
5. Its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding area.
6. A copy of the performance standards shall be posted in a conspicuous and unobstructed place visible from the entrance of the establishment for public review.

16.306 ANIMAL KEEPING AND SERVICES

16.306.01 ANIMAL KEEPING

The keeping of animals is permitted when accessory to a residential use in any residential zoning district consistent with the requirements of Chapter 7.24 of the Vallejo Municipal Code and the provisions of this Chapter.

16.306.02 NUMBER OF ANIMALS ALLOWED

On any lot in a residential zoning district, or in conjunction with any residential use in any other district, a total of 8 animals (domestic or exotic) may be kept on one lot, of which not more than 4 may be dogs, and 4 cats and not more than one may be a pot-bellied pig. In addition to the 8-animal total, poultry and other animals may be kept in compliance with the following requirements:

A. Roosters are prohibited.

B. Chickens, ducks, and geese shall be kept in a securely fenced area within the rear yard of a residential property and a coop and pen are provided. The coop and pen shall meet the following requirements:

1. **Setbacks.** Coops for keeping of hens shall be set back a minimum of 5 feet from side or rear property lines. Coops shall be located a minimum of 20 feet from habitable structures on adjacent properties; greater distances are encouraged where practicable.
2. **Coop height.** Coops shall be no taller than 6 feet in height.
3. **Coop and pen design and maintenance.** The coop and pen shall be designed, constructed, and maintained so that the hens are securely contained at all times.
4. **Ongoing maintenance and care.** The coop and pen shall be maintained in a clean and sanitary condition. All enclosures shall be constructed and maintained to prevent rats or other rodents from being harbored underneath, within, or within the walls of the enclosure. All feed and other items associated with hen keeping shall be managed to minimize contact with rodents.

C. **Large livestock.** The keeping of large livestock, including bovines, horses, mules, burros, is permitted subject to compliance with the requirements of the zoning district where the property is located and the following provisions:

1. Livestock farming is limited to the raising, feeding, maintaining and breeding of livestock.
2. Livestock shall not be permitted to run at large in the City or be pastured, herded, staked or tied on any private property without the consent of the owner.
3. Animal raising excludes animal feed yards and slaughtering of livestock.

TABLE 16.306-A: NUMBER OF ANIMALS AND POULTRY ALLOWED

TYPE OF ANIMAL	
Chickens	10 regardless of lot size
Ducks or Rabbits	10 per 20,000 sq. ft.
Pigeons	25 pigeons per 20,000 sq. ft.
Hogs, pigs, horses, mules or bovines	One per 20,000 sq. ft.
Goats, sheep, or similar	3 per 20,000 sq. ft.

16.306.03 ANIMAL SALES AND SERVICES

A. **Kennels.** There shall be no kennels within 200 feet of a residential use or residentially zoning district.

B. **Veterinary (small animals).** There shall be no veterinary facilities within 200 feet of a residential use or residentially zoned district.

16.306.04 BEEKEEPING

In addition to the animals permitted in Subsection (B), a maximum of 3 hives is permitted subject to the requirements of Chapter 7.38 of the Vallejo Municipal Code and the following standards:

A. Hives shall not be located within 10 feet of any rear or side property line or within 40 feet of the front property line.

B. Hives shall be located a minimum of 20 feet from habitable structures on adjacent properties.

C. The Director may approve reduced setbacks subject to approval of a Minor Use Permit pursuant to the requirements of **Chapter 16.606, Minor and Major Use Permits.**

16.307 AUTOMOBILE SERVICE STATIONS

16.307.01 PURPOSE AND APPLICABILITY

These regulations are intended to ensure that Service Stations do not result in adverse impacts on adjacent land uses, especially residential uses, due to:

A. The traffic, glare and patterns of use associated with Service Stations, particularly those open 24 hours per day, may be incompatible with nearby uses and especially residential use;

B. Their typically longer hours of operation may result in a higher incidence of crime.

The following requirements apply to all new Service Stations and existing Service Stations proposing an expansion of 10 percent or greater in floor area.

16.307.02 DEVELOPMENT STANDARDS

A. **Locational Limitations.** Service stations shall be located at the intersection of 2 major streets or a major and a collector street, or as part of a planned shopping center, freeway-oriented commercial services complex, or other planned commercial concentration.

B. **Minimum Parcel Size.** The minimum parcel size for development of a Service Station is 15,000 square feet except for those operated as part of a planned complex.

C. **Minimum Street Frontage.** Each parcel shall have a minimum street frontage of 100 feet on each abutting street.

D. **Setbacks.** No building or structure shall be located within 30 feet of any public right-of-way or within 20 feet of any interior parcel line.

E. **Gasoline Pumps.** Gasoline pumps shall be located at least 15 feet from any property line and a minimum of 20 feet from any public right-of-way.

F. **Canopies.** Canopies shall be located at least 5 feet from any property line.

G. **Screening.** Service Stations shall be separated from an adjacent property by a decorative masonry wall or vegetative screening, not less than 6 feet in height. Materials, textures, colors and design of all walls shall be compatible with the design of the Service Station design. Required screening walls shall comply with **Section 16.501.11, Visibility at Intersections, Driveways, and Alleys**.

1. Service stations that abut or are across an alley from a residential zoning district shall comply with all the following standards:

   a. A 6-foot masonry wall at shall be constructed along the property line abutting the residential zoning district or along the property line which is across the alley from said zoning district;

   b. All site lighting and lighted signs shall be directed away or shielded from the residential zoning district;

   c. The use shall comply with the front and side yard requirements applicable to the affected residential zoning district. All required yards shall be appropriately landscaped.

   d. Existing chain link and barbed wire fencing, bollards and chains shall be removed and replaced with fencing consistent with the requirements of **Section 16.504.03, Landscaping Standards** from any existing Service Station proposing an expansion of 10 percent or greater in floor area or reconfiguration of existing pumps, addition of new pumps, or new canopy structures.

H. **Landscaping.** The Service Station site shall be landscaped consistent with **Chapter 16.504, Landscaping**, and the following standards:

1. A minimum of 15 percent of the site shall be landscaped. A planting strip at least 5 feet wide shall be provided along all street frontages and at least 3 feet wide along all interior property lines and adjacent to buildings. Planters shall be surrounded by masonry or concrete curbs and arranged so as to preclude motor vehicles from driving across the sidewalk at locations other than access driveways.

2. Permanent opaque landscaping or berms shall be provided and maintained in the planters at a height of not less than 3 feet above the average adjacent grade.

3. A landscaped planter at least 150 square feet in area shall be provided at the intersection of 2 property lines at a street corner.

4. All existing street trees shall be preserved or replaced where missing, as required by **Chapter 16.504, Landscaping** subject to review and approval by the City Engineer. Driveways and vehicle approaches shall be designed so as not to necessitate the removal of any existing street trees.

I. **Transition Requirements Adjacent to Residential zoning districts.** Where an Automobile/Vehicle Service Station Use is adjacent to a Residential Zoning District, the following standards apply.

1. **Minimum Setbacks.** Buildings used for parking and vehicle storage that are adjacent to a Residential Zoning District not containing an existing Automobile/Vehicle Sales and Leasing Use shall be set back a minimum 10 feet from the shared property line. Buildings used for any other use allowed by this Chapter shall be set back a minimum 15 feet from the shared property line.
2. **Landscaping and Screening.** A continuous planting area with a minimum width of 7.5 feet shall be provided along any interior parcel line adjacent to a Residential Zoning District.

J. **Driveways.** For new Service Stations, no more than one driveway with a maximum width of 35 feet shall be permitted on any one street frontage and shall be located as follows: driveways shall not be located closer than 50 feet from a street intersection, 15 feet from a residential property line or alley, nor as to otherwise interfere with the movement and safety of vehicular and pedestrian traffic, subject to the approval of the Director.

K. **Lubrication Bays and Wash Racks.** All lubrication bays and wash racks shall be located within a fully enclosed building. Access to the service bays and wash racks shall not be located within 50 feet of property in a Residential Zoning District.

L. **Parking.** Parking shall be provided according to the standards of **Chapter 16.508, Off-Street Parking and Loading**, and the following:

1. Customer and employee parking shall not be used for automobile repair, finishing work or storage of vehicles.
2. Vehicles being serviced may be parked on the premises for a maximum of 2 weeks in additional parking spaces specifically provided for this purpose.
3. No vehicle that will be or has been serviced may be parked on public streets, sidewalks, parkways, driveways or alleys.
4. No vehicle may be parked on the premises for the purpose of offering it for sale.

M. **Air and Water.** Each Service Station shall provide air and water to customers without charge and at a convenient location during hours when gasoline is dispensed.

N. **Restrooms.** Each Service Station shall provide a public restroom accessible to the general public including persons with disabilities during all hours the Service Station is open to the public. Restrooms shall be attached to a structure on site with entrances or signage clearly visible from the gasoline service area or cashier station and concealed from view of adjacent properties by planters of decorative screening and shall be maintained on a regular basis.

O. **Vending Machines.** Coin-operated vending machines may be permitted within or abutting a structure for the purpose of dispensing items commonly found in Service Stations, such as refreshments and maps.

P. **Convenience stores.** Convenience stores or mini-markets may be permitted on the site of a Service Station subject to approval of a Minor Use Permit and the following development standards:

1. The Service Station shall be on a site at least 15,000 square feet in area that is located on a collector street;
2. A convenience store or mini-market located in an addition or free-standing structure shall meet all of the development standards applicable to the zoning district in which the site is located and shall be designed with materials compatible with the design of the Service Station and surrounding properties.
3. Arcade or game machines or other coin-operated electronic machines are prohibited.
4. Unless otherwise provided by the Review Authority, if the Service Station is within 100 feet of a residential zoning district, the convenience store or mini market operation shall be prohibited between the hours of 10 p.m. and 6 a.m.
5. A convenience store or mini-market may sell beer and wine under a ABC Type 20 license provided the total floor area devoted to display of such products does not exceed 10 percent of the gross floor area, subject to securing a Major Use Permit.
6. The site shall be maintained free of litter and graffiti at all times. The owner or operator is responsible for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises. One permanent, non-flammable trash receptacle shall be installed near all public entrances and exits to the establishment.
7. Employees of the establishment shall walk a 100-foot radius from the facility at some point prior to 30 minutes after closing and shall pick up and dispose of any trash left by patrons.

Q. **Lighting for Aprons and Canopies.** Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to facilitate the activities taking place in such locations.

1. **Service Stations.** Lighting for service station canopies shall be considered Class 2 lighting (General Illumination).
2. **Shielding.** Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface of the canopy and/or shielded by the fixture or the edge of the canopy.
3. **Total Under-Canopy Output.** The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot. All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output.

R. **Location of Activities.** All repair and service activities and operations on the site of a Service Station shall be conducted entirely within an enclosed service building, except as follows:

1. The dispensing of petroleum products, water, and air from pump islands and other designated locations on the site;
2. Replacement service activities such as wiper blades, fuses, radiator caps, and lamps;
3. Minor repair work taking less than one hour to perform;
4. The sale of items from vending machines placed next to the principal building in a designated area not to exceed 32 square feet and screened from public view;
5. The display of merchandise offered for customer convenience on each pump island, provided that the aggregate display area on each island shall not exceed 12 square feet and that the products shall be enclosed in a specially designed case; and
6. Motor vehicle products displayed along the front of the building and within 36 inches of the building, limited to 5 feet in height and not more than 10 feet in length.

S. **Solid Waste Storage and Disposal.** Trash areas shall be provided and screened as required by **Section 16.501.08, Solid Waste, Recycling, and Organic Waste Storage**, and according to the following:

1. All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
2. Solid waste bins shall be provided and placed in a location convenient for customers.
3. Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked or wrecked vehicles may be stored outside the main building.

T. **Security Plan.** A security plan shall be developed by the Applicant and approved by the City Chief of Police prior to issuance of a Building Permit.

16.308 AUTOMOBILE/VEHICLE SALES, LEASING AND RENTALS

16.308.01 PURPOSE AND APPLICABILITY

These provisions are intended to allow for the expansion and improved performance of automobile dealers (new and pre-owned vehicles) leasing and rental agencies in the City at appropriate locations and in a manner that minimizes negative effects on surrounding businesses and residences.

More specifically, these provisions are intended to:

A. Allow automobile dealers to expand in their current locations as long as their redevelopment is in the urban auto dealership format and incorporates mitigations to reduce any negative impacts on surrounding residential and nonresidential uses;

B. Encourage new automobile dealers and automobile rental establishments to locate in areas proposed to accommodate auto-oriented and auto-related uses and to develop shared inventory storage facilities in appropriate locations to meet their needs; and

C. Encourage dealerships to provide on-site automobile storage in above-grade structures or subterranean parking facilities.

All new Automobile/Vehicle Sales and Leasing and Automobile Storage uses shall comply with the requirements of this Chapter.

D. Existing Automobile/Vehicle Sales and Leasing uses are required to comply with the standards for development in conjunction with any one of the following:

1. Any new construction or expansion of floor area, in which case only the expanded floor area shall be required to comply with the standards;
2. Any outdoor expansion of vehicle display area, in which case only the expanded floor area shall be required to comply with the standards of this Chapter; or
3. Any expansion of the land area on which the dealership is located, whether by purchase, lease, business combination or acquisition, or similar method, in which case only the expanded land area shall be required to comply with the standards of this Chapter. This provision does not apply if the expanded land area was legally operated as a dealership within one year of the expansion.

E. Auto-dealership uses on parcels on Sonoma Boulevard south of Lewis Brown Drive and north of Couch Street in operation prior to the effective date of this Zoning Code and which have not subsequently been abandoned, are permitted uses that may be maintained or modified subject to the requirements of this Chapter.

16.308.02 DEVELOPMENT STANDARDS

Automobile/Vehicle Sales and Leasing businesses shall comply with the development standards—including but not limited to maximum height, maximum FAR, and minimum setbacks—for the respective zoning district or Districts in which they are located. If the development standards for the respective zoning district or districts conflict with the standards included in this Chapter, the standards of this Chapter shall apply.

The following development standards apply to Automobile/Vehicle Sales and Leasing uses:

A. **Showrooms.** Automobile/Vehicle Sales and Leasing Uses shall be developed to include indoor showrooms for display of vehicles for sale or lease.

1. **Maximum Setback.** Showrooms shall be located no farther than 15 feet from the property lines facing any boulevard and shall occupy at least 60 percent or 100 feet, whichever is greater, of the site frontage along such boulevards.
2. **Treatment of Setbacks.** If a setback is provided along any street frontage, the setback area (any area between building and sidewalk) shall be landscaped or improved as an extension of the public sidewalk to include pedestrian amenities. This requirement applies to all portions of a street-facing setback area that are not used for driveways or other accessways.
3. **Façade Height.** Showrooms shall be constructed to achieve at least the minimum required façade height of the zoning district in which they are located.
4. **Transparency.** Street-facing facades fronting major arterials or corridors shall have transparent glazing that provides views into display and sales areas. Transparent windows or doors shall be provided for at least 75 percent of the building wall area located between 2.5 and 7 feet above the level of the sidewalk. No wall may run in a continuous horizontal plane for more than 25 feet without an opening.

B. **Location of Required Parking and Storage.** Parking and vehicle storage shall be located behind the street frontage or in a garage structure that complies with the applicable requirements of **Chapter 16.508, Off-Street Parking and Loading**. Parking and vehicle storage may not be located between a vehicle showroom and any adjacent street.

C. **Transition Requirements Adjacent to Residential zoning districts.** Where an Automobile/Vehicle Sales and Leasing Use is adjacent to a Residential Zoning District, the following standards apply.

1. **Minimum Setbacks.** Buildings used for parking and vehicle storage that are adjacent to a Residential Zoning District not containing an existing Automobile/Vehicle Sales and Leasing Use shall be set back a minimum 10 feet from the shared property line. Buildings used for any other use allowed by this Chapter shall be set back a minimum 15 feet from the shared property line.
2. **Landscaping and Screening.** A continuous planting area with a minimum width of 7.5 feet shall be provided along any interior parcel line adjacent to a Residential Zoning District.

D. **Screening.** All outdoor areas used in conjunction with the business shall be screened in compliance with the requirements of **Chapter 16.505, Fences, Walls and Screening.**

E. **Parking, Vehicle Storage, and Display.** Parking structures and automobile storage uses associated with an Automobile/Vehicle Sales and Leasing business permitted to maintain inventory on the same site shall comply with the following development and design standards:

1. Customer parking shall comply with all standards of **Chapter 16.508, Off-Street Parking and Loading**.
2. Employee and inventory parking may be provided in tandem and is not subject to the minimum parking space and aisle dimensions of **Chapter 16.508, Off-Street Parking and Loading**. Final design of all parking and inventory storage areas shall be subject to review and approval by the Director.
3. Parking structures shall comply with the following standards:
   a. Except for emergency-only pedestrian exits required by the Building Official, parking structure walls facing property lines that are adjacent to a residential use shall be solid and decorative, subject to development plan approval pursuant to **Chapter 16.605, Development Review**;
   b. Non-skid or other similar surface treatment on both floors and ramps of the parking structure shall be required to prevent tire squeals. This material shall be subject to the review and approval of the Director;
   c. Rooftop parking on parcels that directly abut or are separated by an alley from a Residential Zoning District is only permitted if the parking structure provides a 6-foot parapet on the side of the parking structure closest to the Residential Zoning District. This parapet shall be solid and have a surface density of 4 pounds per square foot; and
   d. In order to minimize noise and air impacts, exhaust vents and other mechanical equipment associated with a parking structure shall be located as far from residential uses as possible consistent with the requirements of this Zoning Code.
4. **Lighting.** Lighting shall comply with **Chapter 16.506, Lighting and Glare**. Light sources shall be designed to contain direct and diffuse lighting and glare on the subject property.
5. **Queuing of Vehicles.** An adequate on-site queuing area for service customers shall be provided. On-site driveways may be used for queuing but may not interfere with access to required parking spaces. Required parking spaces may not double as queuing spaces.

6. **Vehicle Stacking Equipment.** Vehicle-stacking equipment is permitted within structures and on surface lots for employee parking and vehicle storage when screened with an 8-foot-high solid masonry wall. The wall shall be set back from the property line at least 2 feet so that a landscaped buffer of up to 2 feet in width can be provided. Parking spaces in lifts shall not be applicable in calculating parking requirements. All facilities shall comply with the City's Noise Ordinance and **Section 16.502.10, Noise**, of this Zoning Code.
7. **Resource Recovery Storage.** Floor area dedicated to employee and customer parking and vehicle storage shall be excluded when applying resource recovery and recycling requirements in **Section 16.501.08, Solid Waste, Recycling, and Organic Waste Storage**, unless otherwise required by the Director of Public Works in order to protect the public health, safety, and general welfare.

16.308.03 OPERATING STANDARDS

All businesses shall be operated according to the following standards:

A. **Customer and Employee Parking.**

1. On-site customer parking shall be provided at no charge to the customers.
2. Areas designated for employee or customer parking shall not be used for vehicle storage or display.

B. **Loading and Unloading of Vehicles.** Loading and unloading of vehicles shall comply with an off-loading plan approved by the Director. The dealership operator shall be responsible and liable for any activities of a common carrier, operator, or other person controlling such loading or unloading activities to the extent any such activities violate the provisions of this Chapter.

1. Loading and unloading of vehicles is generally limited to the hours of 8 a.m. to 5 p.m., Monday through Saturday unless the Director determines that off-loading can be accomplished during another time period without disturbing nearby residents. Loading and unloading of vehicles is prohibited on Sundays and legal holidays.
2. Vehicle off-loading shall not be permitted from streets that abut residential parcels in Residential Zoning District unless no other off-loading alternative is feasible, and an alternative operational plan is approved by the Director.
3. The Applicant shall prepare and submit to the Director for approval a plan that complies with all requirements of this Chapter.

C. **Storage of Vehicles.** No automobile dealership owner, operator, or employee, for any period of time on any public street or alley, shall park or store vehicles for sale, to be repaired, that have been repaired, or that are part of an automobile rental operation associated with the dealership.

D. **Circulation.** Entries and exits shall be located as far away from adjacent residential properties as reasonably feasible by means of signage and design. If structured parking or storage is used, the interior circulation system between levels shall be internal to the building and shall not require use of public ways or of externally visible or uncovered ramps, driveways, or parking areas. No arrangement shall be permitted which requires vehicles to back into a public street.

E. **Noise control.** Businesses shall comply with the applicable requirements of **Section 16.502.10, Noise** and the following requirements, whichever is stricter:

1. There shall be no outdoor loudspeakers. Interior loudspeakers shall produce no more than 45 dba at a boundary abutting or adjacent to a residential parcel under normal operating conditions (e.g., with windows open if they are likely to be opened).
2. All noise-generating equipment exposed to the exterior shall be muffled with sound-absorbing materials to minimize noise impacts on adjacent properties and shall not be operated before 8 a.m. or after 6 p.m. if reasonably likely to cause annoyance to abutting or adjacent residences and shall at all times be in compliance with the City's Noise Ordinance and **Section 16.502.10, Noise**.

F. **Toxic Storage and Disposal.**

1. Gasoline storage tanks shall be constructed and maintained in compliance with the requirements applicable to automobile service stations.
2. Operators shall comply with the requirements of all applicable federal, State and local laws relating to the storage and disposal of toxic chemicals and hazardous waste.

G. **Air Quality.**

1. Use of brake washers shall be required in service stalls or areas that perform service on brakes employing asbestos or other materials known to be harmful when dispersed in the air.
2. All mechanical ventilating equipment shall be directed to top story exhaust vents, which face away from abutting or adjacent residential properties.
3. Exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious pollutants, which would otherwise be emitted.

H. **Hours of Operation.** Unless otherwise approved by the Planning Commission, if the Automobile/Vehicle Sales and Leasing use is within 100 feet of a Residential zoning district, operation of the use shall be prohibited between the hours of 10 p.m. and 7 a.m.

16.309 AUTOMOBILE/VEHICLE REPAIR, LIGHT AND HEAVY

16.309.01 PURPOSE AND APPLICABILITY

These provisions are intended to allow for the establishment of heavy and light Automobile/Vehicle Repair facilities, including facilities accessory to a dealership, while ensuring they are located, developed, and operated in a manner that minimizes or prevents adverse effects on the environment, and to surrounding development.

16.309.02 DEVELOPMENT STANDARDS

A. **Structures.** For any new or addition to an Automobile/Vehicle Repair facility, entrances to individual service bays from the exterior of the building shall not face abutting residential zoned parcels.

B. **Setbacks.** Any new or addition to an Automobile/Vehicle Repair facility shall comply with the setback requirements for the zoning district in which it is located

C. **Landscaping and Screening.** In addition to complying with the landscaping standards provided in Subsection C below, landscaping shall comply with requirements in **Chapter 16.504, Landscaping** and **Section 16.504.09, Water-Efficient Landscape Requirements.**

D. **Transition Requirements Adjacent to Residential Zoning Districts.** Where an Automobile/Vehicle Repair Use is adjacent to a Residential Zoning District, the following standards apply.

1. **Minimum Setbacks.** Buildings used for repair that are adjacent to a Residential Zoning District shall be set back a minimum 10 feet from the shared property line.
2. **Landscaping and Screening.** A continuous planting area with a minimum width of 7.5 feet shall be provided along any interior parcel line adjacent to a Residential Zoning District.

E. **Lighting.** All lighting shall comply with **Chapter 16.506, Lighting and Glare**.

F. **Vehicle Storage.** Vehicles being worked on shall be stored within an enclosed building or in a parking lot that is adequately screened, with an earthen berm, screen wall or a building. Screen walls shall be located on lot lines with the exception of yards along streets, where the screen wall shall be located outside of required setbacks. Unattended vehicles shall not be parked or stored on the sidewalk adjoining the property, or on the street. Screen walls are not required when the site is located in an Industrial District that abuts a non-arterial street.

G. **Parking.** Parking shall be provided according to the required ratios and other standards of **Chapter 16.508, Off-Street Parking and Loading**, as well as the following:

1. Customer and employee parking shall not be utilized for automobile repair or storage of vehicles.
2. No vehicle that will be or has been serviced may be parked on public streets, sidewalks, parkways, driveways, or alleys.
3. No vehicle may be parked on the premises for the purposes of offering it for sale unless the establishment has also been approved for automobile sales.
4. **Equipment and Product Storage.** Exterior storage, including tires, shall not be visible from arterial streets or a Residential Zoning District. No used or discarded automotive parts or equipment or permanently disabled, junked, unregistered, or wrecked vehicles may be stored outside of the main building, except in an approved location on-site. Parts or equipment may be temporarily stored outdoors for no longer than one week but shall be screened from street view.

16.309.03 OPERATING STANDARDS

A. **Work Areas.**

1. All work shall be conducted within an enclosed building, except pumping motor vehicle fluids, checking and supplementing fluids, and mechanical inspection and adjustments not involving any disassembly.
2. Automobile repair facilities performing body and fender work or similar noise-generating activities shall be conducted in fully enclosed structures with walls of concrete block or similar materials and doors in maximum half open position during operating hours. All painting shall occur within a fully enclosed booth.
3. Existing automobile repair facilities with structures that have doors on opposite ends of individual service bays shall be required to leave any such door facing a residential district or use fully closed during repair activities.
4. Outdoor lifts are prohibited.

B. **Spray/Paint Booths.** Spray booth stacks shall be screened from arterial streets and shall be separated a minimum of 500 feet from Residential Zoning Districts, parks, schools, and daycare centers. The Planning Commission or Director may reduce this separation to no less than 100 feet if a human health risk assessment (HHRA), prepared by a qualified professional, demonstrates to the satisfaction of the Commission that levels of spray booth chemicals present in the ambient air at adjacent properties will be below applicable thresholds of concern for human health.

C. **Vehicles Awaiting Repair.** All vehicles awaiting repair shall be parked on-site. No vehicles shall be parked on a public street, or an adjoining sidewalk including those towed to the automobile repair facility. The hoods of vehicles awaiting parts or repair parked outside shall remain closed at all times while work is not being performed. Any disassembled vehicles awaiting parts or repair for 24 hours or longer shall be stored inside of a building.

D. **Noise.** All building enclosures for body and fender or similar noise generating activity shall include sound-attenuating measures incorporated into the building design and construction to absorb noise. Bay openings shall be oriented so as to minimize the effects of sound emanating from the auto repair building towards residential uses, outdoor restaurant seating, and outdoor reception areas. Compressors shall be located within separately enclosed, sound-attenuated rooms.

E. **Air Quality.**

1. Use of brake washers shall be required in service stalls or areas that perform service on brakes employing asbestos or other materials known to be harmful when dispersed in the air.
2. All mechanical ventilating equipment shall be directed to top story exhaust vents, which face away from abutting or adjacent residential properties.
3. Exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious pollutants, which would otherwise be emitted.

F. **Hours of Operation.** Unless otherwise approved by the Director or Planning Commission, if the Automobile/Vehicle Repair use is within 100 feet of a Residential zoning district, operation of the use shall be prohibited between the hours of 10 p.m. and 7 a.m.

16.310 AUTOMOBILE/VEHICLE WASHING

16.310.01 PURPOSE AND APPLICABILITY

These provisions are intended to ensure that automobile and vehicle washing facilities, including small-scale facilities that are not accessory to another auto-related use are located, and operate in a manner that minimizes or prevents adverse effects on the environment, and to surrounding development.

16.310.02 DEVELOPMENT STANDARDS

A. **Locational Limitations.** Regular facilities shall not abut a Residential Zoning District.

B. **Washing Facilities.** A recycled water system is required.

C. **Landscaping.** In addition to complying with the landscaping standards in **Chapter 16.504, Landscaping**, and **Section 16.504.09, Water-Efficient Landscape Requirements**, additional screening and landscaping may be required where necessary to prevent visual impacts of a small-scale facility that is adjacent to a Residential Zoning District. The following landscaping standards shall also apply:

1. A minimum of 15 percent of the site shall be landscaped. A planting strip at least 5 feet wide shall be provided along all interior parcel lines, non-driveway street frontages, and adjacent to buildings. Planters shall be surrounded by masonry or concrete curbs and arranged to preclude motor vehicles from driving across the sidewalk at locations other than access driveways. Permanent opaque landscaping or berm, as defined in **Chapter 16.505, Fences, Walls and Screening** shall be provided and maintained in the planters at a height of not less than 3 feet above the average adjacent grade.
2. A landscape planter at least 50 square feet in area shall be provided at the intersection of 2 property lines at a street corner.
3. All street trees shall be preserved or replaced where missing, as required by the City, and driveways and vehicle approaches shall be designed so as not to necessitate the removal of any existing street trees.

D. **Location of Activities.** All washing, vacuuming, waxing, machine drying, and related activities and operations shall be conducted entirely within an enclosed service building, except hand drying of vehicles.

16.310.03 OPERATING STANDARDS

A. **Hours of Operation.** Washing facilities are limited to 7 a.m. to 11 p.m., 7 days a week except for the following additional restrictions:

1. When abutting or adjacent to a Residential zoning district, the hours of operation are limited to 8 a.m. to 7 p.m., 7 days a week.

B. **Outdoor Loudspeakers.** There shall be no outdoor loudspeakers or public address systems.

16.311 BED AND BREAKFAST LODGING

16.311.01 PURPOSE AND APPLICABILITY

These provisions allow for the establishment of bed and breakfast lodging facilities on properties used for single-unit residential occupancy, in a manner that does not adversely affect surrounding residential uses. Additional more specific purposes are:

A. To assist in preservation and adaptive reuse of City historic resources;

B. To serve visitors to Vallejo and nearby areas;

C. To assure compatibility with residential neighborhood surroundings; and

D. To minimize impacts on local rental housing stock, to the extent permitted by State law.

16.311.02 REQUIREMENTS

A. **Minor Use Permit Required.** All Bed and Breakfast establishments require a Minor Use Permit pursuant to **Chapter 16.606, Minor and Major Use Permits**.

B. **Permitted Locations.**

1. A Bed and Breakfast lodging may only be located and operated in a single-unit dwelling or a legally established accessory structure located on a parcel that meets the minimum size requirements of the zoning district where the lodging establishment is located. Establishments that are legally established in a structure the City has designated an historic or architectural resource are exempt from the minimum parcel size requirement of the zoning district.
2. The owner of the residential dwelling or a resident manager representing the owner shall occupy the premises as a primary residence.

C. **Development and Operating Requirements.**

1. **Limitation on rental period.** No room shall be rented to any guest for more than 15 consecutive days or 30 days in any calendar year.
2. **Limitation on services provided.** Meals and rental of bedrooms shall only be prepared and served to registered guests. Separate or additional kitchens for guests are prohibited.

3. **Design.** The exterior appearance of any structure occupied by a Bed and Breakfast establishment in any residential zoning district may not be altered in any way that detracts from its original character as a single-unit residential dwelling.
4. **Signage.** Signage is permitted if it complies with the applicable requirements for single-unit residential units in the District.
5. **Parking.** A Bed and Breakfast lodging is only permitted where the existing primary residential use meets the off-street parking requirements in **Chapter 16.508, Off-Street Parking and Loading**. Except for City-Designated historic and architectural resources pursuant to **Chapter 16.614, Architectural Heritage and Historic Preservation**, parking for the Bed and Breakfast use shall be provided at a ratio of one space per room for rent in addition to the parking required for the primary residential use. Such spaces shall be individually accessible and may not encumber access to a required parking space for the residential use.

D. **Special Events.** Special events in compliance with the requirements of this Chapter shall be permitted with approval of Temporary Use Permit in accordance with **Chapter 16.339, Temporary Uses**. Such events shall be accessory to the lodging and normal dining operations of the inn and may include, but are not limited to, weddings, parties, receptions, special dining services, and mystery dinners or weekends. Permitted special events shall be limited to paying guests of the inn and their invited guests.

1. Such events shall be limited to a maximum of 6 events per calendar year, with no more than one event per month.
2. Events shall be limited to the hours of 10 a.m. to 10 p.m. and may last no more than 6 hours.
3. No amplified music or speech shall be allowed in conjunction with special events.
4. The number of persons allowed at any event shall be limited to those approved in the Minor Use Permit.

16.312 CANNABIS PROCESSING, CULTIVATION, DISTRIBUTION, TESTING AND RETAIL

16.312.01 PURPOSE AND APPLICABILITY

These provisions establish regulations for the operation of commercial cannabis uses, in a consistent manner with the General Plan, this Zoning Code and the requirements of the Chapters 7.100 and 7.200 of the Vallejo Municipal Code. All permits issued in accordance with Vallejo Municipal Code Chapter 7.100 to operate establishments engaged in the processing, cultivation or distribution of cannabis will be void by January 1, 2022. Operations may only continue upon approval of a Minor Use Permit and Vallejo Municipal Code Chapter 7.200 Regulatory Permit.

16.312.02 REQUIREMENTS

Commercial cannabis establishments, including, but not limited to cultivation, distribution, manufacturing, testing and retail uses shall comply with the procedures of the Vallejo Municipal Code, State law, and the regulations of this Zoning Code. Where the Zoning Code conflicts with state law, the more restrictive standards shall apply.

A. **Permits Required**

1. All cannabis uses shall obtain and maintain all required State and local permits and licenses including the corresponding local permits required under Chapter 7.200 of the Vallejo Municipal Code.
2. Minor Use Permits pursuant to **Chapter 16.606, Minor and Major Use Permits**, will only be granted to establishments operating in compliance with applicable State laws and regulations.
3. Revocation of the State cannabis license (e.g., Microbusiness license) or the local permit to operate under Chapter 7.200 of the Vallejo Municipal Code shall be grounds for revocation of the Minor Use Permit for the cannabis cultivation, distribution, manufacturing and testing laboratory use.
4. Valid and applicable State and local licenses and permits shall be publicly displayed at all times during hours of operation.

5. Operations and location requirements shall at all times comply with applicable regulations contained in Title 16 of the California Code of Regulations as those may be updated from time to time by the California Bureau of Cannabis Control.

B. **Locational Limitation.**

1. Retail sale of cannabis for recreational and medical purposes is permitted in the NMX, CC, NC, RC, IL, and IG Zoning Districts subject to the approval of a Minor Use Permit pursuant to **Chapter 16.606, Minor and Major Use Permits**.
2. Cannabis cultivation, distribution, manufacturing, and testing laboratories are allowed in the IL and IG Zoning Districts, and in the White Slough Specific Plan Area, Zone 1A which is the zoned CC, subject to the approval of a Minor Use Permit pursuant to **Chapter 16.606, Minor and Major Use Permits**.
3. No cannabis cultivation, distribution, manufacturing, testing laboratory or retail use may be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center as defined in Health & Safety Code Section 11353.1.
4. The distance specified in this Chapter shall be the horizontal distance measured in a straight line from the property line of the school or center to the closest property line of the lot on which the permittee is to be located without regard to intervening structures.

C. **Development and Operation Standards.**

1. Activities shall occur within a secure fence at least 8 feet in height that full encloses the area or within a building with a locked entrance. The property or the building in which the use is located shall have a lockable gate or entrance that is locked at all times, except for times of active ingress and egress.
2. No person under age 18 shall be allowed on the property.
3. The site shall not be open to the general public, with the exception of retail sales.
4. No transactions outside, or partially outside of an enclosed building are permitted.
5. No transactions shall be performed through walk-up or drive-through service.
6. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis is permitted on the property, including the parking area;
7. No exhibition or product sales area or retail sales are allowed on the premises.
8. Hours of operation shall be the same business hours the Zoning Code requires for other use types in the same zoning district unless the Director determines that a reduction in hours is necessary after reviewing the circumstances of the application. Hour of operation for retail sales shall be between 6 am to 10 pm.
9. The site shall be maintained free of litter and graffiti at all times. The owner or operator is responsible for daily removal of trash, litter, and debris from premises and on all abutting sidewalks with 20 feet of the premises. One permanent, non-flammable trash receptacle shall be installed near all public entrances and exits to the establishment.
10. Employees of the establishment shall walk a 100-foot radius from the facility at some point prior to 30 minutes after closing and shall pick up and dispose of any trash left by patrons.

D. **Lighting.**

1. Exterior perimeter lighting shall be in place prior to operation;
2. Exterior lighting shall be code compliant LED fixtures or high efficiency luminaries with an illumination intensity of one- to 4- foot candles;
3. Lights shall be directed and shielded so as not to create light or glare visible from adjoining properties;
4. Lights shall have a housing to protect against breakage;
5. Broken or burnt-out lights shall be replaced within 5 calendar days;
6. Transitional lighting shall be provided in exterior areas going to and from buildings or uses within a site; and
7. Trees and shrubs shall not interfere with the distribution of lighting as required by this Chapter.

E. **Parking.** Parking shall be provided as required by **Chapter 16.508, Off-Street Parking and Loading**.

F. **Signage for Cannabis Cultivation, Distribution, Manufacturing and/or Testing Laboratory.** Signage shall comply with the requirements of **Chapter 16.509, Signs** and all of the following standards.

1. **Sign Area.** The aggregate sign area for all permanent signs on a building or site housing a cannabis cultivation, cannabis distribution, cannabis manufacturing, and/or cannabis testing laboratory business shall:

   a. Not exceed one square foot per foot of principal building frontage adjacent to a public right-of-way, except that a building with 25 feet or less of street frontage shall be allowed a minimum of 25 square feet of total sign area; and

   b. Not exceed 50 square feet per building.

2. **Combination Signs.** Signage shall be limited to one wall sign and/or monument sign.

3. **Wall Signs.** Wall signs shall be mounted on the principal building frontage adjacent to the public right-of-way and shall be pin mounted or individually mounted channel letters.

4. **Freestanding signs.** One monument sign may be permitted not to exceed 5 feet in height and 25 square feet in area. The monument sign shall be landscaped around the base with a minimum width of 4 feet.

G. **Cultivation.**

1. The canopy shall not exceed 10,000 square feet.

2. All cannabis cultivation shall occur indoors, completely enclosed in a structure with opaque walls, and shall not be visible from any public right-of-way.

H. **Accessory Uses. *See Attachment 1 to the Zoning Code.**

16.313 COMMUNITY ASSEMBLY

16.313.01 PURPOSE AND APPLICABILITY

These provisions ensure that community assembly uses shall be located, developed, and operated to meet community needs, in compliance with applicable federal and State requirements in districts where they are permitted; while minimizing the impact of their activities on neighboring uses. These uses apply to a wide range of facilities for public and private meetings including, but not limited to, community centers, religious assembly facilities, civic and private auditoriums and meeting halls for clubs, labor unions, and other organizations.

16.313.02 REQUIREMENTS

A. **Maximum lot area.** The total lot area in any Residential Zoning District shall not exceed 40,000 square feet;

B. **Buffer required.** A buffer of at least 20 feet in width shall be provided adjacent to any Residential Zoning District or use. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities. Where a buffer is used for parking, at least 4 feet of landscaping shall be provided along the length of the parking.

1. The minimum buffer requirement may be reduced subject to the review and approval of an Exception Permit pursuant to **Chapter 16.608, Exceptions**, as long as the reduced buffer maintains the minimum setback requirement of the zoning district in which the facility is located.

2. Parking areas shall be screened consistent with the requirements of **Chapter 16.504, Landscaping**.

3. Outdoor areas used for recreation, meetings, services or other activities involving groups of persons shall be at least 50 feet from any Residential Zoning District or use.

16.313.03 PROCEDURES

A. **Exceptions.** To ensure compliance with the Federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), the Director shall have the authority to grant exceptions and waivers to the requirements of the Zoning Code when necessary to accommodate religious assembly uses.

1. **Exception Permit.** A request for an Exception Permit shall be submitted and processed consistent with the requirements of **Chapter 16.608, Exceptions**.
2. **Additional Information.** If necessary, to reach a determination on the request for accommodation, the Director may request further information from the Applicant, specifying in detail what information is required.
3. **Findings required.** The following findings shall be analyzed, made and adopted before any action is taken to approve or deny a request for an Exception Permit and shall be incorporated into the record of the proceeding relating to such approval or denial:

   a. The requested reasonable accommodation will not impose an undue financial or administrative burden on the City.

   b. The requested accommodation will not require a fundamental alteration of the zoning or building laws, policies and/or procedures of the City.

   c. There are no alternatives to the requested waiver or modification that could provide an equivalent level of benefit to the Applicant with less potential detriment to surrounding owners and occupants or to the general public.

   d. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest;

   e. That denial of the requested waiver or modification would impose a substantial burden on religious exercise or would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing.

B. **Conditions of approval.** In approving an Exception Permit to accommodate a protected use, the review authority may impose any conditions deemed necessary to:

1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
2. Achieve the general purposes of the Zoning Code or the specific purposes of the zoning district in which the project is located;
3. Achieve the findings for the Exception Permit granted; or
4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

C. **Recession or Expiration.** Waivers and modifications approved pursuant to this Chapter may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance.

16.314 COMMUNITY GARDENS

16.314.01 PURPOSE AND APPLICABILITY

These provisions establish requirements and regulations for the creation and operation of community gardens; aligned with the General Plan's Healthy Community Policies, that contribute to the social, economic, and environmental well being of residents. Additionally they intend to:

A. Increase community access to fresh local produce;

B. Strengthen the health and social environment of the community by supporting projects that engage and involve a wide variety of community members while providing an opportunity for physical exercise;

C. Provide a potential source of additional income to households and individuals through cooperative marketing of home-grown produce;

D. Improve the natural environment by adding vegetation that reduces greenhouse gas emissions;

E. Beautify neighborhoods by reducing the blighting effect of vacant lots; and

F. Ensure that urban agricultural activities are compatible with and do not have negative impacts on surrounding residents.

16.314.02 REQUIREMENTS

A. **Zoning Compliance Review Required.** Community Gardens are allowed as a primary or interim use in as provided in **Table 16.301-A: Land Use Regulations**, subject to a determination of Zoning Compliance Review as provided for in **Chapter 16.603, Zoning Compliance Review**.

B. **Interim Use.** When an application proposes establishing a community garden as an interim use, the application shall specify the proposed duration of the use.

C. **Garden Management.** Community Gardens can be organized by community groups, nonprofit organizations, the City, or landowners. In all cases, the garden shall be managed by a garden coordinator who serves as liaison between gardeners, property owners, and the City, and shall be operated according to a set of rules addressing governance, hours of operation, maintenance and security responsibilities, and the system for assigning plots.

D. **Structures.** Structures are limited to storage sheds, plant cultivation structures (greenhouses, hoop houses. and cold frames), benches, bike racks, raised planting beds, compost or waste bins, picnic tables, fences, and rain barrel systems. Individual structures may not exceed 120 square feet in size or 12 feet in height without a Building Permit. The combined area of all covered structures excluding compost bins and trash enclosures shall not exceed 15 percent of the garden area. All structures shall meet the setback requirements of the underlying zoning district and **Section 16.501.02, Accessory Buildings and Structures**.

E. **Fencing.** Community Gardens shall be fenced in accordance with the development standards of the underlying zoning district and the applicable requirements of **Section 16.505, Fences, Walls and Screening.**

F. **Signs.** One sign per street frontage is permitted. Signs shall not exceed 4 square feet of sign face area and shall not exceed 6 feet in height. The sign shall include a contact telephone number and/or contact e-mail address/website address for the garden coordinator No advertising for garden sponsors, donors, supporters, suppliers, etc. is permitted on site.

G. **Water.** Community Gardens shall have a metered water supply with costs paid by the garden coordinator on behalf of the body.

1. Watering may be provided by a drip irrigation system or by hand using a hose or watering can.
2. The garden coordinator shall provide information to plot holders including advice on water conservation, mulching, effective watering techniques, etc.

H. **Composting.** Composting in compliance with the following requirements may be performed on the site:

1. Compost materials shall be stored in a container or containers located at least 3 feet from an adjacent property in a manner that is not visible from any adjacent property
2. Odors and infestation shall be controlled so they do not exceed levels typically found in a well-maintained residential garden;
3. Compost materials may only be generated on site or by active members of the community garden.

I. **Solid Waste, Recycling, and Organic Waste.** Appropriately sized trash and recycling receptacles shall be screened and located on the site in compliance with the applicable requirements of **Section 16.501.08, Solid Waste, Recycling, and Organic Waste Storage**. The garden coordinator shall be responsible for arranging for and making payment for regular trash collection. The operating rules shall encourage onsite composting of plant materials only and encourage gardeners to take their trash off-site for disposal.

J. **Lighting.** Outdoor lighting shall be located and designed to meet the applicable requirements of **Chapter 16.506, Lighting and Glare**, to avoid glare that would be visible from adjacent properties. Low level light controlled by motion sensors is preferred.

K. **Other Operational Requirements.**

1. Allowable uses include the cultivation of fruits, vegetables, plants, flowers, or herbs. The cultivation of cannabis and any plants prohibited by the Solano County Department of Agriculture is not allowed.
2. Gardening activity shall be conducted between the hours of 7 a.m. and 8 p.m. or sunset, whichever is more restrictive.
   a. Heavy equipment may be used initially to prepare land for agricultural use;
   b. Landscaping equipment designed and used for home use is permitted;
   c. Equipment shall be enclosed or screened from sight when not in use.
3. Plants and produce grown in a community garden may be sold and marketed in the following manner:
   a. At Farmers' Markets subject to compliance with the Market's rules and requirements;
   b. Community garden members may sell plants and flowers that they have grown on their own plots as a home-based business subject to the requirements of **Chapter 16.321, Home-Based Business**.
   c. Produce may be distributed or sold from the community garden site subject to approval of a Temporary Use Permit issued in compliance with **Chapter 16.339, Temporary Uses**.

16.315 DAY CARE, ADULT AND CHILD

16.315.01 PURPOSE AND APPLICABILITY

These regulations are intended to facilitate the establishment of State-licensed day care centers for seniors and children in safe and convenient locations to help meet the need for day-time care in a supervised setting. Pursuant to Health and Safety Code Section 1502, an adult day care is a community care facility maintained and operated to provide nonmedical care. In the event of conflict between these requirements and the provisions of State law, the State law shall prevail.

16.315.02 REQUIREMENTS

A. **Family Day Care Facilities.** Family Day Care Facilities are permitted by-right as an accessory use of residential property in any zoning district or Specific Plan area where residential uses are permitted and shall be considered a residential use for purposes of zoning regulations.

B. **Adult Day Care.** Licensed Adult Day Care Facilities are permitted subject to compliance with the requirements applicable to the zoning districts where they are located and the requirements of this Chapter.

C. **Child Care and Early Education Facilities.** Child Care and Early Education Facilities are permitted subject to compliance with the requirements of the State Health and Safety Code, applicable standards of the zoning districts where they are located and the following requirements:

1. **Fences and Walls.** Outdoor play areas shall be enclosed by a fence of at least 4 feet in height. In a required front setback, the minimum 4-foot height shall be allowed by right. However, the fence height in a required front setback may not exceed 4 feet in height unless permitted through approval of an adjustment consistent with **Chapter 16.505, Fences, Walls, and Screening** and **Chapter 16.608, Exceptions**. Materials, textures, colors, and design of the fence or wall shall be compatible with on-site development and adjacent properties. All fences or walls shall provide for controlled points of entry.

2. **Outdoor Play Area.** For Child Care and Early Education Facilities, outdoor space shall be provided for children older than 2 years in compliance with applicable State requirements. This area shall be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners. This requirement may be waived if the applicant can demonstrate that there is a public park, school, or other public open area in close proximity to the facility that complies with the State licensing regulation.
3. **Organized Outdoor Activities—Hours.** If the Child Care and Early Education Facility is located within or adjacent to a Residential Zoning District, or adjacent to a residential use, organized outdoor activities shall be limited to the hours of 8 a.m. to 8 p.m. or sunset, whichever comes first, on weekdays and 9 a.m. to 8 p.m. or sunset, whichever comes first, on weekends.

D. **Additional requirements.** All Large Adult Day Care and Child Care and Early Education facilities are subject to the following additional requirements:

1. **Passenger Loading.** A passenger loading plan shall be required for all Large Adult Day Care and Child Care and Early Education facilities subject to the approval of the Director. All loading facilities shall be located off-street and within the subject property. The Director may authorize up to one required on-street passenger loading space along a frontage curb for certain designated times.
2. **Neighborhood Liaison.** All day care facilities shall designate an on-site contact person to serve as a neighborhood liaison to address any neighborhood concerns related to the Child Care and Early Education Facility operation.

16.316 DRIVE-IN AND DRIVE-THROUGH FACILITIES

16.316.01 PURPOSE AND APPLICABILITY

These regulations ensure that drive-in and drive-through facilities operate in a manner that protects public health, safety and welfare and does not detract from the aesthetic character of districts and neighborhoods. More specifically, to prevent:

A. Interference with vehicle circulation and pedestrian activity;

B. The generation of solid waste and litter in the surrounding area;

C. Light, glare, and noise that will adversely affect nearby residents and surrounding businesses.

All restaurants with a drive-through require approval of a Major Use Permit under **Chapter 16.606, Minor and Major Use Permits**.

16.316.02 REQUIREMENTS

A. **Circulation.** Drive-through facilities shall provide safe, unimpeded movement of vehicles at street access points, in travel aisles, and parking areas. A site plan showing directional movements for interior traffic circulation shall be provided for review by the Public Works Director.

B. **Pedestrian Walkways.** Vehicle aisles shall not intersect with interior pedestrian walkways, unless no alternative exists. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.

C. **Queuing.** Vehicular queuing areas shall be provided to ensure that vehicles waiting for service will not interfere with public rights-of-way, private streets, or with on- or off-site parking and circulation. The queuing area size and location shall be reviewed and approved by the Public Works Director.

D. **Screening.** Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a height of 36 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets and parking lots.

E. **Site Design.**

1. Drive-through elements shall be placed to the side or rear of the building. Drive-through windows shall be oriented away from the street frontage and provide adequate screening measures through landscaping and design to minimize visibility of the drive-through.
2. The design of freestanding drive-through facilities shall be compatible with the principal building, in terms of building color, materials, and form.

F. **Site Maintenance.** The site shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 100 feet of the premises. One permanent, non-flammable trash receptacle shall be installed near to the entrance/exit of the building and near the drive-through lane.

G. **Solid waste, Recycling, and Organic Waste.** Solid waste and recycling containers shall be provided in locations suitably enclosed and screened from a public right-of-way.

16.317 EMERGENCY SHELTERS

16.317.01 PURPOSE AND APPLICABILITY

These provisions regulate temporary, short-term housing for homeless families and individual persons; implementing the Housing Element of the General Plan, and State law to allow Emergency Shelters by right in specific districts. Any application for an Emergency Shelter facility that meets the requirements in this Chapter shall not require a Discretionary Permit, per Section 65583(a)(4) of the California Government Code.

16.317.02 REQUIREMENTS

A. Emergency Shelters shall obtain and maintain in good standing all required licenses, permits and approvals from City, County, State and federal agencies or departments and demonstrate compliance with all applicable building and fire codes.

B. The Emergency Shelter shall conform to all property development standards of the zoning district in which it is located, except as modified by these performance standards.

C. The length of stay of an individual client shall not exceed 6 months within a 12-month period.

D. The maximum number of beds for emergency shelters shall be 50 unless a Major Use Permit is approved to permit additional beds.

E. External lighting shall be provided for security purposes. The lighting shall be stationary and directed away from adjacent properties and the public right-of-way in compliance with **Chapter 16.506, Lighting and Glare**.

F. No more than one emergency shelter shall be permitted within a radius of 300 feet from another such shelter when measured from the closest property lines. An exception to this separation requirement may be granted if significant physical features act as barriers from said sensitive uses, such as a freeway, or railroad right-of-way.

G. Parking facilities shall be designed to provide security for residents, visitors, and employees with parking spaces provided in the following ratios: one space per 10 beds plus one space per staff member. A covered and secured area for bicycle parking shall be provided for use by staff and client, commensurate with demonstrated need, but no less than a minimum of 8 parking spaces. Shared parking is allowed through an agreement with other nearby property owners. On-street parking shall be allowed for employees only

H. A client waiting and intake area shall be provided as interior space and contain a minimum size of 100 square feet of floor area.

I. Outdoor charitable food distribution shall be conducted entirely on private property in a covered area during times that are approved by the City and shall not block accessible pathways. Hours of operation shall be the same as the hours of operation for Social Services Centers and Government Offices in the zoning district where the facility is located unless the Director determines that extending the hours will not interfere with or adversely affect surrounding uses based on the circumstances of the application.

J. No signs shall be placed on the property identifying its use as a shelter for the homeless.

K. Donation/collection bins and areas shall be screened from public view and shall be open to the public between the hours of 9 a.m. to 6 p.m. A sign stating hours of operation shall be placed in a clear, visible location and shall be no larger than 15 square feet.

L. Adequate storage for personal belongings shall be provided.

M. The City may inspect the facility during business hours for compliance with the management plan and any other applicable regulations and standards.

N. A minimum of one staff person or agent shall be on-duty and awake when the facility is in operation.

O. **Management Plan.** The applicant or operator shall submit a Management and Operations Plan for the emergency shelter for review and approval by the Director prior to approval of a business license. The Plan shall include, but not be limited to, the following:

1. Security.
2. Staff training.
3. Neighborhood relations.
4. Pet policy.
5. Client intake process. List of services provided.
6. Facility maintenance.
7. Solid waste control.
8. Amenities, such as hours of operation, cooking/dining facilities, laundry facilities and activity policies.
9. Anti-discrimination policies.

P. The Management Plan may be reviewed as needed by the City with revisions made by the operator.

16.318 FARMER'S MARKETS

16.318.01 PURPOSE AND APPLICABILITY

These provisions establish regulations for the creation and operation of farmers' markets; implementing the General Plan's Healthy Community Policies and contributing to the social, economic, and environmental well being of residents. More specifically, to:

A. Increase community access to fresh local produce;

B. Strengthen the health and social environment of the community by supporting projects that engage and involve a wide variety of community members while providing an opportunity for physical exercise;

C. Promote a use that encourages pedestrian activity in areas of the City where they are located.

D. Promote local events such as small music venues and performing arts.

E. Promote economic opportunities for local artists, food purveyors and local vendors.

16.318.02 REQUIREMENTS

A. **Minor Use Permit Required.** A Farmers' Market shall require a Minor Use Permit, pursuant to **Chapter 16.606, Minor Use Permit**.

B. **Other Licenses and Permits.** The market operator and vendors shall be approved by the Director and secure all necessary licenses, certificates and health permits, including permits for street closure, and Encroachment Permit from the Public Works Department if applicable. All permits (or copies of them) shall be in the possession of the farmers' market manager during all hours of operation.

C. **Qualified Operator.** Farmers' Markets must be operated by one or more produces, a non-profit organization, a local government agency or a combination thereof.

D. **Management Plan.** A written management plan shall be prepared and provided to the Director for review and approval. The management plan shall include the following:

1. Identification of a market manager or managers, who shall be present during all hours of operation.

2. A set of operating rules addressing the governance structure of the market; the method of assigning booths and registering vendors; hours of operation; maintenance; security; solid waste collection; and parking.
3. Location with map and streets and information as to which streets and sidewalks will be impacted.
4. Outreach plan to local businesses impacted with a written communication plan and business engagement plan.
5. Parking and Pedestrian Plan for visitors.
6. Traffic plan approved by the traffic engineer, and review by the Police Department for implementation.
7. Waste disposal plan shall be approved by the franchise waste hauler for pick-up.

E. **Hours of Operation.** Market activities may be conducted between 7 a.m. and 8 p.m., Monday through Saturday. On Sundays 7 a.m. to 4 p.m. Set-up of market operations cannot begin more than one hour prior to the operational hours of the market and take-down shall be completed within one hour of the close of the market.

F. **Waste Disposal.** Adequate composting, recycling, and trash containers shall be provided during hours of operation and shall be removed from site for appropriate disposal. The site shall be cleaned at the end of each day of operations, including the removal of all stalls and debris.

G. **Pedestrian Clearance.** A farmers' market shall not obstruct any sidewalk or path or ADA accessible area that is part of a pedestrian circulation system.

16.319 GROUP RESIDENTIAL

16.319.01 PURPOSE AND APPLICABILITY

These provisions ensure that Group Residential developments provide for the housing needs of the community, while not adversely impacting adjacent parcels or the surrounding neighborhood and its resident's health, safety, and general welfare.

16.319.02 REQUIREMENTS

A. **Maximum Number of Private Living Quarters.** If the building contains a common kitchen, dining and living space, adequate to serve all residents, the total number of private living quarters may exceed the maximum density that is otherwise is permitted by standards applicable to residential development in the zoning district where the project is located.

B. **Kitchen Facilities.** Private living quarters may have one-wall efficiency kitchen facilities, excluding an oven and dishwasher.

C. **Laundry Facilities.** The development shall provide laundry facilities or services adequate to meet the needs of all residents.

D. **Common Facilities.** In addition to the required central cooking facility, dining room, and living space, the development may provide facilities such as the following for the exclusive use of the residents including, but not limited to: Beauty salon and barber shop; Small pharmacy; Therapy rooms; Cafes; Recreation room; Library; Laundry facilities.

E. **Security.** Parking garages, surface parking, and private and common areas located outside the building shall be designed to protect the security of residents, guests and employees by controlling access to the facilities by other persons. Adequate external lighting shall be provided for security purposes and shall meet the requirements of **Chapter 16.506, Lighting and Glare**.

F. **Management Plan.** All facilities shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents.

16.320 HAZARDOUS MATERIALS HANDLING AND STORAGE

16.320.01 PURPOSE AND APPLICABILITY

These provisions ensure that all projects and facilities involved in the handling or storage of hazardous materials, defined by Vallejo Municipal Code Section 7.40.150, Hazardous Materials, provide adequate protection for public health and the environment. Facilities and uses that handle materials identified as hazardous to human health or the environment, are pursuant to all applicable federal and state regulations.

All hazardous waste facility projects require a Major Use Permit pursuant to **Chapter 16.606, Minor and Major Use Permits**.

16.320.02 REQUIREMENTS

A. **Standards and location criteria.** Projects shall comply with any applicable requirements set forth in the Solano County Operational Area Plan and the following criteria.

1. **Proximity to Populations.** Residuals repositories shall be a minimum distance of 2,000 from any residence.
2. **Capability of Emergency Services.** All facilities shall be located in areas where Fire Departments is able to respond immediately to hazardous material accidents, where mutual aid and immediate aid agreements are well established and where demonstrated emergency response times are the same or better than those recommended by the National Fire Prevention Association. In addition, hazardous materials accident response services at the facility may be required based on the type of wastes handled or the location of the facility.
3. **Flood Hazard Areas.** Hazardous waste repositories are prohibited in areas subject to inundation by floods with a 100-year return frequency and shall not be located in areas subject to flash floods and debris flows. All other facilities shall not locate in floodplains or areas subject to flash floods and debris flows unless they are designed, constructed, operated, and maintained to prevent migration of hazardous wastes in the event of inundation.
4. **Proximity to Active or Potentially Active Faults.** All facilities are required to have a minimum 200-foot setback from a known active earthquake fault.
5. **Slope Stability.** Any hazardous waste repositories are prohibited in areas of potential rapid geologic change. All other facilities shall not locate in areas of potential rapid geologic change unless containment structures are designed, constructed, and maintained to preclude failure as result of such changes.
6. **Subsidence/Liquefaction.** Residuals repositories are prohibited from locating in areas of potential rapid geologic change. All other facilities shall avoid locating in areas of potential rapid geologic change unless containment structures are designed, constructed, and maintained to preclude failure as a result of such changes.
7. **Discharge of Treated Effluent.** Facilities generating wastewater shall be located in areas with adequate sewer capaCity to accommodate the expected wastewater discharge. If sewers are not available, the site should be evaluated for ease of connecting to a sewer or for the feasibility of discharge directly into a stream or the ocean. All facilities should comply with all State and federal permitting requirements.
8. **Depth to Groundwater.** Residuals repositories and facilities with subsurface storage and/or treatment are prohibited in areas where the highest anticipated elevation of underlying groundwater is 5 feet or less from the lowest subsurface point of the facility. At all facilities, the foundation of all containment structures at the facility shall be capable of withstanding hydraulic pressure gradients to prevent failure due to settlement, compression, or uplift as certified by a California-registered and licensed engineer.
9. **Groundwater Monitoring.** Residuals repositories and facilities with subsurface storage and/or treatment shall develop a program that successfully satisfies the Regional Water Quality Control Board Permit requirements for groundwater monitoring.
10. **Major Aquifer Recharge Area.** Residuals repositories are prohibited within any area known to be, or suspected of, supplying principal recharge to a regional aquifer. Facilities with subsurface storage or treatment shall be located at least one-half mile away from potential drinking water sources. All other facilities located in areas known to be or suspected of providing recharge to an existing water supply well, shall provide for increased spill containment and inspection measures.

11. **Soil Permeability.** Soil permeability requirements for disposal and subsurface treatment and storage facilities shall conform to those required by the State Water Resources Control Board. All other above-ground facilities shall have engineered structural design features common to other types of industrial facilities. These features shall include spill containment and monitoring devices. All other facilities may be located in areas where surficial materials are principally highly permeable if adequate spill containment and inspection measures are employed.
12. **Existing Groundwater Quality.** Residuals repositories are allowed only where the uppermost water-bearing zone or aquifer is presently mineralized (by natural or human induced conditions) to the extent that it could not reasonably be considered for beneficial use. All other facilities located in areas where existing groundwater quality is Class 1 or Class 2 shall provide increased spill containment and inspection measures.
13. **Proximity to Areas of Waste Generation.** Subject to other standards and criteria described herein, all facilities shall be located in areas best suited for providing services to any hazardous waste generators in the City. Facilities that will primarily serve generators from outside the City shall demonstrate why the facility cannot be located closer to the points of hazardous waste generation to be serviced.

16.321 HOME-BASED BUSINESS

16.321.01 PURPOSE AND APPLICABILITY

These provisions regulate businesses operated as an accessory use in a place of residence, by providing criteria and procedures for the approval of home-based businesses; in the interest of public health, safety and welfare.

16.321.02 HOME-BASED BUSINESS PERMIT AND BUSINESS LICENSE REQUIRED

A. A home-based business shall require a Home-Based Business Permit, which is processed in the same manner as a Zoning Compliance Review, pursuant to **Chapter 16.603, Zoning Compliance Review**, and a business license pursuant to Title 5 (Business licenses and regulations).

B. Where the provisions of this Chapter allow modifications subject to approval of a Minor Use Permit under **Chapter 16.606, Minor and Major Use Permits**, the Director may impose reasonable conditions deemed necessary to ensure compliance.

16.321.03 USES PERMITTED

Any use, except those excluded by **Section 16.321.05, Exclusions** below or standards applicable to the zoning district where the residential unit is located, may be a home-based business subject to the final determination by the Director.

16.321.04 HOME-BASED BUSINESS REGULATIONS

In addition to all of the applicable requirements of this Chapter and the Vallejo Municipal Code, home-based businesses shall be maintained in compliance with all of the following regulations:

A. **Location.** The use shall be conducted entirely within the dwelling, garage or accessory structure.

B. **Compatibility.** A home-based business shall not create offensive or objectionable noise, vibration, odors, smoke, fumes, heat, dust, dirt, glare, or electrical disturbance perceptible by the average person beyond the lot line or party walls of multi-unit buildings of the subject premises.

C. **Residential Character.** The use shall not change the residential character of the dwelling unit or property, or adversely affect the residential or other zoning district where the home-based business is located. Deliveries shall be only by a step-truck or vehicles with a gross vehicle weight rating 16,000 pounds or less.

D. **Size Limit.** A home-based business shall not occupy more than 20 percent of the floor area, but in no case shall it occupy more than 400 square feet, of the dwelling unit to which it is clearly incidental and secondary.

E. **Access.** No portion of any dwelling where a home-based business is located shall have a separate designated access or private entrance specifically for the home-based business use, except an accessory structure used in conjunction with a home-based business.

F. **Alterations**. No owner of any dwellings used for a home-based business shall make any internal or external alterations or install construction features in any portion of the dwelling or accessory structure not customarily found in similar dwellings.

G. **Outdoor Storage.** No equipment associated with the business, such as parts, materials, supplies, merchandise, refuse, or debris, shall be stored outdoors. Equipment associated with the business may be stored within a permanent, fully enclosed compartment of a passenger vehicle or truck. No refuse or debris shall be stored in any vehicle. There shall be no storage of hazardous chemicals other than that which is normally found at a private residence.

H. **Employees and Visitors to the Premises.** Employees working or meeting at the site shall be limited to persons who reside at the residence and one non-resident, as allowed for a cottage food business or a microenterprise kitchen, consistent with Section 113758 of the California Health and Safety Code

1. The one non-resident employee's hours and visitor/client hours shall be between 8 a.m. and 8 p.m.
2. A home-based business shall not have more than 6 clients on the premises at any given time or more than 10 clients at the premises in any given business day.
3. Additional employees or increased hours of operation may be permitted subject to approval of a Minor Use Permit pursuant to **Chapter 16.606, Minor and Major Use Permits**.

I. **Vehicles.**

1. No more than one truck or other motor vehicle of a size no larger than 3-quarter ton shall be permitted in conjunction with any home-based business, and no more than 2 vehicles shall be associated with multiple home-based businesses within a single residential unit.
2. No vehicle maintenance shall occur on premises.
3. Vehicles either directly or indirectly associated with the home-based business shall not obstruct or impede the flow of traffic on public roads and shall not generate undue noise during loading or unloading activities.
4. When used in connection with the operation of a home-based business, the following and similar types of vehicles shall be stored off-site and are expressly prohibited on the premises of a home-based business:
   a. Limousines or taxicabs;
   b. Dump trucks;
   c. Tow trucks;
   d. Pick-up trucks with the bed converted into a hauling compartment designed to hold materials and equipment that exceed the height of the existing sides of the truck; construction vehicles (e.g., front-end loaders, backhoes);
   e. Trailers (e.g., construction trailers, chipper trailers); and
   f. Construction equipment (e.g., cement mixers, chippers).
5. No vehicles used in connection with the operation of a home-based business shall be parked overnight on residential streets.

J. **Product Sales.** Food products offered for sale shall be limited to those produced on the premises, except for food products produced in a manner consistent with the California Health and Safety Code, which may not be sold at the premises, and plants, which may be grown or kept in outdoor areas of the subject premises with the exception of medical cannabis, and except as set forth in **Chapter 16.312, Cannabis Processing, Cultivation, Distribution, Testing and Retail**.

K. **Signage.** There shall be no signs, name plates or other forms of advertising such as products displayed on the premises including windows in which a home-based business is conducted. Window display of materials associated with the home-based business is prohibited.

L. **Hazardous Materials.** Hazardous materials or processes are prohibited.

M. **Food Preparation.** Food preparation for home cottage food operations and micro-enterprise kitchens consistent with the California Health and Safety Code shall be allowed subject to Solano County Health Department regulations, permitting and safety inspections.

N. **Other Laws.** A home-based business shall comply with all other applicable state laws and City ordinances, including any state licensing requirements.

O. **Enforcement.** Violation of these standards shall constitute a public nuisance and these standards may be enforced pursuant to the procedures set forth in **Chapter 16.615, Enforcement and Abatement**.

16.321.05 EXCLUSIONS

The following activities shall not in any case qualify as a home-based business:

A. Teaching of organized classes totaling more than 6 persons at one time or a business that has more than 10 clients per day;

B. Banks and financial institutions, including but not limited to, nontraditional financial institutions;

C. Care, treatment, boarding or breeding of animals for commercial purposes;

D. Operation of food handling, processing or packing that is not in compliance with Solano County Environmental Health regulations and Section 113758 of the California Health and Safety Code;

E. On-site vehicle-related uses such as, but not limited to, storing of either operational or non-operational vehicles, cleaning, dismantling, embellishing, installing, manufacturing, repairing or servicing, selling, leasing or renting, and towing, driving schools, dispatching of vehicles, boat towing, scrap yards, parts sales or any storage of autos. Where the person conducting the home-based business serves as an agent or intermediary between off-site suppliers and off-site customers in which case all articles shall be received, stored and sold directly to customers at off-premises locations;

F. Any on-premises retail sales including, but not limited to, firearms, weaponry, ammunition, liquor, tobacco, or medicinal marijuana, and any off-premises sales of tobacco or tobacco related products. Retail sales consistent with provisions of cottage food operations shall be allowed per Section 113758 of the California Health and Safety Code;

G. Funeral and interment services, including but not limited to, crematories, mortuaries, mausoleums and undertaking;

H. Uses as defined and regulated in California Health and Safety Code Section 1500 et seq.;

I. Transient habitation, with the exception of Bed and Breakfast Inns in compliance with requirements of **Chapter 16.311, Bed and Breakfast Lodging**.

J. Bona fide eating and drinking places, including but not limited to, bars, nightclubs and restaurants;

K. Laundry and dry-cleaning services;

L. Communication facilities, including, but not limited to, transmission towers;

M. Businesses involving hazardous materials, including, but not limited to, waste facilities, transfer, storage and treatment;

N. Adult uses, including but not limited to, retail and performance oriented;

O. Businesses involving medical marijuana activity;

P. Any use not allowed by the Zoning Code or in the zoning district where the residential unit is located.

16.322 LARGE-FORMAT RETAIL

16.322.01 PURPOSE AND APPLICABILITY

These provisions provide special standards and regulations for Large-Format Retail stores to minimize associated negative economic and environmental impacts. They apply to businesses providing retail sales and food and beverage retail sales; where combined uses occupy 75,000 square feet or more of gross floor area -including 10,000 square feet or more of the gross floor area to the sale of nontaxable merchandise; as well as to any expansion in the floor area of an existing Large-Format Retail establishment of more than 25 percent.

16.322.02 REQUIREMENTS

A. **Major Use Permit Required.** No Large Format-Retail store may be established within the City unless the Planning Commission approves a Major Use Permit after finding that the application meets the requirements of this Section in addition to the findings required by **Chapter 16.606, Minor and Major Use Permits**. When the standards in this Chapter conflict with other requirements, the most restrictive provisions shall apply.

B. **Economic Impact Analysis required.** In addition to complying with all of the requirements of this Chapter and **Chapter 16.602, Common Procedures**, any applicant proposing a Large-Format Retail establishment shall prepare an Economic Impact Analysis (EIA) meeting the following additional requirements:

1. **Cost of Preparation and Preparation of EIA.** The project applicant, owner(s), operator(s), or building owner(s) of the proposed Large-Format Retail store shall be responsible for the entire cost of the preparation of the EIA, which shall be prepared by the City or by another qualified entity or consultant solely selected and retained by the City to work for and on the behalf of the City. If the applicant hires their own consultant, the applicant shall pay for a peer review of the study.

    a. The project applicant, owner(s), operator(s), or building owner(s) of the proposed Large-Format Retail store shall also pay an administrative fee, as established by City Council resolution.

    b. The project applicant shall place funds in an escrow account to cover the expense of the preparation of the EIA for payment to the City consultant, as such may be negotiated between the City and the consultant.

    c. The EIA shall not be prepared by the owners, operators, or building owners of the proposed Large-Format Retail store or by the project applicant.

2. **Contents of EIA.** The EIA shall analyze the potential short- and long-term economic impacts of the proposed Large-Format Retail store and shall at a minimum include the following in the analysis:

    a. A survey of the existing stores, including their current average retail sales, that provide retail sales and food and beverage retail sales within the City and the cities of Benicia and American Canyon, and/or in other retail and food and beverage retail market areas that would be served by the proposed large-format retail store, regardless of whether such stores are within the political boundaries of the City, and that are likely to be economically affected by the proposed Large-Format Retail store, as defined by the City and the City's consultant. The geographic area of the stores identified in this survey shall be referred to herein as the "affected area."

    b. A survey of the existing. proposed, and/or pending Large-Format Retail stores within the affected area.

    c. A survey of the number of persons who are employed on either a full-time or a less than full-time basis, and a delineation of each, by the existing stores described in Sections 1 and 2 above and an estimate of the number of persons who would be employed on both a full-time or a less than full-time basis, and a delineation of each. by the proposed large-format retail store.

d. An analysis of the short- and long-term effect the proposed large-format retail store could have on the retail stores specified in subsections 1 and 2 above, which shall include an analysis of the proposed large-format retail store's potential impact on the following within the affected area: retail sales, food and beverage retail sales, store closures, jobs, and any food and beverage retail and/or retail stores that could potentially close, including an analysis of the potential for using the closed site(s) for similar or other uses. Such analysis shall consider population trends in the affected area. as identified through census bureau data, Building Permits, Association of Bay Area Government (ABAG) data, and other regional trend information. Such analysis shall also include a survey of established compensation and wages standards in comparable stores operated by the applicant compared to those established in the affected area.

e. An analysis of both the short- and the long-term potential effects of the proposed large-format retail store on retail and food and beverage retail sales in the affected area, including a conclusion as to whether the proposed Large-Format Retail store would cause a net increase or decrease in retail and food and beverage retail sales in the affected area.

f. A fiscal impact analysis, which shall include, but not be limited to, an analysis of the projected sales tax revenues for the proposed large-format retail store and an analysis of both the short- and the long-term effects of the proposed Large-Format Retail store on net sales tax revenues generated by existing retail and food and beverage retail stores in the City and, if applicable, other tenants located in the same retail center as the existing retail and food and beverage retail stores. This analysis shall explain the factors used in conducting the analysis. This analysis shall also analyze the fiscal impacts, if any, that the proposed Large-Format Retail store would have on City services, including police and fire services and traffic and traffic-related maintenance, to the extent that such impacts are not addressed in a document prepared pursuant to the California Environmental Quality Act.

g. An analysis of the proposed Large-Format Retail store's potential short- and long-term net effect on the ability of consumers in the affected area to obtain a variety of food and beverage and retail products in light of the analysis conducted pursuant to this Chapter concerning potential closure of retail and/or food and beverage retail stores within the affected area.

h. An analysis of the average savings a typical consumer might expect, if any, by the approval of the proposed Large-Format Retail store.

i. Determination of the cost of complete building demolition and maintenance of the vacant building site if the proposed building is vacated or abandoned for a period of more than 12 consecutive months following primary building closure. The analysis shall include an escalation factor to allow for future adjustment.

16.322.03 BUILDING AND SITE DESIGN

A. The site shall be designed to comply with all of the applicable requirements of this Chapter and **Chapter 16.508, Off-Street Parking and Loading** and **Chapter 16.504, Landscaping**. Approval of the building and site design shall be based on the following findings:

1. **Integrated Theme.** Buildings and structures exhibit an integrated architectural theme that includes similar or complementary materials, colors, and design details.

2. **Site Entrance.** The driveway entrance provides an organizing element to the site design with features such as a landscaped entry corridor or a divided median drive separated by a landscaped center dividing island.

3. **Building Entrances.** Building entrances are prominent and inviting. The architectural details of building entrances are integrated with the overall building design in terms of materials, scale, proportion, and design elements.

4. **Pedestrian and Vehicular Circulation.** Safe, convenient pedestrian andvehicular circulation is provided within the development through an appropriate system of internal circulation routes based on a hierarchy of drive aisles and cross routes. Where pedestrian circulation routes cross vehicular traffic aisles and driveways within a development, there are clearly delineated crosswalks that include clear sight lines, adequate warning signage, adequate lighting, and protective barrier posts or similar features at walkway entrances.
5. **Lighting.** A combination of attractively designed and located lighting fixtures, including low pole lights, ground-mounted fixtures, light bollards, and architectural lighting provides interesting compositions for outdoor lighting, as well as a safe, secure environment.
6. **Shade Areas.** Pedestrian areas, such as walkways, building entrances, and gathering areas, are adequately shaded from the summer sun through such techniques as the careful placement of trees and landscaping, trellis structures, projecting canopies, covered walkways, arcades, porticos, building orientation, and similar techniques.

B. **Building Orientation and Entrances.**

1. Buildings shall be oriented to face public streets.
2. Building frontages shall be generally parallel to streets, and the primary building entrances shall be located on or within 20 feet of a public sidewalk.
3. Entrances located at corners shall generally be located at a 45-degree angle to the corner and shall have a distinct architectural treatment, such as angled or rounded corners, arches, and other architectural elements.
4. Buildings shall have a clearly defined, highly visible customer entrance(s) featuring at least 3 of the following elements such as:
   a. Canopies or porticos;
   b. Overhangs;
   c. Recesses/projections;
   d. Arcades;
   e. Raised corniced parapets over the door;
   f. Peaked roof forms;
   g. Arches;
   h. Outdoor patios;
   i. Display windows;
   j. Architectural details such as tile work and moldings which are integrated into the building structure and design; or
   k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
5. A plaza or passenger loading area shall be provided at the entry for pedestrian circulation and loading and unloading. Entry plazas and passenger loading areas shall include unique, decorative paving materials, adequate seating areas, provision of adequate shade from the summer sun, and attractive landscaping including trees or raised planters.

C. **Building Design.** Buildings facades and exterior walls visible from adjoining streets or properties shall be designed to meet the following requirements.

1. Facades shall be designed to have a distinctive base, middle, and top. Cornices, balconies, roof terraces, and other architectural elements should be used, as appropriate, to terminate rooflines and accentuate setbacks between stories.
2. Building facades shall include building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest.
3. All applied surface ornamentation or decorative detailing shall be consistent with the architectural style of the building.
4. Each side of the building that is visible from a public right-of-way shall be designed with a complementary level of detailing.
5. Buildings exceeding shall be designed with staggered rooflines or other forms of architectural articulation.

D. **Exterior Building Materials and Colors.**

1. A unified palette of materials shall be used on all sides of buildings.
2. When using brick, colors typically found in manufactured fired brick are permitted. All colors of natural stone are permitted.

E. **Parking Area Design and Siting.**

1. **Location of parking areas.** Surface parking lots shall be distributed around the building or buildings on not less than 2 sides in order to reduce the distance among buildings. Parking shall not be located between buildings and any primary street. When the Large-Format Retail Store is located in a shopping center with other buildings, parking lots shall be located to provide users with maximum access to other building within the shopping center without moving their vehicles either behind or to the side of buildings.
2. **Size of parking areas.** In order to reduce the scale of parking areas, no single parking area shall exceed 200 spaces unless divided into 2 or more sub-areas separated from each other by landscaping, access drives or public streets, pedestrian walkways, or buildings.
3. **Pedestrian walkways.** Safe and clearly defined pedestrian walkways, leading to store entrances, shall be provided within large parking lots.
4. **Buffering parking areas.** Additional landscaping, buffering and pedestrian walkway connections will be required if more than 65 percent of the total off-street parking spaces is located between the front façade of the principal building and the primary street abutting the site.
5. **Cart Corrals.** Adequate, convenient cart corrals shall be provided near building entrances and throughout the parking areas.

16.323 LATE NIGHT BUSINESS OPERATIONS

16.323.01 PURPOSE AND APPLICABILITY

To protect the health and safety of the public, any business operating between the hours of 12 midnight and 6 a.m. are subject to the requirements of this Chapter in addition to any other regulations applicable to the type of establishment and the applicable requirements of the district where the business is located.

16.323.02 REQUIREMENTS

A. **Major Use Permit Required.** All Late-Night Business Operations, located within 300 feet of a Residential Zoning District, and commenced on or after the effective date of the Zoning Code, shall require a Major Use Permit, as prescribed in **Chapter 16.606, Minor and Major Use Permits**.

B. All Late-Night Business Operations, located within 300 feet of a Residential Zoning District, and commenced before the effective date of the Zoning Code, shall be considered Non-conforming and shall be subject to the **Chapter 16.105, Non-conforming uses**. The following business establishments are exempt from the requirements of this Section:

1. Hospitals, medical clinics, and convalescent homes,
2. Ambulance services,
3. Facilities operated by a government agency, and
4. Any business which has a valid Major Use Permit.

16.323.03 LATE NIGHT ALCOHOL SALES OR SERVICE

A. Any retail or eating or drinking establishment that sells or serves alcohol after 12 midnight, or 1 a.m. in the DMX Zoning District, shall require a Major Conditional Use Permit, as prescribed in **Chapter 16.606, Minor and Major Use Permits**.

B. In deciding whether to issue a Major Use Permit, the Planning Commission shall consider the impacts of any discretionary land use that is already subject to a Major Use Permit and that also proposes to engage in late night alcohol sales and/or service.

C. The Planning Commission, in considering the impacts of late-night alcohol sales and service, may approve, conditionally approve, or deny late night alcohol sales and service as it deems necessary to, manage, minimize, mitigate, eliminate or reduce the impacts of that activity on the public health and safety.

16.324 LIVE/WORK UNITS

16.324.01 PURPOSE AND APPLICABILITY

Live/Work Units are a commercial use that include residential accommodations incidental to a commercial, artisan, or other permitted non-residential use that are allowed subject to compliance with the requirements of this Chapter.

16.324.02 REQUIREMENTS

A. **Development Standards.**

1. **Size.** The minimum unit size is 750 square feet.
2. **Layout.** No more than a third (33 percent) of any unit shall be used for exclusive residential purpose such as sleeping area, kitchen, bathroom and closet areas including full cooking and bathing facilities complying with the California Building Code. The rest of each unit shall be reserved and regularly used for workspace.
3. **Separation.** Each Live/Work Unit shall be separated from other Live/Work Unit and from other uses in the building.
4. **Entrance.** Each unit shall have a separate entrance that is clearly identified to provide for emergency services. Access to individual Live/Work Units shall be provided from common access areas, common halls or corridors, or directly from the exterior of the building.
5. **Studios.** Live/Work units shall be designed to accommodate commercial or industrial uses conforming to the Group B occupancy classification under the California Building Standards Code and as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively commercial or industrial facilities used for the same work activity;
6. **Location of Residential Use.** No part of the residential area of the Live/Work Unit shall be located in the front portion of the ground floor.
7. **Required Buffer.** Where the side or rear yard of a Live-Work Unit abuts a Residential Zoning District, those side or rear yards shall be screened from uses in that Residential Zoning District with an opaque screen in accordance with **Section 16.505.09, Types of Landscape Screening**.

B. **Permitted Work Activity.** The work activity in a building where Live/Work Units are allowed shall be any use permitted by right or Use Permit in the zoning district, except that, in order to protect the health and safety of persons who reside in a Live/Work Unit or in a building which contains one or more Live/Work Units, no work activity shall be permitted nor shall any Live/Work Unit be established on any site that contains uses that may be hazardous to the health or safety of persons living or working in the unit or other unit in the building.

1. Prohibited uses include, but are not limited to, those with the potential to create significant impacts by reason of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or other impacts, or would be hazardous by way of materials, process, product or wastes.
2. No toxic, explosive, flammable, combustible or corrosive materials are to be stored or used on the site in quantities or in a manner that violates any provision of the Uniform Fire Code. No etiologic or radioactive materials shall be used or stored on the site at any time.
3. No mechanical equipment shall be used which generates noise higher than the noise standards established for residential uses in **Section 16.502.10, Noise**.
4. There shall be no outside operations, outside storage or outdoor display of materials or products.
5. The Director may require the discontinuance of a work activity in a Live/Work unit with residence if as operated or maintained there has been a violation of any applicable condition or standard.
6. The Director shall have the authority to prescribe additional conditions and standards of operation for any category of work activity in an artist's studio with residence including the provision of additional parking to accommodate employees who do not live on the premises, customers, or clients.

C. **Permits and licenses required.**

1. A Zoning Compliance Review as prescribed in **Chapter 16.603, Zoning Compliance Review** is required to establish a Live/Work Unit in districts where they are permitted. A Minor Use Permit as prescribed in **Chapter 16.606, Minor and Major Use Permits** shall be required to establish a Live/Work Unit in other districts allowed.
2. All necessary Building Permits shall be obtained prior to the use of the space for residential occupancy.
3. The property owner shall record a covenant, prior to the issuance of a Building Permit, ensuring that the provisions of this Chapter are continually adhered to and that the Live-Work Unit remains consistent with this Code.
4. Business License Required. At least one (1) occupant of each Live/Work Unit shall maintain a current City of Vallejo business license for a business located in that unit.

16.325 MANUFACTURED HOUSING

16.325.01 PURPOSE AND APPLICABILITY

These provisions ensure that manufactured and factory-built residential units can be developed as a more affordable option for meeting housing needs; while protecting public health and safety, and maintaining the character of residential neighborhoods. Manufactured homes (also known as "mobile homes") may be used for residential uses by complying with the requirements of this Chapter; as well as temporary uses, subject to the approval of a Temporary Use Permit consistent with **Chapter 16.339, Temporary Uses**.

16.325.02 REQUIREMENTS

A. Manufactured homes to be placed on individual lots on a permanent foundation system shall comply with the following requirements:

1. A manufactured home constructed after September 15, 1971 shall include an insignia of approval from the California Department of Housing and Community Development, or if constructed after July 1, 1976, shall include an insignia of approval from the U.S. Department of Housing and Urban Development. Such units shall not have been altered in violation of applicable codes.
2. Manufactured homes may be placed on any lot zoned for single-unit residential development with the following exceptions:
    a. Manufactured homes shall not be permitted on non-graded hillside lots exceeding 10 percent grade or split-level graded lots; and
    b. No manufactured home on permanent foundation systems shall be permitted on lots zoned for single-unit development in a neighborhood which has been designated as a district of historic or architectural significance or identified in an approved City survey as potentially eligible for designation unless such manufactured home meets the design guidelines adopted for such neighborhoods or such other criteria as determined by the Director. A copy of any approved City survey shall be available from the Planning Division.

B. **Development Standards**

1. Manufactured homes placed on any lot zoned for single-unit use shall be subject to all applicable provisions of the Zoning Code and shall have a minimum width of 20 feet;
2. Covered parking and storage buildings shall have the same architectural treatment as the main structure;
3. Siding and roofing materials shall be compatible with the surrounding architecture; and
4. Eaves shall extend to provide appropriate solar screening and to be compatible with adjoining architecture.
5. Roof material shall consist of material customarily used for conventional single-unit dwellings, such as tile, composition shingles, and wood shakes and shingles. If shingles and/or wood shakes are used, the pitch of the roof shall be not less than 3 inches vertical to 12 inches horizontal.
6. The unit's skirting must extend to the finished grade.

16.325.03 MANUFACTURED HOMES HAVING NO PERMANENT FOUNDATION SYSTEM

A manufactured home having no permanent foundation system shall be placed in a mobile home park, including a Tiny Home. Mobile home parks shall meet the standards and conditions of the mobile home park standards of **Chapter 16.328, Mobile Home Parks**, and any other requirements adopted by the City Council.

16.326 MASSAGE ESTABLISHMENTS

16.326.01 PURPOSE AND APPLICABILITY

These provisions ensure the orderly regulation of massage services and protect the public's health and safety, by establishing certain standards pertaining to massage business activities. Massage therapy is recognized as a legitimate business occupation and health-related service.

16.326.02 PERMITS REQUIRED

Massage establishments are subject to the requirements of this Chapter and to the requirements of the Vallejo Municipal Code Section 5.04.205, Massage and related, massage establishments. Except for massage services that are deemed to be an accessory use, it shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in the application of massage or the operation of a massage service without having obtained certification from the California Massage Therapy Council (CMTC) and approval of a Discretionary Permit as prescribed in, Part II, Districts and Development Types.

A. **Zoning Compliance Review Required.** A massage service or therapy establishment with 2 or fewer practitioners shall require a Zoning Compliance Review, pursuant to **Chapter 16.603, Zoning Compliance Review**.

B. **Regulatory Permit Required.** It is unlawful for any person to operate, engage in, conduct or carry on any massage business unless the owner of such business first obtains from the Director, and continues to maintain in full force and effect, an Massage Regulatory Permit for such business.

1. **Permit application.**

a. The owner of a proposed massage entertainment business shall be the only person eligible to obtain Massage Regulatory Permit for such business. The owner shall not be eligible to obtain an Massage Regulatory Permit unless the owner is at least eighteen (18) years of age.

b. The following shall be submitted to the Director at the time of application for an Massage regulatory permit:

i. A completed application form signed by:

(a). The applicant; and

(b). Either the record owner of the property or the lessor of the premises (if the business premises are leased to the applicant business) where the massage business is to be conducted.

ii. The applicant's fingerprints on a form provided by the Vallejo Police Department. Any fees for the fingerprints shall be paid by the applicant.

iii. Two color photographs, taken within 6 months prior to the date of the application, that clearly show the applicant's face. Any fees for the photographs shall be paid by the applicant.

iv. A written description of the proposed business Massage Establishment and how it will satisfy the requirements of this Chapter.

v. A site plan depicting the building and unit proposed for the massage establishment. The site plan shall include a dimensional interior floor plan that depicts how the business will comply with the requirements of this Chapter. The site plan shall also include a diagram of the off-street parking areas required by Chapter 16.508, Off-Street Parking and Loading of this Code.

vi. A statement signed by the applicant certifying under penalty of perjury that all of the information submitted in connection with the application is true and correct.

vii. A nonrefundable application fee in an amount set by the Master Fee Schedule.

c. If the Director determines that the applicant has completed the application improperly, the Director shall promptly notify the applicant of such fact and shall return the application unprocessed. On request of the applicant, the director shall grant the applicant an extension of time of ten (10) days to complete the application properly. The time period for granting or denying the requested permit shall be stayed during the period in which the applicant is granted an extension of time.

2. **Approval or denial of permit.** Applicants for an Massage Regulatory Permit as defined I n this Chapter shall provide proof that a background check has been cleared by the Vallejo Police Department for the Holder of the permit and all employees.

   a. Neither the Applicant, if an individual, or any of the officers or general partners if a corporation or partnership, or employees have been found guilty or pleaded nolo contendere within the past 7 years of a misdemeanor or a felony classified by the state as a sex or sex-related offense.

   b. The Director shall, within 30 calendar days of the filing of a complete application, approve and issue the Massage Regulatory Permit if the requirements of this Chapter have been met; otherwise the permit shall be denied. Notice of the approval or denial of the permit shall be given to the applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States Postal Service on the date of such decision. If the application is denied, the Director shall attach to the notice a statement of the reasons for the denial. The time period set forth in this paragraph shall not be extended except upon the written consent of the applicant. Any interested person may appeal the decision of the director to the hearing officer in accordance with the **Section 16.602.14, Appeals**.

3. **Nontransferable.**

   a. No person shall operate a massage business under the authority of a Massage Regulatory Permit at any place other than the address of the massage business stated in the application for the permit.

   b. No Massage Regulatory Permit issued pursuant to this Chapter shall be transferable.

   c. Any attempt to transfer a Massage Regulatory Permit is hereby declared invalid and the permit shall automatically become void effective the date of such attempted transfer.

   d. Nothing in this Section shall prevent the Director from approving a second Massage Regulatory Permit for a single location provided that the holder of the Massage Regulatory Permit previously approved for such location consents in writing to the automatic expiration of such previously approved permit upon the effective date of such second permit.

C. **Major Use Permit Required.** A massage service establishment with more than 2 practitioners shall require a Major Use Permit, as prescribed in **Chapter 16.606, Minor and Major Use Permits**.

D. **Massage accessory to certain uses.** Massage is deemed to be an accessory use and does not require a Zoning Compliance or a Major Use Permit when performed:

   1. In an athletic club or similar facility authorized under the Zoning Code;

   2. In an office that is an integral part of and operated by a hospital, convalescent home, sanitarium, medical clinic, medical laboratory, medical education facility, or other medical facility licensed as such by the state or other competent and lawful authority and under the direction of a licensed medical practitioner; or

   3. By a barber or cosmetologist who is duly licensed and performing massage within the scope of that license.

E. **Not Applicable to Massage Conducted as Home-based business.** These provisions do not apply to massage operators who have been approved subject to **Chapter 16.321, Home-Based Businesses** and are operating in compliance with all applicable requirements, including CMTC certification.

16.326.03 APPLICATION REQUIREMENTS

In addition to any other information required by **Chapter 16.603, Zoning Compliance Review** and **Chapter 16.606, Minor and Major Use Permits**, the application for establishment of a massage establishment that is not accessory to medical, clinical or athletic facilities as described above, shall include all of the following information:

A. The nature of the massage to be administered;

B. The name, address, and CMTC certificate number for each massage practitioner;

C. The name and address of the massage school attended by each massage practitioner who will be performing services in the business;

D. The names and addresses of any businesses previously operated by the applicant;

E. Floor plans identifying the number of treatment rooms and waiting room square footage; and

F. A statement that the proposed establishment will not be an Adult Use as defined and described in **Chapter 16.304, Adult Use Regulations**.

16.326.04 FACILITY LOCATION AND OPERATING REQUIREMENTS

A. **Locational Limitations.** Massage establishments shall not be within 500 feet from other massage establishments or less than 1,000 feet from a school or park.

B. **Hours of operation.** Hours of operation are limited to 7 a.m. to 9 p.m., 7 days a week unless otherwise specified.

C. **Transparency required.** Every massage establishment shall have windows facing the public right-of-way that are transparent to allow a clear view into the establishment and shall not be obscured with blinds, shades, drapes, or blocked by furniture.

D. **Display of Massage Therapy Office Zoning Approval.** Every massage establishment or business shall maintain on its premises evidence for review by local authorities that demonstrates that all persons providing massage services have obtained zoning approval and hold a valid license under Vallejo Municipal Code Section 5.04.

16.326.05 OWNER AND OPERATOR RESPONSIBILITY

For the purpose of enforcing the requirements of this Chapter, all owners and operators of any non-exempt massage business or establishment shall be responsible for the conduct of all of their employees, agents, independent contractors or other representatives, while on the premises of the business or establishment or providing massage therapy. The operator shall maintain a register of all persons employed as massage practitioners and their permit number. The register shall be available for inspection at all times during regular business hours.

16.326.06 ENFORCEMENT

The City may revoke, restrict, or suspend zoning approval for any violation of this Chapter or of the Vallejo Municipal Code Section 5.04.205, Massage and related, massage establishments, as provided for in **Chapter 16.615, Enforcement and Abatement**.

16.327 MOBILE FOOD VENDING

16.327.01 PURPOSE AND APPLICABILITY

These provisions provide conditions and requirements to allow mobile food vending on private properties, on certain areas of the City. Such use is distinguished from mobile food vending on public property, as provided for in the State Government Code, Section 51036 et. seq.

16.327.02 PERMIT REQUIREMENTS

A. **Zoning Compliance Review.** Mobile vending shall require a Zoning Compliance Review as provided for in **Chapter 16.603, Zoning Compliance Review**. The approval shall be specific to a location and shall not be transferable to other locations or operators. Operation of a mobile food facility shall not be permitted on public property under this Chapter.

B. **Business license.** Every mobile food vendor shall obtain a City Business License prior to operation.

C. **Solano County Environmental Health.** A valid permit from the Solano County Environmental Health Department is required.

D. **Building Division and Fire Department.** All necessary permits and approvals from the Building Division and the Fire Department shall be obtained prior to operation of a mobile food vending facility.

E. **Permit and License Display.** At all times while vending, a valid business license and Director's Permit shall be displayed at the mobile food vending site.

16.327.03 APPLICATION REQUIREMENTS

Applications for mobile food vending shall include submission of the following information:

A. Authorization from the property owner or an authorized agent including full name and contact information.

B. Site plan showing where the mobile food vending vehicle (food truck) will be parked during hours of operation.

C. The location and description of any proposed outdoor dining area, including the number and location of tables, chairs and shade structures;

D. Proposed hours of operation;

E. Signed lease agreement with a commercial commissary where the food vending vehicle will be parked when it is not in service The lease agreement shall also be approved by the Solano County Health Department.

16.327.04 SITE AND PERFORMANCE REQUIREMENTS

A. **Private Property.** Mobile food vending shall be conducted entirely upon private property and not within any public right-of-way;

B. **Parking area.** The proposed location where the vending vehicle will be parked shall be paved and not interfere with the operation of any approved uses on the site;

C. **Designated Parking.** Mobile vendors operating within a parking lot shall not park in any part of the lot designated as required on-site parking for the principal use on the property during the primary business hours of operation;

D. **Required Parking Spaces.** A minimum of 2 off-street parking spaces per vending vehicle is required. Barricades shall be placed to prevent vehicles from entering the food truck vending and seating area. The off-street parking layout, bicycle parking and placement of the barricades are subject to the Director's approval.

E. **Maintenance.** Mobile vendors shall maintain their immediate sales location in a clean and hazard free condition;

F. **Refuse and Recycling.** Mobile vendors shall maintain refuse and recycling container(s) immediately adjacent to the vending location for use by customers;

G. **Maintenance.** The site shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from the premises and on all abutting sidewalks within 100 feet of the premises.

H. **Circulation.** A clear path at least 5 feet wide shall be maintained at all times. This width shall be free of any permanent structures or obstructions, including but not limited to street trees, parking meters, light poles, newspaper racks, and planters. The permittee is responsible for maintain the clear path. The vending vehicle may not be parked and street furniture, if allowed, may not be located where they would interfere with vehicle or pedestrian circulation

I. **Outdoor Seating.** Tables, chairs, or other street furniture, if permitted by the Zoning Compliance Review, shall be placed at least 2 feet from the curb. Street furniture shall be kept clean and in good condition at all times.

J. **Shade.** Umbrellas, if permitted, may not exceed 7 feet in height. Umbrellas and awnings may not be placed where they would obstruct the view of any street signs or traffic signals;

K. **Storage.** After the permitted hours of operation, all mobile vending equipment such as dining furniture, shall be stored off-site with the food truck or within an approved, enclosed structure on-site and the food truck shall be moved from the site to the location the operator specified in the Permit Application.

L. **Peaceful Enjoyment.** The operation shall at all times be conducted in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking or other actions. The applicant shall prohibit loitering at the site and shall control noisy patrons on-site and those leaving the premises. No amplified music or loudspeakers shall be permitted. The operation shall at all times comply with the provisions of the City's Noise Ordinance

16.328 MOBILE HOME PARKS

16.328.01 PURPOSE AND APPLICABILITY

These regulations implement the General Plan Housing Element and applicable requirements of California law and regulations by preserving and protecting existing mobile home parks as alternative types of residential units, with opportunities for affordable housing. Mobile home parks shall be developed and maintained to provide safe and quality living environments for their residents; as well as designed to fit into the neighborhoods where they are located.

16.328.02 REQUIREMENTS

Mobile home parks are allowed in low-, medium-, and high-density residential districts subject to approval of a Major Use Permit, as prescribed in **Chapter 16.606, Minor and Major Use Permits** and compliance with the following standards:

A. **Minimum Park Area.** Each mobile home park shall contain a minimum of 4 acres.

B. **Maximum Density.** A mobile home park shall not exceed the density requirements applicable to the zoning district in which it is located.

C. **Setbacks.**

1. **Front.** Each mobile home park shall have a front setback measured from the front property line to the nearest mobile home lot line not less than 20 feet for the full width of the parcel.

2. **Sides and rear.** Each mobile home park shall have a rear setback and side setbacks measured from the property line to the nearest mobile home lot line, not less than 15 feet on all sides of the parcel, except where a side or rear setback abuts a street, in which case the setback shall not be less than 20 feet.

3. **Setbacks for individual mobile homes.**

a. **Front and rear.** There shall be an aggregate front and rear setback width of at least 20 feet measured from the mobile home, carport, canopy or any other structure to the mobile home lot line. No front or rear setback shall be less than 5 feet.

b. **Sides.** There shall be a minimum side setback of 5 feet measured from the mobile home, carport, canopy or any other structure to the mobile home lot line. Where the side setback abuts an internal access road, public parking area, or walkway, that side setback shall be not less than 10 feet in width.

c. **Separation between structures.** Where a mobile home is located near any permitted building other than another mobile home, the minimum space between the mobile home and any other building shall be 20 feet.

D. **Height.** No mobile home shall exceed the maximum permitted height for a detached single-unit residence in the zoning district where the park is located. Other structures shall meet the requirements applicable to accessory structure other than Accessory Dwelling Units.

E. **Permanent Structures Prohibited.** Permanent buildings or structures on individual mobile home sites, including room additions, cabanas, carports, or patio structures shall be prohibited. Portable demountable structures which may be easily disassembled and moved may be permitted subject to review and approval by the Director and the Building Official.

F. **Parking.** At least one individually accessible and one tandem parking space shall be provided for each mobile home site.

G. **Lighting.** Mobile home park lighting shall consist of street electrolier type rather than flood lighting.

H. **Access and Street Standards.**

1. **Pedestrian access.** Pedestrian access into the mobile home park shall be provided by connecting the interior pedestrian pathway network with sidewalks located in the rights-of-way of perimeter streets.

2. **Vehicular access.** Vehicular access to mobile home parks shall be from abutting regional or transitional streets. Vehicular access to mobile home parks from local streets in the RLD and RMD Zoning Districts shall be prohibited. One vehicular access to mobile home parks from each abutting regional or transitional street may be permitted.

3. **Internal access roads.** Internal access roads shall be paved to a width of not less than 25 feet. Internal access roads of less than 25 feet may be permitted when mobile home orientation is toward interior open space. Internal access roads shall be 32 feet in width if car parking is permitted on one side, and 40 feet in width if car parking is permitted on both sides. Widths shall be measured from the flowline for both standard curb construction and rolled curb construction and any variation is subject to the City Engineer's approval

4. No mobile home park entrance shall be located closer than 100 feet to any intersection of any public streets.

5. All internal access road cul-de-sacs shall have a minimum outside turning radius of 32 feet.

6. All internal corners shall have minimum 15-foot radii.

7. Curbs and gutters shall be installed on both sides of all internal access roads. Curbs may be roll-type rather than vertical.

8. All internal access roads shall be adequately lighted A photometric plan shall be reviewed and approved by the City Engineer.

9. Each site shall have access directly to an internal access road.

10. Stop signs shall be provided at all intersections with public streets.

I. **Fencing, Walls and Landscaping.**

1. **Required fences and walls.** A 6-foot high solid masonry wall or such other decorative fencing or screening of a similar nature as determined by the review authority shall be constructed along all boundaries adjoining other properties and 15 feet back of the property line adjacent to any public street unless otherwise approved.

2. **Park perimeter landscaping.** All setbacks and incidental open space areas shall be landscaped and maintained. Landscaping shall include trees not less than a number required by **Chapter 16.504, Landscaping**. The trees shall be at least 8 feet in height. An irrigation system shall be included within all landscaped areas, and other assurances given prior to the development of the mobile home park that all landscaping shall be adequately maintained.

3. **On-site landscaping.** In the design of the mobile home park, the developer shall make every effort to retain existing trees. Not less than 20 percent of each mobile home space shall be landscaped with plant materials, including at least one tree at least eight feet in height with a trunk diameter of at least one inch measured one foot above ground level. Tree selection shall be a part of the landscape plan review process.

J. **Grading.** Mobile home parks in areas of excessive slope may require additional lot area to minimize cut and fill slopes; however, where mobile home sites are graded into stepped pads, there shall be no more than a 3-foot vertical elevation difference between adjoining pads whether separated by an internal access road or not. Mobile home parks located in hillside areas shall be developed in compliance with the applicable requirements of **Chapter 16.212, Hillside Development Standards**.

K. **Recreation and Open Space.**

1. A common recreation area with at least 100 square feet of floor area for each mobile home unit shall be provided.
2. A patio of wood, concrete or a combination thereof, with a minimum area of 160 square feet, shall be installed as part of each mobile home lot prior to occupancy of the unit.

L. **Storage.**

1. **Tenant storage.** A minimum of 75 cubic feet general storage locker shall be provided for each mobile home space. Storage lockers may be located on the mobile home lot or in locker compounds located within close proximity of the mobile home lot being served.
2. In addition to the required parking for each unit, "reservoir parking" at the rate of one such parking space for every 4 mobile home sites shall be provided to accommodate campers, boats, pickup trucks, hauling trailers, and the like. Each reservoir parking space shall be at least ten feet by 30 feet in size.
3. **Storage of mobile homes.** No mobile home shall be hauled to or stored within a mobile home park unless it is properly erected on a site approved for its use.

M. **Utilities.**

1. All service utilities such as electricity, water, gas, and other similar utility within the property lines of the premises of a mobile home park shall be installed underground.
2. **Sanitary sewer.** Each mobile home space shall be provided with a connection to a City sewer line, either directly or indirectly.

N. **Fire Protection.** Every mobile home park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the park as to satisfy applicable regulations of the Fire Department.

O. **Management office.** Each mobile home park shall maintain a management office. Suitable facilities shall be provided for mail distribution.

P. **Additional Requirements.** Mobile home parks are subject to the requirements of Chapter 5.64, Mobile Home Parks Rent Control, of the Vallejo Municipal Code, and the following additional requirements:

1. Each mobile home shall be located on an approved mobile home site, and all mobile home sites shall be designed to accommodate independent mobile homes. No mobile home site shall be used as the location for more than one mobile home or trailer. All construction and operation procedures within the property lines of the premises of a mobile home park shall be in accordance with the provisions of the most recent edition of:

   a. California Health and Safety Code, Division 13 (entitled "Housing"), Part 2 (entitled "Mobile Homes - Manufactured Housing), Section 18000 et seq.
   b. California Code of Regulations, Title 25, Division 1, Chapter 3, Subchapter 2 (entitled "Mobile Homes, Recreational Vehicles and Commercial Coaches), Section 4000 et seq.

16.329 OUTDOOR RETAIL DISPLAY AND SALES

16.329.01 PURPOSE AND APPLICABILITY

These provisions ensure that outdoor displays of retail products do not interfere with, or be a hazard to, pedestrian or vehicular traffic; while being aesthetically pleasing and compatible with surrounding land uses. They apply whenever any retail business engages in the outdoor display of products or merchandise as permitted in the district where the business is located.

16.329.02 GENERAL REQUIREMENTS

A. **Zoning Compliance Review Required.** Any request for outdoor retail sales and display activity shall require a Zoning Compliance Review, pursuant to **Chapter 16.603, Zoning Compliance Review**.

B. **Standards.** Outdoor, Retail Sales and Display shall be designed, located, and operated consistent with the following standards:

C. **Allowed Area.** The Director shall evaluate each application for outdoor display on a case by case basis and subject to the provisions of this Chapter, shall use the ratio of 50 square feet of outdoor display area for every 1,000 square feet of enclosed retail store space as a guideline in determining the allowable number of square feet of display area, provided that any business permitted to have outdoor display is entitled to 50 square feet of outdoor area regardless of the number of square feet of enclosed retail store space. Any decision of the Director with respect to the number of square feet of outdoor display area a business may have is subject to appeal pursuant to **Section 16.602.14, Appeals**.

1. **Maximum area.** The total outdoor display area for any business which is otherwise entitled to outdoor display shall not exceed 750 square feet.
2. **Display Location.** The goods or merchandise displayed outdoors shall be immediately adjacent to the retail store and shall be on private property unless an Encroachment Permit is obtained from the City pursuant to Chapter 10.16, Encroachments on City Property, of the Vallejo Municipal Code.
3. **Pedestrian Access.** The goods or merchandise displayed outdoors shall permit safe pedestrian access and shall not cause pedestrians to walk in areas reserved for fire lanes, for parking, or for vehicular traffic.
4. **Items Prohibited.** The goods or merchandise displayed outdoors shall not consist of any goods or merchandise, such as mirrors or hubcaps, which are capable of reflecting sufficient sunlight to cause a traffic hazard for drivers of vehicles.
5. **Racks.** Unless in racks specifically designed for display, goods or merchandise displayed outdoors shall be stacked with due regard for safety and not in excess of 6 feet in height.
6. **Storage.** Outdoor retail display does not include "outdoor storage" or the placement of goods or merchandise outdoors which is screened or fenced in accordance with **Chapter 16.505, Fences, Walls, and Screening**.
7. **Location.** Displayed merchandise shall occupy a fixed, specifically approved, and defined area that does not disrupt the normal function of the site or its circulation, and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas.
   a. The outdoor sales area shall be delineated by striping, enclosure, or otherwise approved boundary.
   b. Outdoor sales and display areas shall not encroach into required setback areas. In zoning districts where no setback is required, the outdoor sales area shall be set back a minimum of 15 feet from adjoining property lines, unless otherwise allowed by the review authority.
8. **Hours of Operation.** Outdoor sales are only allowed when the business is open for operation with the associated permanent structure. All sales facilities, signs and furniture shall be removed from the site at the close of daily business.
9. **Screening.** All outdoor sales and display areas, except for automobile displays and plant nurseries, shall be screened by a wall or fencing that complies with the requirements of **Chapter 16.505 Fences, Walls, and Screening**. The height of merchandise, materials, and equipment on display shall not exceed the height of the screening wall or fence.

10. **Signs.** Additional signs identifying the outdoor sales and display area, beyond those allowed for the subject use, shall not be permitted.
11. **Rental of automobiles, trucks, and trailers.** Except as otherwise provided by this Code, in accordance with **Table 16.601-A: Permit Review Authority**, no rental trailers, trucks, or automobiles available to the public by lease or for sale, shall be stored on any commercial premises for outdoor display.

16.330 OUTDOOR DINING AND SEATING

16.330.01 PURPOSE AND APPLICABILITY

These provisions present regulations to allow outdoor dining and seating that enhances the pedestrian ambiance and dining experience; while ensuring that such use does not adversely impact adjacent properties and surrounding neighborhoods. They apply to all new sidewalk cafés or outdoor dining, and seating areas and parklets.

16.330.02 REQUIREMENTS

A. **Zoning Compliance Review Required.** Restaurants may provide outdoor dining and seating subject to a Zoning Compliance Review, as prescribed in **Chapter 16.603, Zoning Compliance Review**.

B. **Other Permits.** Outdoor dining located on public sidewalks or within a parklet on a City street requires approval of an Encroachment Permit issued by the Department of Public Works and Certificate of Insurance.

C. **Development Standards.** Outdoor dining, seating areas and parklets shall be designed, located, and operated consistent with the following standards:

1. **Accessory Use.** Outdoor dining and seating may be established as an accessory use to a legally established eating and drinking establishment that is located on the same lot, a contiguous adjacent parcel, or on public right-of-way immediately adjacent to the tenant space.
2. **Hours of Operation.** Outdoor dining shall be limited to the hours when the principal use is open for business unless otherwise specified in the Zoning Compliance Review application.
3. **Design and Set-up**

   a. Entrances and exits to the business and the outdoor dining area shall be maintained to Fire, Building Code and ADA standards.

   b. Outdoor seating areas on public sidewalks shall be enclosed and restricted to an area outside of the pedestrian walk zone, which shall maintain a clearance of 4 feet for ADA access, light poles, parking meters, fire hydrants, news racks, trees, or other barriers. The area may be adjacent to the curb if there is a 2-foot minimum clearance to the curb.

c. Barriers are required for areas where alcohol is served. Business operators must obtain the necessary licenses from the State Department of Alcohol Beverage Control and comply with all rules and regulations required by the State, including Limitation on Relief measures.

i. Perimeter barriers shall generally be temporary and movable fixtures on public sidewalks or within parking areas. The barriers shall be of a durable material, not including plastic, and shall reflect the architectural character of the building. Small planter boxes may be used to define the boundary of the outdoor dining area. No chain link fencing, chicken wire or cyclone fencing.

ii. Barriers are required for areas where alcohol is served. Business operators must obtain the necessary licenses from the State Department of Alcohol Beverage Control and comply with all rules and regulations required by the State, including Limitations on Relief measures.

iii. If a permanent barrier is proposed, the barrier may be bolted to a public sidewalk or asphalt and subsequently removed and the sidewalk or asphalt shall be repaired, subject to the review and approval of the Public Works Department.

4. **Equipment and Materials.**

a. The furnishings of the outdoor dining shall consist of movable tables and chairs, including movable planters and pots and portable space heaters.

b. Furniture. Outdoor furniture shall be made of safe, sturdy, and durable material such as wrought iron, wood or steel. All tables and chairs shall be commercial grade and manufactured for outdoor use. Tables and chairs shall not be stacked outside at any time. Outdoor dining area furniture shall not be left outside unused for more than 2 days.

c. Awnings. Retractable awnings and umbrellas may be used in an outdoor dining area, at a minimum clearance of 8 feet on public sidewalks, and there shall be no permanent roof or shelter.

d. Shading. Individual canvas or other non-vinyl umbrellas are permitted. Umbrellas shall be designed for outdoor commercial use and shall be well maintained. Umbrellas shall maintain a clearance as to not obstruct pedestrian flow or obstruct any street signs or traffic signals. Each umbrella may include the name/logo of the dining establishment but shall not include any other form of product advertising or messages.

5. **Lighting.** All lighting shall be shielded to prevent glare to pedestrians and vehicle traffic.

6. **Safety.**

a. Fire access (roadways, driveways) and water supply (fire hydrants) shall remain accessible at all times.

b. Operators shall maintain the width of the exit system; tables, chairs, merchandise storage systems and other devices shall not obstruct the means of egress along the path of exit travel based on the cumulative occupant load served. Maintain clear access to all exits.

c. The minimum fire-extinguisher requirement shall be one 2A-10BC rated portable unit in such locations so that maximum floor-travel distance does not exceed 75 feet to the nearest extinguisher from any portion of the outdoor dining areas. Existing fire extinguisher. Locking devices on exit doors shall conform to the California Building Code. Only one lock or latch requiring one motion/operation to open/unlock is required. No double keyed dead-bolts are permitted on exit doors.

d. All interior and exterior curtains, tents, awnings and decorations, shall be Flame Retardant treated in accordance with the California Code of Regulations Title 19 Article 8 and 9 and the 2019 California Fire Code Chapter 8.

e. Tents shall meet the State Fire Marshal Flame Resistance requirements and have a SFM Certification Seal attached to the tent material. A Tent Permit is required from the Fire Department for all tents that exceed 400 square feet in area.

f. Open flame devices (candles) are prohibited.

g. Portable gas-fired heating appliances located outdoors shall comply with the following requirements:

   i. Prohibited locations: The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations: Inside of any occupancy where connected to the fuel gas container. Inside of tents, canopies and membrane structures. On exterior balconies.

   ii. Clearance to buildings: Portable outdoor gas-fired heating appliances shall be located not less than 5 feet (1524 mm) from buildings.

   iii. Clearance to combustible materials: Portable outdoor gas-fired heating appliances shall not be located beneath, or closer than 5 feet (1524 mm) to combustible decorations and combustible overhangs, awnings, sunshades or similar combustible attachments to buildings.

   iv. Proximity to exits: Potable outdoor gas-fired heating appliances shall not be located within 5 feet (1524 mm) of exits or exit discharges.

   v. Listing and approval: Only listed and approved portable outdoor gas-fired heating appliances utilizing a fuel gas container that is integral to the appliance shall be used.

   vi. Installation and maintenance: Portable outdoor gas-fired heating appliances shall be installed and maintained in accordance with the manufacturer's instructions.

   vii. Tip-over switch: Portable outdoor gas fired heating appliances shall be equipped with a tilt or tip-over switch that automatically shuts off the flow of gas if the appliance is tilted more than 15 degrees (0.26 rad) from the vertical.

   viii. Guard against contact: The heating element or combustion chamber of portable outdoor gas-fired heating appliances shall be permanently guarded so as to prevent accidental contact by persons or material.

   ix. Storage of fuel tanks shall be outside in a well ventilated area.

   h. Outdoor food preparation shall be prohibited.

7. **Maintenance.** The sidewalk area in and adjacent to the outdoor dining area shall be steam cleaned or pressure washed on at least a monthly basis and well maintained at all times.

16.331 PERSONAL STORAGE

16.331.01 PURPOSE AND APPLICABILITY

These provisions present regulations for Personal Storage facilities, while not generating adverse impacts on its surroundings, such as parking demand, traffic generation, fire, or safety hazard, visual blight, or use indirectly supportive of illegal or criminal activity. Personal Storage uses shall be located, developed, and operated in compliance with the following standards; and apply to all new and existing facilities where the storage area of the existing business is expanded.

All new Personal Storage facilities and any increase in the floor area or number of units in an existing facility shall require a Major Use Permit, as provided in **Chapter 16.606, Minor and Major Use Permits**.

16.331.02 REQUIREMENTS

A. **Business Activity.** The use of Personal Storage facilities by customers shall be limited to inactive storage only. No retail, repair, or other business activity shall be conducted out of the individual rental storage units. No activities other than rental of storage units and pick-up and deposit of storage shall be allowed on the premises. Examples of activities prohibited in said facilities include, but are not limited to the following:

1. Auctions, commercial wholesale or retail sales, or miscellaneous garage sales. An exception is made for auctions required by law to comply with lien sale requirements. During the course of said lien sales, customer vehicles shall not be allowed to obstruct circulation within the Personal Storage facility.
2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
4. The establishment of a transfer and storage business.

B. **Enclosure.** Outdoor storage is prohibited. No boats, trailers, and/or other vehicles shall be parked or otherwise stored outside the storage units except in areas approved for such storage.

C. **Hazardous Materials.** No caustic, hazardous, toxic or flammable or explosive matter, material, liquid, or object, nor any matter, material, liquid or object that creates obnoxious or offensive dust, odor or fumes shall be stored in a Personal Storage unit.

D. **Utilities**. Water, gas or telephone service to any rental space is prohibited.

E. **Habitation.** Human habitation of any rental space is prohibited.

F. **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units. These restrictions shall be included in rental contracts and posted in a conspicuous location within the front of each rental unit.

16.332 QUICK SERVICE RESTAURANT

16.332.01 PURPOSE AND APPLICABILITY

These provisions ensure orderly regulation of quick service restaurants (QSRs), more commonly referred to as fast-food take-out restaurants, and protect the public's health and safety by establishing certain standards pertaining to these types of establishments.

16.332.02 REQUIREMENTS

A. **Pedestrian Access.** The business operations shall not obstruct any sidewalk, path, or ADA accessible area that is part of a pedestrian circulation system.

B. **Site Maintenance.**

1. The building(s) and site shall be maintained free of litter and graffiti at all times.
2. One permanent, non-flammable trash receptacle shall be installed near all public entrances and exits to the establishment.
3. The owner shall be responsible for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 100 feet of the premises. The owner is responsible for cleaning trash within a 100-foot radius from the facility within 30 minutes after closing. Discarded containers and other trash shall be disposed of in an on-site trash receptacle.

C. **Outdoor Dining.** If outdoor dining and seating areas are provided, these areas shall comply with **Chapter 16.330, Outdoor Dining and Seating**.

D. **Drive-through Facility.** A QSR that includes a drive-through facility shall also be subject to the requirements in **Chapter 16.316, Drive-in and Drive-Through Facilities**.

16.333 RECYCLING FACILITIES

16.333.01 PURPOSE AND APPLICABILITY

These provisions implement the General Plan and State law; by establishing requirements for residential and commercial recycling, which reduce the production of solid waste. More specifically, to:

A. Maximize the diversion of solid waste from disposal;

B. Treat and safely process solid waste materials in a manner that protects natural resources from pollution and minimizes adverse impacts on neighboring properties;

C. Provide for the eventual reuse or recycling of discarded material.

16.333.02 REQUIREMENTS

Recycling facilities are permitted subject to compliance with the applicable criteria and standards listed in this Chapter unless the Director, Planning Commission, or City Council on appeal imposes stricter standards, upon a finding that such modifications are reasonably necessary in order to implement the general intent of this Chapter and the purposes of this Title.

A. **Reverse Vending Machines.** Reverse vending machines, shall be located, developed, and operated in compliance with the requirements of this Chapter subject to the Director's approval.

1. **Location.** Machines shall be located within 30 feet of the entrance of the host business and shall not obstruct pedestrian or vehicular circulation or occupy parking spaces required by the primary use;
2. **Construction and maintenance.** Reverse vending machines shall be:

   a. Constructed and maintained with durable waterproof and rustproof material and shall be covered;

   b. Clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.

   c. No larger than 50 cubic feet in bulk and no more than 8 feet in height.

3. **Signs.** The maximum sign area on a machine is 4 square feet, exclusive of operating instructions. Signs shall be attached to the machines.
4. **Lighting.** Machines shall be illuminated to ensure comfortable and safe operation if operating hours are between dawn and dusk.
5. **Maintenance.** The area where the machine is located shall be maintained in a clean, litter-free condition on a daily basis. A 40-gallon garbage can for nonrecyclable materials shall be located adjacent to the reverse vending machine.

B. **Small Recycling Collection Facilities.** Small recycling collection facilities are allowed subject to the Director's approval and compliance with the criteria and the standards in this Section:

1. **Size.** Recycling collection facilities shall not exceed a building site footprint of 350 square feet or include more than 3 parking spaces (not including space periodically needed for the removal or exchange of materials or containers).
2. **Equipment.** No power-driven processing equipment, except for reverse vending machines, may be used.
3. **Location.** Facilities shall not be located within 50 feet of a residential zoning district.
4. **Setback.** Facilities shall be set back at least 10 feet from any street lot line and not obstruct pedestrian or vehicular circulation.
5. **Containers.** Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity sufficient to accommodate materials collected in the collection schedule.
6. **Identification.** Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.
7. **Signs.** The maximum sign area shall be 20 percent of the area of the side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container. The Director may authorize increases in the number, size and nature of additional signs for necessary directional or identification purposes but not for outdoor advertising.
8. **Parking.** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the main use unless a parking study shows available capacity during recycling facility operation.
9. **Site Maintenance.** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.
   a. Containers shall be constructed and maintained with durable, waterproof and rustproof material and shall be covered;
   b. Containers shall be clearly marked to identify the type of recyclable or recyclables which may be deposited;
   c. The facility shall be clearly marked to identify the name and telephone number of the facility operator;
   d. Site shall be swept and maintained in a dust-free, litter-free condition on a daily basis;
   e. The facility shall be placed on a site so as not to obstruct on-site or off-site pedestrian or vehicular circulation;
   f. Noise level shall not at any time exceed 55 dBA as measured at the property line of residentially zoned or occupied property; otherwise shall not exceed 70 dBA;
   g. The facility shall not include power-driven sorting and/or consolidation equipment such as crushers or balers, except bulk reverse vending machines;
10. **Signage.** Signs shall be provided as follows:
    a. An unattended container not over 50 cubic feet in bulk and not over eight feet in height may have a maximum sign area of 4 feet, and
    b. Other containers or units may have one flat-mounted sign per side of container or wall of enclosure of 20 percent of the surface of the side or 6 square feet, whichever is greater.
11. **Other requirements.**
    a. The minimum average illumination of the site shall be one-half foot candle;
    b. Use of the facility for collection of solid waste or hazardous waste is prohibited;

c. The facility shall be removed from the site on the day following permit expiration;

d. An attended facility shall be in operation only during the hours of operation of the host business;

e. The facility shall conform to all development regulations for the zone in which it is located; for an attended facility, a minimum of one parking space per attendant shall be provided;

f. The operator of any recycling collection facility shall, on a daily basis, remove any and all recyclable materials or solid waste which has accumulated or is deposited outside the containers, bins or enclosures intended as receptacles for such materials;

g. All recyclable material shall be stored in containers or in the mobile unit vehicle;

h. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use unless there is a recognized service corridor and acoustical shielding between the containers and the residential use;

i. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.

C. **Large Recycling Collection Facilities**

1. **Major Use Permit Required.** When a Major Use Permit is required in compliance with Part II Base and Special Districts of the Zoning Code, the permit shall contain conditions no less stringent than the performance standards set out in this Chapter. Where there is any apparent conflict between these regulations and regulations contained elsewhere in this Zoning Code or the Vallejo Municipal Code and/or with conditions of approval, the more stringent shall govern.

2. **Performance Standards.** In addition to the performance standards set forth **Section 16.501.08, Solid Waste, Recycling, and Organic Waste Storage**, the following minimum performance standards shall be uniformly applied, as applicable, to all Large Recycling Collection Centers.

3. **Site Design and Layout.** For new and expanded uses, submittal and approval of the following plans, and implementation of approved plans shall be required:

   a. Site and floor plans, which shall include designated areas for separation and disposal of materials, as well as required fencing/walls, to the Planning and Building Divisions;

   b. Building plans to the Fire Department;

   c. Fire safety/emergency plan to the Fire Department.

4. **Signage.** For existing, new or expanded uses: identification, directional and informational signs shall be provided on site in conformance with **Chapter 16.509, Signs**. At a minimum, the following information shall be posted near the entrance(s) and/or perimeter of the facility:

   a. Business identification including 24-hour contact information of facility operator;

   b. Hours of operation;

   c. Signage prohibiting the delivery or drop off of material to be recycled after-hours;

   d. Signage prohibiting illegal dumping, littering loitering or sleeping in proximity of the site's perimeter;

   e. A map of authorized truck routes to the facility posted at the office or scale house (and available to customers);

   f. A list of accepted and/or non-accepted materials for recycling.

5. **Appearance and Design.**

   a. **Landscaping.**

      i. For existing, new or expanded uses, all required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. All required irrigation systems shall be permanently maintained in good condition, and, whenever necessary, repaired or replaced.

ii. For new or expanded uses, submittal and approval of a landscape and irrigation maintenance plan and/or street tree plan, and implementation of approved plan for new and expanded uses, shall be as required by the Director.

b. **Screening.** For existing, new and expanded uses, screening by a solid fences and/or walls shall be required around the entire site;

c. **Lighting.**

i. For new or expanded uses, lighting plans in compliance with **Chapter 16.506, Lighting and Glare**, shall be submitted to the Planning and Building Divisions for review and approval.

ii. For existing uses, lighting shall comply with the applicable performance standards of **Chapter 16.506, Lighting and Glare**.

d. **Noise, Vibration and Other Applicable Health and Safety Regulations.** For existing, new or expanded uses:

i. Noise and vibration levels from the activity, property, or any mechanical equipment on site shall comply with the standards and requirements of **Section 16.502.10, Noise**, and **Chapter 16.502, Performance Standards**. If noise or vibration levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Building Divisions;

ii. The project operator/applicant shall comply with State and other regional bodies and/or applicable regulations including, but not limited to, the federal Clean Water Act and Occupational Safety and Health Administration (OSHA), the California Penal Code Section 496. (a), the Environmental Protection Agency (EPA), the Bay Area Air Quality Management District (BAAQMD) and Best Management Practices (BMP) for stormwater.

e. **Litter, Debris, Graffiti and Cleanliness.** For existing, new or expanded uses:

i. The site shall be maintained in a clean and orderly condition, free of vectors, and free of standing water and any odoriferous waste;

ii. The public right-of-way shall not be used for storage or processing of materials;

iii. Graffiti shall be removed within 72 hours of application;

iv. A cleanliness/litter management and control plan shall be developed, implemented and maintained, such that it is ready for inspection.

a. The plan shall include provisions for the disposal of recycling-related litter and debris in the public right-of-way within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively. This would not include material illegally dumped that is not related to the recycling operation, including but not limited to, hazardous material, containers of paint or unidentified liquids, tree trimmings, residential, commercial and/or industrial waste or dumping of materials not accepted by the Primary Recycling Collection Center.

b. In addition, the Recycling Collection Center shall produce a notice to distribute to customers that states that all illegal dumping shall be reported to City authorities.

6. **Shopping Cart Management.** If a Large Recycling Collection Center accepts materials from the public brought by means of a shopping cart, it shall also comply with all of the following requirements:

a. The collection center shall be responsible for the retrieval of all shopping carts within the area comprised of all streets adjacent to the premises, and the one-block extension of those streets to the north and south, and east and west, respectively.

b. The collection center shall post signage that includes contact information to report abandoned shopping carts in the vicinity of the facility;

c. If called or notified by a member of the public about abandoned shopping carts located within a two-block radius of the premises, the collection center shall retrieve said carts.

7. **Circulation.** For new or expanded uses submittal and approval of the following plans, and implementation of approved plans are required:

   a. A circulation plan that shows ingress and egress, parking both on-site and off-street, as well as includes provisions for any needed staff to monitor on-site traffic operations, shall be reviewed and approved by the Traffic Engineer;

   b. A plan showing rail loading and unloading within site shall be required (as applicable) submitted to the Planning Division.

8. **Equipment and Facilities.** All existing, new or expanded uses:

   a. All equipment shall be maintained and kept in good working order;

   b. After business hours, all facility-owned vehicles shall be stored within the facility or at an appropriate alternative off-street location.

9. **Operations.** All existing, new or expanded uses:

   a. Shall maintain a 24-hour "hotline" where neighbors can log complaints regarding nuisance activity associated with or emanating from the recycling facility. Complaints logs shall be maintained and made available to the City for inspection/copying upon reasonable notice;

   b. Shall provide staff and training for traffic operations needed on-site, as required by the Planning Division as part of any circulation plan;

   c. Shall develop, implement and maintain a plan for the disposal and containment of non-recoverable materials that is ready for inspection; submittal and approval of such a plan prior to operation shall be required for new or expanded uses;

   d. Shall keep all entrance gates closed and locked when the recycling collection facility is not open to the public;

   e. Shall not burn insulation from copper wire as a means to increase the material's value or for any other purpose.

D. **Relief from Performance Standards.** Any person who owns or operates, or who has applied to construct, expand, modify or establish an activity or facility that involves a Large Recycling Collection Center, which would be affected by the performance standards required, and who contends that the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation, may submit a written application to the Director requesting relief from the performance standards within ten (10) days of being initially notified of the performance standards. For purposes of this Chapter, notice to a predecessor in interest shall constitute such initial notice to subsequent owners/operators. The written request for relief from these performance standards shall:

   1. Identify the name and address of the applicant and business;

   2. Identify the affected application number;

   3. Specifically state how the performance standards as applied to him or her would be unlawful under Federal, State, or local law or regulation; and

   4. Include all appropriate legal and factual support for the request for relief. Within 30 days of receipt of the completed request for relief, the Director shall mail to the applicant a written determination.

   5. The applicant may appeal such determination pursuant to **Chapter 16.602, Common Procedures**, **Section 16.602.14, Appeals**.

E. **Recycling Processing Facilities.**

   1. **Location**. Facilities shall not be adjacent to a residential zoning district.

   2. **Screening.** The facility shall be screened from public rights-of-way, by solid masonry walls or located within an enclosed structure.

   3. **Outdoor Storage.** Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required solid masonry walls.

   4. **Identification.** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.

16.334 RESIDENTIAL CARE, GENERAL

16.334.01 PURPOSE AND APPLICABILITY

These provisions ensure that residential care facilities are established and operated in compliance with applicable federal and State law and regulations, for the benefit of their residents and protecting surrounding uses from potential adverse effects. More specifically, for the establishment and operation of facilities offering living accommodations, and 24-hour primarily non-medical care and supervision, for persons in need of such services.

These provisions apply to Residential Care Facilities serving 7 or more persons in any district where they are allowed; including the following facilities, as defined in the California Health and Safety Code, and in this Code:

A. A residential care facility, as defined by Health and Safety Code Section 1568.01, as a facility for persons with chronic, life-threatening illnesses who are eighteen (18) years of age or older, or are emancipated minors, and for family units.

B. A residential care facility for the elderly, as defined at Health and Safety Code Section 1569.2, as a housing arrangement chosen voluntarily by persons (60 years of age or over (or their authorized representative) where varying levels and intensities of care and supervision, protective supervision, or personal care are provided based on their varying needs.

C. An alcoholism or drug abuse recovery or treatment facility, as defined at Health and Safety Code Section 11834.02, to provide residential nonmedical services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

D. A hospice facility as defined at Health and Safety Code Section 1339.40, to provide care for persons experience the last phases of life due to a terminal disease.

Residential Facilities for 6 or fewer residents shall be treated as a residential use and subject only to the same requirements as any permitted residential use of the same housing type in the district in which they are located.

16.334.02 REQUIREMENTS

A. **Location.** Minimum distance from any other Residential Facility shall be 300 feet as specified by State Health and Safety Code Section 1267.9 (b).

B. **Usable Open Space.** At least 20 square feet of usable open space shall be provided for each person who resides in the facility.

16.335 SCHOOLS

16.335.01 PURPOSE AND APPLICABILITY

These provisions ensure that schools are located close to where students live and to provide safe environments for students, faculty, and other school employees. They apply to all facilities for primary or secondary education including public, charter, private and parochial schools.

16.335.02 REQUIREMENTS

A. **Use Permit Required.** A Minor or Major Use Permit shall be required pursuant to **Chapter 16.606, Minor and Major Use Permits**, as follows:

1. A Minor Use Permit is required to construct an addition that would increase the floor area of an existing school building, or as applicable.
2. A Major Use Permit is required for:
   a. Construction of new school;
   b. Establishment of a school in all or part of an existing building that was not designed for or occupied by a K-12 school.
3. To grant the Use Permit, the Director or the Planning Commission shall determine, based on the information presented by the applicant and the standards of this Chapter:
   a. That the school location is appropriate for the use, and that adjacent uses will not be adversely affected;
   b. That adequate access, student drop-off areas and required off-street parking is provided; and
   c. That outdoor play areas are appropriately-sized, furnished with facilities and equipment, safe, and secure.

B. **Site Plan Required.** The applicant shall provide a site plan with the Use Permit application that includes all of the following information:

1. The proposed enrollment and student capacity of the school;
2. The size and location of all indoor and outdoor areas for physical education;
3. The pedestrian and traffic circulation systems proposed for the site, include student drop-off areas, in addition to queuing areas for pick up;
4. The proposed parking, both on-site and off-site; and
5. A development phasing schedule, if the school will be developed in phases.

C. **Locational Standards.**

1. If the proposed site is within 1,500 feet of a railroad track easement, a safety study shall be submitted with the Use Permit application, prepared by a professional trained in assessing the frequency, speed, and schedule of railroad traffic and pedestrian and vehicle safeguards at railroad crossings. In addition to the analysis, reasonable and feasible mitigation measures to address existing or potential safety issues shall be identified, which shall be incorporated into conditions of approval, as appropriate.
2. If the proposed site is within 1,500 feet of an above-ground fuel storage tank or high-pressure oil or gas pipeline, or within 2,000 feet of a hazardous waste disposal site, a hazards risk assessment shall be submitted with the Use Permit application, and recommendations of that assessment shall be incorporated into conditions of approval, as appropriate.
3. The Director may waive submission of the studies required above if a safety or hazards risk assessment has been previously prepared for the site and submitted to the City or another permitting agency, and the applicant agrees to the recommendations and mitigation measures of such an assessment.

D. **Site Standards**

1. The site shall be easily accessible from arterial or collector streets and shall allow minimum peripheral visibility from planned driveways and drop-off areas.
2. Parent drop-off areas, queuing areas for pick up, bus loading areas if provided, and on-site parking shall be separated from walkways to allow students to enter and exit the school grounds safely.
3. Adequate outdoor or indoor play areas shall be provided to meet the needs for the planned enrollment. The minimum standard is 50 square feet of active play area per student. The Director or the Planning Commission, may reduce this requirement upon finding that:
   a. Public parks are with one-quarter mile of the school and a joint-use agreement with the City has been executed, or

b. The scheduling of Physical Education (e.g., staggered recess times) Permits more efficient use of on-site facilities.

c. All outdoor play facilities that border a street or parking area shall be enclosed by a minimum 6-foot high fence or wall.

4. Delivery and service areas shall be located to provide vehicular access that does not jeopardize the safety of students and staff. Delivery/utility vehicles shall have direct access from the street to the delivery area without crossing over playground or field areas or interfering with bus or parent loading unless a fence or other barrier protects students from large vehicle traffic on playgrounds.

E. **Accessory Uses.** Accessory uses customarily found in conjunction with schools, including dormitories, gymnasiums, stadiums, performing arts facilities, and auditoriums, are permitted provided that such accessory uses are located on the same lot or a contiguous lot adjoining the school.

F. **Design Standards.**

1. The design of structures shall incorporate setbacks, recesses, projections, upper-story setbacks, and similar architectural measures to help diminish visible building bulk as seen from adjoining public streets.

2. Larger structures with high levels of activities and parking areas shall be sited to minimize noise and other impacts on surrounding residential development and shall be landscaped to meet the applicable requirements of **Chapter 16.504, Landscaping**.

3. School campuses, excluding outdoor recreational areas, shall be subject to the minimum lighting standards applicable to multi-family development in the districts where they are located. Entries shall be lighted to ensure the safety of persons and the security of buildings. Outdoor lighting that is not required for security shall be turned off when a building or outdoor recreational area is not in use.

16.336 SINGLE-ROOM OCCUPANCY HOUSING

16.336.01 PURPOSE AND APPLICABILITY

These provisions implement the Housing Element of the General Plan and State law, to encourage and facilitate the development of single-room occupancy units (SROs); which accommodate extremely low-income single persons and 2-person households.

16.336.02 REQUIREMENTS

A. **Use Permit Required.** Single-Room Occupancy (SRO) Housing, also called residential hotels, shall be located, developed, and operated in compliance with the following standards in the zoning districts where they are permitted or subject to approval of a Minor or Major Use Permit, as applicable, provided in **Chapter 16.606, Minor and Major Use Permits**:

B. **Maximum Number of Units.** If an SRO contains a common kitchen that serves all residents, the maximum allowable number of individual units shall be 20 percent above the maximum number otherwise allowed by the base density applicable to residential development in the zoning district where the SRO is located.

C. **Maximum Occupancy.** Each living unit shall be designed to accommodate a maximum of 2 persons.

D. **Minimum Width and Minimum Size.** A unit comprised of one room, not including a bathroom, shall not be less than 12 feet in width and include at least 180 square feet of habitable space.

E. **Entrances.** All units shall be independently accessible from a single main entry, excluding emergency and other service support exits.

F. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual units, each unit shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or a properly engineered cook top unit pursuant to Building Code requirements; at minimum a small refrigerator; and cabinets for storage.

G. **Bathroom.** A unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub or shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided that meet the standards of the Building Code for congregate residences with at least one full bathroom per floor.

H. **Closet.** Each unit shall have a separate closet.

I. **Common Area.** A minimum of 4 square feet per living unit of common area shall be provided, excluding janitorial storage, laundry facilities, and common hallways. At least 200 square feet of common area shall be on the ground floor near the entry to serve as a central focus for tenant social interaction and meetings.

J. **Tenancy.** Tenancy of residential hotel units is limited to 30 or more days.

K. **Facility Management.** A facility with 10 or more units shall provide full-time on-site management. A facility with fewer than 10 units shall provide a management office on site.

L. **Management Plan.** A management plan shall be submitted with the Minor or Major Use Permit application for an SRO project for review and approval by the Planning Commission. At minimum, the management plan shall include the following:

1. **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
2. **Management Policies.** Management policies, including desk service, visitation rights, occupancy restrictions, and use of cooking appliances;
3. **Rental Procedures.** All rental procedures, including the monthly tenancy requirement;
4. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

16.337 SOCIAL SERVICE CENTERS

16.337.01 PURPOSE AND APPLICABILITY

These provisions ensure the development of Social Service centers, which provide a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24 hour basis, does not adversely affect nearby residents and businesses; while providing for the needs of all segments of clients.

16.337.02 REQUIREMENTS

A. **Waiting Areas.** Each center shall include indoor waiting and intake areas for clients.

B. **Hours of Operation.** Centers may be operated between the hours of 8 a.m. and 8 p.m.

C. **Security.**

1. **Security Plan.** The center operator shall submit a security plan for approval to the Director. The plan shall include provisions for security staffing, alarms, and other elements the Director deems necessary to ensure the security of the site.
2. **Alarm System.** A centrally monitored alarm system shall be installed and maintained in good working order.
3. **Staffing.** On-site supervision shall be provided at all times that the center is in operation.
4. **Emergency Contact.** The center operator shall provide the Chief of Police with the name, phone number and email address of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the center. The center shall make a good faith effort to encourage members of the public to call this person to try to solve operating problems, if any, before calls or complaints are made to the City.

D. **Litter.** Outdoor trash receptacles shall be available near the entrances to and exits from the establishment. The premises shall be continuously maintained in a safe, clean and orderly condition.

E. **Prohibited Activities.** Patrons shall immediately leave the site if not waiting for or receiving services, and no consumption of alcoholic beverages is allowed on the premises. The Operator shall post a sign detailing these requirements.

16.338 SOLAR AND WIND ENERGY SYSTEMS

16.338.01 PURPOSE AND APPLICABILITY

These provisions encourage the use of solar and wind energy as alternative, and non-depletable energy resources, in compliance with the requirements of State law. They ensure that the installation of facilities is accomplished without creating adverse impacts on surrounding residents, and other development. More specifically, to:

A. Protect the use of solar energy systems without prohibiting normal property development; and

B. Regulate the placement of and access to wind energy conservation systems for the purposes of protecting the health and safety of individuals on adjacent properties as well as the general public.

These requirements apply to new rooftop and ground-mounted solar and wind energy systems that:

C. Conform to all applicable State Fire, Structural, Electrical, and other building codes as adopted or amended by the City, and

D. Do not exceed the maximum legal building height.

16.338.02 SOLAR REGULATIONS

A. **Permit Requirements.**

1. **Zoning Compliance Review.** Solar energy systems proposed on existing buildings shall be permitted subject to a determination of compliance with the requirements of this Chapter pursuant to **Chapter 16.603, Zoning Compliance Review**.
2. **Minor or Major Use Permit.** Solar energy systems shall be permitted as part of a development project that requires a Use Permit, as appropriate, pursuant to **Chapter 16.606, Minor and Major Use Permits**.
3. **Development Review.** Solar energy systems shall be permitted as part of a development project that requires a Development Review, pursuant to **Chapter 16.605, Development Review**, and shall also comply with the standards of this Chapter.

B. **Site and Project Design.**

1. Sites shall be designed to take advantage of solar access, including the orientation of proposed buildings with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties.
2. Subdivision and residential planned unit developments shall be designed so that dwelling units are oriented to the south to permit maximum exposure to the winter sun for solar heating. When necessary in order to achieve a southerly orientation for individual dwelling units, the Director, upon application for an exception as provided by **Chapter 16.608, Exceptions**, may reduce or waive minimum yard requirements.
3. Buildings, landscaping, vegetation, fences, and other solar screens should be located and sited to the minimum extent possible so that they do not preclude or discourage the use of solar energy on adjacent properties and buildings. Where necessary, the Director may require submission of a map showing shadows cast by solar screens, including landscaping and vegetation at maturity, for 12 noon (Solar Time) on December 21st.
4. When reviewing applications for subdivision or Development Review approval, the Director or the Planning Commission shall ensure that the project is designed to minimize the extent to which the proposed construction would block access to sunlight between the hours of 9 am and 3 pm Pacific Standard Time for existing ground-mount, pole-mount, or roof-mount solar energy collectors or for solar energy collectors for which a permit has been issued.
5. The plan for development of any site within cluster subdivisions shall be designed and arranged in such a way as to promote solar access for all dwelling units including, but not limited to, consideration of the following:

   a. In order to maximize solar access, the higher density dwelling units should be placed on a south-facing slope and lower-density dwelling units sited on a north-facing slope;

b. Subject to the applicable setback requirements, structures should be sited as close to the north lot line as possible to increase yard space to the south for reduced shading of the south face of a structure; and,

c. A tall structure should be sited to the north of a short structure.

C. **Facilities and Equipment.**

1. Exterior clothes drying facilities shall not be prohibited in subdivisions and shall be provided in apartment house and condominium developments.
2. Exterior active and passive solar energy collectors and ancillary equipment shall not be prohibited in subdivisions, apartment houses, and condominiums.
3. In complying with the landscaping requirements of this Code, developers shall take into account the impact of street trees on the solar access of surrounding properties and, where possible, efforts shall be made to avoid shading possible locations of solar collectors.
4. All parking areas shall be planted to afford a maximum amount of shaded area during the summer months. To permit maximum solar access to proposed lots and future buildings, wherever reasonably feasible and where consistent with other appropriate design considerations, new streets shall be located on an east-west axis to encourage building siting with the maximum exposure of roof and wall area to the sun.
5. **Visibility.** Except for solar collector panels, their necessary support structure, and conduit, solar energy systems shall not be visible from the public right-of-way adjacent to the front property line.

   a. Except on single-unit properties, solar collector panels, their necessary support structure(s), and conduit(s), shall be installed in the location that is the least visible from abutting streets directly facing the subject property so long as installation in that location does not significantly decrease the energy performance or significantly increase the costs of the solar energy system as compared to a more visible location.

   b. For energy performance, "significantly decrease" shall be defined as decreasing the expected annual energy production by more than 10 percent.

   c. For the cost of solar energy systems, "significantly increase" shall be defined as increasing the cost of a photovoltaic solar energy system by more than $1,000.00 or the cost of a solar water or swimming pool heating system by more than 10 percent.

   d. The review and determination of the cost or energy efficiency of installation alternatives shall be made by the Director based on analysis prepared by a qualified solar technician or licensed engineer. The review and determination of the least visible alternative shall be made by the Director.

6. **Height.** The height of solar energy systems is subject to the following standards:

   a. **On Single-Unit Properties:** Photovoltaic solar energy systems may extend up to 5 feet above the height limit in the zoning district in which it is located. Solar water or swimming pool heating systems may extend up to 7 feet above the height limit in the zoning district in which it is located; and

   b. **On all other Properties:** Photovoltaic solar energy systems may extend up to 5 feet above the roof surface on which they are installed, even if this exceeds the maximum height limit in the zoning district in which it is located. Solar water or swimming pool heating systems may extend up to 7 feet above the roof surface on which they are installed even if this exceeds the maximum height limit in the zoning district in which it is located.

7. **Setbacks.** Except for solar collector panels, solar energy system equipment may be installed within the required side and rear setback but shall not be closer than 2 feet to any property line.
8. **Historic Properties.** On a property containing a designated Landmark or contributing structure to a designated Historic District as defined in **Chapter 16.614, Architectural Heritage and Historic Preservation**, solar energy systems that meet the criteria established in this Chapter shall be permitted subject to approval of a Certificate of Appropriateness is by the Director.

9. **Alternative Review**. Proposed solar energy installations on all property types that do not meet the standards set forth in this Chapter shall not be authorized unless approved by the Director in accordance with **Chapter 16.605, Development Review**, prior to issuance of a Building Permit, except that such installations shall require a Certificate of Appropriateness by the Architectural Heritage and Landmarks Commission in accordance with **Chapter 16.614, Architectural Heritage and Historic Preservation**, when located on a property containing a designated Landmark or contributing structure to a designated Historic District. These reviewing bodies may authorize installations that exceed the height limit in the applicable zoning district by a maximum of 14 feet.

16.338.03 WIND ENERGY REGULATIONS

Installation and operation of wind-energy conservation systems (WECS) shall be permitted in compliance with the following standards in the zoning districts where they are permitted:

A. **Permits Required.**

1. A Minor Use Permit as described in **Chapter 16.606, Minor and Major Use Permits**, shall be required for all wind-energy conservation systems (WECS) of less than 500 square feet of rotor area (25-foot diameter).
2. WECS's exceeding 500 square feet of rotor area shall require a Major Use Permit as described in **Chapter 16.606, Minor and Major Use Permits** and shall be subject to conditions placed on the permit and the provisions of this Chapter, whichever is more restrictive.

B. **Performance Standards.** Any WECS shall comply with the following requirements:

1. The WECS shall not exceed the noise and vibration standards described in **Section 16.502.10, Noise**.
2. The WECS shall be operated so that no harmful interference with radio and/or television broadcasting or reception is caused.
3. A WECS shall not be installed in any location along the major axis of an existing microwave communications link where the operation of the WECS is likely to produce an unacceptable level of electromagnetic interference unless the applicant provides sufficient evidence indicating that the degree of interference will not disrupt the communications link.
4. The WECS shall be located in accordance with guidelines of the Federal Aviation Administration.

C. **Dimensions.** The maximum allowable hub height shall be 100 feet. The lowest reach of the rotor shall be 75 feet from the ground unless it can be demonstrated by the applicant that a lower height would not subject the rotor to excessive turbulence. In no case shall the rotor be less than 15 feet from the ground. Tower-climbing apparatus shall be no lower than 12 feet from the ground.

D. **Setbacks.** The WECS shall be set back a minimum distance of 1.25 times the maximum height reached by any part of the WECS to any property line, and a minimum of ten feet from any other structure on the property. A 300-foot setback shall be maintained from any district in which a WECS is not permitted. Setbacks determined by height may be waived when appropriate easements are secured from adjacent property owners or other acceptable mitigation is approved by the Director.

E. **Safety.** At least one sign shall be posted at the base of the tower warning of high voltage. The generator, alternator or service entrance shall also be posted with the following information:

1. Maximum power input (kw), rated voltage (volts) and rated current;
2. Normal and emergency shutdown procedures; and
3. The maximum wind speeds the WECS in automatic unattended operation can sustain without damage to structural components or loss of the ability to function normally. The WECS shall be designed with both manual and automatic overspeed controls to limit the speed of blade rotation below the design limits of the rotor.

F. **Design Considerations.** All electric lines serving the WECS shall be installed underground. Guyed towers shall be within a 6-foot fence of sufficient radius to enclose all guy cables.

G. **Utility Company Notification.** The Pacific Gas and Electric Company shall be notified in writing in accordance with procedures established by the California Public Utilities Commission of any proposed interconnection with that company's grid prior to installing said interconnection.

H. **Maintenance.** The tower and generating unit shall be kept in good repair. The WECS shall be deemed abandoned if not in continuous use except for maintenance and repairs. Upon the determination of abandonment, said system and tower shall be removed within 30 days of written notice to the applicant and property owner as shown on the latest tax rolls and subject to the appeals procedure as described in **Section 16.602.14, Appeals**.

16.339 TEMPORARY USES

16.339.01 PURPOSE AND APPLICABILITY

These provisions address certain uses that are intended to be of limited duration, to ensure that they will not permanently alter the character or physical features of the sites they occupy, and will not have negative effects on surrounding development. Unless exempt, all temporary uses described in this Chapter shall require a Temporary Use Permit as provided below. The Director may only approve the Temporary Use Permit after finding that the application meets all of the applicable requirements of this Chapter. Unless otherwise stated in this Chapter or included as part of a Temporary Use Permit, a temporary use shall not exceed a maximum of 3 years.

16.339.02 REQUIREMENTS FOR SPECIFIC TEMPORARY USES

A. **Real Estate Office Within A Subdivision.**

1. **Accessory Structures and Facilities.** Accessory structures and facilities are permitted in conjunction with the establishment of a temporary real estate office in conformance with an approved Temporary Use Permit.
2. **Parking.** The application shall include a site plan showing the real estate office and a parking area adequate to serve the users and visitors of the office.
3. **Time Limitation.** Maximum time limitation is 1 year. Extensions may be approved for a maximum of 2 years.

B. **Construction Office.**

1. **Sewage Disposal System.** If a sewage disposal system is installed in a temporary construction office, it shall comply with the requirements of the building division.
2. **Parking.** The application for a Temporary Use Permit shall include a site plan showing the construction office and a parking area adequate to serve the users and visitors of the office.

3. **Removal or Conversion.** A temporary construction office shall be removed or shall be converted to a permitted use prior to the issuance of a certificate of use and occupancy for the main building or buildings. If construction is phased over a length of time, the Temporary Use Permit may provide that certificates of occupancy may be issued for completed buildings, except the last buildings to be completed, prior to removal or conversion of the temporary use.

C. **Existing Buildings.**

1. **Conformity with Regulations.** Prior to occupancy of a new building, the existing building will be brought into conformity with any additional regulation rendered applicable by the placement of any new building on the site. Conformity will be accomplished by removal, reconstruction, relocation, conversion, change of use or any combination thereof.
2. **Guarantee of Completion.** The Director shall require the landowner to provide a guarantee, which may include a bond or certified check, to insure full compliance with the zoning regulations upon completion of the new building or sooner if, in the manager's opinion, work pertaining to the completion of all facilities required by law is not being diligently pursued.

D. **Animal Husbandry and Agricultural Education Projects.**

1. **Time Limitation.** The maximum time period for any Temporary Use Permit is 2 years.
2. **Health and Safety Requirements.** The Temporary Use Permit application shall include a statement from the Solano County environmental health division that the proposed use complies with applicable County health and safety regulations.

E. **Christmas Tree Sales.**

1. **Date of Opening.** A Christmas tree sales facility shell neither be open for business nor show any evidence of this temporary use, during any calendar year, more than 60 days prior to Christmas Day.
2. **Time Limitation.** Maximum time limitation is 2 months.
3. **Merchandise to Be Sold.** A permitted Christmas tree sales facility may sell ornaments and other Christmas decorations in addition to Christmas trees but shall not engage in the sale of any merchandise not directly associated with Christmas trees and Christmas decorations.
4. **Electrical Permit.** The applicant shall secure an Electrical Permit from the building division if the facility is to be energized.
5. **Removal of Facility.** The facility shall be removed and the premises upon which it is located shall be cleared of all debris and restored to the condition they were in prior to the establishment of the facility, within 14 days after Christmas Day. The Director may require the applicant to provide a guarantee, which may include a cash bond or certified check, to insure full compliance with these removal procedures.
6. **Fire Prevention Standards.** Each Christmas tree sales facility shall comply with fire prevention standards as approved and enforced by the City Fire Department.
7. **Signage.** Signage shall comply with the requirements of **Chapter 16.509, Signs**.

F. **Christmas Tree Recycling.**

1. **Application for Permit.** Application for a Temporary Use Permit to collect Christmas trees for recycling shall be submitted to the Planning Division no later than November 1st. For Vallejo nonprofit groups, there shall be no Temporary Use Permit fee. The Temporary Use Permit may be renewed on an annual basis and is subject to the Christmas Tree Lot Renewal Fee in the Master Fee Schedule.
2. **Recycling Deposit.** The operator of the Christmas tree sales facility shall pay a deposit consistent with Master Fee Schedule, to cover the cost of recycling trees. A prorated share of the deposit will be returned based on the actual number of trees sold in addition to the number that are not said but recycled by the operator.
3. **Notification of Recycling Activities.** Each facility shall display information on where and how Christmas trees can be recycled, and shell distribute with the sale of each tree information provided by the Planning Division on recycling activities.

G. **Mobile Unit or Structure as Accessory Use.**

1. **Use of Mobile Unit or Structure.** A mobile unit or structure shall be permitted as a caretaker's or manager's residence and shall be accessory to the principal use on the same building site. A mobile unit or structure shall also be permitted as a temporary residence while a residential unit is constructed on the same parcel with an active Building Permit and shall be removed within 14 days of issuance of a Certificate of Occupancy.
2. **Water Distribution System.** A water distribution system shall be installed to serve each mobile unit or structure in compliance with applicable laws and regulations administered by the Chief Building Official.
3. **Sewage Disposal System.** The sewage disposal system shall be installed to serve each mobile unit or structure in compliance with applicable laws and regulations administered by the Chief Building Official.
4. **Time Limitation.** Maximum time limitation is 1 year.
5. **Removal of Mobile Unit or Structure.** The mobile unit or structure shall be removed and the premises upon which it is located shall be cleared of all debris within 14 calendar days after the Temporary Use Permit has expired or after the use has ceased, whichever occurs first. The Director shall require the applicant to provide a guarantee, which may include a cash bond or certified check, to insure full removal.

H. **Mobile unit or structure used for industrial or storage purposes.**

1. **Use of Mobile Unit or Structure.** A mobile unit or structure shall be permitted for temporary storage only by the primary user of the property.
2. **Time Limitation.** Maximum time limitation is 6 months.
3. **Temporary Use less than 30 days.** Permitted on private property and does not require a Temporary Use permit. Temporary Placement within the public right-of-way requires an Encroachment Permit from the Public Works Department.

I. **Agricultural Products Sales.**

1. **Fire prevention standards.** Agricultural products sales facility shall comply with fire prevention standards as required and enforced by the Vallejo Fire Department.
2. **Signage.** Signage shall comply with the requirements of **Chapter 16.509, Signs**.
3. **Electrical Permit.** An Electrical Permit issued by the Building Division is required if the facility is to be energized.
4. **Permitted Merchandise.** A permitted agricultural sales facility may sell holiday-related decorations in addition to agricultural products but shall not engage in the sale of any merchandise not directly associated with the agricultural products and the Halloween and Thanksgiving holidays.
5. The following standards apply to the sale of agricultural products, except for those related to specific holidays:
   a. **Design.** The stand shall not exceed 100 square feet in floor area, shall be exclusively of wood frame type construction, and this shall not be located within 20 feet of any public highway right-of-way.
   b. **Removal**. The stand shall be removed from the premises on which it is located within 5 days after the expiration of the permit.
   c. **Time limitation.** Maximum time limitation is 90 days.
6. The following standards apply to the sale of agricultural products, such as pumpkins, related to the Halloween and Thanksgiving holidays:
   a. **Date of opening.** An agricultural products sales facility shall neither be open for business nor show any evidence of this temporary use, during any calendar year, more than 40 days prior to October 31st.
   b. **Time limitation.** Maximum time limitation is 3 months for agricultural product sales related to Halloween and Thanksgiving. The permit may be renewed for a fee of 10 percent of the established Permit Fee.

c. **Merchandise to be sold.** A permitted agricultural sales facility may sell holiday-related decorations in addition to agricultural products but shall not engage in the sale of any merchandise not directly associated with the agricultural products and the Halloween and Thanksgiving holidays.

d. **Removal of facility.** The facility shall be removed and the premises upon which it is located shall be cleared of all debris and restored to the condition they were in prior to the establishment of the facility, within 14 days after Thanksgiving Day. The Director shall require the applicant to provide a guarantee, which may include a cash bond or certified check, to ensure full compliance with these removal procedures.

J. **Entertainment Assembly.**

1. **Time Limitation.** Maximum time limitation is 30 days.
2. **Location.** The temporary use shall not be located on a parcel within 200 feet of a residentially- zoned parcel, as measured from the closest property lines.
3. **Security.** The operator of the entertainment use shall provide proof to the Director that security personnel have been employed for the duration of the temporary use.
4. **Removal.** The Director may require a cash bond, certified check or other guarantee of the removal of the permitted temporary use upon the expiration of the Temporary Use Permit.

K. **Requirements for Use of Tents.** The requirements of this Chapter apply to the use of tents for any temporary use subject to the provisions of this Chapter.

1. **Applications.** Applications for approval of a Temporary Use Permit involving the use of a tent shall include the following information:

a. Purpose for which tent is proposed to be used;

b. The approximate dimensions of the proposed tent;

c. The location at which tent is proposed to be erected; and,

d. Distance between the proposed tent and the nearest structure on the subject property and on adjacent lots.

e. The application shall be signed both by the Applicant and the owner of the property on which the tent would be located, or the owner's duly authorized representatives.

2. **Procedures.**

a. The Director and the Fire Chief or an authorized deputy shall approve or deny the application to use a tent after conducting review and determining whether the proposed tent will create any unreasonable hazard to life or property and whether the erection or maintenance thereof will injuriously affect adjacent or nearby property or residents of the neighborhoods.

b. The Director may revoke any permit involving the erection and maintenance of a tent within the City at any time prior to its expiration for the violation of any condition upon which the permit is issued or when, in their opinion, the health, welfare, safety and morals of the residents of the City or any portion thereof are adversely affected by the continued presence of such tent. Upon the revocation of any such permit, the person to whom the permit was granted shall, within the times specified by the manager, remove such tent.

3. **Special Conditions for Use of Tents.** Approval for the use of tents shall for any temporary activity shall be subject to conformance with the following conditions. Violation of any of these conditions shall be grounds for the revocation of a permit, as provided below.

a. **Time Limitation.** Maximum time limitation is 30 days.

b. **Removal.** The Director may require a cash bond, certified check or other guarantee of the removal of the permitted temporary use upon the expiration of the Administrative Permit.

c. **Building Code Compliance Required.** The erection and use of a tent shall comply with the Building Standards Code, Part 9, and all other applicable City Ordinances.

16.339.03 TEMPORARY USE PERMITS

This Chapter establishes a process for review and approval of certain uses that are of limited time duration and do not permanently alter the character or physical facilities of the site where they occur.

A. **Application.** An application for a Temporary Use Permit shall be submitted at least 21 days before the use is intended to begin. The application shall be on the required form and shall include the written consent of the owner of the property or the agent of the owner.

B. **Decision.** The Director shall prepare a written decision on the Temporary Use Permit application within 14 days after a complete application has been filed which shall contain the findings of fact upon which the decision is made.

C. **Notice Required.** Notice of any approved Temporary Use Permit shall be posted on the subject property for a period of 7 days from the date the decision is issued.

D. **Required Findings.** The Director may approve an application for a Temporary Use only upon making the following findings:

1. The operation of the requested use at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
2. The proposed site is adequate in size and shape to accommodate the temporary use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary use will or could reasonably generate; and
4. Adequate temporary parking to accommodate vehicular traffic to be generated by the use will be available either on-site or at alternate locations acceptable to the Director.
5. The project has been reviewed in compliance with the California Environmental Quality Act, if applicable, and the requirements of this Chapter.
6. Based on any applicable environmental review, no potentially significant environmental impacts would result, or any potentially significant environmental impacts have been reduced to less than significant levels because of mitigation measures incorporated in the project, or a Statement of Overriding Considerations has been adopted.

E. **Conditions of Approval.** The Director may impose any conditions deemed necessary to ensure compliance with the findings in Subsection D. and other applicable requirements of this Chapter including, but not limited to:

1. Provision of temporary parking facilities, including vehicular ingress and egress;
2. Regulation of nuisance factors such as prevention of glare or direct illumination of adjacent properties, noise vibration, smoke, dust, dirt, odors, gases, and heat;
3. Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other setbacks;
4. Provision of sanitary and medical facilities;
5. Provision of solid waste collection and disposal;
6. Provision of security and safety measures;
7. Regulation of signs;
8. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested;
9. Submission of a performance bond or other security to assure that any temporary facilities or structures used for the proposed temporary use will be removed from the site following the event and that the property will be restored to its former condition;
10. Submission of a site plan indicating any information required by this Chapter;
11. A requirement that approval of the requested Temporary Use Permit is contingent upon compliance with applicable provisions of other laws; and

12. Other conditions which will ensure the operation of the proposed temporary use in an orderly and efficient manner and in accordance with the intent and purpose of this Chapter.
13. The Director may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

16.339.04 EFFECTIVE DATE, APPEALS, EXPIRATION, EXTENSION AND REVOCATION

A. **Effective Date.** A Temporary Use Permit shall become effective on the date the permit is approved by the Director at the applicant's discretion.

B. **Appeals.** A Temporary Use Permit Director's decision may be appealed in accordance with **Chapter 16.602, Common Procedures**, **Section 16.602.14, Appeals**.

C. **Expiration and Extensions.** Temporary Use Permits may only be extended as provided for in **Chapter 16.602, Common Procedures**, **Section 16.602.12, Expiration and Extension**.

D. **Revocation.** Temporary Use Permits may be revoked as provided for in **Chapter 16.615, Enforcement and Abatement**.

16.340 TOBACCO PRODUCT SALES

16.340.01 PURPOSE AND APPLICABILITY

These regulations implement the policies of the General Plan to promote the public health, safety and general welfare; by reducing the harmful effects of tobacco use, including exposure to secondhand smoke and tobacco sales to children, by regulating tobacco sales. More specifically, to impose reasonable controls on the effects and availability of tobacco products, with the requirement for tobacco retailers or Smoke Shops, including those that are nonconforming due to a change in the Zoning Code, to meet the performance standards and requirements aligned with the following objectives:

A. To protect adjacent neighborhoods from the harmful effects attributable to the sale of tobacco related products;

B. To provide opportunities for businesses which primarily sell tobacco related products to operate in a mutually beneficial relationship to each other, other commercial and civic services and sensitive land uses;

C. To provide mechanisms to address problems often associated with the public consumption of tobacco related products such as litter, loitering, graffiti, unruly behavior and escalated noise levels;

D. To ensure that businesses classified as tobacco retailers are not the source of undue public nuisances in the community;

E. To ensure that sites where tobacco retailers are located are properly maintained so that negative impacts generated by these activities are not harmful to the surrounding environment in any way;

F. To monitor deemed approved uses to ensure that they do not substantially change their mode or character of operation.

16.340.02 REQUIREMENTS

A. **Major Use Permit Required.** A retail establishment that devotes more than 20 percent of the sales display area for tobacco related products is considered a tobacco retailer and shall require a Major Use Permit, pursuant to **Chapter 16.606, Minor and Major Use Permits**.

B. A retail establishment that offers tobacco related products but is not considered a tobacco retailer may be required to provide a floor plan to verify the amount of sales display area devoted to tobacco related products is less than 20 percent.

C. A Tobacco retailer shall meet the following requirements in the districts where they are allowed:

D. No tobacco retailer shall be located within 1,000 feet of any parcel zoned for residential use.

E. No tobacco retailer shall be located within 1,000 feet of any other tobacco retailer, as measured to and from property lines.

F. No tobacco retailer shall be located within 1,000 feet of any parcel of land that contains any of the following specific land uses:

1. Religious assembly;
2. Public recreation areas;
3. Childcare centers and schools.

G. No tobacco retailer shall operate between the hours of 10 p.m. and 9 a.m.

H. Tobacco retailers shall be located only on the ground floor.

I. No tobacco retailer shall violate any applicable provision of any other City, County, State, or Federal regulation, ordinance, or statute, especially but not limited to Chapters 7.69, Restrictions on Accessibility to Cigarettes and other Tobacco Products, of the Vallejo Municipal Code, and **Chapter 16.509, Signs**.

J. Tobacco retail clerks shall be the minimum legal age to purchase tobacco.

K. Tobacco retailers shall be in compliance with all rules, regulations, laws, and administrative requirements of the State board of equalization and any other applicable State and/or federal agency.

L. The tobacco retailer shall ensure the site is maintained free of litter and graffiti at all times. The owner or operator is responsible for daily removal of trash, litter, and debris from premises and on all abutting sidewalks with 20 feet of the premises. One permanent, non-flammable trash receptacle shall be installed near all public entrances and exits to the establishment.

M. Employees of the establishment shall walk a 100-foot radius from the facility at some point prior to 30 minutes after closing and shall pick up and dispose of any trash left by patrons.

16.340.03 DEEMED APPROVED REGULATIONS

A. **Automatic deemed approved status.** Tobacco retailers in existence prior to December 8, 2009 that are nonconforming due to the fact that the zoning district they are located in prohibits the use or required a Use Permit for tobacco retail sales shall automatically become deemed approved uses and shall not be considered nonconforming uses.

1. Each such deemed approved use shall retain this status as long as it complies with the deemed approved performance standards as specified in **Chapter 16.502, Performance Standards**.
2. None of the provisions of this Chapter restrict any authority to require modification or termination of any deemed approved use which does not conform to the provisions this Code, or which has been declared to be a nuisance by the City Council.

16.340.04 DEEMED APPROVED TOBACCO RETAILERS—ABANDONMENT

Whenever a deemed approved tobacco retailer use discontinues active operation for a continuous period of 12 months, such deemed approved use shall not be resumed. Related structures may be utilized thereafter only for a permitted use. Furthermore, if another use has been substituted before the lapsing of 12 months, the original deemed approved use may not be resumed thereafter.

16.340.05 PERFORMANCE STANDARDS AND REQUIREMENTS APPLICABLE TO DEEMED-APPROVED RETAILERS

A deemed-approve tobacco retailer shall retain its deemed approved status only if it conforms with all of the following standards and requirements:

A. It does not result in adverse effects to the health, peace or safety of persons residing or working in the surrounding area.

B. It does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to any of the following: disturbance of the peace, illegal drug activity, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests. Whether repeated nuisance activities are occurring shall be determined by the City Manager or his/her designee by examination of the calls for service and written complaints pertaining to the tobacco retailer business.

C. It does not result in violations to any applicable provision of any other City, County, State, or federal regulation, ordinance, or statute, especially but not limited to Chapter 7.69, Restrictions on Accessibility to Cigarettes and other Tobacco Products, of the Vallejo Municipal Code, and **Chapter 16.509, Signs**, of the Zoning Code, including covering a window with any sign, display, decoration, or any other object that prevents the observation of indoor activity on the premises from any public way or from any location outside the building.

D. Its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding area.

E. No tobacco retailer shall operate between the hours of 10 p.m. and 9 a.m.

F. Tobacco retailers shall be in compliance with all rules, regulations, laws, and administrative requirements of the State Board of Equalization and any other applicable state and/or federal agency.

G. A deemed-approved tobacco retailer status may be abated or revoked by the Planning Commission as provided in **Chapter 16.615, Enforcement and Abatement**.

16.341 WIRELESS TELECOMMUNICATIONS

16.341.01 PURPOSE AND APPLICABILITY

These provisions present a standard set of guidelines and criteria for the installation, design, permitting, collocation, modification, relocation, removal, operation, and maintenance of wireless telecommunication facilities. They also set to avoid or minimize land use conflicts related to land use compatibility, visual resources, public safety, and environmental impacts; consistent with Federal and State law and regulations.

The standards including general requirements, procedures, and regulations provided in this Chapter are applicable to those wireless telecommunication communications facilities considered by the Wireless Telecommunications Bureau (WTB) of the Federal Communications Commission (FCC). They also apply to the following:

A. All reporting, testing and maintenance standards included in this Chapter apply equally to those facilities already in existence at the time of adoption of the ordinance codified in this Zoning Code and to those which are approved under its provisions.

B. Nothing in this Chapter shall be interpreted or applied to:

1. Effectively prohibit or materially inhibit the provision of wireless telecommunication service;
2. Unreasonably discriminate among providers of functionally equivalent wireless services;
3. Deny any wireless telecommunication service request based on the environmental and/or health effects of radio frequency emissions to the extent that such facilities comply with Federal Communications Commission regulations;
4. Prohibit any collocation or modification that the City may not deny under Federal or State law; or
5. Impose any unfair, unreasonable, discriminatory, or anticompetitive fees that exceed the reasonable cost to provide the service for which the fee is charged.

C. **Applicable Facilities.** This Chapter shall apply to all requests for approval to construct, install, modify, collocate, relocate, or otherwise deploy wireless telecommunication facilities in the City, unless exempted. Eligible facilities requests to collocate, replace, or remove transmission equipment on an existing wireless tower or base station shall be reviewed under "Eligible Facilities Requests" under Section 6409.

D. **Legal Nonconforming Facilities.** Any existing facility within the City's jurisdictional boundaries that does not conform to the requirements in this Chapter but has been issued a Building Permit is deemed a "legal nonconforming use" as defined in this Code and is subject to the applicable provisions of that **Chapter 16.105, Non-conforming Uses**.

16.341.02 APPLICATIONS FOR WIRELESS TELECOMMUNICATIONS FACILITIES

A. **Zoning Compliance Review Required.** A request to modify or co-locate a wireless telecommunication facility is subject to a Zoning Compliance Review, as prescribed in **Chapter 16.603, Zoning Compliance Review**.

B. **Development Review Required.** Unless exempted, Development Review, as provided in **Chapter 16.605, Development Review** is required for the construction of a new wireless telecommunication facility or substantial change to an existing facility.

C. **Application Content.** All applications for wireless telecommunications facilities must include all the information and materials required by the Director for the application. The City Council authorizes the Director to develop, publish and from time-to-time update or amend permit application requirements, forms, checklists, guidelines, informational handouts and other related materials that the Director deems necessary, appropriate or useful for processing any application governed under this Chapter, and/or to respond to regulatory, technological or other changes related to this Chapter. All applications shall require that the applicant demonstrate that the proposed project will comply with all applicable health and safety laws, regulations, or other rules, which includes without limitation building codes, electrical codes, and all FCC rules for exposure to radio frequency emissions.

D. **Procedures for a Duly Filed Application.** Any Development Review application for a wireless telecommunication facility will not be considered duly filed unless submitted in accordance with the procedures in this Chapter.

E. **Peer and Independent Consultant Review.**

1. **Authorization and Scope.** The Director may select and retain an independent consultant(s) in connection with any wireless telecommunication facility Development Review application. The Director may request independent consultant review on any issue that involves specialized or expert knowledge in connection with wireless telecommunication facilities including without Limitation Permit application completeness or accuracy; pre-construction planned compliance with applicable regulations for exposure to radio frequency emissions; post-construction actual compliance with applicable regulations for radio frequency emissions; whether and to what extent any technically feasible and/or potentially available alternative sites or concealment techniques may exist; the applicability, reliability, and/or sufficiency of any information, analyses, or methodologies used by the applicant to reach any conclusions about any issue within the City's discretion to review; and any other issue that the Director determines requires expert or specialized knowledge. The Director may request that the independent consultant prepare written reports, testify at public hearings, and/or attend meetings with City staff and/or the applicant.

2. **Independent Consultant Review.** If the Director elects to retain an independent consultant(s) in connection with any Wireless Telecommunication Facility Permit application, the process to retain the independent consultant shall comply with **Section 16.602.07, Consultant Fees and Deposits**.

16.341.03 REQUIREMENTS

A. The Director or Planning Commission may approve or conditionally approve a Development Review application for a wireless telecommunication facility if the following findings can be made:

1. The proposed wireless telecommunication facility is consistent with the General Plan, Zoning Code, and any applicable specific plans.

2. The proposed wireless telecommunication facility would not detract from the aesthetic character of the surrounding neighborhood and/or district and, when antenna is attached to, or part of, a structure, the antenna and its screening complements and does not detract from the architectural design of the structure.

3. The proposed wireless telecommunication facility is consistent with the general scale of structures and buildings in the surrounding neighborhood and/or district.
4. The proposed wireless telecommunication facility has been located and designed to minimize obstruction of public views and primary views from private property.
5. The proposed wireless telecommunication facility will not result in a prominent profile (silhouette) above a ridgeline.
6. The proposed landscaping provides appropriate visual relief, complements the buildings and structures on the site, and provides an attractive environment for the enjoyment of the public.
7. Mechanical equipment and all accessory equipment are appropriately designed and located to minimize visual, noise, and air quality impacts to adjacent properties and the general public.
8. The proposed design preserves protected trees and significant natural features on the site to a reasonable extent and minimizes site degradation from construction activities and other potential impacts.
9. The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City.
10. The proposed wireless telecommunication facility will not materially adversely affect nearby properties or their permitted uses.
11. The applicant has demonstrated that the proposed wireless telecommunication facility will comply with all applicable FCC rules and regulations for human exposure to radio frequency emissions.

B. **Other Regulatory Permits or Approvals.** In addition to any permit requirements under this Chapter, the applicant must obtain all other required prior permits and other regulatory approvals from other City departments, and State and Federal agencies. Any permit granted under this Chapter will be subject to the conditions and/or other requirements in any other required prior permits or other regulatory approvals from other City departments, and State and Federal agencies.

16.341.04 SITE LOCATIONS AND CONFIGURATION GUIDELINES

A. **Purpose.** The purpose of this Chapter is to provide guidelines to applicants and the City regarding preferred locations and configurations for wireless telecommunication facilities in the City; provided, that nothing in this Chapter shall be construed to permit a wireless telecommunication facility in any location or configuration that would otherwise be prohibited by this Chapter. The City shall consider the extent to which a proposed wireless telecommunication facility complies with these preferences and whether there are technically feasible alternative locations and/or configurations that are more preferred under this Chapter.

B. **Location of Wireless Telecommunication Facilities.** In any given General Plan land use area, a structure not used for residential purposes is preferred over one so used and a publicly owned structure, including but not limited to buildings, water tanks, telephone and utility poles, signage, traffic signals, light standards and roadway overpasses, is preferred over one privately owned. All applicants must, to the extent feasible, propose new wireless telecommunication facilities in locations according to the following preferences:

1. **Location Preferences.** The City prefers the following General Plan land use areas for wireless telecommunication facilities, ordered from most preferred to least preferred:

   a. Industrial;
   b. Business/Light Industrial;
   c. Public Facilities and Institutions;
   d. Parks, Recreation and Open Space;
   e. Retail/Entertainment;
   f. District - Central Corridor
   g. Business/Limited Residential;
   h. Neighborhood Corridors; and
   i. Residential.

2. **Historic Buildings, Landmarks, and Districts.** Wireless telecommunication facilities are very strongly discouraged from locating within a site containing a historic building or landmark, or within a historic district. Regardless of their historic resource classification, buildings, structures, objects, or properties shall be considered of equal historic significance with regard to siting wireless telecommunication facilities. If a wireless telecommunication facility is located within or on such a structure/building, the facility shall be subject to the criteria of the Secretary of the Interior's Standards for Rehabilitation and shall comply with the California Environmental Quality Act (CEQA) guidelines as amended, as well as any local guidelines for the treatment of historic properties and applicable provisions of the Federal telecommunications laws and the National Environmental Policy Act (NEPA).

C. **Preferred Support Structures.** In addition to the aforementioned preferred locations, certain support structures within those preferred locations are preferred.

1. **General.** The use of existing structures is preferred over monopoles or other towers erected specifically to support wireless telecommunications facilities unless technical evidence demonstrates that there are no other alternative sites, feasible support structures, and/or the use of a monopole or tower would avoid or minimize adverse effects related to the view shed, land use compatibility, visual resources, and public safety.
2. **Support Structure Preferences.** All applicants must, to the extent feasible and potentially available, install the wireless telecommunication facility on a support structure according to the following preferences, ordered from most preferred to least preferred:
   a. Collocation with existing facilities;
   b. Roof-mounted;
   c. Building-mounted; and
   d. New freestanding wireless towers or poles.
3. Each component of a wireless facility shall be located so as not to create any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of a right-of-way, or create safety hazards. Each component of a wireless telecommunication facility shall also be located so as not to obstruct public views.

D. **Undergrounding.** All non-antenna equipment associated with the wireless telecommunication facility must be placed underground to the extent feasible. When aboveground is the only feasible location for a particular type of equipment, and the equipment cannot be pole-mounted, such equipment shall be enclosed within a structure, shall not exceed a height of 5 feet and total footprint of 15 square feet, and shall be screened and camouflaged to the fullest extent possible.

16.341.05 DESIGN AND DEVELOPMENT STANDARDS

A. **Generally Applicable Development Standards.** All new wireless telecommunication facilities and substantial changes to existing wireless telecommunication facilities not covered under Section 6409 ("eligible facilities") must conform to the following generally applicable development standards:

1. **Concealment.** Wireless telecommunication facilities must incorporate elements, measures and techniques that obscure, screen, camouflage, or otherwise minimize the appearance of equipment and other improvements so as to reduce visual and aesthetic conflicts with the natural and/or built environment in the immediate vicinity and the zoning district where they are located.
2. **Overall Height, Width, and Space Occupied.** Wireless telecommunication facilities may not exceed the applicable height limit for structures in the zoning district where they are located. All poles shall be designed to be the minimum functional height and width required to support the proposed antenna installation and meet FCC requirements. Wireless telecommunication facilities shall be designed to occupy the least amount of space that is technically feasible.
3. **Setbacks.** Wireless telecommunication facilities may not encroach into any applicable setback in the zoning district where they are located.
4. **Noise and Traffic.** Wireless telecommunications facilities shall be constructed and operated in such a manner as to minimize noise and traffic impacts on nearby residents and the public. Noise and traffic reduction shall be accomplished through the following measures:

a. Wireless telecommunications facilities shall operate in compliance with the noise exposure standards contained in the General Plan and including without limitation the provisions in Chapter 7.84, Regulation of Noise Disturbances. Normal testing and maintenance activities shall occur between the hours of 9 a.m. and 5 p.m., Monday through Friday, excluding emergency repairs.

b. Backup generators shall comply with the noise standards in the General Plan and including without limitation the provisions in Chapter 7.84, Regulation of Noise Disturbance, and shall only be operated during power outages, emergency occurrences, or for testing and maintenance in accordance with this Section.

c. The Review authority may require the applicant to install noise attenuating or baffling materials and/or other measures, including but not limited to walls or landscape features, as the Review authority deems necessary or appropriate to ensure compliance with the applicable ambient noise limit.

d. Traffic resulting from the operation and maintenance of a wireless telecommunications facility shall be kept to a minimum, except for emergency repairs. Conditions of project approval may limit the maximum number of trips to and from the facility, access routes, and hours when work is conducted based upon the carrier's maintenance and testing schedule and the normal intensity and type of vehicle traffic in the vicinity where it is located.

5. **Vegetation and Landscaping.** Wireless telecommunications facilities shall be installed in a manner that minimizes the impacts to existing vegetation. Where appropriate, additional landscaping shall be required to provide visual screening of the proposed facility. If landscaping is required, the applicant shall submit a landscape and irrigation plan, and shall submit a landscape maintenance program to assure that the plants will remain in healthy condition throughout the term of the permit, to the satisfaction of the Director. Vegetation protection and facility screening shall be accomplished through the following measures:

a. The emphasis of the landscape plan should be to visually screen the proposed facility and stabilize soils on sloping sites. Introduced vegetation shall be a native, drought-tolerant species compatible with the predominant natural setting of the project area.

b. Existing trees and other screening vegetation in the vicinity of the proposed facility and associated accessways shall be protected from damage both during and after construction. Submission of a tree protection plan prepared by a certified arborist may be required to ensure compliance with this requirement.

c. All vegetation disturbed during project construction shall be replanted with compatible vegetation and soils disturbed by development shall be reseeded to control erosion.

d. No vegetation shall be removed subsequent to project completion except to comply with local and State fire safety regulations or as authorized by the Director.

e. The City may require that the carrier enter into a landscape performance and maintenance agreement with the City to ensure the installation and maintenance of required landscaping. Failure to maintain landscaping shall be grounds for revocation of the use Development Review Permit.

6. **Site Security Measures.** Wireless telecommunication facilities may incorporate reasonable site security measures, such as fences, walls, and anti-climbing devices, to prevent unauthorized access, theft, or vandalism. Site security measures must be designed to enhance concealment to the maximum extent possible.

7. **Backup Power Sources.** The City may approve permanent backup power sources and/or generators on a case-by-case basis. The City strongly discourages backup power sources mounted on the ground or on poles within a public right-of-way. The City shall not approve any diesel generators or other similarly noisy or noxious generators in or within 250 feet from any residence; provided, however, the City may approve sockets or other connections used for temporary backup generators.

8. **Lights.** Wireless facilities may not include exterior lights other than as may be required under law, or timed or motion-sensitive lights for security and/or safety as determined necessary or desirable by the City. All lights must be installed in locations and/or within enclosures that mitigate light impacts on other properties to the maximum extent possible.
9. **Signage**. Wireless telecommunication facilities must include signage that accurately identifies the equipment owner/operator, its site name or identification number, and a toll-free number to the owner/operator's network operations center. Wireless facilities may not bear any other signage or advertisements unless approved by the City or required by law.
10. **Future Collocations and Equipment.** To the extent feasible and aesthetically appropriate, all new wireless telecommunication facilities should be designed and sited in a manner that can accommodate potential future collocation and equipment installations that can be integrated into the proposed wireless facility or its associated structures with no or negligible visual changes to the outward appearance of the facility.
11. **Utilities.** All cables and connectors for telephone, primary electric, and other similar utilities must be routed underground in conduits large enough to accommodate future collocated wireless facilities. Meters, panels, disconnect switches, and other associated improvements must be placed underground to the extent possible or placed in inconspicuous and concealed locations.
12. **Parking.** The installation of wireless telecommunication facilities shall not interfere with parking spaces in such a way as to reduce the total number of parking spaces below the number required for the property.

B. **Freestanding Wireless Telecommunication Facilities.** In addition to the generally applicable development standards, all new and substantially changed freestanding wireless telecommunication facilities not covered under Section 6409 ("eligible facilities") must conform to the requirements in this subsection.

1. **Tower-Mounted Equipment.** All tower-mounted equipment must be mounted as close to the vertical support structure as possible to reduce its overall visual profile. Non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors, and utility demarcation boxes) must be mounted directly behind the antennas to the maximum extent feasible.
2. **Ground-Mounted Equipment, Shelters.** All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque fences, or other enclosures subject to the City's prior approval. The City may require additional concealment elements as necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.
3. **Monopoles.** The City shall not approve any unconcealed monopoles on private property within the City.

C. **Building-Mounted Wireless Telecommunication Facilities.** In addition to the generally applicable development standards, all new and substantially changed building-mounted wireless telecommunication facilities not covered under Section 6409 ("eligible facilities") must conform to the requirements in this subsection.

1. **Preferred Concealment Techniques.** To the extent feasible, building-mounted wireless telecommunication facilities should be completely concealed and architecturally integrated into the existing facade or rooftop feature with no visible impacts (examples include, but are not limited to, antennas behind existing walls or facades replaced with radio frequency-transparent material finished to mimic the replaced materials). Alternatively, when integration within existing building features is not feasible, the wireless telecommunication facility should be completely concealed in a new structure designed to mimic the original architecture (examples include, but are not limited to, cupolas, steeples, and chimneys).

2. **Facade-Mounted Equipment.** When wireless telecommunication facilities cannot be placed behind existing walls or other existing screening elements, the City may approve facade-mounted equipment in accordance with this subsection. All facade-mounted equipment must be concealed behind screen walls and mounted as flush to the facade as practicable. The City may not approve "pop-out" screen boxes unless the design is architecturally consistent with the original building. The City may not approve any exposed facade-mounted antennas, including but not limited to, exposed antennas painted to match the facade. To the extent feasible, facade-mounted equipment must be installed on the facade along the building frontage that is the least publicly visible.
3. **Rooftop-Mounted Equipment.** All rooftop-mounted equipment must be screened from public view with concealment measures that match the underlying structure in proportion, quality, architectural style, and finish.
4. **Ground-Mounted Equipment, Shelters.** All ground-mounted equipment must be concealed underground or within an existing or new structure, opaque fences, or other enclosures subject to the City's prior approval. The City may require additional concealment elements as necessary to blend the ground-mounted equipment and other improvements into the natural and/or built environment.

16.341.06 LIMITED EXCEPTIONS

A. **Limited Exceptions for Personal Wireless Service Facility.** If the applicant claims that strict compliance with any provision of this Chapter would effectively prohibit its ability to provide personal wireless services, the Planning Commission or City Council on appeal, may grant a limited exception from such requirements to the extent necessary to prevent an effective prohibition of wireless service if all of the following findings are made. All other requests to relieve or waive any provision under this Chapter for any non-personal wireless service facility are subject to procedures in **Chapter 16.607, Variances**.

1. The proposed wireless facility qualifies as a "personal wireless service facility" as defined in 47 USC Section 332(c)(7)(C)(ii) as may be amended or superseded.
2. The applicant has provided a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility.
3. The applicant has provided a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this Chapter.
4. The applicant has provided a meaningful comparative analysis with factual reasons as to why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, the public, or any other source) are not technically feasible of potentially available to reasonably achieve the applicant's reasonably and clearly defined technical service objectives of the proposed wireless facility.
5. The applicant has demonstrated that the proposed location and design is the least noncompliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective of the proposed wireless facility. The City shall have the right to hire an independent consultant, at the applicant's sole expense, to evaluate the issues raised by any exception request.

16.341.07 STANDARD CONDITIONS OF APPROVAL

In addition to compliance with the requirements of this Chapter, upon approval, whether approved by the City or deemed approved by the operation of law, all wireless telecommunication facilities shall be subject to each of the following conditions of approval, as well as any modification to these conditions or additional conditions of approval deemed necessary.

A. **Maintenance.** The permittee shall keep the site, which includes without limitation any and all improvements, equipment, structures, access routes, fences, and landscape features, in a neat, clean, and safe condition according to the approved plans and all conditions in the Use Permit/Development Review approval. The permittee shall keep the site area free from litter and debris at all times and shall remove and remediate any graffiti or other vandalism at the site within 48 hours after the permittee receives notice or otherwise becomes aware of such graffiti or vandalism, at no cost to the City.

B. **Compliance with Laws.** The permittee shall maintain compliance at all times with Federal, State, and local statutes, regulations, orders, or other rules that carry the force of law (the "laws") applicable to the permittee, the subject property, the wireless facility, or any use or activity in connection with the authorized use covered by the Conditional Use Permit, which includes without limitation any laws applicable to human exposure to radio frequency emissions. The permittee expressly acknowledges and agrees that this condition is intended to be broadly construed and that no other specific requirement in these conditions are intended to reduce, relieve, or otherwise lessen the permittee's obligations to comply with all laws.

C. **Radio Frequency Compliance.** At all times the permittee shall ensure that the wireless telecommunication facility complies with the most current regulatory limits on radio frequency emissions standards and/or any other emissions standards adopted by the FCC and the California Public Utilities Commission. If the Director determines that there is good cause to believe that the wireless telecommunication facility may emit radio frequency emissions in excess of FCC standards, the permittee shall cooperate with the City to determine if the facility is in compliance with all FCC rules regarding human exposure to radio frequency emissions including, but not limited to, submittal of an affidavit signed by a radio frequency engineer certifying the wireless facility's compliance with FCC rules; providing technical data such as the frequencies in use, power output levels, and antenna specifications, necessary to evaluate compliance with FCC radio frequency limitations; and all other actions deemed necessary to measure compliance.

D. **Adverse Impacts on Other Properties**. The permittee shall avoid undue or unnecessary adverse impacts to nearby properties that arise from the construction, installation, operation, modification, maintenance, repair, removal, and/or other activities at the site. The permittee shall not perform work that involves heavy equipment or machinery except during normal construction work hours as authorized by the City, excepting work required to prevent immediate harm to persons or property. The City may issue a stop work order for any activity that violates this condition.

E. **Inspections; Emergencies.** The permittee expressly acknowledges and agrees that City representatives may enter the site and inspect the improvements and equipment thereon upon reasonable prior notice; provided however, that City representatives may, but will not be obligated to, enter the site area without prior notice in the event of an emergency or when the equipment threatens imminent harm to persons or property.

F. **Contact Information.** The permittee shall submit and maintain current basic contact and site information to the City and shall notify the City of any changes to this information within 7 days of a change. This information includes but is not limited to: the name, address, email address, and 24-hour contact telephone number of the permittee, the owner, operator, and person(s) responsible for maintenance of the wireless facility; and legal status of the owner of the wireless facility including official identification numbers and FCC certification.

G. **Performance Agreement.** Prior to the issuance of a Building Permit, the permittee shall enter into a performance agreement with the City, which agreement shall include the following:

1. The permittee shall post a financial security, such as a letter of credit, in a form acceptable to the Director to ensure that the facility is properly installed and maintained and to guarantee that the facility is dismantled and removed from the premises if it is abandoned pursuant to this Chapter, or upon expiration or revocation of its permit. The amount of the security shall be based on a cost estimate equal to 125 percent of the amount needed to remove the facility and return the surrounding area to its condition prior to the facility's installation, based on a written estimate from a qualified contractor with experience in wireless telecommunication facilities removal.
2. The permittee shall defend with counsel acceptable to the City in its discretion, indemnify, protect, and hold harmless the City, its officers, officials, Council members, commissioners, agents, and employees from and against any and all liabilities, claims, losses, demands, lawsuits, and/or causes of action of any kind arising out of a violation of any Federal, State, or local law or in connection with the permitting, installation, use, or any other activity associated with the wireless telecommunication facility. The City shall promptly notify the permittee of any such claim, action, or proceeding. The City shall retain the right to participate in any claim, action, or proceeding by retaining the City's own counsel if the City bears its own attorneys' fees.

H. **Successors.** All conditions of approval shall be binding to the permittee and all successors in interest to the permittee.

I. **Signage.** All notices and signs required by the FCC and California Public Utilities Commission, and approved by the City, shall be posted on the site and include the permittee's emergency contact name and 24-hour telephone number.

J. **Annual Review.** Department staff may review compliance with all conditions of approval annually and, if any conditions of approval are not being met, shall schedule a public hearing to consider revocation of the permit pursuant to this Chapter.

K. **Confirmation of Height.** Within 60 days of completion of the installation of any freestanding antenna or support structure, the permittee shall perform a "tape drop" measurement to confirm that the height is no greater than approved and shall submit a written certification to the Planning Division of the actual, "as built" height.

16.341.08 REMOVAL AND RESTORATION, PERMIT EXPIRATION, CESSATION OF USE OR ABANDONMENT

A. In the event of any breach of this Chapter, any required agreement(s) or any conditions of the permit, the City shall notify the applicant and owner, as well as the public pursuant to this Chapter, and the Planning Commission shall conduct a revocation hearing. Appeals of the Planning Commission decision on revocation may be made pursuant to the process required in the Zoning Code for other appeals of Planning Commission decisions to the City Council.

B. **Cessation of Use or Abandonment.** A wireless telecommunication facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunication services for 90 or more consecutive days.

C. The operator of a wireless telecommunication facility shall notify the City in writing of its intent to abandon or cease use within 10 days of abandoning or ceasing use. Notwithstanding any other provisions herein, the operator of the wireless facility shall provide written notice to the City of any discontinuation of operation of 30 days or more.

1. Failure to inform the City of a discontinuation of operations required by this subsection shall constitute a violation of any approvals and the grounds for: revocation or modification of the permit; calling of any bond or other assurance or condition of approval; removal of the wireless telecommunication facility pursuant to a nuisance abatement action; and any other remedies allowed by law.

D. **Removal Obligation.** Upon the expiration of a permit, including any extensions, earlier termination, or revocation of the permit, or abandonment of the facility, the permittee, owner, or operator shall remove the wireless telecommunication facility and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the City. Removal shall be pursuant to proper health and safety requirements and all other requirements of the City. The facility shall be removed from the property within 30 days at no cost to the City. If the facility is located on private property, the private property owner shall also be independently responsible for the expense of timely removal and restoration under this subsection.

E. **Failure to Remove.** Failure of the permittee, owner, or operator to promptly remove its facility and restore the property within 30 days after the expiration, earlier termination, or revocation of the permit, or abandonment of the facility, shall be a violation of the Vallejo Municipal Code and grounds for: calling of any security or assurance; removal of the facility pursuant to a nuisance abatement action; and/or any other remedies allowed by law.

16.341.09 ELIGIBLE FACILITIES REQUESTS UNDER SECTION 6409

A. **Purpose.** Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (47 USC Section 1455(a)) generally requires that state and local governments "may not deny, and shall approve" requests to collocate, remove, or replace transmission equipment at an existing tower or base station ("eligible facilities").

B. **Prior Approvals.** Any eligible facilities request shall require an amendment to the underlying Development Review Permit for the tower or base station subject to the City's approval, conditional approval, or denial without prejudice pursuant to the standards and procedures contained in this subsection. Such application process shall be as provided in **Section 16.341.03, Requirements** of this Chapter.

C. **Other Permits and Regulatory Approvals.** No eligible facilities request may be approved unless the applicant also obtains all other permits and regulatory approvals required by any other Federal, State, or local government. Any eligible facilities approval shall remain subject to any and all lawful conditions and/or legal requirements associated with such other permits and/or regulatory approvals.

D. **Criteria for Denial without Prejudice.** Notwithstanding any other provision of this Subsection and consistent with all applicable Federal laws and regulations, the Director may deny without prejudice any eligible facilities request application when the Director finds that the proposed project:

1. Does not meet the eligible facilities findings;
2. Involves the replacement of the entire support structure; or
3. Violates any legally enforceable law, regulation, rule, standard, or permit condition reasonably related to the public health and safety.

E. **Conditional Approvals.** Subject to any applicable limitations in Federal or State law, nothing in this Subsection is intended to limit the Director's authority to conditionally approve an eligible facilities request application to protect and promote the public health and safety.

F. **Appeal Procedures.** Any applicant may appeal the decision of the Director to deny without prejudice an eligible facilities request application, in accordance **Section 16.602.14, Appeals**.

G. **Standard Conditions of Approval.** In addition to all other conditions adopted by the City, all approved eligible facilities requests, whether approved by the City or deemed approved by operation of law, shall be subject to the standard conditions of approval as set forth in **Chapter 16.602, Common Procedures**, as well as any modification of these conditions or additional conditions of approval deemed necessary, and the following conditions:

1. **Permit Term.** An approved eligible facilities request, whether by the City's approval or operation of law, constitutes a Federally mandated modification to the underlying permit or other prior regulatory authorization for the subject tower or base station. Such approval shall not extend the permit term, if any, for any Use Permit or other underlying prior regulatory authorization. Accordingly, an eligible facilities request approval shall be coterminous with the underlying permit or other prior regulatory authorization for the subject tower or base station.

2. **Accelerated Termination Due to Invalidation.** In the event that a court of competent jurisdiction invalidates all or any portion of an eligible facilities request approval or any FCC rule that interprets Section 6409 such that Federal law would not mandate approval, such approval shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of a previously approved eligible facilities approval or the Director grants an extension upon a written request that shows good cause for the extension, including without limitation extreme financial hardship. The Director may not grant a permanent or indefinite extension. The permittee shall not be required to remove its improvements under the invalidated eligible facilities approval if it obtains the applicable permits(s) or submitted an application for such permit(s) before the one-year period ends.
3. **Reservation of Standing.** The City's grant or grant by operation of law of eligible facilities approval does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409, any FCC rules that interpret Section 6409, or any section of an eligible facilities approval.

16.341.10 COMPLIANCE OBLIGATIONS

An applicant or permittee will not be relieved of its obligation to comply with every applicable provision in the Code, this Article, any permit, any permit condition or any applicable law or regulation by reason of any failure by the City to timely notice, prompt or enforce compliance by the applicant or permittee.

16.341.11 EMERGENCY DEPLOYMENT

In the event of a declared Federal, State, or local emergency, or when otherwise warranted by conditions that the City deems to constitute an emergency or a necessity, the Director may approve the installation and operation of temporary wireless telecommunications facilities (cells on wheels or "COWs"), sites on wheels ("SOWs"), cells on light trucks ("COLTs"), or other similarly portable wireless facilities, subject to such reasonable conditions as the Director deems necessary in their discretion.

THIS PAGE INTENTIONALLY LEFT BLANK

PART IV BUILDING DESIGN STANDARDS

16.401 RESERVED

16.401.01 RESERVED

SECTIONS

16.401 RESERVED 189

PART V SITE DEVELOPMENT STANDARDS

16.501 GENERAL DEVELOPMENT REGULATIONS

16.501.01 PURPOSE AND APPLICABILITY

A. **Purpose.** The purpose of this Part is to prescribe supplemental development and site regulations that apply to development in all zoning districts, except where specifically stated. These standards shall be used in conjunction with the standards for each zoning district established in **Part II (16.200), Zoning Districts and Development Standards**, to ensure that development:

1. Is consistent with the General Plan;
2. Is compatible with existing and future development;
3. Protects the use and enjoyment of neighboring properties.

B. **Applicability.** The provisions of this Part apply to all new development and uses, and to modifications to existing structures and uses in combination with the standards for each zoning district, except as specified in **Chapter 16.105, Non-Conforming Uses**. In case of any conflict, the standards specific to the zoning district will override these regulations. Where applicable, the requirements of **Chapter 16.614 Architectural Heritage and Historic Preservation** may also apply.

16.501.02 ACCESSORY BUILDINGS AND STRUCTURES

Detached buildings and structures that are clearly incidental or subordinate to the main building on the same lot or an adjacent lot under the same ownership shall be permitted in all zoning districts subject to compliance with the zoning district regulations and the requirements of this Chapter. Accessory buildings and structures include covered patios, dish antennas, garages, garden structures (sheds, gazebos, greenhouses, pergolas) guest quarters, play structures, and storage shelters. The following requirements apply to all accessory buildings and structures with the following exceptions:

A. **Separately regulated structures.** Accessory structures subject to separate regulations.

1. Accessory uses under **Chapter 16.302, Accessory Uses**;
2. Accessory Dwelling Units and Junior Accessory Dwelling Units under **Chapter 16.303, Accessory Dwelling Units**;

City of VALLEJO California

SECTIONS

16.501 GENERAL DEVELOPMENT REGULATIONS 191
16.502 PERFORMANCE STANDARDS.....201
16.503 TRIP-REDUCTION MEASURES 207
16.504 LANDSCAPING.....210
16.505 FENCES, WALLS, AND SCREENING.....230
16.506 LIGHTING AND GLARE.....237
16.507 NATURAL HAZARD REDUCTION 242
16.508 OFF-STREET PARKING AND LOADING 244
16.509 SIGNS 263

3. Solar installations under **Chapter 16.338, Solar and Wind Energy Systems**;
4. Wireless telecommunications equipment and antennas under **Chapter 16.341, Wireless Telecommunications**.

B. **Temporary structures.** Temporary structures subject to the requirements of **Chapter 16.339, Temporary Uses** and the following structures:

1. A mobile unit or structure used as a caretaker's or manager's residence or as a residence during the construction of a new residential unit on the same parcel;
2. A mobile unit or structure used for temporary storage by the primary user of the property.

C. **Requirements.** Accessory buildings in mixed-use and non-residential zoning districts shall be subject to the same regulations as main buildings. The following requirements are applicable to accessory buildings and structures in any residential zoning district:

1. A detached accessory building may only be constructed on a lot with a legally permitted main building. The accessory building shall be related to the main building on the same lot or located on an adjacent lot under the same ownership.
2. An accessory building may be constructed prior to a permitted main building and used for not more than one year in connection with the construction of the main building, provided that a building permit is obtained for the entire project, including the accessory building, prior to the start of any construction.
3. Except for Accessory Dwelling Units established in compliance with **Chapter 16.303, Accessory Dwelling Units**, accessory buildings may not contain kitchens or full baths. An accessory building that is not an approved Accessory Dwelling Unit may contain a sink and a toilet but not a shower or tub enclosure. Unenclosed showers that are outside are permitted.
4. Accessory buildings up to 14 feet in height are permitted subject to the following requirements:
   a. Accessory buildings shall be located on the rear half of the parcel and shall not extend into the required minimum side yard setback except as authorized pursuant to (b) and (c) below.
   b. Accessory buildings no more than 14 feet in height shall be located at least 5 feet from the rear parcel line, unless they are more than 50 feet from the front property where they can be at least 3 feet from the rear parcel line.
   c. On a reversed corner parcel, accessory buildings shall not be located closer to the street side parcel line of such corner parcel than the principal structure.
   d. Any accessory building on a through lot shall not project into any front setback and shall not be located in any required side setback.
   e. Accessory buildings in the RR Zoning District, such as barns and stables, may exceed the height limit, subject to Director approval.

16.501.03 DEVELOPMENT ON LOTS DIVIDED BY DISTRICT BOUNDARIES

Where a lot is divided by a zoning district boundary, unless a Zoning Map Amendment and a General Plan Amendment, if applicable are processed such that regulations applicable to one zoning district are applied to all areas of the lot or parcel, the regulations applicable to each district shall be applied to the area within the district, and no use, other than parking serving a principal use on the site, can be located in a zoning district in which it is not a permitted or conditionally permitted use.

A. **Access.** All access to parking serving a use shall be from a street abutting that portion of the lot where the use is allowed. Pedestrian or vehicular access from a street to a non-residential use cannot traverse an R Zoning District in which the non-residential use is not permitted or conditionally permitted.

B. **Exceptions.** If more than 60 percent of a lot is located in one zoning district, modifications to the provisions of this Chapter may be granted through approval of an Exception by the Director or the Planning Commission. See **Chapter 16.608, Exceptions**.

16.501.04 DEVELOPMENT ON SUBSTANDARD LOTS

Any lot or parcel of land that was legally created through a recorded deed may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the zoning district in which it is located. However, no substandard lot can be further reduced in area, width, or depth, unless such reduction is required as part of a public improvement.

16.501.05 HEIGHT EXCEPTIONS

The standards of this Chapter apply to all new development and to all existing structures. The structures listed in **Table 16.501-A** below may exceed the maximum permitted building height for the zoning district in which they are located, subject to the limitations stated in the Table and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising. Projections not listed in the Table and projections in excess of those listed may be allowed by the granting of an Exception Permit under **Chapter 16.608, Exceptions**.

TABLE 16.501-A: HEIGHT EXCEPTIONS

STRUCTURES ALLOWED ABOVE HEIGHT LIMIT	MAXIMUM VERTICAL PROJECTION ABOVE HEIGHT LIMIT	SIZE AND LOCATION LIMITATIONS
Architectural elements such as spires, bell towers and domes	5 feet	None
Chimneys, wind turbines, other energy production facilities	5 feet	None
Cupolas, pediments, obelisks and other decorative features	20% of base district height limit	Up to 20% of roof area including all structures
Distribution and transmission towers, lines, and poles, water tanks, airway beacons	10 feet as accessory structure; subject to permit conditions as primary use	Up to 20% of lot area or 20% of roof area of all on-site structures, whichever is less; no limit if primary use permitted
Elevator and stair towers for multi-unit and non-residential buildings	12 feet	Up to 20% of roof area including all structures
Flagpoles	Subject to provisions of Chapter **16.509, Signs**	
Fire escapes, catwalks, and open railings required by law	No restrictions	
Lighting for athletic fields, tennis courts, etc.	Up to 80 feet total height	None
Other lighting poles	Subject to provisions of Chapter **16.506, Light and Glare**	
Mechanical equipment penthouses	10 feet	Up to 60% of roof area
Parapets, excluding detached residential structures	4 feet	--
Rooftop open space features such as sun decks, sunshades, open trellises, and landscaping excluding detached residential structures	No restrictions	
Skylights	1 foot	None
Solar panels	Subject to provisions of **Chapter 16.338, Solar and Wind Energy Systems**	
Telecommunications facilities, antennas, microwave equipment, radio towers	Subject to provisions of **Chapter 16.341, Wireless Communications**	

16.501.06 OUTDOOR STORAGE

Open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than 72 hours shall conform to the standards of this Chapter. The regulations of this Chapter do not apply to processing equipment, tanks, or other equipment fixed to the ground, to temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit, and to agricultural/farming equipment used for agriculture or farming on the property.

A. **Permitted Locations.** Open storage is permitted at the locations listed in Table **16.501-B** as follows:

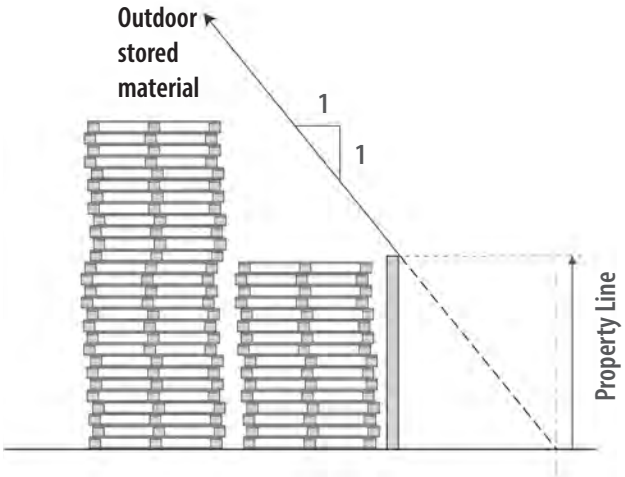
TABLE 16.501-B: OPEN STORAGE REGULATIONS BY DISTRICT AND LOCATION

DISTRICTS	REQUIREMENTS
Residential, Mixed-use, Commercial, Office, and Medical	All storage shall be within an enclosed building, except as allowed for Outdoor Sales or otherwise specifically permitted.
Public and Semi-Public, Industrial	Not permitted in front or street side yards. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this Chapter. All storage shall be fully screened from visibility if within 500 feet of a residential zoning district.
Parks, Recreation, Open Space	Permitted if screened subject to requirements of this Chapter. Not permitted in Open Space areas.

B. **Screening and Setbacks.** Storage areas visible from public streets that are not separated from the street by intervening buildings shall be screened in compliance with the following:

1. **Screening Walls.** Screening walls and fences shall be tall enough to sufficiently screen stored material. Fences and walls shall not exceed the maximum allowable fence heights unless allowed pursuant to approval of an Exception Permit under **Chapter 16.608, Exceptions**.
2. **Setback.** A setback shall be provided for outdoor stored material at the ratio of 1:1 from all property lines equal to the total height of stored material above required screen wall.

FIGURE 16.501-A: SCREENING AND SETBACKS FOR OUTDOOR STORAGE



16.501.07 PROJECTIONS INTO REQUIRED YARDS

Building projections may extend into required yards, according to the standards of **Table 16.501-C, Allowed Building Projections into Yards**. The "Limitations" column states any dimensional, area, or other limitations that apply to such structures when they project into required yards.

TABLE 16.501-C: ALLOWED BUILDING PROJECTIONS INTO YARDS

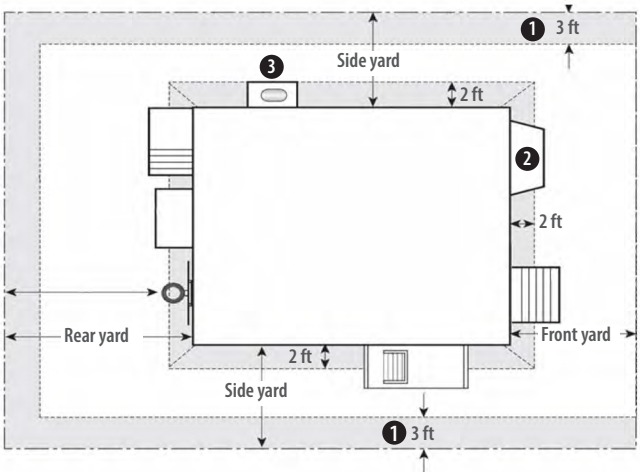


FIG.#	PROJECTION	FRONT OR STREET SIDE YARD (FT.)	INTERIOR SIDE YARD (FT.)	REAR YARD (FT.)	LIMITATIONS
1	**All projections**	Notwithstanding any other Chapter of this Part, no projection may extend closer than 3 feet to an interior lot line or into a public utility easement.			
2	**Bay windows; balconies**	3	2	2/5 where rear yard is greater than 15 feet	Shall not occupy more than 1/3 of the length of the building wall on which they are located or 1/2 of the length of a single room.
3	**Cornices, canopies, eaves, belt courses, and similar architectural features; chimneys**	2	2	2	Shall not occupy more than 1/3 of the length of the building wall on which they are located.
	Fire escapes required by law or public agency regulation	4	4	4	None
	Uncovered stairs, ramps, stoops, or landings that service above first floor of building	3	2	3	None
	Depressed ramps or stairways and supporting structures designed to permit access to parts of buildings that are below average ground level	3.5	3.5	3.5	None
	Basketball Rims and Backboards	No closer than 10 ft. to a front or street-side lot line or 5 ft. to an interior side or rear lot line.			
	Decks, porches, and stairs				
	Less than 18 inches above ground elevation	6	2	8	Shall be open on at least 3 sides. No closer than 7 ft. of a street-facing lot line or 3 ft. of an interior lot line.
	18 inches or more above ground elevation	3	2	3	
	Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see **Chapter 16.608,** Exceptions.			

A. Architectural features such as cornices, canopies, eaves, greenhouse or windows, and chimneys may extend into required yards a distance of not more than 2 feet. Such encroachment may be allowed even when the side yard is substandard, provided that a minimum setback of 3 feet is maintained. However, where properties were originally approved and developed as zero lot lines, one story additions may extend up to the property line subject to compliance with the Building Code.

B. Unenclosed porches, balconies and stairways may extend into required front yard setbacks not more than 6 feet, and into other required yards not more than 2 feet.

C. Detached private garages and accessory structures may be permitted in those required yards which do not abut a street providing that the garages and structures:

1. Are at least 5 feet from a main building or alley right-of-way;
2. Are at least 50 feet from a front property line;
3. Are at least 3 feet from any side or rear property line;
4. Do not exceed 10 feet in height at their highest point within the required yard; and
5. Do not create a condition causing water to drain onto an adjacent site.

D. When a private garage or an accessory structure is attached to the main structure, it shall comply in all respects with the requirements of this Code applicable to the main structure.

E. The main residential building may project into a required rear yard up to, but not within, 10 feet of the rear lot line, provided that the maximum lot coverage and minimum required open space standards are met. This building projection shall not encroach into a required side yard, nor shall it be wider than 50 percent of the average lot width in the rear half of the lot.

16.501.08 SOLID WASTE, RECYCLING, AND ORGANIC WASTE STORAGE

This Chapter establishes design and locational criteria for the construction of solid waste, solid waste, recycling, and organic waste container storage areas. Solid waste, recycling, and organic waste are collectively referred to as "solid waste and recycling."

A. **Purpose.** This Chapter establishes design and locational criteria for the construction of container storage areas for all solid waste, and recycling, organic waste, and garbage as defined in Vallejo Municipal Code Chapter 7.40."

B. **Applicability.** These requirements shall apply to all residential, mixed-use and non-residential development in addition to all applicable requirements of the City's waste service, this Code, and **Chapter 16.332, Recycling Facilities**. All solid waste, recyclable, and organic waste materials shall be stored and collected from the same outdoor location.

C. **General Requirements and Alternatives.** All solid waste, recycling and organic waste materials must be placed in an appropriate receptacle. All dumpsters, carts, garbage cans, mobile trash bins, and receptacles must be maintained and stored in accordance with this Chapter.

1. All uses shall provide solid waste, recycling, and organic waste storage and staging areas that comply with the standards of this Chapter. Solid waste, recycling, and organic waste rooms meeting the standards of subsection (C) shall be provided in conjunction with:

   a. Any new construction for which a Building Permit is required.
   b. Improvements affecting solid waste, recycling, and organic waste areas of publicly owned facilities.
   c. Alterations of which the sum total of all improvements within a 12-month period either adds 30 percent or more to the existing floor area or the aggregate permit valuation, as determined by Consumer Price Index (CPI).

2. **Alternatives.** Projects with 10 or fewer residential units may have individual solid waste, recycling, and organic waste carts or containers for each unit, provided that there is a designated screened location for each individual container adjacent to the residential unit or within garage areas and provided that solid waste and recycling carts or containers for each unit are brought to the curbside for regular collection.

D. **Size.** Enclosures must be sized to accommodate all dumpsters, and or solid waste, recycling and organic waste carts or containers picked up by the City or its franchise waste hauler(s).

E. **Location and Orientation.** Enclosures shall meet the following requirements, unless the Director determines that compliance is infeasible. An entitlement or Building Permit shall not be issued for a project until documentation of location approval is provided by the Director.

1. All solid waste, recycling, and organic waste storage areas shall be located:

    a. Outside of any required parking, driveway, landscape, utility easement, or setback area, unless there is no feasible alternative;

    b. A minimum of 5 feet from an adjacent parking space;

    c. At minimum of 5 feet from the property line of an abutting single-unit residential zoning district; and

    d. A minimum of 10 feet from the public right-of-way line or access easement.

2. Enclosures shall be maintained by the property owner or manager in a good, usable, clean and sanitary condition.

3. All solid waste, recycling, and organic waste materials that are stored and collected from the same location outside shall be stored not more than 10 feet from the property line closest to the solid waste collection point. If the collection area is more than 20 feet from the collection point, a staging area within 10 feet of the collection point is necessary.

F. **Visibility.**

1. Solid waste, recycling, and organic waste enclosures must not be visible from a public right-of-way as required by Vallejo Municipal Code Section 7.54.030 (R).

2. All outdoor storage of solid waste, recycling, and organic waste materials, and other items or material intended to be discarded or collected shall be screened from public view.

3. On property where solid waste, recyclable, and organic waste materials are both stored and collected adjacent to an alley or other public right-of-way, the solid waste and recyclable materials shall be designed or approved by the Director as follows:

    a. Screened from public view on at least 3 sides by a solid opaque impact-resistant wall not less than 5 feet or more than 8 feet in height; and

    b. Screened on the fourth side by a solid opaque impact-resistant gate not less than 5 feet or more than 8 feet in height, or of other such material or design.

    c. The gate securing the area shall be maintained in working order and shall remain closed except during such times as solid waste, recycling, and organic waste materials and other such items are being discarded, placed for collection, or collected.

G. **Consolidation and Distance for Buildings Served.** Solid waste, recycling, and organic waste storage areas must be consolidated to minimize the number of collection sites and located to reasonably equalize the distance from the building spaces they serve. For multi-unit residential projects, at least one trash enclosure per 20 units is required, and the enclosure must be located 100 feet or less from the residential units.

H. **Accessibility.** Solid waste, recycling, and organic waste storage areas shall be accessible to provide trucks and equipment used by the contracted solid waste and recycling collector(s) have sufficient maneuvering areas and, if feasible, for collection equipment to avoid backing up.

I. **Materials, Construction, and Design.**

1. **Minimum Height of Screening.** Solid waste and recycling storage areas located outside or on the exterior of any building shall be screened with a solid enclosure at least 6 feet high and include a roof structure.

2. **Enclosure Material.** Enclosure material shall be wood, solid masonry, or concrete tilt-up with decorated exterior-surface finish. The trash enclosure shall match and complement the color scheme and architecture of the building.

3. **Gate Material.** Latching, view-obscuring gates shall be provided to screen trash enclosure openings.

4. **Access to Enclosure from Residential Projects.** Each solid waste, recycling, and organic waste enclosure serving a residential project shall be designed to allow disposal to the appropriate receptacle without having to open the main enclosure gate.

5. **Enclosure Pad.** Pads shall be a minimum of 4-inch-thick concrete.

6. **Bumpers.** Bumpers shall be 2 inches by 6 inches thick and made of concrete, steel, or other suitable material, and shall be anchored to the concrete pad.

7. **Protection for Enclosures.** Concrete curbs or the equivalent shall protect enclosures from adjacent vehicle parking and travel ways.

8. **Clear Zone.** The area in front of and surrounding all enclosure types shall be kept clear of obstructions, and shall be painted, striped, and marked "No Parking."
9. **Drainage.** The floor of the enclosure shall have a drain that connects to the sanitary sewer system.
10. **Travelways and Area in Front of Enclosure.** The travelways and area in front of the enclosure shall be designed to have an adequate engineered base meeting the City's Building Code for truck use and capable of supporting a maximum fully loaded gross vehicle weight of at least 62,000 pounds. The minimum pavement engineering standard shall be 100 pounds per square foot "live load" unless the applicant can present a report from a California-registered civil engineer justifying a different design load factor.

J. **Security.** Solid waste, recycling, and organic waste rooms or outdoor enclosures shall be secured to prevent the theft of recyclable materials by unauthorized persons, while allowing authorized persons access for disposal of materials, and shall provide protection against adverse environmental conditions which may render the collected materials unmarketable.

K. **Solid Waste, Recycling, and Organic Waste Rooms.** Solid waste, recycling and organic waste rooms and outdoor enclosures are subject to Design Review when applicable and shall comply with all the requirements of the zoning districts in which they are located as well as the following minimum design standards:

1. **Single-Unit and Duplex Residences.** Single-Unit Residences and Duplexes shall include a designated area to store solid waste, recycling, and organic materials screened from public view or a designated area in a garage or accessory structure.
2. **Residential Multiple-Unit Development.** Developments consisting of 3 or more dwelling units shall include a solid waste and recycling room meeting the minimum dimensions stated in **Table 16.501-D** or shall provide an equivalent space within an outdoor enclosure that conforms to the same dimensions stated in the table. Outdoor enclosures shall have walls at least 6 feet in height and an opening at least 8 feet wide.

TABLE 16.501-D: MINIMUM RESOURCE AND RECYCLING ROOM DIMENSIONS - RESIDENTIAL MULTI-UNIT DEVELOPMENT

Number of Residential Units	Minimum Room Dimensions		
	Width (ft.)	Length (ft.)	Height (ft.)
3 - 10 units	21 ft.	7.5 ft.	10 ft.
11 - 20 units	21 ft.	14 ft.	10 ft.
21 - 40 units	28 ft.	20 ft.	10 ft.

3. **Nonresidential and Mixed-Use Development.**

a. Nonresidential and mixed-use developments shall include a solid waste, recycling, and organic waste room meeting the minimum dimensions stated in **Table 16.501-E** or shall provide an equivalent space available in a centralized area or an outdoor enclosure with the same width and length dimensions, and a minimum height of 6 feet, and an opening at least 8 feet wide.

TABLE 16.501-E: MINIMUM RESOURCE AND RECYCLING ROOM DIMENSIONS—NONRESIDENTIAL DEVELOPMENT AND MIXED-USE

Aggregate Floor Area	Minimum Room Dimensions		
	Width (ft.)	Length (ft.)	Height (ft.)
Less than 5,000 sq. ft	21 ft.	7.5 ft.	10 ft.
5,001 - 20,000 sq. ft	21 ft.	14 ft.	10 ft.
20,001 - 40,000 sq. ft.	28 ft.	20 ft.	10 ft.

b. Solid waste, recycling, and organic waste rooms or outdoor enclosures shall be at the same grade as and adjacent to an existing alley, if the site is adjacent to an alley.

c. The 3 interior walls of solid waste, recycling, and organic waste indoor and outdoor enclosures shall include a 2 inch by 16-inch wall guard covering the length of all interior walls in existing properties, or a curb 6 inches in depth by 8 inches tall for remodels and new construction.

d. Buildings in which food products are prepared, processed or sold shall have a fully enclosed solid waste, recycling, and organic waste area with lighting, ventilation, and sanitary drains. Size and dimensions shall conform to the required design standards outlined in this Chapter.

4. **Large Residential, Nonresidential and Mixed-Use Development.** Any development, whether residential, nonresidential, or mixed-use with more than 50 residential units, or with more than 40,000 square feet of floor area shall be reviewed by the Director of Public Works, who shall require the design and placement of a solid waste, recycling and organic waste room or outdoor enclosure consistent with the purpose of this Chapter to provide adequate and accessible areas for the storage and collection of solid waste, recyclable, and organic waste materials.

5. **Subterranean Storage.** Buildings or structures in which solid waste, recyclable, and organic waste materials are stored in otherwise locked and secured subterranean garages may have a designated fenced area for the storage of solid waste, recyclable, and organic waste materials in compliance with specifications as to location and materials established by the Director.

L. **Modifications.** The Public Works Director, in consultation with the Chief Building Official or Director, shall have the authority to modify the requirements, as listed below, subject to the design standards of this Chapter when, upon a written application for a modification, the City Engineer, Chief Building Official or Director determines that the applicant has demonstrated that imposition of the design standards is technically infeasible or creates an unreasonable hardship. Such authority shall be limited to the following:

1. Modify the dimensions of solid waste, recycling, and organic waste rooms or outdoor enclosures, provided that the frequency of solid waste, recycling, and organic waste collection is modified to adequately serve the uses on the site and protect the public health, safety and general welfare.

2. Permit more than one room or outdoor enclosure, provided the aggregate area is in substantial compliance with the design standards of this Chapter as determined by the Director of Public Works, Chief Building Official or Director and provided that each room or outdoor enclosure furnishes convenient access for disposal and collection of both solid waste and recyclable materials.

a. Solid waste, recycling, and organic waste containers located adjacent to alleys shall remain open to the alley.

b. Solid waste, recycling, and organic waste enclosures in subterranean parking areas should have a door of equal size with doorstops attached or a follow-up door and provide adequate lighting, ventilation and sanitary drains.

c. If the solid waste, recycling, and organic waste enclosure is located in a subterranean parking area or remote location, a City-approved staging area on private property at the alley or street level shall be provided.

16.501.09 SWIMMING POOLS AND HOT TUBS

A. **Filtration Equipment.** Swimming pool or spa filtration equipment and pumps shall not be located in the front or street side yard and cannot be closer than 15 feet to the main building on an adjoining lot. All equipment shall be mounted and enclosed/screened so that its sound is in compliance with **Chapter 16.502, Performance Standards**.

B. **Pool Setbacks and Covers.** The outside wall of the water-containing portion of any swimming pool or hot tub must be a minimum of 15 feet from street side lot lines, 5 feet from all interior lot lines, 5 feet from the rear lot line, and 5 feet from the residence and any accessory dwelling unit on the site. Pools and hot tubs in a residentially zoned district for private use shall not be located within a front setback.

C. **Elevated Swimming Pools.** All elevated swimming pools constructed on the ground may not be higher than 4 feet.

D. **Security and Screening.** Swimming pools shall be walled or fenced to prevent access from the street or from adjacent properties. All fencing shall comply with the requirements of the Building Code regulations for Swimming Pools, Spas, and Hot Tubs,.

16.501.10 UNDERGROUND UTILITIES

For new developments, utilities including, but not limited to, all electrical, telephone, cable television, fiber-optic cable, gas, water, sewer, irrigation/recycled water, and similar distribution lines providing direct service to a project shall be installed underground within the site. This requirement may be waived by the Director upon determining that underground installation is infeasible, or the electrical line is otherwise exempt from an under-grounding requirement.

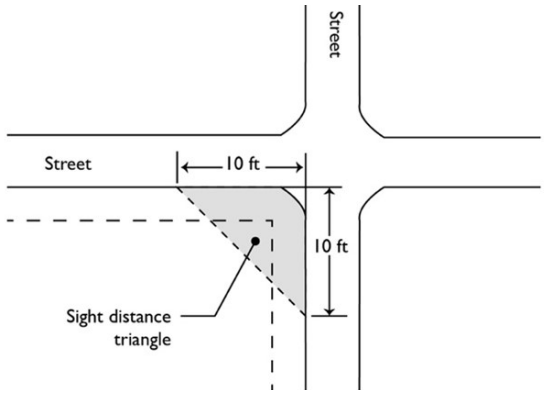
16.501.11 VISIBILITY AT INTERSECTIONS, DRIVEWAYS, AND ALLEYS

A. **Purpose and Applicability.** The purpose of this Chapter is to limit the height of structures and landscaping in order to provide adequate sight distances for pedestrian and vehicle traffic at intersections and driveways. This Chapter applies to all structures and landscaping located adjacent to street and alley intersections (public or private) street and driveways.

B. **Street Intersections.** Vegetation and structures, including signs, shall not exceed a height of 3 feet within the a triangular area called a "sight distance triangle" formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at a distance of 10 feet along both lines from their intersection, unless there is a "transparency" feature, such as open railings or well-pruned climbing plants, allowing for sight visibility.

1. Trees located within the sight distance triangle shall have a minimum clearance of 13 feet between the lowest portion of the canopy and the street.
2. The requirements of this Section do not apply to unsignalized intersections of local streets, unless specifically required by the Director.

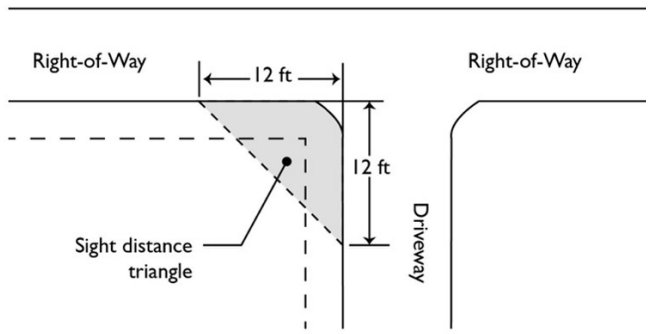
FIGURE 16.501-B: VISIBILITY AT STREET INTERSECTIONS



C. **Driveways and Alleys.** Visibility of a driveway crossing a street lot line shall not be blocked above a height of 3 feet within the sight distance triangular area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at a distance of 12 feet along both lines from their intersection.

1. Street trees pruned at least 7 feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers are permitted.

FIGURE 16.501-C: VISIBILITY AT DRIVEWAYS



D. **Exempt Structures and Plantings.** The regulations of this Chapter do not apply to existing buildings; public utility poles; saplings or plant species of open growth habits not planted in the form of a hedge but planted and trimmed to leave at all times a clear and unobstructed cross view; official warning signs or signals; or places where the contour of the ground is such that there can be no cross visibility at the intersection.

16.502 PERFORMANCE STANDARDS

16.502.01 PURPOSE AND APPLICABILITY

The regulations in this Chapter are intended to implement the General Plan and protect public health and safety by establishing performance standards to ensure that land uses, and development do not generate adverse impacts on surrounding neighborhoods and uses, or the community at large. The standards contained in this Chapter apply to all zoning districts.

16.502.02 GENERAL REQUIREMENTS

A. Land or buildings cannot be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, or other hazards that could adversely affect the surrounding area. If necessary, the Director will retain a professional expert or designated regulatory agency to assist in assessing possible impacts, and any cost incurred will be paid by the applicant or business owner.

B. Prior to the issuance of a building permit, the Director may require the applicant to submit such information as proposed machinery, processes, products, or environmental impacts as may be necessary to demonstrate the ability of the proposed uses to comply with applicable performance standards. Such required information may include reports by expert consultants. Whenever an environmental impact report has been submitted and determined to be adequate under state and city guidelines, no further information shall be required.

C. In addition to the requirements of this Chapter, uses shall operate in a manner that complies with other applicable standards of this Code establishes to regulate objectional impacts of land uses including, but not limited to, **Section 16.502.10, Noise; Chapter 16.506, Light and Glare**.

16.502.03 BIRD-SAFE BUILDINGS

The purpose of this Chapter is to establish bird-safe glazing treatment standards for new building construction and replacement facades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." The 2 circumstances regulated by this Chapter are: 1) location-related hazards, where the siting of a structure creates increased risk to birds; and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located.

A. **Exceptions.**

1. Limited Glass Façade. Residential buildings that are less than 45 feet in height and have an exposed façade comprised of less than 50 percent glass are exempt from new or replacement façade bird-safe glazing requirements.
2. **Substantial Glass Façade.** Residential buildings that are less than 45 feet in height but have a façade with surface area composed of more than 50 percent glass, shall provide bird-safe glazing treatments for 90 percent of all large, unbroken glazed segments that are 24 square feet or larger.
3. **General Exceptions for Historic Buildings.** Bird-safe treatment of replacement glass facades for structures designated as City landmarks or within designated historic districts as shown on the Zoning Map is not required. Reversible treatment methods, such as netting, glass films, grates and screens, are recommended for bird collision zoning districts, as defined below.

B. **Standards.**

1. **Location-Related Standards.** These standards apply to new buildings with a floor area of 10,000 square feet or more that are 2 stories or more in height and located within or adjacent to open spaces 2 acres and larger in size that are dominated by open water or vegetation, including vegetated landscaping, forest, meadows, grassland, and wetlands.

   a. **Façade.** Bird-safe glazing treatment is required such that a bird collision zone facing the open space consists of at least 80 percent bird-safe glazing. To the extent feasible, buildings shall be designed to locate permitted transparent glazing, which is not considered bird-safe, on the ground floor and at lobby entrances to enhance visual interest for pedestrians. On the ground floor patterns that provide marketing or other information or artistic design which do not obscure the view through glass are preferred. For purposes of this requirement, a "bird collision zone" shall mean the portion of buildings most likely to sustain bird-strikes from local and migrant birds in search of food and shelter and includes:

      i. Glass facades beginning at grade and extending upwards for 60 feet; and

      ii. Glass facades directly adjacent to landscaped roofs 2 acres or larger in area and extending upwards 60 feet from the level of the roof.

   b. **Lighting.** No uplighting shall be used in bird collision zoning districts.

2. **Feature-Related Standards.** Feature-related hazards include free-standing glass walls over 15 feet in height and 30 feet in length, glass wind barriers, skywalks, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Feature-related hazards can occur throughout the City. Any structure that contains these elements shall treat 100 percent of the glazing so that it is bird-safe.

C. **Conflict with Other Codes.** If any of the requirements of this Chapter conflict with provisions in the City's Building and Fire Codes, the provisions of the California Code of Regulations Title 24, as amended by the City, shall prevail.

16.502.04 CONSTRUCTION MANAGEMENT

Construction activities shall be managed in compliance with the following requirements:

A. **Site Watering.** During the construction of a project, all portions of the site shall be watered as necessary to reduce emissions of dust and other particulate matter, and all stockpiles shall be covered.

B. **Maintenance.** Streets and sidewalks shall be made dirt free at the completion of construction.

C. **Noise.** All construction and transport equipment shall be muffled in accordance with State and federal laws.

D. **Emissions.** Construction and transport equipment shall be operated so as to minimize exhaust emissions. During construction, trucks and equipment should be running only when necessary.

E. **Hours of Operation.** Grading and pile driving operations within ¼ mile of residential units shall be limited to between 8:00 am and 5:00 p.m. on weekdays to ensure compliance with the requirements for construction activity in Subsection 16502.12.D.1., Maximum Noise Level for Temporary Construction Activity, or as otherwise restricted as part of an approval.

F. **Water Run-off.** All water run-off from construction sites shall be controlled. During construction, trucks and equipment should be running only when necessary, and shall comply with Chapter 12.41 of the Vallejo Municipal Code.

16.502.05 FIRE HAZARDS

The storage, use, transportation or production of products which, either in the raw or finished state, constitute a flammable or explosive material shall be subject to approval of the Fire Department. Fire Department personnel may, without prior notice, visit and observe operations on the site and any directives issued by said personnel shall be satisfied in a timely manner. Burning of waste materials in open fires or unapproved incinerators is prohibited.

16.502.06 LIQUID OR SOLID WASTE

The use, handling, storage and transportation of waste materials, including hazardous wastes, shall comply with the provisions of the California Hazardous Materials Regulations and any other applicable laws. Discharge at any point into a public or private sewage disposal system, stream, or the ground, of any material which could contaminate any water supply, or otherwise cause the emission of dangerous or offensive elements is prohibited. No exceptions are allowed unless in accordance with regulations, licenses or approvals of the various local and state agencies having jurisdiction over such activities.

16.502.07 HEAT, HUMIDITY, COLD, AND GLARE PERFORMANCE STANDARDS

When located in any of the zoning districts specified below, all commercial and industrial uses shall be so operated as not to produce humidity, heat, cold, or glare which is readily detectable without instruments by the average person at the following points of determination:

TABLE 16.502-A: HEAT, COLD, AND GLARE DETERMINATION

Zoning Districts in which uses are located	Point of Determination
Any residential, commercial or special purpose zoning district	At or beyond any lot line of the lot containing the uses
Industrial districts	At or beyond any boundary of the zone

16.502.08 ODOR, PARTICULATE MATTER, AND AIR CONTAMINANTS

A. No continuous, frequent or repetitive odors are permitted that exceed limits established by the San Francisco Bay Area Air Quality Management District, the California Air Resources Board or federal agencies. An odor detected no more than a total of 15 minutes in any one day shall not be deemed to be continuous, frequent or repetitive for this regulation.

B. No dust or particulate matter shall be emitted that exceeds limits established by the San Francisco Bay Area Air Quality Management District, the California Air Resources Board or federal agencies. Exhaust air ducts shall be located or directed away from abutting residentially zoned properties.

C. When located in the zoning districts specified below, no commercial or industrial uses shall be so operated as to emit matter causing readily detectable odor by the average person at the following points of determination and in the following diluted states:

TABLE 16.502-B: ODOR, PARTICULATE MATTER, AND AIR CONTAMINANT DETERMINATION

Zoning districts in Which Uses Are Located	Point of Determination	Dilution
Any residential, commercial, special purpose zoning district	At or beyond any lot line of the lot containing the uses	A ratio of one volume of odorous air to 4 or more volumes of clean air
Industrial districts	At or beyond any lot line of the lot containing the uses	A ratio of one volume of odorous air to eight or more volumes of clean air

D. Applicants for residential development and other sensitive land use projects including, but not limited to hospitals, nursing homes, and adult and child daycare facilities on sites within 1,000 feet of a major source of toxic air contaminants such as industrial uses, freeways, and roadways with traffic volumes over 10,000 vehicles per day shall submit a health risk assessment (HRA) to the Director with the application.

1. The HRA shall be prepared in compliance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District and shall meet Office of Environmental Health Hazard Assessment (OEHHA) guidelines for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children age 0 to 16 years.
2. If the HRA shows that the incremental cancer risk exceeds ten in one million PM2.5 concentrations exceed 0.3ug/m3, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms.
3. Measures to reduce risk may include but are not limited to:

a. Locating air intakes away from high volume roadways and/or truck loading zones.

b. Ensuring that building heating, ventilation, and air conditioning systems include appropriately sized maximum efficiency rating (MERV) filters

4. Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed project. The air intake design and MERV filter requirements shall be noted and/or reflected on all building plans submitted to the City for review and verification by the Director and the City Building Official.

16.502.09 VIBRATION

No use shall be operated in a manner that produces vibrations discernible without instruments at any point on the property line of the lot on which the use is located.

16.502.10 NOISE

A. **Purpose.** The purpose of these regulations is to implement the General Plan policies on noise exposure and land use compatibility policies. More specifically, the purpose of the noise standards is to:

1. Establish the principles and context for the application of noise limits, standards for noise exposure and land use compatibility, and requirements for reasonable noise attenuation measures;
2. Protect noise sensitive uses from excessive noise exposure from other uses;
3. Establish regulations for maximum noise limits and procedures for enforcing them
4. Prevent any land use from generating sound that exceeds specific maximum levels based on the type uses and the type of noise.

B. **Exemptions.** The following facilities and uses are exempt from these regulations:

1. **Emergencies.** The emission of sound for the purpose of alerting persons to the existence of an emergency, the performance of emergency work, or the operation of emergency equipment including, but not limited to, generators.
2. **Warning Devices.** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.
3. **Special Events.** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City.
4. **Religious Institutions and Other Similar Organizations.** Unamplified bells, chimes, or other similar devices used by religious institutions and other houses of religious worship.
5. **Time signals.** Signals produced by places of employment or worship and school recess signals providing no one sound exceeds 5 seconds in duration and no one series of sounds exceeds 24 seconds in duration.
6. **Municipal Solid Waste Collection.** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City.
7. **Public Works Construction Projects, Maintenance, and Repair.** Street, utility, and similar construction projects undertaken by or under contract to or direction of the City, or the State of California or a public utility regulated by the California Public Utilities Commission, as well as maintenance and repair operations conducted by such parties, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.
8. **Transportation equipment.** Sounds from transportation equipment such as trucks and buses used primarily in the movement of goods and people to and from given premises and in connection with temporary construction or demolition work.
9. **Utility Facilities.** Facilities including without limitation 60-cycle electric power transformers and related equipment, sewer lift stations, municipal wells, and pumping stations.

C. **General Requirements.**

1. No person shall make, or cause to suffer, or permit to be made upon any public property, public right-of-way or private property, any excessive noise, annoying noise, amplified sound or vibrations that are physically annoying to reasonable persons of normal sensitivity or that are so harsh or so prolonged or unnatural or unusual in their use, time or place as to cause or contribute to the unnecessary and unreasonable discomfort of any persons of normal sensitivity located at the lot line of the property from which these noises emanate or that interfere with the peace and comfort of residents or their guests, or the operators or customers in places of business in the vicinity, or that may detrimentally or adversely affect such residences or places of business.
2. **Noise standards. Table 16.502-C** classifies uses and facilities and establishes exterior and interior noise standards applicable to all uses and facilities in each classification that is not exempt from these requirements pursuant to Subsection B. The requirements impose limits on regularly occurring noise for the specified time periods, averaged over an hour, and do not apply to incidental, infrequent, or unexpected noise, which are subject to Vallejo Municipal Code Chapter 7.84, Regulations of Noise Disturbances. The prohibitions contained in Municipal Code Chapter 7.84, apply to all land uses and activities in the City, and, in the case of a conflict, the more restrictive provisions apply.

TABLE 16.502-C: MAXIMUM NOISE LEVEL BY NOISE ZONE

Noise Zoning districts	Maximum Noise Level in dBA (level not to be exceeded more than 30 minutes in any hour)		Maximum Noise Level in dBA (level not to be exceeded more than 5 minutes in any hour)
	Measured at Property Line or District Boundary	Measured at Any Boundary of a Residential Zone	Between 10 PM and 7AM, Measured at Any Boundary of a Residential Zone
Single-Unit Residential	60	60	-
Multiple-Unit Residential	65	65	-
Commercial and Mixed-Use, Medical, Office	70	60	50 or ambient noise level
Light Industrial	75	65	50 or ambient noise level
General Industrial	75	65	50 or ambient noise level
Public Facilities and Community Use	65	60	50 or ambient noise level
Open Space and Recreational Districts	65	60	50 or ambient noise level

3. The standard limits in **Table 16.502-D** shall be adjusted by 5 decibels for any noise that contains a steady, pure tone such as a whine, screech or hum, or an impulsive sound such as hammering or riveting, or contains music or speech, as described in the following table.

TABLE 16.502-D : MAXIMUM NOISE LEVEL ADJUSTMENT BY TIME AND TYPE

TIME AND TYPE OF NOISE	ADJUSTMENT (DECIBELS)
Any type other than construction and related activities between 7 am and 10 pm	+5
Noise of unusual impulsive character (e.g., hammering or drilling)	-5
Noise of unusual periodic character (e.g., hammering or screeching)	-5

D. **Additional Regulations.** In addition to the following restrictions, hours may be modified with condition imposed by any conditional use permit or variance. The most restrictive hours shall apply.

1. **Construction hours.** Construction, demolition, and related loading/unloading activities that may generate noise exceeding levels in **Table 16.502.E** shall be limited to hours between 7 am and 7 pm in Zoning Districts 1 and 2 and in any mixed-use district.

TABLE 16.502-E: MAXIMUM NOISE LEVEL FOR TEMPORARY CONSTRUCTION ACTIVITY

Time	RR, RLD	RMD, RHD, NMX, NC	Commercial (Including medical and office) and Industrial
Mobile construction equipment—non-scheduled, intermittent, and short-term for less than 15 days			
Weekdays 7am to 6pm	75 dBA	80 dBA	85 dBA
Saturdays 9am to 6pm	60 dBA	65 dBA	70 dBA
Sundays and legal holidays	None	None	None
Stationary construction equipment			
Weekdays 7am to 6pm	60 dBA	65 dBA	70 dBA
Saturdays 9am to 6pm	60 dBA	65 dBA	70 dBA
Sundays and legal holidays	None	None	None

2. **Noise measurement.** In determining whether any noise exceeds the maximum exterior noise limits set forth in this Chapter, measurements shall be taken at the property line of the property from which the noise emanates, except that for noise emanating from property in a IG Zoning District, measurement shall be taken at boundary of the zoning district in which the property is located.

3. **Residential noise levels.**

a. **Interior.** No person shall operate or cause to be operated within a dwelling unit, any source of sound that causes the sound level when measured inside a neighboring receiving dwelling unit to exceed the allowable noise level, for any period of time.

b. **Exterior.** The exterior noise limits for any source of noise within any residential zone shall be reduced by 10 dBA between 10:00 p.m. and 7:00 a.m. The exterior noise limits for any source of noise in any zone other than a residential zone shall be reduced between 10:00 p.m. and 7:00 a.m. so that when the noise measured at the property line of a "noise-sensitive use" does not exceed 50 dBA. The interior noise level for steady state continuous noise from exterior sources in any residential bedroom with windows open between 10:00 p.m. and 7:00 a.m. shall not exceed 30 dBA.

c. **Mitigation required.** New single-unit residential projects shall be located and designed so the noise levels in private use areas does not exceed 60 Ldn. For new multiple-unit residential projects a standard of 65 Ldn shall apply to outdoor areas excluding balconies.

d. Noise from sources not under local jurisdiction such as freeways and aircraft shall be exempt.

e. Developers of mixed-use projects that include residential development shall notify all potential residents that they may be exposed to noise from adjacent and nearby commercial, retail, entertainment, and circulation activity.

E. **Noise level measurement.** The following provisions establish a means for measuring noise levels. Where these provisions conflict with other requirements of the Vallejo Municipal Code, the following shall remain applicable for purposes of the Zoning Code:

1. **Setting of Meter.** Any sound or noise level measurement made pursuant to the provisions of this title shall be measured with a sound level meter using an A-weighting and "slow" response pursuant to applicable manufacturer's instructions, except that for sounds of a duration of 2 seconds or less, the "fast" response shall be used and the average level during the occurrence of the sound reported.

2. **Calibration of Meter.** The sound level meter shall be approximately calibrated and adjusted as necessary by means of an acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances set forth in American National Standards ANSI-SI.4-1971.

3. **Location of Microphone.** All measurements shall be taken at any lot line of a lot within the applicable zoning district. The measuring microphone shall not be less than 4 feet above the ground, at least 4 feet distant from walls or other large reflecting surfaces and shall be protected from the effects of wind noises by the use of appropriate wind screens. In cases when the microphone shall be located within 10 feet of walls or similar large reflecting surfaces, the actual measured distances and orientation of sources, microphone and reflecting surfaces shall be noted and recorded. In no case shall a noise measurement be taken within 5 feet of the noise source.
4. **Measured Sound Levels.** The measurement of sound level limits shall be the average sound level for a period of one hour.

F. **Compliance.** The Director may require the applicant for a building permit, prior to the issuance of such permit, to submit such information with respect to proposed machinery, processes, products, or environmental impacts as may be necessary to demonstrate the ability of the proposed uses to comply with the requirements of this Chapter.

1. Acoustic studies that include assessment of noise levels and recommend mitigation measures shall be required for projects that are likely to be exposed to noise levels exceeding the standards in this Chapter based on project location and surrounding uses.
2. The California Land Use Compatibility standards for community noise environments published by the Governor's Office of Planning and Research shall be used as a basis for review of any new residential, commercial and mixed-use development.
3. Whenever an environmental impact report has been submitted and determined to be adequate under state and city guidelines, no further information shall be required.

16.503 TRIP-REDUCTION MEASURES

16.503.01 PURPOSE AND APPLICABILITY

These regulations are established to make Vallejo a more attractive and healthful place to live, work, visit, and do business by reducing traffic congestion, demand for parking and associated air pollution noise, fuel consumption. More specifically, the provisions of this Chapter are intended to:

A. Implement State requirements requiring cities to address greenhouse gas emissions contributing to climate change and General Plan policies to decrease dependence on single-occupant vehicles by requiring development to incorporate measures to reduce Vehicle Miles Traveled (VMT);

B. Improve the mobility and general efficiency of circulation and transportation systems by increasing reliance on public transit, ridesharing, walking, car-sharing, cycling and focusing development in areas close to transit and employment;

C. Reduce traffic impacts within the community and region, vehicular air pollutant emissions, energy usage, and ambient noise levels through a reduction in the number of per capita vehicle miles traveled and management of traffic congestion;

D. Inform residents, workers, employers and other business owners about travel options and the impacts of travel choices;

E. Coordinate transportation system management, TDM, and transportation facility development strategies Citywide, with other cities in the region and through regional agencies; and,

F. Support local and regional efforts to relieve traffic congestion in and around the City.

G. The requirements of this Chapter apply to:

1. New multi-unit development of 10 units or more;
2. New non-residential development of 10,000 square feet or more; and
3. Employers with 50 or more employees at a single worksite within the City except for employers subject to Bay Area Air Quality Management District (BAAQMD) Regulation 13, Rule 1, Trip Reduction Requirements for Large Employers.

16.503.02 REQUIREMENTS

A. All projects subject to the requirements of this Chapter shall incorporate measures to reduce to the extent feasible single-occupant vehicle trip generation rates 15 percent below the standard rates as established in the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual by promoting walking, cycling, public transit, and ridesharing/vanpooling, and/or discouraging single-occupant vehicle travel, ensure that the average VMT by residents or workers in the development, or students or workers in schools, is less than the average citywide VMT.

B. Residential developments that obtain GreenTRIP Certification from TransForm, or other equivalent certification, prior to issuance of a Certificate of Occupancy, shall be deemed to have met this performance requirement.

C. **Vehicle Trip Reduction Measures.** All projects subject to the requirements of this Chapter that do not have GreenTRIP or equivalent certification shall implement 2 or more of the following measures to achieve the required VMT reduction:

1. **Passenger Loading Zoning districts.** Passenger loading zoning districts for carpool and vanpool drop-off located near the main building entrance.
2. **Direct Route to Transit.** A well-lighted path or sidewalk utilizing the most direct route to the nearest transit or shuttle stop from the building.
3. **Pedestrian Connections.** Safe, convenient pedestrian connections provided from the project to surrounding public streets and, if applicable, trails.
4. **Bicycle Connections.** If a site is abutting a bicycle path, lane or route, provision of a bicycle connection close to an entrance to the building on the site.
5. **Land Dedication for Transit/Bus Shelter.** Where appropriate, land dedicated for transit or a bus shelter provided based on the proximity to a transit route.
6. **Long-Term Bicycle Parking.** Covered and secure long-term bicycle parking located within 75 feet of a main entrance. Long-term bicycle parking shall be in at least one of the following facilities:
   a. An enclosed bicycle locker;
   b. A fenced, covered, locked or guarded bicycle storage area; or
   c. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas.
7. **Short-Term Bicycle Parking.** Secure short-term bicycle parking located within 50 feet of a main entrance to the building.
8. **Free Preferential Carpool and Vanpool Parking.** 10 percent of vehicle spaces reserved for carpools or vanpools, with a minimum of one space required. The preferential parking spaces shall be provided free of charge.
9. **Showers/Clothes Lockers.** Shower and clothes locker facilities free of charge.
10. **Transportation Management Association (TMA).** Participation in or requirement for tenant to participate in a local or citywide TMA or a similar organization approved by the Director of the Department of Public Works, that provides ongoing administration of and support for non-auto and shared mobility commute incentives, facilities, and services.
11. **Paid Parking at Prevalent Market Rates.** Parking provided at a cost equal to the prevalent market rate, as determined by the City based on a survey of paid parking in the City and adjacent communities.
12. **Alternative Commute Subsidies/Parking Cash Out.** Provide employees with a subsidy, determined by the applicant and subject to review by the Department of Transportation, if they use transit or commute by other alternative modes.
13. **Carpool and Vanpool Ride-Matching Services.** Matching of potential carpoolers and vanpoolers by administering a carpool/vanpool matching program or participating actively in such a program administered by a local or citywide TMA, the City, or other public agency.
14. **Guaranteed Ride Home.** Guaranteed rides home in emergency situations for carpool, vanpool and transit riders. Rides shall be provided either by a transportation service provider (taxi, rental car, or services provided by transportation network/ride sharing companies) or an informal policy using company vehicles with designated employee drivers.
15. **Shuttle Program.** Provision of a shuttle program or participation in an existing shuttle program approved by the Department of Transportation and subject to any fees for the existing program.

16. **Information Boards/Kiosks.** Display of the following information in a prominent location, maintained by a designated TDM contact: transit routes and schedules; carpooling and vanpooling information; bicycle lanes, routes and paths and facility information; and alternative commute subsidy information.
17. **Promotional Programs.** Promotion and organization of events for the following programs: new tenant and employee orientation packets on transportation alternatives; flyers, posters, brochures, and emails on commute alternatives; Spare the Air (June through October); Rideshare Week (October); and trip planning assistance routes and maps.
18. **Compressed Work Week.** Allow employees or require tenants to allow employees to adjust their work schedule in order to complete the basic work requirement of 5 8-hour workdays by adjusting their schedule to reduce the number of days per week employees are expected or required to be on-site, thereby reducing the number of vehicle trips to the worksite.
19. **Flextime.** Provide or require tenants to provide employees with staggered work hours involving a shift in the set work hours of all employees at the workplace or flexible work hours involving individually determined work hours, such that a substantial share of employees regularly arrive at and depart from the worksite before or after the a.m. and p.m. peak periods for vehicle travel.
20. **On-Site Amenities.** One or more of the following amenities provided on site: day care, cafeteria, limited food service establishment, dry cleaners, exercise facilities, convenience retail, post office, or on-site transit pass sales.
21. **Telecommuting.** Provide or require tenants to provide opportunities and the ability for employees to work off site.
22. **Other Measures.** Additional measures not listed in this Article, such as childcare facilities or an in-lieu TDM fee established by the City Council to provide funding for multi-modal access facilities and services, and/or transportation and parking demand management programs.

16.503.03 PROCEDURES

All projects subject to the requirements of this Chapter shall submit a trip reduction plan in conjunction with the Development Review or Use Permit application. These plans shall demonstrate that, upon implementation, they will achieve the performance requirement and shall include the following:

A. **Checklist.** A completed checklist of the trip reduction measures chosen by the applicant pursuant to **Subsection 16.503.02.C, Vehicle Trip Reduction Measures**.

B. **Trip Generation.** Estimated daily trip generation for the proposed use based on the ITE trip generation rates and the reductions anticipated with implementation of the measures proposed. The Director of the Department of Transportation, a citywide TMA, or a consulting Traffic Engineer retained by the City at applicants' expense shall maintain guidelines and checklists for evaluation of trip reduction potential of proposed measures and make these available to applicants.

C. **Implementation Plan.** A description of how the performance requirements will be achieved and maintained over the life of the project.

D. **Project-Designated TDM Contact.** Designation of an employee or resident as the official contact for the TDM program. The City shall be provided with a current name and phone number of the project-designated TDM contact who administers carpool and vanpool ride-matching services and promotional programs, updates information on the information boards/kiosks, and is the official contact for the administration of the programs.

E. **Site Plan.** A site plan that designates TDM design elements including, as applicable, the location and layout/design of:

    1. **External:** preferential parking areas, paid parking areas, bicycle connections, bicycle parking, location of on-site amenities, passenger loading areas, land dedicated for transit facilities and bus shelters, direct route to transit, and pedestrian connections.
    2. **Internal:** showers/lockers, information boards/kiosks, ATM, dry cleaners, day care, convenience retail, post office, cafeteria, limited food service establishment, exercise facilities, and on-site transit pass sales.

F. **Approval Required.** Prior to approval of a project subject to the requirements of this Chapter, the Director or the Planning Commission, whichever has Review Authority, shall make both of the following findings:

1. The proposed trip reduction measures are feasible and appropriate for the project, considering the proposed use or mix of uses and the project's location, size, and hours of operation; and
2. The proposed vehicle trip reductions will ensure that the performance targets of this Chapter will be achieved and maintained.

G. **Monitoring and Reporting.** A report, documenting the TDM activities undertaken and their results or an affidavit confirming that the requirements of this Chapter have been met, shall be submitted to the Director by the designated TDM contact. If the TDM measures consist of solely measures that would be performed once, this report shall be submitted at the completion of the implementation of those measures.

1. For measures that are ongoing commitments, this report shall be submitted annually. If the annual report shows compliance for 3 consecutive years, no further annual reports are required.
2. A 5-year review may be required by the Director or Citywide TMA to evaluate the overall effectiveness of all of the TDM activities and may suggest new or modified activities or substitute activities to meet the program's objectives, per the Director's or TMA's review and approval.
3. The Director may impose reasonable changes to assure the program's objectives will be met. All employers shall, upon the City's request, provide the City with information about the number of employees who work at worksites located within the City.

H. **Modifications and Revisions.**

1. **Minor Modifications.** The Director may approve minor modifications to an approved TDM plan that are consistent with the original findings and conditions approved by the Review Authority and would result in the same target minimum alternative mode use.
2. **Revised Plans.** A proposed change in an approved project subject to the requirements of this Article that would result in a 10 percent increase in the number of average daily vehicle trips shall be accompanied by a statement of what modifications or additions to the approved TDM plan will be made to ensure the same target alternative mode use. The Director may conditionally approve such a change, subject to annual monitoring to confirm that the program's objectives are being met.

16.504 LANDSCAPING

16.504.01 PURPOSE AND APPLICABILITY

The purpose of these provisions is to establish standards for landscaping that will:

A. Improve the livability and visual character of the City,

B. Help to protect the natural environment by reducing pavement, increasing permeable surfaces, and improving air quality, provide shade, reduce heat and heat island effect, and control erosion

C. Increase compatibility between residential and abutting commercial and industrial land uses, screen and buffer incompatible land uses,

D. Improve the overall aesthetic quality of neighborhoods and commercial corridors,

E. Enhance pedestrian and vehicular traffic and safety,

F. Establish consistent standards for landscaping for new development as well as to provide a means for upgrading existing landscaping when property improvements are proposed.

G. The provisions of this Chapter apply to all land uses as follows:

1. **New development.** Projects proposing new nonresidential and residential development shall provide landscaping in compliance with the requirements of this Chapter except for new single-unit homes on existing lots as stated in Subsection J below.

2. **Existing development.** Any application for approval of any permit for physical alterations and additions to a building or site in an existing development shall comply with the applicable landscaping and irrigation requirements of this Chapter as determined by the Review Authority. Alterations that only require Zoning Compliance Review, pursuant to **Chapter 16.603, Zoning Compliance Review** are not required to meet the requirement of this Chapter unless the Review Authority determines that existing landscaping required as a condition of planning approval is not being maintained.
3. **New occupancy, tenant improvements, and changes in use.** New tenant improvements, and renovations of existing commercial and other non-residential properties may include conditions of approval requiring compliance with specific landscaping and irrigation requirements of this Chapter if existing landscaping is not being maintained.
4. **Single-unit dwellings.** Projects involving new construction of only one single-unit dwelling or an addition to an existing single-unit dwelling with more than 5,000 square feet of landscape area will be required to submit landscape and irrigation plans and meet other applicable standards of this Chapter. All street-facing yards of such properties shall also be landscaped in compliance with this Chapter.
5. **Alternatives to requirements.** Modifications to the standards of this Chapter may be approved by the appropriate Review Authority to accommodate alternatives to required landscape materials or methods, where it is first determined that the proposed alternative will be equally effective in achieving the intent of this Chapter.

16.504.02 LANDSCAPE LOCATION REQUIREMENTS

Landscaping shall be provided in the following locations:

A. **Setbacks.** All setback and open space areas proposed to meet the requirements of this Code and which are visible from public streets and easements for utilities and drainage courses except:
   1. Utility and drainage easements occupied by structures or paving;
   2. Required setbacks that are screened from public view;
   3. An area proposed to be retained in its natural state where the Review Authority has determined additional landscaping is not necessary;
   4. Parking lots;
   5. Other situations when the Director or Planning Commission determines that landscaping is not necessary to achieve the purposes of this Chapter.

B. **Unused areas**. Any areas of a project site that are not proposed or occupied by a specific use, including pad sites in office parks, retail centers, or industrial sites intended for future development, shall be landscaped unless the Director determines that landscaping is not necessary.

16.504.03 LANDSCAPE STANDARDS

Landscaping shall be designed to integrate all elements of the project (e.g., buildings, parking lots, and streets) to achieve their aesthetic objectives, create desirable micro-climates, and minimize water and energy demand with plant materials selected for low water demand and drought tolerance.

A. **Landscape Principles.** Landscaping plans shall be developed in accordance with the following principles:
   1. Landscaping shall be in scale with buildings on the site and surrounding development. Plantings shall be selected and located to avoid conflicts with views, lighting, infrastructure, utilities, and signage.
   2. Landscaping shall be designed to provide a safe and attractive pedestrian environment in high activity areas in the Downtown, along neighborhood and community Corridors and in the waterfront areas.
   3. Artwork and other streetscape elements shall be incorporated into the landscape design to improve the appearance and appeal of the community.
   4. **Drought-Tolerant/Native Species.** Landscape design and construction shall emphasize drought-tolerant and/or native species whenever possible.
   5. **Group Plantings.** Tree and shrub plantings should be grouped together in order to create a strong unified character.
   6. **Inorganic Groundcover or Bark.** When inorganic groundcover or bark is used, it shall be in combination with live plants and shall be limited to an accent feature such as an accent plant, art, furniture, or water feature, or mulch. Trees shall be installed in conformity with this Chapter.

7. **Maturity.** Landscaping should be sized so that it has a mature appearance and fills in its location on the plan within 6 years of planting.
8. **Landscaped Building Edges.** An attractive landscape edge should be established at the base of buildings. Avoid paved edges at the base of structures as much as possible.
9. **Size of Plant Materials.** The sizes of plant materials selected shall be limited to those which have the best chance of survival for a minimum of 3 years. The use of specimen trees is encouraged in certain situations when the survival of that tree can be assured.
10. **Wall Plantings.** Walls 6 feet or higher shall be planted with vines and shrubs to provide shadow and patterns, and to discourage graffiti. Trellises are encouraged.
11. **Walkways.** A system of walkways independent of driveways shall provide safe pedestrian access from public rights-of-way to every dwelling unit and to all commonly used open spaces. Walkways shall have a minimum width of 4 feet.

B. **Water-efficient landscape requirements.** Applicable landscape and irrigation plans shall comply with the requirements and guidelines for water efficient landscape in **Section 16.504.09, Water-Efficient Landscape Requirements**.

C. **Energy conservation and sustainable design.** Plans shall locate landscape elements in a manner that maximizes energy conservation such as using large trees to provide daytime shading for buildings to reduce the amount of energy needed for air conditioning.

1. Landscape plans shall be designed to take account of natural drainage patterns and reduce pervious surfaces to minimize runoff.
2. Landscaped planters shall have a minimum interior width of 5 feet or more measured from the inside of any bordering curb or wall.
3. Hardscape areas shall only be used as necessary to provide pedestrian circulation through required landscape areas.

D. **Minimum Landscaping Required.** A minimum area of each site shall be landscaped in compliance with **Table 16.504-A: Landscape Requirements**, in addition to any parking lot landscaping that this Chapter requires.

TABLE 16.504-A: LANDSCAPE REQUIREMENTS

LAND USE TYPE	MINIMUM LANDSCAPED AREA REQUIRED
Single-unit residential	Front yard
Other Residential	All usable open areas not occupied by decks and patios or 20 percent, whichever is greater
Mixed-Use and Commercial	20 percent of site
Downtown	10 percent of site
Office and Medical	20 percent of site
Industrial	20 percent of site
Public and Quasi-Public and all other uses	20 percent of site or at discretion of Review Authority
Parking lots	10 percent of parking area 1 Tree per 8 parking spaces
Review authority may grant an Exception where minimum landscaping is not feasible such as on very small lots or lots developed without setback requirements under Chapter 16.608, Exceptions.	

E. **General requirements.**

1. **Plant materials.**

a. **Trees.**

i. All trees shall be a minimum size of 24-inch box except for trees in hillside areas, which may be a mix of sizes with a minimum size of 15-gallon containers.

ii. Root barriers shall be provided for trees in planters less than 10 feet in width or located within 5 feet of a permanent structure.

b. **Shrubs.** All shrubs shall be a minimum size of 5-gallon containers; and

c. **Groundcover.** Ground cover shall be live plant materials, except that bark chips, pebbles, stone, gravel, and similar materials may be allowed up to 15 percent of the total required landscape area.

i. Non-turf areas (e.g., shrub beds) shall be top dressed with bark chips, mulch, or approved alternative.

ii. Live plant materials used as groundcover shall provide 100 percent coverage within 2 years.

d. **Turf.**

i. No more than 25 percent of the total landscaped area shall be planted with turf;

ii. No planting areas less than 8 feet in width or on any slope more than 15 percent shall be planted with turf; and

iii. A level buffer zone of 18 inches shall be provided between turf areas on berms and any hardscape such as streets, walkways, or similar features.

e. Drought tolerant canopies, deciduous vines, and trellises shall be incorporated to shade south and westward facing walls.

2. **Native species and natural areas shall be protected and preserved where possible.**

a. Landscape materials within a required traffic safety visibility area shall meet the requirements of **Section 16.501.11, Visibility at Intersections, Alleys, and Driveways**.

3. **Front Yard landscaping, Residential Lots.**

a. No more than 50 percent of the front yard setback shall be covered by nonporous surfaces, such as concrete, brick or asphalt, for driveways and walkways.

b. Of the remaining portion of front setback, no more than 30 percent shall be covered by decorative nonliving materials such as sand, stone, gravel, wood or water. Landscaping of front yard setbacks shall be completed within 6 months of occupancy.

F. **Street trees.** At least one street tree of a species and size specified in this Chapter or as approved by the Review Authority shall be planted at a minimum interval of 50 feet in residential districts and 30 feet in non-residential zoning districts. Trees shall be at least 5 feet in height when planted.

G. **Soil testing and preparation.**

1. A soil test for horticultural suitability shall be required at the time of landscape installation in each landscaped area.

2. Soil shall be prepared and/or amended to be suitable for the plant materials to be installed.

H. **Irrigation System Requirements.** All landscaped areas shall include an automatic irrigation system, designed and installed in compliance with this Chapter.

I. Root barriers shall be provided for trees in planters less than 10 feet in width or located within 5 feet of a permanent structure.

16.504.04 LANDSCAPING AND SCREENING OF PARKING AREAS

Landscaping of parking areas shall be provided and maintained according to the following requirements as well as the standards except for single-unit dwellings and duplexes.

A. **Landscape Area Required.** A minimum of 10 percent of the interior of any parking lot area shall be landscaped. This is in addition to and separate from the 50 percent shade tree requirement.

B. **Minimum Planter Dimension.** No landscape planter that is to be counted toward the required landscape area shall be smaller than 25 square feet in area, or 4 feet in any horizontal dimension, excluding curbing.

C. **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:

1. Landscaped planting strips at least 4 feet wide between rows of parking stalls;

2. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;

3. Landscaped islands located between parking stalls or at the ends of rows of parking stalls; and,

4. On-site landscaping at the parking lot perimeter.

D. **Required Landscaped Islands and Buffers.**

1. **Landscaped islands.** A landscaped island that is at least 4 feet wide and 9 feet long (the length of a parking stall) and containing at least one 15-gallon-size tree shall be provided at each end of each interior row of parking stalls and between every 8 consecutive parking stalls.

2. **Landscaped Buffer for Open Parking Adjacent to Right-of-Way.** A landscaped area at least 4 feet wide excluding the curb shall be provided between any surface parking area and any property line adjacent to a public street, unless a different dimension is specified in the base district standards applicable to a site.

3. **Landscaped Buffer for Open Parking Abutting Interior Lot Line.** A landscaped area at least 4 feet wide excluding the curb shall be provided between any surface parking area and any adjacent lot for the length of the parking area.
4. **Landscaped Buffer for Parking Garages.** A parking garage that does not incorporate ground-floor nonresidential or residential use or is not otherwise screened or concealed at street frontages on the ground level, shall provide a landscaped area at least 10 feet wide between the parking garage and the adjacent sidewall or public street.

E. **Parking Garage Rooftop Planting.** Uncovered parking on the top level of a parking structure shall have rooftop planters with a minimum dimension of 36 inches around the entire perimeter of the top floor.

F. **Trees.**

1. **Number Required.** One for every 8 parking spaces.
2. **Distribution.** Trees shall be distributed relatively evenly throughout the parking area.
3. **Species.** Shade tree species shall be selected from a list maintained by the Department of Public Works. The tree species shall vary.
4. **Size.** All trees shall be a minimum 15-gallon size with a one-inch diameter at 48 inches above natural grade.
5. **Minimum Planter Size.** Any planting area for a tree shall have a minimum interior horizontal dimension of 5 feet. Additional space may be required for some tree species.
6. **Perimeter Landscaping.** All surface parking areas shall be screened from the street and adjoining properties, and the open areas between the property line and the street right-of-way shall be landscaped as follows, unless otherwise approved by the Director based on the growth characteristics and maintenance practices for the proposed plant materials:

   a. **Adjacent to Streets.**

      i. Parking, except for single unit or duplex residential units, shall not be located within the required setback areas and the setback areas shall be landscaped;

      ii. Landscaping shall be designed and maintained to screen cars from view from the street pursuant to (I) and in accordance with the setback requirements;

      iii. Shade trees shall be provided at a minimum rate of one tree for every 30 linear feet of landscaped area.

7. **Adjacent to Side or Rear Property Lines.** Parking areas for non-residential uses shall provide a perimeter landscaped strip at least 5 feet wide (inside dimension) where the parking area adjoins a side or rear property line. The requirement for a landscape strip may be satisfied by a setback or buffer area that is otherwise required to be 5 feet or greater. Trees shall be provided at the rate of one for each 30 linear feet of landscaped area.
8. **Adjacent to Structures.** Parking areas located adjacent to nonresidential structures shall provide a minimum 5-foot-wide landscape strip (inside dimension) adjacent to the structure or walkways, exclusive of building entries or areas immediately adjacent to the wall of the structure that serves as pedestrian access.
9. **Adjacent to Residential uses.** Parking areas for nonresidential uses adjoining residential uses shall provide a 5-foot-wide landscape buffer between the parking area and the common property line bordering the residential use to buffer glare, light, or nuisance noise. Pedestrian access shall be provided, as appropriate. Trees shall be provided at a rate of one for each 30 linear feet of landscaped area.

G. **Protection of Vegetation.**

1. **Clearance from Vehicles.** All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum 2-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of 2 feet from the back of the curb.
2. **Planters.** All required parking lot landscaping shall be within planters bounded by a concrete curb at least 6 inches wide and 6 inches high. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

H. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall not obstruct driver's vision of vehicular and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at 13 feet from the surface of the parking area to the lowest portion of the canopy. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height. The provisions of **Section 16.501.11, Visibility at Intersections, Driveways, and Alleys**, the requirements of **Section 16.501.11** shall apply.

I. **Screening.** Parking areas shall be screened from view from public streets and adjacent lots in a more restrictive district, according to the following standards.

1. **Height.** Screening of parking lots from adjacent public streets shall be 4 feet in height. Screening of parking lots along interior lot lines that abut residential zoning districts shall be 6 feet in height, except within the required front setback of the applicable zoning district, where screening shall be 3 feet in height.
2. **Materials.** Screening may consist of one or any combination of the methods listed below.
   a. **Walls.** Low-profile walls consisting of brick, stone, stucco, or other quality durable material approved by the Director and including a decorative cap or top finish as well as edge detail at wall ends. Plain concrete blocks are not allowed as a screening wall material unless capped and finished with stucco or other material approved by the Director.
   b. **Fences.** An open fence of wrought iron or similar material combined with plant materials to form an opaque screen. Use of chain-link or vinyl fencing for screening purposes is prohibited.
   c. **Planting.** Plant materials consisting of compact evergreen plants that form an opaque screen. Such plant materials shall achieve a minimum height of 2 feet within 18 months after initial installation.
   d. **Berms.** Berms planted with grass, ground cover, or other low-growing plant materials.

16.504.05 SPECIAL REGULATIONS APPLICABLE TO LANDSCAPING ALONG DESIGNATED SCENIC HIGHWAYS

In reviewing landscape plans, the minimum landscaping requirements of this Chapter may be:

A. Uses which by their nature will detract from the scenic qualities of a particular designated route should be screened as much as practicable.

B. Landscaping should not obstruct significant views and shall be compatible with the natural landscaping of the site.

16.504.06 STREETSCAPE LANDSCAPING ALONG MAJOR ARTERIALS OR CORRIDORS

A. **New or existing development:** Landscaping and irrigation systems on private developments along major arterials or corridors shall be installed as follows, unless reduced by the Director.

1. **For projects where the building is set-back from the street:** New and existing development shall incorporate a minimum of 8-foot wide landscape strip along the length of the parcel in compliance with the applicable city street standard identified by the City Engineer.
2. Landscaping shall be a combination of ground cover, year round shrubs and at least one street tree per every 30 feet of linear feet.
3. Existing development shall remove unused driveways, remove and replace deteriorated bollards, lighting and site equipment.
4. **Streetscape Planting.** Streetscape planting shall occur on properties along all freeways and major arterials or corridors in order to define and separate development projects. This landscaping shall be compatible with screening requirements set forth in **Chapter 16.505, Fencing, Walls and Screening**.

16.504.07 TREE PROTECTION

A. **Preserving Trees During Construction.** The following measures are required to protect trees during construction in addition to any that may be recommended by an arborist hired by the applicant and imposed as a condition of approval :

1. **Tree Inventory.** Identify trees to be preserved on a tree inventory plan with type of tree and condition prior to construction, or permit submittal or as part of entitlements, whichever is first.

2. **Existing Trees.** Existing mature trees shall be preserved in non-residential zoning districts if they are over 24 inches in diameter measured feet 6 inches above natural grade. However, trees meeting the above criteria may be removed on a limited basis with the permission of the Director upon submittal of an Arborist's report which determines that the tree is in poor health and not likely to survive; if the trees constitute a high fire hazard or a threat to persons, structures, or property; or, if they impede public works projects. Trees to be removed shall be shown on the Landscaping and Irrigation Plan and detailed on a tree inventory chart. The Arborist's Report shall provide guidance on the following requirements:

    a. Construct fencing around the drip line of each tree or group of trees to be retained;

    b. No fill, grading, or construction shall be permitted within the drip line of any tree (or within 6 feet of the trunk, whichever is greater) designated for preservation except as may be recommended by an arborist or forester.

    c. Trenching shall be prohibited within the tree drip line, and any required utility line within the tree drip line shall be installed by boring or drilling through the soil. Where necessary for access in the vicinity of trees designated for preservation, paving within the drip line shall use porous materials such as gravel, loose boulders, cobbles, wood chips, or bark mulch.

    d. As an option, establish an incentive program in the construction contract to encourage workers, particularly bulldozer drivers, to maximize caution when working near trees (such as a fine for each damaged tree or subtract the fine from a bonus to be divided among all construction workers at the end of the project).

    e. Alternate methods to the standards above that are recommended by the Arborist may be implemented.

B. **Removal of Trees.** The Director may approve the removal of trees based on a determination that there is no feasible alternative design for developing the site and based on report and recommendation by a qualified arborist submitted by the applicant including information as to whether:

    1. The tree is in poor health and cannot be saved;

    2. The tree is a public nuisance, causing damage to public utilities or streets and sidewalks that cannot be mitigated by some other means (such as root barriers etc.);

    3. The tree is in danger of falling and cannot be saved by some other means (such as pruning);

    4. The tree is damaging existing private improvements on the lot (e.g., building foundation, wall, patio, deck, roof, retaining wall, etc.);

    5. The tree species has been identified as fire prone including Blue gum eucalyptus (Eucalyptus globulus), Monterey pines (Pinus radiata), Juniper (Cupressaceous) Tree of Heaven (Ailanthus altissima), Black acacia (Acacia melanoxylon), and bamboo and is located within 100 feet of structures; or

    6. The tree species is known to develop weaknesses that affect its health or the safety of people and property (e.g., short-lived, weak-wooded and subject to limb breakage, shallow-rooted and subject to toppling).

C. **Replacement of Significant Trees Required.** Trees shall be replaced at a ratio of at least 3 new trees for every tree removed except for the fire-prone species identified above. The minimum size of a replacement tree shall be 15 gallons. Exception to this requirement may be approved by the Director when site conditions warrant. Replacement trees shall be planted in the following order of priority:

    1. On the project site;

    2. On any adjacent property subject to approval of the owner; or

    3. In the public right-of-way adjacent to the property subject to approval of the Director of Public Works.

16.504.08 MAINTENANCE REQUIREMENTS

A. **Maintenance Required.** All landscaping shall be permanently maintained in a healthy and thriving condition at all times, in compliance with the approved landscape plan. Irrigation systems and their components shall be maintained in a fully functional manner consistent with the original approved design or upgraded to reflect current best practices for water efficiency. Regular maintenance shall include:

1. Adjusting, checking, and repairing irrigation equipment; resetting automatic controllers; aerating and de-thatching turf areas; adding/replenishing fertilizer, mulch, soil amendments; insect control; the replacement of dead or diseased plants; pruning; watering; and weeding all landscaped areas;
2. The trimming of vegetation as necessary to maintain the effective functioning of solar energy facilities and passive solar design features installed both on site and on adjacent properties; and
3. The trimming of vegetation as necessary to keep pedestrian and bicycle paths clear.
4. Removal of litter from all landscaped areas.

B. Litter shall be removed from all landscaped areas in a timely fashion;

C. Turf areas shall be mowed on a regular basis and be kept green. Accumulation of leaves, twigs, bark, and other similar materials shall be removed on a regular basis. Planting areas shall be kept free of weeds at all times.

D. **Landscaping maintenance shall include:**

1. Pruning, cultivating, weeding, fertilizing, replacement of plants, and watering on a regular basis;
2. Pruning or removal of overgrown vegetation, cultivated or uncultivated, that may harbor rats, vermin or other nuisances, or otherwise be detrimental to neighboring properties; and
3. The removal of dead, decayed, diseased, or hazardous trees, weeds and debris that create an unsightly appearance and may be dangerous to public safety and welfare or detrimental to neighboring properties or property values. Compliance shall be by removal, replacement, or maintenance.
4. Landscaping (trees, shrubs, ground cover, turf, etc.) which, due to accident, damage, disease, lack of maintenance, or other cause, fails to show a healthy appearance and growth, shall be replaced. Replacement plants shall conform to all standards that govern the original planting installation, approved landscaping plan, or as approved by the Director.

16.504.09 WATER-EFFICIENT LANDSCAPE REQUIREMENTS

A. **Purpose and Applicability:** The purpose of these provisions is to maintain consistency with Section 2 of Article X of the California Constitution which specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use. These provisions:

1. Promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;
2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;
3. Establish provisions for water management practices and water waste prevention for existing landscapes;
4. Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount;
5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
6. Encourage use of economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
7. Encourage cooperation between the City and local agencies to implement and enforce these regulations.

B. Landscapes that are planned, designed, installed, managed and maintained with the watershed-based approach can improve California's environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of the regulations, conditions in the urban setting will be improved by:

1. Creating conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and aesthetic benefits

2. Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum-based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas.
3. Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment.
4. Protecting air and water quality by reducing power equipment use and landfill disposal trips, electing recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion.
5. Protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants. Utilizing integrated pest management with least toxic methods as the first course of action.

C. **Applicability.** As required by Executive Order No. B-29-15, these regulations shall apply to all of the following landscape projects:

1. **New development.** New construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;
2. **Rehabilitated landscapes.** Rehabilitated landscape projects with an aggregated landscape area equal to or greater than 2,500 requiring a building or landscape permit, plan check, or design review;
3. **Existing landscapes.** Existing landscapes limited to **Section 16.504.13, Water-Efficient Landscape Reporting**; and
4. **Cemeteries.** Recognizing the special landscape management needs of cemeteries, the requirements for new and rehabilitated cemeteries shall be determined by the Director, as appropriate.
5. Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of in these regulations or conform to the prescriptive measures contained in Appendix D of the Water Efficient Landscape Ordinance maintained in the Planning Division Office.
6. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2,500 square feet of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix D Section (5) of the Water Efficient Landscape Ordinance maintained in the Planning Division Office.

D. **These regulations do not apply to:**

1. Registered local, State or federal historical sites;
2. Ecological restoration projects that do not require a permanent irrigation system;
3. Mined-land reclamation projects that do not require a permanent irrigation system; or
4. Existing plant collections, as part of botanical gardens and arboretums open to the public.

E. **Landscape Plan Process And Procedures:** Landscape Review applications for a project subject to this Chapter shall not be approved until plans and written material showing how the landscaping requirements are to be met have been reviewed and approved.

1. **General Requirements.** Prior to construction, the City shall:
   a. Provide the project applicant with these regulations and procedures for permits, plan checks, or design reviews including the Appendices;
   b. Review the landscape documentation package submitted by the project applicant;
   c. Approve or deny the landscape documentation package;
   d. Approve the plan check or design review for the project applicant; and
   e. Upon approval of the landscape documentation package, submit a copy of the water efficient landscape worksheet to the water division.
2. **Plan preparation.** Landscape plans shall be prepared by a licensed landscape architect or other person qualified by education and experience to prepare landscape plans.

3. **Plan content.** The degree of specificity of landscape plans and written material shall relate to the type of permit or request for approval being sought. All Plans shall:

   a. Include all of the information and materials listed on a handout for landscape and irrigation plans available from the City; and

   b. Meet the intent of this Chapter by exhibiting a generalized design layout which adequately demonstrates the desired landscaping program in terms of location of proposed landscaping and hardscape, a generalized plant palette with the location, size, and name of proposed plants and trees (both common and botanical), fencing location and materials, and any additional information as required by the Director; and.

   c. Provide a clear understanding of the character, massing, and site compatibility of the landscaping program; and

   d. Conform to all Water-Efficient Landscape requirements.

4. **Changes to approved plans.** Changes to approved landscaping or irrigation plans shall not be made without prior written approval of the Director.

5. **Compliance with required plans.** The construction/installation of landscape and irrigation improvements shall be accomplished in compliance with the approved plans as a prerequisite to any final approval/clearance of the use or development to which it relates.

F. **Plan Application Requirements**

1. **Submittal of landscape documentation package.** Prior to construction, the project applicant shall submit a landscape documentation package to the City that includes the following elements:

   a. **Project information:**

      i. Date;

      ii. Project applicant;

      iii. Project address [if available, parcel and/or lot number(s)];

      iv. Total landscape area (square feet);

      v. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);

      vi. Water supply type (e.g., potable, recycled, well) and identify the water division if the applicant is not served by a private well;

      vii. Checklist of all documents in landscape documentation package;

      viii. Project contacts to include contact information for the project applicant and property owner;

      ix. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".

   b. **Water-efficient landscape worksheet.**

      i. Hydrozone information table;

      ii. Water budget calculations: Maximum applied water allowance (MAWA) and Estimated total water use (ETWU).

   c. **Soil management report.**

   d. **Landscape design plan.**

   e. **Irrigation design plan.**

   f. **Grading design plan.**

2. **Applicant Requirements.** Upon approval of the landscape documentation package by the Planning Division, the project applicant shall:

   a. Receive approval of the plan check or design review and record the date of the permit in the certificate of completion;

   b. Submit a copy of the approved landscape documentation package along with the record drawings, and any other information to the property owner or his/her designee; and

   c. Submit a copy of the water efficient landscape worksheet to the water division.

G. **Specific Requirements For Landscape Documentation Package**

1. **Water efficient landscape worksheet.**

a. A project applicant shall complete the Water Efficient Landscape Worksheet in Appendix B which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas.

   i. The ETAF for a landscape project is based on the plant factors and irrigation methods selected.

   ii. The Maximum Applied Water Allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required.

   iii. The Estimated Total Water Use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.

   iv. In calculating the maximum applied water allowance and estimated total water use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For Vallejo, use data from other cities in Solano County.

b. **Water budget calculations shall adhere to the following requirements:**

   i. The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

   ii. All water features shall be included in the high-water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.

   iii. All special landscape areas shall be identified, and their water use calculated as shown in Appendix B. ETAF for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

   iv. ETAF for special landscape areas shall not exceed 1.0.

c. **Maximum applied water allowance. The maximum applied water allowance shall be calculated using the equation:**

- MAWA = (ETo) (0.62) [(0.7 × LA) + (0.3 × SLA)] Where:
- MAWA = Maximum Applied Water Allowance (gallons per year)
- ETo = Reference Evapotranspiration (inches per year)
- 0.62 = Conversion Factor (to gallons)
- 0.7 = ET Adjustment Factor (ETAF)
- LA = Landscape Area including SLA (square feet)
- 0.3 = Additional Water Allowance for SLA
- SLA = Special Landscape Area (square feet)

Examples of how to use this calculation are provided in Appendix A.l of the Water Efficient Landscape Ordinance maintained in the Planning Division Office.

d. Estimated Total Water Use. The estimated total water use shall be calculated using the equation below. The sum of the estimated total water use calculated for all hydrozones shall not exceed MAWA.

$$ETWU = (ETo)(0.62)\left(\frac{\Sigma\,(PF)(HA)) + SLA}{IE}\right)$$

Where:

- ETWU = Estimated Total Water Use per year (gallons)
- Eto = Reference Evapotranspiration (inches)
- PF = Plant Factor from WUCOLS (see Part VII General Terms)
- HA = Hydrozone Area [high, medium, and low water use areas] (square feet)
- SLA = Special Landscape Area (square feet)
- 0.62 = Conversion Factor
- IE = Irrigation Efficiency (minimum 0.71)

Examples of how to use this calculation are provided in Appendix A.l of the Water Efficient Landscape Ordinance maintained in the Planning Division Office.

2. **Soil Management Report.** In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

   a. **Submit soil samples to a laboratory for analysis and recommendations.** Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

   b. The soil analysis shall include:

      i. Soil texture;

      ii. Infiltration rate determined by laboratory test or soil texture infiltration rate table;

      iii. pH;

      iv. Total soluble salts;

      v. Sodium;

      vi. Percent organic matter; and

      vii. Recommendations.

   c. **In projects with multiple landscape installations** (i.e. production home developments) a soil sampling rate of one in7 lots or approximately fifteen percent will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to one in 7 lots.

3. **Landscape Design Plan.** To ensure efficient use of water, a landscape plan shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

   a. **Plant material.** Any plant not within a "required landscaped area," may be selected for the landscape, providing the estimated total water use in the landscape area does not exceed the maximum applied water allowance. Plants to be located within a required landscaped area must be of a drought tolerant variety. Methods to achieve water efficiency shall include one or more of the following:

      i. Protection and preservation of native species and natural vegetation;

      ii. Selection of water-conserving plant, tree and turf species, especially local native plants;

      iii. Selection of plants based on local climate suitability, disease and pest resistance;

      iv. Selection of street trees based on city of Vallejo approved street tree list and size at maturity as appropriate for the planting area;

      v. Selection of plants from local and regional landscape program plant lists.

      vi. Selection of plants from local Modification Plan Guidelines.

   b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in **Section 16.504.11, Irrigation Standards**.

   c. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

      i. Use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;

      ii. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); and

      iii. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

      iv. Turf is not allowed on slopes greater than 25 percent where the toe of the slope is adjacent to an impermeable hardscape and where 25 percent one foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

d. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure [e.g. buildings, sidewalks, power lines]; allow for adequate soil volume for healthy root growth and

e. High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

f. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local Fuel Modification Plan guidelines.

g. The use of invasive plant species such as those listed by the California Invasive Plant Council shall not be permitted.

h. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

i. **Water features.**

   i. Recirculating water systems shall be used for water features.

   ii. Where available, recycled water shall be used as a source for decorative water features.

   iii. Surface area of a water feature shall be included in the high-water use hydrozone area of the water budget calculation.

   iv. Pool and spa covers are highly recommended.

4. **Landscape Plan Requirements.** The landscape design plan, at a minimum, shall:

   a. Delineate and label each hydrozone by number, letter, or other method;

   b. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;

   c. Identify recreational areas;

   d. Identify areas permanently and solely dedicated to edible plants;

   e. Identify areas irrigated with recycled water;

   f. Identify type of mulch and application depth;

   g. Identify soil amendments, type, and quantity;

   h. Identify type and surface area of water features;

   i. Identify hardscapes (pervious and non-pervious);

   j. Identify location, and installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the Public Works Department or regional Water Quality Control Board for information on any applicable stormwater technical requirements.

   k. Identify any applicable rain harvesting or catchment technologies and their 24-hour retention or infiltration capacity;

   l. Identify any applicable graywater discharge piping, system components and area(s) of distribution;

   m. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and

   n. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 6 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

5. **Irrigation Design Plan.** This Chapter applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet the Planning Division and/or Public Works recommended standards and all the requirements listed in this Chapter as well as manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

   a. **System.** Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 square feet but not more than 5,000 square feet (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000 square feet or greater. A landscape water meter may be either:

      i. A customer service meter dedicated to landscape use provided by the water division; or

      ii. A privately-owned meter or submeter.

   b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

   c. If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

   d. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather, or during rain.

   e. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

   f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to Chapter 11.38 of the Vallejo Municipal Code for additional backflow prevention requirements.

   g. Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of 5,000 square feet or larger.

   h. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

   i. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

   j. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

   k. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

   l. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in **Section 16.504.09, Water-Efficient Landscape Requirements** regarding the maximum applied water allowance.

m. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014" Landscape Irrigation Sprinkler and Emitter Standard. All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

n. It is highly recommended that the project applicant inquire with the water division about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

o. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

p. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

q. Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

r. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.

s. Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

t. Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

u. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

i. The landscape area is adjacent to permeable surfacing and no runoff occurs; or

ii. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or

iii. The irrigation designer specifies an alternative design or technology, as part of the landscape documentation package and clearly demonstrates strict adherence to irrigation system design criteria in **Subsection 16.504.09.8.b**. Prevention of overspray and runoff must be confirmed during the irrigation audit.

iv. Slopes greater than 25 percent shall not be irrigated with an irrigation system with an application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the landscape documentation package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

6. **Hydrozone.**

a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

i. Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

ii. The plant factor of the higher water using plant is used for calculations.

e. Individual hydrozones that mix high and low water use plants shall not be permitted.

f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B, Section A of the Water Efficient Landscape Ordinance maintained in the Planning Division Office). This table can also assist with the irrigation audit and programming the controller.

7. **Irrigation Plan Requirements.** The irrigation design plan, at a minimum, shall contain:

a. Location and size of separate water meters for landscape;

b. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

c. Static water pressure at the point of connection to the public water supply;

d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

e. Recycled water irrigation systems;

f. The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and

g. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

8. **Grading design plan.** For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the landscape documentation package. A comprehensive grading plan prepared by a civil engineer for other permits satisfies this requirement.

a. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

i. Height of graded slopes;

ii. Drainage patterns;

iii. Pad elevations;

iv. Finish grade; and

v. Stormwater retention improvements, if applicable.

b. **To prevent excessive erosion and runoff, it is highly recommended that project applicants:**

i. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;

ii. Avoid disruption of natural drainage patterns and undisturbed soil; and

iii. Avoid soil compaction in landscape areas.

c. **The grading design plan shall contain the following statement:** "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and shall bear the signature of a licensed professional as authorized by law.

9. **Certificate of Completion.** The Certificate of Completion shall include the following elements as shown in the sample certificate in Appendix C:

a. Project information sheet that contains:

i. Date;

ii. Project name;

iii. Project applicant name, telephone, and mailing address;

iv. Project address and location; and

v. Property owner name, telephone, and mailing address;

b. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape documentation package:

i. Where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;

ii. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.

c. Irrigation scheduling parameters used to set the controller (see **Section 16.504.11 Irrigation Standards**);

d. Landscape and irrigation maintenance schedule:

i. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance;

ii. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.

iii. Project applicants are encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

e. Irrigation audit report prepared by a certified landscape irrigation auditor is required for all existing landscapes installed before January 1, 2016 and more than one acre in size.

i. Landscapes that have a water meter may be subject to Water Division review including, but not limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as: MAWA = (0.8) (ETo)(LA)(0.62).

ii. Landscapes that do not have a meter may be subject to Water Division review including, but not limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

f. Soil analysis report, if not submitted with landscape documentation package, and documentation verifying implementation of soil report recommendations.

g. **The project applicant shall:**

i. Submit the signed certificate of completion to the Planning Division for review;

ii. Ensure that copies of the approved certificate of completion are submitted to the water division and property owner or their designee.

h. **Prior to building permit issuance, the Director shall:**

i. Receive the signed certificate of completion from the project applicant;

ii. Approve or deny the certificate of completion. If the certificate of completion is denied, the Planning Division shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

16.504.10 SOIL PREPARATION, MULCH, AND AMENDMENTS

A. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

B. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected.

C. For landscape installations, compost at a rate of a minimum of 4 cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of 6 inches into the soil. Soils with greater than 6 percent organic matter in the top 6inches of soil are exempt from adding compost and tilling.

D. A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5 percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

E. Stabilizing mulching products shall be used on slopes that meet current engineering standards.

F. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

G. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

16.504.11 IRRIGATION STANDARDS

A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

1. Irrigation scheduling shall be regulated by automatic irrigation controllers.
2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the water division, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:
   a. The plant establishment period;
   b. The established landscape; and
   c. Temporarily irrigated areas.

B. **Each irrigation schedule shall consider for each station all of the following that apply:**

1. Irrigation interval (days between irrigation);
2. Irrigation run times (hours or minutes per irrigation event to avoid runoff);
3. Number of cycle starts required for each irrigation event to avoid runoff;
4. Amount of applied water scheduled to be applied on a monthly basis;
5. Application rate setting;
6. Root depth setting;
7. Plant type setting;
8. Soil type;
9. Slope factor setting;
10. Shade factor setting; and
11. Irrigation uniformity or efficiency setting.

C. **Irrigation audit, irrigation survey, and irrigation water use analysis.**

1. All landscape irrigation audits shall be conducted by a city designated irrigation auditor or a third-party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.
2. In large projects or projects with multiple landscape installation (i.e. production home developments) an auditing rate of one in 7 lots or approximately fifteen percent will satisfy this requirement.
3. For new construction and rehabilitated landscape projects installed after January 1, 2016, as applicable, the project applicant shall submit an irrigation audit report with the certificate of completion to the Planning Division that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule; including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming;

D. **Irrigation efficiency.** For the purpose of determining estimated total water use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.

E. **Recycled water.**

1. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.
2. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.
3. Landscapes using recycled water are considered special landscape areas. The ET adjustment factor for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0.

F. **Graywater systems.** Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards.

G. **Stormwater management and rainwater retention.** Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.

1. Project applicants shall be referred to the Public Works Department for information on any applicable stormwater technical requirements.
2. All planted landscape areas are required to have friable soil to maximize water retention and infiltration.
3. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: (1) the one inch 24 hour rain event or (2) the 85 percentile, 24 hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.
4. It is recommended that stormwater projects incorporate any of the following elements to improve on-site stormwater and dry weather runoff capture and use:

   a. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
   b. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
   c. Incorporate pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff.
   d. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
   e. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
   f. Incorporate infiltration beds, swales, basins and drywells to capture stormwater and dry weather runoff and increase percolation into the soil.
   g. Consider constructed wetlands and retention ponds that retain water, equalize excess flow, and filter pollutants.

16.504.12 PUBLIC EDUCATION

A. **Publications.** Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community. The water division shall provide information to owners of permitted renovations and new, single-unit residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.

B. **Model Homes.** All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this Chapter. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per this Chapter; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.

16.504.13 WATER-EFFICIENT LANDSCAPE REPORTING

A. The Planning Division shall prepare and annual report on implementation and enforcement no later than January 31st of each year. Reports shall be submitted to the Department of Water Resources.

B. **The report shall address the following:**

1. State whether the City is adopting a single-agency ordinance or a regional agency alliance ordinance and the date of adoption or anticipated date adoption.
2. Define the reporting period. The reporting period shall commence on December 3, 2015 and end on December 28, 2015. In subsequent years, the reporting will be for the calendar year.
3. State if using a locally modified Water Efficient Landscape Ordinance (WELO) or the Model WELO. If using a locally modified WELO, how is it different than MWELO, and are there any exemptions specified?
4. State the entity responsible for implementing the regulations of this Chapter.
5. State number and types of projects subject to the regulations during the specified reporting period.
6. State the total area (in square feet or acres) subject to the regulations over the reporting period, if available.
7. Provide the number of new housing starts, new commercial projects, and landscape retrofits during the reporting period.
8. Describe the procedure for review of projects subject to the regulations of this Chapter.
9. Describe actions taken to verify compliance. Is a plan check performed; if so, by what entity? Is a site inspection performed; if so, by what entity? Is a post-installation audit required; if so, by whom?
10. Describe enforcement measures.
11. Explain challenges to implementing and enforcing the regulations of this Chapter.
12. Describe educational and other needs to properly apply the regulations of this Chapter.

16.505 FENCES, WALLS, AND SCREENING

16.505.01 PURPOSE AND APPLICABILITY

The purpose of these provisions is to prescribe standards for fences and walls within the City for the conservation and protection of property, buffering between uses of varying intensity, the assurance of safety and security, the enhancement of privacy, the control of dust, the abatement or attenuation of noise, and the improvement of the visual environment, and including the provision of a neat appearance to improve neighborhood character.

16.505.02 GENERAL REGULATIONS

A. **Permits Required.** Fences and walls that comply with the requirements of this Chapter are permitted. All other fences and walls require Zoning Compliance Review, pursuant to **Chapter 16.603, Zoning Compliance Review**, approval by the Director. Any fence over 7 feet in height requires a building permit in addition to an Exception Permit in accordance with **Chapter 16.608, Exceptions** in areas where the fence height exceeds the limit for the zoning district or use.

B. **Maintenance.** Fencing and walls shall be continuously maintained with no sign of rust or disrepair. Graffiti shall be removed within 48 hours.

C. **Fencing and Wall Location.**

1. **Fence and Wall Location on a Lot.** Fences may be erected, placed or maintained along or adjacent to a lot line or within a yard on the private property. A fence located on a lot line shall be considered as being within the yard adjacent to that lot line. The fence owner shall be responsible for properly locating all lot lines before construction of any fence

2. **Fence and Wall Encroachment onto Public Property.** No portion of any fence or wall including gate doors, structure, foundation, or footings, shall encroach upon or project into any public right-of-way or other public property without the fence owner first obtaining an Encroachment Permit from the Public Works Department.

3. **Prohibited Fence and Wall Locations.** No person shall place, construct, maintain, or cause to be placed any fence or wall that may endanger the public safety, including but not limited to the following:

   a. **Fire Hydrant Access.** No fence shall obstruct free access to any fire hydrant.

   b. **Sight Distance Triangle.** Fencing shall meet the requirements of **Section 16.501.11 Visibility At Intersections, Driveways, And Alleys**, to avoid interference with visibility at intersections and driveways.

4. **Review by Traffic Engineer Required.** To avoid traffic hazards and protect the safety of pedestrians, fences, walls, and other screening shall be subject to review by the Traffic Engineer for the following locations:

   a. Within 10 feet of the point of intersection of a vehicular accessway or driveway and a street or sidewalk;

   b. Within 20 feet of the point of intersection of 2 or more vehicular accessways including driveways, alleys, or streets.

   c. Measurements shall be made from the face of the curb or, if there is no curb, from the edge of the pavement.

D. **Permitted Screening Types.** Screening that complies with the requirements of this Chapter may consist of one or more of the following types:

1. **Walls.** Walls shall be constructed of concrete, stone, brick, tile or similar type of solid masonry material a minimum of 4 inches thick.

2. **Berms.** A berm shall be constructed of earthen materials and shall be landscaped in compliance with the requirements of this **Chapter 16.504, Landscaping**.

3. **Planting.** Plant materials, when used as a screen, shall consist of compact evergreen plants, and shall be planted in accordance with the requirements of this Chapter planted in a minimum 3-foot-wide planting strip. They shall be of a kind, or used in such a manner, provide screening having a height which meets the requirements set forth in compliance with and a minimum height of 2 feet and width of 2 feet within 12 months after initial installation. The Director may require installation of walls, berms or solid fence, if, after 12 months after installation, the plant materials have not formed an opaque screen or if, at any time, the plant materials are not maintained so as to create the desired screen.

E. **Permitted Materials.**

1. **Fences.** Fences shall be constructed of wood, metal, masonry or other permanent materials designed for permanent fencing.

   a. Non-residential uses. For non-residential uses in residential zoning districts, a wall or fence 8 feet in height is required along any rear or side property line that separates the non-residential use from adjacent residential uses. No chain-link (nonmetallic finish) fence may be installed along the rear property line and any side property line not abutting a public right-of-way subject to review and approval by the Director. Razor wire or barbed wire fences that cannot be seen from street review are allowed.

2. **Hazardous and Prohibited Materials**. Except in the RR Zoning District, fences shall not incorporate electrically charged wire, barbed wire and razor wire, chain link (except as permitted by this Chapter), unfinished plywood or similar unfinished materials, woven wire mesh ("chicken wire"), welded wire mesh, woven wire ("hog wire") rope, cable, railroad ties, landscape timbers, utility poles or any other similar materials or materials not specifically manufactured for permanent fencing. The use of plywood or other composite panels or materials is not allowed unless the Director determines that the material is appropriate to maintain or enhance the architectural design of a building or development.

F. **Posts and Supporting Members.** All fence posts and related supporting members of the fence shall be erected so that the finished side or sides of the fence shall be facing the adjacent lot or public right-of-way.

G. **Painting and Staining.** All wood fences shall be painted or stained to resist corrosion.

H. **Gates.** Gates that are routinely locked shall be equipped with a doorbell device capable of notifying the occupants within the a building or a telephone number that can be used to notify the occupants.

I. **Entry features.** Entry features over front yard gates (e.g., open latticed arbors and trellises), not exceeding eight feet in height, 3 feet in depth or 5 feet in width are allowed when located within the required front yard but outside the Sight Distance Triangle.

J. **Fences Facing Alleys.** When a rear yard fence abuts an alley, the alley facing side of a solid fence shall be clearly labeled with the house address number.

16.505.03 FENCING AND SCREENING REQUIREMENTS IN MIXED-USE AND NON-RESIDENTIAL ZONING DISTRICTS

Screening that complies with the requirements of this Chapter shall be installed at the following locations in mixed-use and non-residential zoning districts:

A. **Commercial, Industrial, Agricultural and Public and Semi-Public Use Types.** Screening shall be provided along all boundaries other than streets, where the building site abuts residential uses.

B. **Automotive and Equipment Use Types.** Screening shall be provided on building sites with automotive and equipment use types, regardless of zoning, along all off-street parking and zoning district boundaries, other than streets.

C. **Storage and Loading Areas.** Storage or loading areas shall be screened wherever such facilities are adjacent to a residential zoning district or when storage and loading areas are visible from a public street and along the perimeter of open off-street parking adjacent to residential zoning districts.

D. **Nonresidential and Multi-Unit Residential Uses in or Adjacent to Residential Zoning Districts.** On building sites with nonresidential or multi-unit residential- uses located in or adjacent to Residential Zoning Districts along all property lines abutting single family residences. For the purpose of this Section, nonresidential use shall not include home-based businesses.

16.505.04 HEIGHT STANDARDS FOR FENCES AND WALLS

A. **Maximum height in Residential Zoning Districts.** The height of fences in Residential Zoning Districts shall be limited by location as specified below in **Table 16.505-A**.

TABLE 16.505-A: ALLOWABLE FENCE HEIGHTS IN RESIDENTIAL ZONING

Location of Fence	Maximum Basic Height	Maximum Height Exceptions	Notes
Required front yard	3 feet	4 feet with the Traffic Engineer's approval through a Zoning Compliance Review.	The maximum height allowed with an Exception Permit.
Required side yard	6 feet	A one-foot extension up to 7 feet with a decorative finish such as lattice is allowed.	The maximum height allowed with an Exception Permit is permitted only if both abutting residential structures have at least 5-foot side yard setbacks, or if a residential lot abuts a mixed-use, commercial or industrial use.
Required rear yard	6 feet	A one-foot extension up to 7 feet with a decorative finish such as lattice is allowed.	The maximum height exception may be allowed only when a rear yard abuts an interior side yard.
Within sight distance triangle	Not permitted	Not permitted	Not permitted

B. **Exceptions to Residential Fence Height Regulations.** The Director may grant an Exception to the fence height requirements imposed by this Chapter, in accordance with **Chapter 16.608, Exceptions** if the Director makes all of the following findings:

1. The proposed fence will not create or exacerbate a public safety hazard;
2. The design, materials, scale and color of the proposed fence are compatible and harmonious with the subject site, site improvements and other properties within the immediate vicinity.
3. The fencing type, including any gate is open and permits direct vision through at least 80 percent of any one square foot segment of vertical fence surface area. Measured surface area does not include major posts, pilasters, or other structures which provide lateral strength.

C. **Maximum Height in Mixed-Use and Non-Residential zoning districts.**

1. **Mixed-Use, Commercial, Office and Medical Zoning Districts.** Required screening, except for plant material, shall not be more than 6 feet in height.
2. **Industrial Zoning Districts.** Required screening, except for plant materials, shall not be more than 8 feet in height.
3. **Automotive and Equipment Type Uses.** Fences, walls and other screening on any building site with an automotive and equipment use type, except sales/rental - light equipment, required screening shall not be more than 8 feet in height. Fences, walls and other screening on any building site with an automotive and equipment sales/rental - light use shall not be more than 6 feet in height.
4. **Parking Facilities.** Notwithstanding the provisions of an applicable zoning district, screening around an unenclosed off-street parking facility shall not be more than 6 feet in height.
5. **Courtyard.** Fences, walls and other screening installed to create a courtyard without a roof shall be a maximum of 5 feet in height and be set back a minimum of 10 feet from the front property line or back of sidewalk, whichever is the least. Courtyards shall include the following design elements

   a. Building characteristics including the dimensions, color and architectural design;
   b. Compatibility of the architectural and design features of the proposed courtyard with the features of the adjoining, as well as neighboring buildings; and
   c. Landscaping, including the effort to minimize removal of existing vegetation and to match replacements with vegetation of the site.

6. **All Other Building Sites.** Fences, walls, and other screening on building sites not subject to the regulations of subsections A through C shall be subject to the following height limits:

   a. **Within Required Front Yard.** Except as provided in **Section 16.104.15, Measuring Height of Fences and Walls**, the maximum height of fences and walls located within any required front yard shall be 3 feet unless the Traffic Engineer, as part of Zoning Compliance Review, pursuant to **Chapter 16.603 Zoning Compliance Review**, determines that a 4-foot fence would not create a visibility hazard. The maximum height of a fence or wall beyond the required front yard is 6 feet.

   b. **Within Required Side Yard for Corner Lot.** Except as provided in **Section 16.104.15, Measuring Height of Fences and Walls**, the maximum height of a fence, wall, or screening located within 10 feet of a side property line, adjoining a public street shall be 3 feet unless the Traffic Engineer determines that a 4-foot fence would not create a visibility hazard as provided through a Zoning Compliance Review. A fence may be 6 feet in height when located further than 11 feet from the side property line adjoining a public street.

      i. The Director in consultation with the Traffic Engineer may reduce the fence setback to 3 feet from the back of the sidewalk where the side yard is 3 feet below street grade.

      ii. An Encroachment Permit shall be obtained prior to erecting a fence or wall between the curb or sidewalk and the property line.

   c. **Within Required Side and Rear Yard for Interior Lots.** The maximum height shall not be more than 6 feet. A one-foot extension up to 7 feet is allowed with a decorative finish such as lattice on the top one-foot.

D. **Other Requirements.**

   1. Open fences that do not obstruct a view may be 6 feet in height.

   2. For designated City landmarks and properties that are located within a Designated Heritage or Historic District:

      a. The maximum height for fences within the front setback area and/or the street side yard setback area shall be 3 feet 6 inches.

      b. Requests for an Exception. In accordance with **Chapter 16.608, Exceptions**, the permission to exceed the height limits of this Chapter shall be subject to review and approval by the Secretary of the Architectural Heritage and Landmarks Commission or his/her designee.

16.505.05 MEASUREMENT OF HEIGHT OF FENCES, WALLS AND SCREENING

A. The height of fences, walls and other screening shall be measured above the actual adjoining level of finished grade as defined in **Section 16.104.15, Measuring Height of Fences and Walls**, except that where there is a difference in elevation on opposite sides of such fence, wall or other screening, the height shall be measured from the highest elevation within a 3-foot radius on either side of the fence or other screening.

B. Notwithstanding these requirements, where the finished elevation of the property is lower at the boundary line, or within 5 feet inside the boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy a screening requirement.

C. Where screening is required along a public or private street and the roadway elevation is higher than the property in question, the Director may permit screens higher than permitted by the applicable height limit based on review of a Chapter submitted by an applicant demonstrating difference in elevation when:

   1. Proposed fence height is in compliance with higher grade elevation;

   2. Proposed fence is located on private property; and

   3. No other fence is proposed along the adjacent property.

16.505.06 FENCING ON RETAINING WALLS

The height of fences constructed on or attached to retaining walls shall not exceed 6 feet measured vertically from the highest finished grade within a 3-foot radius of the base of the wall to the highest point of the fence or wall directly above as shown in **Section 16.104.15, Measuring Height of Fences or Walls**.

16.505.07 MEASUREMENT OF LOCATION OF FENCING AND WALLS

A. **Mixed-use and Non-Residential Zoning Districts.** Fencing and walls shall be installed on the property line except when adjacent to a public street; in which case the fencing and wall shall be installed behind required landscaping.

B. **Residential Zoning Districts.** When the back of the sidewalk is not the property line, the Director may allow the setback to be measured from the inside of the sidewalk. If there is no sidewalk, the Director, subject to the concurrence of the Director of Public Works, may allow the setback to be measured from the future location of the sidewalk. Further, if a fence or wall is to be located in the public right-of-way, an Encroachment Permit from the Public Works Department will be required.

16.505.08 TEMPORARY FENCING

Temporary fencing may be used to provide security for approved "special events," for construction sites, for vacant structures, and for vacant land, which cannot otherwise be secured, subject to approval of a Temporary Use Permit pursuant to **Chapter 16.339, Temporary Uses**. The fencing shall consist of chain link fencing or other materials approved by Director and shall be limited to a height of 8 feet. The use of temporary fencing around occupied and permanent structures is prohibited.

A. **Special Events.** The fencing around approved "special events" shall be removed at the conclusion of the event.

B. **Construction Sites.** The fencing for construction sites shall not be installed until a building permit or grading permit has been issued and shall be removed prior to final inspection. In the event that the building permits expire before the construction is completed, the Director may issue an Temporary Use Permit pursuant to **Chapter 16.339, Temporary Uses**, to allow the fencing to remain for a longer period of time.

C. **Vacant Land and Vacant Structures.** The use of temporary fencing around vacant land or vacant structures shall be subject to the terms and conditions specified in a Temporary Use Permit authorizing this fencing. Any temporary fence that remains on a site for more than 6 months shall comply with fence regulations of this Chapter.

16.505.09 TYPES OF LANDSCAPE SCREENING

A. The three basic types of vegetative screens that are required as follows:

1. **Opaque Screen.** A screen that is opaque from the ground to a maximum height of at least 6 feet, with intermittent visual obstruction (trees or large plants) from the opaque portion to. An opaque screen may be composed of a densely planted vegetation. Compliance of planted vegetative screens will be based on the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 5 feet wide.

2. **Semi-Opaque Screen.** A screen that is opaque from the ground to a height of 3 feet, with intermittent visual obstruction (trees or large plants) from above the opaque portion to a height of at least 6 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a landscaped earth berm or planted vegetation. Compliance of planted vegetative screens will be based on the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide.

3. **Broken Screen.** A screen composed of intermittent visual obstructions from the ground to a height of at least 6 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a landscaped earth berm, planted vegetation or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.

B. **Separation of zoning districts.** Where the side or rear yard of a use in a Mixed-Use, Commercial or Industrial zoning district abuts a Residential Zoning District, those side or rear yards shall be screened from uses in that Residential Zoning District with an opaque screen.

C. **Separation of Non-Conforming Uses.** Whenever a residential lot is occupied by a non-conforming commercial or industrial use, the side and rear yards shall be screened with an opaque screen.

16.505.10 SCREENING OF EQUIPMENT

These requirements apply to new development, new land uses, additions and expansions of 50 percent or more in floor area, replacement equipment that is added to serve existing buildings, condominium conversions, and new equipment. They do not apply to existing equipment that serves existing buildings. The Director may waive or modify screening requirements for upgrades to existing mechanical equipment.

A. **General Requirements.** All exterior mechanical equipment, whether on a roof, on the side of a structure, or located on the ground, shall be screened from public view. Exterior mechanical equipment to be screened includes, without limitation, heating, ventilation, air conditioning, refrigeration equipment, plumbing lines, ductwork, transformers, smoke exhaust fans, water meters, backflow preventers, service entry section, back-up and emergency generators, and similar utility devices.

1. Screening shall be architecturally integrated into the main structure with regard to materials, color, shape, and size to appear as an integral part of the building or structure.
2. Equipment shall be screened on all sides, and screening materials shall be opaque.
3. When screening with plants, evergreen types of vegetation shall be planted and maintained. Plant material sizes and types shall be selected and installed so that, at the time of building occupancy, such plants effectively screen their respective equipment.
4. The use of wood expanded metal lath, and chain link for the purpose of screening is prohibited.

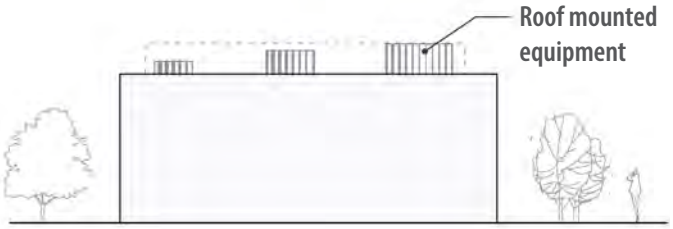
B. **Requirements for Specific Types of Mechanical Equipment.** The following additional screening standards apply to the specified types of mechanical equipment:

1. **Roof-Mounted Equipment.**

   a. Whenever feasible, roof-mounted equipment screening shall be constructed as an encompassing monolithic unit or a series of architecturally similar screening units on large roofs, rather than as several individual screens (i.e., multiple equipment screens, or "hats," surrounding individual elements will not be permitted).

The height of the screening element shall equal or exceed the height of the structure's tallest installed equipment.

FIGURE 16.505-A: SCREENING OF ROOF-MOUNTED EQUIPMENT



Roof mounted equipment screening must be an encompassing monolithic unit and shall be the same height as the equipment

2. **Ground-Mounted Equipment.** Ground-mounted equipment that faces a street shall be screened to a height of 12 inches above the equipment, unless such screening conflicts with utility access, in which case reasonable accommodation shall be allowed.

   a. Acceptable screening devices consist of decorative walls and/or berms (3:1 maximum slope) with supplemental landscaping materials, including trees, shrubs, and groundcovers.

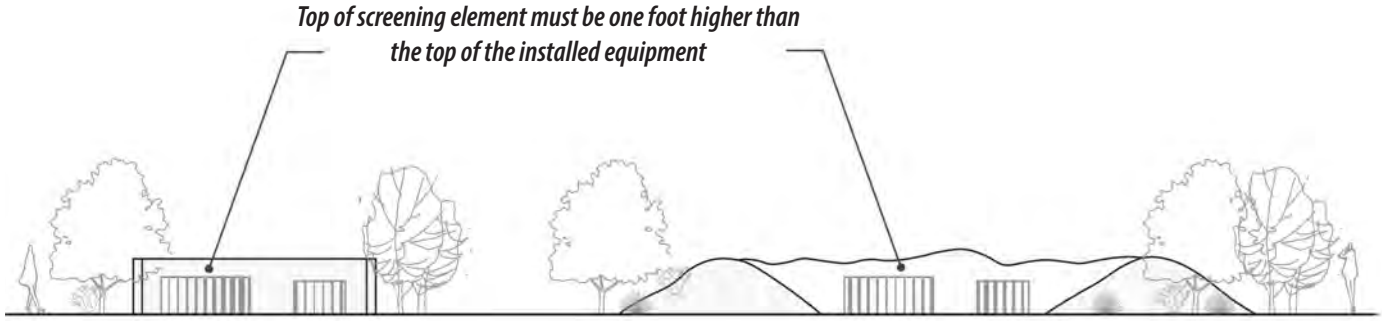
   b. For screen walls that are 3 feet high or lower, vegetative materials may be substituted for 50 percent of the screening device.

   c. This requirement does not apply to incidental equipment such as generators and air conditioners. However, electrical substations, water tanks, sewer pump stations, and similar utilities are required to be screened and secured with a wall one foot above the equipment (not to exceed fencing and wall height limits without an exception). If the wall is greater than 25 feet in length, then the wall shall include breaks and design features including varying materials, wall caps, and landscaping.

3. **Exterior Wall Equipment.** Wall-mounted equipment, including, without limitation, electrical meters, electrical distribution cabinets, service entry sections, and valves and cabinets that face a street or public parking and are not recessed and/or separated from the street by intervening building(s) or walls or gates, shall be screened. Screening devices shall incorporate elements of the building design (e.g., shape, color, texture and material). For screen walls that are 3 feet in height or lower, vegetative materials may be substituted for 50 percent of the screening device. This requirement does not apply to fire-related elements.

C. **Exceptions in Industrial Zoning Districts.** Due to its size, some outdoor equipment that is ancillary to operations in the IL and IG Zoning Districts may not be fully screened from view. In these cases, operators of such equipment shall only be required to provide screening that is consistent with provisions of this Chapter to the extent feasible.

FIGURE 16.505-B: SCREENING OF GROUND-MOUNTED EQUIPMENT



16.506 LIGHTING AND GLARE

16.506.01 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to control outdoor lighting in order to maintain adequate visibility and safety, conserve energy, and protect against direct glare and excessive lighting.

The standards of this Chapter apply to all new development and to exterior alterations and additions to existing development that involve replacement of light fixtures or systems. The total outdoor light output shall not exceed that allowed on the site for individual lighting zoning districts, except as provided in the **Section 16.506.02, Exemptions**, below.

A. **Lighting by Zoning Districts.** The maximum outdoor light output level for a site shall not exceed the lighting level allowed for the zoning district in which the site is located as follows:

1. **Areas of high ambient lighting levels.** These areas include the DMX, CC, RC, IL, and IG, and Zoning Districts.
2. **Areas of medium ambient lighting levels.** These areas include the RMD, RHD, NMX, NC, WC, WMX, O, M, PS Zoning Districts.
3. **Areas of low ambient lighting levels.** These areas include the RR, RLD, PROS, and RCN Zoning Districts.

B. **Classes of Lighting.**

1. **Class 1 Lighting.** All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity. Designation of lighting as Class 1 requires a finding by the Director of the essential nature of color rendition for the application. Recognized Class 1 uses are: outdoor eating and retail food or beverage service areas; outdoor maintenance areas; display lots; assembly areas such as concert or theater amphitheaters.
2. **Class 2 Lighting.** All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.
3. Class 3 Lighting. Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

16.506.02 EXEMPTIONS

A. **General Exemptions.** The following lighting is exempt from the provisions of this Chapter.

1. **Emergency Lighting.** Temporary emergency lighting needed by police, fire, and other emergency services.
2. **Holiday Lights.** Holiday lighting from October 30th to February 1st, provided that no individual lamp exceeds 10 watts and 70 lumens. Flashing holiday lights are prohibited on commercial properties.
3. **Nonconformance.** All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this Chapter are exempt from all requirements of this Chapter. There shall be no change in use or lamp type, or any replacement (except for same-type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this Chapter. Further, if the property is abandoned, or if there is a change in use of the property, the provisions of this Chapter will apply when the abandonment ceases or the new use commences.

B. **Other Exemptions.**

1. **Swimming Pool and Fountain Lighting.** Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards, though it shall conform to all other provisions of the Zoning Code.
2. **Solar-powered Lighting.** Solar-powered lights of 5 watts or less per fixture used in residential landscaping applications and to illuminate walkways are exempt from applicable lamp type and shielding standards and are excluded from the total lumen calculations for the site.
3. **Temporary Exemptions.** Any individual may submit a written request to the Director for a temporary exemption from the requirements of this Chapter. If approved, such exemption will be valid for up to 30 days and is renewable at the discretion of the Director. The request for a temporary exemption shall describe:

a. Specific exemptions requested;
b. Type and use of exterior light involved;
c. Duration of time for requested exemption;
d. Type of lamp and calculated lumens;
e. Total wattage of lamp or lamps;
f. Proposed location of exterior light;
g. Previous temporary exemptions, if any; and
h. Physical size of exterior light and type of shielding provided.

16.506.03 PROHIBITIONS

The following are prohibited:

A. **Searchlights.** The operation of searchlights for advertising purposes.

B. **Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

C. **Advertising Sign or Landscape Illumination.** The unshielded outdoor illumination of any outdoor advertising sign or landscaping. However, low voltage accent landscape lighting is allowed.

D. **Mercury Vapor.** The installation of new mercury vapor fixtures. Existing mercury vapor fixtures shall be removed and replaced with compliant lighting fixtures wherever substantial alterations and additions are undertaken, exclusive of ordinary maintenance and repair.

E. **Other Light Types.** Blinking, flashing, revolving, flickering, changing intensity of illumination, and changing color lights. This prohibition does not apply to holiday lights or digital displays that are regulated by **Chapter 16.509, Signs**.

16.506.04 GENERAL REQUIREMENTS

A. All outdoor lighting on private property includes light fixtures attached to buildings, structures, poles, or self-supporting structures. Exterior lighting may be found on parking lots, walkways, building entrances, outdoor sales areas, landscaping, recreational fields, and building faces.

B. Lighting shall be designed, located, and installed to be directed downward or toward structures, be shielded or fully shielded, and shall be well-maintained in order to prevent glare, light trespass (unwanted light on adjacent lots and public rights-of-way), and light pollution to the maximum extent feasible. No permanently installed lighting shall blink, flash, or be of unusually high intensity or brightness, as determined by the Director.

C. **Maximum Height.** Outdoor light standards shall not exceed the following maximum heights:

1. Residential Zoning Districts: 17 feet
2. Non-Residential Zoning Districts (excluding Industrial Zoning Districts: 20 feet
3. Industrial Zoning Districts: 25 feet
4. Non-Residential within 20 feet of a residential zoning district or use: 17 feet.

D. **Timing.** All outdoor lighting in Non-residential Zoning Districts shall be turned off during daylight hours and during any hours when the building is not in use and the lighting is not required for security. Time clocks or photo-sensor systems may be required as a condition of approval of a discretionary permit.

E. **Energy Efficiency.** Outdoor lighting shall use energy-efficient fixtures/lamps. Examples of energy efficient fixtures/lamps include high pressure sodium, hard-wired compact florescent, or other lighting technology that is of equal or greater energy efficiency.

F. **For safety and security,** during business hours, all areas having frequent vehicular and pedestrian traffic shall be equipped with a lighting device providing a minimum one-foot candle of light at ground level during the hours of darkness.

G. **Design of Fixtures.** Fixtures shall be appropriate to the style and scale of the architecture and be shielded as required by Paragraph (I) below. The top of the fixture shall not exceed the height of the parapet or roof or eave of roof.

H. **Entrances in Multiple-Unit Residential Development.** All entrances to multiple-unit residential buildings containing more than 4 units shall be lighted with low intensity fixtures to ensure the safety of persons and the security of the building.

I. **Shielding.** Lighting fixtures shall be shielded or recessed to reduce light bleed to adjoining properties, by:

1. Ensuring that the light source (e.g., bulb, etc.) is not visible from off the site; and
2. Confining glare and reflections within the boundaries of the site to the maximum extent feasible.
3. Each light fixture shall be directed downward and away from adjoining properties and public rights-of-way, so that no on-site light fixture directly illuminates an area off the site.
4. Lighting on private property shall not produce an illumination level greater than one foot-candle on any property within a Residential Zoning District except on the site of the light source.
5. All nonexempt outdoor lighting fixtures shall be shielded to meet standards in **Table 16.50-A**.

TABLE 16.506-A: LAMP TYPE AND SHIELDING STANDARDS

Use Codes:
A = all types of fixtures allowed; shielding not required but highly recommended, except that any spot or floodlight shall be aimed no higher than 45 degrees above straight down
F = only fully shielded fixtures allowed
X = not allowed

USE CLASS AND LAMP TYPE	DMX, WMX, CC, RC, IL, IG, LZ3	RMD, RHD, NMX, NC, WC, WMX, O, M, PS, LZ2	RR, RLD, PROS, AND RCN, LZ3
Class 1 Lighting (Color Rendition)			
Initial output greater than or equal to 2,000 lumens	F	F	F
Initial output below 2,000 lumens	A	A	A
Class 2 Lighting (General Illumination)			
Initial output greater than or equal to 2,000 lumens	F	F	F
Initial output below 2,000 lumens	A	A	A
Class 3 Lighting (Decorative)			
Initial output greater than or equal to 2,000 lumens	F	F	X
Initial output below 2,000 lumens	A	A [2]	F
Residential Lighting (all Classes) [1]	F	F	F
Initial output greater than or equal to 3,000 lumens	F	F	F
Initial output below 3,000 lumens	A	A	A [2]

Notes:
1. Residential refers to all RR, RLD and RHD Zoning Districts. Multipleunit residential uses shall use standards for Class 1, 2, and 3 lighting.
2. Any lamp installed on a residential lot shall be fully shielded such that the lamp itself is not directly visible from any abutting residential lot.

J. **Total Outdoor Light Output Standards.** Total non-exempt outdoor light output shall not exceed the limits in **Table 16.506-B**. Lighting used for external illumination of signs is counted, while lighting used for internal illumination of signs is not counted.

TABLE 16.506-B: MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT STANDARDS

LUMEN CAPS-INITIAL LANP LUMENS PER NET ACRE	LIGHTING ZONE		
	DMX, WMX, CC, RC, IL, IG, LZ3	RMD, RHD, NMX, NC, WC, WMX, O, M, PS, LZ2	RR, RLD, PROS, AND RCN, LZ3
Commercial and Industrial Zoning[1]			
Total (fully shielded and unshielded)	200,000	100,000	50,000
Unshielded only	10,000	10,000	4,000
Residential and Mixed-Use Zoning [2,3]			
Total (fully shielded and unshielded)	20,000	10,000	10,000
Unshielded only	5,000	5,000	1,000

Notes:
1. This refers to all land-use zoning classifications for commercial and industrial uses.
2. This refers to all residential land-use zoning classifications, including all densities and types of housing such as single-unit detached and duplexes, apartments, and mixed-use development.
3. Each single-unit detached home or duplex is allowed up to 5,500 total lumens, or the amount indicated in this Table based on the lot's acreage, whichever is larger. All residential spot or flood lamps permitted are to be aimed no higher than 45 degrees above straight down (half-way between straight down and straight to the side).

1. Outdoor light fixtures installed on poles (such as parking lot luminaries) and light fixtures installed on the sides of buildings or other structures, when not shielded from above by the structure itself are to be included in the total outdoor light output by simply adding the initial lumen outputs of the lamps.
2. Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least 5 feet but less than 10 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (0.25) of the lamp's rated initial lumen output.
3. Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs, or roof eaves where all parts of the lamp or luminaire are located at least 10 feet but less than 30 feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-tenth (0.10) of the lamp's rated initial lumen output.
4. Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs, or roof eaves where all parts of the lamp or luminaire are located 30 or more feet from the nearest edge of the canopy or overhang are not to be included in the total outdoor light output.

K. **Maintenance.** Fixtures and lighting shall be maintained in good working order and in a manner that serves the original design intent.

1. Burnt out and broken light bulbs shall be replaced.
2. Lighting fixtures shall be periodically cleaned and refinished or repainted so as to be free of graffiti and rust, with surfaces free of chipping and peeling.

16.506.05 SUPPLEMENTAL REQUIREMENTS

A. **Outdoor Recreational Facilities.** Light fixtures in outdoor recreational facilities such as ball fields, and other outdoor nighttime facilities may exceed the illumination standards and height limits applicable to the zoning district in which the facility is located subject to the following:

1. **Zoning Compliance Review Required.** All lighting for outdoor recreations facilities shall require a Zoning Compliance Review, subject to **Chapter 16.603, Zoning Compliance Review** to ensure compliance with the requirements of this Chapter.
2. **Exception to Lumen Limits.** Lighting for outdoor athletic fields, courts or tracks shall be considered Class 1 (Color Rendition) and shall be exempt from the lumens per acre limits of **Section 16.506.04, General Requirements**.
3. **Shielding.** Fully shielded lighting is required for all fields, unless another type of luminaire will not cause light trespass in adjacent residential neighborhoods.
4. **Illuminance.** All lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA), with adjustments allowed, as appropriate, for the level of play, the most light-demanding sport in a multi-sport venue, and the maximum number of attendees.
5. **Off-Site Spill.** The installation shall also limit off-site spill (off the site containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design.
6. **Certification.** Every such lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Chapter.

B. **Exterior Display/Sales Areas.** Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations and cannot be used to attract attention to the business.

1. **Display Lots.** Lighting for display lots shall be considered Class 1 (Color Rendition) and shall be exempt from the lumens per acre limits of **Section 16.506.04, General Requirements**.
2. **Shielding.** All display lot lighting shall utilize fully shielded luminaries that are installed in a fashion that maintains the fully shielded characteristics.
3. **Illuminance.** The display lot shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
4. **Off-Site Spill**. The display lot shall limit off-site spill (off the parcel containing the display lot) to a maximum of 5 lux (0.5 fc) at any location on any non-residential property as measurable from any orientation of the measuring device. No off-site spill is allowed on any residential property.
5. **Curfew.** Display lot lighting exceeding the lumens per acre cap shall be turned off or within 30 minutes after closing of the business. Lighting in the display lot after this time shall be considered Class 2 lighting and shall conform to all restrictions of this Chapter applicable for this Class, including the lumens per acre caps.

16.507 NATURAL HAZARD REDUCTION

16.507.01 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to implement General Plan policies and comply with applicable State requirements to protect public safety by identifying natural hazards and reducing their risk. More specifically, these regulations are intended to address the risks posed by wildfires, flooding, geotechnical hazards and seismic events, and projected sea level rise by:

A. Maintaining up-to-date information identifying areas with high risk from wildfires, floods, earthquakes, and inundation from sea-level rise;

B. Requiring development in areas at risk from natural hazards to consider the impacts of their proposal and incorporate measures that will reduce threats to public safety;

C. Referring proposed plans and projects in risk areas to State and local environmental management agencies for review and comment.

16.507.02 WILDFIRE HAZARDS

The following requirements apply to all development in areas that General Plan Map NBE-4 identifies as Moderate or High wildfire risk areas:

A. Applications for development in Moderate or High wildfire risk areas shall be submitted to the Fire Prevention Department for review and recommendation of mitigation measures including specification of building and roof materials, firebreaks, fire resistant landscape materials, access roads to open as, internal fire protection systems and adequate water supply.

B. All areas within 100 feet of combustible structures in the Moderate and High wildfire risk areas shall be kept clear of flammable vegetation.

16.507.03 FLOOD HAZARDS

All development proposed in areas identified by the Federal Insurance Administration's "Flood Insurance Study for the City of Vallejo" shall comply with the following requirements:

A. The Director shall refer applications to the Vallejo Flood and Wastewater District (VFWW) for review and comment and require applicants to revise projects as necessary in response to VFWW recommendations;

B. Applicants proposing development, grading, and land modification activities that may adversely affect the local drainage system or create erosion may be required to submit engineering reports, subject to peer review at the applicants expense, recommending measures that should be incorporated to mitigate such impacts;

C. New and modified structures in the 100-year floodplain are required to comply with the City's Flood Management Regulations including elevating building pads above flooding levels and other flood-proofing measures.

D. The construction of permanent structures in designated floodways is prohibited.

E. Development in areas identified as vulnerable to a projected 55-inch sea level rise by 2100 in General Plan Map NBE-6 or the City's adopted Climate Action Plan, whichever is more restrictive is subject to environmental review for the purpose of assessing potential impacts of inundation and identifying measures to mitigate such effects.

16.507.04 GEOTECHNICAL HAZARDS

All development proposed in areas the City has designated as geotechnical hazard risk zoning districts B, C, and D on the Geotechnical Land Use Capability Map, Plate 2, Seismic Safety Element shall comply with the requirements of this Chapter.

A. **Use Restrictions.** The use of land within areas identified as geotechnical hazard risk zones shall comply with the requirements of **Table 16.507-A**.

TABLE 16.507-A: USE RESTRICTIONS BY HAZARD RISK ZONE

Risk Zone	Use Types Permitted	Use Types Permitted Subject to Development Requirements	Use Types Permitted Subject to Development Requirements and Independent Evaluation
A	NA	NA	NA
B	Agricultural, Industrial, Residential, Commercial, Public/ Semi-Public except Public Safety, Hospitals and Clinics, Utilities	Public Safety, Hospitals and Clinics, Utilities	NA
C	Agricultural	Industrial, Residential, and Commercial, Public/ Semi-Public	NA
D	Agricultural	Industrial, Residential, Commercial for fewer than 200	Industrial, Residential, and Commercial for 200 or more; Public/Semi-Public

1. **Geologic Report Required.** All applications to develop land for uses identified as being permitted but subject to Geotechnical Hazards shall include a soil and geologic report prepared by a registered soil engineer and registered geologist certified in engineering geology to assess geologic hazards, subject to a peer review at the applicant's expense.

   a. The soils and geologic report shall be directed to determining the presence or absence of an active known fault on the development site and to determining appropriate structural design recommendations. Sub-surface exploration may be required if a lack of distinguishable fault features in the vicinity prevents the geologist from determining by a site examination, review of available aerial photographs, or by other means that the fault trace does or does not underlie or exist within fifty feet of any structures proposed for the development site.

   b. A more detailed and extensive investigation and report by the geologist may be required (as evidence to the absence of a known active fault trace) for applications proposing development of Group A, E, I, H, and R-1 occupancies, and B occupancies as set forth in the Uniform Building Code) over one story in height.

   c. The geologic report may be waived, with the approval of the State Geologist, if the city determines that no active known fault exists on the development site or, in the case of applications for development containing a maximum of 2 dwelling units, that sufficient information regarding the site is available from previous reports filed concerning the same development area.

2. **Review of Geologic Report.** If the geologic report indicates that the proposed use is not subject to geotechnical hazards, the use may not be denied based on geologic findings, but subject to any special conditions, noted in the report. These conditions shall be attached to the application and be applicable to the proposed use. If the geologic report indicates that geotechnical problems may exist for the proposed use, the applicant shall be required to obtain a Major Use Permit as prescribed in **Chapter 16.606, Minor and Major Use Permits**; except that when identified problems are so severe, the proposed use may be prohibited.

3. **Construction Limitations.** As per the provisions of the Alquist-Priolo Act, no building or structure to be used for human occupancy may be constructed over or within 50 feet of the trace of a known active fault. For the purpose of these regulations, a building or structure to be used for human occupancy is one that is regularly, habitually, or primarily occupied by humans. Buildings and structures shall be designed to resist the earthquake forces prescribed by the Uniform Building Code and to incorporate the design recommendations contained in the soils and geologic report required.

B. **Independent Evaluation Requirement.** In addition to the requirements of this Section, the City shall require an independent evaluation of any of the soils and geologic reports submitted by the applicant for certain uses to be located in risk zone D as described in this Section. The City may establish a fee to cover the costs of the required evaluation.

16.507.05 EXCEPTIONS

The provisions of this Chapter shall not apply to:

A. Buildings and structures not intended to be used for human occupancy;

B. Alterations or repairs to an existing structure provided that the aggregated value of the work performed does not adversely affect the structural integrity of the existing structure as required by the Building Code;

C. A single-unit wood frame dwelling not exceeding 2 stories in height, which is built or located as part of a development of less than 4 such dwellings;

D. Mobile homes as part of a Mobile Home Park; and

E. Decorative walls, fences, and minor work of a similar nature.

16.508 OFF-STREET PARKING AND LOADING

16.508.01 PURPOSE AND APPLICABILITY

The purposes of the off-street parking and loading regulations are to:

A. Establish standards for off-street parking and loading facilities that will ensure efficiency, and to meet the urban design objectives of the General Plan;

B. Ensure that off-street parking and loading facilities are provided for new uses, major alterations and additions to existing uses proportional to the need for such parking created by each use to support growth and change of new uses;

C. Offer flexible means of minimizing the amount of land area and impervious surfaces devoted to parking of automobiles by allowing reductions in the number of required parking spaces in transit accessible areas, areas with a diverse mix of land uses with off-setting periods of peak parking demand, for shared parking facilities, and for other situations expected to have lower vehicle parking demand;

D. Address the needs of pedestrians by promoting parking lot designs that offer safe, attractive, well-shaded, and direct pedestrian routes.

E. Support bicycling and address the circulation, access, and security needs of people traveling by bicycle;

F. Recognize and incentivize development with flexible means of parking through trip reduction strategies;

G. Establish standards for off-street parking and loading facilities that will ensure efficiency, meet urban design objectives of the General Plan; Protect the public safety, reduce urban runoff and heat island effects, and, where appropriate, insulate surrounding land uses from adverse impacts;

H. In mixed-use and multi-family projects, require parking facilities to be designed to:

1. Minimize the visibility of parking from streets and dwellings and give prominence to private open space and outdoor living areas within projects;
2. Minimize and conceal negative aspects (e.g., large areas of paving, long expansive walls, and visibility of ventilation grilles and garage doors); and
3. Facilitate easy access between parking lots and individual dwelling units and non-residential spaces.

Unless otherwise specified, the parking and loading requirements in this Chapter shall apply to the following:

I. **New Development.** New buildings and new conditionally permitted uses in existing buildings.

J. **Reconstruction, Expansion and Change in Use of Existing Buildings.**

1. Changes in use, expansions of a use, or expansions of floor area that create an increase of more than 3 required parking spaces or more than 10 percent of required spaces, whichever is greater. Increases in floor area or the area occupied by a use that has a greater requirement for parking shall be cumulative.
2. Existing parking shall be maintained, and additional parking shall be required only for an addition, enlargement, or change in use and not for the entire building or site. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or change in use.
3. When additional parking is required for a change of use shall provide the difference between the required parking ratio for the existing use and the proposed use.
4. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification (use type) than the former occupant.

K. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires the provision of off-street parking to serve the new dwelling units in compliance with the provisions of this Chapter. This requirement does not apply when enough on-site parking exists to provide the number of spaces required for the existing and new dwelling units in compliance with all applicable requirements. Parking for Accessory Dwelling Units shall be subject to the requirements of **Chapter 16.303, Accessory Dwelling Units**.

L. **Construction Timing.** On-site parking facilities required by this Chapter shall be constructed or installed prior to the issuance of a Certificate of Occupancy or Business License for the uses that they serve.

M. **Damage or Destruction.** When a use that has been involuntarily damaged or destroyed is re-established, off-street parking and loading facilities shall also be re-established or continued in operation in an amount equal to the number maintained at the time of such damage or destruction. It is not necessary, however, to restore or maintain parking or loading facilities in excess of those required by this Chapter.

N. **Exceptions.**

1. **Neighborhood Retail.** Commercial retail uses in multi-tenant buildings having a gross floor area of 2,500 square feet or less are exempt from the off-street parking and loading requirements of this Chapter.
2. **Small Nonresidential Lots.** One and 2-story nonresidential projects on existing lots that are 5,000 square feet or less are exempt from the off-street parking and loading requirements of this Chapter.
3. **Downtown and Waterfront Mixed-use Zoning Districts.** Ground floor non-residential uses in mixed-use buildings occupying less than 5,000 square feet are exempt from the off-street parking and loading requirements of this Chapter.
4. **Alternative Access and Parking Plans.** If an alternative parking and loading plan is approved pursuant to **Section 16.508.14, Alternative Compliance with Parking Requirements**, the off-street parking requirements shall be subject to the provisions of that plan.

16.508.02 GENERAL REGULATIONS AND STANDARDS

A. **No Reduction in Off-Street Parking and Loading Spaces.** Off-street parking and loading spaces established as of the effective date of this Code shall not be reduced in number during the life of such building or land use which would be required for a new building or use of a similar type under the requirements of this Code. All such off-street parking and loading spaces shall remain permanently available and accessible for the parking or loading of vehicles by occupants of the property, except that any surplus spaces may be rented out to non-occupants, or otherwise made publicly accessible with the provision that such spaces shall be vacated on 30 days' notice if they become needed by occupants of the property.

B. **Separate Parking and Loading Spaces.** No area may be used and counted as both a required parking space and a required loading space. However, maneuvering aisles and driveways may serve both required parking spaces and loading spaces if they meet the requirements specified in this Chapter for both parking and loading facilities.

C. **Future Parking Spaces.** A development may bank up to 10 percent of required parking spaces by demonstrating availability of on-site development area for such parking and designating future parking including:

1. Site plan identifying location and number of banked parking spaces;
2. Measures that will be used to ensure that the banked spaces remain available to meet future needs;
3. Other provisions the Director or the Planning Commission determines necessary to reserve the banked spaces to meet the development's future need for parking.
4. The Director may require the developer or an authorized representative to submit information on changes in the use of banked spaces in connection with changes in occupancy of the development.

D. **Nonconforming Parking**. Existing land uses with off-street parking and loading facilities that do not conform to the requirements of this Chapter may be enlarged or expanded, provided that additional parking and loading facilities are added so that the enlarged or expanded portion of the building conforms to the requirements of this Chapter.

1. No existing use or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this Chapter, provided the facilities being used for off-street parking and loading as of the date of adoption of this Chapter shall not be reduced in number to less than that required by this Chapter, and the intensity of the proposed use does not increase.
2. Intensity shall mean an increase by more than 50 percent in building square footage or number of employees.

16.508.03 CALCULATION OF PARKING REQUIREMENTS

A. **Requirements Based on Use.** The minimum number of parking spaces required, and the maximum number of parking spaces allowed where specified by this Code, shall be in accordance with **Table 16.508-B**. References to spaces per square foot shall be calculated as provided for in **Chapter 16.104, Rules for Measurement**, on gross floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators.

B. **When Use is Undetermined.** In cases where the use is undetermined or not identified, the Director shall assign the land use or activity to a classification that is substantially similar in character, and the number of parking and loading spaces required. In order to make this determination, the Director may require the submission of survey data from an applicant or collected at an applicant's expense.

C. **Multiple Uses.** Whenever a single lot contains more than one use, the overall parking requirements shall be the sum of the requirements for each use calculated separately. The Director may permit a reduction in the overall required parking if several different uses will share a joint or common parking facility and the Director determines that such uses will have varying time periods of peak demand for the parking based on a parking study prepared by an independent transportation planning or engineering firm and based on the latest edition of the Urban Land Institute's Shared Parking methodology, a comparable shared parking model, and/or local data sources.

D. **Calculations.** All area-based estimated peak period parking demands shall be computed based on gross floor area, excluding parking and loading areas. When the requirement is based on number of seats, every 24 inches of pews, benches, or similar facilities shall be counted as one seat. When the requirement is based on the number of students, the number of spaces shall be based on the total occupant load of the structure regardless of the number of students in attendance.

E. **Primary and Accessory Uses.** For wholesaling, storage and distribution uses (including but not limited to breweries, distilleries and wineries) which have ancillary activities such as eating and retail areas, the parking requirement shall be based on the maximum peak use parking demand of either the primary or accessory use. If the peak period of the primary and accessory uses coincides, the parking requirement shall be based on combined demand, or as approved by the Director.

F. **Parking for Disabled Persons.** Parking spaces intended for the exclusive use of Disabled Person permitted vehicles and provision of access for disabled persons shall be provided as required by the California Building Code, Division 11, Site Accessibility. Such spaces shall be counted towards the parking requirements of this Chapter.

16.508.04 MINIMUM PARKING REQUIREMENTS

Except as otherwise provided in this Chapter, no less than the minimum number of parking spaces, as specified in this Section, shall be provided for each use or site. The minimum number of parking spaces required shall be as follows:

A. **Downtown Mixed-Use Zoning District.** Buildings and building additions constructed prior to adoption of the Downtown Specific Plan (September 2005) are exempt from the requirements of this Chapter. All other construction and uses in the Downtown shall provide parking in compliance with **Table 16.508-A: Parking Requirements in Downtown Specific Plan Districts**.

B. **Waterfront Mixed-Use Zoning District.** Parking shall be provided in compliance with **Table 16.508-B** unless otherwise provided in the Waterfront Planned Development Master Plan.

C. **All Other Zoning Districts.** Parking shall be provided parking by the minimum provision of 50% of the maximum parking requirements noted in **Table 16.508-B** unless a reduction is approved pursuant to **Section 16.508.14, Alternative Compliance with Parking Requirements**.

D. **Parking Spaces Below the Minimum or Above the Maximum.** Parking spaces less than the required minimum may be provided upon the granting of a Minor Use Permit, pursuant to **Chapter 16.606, Minor and Major Use Permits**. To grant a Minor Use Permit to provide less than the minimum number of parking spaces required by this Chapter, including elimination of all parking spaces, the following findings shall be made in addition to the findings otherwise required for such permit:

   a. That adequate measures will be put in place to reduce parking demand, such as transportation demand strategies including but not limited to promoting use of public transit, bicycling, and walking, and allowing modified working hours and telecommuting; and,

   b. That the reduction or elimination of the required parking spaces will not substantially reduce the availability of on-street parking for the occupants of nearby commercial and/or residential buildings.

TABLE 16.508-A: PARKING REQUIREMENTS IN DOWNTOWN SPECIFIC PLAN DISTRICTS

USE TYPE	OFF-STREET SPACES
DMX – Downtown Specific Plan Districts 1 and 2	
Residential and Live/Work	1.25 spaces per unit
Non-Residential	
Ground Floor – 7,500 sq. ft. or less	Exempt – No parking required
Ground Floor – More than 7,500 sq. ft.	1 space per 400 sq. ft.
Upper Floors	1 space per 400 sq. ft.
DMX – Downtown Specific Plan Districts 3 and 4	
Residential and Live/Work	1.25 spaces per unit
Non-Residential	
Ground Floor – 7,500 sq. ft. or less	Exempt – No parking required
Ground Floor – More than 7,500 sq. ft.	1 space per 300 sq. ft.
Upper Floors	1 space per 300 sq. ft.
DMX – Downtown Specific Plan District 5	
Residential/Marina Vista	Existing Parking to be Retained

TABLE 16.508-B: OFF STREET PARKING REQUIREMENTS	
USE TYPE	**MINIMUM NUMBER OF OFF-STREET SPACES**
RESIDENTIAL	
All Residential Uses (except as noted below)	**2 per unit**
Junior Accessory Dwelling Unit	None
Accessory Dwelling Unit	0-1 per unit, which may be tandem
Efficiency unit in Mixed-use District	None
Guest parking for developments with ten or more dwelling units	None
Guest house	1 per unit, which may be tandem
Senior Housing (Senior housing means housing that is restricted to older adults in which at least one resident of each unit shall be a "senior citizen" as defined in the Vallejo Municipal Code Section 51.3.)	0.5 per unit plus 1 per employee
Residential Care Facility	
General, Senior	None
Skilled Nursing	None
Single Room Occupancy	None
Supportive Housing	None within ½ mile of public transit stop; otherwise 0.25 per bed
Transitional Housing	None
COMMERCIAL	
All Commercial Uses (except as noted below)	**2 per 1000 Sq. Ft.**
Adult Businesses	
Retail	3 per 1000 sq. ft.
Performance (Theater, Cabaret)	5 per 1000 sq. ft.
Animal Care, Sales and Services	
Clinic/Hospital	TBD[1]
Grooming; Kennel	TBD[1]

Notes:
1. TBD = To be determined by the Director per **Section 16.508.03**, Calculation of Parking Requirements

TABLE 16.508-B: OFF STREET PARKING REQUIREMENTS	
USE TYPE	**MINIMUM NUMBER OF OFF-STREET SPACES**
Auto/Vehicle Sales and Services	
Rentals	1 rental vehicle to be stored on-site
Sales and Leasing	1 per 1000 sq. ft.
Repair and Service	2 per service bay or 1 per 1000 sq. ft.
Service station	None
Cannabis Dispensary	3 per 1000 sq. ft.
Commercial Entertainment and Recreation	
Theater	0.2 per seat
Game Center; Large-scale and Small-scale	TBD[1]
Eating and Drinking Establishments	
Bars/Taverns/Lounges	1 per 100 square feet of sitting area; 1 per 500 sq. ft. in Mixed-use Districts
Brewpub	1 per 100 square feet of sitting area; 1 per 500 sq. ft. in Mixed-use Districts
Restaurants, Full Service	2 per 1000 sq. ft. 1 per 1000 sq. ft. in Mixed-use Districts
Restaurant, Limited Service & Drive-through	2 for the first 2,500 sq. ft. plus 1 per 1000 sq. ft. above that size.
Tasting Room	1 per 100 sq. ft. of sitting area, including outdoor patios
Equipment Rental	1 per 1000 sq. ft.
Mobile Food Truck Off-street	1 per vending vehicle
Funeral/Interment Services	
With fixed seats	0.2 per seat

Notes:
1. TBD = To be determined by the Director per **Section 16.508.03**, Calculation of Parking Requirements

TABLE 16.508-B: OFF STREET PARKING REQUIREMENTS

USE TYPE	MINIMUM NUMBER OF OFF-STREET SPACES
Without fixed seats	10 per 1000 sq. ft. of indoor assembly area
Live-Work	1.5 per unit
Live-Work in downtown or within 1/2 mile of transit station	None required
Retail less than 80,000 square feet	2 per 1000 sq. ft.; 1 per 1000 sq. ft. in Mixed-use Districts
Retail 80,000 square feet or more	3.5 per 1000 sq. ft. plus 0.5 per 1,000 sq. ft. of outdoor sales area
Commercial Lodging	
Bed and Breakfast	1 per guest room plus 1 for owner/manager
Hotel and Motel	0.5 per guest room (0.25 in Mixed-use Districts) plus 1 per 50 sq. ft. of banquet seating area
INSTITUTIONAL AND COMMUNITY FACILITIES	
All Institutional and Community Facilities (except as noted below)	**2 per 1000 Sq. Ft.**
Colleges and Trade Schools	TBD[1]
Community Assembly	
Under 2,000 sq. ft.	none
2,000 sq. ft. or more	
With fixed seats	1 per 5 seats
Without fixed seats	1 per 80 sq. ft. of indoor assembly area
Community Garden	None
Cultural Facility	1 per 1000 sq. ft.
Emergency Shelters	1 per 10 beds per staff
Hospitals and Clinics	
Clinic	4 per 1000 sq. ft.
Hospital & Extended Care	1 per 1.5 beds

Notes:
1. TBD = To be determined by the Director per **Section 16.508.03**, Calculation of Parking Requirements

TABLE 16.508-B: OFF STREET PARKING REQUIREMENTS

USE TYPE	MINIMUM NUMBER OF OFF-STREET SPACES
Parks and Recreation	TBD[1]
Public Safety Facility	TBD[1]
Schools	
Nursery School	TBD[1]
Elementary School	TBD[1]
Middle School; Jr. High	TBD[1]
High School	TBD[1]
INDUSTRIAL	
All Industrial Uses (except as noted below)	**1 per 1000 Sq. Ft.**
Artisans/Small-scale Manufacturing	None
Artist's Studio	None
Industrial	
Limited and General Industrial	0.75 per 1000 sq. ft.
Water-related	0.5 per 1000 sq. ft.
Recycling Facilities – All	TBD[1]
Salvage and Wrecking	TBD[1]
Warehousing, Storage and Distribution	
Chemical, mineral and explosive	0.5 per 1000 sq. ft.
Indoor	0.5 per 1000 sq. ft.
Outdoor	TBD[1]
Personal Storage	TBD[1] plus 1 per 1000 sq. ft. for any office space
TRANSPORTATION, COMMUNICATION AND UTILITIES	
All Transportation, Communication, and Utilities (except as noted below)	**TBD[1]**
Light Fleet-Based Services	1 per 500 sq. ft.

Notes:
1. TBD = To be determined by the Director per **Section 16.508.03**, Calculation of Parking Requirements

16.508.05 PARKING CREDIT

A. **Reuse of Historically Significant Structures.** Projects that convert a historically significant structure designated by the City Council that has a legal nonconforming parking deficiency to a different use shall receive a credit equal to the number of required automobile parking spaces unmet by the previous use.

B. **Motorcycle Parking.** There shall be a credit of one automobile parking space for every 4 motorcycle parking spaces provided, not to exceed 5 percent of the total number of automobile parking spaces required. Motorcycle parking spaces shall be no less than 4 feet wide by 8 feet long with an aisle width of no less than 10 feet and shall be clearly marked.

16.508.06 SHARED PARKING

Shared Parking, shall be permitted in all non-residential zoning districts subject to approval of a Minor Use Permit and compliance with the following requirements:

A. **Calculation of Parking Requirement for Shared Parking.** Within a shared parking environment, peak period parking demand shall be calculated by estimating the parking demand for all uses at the combined peak period of demand for the site. The estimated parking demand for each use shall be calculated for each hour of a 24-hour period, based on the percent of peak demand for each hour. The hourly demand for all uses shall be totaled for each hour, and the greatest resulting hourly demand shall be the required number of parking spaces. This required number may be reduced or increased.

B. **Maximum Reduction Allowed.** The maximum allowable reduction in the number of spaces to be provided shall not exceed 25 percent of the sum of the number required for each use served and not reduce the total number of spaces to less than 1 space for every 500 square feet of floor area in a commercial mixed-use development.

C. **Procedures.**

1. An application for shared parking shall include data substantiating a request for reduced parking requirements. The data shall include substantial evidence of the demand and usage of the parking facility for all uses utilizing the parking facility.
2. An application for shared parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.
3. The data shall be submitted to staff for review, along with a recorded agreement between the property owners. The hourly demand for each use shall be based on the most recent edition of Parking Generation published by the Institute of Transportation Engineers or comparable source.
4. An applicant may propose to convert an existing parking facility constructed as accessory parking be converted for shared use:
   a. The applicant shall submit to the Director, when requested, a parking inventory and occupancy study of off-street parking and on-street parking in the vicinity of the project, conducted by an independent transportation planning and/or engineering consultant, demonstrating that a certain share of the existing parking spaces on the owner's property are infrequently utilized.
   b. Based on this study, the Director may authorize the property owner to dedicate the underutilized portion of the owner's off-street parking to other, non-accessory uses, including leasing such spaces to other individuals, or to other property owners or developers of projects within a one-quarter half mile walking radius distance of the facility to provide some or all of their required off-street parking obligations.
5. The Director, or Planning Commission on appeal, may approve a Minor Use Permit for shared parking, in whole or in part, with or without conditions, only when all the following findings are made in an affirmative manner:
   a. That the operation of the requested shared parking permit at the location proposed and within the time period specified will not adversely impact the primary use of the parking facility for its intended on-site users, or otherwise endanger the public health, safety, or general welfare;
   b. That the parking spaces needed for the primary on-site uses will be available during the hours needed for their use;

c. That the Minor Use Permit for shared parking sets forth the maximum number of shared parking spaces that are being approved for use by off-site users that will be available during peak and off-peak parking demand periods so as to ensure that a sufficient number of spaces will be provided to meet the greater parking demand of the anticipated users; and

d. The off-site shared parking will not use property required to accommodate parking for a proposed new development on that property.

6. The Director may impose additional requirements, restrictions or agreements deemed necessary to ensure that parking spaces needed for the primary on-site uses will be available during the hours needed for their use.

7. The Director shall prepare a written decision which shall contain the findings of fact upon which such decision is based and all required conditions, if approved. The decision shall be mailed to the applicant and to property owners and residents of property in compliance with the requirements of **Section 16.602.08, Noticing**. Copies of the decision shall also be provided to the Planning Commission.

D. **Monitoring.** The permit holder shall grant City staff access to the parking facility for the purpose of verifying parking availability prior to issuing the permit as well as to allow random monitoring after the permit is issued. The applicant shall submit an annual report to the Director that includes a copy of current lease agreements for the parking facility that is shared and shall submit data substantiating an ongoing request for reduced parking requirements.

16.508.07 STANDARDS FOR OFF-STREET PARKING AREAS

The standards in this Chapter apply to all off-street parking areas except those used exclusively for tandem or valet parking. All required parking spaces and associated maneuvering aisles, driveways, and other related features shall be designed and arranged to provide motor vehicles with adequate ingress to and egress from all required parking spaces, and to provide pedestrians with adequate access to parked vehicles.

A. **Location of Parking.** All vehicles are prohibited from parking on any lawn area or on any unapproved parking pad. Abandoned, inoperable, unlicensed and junk vehicles shall not be parked on any property other than a lot that the City has approved for such use.

B. **Residential Parking.**

1. **Garages/Carports/Uncovered Residential Parking.** For residential uses, required off-street parking located in the front half of a lot or within 25 feet of the side street on a corner lot shall be covered with carport, garage or roofed structure except as allowed below:

a. One uncovered parking space may be provided in the required front yard on a paved pad for an accessory dwelling unit; and

b. Uncovered off-street parking for residential uses may be in the rear half of the lot when more than 25 feet from a side street.

2. **Bus and Large Truck Parking Prohibited in Residential Zoning Districts.** No vehicle that is used as or intended to be a commercial or industrial bus, motor truck, trailer coach, or truck tractor and has a manufacturer's rated capacity in excess of 3-quarter ton shall be parked in any residential zoning district between the hours of 6 P.M. and 6 A.M. at any time, except on a public street, alley or parkway as permitted by Title 8, Vehicles and Traffic, of the Vallejo Municipal Code.

3. **Parking in Residential Driveway of Recreational Vehicles.** Operable recreational vehicles that are currently registered with the State Department of Motor Vehicles, including campers, boats, trailers, etc. may only be parked on a residential driveway in compliance with the requirements of **Section 16.508.11 Recreational Vehicle Parking**.

C. **Nonresidential parking.**

1. Off-street parking spaces for nonresidential uses shall be located on the same site or within a distance not to exceed one half mile from the lot line of the property where the use for which the parking spaces are required. The applicant shall be required to show evidence that the off-site parking is reserved for the applicant's use, if such parking is on private property.

2. Surface parking shall be paved and set back from local streets at least 10 feet and from collector and arterials 15 feet. Setbacks may be reduced to 5 feet when combined with a landscaped area if the minimum total setback meets the requirements of this Chapter.

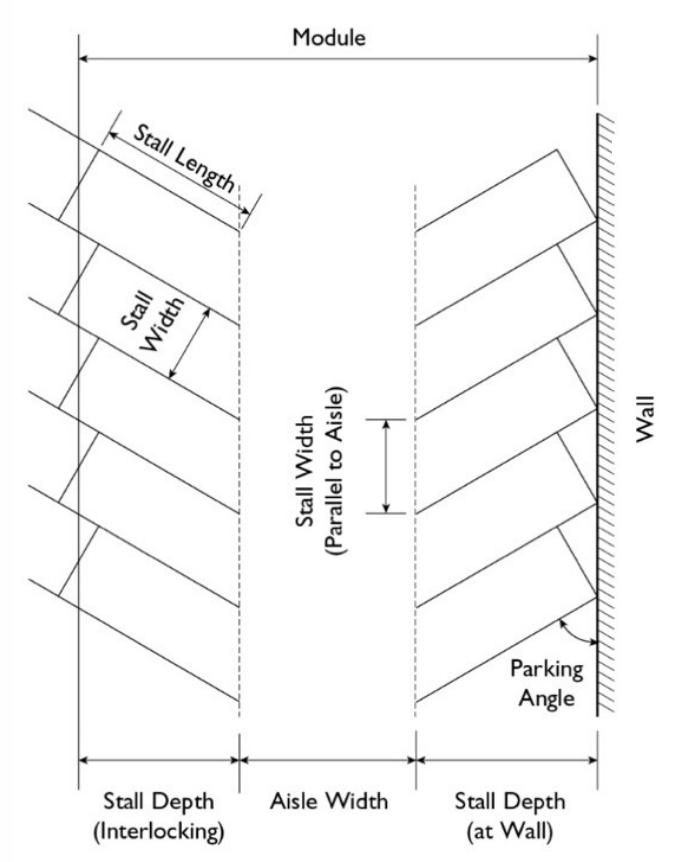
D. **Surface Parking Lots.** Surface parking lots are subject to the following restrictions and standards. The area of a surface parking lot shall include all features within the lot's outer edges, including all parking spaces, maneuvering aisles, access driveways, and perimeter and interior landscaping, walkways, and other features.

1. **Large Parking Lots.** If on-site parking for more than 75 spaces is needed, such parking facilities shall be designed to have landscaping or design features so as not to be highly visible from public rights-of-way, or be provided within buildings or parking structures or in separate lots that are each less than 2 acres in size, or shall be otherwise covered by a structure that serves a non-parking function, such as solar panels, recreational facilities, roof deck, or green roof.
2. **Pedestrian Circulation.** Parking lots containing 50 or more spaces shall have walkways separated from motor vehicle maneuvering aisles and driveways connecting the principal building or buildings served by the lot to the farthest point of the lot from the main pedestrian entrance of such building or buildings.
3. **Materials and Width.** Walkways shall provide a minimum of 4 feet of unobstructed width and be hard surfaced with materials and colors delineating from principal parking lot.
4. **Identification.** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces using elevation changes, or curb separation, or different paving material, or similar method or a combination thereof.
5. **Separation.** Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it shall be raised and separated from the travel lane by a raised curb at least 6 inches high, bollards, or another physical barrier.
6. **Landscaping.** Parking lots shall be landscaped in compliance with the requirements of **Section 16.504.04, Landscaping and Screening of Parking Areas**.

E. **Parking Layout and Dimensions.** The layout and dimensions of off-street parking facilities shall be as set forth in **Figure 16.508-A** and **Table 16.508-C**, as further provided below.

1. **Regulatory and Calculated Dimensions.** Stall width, stall length, and aisle width, as shown in **Table 16.508-C**, are regulatory. Other dimensions shown in **Table 16.508-C** are calculated from these required dimensions and are provided for convenience.
2. **Stall Width and Length.** The required minimum stall width and length for various parking angles is set forth in **Table 16.508-C**. Compact spaces with an 8-foot width and 16-foot length are permitted for up to 25 percent of the required spaces.
   a. **Width.** For parking angles of more than 30 degrees the required minimum stall width is eight feet 6 inches. For parking angles of 30 degrees or less, the required minimum stall width is eight feet.
   b. **Length.** For all parking angles other than parallel parking, the required minimum stall length is 18 feet. For parallel parking, the required minimum stall length is 20 feet.
3. **Two-Way Modules**. **Table 16.508-C** provides the dimensions for parking modules with one-way traffic. For parking modules with 2-way traffic, add the difference in width between a 2-way aisle and a one-way aisle. For example, for a 2-way module with a parking angle of 45-degrees, add eight feet, which is the difference between a 2-way aisle (20 feet) and a one-way aisle (12 feet).
4. **Overhang.** Parking stall lengths, except for parallel spaces, may be reduced by 2 feet where the parking stall is designed to abut a landscaped area a minimum of 5 feet wide, such that the front of the vehicle can overhang the landscaped area.
5. **Spaces Abutting Walls or Posts.** For each side of a parking space abutting a wall or post, an additional foot of width shall be required. As an alternative the space shall be restricted to parking for compact cars if the maximum number of compact spaces does not exceed the maximum of 25 percent allowed by Subsection (E.2).

FIGURE 16.508-A: PARKING LAYOUT



F. **Location of Parking Areas.** Except as provided for off-site parking, required parking spaces shall be located on the same lot as the use to be served by the parking.

1. No vehicle shall be required to cross a loading space or another parking space in order to gain access to a required parking space, except for any tandem parking permitted.
2. No off-street parking shall be located in required front or street side yards.
3. No off-street parking spaces shall be located between the front lot line and the front wall of a building or its projection across the lot, except upon the granting of an administrative use permit. To grant such a use permit, the following findings shall be made in addition to the findings otherwise required:
   a. There is no other feasible way to provide the required parking or the use has unique access or operational needs and the parking is deemed compatible with the streetscape and adjacent uses;
   b. All applicable provisions of the design standards have been met;
   c. The applicable landscaping and screening requirements have been met; and
   d. On-street parking availability is limited, such that accommodation of all auto access and vehicle parking demand on-street is impractical.

TABLE 16.508-C: PARKING DIMENSIONS

Parking Angle	Regulatory					Calculated For Reference				
	Stall Width	Stall Length	Aisle Width		Stall Width Parallel To Aisle	Stall Depth			Module (One-Way)	
			One-Way	2-Way		Inter-Locking	At Wall	Non-Inter-Locking	Inter-Locking	Half Inter-Locking[1]
Parallel	8 ft. 6 inches	22 ft. and 20 ft. for end spaces	12 ft.	20 ft.	—	—	—	28 ft.	—	—
30°	9 ft.	18 ft.	12 ft.	20 ft.	16'-0"	12'-6"	15'-11"	43'-10"	36'-11"	40'-5"
45°	9 ft.	18 ft.	12 ft.	20 ft.	12'-0"	15'-9"	18'-9"	49'-6"	43'-6"	46'-6"
60°	9 ft.	18 ft.	16 ft.	20 ft.	9'-10"	17'-9"	19'-10"	55'-8"	51'-5"	53'-7"
75°	9 ft.	18 ft.	20 ft.	20 ft.	8'-10"	18'-6"	19'-7"	59'-2"	57'-0"	58'-9"
90°	9 ft.	18 ft.	25 ft.	25 ft.	8'-6"	18'-0"	18'-0''	60'-0"	—	—

Notes:
1. One side is interlocking, and the other side is non-interlocking, like the parking layout illustrated in **Figure 16.508-A**.

G. **Driveways and Access.**

1. **Driveway Width.**

   a. Parking facilities containing fewer than 15 required parking spaces shall have only a single driveway of no less than 9 feet and no more than 10 feet in width.

   b. Parking facilities containing 15 or more required parking spaces may have one lane driveways of no less than 9 feet and no more than 10 feet in width, and 2-lane driveways of no less than 18 feet and no more than 20 feet in width.

2. **Vehicle Flow.**

   a. Except for those serving 4 or fewer residential units, all parking areas shall be designed so that a vehicle leaving the parking area will enter the public right-of-way traveling in a forward direction.

   b. Parking areas shall be designed so that a vehicle will not have to enter a public right-of-way to move from one location to another within the parking area.

H. **Surface.** All outdoor parking spaces, driveways, and maneuvering areas shall be designed, built and permanently maintained to avoid dust, mud and standing water and to maximize permeability, where feasible and appropriate. These surfaces may include traditional asphalt and concrete as well as pervious pavements, sand-set pavers, and supported turf systems. A combination of surfaces may be used; for example, 2 track driveways of concrete strips with pervious areas between the strips and on the edges.

1. **Cross-grades.** Cross-grades shall be designed for slower stormwater flow and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.

2. **Landscaping Alternative.** Up to 2 feet of the front of a parking space may be landscaped with ground cover plants instead of paving.

3. **Permeable Paving.** Permeable paving, sand-set pavers, supported turf systems, and vegetation shall be used in all overflow parking areas and installed in accordance with manufacturer recommended specifications.

4. **Turf Grids/Grassy Pavers.** Turf grids/grassy pavers shall be installed in areas of low traffic or infrequent use, wherever feasible.

5. **Striping and Marking.** In all parking facilities with 4 or more spaces, each parking space shall be clearly striped with paint or similar distinguishable material, except that the Director may approve alternate means of marking spaces.

6. **Perimeter Curbing.** A 6-inch wide and 6-inch high concrete curb shall be provided along the outer edge of the parking facility pavement, except where the pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas shall be designed to allow stormwater runoff to pass through.

I. **Separation from On-Site Buildings.** Parking areas shall be separated from the front and side exterior walls of on-site buildings by walkways a minimum of 4 feet in width. Commercial buildings with 25,000 square feet or more of gross floor area shall be separated from on-site parking on all sides by a walkway a minimum of 5 feet in width, as well as a planter area at least 3 feet in width. These requirements do not apply to parking areas containing 5 or fewer spaces.

J. **Heat Island Reduction.** A heat island is the increase in ambient temperature that occurs over large paved areas compared to natural landscape. In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light-colored materials with a Solar Reflectance Index of at least 29, or a combination of shading and light-colored materials and trees.

1. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years. To the extent maximizing the shading effect causes the trees to be placed in different locations than would otherwise be required, the placement required by this Chapter controls.

2. Trees shall be selected from a list maintained by the City's Public Works Department.

K. **Vertical Clearance.** All covered parking shall have a minimum vertical clearance of 7 feet 6 inches except for spaces in parking lifts; the minimum vertical clearance for disabled parking shall be as required by the Building Code.

L. **Slope.** The maximum slope of parking facilities shall be as set forth below, unless the Director approves a greater slope based upon the advice of a California-registered civil engineer or other qualified professional.

M. **Parking Spaces.** All parking spaces and abutting access aisles shall have a maximum slope of 5 percent measured in any direction.

N. **Driveways and Ramps.** The maximum slope of any driveway or ramp shall be 20 percent. If the slope of such driveway or ramp exceeds 10 percent, transitions shall be provided at each end not less than eight feet in length and having a slope equal to one-half the driveway or ramp slope.

O. **Tandem Parking.** Required parking may be arranged as tandem spaces; provided, that pairs of spaces in tandem are assigned to the same residential unit or to employees of the same nonresidential establishment, or that a full-time parking attendant supervises the parking arrangements during periods of peak demand for the uses served. The required stall width, stall length, and aisle width shall apply to tandem spaces, except that the stall length shall be doubled for each pair of tandem spaces.

P. **Parking Lifts.** Required parking may be provided in parking lifts; provided, that if it is necessary to remove one vehicle from the lift to access another vehicle, the parking shall be subject to the provisions applicable to tandem parking. Parking lifts allowing each vehicle to be independently accessed have no such restrictions. The dimensional standards for 90-degree parking shall apply to parking lifts, including the requirement for an aisle width of 24 feet. Exterior parking lifts shall be screened from public view.

16.508.08 PARKING AREA LIGHTING

Except for those facilities serving 4 or fewer residential units, all open parking areas shall be provided with exterior lighting complies with the requirements of **Chapter 16.506, Light and Glare** and meets the following minimums:

A. The lighting system shall provide not less than one foot-candle and not more than 5 foot-candles overall average illumination with a minimum of one-fourth foot-candles on the parking surface.

B. All lighting shall be on a time clock or photo-sensor system to be turned off during daylight hours and during any hours when the parking area is not in use. This requirement does not apply to security lighting.

C. All parking area lighting shall meet applicable energy efficiency requirements of Title 12, Buildings and Construction, of the Vallejo Municipal Code.

D. All lighting shall be designed to confine direct rays to the premises. No light fixture shall emit any direct light above a horizontal plane through the fixture. No spillover beyond the lot line shall be permitted, except onto public thoroughfares.

16.508.09 ELECTRIC VEHICLE CHARGING STATIONS

In parking facilities containing 20 or more spaces serving Multi-Unit Residential, Mixed-use, Commercial and Hotels and Motels, at least 3 percent of parking spaces shall be electric vehicle (EV) charging stations. Such spaces may be counted towards the parking requirements of this Zoning Code.

A. **Size.** Electric vehicle charging stations shall be the same size as other spaces, and electric vehicle charging equipment shall not reduce the size of the space.

B. **Signage.** Each electrical vehicle charging station shall be clearly marked with a sign reading "Electrical Vehicle Charging Station" and the associated California Vehicle Code restrictions, and only a vehicle that is connected for electric charging shall be allowed to park in the stalls or spaces so designated.

C. **Equipment.** Electrical vehicle charging stations shall be equipped with electrical outlets, and may also be equipped with card readers, controls, connector devices and other equipment, as necessary for public use.

16.508.10 STACK-UP SPACES FOR DRIVE-IN AND DRIVE-THROUGH FACILITIES

A. The number of stack-up spaces required of drive-in establishments is as follows:

1. Drive-up bank teller windows or deposit boxes: 5 spaces;
2. Drive-in car wash where driver remains in vehicle as it goes through washing machines: 2 spaces;
3. Drive-in car wash where vehicle is taken by attendant: 6 spaces;
4. Drive-up windows for restaurants and banks, 8 spaces per service window; and
5. All other drive-in establishments: 2 spaces.

6. Whenever the Director, in reviewing site development plans, determines that under the circumstances of any specific case the required number would be insufficient, the Planning Commission shall determine the number of spaces to be required.

B. Stack-up spaces shall be 22 feet in length.

C. Where tandem service windows are proposed, the Director may require a minimum of 2 spaces between windows and the balance upstream of the nearest window to the approach point.

D. The Director also may require a 2-lane mono-direction access driveway to be provided into and away from service windows.

E. A stack-up space is measured from the service area or the order area if an outdoor order area precedes the service area. The service area is where the first point of service occurs, such as a menu board.

16.508.11 RECREATIONAL VEHICLE PARKING

A. **Recreational Vehicle Parking in Residential Zoning Districts.**

1. No recreational vehicle, boat or trailer that exceeds 2.5 tons in dry weight, 36 feet in length or 14 feet in height, not including rooftop equipment, shall be parked, stored or loaded in a Residential Zoning District.

2. Permitted recreational vehicles may be parked, stored, or loaded on a residential property in a driveway, exterior or interior side yard, or rear yard in compliance with the following requirements:

a. For the purpose of loading or unloading, not to exceed 72 hours;

b. For the purpose of accommodating visitors who are traveling in the vehicle, not to exceed one week within any consecutive six-month period;

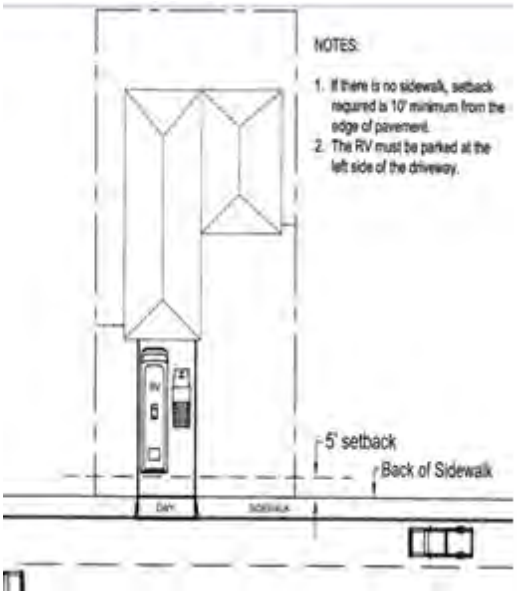
c. Within the exterior or interior side yard behind a legally constructed opaque fence not less than 6 feet tall. At the option of the property owner or occupant of the property, lattice not exceeding one foot in height may be affixed to the top of the fence; or

d. In the rear yard behind a legally constructed opaque fence not less than 6 feet tall. At the option of the owner or occupant of the property, lattice not exceeding one foot in height may be affixed to the top of the fence;

e. No more than 2 recreational vehicles, including boats and other recreational equipment registered to the owner or occupant of the property, may be stored on a parcel of real property, unless otherwise permitted by this Zoning Code.

3. Recreational vehicles shall not be used as additional living space except as temporary living quarters during construction subject to the approval of a Temporary Use Permit pursuant to **Chapter 16.339, Temporary Uses.**

FIGURE 16.508-B: PARKING IN A DRIVEWAY WITH VEHICLE STORAGE PERMIT



B. **Maintenance Standards for Recreational Vehicles Visible from Public View.**

1. **Recreational vehicles visible from public view shall be maintained in proper condition.** Recreational vehicles stored or maintained in one or more of the following conditions shall be deemed in violation of the Zoning Code:

a. Recreational vehicles with damaged or broken windows or doors; damaged or torn screens or shades.

b. Recreational vehicles that are covered with tarps or other covers, which are deteriorating or torn.

c. Recreational vehicles with damaged or broken parts, including but not limited to tow bars, mirrors, light shields, bumpers, tanks, ladders, soft top cover for pop ups, luggage compartment doors, air handling units, and luggage racks.

d. Recreational vehicles with peeling, blistering, rusting, or otherwise deteriorating exterior surfaces.

e. Recreational vehicles with open awnings, open slide-outs, and open pop-ups.

C. For sight distance purposes, in the driveway, a recreational vehicle shall be parked on the left side (facing the property) at a minimum distance of 5 feet from the back of the sidewalk, or if there is no sidewalk, no closer than 10 feet from the edge of the pavement. (See **Figure 16.508-C**)

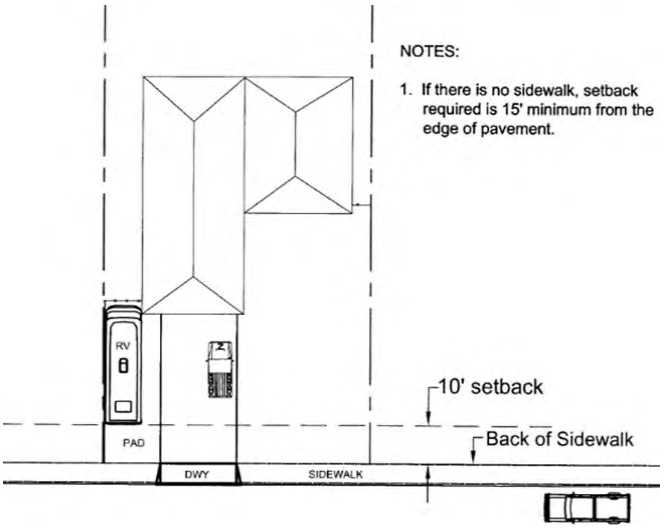
D. On the parking pad adjacent to the driveway, a recreational vehicle may not be parked closer than 10 feet from the back of the sidewalk or, if there is no sidewalk, 15 feet from the edge of the pavement. The Director may make exceptions to these sight distance standards if he/she determines sight distance requirements are met. (See **Figure 16.508-C**.)

E. In no case shall the parking of a recreational vehicle in the driveway block the use of the driveway or access to the garage or carport by other vehicles.

F. Installation of new secondary driveways or parking pads shall be grass-crete, turf-block, a ribbon driveway, or other similar treatment, and shall not be a standard slab driveway.

G. Failure of the owner or occupant of the residential property to abide by the maintenance standards set forth in subsection B. of this Chapter shall be subject to nuisance abatement procedures.

FIGURE 16.508-C: PARKING ADJACENT TO DRIVEWAY



16.508.12 BICYCLE PARKING

A. General Requirements. Short-term publicly accessible bicycle parking for visitors, and long-term secured bicycle parking for building occupants shall be required for multi-unit and non-residential development as shown in **Table 16.508-D**.

TABLE 16.508-D: BICYCLE STANDARDS

LAND USE	SHORT-TERM PARKING	LONG-TERM PARKING	SHOWERS	PERSONAL LOCKERS
Office and Research & Development	The greater of 1 per 10,000 sq. ft. or 4	The greater of 1 per 2,000 sq. ft. or 4	1 unisex per 40,000 sq. ft. plus 1 for each additional 20,000 sq. ft.	Provided for at least 75% of the long-term bicycle parking spaces
Convenience Markets; Retail Sales; Business Services; Finance, Insurance and Real Estate Services; Personal Services	The greater of 1 per 5,000 sq. ft. or 2	The greater of 1 per 5,000 sq. ft. or 2	1 unisex required per 20 full time employee equivalents (FTE) as estimated by City upon development application. Uses with less than 5,000 sq. ft. or fewer than 20 FTE, as determined by the City are exempt.	Provided for at least 75% of long-term bicycle parking spaces. Uses with less than 5,000 sq. ft. or fewer than 20 FTE, as determined
Eating & Drinking Establishments	The greater of 1 per 750 sq. ft. or 2	The greater of 1 per 7,500 sq. ft. or 2	—	—
Residential Multi-Unit Dwellings; Live-Work Units	1 plus 1 for every 20 units	1 per unit	n/a	n/a
Group Housing	2 plus 1 per 100 beds	1 per 4 beds	—	—
Hotel	Minimum 8 spaces	0.25 spaces per room	1 unisex required per 20 FTE as estimated by City upon development application. Uses with less than 20 FTE exempt.	75% of long-term bicycle parking spaces provided. Uses with less than 5,000 sq. ft. or fewer than 20 FTE, as determined by the City are exempt.
Community Assembly; Cultural Facility; Social Service Center	The greater of 1 per 2,500 sq. ft. or 2	The greater of 1 per 2,500 sq. ft. or 2	—	—
Schools	2 short-term spaces per classroom or 6 percent of the student capacity plus staff, whichever is greater.			
Mixed-Use	The sum of the requirements for individual uses.			

B. **Location.**

1. **Long-Term Bicycle Parking Spaces.** Long-Term spaces shall be located with direct access for bicycles without requiring use of stairs. The design shall provide safe and convenient access to and from bicycle parking facilities. In residential buildings, Long-Term space shall not be provided within dwelling units, on balconies, or in required outdoor living area.
2. **Short-Term Bicycle Parking Spaces.** Short-Term spaces shall be located, as feasible, near all main pedestrian entries to the use to which they are accessory.
3. **Other location requirements.**
   a. Direct access from the bicycle parking to the public right-of-way shall be provided by means of access ramps, if necessary, and pedestrian access from the bicycle parking area to the building entrance shall also be provided.
   b. Where bicycle parking is not directly visible and obvious from the right-of-way, signs shall be provided, except that directions to long-term bicycle parking may be posted or distributed by the building management, as appropriate.
   c. Bicycle parking shall be separated from automobile parking by a sufficient distance to prevent damage from moving automobiles or their loading and unloading. The Director may require a barrier or curb between bicycle and automobile parking areas on constrained sites.
   d. Bicycle parking may be provided inside a building provided it is easily accessible from a building entrance and a bicyclist does not have to use stairs to reach it.
   e. The placement of bicycle parking, bicycle rack elements and bicycle lockers shall not interfere with pedestrian circulation.

C. **Design and Installation.**

1. A bicycle parking space shall be in a paved, level, drained, lighted area with access to a right-of-way without the use of stairs, and shall consist of either:
   a. One side of a securely fixed rack element that supports the bicycle upright by its frame, prevents the bicycle from tipping over, and allows the frame and at least one wheel to be locked to the rack element with one lock; or
   b. For Long-Term parking only, a bicycle locker constructed of theft-resistant material with a lockable door which opens to the full width and height of the locker. Bicycle lockers shall be weather-proof if exposed to the elements; or
   c. For Long-Term bicycle parking only, wall-mounted racks or wall- or ceiling-mounted hooks so that bicycles may be hung vertically.
2. Bicycle rack elements shall be fixed, securely anchored to the ground or to a structure by means that resist tampering or removal. Bicycle locker edges shall be secured with no exposed fittings or connectors. The Director may specify preferred installation methods, such as, but not limited to, embedded mounting in poured-in-place concrete, recessed bolt heads or grouted-in anchoring.
3. The design of bicycle parking areas located outside of a building shall comply with applicable standards of approved Design Guidelines.

D. **Removal of Abandoned Bicycles.** Property owners shall remove abandoned bicycles from short-term and long-term parking associated with their property on a quarterly basis after posting a notice of removal warning on such bicycles for one month. This requirement shall not preclude provision of seasonal bicycle storage.

16.508.13 LOADING SPACES

A. **Number of Spaces Required.**

1. **None Required.** No off-street loading spaces are required for uses for which the estimated parking demand is "none." In addition, no off-street loading spaces are required for Single Unit or Duplex dwellings.
2. **Requirement "To Be Determined."** The off-street loading requirement for uses for which the estimated parking demand is "To be determined" ("TBD") shall be determined in the same manner the estimated parking demand is determined.
3. **All Other Uses.** The off-street loading requirement for all uses shall be as set forth in **Table 16.508-E.**

B. **Size of Spaces.** The size of each type of loading space shall be as follows:

1. **Small.** Small loading spaces shall have a width of no less than 10 feet, a length of no less than 25 feet, and a vertical clearance of no less than 8 feet
2. **Medium.** Medium loading spaces shall have a width of no less than 12 feet, a length of no less than 35 feet, and a vertical clearance of no less than 14 feet.
3. **Large.** Large loading spaces shall have a width of no less than 12 feet, a length of no less than 45 feet, and a vertical clearance of no less than 15 feet.

TABLE 16.508-E: LOADING REQUIREMENTS

USE TYPE	NUMBER OF SPACES	SIZE (SEE (B) BELOW)
RESIDENTIAL		
Multi-Unit		
Less than 50 units	None	
50 to 149 units	1	Small
150 to 300 units	2	Small
Each additional 300 units or fraction of one-half or more thereof	1	Medium
COMMERCIAL AND INSTITUTIONAL		
Offices – All		
Less than 25,000 gross square feet	None	
25,000 to less than 100,000 gross square feet	1	Medium
100,000 to less than 200,000 gross square feet	2	Medium
Each additional 100,000 gross square feet or fraction of one-half or more thereof	1	Large
All Other		
Less than 10,000 gross square feet	None	
10,000 to less than 20,000 gross square feet	1	Medium
20,000 to less than 40,000 gross square feet	2	Medium
40,000 to less than 80,000 gross square feet	2	Large
Each additional 40,000 gross square feet or fraction of one-half or more thereof	1	Large
INDUSTRIAL		
Research and Development		
Less than 25,000 gross square feet	None	
25,000 to less than 100,000 gross square feet	1	Medium
100,000 to less than 200,000 gross square feet	2	Medium
Each additional 100,000 gross square feet or fraction of one-half or more thereof	1	Large

All Other		
Less than 10,000 gross square feet	None	
10,000 to less than 25,000 gross square feet	1	Medium
25,000 to less than 50,000 gross square feet	1	Large
50,000 to less than 100,000 gross square feet	2	Large
100,000 to less than 200,000 gross square feet	3	Large
Each additional 100,000 gross square feet or fraction of one-half or more thereof	1	Large

C. **Modifications.** In approving a project, the Director or Planning Commission may modify the number and size of loading spaces required based on the use or project design.

D. **Maneuvering Areas.** All off-street loading spaces shall be designed and located to provide enough off-street maneuvering area to accommodate vehicles using the loading spaces. Maneuvering areas shall be designed to accommodate the largest vehicle intended to use the loading spaces and shall not be encumbered by parking stalls or physical obstructions.

E. **Surface and Maintenance.** Loading spaces and the maneuvering areas and driveways serving them shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights; properly graded for drainage; and maintained in good condition free of weeds, dust, trash, and debris.

F. **Location.** Loading spaces shall be located on the same lot as the use that requires the spaces unless loading spaces may be provided in a common loading area serving multiple adjacent uses and located on an adjacent lot within 300 feet of the lot on that requires the loading spaces subject to approval of a Minor Use Permit under **Chapter 16.606, Minor and Major Use Permits**, or development review approval pursuant to **Chapter 16.605, Development Review**. Off-site loading shall only be approved based on the following findings in addition to the findings otherwise required:

1. That the common loading area results in a more efficient design than individual loading areas serving each use separately;
2. That the total number of loading spaces provided in the common loading area is no less than the number of loading spaces that would be required if the uses served were in a single facility; and
3. That the common loading area will always be in place during operation of the principal uses to be served by the loading spaces.

G. **Access to Tenant Spaces Served by Loading Spaces.** Buildings served by loading spaces shall be designed such that there is a direct interior path of travel between the loading spaces and each tenant space served by the loading spaces of enough width and height to accommodate all material to be loaded and unloaded.

H. **Availability and Utilization of Loading Spaces.** All loading spaces shall be made readily available to pick-up and delivery vehicles during all hours when pick-ups and deliveries are allowed. Owners of property containing such loading spaces shall be responsible for advising drivers of pick-up and delivery vehicles of the location and hours of such loading spaces, shall require drivers to use such loading spaces, and shall not allow pick-up and delivery vehicles to be loaded in the public right-of-way.

I. **Loading Spaces on an Alley.** Each 30 feet of otherwise not used frontage on an improved city alley may be considered a loading space for the adjacent use.

J. **Landscaping and Screening.** All loading spaces and the maneuvering areas and driveways serving them shall be landscaped and/or screened as required by this Zoning Code.

K. **Lighting.** All exterior loading spaces and the maneuvering areas and driveways serving them shall be provided with lighting that meets the minimum standards established for parking areas.

16.508.14 ALTERNATIVE COMPLIANCE WITH PARKING REQUIREMENTS

A. **Alternative Parking and Loading Plan.** Where an applicant can demonstrate to the satisfaction of the Planning Commission that variations in the standards or dimensions otherwise required by this Zoning Code are warranted for uses with unique needs, such as schools, or in order to achieve environmental design and green building objectives, including but not limited to achieving certification under the LEED™ Green Building Rating System or equivalent, an alternative parking area design and loading plan may be allowed with approval of a Discretionary Permit. To grant such a Discretionary Permit, the Planning Commission shall make the following findings in addition to the findings otherwise required:

1. That the applicant has convincingly demonstrated that the alternative plan is a superior solution and the requested modifications in the design standards of this Chapter are warranted; and
2. That the alternative parking arrangement will be in place at all times during operation of the principal uses to be served by the parking.

B. **Modification and Reduction of Parking Requirements.** The Director or the Planning Commission may waive or reduce the requirement for off-street parking in NMX, DMX, and WMX Districts based on the following findings:

1. The parking requirement modification will meet the purposes of the district related to improvement and support for mixed-use development, alternative transportation, pedestrian improvements and activity, or similar policies; and
2. The use is located one-half mile or less from a transit corridor; or
3. The use is located one-quarter of a mile or less from a publicly accessible parking facility, the use of which is not limited to a specific business or activity during the use's peak parking demand; or
4. A parking survey conducted under procedures set forth by the Planning Department finds that within 500 feet or less of the use, on non-residential streets, at least 2 times the number of spaces requested for reduction are available through on-street parking spaces for at least 2 of the 4 hours of the use's peak parking demand; or
5. The proposed development includes at least 20 percent affordable housing units and at least 50 percent of the ground floor is occupied by any of the following neighborhood-serving uses: Food and Beverage Retail Sales, Food Service Establishments, and/or Personal/Household Service(s). These uses include, but are not limited to: Dry Cleaning and Laundry Agents, Drug Stores, Food Products Stores, Household Items Repair Shops, and/or Laundromats; or
6. There are other factors, such as alternative TDM strategies or trip-reduction programs in place, that will reduce the parking demand generated by the use.

C. **On-Street Parking Credits in Other Districts.** Consistently available on-street parking may be counted towards all or a portion of the parking spaces required of each land use and activity proposed in a development application on a one to one basis.

1. To qualify for on-street parking credits, the project applicant shall fund completion of an on-street parking inventory and occupancy study, or refer to such a study completed by another project applicant within the preceding 2 years that provides evidence of the number of on-street parking spaces that are vacant or unoccupied during the hour of combined peak demand for the uses proposed on site, on each block face within 2 blocks of the project site address.
2. For any one project, a maximum of 50 percent of the total on-street parking supply on the block faces located within a one block walk of the project site, including curbside parking on the project frontage(s), may be counted towards satisfaction of the project's minimum parking requirement.

D. **Off-Site Parking.** Required off-street parking spaces for vehicles, motorcycles, and bicycles, may be located on a remote and separate lot from the lot on which the principal use is located, subject to the following standards:

1. **Zoning District.** Newly constructed off-site parking may not be located in a zoning district in which the principal use served by the parking is prohibited. Off-site parking may be provided within an existing off-street parking facility in any zoning district, provided that a parking study is conducted and approved by the Director establishing the number of parking spaces in the existing facility that are typically unoccupied even during periods of peak parking demand for the uses to which the parking is accessory.
2. **Distance.** Unless a shuttle service is provided, the off-site parking shall be located within 1,500 feet walking distance of the principal use served.

E. **Valet Parking.** Valet parking may be permitted as a means of satisfying all or a portion of the off-street parking requirement. Valet parking may be used to accommodate more parking spaces on the site of the principal use served by the parking than could be accommodated in conformance with the design standards of this Chapter. It may also be used to provide off-site parking. No valet parking shall cause interference with the public use of rights-of-way or imperil public safety.

16.509 SIGNS

16.509.01 PURPOSE AND APPLICABILITY

The regulations established by this Chapter are intended to appropriately limit the placement, type, size, and number of signs allowed within the City, and to require the proper maintenance of signs. The regulations are intended to implement General Plan policies to preserve and enhance the community's aesthetic quality by protecting it from excessive and inappropriate signage that creates visual clutter and has an adverse impact on overall visual appearance of a City affecting economic value. The purpose of these regulations is to balance these objectives with the needs of the City's residents, businesses, institutions, and visitors for adequate identification, communication, and advertising by:

A. Encouraging communications to identify businesses in a fair and equitable manner and promote and maintain economically viable commercial enterprises for the benefit of Vallejo's community;

B. Applying basic principles of good design and sensitivity to community appearance to signage to avoid the creation of nuisances and privacy violations that will degrade the value of surrounding properties;

C. Promote signage that aids orientation and safely attracts and directs residents and visitors to various destinations;

D. Reducing hazards to motorists and pedestrians resulting from excessive, confusing, and distracting signs by ensuring that signs are designed, constructed, installed, and maintained in compliance with minimum standards necessary to provide adequate visibility and avoid the creation of hazards or unreasonable distractions for pedestrians or drivers;

E. Preventing the unregulated and uncontrolled construction, erection, and maintenance of signage in the City; and,

F. Ensuring that the constitutionally guaranteed right of free speech is protected.

G. **Signs Regulated.** The requirements of this Chapter shall apply to all signs in all zoning districts, except on a site for which a specific plan or Planned Development districts have established separate sign regulations.

H. **Applicability to Sign Content.** The provisions of this Chapter do not regulate the message content of signs (sign copy), regardless of whether the message content is commercial or noncommercial.

I. **Permission of Property Owner.** No sign shall be placed on public or private property without first obtaining permission from the property owner.

J. **Maintenance—Continuing.** Each sign in the City shall be maintained in good structural condition at all times. All painted signs shall be kept neatly painted, including all metal parts and supports. The Code Enforcement Officer shall inspect and have the authority to order the painting, repair, alteration, or removal of signs that become dilapidated or are abandoned, or which constitute a hazard to the public safety.

K. **Sign Permit and Building Permits Required.** A Building Permit is required for any sign that exceeds 6 feet in height or requires an electrical connection.

L. **Design Guidelines.** Any adopted Design Guidelines are applicable to this Chapter.

16.509.02 SIGN PERMIT REQUIREMENTS

No sign shall be installed, constructed, or altered unless a Sign Permit and, where applicable, a Sign Program approval is first obtained in compliance with this Chapter, or the sign is allowed without Sign Permit approval (see Section below). A Building Permit may also be required. After approval of a Sign Permit and/or Sign Program, each sign installed and maintained on the subject site shall comply with the Permit and Program.

A. **Sign Permit Application.** An application for a Sign Permit shall be prepared, filed and processed, in compliance with **Chapter 16.603, Zoning Compliance Review**. The application shall include required application fees, architectural elevations and plans of all proposed signs drawn to scale, with all dimensions noted, and include illustrations of copy, colors, materials, and samples of the proposed colors and materials may be required. The plans submitted shall also show the location of each sign on buildings and the site. Off-site signs shall also require an encroachment permit from the Public Works Department.

B. **Sign Permit Review Authority.** The Director shall review all Sign Permit applications, except within a Historic District, where Sign Permit review may be by the Secretary of the Architectural Heritage and Landmarks Commission, B in compliance with **Chapter 16.614, Architectural Heritage and Historic Preservation**, at the determination of the Director. The Review Authority may require conditions of approval as are reasonably necessary to achieve the purposes of this Chapter.

C. **Sign Programs.** A Sign Program shall be required for any multiple occupancy commercial office building or business park, retail, industrial or medical complex where the individual tenant spaces are not the location or adjacent to the location of the proposed individual tenant signs. A sign program may also be proposed to provide identity and directional signage for a City recognized neighborhood or district.

1. A Sign Program shall be approved by the Director, or elevated to the appropriate Review Authority, at the discretion of the Director.
2. The purpose of the Sign Program shall be to establish signing for all tenants and users of a complex, neighborhood or district as described above. An approved Sign Program shall prescribe the standards for all signs within the complex, building, neighborhood or district.
3. A Sign Program shall comply with all provisions of this Chapter and is not intended to provide special or additional signing. The Sign Program shall prescribe the standards of size, number, location and types of signing permitted.

D. **Findings for Approval.** The approval of a Sign Permit or Sign Program shall require that the Review Authority first make all the following findings:

1. The proposed signs do not exceed the standards of this Chapter and are of the minimum size and height necessary to enable motorists and pedestrians to readily identify the facility or site from a sufficient distance to safely and conveniently access the facility or site;
2. The size, location, and design of the signs are visually complementary and compatible with the scale and architectural style of the primary structures on the site, any prominent natural features on the site, and structures and prominent natural features on adjacent properties on the same street; and
3. The proposed signs are in substantial conformance with the design criteria in the any adopted City Design Guidelines.

E. **Approval Period, Expiration, And Time Extension of Sign Permits.** A Sign Permit approval shall expire 12 months from its date of issuance, unless a later expiration date is stated in Conditions at the time of approval. Sign permits may be extended as provided for in **Section 16.602.12, Expiration and Extension**.

16.509.03 SIGNS AND SIGN CHANGES PERMITTED WITHOUT SIGN PERMIT

The following types of signs and sign changes are permitted without a Sign Permit, provided that they comply with adopted City Design Guidelines and any required Building Permit is obtained.

A. **Commemorative Plaques.** Signs commemorating an historical building name register and/or erection date, when cut into or affixed to a permanent surface and not exceeding 4 square feet per building.

B. **Construction Signs.** One sign per construction site announcing a construction project, architect, builder/developer, engineer, etc., and not exceeding 32 square feet. Credit Cards, Trading Stamps, Association Membership. Up to 6 signs per business identifying credit cards, trading stamps, or association membership not exceeding 1 square foot per sign.

C. **Directional Signs and Notices on The Site.** Signs showing the location of public facilities such as restrooms, and underground utilities.

D. **Garage Sale Signs.** Up to 1 sign located at the residence where the garage sale sign is being conducted and not exceeding 4 square feet.

E. **Governmental Signs.** Signs installed or authorized by the City, or a Federal or State governmental agency within a public right-of-way; and any sign, posting, notice, or similar sign placed by, allowed by or required by a governmental agency in carrying out its responsibility to protect public health, safety, and general welfare, installed on City owned property.

F. **Interior Signs.** Signs located inside a building that are not visible through the building's exterior windows or entrance, walls or doors, or in any mall, court, stadium or enclosed lobby, when such signing is only visible to those in the interior.

G. **Non-Profit Organization Signs.** Signs and notices containing the identification of nonprofit service clubs, religious organizations, charitable organizations or associations and containing information relating to their meetings, fund raising, other nonprofit activities and not exceeding 12 square feet and occurring no more than 4 times within a 12-month period.

H. **Nonstructural Modifications, And Maintenance.** The following maintenance or modifications to signs:

1. Minor modifications to sign copy on conforming signs, or changes to the face or copy of conforming changeable copy signs;
2. Nonstructural modifications of the face or copy of an existing conforming sign installed in compliance with a Sign Program, provided that the modifications are consistent with the Sign Program approved in compliance with this Chapter;
3. The normal maintenance of conforming signs.

I. **Official Flags.** Up to 3 flags per site identifying national, State, or local governments, or nationally recognized religious, fraternal, or public service agencies are allowed without a Sign Permit, provided that the length of the flag shall not exceed one-quarter the height of the flagpole. The maximum allowed height of a flagpole in a residential zoning district shall be 14 feet; the maximum height of a flagpole in a non-residential zoning district shall be 30 feet. No flag shall be located within the public right-of-way unless placed, allowed or required by a governmental agency.

J. **On-Site Signs Required for City Public Hearing Notification.** On-site signs for public hearing notification before a City agency.

K. **Private Directional Signs.** Directional or informational signs not exceeding 5 square feet in area, bearing no advertising message, and located wholly on the site to which the sign pertains are permitted when such signs do not impede vehicular and/or pedestrian visibility in any way.

L. **Real Estate for Sale or Lease Signs**. One real estate for sale or lease sign is allowed on any lot or parcel for each side with street exposure with the following provisions:

1. Each sign is entirely within the property to which it applies;
2. No sign is illuminated;
3. No sign on a lot zoned for single-unit residential use shall exceed 6 square feet in area or 6 feet in height;
4. A sign on a lot zoned for multiple-unit, mixed-use, or non-residential use that is 20,000 square feet or less shall be permitted a maximum of 12 square feet for each permitted freestanding or wall sign;
5. A sign on a lot zoned for multiple-unit, mixed-use or non-residential use that is larger than 20,000 square feet shall be allowed up to 24 square feet for each permitted freestanding or wall sign;

6. A freestanding sign on a non-single-unit residential lot shall not exceed 9 feet in height;
7. A wall sign on a lot zoned for multiple-unit, mixed-use or non-residential use shall not exceed 20 feet in height.

M. **Seasonal Decorations—Private Property.** Seasonal and/or holiday decorations and displays such as those related to Thanksgiving or the 4th of July, not including advertising signs disguised as seasonal decorations.

N. **Signs Required by Law.** Signs displayed by private individuals, when required by law or regulations of any governmental agency.

O. **Street Number, Address, and/or Name.** Two signs for each building not exceeding one square foot each in RR or RLD zoning districts and 3 square feet each in all other zoning districts.

P. **Temporary Signs Within Commercial Zoning Districts.** Temporary on-site, wall-mounted signs are allowed within commercial zoning districts without a Sign Permit for a maximum of 60 days after the opening of a new business, provided that the area of the temporary signs shall not exceed 50 percent of the total sign area allowed on the site by **Section 16.509.04, General Requirements for All Signs**.

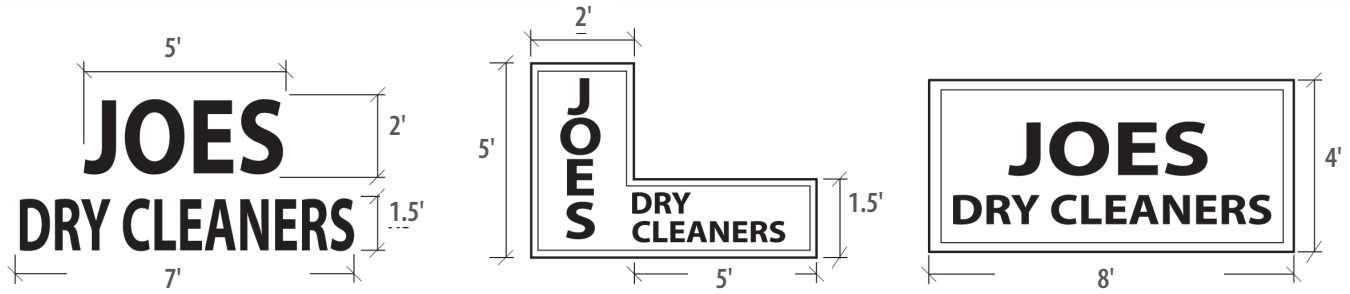
Q. **Temporary Signs for City Activities.** Signs and notices containing the identification of charitable activities, seasonal programs, special events, and/or City affiliated not-for-profit service clubs containing information relating to their meetings, fund raising, other nonprofit activities or seasonal programs offered.

16.509.04 GENERAL REQUIREMENTS FOR ALL SIGNS

A. **Sign Area Measurement.** The measurement of sign area to determine compliance with the sign area limitations of this Chapter shall occur as follows.

1. The surface area of a sign shall be calculated by enclosing the extreme limits of all framing, writing, logo, representation, emblem, or other display within a single continuous perimeter composed of squares or rectangles with no more than 8 lines. See **Figure 16.509-A**.
2. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area.
3. The area of a double-faced (back-to-back) sign shall be calculated as a single sign face if the distance between each sign face does not exceed 18 inches and the 2 faces are parallel with each other.
4. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as their maximum projection upon a vertical plane. See **Figure 16.509-C**.

FIGURE 16.509-A: SIGN AREA MEASUREMENT



Sign Area = 20.5 sq. ft. Sign Area = 17.5 sq. ft. Sign Area = 32 sq. ft.

FIGURE 16.509-B: MEASURING AREA OF DOUBLE-FACED SIGNS

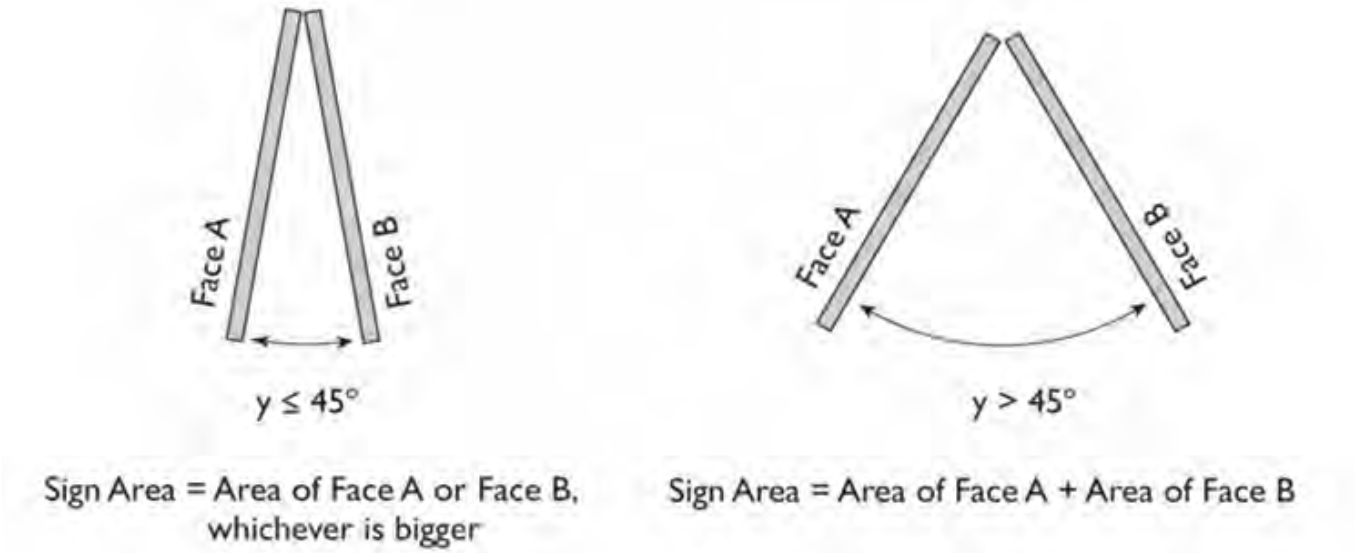
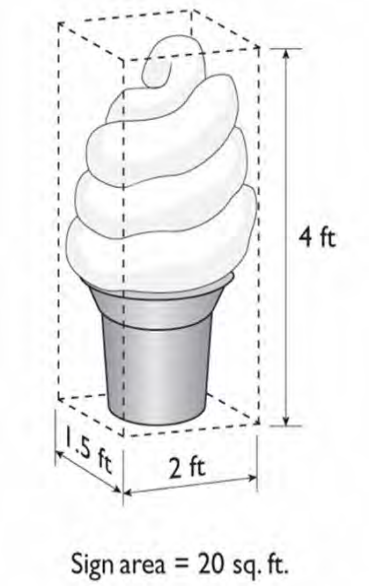


FIGURE 16.509-C: THREE-DIMENSIONAL SIGN MEASUREMENT



5. The area of any time and/or temperature device incorporated into a sign shall not be included in the calculation of total sign area.

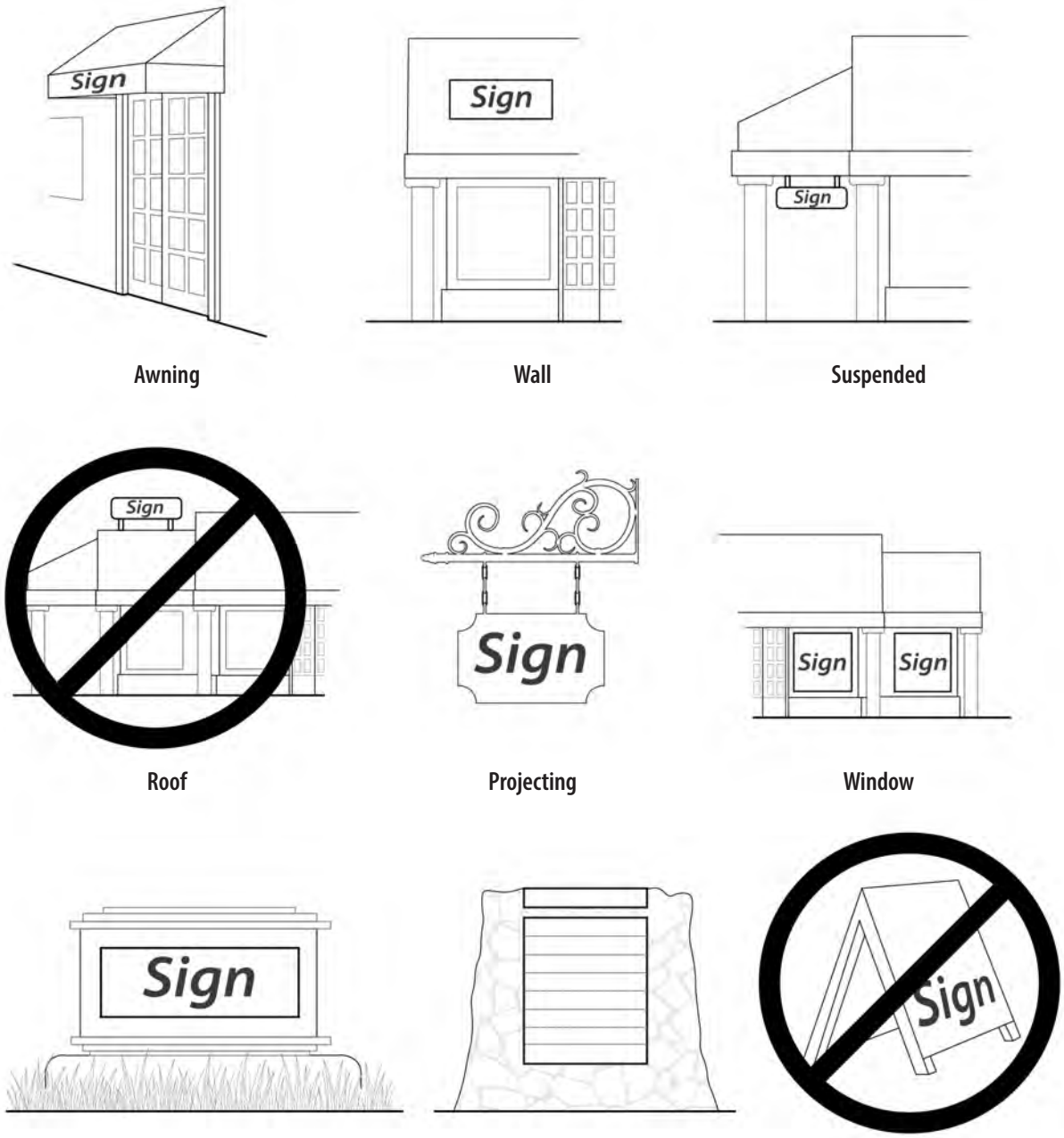
B. **Freestanding Sign Height Measurement.** The height of a freestanding sign shall be measured as the vertical distance from the lowest point of the base of the sign structure, to the highest point of the structure, where the lowest point of the base of the structure does not include fill, planters, or other material artificially placed to allow increased sign height. See **Figure 16.509-D**.

FIGURE 16.509-D: SIGN HEIGHT MEASUREMENT

C. **Sign Location Requirements.**

1. All signs shall be located on the same site as the subject of the sign, except as otherwise allowed by this Chapter. A sign may project over an adjacent public right-of-way only when authorized by an encroachment permit as well as a Sign Permit.
2. No sign shall be located within the public right-of-way, except as otherwise allowed by this Chapter.
3. The location of all signs shall be evaluated to ensure:
   a. That the setback is appropriate for the height and area of a freestanding or projecting sign;
   b. That flush or projecting signs relate to the architectural design of the building. Signs that cover windows, or that spill over natural boundaries and/or cover architectural features shall be discouraged;
   c. That signs do not unreasonably block the sight lines of existing signs on adjacent properties; and
   d. Pedestrian and vehicular safety.

FIGURE 16.509-E: SIGNAGE TYPES



Not to scale

16.509.05 ZONING DISTRICT SIGN STANDARDS

Each sign shall comply with the sign type, area, height, and other restrictions provided by this Chapter, except as otherwise expressly provided in **Section 16.509.03, Signs and Sign Changes Permitted Without Sign Permit** or **Section 16.509.06, Standards for Special Category Signs**.

A. **Residential Signs in Residential Zoning Districts.** Each sign in a Residential Zoning District established by **Chapter 16.102, Establishment of Zoning Districts**, shall comply with the following requirements.

TABLE 16.509-A: SIGN STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

Allowed Sign types	Maximum sign height and location	Maximum Number of Signs Allowed per Business/Tenant	Maximum Sign Area Allowed per Business/Tenant
Wall or Freestanding	Wall signs: below edge of roof; freestanding: maximum 6 ft.	1 of either allowed sign type per entrance or street frontage; one rental/vacancy sign	32 sf. maximum each wall or freestanding sign; up to 6 ft. for rental/vacancy sign 70 sf. total for all signs

B. **Sign Standards in Mixed-Use, Commercial, and Industrial Districts.** Each sign in non-residential or, as allowed, in Residential Zoning Districts established by **Chapter 16.102, Establishment of Zoning Districts**, shall comply with the requirements in **Table 16.509-B**, in addition to the provisions of **Section 16.509.06, Standards for Special Category Signs**, as applicable.

TABLE 16.509-B: SIGN STANDARDS FOR MIXED-USE, COMMERCIAL & INDUSTRIAL ZONING DISTRICTS			
Allowed Sign types	**Maximum sign height and location**	**Maximum Number of Signs Allowed per Business/Tenant**	**Maximum Sign Area Allowed per Business/Tenant**
Awning	Below edge of roof or top of parapet 2	3 of any combination of allowed sign types per business except that only 1 freestanding sign per street entrance is allowed.	1 sf. for each linear ft. of primary building or store frontage (for buildings with multiple frontages, 1 sf. for each linear foot of primary frontage plus 0.5 sf for each foot of secondary frontage).
			The total area of all signs on a single building frontage shall not exceed the total linear feet in that frontage.
			At least 10 sf., and no more than 100 sf., are allowed for each business unless approved in a separate Sign Program.
Freestanding-monument only. Poles signs are not permitted.	7.5 ft. in height; min. of 5 ft. behind sidewalk or property line, whichever is greater. Additional height up to 9 ft. may be added through the Minor Design Review process.	Only 1 freestanding sign per street entrance is allowed. Sites with multiple tenants shall accommodate all tenants on one freestanding sign.	1 sf. for each linear ft. of primary building or store frontage (for buildings with multiple frontages, 1 sf. for each linear foot of primary frontage plus 0.5 sf. for each foot of secondary frontage).
			The total area of all signs on a single building frontage shall not exceed the total linear feet in that frontage.
			At least 10 sf., and no more than 100 sf., are allowed for each business unless approved in a separate Sign Program.
Projecting, Wall	Below edge of roof or top of parapet 2	3 of any combination of allowed sign types except that only 1 freestanding sign per street entrance is allowed.	1 sf. for each linear ft. of primary building or store frontage (for buildings with multiple frontages, 1 sf. for each linear foot of primary frontage plus 0.5 sf. for each foot of secondary frontage).
			The total area of all signs on a single building frontage shall not exceed the total linear feet in that frontage.
			At least 10 sf., and no more than 100 sf., are allowed for each business unless approved in a separate Sign Program.
Suspended	Below eave/canopy; at least 8 ft. above a walking surface.	3 of any combination of allowed sign types, except that only 1 freestanding sign per street entrance is allowed.	1 sf. for each linear ft. of primary building or store frontage (for buildings with multiple frontages, 1 sf. for each linear foot of primary frontage plus 0.5 sf. for each foot of secondary frontage).
			The total area of all signs on a single building frontage shall not exceed the total linear feet in that frontage.
			At least 10 sf., and no more than 100 sf., are allowed for each business.
Temporary/ Portable	See **Section 16.509.06.P,** Temporary Signs		
Window	See **Section 16.509.06.P,** Temporary Signs		
Indoor Signs and Outdoor Signs Not Visible from a Street	See **Section 16.509.04**, General Requirements for All Signs, as applicable.		

16.509.06 STANDARDS FOR SPECIAL CATEGORY SIGNS

Proposed signs shall comply with the following standards where applicable, in addition to the sign area, height, and other requirements set forth in the City Design Guidelines and all other applicable provisions of this Chapter.

A. **New-Car Auto Dealerships Identification Signs.** The following requirements apply to new-car auto dealership identification signs:

1. **Identification signing.** Two attached wall signs, and/or one freestanding sign are permitted for new-car automobile dealers are permitted. The maximum total sign area for identification signs shall not exceed 200 square feet. Used automobile dealers are subject to the same sign criteria as traditional retailers.
2. **Incidental window signing.** Incidental window signing at auto sales agencies may be permitted up to 25 percent of window area. Window signing on vehicles for sale is permitted, provided that the signing does not exceed 2 square feet and is stationary. A Sign Permit is not required for incidental window signing.
3. **Temporary banners.** Temporary banners, special events displays, and similar signage shall comply with **Sections 16.509.04** and/or **16.509.07**.
4. **Dealership in the district.** A dealership located in a zoning district shall comply with the design guidelines of that zone. (See also the zoning district requirements for signing.)

B. **Cannabis Retail Sales.**

1. **Sign area.** The aggregate sign area for all permanent signs on a building or site housing a retail cannabis business shall meet the following requirements:
   a. Maximum of one square foot of sign area per linear foot of principal building frontage adjacent to a public right-of-way, except that a building with 25 feet or less of street frontage shall be allowed a minimum of 25 square feet of total sign area. A business with secondary street frontage for a secondary elevation may be permitted an additional one-half square foot of sign area per linear foot of building frontage on the secondary street frontage;
   b. Maximum of 150 square feet for principal elevation and, in no event, for secondary elevation; and
   c. Maximum of 250 square feet of total sign area for all signs on any building.
2. **Combination Signs.** A maximum of any 2 of the following sign types shall be permitted:
   a. Freestanding;
   b. Wall sign;
   c. Projecting sign;
   d. Canopy sign.
3. **Freestanding Signs.** One monument sign is permitted not to exceed 5 feet in height and 30 square feet in area. The monument sign shall be landscaped around the entire base with a minimum width of 4 feet from the sign base or a proportional amount. The base of the sign shall be designed with materials, styles and colors to match the architectural design of the building. The sign area is limited to the face of the sign.
4. **Projecting Signs**. One projecting sign may be permitted provided the sign does not project more than 4 feet from the building, nor 2 feet into the city right-of-way, nor project over the roof line, provided such sign meets all of the following requirements:
   a. Minimum clearance under the sign shall be 10 feet;
   b. Maximum sign area shall be 9 square feet;
   c. Minimum distance between any 2 projecting signs shall be 25 feet; and
   d. Sign shall be mounted at a right angle to the building.
5. **Canopy Signs.**
   a. **On-canopy.** One on-canopy sign may be permitted in lieu of a wall sign. The on-canopy sign shall not exceed 25 square feet.
   b. **Under-canopy.** One under-canopy sign may be permitted with a minimum clearance of at least 8 feet from the grade or sidewalk to the bottom of the sign. The sign shall not extend beyond the edge of the canopy and shall not exceed 6 square feet with a maximum width or height of 3 feet.

C. **Cannabis Cultivation, Distribution, Manufacturing and Testing Laboratory.**

1. **Sign Area.** The aggregate sign area for all permanent signs on a building or site housing a cannabis cultivation, cannabis distribution, cannabis manufacturing, and/or cannabis testing laboratory business shall meet the following requirements:

   a. Maximum of one square foot per foot of principal building frontage adjacent to a public right-of-way, except that a building with 25 feet or less of street frontage shall be allowed a minimum of 25 square feet of total sign area; and

   b. Maximum of 50 square feet per building.

2. **Combination Signs.** Signage shall be limited to one wall sign and/or monument sign.

3. **Wall Signs.** Wall signs shall be mounted on the principal building frontage adjacent to the public right-of-way and shall be pin mounted or individually mounted channel letters.

4. **Freestanding signs.** One monument sign may be permitted not to exceed 5 feet in height and 25 square feet in area. The monument sign shall be landscaped around with base with a minimum width of 4 feet.

D. **Child Day Care Facilities Identification.** Each facility is permitted 2 nameplate or identification signs, not to exceed 12 square feet each.

E. **Election Campaign Signs.** Election campaign signs are permitted in compliance with all of the following requirements:

1. Each candidate for a public office and each sponsor or group of sponsors for or against a ballot measure shall obtain a Sign Permit from the Department prior to installing any election campaign sign.

   a. The permit application shall be signed by the applicant and shall list the name of the person designated by the applicant for the installation and removal of election campaign signs for that applicant.

   b. The permit application shall contain a statement from the applicant promising to remove all of applicant's election campaign signs within 15 days after the election.

   c. The permit shall be issued without charge within 48 hours, weekends and holidays excepted, of the filing of a complete application.

   d. In the event the applicant does not remove the applicant's election campaign signs within the allowed time period, the Department may remove or cause to be removed any signs that remain. The applicant shall pay the cost of removal. The City shall give written notice to the applicant at least 7 days prior to removing the signs.

2. After written notice to the affected property owner allowing the property owner to protest, the City may remove signs put up without permits. To the extent required by law, the City shall obtain a warrant before entering private property. Any candidate identified in a sign and the person or entity who installs the sign shall pay all costs of removal.

3. No sign shall be erected earlier than 60 days prior to the election at which the candidate or measure will be voted upon and each sign shall be removed within 15 days after the date of the election.

4. No sign shall be a roof sign.

5. No sign supporting or opposing any one candidate or ballot measure shall be more than 16 square feet in area and, if detached, more than 9 feet in height.

6. No property owner shall approve or permit or install more than an aggregate of 80 square feet of election campaign signs per lot of record per election.

7. No sign shall be erected on, under, above, or across any public property or any public right-of-way.

8. No sign shall be placed without the permission of the owner of the property upon which the sign is placed.

9. Each applicant for a Sign Permit in compliance with this Section shall obtain written permission from the property owner of any non-residential parcel or any vacant parcel prior to placing a sign on a non-residential or a vacant parcel. The applicant shall maintain the written permission until the sign is removed and shall furnish the written permission to the City upon request.

F. **Historic District Signs.** Signs located within a Historic District designated by the Council shall comply with the historic guidelines pertaining to that district, and all other development criteria associated with modifications to historic structures. The appropriate application for processing signs in Historic Districts is the Sign Application. A Certificate of Appropriateness is not required; however, individual sign permits may be referred to the Architectural Heritage and Historic Preservation Commission for review and decision at the discretion of the Director.

G. **Professional Office Building Directory Signs.** Directory signing in addition to the allowable signs permitted in **Section 16.509.05, Zoning District Sign Standards**, may be approved by the Director, provided that the signage does not exceed 20 square feet.

H. **Public Directional Signs.** Public directional signs may be permitted for wineries, hospitals, clinics, museums and/or similar uses which are unique tourist or community serving destinations for which the Director determines there is an extraordinary need because the public has difficulty locating or there is a public benefit provided by the use.

1. The signs shall be off-site, located in the public right-of-way, identify only the type of use, and not include advertising or commercial identification.
2. The signs shall not exceed a maximum of one sign of 3 square feet in area, 2 in number, and 8 feet in height.
3. The signs require Sign Permits and shall be installed and maintained by the City after approvals are obtained.
4. The appropriate size, location and number of these signs shall be determined by the Director in consultation the Public Works Department.
5. The directional signs may be referred to the Design Review Board at the discretion of the Director.

I. **Public Service Signs.** Signs that provide a public service, such as civic center, performing arts center, special civic event holiday, and time and temperature, public transit schedules, etc., when not promoting any product advertising message or business identification, may be allowed in addition to the signs permitted under **Section 16.509.05, Zoning District Sign Standards**.

J. **School Signs (Public or Private).** Identification and directory signs may be permitted provided that all signage is located on site and does not exceed a maximum combined area of 100 square feet.

K. **Service Stations (Permanent Signage).** Notwithstanding the signs permitted under **Section 16.509.05, Zoning District Sign Standards**, the following signs are permitted for service stations:

1. Three identification signs, one of which may be freestanding, and the others attached to the building or canopy below the eave line, not exceeding 100 square feet in combined area;
2. The Director may approve additional signs, in excess of the 3 identification signs, describing hours of operations, self-serve, and related accessories (such as car wash, propane, etc.) provided that all signs do not collectively exceed the 100 square foot allowance;
3. Two price signs in compliance with State of California requirements for wording and size, as well as individual brand labels on each pump limited to a maximum dimension of 5 inches, may be permitted in addition to the 100 square foot allowance.

L. **Decorations and Events—Public Property.** Seasonal decorations and banners, decorations, and identification signs, containing not more than the name, logo, name or logo of sponsor (less than 20 percent of sign area), and date of an event may be displayed on public property at a height of greater than 8 feet, if the event has been approved or recognized by resolution of the Council or their delegate. The proposed signage and decorations shall be reviewed and approved by the Director as to their design and placement on public property.

1. "Event" as used in this Chapter means a major civic activity, which may be City-sponsored, and which involves expressly invited community-wide participation, such as the Downtown Farmer's Market.
2. Decorations and signs may be placed up to 30 days before an event and shall be removed within 5 working days after the conclusion of an event.
3. Temporary signs shall be allowed, during and within the boundaries of the event, which identify activities, features, services, facilities, goods, and food or beverages available at locations included within the event, whether or not on public property.

M. **Shopping Centers, Businesses, or Industrial Parks.** A shopping center, business or industrial park may be identified by a common sign, provided that only one sign shall be located on each specific street frontage which provides access to the center, or at an intersection of 2 streets with access to the center. A shopping center sign should identify the entire center and shall not be named for individual tenants or major users.

N. **Subdivision Signs—Permanent Identification Signs.** Permanent identification signage attached to a permanent structure designed for the purpose of subdivision identification and located at the subdivision entry on private property, not exceeding a height of 9 feet, nor 2 signs per entrance may be permitted.

O. **Subdivision Signs—Temporary Identification and Sales Signs.** Temporary signage shall only be permitted during the time period of subdivision sales subject to approval of a Temporary Use Permit pursuant to **Chapter 16.339, Temporary Uses**. Signage shall not remain for more than 9 months but the permit may be renewed at the end of 9 months subject to approval by the Director.

1. Temporary on-site signs, each not exceeding 32 square feet in area and one in number per entrance to a subdivision, during the time of sales of subdivision lots. No sign shall exceed a maximum height of 9 feet.
2. Additional on-site model home signs may be permitted, provided that the signs do not exceed 2 square feet and a total of 6 signs. Other signs located on the subdivision site not exceeding 2 square feet each, or banners not exceeding 32 square feet, or similar displays are permitted provided that they are located entirely within the subdivision and are not visible from any street except those within or bordering the subdivision.
3. Temporary off-site directional signs for a residential subdivision may be permitted subject to approval of a Temporary Use Permit providing they meet the following criteria.

   a. A maximum of 2 signs, each not exceeding 16 square feet in area (no dimension of which shall be longer than eight feet) and 6 feet in height, located entirely on private property with the property owner's permission and outside of the sight distance triangle or the vision clearance needed for safe access to and from any driveways or other roadways in the vicinity. No more than 2 signs shall be located on any parcel.

   b. It is the desire of the City that directional signs for subdivisions be located jointly in aggregate sign structures. To that end, in addition to the signs that may be permitted under Subsection (3)(a), above, a total of 3 aggregate subdivision sign structures, each not exceeding 24 square feet in total area nor 6 feet in height may be permitted.

      i. An aggregate sign structure shall contain space for at least 4 subdivision sign panels. Each sign panel shall be no larger than one foot by 4 feet. Only one sign panel for a particular subdivision shall be allowed in an aggregate sign structure.

      ii. An aggregate sign structure shall be located entirely on private property, with the property owner's permission, and outside of the sight distance triangle or the vision clearance needed for safe access to and from any driveways or other roadways in the vicinity.

      iii. An aggregate sign structure shall not be located on the same parcel that contains a Sign Permitted under Subsection (3)(a) or within 500 feet of a Subsection (3)(a) sign, and only one aggregate sign structure may be located on a single parcel.

4. Flags displayed in conjunction with subdivision sales may be permitted in addition to temporary signage providing such flags do not exceed 5 in number, 6 square feet in area each, and are not displayed above 24 feet in height.

P. **Temporary Signs.** Signs that are temporary, incidental, and used for the purpose of conveying information concerning goods, services, or facilities available on the premises shall be permitted in addition to permanent signs allowed under this Chapter subject to the following requirements:

1. Temporary signage shall be permitted to be displayed on site for a total of 14 consecutive days unless otherwise specified.
2. Temporary signage including pennants, flags and other attention-getting devices may be permitted for no longer than 60 days immediately following the initial opening of a business on a particular site.

3. Informational signs pertaining to events or activities occurring on the premises such as holidays, special sales and promotions. The signage shall only be permitted on 4 occasions throughout a calendar year, 32 square feet each in total sign area and not more than 2 in number;

    a. Temporary window signage, limited to a maximum of 25 percent of each window surface;

    b. Temporary service station signs, such as merchandise display, promotions, and signs located on gasoline pumps;

    c. Temporary signs pertaining to events or activities conducted by a community, public service, educational, or religious assembly use subject to compliance with the standards for the zoning district in which the use is located.

4. **Window Signs.** The following standards apply to window signs in all zoning districts where allowed by **Section 16.509.05, Zoning District Sign Standards**.

5. **Maximum sign area.** Permanent window signs shall not occupy more than 20 percent of the total window area.

6. **Permanent window signs.**

    a. Signs shall be allowed only on windows located on the ground level and second story of a building frontage.

    b. Signage shall consist of individual letters, logos, or symbols applied to the glass surface; however, neon signs with transparent backgrounds may be hung inside the window glass line.

7. **Temporary window signs.** Temporary window signs may be allowed provided that the signs:

    a. Are displayed inside a window for a maximum of 10 days;

    b. Shall only be located within the ground-floor windows of the structure.

16.509.07 PROHIBITED SIGNS

The following signs are not permitted within the City:

A. **Abandoned Signs.** No person shall maintain or permit to be maintained on any property owned or controlled by him or her, any sign which has been abandoned. Any such sign shall promptly be removed by the owner or persons controlling the premises. Any sign which is located on property which becomes vacant and unoccupied for a period of 12 months or more, or any sign which was erected for any occupant or business unrelated to the present occupant or their business, or any sign which pertains to a time, event, or purpose which no longer applies, shall be presumed to have been abandoned, except that permanent signs applicable to a business temporarily suspended by reason of a change of ownership or management of such business shall not be considered abandoned unless the property remains vacant for a period of 12 months.

B. **Signs on Public Property.** The tacking, posting, painting, marking, writing, gluing, taping or otherwise affixing of signs, including, but not limited to, posters, flyers and handbills, to or on any tree, pole, post, or any other structure, whether publicly or privately owned, which is located on public property or within the public right-of-way, without the prior written authorization of the governmental entity owning or in control thereof, is a public nuisance and is prohibited.

    1. Signs posted in violation of this Section are subject to immediate removal.

    2. Violation of this Section shall be prosecuted as an infraction.

    3. Any person who owns an interest in or is an officer, partner or member of any business or association or venture, including performing arts groups, whether for profit or not for profit, which is advertised in a sign covered by this Section or any person who tacks, posts, erects or otherwise affixes or procures the doing of same of a sign covered by this Section shall be strictly liable for such violations.

    4. The posting of each sign shall constitute a separate violation.

C. **Moving, Flashing, Electronic/Digital and Windblown Signs.** No moving, rotating, flashing, or changing of color intensity or signs with electronic/digitally created content (i.e., electronic reader board signs), and no windblown signs, such as posters, pennants, streamers, or strings of light bulbs, balloons, or other inflated objects are permitted. The only exceptions to these requirements are time and temperature devices and signs installed by a governmental agency in carrying out its responsibility to protect public health, safety and general welfare.

D. **Freeway Oriented Signs.** Signs primarily oriented toward freeways and highways are prohibited unless approved through a Sign Program. Signs shall be oriented toward local streets and businesses entrances.

E. **Portable Signs.** An "A" frame sign or other sign attached to a device used to allow the sign to be rolled or moved around is prohibited. Included in this category are signs larger than 3 square feet affixed to a vehicle intended for the purpose of business identification, directional to a business, or advertisement of a business.

F. **Roof Signs.** No sign shall be installed upon, against or directly above a roof or on top of or above the parapet of a building with the following exceptions:

1. The Director or the Planning Commission may approve a roof sign subject to review and approval pursuant to the requirements of **Chapter 16.605, Development Review**, based on a determination that the sign is an architectural element designed in conjunction with the building architecture;
2. The Director may approve a roof sign subject to approval of a Certificate of Appropriateness pursuant to the requirements of **Chapter 16.614, Architectural Heritage and Historic Preservation**.

G. **Cabinet Signs.** Internally illuminated cabinet signs that have two-dimensional plastic faces with the entire background illuminated are prohibited. Cabinet signs which incorporate three-dimensional textured faces, routed faced push-through copy and/or opaque (plastic/metal/wood) backgrounds are appropriate.

H. **Pole Mounted Signs.** A freestanding sign mounted to a visible structural support structure is prohibited.

I. **Temporary Portable Signs.** Temporary portable signs are prohibited except as allowed by **Subsection 16.509.06.P, Subdivision Signs—Temporary Identification and Sales Signs**.

J. **Sight distance triangle.** Placement of any sign within a sight distance triangle is prohibited.

K. **Other Signs.** Signs that are obscene, illegal, hazardous to traffic, imitative of official government signs (i.e., Stop, Danger, Caution, etc.) or obstructive to public visibility, so as to create a hazard to the public are prohibited.

L. **Off-Site Signs – Billboards.**

1. **Application for Digital/Electronic Signs.** The owner of multiple legal conforming and/or legal nonconforming signs located in the City may submit an application to the Planning Division for a Major Use Permit. In addition to the required findings under **Chapter 16.606 Minor and Major Use Permits**, a Major Use Permit will require execution of an agreement between the applicant and the City to remove at least four existing legal conforming and/or legal nonconforming off-site sign structures regardless of the number of existing sign faces on the structures, in exchange for approval to construct one new off-site digital/electronic sign structure with a maximum of two sign faces.
2. **The maximum number of digital/electronic signs along Interstate 80 shall be three**. No digital or electronic signs shall be allowed along Interstate 780, Highway 29 and the north side of Highway 37.
3. **Application for Non-Digital/Electronic Signs.** The owner of multiple legal conforming and/or legal nonconforming off-site signs located in the City may submit an application to the Planning Division for a Major Use Permit. In addition to the required findings under **Chapter 16.606 Minor and Major Use Permits**, approval of a Major Use Permit will require execution of an agreement to remove at least 4 existing legal conforming and/or legal nonconforming off-site sign structures regardless of the number of existing sign faces on the structures, located anywhere in the City, in exchange for approval to construct one new off-site sign structure with 2 sign faces.
4. The following considerations shall serve as general guidelines, in order of importance in identifying candidate billboards for removal:

   a. Visible to freeways and highways;
   b. Along major thoroughfares leading into the Downtown Specific Plan Area;
   c. Along major thoroughfares leading into commercial districts;
   d. Streets where billboards are heavily concentrated and contribute to existing visual clutter.

5. **Candidate billboards must be legal conforming or legal nonconforming billboards.** Illegal billboards shall not be candidates for removal agreements. The Director shall have the authority to determine which signs are suitable for removal by choosing from a list of signs provided by the owner.
6. **Major Use Permit Application Materials.** Application material shall include the following:
   a. A copy of a site plan showing the location of the existing off-site sign structures proposed for removal and the location of the one proposed new off-site sign structure. The site plan shall identify existing structures including billboard structures within 1,000 feet of the proposed sign parcel location and residential uses and/or zoned districts within 1,000 feet of the proposed sign parcel location;
   b. A color drawing or photo simulation of the proposed sign structure and sign face;
   c. A photometric study;
   d. An agreement to be recorded between the owner(s) of the property(ies) from which the existing off-site signs are proposed to be removed and the applicant, expressing the concurrence of said property owner(s) to the removal;
   e. The name, address, and contact information for the owner of the off-site signs proposed for removal and the name, address, and contact information for the owner of the new off-site sign;
   f. An inventory of all existing billboards owned by the applicant within the City of Vallejo and an agreement that all existing billboard structures and signage will be brought up to good physical condition prior to building permit issuance (i.e. apparent aging, paint condition, sign peeling, graffiti, etc.); and
   g. An agreement between the owner(s) of the property where the new sign structure is proposed to be located and the applicant, expressing the concurrence of said property owner to the construction of the new sign structure.
7. **New Off-Site Sign Standards.** Any new off-site sign and sign structure proposed shall meet all requirements of this chapter. In addition, all new or replaced off-site signs shall:
   a. Not exceed 30 feet in height, nor exceed 40 feet in height when located within 100 feet of the right-of-way of a freeway or state highway;
   b. Have in a conspicuous location the name of the billboard company and i.d. tag;
   c. Have a minimum digital billboard display (DBB) duration which complies with the following formula: Sight distance to the DBB (ft)/Speed limit (ft/sec)= Minimum display duration (MDD) (sec); the Minimum display duration shall have an additional safety factor of 1.5, (1.5) when it is determined by the City Traffic Engineer that the proposed DBB location presents additional safety hazards due to, but not limited to, line of sight, height and placement of the sign, topography, existing landscaping and structures;
   d. Not have intensity or lighting of a moving or changing sign which changes or appears to change;
   e. Not have color which changes or appears to change more than once every message;
   f. Have lighting that is adjusted after sunset to avoid distracting drivers or residents;
   g. Not have transition from one message or picture to another that dissolves, fades, overlaps and that is not instant;
   h. Have one single continuous panel per face;
   i. Meet Federal Highway Administration and Caltrans regulations and standards including the Outdoor Advertising Act;
   j. Be located on a site a minimum of 100 feet from any residentially zoned district and a sign face a minimum of 150 feet from any residence;
   k. Have digital billboard luminance levels between sunset and sunrise and daytime inclement weather, i.e. fog, heavy overcast conditions, etc., shall not exceed 160 Nits (cd/m2). All such signs shall be equipped with a sensor, dimmer control and photo cell that constantly monitors ambient light conditions and adjusts sign brightness according to established luminance levels. If the sensor cannot detect daylight fog and adjust luminance levels accordingly, the luminance shall automatically be reduced to 160 Nits or the sign turned off until inclement weather conditions have ceased.

l. Prior to sign operation, the following luminance test standards shall be conducted by a photometric engineer or lighting expert:

m. Luminance measurements shall be made directly in front of the sign;

n. Measurements shall be taken both during the day and evening;

o. A luminance meter aperture of one degree or less shall be used;

p. The viewing distance shall be 50 feet to ensure uniformity of the display;

q. The sign display shall be a blank white screen for the measurement;

r. Be located on a site a minimum of 250 feet from existing billboards located on the opposite side of a freeway, 2,000 linear feet from existing billboards located on the same side of a freeway, beyond the line of sight of another digital billboard, and shall not be on the opposite side of the freeway from another sign where the sign face is oriented in the same direction within line of sight;

s. Be prohibited from "Sequencing of Messages" - Using two or more successive screens to convey a message that will not finish on one screen shall be prohibited;

t. Not have messages being displayed which contain symbols or characters resembling standard traffic control devices, such as, but not limited to, traffic signals, stop signs, etc.;

u. Not include interactive "personalized" billboards, i.e., those that permit, support, or encourage personalized communication with the driver in real-time.

8. In the event there is a conflict between the above standards and any standard proposed or required by any federal or state entity, including the Federal Highway Administration, the standards of the federal or state entity shall govern and all existing or approved digital billboards/electronic signs shall be made to conform to these modified standards.

9. All off-site signs and sign structures designated for removal as part of a relocation shall be completely removed prior to final building inspection of a new sign or sign structure.

16.507.08 NONCONFORMING SIGNS

A. **General.** Except as provided in Subsection (D), any existing sign that was lawfully erected and maintained prior to the original adoption of this Zoning Code, and which is in conflict with the provisions of this Chapter, shall be deemed nonconforming, and may be maintained only in compliance with the provisions of this Chapter; provided, however, that during the period it is allowed to be maintained, the sign shall not be changed, modified, altered or relocated. Any change, alteration, modification, or relocation shall render the sign unlawful and the sign shall thereupon either be brought into compliance with the requirements of this Chapter or be removed. Any nonconforming sign that is abandoned for more than 6 months shall be removed and comply with this Chapter.

B. **Signs Made Nonconforming by Reason of Annexation.** Any lawfully erected and lawfully maintained sign which becomes nonconforming by reason of the annexation to the City of the property upon which the sign is located, or by the amendment of this Chapter shall be subject to the provisions of this Chapter.

C. **Removal of a Nonconforming Sign.** A nonconforming sign shall either be made to comply with the provisions of this Chapter and the Vallejo Municipal Code or shall be removed within the applicable time period set forth in this Chapter. In the event that they are not, the Director shall order the sign removed by the property owner and/or by any person known to have control over or ownership of the sign. It shall thereafter be unlawful for the person to maintain the sign or permit the sign to be maintained on the property.

D. **Manner of Removal of Nonconforming Signs.** Unless some other mode of removal is approved in writing by the Director, the removal of an unlawful, nonconforming sign shall be accomplished as follows.

1. **Painted signs.** A sign painted on a building, wall, or fence shall be removed by the removal of the paint constituting the sign or by permanently painting over it in such a way that the sign shall not thereafter be visible.

2. **Other signs.** A sign other than a painted sign shall be removed by physically removing the sign, including its dependent structures and supports; or in compliance with an issued Sign Permit, by modification, alteration or replacement thereof in compliance with the provisions of this Chapter and the Vallejo Municipal Code.

E. **Modification of Nonconforming Signs.** The structure, advertising display matter, lettering or accessories of a nonconforming sign shall not be altered, modified, changed, reconstructed or moved without bringing the sign in all respects into compliance with this Chapter, provided, however, that nothing herein shall prohibit the normal maintenance or repair of any nonconforming sign.

16.507.09 VIOLATIONS

A. **Unlawful Signs.** Any sign placed in public view for which no Sign Permit has been issued, and that is not otherwise exempted from Sign Permit requirements by this Zoning Code, is unlawful. No person shall install, place, or maintain an unlawful sign and no person shall allow, or permit the installation, placement, or maintenance of an unlawful sign on property owned by the person. The Director shall enforce the provisions of this Chapter.

B. **Removal of Unlawful, Temporary or Portable Signs.**

1. The Director may remove or cause the removal of a temporary or portable sign that is constructed, placed, or maintained on publicly owned property in violation of this Chapter or other provisions of the Vallejo Municipal Code.
2. The Director may remove or cause the removal of a temporary or portable sign which is constructed, placed, or maintained on privately owned property in violation of this Chapter or other provisions of the Vallejo Municipal Code after obtaining a warrant for removal.
3. A sign removed by the Director in compliance with Subsection (B)(1) or (B)(2) shall be stored for a period of 20 days from the date written notice of such storage is given. If not claimed within that time period, the sign may be destroyed. Prior to the release of any stored sign, the owner shall pay a fee of $50.00, or other amount as the Council, by resolution, may authorize, to the City to defray a portion of the expenses of removing, storing, and handling the unlawful sign.
4. Notice of the storage of a sign to be given in compliance with Subsection (B)(3) may be given by first class mail or personal delivery to the apparent owner of the sign as ascertained from the sign itself or from other information that has been obtained by the Director.

   a. The notice shall briefly describe the sign and what is on its face and shall state the sign has been stored by the City and that it will be released to the owner, upon satisfactory proof of ownership and the payment of the fee, during a stated 20-day period.
   b. The notice shall state where the owner may obtain the release of the sign and contain such other information as the Director deems necessary or helpful.
   c. Notice is deemed given on the date the notice, addressed to the apparent owner, with first class postage affixed thereto, is placed in a mail depository of the U.S. Postal Service or personally delivered to the owner or to the owner's office or home. If no apparent owner and/or no address of the apparent owner can be ascertained from the sign or other information obtained by the Director, no notice need be given in compliance with this subsection, but the sign shall be stored for at least 20 days from the date it is placed in storage before it may be destroyed.

THIS PAGE INTENTIONALLY LEFT BLANK

PART VI PROCEDURES AND PERMITS

16.601 PLANNING AUTHORITIES

16.601.01 PURPOSE AND APPLICABILITY

The purpose of this Chapter is to identify the bodies, officials, and administrators with designated responsibilities under various Chapters of the Zoning Code and who serve as the "Review Authority" for Planning permits and decisions. Other Chapters provide detailed information on procedures, applications, and permits, including zoning and General Plan text and map amendments, establishment of fees, and enforcement. When carrying out their assigned duties and responsibilities, all bodies, administrators, and officials shall interpret and apply the provisions of this Zoning Code as minimum requirements adopted to implement the policies and achieve the objectives of the General Plan.

16.601.02 CITY COUNCIL

The powers and duties of the City Council under this Zoning Code include, but are not limited to the following:

A. Consider and adopt, reject or modify amendments to the General Plan map and text pursuant to the provisions of **Chapter 16.612, General Plan Amendments**, and the Government Code, following a public hearing and recommended action by the Planning Commission.

B. Consider and adopt the Zoning Map, the Zoning Code, and amendments to the Zoning Map and text of the Zoning Code pursuant to the provisions of **Chapter 16.611, Zoning Text and Map Amendments**, and the Government Code, following a public hearing and recommended action by the Planning Commission.

C. Consider and adopt, reject or modify Specific Plans or amendments to Specific Plans pursuant to the provisions of **Chapter 16.609, Specific Plans and Amendments**, and the Government Code, and Planned Development Plans pursuant to the provision of **Chapter 16.610, Planned Development Districts**, and other applicable land use entitlements following a public hearing and recommended action by the Planning Commission.

D. Adopt guidelines for Design Review applicable to designated areas;

City of VALLEJO California

SECTIONS

16.601 PLANNING AUTHORITIES....283
16.602 COMMON PROCEDURES....288
16.603 ZONING COMPLIANCE REVIEW....299
16.604 DESIGN REVIEW....300
16.605 DEVELOPMENT REVIEW....303
16.606 MINOR AND MAJOR USE PERMITS....306
16.607 VARIANCES....308
16.608 EXCEPTIONS....309
16.609 SPECIFIC PLANS AND AMENDMENTS....313
16.610 PLANNED DEVELOPMENT DISTRICTS....314
16.611 ZONING TEXT AND MAP AMENDMENTS....317
16.612 GENERAL PLAN AMENDMENTS....319
16.613 CONDOMINIUM CONVERSION....319
16.614 ARCHITECTURAL HERITAGE AND HISTORIC PRESERVATION....324
16.615 ENFORCEMENT AND ABATEMENT....330

E. Hear and decide appeals from decisions of the Planning Commission, Architectural Heritage and Landmarks Commission and Design Review Board on any other permits that can be appealed, pursuant to **Chapter 16.602, Common Procedures**, **Section 16.602.14, Appeals**.

F. Hear and decide appeals on environmental determinations by the Director or the Planning Commission, pursuant to **Chapter 16.602, Common Procedures**, **Section 16.602.06, Environmental Review**.

G. Establish, by resolution, a Municipal Fee Schedule listing fees, charges, and deposits for various applications and services provided, pursuant to the Zoning Code.

16.601.03 PLANNING COMMISSION

The Planning Commission is established and organized pursuant to the requirements of Chapter 402, Boards and Commissions of the City Charter and the requirements of the California State Government Code. The powers and duties of the Planning Commission under the Zoning Code are established pursuant to Chapter 2.44 of the Vallejo Municipal Code and include, but are not limited to the following:

A. Conduct public hearings and make recommendations to the City Council on proposed amendments to the General Plan map and text, pursuant to **Chapter 16.612, General Plan Amendments**.

B. Annually Review progress towards implementation of the General Plan and recommend to the City Council changes needed due to new legislation, development trends and changing economic, social and environmental conditions.

C. Conduct public hearings and make recommendations to the City Council on proposed amendments to the Zoning Map and to the text of the Zoning Code, pursuant to **Chapter 16.611, Zoning Text and Map Amendments**.

D. Conduct hearings and make recommendations to the City Council on proposed Specific Plans and Amendments, pursuant to **Chapter 16.609, Specific Plans and Amendments** and **16.610, Planned Development Districts** pursuant to the provision of **Chapter 16.610, Planned Development Districts**, and other applicable land use entitlements as recommended by the Planning and Development Services Director (the Director).

E. Approve, conditionally approve, modify or deny Conditional Use Permits and Variances, pursuant to **Chapter 16.606, Minor and Major Use Permits**, and **Chapter 16.607, Variances**.

F. Hear and decide appeals from decisions of the Director on determinations, or interpretations made in the enforcement of the Zoning Code and any other decisions that are subject to appeal, pursuant to **Chapter 16.602, Common Procedures**, **Section 16.602.14, Appeals**.

G. Make environmental determinations on any approvals it grants that are subject to environmental Review under the California Environmental Quality Act and the procedures in **Chapter 16.602, Common Procedures**, **Section 16.602.06, Environmental Review**.

H. Recommend to the City Council for adoption guidelines for conducting design Review, pursuant to **Chapter 16.604, Design Review**.

I. Such other duties and powers as assigned or directed by the City Council.

16.601.04 PLANNING AND DEVELOPMENT SERVICES DIRECTOR

The Planning and Development Services Director (the Director) is a City staff member appointed by the City Manager with powers and duties that include but are not limited to the following: Monitor and enforce provisions of the Zoning Code.

A. Review and issue land use permits that are minor in nature and which customarily result in an activity of generally minor public controversy and adverse impact based on specific findings of fact to support the resulting decision. The Director has authority to require specific conditions when warranted to ensure that the requested activity or project is conducted or constructed in a manner consistent with the goals, objectives, and policies of the General Plan.

B. Maintain and administer the Zoning Code, including processing of applications, abatements and other enforcement actions.

C. Approve, conditionally approve, modify or deny requests for waivers to dimensional requirements, pursuant to **Chapter 16.608, Exceptions**.

D. Interpret the Zoning Code to members of the public and to other City Departments.

E. Prepare and effect rules and procedures necessary or convenient for the conduct of the Department's business. These rules and procedures must be as approved by a resolution of the City Council following Review and recommendation of the Planning Commission. They may include the administrative details of hearings (e.g., scheduling, rules of procedure and record keeping).

F. Prepare administrative regulations for procedures for submission and Review of applications subject to the requirements of the Zoning Code and Government Code Section 65950, Deadlines for Project Approval Conformance; Extensions.

G. Review applications for permits and licenses for conformance with the Zoning Code and issue a Zoning Clearance when the proposed use, activity or building is allowed by right and conforms to all applicable development and use standards.

H. Review applications for Discretionary Permits and approvals under the Zoning Code for conformance with applicable submission requirements and time limits.

I. Review applications for discretionary Permits and approvals to determine whether the application is exempt from Review under the California Environmental Quality Act and the City's environmental Review requirements and notify the applicant if any additional information is necessary to conduct the Review.

J. Approve, conditionally approve, modify or deny applications for Minor and Major Use Permits, modifications to conditions of approved Use Permits, and time extensions of Use Permits, pursuant to **Chapter 16.606, Minor and Major Use Permits**, and Temporary Use Permits, pursuant to **Section 16.339.03, Temporary Use Permits**.

K. Decide requests for minor modifications to approved permits, pursuant to **Chapter 16.602, Common Procedures**.

L. Decide proposals to revoke permits, pursuant to **Chapter 16.602, Common Procedures, Section 16.602.13, Revocation of Permits**, following a public hearing. Oversee Enforcement of the Zoning Code.

M. Refer items to the Planning Commission where, in their opinion, the public interest would be better served by a Planning Commission public hearing and action.

N. Process and make recommendations to the Planning Commission and City Council on all applications, amendments, appeals and other matters upon which the Council has the authority and the duty to act under the Zoning Code.

O. Serve as Secretary of the Planning Commission, Architectural Heritage and Landmarks Commission, and Design Review Board.

P. Delegate administrative functions as they so deem to members of the Planning Division.

Q. Other duties and powers as may be assigned by the City Council, the City Manager or established by legislation.

16.601.05 DESIGN REVIEW BOARD

The Design Review Board is established and organized pursuant to the requirements of Section 402, Boards and Commissions of the City Charter. The powers and duties of the Design Review Board are established by Chapter 2.59 of the Municipal Code, and include but are not limited to the following:

A. Conduct public hearings for projects within the DMX (Downtown Mixed Use) Zoning District, which includes the Downtown Vallejo Specific Plan area.

B. Conduct public hearings for projects within the WMX (Waterfront Mixed Use) Zoning District, and as specified in the Waterfront and Vallejo Station Project Planned Development Master Plan and accompanying waterfront design guidelines (collectively, the "waterfront PDMP/design guidelines") for the waterfront area (the "waterfront area") the disposition and development agreement (the "DDA") between the City of Vallejo and the developer of the waterfront area (the "developer"), and the development agreement between the City and the developer. Pursuant to the DDA, the developer is obligated to timely appeal decisions of the Design Review Board regarding major projects, as determined by the Director, to the City Council.

C. Hear and decide appeals of the Director on decisions, determinations, or interpretations made in the enforcement of the Zoning Code and any other decisions that are subject to appeal, pursuant to **Chapter 16.602, Common Procedures, Section 16.602.14, Appeals**.

D. Advise or make recommendations on the design of architecture, lighting, landscaping, site layout and signage of projects on a preliminary basis, as referred by the City Council, Planning Commission, Architectural Heritage and Landmarks Commission, or Director.

E. Such other duties and powers as assigned or directed by the City Council.

16.601.06 ARCHITECTURAL HERITAGE AND LANDMARKS COMMISSION

The Architectural Heritage and Landmarks Commission is established and organized pursuant to the requirements of Chapter 402, Boards and Commissions of the City Charter. The powers and duties of the Architectural Heritage and Landmarks Commission are established by Chapter 2.48 of the Municipal Code, and include but are not limited to the following:

A. Approve, conditionally approve, modify or deny Certificate of Appropriateness Permits, Variances and Exceptions for projects within the Architectural Heritage Overlay Districts, pursuant to **Chapter 16.614, Architectural Heritage and Historic Preservation**.

B. Designate certain structures, sites, portions of structures, groups of structures, landscape elements, objects, works of art, or integrated combinations thereof as landmarks, pursuant to **Chapter 16.614, Architectural Heritage and Historic Preservation**.

C. Conduct public hearings for Certificate of Appropriateness Permits, Variances, Exceptions and landmark designations.

D. Review decisions of the Director on Certificate of Appropriateness Permits to determine if a project will adversely affect the character of the historic district and if so, conduct a public hearing for the project.

E. Hear and decide appeals of the Director on Certificate of Appropriateness Permits, pursuant to **Chapter 16.602, Common Procedures**, **Section 16.602.14, Appeals**.

F. Undertake and complete one or more architectural heritage surveys. Upon completion of such survey(s), the commission shall undertake to establish and maintain a list of structures, objects and areas having a special historical, cultural, architectural or aesthetic interest or value. This list may include single structures or sites, portions of structures, groups of structures, man-made or natural landscape elements, objects, works of art, or integrated combinations thereof.

16.601.07 SUMMARY OF REVIEW AUTHORITIES FOR DECISIONS AND APPEALS

See Table 16.601-A: Permit Review Authority.

TABLE 16.601-A: PERMIT REVIEW AUTHORITY

APPLICATION OR ACTION TYPE	CHAPTER	ADVISORY BODY	REVIEW AUTHORITY	APPEAL BODY
Ministerial Actions				
Zoning Compliance Review	16.603 Zoning Compliance Review	N/A	Director	PC
Interpretation	16.102 Establishment of Zoning Districts	N/A	Director	PC
Discretionary Actions				
Minor Modification to an Approved Permit (Ministerial or Discretionary)	16.602 Common Procedures	N/A	Director	PC
Major Modification to an Approved Permit	16.602 Common Procedures	Director	Review Authority for Granting Original Permit	PC/DRB/AHLC/ CC
Exception	16.602 Common Procedures	Director	Review Authority for Granting Permit	CC
Extension	16.602 Common Procedures	Director	Director/PC	CC
Permit Revocation	16.602 Common Procedures	Director	Review Authority for Granting Permit	PC/CC
Temporary Use Permit	16.339 Temporary Uses	N/A	Director	PC
Development Review Permit* A. Downtown/Waterfront -Minor -Major B. All Other Areas -Minor -Major	16.605 Development Review	 Director Director Director Director	 Director DRB Director PC	 CC CC PC CC
Minor Use Permit	16.606 Minor and Major Use Permits	N/A	Director	PC
Major Use Permit	16.606 Minor and Major Use Permits	Director	PC	CC
Variance	16.607 Variances	Director	PC	CC
Certificate of Appropriateness -Minor -Major	16.614 Architectural Heritage and Historic Preservation	 Director Director	 Director AHLC	 AHLC CC
Legislative Actions				
General Plan Amendments	16.612 General Plan Amendments	PC	CC	
Zoning Text and Map Amendments	16.611 Zoning Text and Map Amendments	PC	CC	
Specific Plans	16.609 Specific Plans And Amendments	PC	CC	
Planned Development	16.610 Planned Development Districts	PC	CC	

Abbreviations: PC - Planning Commission, CC - City Council, AHLC - Architectural Heritage and Landmarks Commission, DRB - Design Review Board

***All new construction shall be subject to Development Review pursuant to Chapter 16.605, which may include Design Review under Chapter 16.604.**

16.602 COMMON PROCEDURES

16.602.01 PURPOSE AND APPLICABILITY

This Chapter establishes procedures that are common to the application and processing of all permits and approvals provided for in the Zoning Code ("Applications") unless superseded by specific requirement of the Zoning Code or State law.

16.602.02 APPLICATION FORMS AND FEES

A. **Applicants.** The following persons may file applications:

1. The owner of the property or the owner's authorized agent with the owner's written consent verified by signature;
2. A lessee, with a written lease signed by the property owner the term of which exceeds one year with written consent verified by owner signature; or
3. An entity authorized to exercise the power of eminent domain.

B. **Application Forms and Materials.**

1. **Supporting Materials.** The Director may require the submission of supporting materials describing the project in the Application and sufficient information to permit the City to determine the level of Environmental Review required pursuant to the California Environmental Quality Act ("CEQA") and the City's Environmental Review guidelines.
2. **Availability of Materials.** All material submitted becomes the property of the City, may be distributed to the public, and shall be made available for public inspection. At any time upon reasonable request, and during normal business hours, any person may examine an Application and materials submitted in support of or in opposition to an application in the Planning Division offices. Unless prohibited by law, copies of such materials shall be made available at a reasonable cost to be established annually and published in the Master Fee Schedule.
3. A complete Application also requires submittal of a signed Reimbursement Agreement in a form approved by the Planning Director and City Attorney to reimburse the City for processing costs of the Application for such matters as Environmental Review documents, required technical studies and/or peer review of same, planning, engineering, legal and other consultants performing work on the Applications.

C. **Application Fees.**

1. **Schedule of Fees.** The City Council shall approve by resolution a Master Fee Schedule that establishes fees for permits, informational materials, penalties, copying, and other such items. Applications for permits shall be accompanied by the required fees. Payment of the fee is required in order for an application to be complete under the Permit Streamlining Act. No application shall be processed without payment of a fee unless a fee waiver has been approved subject to any applicable provision of the Vallejo Municipal Code.
2. **Multiple Applications.** The City's processing fees are cumulative unless the Master Fee Schedule lists an alternate fee. For example, if an application for Development Review also includes a Use Permit, both fees shall be charged.
3. **Fee Waiver.** No fee shall be required when the applicant is the City, or if it is waived under any other provision of the Vallejo Municipal Code.
4. **Refund of Fees.** If an application is withdrawn prior to a decision, the applicant may be eligible to receive a refund of a portion of the fee. The Director shall determine the amount of the refund based on the level of staff Review conducted to date. No refund shall be made for any application that has been denied.

5. **Resubmittal of Withdrawn Application.** An applicant may resubmit an application that has been withdrawn or deemed denied without prejudice because it was incomplete within 2 years of the original submission. The Director shall determine whether the resubmitted application is the same or substantially similar to the previous application and whether it meets all existing standards and requirements. Resubmittal will require a new fee to cover the Review of a resubmitted application including the actual cost of additional permits that may be required by the Zoning Code as of the resubmittal date. The resubmittal shall adhere to current Code requirements.

16.602.03 INDEMNIFICATION

A. **Indemnification Agreement.**

1. All Applications described in this Zoning Code shall include the Applicant agreeing to an Indemnification Agreement, as part of the Application, to defend, indemnify, and hold harmless the City, any City Board, Commission or Committee, and their respective officers, officials, appointees, agents, and employees (collectively, "City Indemnitees") from and against any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City Indemnitees to attack, set aside, void, or annul:

   a. Any approval of the Application(s) by any City Indemnittee; and/or

   b. An action taken to provide environmental clearance under the California Environmental Quality Act ("CEQA") by any City Indemnitee.

The Indemnification Agreement shall be in a form acceptable to the City Attorney and shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City, and/or the parties initiating or bringing such proceeding. The Agreement shall also include a provision obligating the Applicant to indemnify the City for all of the City's costs, fees, and damages which the City incurs in enforcing the indemnification provisions of this Section.

2. Also at the time of submitting an application, the applicant shall agree, as part of the application, to defend, indemnify and hold harmless the City Indemnitees, for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, Negative Declaration, Specific Plan, or General Plan Amendment) if made necessary by said proceeding and if the Applicant desires to pursue securing such approvals and/or clearances, after initiation of the proceeding, which are conditioned on the approval of these documents.

3. In the event that a proceeding described in Subdivision A.1. or 2, above, or in Subsection B. below, is brought, the City shall promptly notify the Applicant of the existence of the proceeding and the City will cooperate fully in the defense of the proceeding. Nothing in this section shall prohibit the City from participating in the defense of any proceeding.

4. In the event that the Applicant is required to defend the City in connection with any proceeding described in Subsection A above, or in Subsection B below, the City shall retain the right to:

   a. Choose and approve the counsel to so defend the City;

   b. Approve all significant decisions concerning the manner in which the defense is conducted; and

   c. Approve any and all settlements.

The City shall also have the right not to participate in the defense, except that the City agrees to cooperate with the Applicant in the defense of the proceeding. If the City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the Applicant.

5. If at the time that this Section becomes effective, an application for any of the approvals or clearances covered by this Section has already been deemed complete, there shall be added as a condition to its approval or clearance the obligation of the applicant to indemnify the City in a form and with language substantially in conformance with Subsections A.1 through A.4 above.

B. **Indemnification Applicable Even if Applicant Fails or Refuses to Enter into Agreement.** Even if the Applicant fails or refuses to enter into the Indemnification Agreement specified in Subsections A.1 through A.4, that Applicant and any successor in interest and the owner of the subject property if different from the Applicant, whether in whole or part, shall, as a condition to any of the approvals:

1. Defend, indemnify, and hold harmless the City, any City Board, Commission or Committee, and their respective officers, officials, appointees, agents, and employees (collectively, "City Indemnitees") from and against any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City Indemnitees to attack, set aside, void, or annul:

    a. Any approval of the Application(s) by any City Indemnittee; and/or

    b. An action taken to provide environmental clearance under the California Environmental Quality Act ("CEQA") by any City Indemnitee.

This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, the City, and/or the parties initiating or bringing such proceeding.

2. Defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation and/or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as a Negative Declaration, EIR, Specific Plan or General Plan Amendment), if made necessary by said proceeding and if applicant desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on the approval of such documents.

3. Indemnify the City for all the City's costs, fees, and damages which the City incurs in enforcing the indemnification provisions set forth in this Section.

16.602.04 PRELIMINARY REVIEW

Preliminary Review is an optional Review process intended to provide information on relevant General or Specific Plan policies, zoning regulations, and procedures related to projects that will be subject to discretionary approvals, including both legislative and quasi-judicial decisions, pursuant to the Zoning Code. This Review is intended for large or complex projects and projects that are potentially controversial.

A. **Application Forms.** The Director shall prepare, and issue application forms and lists that specify the information that will be required from applicants for Preliminary Review. No application will be accepted for Preliminary Review without submission of materials that the Director has determined necessary to conduct such Review.

B. **Payment of Fee.** No application will be accepted for Preliminary Review without payment of a fee specified in the Master Fee Schedule established by City Council resolution.

C. **Permit Streamlining Act.** Preliminary Review is not subject to the requirements of the California Permit Streamlining Act (the Act). An application that is accepted for Preliminary Review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project pursuant to the Zoning Code and has reviewed the application and determined it to be complete in compliance with the requirements of **Section 16.602.05, Application Review**.

D. **Review Procedure.** The Planning Division shall conduct Preliminary Review. The Director may consult with or request Review by any City agency or official with interest in the application.

E. **Recommendations Are Advisory.** Neither the Preliminary Review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or denial of the application by City representatives. Any recommendation that results from Preliminary Review shall be considered advisory only and shall not be binding on either the applicant or the City.

16.602.05 APPLICATION REVIEW

A. **Review Process.** The Director shall determine whether an application is complete within 30 calendar days of the date the application is filed consistent with the Permit Streamlining Act and the required fee. As part of the Review to determine whether an application is complete, the Director shall conduct a preliminary assessment of potential environmental issues. to help the City decide if the project is subject to environmental Review and, if so, which issues may require analysis.

B. **Incomplete Application.** If an application is incomplete, the Director shall provide written notification to the applicant listing the applications for permit(s), forms, information and any additional fees that are necessary to complete the application.

1. **Zoning Ordinance Violations.** An application shall not be found complete if conditions exist on the site in violation of the Zoning Code or any permit or other approval granted in compliance with the Zoning Code, unless the proposed project includes the correction of the violations.
2. **Appeal of Determination.** Determinations of incompleteness are subject to the appeal provisions of **Section 16.602.14, Appeals**, except there shall be a final written determination on the appeal not later than 60 calendar days after receipt of the appeal. The fact that an appeal is permitted to both the Planning Commission and City Council does not extend the 60-day period.
3. **Submittal of Additional Information.** The applicant shall provide the additional information specified in writing by the Director. The written notification shall specify the deadline for submittal of the additional information, which must be no sooner than 30 calendar days. The Director may grant one extension of up to 90 calendar days.
4. **Expiration of Application.** If an applicant fails to correct the specified deficiencies within 60 calendar days from the date of the Director's notification and has not requested an extension as provided for in Sub-section E of this Chapter, the application shall expire and be deemed withdrawn. After the expiration of an application, project Review shall require the submittal of a new, complete application along with all required fees.
5. **Abandoned Application.** If an applicant fails to act on an application without formal notification to the Director for more than 6 months, the application shall be deemed inactive and withdrawn and no fee shall be reimbursed for an abandoned application.

C. **Complete Application.** When an application is determined to be complete the Director shall make a record of that date. If an application requires a public hearing, the Director shall schedule it and notify the applicant of the date and time.

D. **Additional Information.** After an application is deemed complete, the Director shall not subsequently request of an applicant any new information listed on the application form. The Director may request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application in the course of processing the application. This request shall not invalidate the original determination that an application is complete and shall not result in a delay in processing the application. The Director may request additional information needed to prepare adequate environmental documentation.

E. **Extensions.** The Director may, upon written request and for good cause, grant extensions up to two years for Review of applications imposed by the Zoning Code in compliance with applicable provisions of State law.

16.602.06 ENVIRONMENTAL REVIEW

Before approving any application subject to discretionary Review under the Zoning Code, the requirements of the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) must be met. The City adopts and incorporates by reference the State CEQA Guidelines as its environmental Review procedures. An application subject to environmental Review pursuant to CEQA shall not be considered complete until the applicant has submitted all studies and other documentation the Director has deemed necessary to make an environmental determination together with all required fees. Environmental Review shall be conducted pursuant to the State CEQA Guidelines unless otherwise stated in this Chapter.

A. **Procedures.** The City adopts and incorporates by reference the State CEQA Guidelines as its environmental Review procedures.

B. **Review for Exemption.** If the Director determines that the application is subject to Review under CEQA, within 30 days after determining that the application is complete, he or she shall determine if the project is exempt from environmental Review pursuant to State law, CEQA Guidelines and any environmental guidelines that the City has adopted in compliance with CEQA.

1. If the Director has determined that a project is exempt from environmental Review under CEQA, such determination shall be announced in any required public notice. The notice shall include a citation to the State Guidelines section or statute under which it is found to be exempt.
2. Following approval of a project that is exempt from CEQA Review, the Director or the applicant may file a Notice of Exemption with the Solano County Clerk Recorder's Office. The applicant for a private project shall be responsible for any fees required to file such notice.
3. A determination of exemption by any Review Authority other than the City Council may be appealed to the City Council in the same manner provided for other appeals in **Chapter 16.602, Common Procedures, Section 16.602.14, Appeals**.

C. **Non-exempt Projects.** If the Director determines that the project is not exempt from environmental Review under CEQA, the applicant must be notified and must deposit with the City sufficient funds to pay the anticipated cost of preparation and processing of the required environmental document, including the City's administration fee. Prior to approving the project, the approving authority must first approve the Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. Any identified mitigation measures must be incorporated into the conditions of approval of the project unless a Statement of Overriding Considerations is adopted. Following project approval, a Notice of Determination must be filed with the Solano County Clerk-Recorder's Office at the applicant's expense.

D. **Environmental Review Application.** If the proposed project is not exempt from environmental Review, the applicant shall submit an application for environmental Review accompanied by the required fee. After receiving an environmental Review application, the Director shall determine whether to require preparation of an Environmental Impact Report (EIR) or Negative Declaration or Mitigated Negative Declaration. In order to make this determination, the Director shall prepare, with his or her own staff or by contract with a consultant chosen by the City, an Initial Study at the applicant's expense. If the Director and project applicant agree that an EIR is necessary, an Initial Study is not required.

E. **Preparation of Initial Study.** The Initial Study shall consider all phases of project planning, implementation, and operation and may rely upon expert opinion supported by facts, including documentation submitted by the applicant, technical studies, or other substantial evidence to document its findings regarding the project's potential impacts. Following completion of the Initial Study, the Director shall notify the applicant in writing of changes to the project that Staff has deemed necessary to reduce or avoid the significant effects identified in the Initial Study. Within 30 days following the date of the letter, the applicant shall provide written notification to the Director indicating that the proposed modifications are acceptable or shall propose alternative measures that will achieve the same result. If the applicant does not agree to revise the project, an EIR shall be prepared.

F. **Determination of Environmental Significance.** Based on the Initial Study, the Director will make one of the following findings:

1. The project will have "No Significant Impacts" on the environment, and a Negative Declaration will be prepared;
2. The project has been modified to mitigate potential environmental impacts to a level of insignificance and a Mitigated Negative Declaration will be prepared; or
3. The proposed project will have, or may have significant impact(s) and an EIR will be required.

G. The procedures for preparing an EIR shall be pursuant to the State CEQA Guidelines.

H. **Responsibility for Action on Environmental Document.** Any City official or body responsible for taking action on a project for which a Negative or Mitigated Negative Declaration, or EIR has been prepared shall use the environmental assessment to make its decision. If the project is approved, the Review Authority shall impose conditions to mitigate any adverse environmental impacts. The Review Authority is responsible for action on an application for a Development Review Permit shall approve the Negative Declaration or Mitigated Negative Declaration or certify the Final EIR prior to the time the project is considered for approval. The Review Authority may decline to approve or certify the environmental document and request further Review or analysis if, in its judgment, approval of the Negative Declaration or Mitigated Negative Declaration or certification of the Final EIR would not comply with the requirements of CEQA and applicable State and local environmental Review requirements. Approval of a Negative Declaration or Mitigated Negative Declaration or certification of a Final EIR shall be deemed to be a finding that the document has been prepared in compliance with CEQA and State and local CEQA guidelines and not an approval of a project.

I. **Mitigation Monitoring and Reporting Program.** The City shall approve a mitigation monitoring and reporting program (MMRP) for all projects that it approves with a Mitigated Negative Declaration or a Final EIR. The purpose of the MMRP is to ensure that the project applicant complies with all of the provisions or changes identified as mitigation measures during implementation of the project.

1. **Submittal and Approval.** The MMRP shall be prepared and considered as part of a Mitigated Negative Declaration or EIR.
2. **Enforcement.** Failure to comply with the conditions and requirements of an approved MMRP shall be considered a violation of the conditions of approval of a project, subject to enforcement under the Zoning Code.
3. **Amendment of Mitigation Program Not Permitted Following Adoption.** Unless specifically authorized or required by the conditions of project approval, neither CEQA nor the Zoning Code authorize the City to modify or add mitigation measures if the MMRP shows that the mitigation measures have not achieved the desired result.

J. **Appeals.** Any person may appeal to the City Council from the decision of a Review Authority to certify an environmental impact report, approve a negative declaration or mitigated negative declaration or determine that a project is not subject to Public Resources Code Section 21080 et seq. (California Environmental Quality Act) if that decision is not otherwise subject to further administrative Review. Any such appeal must be filed with the Secretary of the nonelected Review body within 10 calendar days of the date that the decision is made. The appellant shall state the specific reasons for the appeal on an appeal form prepared by the City. The appeal must be accompanied by the required filing fee.

16.602.07 CONSULTANT FEES AND DEPOSITS

If the Director elects to retain an independent consultant(s) in connection with any permit application or environmental Review, the applicant shall pay the reasonable costs in connection with the services provided. Before the independent consultant(s) may perform any services, the applicant shall deposit with the City an amount equal to the estimated costs for the services to be rendered as determined by the Director. If the deposit exceeds the total costs for consultant services, the Director shall promptly return any unused funds after the applicant has received final City inspection or is denied by the City. If the reasonable costs for consultant services exceeds the deposit, the Director shall invoice the applicant for the balance which shall be promptly paid by the applicant. The City shall not issue any construction or grading permit to any applicant with any unpaid deposit requests or invoices.

16.602.08 NOTICING

Unless otherwise specified, whenever the provisions of this Zoning Code require public notice, notification shall be provided in compliance with the requirements of State law and as follows.

A. **Mailed Notice.** The Director, or the City Clerk for public hearings before the City Council, shall provide a public notice as required below by First Class mail delivery based on the following:

1. Projects exempt from the California Environmental Quality Act (CEQA) at least 14 calendar days before the date of the public hearing or 14 calendars days before the date of action when no public hearing is required;

2. Projects subject to CEQA at least 21 calendar days before date of the public hearing or date of action when no public hearing is required.
3. Projects that propose changes to the Zoning Code text at least 21 calendar days before date of the public hearing.
4. **Notification list.** Notification shall be provided to the following:
    a. The applicant, the owner, and/or the occupant of the subject property;
    b. All property owners of record as shown on the latest available County Assessor or Tax Collector assessment role within a minimum 300-foot radius of the subject property for actions when no public hearing is required, and a minimum of 500 feet of the subject property for actions when a public hearing is required, or a larger radius if deemed necessary by the Director in order to provide adequate public notification.
    c. In lieu of the assessment roll, the records of the County Assessor or Tax Collector, whichever contains more recent information than the assessment role, may be used;
    d. In the case of a large-scale, complex, or controversial project the Director may require a 1,000-foot radius notice from the subject property;
    e. The Vallejo City Unified School District and any other local agency expected to provide water, wastewater treatment, streets, roads, schools, or other essential facilities or services to the project;
    f. The Planning Commission, Architectural Heritage and Landmarks Commission and Design Review Board, as applicable, when a public hearing before the respective board or commission is required; and,
    g. The Planning Commission for projects subject to the Director's decision;
    h. Any neighborhood organization within a 300-foot radius from the subject property for applications that require a Director decision, or a neighborhood organization within a 500-foot radius from a subject property for applications that require a public hearing.
    i. Any person or group who has filed a written request for notice regarding the specific application and has paid any required fee that the City Council has adopted to provide such service.

B. **Posted Notice.** A Notice of Public Hearing may be posted at a location visible to the public at the subject property. The notice shall include all of the information listed in subsection E below.

C. **Newspaper Notice.** At least 14 calendar days before the date of the public hearing or the date of action when no public hearing is required, the Director or the City Clerk for hearings before the City Council, shall provide notice by at least one publication in a newspaper of general circulation published in the City.

D. **Alternative Method for Large Mailings and Zoning Code Text Amendments.** If the number of property owners to whom the notice would be mailed or delivered is greater than 1,000, or the notice is for a Zoning Code text amendment, a mailed notice, is not required and the Director or City Clerk shall instead provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation at least 14 days prior to the hearing.

E. **Contents of Notice.** The notice shall include the following information:
    1. The location of the real property, if any, that is the subject of the application, Assessor Parcel Number, and project number;
    2. A general description of the proposed project and requested action;
    3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;
    4. The name of the hearing body or Review Authority, if applicable;
    5. The names of the applicant and the owner(s) of the property that is the subject of the application;
    6. The location and times at which the complete application and project file may be viewed by the public;
    7. A statement that any interested person or authorized agent may appear and be heard;
    8. A statement describing how to submit written comments;

9. A vicinity and/or parcel map showing the project location;
10. The proposed environmental determination;
11. The appeal period and Review Authority for the appeal.

F. **Failure to Notify Individual Properties.** The validity of the proceedings shall not be affected by the failure of any property owner, resident or neighborhood or community organization to receive such mailed notice.

G. **Community Meetings.** In addition to providing public notice as State law and this Chapter require, the Director may require a neighborhood or community meeting to receive comments on any project that is anticipated to be of community concern due to potential environmental impacts or other significant planning concerns. The applicant shall be required to pay for the reasonable cost of conducting such a meeting including, but not limited to, mailing notices and facility costs.

16.602.09 PUBLIC HEARINGS

Whenever the provisions of this Zoning Code require a public hearing, the hearing shall be conducted in compliance with the requirements of State law as follows:

A. **Generally.** Hearings shall be conducted pursuant to procedures adopted by the hearing body. They do not have to be conducted according to technical rules relating to evidence and witnesses.

B. **Scheduling.** Hearings shall be scheduled by the Director.

C. **Presentation.** An applicant or an applicant's representative may make a presentation of a proposed project.

D. **Public Hearing Testimony.** Any person may appear at a public hearing and submit oral or written evidence, either individually or as a representative of a person or an organization.

E. **Time Limits.** The presiding officer may establish time limits for individual testimony and require that individuals with shared concerns select one or more spokespersons to present testimony on behalf of those individuals.

F. **Continuance of Public Hearing.** The body conducting the public hearing may by motion continue the public hearing to a fixed date, time and place or may continue the item to an undetermined date and provide notice of the continued hearing or as provided below.

1. **Prior to Public Notice.** An application may be withdrawn from a scheduled hearing at the written request of the applicant provided that the public notice of the meeting and the public hearing on the application has not been mailed or published. The application shall be rescheduled for a time agreed to by the applicant and the Director if such extension is consistent with the requirements of State law and this Section.
2. **After Public Notice.** If public notification has been given, an application may be continued by the hearing body or the Director or by written request of the applicant if there is a valid reason to justify the applicant's written request, which could not reasonably have been planned for or anticipated. The rescheduled public hearing shall be re-noticed in the original manner, and the applicant shall be subject to payment of a re-notification fee prior to the re-scheduled hearing.

G. **Decision.** The public hearing must be closed before a vote is taken.

16.602.10 SCOPE OF APPROVAL

A. **Scope.** Approval shall only apply to those uses and activities actually proposed in the application and excludes other uses and activities. Unless otherwise specified, the approval of a new use shall terminate all rights and approvals for previous uses no longer occupying the same site or location, unless specified in the application.

B. **Conditions of Approval.** The site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or submitted during the approval process shall be deemed conditions of approval. Any approval may be subject to requirements that the applicant guarantees, warranties or ensures e compliance with the plans and conditions in all respects.

C. **Actions Voiding Approval.** If the construction of a building or structure or the use established is contrary to the description or illustration in the application, so as to either violate any provision of the Zoning Code or require additional permits, then the approval shall be deemed null and void.

D. **Periodic Review.** All approvals may be subject to periodic Review to determine compliance with the permit and applicable conditions. If a condition specifies that activities or uses allowed under the permit are subject to periodic reporting, monitoring or assessments, it shall be the responsibility of the permit holder, the property owner or successor property owners to comply with such conditions.

16.602.11 EFFECTIVE DATES

A final decision on an application for any discretionary approval subject to appeal shall become effective after the expiration of 10 calendar days following the date of action, unless an appeal is filed. No Building Permit or business license shall be issued until the 11th day following the date of the action. If a different termination date is fixed at the time of granting, or if actual construction or alteration has begun under valid Building Permits, the 10-day, period may be waived.

16.602.12 EXPIRATION AND EXTENSION

A. **Expiration**. The Review Authority, in the granting of any permit, may specify a time, consistent with the purposes of the use and necessary to safeguard the public safety, health and welfare, within which the proposed use must be undertaken and actively and continuously pursued. If no time period is specified, any permit granted under the Zoning Code shall automatically expire if it is not exercised or extended within the time limits listed below:

1. **Permits for Affordable Housing and Mixed-Use Projects.** Three years of the effective date, for affordable housing or mixed-use projects where housing units comprise at least 75 percent of the floor area of the project, and the housing project has received City, State or Federal funding or is comprised of units at least 50 percent of which are deed-restricted to be affordable to low income households and the remainder of which are deed-restricted to be affordable to low or moderate income households.
2. **All Other Permits.** Two years of the effective date.

B. **Exercise of Rights.** A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the site unless the permit is granted in conjunction with approval of new construction.

1. **New Construction.** If a permit is granted in conjunction with approval of new construction, issuance of a Building Permit shall constitute exercise of rights; provided, however, that, unless otherwise specified as a condition of project approval, the permit shall expire if:

   a. The Building Permit expires;
   b. Final inspection is not completed, or Certificate of Occupancy issued within the time specified as a condition of project approval; or
   c. The rights granted under the permit are not exercised within one year following the earliest to occur of the following: issuance of a Certificate of Occupancy; or if no Certificate of Occupancy is required, the last required final inspection for the new construction.

C. **Extensions.**

1. **First Time Extension.** The Director may approve a one-year extension of any permit or approval granted for a residential or non-residential project under the Zoning Code upon receipt of a written application and fees received 15 calendar days before the expiration date with the required fee prior to expiration of the permit.
2. **Other Extensions.** The Director may approve a further extension of an additional one year on any permit or approval granted under the Zoning Code upon receipt of a written application with the required fee at least 15 calendar days prior to expiration of the permit (for a total of two 12-month extensions per entitlement).
3. **Application:**

   a. Applications for an Extension must be filed and processed in compliance with the requirements in **Section 16.602.02, Application Forms and Fees**, and shall be subject to a fee established by the Master Fee Schedule.

b. The Director may grant an extension request for good cause, and may consider in this Review the reason for the extension, the extent to which the project is consistent with current development standards and policies, whether the project is consistent in principal with the goals, objectives, policies, land uses, and programs specified in the adopted General Plan at the time of extension request, conditions surrounding the project site and whether the project will adversely affect the environment, public health, safety and general welfare.

D. **Changes to an Approved Permit.** No change in the use or structure for which a permit or other approval has been issued is permitted unless the permit is modified as provided for in the Zoning Code. For the purpose of this Chapter, the modification of a permit may include Minor Modification of a Development Review approval that is in substantial compliance as determined by the Director

E. **Application for Changes to An Approved Permit.** Applications for Changes to an Approved permit must be filed and processed in compliance with the requirements in **Section 16.602.02, Application Forms and Fees**, and shall be subject to a fee established by the Master Fee Schedule.

1. **Minor Modifications.** The Director may approve minor changes to approved plans that are consistent with the original findings and conditions approved by the hearing body and would not intensify any potentially detrimental effects of the project.
2. **Major Modifications.** A request for changes in conditions of approval of a Discretionary Permit or a change in an approved site plan or building plan that would affect the findings adopted as a basis for project approval shall be treated as a new application, except that the Director may approve changes that he or she determines to be minor.

F. **Review by Original Review Authority.** A request for major changes to an approved site plan or building plan that will not affect the findings adopted as a basis for project approval, but are still considered substantial, shall be forwarded to the Original Review Authority for the Discretionary Permit for Review and approval.

16.602.13 REVOCATION OF PERMITS

Any permit granted under the Zoning Code may be revoked or modified for cause if any of the conditions or terms of the permit are violated or if any law or ordinance is violated, pursuant to **Section 16.602.13 Revocation of Permits**.

16.602.14 APPEALS

A. **Applicability.** Any action by the Director, Planning Commission, Architectural Heritage and Landmarks Commission, or Design Review Board in the administration or enforcement of the provisions of the Zoning Code, in accordance with **Table 16.601-A: Permit Review Authority**, may be appealed as provided in this Chapter.

1. **Appeals of Director Decisions.** Decisions of the Director may be appealed to the Planning Commission, Architectural Heritage and Landmarks Commission or Design Review Board by filing a written appeal with the Planning Division.
2. **Appeals of Planning Commission Architectural Heritage and Landmarks Commission, or Design Review Board Decisions.** Original decisions of the Planning Commission, Architectural Heritage and Landmarks Commission and Design Review Board may be appealed to the City Council by filing a written appeal with the Director.

B. **Rights of Appeal.** Appeals may be filed by the applicant, by the owner of property, or by any other person adversely affected by a decision that is subject to appeal under the provisions of the Zoning Code.

1. The appeal shall clearly and concisely set forth the grounds upon which the appeal if based. Fees for the appeal established by Master Fee Schedule shall be paid by the appellant.
2. For ministerial determinations including, but not limited to, zoning compliance, the grounds for the appeal shall be based on factual information demonstrating whether application meets specific standards applicable to the project.

C. **Time Limits.** Unless otherwise specified in State or Federal law, all appeals shall be filed in writing within 10 calendar days of the date of the action, decision, motion, or resolution is taken or 7 calendar days in the case of Temporary Use Permits. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.

D. **Procedures.**

1. If a timely appeal is made by the applicant, the City Clerk shall forward a copy of the written appeal to the Director. If the appeal is made by someone other than the applicant, the Clerk shall forward a copy of the written appeal to the applicant and a copy to the Director.
2. Proceedings Stayed by Appeal. The timely filing of an appeal shall stay all proceedings in the matter appealed including, but not limited to, the issuance of City Building Permits and business licenses.
3. Transmission of Record. The Director shall schedule the appeal for consideration by the authorized hearing body within 45 calendar days of the date the appeal is filed. The Director shall forward the appeal, the Notice of Action, and all other documents that constitute the record to the hearing body. The Director shall also prepare a staff report that responds to the issues raised by the appeal and may include a recommendation for action.

E. **Calls for Review.** A member of the City Council may call for Review of a decision of the Director, Planning Commission, Architectural Heritage and Landmarks Commission or Design Review Board within the appeal period. The call for Review shall be processed in the same manner as an appeal by any other person. Such action shall stay all proceedings in the same manner as the filing of an appeal. Such action shall not require any statement of reasons and shall not represent opposition to or support of an application or appeal.

F. **Public Notice and Hearing.** Public notice shall be provided, and the hearing conducted by the applicable appeal body pursuant to **Chapter 16.602, Common Procedures**. Notice of the hearing shall also be given to the applicant and party filing the appeal and any other interested person who has filed with the Director a written request for such notice. In the case of an appeal of a Planning Commission, Architectural Heritage and Landmarks Commission or Design Review Board decision, notice of such appeal shall also be given to the Planning Commission, Architectural Heritage and Landmarks Commission or Design Review Board, who may be represented at the hearing.

1. After opening the public hearing on an appeal, the appeal body may take one of the following actions:
   a. Continue the public hearing;
   b. Based on the record of the appeal Review Authority's consideration and hearing, reverse or affirm, wholly or partly, or modify any decision, determination, condition or requirement of the Director's, Commission's or the Board's original action; or
   c. Remand the matter to the Commission or Board to reconsider the application or any revisions submitted after the Commission's, or Board's action, in which case the appeal Review Authority shall specify whether or not the Commission or Board shall hold a new public hearing, and which issues the Commission or Board is directed to reconsider.

G. **Standards of Review.** When reviewing any decision on appeal, the appeal body shall use the same standards for Review required for the original decision. The appeal body may adopt the same decision and findings as were originally approved; it also may request or require changes to the application as a condition of approval.

H. **Action.** An action by the Commission, Board or the Council to grant an appeal shall require a majority vote of the hearing body members. A tie vote shall have the effect of rejecting the appeal.

16.602.15 TRANSFER OF AUTHORITY

Whenever the Director finds that the decision on any application is beyond his or her purview of authority, the application shall be forwarded to the Planning Commission, Design Review Board, Architectural Heritage and Landmarks Commission or City Council for determination depending on the highest level of Review Authority.

16.603 ZONING COMPLIANCE REVIEW

16.603.01 PURPOSE AND APPLICABILITY

These provisions establish procedures to conduct a Zoning Compliance Review for verification of compliance with applicable requirements outlined in this Code, for each new or expanded use or structure.

Zoning Compliance Review is required for buildings or structures erected, constructed, altered, repaired or moved, the use of vacant land, changes in the character of the use of land or building, or for substantial expansions in the use of land or building that are allowed as a matter of right by the Zoning Code. Before the City may issue any approval, the Director must Review the application to ensure that all conditions, if applicable have been satisfied.

16.603.02 REVIEW AND DETERMINATION

A. **Application.** An application for Zoning Compliance Review must be filed and processed in accordance with the provisions of this Chapter.

B. **Determination.** The Director must Review the application to determine whether the proposed use or construction is allowed by right, requires further Review of compliance with standards as prescribed in the Zoning Code or any type of Discretionary Permit, is allowed pursuant to any previously approved permit, or is prohibited. If the Director determines that the proposal conforms to the requirements of the Zoning Code and any applicable Specific Plan or Planned Development or other applicable plans, a Zoning Compliance Certificate will be issued. If the Director determines that the proposal does not conform to the requirements of the Zoning Code or any applicable Specific Plan or Planned Development, a Zoning Compliance Certificate will not be issued, and the applicant will be advised as to how the proposal can be brought into compliance.

C. **Appeals.** The Director's determination may be appealed to the Planning Commission in accordance with **Chapter 16.602, Common Procedures, Section 16.602.14, Appeals**.

16.604 DESIGN REVIEW

16.604.01 PURPOSE AND APPLICABILITY

These provisions establish objectives, standards, and procedures for conducting design Review through the Development Review application process under **Chapter 16.605, Development Review**. They preserve and enhance the character of Vallejo's existing neighborhoods. More specifically, to:

A. Establish regulations for an objective process that applies urban design principles to ensure that new construction supports the best of the City's architectural traditions;

B. Encourage new structures that show creativity and imagination, add distinction, interest, and variety to the community, and are environmentally sustainable;

C. Promote architectural and design excellence in new construction and discourage poor quality development;

D. Ensure that future development should:

1. Reflect the values of the community;
2. Enhance the surrounding environment;
3. Visually harmonize with its surroundings and not unnecessarily obstruct scenic views; and
4. Avoid nostalgic misrepresentations that may confuse the relationships among structures over time.

E. Ensure that decisions on housing development projects are based on objective design standards as required by the State Housing Accountability Act (Government Code Section 65589.5);

F. Provide for new landscaping to create a visually pleasing setting for structures on the site;

G. Promote the protection and retention of landmark, native, and specimen trees and if feasible mature canopy trees and other significant landscaping of aesthetic and environmental value;

H. Ensure that the design, quality, and location of signs are consistent with the character and scale of the structures to which they are attached and are visually harmonious with surrounding development; and

I. Promote the conservation, enhancement, preservation, and protection of historic resources.

Design Review is required for the following projects:

J. **Applicability.**

1. New residential development that consists of more than 10 units.
2. New non-residential development that consists of 5,000 square feet of more.

K. **Responsibility.** Responsibility for Design Review is specified in Table 16.601-A. However, the Design Review Board or the Planning Commission may delegate any Review and approval functions to the Director and the Director may delegate Director Review to the Design Review Board or Planning Commission as appropriate.

1. **Residential Projects.**

a. 2 - 10 units - Director decision
b. 11 - 49 units - Design Review Board recommendation to Director
c. 50 or More units – Design Review Board recommendation to Planning Commission

2. **Non-Residential Projects.**

a. Up to 5,000 sf - Director decision
b. 5,000 sf or More - Design Review Board decision

L. **Exemptions.** The following projects are exempt from the requirements of this Chapter:

1. The construction or alteration of a single-unit dwelling or residential accessory structure on a pre-existing lot, unless it is a single-unit dwelling within a Planned Development (PD) district, or within the boundaries of the DMX Zoning District (Downtown Vallejo Specific Plan) or WMX Zoning District (Waterfront Planned Development Master Plan);
2. Alterations, additions, and repairs that do not change the exterior appearance of a structure, including replacement in kind of existing features. To be considered "replacement in kind," the features must reasonably match the design, profile, material, and general appearance of the originals.

3. Changes in the color or finish of building exteriors when the original colors or finishes were not subject to approval by the Design Review Board;
4. Accessory Dwelling Units complying with the development standards of **Chapter 16.303, Accessory Dwelling Units**;
5. Interior features and interior alterations are unless they materially affect a structure's appearance from the public right-of-way;
6. After notice to the Director, demolition or removal of either:
    a. Structures declared to be unsafe by the Building Official or the City Council. "Unsafe structures" means structures found by the Building Official or the City Council, to require immediate issuance of a Demolition Permit to protect the public health and safety; or
    b. Structures declared to be a public nuisance by the Building Official or City Council that are not Designated Historic Properties or Potentially Designated Historic Properties.

16.604.02 SCOPE OF DESIGN REVIEW

A. Design Review shall concentrate on those exterior portions of the structure and related features that are in full or partial view from the public right-of-way. Design Review may also consider interior courtyards and building elevations out of public view in order to improve the visual relationship between new construction and its surroundings, to create more open views and improved access to light and air, and to ensure that predominant architectural and landscaping treatments are appropriately incorporated into the secondary elevations and open space of the structure.

B. When conducting design Review, the Director or the Design Review Board shall consider the applicable design and development standards of this Zoning Code, adopted objective design standards for residential development, adopted design guidelines for non-residential development, and applicable Specific Plans and Master Plans with respect to:
    1. Building articulation, facade treatment and architectural details.
    2. Exterior colors and materials.
    3. Character defining features and the relation to existing settings.
    4. Design of fences, walls, and screen plantings, including but not limited to height of those structures, materials, colors, and type.
    5. Location and type of landscaping including selection and size of plant materials and design of hardscape including landscape lighting.
    6. The size, location, design, color, number, lighting, and materials of signs.
    7. Design of the streetscape, including but not limited to landscaping, furniture and materials.
    8. Pedestrian connectivity and circulation.

C. Changes in a project required as a condition of Design Review approval may include density, height, open space, parking or loading, and sign requirements, as long as the conditions are not more restrictive than those prescribed by applicable zoning district regulations or a valid Zoning Compliance determination, Major or Minor Use Permit, Exception, Development Agreement, Planned Development, Variance, or other legislative or zoning entitlements.

D. Design Review for projects proposing new and amended Master Plans and Planned Developments shall be limited to recommendations to the Planning Commission and City Council on aesthetic and urban design issues related to architecture, landscaping, site plan, and related aesthetic issues, as well as historic preservation. Additionally, recommendations regarding the future scope of Design Review for the proposed project, and comments and analysis on the aesthetic/cultural resources of an associated draft environmental study are appropriate.

E. Design Review may require appropriate site plan revisions (e.g., different arrangements of open space), as well as revisions to the proposed building massing and transitions in scale of the structure(s), especially in historic districts to achieve greater compatibility between new construction and existing historic resources.

16.604.03 PROCEDURES

A. **Application requirements.** Design Review when required shall be conducted as part of Development Review pursuant to **Chapter 16.605, Development Review** or as part of a discretionary application.

B. **Required findings.** The Director or the Design Review Board shall approve, conditionally approve or deny, or make recommendations to the Planning Commission for final design Review approval after finding that the application:

1. Is consistent with the purposes of this Chapter, the design policies of the General Plan and any applicable Specific Plan, any adopted applicable design guidelines;
2. Is consistent with any planning are zoning approvals by the Director or the Planning Commission;
3. Complies with any other relevant City policies or regulations; and
4. Meets the following criteria:

   a. The aesthetic design, including its exterior design and landscaping, is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.

   b. Project details, colors, materials, and landscaping are fully integrated with one another and used in a manner that is visually consistent with the proposed architectural design.

   c. The project has been designed with consideration of neighboring development.

   d. The project contributes to the creation of an attractive and visually interesting built environment that includes well-articulated structures that present varied building facades, rooflines, and building heights and encourages increased pedestrian activity and transit use.

   e. Street frontages are attractive and interesting for pedestrians, address the street and provide for greater safety by allowing for surveillance of the street by people inside buildings and elsewhere.

   f. The proposed design is compatible with the historical or visual character of any area recognized by the City as having such character.

   g. The aesthetic design preserves significant public views and vistas from public streets and open spaces and enhances them by providing areas for pedestrian activity.

   h. The proposed landscaping plan is suitable for the type of project and will improve the appearance of the community by enhancing the building, minimizing hardscape and softening walls; and the landscape plan incorporates plant materials that are drought-tolerant, will minimize water usage, and are compatible with Vallejo's climate.

   i. The project has been designed to be energy efficient including, but not limited to, landscape design and green or eco-friendly design and materials.

   j. The project design protects and integrates natural features including creeks, open space, significant vegetation, and geologic features.

C. **Conditions.** In granting final design Review approval for a project that meets all of the applicable standards and requirements of the Zoning Code, standards, and applicable Design Guidelines, the Director or Design Review Board, in accordance with Table 16.601-A: Permit Review Authority, may impose final architectural or other design conditions reasonably related to the application and deemed necessary to achieve the purposes of this Chapter. Such conditions may not overlap with or impose more restrictive requirements than those provided for under Planning Commission land use authority pursuant to State law, the Vallejo Municipal Code, Zoning Ordinance, and any other adopted plans, policies, permits or regulations.

D. **Final Site Plan and Building Permit Review.** No Building or Grading Permit shall be issued for any project for which Design Review is required until the applicant submits, and the City approves final Building Permit plans showing any changes required as a condition of design Review approval.

16.605 DEVELOPMENT REVIEW

16.605.01 PURPOSE AND APPLICABILITY

Development Review is a discretionary process that may also include Design Review. These standards and procedures for conducting site review of development proposals are intended to:

A. Promote excellence in design that will enhance the attractiveness of the City's districts and neighborhoods by being compatible with the best elements of the existing character of the area to provide a pleasing environment for residents, pedestrians, and building occupants;

B. Support site development practices that are appropriate with respect to the site's solar orientation, drainage patterns, existing trees and landscaped areas and the location, size and massing of existing structures adjacent to the subject property;

C. Supplement other City regulations and standards in order to ensure that exterior design features that are not otherwise addressed but have a bearing on land use compatibility and neighborhood fit are considered during the development Review and approval process.

D. **Exceptions.** Development Review is required for all permits for new construction, reconstruction, rehabilitation alteration, or other improvements to the exterior of a structure, development site or parking area except for:

1. Replacement in kind;
2. Parking lots providing fewer than 10 parking spaces which do not substantially change from existing design;
3. Decks that do not exceed 4 feet in height at any point excluding railings;
4. The relocation or movement of any non-residential building or accessory structure under 500 square feet in area to another lot or a new location less than 100 feet or more from the existing location;
5. Residential additions less than 500 square feet in area and less than 14 feet in height including, but not limited to, minor window, door, and roof modifications except for additional stories to an existing building and as long as no more than one addition is exempted in any 24-month period;
6. Additions of any size or repairs that do not affect any street-facing façade or add stories to existing buildings;
7. Accessory structures less than 500 square feet in area and less than 14 in height;
8. Additions or improvements to industrial, commercial and mixed-use structures that are less than 1,000 square feet in area and are not adjacent to a R Zoning District;
9. Accessory Dwelling Units in compliance with State standards;
10. Residential solar panels located on roofs or in a rear yard;
11. Temporary structures;
12. Exterior alterations required by State or federal law or other public agencies;
13. Any other buildings, structures, and improvements requiring a Building Permit that the Director finds in compliance with all applicable standards of the Zoning Code when the exterior of any existing improvement will not be significantly altered;

The final determination shall be made by the Director. The City Council may, by resolution, direct such Development Review within specified areas of the City, if the exterior is to be significantly altered.

16.605.02 PROCEDURES

A. **Application for Development Review.**

1. Applications for Development Review must be filed and processed in compliance with the requirements in **Section 16.602.02, Application Forms and Fees**, and shall be subject to a fee established by the Master Fee Schedule.
2. Applications for Development Review approval shall include such information as may be required in submission requirements issued by the Director and available from the Planning Division, which may include, but is not limited to, site plans, floor plans, building sections perpendicular to the street, exterior elevations, photographs of the subject or abutting properties, perspective or axonometric drawings and/or a model, description of building materials, material and/color samples, exterior lighting and fence plans, signage details and locations, and landscape and irrigation plans and any other items as stated in a current Checklist maintained by the City.

3. When a development project requires a Use Permit, Variance, or any other discretionary approval, the Development Review application shall be submitted to the Planning Division as part of the application for the Use Permit, Variance, or other discretionary approval Development Review decisions shall be made by the Review Authority for the Use Permit, Variance or any other Discretionary Permit.
4. Applications for Development Review within a Specific Plan area or a Planned Development zoning district shall also describe the specific design and uses for all or part of the project as proposed conceptually in the adopted Planned Development, and provide at minimum the following:
    a. Site Plan
    b. Roof plan of building
    c. Location of all existing and proposed structures
    d. Location of existing trees or natural attributes
    e. Location of off-street parking and loading facilities
    f. Location and dimensions of street and highway dedications
    g. Location of points of entry and exits for vehicles and internal circulation patterns
    h. Location of walls and fences and the indication of their height and material of construction
    i. Exterior lighting standards and devices
    j. Grading and slopes where they affect the relationship of the buildings with cross-sections, amount of cut and fill and a statement of whether or not there will be balanced grading plan
    k. Location of all utilities and related easements.
    l. Architectural Plans.
        i. Plan to scale;
        ii. Four elevations and cross-sections including all sides of development;
        iii. Architectural drawings indicating location, size, color and shape of all appurtenances visible from the exterior, including, but not limited to, signs, stairs, ramps, storage areas, solid waste storage area, utility lines, meter boxes, transformers, mechanical equipment, awnings, balconies, towers and antennas;
        iv. Perspectives or other suitable graphic materials, if required by the Planning Division; and
        v. Colors and materials of exterior surfaces, including samples when requested.
5. Landscaping plans showing number, size, spacing and names of plant materials including planting and irrigation specifications pursuant to **Chapter 16.504, Landscaping**.
6. Signage plans.
7. Identification of type and location of all proposed uses.

B. **Notification.** Notice shall be provided in compliance with the requirements of **Chapter 16.602, Common Procedures, Section 16.602.08, Noticing**. When a development proposal subject to development Review approval requires a Use Permit, Variance, or an amendment of the Zoning Code, the notice for such approvals shall also state that the project is subject to Development Review.

C. **Transfer of Authority.** Whenever the Director finds that the decision on any application is beyond his or her purview of authority, the application shall be forwarded to the Planning Commission, Design Review Board, Architectural Heritage and Landmarks Commission or City Council for determination depending on the highest level of Review Authority body.

D. **Scope of Review.** The Development Review process shall focus on issues of site and building design and shall not address land use issues, which are considered separately. Development Review approval may not be used to require a reduction in density, height or floor area or an increase in setbacks or parking that is different from the standards that are required by the Zoning Code or have been imposed by a discretionary approval including but not limited to a Major or Minor Use Permit, Variance, Specific Plan, Planned Development, or tentative map applicable to the project or the location where it is proposed.

E. **Concurrent Review.** When a development proposal subject to Development Review requires a Major or Minor Use Permit, Variance, or an amendment to the Zoning Code or a Specific Plan, Development Review shall be conducted concurrently with any Review the Use Permit, Variance or amendment application requires pursuant to this Code.

F. **Referral to the Design Review Board.** The Director or Planning Commission may refer Development Review applications to the Design Review Board for Review and comment if such referral seems appropriate.

G. **Notification of Approval or Denial.** Upon making a determination, the Director shall prepare and send one copy of the staff report to the applicant, and one copy of the staff report shall be made available at no cost to each of the identified neighborhood groups within 300 feet of the subject property at City Hall. Any other person or group requesting a copy of the staff report shall be charged the City's current per page copying cost.

16.605.03 FINDINGS REQUIRED

Prior to granting a Development Review n approval, the Director, Planning Commission, or Design Review Board shall find that the proposed development:

1. Complies with all applicable specific standards and criteria of this Zoning Code;
2. Is consistent with the General Plan and any applicable approved Specific Plan or Planned Development;
3. Complies with any design conditions, standards, or requirements imposed by a discretionary approval including but not limited to a Major or Minor Use Permit, Variance, Specific Plan, Planned Development, or tentative map applicable to the project or the location where it is proposed;
4. Is in substantial compliance with any applicable adopted design guidelines;
5. Will serve to achieve groupings of structures that are 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; only elements of design which have some significant relationship to outside appearance shall be considered;
6. Will be of a quality and demonstrates thoughtful site planning that will serve to protect the value of private and public investments in the area; and
7. That the project has been reviewed in compliance with the California Environmental Quality Act, if applicable, and the requirements of this Chapter.

16.605.04 CONDITIONS

The Director, Planning Commission or Design Review Board may impose reasonable conditions related to the design impacts of the proposed Development Review approvals. Such conditions must be consistent with the considerations of this Chapter and deemed reasonable and necessary under the circumstances to carry out the intent of this Chapter.

16.605.05 APPEALS, EXPIRATIONS AND EXTENSIONS, MODIFICATIONS AND REVOCATIONS

A. **Appeals.** Development Review approvals for projects that do not require a Use Permit, Variance, or other final action by the Director or Planning Commission may be appealed to the Planning Commission and Design Review Board in accordance with Table 16.601-A: Permit Review Authority, as provided for in **Chapter 16.602, Common Procedures, Section 16.602.14, Appeals**.

B. **Expirations, Extensions and Modifications.** Development Review approvals are effective and may only be extended or modified as provided for in **Chapter 16.602, Common Procedures, Sections 16.602.12, Expiration and Extension**.

C. **Revocation.** A Development Review Permit may be revoked as provided for **Chapter 16.615, Enforcement and Abatement**.

16.605.06 PROHIBITIONS

No building permit, license, certificate or other approval or entitlement shall be issued or given by the City or any department or employee thereof with respect to any improvement subject to Development Review approval until the design of the improvement has been approved as provided in this Chapter. No certificate of use and occupancy or similar approval shall be issued or given for any improvement subject to development Review approval under this Chapter unless and until the Director has certified that the improvement has been completed in accordance with the design approved pursuant to this Chapter.

16.605.07 OTHER ORDINANCES NOT AFFECTED

Nothing in this Chapter shall be construed to exempt any application from compliance with any requirement of any other provision of this Zoning Code or any other ordinance of this city, or to amend any such other ordinance unless so stated in the Code codified in this Chapter.

16.606 MINOR AND MAJOR USE PERMITS

16.606.01 PURPOSE AND APPLICABILITY

These regulations establish procedures intended to allow for Review of uses that are generally consistent with the purposes of the zoning district where they are proposed but may require special consideration to ensure they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. Although these uses have been found not inherently detrimental, in certain circumstances they may require an additional level of Review and need a higher threshold of approval as provided for in this Zoning Code to prevent adverse impacts to the areas where they are located.

Approval of a Minor Conditional Use Permit or Major Conditional Use Permit, referenced in this Zoning Code as "Minor Use Permit" and "Major Use Permit", is required for such uses or projects pursuant to Part II, Base and Overlay Districts, Part III, General Regulations, and other provisions of the Zoning Code. Such uses include, but are not limited to, the construction of buildings or structures, the use of vacant land, changes in the character of the use of land or building, or substantial expansion in the use of land or buildings.

16.606.02 PROCEDURES

A. **Minor Use Permit.** The Director shall Review, approve, conditionally approve, or deny an application for a Minor Use Permit based on consideration of the requirements of this Chapter. The Director may, at his/her discretion, refer any application for a Minor Use Permit for a project the Director determines may generate substantial public controversy or involve significant land use policy decisions to the Planning Commission for a decision. In that case, the application must be processed as a Major Use Permit.

B. **Major Use Permit.** The Planning Commission shall Review, approve, conditionally approve, or deny an application for a Major Use Permit based on consideration of the requirements of this Chapter.

C. **Application requirements.**

1. Applications and fees for Minor and Major Use Permits shall be submitted in accordance with the provisions set forth in **Chapter 16.602, Section 16.602.02, Application Forms and Fees**. In addition to any other application requirements, the application shall include data or other evidence in support of the applicable findings required by **Section 16.606.03, Required Findings**, below.
2. In addition, any applicant for a Minor or Major Use Permit to sell alcohol shall complete and submit a questionnaire available from the Planning Division. Information provided in the questionnaire shall be included in the public notice.

D. **Public notice and hearing.**

1. All applications for a Minor Use Permit shall require public notice of the Director's proposed action and the deadline for filing an appeal pursuant to the requirements of **Chapter 16.602, Common Procedures, Section 16.602.14, Appeal**s. If an appeal is filed with the Director, a hearing shall be scheduled before the Planning Commission in the same manner as an application for a Major Use Permit.
2. All applications for a Major Use Permit shall require a public notice and hearing before the Planning Commission pursuant to **Chapter 16.602, Common Procedures**.

16.606.03 REQUIRED FINDINGS

A Minor or Major Use Permit shall only be granted if the Review Authority determines that the project, as submitted or modified, and subject to any conditions imposed, meets all of the following criteria. The inability to make one or more of the findings is grounds for denial of an application.

A. The proposed use is conditionally allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and all other titles of the Vallejo Municipal Code;

B. The proposed use is consistent with the General Plan and any applicable Specific Plan or Planned Development and any other applicable plans;

C. The subject parcel is physically suitable for the type of land use being proposed;

D. The proposed use is compatible with existing and permissible land uses within the zoning district and the general area in which the proposed use is to be located which may include but not be limited to size, intensity, hours of operation, number of employees, or the nature of the operation;

E. The physical location or placement of the use on the site is compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood;

F. The proposed use and related project features will not create any nuisances arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding ambient conditions and would not otherwise be detrimental to the public interest, health, safety, or general welfare; and

G. The project has been reviewed in compliance with the California Environmental Quality Act, if applicable, and the requirements of this Chapter.

16.606.04 CONDITIONS OF APPROVAL

In granting a Minor or Major Use Permit, the Review Authority or the appeal body as described in Table 16.601-A, Summary of Review Authorities for Decisions and Appeals shall require that the use and development of the property conform with a site plan, architectural drawings, or statements submitted in support of the application, or in such modifications as may be deemed necessary to protect the public health, safety, and general welfare and secure the objectives of the General Plan and this Zoning Code. The Review Authority may also impose other conditions deemed necessary to achieve these purposes and to support the findings of approval. Such conditions shall be related to and proportionate to what is being requested by the applicant. The Review Authority may require reasonable guarantees and evidence that such conditions are being, or will be, complied with.

16.606.05 APPEALS, EXPIRATIONS, EXTENSIONS, MODIFICATIONS AND REVOCATIONS

A. **Appeals.** A decision on a Use Permit may be appealed in accordance with **Chapter 16.602, Common Procedures, Section 16.602.14, Appeals**.

B. **Expiration, Extensions and Modifications.** Use Permits are effective and may only be extended or modified as provided for in **Chapter 16.602, Common Procedures, Section 16.602.12, Expiration and Extension.**

C. **Revocations.** A Use Permit may be revoked pursuant to **Chapter 16.615, Enforcement and Abatement**.

16.607 VARIANCES

16.607.01 PURPOSE AND APPLICABILITY

This Chapter establishes procedures for approval or disapproval of Variance applications. Variances from the terms of the Zoning Code may be granted only when, because of special circumstances applicable to the property, including but not limited to size, shape, topography, and location surroundings, the strict application of the requirements would deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning district.

A. Variances may be granted to vary or modify dimensional and performance standards but shall not be granted to allow uses or activities that this Zoning Code does not authorize for a specific lot or site.

B. A Variance may be granted from parking and/or open space requirements as set forth in Government Code Sections 65906.5 and 65911, respectively.

16.607.02 PROCEDURES

A. **Review Authority.** The Planning Commission, Architectural Heritage and Landmarks Commission, in accordance with **Table 16.601-A: Permit Review Authority**, or City Council on appeal must approve, conditionally approve, or deny an application for a Variance, in accordance with **Table 16.601-A: Permit Review Authority**, based on consideration of the requirements of this Chapter.

B. **Application Requirements.** Application for any Variance permissible under the provisions of this Chapter shall be filed with the Planning Division on the prescribed application forms in accordance with the procedures in **Chapter 16.602, Common Procedures**. In addition to any other application requirements, the application must include the following:

   1. Data or other evidence showing that the requested Variance conforms to the findings required by **Section 16.607.03 Required Findings.**
   2. A list of the names of all persons having an interest in the application as well as the names of all persons having any ownership interest in any property involved;

C. **Public Notice and Hearing.** All applications for a Variance shall require a public notice and hearing before the Planning Commission pursuant to **Chapter 16.602, Common Procedures**.

16.607.03 REQUIRED FINDINGS

The Planning Commission or Architectural Heritage and Landmarks Commission, in accordance with **Table 16.601-A: Permit Review Authority** or City Council on appeal, shall grant the requested Variance in whole or in part, conditionally or unconditionally, only if from the facts presented with the application or at the public hearing, or determined by investigation, the following conditions are found:

A. That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not hardships justifying a Variance. Further, a previous Variance can never set a precedent, for each case must be considered only on its individual merits;

B. That such Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other conforming property in the same vicinity and that a Variance, if granted, would not constitute a special privilege of the recipient not enjoyed by his neighbors;

C. That the granting of the Variance will not be materially detrimental to the public health, safety or welfare or will not impair an adequate supply of light and air to adjacent property;

D. That the conditions upon which the requested Variance is based would not be applicable, generally, to other property within the same zoning classification;

E. That either the Variance is so insignificant that granting it will not be incompatible with the General Plan; or the potentially adverse effects of the Variance on said plan, which would be avoided by denying the Variance, are exceeded by the individual hardship which would be relieved by granting the Variance; and

F. The project has been reviewed in compliance with the California Environmental Quality Act, if applicable, and the requirements of this Chapter.

16.607.04 RESUBMITTAL OF APPLICATION

No application for any Variance shall be accepted nor any hearings held thereon when any application for the Variance has been previously denied, until a period of 6 months has elapsed from the date of the final denial of the application by properly constituted body having final jurisdiction in the matter.

16.607.05 APPEALS, EXPIRATION, EXTENSIONS AND MODIFICATIONS; REVOCATIONS

A. **Appeals.** A decision on a Variance may be appealed in accordance with **Chapter 16.602, Common Procedures, Section 16.602.14, Appeals**.

B. **Expiration, Extensions and Modifications.** Variances are effective and may only be extended or modified as provided for in **Chapter 16.602, Common Procedures, Section 16.602.12, Expiration and Extension**.

C. **Revocations.** A Variance may be revoked pursuant to **Chapter 16.615, Enforcement and Abatement**.

16.608 EXCEPTIONS

16.608.01 PURPOSE AND APPLICABILITY

This Chapter provides alternate means of relief from the Zoning Code's requirements, when so doing is consistent with the Code's objectives and not possible to grant a Variance. Complying with; the federal Fair Housing Act, the Americans with Disabilities Act, the Religious Land Use and Institutionalized Persons Act, and the California Fair Employment and Housing Act, to provide reasonable accommodation for protected uses and persons with disabilities.

The Director may grant relief from the dimensional requirements specified in the Zoning Code, not to exceed 25 percent of the requirement. The Director also may grant an exception that exceeds 25 percent where necessary to comply with the reasonable accommodation provisions of State and/or federal law. Exceptions may be granted for:

A. **Setbacks.** Up to 25 percent of front, side, and rear yard setback standards.

B. **Build-to Lines.** Up to 25 percent of the standards for building facade location.

C. **Parking**. Up to 25 percent of the dimensional standards for parking spaces, aisles, driveways, landscaping, garages on sloping lots, and parking facility design.

D. **Fences.** Up to 25 percent of the standards for the maximum height and location of fences.

E. **Lot Coverage.** Up to 25 percent of the maximum amount of lot coverage.

F. **Height.** Up to 25 percent or 2 feet above the maximum building height or other height limitations, whichever is less.

G. **Landscaping.** Up to 25 percent of the required landscaping.

H. **Other Standards**. Up to 25 percent of other development standards not listed in **Section 16.608.02, Exclusions**, below.

16.608.02 EXCLUSIONS

Exceptions shall not be granted from any of the following standards:

A. Lot area, width, or depth;

B. Maximum number of stories;

C. Minimum number of required parking spaces other than reductions approved pursuant to **Chapter 16.508, Off-Street Parking and Loading**;

D. Minimum or maximum residential density; or

E. Maximum floor area ratio (FAR).

16.608.03 EXCEPTION TO RESIDENTIAL PARKING SPACE REQUIREMENTS

Exceptions to Residential Parking Space Requirement shall be permitted only when substitute space is provided, and upon the granting of an Exception Permit, as set forth in this Chapter. The Director shall grant or deny applications as follows:

A. When required parking space of a single-family home is converted into living space, the Director may grant the Exception to allow substitute off-street parking to be uncovered when in his or her judgment it would be impractical to provide acceptable covered parking.

B. The Exception may be granted in single-family residences where:

1. The existing garage or covered parking does not meet current zoning and/or other applicable City ordinances and is not usable for automobile parking; or

2. The existing garage or covered parking complies with current zoning and/or other applicable City ordinances and is usable for automobile parking, with a finding that off-street parking for a minimum of 2 vehicles is available and that the conversion is in harmony with the characteristics of the neighborhood. In making the finding, the Director shall consider:

a. Type, style and design of the structure(s) on the site,

b. Compatibility of colors and materials with the main structure,

c. Traffic flow and volume, and

d. Adequate length of driveway.

C. In the case of newly constructed homes, every house must be completed with required covered off-street parking, and must be occupied for at least one year before an Exception application for any conversion or required covered parking can be filed.

D. In no case will any Exception be granted unless the proposed construction would be eligible for the issuance of a Building Permit upon the granting of an Exception as set forth in this Chapter. Any conversion shall comply with Building Code requirements.

16.608.04 PROCEDURES

A. **Authority and Duties.** The Director, Architectural Heritage and Landmarks Commission and Design Review Board, Planning Commission or City Council, in accordance with **Table 16.601-A: Permit Review Authority**, must approve, conditionally approve, or deny applications for an Exception based on consideration of the requirements of this Chapter.

B. **Application Requirements.** An application for an Exception must be filed and processed in accordance with the procedures in **Chapter 16.602, Common Procedures**. In addition to any other application requirements, the application for an Exception must include data or other evidence explaining why the findings necessary to grant the Exception set forth in **Section 16.608.05, Required Findings**, are satisfied.

C. **Decision.** The Director must issue a written decision within 45 calendar days of the date the application is deemed complete, and may grantthe reasonable accommodation request, grant with modifications, or deny the request. All written decisions must give notice of the right to appeal and to request reasonable accommodation in the appeals process.

D. **Concurrent Processing.** If a request for an Exception is being submitted in conjunction with an application for another approval, permit, or entitlement under the Zoning Code, it must be heard and acted upon at the same time and in the same manner as that application.

E. **Exception Requests for Reasonable Accommodation to Ensure Access to Housing.** An application for an Exception based on a request for a reasonable accommodation to ensure access to housing will be referred to the Director for Review and consideration. Such a request may exceed the 25 percent limits in **Section 16.608.01, Purpose and Applicability**.

1. **Application.** A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. Requests for reasonable accommodation shall be submitted with an application for zoning /planning/ subdivision action (no fee) and with a letter to the Planning and Development Services Director and shall contain the following information:

    a. The applicant's name, address and telephone numbers.

    b. Address of the property for which the request is being made.

    c. The name of the property owner and owner's written consent or signature on application form.

    d. The current actual use of the property.

    e. The basis for the claim that the person(s) is considered disabled under the fair housing laws.

    f. The Zoning Code provision, regulation or policy from which reasonable accommodation is being requested.

    g. Why the reasonable accommodation is necessary to make the specific property accessible to the person(s).

    h. Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the reasonable accommodation.

    i. Other relevant supportive information as requested by the community development director or his or her designee, consistent with fair housing laws.

2. **Decision.** The Director shall render a decision in writing within 30 days after the application is complete, and shall approve, approve with conditions or deny the application based on the findings in subsection 3.

3. **Findings.** Director shall approve the application, with or without conditions, if the following findings are made:

    a. The housing will be used by a disabled person(s);

    b. The requested accommodation is necessary to make specific housing available to a disabled person(s);

    c. The requested accommodation would not impose an undue financial or administrative burden on the city; and

    d. The requested accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.

    e. The design and location of the accommodation is done in a way to minimize impacts on neighboring properties and the design character of the neighborhood to the extent reasonably feasible.

4. **Appeal.** An appeal of the decision by the Director may be made pursuant to the appeal procedures in **Section 16.602.14, Appeals.**

5. **Concurrent Processing.** If the project for which the request for reasonable accommodation is being made also requires other discretionary approval, permit or entitlement under this Code (including but not limited to: Design Review, Variance, Conditional Use Permit, Rezoning, General Plan Amendment, etc.), then the applicant shall file the information required by subsection E.1 together for concurrent review with the application for discretionary approval.

16.608.05 REQUIRED FINDINGS

A decision to grant an Exception must be based on the following findings:

A. The Exception is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance;

B. There are no alternatives to the requested Exception that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public;

C. The granting of the requested Exception will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of the Zoning Code;

D. If the Exception requested is to provide reasonable accommodation pursuant to State or federal law, the Review Authority must also make the following findings in addition to any other findings that this Zoning Code requires:

   1. That the subject housing or property will be used by an individual or organization entitled to protection;
   2. If the request for accommodation is to provide fair access to housing, that the request is necessary to make specific housing available to an individual protected under State or federal law;
   3. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
   4. That denial of the requested Exception would impose a substantial burden on religious exercise or would conflict with any State or federal statute requiring reasonable accommodation to provide access to housing; and

E. The project has been reviewed in compliance with the California Environmental Quality Acit, if applicable, and the requirements of this Chapter.

16.608.06 CONDITIONS OF APPROVAL

The Review Authority can impose reasonable conditions that are related and proportionate to what is being requested by the applicant, as deemed necessary and appropriate to ensure that the provisions of the General Plan, any applicable Specific Plan, Planned Development, the Zoning Code and other applicable plans are met. The Review Authority may require reasonable guarantees and evidence that such conditions are being, or will be, complied with. Exceptions approved based on State or federal requirements for reasonable accommodation may be conditioned to provide for rescission or automatic expiration based on a change of occupancy or other relevant change in circumstance as requested and demonstrated by the applicant.

16.608.07 APPEALS, EXPIRATION, EXTENSIONS, MODIFICATIONS AND REVOCATIONS

A. **Appeals.** A decision on an Exception may be appealed in accordance with **Chapter 16.602, Common Procedures, Section 16.602.140, Appeals**.

B. Expiration, Extensions and Modifications. Exceptions are effective and may only be extended or modified as provided for in **Chapter 16.602, Common Procedures, Section 16.602.12, Expiration and Extension**.

C. Revocation. An Exception may be revoked in accordance with **Chapter 16.615, Enforcement and Abatement**.

16.609 SPECIFIC PLANS AND AMENDMENTS

16.609.01 PURPOSE AND APPLICABILITY

This Chapter establishes uniform procedures for the adoption and implementation of Specific Plans, which are regulatory documents established by the City to carry out specific purposes, as authorized by the Government Code, for specific geographic areas shown on the Zoning Map .

A Specific Plan shall be prepared, adopted, amended, and repealed in the same manner specified in **Chapter 16.612, General Plan Amendments** of this Zoning Code, except that a Specific Plan may be amended as often as deemed necessary by the City Council.

16.609.02 PROCEDURES

A. **Initiation.** A Zoning Map amendment to establish a Specific Plan district shall be initiated by a property owner or authorized agent, or by the City Council, in accordance with **Chapter 16.611, Zoning Text and Map Amendments**. If the property is not under a single ownership, all owners must sign the application, and a map showing the extent of ownership shall be submitted with the application.

B. **Application Requirements.** An application for a Specific Plan shall be made on the prescribed form and shall be filed with the Planning Division with applicable fees. Application shall include a Specific Plan that complies with the State requirements and requirements of this Chapter.

16.609.03 REVIEW, APPROVAL AND REQUIRED FINDINGS

The Planning Commission in recommending, and the City Council in adopting a Specific Plan, must make all of the following findings:

A. The proposed Specific Plan will contribute to the public health, safety, and general welfare or will be of benefit to the public;

B. The proposed Specific Plan is consistent with the General Plan goals, unless the goals themselves are proposed to be amended;

C. The proposed Specific Plan retains the internal consistency of the General Plan and is consistent with other adopted plans, unless concurrent amendments to those plans are also proposed and will result in consistency; and

D. The proposed Specific Plan has been reviewed in compliance with the California Environmental Quality Act, if applicable, and the requirements of this Chapter.

16.609.04 ADMINISTRATION

A. Specific Plan areas shall be designated on the Zoning Map by number (SP-#).

B. A Specific Plan adopted by ordinance of the City Council shall be administered as prescribed by the Council, consistent with the Government Code Section 65450-65457.

C. **Land use regulations.** No use other than an existing use is permitted except in accordance with an adopted Specific Plan. Any permitted or conditional use authorized by the Zoning Code may be included in an adopted Specific Plan consistent with the General Plan land use designation(s) for the property. Where a proposed land use is encompassed by the definition of the Specific Plan's permitted use types but conflicts with the statement of purposes for a Specific Plan, the proposed land use will not be permitted.

D. **Development Review.**

1. All development within a Specific Plan district shall require Development Review, in accordance with **Chapter 16.605, Development Review**, and shall be subject to any Design Review Guidelines adopted as part of the Specific Plan.
2. An application for Development Review in a Specific Plan district shall only be accepted for Planning and Building Permits or subdivisions Review and approval if the application is consistent with an approved Specific Plan and any conditions of approval.
3. No project may be approved, and no Building Permit issued unless the project, alteration or use is consistent with an approved Specific Plan.

16.610 PLANNED DEVELOPMENT DISTRICTS

16.610.01 PURPOSE AND APPLICABILITY

This Chapter establishes procedures for establishing a Planned Development (PD) Zoning District, which allows for one or more properties to be developed under a Planned Development Plan.

16.610.02 PROCEDURES

A. **Initiation.** An amendment to reclassify property to a PD zoning district shall be initiated by a property owner or authorized agent. If the property is not under a single ownership, all owners must sign the application, and a map showing the extent of ownership shall be submitted with the application.

B. **Application Requirements.** An application for a Planned Development approval shall be made on the prescribed form and shall be filed with the Planning Division with applicable fees. Application shall include a PD Plan that complies with the requirements of this Chapter.

1. **Rezoning.** An application for rezoning to a PD zoning district shall include a Planned Development Plan and shall be processed as an application for amendment to the Zoning Map, according to the procedures of **Chapter 16.611, Zoning Text and Map Amendments**.
2. **Planned Development Plan.** The Planned Development Plan shall be accepted and processed concurrently, in the same manner as a Use Permit application, or other applications if applicable, pursuant to **Chapter 16.602, Common Procedures**, and **Chapter 16.606, Minor and Major Use Permits**. Additional information necessary to determine that the intent of the Zoning Code and the General Plan will be fulfilled shall be submitted as stipulated in application requirements issued by the Director.
3. **Tentative Subdivision Map.** When a Planned Development requires the submission of a tentative subdivision map, this map and all supporting documents shall be prepared and submitted concurrently with the application of the Planned Development.

C. **Preliminary Review.** Prior to submitting an application for approval of a Planned Development Plan and rezoning, the applicant may schedule a Preliminary Review conference with the Director pursuant to **Chapter 16.602, Common Procedures, Section 16.602.04, Preliminary Review** to discuss the general acceptability of the proposal, possible issues that may be encountered, and the need for any interagency coordination. Such preliminary consultations shall be relative to a conceptual development plan submitted by the applicant. At the Director's option, a conceptual plan may be referred to the Planning Commission for preliminary comments. Such comments shall be considered advisory in nature and shall not constitute a recommendation of approval.

D. **Review Authority.** A PD rezoning and Planned Development Plan shall be recommended by the Planning Commission following a public hearing, and adopted by ordinance by the City Council.

16.610.03 REQUIRED FINDINGS

A Planned Development rezoning and Planned Development Plan shall only be approved if the City Council, based on a recommendation from the Planning Commission, makes the following findings:

A. The proposed development is consistent with the General Plan, including the density and intensity limitations that apply;

B. The subject site is physically suitable for the type and intensity of the land use being proposed;

C. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;

D. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;

E. The development generally complies with applicable adopted design guidelines; and

F. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit. In making this determination, the following factors shall be considered:

1. Appropriateness of the use(s) at the proposed location.
2. The mix of uses, housing types, and housing price levels.
3. Provision of units affordable to persons and families of low and moderate income or to lower income households, if applicable.
4. Provision of infrastructure improvements.
5. Provision of open space.
6. Compatibility of uses within the development area.
7. Quality of design, and adequacy of light and air to the interior spaces of the buildings.
8. Overall contribution to the enhancement of neighborhood character and the environment of Vallejo in the long term.
9. Creativity in design and use of land; and

G. The proposed PD rezoning and Planned Development Plan has been reviewed in compliance with the California Environmental Quality Act, if applicable, and the requirements of this Chapter.

16.610.04 CONDITIONS

In approving a Planned Development Plan and rezoning, the Review Authority may impose reasonable conditions deemed necessary to:

A. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies that the City has adopted;

B. Achieve the general purposes of the Zoning Code or the specific purpose of the zoning district in which the project is located;

C. Achieve the findings listed above; or

D. Mitigate any potentially significant impacts identified as a result of Review conducted in compliance with the requirements of the California Environmental Quality Act.

16.610.05 ADMINISTRATION

A. **Zoning Map Designation.** All PD Zoning Districts created after the adoption of the Zoning Code shall be noted on the Zoning Map by the designation "PD.

B. **Land Use Regulations.** No use other than an existing use is permitted in a PD Zoning District except in accordance with an adopted Planned Development Plan. Any permitted or conditional use authorized by the Zoning Code may be included in an approved Planned Development Plan consistent with the General Plan land use designation(s) for the property. Where a proposed land use is encompassed by the definition of the PD Zoning District's permitted use types but conflicts with the statement of purposes for this district, the proposed land use will not be permitted.

16.610.06 DEVELOPMENT PLAN REVIEW

All development within a PD Zoning District shall require a Development Review Permit, in accordance with **Chapter 16.605, Development Review**. Plans for a Development Review Permit in a PD Zoning District shall be accepted for planning and Building Permits or subdivisions only if they are consistent with an approved Planned Development Plan and any conditions of approval. No project may be approved, and no Building Permit issued unless the project, alteration or use is consistent with an approved Planned Development Plan.

16.610.07 AMENDMENT OF APPROVED PD PLANS

Approved Planned Development Plans may be amended when necessary to ensure consistency with the General Plan and to further the stated purposes of PD Zoning Districts.

A. **Initiation.** An amendment to a Planned Development Plan may be initiated by:

1. Planning Commission Resolution. Resolution of intention adopted by the Planning Commission;
2. City Council Resolution. Resolution of intention adopted by the City Council; or
3. Applicant.

B. **Major Amendments.** Major amendments to an approved PD Zoning District or Planned Development Plan shall be considered by the City Council at a duly noticed public hearing. An amendment will be deemed major if it involves one or more of the following changes:

1. A change in the boundary of the PD Zoning District;
2. An increase or decrease in the number of dwelling units for the PD Zoning District that is greater than the maximum or less than the minimum stated in the Planned Development Plan;
3. An increase or decrease in the floor area for any nonresidential land use that results in the floor area exceeding the minimum or maximum stated in the Planned Development Plan;
4. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer;
5. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PD Zoning District or to the overall major street system, as determined by the City Engineer; or
6. Any other proposed change to the Planned Development Plan or the conditions of approval that substantively alters one or more of its components as determined by the Director.

C. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in Subsection C above shall be considered minor if they are consistent with and would not change any original condition of approval. Minor amendments may be approved by the Director.

16.610.08 APPEALS, EXPIRATION, EXTENSIONS AND REVOCATIONS

A. **Appeals.** The Director's decision may be appealed to the Planning Commission in accordance with **Chapter 16.602, Common Procedures, Section 16.602.14, Appeals**.

B. **Expiration.**

1. **Planned Development Plan.** A Planned Development Plan shall be effective 30 days following the second reading of the ordinance creating the PD zoning district for which it was approved, and shall expire 2 years after the effective date unless actions specified in the conditions of approval have been taken, or a Building Permit has been issued and construction diligently pursued. An approved Planned Development Plan may specify a development staging program exceeding two years.
2. **Tentative Map.** Where a tentative map has been approved in conjunction with a Planned Development Plan, the Planned Development Plan shall expire upon the expiration of the tentative map.
3. **Phased Development.** If the applicant intends to develop the project in phases, and the City Council approves phased development, the Planned Development Plan shall remain in effect so long as not more than one-year lapses between the end of one phase and the beginning of the next phase.

C. **Extension.** Planned Development approvals may only be extended as provided for in **Chapter 16.602, Common Procedures, Section 16.602.12, Expiration and Extension**.

D. **Revocation.** Failure to comply with any Planned Development Permit condition is a violation of this Chapter may be revoked or modified as provided by **Chapter 16.615, Enforcement and Abatement**.

16.611 ZONING TEXT AND MAP AMENDMENTS

16.611.01 PURPOSE AND APPLICABILITY

This Chapter provides procedures for changes that may be made to the text of the Zoning Code and to the Zoning Map; consistent with the General Plan. The procedures in this Chapter shall apply to all proposals to change the text of the Zoning Code or to revise a Zoning District classification or Zoning District boundary line shown on the Zoning Map.

16.611.02 PROCEDURES

A. **Initiation.** An amendment to the text of the Zoning Ordinance or to the Zoning Map may be initiated by:

1. **City Council.** A resolution of intention directing the Planning Commission to initiate an amendment;
2. **Planning Commission.** A resolution of intention initiated by the Planning Commission;
3. **Text Amendment.** An amendment to the text of the Zoning Ordinance may be initiated by any qualified applicant identified in **Section 16.602.02, Application Forms and Fees**; or
4. **Map Amendment.** An amendment to the Zoning Map may be initiated by a verified petition of one or more owners of property or city residents seeking reclassification.

B. **Application Requirements.**

1. **Application.** A qualified applicant shall submit an application for a zoning amendment on a form prescribed by the Director accompanied by the required fee. The Director may require an applicant to submit such additional information and supporting data as considered necessary to process the application.
2. **Coordination with Other Applications.** The Planning Division may allow any necessary applications for amendments to zoning regulations or for approval under the requirements of the Zoning Code to be processed simultaneously with the proposed zoning amendment.

C. **Review Procedures and Public Notice.**

1. **Staff Report.** The Director shall prepare a report and recommendation to the Planning Commission on any application for a zoning amendment. The report shall include, but is not limited to, a discussion of how the proposed amendment meets the criteria in **Chapter 16.611, Zoning Text and Map Amendments**, for approving a zoning amendment and an environmental document prepared in compliance with the California Environmental Quality Act.
2. **Public Hearing Required.** All zoning amendments shall be referred to the Planning Commission, which shall hold at least one public hearing on any proposed amendment.
3. **Public Notice.** At least 21 days before the date of the public hearing, the Planning Division shall provide notice consistent with **Chapter 16.602, Common Procedures**.

D. **Planning Commission Hearing and Recommendation.**

1. **Planning Commission Hearing.** The Planning Commission shall conduct a public hearing in conformance with **Chapter 16.602, Common Procedures**.
2. **Recommendation to Council.** Following the public hearing, the Planning Commission shall make a recommendation on the proposed zoning amendment to the City Council. Such recommendation shall include the reasons for the recommendation, and the findings related to the criteria for zoning amendments in **Chapter 16.611, Zoning Text and Map Amendments** and shall be transmitted to the City Council. If the matter under consideration is a proposal to reclassify a property from one zoning district to another and the Planning Commission has recommended against the adoption of such amendment, the City Council is not required to take any further action unless an interested party files a written request for a hearing with the City Clerk within 14 days after the Planning Commission action.

E. **City Council Hearing and Action.** After receiving the report from the Planning Commission, the City Council shall hold a duly noticed public hearing.

1. At least 14 days before the date of the public hearing, the Planning Division shall provide notice consistent with **Chapter 16.602, Common Procedures**. The notice shall include a summary of the Planning Commission recommendation.
2. After the conclusion of the hearing, the City Council may approve, modify, or deny the proposed amendment.

16.611.03 REQUIRED FINDINGS

The Planning Commission shall not recommend, and the City Council shall not approve a Zoning Amendment unless it makes the following findings:

A. **Zoning Code Text Amendments.**

1. The Ordinance amendment is consistent in principle with the General Plan and any applicable Specific Plan; and
2. The Ordinance amendment is consistent with the purpose of the Zoning Code to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, and general welfare.

B. **Revisions to Zoning District Boundaries/ Zoning Map Amendment.**

1. The change in district boundaries is consistent in principle with the General Plan;
2. The change in district boundaries is consistent with the purpose of the Zoning Code to promote the growth of the City in an orderly manner and to promote and protect the public health, safety, and general welfare; and
3. The change in district boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given Zoning District.

16.611.04 INTERIM ZONING

The City Council, to protect the public safety, health and welfare, may adopt an interim ordinance or moratorium prohibiting or allowing any uses or establishing development standards when this Zoning Code may otherwise be in conflict with a contemplated General Plan, Specific Plan or zoning proposal which the City Council, Planning Commission or the Director is considering or studying or intends to study within a reasonable time. Nothing in this Chapter shall limit the power of the City Council, by virtue of the City Charter, to take necessary action to protect the public health, safety, and welfare.

A. **Procedures.**

1. In adopting an interim ordinance, the City Council need not follow the procedures otherwise required prior to the adoption of an Ordinance amendment as provided for in this Chapter.
2. An interim ordinance may be adopted as an emergency ordinance pursuant to the provisions of Section 312 of the City Charter.
3. The City Council as part of any interim ordinance, may adopt procedures to modify the standards contained in the interim ordinance, and may establish procedures which differ from those contained in **Chapter 16.602, Common Procedures**.

B. **Required Finding.** The City Council shall not adopt or extend any interim ordinance pursuant to this Chapter unless the ordinance contains a finding that there is a current and immediate threat to the public health, safety, and welfare, and that the approval of additional subdivisions, Use Permits, variances, Building Permits or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in a threat to public health, safety, and welfare.

C. **Duration.** An interim ordinance shall be of no further force and effect 60 days from its effective date. After notice and public hearing pursuant to the City Council may extend the interim ordinance up to 60 months.

D. **Compliance with State Requirements.** Notwithstanding subsections (A) through (C) of this Chapter, if the interim zoning ordinance would operate to prohibit a use otherwise authorized by the Zoning Code, the City Council shall follow the procedure specified in Government Code Section 65858, or any successor legislation thereto.

16.612 GENERAL PLAN AMENDMENTS

16.612.01 PURPOSE AND APPLICABILITY

This Chapter is intended to establish procedures for making changes to the General Plan when it is in the public interest to do so as provided for in State law. These procedures apply to all proposals to change the text of the General Plan and the diagrams that illustrate the application of its provisions.

16.612.02 PROCEDURES

A. Proposals to amend the text of the General Plan and the diagrams that illustrate the application of its provisions shall be as contained in Vallejo Municipal Code Sections 17.04.010 - 17.04.080.

16.613 CONDOMINIUM CONVERSION

16.613.01 PURPOSE AND APPLICABILITY

This Chapter establishes requirements for filing and approval of applications for conversion of existing residential or commercial property to a condominium or community apartment project containing 5 or more units in compliance with the General Plan, the California Subdivision Map Act. and Title 15, Subdivisions, of the Vallejo Municipal Code.

16.613.02 REQUIREMENTS

A. **Condominium Conversion Permit Required.** A condominium conversion shall be processed in the same manner as a Major Use Permit in accordance with **Chapter 16.606, Minor and Major Use Permits**, and subject to **Section 16.613.03, Procedures** of this Chapter.

B. **Use, Height, Yard and Other Requirements.** Regulations governing the use, building, height, required yards, building separation, signs, off-street parking, and other explicit regulations where applicable and where not governed by the provisions of this Chapter shall be those of the district within which the project is located.

C. **Separation from Other Structures.** The main structures of any condominium project shall be separated from any other main structure by at least ten feet. This distance shall be increased 2 feet of each story in excess of 2.

D. **Storage.** Each unit shall have at least 200 cubic feet of enclosed, lockable storage space with minimum dimensions as follows: 25 square feet horizontal surface area, 3 and one-half feet minimum interior dimension.

E. **Sound Transmission.** Shock-mounting of all permanent mechanical equipment which is a source of structural vibration of structure-borne noise as determined by the building official.

F. **Utilities.** All units shall be provided with separate gas and electric meters, and provision made for individual shutoff of all utility valves, including water.

G. **Traffic.** The development shall not produce a volume of traffic in excess of the capacity for which the access streets are designed. Vehicular entrances and exits shall be carefully located and designed to minimize traffic hazards.

H. **Noise Resistance.** Common walls and floors between units shall comply with the Uniform Building Code (UBC) provisions governing noise resistance with a maximum impact and Sound Transmission Class (STC) of 50 (45 in field tested) as defined in UBC Standard No. 35-1 and 35-2.

I. **Smoke Detectors.** Every unit shall be provided with a smoke detector conforming to California Building Code Standards as adopted by the City pursuant to Ordinance No. 1828 N.C. (2d).

J. **Fire Walls.** Where there is one common attic over more than one unit, the dividing wall between units shall extend all the way to the roof and that attic divider shall be rated for one-hour fire separation.

K. **Crime Prevention.** All exterior doors shall be solid core type; all sliding glass doors shall be equipped with security devices approved by the police department.

L. **Condition of Equipment and Appliances.** The developer shall provide a one-year complete warranty to the buyer of each unit, at the close of escrow, on any major appliances that are provided, or shall provide manufacturer's warranties for such items. At such time as the homeowner's association takes over management of the development, the developer shall provide a one-year complete warranty to the association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the association is in operable working condition.

M. **Condition of Paved Areas.** The development shall make any repairs needed so the engineering division of the Public Works Department can certify that any paved areas are in satisfactory condition.

N. **Inspection.** All units to be under separate ownership or lease after conversion shall be inspected by the city prior to Planning Commission approval of the application. Separate ownership means a condominium unit where the entire fee is one entity, whether individually, in joint tenancy, or tenancy in common.

O. **Building Code Compliance.** As a minimum, all conversion projects shall be brought into compliance with the California Building Code as adopted by the City pursuant to Ordinance No. 1828 N.C. (2d).

P. **Declarations of Covenants.** Project covenants, conditions and restrictions covering the following shall be submitted to the Planning Division for Review and approval:

1. Conveyance of private open space;
2. Conveyance of private storage areas;
3. Assignment and use of required off-street parking;
4. Right of public entry to common areas;
5. Maintenance of common areas and facilities;
6. Utility easements over private streets and other areas;
7. Access for construction, maintenance and repairs;
8. Management contracts;
9. Discrimination;
10. Enforcement.

Q. **Other Provisions of this Zoning Code. Chapter 16.504, Landscaping** and **Chapter 16.508, Off-Street Parking and Loading**, regulations shall also apply.

R. **Additional Requirements for Residential Condominium Conversions.**

1. Open Space. Each residential unit shall have attached open space of a minimum 150 square feet, except that studio units shall be required to have a minimum of 130 square feet. A minimum of 300 square feet per unit of open space other than required setback areas shall be provided. Open space provided for each unit can be credited for up to half the open space required.
2. Laundry Facilities. A laundry area should be provided in each unit, or a common laundry facility shall be provided.

16.613.03 PROCEDURES

A. **Structural Reports Required.** Prior to filing a map permitting condominium conversion sales, the following reports shall be submitted for Review and approval by the building inspector and development services director:

1. A report from a licensed roofing contractor certifying that the roofs of all structures will last for a period of time specified in the report;
2. A report by a professional engineer or city inspector attesting that the structure of all buildings, pavements, storm drainage facilities and the exterior plumbing, electrical systems and utility and mechanical equipment to be owned in common or as part of individual condominiums are in good serviceable condition;
3. A report by a licensed painting contractor certifying that painting throughout the project is in good condition and that the building exteriors should not require repainting for at least 5 years;

4. A report by a licensed termite and pest control specialist certifying that all the structures are free of infestation and structural damage. Any and all actual structural damage shall be repaired, or financial provision made for appropriate repair with a specific time period, prior to the approval of final map or properly bonded under the Subdivision Map Act.

B. **Application.** An application for a residential condominium conversion shall contain the following information:

1. A rental rate history for each type of unit, the monthly vacancy rate, the amount of tenant turnover, and the percentage annual increase in maintenance and taxes. These figures shall cover the preceding 2 years.
2. A survey showing comparable rental housing within a one-half mile radius of the proposed conversion. This survey is to be used to evaluate the impact of the conversion on tenants who will be displaced. The survey shall include identification of all rental housing in structures of 2 or more units and the following information regarding such development:
   a. Number of units, categorized by bedroom count and rents charged;
   b. Vacancies by unit type;
   c. Policy on renting to families with children.
3. No application shall be considered unless all the information required by this Chapter is provided to the Planning Division, or the developer files with the Planning Divisionan affidavit or declaration showing good cause for failure to provide such information. This affidavit or declaration shall set forth, in detail, all efforts undertaken to discover such information and all reasons why the information cannot be obtained.
4. A list of the names and addresses of the residents of each dwelling unit in the conversion project certified as to accuracy by the Developer as of the date of the application.
5. Each of the tenants shall receive from the applicant, written notification of the applicant's intention to convert at least 60 days prior to the filing of a tentative map pursuant to Section 66452 of the Government Code.
6. Certification that the residents of the project have been notified of the proposed conversion in a manner approved by the Planning Division or a separate stamped, preaddressed envelope to the resident of each unit shall be furnished the city by the developer at the time the developer submits an application. The City shall use such envelopes to notify the residents by mailing a copy of the Planning Commission agenda and notice to tenants no less than 7 days prior to the proposed hearing date. A failure by the City to mail such agenda and notice shall not invalidate any proceedings or action taken by the City under this Chapter.
7. All tenants who occupy the property after an application for a permit for conversion has been filed with the City shall be notified by the Developer prior to occupancy by such tenant.
8. A copy of the staff report on the application shall be sent to each tenant through certified mail at least 3 days prior to any action by the Planning Commission on the project.

C. **Effect of Conversion on Housing Stock.** In reviewing applications for residential condominium conversion, the Planning Commission shall consider the following:

1. Whether displacement of the tenants would be detrimental to the health, safety, or general welfare of the community.
2. The role that the structure or project plays in the existing housing rental market. Particular emphasis shall be placed on the evaluation of rental structures to determine if the existing complex is serving low- and moderate-income households. Standard definitions of low and moderate income used by the federal and state governments will be used in the evaluation. Along with other factors, the commission shall consider the following:
   a. The number of families on current waiting lists for assisted rental housing programs that operate in Vallejo such as the Section 8, Section 23, and Section 236 programs.

b. The probable income range of tenants living in existing apartments based on the assumption that households should pay between 1/4th and 1/3rd of their income for housing. That income range shall be compared with existing income limits for the Section 8 Program to determine whether displaced tenants can be categorized as low and moderate income.

c. The need and demand for lower cost home ownership opportunities which are increased by the conversion of apartments to condominiums.

d. If the Planning Commission or City Council determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the tentative map and application may be disapproved. In evaluation of the current vacancy level under this paragraph, the increase in rental rates for each unit over the preceding 2 years and the average monthly vacancy rate for the project over the preceding 2 years shall be considered.

16.613.04 SPECIAL PROVISIONS FOR EVALUATING CONDOMINIUM CONVERSIONS OF HISTORIC PROPERTIES

Applications for approving condominium conversions of historic properties that are listed on the City's Historic Resources Inventory, shall comply with the requirements of this Chapter with the following exceptions:

A. **New Structures.** Any new structures to be constructed on the property in conjunction with the conversion shall meet the provisions of this Chapter and the standards of the zoning district in which the project is located. All new construction shall conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties.

B. **Open Space.** If the open space requirements for condominiums in **Section 16.613.02.C, Separation from Other Structures**, cannot be met for the project due to site constraints of the historic property, the open space requirement may be reduced or excused. If, in the determination of the Director, there is a feasible way to provide open space that would not have a negative impact on the historic integrity of the property by such means as removing non-historic structures, the applicant shall be required to comply with the open space requirement. In no case shall additional units or other structures be allowed at the expense of required open space, with the exception of required covered parking, the merits of which shall be weighed against the merits of providing open space for the project.

C. **Storage.** If the storage requirement for condominium projects cannot be met without negative impacts to the historic integrity of the property, the storage requirement may be decreased or waived at the determination of the Director.

D. **Noise Resistance.** For historic properties, alternative means and methods may be utilized to satisfy the noise resistance standards of the current California Building Code for condominium conversions subject to the approval of the Chief Building Official and the Director.

E. **Fire Walls.** The State Historic Building Code shall apply to fire protection requirements for condominium conversions of historic properties.

F. **Crime Prevention.** Original exterior doors on historic properties shall be retained unless the Director determines that replacement is necessary. If the original exterior doors have been replaced previously or need to be replaced, exterior doors shall be solid core type, of a design that is approved by the secretary of the architectural heritage and landmarks commission

G. **Building Code Compliance.** All historic property conversion projects shall comply with the State Historic Building Code. Exterior changes shall also comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

H. **Parking.** The on-site parking requirement for condominium conversions of historic properties may be relaxed at the discretion of the Director if off-site parking in the neighborhood is readily available and the lack of on-site parking for the project would not have a significant impact on neighborhood parking; and

1. The on-site parking requirement cannot be met on the property due to site constraints; or
2. The parking requirement can be met only by utilizing a substantial portion of the required open space.

16.613.05 REQUIRED FINDINGS

The Planning Commission shall make the following findings before approving an application for approval of a condominium conversion:

A. The proposed conversion would not be detrimental to the health, safety or welfare of the community, and that it is consistent with the General Plan, Housing Element, and the Housing Assistance Plan;

B. The overall design and construction of the project meets the standards specified in this Chapter.

C. For residential conversions:

1. The proposed conversion will not have an adverse effect on the diversity of housing types available in the city;
2. The proposed conversion will not displace a significant percentage of tenants and delete low- and moderate-income rental units from the City's housing stock, at a time when no equivalent housing is readily available in the City;

D. For historic properties, the proposed conversion would not adversely affect the historic significance of the property and any historic district in which it is located and is in compliance with the Secretary of the Interior's Standards of the treatment of Historic Properties and the State Historic Building Code.

16.613.06 REQUIREMENTS FOR COVENANTS, CONDITIONS AND RESTRICTIONS FOR CONDOMINIUM DEVELOPMENTS

A. **Conveyance of Private Land.** Required private open space, storage area and parking spaces shall be described and conveyed in the grant deed as an integral part of the unit. With regard to parking, to the maximum practicable extent the spaces assigned to each unit shall be contiguous. All studio and one-bedroom units shall be assigned one parking space and may rent additional spaces from the association as available. An occupant of a unit with 2 or more bedrooms may rent one parking space back to the association. All parking spaces, except those specifically designated for recreational vehicles, shall be used solely for the purpose of parking motor vehicles as defined by the California Vehicle Code, and shall not be used for trailers, unmounted campers, boats or similar recreational vehicles.

B. **Right of Entry to Common Area.** Officers, agents and employees of the City, the County, the State, and the government of the United States, and any department, bureau, or agency thereof, shall have the right of immediate access to all common areas of the project at all times for the purpose of preserving the public health, safety and welfare except in those instances where a common area is accessible only through a private unit.

C. **Maintenance of Common Areas and Facilities.** Provision shall be made both for annual assessment of the owners for maintenance and special assessments for capital improvements. The amount of the regular annual assessment, and the procedure for its change, shall be specified. The manner in which special assessments may be levied for the purpose of defraying in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the common area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment.

D. **Utility Easements over Private Streets and Other Areas.** If the condominium project contains private streets, paths, or roadways, provision shall be made for public utility easements over the entire private street, path or roadway network. The Planning Commission may also require public utility easements adjacent to public streets or over other portions of the project to accommodate fire hydrants, water meters, street furniture, storm drainage, sanitary sewers, water and gas mains, electrical lines and similar public improvements and utilities. The Planning Commission may also require access routes necessary to assure that fire-fighting equipment can reach and operate efficiently in all areas of the project.

E. **Access for Construction, Maintenance or Repairs.** Every owner and the association shall have an easement for entry upon a privately-owned unit, where necessary, in connection with construction, maintenance, or repair for the benefit of the common area or the owners of the units in common.

F. **Management Contracts.** Unless otherwise prohibited by law, or any local, state or federal regulation, the association shall have the right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties 3 months after the association assumes control of the project, or at the time renegotiate any such contracts.

G. **Discrimination.** Covenants, conditions and restrictions shall also contain a provision that the sale of any unit shall not be prevented because of the age, sex, or family composition of any potential buyer.

H. **Enforcement.** There shall be a provision that in addition to the association, the City may enforce the provisions of the declaration.

I. **Historic Properties.** For historic properties, there shall be a provision that all construction and repairs shall be in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

16.614 ARCHITECTURAL HERITAGE AND HISTORIC PRESERVATION

16.614.01 SPECIFIC PURPOSES

The purpose of the Architectural Heritage and Historic Preservation Chapter is to create and establish regulations for historic districts and landmark designations for specific properties that will conserve and enhance the city's architectural heritage and historic resources.

A. More specifically, the Historic district and landmark designations are intended to:

B. Designate, preserve, protect, enhance and perpetuate those historic buildings, structures, landscaping, districts and neighborhoods that contribute to and serve as visible reminders of the cultural, aesthetic and architectural heritage of Vallejo;

C. Foster civic pride in the beauty and accomplishments of the past;

D. Deter demolition, destruction, alteration, misuse, or neglect of historically, culturally, archaeologically or architecturally significant districts, sites, buildings and objects that form an important link to the city's past;

E. Encourage development tailored to the character and significance of each historic district or landmark through an historic district conservation plan that includes goals, objectives, and design standards;

F. Provide a Review process for appropriate alterations and additions to cultural, architectural and historical resources, consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties where applicable;

G. Promote maintenance of a harmonious outward appearance of both historic and modern structures through complementary scale, form, color, proportion, texture and material;

H. Stabilize and improve the economic values of designated historic buildings, structures, architectural resources, districts and neighborhoods; and

I. Implement the policies of the General Plan related to cultural and historical resources.

16.614.02 HISTORIC RESOURCES INVENTORY

The Historic Resources Inventory (HRI) is a database maintained by the Planning Division containing building descriptions and evaluations of potential historic resources in the City of Vallejo. Each property listed on the HRI has been evaluated by professionals using accepted industry standards and criteria at the time of conducting the inventory. The HRI is used to identify properties of potential historic significance.

16.614.03 MARE ISLAND HISTORIC DISTRICT

Development Review. All new construction, demolition, alteration and relocation of contributing resources, including but not limited to landscaping, signage, and fencing within the Mare Island Historic District, as defined in the Mare Island Specific Plan, shall be subject to the standards, regulations and procedures contained in the Mare Island Specific Plan, and all of its appendices, particularly:

Appendix B.1 Mare Island Historic District Project Guidelines

Appendix B.4 Design Guidelines for the Mare Island Historic District

16.614.04 ESTABLISHMENT OF "H" DISTRICTS AND "L" LANDMARK DESIGNATIONS

An "H" Historic District designation may be combined with any base zoning district and an "L" property designation may be within any base zoning district or "H" Historic District. The standards set forth in this Chapter shall apply to all properties within a designated "H" Historic District and any "L" designation of a property.

16.614.05 INITIATION OF DESIGNATION

A. An application to add a new "H" Historic District designation or "L" Landmark property designation may be initiated by the City Council or the Architectural Heritage and Landmarks Commission. In addition, an application to add a new "H" Historic District designation may be initiated by at least fifty percent of the affected property owners, and an application to add a new "L" Landmark property designation may be initiated by the subject property owner.

B. After an analysis is conducted by staff, the City Council may, after determining that the criteria of **Section 16.505.05, Measurement of Height of Fences, Walls and Screening** have been met, adopt an ordinance designating certain structures, sites, landscape elements, objects, works of art, or portions or groups thereof, as an "H" Historic District or an "L" Landmark property. Each such ordinance shall include the location of the designated Historic District or Landmark, a description of the characteristics which justify its designation, a description of the particular features that shall be preserved, and, where appropriate, a list of features or structures which do not contribute to the historical significance of the Historic District and Landmark and which may be altered or demolished without a Certificate of Appropriateness.

16.614.06 CRITERIA FOR ESTABLISHMENT OF HISTORIC DISTRICTS AND LANDMARKS

Prior to adopting an ordinance designating an "H" Historic District or "L" Landmark, the City Council shall determine that the area, structure, feature or site to be designated satisfies at least one of the following criteria:

A. Possesses value as a visible reminder of the cultural heritage of the City.

B. Is identified with a person, group, or event that contributed significantly to the cultural or historical development of the City.

C. Is listed in, or has been determined eligible for listing in, the California Register of Historical Resources or the National Register of Historic Places.

D. Exemplifies a particular architectural style, a significant period in the City's historical development, or a way of life important to the City.

E. Is the first, last, only, or most significant remaining example of an architectural style in a neighborhood, the city or region, or is an area containing a significant concentration of such examples.

F. Is identified as the work of a person or group whose work has influenced the heritage of the City or region.

G. Embodies elements of outstanding attention to architectural or landscape design, detail, materials, or craftsmanship.

H. Is related to a designated historic District or Landmark in such a way that its preservation is essential to the integrity of the District or Landmark.

16.614.07 AMENDMENTS TO "H" HISTORIC DISTRICT OR "L" LANDMARK

An amendment to an "H" Historic District and historic district conservation plan or Historic District specific plan or an "L" Landmark designation shall be initiated, recommended by the Architectural Heritage and Landmarks Commission, and approved by the City Council in the same manner as specified for new designations.

16.614.08 LAND USE AND PROPERTY DEVELOPMENT REGULATIONS

The land use regulations and development regulations applicable to a building, structure or area subject to an "H" Historic District or "L" Landmark designation shall be as prescribed for the base zoning district with which it is combined, provided that where conflicts arise, the criteria and requirements of any applicable historic district conservation plan or specific plan, shall govern.

A. **Ordinary Maintenance and Repair; Repair for Public Safety.** Nothing in this Chapter is intended to prohibit ordinary maintenance or repair of any exterior or interior architectural feature in or on any property subject to an "H" or "L" designation hat does not involve a change in design, material or external appearance thereof. Nor is this Chapter intended to prohibit the construction, reconstruction, alteration, restoration, demolition or removal of any such architectural feature when the Chief Building Official certifies that such action is required for the public safety, due to an unsafe or dangerous condition which cannot be otherwise rectified, and where in such case, the Architectural Heritage and Landmarks Commission shall be notified.

B. **State Historical Building Code.** The California State Historical Building Code provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. For any property subject to an "H" or "L" designation, such work on cultural resources shall be subject to the provisions of the California State Historical Building Code, rather than the Uniform Building Code, as provided by Section 6.06.071 of the Vallejo Municipal Code.

C. **The Secretary of the Interior's Standards for the Treatment of Historic Properties.** The latest published version of the U.S. Secretary of the Interior's "Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" shall be used as guidelines in carrying out responsibilities for such actions under this Chapter, as refined by Historic District conservation plans and specific plans and master plans adopted by the City.

D. **Allowable Modifications in Base District Standards.** The Director may modify the dimensional requirements specified in this Code by up to 25 percent, and the Architectural Heritage and Landmarks Commission may allow additional modification, upon finding that the requested modification is necessary to facilitate conservation, rehabilitation, restoration, and adaptive reuse of, and appropriate additions to, identified historic buildings and landmarks. Such modifications shall be subject to the same procedures as specified for certificates of appropriateness. Specific waivers and modifications may be granted for:

1. **Setbacks.** Front, side, and rear yard setback standards.
2. **Parking.** The dimensional standards for parking spaces, aisles, driveways, landscaping, garages on sloping lots, and parking facility design.
3. **Fences and Walls.** Standards for the location, height, and design of fences and walls.
4. **Lot Coverage.** Standards for the maximum amount of lot coverage.
5. **Height.** Maximum building height or other height limitations.
6. **Other Standards.** Up to 25 percent of other development standards not listed above.

16.614.09 CERTIFICATE OF APPROPRIATENESS

A Certificate of Appropriateness shall be required prior to the construction, demolition, alteration, or relocation of, or addition to, any main or accessory structure or other designated feature in a Historic District, or on the property of a designated Landmark. The purpose of this requirement is to ensure the integrity of structures and the general character in Historic Districts or the integrity and general character of designated Landmarks that are of historical or architectural significance.

A. **Authority.** The Architectural Heritage and Landmarks Commission or Director shall have the authority to Review and approve, approve with conditions, or disapprove a Certificate of Appropriateness pursuant to the procedures and criteria in this Chapter.

B. **Exemptions.**

1. No Certificate of Appropriateness is required for ordinary maintenance, or for the demolition, alteration or relocation of, or addition to, a structure or feature identified as non-contributing in the applicable designation ordinance. Maintenance shall include, but not be limited to, painting, minor repair, routine maintenance and upgrading that does not involve significant changes to the designated structure, feature or site.
2. No Certificate of Appropriateness is required to prevent any work necessary to correct the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Chief Building Official or Fire Marshal, and where such work has been declared necessary by such officials to correct the condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed.
3. No Certificate of Appropriateness is required for alteration of the interior of a structure, unless such structure is designated as a Landmark.
4. No Certificate of Appropriateness is required for development or alteration of an Accessory Dwelling Unit.
5. No Certificate of Appropriateness is required for paving, decks, fences, and retaining walls except those identified in **Table 16.614-A**.

C. **Initiation.** An application for a Certificate of Appropriateness shall only be submitted by a qualified applicant, as defined in **Section 16.602.02, Application Forms and Fees.**

D. **Review Authority and Public Notice.** The authority to Review a Certificate of Appropriateness and public notice shall be as provided in **Table 16.614-A**.

TABLE 16.614-A: REVIEW AUTHORITY AND PUBLIC NOTICE

PROJECT TYPE	REVIEW AUTHORITY	NOTICE (CALENDAR DAYS)
Demolition or Relocation of Primary Structure or Accessory Structure		
Structure on HRI or identified as contributor to District or Landmark	AHLC	14 Days
Structure not on HRI[a] and identified as a non-contributor to Historic District or Landmark	Secretary*	None
New Principal Structure	AHLC	14 Days
New Accessory Structure		
500 square feet or more	AHLC	14 Days
Less than 500 square feet	Secretary*	None
New Accessory Structure		
Additions over 500 square feet or 20% of existing floor area (whichever is less)	AHLC	14 Days
All other additions	Secretary*	None
New Driveway	Secretary*	None
Paving over 33% or 200 square feet of required front yard (whichever is less)	Secretary*	None
Sign (New/Alteration)	Secretary*	None
Fence in required yard abutting a street	Secretary*	None
Retaining Wall in front yard	Secretary*	None
Deck over 30 inches tall and visible from street	Secretary*	None

*Secretary or Director's designee ; [a] Historic Resources Inventory

E. **Findings for Approval.** To approve an application for a Certificate of Appropriateness, the Architectural Heritage and Landmarks Commission or Director shall find, as applicable:

1. The project is in conformance with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties applicable to the project and any ordinance designating the Historic District or Landmark.
2. For projects located in a Historic District, the proposed project is consistent with any conservation plan or specific plan adopted for the Historic District.
3. For projects that require demolition, the Architectural Heritage and Landmarks Commission shall also find, as applicable:

   a. It is not feasible to preserve or restore the structure after considering alternatives and balancing interest in preservation versus cost.
   b. The retention of the structure constitutes a hazard to public safety
   c. The structure is a deterrent to a major improvement program which substantially benefits the City.
   d. Retention of the structure in the judgment of the commission is not in the interest of the majority within the Historic District.
   e. **Conditions of Approval.** The Director may impose or recommend that the Architectural Heritage and Landmarks Commission impose, such conditions in a Certificate of Appropriateness that are necessary to accomplish the purposes of this Code and prevent or minimize adverse impacts upon the public. These conditions shall run with the land and not be affected by a change in ownership.

F. **Effect of Issuance of a Certificate of Appropriateness.** Issuance of a Certificate of Appropriateness shall authorize the development, exterior alteration, restoration, or relocation of the site or structure within the Historic District or of the Landmark designation pursuant to the terms and conditions of the Certificate of Appropriateness and authorize the applicant to apply for a zoning or Building Permit.

16.614.10 MAINTENANCE AND UPKEEP

A. **General.** All owners of sites, structures or features included in the City's Historic Resources Inventory, in an Historic District or subject to a Landmark designation, shall maintain such sites, structures or features in good repair, and no owner shall permit such sites, structures or features to fall into a state of disrepair that would, in the judgment of the Director, produce a detrimental effect upon the character of such sites, structures or features. Structures and premises shall be considered in good repair if they do not present material evidence of disrepair or material variance in condition from surrounding structures that comply with the provisions of this Code. The purpose of this Chapter is to prevent an owner or other person having legal custody and control over a property from facilitating demolition of a historic resource by neglecting it and by permitting damage to it by weather, vandalism, wood-destroying insects, or other factors within the owner's means to prevent.

B. **Standards of Review.** The standards of Review for "good repair" and "disrepair" are as follows:

1. **Good Repair.** Includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use, and prevents unreasonable deterioration, dilapidation, and decay of the exterior portions of the structure and premises.
2. **Disrepair.** Includes but is not limited to unreasonable deterioration of exterior walls, plaster, mortar or vertical or horizontal supports; deterioration of roofs and exterior chimneys; ineffective waterproofing, including broken windows or doors; or the deterioration of any other exterior feature that would create a hazardous or unsafe condition.

C. **Minimum Maintenance.** Consistent with all other state and Vallejo Municipal Codes requiring that buildings and structures be kept in good repair, and subject to approval of a Certificate of Appropriateness if required, the owner or other person having legal custody and control of a property shall repair such building or structure if it is found to have any of the following defects.

1. Building elements so attached that they may fall and injure members of the public or property.
2. Deteriorated or inadequate foundation.

3. Defective or deteriorated flooring.
4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
5. Members of ceilings roofs, ceilings or roof supports or other horizontal members which sag, split or buckle due to defective materials or deterioration.
6. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
7. Deteriorated, crumbling or loose exterior plaster.
8. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
9. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
10. Any fault, defect or deterioration in the building which renders it structurally unsafe or not properly watertight.

D. **Notice to Comply.**

1. **Unmaintained Resources.** If the Director or Chief Building Official determines that any site or structure is not being maintained in accordance with this Chapter, the Director or Chief Building Official shall issue a Notice to Comply requiring the owner or other person having legal custody and control of the site or structure to take action in order that the site or structure may be preserved in accordance with this Chapter. The Director and/or Chief Building Official may also meet with the owner or other person having legal custody and control of the site or structure to discuss ways to bring the site or structure into conformance with this Chapter.
2. **Protection of Deteriorated, Vacant and Vandalized Resources.** The Director and/or Chief Building Official shall have the authority to issue a Notice to Comply to any owner of any property subject to this Chapter upon determining that the property has become subject to vandalism or constitutes a public nuisance. In such circumstances, the Chief Building Official shall have the authority to issue any order deemed appropriate to keep the property from being further vandalized or from becoming a public nuisance including, but not limited to, ordering that the building be secured and fenced.
3. For the purposes of this provision, the property shall include exteriors of any accessory building located on a property in the City's Historic Resources Inventory.
4. Security measures that the Chief Building Official may order shall include, but not be limited to, the following:
   a. The installation of the maximum allowed height under this Code of chain-link perimeter fencing and at least one securely locked pedestrian gate and the posting of "NO TRESPASSING" signs at regular intervals.
   b. Steel or plywood closures, with one-inch diameter air holes, installed at all doors and windows. (Sandwich panel installation shall be used to avoid drilling into window frames and sashes, doors, ornament or masonry units.)
   c. The removal of all debris from the premises, including but not limited to wood, paper, cans, bottles and fecal matter.
   d. Any temporary modifications required to be made to secure the building shall be reversible.
5. Any plans or proposals for work required to be performed pursuant to an Notice to Comply to secure any building from bring further vandalized or from becoming a public nuisance must first be reviewed by the Director and Chief Building Official to ensure that any work to secure the building will not damage or alter the historic character of the building. This Review by the Director and Chief Building Official shall be completed within 10 calendar days from the date any request for Review is submitted. If the work to be performed includes substantial alteration, the procedures set forth in this Chapter shall be utilized for Review.
6. Nothing herein shall be interpreted to prohibit an owner from taking immediate temporary measures to secure a building from unauthorized entry.
7. It shall be unlawful for any property owner to fail to comply with any Notice to Comply issued by the Chief Building Official under this provision.

8. In addition to the remedies provided by this Zoning Code, should an owner fail to comply with an Order to Comply, the City may take the necessary measures, including those authorized under this Zoning Code, to immediately secure the property against vandalism or prevent it from becoming a public nuisance. The City shall have the authority to assess the cost of performing this work as a lien against real property on which the building is located and take whatever additional action the City deems necessary to recover its costs and further secure the property and provide for its preservation. Prior to taking these measures, the City shall send a Notice of Intention to the owner.

16.614.11 APPEALS, EXPIRATION, EXTENSIONS AND REVOCATIONS

A. **Appeals.** A decision on an Certificate of Appropriateness may be appealed in accordance with **Chapter 16.602, Common Procedures, Section 16.602.14, Appeals**.

B. **Expiration, Extensions and Modifications.** A Certificate of Appropriateness is effective and may only be extended or modified as provided for in **Chapter 16.602, Common Procedures, Sections 16.602.12, Expiration and Extension** and **Section 16.602.13, Revocation of Permits**.

C. **Revocation.** A Certificate of Appropriateness may be revoked in accordance with **Chapter 16.615, Enforcement and Abatement**.

16.615 ENFORCEMENT AND ABATEMENT

16.615.01 PURPOSE AND APPLICABILITY

The provisions of this Chapter establish procedures and requirements to ensure compliance with the Zoning Code. These provisions shall apply to the enforcement of this Code but shall not be deemed to exclude other measures. The provisions of this Chapter are applicable not only to private persons, firms, corporations, agencies and organizations, but also to all public agencies to the extent permissible by law.

16.615.02 RESPONSIBILITY

A. **Duty to Enforce.** It shall be the duty of the Director to enforce all of the provisions of the Zoning Code, including all permits, conditions of approval, and nonconforming uses. All officials, departments, and employees of the City vested with the authority to issue permits, certificates, or licenses shall adhere to, and require conformance with this Zoning Code, and any such permit certificate or license issued in conflict with the provisions of this Zoning Code shall be null and void.

B. **Deputies.** The authority granted in the Zoning Code to the Director may be delegated to a person or persons under the Director's supervision.

C. **Violation.** Whenever any building, structure or premises is being used in violation of any provision of the Zoning Code, the Director may by written notice order the owner or user or both to discontinue such use and to vacate such building, structure or premises. The person so notified shall discontinue the use or modify the use to comply with the provisions of this Zoning Code within 15 days after receipt of such written notice.

16.615.03 INSPECTION TO ENSURE COMPLIANCE

Whenever they shall have cause to suspect a violation of any provision of the Zoning Code; or whenever necessary to investigate either an application for granting, extension or modification, or an action to revoke or modify a variance or use permit; or whenever necessary to investigate a proposed amendment of this Zoning Code, the officials responsible for enforcement or administration of the Zoning Code or their duly authorized representatives, may enter any site for the purpose of investigation, provided they shall do so in a reasonable manner.

No owner or occupant or agent thereof shall, after reasonable notice and opportunity to comply, refuse to permit such entry. In the course of such inspection, no building or structure shall be entered without the express permission of the owner or occupant.

16.615.04 BUILDING IN VIOLATION OF PROVISIONS DEEMED NUISANCE

The setting up, erection, construction, alteration, enlargement, conversion, moving or maintenance of any building or structure contrary to the provisions of this Zoning Code, and any use of land, building or premises established, conducted, operated or maintained contrary to the provisions of this Zoning Code is a public nuisance.

16.615.05 PERMIT REVOCATION

A. For purposes of this Chapter, a "permit" includes any Minor Use Permit, Major Use Permit, Development Review Permit, , Exception, Planned Development Permit or any other land use entitlement granted by the Director or his or her designee, the Planning Commission, Architectural Heritage and Landmarks Commission and Design Review Board, as may be applicable, pursuant to the requirements of the Zoning Code.

B. No permit issued pursuant to the provisions of the Zoning Code may be revoked except in compliance with the procedures of this Chapter.

C. Whenever the Director or his or her designee has sufficient cause to believe that the holder of a permit is in violation of the provisions of the Zoning Code, or has failed to maintain a use in accordance with the specific conditions of approval attached to the permit, the Director or his or her designee shall give notice to the property owner(s) and the occupant(s) that the manner of use of the property is violation with the provisions of this Zoning Code or the conditions of approval attached to the permit. The notice shall specify the violation(s) and identify the date by which the corrective action(s) must occur.

D. If the corrective action specified by the Director or his or her designee does not occur within 15 days of the date of the notice, the Director or his or her designee shall issue a written notice of hearing before the Planning Commission on the proposed permit revocation, together with written notification of the specific grounds of complaint against the property owner(s) and the occupant(s). Proposed permit revocations for Historic Districts and Landmark properties shall be heard by the Architectural Heritage and Historic Preservation Commission and the Design Review Board shall hear proposed permit revocations for properties in the DMX and WMX Zoning Districts. The written hearing notices shall be personally delivered or sent by certified mail to the property owner and the occupant at least 14 calendar days prior to the hearing.

E. The public hearing on the permit revocation shall be scheduled for consideration by the Planning Commission, Architectural Heritage and Landmarks Commission or Design Review Board, based on **Table 16.601-A: Permit Review Authority** for the original permit, within 60 calendar days of the date set in the notice and shall be in accordance with the provisions of the Zoning Code. The Review Authority for the original permit may revoke, modify or take no action on the permit. Any additional conditions imposed on the permit shall be in keeping with the applicable standards for the use and the zoning district in which the property is located.

F. The Review Authority for the original permit shall be hand delivered or mailed to the property owner and the occupant.

G. The Review Authority for the original permit shall make its decision within 30 calendar days of the public hearing.

H. The decision of the Review Authority for the original permit shall be final.

I. In the event a permit is revoked pursuant to this Chapter, a new permit for the same use may not be issued for 12 months after the date of such revocation.

16.615.06 GROUNDS FOR REVOCATION

A permit may be revoked by the City on the basis of any of the following:

A. That the business or activity has been conducted in a manner which violates the provisions of this Zoning Code or is a public nuisance in violation of the Vallejo Municipal Code or fails to adhere to one or more of the conditions of approval imposed upon the issuance of the permit, or which fails to conform to the plans and procedures described in the application.

B. That the permittee has failed to obtain or maintain all required city and state licenses and permits required for its operation.

C. That the permittee is engaging in a use that is not allowed or a use that is different from that for which the permit was issued.

D. The permit was obtained by fraud; or where the conditions of such permit have not been or are not complied with.

E. **Conditions of approval.** Any condition of approval attached to the granting of a Minor or Major Use Permit, Planned Development Permit, Variance, or Development Review Permit approval, or any other permit or approval provided for in this Zoning Code shall have the same force and effect as if it were a requirement mandated by this Zoning Code. Maintaining a use in the absence of or in a manner inconsistent with, a previously imposed condition of approval is a public nuisance.

16.615.07 NOTICES TO PROPERTY OWNERS

Whenever under the provisions of this Zoning Code notice is required to be mailed to property owners, such notice shall be addressed to the person or persons listed as the owner of the real property in the most current equalized assessment roll of Solano County available at the time the notice is prepared at owner's last known place of address as shown therein.

A. The failure of any property owner to receive such notice shall not invalidate the proceeding that has been noticed.

B. The procedures set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances by all other remedies, including Chapters 1.12, 1.14, and 1.15 Vallejo Municipal Code, or through other legally established procedures.

C. Appeals of administrative citations issued for violations of the Zoning Code shall be heard by either the Planning Commission, Architectural Heritage and Landmarks Commission or Design Review Board in accordance with the procedures stated in Chapter 1.15 of the Vallejo Municipal Code. Their decisions shall be final. See **Table 16.601-A: Permit Review Authority**.

THIS PAGE INTENTIONALLY LEFT BLANK

PART VII GENERAL TERMS

16.701 LAND USE TERMS AND DEFINITIONS

16.701.01 PURPOSE & APPLICABILITY

A. **Purpose.** This Part establishes the precise meaning of words and phrases to facilitate consistent application of the Zoning Code's regulations and requirements. The land use terms and definitions are also intended to:

1. Eliminate vagueness and ambiguity that may create confusion especially when words and phrases may be subject to differing interpretations;
2. Make technical jargon understandable to all Zoning Code users;
3. Help to ensure implementation of the Zoning Code is consistent with applicable and related federal, State, and City statutes and case law by using the same terms and citing such laws as appropriate; and,
4. Ensure that the meaning of words and terms is consistent with their generally accepted meaning.

B. **Applicability.** The meaning and construction of words and phrases defined in this Part apply throughout the Zoning Code.

1. Land use terms and definitions are distinguished from standards, measurements and other requirements that regulate the defined word or phrase;
2. Land use terms and definitions in this Part only apply to words and phrases that this Zoning Code uses;
3. All citations to State or Federal law mean existing provisions and any subsequent amendments.

City of VALLEJO California

SECTIONS

16.701 LAND USE TERMS AND DEFINITIONS 335
16.702 WATER-EFFICIENT LANDSCAPING TERMS AND DEFINITIONS 374

16.701.02 LAND USE TERMS AND DEFINITIONS

Abandonment. Ceasing continuous use of a nonconforming building, parcel, activity or permit without any authorization that may be granted under the provisions of the Zoning Code.

Abutting Lot. A lot having a common property line or separated by a public path or lane, private street, or easement to the subject lot.

Access. The place or way through which pedestrians and/or vehicles must have safe, adequate, and usable ingress and egress to a property or use as required by this Zoning Code.

Accessory Dwelling Unit (ADU). An attached or detached residential dwelling unit as defined by Section 65852.2(j) of the California Code, as may be amended, which provides complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation and is situated on the same parcel as the single-unit dwelling with which it is associated. This term also includes an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, and manufactured home, as defined in Section 18007 of the California Health and Safety Code. This use is distinguished from a duplex, which is not subject to the requirements of State law for Accessory Dwelling Units.

Accessory Equipment, Wireless Telecommunications Facility. Equipment associated with the installation of a wireless telecommunications facility, including but not limited to, cabling, generators, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment structures, pedestals, meters, vault, splice boxes, and surface location markers.

Accessory Parking. An area of a lot, structure, or any other area, which is designed and reserved for off-street parking to serve a building or use that is the primary or main use of the lot.

Accessory Use. An activity or a structure that is customarily associated with, and is incidental and subordinate to, the primary use and located on the same lot as the primary use.

Act of Nature. A natural occurrence such as an earthquake, flood, landslide, tidal wave, hurricane, fire, tornado or similar event, which causes substantial damage to buildings or property.

Addition. The creation of any new portion of a building that results in a vertical or horizontal extension of the building, or results in any new gross floor area that was not present in the building prior to construction of the addition. The creation of a mezzanine or loft, or a conversion of a previously unused attic or underfloor space to usable floor area, shall be considered an addition for the purposes of this Zoning Code.

Adjacent. Having a boundary or lot property line(s) in common or bordering directly, or separated by a natural barrier, street, or other public right-of-way.

Adjacent Grade. The lowest elevation of ground surface within five (5) feet of the building exterior wall.

Adjudicative Decision. An action involving approval or denial of a specific project, application or set of facts based on evaluation of compliance with an adopted policy, rule, regulation or similar adopted set of rules or policies such as an ordinance or specific plan. Sometimes called "quasi-judicial" action.

Administrative Review. The process for permit/project review with a formal decision by the Planning and Development Services Director or designated Staff with approval authority.

Adult Use Definitions. The following are definitions related to the regulations of **Chapter 16.304, Adult Use Regulations** of this Zoning, Code.

1. Adult Business. Shall mean any one or more of the following:

a. **Adult Arcade.** An establishment where, for a fee or any other form of consideration, one or more still or motion picture projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, computer generated images, motion pictures, video cassettes, slides or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

b. **Adult Bookstore.** An establishment that has 30 percent or more of its stock in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and or specified anatomical areas.

c. **Adult Cabaret.** A nightclub, restaurant, or similar business establishment which: (1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) which regularly features persons who appear semi-nude; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

d. **Adult Hotel/Motel.** A hotel or motel or similar business establishment offering public accommodations for a fee or any other form of consideration which, (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a six-hour period, or rents, leases, or lets any single room more than twice in a 24-hour period.

e. **Adult Motion Picture Theater.** A business establishment where, for a fee or any other form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and 30 percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

f. A theater, concert hall, auditorium, or similar establishment which, for a fee or any other form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

g. **Adult Modeling Studio.** A business which provides, for a fee or any other form of consideration, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying the consideration. "Modeling studio" does not include schools maintained in compliance with standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities."

h. **Adult retail store.** An establishment that, for any form of consideration, as a regular and substantial course of conduct offers for sale, rent, or viewing either adult entertainment material, adult entertainment merchandise or both.

2. Adult Use Operator ("Operator"). A person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an Adult-Oriented Business or the conduct or activities occurring on the premises thereof.

3. Bar. Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.

4. Distinguished or Characterized by an Emphasis Upon. The dominant or essential theme of the object described by the phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal. App. 3 151 (1981).

5. Establishment of an Adult Use shall mean and include any of the following:

a. The opening or commencement of any Adult-Use as a new business;

b. The conversion of an existing business, whether or not an Adult Use to any Adult Use;

c. The addition of any of the Adult Use to any other existing Adult Use; or

d. The relocation of any Adult Use.

6. Figure Model. Any person who poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted, in return for monetary compensation.

7. Nudity or a State of Nudity. The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

8. Operate an Adult-Oriented Business. The supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an Adult-Oriented Business or activities within an Adult-Oriented Business.

9. Permittee. "Permittee" means the person to whom an Adult-Use.

10. Police Chief. The Police Chief of the City of Novato or the authorized representatives thereof.

11. Regularly Features. With respect to an adult theater or adult cabaret, "regularly features" means a regular and substantial course of conduct. The fact that live performances that are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two or more occasions within a 30-day period; three or more occasions within a 60-day period; or four or more occasions within a 180-day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

12. School. As used in **Section 16.304, Adult Use Regulations**, any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

13. Semi-Nude. A state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

14. Specified Anatomical Areas. Shall mean and include any of the following:

a. Less than completely and opaquely covered human (a) genitals or pubic region; (b) buttocks; and (c) female breast below a point immediately above the top of the areola;

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

c. Any device, costume or covering that simulates any of the body parts included in 1. or 2. above.

15. Specified Sexual Activities. Shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

b. Sex acts, actual or simulated, including intercourse, oral copulations or sodomy;

c. Masturbation, actual or simulated; or

d. Excretory functions as part of or in connection with any of the other activities described in 1. through 3. above.

Adult Day Care. Establishments providing non-medical care for persons 18 years of age or older on a less-than-24-hour basis licensed by the State of California.

Agricultural Processing. Establishments performing a variety of operations on crops after harvest, to prepare them for market onsite or further processing and packaging at a distance from the agricultural area, including but not limited to: alfalfa cubing; hay baling and cubing; corn shelling; drying of corn, rice, hay, fruits and vegetables; pre-cooling and packaging of fresh or farm-dried fruits and vegetables; grain cleaning and custom grinding; custom grist mills; custom milling of flour, feed and grain; sorting, grading and packing of fruits and vegetables; tree nut hulling and shelling; wineries; alcohol fuel production; and receiving and processing of green material, other than that produced on site. This does not include commercial composting or the stockpiling or processing of manure for commercial purposes.

Agricultural Production. The production of any grass or crop attached to the surface of the land, whether or not the grass or crop is to be sold commercially, and the production of any farm animals, whether or not the animals are to be sold commercially.

Agricultural-Support Services. Agriculturally related services, such as storage of agricultural products; sales, maintenance, and repair of farm machinery and equipment; farm animal veterinary clinics; custom farming services; agriculturally related building, feed, and farm-supply stores; agricultural waste handling and disposal services; and other similar related services.

Agriculture. The production, keeping, or maintenance of plants and/or animals useful to people for purposes including, but not limited to, food and fiber crops, livestock forage and grazing, orchards, and cultivation of nursery and ornamental plants.

Airport And Heliport. Facilities for the takeoff and landing of airplanes and helicopters, including runways, helipads, aircraft storage buildings, public terminal buildings and parking, air freight terminals, baggage handling facilities, aircraft hangar and public transportation and related facilities, including bus operations, servicing and storage. This also includes support activities such as fueling and maintenance, storage, airport operations and air traffic control, incidental retail sales, coffee shops and snack shops, and airport administrative facilities, including airport offices, terminals, operations buildings, communications equipment, buildings and structures, control towers, lights, and other equipment and structures required by the United States Government and/or the State for the safety of aircraft operations.

Alcoholic Beverage. Any beverage, including, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, that contains one-half of one percent or more of alcohol by volume and is fit for human consumption, either alone or when diluted, mixed, or combined with other substances, and sales of which require a California Department of Alcoholic Beverage Control license.

Alcoholism Or Drug Abuse Recovery Or Treatment Facility. As defined at Health and Safety Code Section 11834.02, as may be amended, licensed by the State.

Alley. A public or private thoroughfare other than a street that is permanently reserved for access to the rear or side of a property abutting a street.

Allowed Use. A use of land as a permitted or conditionally permitted that may be established with zoning compliance review (for an "as-of-right" or permitted use) or a land use permit for a conditionally permitted use and use permitted with any other applicable planning application and/or building permit approval, subject to compliance with all applicable provisions of the Zoning Code.

Alteration, Major. Construction or demolition of structures, any change in the supporting members of a building or structure, changes in maximum height, total floor area, number of bedrooms, façade materials, or dwelling units, creation or removal of parking, or projects that require grading subject to a grading permit, changes to the exterior of an historic structure and work that requires a building permit.

Alteration, Minor. Modifications to a building or structure affecting the interior or exterior of a structure that comply in all respects with the Zoning Code, are cosmetic in nature, do not result in a change in height, floor area, or lot coverage or affect an historic property or structure, and do not require work in the public right-of-way. Typical projects include minor in-kind repairs, reroofing, improvements to plumbing, electrical and mechanical systems, installation of cabinets, exterior cladding, siding, new or relocated windows or doors, and work on interior partitions other than bearing walls, and work for which no building permit is required.

Alteration. Any change, addition or modification that changes the interior construction or exterior architectural appearance or materials of a structure. This includes but is not limited to changes in exterior surfaces, changes in materials, additions, remodels, demolitions, landscaping, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Alternative Fuels and Recharging Facilities. A commercial facility offering motor vehicle fuels not customarily offered by commercial refueling stations (e.g., biofuels, Liquified Petroleum Gas - LPG) as well as equipment to recharge electric-powered vehicles.

Amusement Machine. Any device, machine, apparatus, or other instrument operated electrically, mechanically or manually, for amusement purposes only (other than those now or hereafter prohibited by the ordinances of the City or laws of the state, and other than mechanical and electrical musical devices), for the use of which a coin, token, or thing of value must be deposited.

Animal Boarding. The provision of shelter and care for small animals on a commercial basis including keeping, feeding, exercising, grooming, and incidental medical care. This includes animal shelters and kennels.

Animal Care, Sales and Services. Retail sales and services related to the boarding, grooming, and care of household pets.

Animal Hospital, Livestock. A place where livestock (horses, cows, etc.) and small animals are given medical or surgical treatment. Boarding of animals is incidental to such hospital use.

Animal Husbandry and Agricultural Education Project. A temporary animal husbandry or agricultural education activity or project conducted primarily for education purposes.

Animal Husbandry. Breeding and raising of domesticated animals, poultry, and beekeeping for personal use or sale, or in order to use or sell products such as meat, honey, milk, eggs, and fibers.

Animal Keeping. The keeping of animals, such as household pets or farm animals, for personal use and enjoyment customarily within a dwelling or a yard.

Animal Raising. The raising, grazing, or feeding of animals for animal products, animal increase, or value increase, and dairying as an accessory use on farms with dairy cattle.

Animal Shelter. Any place where stray, lost, abandoned or surrendered animals, mostly dogs and cats, and sometimes sick or wounded wildlife are kept and rehabilitated.

Animals, Domestic (Household pets). Small pets such as cats, dogs, and birds. This definition excludes exotic animals and large animals, such as horses, goats, cattle, swine and similar size animals, and farm animals, such as chickens, pigs, and ducks.

Antenna. The part of a wireless telecommunication facility designed to radiate or receive radio frequency signals or electromagnetic waves for the provision of services, including but not limited to, cellular, personal communication services, and microwave communications. Such devices include but are not limited to, directional antennas such as panel antennas, microwave dishes, and satellite dishes; omnidirectional antennas and wireless access points (Wi-Fi); and strand-mounted wireless access points. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Applicant. Any entity or person who applies for a ministerial or discretionary permit, certificate, zoning approval or other entitlement.

Arcade Booth. Any enclosed or partially enclosed portion of an establishment in which an adult arcade is located, where a live performance is presented, on a regular or substantial basis, or where the "material" presented is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Architectural Feature. An exterior building feature, including but not limited to a roof, walls, windows, doors, porches, posts, pillars, cornices, awnings, recesses or projections, and exterior articulation or walls, and other building surfaces.

Area. Any geographical area, for example a portion of a block, a block, or a larger district.

Artisan/Small-Scale Manufacturing. The artisan/small-scale manufacturing use type refers to establishments primarily engaged in on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops or custom jewelry manufacturers.

Artist's Studio. Work space for an artist or artisan, including individuals practicing one of the fine arts or performing arts, or an applied art or craft. This use may include incidental display and retail sales of items produced on the premises and instructional space for small groups of students. It does not include joint living and working units (See "Live-Work").

Artist's Studio-Heavy. Art production on a medium or large scale generally using heavy equipment. Typical uses include large-scale metal and woodworking studios.

Artist's Studio-Light. Small-scale art production that is generally of a low impact. Typical uses include painting, photography, jewelry, glass, textile, and pottery studios.

Assisted Living. A commercial development that includes studio or one / two room bedroom suites with a private bath and kitchenette, where residents require assistance with at least one activity of daily living (i.e. bathing, dressing, grooming, transferring, medication reminders, etc.), and where residents may receive meals, and limited supportive and nursing services. Facilities may also include a dining room and other informal "gathering spaces", along with the necessary administrative offices and other staff space.; and are licensed by the State and must meet State requirements or qualifications for an assisted living facility. See also "Residential Care Facility".

Attic. The area less than the minimum height that the California Building Code requires, which is located above the ceiling of the top story and below the roof and is not usable as habitable or commercial space and is not considered a story.

Auctioning. Auctioning of livestock on a wholesale or retail basis with the incidental storage of animals produced off property for periods not exceeding 40 hours. Typical uses include animal auctions or livestock auction yards.

Auto Auction. A facility that sells new or used automobiles and other vehicles through a bidding process. The facility typically includes a storage lot.

Auto Broker, Office Only. An establishment engaged in arranging, negotiating and assisting in the sale of new or used automobiles or other vehicles within an enclosed building with no vehicle display or storage.

Auto Broker, Office w/Display. An establishment engaged in arranging, negotiating and assisting in the sale of new or used automobiles or other vehicles within an enclosed building with an indoor vehicle display area.

Auto/Vehicle and Equipment Facilities. Commercial spaces that provide for the sales and/or servicing of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats.

Auto/Vehicle (New) Sales and Leasing. The sale, or leasing of automobiles, trucks, tractors, construction or agricultural equipment, recreational vehicles, and similar equipment, including storage and incidental maintenance and repair. This use may also include used car sales.

Auto/Vehicle Leasing and Rental (Major). Rental of automobiles or equipment with vehicle storage (more than five [5] parking spaces) and maintenance on the same site including maintenance requiring pneumatic lifts.

Auto/Vehicle Leasing and Rental (Minor). Rental of automobiles or equipment with limited vehicle storage (five [5] parking spaces or less) and maintenance on the same site but excluding maintenance requiring pneumatic lifts.

Auto/Vehicle Sales. Retail or wholesale businesses that sell, lease or rent automobiles, boats, recreational vehicles, trucks, vans, trailers, and motorcycles.

Auto/Vehicle Services. The repair and maintenance of auto/vehicles and the sales,and installation of related equipment.

Auto/Vehicle Used Sales. Sales of used or pre-owned vehicles with incidental maintenance, repair work, outdoor display or outdoor storage.

Auto/Vehicle Washing/Detailing. Washing, detailing, waxing or cleaning of automobiles or similar light duty motor vehicles including self-service washing facilities.

Automobile Washing Facility, Small Scale. Washing and detailing businesses that do not occupy more than 1,000 square feet and are located within a structure, service station, or other auto-related establishment.

Auto/Vehicle/Equipment Repair. The repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. These include auto repair shops, body and fender shops, wheel and brake shops, oil change shops, auto glass sales and installation, stereo and alarm sales and installation, and tire sales and installation, but not vehicle dismantling or salvage and tire retreading or recapping.

Auto/Vehicle/Equipment Repair, Heavy. Body, auto glass, tire replacement and painting services related to the repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, but not vehicle dismantling or salvage and tire retreading or recapping.

Auto/Vehicle/Equipment Repair, Light. Minor servicing and repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including oil change shops and stereo and alarm sales and installation.

Automobile Storage Lot. A property used for short- or long-term parking of operable vehicles for sale or lease at an automobile dealership or rental agency on a separate lot.

Average Grade. A horizontal line approximating the ground elevation through each building on a site used for calculating the exterior volume of a building and average slope of a site.

Awning. An architectural projection that provides weather protection, identity, or decoration, and is wholly supported by the building to which it is attached. An awning is typically constructed of non-rigid materials on a supporting framework that projects from and is supported by the exterior wall of a building.

Balcony. A platform that projects horizontally from the wall of a building 30 inches or more above grade, is accessible from the building's interior, and is not accessible from the ground.

Banks and Credit Union. A bank, savings and loan, credit union, or other financial institution that provides retail-banking services to individuals and businesses but excluding Check Cashing Businesses. These include only those institutions engaged in the on-site circulation of cash money. For administration, headquarters, or other offices of banks and credit unions without retail banking services/on-site circulation of money, see Finance, Insurance and Real Estate Services.

Banks and Financial Institutions. A bank, savings and loan, credit union, or other financial institution that provides retail-banking services to individuals and businesses but excluding Check Cashing Businesses. These include only those institutions engaged in the on-site circulation of cash money.

Banquet Facility. A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event or function, whether or not a fee is charged and is the primary use at the site.

Bar/Tavern/Lounge. Establishments that operate under a Type 48 Department of Alcoholic Beverage Control license (On-sale General—Public Premises) and sell beer, wine and distilled spirits for consumption on the premises or Type 42 license (On-sale Beer and Wine-Public Premises) but do not necessarily sell food. Tavern also includes bars and pubs that operate under a Type 40 license (On-sale Beer) and which sell sandwiches or snacks but not wine or distilled spirits. This use does not include Night Clubs as defined by these regulations or restaurants that operate under a Type 48 License.

Base Station. As defined by the Federal Communication Commission (FCC) in 47 Code of Federal Regulations (CFR) Section 1.40001(b)(1), as may be amended, which defines that term as a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 CFR Section 1.40001(b)(9) or any equipment associated with a tower. The term includes, but is not limited to: equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services, fixed wireless services such as microwave backhaul, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small-cell networks).

Basement. The lowest usable space of a building, for non-habitable use such as, but not limited to, garage or storage use, which is partly below and partly above grade, but so located that it is not considered a story.

Bathroom. A room containing toilet, sink, and bathing facilities that meets Building Code standards.

Bay Window. A portion of a building cantilevered to project out from a wall and containing angular or curved windows.

Bed and Breakfast. An establishment offering lodging on less than a weekly basis in a residential structure in which the property owner or manager lives on site with incidental eating and drinking service for lodgers only provided from a single kitchen on the premises. Bed and breakfast does not include vacation rentals or other short-term rental accommodations available for rent or hire where the owner or manager occupies the premises while paying guests are present.

Bedroom. Any room meeting Building Code standards as a sleeping room.

Block. An area designated on an official map of the City, which is bounded on all sides by the public right-of-way, a railroad right-of-way, private streets or a boundary line of un-subdivided acreage or any combination of such thoroughfares.

Bonus Units. Dwelling units allowed pursuant to **Section 16.214.05, Calculation of Density Bonus** that exceed the otherwise allowable maximum residential density for a residential development.

Brewery. An establishment licensed by the State to manufacture beer, ale, mead, hard cider and similar brewed beverages with or without food service subject to the requirements of the Zoning Code. See Brewery Production, for additional detail.

Brewery - Large. An establishment that annually produces 15,000 barrels or more of ales, beers, meads, hard ciders and/or similar beverages onsite subject to a Type 1 license. Production breweries may also serve beverages onsite, with or without the service of food, and sell beverages for offsite consumption pursuant to the regulations of this Code, the California Department of Alcohol Beverage Control, and the federal Bureau of Alcohol, Tobacco, and Firearms.

Brewery - Micro. An establishment licensed by the California Department of Alcohol Beverage Control to less than 15,000 barrels of ales, beers, meads, hard ciders and/or similar beverages onsite with or without food subject to a Type 23 license. Micro-breweries may also serve beverages onsite and sell beverages for offsite consumption pursuant to the regulations of the California Department of Alcohol Beverage Control and the federal Bureau of Alcohol, Tobacco, and Firearms. This also includes a do-it-yourself brewery where customers produce craft style beer or wine on the premises of a brewery or microbrewery. Customers also may purchase the ingredients, rent the equipment, time and space, and be assisted/ trained by an on-site brew master.

Brewery, Production. A facility licensed by the State to manufacture beer, ale, mead, hard cider and similar brewed beverages.

Brewpub. A full-service or limited-service restaurant with a micro-brewery as an accessory use. It may sell other supplier's beer, including other hand-crafted or micro-brewed beers as well as wine to patrons for consumption on its premises.

Buffer. An open area or barrier used to separate potentially incompatible activities, land uses, and/or development features.

Building Code. Any ordinance adopted by the City that governs the type and method of construction of buildings, signs, and sign structures as it may be amended including, but not limited to, the California Building Code, the State Historic Building Code, and other State-adopted uniform codes.

Building Face or Facade. That portion of any exterior elevation of a building extending vertically from grade to tap of a parapet, wall or eaves, and horizontally across the entire front width of the building elevation.

Building Frontage. That portion of the exterior building wall constituting primary access to a single place of business or residence that is both adjacent to and parallel to either a public street, or walkway or parking lot.

Building Materials, Sales and Service. Retailing, wholesaling or rental of building supplies or equipment. These uses include lumberyards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes the exclusive retail sales of paint and hardware, plant nurseries, and activities classified under Auto/ Vehicle Sales and Services - Sales and Leasing. Accessory sales of paint and hardware are permitted.

Building, Accessory. A detached building located on the same parcel as the principal building, which is incidental and subordinate to the principal building in terms of both size and use. A building will be considered part of the principal building if connected structurally, by a common roofline, or a fully enclosed space.

Building, Principal. A building in which the principal use of the parcel is conducted except for an Accessory Dwelling Unit as defined in the Zoning Code.

Building. Any enclosed structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, business, land use, or materials.

Bungalow Court. A type of residential development consisting of a series of small detached structures arranged around a shared court that is typically perpendicular to the adjacent street.

Business And Professional Offices. Offices of firms or organizations providing professional, executive, management, administrative, financial, accounting, or legal services, but excluding those that primarily provide direct services to patrons that visit the office.

Business Services. Establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, quick printing services, and blueprint services.

By Right. Uses or construction that are deemed permitted if they meet the objective dimensional standards and requirements of the Zoning Code. Uses allowed by right do not require discretionary review or approval.

California Environmental Quality Act (CEQA)-Related Terms. Public Resources Code Sections 21000 et seq. is a law enacted by the State of California in 1970 requiring review of public agency decisions to inform government officials and the public about the potential significant effect of proposed activities on the physical environment for the purpose of identifying ways to avoid or significantly reduce environmental damage.

Campground. Land upon which temporary shelters (such as tents, travel trailers and recreational vehicles) are erected or located for occupation by transients and/or vacationers. This includes such permanent structures and facilities as are normally associated with the operation of a campground. This definition does not include Mobile Home Parks where mobile homes or manufactured housing units are occupied as permanent living accommodations.

Camping. The occupancy of any place by the property owner or with the permission of the property owner for temporary living, sleeping, or other human occupancy purposes. This definition does not include parking or storage of an unoccupied and otherwise unused trailer coach, recreational vehicle, or tent trailer on a privately-owned parcel or the occupancy of a trailer or recreational vehicle for any accessory use that this Zoning Code allows.

Cannabis. Cannabis has the same meaning as cannabis concentrate, cannabis products, and edible cannabis product as defined in California Business & Professions Code Section 26001. Words or phrases related to cannabis uses, used in this chapter, shall be given the definitions specified in Chapter 7.100, Marijuana, of the Vallejo Municipal Code.

Cannabis Cultivation. Commercial activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

Cannabis Distribution. The procurement, sale, and transport of marijuana and marijuana products between holders of State licenses and local permits but excludes retail sales to medical marijuana customers.

Cannabis Manufacturing. A facility involved in the non-volatile production, preparation, propagation, or compounding of marijuana or marijuana products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, at a fixed location that packages or repackages medical marijuana or medical marijuana products or labels or re-labels its container.

Cannabis Medical. Cannabis or a cannabis or marijuana product intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the California Health & Safety Code, by a medical cannabis patient who possesses a State of California licensed and board-certified physician's recommendation or identification card issued pursuant to State law. Words or phrases related to medical cannabis uses, wherever used in this Chapter, shall be given the definitions specified in Chapter 7.100, Marijuana, of the Vallejo Municipal Code.

Cannabis Testing Laboratory. A testing laboratory, facility, or entity, which offers or performs tests of cannabis, cannabis concentrate or cannabis products to determine chemical profile, the presence of contaminants, or other similar information.

Cannabis Uses. Establishments involved in the planting, growing, harvesting, drying, curing, grading, trimming, or distribution of marijuana as defined in this Code and Chapter 7.100, Marijuana of the Vallejo Municipal Code.

Cannabis, Retail. Any storefront that dispenses, sells, or makes available cannabis to another person or entity.

Canopy, Structure. A roofed shelter projecting over a sidewalk, driveway, entry, window, or similar area that may be wholly supported by a building or may be wholly or partially supported by columns, poles, or braces extending from the ground.

Canopy, Vegetative. Tree or plant canopy refers to the extent of the outer layer of leaves of an individual tree, plant, or group of trees or plants.

Care Facility, Large, Licensed. Any one of the following residential or nonresidential care facilities, which serves seven or more residents (or clients): A health facility, as defined by Health and Safety Code Section 1250, as it may be amended, including general acute care hospital; acute psychiatric hospital; skilled nursing facility; intermediate care facility; intermediate care facility/ developmentally disabled – rehabilitative; special hospital; intermediate care facility/ developmentally disabled; intermediate care facility/developmentally disabled – nursing; congregate living health facility; correctional treatment center (including in-patient health services and not including facilities providing offender rehabilitation services); nursing facility; and intermediate care facility/developmentally disabled – continuous nursing.

Care Facility, Large, Unlicensed. A residential facility, not licensed by the State, for seven (7) or more individuals with a disability who are not living together as a household (as defined) and in which every person residing in the facility is an individual with a disability (except the licensee, members of the licensee's family, or persons employed as facility staff).

Care Facility, Small, Licensed. A community care facility as defined by Health and Safety Code Section 1502, as may be amended, which serves six (6) or fewer residents (not including the licensee or members of the licensee's family or staff) and is licensed by the California State Department of Social Services to provide non-medical care and supervision.

Care Facility, Small, Unlicensed. A residential facility, not licensed by the State, for six (6) or fewer total residents managed under a single operator and in which every person residing in the facility is an individual with a disability (except the licensee, members of the licensee's family, or persons employed as facility staff).

Caretaker Unit. Living accommodations for employees and their immediate families employed for the exclusive purpose of on-site management, maintenance, or upkeep. Also known as a building manager's unit.

Carpool. A motor vehicle occupied by 2 to 6 persons traveling together to and from a worksite for at least 51 percent of the total commute distance.

Carport. A permanently roofed structure enclosed on not more than two sides, designed, constructed, and maintained for the parking or temporary storage of one or more motor vehicles.

Catering services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

CBD. Not considered cannabis and regulated by the Zoning Code.

Cellar. See "Basement".

Cemetery. A place, either public or private, religious or secular, for the interment of human or animal remains, including mausoleums, burial places, columbarium, memorial gardens, statuary and incidental structures for storage, maintenance, administrative functions, and memorial services.

Centerline of street. The geographic center of a public or private road right-of-way.

CEQA Guidelines. California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq., is a set of regulations issued by the State Resources Agency that prescribes how State and local agencies shall comply with CEQA requirements.

Change Of Use. The replacement of an existing use on a site, or any portion of a site, by a new use, or a change in the character or type of use. A residential change of use includes, but is not limited to, the elimination of any dwelling unit, a reduction in the floor area or habitability of a dwelling unit, or a reduction in the floor area or habitability of bedroom or sleeping quarters in a group living accommodation or residential hotel, when a new use will replace a previous use. A commercial change of use includes a change to a different category of commercial or manufacturing use but does not include changes between uses that are classified in the same category of commercial or manufacturing use. It does not include a change of ownership, tenancy, or management associated with a use when the previous type of use will remain substantially unchanged or the establishment of a home-based business that complies with the requirements of this Zoning Code.

Check Cashing Business. Establishments that, for compensation, engage in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes the business of deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in California Civil Code Section 1789.33. This does not include state or federally chartered banks, savings associations, credit unions, or industrial loan companies; nor retail sellers engaged primarily in the business of selling consumer goods, such as consumables to retail buyers, that cash checks or issue money orders incidental to their main purpose or business.

Chemical, Mineral, and Explosives Storage. Storage and handling of hazardous materials including but not limited to: bottled gas, chemicals, minerals and ores, petroleum or petroleum-based fuels, fireworks, and explosives.

Childcare and Early Education Facility. Establishments providing non-medical care for persons less than 18 years of age on a less-than-24-hour basis other than Family Day Care (Small and Large). This classification includes commercial and nonprofit nursery schools, preschools, day care facilities for children, and any other day care facility licensed by the State of California.

Childcare Center. A facility licensed by the State where persons other than their parents care for infants, preschool children, and school children outside of school hours. As used in the Zoning Code, this definition does not include family day care facilities operated in the care provider's place of residence.

Christmas Tree Recycling. The temporary recycling activity conducted for nonprofit purposes.

Christmas Tree Sales. A temporary facility used for the sale of Christmas trees and other related permitted items.

Clinic. A facility providing medical, mental health, or surgical services exclusively on an out-patient basis, including emergency treatment, diagnostic services, administration, and related services to patients who are not lodged overnight. Services may be available without a prior appointment. This classification includes licensed facilities offering substance abuse treatment, blood banks, plasma, dialysis centers, and emergency medical services offered exclusively on an out-patient basis.

Collection Facility. A facility for the redemption or drop-off of recyclable materials. Such a facility does not process materials except limited bailing, batching and sorting of materials other than glass.

Colleges and Trade Schools, Public or Private. Institutions of higher education, including public or private colleges and universities granting associate arts degrees, certificates, undergraduate and graduate degrees, junior colleges, business and computer schools, management training, technical and trade schools, but excluding personal instructional services such as music lessons. These facilities typically offer classrooms, laboratories, and staff offices within a shared office building, often containing typical business and professional office suites and conference centers and academic retreats associated with such institutions. This use may include student housing (e.g., dormitories, fraternities, multi-family housing, or sororities) administrative centers, student unions, libraries, and cafeteria facilities.

Collocation. As defined by the Federal Communications Commission (FCC) in 47 CFR Section 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. As an illustration and not a limitation, the FCC's definition effectively means "to add" and does not necessarily refer to more than one wireless facility installed at a single site.

Columbarium. A building that contains vaults with recesses for storage of cinerary or cremation remains.

Commercial Entertainment and Recreation. Provision of participant or spectator entertainment for commercial purposes. This use includes theaters, concert halls, cinemas, nightclubs, and comedy clubs, and restaurants, snack bars, and other incidental food and beverage service for patrons.

Commercial Kitchen. Kitchens used for the preparation of food to be delivered and consumed off-site. Typical uses include catering and commissary facilities. This classification does not include businesses involved in the processing or manufacturing of wholesale food products (See "Industry, Limited").

Commercial Districts. Any property within the City which is designated as " – Neighborhood Corridor", "Business/Limited Residential", "Business/Limited Industrial", "District", "Central Corridor", and "Retail/Entertainment" on the General Plan land use map.

Commercial Lodging. An establishment primarily engaged in the provision of overnight accommodations for patrons who maintain a permanent place of residence elsewhere. Incidental food, drink and other sales and services intended for the convenience of guests may be provided.

Commercial Vehicle/Fleet Storage. A property where vehicles owned or operated by a person, company or business which is used for purposes of delivery, pick up or service to patrons is the primary use. A fleet vehicle may also be a commercial vehicle.

Commercial Vehicle Commissary. An establishment where mobile food vending trucks and other food service providers may prepare and store food, and mobile vendors park vehicles and store equipment overnight.

Commercial Vehicles and Equipment Facilities. An establishment that sells, rents or services or repairs construction, farm or other heavy equipment, as well as vehicles for moving or towing property, such as cranes, earthmoving equipment, forklifts, tractors, cargo trucks, heavy trucks, trailers and vans. It does not include autos, trucks and other passenger vehicles used for personal or business travel.

Common Interest Development. A common interest development ("CID") is a real property development where property owners share a common set of financial obligations, property and easement rights established in a set of recorded restrictions (commonly referred to as Covenants, Conditions and Restrictions "CC&Rs"). These require property owners in CIDs to "give up a certain degree of freedom of choice which [they] might otherwise enjoy in separate, privately owned property." (Nahrstedt v. Lakeside Village Condo. Owners Assn. (1994) 8 Cal.4th 361, 374.)

Communications Facilities. Broadcasting, recording, and other communication services through electronic or telephonic mechanisms, but excluding major utilities and wireless telecommunications antenna facilities.

Community Assembly. A facility for public or private meetings, including community centers, banquet facility, religious assembly facilities, civic and private auditoriums, union halls, meeting halls for clubs, and other membership organizations. This includes functionally related facilities for the use of members and attendees such as kitchens, multi-purpose rooms, classrooms and storage. It does not include gymnasiums or other sports facilities that represent more than 20 percent of overall square footage, convention centers, or facilities, such as day care centers and schools that are separately classified and regulated.

Community Care Facility. As defined by Health and Safety Code Section 1502, as it may be amended, including: residential facility; adult day program; therapeutic day services facility; foster family agency; foster family home; small family care home; social rehabilitation facility; community treatment facility; full-service adoption agency; noncustodial adoption agency.

Community Garden. Land used for the cultivation of edible and non-edible plants grown for and maintained by a group of individuals in the community. They may produce food for individual consumption or food for sale, may be designed for beautification of the community, and/or may be used for educational purposes. They may be accessory to public or institutional uses, but do not include gardens that are on a property in residential use, when access is limited to those who reside on the property. It does not include Medical Marijuana dispensaries or the cultivation of cannabis for personal use, whether medicinal or recreational.

Community Park. Facilities that are usually eight (8) or more acres in size and are designed primarily for recreational activities of all age groups. They may be combined with or be located adjacent to junior high or high school sites. They may include open, multi-use turfed areas, sports fields, play apparatus areas, park-like landscaped areas, tennis courts, swim centers, recreation buildings, lighted ballfields, picnic areas, parking, and sanitation facilities meant to serve a larger community than just nearby neighborhoods.

Commute Trip. A home-to-work or work-to-home trip.

Concessions and Incentives. Regulatory concessions as defined by California Code Section 65915(k).

Condition of Approval. A requirement imposed on a land use permit or entitlement by a Review Authority, which makes the validity of the permit or entitlement contingent on compliance with such requirement.

Conditional Use. A use generally compatible with other uses permitted in a zoning district, but that requires individual review of its location, design, configuration, intensity and density of use and structures, and may require the imposition of conditions of approval to ensure the appropriateness of the use at that particular location.

Conference/Convention Facility. One or more structures accommodating multiple assembly, meeting, and/or exhibit rooms, and related support facilities. It may be associated with or include lodging accommodations, restaurants, and other facilities that are separately classified and regulated.

Confronting Lot. A lot whose front property line is intersected by a line perpendicular to and intersecting the front property line of the subject lot.

Construction Office. A temporary construction office used during the construction of a building or road, including grading related thereto.

Construction. Construction, erection, enlargement, alteration, conversion, or movement of any building, structures, building elements, or land, together with any scientific surveys, such as geologic, hydrological, or biological surveys, conducted in connection with construction.

Container Development. A structure developed from a steel shipping container previously used for carrying goods on trains, trucks, and ships that complies with Zoning and Building Codes.

Contractor's Yard. Storage yard for a contractor's large equipment, vehicles, construction materials, or other items commonly used in the contractor's business; repair and maintenance of a contractor's own equipment; and buildings or structures for uses such as offices and repair facilities. This classification excludes vehicle storage and impound yards.

Convenience Store. A retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience and travelers' shopping needs, including a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption. This includes small retail stores on the same lot as or operated in conjunction with a fuel Service Station but does not include small general markets, delicatessens or specialty food shops.

Corner lot. A lot or parcel bounded on two or more sides by street lines.

Corral. An enclosure designed for use as an open holding area for horses or other animals, for the purpose of confinement for an indeterminate period of time.

Correctional Facility. A facility owned and/operated by an individual, a for-profit, or a non-profit entity used for housing or provision of services for persons who are either (1) serving a sentence from a federal, State or county court and are under restraint, supervision, or security or (2) have served a sentence or have been released from a federal, State, or county prison or jail and are living under government supervision by a government-funded program. This includes prisons, jails, reformatories detention centers, correction centers, re-entry centers, halfway houses, and pre-release centers.

Corridor. An area generally located along a major or secondary road including lots and or blocks adjacent to the thoroughfare as defined by applicable adopted policies and regulations.

Cottage Food Operation. A business operated by a person, in compliance with State and Solano County regulations, for the production and/or preparation of certain non-potentially hazardous food or drink products in a kitchen within the person's primary dwelling. (See Microenterprise Home Kitchen Operation)

Courtyard. An open, unoccupied and unobstructed space, other than a required yard, on the same lot with a building or group of buildings that may be mostly enclosed by fences, walls, or other screening but not including any off-street parking or loading area, street, or road right-of-way

CPUC. The California Public Utilities Commission established in the California Constitution, Article XII, Section 5, or its duly appointed successor agency.

Crematory. A place with a building or structure containing a furnace used for the reduction of human remains by way of incineration.

Cultivation. The planting, raising, and harvesting of tree, vine, field, forage, and other plant crops grown to provide food or fibers. This excludes the cultivation of cannabis and wholesale or retail nurseries.

Cultural Facility. A facility engaged in activities to serve and promote cultural educational interest in the community that are open to the public on a regular basis. This use classification includes libraries, museums, art galleries, performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; historical and archaeological sites; aquariums; and zoos and botanical gardens. It does not include schools or institutions of higher education providing curricula of a general nature.

Days. Calendar days unless this Zoning Code or State law specifies otherwise.

Deck. A platform, either freestanding or attached to a building that is supported by pillars or posts. See also "Balcony".

Deemed Approved Use. A business or entity that uses a building, structure, or site, or portion of such, for the sale of alcoholic beverages, tobacco or tobacco related products, that was lawfully established and maintained (not terminated for a period of twelve continuous months), but no longer conforms to the relevant provisions of the Zoning Code. A "deemed approved use" is not a "nonconforming use."

Density Bonus Below Market Rate (Bmr) Unit. A dwelling unit that is not a below market rate unit that is required by **Chapter 16.214.05**; is offered at an affordable rent or affordable ownership cost to moderate-, low- or very low-income households.

Density Bonus Housing Agreement. An agreement between the City and a developer setting forth the terms and conditions of the award of a density bonus, and which the City Council finds is required to make an affordable housing project economically feasible (California Code Section 65915(h)).

Density Bonus. An increase in density over the otherwise maximum allowable residential density under the applicable zoning district and land-use element of the General Plan as of the date of application by the developer to the City (California Code 65915(f)) as it may be amended).

Density, Residential. The computation expressing number of dwelling units per acre.

Designated Ridgeline Area. A visible or prominent area along the highest points of a ridge that the City has designated on a map and which is subject to restrictions as to its density of development.

Development Standard. A site or construction condition that applies to a residential development pursuant to any ordinance, General Plan element, specific plan, or other local condition, law, policy, resolution, or regulation. A "site and construction condition" is a development regulation or law that specifies the physical development of a site and buildings on the site in a residential development.

Development. The placement or erection of any solid material or structure on land, in, or under water; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, without limitation, subdivision pursuant to the California Government Code, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreation use; and change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation.

Discretionary Decision. An action requiring the exercise of judgment that is based on a subjective determination of compliance with qualitative standards or criteria. Discretionary permits include, but are not limited to, Minor and Major Use Permits, Variances, Development Review, adoption and amendment of Specific Plans, and Zoning Code and Map amendments. The Planning Commission, Director, other designated Planning official, or other Review Authority may approve, deny, or approve with conditions discretionary permits. Discretionary decisions require public notice and a hearing and are subject to appeal and to environmental review under the California Environmental Quality Act.

Distance, Radius. The radius around a subject property line to another property line in any direction.

Distillery. A facility authorized to produce, bottle, rectify, process, and store distilled spirits or alcohol (i.e. vodka or grain spirits), including, but not limited to whiskey, gin, brandy, blended applejack, rum, tequila, cordials and liqueurs.

District/Citywide Park. These facilities afford contact with the natural and/or historic environment and possess a unique character or function not found in neighborhood or community parks. Improvements may include a variety of special use facilities such as swimming, boating, fishing, golf, hiking, interpretive facilities, scenic overlooks, picnic areas, and other similar facilities meant to serve citizens citywide.

Dooryard. The yard adjacent to the front entry door of a house or onto which the front door opens.

Dormer. A roofed structure, typically containing a window that projects vertically beyond the plane of a pitched roof.

Drive-In and Drive-Through Facilities. Facilities designed to enable persons to receive a service or purchase or consume goods while remaining within a motor vehicle, typically associated with banks, eating and drinking establishments, pharmacies, and other commercial uses.

Duplex (or Duet). A single building that contains two dwelling units or two single unit dwellings on a single lot. This use is distinguished from an Accessory Dwelling Unit.

Dwelling Unit. One or more habitable rooms, which are occupied, or which are intended or designed to be occupied by one family with facilities for living, that includes room areas for sleeping, bathing, cooking and eating.

Easement. A grant to the use of land by a property owner to a public agency, corporation, or a private entity or person for specific purposes such as access, construction of utilities, drainage or other specified activity.

Eating And Drinking Establishment. A business primarily engaged in the selling and serving of prepared food and beverages for consumption on or off premises. Typical uses include restaurants, bars, brewpubs and tasting rooms, but does not include adult uses as defined and regulated by this Code.

Eave. The projecting lower edges of a roof overhanging the wall of a building.

Effective Date. The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Efficiency Unit. A dwelling unit having a living area of not less than 150 square feet of total floor area and an additional space for a separate bathroom containing a water closet, lavatory, and bathtub or shower. The unit shall be provided with a separate closet, a kitchen sink, cooking appliance and refrigeration facilities, each having a clear work area of not less than thirty inches in front. Light and ventilation must conform to the Building Code.

Electronic Game Center. Establishment that provides more than four (4) amusement devices, whether or not the devices constitute the primary use or an accessory or incidental use of the premises. Amusement devices mean an electronic or mechanical equipment, game, or machine that is played or used for amusement, which, when played or used involves skill, and which is activated by coin, key, or token.

Eligible Facilities Request. As defined by Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, codified in 47 USC Section 1455(a), and defined by the FCC in 47 CFR Section 1.40001(b)(3), as may be amended, which defines that term as any request for modification of an existing tower or base station that does not substantially change its physical dimensions and involves a: (1) collocation of new transmission equipment; (2) removal of transmission equipment; or (3) replacement of transmission equipment.

Eligible Support Structure. As defined by the FCC in 47 CFR Section 1.40001(b)(4), as may be amended, which provides that a constructed tower or base station is existing for purposes of the FCC's Section 6409(a) (Eligible Facilities) regulations if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process; provided, that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, exists by this definition.

Emergency Shelters. A temporary, short-term residence providing housing with minimal supportive services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided. This does not include Transitional housing or Supportive housing.

Employee. Any person hired by an employer, including any part-time employee, temporary employee hired through an agency; or any independent contractor, partner, or joint venture participant; and who normally works at least 12 consecutive weeks per year.

Employer. Any public, private, or nonprofit employer, which has a permanent worksite in the City of Vallejo. Several subsidiaries or units that occupy the same work site and report to one common governing board or governing entity or that function as one corporate unit are considered to be one employer. "Employer" shall not include contractors with no permanent place of business in the City and other businesses with no permanent worksite location in the City.

Entertainment Assembly. The temporary gathering of people for commercial entertainment such as a circus, carnival, festival, car show, or trade show, that is open to the general public. This does not include neighborhood gatherings, community-oriented functions, or private parties or gatherings.

Entertainment Facility, Large-Scale (Outdoor). A large outdoor facility typically greater than 25 acres such as amusement and theme park, amusement arcades, sports stadium and arena, racetrack, amphitheater, drive-in theater, miniature golf courses, driving range, golf courses, and and riding stables.

Entertainment Facility, Large-Scale (Indoor). It also includes indoor facilities with more than 25,000 square feet in building area such as fitness centers, gymnasiums, handball, racquetball, or large tennis club facilities, ice- or roller-skating rink; swimming or wave pools, bowling alley; and archery or indoor shooting ranges.

Entertainment Facility, Small-Scale. Small, generally indoor facilities that occupy less than 25,000 square feet of building area, such as card rooms, electronic game centers, health clubs, yoga studios, music studios, dance halls, small tennis club facilities, poolrooms, and amusement arcades.

Environmental Impact Report (EIR). A detailed document providing information about the effect a proposed project is likely to have on the environment, listing ways in which the significant effects of the project might be minimized, and identifying alternatives to the project.

Environmental Initial Study. A preliminary analysis prepared to determine if a project may have significant effects on the environment and whether they can be reduced or avoided.

Environmental Review. An evaluation process conducted pursuant to the California Environmental Quality Act to determine whether a proposed project may have a significant impact on the environment.

Equipment Rental. Establishment engaged in rental of equipment, such as medical devices and party equipment to individuals and businesses, and whose activities may include storage and delivery of items to customers. This use type does not include the rental of machines or vehicles.

Equipment Within Buildings. Indoor facilities containing primarily communication equipment and storage devices such as computer servers.

Erect. To build, construct, attach, hang, place, suspend or affix to or upon any surface. Such term shall also include the painting of wall signs.

Existing Building. The continuing but temporary use of an existing, lawfully established building during construction of a new building on the same building site.

Existing Grade. On vacant parcels before any land development activities are undertaken, the elevation of the ground at any point on a lot as shown on the required survey submitted with an application for a building permit or grading permit. Existing grade also may be referred to as natural grade.

Exotic Animal. A rare or unusual animal or pet that is generally considered to be a wild species including, but not limited to, snakes, hedgehogs, tigers, bears, and monkeys.

Extended Care. An establishment providing care on a 24-hour basis for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services.

Family (Household). One or more persons living together as a single household in a dwelling unit with access to and common use of all living and eating areas and facilities for preparation and storage of food.

Family Day Care. A home at which the resident of the home provides regular nonmedical care, protection, and supervision of up to fourteen (14) children for periods of less than 24-hours per day while the parents or authorized representatives are away. The provider shall be licensed per the California Health and Safety Code unless specifically exempted therein.

Family Day Care Home, Large. A family day care home that provides family day care for up to fourteen (14) children, including children who reside at the home pursuant to California Health and Safety Code Section 1597, as may be amended.

Family Day Care Home, Small. A family day care home that provides family day care for up to eight (8), including children who reside at the home, pursuant to Health and Safety Code Section 1597, as may be amended.

Farm Stand. A stand located on an active farm that sells processed agricultural products, such as jams, preserves, pickles, juices, cured olives, and other "value-added" products made with ingredients produced on or near the farm. These are accessory to on-site agricultural operations in order to promote the sale of locally grown fresh produce.

Farmers' Market. An outdoor market certified for direct retail sales by farms to the public by the State or County Agricultural Commission under California Code of Regulations Title 3, Chapter 3, Article 6.5. Additional activities including, but not limited to, retail sales of other food products, mobile food vendors, performance artists, etc. which may occur at the same location subject to approval by the market operator.

Farmworker Dwelling Unit. A single-unit residential structure providing accommodations for six (6) or fewer farmworkers at any one time.

Farmworker Housing Complex. Farm employee housing other than a farmworker dwelling unit that is licensed by the State and contains a maximum of 36 beds if the housing consists of any group living quarters, such as a barrack or a bunkhouse, or contains a maximum of 12 residential units. A farmworker housing complex is occupied exclusively by farmworkers and their households.

Farmworker Housing. A housing accommodation developed for and/or provided to farmworkers including any living quarters, dwelling, boarding house, tent, barracks, bunkhouse, maintenance-of-way car, mobile home, manufactured home, recreational vehicle, travel trailer, or other housing accommodation maintained in one or more buildings and on one or more sites.

Façade. The building front surface or face. Typically, a single-building side or elevation.

FCC Shot Clock. The reasonable time frame within which the City generally must act on a given wireless telecommunications application, as defined by the FCC and as may be amended.

FCC. The Federal Communications Commission or a duly appointed successor agency.

Feasible. Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and other relevant factors.

Fence. A horizontal or vertical barrier that functions as a means of protection or confinement or obscures sight to provide privacy, including a wall, hedge, or structure made of metal, wood or similar material.

Fenestration. The arrangement, proportioning, and design of windows and doors on each building elevation or side.

Financial, Insurance And Real Estate Services. The finance, insurance and real estate services use type refers to establishments primarily engaged in the provision of financial, insurance, real estate or securities brokerage services. These include investment banks, insurance agencies or real estate firms, but not on-site circulation of cash.

Findings. A statement explaining the reasoning supporting a discretionary decision based on information in the record before the decision-maker. Findings are required for zoning and planning decisions such as approval, approval with conditions, or denial of a Major or Minor Use Permit or Variance, environmental document, and other planning and zoning land use decisions.

Finished Grade. The average elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five (5) feet from the building, between the building and a line five (5) feet from the building. Also called Grade plane.

Firearms Sales. The retail sale of firearms or ammunition by a firearms dealer, whether it is the principal sales item or incidental to the overall sales. This use includes firearms dealers that transfer and lease any firearms.

Flag Lot. A lot whose sole access from a public street frontage is either over a private access driveway owned and maintained by the owner of said lot or over a private access easement. The shape of the lot resembles a flag with the driveway as the "flag pole" or stem. Other terms for flag lots are "dog-leg" or "pot handle" lots.

Floor Area. The total horizontal enclosed area of all the floors below the roof and within the outer surface of the walls of a building or structure, including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building unless otherwise stipulated.

Floor. See "Story".

Food And Beverage Retail Sales. Retail sales of food and beverages retail for consumption off-premises. Typical uses include groceries, produce stores, liquor stores delicatessens, bakeries, and other specialty food stores.

Food Vending. The sale of ready-to-eat food or drink for immediate consumption by a vendor typically from a portable food booth, food cart, or food truck located in a street or other public place under public or private ownership.

Freeway. A public right-of-way which is declared to be in compliance with the California Streets and Highways Code as it may be amended, and to which the owners of abutting lands have limited or restricted right of easement of access,.

Freight/Truck Terminal And Warehouse. Facilities for freight, courier, and postal services by truck or rail. This classification does not include local messenger and local delivery services (see Light Fleet-Based Services).

Front Lot Line, Corner Lot. The narrowest lot line abutting a public or private street or lane.

Front Lot Line. On an interior lot, that portion abutting a public or private street. On a flag or panhandle lot, the interior lot line most parallel to and nearest the street or lane from which access is obtained.

Front Yard. A yard extending across the front of a lot for the full width of the lot between the side lot lines. The depth of a front yard is a distance specified for the zoning district in which it is located and measured inward from the front lot line.

Frontage, Street. That portion of a lot or parcel of land that borders a public street.

Funeral/Interment Service. An establishment providing services involving the care, preparation, or disposition of human remains for burial including arranging and managing funerals but not including cemeteries, crematories, columbariums, or religious assembly uses, which are separately regulated.

Garage. A building or portion of a building, either private or public, in which motor and other vehicles are stored or kept.

General Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, day/health spas (massage service as accessory), nail salons, tanning salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, photography studios, and travel agencies mainly intended for the consumer. This classification also includes massage establishments that are in full compliance with the applicable provisions of the Vallejo Vallejo Municipal Code, and in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612, but excludes gyms, exercise clubs, or studios offering performing arts, martial arts, physical exercise, or yoga training and similar types of instruction. (See "Personal Services, Physical Training")

General Retail. The retail sale or rental of merchandise not specifically listed under another use classification. This classification includes retail establishments with 75,000 square feet or less of sales area; including department stores, clothing stores, furniture stores, pet supply stores, small hardware stores (with 10,000 square feet or less of floor area), and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies and services (including portraiture and retail photo processing), medical supplies and equipment, pharmacies, electronic equipment, sporting goods, kitchen utensils, hardware, appliances, antiques, art galleries, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, video rental, and new automotive parts and accessories (excluding vehicle service and installation).

Glare. The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, such as to cause annoyance, discomfort, or loss of visual performance and ability.

Government Office. Administrative, clerical, or public contact offices of a government agency, including postal facilities and courts, together with incidental storage and maintenance of vehicles. This classification excludes public safety facilities, corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment (see Utilities, Major).

Grade. The location of the ground surface.

Grocery Store/Supermarket. The retail sale of food and beverages for off-site preparation or consumption. This use may also include bakeries and the provision of other services (e.g., banks, copy services, dry cleaners, film processing, food take-outs, pharmacies, florists, etc.) on the premises. The use includes produce market where a majority of the floor area is used for selling fresh fruits and vegetables, fresh and frozen meats, fish, and poultry as well as other items intended for home preparation and consumption.

Grooming and Pet Store. Retail sales and services of dogs, cats, birds, and similar small animals, including grooming, on a commercial basis. Typical uses include dog bathing and clipping salons, pet grooming shops, sales of pet supplies and equipment, and boarding of domestic animals for a maximum period of 48 hours completely within a structure. This classification excludes dog walking and similar pet care services not performed at a fixed location.

Group Residential. Shared living quarters with or without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. This classification includes clean and sober facilities, rooming and boarding houses, dormitories, fraternities, convents, monasteries, and other types of organizational housing, farmworker housing, and private residential clubs but excludes Residential Care facilities licensed by the State Department of Social Services and hotel and motel establishments intended for transient occupancy, both of which types are classified separately.

Guest House. An attached or detached habitable structure with only sleeping, living, and bathroom provisions, which does not have an indoor kitchen or cooking facilities, is occupied on a temporary basis by guests of the residents who live on the premises, and which is not rented to paying guests.

Habitable Space. A conditioned living space within a building or structure that is designed to be or can be used for habitation including, but not limited to rooms or spaces intended for living, sleeping, eating, or cooking, including living rooms, dining rooms, bedrooms, kitchens, dens, family rooms, recreation rooms, and enclosed porches suitable for year-round use. "Habitable space" also includes any space, which has finished walls (sheetrock or plaster) and/or is heated with any fixed furnace or central heating system, including bathrooms, halls, garages and laundry rooms and storage areas with over seven (7) feet of vertical space. Specifically excluded are balconies, open porches, mechanical equipment rooms, and unfinished attics, basements, and other unfinished spaces that have less than seven (7) feet of height.

Hardscape. Landscaping elements such as stone, concrete or tiled paving, fountains, benches, fences, arbors, gazebos and similar durable features.

Heavy Automobile Repair. Service and repair of automobiles, trucks, motorcycles, including incidental sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, transmission repair, wheel and brake shops, vehicle painting, tire sales and installation, and installation of car alarms, vehicle radios, and navigation systems, but excludes vehicle dismantling or salvaging and tire retreading or recapping.

Home-Based Business. Any activity of a nonresidential nature carried on within a living unit, garage or accessory structure, by an occupant of the living unit and which is clearly incidental and secondary to the residential use of the living unit. A home- based business may include, but is not limited to, the handicraft manufacture of products, the conduct of an art or profession, the offering of a service, home office, or the conduct of a business. Also called home occupation.

Horse Stables. Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables with indoor or outdoor rings, a dressing room, a harness room, a staff area, watering place, and a room for animal care services.

Hospice, General. A facility that provides residential living quarters for more than six terminally ill persons.

Hospice, Limited. A facility that provides residential living quarters for up to six (6) terminally ill persons.

Hospital. A facility providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis. This use includes facilities for outpatient treatment, as well as training, research, and administrative services for patients and employees. It may include a facility that provides continuous skilled nursing care and supportive care to patients whose primary need is for skilled nursing care on an extended basis.

Hospitals and Clinics. State-licensed public, private, and non-profit facilities providing medical, surgical, mental health, or emergency medical services. This classification includes facilities for inpatient or outpatient treatment, including substance-abuse programs, as well as training, research, and administrative services for patients and employees. This classifications excludes veterinaries and animal hospitals.

Household. See "Family."

Incentive. A regulatory or financial concession, grant, refund, or waiver which may reduce or avoids project costs or increase project feasibility which may be awarded through the Density Bonus application process.

Incidental Use. A use of a lot and/or building that is secondary to the primary or principal use of the property and is not customarily associated with such use but which could be independent of the primary use.

Industrial Land Use Districts. Any property within the City that is designated "Limited Industrial" and "Industrial"" on the General Plan land use map.

Industry, General. The manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of materials and products, primarily from extracted or raw materials, or bulk storage and handling of the products and materials; and involve an incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel. These include auto dismantling within an enclosed building; biomass energy conversion; food processing and packaging, laundry and dry-cleaning plants greater than 5,000 square feet in size, production apparel manufacturing; photographic processing plants; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; primary metal manufacturing; fabricated metal product manufacturing; and automotive and heavy equipment manufacturing, concrete products manufacture (excluding concrete ready-mix plants), small animal production and processing within an enclosed building, and power generation.

Industry, Limited. The manufacturing of finished parts or products primarily from previously prepared materials; and provision of industrial services within an enclosed building, such as: processing, fabrication of products from components that may be manufactured elsewhere, assembly and treatment, commercial laundries and dry-cleaning plants with 5,000 square feet of less; monument works; printing, engraving, and publishing; sign painting shops; machine and electrical shops; computer and electronic product manufacturing; furniture and related product manufacturing; and industrial services. It also includes the preparation, manufacturing, and/or packaging of food for off-site consumption. It excludes basic industrial processing from raw materials, food processing, and vehicle/equipment services and commercial bakeries that provide seating for on-site consumption, which are classified as take-out restaurants.

Infrastructure Improvement. Projects constructed, financed, installed, or agreed to installed by a property owner, subdivider, public agency, private utility, any other entity approved by the City, or a combination thereof including, street work and utilities on land to be used for public or private streets, highways, ways and easements, as are necessary for the general use of the lot owners and to meet local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map; and any other specific infrastructure, such as streets and sidewalks, trails, drainage, utilities, or other types of physical improvements, the installation of which is necessary to ensure consistency with or implementation of the General Plan or any applicable specific plan.

Interior Lot. A lot bounded on one side by a street line and on all other sides by lot lines between adjacent lots, or that is bounded by more than one street.

Interior Side Yard. A yard extending along an interior side of a lot from the front lot line to the rear lot line, and to a depth specified for the zoning district in which it is located and measured inward from the interior side lot line.

Junkyard. Any yard, plot, space, enclosure, building, or other place where discarded items are collected, stored, gathered or kept.

Kennel. A commercial, non-profit, or government facility for keeping, boarding, training, breeding or maintaining four (4) or more dogs, cats, or other household pets not owned by the kennel owner or operator on a 24-hour basis. This classification includes animal shelters and pet hospitals that provide boarding for animals not receiving services on the site but excludes boarding for periods of 48 hours or less.

Key Lot. An interior lot, the front of which adjoins the side property line of a corner lot.

Kitchen. A room that is primarily used for cooking and preparation of food that contains a kitchen sink, stove, and cooking equipment. (See CA Building Code)

Laboratory. An establishment providing dental or medical laboratory services; or an establishment providing analytical, photographic, testing services, or similar uses.

Land Use. The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained, including residential, commercial, industrial, etc.

Large Format Retail. Retail establishments with more than 75,000 square feet of sales area that sell merchandise and bulk goods for individual consumption, of which more than 10,000 square feet is used for the sale of non-taxable merchandise, including, but not limited to, food and beverage retail sales. This includes membership warehouse clubs and similar retail establishments known as "superstores".

Legally Established or Constructed. Physical improvements in accordance with all applicable municipal, state, and federal codes.

Legislative Decision. An action by the City Council approving a Plan, Ordinance, or other set of guidelines, policies, standards, or other rules for the use or development of land and property subject to the City of Vallejo's jurisdiction.

Light Fleet-Based Service. Passenger transportation services, local delivery services, medical transport, and other businesses that rely on fleets of three or more vehicles with rated capacities less than 10,000 lbs. This classification includes parking, dispatching, and offices for taxicab and limousine operations, ambulance services, non-emergency medical transport, local messenger and document delivery services, home cleaning services,and similar businesses. This classification does not include towing operations (see Automobile/Vehicle Sales and Service, Towing and Impound) or taxi or delivery services with two or fewer fleet vehicles on-site.

Light Automobile Repair. The service and repair of automobiles, light-duty trucks, and motorcycles, including the incidental sale, installation, and servicing of related equipment and parts. This classification includes the replacement of small automotive parts and liquids as an accessory use to a gasoline sales station or automotive accessories and supply store, as well as smog check quick-service oil, tune-up and brake and muffler shops where repairs are made, or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes disassembly, removal or replacement of major components such as engines, drive trains, transmissions or axles; automotive body and fender work, vehicle painting or other operations that generate excessive noise, objectionable odors or hazardous materials, and towing services. It also excludes repair of heavy trucks, limousines or construction vehicles.

Liquor Store. A retail establishment licensed by the State Department of Alcoholic Beverage Control to sell alcoholic beverages for off-site consumption.

Live Entertainment And Dancing. Any "public dance" and/or live musical performances where fixed seating or chairs are not provided for each patron or customer in attendance. A fee or cover charge may or may not be imposed. A "public dance" shall not include dancing at a banquet facility, where the rental of such hall is for a private function and not open to the general public. "Live entertainment" includes musical acts, karaoke, theatrical acts, stand-up comedy, magic acts, disc jockey, and similar activities.

Live Theater. Facility designed and used for live entertainment, including plays, comedies, and musicals, which typically contains a stage upon which movable scenery and theatrical appliances, or musical instruments and equipment are used.

Live/Work Unit. A unit that combines a workspace and incidental residential occupancy, in which the work component is the primary use and the residential component is secondary, occupied by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity. The "work" activity is conducted by a person or persons for whom the living space is their principal residence.

Living Accommodations. Shared living quarters with or without separate kitchen or bathroom facilities for each room or unit.

Living Room. The principal room in a dwelling unit designed for general living purposes rather than for sleeping.

Lodging. Any place of business that provides overnight accommodations for a fee, including but not limited to: hotels; motels; bed and breakfast inns; spas; dude ranches; golf resorts; youth hostels; farm stay; campgrounds; recreational vehicle parks; and rental properties such as condominiums, cabins, houses, and apartments.

Long-Term Parking. An area designed for employee or non-employee-related uses, such as overnight parking, or parking when a vehicle is not normally moved during the period of an employee's work shift, as opposed to customer or visitor parking.

Lot. A parcel or plot of land of record lawfully created and recorded in Solano County as required by State law and City ordinance and which is used or capable of being used under the regulations of the Zoning Code.

Lot Area. The area of a lot measured horizontally between bounding lot lines.

Lot Area, Net. The lot area minus any public rights-of-way, public easements, floodplains, environmentally sensitive areas, and areas with archaeological or cultural resources.

Lot Coverage. The portion of a lot that is covered by structures, including principal and accessory buildings, garages, carports, patios with covers that are 50 percent or less open to the sky, and roofed porches, but not including unenclosed and unroofed decks, landings, or balconies.

Lot Line. The boundary between a lot and other property or the public right-of-way. Legally established parcel lines.

Maintenance and Repair, Structure/ Building. The repair or replacement of nonbearing walls, fixtures, wiring, roof, or plumbing that restores the same character, scope, size, or design of a structure to its previously existing, authorized, and undamaged condition. This includes in-kind replacement or repair activities that do not involve a change to the architectural or historic value, style or general design of the building, structure, or object.

Maintenance Or Repair Services. An establishment providing appliance repair, office machine repair, or building maintenance services. This use does not include the maintenance and repair of vehicles (see Vehicle/Equipment Repair).

Major Transit Stop. A site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods as defined in California Public Resources Code Section 21064.3.

Major Automobile Sales and Leasing. Sales and leasing of vehicles with incidental maintenance or repair work, outdoor display or outdoor storage.

Manufactured Home. A dwelling unit having a permanent foundation system that is transported to the site and which was either constructed after September 15, 1971, and has an insignia of approval from the California Department of Housing and Community Development, or constructed after July 1, 1976, and has an insignia of approval from the U.S. Department of Housing and Urban Development, and which has not been altered in violation of applicable codes. This includes residential buildings, dwelling units, or building components either wholly or partially manufactured at an offsite location to be wholly or partially assembled on a legally-established building site in compliance with the California Factory-Built Housing Law (Health and Safety Code, Division 13, Part 6, Sections 19960 to 19997.) Not a mobile home.

Marijuana. See "Cannabis."

Marina. Facilities for the docking of boats and related accessory uses, including boat rentals, boat repairs, boat fueling facilities, harbormasters office, and other maritime uses.

Material, Adult Business. Adult businesses, shall mean and include, but not limited to, accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes or electronically generated images or devices including computer software, or any combination thereof.

Maximum Residential Density. The maximum number of dwelling units permitted in a residential development by this Zoning Code and by the land use element of the General Plan on the date that the application for the residential development is deemed complete, excluding any density bonus. If the maximum density allowed by this Title is inconsistent with the density allowed by the Land Use Element of the General Plan, the land use element density shall prevail.

Media Production. Establishments engaged in the production of movies, video, music and similar forms of intellectual property. Typical facilities include movie and sound recording studios and production facilities, distribution facilities, editing facilities, catering facilities, printing facilities, post-production facilities, set construction facilities, sound studios, special effects facilities and other entertainment-related production operations. This classification does not include facilities for live audiences (see Commercial Entertainment and Recreation) or transmission and receiving equipment for radio or television broadcasting (see Communication Facility).

Media Production Facility, Full-Service. Indoor and outdoor production facilities, distribution facilities, post-production facilities, set construction facilities, sound stages, special effects facilities, and other media-related production operations.

Media Production Support Facility. Administrative and technical production support facilities such as offices, editing and sound recording studios, film laboratories, and similar functions that occur entirely within a building.

Medical and Dental Offices. Offices providing consultation, diagnosis, therapeutic, preventive, or corrective personal treatment services by doctors and dentists; medical and dental laboratories that see patients; and similar practitioners of medical and healing arts for humans licensed for such practice by the State of California. Incidental medical and/or dental research within the office is considered part of the office use if it supports the on-site patient services. These offices include clinics.

Mezzanine. An intermediate floor within a building interior without complete enclosing interior walls or partitions that is not separated from the floor or level below by a wall and has a floor area that is no greater than one third of the total floor area of the floor below. Sometimes called a Loft.

Microenterprise Home Kitchen Operation. A type of Cottage food operation conducted by a resident in a private home where food is stored, handled, and prepared for, and may be served to, consumers on the day it is prepared. See "Cottage food operation".

Mini-Storage. A storage facility that is characterized by individual separate spaces which are accessible by customers for the storing and retrieval of personal effects, household goods, business supplies or products offered for off-site sales. In no case shall storage spaces be used for manufacturing, retail or wholesale selling, office or other business services, or human habitation on the premises. Also called self-service storage or personal storage facilities.

Ministerial Permit. Any permit that Staff approves or issues after determining that the use or proposed project conforms with all applicable objective standards and requirements. Ministerial approvals include, but are not limited to, such approvals as Home Based Business Permits, Accessory Dwelling Units located within an existing dwelling unit, and Temporary Use Permits. Ministerial permits are not discretionary and are not subject to environmental review under CEQA. The approval of a Ministerial permit is subject to appeal on the grounds that the determination of compliance was incorrect.

Minor Automobile Sales and Leasing. Sales and leasing within an enclosed structure without any incidental maintenance or repair work, outdoor display, or outdoor storage.

Mitigated Negative Declaration (MND). A declaration prepared for a project when the initial study has identified potentially significant effects on the environment but (1) the applicant has made or agreed to revisions that would reduce potentially significant impacts to less than significant levels before the initial study and negative declaration has been released for public review; and (1) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

Mixed-Use. Any development in a single building or multiple structures on the same lot that includes both residential and non-residential uses with at least two thirds of the floor area are designated for residential use.

Mobile Food Truck Off-Street. Commercial vending of food and beverages from vehicles parked off-street.

Mobile Food Vending. The sale of food from any motorized or trailer vehicle that is portable and not permanently attached to the ground from which food and beverages are sold, served free or sampled, displayed or offered for sale.

Mobile Home. A structure designed for human habitation and for being moved on a street or highway under permit pursuant to the California Vehicle and Health and Safety Codes. Mobile home does not include recreational vehicle, commercial coach, noncommercial coach or manufactured home. A mobile home may be designed to be used with or without a permanent foundation system.

Mobile Home Park. Any area or tract of land where two or more lots are used to accommodate mobile homes for human habitation in compliance with the California Health and Safety Code Section 18214, or any successor regulation. This use type includes facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile homes through a subdivision, cooperative, condominium, or other form of resident ownership.

Mobile Recycling Unit. An automobile truck, trailer or van, licensed by the California Department of Motor Vehicles, which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

Mobile Unit or Structure as Accessory Use. The temporary use of a mobile unit or structure as a caretaker's or manager's residence or as a residence during the construction of a new residential unit on the same parcel.

Mobile Unit or Structure Used for Industrial or Storage Purposes. Mobile unit or structure means any structure not permanently affixed to the ground with a foundation, as determined by the Chief Building Official. This includes, but is not limited to, any trailer, house car, or mobile home, whether or not wheels are attached, or cargo container.

Movie Theater. A facility that provides for indoor display of films and motion pictures.

Multi-Unit Residential. Three or more dwelling units within a single building or within two or more buildings on a site or lot(s), including a triplex or fourplex. These include garden apartments, senior housing developments, and multi-story apartment buildings. The classification is distinguished from Group Residential.

Negative Declaration. A written finding approved by the City Council or designated Staff with approval authority that a proposed project would have no effect on the environment and briefly stating the findings and reasons for that determination.

Neighborhood Park. Facilities typically less than seven (7) acres in size, which are designed primarily to provide facilities for preschool, and elementary age children. They may be combined with or be located adjacent to elementary school site and may include open, multiuse turfed playfields, play apparatus areas, park-like landscaped areas, multigame court areas, sanitation facilities and/or meeting facilities meant to serve nearby neighborhoods.

Nightclub. An establishment engaged primarily in offering entertainment to the general public, in the form of music for dancing or live or recorded performances. The establishment may or may not engage in the preparation and retail sale of alcoholic beverages for consumption on the premises.

Nonconforming Lot. A lot that was legally established in compliance with regulations applicable at the time but which does not conform with current standards for area, width, frontage or other such standards for the zoning district in which the lot is located because of annexation or amendments to this Zoning Code.

Nonconforming Sign. A sign that was legally created and erected in compliance with regulations applicable at the time but which does not conform to the current general regulations for signs and the sign regulations standards for the zoning district where the sign is located.

Nonconforming Structure. A structure that was legally constructed in compliance with regulations applicable at the time but which does not conform with current height, setback, coverage or other measurable standards for the zoning district in which the structure is located because of annexation or amendments to the Zoning Code.

Nonconforming Use. A use of a building, structure, or site, or portion thereof, or a building, structure or facility itself, which was legally established, and has been maintained, erected or altered in compliance with applicable regulations but which no longer conforms to the specific current regulations applicable to it. Provided however, that this term shall not apply to any use involving the sale of alcoholic beverages (See Deemed approved use). Nonconforming uses include, but are not limited to, uses that are no longer conforming because of annexation or amendments to this Zoning Code.

Nude Entertainment Business. Any amusement, performance, exhibition or diversion, which includes the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. This does not include incidental nudity in a theatre or film performance or exhibition.

Nursery and Garden Center. A retail establishment selling plants, seeds, shrubs, and various gardening equipment. Garden products such as trees, shrubs, plants, seeds, bulbs, and sod are predominantly grown elsewhere. All merchandise other than plants is kept within an enclosed structure or fully screened. Fertilizers of any type are stored and sold in package form only.

Nursing Facility, Nursing Home. A common name for an establishment licensed as a skilled nursing facility by the California State Department of Health Services providing 24-hour medical, convalescent or chronic care to individuals who, due to advanced age, chronic illness or infirmity, are unable to care for themselves, including without limitation rest homes and convalescent hospitals.

Occupancy. The purpose for which a building or portion of a building is used or intended to be used for. The term also includes the building or room housing such use. Change of occupancy is not intended to include change of tenants or owners, but of uses.

Off-Sale Beer And Wine. A store operating under a Type 20 license authorizing sale of beer and wine for consumption off the premises.

Off-Sale General. A store operating under a Type 21 license authorizing sale of distilled spirits, beer, wine, and other alcoholic beverages for consumption off the premises.

Off-Sale Liquor Establishment/ Liquor Store. Any establishment that requires a liquor license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages that will not be consumed on the property on which the alcohol is sold.

Offices. Offices of firms or organizations providing professional, executive, management, administrative or design services, such as accounting, architectural, computer software design, engineering, graphic design, interior design, investment, insurance, and legal offices, excluding banks and savings and loan associations with retail banking services (see Banks and Financial Institutions). This classification also includes offices where medical and dental services are provided by physicians, dentists, chiropractors, acupuncturists, optometrists, and similar medical professionals, including medical/ dental laboratories within medical office buildings but excluding clinics or independent research laboratory facilities (See Research and Development) and hospitals (see Hospitals and Clinics).

On-Sale Liquor Establishment. Any establishment that requires a liquor license from the California Department of Alcoholic Beverage Control to sell alcoholic beverages that will be consumed on the premises on the property on which the alcohol is sold.

On-Site Construction Yards. On-site contractors' construction yards, including temporary trailers and storage of equipment, in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction, whichever occurs first.

Opacity. The degree of being impervious or obscure to light and sight.

Open Space. Open areas hat provide visual relief from the urban landscape and provide opportunities for passive and active recreation.

Open Space, Common. Areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit. Common areas typically consist of landscaped areas, walks, patios, swimming pools, playgrounds, turf, or other such improvements as are appropriate to enhance the outdoor environment of the development.

Open Space, Private. Open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests. Private areas typically consist of courtyards, balconies, decks, patios, fenced yards, and other similar areas.

Open Space, Useable. Outdoor areas that provide for outdoor living and/ or recreation for the use of residents.

Overlay District. A zoning designation specifically delineated on the Zoning Map establishing land use requirements that govern in addition, or as an alternative, to the standards set forth in the underlying base district.

Owner. A person or persons holding single or unified beneficial title to the property, including but not limited to the settlor of a grantor trust, a general partner, firm or corporation.

Paddock. A small field or enclosure where horses or ponies are kept or exercised. See "Corral".

Parapet. A wall or railing that extends above the roofline and along all or a portion of its perimeter.

Parcel. See "Lot".

Park. Any publicly or privately-owned property which is designated "neighborhood park" or "community park" on the General Plan land use map or is used for open space and/ or recreational purposes, including activities by minors.

Park and Recreation Facilities, Public. Parks, playgrounds, recreation facilities, trails, wildlife preserves, and related open spaces, which are open to the general public. This classification also includes playing fields, courts, gymnasiums, swimming pools, picnic facilities, tennis courts, and golf courses, botanical gardens, as well as related food concessions or community centers within the facilities.

Parking Area. An area of a lot, structure, or any other area, including driveways, which is designed for and the primary purpose of which is to provide for the temporary storage of operable motor vehicles.

Parking Facilities. Surface lots and structures for the use of occupants, employees, or patrons on the subject site or offering parking to the public for a fee when such use is not incidental to another on-site activity.

Parking Facilities, Commercial. Surface lots and structures for the use of occupants, employees, patrons, or the general public for a fee when such use is not incidental to another on-site activity.

Parklet. A small public sidewalk extension including up to two parallel and four diagonal parking spaces that includes temporary furniture and other material such as tables, seating, shrubs, bicycle parking or other features approved by the City or permanent fixtures, available for use by the general public, and maintained by the owner of the adjacent business.

Passenger Station. Facilities for passenger transportation operations. This classification includes rail, bus and ferry stations and terminals but does not include terminals serving airports or heliports. Typical uses include ticket purchasing and waiting areas out of the public right-of-way, restrooms, and accessory uses such as cafés.

Patio. A leveled, surfaced area usually adjacent to a principal building that may be covered with a solid or open roof structure, which may be attached to the building or another structure. Patio does not include any area used for vehicle parking, storage rooms, or as a habitable room.

Pawnshop. An establishment engaged in the buying, selling, trading, accepting for consignment, accepting for auctioning, or auctioning of new or secondhand merchandise and offering loans in exchange for or secured by personal property.

Pedestrian Friendly. An area where the design and use of buildings and streets is regulated to attract and accommodate pedestrians by incorporating features such as a variety of ground floor uses providing retail goods and services visible to pedestrians through transparent windows and doors, landscaping along sidewalks, buffers separating pedestrians from vehicle traffic, street furniture, narrow vehicle thoroughfares with pedestrian crossings that slow motorists, and an absence or limited number of driveways crossing the sidewalk. The term pedestrian-oriented is also used to describe areas with such features.

Pedestrian Way. A right-of-way designed for use by pedestrians and bicyclists that is not designed for or used by automotive vehicles and is not located within a street right-of-way.

Personal Services and General Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber shops and beauty salons, day/health spas (massage service as accessory), nail salons, tanning salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, photocopying and photo finishing services, photography studios, and travel agencies mainly intended for the consumer. This also includes tattoo or body modification parlors.

Personal Services, Massage Service. Any premises, place of business or membership club where the primary use is providing or giving for a fee or other form of consideration a massage, bath, manipulation of the body, electric or magnetic treatment, alcohol rub or other similar massage service or procedure. A use where accessory massage occurs i.e., chair massage services in a supermarket, massage services in the courtyard of an outdoor or indoor shopping center) shall not be classified as a massage establishment.

Personal Services, Massage Therapy. Massage operations in conjunction with and on the same premises and when accessory to a physician, surgeon, chiropractor, osteopath, nurse or any physical therapist who are duly State-licensed to practice their respective professions in the State of California, trainers of athletes, and State-licensed barbers, beauticians, manicurists, cosmetologists, and estheticians while engaging in practices as part their license.

Personal Services, Physical Training. Gyms, exercise clubs, or studios offering martial arts, physical exercise, yoga training and similar types of instruction to classes and groups of more than five persons.

Personal Wireless Services. As defined in 47 USC Section 332(c) (7)(C)(i), as may be amended, which defines the term as commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.

Personal Wireless Service Facilities. As defined in 47 USC Section 332(c)(7)(C)(ii), as may be amended, which defines the term as facilities that provide personal wireless services.

Persons With Disabilities. Persons who have a medical, physical, or mental condition, disorder or disability as defined in the California Government Code or the Americans With Disabilities Act, that limits one or more major life activities.

Pet Clinic/Hospital. Establishments where small animals receive medical and surgical treatment. This classification only includes facilities that are enclosed, soundproofed, and air-conditioned. Grooming and temporary boarding of domestic animals is included if incidental to the hospital use.

Pet Day Care Service. A commercial, non-profit, or governmental facility for keeping four (4) or more dogs, cats, or other household pets not owned by the kennel owner or operator primarily for periods of less than 24 hours.

Planting Strip. The area between the curb, or in the case where there is no curb the edge of the roadway, and the abutting property line, that is not improved by surfacing intended for the use of pedestrians, is designed to separate the sidewalk from the roadway or to prevent access to abutting properties and is intended to be planted with trees or otherwise landscaped.

Playground. An improved outdoor area publicly or privately owned, designed, equipped and set aside for children's play that is not intended for use as an athletic playing field or athletic court. This definition includes a restaurant operating a playground open to the public.

Porch. A roofed open area that provides access to a doorway and typically extends from the exterior wall of the structure and requires ground supports.

Pre-existing. In existence before the effective date of the ordinance updating this Zoning Code and any subsequent amendments thereto.

Predominant, Predominantly. A feature or element that is primary, prevalent, more important or noticeable than any other; typically, but not necessarily, the largest or biggest.

Premises. An area of land with its structures that, because of its unity of use, is regarded as the smallest conveyable unit.

Primary Unit. The larger of two dwelling units on a property with an Accessory Dwelling Unit (ADU).

Primary Use. A primary, principal or dominant use established, or proposed to be established, on a lot and occupies at least 70 percent of the gross floor area of the tenant space or building.

Principal Residence. The dwelling unit in which a person lives the majority of the time or which is considered his/her primary residence as determined by factors that may include but are not limited to the address used on voting registration, driver's license, income tax forms, and passport.

Private Facilities. Facilities operated by an organization and open only to bona fide members of such organization.

Produce Store. A retail food store where a majority of the floor area is used for selling fresh fruits and vegetables, fresh and frozen meats, fish, and poultry as well as other items intended for home preparation and consumption.

Project. Any proposal for a new or changed use or for new construction, alteration, or enlargement of any structure or use, that is subject to the provisions of this Zoning Code. This term includes, but is not limited to, any action that qualifies as a "project" as defined by the California Environmental Quality Act.

Public Facility. A facility operated by a public or quasi-public agency or organization that are open to the general public. An admission fee may be required, and hours of operation limited.

Public Hearing. A meeting noticed as required by the Zoning Code in which testimony and arguments are presented publicly before any of the hearing bodies established by this Code including commissions, boards, city council, or staff approval authority.

Public Market. Indoor and or outdoor retail year round use with multiple food vendors that are owner-operated shops, stalls, and/or day-tables. The market may include a food hall with independent purveyors with common seating area. The public market may sell in season, fresh and farm products, artisan, crafts, limited production products. The public market may be owned and operated by public or non-profit entities. May include a farmer's market and chain stores and franchises, which are an accessory to independent purveyors.

Public Right-Of-Way. A street, including adjacent sidewalks, providing the principal means of access to abutting property and dedicated to, or maintained by, the city; or a street providing the principal means of access to abutting property and with right-of-way or easement, and paved and otherwise improved to meet city standards or planned to be improved to City standards.

Public Safety Facility. A facility for public safety and emergency services, including police and fire protection, with incidental storage, training and maintenance facilities. This use includes facilities used by the National Guard or the Military Reserve.

Public Services. Includes, but is not limited to, water, sewer, gas, cable television, communications and electric power distribution lines.

Quick-Service Restaurant (QSR). An establishment serving food and beverages prepared on-site where customers may order full meals from a walk-up counter or drive-through facility for either on- or off-site consumption. Generally referred to as fast-food restaurant.

Real Estate Office Within a Subdivision. A temporary real estate office and other permitted uses for the first sale of dwellings and lots within a recorded subdivision.

Rear Lot Line. The lot line that is opposite and most distant from the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Rear Yard. A yard extending across the rear of a lot for its full width between side lot lines, and to a depth specified for the zoning district in which it is located. If a lot has no rear lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, will be deemed the rear lot line for the purpose of establishing the minimum rear yard.

Reasonable Accommodation. Any deviation requested and/or granted from the strict application of the City's zoning and land use laws, rules, policies, practices and/ or procedures under provisions of federal or California law to make housing or other facilities readily accessible to and usable by persons with disabilities and thus enjoy equal employment or housing opportunities or other benefits guaranteed by law.

Reclassification Of Land. An amendment to the Zoning Map, which amendment changes the classification of any property from one zoning district to another zoning district provided for in the Zoning Code.

Recreation Facilities. Indoor or outdoor establishments or places where participants can engage in sports, have contact with the natural or historical environment, obtain visual relief from developed areas, or partake of or other activities for exercise and/or enjoyment. Spectators are incidental an on a recurring basis.

Recreational Vehicles. A vehicle which is built on a single chassis or capable of being placed in or on a vehicle; designed to be self-propelled or towable by a light duty truck; and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use. The basic entities are travel trailer, camping trailer, truck or van camper, tent trailer and motor home, or trailer-borne recreation equipment with or without motive power, for recreational, travel or emergency purposes as defined in Sections 18009 and 18010 of the California Health and Safety Code.

Recreational Vehicle Sales. An establishment that sells, rents and/ or leases motor homes, trailers, and boats, including incidental storage, installation of accessories and maintenance. This includes facilities that repair or service recreational vehicles.

Recreational Vehicle Storage. On- site parking of recreational vehicle(s) on a parking space approved for a recreational vehicle and that is separate from the required off-street parking provided.

Recreational Vehicle Storage, Private. Recreational vehicle storage that is owned and operated by an individual homeowner or homeowners' association and used exclusively by the homeowner or members of that association.

Recreational Vehicle Storage, Public. Recreational vehicle storage that is provided for use by the general public.

Recyclable Material. Reusable material including but not limited to metals, glass, plastic and paper, which are intended for reuse, re-manufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous materials. Recyclable material may include used motor oil collected and transported in accordance with the California Health and Safety Code.

Recycling Facilities. A collection facility for recycling materials including glass, metal, paper products and other materials as may be determined by the Director. This use includes donation collection facilities, mobile recycling units, reverse vending machines and small and large collection facilities.

Recycling Facility, Large. A recycling facility over 700 square feet for the drop-off or deposit of recyclable materials. These uses may be indoor or outdoor and may include mobile recycling units, storage bins, and required enclosures and reverse vending machines collectively over 700 square feet.

Recycling Facility, Small. A recycling facility of 700 square feet or less for the deposit or drop-off of CRV recyclable materials. These uses may be indoor or outdoor and include mobile recycling units, storage bins, and required enclosures and reverse vending machines.

Review Authority. The decision-making body or official responsible for approving, approving with conditions, or denying an application, including decisions on appeals. For example, the Planning Commission is the Review Authority over an application for a Major Use Permit, the Planning and Development Services Director is the Review Authority over an application for a Minor Use Permit.

Religious Institution. A facility used primarily for religious assembly or worship and related religious activities and having a conditional use permit if required by the review authority.

Remodel. See "Alteration, major and minor".

Research And Development. A facility for scientific research and the design development, and testing of and testing of electrical, electronic, magnetic, optical, pharmaceutical, chemical, technology components and products, and other similar uses in advance of product manufacturing. This classification includes assembly of related products from parts produced off-site where the manufacturing activity is secondary to the research and development activities. It may also include offices as a secondary use. Typical uses include electronics research laboratories, space research and development firms, and pharmaceutical research labs but excludes medical testing, analysis, and product testing.

Residential Care Facility. A type of Care facility that is State-licensed and provides permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes facilities that are operated for profit or not-for-profit institutions including group homes for minors, persons with disabilities, people in recovery from alcohol or drug addictions, and hospice facilities.

Residential Care, General. State licensed facility, family home, group care facility, or similar facility that is maintained and operated to provide 24-hour nonmedical residential care for seven (7)or more adults, children, or adults and children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual. This use includes the administration of limited medical assistance.

Residential Care, Limited. State licensed facility, family home, group care facility, or similar facility that is maintained and operated to provide 24-hour nonmedical residential care for six (6) or fewer adults, children, or adults and children as-in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or the protection of the individual and which is required by State law to be treated as a single housekeeping unit for zoning purposes. This use includes the administration of limited medical assistance.

Residential Care, Senior. As defined by California Health and Safety Code Section 1569.2, as it may be amended, as a housing arrangement chosen voluntarily by persons sixty (60) years of age or over (or their authorized representative) where varying levels and intensities of care and supervision, protective supervision, or personal care are provided based on their varying needs. .

Residential Land Use Districts. Any property within the City which is designated "Primarily Single-Family", "Mix of Housing Types/Medium Density" and "Primarily Multi-Family" on the General Plan land use map.

Residential Use In Property Zoned Planned Development (PD). A Planned Development which contains residential units an any property within the PD zoning district as set forth on the Zoning Map, as it may be amended from time to time. For purposes of applying distance locational limitations in this Code, only the portion of the area zoned PD actually containing residential units shall be considered the residential land use designation.

Restaurant with Drive-Through. Establishment where food or coffee-type beverages are purchased by motorists who remain in their vehicles during the sales transaction including drive-up service.

Restaurant, Full Service. Restaurant providing food and beverage services to patrons who order and are served while seated and pay after eating. Take-out service may also be provided. Full-service restaurant includes eating places authorized to sell beer, wine, and distilled spirits for consumption on-site under Type 47 Department of Alcoholic Beverage Control license and eating places that are authorized to sell beer and wine under a Type 41 License.

Restaurant, Limited Service. Establishment where food and beverages are consumed on the premises, taken out, or delivered, and where limited table service is provided. This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, quick service restaurants/fast-food establishments, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products.

Retail Sales. The purchase of finished goods and services by consumers and businesses.

Reversed Corner Lot. A corner lot, the rear of which abuts a key lot.

Reversed Frontage Lot. A double-frontage lot for which the boundary along one of the streets is established as the front lot line and the boundary along the other street is established as the rear lot line.

Ridesharing. Any mode of transportation other than a single occupancy vehicle that transports one or more persons to a worksite.

Rooming House and/or Boardinghouse. A building or portion thereof, other than a hotel or motel, providing room and/or board for compensation with or without meals.

Salvage and Wrecking. Storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods, including, but not limited to any used building materials, used containers or steel drums, used tires, and similar or related articles or property.

School. Any institution of learning for minors, whether public or private, which offers instruction in those courses of study required by the California Education Code or which is maintained pursuant to standards set by the state board of education and has an approved conditional use permit, if required, under the applicable jurisdiction. This definition includes nursery schools, kindergartens, elementary schools, junior high schools, senior high schools, or special institutions of learning under the jurisdiction of the state department of education. The definition of school does not include a vocational institution.

Screening. A wall, fence, hedge, informal planting, or berm provided for the purpose of buffering a building or activity from neighboring areas, different land uses, visual impacts, or from the street.

Section 6409. Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 USC Section 1455(a), as may be amended.

Security grate. A metal grate that rolls up over, or slides across, a window or door to provide protection against unwanted entry. It also can be a fixed metal fixture over window openings.

Senior Citizen Housing Development. A residential development with at least 35 dwelling units, meeting the definition of a senior citizen housing development set forth in California Civil Code Section 51.3.

Senior Citizen. As defined in California Civil Code Section 51.3, a person 62 years of age or older, or 55 years of age or older who may occupy a senior citizen housing development.

Senior Housing. Residential development designed for senior citizen households. Any age restrictions must be consistent with federal and state requirements.

Sensitive Land Use. A residence, public or private school, public library, public or private park, public or private playground, or religious institution, where minors would likely be present.

Service Stations. An establishment engaged in the retail sale of vehicle and equipment fuel, lubricants, parts and accessories. These uses include service stations with convenience stores, self-service auto washes and facilities having service bays for vehicle service and repair. The service and repair may include incidental maintenance and repair of automobiles and light trucks but shall not include maintenance and repair of large trucks, or body and fender work or automobile painting on any vehicles. Light Auto/Vehicle/Equipment Repair is allowed here but not heavy as described above.

Service Stations, Full Service. A service station that has one or more service bays.

Service Stations, Minimum Service. A service station that has no service bays.

Setback. The minimum or maximum distance that is required between a building or building feature and a property line, right-of-way, shoreline or other place or line the Zoning Code or other ordinances establishes to govern the placement of structures.

Shared Parking. An arrangement in which multiple uses with different peak parking demand periods use the same off-street parking spaces.

Shopkeeper Unit. A dwelling unit located above and with an internal connection to a ground floor commercial space that is operated by the resident of the dwelling unit and meets applicable occupancy separation requirements of the California Building Code. This use type is distinguished from a live-work unit.

Side Lot Line. Any lot line that is not a front or rear lot line.

Sign Copy. The visually communicative elements mounted on a sign. Also called copy.

Sign. A structure, device, figure, display, message placard, or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended, or used to advertise, or to provide information in the nature of advertising, to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product.

Significant Tree. Any tree or stand of trees on private property having either a height of twenty-five feet measured above ground level, or a diameter of ten or more inches.

Signs, Abandoned. A sign that no longer advertises a business, lessor, owner, product, service or activity on the premises where the sign is displayed.

Signs, Awning. A sign copy or logo attached to or painted to the outside surface of an awning.

Signs, Cabinet. A sign which contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be internally illuminated. Also called a can or panel sign.

Signs, Construction. A temporary sign announcing/describing a construction project, architect, builder/developer, engineer, etc. in words and/or drawings.

Signs, Directional. An exterior on-site sign that directs or guides pedestrian and/or vehicular traffic and which does not include general advertising for hire but may direct persons to specific locations of public facilities or parts of an establishment that have separate exterior entrances. Examples include accessible parking, one-way, exit, entrance, rest rooms, emergency room, garage, underground utilities, and such similar functions. Also called directional signage.

Signs, Flag. A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol, which is capable of movement, or fluttering in moving air or wind.

Signs, Freestanding. A sign supported by structures or supports that are placed on, or anchored in, the ground and which are structurally independent from any building including "monument signs," "pole signs," "pylon signs," and "ground signs."

Signs, Freeway Oriented. A sign that orients primarily to the traveling public using a freeway or expressway and installed for the purpose of identifying major business locations within certain commercial zoning districts in close proximity to a freeway or expressway.

Signs, Illuminated (Indirect/Internal Illumination). A sign that is illuminated with an artificial source of light. An indirectly illuminated sign is a sign whose light source is external to the sign and which casts its light onto the sign from some distance. An internally illuminated sign is a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign, or light source which is attached to the face of the sign and is perceived as a design element of the sign.

Signs, Monument. A low-profile freestanding sign erected upon or supported solely by a planter, pedestal base, or similar ground structure approximately the same width as the sign and which is designed to incorporate the architectural theme and building material of the building on the premises. Internal supports, open braces, poles or pylons, if any, are enclosed by decorative covers or otherwise not exposed to view.

Signs, Off-site. A sign identifying a use, facility, service, or product which is not located, sold, or manufactured on the same premises as the sign or which identifies a use, service, or product by a brand name which, although sold or manufactured on the premises, does not constitute the principal item for sale or manufactured on the premises. The on-site/off-site distinction does not apply to non-commercial messages. This includes billboards. Contrast: on-site sign.

Signs, On-site. A sign identifying a use, facility, service, or product which is located, sold, or manufactured on the same premises as the sign. The on-site/off-site distinction does not apply to non-commercial messages. Contrast: off-site sign.

Signs, Permanent. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Signs, Pole (Pylon Sign). An elevated freestanding sign that is supported by one or more exposed poles or columns that are permanently attached directly into or upon the ground.

Signs, Portable. A freestanding sign that is not permanently affixed, anchored or secured to either the ground or a structure on the property it occupies.

Signs, Projecting. A building wall sign, the surface of which is not parallel to the face of the supporting wall and which is supported wholly by the wall.

Signs, Real Estate for Sale or Lease. A temporary sign that advertises the sale, lease or rental of the property but not including temporary subdivision signs or signs on establishments offering transient occupancy such as hotels, motels, and inns.

Signs, Roof. A sign constructed upon or over a roof or placed so as to extend above the edge of the roof.

Signs, Temporary. A sign intended to be displayed for a limited period of time and capable of being viewed from a public right-of-way, parking area or neighboring property. Temporary signs do not include portable signs.

Signs, Tenant. A sign that identifies a tenant, occupant, or establishment whether residential or commercial on the site. A multi-tenant sign displays the names of each tenant, occupant, or establishment whether residential or commercial on the site.

Signs, Wall (Wall-Mounted Sign). A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

Signs, Window. A sign posted, painted, placed, or affixed in or on a window exposed to public view. An interior sign which faces a window exposed to public view and is located within 5 feet of the window.

Single Occupancy Vehicle. A privately-operated motor vehicle whose only occupant is the driver, including for hire vehicles with one passenger.

Single Room Occupancy. A facility providing dwelling units where each unit meets the requirements of California Health and Safety Code Section 17958.1 as an efficiency unit or guest room. The unit may have kitchen or bathroom facilities and shall be offered on a monthly basis or longer

Single-Unit Dwelling, Attached. A dwelling unit that is designed for occupancy by one household located on a single lot that does not contain any other unit (except an Accessory Dwelling Unit, where permitted) and is attached through common vertical walls to one or more dwellings on an abutting lot; sometimes called a "townhouse" or "zero-lot line" development.

Single-unit Dwelling, Detached. A dwelling unit that is designed for occupancy by one household, located on a single lot that does not contain any other dwelling unit (except an Accessory Dwelling Unit, where permitted), and not attached to another dwelling unit on an abutting lot. This classification includes individual manufactured housing units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Single-Unit Residential. A building containing one dwelling unit located on a single lot. These include mobile homes and manufactured housing installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

Site. A continuous area of land used comprised of one or more lots intended for a use or group of uses.

Site, Wireless Facility. As defined by the FCC in 47 CFR Section 1.40001(b)(6), as may be amended, which provides that for towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower, any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

Skilled Nursing Facility. A facility or a distinct part of a hospital that provides continuous skilled nursing care and supportive care to patients whose primary need is for the availability of skilled nursing care on an extended basis. It provides 24-hour inpatient care and, as a minimum, includes physician, nursing, dietary, pharmaceutical services and an activity program. Intermediate care programs that provide skilled nursing and supportive care for patients on a less-than-continuous basis are classified as skilled nursing facilities.

Small Lot Development. A residential project with a detached single-unit structure or structures, or attached townhouse units with separate walls that abut or are separated by a smaller amount of space on lots that are smaller than conventional single-unit development.

Small Wireless Facilities (Small Cell Wireless Facilities). As defined by the FCC in its "Declaratory Ruling and Third Report and Order" adopted September 26, 2018, encompasses facilities that meet the following conditions: Are mounted on structures 50 feet or less in height including their antennas as defined in 47 CFR Section 1.1320(d); or Are mounted on structures no more than 10 percent taller than other adjacent structures; or Do not extend above existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater; Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in 47 CFR Section 1.1320(d)), is no more than 3cubic feet in volume; All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any preexisting associated equipment on the structure, is no more than 28 cubic feet in volume; The facilities do not require antenna structure registration under 47 CFR Part 17; The facilities are not located on tribal lands, as defined under 36 CFR Section 800.16(x); and The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR Section 1.1307(b).

Smoke Shop or Tobacco Retailer. Any establishment that devotes 20 percent or more of the display area to the sale or exchange of tobacco products and/or tobacco paraphernalia. (See Definition.) This does not include retail sales of cannabis for recreational or medical purposes, which are separately regulated.

Social Services Center. Facility providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from licensed day care centers (See Adult Day Care and Early Education Facility), clinics (see Clinic), and Emergency shelters providing 24-hour or overnight care (See Emergency Shelter).

Specified Anatomical Areas. Less than completely and opaquely covered, and/or simulated to be reasonably anatomically correct even if completely and opaquely covered: Human genitals, pubic region; Buttock; or Female breast below a point immediately above the top of the areola; or Human or simulated male genitals in a discernible turgid state even if completely and opaquely covered.

Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal; and/or Acts of human masturbation, sexual stimulation or arousal; and/or Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; and/or Human excretion, urination, menstruation, vaginal or anal irrigation; and/or Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.

Stable. A building for the lodging and care of horses, ponies, and similar animals.

Stable, Commercial. A stable for horses to be let, hired, kept, bred, trained, or used for compensation.

Stable, Private. A stable owned and operated by the owner or an occupant of the property for his or her own use.

Stoop. A staircase, typically smaller than a deck, porch or patio that provides access to a building entry.

Storage, Outdoor. Storage of vehicles or commercial goods or materials that are not contained within a building. Typical uses include monument or stone yards, grain elevators or open storage yards.

Story. That portion of a building between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Street. A public or private thoroughfare providing a primary means of access to property.

Street Frontage. The length of the property line of any one premises parallel to and along the public right-of-way that it borders, and which is identified by an officially assigned street address.

Street Side Lot Line. Any side lot line that abuts a public street.

Street Side Yard. A yard extending along the street side of a corner lot from the front lot line to the rear lot line, and to a depth specified for the zoning district in which it is located and measured inward from the street side lot line.

Street Tree. Any tree of any species or size planted in parkways, sidewalk areas, easements, and rights-of-way granted to the city.

Street Wall. All contiguous walls of a building whose overall limits comprise the building façade.

Structural Alterations. Any physical change to or the removal of the supporting members of a structure or building, such as bearing walls, columns, beams, or girders, including the creation, enlargement, or removal of doors or windows and changes to a roofline or roof shape. See "Alterations, major and minor".

Structure Height. The vertical distance between a point or all points on top of a structure or any of its appurtenances and the ground below.

Structure, Accessory. A detached subordinate structure used only as incidental to the main structure on the same lot. "Accessory structure" shall not mean an Accessory Dwelling Unit (ADU), as defined in this Zoning Code.

Structure, Detached. A structure, no part of which is attached by any means to any other structure.

Structure, Existing. A structure erected prior to the effective date of the Zoning Code, or one for which a valid legal building permit has been issued prior to this effective date of the Zoning Code.

Structure, Nonconforming. See "Nonconforming Structure".

Structure, Primary (Structure, Main). A structure housing the principal use of a site or functioning as the principal use.

Structure, Temporary. A structure without any foundation or footings, and which is intended to be removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Structure. A physical structure that is manufactured, built or constructed, an edifice or building of any kind, or any place of work artificially built up or composed of parts joined together in some definite manner.

Subdivider. Any person who 1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision, or 2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision, or 3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or any interest, lot, parcel site, unity, or plat in a subdivision; and who is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Substantial Change, Wireless Facility. As defined by the FCC in 47 CFR Section 1.40001(b)(7), as may be amended, which defines that term differently based on the particular wireless facility type (tower or base station) and location (in or outside the public right-of-way). This definition organizes the FCC's criteria and thresholds for a substantial change according to the wireless facility type and location. The collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed 4; or The proposed collocation or modification increases the overall height more than 10 percent or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or For towers in the public rights-of-way and for all base stations, a substantial change occurs when: The proposed collocation or modification increases the overall height more than 10 percent or 10 feet (whichever is greater); or The proposed collocation or modification increases the width more than 20 feet from the edge of the wireless tower or the width of the wireless tower at the level of the appurtenance (whichever is greater); or The proposed collocation or modification increases the width more than 6 feet from the edge of the wireless tower or base station; or The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site. The proposed collocation or modification involves excavation outside the area in proximity to the structure or other transmission equipment already deployed on the ground. The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no existing ground-mounted equipment cabinets; or The proposed collocation or modification involves the installation of any new ground-mounted equipment cabinets that are 10 percent larger in height or volume than any existing ground-mounted equipment cabinets; or The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets, or excavation that is inconsistent with the thresholds for a substantial change described in this subsection.

Supportive Housing. Housing with no limit on length of stay that is occupied by the target population and is linked to an on-site or off-site service that assists supportive housing residents in retaining housing, improving their health status, and maximizing their ability to live independently.

Swap Meet. The display, exchange, barter or sale of new or used common household items or office equipment and furnishings, clothing, personal effects, household furnishings and household appliances at an approved location. These include both indoor and outdoor swap meets, conducted on either a permanent or recurring basis. Also known as a flea market.

Target Population. Persons with low incomes who have one or more disabilities including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

Tasting Room, Accessory. A space for on-site tasting of alcoholic beverages and retail sales that is licensed by the California Department of Alcoholic Beverage Control and operated within a winery, micro-brewery/micro-distillery, grocery store, large format liquor store or wine shop but not within a liquor store or a convenience store or mini-market associated with fuel sales.

Tasting Room/Wine Bar, Stand-alone. An establishment or place within a winery or brewery or other premises or a separate establishment licensed by the State Department of Alcoholic Beverage Control where wine, beer, and other alcoholic beverages produced, grown, or processed on the same site or off-site are offered for sale or without charge to members of the public. Food may also be served. Tasting rooms may be established and operated by a single winery or brewery or collectively by a group of producers.

Telecommuting. Any employee(s) working at home, off-site, or at a telecommuting center for a full workday, eliminating the trip to work or reducing travel distance by more than 50 percent.

Temporary Real Estate Sales Office. A temporary real estate sales office within the area of an approved development project, solely for the first sale of units, approved as part of the overall project.

Temporary Use. A use of a building or property that is limited in duration and does not permanently alter the character or physical facilities of the premises or property.

Through Lot. A lot having frontage on two parallel or approximately parallel streets.

Tobacco Related Products. Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. Any implement or object that is or may be used in conjunction with the consumption, inhalation or ingestion of either tobacco or other like dried plant material or other substance which may be consumed in the same manner, including instruments or paraphernalia for the smoking or ingestion of tobacco or other like plant, herbal or fruit products.

Tower. As defined by the FCC in 47 CFR Section 1.40001(b)(9), as may be amended, which defines that term as any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Examples include, but are not limited to, monopoles (i.e., a bare, unconcealed pole solely intended to support wireless transmission equipment), mono-trees, and lattice towers.

Townhouse. An attached, privately owned single-unit dwelling that is adjacent to another similarly owned single-unit dwelling unit/s with which it shares a common party wall having no doors, windows, or other provisions for human passage or visibility. Also called a row house.

Trail Systems. This includes district/citywide pathways using public easements, rights-of-way, and natural features such as watercourses and ridgelines, providing a non-vehicular circulation system throughout the city and district to connect major facilities and points of activity and interest. Such a trail system increases the effectiveness of recreational opportunities by providing the linkage between separate facilities to create a continuous recreational network. Such a system itself also provides recreation opportunities, such as walking, jogging, bicycling, nature study, photography, and the like.

Transit. A shared passenger transportation service, which is available for use by the general public, as distinct from modes such as taxicabs, carpools, or vanpools which are not shared by strangers without a private arrangement. Transit includes buses, ferries, trams, trains, rail, or other conveyance which provides to the general public a service on a regular and continuing basis. Also known as public transportation, public transit or mass transit.

Transitional Housing. Dwelling units with a limited length of stay that are operated under a program requiring recirculation to another program recipient at some future point in time. It may be designated for homeless individuals or families transitioning to permanent housing as defined in subdivision (h) of Section 50675.2 of the California Health and Safety Code. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. This classification includes domestic violence shelters.

Transmission Equipment. As defined by the FCC in 47 CFR Section 1.40001(b)(8), as may be amended, which defines that term as equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Transportation Allowance. A financial incentive offered to employees instead of a parking subsidy to provide employees flexibility in mode choice. Employees are typically required to execute an agreement that they do not commute in a single-occupant vehicle in order to be eligible to receive the benefit

Transportation Alternatives. Walking, bicycling, taking transit, carpooling, vanpooling, and telecommuting.

Transportation Demand Management (TDM). A system designed and implemented to reduce traffic congestion, demand for parking and associated air pollution noise, fuel consumption.

Transportation Management Organization (TMO). Transportation Management Organizations (TMOs) are City-certified organizations that provide transportation services in a particular area or citywide. They are generally public-private partnerships, consisting primarily of area businesses with local government support. TMOs provide an institutional framework for TDM programs and services.

Undevelopable Land. All portions of the site that, if developed, would subject persons or property to a high level of risk for personal injury or property damage due to its proximity to a known hazard, including, but not limited to, any portion of the site within 50 feet of a cliff, or fault line, biologically sensitive areas, sites with overall slopes greater than 30 percent, sites within an unrepaired slide area or in a ravine. Areas of undevelopable land are included from calculations of net site area, allowable floor area, allowable residential units, minimum lot size, and density.

Unenclosed. Open on at least one side.

Urban Farm. An agricultural use in an urban area, in a zoning district where urban land uses predominate. Urban farms may be of any size, though permit requirements will differ. Community gardens, community-supported agriculture farms, and private farms are all considered urban farms.

Urban Villages. An area in a mixed-use corridor that is served by public transit and provides a combination of retail shops and services as well as spaces and facilities for civic uses catering to the daily needs of residents who live in mixed-use buildings in the village and in the surrounding residential neighborhoods. Urban villages are intended to accommodate pedestrians and cyclists.

Use. The purpose for which land, premises or structure thereon is designed, arranged, or intended, or for which it is or may be occupied or used.

Use Classification. A system of classifying uses into a limited number of use types based on common functional, product, or compatibility characteristics (e.g., residential, retail, commercial and office; institutional and community facilities, industrial, and transportation, communication, and utilities).

Use Permit. A discretionary permit, such as minor use permit, or major use permit, that provides for the accommodation of land uses with special site or design requirements, operating characteristics, or potential adverse effects on surroundings, that are not permitted by right but may be approved upon completion of a review process and, where necessary, the imposition of conditions of approval.

Use Type. A category that classifies similar uses based on common functional, product, or compatibility characteristics.

Use, Nonconforming. See "Nonconforming Use".

Utility Pole. A pole or tower owned by any utility company that is primarily used to support wires or cables necessary for the provision of electrical or other utility services regulated by the California Public Utilities Commission.

Utility, Major. Generating plants, electrical substations, aboveground electrical transmission lines, refuse collection or disposal facilities, dredge disposal sites, water reservoirs, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

Utility, Minor. A utility facility that is necessary to support a legally established use and involves only minor structures (e.g., electrical distribution lines).

Vanpool. A van or similar motor vehicle in which 7 to 15 persons commute to and from the worksite for the majority (at least 51 percent) of the commute trip.

Variance. A discretionary permit allowing a departure from specific provisions of a zoning ordinance such as setbacks, side yards, frontage requirements, and lot size, but not involving the actual use or structure, thus relieving a property owner from strict adherence to development standards when some special circumstances exist which deprive the property owner from developing the property in a manner enjoyed by similar properties.

Vehicle. Any passenger car or truck, including Zero Emission Vehicles (ZEVs), used for commute purposes including any motorized 2-wheeled vehicle. Vehicles shall not include bicycles, transit services, buses serving multiple worksites, or vehicles that stop only to load or unload passengers or materials at a worksite while on route to other worksites.

Vehicle Miles Traveled (VMT). A method used in transportation planning to measure the amount of travel for all vehicles in a geographic region over a given period of time, typically a one-year period. VMT is calculated as the sum of the number of miles traveled by each vehicle.

Viewing Room, Adult Use. The room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital videodisc, or other video reproduction.

Visibility Triangle . A triangular area at the intersection of any two public streets or a driveway, alley, or path with a public street within which height limitation apply to structures or vegetation that may interfere with the visibility of a pedestrian, cyclist, or other vehicle operator. Also called a Sight distance triangle.

Visible. Capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road or in a public place.

Walk-In Clientele Office. Offices providing direct services to patrons or clients that may or may not require appointments. This use classification includes employment agencies, insurance agent offices, real estate offices, travel agencies, private utility company offices, and offices for elected officials. It does not include banks or check-cashing facilities, which are separately classified and regulated (See Banks and Financial Institutions).

Wall. Any vertical exterior surface of building or any part thereof, including windows.

Warehouse. A building used primarily to store goods and materials.

Warehousing, Storage, And Distribution. Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual space exclusively and directly accessible to a specific tenant.

Warehousing And Storage, Indoor. Storage within an enclosed building of commercial goods prior to their distribution to wholesale and retail outlets and the storage of industrial equipment, products and materials. This includes cold storage, draying or freight, moving and storage, and warehouses, but not the storage of hazardous chemical, mineral, and explosive materials.

Wetlands. Marshes, swamps or other areas characterized by wet soil conditions either permanently or seasonally, which are important to sustaining wildlife and biological resources.

Wine Cellar. A storage room or warehouse facility for the blending, cellar treatment, storage, bottling, and/or packaging of wine but not wine production. It may include eating areas, tasting rooms and retail areas as accessory uses.

Wireless. Any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

Wireless Telecommunication Facility. Any facility constructed, installed, or operated for wireless service, including but not limited to, antennas or other types of equipment for the transmission or receipt of such signals, telecommunication towers, or similar structures supporting such equipment, related accessory equipment, equipment buildings, and other accessory equipment. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Worksite. The place of employment, base of operation, or any work location in the City of Vallejo of an employee. It includes all of the employer's buildings or facilities, including outdoor facilities.

Wrecking, Towing And Impound. The storage of operative or inoperative vehicles. These uses include storage of parking tow-aways, impound yards, and storage lots for buses and recreational vehicles, but do not include vehicle dismantling.

Yard. An open space on a lot, other than a court on a lot, that is unoccupied and unobstructed from the ground upward.

Yard Depth. That dimension of a yard measured at a right angle and horizontally from an abutting property line.

Yard, Required. The strip of land which abuts property lines and is unoccupied or unobstructed except as permitted by the Zoning Code. Also called "setback".

Zero Lot Line. A building or structure constructed at a property line. Typically, a detached single-unit dwelling or attached units such as townhomes.

16.702 WATER-EFFICIENT LANDSCAPING TERMS AND DEFINITIONS

Applied water. The portion of water supplied by the irrigation system to the landscape.

Automatic irrigation controller. Timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

Backflow prevention device. A safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Certificate of completion. The document required under **Section 16.608.06**.

Certified irrigation designer. A person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the U.S. Environmental Protection Agency's Water Sense Irrigation Designer Certification program and Irrigation Association's Certified Irrigation Designer program.

Certified landscape irrigation auditor. A person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the U.S. Environmental Protection Agency's Water Sense Irrigation Auditor Certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

Check valve or "anti-drain valve. A valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

Common interest developments. Community apartment projects, condominium projects, planned developments, and stock cooperatives per Section 1351 of the Civil Code.

Compost. The safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

Conversion factor (0.62). The number that converts acre-inches per acre per year to gallons per square foot per year.

Distribution uniformity. The measure of the uniformity of irrigation water over a defined area.

Drip irrigation. Any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Ecological restoration project. A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Effective precipitation or usable rainfall (EPPT). The portion of total precipitation which becomes available for plant growth.

Emitter. A drip irrigation emission device that delivers water slowly from the system to the soil.

Established landscape. The point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or 2 years of growth.

Establishment period of the plants. The first year after installing the plant in the landscape or the first 2 years if irrigation will be terminated after establishment. Typically, most plants are established after one or 2 years of growth. Native habitat mitigation areas and trees may need 3 to 5 years for establishment.

Estimated total water use (ETWU). The total water used for the landscape as described in **Section 16.504.13, Specific Requirements For Landscape Documentation Package**.

ET adjustment factor (ETAF). A factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, 2 major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

Evapotranspiration rate. The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Flow Rate. The rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

Flow sensor. An inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors shall be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

Friable. A soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

Fuel Modification Plan Guideline. Guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

Graywater. Untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.

Hardscapes. Any durable material (pervious and non-pervious).

Hydrozone. A portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

Infiltration rate. The rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

Invasive plant species. Species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by County agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

Irrigation audit. An in-depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit includes, but is not limited to inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit shall be conducted in a manner consistent with the irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.

Irrigation efficiency (IE). The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this Chapter is 0.75 for overhead spray devices and 0.81 for drip systems.

Irrigation survey. An evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to inspection, system test, and written recommendations to improve performance of the irrigation system.

Irrigation water use analysis. An analysis of water use data based on meter readings and billing data.

Landscape architect. A person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

Landscape area. All the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Landscape contractor. A person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

Landscape documentation package. The documents required under **Section 16.504.13, Specific Requirements For Landscape Documentation Package**.

Landscape project. Total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance..

Landscape water meter. An inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

Lateral line. The water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

Local water purveyor. The water division in this Chapter.

Low volume irrigation. The application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Main line. The pressurized pipeline that delivers water from the water source to the valve or outlet.

Master shut-off valve. An automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed, water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

Maximum applied water allowance (MAWA). The upper limit of annual applied water for the established landscaped area as specified in **Section 16.504.01, Purpose and Applicability**. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The estimated total water use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. MAWA = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)].

Microclimate. The climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

Mined-land reclamation projects. Any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

New construction. For the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

Non-residential landscape. Landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

Operating pressure. The pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

Overhead sprinkler irrigation systems" or "overhead spray irrigation systems. Systems that deliver water through the air (e.g., spray heads and rotors).

Overspray. The irrigation water which is delivered beyond the target area.

Parkway. The area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.

Permit. An authorizing document issued by local agencies for new construction or rehabilitated landscapes.

Plant factor or "plant water use factor. A factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this Chapter are derived from the publication "Water Use Classification of Landscape Species". Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

Project applicant. The individual or entity submitting a Landscape Documentation Package required under **Section 16.504.13, Specific Requirements For Landscape Documentation Package**, to request a permit, plan check, or design review from the City of Vallejo. A project applicant may be the property owner or his or her designee.

Rain sensor or "rain sensing shutoff device. A component which automatically suspends an irrigation event when it rains.

Record drawing or as-builts. A set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

Recreational area. Areas, excluding private single unit residential areas designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

Recycled water, reclaimed water, or treated sewage effluent water. Water treated or recycled wastewater of a quality suitable for nonpotable uses such as landscape irrigation and water features. This water is not intended for human consumption.

Reference evapotranspiration" or "ETo. A standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Appendix A, and is an estimate of the evapotranspiration of a large field of 4- to 7-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated.

Regional Water Efficient Landscape Ordinance. A local Ordinance adopted by 2 or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.

Rehabilitated landscape. Any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of **Section 16.504.09, Water-Efficient Landscape Requirements**, and the modified landscape area is equal to or greater than 2,500 square feet.

Residential landscape. Landscapes surrounding single-unit or multiple-unit dwellings.

Soil moisture sensing device or soil moisture sensor. A device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

Soil texture. The classification of soil based on its percentage of sand, silt, and clay.

'Special Landscape Area" (SLA). An area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

Sprinkler head or spray head. A device which delivers water through a nozzle.

Static water pressure. The pipeline or municipal water supply pressure when water is not flowing.

Station. An area served by one valve or by a set of valves that operate simultaneously.

Swing joint. An irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

Submeter. A metering device to measure water applied to the landscape that is installed after the primary utility water meter.

Valve. A device used to control the flow of water in the irrigation system.

Water conserving plant species. A plant species identified as having a very low or low plant factor.

Water Features. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high-water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

Watering window. The time of day irrigation is allowed.

WUCOLS. The Water Use Classification of Landscape Species published by the University of California Cooperative Extension, and the Department of Water Resources 2014.

H. **Cannabis Accessory Uses.** The following accessory uses may be permitted, whenever the applicable state permit has been obtained, and subject to a Zoning Compliance Review pursuant to **Chapter 16.603, Zoning Compliance Review**, whenever the principal use is retail sales of cannabis.

1. Cannabis manufacturing may be permitted as an accessory use subject to the following restrictions:

   a. The extraction process shall consists of separating cannabinoids from cannabis plant material solely by press or non-volatile solvent between the temperatures of 60 and 200 degrees Fahrenheit.

   b. The extraction shall take place in an area not to exceed 100 square feet located within or attached and internally connected to the principal structure.

   c. The infusion process shall consist of the direct incorporation of cannabis, cannabinoids, or cannabis concentrates into an edible, topical or other product to produce a cannabis product.

   d. The cannabis manufacturing shall not exceed 10 percent of the total floor area of the principal use or 500 square feet, whichever is less.

   e. The manufacturing space is only accessible to employees and shall not be visible to the general public.

2. Cannabis distribution may be permitted as an accessory use subject to the following restrictions:

   a. The area utilized for cannabis distribution shall not exceed 30 percent of the total floor area of the principal use or one thousand and five hundred square feet, whichever is lesser.

   b. The distribution storage area shall be fully enclosed within or attached and internally connected to the principal structure.

   c. The distribution storage area shall only be accessible to employees and shall not be visible to the general public.

3. A separate application for Zoning Compliance Review will not be required if the retail sales of cannabis applicant includes manufacturing and/or distribution as accessory use (s) consistent with this Chapter, in the initial Minor Use Permit application,

4. The premises shall be subject to fire, building and health inspection by the city and other regulatory agencies and the accessory use permitted thereon shall be contingent upon compliance with fire, building and health regulations and requirements.

5. In conformance with the criteria and standards listed in the section, accessory uses shall not adversely affect the neighborhood in which they are 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.

NEW ZONING CODE ERRATA - ATTACHMENT 1 TO EXHIBIT C (New Zoning Code) **UPDATED May 20, 2021**

The following changes will be made to the New Zoning Code dated 3.5.21. Editorial changes and corrections such as capitalization, grammar, formatting, etc. will also be made but are not included in the list. A brief explanation for the change is provided in italics, where applicable. Minor corrections to prior versions have also been made.

No.	Section No.	Page No.	Correction or Change (Added Text is shown in Bold, Deleted Text is shown in ~~Strike-thru~~.)
1	16.101.02.I.2	2	Edit: All persons wishing to establish a use within the City must apply to the **Planning and Development Services** Director **(Director), as defined in Section 16.601.04, Planning and Development Services** Director…
2	16.104.04.A.4	8	Edit: Enclosed **(with walls)** and roofed porches and balconies;…
3	16.105.03.A	15	Edit: A nonconformity may result from any inconsistency with ~~the~~ any one of or more requirements…..
4	Table 16.201-A	27	Add Additional Standard: **Projections into Required Yards - See Chapter 16.501.07, Projections into Required Yards**
5	16.202.03.A	29	Edit: Rooflines, exterior materials, windows, railings, porches and other design elements shall be designed in the same style as the existing building unless an alternative design is approved through **Chapter 16.605, Development Review.** ~~through Chapter 16.604, Design Review.~~ *(Design Review is not required for single-unit residential.)*
6	16.202.03.B	29	Edit: …..on documentation provided by the applicant may be approved subject to the provision of ~~Chapter 16.604, Design Review.~~ **Chapter 16.605, Development Review.** *(Same as above.)*
7	16.202.03.C	29	Edit: Alternative designs to create consistency with the architectural style of the building may be approved subject to the provisions of ~~Chapter 16.604, Design Review.~~ **Chapter 16.605, Development Review.** *(Same as above.)*
8	Table 16.202-B	31	Edit: Minimum/Maximum Density (units/net acre) for Business/Limited Residential General Plan Designation, ~~RMD - Max. 50~~ **n/a** *(RMD is not compatible with Business/Limited Residential)*
9	Table 16.202-B	32	Edit: Notes for Minimum Front Setbacks RMD: 15~~(C)~~ **(A)**; RHD:15 ~~(C)~~**A** and Street Side Setbacks, RMD: 10 ~~(D)~~ **(A)**; RHD 10 ~~(D)~~ **(A)** (*All notes are provided in A.)*
10	Table 16.202-B	33	Add Additional Standard: **Projections into Required Yards - See Chapter 16.501.07, Projections into Required Yards**
12	16.203.01	38	Edit: WMX Waterfront Mixed Use: …… Waterfront **and Vallejo Station** Planned Development Master Plan **(Waterfront PDMP)**
13	16.203.03.B	44	Edit: Development in mixed-use districts with more than 100 **linear** feet of frontage shall provide….
14	16.203.03.O	48	Edit: ….shall provide public access to and **a**long the shoreline consistent with State and Bay Conservation and Development Commission requirements**, and shall include in-water access where feasible, consistent with General Plan Policy NBE-4.1.**

15	16.204.03.L	59	Edit: shall provide public access to and **a**long the shoreline consistent with State and Bay Conservation and Development Commission requirements**, and shall include in-water access where feasible, consistent with General Plan Policy NBE-4.1.**
16	Table 16.206-A	64	Add Building Form and Location, Maximum Floor Area Ration (FAR): **IL- 2.5, IG-2.0**
17	16.207.03	67	Add C: **Any development along San Pablo Bay, the Napa River, Mare Island Strait, or the Carquinez Strait shall provide public access to and along the shoreline consistent with State and Bay Conservation and Development Commission requirements, and shall include in-water access where feasible, consistent with General Plan Policy NBE-4.1.**
18	16.209.01.G	70	Edit: ….development standards of the applicable Master Plan and/or **Planned Development** Unit Plan.
19	16.209.01.G.1.e	70	Edit: Northgate **(Residential)**
20	16.213.03	77	Edit: Notice of Restriction, shall consult with the Planning Division, City of Vallejo and secure a ~~Site~~ Development **Review** Permit if required by the above referenced ordinance.
21	16.214.09.B	78	Edit: Purchase of for sale units and Occupancy of rental units shall be reserved ~~the~~ **for** applicable moderate, low and very low…..
22	16.214.09.K.	79	Edit: A copy of this form is available from the ~~Community Development Department~~ **Planning Division**.
23	16.214.09.J	79	Edit: …required to reserve the lower income unit sat the controlled rents for a minimum of 55 **years** or such other period…..
24	16.214.10.B	79	Edit: ….this Chapter, shall be submitted with the **Below Market Rate (**BMR**)** Housing Plan required by this Chapter.
25	16.214.10.E	80	Edit: The Director may require that any pro forma submitted pursuant to ~~Division (A)~~ **Subsection** A of this Chapter….
26	16.214.13.A	81	Edit: If the findings required by the previous Chapter can be made, the ~~decision making body~~ **Review Authority** may deny a concession……
27	16.214.13.B	81	Edit: If the findings required by the previous Chapter can be made the ~~decision making body~~ **Review Authority** may deny a waiver…..
28	16.214.13.B.1	81	Edit:…….to low-and moderate-income households. For the purpose of this ~~division~~ **Chapter**, specific adverse…..
29	16.214.14	81	Edit: ….required by this Zoning Code, including but not limited to requirements for ~~conditional u~~ **U**se **Permit** approval or ~~site~~ ~~d~~Development ~~plan~~ ~~r~~**R**eview and does not allow public hearings.
30	16.215.01	83	Edit: The purpose of the Transit Oriented Development (TOD) **Chapter** is to encourage an appropriate…..
31	16.301.01.A	87	Edit: Waterfront **and Vallejo Station** Planned Development Master Plan (**Waterfront** PDMP)
32	Table 16.301-A	88	Edit: Add Agricultural Processing, MNP in IL, and P in IG
33	Table 16.301-A	89	Edit: Alternate Fuels and Recharging Facilities - Add "P" in PS
34	Table 16.301-A	90	Edit: Restaurant with Drive-Through, NMX - ~~MNP~~, **MJP**; CC - ~~MNP~~, **MJP**, RC - ~~MNP~~ **MJP**
35	Table 16.301-A	91	Edit: Grocery Store/Supermarket Small (Less than 10,000 sf) - Add **MNP/3** in RLD, RMD, RHD

36	Table 16.301-A	91	Edit: Bed and Breakfast - Not Permitted in NMX, DMX, WC, CC, RC *(Single-unit not allowed in these zones)*
37	Table 16.301-A	93	Edit: Contractor's Yard, Add Additional Regulations Note - **Chapter 16.501.06, Outdoor Storage.**
38	Table 16.301-A	94	Edit: Recycling, Large, CC - ~~MNP~~, **MJP**; Recycling, Small, ~~MJP~~, **MNP**
39	Table 16.301-A	94	Edit: Outdoor Storage, Add Additional Regulations Note - **Chapter 16.501.06, Outdoor Storage.**
40	Table 16.301-A	95	Edit: School - Change from P to MNP/2 in RR, RL, RMD, RHD
41	Table 16.301-A	96	Edit: Single-Unit Detached, Add P/1 in WMX and NC
42	Table 16.301-A	96	Delete New Single-Unit Dwelling, Detached entirely
43	Table 16.301-A	96	Edit: Small Lot Development - Not Permitted in RHD
44	Table 16.301-A	97	Edit: Marina - Add "P" in WC
45	16.302.01.C	99	Edit: **Firearms** ~~Guns~~ Repair and and/or sales. **Firearms** ~~Gun~~ repairs and sales are separate principal uses…..
46	16.303.02.E	100	Edit: …..shall not exceed 50 percent of the total floor area of the primary residential unit **or 1,200 square feet.**
47	16.304.04.A	105	Edit: ….during business hours the Regulatory Permit issued pursuant to the provisions of this ~~Division~~ **Chapter** for such Adult-Use Business in a conspicuous…..
48	16.304.04.B	105	Edit: Business Performer required to have a Permit in compliance with this ~~Division~~ **Chapter** with an identification…..
49	16.305.02.B.12.b.	109	Edit: ….shall be required to obtain a ~~Major~~ Use Permit prior to resuming business whether or not a ~~Major~~ Use Permit was obtained in the past for the premises.
50	16.307.02.P.4	115	Edit:…..the convenience store or mini market operation shall be prohibited between the hours of 10 p.m. and ~~6~~ **7** a.m. *(Consistent with auto related services.)*
51	16.308.02.E.3.a	118	Edit: Except for emergency-only pedestrian exits required by the **Chief** Building Official.
52	16.308.03.E.2	119	Edit: ….materials to minimize noise impacts on adjacent properties and shall not be operated before ~~8~~ **7** a.m. or after 6 p.m. (*Consistent with auto related services.)*
53	16.309.03.B	121	Edit:…..prepared by a qualified professional, demonstrates to the satisfaction of the **Planning** Commission that levels of spray…..
54	16.312.01	124	Edit: ….to operate establishments engaged in the **retail**, processing, cultivation or distribution of cannabis….
55	16.312.02.A.3	125	Edit:…..Permit for ~~the~~ cannabis **retail**, cultivation, distribution, manufacturing and testing laboratory use.
56	16.312.02.C	125	Edit: See Attachment for Revised Cannabis regulations
57	16.315.02.A.3	130	Edit: Add as last sentence; **Automobile stacking shall comply with Section 16.508.10, Stack-up Spaces for Drive-In and Drive-Through Facilities.**
58	16.321.05.O	137	Edit: Businesses involving ~~medical marijuana~~ **cannabis** activity;
59	16.326.02.B.1.b.iv	145	Edit: A written description of the proposed ~~business~~ Massage Establishment and how…..
60	16.327.02.E	148	Edit: At all times while vending, a valid business license and ~~Director's Permit~~ **Zoning Compliance Certificate** shall be displayed at the mobile food vending site.
61	16.327.02.H	148	Edit: ~~The permittee is responsible for maintain the clear path.~~ *(Redundant to first sentence.)*

62	16.327.03.L	149	Edit: The operation shall at all times comply with the provisions of ~~the City's Noise Ordinance~~ **Section 16.502.10, Noise…**
63	16.329.02.C.11	153	Edit: …..in accordance with ~~Table 16.601-A: Permit Review Authority~~ **Table 16.301-A Land Use Regulations**.
64	16.330.02.C	155	Add #8. **The owner operator shall provide for daily removal of trash liter and debris from the premises and on all abutting sidewalks within 100 feet of the premises.**
65	16.330.02.C.3.c.ii	154	Delete entirely. *(Repeat from c)*
66	16.333.02.B	158	Edit: Small recycling collection facilities are allowed subject to ~~the Director's approval~~ **Zoning Compliance Review, pursuant to Chapter 16.603 Zoning Compliance or a Minor Use Permit, Chapter 16.606, Minor and Major Use Permit**, and compliance with the criteria and the standards in this Section.
67	16.333.02.C	159	Edit: When a Major Use Permit is required in compliance with ~~Part II Base and Special Districts~~ **Table 16.301-B, Land Use Regulations Table** of the Zoning Code, …..
68	16.337.02.B	165	Edit: Centers may be operated between the hours of 8 a.m. and 8 p.m., **Monday through Saturday.**
69	16.338.02.C.8	167	Edit: ….meet the criteria established in this Chapter shall be permitted. ~~subject to approval of a Certificate of Appropriateness by the Director.~~ **Applicants are encouraged to locate panels away from principal (street-facing) facades, install the panels flush with roof plane (rather than elevated at a different angle), locate conduit and other ancillary equipment in a non-conspicuous location instead of the primary façade and avoid obstructing key architectural features.** *(State law allows building permits only.)*
70	16.339.02.I.6.c	172	Delete entirely. *(Repeat from I.4)*
71	16.339.02.K.3.b.	172	Edit: …removal of the permitted temporary use upon the expiration of the ~~Administrative~~ **Temporary** Use Permit.
72	16.339.03.D.6	173	Delete entirely; *(Redundant of D.5)*
73	16.339.03	173	Edit: Add at end of first paragraph **- Temporary Use Permits replace the Administrative Permit and process, based on the Director's determination.**
74	16.341.01.A	176	Edit:…..facilities already in existence at the time of adoption of ~~the ordinance codified in~~ this Zoning Code and to those which are approved under its provisions.
75	16.341.02.B	177	Edit: **Minor Use Permit and** Development Review Required. Unless exempted, **a Minor Use Permit, as provided in Chapter 16.606, Minor and Major Use Permit, and** Development Review Permit, as provided in 16.16.603, Development Review are required for the construction of a new wireless telecommunication facility or substantial change to an existing facility.
76	16.341.05.A.4.a	180	Edit:…..shall operate in compliance with the noise exposure standards contained in **Section 16.502.10, Noise,** and including…..
77	16.341.05.A.4.b	180	Edit: ……standards in **Section 16.502.10, Noise** ~~the General Plan~~ and including without limitation…..
78	16.341.07.A	183	Edit: …..according to the approved plans and all condition in the **Minor** Use Permit/Development Review approval.

79	16.341.07.B	183	Edit: ….any use or activity in connection with the authorized use covered by the ~~Conditional~~ Use Permit, which includes….
80	16.341.09.G	185	Edit: Standard Conditions of Approval; remove entirely. *(There are no standard conditions in the Code.)*
81	16.341.10	186	Edit: ….obligation to comply with every applicable provision in this Code~~, this Article~~, ~~any permit~~, any permit condition…..
82	16.501.03.A	192	Edit: ….from a street to a non-residential use cannot traverse a ~~R~~**residential** zoning district…..
83	16.502.03	201	Remove entire section. *(Not included in Code.)*
84	16.502.10.D.1	206	Edit: …..noise exceeding levels in Table 16.502.E shall be limited to hours between 7a.m. and 7 p.m. in the **residential zoning districts** ~~Zoning Districts 1 and 2~~ and in any mixed-use district.
85	16.503.02.C.12	208	Edit: Provide employees with a subsidy, determined by the applicant and subject to review by the **Traffic Engineer** ~~Department of Transportation~~, if they use transit or commute by other alternative modes.
86	16.503.02.C.15	208	Edit: Provision of a shuttle program or participation in an existing shuttle program approved by the **Traffic Engineer** ~~Department of Transportation~~ and subject to any fees for the existing program.
87	16.603.03.B	209	Edit: …..The **Traffic Engineer** ~~Department of Transportation~~, a citywide TMA, or a consulting Traffic Engineer retained by the City at applicant's expense……
88	16.504.01.G.1	210	Edit: ….shall provide landscaping in compliance with the requirements of this Chapter except for new single-unit homes on existing lots as stated in subject Subsection ~~J~~ **4** below.
89	16.504.08.A.4	217	Edit: Remove #4. *(Repeated in B.)*
90	16.504.09.E	218	Edit: Landscape ~~Plan~~ Review **Permit** and Procedures: Landscape Review applications for a project subject to **Section 16.504.09, Water-Efficient Landscape Requirements and based on Subsection C, Applicability**, shall not be approved until plans and written material showing how the…..
91	16.504.05.04	232	Table 16.505-A, Required front yard, Notes: The maximum height allowed with an Exception Permit**: is 5 feet.**
92	16.505.04.C.5	232	Edit: ….minimum of 10 feet from the front property line~~. or back of sidewalk, whichever is closest to the residence.~~
93	Table 16.506-A	239	Edit: Use Class and Lamp Type; Remove ~~LZ3,~~ ~~LZ2,~~ and ~~LZ3~~.
94	Table 16.507-A	243	Edit: Risk Zone D: Industrial, Residential, Commercial for fewer than 200 **occupants**; and Industrial Residential, and Commercial for 200 or more **occupants**; Public/Semi-Public
95	Table 16.508-A	247	Edit: Residential and Live/Work: 1~~.25~~ space~~s~~ per unit
96	16.508.04.C	247	Edit: Parking shall be provided by the minimum ~~parking by the minimum~~ provision ~~of 50%~~ of the ~~maximum~~ parking requirements noted in Table 508-B unless ……..
97	16.508.04.B.	248	Off-Street Parking Table: Correct Residential, All Residential Uses (except as noted below) ~~-2~~ **1** per unit
98	16.508.06.C.5	250	Edit: ….appeal, may approve a Minor Use Permit**, as provided in Chapter 16.606, Minor and Major Use Permit** for shared parking…..

99	16.508.07.F.3	253	Edit: …..or its project across the lot, except upon the granting of ~~an~~ **a Minor Use Permit, as provided in Chapter 16.606, Minor and Major Use Permit,** ~~administrative use permit~~. To grant…..
100	16.508.04.A.	262	Edit: Where an applicant can demonstrate to the satisfaction of the **Director or** Planning Commission that variations…. be allowed with approval of ~~Discretionary~~ **Minor Use** Permit. To grant such a ~~Discretionary~~ **Use** Permit, the **Director or** Planning Commission shall make…..
101	16.509.03.P	266	Edit: Temporary ~~on-site wall-mounted~~ signs are allowed within commercial…….
102	16.509.06.E	273	Remove E entirely. *(Removed from Code; difficult to enforce)*
~~103~~	~~16.509.06.J~~	~~293~~	~~Edit: ….Any such appeal must be filed with the Secretary of the nonelected Review bodyPlanning Division or City Clerk,~~ ~~**in accordance with Section 16.602.12 Appeals**~~~~, within 10 calendar days….~~
104	16.602.06	291	Edit: …..Director has deemed necessary to make an environmental determination together with all required fees, **unless prohibited by State law**.
105	16.602.06.B-I	291-293	Remove entirely *(covered in CEQA Guidelines)*
106	16.602.06.J	293	Edit: ..Any such appeal must be filed **in accordance with Section 16.602.12**, **Appeals** ~~with the Secretary of the nonelected Review body~~ within 10 calendar days….
107	16.602.08.A.2	294	Edit: Projects subject to CEQA at least 21 calendar days before the date **of the** ~~**Planning Commission**~~ **applicable review authority hearing** or date of action when no public hearing is required.
108	16.602.08.D	294	Edit: Alternative Method for Large Mailings, Zoning Code Text Amendments, **and Planned Development**. If the number of property owners to whom the notice would be mailed or delivered is greater than 1,000, or the notice is for Zoning Code text amendment, **or a Planned Development text amendment**, a mailed notice is not required……
109	16.602.14.A.2	297	Edit: ….may be appealed to the City Council by filing a written appeal with **the City Clerk** ~~Director~~.
110	16.602.14.B	297	Edit: …..applicant, by the owner of property, or by any other person **aggrieved** ~~adversely affected~~ by a decision that is subject…
111	16.602.14.A	297	Edit: Add 3. **Multiple Actions. In the event an appeal is filed regarding a decision on one of multiple permits or City approvals concurrently granted for a single project (for example, the approval of a Use Permit is appealed on a project for which a Negative Declaration was approved at the same time), all concurrently granted determinations, findings, City permits and approvals for the project shall be automatically appealed, and shall be considered and acted upon in compliance with this Chapter.**
112	16.602.14.D.3	298	Edit: …The Director shall forward the appeal, the **Staff Report and Resolution** ~~Notice of Action~~, and all other documents…..
113	16.6024.01.J.1	300	Edit: …New residential development that consists of ~~more than~~ 2 **or more** ~~10~~ units.
114	16.604.01.K.2	300	Edit: a. **Structures or buildings up** ~~Up~~ to 5,000 sf - Director Decision b. **Structures or buildings more** than 5,000 sf ~~or More~~ - Design Review Board decision
115	16.604.01.L.5	301	Edit: Interior features and interior alterations ~~are~~ unless they materially affect a……

116	16.604.01.L	301	Add: **7. Surface parking lots**
117	16.604.02.D	301	Edit: Design Review Projects proposing new and amended ~~Master Plans and~~ Planned Developments
118	16.605.02.C	304	Remove entirely *(covered in Common Procedures)*
119	16.605.02.A.4	304	Edit: ~~Applications for~~ Development Review within a Specific Plan area or Planned Development zoning district **replaces the Unit Plan process**. **The application** shall also describe the specific design……
120	16.606.01	306	Edit: ….is required for uses or projects pursuant to Part II, ~~Base and Overlay districts~~ **Districts and Development Types,** Part III, ~~General Regulations~~ **Use Standards**…..
121	16.608.04.A	310	Edit: **Review** Authority and Duties:
122	16.608.04	311	Add F: **Notification. Notice shall be provided in compliance with the requirements of Chapter 16.602, Common Procedures, Section 16.602.08, Noticing. When a project subject to an Exception Permit approval and requires a Development Review Permit, Use Permit, Variance, an amendment of the Zoning Code, or any other discretionary action, the notice for such approvals shall also state that the project is subject to an Exception.**
123	16.609.04.D.1	313	Edit: All development within a Specific Plan district shall require Development Review, in accordance with Chapter 16.605, Development Review, **which replaces the Planned Development Unit Plan permit and process,** and shall be subject…..
124	16.609.03	313	Add E. **Public Notice and Hearing. All applications for a Specific Plan or a Specific Plan Amendment shall require public noticing and hearings before the Planning Commission and City Council, pursuant to Chapter 16.612, General Plan Amendments of this Zoning Code.**
125	16.610.02	314	Add E. **Public Notice and Hearing. All applications for a Planned Development Plan shall require a public notice and hearings before the Planning Commission and City Council, pursuant to Chapter 16.602, Common Procedures.** **E. City Council Hearing and Action. After receiving the report from the Planning Commission, the City Council shall hold a duly noticed public hearing.** **1. All applications for a Planned Development Rezoning and Planned Development Plan shall require public noticing and hearings before the Planning Commission and City Council, pursuant to Chapter 16.602, Common Procedures.**
126	16.610.06	315	Edit: ….require a Development Review Permit, in accordance with Chapter 16.605, Development Review, **which replaces the Planned Development Unit Plan permit and process.**
127	16.610.07.B	315	Edit: ….approved PD Zoning District or Planned Development Plan shall be considered by the City council at a duly noticed public hearing, **following a Planning Commission recommendation**.
128	16.701	338	Edit: 10. Police Chief. The Police Chief of the City of ~~Navato~~ **Vallejo** or the authorized representatives thereof.

129	16.701	356	Add: **Large Format Liquor Store: Liquor store with 7,000 square feet or more of gross floor area with standard retail hours of operation.**
130	16.701	363	Edit: Recreation Facilities. Spectators are incidental ~~an~~ on a recurring basis.
The following changes are based on the Planning Commission Public Hearing on March 29, 2021 and Staff edits for greater clarity.			
131	Table 16.301-B	98	Edit: Note #15: ~~Only~~ **Not** permitted **except** in the White Slough Specific Plan Area Zone 1A.
132	16.602.08.B	294	Edit: A. Posted Notice is moved down to add - **B. Emailed Notice. On the same day that mailed notices are sent, an email with the notice shall be sent to:** **1. The Planning Commission, Architectural Heritage and Landmarks Commission and Design Review Board, as applicable, when a public hearing before the respective board or commission is required; and,** **2. The Planning Commission for projects subject to the Director's decision.** **C. Posted Notice.** (No changes) **D. Newspaper Notice.** (No changes) **E. Alternative Method for Large Mailings and Zoning Code Text Amendments.** (See changes in No. 108 above) **F. Contents of Notice.** 2. A general description of the proposed project, **<u>including the size of the use or project,</u>** and requested action; **G. Failure to Notify Individual Properties.** (No changes) **H. Community Meetings.** (No changes)
133	16.614.05	325	See Separate Architectural Heritage and Preservation Chapter Errata.
134	16.212.01.B	74	Edit: …..zoning district, the provisions of this Chapter shall apply. **The exception is when a project is also subject to Chapter 16.213, Residential View District, the more restrictive and greatest noticing requirements shall apply.**
135	Acknowledgements	ii	Add: Planning Commissioners: Diosdado "J.R." Matulac, Planning Commission Chair Kathleen Diohep, Planning Commission Vice-Chair Peggy Cohen-Thompson, Planning Commissioner Jamar Stamps, Planning Commissioner Charles Palmares, Planning Commissioner Melissa Bowman, Planning Commissioner Donald Douglas, Planning Commissioner Robert Schussel, Former Planning Commission Chair Thomas Judt, Former Planning Commissioner Marvin Kinney, Former Planning Commissioner Randy Larson, Former Planning Commissioner

			Chris Platzer, Former Planning Commissioner

The following changes are based on the City Council Hearing on April 13, 2021 and additional Staff edits. (Updated 4.29.21)			
136	Table 16.102-A	6	Add to Other/Special Districts: Map Symbol - N/A; District Name: St. Vincent Historic District, Architectural Historic District, Residential View District; General Plan Designation: Varies According to Base District Edit: Waterfront Commercial, General Plan Designation: ~~Business/Limited Residential~~
137	16.105.06.C.1	16	Edit: …may be restored with ~~site~~ development **review** approval
138	Table 16.201-A	24	Remove and relocate as Table 16.301-A
139	Table 16.202-A	26	Edit: Garage **Front/Rear;** RR 20**/20**; RLD 20**/5**
140	Table 16.202-A	26	Edit: Waterfront Commercial, General Plan Designation: ~~Business/Limited Residential~~
141	Table 16.205-A	60	Edit: Minimum/Maximum Density for O (Office) - 16/~~50~~**30**; Add: **Minimum/Maximum Density (Units/net acre) for Business/Limited Residential General Plan Designation - 16/50**
142	Table 16.301-A	89-98	Edit: Relabel as Table 16.301-B
143	Table 16.301-A	96	Edit: Duplex in RC: P**/27** and Multi-Unit Residential (Three or More Units) in RC: MNP/1,**27**
144	Table 16.301-A	98	Add Note **27: Residential only permitted in Business/Limited Residential General Plan Designation**
145	16.303.02.D	100	Add 4. **ADUs shall not be counted towards the maximum density allowed for a zoning district.**
146	16.303.02.F	100	Edit: ….The height of an ADU ~~about~~ **above** a detached garage cannot exceed the maximum height…..
147	16.303.02.H	100	Edit: Lot Coverage. The construction of an ADU shall not ~~cause lot~~ <u>be included in the calculation for</u> **maximum** lot coverage ~~to exceed the maximum~~ allowed on **a** ~~the~~ parcel by this Zoning Code.
148	16.317.02.G	131	Edit: ….for residents, visitors, and employees **with the minimum number of parking spaces to be determined by the Director based on project specific details**. ~~provided in the following ratios: one space per 10 beds plus one space per staff member……~~ Shared parking is allowed through an agreement with other nearby property owners~~.~~**, and remote parking with shuttle service is allowed through an agreement with the parking lot/s owner.** On-street parking ~~shall~~ may be allowed**, but for employees only.**
149	Table 16.508-4.C.	247	Add after last sentence: **Additional parking standards may be required based on land use.**
150	Table 16.508-B	249	Edit: Emergency Shelters - ~~1 per 10 beds per staff~~ **TBD**[1]
151	Table 16.601-A	287	Add: Note - Director Decisions: No Public Hearing Required PC, DRB,AHLC, CC **decisions**: Public Hearing is Required
152	16.602.08.A.1	293	Edit: …**a.** At least 14 calendar days before the date of the public hearing**; or b.** At least 14 calendar days before the date of action **by the Director**, ~~when no~~ **which does not require** a public hearing. ~~is required.~~

153	16.608.03.B.2	310	Edit: ……parking, with a finding that off-street parking for a minimum of ~~2~~ **1** vehicle~~s~~ is available and…..
The following additional changes are Staff edits for greater clarity and corrections to Land Use Table.(Updated 5.20.21)			
154	16.602.08.C	294	Edit: At least 14 calendar days before the date of the public hearing or **21 days before the date of the public hearing for projects subject to CEQA**, ~~or the date of action when no public hearing is required~~, the Director or the City Clerk shall publish……. *(Newspaper notices are not required for actions that do not require a public hearing.)*
155	Table 16.301-A Key	88-97	Add**: "-" Not Permitted**
156	Table 16.301-A	89	Edit: Auto/Vehicle New Sales, Leasing and Rentals - Major, Change RC (-) to **P**; Auto/Vehicle New Sales Leasing and Rentals - Minor, Change IL (-) to **MNP**; Auto/Vehicle /Equipment Repair - Heavy, Change ~~P~~ to **MNP**
157	Table 16.301-A	91	Edit: Grocery Store/Supermarket Large (~~More than 50,000 sf~~ **50,001 sf - 75,000 sf**) *(Large Format Retail is more than 75,000 sf)*
158	Table 16.301-A	92	Edit: Medical and Dental Office, Change O (-) to **P**, M (-) to **P**
159	Table 16.301-A	94	Edit: Recycling Small, Change IL ~~P~~ to **ZC**; Change IG ~~P~~ to **ZC** *(Consistent with Section 16.333)*
160	Table 16.301-A	94	Edit: Adult Day Care Small, Change PS (-) to **P**; Adult Day Care Large, Change PS (-) to **P**
161	Table 16.301-A	94	Edit: Cemetery, Change PS (-) to **MJP**
162	Table 16.301-A	94	Edit: Childcare Center**/Family Day Care** *(Consistent with Section 16.315)*
163	Table 16.301-A	94	Edit: Childcare Center Small, Change PS (-) to **P**; Childcare Center Large, Change PS (-) to **P**
164	Table 16.301-A		Edit: Childcare Center/Family Day Care and Early Education Facility, Small, Change PS (-) to **P**, Childcare and Early Education Facility, Large, Change PS (-) to **P**
165	Table 16.301-A	94	Edit: Colleges and Trade Schools, Public or Private Large, Change PS (-) to **MNP**
166	Table 16.301-A	94	Edit: Extended Care, Change PS (-) to **P**; Hospitals, Change PS (-) to **MJP**
167	Table 16.301-A	94	Edit: Social Services Center, Large, Change PS (-) to **MNP**
168	Table 16.301-A	97	Edit: Communications Antenna, Change PS (-) to **MNP**
169	Table 16.301-A	97	Edit: Marina, Change PS (-) to **P**
170	16.321.05.E	137	Edit: …..storage of autos. Where the person conducting the ~~a~~ home-based business ~~that~~ **relies** ~~serves as an agent or intermediary between~~ **on off-site suppliers and off-site customers exclusively is allowed. In this case, all articles shall be received, stored and sold directly to customers at off-premises locations. In no case shall anything be stored or kept in the public right of way.**
171	16.338.03	168	Add **I.: All wind turbines above 100 feet in height shall be located outside the line-of-sight of the Travis Radar installation.** *(Per Solano County request)*
172	16.339.03	173	Edit: C. ~~**Notice Required**~~ **Public Notice.** Notice of any approved Temporary Use Permit shall be posted on the subject for a period of 7 days from the date the decision is issued. **A public notice, as provided in**

			Chapter 16.602.08 for a Temporary Use Permit shall not be required unless deemed necessary by the Director.
173	16.501.08.I.9	198	Edit: The floor of the enclosure **shall comply with the Vallejo Flood and Wastewater District requirements.** ~~have a drain that connects to the sanitary sewer system.~~ *(Per VFWD request)*
174	Table 16.508-A	247	**Edit:** DMX Districts 1 and 2, Non-Residential Ground Floor - More than 7,500 sq. ft. 1 space per 400 1,000 sq. ft.; Upper Floors - More than 7,500 sq. ft., 1 space per 400 1,000 sq. ft.;DMX Districts 3 and 4 Residential and Live/Work 1.25 1 spaces per unit; Non-Residential Ground Floor More than 7,500 sq. ft. 1 space per 300 1,000 sq. ft; Upper Floors, 1 space per 300 1,000 sq. ft.
175	16.603.01	299	Add at the end of the paragraph: **Zoning Compliance Review replaces the Administrative Permit and process, based on the Director's determination.**
176	16.603.02	299	Edit: C. ~~Appeals.~~**Public Notice. A public notice, as provided in Chapter 16.602.08 Noticing, for Zoning Compliance Review shall not be required unless deemed necessary by the Director.** Add **D. Appeals.** (Same text)

ERRATA FOR CHAPTER 16.312 CANNABIS PROCESS, CULTIVATION, DISTRIBUTION, TESTING AND RETAIL
Updated: April 28, 2021

Remove 16.312.02.C through G Entirely and replace with the following:

C. Development and Operation Standards. Cannabis cultivation, distribution, manufacturing and testing laboratory establishments shall comply with the following restrictions:

1. Where this Code conflicts MAUCRSA design and development standards, the more restrictive standards shall apply. All applicable zoning district requirements must be met, together with the following requirements:

2. Development and Operational Standards:

a. General. All activities shall occur within a secure fence at least 8 feet in height that fully encloses the area. The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress/egress.

i. No person under age 18 shall be allowed on the property.

ii. The site shall not be open to the general public.

iii. No transactions outside, or partially outside of an enclosed building are permitted. No transactions which are performed through walk-up or drive-through service are allowed.

iv. No use, inhalation, smoking, eating, ingestion, or otherwise consumption of cannabis on the property, including the parking areas of the property.

v. No exhibition or product sales area or retail sales are allowed on the premises.

b. Cultivation:

i. The canopy shall not exceed 10,000 square feet; and

ii. All cannabis cultivation shall occur indoors, completely enclosed in a structure with opaque walls, and shall not be visible from any public right-of-way

c. Lighting:

i. Exterior perimeter lighting shall be in place prior to operation;

ii. Exterior lighting shall be Code compliant LED fixtures or high efficacy luminaries, and shall have an illumination intensity of between one and four foot candles;

iii. Lights shall be directed and shielded so as not to illuminate into adjoining properties;

iv. Lights shall have a housing to protect against breakage;

v. Broken or burnt out lights shall be replaced within 5 calendar days;

vi. Transitional lighting shall be incorporated in exterior areas going to and from buildings or uses within a site; and

vii. Trees and shrubs shall not interfere with the distribution of lighting as required by this section.

d. Signs:

i. A sign shall be posted on the door or in view of the entrance stating that no person under the age of eighteen is allowed on site; and

ii. A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited; and

iii. A sign shall be posted stating loitering on or near the premises is prohibited; and

iv. A sign shall be posted outside the facility in full public view that contains contact information of the City manager's office for both in case of an emergency situations and for public concern of operations.

v. Other requirements as prescribed in **Chapter 16.509, Signs**.

e. Fencing, screening and landscaping:

i. All fencing shall be 8 feet tall, solid fence, masonry or board-on-board as approved by the planning manager or designee.

ii. Shrubs located next to pedestrian walkways and other vulnerable areas as determined by the planning manager or his or her designee shall not exceed three feet in height at maturity;

iii. Trees shall be pruned up to six feet above ground;

iv. Trees and shrubs shall be pruned back from windows, doors and walkways;

v. Decorative stone, brick, and other masonry material shall be grouted to prevent removal by hand;

vi. Entrances to the site and parking lots shall be defined with landscaping or entry feature;

vii. Outdoor waste and recycle bins shall be contained within a locked structure to prevent unauthorized entry; and

viii. Other requirements as prescribed in **Chapter 16.508, Landscaping.**

f. Noise:

i. The use of generators is prohibited, except as short-term temporary emergency back-up systems; and

ii. Other requirements as prescribed in **Chapter 16.502.10 Noise**.

g. Odor control: A sufficient odor-absorbing ventilation and exhaust system shall be installed to ensure that odor generated by the use is not detected outside the property, anywhere on adjacent properties or public rights-of-way, or within any other unit located within the same building as the cannabis use.

h. Maintenance:

i. Property shall be maintained free of debris, litter and trash; and

ii. Comply with Chapter 7.54, Property Maintenance of the Vallejo Municipal Code.

iii. Other performance standards: comply with all requirements prescribed in **Chapter 16.502, Performance Standards.**

D. **Retail Sales of Cannabis**. Where this Code conflicts MAUCRSA design and development standards, the more restrictive standards shall apply. All applicable district requirements are met, together with the following requirements:

1. Development and Operational Standards. Retail sales of cannabis uses shall comply with development standards specified in the applicable zoning district. Such uses shall also comply with the following standards:

a. General:

i. No person under age 18 (for medical retail sales of cannabis) or 21 (for recreational retail sales of cannabis) shall be allowed on the property.

ii. No transactions outside, or partially outside of an enclosed building are permitted. No transactions which are performed through walk-up or drive-through service are allowed.

iii. The property shall not include patio or café seating, unless used exclusively for employees in an area not accessible to the general public.

iv. No use, inhalation, smoking, eating, ingestion, or other consumption of cannabis in any form shall be allowed on the property, including the parking areas of the property.

v. No alcohol shall be consumed, made available, sold, offered for sale, given, distributed, traded, or otherwise provided to customers, employees, guests, visitors, or volunteers.

vi. No retail sales of cannabis shall occur, in any form, to anyone between the hours of 10 p.m. p.m. and 6 a.m., except delivery.

vii. The property complies with all applicable California State Building Code provisions, the City's property maintenance ordinance and is maintained free of debris, litter and trash.

viii. All transactions, including but not limited to cash or in-kind contributions, reimbursement or compensation, shall be fully documented.

ix. The owner will have a written security plan including procedures for verifying identification and age of purchasers. The plan must include a description of licensed and uniformed security guards who must be present on site during hours of operation, including their number, location and hours, as well as a theft prevention plan including locked exterior doors and windows during the times the business is closed. The licensed and uniformed security guard best practices shall comply with state law.

x. The point of sale software used to track retail sales must be acceptable to the finance director.

xi. Retail sellers of cannabis may only use one name to identify themselves in the minor use permit, the local regulatory permit, the state license and any other state or local permit that may be required.

b. Limitations on retail area in industrial zones. In the IL and IG zoning districts, no more than 50 percent of the floor area shall be devoted to retail sales.

c. Lighting:

i. Exterior perimeter lighting shall be in place prior to operation;

ii. Exterior lighting shall be Code compliant LED fixtures or high efficiency luminaries, and shall have an illumination intensity of between one and four foot candles;

iii. Lights shall be directed and shielded so as not to illuminate adjoining properties;

iv. Lights shall include housing to protect against breakage;

v. Broken or burnt out lights shall be replaced within 48 hours;

vi. Transitional lighting shall be incorporated in exterior areas providing access to and from buildings or uses within a site; and

vii. Trees and shrubs shall not interfere with the distribution of lighting as required by this section.

d. Signs:

i. A sign shall be posted on the door or in view of the entrance stating that no person under the age of eighteen (for medical retail sales of cannabis) or twenty-one (for recreational Retail sales of cannabis) is allowed on site.

ii. A sign shall be posted stating that the use or consumption of cannabis or cannabis products on or near the premises is prohibited.

iii. A sign shall be posted stating loitering on or near the premises is prohibited.

iv. A sign shall be posted outside the facility in full public view containing City contact information for both emergency situations.

ERRATA FOR CHAPTER 16.614 ARCHITECTURAL HERITAGE AND PRESERVATION CHAPTER
Updated: April 28, 2021

16.614.05 INITIATION OF **LANDMARK** DESIGNATION

A. An application to add a new ~~"H" Historic District designation or~~ "L" Landmark property designation may be initiated by the City Council**,** ~~or~~ the Architectural Heritage and Landmarks Commission, **or as provided in this Chapter**. ~~In addition, an application to add a new "H" Historic District designation may be initiated by at least 50 percent of the affected property owners., and an application to add a new "L" Landmark property designation may be initiated by the subject property owner.~~

Remove 16.614.05.B and replace it with the following:

B. **Landmarks Heritage Survey List.** The Architectural Heritage and Landmarks Commission shall undertake and complete one or more architectural heritage surveys. Upon completion of such survey(s), the Architectural Heritage and Landmarks Commission shall undertake to establish and maintain a list of structures, objects and areas having a special historical, cultural, architectural or aesthetic interest or value. This list may include single structures or sites, portions of structures, groups of structures, manmade or natural landscape elements, objects, works of art, or integrated combinations thereof.
Upon completion of such list, the Architectural Heritage and Landmarks Commission:

1. May carry out, assist and collaborate in studies and programs designed to identify and evaluate structures, objects, sites and areas worthy of preservation, and establish archives where pictorial evidence of the structures and their architectural plans, if any, may be preserved and maintained;

2. May consult with and consider the ideas and recommendations of civic groups, public agencies and citizens interested in historic preservation;

3. With permission of the owner or, where appropriate, of the owner's authorized agent, inspect structures, objects, sites and areas which it has reason to believe worthy of preservation;

4. May disseminate information to the public concerning those structures, objects, sites and areas deemed worthy of preservation, and may encourage and advise property owners and members of the community generally in the protection, enhancement, perpetuation and use of designated structures, property in historical districts, and other officially recognized property of historical, cultural or architectural interest;

5. May consider methods for encouraging and achieving preservation, and may establish such policies, rules and regulations as it deems necessary to administer and enforce this chapter, subject to approval by the City Council.

C. **Designation of Landmarks.** From the heritage survey list, the Architectural Heritage and Landmarks Commission may designate certain structures, sites, portions of structures, groups of structures, landscape elements, objects, works of art, or integrated combinations thereof as landmarks. Each such designation shall include a description of the characteristics of the designated item which justifies its designation, and shall also include a description of the particular features that should be preserved, and also include the location of the landmark.

B. **Designation Criteria.** The Architectural Heritage and Landmarks Commission shall use the following criteria when deciding whether to designate property as a landmark:

1. Architectural Merit:
   a. Property that is the first, last, only, or most significant architectural property of its type in the City or region.
   b. Property that is the prototype of, or outstanding example of, periods, styles, architectural movements, engineering or construction techniques, or an example of the more notable work, or of the best surviving work in the City or region of an architect, designer or master builder.
   c. Architectural examples worth preserving for the values they add when integrated into the total fabric of the City's neighborhoods.

2. Cultural Value: Structures, objects, sites and areas associated with the movement or evolution or religious, cultural, governmental, social and economic developments of the City;

3. Educational Value: Structures worth preserving for their educational value;

4. Historical Value: Preservation and enhancement of structures, objects, sites and areas that embody and express the history of Vallejo, Solano County, California, or the United States. History may be social, cultural, economic, political, religious or military;

5. Any property which is listed on the National Register and is described in Section 470a of Title 16 of the United States Code and/or is a registered state landmark.

C. **Classification of Designations.** Any property which the Architectural Heritage and Landmarks Commission finds to meet the criteria specified in Subsection B may be classified and designated as follows:

1. City Landmark. City landmarks shall include those structures found to have unique historical, architectural or aesthetic interest or value and which are eligible for or listed on the National Register of Historic Places.

2. Historic Structure. Historic structures shall include those structures found to have outstanding historical, architectural or aesthetic interest or value.

3. Structure of Merit**.** Structures of merit shall include those structures found to have significant historical, architectural or aesthetic interest or value.

4. Contributing Structure**.** Contributing structures shall include those structures found to warrant special historical, architectural or aesthetic interest or value.

D. **Initiation of Classification Designation.** The Architectural Heritage and Landmarks Commission shall initiate the designation of a structure. In addition, initiation may be made by the City Council, Planning Commission or Architectural Heritage and Landmarks Commission, or upon the request of the Vallejo Architectural Heritage Foundation, neighborhood associations, historic preservation organizations, the verified application of the owner or authorized agent of property to be designated, or by any resident of the City.

Any such application shall be filed with the Architectural Heritage and Landmarks Commission upon forms which it shall provide, and shall be accompanied by all data required by the Architectural Heritage and Landmarks Commission.

E. **Public Hearing-Architectural Heritage and Landmarks Commission.**
Upon receipt of a request for designation, or the property owners' consent to the designation if nominated by the Architectural Heritage and Landmarks Commission or City Council the Architectural Heritage and Landmarks Commission, or the Secretary, shall schedule a public hearing and cause notice thereof to be published once in a newspaper of general circulation in the City. The Secretary shall also cause all owners of property within a 200-foot radius of the property in question, and any neighborhood group applicable to the property, to be notified of such application by mail. These notifications shall be made at least 21 days prior to the date scheduled for the hearing. After conducting a public hearing, the Architectural Heritage and Landmarks Commission shall determine whether to designate the structure as a City landmark, provided that no such designation shall be final prior to ratification at a subsequent meeting of the Architectural Heritage and Landmarks Commission.

F. **Time Limitation.** The Architectural Heritage and Landmarks Commission shall offer a public hearing, approve, disapprove or modify the request within 180 days after receipt of the request.

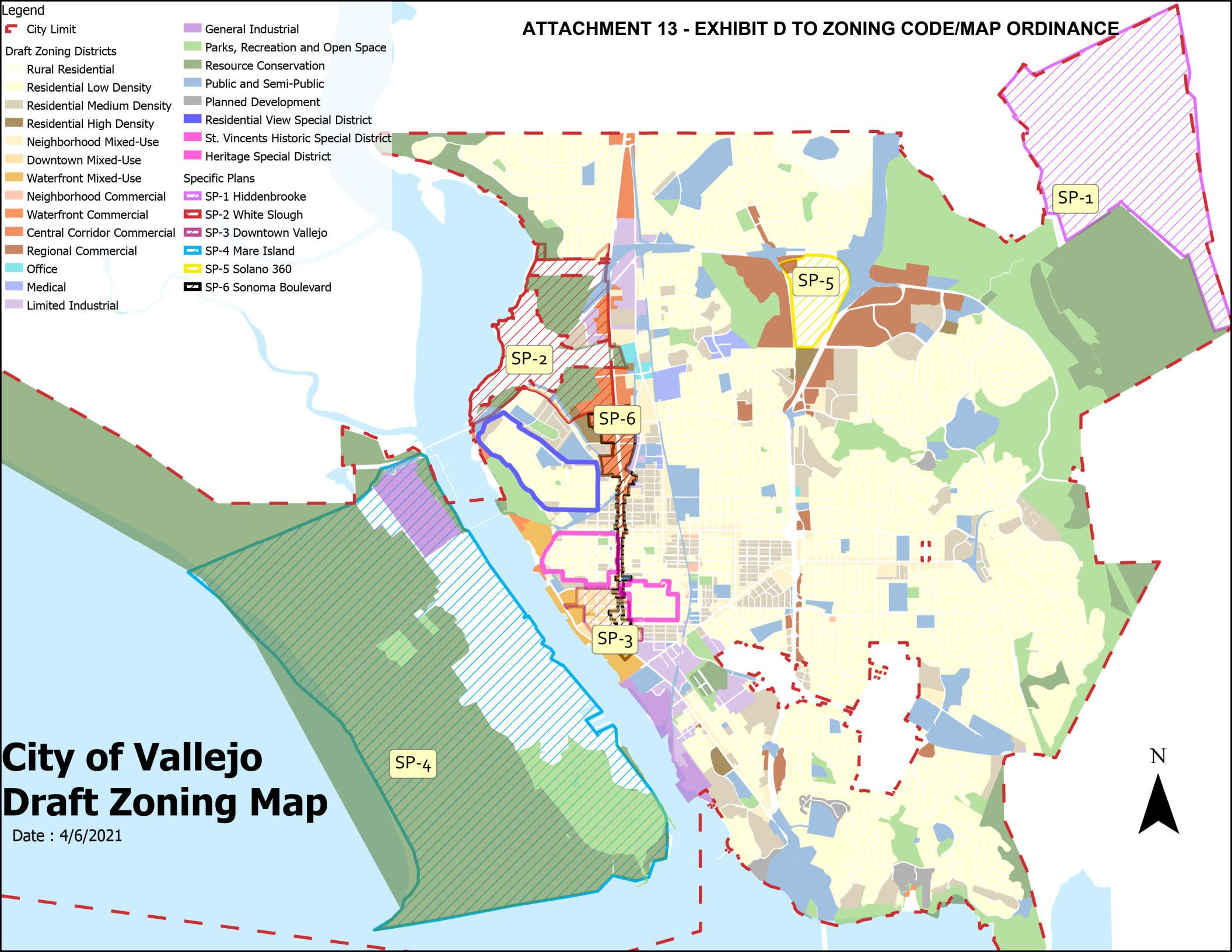
G. **Notice of Action Taken.** The Architectural Heritage and Landmarks Commission shall promptly notify in writing the applicant and owner of the property of such action taken. The Architectural Heritage and Landmarks Commission shall also mail a notice of its decision to persons requesting such notification. A copy of the notice of decision shall be filed with the Secretary.

H. **Resubmission or Reconsideration.** If a proposal initiated by application has been denied by the Architectural Heritage and Landmarks Commission, or by the City Council on appeal, subsequent application that is the same or substantially the same may not be submitted or reconsidered for at least one year from the effective date of final action on the original proposal unless substantial additional data becomes available, in which case the Architectural Heritage and Landmarks Commission may rule to hear a resubmitted application after 6 months.

I. **Additional Notice of action.** When a structure has been designated as provided above, the Architectural Heritage and Landmarks Commission shall cause a copy of the designation, or notice thereof, to be recorded in the Office of the County Recorder and copies filed with the following: Planning Division, Building Division, Housing Authority, Solano County Board of Realtors, Vallejo Architectural Heritage Foundation, American Institute of Architects—Solano County Branch, Northern California Chapter. Such structure shall be shown as a separate overlay on the City's GIS map. (This is currently shown on separate map.)

16.614.06 **INITIATION** AND CRITERIA FOR ESTABLISHMENT OF HISTORIC DISTRICTS ~~AND LANDMARKS~~

A. An application to add a new "H" Historic District designation may be initiated by at least 50 percent of the affected property owners, or by any Vallejo resident. Prior to adopting an ordinance designating an "H" Historic District **the Architectural Heritage and Landmarks Commission or** City Council shall determine that the area, structure, feature or site to be designated satisfies at least one of the following criteria:


ATTACHMENT 13 - EXHIBIT D TO ZONING CODE/MAP ORDINANCE
Legend
City Limit
Draft Zoning Districts
Rural Residential
Residential Low Density
Residential Medium Density
Residential High Density
Neighborhood Mixed-Use
Downtown Mixed-Use
Waterfront Mixed-Use
Neighborhood Commercial
Waterfront Commercial
Central Corridor Commercial
Regional Commercial
Office
Medical
Limited Industrial
General Industrial
Parks, Recreation and Open Space
Resource Conservation
Public and Semi-Public
Planned Development
Residential View Special District
St. Vincents Historic Special District
Heritage Special District
Specific Plans
SP-1 Hiddenbrooke
SP-2 White Slough
SP-3 Downtown Vallejo
SP-4 Mare Island
SP-5 Solano 360
SP-6 Sonoma Boulevard
SP-1
SP-2
SP-3
SP-4
SP-5
SP-6
City of Vallejo
Draft Zoning Map
Date : 4/6/2021
N

PUBLIC COMMENT LETTERS

April 13, 2021 City Council Public Hearing

Vallejo Housing Justice Coalition

April 13, 2021

Re: VHJC Comments on Proposed Zoning Code

Dear Council Members,

The Vallejo Housing Justice Coalition (VHJC) is composed of community members, policy advocates and organizations that come together to fight for affordable housing in Vallejo. VHJC believes that housing is a human right, and is committed to working with the city and community groups in Vallejo to ensure that everyone in our city has a safe and stable home regardless of race, culture, age, and sexual orientation.

In March, VHJC submitted a comment letter (see attached) on the City's proposed Housing Strategy. We believe the proposed zoning code changes fail to address the fundamental issues we raised in our comment letter and continue to perpetuate the housing policies, planning strategies, and political priorities that have created the housing crisis in Vallejo and throughout the Bay Area.

I. Zoning and increased density

- **Mixed use zoning**: Mixed-use zoning can allow for the inclusion of commercial buildings alongside residential buildings or the inclusion of street-level commercial space in the bottom of residential buildings. Mixed-use neighborhoods often allow for, as the term suggests, a mix of uses and facilitate a range of transportation choices, including pedestrian activity and public transit. This can reduce transportation costs, which contribute significantly to a household's overall cost of living.

- **ADUs:**
  - Section 16.301-B Land Use Regulations shows support for Accessory Dwelling Units in most residential, mixed-use, and commercial districts as "Permitted subject to zoning compliance determination." Section 16.303 Accessory Dwelling Units contains the statement that "The construction of an ADU shall not cause lot coverage to exceed the maximum allowed on the parcel by this Zoning Code." Section 16.201.02 Development Regulations - RR and RLD Districts sets Lot and Density Standards for RLD at a Maximum Density of 9 units per net acre. With typical lot sizes for Single Family Homes in Vallejo averaging between 1/12th and 1/8th of an acre, it is unlikely that any additional unit growth in an RLD District can occur and remain under the 9 units per acre density limit. It is unclear whether this is intended to indirectly deter ADUs from RLD Districts, whether the language biases towards supporting ADU development only in neighborhoods with extraordinarily large lot properties, or whether the language is just loosely implemented.

- Recommend either a) deleting Section 16.303.02.H in entirety, b) modifying Section 16.303.02.H to explicitly exempt density calculations in complying with the terms of that section, or c) amending Section 16.303.02 to increase District density limits by 50% when including ADUs and JADUs in the county.
- Review actions taken by Daly City to legalize ADUs without penalizing existing units.
- Provide incentives for bringing property up to code.

Local policies that boost affordability

Even when density is maximized and bureaucracy minimized, the private market has not provided housing that is affordable to the low and moderate-income families who need it most. Local governments often rely on state and federal government to provide subsidies to offset the costs of constructing and maintaining more affordable housing. But with those resources declining, they are also thinking creatively about local tools to support long-term, deeper affordability.

- **Inclusionary Zoning**: which requires developers to set aside a share of apartments that are affordable to households at different income bands. New York City adopted a citywide requirement in 2016 to slow gentrification and to create more affordable housing options across the city, and New Orleans recently adopted a inclusionary zoning policy that tailors requirements to the strength of the market in specific neighborhoods. Can the planning department to highlight any changes in the district type regulations, zoning map, or otherwise that would result in new residential development opportunities, whether through new mixed use development, changed density regulations, or otherwise?
- **Density bonuses:** Austin, Texas, and Arlington, Virginia, are implementing density bonuses, which incentivize (but don't require) the production of affordable housing in exchange for increases in allowable building heights. 16.212 AFFORDABLE HOUSING INCENTIVES – implements state mandated affordable housing density bonuses and expedited permitting for infill development (appears to be set at the same rate as the state minimums).
- **Right of first offer/refusal:** Cities can also tap into their own land inventory. King County, Washington, has a long-standing policy that gives affordable housing providers a "first look" at county-owned land, and California has a statewide policy that requires local agencies disposing of surplus public land to give first priority to affordable housing. There doesn't appear to be anything specific in the Vallejo recode on this.

II. Promote Fair Housing

The proposed zoning code changes lack clear policies that can support affirmatively furthering fair housing (AFFH). In December, the City of Boston become first major City in the nation to include fair housing requirements in Zoning Code. The Boston zoning code requires developers in Boston to take substantial steps to stem displacement and provide further access to housing to those historically discriminated against. Developers will "be required to complete both the already-approved Accessibility Checklist, which considers impacts of people with disabilities, in addition to a new AFFH Assessment, guided by a displacement analysis and historical exclusion

data that will be provided by the Boston Planning and Development Agency." The city of Vallejo should create a similar tool for use in its development approval process.

III. Prevent displacement of current residents

The AFFH tools adopted in Boston's zoning code update also includes a set of strategies to reduce the risk of displacement (see Section I. above) which are not included in the current Vallejo zoning code update. In addition, policies such as anti-displacement zoning overlays have proven effective at mitigating the risks of market rate development. The Urban Displacement Project at the University of California website contains a set of well-documented and proven anti-displacement polices some of which the zoning code update can support. They can be found at https://www.urbandisplacement.org/policy-tools/bay-area.

We look forward to your reply and to meeting with you over the coming months to implement a comprehensive housing strategy that meets the community identified needs of Vallejo residents. Thank you.

Sincerely,

Steering Committee

Vallejo Housing Justice Coalition

CC:
Vallejo Planning Commission
Vallejo Housing and Community Development
Vallejo Economic Development
Vallejo City Manager

From: Dawn Abrahamson
To: Gillian Hayes; Christina Ratcliffe; Michelle Hightower; Greg Nyhoff; Anne Cardwell; Veronica Nebb
Subject: Fwd: Zoning and south Vallejo
Date: Tuesday, April 13, 2021 7:21:01 AM

Forwarding to each of you.
---------- Forwarded message ----------
From: hallett87@gmail.com
Date: Apr 13, 2021 12:07 AM
Subject: Zoning and south Vallejo
To: Mina Diaz <minadiaz01@gmail.com>,"Robert H. McConnell" <Robert.McConnell@cityofvallejo.net>,Tina <xtinaarriola@gmail.com>,Hakeem Brown <Hakeem.Brown@cityofvallejo.net>,Rozzana Verder-Aliga <Rozzana.Verder-Aliga@cityofvallejo.net>,Pippin Dew <Pippin.Dew@cityofvallejo.net>,Katy Miessner <Katy.Miessner@cityofvallejo.net>
Cc: city.manager@cityofvallejo.net,Dawn Abrahamson <Dawn.Abrahamson@cityofvallejo.net>,City Atty <City.Atty@cityofvallejo.net>

> Mayor and Council,
>
> Thank you for taking the time to read this and for your leadership during these difficult times.
>
> I write to you to ask that you (1) Rezone the Sperry Mill site to conform to the general plan and (2) Overturn the Planning Commission's decision to permit a residential building across from the King center with no retail options.
>
> The first request is necessary because of the 4 years of hell this city was put through with Orcem. That lot must be rezoned to prevent another corporate polluter from trying to destroy Vallejo. Without that lot rezoned, we face the prospect of another divisive and disastrous project.
>
> As to the second request, this is south Vallejo's only real opportunity to have a store to buy healthy and affordable food. The residents of south Vallejo have asked for a grocery store for decades. We should put more pressure on the developer rather than simply rubber stamping their project.
>
> If they say no, we should shop around. A store may not be feasible for that development, but we should push developers as much as possible to get our residents the best deal. We should not so easily cave to developers demands. The developer stands to make a lot of money. What's in it for Vallejo?
>
> When the self-storage facility was approved near the Humane Society, I stated at a Council meeting that it was "[A]nother example of Vallejo getting the short end of the stick for the benefit of out-of- towners." I meant it then and believe it's even more applicable now. Please do not allow this development to go through without at least putting pressure on the developers to put in a store.
>
> Thank you for taking the time to read this. This has been a difficult year for our city, county, state, and nation. I know you all have a difficult job. Please encourage everyone to get vaccinated and shop local as much as possible. We will get through this together.
>
> Sincerely,
> Stephen Hallett

From:	Patricia Gatz
To:	Robert H. McConnell; Rozzana Verder-Aliga; Mina Diaz; Katy Miessner; Hakeen.Brown@cityofvallejo.net; Tina Arriola; Michelle Hightower; Christina Ratcliffe; Dawn Abrahamson
Cc:	Anne Carr; Bob Schussel; Jimmy Genn
Subject:	City Council Meeting April 13, 2921 Item C
Date:	Monday, April 12, 2021 5:40:25 PM

Mayor McConnell, City Council Members, and Planning Staff:

I am submitting comments relating to Item C on the Agenda for the April 13, 2021 City Council Meeting. This item relates to the comprehensive update of Vallejo's Zoning Code.

Residential View District Ordinance, Vallejo Heights View District, Hillside Development Standards

The Residential View District was restored to the proposed Zoning Code in 16.213 in response to public comments objecting to it having been deleted from the revised zoning code. We appreciate staff's response to the public comments. However, there are still some concerns.

On February 6, 1990, after noticed public hearings before the Planning Commission and the Vallejo City Council, the City Council adopted an ordinance which created the **Vallejo Heights Residential View District**. That ordinance requires that before building permits can be approved for any improvements within the District it is necessary for any improvements that increase the building envelope that a site development permit application be submitted.

There have been comments submitted about conflict between the View District and Hillside Standards regarding which dominates. Staff recommended that the following revised language be included in the Draft Code as follows:

Section 16.202.01.B Conflicts: In the event of a conflict between he provisions of this Chapter and other development ode regulations, including the provisions of the applicable zoning district,the provisions of this Chapter shall apply. The exception is when a project is also subject to Chapter 16.213,. Residential View District, the more restrictive provision shall apply. The revised language is underlined.

However, we submit that the following language would better ensure that public noticing provisions of the Residential View District Ordinance would be met. We recommend that this revised language be included in the Zoning Code.

The exception is when a project is also subject to Chapter 16.213, Residential View District, the View District's provision for public noticing shall also apply..

General Plan Use Designation Under Table 16.102-A Zoning Districts: The Residential View District is included on the Table under General Plan Land Use Designation....Other/Special Districts. The Vallejo Heights View District should also be added to the Table.

Zoning Map: On the Zoning Map there is an outline of the Vallejo Heights Residential View District, but it is only labeled as Residential View District. We request that it be labeled as the Vallejo Heights Residential View District for clarification.

Adult Uses: Adult uses were not discussed or considered during the General Plan Update Process, or during the public workshops. Adult uses should not be allowed near schools, parks residential areas, or along Vallejo's main travel corridors, such as Sonoma Blvd. They should be limited in number and uses allowed.

Healthy Community--Policy CP.1-1: During the process to update the General Plan, there was much discussion about the need to address healthy food options for areas of Vallejo that lack easy access to affordable, healthy food. Concern has been expressed about the zoning of a five (5) acre parcel located at Sonoma Blvd and Magazine Street that might be changed It is recommended that the zoning continue to be: Commercial with limited residential. Activists would like to see a full service grocery store, ethnic food market, etc. located there to serve the residents in South Vallejo that lack easy access to a food source.

General Plan 2040 Integrity: `The policies and action items identified in the General Plan 2040 represent several years of effort by Working Group members, consultants and staff to meet the vision of a vital Bay and River City. It should not be amended to meet the Zoning Code. The Zoning Code should follow the guidance shown in those policies and action items presented in the General Plan 2040.

Thank you for considering my comments:

Patricia Gatz, President, Vallejo Heights Neighborhood Association

Vice-Chair, General Plan 2040 Working Group

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

Myrtle Street Flats LLC d.b.a.
SUNRISE PROPERTIES
Offices: 401 Terry Francois St., San Francisco, CA 94158-2133
Mailing Address: P.O. Box 2210, San Francisco, CA 94126
phone: (415) 872-9711 fax: (415) 292-6594 e-mail: editeur@earthlink.net
East Bay Office : (510) 482-3677 fax 510-251-1840 sunrise.properties@jps.net

April 8, 2021

To the Mayor and Members of the City Council of Vallejo
Re: Objections to the "New Zoning Code Project," hearing of April 13, 2021

c/o City Clerk city.clerk@cityofvallejo.net; christina.ratcliffe@cityofvallejo.net; narcissa.wilson@cityofvallejo.net; michelle.hightower@cityofvallejo.net

My firm sponsored the Live-Work Ordinance in 2001, as a means to rejuvenate Old Town Vallejo.

The purpose was to establish live-work as a discrete use in the Marin-Virginia Building and others like it. This type of activity was already thriving in other Bay Area cities, as a means to attract creative and productive residents to these progressive cities. Live-Work occupancy also reduces vacancy rates and the crime, disruption, and reduced property values that come from boarded-up buildings.

On Aug. 28, 2001 the City of Vallejo City Council unanimously established Live-Work as a permitted use in the CP zone, where the Marin-Virginia Building is located, in Ordinance No. 1469 N.C. (2d). Section 16.24.030.5 was added to the Zoning Code. Since then, acceptance of live-work occupancy has gone state-wide, and it is expressly accepted in recent versions of the California Building Code.

My firm subsequently restored the façade of the building to its Spanish Revival heritage. On July 19, 2018 Architectural Heritage and Landmarks Commission approved the addition of 616-630 Marin Street and 405-409 Virginia Street to the City of Vallejo's Historic Resource Inventory, and designated the structure as a Contributing Resource in Resolution No. AHLC 18-08. That would never have been possible without live-work occupancy, as there are insufficient purely-commercial tenants to support the substantial capital outlay I made to improve both my building and the integrity of Old Town Vallejo.

Unfortunately, some are hostile to this productive and important occupancy option. That hostility resulted in what a Federal District Court found to be a violation of my

constitutional rights in the form of an improper seizure of portions of my building. The summary judgment order in my favor was rendered at the United States District Court - Eastern District of California in Case No. 17-CV-1662.

II

The City of Vallejo mailed me a Notice of Public Hearing on March 31, 2021 regarding a "New Zoning Code Project." I was never consulted during the planning phase nor contacted by any planning official or consultant, despite being the initial proponent of Live/Work.

The "Project" purports to redefine "Live/Work Units" at Section 16.324.
Sub-section 2 would impose non-sensical requirements on the lay-out of live-work units by limiting the residential area to 1/3 of the total space and attributing 100% of the bathroom and kitchen areas to the residential portion. The overall thrust of these new requirements is to make it impractical if not impossible to create or maintain live-work units in Vallejo. The complete lack of common sense and practicality in the proposed changes to live-work should be contrasted with the Planning Staff report of July 2, 2001 [attached in full to this letter] which concluded:

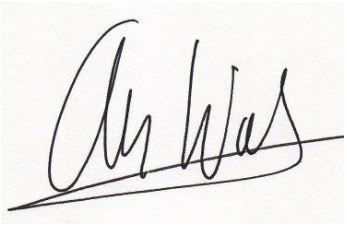
"While not specifically mentioned in the document, live/work opportunities and the environment such opportunities create would be compatible with the vision presented. Live/work occupancies would enable constructive reuse of historic buildings, bring art studios and professional services to the area, and help provide the residential densities needed to support a lively downtown with restaurants, professional offices, and other retail uses. Live/work occupancies would add to the pedestrian-friendly environment by providing interesting shopping and browsing opportunities as well as a variety of professional services. The goods and service provided by live/work tenants would encourage ferry riders to stop and browse in the downtown area. Allowing live/work opportunities would bring new business investment to the area that might otherwise locate in other cities."

Section C. Permits and licenses is equally counterproductive, and appears to have been drafted without input from anyone with experience in creating live-work spaces.
The City originally had a use permit requirement for live-work in most zones, but finally realized in 2008 that no one would apply for the use permits, and therefore made live-work a permitted use in the downtown. Reinstating that requirement will again reduce the benefits Vallejo enjoys from Live/Work occupancies. The proponents of this amendment have no historic or practical knowledge and have proposed a litany of requirements which

are infeasible and would increase Vallejo's vacancy rate, reduce its revenues, and benefit no one.

The City Council should reject any changes to the existing Live/work Ordinance and the Downtown Specific Plan and instead solicit input from the members of the CCRC and all owners of existing live-work buildings. Before making any changes, the City Counsel should have a clear understanding of how those changes would harm everyone in Vallejo.

Yours sincerely



Alan Wofsy
CEO

Live-Work Performance Standards

The purpose of live-work areas is to allow residential use in a commercial area with the intent of permitting people to live in a work environment. A live-work unit is intended to function predominantly as work space with incidental residential accommodation. Live-work units shall be subject to the following requirements:

Live Work Units

Live Work Units

- A live-work unit shall not be used in conjunction with adult businesses, vehicle maintenance or repair, welding or open flame work, and any other activity that can affect the health and safety of the residents
- Living space shall be located in the rear of the ground floor level or on an upper mezzanine level so that it does not interrupt the retail/commercial storefronts
- Residents of live-work areas shall be made aware of the commercial nature of the surrounding area as part of the lease/rental agreement
- Access to each live-work unit shall be provided through separate entrances that are clearly identified
- Up to two persons that do not reside in the live-work unit may work in the unit
- For two-level live-work units, the clear height above and below the mezzanine level shall be no less than 7 feet
- Client and customer visits to live-work units are permitted during normal business hours of 8:00 am to 6:00 p.m..

Environmental Mitigation Requirements

Program EIR Prepared and Certified

Consistent with the California Environmental Quality Act (CEQA) Guidelines, this Specific Plan and the accompanying Downtown Vallejo Design Guidelines are subject to environmental review. In conjunction with the public review process for the Specific Plan, an Environmental Impact Report (EIR) was prepared to assess the impacts of these documents. On September 20, 2005, the Vallejo City Council adopted Resolution No. 05-319 N.C., which certified the Final Environmental Impact Report (FEIR) for the Downtown Vallejo Specific Plan and approved the Mitigation Monitoring and Reporting Program (MMRP). A copy of the certified EIR and MMRP is on file with the Development Services Department, Planning Division.

This EIR has been prepared and certified to serve as a "Program EIR" for the Specific Plan area. This means that the EIR has been prepared to assess the broader impacts of development within the Specific Plan area, recommending mitigation measures for Specific Plan implementation and future development. The purpose of this section is to identify the list of mitigation measures that are included in the EIR and MMRP, which are intended to reduce the

STAFF REPORT

CITY OF VALLEJO PLANNING COMMISSION

Date of Hearing: July 2, 2001 **Agenda Item:** K3

Application Number: Code Text Amendment #01-02, as governed by Chapter 16.86 – Amendments, of the Vallejo Municipal Code.

Recommendation: Staff recommends that the Planning Commission forward a recommendation to the City Council to **APPROVE** Code Text Amendment #01-02 subject to the findings and conditions contained in this report.

---

1. PROJECT DESCRIPTION

The purpose of this code text amendment is to revise the zoning ordinance to allow joint living and working quarters (live/work) in commercial and intensive use zoning districts and in buildings in residential districts that were originally designed as commercial buildings or were legally converted for commercial uses. Currently, residential uses are allowed on floors other than the ground floor in most commercial zoning districts. The text amendment would allow residential and commercial uses to be combined within one commercial space on any floor. Limitations would be placed on such combined uses to ensure the compatibility of a live/work environment with the neighboring uses. Live/work occupancies would not be allowed in shopping centers.

The City has two zoning designations that accommodate more industrial use types: Intensive Use – Limited (IUL), which is intended for less intrusive and hazardous industrial uses, and Intensive Use (IU), which is a more general heavy commercial/industrial zoning district. Residential uses are currently allowed in the IUL districts when accessory to a permitted use and with approval of a major use permit. Residential uses are not allowed in IU districts. The amendment would allow live/work occupancies in both districts subject to approval of a minor use permit.

In residential districts, only commercial or office uses that qualify as home occupations are allowed. Home occupation uses are subject to substantial limitations intended to ensure that the business or commercial uses have no impacts on the neighborhood. In older residential neighborhoods, commercial buildings are occasionally found next to residential uses. Not all of these buildings can feasibly be converted for residential uses. The amendment would allow live/work occupancies that would be compatible with the neighborhood in these buildings without the specific restrictions of the home occupation regulations. Other minor changes to the zoning ordinance would include a definition of live/work, a live/work use classification, and a change in the sign ordinance to allow signs for live/work occupancies in residential neighborhoods similar to those allowed for Neighborhood Commercial uses. (See Attachment A.)

2. CONSISTENCY WITH THE GENERAL PLAN

While the *General Plan* does not specifically address live/work occupancies, the following goals and policies in the *Plan* would support the inclusion of live/work uses in the zoning ordinance. Policy 1 of Urban Design Goal 2 is that "Each neighborhood should have variation in textures of development through variation in dwelling types, in intensities of development and the patterning of uses and open spaces." The proposed amendments would provide an additional dwelling type, allow a different intensity of development, and allow a new use that would improve the pattern of uses throughout the City. Live/work occupancies can act as a buffer between incompatible uses and provide a means of reusing buildings and properties that might otherwise remain vacant.

Urban Design Goal 3 is to have attractive, exciting shopping areas. Commercial Development Goal 2 is to have the Downtown Commercial Area as a strong focal point for the City and surrounding area. Development of a live/work arts and professional community in the downtown area would add interest and excitement to the downtown. Such a community would also provide a strong focal point for the City, drawing shoppers and tourists from the immediate area and beyond. It would also encourage densities of residential use downtown that could support a strong neighborhood commercial community.

Policy 3 of Commercial Development Goal 2 is to promote the development of a pedestrian-oriented environment. One of the means mentioned is reserving ground level floors for retail-type uses and upper floors for retail shops, office, and residential uses. While live/work occupancies would allow residential use on the ground floor, this use would be in conjunction with commercial use and would be in keeping with the spirit of the policy. Such uses would promote a pedestrian-oriented environment in the area by bringing professional services and unique shopping opportunities to pedestrian shoppers and tourists.

Commercial Development Goal 6 is "To have healthy commercial strip areas, phasing out those that are poorly situated and no longer suited for commercial use." The City has various commercial strip areas that are no longer viable for commercial uses. The buildings in these areas tend to be poorly maintained and are often vacant. As strip commercial areas frequently abut residential districts, live/work occupancies would be a suitable reuse as live/work uses would typically be lower intensity than the original commercial uses. In addition, the commercial buildings would likely be more easily converted to live/work than to straight residential.

Industrial Development Goal 2 is "To have a higher percentage of residents working in the Vallejo area." Allowing live/work occupancies would provide the opportunity for more residents to work within the City. Industrial Development Goal 4 is "To maximize the potential of industrially-zoned lands for the fostering of new and innovative industrial development." The policy associated with this goal is to "Use the Planned Development approach in those areas where industrial uses will be compatible with accessory residential and/or commercial uses." While the Planned Development approach is appropriate for larger buildings or areas, for individual small properties or buildings, allowing live/work with approval of a minor use permit would facilitate reuse of smaller industrial buildings that might otherwise remain vacant.

Objective 3 of the Balanced Neighborhood Goal in the Housing Element is to "provide different housing types and different housing densities that are designed to be compatible with surrounding neighborhoods throughout the community." Policy 5 of this goal is to "encourage neighborhood-oriented businesses in vacant nonconforming buildings on a case-by-case basis." Allowing live/work occupancies in buildings that were designed as commercial buildings or have been legally converted for commercial use would meet the objective of providing different housing types throughout the community. It would also allow compatible live/work occupancies in buildings that might otherwise remain vacant. Such occupancies would require a minor use permit and would be reviewed on a case-by-case basis to ensure that the proposed use would be compatible with the residential nature of the neighborhood.

The Historic Preservation Goal of the Housing Element is to preserve and improve historically and architecturally significant structures and neighborhoods. Allowing live/work occupancies in older commercial and industrial buildings would encourage reuse of these buildings in creative ways. These buildings may not be compatible with current commercial uses and, in residential areas, may be difficult to convert for residential use. Adaptive reuse of these buildings would promote development that might otherwise be marginal or infeasible.

3. CONSISTENCY WITH OTHER ADOPTED POLICIES

A. Old Town Master Plan.

The Planning Division developed an *Old Town Master Plan* in 1982. While there have been many changes in the area since that time, some of the conditions described in this *Master Plan* remain unchanged and recommendations from the *Master Plan* are still relevant to the area. According to the economic evaluation in the *Master Plan*:

- *The primary trade area for the downtown is Vallejo itself, with Napa, Fairfield/Vacaville, and Benicia as secondary areas.*
- *Sales leakage from the downtown is attributable to the low level of specialized stores and the large concentrations of shopping centers outside Vallejo. If this leakage continues along with an increase in city population, there should be a sufficient market to support new retailers.*
- *Major access to the downtown is a prerequisite for increased commercial activity.*
- *The local merchants, property owners, and the City should seek to modify the poor image now conveyed by the downtown.*
- *The commercial and residential uses anticipated for the waterfront could be a major benefit to the downtown. The new development would be within walking or very short driving distance, and users could support both the waterfront and the downtown. Tenants who could not find space at the waterfront would spill over into the downtown.*

Some of the conditions noted above have changed. The primary trade area has expanded, with commuters coming from farther away to use the ferry to San Francisco. Major access has been provided to the downtown by the development of Curtola Parkway, which links the downtown area to I-80 and I-780. Private investment and

improvements in the downtown area have begun to improve the poor image of the downtown; however, some vacant or underutilized buildings still remain.

Shopping centers outside of Vallejo and at the outskirts of town are still a drain on the downtown area. To compete with these shopping centers, the downtown area must develop a niche market to attract local residents, shoppers from outside the area, and commuters who come to the area to use the ferry. Live/work occupancies would bring residents into the downtown area who would support other retail and commercial uses nearby. The concentration of retail and professional services provided by the live/work occupants would help to attract the shoppers and browsers needed to complete the revitalization of the downtown area.

B. Downtown/Waterfront Master Plan.

The City is in the process of developing the *Downtown/Waterfront Master Plan*. Implementation of this plan will have an enormous impact on the downtown area. New access routes to link the waterfront to the downtown are planned in the *Master Plan*. New office, commercial, and residential uses are anticipated for the waterfront area that include live/work occupancies. Allowing live/work occupancies in specific zoning districts would be compatible with development anticipated under the *Master Plan*.

C. Vallejo's Economic Vision.

Vallejo's Economic Vision came out of a collaborative effort by community leaders to provide a guiding document for policy makers. It is intended to present a possible economic future for Vallejo. The *Economic Vision* includes suggested economic generators for the historic old town and waterfront area. These economic generators include: preserving historic architecture; providing cultural amenities; encouraging commercial activity including specialty retailers, restaurants, and professional offices; and providing a pedestrian-friendly environment. The document recognizes the potential for capturing the market of ferry riders and the need for City policies and permitting procedures that support new business investment and growth among existing businesses.

While not specifically mentioned in the document, live/work opportunities and the environment such opportunities create would be compatible with the vision presented. Live/work occupancies would enable constructive reuse of historic buildings, bring art studios and professional services to the area, and help provide the residential densities needed to support a lively downtown with restaurants, professional offices, and other retail uses. Live/work occupancies would add to the pedestrian-friendly environment by providing interesting shopping and browsing opportunities as well as a variety of professional services. The goods and service provided by live/work tenants would encourage ferry riders to stop and browse in the downtown area. Allowing live/work opportunities would bring new business investment to the area that might otherwise locate in other cities.

D. Vallejo in the New Economy: High Tech Readiness Report.

The *High Tech Readiness Report* was prepared by a taskforce to provide guidance to City policy makers to attract high tech industry to Vallejo. The report enumerates qualities of a city that are desirable to high tech industry and their employees. In a description of the community climate preferred by the employees of such industries, live/work housing is described as one of the most desirable housing types. While the intent of allowing live/work occupancies is to provide opportunities for reuse of older

buildings and to attract an arts and professional community, such environments also encourage other innovative industries that would be beneficial to the City. In cities that have a tradition of live/work occupancies, these dwelling types are extremely desirable.

E. Mare Island Specific Plan.

The *Mare Island Specific Plan* is the land use planning document for the former US Naval Base on Mare Island. Land use policies in the *Specific Plan* specifically state, "to encourage the reuse of the island as a community where people can live and work, live/work uses and home occupations shall be encouraged." The proposed amendment would extend this reuse policy citywide in zoning districts where such uses would be compatible with the intent of the district.

4. ENVIRONMENTAL REVIEW

The proposed code text amendments were reviewed pursuant to the requirements of the California Environmental Quality Act (CEQA) and were determined to be exempt per Section 15061(b)(3), Title 14 of the California Code of Regulations. These particular text amendments are covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The text amendments and any actions resulting from them would not result in significant effects on the environment. Any actions resulting from the amendments would occur in urbanized areas in existing buildings. The permitted uses would have similar impacts to the uses permitted prior to the amendments.

5. PUBLIC NOTICE

Notice of this pending application and public hearing was published in the Vallejo Times Herald on June 15, 2001. No one contacted staff regarding the proposed amendments.

6. REFERENCES

State of California, Office of Planning and Research; *CEQA: California Environmental Quality Act* (Statutes and Guidelines 1999, as amended).

City and County of San Francisco. Planning Code. March 1992.

City of Berkeley. The City of Berkeley Zoning Ordinance, Ordinance No.: 6478-N.S. Effective March 18, 1999.

City of Emeryville. The City of Emeryville Zoning Ordinance, Ordinance No. 93- 001. Website: www.ci.Emeryville.ca.us. Downloaded May 16, 2001.

City of Oakland. Oakland Municipal Code. 1999.

City of Oakland. *Live/work in Plain English*. Website: www.live-work.com/plainenglish. Downloaded May 14, 2001.

City of Vallejo General Plan (pages II-2, II-6, and II-19).

City of Vallejo. Mare Island Specific Plan. March 1999.

City of Vallejo Zoning Ordinance:

Chapter 16.04 - Definitions
Chapter 16.06 - Use Classifications
Chapter 16.12 - Rural Residential District
Chapter 16.14 - Low Density Residential District
Chapter 16.16 - Medium Density Residential District
Chapter 16.17 - High Density Residential District
Chapter 16.18 - Limited Office District
Chapter 16.19 - Professional Office District
Chapter 16.20 - Neighborhood Shopping and Service District
Chapter 16.22 - Linear Commercial District
Chapter 16.24 - Pedestrian Shopping and Service District
Chapter 16.26 - Waterfront Shopping and Service District
Chapter 16.28 - Freeway Shopping and Service District
Chapter 16.30 - Public and Quasi-Public Facilities District
Chapter 16.32 - Medical District
Chapter 16.33 - Intensive Use – Limited District
Chapter 16.34 - Intensive Use District
Chapter 16.57 - Limitations on Permitted Uses
Chapter 16.64 - Signs
Chapter 16.86 - Amendments

City of Vallejo Economic Development Division. *Vallejo in the New Economy: High Tech Readiness Report*. Presented to the City Council February 27, 2001.

City of Vallejo Economic Development Division. *Vallejo's Economic Vision*. June 1998.

City of Vallejo Planning Division. *Master Plan Old Town Vallejo, California*. December 2, 1982.

City of Vallejo Redevelopment Agency. *Downtown/Waterfront Master Plan Study Session*. June 5, 2001.

The Live/Work Institute. *Live/work Basics: Unit Design Types*. Website: www.live-work.com. Downloaded May 14, 2001.

The Live/Work Institute. *Live/work and the Community*. Website: www.live-work.com. Downloaded May 14, 2001.

The Live/Work Institute. *Live/Work: Planning and Building Codes*. Website: www.live-work.com. Downloaded May 14, 2001.

7. STAFF ANALYSIS

Introduction and History

The application for this Code Text Amendment was submitted by a property owner in the downtown area who is in the process of renovating one of the old buildings downtown. He has seen the market for live/work properties in the vicinity and would like to develop such uses in his building. As the Planning Division has had a number of similar inquiries for reuse of older, often historic, properties, staff is using this opportunity to develop a live/work ordinance that would address such uses citywide.

Zoning was originally developed to protect the health and well being of the general public and the investments of private property owners by ensuring that incompatible uses were geographically separated. In recent years, planning theorists have acknowledged that a certain mixture of uses may actually be beneficial to a community, particularly in reviving underutilized downtown areas. Mixed-use zoning helps revitalize such areas by allowing the consumers of retail and professional services to reside within walking distance of these amenities and by providing the residential densities needed to support a healthy commercial center.

Joint living and working quarters (live/work) are a particular variety of mixed land use. The modern-day live/work concept originated in central city areas where manufacturing uses had moved on to less expensive locations beyond the central business district, leaving large warehouse-type buildings vacant in less desirable areas close to downtown. These buildings were often taken over by artists and other members of the arts community who developed unique and interesting spaces within the buildings that combined living quarters with studio spaces. New York City's SOHO district is one of the original and most famous of such areas; San Francisco's SoMa is a more recent example. While live/work is often initiated by artists, it has become one of the most desirable types of housing among young professionals and high tech workers.

Vallejo does not have an abundance of abandoned industrial space. It does, however, have formerly thriving commercial areas that are now struggling as retail centers have moved from the downtown area to the outskirts of town. While some redevelopment of the downtown area has been successful, there are still vacant and under-utilized buildings. Given the growing commuter population living in the Heritage and Historic districts and the popularity of the Vallejo/San Francisco ferry, this area would be ideal for a live/work community of artists, artisans/craftspeople, high tech workers, and professionals. The services and retail opportunities provided by such a community would attract local residents and visitors into the area. In addition, the increased residential population would help support businesses such as restaurants and bookstores.

Commercial Zoning Districts

The downtown commercial area is zoned CP. Currently, residential uses are allowed in CP districts only on floors other than the ground floor, which must have commercial or office uses. The Planning Division has been receiving a steady stream of requests to allow live/work spaces on the ground floor, mainly in conjunction with artist studios and professional uses, in the downtown area. This type of use would be compatible with the pedestrian shopping district envisioned for this area.

The Planning Division would like to encourage the development of live/work communities in underutilized areas such as the downtown district and in other vacant and underutilized buildings in the City. Under the proposed text amendment, live/work occupancies would require a minor use permit, which would allow the Planning Division to review individual projects to ensure compatibility with existing uses in the immediate vicinity and sensible and attractive building layout. While live/work occupancies would be allowed the CN (Neighborhood), CL (Linear), CP (Pedestrian), and CW (Waterfront) commercial districts, such uses would not be allowed in CF (Freeway Commercial) districts or in existing shopping centers.

Residential Zoning Districts

Home occupations that are compatible with residential uses are currently permitted in residential neighborhoods. The home occupation regulations are more restrictive than the proposed live/work regulations for residential districts. The live/work amendments would differ from the home occupation regulations in that the amendments would allow: the employment of non-residents as long as the work was primarily conducted by a resident; more than 20 percent of the total floor area to be devoted to the occupation; a separate entrance and other alterations not customarily found in similar dwellings (with approval by the Planning Division); indoor window displays and sale of articles not produced on the premises; signs advertising the business that would comply with the sign ordinance; and mechanical equipment that is not normally found in residential units that has been determined by the Planning Division and the Chief Building Official not to be a hazard in a residential district.

The text amendments would allow live/work occupancies in buildings that were originally constructed for or had been legally converted for commercial uses. Generally, these buildings occur in older neighborhoods that traditionally had a mixture of uses. The buildings in question were used for commercial or professional purposes and can be difficult to adapt for strictly residential uses. By allowing live/work occupancies in these buildings, the Planning Division is hoping to encourage reuse of buildings that would otherwise remain vacant. In addition, live/work occupancies would have fewer impacts on the neighborhood than the original commercial uses of these buildings. The text amendments would require a minor use permit for each proposal to ensure that the proposed uses would be compatible with the neighborhood.

Office Zoning Districts

Family residential use is already allowed in the LO (Limited Office) districts with approval of a major use permit. The intent of this district is to provide a buffer between downtown commercial and existing older residential areas. Live/work occupancies are also considered a buffer use. The proposed amendment would allow live/work occupancies in LO districts with approval of a minor use permit.

The Planning Division considered live/work occupancies for O (Professional Office) districts but determined that such uses would not be compatible with the intent of the district; therefore, live/work would not be a permitted use in O districts.

Intensive Use Zoning Districts

Other communities generally encourage live/work uses in industrial areas. Live/work occupancies are particularly suited to older industrial buildings that are not well adapted to modern industrial uses and in areas of mixed zoning. As Vallejo has a limited number of properties with the IU (Intensive Use) zoning designation and would like to encourage further industrial growth, live/work in buildings with more than 15,000 square feet of gross floor area would require a major use permit. This would allow review by the Planning Commission to determine whether the live/work proposal would be appropriate for the property.

Live/work occupancies are currently allowed in the IUL (Intensive Use-Limited) districts with approval of a major use permit. The proposed amendment would change this requirement to a minor use permit to be consistent with requirements of other zoning districts.

Other Zoning DIstricts

Staff considered other zoning districts for live/work and concluded that such uses would not be compatible with the intent of M (Medical) and PF (Public Facilities) districts. The City has a very limited supply of land zoned for medical uses and there is a high demand for that land. In addition, live/work occupancies would not be compatible with many permitted uses in M districts. Live/work occupancies are not considered to be compatible with Public Facility use.

Conclusion

Live/work occupancies have become increasingly popular in all parts of the country. As noted in the *High Tech Readiness Report*, such living situations are often one of the most desirable housing types for some sectors of the population, particularly urbanites who are accustomed to a more varied choice of residential situations. Vallejo needs to remain competitive in the market for high tech and other desirable industries. Allowing live/work occupancies would encourage reuse of older buildings that are not well suited to current business requirements or compatible with the zoning district in which they are located. It would encourage innovative and creative solutions to redevelopment in the downtown and in other underutilized areas. It would provide an opportunity for artists, professionals, and others to develop unique and individual spaces that would help create an interesting and attractive urban design throughout the City. The proposed amendments would allow Vallejo to compete with other communities by offering a popular and practical housing type that would help attract new professional, high tech, and artistic residents while encouraging creative reuse of older building stock.

8. STAFF RECOMMENDATION

Staff recommends that the Planning Commission **APPROVE** Code Text Amendment #01-02 subject to the following:

Findings:

These findings are based upon all evidence in the record including written correspondence and staff report, all of which is incorporated by reference.

1. The proposed amendments are consistent with the Vallejo General Plan as per Section 2 of this report.

2. The proposed amendments are consistent with other adopted policies and would help to implement *Vallejo's Economic Vision*.

The applicant or any party adversely affected by a decision of the Planning Commission may appeal the decision by filing an appeal to the City Council. Such appeal must be filed in writing with the City Clerk within ten calendar days after the Commission's action. The Council may affirm, reverse, or modify any decision of the Planning Commission that is appealed.

If you challenge the Planning Commission's actions regarding this item in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Secretary of the Planning Commission at, or prior to, the public hearing.

ATTACHMENTS

A. Proposed Ordinance

DRAFT NEW ZONING CODE COMMENT TRACKER
UPDATED May 20, 2021 to Include Comments Received for April 13, 2021 City Council Public Hearing
(Some comments have been summarized where appropriate.)

#	Topic	Comment	Response/Status	Zoning Code Section No.
1	Adult Uses	I don't recall Adult Uses being discussed or considered during the General Plan Update Process, or during the workshops conducted in 2019. Since it is a use now included in he Zoning Code, Adult Uses should not be allowed near schools, parks, residential areas, or along Vallejo's main travel corridors. They should be limited in number and use.	Adult uses were not discussed but are in the existing Code. There are distance requirements from schools and parks. Adult uses require a Major Use Permit which includes a public hearing and findings that the location is appropriate.	16.301, 16.304
2	Adult Uses	Expansion of Adult Businesses into other parts of City	Adult use has been from the RC Zoning District; current Code allows Adult Retail in CP, CL, and IU Districts and Adult Entertainment in CL.	16.301
3	Adult Uses	Rather than permitting Adult use in the Central Corridor—namely Sonoma Blvd, which has a well-known and long-standing problem of sex workers who are street walkers – can we limit it to the industrial areas of town? The Central Corridor would be disastrous with its known problem of street walkers already.	Any new use would require a Major Use Permit, which includes a public hearing and specific findings for approval. (See response to #1 above)	16.301
4	Adult Uses	Please revise as follows: Subject to the limitations of this Chapter, Adult Uses may be located in the ~~mixed-use or commercial~~ industrial land use designations, if permitted by the zoning district in which the property is located.	Adult uses will be allowed in CC and DMX with a Major Use Permit. Also, see response to #1 above.	16.304.05
5	ADUs	ADD: ADU Primary Unit or ADU MUST be owner occupied	State law currently does not allow local jurisdictions to require owner-occupancy, except for Junior ADUS.	16.303

#	Topic	Comment	Response/Status	Zoning Code Section No.
6	ADUs (4/13/21)	Clarify that ADUs do not count towards lot coverage	Revised language in Errata as requested.	16.303
7	Affordable Housing Incentives	Controlled rents should be required for at least 20 years so affordable rent residents are not forced out after a few years . In some places in CA 50 years is required.	Corrected to state 55 years.	16.214.09.J
8	AHLC	Why is there reduction in the powers of architectural board etc.	Staff conducted a comparison with other cities and determined that City Council approval of historic districts and landmarks is not uncommon. City Council will receive concerns regarding AHLC approval and may revise accordingly.	16.614.07
9	Alcohol Sales	Need a statement somewhere that alcohol sales in minimarts, convenience stores etc. cannot occupy more 10% of the retail area.	Code includes this requirement.	16.305.05.C
10	Animal Keeping	Why are significantly larger areas required for rabbits, pigeons and ducks. Why a different requirement from chickens?	This was recommend by Zoning Code consultant and presumably based on best practices.	16.306.02
11	Animal Keeping	What's the difference between a dog house and kennel—need to define. How large a dog house is allowed?	A Kennel is a business/facility and a dog house provides shelter for dogs. Kennel is defined in the definition section of the Code.	16.701
12	Appeals	Add following: 16.602.14 D 4. To provide equity between developer rights and those of individuals in a neighborhood, the city may waive the appeal fee for a petition signed by (50?) verified neighborhood residents.	Fee waivers are provided through City Council direction. Council may decide to include this provision in the Code.	16.602.14 D

#	Topic	Comment	Response/Status	Zoning Code Section No.
13	Architectural and Historic Preservation District	As it stands now, the AHLC has the authority to declare an "H" Historic District and historic district conservation plan or Historic District specific plan, or an "L" Landmark designation. These decisions are made by the AHLC only after a careful review process that the AHLC employs. If there is opposition from individuals affected by such declarations, they have the right to appeal to the City Council. The amendments proposed by city staff would reduce the authority of the AHLC by stating that the above actions could be initiated by the commission but would only be a recommendation to the City Council which would then make a decision.	This comment and AHLC recommendations will be forwarded to City Council for their consideration.	
14	Auto Service Stations	Air and water should be free to all and at least 2 bathrooms should be provided	Code includes requirement to provide air and water at no cost. One bathroom is the minimum; additional bathrooms may be provided.	16.307.02.M
15	Auto Service Stations	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.	This section addresses auto services and includes a requirement that cars associated with the business cannot be parked on-street. On-street parking for custormers cannot be prohibited.	16.307.02 .L.3
16	Bed and Breakfast Lodging	From our study sessions, I thought this section was going to be postponed, and studied with the Housing Element and the Design Standards. Outreach needs to be done to the Airbnb hosts to make sure the standards make sense. For example, many hosts use the Airbnb process to decide whether to house visiting nurses for a longer stay than 30 days.	Short-term Rentals, which is not the same as a Bed and Breakfast, will be discussed during Phase II.	16.311

#	Topic	Comment	Response/Status	Zoning Code Section No.
17	Cannabis	Remove "NC" from the approved zoning codes for cannabis, les	The current Code allows cannabis retail sales in the CN district, which is generally consistent with the NC district. Cannabis regulations are carried forward as approved by City Council in the New Code.	16.312 (Current Code Section 16.20.050)
18	Mixed Use/Residential as was suggested. Now is the time.	Change the zoning to Mixed Use/Residential as was suggested. Now is the time.	The zoning districts have been established based on recommendations from the Zoning Code consultant and will remain as proposed unless City Council directs staff to change it.	
19	Community Input	What happened to community input? Who decides and how?	Public input is solicited and reviewed by Staff and consultant; City Council ultimately makes the final decision.	
20	Concentration of Low-Income Housing	So that we do not create ghettos wherein we concentrate all our low-income housing into a handful of census tracts – like we have now – please add the following text that is underlined. b16.214.14 A-8 b "The project site shall not be located in any of the following areas:" k. <u>A site where 30% or more of the housing in the census tract or within a 1000-foot radius already provides affordable or BMR housing units</u>.	This is a policy decision that should be made by City Council.	16.214.A.8.b
21	Correction	Page 131 7 capaCity needs to be corrected	Correction made	
22	Correction for PCN	A2 use CITY rather than COUNTY	PCN is based on County data.	16.305.03
23	Definitions	Definitions: Please include a definition for what constitutes administrative permit, ministerial and discretionary decisions. Most residents are not familiar with these planning terms. What is a FAR? What constitutes a non-substantial changes and editorial changes. Who makes the decision?	The definition for Administrative Review, Discretionary Decision, and Ministerial Permit are all in the definition section of the Code. (Part VII) Floor Area Ratio is described in Rules for Measurement (Part I) Non-substantial and editorial change means the content and meaning do not change.	16.701, 16.104.08

#	Topic	Comment	Response/Status	Zoning Code Section No.
24	Definitions	NUDE needs to be defined. For example, If pasties are worn is the person now considered dressed.	A Nude Entertainment Business is defined in the definition section of the Code.	16.701
25	Eating	Eating and drinking establishments—1 space per 1,000 sq. ft. is too low as most of customers are using cars	Code provides the minimum required. Businesses can include additional spaces based on their business models.	Table 16.508-B
26	Emergency Shelters	Is 1 parking space per 10 residents adequate considering that people may own a car/van?	Regulations are the same as current Code adopted by City Council.	16.317.02.G
27	Emergency Shelters	Residents needs to sign a drug free/crime free pledge (much like 201 Maine etc.)	This is beyond the scope of the Zoning Code.	16.317.02
28	Extensions	Add the underlined text: "The Director may, upon written request and for good cause, grant one extension for up to two years for Review of applications imposed by the Zoning Code in compliance with applicable provisions of State law. <u>After receiving one extension, any further extensions would require a public hearing and/or City Council approval."</u> The idea here is to prevent owners from filing extensions year after year, and not fixing or selling their properties.	Code only allows two extensions. Permit expires after second expiration date.	16.602.05
29	Fences	Why isn't razor wire etc. banned that can be seen from street or other residential properties; makes area look like a war zone	It was decided to allow razor wire for security reasons, as long as it cannot be seen from street view.	16.505.02.E.1.a
30	Fences	SOMEWHERE NEED TO BAN FENCES ON FRONT AND SIDE YARDS IN RESIDENTIAL AREAS 4 FEET HIGH OR LESS THAT ARE NOT PICKET FENCES OR WROUGHT IRON. For example cinder blocks, mesh, chain link.	Fencing material varies and chain-link fences are widely used and allowed in front yards.	16.505.02.E.1.a

#	Topic	Comment	Response/Status	Zoning Code Section No.
31	Food storage	Need statement that Food must be stored in containers that prevent rodents etc. from getting access to.	Food storage regulations are enforced by the County Department of Health and Safety.	16.305
32	Form Based Code	Page 2, Staff Report (3/15/21), Project Background paragraph two. It states that the proposed Form Based Code would be too complex and difficult to implement and that a more conventional approach to completing the Zoning Code would be used. However, on #57 of the list of Zoning Code Updates Action NBE2.1B is listed which refers to a Form Based Code to complement and enhance.....Since the Form Based Code is not now used, should this reference to it in the General Plan be removed by amendment?	The New Zoning Code uses elements of a Form Based Code, such as standards that address the relationship between building facades and the public realm, and the form and mass of buildings in relation to one another. Given this information, a General Plan Amendment is not necessary.	16.203.03, 16.204.03., 16.205.03
33	General Plan Amendments	General Plan integrity vs unsanctioned amendments	The General Plan amendments are corrections and implement General Plan policies.	
34	General Plan Amendmer	What are the amendments the Planning Dept. is proposing to the General Plan? Has Planning noticed these amendments and had any public hearings on them?	The GPAs have been provided on the City's website. Letters to affected property owners and public notice was provided.	

#	Topic	Comment	Response/Status	Zoning Code Section No.
35	General Plan and Zoning Consistency	The General Plan is the driving and directing document; it takes precedence. Where there are conflicts between staff and the public, the public should take precedence, as we live here and will continue to experience the effects of Zoning Code decisions. There must be a balance between “streamlining,” vs public noticing. Err on the side of noticing and public input. For example, a standard 21-day noticing period for public hearings would help, along with consistent digital notices as well as first class mail. “Circulation” statistics do not necessarily mean audiences reached, any more than hiring a skywriter means that everyone in Vallejo has seen a message.	Staff's role, with assistance from the zoning consultant, is to provide a professional recommendation regarding the zoning regulations taking into account comments received from the public. The Planning Commission and ultimately City Council will make the final decision on the regulations, which may differ from staff's recommendation based on public input.	
36	Government Offices	Government offices, libraries provide electric car charging stations.	This has been added in the Errata. Code also requires new businesses with more than 20 spaces serving Multi-Unit Residential, Mixed-use, Commercial (which includes offices) and Hotels and Motels, at least 3 percent of parking spaces shall be electric vehicle (EV) charging stations.	16.301, 16.508.09
37	Hillside Standards	Add: In cases where there is conflict with the Hillside Development Standards, the public noticing and hearing requirements of the Residential View District shall take precedence.	This statement applies to all instances where there is a conflict, the more restrictive provision applies, including project noticing.	16. 101.J.1

#	Topic	Comment	Response/Status	Zoning Code Section No.
38	Hillside Standards	Hillside Standards vs. View District: The Residential View District provides for notices to adjacent land owners and neighborhood organizations. The notice provisions are important and should always be provided when a development or change to a building is opposed, regardless of Hillside Standards.	The process and procedures provided in the RVD Chapter will be followed for projects where Hillside Standards are applicable and are also located in the Vallejo Heights RVD area.	16.212, 16.213
39	Hillside Standards	Hillside Development Standards and RVD. 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.	Hillside development Permit process is the same as the Minor Use Permit which requires notification of property owners within 300 -ft. radius, which is a larger area than required for the RVD process.	16.212.02.A
40	Home-based Business	Business vehicles should be moved every 72 hours	Code restricts overnight parking on residential streets for business vehicles.	16.321.04.I.5
41	Home-based Business	Why is a separate access for a business NOT allowed? Seem it might be preferable	To maintain the residential character of the building, physical changes to accommodate the business are not allowed, including additional access.	16.321.04.E
42	Housing (4/13/21)	Need to address homelessness, housing affordability, mixed-use housing and density bonuses. City of Boston's zoning regulations should be referenced.	Regulations are provided for Emergency Shelters and Affordable Housing development, including density bonus incentives. Mixed Use housing is allowed in the mixed use and commercial districts. Boston has an inclusionary housing ordinance to address affordability. Vallejo will address inclusionary housing in Phase II.	16.317, 16.214, Table 16.301-A

#	Topic	Comment	Response/Status	Zoning Code Section No.
43	IL Zoning District	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 has been corrected.	16.102-A
44	Landscaped buffer for parking	Buffer for parking should 6 feet	Determination was made to include five feet.	16.310.C
45	Landscaping at Street Frontage	Planting strip on street frontage should be 8 feet wide	Code provides 8-foot wide requirement.	16.508
46	Landscaping at Street Fr	Standards #4 Ornamental Grass should not be the prominent material on areas that front a street.	Ornamental grass is a drought-tolerant plant and is encouraged.	16.504..03.A.4
47	Landscaping at Street Fr	Front Yard landscaping, Residential Lots. B. Minimum Planter Dimension. Minimum size should be 30 sq. ft. D2&3 Landscape buffer--Landscaped area should be at least 5 ft. wide Just look at Sonoma BLVD to see why width of buffers need to be wider and 5 ft. in any horizontal direction. We have too many plantings that are too small especially on main through fares.	It was decided to use 25 feet in area or 4 feet in any horizontal direction, and that such size is sufficient.	16.504.04.B
48	Large Format Retail	Add to Parking Area Design and Siting 16.322.E 6: Applicant will maintain parking lot free of trash , debris and abandoned vehicles, and will clean pavement at least 2x a year. Applicant will monitor parking lot for illicit activity.	Because this was not discussed with the Planning Commission, it was not added.	16.322
49	Live/work	What is the maximum size allowed for a live/work unit?	There is no maximum size in the Zoning Code; however, the Building Code has a maximum size of 3,000 square feet.	16.324

#	Topic	Comment	Response/Status	Zoning Code Section No.
50	Live/Work (4/13/21)	Live/Work regulations are different from 2001 Ordinance and process did not involve downtown property owners.	The regulations were developed based on current best practices and Building Code requirements. The Building Code has a maximum size for non-residential (work) use at no more than 50 percent of the total unit size andthe Zoning Code proposes no more than 1/3 for the residential use. (Current regulations allow more than 20 percent of the total unit size for work use.) Shared bathrooms and kitchen facilities are allowed per the Building Code; if provided for the work portion, the bathroom must be ADA accessible. Current regulations only allow up to 2 non-residential employees; Zoning Code does not have a maximum; however, Building Code allows up to 5. A Zoning Compliance Review is required for Live/Work in the Downtown and Waterfront to ensure the requirements will be met.	16.324
51	Massage	Add: A certified therapist with CMTC accreditation must be present during client hours.	Code requires a CMT as an operator. Unlicensed operators are not not permitted.	16.326.02
52	Massage Parlors	Massage Parlors—certified therapist on site while clients on site -- Tobacco Shops (not even mentioned) Stop sale of single cigarettes	Certification is required. (See above response.) Tobacco shops are addressed in the Code.	16.326.02, 16.340
53	Massage Parlors	OWNER AND OPERATOR RESPONSIBILITY--ADD A licensed therapist must be on site during hours of operation	Code includes this requirement in permits required.	16.326.02
54	Mobile Food Vending	ADD 50-foot Area around truck and sitting/eating area to be cleared of trash, paper etc. twice a day.	Maintenance requirement is at all times.	16.327.04.G

#	Topic	Comment	Response/Status	Zoning Code Section No.
55	Noticing	Add: Noticing to residents and to neighborhood organizations shall be via first class mail, a digital notice in a consistent and prominent place on the City's website, and wherever possible, via email.	Public noticing is consistent for all recipients. USPS will be provided and an email will be sent where possible.	16.213.02.H
56	Noticing	Note: Communications with the public have largely gone digital, although not exclusively. Still, digital posting and noticing need to become part of the City's standard outreach, hence the edits below. Also, since the clock starts when the notice is sent via first class mail, the digital postings need to simultaneous with he outbound date of the mailing. Add underlined text: "Unless otherwise specified, whenever the provisions of this Zoning Code require public notice, notification shall be provided in compliance with the requirements of State law <u>and local guidelines, and as follows. 16.602.08 A. Mailed and Digital Notice. The Director, or the City Clerk for public hearings before the City Council, shall provide a public notice as required below by First Class mail delivery and by prominently posting on City website, based on the following. The posting to the City website needs to be in a consistent and highly visible location, and needs to be simultaneous with the first class mailing.</u>	Web posting will be implemented but not included as a requirement in the Code. USPS noticing is required by State Code, and that will continue to be adhered to.	16.602.08

#	Topic	Comment	Response/Status	Zoning Code Section No.
57	Noticing	C Newspaper and Social Media Notice. At least 14 calendar days before the date of the public hearing or the date of action when no public hearing is required, the Director or the City Clerk for hearings before the City Council, shall provide notice by at least one publication in a newspaper of general circulation published in the City. Since many now subscribe to the newspaper in digital form, in the case of newspaper notice, the City shall arrange ads on the front page of the digital version of the newspaper. The City shall also create and maintain consistent channels in social media, such as via Facebook and Next Door for noticing public hearings or dates of action.	Staff cannot dictate where ads are located in the newspaper. See response to #53 above.	16.602.08
58	Noticing	16.602.08 E Contents of Notice, Add: "A general description of the proposed project and requested action. Such description shall be written to clearly describe the project and potential action;	This is a general practice and will not included in the Code.	16.602.08.E
59	Noticing	Reducing noticing time to neighborhood groups.	Noticing did not change for neighborhood groups; only Certificate of Conformity allowed 45 days and that has been revised to be consistent with all other noticing which is 14 days for projects exempt from CEQA and 21 days for project subject to CEQA.	16.602.08
60	Noticing	Noticing -- Need to use email and post on City website so it gets out quicker.	See response to #53 above.	16.602.08

#	Topic	Comment	Response/Status	Zoning Code Section No.
61	Noticing for the Zoning Code	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 effects 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 conduct a an extensive media effort.	Public notification was provided for both Draft documents, SPAs, and GPAs	

#	Topic	Comment	Response/Status	Zoning Code Section No.
62	Off-street Parking	In the older areas of town that already have congested street parking, keep the existing requirements for residential off-street parking at 2 per unit. Affected areas would be: Bay Terrace, Federal Terrace, St Francis Park, Vallejo Heights, St Vincent's, the Heritage area, South Vallejo, the Crest, Washington Park. These areas were built before there were many automobiles in circulation. The streets are typically narrow, many of which only allow parking on one side of the street. The garages are suitable for Model-T Fords or today, golf carts or motorcycles. Keep in mind that these days, adult children are often living at home into their late 20s and 30s, and they have cars, as do both parents. Public transit is really not an option within Vallejo. Try using it sometime and you will see. Offer the option of reduced parking based on a parking assessment to be performed when there is maximum demand on the address, whether commercial or residential. I have witnessed Planning staff report visiting a neighborhood during the day (when most are at work), which obviously does not give an accurate sense of congestion. For sites such as the Safeway off Georgia St, or the Safeway on Admiral Callahan Lane, their parking lots are already congested. Some areas, such as Gateway Plaza, could have reduced parking. There needs to be an assessment as part of the process.	Parking requirements are generally for new construction and will not affect the older areas of City that are built-out.	16.508
63	Off-street Parking requir	Off-street Parking requirements, especially in older neighborhoods	Parking requirements are citywide.	16.508
64	Outdoor Dining	Need a provision that trash, litter etc. will be cleaned up nightly.	This was not discussed with the Planning Commission, but can be added to informational hand-out.	16.330.02.C.7

#	Topic	Comment	Response/Status	Zoning Code Section No.
65	Outdoor Dining	Containers will not be allowed to overflow and contents must be removed daily.	This was not discussed with the Planning Commission, but can be added to informational hand-out.	16.330.02
66	Parking	Hospitals and clinics—why aren't the number of employee's part of the calculation	Employee parking is assumed with the requirement.	16.508
67	Parking	Large retailers 3.5 spaces per 1,000 sq. is low. Look at Costco, etc. and you will see this is inadequate.	Parking requirements are based on best practices.	16.508
68	Pedestrian access at Drive-thrus	Walkway If pedestrians have to cross vehicle aisles signage/stop signs warning cars need to be provided	This can be added as a condition of approval based on the site design.	16.316

#	Topic	Comment	Response/Status	Zoning Code Section No.
69	Pending Projects/Legal Non-conforming	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: o 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. o 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.	Pending projects must be deemed complete by effective date of the New Code.	16.101.02.L

#	Topic	Comment	Response/Status	Zoning Code Section No.
70	Permit Expiration and Extensions	Vallejo has a number of property owners such as Buck Kamphausen who have sat on neglected properties for years. The City can curb this by issuing fines and beginning the Neighborhood Law Process for commercial buildings, and by limiting the number of extensions an owner may receive.	This is addressed in the Enforcement and Abatement chapter. Current staffing resources limit the ability to enforce at this time.	16.602
71	Permit Expiration and Extensions	16.602.12 –C-2 "The Director may approve a further extension of an additional one year on any permit or approval granted under the Zoning Code upon receipt of a written application with the required fee at least 15 calendar days prior to expiration of the permit (for a total of two 12-month extensions per entitlement). <u>After two one-year extensions, any additional extensions require a public hearing and/or City Council approval. Properties that already have had more than 3 years of permits shall not receive further extensions.</u>	Code limits the number of extensions to two. The permit will expire after the expiration date of the second extension. No further extensions are permitted.	16.602.12.C.2

#	Topic	Comment	Response/Status	Zoning Code Section No.
72	Personal Storage	Concerned about the new Personal Storage provisions; 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.*	*Confirm w/Veronica to remove or use indirectly supportive of illegal or criminal activity.	16.331
73	Police Station	Location of police station	Not addressed in the Zoning Code	

#	Topic	Comment	Response/Status	Zoning Code Section No.
74	Public Access	Mixed Use Districts. The last sentence of the proposed amendment is: "Public access to the shoreline must be provided where development is adjacent to the Mare Island Strait as provided in State and Bay Conservation Development Commission requirements. "My request is to expand the sentence by drawing from section 4-24 of the General Plan, adding "and as provided in Vallejo General Plan Policy NBE-4.1 and NBE-4.2, prioritizing public access along the waterfront, including in-water access."	The proposed change is as follows: Any development along San Pablo Bay, the Napa River, Mare Island Strait, or the Carquinez Strait shall provide public access to and along the shoreline consistent with State and Bay Conservation and Development Commission requirements, and shall include in-water access where feasible, consistent with General Plan Policy NBE-4.	16.304.05
75	Public Comments	Many details given during the review process.	Code addresses many of the comments provided by the Planning Commission and public.	
76	Public Noticing	Provide adequate time for notices to be sent to neighborhood organizations and residents by email or postal service	Public notification is standardized and consistent for all recipients. Email addresses may be solicited for neighborhood organizations.	16.602.08
77	Recycling facilities	Recycling facilities especially at shopping centers etc. -- noise, keeping area clean etc.	Noise generated from recycling facilities is addressed in the Code.	16.333.02.C.5.d
78	Recycling facilities	Abandoned shopping carts. If owners(business) are facility operator must notify owner. If shopping cart owner not known facility operator must dispose of cart.	Code includes requirement to notify collection center regarding abandoned carts.	16.333.02.C.6
79	Residential Care facility	There should be an onsite person even if just 6 or fewer residents.	State law requires these uses to be treated as a single-family residences. On-site staff is not required.	16.334.01
80	Residential Care facility	Residential Care facility—why no Parking requirement for STAFF?	Code provides the minimum required. Businesses can include additional spaces based on their business models.	16.508-B

#	Topic	Comment	Response/Status	Zoning Code Section No.
81	Residential View District (RVD)	Add Vallejo Heights Residential View District to the list of Specific Plan Areas. This way, someone seeking to buy and/or develop will know from the outset that the View District guidelines apply.	The RVD is not a Specific Plan as defined by State law.	16.210
82	RV Parking	This should include driveways being prohibited for storage/junk/abandoned vehicles or those without up-to-date tags In many neighborhoods this is a significant problem.	Code addresses condition of vehicles.	16.508.07
83	RV Parking	Recreational Vehicle Parking in Residential e—only 1 vehicle should be allowed if not visible from street. Secondary driveways or pads should not be allowed for parking/storage Zoning Districts. Larger boats and RVs are eyesores/blights in many residential areas and should not be allowed. The sizes allowed should be reduced by 50%. The storage of RVs and Boats is a particular problem. If they can be seen from the street they should not be allowed. Storage in driveways and open car ports etc. should be banned.	RV Parking requirements based on best practices. Allows additional driveway but with could be grass-cret, turf-block a ribbon driveway or other similar treating and not a standard slab driveway.	16.508.11.F
84	RV Parking in Residential Areas	B2 RVs should be prohibited from front and side yards. Many of these vehicles are the size of busses and do not belong in residential areas	Code includes a size limit.	16.508.11.A.1
85	RV Storage	Storing RVs and vehicles (with flat tires, out of date tags, rusted etc.) in driveways or concrete pads on front or side yard.	Code requires RVs visible from public view to be maintained in proper condition	16.508.11

#	Topic	Comment	Response/Status	Zoning Code Section No.
86	RVD	Modify the text, and add what is underlined: 16.212 B. "Conflicts. In the event of a conflict between the provisions of this Chapter and other development code regulations, ~~including the provisions of the applicable zoning district,~~ the provisions of this Chapter shall apply, with the exception of the Residential View District regulations. In the case of conflict with the Residential View District regulations, the public noticing requirements and permits required in the Residential View District shall take precedence.	The following change will be made in the Errata: **The exception is when a project is also subject to Chapter 16.213, Residential View District, the more restrictive and greatest noticing requirements shall apply.**	16.213.B
87	RVD	Add: Single-Unit residences in the Residential View District still require public noticing, even if the addition is less than 50% of the structure.	See response to #77 above.	
88	RVD	Add: New build single-unit residences in the Residential View District require public noticing.	This requirement is provided in the Code.	16.213.B.3
89	RVD	On Page 11 of the Staff Report (3/15/21) under Zoning Map it states "adding View District Boundaries." to update the map. The Residential View District provides for regulations throughout Vallejo. The only view district now in effect is the Vallejo Heights View District. Will the boundaries of the Vallejo Heights View District be entered into the Zoning Map. The Vallejo Heights Residential View District should be included in list of General Plan Land Use designations on the list under Other/Special Districts.	The Residential View District (RVD) has been added to the Zoning Code and Map.	16.201, 16.301
90	RVD	Residential View District Code, should take precedence over Hillside Development Standards	See response to #38 above.	16.213

#	Topic	Comment	Response/Status	Zoning Code Section No.
91	RVD	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.	RVD is included in the Code and on the Zoning Map.	
92	RVD	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	See response to #87 above.	16.213

#	Topic	Comment	Response/Status	Zoning Code Section No.
93	RVD	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.	See response to #87 above.	16.213
94	RVD	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.	See response to #87 above.	16.213
95	Schools	Adequate street parking for cars waiting to pick up or drop off students	Code addresses student drop-off.	16.335.02.B.3, 4
96	Security Guards	Guards/armed security not allowed to post themselves on property. They need to be inside.	Location of security guards is based on business operator's preference.	

#	Topic	Comment	Response/Status	Zoning Code Section No.
97	Service Station	Service Station—why no employee parking. This is a problem in our City.	Code provides the minimum required. Businesses can include additional spaces based on their business models.	16.508-B
98	Signs	Signs--especially how long can be used for promotions/opening	The time limit is 60 days, which is the same as the current Code.	16.509.03.P
99	Signs	Temporary banners – Used for openings etc. shall be limited to 30 consecutive days. May be used for no more than a total of 60 days per day. Inflatable signs must be approved by the City. B1 sign area cannabis—size of signs should not be allowed to be bigger than for other retail stores etc. Temporary "opening signs" and short promotions are heavily abused. Strict time limits need to be spelled out.	New Code uses same time limit as current Code which clearly states 60 days. Cannabis signs standards were adopted by City Council.	16.509.03.P
100	Single-Room Occupancy	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.	Code did not include this requirement for all other lodging uses. Management Plan must include maintenance provisions.	16.336.L.4
101	Social Service Centers	ADD: Residents must sign/agree to crime free/drug free contract	This is beyond the scope of the Zoning Code.	16.337.02
102	Solar Roofs	New construction can be required to have a solar roof. Vallejo requires solar roof for new constructions.	Solar systems are addressed in the Code.	16.338

#	Topic	Comment	Response/Status	Zoning Code Section No.
103	Sperry Mills	When we were fighting the cement plant on our waterfront, we were told that the zoning could not be changed from industrial because of the pending application by Vallejo Marine Terminal. Now that there is no pending application for the former Sperry Mill site, it seems like this is an ideal time to address this issue, particularly since you are holding a public hearing about zoning changes at your March 15 meeting. I believe this change was positively discussed at the November 19, 2019 city council meeting, but sadly the documents for that meeting do not seem to be available online.	The Sperry Mills project will be addressed in Phase II.	
104	Sperry Mills	Sperry site still zoned industrial, not mixed-use	See above response.	
105	Stantec and Public Comments	Many of recent comments made by the Public about the draft Zoning Code have been given short shrift. My question is whether Stantec and Staff carefully reviewed the various written comments that were submitted by the Public and made changes based on hem. Bottom line are the Publics comments being properly incorporated into the Draft Zoning Code?	Stantec received the draft documents prepared by the former consultant, which had already incorporated comments from the Planning Commission and public.	
106	Streamlining Processes and Procedures	Giving more power to Staff to approve projects without public input	In order to streamline processes, more projects will be processed at Staff level through a Minor Use Permit. This includes public notification for property owners within a 300 foot radius, an increase from 200 feet in the current Code.	16.602.08
107	Street Landscaping	Landscaping especially size of planting areas on street front	The landscaping section includes additional areas for street frontage. For projects where the building is set-back from the street, an 8-foot wide landscape strip is required.	16. 504.06

#	Topic	Comment	Response/Status	Zoning Code Section No.
108	Tobacco Products	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 DEEMEDAPPROVED RETAILERS Prohibit sale of weapons, knifes 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?????	Deemed approved allows the Code to require businesses that were legally established and are non-conforming to follow certain standards. The chapter addresses tobacco retailers or smoke shops. Selling of certain merchandise is beyond the scope of the Zoning Code and not included in the current Code.	16.340.04, 16.340.05
109	Traffic Enhancements	Beautify Vallejo by adding boulevards with flowers in the center.	Not addressed in the Zoning Code	
110	Traffic Round-About	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.	Not addressed in the Zoning Code	
111	Waterfront Uses	Lack of code to open up waterfront use to residents and allow more access.	Code includes requirement to provide public access for projects that are within 100 feet of shoreline.	16.203.03.O, 16.204.03.L, 16.205.03.
112	Wireless Facilities	Why aren't towers required to be disguised If within 300 feet of a residential area or business area?	Code requires general screening in the immediate vicinity and the zoning district where located for all facilities.	16.341.05.A.1

PUBLIC COMMENT LETTER

June 7, 2021 City Council Public Hearing