

CITY OF VALLEJO PLANNING COMMISSION

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

**WEDNESDAY
23 JANUARY 2008**

7:00 P.M.

City Hall
555 Santa Clara Street
Vallejo, California 94590

Those wishing to address the Commission on a scheduled agenda item should fill out a speaker card and give it to the Secretary. Speaker time limits for scheduled agenda items are five minutes for designated spokespersons for a group and three minutes for individuals.

Those wishing to address the Commission on any matter not listed on the agenda but within the jurisdiction of the Planning Commission may approach the podium during the "Community Forum" portion of the agenda. The total time allowed for Community Forum is fifteen minutes with each speaker limited to three minutes.

Government Code Section 84308 (d) sets forth disclosure requirements which apply to persons who actively support or oppose projects in which they have a "financial interest", as that term is defined by the Political Reform Act of 1974. If you fall within that category, and if you (or your agent) have made a contribution of \$250 or more to any commissioner within the last twelve months to be used in a federal, state or local election, you must disclose the fact of that contribution in a statement to the Commission.

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

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

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

If any party challenges the Planning Commission's actions on any of the following items, they may be limited to raising only those issues they or someone else raised at the public hearing described in this agenda or in written correspondence delivered to the Secretary of the Planning Commission.

If you have any questions regarding any of the following agenda items, please call the assigned or project planner at (707) 648-4326.

- A. ORDER OF BUSINESS CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. APPROVAL OF THE MINUTES: December 3, 2007 and December 17, 2007.
- E. WRITTEN COMMUNICATIONS: None.
- F. REPORT OF THE SECRETARY
- G. CITY ATTORNEY REPORT
- H. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE PLANNING COMMISSION AND LIAISON REPORTS
 - 1. Report of the Presiding Officer and members of the Planning Commission
 - 2. Council Liaison to Planning Commission
 - 3. Planning Commission Liaison to City Council

I. COMMUNITY FORUM

Members of the public wishing to address the Commission on items not on the agenda are requested to submit a completed speaker card to the Secretary. The Commission may take information but may not take action on any item not on the agenda.

J. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

Consent Calendar items appear below in section K, with the Secretary's or City Attorney's designation as such. Members of the public wishing to address the Commission on Consent Calendar items are asked to address the Secretary and submit a completed speaker card prior to the approval of the agenda. Such requests shall be granted, and items will be addressed in the order in which they appear in the agenda. After making any changes to the agenda, the agenda shall be approved.

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

K. PUBLIC HEARINGS

- 1. Planned Development 02-0015 Hyde Park Gate Entrance Closure. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392. [Consent Calendar] *Continued from the meeting of 11/5/07.*

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

- 2. Administrative Permit 07-0017 for a temporary storage building for Vic's Wheelhouse located on the Front Room parcel. Proposed CEQA Action: Exempt. Staff Planner: Don Hazen, 648-4328. [Consent Calendar]

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

- 3. Use Permit 07-0014 Pint Size Brewery located at 939 Marin Street. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392.

Staff recommends **continuance** to the meeting of February 20, 2008.

4. Use Permit 07-0017 Montana Eddie's Sports Pub located at 301 Georgia St. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392.

Staff recommends **continuance** to the meeting of February 20, 2008.

5. Use Permit 07-0018 legally establish a private independent study program for elementary to high school students located at First Presbyterian Church, 1350 Amador St. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392.

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

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

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

7. Revisions to approved Planned Development Unit Plan 04-0020 which include: adjustments in the property boundaries to incorporate a portion of the contiguous public right-of-way fronting Virginia Street, Sacramento Street and Indian Alley. The applications include a request for a bonus to the floor area ration limits set forth in the Downtown Vallejo Specific Plan.

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

L. OTHER ITEMS

None.

M. ADJOURNMENT

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MINUTES

A. The meeting was called to order at 7:00 p.m.

B. The pledge of allegiance to the flag was recited.

C. ROLL CALL:

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

Absent: None.

D. APPROVAL OF THE MINUTES.

Commissioner Peterman made a motion to approve the minutes of the meeting of November 19, 2007.

Please vote.

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

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

E. WRITTEN COMMUNICATIONS

None.

F. REPORT OF THE SECRETARY

Don Hazen reported that Administrative Permit #07-0017 for a temporary storage building for Vic's Wheelhouse located on the Front Room parcel would be on the next meeting's agenda. Staff Planner for that project is Katherine Donovan, 648-4327.

G. CITY ATTORNEY REPORT

None.

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

1. Report of the Presiding Officer and members of the Planning Commission – None.

2. Council Liaison to Planning Commission – None.

3. Planning Commission to City Council – None.

I. COMMUNITY FORUM

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Chairperson Legalos: None.

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Chairperson Legalos: I would like to move Item K1 to the Consent Calendar.

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

Commissioner Peterman: I move that we approve the Consent Calendar and the Agenda with the changes proposed by Chairperson Legalos.

Please vote.

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

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

K. PUBLIC HEARINGS

1. Parcel Map **04-0006** Extension for small lot subdivision located at 715-717 Ohio Street. Proposed CEQA Action: Exempt. Staff Planner, Marcus Adams, 648-5392. [Consent Calendar]

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

2. Site Development **05-0007** is an application for a single-family residence in the View District located at 145 B Street. CEQA: Categorically Exempt. Staff Planner: Katherine Donovan, 648-4327.

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

Chairperson Legalos recused himself due to owning property in the conflict of interest area.

Katherine Donovan. Applicants have been working with staff and neighborhood for over two years to develop a plan for an addition to the house that would allow the owners additional living space without obstructing the views of neighboring property owners. The proposed addition would add 467 square feet of living area to the house as a rear addition as well as a 603 square foot deck on the north side of the building with 216 square feet of storage space under the deck.

At the basement level, the project would extend 7 feet to the rear beyond the existing footprint to provide 143.5 square feet of unconditioned space. The remainder of the upper floor expansion would be supported by corner pillars which would leave the basement level open.

At the street level, the plan would extend an additional 6.5 feet, stepping in 3 feet on each side from the existing sides of the house.

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At the second level, the new addition would extend 13.5 feet from the existing house, stepping in 3 feet from the sides of the existing house.

From the front of the property, only the deck would be visible. There is a 3-foot railing proposed around the deck, with the portion of the railing along the side, from just beyond the front door to the end of the house raised to 6 feet high. The plans show another 6-foot "privacy screen" parallel with the street located beyond the front door; however, at staff's suggestion, the applicants have agreed to remove that screen from the project.

The addition would be visible from the rear of the property, but would have no view impacts on adjacent properties.

On the south side of the property, the addition would be visible from the adjacent property but would have minimal view impacts as the majority of the views are straight out from the houses, not to the sides.

A public walkway runs along the north side of the property, providing a substantial separation between the property and the adjacent property to the north.

This elevation shows how the project and fence would appear from the public walkway. Although the plans show the deck railing as vertical, the applicants and project architect have asked to be approved to provide a horizontal railing that would be more consistent with the other horizontal elements of the house such as the siding. Staff recommends that this change be allowed with the condition that the ratio of open to solid remain the same (1" rail with 4" spaces).

Originally, staff had concerns about the proposed fence as it is relatively solid; however, after viewing the existing fence as seen from various prospective along the public walkway, it is clear that the fence would not block views of the marsh, water, and hills beyond.

I took pictures from the houses of neighbors most affected. 156 B Street has a view through the view corridor that is partially blocked by the large Deodor cedars along the walkway. The project would affect a portion of this view at the lower edge; however, it would be through the railing, which would filter but not block that portion of the view.

The property owner at 142 B Street was also concerned about view blockage. From her living room, the lower right-hand picture, she has a small view between the buildings that is largely blocked by the trees between the buildings. The rear addition would block a portion of the view not blocked by the trees.

The main view from this house is from the upstairs office window, which has a panoramic view of Mare Island, the straits, and the Napa River. A very small portion of River Park would be blocked by the rear addition from this window.

The purpose of the Residential View Ordinances is to protect, enhance, and perpetuate views of unique topographical features; retain views; establish a design review process; and protect views of the natural character of the hillsides as stated in the goals and policies of the General Plan.

As seen from the front, the addition is not visible. It is in the back. You do see the deck. It is not clear in the photo, but the original proposal had a six foot

privacy fence that ran parallel to B Street. We have discussed that issue with the applicants and they have agreed to leave that portion of the privacy fence out but they did want to bring it up because they wanted to present it to the Commission and get your input on it. From the rear of the house, this is that privacy screen that I was talking about earlier that is not proposed any longer as part of the project. From the rear of the house, you would see the addition, but as you can see here, it stays within the outlines of the house so it is not visible when you are looking at the house head-on. The deck has a three foot railing on the rear. It is shown here as a vertical railing. The applicants would like to be allowed to change that to a horizontal railing to match the horizontal siding of the house, and we believe that that is a reasonable proposal with the caveat that we would like them to maintain the proportions of the open and solid space there so the one inch railing with the four inch space would remain, but it would run horizontally rather than vertically. This is the south side of the house. The adjacent house is fairly close so that you could not see this view from any viewpoint other than the house next door but because the houses all face directly out towards the view, the view from the house behind looks this way, not towards the north, so this would not greatly impact any views from the adjacent house on the south. This is the view on the north, and as you probably are aware, there is a public walkway that runs along the north side of the house, and there is a fair separation between this house and the adjacent house to the north, and it would not block any views from that house. This elevation shows what you would see from the public walkway. As you can see, this deck rail, for a portion, from just behind the front door to about halfway down the addition, is proposed to be six feet high. This is to give the applicant some privacy on their deck, and they have also shown the fence here which we originally had considered to be too solid a fence, thinking that it would block some of the view, but as you can see from these photographs; the existing fence is a little bit dark, so this is the fence here, on all of these photos. As you can see, these photos were taken by me. I am about 5 feet 4-1/2. I had about two inch heels on, making me about 5 feet 6-1/2. I was taking these at eye level, and as you can see, the fence is sufficiently low compared to the walkway that it really doesn't block any views except that of the house beyond it. And so, given that fact, we felt that the semi-solid fence that they proposed was an acceptable solution. I also took pictures from the adjacent neighbors that were affected. These were the houses that were across the street – not directly across but across the street to either side. Directly across, the existing house blocks the addition. To either side, there is a small blockage. This board right here, if you run a line straight down – that would be the extent of the rear addition. This line right here represents the three foot railing and this line here represents the deck height, so, if you imagine a six foot railing from about here to there, keeping in mind that this would be a horizontal fence, one inch thick rail with a four inch spacing; that would be the view impact from 156 B Street.

From 142, this is the view from the living room window. There is a small view corridor between the two houses. This house right here is 145 B Street. The addition runs about right here. It is not very visible because most of the view there is blocked by the trees. The main view from this house is from the upper window in the office, and this is the substantial view. This is a view if you are sitting kind of to the side of the window, looking at the project, and this picture here was actually mislabeled in your Staff Report. This is a view, not from the living room, but from the office taken from the side, and as you can see this portion, right here, would be blocked. This is taken directly from the Municipal Code. The purpose of the Residential View Ordinance is to protect, enhance, and the perpetuation of views to residents of the unique topographical features which the Vallejo area offers or that provide unique and irreplaceable assets to

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the City. The retention of views, 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, and the protection of views as it pertains to the General Plan goals and policies to preserve the natural character of the hillside. In the View Protection Ordinance, there are specific findings that have to be made in order to approve a project, and these are the findings. That the project would maximize open space preservation, protect view corridors, natural vegetation, land forms, and other features. That it minimizes the appearance of visually intrusive structures, prevents the obstruction of property owners' views by requiring appropriate construction of new structures or additions to existing buildings or adjacent parcels, that the project minimizes potential view loss from public areas and incorporates reasonably available design options that eliminate or lessen view obstructions. We have worked with these applicants for quite a long time. We have gone through three major, and many minor, revisions to these plans and the Planning Division Staff is satisfied that we have come up with a project that allows the homeowners to expand their very small house to make more living area while protecting the views of the neighborhood, and we recommend that the Planning Commission approve this project. If you have any questions, I would be happy to answer. I think Don has something to add now.

Don Hazen: Thank you Mr. Vice-Chair. Just a couple of things to add to Katherine's presentation. In your packet, Attachment 7 is an unsigned, anonymous letter, and we have just discovered this evening that the Planning Commission's Rules and Regulations don't allow that to be accepted as part of the record, so we would ask that that be removed from the record. Just one other quick editing comment, in the Resolution in your packet, page 3 – references recommending approval of the Conditional Use Application. It should read "Site Development Permit", and the findings that are in Section 3 Resolution are in fact Site Development findings, so it was just a typographical error. And then, I would also ask Katherine if there were any changes to any conditions that we need to point out at this time.

Katherine Donovan: Yes, there was an error, as I spoke earlier about the fence and our original feeling that the fence might obstruct views but then when we walked down the walkway and actually looked, it was low enough that it would not. In the Conditions of Approval was the requirement that the fence along the walkway be changed. We would like to remove that portion of that condition because we don't feel that it is necessary any longer. There are also a couple of things that have been delivered on the dias to you – letters and pictures that came in late. There is a letter from the Vallejo Heights Neighborhood Association. That's the one with the little house on the top and there is also some photographs that has been submitted by the attorney for the property owner at 156 B Street, and these photographs are actually of the previous project to this, not of this project. I believe that is it.

Don Hazen: Finally, Mr. Vice-Chair, before we proceed to the Public Hearing part of this, and we are certainly willing to answer any questions that you might have before you open the Public Hearing. But, you saw this evening in Katherine's presentation, her PowerPoint of the purpose and intent of the View Ordinance and what the mandatory findings are that you must make this evening. I would like to kind of wrap that up by saying that it is Staff's very firm opinion that the intent of the View Ordinance is that it be a balance between the right of the property owner to develop their property and the rights of the public to have views, but it is not, in our opinion, an ordinance that says you cannot add anything that obstructs the current view. There is a compromise that respects

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both the rights of the property owner and the rights of the public, so that is the difficult task that is before you this evening, in our opinion, to find that balance point. And, we believe that this project, based on the revisions that were suggested by neighbors in the neighborhood meetings, as well as suggestions of staff to revised plan, we believe that that is the middle point, and we recommend approval of the project with that design. We are happy to answer any questions that you might have.

Commissioner McConnell: Katherine, there is a reference in the report concerning a belief that the foundation of this house had been raised at some point and time. Have you been able to find any definitive answer to that?

Katherine Donovan: Gary West, our Chief Building official went out and inspected the building, and based on structural findings, he determined that he believed it had been raised between 18 and 24 inches. I also received a letter earlier today from John Silvane who was working on the project at that time. I think it is in that pile right there with a paper clip on it. His contention was that it had been raised one foot plus, is how he termed it, and it had been approved by the Building Division as part of the foundation, and it is hard to retrace at this late date exactly what happened, but to the best of our figuring; there was a slip between the Building Division and the Planning Division, and the Building Division did not realize that this project was in a Residential View District and that their might be an impact that needed to be approved by the Planning Commission, so it has been determined that the building was raised, but that the property owners had good faith reason to believe that they had been approved for that.

Don Hazen: Staff also, in looking at the 18 to 24 inches, made a determination that we didn't feel that that was a substantial increase in terms of the views affected outside the property lines, for example, the adjacent neighbors and from the street, to warrant an after-the-fact demolition and lowering the entire structure particularly since the City felt that we had some hand in the process.

Commissioner McConnell: In your evaluation, is there any significance in altering the slats and the railings around the deck from vertical to horizontal?

Katherine Donovan: I don't think there will be an impact to the view. I discussed the issue pretty carefully with the architect, and she assured me that they could keep the amount of open space, which is our main concern, that the amount of open space that was provided in the original drawing be maintained and I don't think we have a strong feeling that a horizontal or a vertical would be better or worse in terms of the view blockage.

Commissioner McConnell: When is the last time the applicant met with any of the neighborhood association members or immediate neighbors to discuss the current status of these plans?

Katherine Donovan: You would have to ask them. We had a neighborhood meeting on the previous plans in June, and at that point, they made some revisions to the plan. This is substantially the same project. There have been some revisions. They had previously had a bathroom on the deck that was just a separate, stand alone, small building. They took that down. They changed the setback slightly, brought the deck in closer to the building and further from the front, and there had also been a pop-out on the south side that had been removed. They extended the addition in the rear slightly with this second revision of that project.

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Commissioner McConnell: In viewing the holes and the outlines that are out there at the project today, are those representative of what the present application is?

Katherine Donovan: Let me see if I can bring that picture up. This pole (this board) that is coming out right here – this is the roof of the addition if you draw a line straight down from that board. That is the present addition. There is a rope there but it didn't show up well in the photos.

Commissioner McConnell: Whose property are the two trees on?

Katherine Donovan: I believe they are either on City property or the property owners. I am unclear exactly where the property line runs with respect to the walkway.

Commissioner Turley: Thank you Mr. Chairman. Katherine, under Project Description, 1st paragraph - I would like just an explanation, please. The addition would add 467 square feet of conditioned space and 152 square feet of unconditioned space. Could you explain what those two terms mean, please.

Katherine Donovan: Okay, conditioned space is general living space. It is part of the house. It is where you comfortably sit and do your living. Unconditioned space is like basement space that has no heating or cooling. It is not considered under the Building Code as livable space. In this case, I believe most of that space is in the basement although a portion of it may be considered that storage area, under the deck.

Commissioner Gourley: The addition is 400 some square feet proposed. What is the existing square footage?

Katherine Donovan: It is 1,060 square feet.

Commissioner Manning: Katherine, can you clarify once again on Page 5, it says in the report that "the portion of the six foot privacy screen proposed across the deck, parallel with B Street, be removed from the project." That is a recommendation. It is being removed, or is three feet in there not part of the plan because it is up three feet? I am not clear.

Katherine Donovan: On this slide, this six foot screening runs parallel to B Street. It is about two or three feet back from the front door. There is also a railing that runs along the front of the deck. They would be removing this portion here so that from the front of the house, there would only be a three foot railing that would block. However, along the side, this portion of the six foot privacy screen would remain. This runs along the edge of the deck whereas that other six foot ran from this point to the house.

Commissioner Manning: And, can you tell me approximately how far back from the front of the first deck, or the street side, is that six foot privacy fence that you are pointing to there?

Katherine Donovan: Let me look at the plans because I don't know off the top of my head. The measurement is not on the plans, but just eyeballing it, there is another portion that is six feet, and this looks like slightly more than half, so, my guess would be somewhere between 12 and 13 feet back from the front of the deck.

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Commissioner Peterman opened the Public Hearing.

Patricia Pollock, Architect. I am the architect working with Charles Aquilina and Barbara Luck on this project. We felt that the Planning Staff did a very thorough job at covering most of the issues on the project, and in the interest of not complicating, and making things more clear, and there is a lot of information, as you know, from your packets, to go through. We wanted to be available for any questions.

Commissioner McConnell: What would be the considerations in reducing the size of the deck?

Patricia Pollock: One of the things that Charlie and Barbara and I discussed over the last couple of years is making this very small house more livable. Essentially, the first floor, which is the living room and the kitchen – the livable space. It is 530 square feet. It is about the size of my studio apartment in San Francisco. Extremely small for a family of three. In order to make that more livable, opening the house up to an outdoor living room, of sorts, which would be the deck, really enhances the living quarters of the house, considerably. So, you will see there are double French doors that go out to the deck. They can open up. They can have dinner out there. It increases the living space for them.

Commissioner McConnell: And, if that deck is reduced in size by, say, 10 feet, in your opinion, would that minimize the view or reduce the view, obstruction by the up street neighbors?

Patricia Pollock: I am assuming that you are meaning pulling it in 10 feet from the end, towards B Street. Yes, definitely. I'd say it is a minimal impact but I would say, yes, by pulling it back 10 feet, in perspective, it definitely would clip a portion of the view of one of the neighbors, and potentially, someone walking along the sidewalk. We did a lot of research in the City of Vallejo in looking at square footages of all of the houses in this neighborhood. It is actually one of the smallest houses in the neighborhood and one of the very few that has never had an addition added onto it. So, in the interest of creating a home that is a little more comfortable for a family of three, I would really like to propose keeping the deck as large as possible. But, yes, to answer your question, I think that probably would . . .

Commissioner McConnell: And, if the railing on the deck was made of an opaque material or a mesh wire fence, would that increase the visibility from up street?

Patricia Pollock: I think that would be hard to say without actually putting the material up there, side-by-side, with maybe one inch balustrades at four inches on center versus wire mesh, because we need supporting structure for that wire mesh. Maybe an option would be to show materials – options of materials actually at the deck and look at it that way. I think no matter what, there is going to be a slight screening of sorts. That is why we called it a "privacy screen", but, I would hate to make that determination now. It would be nicer to look at these two materials side-by-side.

Commissioner McConnell: And, for you to accomplish that task would require you to be on-site with the applicant and with the City Staff to review those materials?

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Patricia Pollock: Yes, we could do that.

Vice-Chair Peterman: We have several speakers. Our first speaker is Katy Miessner, followed by Gary Heppel.

Katy Miessner, 135 Scenic Way, Vallejo. I am speaking on behalf of the Vallejo Heights Neighborhood Association in regards to the letter that we sent in today and I just want to give you a brief synopsis about the letter. First of all, our overall purpose is to protect property values. And, property values are inextricably linked to the expansive water views that we have in our neighborhood. They are also very much diminished by blighted and abandoned buildings. So, we would like to see the house restored and we are excited that it seems to now be coming to fruition. However, there remains some concerns from some of the neighbors that the current addition is going to impact their view. And, I am aware that the most recent version of the plan that you saw for tonight – this plan now has 110 more of those conditioned square feet, and we are hoping there is really an opportunity for compromise where if we could take back those 110 square feet possibly and apply those to maybe the second story of the addition, or maybe pull back that deck on the side. Then, that way, there would be the same amount of square feet that remains. Anyway, just a thought. We are hoping that there could be a win/win so that the project can go forward and the neighbors can feel that their views are protected as well.

Commissioner McConnell: Does your organization have any trained mediators that could assist in the task of meeting with the applicant and the neighborhood? A truly neutral, trained mediator?

Katy Miessner: We don't have trained mediators. There is just the group of members. I know there was a prior meeting that I didn't attend, but we would be willing to do that again. But, we would like to see this move forward. We don't want to stall this. There is definitely a balancing act here.

Vice-Chair Peterman: Our next speaker is Gary Heppell followed by Kim Geddes.

Gary Heppell, 300 Tuolumne St, Vallejo. I am here representing Sandra Lee who lives at 136 B Street. This is a picture of the view from her living room. Ms. Lee is a fine art painter who moved from San Francisco seven years ago and has contributed to the arts in Vallejo. Ms. Lee draws inspiration from the peaceful view of the water from her living room window. We believe that the deck as currently configured will block the left side of the water view completely. That is, to the left of those trees. Ms. Lee appreciates that the applicant has made changes to the plans that may help lessen the obstruction. Primarily, the elimination of what was a free-standing bathroom on the outer edge of the deck. However, we suspect that the impact on Ms. Lee's view of the new plans is really not much less than the old plans. The problem is that the owner has not erected new story poles other than the one that Ms. Donovan pointed out that shows the far back extension of the conditioned living area. As far as the deck is concerned, I think new story poles are required because, for one thing, the deck extends between 8 and 14 feet, I am not sure, further west than the old story poles show. As Ms. Pollock pointed out, from the perspective of Ms. Lee's living room, that, in itself, cuts off some of the water view. The railing, which is three feet high in front, six feet high as it goes back towards the west, and then drops again to three feet, when you add that railing, we are confident that one-half of Ms. Lee's water view will be blocked. And, although the railings are slatted wood, when two or three such railings are raised sequentially, it has the effect,

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really, of a solid wall. Our first request is for the erection of new story poles so that we can really see what is going on. Ms. Lee does want to be accommodating, and we are not here to oppose any project, but we can't really tell at this point what the impact will be although we suspect that one-half of her water view will be gone. We support the Planning Staff's recommendation to remove that six feet high privacy screen that runs north/south. We would request your consideration of the following conditions: First of all, we ask you to consider that the deck railing be plexiglass. This is certainly an available design alternative which is one of the findings that you will have to make if you are going to approve this project. And, certainly, it is a lot more transparent than the wood slats, especially when you have two or three fences of wood slat arranged sequentially. Further, we would request that there be no increase in the height of the railing from three feet in the front to six feet in the middle. If it were all to remain three feet, it would be somewhat less of a view blocker. As it is, I don't believe the Commission can make the findings that are required. There is some uncertainty, and certainly I believe that there are available design alternatives that could be used in order to lessen the impact on the view. Thank you very much.

Commissioner Manning: Mr. Heppell, I just wanted to ask you a question. We were given a photo from the window of Sandra Lee's house with some story poles that I didn't recognize when I went out to the site. This photo that you presented to us and the canvas that it is sitting in front of, kind of matching where the story poles are – this was from the previous design. Is that correct?

Gary Heppell: That is absolutely correct. I should have mentioned that. I was trying to get through this in three minutes. That shows where the bathroom was and the impact that that bathroom would have had. But, with the six foot railing and the deck that extends significantly further towards the water, we believe that you may see more of the Causeway's towers than in that old plan.

Commissioner Manning: Well, what you presented here to us, totally blocks those towers, and that is not the plan that we review tonight. I just wanted to make that clear and get that cleared by you. What you are saying is that even if we lowered the front as staff has presented to three feet, the six foot side would still be an obstruction. Is that your point? If that was made plexiglass or if that was made three feet, that is reasonable?

Gary Heppell: The current plan shows a three foot high railing in the front, parallel to B Street. It goes back perpendicular to B Street a certain distance, at three feet, then it jumps to six feet.

Commissioner Manning: And, it is the six feet that you have the exception to. Is that correct?

Gary Heppell: We do, but we believe that a plexiglass application would be much, much better, but further, again, without the new story poles, it is really hard to tell.

Commissioner Manning: So, six feet Plexiglas – is that what you are proposing?

Gary Heppell: Well, it wouldn't need to be six feet. I don't think, but that is for you to decide.

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Commissioner Turley: One question, Mr. Heppell. On this fencing – are you thinking in terms of having a top wood railing, a bottom wood railing, and wooden posts perhaps every eight feet and Plexiglas instead of vertical slats?

Gary Heppell: The plexiglass railings I have seen, I don't believe, use woods for the posts on the top and the bottom. I believe it is some sort of painted metal usually. But, whatever would work, architecturally.

Kim Geddes, 142 B Street, Vallejo. I want to say that I completely concur with what Gary Heppell just said. I also want to point out that one of the earlier proposals by the applicants, which I believe was in May of this year, actually proposed transparent privacy fencing for the deck area and then shortly thereafter, another plan came forward that proposed the fencing that you see now. There have been so many proposals that it is hard to keep track. I am obviously opposed to the new proposal. Once again, the proposal has morphed into a plan that blocks private and public views. Our view has already been altered with the elevation change of the house. The elevation drawings still indicate a house that looks lower in elevation than the existing house, minimizing its effect on paper. I have included some drawings of plans that were submitted to Planning previously. Plan A was never presented to our neighborhood. B and C were presented and both were rejected. The current plan deletes the detached bathroom and some sites bump out but actually add space below the proposed deck and adds more space to all three floors off the back of the house. What will become of the basement floor that now has increased ceiling height from the raising of the home? That is a question we should be asking. This house could have more space to come later. The house appears to nearly double in size with the current proposal, even if all of the space isn't currently listed as living space. Your kind consideration in this matter is appreciated. Thank you for giving me the opportunity to speak. Do you have any questions?

Richard Underwood, 142 B Street, Vallejo: My name is Richard Underwood. I live at 142 B Street and I speak this evening in opposition to the proposed project at 145 B Street which takes water view from 142 B Street. Rather than consider the proposal, "as it now sits," or, "from this day forward," the often morphed project should be viewed as an ongoing seven year enterprise that, at long last, comes to the Planning Commission for the first time. Approving on the grounds that it has been too long an divisive a process misses the point, I believe, and calls into question whether the current plans, story strings, or the project's history have been scrutinized fully. I am no design professional, but my take is that the mass and volume of the project are wrong for the site. It's too big. It's bigger than any previous proposal. It blocks public and private water views. It aesthetically encroaches upon the public view corridor and the sculptural deader cedar trees. It's completely out of scale with Olmstead and Kelham's original vision for the neighborhood. Instead of a compromise, the current iteration-sans on-deck bathroom—actually adds a boatload of square footage especially when one considers the once basement now openly delineated as "unheated" space. In addition, the "bump" out the back has grown into a three story structure in and of itself. Think dangerous precedent; think Manhattan Beach; think about architectural heritage, and think about reasonable compromise. Simply stated, the admitted raising of the original structure (estimates vary) and the intentional expansion of the building footprint, which initiated the remodel seven years ago magnify the effects of this design proposal. The community and property owners whose views were already "minimally" affected should not pay again, and again for questionable choices made at the front end of this project. A compromise design would renovate the existing structure with a modest bump out the basement and first floor. Thank you for your consideration in this matter.

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Julie Charles, 191 B St, Vallejo. I am also in a small, unimproved house, completely original. I have a husband and child, so there is also three people in my family and I do not have a raised, full basement. We have a quarter basement with low ceilings that is decent for storage only. It is also unheated. The rest of our house is also unheated because the furnace is also original to the house and it is just one tiny little thing, so we use space heaters which, if I were to have an unheated basement that I were using regularly, I would also use down there. I believe the extension of the addition in the rear is not shown adequately by the story poles. The one pole that you see is actually the one pole that I have been able to identify. I have not seen, and all of the neighbors that I have talked to, have not seen any changes to the story poles that were made from the previous plan to this plan. So, possibly that pole was already there. I don't know. The rope that hangs down from it puts lie to the whole name "story pole." When people see that, when neighbors see that, and certainly I did this, you dismiss this as something that just happens to be there. A rope that simply hangs down. So, I don't feel that the story poles are a decent representation of the effect that the extension of the addition in the rear is going to have, and I don't think that any neighbor has been able to make a decent assessment of the impact on the view lines. I am also not confident that the deck is represented in the story poles that are there. In my mind, the basement floor is sufficient. I don't see the need for any additional space. Like I said, I live in a small space, and it focuses the mind wonderfully. Far be it for me to deny them personal growth, because it really does make you whittle down what you have, when you live in a small space. That is what this neighborhood is – it is a small space, and there is just no getting around that. I used to work for the U.S. Delegation to the U.N. Conference on Disarmament, and they were doing their chemical talks with the Soviets, which tells you how long ago that was, their was a saying then that the Soviets would bring a elephant into the room and then negotiate it out. I really would rather this addition not be the elephant that gets negotiated out or the bathroom is the elephant that gets negotiated out. I don't think the elephant belongs.

Steven Oliphant, 133 B Street, Vallejo. I am opposed to this project as it is proposed to you now. This is something which has been going on for an extremely long time, and as far as I can see, the owners of this property still have not taken into account that we are in a view district and the addition as currently proposed, will indeed, block views. Katherine: Would you mind putting up that view from 156 B Street? If you will look at the two trees and then there is a tree to the left of that, if, in fact, you go to the site and look at the story rope which has been hung there, and by the way, it was hung there one week ago so noone has been able to see what has been going on, and the story poles have been mentioned a number of times. But, if you will look at the story rope as it is hanging there and stand on the street at approximately this angle, although this is taken from a window, you will see that the total view between those sets of trees will be blocked. You couldn't see the bridge. You couldn't see the river. You won't see anything at all. So, I have a very strong objection to this project. And, also, the fact that there might be a six foot privacy fence on this, would only add to that. Since there are no story poles, of course, we can't see where that six foot fence would go as well. Then, I just wanted to reiterate something which is in the View Ordinance and, I went on line and looked at the View Ordinance today. It was brought up earlier this evening, but it said, among other things: "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." And, what that means is the protection,

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enhancement and perpetuation of views, the retention of views (not the losing of them, but the retention), 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 may not be significantly obstructed. So, we are speaking about the views of the neighbors, and then later on, we are also speaking about the view of people who are going to be walking up and down the street and walking up and down those stairs where it says: minimize potential view loss from public areas. My opinion is that this project as proposed does not satisfy these conditions. I therefore ask that the Commission reject this project as proposed.

Sharon Anderson, 133 B Street, Vallejo: One of the things that I saw when I was out looking at the site and on the drawings looking to the south. The plans do not really represent where the house is located in relation to the street. It is really difficult to tell what the height of this deck and railing are and how it is going to impact our views or Sandra Lee's views. It definitely will. I figure that she will lose about half of her view. All this relates to value and it seems to me that the City of Vallejo would want to protect values in the City. I believe it is part of your responsibility. And I believe that it will impact the value in her situation, particularly. This house was raised so now you have three stories, and so, if the house is 1,050 square feet, you got a basement, it is probably going to be about 500 square feet. They could inhabit all three floors. So, they would actually gain the space that they would need. They wouldn't impact the neighborhood and the views. They could run a deck off the back of it on the ground and it wouldn't impact anybody. They would get the additional space. I live in a probably 1,100 square foot house there. There are two of us. I have lived in another 1,100 square foot house there, and my husband and I own several properties in the neighborhood there. So, I feel like it would be a big disservice and a bad precedent to impact the views in this way. I would like to see this home remodeled and lived in. It has been vacant for as long as I have been here, which is around seven years.

Charles Legalos, 38 Daniels Ave, Vallejo. I, too, want to address the view issues. I feel they are rather unique on this house. The Staff Report indicates that there is a minimal view obstruction on the south side, a minimal view obstruction on the north side, and we have a minimal and irremediable view obstruction caused by the raising of the house. And, while I agree with Mr. Hazen's interpretation of the ordinance that it should balance the rights of property owners with the rights of others to have a view, I think the property owners' right have already been satisfied in this case by allowing the house that was illegally raised to remain at that level. So, I would ask you to be very conservative about in consideration of additional view obstructions. To my mind, three insignificant or minimal view obstructions add up to a significant view obstruction. The other thing I would like to question here, and I know the Staff Report states that the basement is not more than six feet high for more than 50% of the perimeter. Katherine: Could you put up the north façade? The north elevation there. The prior one – that one. It looks to me as though, with the addition on the back of the house that that is very close to, or more than 50% of the perimeter of the foundation which would be a violation of the Building Code since it would make this a three-story house. Do you know what the percentage of foundation six feet above natural grade is?

Katherine Donovan: Yes, I actually asked the architect to figure these numbers for me and she did a graphic that I didn't have time to include in the presentation. But, of the portion of the building that would be three-story, approximately 14 feet of the total 31½ foot length of that building would be more than six feet. So, 14

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feet would be more than six feet, 17 ½ would be less than six feet. So, it does meet the criteria that the basement would not count as a story.

Charles Legalos: That's 14 feet on one side on the north elevation? Are you including the addition and the other side?

Katherine Donovan: That includes the addition. Yes.

Charles Legalos: Fourteen feet additional on the north side, the south side, and the west side? That doesn't seem possible.

Katherine Donovan: Let me show you.

Charles Legalos: Ms. Donovan, as was just pointed out to me, this was only measured by the architect. I would suggest that perhaps City Staff do this calculation. I am not accusing the architect of being bias, but . . . I would ask the Commission, as I said, to be very conservative about allowing any further view obstruction, and I think the best way to do this is to allow the build out in the back only at the basement and the first floor level and not to allow the build out at the second floor level.

Vice-Chair Peterman: Any more comments?

Commissioner McConnell: The one message that has come out very strongly this evening is that the proposal is not adequately represented in the story poles that are out there, and I certainly had that difficulty when I reviewed the project. It would be nice to have a clear representation as to what it is we are being asked to decide upon, and because of that, it is my belief, subject to further comments from this Commission, that we should continue this matter for some specific study points that I will be happy to discuss in a moment. My feeling is that we don't have enough adequate and proper and valid information yet to make this decision. This is an important decision because of the neighborhood and deserves a fair and just review of the true facts. The true facts haven't been presented to us tonight. My concern about a continuance is that it is my understanding that Katherine is leaving us shortly, and probably, this is her last night, further reducing the staff of this City. So, I am not sure who in the City Staff is going to take this over, but a continuance is going to require somebody to do that. What I would like to do is to yield the floor for a moment to hear other opinions and viewpoints from this Commission before I present a formal motion.

Vice-Chair Peterman: Any other comments from other Commissioners?

Commissioner Turley: I would like to refer to the letter from Daniel Ryan and Deborah Ryan. The last paragraph – where they say, they live out of town but they own a property there, and the completion of this project will not only increase neighborhood housing value but also help a neighborhood in need of a face lift. Dan and Deborah Ryan have been owners of this 148 B Street since 1978. We know what is going on. Please pass this project.

And then, we got a letter from Gary Heppell, and you know that one was given to us separately, but, then, in the packet, there is a letter from Gary's office but I am not sure who wrote it. Then, on the back of the letter, there is a paragraph. I would encourage the Commissioners to read that (I have read it) because there is some important information. Then, I want to refer to the letter from the Homeowner's Association, and the next to the last sentence at the bottom of the front page – the Homeowner's Association say that they would like to see the

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plans for 145 B Street approved with our recommendations for the following conditions added. And, then there is one – seems like about two conditions there. I am just wondering if the architect, speaking for the owners of 145 B Street – I am wondering if the architect could look at those. Do you have that letter? And, see if the architect thought it was feasible to meet these suggestions from the Neighborhood Association. Also, if you went out to see that house, the chances are, comparing that to the rest of the properties around there, maybe you were fairly impressed. I know I was. But, I have been informed that these owners bought that house something like around 7 to 10 years ago, and when they bought it, it was a dump – a dump to the extent that it seems like they might have paid something like \$30,000 for it. So, if you compare a dump to what there is now, you can see that they have come a long way. I just wanted to share that information with you and see what happens from here. Thank you.

Commissioner Manning: Should we have the architect come up again? I have some questions for her.

Patricia Pollock: I would be happy to answer any questions.

Commissioner Manning: I don't know if you can speak to this, but can you explain the raising of the house – why it was raised or just some background about that. If you can't, maybe the applicant can explain.

Patricia Pollock: I can. I wasn't involved with the project at the time that the house was raised, so the information that I received is from the contractor and the homeowners. So, is that adequate? At the time that Charlie and Barbara had purchased the house, the area underneath the house had been hand excavated and the foundation had been crumbling in the back, so it was kind of giving away. They hired a contractor to upgrade the foundation and an engineer. They did get a permit through the City of Vallejo, Building Department, to improve the foundation. At the time they hired the contractor, they needed to raise the house to get the equipment underneath the house – the tractor to excavate and get the foundation built. And, in doing so, you put a series of cribs, which are almost like metal I-beams, underneath the house, to lift it. It is my understanding that the gentleman hired to lower the house did not contact Charlie and Barbara when he was ready to lower it and that they were, I think, very shocked at the time when he called up and said, "I am getting ready to move the cribs, but I have to keep it up about approximately a foot higher than the top of the foundation in order to get those cribs out." Charlie, would you like to add to this?

I am Charlie Aquilina, hopefully 145 B Street. We intended full well to go in and save the foundation and save the house as it was. When we bought the house, we thought there was some possibility we could reinforce that foundation. It was too far gone. We talked to a structural engineer and, in fact, what he told us was that aside from the fact that the previous owner had undermined the foundation in the front of the building and removed the load bearing wall from the center of the house completely not to mention most of the walls in the house, and the house was listing to the south because of some termite damage and it was, in fact, a "dump". Thank you for expressing that, because it was, that, in fact. We were told that because of the early road excavation on B Street that all of the excavation spoils or that loose dirt, was pushed to the side. Every house on the west side of B Street is basically built on loose soil, and that, in part, the reason that we had to dig down so low was to hit what they call "terra firma," or solid dirt. That was the only reason. Believe me, we didn't enjoy having to go in with tractors and do this, but that was the only reason we had to go in and removed all of that loose soil that had been sitting there, I guess, since 1917, and it was

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clear to us that damage had been done because our foundation was cracked in probably six places, and when I say cracked, I don't mean just thin fissures, but the foundation had fallen away from the front of the house probably 8 or 10 inches in some cases. I naively thought that the foundation could be saved because of the amount of crushed granite which was in the concrete mix, which is typically a very, very strong mix. What I was told was that it is a very hard mix and very brittle, and there is absolutely no rebar in that foundation at all, on any of those homes, unless they have been redone. There is wire only to keep the mix together, but, we set out to do a good project. We set out to build a project where we would live. We made some huge mistakes along the way, including hiring some questionable contractors, but our intention all along was to do a good job on that project. Thank you Mr. Turley. I think that at least there is some indication of that. Did we take too long? Absolutely, yes.

Patricia Pollock: I think it sum it up – in order to remove the cribs, the house had to keep the 12 inch above the foundation. We actually have a letter from the contractor, Mr. Silvane, who described exactly that.

Commissioner Manning: My next question is about the actual addition in the back of the house. When I went out there and looked at the plans and looked at what I could see from the story poles, I saw what Katherine was pointing out that, when you stand up on the street, and I actually went out and stood up at Sandra's house, I could actually see just a sliver of that new addition. I heard different things from people speaking here tonight – an impression that that addition actually is much more discernible from the street. And, I went to both sides. I walked up the streets from both sides and I walked down the stairs and, again, to me, coming here tonight, the impression I had was that addition was really, totally not discernible from the street except for a little sliver from an angle on the side. That is the rope hanging down, is that correct? So, again, just going to the site and seeing what I saw and reading the plans, what I interpreted, and I agree with Commissioner McConnell – I don't think it is clear and it is obviously not clear to people here in the audience because I heard a lot of confusion about this, is the deck. So, how far over comes the deck? Is what is roughed out there in the story poles covering the deck to the side? Yes, or no?

Patricia Pollock: Actually, I am glad you asked that because I wanted to respond to some of the members of the neighborhood. Charlie talked with me when he was putting up the story poles and the deck, actually, on the plans, goes to the extent of the addition so it is in line with the end of the west addition. We were going to put story poles up at that end but the problem was, it looked as if we were adding that massing all the way to the end, so we were concerned that in the Planning Commissioners and neighbors coming by they would assume that we were adding a block out from the deck. So, what we did – the story poles that are up delineate a deck that we would be willing to negotiate if we needed to bring it back. I told Charlie that we should show it as minimal as we could possibly live with and in describing, we could describe that we would like the additional deck to go out to the western addition. The story poles as shown show the rope is a four foot extension on the addition, and I would like to describe if I may the bathroom and the little pop-out on the side of the house was actually removed, and we took the square footages and added that to the west addition. So, that is what we did. We didn't intentionally make this monster addition. What we wanted to do was to take the square footage we intended to add and it just added it to the end of the addition to the west, four feet out to the water.

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Commissioner Turley: Thank you, madam architect. Do you have a copy of this letter from the Homeowner's Association? Do you think that you would be able to negotiate out something that you both could live with on this?

Patricia Pollock: Yes, and I have been working for 20 years in architecture and my intention is never to do something that is completely opposed by the neighborhood, and that actually disrupts me to the core. I would like to sit down and talk with them about this proposal, however; in reading it 110 square feet that we are asked to remove is really not given the reason why. I can assume that they mean because of the views but in that paragraph it doesn't describe why we are pulling that back. It is really a very modest addition, 467 square feet. It is not a monster home by any means. Yes, we would like to sit down and negotiate and talk but, at the same time, I would like people to please remember that 110 square feet taken out of a set of plans is months of work. Because, you take out one part of an addition, you are revising window configurations, you are revising floor plans, you are revising drawings, you are having extra meetings. So, it is really a long process to revise something. It is easy to say "take it out," but it is really a lot of hard work. I would like them to keep that in mind.

Commissioner Turley: Well, they have been working on this project for seven years, and I would sure like to support it and I would sure like to complete whether we are going to accept or reject this project. I don't know whether we should wait for her and the Homeowner's Association to get together and negotiate out something that they both can live with. I don't know whether we should just let them have it or what.

Katy Miessner, Vallejo Heights Neighborhood Association: I just wanted to clarify the letter. We were trying to look for opportunities to find compromise, and it is our understanding that the last proposal, and we are not architects at all. We were looking at the plans and we were told that the plans had increased by 110 square feet from the last plan of usable or conditioned space, and we thought that if possible, that could be a place of negotiation where that could be pulled back to the last version of the amount of usable or condition square feet. So, without understanding what that might entail, and we didn't really give any kinds of specifics. We thought the deck seems to be the impact on one side and then the addition on the second floor seems to be the impact so if they could somehow be applied in a way that – we didn't dictate how that could be applied. We just said here are some broad brush strokes so maybe that would be a solution. I just wanted to clarify that. We didn't want to start dictating. We just don't have the ability to do that, so we created some broad brush strokes and hoped that could create a solution that could make everybody happen.

Commissioner Harrington-Cole: I have known Barbara and Charlie for a long time and I know that they would not want to move into a neighborhood where they had caused a lot of trouble. It appears to me they have made a lot of changes to the plan but I am still not sure, and I would like to be, where that deck line is and how it would effect the view. If it is as minimal as it appears, then I think the neighbors could live with it. But, once it is up; it is up. Then we can't go back and say "Oh, it was a little more than we thought." I think the house itself – if we were five or ten years down the road, we wouldn't be having this discussion because I think that tree will grow enough that it will already block that much of the view, but I do think that deck is an issue and I would like to know how it is going to affect the views going down the road.

Commissioner Gourley: I find myself having a problem addressing all the issues brought here tonight. On one hand we have neighbors who I think don't want

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anything done other than it painted and let's just move on. Some are willing to accept some modifications. It appears as though that over time the applicant has made a tremendous journey from where they started to where they propose tonight. I, too, would like to satisfy those in the audience who are unsure of what it is going to look like with the deck. I would have to say that the idea of exchanging the slats, horizontal for Plexiglas, I think No. 1, on the six foot section – I don't quite understand the problem with the six foot privacy area. Privacy and Plexiglas don't belong in the same discussion, I don't think. That portion of the privacy is only on the side of the house that is adjacent to the walkway, as far as I can tell from the views, what I looked at, and what I can see in the pictures. I don't think that is a major issue. I understand that some people are not going to be satisfied if any part of their view is obstructed, and the View Ordinance clearly states what is acceptable and what is not acceptable. Obviously, it is going to be up for discussion because it doesn't delineate exactly what it means. So, I think the minimal portion is what I see. I think it is a minimal obstruction of the view, and I would be willing to support it if we could get the story poles maybe redone and the deck there. I guess the question, and I think Mr. Hazen was going to discuss it earlier, and I ask that that be done. Who is going to do it and how soon could it happen?

Don Hazen: So, with Katherine leaving, I will go ahead and take over the project when she leaves and try to fill those shoes. So, continuity won't be a problem. I am on the staff. You will just have me sitting there instead of her.

Commissioner Gourley: How long would the applicant have to wait until we could come back with a better answer for them?

Don Hazen: Well, based on what I have heard the Commission discussing this evening, it appears that you are looking for neighborhood consensus and I know that we have been struggling with trying to achieve that for the last three years or so. With a little assistance from you this evening on things that you feel that actually should be a part of that compromise. Maybe that will help get that discussion going. For example, Commissioner Gourley was mentioning about the north side deck railing. It was Staff's opinion, based on the drawings, that at eye level, those won't be an obstruction, so the issue of Plexiglas vs. slatting didn't appear to be an issue for staff. There are also some references to the VHNA letter, so if that is your guide, I would urge you to at least consider the testimony that Sandra Lee's attorney made as one example because there are some folks that spoke this evening that I don't know endorse the VHNA position also. So, if that's the compromise you want us to strive for – what the VHNA position is, then as long as you know that at the next meeting you will still maybe get opposition from other groups that don't necessarily endorse that. I guess the best suggestion I would add this evening from our standpoint, from where we go forward; I would suggest that we not focus on maybe just the VHNA position but we take this as a big piece of that public opinion, but that it is not the end all, and that we strive to achieve consensus with everyone who is here this evening, and keep our fingers crossed that that is possible. In the end, if it isn't, then staff would be prepared to at least come back and indicate as to what those sticky points are that are preventing us from having the full consensus.

Commissioner Manning: I don't see that the new structure is the issue. Again, from looking at the plans and going out there to the site, I know that there are people in the audience who feel differently. I think that it is really the deck that is the issue. I also think that the applicants have three times done plans and worked with three different architects, and we all know that that costs a lot of money and for them to have to again do new plans yet again – to take out 100

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square feet in this latest version that is not even discernible from the street except for a little sliver. Again, this is what I saw from every angle that I could see, assuming that that rope is indeed the end of the building. I also want to add on to what Commissioner Harrington-Cole said. Sometimes, being a Planning Commissioner is kind of a stressful job, and we are certainly not Solomon up here, and I have tremendous respect and know many people in the audience and count many of them as friends. It is a hard position to try to do the right thing. I also know Charlie and Barbara from my neighborhood in St. Vincent's where they have made a tremendous difference over the years and really turned the neighborhood around and done a lot of wonderful things in our neighborhood, so I know that if all of this goes through and Charlie and Barbara move into your neighborhood, the B Street neighborhood is going to have some very wonderful neighbors. I know it has been very painful for everybody and it has gone on for a long time and it has been very frustrating for a lot of people. I also know that the Vallejo Neighborhood Association and the B Street people in particular are really known for their fellowship and their community sense and I really do believe that we are not going to get everybody to agree, but I believe that we can get a little bit clearer as to what is actually being built here. I would go back to what Commissioner McConnell said and just ask, looking at the deck and not the structure, just to make sure that the story poles are really delineating the structure itself so people have a . . . I am just talking to Mr. Hazen about a couple of weeks . . . have time to go out and look again and be clear with the current plans, and I think some people have been looking at older plans and I recognize there has been quite a few, and that adds to the confusion. And, that we look at the deck in particular and I would ask if the applicants would be willing to scale back on the deck. Again, not the building, but the decking and perhaps do some compromising on the privacy screen along the side. That would be what I propose. Maybe one of the other commissioners would like to say more.

Commissioner McConnell: At that time I think I will make a motion to continue and I believe I would like to propose the second meeting in January of 2008, bearing in mind that over the Holidays, people will be more busy than they care to be. As part of that motion to continue, there is some specific information I believe we should be presented, plus I believe should be developed during this time period. One would be that there will be a meet and confer requirement between the applicant and the Vallejo Neighborhood members and Neighborhood Association that should be chaired and coordinated by a true neutral party, not someone who has expressed bias or a belief one way or the other about the project. That the story poles will be actually implemented to reflect what is accurately asked for. That means anything that is not accurately asked for, will be removed. In addition, there will be a marking of all ledges and angles so that they can be readily ascertained and viewed by anyone coming to the project. That if the architect desires, she will provide a proposed drawing of the actual project that we can see, not necessarily an architectural drawing but one we can visualize such as was presented to us by one of the speakers who envisioned what she felt the house would actually look like. And, I would like some information as to the number of stories of buildings in this neighborhood, including what we are referring to as basement levels on hillside, just for our edification in deciding on this application. That would be by motion.

Commissioner Manning: Just a clarification. Mr. Hazen, this neighborhood meeting – I know there have been several attempts to set this up and people not coming, and I heard that . . . is the City going to be involved in that?

Don Hazen: Commissioner McConnell's motion for a neutral party really seems to fit staff's role ideally. We do approach these things in a neutral way. We have

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indicated our position in the Staff Report though as being supportive, so I guess I would ask if there was any opposition to the motion maker that staff couldn't fulfill that role. We believe that we could. We feel that that is really our purpose – is to be a facilitator, and with the direction you have given this evening, we think we can move beyond what we have already said in our Staff Report and move more towards where you would like.

Commissioner McConnell: I am willing to accept that as long as it doesn't cause any undue consternation amongst any of the people in favor of or opposed to the project, and that is why I phrased that as a true neutral.

Commissioner Harrington-Cole: Just one more question on the requirements for the framing. I am a little concerned about the scope of the cost for that. Are you just talking about basic 1 x 1 framing out? Is that what you are suggesting?

Commissioner McConnell: As far as I am concerned, it could be yellow cellophane tape such as they use at a crime scene. Just so we can actually visualize what is being asked for.

Commissioner Harrington-Cole: Just a proposal too that maybe there is a different color or something between the decking and the permanent structure so there is no confusion in the neighborhood.

Commissioner McConnell: I think the color is something that should be left to the applicant.

Barbara Lutz, 227 Kentucky, Vallejo. I just had a question about the Vallejo Heights Neighborhood Heights Association letter.. We were informed that the Association met and was going to come out in a neutral position. This letter, which we received about 5:30 tonight, is not a neutral position. My question is may we know approximately how many people this letter represents because we are putting an awful lot of weight on this letter. May we know – did two people vote? Did ten people vote? Because, we have had three public meetings already and one was with the Neighborhood Association and only two people were present at that. So, we have met quite a bit and we have made a lot of attempts to address all of these concerns that have been raised. You can see that we have a narrative in your packet that tries to address it. I don't want to drag you through all of that, but the concerns in the letter were so similar to the concerns of individual letters that I just didn't know how many people beyond those two individuals the group was representing. Can you address that?

Vice-Chair Peterman: Katy, can you address that, and Bob Winger, can you address that as well?

Katy Miessner, Vallejo Heights Neighborhood Association, Bob Winger, Vallejo Heights: Unfortunately we didn't have much time to address this. The letter was written and approved by the Board of Directors, of which there are six of us. We thought that we were actually, in some ways, kind of neutral because we were trying to create some kind of compromise. We are in agreement that we want to see this project go forward and we didn't want to delay it any longer. There is also the concern about views and we were thinking that the project did grow by 110 conditioned square feet (not the basement at all) that that might be a way if they could draw that back again, it might be a way to reduce the impact on the places that are now creating issues with views and we didn't obviously realize that it would be that difficult but we were looking at a way to try to bring the two parties together – the neighborhood and the property owner. We understand that

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it has been in the process for many years and the neighborhood also wants to see it improved and we want to see it improved and we appreciate the work that has been done.

Vice-Chair Peterman: Okay, I will close the Public Hearing again and bring it back into the hands of the Commission. Any further comments by the Commissioners? If not, please vote on the motion. Before we do that, could you please restate the motion?

Commissioner McConnell: The motion is to continue to the second meeting in January for further hearing with the added conditions that there will be a meet and confer requirement between the applicant and the neighborhood members and association, preferably chaired by a neutral, which can be the City, that the actual story poles and angles and lines of site will be marked in a readily ascertainable manner, whether it is by construction tape or any other material that the applicant or architect desires and that we be provided as much information as possible concerning the number of stories in the houses of this district as well as whether or not a basement level is included in that count.

Vice-Chair Peterman: Thank you. Please vote.

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

NOS: Peterman.

ABSENT: None.

RECUSED: Legalos.

Motion carries.

3. Tentative Map **07-0002**, General Plan Amendment **07-0007** are applications for 214-unit subdivision, including a 4.1 acre neighborhood park, on property previously developed with ball fields and a drive-in theater on the northeast corner of Rollingwood and Benicia Rd. Proposed CEQA Action: Mitigated Negative Declaration with Monitoring Plan. Staff Planner: Katherine Donovan, 648-4327.

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

Katherine Donovan and Jeff Bradley, consultant for the City, gave a staff report. Chairperson Legalos opened the Public Hearing at which the following people spoke:

Ross Wells, 5095 Lone Tree, Antioch, Ralph Strauss, 3361 Walnut Blvd, Brentwood, Nando Maldonado, 414 Perry Ln, Vallejo, Victor Owens, 112 Bear Cove, Vallejo, Stephen Berry, 1160 Hargus, Vallejo, Connie Umbenhowe, 347 Rollingwood Dr, Vallejo.

Chairperson Legalos closed the Public Hearing. After a discussion by the Commission the following motions were made by the Commission:

Commissioner Gourley: I make a motion to approve ZMA 07-0002 with the findings and conditions.

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

NOS: McConnell.

ABSENT: None.

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Motion carries.

Commissioner Gourley: I make a motion to approve vesting Tentative Map 07-0008, recommend a recommendation of approval to the City Council for General Plan Amendment 07-0001 and PD 07-0007 with the findings and conditions. With the additional conditions that staff will have discretion to grant flexibility to the timing of the park beyond the first occupancy if conditions warrant.

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

NOS: McConnell.

ABSENT: None.

Motion carries.

L. OTHER ITEMS

None.

M. ADJOURNMENT

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

Respectfully submitted,



(for) DON HAZEN, Secretary

MINUTES

- A. The meeting was called to order at 7:00 p.m.
- B. The pledge of allegiance to the flag was recited.
- C. ROLL CALL:

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

Absent: None.

- D. APPROVAL OF THE MINUTES.

None.

- E. WRITTEN COMMUNICATIONS

None.

- F. REPORT OF THE SECRETARY

Don Hazen reported that the meeting of January 7, 2008 may be cancelled but he will inform us as we get closer to that date. Also, the Triad Building for Downtown is nearing Public Hearing time for the revision to the building and the Design Review Board will be reviewing this on January 14, and you will be reviewing this on January 23. That 23rd meeting is on Wednesday because Monday is a City Holiday. Also, we will be distributing the DRB packet to you the same time we distribute it to the DRB so that you can have some background for your meeting. Just briefly, the Design Review Board was recently formed. It was one of the outcomes of the Downtown Specific Plan and the Waterfront Plan so they will now take over the function that you previously did with the original Triad Building so what will be before you on the 23rd will actually be the floor area ratio is changing, there is a slight incremental increase being proposed on that so you will be looking at floor area ratio and then you will be looking at the revisions to the Vesting Map. So the purview of the building does not rest with DRB but we wanted to give you that background packet at the same time. And then, finally, on a sad note, but I guess a good note for her, as you are probably aware, this is the last Planning Commission meeting for Katherine Donovan. Tomorrow is her last day with the City, and she is leaving us for the City of Santa Cruz Redevelopment Department, and she would like to say a few words, and I am going to pass on the card that you have all signed for her.

Katherine Donovan: Good evening Chairperson Legalos and all of the Commissioners. I just wanted to say how much I have enjoyed my time here in the City of Vallejo, and although this is a wonderful opportunity for me, moving to Santa Cruz, I will miss everyone that I have worked with here. It is a wonderful group and I know we are going through some hard times now but I have a great deal of faith in the City. It has pulled itself up by the boot straps many times before and I am sure it will yet again. There are a number of wonderful things about the City of Vallejo that are never going to go away, and I especially wanted to thank the Commission – all of you that I have worked with – some longer than others, but you have been great to work with. You have very thoughtful questions. You really try hard to do what is best for the City, and I want you to know that not just I, but all of the staff people really appreciate that.

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Commissioner Peterman: Katherine, we appreciate you just as much as you appreciate us, probably more. Your reports have always been thorough, and you have always been very patient with questions. I know when I would call and ask "stupid" questions, you would never say "Oh, good Lord, I can't believe he is asking that question." You have always been patient; you have always been kind, and we have just a little something for you – a little gift certificate to get you started in Santa Cruz and a card from all of us.

Chairperson Legalos: Thank you, Katherine. It has been great working with you and I always look forward to your reports. They are well done, and as Kent said, you are so gracious and so thorough in the way you answer questions.

Katherine Donovan: Thank you.

Chairperson Legalos: May we have the City Attorney's report please.

G. CITY ATTORNEY REPORT

None.

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

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

Commissioner Peterman: At last week's City Council, which was a very exciting City Council meeting, Mr. Hazen and Marcus and Craig Whittom and I were there to talk about the Text Admendment for adding the Youth of Home Improvement kinds of stories and the Council had some of the same questions that we did about not having schlocky looking things in the windows and the design being nice, and so we talked about that and they actually unanimously approved it.

Chairperson Legalos: Thank you. I do not see our liaison from the City Council here so we will move on.

Commissioner Peterman: I don't think there is one at this point. I think that Mayor Davis hasn't appointed liaisons to the Commissions yet.

I. COMMUNITY FORUM

Members of the public wishing to address the Commission on items not on the agenda are requested to submit a completed speaker card to the Secretary. The Commission may take information but may not take action on any item not on the agenda

Chairperson Legalos: None.

J. CONSENT CALENDAR AND APPROVAL OF THE AGENDA

Consent Calendar items appear below in section K, with the Secretary's or City Attorney's designation as such. Members of the public wishing to address the Commission on Consent Calendar items are asked to address the Secretary and submit a completed speaker card prior to the approval of the agenda. Such requests shall be granted, and items will be addressed in the order in which they appear in the agenda. After making any changes to the agenda, the agenda shall be approved.

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

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

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

Please vote.

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

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

K. PUBLIC HEARINGS

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

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

Staff Report: Katherine Donovan: Good evening again. This item came to staff's attention when the applicant installed a metal shipping container on the property adjacent to the Front Room Restaurant. We had some complaints and contacted the applicant about the project. He came in and we discussed the various issues related to this project. It is located on the same parcel as the Front Room Restaurant. The intent is to use it as storage for Vic's Wheelhouse which you probably remember this coming forward. They are developing a restaurant in that old Mare Island Ferry Building and currently there is a number of artifacts having to do with Mare Island and the Naval Shipyard there, being stored in that building and so the proposal was to use this container to store those artifacts while they were developing the restaurant in the building. Vic's Wheelhouse is a parcel that is actually on the water. It is outside of the Waterfront Plan. The parcel containing the Front Room Restaurant is within the Waterfront Plan, and in that plan, it is designated as a parks and open space parcel so the restaurant use of that parcel is a nonconforming use. It can continue indefinitely as long as it is not closed for a period of 12 consecutive months, but as a nonconforming use, it cannot expand. So, to develop storage for that restaurant or to expand the garbage area or anything else to do with the restaurant, would not be allowed. They would only be able to proceed with this project as a temporary storage site, and, when we were looking at this application, we looked at the Waterfront Plan and the goals and policies within that plan, and as you notice, you have some handouts before you today, and I did discuss briefly in the Staff Report, some of the issues related to the Waterfront Plan for this project but I wanted to give you the actual text of that. First, there is a map that shows the highlighted area is the actual Front Room Restaurant itself, and, as you look at this picture, the storage facility would be directly to the right. It is sort of northwest on that picture. There is also some sections of the plan discussing the visual access and orientation and in particular, the quality urban design. Goal Four of the Waterfront Plan is to

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encourage the highest and most creative standards for urban design in new private and public development. Policy 4-C is to use original designs that are tailored to the site rather than generic or trademark buildings and site design. Policy 4-D is to promote designs that achieve a balance between appearance and function where form and function rely on each other for successful project design. 4-E is use designs that add to the character of the community by providing opportunities for integration of the project with adjacent properties. 4-I is parking lot service areas and other less attractive building elements should generally not be located adjacent to open space amenities such as plazas and parks. The City spent a great deal of time and money developing the Waterfront Plan and the goal is to have a beautiful waterfront with the highest quality design. The building that is currently in that place was probably fairly cutting edge when it was built in the 1960's, but it is very dated and rather old, and the proposal to use the container there and to screen it by putting a fence that matches the building does not coincide and is not consistent with the goals and policies of the Waterfront Plan. While we are sympathetic to the applicant and his desire to have convenient storage for his renovation, we don't feel that is something we can recommend approval of and we also feel that because it is not being used as a construction office or a construction storage, it is being used as storage for the facility while it is under construction so it is not something that is going to be using these items every day and having it close by is very important; there are other options available. He can use a public storage facility or store them at some other site. It will be inconvenient when he originally moves everything and when he moves it back, but not on a day-to-day basis, and given the prominence of this building on the Waterfront, we just feel that it is not appropriate. Therefore, we are recommending denial on this project. If you have any questions, please let me know.

Don Hazen: I just want to add to Katherine's good presentation that this is typically done at the administrative level and because we were recommending denial and the applicant did not, of course, agree with that; we spared him the necessity of having to file an appeal and that is why this is being kicked up to your level.

Chairperson Legalos: Good, Thank you.

Commissioner Turley: Thank you Mr. Chairman. Katherine: I went out to this site, and I read the material but I am still a little confused. To me, we got colored photographs which we didn't have before. Are you talking about this container here?

Katherine Donovan: It is the container and the beginnings of the fence around it. Yes. Originally the container was put in and then after we had discussed various options that might enable us to approve it, one of the options we had discussed was to put up a fence that matched the building and the applicant in his enthusiasm, started installing the fence prior to any actual approval. I think it was an honest misunderstanding on his part but that is what he is proposing right now – to finish that fence around the container.

Commissioner Turley: And, keep the container there to put in his memorabilia in, or something like that?

Katherine Donovan: Right.

Commissioner Turley: I see. In this photograph, he's got the fencing framework up, right?

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Katherine Donovan: Right.

Commissioner Turley: And so, he will put 1 x 6, or 8 inch boards to enclose that – redwood boards?

Katherine Donovan: Right. Boards that would match the siding on the Front Room Restaurant, and then it would be painted to match the building. That is what he is proposing.

Commissioner Turley: Who owns the property?

Katherine Donovan: It is owned by the City, and the applicant's family has a long-term lease on the property.

Commissioner Turley: Okay. Just one more question. You have given us about 101 reasons why we should deny this. If we were to approve it, would we be doing something illegal?

Katherine Donovan: I am going to refer that to Claudia.

Claudia Quintana: Thank you. If you wanted to approve it, what you would need to do is come up with findings that the project is consistent with the General Plan, the Zoning Plan, and the Waterfront Development Plan. So, I am not exactly sure what those findings would be but that is what you would need to do to make that decision legally defensible.

Commissioner Turley: Maybe we wouldn't be able to come up with those findings tonight.

Claudia Quintana: That I wouldn't be able to help you with, but you would need the facts to say, "no, this project is consistent with the General Plan, the Zoning Ordinance, and the Waterfront Development Plan."

Commissioner Turley: Then, the only option we have tonight perhaps would be to deny this.

Claudia Quintana: I think it is a little premature because I think at this stage we are just asking questions of staff. I know the applicant is probably here and wants to say something about it, so at the conclusion of the evidence, maybe you will have more facts.

Commissioner Turley: Thank you.

Commissioner Gourley: I had a couple of questions but Commissioner Turley asked a couple of them already. The question I have is: How are we going to define the temporary aspect of this? So, I guess the question is, and maybe the applicant should have to answer, but if it is there to store it until the construction is done and it is in use, would then it go away?

Katherine Donovan: I think that is the intent of the applicant although I think you could question him more on that. When we had originally been discussing it, he had several different ideas about what he was going to do so I think I will leave that up to him but I think the only way we could improve it would be as a temporary use.

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Commissioner Manning: Katherine, where is the applicant going to store their garbage when they are open for business? Where does the garbage go? Are they sharing that with the Front Room?

Katherine Donovan: For the Vic's Wheelhouse – I am sorry. I don't remember off the top of my head where that was going.

Commissioner Turley: How long has that container been there?

Katherine Donovan: I think it has been there since about April.

Commissioner Turley: They didn't need a permit or anything to put it there?

Katherine Donovan: Well, they should have had some sort of a permit. Yes. But, the applicant put it there without a permit, I think not realizing he needed some kind of permit.

Commissioner Turley: And, it is used merely to store his memorabilia that he has got from Mare Island in the restaurant?

Katherine Donovan: That's his intent. Yes.

Commissioner Turley: And now, if he decided just to move that container, could he still open his restaurant?

Katherine Donovan: Yes, the container and the restaurant are two separate issues.

Commissioner Turley: Two separate issues. Okay. Thank you.

Chairperson Legalos: Katherine, it is mentioned in the Staff Report that some of these buildings are going to be removed when the Waterfront Plan actually gets implemented. Now, I remember about two years ago in connection with another application mention being made of the need of some of these buildings having leases that are effective until 2066. Is that the case for the Waterfront?

Katherine Donovan: I believe that this building is one of those buildings, and the Waterfront Plan designates nonconforming buildings eventually being removed, but I think in this case this building would stay until the lease was up unless something else happened – like the lease was bought out by the City or some other mechanism like that.

Chairperson Legalos: So, the probability is that this building is going to obstruct the view and remain outdated until 2066.

Katherine Donovan: That's my best guess.

Chairperson Legalos: Okay. If the applicant were to suggest a structure that did not match the building so that it came into compliance with the objective of not necessarily creating expanding structures that exactly meet the existing structure. Would that be a problem or would that help solve the problem?

Katherine Donovan: Unfortunately, we still run up against the designation for the property which is Parks and Open Space and so any building would not be able to be approved because of the designation. As a temporary use – temporary uses are allowed in any zoning designation – and so there are two separate

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issues. One is if the building were permanent and long-term, then you would refer to the Zoning which does not allow it. As a temporary use, it could be allowed, but it is still not in compliance.

Chairperson Legalos: Okay, then there is a little shed there that is painted light blue. Was that there before?

Katherine Donovan: Yes. That has been there for a long time.

Chairperson Legalos: That's been there all along? So, this fence that was started would cover that shed and also cover the storage container?

Katherine Donovan: Yes.

Commissioner Turley: Now, is the principal objective here tonight to have this container removed?

Katherine Donovan: It is to make a decision on the application to keep the container, and if the decision is a denial, then yes, the container would need to be removed.

Commissioner Harrington-Cole: Good evening. You said that the reason this came to the City was that there were some complaints. Can you tell me was there one complaint? Were there ten complaints? And, was it citizen driven or where did those complaints come from?

Katherine Donovan: It came to my attention through our asset manager who is the person who handles all City-owned property, and I think that he had more than one complaint but I don't think it was like 10 or 20. I think it might have been two or three.

Commissioner Gourley: I wasn't going to complain but I know many times when I drove down there and I saw that, I was going to ask a question as to what the heck is going on here because I saw it start and I saw something stop, and, I'm going, I don't know what they are trying to do, but it is not getting any prettier. But, the question here is that if this is denied, the fence that is started goes away, the container goes away, the construction stuff is laying there which I assume is construction stuff – the pilings and the gangway go away. Does the little blue building stay until 2066 because that is existing and can't be removed?

Katherine Donovan: Yeah, the little blue building that is kind of a lean-to building – that is storage for the Front Room Restaurant that has been there for a long time, so that is grandfathered in.

Commissioner Gourley: That certainly is attractive.

Katherine Donovan: Yeah.

Commissioner Peterman: Speaking of the gangway and those pilings, if the fence and the temporary storage place go away, those will stay there though. Will they stay there or will they also go?

Katherine Donovan: No, they should be stored elsewhere also. Those were stored on the float that is intended for outdoor seating for the Vic's Wheelhouse and they were moved to that area when it was developed for storage or when they started developing it for storage.

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Commissioner Turley: Again, I want to make sure I understand this. But, if I understand from our City Attorney, if we decide to grant this permit, we have to come up with a darned good reason why. Is that about it? We have to get some findings to support it?

Claudia Quintana: You do have to come up with the findings, and I suggest that you hear what the applicants have to say and perhaps articulate why you think it is a good idea, and if you are going in that direction, I will be happy to write out findings for you for a resolution for the next meeting. So, I could certainly help you but you would probably need to come up with your own reasoning, in fact.

Don Hazen: Mr. Chair, if I could just kind of also follow up on that thought. On page 4 of your Staff Report, it contains four findings, and those findings are written in the negative to justify staff's recommendations. So, as you are hearing testimony this evening from the applicant, you might be thinking about if you were supportive of this application, you would be reversing those. So, everywhere where it says it is not consistent with the General Plan, it is not consistent with Zoning – you would be making those into positives. Of course, you would have to have the facts to justify why you are saying that. So, this could be kind of a guide as you are listening to that public testimony is to see if you are hearing things that are convincing you to reverse what staff has crafted in the way of findings for the recommendation.

Commissioner Harrington-Cole: Do we have to have those findings if we are allowing a temporary use? I think I heard you say that temporaries were allowed in any zoning designation.

Katherine Donovan: Right but you still need to make findings any time you approve something. Our process of deliberation is such that if you are going to approve something, you have to approve it because it is consistent with the General Plan, the Zoning, and the Specific Plan for the area. If you can make those findings, then it is approvable, and if you can't, then it should be denied.

Commissioner Harrington-Cole: Even if we are going to approve it for a temporary use?

Katherine Donovan: Even for a temporary use.

Claudia Quintana: One more thing is that for temporary uses, actually there is some language which is incorporated in the Staff Report, which says that for temporary uses, you have to make a finding that such use will not adversely affect adjacent or nearby uses. So, you could talk about how you think it will or will not affect such uses which would be, I guess, recreational park uses, restaurant uses . . . I don't know what other uses are in the area, but those are the kind of things you would need to talk about.

Chairperson Legalos: There being no further questions, I will open the Public Hearing. Would the applicant care to address the Commission?

Dan Healy: Good evening members of the Planning Commission. My name is Dan Healy. I am an attorney. I represent the Mare Island Ferry Company and the Raahauge family, the owners of the long-term, which does, I think, run the 2066 interest on the parcel down there. Eric was going to go first and then after hearing your discussions, I just wanted to kind of lay out a couple of larger issues

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and then I will let him describe the specifics of this. To answer the question, the reason why you would want to approve this is

- 1) because it is temporary and,
- 2) because it is consistent with a long-term effort to address three uses on that parcel – not just the old Ferry Building. As you may know, those buildings have been there for years and the Raahauges have spent enormous amounts of time and effort trying to get some viable enterprise down there on the water, and on occasions, they have even lent that boathouse to the City, when after the earthquake, they needed to land boats there. And, since then they have explored options for allowing cruises and ships to come land on that dock to try to get some cruise business here.

The three things that they are sort of juggling all at once – one of them is the Ferry Dock itself and the hope that there is some way to continue to have nautical business on the water. The building right now has a capacity for floats on two sides, and on different occasions there have been boats tied up there, some of them not the most sightly boats. Some of you may remember the old paddlewheel boat that was there for awhile, but those have all been different incarnations of trying to turn that building into a working maritime business. One of the other ones we continue to look at is a little tourist ferry to run over to the museum on the Mare Island side. Some of the equipment that is both stored in that storage container and along the fencing are the raw materials for those planks that were there at one point, and the idea is that we can get an operator to run a tourist boat or something, that's what they would like to do.

The second one, and that's what Eric will address, is that he started working a year ago on what is being known as "Vic's Wheelhouse" – in the name of his father Vic Raahauge, and the idea is to have a little restaurant – martini bar type thing, that will be an amenity to people walking on the waterfront. That's sort of what prompted this process, and what happened is that we had to empty everything out, both the artifacts, and there are a lot of historical artifacts, as well as a lot of the items associated with the docking equipment. There are long beams and the like. That all got stored on that property. In response to comments, "I wish it didn't look like this. We wish this could look better." That is when Eric started putting in the fence. The intent was to have the fence match the work building for the time being and then take it down when everything is done.

There is a third enterprise here, and that is the Front Room. Some of you have made reference to it – how perhaps the north end of it isn't the most sightly of places, and actually what we were hoping to do and sort of half the reason I am here, is because we have been hoping since the Front Room really is a success after a number of years of less than successful ventures down there, to see them expand. To both see them improve that building and to see them expand, and, I think in the process of Eric pursuing this, we have been told that that is not in the game plan. I think that is not a battle that we are looking to fight tonight but I think we will be taking exception to that. I am not sure how the Raahauge property got characterized as open space, and I will leave that discussion for another night but I will let you know that it is not anyone's intention to not improve that building; just the opposite. That is a very successful business. I think that sort of use, that restaurant business, is incredibly compatible with the type of waterfront open space that the people of this community want, and that is what the Raahauges are trying to do.

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So, the ideal situation for that space, the enclosed space that Eric enclosed, would be to solve three problems. One of them: Finish the Wheelhouse and get it open. Secondly: Develop the boat docks to the largest extent possible. Three: Improve that end of the Front Room – either expand it or improve it. Incorporate it in a way that makes it more attractive. That makes it more viable as a business. So, I guess I will refer to the historic folks. I will probably take a little exception to the characterization of the design as outdated. I think that design – that sort of nautical look, is what they actually look for on these waterfront parcels, which I think is why the City building next door looks the way it does with the blue steel roof, and I think everywhere what people have been looking for is architecturally, some sort of nautical design, and that's what I think the thought was behind the Front Room. I will let Eric speak to the rest of this but you have, certainly, our word that this is not designed to be a permanent blight on the waterfront. It is designed to be a temporary step to address the issues we just talked about and to try to . . . Again, the Raahauges, to their credit, aren't just talking about making the waterfront viable. They have delivered on making the waterfront viable. The Front Room is a viable restaurant. Eric's restaurant, I think is going to be a viable restaurant. If we are really lucky, we get some small tourist boats and then we will really have kind of a foothold on the type of waterfront I think the people of Vallejo want. So, for that, all they ask is the small consideration of a temporary ability to continue to do what they are doing. And, finally, I will say, and I mean for no one to take offense to this, but this has been a moving target in terms of what occurred here. Eric did obtain a permit from BCDC and paid several hundred dollars in fees for this very project. He paid several hundred dollars in permit fees to the City of Vallejo for this project and there were months and months of going back and forth and getting mixed messages before we got to the point today where he is being told that it would have to come down. So, I do think we can address this and have all of those buildings look a lot better and have these structures removed in a timely manner, and I would ask for your indulgence in letting them do that. Thank you very much.

Commissioner McConnell: Mr. Healy, the fees that you make reference of having been paid, the BCDC, were those paid for the restaurant application or were they specifically paid for for the fence and the shed?

Dan Healy: I think specifically either for the shed or the fence and shed. Not for the restaurant.

Commissioner McConnell: Do you have a copy of that application and what the decision of BCDC was?

Katherine Donovan: It is in your packet.

Commissioner McConnell: I must have missed that. Thank you.

Katherine Donovan: If I might just clarify that, that permit from BCDC is conditional upon City approval.

Commissioner Turley: Thank you Mr. Chairperson. Mr. Healy, did I hear you mention that that fenced in container would only be there temporarily?

Dan Healy: That's right.

Commissioner Turley: For how long a period are we talking about?

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Dan Healy: I think when Eric met with the City, the idea was the administrative permit was going to be for one year with an ability to come back and seek a second year if necessary. To be honest with you, if Vic's Wheelhouse is the only issue, then that is going to be done in less than a year. The real question is: Are we going to come back and be able to improve the Front Room?" If that is the case, then rather than tear down that fence only to try to start something again, it may be that we are coming back asking for more time but probably for Eric's building, I would think the first year is going to do it. But, that is how it was presented – one year permit with a one year extension.

Commissioner Turley: So, you would be kind of happy if the Planning Commission approved this for a period of one year.

Dan Healy: Sure, I think that is all we are asking, and if we have to come back and ask for a year – again I am guessing based on what I have heard about this project this week – is that somebody like me is going to be back here talking about why we ought to be improving the Front Room, and I suspect that is going to occur sometime in the next year, but, I think this is all that this ever was, was a request for a one year permit with the ability to extend it in the City's discretion for another year.

Commissioner Turley: Now, if we denied that, would he still open the restaurant?

Dan Healy: Sure. In terms of rating the three things, it would make it more difficult, but he is far enough down the road that he would still open up his restaurant. I am not sure about the boat issues. I am not sure if push came to shove and we had to decide and find a place to leave the mooring equipment and those sort of things, I am not sure where that would go. I am not sure if they would dispose of it rather than store it, and then I don't know what would happen if a vendor then came to us in a month and said they wanted to land cruise ships there. On that one I can't say what would happen. Again, I am not quite sure what the City's action right now . . . how much you are scaring the parties involved in the expansion and improvement of the Front Room. We will just have to see on that one. I just can't tell you. If you were to deny this, I think it would send a signal that would probably suppress to some level, I can't predict, the desire of folks to invest in trying to improve the Front Room.

Commissioner Turley: One more question: Does the applicant own the Front Room?

Dan Healy: Well, I think the Mare Island Ferry Company is technically the applicant. The land is owned by the City on this long-term lease. The building is owned by the Mare Island Ferry Company which leases the building to a different gentleman who operates, and I think, has another 15 years on his lease, the Front Room, and in defense of the Raahauges again, we structured that lease (the Mare Island Ferry Company structured that lease with the current operator), giving them incredible incentives to do what they have done, and that is to improve the building. Some of that, frankly, the Raahauges took less rent than they might have otherwise gotten because they secured from the tenants, the promise to really fix that place up. I think if any of you have been there; he delivered. That was a win/win for both sides. The person who is in there invested a tremendous amount of money in fixing that place up and I think is looking to do so again if the vibe is right, for lack of a better phrase.

Commissioner Turley: How do you pronounce the applicant's last name?

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Dan Healy: You mean "Waa Hog a ?" The Mare Island Ferry Company has been operating at that site since before World War II. They operated ferries back when civilians worked on Mare Island in World War II. They ferried the workers from Vallejo, from Georgia Street to Mare Island and back. That is, frankly, one of the things we would like to recapture. We have been looking for operators to bring in the boats to bring in other things, to try to recapture some of that. Again, when I talk about the boat building and a second project of what we are looking for, that is one of the things that we would like to do -the Raahauges, a fabulous Vallejo family.

Commissioner Turley: Mr. Raahauge has control of the Front Room and the Wheelhouse?

Dan Healy: I should say, Vic Raahauge, sort of the patriarch of the Raahauge family, passed away a couple of years ago, and Mr. Raahauge and I had some frustrating nights down here at this podium in years gone past when we were trying to do some boat projects and things like that. He was there to see the success of the Front Room. Jean Raahauge, his wife, who still is sort of active around town, is sort of the principal, but there is the Raahauge family that controls the company. So, Eric is one. His brother is another. There are a number of Raahauges.

Commissioner Turley: Excuse me, Mr. Healy, this is very interesting but it is a bit off topic, and we are discussing an application for a storage container and a fence.

Eric Raahauge: I want to thank Dan for those nice comments regarding the family. Commissioners and staff: I tried to put in a letter, something that would really make it easier to understand about this containment area - that it was temporary, and also, there has been some items that have been out there for a number of years. As a matter of fact, the gangway was out there for many years, right along side the garbage area. About three years ago we moved that onto the dock to make it less unsightly out there. The shed has been out there for probably at least 10 years. When I brought the con box in, it was for the construction of Vic's Wheelhouse. It has not only the maritime artifacts, but it also has building materials that we are going to be using, and I say that in this letter here that most jobsites have this kind of con box on there. So, I would need to keep it at least until I opened the restaurant, but that containment area does, is that it would really make that whole area look better because not only are we going to put that small shed in there, but the gangway would be out of the way. It is not going to be out on the patio like it was before, and the con box will go away - the whole area will go away actually - as we talked about, within a year. So, this is really to make the whole area look better, and I have been trying to get to that end for about six to seven months but we have gone back and forth. Originally when I met with staff, and Don Hazen was at that meeting, he saw the big plan and I presented that, and he said "ok", and he told Katherine - "as long as BCDC goes along with this, then we will go ahead with an administrative permit," and, on that basis, I went to BCDC, and I had to go through an application with them about this area - not the restaurant. So, I got that permit. I got it mailed to me, and I gave it to Katherine and the administrative permit - I obtained that. As soon as I obtained that permit from the City, I was told to stop. Then, there were several months in which it went back and forth. Anyway, here we are now, but the whole idea was to put this temporary area - the fence up where we can store all this material for just a limited amount of time so it isn't unsightly. I think had it been done at the time that the administrative permit was issued, there wouldn't have been any complaints. So, that being said, if you

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have any questions, this is a temporary shed and it will really help in all the areas that I have talked about and what we are trying to achieve down there.

Commissioner Manning: Mr. Raahauge, it says in the permit that you obtained from BCDP that that expires in December of 2008. When do you anticipate being done with the building?

Eric Raahauge: I am hoping in the springtime we can open up the building and then probably during the summer, open up the docks. We are going to do this in phases. Does that answer your question?

Commissioner Manning: So, you will have that con box out of there by the fall?

Eric Raahauge: If everything goes right, yes. I have to be honest with you. I didn't anticipate this much resistance, and I was hoping that we could have it there for a year because we are looking to obtain docks, as Dan Healy had told you, to put on the north side so we can attract more maritime ventures, and in particular, that 86 foot gangway that is out there right now would go over on the north side of the building.

Commissioner Manning: Okay, but that is for the fence that you are going to put up. I am asking about the con box itself.

Eric Raahauge: Okay, well, I think the whole thing would go away. The whole area. We would just take the fence down, the con box would go away, and the gangway.

Commissioner Manning: Okay, and then, once you are open, where is your garbage going?

Eric Raahauge: That's another thing I address in the letter. What is necessary when I open the restaurant, is to enlarge the garbage area. The garbage area is actually *inside* the containment area. That fence that you see – okay, actually what I would do is just expand it inside the containment by about three feet so I can have the dumpsters for Vic's Wheelhouse in there for easy access to the garbage department with the dumpsters that are there now for the Front Room, so that they would be together.

Commissioner Manning: Okay, are you working in the building right now? I go by there quite often and it doesn't seem like there is much activity going on.

Eric Raahauge: Well, I work when I can. I actually have a job on the Vallejo Ferries, and on my days off, I am down there and doing what I can. It is coming along, slowly but surely.

Commissioner Manning: Okay. Thank you.

Commissioner Harrington-Cole: Good evening. In your letter you say that besides enlarging the dump area, you are going to store tables, chairs, umbrellas, area heaters. I am assuming that is all through Vic's Wheelhouse. Where are you going to store those if this area goes away?

Eric Raahauge: Well, when that happens, I am going to have to . . . again, I think I addressed it in the letter. We were hoping that as part of this kind of long-term look, at obtaining docks on the north end. I address that in the letter that I was going to put something on one of the docks where we could put some storage

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there. You follow what I am saying? It is so that we have an on-site place to store some tables and chairs like that. That building is 1,200 square feet and there is no place to put anything in there other than some tables and chairs and the galley that is there. So, it is tough because it is on the other side of the seawall, and all we have for storage, really, would be the docks. So, to answer your question, I was hoping that when we do obtain docks in the future, that we would put a small, unobtrusive little area to store some things like tables and chairs.

Commissioner Harrington-Cole: What are you going to do between the time that you open in the spring and the time you get some docks built on the north end?

Eric Raahauge: Well, if we run out of time for this containment area, I would have to go and store them somewhere else.

Commissioner McConnell: Why can't you store some of these items at someplace else at this time?

Eric Raahauge: I could but you know when I addressed staff about this, we talked about that, and I told them that in the con box, we have a lot of maritime artifacts that presently have to be out of the building during construction, along with tools and equipment and lumber. So, you know, I could store that somewhere else but most places do have an on-site con box during the construction phase.

Commissioner McConnell: Well, most sites are not on the waterway where the public view is also a very weighty consideration here. One of the things that concerns me is the policy numbers 4-F and 4-I which requires us to establish a street scene presence and appearance through setbacks, landscaping, building placement and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along the sidewalk or street. I am having a hard time reconciling this goal along with an eight-foot high fence along around a seven-foot Conex. Are there any suggestions you can make to address this goal?

Eric Raahauge: Well, I come back again, Commissioner, to the fact that this is going to actually help to improve the property in the long-term, and we are talking about something temporary here. So, this is not something that we are asking to be permanent, and I think that is why BCDC recognized, as I hoped the Commission and staff would, that what we are trying to do is improve the property. So, other than that, I don't know.

Commissioner McConnell: Well, granted, all that you say is correct. The BCDC application talks about the shed but only as one of five different considerations – the majority of that going towards the restaurant which, of course, we have already approved. I think my concern is that we have to make a finding, even for a temporary object that is still consistent with the policies, and as I said, one of the concerns that I have is reconciling the image, the obstructive nature of this fence with the impairment of the public view. Do you actually need a Conex as large as it is now? I mean, you are saying you can store some of the artifacts at another location. That takes some of the square footage away. Some of the space you need for construction which maybe is more justifiable. How much of an area do you need for the construction storage if you remove the artifact items?

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Eric Raahauge: Well, we have a lot of items that are actually going to go into the construction of the dock. It appears that the Building Department is going to require some type of restroom as well. So, there is quite a bit of material that is in there for the completion of this entire project.

Commissioner McConnell: I understand that. Can you reduce the size of the Conex?

Eric Raahauge: Can I reduce it? Yeah, we could get rid of it Commissioner – altogether.

Commissioner McConnell: How much of a smaller Conex could you put in there?

Eric Raahauge: You know, they make them about half the size. That one is 20 foot long. They make them 10 foot long but they are still eight foot high.

Commissioner McConnell: Okay. Your proposal is to put plywood around this Conex. That is not consistent with the exterior of the Front Room.

Eric Raahauge: Well, actually, Commissioner, what I proposed to staff originally was to put the same siding, which was T-111, which the wharf restaurant has, and I was going to put the same trim, the same color, and no one would have even known that anything was done, once it was done. It would have been a small extension, 25 feet to the north. Okay? So, it really would have changed the look of that garbage area which has a six foot high fence and you can see through it and you can see the top of the garbage lids when they are open and everything. It really would have cleaned up the area. Staff told me they didn't want T-111 on there because it reminded them of something that they didn't want. Anyway, they didn't like it so they suggested I come up with an alternative. So, I just suggested that we put some exterior plywood on it and I would make it match as close as I could but I wanted to put the same siding that the wharf restaurant has on it, which is T-111.

Commissioner McConnell: How do we minimize the visual impact of this application?

Eric Raahauge: I would say, let me go ahead and put the T-111 on it, trim it out the same as the existing building, and put the same color scheme on there, and it will blend in entirely, and it will also cover up that garbage area, and you will not see the con box. Everything will be inside, secure, safe, clean, and unobtrusive.

Commissioner McConnell: There is a mention in the Staff Report that the administrative permit can be extended for an additional one year, for good cause. If this application is approved, would you be willing to accept a condition that there be no extensions past December 2008.

Eric Raahauge: If that is what the Commission would like, I am willing to accept that.

Commissioner McConnell: Have you given any consideration to landscaping as a method of making this wall more attractive?

Eric Raahauge: Actually, Commissioner, we just installed (and I was part of it), that front section with the heavy chain on it. You know, the piles to the north there in the area that we are talking about. I believe in the pictures you can see. That was just installed in the last few months, and so that is part of the process of

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upgrading the property. It continues the nautical look, and, you know, that is part of it. We are doing this in stages so, I talked to my mom, and she would like to put either grass or something out there to match the south side when the time is right, and I think that that would certainly make the place really look nice.

Commissioner McConnell: Okay, and this is not going to impair in any way upon the pedestrian walkway out there?

Eric Raahauge: No, as a matter of fact, I left quite a large section open so that people can walk through there. But, we did have a liability issue because for years we had vehicles, when they had the festivals, that were parking there. We had people putting port-a-potties out there, dumpsters – and we were liable because they were using our property. So, I put up a fence several years ago that was very small, but they just cut the wire down and drove their vehicles in. So, we went ahead and put this expensive, very nice looking fence to match the south end of the property, and that is what is in there now, so that is part of the upgrade.

Commissioner McConnell: Would the addition of any type of roofline improve, in your opinion, the visual appearance of this project?

Eric Raahauge: You mean to actually put a roof over the containment area? Then, we are getting into a situation where it would have to go through the Building Department putting beams across it, and it would be more expense added, but then we would have to go through a much longer phase, I believe. I am sure that the Building Department and Planning Department wouldn't want . . . being that this is just temporary, Commissioner, we wanted to do this just in the fence to cover everything up and make it look nice and clean so you don't have a bunch of things – one, a shed sitting out there and part of the garbage area. It would be very clean looking.

Commissioner McConnell: I am not envisioning a roof that needs an awful lot of structural support where beams are necessary. What I am thinking is more like camouflage. Can you envision that type of a roofline?

Eric Raahauge: Well, I listen to suggestions. It is dirt in there and just posts and I was just going to put some siding up there.

Commissioner McConnell: I would be interested in hearing Staff's position on the visual improvement of this application or roofline or matching the exterior of the fence with either the building or some surrounding area with the idea that we still have to comply with goals 4-F and 4-I about impacts and amenities, but I would like to hear some sort of recommendations maybe or some further thoughts.

Don Hazen: I would like to respond to some of the comments after the Public Hearing is closed, if it is okay.

Commissioner Gourley: Two quick questions – one to Katherine – one to Mr. Raahauge. What is that little shed that is there on the corner used for now?

Eric Raahauge: Well, the Front Room uses it for their laundry. They use a lot of laundry in there, and they don't have as much room as they would like to have in the building, so they have been using it for that.

Commissioner Gourley: Again, that's not going away until 2066?

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Katherine Donovan: I am not aware of any plan to take it away, and since it was predated the Waterfront Plan, I think it is there.

Chairperson Legalos: If there are no further questions, thank you, Mr. Raahauge. I would like to close the Public Hearing and bring the matter back into the hands of the Commission.

Don Hazen: If it would be helpful, I would like to respond to some of the questions that were raised by the applicant. In the way of background, I would like to at least correct the record or explain what was portrayed as kind of a procrastination on Staff's part. I would like to kind of go back, and the first question earlier was "Who brought this to Staff's attention?" It was brought to my attention, I think, before Katherine was aware of it, from the Assistant City Manager who happened to be driving to work one day and saw that out there and said: "What's going on? We didn't know of any project out there." So, what I observed was the cargo container and, I believe, the fencing starting to be done, and so at that point we made contact with Mr. Raahauge. He came in and discussed his plan with Staff, and our immediate reaction, in fairness to everyone involved, was to lend some support to the original proposal, but the longer that he discussed the duration of this temporary use and the purpose of it, it became clear to me that he had other plans in mind beyond just the construction of Vic's Wheelhouse. There was the talk about the new docks and a lot of other things. I remember discussing with him, saying "You've got all these grand plans for the future, but none of us have seen that or had an opportunity to evaluate it or bring it before the Planning Commission." So, in my opinion, we became involved in a discussion of a temporary use that didn't have a defined purpose or scope. It was beyond just the restaurant use, and so, when the discussion focused on Mr. Raahauge's desire to have an extension clause in there, then I became very concerned because I have been involved, as I am sure you are all have experienced, with so called "temporary uses" that end up becoming in there for four or five years or more, and I didn't want to see us back here in one or two years from now having the discussion, saying "I will only need it for one more year – I have spent all this money putting it in. I am almost there." I also have observed in the year that I have been here, with the City of Vallejo, a very slow pace of construction going on at the restaurant. So, I think all of those factors raised concern on my part about whether we should support this. It is also my recollection that the BCDC permit was obtained prior to discussions with Planning Staff or at least me personally. I can only speak for myself, and so, we did not endorse the filing of that application. It was my belief that that was done prior to the City indicating whether we would support it or not. The other clincher, I guess on my part, was when it was later discovered that the designation for this site is "open space, recreation, on the Waterfront Plan," so all those things combined in my mind clinched it for us, and so we moved forward and indicated to the applicant that we really could not support it, even on a temporary basis. Commissioner McConnell's comment about roofing structures and dressing up the site – in our early discussions before all of these other factors came into play, we did look at ways that we could do that, but in my way of thinking, a cargo container is a cargo container, and whatever you slap on it, it is still going to be that rectangular box. I would advise though, if you are considering supporting this application on a temporary basis, then you are looking at a structure that at that point is going to require the Design Review Board's review because you are now constructing this. It is more than just a fence to screen a structure, and you are getting into a design and I hate to say it, but if we go forward to the Design Review Board and say this man wants to build a roof structure on a temporary basis, it is still going to be subject to the design guidelines of the Waterfront Plan. So, I think you are getting into an area that eventually will go out of your

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jurisdiction and into another Commission's purview. I kind of wanted to respond to those comments and let you take it from there to kind of give the background. I am happy to answer any other questions that may come up.

Commissioner Manning: I am totally in support of businesses needing to have things like con boxes in order to do the construction to get their businesses up and running, and I think that is part of being business friendly in our community. I also heard conflicting information, and it is sort of like the intent that we give this temporary structure and then we want to expand and then we need a place to store the tables and chairs, and I really want to keep this discussion limited to what was brought before us, and that was a request for a temporary fenced-in area with a con box so the construction could be completed and consistent with what was already approved by BCDC that that would be through December of 2008. I also see that this little shed thing adds a bit of complexity too because, if that wasn't there, the fencing could have been brought in a lot further than what it was. That little shed is going to be there for a long time, so, again, the discussion that was brought before us was a request for a temporary fenced-in area for some construction, and I really don't think it is appropriate to bring up other ideas you have, and, as Mr. Hazen says, there needs to be something in writing, a very clear plan and direction, and it is really not germane to the discussion we are having here tonight. I do think that there are findings that we could come up with that would support allowing this temporary con box and the fencing. Again, very tightly contained for this temporary period of time. The Raahauges have a wonderful history that is a wonderful application that I very much want to see that open again as a restaurant. The idea of having a ferry over to Mare Island again - you know, that structure was a very big part of our history, and the Waterfront, so again, I want to be very supportive but I also want to protect all the concerns that Katherine and Don have raised from the Planning Department as well. Those are my thoughts.

Commissioner Gourley: I would agree with Commissioner Manning that temporary usage is appropriate, and I think it is going to be fairly easy for me to agree with the findings. The fact of that section of the Waterfront Plan that calls for parks and open space. . . I think it is fairly obvious that that little area is not going to be parks or open space any time in the near future. I think it is obvious, at least to me. I am hoping that I am hearing 2066 and we will vote on this when it comes up again as to whether or not we are going to allow that restaurant to stay. I think that is probably unlikely, and I would like to support the project as well, and I think that Commissioner McConnell had a very good suggestion that if it is limited, as Commissioner Manning said, to a temporary, with some deadlines; I could find it easy to support. I also agree with Commissioner Manning on the fact that we do like to support small businesses that will enhance our Waterfront, and as of now, there is really not much on the Waterfront to bring us any revenue or enhance that revenue, and I think this would add to it. I would encourage the Raahauges to hurry if possible and get this thing open. Hopefully what we may accomplish tonight is allowing you or encouraging you to get that done. I am still concerned about the little building in the corner. When I drove down to look at this, and drove straight down Georgia Street, I was finding it hard to convince myself that my view was being restricted by what was there now or what was going to be there, because of the way it sits - if you call Georgia Street the view area. I drove into the ferry parking lot, trying to align myself with Georgia Street. There is really not that much of a view restriction, even with the fence complete, that I could see, so, I would find myself trying to support this.

Commissioner Peterman: When I lived in Sandy Beach I had dealings with BCDC and it is my experience that they are incredible watch dogs of our

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coastline and I think that they scrutinize everything very, very careful and the fact that they approved that application says to me that they have already looked at that and they have really looked at the pros and cons. I also think that we just personally should keep in mind that the Raahauge family has done an incredible amount of things for the City of Vallejo and I think Vic's Wheelhouse will be another thing that they do that will be an asset to Vallejo, so I would be inclined to approve their permit.

Commissioner Harrington-Cole: I am looking at the findings as recommended by the City and what I think I can say is that I agree with Commissioner Gourley that this is not really a parks and open space – never will be as long as the restaurant is there. I don't really feel like this is an expansion because it is temporary. It will go away. The footprint of the restaurant will come back to the same size as it was in a year. Our third finding is that it must have high quality and create a design that enhances the physical and visual access to the Waterfront, and I think opening up the Wheelhouse with the dock actually does that and the view that is blocked by this is temporary and not very large, so, looking at these four findings, I believe I too can support this project on a temporary basis for a one-year time.

Katherine Donovan: I have been listening to the testimony and looking at the pictures. It has occurred to me that one of the issues that I have had with this is that the fenced area is quite large compared to the size of the existing building, and the reason for that is to include that little blue shed and I think I need to ask Eric this question, but it occurs to me that if the shed could be moved so that it was adjacent to the building, I believe that it was originally positioned there with the idea that the restaurant would expand. If the restaurant can't expand, which it can't under the Waterfront Plan, I don't believe there is any reason that it can't be brought closer to the restaurant which, once the temporary use of the storage container is finished, would actually provide something better than what is there now. But, I am not sure structurally how that shed is attached to the ground, and Eric might be able to answer that for us.

Commissioner McConnell: I request that we reopen the Public Hearing for purposes of taking testimony from Mr. Raahauge.

Chairperson Legalos: The public hearing is reopened.

Eric Raahauge: That shed is self-sustained, and it can be moved. I am sure we can move that.

Chairperson Legalos: It is not attached to the ground?

Eric Raahauge: No, it is not.

Commissioner McConnell: If we move that shed, can we reduce the footprint that you will need?

Eric Raahauge: You mean of the shed, itself?

Commissioner McConnell: Of where the fence will be. Can you reduce the 8 foot high, 25 feet long fence?

Eric Raahauge: You mean, presently, if I was to move that shed?

Commissioner McConnell: Yes.

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Eric Raahauge: Yes, it is possible, but here is the problem that we have. There is a door, right there behind the garbage area which is an exit. With the containment area there, if I move that shed back up against the building, it is going to block that exit, which is the fire exit. We don't want to do that.

Commissioner McConnell: Where else can we put it?

Eric Raahauge: Well, once the containment area goes away, then the people can come straight out the door and go right out. The shed will not be in the way. Do you follow what I am saying? The shed will be moved up against the building but with the containment area there, it would block it. If you were to take that shed now and move it against the building.

Commissioner McConnell: I believe you said that that shed was being used for storage of linens.

Eric Raahauge: Correct. All of their laundry that they use in the Front Room.

Commissioner McConnell: They don't use an outside vendor for linens?

Eric Raahauge: They actually do, yeah. And, he comes there and he gets the stuff weekly or biweekly and he brings it back.

Commissioner McConnell: This is where he stores it, right?

Eric Raahauge: Yes, all the linen that they use is stored in there.

Commissioner McConnell: Okay. Thank you.

Don Hazen: Mr. Chair, if the Commission is considering findings for approval this evening, I might request that you allow us to bring the resolution and any conditions of approval that we may wish to add to this, at your next meeting, because I do think that we need to consider conditions which are not included in your packet.

Chairperson Legalos: So, I am closing the Public Hearing again.

Commissioner McConnell: I am in agreement with Mr. Hazen along further conditions, and I would like to share with him my thoughts at least, and ask other Commissioners to do so as well. If this matter is going to be further studied by staff, I would like them to consider the maximum reduction of the fence of this building to the extent possible given the geographic and physical limitations on the space. I would like them to consider the appearance of the fence, whether it can be mitigated either through landscaping or possibly a mural as well. I definitely want to have a representation from the applicant upon advice of his counsel that he will voluntarily terminate this storage facility as of December 31, 2008 and not seek any extensions in the event that the matter is not concluded at that time or voluntarily, at his own expense, remove the shed and the fence. Those are my thoughts on the matter.

Commissioner Harrington-Cole: I would kind of like to see the outside of that fence area more closely mimic the restaurant so it is not as intrusive and looks more like it belongs, even though it won't have a roof, because I think it will look more cohesive.

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Commissioner Manning: Yes, I agree with Commissioner Harrington-Cole on that and I also want to say again, my proposal, as other Commissioners have said, is that it be limited to one year, it ends in December, it has to be taken down, and; I would suggest at that time that included in that would be that the shed would be moved back adjacent to that building. Rather than have him move the shed and pull it in now within this one year period, the framework of the fence is already there and my preference would be that he frame it out, make it look exactly like the Front Room, paint it, and then get back to work on the restaurant. I would rather see the effort there than have him out there redigging holes and moving the fence in and moving it now because, again, just one year, and that is all I am proposing. Again, make it look like the Front Room, get it painted, get it done, get the restaurant open. Take it down, and move the shed when you are done.

Commissioner Peterman: Considering that we are thinking of a one-year permit, I would hesitate to do as Commissioner Manning suggested and Commissioner McConnell that it expire on December 31 because the next meeting isn't until January so if we are indeed granting him a one-year permit, I think it should really be a one-year permit.

Commissioner Turley: A short one this time Mr. Chairperson, but I do support Commissioner Manning in her suggestion.

Commissioner McConnell: I will move the continuance of this item to our second meeting in January, 2008 for further disposition based upon the recommendations of staff and further discussions with the applicant.

Chairperson Legalos: Please vote.

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

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

Chairperson Legalos: Moving on to other items. Ms. Quintana: Item L please.

L. OTHER ITEMS

Claudia Quintana: Thank you Chairperson Legalos. As you know, I have a handout and I have given it out to the members of the Commission regarding conflict of interest. These last couple of weeks, a number of you have asked me questions about conflicts of interests and have raised certain issues so I thought the best thing to do was to have a kind of quick review handout and also include, in my presentation tonight, which will be very short, some references which might be helpful should you have questions at a later date. The basic prohibition into the Political Reform Act is that Commissioners are disqualified from participating in decisions or activities if they have a conflict of interest. And, how do you know if you have a conflict of interest? It is very easy. You just look at your handout and you follow the eight steps that the Fair Political Practices Commission has pointed out. Step 1 is easy. You are all subject to this because you are members of the Commission. Step 2 is the question "Are you making, participating in the making, or using your official position to influence a government decision?" What I wanted to point out is, that is not just a decision here, publicly but it is also activities outside the Commission, so, if you are at

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parties or you are having conversations or you are making phone calls that have to do with influencing a particular outcome in decisions, that is properly within the purview of the Planning Commission, and if you happen to have a conflict, then that is prohibited. So, I wanted you to look at this section, and again, I have referenced there the California Code of Regulations and the prohibition itself. Step 3 is: " Does the public official have one of the six qualifying types of economic interest," and that is thoroughly self-explanatory. If you have an investment in a business entity that comes before you, if you have an interest in your real property that is the subject of one of your issues, if the applicant provides you with a source of income or a source of gifts or if you have a position in their business or if a member or your family or yourself has a financial effect in that business, then you probably have one of the six disqualifying types of economic interests.

Don Hazen: I am wondering if the Mayor would like to address the Commission or sit through our City Attorney's presentation on conflict of interest but welcome to the chambers.

Mayor Osby Davis: Thank you. I would just like to say that I will be available to any of you who want to talk about any issues that you have with respect to the City – anything that you want to say or some questions you have had in the past about interrelationship between the Planning Commission and the Council, and I am open to you at any time. All you have to do is give me a call, and I am more than willing. It is my strong desire to do what is in the best interest of the City and that desire supersedes any personalities and it doesn't matter whether we have agreed upon things in the past. We may not agree upon things in the future, but if we agree that the direction we are going is for the best interests of the City, then I am willing to do it. Okay. So, that's my offer to the Planning Commission anytime I can be of assistance.

Chairperson Legalos: Thank you very much, Mayor Davis. Any other comments from the Commission?

Commissioner McConnell: Did you want to be called at your office or the Mayor's office?

Mayor Osby Davis: If you are going to get somewhere, you ought to start in the Mayor's office. We are trying to coordinate calendars right now.

Chairperson Legalos: Thank you for your kind words. I think they are all greatly appreciated.

Commissioner Peterman: I appreciate your coming here because in the past we have had difficulty with our liaison actually being here, so, I really appreciate the fact that you have taken this step and offered to work with us. Thank you very much, Mayor Davis.

Mayor Osby Davis: You are welcome.

Commissioner Turley: Just want to say if you want to talk to the Mayor, in the Mayor's office, that would be your first choice because if you talk to him in his office, it is going to cost you about \$200.00 an hour.

Mayor Osby Davis: Come to my office, on second thought!

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Commissioner Manning: I also wanted to say thank you for coming tonight. That was very gracious of you, and, congratulations.

Claudia Quintana: Shall I continue? It is very brief, I promise. I am almost done. The remaining steps in my handouts are pretty self-explanatory, and I think I hit on the big points. A couple of you raised some issues that you wanted me to address today as well. One is the rule on common law bias. That means if you know you have a bias or prejudice for or against an applicant then you should disqualify yourself. That is also one of the bases for somebody coming after you to try to disqualify you retroactively from a decision that is filing a lawsuit, claiming that you were biased against or for an applicant. That would be a fact conclusive inquiry. And, the other thing somebody wanted me to address was to how to deal with communications from citizens on issues that have come before the Planning Commission. What my advice would be was to bring it to the forefront of the Planning Commission, to make it a part of a record, and if you have communicated with either a project applicant or a neighbor or some other person about a project outside of this public forum, the proper thing to do is to say that in the open: By the way, I had a conversation with so and so about this application. We talked about "x". It is not going to affect my decision, or, it is going to affect my decision and therefore I am recusing myself, and handle it that way. But, the main point of this is to disclose it and to bring it back in sort of the official public forum capacity, and that way, your decision is insulated from any kind of liability. That is my presentation. Anybody have any questions?

Commissioner Manning: Thank you Claudia. I do have a couple of questions. Because it is a small community, in reality, we often tend to know many of the applicants that come here. Is that considered a bias?

Claudia Quintana: No, I don't think so. As you have stated, pretty much everybody knows somebody who knows somebody even if they don't know the project proponent. However, if you feel that you are biased for or against that particular application, you should disqualify yourself. If you just know somebody – no- that is not sufficient.

Commissioner Manning: My next question is, typically we all go out to the field and we look at the different items and typically we will talk to the neighbors or talk to the applicants themselves if they are on site. Is that something we need to disclose when we weigh it officially then?

Claudia Quintana: I think yes because that forms a part of your decision making process and it has taken place outside of this particular forum, so I think as part of your comments for that particular project, you should state "I went out to the field, I looked at the site, I spoke to A,B and C neighbors."

Commissioner Manning: One more question on a recent applicant that we had. There was a lot of tension between neighbors in discussions so I know when the Commission spoke favorably of the applicant as well as I did and other people that were from the neighborhood, it may have been misunderstood. I don't feel I have a bias but I know the applicant in this particular case along with many other people in the neighborhood. My intent was to put some comfort or to try and mediate the situation. Is it inappropriate to do something like that?

Claudia Quintana: I would just say I didn't see anything that was inappropriate or that would stop the proceedings. That is also not my role. My role is only to advise you. From a general perspective, I would say it is ok to have friends,

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however, try to be as neutral as possible when it comes forward and try to project this from your seat on the Commission.

Chairperson Legalos: Also, in reference to those types of comments, we heard some this evening too. It seems to me that it would be better to err on the side of caution and not make either flattering nor disparaging comments about what a family has done for the City of Vallejo and what a particular individual has done for St. Vincent's Hill. We are not considering those but what we are considering this evening is a Use Permit for the storage container and the fence and whether or not there have been angels or demons, should not make any difference. I think it risks giving the impression of bias and the discussion to which Commission Manning was just referring at the last meeting, several of the neighbors who are in opposition to that project have felt that three of the Commissioners had their minds made up, and three of the Commissioners were responding and voting on the basis of bias. Whether they are correct or not, I am not saying. I am not taking a position on that but I am personally uncomfortable making those kinds of statements, especially since they are not relevant to the facts.

Claudia Quintana: I would prefer to not talk about that prior project or even the one that you just considered. My best advice is to be and appear as neutral as possible. However, you know, you are allowed to have feelings, and I think that there is some leeway that is allowed when it comes to that.

Don Hazen: I just have a thought to kind of follow up on Claudia's response is that occasionally when staff makes their presentation and then you ask questions of staff, often it appears that you are, by the way you are directing your questions to staff, that you are already starting to formulate an opinion about that and I won't get into specifics about past meetings, but I would just say that you still have the right to ask those questions after the public hearing also or during it like you did this evening, so I would just kind of resist that temptation. The other thing I would add is that the public is very perceptive, and if they have any inclination that you have already made your mind up before you have closed the Public Hearing, that really does harm to the process and so that kind of goes back to the questioning again. Sometimes you can tell whether you are asking leading questions and you are already starting to formulate alternative strategies and things like that. That is just my thoughts, sitting off to the side on these meetings.

Claudia Quintana: I do want to say that you are doing a great job and it is not easy, so, I didn't want to come down hard on you for all the bad things you have ever done. That is not where I am coming from. I just wanted to set out some general rules so that when you have a question, you have somewhere to look and certainly you can always ask me. This is actually a great resource as well that I brought down so you could see the Planning Commissioner's Handbook. I believe that Don has photocopied it for you. It has excellent sections on ethics and what to do so you can look at that. On the Web there is the Conflict of Interest information, there is also the Fair Political Practices Commission website where it has a great search engine. Whatever question you have, you can just type it in there and it will come up with materials for you. And, of course, you can always call me up.

Commissioner McConnell: Thank you Mr. Chairperson. Claudia, I would like to take a closer look at the site inspection. It has been my practice for the last seven and a half years to almost always do a site inspection but to avoid speaking with any individuals present because if I do speak with them, then I

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think it does require a disclosure on the record of the contents of the conversation and what opinions you may or may not have formed but the site inspection, I think, is inherent. It is part of the process of being a Planning Commissioner. It is maybe one of the most important aspects that can influence your own personal opinion and frequently I have found that when I do a site inspection, I rethink my position or my feelings about an application after I have read the Staff Report. If we start going into disclosures of "yes, I did the site inspection and this is what I saw and these are the observations I formed in my mind," and each Commissioner does that for two minutes per Commissioner times seven Commissioners (14 minutes times two or three applications per night), we are going to be considerably extending the lengths of our hearings, and I am not sure if we truly need to make reference to the fact that we did do the site inspection. I would like some clarification on that because I think it is part and parcel what we do.

Claudia Quintana: I do think, and I know it has been a popular process locally. I had asked these questions from certain authorities when I went to the League of California Cities last year, and that is the advice I got – that if there evidence taken outside of the public forum, and that evidence is considered in your decision, then you should disclose it. I don't know that you need to go on and provide all the details, and maybe there a more time efficient way to make sure that the public knows that certain people have attended the site visit, but I will be happy to provide you with the authority that I have and maybe you can suggest a different way to do it.

Commissioner McConnell: Well, do you believe the disclosure should be done at the initial onset of the application, during the staff presentation, or during the statements we sometimes make prior to voting?

Claudia Quintana: Well, I think the process here has not been crystal clear as to who goes first in considering an item but I think, from my perspective, I am more interested in due process so I would be happy at any point during the consideration of that item and before you make that final decision.

Commissioner McConnell: My other question relates to written communications we receive, whether it is in the form of letters or e-mails. In the event that we receive such a communication, it is necessary that we disclose the identity of the writer or the communicator, or can we just simply make reference to it as is frequently done at Council when somebody says "I received the following things", and they are made a part of the record.

Claudia Quintana: If the communication made you change your mind or it had any effect on your decision making process, it should be disclosed. There is an exception that I recently discovered for communications that are not signed by individuals and that are anonymous. Those should not be a part of the record. But, I think that other communications that you receive from whatever source – if they are considered by you in making your decision, then they should be part of the record.

Commissioner McConnell: So, the threshold condition is that they be a consideration upon our decision?

Claudia Quintana: Yes, I believe so.

Commissioner McConnell: Okay, and if we feel that it is not an influence upon our decision, then we don't really need to make reference to it?

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Claudia Quintana: I believe that that is the correct way to do it – yes.

Commissioner McConnell: Okay, thank you.

Don Hazen: May I ask for clarification on that? If you have correspondence in front of you that is submitted for this application, you are required to consider all written and oral testimony, so, theoretically, this all goes into your decision making process, if I understood your question correctly.

Chairperson Legalos: The question wasn't related to information we received distributed on the dais at this time of the hearing, but rather an e-mail we might receive or a private letter or a letter that was distributed to us from staff, which frequently occurs.

Claudia Quintana: You know, I feel a little like, if you have any questions, I would be happy to look at it in that you know what I think. Normally, if it is an e-mail or a letter that is pertaining to a project before you, to me, that means that it is part of the record even if you might say theoretically, "No, it really didn't influence me." Because, if there were a public record's request having to do with all communications received by the Commission, that undoubtedly would be part of it. So, I don't know if that makes it any simpler, but if you have a specific issue or a specific question about specific e-mail, I would be happy to look at it. But, I would err on the side of disclosure because most of the laws that we are talking about here are about making government as crystal clear as possible.

Commissioner Manning: I want to thank you for bringing this up tonight because it is a learning process being on this Commission. I have read the Planning Handbook several times and I still have questions, so I appreciate that. Just adding to it, one of the things in that Handbook, is talking about permitting people who come up and speak at our podium here is a very unusual event for them and they are very uncomfortable. Having been on that side, I can emphasize when people come up here, and of course, often it is about neighborhood issues and there is a lot of trepidation on that. I also think it is our responsibility, as it points out in the Handbook, to make people feel comfortable, so I just wanted to say that in my explanation about maybe sometimes when I do say things like that to people, it is my intent not to show bias but just to make people feel comfortable and feel safe here because it is a rather intimidating environment at times.

M. ADJOURNMENT

There being no further business to discuss, this session of the Vallejo Planning Commission is now adjourned at 8:45 p.m.

Respectfully submitted,



(for) DON HAZEN, Secretary



City of Vallejo Memo

To: Planning Commission
From: Planning Division, Marcus Adams *MA*
Date: January 23, 2008
Re: Item K [consent] - (Hyde Park Gate "continuance")
Planned Development Amendment #02-0005

BACKGROUND & DISCUSSION:

On November 5, 2007, the Planning Commission reviewed an application from the Hyde Park @ Northgate Homeowners Association requesting permanent closure of their neighborhood entry gates. The gates are currently required to be open between the hours of 6:00 a.m. and 8:00 p.m. After hearing testimony from city staff, residents, and Gary Mandarich, the Commission asked that the item be continued to allow the Association time to gather statistics documenting incidents which they feel warrant permanent gate closure (see Exhibit C, Planning Commission minutes).

RECOMMENDATION:

Although staff's fundamental position on gated communities remains unchanged, staff believes that the condition to require the gates to be open between 6:00 a.m. and 8:00 p.m. did not achieve the goals of the City or Hyde Park residents, and that the supplemental material showing graffiti and littering may be attributed to open gates, therefore, staff finds that the permanent closure of their entry gates will help to "protect the value of private investments in the area" per Section 16.116.100(D) of the Vallejo Municipal Code.

Exhibit A: Resolution

Exhibit B: Supplemental material from Hyde Park Neighborhood Association

Exhibit C: Planning Commission minutes, November 5, 2007

Exhibit D: November 5, staff report

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-26B

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A UNIT PLAN APPLICATION
PLANNED DEVELOPMENT (UNIT PLAN) AMENDMENT #02-0015**

Hyde Park

The Hyde Park subdivision is located at the intersection of North Ascot Pkwy. & Berkshire Lane.

APN# 0183-060-020

I. GENERAL FINDINGS

WHEREAS an application was filed by the Hyde Park at Northgate Homeowner Association seeking approval for a unit plan amendment for permanent closure of the Hyde Park entry gate; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Unit Plan Amendment on November 5, 2007 at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

WHEREAS the City of Vallejo Planning Commission requested that the Unit Plan Amendment application be continued to a public hearing on January 23, 2008, so that the Hyde Park at Northgate Homeowners Association could submit statistics documenting incidents warranting permanent gate closure; and

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

Section 1. The Planning Commission finds that on the basis of the whole record before it there is no substantial evidence that the project will have a significant effect on the environment per Section 15301, Class 3 Categorical Exemption, "Existing Facilities" of the California Environmental Quality Act.

III. FINDINGS RELEVANT TO UNIT PLAN AND FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE GENERAL PLAN

Section 2. The Planning Commission finds that applicant submitted Unit Plan amendment Permit application #02-0015 for 24 hour closure of the Hyde Park entry gate pursuant to the City of Vallejo Municipal Code Chapter 16.116.140(A)(2).

Section 3. Planning Commission finds, based on the facts contained in the staff report attached herein and incorporated herein by this reference, and given and the evidence presented at the public hearing that:

1. The proposed unit plan amendment is consistent with the goals and policies of the Vallejo general plan and Northgate Specific Plan.
2. The proposed unit plan amendment is of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.
3. The unit plan serves to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area.
4. The unit plan is of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

IV. RESOLUTION APPROVING THE UNIT PLAN AMENDMENT APPLICATION FOR 24 HOUR HYDE PARK GATE CLOSURE

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Unit Plan amendment application (UP# 02-0015) for 24 Hyde Park gate closure, based on the findings contained in the staff report attached hereto and incorporated herein.

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 23rd day of January, 2008, by the following vote to-wit:

AYES:

NOES:

ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

January 8, 2008

Mr. Marcus Adams
Associate Planner
City of Vallejo
555 Santa Clara Street
Vallejo, CA 94590

Re: Hours of Operation – Entry Gates for Hyde Park – PD (Amendment) #02-0015

Dear Mr. Adams:

On November 5, 2007, the Planning Commission hearing on the above referenced matter was continued until January 23, 2008. The Planning Commission continued this hearing to allow the Hyde Park at Northgate Homeowners Association ("Applicant") additional time to provide supplemental information to support Applicant's request to keep the entry gates closed. The following information is provided to address items in the Planning Staff's Report, the Planning Commission members' questions and other matters relating to the entry gates for Hyde Park.

- City of Vallejo's Approval of Hyde Park

The City of Vallejo approved a Unit Plan and Vesting Tentative Map for Hyde Park with conditions. These conditions include:

- A requirement that the entry gates would open between the hours of 6:00 a.m. and 8:00 p.m.
- Streets and parks within Hyde Park would be private and maintained by a homeowner's association
- A condition that signage would be installed at the entrance of Hyde Park giving notice of enforcement of the City of Vallejo's vehicle code

On July 29, 2003, the City Council adopted Resolution No. 03-260 N.C. which, among other things, was intended to implement the statement in the Recitals of the Resolution that *"the parks and open space within the development would be owned and maintained by the homeowner's association and that such improvements should not be accessible for use by the public at the expense and liability of the association"*.

The City Council has also approved the implementation of the Vehicle Code for the private streets in Hyde Park.

- Police Reports/Crime Logs

Numerous incidents of trespassing and crime have been documented since the Planning Commission Hearing on November 5th.

Attached as Exhibit "A" is an Incident Report and the referenced photos prepared by a Hyde Park at Northgate Homeowners Association board member and homeowner.

There are several vacant homes in Hyde Park. Vacant homes are easily broken into and occupied by trespassers.

Attached as Exhibit "B" are photos of cars and non-residents using the private streets and parks in Hyde Park.

Attached as Exhibit "C" are photos of graffiti on the playground equipment.

On December 31, 2007 there was a very unfortunate incident where a young man shot a relative in Hyde Park. This young man committed suicide in the backyard of a vacant home. Attached as Exhibit "D" is a photo of a police car and this vacant home.

- Gates at the Park Entrances

Attached as Exhibit "E" is a site plan for Hyde Park. Locked pedestrian gates providing access to the parks in Hyde Park were approved by the City of Vallejo and installed in 2004. Owners in Hyde Park have keys to use these gates to access public walks on North Ascot and the proposed Northgate Marketplace.

- Signage/Enforcement against Trespassers

Attached as Exhibit "F" are photos of the signs at the entry road (Berkshire Drive). On several occasions the City of Vallejo's Police Department has been notified of parking violations and trespassing. Representatives of the City of Vallejo's Police Department have informed us that the Police Department will not enforce violations against trespassers when the gates are open.

- Vehicular and Pedestrian Access

Hyde Park is surrounded by commercial uses. The roads and walks were approved by the City of Vallejo to provide access by the owners in Hyde Park and their invited guests.

- Vallejo Municipal Code

The City's staff is recommending denial of the gate closure based upon Section 16.116.100D of the Vallejo Municipal Code. Apparently, the staff's position is that permitting the gates to be closed would render the project in violation of the requirement that the unit plan be "of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area". This recommended denial fails to account for the private nature of the streets and parks in Hyde Park as well as the positive effect closing the gates will have on the private investments of the owners of homes in Hyde Park. Access to homes and use of the private roads and private parks by the general public results in (i) increased wear and tear on these private facilities, (ii) increased liability exposure to the Association which owns and operates the roads and parks, (iii) increased traffic within the development, and (iv) increased crime within the development. All of these negative consequences significantly reduce the private investments made by the homeowners in Hyde Park.

- Closing Comments

Extraordinary burdens and liabilities are being placed on the homeowners in Hyde Park by requiring the gates to be open. The owners pay for private parks and streets for their use. The City Council adopted a Resolution confirming that the parks are private and should not be accessible to the public at the expense and liability of the Association.

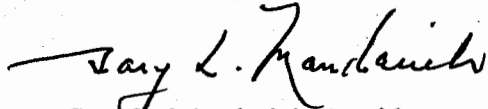
The homeowners in Hyde Park have already paid their share for the construction of parks, greenbelts, and streets that are outside of Hyde Park. Also, the owners pay taxes and assessments for parks, greenbelts, and streets in the City of Vallejo that are used by the general public. By allowing the general public access to the private parks, private greenbelts, and private streets in Hyde Park, the City, in essence is imposing a "double taxation" on the owners in Hyde Park. If the City is interested in acquiring and maintaining the private parks, private greenbelts, and private streets in Hyde Park, for use by the general public, the City's proposal will be presented to the owners in Hyde Park for their consideration.

Also, we would like it to be noted that the City may not have the authority to require access to private property by the general public.

We respectfully request that the entry gates at Hyde Park be permitted to be closed so that the Hyde Park at Northgate Homeowners Association and the homeowners in Hyde Park do not have to continue to suffer the negative consequences of being required to keep the gates open.

If there are any questions or if you need additional information, please call me.

Hyde Park at Northgate Homeowners Association

A handwritten signature in black ink, reading "Gary L. Mandarich". The signature is fluid and cursive, with the first name "Gary" being more prominent.

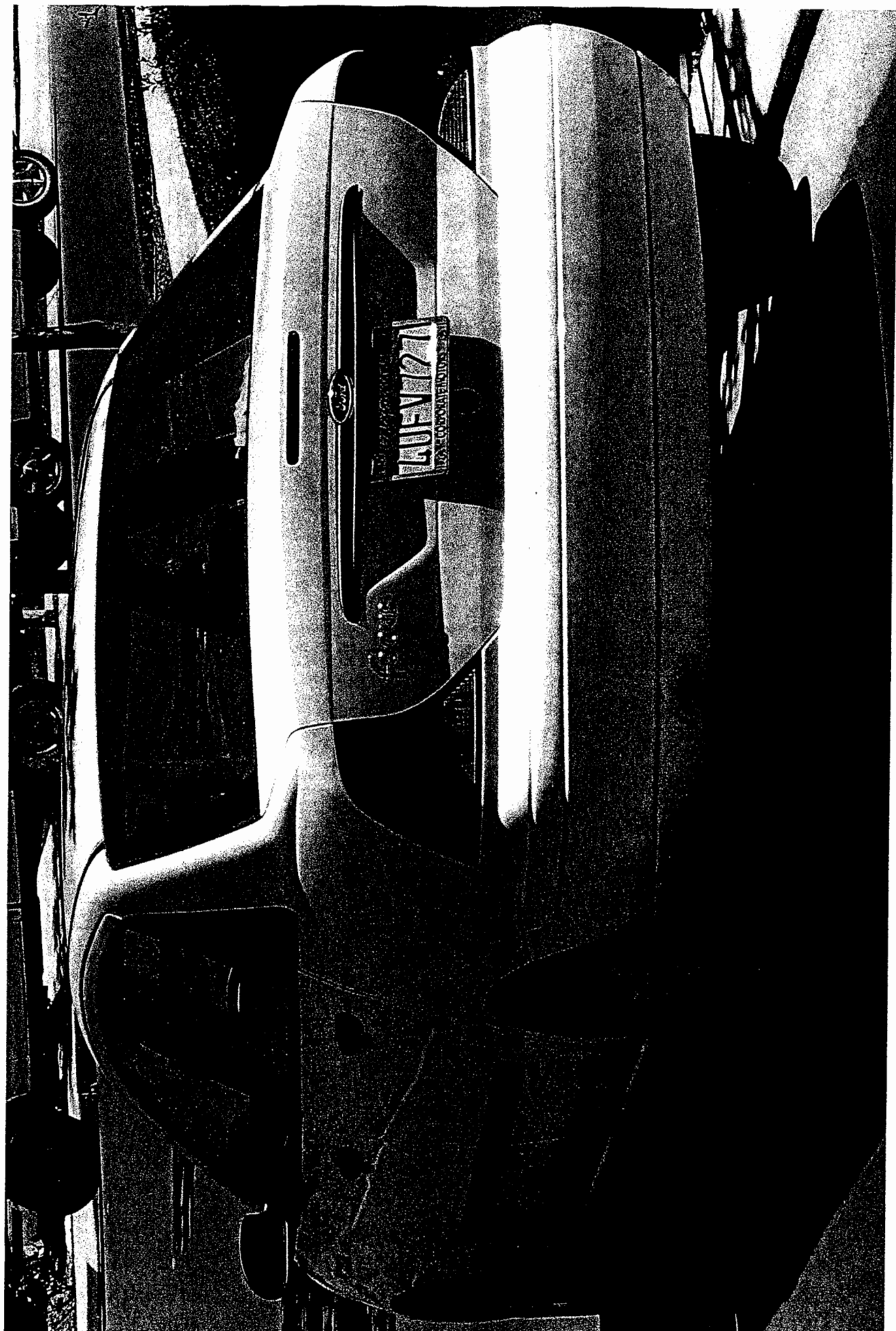
Gary L. Mandarich, President

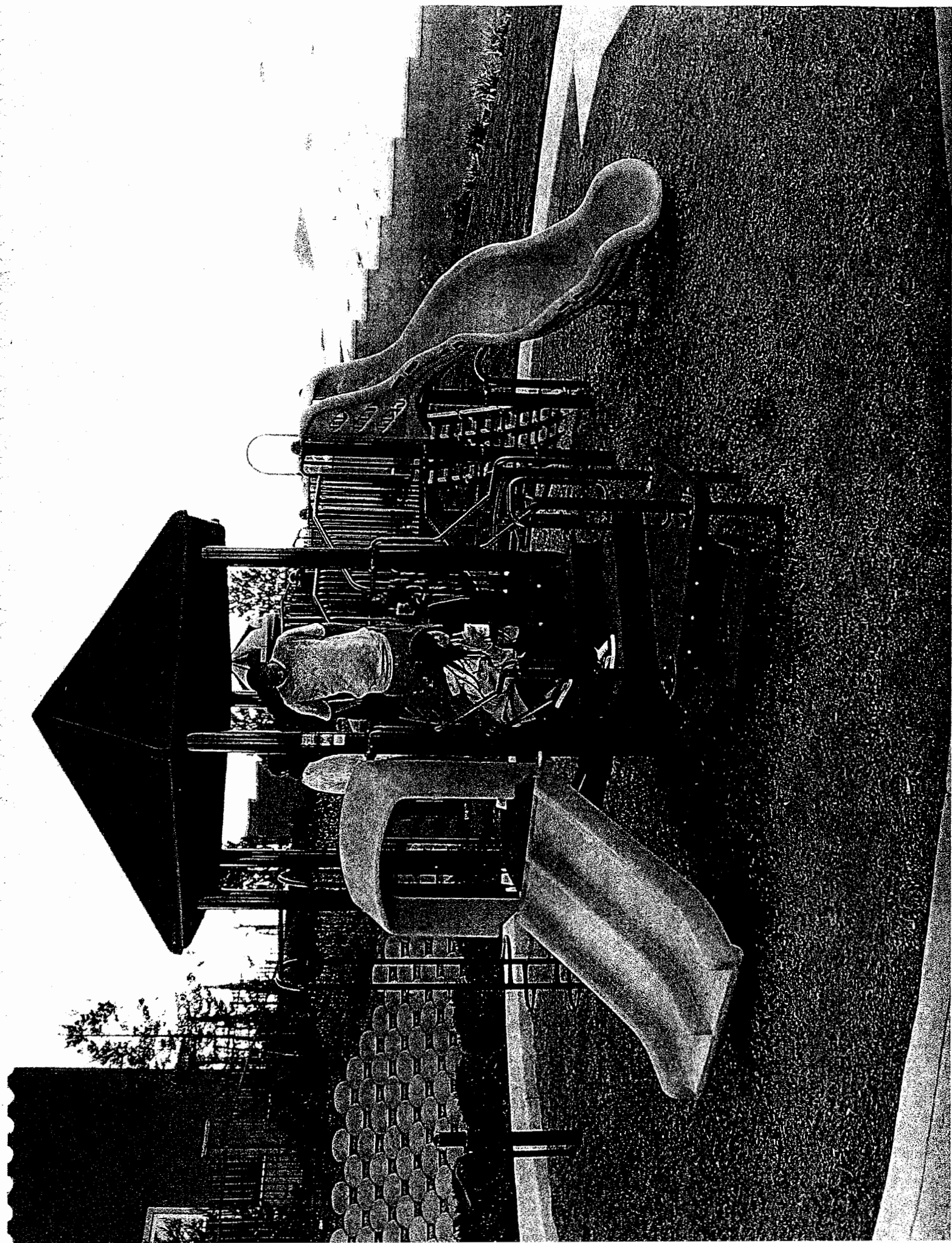
cc: Brian Dolan – Development Service Director, City of Vallejo
Dee Caesar - Property Manager, Vierra Moore
Bruce Peaslee – Board Member/Homeowner
George Reyes – Board Member/Homeowner
Vernon Hampton – Board Member/Homeowner
Robert Sprague – Board Member

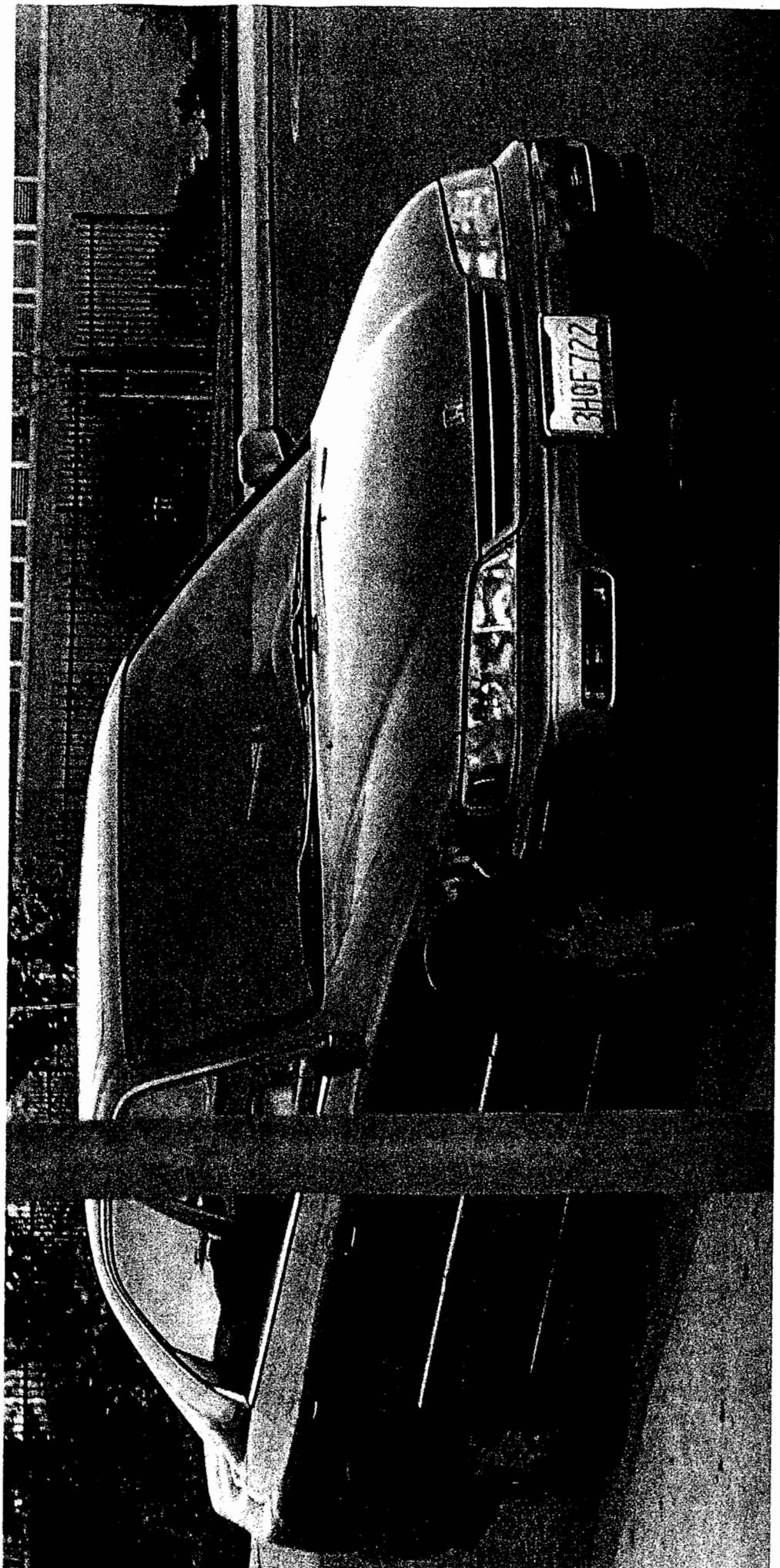
EXHIBIT “A”

Date	Location	Incident	Photo
11/12/2007	North Tot Park	Unknown teen male loitering on playground equipment. Was approached and asked to leave if he was not a resident. He left in his vehicle which had been parked illegally on wrong side of street.	Yes - Photo #1
11/16/2007	9248 Hallmark PL	Six teens (3 male, 3 female) loitering in and out of car for several hours, drinking alcohol and playing loud music. They were approached asked to leave if not residents. Loud argument ensued with one male being very aggressive. They left after an additional 15 minutes or so. Photo of car was taken for documentation while they were walking around block.	Yes - Photo #2
11/21/2007	North Tot Park	Five teens loitering on playground equipment. Were asked to leave because they were not residents. They left park but walked around neighborhood until another teen on scooter rode in and met them in the street where they made an exchange of something and then left quickly thereafter. Police were called, but never responded.	Yes - Photo #3
11/24/2007	North Tot Park	Three teens were reported loitering on playground equipment. When photo was being taken of their vehicle, they left park and walked around complex, entering their vehicle and leaving when residents were no longer visible.	Yes - Photo #4
11/26/2007	N/A	In response to an earlier call on the previous incidents, a Sargeant from Vallejo P.D called and advised that trespassing could not be enforced in Hyde Park as long as the gates were open. He said that they courts would not make a conviction on trespassing, regardless of signage or private property rights, as long as the public has unrestricted physical access to the property.	No
11/29/2007	North Tot Park	Resident reported seeing two teens on playground equipment while walking her dog. A strong odor of marijuana was observed. Teens were gone when she returned ten minutes later. Photos of playground revealed empty whiskey bottle.	Yes - Photo #5
12/4/2007	North Tot Park	Two adults and one child were at the playground equipment. When asked, they admitted they were not residents. When asked to leave they said they felt they had every right to be there as long as the gates were open. They acknowledged seeing the No Trespassing signs but felt they did not apply to them	No
12/14/2007	North Tot Park	Six teens were observed in North Tot Park on playground equipment. When approached, they left park area, walked through complex and out the front gates. Photo was taken of trash they left.	Yes - Photo #6
12/16/2007	Entire Complex	New York Pizza hangs flyers on all 130 doors of complex, littering porches and yards as flyers blow off, especially on vacant homes	No
12/31/2007	9248 Hallmark Ct.	Three teens were observed attempting to break into a Black Mercedes parked on the street. Police were called but they did not respond due to the shooting incident on Big Ben Ct.	No
1/2/2007	9296 Hallmark	Three teens were observed parked in front of this vacant house and loitering around the yard. They were observed going into the back yard and then leaving 5-10 minutes later. An examination of the back yard showed many prints and smudges around each of the three back yard entry doors, but no damage.	No
Unrecorded	Entire Complex	Solano Cycle taped sales flyers to all 130 mail boxes in Hyde Park, resulting in litter as flyers blew off and littered the streets and yards.	Yes - Photo #7













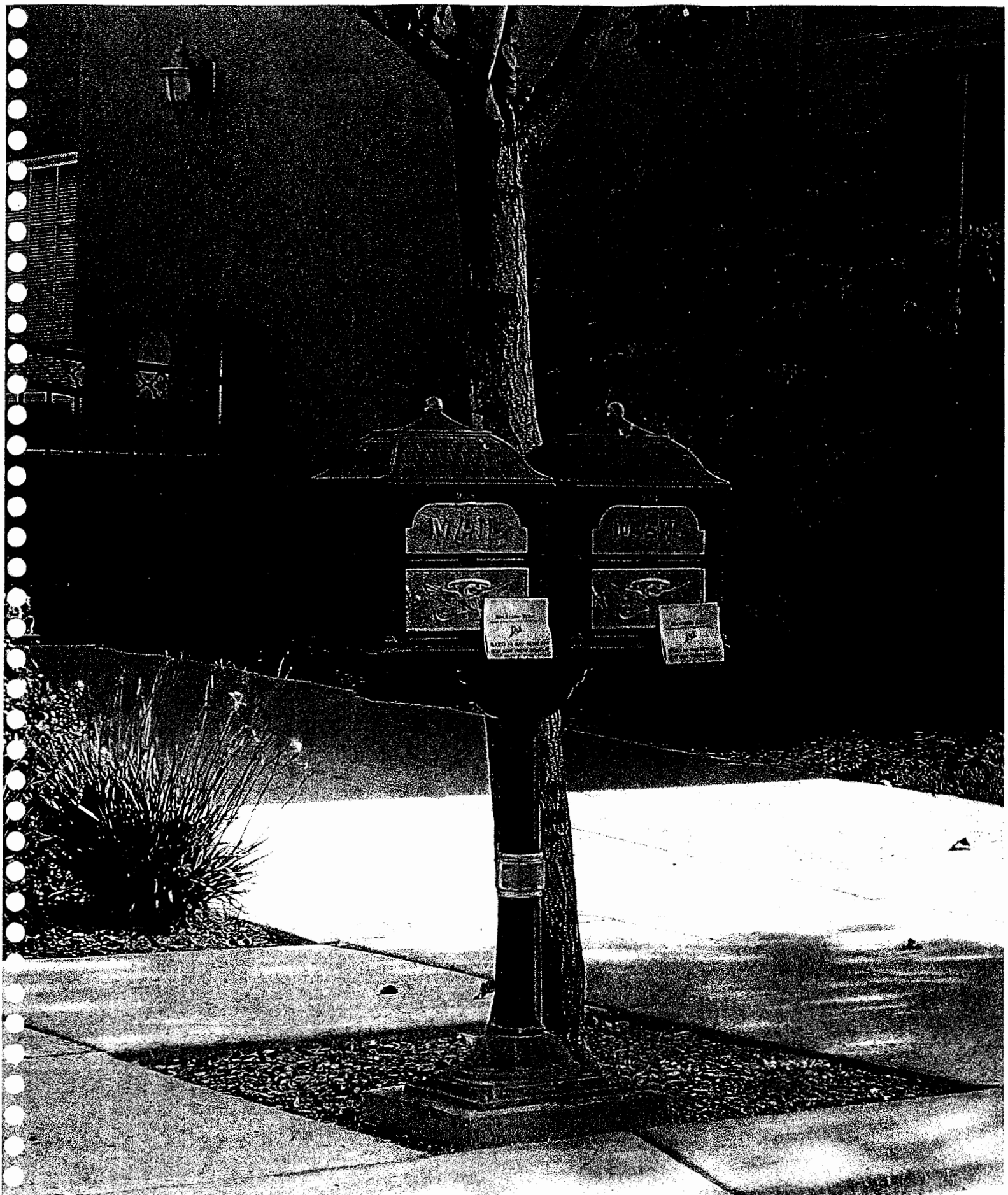
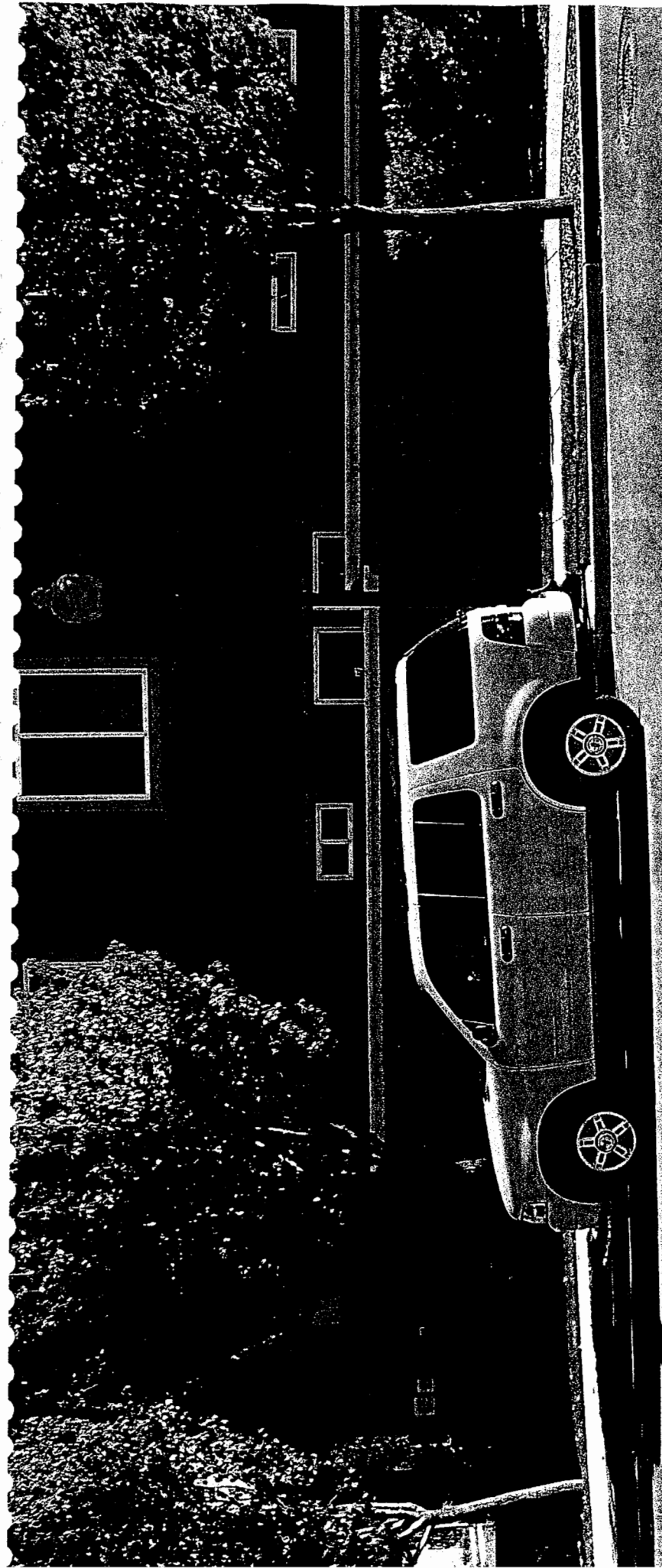


EXHIBIT “B”

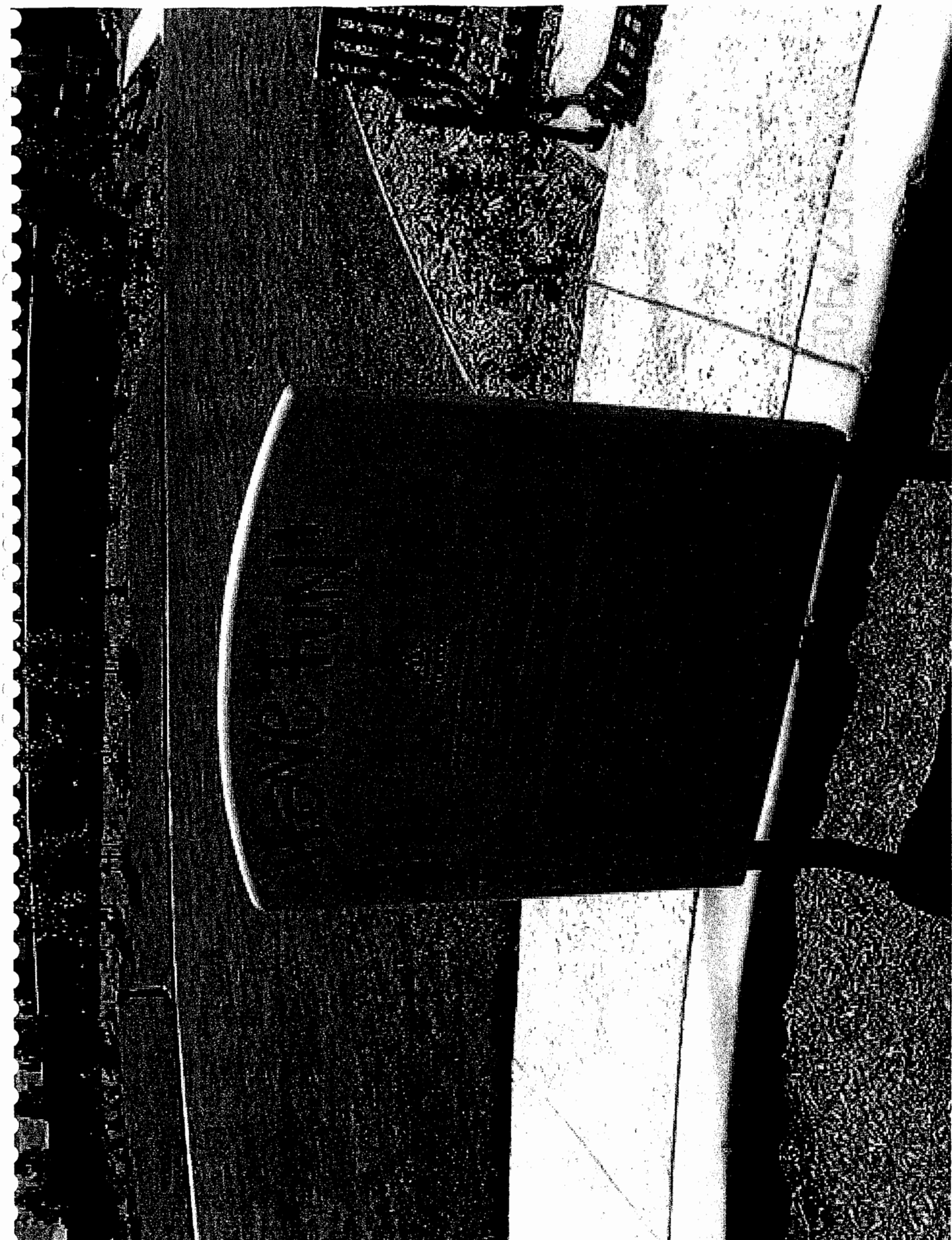


VEHICLE OF NON-RESIDENT USING PRIVATE PARK
NOVEMBER 2007



NON-RESIDENTS USING PRIVATE PARK
NOVEMBER 2007

EXHIBIT “C”



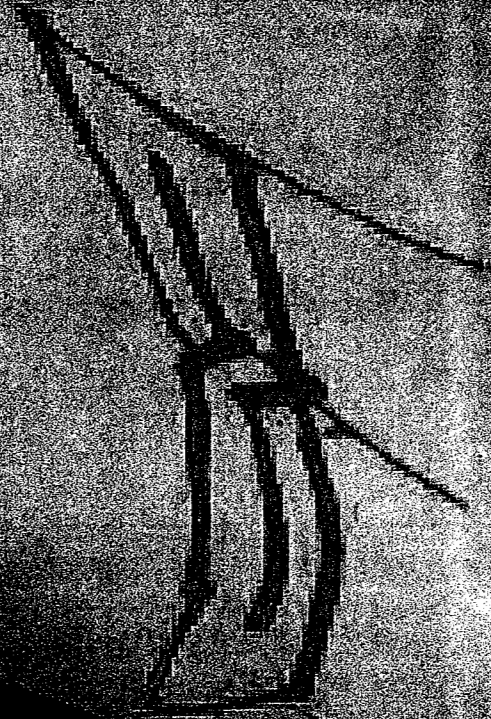


06/29/2005

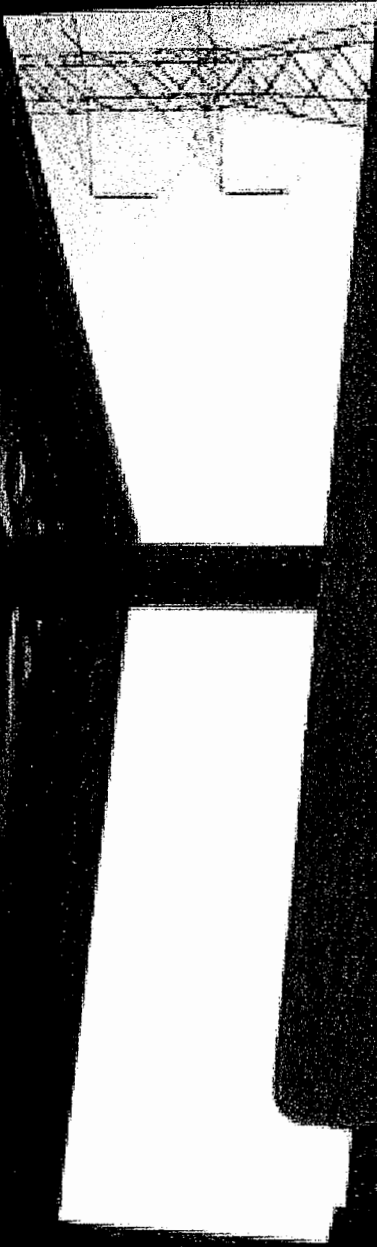
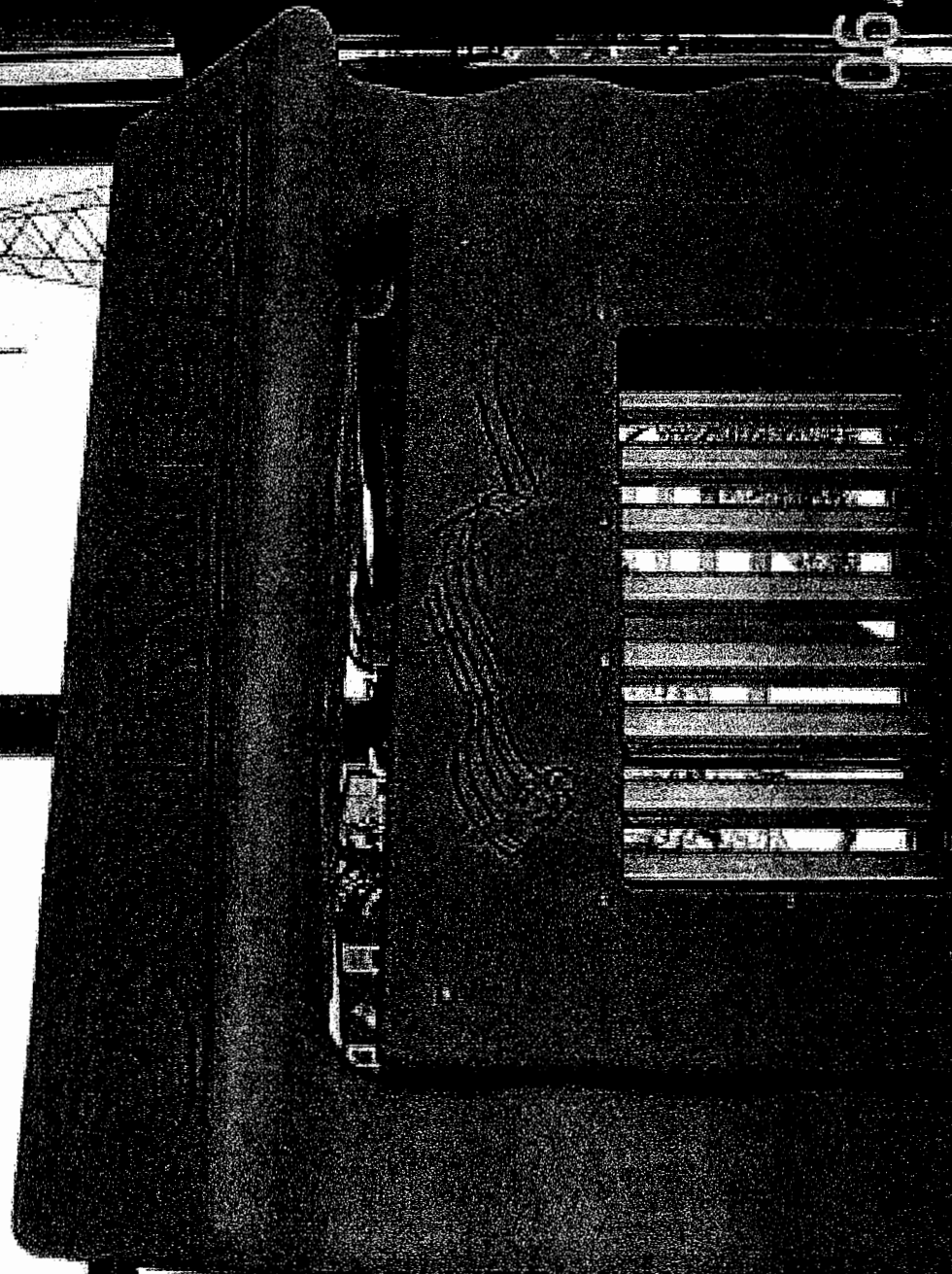


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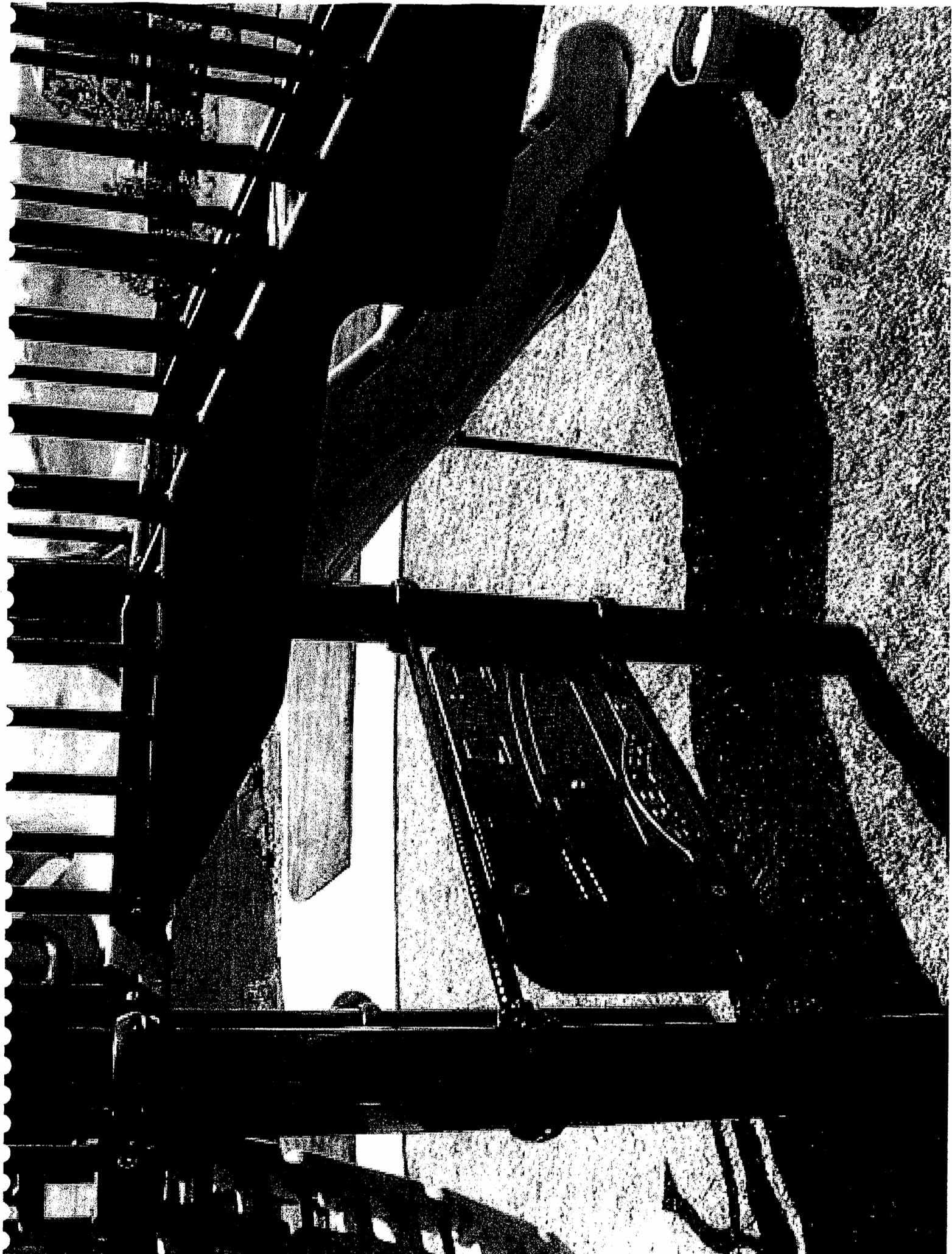
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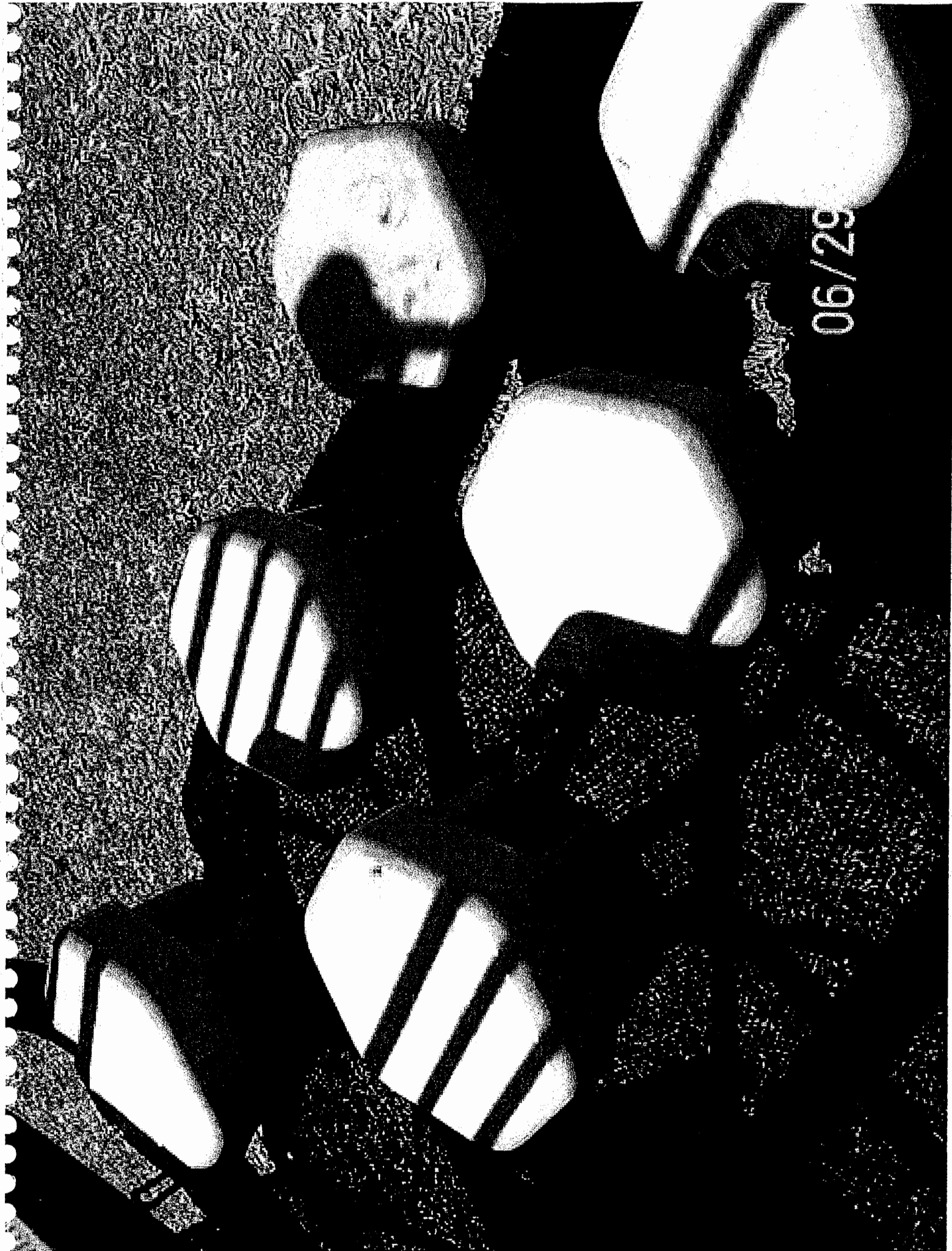
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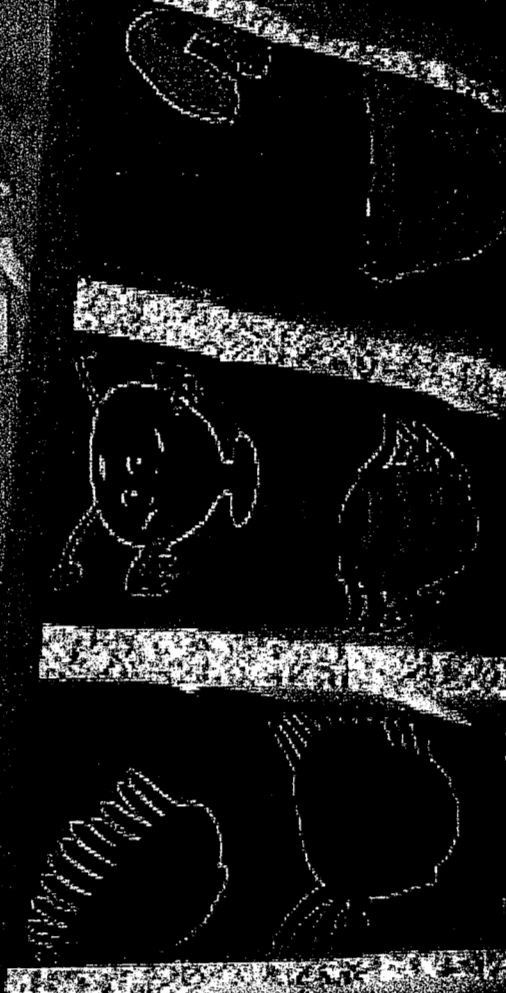








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06/29/2005

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C

EXHIBIT “D”



VACANT HOUSE
SUICIDE IN BACKYARD
DECEMBER 31, 2007

EXHIBIT “E”

NORTH ASCOT PARK W

Cambridge Circle

Berkshire Lane

Hallmark Place

Big Ben Court

Walled Garden

Locked Gate

Lock

N

Author's conception, this plan not to scale.

Locked Gate



Let's see how the plan fits the scale.

EXHIBIT “F”

SIGNAGE
PRIVATE ROAD



SIGNAGE
PRIVATE PROPERTY



NO
SOLICITING
OR
TRESPASSING
THIS IS A PRIVATE
RESIDENTIAL PROPERTY



SIGNAGE
PRIVATE PROPERTY



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buffer between the freeway and the residential units right behind with a low impact way of doing business. I think it is excellent.

Chairperson Legalos: If there are no further questions or comments from the Commission, I will open the Public Hearing. Does the applicant wish to address the Commission? Is the applicant here? Mr. Yoo? Do you wish to address the Commission?

Paul Yoo: Good evening everybody. My name is Paul Yoo. I am the potential buyer for this building. I wanted to make it a granite cabinet showroom in Solano County. Currently I have one showroom in Contra Costa County which is in Richmond, and the other one is in Sonoma County in Rohnert Park. We are doing pretty good so we wanted to expand it into Solano County. That is actually a very good sign for us. We wanted to make it work here in Solano County. If you have any questions, you can always ask me.

Chairperson Legalos: Thank you Mr. Yoo. We have no other cards, so I will close the Public Hearing and bring the matter back into the hands of the Commission.

Commissioner McConnell: Yes, Mr. Chairman, I will move the adoption of the proposed ordinance in the package based upon the findings and facts as set forth in the Amended Ordinance.

Please vote.

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

NOS: None.

ABSENT: Commissioner Turley.

It is unanimous. Motion passes.

5. Planned Development **02- 0015** Amendment. The applicant has petitioned to amend the condition of approval for Hyde Park which regulates the "entry gate" closure hours. Currently, the entry gate is to remain open every day between the hours of 6 a.m. and 8 p.m. The applicant would like to remove this condition, allowing the gates to be closed at all times. Proposed CEQA Action: Exempt. Staff Planner: Marcus Adams, 648-5392.

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

Marcus Adams: This is our last item, and I appreciate the brevity. You all know I am a big football fan so I know you are pushing this along for me. I appreciate that. This is the Hyde Park gate, and hopefully you are able to go through the Planning Commission Minutes and the City Council Minutes that gave you a little bit of historic background on the gate there. First, we summarized when the Hyde Park Development Residential project was approved. There was an issue regarding the proposed gates that were there. The City took the position of opposing the gates, and the Planning Commission at that time supported that. That was appealed to the City Council, and a compromise was reached to where the gates would be installed but remain open during the daytime period. That compromise was originally brought before the Commission and the Council by the developer. So, there is a little background on that. There are more details once again in the Minutes as far as the specifics on that. Here is a definitive picture and map of the area. We see here the entrance to the development and North Ascot Parkway here, and the gate is right there at the beginning. The next slide

will show it more in depth, so here we have the entrance. Right across the street, if you were able to go out there, if you know the area, they have the Belvedere Development that is coming along quite nicely. Once again, right now these gates are open during the day and then they are closed in the evening hours. Generally, in our field, we recognize three type of gated communities. We have lifestyle gates which are for the purpose mainly of the privatization of services, elite gated communities which promote stability, and security zone gated communities. I guess one could say, for Hyde Park, it could be a combination of two, possibly maybe even three, of these.

In the next slide, we will go into the reasons why the Northgate Homeowner's Association had wanted to amend the gate hours, and the things that were listed in the letter that was presented to Staff were numerous events – anything from vandalism to solicitation for goods, unauthorized use of the private parks within the Development, and imposition of the resident's privacy there in Hyde Park. One of the things that Staff did, as we went and analyzed this proposal, was to talk to the Police Department to indeed see what their record is and their feeling about the crime level or the incident level within Hyde Park. Not only did we want to just look at Hyde Park, but we asked them to look at some of the surrounding neighborhoods within Northgate, both the Tiara Development, which does have gates, and then the adjacent neighborhoods that do not have gates but basically have the same demographic, although Hyde Park residents may say theirs is a little bit higher end, but still, close enough as far as the same demographic, and the amount of homes. So, we looked at Hyde Park. We have the Headwater area. Hyde Park is here. The Headwater, then here is North Ascot again. Over here, off of Redwood, and there is Columbus up here. We have this area right here . . . Penny Lane being the main street . . . Garnet which is further down here on Ascot, and then Tiara. Once again, all of these are neighborhoods within the Northgate development and some of the older neighborhoods. Hopefully, I know you received this in your packet and you can decipher this chart with the different incident levels, with the graph here, and so; you can see here that Hyde Park is the darker purple, Tiara being the blue here, Headwater has the highest incident reports here, Garnet, and then Penny Lane area. The incidents here are the actual ones, anywhere from 0 to 25 here is the scale that was used. So, based on that and the conversations from the Police Department, staff did not feel that the statistics supported a high incident rate in comparison to the surrounding neighborhoods as far as further incidents. Staff also felt that the graph showed that the incident pattern was very similar to the Tiara gated community and taken into account there are less units in Tiara, less geographic area; the differential is very, very minimal. Also, there are other solutions that are available regarding some of the incidents and some of the complaints there that the HOA had. One of the solutions that was actually presented by the developer back to the Council . . . one of the Council members had asked if they could gate off the private area of the park areas, and it was told to the Council that "yes", they could indeed install gates that would prevent people from accessing the parks which they are now stating are being used by non-residents. With that solution, then, the staff looked into some other things such as private patrols from a private security company. Finally, staff believes that this is a short-term solution which doesn't address the long-term issue regarding just how to address situations such as this and how these other neighborhoods in Northgate are dealing with the same issues . . . One may argue on a more socially responsible solution.

This is just a slide here. I wanted to look at some other gated communities in Fairfield, and this is one called Eastridge. You will notice here that if you have been out there, this is off of Green Valley Road. So, it is kind of a long road that is around any type of neighborhoods but just kind of off to itself there. I just put this

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in as an example. Here you can see that it is out in a detached area . . . not in the middle of a whole bunch of other residential neighborhoods where they do have a gated community there in Fairfield. That is just an example. With that, may I answer any questions that you may have regarding this application.

Commissioner Gourley: It was mentioned in the applicant's letter about incidents of abandoned vehicles. Did that show on that Police slide? Has that been a serious problem? Do we have any numbers?

Marcus Adams: Once again, from the officer that I spoke to and who was kind enough to do that graph for me, and he also gave me a written description there; there was not an unusual amount of abandoned vehicles, at least as far as being reported to the Police Department there in Hyde Park.

Commissioner Gourley: Another question to make sure I understand it. Is a gated community, or potentially gated community or semi-gated community—whatever we have here . . . does their tax base go in and pay for city parks? Or their tax base, does that include costs for our city parks?

Marcus Adams: They have, because of their HOA and their association fees, they have these fees that are dedicated to the park service in there, but it is my understanding, and Don can correct me if I am wrong, but they still pay just like any other resident . . . taxes for City parks just like . . .

Commissioner Gourley: In addition to that, they pay an extra homeowner's fee for their own park?

Marcus Adams: Right.

Commissioner Gourley: Do they also pay for their own street maintenance?

Marcus Adams: Those are private streets so those fees would also go for maintaining . . .

Commissioner Gourley: So, there is no cost to the City for maintaining those streets?

Marcus Adams: Correct.

Commissioner Gourley: And, no cost to the City for maintaining their parks?

Marcus Adams: Correct . . . within the development.

Commissioner Gourley: Yeah, thank you.

Chairperson Legalos: Mr. Adams, I notice you compared Hyde Park with other gated communities in terms of vandalism and abandoned vehicles and unauthorized use of property. Have you done any comparisons with other parts of the City?

Marcus Adams: Just as we saw there in the graph . . . just the surrounding. There are three other neighborhoods besides Tiara, the gated community that I referred to. So, yes.

Chairperson Legalos: But, not beyond that?

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Marcus Adams: Not beyond that area, no.

Commissioner Peterman: I know that where we live, we pay into a maintenance district which takes care of our roads, landscaping, and things like that. In Hyde Park is there both a maintenance district and an HOA, or are they combined?

Marcus Adams: They have both an HOA, and I believe they have a maintenance district.

Commissioner Peterman: So, then, is it the maintenance district that is taking care of the parks, or is it the HOA?

Marcus Adams: Once again, I can be corrected on this if need be, but I believe the HOA pays the fee that then covers for the agency to maintain the facilities and the streets.

Commissioner Gourley: In the developer's letter to the Planning Department, she makes a statement: "In addition, there are several other gated communities in the City of Vallejo that are not required to leave their gates open during the day. This restriction should not apply to Hyde Park. Do we, in fact, have other gated communities in Vallejo that were not given this restriction?"

Marcus Adams: As far as other communities . . . to answer that question directly . . . yes, we do, as far as single family home communities that are detached such as this. Not to my knowledge. There may be one in Glen Cove. The other ones, though are attached: either attached apartments or attached townhome style communities.

Don Hazen: I might also add to Marcus' comment, that from what I hear from the people that have been with the City for awhile, that the multiple family gated communities that we have are either ones that, if the City could do it over again, they said they would not do. Or, ones that have identified crime problem areas, and so those are the two instances of other gated communities that we have in the City.

Commissioner Gourley: Is there any movement or intent to either make them all semi-gated or all gated? I have a problem with having a different set of rules for different groups of people, for whatever the reason. It doesn't sit well with me.

Don Hazen: I think the issue before you this evening was before the Council and the Commission previously as to whether there is a justification for the reasons that Marcus presented either in terms of security needs or crime prevention. Is there a demonstrated need for the gates, and, if not, are we as a community setting a precedent, and; is this a good precedent or a bad precedent, and then you would ask: Well, do we already have other gated communities? And, I said "yes", ones either that people would say we shouldn't have approved, or; ones that really do have bonafide crime issues.

Commissioner Gourley: I guess the other thing I struggle with is a letter from one of the homeowners that makes a good point.

Chairperson Legalos: Commissioner Gourley: Excuse me. Could we hold opinions until after Public Hearing is closed?

Commissioner Gourley: Absolutely.

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Chairperson Legalos: Are you finished?

Marcus Adams: Yes, the only thing I would add to Don and Commissioner Gourley's comment is that Don is correct as far as the developments that were in the past, and also that staff, since my time here which is going on my fifth year, that our position has not changed as far as the gated community. We have opposed them all.

Chairperson Legalos: Thank you. If there are no further questions from the Commission, I will open the Public Hearing and ask the applicant, Mr. Mandarich, if he would like to address the Commission.

Gary Mandarich: Good evening. My name is Gary Mandarich. I am representing the Hyde Park Homeowner's Association, and our company was also the developer of Hyde Park, so right now, I am speaking on behalf of the association, of which I am the President. Where I would like to start is answering a few of the questions that were brought up previously about the association dues, and items such as that. The residents within Hyde Park have a Homeowner's Association which pays for the maintenance of the streets and the parks. Also, they do pay for the other parks in the area, so, they pay for the maintenance of the parks that are open to the general public, and; I have an information sheet that I will go over with you. They also contributed probably about \$450,000 through the purchase of their homes, to build the park. And, they also are within the lighting and landscaping district. The lighting and landscaping district for the Northgate area takes care of the green belts along the arterial and the major collector roads. So, if you go in along North Ascot or on Turner or Columbus, there is a certain amount of landscaping that is within the public right-of-way, and that is maintained by the Northeast Quadrant Landscape Maintenance District. So, what they do then, again, is that they pay for the maintenance of their parks and their roads, which are both private, they contribute as tax payers to all of the parks within the City of Vallejo, and they contributed to build the new park. Regarding the new park, I have an agreement with Belvedere to go ahead and complete that park, so, we took the money that was collected from Hyde Park, approximately \$450,00, and there is another \$600,000, and we are going to put in another \$200,000 to build a new park between the college and Belvedere. So, the plans are approved, and we will be starting that park this spring.

Now about other communities within Vallejo: if you go through this little booklet here, the information sheet on the front . . . to really show you some of the facts here. So, the costs to maintain the parks and the streets is around \$250,000 a year within Hyde Park . . . of their total budget of about \$310,000. There are other gated communities in the City of Vallejo that are single family detached. Marcus mentioned the one in Glen Cove, and I have pictures of it in the book, but there is also another one which is identical in nature to Hyde Park that was approved about the same time. That is the village in Hiddenbrooke. So, I have got pictures of that as well. It is the same concept. It is a two pact product, single family detached lots. One difference about Hyde Park is that Hyde Park is on North Ascot and next to commercial development. It is easier to get to. So, if you have approved gated communities such as the Village as Hiddenbrooke, at the same time frame you approved Hyde Park and the one in Glen Cove, you are discriminating. You are saying "one day we like gated communities; the next day we don't". You know, I live in the Roseville area, and gated communities are intermixed throughout. Sometimes they are on your major arterioles. Sometimes they are internal. It is just a preference. Some people want to live within a gated community, and they pay a premium for it. Just like the Hyde Park residents pay a premium for the gate.

There are some issues about the parks in trying to gate off the parks within Hyde Park. The situation is this: The people come in and actually park in Hyde Park to use the parks. You know, there has been numerous occasions where there are weddings, big events . . . not by the people in Hyde Park, but people, non-residents of Hyde Park, come in 30 to 40 cars at a time, clog up the streets to use the parks in Hyde Park for weddings, for all kinds of things, soccer events, photo sessions. It is an ongoing problem. I am not familiar with if the homeowner's call the City and say: "Hey, there is a big wedding going on over at our park", or, there is a big photo shoot, or a soccer games, whatever it might be, you know, but they are there. There are some residents here in Hyde Park that can comment more on the specifics of how their parks and streets and privacy is being invaded. So, within here if you just flip through it, I put a map in there that shows location of the other two single family detached communities which shows they are on both sides of Hyde Park and then these are the pictures . . . the different tabs of the actual photos of the entry gates to the other communities, and at the very end of the booklet, I have shown you some pictures here of the playground areas and the parks within Hyde Park, so, with that, are there any questions of me?

Commissioner McConnell: Mr. Mandarich: During the discussion of this item at the Planning Commission in the past, there was some discussion about whether you were going to gate the park within Hyde Park. What has happened on that?

Gary Mandarich: I don't know the specifics. What happens in Hyde Park . . . there is not like separate parks. There is a linear park that connects to neighborhood parks within Hyde Park that goes under the power line. For those who have been out there, we have got a lot of linear parks. It is not so much that you could gate them, or let's say we do gate them. If they went in and put a gate over the parks, people would still come in. They would park on the street to use the parks.

Commissioner McConnell: So, what you are saying is that the large park that we had envisioned would have been gated, is not capable of being gated?

Gary Mandarich: Well, when you come into the main entry . . . you had a map up there a minute ago of Hyde Park. The main entry comes into the community and the park is linear to Berkshire, which is the main entry road. So, to gate it . . . we do have it gated coming out already so that you can come in. We have a private gate that comes in off North Ascot, but you would have to put a fence all along the park and then, you will have a gate internal to it. So, let's say you are at the same wedding party. What you would do is that you would come in. You would park on the streets. You would open the gate, and you would use the park.

Commissioner McConnell: Okay. You have Exhibit 5 in your pamphlet, the second page of Exhibit 5 depicts the circular park with the playground in the middle. I believe that is what we envisioned you were going to gate at one time.

Gary Mandarich: You are looking at what . . . I'm sorry, Exhibit 5?

Commissioner McConnell: 5, page 3. I think when you appeared before the Planning Commission when we initially approved the project, we were envisioning that this particular parcel was going to be gated. Now, is it capable of being gated or is it not capable of being gated?

Gary Mandarich: The one with the playground equipment here?

Commissioner McConnell: Correct.

Gary Mandarich: Okay, there are two of these in that. I had just taken a picture of one, so there is one of these parks that back up to the Northgate marketplace, and there is another one of these playground parks at the other end. Okay, integrated within the community . . . and then along the frontage of this park here, there is a linear park extended all along Berkshire. You can gate this off, but that is not the only concern because what they are really using, is the gardens in the front at well. We replicated Bouchard Garden, so if you go back on the one page before; this is what people are attracted to . . . is all of the statutory, the temples, the clock, and all of this extensive landscaping. This is virtually impossible to gate off.

Commissioner McConnell: I have seen some photo shoots out there when I have driven by. Do you have any more precise statistics about the crime problem or the vandalism problem?

Gary Mandarich: I have a couple items that have transpired over the past few years. You know, we did have a patrol service out there. That is very difficult. I know that Marcus brought that up. It is not so easy to go out and patrol . . . you know, it is very difficult. You have to go through procedures of taking the cars, people sitting there, working with the Police Department. We tried that for a long period of time and we really didn't make any headway. It was very expensive. We really didn't get the desired results, and I know one of the homeowners can go into that a little more.

Commissioner McConnell: The Police Department seems to be saying that the statistics aren't there to support a reason of crimes being justification for the gating of the community, and I wanted to hear your input on that argument.

Gary Mandarich: Oh, I am not sure that there is that high of crime per se, although I think there were some bikes just stolen last week, so, I think one of these homeowners could speak on that too. So, there is crime, and graffiti. We have had graffiti out there. I don't know if you call that crime or not, but it did cost the association money to go in there and get rid of the graffiti off the park equipment. But, I think what I said earlier is that I don't think anybody calls the Police Department for people coming in to use the parks. You know, there is a group of 50 people over using the parks, but it is something that costs the association more money to go in clean up after them . . . the trash, the debris. There is extra wear and tear on it.

Commissioner McConnell: Do you have any statistics that show vandalism to, like, the gardening aspects of it? . . . to where you have had to incur additional expenses for replanting or correcting of damage?

Gary Mandarich: Yeah, we do. I don't have it with me. I mean, I have been to all these board meetings for the last four years. We had occasions where it cost us money to go remove the graffiti. The recent events . . . I will let the homeowners speak on . . . about the bicycles stolen recently, and I don't think we have had really serious vandalism to the landscaping. I don't know of, like, trees being stolen or anything of that nature.

Commissioner McConnell: Okay, if we look at the graph that the Police Department furnished, it seems to indicate a heightened problem between 6:00 and 7:00 p.m. Do you have any basis about which to voice an opinion as to why there would be an increased amount of incidences at that time?

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Gary Mandarich: I do not.

Commissioner McConnell: Are there any plans to provide reciprocities of these grounds to residences of Belvedere?

Gary Mandarich: No.

Commissioner McConnell: Is that possible or feasible?

Gary Mandarich: No. I think what we have done with Belvedere is that is why we decided to add additional money into the building of that park by Belvedere so that the people there could have the park built next year, versus some time in the future, so that park is easy access to Belvedere, and Belvedere also has a 10,000 square foot clubhouse within its property. So, it has a lot of private facilities there.

Commissioner McConnell: So, if somebody wants to go for a walk and they are law abiding, and they don't have a dog, they wouldn't be able to access this community at any time if this was approved. Correct?

Gary Mandarich: They would not be able to.

Commissioner McConnell: Okay.

Gary Mandarich: You know we are, in the big master plan of what's going on in Northgate . . . there's a lot of trail systems that we have recently enhanced so that people could walk around the outside of Belvedere. So, if you go behind neighborhood C, there are some trail systems around the hill, and we just added another trail system coming out of the back of Belvedere so that people from Belvedere could access the park and that the neighborhoods C and D and the other communities could access the new park that is being built this spring. So, we are trying to make it homogenous and work for the whole community.

Commissioner McConnell: Have there been any increased incidents since the automobile dealerships have opened out there?

Gary Mandarich: Early on there were some concerns about the volume of their sound, but I know that the auto dealers addressed that issue, and I haven't heard of any complaints from lighting or sound. I don't live right next to there, but no complaints have been filtered back to me.

Commissioner McConnell: Perhaps someone from the Homeowner's Association with that information can address some of those concerns if you are not right on top of them. Thank you.

Commissioner Harrington-Cole: Good evening. When I was out there today, I was struck by the fact that there were no readily visible signs that told me that was a private community . . . that I couldn't use your park . . . that I wasn't welcome there. There was nothing there to tell me that. Would you consider putting up some signs to tell people this is private? You are not a public place. Don't have your wedding here.

Gary Mandarich: I am sure the signs . . . there is something. Now, when we developed Tiara, which is a gated community, we had a lot of kids come in to vandalize and to use their facilities, even though it was gated. So, you know, there is some deterrent by the gates, and I don't know about the signage. I would

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say that, if I was going to have a wedding party there and that was in my plans, I would probably go have my wedding there.

Commissioner Harrington-Cole: I think if I saw a sign that said: "This is not a Public Park", I might reconsider having a photo shoot there or planning my wedding there. You said, when you have a wedding or an issue, you don't think people call the Police. Did I misunderstand you?

Gary Mandarich: I look at the Police reports at our board meetings. I have not seen a report of complaint by the homeowner's to the Police Department for photo shoots, for weddings, for social events. I think that the homeowners within Hyde Park . . . you know, it has taken away from their privacy. I don't think they have called it in as a matter.

Commissioner Harrington-Cole: Am I understanding that most of the issues that you have are mainly issues with the park itself since all of your houses in that area seem to be on cul-de-sacs?

Gary Mandarich: Oh, the park is one of the issues. There is a lot of solicitation, you know, in the community. And, . . .

Commissioner Harrington-Cole: People knocking on the doors?

Gary Mandarich: Well, I think there is more than that, but knocking on doors would be one. I will let some of the homeowners tell you about that.

Commissioner Harrington-Cole: Okay, then I see that you had a lot of trouble with the high school kids from Jesse Bethel hanging out in your children's playground area? It was in the Staff Report.

Gary Mandarich: I know that that was typical of Tiara. I don't know the specifics on Hyde Park. I will let them speak about that.

Chairperson Legalos: Mr. Mandarich: There is a small, white sign on the right side of the entrance that says "no soliciting". But, I believe that is all that it says. It doesn't say that it is private property, does it? There were a few more words in there. I don't remember what they were.

Gary Mandarich: It might say more than that.

Chairperson Legalos: I know it does say more than that. I remember "no soliciting". I don't recall the rest of the text on the signs. But, does it say it is private property?

Gary Mandarich: I don't know exactly what those signs say.

Chairperson Legalos: We have a number of speakers, and the first speaker is Sandra Reyes.

Sandra Reyes: Hello. I have never done this before, but I am passionate. I moved from Hiddenbrooke to buy a home in a gated community. We paid a lot of money for a home, and I sit on top of Kenny Ross and on top of the Ford dealership. That, I don't have a problem with. I have a problem because I was told I was buying a very expensive home in a gated community. A gated community means "private". I pay for my privacy. I pay dearly. We pay \$2,000 each a year to maintain our private streets and our parks and our landscaping,

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and it is private. There are two signs, but even tonight, one of the men running for mayor tomorrow . . . his wife knocked on my door before I came here. Many, many nights, I tell people "Get off of my porch; this is private property. There is a sign out front. No solicitation." They do not read it; nor do they care. Yeah, I walked into my park the other day and walked into seven kids, boys, from the high school, doing things they shouldn't have been doing. I just told them: "Guys, do you live here?" They said: "no." I just told them: "Guys, what are you doing here?" "We're hangin' out." But, what I want to address is . . . if you are going to have our gates open . . . I didn't know that when I purchased in Hyde Park because there is a gated community in Hiddenbrooke!. I had no problem with Kincaid Village. . . had no problem with the golf course. That too is private. But, my problem is, we are a very diverse community up there. We are not at all rich. We work very hard for our money. We worked hard for our home. My problem is . . . if you are going to have us keep our gates open, you do it to all of us, not just us. Don't just single us out, and if you didn't want gated communities, you should have just stopped it in the beginning. But, I sometimes feel like you are using us as an example, and it isn't right. It really, and truly, is not right. I thank you for listening to me, and just take into consideration that if you lived there, and you paid that kind of money (we paid the City of Vallejo \$15,000.00 for that little piece of land, in taxes). We do it because that is where we chose. That is still the "American Way." I chose to live there. I chose to live in a gated community . . . private, whatever you want to call it. Do I think I walk two or three feet above you? Heavens no . . . the ground is level where we all walk.

Chairperson Legalos: Thank you Ms. Reyes. The next speaker is George Reyes, who will be followed by Khashayar Elmi and then, Pat Lavery.

George Reyes: My name is George Reyes. I live at 9252 Hallmark Place. I am a resident, and Mr. Mandarich is not. A lot of the questions that you ask; I am capable of answering, should you wish to re-ask them. Otherwise, I will proceed with my three minute comments.

Chairperson Legalos: Go ahead with your three minutes, please.

George Reyes: Gated communities are a growing way of life in the United States. A recent statistic showed that communities such as Hyde Park comprise 11%, or one in nine of all new developments, and these numbers are growing. This trend will continue and is driven by consumer demand. Just as some have been noticing the growing purchases of large SUVs, people in the United States are blessed with the unalienable right to choose what they drive and to choose where they and their families live. To reject gated communities on the basis of the fact that their concept of gated communities are objectionable, is to reject what continues to be an ever growing movement by the people of this country. I was involved with physical and environmental planning of the University of California for 21 years, and I can tell you that I understand very well that the discipline of regional and City planning generally deplores gated communities because they are seen as exclusive, as fear-driven, and representing the white upper-class fleeing the crime of the cities. Generalizations. But, if you search the web, you will see those concepts. I am here to dispel those concepts. We are not exclusive. We are not wealthy, nor are we discriminatory. In a show of hands, how many people live in Hyde Park. As far as being white upper-class, I'd like to see the diversities represented in the audience be represented in the City government staff of Vallejo. That is what we all would like to see. Hyde Park is a community of hard-working, middle-class citizens, who have made the most significant investment of their lives in these homes, and we did so with the intent of living within the confines of a controlled environment so we could enjoy the

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beauty of our grounds, enjoy the lack of random vehicle traffic, and have the ability to control the community services within our environment. The situation that has been forced on us is similar to someone who spends a huge amount of money to remodel their backyard and are told that they have to keep the gate open for 14 hours a day to allow the general public to come in and enjoy their private space. I have lived adjacent to gated communities in Orange County, in Elk Grove, and out at Hiddenbrooke. Never do I feel excluded, discriminated against, or disenfranchised in any way. I always believed that gated communities reflected a general diversity in housing choices, and everyone had a right to purchase them.

Commissioner McConnell: I would like the speaker to address the questions I asked of Mr. Mandarich. If he would do so please . . .

Chairperson Legalos: Mr. Reyes: Would you return to the podium please.

Commissioner McConnell: My predominant concern is whether or not there is statistical support for your claim that there is an increase in vandalism or some type of criminal activity at that location.

George Reyes: Certainly. For one thing, the abandoned vehicles. I was told personally by the City of Vallejo Traffic Division, they would not respond to abandoned vehicles or vehicles that were inoperable or with expired licenses. We had one response early on by a traffic officer. He was told by his supervisor not to respond. We were told specifically with regard to vehicles; they would only do active pursuit. They would not come in. We tow one to two vehicles a month out of Hyde Park, at our own expense. As far as the vandalism . . . the vandalism is never reported to the Police Department. Many residences feel that the police are not responsive to Hyde Park. I personally have waited two to three hours for responses, and the officers have never shown up. Other times, they have been extremely good, and they have shown up. There is a perception in Hyde Park that the police are not responsive. So, therefore, a great deal of those calls never go in. Vandalism . . . I have seen people walk out of our parks, out into the street, with the boughs of blooming trees cut off . . . carrying them out, carrying out bouquets of flowers that they have cut from our rose gardens. Obviously, we are not going to report those things. And, the graffiti vandalism has been on the walls, on the playground equipment, cars have been defaced. Those things do not get reported. Violent crimes are another story. We have had the car thefts and things. Those are documented.

Commissioner McConnell: Your observations about the response of the Police Department are probably felt City-wide. I suspect that has more to do with the availability of budgeting and staffing concerns than anything else, but my concern is this. I am being asked as a decision maker in a fact finding setting, to approve your request, and unless I act upon my arbitrary and capricious standards, what standards can you offer to me to justify this application to set this community apart from any other neighborhood? I need some statistical information, some factual basis upon which to justify this request. I would kind of like to grant it, if I could. Mr. Mandarich is an excellent developer, and he has brought a lot to this City, but I am having a hard time making the findings that I am compelled to do as a fact finder in a Planning Commission setting. Otherwise, I am acting in a fairly arbitrary and capricious manner, as much as I might like to, otherwise, do so here.

George Reyes: I understand and I think that the crime aspect is probably overplayed somewhat. I will let some of the other homeowners speak about their concerns. If I tell you that any given night, there are 10, 15, 20 vehicles, that do

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nothing but cruise up and down the streets and then leave; that to me, is opportunistic casing of the neighborhood and things that that sort. That can't be documented. We don't have the cameras and things of that sort. I am asking you basically to listen to the testimony you are going to hear from the residents. As I said, these folks work hard, they are good people, they pay a lot of money, and they have told me personally (because I also serve on the Board of Directors for the Homeowner's Association), that they are very concerned about protecting their investment. Many of these people work out of town and are not home much of the time.

Commissioner McConnell: Well, a lot of us who live in standard communities have the same those same considerations and same pressures as you have expressed here. Let me ask you this: Has the Homeowner's Association kept a log of these incidents? For instance, if you are complaining about your neighbor's dog barking, you are going to need a log. Do you have such a log?

George Reyes: Yes, the management firm of E.R. Moore that provides management services for the Homeowner's Association, does keep a log of calls, so, anything that is called into the Homeowner's Association management offices is logged there.

Commissioner McConnell: And, where is that logged?

George Reyes: At their offices. I am not sure where their offices are. I think they are in Sacramento . . . if I am not mistaken.

Commissioner McConnell: It really needs to be here, before us, as part of the record, so, I think for that reason, I might present a motion of a later time. Secondly, let me ask you this as a member of the Board of Directors. In your judgment . . . would a modification of the hours of the gate being held open be of assistance? It is currently open until 8:00 o'clock at night. Would a lowering to 6:00 o'clock be of assistance?

George Reyes: No.

Commissioner McConnell: Why not?

George Reyes: I think for two reasons. No. 1: If you go through Hyde Park during business hours, there is no one there, and I think that is when the vulnerability exists, and I think that is when people are concerned about the safety. No. 2: The residents that I am responsible to here have made it very clear that the closure of the gates is their number one priority as homeowners, and nobody has mentioned to me that modifying the hours would be a satisfactory compromise.

Commissioner McConnell: When you say you are vulnerable, are you referring to personal safety or to property safety?

George Reyes: I am referring to property safety and to the unauthorized use of the facilities because most of these things take place during business hours when people come into the parks and walk their dogs or do their photo sessions and things of that sort. They don't take place in the later, evening hours. There are two signs at the front. There is one in the middle gate section and then one on the right section, and they both do say "private property" and "no trespassing".

Commissioner McConnell: They say "no trespassing". Are you sure?

George Reyes: The one in the middle section which stands by itself, affixed to the green wrought iron gates says: "This is private property. No soliciting. No trespassing."

Commissioner Gourley: The previous speaker indicated that when the purchase of the property was made, that it was touted as a "gated community". Was it your understanding, either from implicit or implied, that it was going to be truly a gated community with a closed gate?

George Reyes: Yes, I had an understanding that the gates would be open during the construction period but also that after the construction was complete, after all of the home sales were complete, that the Homeowner's Association could come back before this board and petition to have the gates closed. Many of the homeowners have told me personally that they felt they were buying a 24/7 gated community. I can't speak for them.

Chairperson Légalos: The next speaker is Khashajar Elmi, who will be followed by Pat Lavery.

Khashajar Elmi: Good evening. My first name is Khashajar and last name Elmi. I am currently a resident of Hyde Park community. Everybody talks about safety and stuff about crimes. My concern is this: If everybody is focused on that; if the Board is focused on that; if the City has done the study about the traffic on those streets, the safety out there . . . people, neighbors that are walking on those streets, currently those streets are not designed, are not set as public streets. Does anybody consider the fact of not having a community that the purchase of the gated community as just a regular, standard single family homes, but the economic situation on these? What is the effect of removal of this gated community status from this community and to make it public, and I don't see any reason when there are other gated communities currently that the gates are closed from morning to evening, or 24 hours a day, why we should be excluded. I hope to have questions from you rather than comments, and I don't think anybody has addressed those issues right now. I haven't heard anybody from the Board nor from the City Planning Department. Marcus is here and presenting that, that addressed those today. If you are making a decision tonight, I think you should consider those effects to the residents of the community and possibly for the future safety of people that are allowed in the community, open to the traffic. What would be the effect on those? I have nothing to say. Do you have questions.

Pat Lavery: My name is Pat Lavery. I am an owner at Hyde Park and I wanted to comment on the fact that these numerous wedding parties that have gathered at the entrance to Hyde Park to have their photo albums done or whatever. Just a couple of weeks ago, I had to park down the street to my house. They were completely parked, but the main road coming in there that the park goes along, is a street with no parking on it. So, there is a no parking lane there. There is an island, so, for instance; if somebody had an emergency, a fire truck had to come in, for instance, and go to the back of the subdivision and were coming out and there are limousines and cars parked along that no parking lane; they would have to back up and come around the island, through the middle of the street, the other way, and, I mean, this could really be a problem. You know, people park in there and preventing emergency vehicles from getting in or out of the subdivision. That is my concern.

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Chairperson Legalos: Have you said what you wished to say? Thank you. Next speaker is Dennis R. Johnson, and he will be followed by Charles Lagasca.

Dennis R. Johnson: I am a resident of Hyde Park, and the thing I would love to share with the Planning Commission tonight is what you heard tonight as well as during the weekends, that is very difficult for us to even park in front of our residence because of the non-residents that is coming into our development just to take advantage of our park area, our garden area, and so it makes it very difficult to park at your own home on the weekend because of the congestion of cars. We have an island between the street and the sidewalk of beautiful, landscaped grass, where we found that some times those that don't live in the residence, they would drive on the grass and then they would break the sprinkler heads, and, all of the sudden when the sprinklers come on, you just got a Niagara Falls shooting up, you know, throughout the neighborhood. With all that goes on with those that are visiting our development, we have to constantly pick up after folks that don't live in our neighborhood. So, those are some concerns that I have concerning closing the gate 24 hours because it has already been stated that when you move in there, that it was kind of understood that once everyone had moved into the residence, that those gates would be closed 24 hours as other communities here in the City of Vallejo, so those are my concerns, and then, we did have a neighbor whose car was stolen about six months ago, right off of our street. So, those are the things I wanted to share with you tonight.

Charles Lagasca: Good evening Council. Good evening neighbors. I live at 9204 Hallmark Place. I would really like my gates to be closed, for two reasons. The Hiddenbrooke gates and the Glen Cove gates, they don't live by high schools. The high school is less than two minutes away from Hyde Park, and when I used to go to high school, kids used to say all the time: "Let's just go to Hyde Park", and do whatever they wanted to go over there and stuff like that because the gates are always open. The gates are open before school starts and long after school is finished, so they have all the freedom they want and what my neighbor says, they are most vulnerable in the daytime is because everybody is at work so no one can report these claims or anything like that, but I am home during the day a lot. I am outside on the streets skateboarding, just hanging out enjoying the sun, enjoying my neighborhood and, these kids, I see them all of the time. I keep track of what cars are coming in, what car belongs to what house, and I see a bunch of cars that do not belong there, and there is driving on the streets, parking, their windows are closed up. It is horrible. Another reason I would like the gates to be closed, you would not believe how many nights I have come home or how many afternoon I have come home and I have to park two blocks away from my house, just to park, and walk to my house and go inside. That is another reason I would like the gates to be closed.

Chairperson Legalos: There being no further speakers, I will close the Public Hearing and bring the matter back into the hands of the Commission.

Commissioner McConnell: Through the Chair to our legal counsel. You and I have been having some discussions about my desire to extend some green willing standards to large projects, and you have told me that I cannot be arbitrary and capricious; that I need to have a standard absent a legislative policy to do so. I am conflicted by this application because of that. What are the proper legal standards on the gating of a community request when the City Council has not adopted an ordinance that addresses that situation?

Claudia Quintana: I will do what I can here. As you note, there is no specific ordinance that says these are going to be the findings that you will reach and

make when considering a gated community or a gate on a community, but there are some standards, and I will refer you to page 3 of the Staff Report. Marcus has put forth what he considers to be the applicable General Plan and Specific Plan Growth and Policies which you will need to consider. These are in the Conclusions and not in the Analysis as they should be, but these are the ones that you should take a look at. And, the reason why you need to make a reference to the General Plan and the Specific Plan, is that the two most important things that you are going to need to decide today for this particular plan is whether the Proposed Unit Plan Amendment is consistent or inconsistent with the goals and policies of the General Plan and the Northgate Specific Plan. So, it is by no means very clear what the standards are but those are the standards that are set forth. That is, whether having this gate on this community closed all the time. . . would that be consistent with the General Plan or not? And, would it be consistent with the Northgate Specific Plan or not? Now, you have also raised the issue of arbitrariness and whether or not it would be arbitrary to consider this application, and there has been a lot of conversation as to the other two gated communities in the City of Vallejo. I would just point out that those are not before you today, and I don't know what happened in those but obviously, the Planning Commission at that time considered whether those were consistent with those Specific Plans and the General Plan at that time. So, I would certainly refer you to those two key issues . . . whether or not they are consistent with the Specific Plan and the General Plan.

Commissioner McConnell: Through the Chair . . . a question for Mr. Hazen. I was here when this application was originally heard and that was why we crafted a compromise on the opening of the gates, so it was certainly intended by this Commission and this City and made known at that time that that Commission application was heard that it was going to be a controlled gate and not an entirely opened gate, and that is a matter of public record. However, as to the other communities in this town where there are gated communities . . . do we have anything in our records which show the justification or the reasoning as to why those gated communities were approved?

Don Hazen: That is something we would have to research and bring back to you, but I guess I would just kind of echo what the City Attorney was saying is that you are really considering the issue in front of you this evening, not the other ones which are all looked at one a case-by-case basis, and each of those come with their own, unique set of facts and findings that must be made. So, I really would urge you to kind of focus in on this one and the other just to kind of add on to what Claudia was saying. You have the benefit of the past record in your packet as the past minutes from the City Council proceeding so you also have kind of the unique ability tonight to look to see if there has been any change in circumstances from when the decision was originally made by the Council versus where we sit today, several years later. I personally believe you have everything that you need in front of you this evening to weigh that decision. I will also, being the proverbial "new kid on the block" say that, when the City Council made that compromise to allow a gated community but to have the gates be open, I think it is inevitable that we would have this come forward, and particularly, after the lots become sold and occupied. It is also like taking a child to an ice cream store and giving him an ice cream cone, but not the ice cream. So, I think as part of your analysis this evening, you have to really conceptualize what should constitute a gated community. Is it, as it was currently approved by the Council, or, has your opinion changed from the last proceeding.

Commissioner McConnell: I think that I find myself in a situation that I would prefer to have added time to reflect upon this application, quite honestly. One of

my thrusts this evening has been to ask for a documentation as to changes and circumstances, and particularly, the crime occurrences, and I have not heard any. I have heard references to them and I have heard conclusions of them, but I have not seen facts, and that bothers me because without those facts, I am not sure I can properly reach the findings that I am compelled upon, this evening to reach. Those are my observations at this time. I see there are other people who wish to make comments, and I will yield for now.

Commissioner Gourley: I share your concern, Commissioner McConnell. Although the incidences of crime, I am not so concerned with, although I think it is indicative of the entire population of Vallejo. The things that do concern me is the authorized use of their parks and the willy/nilly in and out of solicitors. These people did pay extra to have, what they considered at the time, and their perception was that this was going to be a gated community. I am not necessarily a fan of gated communities. I probably couldn't afford one. But, if I could, and I had chosen to purchase one, I would be extremely upset when I found out at the end . . . see, I am paying for the park, I am paying for the streets, I own them all as part of my package, but they are really not mine because anybody can come in and use them. And, so, I would be upset as it appears that they are. Whether they were implicitly told that it was going to be a gated community . . . I hate to use it because it is kind of vulgar, but it is almost like being "almost pregnant". You can't be "almost pregnant". In my mind, you either have a gated community or you don't. Having a semi-gated community gives them nothing, and they seem to have paid dearly for at least, a perception, of it being a gated community, and to answer your question earlier, I am going to give a guess why the incident reports are between 6:00 and 7:00. It is probably when they get home from work and recognize that something happened during the day. Because, they weren't there when it happened. I drove through there. It is a very nice little community, and there was hardly anybody around except a couple of gardeners. Obviously, I didn't hit it at the peak times when it was right after school when it was inundated with the school age. I struggle with it as well, but I am almost in favor of saying: "Let them have their gated community."

Commissioner Harrington-Cole: Through the Chair to Mr. Hazen. Is this consistent with the Northgate plan since Tiara is already there in a gated community, or, is it not consistent with the Northgate Plan?

Don Hazen: The Sixty-Four dollar question for this evening. Mr. Adams has put in his Staff Report, Goals and Policies of the Northgate Specific Plan and General Plan which staff believes shows that it is inconsistent with. Now, if you are in support of it, then you would want to reference the Goals and Policies that you feel that it is in support of.

Commissioner Manning: This is very difficult but I just want to remind everybody that it did come before the Planning Commission in 2003, and the Planning Department recommended no gates. The Planning Commission upheld that recommendation, and, the developer at that time recommended a compromise of having the gates closed in the evenings. That was recommended by the developer as a compromise at that time, and then, they appealed because the Planning Commission said: "no gates" so they took it to the City Council and it was passed with the say it is today. So, I mean, this is on public record, as Commissioner McConnell has said, and this is the way it has transpired, so, if people believed they were getting a fully gated community, that is not something the City ever authorized for that neighborhood. I hear everybody's concerns, and I see what a lovely neighborhood it is and how frustrating it must be to have these beautiful park areas and have all of the people come in and use it. I totally

understand that, but it puts us in a very difficult position because this Commission, which I wasn't on at that time, was opposed to gates, and we don't really have any clear direction from the City on policies around gates except that they are not popular anymore. Vallejo is a City of many communities and our neighborhoods have lots of history in the last 20 years of really pulling together and turning neighborhoods around. We take great pride in our neighborhoods and we like to share our neighborhoods and our gardens. Again, I hear your concerns about the kids coming in from the schools, and people knocking on your doors. I lived in Glen Cove for years, and I wasn't in a gated community, but I lived next door to one. I lived in a community that we paid for our own streets and we took care of our own streets and people came and used the park sometimes. I think you have a kind of unique situation because you have such a beautiful park. I have never heard of anybody's park being used for weddings before, but, really, I think that we don't have enough facts right now, and if there is more information that can come back to us, more statistics, perhaps we can look at it again, but I don't really feel like . . . I have personal opinions about gated communities, but that is not what I am being asked to do here. I don't feel like I have enough information to make a good decision here, one way or the other.

Chairperson Legalos: I have a couple of concerns in general, with the concept of gated communities. So far, admittedly, we have a lack of hard data here on crime but so far, I haven't heard anything that differentiates this community from any other area in the City in terms of abandoned vehicles. We have those everywhere. We have trespassing everywhere. All of the issues that are mentioned here are City-wide issues, and my concern is that if we begin to well off areas of the City to where protecting ourselves, we will lose the general impetus and the general motivation to improve conditions in Vallejo as a whole. That is my overriding concern here. It is one of creating a number of small enclaves which could have the effect of reducing motivation and interest in the condition of the rest of the City and in dealing with these issues in the rest of the City. Again, I agree with Commissioner McConnell and Commissioner Manning that there is a lack of hard data here, however; I cannot imagine that there are more abandoned cars in Hyde Park than there are in my neighborhood. One of the other things that concerns me is, I have been up to Hyde Park several times for meetings with Mr. Mandarich and on Commission business and other business, and while those signs may be there; I do not recall seeing a sign that says "no trespassing", which means to me that the signs are not permanent enough and perhaps the less extreme measures that could be taken, have not been taken, to move immediately to a proposal to shut down the area 24 hours a day, seems to me to be a bit premature when less restrictive measures have not been tried. I am not saying the signs are not there. I did see a sign that I recall that said "no soliciting" but that sign was probably 12 inches high, 10 inches wide, off to the right hand side of the gate, and the other signs, I am sure, are there, if you say they are there, but they are not very prominent. I would rather see some other measures taken that would be less restrictive than a lockdown on the community.

Commissioner Gourley: A couple of quick comments and a question to the attorney. As you pointed out the fact of signs, and maybe a larger sign would be helpful, and, I point out that on the freeway there are signs that say "no littering" and it doesn't seem to be working on I-80 real well. So, I am not sure that would be the solution. The other one about, if we were to approve the fully gated community, would that take away from the rest of the City? Actually, I think it might help because, if there were less calls to the City Police, to not answer calls that they can't answer already, maybe they could answer them in other places in the City that doesn't have the benefit of the gate. To the City Attorney and one of the residents that had asked the question, what would happen, let's just say for

example if the community decided, you know what, we don't have a gated community. We are paying for it. What would it take for them to say, okay, we are going to give the City back the streets and the park, and then the City is going to have to pay for it, and they kind of just disbanded their Homeowner's Association? Would that happen? Is that feasible, and could that be done?

Claudia Quintana: Let me look in the magic ball! I guess in the future it might be something . . . It is an interesting question because I think Mr. Mandarich filed this application, thinking that he was going to be asking for a gated community, and the design of the streets is such that he thought it was going to be a Homeowner's Association, and they are paying for all these things, but, realistically, I don't think that would ever happen. City Council would need to accept the dedication. There are a number of other obstacles. I don't think it would just be a "gift", for instance. Usually, when a private entity hands over land or something of value to the City, there are requirements to compensate them. Realistically, I don't think that would happen.

Commissioner Gourley: So, basically their perception of a gated community is now not a gated community, and they are kind of stuck paying an extra amount of money to have something that they don't have. That's a comment . . . not a question, I guess.

Commissioner Peterman: Just speaking from where I live, our Maintenance District fees are part of our property tax. If we chose not to pay them, there would be severe consequences, though I don't think it would be turned back to the City.

Commissioner Manning: I just once again want to say that this development was never authorized to be a fully gated community. So, if people had that perception, they were not being told that by the City of Vallejo. So, I just think about some of the things that we do in other neighborhoods of Vallejo, and that is, we have a Neighborhood Watch Association. We have signage which was suggested by several of the Commissioners here that our signage go up. Keeping logs that you could present to the Police Department. Also, keeping logs and keeping justification and perhaps coming back here, asking us to look at this later, after you have some more facts. These are the suggestions that I can think of now.

Commissioner Harrington-Cole: I too have some concerns. I am very concerned about the gentleman who spoke about the emergency vehicles, having trouble getting in and out of the community, because people are parking illegally. We recently had a big fire in Washington Park. The fire engine couldn't get down the alley, had to go back up, go around, in five minutes the building was pretty much gone. So, I think that is a real concern. However, I don't believe gating your community would make it any safer. What my real concern is that you are not calling the police every time someone comes upon your public property. Now, don't expect the police to show up every time, but also, don't expect them to have ESP and know that people are there if you are not calling. You need to become, in my opinion, much more proactive at protecting what is your public property, and, I don't think a gated community is an inalienable right, but I think it is a great privilege, and I think that you need to protect that privilege, so I would put up great big signs that say "this is public property". I would put them in English, and Tagalog and Spanish, and other languages . . . Chinese, whatever you can do. I would call the police every time I saw someone in my neighborhood who didn't belong. I would call abandoned vehicles every time there was an abandoned vehicle in my neighborhood, and I would call daily, but you need to protect what is yours, and, putting up a gate is not going to keep the high school kids out. It

probably won't keep the wedding parties out. You need to do that yourself, in my opinion.

Chairperson Legalos: One other suggestion. We have a couple of suggestions here on how to be more proactive and handle this problem in other ways. A thing that has worked very well in my community, which is Vallejo Heights where we have had major crime problems (we no longer have those problems), is that the community put together an E-mail list serve, and everyone who is interested in participating has a working mail and their home E-mail on it, and the way that works is, somebody in the neighborhood sees some kids wandering around, knocking on doors or looking suspicious. E-mail goes out, you get it at work; you get it at home, and we have had situations where the police have been called and have caught these kids in the act in a matter of minutes, but the list server has worked very well, so it is something that you might consider doing. It keeps everybody informed, and it also can provide a permanent log in an effortless way. An E-mail goes out stating that there is an abandoned vehicle, there are kids wandering around doing smash and grabs on cars, looking for things, breaking windows, and you have got a log. It is a permanent record if you set your E-mail system up that way. So, that might be another way to deal with the issues if you are having major issues. We don't know what the statistics are at this point but you might consider that. Any other comments? Do we have a motion?

Commissioner McConnell: I move the application be denied.

Commissioner Gourley: I have a question. The application for what? I'm sorry, what are we voting on?

Chairperson Legalos: We are voting to approve or deny the application.

Commissioner Gourley: The application to give them their gated community?

Chairperson Legalos: The application is to allow the gates to be closed 24-hours a day. That is correct. So, Commissioner McConnell: Please restate the motion.

Commissioner McConnell: Before I do that, let me follow up on another thought here. I am reading through, probably for the third or fourth time, some of the records of the City Council sessions where different recommendations were made that these parks and these pathways could be gated and would be gated, individually. That, because of the representation of the limited hours of operations for the gates, the Council was willing to accept this application, whereas, otherwise they would have denied it. If we are going to properly act on this application, we really should have statistical information, I think. A man who cannot change his mind, can never change anything, and I am willing to consider it, but I need information. I need information. I need data, and I don't see it yet tonight. I have heard the suggestions about signs and logs, and I think they are excellent ideas. What I would like to do is ask Mr. Hazen whether or not we can continue this for a period of time to see if that information can be developed and presented to us without jeopardizing this application immediately.

Don Hazen: What I would recommend then is . . . Commissioner McConnell: You first had your motion for denial, and now you would like to possibly entertain some additional facts. I would suggest that we ask the applicant whether he believes he can produce the type of facts that you have all indicated that you would need to see or whether he would prefer that you make a decision tonight so that he could move it along to City Council potentially for an appeal.

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Commissioner McConnell: I think that is an excellent suggestion. For the record, I will withdraw my motion at this time.

Chairperson Legalos: Mr. Mandarich, What would you like to do?

Gary Mandarich: My name is Gary Mandarich, and a lot of cases have been brought out tonight. We could present a lot more facts where you could see clearly how this subdivision is laid out, how the access truly works, why people are parking where they do, you know . . . how it all functions. Because, right now I think a lot of you that are not completely familiar with how the park is laid out and why people are parking where they do to use those parks and the different issues. I think that we can give you a lot more information, we would like then to have the opportunity to present that information to you, prior to you making a decision.

Commissioner McConnell: Mr. Mandarich: How much time do you think you would need to develop this information?

Gary Mandarich: Within 30 days would be fine. We could get it back within 30 days to the Planning Commission.

Commissioner McConnell: How does 30 days look on our calendar, coach?

Don Hazen: That would put you at the December 3 meeting. Your first meeting in December.

Commissioner McConnell: I will move to continue this matter to December 3 for the purpose of receiving further information from the applicant on the desirability and the justification for this application.

Commissioner Gourley: I would like some clarification here because it seems to me that Mr. Mandarich has said that he will provide information as to the layout of the streets and the parks, and the information I thought that the Commissioner was asking for, was statistics on crime. Am I mistaken there?

Commissioner McConnell: You are not mistaken. I believe the Homeowner's Association members are aware of that, and will probably present that information and statistics as well as they can plus they may need some time to develop logs if they don't currently exist.

Chairperson Legalos: Well, I would like to make that explicit.

Gary Mandarich: Sure, we will prepare the records from the Association as well.

Chairperson Legalos: Okay, and we are looking for statistics on crime as well as the information that you have just described providing. Correct?

Gary Mandarich: I will bring whatever the Management Company has. We will share that with the Planning Commission.

Commissioner McConnell: Not just crime, but, parked cars, loitering people, the whole avenue of complaints that we have heard this evening.

Chairperson Legalos: I just want to be certain that we don't continue and then come back and have incomplete information again.

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Commissioner Gourley: Just a suggestion . . . you had a very nice visual here . . . the old "picture worth a thousand words". Some pictures of some weddings that were not authorized, of the students after school, before school, vagrants, that kind of stuff, I think, would go along way. The gentleman said that he had to park two blocks from his house, indicating that . . . someone might say his neighbor had company, and they were invited guests. If that is the case; that is fine. I think that would be fine.

Gary Mandarich: The only difficulty I see is that some of the activities are really high in the summer months. The next 30 days we will probably not have as much opportunities as we would have had if we went back a year and took pictures of everything that has transpired. We will do our best to recreate incidents that have happened in the past. I am just saying; this time of year is different.

Commissioner McConnell: Mr. Mandarich, if the homeowner's are desirous of our time, I am willing to accommodate them in my motion.

Chairperson Legalos: Are you making a motion to continue?

Commissioner McConnell: Well, we have to continue it but we have to continue it to a specific date, and I am willing to accommodate additional time if they feel that they need it.

Don Hazen: If I understand Mr. Mandarich, he is saying that this may not be a representative time of the year, so I would hate for him to come back in 30 days and say "Here are the facts, but it doesn't reflect the true scenario". If he wants to pick another time and continue it a little more into what he would consider a typical pattern, we are fine because we have got the existing condition in place that those gates are open during the day. I think it is whatever the prerogative of the applicant is here.

Chairperson Legalos: Would you like to do that, Mr. Mandarich? What is the peak problem period?

Gary Mandarich: I can't speak on that but I would expect that we will gather more information through the Holidays and that if we continued it until January, I am sure there will be a lot of things going on around Thanksgiving and Christmas. There will probably be some spikes going on that we can document. So, I would ask to have it continued until January.

Chairperson Legalos: I would think that Thanksgiving and Christmas, you would have a lot of family visiting. Is that justification for closing the gates? That's going to happen no matter what. The gates would be open to family visitors, would they not?

Gary Mandarich: The gates would be closed, and they would call in. So, if you and the community would visit, you would dial in and then they would radio from their house back.

Chairperson Legalos: Then they would come in and they would park and you would have the same parking problem, wouldn't you?

Gary Mandarich: Oh, I think what you would have is more people from outside the community coming in. I don't think it is just going to be more activity. I think that people will want to go over there, outside the community, come in, show the

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parks. I don't think it will all be limited to residents. But, I would think that giving us another month, it will help us get a little more data.

Chairperson Legalos: My concern there is that I don't think that period is necessarily representative of the kinds of problems that are being presented here. That period when you are going to have relatives and family visiting and, in a very real sense, that is going to happen every year whether the gates are closed or whether the gates are open. The gates are going to be open to those people. It would seem to me that a more representative time . . . it is more a question of season. Is it summertime? Is it better weather?

Gary Mandarich: Summer would be the highest use . . . of course. Because, it is lighter later after school so you would have more kids then. Weddings. . . they are probably summer events. The other events around the park are more warm weather type events.

Chairperson Legalos: Well, if we continue to January and you come back with information that is actually not representative, then what are we going to do? Are we going to ask for another continuance, or are we going to act on the information we already have? This doesn't sound like a good solution to me.

Commissioner McConnell: It is obviously not a great solution, but, this is a compromise solution just as the application was, and as I said, I am willing to give the applicant as much time as they think they need. If it is seasonable, I am not even opposed to putting it off until May or June, but I think it is an issue that needs to be addressed. Gated communities are not going to cease to be a part of applications in the future by other developers. There isn't any current City Council policy on, so whether we are making a judgment rapidly or based upon our whims, let's take the time to do it right. I am willing to go out to May or June if we have to, if that is agreeable to the applicant.

Chairperson Legalos: My only concern is that we pick a representative period. . . whether it is May or June, or February, or April, but I don't think November and December is representative. I think you are going to see a different set of problems in November and December, and I think the issues you are going to see . . . whether the gates are closed or whether the gates are open.

Commissioner McConnell: I agree with you about the timing of this, also related to the inclement weather that we are probably, hopefully, entering into. A lot of these appear to be good weather-related activities so that is why I am willing to give him as much time as I think he needs. All we are really talking about is what time period,

Chairperson Legalos: Exactly.

Commissioner Gourley: Is it reasonable or possible that the applicant could query the Board and the other residents. Maybe somebody has got pictures of these things and they could present with 30 days, and if not, he could get back to planning the problem so we want to do it in a more representative time where we actually have the pictures, which will be June. Is that something that could be reasonably done.

Chairperson Legalos: I am not certain pictures would be sufficient, and we need logs. We need insurance.

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Commissioner Manning: I just wanted to remind you that we did talk about some of the people that came and talked about calling into the property management company. So, there are existing logs, and the proposal is to give you two more months to get more information. It won't be representative of the summer, but you have got existing data. Put all the data together. I would expect that nobody wants to wait for the Homeowner's Association until next August, just to get some more facts. So, the proposal, I think, is a good one, that we give you two more months. You come back in January, gather more information from the information you already have, from people calling in and complaining. You poll the neighbors, people keep logs or perhaps they have logs already, and then you come back with the compelling case for us.

Gary Mandarich: Okay, that is fine.

Commissioner McConnell: I will move that we continue this matter until the second meeting in January, 2008.

Please vote:

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

NOS: Peterman

ABSENT: Turley

It is unanimous. Motion carries.

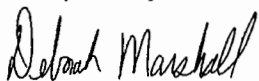
L. OTHER ITEMS

None.

M. ADJOURNMENT

There being no further business to discuss, this session of the Vallejo Planning Commission is now adjourned at 9:45 p.m.

Respectfully submitted,



(for) DON HAZEN, Secretary

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

DATE OF MEETING: November 5, 2007

PREPARED BY: Marcus Adams *MA*

PROJECT NUMBER: PD (Amendment) #02-0015

PROJECT DESCRIPTION: The applicant has petitioned to amend the condition of approval for Hyde Park which regulates the "entry gate" closure hours. Currently, the entry gate is to remain open every day between the hours of 6 a.m. and 8 p.m. The applicant would like to remove this condition, allowing the gates to be closed at all times.

RECOMMENDATION: Denial

CEQA : Categorically Exempt, "Existing Facilities" (Section 15301)

PROJECT DATA SUMMARY

Name of Applicant: Hyde Park @ Northgate Homeowners Association

Date of Completion: September 19, 2007

General Plan Designation: Employment

Zoning Designation: Mixed Use Planned Development (MUPD)

Site/Surrounding Land Use:

Site: Single Family Residential driveway

North: Commercial (Costco, Best Buy)

South: Multi-family Residential (Belvedere)

East: Commercial (auto dealers)

West: Commercial (Northgate Marketplace)

Lot Area: 60,112 square feet

square feet

Total Floor Area/Ratio: N/A

Landscape Area/Coverage: N/A

Parking Required/Provided: N/A

BACKGROUND SUMMARY

On June 16, 2003, the Planning Commission approved a draft resolution approving Unit Plan PD #02-0015 for the development of the Hyde Park 133-unit single family subdivision. The project was proposed as a gated community; however, Planning Division staff recommended a non-gated community due to concerns that "gated residential developments present an image that the general public is not welcome and the surrounding community at large is not safe" (see Attachment 3, Planning Commission minutes, pg. 4, 14, 15). The Planning Commission agreed with staff's original recommendation for a non-gated community and did not approve the applicant's request (vote of 5-1-1). The applicant subsequently appealed the "non-gated" condition to the City Council.

On July 29, 2003, the City Council held a public hearing that included the appeal of the Planning Commission condition that Hyde Park be a non-gated community. The applicant/appellant based their argument for a gated community on the following:

- Gated communities 'exude quality, not exclusivity"
- Gates provide "a perception of additional security"
- Gates are a "desired amenity of prospective home buyers"
- The gates would prevent public use of private parks in the development
- The gates would help Hyde Park be "competitive with other luxury housing in the region."

Planning Division staff and the Planning Commission liaison continued to take the position that their main concern was "how the image (*of gates*) may affect the rest of the surrounding community," being that the gates project an image of "segregation and exclusion." Staff informed the Council that the packet also included a substitute resolution recommending any gates remain open from 6 a.m. to 8 p.m.

The Council adopted the substitute resolution on a vote of 4-3, with the majority basing their approval on: "consistency," i.e. other gated communities had been approved; aesthetic appeal; and the gate closure compromise contained in the substitute resolution (see Attachment 4, City Council minutes).

On September 19, 2007, the Planning Division received an application from Hyde Park @ Northgate Homeowners Association to remove the open gate hours from 6 a.m. to 8 p.m. to 24 hour gate closure. Supporting arguments stated in an August 22, 2007 letter to the Development Services Director (see Attachment 2) included multiple events of vandalism, abandoned cars, solicitation, and unauthorized use of the private parks.

ANALYSIS

The Planning Division and Community Development staff continue to fundamentally oppose gated single-family communities based on the following reasons:

- Gated communities present an "unsafe image" of the rest of the community outside their gates
- Gated communities decrease "social capital," i.e. people's sense of trust and inclination to do things together
- Gated communities break up neighborhoods by creating self-contained communities
- Gated communities can promote exclusion

By implying that there is a need to fence out the rest of the community, permanent closure of the gate may have a harmful economic impact on public and private investments in the area.

Regarding the appellant's specific amendment request for 24 hour gate closure, staff believes that the compromise originally offered by the developer is still appropriate based on the following:

- According to incident reports received from the Police Department, the number of incidents requiring "calls for service" during the day were not abnormal in comparison to similar (demographic and size) non-gated Northgate neighborhoods (see Attachment 6), with two out of three non-gated communities reporting more "calls for service" than Hyde Park
- According to the same Police report, the incident pattern during the day at Hyde Park, on average, did not differ from the incident pattern at Tiara, a gated (24 hour gate closure) residential development
- The developer of Hyde Park has stated to the Council in the past that gates could be placed at the parks' entrances to ensure homeowner access only (see Attachment 3, pg. 12 Council minutes)
- With installation of gates at the park entrances, other security issues could be handled by a private security firm, i.e. hourly patrols, as is customary in other "luxury housing developments"
- Permanent gate closure is a short term solution which perpetuates distrust and exclusion and avoids working towards long term solutions which encourage community trust and empowerment

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt due to the fact that the existing use would involve no expansion or new construction (CEQA Section 15301, Existing Facilities).

CONCLUSION

Staff has determined that the proposed planned development (unit plan) amendment is not consistent with the following General Plan and Northgate Specific Plan goals and policies:

- "Use the Planned Development approach to create neighborhoods with a variety of complimentary and compatible uses which are unified by a common theme" *General Plan "Balanced Neighborhood Goal-Policy 6.*
- "The pattern created gives a sense of purpose to the city and means of organization and orientation for human activity. It is important that new developments have a recognizable pattern and that the pattern of older neighborhoods be preserved." *General Plan "Creating Neighborhoods" pg. III-5*
- "It is the Specific Plan's intention to create residential neighborhoods that are separated by open space and major streets" *Northgate Specific Plan, pg. 7*

The common theme and established pattern of the Northgate single-family neighborhoods is one of neighborhoods being open for vehicular and pedestrian access with well designed entries distinguished by landscaping and monument signs and entry

walls. Neighborhoods are separated by open space and major collector and arterial streets.

RECOMMENDATION

Staff recommends that the Planning Commission DENY Planned Development (Unit Plan) Amendment 02-0015, based on the following findings per Section 16.116.100 VMC:

1. "The proposed unit plan amendment is not consistent with the goals and policies of the Vallejo general plan and Northgate Specific Plan."
2. "The proposed unit plan amendment is not of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area."

APPEAL

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

ATTACHMENTS

1. Resolution
2. Alternative resolution
3. MapQuest® directions
4. Applicant letter
5. Planning Commission minutes
6. City Council minutes
7. Police Department "calls for service" incident graph
8. Pictures of Hyde Park gate entrance
9. Conflict of Interest/Vicinity Map

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-

**A RESOLUTION OF THE PLANNING COMMISSION
DENYING A UNIT PLAN APPLICATION
PLANNED DEVELOPMENT (UNIT PLAN) AMENDMENT #02-0015**

Hyde Park

The Hyde Park subdivision is located at the intersection of North Ascot Pkwy. & Berkshire Lane.

APN# 0183-060-020

I. GENERAL FINDINGS

WHEREAS an application was filed by the Hyde Park at Northgate Homeowner Association seeking approval for a unit plan amendment for permanent closure of the Hyde Park entry gate; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Unit Plan Amendment on November 5, 2007 at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

Section 1. The Planning Commission finds that on the basis of the whole record before it there is no substantial evidence that the project will have a significant effect on the environment per Section 15301, Class 3 Categorical Exemption, "Existing Facilities" of the California Environmental Quality Act.

III. FINDINGS RELEVANT TO UNIT PLAN AND FINDINGS FOR PROJECT APPROVAL AND FOR DETERMINATION OF PROJECT CONSISTENCY WITH APPLICABLE GENERAL PLAN

Section 2. The Planning Commission finds that applicant submitted Unit Plan amendment Permit application #02-0015 for 24 hour closure of the Hyde Park entry gate pursuant to the City of Vallejo Municipal Code Chapter 16.116.140(A)(2).

Section 3. Planning Commission finds, based on the facts contained in the staff report attached herein and incorporated herein by this reference, and given and the evidence

presented at the public hearing, and subject to the conditions attached to this resolution that:

1. "The proposed unit plan amendment is not consistent with the goals and policies of the Vallejo general plan and Northgate Specific Plan."
2. "The proposed unit plan amendment is not of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area."

IV. RESOLUTION DENYING THE UNIT PLAN AMENDMENT APPLICATION FOR 24 HOUR HYDE PARK GATE CLOSURE

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby DENYS the Unit Plan amendment application (UP# 02-0015) for 24 Hyde Park gate closure, based on the findings contained in the staff report attached hereto and incorporated herein and subject to the Conditions of Approval attached to this resolution.

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 5th day of November, 2007, by the following vote to-wit:

AYES:

NOES:

ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-

**A RESOLUTION OF THE PLANNING COMMISSION
DENYING A UNIT PLAN APPLICATION
PLANNED DEVELOPMENT (UNIT PLAN) AMENDMENT #02-0015**

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Section 3. Planning Commission finds, based on the facts contained in the staff report attached herein and incorporated herein by this reference, and given and the evidence

presented at the public hearing, and subject to the conditions attached to this resolution that:

1. The proposed unit plan amendment is consistent with the goals and policies of the Vallejo general plan and Northgate Specific Plan.
2. The proposed unit plan amendment is of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.
3. The unit plan serves to achieve groupings of structures which will be well related one to another and which, taken together, will result in a well-composed urban design, with consideration given to site, height, arrangement, texture, material, color and appurtenances, the relation of these factors to other structures in the immediate area, and the relation of the development to the total setting as seen from key points in the surrounding area.
4. The unit plan is of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

IV. RESOLUTION APPROVING THE UNIT PLAN AMENDMENT APPLICATION FOR 24 HOUR HYDE PARK GATE CLOSURE

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Unit Plan amendment application (UP# 02-0015) for 24 Hyde Park gate closure, based on the findings contained in the staff report attached hereto and incorporated herein and subject to the Conditions of Approval attached to this resolution.

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 5th day of November, 2007, by the following vote to-wit:

AYES:

NOES:

ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

Maneuvers	Distance	Maps
 1: Start out going SOUTH on SANTA CLARA ST toward GEORGIA ST.	<0.1 miles	Map
 2: Turn LEFT onto GEORGIA ST.	1.7 miles	Map
 3: Turn LEFT onto STEFFAN ST.	<0.1 miles	Map
 4: Merge onto I-80 E via the ramp on the LEFT.	2.3 miles	Map
 5: Take the AUTO MALL COLUMBUS PKWY / CA-37 exit- EXIT 33- toward NAPA.	0.1 miles	Map
 6: Merge onto AUTO MALL COLUMBUS PKWY.	0.8 miles	Map
 7: Turn RIGHT onto ASCOT PKWY.	0.2 miles	Map
 8: End at Ascot Pkwy & Berkshire Ln Vallejo, CA 94591, US		Map

Total Est. Time: 10 minutes **Total Est. Distance:** 5.38 miles

MANDARICH
DEVELOPMENTS

August 22, 2007

Brian Dolan
Development Services Director
City of Vallejo
555 Santa Clara Street
City of Vallejo, CA 94590



Re: Hours of Operation – Entry Gates for Hyde Park

Dear Mr. Dolan:

The Board of Directors for the Hyde Park at Northgate Homeowners Association would like to obtain approval from the City of Vallejo to keep the gates closed. The Conditions of Approval for Hyde Park for the entry gates hours of operation are:

“The entrance security gate is approved. The gate shall remain open every day between the hours of 6am and 8pm.”

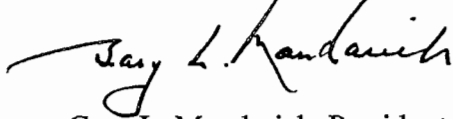
The Association Board would like the City to remove this condition. This request is initiated from the numerous events that have occurred due to open access to Hyde Park to the general public. These events include multiple episodes of vandalism, abandoned cars, solicitation, and unauthorized use of the private parks.

Homeowners in Hyde Park pay a substantial amount of monthly Homeowner's Dues for the private streets and parks in Hyde Park. Unauthorized use of these private elements unfairly cost the residents of Hyde Park monies to maintain these elements being used by others. The location and easy access to enter Hyde Park from North Ascot Parkway has attracted people that impose on the privacy of residents in this community. In addition, there are several other gated communities in the City of Vallejo that are not required to leave their gates open during the day and this restriction should not apply to Hyde Park.

Attached is a completed application and a check in the amount of \$1,804.75 to process our request.

Please call me if you have any comments or concerns regarding our request.

Hyde Park at Northgate Homeowners Association

A handwritten signature in black ink, appearing to read "Gary L. Mandarich". The signature is fluid and cursive, with the first name "Gary" being more prominent.

Gary L. Mandarich, President

cc: Dee Casarez
Bruce Peaslee
George Reyes
Robert Sprague
Brian Mandarich

No report.

H. COMMUNITY FORUM

No one came forward to speak.

I. REPORT OF THE PRESIDING OFFICER AND COMMISSIONERS

None.

J. LIAISON REPORTS

1. Council Liaison to Planning Commission

None.

2. Planning Commission Liaison to City Council

None.

K. PUBLIC HEARINGS

1. CONSIDERSTION OF PLAN DEVELOPMENT AND TENTATIVE MAP 03-0004
This is an application for a Planned Development (Unit Plan) and Tentative Map to create 70 residential lots to allow the construction of 70 single family homes on the Orchards site and to create additional parcels for future school, park and open space uses.

Continued until June 18, 2003.

2. TENTATIVE MAP #02-0004. The project includes a proposal to subdivide a 30,247.44 square foot parcel into five lots ranging from 5,466 to 8,860 square feet. The subdivision would facilitate the development of five single-family custom homes on the property. Proposed CEQA Action: Mitigated Negative Declaration.

Continued until June 18, 2003.

3. Northgate Project General Plan Amendment 02-0002, Specific Plan Amendment 87-02K, Planned Development 02-0015, Planned Development 03-0008, Planned Development 03-0009. Applications have been filed for the Northgate Specific Plan area for the primary purpose of changing the planned land uses for the remaining, vacant 109+ acres located south of Columbus Parkway. The applications request: a) an amendment to the Vallejo General Plan to change the land use designation of the 109+ acre area from "Employment" to "Northgate Mixed-Use;" b) amendments to the Northgate Specific Plan to change the land use classification of the 109+ acre area from "Business Park" and "Office Park" to "Commercial," "Low-Density Residential," "Neighborhood Shopping and Services" and "Mixed Use;" c) accompanying text amendments to the adopted Northgate Specific Plan to address the changes in land uses and incorporation of the adjacent Northeast Quadrant Gateway (Planned Unit Development Nos. 575 and 582) into the Plan area; and d) Unit Plan approval for a 133-unit single-family residential development on a 27-acre portion of the vacant Plan area proposed for Low-Density Residential classification. Proposed CEQA Action: Mitigated Negative Declaration.

Staff recommends **approval** subject to conditions listed in the Staff Report.

Commissioner Morris recused himself from this item.

John Bunch: There are several members of staff involved in this project: Paul Jensen, Contract Planner; Alan Wolken, Economic Development Program Manager; Gary Leach, Asst Public Works Director and City Engineer. We will be available for questions before and after the Public Hearing.

Paul Jensen: By way of background, in 1988 City adopted Northgate Specific Plan covers 1165 acres in NE Quadrant. Most of Northgate is developed, with exception of 109+ acres designated for Business Park and Office Park use. Several years ago, the Plan was amended to permit auto sales and service land use to be developed in this area, which is otherwise limited to office, research and development, light industrial and some limited retail use. Property owners are currently proposing to change the Specific Plan to broaden the land uses for this undeveloped 109-acre area. Current Plan classifications for business and office park land uses would be replaced with new classifications for mixed use, commercial, neighborhood shopping and services and low-density residential.

As summarized in staff report, the requested changes in the allowable land uses require amendments to both the General Plan and the Northgate Specific Plan. Text and mapping amendments to the Plan have been prepared to address the proposal. Accompanying amendments to the Plan text have been drafted to bring Plan up-to-date, as most of areas have been built out delete a Park and Ride lot land use for City-owned property north of Columbus. City Transportation Division staff has determined that this is not a suitable site for park and ride lot. Incorporate boundaries of adjacent Northeast Quadrant Gateway and establish a Major Use Permit process for considering a freestanding, freeway-oriented sign for two or more new auto dealerships in Northgate and adjacent NE Quadrant areas. Amendments are proposed to the adopted NE Quadrant Gateway PUDs to address the sign process that would be established in the Northgate Plan. Incorporation of new Automall/auto center design guidelines. In addition, Unit Plan application has been filed for 27-acre portion of the 109-acre area proposed for Low-Density Residential classification. This application proposes development of 133-single-family homes on west side of Ascot (Hyde Park), which is described in staff report. I will defer details of project to applicant's presentation.

The project is subject to environmental review per CEQA. An EIR was prepared and certified in 1988 for adoption of the Northgate Specific Plan. However, circumstances have changed since 1988, which warranted new assessment of issues. Initial Study has been prepared, which identifies that the changes in the allowed land use and the elements of the specific residential proposal might result in significant environmental impacts. Major impacts are traffic, aesthetics and noise. Mitigation measures are recommended to reduce impacts. Two issues have come up during this review. Firstly, the City has received a number of letters from residents of the Tiara residential development. Their concern is the loss of a westbound, "slip" lane located next to the center median at the intersection of Tiara Drive and Turner Parkway. Slip lane is used by Tiara residents. Traffic engineers have recommended deletion of this slip lane, which would be replaced by a full, eastbound left-turn lane into undeveloped site proposed for the neighborhood shopping center use. This recommendation was studied last year and incorporated into street improvements currently under way.

It was determined that with the eventual connection of Ascot Parkway, the slip lane would be less critical to Tiara residents because of the more direct and shorter route to I-80. In addition, the traffic engineers have determined that the left turn lane into the shopping center site is needed regardless of whether this site is developed with a shopping center or if it is developed with other uses permitted under the current Business Park classification. A representative from Kimley-Horn is available to respond to questions on this and other traffic-related issues.

Secondly, a letter has been submitted by the BAAQMD, which requests that an air quality analysis be prepared. This study is being prepared and will be incorporated into the Mitigated Negative Declaration prior to the City Council review and consideration of this document.

Plan amendments and Unit Plan have been reviewed for consistency with the goals and policies of the General Plan. Most notable issue is the conversion of the land use, which would change an area that has historically been viewed as an employment center.

The staff recommendation to support this change is largely based on the current employment-based land use opportunities at Mare Island, which did not exist when Northgate was initially planned. Further, the introduction of the Low-Density Residential land use, would permit up to 150 residential units, which would still be within the residential density limit envisioned in the initial Northgate Plan adoption.

Major issues surrounding Hyde Park is the security gate. The project is proposed as a gated community. It has been the staff position and recommendation to discourage gated residential developments as they present an image that the general public is not welcomed and that the surrounding community at large is not safe.

The Planning Commission is advisory to City Council on the General Plan and Specific Plan amendments. However, the Commission has the authority to approve/disapprove the PUD amendments and the Unit Plan.

Given the complexity of and number actions, resolutions have been prepared for each action, which includes findings and conditions. Should the Planning Commission choose to proceed with recommendations in the staff report, action on the resolutions should be taken in the order in which they are presented.

Before I turn it over to Alan Wolken to address Economic Development involvement in project and process, I would like to note that there are a number of letters that have been submitted by residents of the area. Several letters, signed by about dozen Tiara residents, oppose the Neighborhood Shopping center land use for property at corner of Turner Parkway/Ascot Parkway. Also there is a letter from residents of Northgate Ascot Highlands that urges that certain restrictions be imposed on the neighborhood shopping center site to ensure that the center at this location does not result in a nuisance to the surrounding neighborhood.

Alan Wolken: Madame Chairperson and Commissioners I would like to just briefly touch base with some of the items that Economic Development Division has been involved with on this project. We have been involved with this for a number of years. Primarily to insure that the automotive dealerships in the City of Vallejo would be placed in a competitive advantage or at least not in a

disadvantage as they relate to other auto dealerships in the Bay Area. We have been working with the property owner and the auto dealerships to provide locations that are freeway oriented. Locations that will be able to meet the needs of the auto dealerships in Vallejo. We have a number of dealerships that have been very interested in the property that the developer has. To this regard, last July the Economic Development Division, the City of Vallejo, the automotive dealerships, Wilson Cornelius Ford and Team Chevrolet, along with the property owners entered into an MOU. This MOU was to include a number of components that, if they were met would allow automotive dealerships at this location. Some of the issues included signage, development design guidelines, which would ensure that the automotive dealerships that were in keeping, not only with the integrity, of the overall development components, but would also ensure that automotive dealerships were developed in such a way that it would promote automotive sales. We are also looking at CCRs on the property as well as detailed purchase agreements. All the elements I have referred to have been agreed to by all parties. We are very happy to bring that forward to you.

Regarding the uses proposed for the site. The overall site, we commissioned a market analysis last year to look at the various development components. When you see the development before you this evening, it is a mixed use development, we were very concerned that the development components would be market driven. What we did not want to see was that there were development components that would restrict the development of the property. It is imperative that we see this site developed but we also want to see it developed to the highest quality uses to the City of Vallejo. That is why we came up with the uses you will see before you this evening. We have residential, auto dealership, educational, and other commercial and retail components.

We also compared a fiscal impact analysis. This shows the impact of the project on the City of Vallejo. We also compared that to the previous uses that were approved for the site, the Office and Business Park.

Commissioner Salvadori: Around a year ago a request for zoning change for this property, a Use Permit, came before this Commission. In the area you are proposing as residential at this time a hotel and care center was projected. At that time the Commission asked for certainty that the auto mall was going to happen. We had a commitment a year ago that it was going to happen and here a year later we still don't have an auto mall and we are looking for another change to take more potential employment real estate and turn it into residential. Can you help me understand that?

Alan Wolken: Let me say that we have been working almost daily for the last year making sure that an auto mall would be part of this development. It is an extremely complex proposal that we have worked out with the automotive dealerships as well as the property owner. There are assessment districts on the property, there is also various site constraints in regards to the property owner getting the sites ready for automotive dealerships so we are happy to say the property owner has reached an agreement with the automotive dealerships to purchase those properties. There is a due diligence period but we feel very confident that the automotive uses will go forward on those sites. There are a number of other concerns in regards to signage. Freeway oriented signage is a big selling point for automotive dealerships. What you don't want to have are sites that aren't credibly acknowledge to Highway 80. That is a big, big selling point so we have been working, not only with the dealers and the property owner, but with the Planning staff to insure that the proper tools are in the document, the Specific Plan amendments as well as two PUDs which would allow for the types

of signage that is very critical and important for the automotive dealerships to be successful.

Commissioner McConnell: I would like to reserve my questions and comments until after the Public Hearing.

Terry Teeple, Pacific-Teal Development: I would like to introduce the balance of our Team: Gary Mandarich; President of Mandarich Developments, Robert Sprague & Favian Mercado also of Mandarich Developments, Bob Karn of Robert A. Karn & Associates, our Civil Engineer, Jerry Gonsalves from Stantec Consulting.

January 22nd we, along with Staff in a "Workshop" format, presented your Commission with the status of your planning efforts to that date. The goal of Staff and our Team that evening was to listen to any of your initial concerns, and then address them appropriately. Staff has in fact done that, and the issues you raised will be addressed this evening.

Terry Teeple and Favian Mercado presented a Powerpoint presentation containing the following information:

In 1998, Mandarich Developments began acquiring the Northgate property from COMAC Land. The project had been idle for the previous 5 years. Since acquiring the property, Mandarich has paid \$4,500,000 to Solano County and the City of Vallejo for delinquent taxes and assessments. Along with other home builders in the Northgate Specific Plan, Mandarich Developments has completed "The Bluffs" and "Visage", a 65 unit and a 21 unit respectfully, both single family detached neighborhoods. In addition, "Tiara", a gated 190 unit, luxury townhome community is in the final stages of completion.

In the past two (2) years, Mandarich has completed over \$6,000,000 in development site work; including the preparation of the sites that are intended to be the new homes of Wilson-Cornelius Ford and Team Chevrolet. Columbus Parkway has been constructed between Admiral Callaghan Lane and Ascot Parkway.

In an effort to best determine all of the appropriate land uses for the balance of the 109 acres of un-developed land in Northgate, the City engaged Bay Area Economics to prepare a "market overview". In the "Office Market" section of the Northgate Market Overview (specifically beginning on Page ii, of the Executive Summary), Bay Area Economics concludes -"a large number of factors reduce the short-term market feasibility of office development at Northgate. First, the large supply of Class A properties in Fairfield will dampen demand in Northgate". The Overview, in reference to a previous analysis of Solano County to determine residual office demand, goes on to say -"The study found enough pipeline supply was proposed at competing business parks to meet projected demand for new office space for at least 15 years". It goes on to state, "Second, the high vacancy rates in the inner Bay Area office markets may also limit the number of users moving to Solano County in search of affordable space". And "To the extent that office development occurs in Mare Island, this will also compete with Northgate. Third, low lease rates in Vallejo may not support new office development, particularly given the large number of assessments burdening the property. I

continue to quote -"Finally, Northgate's sloped topography, while offering attractive views, may also increase site development costs and limit demand". The Office Market section of the Northgate Market Overview dated June 2002 concludes by stating-" As a result of these factors, any office development at Northgate can expect slow absorption and will require aggressive marketing".

In the Fiscal Impact Analysis dated May, 2003, the projections for the existing, office park land uses show an absorption of the 109 acres to take in excess of twenty (20) years, and at a projected loss of \$754,000 annually. Incorporating the results of the Northgate Market Overview as commissioned by your Staff, the proposed land uses included in the entitlements before you this evening show project completion in approximately 4 to 5 years, and more importantly, generates a fiscally responsible, positive outcome for the City of approximately \$65,000 annually.

Just as this fiscal information was very important for your Staff and our Team to understand, it is equally, as important for your Commission, in making your recommendation to City Council. Both Mr. Al da Silva and Mr. Alan Wolken of your Economic Development Department, as well as your Finance Director, Mr. Fred Wright, have been involved with the Northgate Market Overview and Fiscal Impact Analysis from their inception, and agree with the conclusions. These members of your Staff, as well as Mr. Simon Alejandrino of Bay Area Economics are available to answer any questions you may have. *It is well to note that the Fiscal Impact Analysis completed just last month, under the direction of your Staff, is a direct result of Commissioner McConnell's request, at our January 22nd Workshop.* Both the Northgate Market Overview and Fiscal Impact Analysis have been provided to you, and can be found behind "Tab" 5 in your Northgate information binders.

Over this past year, Mandarich Developments has dedicated to the City of Vallejo 400 acres of Open Space on the north side of Columbus Parkway, immediately adjacent to the 109 acre Mixed Use Development before you this evening. In addition, Mandarich has already paid over \$700,000 to cure the judgements filed prior to the Mandarich ownership, and has committed to pay the City within 60 days of the final approval of these proposed land use entitlements, \$200,000 for costs that were incurred by your Staff in managing the various assessment districts...ALL of these delinquencies began accruing more than ten (10) years ago.

I think it is important to emphasize the "Public/Private" partnership that we continue to enjoy with the Solano Community College District. Just as it is important to provide a new home for Wilson-Cornelius Ford and Team Chevrolet, the incorporation into our Northgate Mixed-Use proposal of the "Vallejo Educational Center" will prove to be a tremendous asset to the Vallejo community for generations to come.

Running a parallel track to this land use entitlement process is the creation of Assessment District 2003-1 ...With the full support of your Staff, we have chosen to create this new district, in an effort to re-finance, existing Assessment Districts 58 & 64, from an existing interest rate of 8 1/2% to approximately 4 1/2%. The benefits are dramatic. Not only will the automobile dealerships and other land uses within the Northgate Mixed-Use Development be able to finance improvements at a much more favorable interest rate, residents of the adjacent

neighborhoods will enjoy a reduction in their assessments of between 25 and 30%.

The Northgate Community currently enjoys an "existing" trail system. Pro-actively, we have been working for the past several months with the Greater Vallejo Recreation District to define a "neighborhood park" that would meet the needs, not only of the land uses we propose, but also the adjacent, existing neighborhoods. I am very pleased to report that Mandarin Developments will dedicate the land and improve the proposed park of approximately six acres. It will be located immediately south of the Vallejo Educational Center, so as to provide daily enjoyment by students and faculty. Mr. Hew Hesterman is here this evening and intends to offer his support for our proposal. Our thanks to Mr. Hesterman and Mr. Sammy Gonzales, the Administrative Analyst of your Landscape Maintenance Districts.

Additional infrastructure and street improvements will be created in conjunction with the proposed Northgate Mixed-Use Plan. Columbus Parkway will be widened to its ultimate configuration between Ascot Parkway and Blue Rock Springs. In addition, Ascot Parkway will be completed between Columbus and Turner Parkways.

A comprehensive "sign program" has been developed for the entire project. The program includes directional, monument and site specific signage. This is an effort to insure a quality development, at one of the "gateways" to your City.

We have also developed Design Guidelines, and Covenants, Conditions and Restrictions or (CC&R's) to further insure the City a quality development.

The proposed shopping center will provide neighborhood-serving commercial services and additional tax revenue to the City. Pedestrian connectivity between the shopping center and Hyde Park (the proposed luxury, single family detached homes), has been provided through the land planning effort.

Much needed senior housing, which could include congregate care and assisted living is proposed for the area on the east side of Ascot Parkway, in the Mixed Use designation. Restaurants, hotels and retail uses are also proposed in this area. City Staff has been working with Extended Stay on a proposal that would include a 104 room facility. Such a facility would generate approximately \$90,000/year in revenue for the City in "TOT", or Transit Occupancy Tax, according to the information provided in the Northgate Fiscal Impact Analysis.

Hyde Park will provide an additional quality housing opportunity in the City of Vallejo. Hyde Park provides the next step up in quality from Tiara. Uniquely configured in what is referred to as a "two-pack", every-other garage is located on the lot near the rear. This affords a very pleasant street scene with "porch-forward" architecture on all four, floor plans. The site plan includes 133 homes, private streets and open space, and an elaborate, gated entry like Tiara...Typical of the quality housing produced to date in the City of Vallejo by Mandarin Developments. Two-story, single-family, detached homes range in size from 2408 -3051 square feet, and are located on lots that area minimum of 3,500 square feet.

And after nearly two (2) years in the collaborative, planning process, we have but ONE condition of approval on which we disagree with Staff. In Attachment 5, the Resolution having to do with the approval of the Hyde Park Unit Plan (PD 02-0015), we disagree with the proposed General Condition No.3 on Page 5-2. In Condition No.3, Staff is currently recommending against the proposed "gated" community; It recommends that Hyde Park be approved as a "non-gated" community. Hyde Park will continue to "raise the bar" of quality housing in the City of Vallejo, a tradition that is promulgated by Mandarich Developments. The proposed gates at Hyde Park exude quality. The gates are NOT about exclusivity!! Rather, like Tiara, the gates are about a life style that is often synonymous with quality and value. While gates provide the perception of additional security, aesthetics remain the real tangible value of a gated-community. With proposed elevation designs of English styles, Hyde Park will be priced from \$450,000. Like Tiara, Hyde Park will enable the City of Vallejo to continue to attract buyers that would otherwise be shopping for a new, luxury home in neighboring Fairfield or American Canyon.

In the spirit of compromise, and in the interest of providing Staff, your Commission and the City Council a solution to the question of Hyde Park being a gated vs. non-gated community, we offer the following modification to proposed Condition No.3: That you recommend gating Hyde Park, with the proviso that the gates be left open every day between the hours of 7:00 am and 6:00 pm. This will enable all services to the homeowners of Hyde Park to be served during the day, such as Fed-Express, UPS, the Postal service, utility and trash collection companies, visitors, guests, etc.. And, that the gates be programmed to be closed from 7:00 pm to 6:00 am thereby only open to homeowners and invited guests. Just as it is provided at Tiara, the appropriate "KNOX BOX" facilities will be installed to allow ingress of emergency vehicles. We would respectfully request your support for our proposed compromise.

On July 30th of last year, your City Council unanimously approved a Memorandum of Understanding. This four-party agreement was between the City of Vallejo, Wilson-Cornelius Ford, Team Chevrolet and Mandarich Developments. The MOU (as it is referred to), was later acted upon by City Council on December 17th of last year. Their action in December extended the terms of the MOU through the end of this month, providing time to complete the land use entitlements for Northgate; the actions that are before you tonight. It has not been an easy process! But nothing of this magnitude is ever easy. Staff will verify that Mandarich Developments has fulfilled all of our obligations under the terms of the MOU.

The Mandarich Development Team would be remiss, if we did not take this time to publicly thank the following people: Members of your very able Staff; John Bunch, Brian Dolan, Gary Leach, Tanner Aksu, Sammy Gonzales, Al da Silva and Alan Wolken. We would also like to thank Paul Jensen, the out-source planner who has done a masterful job on a very complex project. Your City Manager has provided terrific leadership in guiding all of us through a process that will now pay great dividends to the City of Vallejo. Also special thanks to the representatives of the Solano Community College District and to my longtime acquaintance, Mr. Hew Hesterman of the Greater Vallejo Recreation District. In my 35 years of land use entitlement, I have never had the "opportunity" to deal with automobile dealerships. With all sincerity, I personally wish to thank Jack Wilson, Rod Cornelius and Kenny Ross for tolerating my sick humor, for the spirited debates, and for putting a different spin on my next car-buying experience.

The land uses proposed in this proposed Northgate plan are justifiable on the basis of excellent land use planning and compatibility, and on fiscal responsibility.

The collaborative planning process has worked!!! We are ready to implement the Northgate Plan. With our proposed compromise to Hyde Park condition of approval no. 3, we request that you move staff's recommendations.

Our design and development team will do our best to answer any questions you might have. Thank you for indulging me in this lengthy, but very important presentation.

Ralph Miller: I live at 2267 Garnet Drive. My family and I live on the corner of Turner Parkway and Grnet Drive, about 30 yards from the intersection of Ascot and Turner, catty-corner to Tiara. We lived there 2 years before Tiara was even begun.

We realize that we cannot stand in the way of development, and indeed we applaud Vallejo for attracting a prospering new group of homeowners which will strengthen the tax base and enliven the city in many other ways. Since Tiara was built, however, we have experienced unpleasant side effects.

Adequate parking was not mandated in Tiara, and subsequently the overflow parking has spilled onto our streets. Many of the cars are old and beat-up, some are 'live-in' vans, some are virtually abandoned and have to be towed. The owners of these cars are strangers to us and our children, who play in our cul-de-sac, one of the major reasons we purchased a house there in the first place. Drivers also use the cul-de-sac to turn around in (about 10 plus times per day) while they are searching for a parking place. The parking in front of our houses is frequently taken over by these Tiara residents and therefore unavailable to our family and visiting friends.

May I add parenthetically that the Tiara parking situation has never been adequately resolved and continues to this day. When Ascot Parkway is cut through to Columbus, which should happen soon, and the stretch of Turner between Ascot and Garnet Drive is re-striped for 'No Parking,' we fully expect the cars that now park there to be parked in front of our houses also. We think the answer to this problem is the issuance of parking permits to Garnet Drive residents (even for a small fee), which will make Tiara interlopers unwelcome. Notwithstanding the fact that these are 'public' streets, we did not purchase homes with a view to having hordes of gated-community dweller leaving their cars in front of our houses and traipsing a few blocks to their secure and well-landscaped town houses, behind the walls. We appeal to the Planning Commission to study the parking-permit solution as soon as possible.

We live also quite near the Gateway Plaza shopping mall. I walk nearly every day along Turner Parkway and there find abandoned carts from Target, Ross, Longs, Office Max, Costco, Home Depot, Cost Plus, Marshalls, and Linens In' Things, as well as litter from Wendy's and Taco Bell. If there is a new strip mall built between Turner and Columbus Parkway, it is bound to aggravate this problem.

As a 12 year Vallejo resident with a son in Vallejo schools and a wife who is employed by the Vallejo School District, I believe current residents should have responsible input into the restrictions that will be placed on future commercial and residential developments that directly impinge on our quality of life. Like most developers, Mr. Mandarich does not live in the communities he intends to build. Whatever long term consequences may arise from his developments are not his ultimate concern. The people who live adjacent to his development will suffer such consequences in their daily lives and in the future impact such developments have on their property values, which are their largest investment, and for many, who are like me retired, their *only* investment.

We residents of Garnet Drive adjacent to Tiara are alarmed at the thought that the new residences and shopping mall intended for the land under review tonight will 1) not have adequate parking, as Tiara does not, resulting in overflow parking on our streets, and 2) will not have adequate restrictions on merchants to prevent the abandonment of their shopping carts on our streets and intersections. We believe that both of these matters should be addressed by the Planning Commission before any permission is granted to continue with this development.

In addition, we are concerned that the presence of many new car dealerships along Columbus Parkway will result in even more 'drive-throughs' and 'turnarounds' by customers and salesmen test driving new vehicles since our streets are the closest ones to the dealerships. We believe that the dealerships must make formal commitments in advance to the City that they will restrict such behavior. There is already much unwarranted turning around and otherwise hair-raising traffic in the area, and aggravating that by adding to it the dealership traffic would be-as the other traffic is already- truly intolerable.

We hope the Planning Commission will see fit to impose these reasonable restraints on future developments in this area. Thank you.

Paulette Perfumo: I am the Superintendent/President of Solano Community College. It is a pleasure to be with all of you here this evening. As you heard earlier in the presentation this evening, it was Vallejo who predominantly helped us get our bond act through. Thank you. We are building a state of the art, higher education building here. We will have Solano Community College in partnership with Sonoma State to provide quality higher education to the citizens of Solano County. I hope by now you are all in receipt of my letter dated June 9, 2003. I have urged you to support the amendment to the Vallejo General Plan. May 12th I attended a public forum at Jessie Bethal High School. There was enthusiastic support for the Solano College Center. The predominant quote I heard that night was "When can we start taking classes in our center?" The community that was present there that evening are very enthusiastic and are already looking forward to the new campus here in Vallejo. We hope to build a 15,000 square foot facility. It would bring state of the art, higher education to Vallejo. It would utilize approximately 10 acres of the Northgate mixed-use development. Commissioner Salvadori asked if this was the selected site. We currently are calling it the preferred site. We are still in negotiations with Mandrich Development but we are hopeful that we will be able to reach a satisfactory agreement in those negotiations. In terms of economic development the value added component of higher education for the community has been well documented and it is my strong belief as someone who majored in economic development and did doctoral work in that field, that the community of Vallejo

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has nothing but gain as a result of this partnership. I have to say that everyone that I have worked with to date in the community has been very, very enthusiastic and supportive. You may be aware that Anita Hawkes is on our citizen's bond oversight committee from the Chamber. We are just delighted with the support and look forward to your support of the amended plan so we can continue to pursue that 10 acres for higher education use. If you have any questions I will be glad to answer them. Thank you.

Commissioner Salvadori: I would like to hear from the auto dealership representatives.

Chairperson Engelman: Mr. Wilson and Mr. Ross would you like to step to the podium please and state your names.

Jack Wilson: Wilson Cornelius Ford, I would like to say that it has been a long process to get us to where we are today. It is my understanding that we have an agreement where all parties are satisfied. We look forward to the development of an auto mall that will be state of the art. It will be something that the City will be proud of, be something that will generate tax income for the City, as well as provide enhanced environment for people who want to shop our dealerships for cars. Thank you.

Ken Ross: Commissioners, as recent as this afternoon we seem to have all our i's dotted and t's crossed and have reached an agreement. In answer to your earlier question about sales tax, last year I believe the number was \$461,000 and traditionally an auto mall you will get 125% to 150% increase, thus the risky investment. Thank you for your support.

Chairperson Engelman closed the Public Hearing.

Commissioner McConnell: Mr. Jenson thank you for incorporating some of my requests from the January hearing into your findings about the financial impact upon the City. I note that in exhibit 5 of the Northgate Development on page iii, you project a substantial increase in the amount of revenue to be received by this City. This is based upon a model I assume. Can you explain a little about the assumptions that model is based on?

Gary Leach: The model was put together by Bay Area Economics. Simon Alejandrino may be able to explain the numbers that they use. It's a pretty typical model that they put together based on floor plates, square footages of buildings to come up with the cost and revenues that they attribute to the various uses that are proposed for the site. We are using very conservative numbers because there is no guarantee and we want to insure that we don't over inflate our estimates.

Commissioner McConnell: This increased assumption of revenue is based on what?

Simon Alejandrino: I am as Senior Associate at Bay Area Economics and we have worked for the City of Vallejo on a number of different projects. What we do in most basic terms is take a look at the land use program, both the current and proposed plans. We take a look at the number of employees and residents that

would be generated under each of these plans. If you look at your packets you will see that on the revenue side we take a look at property tax, property transfer tax, sales and use tax, etc. On the cost side we look at public service costs, police and fire costs, community based funding costs, and general government overhead function as well.

Commissioner McConnell: In the event that the State was to rework Prop 13 and place a larger value on residential property. Do you believe the addition of residential housing in this area would benefit the City?

Simon Alejandrino: I think it certainly would. Currently one of the main issues is that Prop 13 limits the amount of property tax that the City can receive and given the fact Bay Area housing market, extending up through Solano County, continues to go strong I do believe that the addition of residential component will be a net fiscal benefit assuming that Prop 13 is changed to increase the value of these homes.

Commissioner McConnell: Most of the concerns we have received from the public seem to revolve around traffic concerns. You made the projection that after this area was developed most of the people would not be using Ascot and Turner Parkways. Would they be going down Columbus Parkway?

Gary Leach: What I was referring to was the slip lane at the intersection of Tiara Drive and Turner. What the traffic engineers concluded was that the deletion of that slip lane was not critical because once Ascot Parkway is connected to Columbus Parkway it provides an easier route for residents to get to I 80. It should take some of the current residential traffic from Admiral Callaghan and Redwood away.

Commissioner McConnell: Are there any projections to expand Admiral Callaghan in the near future to four lanes or change the off ramp of I 80?

Gary Leach: We are working with Cal-Trans to revise the off ramps there at Redwood to relieve that situation. What that would do is the East bound off lane to Admiral Callaghan and to Redwood would be combined and we would be eliminating a lot of left turns there. It is hard to explain without a picture. Because of the State budget we are having to renegotiate with Cal-Trans as to the time frame of this project but we are trying to keep that project in the budget. I don't feel we can address traffic speed in this type of document. It is more of an enforcement or design issue.

Commissioner McConnell: In the past we have imposed on developers that they provide a garbage retrieval system. Would anyone on staff have objections to that as a condition?

John Bunch: There are a number of issues that will likely have to be addressed at the time that the commercial center comes to us including parking, garbage and also shopping carts. They need to be addressed at the project approval stage. Those would naturally come back for City approval. We have already indicated to the neighbors that we are very willing to take a look at these issues and intend to apply conditions that address their concerns. We will make note of the test driving in that area and will be discussing it with the auto dealerships.

Commissioner McConnell: Staff is against the gated community concept even with modified hours?

John Bunch: The perception on the part of the people on the outside of these communities is that they are not welcome. Also, that there is a need for this additional security because the community is not safe or at least not as safe as some people would like. I am not sure that that image or message is one that this community wants to put forth. We have recommended no gates in this project, in a prior Hiddenbrooke project, and we are likely to continue. It's really the image that we are concerned about. If the Commission wants to agree to a compromise that is something that you can do. If you were to agree to a compromise I would certainly suggest that the gates be closed for the minimum amount of time. Even with the gates open during the day, you are still going to have that image. It is just that the gates won't be totally closed. We would prefer 10 pm to 6 am over what the applicant is suggesting.

Terry Teeple: We think that there are circumstances with some types of housing where the image of quality and luxury justifies the gates. I have personally worked on approximately 15 gated communities. Half of them ended up with the compromise we proposed. We do not believe this denotes anything negative about the City of Vallejo at all. We would be willing to adjust the hours but I believe strongly that the gates are part of the overall project.

Commissioner Salvadori: Where are the people that use the proposed park supposed to park?

Paul Jensen: That was a question that came up early on. Given the size and nature of the park and working with GVRD it was determined that the type of park that this is, is really for the needs of the residents of the neighborhoods that it abuts. Most of the access would be pedestrian or bicycle. There is pedestrian access off of Irene Drive, April Court, and Ascot Parkway. There is also access from Columbus Parkway too. This is meant to be a neighborhood park, we did not want people coming from a distance to use this park. They could park and use it if they wanted but it is primarily a neighborhood park.

Commissioner McDowell: How many levels are we talking about for the office buildings in this Northgate project.

Paul Jensen: The height limit set by the specific plan is 45 feet and that would allow a 3 story building. There could be 4 stories for residential complexes. I believe the developer has a two story office building in mind. The educational building could also have a maximum of 3 stories. I believe the college has a two story building planned also.

Commissioner Turley: We have received six letters from residents and neighborhood groups as well as one from the Bay Area Quality Control. They are concerned with traffic and the air quality from this increased traffic. They are also concerned with added trash and shopping carts being taken from the center. I believe they have not had time to get their act together so to speak. I think we should give them more time to organize. Perhaps the residents should get together with the developers.

Commissioner Salvadori: All of the things that are projected at Northgate could go forward if we do not make the zoning change except the residential. Is that true.

John Bunch: The developer has sponsored a neighborhood meeting with the neighbors to talk about these issues. They have also talked to many of them individually. That does not mean that additional consideration could not be given, but there has been an attempt at outreach before this hearing.

Commissioner McDowell: Does the City agree with the compromised gated hours? I am not comfortable with the slip lane deletion and how it works. Can you share some more information on this subject?

John Bunch: We continue to oppose the gated community. If you are going to consider it we think the hours should be reduced from what is being proposed. We told the developer all along that we would not agree to a gated community even with limited hours.

Gary Leach: Currently the left turn from Tierra onto Turner has a very small slip lane. When a left turn lane is put in it will eliminate the slip lane. We have done site distance studies and there is adequate site distance without that slip lane.

Commissioner McDowell: What we want is the best design you can come up with. Is this the best you can come up with. We don't want to come back a little later and find there was something better.

Gary Leah: We believe that this configuration will relieve a lot of the current traffic as well as the traffic generated from the new development. I believe there will be a significant change in the traffic patterns once this development becomes a reality. It will be more convenient and safer.

Commissioner Salvadori: We have no problem developing residential areas here but we have a terrible problem developing employment opportunities here. What guarantee can you give us that the auto mall will be built before the residences?

Gary Mandrich: Over two years ago we developed a plan with the auto dealerships on how to grade the ground and what needed to be done so that construction could begin. The City was involved in this also. Over the last two years I have followed through with commitment to develop the property. If they want to go start today they can go start. The way that this has been presented to everyone is that the economics, the price I gave them, was predicated on half the project. So I gave them a well below the market price. When we did the MOU we went forward with the package. As for timing I went as fast as I could to get the autos there. Everything is ready right now. We walked the site as we were grading it. We staked out where their buildings would go. We are ready for them to go forward.

Alan Wolken: If I could add, the auto dealers as well as the City have been working with Mr. Mandrich to insure that all three party's needs were met. I don't want it implied that only one party was working. The auto dealers as well have been working very diligently to make sure that their needs are met as a part of

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this deal. They are taking a substantial risk in going to this new location from their current facilities.

Commissioner Salvadori: Alan, how secure are you that the autos will be being sold before people are living in their houses?

Alan Wolken: We are confident that the auto mall will be done before the final units of the residential component are completed.

Chairperson Engelman: On a personal note I do believe that Mr. Wilson and Mr. Ross said that their deal had been brokered and were satisfied and would probably be moving ahead. I am confident in them.

Commissioner Turley: I have to say that I will have to vote no. I do not believe that we have given the public enough time to voice their opinions and meet with the developers to try to resolve their concerns. I believe this is a great project but I believe we should take a little more time.

Commissioner Richardson: I would offer a motion that the package be accepted as is. Clarification is that we would be voting for no gated community as per the Staff Report.

Adopt the draft resolution recommending to the City Council the adoption of the Mitigated Negative Declaration and approval of the Mitigation Monitoring and Reporting Program (Attachment 1).

AYES: Richardson, Salvadori, Engelman, McConnell, McDowell.
NOS: Turley.
RECUSED: Morris.
Motion passes.

Adopt the draft resolution recommending to the City Council the adoption of General Plan Amendment #02-0002 based on the findings and subject to the text amendment and map amendments outlined in the resolution (Attachment 2).

AYES: Richardson, Salvadori, Engelman, McConnell, McDowell.
NOS: Turley.
RECUSED: Morris.

Adopt the draft resolution recommending to the City Council the adoption of Specific Plan Amendment #87-02K, amending the Northgate Specific Plan based on the findings and subject to the additional text amendments outlined in the resolution (Attachment 3).

AYES: Richardson, Salvadori, Engelman, McConnell, McDowell.
NOS: Turley.
RECUSED: Morris.

Adopt the draft resolution approving, subject to City Council adoption of Specific Plan Amendment #87-02K, Planned Unit Development amendments PD03-0008

and PD03-0009, amending Northeast Quadrant Gateway PUD #575 and PUD #582 based on the findings and subject to the text amendments outlined in the resolution (Attachment 4).

AYES: Richardson, Salvadori, Engelman, McConnell, McDowell.
NOS: Turley.
RECUSED: Morris.

Adopt the draft resolution approving, subject to City Council adoption of Specific Plan Amendment #87-02K, Unit Plan PD02-0015 (Hyde Park residential development) based on the findings and conditions outlined in this resolution (Attachment 5).

AYES: Richardson, Salvadori, Engelman, McConnell, McDowell.
NOS: Turley.
RECUSED: Morris.

4. Planned Development #02-0009 and Tentative Map #02-05. This is an application for a Planned Development to allow the construction of 11 two-story, duet homes, for a total of 22 units, in an established neighborhood. In addition, this is an application for a Tentative Map to subdivide a 2-acre site into 22 individual parcels ranging from 2,705 to 4,532 square feet. Proposed CEQA Action: Mitigated Negative Declaration.

Staff recommends **approval** based on the findings listed in the Staff Report.

Katherine Donovan: This project would provide 22 units of housing as duets, so they would be side by side with yards between the sets. There would be two models, both would have two bedrooms, two baths, and would be two story. They provide two car garages. One of the models is 1700 square feet; the other is almost 1500 square feet. The project is designed so that along Mini Drive the front elevations would face Mini Drive. There is a private road that runs through the development and the garages for both sets of units would face that private road. The houses that face Mini Drive would have yards on both Mini Drive and the private road. The units that are on the private road only would have yards that faced the private road and private backyards.

Commissioner Salvadori: With all the driveway entrances on the private road there would be very little street parking. This is a road with very few residences on it. Are they going to be able to afford to maintain a private road?

Katherine Donovan: Yes its true that on the private road, there would be little street parking. I believe there would be a total of eight spaces. AS to whether the residents can afford the private road, the project is designed to support that. Vallejo Neighborhood Housing has experience with this type of project. I suspect that they would be able to. I think the Vallejo Neighborhood Housing representative could better answer that question.

Commissioner McConnell: There is a public comment from a lady requesting a stop sign installation at the intersection of Mini Drive and Stanford. What is staff's position on the feasibility of requiring that stop sign?

Katherine Donovan: I checked with our City Traffic Engineer and there are specific standards that must be met. The one standard that may apply is that the

of the project, Environmental Science Associates prepared a study. The conclusions of the study have been incorporated in the revised mitigated negative declaration which is before Council this evening.

Mr. Jensen stated that the plan amendments and the unit plan have been reviewed for consistency with the goals and policies of the General Plan. The most notable issue is the conversion of the land use which would change an area that has historically been viewed as an employment center. The recommendation to support this change is largely based on the current employment base land use opportunities at Mare Island which did not exist at the time Northgate was initially planned. One of the major concerns regarding the Hyde Park project and the appeal is the issue of the gated community.

Mr. Bunch stated that the City and Mandarinich Developments have worked together to try to resolve the issues. Nearly all the issues have been resolved with the exception of the issue of a gated community. Mandarinich Developments believes that a gated community provides an additional amenity as well as an image of security and exclusiveness. Mr. Bunch stated that it should be noted that this is a marketing approach and Mandarinich Developments believe it has a potential for a higher value and faster sales for the project. The proposed gating is not because the area is unsafe.

Mr. Bunch stated that staff understands the developer's perspective. However, the City must concern itself primarily with how the image may affect the rest of the surrounding community. He stated that gates project an image of segregation and exclusion. They separate residents rather than join them together. The Planning Commission has addressed this issue previously and in both projects, the Commission has agreed with staff that the gates are not desirable and that they should be eliminated. Staff supports the over-all design for the Hyde Park project, including the entry features. The developer has been very careful to convey a distinct image of quality for their projects.

Councilmember Rey asked how many other projects in the City are gated. Mr. Bunch stated that there are approximately six projects.

Terry Teeple, Pacific Teal Development, representing the Mandarinich Development Group, Applicant, read the following comments into the record:

"In 1998 Mandarinich Development began acquiring the Northgate property from Comack Land. The project had been idle for five years. Mandarinich has paid \$4,500,000 to Solano County and the City of Vallejo for delinquent taxes and assessments not paid by the previous developer. Along with projects by other home builders in the Northgate Specific Planning area, Mandarinich Developments has completed 65 and 21 units respectively, both single family, detached neighborhoods. In addition, a gated, 190 unit luxury townhouse community is in the final stages of completion. In the past two years, Mandarinich has completed over six million dollars worth of development in the site work of the 109 acre property, including the preparation for the sites that are intended to be the new homes of Wilson Cornelius Ford, Team Chevrolet, and Vallejo Educational Center for Solano Community College and Sonoma State College; and Columbus Parkway has been constructed between Admiral Callaghan Lane and Ascot Parkway. In an effort to best determine all the appropriate land uses for the balance of the 109 acres of undeveloped land in Northgate, the City as was mentioned in Engated Bay Area Economics to prepare a market overview, specifically in the office market segment of that overview. Beginning on page ii of the Executive Summary their economics

concluded a large number of factors reduced the short-term market feasibility of office development at Northgate. This was the springboard of your efforts on behalf of you staff and ours to come up with what then would be acceptable land uses to all."

"In the fiscal impact analysis dated May of this year, the projections for the existing (that would be the existing now) office park land uses show an absorption of the 109 acres in Northgate to take an excess of 20 years at a projected loss to the City in excess of \$750,000 annually. Incorporating the results of the Northgate Market Overview as commissioned by your staff, the proposed land uses included in the entitlements before you this evening show projected completion in approximately 4-5 years and more importantly generate a fiscally responsible positive outcome for the City of in excess of \$65,000 annually. This fiscal information was very important for your staff as well as our team to understand. Mr. Al da Silva, Economic Development Director, as well as your Finance Director, and your City Manager, have been heavily involved with the Northgate Market Overview and fiscal impact analysis from their inception and agree with their conclusions. These members of your staff as well as members of the Bay Area Economic staff are, as you know, available tonight to answer any questions that you might have."

"Over the past year, Mandarich Developments has dedicated to the City 400 acres of open space on the north side of Columbus Parkway immediately adjacent to the 109 acres that are proposed for mixed use before you this evening. In addition, Mandarich has already paid over \$700,000 to cure back judgments filed prior to the Mandarich ownership and has committed to pay the City within 60 days of the final approval of the land use entitlements \$200,000 for costs that were incurred by the staff in managing the various assessment districts. All of these delinquencies began accruing more than ten years ago."

"I think it is important to emphasize also the public private partnership that we continue to enjoy with the Solano Community College District and more specifically the new President, Dr. Paulette Perfumo. Just as it is very important to your city to provide a new home for Wilson Cornelius Ford and Team Chevrolet, incorporation into the Northgate mixed use proposal of the Vallejo Educational Center will prove to be a tremendous asset to the City of Vallejo community for future generations to come."

"The Northgate community currently enjoys an existing trail system. Proactively we have been working for the past several months with the Greater Vallejo Recreation District to define a neighborhood park that would meet the needs of not only the land uses we propose this evening, but also the adjacent existing neighborhoods. I am very pleased to report that Mandarich Developments will dedicate to the City and improve the proposed park of approximately six acres. The new facilities will include three picnic areas, a tot lot and be connected to the existing trail system. It will be located immediately south of the Vallejo Education Center so as to provide daily enjoyment by the students and the faculty alike. Mr. Hugh Hesterman is here this evening and he represents the Greater Vallejo Recreation District and he is full support of our efforts in that regard. We would also like to thank Mr. Sammy Gonzalez, Administrative Analyst in your landscape maintenance districts for the great help that he provided."

"The proposed shopping center will provide neighborhood serving commercial services and generate additional tax revenue for the city; pedestrian activity between the shopping center and Hyde Park, the proposed luxury single family detached homes has

been provided though the land planning effort. Hyde Park will provide in additional quality housing opportunity in your City. Hyde Park provides the next step up in quality from Tiara. Uniquely configured in what we referred to as a two-lot configuration that we have the garages located near the rear of the lot provides a very pleasant street scene with porch forward architecture on all four floor plans. The site plan includes 133 homes, private streets, open space and as you have heard much about, an elegantly planned gated entry. Typically the quality housing produced to date in the City of Vallejo by Mandarin Developments--this is just another example of that. The two-story, single family detached units range in size from 2,408 to 3,051 square feet and will be located on lots of a minimum size of 3,500 square feet."

"After nearly two years of the collaborative planning process, we have but one issue, one condition of approval on which we disagree with your staff and the recommendation that has come to you this evening from the Planning Commission. In Attachment 5, it is the resolution that you have described Mr. Mayor having to do with condition No. 3 and the gated entry. It recommends that Hyde Park be approved as a non-gated community. Hyde Park will continue to raise the bar of quality in your city. A tradition that has been promulgated by Mandarin Developments since their inception of building projects in your city. The proposed gates at Hyde Park exude quality; it is not about exclusivity, rather, like Tiara, the gates are about a life style that is often synonymous with quality and value. While gates provide the perception of additional security, aesthetics remain the real tangible value of a gated community. With an elevational design of English style, Hyde Park anticipates a beginning price point of \$450,000. Like Tiara, Hyde Park will enable the City of Vallejo to continue to attract buyers that would otherwise be shopping for a new luxury home in neighboring Fairfield or American Canyon. We feel strongly about including the gates in the approval of Hyde Park. So much so we have formally appealed the decision of your Planning Commission that is before you tonight."

"The reasons that have been stated in our appeal letter include the gates are perceived as a desired amenity by perspective home buyers, much like tennis courts or pools. Based upon our experience at Tiara, a luxury gated community in Vallejo homeowners stated that this amenity was a primary reason for purchasing their home. Hyde Park include parks that will be owned and maintained by the homeowners association and these parks should not be used by the public at the expense and liability of the Hyde Park Homeowners Association. Hyde Park as approved by the Planning Commission will provide the City of Vallejo with a luxury housing development and such a development is typically associated with a gated community, thus bringing better economy to the City. Providing gates at Hyde Park development will also be competitive with the luxury housing in the region, and finally, the streets within the gated community will be maintained by the homeowner's association providing a savings to your City. We will respectfully request your support for the appeal and thereby allow the entry gates at Hyde Park."

"One year ago tomorrow night, your City Council unanimously approved a Memorandum of Understanding. This four-party agreement between the City, Cornelius Ford, Team Chevrolet and Mandarin Developments was a document that was unprecedented. It took a lot of work to get it done. The MOU as it is referred to was later extended by the City Council on December 17, 2003. Your action in December to extend the MOU provided time for us to complete the land use entitlements that are before Council tonight. It has not been an easy process but I'm pleased to say that we have worked out all but one issue. Mandarin Development steam would be remiss if we would not take

a brief opportunity to thank members of your staff including John Bunch, Brian Dolan, Gary Leach, Tanner Aksu, Sammy Gonzalez and Mr. Da Silva. We would also like to thank Paul Jensen who has done an exemplary job as your contract planner on this project. Your City Manager has provided tremendous leadership in guiding all of us through a very, very tough process over the last nearly two years. The land uses proposed in the Northgate plan are justifiable on the basis of excellent land use planning and capability and they are fiscally responsible. The collaborative process has in fact worked. It has worked well for us. We are ready to implement the plan. We request that you will honor our appeal to allow the Hyde Park project to be a gated community and move the balance of staff's recommendations and again our staff will try to answer any questions you may have. Thank you."

Mr. Bunch responded to the comments by saying that it was noted by Mr. Teeple that gates would provide an aesthetic benefit to the project. He stated that his observation would be that this is going to look like a high end luxury project with or without the gates. The entry features would remain the same without the gates.

Speakers: Jim Heron expressed his concern about the traffic plan and the new entrance to the commercial center located on Turner Parkway directly across from Tiara Drive. He asked that work that is already started at Turner Parkway and Tiara Drive be stopped and make the minor revision to keep the residents safe, maintain the established traffic flow and eliminate the risk to the City of Vallejo.

Debbie Dean, Ascot Highlands, stated that the homeowners want to contribute to the success of this development. She described the impacts the growth has had on their subdivision including trash, shopping carts, graffiti and vandalism to shopping center walls and to the entrance of the subdivision, speeding cars, and abandoned vehicles. She asked that strict guidelines be placed on the developers in the designing and building stage as well as making them accountable for the people who occupy these projects after completion, particularly with respect to shopping cart retention and collection, fines for overflow of garbage and requirements for parking lot upkeep and landscaped areas in a timely manner, and the clean up of the bus areas. She further stated that there must be adequate parking for the gated community so the parking does not overflow into their subdivision. They feel gating the project would give an appearance of being unsafe. Mandarin Developments has been working with them to resolve the issues, but the goal is to make sure the projects as well as future projects are still beautiful after the developer is gone.

Martha Ray, Ascot Highland Homeowner, addressed the safety issue concerning traffic on Turner Parkway and the test driving that will take place due to the auto dealerships that are planned for the area.

Clyde Dean, Ascot Highlands Homeowner, asked that the proposed shopping center not be approved until more stringent restrictions are placed on all new development of shopping centers within Vallejo. They asked that existing homeowner's rights be considered. He discussed the problems such as shopping carts being left on the streets, litter, and parking caused by the residents of Tiara subdivision. They are asking that before they approve the development, they impose restrictions that will protect the surrounding neighbors, the City and those that shop in the area, such as including large trash enclosures, locking mechanisms on shopping carts, no large street/monument signs allowed on a corner wall at Turner and Ascot.

Robert Head questioned the enforcement of ordinances and asked if there was a provision for third party enforcement. He supports comments of his neighbors particularly their concerns about traffic safety.

Ralph Miller, Ascot Highlands homeowner, addressed the parking and traffic issues both current and future stating that the Tiara subdivision did not provide adequate parking for its residents and consequently the over flow parking has spilled onto the Ascot Highlands' streets. He also addressed the trash and litter problem as well as the "used car" appearance of the area, the increase in traffic that the new development will bring, and the potential for crime. He questioned how much of the revenue the proposed development will bring will be designated to traffic, litter and parking enforcement in this neighborhood.

Helen Miller stated that their dispute is not with Tiara. She addressed the traffic problem including cars doing "doughnuts" in the street and expressed concern about how the city will enforce the laws. She asked Council not to grant the appeal for the gated community.

Mayor Intintoli closed the public hearing.

Mayor Intintoli stated that this community has needed an auto mall for a long time and this is a major step in that direction. Further, we have been waiting for a long time for a Solano College campus which is also contemplated in this development. He stated that he does not support the issue of gating communities. He asked Gary Leach, City Engineer, to address the slip lane.

Mr. Leach referred to exhibits and described the present situation concerning people using the slip lane as an acceleration lane turning out of Tiara onto Turner Parkway. He stated that in his opinion, this is not a safe maneuver. The proposal is to replace the acceleration lane with a left turn lane into the commercial center. Without the left turn, access to the commercial center would be severely limited. The left turn lane is required for access into the commercial center.

Mr. Leach stated that in order to mitigate this, they have added a condition to the Specific Plan requiring the developer to construct and open the traffic from Ascot Parkway to Columbus Parkway prior to implementing the left turn lane. The developer has agreed to wait until Ascot Parkway is opened to Columbus Parkway before continuing to build the left turn lane. Mr. Leach further stated that they have removed vegetation along the frontage of Tiara to increase the site distance for people coming out of Tiara. This meets the site distance design criteria for 45 MPH speed limit.

Mr. Leach stated that in reviewing the traffic projections, the amount of cars turning left out of Tiara during peak hours is significantly less than the amount of traffic that is projected to turn into the commercial center during peak hours. In terms of the overall safety for the general public, staff believes this is a better configuration than keeping it like it is. Further, with the left turn lane, instead of turning left from a three lane it will give those people coming out of Tiara a better indication of what the east bound vehicles are doing. These are the reasons staff believes the left turn configuration as proposed is a better and safer design that what is currently there, assuming that this is going to be developed as a commercial site.

Councilmember Pitts referred to the situation at Redwood and Skyline, noting the number of accidents that have occurred at this intersection asked if any thought had been given to installing stop signs similar to the four-way stop on Admiral Callaghan Lane at Safeway.

Mr. Leach replied that they had not considered this explaining that at the Safeway site, there is significantly more traffic than there would be in this location in terms of the commercial development and the Tiara residents. He does not think it would be a good location for a stop sign.

Councilmember Pitts stated that in the interest of safety she would like to see the stop sign investigated. She went on to say that another potential site that should be considered is at Redwood and Skyline. She stated that a stop sign should be seriously considered because this could open up the door to litigation.

Mr. Leach stated if the stop signs aren't warranted, or the public doesn't observe them as being needed, people have a tendency to run them and the liability for people running stop signs that are not warranted is just as great as not having a stop sign.

Councilmember Pitts referred to the gated community concept and stated that what concerns her about a gated community is the parking that apparently has resulted with Tiara, and the issues raised with the parking on streets outside of Tiara. She would like to know how the developer intends to mitigate those types of problems.

Gary Mandarich, Developer, stated that there are no less than five parking spots per house which is no less than what any other neighborhood would have gated or not gated.

He stated that the issue of overflow parking was brought to his attention, and as a result he met with the Ascot Homeowners and over the past year the Tiara residents formed a parking committee to enforce the CCRs within the Tiara subdivision, and put people on notice that they are only allowed two cars, plus guest parking. There are a few people that have additional cars and are abusing the rules. Early in the process John Bunch asked to have more restrictions on the sales and from that point forward, (over 18 months ago) they asked people to sign a separate document stating that they are completely aware of the parking requirements for Tiara. Since that date, the number of vehicles that are overflowing has not increased. Out of 190 homes in Tiara, of which about 180 are occupied, there are about 8-10 cars that might be overflowing. A few of the people are still not in compliance. They have been to the hearing committee and they will be moving out of the area, thus reducing it further.

Mr. Mandarich stated that they work very closely with the City to reduce the lighting levels on the Mall. They have put a maximum foot candle on the auto mall of 65, and an average of 50. They have spent the last 20 months working with staff to resolve many of the issues.

Councilmember Pitts asked if there was an ordinance against limited parking signs to keep people from parking overnight or for extended periods of time.

Mr. Leach stated that this could be done but it would affect the residents that live in the

area, and enforcement is also an issue.

Councilmember Donahue stated that after looking at the slip lane, he agrees that it needs to remain because it is dangerous particularly if there is going to be a left turn lane going into the shopping center. He supports what Councilmember Pitts recommended—a four-way stop or keep the slip lane. This is a matter of safety. He would like this language included.

Councilmember Schivley asked why a stop signal is not being required at the location? Mr. Leach replied that the traffic volume does not warrant a signal or a stop sign and it would be very close (450 feet) to the other signal. Councilmember Schivley stated that she would like to consider a stop signal at that location. She went on to say that the City is going to an additional expense in the reopening of Georgia Street (where it enters Mare Island Way) to make it a 90-degree entry because of visibility and safety and she agrees with Councilmember Pitts that the issue is safety. Although the traffic volumes now don't warrant it, as that area continues to build, the traffic will increase. She believes the developer is responsible for the cost and, therefore, she would like a signal installed before someone is injured and before it becomes a major safety problem.

Councilmember Schivley asked the residents of Ascot Highlands if they would be amendable to permit parking.

A resident stated that she has tried everything, including permit parking, and when it gets down to the issue of Code Enforcement, the City has never had the manpower to enforce it.

Councilmember Schivley stated that it is not Code Enforcement that monitors it, it is the Police Department. The resident replied that she was also told that the Police do not have the time to ticket and enforce this.

Councilmember Schivley asked why there is insufficient parking in the Tiara Subdivision? Mr. Mandarich stated that there is a very small number of people—two houses—that are not in compliance with the regulations. These people have been to a hearing and the Association has fined them. The parking was addressed with the Planning Department and based on the type of units, there were parking restrictions. They also developed a disclosure that each person signed. He believes they have done everything to follow the City's rules for parking for that project.

In response to a question of Councilmember Schivley, Mr. Mandarich stated that the project was approved for 432 units and they built 190. He stated that they have limited the amount of high-park units to be added to 150 of the 240 houses that were initially approved for Northgate. There are no plans for the future to build the remainder of the houses.

Councilmember Schivley stated that she still believes there should be a stop signal at the intersection, because of the increased traffic due to the growth in the area. She further stated that she does not want to see anything happen to the auto mall project. She hopes that the auto dealers who are already interested in it would instruct their personnel to not allow test driving in the residential areas.

Councilmember Schivley stated that shopping carts are all over town and the new

locking mechanism will be a big help in combating this problem. She asked the City Manager to look into requiring all retail outlets to have locking mechanisms on all shopping carts.

She stated that we need to plan for the future and she will be offering a substitute resolution.

Mr. Martinez stated that staff is preparing an ordinance to address the shopping carts and they will include the locking mechanisms.

Vice Mayor Cloutier stated that he is adamantly opposed to gated communities. Building a gate around a community creates the impression that Vallejo is unsafe. He will support the resolution as stated in the packet. He will also support Councilmember Schivley's amendment to the resolution to add a stop light or stop sign. He hopes something can be done about the shopping cart problem.

Councilmember Davis stated that the intersection at Tiara is a dangerous situation. He asked if there was an alternative location to the shopping center considered other than directly across from the entrance to Tiara. Mr. Mandarich explained what was included in the original proposal and the steps taken for approval. He stated that for safety reasons, they proposed another full turning movement at this location and after a traffic study was completed, they eliminated the left turn out. He further stated that a lot of work has been done on the traffic issues so they would have a site that was marketable.

Councilmember Davis asked if there was only one entrance and exit to the shopping center or are there more exits? Mr. Mandarich noted on the display where the exits would be located.

Referring to Mr. Leach's comment about the distance between traffic lights, Councilmember Davis cited an example at Redwood Parkway and Admiral Callaghan Lane and the entrance to the Elks Club. He stated that in terms of safety, he believes the situation in question is similar. He supports some type of traffic control.

Mayor Intintoli stated that although there may be an additional expense for a traffic signal, there has been a significant public partnership in this, noting that several years ago the City requested that the County waive a number of assessments that had been placed on the property against prior developers so that ultimately it could be developed for a college campus, auto mall, etc. The developer has received the benefit of this. Therefore, in this context, the traffic signal, if that turns out to be the best way of approaching it, is within reason for us to request particularly with regard to public safety.

RESOLUTION NO. 03-257 N.C. offered by Vice Mayor Cloutier approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The resolution was adopted by the following vote:

AYES:	Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Davis, Donahue, Pitts, Schivley and Rey
NOES:	None
ABSENT:	None
ABSTENTION:	None

RESOLUTION NO. 03-258 N.C. offered by Mayor Intintoli approving General Plan Amendment #02-0002. The resolution was adopted by the following vote:

AYES:	Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Davis, Donahue, Pitts, Schivley and Rey
NOES:	None
ABSENT:	None
ABSTENTION:	None

Councilmember Pitts asked when the Tiara Subdivision was approved. Mr. Bunch replied in 2000 as a gated community.

Councilmember Schivley thanked Mr. Mandarich for donating the land for Solano Community College and thanked him for his work with the City to get us to this point. She stated that she feels very strongly that a signal is needed at the location and she also does not support gating the project.

Councilmember Schivley amended the following resolution as follows: that a four-way signal be provided at Turner Parkway and Tiara Drive.

RESOLUTION NO. 03-259 N.C. offered by Councilmember Schivley approving Specific Plan Amendment #87-02K, and holding on first reading the ordinance approving the amendments to the Master Plan for the Northgate Specific Plan, including a four-way signal to be provided at Turner Parkway and Tiara Drive. The resolution was adopted by the following vote:

AYES:	Mayor Intintoli, Vice Mayor Cloutier, Councilmembers Davis, Donahue, Pitts, Schivley and Rey
NOES:	None
ABSENT:	None
ABSTENTION:	None

Councilmember Pitts stated that she is not opposed to gated communities. A precedence in this city has already been set for gated communities. She stated that she will vote against the resolution.

Councilmember Schivley asked if it was possible to gate the parks and have them accessible only to the homeowners. Referring to the map, Mr. Mandarich described the three locations where the parks are planned as well as the trail system and stated that they can be gated individually. He stated that they also planned a park for the entire community to use. The homeowners within this project will be paying for the parks as well as their share for the parks outside this area.

Councilmember Davis stated that since a precedent has already been set in Vallejo, noting the waterfront Condos as well as the Villages in Hiddenbrooke, he does not view gated communities as exclusionary. It provides a variety of choices as far as the type of homes that people want to buy. The progressive cities have gated communities. The citizens should have the right to have that choice. By having a

gated community, the homeowners association assumes all the maintenance activities of the streets, parks, open space, and landscaping which is a burden the City does not have. There is no problem with access for Police or Fire. Also, according to the Planning Commission report, Mr. Mandarich has agreed to keep the gates open during a certain period of time to accommodate delivery people. He will be voting against the resolution.

Councilmember Schivley asked the Planning Commission representative to provide information on the rationale used by the Planning Commission for its action.

Linda Engleman, Chairman, Planning Commission, stated that there was a motion to allow the gates to be open during the day, but the Commissioners felt that they did not want the gated community, believing that staff had presented a case for an open community and that it did not send the right message. She stated that they had one abstention and one Commissioner who wanted the matter continued but that motion failed.

Commissioner Schivley asked if the Planning Commission had a problem with the fact that there are other gated communities in Vallejo. Ms. Engleman stated that to the best of her knowledge that was not brought up. She stated that she thought the staff report swayed them; however, Mr. Mandarich has been very good.

At the request of Mayor Intintoli, regarding the locations of the gated community and whether or not the decision was based on the possibility of a proliferation of them and the image they project, Mr. Bunch stated that Staff's concern has been just the basic principle not necessarily any distance criteria or proliferation criteria.

Councilmember Donahue stated that in looking at the other gated communities in Vallejo, they are all very successful and very aesthetically appealing. He disagrees that a gated community could give Vallejo a bad image—he believes a gated community gives Vallejo a good image. And, the improvements will be maintained and the costs will go to the homeowner's association. Therefore, he will support Councilmember Pitts resolution.

Councilmember Rey stated that of the existing gated communities he is not aware that there are internal problems. He believes gated communities give prestige to the city. The fact that the City approved at least five other gated communities he does not see any reason to deny this one. It is something we should be looking at with a positive view. He will support the substitute resolution.

Councilmember Davis asked Mr. Bunch if the substitute resolution contained the hours during the day that the gates will remain open and is it agreeable to the developer. Mr. Bunch stated that staff is recommending that the gates be required to be open from 6 a.m. to 8 p.m. in the evening, Condition No. 3 on page 53.

Vice Mayor Cloutier stated that just because something has been done in the past, is not a good reason to continue the practice. Vallejo is changing. The City is becoming much safer and we are sending a very bad message by allowing another

gated community to be built. He hopes that future Councils will not approve these types of developments and he hopes the Planning Commission will continue to hold strong on this issue and not allow gated communities in Vallejo.

Councilmember Pitts stated that she strongly believes that if the city is going to allow one and deny another, the City is better served by adopting an ordinance where it would be standard procedure for everyone and the Council would not be put in the position of allowing one for somebody and denying one for someone else. The City needs to be consistent and fair to the developers as to what to expect when they come to Vallejo in designing their project. She looks at Vallejo as changing and growing up and being more progressive in our views and what we do here and having a variety of options for our citizens is what she would like to see.

Councilmember Rey stated that he supports Councilmember Pitts' statement about consistency. We should be consistent and possibly consider adopting an ordinance to that effect. A gated community, in his opinion, does not imply that the neighborhood is unsafe. He sees it as a positive thing.

Councilmember Schively stated that she agrees that we should do something that provides consistency for the future; however, if we're looking at the fact that we have not been consistent, then we were not consistent with Hiddenbrooke either. She agrees with Vice Mayor Cloutier.

RESOLUTION NO. 03-260 N.C. offered by Councilmember Pitts approving the appeal filed by Mandarich Developments, approving the Hyde Park Unit Plan as a gated community (developed with entrance security gates), subject to the City Council's approval of Specific Plan Amendment #87-02K, amendments to Northgate Specific Plan, and subject to the conditions, including the addition of new conditions addressing mitigation for air quality impacts (Condition Nos. 44 and 64). The resolution was adopted by the following vote:

AYES:	Councilmembers Davis, Donahue, Pitts and Rey
NOES:	Mayor Intintoli, Councilmembers Cloutier and Schivley
ABSENT:	None
ABSTENTION:	None

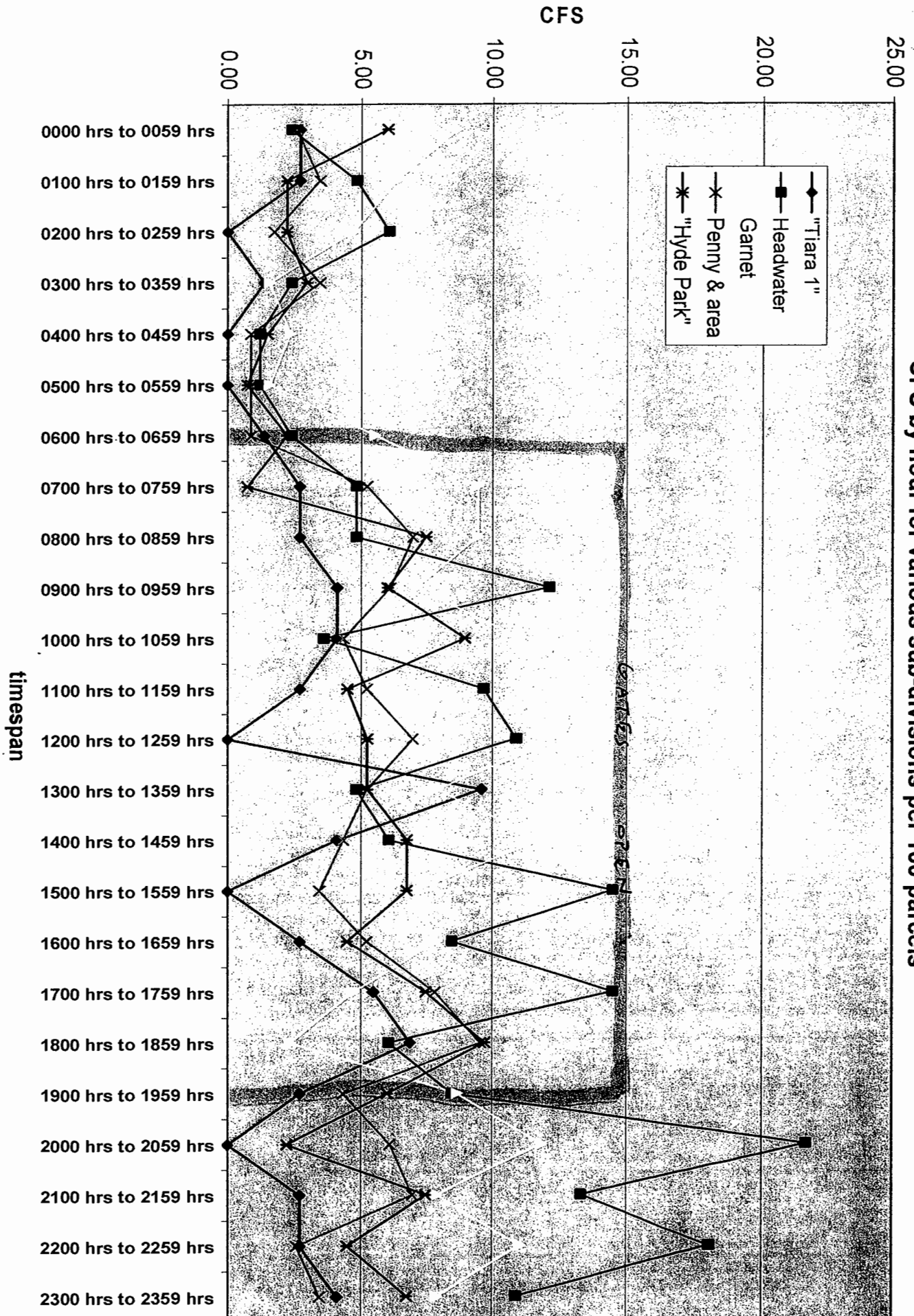
8. POLICY ITEMS - NONE

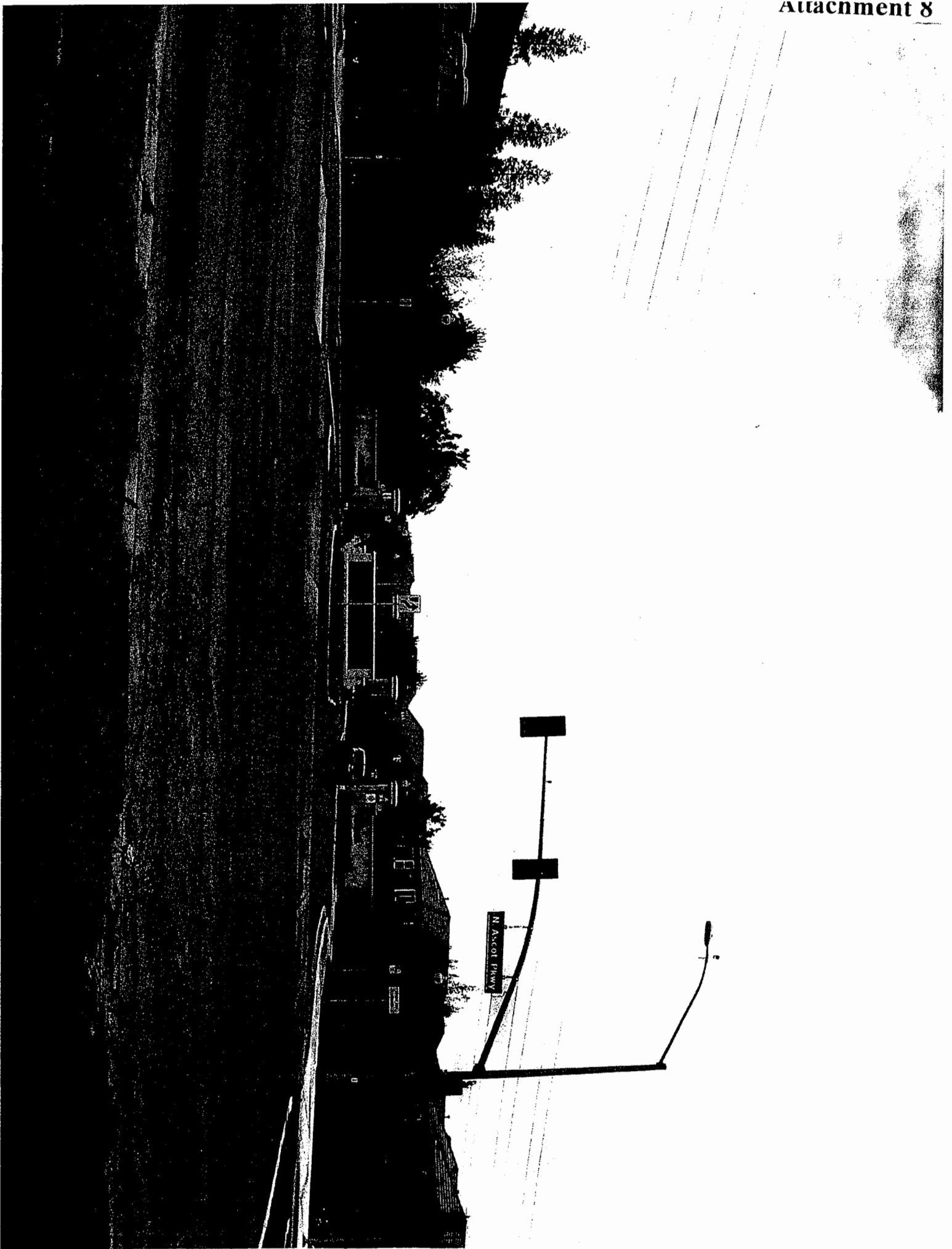
9. ADMINISTRATIVE ITEMS

A. CONSIDERATION OF RESOLUTION ACCEPTING QUARTERLY
RIDGECREST REPORT

In the matter of Ridgecrest Homeowners Association v. City of Vallejo, it was agreed that on a quarterly basis, the City General Fund would reimburse the Landscape Maintenance District program account (LMD account) for landscape inspection services provided to projects outside official landscape maintenance district areas. The use of General Funds and other appropriate project accounts for this purpose has been

CFS by hour for various sub-divisions per 100 parcels





Hyde Park

(500' Conflict of Interest/Vicinity Map)



10/26/2007

Mr. Adams:

The data that went into the graph was our CFS [Calls for Service] from 01/01/2006 to 09/30/2006. It was obtained by running each street in the applicable area individually and then combining the data.

As you can see from the graph, Hyde Park's CFS during the daytime hours are fairly average when compared with other residential neighborhoods in the area. Looking at the hours from 0300 hrs and 0600 hrs, reported crime dips down fairly low for all neighborhoods, gated and ungated, in this comparison. One negative might be that Tiara 1, which I believe is gated, had no crime at all from 0400hrs to 0600hrs. If Hyde Park residents feel that their crime is "off the hook" during the daytime perhaps they're not reporting it to us.

Let me know whether or not this illustrates what you want. I have the same data broken down by month but, other than showing that Hyde Park is average [which this graph shows anyway] there isn't anything too remarkable about it. I started doing a breakdown of what types of CFS were out there but it occurred to me that you didn't ask for that.

If you want parcel maps illustrating the residential parcels used in this comparison I can get that together for you later if you wish. I'm off Saturday, Sunday and Monday so the earliest I could make modifications/additions for you would be Tuesday 10/30/2007. From the data I gathered "Hyde Park" has 134 residential parcels, "Headwater" has 83, "Garnet" has 127, "Penny" has 115 and "Tiara 1" has 73. Note please that for this graph CFS totals were broken down to CFS per 100 parcels so the comparison is, I believe, a fair one.

Thanks,
Police Assistant
Richard E. Baker #2030
Beat Health Unit

2 Florida Street
Vallejo, California
94590

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

DATE OF MEETING: January 23, 2007

PREPARED BY: Don Hazen, Planning Manager

PROJECT NUMBER: APN 07-0017

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

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

2. RECOMMENDATION: Approve with Conditions per Planning Commission Motion

3. BACKGROUND:

On December 17th, 2007, the Planning Commission conducted a public hearing on the application and determined that the application should be approved for a period of one (1) year. Because the prior staff recommendation had been for denial, the agenda report did not contain conditions of approval or the appropriate CEQA and Administrative Permit findings. The Planning Commission continued the item to the January 23rd meeting in order to allow staff to compile the necessary items.

This supplemental report contains the findings of approval as discussed by the Planning Commission, a resolution of approval, and attached conditions of approval which are recommended by staff to be made a part of the project approval. The prior Minutes and staff report are also attached for reference.

Some of the noteworthy recommended conditions of approval are that the Administrative Permit expire on January 23, 2009, at which time all storage materials and fencing shall be removed within 10 days; verification that BCDC has issued the applicant a permit for the duration of this Administrative Permit; that the fence height be sufficient to screen the storage container from public view; that the fence be painted a color to match the adjacent restaurant; and that all applicable building permits be obtained.

FINDINGS

CEQA: The project is categorically exempt because it is defined as "new construction of a small structure" by Section 15303(e) of Title 14 of the California Code of Regulations, the California Environmental Quality Act.

Administrative Permit:

1. The project is consistent with the Vallejo General Plan designation of Parks and Open Space. *The temporary storage area will enable the applicant to pursue construction of an approved restaurant along the waterfront which will help implement the economic development goals of the City, as well as provide a visitor serving use to promote public use of the waterfront.*
2. The project is consistent with the Zoning Ordinance. *The zoning ordinance permits temporary structures and uses with an Administrative Permit (Chapter 16.96).*
3. The project is consistent with the Vallejo Waterfront Master Plan and Design Guidelines. *The temporary storage area will be conditioned the fencing to be designed to screen the storage container from public view, and the fence will be painted to match the color and texture of the adjacent restaurant building. The storage area has been conditioned to be physically removed by February 3, 2010.*
4. The project would not adversely affect nearby uses by blocking the view corridor and providing new development of a quality that would not encourage the highest standards required and envisioned in the Waterfront Master Plan. *The temporary storage area is a visual extension of the adjacent restaurant and will not be visually incompatible with the waterfront for the authorized one year time period.*

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

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

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

ATTACHMENTS

1. Resolution of Approval with attached conditions
2. Planning Commission Minutes, December 17, 2007 meeting
3. Staff Report and Agenda Packet for December 17, 2007 meeting

J:/PL/Katherine/Administrative Permits/2007/AP07-0017/supplemental staff report

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC-08-01

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING AN ADMINISTRATIVE PERMIT
(AP 07-0017)**

*Storage for Vic's Wheelhouse
295 Mare Island Way; 0055-170-020*

I. GENERAL FINDINGS

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

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Administrative Permit on December 17, 2007, and January 23, 2008, at which testimony and evidence, both written and oral, were presented to and considered by the Planning Commission; and

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

Section 1. Per Section 15303(e), Title 14 of the California Code of Regulations, the project is categorically exempt from the requirements of CEQA as the project is defined as new construction of a small structure. .

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

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

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

1. The project is consistent with the Vallejo General Plan designation of Parks and Open Space. *The temporary storage area will enable the applicant to pursue construction of an approved restaurant along the waterfront which will help implement the economic development goals of the City, as well as provide a visitor serving use to promote public use of the waterfront.*
2. The project is consistent with the Zoning Ordinance as it would be the expansion of an existing non-conforming use. *The zoning ordinance permits temporary structures and uses with an Administrative Permit (Chapter 16.96).*
3. The project is consistent with the Vallejo Waterfront Master Plan and Design Guidelines. *The temporary storage area will be conditioned the fencing to be designed to screen the storage container from public view, and the fence will be painted to match the color and texture of the adjacent restaurant building. The storage area has been conditioned to be physically removed by February 3, 2009.*
4. The project would not adversely affect nearby uses by blocking the view corridor and providing new development of a quality that would not encourage the highest standards required and envisioned in the Waterfront Master Plan. *The temporary storage area is a visual extension of the adjacent restaurant and will not be visually incompatible with the waterfront for the authorized one year time period.*

5.

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

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

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 23rd day of January, 2008, by the following vote to-wit:

AYES:

NOES:

ABSENT:

Charles Legalos, Chairperson
City of Vallejo Planning Commission

Attest:

Don Hazen
Planning Commission Secretary

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December 17, 2007

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

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

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

Please vote.

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

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

K. PUBLIC HEARINGS

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

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

Staff Report: Katherine Donovan: Good evening again. This item came to staff's attention when the applicant installed a metal shipping container on the property adjacent to the Front Room Restaurant. We had some complaints and contacted the applicant about the project. He came in and we discussed the various issues related to this project. It is located on the same parcel as the Front Room Restaurant. The intent is to use it as storage for Vic's Wheelhouse which you probably remember this coming forward. They are developing a restaurant in that old Mare Island Ferry Building and currently there is a number of artifacts having to do with Mare Island and the Naval Shipyard there, being stored in that building and so the proposal was to use this container to store those artifacts while they were developing the restaurant in the building. Vic's Wheelhouse is a parcel that is actually on the water. It is outside of the Waterfront Plan. The parcel containing the Front Room Restaurant is within the Waterfront Plan, and in that plan, it is designated as a parks and open space parcel so the restaurant use of that parcel is a nonconforming use. It can continue indefinitely as long as it is not closed for a period of 12 consecutive months, but as a nonconforming use, it cannot expand. So, to develop storage for that restaurant or to expand the garbage area or anything else to do with the restaurant, would not be allowed. They would only be able to proceed with this project as a temporary storage site, and, when we were looking at this application, we looked at the Waterfront Plan and the goals and policies within that plan, and as you notice, you have some handouts before you today, and I did discuss briefly in the Staff Report, some of the issues related to the Waterfront Plan for this project but I wanted to give you the actual text of that. First, there is a map that shows the highlighted area is the actual Front Room Restaurant itself, and, as you look at this picture, the storage facility would be directly to the right. It is sort of northwest on that picture. There is also some sections of the plan discussing the visual access and orientation and in particular, the quality urban design. Goal Four of the Waterfront Plan is to

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encourage the highest and most creative standards for urban design in new private and public development. Policy 4-C is to use original designs that are tailored to the site rather than generic or trademark buildings and site design. Policy 4-D is to promote designs that achieve a balance between appearance and function where form and function rely on each other for successful project design. 4-E is use designs that add to the character of the community by providing opportunities for integration of the project with adjacent properties. 4-I is parking lot service areas and other less attractive building elements should generally not be located adjacent to open space amenities such as plazas and parks. The City spent a great deal of time and money developing the Waterfront Plan and the goal is to have a beautiful waterfront with the highest quality design. The building that is currently in that place was probably fairly cutting edge when it was built in the 1960's, but it is very dated and rather old, and the proposal to use the container there and to screen it by putting a fence that matches the building does not coincide and is not consistent with the goals and policies of the Waterfront Plan. While we are sympathetic to the applicant and his desire to have convenient storage for his renovation, we don't feel that is something we can recommend approval of and we also feel that because it is not being used as a construction office or a construction storage, it is being used as storage for the facility while it is under construction so it is not something that is going to be using these items every day and having it close by is very important; there are other options available. He can use a public storage facility or store them at some other site. It will be inconvenient when he originally moves everything and when he moves it back, but not on a day-to-day basis, and given the prominence of this building on the Waterfront, we just feel that it is not appropriate. Therefore, we are recommending denial on this project. If you have any questions, please let me know.

Don Hazen: I just want to add to Katherine's good presentation that this is typically done at the administrative level and because we were recommending denial and the applicant did not, of course, agree with that; we spared him the necessity of having to file an appeal and that is why this is being kicked up to your level.

Chairperson Legalos: Good, Thank you.

Commissioner Turley: Thank you Mr. Chairman. Katherine: I went out to this site, and I read the material but I am still a little confused. To me, we got colored photographs which we didn't have before. Are you talking about this container here?

Katherine Donovan: It is the container and the beginnings of the fence around it. Yes. Originally the container was put in and then after we had discussed various options that might enable us to approve it, one of the options we had discussed was to put up a fence that matched the building and the applicant in his enthusiasm, started installing the fence prior to any actual approval. I think it was an honest misunderstanding on his part but that is what he is proposing right now – to finish that fence around the container.

Commissioner Turley: And, keep the container there to put in his memorabilia in, or something like that?

Katherine Donovan: Right.

Commissioner Turley: I see. In this photograph, he's got the fencing framework up, right?

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Katherine Donovan: Right.

Commissioner Turley: And so, he will put 1 x 6, or 8 inch boards to enclose that – redwood boards?

Katherine Donovan: Right. Boards that would match the siding on the Front Room Restaurant, and then it would be painted to match the building. That is what he is proposing.

Commissioner Turley: Who owns the property?

Katherine Donovan: It is owned by the City, and the applicant's family has a long-term lease on the property.

Commissioner Turley: Okay. Just one more question. You have given us about 101 reasons why we should deny this. If we were to approve it, would we be doing something illegal?

Katherine Donovan: I am going to refer that to Claudia.

Claudia Quintana: Thank you. If you wanted to approve it, what you would need to do is come up with findings that the project is consistent with the General Plan, the Zoning Plan, and the Waterfront Development Plan. So, I am not exactly sure what those findings would be but that is what you would need to do to make that decision legally defensible.

Commissioner Turley: Maybe we wouldn't be able to come up with those findings tonight.

Claudia Quintana: That I wouldn't be able to help you with, but you would need the facts to say, "no, this project is consistent with the General Plan, the Zoning Ordinance, and the Waterfront Development Plan."

Commissioner Turley: Then, the only option we have tonight perhaps would be to deny this.

Claudia Quintana: I think it is a little premature because I think at this stage we are just asking questions of staff. I know the applicant is probably here and wants to say something about it, so at the conclusion of the evidence, maybe you will have more facts.

Commissioner Turley: Thank you.

Commissioner Gourley: I had a couple of questions but Commissioner Turley asked a couple of them already. The question I have is: How are we going to define the temporary aspect of this? So, I guess the question is, and maybe the applicant should have to answer, but if it is there to store it until the construction is done and it is in use, would then it go away?

Katherine Donovan: I think that is the intent of the applicant although I think you could question him more on that. When we had originally been discussing it, he had several different ideas about what he was going to do so I think I will leave that up to him but I think the only way we could improve it would be as a temporary use.

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Commissioner Manning: Katherine, where is the applicant going to store their garbage when they are open for business? Where does the garbage go? Are they sharing that with the Front Room?

Katherine Donovan: For the Vic's Wheelhouse – I am sorry. I don't remember off the top of my head where that was going.

Commissioner Turley: How long has that container been there?

Katherine Donovan: I think it has been there since about April.

Commissioner Turley: They didn't need a permit or anything to put it there?

Katherine Donovan: Well, they should have had some sort of a permit. Yes. But, the applicant put it there without a permit, I think not realizing he needed some kind of permit.

Commissioner Turley: And, it is used merely to store his memorabilia that he has got from Mare Island in the restaurant?

Katherine Donovan: That's his intent. Yes.

Commissioner Turley: And now, if he decided just to move that container, could he still open his restaurant?

Katherine Donovan: Yes, the container and the restaurant are two separate issues.

Commissioner Turley: Two separate issues. Okay. Thank you.

Chairperson Legalos: Katherine, it is mentioned in the Staff Report that some of these buildings are going to be removed when the Waterfront Plan actually gets implemented. Now, I remember about two years ago in connection with another application mention being made of the need of some of these buildings having leases that are effective until 2066. Is that the case for the Waterfront?

Katherine Donovan: I believe that this building is one of those buildings, and the Waterfront Plan designates nonconforming buildings eventually being removed, but I think in this case this building would stay until the lease was up unless something else happened – like the lease was bought out by the City or some other mechanism like that.

Chairperson Legalos: So, the probability is that this building is going to obstruct the view and remain outdated until 2066.

Katherine Donovan: That's my best guess.

Chairperson Legalos: Okay. If the applicant were to suggest a structure that did not match the building so that it came into compliance with the objective of not necessarily creating expanding structures that exactly meet the existing structure. Would that be a problem or would that help solve the problem?

Katherine Donovan: Unfortunately, we still run up against the designation for the property which is Parks and Open Space and so any building would not be able to be approved because of the designation. As a temporary use – temporary uses are allowed in any zoning designation – and so there are two separate

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issues. One is if the building were permanent and long-term, then you would refer to the Zoning which does not allow it. As a temporary use, it could be allowed, but it is still not in compliance.

Chairperson Legalos: Okay, then there is a little shed there that is painted light blue. Was that there before?

Katherine Donovan: Yes. That has been there for a long time.

Chairperson Legalos: That's been there all along? So, this fence that was started would cover that shed and also cover the storage container?

Katherine Donovan: Yes.

Commissioner Turley: Now, is the principal objective here tonight to have this container removed?

Katherine Donovan: It is to make a decision on the application to keep the container, and if the decision is a denial, then yes, the container would need to be removed.

Commissioner Harrington-Cole: Good evening. You said that the reason this came to the City was that there were some complaints. Can you tell me was there one complaint? Were there ten complaints? And, was it citizen driven or where did those complaints come from?

Katherine Donovan: It came to my attention through our asset manager who is the person who handles all City-owned property, and I think that he had more than one complaint but I don't think it was like 10 or 20. I think it might have been two or three.

Commissioner Gourley: I wasn't going to complain but I know many times when I drove down there and I saw that, I was going to ask a question as to what the heck is going on here because I saw it start and I saw something stop, and, I'm going, I don't know what they are trying to do, but it is not getting any prettier. But, the question here is that if this is denied, the fence that is started goes away, the container goes away, the construction stuff is laying there which I assume is construction stuff – the pilings and the gangway go away. Does the little blue building stay until 2066 because that is existing and can't be removed?

Katherine Donovan: Yeah, the little blue building that is kind of a lean-to building – that is storage for the Front Room Restaurant that has been there for a long time, so that is grandfathered in.

Commissioner Gourley: That certainly is attractive.

Katherine Donovan: Yeah.

Commissioner Peterman: Speaking of the gangway and those pilings, if the fence and the temporary storage place go away, those will stay there though. Will they stay there or will they also go?

Katherine Donovan: No, they should be stored elsewhere also. Those were stored on the float that is intended for outdoor seating for the Vic's Wheelhouse and they were moved to that area when it was developed for storage or when they started developing it for storage.

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Commissioner Turley: Again, I want to make sure I understand this. But, if I understand from our City Attorney, if we decide to grant this permit, we have to come up with a darned good reason why. Is that about it? We have to get some findings to support it?

Claudia Quintana: You do have to come up with the findings, and I suggest that you hear what the applicants have to say and perhaps articulate why you think it is a good idea, and if you are going in that direction, I will be happy to write out findings for you for a resolution for the next meeting. So, I could certainly help you but you would probably need to come up with your own reasoning, in fact.

Don Hazen: Mr. Chair, if I could just kind of also follow up on that thought. On page 4 of your Staff Report, it contains four findings, and those findings are written in the negative to justify staff's recommendations. So, as you are hearing testimony this evening from the applicant, you might be thinking about if you were supportive of this application, you would be reversing those. So, everywhere where it says it is not consistent with the General Plan, it is not consistent with Zoning – you would be making those into positives. Of course, you would have to have the facts to justify why you are saying that. So, this could be kind of a guide as you are listening to that public testimony is to see if you are hearing things that are convincing you to reverse what staff has crafted in the way of findings for the recommendation.

Commissioner Harrington-Cole: Do we have to have those findings if we are allowing a temporary use? I think I heard you say that temporaries were allowed in any zoning designation.

Katherine Donovan: Right but you still need to make findings any time you approve something. Our process of deliberation is such that if you are going to approve something, you have to approve it because it is consistent with the General Plan, the Zoning, and the Specific Plan for the area. If you can make those findings, then it is approvable, and if you can't, then it should be denied.

Commissioner Harrington-Cole: Even if we are going to approve it for a temporary use?

Katherine Donovan: Even for a temporary use.

Claudia Quintana: One more thing is that for temporary uses, actually there is some language which is incorporated in the Staff Report, which says that for temporary uses, you have to make a finding that such use will not adversely affect adjacent or nearby uses. So, you could talk about how you think it will or will not affect such uses which would be, I guess, recreational park uses, restaurant uses . . . I don't know what other uses are in the area, but those are the kind of things you would need to talk about.

Chairperson Legalos: There being no further questions, I will open the Public Hearing. Would the applicant care to address the Commission?

Dan Healy: Good evening members of the Planning Commission. My name is Dan Healy. I am an attorney. I represent the Mare Island Ferry Company and the Raahauge family, the owners of the long-term, which does, I think, run the 2066 interest on the parcel down there. Eric was going to go first and then after hearing your discussions, I just wanted to kind of lay out a couple of larger issues

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and then I will let him describe the specifics of this. To answer the question, the reason why you would want to approve this is

1) because it is temporary and,
2) because it is consistent with a long-term effort to address three uses on that parcel – not just the old Ferry Building. As you may know, those buildings have been there for years and the Raahauges have spent enormous amounts of time and effort trying to get some viable enterprise down there on the water, and on occasions, they have even lent that boathouse to the City, when after the earthquake, they needed to land boats there. And, since then they have explored options for allowing cruises and ships to come land on that dock to try to get some cruise business here.

The three things that they are sort of juggling all at once – one of them is the Ferry Dock itself and the hope that there is some way to continue to have nautical business on the water. The building right now has a capacity for floats on two sides, and on different occasions there have been boats tied up there, some of them not the most sightly boats. Some of you may remember the old paddlewheel boat that was there for awhile, but those have all been different incarnations of trying to turn that building into a working maritime business. One of the other ones we continue to look at is a little tourist ferry to run over to the museum on the Mare Island side. Some of the equipment that is both stored in that storage container and along the fencing are the raw materials for those planks that were there at one point, and the idea is that we can get an operator to run a tourist boat or something, that's what they would like to do.

The second one, and that's what Eric will address, is that he started working a year ago on what is being known as "Vic's Wheelhouse" – in the name of his father Vic Raahauge, and the idea is to have a little restaurant – martini bar type thing, that will be an amenity to people walking on the waterfront. That's sort of what prompted this process, and what happened is that we had to empty everything out, both the artifacts, and there are a lot of historical artifacts, as well as a lot of the items associated with the docking equipment. There are long beams and the like. That all got stored on that property. In response to comments, "I wish it didn't look like this. We wish this could look better." That is when Eric started putting in the fence. The intent was to have the fence match the work building for the time being and then take it down when everything is done.

There is a third enterprise here, and that is the Front Room. Some of you have made reference to it – how perhaps the north end of it isn't the most sightly of places, and actually what we were hoping to do and sort of half the reason I am here, is because we have been hoping since the Front Room really is a success after a number of years of less than successful ventures down there, to see them expand. To both see them improve that building and to see them expand, and, I think in the process of Eric pursuing this, we have been told that that is not in the game plan. I think that is not a battle that we are looking to fight tonight but I think we will be taking exception to that. I am not sure how the Raahauge property got characterized as open space, and I will leave that discussion for another night but I will let you know that it is not anyone's intention to not improve that building; just the opposite. That is a very successful business. I think that sort of use, that restaurant business, is incredibly compatible with the type of waterfront open space that the people of this community want, and that is what the Raahauges are trying to do.

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So, the ideal situation for that space, the enclosed space that Eric enclosed, would be to solve three problems. One of them: Finish the Wheelhouse and get it open. Secondly: Develop the boat docks to the largest extent possible. Three: Improve that end of the Front Room – either expand it or improve it. Incorporate it in a way that makes it more attractive. That makes it more viable as a business. So, I guess I will refer to the historic folks. I will probably take a little exception to the characterization of the design as outdated. I think that design – that sort of nautical look, is what they actually look for on these waterfront parcels, which I think is why the City building next door looks the way it does with the blue steel roof, and I think everywhere what people have been looking for is architecturally, some sort of nautical design, and that's what I think the thought was behind the Front Room. I will let Eric speak to the rest of this but you have, certainly, our word that this is not designed to be a permanent blight on the waterfront. It is designed to be a temporary step to address the issues we just talked about and to try to . . . Again, the Raahauges, to their credit, aren't just talking about making the waterfront viable. They have delivered on making the waterfront viable. The Front Room is a viable restaurant. Eric's restaurant, I think is going to be a viable restaurant. If we are really lucky, we get some small tourist boats and then we will really have kind of a foothold on the type of waterfront I think the people of Vallejo want. So, for that, all they ask is the small consideration of a temporary ability to continue to do what they are doing. And, finally, I will say, and I mean for no one to take offense to this, but this has been a moving target in terms of what occurred here. Eric did obtain a permit from BCDC and paid several hundred dollars in fees for this very project. He paid several hundred dollars in permit fees to the City of Vallejo for this project and there were months and months of going back and forth and getting mixed messages before we got to the point today where he is being told that it would have to come down. So, I do think we can address this and have all of those buildings look a lot better and have these structures removed in a timely manner, and I would ask for your indulgence in letting them do that. Thank you very much.

Commissioner McConnell: Mr. Healy, the fees that you make reference of having been paid, the BCDC, were those paid for the restaurant application or were they specifically paid for for the fence and the shed?

Dan Healy: I think specifically either for the shed or the fence and shed. Not for the restaurant.

Commissioner McConnell: Do you have a copy of that application and what the decision of BCDC was?

Katherine Donovan: It is in your packet.

Commissioner McConnell: I must have missed that. Thank you.

Katherine Donovan: If I might just clarify that, that permit from BCDC is conditional upon City approval.

Commissioner Turley: Thank you Mr. Chairperson. Mr. Healy, did I hear you mention that that fenced in container would only be there temporarily?

Dan Healy: That's right.

Commissioner Turley: For how long a period are we talking about?

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Dan Healy: I think when Eric met with the City, the idea was the administrative permit was going to be for one year with an ability to come back and seek a second year if necessary. To be honest with you, if Vic's Wheelhouse is the only issue, then that is going to be done in less than a year. The real question is: Are we going to come back and be able to improve the Front Room?" If that is the case, then rather than tear down that fence only to try to start something again, it may be that we are coming back asking for more time but probably for Eric's building, I would think the first year is going to do it. But, that is how it was presented – one year permit with a one year extension.

Commissioner Turley: So, you would be kind of happy if the Planning Commission approved this for a period of one year.

Dan Healy: Sure, I think that is all we are asking, and if we have to come back and ask for a year – again I am guessing based on what I have heard about this project this week – is that somebody like me is going to be back here talking about why we ought to be improving the Front Room, and I suspect that is going to occur sometime in the next year, but, I think this is all that this ever was, was a request for a one year permit with the ability to extend it in the City's discretion for another year.

Commissioner Turley: Now, if we denied that, would he still open the restaurant?

Dan Healy: Sure. In terms of rating the three things, it would make it more difficult, but he is far enough down the road that he would still open up his restaurant. I am not sure about the boat issues. I am not sure if push came to shove and we had to decide and find a place to leave the mooring equipment and those sort of things, I am not sure where that would go. I am not sure if they would dispose of it rather than store it, and then I don't know what would happen if a vendor then came to us in a month and said they wanted to land cruise ships there. On that one I can't say what would happen. Again, I am not quite sure what the City's action right now . . . how much you are scaring the parties involved in the expansion and improvement of the Front Room. We will just have to see on that one. I just can't tell you. If you were to deny this, I think it would send a signal that would probably suppress to some level, I can't predict, the desire of folks to invest in trying to improve the Front Room.

Commissioner Turley: One more question: Does the applicant own the Front Room?

Dan Healy: Well, I think the Mare Island Ferry Company is technically the applicant. The land is owned by the City on this long-term lease. The building is owned by the Mare Island Ferry Company which leases the building to a different gentleman who operates, and I think, has another 15 years on his lease, the Front Room, and in defense of the Raahauges again, we structured that lease (the Mare Island Ferry Company structured that lease with the current operator), giving them incredible incentives to do what they have done, and that is to improve the building. Some of that, frankly, the Raahauges took less rent than they might have otherwise gotten because they secured from the tenants, the promise to really fix that place up. I think if any of you have been there; he delivered. That was a win/win for both sides. The person who is in there invested a tremendous amount of money in fixing that place up and I think is looking to do so again if the vibe is right, for lack of a better phrase.

Commissioner Turley: How do you pronounce the applicant's last name?

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Dan Healy: You mean "Waa Hog a ?" The Mare Island Ferry Company has been operating at that site since before World War II. They operated ferries back when civilians worked on Mare Island in World War II. They ferried the workers from Vallejo, from Georgia Street to Mare Island and back. That is, frankly, one of the things we would like to recapture. We have been looking for operators to bring in the boats to bring in other things, to try to recapture some of that. Again, when I talk about the boat building and a second project of what we are looking for, that is one of the things that we would like to do -the Raahauges, a fabulous Vallejo family.

Commissioner Turley: Mr. Raahauge has control of the Front Room and the Wheelhouse?

Dan Healy: I should say, Vic Raahauge, sort of the patriarch of the Raahauge family, passed away a couple of years ago, and Mr. Raahauge and I had some frustrating nights down here at this podium in years gone past when we were trying to do some boat projects and things like that. He was there to see the success of the Front Room. Jean Raahauge, his wife, who still is sort of active around town, is sort of the principal, but there is the Raahauge family that controls the company. So, Eric is one. His brother is another. There are a number of Raahauges.

Commissioner Turley: Excuse me, Mr. Healy, this is very interesting but it is a bit off topic, and we are discussing an application for a storage container and a fence.

Eric Raahauge: I want to thank Dan for those nice comments regarding the family. Commissioners and staff: I tried to put in a letter, something that would really make it easier to understand about this containment area - that it was temporary, and also, there has been some items that have been out there for a number of years. As a matter of fact, the gangway was out there for many years, right along side the garbage area. About three years ago we moved that onto the dock to make it less unsightly out there. The shed has been out there for probably at least 10 years. When I brought the con box in, it was for the construction of Vic's Wheelhouse. It has not only the maritime artifacts, but it also has building materials that we are going to be using, and I say that in this letter here that most jobsites have this kind of con box on there. So, I would need to keep it at least until I opened the restaurant, but that containment area does, is that it would really make that whole area look better because not only are we going to put that small shed in there, but the gangway would be out of the way. It is not going to be out on the patio like it was before, and the con box will go away - the whole area will go away actually - as we talked about, within a year. So, this is really to make the whole area look better, and I have been trying to get to that end for about six to seven months but we have gone back and forth. Originally when I met with staff, and Don Hazen was at that meeting, he saw the big plan and I presented that, and he said "ok", and he told Katherine - "as long as BCDC goes along with this, then we will go ahead with an administrative permit," and, on that basis, I went to BCDC, and I had to go through an application with them about this area - not the restaurant. So, I got that permit. I got it mailed to me, and I gave it to Katherine and the administrative permit - I obtained that. As soon as I obtained that permit from the City, I was told to stop. Then, there were several months in which it went back and forth. Anyway, here we are now, but the whole idea was to put this temporary area - the fence up where we can store all this material for just a limited amount of time so it isn't unsightly. I think had it been done at the time that the administrative permit was issued, there wouldn't have been any complaints. So, that being said, if you

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have any questions, this is a temporary shed and it will really help in all the areas that I have talked about and what we are trying to achieve down there.

Commissioner Manning: Mr. Raahauge, it says in the permit that you obtained from BCDC that that expires in December of 2008. When do you anticipate being done with the building?

Eric Raahauge: I am hoping in the springtime we can open up the building and then probably during the summer, open up the docks. We are going to do this in phases. Does that answer your question?

Commissioner Manning: So, you will have that con box out of there by the fall?

Eric Raahauge: If everything goes right, yes. I have to be honest with you. I didn't anticipate this much resistance, and I was hoping that we could have it there for a year because we are looking to obtain docks, as Dan Healy had told you, to put on the north side so we can attract more maritime ventures, and in particular, that 86 foot gangway that is out there right now would go over on the north side of the building.

Commissioner Manning: Okay, but that is for the fence that you are going to put up. I am asking about the con box itself.

Eric Raahauge: Okay, well, I think the whole thing would go away. The whole area. We would just take the fence down, the con box would go away, and the gangway.

Commissioner Manning: Okay, and then, once you are open, where is your garbage going?

Eric Raahauge: That's another thing I address in the letter. What is necessary when I open the restaurant, is to enlarge the garbage area. The garbage area is actually *inside* the containment area. That fence that you see – okay, actually what I would do is just expand it inside the containment by about three feet so I can have the dumpsters for Vic's Wheelhouse in there for easy access to the garbage department with the dumpsters that are there now for the Front Room, so that they would be together.

Commissioner Manning: Okay, are you working in the building right now? I go by there quite often and it doesn't seem like there is much activity going on.

Eric Raahauge: Well, I work when I can. I actually have a job on the Vallejo Ferries, and on my days off, I am down there and doing what I can. It is coming along, slowly but surely.

Commissioner Manning: Okay. Thank you.

Commissioner Harrington-Cole: Good evening. In your letter you say that besides enlarging the dump area, you are going to store tables, chairs, umbrellas, area heaters. I am assuming that is all through Vic's Wheelhouse. Where are you going to store those if this area goes away?

Eric Raahauge: Well, when that happens, I am going to have to . . . again, I think I addressed it in the letter. We were hoping that as part of this kind of long-term look, at obtaining docks on the north end. I address that in the letter that I was going to put something on one of the docks where we could put some storage

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there. You follow what I am saying? It is so that we have an on-site place to store some tables and chairs like that. That building is 1,200 square feet and there is no place to put anything in there other than some tables and chairs and the galley that is there. So, it is tough because it is on the other side of the seawall, and all we have for storage, really, would be the docks. So, to answer your question, I was hoping that when we do obtain docks in the future, that we would put a small, unobtrusive little area to store some things like tables and chairs.

Commissioner Harrington-Cole: What are you going to do between the time that you open in the spring and the time you get some docks built on the north end?

Eric Raahauge: Well, if we run out of time for this containment area, I would have to go and store them somewhere else.

Commissioner McConnell: Why can't you store some of these items at someplace else at this time?

Eric Raahauge: I could but you know when I addressed staff about this, we talked about that, and I told them that in the con box, we have a lot of maritime artifacts that presently have to be out of the building during construction, along with tools and equipment and lumber. So, you know, I could store that somewhere else but most places do have an on-site con box during the construction phase.

Commissioner McConnell: Well, most sites are not on the waterway where the public view is also a very weighty consideration here. One of the things that concerns me is the policy numbers 4-F and 4-I which requires us to establish a street scene presence and appearance through setbacks, landscaping, building placement and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along the sidewalk or street. I am having a hard time reconciling this goal along with an eight-foot high fence along around a seven-foot Conex. Are there any suggestions you can make to address this goal?

Eric Raahauge: Well, I come back again, Commissioner, to the fact that this is going to actually help to improve the property in the long-term, and we are talking about something temporary here. So, this is not something that we are asking to be permanent, and I think that is why BCDC recognized, as I hoped the Commission and staff would, that what we are trying to do is improve the property. So, other than that, I don't know.

Commissioner McConnell: Well, granted, all that you say is correct. The BCDC application talks about the shed but only as one of five different considerations – the majority of that going towards the restaurant which, of course, we have already approved. I think my concern is that we have to make a finding, even for a temporary object that is still consistent with the policies, and as I said, one of the concerns that I have is reconciling the image, the obstructive nature of this fence with the impairment of the public view. Do you actually need a Conex as large as it is now? I mean, you are saying you can store some of the artifacts at another location. That takes some of the square footage away. Some of the space you need for construction which maybe is more justifiable. How much of an area do you need for the construction storage if you remove the artifact items?

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Eric Raahauge: Well, we have a lot of items that are actually going to go into the construction of the dock. It appears that the Building Department is going to require some type of restroom as well. So, there is quite a bit of material that is in there for the completion of this entire project.

Commissioner McConnell: I understand that. Can you reduce the size of the Conex?

Eric Raahauge: Can I reduce it? Yeah, we could get rid of it Commissioner – altogether.

Commissioner McConnell: How much of a smaller Conex could you put in there?

Eric Raahauge: You know, they make them about half the size. That one is 20 foot long. They make them 10 foot long but they are still eight foot high.

Commissioner McConnell: Okay. Your proposal is to put plywood around this Conex. That is not consistent with the exterior of the Front Room.

Eric Raahauge: Well, actually, Commissioner, what I proposed to staff originally was to put the same siding, which was T-111, which the wharf restaurant has, and I was going to put the same trim, the same color, and no one would have even known that anything was done, once it was done. It would have been a small extension, 25 feet to the north. Okay? So, it really would have changed the look of that garbage area which has a six foot high fence and you can see through it and you can see the top of the garbage lids when they are open and everything. It really would have cleaned up the area. Staff told me they didn't want T-111 on there because it reminded them of something that they didn't want. Anyway, they didn't like it so they suggested I come up with an alternative. So, I just suggested that we put some exterior plywood on it and I would make it match as close as I could but I wanted to put the same siding that the wharf restaurant has on it, which is T-111.

Commissioner McConnell: How do we minimize the visual impact of this application?

Eric Raahauge: I would say, let me go ahead and put the T-111 on it, trim it out the same as the existing building, and put the same color scheme on there, and it will blend in entirely, and it will also cover up that garbage area, and you will not see the con box. Everything will be inside, secure, safe, clean, and unobtrusive.

Commissioner McConnell: There is a mention in the Staff Report that the administrative permit can be extended for an additional one year, for good cause. If this application is approved, would you be willing to accept a condition that there be no extensions past December 2008.

Eric Raahauge: If that is what the Commission would like, I am willing to accept that.

Commissioner McConnell: Have you given any consideration to landscaping as a method of making this wall more attractive?

Eric Raahauge: Actually, Commissioner, we just installed (and I was part of it), that front section with the heavy chain on it. You know, the piles to the north there in the area that we are talking about. I believe in the pictures you can see. That was just installed in the last few months, and so that is part of the process of

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upgrading the property. It continues the nautical look, and, you know, that is part of it. We are doing this in stages so, I talked to my mom, and she would like to put either grass or something out there to match the south side when the time is right, and I think that that would certainly make the place really look nice.

Commissioner McConnell: Okay, and this is not going to impair in any way upon the pedestrian walkway out there?

Eric Raahauge: No, as a matter of fact, I left quite a large section open so that people can walk through there. But, we did have a liability issue because for years we had vehicles, when they had the festivals, that were parking there. We had people putting port-a-potties out there, dumpsters – and we were liable because they were using our property. So, I put up a fence several years ago that was very small, but they just cut the wire down and drove their vehicles in. So, we went ahead and put this expensive, very nice looking fence to match the south end of the property, and that is what is in there now, so that is part of the upgrade.

Commissioner McConnell: Would the addition of any type of roofline improve, in your opinion, the visual appearance of this project?

Eric Raahauge: You mean to actually put a roof over the containment area? Then, we are getting into a situation where it would have to go through the Building Department putting beams across it, and it would be more expense added, but then we would have to go through a much longer phase, I believe. I am sure that the Building Department and Planning Department wouldn't want . . . being that this is just temporary, Commissioner, we wanted to do this just in the fence to cover everything up and make it look nice and clean so you don't have a bunch of things – one, a shed sitting out there and part of the garbage area. It would be very clean looking.

Commissioner McConnell: I am not envisioning a roof that needs an awful lot of structural support where beams are necessary. What I am thinking is more like camouflage. Can you envision that type of a roofline?

Eric Raahauge: Well, I listen to suggestions. It is dirt in there and just posts and I was just going to put some siding up there.

Commissioner McConnell: I would be interested in hearing Staff's position on the visual improvement of this application or roofline or matching the exterior of the fence with either the building or some surrounding area with the idea that we still have to comply with goals 4-F and 4-I about impacts and amenities, but I would like to hear some sort of recommendations maybe or some further thoughts.

Don Hazen: I would like to respond to some of the comments after the Public Hearing is closed, if it is okay.

Commissioner Gourley: Two quick questions – one to Katherine – one to Mr. Raahauge. What is that little shed that is there on the corner used for now?

Eric Raahauge: Well, the Front Room uses it for their laundry. They use a lot of laundry in there, and they don't have as much room as they would like to have in the building, so they have been using it for that.

Commissioner Gourley: Again, that's not going away until 2066?

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Katherine Donovan: I am not aware of any plan to take it away, and since it was predated the Waterfront Plan, I think it is there.

Chairperson Legalos: If there are no further questions, thank you, Mr. Raahauge. I would like to close the Public Hearing and bring the matter back into the hands of the Commission.

Don Hazen: If it would be helpful, I would like to respond to some of the questions that were raised by the applicant. In the way of background, I would like to at least correct the record or explain what was portrayed as kind of a procrastination on Staff's part. I would like to kind of go back, and the first question earlier was "Who brought this to Staff's attention?" It was brought to my attention, I think, before Katherine was aware of it, from the Assistant City Manager who happened to be driving to work one day and saw that out there and said: "What's going on? We didn't know of any project out there." So, what I observed was the cargo container and, I believe, the fencing starting to be done, and so at that point we made contact with Mr. Raahauge. He came in and discussed his plan with Staff, and our immediate reaction, in fairness to everyone involved, was to lend some support to the original proposal, but the longer that he discussed the duration of this temporary use and the purpose of it, it became clear to me that he had other plans in mind beyond just the construction of Vic's Wheelhouse. There was the talk about the new docks and a lot of other things. I remember discussing with him, saying "You've got all these grand plans for the future, but none of us have seen that or had an opportunity to evaluate it or bring it before the Planning Commission." So, in my opinion, we became involved in a discussion of a temporary use that didn't have a defined purpose or scope. It was beyond just the restaurant use, and so, when the discussion focused on Mr. Raahauge's desire to have an extension clause in there, then I became very concerned because I have been involved, as I am sure you are all have experienced, with so called "temporary uses" that end up becoming in there for four or five years or more, and I didn't want to see us back here in one or two years from now having the discussion, saying "I will only need it for one more year – I have spent all this money putting it in. I am almost there." I also have observed in the year that I have been here, with the City of Vallejo, a very slow pace of construction going on at the restaurant. So, I think all of those factors raised concern on my part about whether we should support this. It is also my recollection that the BCDC permit was obtained prior to discussions with Planning Staff or at least me personally. I can only speak for myself, and so, we did not endorse the filing of that application. It was my belief that that was done prior to the City indicating whether we would support it or not. The other clincher, I guess on my part, was when it was later discovered that the designation for this site is "open space, recreation, on the Waterfront Plan," so all those things combined in my mind clinched it for us, and so we moved forward and indicated to the applicant that we really could not support it, even on a temporary basis. Commissioner McConnell's comment about roofing structures and dressing up the site – in our early discussions before all of these other factors came into play, we did look at ways that we could do that, but in my way of thinking, a cargo container is a cargo container, and whatever you slap on it, it is still going to be that rectangular box. I would advise though, if you are considering supporting this application on a temporary basis, then you are looking at a structure that at that point is going to require the Design Review Board's review because you are now constructing this. It is more than just a fence to screen a structure, and you are getting into a design and I hate to say it, but if we go forward to the Design Review Board and say this man wants to build a roof structure on a temporary basis, it is still going to be subject to the design guidelines of the Waterfront Plan. So, I think you are getting into an area that eventually will go out of your

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jurisdiction and into another Commission's purview. I kind of wanted to respond to those comments and let you take it from there to kind of give the background. I am happy to answer any other questions that may come up.

Commissioner Manning: I am totally in support of businesses needing to have things like con boxes in order to do the construction to get their businesses up and running, and I think that is part of being business friendly in our community. I also heard conflicting information, and it is sort of like the intent that we give this temporary structure and then we want to expand and then we need a place to store the tables and chairs, and I really want to keep this discussion limited to what was brought before us, and that was a request for a temporary fenced-in area with a con box so the construction could be completed and consistent with what was already approved by BCDC that that would be through December of 2008. I also see that this little shed thing adds a bit of complexity too because, if that wasn't there, the fencing could have been brought in a lot further than what it was. That little shed is going to be there for a long time, so, again, the discussion that was brought before us was a request for a temporary fenced-in area for some construction, and I really don't think it is appropriate to bring up other ideas you have, and, as Mr. Hazen says, there needs to be something in writing, a very clear plan and direction, and it is really not germane to the discussion we are having here tonight. I do think that there are findings that we could come up with that would support allowing this temporary con box and the fencing. Again, very tightly contained for this temporary period of time. The Raahauges have a wonderful history that is a wonderful application that I very much want to see that open again as a restaurant. The idea of having a ferry over to Mare Island again - you know, that structure was a very big part of our history, and the Waterfront, so again, I want to be very supportive but I also want to protect all the concerns that Katherine and Don have raised from the Planning Department as well. Those are my thoughts.

Commissioner Gourley: I would agree with Commissioner Manning that temporary usage is appropriate, and I think it is going to be fairly easy for me to agree with the findings. The fact of that section of the Waterfront Plan that calls for parks and open space. . . I think it is fairly obvious that that little area is not going to be parks or open space any time in the near future. I think it is obvious, at least to me. I am hoping that I am hearing 2066 and we will vote on this when it comes up again as to whether or not we are going to allow that restaurant to stay. I think that is probably unlikely, and I would like to support the project as well, and I think that Commissioner McConnell had a very good suggestion that if it is limited, as Commissioner Manning said, to a temporary, with some deadlines; I could find it easy to support. I also agree with Commissioner Manning on the fact that we do like to support small businesses that will enhance our Waterfront, and as of now, there is really not much on the Waterfront to bring us any revenue or enhance that revenue, and I think this would add to it. I would encourage the Raahauges to hurry if possible and get this thing open. Hopefully what we may accomplish tonight is allowing you or encouraging you to get that done. I am still concerned about the little building in the corner. When I drove down to look at this, and drove straight down Georgia Street, I was finding it hard to convince myself that my view was being restricted by what was there now or what was going to be there, because of the way it sits - if you call Georgia Street the view area. I drove into the ferry parking lot, trying to align myself with Georgia Street. There is really not that much of a view restriction, even with the fence complete, that I could see, so, I would find myself trying to support this.

Commissioner Peterman: When I lived in Sandy Beach I had dealings with BCDC and it is my experience that they are incredible watch dogs of our

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coastline and I think that they scrutinize everything very, very careful and the fact that they approved that application says to me that they have already looked at that and they have really looked at the pros and cons. I also think that we just personally should keep in mind that the Raahauge family has done an incredible amount of things for the City of Vallejo and I think Vic's Wheelhouse will be another thing that they do that will be an asset to Vallejo, so I would be inclined to approve their permit.

Commissioner Harrington-Cole: I am looking at the findings as recommended by the City and what I think I can say is that I agree with Commissioner Gourley that this is not really a parks and open space – never will be as long as the restaurant is there. I don't really feel like this is an expansion because it is temporary. It will go away. The footprint of the restaurant will come back to the same size as it was in a year. Our third finding is that it must have high quality and create a design that enhances the physical and visual access to the Waterfront, and I think opening up the Wheelhouse with the dock actually does that and the view that is blocked by this is temporary and not very large, so, looking at these four findings, I believe I too can support this project on a temporary basis for a one-year time.

Katherine Donovan: I have been listening to the testimony and looking at the pictures. It has occurred to me that one of the issues that I have had with this is that the fenced area is quite large compared to the size of the existing building, and the reason for that is to include that little blue shed and I think I need to ask Eric this question, but it occurs to me that if the shed could be moved so that it was adjacent to the building, I believe that it was originally positioned there with the idea that the restaurant would expand. If the restaurant can't expand, which it can't under the Waterfront Plan, I don't believe there is any reason that it can't be brought closer to the restaurant which, once the temporary use of the storage container is finished, would actually provide something better than what is there now. But, I am not sure structurally how that shed is attached to the ground, and Eric might be able to answer that for us.

Commissioner McConnell: I request that we reopen the Public Hearing for purposes of taking testimony from Mr. Raahauge.

Chairperson Legalos: The public hearing is reopened.

Eric Raahauge: That shed is self-sustained, and it can be moved. I am sure we can move that.

Chairperson Legalos: It is not attached to the ground?

Eric Raahauge: No, it is not.

Commissioner McConnell: If we move that shed, can we reduce the footprint that you will need?

Eric Raahauge: You mean of the shed, itself?

Commissioner McConnell: Of where the fence will be. Can you reduce the 8 foot high, 25 feet long fence?

Eric Raahauge: You mean, presently, if I was to move that shed?

Commissioner McConnell: Yes.

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Eric Raahauge: Yes, it is possible, but here is the problem that we have. There is a door, right there behind the garbage area which is an exit. With the containment area there, if I move that shed back up against the building, it is going to block that exit, which is the fire exit. We don't want to do that.

Commissioner McConnell: Where else can we put it?

Eric Raahauge: Well, once the containment area goes away, then the people can come straight out the door and go right out. The shed will not be in the way. Do you follow what I am saying? The shed will be moved up against the building but with the containment area there, it would block it. If you were to take that shed now and move it against the building.

Commissioner McConnell: I believe you said that that shed was being used for storage of linens.

Eric Raahauge: Correct. All of their laundry that they use in the Front Room.

Commissioner McConnell: They don't use an outside vendor for linens?

Eric Raahauge: They actually do, yeah. And, he comes there and he gets the stuff weekly or biweekly and he brings it back.

Commissioner McConnell: This is where he stores it, right?

Eric Raahauge: Yes, all the linen that they use is stored in there.

Commissioner McConnell: Okay. Thank you.

Don Hazen: Mr. Chair, if the Commission is considering findings for approval this evening, I might request that you allow us to bring the resolution and any conditions of approval that we may wish to add to this, at your next meeting, because I do think that we need to consider conditions which are not included in your packet.

Chairperson Legalos: So, I am closing the Public Hearing again.

Commissioner McConnell: I am in agreement with Mr. Hazen along further conditions, and I would like to share with him my thoughts at least, and ask other Commissioners to do so as well. If this matter is going to be further studied by staff, I would like them to consider the maximum reduction of the fence of this building to the extent possible given the geographic and physical limitations on the space. I would like them to consider the appearance of the fence, whether it can be mitigated either through landscaping or possibly a mural as well. I definitely want to have a representation from the applicant upon advice of his counsel that he will voluntarily terminate this storage facility as of December 31, 2008 and not seek any extensions in the event that the matter is not concluded at that time or voluntarily, at his own expense, remove the shed and the fence. Those are my thoughts on the matter.

Commissioner Harrington-Cole: I would kind of like to see the outside of that fence area more closely mimic the restaurant so it is not as intrusive and looks more like it belongs, even though it won't have a roof, because I think it will look more cohesive.

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Commissioner Manning: Yes, I agree with Commissioner Harrington-Cole on that and I also want to say again, my proposal, as other Commissioners have said, is that it be limited to one year, it ends in December, it has to be taken down, and; I would suggest at that time that included in that would be that the shed would be moved back adjacent to that building. Rather than have him move the shed and pull it in now within this one year period, the framework of the fence is already there and my preference would be that he frame it out, make it look exactly like the Front Room, paint it, and then get back to work on the restaurant. I would rather see the effort there than have him out there redigging holes and moving the fence in and moving it now because, again, just one year, and that is all I am proposing. Again, make it look like the Front Room, get it painted, get it done, get the restaurant open. Take it down, and move the shed when you are done.

Commissioner Peterman: Considering that we are thinking of a one-year permit, I would hesitate to do as Commissioner Manning suggested and Commissioner McConnell that it expire on December 31 because the next meeting isn't until January so if we are indeed granting him a one-year permit, I think it should really be a one-year permit.

Commissioner Turley: A short one this time Mr. Chairperson, but I do support Commissioner Manning in her suggestion.

Commissioner McConnell: I will move the continuance of this item to our second meeting in January, 2008 for further disposition based upon the recommendations of staff and further discussions with the applicant.

Chairperson Legalos: Please vote.

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

NOS: None.

ABSENT: None.

It is unanimous. Motion carries.

Chairperson Legalos: Moving on to other items. Ms. Quintana: Item L please.

L. OTHER ITEMS

Claudia Quintana: Thank you Chairperson Legalos. As you know, I have a handout and I have given it out to the members of the Commission regarding conflict of interest. These last couple of weeks, a number of you have asked me questions about conflicts of interests and have raised certain issues so I thought the best thing to do was to have a kind of quick review handout and also include, in my presentation tonight, which will be very short, some references which might be helpful should you have questions at a later date. The basic prohibition into the Political Reform Act is that Commissioners are disqualified from participating in decisions or activities if they have a conflict of interest. And, how do you know if you have a conflict of interest? It is very easy. You just look at your handout and you follow the eight steps that the Fair Political Practices Commission has pointed out. Step 1 is easy. You are all subject to this because you are members of the Commission. Step 2 is the question "Are you making, participating in the making, or using your official position to influence a government decision?" What I wanted to point out is, that is not just a decision here, publicly but it is also activities outside the Commission, so, if you are at

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

DATE OF MEETING: December 17, 2007

PREPARED BY: Katherine Donovan

PROJECT NUMBER: AP 07-0017

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

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

2. RECOMMENDATION: Deny

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

4. PROJECT DATA SUMMARY

Name of Applicant: John Raahauge

General Plan Designation: Open Space/Community Parks

Zoning Designation: Open Space within Mixed Use Planned Development

Site/Surrounding Land Use:

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

North: Open Space Park

South: Ferry building and ferry terminal

East: Limited time parking

West: Mare Island Strait

5. BACKGROUND SUMMARY

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

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

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

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

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

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

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

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

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

6. ANALYSIS

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

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

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

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

7. ENVIRONMENTAL DETERMINATION

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

8. CONCLUSION/RECOMMENDATION

Staff has determined that the proposed project, as conditioned, is not consistent with the City's General Plan and Municipal Code, and all applicable ordinances, standards, guidelines, and policies. Therefore, staff recommends that the Planning Commission **DENY** AP 07-0017 based on the finding following findings.

FINDINGS

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

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

the rendition of the decision of the Planning Manager. If such date falls on a weekend or City holiday, then the deadline shall be extended until the next regular business day.

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

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

ATTACHMENTS

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

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC-07-_____

A RESOLUTION OF THE PLANNING COMMISSION
DENYING AN ADMINISTRATIVE PERMIT
(AP 07-0017)

*Storage for Vic's Wheelhouse
295 Mare Island Way
0055-170-020*

I. GENERAL FINDINGS

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

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

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS.

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

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

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

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

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

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

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

V. VOTE

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

AYES:

NOES:

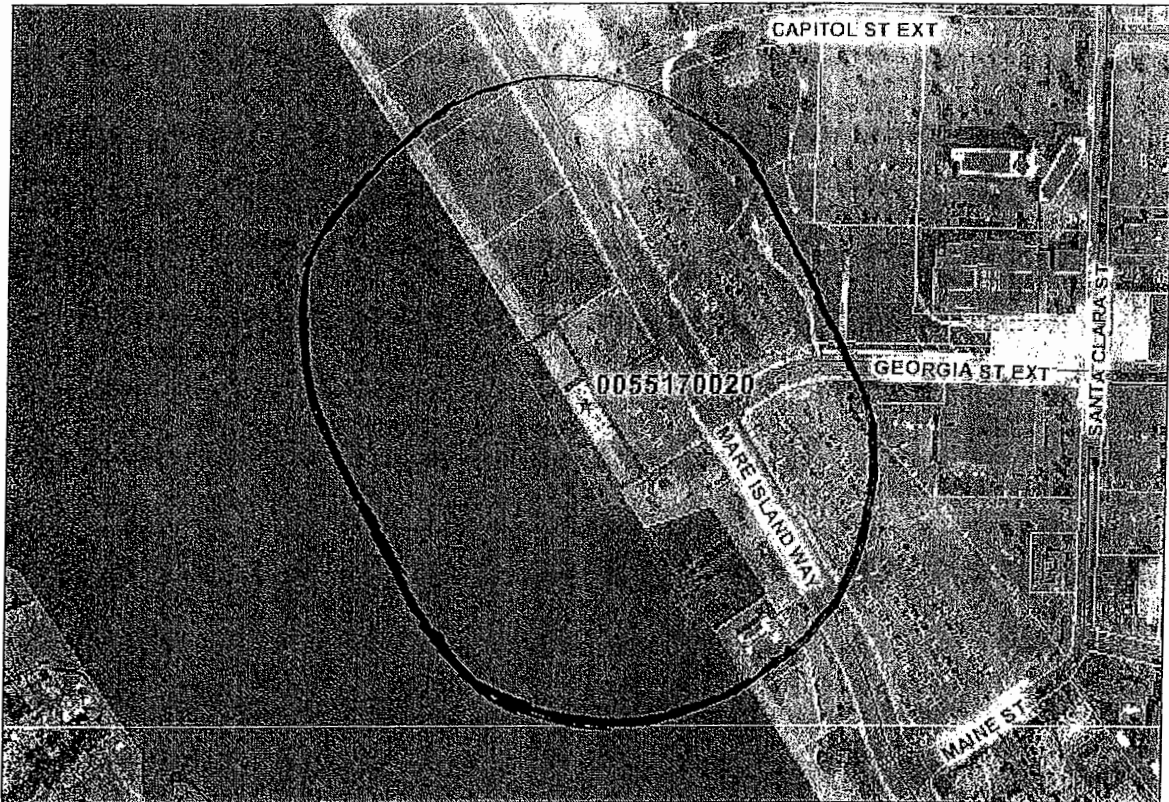
ABSENT:

Charles Legalos, Chairperson
City of Vallejo Planning Commission

Attest:

Don Hazen
Planning Commission Secretary

295 Mare Island Way



CONFLICT OF INTEREST MAP
(500-foot radius)

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

MARE ISLAND STRAITS

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

EXIST. DOCK

EXIST. TERMINAL

EX. 4' 9"

EXIST. SEAWALL

Property
line

LAWN

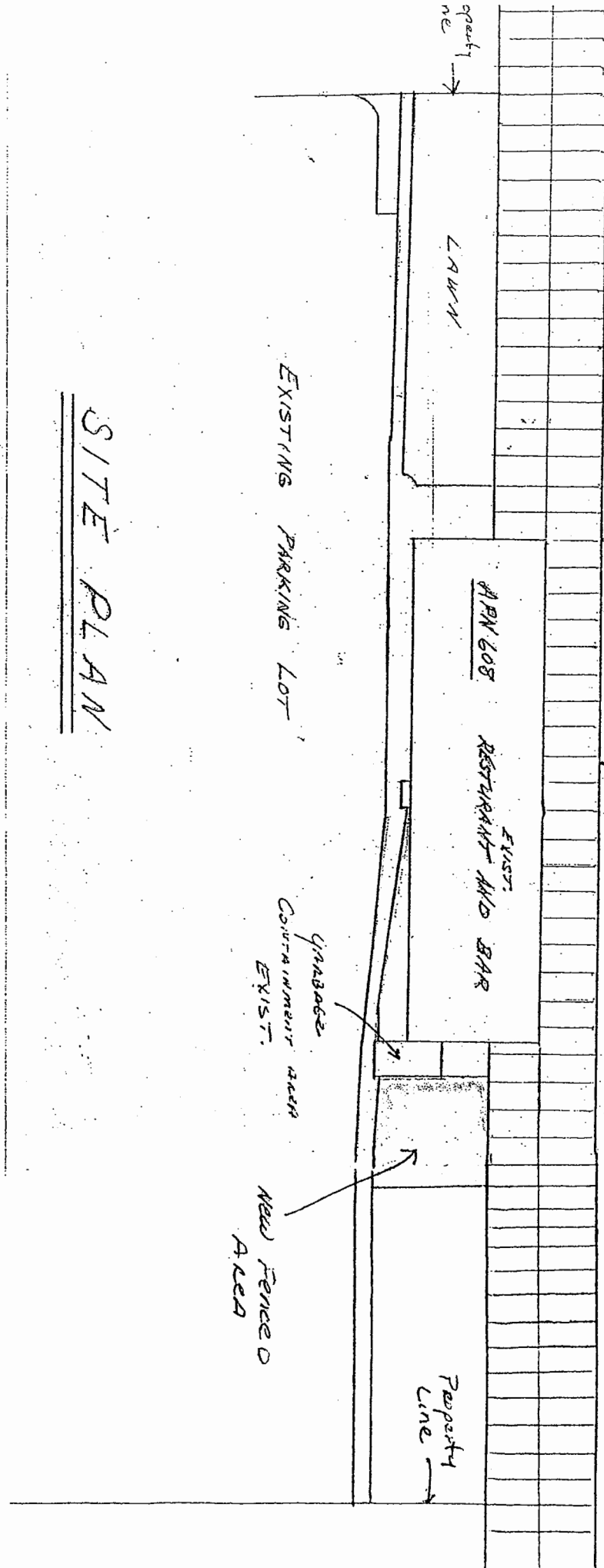
EXIST. RESTAURANT AND BAR

EXISTING PARKING LOT

CHABOZE
CONTAINMENT AREA
EXIST.

NEW FENCE
AREA

SITE PLAN

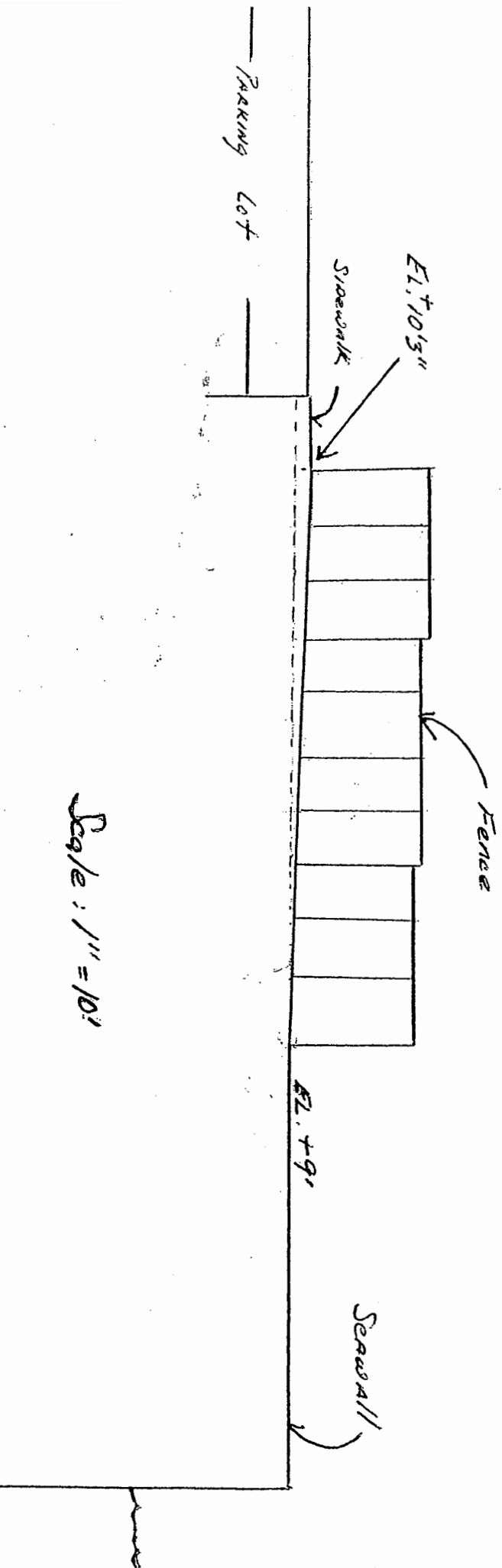


MADE ISLAND FERRY CO.

295 N MADE ISLAND WY.

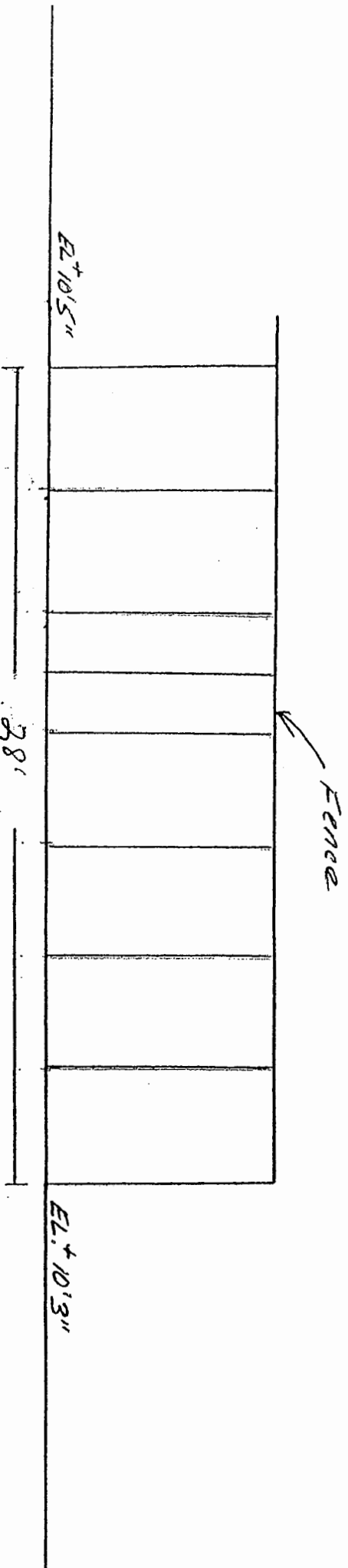
VALENT, CA. 94590

NORTHERN ELEVATION



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

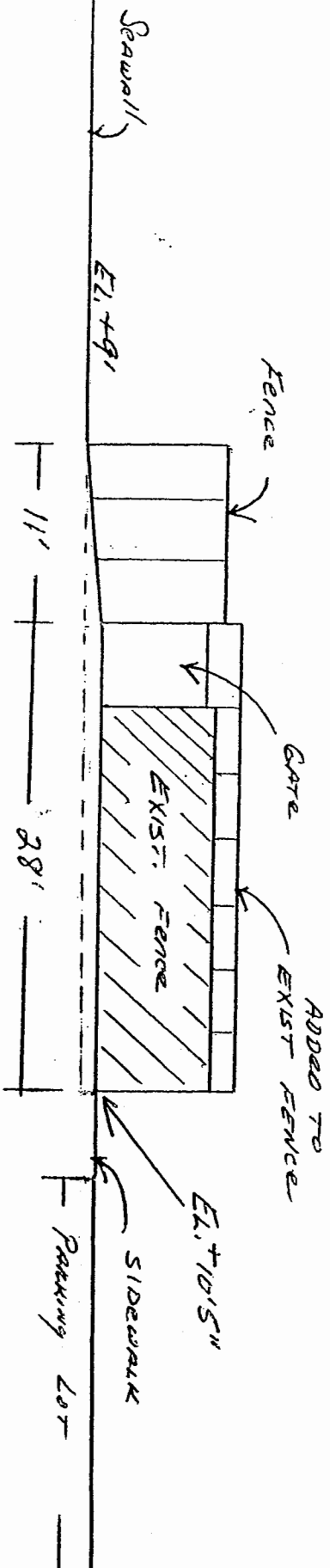
EASTERN ELEVATION



Scale: 2" = 10'

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

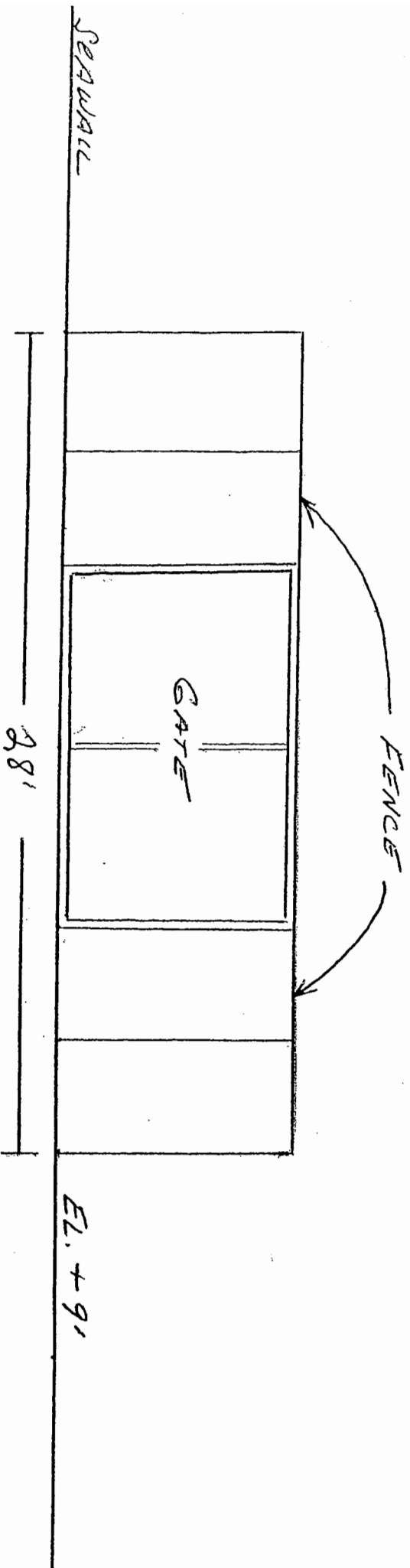
SOUTHERN ELEVATION



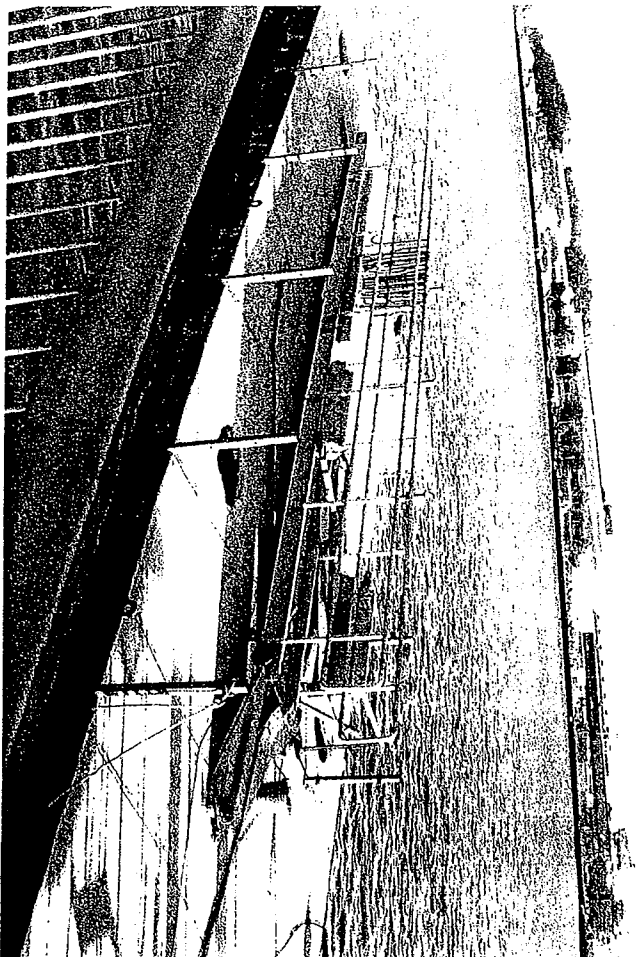
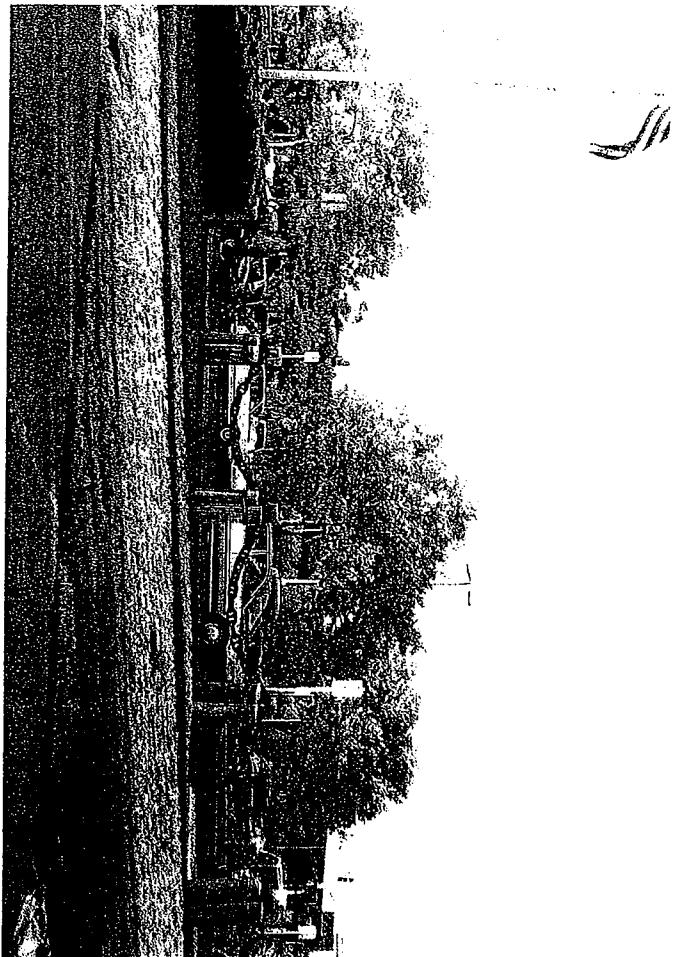
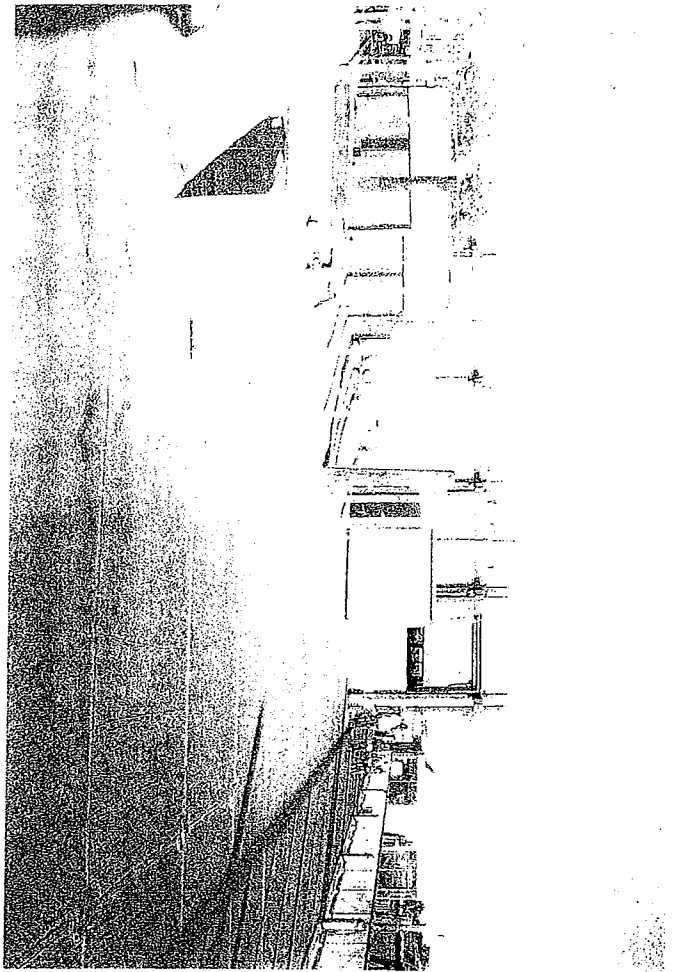
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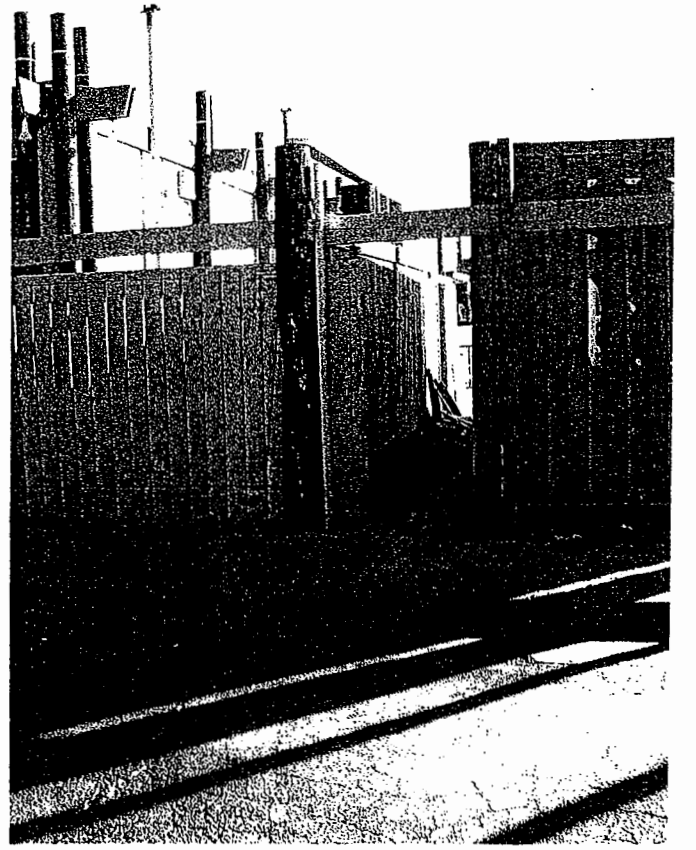
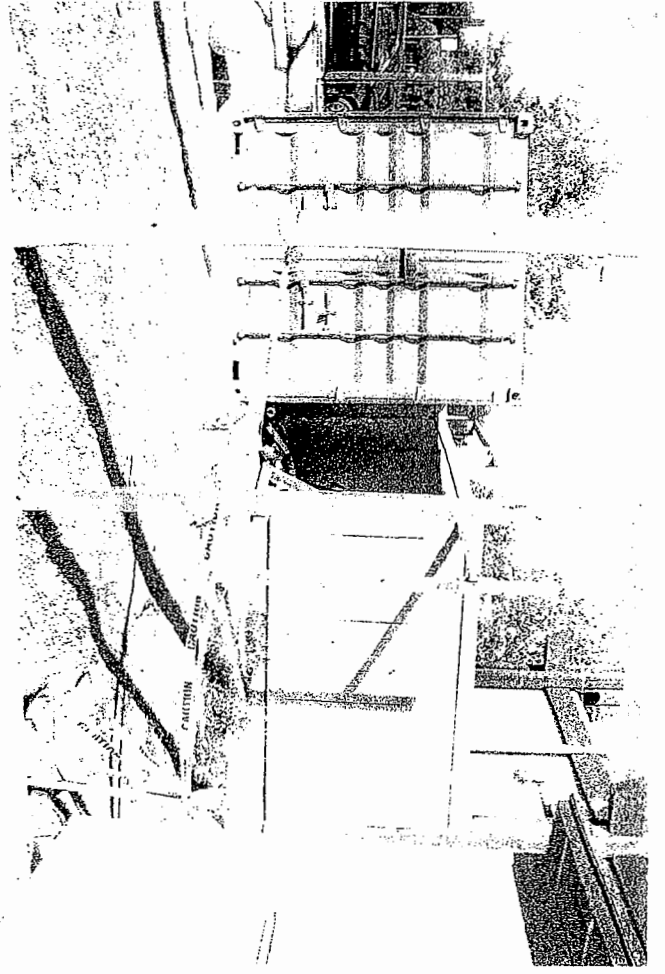
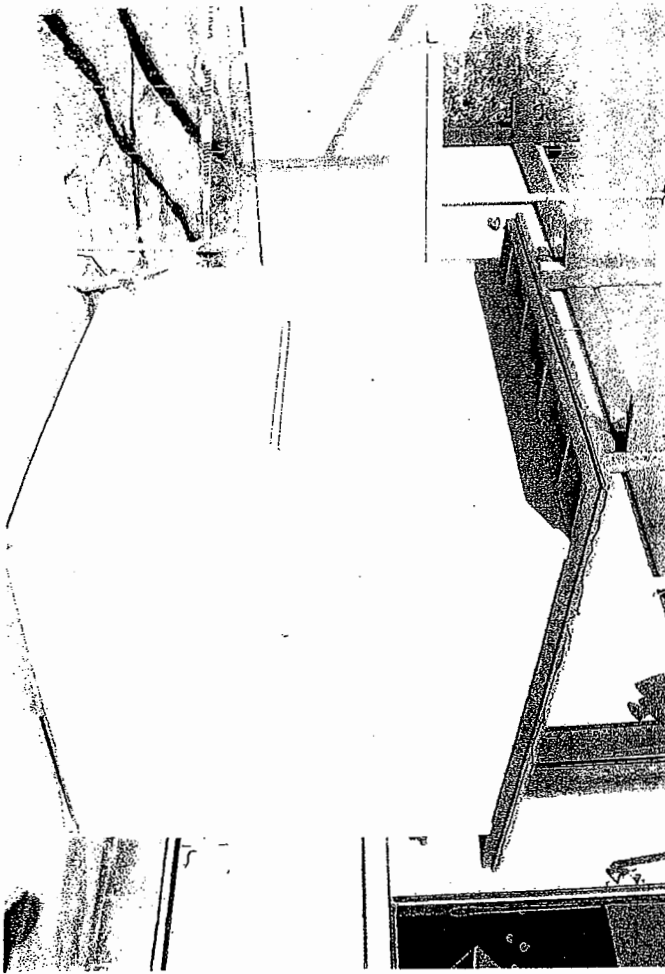
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395 A MADE ISLAND AVE.
VALLEJO, CALIF. 94590

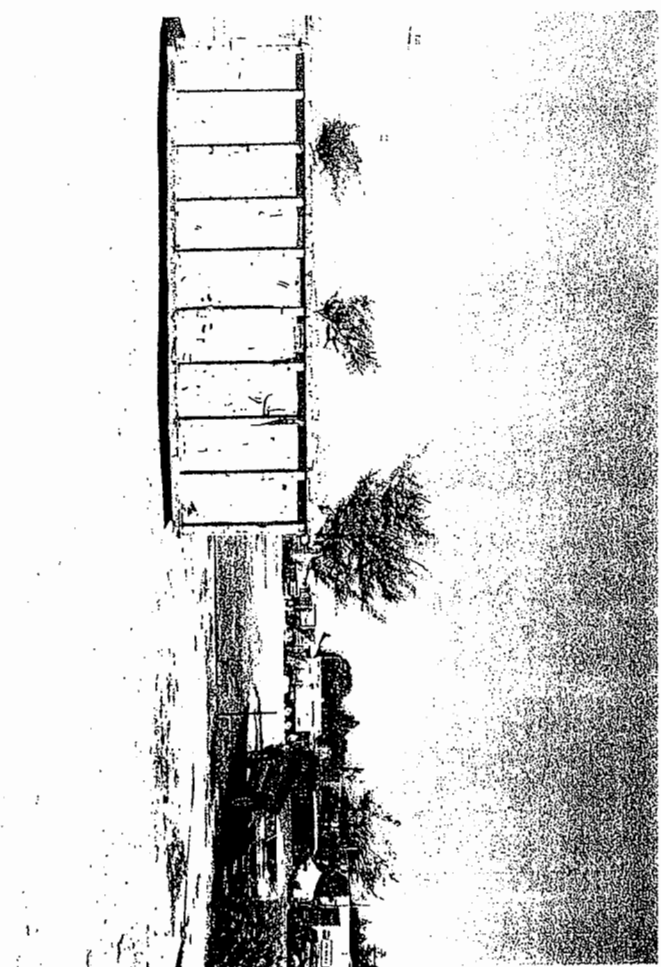
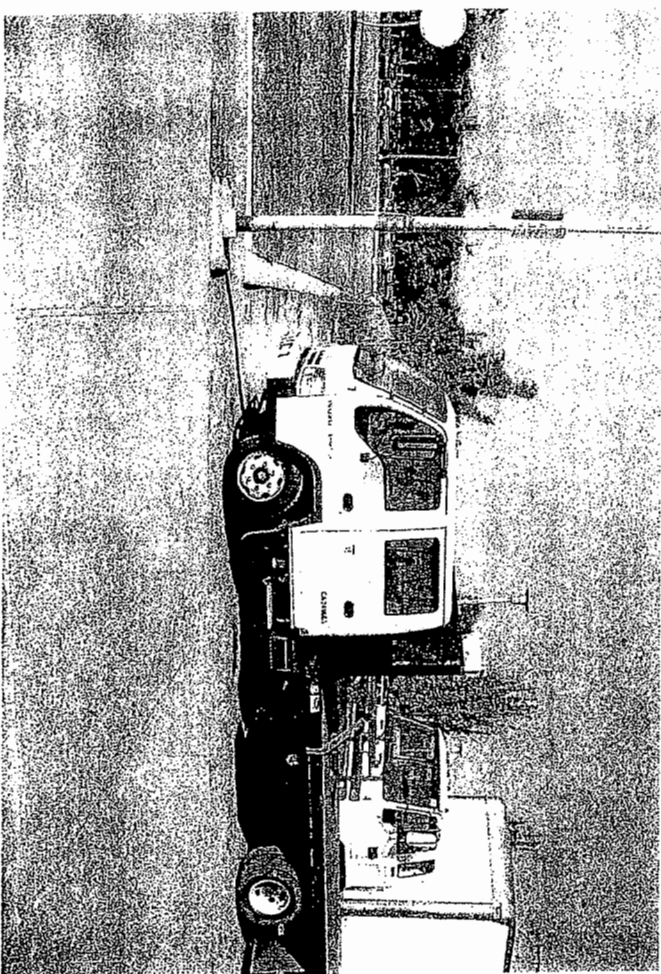
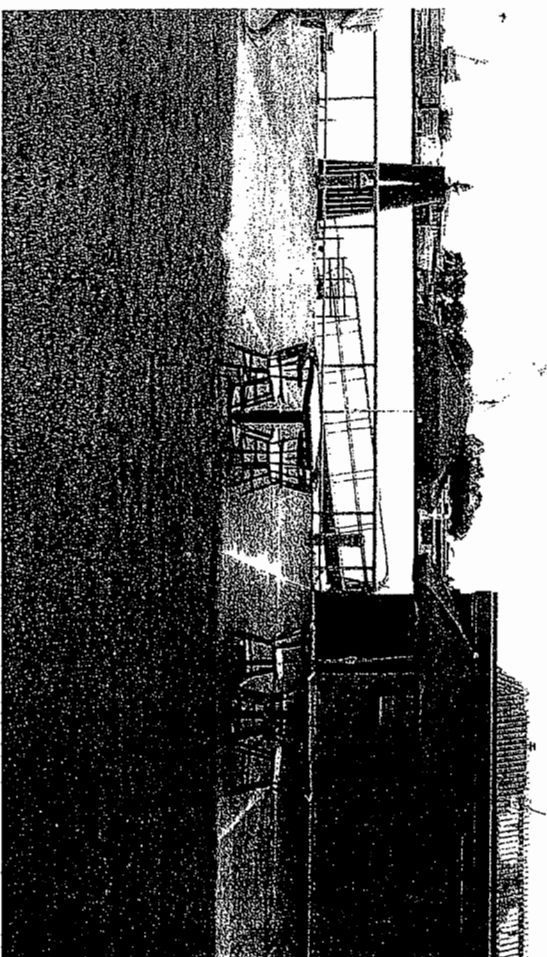
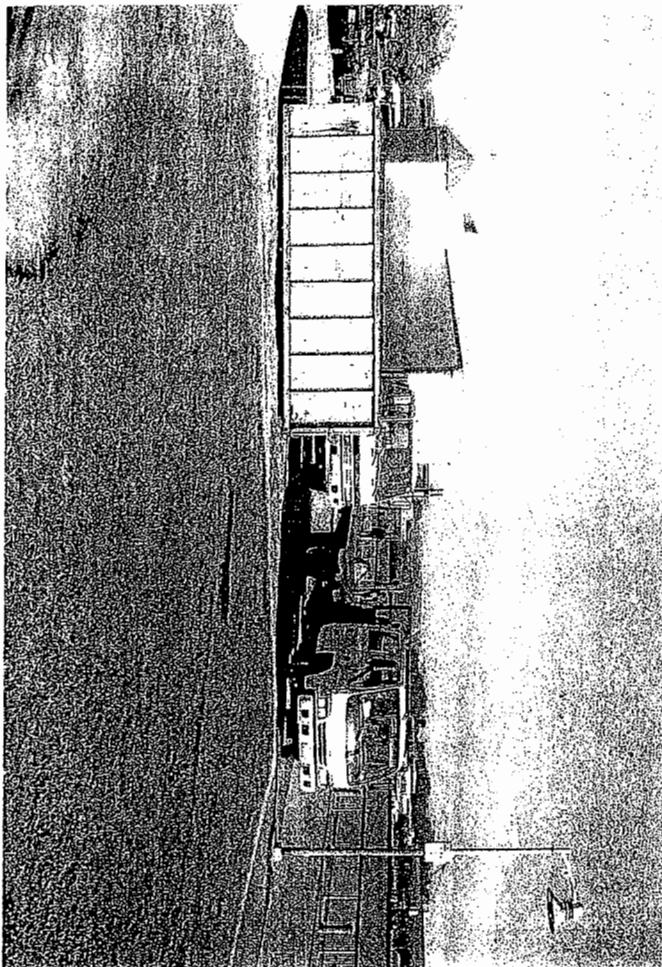
WESTERN ELEVATION



Scale: 2" = 10'







December 6, 2007

Planning Commission
555 Santa Clara Street
Vallejo, Ca. 94590

Dear Commissioners;

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

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

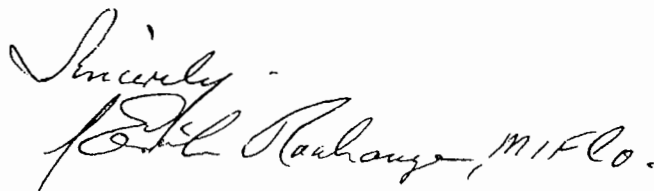
In the spring of 2007, a steel container or con box was placed near the north end of the Front Room Restaurant alongside the garbage containment area. The con box is 20 feet long, 8 feet wide and 8 feet high and similar to containers placed at many job sites. A permit was not initially obtained for the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

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

Located within the containment area is the following,

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

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

Sincerely,
 Peter Rauhauer, MIF Co.



Making San Francisco Bay Better

BCDC Original

PERMIT NO. M06-25

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

AMENDMENT NO. ONE

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

AND

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

ATTENTION: Steven W. England

Ladies and Gentlemen:

I. Authorization

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

- Location:** In the 100-foot shoreline band, near and at 295-A Mare Island Way and along the waterfront promenade, in the City of Vallejo, Solano County.
- Description:** Conduct the following activities: (1) use and maintain a pre-existing 1,200-square-foot, pile-supported, ferry terminal building and a 1,470-square-foot dock as a restaurant, bar and maritime museum; (2) place, use and maintain tables and chairs in a 144-square-foot area across from the ferry terminal building and along the waterfront promenade for outdoor dining; (3) install, use and maintain a 25-square-foot grease interceptor box below the parking lot grade to connect with the restaurant's outgoing sewage pipe; ~~and~~ (4) install, use and maintain ~~and maintain~~ various public access improvements along the waterfront promenade; and (5) install, use and maintain a 1,000-square-foot, temporary storage shed adjacent to the existing Front Room Restaurant and parking lot.

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

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

II. Special Conditions

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

A. Specific Plans and Plan Review

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

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

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

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

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

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

B. Public Access

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

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

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

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

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

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

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

I. **Notice of Assignment**

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

III. **Findings and Declarations**

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

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

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

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

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

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

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

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

IV. Standard Conditions

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

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

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

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

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

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

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

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

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

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

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

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

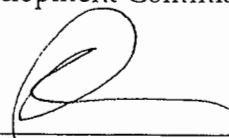
M. Except as otherwise noted, violation of any of the terms of this amended permit shall be grounds for revocation. The Commission may revoke any amended permit for such violation after a public hearing held on reasonable notice to the permittees or their assignees if the amended permit has been effectively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

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

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

WILL TRAVIS
Executive Director
San Francisco Bay Conservation and
Development Commission

By:


STEVEN A. McADAM
Deputy Director

SAM/MY/ra

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

PERMIT NO. M06-25

John Erik Raahauge and City of Vallejo

Redevelopment Agency

(Issued on April 6, 2007, As

Amended Through August 1, 2007)

AMENDMENT NO. ONE

Page 8

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Applicant

On _____

By: _____

Title

* * * * *

Receipt acknowledged, contents understood and agreed to:

Executed at _____

Applicant

On _____

By: _____

Title

Directions to Vallejo, CA 94590, United States



Summary and Notes

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

Add your notes here...

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

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

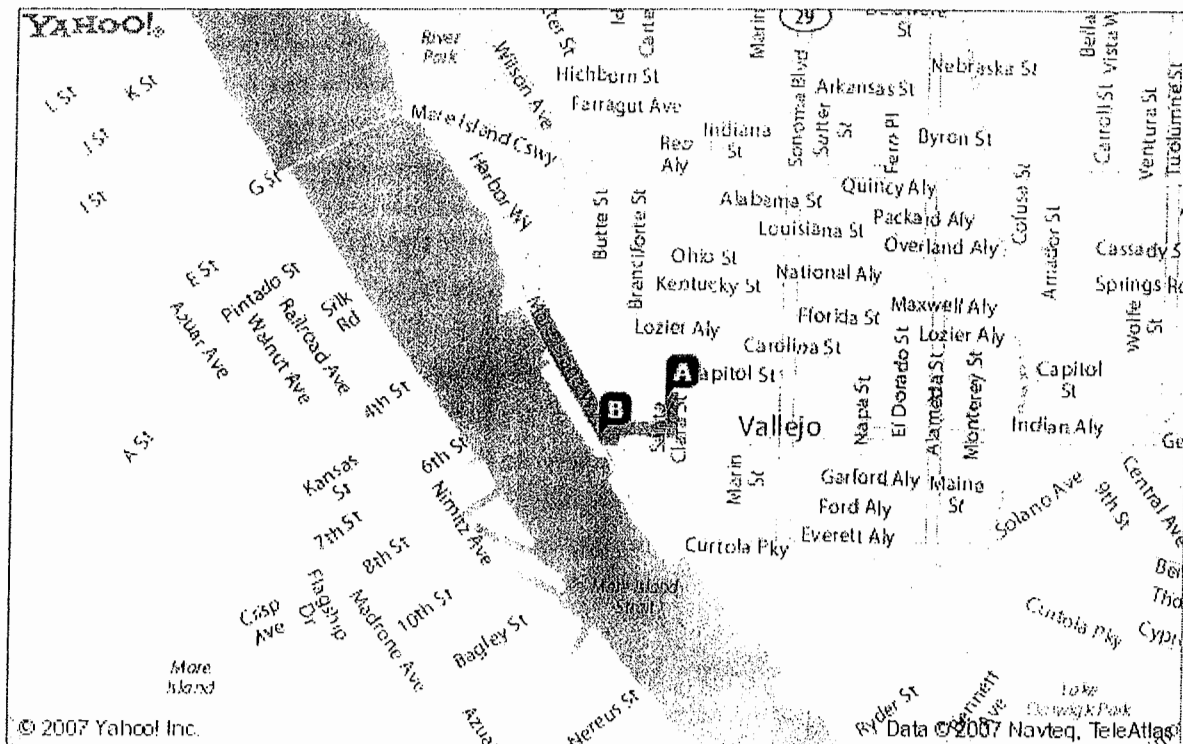
Distance

A 555 SANTA CLARA ST, VALLEJO, CA 94590, UNITED STATES

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

B 295 MARE ISLAND WAY, VALLEJO, CA 94590, UNITED STATES

Distance: 0.9 miles, Time: 3 mins



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



City of Vallejo Memo

To: Planning Commission
From: Marcus Adams, Associate Planner
Date: January 23, 2008
Re: Items K3 & K4 "Continuance"

Use Permit application #07-0014 (Item K-3) will be continued to the meeting of February 20, 2008 to allow the applicant time to resolve parking requirement issues and meet with the Vallejo Alcohol Policy Coalition.

Use Permit application #07-0017 (Item K-4) will be continued to the meeting of February 20, 2008 to allow the applicant time to meet with the Vallejo Alcohol Policy Coalition.



Item K5

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

DATE OF MEETING: January 23, 2008

PREPARED BY: Marcus Adams *M.A.*

PROJECT NUMBER: UP #07-0018

**PROJECT
DESCRIPTION:**

“Aspire 2 Achieve” has submitted a conditional use permit application to legally establish a private independent study program for elementary to high school students. The classes are located within the First Presbyterian Church located at Amador and Nebraska Streets. No physical improvements to the building are proposed. The study program currently has a maximum capacity of 55 students. The program operates on the following days and hours: Monday, 10-3, Tuesday-Thursday 8-3.

RECOMMENDATION: Approve with Conditions

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

PROJECT DATA SUMMARY

Name of Applicant: LaDonna Christoffersen

Date of Completion: December 13, 2007

General Plan Designation: Residential-Low Density

Zoning Designation: Low Density Residential (LDR)

Site/Surrounding Land Use:

Site: 1350 Amador St., APN 0057-011-010

North: Residential

South: Residential

East: Residential

West: Vallejo High School

Lot Area: square feet	43,471
Total Floor Area/Ratio:	Not Available
Landscape Area/Coverage:	Not Available
Parking Required/Provided:	8 total spaces (1 elementary 1:20 ratio [7 students], 1 middle school 1:15 ratio [15 students], 6 high school 1:6 ratio [34 students]) /29 off-street spaces provided

BACKGROUND SUMMARY

The Aspire 2 Achieve program has been in existence since September 2006 as a private independent study program for students age 6-18. Due to their success, the program outgrew their Tennessee Street location and relocated to space within existing rooms at the First Presbyterian Church, located at Nebraska and Amador Streets, approximately one year ago. Aspire 2 Achieve has no religious affiliation with the church.

According to the director, the Program had not applied for a use permit to operate the school prior to December 2008 because they were leasing space on a month-to-month basis until they were sure that a 'for-profit' school would be allowed to occupy the church. Upon church confirmation of their use, a conditional use permit application was submitted to the Planning Division.

ANALYSIS

The proposed private school use is allowed in the LDR zoning district with major use permit approval, per Section 16.14.040(B)(2) of the Vallejo Zoning Ordinance (Community Education). The major issue staff analyzes when reviewing school facilities are potential impacts on the surrounding neighborhood, i.e. parking and traffic circulation.

Aspire 2 Achieve staff met with the Vista Neighborhood Association on December 4, 2007, and according to the Director, their program was well received by most members. Letters were also sent to neighbors by Aspire 2 Achieve detailing the specifics of the program (see Attachment 4). Staff however did receive phone calls from neighbors who were either opposed to the study program or had concerns related to loitering and the background of the students in the program.

As noted above in the Project Data Summary, there is a 21 space parking surplus for the amount of required parking spaces. The Program would be sharing the parking lot with two other groups during their operating hours: Meals on Wheels and a bible study group as well as church officials in the office area.

The Meals on Wheels program has a staff of two which are there Monday-Friday, 9-2 p.m. Approximately 14 volunteers arrive at 11:30 a.m. to deliver food and return between 1-1:30 p.m. The bible study group meets between 12:30 and 2:30 p.m. Monday and Tuesdays with a maximum of 10 individuals. Church officials, (approximately three) are at the office during the day. Based on these operating capacities given to staff, the Planning Division believes that the current amount of parking spaces is sufficient for all three programs.

Due to a required relocation of one of the handicapped spaces, one parking space will be eliminated. The church use requires 38 parking spaces. Though the church's parking lot deficiency of nine spaces would be increased due to the loss of a parking space, the City is not aware of any complaints from neighbors related to church parishioners parking on neighborhood streets during Sunday services and therefore, does not believe the loss of one parking space will have negative impact to the neighborhood.

The program Director informed staff that Aspire 2 Achieve may increase in the future to a maximum of 75 students (20 more than the current 55 maximum capacity). Depending on the grade level of an additional 20 students, the amount of required parking spaces could increase by 1 to 3 spaces. To help monitor parking impacts, staff will require that an annual operating capacity schedule be submitted to the Planning Division for all activities at the church property by August 31st. If operating capacities of all programs exceed the off-street parking capacity for the site, a parking management plan to reduce potential impacts will be required.

To address potential impacts of student loitering near the surrounding homes and at Vallejo High and Middle School campuses, staff will require that Aspire 2 Achieve establish a "no loitering" policy (given to students and parents), which prohibits students waiting to be picked up from loitering outside of the building, i.e. parents/guardians will need to park in the church parking lot and retrieve their student from inside the building or from the fenced courtyard/lunch area (see Attachment 2). To ensure that the parking lot will have enough spaces for the student's parents, staff will require that the two ice cream trucks no longer park in the church parking lot.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt due to the fact that the existing use would involve no expansion or new construction (CEQA Section 15301, Existing Facilities).

CONCLUSION/RECOMMENDATION

Staff has determined that the proposed project, as conditioned, is consistent with the City's General Plan and Municipal Code, and all applicable ordinances, standards, guidelines, and policies. Therefore, staff recommends that the

Planning Commission approve the Conditional Use Permit, number UP 07-0018, based on the findings and subject to the attached Conditions of Approval.

FINDINGS

The Planning Commission finds, based on the facts contained in this staff report attached herein and incorporated herein by this reference, and given and the evidence presented at the public hearing, and subject to the conditions attached to this resolution that:

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

EXPIRATION

Approval of a use permit shall expire automatically twenty-four months after its approval unless authorized tenant improvements have commenced prior to the expiration date.

APPEAL

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

ATTACHMENTS

1. Resolution
2. Site plan
3. Pictures of site
4. Aspire 2 Achieve letter to neighbors
5. Conflict of Interest Map

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-24

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING A CONDITIONAL USE PERMIT APPLICATION
USE PERMIT #07-0018**

Aspire 2 Achieve (Community Education)

The existing private independent study program is relocating from Tennessee Street to 1350 Amador Street.

APN# 0057-011-010

* * * * *

I. GENERAL FINDINGS

WHEREAS an application was filed by LaDonna Christoffersen of Aspire 2 Achieve seeking approval for a conditional use permit to establish an independent study program; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on January 23, 2008 at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

Section 1. The Planning Commission finds that on the basis of the whole record before it there is no substantial evidence that the project will have a significant effect on the environment per Section 15301, Class 1 Categorical Exemption, "Existing Facilities" of the California Environmental Quality Act.

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

Section 2. The Planning Commission finds that applicant submitted Major Use Permit application for an independent study program pursuant to the City of Vallejo Municipal Code Chapters 16.14.040 and 16.82 Conditional Use Permit Procedure.

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

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

**IV. RESOLUTION APPROVING THE CONDITIONAL USE PERMIT
APPLICATION FOR AN INDEPENDENT STUDY PROGRAM LOCATED AT
1350 AMADOR STREET**

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Conditional Use Permit application (UP# 07-0018) for the Aspire 2 Achieve independent study program, based on the findings contained in the staff report attached hereto and incorporated herein and subject to the Conditions of Approval attached to this resolution.

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 23rd day of January, 2008, by the following vote to-wit:

AYES:

NOES:

ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

CONDITIONS OF APPROVAL
MAJOR USE PERMIT #07-0018
(APN# 0057-011-010)

CONDITIONS OF APPROVAL:

Planning Division

1. Provide compliance departmental signatures from the Building Division and Fire Prevention within sixty (60) days of use permit approval. Failure to provide sign off signatures may result in administrative citations of \$200 or more per citation.
2. Provide a copy of a "no loitering" policy (given to students and parents), which prohibits students waiting to be picked up by parents from loitering off church grounds and in the church parking lot. Students are to be picked up from within the building or the fenced courtyard/lunch area.
3. Ice cream trucks shall not be parked in the church parking lot.
4. Maximum student population shall not exceed 75 students.
5. The property owner shall provide an annual operating capacity schedule of all uses at the property by August 31st each year. If operating capacity exceeds off-street parking capacity, a parking management plan, subject to Planning and Traffic Division review and approval, shall be required.
6. The applicant shall establish a recycling program for the building in coordination with the Planning Division and when established, either participate in the Citywide commercial recycling program or demonstrate to the satisfaction of the Planning Division that the established recycling program is sufficient or is not required.

Building Division

1. Provide exist analysis with occupant load per exit door. Exit door needs to open out when load is over fifty persons.
2. ADA requires 12' of wall on strike side of doors.
3. Provide information regarding the previous use of the building before the current daycare facility.
4. Construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design

professional. (2007 CBC, Sec. 106.1)

5. All previous work needs to be permitted and approved.
6. The staircase needs handrails.
7. ADA parking and path of travel to the public way needs to be provided, if applicable.
8. Provide the occupancy of the adjacent building. A firewall is required.

City and Traffic Engineer

1. Prior to final release/occupancy remove and replace curb, gutter, sidewalk and driveway approach on all three streets fronting the property per City standard as determined in the field by City Engineer. Obtain side walk permit from Public Works Department to perform this work.
2. Install "Do Not Enter" plus "One Way" signs on southwest end of driveway at Amador Street. (Traffic Engineer)
3. Install "One Way" signs on southeast entry of driveway at Glenn Street. (Traffic Engineer)
4. Submit new parking lot layout with signing, striping incorporating the new handicap spaces. (Traffic Engineer).

Fire Prevention

1. Submit a numbered list to the Fire Prevention Division stating how each condition of project approval will be satisfied. (F1)
2. Additional fire hydrants may be required. Submit a complete set of plans for review and approval. All fire hydrants are to have "blue dot" highway reflectors installed on the adjacent street of the driveway to clearly identify the fire hydrant locations. (1998 CFC Section 903, Appendix III-B).
3. An on-site inspection is needed for this project.
4. Prior to building permit submittal, building construction plans and plans for required fire protection systems (automatic sprinklers, smoke alarms, etc.) shall be submitted to the Fire Prevention Division for review and approval. All applicable plan review and inspection fees shall be paid. (F4)
5. Prior to final inspection, install 3A-40BC portable fire extinguishers as required by the Fire Prevention Division. (1998 CFC Standard 10-1; NFPA 10) [F8]

6. Prior to final building inspection, install approved numbers or addresses on all buildings in such a position as to be clearly visible and legible from the street. Commercial occupancies shall have numerals or letters not less than 6 inches in height of contrasting background, and illuminated at night. For this facility, minimum 6" numbers. (1998 CFC Section 901.4.4; added VMC Section 12.28.170)[F9]
7. Prior to final building inspection, install "No Parking Fire Lane" signs along interior access roadways, in locations where vehicle parking would encroach on a 20-foot clear width of roadway (CVC Section 22500.1; CalTrans Traffic Manual, sign# R26F) [F10]
8. Prior to final building inspection, all applicable fees shall be paid and a final Fire Prevention inspection shall be conducted. All meetings and inspections require a minimum 24-hour advance request. (F11)
9. The project shall conform to all applicable requirements of Title 19-Public Safety, 1998 CFC and all VMC amendments. (F2)

STANDARD CONDITIONS

Planning Division

1. The space and staffing standards shall at a minimum meet state requirements (VMC 16.58.040[D][1])
2. The operator and the premises must be licensed or certified by the California department of social services (VMC 16.58.040[D][3])
3. The premises shall be subject to fire and health inspection by the city and the use permitted thereon shall be contingent upon compliance with fire and health regulations and requirements (VMC 16.58.040[D][5])
4. Such use shall not adversely affect the neighborhood in which it is located. For the purposes of this subsection, "adversely affect" shall mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties in the immediate area (VMC 16.58.040[D][6]).
5. If the Planning Division, either independently or as a result of complaints from the public, becomes aware that the use is being conducted in a manner which violates the conditions of this use permit or other applicable City regulations, and Planning staff is unable to obtain compliance or abatement, staff will refer the use permit to the Planning Commission for possible suspension or revocation per Section 16.82.110, Vallejo Municipal Code.

GENERAL CONDITIONS

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

Directions

Distance

Total Est. Time: 6 minutes

Total Est. Distance: 1.79 miles



1: Start out going SOUTH on SANTA CLARA ST toward GEORGIA ST.

<0.1 miles



2: Turn LEFT onto GEORGIA ST.

0.9 miles



3: Turn LEFT onto AMADOR ST.

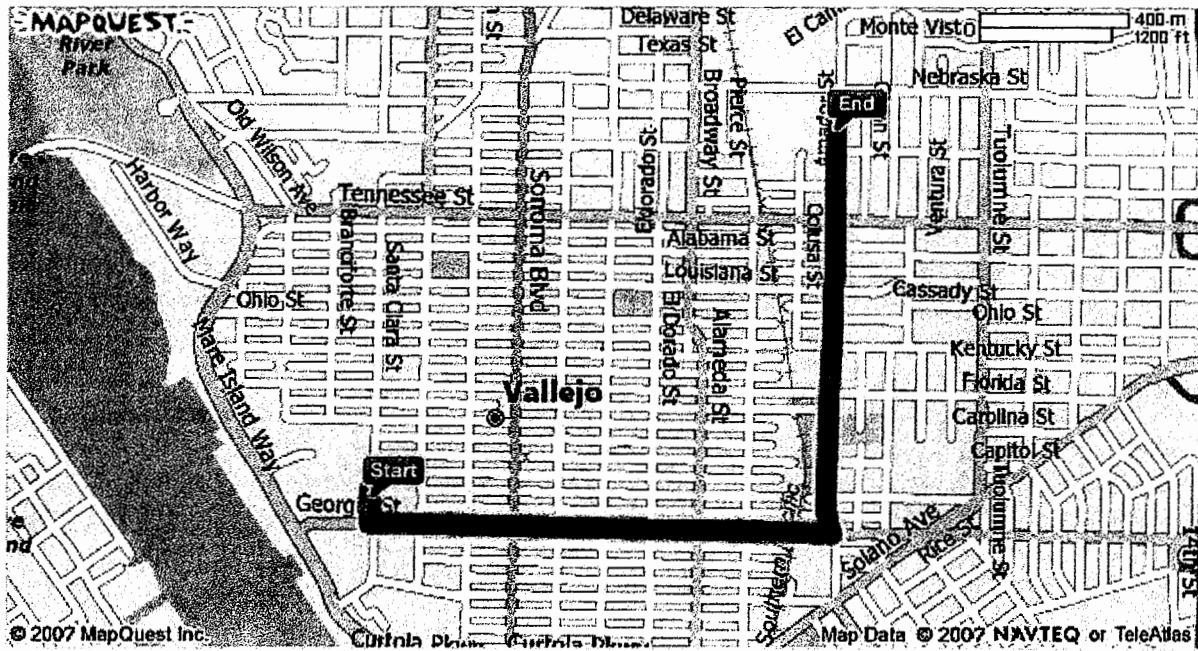
0.8 miles



**4: End at 1350 Amador St
Vallejo, CA 94590-3350, US**

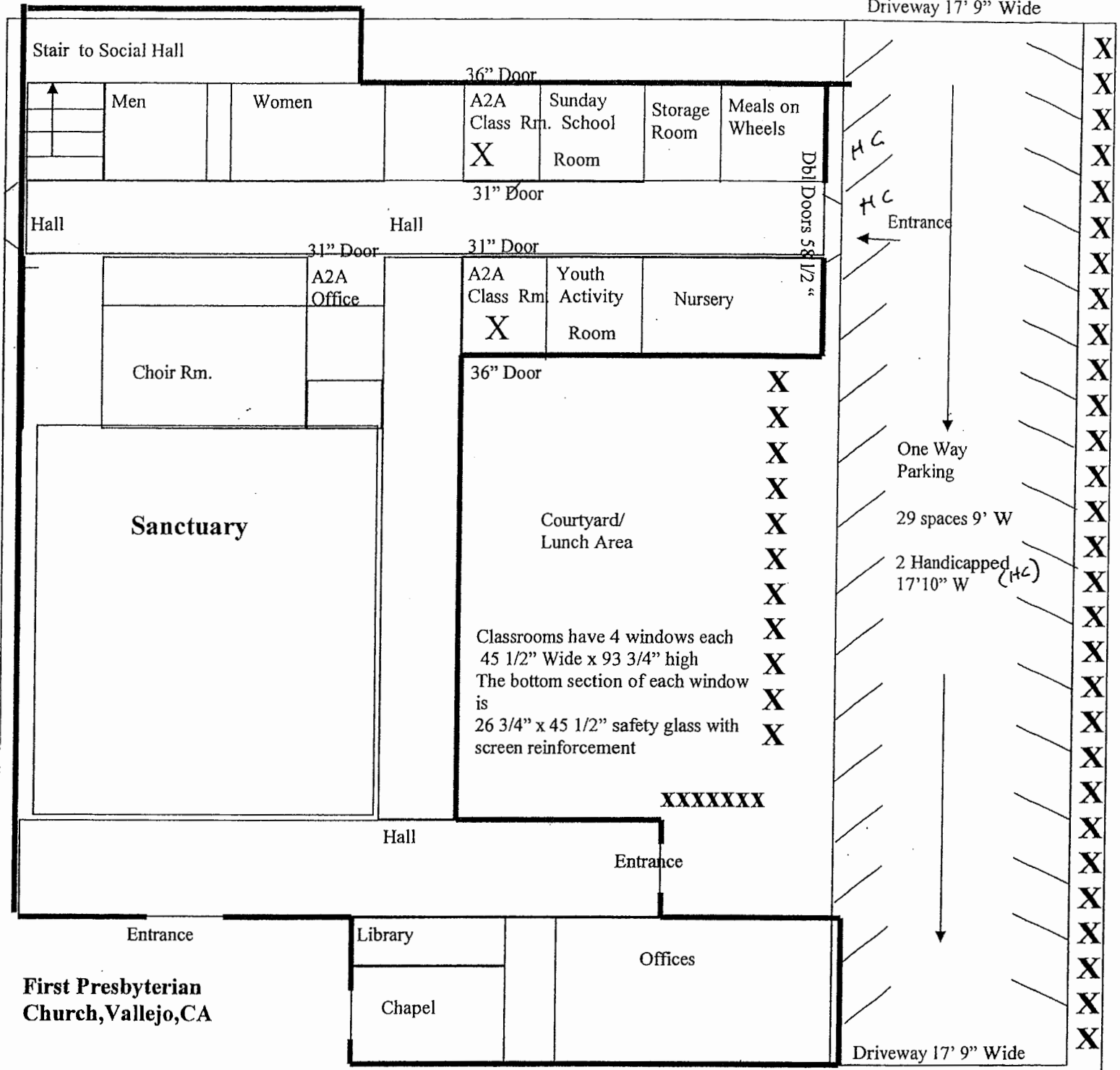
Total Est. Time: 6 minutes

Total Est. Distance: 1.79 miles



Glenn Street

Driveway 17' 9" Wide

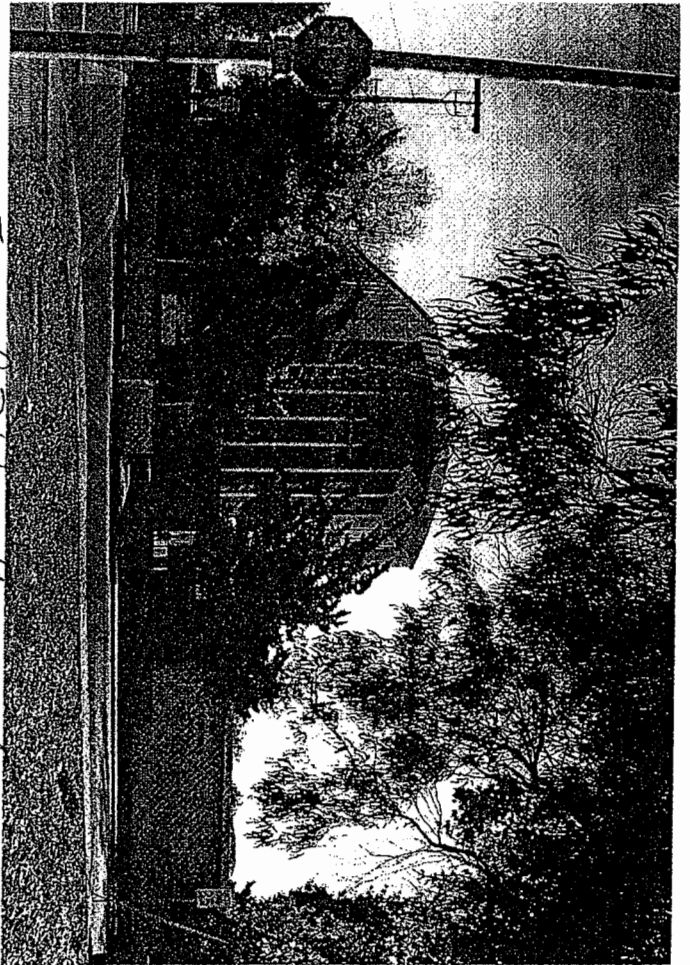


classroom has two exit doors—one to inside hallway and one leading out of the building.

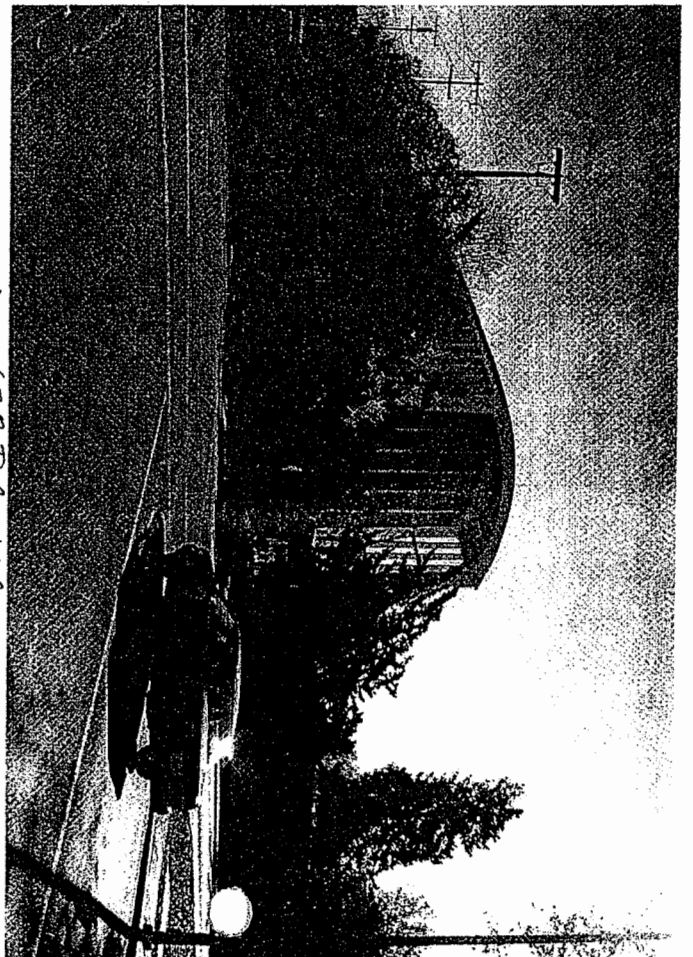
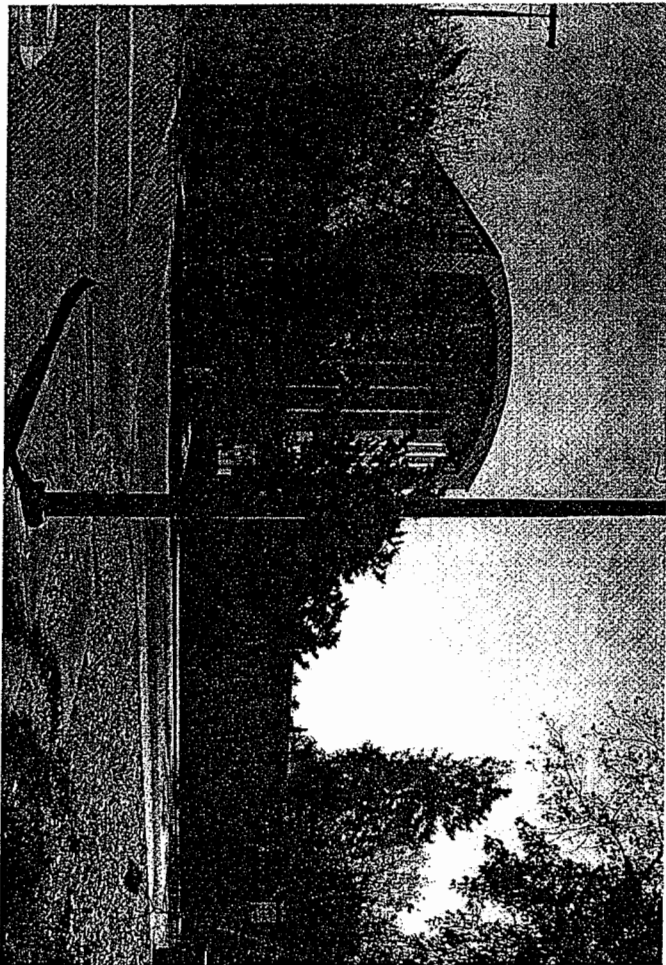
s on Wheels—a meal delivery program for sick and elderly has 2 staff working 9:00 a.m.—2:00 p.m. M-F.

oximately 14 volunteers come at 11:30 a.m.; pick up the meals and return containers between the hours of 1:00 and p.m..

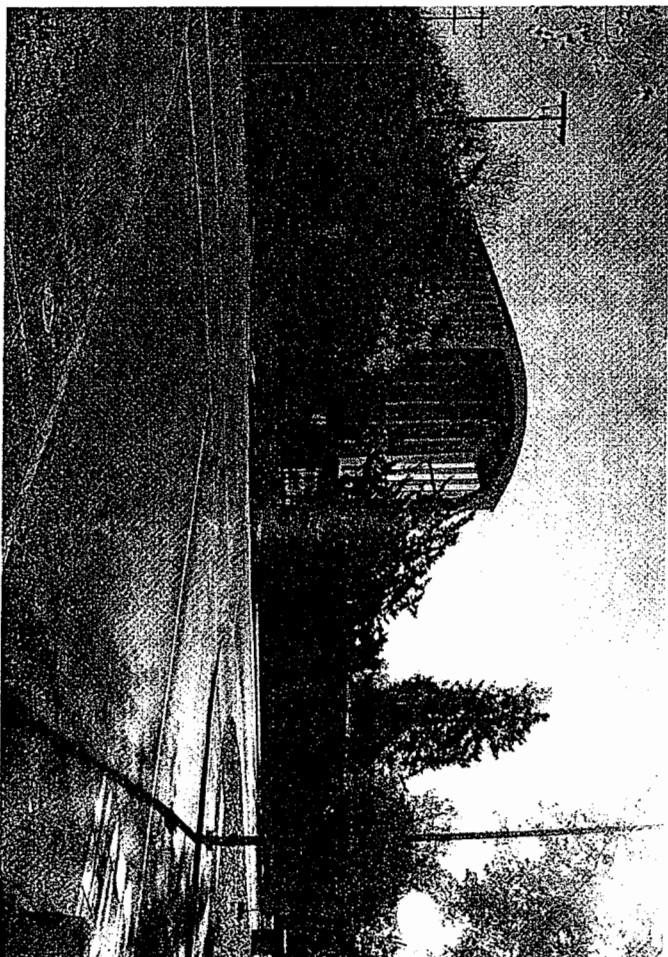
Iso have bible Study groups who meet in the library and/or chapel between 12:30 and 2:30 p.m. Monday and Tues- usually with less than 10 in each class

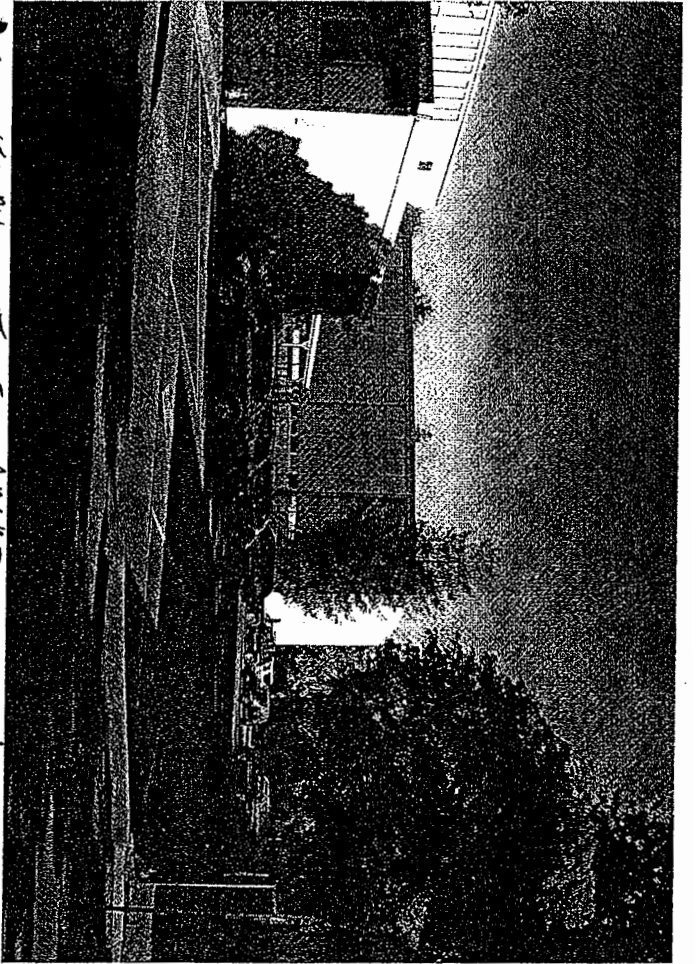


FRONT OF Bldg from AMADOR



NEBRASKA ST

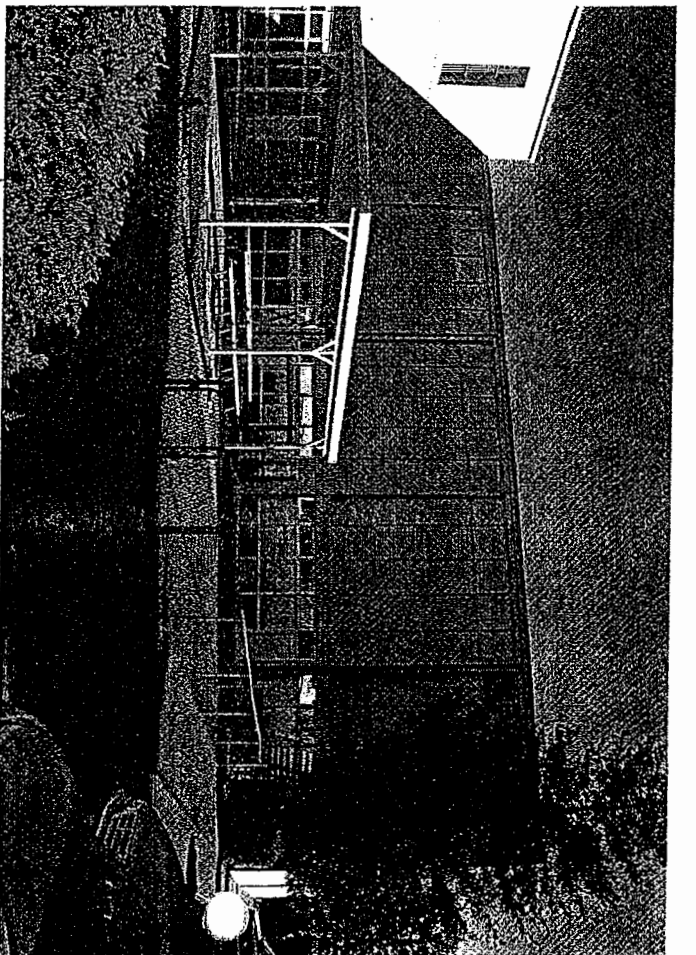




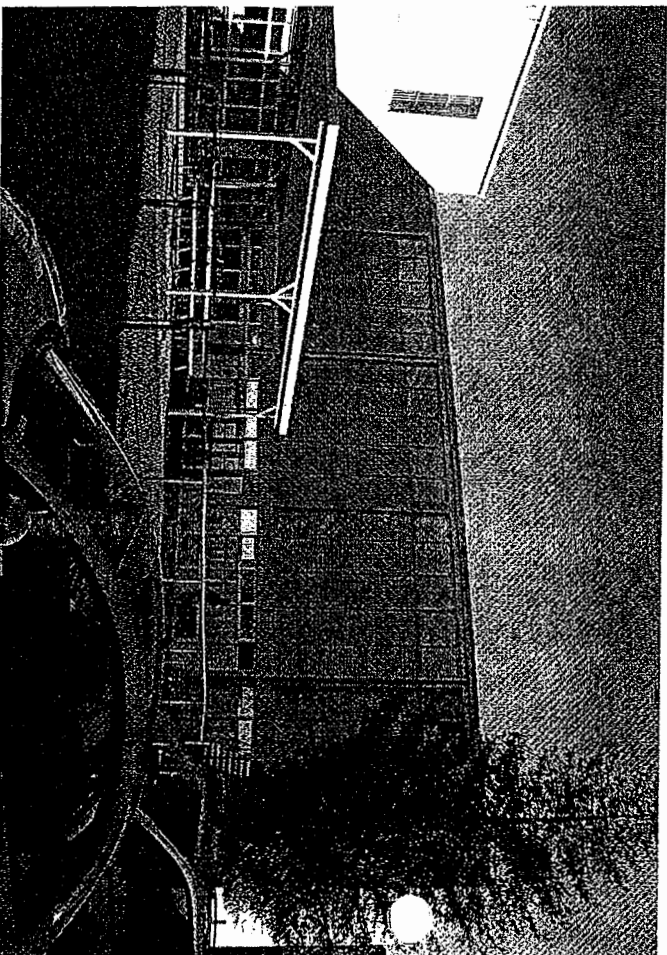
↑ DRIVEWAY EXIT TO AMADORE ST ↓

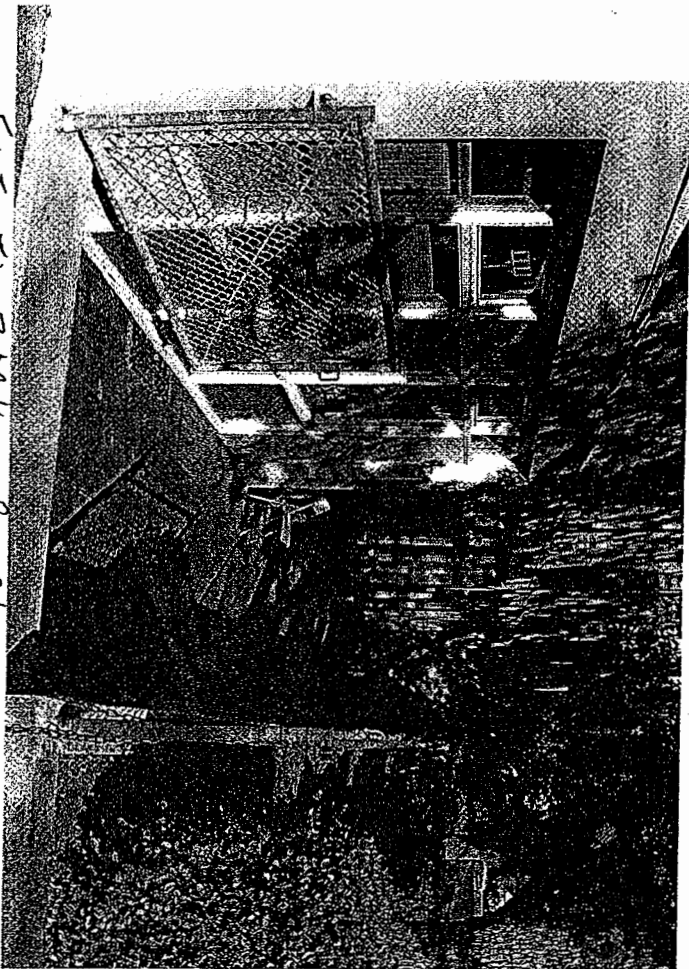


17' 9" wide

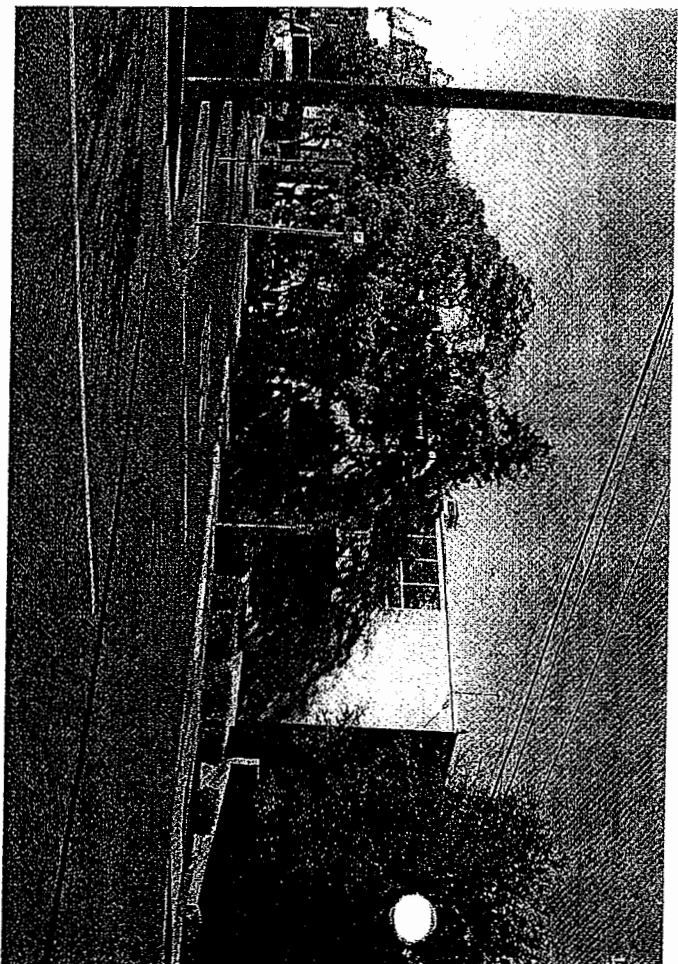
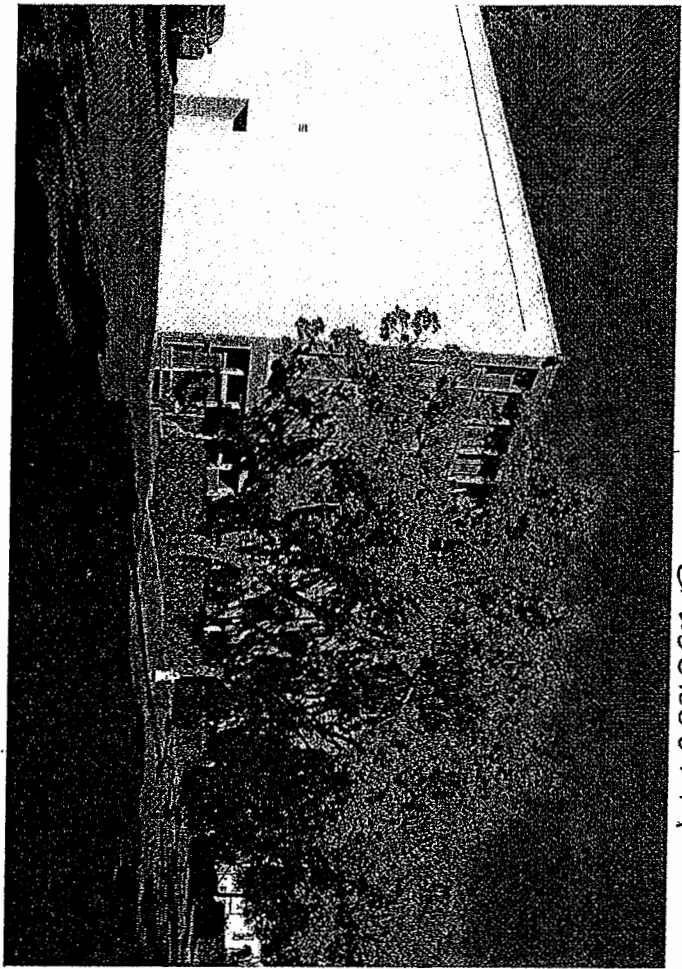


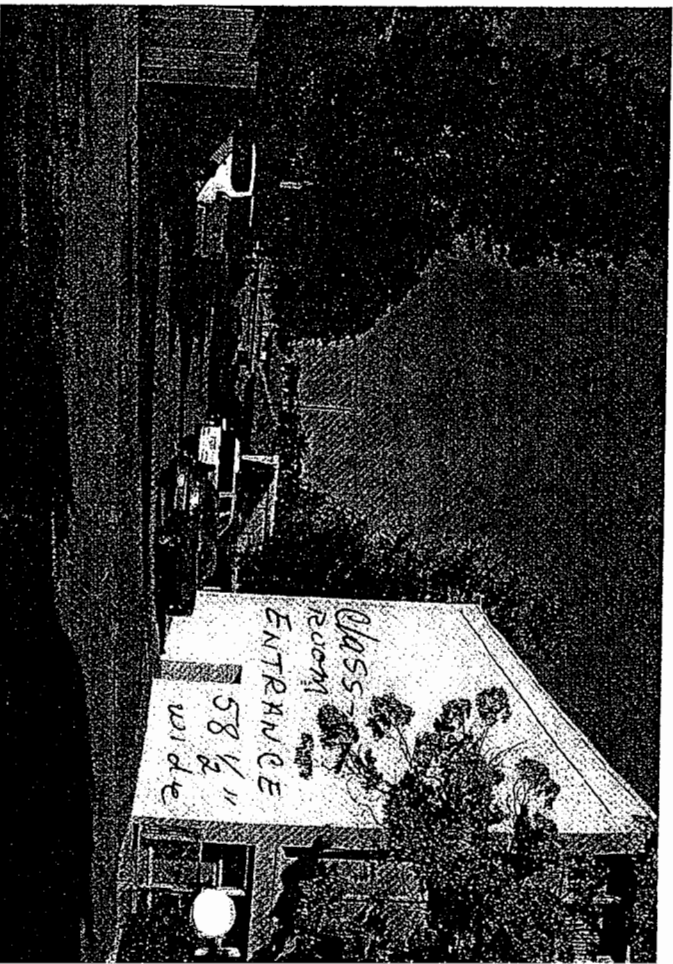
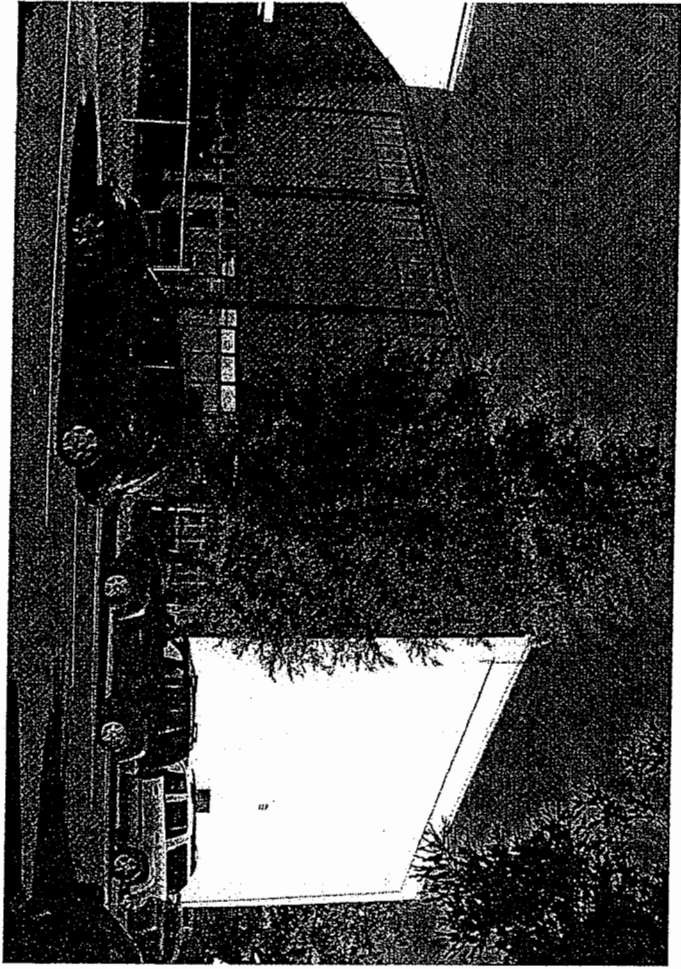
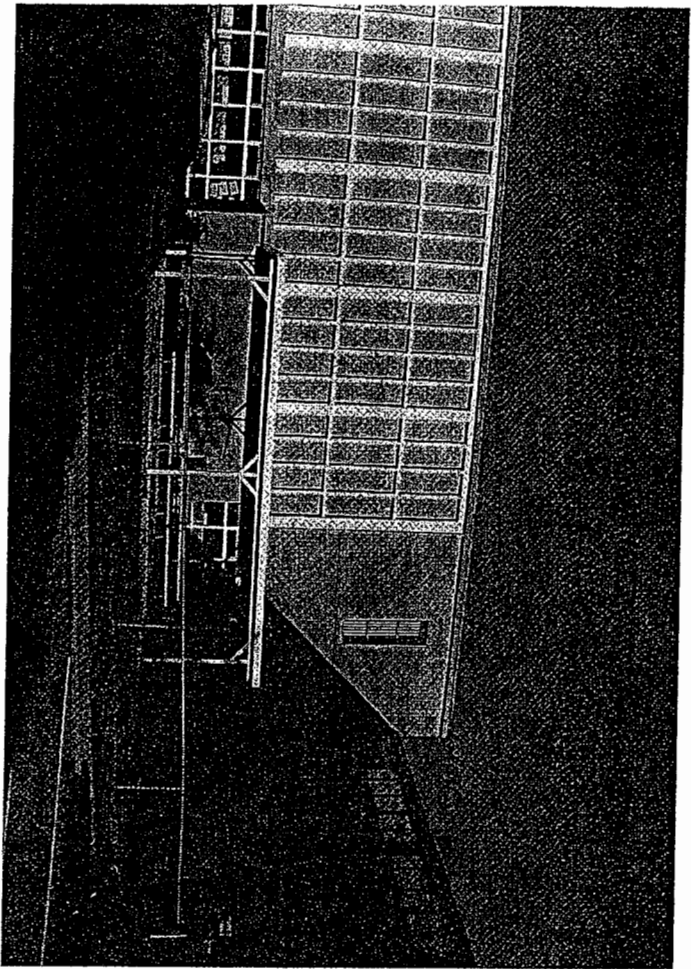
LUNCH AREA X-CLASSROOM DOOR



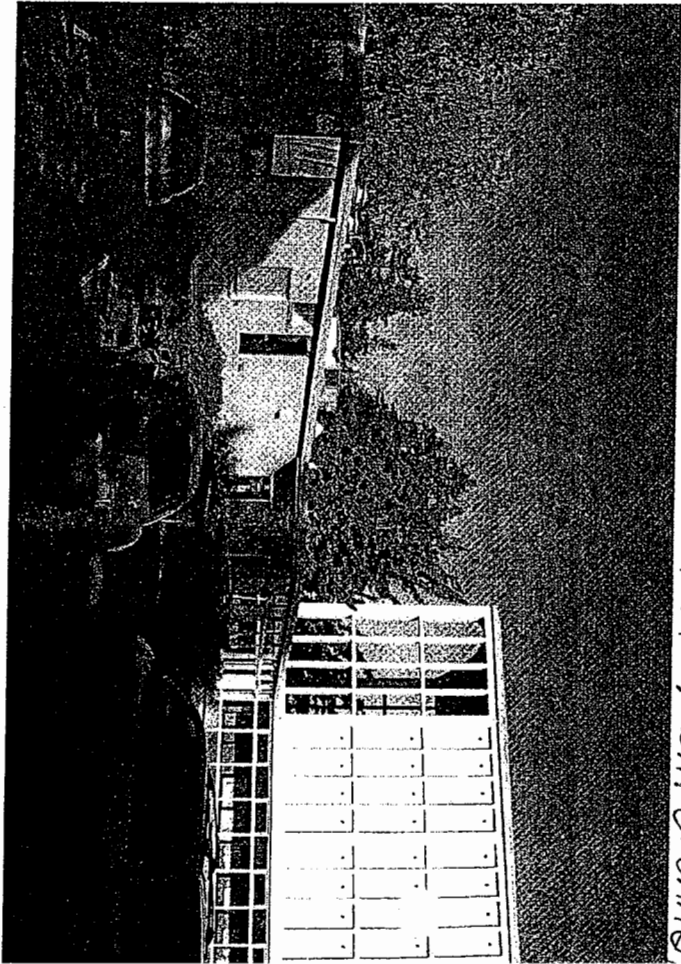


EXIT TO BACK OF CLASSROOM





ENTRANCE TO PARKING LOT FROM GLENN'S



Aspire 2 Achieve

A Private School Independent Study Program
1350 Amador Street
Vallejo, CA 94590
(707) 644-2222

January 7, 2008

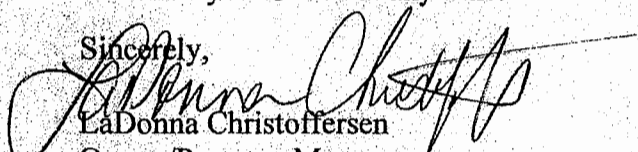
Dear Neighbors,

I am writing to you regarding the private independent study program, located at 1350 Amador Street, which we hope to obtain final approval for on January 23, 2008. The city of Vallejo has already sent you a letter regarding our educational program, but it is hard to give a complete overview of what we do in the city's letter. I hope you will find the information listed below helpful and if you would like to visit us and meet some of our students please contact me.

- We support home schooling
- We are open 4 days a week – Monday through Thursday
- Not all students attend all 4 days
- Mandatory days for middle school and high school are Tuesdays & Thursdays
- Currently only 12 students attend on Monday and 22 students on Wednesday
- 7 students that attend on Wednesday are only with us from 10:00 a.m. – 12:00 p.m., these are our elementary students
- The maximum number of students we currently have at one time is 45, this is only on Tuesdays and Thursdays and only for a few hours as the middle school and high school students do not start classes at the same time
- The total number of students enrolled is 55
- We may increase enrollment, but total enrollment will not exceed 75, again this will not be the total number in attendance at one time
- We are not a school for expelled students
- If a student were expelled from school within the last year they can only participate in our program if they agree to do their school work at home and would not attend classes
- Our students come from families seeking an alternative to a traditional education
- True to the philosophy of home schooling our program allows students to have options i.e. take most classes at a college, take part of their classes at a college, graduate early, slow down the pace, etc.
- We offer 2 graduation options, each meeting and exceeding the state graduation requirements
- We have a dress code, behavior code and a closed campus, no students leave and return during lunch

I have been involved in education for many years, first as a parent volunteer, then as an employee of MIT Academy overseeing discipline and student activities. My experience has prepared me to be able to run an alternative to a traditional educational institution. Not one educational program can meet the needs of all students; this is why options are needed. My experience with student discipline affects how our program is managed, which includes not becoming a school for expelled students. I can understand concerns you may have as neighbors near two existing schools as I live in the neighborhood on Fresno Street. I do not believe you will have any problem with our students, but if you do you should contact me or my Assistant Program Manager, Mrs. Angie Montez. Remember that we invite you to visit at any time.

Sincerely,


LaDonna Christoffersen
Owner/Program Manager

Achieve to Aspire @ 1350 Amador Street

500' Conflict of Interest Boundary





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

DATE OF MEETING: January 23, 2008

PREPARED BY: Marcus Adams *MA*

PROJECT NUMBER: UP #07-0015

**PROJECT
DESCRIPTION:**

The conditional use permit application is a petition by Max's of Manila to serve distilled spirits. Max's would also like to add karaoke entertainment to their establishment. Hours of operation would remain the same: Sunday-Thursday, 7 a.m. to 9 p.m., Friday & Saturday, 7 a.m. to 10 p.m.

RECOMMENDATION: Approve with Conditions

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

PROJECT DATA SUMMARY

Name of Applicant: Leo Philip Gonzales

Date of Completion: December 21, 2007

General Plan Designation: Retail Commercial

Zoning Designation: Pedestrian Commercial (CP)

Site/Surrounding Land Use:

Site: 3555 Sonoma Blvd. Suite 50
APN 0051-010-600

North: Retail Parking Lot

South: Retail

East: Retail

West: Retail

Total Floor Area: 4,803

Parking Required/Provided: **38 total** spaces (1space:3 seats, 116 seats/**1,106** off-street spaces provided [shared Plaza parking]

BACKGROUND SUMMARY

On August 4, 2003, the Planning Commission approved a Public Convenience or Necessity (PCN) request by Max's of Manila to serve beer and wine at their restaurant located within the Vallejo Plaza shopping center. The applicant is required to obtain a use permit to add distilled spirits to their alcohol permit approved by the Department of Alcohol Beverage Control (ABC). Max's has petitioned for distilled spirits sales based on customer requests and the need to stay competitive with other dine-in restaurants. Max's also would like to add karaoke entertainment to their facility.

ANALYSIS

The applicant will be required to obtain a PCN finding due to their license type change; however, PCN findings for "on-sale" establishments are now handled by the district ABC office. Staff will recommend submittal of PCN approval from ABC as a condition of approval.

Regarding Max's request to add karaoke entertainment to their restaurant along with a general alcohol license, staff had concerns based on past incident history of the neighboring Osaka Sushi (now called Matsuri) restaurant which also featured karaoke and a full bar; however, according to Police Department statistics and comments, the amount of incidents occurring at Matsuri has decreased greatly since new owners have taken over and there has not been an excessive amount of "calls for service" associated with Max's.

Although Matsuri no longer offers karaoke (only live entertainment, i.e. singer, piano player, etc.) staff and the Police Department believe that the extent of Osaka Sushi problems stemmed not from the combination of karaoke and alcohol, but from a lack of alcohol enforcement from management and allowance of the karaoke entertainment to develop into a nightclub atmosphere, i.e. d.j.'s, dancing, etc.

Staff believes the Max's management will continue to be responsible caretakers of their alcohol permit and does not anticipate problems due to full alcohol service; however, the following conditions of approval will help ensure that the karaoke entertainment does not intensify into a nightclub atmosphere use:

- Max's bar/karaoke area will be limited to a small area not conducive for dancing (see Attachment 3, "dining/bar area 1).
- Bar service shall be accompanied with food orders at all times.
- Bar/karaoke operating hours shall be consistent with dining hours.

Any future amendment to these three conditions will require Planning Commission approval.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt due to the fact that the existing use would involve no expansion or new construction (CEQA Section 15301, Existing Facilities).

CONCLUSION/RECOMMENDATION

Staff has determined that the proposed project, as conditioned, is consistent with the City's General Plan and Municipal Code, and all applicable ordinances, standards, guidelines, and policies. Therefore, staff recommends that the Planning Commission approve the Conditional Use Permit, number UP 07-0015, based on the findings and subject to the attached Conditions of Approval.

FINDINGS

The Planning Commission finds, based on the facts contained in this staff report attached herein and incorporated herein by this reference, and given and the evidence presented at the public hearing, and subject to the conditions attached to this resolution that:

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

EXPIRATION

Approval of a use permit shall expire automatically twenty-four months after its approval unless authorized tenant improvements have commenced prior to the expiration date.

APPEAL

The applicant or any party adversely affected by a decision of the Planning Commission may within ten days after the rendition of the decision of the Planning Commission appeal in writing to the City Council by filing a written appeal with the City Clerk and Planning Division. Such written appeal shall state the reason or reasons for the appeal and why the applicant believes he or she is adversely affected by the decision of the Planning Commission. Such appeal

shall not be timely filed unless it is actually received by the City Clerk or designee no later than the close of business on the tenth calendar day after the rendition of the decision of the Planning Commission. If such date falls on a weekend or city holiday, then the deadline shall be extended until the regular business day.

ATTACHMENTS

1. Resolution
2. Site/floor plan
3. Pictures of site
4. Conflict of Interest Map

J/PL/Marcus/2007Permits/UP/max's of manilia-type47(3555sonoma-0015)

CITY OF VALLEJO PLANNING COMMISSION

RESOLUTION NO. PC 07-24

**A RESOLUTION OF THE PLANNING COMMISSION
APPROVING CONDITIONAL USE PERMIT APPLICATION
USE PERMIT #07-0015**

Max's of Manila

The existing restaurant is located within the Vallejo Plaza shopping center.

APN# 0051-010-600

I. GENERAL FINDINGS

WHEREAS an application was filed by Leo Philip Gonzales seeking approval for a conditional use permit for an "on-sale general" alcohol license at Max's of Manila restaurant; and

WHEREAS the City of Vallejo Planning Commission conducted a duly noticed public hearing to consider the application for the Conditional Use Permit on January 23, 2008, at which testimony and evidence, both written and oral, was presented to and considered by the Planning Commission; and

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

II. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

Section 1. The Planning Commission finds that on the basis of the whole record before it there is no substantial evidence that the project will have a significant effect on the environment per Section 15301, Class 1 Categorical Exemption, "Existing Facilities" of the California Environmental Quality Act.

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

Section 2. The Planning Commission finds that the applicant submitted a Major Use Permit application for an "on-sale" (Type 47) general alcohol license pursuant to the City of Vallejo Municipal Code Chapters 16.24.030(C)(3) and 16.82 Conditional Use Permit Procedure.

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

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

IV. RESOLUTION APPROVING THE CONDITIONAL USE PERMIT APPLICATION FOR AN ON-SALE GENERAL ALCOHOL LICENSE LOCATED AT 3555 SONOMA BOULEVARD (SUITE 50)

NOW, THEREFORE, LET IT BE RESOLVED that the Planning Commission hereby APPROVES the Conditional Use Permit application (UP# 07-0015) Max's of Manila's on-sale general alcohol license, based on the findings contained in the staff report attached hereto and incorporated herein and subject to the Conditions of Approval attached to this resolution.

V. VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Vallejo, State of California, on the 23rd day of January, 2008, by the following vote to-wit:

AYES:

NOES:

ABSENT:

CHARLES LEGALOS, CHAIRPERSON
City of Vallejo PLANNING COMMISSION
Attest:

Don Hazen
Planning Commission Secretary

CONDITIONS OF APPROVAL
MAJOR USE PERMIT #07-0015
(APN# 0051-010-600)

CONDITIONS OF APPROVAL:

Planning Division

1. The applicant shall submit evidence of Public Convenience or Necessity approval from the Department of Alcohol and Beverage Control prior service of distilled spirits.
2. The bar/karaoke entertainment area shall be limited to dining area 2 as identified on the floor plan.
3. Bar service shall be accompanied with food orders at all times.
4. Bar/karaoke operating hours shall be consistent with dining hours, Sunday-Thursday 7 a.m. to 9 p.m. and Friday/Saturday, 7 a.m. to 10 p.m.
5. The applicant shall establish a recycling program for the building in coordination with the Planning Division and when established, either participate in the Citywide commercial recycling program or demonstrate to the satisfaction of the Planning Division that the established recycling program is sufficient or is not required.

STANDARD CONDITIONS

Planning Division

1. Such use shall not adversely affect the neighborhood in which it is located. For the purposes of this subsection, "adversely affect" shall mean to impact in a substantial, negative manner the economic value, habitability, or enjoyability of properties in the immediate area (VMC 16.58.040[D][6]).
2. If the Planning Division, either independently or as a result of complaints from the public, becomes aware that the use is being conducted in a manner which violates the conditions of this use permit or other applicable City regulations, and Planning staff is unable to obtain compliance or abatement, staff will refer the use permit to the Planning Commission for possible suspension or revocation per Section 16.82.110, Vallejo Municipal Code.

GENERAL CONDITIONS

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

Directions

Distance

Total Est. Time: 6 minutes

Total Est. Distance: 1.76 miles



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

0.1 miles



2: Turn RIGHT onto CAROLINA ST.

0.2 miles



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

1.3 miles



4: Make a U-TURN at REDWOOD ST onto SONOMA BLVD / CA-29 S.

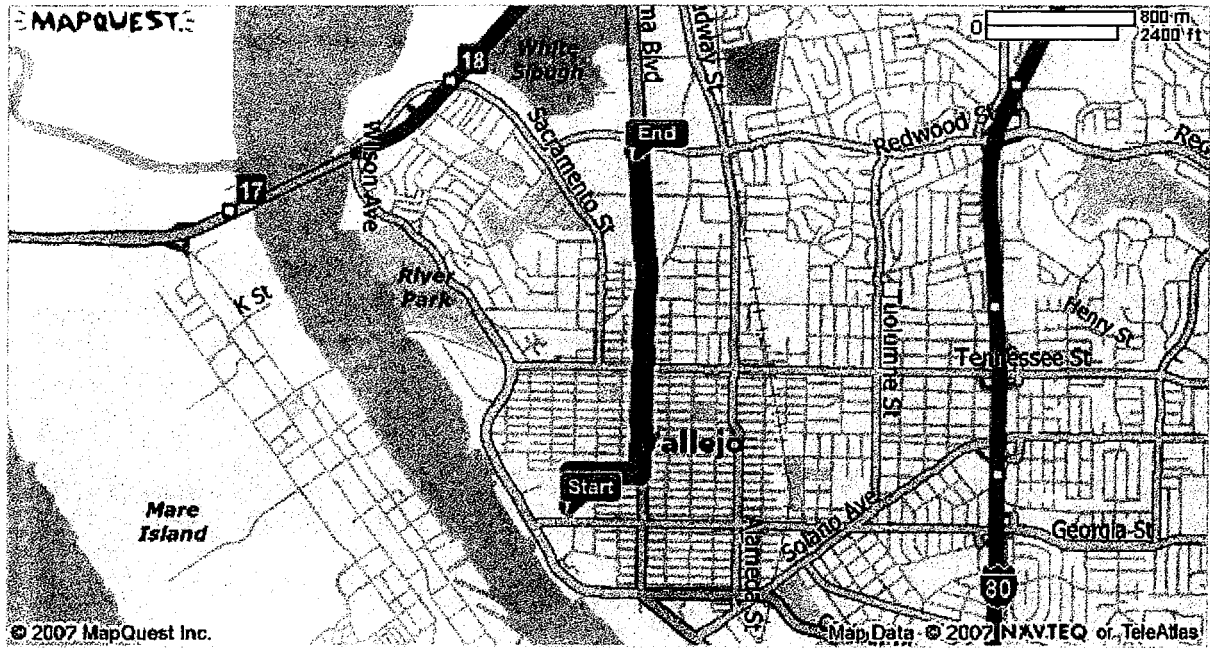
<0.1 miles



5: End at **3555 Sonoma Blvd**
Vallejo, CA 94590-2935, US

Total Est. Time: 6 minutes

Total Est. Distance: 1.76 miles

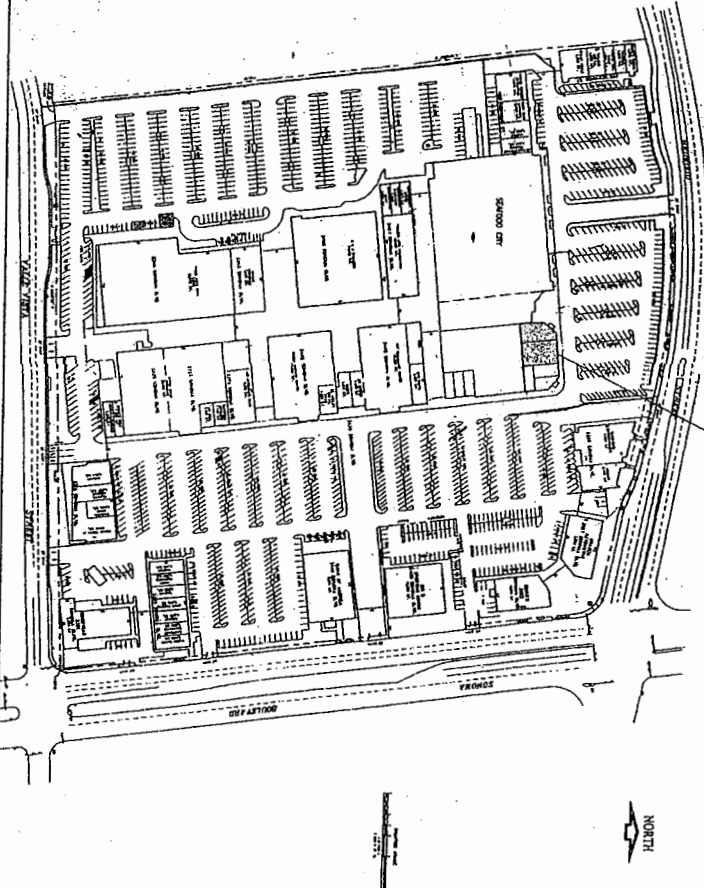


Max's of Manila @ Vallejo

3555 SONOMA BLVD. UNIT #50
VALLEJO, CA 94590

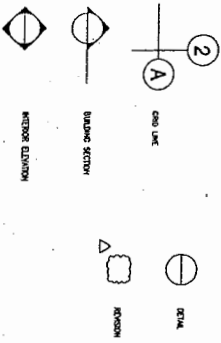
SITE PLAN

SCALE: N.T.S.



DRAWING INDEX

LEGEND



ARCHITECTURAL	ELECTRICAL	MECHANICAL	PLUMBING
1-1 COVER SHEET	1-1 SYMBOLS & SCHEDULES	1-1 LEGEND NOTES & SCHEDULES	1-1 SYMBOLS & SCHEDULES
1-2 FLOOR PLAN	1-2 SYMBOLS & SCHEDULES	1-2 LEGEND NOTES & SCHEDULES	1-2 SYMBOLS & SCHEDULES
1-3 FLOOR PLAN	1-3 SYMBOLS & SCHEDULES	1-3 LEGEND NOTES & SCHEDULES	1-3 SYMBOLS & SCHEDULES
1-4 FLOOR PLAN	1-4 SYMBOLS & SCHEDULES	1-4 LEGEND NOTES & SCHEDULES	1-4 SYMBOLS & SCHEDULES
1-5 FLOOR PLAN	1-5 SYMBOLS & SCHEDULES	1-5 LEGEND NOTES & SCHEDULES	1-5 SYMBOLS & SCHEDULES
1-6 FLOOR PLAN	1-6 SYMBOLS & SCHEDULES	1-6 LEGEND NOTES & SCHEDULES	1-6 SYMBOLS & SCHEDULES
1-7 FLOOR PLAN	1-7 SYMBOLS & SCHEDULES	1-7 LEGEND NOTES & SCHEDULES	1-7 SYMBOLS & SCHEDULES
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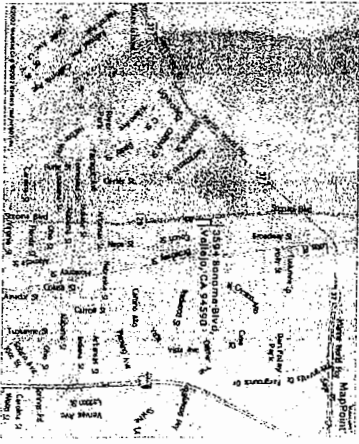
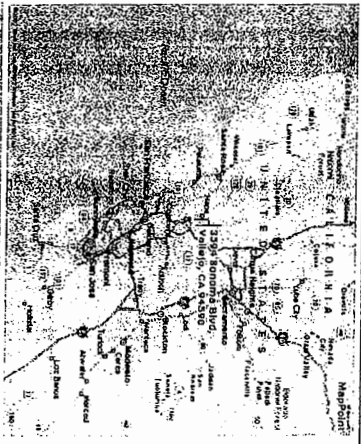
PROJECT INFORMATION

ADDRESS:	3555 SONOMA BLVD UNIT #50 VALLEJO, CA 94590
LOCAL DESCRIPTION:	UNIT - 11A
FLOOR AREA:	4,400 SQ. FT.
SCOPE OF WORK:	NEW RESTAURANT FURNISHING ELECTRICAL MECHANICAL PLUMBING UNITED STATES OF AMERICA
APPLICABLE CODES:	2018 IBC, 2018 IRC, 2018 UPC, 2018 EBC, 2018 FBC, 2018 GBC, 2018 HBC, 2018 JBC, 2018 KBC, 2018 LBC, 2018 MBC, 2018 NBC, 2018 OBC, 2018 PBC, 2018 QBC, 2018 RBC, 2018 SBC, 2018 TBC, 2018 UBC, 2018 VBC, 2018 WBC, 2018 XBC, 2018 YBC, 2018 ZBC
CONSTRUCTION TYPE:	TYPE 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100
CONSTRUCTION TYPE:	TYPE 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

PROJECT DIRECTORY

OWNER/CLIENT:	MAX'S OF MANILA
ARCHITECT:	MAX'S OF MANILA
ENGINEER:	MAX'S OF MANILA
PLUMBING:	MAX'S OF MANILA
ELECTRICAL:	MAX'S OF MANILA
MECHANICAL:	MAX'S OF MANILA
INTERIOR DESIGN:	MAX'S OF MANILA
LANDSCAPE ARCHITECT:	MAX'S OF MANILA
CONSTRUCTION MANAGER:	MAX'S OF MANILA
GENERAL CONTRACTOR:	MAX'S OF MANILA
PAINTER:	MAX'S OF MANILA
ROOFER:	MAX'S OF MANILA
GLAZIER:	MAX'S OF MANILA
IRONWORKER:	MAX'S OF MANILA
WELDER:	MAX'S OF MANILA
STEEL ERECTOR:	MAX'S OF MANILA
CONCRETE FINISHER:	MAX'S OF MANILA
CEMENT FINISHER:	MAX'S OF MANILA
PLASTERER:	MAX'S OF MANILA
PAINTER:	MAX'S OF MANILA
ROOFER:	MAX'S OF MANILA
GLAZIER:	MAX'S OF MANILA
IRONWORKER:	MAX'S OF MANILA
WELDER:	MAX'S OF MANILA
STEEL ERECTOR:	MAX'S OF MANILA
CONCRETE FINISHER:	MAX'S OF MANILA
CEMENT FINISHER:	MAX'S OF MANILA
PLASTERER:	MAX'S OF MANILA

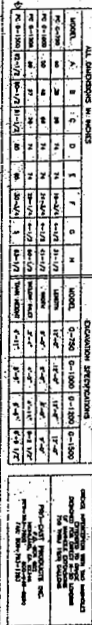
VICINITY MAP



MAX'S OF MANILA @ VALLEJO
3555 SONOMA BLVD. UNIT #50
VALLEJO, CA 94590

STAMP
SHEET NO. T-1

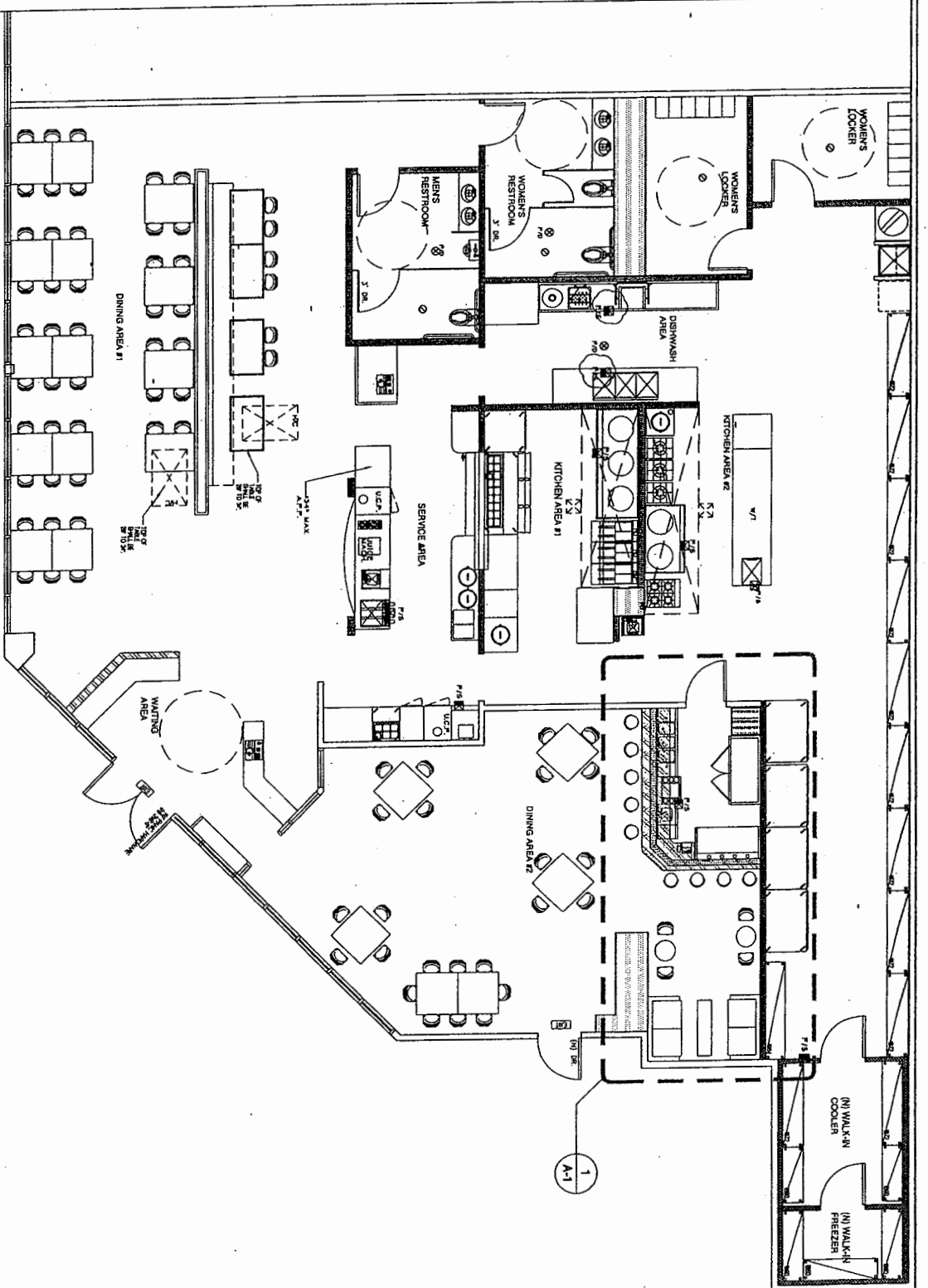
1. THE APPROVAL OF CITY OF VALLEJO MUST BE OBTAINED BEFORE INSTALLATION.
2. CREASE INTERCEPTOR TO BE TRAFFIC RATED AND TO BE ACCESSIBLE FOR INSPECTION AT ALL TIMES.

[illegible][illegible][illegible]

SITE PLAN

1. REPLY THE EXACT LOCATION, SPAN, AND SIZE OF CRESTING PILES VERTICALS, WYES AND POINT PIER TO POINT OF CONNECTIONS.
2. FOR PILE SECTIONS, REFER TO REBAR DIAGRAMS ON SHEET P-4.
3. ALL UNDESIGNED EXISTING PILING, PILES AND PILES, ETC., SHALL BE EXCAVATED AND EXPOSED PRIOR TO INITIAL AND FINAL FIELD VISITS.
4. THE EXACT LOCATION OF PILING, PILE AND PILES, AND PILES, REFER TO ARCHITECTURAL AND STRUCTURAL DRAWINGS.
5. FOR PILING, REPAIR AND PAINTING OF PILES AND COUPLERS, REFER TO ARCHITECTURAL DRAWINGS AND P-10 COUPLERS.
6. ALL PILING, WORK SUBJECT TO FIELD INSPECTIONS.

① 3" AND 1-1/2" CM DOWN TURN ROOF.



NOTES:

1. EXITS AND EXIT PATHWAYS SHALL BE ILLUMINATED WITH A MINIMUM OF ONE (1) FOOT CANDLE AT FLOOR LEVEL ANY TIME THE BUILDING IS OCCUPIED. (2001 CBC, SEC. 1003.2.2)
2. ALL EXITS TO BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. (2001 CBC SEC. 1003.1.6)
3. ALL HARDWARE IS TO BE LEVER TYPE OR APPROVED EQUAL FOR DISABLED ACCESS. THIS INCLUDES DOORS AND SINKS.
4. POST ROOM CAPACITY OF ANY ASSEMBLY ROOM HAVING OCCUPANT LOAD OF 50 OR MORE WHERE FIXED SEATS ARE NOT INSTALLED.
5. THE GLAZING IN THE PARTITIONS AND STORE FRONT WILL BE SAFETY GLAZING PER CBC 2406.3
6. GLAZING DIMENSIONS : 3'-0" x 7'-0"
6. CONDIMENT COUNTER TO BE 34" HEIGHT MAX. A.F.F.
7. ALL FLOOR SINKS SHALL HAVE A ONE-INCH LIP PER OFFICE POLICY.

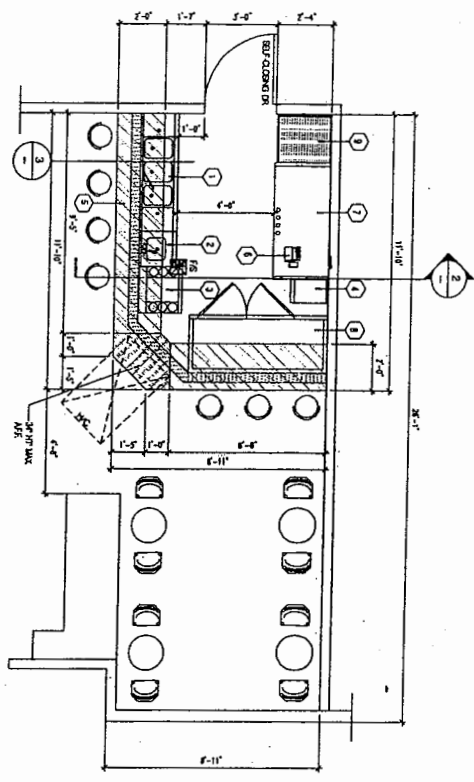
MAX'S VALLEJO FLOOR PLAN

EQUIPMENT PLAN LAYOUT

SCALE

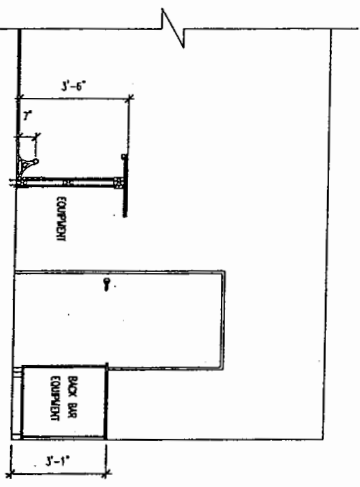
3/16" = 1'-0"

Max's of Manila



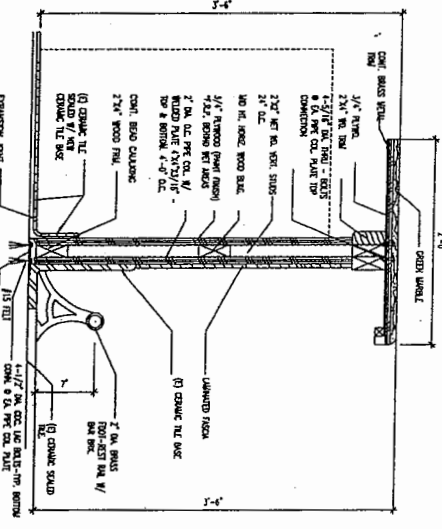
BAR LAYOUT

SCALE



SECTION ELEVATION

SCALE



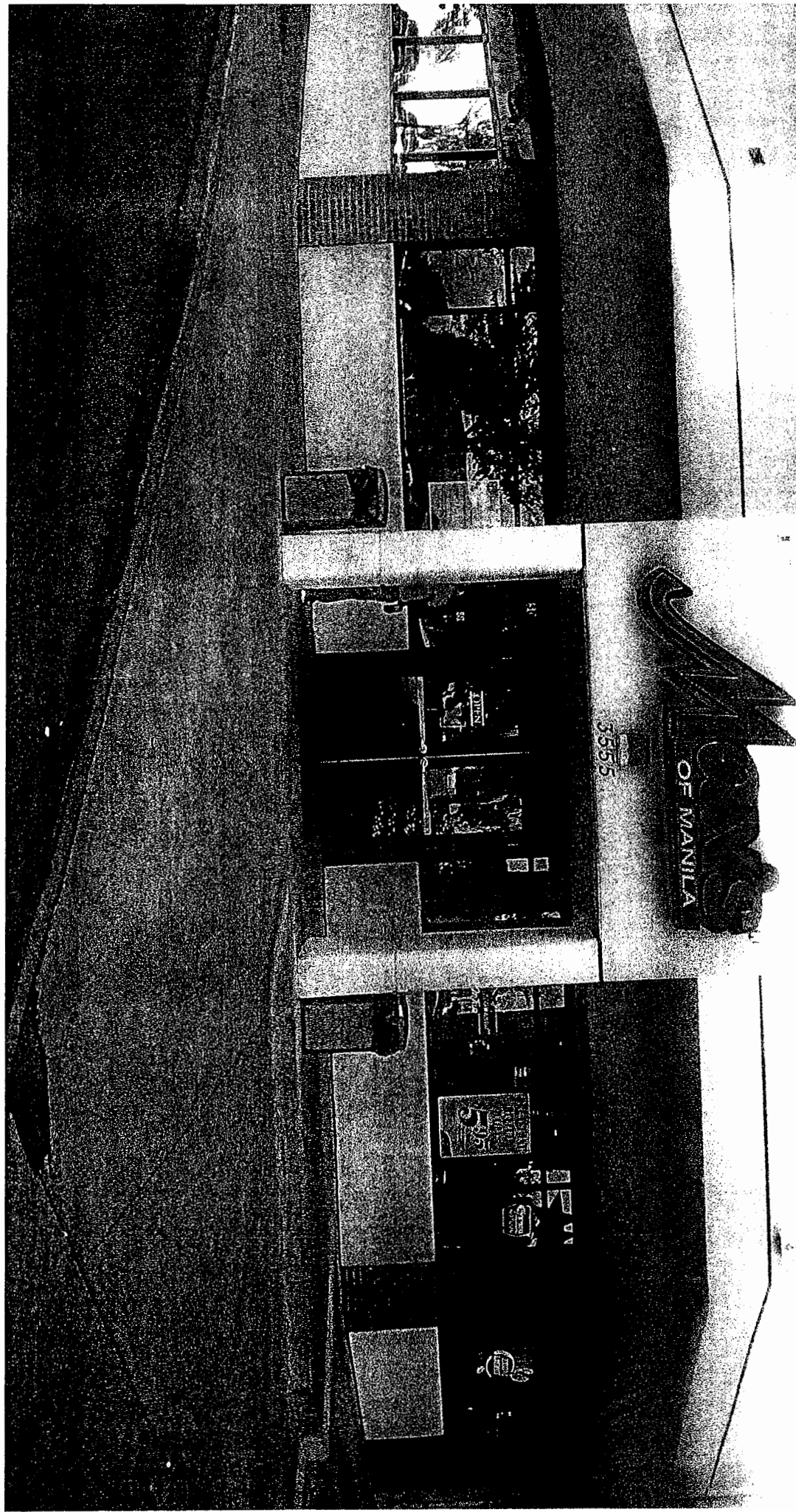
BAR COUNTER SECTION DETAIL

SCALE

EQUIPMENT SCHEDULE

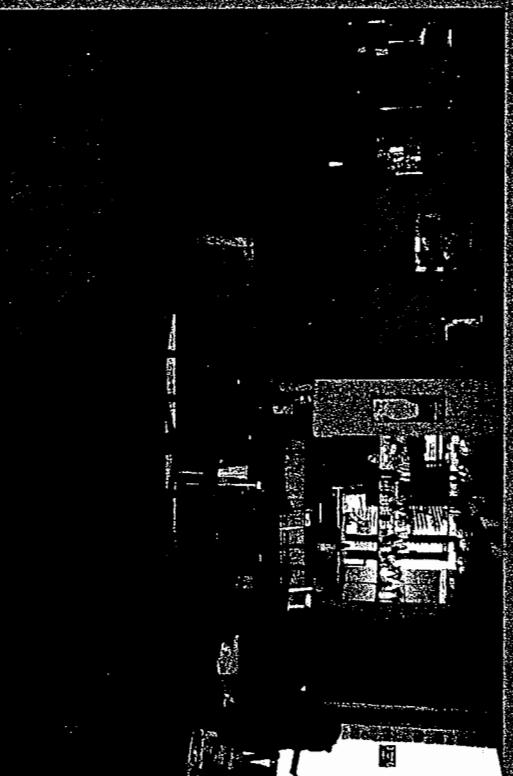
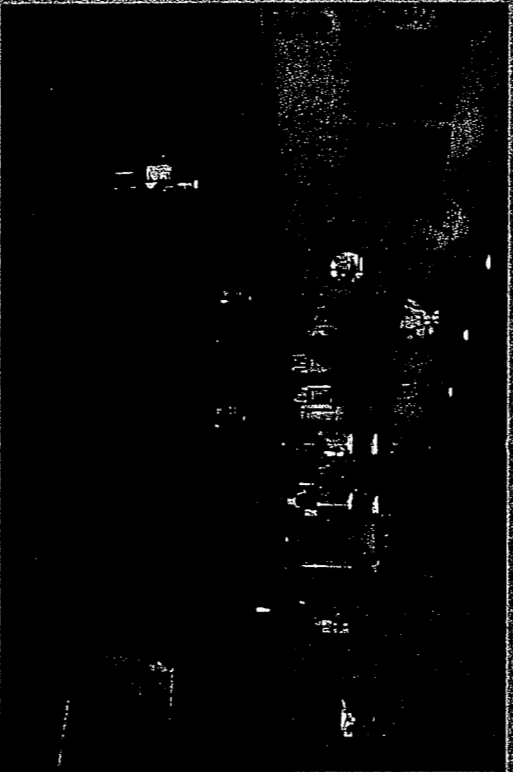
NO.	DESCRIPTION	EQUIPMENT				EQUIPMENT				EQUIPMENT				EQUIPMENT			
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MAN'S VALUE
Max's of Manila



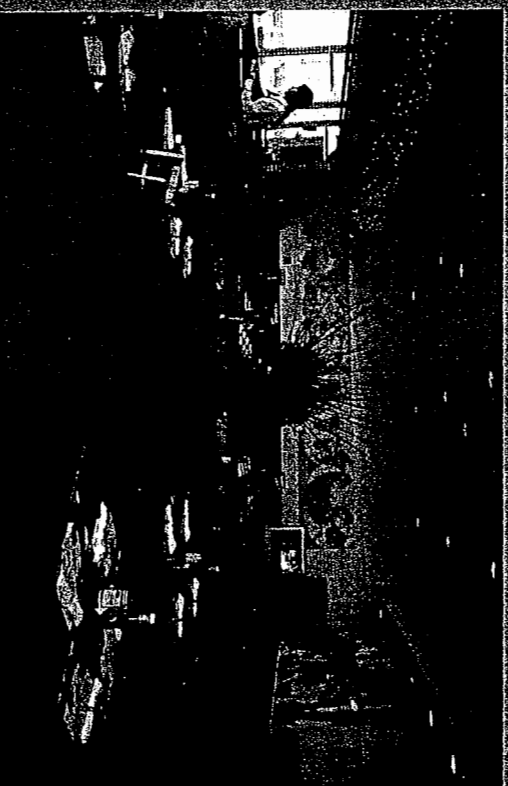
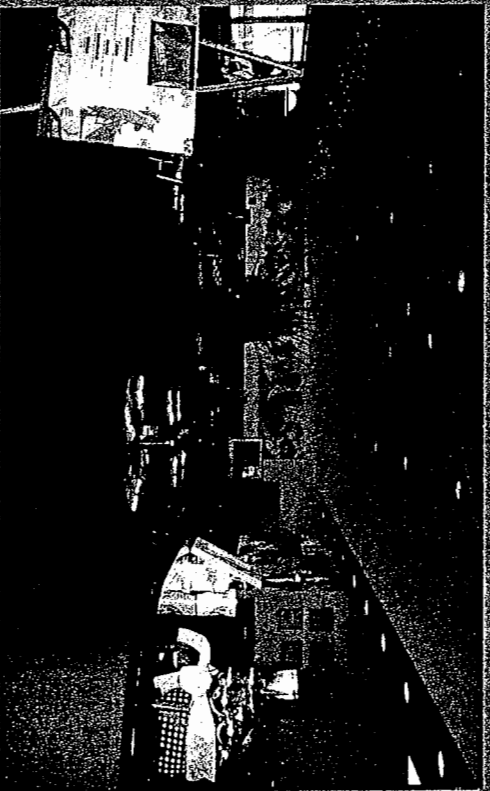
MAPS of Manila

Conditional Use Permit: Type 41 to Type 47



Karaoke Area

Dining Area 2



Dining Area 1



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

DATE OF MEETING: January 23, 2008 **AGENDA ITEM:** K7

PREPARED BY: Paul Jensen, Contract Planner

PROJECT NUMBERS: PD 04-0020, TM 05-0012

LOCATION: 1.05-acre public parking lot located on the south side of Virginia Street between Marin and Sacramento Streets. APNs: 0056-191-10 and 26

SUMMARY:

On September 7, 2005, the Planning Commission conditionally approved PD Unit Plan #04-0020 for the Virginia Street Mixed-Use Development project. This approval was granted concurrent with the City's adoption of the Downtown Vallejo Specific Plan and Downtown Vallejo Design Guidelines. The PD Unit Plan approval permits the development of a vacant, 1.05-acre public parking lot (Catalyst Site #1) with a 5- to 7-story mixed-use building. This approval permitted the development of 150 residential units, eight (8) live-work units and 11,500 square feet of ground floor retail space. This action was followed by the Planning Commission approval of Vesting Tentative Map TM05-0012, which authorizes a condominium subdivision for this project.

Triad Downtown Vallejo, LLC (Triad) has filed applications to amend the PD Unit Plan and Vesting Tentative Map to permit design modifications to the approved project. The proposed modifications include: a) an increase in the permitted building floor area ratio (FAR) to 4.99, which requires approval of a bonus from the FAR limits set forth in the Downtown Vallejo Specific Plan; b) the addition of 24 residential units and adjustments in the residential unit mix; c) the addition of a 7th floor on the eastern portion of the building and the addition of two floors to the cantilevered structure that bridges the paseo; d) modifications to on-site parking to include the introduction of vertical parking lifts to meet off-street parking requirements; e) adjustments to the property boundary, which include the abandonment of a portion of the adjacent public right-of-way; and f) a request to eliminate the condition that 14 of the residential units be reserved for below-market-rate (BMR) sale. Typically, PD Unit Plan applications are reviewed and acted on by the Planning Commission. Per the provisions of the Downtown Vallejo Specific Plan, the amendment to the PD Unit Plan requires the approval of the newly-formed Vallejo Design Review Board. However, the FAR bonus and requested amendment to the approved Vesting Tentative Map require the approval of the Planning Commission. On January 14, 2008, the Design Review Board conditionally approved the amendment to PD04-0020, subject to the Planning Commission approval of the FAR bonus.

Recommendation: Staff recommends that the Planning Commission: a) adopt the Addendum to the Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Final Environmental Impact Report; b) conditionally approve the floor area ratio bonus for PD Unit Plan PD04-0020; and c) conditionally approve the amendment to the approved Vesting Tentative Map TM05-0012 for the approved

Virginia Street Mixed-Use Development project.

CEQA (Environmental Review):

Addendum to certified Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Project Final Environmental Impact Report (FEIR); discussed below

Applicant: Triad Downtown Vallejo, LLC

Property Owner: City of Vallejo

PROJECT DESCRIPTION

Background on Downtown Vallejo Specific Plan and Virginia Street Project

On September 7, 2005, the Planning Commission recommended approval of the Downtown Vallejo Specific Plan, Downtown Design Guidelines, a General Plan Amendment and a Development Agreement with Triad Downtown Vallejo, LLC. Concurrent with this action, the Commission, on a 5-0-1 vote (Commissioners O'Connell and Morris abstaining) conditionally approved PD Unit Plan #04-0020 authorizing development of the Virginia Street Mixed-Use Development project on an existing, public parking lot (Downtown Catalyst Site #1). The PD Unit Plan was approved contingent upon the City Council adoption of the Downtown Vallejo Specific Plan and Downtown Design Guidelines. On September 20, 2005, the City Council adopted the General Plan Amendment, the Downtown Vallejo Specific Plan and the Downtown Vallejo Design Guidelines.

The adopted Downtown Vallejo Specific Plan recommends the formation of a Design Review Board. The Design Review Board is intended to replace the Planning Commission's historic role of overseeing, reviewing and approving all new development within the Downtown plan area. In 2006, the City formed and appointed the Vallejo Design Review Board, a five-member body that has been given the authority to review and approve all PD Unit Plan applications for properties within the Downtown Specific Plan area, and within the contiguous Waterfront Plan area. As this authority now lies with the Design Review Board, any amendments to or new applications for development of the Virginia Street parking lot site are reviewed and acted on by the Design Review Board, rather than the Planning Commission (Specific Plan Chapter 9, page 9.33). However, the provisions of the Downtown Vallejo Specific Plan require that if a development project includes an application for a floor area ratio (FAR) bonus, the request requires review and action by the Planning Commission (Specific Plan Chapter 9, page 9.3).

The currently approved PD Unit Plan for the Virginia Street Mixed-Use Development project authorizes development of a 5-7-story building (60 to 85 feet in height) and includes the following components:

- 11,500 square feet of proposed ground floor commercial space for retail, restaurant and personal commercial service uses.
- 150 residential condominium units proposed to be sold at market-rate, except that 14 of these units would be sold at below-market rates (to moderate-income households). The initial project approval included a mix of one- and two-bedroom unit types. However, following project approval, some changes to the unit types were made to introduce several three-bedroom units. The approved unit mix includes 79 two-bedroom/1-bath units, 68 two-bedroom/two-bath units, and 3 three-bedroom/two-bath units ranging in size from 657 to 2155 square feet.

- Eight (8) live-work units ranging in size from 1,386-2,132 square feet.
- A 4,500 square foot paseo designed with special pavement and landscaping and would be accessible to the public, connecting Virginia Street to Indian Alley.
- A multi-level, parking garage that would be accessed from Indian Alley. The parking garage is designed to include three levels (two below grade) with all spaces being independently accessible. The initial building design proposed a total of 221 parking spaces; however, the approved design increased the total number of parking spaces to 238. The Downtown Specific Plan requires 1.25 parking spaces for each residential and live-work unit (total requirement of 198 parking spaces) and no parking for ground floor commercial uses. While the project was approved with surplus parking spaces, 12 of these spaces were offered for sale to off-site, neighboring property owners and tenants. The sub-surface parking would result in the grading and exportation of approximately 29,000 cubic yards of earth material.
- Other approved project amenities and improvements include: a) the development of a roof-top garden over the eastern portion of the building complex; b) the development of several outdoor courtyards and terraces for common use by project residences; c) a 2,350 square foot amenity/exercise room for common use by project residents (first floor); d) an on-site storage facility (at 2nd level) for all residential and live/work unit residents; e) implementation of green building measures to meet requirements for LEED certification; and f) improvements to Indian Alley including new pavement, striped loading areas for delivery trucks and the development of two trash receptacle areas for common use by merchants and property owners accessing the alley.

Planning Commission approval of PD Unit Plan 04-0020 included the granting of a floor area ratio (FAR) bonus of 4.74, which exceeds the 4.0 FAR limit set forth in the Downtown Vallejo Specific Plan. The public benefit proposed and approved to support the FAR bonus included the development and improvement of the 4,550 square-foot public paseo and improvements to Indian Alley, as described above.

The approved project was designed with varying storefront widths to compliment the building widths and historic building storefront pattern that is common in the Downtown area. The varying storefront widths allowed for a variety of architectural styles from traditional to modern. Secondly, while the approved project proposed a consistent building-to-property line (zero) setback at the street level, upper floors would be stepped back at specific locations to reduce building bulk and mass. The step back element is best seen in three-dimensional drawings of the building elevations. Thirdly, the building was designed with varying building heights ranging from: a) 5-stories at the east end of the building to 7-stories at the Sacramento Street frontage; and b) a 3-story, cantilevered structure that bridges the paseo. This cantilevered structure was intended to promote the visual appearance of separate buildings that are connected by a bridge. These three design elements are encouraged by and are consistent with the Downtown Vallejo Design Guidelines. Approved exterior building materials include brick, stucco, interlocking metal panels and concrete.

In October 2005, the Planning Commission conditionally approved the Vesting Tentative Map TM05-0012, which authorized a condominium subdivision of the 1.05-acre property. Conditions of approval include, among others, a requirement that 14 of the residential units be reserved for below-market rate sales, and the recording of project-specific Conditions, Covenants and Restrictions (CC&Rs).

Proposed Amendments to Approved Project

The project sponsor is requesting modifications to the approved project to authorize design and use changes. The proposed plan revisions are presented in the following materials and plans that have been previously distributed to the Planning Commission:

- Plans and drawings submitted by Triad (1/2 size plan set). Please note that the plans are assembled and collated to include the approved PD Unit Plan drawings (numbered sample A1.00, Site Plan) and the proposed plan amendments (numbered sample A1.00P, Site Plan) for comparison purposes.
- Unit Plan Amendment Supplemental Information Package, which is a bound document of tabbed exhibits, which are referenced below.

The proposed modifications and design changes are described as follows:

- A. The addition of 24 residential condominium units. The additional units would increase the total unit count to 174 (150 units currently approved). A change in the unit size and mix is proposed to include 10 studio, 95 one-bedroom, and 69 two-bedroom units. Units range in size from 580 to 1,300 square feet. The 24 additional units are accomplished by:
1. Adding a 7th floor to the eastern portion of the building (approved at 6-stories).
 2. Enlarging and adding two floors (6th and 7th floor) to the cantilevered structure that bridges over the paseo. This addition would accommodate two residential units in this space for each floor, rather than one residential unit per floor.
 3. Downsizing the first floor amenity/exercise room to 385 square feet and replacing this area with two residential units.
 4. Replacing the on-site resident storage area (2nd floor) with residential units and lowering the 3rd floor, outdoor terrace/courtyard to this 2nd floor. The adjustments to this space would reduce the usable outdoor area by 100 square feet.
 5. The number of elevators proposing to serve the upper floors would be reduced from three to two. However, the proposed enlargement of the cantilevered structure bridging the paseo would allow for a hall corridor connection between the west and east portions of the building (current approval proposes no hall corridor connection).

No changes are proposed to the number or design of the eight, live/work units. However, the bathroom on the lower level of each live/work unit is proposed to be eliminated.

- B. Modifications to the off-street parking. The modifications propose eliminating a portion of the lowest parking floor/level to reduce grading and site excavation. While the arrangement, configuration and siting of the surface parking spaces within the garage would not be significantly modified, a change in the number of parking spaces is proposed. A total of 196, independently accessible parking spaces are proposed. However, on two parking levels where the floor-to-ceiling clearance is 12 feet or more, vertical parking lifts are proposed to accommodate an additional 44-80 'stacked' parking spaces (total range from a minimum of 240 to a maximum of 276 parking spaces). The selected parking lift is Klaus Model G61, which is manufactured by Klaus Parking Systems, Inc. The Model G61 parking lift specifications are provided in the Unit Plan Amendment Supplemental Information Package (January 2008), tabbed exhibits 4 through 7, which was distributed to the Board with the plan sets. The logistics of assigning and managing the off-street parking and the 'stacked' parking lifts is described in tabbed exhibit 4 of this supplemental package, which is summarized as follows:

1. A minimum of 44 'stacked' parking lifts would be installed with the initial building construction in order to meet the off-street parking requirement of 1.25 spaces per unit.
2. The homeowners' association would be responsible for managing and assigning parking spaces to residents and owning and maintaining the parking lifts.
3. Each residential and live/work condominium unit would be assigned one parking space. The offer to sell 12 parking spaces to neighboring property owners and/or tenants continues to be proposed.
4. The parking lift spaces would be offered to those residents desiring a second parking space. The second parking space is secured by purchasing a parking lift 'share,' which would include additional HOA dues to cover the maintenance of the parking lift.
5. The parking space lift space 'share' would be sold to building residents that are assigned the surface-level parking space located below the lift. The HOA would re-assign the surface parking spaces to ensure that one who purchases a parking lift holds use of the two vertically-stacked parking spaces.
6. If a residential condominium or live/work unit is sold, or if the owner wishes to sell their parking lift share, the share would be sold back to the HOA. The HOA would hold the parking lift share until it is sold to another resident.

Triad has provided examples of other similar projects in the Bay Area where the 'stacked' parking lift concept has been implemented (See Unit Plan Amendment Supplemental Information Package (January 2008), tabbed exhibit 8). The Klaus Model G61 parking lift has been used in Oakland, Emeryville and Albany, CA.

- C. An increase in the gross building-to-site area (FAR) to 4.99. The additional floor area needed to accommodate the proposed 24 units would increase the amount of total FAR to 4.99. To accommodate the increase in FAR, the parcel boundary on three sides would be adjusted and increased by 0.06 acres (increasing total site area to 1.1 acres), which would be achieved by abandoning a 3.0-foot wide strip of contiguous public right-of-way along the northern (Virginia Street), western (Sacramento Street) and southern (Indian Alley) property frontages. Per the provisions of the Specific Plan, the additional FAR bonus requires Planning Commission approval. Approval of this bonus would be subject to and contingent upon the City Council's agreement and action to abandon this contiguous public right-of-way. In addition to the public benefit that was offered with the initial FAR bonus approval (public paseo and Indian Alley improvements), Triad is proposing the following to support the increased, 4.99 FAR (see Unit Plan Amendment Supplemental Information Package (January 2008), tabbed exhibit 10):
- Agreement to amend the CC & Rs so that the homeowners' association within the project would be responsible for on-going maintenance of the public paseo.
 - Reducing building bulk and mass along Indian Alley by lowering the large outdoor courtyard/terrace from the 3rd floor to the 2nd floor.
 - Constructing the building to meet the LEED standard for sustainable development practices and energy efficiency.
- D. Changes in site grading. The site excavation and exportation of earth material required to develop below-grade parking would be reduced by approximately 20% as one-half of the lowest garage level would not be developed.
- E. Minor changes to building elevation and material details. No significant changes are

proposed to the approved exterior building materials or colors, the building architecture, or to the general use program approved for this building. However, the proposed amendments include the following detail changes, among others, as described in Unit Plan Amendment Supplemental Information Package (January 2008), tabbed exhibit 2:

1. Some of the window openings have been adjusted to accommodate the change in the mix and types of residential types.
2. The stone veneer approved for a portion of the ground level storefront along the Virginia Street frontage would be replaced with Venetian plaster.
3. For some of the residential units facing the paseo, projecting bay windows are proposed to replace windows with 'Juliet' balconies.
4. The side window panels on the projecting bay windows approved along the Indian Alley frontage would be replaced by solid panels.
5. Private balconies for 10 of the initially approved units and a private deck for one of the initially approved units have been eliminated. Planters initially approved for all private balconies are proposed to be eliminated.
6. The water feature is proposed to be eliminated on the terrace/courtyard, now proposed for the 2nd floor.

In addition to the physical building improvements, Triad is proposing to eliminate Vesting Tentative Map condition #3, which requires that 14 of the total residential units be made available for BMR sales. In lieu of providing 14 on-site BMR units, the project sponsor is requesting that affordable housing unit 'credits' be given to this project based on the surplus of existing affordable housing units that are provided in the Marina Vista Apartment complex located on Main and Marin Streets. The Marina Vista Apartment complex is located within the Southwest District of the Downtown Specific Plan area. Elimination of this condition would be subject to the approval of the Vallejo Redevelopment Agency.

A comparison of the design and improvements of the initially approved PD Unit Plan with the proposed modifications is presented in the attached table (see Attachment 4).

The proposed modifications require amendments to the following approvals, which require action by several City decision-making bodies:

- Unit Plan Amendment – the exterior design modifications and changes in parking design requires approval of the Vallejo Design Review Board. However, the FAR bonus supporting the Unit Plan amendment requires and is contingent upon the approval of the Planning Commission.
- Vesting Tentative Map Amendment – the amendments to the lot lines and revisions to conditions of approval require approval by the Planning Commission. The adjustment in the property lot lines is contingent upon City Council approval of an abandonment of public right-of-way.

REVIEW AND ACTION BY THE DESIGN REVIEW BOARD

On January 14, 2008, the Vallejo Design Review Board reviewed and conducted a public hearing on the amendments to Unit Plan #04-0020. Following public comment and discussion, the Board adopted Resolution DRB 08-02, conditionally approving the amendment to the PD Unit Plan (resolution distributed to the Planning Commission). The following is a summary of the Design Review Board comments and recommendations:

- a. The Board supported the 'stacked' vertical lift parking concept subject to conditions. The conditions require that a minimum of 44 lifts be installed to meet the 1.25 space per unit requirement of the Specific Plan.
- b. As recommended by staff, the Board approved PD Unit Plan amendment with additional modifications. These approved modifications include the following:
 1. Elimination of the proposed, 7th-story addition to the cantilevered structure bridging the paseo. However, the Board supported the retention of an open corridor on the 7th floor, to provide a connection between the west and east wings of the building. The Board determined that in order to make findings of consistency with the Specific Plan and Design Guidelines, the lowering of the height of the bridged structure is critical in maintaining varied building heights and adequate solar access and sky space to the public paseo. The elimination of this addition would reduce the requested number of additional residential units from 24 to an approved 22 units and reduced the requested floor area ratio bonus from 4.99 to 4.93.
 2. The retention of a number of the initially approved building design elements including the approved windows with 'Juliet' balconies facing the paseo and the installation of side window panels for bay windows facing Indian Alley.
- c. The Board determined that the design amendments, as conditioned are consistent with pertinent goals and policies of the Downtown Vallejo Specific Plan and consistent with the Downtown Vallejo Design Guidelines.

The action by the Design Review Board included the adoption of Resolution DRB08-01 approving an Addendum to the Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Project Final Environmental Impact Report (discussed below).

ANALYSIS

Consistency with Downtown Vallejo Specific Plan

The project has been reviewed for consistency and conformance with the Downtown Vallejo Specific Plan and the Downtown Vallejo Design Guidelines. To assess the project in its entirety, a table was prepared listing all pertinent policies and guidelines and comparing the initially approved project with the proposed amendments. This table is provided in Attachment 4.1 of this staff report. Most of the policies and guidelines that are listed in this table are specific to the project design and the PD Unit Plan amendment, which has been reviewed and addressed by the Design Review Board. However, a summary Specific Plan conformance of the two applications subject to Planning Commission review is provided below.

FAR Bonus. Chapter 9 (Development Standards) of the Downtown Vallejo Specific Plan includes floor area ratio (FAR) limits for new development. The standards include provisions for requesting an FAR bonus (pages 9.3 and 9.4), which lists specific incentives and public benefits that must be provided to support approval of the bonus. As described above, the FAR bonus granted for the initial project approval (FAR of 4.74) was supported by the benefits of providing the 4,550 square-foot public paseo and the Indian Alley improvements.

During the current FAR amendment review process, staff continually expressed a concern to the project sponsor that the project amendments do not propose any new or additional incentives or

public benefits (beyond those initially approved) to support the increased FAR. This concern is further reinforced by the facts that: a) the amendments would yield the addition of 24 residential units to the project (22 additional units as approved by the Design Review Board); and b) other project improvements that were included in the initial project design and inherent in the project approval have been scaled back (e.g., amenity/exercise room, private balconies for individual units) or eliminated (on-site resident storage facility, roof-top garden). In addition, the ability to accommodate the requested 4.99 FAR or the adjusted 4.93 FAR is contingent upon the City approving the abandonment of a portion of public right-of-way bordering the property, which could be viewed as precedent-setting.

As proposed, staff would recommend denial of the FAR bonus request and would continue to urge the project sponsor to increase the public benefit program to support an additional bonus. However, consideration should be given to the Design Review Board action in its approval of the amendment to PD Unit Plan 04-0020. First, the Board's action results in a reduction in the FAR bonus from the requested 4.99 to an adjusted 4.93 (edging closer to the approved 4.74 FAR). While not considerably lower than the requested FAR, the adjusted 4.93 FAR coupled with the Board's action to retain some key improvements and amenities from the initially approved project, reduces the need to boost the public benefit. For these reasons, the adjusted FAR bonus of 4.93, as approved by the Design Review Board is supported by staff.

Should the Planning Commission vote to deny the requested FAR bonus, the Design Review Board approval of the Unit Plan amendment would become null and void. If the bonus is approved, all initially required conditions of approval for the PD Unit Plan would continue to be valid (listed in Resolution DRB 08-02).

Amendment to Vesting Tentative Map. The amendment to the Vesting Tentative Map would not conflict with the purpose, the goals, the policies or the provisions of the Downtown Vallejo Specific Plan in that:

- a. The amendment would permit the adjustment of the property boundary by abandoning contiguous public right-of-way along three public street frontages. If conditioned properly, the abandonment of this right-of-way would: 1) not result in any physical, above-grade changes to the land; 2) would not result in any physical changes to the building footprint; and 3) would not preclude public use or access. Encroachments within this right-of-way would be limited to below-grade foundation and 'soldier beam' improvements needed to support the structure. Such improvements would be typically permitted with the approval of a City encroachment permit. Draft conditions of approval recommend that an easement be required over the abandoned right-of-way, which would be recorded for the purpose of retaining public access and maintenance of this land. Further, draft conditions recommend that the approval of the amendment to the Vesting Tentative Map be conditioned upon the City Council's approval of the right-of-way abandonment.
- b. While the proposal to abandon a portion of the adjacent public right-of-way may be viewed as precedent-setting, there are some special circumstances surrounding the project site that make it unique. The Downtown Vallejo Specific Plan identifies the project site as Catalyst Site #1, which is one of four special sites within the Specific Plan area that are planned for higher density, mixed-use development and are intended to facilitate surrounding redevelopment. Specific Plan Program 4.1a states that development of the catalysts sites is to be encouraged as they will "serve as indicators of positive change in Downtown." The abandonment would accommodate an increased

FAR, which is needed to ensure that the project will be developed.

- c. The Specific Plan does not contain any policies or provisions requiring that new, private development projects within the Plan area incorporate a component of 'inclusionary' or BMR units. Therefore, the proposal to eliminate the requirement to reserve 14 of the project units for BMR sales would not violate the regulations of the Specific Plan. As amended by the Design Review Board, the project design would: 1) yield 22 additional housing units within the project and in the Downtown area; and 2) result in a housing mix of smaller residential units within the project, which presumably would be more affordable to buyers than the initially approved units. New housing and smaller, more affordable units are factors that are strongly encouraged in the Specific Plan, which could offset the loss of the development of new, on-site BMR units. Nonetheless, the project site is within a Redevelopment Area, which is required to meet affordable housing provisions mandated by Redevelopment Law. The Vallejo Redevelopment Agency will need to consider if the project sponsors proposal for 'credits' (from the Marina Vista Apartment surplus) complies with the required affordable housing provisions. Therefore, the Vesting Tentative Map condition 3 has been revised to allow for deletion of this requirement, subject to the approval of the Vallejo Redevelopment Agency.

Consistency with Subdivision Ordinance

The proposed amendments to the approved Vesting Tentative Map would be consistent with the provisions of the Subdivision Ordinance and the findings that are required to approve a subdivision map. The abandonment of the public right-of-way bordering the project site would result in no physical, above-grade change to the property. Further, as recommended by conditions of approval, a public access and maintenance easement would be retained over the abandoned areas.

ENVIRONMENTAL DETERMINATION:

In September 2005, the City Council adopted Resolution No. 05-319 certifying the Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Final Environmental Impact Report (FEIR). The FEIR analyzed potential impacts in the topic areas of, among others, aesthetics/visual resources; land use and planning; traffic, transportation and parking; cultural resources; noise and air quality. The FEIR concludes that the Virginia Street project would result in a number of potentially significant environmental affects, which require mitigation. Recommended mitigation measures were incorporated into the conditions of project approval.

The proposed amendments to the project are subject to environmental review pursuant to the requirements of the California Environmental Quality Act. An Initial Environmental Study (Initial Study) has been prepared by Design Community & Environment, environmental consultants to determine the potential impacts of the project changes, which has been provided to Planning Commission under separate cover. Preparation of this Initial Study included a review of the certified FEIR in order to determine: a) potential changes or substantial increases in environmental affects that were previously analyzed; and b) potential changes to the environmental mitigation measures adopted with the approval of the project. Given that the proposed project amendments include changes in building height and mass, changes in parking design, and an increase in the number of residential units, the following topic areas were analyzed in the Initial Study:

- a. Aesthetics/Visual Impacts. The FEIR analyzed the potential visual and aesthetic impacts of developing a 5-7-story mixed-use building on the Virginia Street site. This 2005

assessment included the preparation of four, computer-generated visual simulations showing photographs of existing site conditions and proposed conditions (building superimposed in the photographs).

Since the current, proposed amendments to the project design would most effect the eastern portion of the building only (the addition of a 7th floor and the addition of two floors to the bridged structure over the paseo), DCE was directed to prepare updated computer-generated simulations for two of the vantage points (intersection of Virginia Street/Marin Street and intersection of Virginia Street/Sutter Street). These simulations are presented in Figures 3-1 through 3-4 of the Initial Study. The simulations find that while the addition of the 7th floor at the east end of the building would be apparent, it would not significantly change the visual character or overall building bulk or mass of the project. DCE has concluded that the proposed amendments would not result in a new significant environmental affect or the need for new mitigation measures.

- b. Traffic and Transportation. The FEIR analyzed the potential traffic and circulation impacts associated with the Virginia Street site development, as well as build-out under the Downtown Vallejo Specific Plan. The FEIR concluded that the initial project would result in a total of 1,151 average daily trips with 74 project trips estimated during the AM peak hour and 101 project trips estimated during the PM peak hour. The FEIR found that while this specific development project would not result in unacceptable operations at local intersections, this project, in conjunction with the development of the other planned projects in the Downtown area, would necessitate signalization and improvements at specific intersections in and bordering the Downtown area. As a condition of approval, the project is required to pay a Downtown Traffic Mitigation fee to offset this impact.

An assessment of trip generation and intersection impacts of the current, proposed project amendments was completed by Kimley-Horn and Associates, Inc. (KHA), transportation consultants. This assessment concludes that the addition of 24 (proposed) residential units and adjustments in the residential unit type would increase trip generation by 130 average daily trips with 10 additional project trips estimated during the AM peak hour and 11 additional project trips estimated during the PM peak hour. This incremental increase in project traffic would not change the operations at local intersections and, thus would not result in any new significant traffic impact and need for new mitigation measures.

- c. Parking. The topic of on-street and off-street parking was analyzed in detail in the 2005 FEIR. A parking study was prepared by KHA, which included specific recommendation mitigation measures for parking and the timing for future parking needs in Downtown. These mitigation measures were incorporated into the adoption of the Downtown Vallejo Specific Plan and, where appropriate, as conditions of approval for the Virginia Street project. The FEIR concludes that the Virginia Street project would meet the 1.25 parking space standard recommended for residential and live/work uses.

As discussed above, the proposed amendments include modifications to the parking garage and the incorporation of 'stacked' vertical parking lifts to meet off-street parking requirements. The Initial Environmental Study has concluded that the modifications to the parking arrangement and introduction of parking lifts would not result in any substantial changes in the use of or demand for parking in that: a) the Downtown

Specific Plan development standards do not mandate that each required parking space be independently accessible, so tandem or 'stacked' parking spaces can be considered in meeting the off-street parking requirements; b) the number of spaces provided (196 surface spaces and 44 vertical parking lifts) would meet the minimum 1.25 parking space per unit standard set forth in the Specific Plan; and c) the assignment of off-street parking spaces would be controlled by the homeowners' association within the development (discussed above).

- d. Cumulative Impacts. The 2005 FEIR concludes that the development build-out projected for the Downtown Vallejo Specific Plan would result in a number of air quality, construction-related noise and water service (water availability) impacts, which are significant and unavoidable. While mitigation measures have been identified to reduce these cumulative impacts, the measures would not effectively reduce them to a less-than-significant level. The Virginia Street project would contribute to these impacts.

These significant and unavoidable impacts were assessed to determine if the proposed project amendments would substantially change the severity of these cumulative impacts. The Initial Environmental Study concludes that the addition of 24 (proposed) residential units to this project would not noticeably change these impacts. However, the proposed reduction in site grading and excavation would reduce construction-related noise impacts, but such impacts would still be significant.

The Initial Environmental Study concludes that the project changes are not substantial and would not result in any new significant environmental affects that were not previously analyzed, or the need to impose new mitigation measures. Therefore, it has been determined that preparation and approval of an Addendum to the certified FEIR is appropriate and consistent with the provisions of Section 15164 of the California Environmental Quality Act. The FEIR Addendum has been prepared in the form of a memorandum to the City file, which is provided in Attachment 1 (draft resolution), Exhibit A.

RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

- a. Adopt the draft resolution adopting the Addendum to the Downtown Vallejo Specific Plan Final Environmental Impact Report
- b. Adopt the draft resolution conditionally approving the requested floor area ratio bonus for amended PD Unit Plan #04-0020
- c. Adopt the draft resolution approving amendment to Vesting Tentative Map #TM05-0012

PUBLIC NOTICING

Notice of this public hearing was published in the Vallejo Herald and mailed to property owners within 500 feet of the project site. Notice of this meeting was also mailed to the members of the Downtown Advisory Group (DAG) and to the representatives of the Downtown organizations and neighborhood associations.

ATTACHMENTS:

- Attachment 1: Draft Resolution adopting the Addendum to the Downtown Vallejo Specific Plan Final Environmental Impact Report (includes Addendum memorandum)
- Attachment 2: Draft Resolution conditionally approving floor area ratio bonus to PD Unit Plan #04-0020
- Attachment 3: Draft Resolution conditionally approving amendment to Vesting Tentative Map #TM05-0012
- Attachment 4: Table – Comparison of approved Unit Plan design and improvements with proposed modifications
- Attachment 4.1: Table - Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines
- Attachment 5: PD Unit Plan drawings and plans (8 ½ X 11 size reductions)
- Attachment 6: Letter from Patrick Kennedy, Panoramic Interests supporting the 'stacked' parking lift system; September 15, 2005
- Attachment 7: Public Hearing notice

The following provided to the Planning Commission under separate cover:

- Attachment 8: PD Unit Plan Amendment Supplemental Information Package, Tabs 1 through 11 (provided to Planning Commission in early January 2008)
- Attachment 9: PD Unit Plan drawings and plans (1/2 size plan sets provided to the Planning Commission in early January 2008)
- Attachment 10: Initial Environmental Study (provided to Planning Commission in early January 2008)
- Attachment 11: Design Review Board Meeting Minutes and adopted Resolutions DRB08-01 and DRB08-02; January 14, 2008

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ATTACHMENT 1

RESOLUTION NO. PC-08-02

A RESOLUTION OF THE VALLEJO PLANNING COMMISSION ADOPTING AN ADDENDUM TO THE DOWNTOWN VALLEJO SPECIFIC PLAN AND VIRGINIA STREET MIXED-USE DEVELOPMENT PROJECT FINAL ENVIRONMENTAL IMPACT REPORT

BE IT RESOLVED the Planning Commission of the City of Vallejo:

WHEREAS, on September 20, 2007, the City Council adopted Resolution No. 05-319 certifying the Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Project Final Environmental Impact Report (FEIR) and approving a Mitigation Monitoring and Reporting Program (MMRP). The FEIR was prepared to assess the environmental affects of implementing the Downtown Vallejo Specific Plan and Downtown Vallejo Design Guidelines (Program-level analysis), as well as the development of a 1.05-acre public parking lot located on Virginia Street (Catalyst Site #1) between Marin Street and Sacramento Street (Project-specific analysis). Concurrent with this action, the City Council adopted the Downtown Vallejo Specific Plan and Downtown Design Guidelines, which confirmed the Planning Commission approval of the Virginia Street Mixed-Use Development project; and

WHEREAS, the City Council's adoption of Resolution No. 05-319 includes specific findings of fact to support the certification of the FEIR. The findings of fact summarize all of the potential environmental affects that were analyzed in the FEIR and approved mitigation measures, where required to eliminate or reduce environmental affects to a less-than-significant level. Further, the finding of fact identify the FEIR findings of five, potentially significant environmental affects that were determined to be significant and unavoidable, which cannot be reduced to a less-than-significant level with mitigation measures. These five, significant and unavoidable environmental affects are:

- Impact TRAF-9, Elimination of a Class II Bicycle Lane on Marin Street. Implementation of the Downtown Specific Plan would require the elimination of the existing Class II bicycle route on Marin Street.
- Impact UTIL-1, Provision of Water in Third Year Dry Condition. The City's projected water supplies are not sufficient to serve cumulative projected development, including build-out under the Downtown Specific Plan, in the third year of consecutive dry years.
- Impact NOISE-4, Construction-related vibration. Residences, businesses and historic structures in the Downtown area would be exposed to construction-related vibration during the excavation and foundation work of new development projects in Downtown, including the Virginia Street Mixed-Use Development.
- Impact AQ-3, Increase Air Quality Emissions. Build-out of the Specific Plan would generate new automobile emissions that would affect the regions ability to attain and maintain ambient air quality standards.
- Impact AQ-4, Conflict with Clean Air Plan. The Specific Plan would conflict with the Bay Area Clean Air Plan.

WHEREAS, complete copies of City Council Resolution No. 05-319, the certified FEIR, and approved Mitigation Monitoring and Reporting Program are on file with the City of Vallejo Development Services Department, Planning Division; and

ATTACHMENT 1

WHEREAS, the mitigation measures presented in the certified FEIR and the approved Mitigation Monitoring and Reporting Program have been incorporated as standards and provisions in the adopted Downtown Vallejo Specific Plan and Downtown Design Guidelines and as conditions of approval for the Virginia Street Mixed-Use Development Unit Plan and Vesting Tentative Map; and

WHEREAS, in October 2007, Triad Downtown Vallejo, LLC, developer filed planning applications to amend the approved Unit Plan and Vesting Tentative Map for the Virginia Street Mixed-Use Development project. The initial approvals authorized the construction of a 5-7 story building to include 11,500 square feet of ground floor retail use, 150 residential condominium units and eight (8) live-work units on a 1.05-acre parking lot located on Virginia Street, between Marin and Sacramento Streets. The amendment propose revisions to the approved project that include: a) 24 additional residential units (total of 174 residential units); b) a 7th floor addition to the eastern portion of the building and the addition of two floors (6th and 7th floor) to the cantilevered structure that bridges the paseo; c) modifications to the off-street parking garage to introduce the use of vertical/stacked parking lifts; d) revisions to specific project improvements, requirements, and amenities; and e) and adjustment in the property boundaries to incorporate a portion of the contiguous public right-of-way fronting Virginia Street, Sacramento Street and Indian Alley, which would increase the parcel size to 1.1 acres; and

WHEREAS, the proposed revisions to the project are subject to environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines. An Initial Environmental Study (December 2007) was prepared to assess the impacts of the project revisions and to determine if these revisions are adequately addressed in the certified Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development FEIR; and

WHEREAS, the Initial Environmental Study concludes that the revisions to the Virginia Street Mixed-Use Development would not result in: a) any new significant environmental affects; b) a substantial increase in the environmental affects that were previously identified; or c) a change in or the need for new mitigation measures. As result and pursuant to CEQA Guidelines Section 15164, the Initial Environmental Study concludes that an Addendum to the FEIR is appropriate for assessing the modifications to the Virginia Street Mixed-Use Development project. The FEIR Addendum is in the form of a memorandum to the City file and is attached as Exhibit A to this resolution; and

WHEREAS, on Wednesday, January 23, 2008, the Planning Commission held a public hearing on the FEIR Addendum, the request for a floor area ratio bonus to the PD Unit Plan and the amendment to the Vesting Tentative Map.

NOW, THEREFORE, BE IT RESOLVED that after hearing all qualified and interested persons and considering all relevant evidence, the Planning Commission makes the following findings relative to the FEIR Addendum:

1. The notice for the FEIR Addendum and the Initial Environmental Study was given for the time and in the manner prescribed by law, with the supporting Initial Environmental Study and FEIR Addendum being available for review in accordance with the requirements of CEQA, and the State CEQA Guidelines.

ATTACHMENT 1

2. The certified Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Project FEIR coupled with the findings of the FEIR Addendum and supporting Initial Environmental Study: a) adequately analyzes the environmental affects of the revisions to the Virginia Street Mixed-Use Development project; and b) finds that the project modifications will not result in any new significant environmental affects, a substantial increase in the environmental affects that were previously identified, or a change in or the need for new mitigation measures.
3. The Planning Commission certifies that the FEIR Addendum and supporting Initial Environmental Study have been presented to the Commission and that the Commission has reviewed it and considered the information contained therein prior to acting on the proposed revisions to the project and that the document reflects the independent judgment and analysis of the City.

BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the FEIR Addendum to the Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Project Final Environmental Impact Report, which is supported by the Virginia Street Mixed-Use Project Initial Study, prepared by Design Community & Environment, environmental consultants and dated December 2007.

ADOPTED by the Planning Commission of the City of Vallejo at a regular meeting held on the 23th day of January 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

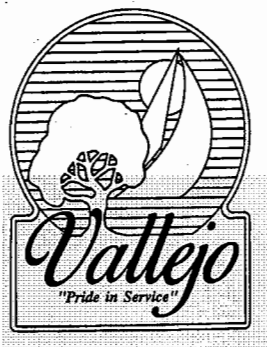
_____/s//_____
CHARLES LEGALOS, Chair

_____/s//_____
DON HAZEN, Secretary

EXHIBIT A: Memorandum (Addendum to Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Final Environmental Impact Report)

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EXHIBIT A



DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION
CITY OF VALLEJO

MEMORANDUM

**ADDENDUM TO DOWNTOWN VALLEJO SPECIFIC PLAN AND
VIRGINIA STREET MIXED-USE DEVELOPMENT FINAL ENVIRONMENTAL IMPACT REPORT
STATE CLEARINGHOUSE NO. 2004082100**

Date: December 26, 2007

To: City File No. PD Unit Plan #04-0020 and Vesting Tentative Map #05-0012

From: Don Hazen, Planning Manager
Paul Jensen, Contract Planner

Project: **Revisions and amendments to Virginia Street Mixed-Use Development Project PD Unit Plan and Vesting Tentative Map, Virginia Street and Sacramento Street**

BACKGROUND – CERTIFIED FINAL ENVIRONMENTAL IMPACT REPORT

On September 10, 2005, the Vallejo City Council adopted Resolution No. 05-319 certifying the Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Final Environmental Impact Report (FEIR). The FEIR consists of the following documents, which are on file with the City of Vallejo:

- Volume I, Draft Environmental Impact Report (DEIR); May 13, 2005
- Volume II, Final EIR/Response to Comments; August 22, 2005. This volume contains edits to the DEIR text, updated data, expanded mitigation measures and the Mitigation Monitoring and Reporting Program (MMRP).

The certified FEIR serves as a Program EIR for the Downtown Vallejo Specific Plan and a Project EIR for the Virginia Street Mixed-Use Development. Regarding the Virginia Street Mixed-Use Development, the certified FEIR analyzes the development of a 1.05-acre public parking lot located at Virginia Street and Sacramento Street with a 5-7 story structure containing 150 residential units, 8 live-work units, 11,500 square feet of ground floor commercial use, a 4,550 square foot public paseo and a multi-level parking garage.

City Council Resolution No. 05-319 includes the Findings of Fact required pursuant to CEQA Guidelines Section 15093. The Findings of Fact summarize each environmental topic area analyzed in the FEIR, the conclusions and recommended mitigation measures. Further, as authorized by Public Resources Code Section 21081 and Title 14, California Administrative Code Section 15091, 15092 and 15093, the Findings of Fact summarize five environmental effects, which cannot be reduced to a less-than-significant level through the application of mitigation measures. These five impacts were determined to be significant and

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unavoidable. Findings of overriding consideration were made by the City in the adoption of the Downtown Vallejo Specific Plan (Ordinance No. 1553, City File No. SPL #04-0001) and the approval of the Virginia Street Mixed-Use Development project (Planning Commission Resolution No. PC05-6, PD Unit Plan #04-0020).

PROPOSED AMENDMENTS TO VIRGINIA STREET MIXED-USE DEVELOPMENT

The City has received applications to amend PD Unit Plan #04-0020 and Vesting Tentative Map #05-0020 approved for the Virginia Street Mixed-Use Development project. The project amendments are on file with the City and are summarized as follows:

1. The addition of 24 residential condominium units, which would increase the total residential unit count to 174 (150 units currently approved). The 24 additional units are accomplished by: a) adding a 7th floor to the eastern portion of the building (approved at 5-stories); b) enlarging and adding two floors to the cantilevered structure that bridges over the paseo; c) downsizing the first floor amenity/exercise room to 385 square feet and replacing this area with two residential units; and d) replacing the on-site resident storage area (2nd floor) with residential units.
2. Modifications to the off-street parking. The modifications propose eliminating ½ of the lowest parking floor/level to reduce grading and site excavation. While the arrangement, configuration and siting of the parking spaces within the garage would not be significantly modified, a change in the number of parking spaces is proposed. A total of 196, independently accessible parking spaces are proposed. However, on two parking levels where the floor-to-ceiling clearance is 12 feet or more, vertical parking lifts are proposed to accommodate an additional 44-80 'stacked' parking spaces (total range from a minimum of 240 to a maximum of 276 parking spaces).
3. An increase in the gross building-to-site area (FAR) to 4.99. The additional floor area needed to accommodate the proposed 24 units would increase the amount of total FAR to 4.99.
4. Changes in site grading. The site excavation and exportation of earth material required to develop below-grade parking would be reduced by approximately 20% as one-half of the lowest garage level would not be developed.
5. Minor changes to building elevation and material details.
6. Elimination of on-site inclusionary housing units. Current conditions of project approval require that 14 of the total residential units be made available for below-market-rate sales. Elimination of this condition would be subject to the approval of the Vallejo Redevelopment Agency.
7. Adjustments to the property boundary. The amendment to Vesting Tentative Map #05-0020 proposes to amend the property boundary by incorporating a three-foot-wide strip of public right-of-way along the Virginia Street, Sacramento Street and Indian Alley frontages. This boundary adjustment would increase the parcel size to 1.1 acres. The property line adjustment would require that the three-foot-wide public right-of-way be abandoned by the City.

PURPOSE OF MEMORANDUM

The purpose of this memorandum is to consider and document whether the proposed project amendments are within the scope of the prior environmental review and shall serve as an FEIR Addendum, as described in CEQA Guidelines Section 15164. CEQA Guidelines Section 15164 provides that the lead agency or responsible agency shall prepare an Addendum to a previously certified EIR if: 1) none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a Subsequent EIR have occurred; 2) only minor technical changes or additions are necessary to make the EIR under consideration adequate under CEQA; and 3) the changes to the EIR made by the Addendum do not raise important new issues about the significant effects on the environment. Per CEQA Section 15164, an Addendum does not need to be circulated for public review and can be included in or attached to the previously certified FEIR, prior to making a decision on the project.

Regarding CEQA Guidelines Section 15162, preparation of a Subsequent EIR is required when: 1) there are substantial changes to the project which require major revisions to the certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of a previously identified significant effect. Similarly, CEQA Section 15163 requires the preparation of a Supplement to an EIR when any changes in conditions described in Section 15162 occur and there are minor additions and changes that are needed to the previously certified EIR that are necessary to make it adequate.

ENVIRONMENTAL ANALYSIS

To assess the potential environmental impacts of the proposed project amendments, the Virginia Street Mixed-Use Project Initial Study (Initial Environmental Study) was prepared by Design, Community & Environment (DCE), environmental consultants (December 26, 2007). This Initial Environmental Study is on file with the City of Vallejo. The Initial Environmental Study includes a checklist of all of the environmental topic areas that were studied in the certified FEIR relative to the initial Virginia Street Mixed-Use Development project. Further, the Initial Environmental Study includes additional and new analysis in the following topic areas to determine changes in previously analyzed impacts and the potential for new significant or substantially different impacts resulting from the project amendments:

- Aesthetics-Visual Change- preparation of computer-generated visual simulations (DCE) of the proposed project amendments to determine if the additional floor area would result in any significant changes in the visual and aesthetic conditions of the property. These simulations, along with the FEIR simulations prepared for the approved project are presented in Figures 3-1 through 3-4 in the Initial Environmental Study. The analysis concludes that, while the addition of a new 7th floor at the east end of the building would be noticeable, the addition would not substantially change the character of the site as previously analyzed, would not adversely effect a scenic vista, nor damage a scenic resource.
- Aesthetics-Solar Access/Shading- preparation of a Shadow Study Diagram depicting projected building shadows under equinox and solstice conditions. The Shadow Study Diagrams are presented in Figures 3-5 through 3-7 in the Initial Environmental Study. The analysis concludes that the project amendments would not substantially increase light or glare nor would it significantly decrease solar access as previously analyzed.

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- **Traffic and Parking-** preparation of a trip generation and distribution analysis and review of proposed parking (Kimley-Horn & Associates). The estimated trip generation for the additional, proposed residential units is presented in Table 3-1 in the Initial Environmental Study. The analysis concludes that the amount and type (stacked, vertical parking spaces) of parking is adequate and would meet the provisions of the Downtown Vallejo Specific Plan. Further, this analysis concludes that while the project amendments would slightly increase the amount of traffic that would be generated by the initially analyzed and approved project, the increase would have a negligible impact on local intersections.

The Initial Environmental Study considers the provisions of CEQA Guidelines Sections 15162 and 15163 to determine if the potential impacts of the project amendments trigger the need to prepare a Subsequent EIR or a Supplement to the previously certified EIR. As documented in the Initial Environmental Study, the proposed project amendments would result in modest changes to the initially analyzed and approved project and would not trigger the need for a Subsequent EIR or a Supplement to the certified FEIR in that:

1. The project amendments would not result in any new, significant environmental impacts that were not previously analyzed in the certified FEIR.
2. The project amendments would not result in a significant change to or a substantial increase in the severity of the environmental impacts that were identified for the initially analyzed and approved project.
3. The project amendments would not result in the need for new, revised or significantly different mitigation measures. The previously adopted mitigation measures that are outlined in the adopted Mitigation Monitoring and Reporting Program (MMRP) are appropriate and adequate to address and mitigate the impacts of the proposed project amendments.
4. The project amendments would result minor technical changes in information (aesthetic, traffic and parking studies discussed above) in the certified FEIR to adequately assess the proposed project amendments.

CONCLUSION

As documented in the Initial Environmental Study (Virginia Street Mixed-Use Project Initial Study, December 26, 2007), the amendments to the project were reviewed against each environmental issue that was studied in the certified FEIR. The Initial Environmental Study concludes that the amendments to the project would not result in any new significant environmental effect and no new or changed mitigation measures that were previously adopted by the City. Therefore, no Supplemental or Subsequent EIR is required and no further environmental evaluation is necessary pursuant to CEQA Guidelines Sections 15162, 15163 and 15164.

The five, significant and unavoidable environmental effects identified in the certified FEIR were addressed by findings and statements of overriding consideration in City Council Resolution No. 05-319 and this Addendum is proper and appropriate in that no new significant, adverse environmental impacts have been discovered.

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The certified Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development FEIR, together with this Addendum and the supporting Initial Environmental Study (December 26, 2007), will constitute the environmental document for the proposed amendments to the Virginia Street Mixed-Use Development project.

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RESOLUTION NO. PC-08-03

RESOLUTION OF THE VALLEJO PLANNING COMMISSION CONDITIONALLY APPROVING A FLOOR AREA RATIO BONUS OF 4.93 FOR THE VIRGINIA STREET MIXED-USE DEVELOPMENT PROJECT (PD UNIT PLAN #04-0020)

BE IT RESOLVED by the Planning Commission of the City of Vallejo as follows:

WHEREAS, in 2004 the City initiated planning applications for the purpose of preparing and adopting a Specific Plan for the Downtown Vallejo area. The planning applications included a General Plan Amendment (#GPA05-0001) and a Specific Plan application (#SPL04-0001). The Draft Downtown Vallejo Specific Plan and accompanying Downtown Vallejo Design Guidelines were completed and published on April 22, 2005; and

WHEREAS, concurrent with the processing of #GPA05-0001 and #SPL04-0001, a Planned Development Unit Plan application (#PD04-0020) was filed by Triad Downtown Vallejo LLC, proposing the redevelopment of a 1.05-acre public parking lot located on Virginia Street between Marin Street and Sacramento Street. This parking lot site is referred to as Catalyst Site #1 in the Downtown Vallejo Specific Plan. This Unit Plan application proposed the development of this parking lot with a 5-7 story mixed-use building with ground floor commercial use (11,500 square feet), eight (8) live-work units, 150 residential condominium units and a 238-space parking garage. The initial mixed-use project proposed a floor area ratio of 4.74; and

WHEREAS, on September 7, 2005, the Planning Commission adopted Resolution No. PC05-06 conditionally approving PD Unit Plan #PD04-0020 including the 4.74 floor area ratio bonus over the 4.0 FAR limit set forth in the Specific Plan, subject to the City Council adoption of the Downtown Vallejo Specific Plan. On September 20, 2005, the City Council adopted the Downtown Vallejo Specific Plan; and

WHEREAS, in September 2007, Triad Downtown Vallejo LLC filed applications to amend the approved PD Unit Plan #PD04-0020 and Vesting Tentative Map (TM05-0012) requesting approval of: a) 24 additional residential units (total of 174 residential units); b) a 7th floor addition to the eastern portion of the building and the addition of two floors to the cantilevered structure that bridges the paseo; c) modifications to the off-street parking garage to introduce the use of vertical parking lifts; d) revisions to specific project improvements, requirements and amenities; e) an adjustment in the property boundaries to include a three-foot-wide portion of public right-of-way fronting Virginia Street, Sacramento Street and Indian Alley; and f) a request to eliminate the condition that 14 of the residential units be reserved for below-market-rate (BMR) sale. The addition of the residential units proposes an increase in the gross, building-to-land floor area ratio to 4.99, which requires Planning Commission approval; and

WHEREAS, consistent with the provisions and requirements of the Downtown Vallejo Specific Plan, on January 14, 2008, the design revisions proposed with the amended PD Unit Plan #PD04-0020 were reviewed by the Vallejo Design Review Board. On a 5-0-2 vote (Anderson and White absent), the Design Review Board adopted Resolution

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DRB08-02 approving the amendment to PD Unit Plan #04-0020, subject to additional design modifications recommended by City staff. As outlined in Resolution DRB08-02, the Design Review Board required that the proposed 7th floor of the cantilevered structure that bridges the paseo be eliminated to maintain a variation in building heights within the project. This modification reduces the additional, requested residential units from 24 to 22 and, accordingly, adjust the requested floor area ratio from 4.99 to 4.93. The Design Review Board approval is contingent upon the Planning Commission approval of the floor area ratio bonus and approval of the amended Vesting Tentative Map; and

WHEREAS, the potential environmental effects of the approved mixed-use development were assessed in the Downtown Specific Plan and Virginia Street Development Final Environmental Impact Report (August 2005) and accompanying Mitigation Monitoring and Reporting Program (MMRP), which were certified/approved by the City Council on September 20, 2005 (Resolution No. 05-319). To assess the proposed project amendments filed in September 2007, an Initial Environmental Study was completed in December 2007. The Initial Environmental Study concludes that proposed amendments would not result in any new significant environmental impacts or new mitigation measures, which was documented in an FEIR Addendum. The FEIR Addendum is in the form of a memorandum to the City file and was approved by the Planning Commission through the adoption of a separate resolution; and

WHEREAS, on Wednesday, January 23, 2008, the Planning Commission held a public hearing on the proposed planning applications and the FEIR Addendum.

NOW, THEREFORE BE IT RESOLVED that after hearing all qualified and interested persons and receiving and considering all relevant evidence, the Planning Commission makes the following findings relative to the requested bonus to the floor area ratio limits set forth in the Downtown Vallejo Specific Plan:

1. The notice of the public hearing was given for the time and in the manner as prescribed by law.
2. The Planning Commission finds that proposed changes to the approved development project inclusive of the floor area ratio bonus would not result in any new significant environmental impacts or mitigation measures that were previously analyzed and presented. The mitigation measures outlined in the approved Mitigation Monitoring and Reporting Program are appropriate, adequate and have been incorporated as conditions of approval for the amendment to Unit Plan #PD04-0020, approved by Design Review Board Resolution DRB08-02 on January 14, 2008.
3. As presented in the Design Review Board Resolution No. DRB08-02, the design modifications authorized in the amendment to PD Unit Plan #04-0020 have been determined to be consistent with the Downtown Vallejo Specific Plan and the Downtown Design Guidelines, subject to conditions set forth in this resolution and contingent upon Planning Commission approval of the floor area ratio bonus.

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4. As proposed and subject to conditions of approval herein, this application to grant the approval of a floor area ratio of 4.93 is consistent with the Vallejo General Plan, in that it will:
 - a. Facilitate the development of additional, and a greater mix of smaller residential units in an approved mixed-use project, which would be consistent with the Downtown Mixed-Use land use designation. This land use designation encourages high intensity mixed-use development in the Downtown area.
 - b. Retain and facilitate the establishment of ground floor commercial and live-work uses, which would promote local serving retail and services uses, in addition to arts and entertainment uses.
 - c. Facilitate and expand the establishment of residential land use, which would foster additional activity in the Downtown area with increased pedestrian circulation and less reliance on vehicle transportation.
 - d. Facilitate the development of an approved urban project in a urban setting, where it is appropriate to site and design buildings with minimal building-to-lot-line setbacks (Circulation and Transportation Compatibility with Adjoining Land Uses Policy 2) and where it is common to have residential land use fronting on major streets such as Sacramento Street (Circulation and Transportation Element Compatibility with Adjoining Land Uses Policy 1).
 - e. As proposed with the additional floor area ratio, the project design and scale will respect and not conflict with the older development in the immediate area (Land Use Element Urban Design Goal 2, Policy 3).
5. As proposed and subject to conditions of approval, the additional floor area ratio allowed for the approved Virginia Street Mixed-Use development project is consistent with the Downtown Vallejo Specific Plan and Downtown Vallejo Design Guidelines in that:
 - a. As amended, the project continues to propose a variety of housing types (residential condominiums and live-work units), and retail use that will serve the local community and contribute to an active pedestrian environment, consistent with Land Use Policies 4.1.1, 4.2.1 and 4.2.3. As conditioned, the additional floor area ratio would permit the development of a 6- to 7-story building and a floor area ratio of 4.93 (with a floor area ratio bonus) consistent with Land Use Policy 4.3.1, which encourages the highest intensity uses in the Central Downtown District. Finally, the introduction of housing and live-work uses will emphasize and facilitate 'around the clock' habitation, which is a prime principle of the Downtown Design Guidelines.
 - b. As conditioned, the project would provide 22 additional residential units over and above the number of residential units initially approved for this site and a unit mix of smaller, more affordable units, which would facilitate property development on a designated catalyst site. Consistent with Specific Plan Land Use Program 4.1a, the development of Catalyst Site #1 will serve as an indicator of positive change in Downtown Vallejo.

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- c. The project proposes design features and elements that are not overly stylized, will respond to the historic building design elements and will respect the pattern of building widths and character, which is consistent with Urban Design Policies 5.5.2 and the site and building design guidelines set forth in the Downtown Design Guidelines. Secondly, consistent with Urban Design Policy 5.5.3, the ground floor storefronts and live-work unit design enhance the pedestrian environment at street level. As designed, the project will reinforce the existing urban form, which is a recommended design principle in the Downtown Design Guidelines.
 - d. The project includes the development of an open paseo that would extend from Virginia Street to Indian Alley. This paseo is proposed for public access and use, which is consistent with Urban Design Policy 5.5.4. Improvements to Indian Alley are proposed and recommended as conditions of approval, which is consistent with Urban Design Policy 5.4.5 and the site and building design guidelines set forth in the Downtown Design Guidelines.
6. As proposed and as modified by recommended conditions of approval, the project would be permitted a 4.93 floor area ratio (FAR), which would exceed the 4.0 FAR limits in the Downtown Specific Plan Central Downtown District. Section 9, Development Standards of the Draft Downtown Vallejo Specific Plan permits an FAR bonus, up to 5.0, in the Central Downtown District, provided that certain public amenities are provided with the proposed project. The proposed FAR bonus is reasonable and justified in that the project sponsor has included or is required to incorporate by conditions of approval, the following public amenities in the project design:
- a. An open paseo that is approximately 4,550 square feet in size, extending from Virginia Street to Indian Alley. The paseo will be accessible to the public for use. A public access easement would be recorded to ensure public use in perpetuity.
 - b. Improvements to Indian Alley, which include two loading areas and common trash receptacles areas for use by all properties along this alley block, and decorative pavement.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the floor area ratio bonus of 4.93 to accompany the Design Review Board amendment to the Virginia Street Mixed-Use Development PD Unit Plan (#PD04-0020), as presented in the plans and drawings prepared by Togawa, Smith and Martin, Architects, dated December 2007 and subject to the following conditions:

General Conditions

- 1. The approval of the 4.93 floor area ratio bonus shall remain valid for the time period set forth in the Design Review Board approval of the amended PD Unit Plan approval (PD 04-0020).

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2. The approval of the 4.93 floor area ratio bonus is contingent upon : a) City Council approval to abandon a three-foot wide public right-of-way bordering the Virginia Street, Sacramento Street and Indian Alley property frontages; and b) Planning Commission approval of an amendment to Vesting Tentative Map TM05-0012.
3. This approval shall be subject to all conditions set forth in Design Review Board Resolution DRB08-02, adopted on January 14, 2008, which authorizes the amendment to PD Unit Plan 04-0020.

ADOPTED by the Planning Commission of the City of Vallejo at a regular meeting held on Wednesday, January 23, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

//s//
CHARLES LEGALOS, Chair

//s//
DON HAZEN, Secretary

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RESOLUTION NO. PC-08-04

RESOLUTION OF THE VALLEJO PLANNING COMMISSION APPROVING AN AMENDMENT TO VESTING TENTATIVE MAP #TM05-0012 FOR THE VIRGINIA STREET DEVELOPMENT PROJECT

BE IT RESOLVED by the Planning Commission of the City of Vallejo as follows:

WHEREAS, in 2004 the City initiated planning applications for the purpose of preparing and adopting a Specific Plan for the Downtown Vallejo area. The planning applications included a General Plan Amendment (#GPA05-0001) and a Specific Plan application (#SPL04-0001). The General Plan Amendment, Downtown Vallejo Specific Plan and accompanying Downtown Vallejo Design Guidelines were adopted by the City Council on September 20, 2005; and

WHEREAS, concurrent with the processing of #GPA05-0001 and #SPL04-0001, a PD Unit Plan application (#PD04-0020) was filed by Triad Downtown Vallejo, LLC, which proposed redevelopment of a 1.05-acre public parking lot located on Virginia Street between Marin Street and Sacramento Street. This parking lot site is referred to as Catalyst Site #1 in the Downtown Vallejo Specific Plan; and

WHEREAS, on September 7, 2005, the Planning Commission approved pd Unit Plan #PD04-0020 permitting the development of a 5-7 story mixed-use building with ground floor commercial use (11,500 square feet), eight (8) live-work units, 150 residential condominium units and a 238-space parking garage. This approval was conditioned upon the City Council adoption of the Downtown Vallejo Specific Plan. On September 20, 2005, the City Council adopted the Downtown Vallejo Specific Plan and the Downtown Vallejo Design Guidelines; and

WHEREAS, as follow-up to the approval of PD04-0020, Triad Downtown Vallejo, LLC filed a Vesting Tentative Map application (TM05-0012), which proposed a subdivision of the airspace within the project site, allowing the sale of the residential and live-work units, as well as the ground-floor commercial space. On October 17, 2005, the Planning Commission adopted Resolution No. PC-05-05 conditionally approving the Vesting Tentative Map; and

WHEREAS, in September 2007, Triad Downtown Vallejo LLC filed an application to amend the approved Vesting Tentative Map requesting an adjustment in the property boundaries to include three (3) feet of public right-of-way along the Virginia Street, Sacramento Street and Indian Alley frontages. The adjustment in the property boundaries would expand and increase the parcel size from 1.05 acres to 1.1 acres. Further, the application proposes to revise several Vesting Tentative Map conditions of approval to: a) eliminate the requirement that 14 of the residential units in the project be reserved for below-market-rate (BMR) sales, contingent upon the approval by the Vallejo Redevelopment Agency; and b) reflect design and improvement modifications addressed in an accompanying application to amend approved PD Unit Plan PD04-0020; and

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WHEREAS, the potential environmental effects of the approved mixed-use development were assessed in the Downtown Specific Plan and Virginia Street Development Final Environmental Impact Report (August 2005) and accompanying Mitigation Monitoring and Reporting Program (MMRP), which were certified/approved by the City Council on September 20, 2005 (Resolution No. 05-319). To assess the proposed project amendments filed in September 2007, an Initial Environmental Study was completed in December 2007. The Initial Environmental Study concludes that proposed amendments would not result in any new significant environmental impacts or new mitigation measures, which was documented in an FEIR Addendum. The FEIR Addendum is in the form of a memorandum to the Cit file and was approved by the Planning Commission through the adoption of a separate resolution; and

WHEREAS, on January 14, 2008, the Vallejo Design Review Board adopted the FEIR addendum (Resolution No. DRB08-01) and approved an amendment to PD Unit Plan PD04-0020 (Resolution No. DRB08-02. This action authorizes design modifications to the approved mixed-use development project, which would result in a floor area ratio for the project of 4.93. This Design Review Board approval is subject to the Planning Commission approval of a floor area ratio bonus and the proposed amendments to the approved Vesting Tentative Map; and

WHEREAS, on Wednesday, January 23, 2008, the Planning Commission held a public hearing on the requested amendment to Vesting Tentative Map #TM05-0012.

NOW, THEREFORE BE IT RESOLVED that after hearing all qualified and interested persons and receiving and considering all relevant evidence, the Planning Commission makes the following findings regarding the amendment to Vesting Tentative Map #05-0012:

1. The notice of the public hearing was given for the time and in the manner as prescribed by law.
2. In considering and approving the initial PD Unit Plan for this project, the Commission reviewed and considered the specific noise level conditions for Downtown in conjunction with reviewing and approving residential and live-work land uses. The Vallejo General Plan Noise Element establishes a residential, outdoor activities area noise level limit of 60 decibels due to transportation sources. This element permits noise levels of up to 65 decibels, where it is determined by the City that the 60 decibel limit is not economically or aesthetically reasonable. As disclosed in the certified FEIR, the live-work and residential units within this development project would be exposed to exterior noise levels of up to 63 and 64 decibels along Virginia Street and Sacramento Street, respectively, under cumulative (Specific Plan build-out) conditions. To address this potential noise impact, action on the initial Vesting Tentative Map included a condition, which requires the recording of a disclosure statement with the deed of each residential and live-work unit. This condition continues to be required with the approval of this map amendment.
3. As proposed, this amendment to the approved Vesting Tentative Map is consistent with the Downtown Vallejo Specific Plan in that it conforms with and

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accompanies the approval of PD Unit Plan PD04-0020, as amended by the Design Review Board on January 14, 2008. In approving the amendment to PD04-0020, the Design Review Board found that the development project design, as modified by conditions of approval is consistent with the Downtown Vallejo Specific Plan and Downtown Vallejo Design Guidelines. The abandonment of the three-foot wide strip of public right-of-way bordering the Virginia Street, Sacramento Street and Indian Alley frontages would not be in conflict with the goals and policies of the Downtown Vallejo Specific Plan in that: a) while it would permit the subsurface construction of the building foundation and soldier beams, it would not result in any physical changes to the approved building footprint or the land surface; and b) a condition of approval requires that the City retain a public access easement over the abandoned right-of-way for public access and maintenance.

4. As proposed and as conditioned, the amendment to the approved Vesting Tentative Map conforms with all requirements of the Subdivision Ordinance, Title 15 of the Vallejo Municipal Code, including Sections 15.06.020 and 15.06.090 for the dedication of the public paseo for improved mid-block pedestrian access between Virginia Street and Indian Alley, the provision of public sidewalks in compliance with Section 15.06.060, the provision of easements for utility facilities in compliance with Section 15.06.120 and the submittal of application materials as required by Section 15.08.030.
5. The amended Vesting Tentative Map has been reviewed by the City Engineer and found to be in compliance with requirements of the State Subdivision Map Act (Government Code Section 66410 et seq.).
6. It was determined through the initial project approval of PD Unit Plan PD04-0020 and confirmed through the Design Review Board approval of amendments to this approval that the project site is physically suitable for the proposed type of development, in that the adjusted 1.1-acre vacant site is adjacent to the Georgia Street Corridor and will support its retail vitality by introducing high density housing and a lively ground floor commercial environment. The retail/restaurant/residential project is consistent with the policies and programs of the Downtown Vallejo Specific Plan, which call for higher intensity mixed-use projects, including development of the "Catalyst Sites" with high quality housing/commercial projects.
7. It was determined through the initial project approval of PD Unit Plan PD04-0020 that the project site is physically suitable for the proposed density of the development in that the 1.1-acre site, as amended in size by this action by this action will accommodate a structure within the allowable building height, density and floor area ratio regulations established by the Downtown Vallejo Specific Plan, thus facilitating the development of a high quality housing/commercial project on the first of the Catalyst sites.
8. The design of the amended subdivision and the type of proposed improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat in that the FEIR prepared for the

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project found the project would result in no environmental impacts to wildlife or wildlife habitat.

9. The design of the amended subdivision and the type of proposed improvements would not conflict with easements of record or established by a court of competent jurisdictions acquired by the public at large, for access through or use of property within the proposed subdivision in that the amended Vesting Tentative Map continues to propose and is conditioned to require new access easements on and through the project site.
10. The amended subdivision or improvements will not result in violation of water quality standards in that the Final Environmental Impact Report prepared for the project found all environmental impacts related to water quality to be insignificant.
11. The amended subdivision or improvements are not proposed for lands subject to the Williamson Act and are consistent with the requirements of Section 66474.4 of the Government Code.
12. The abandonment of a portion of the adjacent public right-of-way along the Virginia Street, Sacramento Street and Indian Alley frontage would not set a precedent for similar requests in that it is being approved for a unique site within the Downtown Specific Plan area. The Downtown Vallejo Specific Plan designates the project site as Catalyst Site #1, which is one of four sites in the Downtown plan area that are planned for higher density, mixed-use development and are intended to facilitate and 'seed' surrounding redevelopment. Further, Specific Plan Land Use Program 4.1a states that the development of catalyst sites should be encouraged as they serve as indicators of positive change in the Downtown area. As proposed, the abandonment of the public right-of-way would accommodate an increase in floor area ratio, which is needed to ensure that the mixed-use project will be developed.

BE IT FURTHER RESOLVED that the Planning Commission hereby approves the amendment to Vesting Tentative Map #TM05-0012, as presented on the Amended Vesting Tentative Map – Virginia Street Mixed-Use, prepared by Meridian Associates, Inc. (September 27, 2007) subject to the following conditions:

1. This amended Vesting Tentative Map is approved subject to the City Council approval to abandon the three-foot wide public right-of-way bordering the Virginia Street, Sacramento Street and Indian Alley property frontages. The amended map approval is shall be valid for three (3) years from the date of this action. This action shall become null and void if: a) the abandonment action is denied by the City Council; or b) and if a Final Map is not recorded within this three (3) year period.
2. The project sponsor shall be responsible for implementing all mitigation measures pertinent to this project in the Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Final Environmental Impact Report (FEIR), dated August 2005, and the accompanying Mitigation Monitoring and

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Reporting Program (MMRP), on file with the Development Services Department and which are hereby incorporated by reference.

3. The initial requirement (condition 3) to provide 14 of the residential units for below-market-rate sales to moderate-income households (Mitigation Measure POL-2) is deleted, subject to the approval of the Vallejo Redevelopment Agency. The Vallejo Redevelopment Agency shall review this request and all alternatives to this on-site inclusionary housing, in order to achieve project conformance with applicable Redevelopment Area laws.
4. The Final Map shall be prepared to include the following:
 - a. A public access easement shall be offered over the paseo, as presented on the amended Vesting Tentative Map. The easement shall note that the paseo is to remain open and accessible for public use during the public park hours adopted by the Greater Vallejo Recreation District.
 - b. An easement shall be offered to the City over two (2) building front alcoves along the Indian Alley frontage at the locations shown on the amended Vesting Tentative Map. The Final Map shall describe that the sole purpose of this easement is to allow access to and use of these alcoves for the placement and storage of trash receptacles by the City's garbage franchisee or others approved by the City for garbage and rubbish disposal by the merchants and property owners serviced and accessed by this alley, between Sacramento and Marin Streets. The combined trash alcoves, as approved by PD Unit Plan #04-0020 are sized at maximum dimensions in conjunction with other necessary functions of the structure, to provide approximately 150 square feet and are not intended to satisfy all of the trash requirements of Indian Alley owners/merchants. The easement shall describe that use of these alcoves by merchants/property owners shall be administered by license agreement issued on a first-come-first-serve basis. The terms of the license agreement are to include: 1) maintenance and liability responsibilities of the merchants/property owners; 2) limitations on the number and size of trash receptacles for each alcove; 3) access hours for trash disposal (to address noise concerns); and 4) revocation of the agreement in the event the terms are not met. Prior to the approval of the Final Map, an easement and a standard license agreement shall be prepared and submitted to the City for review and approval.
 - c. The granting of all necessary easements to the City for purpose of accessing on-site utility service systems.
 - d. The Final Map shall include a note, which indicates that a disclosure statement will be recorded with the deed for each residential and live-work unit, disclosing that these units are located in the Downtown area, which experiences noise levels in excess of the City noise standard limits for residential use (FEIR Mitigation Measures NOISE 2 and 3).
 - e. A public access and maintenance easement shall be offered over the three-foot-wide right-of-way that is proposed to be abandoned along the Virginia Street, Sacramento Street and Indian Alley frontages.

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5. The establishment of an owners' association is required. The owners' association shall be responsible for maintaining the on-site improvements, which shall be specified in Conditions, Covenants and Restrictions (CC&Rs) prepared and submitted with the Final Map. The CC&R's shall be reviewed and approved by City staff, including but not limited to the Planning Division, Public Works Department and the Office of the City Attorney, and shall include the following:
 - a. The maintenance and repair of all exterior building improvements, including but not limited to, exterior building surfaces and materials, awnings and signage, landscaping, common terrace areas, the paseo area and associated improvements.
 - b. The maintenance and repair of all common interior building improvements, including services and infrastructure (e.g., water system, utility rooms) and the parking garage.
 - c. A provision informing the owner of each residential and live-work unit that the project site is located in the Downtown area, which experiences noise levels in excess of the City noise standard limits for residential use. (FEIR Mitigation Measures NOISE-2 and 3).
 - d. A provision informing the owner of participation in currently established or proposed downtown assessment districts.
 - e. Unless deleted by action of the Vallejo Redevelopment Agency, provisions addressing the 14 below-market-rate units to include income qualification limits and resale restrictions.
 - f. Limitations on the hours of noise generating activities such as maintenance activities and loading/unloading activities, which are to be limited to the hours of 7:00am to 9:00pm (FEIR Mitigation Measure NOISE-3b).
 - g. Provisions for the sale/resale of shares, management, assignment and maintenance of the 'stacked' vertical parking lifts approved for the parking garage.
6. Prior to the approval of the Final Map by the City Engineer, the following shall be met or completed:
 - a. Secure approval of all on-site and off-site improvement and utility plans.
 - b. Provide required security bonds for all improvements for the condominium project as required by the Vallejo Municipal Code.
 - c. Pay all applicable fees as required by the Vallejo Municipal Code and other applicable laws and regulations.
 - d. Submit a complete package for the Final Condominium Map including all necessary documents for review and process approval of the map.
 - e. The Final Map shall be prepared in compliance with the Subdivision Map Act and Vallejo Municipal Code.
7. The Final Map application shall comply with all Utilities Department – Water Division conditions of approval set forth in PD Unit Plan #04-0078 that are pertinent to the map process and the following additional conditions:
 - a. The Final Map shall include an access easement to the Backflow Preventer Room for access to water meters and fire sprinkler system.

ATTACHMENT 3

- b. Backflow preventers and meters serving the ground floor commercial area, the live-work units and other uses shall be placed in the Backflow Preventer Room.
 - c. No water services or water mains shall be installed in Indian Alley. All services and mains shall be provided from Virginia Street or Sacramento Street.
8. As required by conditions of approval for PD Unit Plan #04-0020, the project is required to meet the Vallejo Fire Code requirements for water supply, fire flow and the installation of sprinklers. All Fire Department requirements that are pertinent to the preparation and recordation of the Final Map shall be incorporated into the Final Map and associated improvement plans.
9. The project shall comply with all site grading and construction-related requirements set forth in the conditions of approval for PD Unit Plan #04-0020.

ADOPTED by the Planning Commission of the City of Vallejo at a regular meeting held on Wednesday, January 23, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

_____/s/_____
CHARLES LEGALOS, Chair

_____/s/_____
DON HAZEN, Secretary

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ATTACHMENT 4
VIRGINIA STREET MIXED-USE DEVELOPMENT
Comparison of Approved Unit Plan Design with Proposed Amendments
December 2007

The following table presents a comparative description of the use and design elements and features of the approved Virginia Street project with the currently proposed modifications.

Approved Unit Plan (September 2005, as Revised through 2007)	Proposed Unit Plan Modifications (October 2007)
150 residential units 8 live/work units 11,500 square feet of ground floor commercial	174 residential units (24 additional units) 8 live/work units 11,500 square feet of ground floor retail
FAR: 4.74; bonus granted with public benefit of 4,500 square foot public paseo and improvements to Indian Alley	FAR: 4.99; additional FAR bonus proposed, but not changes or additions to public benefits.
Building height and step backs: 5-7 stories including a cantilevered structure bridging the paseo with 4-story height. 6 th floor of east portion of building stepped back from building façade by 4 feet.	Building height: consistent 7-stories including east portion of building and cantilevered structure bridging paseo. 7 th floor addition on east portion of building proposed to follow the 4-foot step back of the 6 th floor.
Parking: 221-238 independently accessible parking spaces.	Parking: 196 independently accessible parking spaces (1 per residential and live/work unit + 12 spaces for sale to off-site owners/tenants) and 44-80 'stacked' parking lifts to meet 1.25 space/unit requirements.
14 BMR units required and approved.	Elimination of 14 BMR units.
Approved project amenities: 2,360-square-foot amenity/exercise room (community room) Roof-top garden (to support LEED certification) 2 nd -floor storage facility for on-site residents 3 rd -floor common terrace/courtyard with water feature Ground floor customer/client restroom approved for live/work units Private balconies and patios/decks approved for a number of residential units Three elevators approved for project	Proposed changes to project amenities: Amenity/exercise room downsized to 385 square feet and replaced with 2 residential units Roof-top garden eliminated 2 nd -floor on-site storage eliminated and replaced with residential units Common terrace/courtyard retained and placed at 2 nd floor (but downsized by 100 square feet and water feature eliminated) Ground floor customer/client restroom eliminated in live/work units Private balconies and patios/deck eliminated for 11 residential units Two elevators proposed (one elevator removed) and hallway/corridor connection proposed between east and west portions of building
Approved exterior materials include stone veneer along portion of the Virginia Street frontage	Stone veneer approved for a portion of the Virginia Street frontage replaced with Venetian plaster.
Floor-to-ceiling windows with 'Juliet' balconies approved for all units fronting/facing the paseo.	Many of the floor-to-ceiling windows with 'Juliet' balconies facing inward to the paseo are proposed to be replaced with bay windows.
Approved Victorian-style projecting windows along Indian Alley	Side window panels of projecting windows proposed to be replaced with solid panels.

ATTACHMENT 4.1
MODIFICATIONS/REVISIONS TO VIRGINIA STREET MIXED-USE DEVELOPMENT
Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines

Policy, Development Standard or Design Guideline	Initially Approved Project (2005)	Proposed Modifications
Downtown Vallejo Specific Plan		
Chapter 4 - Land Use Policies		
Policy 4.1.1. Provide a variety of housing types throughout the Downtown.	Project approved with a variety of small to larger residential condominium units and live-work units.	Consistent. No significant change. Project revisions propose an addition of 24 residential units with a greater mix of smaller units and fewer larger units.
Policy 4.3.1. Encourage the highest intensity of uses in Central Downtown.	Project approved with an FAR of 4.74 and building heights of 5- to 7-stories.	Consistent. No significant change. Project revisions propose an FAR of 4.99 and a consistent, 7-story building design.
Program 4.1a. Ensure development of "Catalyst Sites" with high quality mixed-use housing/commercial.	Project approved with high quality design, exterior materials and a variety of small to larger residential units. Approvals include a publicly-accessible paseo, improvements to Indian Alley, on-site amenities such as a roof garden and large amenity/community room for resident use and on-site storage.	Consistent. Some change to the quality of the project design. Project revisions continue to propose a high quality design with few changes in the exterior materials and design, and no changes to the publicly-accessible paseo or the approved Indian Alley improvements. However, some of the project amenities that were approved with the initial design have been eliminated (roof garden and on-site storage) or significantly reduced (amenity/community room).
Chapter 5 - Urban Design Policies		
Policy 5.2.3. Encourage pedestrian access through and within new projects to connect to the broader Downtown circulation system.	Project approved with a public paseo, which would provide mid-block public access from Virginia Street to Indian Alley.	Consistent. Some change. Project revisions propose no changes to the public paseo and Indian Alley. However, the cantilevered structure that bridges the paseo has been increased in size (footprint) and height (from 5-stories to 7-stories), thus increasing coverage over

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MODIFICATIONS/REVISIONS TO VIRGINIA STREET MIXED-USE DEVELOPMENT
Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines

Policy, Development Standard or Design Guideline	Initially Approved Project (2005)	Proposed Modifications
Program 5.2.d. Incorporate a connection to link Virginia Street to Indian Alley.	Project approved with a public paseo, which would provide mid-block public access from Virginia Street to Indian Alley.	the paseo. <u>Consistent.</u> No change. Project revisions propose no changes to the public paseo and Indian Alley.
Policy 5.4.4. Ensure that the design of public open spaces provides opportunities for public events and recreation.	Project approved with a public paseo, which would provide mid-block public access from Virginia Street to Indian Alley.	Generally consistent. Some change. Project revisions propose no changes to the public paseo and Indian Alley. However, as noted above, the cantilevered structure that bridges the paseo has been increased in size (footprint) and height (from 5-stories to 7-stories), thus increasing coverage over the paseo.
Policy 5.4.5. Encourage creative uses of alleys as linear public spaces.	Project approved with proposed improvements to Indian Alley.	<u>Consistent.</u> No change. Project revisions proposed no changes to approved improvements to Indian Alley.
Policy 5.5.1. Ensure that buildings contribute to the visual identity of Downtown Vallejo.	Project approved for a 5- to 7-story mixed-use building, which was determined to be visually prominent, yet appropriate for the Central Downtown location.	<u>Consistent.</u> Some change, but not significantly different. However, project revisions propose a taller, more bulky building with no variation in building height (consistent 7-stories).
Policy 5.5.2. Ensure that new developments respond to the neighborhood context.	Project approved design for a 5- to 7-story building determined to be compatible with and responsive to the neighborhood context, which consists of buildings from 1-story (Virginia Street and Marin Street) to 12 stories (Marina Towers).	Generally consistent. Some change but not significantly different. Project revisions generally respond to the neighborhood context, but the additional story of building area is proposed adjacent to a one-story building.
Policy 5.5.4. Require an architectural composition that is well designed.	Architectural composition of the approved project was well received by the Planning Commission. This	Partially inconsistent. Significant change. Project revisions propose to retain the architectural composition of the

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MODIFICATIONS/REVISIONS TO VIRGINIA STREET MIXED-USE DEVELOPMENT
Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines

Policy, Development Standard or Design Guideline	Initially Approved Project (2005)	Proposed Modifications
	finding was based, in part on the segmented facades along the building front, staggered building heights and step back of upper floors.	segmented building facades but the proposed building height is no longer staggered. The addition at the east end of the building and the cantilevered structure that bridges the paseo are one height (7-stories). The 7 th floor addition at the east end of the building provides the same step back as the approved 6 th floor, but this addition would not further reduce building mass and bulk.
Policy 5.6.1. Include sustainable design concepts in site planning and building design.	Project approved with green building concepts, including a roof-top community garden, with a goal to secure LEED certification.	Partially inconsistent. Significant change. Project revisions continue to propose green building concepts but the roof-top community garden has been deleted.
Chapter 6 - Circulation and Parking		
Policy 6.2.2. Provide for sufficient and not excessive parking.	Project approved with 238 independently-accessible off-street parking spaces, a surplus of 23 parking spaces (198 spaces required @ 1.25 spaces per unit by the provisions of the Specific Plan. Twelve (12) surplus parking was reserved for lease to neighboring tenants/residents.	Consistent. Significant change providing sufficient yet more efficient parking for an urban setting. Project revisions propose 196 independently-accessible parking spaces (1 per residential and live-work unit + 12 reserved spaces for sale to neighboring tenants/residents). Forty-four to 80 parking lifts are proposed for a total of 240 to 276 off-street parking spaces. Parking lifts provide an efficient use of space and discourages excessive off-street parking as the lifts would have to be purchased.
Chapter 7 - Public Services and Utilities		
Policy 7.1.	Fire and police services were	Consistent. No significant change.

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MODIFICATIONS/REVISIONS TO VIRGINIA STREET MIXED-USE DEVELOPMENT
Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines

Policy, Development Standard or Design Guideline	Initially Approved Project (2005)	Proposed Modifications
Ensure that there are adequate fire and police services for Downtown.	analyzed as part of the initial Downtown Vallejo Specific Plan review process. The Downtown Vallejo Specific Plan FEIR concludes that build-out of the plan area (2283 residential units and 591,700 square feet of commercial use) would require the additional staffing of two police officers, four firefighters and fire department equipment.	Project revisions would add 24 residential units to the approved development. The addition of these residential units would not change the fire and police service needs specified for build-out of the plan area.
Policy 7.2. Ensure that there is adequate school capacity.	Local school services capacity were analyzed as part of the initial Downtown Vallejo Specific Plan review process. The Downtown Vallejo Specific Plan FEIR concludes that Farragut Elementary and Lincoln Elementary Schools, which serve the Downtown area are near capacity but the middle and high schools serving the area are under capacity. Expanded school facilities are recommended in the short-term and long-term. Conditions of approval require the payment of school impact fees.	<u>Consistent. No significant change.</u> Project revisions would add 24 residential units to the approved development. The additional units would generate 7-8 new students (0.32 students per unit), and possibly fewer students in that the unit mix proposes smaller residential units. The projected increase in enrollment would not significantly impact current school capacity and payment of school impact fees would continue to be required.
Policy 7.4. Ensure that there is adequate water service for Downtown.	Water service and capacity were analyzed as part of the initial Downtown Vallejo Specific Plan review process. The Downtown Vallejo Specific Plan FEIR concludes that at plan area build-out (2283 residential units), there would be a	<u>Consistent. No significant change.</u> Project revisions would add 24 residential units to the approved development. The addition of these residential units would not change the water service and capacity projections estimated for plan area build-out. In addition, the build-out

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Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines

Policy, Development Standard or Design Guideline	Initially Approved Project (2005)	Proposed Modifications
Policy 7.5. Ensure that there is adequate wastewater/sewer service for Downtown.	short fall of water supply during a 2- to 3-year drought event. Wastewater and sewer service capacity were analyzed as part of the initial Downtown Vallejo Specific Plan review process. The Downtown Vallejo Specific Plan FEIR concludes that at plan area build-out (2283 residential units), there is adequate system capacity.	projections provide an estimate only, which may not be realized. Therefore, the 24 additional, residential units would be generally within the ultimate build-out projections for Downtown. <u>Consistent.</u> No significant change. Project revisions would add 24 residential units to the approved development. The addition of these residential units would not change the wastewater and sewer service capacity projections estimated for plan area build-out. In addition, the build-out projections provide an estimate only, which may not be realized. Therefore, the 24 additional, residential units would be generally within the ultimate build-out projections for Downtown.
Chapter 8 - Land Use Regulations		
Table 8.1 – Permitted Land Uses	Central Downtown District permits ground floor retail/commercial use, residential and live-work land use.	<u>Consistent.</u> No change. Project revisions propose an additional 24 residential units, which is a permitted land use in the Central Downtown District.
Chapter 9 – Development Standards		
Floor Area Ratio (FAR). Definition. FAR is a measure of building intensity expressed as a ratio of building area includes the gross square footage of the building but does not include any space below adjacent sidewalk grade (including building volume 3 feet or less above grade). The FAR does not include the floor area	As noted above, the initial project was approved with a FAR bonus of 4.74, which excludes the floor area devoted to garage parking, the open courtyards and the public paseo.	<u>Consistent.</u> No change. The project revisions propose an FAR of 4.99, which was calculated using the methodology set forth in the Specific Plan.

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Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines

Policy, Development Standard or Design Guideline	Initially Approved Project (2005)	Proposed Modifications
dedicated to parking for up to two levels above the adjacent sidewalk grade.		
Table 9.1 – Floor Area Ratios. Central Downtown- - FAR limit = 4.0 - FAR limit with bonus = 5.0	Project approved with a 4.74 FAR, which exceeds the 4.0 FAR limit of the Central Downtown District.	Consistent. Some change. Project revisions propose an FAR of 4.99, which exceeds the 4.0 FAR limit of the Central Downtown District. See FAR bonus below.
FAR Bonus. ... All increases in FAR above [4.0] shall require Planning Commission approval. In order to qualify for an FAR bonus, the project applicant must demonstrate that one or more of the following public amenities is provided: - Design to green building standards - Inclusion of public art. - Terrace gardens covering at least up to 50% of the building footprint. - Protection of a historic building. - Development of a public paseo. - Additional public parking. Funding of a public improvement listed in the Specific Plan beyond that required by the City for the project.	An FAR bonus of 4.74 was approved for the initial Unit Plan. Primary project elements proposed to support the FAR bonus were: a) the development of a public paseo; and b) improvements to Indian Alley. However, other project amenities were proposed and facilitated City approval of the initial Unit Plan. These other project amenities include: a) the roof top community garden; b) the large amenity/community room with outdoor terrace space; and c) a large on-site storage facility for the residential units.	Generally consistent. Significant change. Project revisions propose an FAR bonus of 4.99. However, no significant changes or additions to the approved public amenities are proposed. Proposal presented with this application includes elements and amenities that have already been approved or proposed. Further, project amenities approved with the initial Unit Plan have been significantly reduced or deleted from the development (elimination of roof top community garden and on-site resident storage, and significant downsizing of amenity/community room).
Building height. District 2- Central Downtown: 2-7 stories, up to 85 feet.	Project approved with building heights ranging from 58 to 85 feet.	Consistent. Some change. The project revisions would be within the 85-foot height limit. However, the variation in the building height has been eliminated, in favor of one, consistent building height of 80-85 feet.
Parking Standards. District 2- Central Downtown: Ground floor = exempt for first 60-foot	Project approved with 238 independently-accessible off-street parking spaces, a surplus of 23	Consistent. Significant change providing sufficient yet more efficient parking for an urban setting. Project revisions propose

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depth - Ground floor = 1 space/450 square feet for building area beyond initial 60-foot depth - Upper floor = 1 space/450 square feet - Residential/Live Work = 1.25 spaces per unit	parking spaces (198 spaces required @ 1.25 spaces per unit by the provisions of the Specific Plan. Twelve (12) surplus parking was reserved for lease to neighboring tenants/residents.	196 independently-accessible parking spaces (1 per residential and live-work unit + 12 reserved spaces for sale to neighboring tenants/residents). Forty-four to 80 parking lifts are proposed for a total of 240 to 276 off-street parking spaces. Parking lifts provide an efficient use of space and discourages excessive off-street parking as the lifts would have to be purchased provided that the parking is appropriately managed.
Parking Space Dimensions. 9 feet X 18 feet; 24-foot back-up distance for 90 degree parking spaces.	Project design approved to meet required parking space dimensions.	Consistent. No change. Project revisions propose to meet parking space dimension requirements.
Review Authority. Unit Plan approval and Exceptions to Plan Development Standards required by Planning Commission until Design Review Board is formed.	Initial Unit Plan was approved by the Planning Commission.	Consistent. Significant change. Project revisions require Unit Plan amendment approval by the Design Review Board and Planning Commission approval for the FAR bonus and amended Vesting Tentative Map.
Chapter 10 – Implementation		
Program 10.3.b. Ensure successful completion on catalyst sites with development team.	Initial project included City approval of a Development Agreement (DA) and Disposition and Development Agreement (DDA) setting forth certain obligations and requirements of the project sponsor, the City and the Redevelopment Agency.	Consistent. Some significant changes. Project revisions require an amendment to the DDA, which include, among others: changes in the timing of construction and elimination of the 14 below-market rate (BMR) residential units that were required to be offered for sale within this project.
Program 10.5a. Enforce the Development Standards and Design Guidelines to ensure that new development is of	Planning Commission concluded that the initial project design was consistent with the mandated	Consistent. Some significant changes. The project revisions must be reviewed for consistency with the Development

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Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines

Policy, Development Standard or Design Guideline	Initially Approved Project (2005)	Proposed Modifications
high quality and is consistent with the visions, goals and policies of Downtown.	Development Standards and complied with the Design Guidelines.	Standards (above) and the Design Guidelines (below) to ensure that the resulting quality is retained.
<i>Downtown Vallejo Design Guidelines</i>		
Chapter 2 – Public Realm		
Alleys- 1. Alleys should be used for service access to minimize traffic impacts on adjacent commercial streets. 2. Alleys should be designed and improved in a manner consistent with the Public Alleys Standards presented in Chapter 9 (Development Standards) of the Downtown Vallejo Specific Plan.	Initial project approved with use of Indian Alley for access to the parking garage, utility service and deliveries. Approved project design includes improvements to Indian Alley to promote active use and pedestrian access.	<u>Consistent.</u> No significant change. Project revisions continue to propose use of Indian Alley for parking garage access, service and deliveries. Improvements to Indian Alley continue to be proposed to support an FAR bonus. Upper level common area terrace/courtyard #1 has been lowered from the 3 rd level to the 2 nd level, which would reduce building bulk and mass along the alley front.
Public Paseos- 1. Encourage new development to face onto paseos or provide new paseos where appropriate. 2. Provide adequate lighting for night safety and 'sky space' for natural sunlight during daytime. 3. Incorporate entrances to buildings from paseos where appropriate. 4. Orient windows and openings toward paseos. 5. Above-ground utility boxes in paseos should be prohibited. 6. Upgrade paseos with rich, permeable	Initial project approved to include public paseo with pavement, landscape and lighting improvements, as well as pedestrian access. Public access is required to be secured through the recordation of a public access easement.	<u>Partially inconsistent.</u> Some changes. Project revisions continue to propose public paseo at the same location with no changes in the size and width of the space. Landscape, pavement and lighting improvements are unchanged and continue to support an FAR bonus. However, the cantilevered portion of the building that bridges over the paseo space is proposed with a larger footprint (35' X 43') as compared to the approved project design (35' X 32'). The larger footprint would reduce light/solar access and sky space within the paseo.

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Policy, Development Standard or Design Guideline	Initially Approved Project (2005)	Proposed Modifications
pavements, safety lighting, comfortable seating, accent and color plantings, trellis forms, public entries and enhanced fountains.		
Chapter 3 – Site and Building Design		
Respect the Downtown Historic Context. New buildings and elements should emphasize a contextual relationship to the character, scale, materials, or massing of nearby historic buildings.	In reviewing the initial project design, the Planning Commission determined that the proposed building scale, mass and character would be compatible with nearby historic buildings. This findings was largely due to three factors: a) the proposed design offers varying building heights; b) upper floors of the building would step back, reducing building bulk; and c) the east portion of the building transitioned to a lower building height where it abuts a one-story historic building (Virginia Street and Marin Street).	<u>Generally consistent. Some significant changes.</u> The design revisions propose a building with a consistent building height (7-stories) and no height transition along the eastern portion of the building. While the 7 th -floor addition to the eastern portion of the building a step back of the building face consistent with the lower, 6 th -floor building face, this addition would not further reduce building bulk and mass. In addition, the enlarged footprint and height of the cantilevered portion of the building that bridges the paseo increases the appearance of the project as a single building, rather than the appearance of separate buildings.
Incorporate Sustainable Design.	Project approved with green building concepts, including a roof-top community garden, with a goal to secure LEED certification.	<u>Generally consistent. Significant change.</u> Project revisions continue to propose green building concepts but the roof-top community garden has been deleted.
Building Orientation and Street Relationship. 1. Orient primary building facades toward the street. 2. Orient buildings to corners and neighborhood gateways.	Initial project design orients building facades toward the street and the building corners.	<u>Consistent. No change.</u> The design revisions propose no changes to the orientation of the building facades or to the general layout of the approved building design.
View and Visibility.	Initial project design proposes an	<u>Consistent. No significant change.</u> The

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Policy, Development Standard or Design Guideline	Initially Approved Project (2005)	Proposed Modifications
1. Complete Downtown Streetscape Views. Buildings should be consistently located, and their volumes arranged on the site along the edge of the streetscape corridors. Buildings that are distinctly visible from the waterfront or surrounding neighborhoods should be located so as to frame views and add a distinct character to views of the Downtown skyline. 2. Create and Frame Through-block Views. The massing of buildings should be arranged to provide views that align with paseos, plazas and pedestrian ways.	urban edge with no building setbacks. However, the varied building façades along the building frontage, placement of the paseo and step back of the upper floors would add a distinct character to the streetscape and Downtown skyline.	design revisions propose to retain the same urban building footprint, varied building facades and staggered upper floors (except for east portion of building).
Parking. 1. Design Attractive Parking Garages.	Initial project design places all parking within the building, mostly below grade. Parking is concealed from public view.	Consistent. No change. Project revisions propose no changes to the placement, access or visibility of off-street parking.
Open Space. 1. Design Active, Interesting Open Spaces that Relate to the Streetscape. 2. Provide private open space for Residents. Provide at least one landscaped common open space in mixed-use buildings for use by residents. Open space can be provided through ground level courtyards, residential courtyards on upper floors or roof decks and gardens. 3. Make Open Space Visible from Residences.	Initial project design includes the following open space elements: • Public paseo at street level • Ground level courtyard @ east end of building accessed from amenity/community room • 3rd level terrace/courtyard • 7th level community roof garden	Partially inconsistent. Some significant changes. Project revisions propose to retain the public paseo, the ground level courtyard @ east end of the building and the 3rd level terrace/courtyard (placed at the 2nd level). The community roof garden has been eliminated and some of the private balconies and patios for residential units are proposed to be eliminated.
Building Massing and Scale – Scale, Massing and Volume. 1. Reinforce the Streetscape Form. Building	As noted above, project design, as approved, proposes: a) an urban building form with varied façade	Inconsistent. Some significant changes. The design revisions propose a building with a consistent building height and no

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Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines

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facades should be at least as tall as facades on buildings directly across the street. 2. Create interest with a Variety of Building Heights. Vary the heights of the building volumes, incorporate changes of materials and rooflines, or step back upper floors. 3. Create a Visual Relationship Between Buildings. Incorporate façade elements from adjacent buildings.	designs along the building frontage, varying building heights (5-7 stories); c) upper floors of the building that would step back, reducing building bulk; and d) the east portion of the building transitioned to a lower building height where it abuts a one-story historic building (Virginia Street and Marin Street).	height transition along the eastern portion of the building. The upper floor addition to the eastern portion of the building does not step back from the lower level building face, which would result in greater building bulk and mass.
Building Massing and Scale – Streetscape Rhythm. 1. Design Large Buildings with Multiple Facades.	As noted above, the project design, as approved incorporates varied façade designs along the building frontage that are spaced to follow the rhythm of varied building facades found in the Downtown.	<u>Consistent. No change.</u> Varied façade designs continue to be proposed.
Building Massing and Scale - Rooflines. 1. Enhance Views of the Downtown Skyline. Buildings that will be distinctly visible from the waterfront and surrounding neighborhoods should contribute variety and visual interest to the skyline. 2. Create Varied, Interesting Rooflines. Unbroken horizontal rooflines greater than 50 feet should be avoided.	As noted above, the project design, as approved proposes varied building heights (5-7 stories) and broken up rooflines.	<u>Inconsistent. Significant change along the Virginia Street frontage.</u> The design revisions propose a building with a consistent building height (including the cantilever/bridge connection), no height transition and no variation in the roofline along the eastern portion of the building.
Architectural Expression – Neighborhood Context. 1. Related to the Immediate Architectural Context. 2. Façade Composition. Reinforce the desirable patterns of massing and façade composition found in the surrounding areas, particularly historically significant structures	As noted above, the project design, as approved incorporates varied façade designs along the building frontage, which provide a variety of styles (traditional to modern).	<u>Consistent. No change.</u> Varied façade designs continue to be proposed.

ATTACHMENT 4.1
MODIFICATIONS/REVISIONS TO VIRGINIA STREET MIXED-USE DEVELOPMENT
Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines

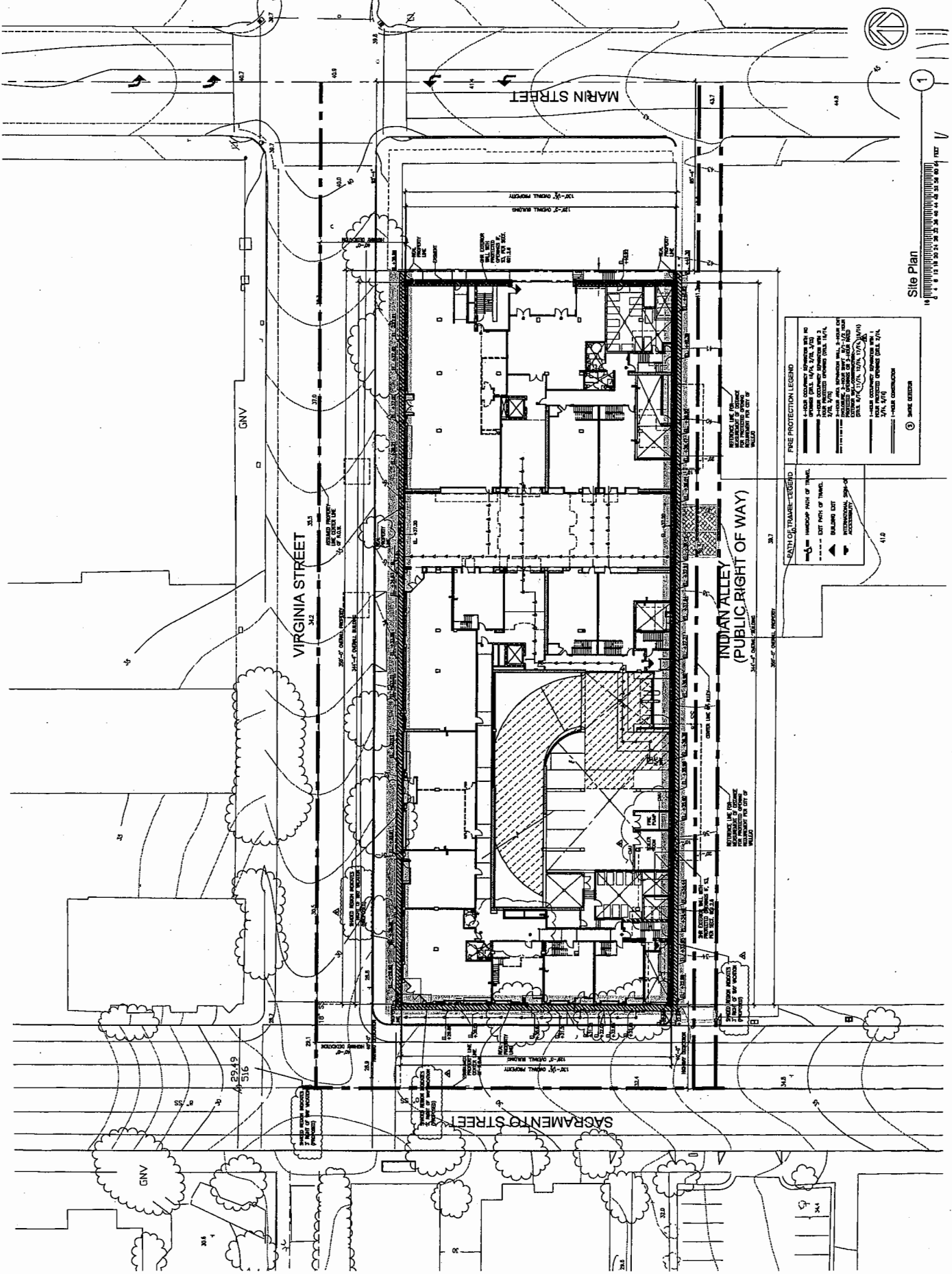
Policy, Development Standard or Design Guideline	Initially Approved Project (2005)	Proposed Modifications
or landmarks. Architectural Expression – Frontage. 1. Design Interesting, Active Facades. The horizontal length of large buildings should be divided vertically into small segments that respect the architectural lines, patterns and scale of the surrounding district and the streetscape buildings. 4. Avoid blank walls. No blank wall surfaces will be allowed on facades that are visible from the public right-of-way. Use the same architectural treatment and materials that are used for the primary building facades.	As noted above, the project design, as approved incorporates varied façade designs along the building frontage that are spaced to follow the rhythm of varied building facades found in the Downtown.	Consistent. No significant change. Varied façade designs continue to be proposed. The 7th floor addition at the eastern portion of the building would be visible from public view points east of the Virginia Street/Marin Street intersection but window openings are proposed to avoid a blank, side wall.

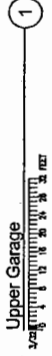
ATTACHMENT 5

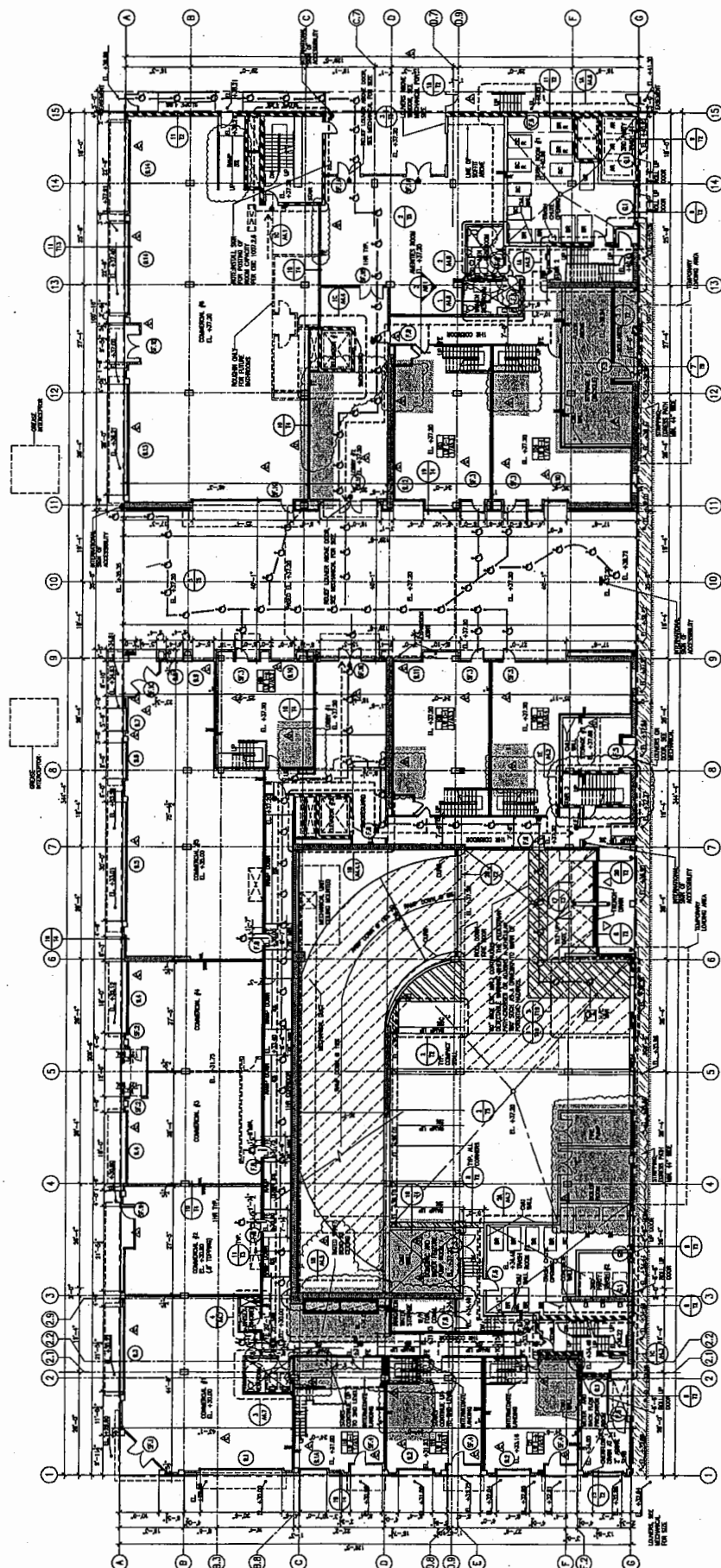
PD Unit Plan Amendment Drawings and Plans (8 ½" X 11" Reductions)

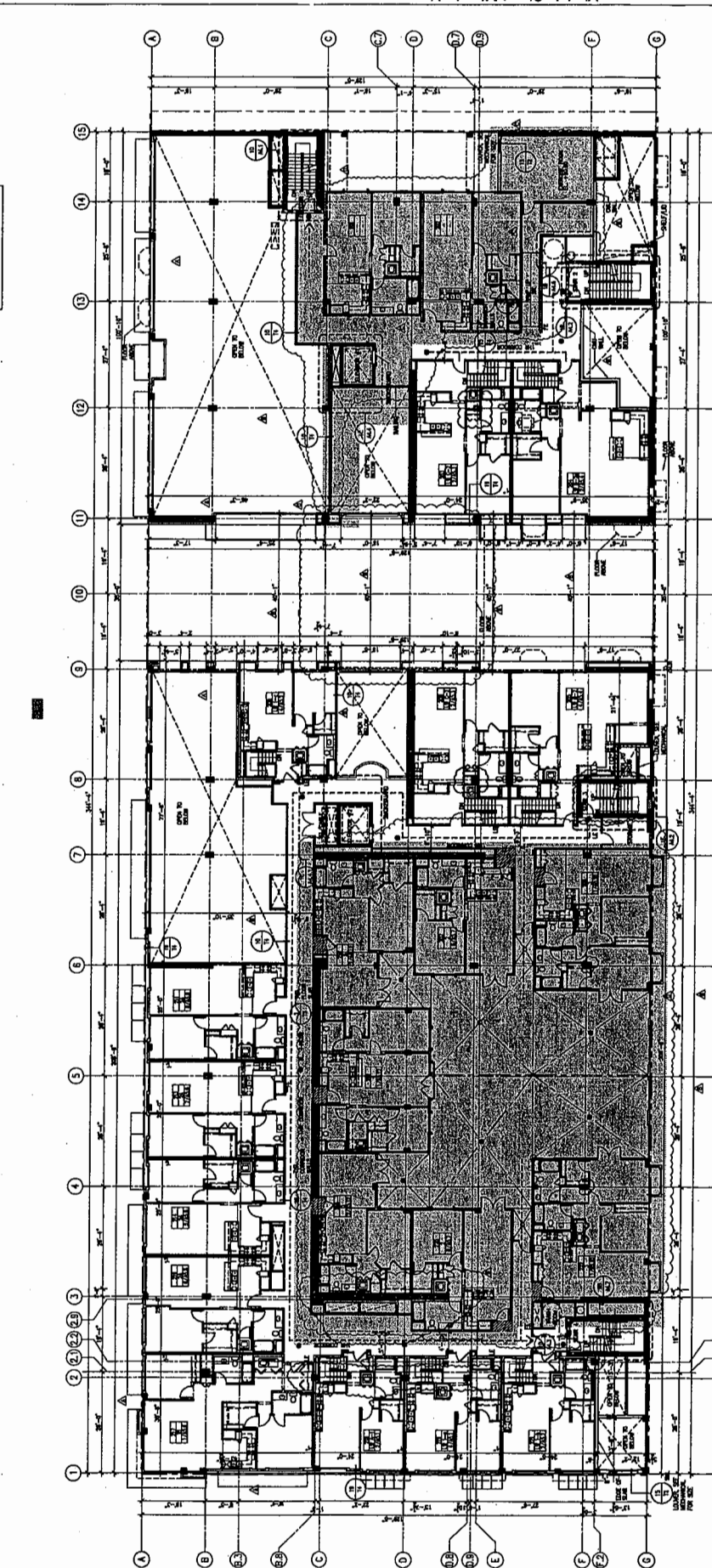
**This report attachment does not include the approved
PD Unit Plan Drawings and Plan except
For the architectural elevations (Plan Sheets A3.1 and A3.2), which are
provided to show the comparison in building height**

**Please note that full-size drawings/plans of the approved PD Unit Plan and
the Proposed Amendments are on file for review
At the Development Services Department- Planning Division**





[illegible]



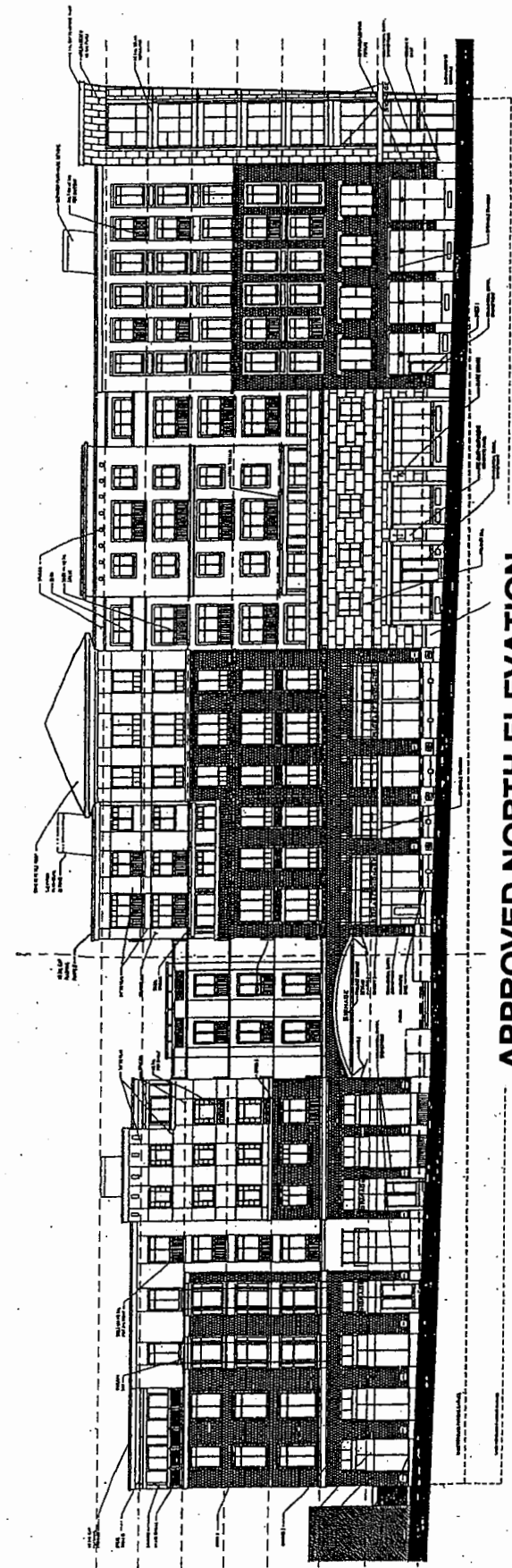
2nd Level Plan

Virginia Street - use



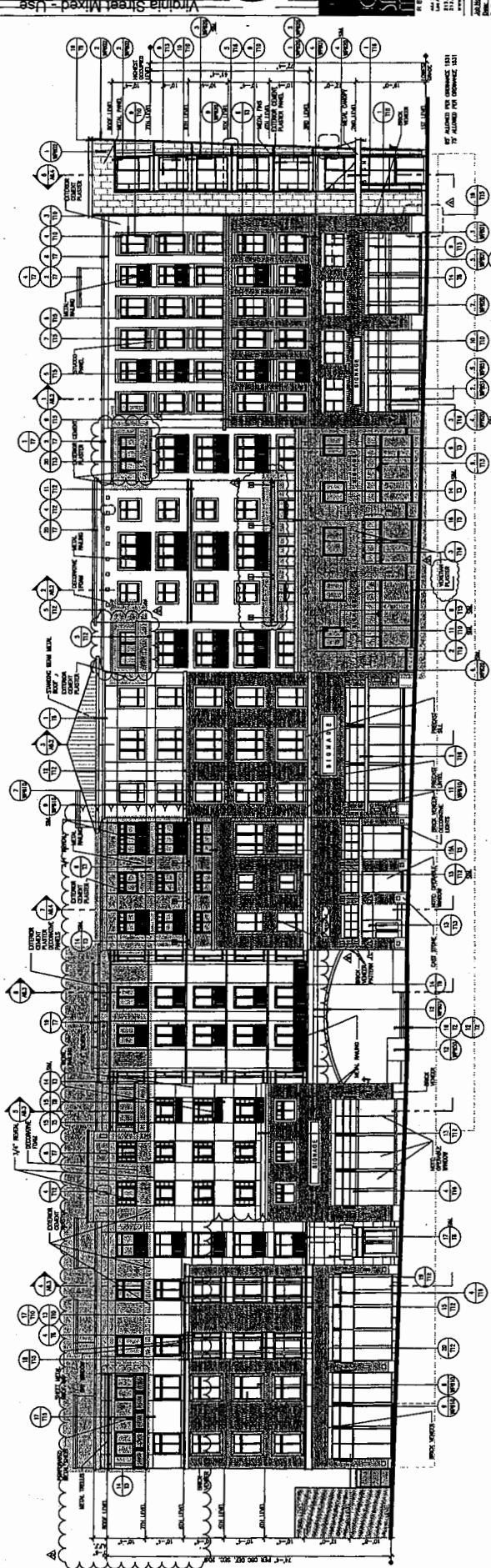
Building Sections





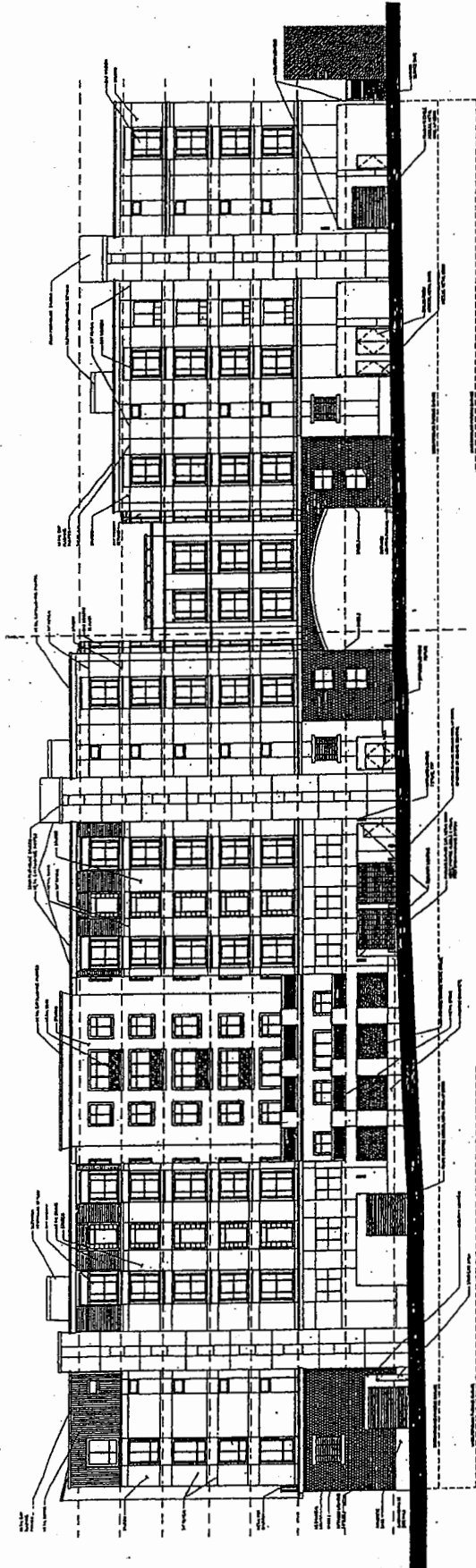
APPROVED NORTH ELEVATION
5-7 Stories

TSMR NORTH ELEVATION
5-7 STORIES



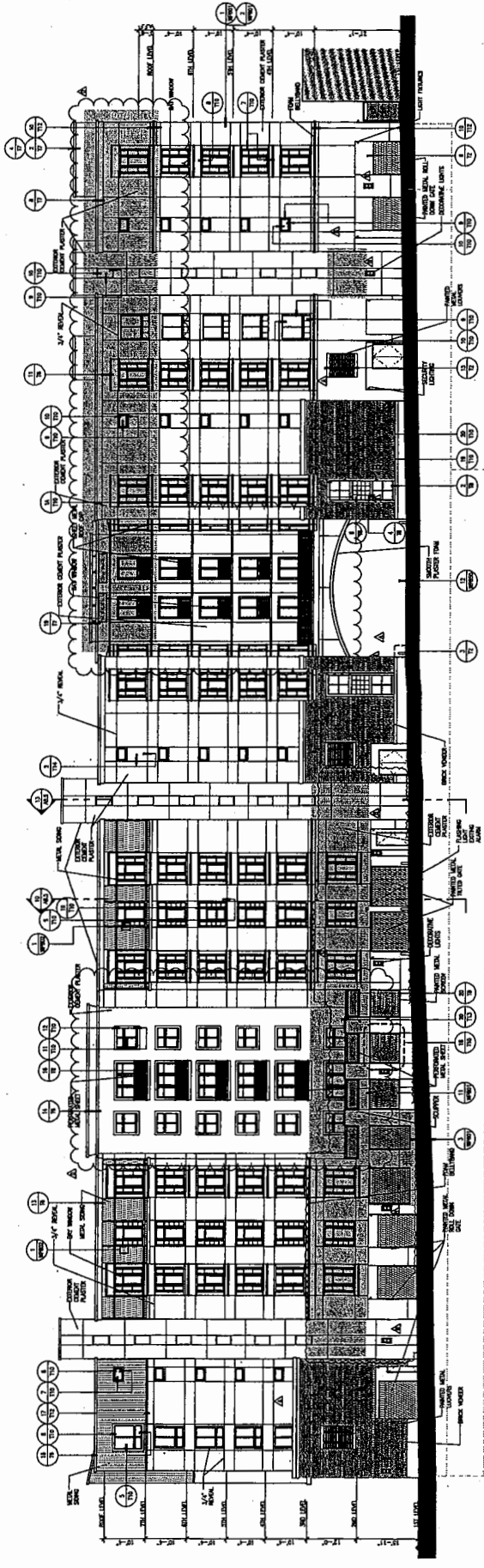
PROPOSED AMENDMENTS TO NORTH ELEVATION
7 Stories

North Elevation
7 STORIES



APPROVED SOUTH ELEVATION
5-7 Stories

TSMR SOUTH ELEVATION
 1



PROPOSED AMENDMENTS TO SOUTH ELEVATION
7 Stories

South Elevation
 1

ATTACHMENT 6



September 15, 2005

Re: Klaus Parking Lifts

To Whom It May Concern:

I am the owner of Panoramic Interests, a Berkeley development firm specializing in high-density, mixed use projects. I have been asked to provide some information about my experience with Klaus Parklifts. I have been very satisfied with the firm and the lifts, and would recommend both without equivocation.

Our firm has been using Klaus lifts since 1995 – and were the first American firm, I believe, to install them. We currently have eight buildings with Klaus machines totaling 281 parking spaces – 149 on the stacked lifts, and 132 on the “puzzle lifts,” as we called them, otherwise known as the P310. They are used daily by people of all walks of life: students, retirees, professionals and others.

Klaus has been an excellent and reputable vendor throughout our association. They have provided excellent service to our firm during all stages of our operations: design, installation, and maintenance. The machines have performed equally well. We have made some minor repairs, usually replacing hoses and greasing valves. It has been our experience that, with regular maintenance, there is very little that can go wrong. In 10 years I believe we had one repair that cost more than \$1,000, and that was attributable to human error rather than the machine itself.

Klaus has been in charge of the maintenance since 2003, when we installed the P310 system at the Acton Courtyard project in Berkeley. We realized that the P310 system required a more advanced technical background to maintain it, and Klaus gave us a very reasonable maintenance proposal. Klaus has given us excellent service thus far, keeping our machines operational and safe. The performance record of the 132 lifts on the P310 system – which are now installed in 3 of our buildings – has equaled that of the simpler stacked lifts.

In short, we are happy with the product and the firm. We continue to spec. the lifts in all our new projects, and expect to do so in the future. (We have used other lifts, by the way, but are confirmed Klaus devotees now.)

Please call me or email me if you have any questions. (510.883.1000, patrick@PanoramicInterests.com)

Yours,

A handwritten signature in cursive script that reads "Patrick Kennedy".

Patrick Kennedy

ATTACHMENT 7

CITY OF VALLEJO

NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the City of Vallejo Design Review Board and Planning Commission will hold public hearings on the project described below:

APPLICATION

NUMBER: PD04-0020, TM05-012

LOCATION: South side of Virginia Street between Marin Street and Sacramento Street
(APN 0056-191-10 & 26)

PROJECT DESCRIPTION: In 2005, the City conditionally approved PD Unit Plan 04-0020 and a Vesting Tentative Map (TM05-012) for the Virginia Street Mixed-Use Development project. These approvals authorize the construction of a 5-7 story building to include 11,500 square feet of ground floor retail use, 150 residential condominium units and eight (8) live-work units on a 1.05-acre parking lot located on Virginia Street, between Marin and Sacramento Streets. The developer is proposing amendments to the approved PD Unit Plan and Vesting Tentative Map, which propose revisions to the approved project that include: a) the addition of 24 residential units (increasing the total to 174 residential units); b) a 7th floor addition to the eastern portion of the building and an addition of two floors to the bridged structure spanning the public paseo; c) modifications to the off-street parking garage to introduce the use of vertical/stacked parking lifts; d) revisions to specific project improvements, requirements, and amenities; and e) adjustments in the property boundaries to incorporate a portion of the contiguous public right-of-way fronting Virginia Street, Sacramento Street and Indian Alley. The applications include a request for a bonus to the floor area ratio limits (floor area ratio of 4.95 is requested) set forth in the Downtown Vallejo Specific Plan, which requires the approval of the Planning Commission.

The revisions to the approved mixed-use development project are subject to environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines. An Initial Environmental Study has been completed, which finds that the environmental impacts of the project revisions are adequately addressed in the Downtown Vallejo Specific Plan and Virginia Street Development Final Environmental Impact Report (FEIR), which has been prepared and was certified by the City Council on September 20, 2005. The project revisions would not result in any new significant environmental impacts or new mitigation measures. The adoption of an Addendum to the FEIR is recommended.

PROJECT APPLICANT: Triad Downtown Vallejo, LLC

NEIGHBORING PROPERTY OWNERS, RESIDENTS, AND/OR TENANTS SHOULD CONTACT CITY STAFF BY TELEPHONE OR COME TO CITY HALL TO DETERMINE HOW THE PROPOSED PROJECT WILL AFFECT THEM. THE PROJECT APPLICATION MATERIALS, INCLUDING PLANS AND WRITTEN REPORTS ARE AVAILABLE FOR REVIEW AT THE

DEVELOPMENT SERVICES DEPARTMENT, PLANNING DIVISION LOCATED AT 555 SANTA CLARA STREET.

PUBLIC HEARING DATES:

The **Design Review Board** is scheduled to hold a public hearing to consider the PD Unit Plan amendment on **Monday, January 14, 2008, at 7:00p.m.** in the Mare Island Conference Room located at 375 'G' Street on Mare Island, Vallejo.

The **Planning Commission** is scheduled to hold a public hearing to consider the request for a floor area ratio bonus and the amendment to the Vesting Tentative Map on **Wednesday, January 23, 2008, at 7:00p.m.** in the Council Chambers, City Hall, 555 Santa Clara Street, Vallejo.

If you challenge the City's action on this project in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the Secretary of the Design Review Board and Planning Commission, or prior to the public hearings.

If you have any questions regarding this project, please call staff planner Paul Jensen (Contract Planner) at 415-479-9438 before the public hearing. You may also submit comments or questions in writing to the attention of the staff planner at the Planning Division, City Hall, P.O. Box 3068, Vallejo, CA 94590.

Charles Legalos, Planning Commission Chair
Marti Brown, Design Review Board Chair

Don Hazen, Secretary of the Design Review Board and Planning Commission
Date of Notice: January 3, 2008 (10 days)

C:/vrgnast.drbntcl

- A. The meeting was called to order at 7:00 p.m.
- B. The pledge of allegiance to the flag was omitted due to lack of a flag.
- C. ROLL CALL:
- Present: Brown, Chavez, Forman, Lin, Monson.
- Absent: Anderson, White.
- D. APPROVAL OF THE MINUTES.
- Board Member Chavez made a motion to approve the minutes of September 10, 2007 and passed unanimously.
- E. WRITTEN COMMUNICATIONS
- None.
- F. REPORT OF THE SECRETARY
- None.
- G. REPORT OF THE PRESIDING OFFICER AND MEMBERS OF THE DESIGN REVIEW BOARD AND LIAISON REPORTS
1. Report of the Presiding Officer and members of the Design Review Board – None.
 2. Council Liaison to Design Review – None.
 3. Design Review Board to City Council – None.
- H. COMMUNITY FORUM
- Members of the public wishing to address the Board on Consent Calendar items are requested to submit a completed speaker card to the Secretary. Any member of the public who wishes to speak as to any consent item may do so at the public comment period preceding the approval of the consent calendar and agenda. Any member of the public may request that any consent item be removed from the consent calendar and be heard and acted upon in Public Hearing portion of the agenda. Such requests shall be granted, and items will be addressed in the order in which they appear in the agenda. After making any changes to the agenda, the agenda shall be approved.*
- None.
- I. CONSENT CALENDAR AND APPROVAL OF THE AGENDA
- Consent Calendar items appear below in section K, with the Secretary's or City Attorney's designation as such. Members of the public wishing to address the Board on Consent Calendar items are asked to address the Secretary and submit a completed speaker card prior to the approval of the agenda. Such requests shall be granted, and items will be addressed in the order in which they appear in the agenda. After making any changes to the agenda, the agenda shall be approved.*
- All matters are approved under one motion unless requested to be removed for discussion by a Board Member or any member of the public.*
- Board Member Chavez made a motion to approve the agenda and consent calendar. It was approved unanimously.

J. PUBLIC HEARINGS

1. Revisions to approved Planned Development Unit Plan 04-0020 which include:
a) the addition of 24 residential units; b) a 7th floor addition to the eastern portion of the building and an addition of two floors to the bridged structure spanning the public paseo; c) modifications to the off-street parking garage to introduce the use of vertical/stacked parking lifts; d) revisions to specific project improvements, requirements, and amenities; e) adjustments in the property boundaries to incorporate a portion of the contiguous public right-of-way fronting Virginia Street, Sacramento Street and Indian Alley. The applications include a request for a bonus to the floor area ratio limits set forth in the Downtown Vallejo Specific Plan, which requires the approval of the Planning Commission.

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

Don Hazen introduced Paul Jensen and reported that the Triad team would present the item in greater detail. He explained exactly what the purview of the Design Review Board (DRB) was and what the Planning Commission (PC) would be deciding.

Paul Jensen gave a background on the project and the EIR Documents. He explained the floor area ratio (FAR) bonus. Paul went over the past modifications and what changes were being requested. He also went over what the PC would be considering. Paul referred the Board to Attachment 3, which is the Comparison of Approved Unit Plan Design with Proposed Amendments, dated December 2007. Paul then went over the environmental analyses prepared for this project. It was determined that the proposed changes do not result in new environmental effects or the need for new or changed mitigation measures. The DRB needs to adopt an addendum to the FEIR codifying this finding. That is in Resolution 08-01 in your packet. Paul summarized the Initial Study. He then went over the stacked parking concept and plans. He explained that he contacted Oakland and Berkeley, who use this method of parking. They have had no reported problems with this program. Board Member Forman said that he uses this method of parking in San Francisco and has no problems with it.

Paul Jensen reviewed the project against the Downtown Specific Plan and the Downtown Design Guidelines. He referred the Board to Attachment 4, the Modifications/Revisions to Virginia Street Mixed-Use Development Review for Conformance with Downtown Vallejo Specific Plan and Downtown Design Guidelines. The entire building is proposed to be a consistent seven-stories instead of the approved, varying heights of 5-7 stories. Because staff wants to see this project go forward we recommend losing one floor on the paseo structure. This will cause the loss of two residential units. Chairperson Brown asked how this affected the project financially. That, however, really is not a consideration of the DRB.

Chairperson Brown opened the Public Hearing.

Mark Ruebsamen, Triad Project Manager went through the approval process to date. Ruebsamen explained how they had put the approved building design out to bid it came in over budget. Triad went through a design reassessment including examining 182 ways to lower the cost. Triad needed to keep the design in keeping with what was previously approved by the Planning Commission. The most notable change is the parking. 20% of the lowest level

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of the parking garage was eliminated. The parking ratio went from 1.44 to 1.5 spaces per residential unit. They are offering a lift system to each of the purchasers of the units at a small cost. The lift can be purchased at a later date by someone who chooses not to purchase one during the initial time of unit purchase. The main change is the building is raising the height of the building completely to seven floors. Mark believes that one should look at how the building elevations go step in and out rather than how of if the building height changes vertically. Triad feels the building meets the requirements of the Specific Plan without losing the seventh floor.

Chairperson Brown asked what the range of the setbacks were?

Mark Ruebsamen indicated that Matt Cobo, the project architect would answer that in more depth but he believes that are in the five to ten foot range.

Board Member Monson asked that they clarify the setbacks. The paseo is the largest one at 30 feet.

Matt Cobo, Togawa, Smith, Martin Residential, Inc., project architect stated that the step backs in the building face break up the massing of the building. The parking lifts are the same concept as tandem parking.

Board Member Chavez said that he had looked at the blueprints and the setbacks looked to be two-feet to five-feet.

Board Member Lin asked what the difference from the lowest to the highest parapet.

Matt Cobo reported that the highest was Virginia and Sacramento Street and was 48" from the finished roof. The standard parapets for the other areas are 30". The center is higher and pitched. The east side ranges from 38" back down to 30". He could not remember the height of the elevator shafts. The overrun of the stair towers from the roof level is about 10'.

Board Member Chavez asked about the 7th floor balcony at the east wing of the building, facing Virginia Street. In the staff report, it is stated that it would be on the 7th floor only; however, on the illustration it was also on the 6th floor. He likes it on both floors.

Matt Cobo reported that the latest plans show a balcony on the 7th floor only.

David Fischer, 312 Georgia St #245, Vallejo, Downtown property owner expressed general support for the project. He has some minor objections. He likes that most of the balconies have been eliminated and wished that all of them were gone. Staff is asking that they be put back and he does not support this recommendation. He would like a groundbreaking limit imposed so that the project does not sit for months without getting off the ground. The plan is to vacate 3' on Indian Alley that will eventually end up owned by the HOA with the City having an easement. This would, in theory, still make the alley 20'. David thinks it would set a precedent for 17' alleys. He would like that lot line along the Indian Alley frontage not be touched and that the Virginia Street and Sacramento Street property lines should be bumped out a little more to compensate for the 3' they would have gotten from the alley.

Board Member Monson: Would like the setback to wrap around the corner like was first approved. She feels that the top floor over the paseo should be

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removed. The old approved project connection was dainty. This new connection is bulky and not in harmony with the rest of the project. The connection should be made thinner. The division between the two buildings needs to be more prominent.

Chairperson Brown: Asked about the green roof and if there was anything that could be done to prepare the roof for being converted to a green roof at a later date in the future. Also, she wanted to know if the changes on page 5 of the staff report, E1 to E6, were done for financial reasons.

Mark Ruebsamen, Triad: Reported that those items listed on page 5 of the staff report were previously approved changes. Triad believes that they make the project more attractive as well as area cost saving to Triad. The removing of the balconies had to do with more light in the units. The wrapped corner that Board Member Monson was asking about was a concept to get more light in the buildings. With the changes they have more light and a view also so the wrap is not needed.

Board Member Chavez wanted to know if we were talking about the bridge.

Mark Ruebsamen reported that we were.

Board Member Chavez said that the 3rd elevator shaft was missing and what was the City gaining?

Mark Ruebsamen stated that we were gaining internal circulation.

Board Member Chavez said that we were also taking away the vertical access to the west wing.

Chairperson Brown asked that we return to her green roof question.

Mark Ruebsamen stated that the decision to do away with the green roof was a cost saving decision. It was now space that was non-occupied. They have gone to a cool roof system. Triad lost the impetus to have a green roof because it would be non-usable so the answer to Chairperson Brown's question is no. Occupied space that far up would be limited and the removal does not have a huge impact on the project.

Paul Jensen stated that the Specific Plan references open space being allowed but there is no specific square foot amount required on a per unit basis.

David Kleinschmidt, City Engineer, elaborated on the 3' vacation along the Indian Alley frontage. It has the benefit of increasing the site area, which affords a higher building FAR. Public Works looked at it for the excavation of the basement. The boundary is outside the property line. The concrete structure is on the property line. Public Works looked at the responsibility of the soldier beams. If they are in Triad's area Triad will be responsible for them. It would not be our property any more and not our responsibility. David Fischer is correct the map would technically show 17' with a 3' easement. If for any reason a valid application for a 17' alley came up again in the future it would be looked at but we would be sure there was the easement dedicated back to the City.

Paul Jensen clarified the question about the balcony location but David Fischer said that did not matter he was opposed to balconies on the entire project.

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Board Member Monson said that they were just Juliet balconies and asked the size.

Paul Jensen said that they were approximately 1-2 feet deep.

Chairperson Brown ask who was responsible for enforcing the CCRs.

Paul Jensen said that it would be the homeowners association.

Chairperson Brown closed the Public Hearing.

Chairperson Brown suggested that in dissecting the project perhaps they should take Resolution 1 and look at it first, then Resolution 2 and so forth. The Board agreed.

Board Member Chavez asked if the memo changed anything and if it would be a part of the Resolution.

Paul Jensen replied that it would not change anything it just became a part of the Resolution and made it an actual document.

Chairperson Brown asked why they just did not amend the Specific Plan instead of doing an addendum.

Paul Jensen replied that they were required for EIR purposes to do an addendum. It was only to the FEIR and has no relevance to amending the Specific Plan.

Chairperson Brown wanted to know if there was any plans for water conservation such as water saving toilets, etc.

David Kleinschmidt said that it was in the Plumbing Code and they were required to have water and energy conserving fixtures, etc. If a three year drought situation ever came about there would be measures imposed citywide.

Board Member Monson pointed out that it was also in the Initial Study.

Board Member Chavez made a motion to approve Resolution 08-01 including the memo.

AYES: Brown, Chavez, Forman, Lin, Monson.

NOES: None.

ABSENT: White, Anderson.

ABSTAIN: None.

Motion carries.

Chairperson Brown said they would now move on to Resolution 2.

Board Member Monson that they still maintain a connection between the buildings otherwise there is only one elevator and a corridor is needed.

Paul Jensen said that an uncovered corridor made sense. It would be up to Triad to agree to this change.

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Mark Ruebsamen responded that they would look at it but did not see why that could not be done.

Board Member Monson wants to add this as a condition when the motion is made.

Board Member Monson asked again about the step back and said she would like to see that.

Mark Ruebsamen said that the project was not approved like that. The step back was a concept that was never realized or approved.

Board Member Monson reiterated that the concept was there in the beginning.

Paul Jensen pointed out that the step backs, had there been any, were intended for street fronts. This elevation is the side of the building that does not face the street. There are now windows on that side of the building that were not in the original project.

Board Member Lin asked about below market rate housing.

Paul Jensen stated that the BMR requirement is a project element that would require the approval of the Redevelopment Agency. Further, the lot line adjustment will be considered by the Planning Commission. If the BMR is located off site by the Redevelopment Agency the condition in the staff report goes away.

Board Member Monson asked about materials and colors.

Paul Jensen said they were previously approved and are set in stone.

Chairperson Brown stated that any conditions or changes that the DRB would make had to stick to the changes that were before them in the staff report tonight.

Don Hazen confirmed that she was correct.

Chairperson Brown referred to the parking lift system on page 10 of the staff report G1 and G2. She asked how this stacked up against the ones in Berkeley that were done by Patrick Kennedy, Berkeley developer.

Paul Jensen said that he talked to and his design required a 12 foot clearance. The Vallejo Chief Building Official had gotten involved in this project and because of this we came up with the 13-foot clearance. They are standard size parking spaces. There are some compact parking spaces in this garage but the lift spaces are all standard size.

Don Hazen pointed out that 13 foot is the ceiling height for required parking and referred to Attachment 2, 2-6.

Chairperson Brown asked how many balconies were removed.

Paul Jensen said he did not know for sure but believed it to be around 15. It was only the ones that face the paseo.

Chairperson Brown asked if there were a simulation showing the paseo.

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Paul Jensen replied that there was not but it showed on the plans.

Board Member Monson made a motion to approve Resolution 08-02 as is with the added condition that an open walkway connection be established on the 7th floor of the cantilevered structure bridging the two wings of the building. She asked that this be put in the findings and conditions.

Board Member Chavez wanted to discuss the 6th floor balcony before the motion was voted on. He believed that it architecturally makes a difference and would like to see the balcony on the 6th floor as well as the 7th floor. It would increase the unit size by about three feet. They would be the same size as the 7th floor.

Board Member Lin stated that on some level he agreed with Board Member Chavez but he does not want to redesign the entire project and that was not in the DRB purview. To him the 6th floor balcony was not necessary for him to approve the project.

Don Hazen stated any changes the DRB proposed must be things that the DRB determines would not be consistent with the Specific Plan and Design Guidelines and they could therefore not pass the Resolution. If they felt that way that was how they could add design features.

Chairperson Brown was troubled by the lessened articulation. It is challenging to only have certain things to comment on.

Board Member Lin said removing the top floor in the west side will help. The hills in the background will improve this type of roofline. He wants this project to move along.

Board Member Chavez stated that he did not want to make the 6th floor balcony a condition of approval and called for a vote on the motion that was on the floor.

AYES: Brown, Chavez, Forman, Lin, Monson.

NOS: None.

ABSENT: White, Anderson.

ABSTAIN: None.

Motion carries.

K. OTHER ITEMS

None.

L. ADJOURNMENT

There being no further business to discuss, this session of the Design Review Board is adjourned at 9:00 p.m.

Respectfully submitted,



(for) DON HAZEN, Secretary

RESOLUTION NO. DRB-08-01

A RESOLUTION OF THE VALLEJO DESIGN REVIEW BOARD ADOPTING AN
ADDENDUM TO THE DOWNTOWN VALLEJO SPECIFIC PLAN AND
VIRGINIA STREET MIXED-USE DEVELOPMENT PROJECT
FINAL ENVIRONMENTAL IMPACT REPORT

BE IT RESOLVED the Design Review Board of the City of Vallejo:

WHEREAS, on September 20, 2007, the City Council adopted Resolution No. 05-319 certifying the Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Project Final Environmental Impact Report (FEIR) and approving a Mitigation Monitoring and Reporting Program (MMRP). The FEIR was prepared to assess the environmental affects of implementing the Downtown Vallejo Specific Plan and Downtown Vallejo Design Guidelines (Program-level analysis), as well as the development of a 1.05-acre public parking lot located on Virginia Street (Catalyst Site #1) between Marin Street and Sacramento Street (Project-specific analysis). Concurrent with this action, the City Council adopted the Downtown Vallejo Specific Plan and Downtown Design Guidelines, which confirmed the Planning Commission approval of the Virginia Street Mixed-Use Development project; and

WHEREAS, the City Council's adoption of Resolution No. 05-319 includes specific findings of fact to support the certification of the FEIR. The findings of fact summarize all of the potential environmental affects that were analyzed in the FEIR and approved mitigation measures, where required to eliminate or reduce environmental affects to a less-than-significant level. Further, the finding of fact identify the FEIR findings of five, potentially significant environmental affects that were determined to be significant and unavoidable, which cannot be reduced to a less-than-significant level with mitigation measures. These five, significant and unavoidable environmental affects are:

- Impact TRAF-9, Elimination of a Class II Bicycle Lane on Marin Street. Implementation of the Downtown Specific Plan would require the elimination of the existing Class II bicycle route on Marin Street.
- Impact UTIL-1, Provision of Water in Third Year Dry Condition. The City's projected water supplies are not sufficient to serve cumulative projected development, including build-out under the Downtown Specific Plan, in the third year of consecutive dry years.
- Impact NOISE-4, Construction-related vibration. Residences, businesses and historic structures in the Downtown area would be exposed to construction-related vibration during the excavation and foundation work of new development projects in Downtown, including the Virginia Street Mixed-Use Development.
- Impact AQ-3, Increase Air Quality Emissions. Build-out of the Specific Plan would generate new automobile emissions that would affect the regions ability to attain and maintain ambient air quality standards.
- Impact AQ-4, Conflict with Clean Air Plan. The Specific Plan would conflict with the Bay Area Clean Air Plan.

WHEREAS, complete copies of City Council Resolution No. 05-319, the certified FEIR, and approved Mitigation Monitoring and Reporting Program are on file with the City of Vallejo Development Services Department, Planning Division; and

RESOLUTION NO. DRB-08-01

WHEREAS, the mitigation measures presented in the certified FEIR and the approved Mitigation Monitoring and Reporting Program have been incorporated as standards and provisions in the adopted Downtown Vallejo Specific Plan and Downtown Design Guidelines and as conditions of approval for the Virginia Street Mixed-Use Development PD Unit Plan and Vesting Tentative Map; and

WHEREAS, in October 2007, Triad Downtown Vallejo, LLC, developer filed planning applications to amend the approved Unit Plan and Vesting Tentative Map for the Virginia Street Mixed-Use Development project. The initial approvals authorized the construction of a 5-7 story building to include 11,500 square feet of ground floor retail use, 150 residential condominium units and eight (8) live-work units on a 1.05-acre parking lot located on Virginia Street, between Marin and Sacramento Streets. The amendment propose revisions to the approved project that include: a) 24 additional residential units (total of 174 residential units); b) a 7th floor addition to the eastern portion of the building; c) modifications to the off-street parking garage to introduce the use of vertical/stacked parking lifts; d) revisions to specific project improvements, requirements, and amenities; and e) and adjustment in the property boundaries to incorporate a portion of the contiguous public right-of-way fronting Virginia Street, Sacramento Street and Indian Alley, increasing the parcel size to 1.1 acres; and

WHEREAS, the proposed revisions to the project are subject to environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines. An Initial Environmental Study (December 2007) was prepared to assess the impacts of the project revisions and to determine if these revisions are adequately addressed in the certified Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development FEIR; and

WHEREAS, the Initial Environmental Study concludes that the revisions to the Virginia Street Mixed-Use Development would not result in: a) any new significant environmental affects; b) a substantial increase in the environmental affects that were previously identified; or c) a change in or the need for new mitigation measures. As result and pursuant to CEQA Guidelines Section 15164, the Initial Environmental Study concludes that an Addendum to the FEIR is appropriate for addressing the modifications to the Virginia Street Mixed-Use Development project. The FEIR Addendum is in the form of a memorandum to the City file and is attached as Exhibit A to this resolution; and

WHEREAS, on Monday, January 14, 2008, the Design Review Board conducted a public hearing on the amendments to PD Unit Plan #04-0020 and the Initial Environmental Study.

NOW, THEREFORE, BE IT RESOLVE that after hearing all qualified and interested persons and considering all relevant evidence, the Design Review Board makes the following findings relative to the Initial Environmental Study and FEIR Addendum:

1. The notice for the FEIR Addendum and Initial Environmental Study were given for the time and in the manner prescribed by law, with the supporting Initial Environmental Study being available for review in accordance with the requirements of CEQA, and the State CEQA Guidelines.
2. The certified Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Project FEIR coupled with the findings of the FEIR Addendum and supporting Initial

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Environmental Study: a) adequately analyze the environmental affects of the revisions to the Virginia Street Mixed-Use Development project; and b) find that the project modifications will not result in any new significant environmental affects, a substantial increase in the severity of the environmental impacts that were previously identified, or a change in or the need for new mitigation measures.

3. The Design Review Board certifies that the FEIR Addendum and supporting Initial Environmental Study have been presented to the Board and that the Board has reviewed it and considered the information contained therein prior to acting on the proposed revisions to the project and that the document reflects the independent judgment and analysis of the City.

BE IT FURTHER RESOLVED that the Design Review Board hereby adopts the FEIR Addendum to the Downtown Vallejo Specific Plan and Virginia Street Development Final Environmental Impact Report, which is supported by the Virginia Street Mixed-Use Project Initial Study (Initial Environmental Study) prepared by Community Design & Environment, environmental consultants, and dated December 2007.

ADOPTED by the Design Review Board of the City of Vallejo at a regular meeting held on the 14th day of January 2008 by the following vote:

AYES: Chair Brown, Chavez, Forman, Lin and Monson

NOES: None

ABSENT: Anderson and White

ABSTENTIONS: None

_____/s/_____
MARTI BROWN, Chair

_____/s/_____
DON HAZEN, Secretary

EXHIBIT A: Memorandum (Addendum to Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Final Environmental Impact Report)

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RESOLUTION NO. DRB-08-02

RESOLUTION OF THE VALLEJO DESIGN REVIEW BOARD
CONDITIONALLY APPROVING AN AMENDMENT TO PD UNIT PLAN #04-0020
FOR THE VIRGINIA STREET MIXED-USE DEVELOPMENT PROJECT

BE IT RESOLVED by the Design Review Board of the City of Vallejo as follows:

WHEREAS, in 2004 the City initiated planning applications for the purpose of preparing and adopting a Specific Plan for the Downtown Vallejo area. The planning applications included a General Plan Amendment (#GPA05-0001) and a Specific Plan application (#SPL04-0001). The Draft Downtown Vallejo Specific Plan and accompanying Downtown Vallejo Design Guidelines were completed and published on April 22, 2005; and

WHEREAS, concurrent with the processing of #GPA05-0001 and #SPL04-0001, a Planned Development Unit Plan application (#PD04-0020) was filed by Triad Downtown Vallejo LLC, which proposed redevelopment of a 1.05-acre public parking lot located on Virginia Street between Marin Street and Sacramento Street. This parking lot site is referred to as Catalyst Site #1 in the Draft Downtown Vallejo Specific Plan. Consistent with the Downtown Vallejo Specific Plan, this Unit Plan application proposed the development of this parking lot with a 5-7 story mixed-use building with ground floor commercial use (11,500 square feet), eight (8) live-work units, 150 residential condominium units and a 238-space parking garage. The proposed project included a request for a floor area ratio bonus of 4.74; and

WHEREAS, on September 7, 2005, the Planning Commission adopted Resolution No. PC05-06 conditionally approving PD Unit Plan #PD04-0020 including a floor area ratio bonus of 4.74, subject to the City Council adoption of the Downtown Vallejo Specific Plan. On September 20, 2005, the City Council adopted the Downtown Vallejo Specific Plan; and

WHEREAS, in September 2007, Triad Downtown Vallejo LLC filed an application to amend the approved Unit Plan requesting approval of: a) 24 additional residential units (total of 174 residential units); b) a 7th floor addition to the eastern portion of the building and a 6th and 7th floor addition to the cantilevered structure that bridges the paseo; c) modifications to the off-street parking garage to introduce the use of vertical/stacked parking lifts; d) revisions to specific project improvements, requirements and amenities; and e) an adjustment in the property boundaries to incorporate a portion of contiguous public right-of-way fronting Virginia Street, Sacramento Street and Indian Alley. The addition of the residential units proposes an increase in the gross, building-to-land floor area ratio to 4.99, which requires approval of an FAR bonus by the Planning Commission. Further, the application includes a request to eliminate conditions of approval requiring 14 below-market-rate residential units; and

WHEREAS, the potential environmental effects of the approved mixed-use development were assessed in the Downtown Specific Plan and Virginia Street Development Final Environmental Impact Report (August 2005), which is accompanied by a Mitigation Monitoring and Reporting Program (MMRP). These documents were certified by the City Council on September 20, 2005. To assess the potential environmental affects of

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the September 2007 project amendments, an Initial Environmental Study was completed in December 2007. The Initial Environmental Study concludes that proposed amendments would not result in any new significant or substantially increased environmental affects, nor would the amendments result in the need for new mitigation measures. This finding has been documented in an FEIR Addendum, which was approved by the Design Review Board through the adoption of a separate resolution; and

WHEREAS, on Monday, January 14, 2008, the Design Review Board conducted a public hearing on this application.

NOW, THEREFORE, BE IT RESOLVED, that after hearing all qualified and interested persons and receiving and considering all relevant evidence, the Design Review Board makes the following findings relative to considering approval of the amendment to PD Unit Plan #04-0020:

1. The notice of the public hearing was given for the time and in the manner as prescribed by law.
2. The Design Review Board finds that proposed changes to the approved development project would not result in any new significant or substantially increased environmental affects than those that were previously identified and analyzed; nor would the proposed changes necessitate the imposing of new or changed mitigation measures. The mitigation measures outlined in the September 2005-approved Mitigation Monitoring and Reporting Program are appropriate, adequate and have been incorporated as conditions of approval for the amendment to Unit Plan #PD04-0020.
3. As proposed and subject to conditions of approval herein, this application to amend Unit Plan #04-0020 is consistent with the Vallejo General Plan in that it will:
 - a. Authorize the development of a mixed-use project consistent with the Downtown Mixed-Use land use designation, which encourages high intensity mixed-use development in the Downtown area.
 - b. Permit the establishment of ground floor commercial and live-work uses, which would promote local serving retail and services uses, in addition to arts and entertainment uses.
 - c. Permit the establishment of residential land use, which would foster additional activity in the Downtown area with increased pedestrian circulation and less reliance on vehicle transportation.
 - d. Permit an urban project in a urban setting, where it is appropriate to site and design buildings with minimal building-to-lot-line setbacks (Circulation and Transportation Compatibility with Adjoining Land Uses Policy 2) and where it is common to have residential land use fronting on major streets such as Sacramento Street (Circulation and Transportation Element Compatibility with Adjoining Land Uses Policy 1).
 - e. As amended, the project design and scale will generally respect and not conflict with the older development in the immediate area (Land Use

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Element Urban Design Goal 2, Policy 3). While the proposed design amendments to the project would result in the addition of a 7th floor at the east end of the building, this additional floor would not significantly change building bulk and mass. As modified by conditions of approval, the addition to the cantilevered structure bridging the paseo would be limited to one floor rather than two floors in order to achieve varied building heights and to achieve the appearance of two buildings. Further, as modified by conditions of approval, the 7th floor of the cantilevered structure (roof) shall be limited to an open corridor providing a connection between the east and the west wings of the building.

- f. As amended, the project is designed to provide loading and deliveries at the rear of the building, along Indian Alley (Circulation and Transportation Element Compatibility with Adjoining Land Uses Policy 3).
 - g. As amended, the project will continue to provide a high quality, high intensity multiple-family residential environment in Downtown (Land Use Element Commercial Development Goal 2, Policy 2).
 - h. As amended, the project continues to propose a paseo for public access and use (Circulation and Transportation Non-Motorized Transportation Goal 2, Policy 1).
 - i. As amended, the project is designed to provide a range of quality housing options including live-work units, smaller and mid-size residential condominium units (Economic Development Element Goal 6, Policy 1).
 - k. As amended, the project represents and supports urban infill, in that it will be served by existing sewer, drainage, water lines and streets (Public Facilities and Other Services Policies 1 and 7.b.1).
 - l. As amended with the addition of 22 residential units, the project will provide a high density development on an infill site that is accessible to public transit (Air Quality Goal 2, Policy 1).
4. As proposed and subject to conditions of approval, the amendments to the Virginia Street Mixed-Use Development project would be consistent with most but not all of the pertinent policies and guidelines set forth in the Downtown Vallejo Specific Plan and Downtown Vallejo Design Guidelines in that:
- a. As amended, the project proposes a variety of housing types (residential condominiums and live-work units), and retail use that will serve the local community and contribute to an active pedestrian environment, consistent with Land Use Policies 4.1.1, 4.2.1 and 4.2.3. Furthermore, as amended, the project continues to include the establishment of a ground floor restaurant use, which support the Central Downtown area as the Art's and Entertainment District. As amended by recommended by conditions of approval, the project would result in a building with 6- to 7-stories (up to 85 feet) and a floor area ratio of 4.93 (with a floor area ratio bonus) consistent with Land Use Policy 4.3.1, which encourages that highest intensity development be within the Central Downtown District. Finally, the introduction of housing and live-work uses will emphasize and facilitate 'around the clock' habitation, which is a prime principle of the Downtown Vallejo Design Guidelines.

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- b. As amended and recommended by conditions of approval, the project continues to propose design features and elements that are not overly stylized, will respond to the historic building design elements and will respect the pattern of building widths and character, which is consistent with Urban Design Policies 5.5.2 and the site and building design guidelines set forth in the Downtown Design Guidelines. Secondly, consistent with Urban Design Policy 5.5.3, the ground floor storefronts and live-work unit design enhance the pedestrian environment at street level. Thirdly, the Specific Plan designates the corner of Virginia Street and Sacramento Street as a gateway and the project has been designed to respond to this designation by proposing a distinctive, modern theme for this segment of the proposed building, which is consistent with Urban Design Policy 5.4.3. As designed, the project will reinforce the existing urban form, which is a recommended design principle in the Downtown Design Guidelines.
- c. As amended and as recommended by conditions of approval, the project continues to include the development of an open paseo that would extend from Virginia Street to Indian Alley. This paseo is proposed for public access and use, which is consistent with Urban Design Policy 5.5.4. Improvements to Indian Alley are proposed and recommended as conditions of approval, which is consistent with Urban Design Policy 5.4.5 and the site and building design guidelines set forth in the Downtown Vallejo Design Guidelines.
- d. While the project will replace a public parking lot with a private, mixed-use development, the displaced parking has been replaced through the implementation of a striping program intended to introduce new, on-street parking spaces. The new, on-street parking is consistent with Circulation and Parking Policy 6.2.1, which encourages that on-street parking be maximized for short-term use. The off-street parking that is proposed with the project, as amended and recommended by conditions of approval is: 1) sufficient to meet the needs of the future residents of this development, per Circulation and Parking Policy 6.6.2; and 2) will be designed so that it is placed behind the storefronts along Virginia Street and Sacramento Street, consistent with the site and building design guidelines set forth in the Downtown Design Guidelines. Lastly, the introduction of 'stacked' parking lifts within the parking garage would be consistent with Specific Plan Policy 6.2.2 in that it would provide for sufficient and not excessive parking, while promoting a more efficient parking system suitable for an urban setting.
- e. As amended, the project is consistent with Land Use Regulations for the Central Downtown District, as set forth in Chapter 8 of the Specific Plan in that it continues to propose retail, restaurant, live/work and residential land uses, which are permitted by right within the Central Downtown District.
- f. As amended and as recommended by conditions of approval, the project is consistent with Development Standards regulations, as set forth in Chapter 9 of the Downtown Vallejo Specific Plan. The project is designed to: 1) comply with the 85-foot building height (7-story) limit; 2) provide a street face building facade that extends for more than 80% of the street

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frontage; and 3) provide off-street parking for the residential and live/work units of 1.25 spaces per units, which would meet the minimum parking standard of 1.25 spaces per unit.

- g. While the project, as amended is consistent with the policies and design guidelines listed above, it is not fully consistent with or would be in direct conflict with the some of the Specific Plan policies and Downtown Design Guidelines in that:

- 1) The project, as amended would result in a design that has no variation in building height (one, consistent 7-story building design) or significant variations in roofline design, as compared to the approved project (varied 5-7 story building heights and a 3-story cantilevered structure bridging the paseo. Building Mass and Scale Design Guideline 2 and Rooflines Design Guideline 2 encourage variations in building heights with step backs of upper floors, and discourage unbroken, horizontal rooflines greater than 50 feet in length. As recommended by conditions of approval, the proposed addition to the cantilevered structure bridging the paseo would be approved for one additional floor rather than two floors, which would retain some variation in building height, would retain some variation in the roof line and would break-up building mass and bulk. As recommended by conditions of approval, as modified by conditions of approval, the 7th floor of the cantilevered structure (roof) shall be limited to an open corridor providing a connection between the east and the west wings of the building.
- 2) The project, as amended would result in: a) a taller structure for the eastern portion of the building, where it abuts a one-story historic structure (Marin Street); and b) would provide no new or additional step backs for the 7th floor addition. Urban Design Policy 5.5.4 requires that the architectural composition be well executed, while Site and Building Design Guideline encourages that new buildings emphasize the contextual relationship to the character and scale of nearby historic buildings. However, as demonstrated in the computer-generated visual simulations prepared with the FEIR Addendum, this addition would not be substantially larger or different than the building design as initially approved.
- 3) The currently approved 3-story, cantilevered structure bridging the paseo facilitates the appearance of two, separate buildings connected by a bridge. The proposed changes to this cantilevered structure would result in a taller bridged structure with a larger footprint over the paseo, which would reduce natural light, solar access and sky space within the paseo, thus reducing the usability of the paseo space. Specific Plan Urban Design Policy 5.4.4 encourages that open space areas be designed to provide opportunities for public events and recreation while the Public Realm-Public Paseos Design Guideline encourages that adequate light and sky space be provided for daytime use of the paseo. As recommended by conditions of approval, the addition would be limited to one floor rather than two floors (elimination of two residential units), which would assist in retaining natural light, solar access and sky space within the paseo.

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BE IT FURTHER RESOLVED that the Design Review Board hereby approves the amendment to the Virginia Street Mixed-Use Development Unit Plan (#PD04-0020) subject to the following conditions:

General Conditions

1. This amended Unit Plan approval (#PD 04-0020) is subject to the Planning Commission approval of an adjusted FAR bonus of 4.93 (reduced from the requested 4.99 by the deletion of one of the two requested floor additions on the cantilevered structure that bridges the paseo; see condition 2 below), Planning Commission approval of the amendment to the approved Vesting Tentative Map (TM05-0012), and City Council approval to abandon three-feet of public right-of-way along the Sacramento Street, Virginia Street and Indian Alley property frontages. This approval shall be valid for three (3) years from the date of Planning Commission approval.
2. The amended Unit Plan is approved subject to the following changes, which shall be incorporated into the final construction drawings:
 - a. A minimum of 44 'stacked' parking lifts shall be provided and installed in parking spaces that are sized at a minimum dimension of 9-feet by 18-feet. These stacked spaces shall be provided a minimum floor-to-ceiling clearance of 13 feet, free of plumbing, electrical, ventilation and other utility and building infrastructure features.
 - b. The proposed 7th floor addition to the cantilevered structure that bridges the paseo is not approved. The elimination of this addition reduces the amount of additional, approved residential units to 22 (adjusted total of 172 residential units). The 7th floor (roof) shall be limited to an open corridor providing a connection between the east and the west wings of the building.
 - c. All bay windows facing Indian Alley shall be equipped with side-facing windows rather than a blank wall panel.
 - d. Fifty percent of the residential units with windows facing the public paseo shall be designed with floor-to-ceiling window openings and 'Juliet' balconies.
3. The initial requirement (condition 3) to provide 14 of the residential units for below-market-rate sales to moderate-income households (Mitigation Measure POL-2) is deleted, subject to the approval of the Vallejo Redevelopment Agency. The Vallejo Redevelopment Agency shall review this request and all alternatives to this on-site inclusionary housing, in order to determine project conformance with applicable Redevelopment Area laws.
4. The project sponsor shall be responsible for implementing all mitigation measures pertinent to this project in the Downtown Vallejo Specific Plan and Virginia Street Mixed-Use Development Final Environmental Impact Report (FEIR), dated August 2005, and the accompanying Mitigation Monitoring and Reporting Program (MMRP), on file with the Development Services Department.

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5. The establishment of an owner's association is required. The owner's association shall be responsible for maintaining the improvements, which shall be specified in the Tentative Map application and Conditions, Covenants and Restrictions (CC&Rs) prepared for the subdivision. These improvements shall include:
 - a. The maintenance and repair of all exterior building improvements, including but not limited to, exterior building surfaces and materials, awnings and signage, landscaping, common terrace areas, the paseo area and associated improvements and the trash enclosures along Indian Alley that are intended for common use by merchants and property owners accessing the alley.
 - b. The maintenance and repair of all common interior building improvements, including services and infrastructure (e.g., water system, utility rooms) and the parking garage.
 - c. A provision informing the owner of each residential and live-work unit that the project site is located in the Downtown area, which experiences noise levels in excess of the City noise standard limits for residential use. (Mitigation Measures NOISE-2 and 3).
 - d. A provision informing the owner of participation in currently established or proposed downtown assessment districts.
 - e. Unless eliminated by action of the Vallejo Redevelopment Agency, provisions addressing the 14 below-market-rate units to include income qualification limits and resale restrictions.
 - f. Limitations on the hours of noise generating activities such as maintenance activities and loading/unloading activities, which are to be limited to the hours of 7:00am to 9:00pm (Mitigation Measure NOISE-3b).
 - g. Provisions for the sale of shared, management, assignment and maintenance of the 'stacked' parking lifts approved for the parking garage.
6. The project site contains a commemorative plaque that is located on the west side of the site, which marks the location of the Salvation Army's Vallejo Corps from 1892 to 1962. This plaque shall be removed and retained for re-installation upon completion of the building (Mitigation Measure CUL-6).

Prior to the Issuance of a Building Permit

Development Services Department- Planning Division

7. Prior to issuance of a building permit, the project sponsor shall submit a numbered list to the Planning Division stating how each condition of approval contained in this resolution will be satisfied. The list shall be submitted to the Project Planner, who will oversee the development phases of this project.
8. Except as conditioned herein, the building materials, elevations, landscaping, infrastructure and appearance of the project, as presented for approval, shall be in substantial conformance with the approved Unit Plan. Any future additions, expansions, remodeling, and modifications to the plans shall be subject to the review and approval of the Development Services Department.

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9. To the extent feasible, the existing street trees along the Sacramento Street frontage shall be preserved and protected during construction. Tree protection measures shall be specified in the construction drawings and installed prior to the issuance of a permit for site grading.
10. Detailed final landscape and irrigation plans shall be prepared for the paseo and the open terrace areas (upper floors) and approved by the Planning Division. These plans shall include the installation of landscape pockets along the Indian Alley frontage to allow for vine-climbing plants.
11. The site plan shall incorporate a minimum of 44 'stacked' parking lifts in the parking garage. These parking lifts shall be installed where the floor-to-ceiling height has an unobstructed, minimum clearance of 13'0" (free of plumbing, fixtures and pipes) using the Klaus Model G-61 manufactured by the Klaus Parking Systems, Inc.
12. A signage and surface striping plan shall be prepared for the alley and submitted for City approval. This plan shall include the following:
 - a. 'One-way' street direction signs to be posted (Mitigation Measure TRAF-1).
 - b. Striping and designating the two loading areas. The loading areas shall be marked for 'public use' so that use of these areas can be shared by all properties fronting the alley. 'No Parking' signs shall be posted opposite the loading areas.
 - c. Stripe a line along the alley that indicates the extent of door openings and to delineate a separate space for pedestrian use outside of the vehicle travel lane.
13. A detailed lighting plan shall be prepared and submitted for the approval by the Planning Division. Wall-mounted lighting shall be installed along the southern (Indian Alley) elevation, consistent with the light standards recommended in the Downtown Design Guidelines. A photometric plan shall accompany the detailed lighting plan, presenting lighting intensity. Lighting intensity shall not be overly bright and must be approved by the Planning Division and the Police Department.
14. The architectural plans submitted for the issuance of building permits shall be in substantial conformance with the approved Unit Plan. Final building materials and colors shall be in substantial conformance with the approved Unit Plan. The final architectural plans shall be modified to include:
 - a. A building base using a distinctive or separate exterior building material, consistent with the Downtown Design Guidelines.
 - b. A high-quality window that has a substantial mullion/frame, consistent with the Downtown Design Guidelines.
 - c. Use of roll-up doors for access to utility service areas along Indian Alley.
 - d. A detailed awning program designed consistent with the Downtown Design Guidelines. Awning design and materials shall be coordinated by building segment frontage for continuity.
 - e. A detailed program for the screening of rooftop mechanical equipment.

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- f. See condition 2 for additional design modifications that are to be incorporated into the final architectural plans.
15. A detailed sign program has been prepared and approved by the City consistent with the Downtown Design Guidelines. As approved, this program limits signage to ground floor uses and includes provisions for sign area limitations (based on lineal street width frontage for storefronts), common illumination and recommended sign types. The final sign program shall be incorporated into the construction drawings submitted for the approval of a building permit.
16. To facilitate vehicle and pedestrian safety along Indian Alley, the parking garage access shall be designed to include an exiting alarm, flashing light or similar warning system. The flashing light warning system is preferred over an audible alarm system as the latter could create a noise nuisance. The system shall be indicated and described on the building construction plans and installed prior to building occupancy (Mitigation Measure TRAF-2).
17. All residential and live-work units within this building shall be equipped with air conditioning so that exterior windows can remain closed to maintain interior noise levels that are below 45 decibels. The specifications for air conditioning shall be indicated and described on the building construction plans (Mitigation Measure NOISE-2).

Development Services Department- Building Division

18. The project is subject to the payment of fees including, but not limited to Park Facilities Fund fees, Vallejo City Unified School District school impact fees (Mitigation Measure SERVE-1) and citywide traffic mitigation fees. These fees are paid at the time a building permit is issued.

Public Works Department

19. The project shall be subject to and comply with City Public Works Department standard conditions PW2 (Public Works Improvement Standard), PW5 (Line of Sight of Traffic), PW9 (Driveway Standard) and PW21 (Signal Interconnect Cable).
20. The project sponsor shall agree, in a form acceptable to the City Attorney, to pay a Downtown Traffic Mitigation Fee once this fee is adopted by the City Council. Traffic generation from estimated build-out under the Downtown Vallejo Specific Plan will result in unacceptable levels of service at the following intersections in the Downtown area:
- Marin Street and Curtola Parkway
 - Sacramento Street and Maine Street
 - Marin Street and Maine Street

The specific total cost of these improvements will need to be confirmed following the development of detailing engineering plans and cost estimates (2005 estimated total cost of \$400,000). The costs will be used to determine and adopt a fair share Downtown Traffic Mitigation Fee, which is a Phase I implementation program set forth in the Downtown Vallejo Specific Plan (to occur within one year of Specific Plan adoption) (Mitigation Measures TRAF-5, TRAF-6 and TRAF-7).

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21. Prior to the commencement of site grading, prepare and submit a Construction Impact Management and Traffic Control Plan (addressing construction logistics). This plan shall include a details and specifications showing the extent of the construction zone (fenced area) all staging areas, truck routes, off-haul destination and hours of operation (Mitigation Measure TRAF-4).
22. Prior to the commencement of site grading, the project sponsor shall coordinate with the Transit Division staff to temporarily relocate the existing bus stop at the southeast corner of the intersection of Sacramento Street and Virginia Street (Mitigation Measure TRAF-10).
23. Given the extent of use planned for Indian Alley, an evaluation of the structural section of the alley shall be prepared and submitted for review and approval by the City Engineer. Depending upon the results of this evaluation, the alley may be required to be reconstructed or repaired from Marin Street to Sacramento Street to City standards.
24. Prior to the commencement of site grading, prepare and submit a detailed geotechnical investigation, prepared by a licensed geotechnical engineer. The investigation shall include an analysis of soil suitability, expansive soils and groundwater, in addition to recommendations for site grading and foundation design (Mitigation Measures GEO-1 through GEO-5).
25. Prior to the commencement of site grading, prepare and submit a Dust Control Plan to control construction dust and PM10 emissions. The plan shall be implemented through all phases of site grading and project construction (Mitigation Measure AQ-1).
26. Prior to the commencement of site grading, prepare and submit a detailed Erosion and Sediment Control Plan for approval by the Public Works Department. The plan shall be implemented through all phases of site grading and project construction.
27. Prior to the commencement of site grading, prepare and submit a Phase II Environmental Site Assessment. If the Phase II assessment recommends any on-site soil or groundwater remediation, the required regulatory agency approval (e.g., approval from the Regional Water Quality Control Board or other agency) shall be secured prior to the commencement of site grading (Mitigation Measures HAZ-1 and HAZ-2).
28. Prior to the commencement of site grading, prepare and submit a Soil Management Plan (SMP). If regulatory agency approval of the SMP is needed (e.g., approval from the Regional Water Quality Control Board or other agency), such approvals shall be secured prior to City approval of the SMP and prior to the commencement of site grading (Mitigation Measure HAZ-3).
29. Prior to the commencement of site grading, prepare and submit a detailed grading and drainage plan for review and approval by the Public Works

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Department. This detailed plan shall incorporate best management practices (BMPs) (Mitigation Measure HYDRO-1).

30. Prior to the commencement of site grading, prepare and submit a Construction Noise Management Plan specifying hours of construction (NOISE-1 and NOISE-4). The developer/project contractor shall comply with the following noise measures:
 - a. Limiting activities for site grading and construction to daytime hours of 7am to 6pm, Monday through Friday (no activity permitted on Saturdays, Sundays or federal holidays), in order to minimize construction noise disturbance to surrounding residents.
 - b. Noise and vibration abatement measures such as mufflers, barriers or noise dampening devices on construction equipment and vehicles.
31. Three (3) sets of plans shall be submitted to the Department of Public Works for plan check review and approval. (Civil plans are to be prepared by a licensed civil engineer.) Plans are to include, but may not be limited to: grading and erosion control plans, improvement plans, joint trench utility, street light plans, and landscaping, irrigation and fencing plans and all supporting documentation, calculations and pertinent reports. The improvement plans shall include the following specifications and plans for installation of frontage improvements along the Virginia Street, Sacramento Street and Indian Alley property frontage. The limits and design shall be established by the City in conformance with the Downtown Vallejo Specific Plan, the Disposition and Development Agreement (DDA) and to City standards. The plans shall include a signage and striping for review and approval by the City Engineer.
32. Site grading shall comply with Chapter 12.40 – Excavations, Grading and Filling (VMC). Prior to issuance of grading permit, the project sponsor shall submit a soils report for review. An independent soils and geological review of the project may be required. The City shall select the soils engineer with the cost of the study to be borne by the developer/project sponsor.
33. A Tree Removal Permit shall be secured to authorize the removal of the street trees along the Virginia Street frontage and the trees contained within the existing parking lot. In the event the street trees along the Sacramento Street frontage cannot be preserved and protected, a Tree Removal Permit shall be secured prior to the removal of these trees.
34. A street excavation permit shall be obtained from the Department of Public Works prior to performing any work within City streets or rights-of-way, or prior to any cutting and restoration work in existing public streets for utility trenches, which issuance shall not be unreasonably withheld or delayed. All work shall conform to City standards.
35. Prior to approval of construction plans, provide bonds and pay applicable fees. Bonding shall be provided to the City in the form of a "Performance Surety" and a separate "Labor and Materials Surety" in amounts stipulated by City ordinance.

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36. An encroachment permit shall be obtained from the Department of Public Works for work within the public streets and right-of-ways.
37. Outward swinging doors and windows proposed at the ground floor level shall not encroach within the City right-of-way.
38. The project sponsor shall provide joint trench plans for the underground electrical, gas, telephone, cable television and communications conduits and cables including the size, location and details of all trenches, location of all building utility service stubs and meters and placement or arrangements of junction structures as a part of the Improvement Plans submitted for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Fire Department

39. Automatic fire sprinkler systems are required for all residential, commercial, and parking facilities. This project will also require interior standpipes with fire hose connections. Automatic Fire Sprinkler Systems must comply with NFPA 13. Fire Standpipes must comply with NFPA 14. All fire pumps must comply with NFPA 13, and NFPA 20. The Vallejo Fire Prevention Division will determine fire department connection locations.
40. A separate fire service water underground plan must be submitted. The fire service underground plan must comply with NFPA 24 and Vallejo Fire Prevention Standards. The Vallejo Fire Prevention Division shall determine fire flow requirements for the project.
41. Fully automatic and manual fire alarm systems are required for all residential, commercial, and parking facilities. All fire alarm systems shall comply with NFPA 72 and Vallejo Fire Prevention Standards.
42. Prior to building permit issuance, building construction plans and plans required for fire protection systems shall be submitted to the Fire Prevention Division. All applicable plan review and inspection fees shall be paid at the time of plan submittal. The entire project must comply with NFPA 1, 2001 California Building Code and 2001 California Fire Code.
43. All security gates installed at any entrance to the project shall be specified on the building construction plans and approved by the Fire Department. The security gates shall be designed and equipped with a Fire Department approved entry system.
44. An automatic natural gas shut off valve shall be installed. The valve shall be P-wave/earthquake monitored.

Police Department

45. All perimeter walls, fences and trash enclosure areas shall be designed and built to prevent access to the upper floors.

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46. All vehicle entrance gates shall be equipped with 'Click to Entry' access system, which allows access for emergency vehicles by use of Police/Fire radios. The system shall be indicated and described on the building construction plans and installed prior to building occupancy.
47. Emergency phones designed for 911 dial-out are required on each floor/level of the parking garage. The location and specifications of these emergency phones shall be indicated and described on the building construction plans and installed prior to building occupancy.
48. Prepare and submit an interior lighting plan, which includes security lighting throughout all floors/levels of the parking garage and all stairwells. The lighting plan shall be approved by the Police Department.
49. All business delivery doors shall be equipped with a peephole, permitting views from the inside to the outside. At each business delivery door, exterior security lighting and an intercom shall be installed.

Vallejo Sanitation and Flood Control District

50. Prepare and submit a site utility plan showing the existing and proposed sanitary sewer and storm drainage facilities, mains, laterals, connections, etc.
51. Prior to issuance of the first building permit, complete improvement plans and supporting documentation for proposed sanitary sewage and storm drainage work shall be submitted to VSFCD for review and approval.
52. Prior to issuance of the first building permit, a VSFCD Connection Permit is required to be approved. Pay all applicable review and connection fees.
53. VSFCD comments shall be understood to require modification of the project to any extent necessary to meet VSFCD requirements, unless specifically stated.
54. All individual parcels shall drain and sewer directly to the public system.
55. Sanitary sewer service for this project shall address and/or comply with the following:
 - a. Comply with VSFCD pre-treatment requirements for sanitary sewage.
 - b. The use of the existing, private sanitary sewer main and/or lateral is conditioned upon passing a standard VSFCD air test.
56. The area within all refuse/trash enclosures shall drain to the sanitary sewer system. The outside perimeter of the enclosure shall be graded to prevent storm water from draining into the sanitary sewer system. The enclosure shall be covered with a roof or awning.
57. As noted above, grading and erosion control plans are required. These plans shall be submitted to VSFCD for review and approval. Drainage from adjacent lands shall not be blocked.

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58. All storm drainage shall be designed to collect onsite and be conveyed underground to the public storm drain system. This requirement shall be shown on the construction plans.
59. Pretreatment of storm drainage water runoff is required. Storm drainage runoff shall be conveyed over landscaped areas or otherwise treated, as feasible, before discharging into the public system. The purpose of this requirement is to improve the storm water quality leaving the site. The project architect or civil engineer shall contact the VSFCD staff for possible design solutions and their impact on the design of the project.
60. Submit proof of NOI, Storm Water Pollution Prevention Plan, and Post Construction Best Management Practice Design Plan (see current VSFCD Storm Water Management Plan Appendix 4B).

Utilities Department

61. Prior to the commencement of grading, a 'will serve' letter shall be issued by the Utilities Department – Water Division (Mitigation Measure UTIL-1).
62. All water system improvements shall be designed to be consistent with the Vallejo Water System Master Plan. In 1985, prepared by Kennedy/Jenks Engineers as updated by Brown & Caldwell, 1996 and the Northgate Water System Plan, dated December 1989. Prior to Improvement Plan approval or the issuance of the first building permit, whichever occurs first, water system improvement plans shall be submitted to the Water Division for review and approval, and shall contain at least:
 - a. Location and size of 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 backflow prevention devices (required on water service connections to irrigation systems, certain commercial water users, and to commercial fire sprinkler systems, per City Ordinance 922 N.C. (2d).
63. Fire flow requirements of the Fire Department shall be met. Fire flow at no less than 25-psig residual pressure shall be available within 1,000 feet of any structure. One half of the fire flow shall be available within 300 feet of any structure. Fire flow shall comply with the Vallejo Water System Master Plan, 1985, prepared by Kennedy Jenks and the latest update prepared by Brown & Caldwell, dated April 1996.
64. Prepare and submit hydraulic calculations shall be submitted to the Water Superintendent demonstrating that the fire flow requirements are complied with.

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65. Prepare and submit plans for the fire protection system. Fire hydrants, if any, and fire sprinkler system shall be designed and installed to meet the requirements of the Fire Department. For combined water and fire services, the requirements of both the Fire Department and the Vallejo Water System Master Plan, with latest revisions, shall be satisfied.
66. Easements shall be granted for all water system improvements installed outside the public right-of-way in the City's Standard Form for Grant of Water Line Easement with the following widths:
 - a. 15-foot-wide (minimum) for water mains.
 - b. 10-foot-wide (minimum) for fire hydrants, water meters, backflow preventers, double detector check valves, etc.Other facilities will be reviewed by the Water Division.
67. 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 the construction of water system improvements. Fees include those fees specified in the Vallejo Municipal Code including connection and elevated storage fees, etc., and ties for tapping, tie-ins, inspections, disinfection, construction water and other services provided by the City with respect to water system improvements. The Water Division may be contacted for a description of applicable fees.
68. The residential units shall have one master domestic service. A homeowner's association shall be formed and shall be responsible for the water service. The association shall also be responsible for the fire service to the building. The commercial units can be master metered or metered separately, with a maximum of five (5) meters allowed for the commercial units.
69. The final building plans shall incorporate the following details/improvements for the Backflow Preventer Room:
 - a. The room shall be accessed by a 10-foot roll-up door facing Indian Alley. A curb cut shall be provided in front of the roll-up doors.
 - b. The room shall be waterproofed (floor, walls and ceiling) with an outlet along the Sacramento Street side of the building (so if any leaks occur, water will flow to Sacramento Street).
 - c. Eye hooks shall be installed in the ceiling on two-foot centers, capable of lifting one ton.
 - d. A room layout shall be submitted to the Water Superintendent for review and approval. The room may require enlargement in order to accommodate all of the required meters, BFD and fire assembly.
 - e. The City shall be granted an easement, at no cost to the City, for use of this room. The City shall not be required to pay any costs for the upkeep or maintenance of this room.

During Grading and Construction

Building Division

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70. To protect potential archaeological resources encountered during site grading and excavation, the following measures shall be followed:
- a. If pre-historic human interments (human burials) are encountered within the native soils of the parcel, all work shall be halted in the immediate vicinity of the find. The County Coroner and project superintendent shall be contacted immediately. The procedures to follow shall be as prescribed by law.
 - b. If significant cultural deposits other than human burials are encountered, the project should be modified to allow the artifacts or features to be left in plan, or the archaeological consultant should undertake the recovery of the deposit or feature. Significant cultural deposits are defined as finds that are associated with the pre-historic period, the historic era Mission and Pueblo Periods and the American era up to 1900.
 - c. Whenever the monitoring archaeologist suspects that potentially significant cultural remains or human burials have been encountered, all work shall halt and an inspection shall be completed. If the suspected remains are determined to be a significant deposit, all work shall cease until the deposit has been removed (Mitigation Measure CULT-1).

Public Works Department

71. During construction, it shall be the responsibility of the contractor to provide for safe traffic control in and around the site. This may include but not be limited to signs, flashing lights, barricades and flag persons.
72. During grading operations, the project geologist or soils engineer and necessary soils testing equipment must be present on site. In the absence of the soils engineer or his/her representative on site, the Department of Public Works shall issue a stop work order for the grading operation.
73. Construction inspection shall be coordinated with the Department of Public Works and no construction shall deviate from the approved plans.
74. The City will hold the project sponsor/developer responsible for repairing any and all public improvements that are damaged by the project sponsor's contractor during project grading and construction.
75. The project design engineer shall be responsible for the project plans. If plan deviations are necessary, the project engineer must first prepare a revised plan or details of the proposed change for review by the Department of Public Works and, when applicable, by Vallejo Sanitation and Flood Control District. Changes shall be made in the field only after approval by the City. At the completion of the project, the design engineer must prepare and sign the record drawings.

Prior to the Completion and Final Inspection for Occupancy

Development Services Department- Planning Division

76. The Salvation Army's Vallejo Corps commemorative plaque shall be re-installation on building face at or near the corner of Virginia Street and Sacramento Street (Mitigation Measure CUL-6).

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77. All landscaping and irrigation for the project shall be completed. The City may agree to accept a bond for a portion of the landscape improvements that are not completed. In the event a bond is posted for a portion of site landscaping, it shall cover the amount estimated for completion of the landscaping. All incomplete areas proposed for landscaping must be covered with bark or a substitute material approved by the Development Services Department.
78. The project landscape architect shall confirm, in writing, that the landscaping has been installed in accordance with all aspects of the approved landscape plans, that the irrigation has been installed and tested for timing and function.

Public Works Department

79. Signage and pavement striping shall be installed along Indian Alley to clearly define it for one-way travel (east to west), to identify the designated loading areas and to clearly define ingress and egress to the parking garage (Mitigation Measure TRAF-1).
80. A visual and auditory alert/warning system for pedestrians and a stop sign shall be installed at the Indian Alley connection to Sacramento Street (Mitigation Measure TRAF-2).
81. Unless implemented by the City in conjunction with the installation of Downtown streetscape and on-street parking improvements, the on-street parking spaces located on the east side of Sacramento Street, south of Indian Alley shall be shifted southward for a distance of 20 feet. No on-street parking shall be permitted within this 20-foot zone as it is intended for provide appropriate sight distance at this street/alley intersection (Mitigation Measure TRAF-3).
82. All of the improvements required by the Department of Public Works shall be installed, including but not limited to streets and utilities.
83. Prior to occupancy/final building inspection, any broken curb, gutter, sidewalk or driveway approach caused by the project sponsor's contractor shall be removed and replaced as directed in the field by the City Engineer.
84. Prior to occupancy/final building inspection, the project sponsor shall pay the Downtown Traffic Mitigation Fee required under condition 20. In the event the Downtown Traffic Mitigation Fee is not adopted at the time of building occupancy, the project sponsor shall post with the City, a letter of credit in the amount of \$38,500 to cover the projects fair share contribution to the total cost of signalization improvements specified in condition 20. In the event the adopted fee exceeds or is less than \$38,500, the project sponsor shall pay or be refunded the incremental difference.

Landscape Maintenance District

85. Prior to release for occupancy, the street trees shall be planted in accordance with Vallejo Municipal Code, Section 15.06.190 and Regulations and Specification for Public improvements, Section 3.3.48. The minimum standard

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shall be at least one tree for each 50 feet of street frontage or fraction thereof, including secondary or side streets. Street tree(s) shall be inspected by Public Works Landscape Inspector prior to release for occupancy.

86. Prior to Department of Public Works acceptance of grading, all compaction test results and certification letters from the soils engineer and civil engineer shall be submitted confirming grading is in conformance with all approved grading plans.
87. Prior to release for occupancy, the project sponsor shall agree in a form acceptable to the City Attorney, to participate in and disclose to future owners to participate in the Downtown maintenance district.

Fire Department

88. Prior to occupancy/final inspection, "Knox" key boxes shall be installed and approved by the Vallejo Fire Prevention Division. Knox box applications are available at the Vallejo Fire Prevention Division.
89. Prior to occupancy/final building inspection, install 3A-40BC fire extinguishers not to exceed 75 feet travel distance to an extinguisher on each floor.
90. Prior to occupancy/final building inspection, install approved numbers or addresses on all buildings. Residential units require 3-inch minimum height addresses. Commercial occupancies require a 6-inch minimum illuminated address.
91. "No Parking Fire Lanes" signs and markings are required where vehicle parking would encroach on a 20-foot clear width of roadway.
92. Prior to occupancy/final building inspection, all applicable fees shall be paid and a final Fire Prevention inspection shall be conducted. All meetings and inspections require a minimum 24-hour advance request.

Police Department

93. The street address assigned to the project building(s) shall be indicated in large numbers/letters on the roof of the building(s) so that the address is visible to City Police air units.
94. Illuminated diagrams of the building(s)/complex shall be installed/posted at each entrance, which shows the location of the viewer and the location of uses throughout the building.

Vallejo Sanitation and Flood Control District

95. Provide a standard VSFCDE cleanout at the right-of-way/easement line per the VSFCDE standards and a two-way clean-out at the building per the U.P.C.

Utilities Department

96. Prior to occupancy/final building inspection, water system improvements shall be installed as required. Backflow device(s) where required shall be installed in areas hidden from public view and/or shall be mitigated by landscaping.

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Post-Construction Monitoring

Development Services Department

97. Following building occupancy, the project sponsor shall contact the Planning Division for an inspection of all exterior lighting. Inspections shall occur thirty (30) days following installation and full operation of the on-site lighting (exterior and street lighting). All lighting shall be in general conformance with the approved photometric plan.

ADOPTED by the Design Review Board of the City of Vallejo at a regular meeting held on the 14th day of January 2008 by the following vote:

AYES: Chair Brown, Chavez, Forman, Lin and Munson

NOES: None

ABSENT: Anderson and White

ABSTENTIONS: None

//s//
MARTI BROWN, Chair

//s//
DON HAZEN, Secretary

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