TO: Honorable Mayor and City Council  
Attention: David J. Van Kirk, City Manager

FROM: Scott D. Sexton, Community Development Director

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VACAVILLE  
APPROVING THE AMENDMENT TO THE I-80 / ALAMO POLICY PLAN AND  
TO ADOPT A PLANNED SIGN PROGRAM TO ALLOW A FREEWAY PYLON  
SIGN FOR THE I-80/ALAMO POLICY PLAN COMMERCIAL AREA

DISCUSSION:

This is a request for a Planned Sign Program to allow for freeway signage for the I-80/Alamo Policy Plan commercial area, including a proposed nursery use which has previously been approved for a site at the western terminus of Butcher Road. The original proposal was for a 65 foot high sign, approximately 400 square feet in area, including an electronic message board sign, graphics depicting palm trees, and exposed neon lighting to accent the colors used on the sign cabinet (see Attachment B, Project Proposal and Description by Applicant). A revised concept, more in line with the standards for freeway-oriented signs, was submitted by the applicant the night of the Planning Commission hearing in response to staff recommendations to the Commission. The revised concept lowered the height of the sign to 60 feet, reduced the sign area to 325 square feet, removed the electronic message board sign, and provided space for four other users. The design retains the ‘palm tree’ theme.

The City has previously approved multi-tenant freeway pylon signs for major commercial areas throughout the City. Only one, the Auto Mall sign, has been approved by the City Council to have an electronically changing message sign. When designed to accommodate multiple users, freeway-oriented signs can be successful at helping businesses achieve improved exposure to commercial traffic, while at the same time reducing the visual effect that would otherwise occur if several individual freestanding freeway signs were permitted.

The applicant has expressed their reasoning for requesting a larger freeway sign, including the electronic message sign. These reasons include: (1) their site is substantially below the freeway, (2) the site is obscured from freeway travelers by trees, and (3) the site is on a dead-end commercial street which serves to substantially limit pass-by traffic. These site constraints are identified in the description of “Area V” in the Policy Plan. The applicant did modify the proposal to address City concerns by redesigning the sign to accommodate multiple users, and by recognizing that the original size proposed for the sign exceeded the City’s normal sign ordinance limits. The applicant prepared revised exhibits for the Planning Commission illustrating how they could accommodate the multiple users on a single sign.

Planning Commission Action:

On July 15, 2008, the Planning Commission held a public hearing on the proposed project. The applicant addressed the Commission and advised Commissioners of the reasoning for requesting a large sign with an electronic changeable message center. Four members of the public addressed the Planning Commission to express their support of the sign and one expressed opposition to a nursery at this location. The Planning Commission recommended approval of a modified Sign Program proposal (see Exhibit A in resolution). The revised program would permit a single freeway pylon sign for multiple commercial uses within the Policy Plan area, to be constructed on the proposed nursery parcel. The Planning Commission recommends that no electronic changeable message center sign be permitted, consistent with the staff recommendation for the sign plan. The Planning Commission voted unanimously to recommend that the City Council approve the proposed Planned Sign Program as modified. The Commission also expressed support of the unique palm tree and sun design elements of the sign.

Environmental Review:

Pursuant to the requirements of the California Environmental Quality Act (CEQA), the proposed Planned Sign Program is exempt from the provisions of CEQA under Sections 15303 and 15305 which allow for the construction of small, new structures and for minor alterations in land use.
limitations. The Policy Plan amendment would allow for a sign to be constructed in a location approved for development and would provide for the adoption of sign regulations as permitted by the existing Policy Plan. The Planned Sign Program would allow for an accessory structure to be built and will not result in any changes in land use or density.

**Analysis:**

The request for the Policy Plan amendment would permit the establishment of a freeway-oriented sign for certain areas of the Policy Plan. Also, the Policy Plan amendment would allow a use (i.e. the nursery) that is not one of the uses currently listed in the City’s Sign Ordinance (Section 14.09.139.070.D.) as a permitted use to be listed on a freeway-oriented sign. The City has allowed multi-tenant, freeway-oriented signs for other Policy Plan areas, including the display of retail tenants when they meet certain minimum size requirements or are part of a specialty retail center. Examples of this include the Nut Tree development where a single commercial complex was permitted to identify some retail tenants with less than 20,000 square feet in floor area, and the Winco sign that includes identification of the Downtown area.

There are two areas of concern regarding the proposed freeway sign: (1) its relatively unique design that is targeted towards a specific user, and (2) the ongoing operation and maintenance of the sign if the primary user (the nursery) should leave the site along Butcher Road.

Though there were several positive comments from the Planning Commissioners regarding the design of the sign, it is unlikely that the design will be easily adaptable for a different tenant. The final design of the freeway-oriented sign will need to incorporate design provisions for making it more adaptable for different users should the nursery business leave the site along Butcher Road. This would mean a redesign of the sign that eliminates the palm tree and large sun as design elements. The applicant has indicated that, instead of eliminating these design elements, the sign can be designed such that the palm tree and sun elements can be removed and another user’s sign can be added while maintaining the overall integrity of the sign. The proposed Policy Plan amendment wording has been revised to allow the applicant the option to pursue a sign design that allows the removal of the palm tree and sun elements and a different primary user’s sign to be added.

The second concern about the sign is its ongoing operation and maintenance. This sign differs from other multi-tenant, freeway-oriented signs in that, typically, the freeway signs are owned, operated, and maintained by the owner of the retail center via a property management firm or tenant association. However, the situation is different for the I-80/Alamo Policy Plan area in that the various parcels have not been assembled into an integrated commercial center. As such, there isn’t a single controlling entity for the area. The applicant has indicated that they would incorporate the necessary maintenance provisions to ensure proper maintenance and ongoing operation. The proposed wording for the Policy Plan amendment has been revised to incorporate provisions for an agreement that would address ongoing maintenance and operation of the sign, especially if the primary user (the nursery) leaves the Butcher Road site. Such provisions of the agreement would require the formation of a sign association, an easement to allow for access to maintain the sign, and financial provisions to ensure that there are adequate funds to maintain the sign into the future.

In order to address the above concerns, Exhibit A attached to the resolution includes specific requirements for the design, construction, and on-going maintenance of the sign. These provisions include the following provisions:

- Requires a minimum of three users on the sign at the time of construction;
- Prohibits the use of a changeable message sign;
- Requires the design elements related to the nursery use (i.e. palm tree and sun) to be removable at a later time in the event that use is no longer operating;
- Establishment of an easement for access to maintain the sign by users reflected on the sign;
- Require a shared cost obligation for maintenance of the sign and a funding mechanism to ensure that the palm tree and sun design elements can later be removed if needed.

A single multi-tenant, freeway-oriented sign for the I-80/Alamo Policy Plan area is consistent with other provisions in the Policy Plan covering areas adjoining the freeways. The sign would allow for improved visibility for some commercial properties that do not currently have good freeway visibility.
RECOMMENDATION:
By simple motion, to adopt the resolution approving the amendment to the I-80/Alamo Policy Plan and to adopt a Planned Sign Program to allow a freeway pylon sign for the I-80/Alamo Policy Plan commercial area.

Attachments:
A. Location/Zoning Map
B. Proposed Sign Concept – Original Proposal and Description by Applicant
C. Proposed Sign Concept – Revised Proposal by Applicant
D. Planning Commission Record (including)
WHEREAS, the Planning Commission of the City of Vacaville conducted a duly noticed public hearing on July 15, 2008, regarding the proposed policy plan amendment request, received testimony, and voted to recommend that the City Council approve the requested development entitlements; and

WHEREAS, the City Council of the City of Vacaville conducted a duly noticed public hearing on August 12, 2008, to consider a request for approval of a Policy Plan amendment to adopt a Planned Sign Program to allow a freeway pylon sign for commercial uses within the I-80/Alamo Policy Plan commercial area described as follows:

Sign location at 360 Butcher Road. (APN 0127-070-010)

WHEREAS, the City Council received testimony from City staff, the applicant, and all interested parties regarding the proposed project; and

WHEREAS, the City Council has reviewed and considered the project in accordance with the California Environmental Quality Act (CEQA) and Division 14.03 of the Land Use and Development Code and finds that the proposed Planned Sign Program is exempt from the provisions of CEQA under Sections 15303 and 15305 because the project would involve the construction of an accessory structure and would result in minor alterations to existing land use limitations that will not result in any changes in land use or density; and

WHEREAS, the City Council has reviewed the requested application for the I-80/Alamo Policy Plan amendment to adopt a Planned Sign Program to permit a multi-tenant freeway pylon sign to be established for use by the commercial uses within the Policy Plan and considered the testimony at the public hearing, the staff report, and the whole of the record for File 08-059, and makes the following findings for this action:

1. That the plan or amendment is consistent with the goals, objectives, and policies of the General Plan, the Zoning Ordinance, and the Development Code, in particular that the Planned Sign Program would provide for a coordinated identification plan for commercial uses that will benefit from the exposure to freeway traffic and will be supportive of the effort to develop the commercial lands within the Policy Plan;
2. That the plan or amendment would not be detrimental to the public health, safety, or welfare of the community, specifically that the project would be supportive of commercial land uses that are permitted to identify themselves on freeway signs and would provide for a single sign within the commercial areas of the Policy Plan;
3. That the plan or amendment includes provisions which ensure that adequate public facilities will be available to serve the range of development described in the plan, in particular that the project will not involve any changes in land uses or density within the project area;
4. That the plan or amendment would maintain an appropriate balance of land uses within the City, specifically that this Policy Plan Amendment will not result in any changes to land use or density within this commercial area;
5. That the anticipated land uses on the subject site are compatible with existing and future surrounding uses, since the project will not result in any changes to approved land uses allowed within the Policy Plan area.
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City Vacaville does hereby approve the Policy Plan amendment for the I-80/Alamo Policy Plan, as specified in Exhibit A attached hereto and incorporated herein by reference, to adopt a Planned Sign Program to allow a single multi-tenant freeway pylon sign in accordance with the appropriate findings.

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the City Council of the City of Vacaville, held on the 12th day of August, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

Michelle A. Thornbrugh, City Clerk
The following sections of the Policy Plan shall be amended to read as follows:

**Page 7, Area I, Item E, 11. Signs, add sub-item d:**

d. Qualifying uses within Area I are permitted to locate on a multi-user freeway sign located within Policy Plan Land Use Area V, subject to the requirements contained in that Section (Area V, Signs, Section 6. e.).

**Page 11, Area II, Item F, 11. Signs, add sub-item d:**

d. Qualifying uses within Area I are permitted to locate on a multi-user freeway sign located within Policy Plan Land Use Area V, subject to the requirements contained in that Section (Area V, Signs, Section 6. e.).

**Page 19, Area V, Item E, 6. Signs add sub-item e:**

e. A Planned Sign Program is established to permit a single, multi-user freeway-oriented sign for qualified users within the Policy Plan area and includes the following provisions:

i. A single freeway-oriented pylon sign may be constructed on the westerly parcel within this development area (Area V) for the purpose of identifying certain qualifying businesses within Policy Plan Land Use Areas I, II, and /or V.

1) In order to ensure proper access by the other businesses identified on freeway-oriented sign, as provided for below in Section vi, 6, the Director of Community Development may require that a sign access easement be recorded on the parcel where the sign is constructed.

ii. The multi-user sign shall provide space for a minimum of three (3) separate users. A single-use pylon sign is not permitted by this program.

iii. Qualifying uses for placement on the sign structure shall be those listed in Section 14. 09.132.070.D.2. of the Land Use and Development Code, or commercial nursery uses located within Area V of the Policy Plan.

iv. The pylon sign height and area shall be determined in accordance with Section 14.09.132.070.D. of the Land Use and Development Code. The business located on the same site as the freeway-oriented sign may use up to 175 square feet of this area, with the remaining square footage to be available for qualifying uses as noted above. The site containing this pylon sign is not permitted any other freestanding sign.

v. The final design of the freeway pylon sign shall:

1) incorporate the panels for a minimum of three (3) multiple users at the time of construction;

2) incorporate design provisions that allow the freeway-oriented sign to be adaptable for a variety of different users, for example if the initial design of the sign includes unique design elements that targets a specific user, such as the palm tree and sun features for the proposed Palm Island Nursery, then the sign shall be designed and constructed such that those design features can be removed from the sign in the event the specific user no longer occupies the site where the sign is located;

3) shall not incorporate a changeable copy message board; and

4) shall be subject to the review and approval of the City Planner prior to issuance of building permits.

vi. The Policy Plan Sign Program shall require owner of the freeway sign and/or the owner of the property on which the freeway sign is located to execute an agreement with the City regarding the right of future businesses to be identified
on the freeway sign. The agreement shall be executed prior to issuance of building permits and shall include the following provisions:

1) identify qualifying businesses, as described above in Section iii, shall be allowed the right to install their name and/or logo on the freeway sign, up to the maximum number of sign panels permitted by Design Review approval;

2) allowing for access rights to all other businesses identified on the sign for purposes of maintenance of the sign, and to provide the City, at its sole discretion, the right to enter the property to maintain the sign or otherwise modify the sign to ensure conformance with the provisions of this resolution;

3) establish the total cost of maintaining the freeway sign, including power, cleaning, and other maintenance. The agreement shall require the owner of the sign to maintain the sign, and may establish a shared cost obligation for all businesses identified on the sign;

4) establish a funding mechanism that covers the cost of removing the unique design elements noted above in Section v,2;

5) issuance of sign permits for sign panels shall be subject to design review by City. City may require maintenance of the sign as a condition of any Design Review action to allow installation of sign panels on the sign; and

6) acknowledgement that though the sign owner may require each business with identification on the sign to pay their pro rata share of the cost of maintaining the sign, it shall be the responsibility of the owner to maintain the sign in the event maintenance is neglected by individual businesses.

7) establish an appropriate entity, such as an association, to retain the long-term maintenance of the sign, as well as conformance with the conditions and requirements of the City.
MANUFACTURE AND INSTALL 1 DOUBLE FACED ILLUMINATED SIGN WITH A FULL COLOR ELECTRONIC MESSAGE CENTER

ATTACHMENT B
CITY OF VACAVILLE PLANNING COMMISSION
STAFF REPORT

Agenda Item No. G.2
July 15, 2008

Staff Contact:
Fred Buder
(707) 449-5307

TITLE: I-80/ALAMO POLICY PLAN AMENDMENT (SIGN PROGRAM) AND BUTCHER ROAD NURSERY PLANNED DEVELOPMENT MODIFICATION

REQUEST: TO ADOPT A PLANNED SIGN PROGRAM TO ALLOW A FREEWAY PYLON SIGN FOR THE I-80/ALAMO POLICY PLAN COMMERCIAL AREA AND TO REDUCE THE FRONT SETBACK AND MODIFY THE SITE PLAN & BUILDING DESIGN FOR THE CONSTRUCTION OF A NURSERY FACILITY

RECOMMENDED ACTION: TO REAFFIRM THE PREVIOUS MITIGATED NEGATIVE DECLARATION AND APPROVE THE POLICY PLAN AMENDMENT FOR A PLANNED SIGN PROGRAM FOR FREEWAY SIGNS AND APPROVE THE PLANNED DEVELOPMENT MODIFICATION

ADDITIONAL INFORMATION

The applicants for the proposed freeway pylon sign have prepared conceptual plans to illustrate a potential design of the sign, with the intent of meeting the recommended requirements for a shared use sign as recommended by the staff (please see attached exhibits, submitted to the City 7/10/08). In the attached exhibit, they have identified how the sign could be redesigned in order to meet the intent of the proposed Policy Plan Amendment language.

Staff has not fully reviewed the concept design. The images do reflect the general type of design concept that is envisioned by the proposed Policy Plan Amendment provisions. The proposed Policy Plan regulations however would require design review approval by the Planning Division for the final design, materials, method of illumination and other design factors, if the Policy Plan Amendment is approved. The applicant's intent in providing the attached images is to indicate to the Planning Commission how they might be able to respond to the proposed Policy Plan regulations.
CITY OF VACAVILLE PLANNING COMMISSION

STAFF REPORT

Agenda Item No. G.2
July 15, 2008

Staff Contact:
Fred Buder
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APPLICATION INFORMATION

APPLICATION(S):
Declaration
Modification to an Approved Project

FILE NO.: 08-059

APPLICANT / PROPERTY OWNER: Dale Motiska, Palm Island Nursery

PROPERTY INFORMATION

LOCATION: 380 Butcher Road
ASSESSOR'S PARCEL NUMBER: 0127-070-010
SITE AREA: 1.10 acres
GENERAL PLAN DESIGNATION: CG – General Commercial
ZONE:
CURRENT LAND USE: Vacant Site
ADJACENT ZONING & USE:
North: I-80
South: RM – Residential
East: CG and RH – Vacant Commercial and Residential
West: CG – City-owned parking for City trail

UTILITIES: Applicant is responsible for extension of waterline down

Butcher Road to project site.
## PROJECT SUMMARY

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOT AREA</td>
<td>47,916 square feet</td>
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<tr>
<td>BUILDING FLOOR AREA</td>
<td>4,248 square feet</td>
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<tr>
<td>FLOOR AREA RATIO</td>
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<tr>
<td>BUILDING SETBACKS</td>
<td>Front: Proposed: 20' from future Butcher Road</td>
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<tr>
<td></td>
<td>Approved: 40' from future Butcher Road</td>
</tr>
<tr>
<td></td>
<td>Sides: 13' from western property line</td>
</tr>
<tr>
<td></td>
<td>Back: 20' to Laguna Creek top of stable bank (for garage/workshop building and open trellis structure); 40' to Laguna Creek top of stable bank (for greenhouses and store building)</td>
</tr>
<tr>
<td>BUILDING HEIGHT</td>
<td>Maximum: 40'-0&quot;</td>
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<tr>
<td></td>
<td>Trellis: 10'-2.5&quot;</td>
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<tr>
<td></td>
<td>Retail: 18'-3&quot;</td>
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<tr>
<td></td>
<td>Workshop: 16'-11&quot;</td>
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<tr>
<td>BUILDING MATERIALS</td>
<td>Exterior: Cement plaster siding, stone accents, stained wood siding, copper metal gutter, stained wood trim.</td>
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<tr>
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<td>Roofing: Tile</td>
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<tr>
<td>PARKING</td>
<td>Provided: 17 spaces approved</td>
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<tr>
<td></td>
<td>Required: 24 spaces under normal standards</td>
</tr>
<tr>
<td>ACCESS</td>
<td>Vehicular access to the site is a driveway off of Butcher Road. Truck access to the site is via a shared driveway to the west of the site on City property.</td>
</tr>
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## PROJECT DESCRIPTION

The project involves two requests: (1) an amendment to the I80/Alamo Drive Policy Plan regarding signs; and (2) a modification of the previously approved Planned Development regarding the building layout and design.

### Policy Plan Amendment- Planned Sign Program:

This project request is for a Planned Sign Program to allow for freeway signage for the proposed nursery use. The proposal is to allow a 65 foot high sign, with graphics depicting palm trees and with exposed neon lighting to accent colors used on the sign cabinet. The sign would consist of one circular shaped cabinet identifying the nursery name, approximately 225 square feet in area, one smaller cabinet of approximately 63 square feet identifying the types of products sold, and an approximately 112 square foot electronic message center sign with LED display graphics that would show images and different messages. The sign support structure would include a 3 foot wide support base texture coated and with a curved shape. The support structure would also include placement of small solar panels along the column that would provide some of the electric power for the sign. The sign base would include a secondary support trellis framework that would also accommodate vine plantings to grow on it. According to the applicant’s design concept, the sign is intended to provide an architectural appearance...
meant to reflect the theme of the proposed nursery use, would be a visually interesting feature at the western entry to the City and would, through the electronic message board, provide a facility that could be used to provide public service messages through the changeable copy message board (please see Attachment C, Proposed Sign Design Concept). The sign is designed to be visible to freeway traffic, thus resulting in the taller height since the property is located blow the level of the freeway.

The project requires an amendment to the Policy Plan because the sign is a freeway oriented sign for a use that is not included in the list of uses allowed to construct freeway signs as specified by the City’s Land Use & Development Code (Section 14.09.132.070.D.). The proposed sign exceeds the allowable area for individual freeway-oriented signs (400+ sq. ft. vs. 175 sq. ft.) and the allowable height (65 ft proposed vs. 25 ft. above the grade of the freeway)). The Land Use & Development Code permits certain uses, not including nursery uses, to have a freeway oriented sign. These uses are restaurant, service stations, hotels/motels, new vehicle sales, bars and lounges, recreation centers and outdoor commercial recreation, and retail centers of more than 80,000 square feet with individual tenant identification for those businesses with a floor area of more than 20,000 square feet.

The Policy Plan does allow for the potential of a freeway oriented sign if commercial parcels in Area V are integrated into a commercial center for purposes of signs. Otherwise, for the Butcher Road commercial area, the normal maximum sign height and size for individual businesses would be 25 square feet and 10 feet high for parcels with less than 100 feet of street frontage and 40 square feet and 15 feet high for parcels with more than 100 feet of street frontage. The nursery site has approximately 110 feet of street frontage on Butcher Road and thus would be permitted a freestanding sign of 40 square feet and 15 feet in height.

Planned Development Modification:

The project also includes a request to modify the approved building layout and design (Attachment D). The revised design includes a request to allow the front porch of the structure to extend to within 20 feet of the front property line, where 40 feet is the normal requirement. Under the Policy Plan, the decision-maker for a project may permit a reduction of the front setback to no less than 20 feet subject to findings that the lesser setback is compatible with other buildings in the area.

The building design has been modified to include a different architectural style with different materials including tile roofing, stucco and stone exteriors, and an arched porch structure wrapping around the main sales building. No additional reduction in parking is proposed for the project. The location of the buildings is similar in layout to the approved site plan, except that the for a revised building footprint and the addition of a covered porch around the main sales building which requires approval of the reduced front setback. The project will consist of three buildings, including a store, a greenhouse and a garage structure. The overall square footage of these buildings would increase by 89 square feet, including a slight increase in store area (+100 sq. ft.) and a slight reduction in greenhouse and workshop space (-111 sq. ft.).

PROJECT HISTORY

July 5, 2005 – The project (File No. 05-003) was approved by the Planning Commission (7-0).
August, 2006 – The project was granted a one-year time extension to the original approval. As final plans were being prepared, the applicant was unable to secure a shared driveway agreement with the adjoining residential parcel as originally anticipated. A revised driveway design was then approved with this time extension request.

September 2007 – The project was granted a Time Extension and Modification to provide for a revised plan (please see Attachment E, Planning Commission staff report 9/07). The project modification approval consisted of 3 buildings totaling approximately 2,448 square feet (1,800 square foot greenhouse, 1,200 square foot store, and a 1,248 square foot garage/workshop). There is also one 1,800 square foot open trellis structure. A total of 17 parking spaces were approved, including two compact stalls and one van accessible stall. The proposal also included the removal two additional trees compared to the original approval and thus would remove of 66% (33 out of 49) of Oak trees greater than 31 inches in circumference on the developable portion of the site. The proposal adjusted City development standards as follows: 1) to reduce the number of required parking spaces from 24 to 17; 2) to remove 33 Oak trees greater than 31 inches in circumference; 3) to construct two structures at 20 feet from the top of stable bank of Laguna Creek; and 4) to reduce the required 32 foot setback between commercial and residential zones to 16 feet for the garage/workshop building.

ANALYSIS

The applicant has been preparing final construction plans to submit for building permits and has grading permits under review by the City and by outside resource agencies. During this process, the applicant has been able to analyze the sign design criteria necessary to allow for visibility of the business from the freeway, as well as further refine the building design. The proposals under review for this project address sign needs and a further revision to the building design as described above. These issues are discussed below.

Planned Sign Program: The project is situated below the grade of the freeway and is screened by a number of trees growing in the freeway and adjacent Butcher Road right-of-way area. The combination of these factors reduce the visibility for this site which otherwise is located very close to the I-80 freeway travel lanes. The proposed sign is a unique design, including colorful graphics specific to the theme of the use, accent neon lighting and also including the use of an electronic message board for changeable messages.

However, the specific use, a retail nursery, is not one of the uses listed in the City's Sign Ordinance (14.09.139.070.D.) that are permitted to construct freeway oriented pylon signs. The exception to these standards in the past has been for commercial centers that allow for a limited number of individual tenants to be identified on a common sign, such as in the Nut Tree development where a single commercial complex was permitted to identify some retail tenants that are not otherwise permitted on freeway signs (i.e. some retail tenants with less than 20,000 square feet in floor area) and the Winco sign that includes identification of the downtown area. Signs incorporating changeable message boards have not been permitted, with the exception of the Auto Center sign near the auto mall use.

Therefore, for the nursery site, one freestanding sign, a maximum of 15 feet in height and 40 square feet in area is allowed. The applicant requests approval of a sign plan for the nursery site to allow a sign that is 65 feet in height, approximately 400 square feet in area and which includes an electronic message board as part of the message area. The requested exceptions
to the code are quite substantial in comparison to the normal allowances provided for in the City's sign ordinance.

The site is unusual in that it is small and not easily accessed because Butcher Road is a dead-end street. Additional site constraints include the fact that the elevation of the site is below the roadway grade of the freeway and the site is obscured from the freeway by a substantial amount of trees screening the property. Since no through traffic bypasses this area, the freeway provides the only real commercial exposure for these properties which are all zoned General Commercial and designated as a highway frontage use area in the Policy Plan. However, the site constraints were clearly recognized in the late 1980's when the Policy Plan was first adopted, since the Policy Plan document states that commercial exposure is limited for these properties and that they have marginal visibility. The following is excerpted from the Policy Plan:

**AREA V- Highway Frontage Use Area**

A. Description

This area is identified on the Policy Plan Land Use Map, Figure A and is the area visible along Highway 1-80 on Butcher Road bounded by the I-80 of-ramp, Area IV and Alamo Creek and Laurel Creek. This area is 5.0 acres. This area has marginal freeway visibility and will have extremely limited access as a result of the new freeway off-ramp alignment. Uses encouraged here are uses not dependent on highway access for their livelihood.

(Page 19 of the I-80 / Alamo Policy Plan, description of land use Area V)

There are two other commercial properties directly east of this site that also experience some of the same constraints regarding elevation differences and being screened from view by vegetation.

Staff believes that it would be inconsistent with previous sign programs to permit a single business freestanding sign of the size and scale proposed. Other Policy Plan areas have been allowed to have freeway signs that combine users on one sign in order to reduce the overall number of signs and prevent aesthetic impacts from multiple signs. This strategy is preferable over allowing individual parcels to have a taller individual business identification sign than is otherwise allowed by the Sign Ordinance. Therefore, the staff recommends the following strategy for a proposed freeway sign in the I-80/Alamo Policy Plan project area:

1) **Allow for the construction of a single freeway pylon sign within Area V of the Interstate 80 / Alamo Drive Policy Plan, provided that the sign is used to identify multiple commercial tenants within the commercial areas of the Policy Plan.**

This action would involve amending the Policy Plan to approve a single freeway oriented sign in the area governed by the Policy Plan. The sign would be designated to be located on the nursery site at the west end of Butcher Road. In order to include the nursery use as one of the allowable commercial tenants on the sign, the Policy Plan regulations would have to permit the allowance for a wider range of commercial uses to be on the sign than allowed by the Sign Ordinance. Retail tenants of at least 20,000 square feet have been permitted on freeway signs, with a few exceptions for tenants of smaller square footage. In the case of a nursery however, most of the retail display is
outside and so the actual building square footage is limited to the small store and greenhouse area. Therefore, the sign regulations would have to provide for nursery uses as an additional retail use allowable on freeway signs, in addition to the uses already permitted on freeway signs under section 14.09.132.070.D of the Sign Ordinance. Several other qualified uses exist within the Policy Plan in Areas I and II, including a gas station and three restaurant/food service uses on Alamo Drive. These use would potentially benefit from being able to locate on a sign with freeway visibility.

The size and height of the freeway sign should be limited to the provisions contained within the Sign Ordinance for freeway-oriented signs (Section 14.09.132.070.D.). Under these provisions the combined area of all signs on a multi-tenant sign can not exceed 325 square feet. The overall height of the sign can not exceed 60 ft., however, this is the maximum height permitted only when it can be demonstrated that the proposed sign's visibility is obscured by a freeway overcrossing or other obstruction from a viewing distance of one-quarter mile. If the sign is not obstructed then it's actual height may be below 60 feet. The standard sign height calculation allows a sign to be 25 feet above the elevation of the freeway or 35 feet above the elevation of the site, whichever is greater (14.09.132.070.D.5.). Also, under these provisions, for each additional business identified on the sign, the sign height may be increased by five (5) feet, up to a maximum of 60 feet.

Therefore, under the formula identified above, the applicant would be able to use a maximum of 175 square feet for the nursery use and would have an additional maximum of 150 square feet that could be potentially be divided between other users who may wish to locate on a sign panel. Approval under this strategy would require the applicant to revise the design of the sign to incorporate a design that would allow for at least two (2) other business panels. This action would then allow the applicant to negotiate directly with any qualified use within the Policy Plan commercial areas for their business to be identified on the sign. Qualified uses would be restaurants and eating establishments, service stations, new automobile sales, hotels & motels, bars & lounges, recreation centers & outdoor commercial recreation and large shopping centers of 80,000 square feet or more. This last use is unlikely at this time because the Policy Plan commercial areas (Attachment B) are primarily small parcels and uses. Staff would recommend that electronic message boards also not be permitted because these signs are not generally permitted by the ordinance and have only been approved for the Auto Mall use previously.

Finally, the design of the sign is fairly unique and targeted towards a specific user. It is unlikely that the design will be easily adaptable for a different tenant. The final design of the freeway oriented sign will need to incorporate design provisions for making it more adaptable for a different users should the nursery business leave the site along Butcher Road.

Therefore, staff believes that the alternative above could create an acceptable sign plan for this area of the Policy Plan in order to allow for improved visibility for some commercial properties that do not currently have good freeway visibility. The proposed amendment text would allow for the nursery site to have the potential for the combined user freeway sign in a way that more closely follows the types of sign plans approved in other Policy Plan areas around the City. The proposed Policy Plan Amendment text is attached as Attachment A.
Revised Building Layout: The project has been revised to combine the original plan for two greenhouse structures into one such structure, as also previously approved under a Modification for this project. This change results in a substantial change to the front setback, reducing the setback to 20 feet. This reduction may be approved by the project decision-maker, with findings that the reduced setback is compatible with the area and suitable for the site. The area will eventually develop with commercial uses. The site, and several others in the vicinity, is fairly small and unusually shaped and is constrained by the creek at the rear of the site. The revised building design incorporates an attractive design into the area and uses high quality materials such as stucco, stone and tile roofing. The porch feature which extends closer to the street adds an attractive design features to the structure and is considered compatible with the area. Two other commercial buildings in this area, the Butcher Road Micro Offices project and a medical office building, have been approved with setbacks of 21 and 25 feet respectively. This change does not result in substantial changes to the project design or layout since this structure is in substantially the same location as originally approved, and the revised building footprint does not result in greater tree removal than originally approved.

ENVIRONMENTAL REVIEW
The project received approval of a Mitigated Negative Declaration in 2006, which was reaffirmed with the project revision approved in September 2007. The project revision do not result in any changes to the environmental effects disclosed with the original Negative Declaration and will not result in any new or more severe environmental effects. The applicant has continued to prepare final construction plans to implement the project and is also currently awaiting approve from the State Department of Fish & Game for permits as required by the approval. A reaffirmation of the previous environmental documents is recommended.

RECOMMENDATION

That the Planning Commission adopt Resolution No. 08-059 reaffirming the Butcher Road Nursery Mitigated Negative Declaration and approving the Planned Development Modification and recommending that the City Council approve the I-80 / Alamo Policy Plan Amendment to incorporate a Planned Sign Program into Area V of the Policy Plan, for the Butcher Road Nursery project subject to the conditions of approval.

ATTACHMENTS:
Resolution & Conditions of Approval
Attachment A – Draft Policy Plan Amendment & Existing Policy Plan Language
Attachment B – Location / Zoning Map & Policy Plan Land Use Areas Map
Attachment C – Proposed Sign Design & Plan
Attachment D – Revised Site & Building Plans
Attachment E - Planning Commission Staff Report, September 2007
RESOLUTION NO. 08-132

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VACAVILLE REAFFIRMING THE MITIGATED NEGATIVE DECLARATION FOR THE BUTCHER ROAD NURSERY AND APPROVING THE PLANNED DEVELOPMENT MODIFICATION AND RECOMMENDING THAT THE CITY COUNCIL APPROVE A POLICY PLAN AMENDMENT ESTABLISHING A PLANNED SIGN PROGRAM FOR THE POLICY PLAN AREA V

WHEREAS, the Planning Commission of the City of Vacaville conducted a hearing on July 15, 2008, to consider a request for the Butcher Road Nursery Planned Development Modification relating to the following described property:

380 Butcher Road
(APN: 0127-070-010)

WHEREAS, the public hearing before the Planning Commission was duly noticed in accordance with applicable State law and the Vacaville Land Use and Development Code requirements; and,

WHEREAS, the application included a request for a Planned Development Modification for a commercial nursery; and,

WHEREAS, the Planning Commission received testimony from City staff, the applicant, and all other interested parties regarding the proposed project; and,

WHEREAS, all those in attendance desiring to be heard were given the opportunity to submit written or oral comments at this meeting; and

WHEREAS, the Planning Commission has received and considered the request to reaffirm the previously adopted Mitigated Negative Declaration and the Mitigation Monitoring Program for this project in accordance with the California Environmental Quality Act and finds:

1. That the activity is within the scope of the project covered by the previous Mitigated Negative Declaration;

2. That no new significant effects would occur or no new mitigation measures would be required;

3. That feasible mitigation measures or alternatives adopted with the previous mitigated negative declaration have been incorporated into the project approval; and

4. That the previous Mitigated Negative Declaration reflects the independent judgment of the City of Vacaville, acting as Lead Agency for the project; and

5. That no new environmental document would be required.

WHEREAS, the Planning Commission has reviewed the written record for this project and heard testimony regarding this proposal at a duly noticed public hearing. On the basis of the factual information, the Planning Commission approves the Planned Development Modification for the Butcher Road Nursery with the following findings:
1. That the proposed location of the planned development is in accordance with the goals, objectives, and policies of the General Plan, the Zoning Ordinance and the Development Code since the Policy Plan allows the decision-maker to reduce a front setback to 20 feet upon finding the reduction compatible for the area;

2. That the proposed location of the planned development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare;

3. That the proposed use will be compatible with the surrounding uses;

4. That the standards of density, site area and dimensions, site coverage, yard area, setbacks, distances between structures, off-street parking, off-street loading facilities and landscaping are generally compatible with the surrounding neighborhoods;

5. That adequate public facilities, including water, sewer and other facilities are available to serve the site or will be made available as a condition of approval to serve the proposed development, without adversely affecting the existing public facilities serving surrounding neighborhoods;

6. That projected traffic levels and levels of service are, or as a result of conditions of approval, will be consistent with the policies of the Transportation Element of the Vacaville General Plan;

7. That the proposed use of the site will not adversely affect the City’s ability to meet the goals of the Housing Element of the General Plan;

8. That the previously approved parking reductions will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

9. That the applicant cannot provide parking required by code because of the lesser number of spaces needed for this type of business, the site constraints and existing tree placement;

10. That the applicant cannot preserve more than 34% of the on-site Oak trees due to the type of business and proposed site layout. However, the removal of Oak trees will be mitigated with new Oak trees planted on-site or immediately adjacent to the site;

11. That the building setback reductions for the front porch area and for the previously approved garage/workshop building and the open trellis structure between Laguna Creek and the adjacent residential zone will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;
12. That the proposed changes to the project are of a nature that does not require a complete redesign and re-submittal of the original project.

13. That the proposed modifications are consistent with the original project and do not result in a lack of compliance with the development standards approved for the original project.

14. That the proposed modifications are consistent with the findings required for a planned development approval and that the proposed changes are consistent with the goals, objectives and policies of the General Plan, Zoning Ordinance and Development Code.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Vacaville does hereby approve the Planned Development Permit Modification and Reaffirms the Mitigated Negative Declaration and implement the Mitigation Monitoring Program for the Butcher Road Nursery, subject to the conditions of approval set forth in Exhibit A attached hereto and hereby incorporated by reference.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Planning Commission of the City of Vacaville does hereby recommends that the City Council approve the proposed Policy Plan Amendment to establish a planned sign program for the Policy Plan Area V commercial area at the western end of Butcher Road.

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular meeting of the Planning Commission of the City of Vacaville, held on the 15th day of July, 2008 by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

SCOTT D. SEXTON, Director of Community Development
EXHIBIT A
Conditions of Approval
Butcher Road Nursery
380 Butcher Road
Reaffirmation of Mitigated Negative Declaration
Planned Development Modification
File No. 08-059

I. Standard Conditions of Approval for Non-Residential Development:

1. Comply with all the Standard Conditions of Approval for Non-Residential Development except conditions 4, 33, 34, 36, & 38.

II. Project Specific Conditions:

PLANNING

1. This action approves a modification to previously approved plans in order to revise the building design as shown on the plans dated 11/17/07. The project shall be substantially in accord with these plans, except as modified by these conditions. The project consists of 3 buildings totaling approximately 4,300 square feet (1,784 square foot greenhouses, one 1,300 square foot store, one 1,153 square foot garage/production).

2. A minimum of 17 parking spaces shall be provided on-site, including one van accessible space and 2 compact parking spaces. No more than 40% of the total parking spaces may be compact parking spaces. All standard parking spaces shall be a minimum width of 9 feet and a minimum length of 20 feet. All compact parking spaces shall be a minimum width of 9 feet and minimum length of 16 feet.

3. This modification shall permit a front setback of 20 feet to the outside edge of the covered porch from the new front property line after improvement of Butcher Road.

4. The project shall comply with all previously approved conditions of approval and mitigation measures adopted for the project (please see attached conditions, Resolution 07-132), except as modified by the conditions above.
III. Standard Conditions of Approval for Non-Residential Development:

2. Comply with all the Standard Conditions of Approval for Non-Residential Development except conditions 4, 33, 34, 36, & 38.

IV. Project Specific Conditions:

PLANNING

5. This action approves a one year time extension for the construction of a new nursery facility at the western end of Butcher Road as identified on the plans dated April, 2007. The project consists of 3 buildings totaling 4,248 square feet (1,800 square foot greenhouses, one 1,200 square foot store, one 1,248 square foot garage/workshop) and one 1,800 square foot open trellis structure.

6. A minimum of 17 parking spaces shall be provided on-site, including one van accessible space and 2 compact parking spaces. No more than 40% of the total parking spaces may be compact parking spaces. All standard parking spaces shall be a minimum width of 9 feet and a minimum length of 20 feet. All compact parking spaces shall be a minimum width of 9 feet and minimum length of 16 feet. The length measurement may include a 2 foot overhang over the sidewalk or landscaping planter adjoining the parking lot.

7. All new landscaping shall comply with the Water Efficient Regulations. The final landscape and irrigation plans shall be submitted with the building permit submittal and are subject to review and approval by the City Planner and City Landscape Inspector.

8. Prior to obtaining building permits, the applicant shall submit a photometric plan. This plan shall comply with the Performance Standards of the Land Use and Development Code. Minimum lighting of 1 foot candles and a maximum 6 foot candles shall be provided on site. All lighting shall be shielded or placed as not to shine directly on adjoining properties or impact traffic on adjacent streets.

9. All signage requires a separate permit and shall comply with the Section 14.09.132 of the Land Use and Development Code. All signage is subject to review and approval by the City Planner.

10. A parking lot-shade plan shall be submitted and implemented which demonstrates that 50 percent of the parking lot will be shaded in 10 years.
11. Any change in use from a nursery shall require a separate application to be filed and approved by Planning Commission.

12. The applicant and development shall comply with these conditions of approval and all applicable provisions of the Vacaville Municipal Code (Zoning, Subdivision, Building Codes, etc.), Vacaville General Plan and any applicable policy or specific plan, as such provisions may be amended from time to time including, but not limited to, Vacaville Municipal Code Section 14.09.072.190, which requires the applicant to defend, indemnify, and hold harmless the City and its officials and employees in any action brought by a third party to overturn, set aside, or void any permit, entitlement, or approval.

13. Roof materials shall be tile, treated wood shake, 40-year or better architectural grade composition, or an equivalent approved by the Community Development Director. The decision-maker may specify the type of roof material(s) for the development in compliance with this standard.

14. The plans submitted for building/grading permits shall be in substantial compliance with the plans approved by this action, and dated April 2007 and under the original conditions dated August 23, 2005, except as modified by these revised conditions.

15. All trash containers shall be kept within an approved enclosure or otherwise screened from view, subject to review and approval by the City Planner. The enclosure, if needed, shall be located at the side of the building and shall be screened by landscaping. Materials, design, and location of the trash enclosure are subject to review and approval by the City Planner. All dumpsters or trash containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved automatic sprinkler system. The refuse collection service provider shall be consulted to ensure that adequate space is provided to accommodate collection and sorting of putrescible solid waste as well as source-separated recyclable materials generated by the proposed commercial building within this project prior to building permit. The Developer shall install enclosed trash collection areas on concrete pad surface to the satisfaction of the Director of Community Development.

16. All roof and ground mounted equipment and/or vents shall be screened subject to review and approval by the City Planner.

17. The project shall comply with the Land Use and Development Code, the Interstate 80 and Alamo Drive Policy Plan, and City Gateways Design Master Plan landscape standards.

18. Wrought iron style fencing shall be used for any perimeter fencing. All fencing is subject to review and approval by the City Planner.

19. The development shall comply with the City's Creekways Policy as adopted by Resolution 1989-J-5 or any subsequent update. This includes provisions for a 40 foot easement from the top of stable bank along the major creeks for the purposes
of maintenance and public access. The garage/workshop building and the open trellis structure shall be allowed to encroach up to 20 feet into the 40 foot easement provided that the applicant bears all responsibility for the repair and/or replacement of damaged structures due to creek overflow or maintenance activities.

16. This action approves the removal of 66% (33 out of 49) of Oak trees greater than 31 inches in circumference on the developable portion of the site as shown on plans dated April 16, 2007. Three of these Oak trees are within the area to be dedicated for the future Butcher Road improvements, and three of these Oak trees are labeled as diseased.

17. Mitigation will be required for Oak trees with trunks greater than 10 inches in diameter. One 24-inch box Valley Oak tree species shall be planted for any Oak tree removed with a diameter of 10 inches to 19 inches, and two 24-inch box Valley Oak tree species shall be planted for any Oak tree removed with a diameter of 20 inches or greater. The replacement Valley Oak trees shall be located on site, or immediately to the west of the site. The applicant shall provide an irrigation system or water source to the replacement Valley Oak trees for a minimum of three years. Replacement tree locations shall be identified on the plans submitted for building permits. The number and location of the replacement trees is subject to review and approval by the Community Services Director, the City Engineer, the City Planner, and the Parks Superintendent. Tree preservation, mitigation measures, and a tree protection plan shall be identified on the plans submitted for building permits.

18. The applicant shall provide an on-site driveway from Butcher Road as shown on the plans submitted with this action and dated April 16, 2007.

19. The applicant shall list the City of Vacaville on their commercial insurance policy.

20. The applicant shall comply with the mitigation measures as outlined in the Draft Mitigated Negative Declaration and Mitigation Monitoring Program prepared for this project.

21. The developer shall submit for review and approval by the Director of Community Development proposed colors and/or a materials board for all buildings prior to the issuance of Building Permits.

22. The building setbacks are as follows. These setbacks are subject to approval by the City Planner and Engineer.
   - Front: 40' to the future Butcher Road
   - Side: 16' to eastern property line
   - Back: 20' to Laguna Creek top of stable bank (for garage/workshop building and open trellis structure); 40' to Laguna Creek top of stable bank (for greenhouses and store building)

23. The applicant and development shall comply with these conditions of approval and all applicable provisions of the Vacaville Municipal Code (Zoning, Subdivision, Building Codes, etc.), Vacaville General Plan and any applicable policy or specific plan, as such provisions may be amended from time to time including, but not limited to, Vacaville Municipal Code Section 14.09.072.190, which requires the applicant to
defend, indemnify, and hold harmless the City and its officials and employees in any action brought by a third party to overturn, set aside, or void any permit, entitlement, or approval.
FIRE DEPARTMENT

The following Fire Code conditions apply to the subject project:

Water Supply

24. The on-site water supply shall comply with the adopted City Water Master Plan.

25. An approved water supply capable of supplying the required fire flow for on-site fire protection shall be provided to all premises upon which buildings are constructed. When any portion of buildings protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Fire Marshal.

26. An approved water supply capable of supplying the required fire flow for fire protection shall be provided for this project. Private on-site fire hydrants and mains capable of supplying 4,500 gallons per minute @ 20 p.s.i. residual pressure shall be provided in approved locations. On-site fire hydrants shall be located so vehicle travel is no greater than 300 ft. between hydrants.

27. All fire hydrants shall be "Rich 960" or equal with two 2-1/2" and one 4-1/2" connections. Each hydrant shall have its own separate shut off valve located on the lateral adjacent to the hydrant. Curbs shall be painted red for a length of twelve (12) feet in front of each hydrant. Each hydrant shall have a blue reflective "Fire Light" hydrant spotter located in the street or driveway just off of centerline towards the hydrant.

28. Fire hydrants are to be installed by the developer and made serviceable prior to and during the time of construction.

29. Provide fire hydrants that meet City standards. Public fire hydrants located along the public street frontage shall be spaced no greater than 300 Ft. between hydrants. (Hillside, High Density and Commercial).

30. Every building shall be accessible to Fire Department apparatus by way of access roadways during the time of construction.

Access

31. Access roads shall be provided to the front and rear of structures and shall have a minimum unobstructed width of 20 feet. A minimum vertical clearance of 13 feet 6 inches shall be provided. Access roads shall be engineered to support the imposed load of the apparatus which is typically 20 tons and shall be designed per the City Public Work's Department Standards. An access road shall be provided to within 150 feet of all exterior walls of the first floor of the building/s. The route of the access road shall be approved by the Fire Department. Dead-end access roads in excess of 150 feet in length shall be provided with an approved means for turning around the apparatus.

32. **NO PARKING - FIRE LANE** areas must be provided in accordance with the approved building permit plans.
33. The developer shall provide the Fire Marshal with a site plan drawing showing proposed access roads during construction and a detail drawing of the roadway cross section. This plan must be approved by the fire Marshal before any permit is issued.

**Knox Boxes**

34. An acceptable emergency access key box (Knox Model 1300) shall be located to the right side of the main entrance, no higher than 6' from the ground. *This key box shall be easily visible and accessible to the Fire Department. A Knox sticker shall be affixed on the door adjacent to the Knox Box.*

35. Obtain a Knox application from the Fire Administrative offices.

**Permits**

36. Obtain permits from the Fire Prevention Bureau for appropriate items on the City's current Fee Schedule. *A special permit for use of fire hydrants for construction water shall be obtained from the Public Works Department.*

37. All shell buildings must have final Fire Department approval before occupancy.

38. All buildings must have Fire Department approval before any tenant employees can be allowed in the building or before any stocking can be done.

**Premises Identification**

39. Approved numbers or ADDRESSES shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Address numbers may also be required on rear doors.

40. Provide fire extinguishers of the type and size as determined by the Fire Department.

**DEVELOPMENT ENGINEERING/TRAFFIC/UTILITIES/MAINTENANCE**

**General**

41. **Standard Conditions of Approval.** Developer shall comply with all applicable City of Vacaville Standard Conditions of Approval (Attachment A). In the event of a conflict between the Standard Conditions of Approval and these Conditions, these conditions shall prevail.

42. **Topography Boundary Survey Map.** The Developer shall furnish the City, a copy of the current title report and a copy of a Topography / Boundary Survey of the property prepared by a licensed land surveyor or civil engineer authorized to practice land surveying in the State of California showing the recorded project boundary lines and all recorded easements, existing contours and drainage lines, swales, creeks and structures shall be submitted to the City for review prior to building permit. The Developer shall also show on the drawing the location of all existing easements, street right of way and driveways on both sides of the public street a minimum of 200
feet from the property and show all striping in the City street for reference to the City. Additional survey elevations and cross sections of Laguna Creek and the stable top of bank needs to be drawn per City requirements of being 2:1 from the edge of water or lowest point of the Creek added to the survey. This will affect the location of the proposed workshop/garage, parking and soil bins and other site structures and will need to be moved to comply with City creek setback requirements of 40 feet from the stable top of bank, unless otherwise noted in the Planning Division conditions.

Site Improvement And Grading

43. Site Access and Site Plan.

a. The Developer shall prepare a fully dimensioned site plan for review and approval by the Director of Community Development, Director of Community Services and City Engineer prior to building permit. The plan shall include a 24 foot minimum width one-way or 36 feet width maximum two-way commercial driveway, a minimum 30 foot throat distance from the proposed street face of curb to the nearest curb parking space, and show adequate site parking, drive isles, and site circulation for standard vehicles and for City fire emergency equipment to get in and maneuver around the site and the neighboring City parking lot to the satisfaction of the Fire Marshall, City Engineer and Building Official.

b. The City will grant a 25’ wide access easement through the existing City parking lot located west of the site in the Lagoon Valley City Park provided that the Developer pay for cost of installing a 25’ wide paved access road (min. 3.5” AC, 7.5” AB) from the access gate to the public street for the City to incorporate into the park parking area.

c. The Developer shall install gates at all access points into the interior of the nursery to stop vehicles from normally driving and parking in the City lot instead of parking on the site. The developer shall hold the City harmless for access across City property.

d. The Developer shall spread pavement grindings across the City parking areas adjacent to the paved access aisle noted in item b. above in an amount and location pursuant to an interim parking lot plan subject to the approval of the City Engineer and the Director of Community Services. The grinding materials shall be provided by the City. The amount of area surfaced with this material shall be at least equivalent to the amount of parking spaces eliminated by the construction of the paved access aisle, estimated to be approximately 12 – 15 parking spaces. The site shall be prepared by the applicant (i.e. graded and cleared) as part of the interim parking lot plan. This work shall be accomplished concurrently with the project development.

44. Site Grading and Drainage Plan. The Developer shall provide a grading and drainage plan with building finish floor, pavement and top of curb elevations of the parking lot, buildings, pavement, and drainage swales of the site prior to building permit. The Developer shall show on the grading plan that the site drains to a filtering system or grassy swale or detention basin area to allow for filtering or cleaning of fertilizers or chemicals to be filtered out of the water prior to release of storm water into the creek. The developer shall construct a proper drainage outfall from the site to the creek by a pipe and outfall or other approved method not to
create further erosion or potential instability of embankment of the creek. This plan shall show the 100-year water surface of the creek and show that the building finish floor meets City flood control requirements. All storm water collected through all on site and off site pavements shall be collected into drainage inlets or drainage swales. The City of Vacaville does not allow normal on-site drainage flows to cross sidewalks of public streets in a 10 year or less drainage storm event. This flow must be collected and piped to an approved drainage system. Non-storm water discharges to the storm drain are prohibited unless approved by the Director of Public Works. Non-storm water discharges include, but are not limited to discharges from the washing of motorized vehicles or trailers. The Developer shall show that garbage trucks can negotiate the turns required to access the trash enclosure, empty the dumpsters, and exit the site. The Developer shall show the building setbacks on the site plan. Any future storage of plant or landscape materials, or storage of pesticides or other chemicals shall drain to a separate drainage inlets that are be able to filter or clean the water/drainage of all impurities in accordance with the City storm water permit and city regulations.

45. Creek Drainage Easement and Overland Release. The Developer shall dedicate a drainage easement to the City the width of Laguna Creek (from top of stable bank) plus 40 feet from stable top of bank and provide an overland release easement across the south boundary of the site and determine the edge of stable bank within the dedicated 40-ft. wide creek set back and drainage easement to the City per City ordinance prior to building permit. The location of the top of stable bank line is subject to approval by the City Engineer. The overland release shall be in the form of a depressed area sufficient to carry the overland flow as determined by the City's Drainage consultant/engineer, and the building pads for the site shall be 1 ft. minimum above the hydraulic grade line of the overland flow. The developer shall also grant a drainage and access easement and to the City for water draining from the City right of way through the site to the Creek to ensure the ability of City to access the creek in the event of blockage of the creek. The owner of the property shall be responsible for maintenance of the creek vegetation and slopes. The final map shall include a note that the property owner is financially and physically responsible for the repair and/or replacement of damaged structures located within 40 feet of the stable top of bank.

46. Removal of Obstructions. The Developer shall preserve as many trees as possible and remove only those trees that are necessary for the new improvements to be constructed, as approved by the City and/or for public safety, as directed by the Director of Community Development and Director of Public Works. The developer shall prepare a tree removal plan for review and approval by the City prior to building permit.

47. Butcher Road Frontage Improvements. Because of the irregular shape of the existing right-of-way on Butcher Road, the Developer shall offer to the City an irrevocable offer of dedication, minimum 15 to 25 feet wide of additional right-of-way along the project frontage of Butcher Road to create a total final Butcher Road street right-of-way of 60 feet wide per the City collector street standards prior to building permit. The City will accept such offer only when the street widening improvements are ready to be constructed. The Developer shall either pay the City or the adjacent Developer a fair share portion of the frontage improvements to reconstruct the new
street including new pavement, curb, gutter and sidewalk to the configuration of typical 60' wide City Standard collector street with 40' wide curbs that transitions into a dead end turn around with a new City parking lot in accordance with the Lagoon Valley Park master plan, to the satisfaction of the Director of Public Works and City Engineer. The Developer shall install the needed driveway to the site and to neighboring properties to adequately transition the new road improvements to the satisfaction of the City Engineer and Director of Public Works. In the event that the end of the street is being reconstructed by the City or neighboring Lagoon Valley Development this Developer will pay his fair share for the cost of design and construction of the improvements and enter into a deferred improvement agreement for cost of the frontage improvements until such improvements are constructed by the City or neighboring developer.

48. Pavement Design. The Developer shall submit a Geotechnical report of the project with a pavement design of the proposed pavement section by registered Soils Engineer in the State of California prior to site and grading plan approval for review and approval by the Building Department and City Engineer prior to building permit or comply with the City's "Off-Street Parking and Loading" pavement requirements. The Developer shall install pavement in all parking areas, driveways and all other areas shown on the approved site plan to the satisfaction of the Community Development Director. Concrete curbs shall be installed at all edges of all landscape planter areas. The developer shall install a Detail 33 center line strip of Butcher Road along the entire project frontage.

49. ADA Requirements/Handicap Ramps. The Developer shall install new handicap ramps at all sidewalks within the site in accordance with all current State ADA requirements and City of Vacaville Standards to the satisfaction of the Building Official Works prior to occupancy. All new driveways shall meet current ADA requirements prior to occupancy.

50. Driveways. The Developer shall install City Standard Commercial Driveway at shared access point on Butcher Road prior to occupancy. City sight distance standards shall be met for design speed of 40 mph on Butcher Road. The Developer shall install a 24" R1 "Stop" signs at driveways to the public street, and any additional striping as needed as defined by the City Traffic Engineer or City Engineer shall be installed prior of occupancy.

51. Damage/Repairs. The Developer shall repair all damaged pavement, existing curb and gutter along the project street frontage of project to the satisfaction of the Director of Public Works or City Engineer prior to occupancy. The Developer shall replace any landscaping improvements or street improvement damage caused by the installation and construction of the project site and utility services to the satisfaction of the Director of Community.

52. Retaining Walls. Where finished grade of the property is in excess of 12 inches higher or lower than the abutting property or adjacent grade, and an appropriate slope is not feasible, a concrete or masonry block retaining wall or other suitable solution acceptable to the Director of Community Development shall be required to be constructed prior to occupancy. All retaining walls over 12" high shall be shown
on the project grading plans for review and approval by the City Engineer prior to starting grading operations.

53. Trash Enclosure. The Developer shall provide trash enclosure for all buildings located on the site and evidence that garbage trucks can negotiate the turns to access the trash enclosure, empty the dumpsters and exit the site prior to building permit.

Water, Sanitary Sewer And Storm Drain

54. Utility Plan. The Developer shall prepare a Utility plan of the site showing the location and layout of all utilities that will need to be constructed to serve the site (water, fire, sewer, storm drain, electrical, gas, telephone, Internet etc.) prior to building permit. The plan shall show all proposed utilities and connections points to the City and other utilities and how many services will be needed and show all proposed easements. The Developer shall submit this utility plan for review and approval by the City Engineer and Director of Public Works prior to building permit and construct all utilities per City and standard plumbing and building codes. The plan shall show how each of the proposed structures will be served with water, sanitary sewer, electrical, gas, telephone, and other utilities. The plan shall show the existing facilities of each utility will connect into with invert elevations and connection points in Butcher Road and show all lines to the site buildings for review and approval by the City. The developer shall construct all improvements shown on the plan prior to occupancy.

55. Storm Drain System. The Developer shall design and install all needed storm drain lines and structures in order to handle the drainage of the entire parcel per the newest City or County drainage design criteria and specifications to the satisfaction of the City Engineer prior to occupancy of any building. Submitted with the storm design is hydrology and hydraulic calculations of 10 year event by a registered Civil engineer in the State of California showing that the hydraulic grade line of a 10 year storm event does not exceed the 1 feet 6 inches below the top of the curb on the site and the 100 year event can adequately drain into near by City streets with out disturbing the building pad and surrounding properties. The site drainage system must not surface drain directly into the public right of way or creek with out being piped and connected directly into the approved storm drain lines unless approved by the City Engineer and Director of Public Works. Included in the site hydraulic and hydrology study, the Developer shall prepare a drainage calculations of the ultimate needed storm drain lines to the nearest City acceptable storm drain line or creek connection points located at the southeast corner of the site and demonstrate that the additional drainage flows from the developed site will not cause flooding or damage to existing properties downstream of the development. If a new storm drain outfall is required than the developer shall obtain the necessary permits from the Army Corps of Engineers and other permitting agencies.

56. State Regional Water Quality Control Board. Prior to issuance of a building permit, the developer shall demonstrate to the City Engineer and Director of Public Works, that the proposed development meets the requirements of the City of Vacaville MS4/Phase II storm water general permit and corresponding design standards as issued by the State Regional Water Quality Control Board. The Developer shall install and demonstrate to the City Engineer and Director of Public
Works that the project development meets the requirements of the State Regional Water Quality Control Board’s "Best Management Practices" to mitigate storm water pollution and erosion at anytime during construction, and any City of Vacaville ordinances in effect at the time of improvement plan approval. The Developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for this project prior to start of construction. The developer may be required to file a notice of intent to obtain a general industrial storm water permit with the Regional water quality control board following construction.

57. **Sewer.** The Developer shall connect all proposed site buildings into the City sewer system and provide the City with sewer flow calculations demonstrating that the proposed site is with in these limits of capacity of the system prior to building permit. The Developer shall pay all current sewer impact fees at the issuance of building permit. The applicant is encouraged to call Alan Wilcox at (707) 469-6400 for a sewer impact fee estimate.

58. **Floor Drains.** The Developer shall install sanitary sewer floor drains only in restrooms and janitor room mop sinks unless otherwise approved by the Director of Public Works and Building Department. All sanitary floor drains shall be covered and not accept surface water drainage. Any additional sewer lines to future fixtures or uses shall be adequately capped and subject to review and approval by the Planning, Public Works Utilities and Building Departments prior to building permit.

59. **Pretreatment.** No direct connections to the storm drain are permitted for the Nursery. Connections to sanitary sewer system from the Nursery are permitted with the area fully covered and graded to prevent storm water inflow. Conveyance of storm water to detention basins and/or blind sumps is permitted. Developer must meet the "Design Standards Applicable to All Categories" as specified in Attachment 4, Section B2 of the City of Vacaville's Phase II Stormwater Permit on all on site improvements.

60. **Water.** Since there are two City water transmission lines along the project frontage, the existing 18" water transmission main in Butcher Road can supply a reduced maximum fire flows of 3,500 gpm at 20 psi minimum residual pressure and 10 fps maximum velocity as required by Vacaville Fire marshal for this specific use. The Developer shall construct a fire hydrant with in the public right of way and a water lateral from the existing 18" water transmission main per City Specifications to the satisfaction of the City Engineer and Director of Public Works and sized to meet fire flow and domestic water for this specific use prior to occupancy. The on-site fire protection, public hydrant and domestic water system shall tie directly into this new water lateral from the 18" City transmission main so there is only one connection to the City transmission main. All review of the on site fire protection system is the responsibility of the Vacaville Fire Department. Backflow requirements shall be met through approved devices located at the right of way and shall be screened to the satisfaction of the City Engineer. The developer shall pay all current City water service connection fees prior to building permit.

**Miscellaneous**

61. **Under-grounding of Overhead Utilities.** Per the City Development code, the developer shall underground all overhead utilities across the project frontage of a
Public right of way Butcher Road or pay for the City the equivalent cost to be included in a deferred improvement agreement the cost of undergrounding the frontage to the City prior to occupancy. Then the City would pay for the line when the whole public street is under-grounded.

62. **Landscape Plan.** The Developer shall submit a landscaping and irrigation plan for landscaping improvement along Butcher Road for approval by the Community Development Director and the City Engineer prior to building permit. The Developer shall submit a fencing plan for approval by the Community Development Director and City Engineer and construct necessary fencing that surrounds the site.

63. **Irrigation Water.** Any new irrigation water service, shall be designed, and constructed in accordance with Vacaville criteria, standards and specifications to the satisfaction of the Director of Public Works prior to occupancy.

64. **Construction Coordination.** The developer shall construct all infrastructure improvements in a timely manner in accordance with overall approved project infrastructure improvement schedule by the City and coordinated with all parties affected prior to occupancy. If in the event that certain infrastructure improvements are need to be constructed for the convenience and protection of the existing land owners or residences or the general public, the developer shall install all such improvements parties as defined by the City Engineer and cooperatively work with all parties involved and have certain house keeping measures in place in a timely manner for the benefit all affected. At the start of the project the developer shall inform the City inspectors when each infrastructure improvements will be installed and what housekeep measures will be in place during construction and coordinated with surrounding developments. The developer shall also construct temporary improvements during construction for the convenience and coordination of those existing residences or businesses. In the event that needed improvements or temporary improvements are not constructed or not properly maintained, the City has the right to hold back building permits, inspections, or occupancy approvals or stop construction until such needed improvements are constructed or housekeeping conditions are improved to the satisfaction of the City Engineer, Building official or Director of Public Works.

65. **Existing Assessment and Benefit Districts.** The Developer shall be subject to the future established Butcher Road Benefit District fees and obligations for the construction of a looped water line and other improvements with in Butcher Road if these improvements are constructed prior to construction of the above specified project. The Developer shall also be subject to any and all Landscape and Lighting districts established fees and obligations for maintenance of landscaping and lighting in the area. For all improvements to the constructed in the public right of way that other parcels will receive benefit the developer can form a benefit district to receive some reimbursement from utilities or street installed that benefit other parcels.
STANDARD CONDITIONS OF APPROVAL FOR NON-RESIDENTIAL DEVELOPMENT
(Conditional Use Permits, Design Review)

CODE & POLICY REQUIREMENTS - Not Subject to Modification through Conditional Use Permit or Design Review

CURRENT PLANNING

1. The development shall comply with all applicable provisions of the Vacaville Municipal Code (Zoning, Subdivision, Building Codes, etc.), Vacaville General Plan and any applicable policy or specific plan.

2. All signs are subject to design review approval and require a separate sign permit. The required sign plan(s) shall indicate sign location, size, height, materials, colors, lighting, and other pertinent information required to insure conformance with the provisions of Section 17.48 of the Municipal Code.

3. An avigation easement, in a form acceptable to the Community Development Director, shall be dedicated prior to the issuance of any building permits. The easement shall provide for the right of aircraft overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations. The easement shall be in accordance with the Nut Tree Airport Compatibility District.

4. The development shall comply with the City's Creekways Policy as adopted by Resolution 1989-J-5 or any subsequent update. This includes provisions for the dedication of 40 feet from the top of stable bank along the major creeks for the purposes of maintenance and public access.

5. All parking spaces shall comply with standards for adequate depth, width, and turning radius as set forth in Chapter 17.36 of the Zoning Code and comply with the Parking and Loading Design Guidelines.

6. All parking and parking lot/building access shall comply with the California State Accessibility Standards (Title 24, CCR: California Building Code).

7. No building permit shall be issued unless:
   - Fire Chief reviews and finds site/building plans conform to Uniform Fire Code.
   - Building Official reviews and finds compliance with Ordinance 15.28, Uniform Building Code and all adopted Appendix Chapters as amended and stated in Title 15 of the City of Vacaville Municipal Code.

8. All landscaping shall comply with the City's Water Efficient Landscaping Regulations.

9. The development shall comply with City Building Security Ordinance 15.28.
10. No development shall commence construction until the developer receives a building permit and pays all applicable fees paid, including development impact fees in accordance with Chapter 11 of the Vacaville Municipal Code.

11. Prior to any grading activity, a grading permit shall be issued and all applicable fees paid.

12. A building permit will not be issued unless all plans are consistent with the provisions of the Zoning Ordinance and/or the Development Code, Title 14, as applicable, and all conditions of approval.

13. In case of exceptional circumstance, the Community Development Director shall be authorized to defer completion of on-site improvements past the date of occupancy of the proposed facility provided that the developer enter into a Deferred Improvement Agreement with the City of Vacaville and provided that the developer post with the city of Vacaville adequate securities to ensure completion of such deferred improvements.

14. Modifications to the approved plans may be approved by the Community Development Director in accordance with Resolution No. 1989-S-3.

15. Should archaeological remains or artifacts be encountered during any phase of construction, land alteration work in the general vicinity of the find shall be halted and a qualified archaeologist and the Community Development Director shall be notified immediately. Work on the project shall not be resumed until a mitigation plan with adequate measures for site protection is reviewed and approved by the Community Development Director.

16. Submittal of plans, studies, and other information is the sole responsibility of the property owner and designee.

17. Failure of the project applicant to comply with the conditions of approval may result in revocation of the project approval.

**DEVELOPMENT ENGINEERING/TRAFFIC/UTILITIES**

18. All proposed public improvements shall conform to the City Standard Specifications as adopted September 11, 1990. These improvements (including sewer and water services) shall be shown on the building permit plans and must be approved by the City Engineer prior to the issuance of a building permit.

19. The developer shall not commence any work within the public right-of-way or construct any public improvements until the City Engineer issues and encroachment permit. The developer will provide a deposit for the improvements and pay Plan Check and Inspection Fees in accordance with Ordinance 1053.

20. The developer shall post a construction clean-up deposit in accordance with Resolution 1986-F-5.
21. The developer is required to install a backflow prevention assembly in accordance with Ordinance 1406 (unless specified otherwise by the City Engineer). One assembly is required for the domestic water service, an additional assembly may be required if an on-site fire system is required by the Fire Department. If the Fire Department requires pumper connections, then the backflow device for the fire system shall be a Double Detector Check Valve per City Standards.

22. Sight distance at the driveways intersecting public street, shall conform to Section 3-09(A) Intersection Sight Distance, and Standard Drawing 3-03(A) of the Vacaville Standard Specifications. Special attention shall be given to note 1 and 2 on Standard Drawing 3-03(A). This may affect the location of any monument signs and landscaping, walls etc.

23. The site shall be graded such that storm water from the project is discharged from the site into an approved public drainage facility. No increase in runoff will be allowed from this project onto an adjacent property unless adequate private easements have been established. Design of on-site drainage is subject to review and approval by the City Engineer.

24. Any broken or cracked sidewalk in the public right-of-way adjoining the subject property which could, in the opinion, of the City Engineer, be a tripping hazard, shall be removed and replaced prior to the final occupancy of the building.

25. All commercial driveways shall be 36 foot maximum depressed curb driveways unless otherwise specified by the City Traffic Engineer.

26. On developments of 5 acres or greater, the project proponent shall file a "Notice of Intent" with the Regional Water Quality Control Board (RWQCB) and shall prepare a Storm Water Pollution Prevention Plan (SWPPP and Monitoring Program). Questions regarding these requirements should be directed to the Utilities Division at (707) 449-6263.

27. The applicant shall submit an Indemnification Agreement, Environmental Questionnaire Disclosure Statement and Assessment of Environmental Conditions for a Real Estate Transaction (Level I) in a format acceptable to the City Engineer for any dedicated right-of-way or other property acquired by the City as a result of this project. The City will not accept dedication of any right-of-way until evidence to the satisfaction of the City Engineer is provided that the site meets applicable standards and is not contaminated.

STANDARD CONDITIONS - Conditions Routinely Required for Project Proposals

28. Final (construction) architectural drawings, site plan, landscape plan, and sign drawings shall be submitted for review and approval by the Community Development Director prior to the issuance of any building permits. Plans shall be in substantial compliance with those approved with action and dated May 23, 2005 except as modified by the conditions of approval.

29. The paving and drainage details of all driveway and parking areas shall be included in the final construction plans for Building Permits and designed in accordance with the
soils engineering report, subject to review and approval by the Building Official and/or City Engineer.

30. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building, and when screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The Community Development Director may approve exceptions for solar equipment. All screening is subject to review and approval by the Community Development Director.

The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows:

- communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction;

- all building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.

31. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the Community Development Director. Double detector check valves and reduced pressure devices 3 inches and larger shall comply with the following requirements:

A. Backflow devices shall be screened on three sides with the side facing the street or driveway left open for visibility and access. Screening shall include dense landscaping and/or a low wood or masonry wall matching adjacent buildings. See the attached list for suggested plant materials.

B. The backflow device and any visible materials such as insulation shall be painted an industry standard gloss green #A-430814056 or an approved equivalent.

C. Backflow devices shall not be located in the sight triangle adjacent to the driveway.

D. Backflow devices shall be shown on the landscape/irrigation plans submitted for City review.

E. Backflow devices shall comply with the City Standard Specifications and Park Planning Drawings 1-4.

32. Plans submitted for Building Permits shall indicate the exact location and design of all exterior lighting fixtures. All lighting shall be shielded or placed such that it does not shine directly on any adjoining properties or impact traffic on adjacent streets. Lighting shall be subject to the approval of the Director of Community Development.
33. A photometrics plan shall be required for the proposed lighting. Minimum lighting of one (1) foot candle and a maximum six (6) foot candles shall be provided on the site.

34. The Community Development Director and Vacaville Sanitary Service shall approve the design and location of each enclosure. All trash bins shall be stored within approved trash enclosures. The enclosure shall also include a separate pedestrian walk in access.

35. The developer shall provide adequate, accessible, and convenient areas for the collection and loading of recyclable materials. Collection and loading areas shall be located adjacent to trash enclosures when practical and shall contain adequate area to accommodate the recyclable waste generated by the development. All recyclable materials areas shall be accessible by collection vehicles. The Community Development Director shall approve the design and location of each collection and loading area.

36. The developer shall comply with the City’s Trip Reduction Ordinance (Ordinance 1472), and any subsequent amendments. For major projects or structural expansion of existing development occupied by 100 or more employees, the following is required: designate a Transportation Coordinator; develop a Transportation Management Plan (TMP) for review and approval by the City prior to the issuance of building permits; provide facilities to post information; coordinate with transit and rideshare agencies; and record approved TMP. For minor projects or structural expansion of existing development occupied by 25-99 employees, the following is required: provide facilities to post information; and coordinate with transit and rideshare agencies. Additional information may be obtained from the Public Works Department at 449-5170.

37. The project approval is granted for a period of one year ** from the effective date of approval. Unless a building permit is issued and the improvement of the site is diligently pursued or completed prior to the expiration of one year, the approval shall lapse and become void. A one year extension may be considered by the original decision-maker, provided that prior to the expiration date an application for renewal of the project is filed with the Community Development Director. **(Approval shall be for two years if processed concurrently with a Tentative Map.)

38. The developer shall submit for review and approval by the Director of Community Development proposed colors and/or a materials board prior to the issuance of Building Permits.

39. Hours of noise producing construction shall be from 7:00 a.m. to 6:00 p.m., Monday through Saturday. Construction activities shall conform to the following standards:

A. there shall be no start-up of machines or equipment, no delivery of materials or equipment, no cleaning of machines or equipment and no servicing of equipment except during the permitted hours of construction;

B. radios played at high volume, loud talking and other forms of communication constituting a nuisance shall not be permitted; and

C. there shall be no construction on Sundays or legal holidays. Exceptions to these time restrictions may be granted by the Community Development Director for one of the following reasons: (1) inclement weather affecting work; (2)
emergency work; or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors so as to constitute a nuisance. The Community Development Director must be notified and must approve the work in advance.
ATTACHMENT A
DRAFT POLICY PLAN AMENDMENT
I-80/ALAMO POLICY PLAN
PLANNED SIGN PROGRAM – LAND USE AREAS I, II & V

Page 7, Area I

11. Signs:
   d. Qualifying uses within Area I are permitted to locate on a multi-user freeway sign
      located within Policy Plan Land Use Area V, subject to the requirements contained
      in that Section (Area V, Signs, Section 6. e.).

Page 11, Area II

11. Signs:
   d. Qualifying uses within Area I are permitted to locate on a multi-user freeway sign
      located within Policy Plan Land Use Area V, subject to the requirements contained
      in that Section (Area V, Signs, Section 6. e.).

Page 19, Area V

6. Signs:
   a. Signs shall comply with the applicable regulations set forth in the City Zoning
      Ordinance, Chapter 14.09.132. However, modifications of these provisions may
      be permitted with the approval of the Planning Director as provided in item c
      below.

   b. Special event signing - Temporary signing may be provided for a limited period of
      time as a means of publicizing special events such as “coming soon” or “grand
      opening” in accordance with Section 14.09.132 of the City Zoning Ordinance and
      subject to approval of the Planning Director.

   c. A planned sign program should be developed if parcels are assembled into an
      integrated commercial center.

   d. The purpose of all signs should be to identify the business or service, reduce
      confusion for the motorist or pedestrian, enhance the facade of the buildings, and
      be consistent with the quality of the architecture. Every attempt should be made to
      prevent excessive and confusing sign displays especially those that may create a
      hazard for the approaching motorist.

   e. A planned sign program is established to permit a single, multi-user freeway-
      oriented sign for qualified users within the Policy Plan area and includes the
      following provisions:

      i. A single freeway-oriented pylon sign may be constructed on the westerly
         parcel within this development area (Area V) for the purpose of identifying
         certain qualifying businesses within Policy Plan Land Use Areas I, II, and
         /or V.
ii. The multi-user sign shall provide space for a minimum of three (3) separate users. A single-use pylon sign is not permitted by this program.

iii. Qualifying uses for placement on the sign structure shall be those listed in Section 14. 09.132.070.D.2. of the Land Use & Development Code, or commercial nursery uses located within Area V of the Policy Plan.

iv. The pylon sign height and area shall be determined in accordance with Section 14.09.132.070.D of the Land Use & Development Code. The business located on the same site as the freeway-oriented sign may use up to 175 square feet of this area, with the remaining square footage to be available for qualifying uses as noted above. The site containing this pylon sign is not permitted any other freestanding sign.

v. The final design of the freeway pylon sign shall (1) incorporate the panels for multiple users at the time of construction, (2) incorporate design provisions that allow the freeway-oriented sign to be adaptable for a variety of different users, (3) shall not incorporate a changeable copy message board, and (4) shall be subject to the review and approval of the City Planner prior to issuance of building permits.
CITY OF VACAVILLE

INTERSTATE 80 & ALAMO DRIVE
POLICY PLAN

City of Vacaville
Community Development Department
650 Merchant Street
Vacaville, CA 95688
(707) 449-5140

revised August 1998
City of Vacaville Planning and Building Departments. March 8, 2008

Application for freestanding on-site permanent message center pylon sign plan of Dale Motiska for Palm Island Nursery Outlet, 360 Butcher Road, Vacaville, Ca. See attached design plans. Design by Young Electric Sign Company, Sacramento Branch.

www.yesco.com

Explanations of design:

1. This sign plan coordinates a unified design to the architectural statement and theme of the Palm Island Nursery Outlet

2. This sign encourages higher design quality that enhances the current approved standards. This quality is reflected in the overall quality of the Palm Island Nursery Outlet development.

3. The geographic exposure of the location, without traffic at the end of Butcher Road, only lends itself to the exposure of the freeway which is elevated 15’ above the site.

4. This sign is the gateway to the City of Vacaville and shows the enhanced quality of the community at large. When approached from the west this sign is also at the gateway to the entire Sacramento Valley and shows the enhanced quality of the entire region to newcomers.

5. This sign will be the only one of its kind to the southwest of the Alamo exit interchange bridge along the freeway and can have shared usage with the other businesses in the southwest Alamo and Highway 80 commercial district.

6. There is no visual signage clutter on Butcher Road.

7. This sign does not visually block anything.

8. This sign will generate revenue and economic vitality to the City of Vacaville for years to come.

9. This sign will be used for valuable public service messages such as an “Amber Alert”.

10. This sign will be a welcome magnet to stop and shop in Vacaville.

11. This is the only sign that can properly locate the Palm Island Nursery Outlet because of the geographic orientation of the site.

12. This sign is literally “green” as it incorporates a trellis with an evergreen flowering violet trumpet vine (Clytostoma callistegioides).

13. This sign will set the standard for signs of the future as it will be energy producing as well as using. It will be mounted with eight BP Solar panels on the south facing (back side) between the insides of the faux palm trunk. Each panel is 62.8” X 31.1”. Each of the eight panels will produce 155.2 watts and 35.2 volts. The total peak production will be 1,241.6 watts being sent back into the grid.

14. Young Electric Sign Company is the top sign design and manufacturing company in California and beyond. Their skill and experience gives them a standard of excellence beyond compare.

15. Quality advertisement is the basis of success for Palm Island Nursery Outlet as well as the City of Vacaville.
**Project: PALM ISLAND**

**NURSERY OUTLET**

**Owner:** Dale Motiska

**Phone:** (707) 447-7079

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**PG&E to provide 200 Amp service meter.**

Property owner reserves the right to evaluate sub-contracting all excavation, pole installation and underground conduit installation.

All work is to be coordinated following PG&E guidelines and specifications.

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**PROJECT GOALS**

Palm Island is set out to be an extraordinary plant nursery striving to offer one of the largest selections of high quality tree plants, and gardening related products, complete with extensive plant information.

The location will provide a main 1800 Sq Ft store and a 1784 Sq Ft greenhouse to serve the general public, providing a large assortment of plants.

The 1113 Sq Ft Garage space will serve for vehicle storage, employees' break room and additional storage.

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**DRAWING INDEX**

1. Site Plan
2. Store Elevation Side View
3. Store Floor Plan
4. Garage Plan
5. Electrical Plan
6. Mechanical Plan
ATTACHMENT E

CITY OF VACAVILLE PLANNING COMMISSION
STAFF REPORT

Agenda Item No. G.1
September 18, 2007

Staff Contact:
Fred Buderi
(707) 449-5307

TITLE: BUTCHER ROAD NURSERY PLANNED DEVELOPMENT MODIFICATION & TIME EXTENSION

REQUEST: TO CONSTRUCT A NURSERY FACILITY WITH FOUR BUILDINGS AND ONE OPEN TRELLIS STRUCTURE

RECOMMENDED ACTION: TO REAFFIRM THE PREVIOUS MITIGATED NEGATIVE DECLARATION AND APPROVE THE PLANNED DEVELOPMENT MODIFICATION AND TIME EXTENSION SUBJECT TO THE CONDITIONS OF APPROVAL

APPLICATION INFORMATION

APPLICATION(S): Reaffirmation of the Mitigated Negative Declaration Planned Development Modification to an Approved Project & Time Extension

FILE NO.: 07-132
APPLICANT: Dale Motiska
PROPERTY OWNER: Dale Motiska

PROPERTY INFORMATION

LOCATION: 380 Butcher Road
ASSESSOR'S PARCEL NUMBER: 0127-070-010
SITE AREA: 1.10 acres
GENERAL PLAN DESIGNATION: CG – General Commercial
ZONE: CG – General Commercial
CURRENT LAND USE: Vacant Site
ADJACENT ZONING & USE:
North: I-80
South: RM – Residential
East: CG and RH – Vacant Commercial and Residential
West: CG – City-owned parking for City trail

UTILITIES: Applicant is responsible for extension of waterline down Butcher Road to project site.
PROJECT SUMMARY

LOT AREA: 47,916 square feet
BUILDING FLOOR AREA: 4,248 square feet
FLOOR AREA RATIO: 0.15
BUILDING SETBACKS:
   Front: 40’ from future Butcher Road
   Sides: 16’ from eastern property line
   Back: 20’ to Laguna Creek top of stable bank (for garage/workshop building and open trellis structure); 40’ to Laguna Creek top of stable bank (for greenhouses and store building)
BUILDING HEIGHT:
   Maximum: 40’-0”
   Trellis: 10’-2.5”
   Retail: 18’-3”
   Workshop: 16’-11”
BUILDING MATERIALS:
   Exterior: Cement plaster siding, stained wood siding, copper metal gutter, stained wood trim
   Roofing: Asphalt composition shingles
PARKING:
   Provided: 17 spaces
   Required: 24 spaces
ACCESS:
   Vehicular access to the site is a driveway off of Butcher Road. Truck access to the site is via a shared driveway to the west of the site on City property.

PROJECT DESCRIPTION

This project proposal is for a one-year time extension to the original approval which allowed the construction of a new nursery facility at the end of Butcher Road and a modification to the original site design to address a revised driveway access design when compared with the original approval from July 2005. The project consists of 3 buildings totaling approximately 2,448 square feet (1,800 square foot greenhouse, 1,200 square foot store, and a 1,248 square foot garage/workshop). There would also be one 1,800 square foot open trellis structure. A total of 17 parking spaces are proposed, including two compact stalls and one van accessible stall. The proposal also includes the removal two additional trees compared to the original approval and thus would remove of 66% (33 out of 49) of Oak trees greater than 31 inches in circumference on the developable portion of the site. The proposal includes a request for four adjustments to City development standards: 1) to reduce the number of required parking spaces from 24 to 17; 2) to remove 33 Oak trees greater than 31 inches in circumference; 3) to construct two structures at 20 feet from the top of stable bank of Laguna Creek; and 4) to reduce the required 32 foot setback between commercial and residential zones to 16 feet for the garage/workshop building.
PROJECT HISTORY

May 17, 2005 - The project (File No. 05-003) was originally scheduled for this Planning Commission hearing. The project was continued at the applicant's request to allow more time for site plan revisions.

June 7, 2005 - The project was continued by the Planning Commission to allow Planning Staff additional time to research environmental issues and to propose mitigation measures. The Planning Commission Staff Report has been attached as Exhibit D.

July 5, 2005 - The project was approved by the Planning Commission (7-0). The staff report has been attached as Exhibit C.

August, 2006 - The project was granted a one-year time extension to the original approval. As final plans have been prepared, the applicant has been unable to secure a shared driveway agreement with the adjoining residential parcel as originally anticipated. A revised driveway design is proposed.

ANALYSIS

The applicant has been preparing final construction plans to submit for building permits. During this process, the project has been unable to secure the shared driveway agreement that was originally anticipated for the project's access off of Butcher Road. A revised project design, placing the driveway fully on the subject site, has been prepared and requires approval as a modification to the original design approval. The modification issues are discussed below.

Driveway Design and Location: This adjustment has resulted from the inability of the applicant and the adjacent land owner to come to agreement on the original plan for a shared driveway. The applicant has redesigned the project to place the project's access driveway entirely on the project site. The redesign is in accordance with City design standards. A five-foot wide landscaped space will be provided on the east side of the site with this redesign. The redesign does alter the tree impacts of the project (see below). Staff supports the project redesign to accommodate the driveway on-site.

Tree Removal: The redesign of the driveway and parking aisle impacts two additional trees with trunk circumference of 31 inches or greater. This change, if approved, would require additional tree mitigation as part of the project construction. The applicant has agreed to increase their mitigation planting as required by the adopted mitigation measures. Staff supports this proposed change in the project design.

Revised Building Layout: The project has been revised to combine the original plan for two greenhouse structures into one such structure. This change does not result in substantial changes to the project design or layout since this structure is in substantially the same location as originally approved, and the revised building footprint does not result in greater tree removal than originally approved.

Revised Design Requirements for Shared Access through City Park Site: The approved project allows the applicant to connect their truck access driveway through the site of the Butcher Road Trail parking area. This parking area is currently unpaved and unmarked, but is used by persons who walk on the trail toward Lower Lagoon Valley. The original project conditions (Condition #43) allowed the applicant to connect his site to this parking lot in order to provide a paved path for circulation of delivery trucks from the site back to Butcher Road. The applicant is required to pave this drive aisle
through the City land and add the City to his insurance policy for liability purposes. The City and applicant have met to review more detailed designs for this paved aisle and agreed on several adjustments to the original condition that will ensure that this pavement is compatible with the City's long term plans for a full parking area in this location. The revised requirements, proposed as part of this modification request, would require the applicant to pave the 25 foot wide drive aisle as planned and would have the applicant also spreading an interim surfacing material (pavement grindings) on the adjacent earth to provide a better parking surface. The City will provide this pavement grinding material and the applicant will install it as part of their work on the project. This change will result in an improved surface for park users to park on, and will lessen the chance for damage to the paved areas from vehicles driving across the edges of the pavement onto dirt parking. The applicant would provide pavement markings to indicate that there is no parking allowed on the paved drive aisle area. The amount of area to receive the pavement grindings surface will at least equal the number of parking spaces provided on the dirt area now. The applicant is in agreement with this change.

RECOMMENDATION

That the Planning Commission adopt Resolution No. 07-132 reaffirming the Butcher Road Nursery Mitigated Negative Declaration and approve the Planned Development Modification and Time Extension application for the Butcher Road Nursery project subject to the conditions of approval.

ATTACHMENTS: Exhibit A – Conditions of Approval
Exhibit B – Location / Zoning Map & Revised Site Plans
Exhibit C – Planning Commission Staff Report July 5, 2005
Exhibit D – Planning Commission Staff Report June 7, 2005
(Includes Mitigated Negative Declaration and Mitigation Monitoring Program)
RESOLUTION NO. 07-132

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VACAVILLE
REAFFIRMING THE MITIGATED NEGATIVE DECLARATION FOR THE BUTCHER ROAD
NURSERY AND APPROVING THE PLANNED DEVELOPMENT MODIFICATION AND TIME
EXTENSION

WHEREAS, the Planning Commission of the City of Vacaville conducted a hearing on September 18, 2007, to consider a request for the Butcher Road Nursery Planned Development Time Extension relating to the following described property:

380 Butcher Road
(APN: 0127-070-010)

WHEREAS, the public hearing before the Planning Commission was duly noticed in accordance with applicable State law and the Vacaville Land Use and Development Code requirements; and,

WHEREAS, the application included a request for a Planned Development Modification and Time Extension for a commercial nursery; and,

WHEREAS, the Planning Commission received testimony from City staff, the applicant, and all other interested parties regarding the proposed project; and,

WHEREAS, all those in attendance desiring to be heard were given the opportunity to submit written or oral comments at this meeting; and

WHEREAS, the Planning Commission has received and considered the request to reaffirm the previously adopted Mitigated Negative Declaration and the Mitigation Monitoring Program for this project in accordance with the California Environmental Quality Act and finds:

1. That the activity is within the scope of the project covered by the previous Mitigated Negative Declaration;

2. That no new significant effects would occur or no new mitigation measures would be required;

3. That feasible mitigation measures or alternatives adopted with the previous mitigated negative declaration have been incorporated into the project approval; and

4. That the previous Mitigated Negative Declaration reflects the independent judgment of the City of Vacaville, acting as Lead Agency for the project; and

5. That no new environmental document would be required.

WHEREAS, the Planning Commission has reviewed the written record for this project and heard testimony regarding this proposal at a duly noticed public hearing. On the basis of the factual information, the Planning Commission approves the Planned Development Modification and Time Extension for the Butcher Road Nursery with the following findings:
1. That the proposed location of the planned development is in accordance with the goals, objectives, and policies of the General Plan, the Zoning Ordinance and the Development Code;

2. That the proposed location of the planned development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare;

3. That the proposed use will be compatible with the surrounding uses;

4. That the standards of density, site area and dimensions, site coverage, yard area, setbacks, distances between structures, off-street parking, off-street loading facilities and landscaping are generally compatible with the surrounding neighborhoods;

5. That adequate public facilities, including water, sewer and other facilities are available to serve the site or will be made available as a condition of approval to serve the proposed development, without adversely affecting the existing public facilities serving surrounding neighborhoods;

6. That projected traffic levels and levels of service are, or as a result of conditions of approval, will be consistent with the policies of the Transportation Element of the Vacaville General Plan;

7. That the proposed use of the site will not adversely affect the City's ability to meet the goals of the Housing Element of the General Plan;

8. That the parking reductions will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

9. That the applicant cannot provide parking required by code because of the minimal number of spaces needed for this type of business, and to minimize the removal of on-site Oak trees;

10. That the applicant cannot preserve more than 34% of the on-site Oak trees due to the type of business and proposed site layout. However, the removal of Oak trees will be mitigated with new Oak trees planted on-site or immediately adjacent to the site; and

11. That the building setback reductions for the garage/workshop building and the open trellis structure between Laguna Creek and the adjacent residential zone will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

12. That the proposed changes to the project are of a nature that does not require a complete redesign and resubmittal of the original project.

13. That the proposed modifications are consistent with the original project and do not result in a lack of compliance with the development standards approved for the original project.

14. That the proposed modifications are consistent with the findings required for a planned development approval and that the proposed changes are consistent with the goals, objectives and policies of the General Plan, Zoning Ordinance and Development Code.
NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City Vacaville
does hereby approve the Planned Development Permit Modification and Time Extension and the
Mitigated Negative Declaration and implement the Mitigation Monitoring Program for the Butcher Road
Nursery, subject to the conditions of approval set forth in Exhibit A attached to this resolution.

I HEREBY CERTIFY that the foregoing resolution was introduced and passed at a regular
meeting of the Planning Commission of the City of Vacaville, held on the 18th day of September, 2007
by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

_____________________________________________
SCOTT D. SEXTON, Director of Community Development
EXHIBIT A
Conditions of Approval
Butcher Road Nursery
380 Butcher Road
Reaffirmation of Mitigated Negative Declaration
Planned Development Time Extension
File No. 07-132

I. Standard Conditions of Approval for Non-Residential Development:

1. Comply with all the Standard Conditions of Approval for Non-Residential Development except conditions 4, 33, 34, 36, & 38.

II. Project Specific Conditions:

PLANNING

1. This action approves a one year time extension for the construction of a new nursery facility at the western end of Butcher Road as identified on the plans dated April, 2007. The project consists of 3 buildings totaling 4,248 square feet (1,800 square foot greenhouses, one 1,200 square foot store, one 1,248 square foot garage/workshop) and one 1,800 square foot open trellis structure.

2. A minimum of 17 parking spaces shall be provided on-site, including one van accessible space and 2 compact parking spaces. No more than 40% of the total parking spaces may be compact parking spaces. All standard parking spaces shall be a minimum width of 9 feet and a minimum length of 20 feet. All compact parking spaces shall be a minimum width of 9 feet and minimum length of 16 feet. The length measurement may include a 2 foot overhang over the sidewalk or landscaping planter adjoining the parking lot.

3. All new landscaping shall comply with the Water Efficient Regulations. The final landscape and irrigation plans shall be submitted with the building permit submittal and are subject to review and approval by the City Planner and City Landscape Inspector.

4. Prior to obtaining building permits, the applicant shall submit a photometrics plan. This plan shall comply with the Performance Standards of the Land Use and Development Code. Minimum lighting of 1 foot candles and a maximum 6 foot candles shall be provided on site. All lighting shall be shielded or placed as not to shine directly on adjoining properties or impact traffic on adjacent streets.

5. All signage requires a separate permit and shall comply with the Section 14.09.132 of the Land Use and Development Code. All signage is subject to review and approval by the City Planner.

6. A parking lot shade plan shall be submitted and implemented which demonstrates that 50 percent of the parking lot will be shaded in 10 years.

7. Any change in use from a nursery shall require a separate application to be filed and approved by Planning Commission.
8. The applicant and development shall comply with these conditions of approval and all applicable provisions of the Vacaville Municipal Code (Zoning, Subdivision, Building Codes, etc.), Vacaville General Plan and any applicable policy or specific plan, as such provisions may be amended from time to time including, but not limited to, Vacaville Municipal Code Section 14.09.072.190, which requires the applicant to defend, indemnify, and hold harmless the City and its officials and employees in any action brought by a third party to overturn, set aside, or void any permit, entitlement, or approval.

9. Roof materials shall be tile, treated wood shake, 40-year or better architectural grade composition, or an equivalent approved by the Community Development Director. The decision-maker may specify the type of roof material(s) for the development in compliance with this standard.

10. The plans submitted for building/grading permits shall be in substantial compliance with the plans approved by this action, and dated April 2007 and under the original conditions dated August 23, 2005, except as modified by these revised conditions.

11. All trash containers shall be kept within an approved enclosure or otherwise screened from view, subject to review and approval by the City Planner. The enclosure, if needed, shall be located at the side of the building and shall be screened by landscaping. Materials, design, and location of the trash enclosure are subject to review and approval by the City Planner. All dumpsters or trash containers with an individual capacity of 1.5 cubic yards or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved automatic sprinkler system. The refuse collection service provider shall be consulted to ensure that adequate space is provided to accommodate collection and sorting of putrescible solid waste as well as source-separated recyclable materials generated by the proposed commercial building within this project prior to building permit. The Developer shall install enclosed trash collection areas on concrete pad surface to the satisfaction of the Director of Community Development.

12. All roof and ground mounted equipment and/or vents shall be screened subject to review and approval by the City Planner.

13. The project shall comply with the Land Use and Development Code, the Interstate 80 and Alamo Drive Policy Plan, and City Gateways Design Master Plan landscape standards.

14. Wrought iron style fencing shall be used for any perimeter fencing. All fencing is subject to review and approval by the City Planner.

15. The development shall comply with the City's Creekways Policy as adopted by Resolution 1989-J-5 or any subsequent update. This includes provisions for a 40 foot easement from the top of stable bank along the major creeks for the purposes of maintenance and public access. The garage/workshop building and the open trellis structure shall be allowed to encroach up to 20 feet into the 40 foot easement provided that the applicant bears all responsibility for the repair and/or replacement of damaged structures due to creek overflow or maintenance activities.

16. This action approves the removal of 66% (33 out of 49) of Oak trees greater than 31 inches in circumference on the developable portion of the site as shown on plans dated April 16, 2007. Three of these Oak trees are within the area to be dedicated for the future Butcher Road improvements, and three of these Oak trees are labeled as diseased.
17. Mitigation will be required for Oak trees with trunks greater than 10 inches in diameter. One 24-inch box Valley Oak tree species shall be planted for any Oak tree removed with a diameter of 10 inches to 19 inches, and two 24-inch box Valley Oak tree species shall be planted for any Oak tree removed with a diameter of 20 inches or greater. The replacement Valley Oak trees shall be located on site, or immediately to the west of the site. The applicant shall provide an irrigation system or water source to the replacement Valley Oak trees for a minimum of three years. Replacement tree locations shall be identified on the plans submitted for building permits. The number and location of the replacement trees is subject to review and approval by the Community Services Director, the City Engineer, the City Planner, and the Parks Superintendent. Tree preservation, mitigation measures, and a tree protection plan shall be identified on the plans submitted for building permits.

18. The applicant shall provide an on-site driveway from Butcher Road as shown on the plans submitted with this action and dated April 16, 2007.

19. The applicant shall list the City of Vacaville on their commercial insurance policy.

20. The applicant shall comply with the mitigation measures as outlined in the Draft Mitigated Negative Declaration and Mitigation Monitoring Program prepared for this project.

21. The developer shall submit for review and approval by the Director of Community Development proposed colors and/or a materials board for all buildings prior to the issuance of Building Permits.

22. The building setbacks are as follows. These setbacks are subject to approval by the City Planner and Engineer.
   - Front: 40’ to the future Butcher Road
   - Side: 16’ to eastern property line
   - Back: 20’ to Laguna Creek top of stable bank (for garage/workshop building and open trellis structure); 40’ to Laguna Creek top of stable bank (for greenhouses and store building)

23. The applicant and development shall comply with these conditions of approval and all applicable provisions of the Vacaville Municipal Code (Zoning, Subdivision, Building Codes, etc.), Vacaville General Plan and any applicable policy or specific plan, as such provisions may be amended from time to time including, but not limited to, Vacaville Municipal Code Section 14.09.072.190, which requires the applicant to defend, indemnify, and hold harmless the City and its officials and employees in any action brought by a third party to overturn, set aside, or void any permit, entitlement, or approval.
FIRE DEPARTMENT

The following Fire Code conditions apply to the subject project:

**Water Supply**

24. The on-site water supply shall comply with the adopted City Water Master Plan.

25. An approved water supply capable of supplying the required fire flow for on-site fire protection shall be provided to all premises upon which buildings are constructed. When any portion of buildings protected is in excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the Fire Marshal.

26. An approved water supply capable of supplying the required fire flow for fire protection shall be provided for this project. Private on-site fire hydrants and mains capable of supplying 4,500 gallons per minute @ 20 p.s.i. residual pressure shall be provided in approved locations. On-site fire hydrants shall be located so vehicle travel is no greater than 300 ft. between hydrants.

27. All fire hydrants shall be "Rich 960" or equal with two 2-1/2" and one 4-1/2" connections. Each hydrant shall have its own separate shut off valve located on the lateral adjacent to the hydrant. Curbs shall be painted red for a length of twelve (12) feet in front of each hydrant. Each hydrant shall have a blue reflective "Fire Light" hydrant spotter located in the street or driveway just off of centerline towards the hydrant.

28. Fire hydrants are to be installed by the developer and made serviceable prior to and during the time of construction.

29. Provide fire hydrants that meet City standards. Public fire hydrants located along the public street frontage shall be spaced no greater than 300 ft. between hydrants. *Hillside, High Density and Commercial*.

30. Every building shall be accessible to Fire Department apparatus by way of access roadways during the time of construction.

**Access**

31. Access roads shall be provided to the front and rear of structures and shall have a minimum unobstructed width of 20 feet. A minimum vertical clearance of 13 feet 6 inches shall be provided. Access roads shall be engineered to support the imposed load of the apparatus which is typically 20 tons and shall be designed per the City Public Work’s Department Standards. An access road shall be provided to within 150 feet of all exterior walls of the first floor of the building/s. The route of the access road shall be approved by the Fire Department. Dead-end access roads in excess of 150 feet in length shall be provided with an approved means for turning around the apparatus.

32. **NO PARKING - FIRE LANE** areas must be provided in accordance with the approved building permit plans.

33. The developer shall provide the Fire Marshal with a site plan drawing showing proposed access roads *during construction* and a detail drawing of the roadway cross section. This plan must be approved by the fire Marshal before any permit is issued.
**Knox Boxes**

34. An acceptable emergency access key box (Knox Model 1300) shall be located to the right side of the main entrance, no higher than 6' from the ground. *This key box shall be easily visible and accessible to the Fire Department. A Knox sticker shall be affixed on the door adjacent to the Knox Box.*

35. Obtain a Knox application from the Fire Administrative offices.

**Permits**

36. Obtain permits from the Fire Prevention Bureau for appropriate items on the City's current Fee Schedule. *A special permit for use of fire hydrants for construction water shall be obtained from the Public Works Department.*

37. All shell buildings must have final Fire Department approval before occupancy.

38. All buildings must have Fire Department approval before any tenant employees can be allowed in the building or before any stocking can be done.

**Premises Identification**

39. Approved numbers or ADDRESSES shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Address numbers may also be required on rear doors.

40. Provide fire extinguishers of the type and size as determined by the Fire Department.

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**DEVELOPMENT ENGINEERING/TRAFFIC/UTILITIES/MAINTENANCE**

**General**

41. **Standard Conditions of Approval.** Developer shall comply with all applicable City of Vacaville Standard Conditions of Approval (Attachment A). In the event of a conflict between the Standard Conditions of Approval and these Conditions, these conditions shall prevail.

42. **Topography Boundary Survey Map.** The Developer shall furnish the City, a copy of the current title report and a copy of a Topography / Boundary Survey of the property prepared by a licensed land surveyor or civil engineer authorized to practice land surveying in the State of California showing the recorded project boundary lines and all recorded easements, existing contours and drainage lines, swales, creeks and structures shall be submitted to the City for review prior to building permit. The Developer shall also show on the drawing the location of all existing easements, street right of way and driveways on both sides of the public street a minimum of 200 feet from the property and show all striping in the City street for reference to the City. Additional survey elevations and cross sections of Laguna Creek and the stable top of bank needs to be drawn per City requirements of being 2:1 from the edge of water or lowest point of the Creek added to the survey. This will affect the location of the proposed workshop/garage, parking and soil bins and other site structures and will need to be moved to comply with City creek setback requirements of 40 feet from the stable top of bank, unless otherwise noted in the Planning Division conditions.
Site Improvement And Grading

43. Site Access and Site Plan.
   a. The Developer shall prepare a fully dimensioned site plan for review and approval by
      the Director of Community Development, Director of Community Services and City
      Engineer prior to building permit. The plan shall include a 24 foot minimum width one-
      way or 36 feet width maximum two-way commercial driveway, a minimum 30 foot throat
      distance from the proposed street face of curb to the nearest curb parking space, and
      show adequate site parking, drive isles, and site circulation for standard vehicles and for
      City fire emergency equipment to get in and maneuver around the site and the
      neighboring City parking lot to the satisfaction of the Fire Marshall, City Engineer and
      Building Official.
   b. The City will grant a 25' wide access easement through the existing City parking lot
      located west of the site in the Lagoon Valley City Park provided that the Developer pay
      for cost of installing a 25' wide paved access road (min. 3.5"AC, 7.5" AB) from the
      access gate to the public street for the City to incorporate into the park parking area.
   c. The Developer shall install gates at all access points into the interior of the nursery to
      stop vehicles from normally driving and parking in the City lot instead of parking on the
      site. The developer shall hold the City harmless for access across City property.
   d. The Developer shall spread pavement grindings across the City parking areas adjacent
      to the paved access aisle noted in item b. above in an amount and location pursuant to
      an interim parking lot plan subject to the approval of the City Engineer and the Director
      of Community Services. The grinding materials shall be provided by the City. The
      amount of area surfaced with this material shall be at least equivalent to the amount of
      parking spaces eliminated by the construction of the paved access aisle, estimated to
      be approximately 12 – 15 parking spaces. The site shall be prepared by the applicant
      (i.e. graded and cleared) as part of the interim parking lot plan. This work shall be
      accomplished concurrently with the project development.

44. Site Grading and Drainage Plan. The Developer shall provide a grading and drainage
     plan with building finish floor, pavement and top of curb elevations of the parking lot,
     buildings, pavement, and drainage swales of the site prior to building permit. The
     Developer shall show on the grading plan that the site drains to a filtering system or grassy
     swale or detention basin area to allow for filtering or cleaning of fertilizers or chemicals to
     be filtered out of the water prior to release of storm water into the creek. The developer
     shall construct a proper drainage outfall from the site to the creek by a pipe and outfall or
     other approved method not to create further erosion or potential instability of embankment
     of the creek. This plan shall show the 100-year water surface of the creek and show that
     the building finish floor meets City flood control requirements. All storm water collected
     through all on site and off site pavements shall be collected into drainage inlets or drainage
     swales. The City of Vacaville does not allow normal on-site drainage flows to cross
     sidewalks of public streets in a 10 year or less drainage storm event. This flow must be
     collected and piped to an approved drainage system. Non-storm water discharges to the
     storm drain are prohibited unless approved by the Director of Public Works. Non-storm
     water discharges include, but are not limited to discharges from the washing of motorized
     vehicles or trailers. The Developer shall show that garbage trucks can negotiate the turns
     required to access the trash enclosure, empty the dumpsters, and exit the site. The
     Developer shall show the building setbacks on the site plan. Any future storage of plant or
     landscape materials, or storage of pesticides or other chemicals shall drain to a separate
     drainage inlets that are be able to filter or clean the water/drainage of all impurities in
     accordance with the City storm water permit and city regulations.
45. **Creek Drainage Easement and Overland Release.** The Developer shall dedicate a drainage easement to the City the width of Laguna Creek (from top of stable bank) plus 40 feet from stable top of bank and provide an overland release easement across the south boundary of the site and determine the edge of stable bank within the dedicated 40-ft. wide creek set back and drainage easement to the City per City ordinance prior to building permit. The location of the top of stable bank line is subject to approval by the City Engineer. The overland release shall be in the form of a depressed area sufficient to carry the overland flow as determined by the City's Drainage consultant/engineer, and the building pads for the site shall be 1 ft. minimum above the hydraulic grade line of the overland flow. The developer shall also grant a drainage and access easement and to the City for water draining from the City right-of-way through the site to the Creek to ensure the ability of City to access the creek in the event of blockage of the creek. The owner of the property shall be responsible for maintenance of the creek vegetation and slopes. The final map shall include a note that the property owner is financially and physically responsible for the repair and/or replacement of damaged structures located within 40 feet of the stable top of bank.

46. **Removal of Obstructions.** The Developer shall preserve as many trees as possible and remove only those trees that are necessary for the new improvements to be constructed, as approved by the City and/or for public safety, as directed by the Director of Community Development and Director of Public Works. The developer shall prepare a tree removal plan for review and approval by the City prior to building permit.

47. **Butcher Road Frontage Improvements.** Because of the irregular shape of the existing right-of-way on Butcher Road, the Developer shall offer to the City an irrevocable offer of dedication, minimum 15 to 25 feet wide of additional right-of-way along the project frontage of Butcher Road to create a total final Butcher Road street right-of-way of 60 feet wide per the City collector street standards prior to building permit. The City will accept such offer only when the street widening improvements are ready to be constructed. The Developer shall either pay the City or the adjacent Developer a fair share portion of the frontage improvements to reconstruct the new street including new pavement, curb, gutter and sidewalk to the configuration of typical 60’ wide City Standard collector street with 40’ wide curbs that transitions into a dead end turn around with a new City parking lot in accordance with the Lagoon Valley Park master plan, to the satisfaction of the Director of Public Works and City Engineer. The Developer shall install the needed driveway to the site and to neighboring properties to adequately transition the new road improvements to the satisfaction of the City Engineer and Director of Public Works. In the event that the end of the street is being reconstructed by the City or neighboring Lagoon Valley Development this Developer will pay his fair share for the cost of design and construction of the improvements and enter into a deferred improvement agreement for cost of the frontage improvements until such improvements are constructed by the City or neighboring developer.

48. **Pavement Design.** The Developer shall submit a Geotechnical report of the project with a pavement design of the proposed pavement section by registered Soils Engineer in the State of California prior to site and grading plan approval for review and approval by the Building Department and City Engineer prior to building permit or comply with the City's "Off-Street Parking and Loading" pavement requirements. The Developer shall install pavement in all parking areas, driveways and all other areas shown on the approved site plan to the satisfaction of the Community Development Director. Concrete curbs shall be installed at all edges of all landscape planter areas. The developer shall install a Detail 33 center line strip of Butcher Road along the entire project frontage.
49. ADA Requirements/Handicap Ramps. The Developer shall install new handicap ramps at all sidewalks within the site in accordance with all current State ADA requirements and City of Vacaville Standards to the satisfaction of the Building Official prior to occupancy. All new driveways shall meet current ADA requirements prior to occupancy.

50. Driveways. The Developer shall install City Standard Commercial Driveway at shared access point on Butcher Road prior to occupancy. City sight distance standards shall be met for design speed of 40 mph on Butcher Road. The Developer shall install a 24" R1 "Stop" signs at driveways to the public street, and any additional striping as needed as defined by the City Traffic Engineer or City Engineer shall be installed prior of occupancy.

51. Damage/Repairs. The Developer shall repair all damaged pavement, existing curb and gutter along the project street frontage of project to the satisfaction of the Director of Public Works or City Engineer prior to occupancy. The Developer shall replace any landscaping improvements or street improvement damage caused by the installation and construction of the project site and utility services to the satisfaction of the Director of Community.

52. Retaining Walls. Where finished grade of the property is in excess of 12 inches higher or lower than the abutting property or adjacent grade, and an appropriate slope is not feasible, a concrete or masonry block retaining wall or other suitable solution acceptable to the Director of Community Development shall be required to be constructed prior to occupancy. All retaining walls over 12" high shall be shown on the project grading plans for review and approval by the City Engineer prior to starting grading operations.

53. Trash Enclosure. The Developer shall provide trash enclosure for all buildings located on the site and evidence that garbage trucks can negotiate the turns to access the trash enclosure, empty the dumpsters and exit the site prior to building permit.

Water, Sanitary Sewer And Storm Drain

54. Utility Plan. The Developer shall prepare a Utility plan of the site showing the location and layout of all utilities that will need to be constructed to serve the site (water, fire, sewer, storm drain, electrical, gas, telephone, Internet etc.) prior to building permit. The plan shall show all proposed utilities and connections points to the City and other utilities and how many services will be needed and show all proposed easements. The Developer shall submit this utility plan for review and approval by the City Engineer and Director of Public Works prior to building permit and construct all utilities per City and standard plumbing and building codes. The plan shall show how each of the proposed structures will be served with water, sanitary sewer, electrical, gas, telephone, and other utilities. The plan shall show the existing facilities of each utility will connect into with invert elevations and connection points in Butcher Road and show all lines to the site buildings for review and approval by the City. The developer shall construct all improvements shown on the plan prior to occupancy.

55. Storm Drain System. The Developer shall design and install all needed storm drain lines and structures in order to handle the drainage of the entire parcel per the newest City or County drainage design criteria and specifications to the satisfaction of the City Engineer prior to occupancy of any building. Submitted with the storm design is hydrology and hydraulic calculations of 10 year event by a registered Civil engineer in the State of California showing that the hydraulic grade line of a 10 year storm event does not exceed the 1 feet 6 inches below the top of the curb on the site and the 100 year event can adequately drain into near by City streets with out disturbing the building pad and
surrounding properties. The site drainage system must not surface drain directly into the public right of way or creek with out being piped and connected directly into the approved storm drain lines unless approved by the City Engineer and Director of Public Works. Included in the site hydraulic and hydrology study, the Developer shall prepare a drainage calculations of the ultimate needed storm drain lines to the nearest City acceptable storm drain line or creek connection points located at the southeast corner of the site and demonstrate that the additional drainage flows from the developed site will not cause flooding or damage to existing properties downstream of the development. If a new storm drain outfall is required than the developer shall obtain the necessary permits from the Army Corps of Engineers and other permitting agencies.

56. **State Regional Water Quality Control Board.** Prior to issuance of a building permit, the developer shall demonstrate to the City Engineer and Director of Public Works, that the proposed development meets the requirements of the City of Vacaville MS4/Phase II storm water general permit and corresponding design standards as issued by the State Regional Water Quality Control Board. The Developer shall install and demonstrate to the City Engineer and Director of Public Works that the project development meets the requirements of the State Regional Water Quality Control Board’s “Best Management Practices” to mitigate storm water pollution and erosion at anytime during construction, and any City of Vacaville ordinances in effect at the time of improvement plan approval. The Developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) for this project prior to start of construction. The developer may be required to file a notice of intent to obtain a general industrial storm water permit with the Regional water quality control board following construction.

57. **Sewer.** The Developer shall connect all proposed site buildings into the City sewer system and provide the City with sewer flow calculations demonstrating that the proposed site is with in these limits of capacity of the system prior to building permit. The Developer shall pay all current sewer impact fees at the issuance of building permit. The applicant is encouraged to call Alan Wilcox at (707) 469-6400 for a sewer impact fee estimate.

58. **Floor Drains.** The Developer shall install sanitary sewer floor drains only in restrooms and janitor room mop sinks unless otherwise approved by the Director of Public Works and Building Department. All sanitary floor drains shall be covered and not accept surface water drainage. Any additional sewer lines to future fixtures or uses shall be adequately capped and subject to review and approval by the Planning, Public Works Utilities and Building Departments prior to building permit.

59. **Pretreatment.** No direct connections to the storm drain are permitted for the Nursery. Connections to sanitary sewer system from the Nursery are permitted with the area fully covered and graded to prevent storm water inflow. Conveyance of storm water to detention basins and/or blind sumps is permitted. Developer must meet the “Design Standards Applicable to All Categories” as specified in Attachment 4, Section B2 of the City of Vacaville’s Phase II Stormwater Permit on all on site improvements.

60. **Water.** Since there are two City water transmission lines along the project frontage, the existing 18” water transmission main in Butcher Road can supply a reduced maximum fire flows of 3,500 gpm at 20 psi minimum residual pressure and 10 fps maximum velocity as required by Vacaville Fire marshal for this specific use. The Developer shall construct a fire hydrant with in the public right of way and a water lateral from the existing 18” water transmission main per City Specifications to the satisfaction of the City Engineer and Director of Public Works and sized to meet fire flow and domestic water for this specific use
prior to occupancy. The on-site fire protection, public hydrant and domestic water system shall tie directly into this new water lateral from the 18" City transmission main so there is only one connection to the City water transmission main. All review of the on site fire protection system is the responsibility of the Vacaville Fire Department. Backflow requirements shall be met through approved devices located at the right of way and shall be screened to the satisfaction of the City Engineer. The developer shall pay all current City water service connection fees prior to building permit.

**Miscellaneous**

61. **Under-grounding of Overhead Utilities.** Per the City Development code, the developer shall underground all overhead utilities across the project frontage of a Public right of way Butcher Road or pay for the City the equivalent cost to be included in a deferred improvement agreement the cost of undergrounding the frontage to the City prior to occupancy. Then the City would pay for the line when the whole public street is undergrounded.

62. **Landscape Plan.** The Developer shall submit a landscaping and irrigation plan for landscaping improvement along Butcher Road for approval by the Community Development Director and the City Engineer prior to building permit. The Developer shall submit a fencing plan for approval by the Community Development Director and City Engineer and construct necessary fencing that surrounds the site.

63. **Irrigation Water.** Any new irrigation water service, shall be designed, and constructed in accordance with Vacaville criteria, standards and specifications to the satisfaction of the Director of Public Works prior to occupancy.

64. **Construction Coordination.** The developer shall construct all infrastructure improvements in a timely manner in accordance with overall approved project infrastructure improvement schedule by the City and coordinated with all parties affected prior to occupancy. If in the event that certain infrastructure improvements are need to be constructed for the convenience and protection of the existing land owners or residences or the general public, the developer shall install all such improvements parties as defined by the City Engineer and cooperatively work with all parties involved and have certain house keeping measures in place in a timely manner for the benefit all affected. At the start of the project the developer shall inform the City inspectors when each infrastructure improvements will be installed and what housekeep measures will be in place during construction and coordinated with surrounding developments. The developer shall also construct temporary improvements during construction for the convenience and coordination of those existing residences or businesses. In the event that needed improvements or temporary improvements are not constructed or not properly maintained, the City has the right to hold back building permits, inspections, or occupancy approvals or stop construction until such needed improvements are constructed or housekeeping conditions are improved to the satisfaction of the City Engineer, Building official or Director of Public Works.

65. **Existing Assessment and Benefit Districts.** The Developer shall be subject to the future established Butcher Road Benefit District fees and obligations for the construction of a looped water line and other improvements with in Butcher Road if these improvements are constructed prior to construction of the above specified project. The Developer shall also be subject to any and all Landscape and Lighting districts established fees and obligations for maintenance of landscaping and lighting in the area. For all improvements to the constructed in the public right of way that other parcels will receive benefit the developer
can form a benefit district to receive some reimbursement from utilities or street installed that benefit other parcels.
CODE & POLICY REQUIREMENTS - Not Subject to Modification through Conditional Use Permit or Design Review

CURRENT PLANNING

1. The development shall comply with all applicable provisions of the Vacaville Municipal Code (Zoning, Subdivision, Building Codes, etc.), Vacaville General Plan and any applicable policy or specific plan.

2. All signs are subject to design review approval and require a separate sign permit. The required sign plan(s) shall indicate sign location, size, height, materials, colors, lighting, and other pertinent information required to insure conformance with the provisions of Section 17.48 of the Municipal Code.

3. An avigation easement, in a form acceptable to the Community Development Director, shall be dedicated prior to the issuance of any building permits. The easement shall provide for the right of aircraft overflight and related noises, and for the regulation of light emissions, electrical emissions, or the release of substances such as steam or smoke which could interfere with aircraft operations. The easement shall be in accordance with the Nut Tree Airport Compatibility District.

4. The development shall comply with the City's Creekways Policy as adopted by Resolution 1989-J-5 or any subsequent update. This includes provisions for the dedication of 40 feet from the top of stable bank along the major creeks for the purposes of maintenance and public access.

5. All parking spaces shall comply with standards for adequate depth, width, and turning radius as set forth in Chapter 17.36 of the Zoning Code and comply with the Parking and Loading Design Guidelines.

6. All parking and parking lot/building access shall comply with the California State Accessibility Standards (Title 24, CCR: California Building Code).

7. No building permit shall be issued unless:
   - Fire Chief reviews and finds site/building plans conform to Uniform Fire Code.
   - Building Official reviews and finds compliance with Ordinance 15.28, Uniform Building Code and all adopted Appendix Chapters as amended and stated in Title 15 of the City of Vacaville Municipal Code.

8. All landscaping shall comply with the City's Water Efficient Landscaping Regulations.

9. The development shall comply with City Building Security Ordinance 15.28.
10. No development shall commence construction until the developer receives a building permit and pays all applicable fees paid, including development impact fees in accordance with Chapter 11 of the Vacaville Municipal Code.

11. Prior to any grading activity, a grading permit shall be issued and all applicable fees paid.

12. A building permit will not be issued unless all plans are consistent with the provisions of the Zoning Ordinance and/or the Development Code, Title 14, as applicable, and all conditions of approval.

13. In case of exceptional circumstance, the Community Development Director shall be authorized to defer completion of on-site improvements past the date of occupancy of the proposed facility provided that the developer enter into a Deferred Improvement Agreement with the City of Vacaville and provided that the developer post with the city of Vacaville adequate securities to ensure completion of such deferred improvements.

14. Modifications to the approved plans may be approved by the Community Development Director in accordance with Resolution No. 1989-S-3.

15. Should archaeological remains or artifacts be encountered during any phase of construction, land alteration work in the general vicinity of the find shall be halted and a qualified archaeologist and the Community Development Director shall be notified immediately. Work on the project shall not be resumed until a mitigation plan with adequate measures for site protection is reviewed and approved by the Community Development Director.

16. Submittal of plans, studies, and other information is the sole responsibility of the property owner and designee.

17. Failure of the project applicant to comply with the conditions of approval may result in revocation of the project approval.

**DEVELOPMENT ENGINEERING/TRAFFIC/UTILITIES**

18. All proposed public improvements shall conform to the City Standard Specifications as adopted September 11, 1990. These improvements (including sewer and water services) shall be shown on the building permit plans and must be approved by the City Engineer prior to the issuance of a building permit.

19. The developer shall not commence any work within the public right-of-way or construct any public improvements until the City Engineer issues and encroachment permit. The developer will provide a deposit for the improvements and pay Plan Check and Inspection Fees in accordance with Ordinance 1053.

20. The developer shall post a construction clean-up deposit in accordance with Resolution 1986-F-5.

21. The developer is required to install a backflow prevention assembly in accordance with Ordinance 1406 (unless specified otherwise by the City Engineer). One assembly is required for the domestic water service, an additional assembly may be required if an on-site fire system is required by the Fire Department. If the Fire Department requires pumper connections, then
the backflow device for the fire system shall be a Double Detector Check Valve per City Standards.

22. Sight distance at the driveways intersecting public street, shall conform to Section 3-09(A) Intersection Sight Distance, and Standard Drawing 3-03(A) of the Vacaville Standard Specifications. Special attention shall be given to note 1 and 2 on Standard Drawing 3-03(A). This may affect the location of any monument signs and landscaping, walls etc.

23. The site shall be graded such that storm water from the project is discharged from the site into an approved public drainage facility. No increase in runoff will be allowed from this project onto an adjacent property unless adequate private easements have been established. Design of on-site drainage is subject to review and approval by the City Engineer.

24. Any broken or cracked sidewalk in the public right-of-way adjoining the subject property which could, in the opinion, of the City Engineer, be a tripping hazard, shall be removed and replaced prior to the final occupancy of the building.

25. All commercial driveways shall be 36 foot maximum depressed curb driveways unless otherwise specified by the City Traffic Engineer.

26. On developments of 5 acres or greater, the project proponent shall file a "Notice of Intent" with the Regional Water Quality Control Board (RWQCB) and shall prepare a Storm Water Pollution Prevention Plan (SWPPP and Monitoring Program). Questions regarding these requirements should be directed to the Utilities Division at (707) 449-6263.

27. The applicant shall submit an Indemnification Agreement, Environmental Questionnaire Disclosure Statement and Assessment of Environmental Conditions for a Real Estate Transaction (Level I) in a format acceptable to the City Engineer for any dedicated right-of-way or other property acquired by the City as a result of this project. The City will not accept dedication of any right-of-way until evidence to the satisfaction of the City Engineer is provided that the site meets applicable standards and is not contaminated.

STANDARD CONDITIONS - Conditions Routinely Required for Project Proposals

28. Final (construction) architectural drawings, site plan, landscape plan, and sign drawings shall be submitted for review and approval by the Community Development Director prior to the issuance of any building permits. Plans shall be in substantial compliance with those approved with action and dated May 23, 2005 except as modified by the conditions of approval.

29. The paving and drainage details of all driveway and parking areas shall be included in the final construction plans for Building Permits and designed in accordance with the soils engineering report, subject to review and approval by the Building Official and/or City Engineer.

30. Roof mounted equipment shall be screened by a parapet wall of equal or greater height than the highest piece of roof mounted equipment or vent. Equipment may be screened by a separate roof screen that is architecturally integrated with the building, and when screening by a parapet wall is not feasible or is architecturally undesirable. When separate roof screens are used, roof equipment should be organized into major groups screening a smaller number of units rather than multiple areas. The Community Development Director may approve exceptions for solar equipment. All screening is subject to review and approval by the Community Development Director.
The term "equipment" includes roof mounted equipment or vents, electrical equipment, gas meter, communication antennas, irrigation valves, storage tanks, or other mechanical equipment. The manner of screening shall be as follows:

- Communications equipment, including microwave equipment, may remain unscreened if visually integrated with the building design through color, location, and construction;

- All building mounted equipment, including but not limited to louvers, pipes, overhead doors or service doors, access ladders, downspouts, conduit, and electrical/service boxes, shall be painted consistent with the color scheme of the building.

31. Ground mounted equipment shall be screened by walls or landscaping to the satisfaction of the Community Development Director. Double detector check valves and reduced pressure devices 3 inches and larger shall comply with the following requirements:

A. Backflow devices shall be screened on three sides with the side facing the street or driveway left open for visibility and access. Screening shall include dense landscaping and/or a low wood or masonry wall matching adjacent buildings. See the attached list for suggested plant materials.

B. The backflow device and any visible materials such as insulation shall be painted an industry standard gloss green #A-430814056 or an approved equivalent.

C. Backflow devices shall not be located in the sight triangle adjacent to the driveway.

D. Backflow devices shall be shown on the landscape/irrigation plans submitted for City review.

E. Backflow devices shall comply with the City Standard Specifications and Park Planning Drawings 1-4.

32. Plans submitted for Building Permits shall indicate the exact location and design of all exterior lighting fixtures. All lighting shall be shielded or placed such that it does not shine directly on any adjoining properties or impact traffic on adjacent streets. Lighting shall be subject to the approval of the Director of Community Development.

33. A photometrics plan shall be required for the proposed lighting. Minimum lighting of one (1) foot-candle and a maximum six (6) foot-candles shall be provided on the site.

34. The Community Development Director and Vacaville Sanitary Service shall approve the design and location of each enclosure. All trash bins shall be stored within approved trash enclosures. The enclosure shall also include a separate pedestrian walk-in access.

35. The developer shall provide adequate, accessible, and convenient areas for the collection and loading of recyclable materials. Collection and loading areas shall be located adjacent to trash enclosures when practical and shall contain adequate area to accommodate the recyclable waste generated by the development. All recyclable materials areas shall be accessible by collection vehicles. The Community Development Director shall approve the design and location of each collection and loading area.
36. The developer shall comply with the City's Trip Reduction Ordinance (Ordinance 1472), and any subsequent amendments. For major projects or structural expansion of existing development occupied by 100 or more employees, the following is required: designate a Transportation Coordinator; develop a Transportation Management Plan (TMP) for review and approval by the City prior to the issuance of building permits; provide facilities to post information; coordinate with transit and rideshare agencies; and record approved TMP. For minor projects or structural expansion of existing development occupied by 25-99 employees, the following is required: provide facilities to post information; and coordinate with transit and rideshare agencies. Additional information may be obtained from the Public Works Department at 449-5470.

37. The project approval is granted for a period of one year ** from the effective date of approval. Unless a building permit is issued and the improvement of the site is diligently pursued or completed prior to the expiration of one year, the approval shall lapse and become void. A one year extension may be considered by the original decision-maker, provided that prior to the expiration date an application for renewal of the project is filed with the Community Development Director. **(Approval shall be for two years if processed concurrently with a Tentative Map.)

38. The developer shall submit for review and approval by the Director of Community Development a proposed color and/or materials board prior to the issuance of Building Permits.

39. Hours of noise producing construction shall be from 7:00 a.m. to 6:00 p.m., Monday through Saturday. Construction activities shall conform to the following standards:
A. there shall be no start-up of machines or equipment, no delivery of materials or equipment, no cleaning of machines or equipment and no servicing of equipment except during the permitted hours of construction;
B. radios played at high volume, loud talking and other forms of communication constituting a nuisance shall not be permitted; and
C. there shall be no construction on Sundays or legal holidays. Exceptions to these time restrictions may be granted by the Community Development Director for one of the following reasons: (1) inclement weather affecting work; (2) emergency work; or (3) other work, if work and equipment will not create noise that may be unreasonably offensive to neighbors so as to constitute a nuisance. The Community Development Director must be notified and must approve the work in advance.
## BUTCHER ROAD NURSERY PROJECT
### MITIGATION MONITORING PROGRAM

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<th>EA NO.</th>
<th>IMPACT AND MITIGATION MEASURE</th>
<th>TIMING</th>
<th>RESPONSIBILITY FOR IMPLEMENTATION</th>
<th>RESPONSIBILITY FOR MONITORING</th>
<th>STANDARDS FOR COMPLIANCE</th>
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</table>
| 1.b    | 1. Mitigation will be required for Oak trees with trucks greater than 10 inches in diameter. One 24-inch box Oak tree species shall be planted for any Oak tree removed with a diameter of 10 inches to 19 inches, and two 24-inch box Oak tree species shall be planted for any Oak tree removed with a diameter of 20 inches or greater. The replacement Oak trees shall be located on site, or immediately to the west of the site. The applicant shall provide a irrigation system or water source to the replacement Oak trees for a minimum of three years. Replacement tree locations shall be identified on the plans submitted for building permits. The location of the replacement trees is subject to review and approval by the Community Services Director, the City Engineer, the City Planner, and the Parks Superintendent. | - During construction  
- Prior to building occupancy | - Director of Community Development  
- City Planner  
- Community Services Director  
- City Engineer  
- Parks Superintendent | - Director of Community Development  
- City Planner  
- Community Services Director  
- City Engineer  
- Parks Superintendent | - Conditions of Project Approval  
- Tree Preservation and Mitigation Plan shall be submitted for review and approval by the City Planner |
| 3.b    | 1. Implement the following dust control reduction measure during construction to reduce construction related PM10 emissions:  
- Enclose, cover or water twice daily all soil piles.  
- Water all exposed soil with adequate frequency to keep soil moist at all times, such as graded roadway surfaces and haul routes for excavation vehicles.  
- Cover load of all haul/dump trucks securely to keep dirt under control.  
- Apply non-toxic soil stabilizers or dust suppressants to internal unpaved haul roads, parking areas and staging areas, and enforce a 15 mph speed limit for all vehicles operation within unpaved areas of the site.  
- Replant exposed soil as soon as possible.  
- Sweep adjacent streets at the end of the day.  
- Implement additional measures or more frequent use of the above measures as needed to avoid dust impacts to nearby properties (e.g. during periods of high wind, etc.). Notify adjacent owners/occupants of an identified contact person(s) who is authorized to respond to/ implement additional dust control procedures as needed.  
- Based upon past analysis, the above measures would be expected to be about 85% efficient in controlling PM10 emissions, reducing daily project emissions during construction. The above mitigation measure reduces this potential significant impact to a level that | - During construction | - Director of Community Development  
- City Planner  
- Building Official | - Director of Community Development  
- City Planner  
- Building Official | - Conditions of Project Approval  
- Yolo Solano Air Quality Management District standards  
- Erosion Control Plan shall be submitted for review and approval by City Planner, Building Official, and City Engineer |
**BUTCHER ROAD NURSERY PROJECT**  
**MITIGATION MONITORING PROGRAM**

| 4.a. | 1. The project shall include pre-construction nest surveys of the site and close proximity (within 1/4 mile of the site). These surveys should be conducted by a qualified biologist within 21 days before the start of construction, grading, tree removal, or other activity on the site. If these activities are delayed beyond 21 days after the initial survey, then an additional nest survey should be conducted.  
2. If active nests are found within close proximity to the site, particularly along the creek or within line of sight of the project area, routine monitoring of the active nest(s) by a qualified biologist should be conducted throughout the entire nesting season.  
3. No removal of on-site trees or shrubs with active nests should take place until after the nesting cycle is completed (i.e. generally late July-August).  
4. If raptors are found to be actively nesting at the site:  
   - Construction should be delayed until the nesting cycle has been determined by a qualified biologist to be complete; and  
   - CDFG should be notified.  
5. If migratory bird species are found to be actively nesting at the site:  
   - No removal of the nest tree or shrub should take place until after the nesting cycle is completed (i.e. generally late July-August).  
   - Routine monitoring of the active nest(s) by a qualified biologist should be conducted throughout the entire nesting season. | • Prior to issuance of grading permit | • Director of Community Development  
City Planner  
Qualified Biologist | • Director of Community Development  
City Planner  
Qualified Biologist  
Conditions of Project Approval  
LSA Associates  
Biological Reconnaissance Study |
### BUTCHER ROAD NURSERY PROJECT
MITIGATION MONITORING PROGRAM

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<tr>
<td>1. Impacts, such as fill or discharges of surface runoff, to Laguna Creek should be avoided.</td>
<td>• During construction</td>
<td>• Director of Community Development</td>
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<tr>
<td>2. Project activities that occur within or that directly or indirectly affect the creek and associated riparian vegetation are regulated activities and appropriate resource/regulatory agency permits would be necessary.</td>
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<td>• Director of Community Development</td>
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<td>3. To avoid potential impacts to these resources, the site should be graded to slope away from the creek.</td>
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<td>• City Planner</td>
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<td>4. No surface runoff should be discharged directly into the creek without adequate on-site treatment (i.e. Regional Water Quality Board’s discharge standards must be met).</td>
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<td>• Qualified Biologist</td>
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<td>5. The City’s 40-feet wide setback, as measured from the top of creek bank, should be implemented, except as noted in the Planning Division conditions of approval.</td>
<td></td>
<td>• Conditions of Project Approval</td>
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<td>6. Temporary fencing should be installed at the 40-foot setback during construction to establish an avoidance zone.</td>
<td></td>
<td>• LSA Associates Biological Reconnaissance Study</td>
</tr>
<tr>
<td>7. No removal of vegetation in this area should be permitted.</td>
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<td>• Protective creek fencing shall be shown on the grading plan submitted for review and approval by the City Planner</td>
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<td>8. Permanent fencing should be installed following completion of construction in order to prevent disturbance or damage to the riparian vegetation and creek’s aquatic habitat, and to maintain the stability/integrity of the creek bank.</td>
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<td>1. If subsurface historical,archaeological, or paleontological deposits (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction activities, work in the vicinity of the deposit shall be halted and a qualified archaeologist consulted to evaluate the finds and, if necessary, develop further mitigation measures to reduce any archaeological impact to a less than significant level.</td>
<td>• During construction</td>
<td>• Director of Community Development</td>
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<td>2. If human remains are encountered, work in the vicinity of the remains shall be halted and the Solano County Coroner shall be notified. If the Solano County Coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted.</td>
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<td>• City Planner</td>
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<td></td>
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<td>• Qualified Archaeologist</td>
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<td>• Conditions of Project Approval</td>
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 staff report

City of Vacaville Planning Commission

Agenda Item No. G.2
July 15, 2008

Staff Contact:
Fred Buder
(707) 449-5307

Title: I-80/Alamo Policy Plan Amendment (Sign Program) and Butcher Road Nursery Planned Development Modification

Request: To adopt a planned sign program to allow a Freeway Pylon Sign for the I-80/Alamo Policy Plan Commercial Area and to reduce the front setback and modify the site plan & building design for the construction of a nursery facility

Recommended Action: To reaffirm the previous mitigated negative declaration and approve the policy plan amendment for a planned sign program for freeway signs and approve the planned development modification

Additional Information

The applicants for the proposed freeway pylon sign have prepared conceptual plans to illustrate a potential design of the sign, with the intent of meeting the recommended requirements for a shared use sign as recommended by the staff (please see attached exhibits, submitted to the City 7/10/08). In the attached exhibit, they have identified how the sign could be redesigned in order to meet the intent of the proposed Policy Plan Amendment language.

Staff has not fully reviewed the concept design. The images do reflect the general type of design concept that is envisioned by the proposed Policy Plan Amendment provisions. The proposed Policy Plan regulations however would require design review approval by the Planning Division for the final design, materials, method of illumination and other design factors, if the Policy Plan Amendment is approved. The applicant’s intent in providing the attached images is to indicate to the Planning Commission how they might be able to respond to the proposed Policy Plan regulations.
PLANNING COMMISSION MINUTES
Planning Commission - Regular Meeting
City of Vacaville
7:00 p.m. - Council Chambers

July 15, 2008

CALL TO ORDER:
The regular meeting of the Vacaville Planning Commission was called to order by
Chairman Johnson at 7:00 p.m.

A. Roll Call

Present: Chairman Johnson, Vice-Chair Niccoli, Commissioner Broadwater,
Commissioner Crim, Commissioner Gallagher, and Commissioner
Nadasdy.

Absent: Commissioner Kallios.

Also Present: Community Development Director Sexton, City Planner Buder, and
Assistant City Attorney Stewart.

B. Pledge of Allegiance

C. Communications

D. Approval of Agenda:
Commissioner Nadasdy moved, Commissioner Broadwater seconded to
approve the agenda. Motion approved 6-0.

E. Approval of Minutes:
Commissioner Broadwater moved, Vice-Chair Niccoli seconded to approve
the minutes of July 1, 2008. Motion approved 6-0.

F. BUSINESS FROM THE FLOOR: None

G. PUBLIC HEARINGS:

1. SPRING LANE UNIT TWO SUBDIVISION TIME EXTENSION -
   Madan Arora, Applicant
   Staff Contact: Ward Stewart
   File No. 08-071

   a. Tentative Map

   b. Planned Development

   c. Reaffirmation of Previous Environmental Assessment
The project proposal is to subdivide approximately 14 acres of a 54-acre vacant parcel for the purpose of creating a 27-lot custom single-family residential development. The remaining 40 acres will be preserved as permanent open space via a recorded conservation easement. This proposal was previously reviewed and approved by both the Planning Commission and City Council in 2006. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the project is within the scope of the previously approved Spring Lane Unit Two Negative Declaration, which adequately described the impacts of this project and meets the requirements of CEQA.

PUBLIC HEARING OPENED:

Tom Phillippi, Phillippi Engineering commented that they are close to completing the plan check process and core permits. He stated that they hope to break ground in April of next year.

COMMISSION ACTION:

Commissioner Broadwater moved, Commissioner Gallagher seconded that the Planning Commission reaffirm the previous Mitigated Negative Declaration dated April 2, 2002 and adopt Resolution No. 08-071, approving a one year Time Extension for the Tentative Map and Planned Development for Spring Lane Unit II, subject to the conditions of approval. Motion approved 6-0.

2. PALM ISLAND NURSERY - Dale Motiska, applicant
   Staff Contact: Fred Buderi
   File No. 08-059
   
   a. Modification to Planned Development
   
   b. Policy Plan Amendment (Signage)
   
   c. Reaffirmation of Previous Environmental Assessment
   The project proposal is to amend the Interstate 80-Alamo Drive Policy Plan for the purpose of allowing a 65 ft. high freeway oriented sign to identify the nursery use and potentially other uses within the Policy Plan area. The applicant is also requesting a Modification to reduce the front yard setback from 40 ft. to 20 ft. Pursuant to Section 15162 of the California Environmental Quality Act (CEQA), the project is within the scope of the previously approved Butcher Road Nursery.
Negative Declaration, which adequately described the impacts of this project and meets the requirements of CEQA.

PUBLIC HEARING OPENED:

Dale Motiska, applicant, noted that because the site is lower than the freeway, there is no visibility to traffic from the freeway, which is why they were requesting the additional height of the sign. He noted that the solar panels on the back of the sign will produce some of its own energy to operate the sign. He added that other businesses in the area will also be able to locate on the sign. He noted that when the site improvements occur, some of the trees in the area will be removed which will provide more visibility for the businesses advertised lower on the sign, adding that the additional trees that will be planted as part of mitigation will be planted in the parking lot and will not obstruct the sign.

Bobby Davis, Project Manager, Young Electric Sign Company, reviewed the color and lighting that would be utilized for the sign. He noted for the Commission that the structure of the sign could accommodate a cell site in the future. He added that the intent is to attract business to the site and create an icon for the area.

Gregg Kennedy, business owner and Vacaville resident, noted his support for the sign.

Zafar Chaudhary, Manager of the Union 76 Station, noted that he was interested in locating on the sign.

Laurie Ann Martindale, stated that she was in favor of the proposed sign which would help attract people to the business from off the freeway.

Roberto Valdez, Vacaville resident, noted that he was opposed to the nursery location, adding his concern about the impact that the business may have to Lagoon and Encinosa Creek as well as possible archeological sites. He felt that Oak trees would be more conducive to the area as opposed to Palm trees. He also noted concern about the number of variances that have been requested for this project.

Livia Bally, Vacaville resident, stated that she was in favor of the sign which would provide visibility for the business from the freeway and incorporate solar power.

Public hearing closed.

COMMISSION ACTION:
Commissioner Broadwater moved, Commissioner Crim seconded that the Planning Commission adopt Resolution No. 08-059 reaffirming the Butcher Road Nursery Mitigated Negative Declaration and approving the Planned Development Modification and recommending that the City Council approve the I-80/Alamo Policy Plan Amendment to incorporate a Planned Sign Program into Area V of the Policy Plan, for the Butcher Road Nursery project subject to the conditions of approval. Motion approved 6-0.

3. UNION 76 GAS STATION REMODEL - MI Architects, applicant
   Staff Contact: Tricia Shortridge
   File No. 08-065

   a. Conditional Use Permit

   b. Design Review Permit
      The project proposal is a Conditional Use Permit request to construct and operate a 968 square foot convenience market within an existing gas station at 2000 Nut Tree Road. The existing gas station currently operates with four unused auto-repair bays, one of which will be converted into the convenience market. There will be no alcohol sales at this location. The building will not be increased in size and one roll-up door will be replaced with a new storefront. Pursuant to Section 15303 (c), Conversion of Small Structures, of the California Environmental Quality Act (CEQA), the project is exempt and require no additional environmental review. It is being recommended that this item be continued to a date uncertain.

H. DIRECTOR'S REPORT:


2. Tentative Schedule of Future Planning Commission Items & Select Items Under Staff Review.

I. ADJOURNMENT:

There being no further business to discuss at the regular meeting of the Planning Commission, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Mary Page
Recording Secretary