

**AGENDA**  
**REGULAR MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., SEPTEMBER 25, 2012**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC12-06*

**1. ROLL CALL:**

Chairperson Clemente  
Vice-Chair Wade  
Commissioner Adeva  
Commissioner Harris  
Commissioner Holzwarth  
Commissioner Mirador  
Commissioner Ramos

**2. AUDIENCE COMMUNICATIONS:**

This is a time for public comments for items that are not listed on this agenda. Comments should be brief. If you have an item that will require extended discussion, please request the item be scheduled on a future agenda.

**3. PRESENTATIONS:**

- A. Focus Program Technical Assistance Grant Presentation**-Presented by The Planning Center (TPC)/Design Community & Environment (DCE) and Bay Area Economics (BAE). Funding provided through the Metropolitan Transportation Commission (MTC)

**4. MINUTES:**

Approval of July 24, 2012, Planning Commission Minutes.

**5. PUBLIC HEARINGS:**

*For each of the following items, the public will be given an opportunity to speak. After a Staff Report, the Chair will open the Public Hearing. At that time, the applicant will be allowed to make a presentation. Members of the public will then be allowed to speak. After all have spoken, the applicant is allowed to respond to issues raised by the public, after which the Public Hearing is normally closed. Comments should be brief and to the point. The Chair reserves the right to limit repetitious or non-related comments. The public is reminded that all decisions of the Planning Commission are appealable to the City Council by filing a written Notice of Appeal with the City Clerk within ten (10) calendar days.*

- A. A Resolution of the City of Suisun City Planning Commission to Approve Variance Application No. VAR 12/13-001 for A Request to Vary the Setbacks for an Accessory Structure in the Rear Yard of 1014 Woodlark Court (APN 0173-201-030)**

- **Adoption of Resolution No. PC12-\_\_\_-.**

**6. GENERAL BUSINESS:** Action to be taken where appropriate.

- A. None**

**7. COMMUNICATION:**

- A. Staff:**
  - **Legislative Update**
- B. Commissioners:**
- C. Agenda Forecast**

**8. ADJOURN.**

*a&m/120925.pca*

**MINUTES**  
**REGULAR MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., JULY 24, 2012**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC12-04*

**1. ROLL CALL:**

Chairperson Clemente  
Vice-Chair Wade  
Commissioner Adeva  
Commissioner Harris  
Commissioner Holzwarth  
Commissioner Mirador  
Commissioner Ramos

**2. ANNOUNCEMENTS:**

None

**3. MINUTES:**

Commissioner Harris asked for clarification in the minutes regarding Ms. Wooden's report on Wal-Mart. The minutes should read: Ms. Wooden stated that Wal-Mart had applied for a grading permit, final mitigation was being completed and Wal-Mart would be starting the grading within the next couple of months.

Commissioner Holzwarth moved to approve the June 26, 2012, Planning Commission Minutes as corrected. Commissioner Wade seconded the motion. Motion passed 7-0

**4. AUDIENCE COMMUNICATIONS:**

None

**5. PUBLIC HEARINGS:**

- B. Resolution of the Planning Commission of the City of Suisun City Rescinding Conditional Use Permit UP09/10-004 for the Expansion of the Days Out Program at 74/76 Marina Center and Approving Conditional Use Permit Application No. UP11/12-010 for the relocation of the Days Out Day Program to 70/72 Marina Center.)**

John Kearns presented the staff report. Mr. Kearns explained that the original application for Days Out was submitted and approved in November of 2009. With the renovation of the Marina Shopping Center a relocation of Days Out Day Program is being proposed. Even though the relocation is only two spaces away and in the same building a new conditional use permit must be approved. Mr. Kearns stated that during the 3 years of operation there have not been any issues and the program has been well managed.

Mr. Kearns further explained that because the use permit stays with the land that the Commission must rescind the existing use permit and then consider approval a new use permit.

Chairperson Clemente opened the Public Hearing.

Troy Richards, Days Out , 74-76 Marina Center spoke about his operation and stated they were relocating to the next unit.

Commissioner Harris asked about the reference in the original use permit referring to customers or clients. Mr. Richards stated that the correct reference is consumers. Commissioner Harris stated that the new conditions of approval should be changed to reference consumers.

Commissioner Harris also asked how they are selected for the program and transportation services. Mr. Richards stated that North Bay Regional Medical Center is their consumer source and that R & D Transportation is the new provider. Mr. Richards also clarified that they are governed by both Regional Centers Title 17 and State Regulations Title 22. Mr. Richards further clarified that they were in the process of increasing the number of consumers from 15 to 30.

There being no further comments Chairperson Clemente closed the Public Hearing.

Commissioner Wade moved to rescind UP 09-10/004 and approve Resolution No. PC12-04. Commissioner Harris seconded the motion. Motion passed 7-0.

Commissioner Ramos commended Mr. Richards and the Days Out Day Program and appreciated what they are doing to reintroduce consumers back into society.

**A. CONTINUED PUBLIC HEARING: Consideration of a Resolution of the City of Suisun City Planning Commission to Approve Conditional Use Permit Application No. UP11/12-009 for An Amusement Center (Blue Devils Bingo Center) within the Marina Shopping Center at 600 Marina Center.**

John Kearns presented the staff report. Mr. Kearns gave a brief background of the proposed project indicating the Blue Devils as the applicant and Claude Pelarin as the property owner. Mr. Kearns cited two Zoning Code Sections, Section 18.28.030 and 18.66.100 that pertain to the proposed amusement center as well as Title 5 regarding Bingo License which was amended July, 2011.

Mr. Kearns explained in great detail that during bingo operation, traffic is not anticipated to be unusual for this type of retail center and that the parking designated for the use of bingo patrons is more than adequate. He further explained that the project includes a small restaurant (e.g. Subway) in the northern part of the building, but the facility will not include a commercial kitchen. The applicant is planning that all-day food service will be provided that "drop-in bingo" will be offered within the restaurant area.

The applicant also anticipates that restaurant maximum occupancy will be approximately 50 seats and the Session bingo assembly area maximum occupancy will be approximately 300 seats. The applicant anticipates a daily maximum attendance of 100-200 in the first months of operation, growing throughout the year to about 300 and peaking at 330 on holidays.

Mr. Kearns continued with a correction to the resolution indicating that Condition No. 7 regarding the fire sprinkler be stricken and that it be handled through the building permit process with the Fire Marshal.

Ms. Wooden explained that the other element to this project was the development of a facilities operation plan that will take into account the growth of the operation, starting with a couple of nights per week and expanding to possibly 7 nights, operating hours for the restaurant, Bingo license requirements and a one year review of the CUP.

Chairperson Clemente opened Public Hearing.

Claude Pelarin, Marina Shopping Center owner, spoke in favor of the project.

Tom Hope, Blue Devils representative, also spoke about the project citing the Armijo & Rodriguez High Schools and Crystal Middle School music programs as the initial groups that could benefit from bingo proceeds.

Brett Rios, Director of Operations for the Blue Devils, was also present to address the Commission's concerns.

The Commission, Staff and the Bingo representatives held a lengthy discussion regarding the hours of operation, the types of bingo sessions, and the restaurant operation, the "drop-in" bingo to be operated in the restaurant area during lunch hours, security, non-profit status and traffic issues.

Commissioner Ramos moved to approve Resolution No. PC12-05 with the elimination of Condition No. 7 regarding the fire sprinklers. Commissioner Adeva seconded the motion. Motion passed 7-0.

**6. GENERAL BUSINESS:** Action to be taken where appropriate.

None

**7. COMMUNICATION:**

Commissioner Harris commented on the confusion of background information and inclusion of original application material.

Commissioner Adeva commented that she did not receive her packet for the meeting in June and did not know of the meeting.

Ms. Wooden commented that she was pleased with the Commission's actions regarding the Bingo approval and giving them the flexibility for the operation of the business.

Commissioner Clemente commented on the work being done at the project on Anderson Drive. Mr. Kearns stated that they were close to pouring the asphalt for the parking lot.

Commissioner Wade stated that there was still a "fireworks for sale" sign up by Del Taco.

Commissioner Ramos suggested that the Commission consider opening their meeting with a prayer. Commissioner Adeva agreed.

Commissioner Clemente suggested also saying the Pledge of Allegiance.

**8. ADJOURN.**

There being no further business the meeting was adjourned at 8: 57 PM.

## AGENDA TRANSMITTAL

**MEETING DATE:** September 25, 2012

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**PLANNING COMMISSION AGENDA ITEM: PUBLIC HEARING:** Resolution PC12-\_\_\_; A Resolution of the City of Suisun City Planning Commission Approving Variance Application No. VAR12/13-001: A Request to Vary the Setbacks for an Accessory Structure in the Rear Yard of 1014 Woodlark Court (APN 0173-201-030)

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**ENVIRONMENTAL REVIEW:** This project is categorically exempt from the California Environmental Quality Act (CEQA), under Section 15311: Accessory Structures.

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**BACKGROUND:** In May 2005 the current owners of 1014 Woodlark Court purchased the property. In the rear yard was a functional water well that was housed within a 16' x 8' shed. The owners have indicated that the shed was tied to the fence and both the shed and fence were in poor condition. Toward the end of 2011, the owners replaced the fence and replaced the shed with a smaller Tough Shed (14' x 8').

The well is setback approximately 28" from the fence line. In order to provide coverage of the well by the shed, both a 29-inch cutout in the shed floor and a 1-foot minimum off-set from the wall of the shed to the cutout were required, according to the manufacturer, to maintain shed integrity. Consequently, the shed was installed 8" from the fence line.

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**STAFF REPORT:** The applicant is requesting a variance from subsection C (below), since the structure is located closer than three feet from the lot line.

Chapter 18.44.160 "Accessory Buildings" of the Suisun City Municipal Code ("SCMC") states:

**18.44.160 - Accessory buildings.**

Regulations for accessory buildings:

- A. Accessory buildings attached to the main building shall comply in all respects with the requirements of this title applicable to the main building.
- B. An accessory building shall be located sixty feet from the front property line or on the rear fifty percent of the lot.
- C. *Accessory structures shall be located no closer than three feet from any lot line;*
- D. Accessory buildings shall not exceed thirty percent of the area of the rear yard on which they are located.

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**PREPARED BY:**

John Kearns, Associate Planner

**REVIEWED/APPROVED BY:**

April Wooden, Community Development Director

E. Accessory buildings in any R district shall not exceed a height of fifteen feet.

***Planning Commission Findings:***

In order for the Planning Commission to grant a variance, according to Section 18.72 “Variances” of the SCMC, the following findings must be made:

A. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

B. The variance granted shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is situated.

Staff believes that the required findings can be made because:

- Not allowing the well to be sheltered could lead to deterioration and loss of integrity of the well and related equipment, along with other harmful conditions.
- Since the physical location of the well is within the required setback area, it follows that the shed or any shelter provided over the well must also be located in the setback area.
- The property owner has a very unique situation, due to the existing placement of the well at the time of property purchase. Staff believes that this extenuating circumstance provides justification to meet the intent and purpose of the granting of a variance.

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**RECOMMENDATION:** Adopt Resolution PC12-\_\_\_; A Resolution of the City of Suisun City Planning Commission Approving Variance Application No. VAR12/13-001: A Request to Vary the Setbacks for an Accessory Structure in the Rear Yard of 1014 Woodlark Court (APN 0173-201-030)

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**ATTACHMENTS:**

1. Resolution PC12-\_\_\_
2. Application Materials

**RESOLUTION NO. PC 12-\_\_**

**A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION  
APPROVING VARIANCE APPLICATION VAR 12/13-001: A REQUEST TO VARY THE  
SETBACKS FOR AN ACCESSORY STRUCTURE IN THE REAR YARD OF 1014  
WOODLARK COURT (APN 0173-201-030)**

**WHEREAS**, the Planning Commission at its regular meeting of September 25, 2012, did review Variance application VAR12/13-001: A Request to Vary the Setbacks for an Accessory Structure in the Rear Yard of 1014 Woodlark Court (APN 0173-201-030); and

**WHEREAS**, the public hearing notice was published in the Daily Republic on September 15, 2012, and mailed to individual property owners on September 13, 2012; and

**WHEREAS**, a report by the City Staff was presented and made a part of the record of said meeting; and

**WHEREAS**, all relevant City regulations and ordinances have been considered in relation to this project; and

**WHEREAS**, this project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15311 Accessory Structures; and

**WHEREAS**, based on evidence presented to the Planning Commission by City Staff and the applicant, the following Findings are hereby made:

1. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
2. The variance granted shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is situated.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Commission of the City of Suisun City does hereby approve Variance application VAR12/13-001: A Request to Vary the Setbacks for an Accessory Structure in the Rear Yard of 1014 Woodlark Court subject to the following Condition and all other local, state, and federal requirements:

1. The applicant must apply for and be granted a building permit, if applicable.

The foregoing motion was made by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_ and carried by the following vote:

AYES:	Commissioners:
NOES:	Commissioners:
ABSENT:	Commissioners:
ABSTAIN:	Commissioners:

**WITNESS** my hand and the seal of said City this 25<sup>th</sup> day of September 2012.

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Anita Skinner, Commission Secretary

James A & Marie G Bjork  
1014 Woodlark Ct.  
Suisun City, CA 94585  
APN# 0173-201-030

I am requesting a variance for backset of a Tuff Shed I have had installed on the above property.

We purchased the property at 1014 Woodlark Ct., Suisun City in May of 2005. There was an existing functional water well in the subject location as well as a building to protect the well, pump and motor. The building was 16 feet by 8 feet and was also used to store gardening and yard maintenance tools and equipment.

The existing building was physically tied to the fence. The fence and the building were both in poor condition. The fence was replaced due to storm damage in October 2011. The shed was about to fall down so I had it demolished and the refuse hauled away. An 8 ft by 14 ft. Tuff Shed was installed on November 7, 2011 to replace the pre-existing shed.

The well is set back 28 inches from the fence line. The shed had to have a 2 ft by 5 ft cutout in the floor to accommodate access to the pump and motor for maintenance. Tuff shed engineers required a 12 inch minimum offset of the cutout from the side of the building in order to maintain structural strength and integrity. I had them set the building as far from the fence as possible. I also had anchors installed at the corners of the building because of the winds in this location often exceed 45 MPH.

The end result is an 8 inch clearance between the building and the fence. The quality and appearance of the new shed are a vast improvement over what existed before. The only thing in the immediate area on the neighbor's side of the fence is some trees. The shed therefore offers no inconvenience or obstruction to the neighbor.

The cost of this project including the shed, installation, new plumbing and electrical connection was \$4400.00 of which \$3905 was for the shed.

The preexisting location of the well precluded any alternative location of the shed. Elimination of the shed would cause a significant financial loss and expose the well, motor and pump to the weather and other harmful conditions.

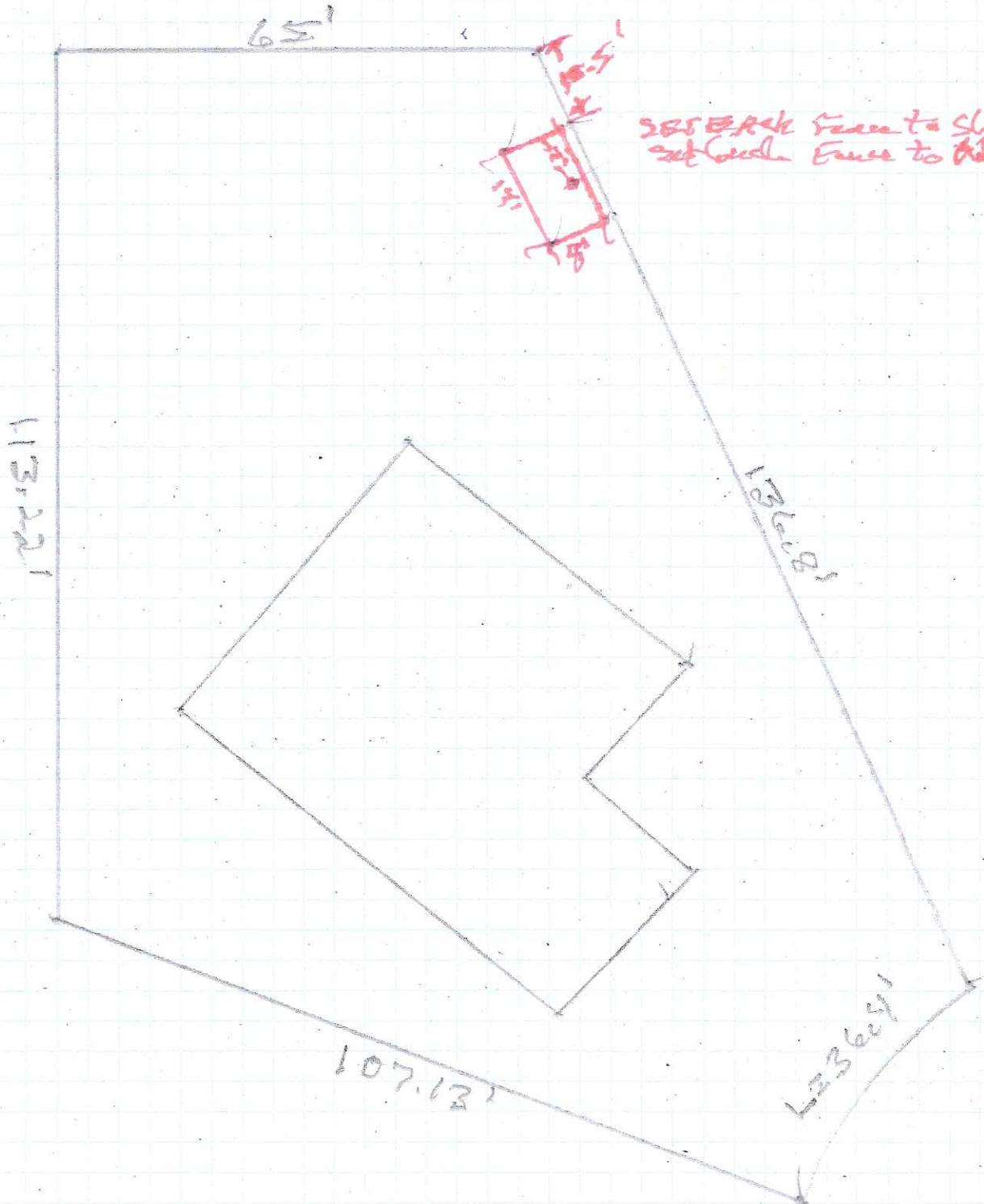
Thank you for your consideration in this matter.

Sincerely



James A. Bjork

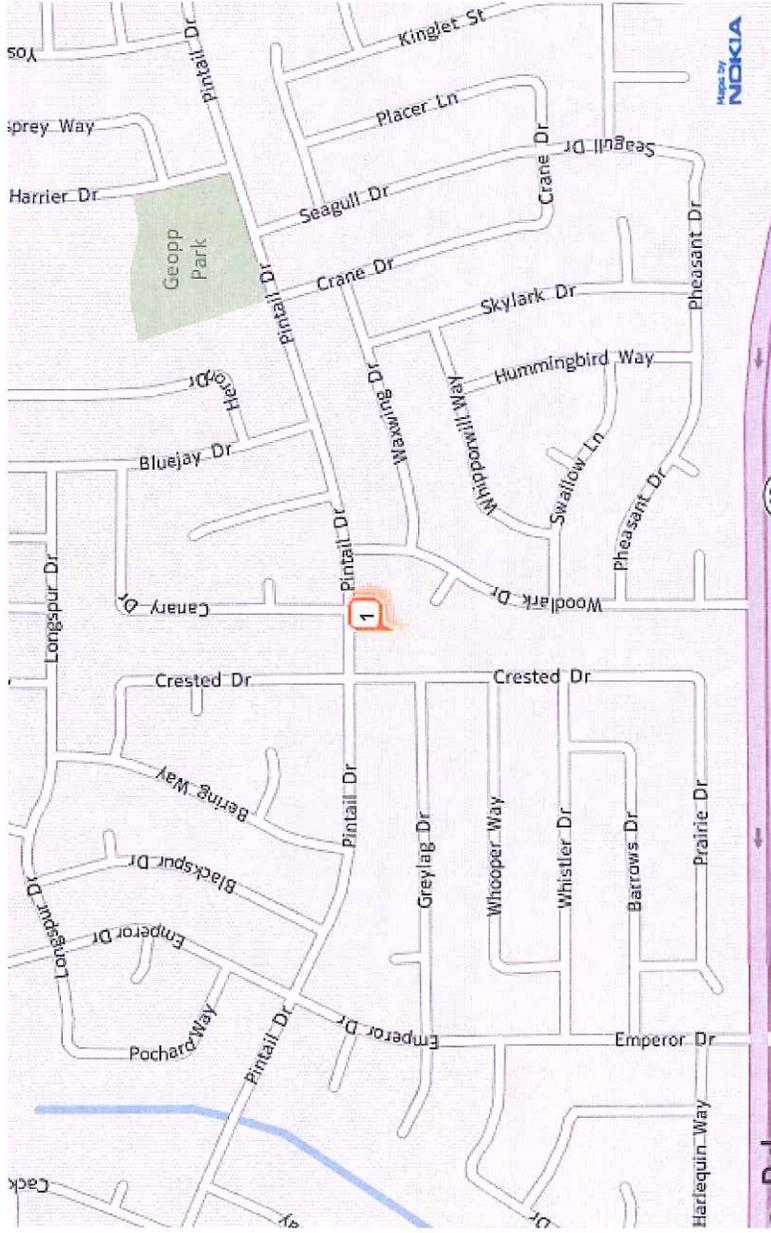
7011 WOODLARK CT  
SUNSHINE CITY, CA 94585  
APN# 0173-201-030



SCALE 1/10" = 20 FT.

**YAHOO!** MAPS

**1014 Woodlark Ct, Suisun City, CA  
94585-2240**





View from outside



View from inside