



Pedro "Pete" M. Sanchez, Mayor
Lori Wilson, Mayor Pro-Tem
Jane Day
Michael J. Hudson
Michael A. Segala

First and Third Tuesday
Every Month

A G E N D A

**REGULAR MEETING OF THE
SUISUN CITY COUNCIL
SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,
AND HOUSING AUTHORITY
TUESDAY, JANUARY 5, 2016
7:00 P.M.**

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority includes teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.

(Next Ord. No. – 738)
(Next City Council Res. No. 2 016 – 01)
Next Suisun City Council Acting as Successor Agency Res. No. SA2016 – 01
(Next Housing Authority Res. No. HA2016 – 01)

ROLL CALL

Council / Board Members
Pledge of Allegiance
Invocation

PUBLIC COMMENT

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

CONFLICT OF INTEREST NOTIFICATION

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

REPORTS: (Informational items only.)

1. Mayor/Council - Chair/Boardmembers
2. City Manager/Executive Director/Staff
 - a. Status of Solano Garbage Community Clean-up Days - 2016 – (Anderson/Dum).

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340
SUCCESSOR AGENCY 421-7309 FAX 421-7366

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

CONSENT CALENDAR

Consent calendar items requiring little or no discussion may be acted upon with one motion.

City Council

3. Council Adoption of Resolution No. 2016-____: Accepting a Grant of Sanitary Sewer Easement from Seecon Homes, Inc. for a Portion of Lot A at the Zephyr Estates Subdivision (Portion of APN 0174-120-300) – (McSorley).

Joint City Council / Suisun City Council Acting as Successor Agency/Housing Authority

4. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on December 15, 2015 – (Hobson).

GENERAL BUSINESS**City Council**

5. Discussion and Direction Regarding Title 18 “Zoning” Policies of the Suisun City Code – (Garben/Kearns).

PUBLIC HEARINGS**City Council**

6. PUBLIC HEARING
Council Introduction and Waive Reading of Ordinance No. ____: Repealing Chapter 18.47 in its Entirety and Adding Chapter 18.47 of the Suisun City Code Relating to Regulation of Medical Marijuana – (Garben).
7. PUBLIC HEARING - (CONTINUED FROM DECEMBER 15, 2015)
Request to Establish the Sunset Special Sign Overlay District (the “District”) at the Northeast Corner of Highway 12 and Sunset Avenue and to Approve a Pylon Sign at the Sunset Center Shopping Center – (Garben).
 - a. Council Introduction and Waive Reading of Ordinance No.____: Approving a Special Sign Overlay District at the Northeast Corner of Highway 12 and Sunset Avenue (APNs 0173-390-010; 030, 040, 050, 060, 070, 100, 130, 140, 150, 160, 170, and 180).
 - b. Council Adoption of Resolution No. 2016-____: Approving a 60 Foot Tall Pylon Sign at the Sunset Center Shopping Center (APNs 0173-390-150).

ADJOURNMENT

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The City may charge photocopying charges for requested copies of such documents. Assistive listening devices may be obtained at the meeting

PLEASE NOTE:

1. The City Council/Agency/Authority hopes to conclude its public business by 11:00 P.M. Ordinarily, no new items will be taken up after the 11:00 P.M. cutoff and any items remaining will be agendaized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
2. Suisun City is committed to providing full access to these proceedings; individuals with special needs may call 421-7300.
3. Agendas are posted at least 72 hours in advance of regular meetings at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including the Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA, and the Suisun City Senior Center, 318 Merganser Drive, Suisun City, CA.

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AGENDA TRANSMITTAL

MEETING DATE: January 5, 2016

CITY AGENDA ITEM: Adoption of Council Resolution No. 2016-___: Accepting a Grant of Sanitary Sewer Easement from Seecon Homes, Inc. for a Portion of Lot A at the Zephyr Estates Subdivision (Portion of APN 0174-120-300).

FISCAL IMPACT: No fiscal impact.

BACKGROUND: On July 21, 2015, the City Council approved the Final Map for the Zephyr Estates Subdivision. Inadvertently, it did not include a description of the sanitary sewer easement.

STAFF REPORT: The Final Map for the Zephyr Estate Subdivision has been recorded at the Solano County Recorder's Office. The Final Map graphically shows various easements to be dedicated to the City, such as public utility easements, storm drain easements, wall easement, mail and postal easements, and sanitary sewer easements. On the cover sheet of the Final Map, the Owner's Statement describes the easements that are to be dedicated to the City. However, missing in the Owner's Statement is a description of the sanitary sewer easement for the proposed public sanitary sewer along the west side of Lot A. This inadvertent omission was identified after the Final Map was recorded.

To correct this omission, Seecon Homes, Inc. has prepared the attached Grant of Sanitary Sewer Easement for the City's consideration and acceptance. Accepting this easement would allow the City to operate, maintain, repair, modify, reconstruct and replace the proposed public sanitary sewer pipeline along the west side of Lot A upon the pipeline's completion and acceptance by the City.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2016-___: Accepting a Grant of Sanitary Sewer Easement from Seecon Homes, Inc. for a Portion of Lot A at the Zephyr Estates Subdivision (Portion of APN 0174-120-300).

ATTACHMENTS:

1. Resolution No. 2016-___: Accepting a Grant of Sanitary Sewer Easement from Seecon Homes, Inc. for a Portion of Lot A at the Zephyr Estates Subdivision (Portion of APN 0174-120-300).
2. Location Map.
3. Grant of Sanitary Sewer Easement Document.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Nick Lozano, Associate Engineer
 Tim McSorley, Public Works & Building Director
 1
 Suzanne Bragdon, City Manager

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RESOLUTION NO. 2015-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ACCEPTING A GRANT OF EASEMENT FROM SEECON HOMES, INC. FOR A
PORTION OF LOT A AT THE ZEPHYR ESTATES SUBDIVISION (PORTION OF APN
0174-120-300)**

WHEREAS, on July 21, 2015, the City Council approved the Final Map for the Zephyr Estates Subdivision; and

WHEREAS, this Final Map has been recorded at the Solano County Recorder’s Office; and

WHEREAS, this Final Map graphically shows various easements as well as a sanitary sewer easement for the proposed public sanitary sewer pipeline and facilities along the west side of Lot A at the Zephyr Estates Subdivision; and

WHEREAS, the easements graphically shown in the Final Map were intended to be dedicated to the City; and

WHEREAS, in the Owner’s Statement of the Final Map, a description for each of the various easements to be dedicated to City were provided, but a description of the sanitary sewer easement was inadvertently omitted; and

WHEREAS, to correct the inadvertent omission, Seecon Homes, Inc. has prepared a Grant of Sanitary Sewer Easement for the City’s consideration and acceptance; and

WHEREAS, this sanitary sewer easement will allow the City to operate, maintain, repair, modify, reconstruct and replace the proposed public sanitary sewer pipeline and facilities.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City accepts the Grant of Sanitary Sewer Easement from Seecon Homes, Inc. for a portion of Lot A at the Zephyr Estates Subdivision (portion of APN 0174-120-300).

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City held on Tuesday the 15th day of December 2015 by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

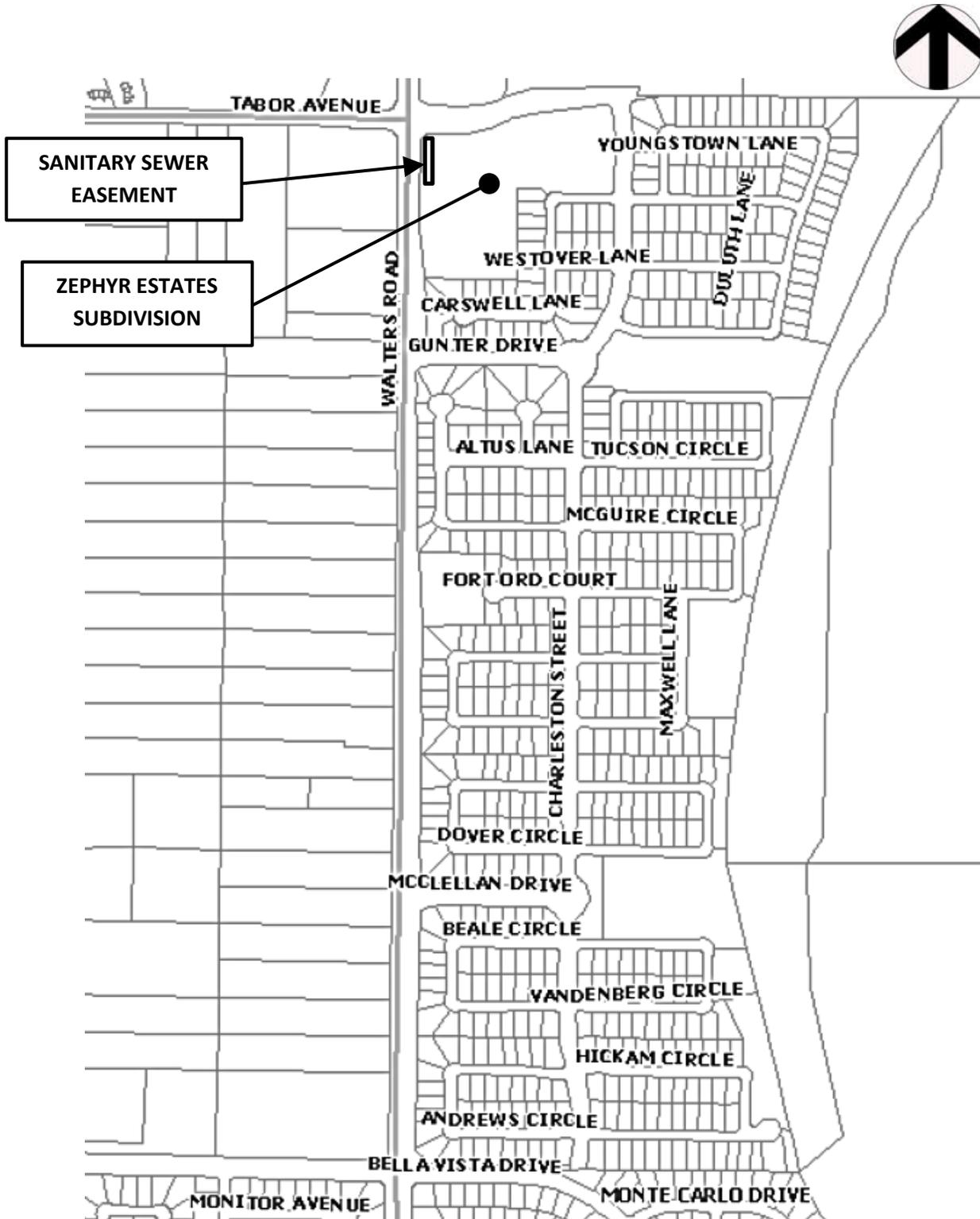
WITNESS my hand and the seal of said City this 15th day of December 2015.

Linda Hobson, CMC
City Clerk

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LOCATION MAP

Portion of Lot A at the Zephyr Estates Subdivision
(Portion of APN 0174-120-300)
Grant of Sanitary Sewer Easement



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RECORDING REQUESTED BY

City of Suisun City

APN 174-12-30 (Portion)

ATTACHMENT NO. 3

WHEN RECORDED MAIL TO

Name	City of Suisun City
Street Address	701 Civic Center Drive
City	Suisun City
State	CA
Zip	94585

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT OF EASEMENT (Non-Exclusive)

The undersigned Grantor(s) Declare(s):

Documentary transfer tax is \$ 0

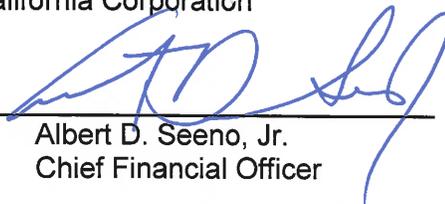
- computed on full value of property conveyed, or
- computed on full value less value of liens and encumbrances remaining at time of sale
- Unincorporated area: City of Suisun City
- Realty not sold

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Seecon Homes, Inc. a California Corporation

Hereby GRANTS to the City of Suisun City, a Municipal Corporation, or its designee, a non-exclusive easement for sanitary sewer facilities including the right to construct, reconstruct, and maintain such facilities whether on the surface or underground and to clear obstructions or vegetation on the real property described and shown in Exhibits A and B which are attached hereto and made part of hereof.

Dated: 11/18/15

Seecon Homes, Inc.
a California Corporation

By: 

Albert D. Seeno, Jr.
Chief Financial Officer

Exhibit "A"

Legal Description

The real property located in the City of Suisun City, County of Solano, State of California described as follows:

The area within the designated 16' Sewer Easement located within Lot A as shown on the Final Subdivision Map entitled "Zephyr Estates" recorded in Book 89 of Map at page 44 in the Official Records of Solano County.

SEECON HOMES, INC.
4021 Port Chicago Highway • Concord, CA 94520
925/671-7711 • Fax 925/689-5979

TRANSMITTAL

**TO: City of Suisun City
701 Civic Center Blvd.
Suisun City, CA 94585**

DATE: November 20, 2015

ATTN: Tim McSorley

RE: Zephyr Estates

WE ARE FORWARDING:

➤ **DOCUMENT**

QTY	DATE	DESCRIPTION
Original	11/18/15	Grant Deed for Sewer Easement in Lot A

➤ **FOR YOUR ACCEPTANCE**

➤ **FOR RECORDATION**

REMARKS:

Tim – Please let me know if you would like our title company to have the enclosed deed recorded after the City acceptance is added. Thank you.

Sincerely,



**Richard D. Sestero
Project Manager**

RDS:nrg

Enclosure

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MINUTES

REGULAR MEETING OF THE SUISUN CITY COUNCIL

SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,

AND HOUSING AUTHORITY

TUESDAY, DECEMBER 15, 2015

7:00 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority includes teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.

ROLL CALL

Mayor Sanchez called the meeting to order at 7:03 PM with the following Council / Board Members present: Day, Wilson, and Sanchez. Council / Board Members Hudson and Segala were absent.

Pledge of Allegiance was led by Council Member Wilson.

Invocation was given by Salvation Army Cadet Nicholas Helms.

PUBLIC COMMENT

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

Captain Jonathan Harvey introduced Cadets Nicholas and Rebecca Helms and announced the “monopoly board” was a world record but it only lasted four months.

Dave Harrison, speaking from Council Member Day’s home, stated his concern about the vehicle allowance for council members who don’t attend the meetings and stated he would be circulating a petition after the first of the year to change Suisun City’s policy on travel pay.

George Guynn, also speaking from Council Member Day’s home, echoed Mr. Harrison’s concern.

CONFLICT OF INTEREST NOTIFICATION - None

(Any items on this agenda that might be a conflict of interest to any Councilmembers / Boardmembers should be identified at this time.)

REPORTS: (Informational items only.)

1. Mayor/Council - Chair/Boardmembers

Council Member Day thanked Mr. Harrison and Mr. Guynn for attending the meeting at her home via teleconference, encouraged citizens to donate to the Salvation Army Red Kettle and wished everyone a Merry Christmas.

Council Member Wilson thanked staff and everyone who participated in the Christmas Tree Lighting; advised Operating Engineers were having a toy run Saturday, 8:00 AM with the

toys going to Mission Solano; encourage citizens to start forming teams for the MS Walk on April 23; and asked that the meeting be adjourned in memory of long-time Suisun City resident, Sharon Dunlap.

Mayor Sanchez reported attending the Solano Transportation Authority where a five-year plan that congress passed was discussed, Solano Water Authority approved a 2.9 million dollar project to upgrade the Cement Hill Water Treatment Plant, Solano County Water Agency which is in the process of creating a sustainable ground water plan as mandated by the State.

2. City Manager/Executive Director/Staff
 - a. Recognition of Holiday Event Sponsors – (Davis).

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Presentation of Proclamation to Jim Silverman in Recognition of his Retirement from Solano County Library.

Mayor Sanchez read and Council Member Wilson presented the Proclamation.

CONSENT CALENDAR

Consent calendar items requiring little or no discussion may be acted upon with one motion.

City Council

4. Council Adoption of Resolution No. 2015-133: Authorizing the Chief of Police, or his Designee, to Execute a Contract with the State of California, Department of Parks and Recreation, Division of Boating and Waterways, to Receive and Administer an Equipment Grant – (Mattos).
5. Council Adoption of Resolution No. 2015-134: Accepting an Irrevocable Offer of Dedication from Richard W. Houghton for a Portion of the Houghton Property at 4535 Olive Avenue (Portion of APN 0038-222-040) for Future Improvements, including a Portion of the Planned Realignment of Railroad Avenue East from Humphrey Drive to Olive Avenue – (McSorley).
6. Council Adoption of Resolution No. 2015-135: Supporting the Renewal of the Designation of a Segment of State Highway Route 12 as a Safety Enhancement Double-Fine Zone – (McSorley).

Joint City Council / Suisun City Council Acting as Successor Agency/Housing Authority

7. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on December 1, 2015 – (Hobson).

Joint City Council / Suisun City Council Acting as Successor Agency

8. Council/Agency Approval of the November 2015 Payroll Warrants in the amount of \$381,508.20. Council/Agency Approval of the November 2015 Payable Warrants in the amount of \$1,098,546.53 – (Finance).

Motioned by Council Member Wilson and seconded by Council Member Day to approve Consent Calendar. Motion carried by the following vote:

AYES: Council Members Day, Wilson, Sanchez

Absent: Council Members Hudson, Segala

GENERAL BUSINESS

City Council

- 9. Discussion and Direction Regarding Title 18 “Zoning” Policies of the Suisun City Code – (Garben/Kearns).

Mayor Sanchez continued this item to the next meeting when there would be a full council.

PUBLIC HEARINGS

City Council

- 10. PUBLIC HEARING - (CONTINUED TO JANUARY 5, 2016)

Request to Establish the Sunset Special Sign Overlay District (the “District”) at the Northeast Corner of Highway 12 and Sunset Avenue and to Approve a Pylon Sign at the Sunset Center Shopping Center – (Garben).

- a. Council Introduction and Waive Reading of Ordinance No.____: Approving a Special Sign Overlay District at the Northeast Corner of Highway 12 and Sunset Avenue (APNs 0173-390-010; 030, 040, 050, 060, 070, 100, 130, 140, 150, 160, 170, and 180).
- b. Council Adoption of Resolution No. 2015-____: Approving a 60 Foot Tall Pylon Sign at the Sunset Center Shopping Center (APNs 0173-390-150).

Mayor Sanchez opened the public hearing. Hearing no comments, Mayor Sanchez continued the item to the next meeting.

CLOSED SESSION

Pursuant to California Government Code section 54950 the Suisun City Council / Suisun City Council Acting as Successor Agency will hold a Closed Session for the purpose of:

City Council

- 11. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: City of Suisun City v. State of California, Department of Finance, et al; Case #34-2013-00146458.

7:28 PM – Mayor Sanchez recessed the Council to Closed Session.

CONVENE OPEN SESSION

Announcement of Actions Taken, if any, in Closed Session.

ADJOURNMENT

There being no further business, Mayor Sanchez adjourned the meeting at 8:01 PM.

Linda Hobson, CMC
City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: January 5, 2016

CITY AGENDA ITEM: Discussion and Direction Regarding Title 18 “Zoning” Policies of the Suisun City Code.

FISCAL IMPACT: The Zoning Ordinance Update was a part of professional services contract for the General Plan Update with AECOM and has been budgeted since in the City’s Annual Budget since FY 2009-10. The total contract for AECOM’s work is \$344,431.

BACKGROUND: In the spring of 2010, the City Council authorized a contract with AECOM to complete both an update of the General Plan, as well as an update of Title 18 “Zoning” of the Suisun City Code to ensure consistency with the new General Plan, as required by state law. The City Council adopted the General Plan in May 2015, which has allowed staff and the consultant time to focus on completing the Zoning Ordinance Update.

By way of background, a Zoning Ordinance consists of two parts: (1) a map (or series of maps), and (2) text (or policies). The zoning map shows how the community is divided into different use districts or zones. Zoning districts common to most ordinances include residential, commercial, industrial, and agricultural. The zoning map must show precise boundaries for each district. Consequently, most zoning maps rely on street or property lines as district boundaries.

The zoning text serves two important functions. First, it explains the zoning rules that apply in each zoning district. These rules typically establish a list of land uses permitted in each district plus a series of specific standards governing lot size, building height, and required yard and setback provisions. Second, the text sets forth a series of procedures for administering and applying the zoning ordinance. What is proposed in the update of Title 18 “Zoning” is consistent with each of the above points.

On November 10, 2015, the Planning Commission conducted a discussion and direction item, in which the Commission provided staff with recommendations to forward to the City Council for consideration. These recommendations may be found within the body of the staff report.

The City Council asked that the item be tabled on December 15 to allow for a full Council to consider the item on January 5.

STAFF REPORT: The last comprehensive update of Title 18 “Zoning” was over 30 years ago and there are many cases (including “definitions”) of references back to 1974. Since the last comprehensive update, there have been many changes in terms of land use, state laws, and process. In recent years, it has become more and more difficult to uphold Title 18, as there are inconsistencies between chapters and sections, as well as the changes referenced previously.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

John Kearns, Associate Planner
 Jason Garben, Development Services Director
 Suzanne Bragdon, City Manager

Staff has identified three topical areas that seem to necessitate the most immediate policy direction in order to rewrite those sections in the new Zoning Ordinance. To facilitate review and discussion, Exhibit A (found below) outlines numerically, by topic area, recommendations for Council consideration on these three topics.

The topical areas include:

- Front Yard Landscaping.
- Signage.
- Community Health.

Following Exhibit A, as outlined in the previous staff report, is a more complete discussion of each topic including a recap of the Planning Commission’s discussion and ultimate recommendations. As a reminder, two of the primary objectives of the update are to increase both the functionality and user-friendliness of the Plan.

SUMMARY OF COMMISSION RECOMMENDATIONS

For each of the three topical areas identified above, a series of specific recommendations is outlined for Council consideration, discussion and direction. Direction on each of these recommendations will provide staff with the information necessary to prepare the Draft Final Zoning Ordinance (Title 18 of the Suisun City Code). A more comprehensive discussion follows Exhibit A.

EXHIBIT A – SUMMARY OF PLANNING COMMISSION RECOMMENDATIONS BY TOPICAL AREA		
TOPICAL AREA 1: FRONT YARD LANDSCAPING		
Recommendations:	1A.	Include design requirements that include both hardscape and landscape. Locations for appropriate parking off-street.
	1B.	Include a maximum percentage of coverage of paved materials (Planning Commission recommended the code update carry over the 60/40 split found in the existing code).
	1C.	Provide a better definition for “all-weather surface material”.
	1D.	Include locational requirements for off-street parking.
TOPICAL AREA 2: SIGNAGE		
NOTE: FOR DEFINITIONS OF UNIQUE SIGN TYPES, SEE ATTACHMENT 1		
Recommendations:	2A.	<i>Signs not requiring permit</i> <ul style="list-style-type: none"> • A-frame/sandwich board signs for non-residential purposes with design and siting standards (i.e. one per business, size, safety, outside of public right-of-way, etc.) • Temporary promotional signs include, but are not limited to, commercial signs advertising a special product, sale, or event. Promotional signs may be made of paper, cloth,

		<p>canvas, lightweight fabric or other non-rigid material, but must be adequately anchored. Display period to limited to a maximum of 90 days per calendar year. These signs may not be illuminated.</p> <ul style="list-style-type: none"> • Temporary sign displaying noncommercial messages subject to being a maximum of 6 square feet per sign and being setback 5 feet from the public right of way. Sign shall not be posted on streets, traffic signs and poles, sidewalks, parkways, medians, City parks, and trees. Signs must not be located within 100 feet of a polling place. Signs shall not be posted without prior written consent of the landowner and must not be illuminated. 																												
	2B.	<i>Specialty Signs (not discussed with Planning Commission so thus no recommendations);</i> Definitions in Attachment 1.																												
		<table border="1"> <thead> <tr> <th>Type</th> <th>Temporary</th> <th>Permanent</th> <th>Not Allowed</th> </tr> </thead> <tbody> <tr> <td>Inflatable Signs (including balloons signs)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Figurative Sign</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Marquee Sign</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Mobile Billboard Sign</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Pennant</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Roof Sign</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Type	Temporary	Permanent	Not Allowed	Inflatable Signs (including balloons signs)				Figurative Sign				Marquee Sign				Mobile Billboard Sign				Pennant				Roof Sign			
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Mobile Billboard Sign																														
Pennant																														
Roof Sign																														
TOPICAL AREA 3: COMMUNITY HEALTH																														
Recommendations:	3A.	Make fruit stands an allowed use in both residential and non-residential zoning districts subject to location requirements.																												
	3B.	Provide definitions for convenience stores, smoke shops, liquor store, recreational smoking lounge, community garden, and corner market in the Zoning Ordinance.																												
	3C.	Regulate the concentration of retail establishments selling alcohol and/or tobacco products, and establish locational requirements from sensitive uses for alcohol and tobacco retail businesses.																												

DETAILED ANALYSIS

The following provides a more detailed discussion of each topical area, including a recap of the discussion and recommendations of the Planning Commission that led to the recommendations summarized in Exhibit A and presented in more detail below:

1. Front Yard Landscaping

Currently, staff uses Section 18.44.270 “Parking in Residential Front Yards” to enforce general treatment of front yards relating to the ground surface. It provides a brief listing of appropriate materials to park vehicles on, but it does not provide design standards which provide parameters in which property owners would be able work within.

18.44.270 - Parking in residential front yards.

Any portion of any front yard, utilized for parking or storing of any motor vehicle, recreational vehicle, boat, trailer or camper shall be paved with an all-weather surface material, such as concrete pavement, decomposed granite, crushed limestone, turfstone, or an equivalent material of sufficient strength to support vehicle weight. Such materials, including all walks, driveways and parking spaces, shall not exceed sixty percent of the area of any residential front yard. The zoning administrator may vary this requirement for lots fronting on the curvilinear portions of cul-de-sacs.

The intent is to prevent the over-paving in front yards. Additionally, the intent of the regulation is aesthetics, as well as functionality, as over-paving could burden the stormwater infrastructure. This issue has most recently resurfaced, as residents have begun responding to Executive Order B-29-15 in which the Governor declared California in a State of Emergency regarding the drought. The Executive Order has placed restrictions on water usage. A typical response has been to replace turf with drought-resistant landscape (permitted) or replace all landscaped areas with pavement (not permitted), eliminating the need for irrigation. Further, when a resident chooses the latter option, often times staff is not alerted to the work until it has been completed and becomes a code enforcement matter. Currently, there is no permit required for this type of work.

Planning Commission Recommendations

- Include design requirements that include both hardscape and landscape and locations for appropriate parking off-street.
- Include a maximum percentage of coverage of paved materials.
- Provide a better definition for “all-weather surface material.”

2. Signage

Currently, Chapter 18.54 “Signs” incorporates various sections that provide policies relating to design, location, and types of signage. Two primary purposes of the sign code are: (1) Promote economically stable and visually attractive districts within the City; and (2) Promote signs that are attractive, pleasing, and harmonized with the physical character of the structure and environment of surrounding properties. The following are recommendations that require direction as they consistently been troublesome for staff to enforce. For each, the Planning Commission has provided recommendations for consideration.

Planning Commission Recommendations

- A-Frame, sandwich board, or similar portable signs, subject to the following.
 - Maximum of one sign per tenant space.
 - Maximum sign area of 6 square feet and a maximum height of 3 feet, measured from the ground to the top of the sign structure.
 - A-frame signs shall be placed at least five feet behind the face of curb and outside of the City right-of-way. Where there is no sidewalk or curb, A-frame signs shall be located outside of the City right-of-way.

- A-frame signs shall not be placed where they may obstruct vision or create other public safety hazards. A-frame signs shall comply with clearance rules under the Americans with Disabilities Act.
- A-frame signs may be placed in the vision triangle provided they are less than 3 feet in height.
- A-frame signs may not be illuminated.
A-frame signs shall be removed during all times when the business establishment is closed.
- Temporary Promotional Signs:
 - Banners made of paper, cloth, canvas, lightweight fabric, or other non-rigid material, with or without frames, may be permitted. Such signs must be adequately anchored and composed of materials durable enough to withstand exposure to the elements.
 - Display periods for temporary promotional signs shall be limited to a maximum of 90 days per calendar year.
 - Temporary promotional signs may be displayed in windows, attached to a building façade, or mounted in a permanent display case.
 - Temporary promotional signs may not be illuminated.
- Temporary signs displaying noncommercial messages:
 - A maximum of 6 square feet of signage per sign, set back at least 5 feet from the public right-of-way, and not projecting above the roofline of any structure.
 - During the time period beginning 90 days before a special, general, or primary election and ending 3 weeks after such election, the total allowed sign area for noncommercial messages may be 32 square feet in area. The same setback and height restrictions listed above shall apply to this additional area.
 - Such signs shall not be posted on any private utility property or public property, including, but not limited to, streets, traffic signs and poles, sidewalks, parkways, medians, City parks, and trees.
 - Such signs shall not be located within 100 feet of a polling place, in accordance with the California Elections Code.
 - Such signs shall not be posted without prior written approval of the property owner.
 - Such signs shall not be illuminated.

Specialty Signs- Not Considered by the Planning Commission

One of the issues in the existing zoning code is that there are minimal definitions and thus difficult to classify certain types of signs. Often the lack of definitions means that staff must classify signs into general categories which may not be the preferred approach. The following list of signs is largely not included in the existing Zoning Ordinance. Further, staff has provided an attachment which includes many definitions that is intended to assist the City Council in their consideration:

- Inflatable Signs (including balloon signs).
- Figurative Sign.
- Marquee Sign.

- Mobile Billboard.
- Pennant.
- Roof Sign.

In place of Planning Commission recommendations, staff is asking the City Council for direction on how to classify each type of sign found above. Specifically, should they be allowed temporarily, permanently or not at all.

3. Community Health

City of Suisun City was awarded a grant from the Center of Disease Control through Solano County. Specific aims of the grant include increasing the availability and affordability of healthy foods and beverages in a variety of community settings; promoting water consumption in schools; getting corner/convenience store owners to sell fruits and vegetables; limiting the number of tobacco retail outlets and making more parks smoke-free; and establishing clinical referral systems for patients with high blood pressure or diabetes to learn about healthy living. Many of these goals fall outside of the purview of zoning, but a majority has direct or indirect ties to zoning. For example, it may be appropriate to make certain uses “conditionally permitted” or to implement certain standards for certain uses.

Planning Commission Recommendations

- Make fruit stands an allowed use in both residential and non-residential zoning districts subject to location requirements.
- Provide definitions for convenience stores, smoke shops, liquor store, recreational smoking lounge, community garden, and corner market in the Zoning Ordinance.
- Regulate the concentration of retail establishments selling alcohol and/or tobacco products and establish locational requirements from sensitive uses for alcohol and tobacco retail businesses.

Staff is seeking input from the City Council on each of these three topics discussed above which will then become a part of the draft of Title 18.

NEXT STEPS

Staff expects to be able to take the direction provided by the City Council and finalize a draft of the Title 18 for public review and consideration of the Planning Commission and City Council before final adoption. Adoption of this update will allow consistency between the General Plan and Title 18 “Zoning”.

RECOMMENDATION: It is recommended that the City Council:

- Receive Staff Presentation; and
- Take any Public Comments; and
- Provide Staff with Discussion, Direction, and Comments.

ATTACHMENTS:

1. Draft Zoning Code Definitions: Unique Sign “Types”

Draft Zoning Code Definitions Selection of Unique Sign “Types”

Balloon Sign. A flexible bag made of a material such as rubber, latex, polychloroprene, or a nylon fabric that is filled with a gas such as helium, hydrogen, nitrous oxide, or air. A balloon qualifies as a “sign” when it is larger than 8 cubic feet in volume or is stationed at or above 10 feet above the ground.

Figurative Sign. A sign that comprises a three-dimensional object that graphically or iconically brands an establishment or development (e.g., provides a representational message rather text messages). Such signs may be used as either building-attached or freestanding signs.

Inflatable Sign. Any sign which is inflated, floats, is tethered in the air, or is activated by air or moving gas, whether located in the air, on the ground, or on a building.

Marquee Sign. Any sign attached to, in any manner, or made a part of a marquee.

Mobile Billboard Sign. An off-site, outdoor advertising sign on which space is leased or rented and is attached to a wheeled, mobile, non-motorized vehicle that carries, pulls, or transports a sign or billboard. A vehicle which advertises the company of its primary use is not considered a mobile billboard.

Noncommercial Message. A message that addresses topics of public debate and concern.

Pennant. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention.

Roof Sign. A sign placed upon, projecting from, or above the eaves of the roof or the roof itself. A sign hanging from and below a roof eave is not a roof sign.

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AGENDA TRANSMITTAL

MEETING DATE: January 5, 2016

CITY COUNCIL AGENDA ITEM: PUBLIC HEARING Council Introduction of Ordinance and Waive Reading of Ordinance No. __: Repealing Chapter 18.47 in its Entirety and Adding Chapter 18.47 of the Suisun City Code Relating to Regulation of Medical Marijuana.

FISCAL IMPACT: At this point and time, the consideration of this ordinance renders no fiscal impact.

BACKGROUND: In 1996, California voters adopted the **Compassionate Use Act** (“CUA”) as a ballot initiative, codified at Health and Safety Code section 11362.5. The CUA provides a limited defense from prosecution for cultivation and possession of marijuana. (*City of Claremont v. Kruse*, 177 Cal.App.4th 1153 (2009)). In 2003, the Legislature adopted the Medical Marijuana Program Act (“MMP”), codified at Health and Safety Code sections 11362.5 to 11362.83. The MMP provides qualified persons, primary caregivers, and holders of valid identification cards a defense to certain enumerated marijuana-related state crimes (*City of Claremont v. Kruse*, 177 Cal.App.4th 1153 (2009)).

In 2013, the California Supreme Court confirmed a city’s ability to prohibit medical marijuana dispensaries within its boundaries. (*City of Riverside*, 56 Cal.4th 729 (2013)). The court found that the CUA and MMP do not preempt a city’s local regulatory authority. It further upheld the denial of a business license and a moratorium noting that “there is nothing in the text or history of the [CUA] that suggests that the voters intended to mandate that municipalities allow [such facilities] to operate within their city limits.”

On October 9, 2015, Governor Brown signed into law **AB 266** (Bonta, Cooley, Jones-Sawyer, Lackey, Wood), **AB 243** (Wood), and **AB 643** (McGuire). Known collectively as the **Medicinal Marijuana Regulation and Safety Act** (MMRSA), these bills are designed to impose additional regulatory mechanisms related to medical marijuana. For example, there will be a dual licensing structure which requires a state and local license or permit in order to cultivate, dispense or transport medical marijuana. The legislation allows cities that wish to ban these land use activities to continue to do so; however, there are critical time constraints. (For additional information about the specific bills, please refer to the *Summary of Medical Marijuana Package* composed by the League of California Cities – Attachment 2.)

Cultivation

Per **AB 243** Cities may prohibit or regulate medical marijuana businesses within their jurisdictions, as local authority remains intact under the new law. In order to maintain local authority concerning medicinal marijuana commercial activities, the municipalities must adopt a

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REVIEWED BY:
APPROVED BY:

Katrina Lapira, Planning Specialist
 Jason Garben, Development Services Director
 Suzanne Bragdon, City Manager

land use ordinance regulating or prohibiting the cultivation of medical marijuana. An ordinance must be adopted on, or before **January 29, 2016** to come in effect by the **March 1, 2016** deadline. Though legislators suggest a “clean-up” of AB 243 will occur in the next legislative session, perhaps striking this time sensitive provision, action is not guaranteed.

Deliveries and Mobile Dispensaries

Per **AB 266** Delivery is permitted with a State license unless a city adopts an express prohibition on delivery. Although the State will not be issuing licenses for this particular commercial cannabis activity until **January 1, 2018**, this date is still subject to change.

Current Code

Although *Chapter 18.47- Prohibited Businesses* of Suisun City’s Municipal Code prohibits marijuana dispensaries, it does not expressly prohibit deliveries, mobile deliveries, or cultivation in relation to all medical marijuana.

Planning Commission Actions

During the regular Planning Commission meeting on **Tuesday, December 8, 2015**, the Planning Commission approved Resolution PC15-21: A Resolution of The City of Suisun City Planning Commission Approving a Resolution of Intention to Initiate an Ordinance Repealing and Replacing Chapter 18.47 of the Suisun City Code. As part of that action, staff was directed to draft an ordinance to address time-sensitive provisions pertaining to cultivation and deliveries and mobile deliveries in the recently enacted Medical Marijuana Regulation and Safety Act.

On a Special Meeting on **Thursday, December 17, 2015**, the Planning Commission approved Resolutions PC15-22: A Resolution of the City of Suisun City Planning Commission Recommending the City Council to Adopt an Ordinance Repealing Chapter 18.47 in its Entirety and Adding 18.47 of the Suisun City Code Relating to the Regulation on Medical Marijuana.

STAFF REPORT: In order for the City to *maintain local authority* concerning the regulation of medical marijuana, and all commercial cannabis activities within its jurisdiction, the City must pass a land use ordinance specifically addressing cultivation and deliveries by **January 29, 2016**, in order to adhere to the effective deadline of **March 1, 2016**. Otherwise, the State will be the *sole licensing* authority for such matters, with State law superseding local law.

Upon review of *Chapter 18.47- Prohibited Business* (“the Chapter”) of the Suisun City Municipal Code, staff has determined that the Chapter be repealed and replaced in its entirety, to better address the recently enacted regulations related to the cultivation, deliveries, mobile deliveries, as well as other activities concerning medical marijuana.

The new Chapter, titled *Chapter 18.47- Medical Marijuana Regulations*, specifically addresses deficiencies in existing code, prohibiting the cultivation of marijuana, and mobile delivery or distribution of marijuana in addition to the establishment of marijuana and medical dispensaries within City limits.

18.47.020- Definitions

Existing code only defines “marijuana” and “marijuana dispensaries”. The following terms have been added to include and clarify various commercial cannabis activities recognized by the State, and strengthens prohibitions:

- Marijuana cultivation
- Marijuana processing
- Mobile marijuana dispensary
- Operation

Additionally, the following terms are included to further delineate participatory roles and personal use status achieved within the new section of code:

- Person
- Primary caregiver
- Qualified patient

18.47.030- Prohibition

Marijuana Dispensaries- Existing code prohibits marijuana dispensaries as a use in all zoning districts in the city, and by definition, allows for uses permitted by the Code and state laws included in Healthy and Safety Code Section 11362.5. As this provision is written in the amended code, it upholds the prohibition on marijuana dispensaries and the “delivery of marijuana” in all zones throughout the city. The amended provision includes prohibitions reflecting the existing code and satisfies the requirement of stating an express prohibition of deliveries, if desired, per **AB 266**.

Marijuana Cultivation- Existing code does not specifically address the cultivation of marijuana. With the exception of personal individual cultivation for personal use by the cultivator of medical marijuana, as permitted by the Compassionate Use Act of 1996, this provision expressly prohibits the commercial marijuana cultivation in all zones throughout the city, satisfying the requirement of affirming so via land-use ordinance per **AB 243**.

Mobile Marijuana Dispensaries- Existing code does not address the regulation of mobile marijuana dispensaries. This new section further expounds on the prohibition of deliveries as set forth in the provision of *Marijuana Dispensaries*, expressly prohibiting the various operations of mobile deliveries and the forms in which marijuana products are delivered. Again, his new provision further adheres to the expressed prohibition required of municipalities per **AB 266**.

Marijuana-Related Licenses and Permits- This new section of the amended code reaffirms the City’s ability to exert local control over the issuance of administrative or discretionary licenses concerning of marijuana cultivation, deliveries, and dispensaries, and any other related activities. Essentially, this provision states the *maintenance of local authority* regarding commercial cannabis activities within Suisun City’s limits.

Overall, by replacing Chapter 18.47 of the Code, the City addresses the deficiencies in existing code regarding commercial cannabis activities before the **March 1, 2016** deadline and serves to maintain municipal authority.

RECOMMENDATION: Staff recommends the City Council:

1. Open the Public Hearing; and
2. Receive testimony, if any; and
3. Close the Public Hearing; and

4. Introduce and waive the first reading of an Ordinance Repealing Chapter 18.47 in its Entirety and Adding 18.47 of the Suisun City Code Relating to Regulation on Medical Marijuana.

ATTACHMENTS:

1. Ordinance No.__: Repealing Chapter 18.47 in its Entirety and Adding Chapter 18.47 of the Suisun City Code Relating to the Regulation of Medical Marijuana.
2. *Summary of Medical Marijuana Package* by the League of California Cities

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
CALIFORNIA REPEALING CHAPTER 18.47 IN ITS ENTIRETY AND ADDING
CHAPTER 18.47 OF THE SUISUN CITY CODE RELATING TO REGULATION OF
MEDICAL MARIJUANA**

WHEREAS, in 1996, the voters of the state of California approved Proposition 215, codified at Health and Safety Code section 11362.5 et seq. and entitled “The Compassionate Use Act of 1996” (the “CUA”); and

WHEREAS, the CUA was intended to provide seriously ill Californians the ability to possess, use and cultivate marijuana for medical use once a physician has deemed the use beneficial to a patient’s health;

WHEREAS, in 2003, California Senate Bill (SB) 420 was enacted by the Legislature to clarify the scope of the CUA and to allow California cities and counties to adopt and enforce rules and regulations consistent with SB 420 and the CUA; and

WHEREAS, these new regulations and rules became known as the Medical Marijuana Program (“MMP”), which, among other things, enhanced the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects; and

WHEREAS, neither the CUA nor the MMP require or impose an affirmative duty or mandate upon a local government to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within its jurisdiction; and

WHEREAS, in 2009 the City Council of the City of Suisun City (“City”) adopted a prohibition on medical marijuana dispensaries city-wide by adopting Ordinance No. 712, codified in the City’s Zoning Ordinance at Chapter 18.47 Section 18.47.010 (“Marijuana Dispensaries); and

WHEREAS, in 2013, the California Supreme Court confirmed that cities have the authority to ban medical marijuana land uses (*City of Riverside v. Inland Empire Patients Health and Wellness Center* (2013) 56 Cal.4th 729); and

WHEREAS, under the Federal Controlled Substances Act, codified in 21 U. S. C. Section 801 *et seq.*, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

WHEREAS, on October 9, 2014, Governor Jerry Brown signed into law three (3) bills – AB 243, AB 266 and SB 643 – which together form the Medical Marijuana Regulation and Safety Act (the “Act”); and

WHEREAS, the Act, which becomes effective January 1, 2016, creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis; and

WHEREAS, in addition to creating these State controls, the Act preserves the City's authority to prohibit, regulate and/or license medicinal marijuana uses within its jurisdiction, as it expressly provides that the Act:

- Is not intended “to supersede or limit existing local authority for law enforcement activity, enforcement of local zoning requirements or local ordinances, or enforcement of local permit or licensing requirements” (Bus. & Prof. Code § 19315(a));
- Does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Bus. & Prof. Code § 19316(c));
- Authorizes local jurisdictions like the City with the power to “adopt ordinances that establish additional standards, requirements, and regulations for local licenses and permits for commercial cannabis activity” (Bus. & Prof. Code § 19316); and

WHEREAS, the Act further expressly allows local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program pursuant to Health & Safety Code Section 11362.777 for the cultivation of marijuana (Health & Safety Code § 11362. 777(c)(4));

WHEREAS, the Act requires a local government that wishes to prevent marijuana delivery activity, as defined in Business & Professions Code section 19300.5(m), from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Bus. & Prof. Code § 19340(a));

WHEREAS, under the dual licensing system created by the Act, before any kind of medical marijuana license will be issued by the State, the applicant must have obtained the necessary local license and/or permit for the requested marijuana-related use; and

WHEREAS, pursuant to the following statutes created by the Act, local jurisdictions that adopt a ban on medicinal marijuana dispensaries, cultivation and/or mobile delivery will effectively have a “veto” over whether a state license for the locally regulated activities can be issued:

Business & Professions § 19320(b): “A licensee shall not commence [commercial cannabis] activity under the authority of a state license until the applicant has obtained, in addition to the state license, a license or permit from the local jurisdiction in which he or she proposes to operate, following the requirements of the applicable local ordinance.”

Health & Safety Code § 11362.777(b)(1): “A person shall not cultivate medical marijuana without first obtaining . . . A license, permit, or other entitlement, specifically permitting cultivation pursuant to these provisions, from the city. . . in which the cultivation will occur.”

Business & Professions Code § 19320(b): “Revocation of a local license, permit or authorization shall terminate the ability of a medical cannabis business to operate within that local jurisdiction. . . .”

Business & Professions Code § 19312: “Each licensing authority may suspend or revoke licenses. . . .”

WHEREAS, California Health & Safety Code Section 11362.777(b)(3) expressly provides that the Department of Food and Agriculture may not issue a state license to cultivate medical marijuana within a city that prohibits cultivation under the principles of permissive zoning; and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation, processing and distribution activities, including but not limited to offensive odors, criminal activity – including trespassing, theft, violent robberies and robbery attempts, and the illegal sale and distribution of marijuana, and public health concerns including fire hazards and problems associated with mold, fungus, and pests; and

WHEREAS, marijuana plants, as they begin to flower and for a period of two months or more, produce a strong odor, offensive to many people, and detectable far beyond property boundaries if grown outdoors; and

WHEREAS, due to the value of marijuana plants and their strong smell (which alerts others to their locations), marijuana cultivation has been linked to break-ins, robbery, armed robbery, theft and attendant violence and injury, creating an increased risk to public safety and/or “attractive nuisance”; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the buildings in which it is cultivated, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire, which presents a clear and present danger to the building and its occupants; and

WHEREAS, the Attorney General’s August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing and distribution activities; and

WHEREAS, based on the findings set forth above and herein, the potential establishment of the cultivation, processing and distribution of medical marijuana in the City without an express ban on such activities poses a current and immediate threat to the public health, safety, and welfare in the City due to the negative impacts of such activities as described above; and

WHEREAS, the issuance or approval of business licenses, subdivisions, use permits, variances, building permits, or any other applicable entitlement for marijuana cultivation, processing, delivery, and/ or distribution will result in the aforementioned threat to public health, safety, and welfare; and

WHEREAS, pursuant to the above-described express statutory authority and its police power, the City has determined that, in addition to the existing prohibition on the establishment of medicinal marijuana dispensaries codified in the Ordinance, an express prohibition on the cultivation and delivery of marijuana is needed to protect the public health, safety and welfare; and

WHEREAS, in light of the findings and determinations set forth herein and further advanced during the public hearing on this matter, the City now desires to amend the City of Suisun City Municipal Code to further prohibit cultivation and mobile dispensaries pursuant to the new state law requirements (AB 266 and AB 243); and

WHEREAS, the provisions of this ordinance would affect all properties city-wide; and

WHEREAS, at a properly noticed public hearing held on December 17, 2015, the Planning Commission considered this issue and adopted Resolution No. 15-__ recommending that the City Council adopt this ordinance; and

WHEREAS, the City Council, after notice duly given as required by law, held a public hearing on ____, 2016 in the City Hall council chamber located at _____, California, to consider the Planning Commission's recommendation as set forth in its Resolution No. __ to establish ban marijuana cultivation, marijuana delivery, and marijuana dispensaries within the city; and

WHEREAS, the City Council has duly considered all information presented to it, including the Planning Commission findings, Planning Commission Resolution No. __, written staff reports, and any testimony provided at the public hearing; and

WHEREAS, all legal prerequisites to the adoption of this ordinance have occurred.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUISUN CITY as follows:

SECTION 1. Recitals. The City Council of Suisun City finds that the above recitals are true and correct.

SECTION 2. Purpose & Authority. The City Council finds that this ordinance: (1) expressly prohibits the delivery of marijuana in the City, (2) expresses its intent to prohibit the cultivation of marijuana in the City and to not administer a conditional permit program pursuant to Health & Safety Code section 11362.777 for the cultivation of marijuana in the City; (3) exercises its local authority to enact and enforce local regulations and ordinances, including those regarding the permitting, licensing, or other entitlement of the activities prohibited by the enactment of Chapter 18.47; and (4) exercises its police power to enact and enforce regulations for the public benefit, safety, and welfare of the City and its community. The City Council of Suisun City enacts this ordinance in accordance with the authority granted to cities by the California Constitution and California State Law.

SECTION 3. Findings. The recitals set forth above are hereby incorporated by reference. Additionally, the City Council finds as follows:

1. The cultivation and dispensing of marijuana, both fixed and mobile, has significant impacts or the potential for significant impacts on the City. These impacts include damage to residences and other buildings, dangerous electrical alterations and use, inadequate ventilation, and the nuisance of strong and noxious odors. Additionally, there is evidence of an increased incidence of crime-related secondary impacts in locations associated with medical marijuana dispensaries, cultivation and the mobile delivery of same.
2. The proposed repeal and enactment will further the public health, safety and general welfare. The proposed repeal and enactment to the Municipal Code will prohibit marijuana and medical marijuana dispensaries, cultivation and the mobile delivery of same within the City limits and will help protect the public health, safety and general welfare of the City and its residents. They will also mitigate or reduce the crime-related secondary impacts associated with medical marijuana dispensaries, cultivation and the mobile delivery of same, which is contrary to policies that are intended to promote and maintain the public's health, safety and welfare. These prohibited services will help preserve the City's law enforcement services, in that monitoring and addressing the negative secondary effects and adverse impacts will likely burden the City's law enforcement resources.
3. The repeal and enactment will not adversely affect adjoining property as to value, precedent or be detrimental to the area. The proposed repeal and enactment will further solidify the City's stance on prohibiting medical marijuana dispensaries, cultivation, and the mobile delivery of same. The prohibition of these uses will help protect property values in the City and discourage a wide range of illicit activities associated with the sale, cultivation and dispensing of marijuana and/or medical marijuana.

4. The proposed repeal and enactment are consistent with the General Plan and is in compliance with all applicable provisions of the Zoning Code and other ordinances and regulations of the City.
5. The proposed repeal and enactment are consistent with Federal Law. The possession, cultivation, use, and dispensing of marijuana continues to be illegal under Federal law. The Federal Controlled Substances Act classifies marijuana as “Schedule I Drug,” which is defined as a drug or other substance that has a high potential for abuse, and makes it unlawful for any person to cultivate or dispense marijuana. The Controlled Substance Act contains no statutory exemption for the possession of marijuana for medical purposes. The cultivation and dispensing of marijuana has significant impacts or the potential for significant impacts on the City.
6. These impacts include damage to residences and other buildings, dangerous electrical alterations and use, inadequate ventilation, increased robberies and other crimes, and the nuisance of strong and noxious odors.

SECTION 4. Repeal. Chapter 18.47 of the Suisun City Municipal Code is hereby repealed in its entirety.

SECTION 5. Enactment. Chapter 18.47 is hereby added to the Suisun City Municipal Code as follows:

**Chapter 18.47
MEDICAL MARIJUANA REGULATIONS**

18.47.010 - Purpose.

The purpose of this chapter is to prohibit the establishment of marijuana and medical marijuana dispensaries, cultivation of marijuana, and mobile delivery or distribution of marijuana, as defined herein, in any zone located within the city.

18.47.020 - Definitions.

- A. “Marijuana” means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or any other ingestible or consumable product containing marijuana. The term “marijuana” shall also include “medical marijuana” as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state

- of California, or authorized in strict compliance with the provisions of California Health and Safety Code Section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code Sections 11362.7 to 11362.83 (Medical Marijuana Program Act).
- B. “Marijuana Cultivation” means the growing, planting, harvesting, drying, curing, grading, trimming or processing of marijuana or any part thereof.
- C. “Marijuana Processing” means any method used to prepare marijuana or its byproducts for commercial retail and/ or wholesale, including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create marijuana related products and concentrates.
- D. “Marijuana Dispensary” means any for-profit or not-for-profit facility or location, whether permanent or temporary, where the owner(s) or operator(s) intends to or does possess and distribute marijuana, or allows others to possess and distribute marijuana, to more than one person, such as a qualified patient, primary caregiver or a person with an identification card issued in accordance with California Health and Safety Code Sections 11362.5 to 11362.83. A “medical marijuana dispensary” includes a “collective” or “cooperative” as described in Health and Safety Code Section 11362.775, and includes an establishment that delivers marijuana to offsite locations. A “medical marijuana dispensary” shall not include the following uses; provided, that the location of such uses is permitted by the Code and the uses comply with all applicable state laws including Health and Safety Code Section 11362.5 *et seq.*:
1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code;
 2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
 3. A facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
 4. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
 5. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; or
 6. A residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.
- E. “Mobile Marijuana Dispensary” means any business, office, store, facility, location, retail “storefront” or wholesale component of any establishment,

- cooperative, collective, club or entity of that nature that transports or delivers (as defined in Business & Professions Code § 193500(m) or any successor statute thereto), or arranges the transportation or delivery of marijuana and/or medical marijuana for any purpose.
- F. “Operation” means any effort to locate, operate, own, lease, supply, allow to be operated, or aid, abet or assist in the operation of a marijuana dispensary, fixed or mobile.
 - G. “Person” means any person, firm, corporation, association, club, society, or other organization. The term “person” shall include any owner, manager, proprietor, employee, volunteer or salesperson.
 - H. “Primary caregiver” means the individual (or individuals) older than 18 years of age, designated by a qualified patient, who has consistently assumed responsibility for the housing, health, or safety of that qualified patient.
 - I. “Qualified patient” means a seriously ill person who obtains a recommendation from a physician, licensed to practice medicine in the State of California, to use marijuana for personal medical purposes. In addition, persons currently under the care of a physician for certain medical conditions including, but not limited to, HIV/AIDS, cancer, glaucoma, epilepsy or other spasticity related illnesses, migraine, anorexia, severe nausea are presumed to be “qualified patients.”

18.47.030 - Prohibition.

- A. Marijuana Dispensaries. The establishment or operation of a medical marijuana dispensary, as defined in this chapter, is prohibited in all zones throughout the city. The delivery of marijuana within city limits by any means is further prohibited.
- B. Marijuana Cultivation. With the exception of personal individual cultivation for personal use by the cultivator of medicinal marijuana, as permitted by the Compassionate Use Act of 1996, marijuana cultivation by any person, including primary caregivers and qualified patients, collectives, cooperatives and dispensaries, is prohibited in all zones throughout the city.
- C. Mobile Marijuana Dispensaries. The establishment or operation of a mobile marijuana dispensary as defined in this chapter, shall be prohibited within city limits. No person shall locate, operate, own, suffer, allow to be operated or aid, abet, or assist in the operation of any mobile marijuana dispensary within the city.
 - 1. No person shall deliver and/or dispense marijuana and/or medical marijuana to any location within the city from a mobile marijuana dispensary or any other vehicle or method, regardless of where the mobile

marijuana dispensary or vehicle is located, or engage in any operation for this purpose.

2. No person shall deliver and/or dispense any marijuana-infused product such as tinctures, baked goods or other consumable products, to any location within the city from a mobile marijuana dispensary, or any other vehicle or method, regardless of where the mobile marijuana dispensary or vehicle is located, or engage in any operation for this purpose.
- D. Marijuana-Related Licenses and Permits. No permit or any other applicable license or entitlement for use, whether administrative or discretionary, including, but not limited to, the issuance of a business license, shall be approved or issued for the establishment or operation of a marijuana dispensary within the city limits, the establishment or operation of a mobile marijuana dispensary within the city limits, marijuana cultivation, marijuana processing or marijuana delivery, and no person shall otherwise establish or conduct such activities in the city, except as otherwise expressly required by federal or state law.

18.47.040 - Use Or Activity Prohibited By State Or Federal Law.

Nothing contained in this chapter shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.

18.47.050 - Enforcement.

- A. Public Nuisance. The violation of any provision in this Chapter shall be and is declared to be a public nuisance and contrary to the public interest and shall, in addition to any other remedy and, at the discretion of the city, create a cause of action for injunctive relief.
- B. Penalties. The following nonexclusive remedies may be used by the City as penalties for violations of this Chapter:
 1. Criminal. Violation of the prohibition against the establishment or operation of a medical marijuana dispensary, fixed or mobile, as set forth at Section 18.47.030 of this chapter, or the causing or permitting another to violate said prohibition, is a misdemeanor.
 2. Civil. The violation of any provision of this chapter shall be and is hereby declared to be a nuisance and contrary to the public interest and shall, at the discretion of city, create a cause of action for injunctive relief as well as any other available civil remedies.
 3. Separate Offense for Each Day. Any person who violates any provision of this chapter is guilty of a separate offense for each day during any portion of

which such person commits, continues, permits, or causes a violation of this chapter and shall be penalized accordingly.

SECTION 6. CEQA. The City Council of Suisun City finds this ordinance is exempt from the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines, which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Where, as here, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The amendments to the Suisun City Municipal Code would only prohibit marijuana dispensaries and cultivation, and would not cause a significant effect on the environment.

SECTION 7. Severability. The provisions of Chapter 18.47 are hereby declared to be severable. If any provision, clause, word, sentence or paragraph of Chapter 18.47, or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not result in the invalidity of the entire chapter which can be given effect without the invalid provision or application. The City Council of Suisun City hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 8. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its adoption following second reading.

SECTION 9. Notice. The City Clerk is hereby authorized and directed to certify as the passage of this Ordinance and to give notice thereof by causing copies of this Ordinance to be posted in three public places throughout the City, or published in a county newspaper that is circulated in the City, within 15 days after its passage, there being no newspaper of general circulation printed and published within the City.

* * * * *

PASSED, APPROVED, AND ADOPTED as an Ordinance at a regular meeting of the City Council of the City of Suisun City, California, on this 19th day of January 2016.

Pete Sanchez
Mayor

CERTIFICATION

I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on January 5, 2016 and passed, approved, and adopted by the City Council of the City of Suisun City at a regular meeting held on the 19th day of January 2016 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

WITNESS my hand and the seal of said City this 19th day of January 2016.

Linda Hobson, CMC
City Clerk

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Summary of Medical Marijuana Package

September 15, 2015

In a historic move, the Legislature on Friday night sent Gov. Jerry Brown a comprehensive package of bills to erect a regulatory structure around the state's multi-billion dollar medical marijuana industry.

For the first time since voters passed Proposition 215 in 1996, multiple stakeholders including local government, law enforcement, unions and portions of the industry, came to an agreement on what the regulatory structure should look like. This in turn empowered the Legislature to speak with a unified voice and approve the package of bills with bipartisan support.

Together, the three measures comprise the Medical Marijuana Regulation & Safety Act. In a rare move, the bills were triple-joined, which means that they must all be signed by the Governor, or all will fail. Since his staff was directly involved in, and in fact controlled the final drafting of each measure, Governor Brown is expected to sign each of these measures.

A summary of each of the three bills is below:

AB 243 (Wood) Medical Marijuana

- Places the Department of Food and Agriculture (DFA) in charge of licensing and regulation of indoor and outdoor cultivation sites. Creates a Medical Cannabis Cultivation Program within the department.
- Mandates the Department of Pesticide Regulation (DPR) to develop standards for pesticides in marijuana cultivation, and maximum tolerances for pesticides and other foreign object residue.
- Mandates the Department of Public Health (DPH) to develop standards for production and labelling of all edible medical cannabis products.
- Assigns joint responsibility to DFA, Department of Fish and Wildlife (DFW), and the State Water Resources Control Board (SWRCB) to prevent illegal water diversion associated with marijuana

cultivation from adversely affecting California fish population.

- Specifies that DPR, in consultation with SWRCB, is to develop regulations for application of pesticides in all cultivation.
- Specifies various types of cultivation licenses.
- Directs the multi-agency task force headed by DFW and SWRCB to expand its existing enforcement efforts to a statewide level to reduce adverse impacts of marijuana cultivation, including environmental impacts such as illegal discharge into waterways and poisoning of marine life and habitats.

AB 266 (Bonta, Cooley, Jones-Sawyer, Lackey, Wood) Medical Marijuana

- Protects local control as it establishes a statewide regulatory scheme, headed by the Bureau of Medical Marijuana Regulation (BMMR) within the Department of Consumer Affairs (DCA).
- Provides for dual licensing: state will issue licenses, and local governments will issue permits or licenses to operate marijuana businesses, according to local ordinances. State licenses will be issued beginning in January 2018.
- Revocation of a local license or permit will unilaterally terminate the ability of the business to operate in that jurisdiction.
- Expressly protects local licensing practices, zoning ordinances, and local constitutional police power.
- Caps total cultivation for a single licensee at four acres statewide, subject to local ordinances.
- Requires local jurisdictions that wish to prevent delivery services from operating within their borders to enact an ordinance affirmatively banning this activity. No specific operative date for the ban is specified.
- Specifies that DCA will issue the following licenses: Dispensary, Distributor, Transport, and Special Dispensary Status for licensees who have a maximum of three dispensaries. Specifies various sub-categories of licensees (indoor cultivation, outdoor cultivation, etc.)
- Limits cross-licensing to holding a single state license in up to two separate license categories, as specified. Prohibits medical marijuana licensees from also holding licenses to sell alcohol.
- Grandfathers in vertically integrated businesses (i.e. businesses that operate and control their own cultivation, manufacturing, and dispensing operations) if a local ordinance allowed or required such a business model and was enacted on or before July 1, 2015. Also requires such businesses to have operated in compliance with local ordinances, and to have been engaged in all the covered activities on July 1, 2015.
- Requires establishment of uniform health and safety standards, testing standards, and security requirements at dispensaries and during transport of the product.
- Specifies a standard for certification of testing labs, and specified minimum testing requirements. Prohibits testing lab operators from being licensees in any other category, and from holding a financial or ownership interest in any other category of licensed business.
- Includes a labor peace agreement under which unions agree not to engage in strikes, work

stoppages, etc. and employers agree to provide unions reasonable access to employees for the purpose of organizing them. Specifies that such an agreement does not mandate a particular method of election.

- Provides for civil penalties for unlicensed activity, and specifies that applicable criminal penalties under existing law will continue to apply.
- Specifies that patients and primary caregivers are exempt from the state licensing requirement, and provides that their information is not to be disclosed and is confidential under the California Public Records Act.
- Phases out the existing model of marijuana cooperatives and collectives one year after DCA announces that state licensing has begun.
- Preserves enforcement authority of the city of Los Angeles with respect to Measure D, the local regulatory structure for medical marijuana within the city limits.

SB 643 (McGuire) Medical Marijuana

- Directs the California Medical Board to prioritize investigation of excessive recommendations by physicians.
- Imposes fines (\$5000.00) against physicians for violating prohibition against having a financial interest in a marijuana business.
- Recommendation for cannabis without a prior examination constitutes unprofessional conduct.
- Imposes restrictions on advertising for physician recommendations.
- Places DFA in charge of cultivation regulations and licensing, and requires a track and trace program.
- Codifies dual licensing (state license and local license or permit), and itemizes disqualifying felonies for state licensure.
- Places DPR in charge of pesticide regulation; DPH in charge of production and labelling of edibles.
- Upholds local power to levy fees and taxes.

For questions, please contact [Tim Cromartie](#)

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AGENDA TRANSMITTAL

MEETING DATE: January 5, 2016

CITY AGENDA ITEM: PUBLIC HEARING: Request to Establish the Sunset Special Sign Overlay District (the “District”) at the Northeast Corner of Highway 12 and Sunset Avenue and to Approve a Pylon Sign at the Sunset Center Shopping Center. (Continued from December 15, 2015).

- a. Council Introduction and Waive Reading of Ordinance No.____: An Ordinance of the City Council of the City of Suisun City Approving a Special Sign Overlay District at the Northeast Corner of Highway 12 and Sunset Avenue (APNs 0173-390-010; 030, 040, 050, 060, 070, 100, 130, 140, 150, 160, 170, and 180).
- b. Council Adoption of Resolution No. 2016-____: A Resolution of the City Council of the City of Suisun City Approving a 60 Foot Tall Pylon Sign at the Sunset Center Shopping Center (APNs 0173-390-150).

FISCAL IMPACT: The project, if approved, would provide better advertisement for businesses within the SSOD. This is likely to provide a positive economic impact on the shopping center and the land uses within the proposed district, and provide for increased sales within the District.

BACKGROUND: On September 3, 2013, the City Council amended the City’s Zoning Code to include Special Sign Overlay District regulations that allow the establishment of up to five Special Sign Overlay Districts along Highway 12 (Section 18.54.640-730 of Suisun City Municipal Code).

Centre Place Walnut Creek, LLC (Applicant) has submitted an application to establish the first Special Sign Overlay District along Highway 12. Additionally, the Applicant has requested approval of a 60 foot tall pylon sign.

Under the City’s regulations, these are two distinct approvals and this project review considers these actions concurrently. While the City Council may approve the design of the pylon sign, such an approval would not take effect until after the Sunset Center Special Sign Overlay District is approved and in effect.

The Planning Commission at their regular meeting of November 10, 2015, considered a recommendation to the City Council regarding both the sign district formation and aesthetics of the sign. The Commission unanimously recommended City Council approval.

The City Council continued the item twice from December 1 to December 15 and from December 15 to January 5.

STAFF REPORT: In establishing the “Special Sign Overlay District” provisions in Title 18 of the Suisun City Municipal Code, the interests included increasing the economic viability of

PREPARED BY:
REVIEWED BY:
APPROVED BY:

John Kearns, Associate Planner
 Jason Garben, Development Services Director
 Suzanne Bragdon, City Manager

commercial properties along Highway 12 by providing better advertising at key intersections and diverting travelers off of the highway to use the city's commercial services.

Sunset Center Special Sign Overlay District

The Applicant has requested the establishment of a Special Sign Overlay District (SSOD) for the Sunset Center Shopping Center. The application encompasses 25+ acres including APNs (0173-390-010; 030, 040, 050, 060, 070, 100, 130, 140, 150, 160, 170, and 180). **Attachment 1** identifies the proposed boundaries of the Sunset Center SSOD.

The City's Zoning Code establishes that such approval of a SSOD is granted through adoption of an ordinance by the City Council. Once established, future signage within the SSOD is reviewed subject to the provisions of the Zoning Code regarding Special Sign Overlay Districts.

Key provisions of the City's SSOD regulations include:

- Each SSOD may have only one highway-oriented sign within the district.
- The highway oriented sign may advertise businesses located on a different parcel than the sign (referred to as off-premise advertising), but may not advertise businesses located outside of the SSOD boundaries.
- Up to five SSODs may be designated within the Highway 12 corridor. However, no highway-oriented SSOD sign may be constructed within 100 feet of any existing highway-oriented SSOD sign in an adjacent SSOD.
- Generally, the highway-oriented SSOD sign permitted by the establishment of the SSOD shall not exceed 60 feet.
- Highway-oriented SSOD signs shall be context-sensitive to its location, complementary to the materials and design of buildings in proximity to the sign, and landscaped to enhance the aesthetics of the sign.
- Illumination shall be shielded to prevent light from being directed toward roads, to prevent glare, and to prevent impairment of driver vision. Illumination shall not interfere with official traffic signs, devices, signals, or pavement markings.
- If the SSOD is located within a named business center, the name of the business center shall be included on the highway-oriented SSOD sign.
- An application for a highway-oriented SSOD sign permit shall include a proposed signage reduction plan.

If approved, the boundaries of the Sunset Center SSOD would be established. Once an SSOD is established, the regulations within the Zoning Code related to SSOD's are applied to the review of individual sign applications. In this case, the City is considering approval of the Sunset Center SSOD and the design of a 60 foot tall pylon sign concurrently.

Sunset Center Pylon Sign

As noted above, the Applicant is seeking concurrent approval of a 60 foot tall pylon sign that would be allowed is the Sunset Center SSOD is established. If the proposed pylon sign is approved by the City Council, such approval would not take effect until the Sunset Center SSOD is approved and in effect.

The review of a highway-oriented sign within a SSOD is reviewed for consistency with the above noted standards and may include site plan review and design review of the proposed sign and its location. Specific design elements and features of the proposed highway-oriented sign include:

- The sign, including its decorative elements, shall not exceed 60' in height;
- The maximum width of the sign shall be 23'2".
- The total number of panels shall be 12 per side (6 sign panels and 6 logos). 4 Sign panels shall be 4'6" x 17' and 2 panels shall be 3'6" x 17'. Each of the logos shall be 5' x 5';
- All of the signage panels on the sign shall be internally illuminated;
- The sign may be designed to accommodate internal cellular or other communications antennas and equipment. No exterior cellular or other communications antennas will be allowed; and
- No electronic message boards or digital signage of any type shall be permitted.

The Sunset Center pylon sign's background is muted in color (aluminum). The center identification and tenant names will be individual illuminated channel letters. The illumination of the letters will be similar to typical channel letters mounted on buildings. The channel letters have translucent acrylic faces that are illuminated internally with LED or a similar light source. The brightness and intensity depends on the color of acrylic faces. Some of the colors are more translucent than others and will transmit more light. For example, white faces would transmit more light than dark blue faces.

The existing pylon sign is original to the shopping center and is approximately 30' tall. It has not been well-kept over the years and fallen into disrepair. When the applications for the SSOD and highway-oriented sign were submitted it was discovered that the existing sign location was within a sewer easement under the control of the Fairfield-Suisun Sewer District (FSSD). FSSD staff has required a relocation of the sign to be outside of the easement (which has meant moving the sign to the north toward McDonald's). The applicant has coordinated with the adjacent landowner to secure the proper air rights easement to shift the sign to the north.

The proposed Sunset Center Highway-Oriented Sign is consistent with City standards as follows:

1. Each SSOD may have only one highway-oriented sign within the district.
 - a. The proposed sign will replace the existing highway oriented sign and will be the sole highway oriented sign within the Sunset Center SSOD.
2. The highway oriented sign may advertise businesses located on a different parcel than the sign (referred to as off-premise advertising), but may not advertise businesses located outside of the SSOD boundaries.
 - a. The proposed sign will be monitored for compliance with allowed advertising.
3. Up to five SSODs may be designated within the Highway 12 corridor. However, no highway-oriented SSOD sign may be constructed within 100 feet of any existing highway-oriented SSOD sign in an adjacent SSOD.
 - a. There are no other SSOD's or SSOD highway-oriented signs within 100 feet of the proposed Sunset Center sign.
4. Generally, the highway-oriented SSOD sign permitted by the establishment of the SSOD shall not exceed 60 feet.
 - a. The proposed sign is 60 feet in height and therefore complies with this standard.

5. Highway-oriented SSOD signs shall be context-sensitive to its location, complementary to the materials and design of buildings in proximity to the sign, and landscaped to enhance the aesthetics of the sign.
 - a. The design of the sign utilizes materials consistent with the Sunset Center Shopping Center and will enhance the character and appearance of the existing shopping center by replacing a dilapidated sign providing a more modern and functional sign.
6. Illumination shall be shielded to prevent light from being directed toward roads, to prevent glare, and to prevent impairment of driver vision. Illumination shall not interfere with official traffic signs, devices, signals, or pavement markings.
 - a. The internal illumination of the sign and the placement of the sign would assure that not impact to driver safety would result from sign installation.
7. If the SSOD is located within a named business center, the name of the business center shall be included on the highway-oriented SSOD sign.
 - a. The sign design includes the business center name.
8. An application for a highway-oriented SSOD sign permit shall include a proposed signage reduction plan.
 - a. The Applicants will remove the existing, aging monument sign and will remove temporary signage. The SSOD regulations generally apply to new construction and the City does not seek removal of existing signage from existing businesses.

ALUC Review

On November 12, the Solano County Airport Land Use Commission reviewed and approved the Sign District/Highway Oriented Sign by finding is consistent with the Travis Airport Land Use Compatibility Plan (TALUCP) with one condition “The sign shall be illuminated in such a way as to not cause glint or glare detectable by overflying aircraft.” This condition is consistent with the City’s existing municipal code (Section 18.54.700 (c)) which states “Illumination shall be effectively shielded so as to prevent light from being directed at any portion of the traveled rights of way, to prevent glare, and to prevent impairment of driver vision or vehicle operation. Illumination shall not interfere with the effectiveness or obscure an official traffic sign, device, signal, or pavement marking.”

CEQA Review

Establishment of the Sunset Center SSOD and approval of the design of the Sunset Center highway-oriented sign are both projects under the California Environmental Quality Act and, therefore, the Planning Commission must consider the potential impacts these projects could have on the environment.

The Sunset Center SSOD would not result in any new building square footage and therefore would have no effect on conditions such as traffic, air quality, noise and other impacts typically associated with urbanization. Current regulations allow a sign up to 50 feet in height and, subject to a use permit, allow a sign up to 75 feet in height. Therefore, allowing signage up to 60 feet in height will not be out of character with the Highway 12 corridor and will not result in significant visual impacts.

The proposed Sunset Center highway-oriented sign has been designed to fit with the architectural character of the surrounding shopping center, relying on internal illumination that will avoid impacts of glare and will replace an aging and unattractive existing sign.

Based upon the above evaluation there is no evidence that approval of the Sunset Center SSOD or approval of the Sunset Center highway-oriented sign has the potential to result in significant effects on the environment. The proposed project is exempt under Section 15303 New Construction and Conversion of Small Structures and 15311, Accessory Structures of the California Code of Regulations. The project proposes an accessory structure (sign) to the existing commercial development (shopping center and adjacent pad buildings). Additionally, the approval of the Sunset Center SSOD and the associated highway-oriented sign would not result in any new urban development and no significant impacts on the aesthetics of the project or its surrounding environment.

Planning Commission Recommendation

On November 10, 2015, the Planning Commission considered the request for a Special Sign Overlay District and Highway-Oriented Sign at the northeast corner of Highway 12 and Sunset Avenue. The Commission recommended City Council approval of both actions with three conditions:

1. Businesses not on the pylon sign can have an A frame sign and/or a grand opening sign/banner for 30 days
2. Certain types of businesses are not recommended for the sign (as opposed to prohibited).
3. Add “Suisun City” to the pylon sign.

STAFF RECOMMENDATION: It is recommended that the City Council:

1. Introduce and Waive Reading of Ordinance No.____: An Ordinance of the City Council of the City of Suisun City Approving a Special Sign Overlay District at the Northeast Corner of Highway 12 and Sunset Avenue (APNs 0173-390-010; 030, 040, 050, 060, 070, 100, 130, 140, 150, 160, 170, and 180).
2. Adopt Resolution No. 2016-____: A Resolution of the City Council of the City of Suisun City Approving a 60 Foot Tall Pylon Sign at the Sunset Center Shopping Center (APNs 0173-390-150).

ATTACHMENTS:

1. Special Sign Overlay District Boundaries
2. Ordinance No. ____: An Ordinance of the City Council of the City of Suisun City Approving a Special Sign Overlay District at the Northeast Corner of Highway 12 and Sunset Avenue (APNs 0173-390-010; 030, 040, 050, 060, 070, 100, 130, 140, 150, 160, 170, and 180); and
3. Resolution No. 2016-____; A Resolution of the City Council of the City of Suisun City Approving a 60 Foot Tall Pylon Sign at the Sunset Center Shopping Center (APNs 0173-390-150).
4. Application materials.

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Key:
— Sunset Center Sign District
- - - Shopping Center Property

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ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
APPROVING A SPECIAL SIGN OVERLAY DISTRICT AT THE NORTHEAST
CORNER OF HIGHWAY 12 AND SUNSET AVENUE**

WHEREAS, the Chapter 18.54 of the Suisun City Municipal Code allows for Special Sign Overlay Districts to be established; and

WHEREAS, the City Council at its regular meeting on January 5, 2016, did hold a public hearing to consider the application and, following public comment and due consideration, did vote to approve the requested Special Sign Overlay District; and

WHEREAS, notice of the City Council's public hearing to consider the application was published in the *Daily Republic* on or before November 21, 2015, consistent with State Law and the Suisun City Code; and

WHEREAS, the City Council at its regular meeting on January 5, 2016, did hold a public hearing to consider the application and, following public comment and due consideration, introduced and waived first reading of Ordinance No. ____.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUISUN CITY as follows:

SECTION 1. The City Council of the City of Suisun City hereby approves the Special Sign Overlay District (Ordinance No. _____), consistent with the boundaries included in Exhibit A.

SECTION 2. This Ordinance shall be effective 30 days following its adoption by the City Council. A summary of this Ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

PASSED, APPROVED, AND ADOPTED as an Ordinance at a regular meeting of the City Council of the City of Suisun City, California, on this 19th day of January 2016.

Pete Sanchez
Mayor

CERTIFICATION

I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council on January 5, 2016 and passed, approved, and adopted by the City Council of the City of Suisun City at a regular meeting held on the 19th day of January 2016 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

WITNESS my hand and the seal of said City this 19th day of January 2016.

Linda Hobson, CMC
City Clerk



Key:  Sunset Center Sign District
 Shopping Center Property

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RESOLUTION NO. 2015-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
APPROVING A 60 FOOT TALL PYLON SIGN AT THE SUNSET CENTER SHOPPING
CENTER (APNS 0173-390-150).**

WHEREAS, the City Council at its regular meeting on January 5, 2016 did review application AR13-4-004 for a 60' pylon sign at the Northeast corner of Highway 12 and Sunset Avenue to be located within the Sunset Center Special Sign Overlay District (Sunset Center SSOD); and

WHEREAS, the public hearing notice was published in the Daily Republic on November 21, 2015; and

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

WHEREAS, this project has been considered regarding all applicable city regulations and ordinances; and

WHEREAS, there is no evidence that approval of the Sunset Center SSOD or approval of the Sunset Center highway-oriented sign has the potential to result in significant effects on the environment. The proposed project is exempt under Section 15303 New Construction and Conversion of Small Structures and 15311, Accessory Structures of the California Code of Regulations. The project proposes an accessory structure (sign) to the existing commercial development (shopping center and adjacent pad buildings). Additionally, the approval of the Sunset Center SSOD and the associated highway-oriented sign would not result in any new urban development and no significant impacts on the aesthetics of the project or its surrounding environment; and

WHEREAS, the construction of the proposed sign is to be located consistent with Exhibit A; and

WHEREAS, the construction, design, and operation of the proposed Highway Oriented SSOD sign is to be consistent with Exhibit B; and

WHEREAS, the applicant agrees to remove the existing pylon on the northeast corner of Highway 12 and Sunset Avenue and keep the Sunset Center SSOD free of illegal temporary signage at all times and make every effort to reduce the prospective signage in the district; and

WHEREAS, approval of said Highway-Oriented SSOD sign will not take effect until the Sunset Center SSOD has been established and has taken effect by law; and

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

1. That the project is categorically exempt from the California Environmental Quality Act, there is no evidence that approval of the Sunset Center SSOD or approval of the Sunset Center highway-oriented sign has the potential to result in significant effects on the environment. The proposed project is exempt under Section 15303 New Construction and Conversion of Small Structures and 15311, Accessory Structures of the California Code of Regulations. The project proposes an accessory structure (sign) to the existing commercial development (shopping center and adjacent pad buildings). Additionally, the approval of the Sunset Center SSOD and the associated highway-oriented sign would not result in any new urban development and no significant impacts on the aesthetics of the project or its surrounding environment.
2. That the Highway-Oriented SSOD Sign has been considered through an Architectural Review process as required by the Suisun City Zoning Ordinance.
3. That the Highway-Oriented SSOD Sign, will not conflict with the Goals, Objectives, and Policies of the General Plan.
4. That the Highway-Oriented SSOD Sign, will not have significant noise, traffic, or parking impacts on the neighborhood.
5. That the Highway-Oriented SSOD Sign, will not be detrimental to the public health, safety, or welfare of persons residing or working in or adjacent to the neighborhood of such district, nor detrimental to properties or improvements in the vicinity, nor to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Suisun City does hereby adopt Resolution No. 2015-__ ; A Resolution of the City Council of the City of Suisun City Approving a 60 Foot Tall Pylon Sign at the Sunset Center Shopping Center (APN 0173-390-150) subject to the following:

A. Applicability

This Special Sign District applies to signage within the boundaries of the District, as defined by the Sign Ordinance. Except as specifically set forth herein, all other and all existing provisions of the Sign Ordinance shall remain in effect within the District.

B. District Boundaries

District: The boundaries of the District are as shown as Exhibit A of the Sunset Center SSOD ordinance.

C. Description and Location of Pylon Sign

Pylon: A freestanding freeway-oriented structure up to 60 feet tall in substantial conformity with the illustration attached to the Sunset Center Highway-Oriented SSOD sign Resolution as Exhibit B which shall be erected in the approximate location shown as Exhibit A of the Sunset Center Highway-Oriented SSOD sign Resolution. In addition to its decorative elements, the Pylon shall contain 6 sign panels and 6 logo panels on each side.

D. Approvals

1. Relation to Sign Ordinance. Any person desiring to erect or place a sign on the Pylon shall comply with all provisions of the Sign Ordinance, unless specifically modified herein.

2. Types of Businesses Generally Allowed on Pylon. Businesses located within the District whose primary objective at their business location is retail sales, lodging or recreation shall be allowed to install signage on the Pylon. Such uses shall include:

- (a) Hotels and motels;
- (b) Commercial recreation;
- (c) Restaurants (quick service and sit down dining);
- (d) New auto, truck and recreational vehicle sales;
- (e) Convenience stores
- (f) Furniture and antique sales;
- (g) Full Service Banking Institutions with retail/storefront;
- (h) Gasoline and service stations; and
- (i) Such similar uses as may be determined as consistent therewith by the Development Services Director, or designee, on a case by case basis.

3. Types of Businesses Not Recommended on Pylon. Businesses that provide intangibles and/or professional services shall generally be not recommended to install signage on the Pylon.

- (a) Law firms;
- (b) Real estate firms;
- (c) Mortgage banking/brokerage firms;
- (d) Insurance firms;
- (e) Physical therapists, massage or martial arts providers;
- (f) Auto repair (but not including auto/truck parts sales);
- (g) Cellular service providers; and
- (h) Such similar uses as may be determined as consistent therewith the foregoing restrictions by the Development Services Director, or designee on a case by case basis.

4. **Sign Permit Required.** A Sign Permit as provided in §18.54 of the Suisun City Municipal Code shall be required for any Pylon sign face change (including new businesses). Decorative panels to the satisfaction of the Development Services Director shall be required for panels that do not advertise business as provided in Paragraph 2 above.

E. Specifications Applicable to the Pylon and Pylon Sign Panels

1. **Pylon Specifications.** The following rules and regulations shall apply to the Pylon:
 - a) The Pylon, including its decorative elements, shall not exceed 60' in height;
 - b) The maximum width of the Pylon shall be 26' ;
 - c) The total number of panels shall be 12 per side (6 sign panels and 6 logos). 4 Sign panels shall be 4'6" x 17' and 2 panels shall be 3'6" x 17'. Each of the logos shall be 5' x 5' ;
 - d) All of the signage panels on the Pylon shall be internally illuminated;
 - e) The Pylon may be designed to accommodate internal cellular or other communications antennas and equipment. No exterior cellular or other communications antennas will be allowed; and
 - f) No electronic message boards of any type shall be permitted.
 - g) Businesses not on the pylon sign can have an A frame sign and/or a grand opening sign/banner for 30 days.
 - h) The sign shall add "Suisun City" to the pylon sign, if possible.
2. **Pylon Sign Panels.** The following rules and regulations shall apply to the signs on the Pylon:
 1. No business signage or advertising shall be allowed on the Pylon except utilizing the 6 two-sided sign panels and 6 two-side sign logos.
 2. No sign panel may contain the signage of more than one business;
 3. No business may use more than one sign panel for its business;
 4. Within 60 days of any sign panel becoming vacant, the owner of the Pylon sign shall install a decorative panel or such other sign as may be approved by the Development Services Director, or designee, rather than leave such sign panel blank.

F. Administration and General Provisions

1. **Review of Final Designs.** The Development Services Director shall review and approve the final specifications for the Pylon and the sign panels thereon so as to ensure consistent design themes and are otherwise consistent with Exhibit B.

Attachment 3

- 2. **Other Requirements May Still Apply.** Nothing in this Special Sign District ordinance eliminates the need for obtaining any other approval or entitlement required by provisions of City Code or the requirements of any City department, or any local, State or Federal agency.

- 3. **Responsibility for Administration.** The Development Services Director, or designee, shall be responsible for administering the provisions of this Special Sign District. This shall include the responsibility and authority to interpret any section of this document.

PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 5th day of January 2016, by the following vote:

AYES:	COUNCILMEMBERS	_____
NOES:	COUNCILMEMBERS	_____
ABSTAIN:	COUNCILMEMBERS	_____
ABSENT:	COUNCILMEMBERS	_____

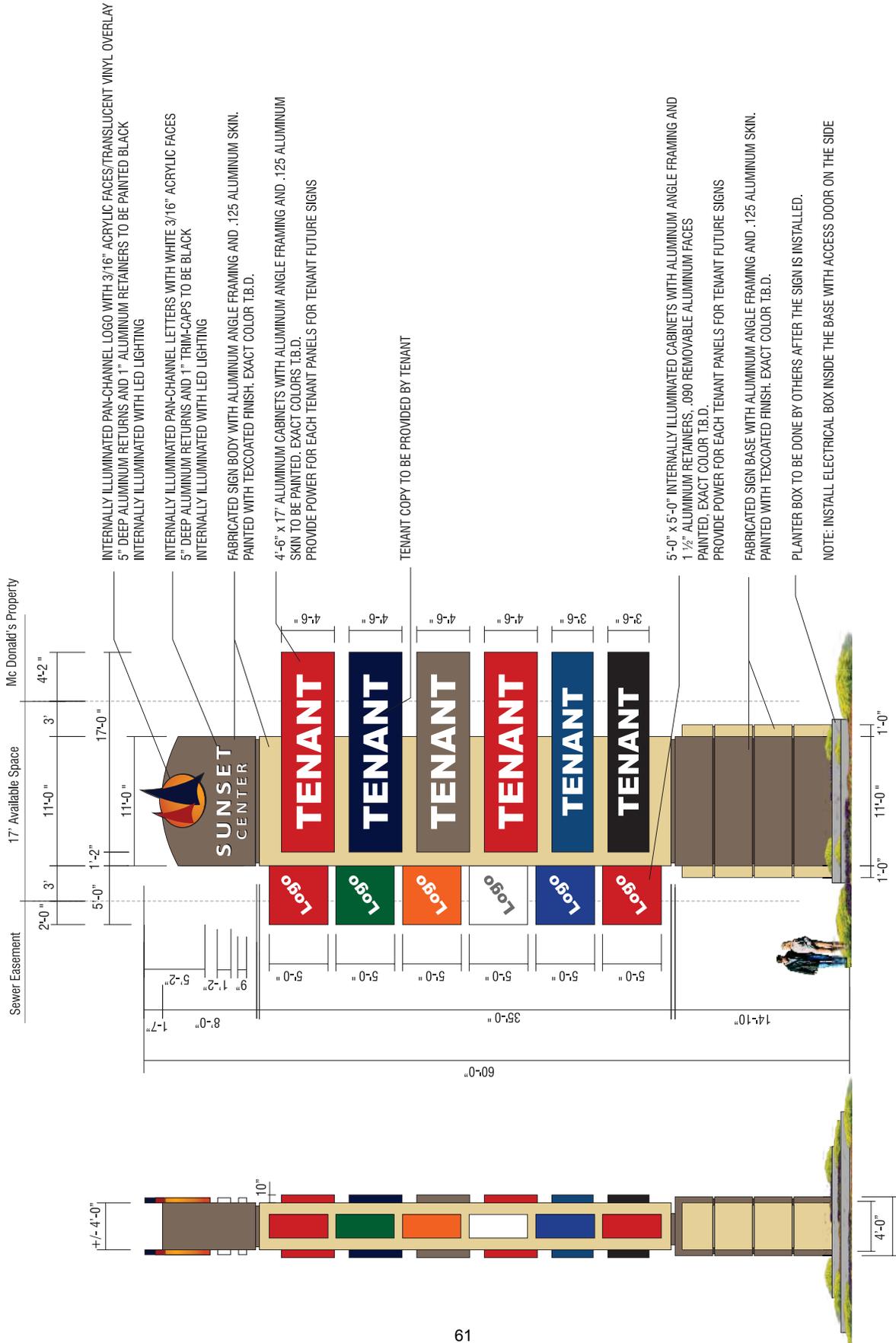
WITNESS my hand and the seal of the City of Suisun City this 5th day of January 2016.

Linda Hobson, CMC
City Clerk



Pylon Sign

- Key:
- Sunset Center Sign District
 - - - Shopping Center Property



INTERNALLY ILLUMINATED PAN-CHANNEL LOGO WITH 3/16" ACRYLIC FACES/TRANSLUCENT VINYL OVERLAY
 5" DEEP ALUMINUM RETURNS AND 1" ALUMINUM RETAINERS TO BE PAINTED BLACK
 INTERNALLY ILLUMINATED WITH LED LIGHTING

INTERNALLY ILLUMINATED PAN-CHANNEL LETTERS WITH WHITE 3/16" ACRYLIC FACES
 5" DEEP ALUMINUM RETURNS AND 1" TRIM-CAPS TO BE BLACK
 INTERNALLY ILLUMINATED WITH LED LIGHTING

FABRICATED SIGN BODY WITH ALUMINUM ANGLE FRAMING AND .125 ALUMINUM SKIN.
 PAINTED WITH TEXCOATED FINISH. EXACT COLOR T.B.D.

4'-6" x 17" ALUMINUM CABINETS WITH ALUMINUM ANGLE FRAMING AND .125 ALUMINUM
 SKIN TO BE PAINTED. EXACT COLORS T.B.D.
 PROVIDE POWER FOR EACH TENANT PANELS FOR TENANT FUTURE SIGNS

TENANT COPY TO BE PROVIDED BY TENANT

5'-0" x 5'-0" INTERNALLY ILLUMINATED CABINETS WITH ALUMINUM ANGLE FRAMING AND
 1 1/2" ALUMINUM RETAINERS. .090 REMOVABLE ALUMINUM FACES
 PAINTED. EXACT COLOR T.B.D.
 PROVIDE POWER FOR EACH TENANT PANELS FOR TENANT FUTURE SIGNS

FABRICATED SIGN BASE WITH ALUMINUM ANGLE FRAMING AND .125 ALUMINUM SKIN.
 PAINTED WITH TEXCOATED FINISH. EXACT COLOR T.B.D.

PLANTER BOX TO BE DONE BY OTHERS AFTER THE SIGN IS INSTALLED.
 NOTE: INSTALL ELECTRICAL BOX INSIDE THE BASE WITH ACCESS DOOR ON THE SIDE

PROPOSED PYLON SIGN
 MANUFACTURE AND INSTALL ONE DOUBLE FACE PYLON SIGN
 Scale 1/8" = 1'-0"

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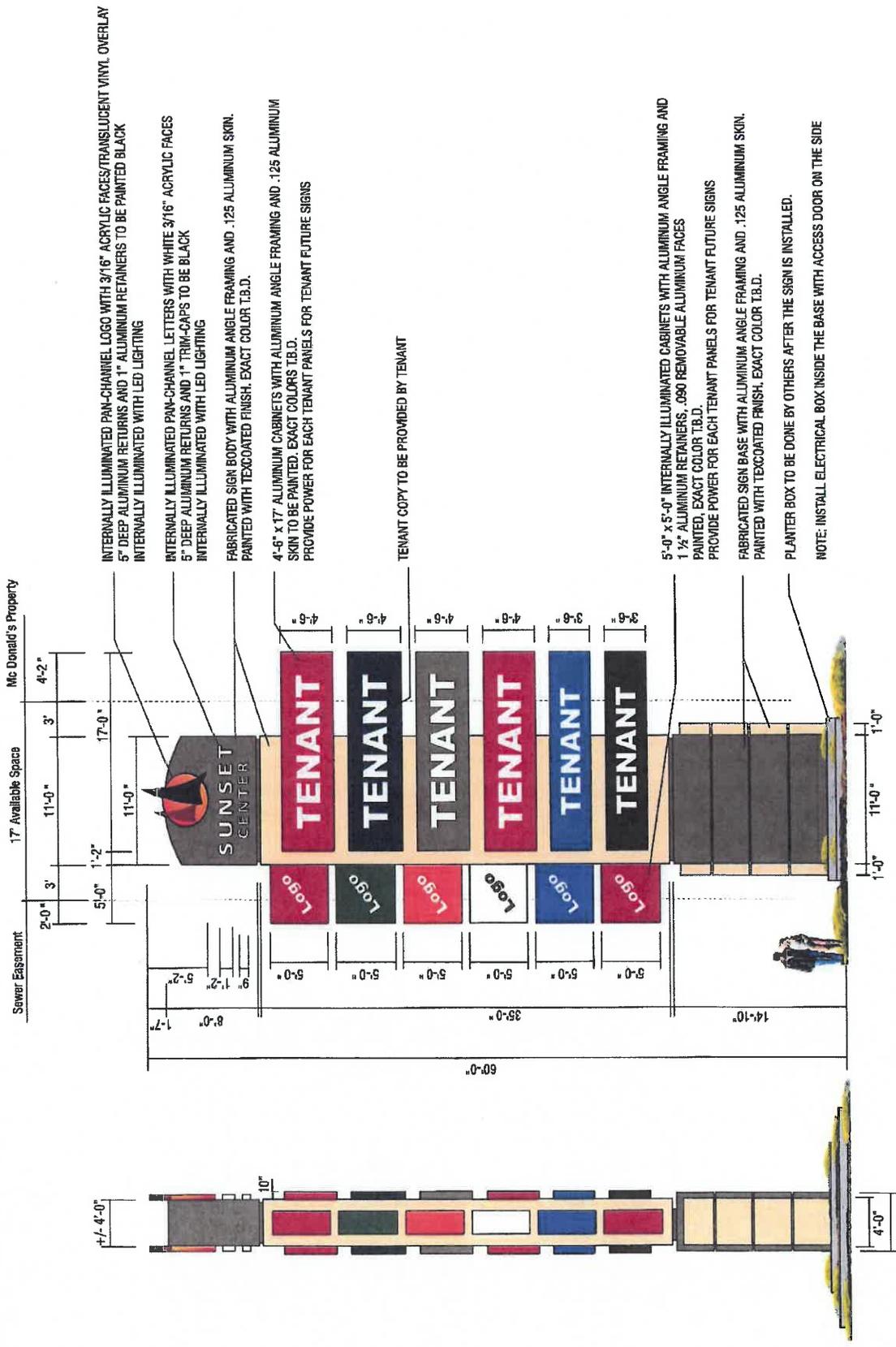
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Phase: Conceptual
 Design Development
 Construction Drawing

Date: 10-28-15
Drawn by: J.H.
Scale:
Dwg #:
Revised:
Title:
Page #: 6.3



INTERNALLY ILLUMINATED PAN-CHANNEL LOGO WITH 3/16" ACRYLIC FACES/TRANSLUCENT VINYL OVERLAY
5" DEEP ALUMINUM RETURNS AND 1" ALUMINUM RETAINERS TO BE PAINTED BLACK
INTERNALLY ILLUMINATED WITH LED LIGHTING

INTERNALLY ILLUMINATED PAN-CHANNEL LETTERS WITH WHITE 3/16" ACRYLIC FACES
5" DEEP ALUMINUM RETURNS AND 1" TRIM-CAPS TO BE BLACK
INTERNALLY ILLUMINATED WITH LED LIGHTING

FABRICATED SIGN BODY WITH ALUMINUM ANGLE FRAMING AND .125 ALUMINUM SKIN.
PAINTED WITH TEXTURED FINISH. EXACT COLOR T.B.D.

4'-6" X 17' ALUMINUM CABINETS WITH ALUMINUM ANGLE FRAMING AND .125 ALUMINUM SKIN TO BE PAINTED. EXACT COLORS T.B.D.
PROVIDE POWER FOR EACH TENANT PANELS FOR TENANT FUTURE SIGNS

TENANT COPY TO BE PROVIDED BY TENANT

5'-0" X 5'-0" INTERNALLY ILLUMINATED CABINETS WITH ALUMINUM ANGLE FRAMING AND 1 1/2" ALUMINUM RETAINERS. .090 REMOVABLE ALUMINUM FACES
PAINTED. EXACT COLOR T.B.D.
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PLANTER BOX TO BE DONE BY OTHERS AFTER THE SIGN IS INSTALLED.

NOTE: INSTALL ELECTRICAL BOX INSIDE THE BASE WITH ACCESS DOOR ON THE SIDE

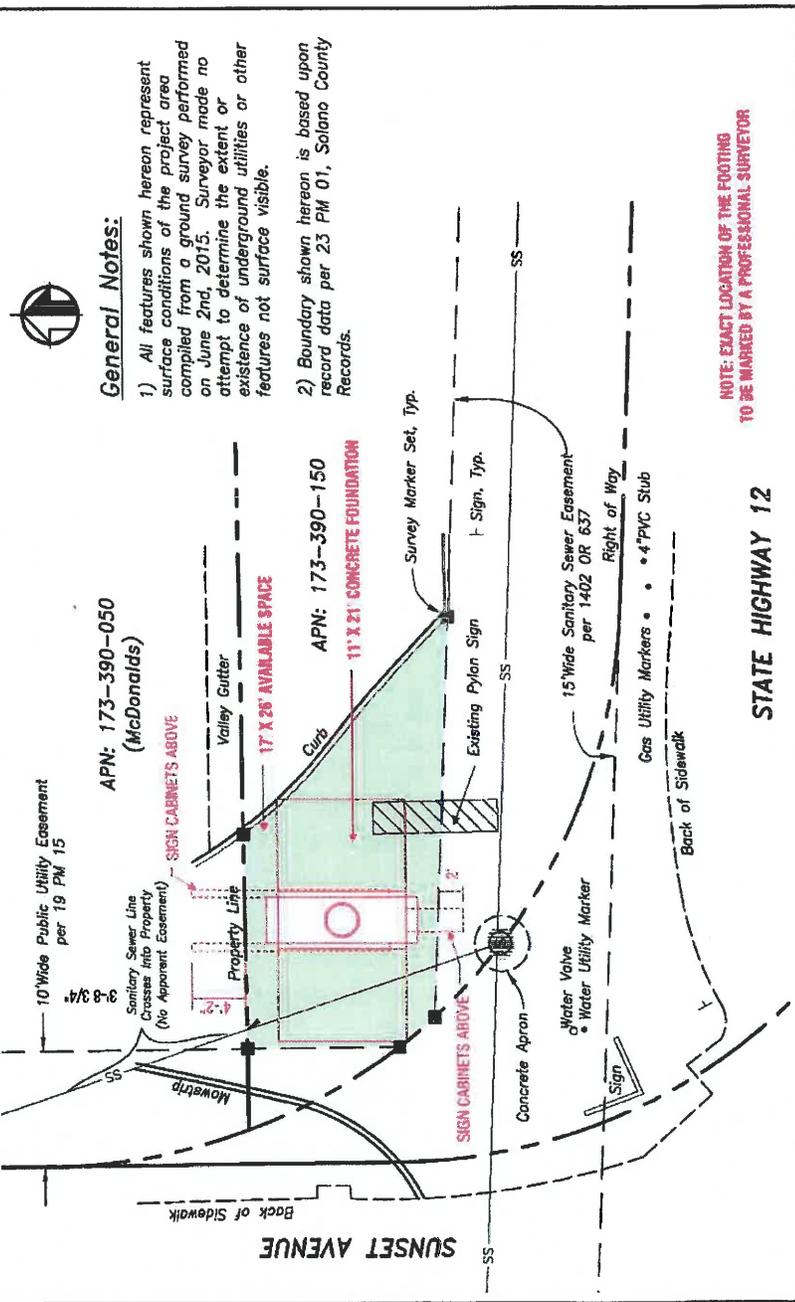
PROPOSED PYLON SIGN
MANUFACTURE AND INSTALL ONE DOUBLE FACE PYLON SIGN
Scale 1/8" = 1'-0"

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**SUNSET
TOWN CENTER**
121 - 141 Sunset Avenue
Suisun, CA 94585

Phase: Conceptual
 Design Development
 Construction Drawing
Date: 10-26-15
Drawn by: J.H.
Scale:
Day #:
Revised:
Title:
Page #: 0.2

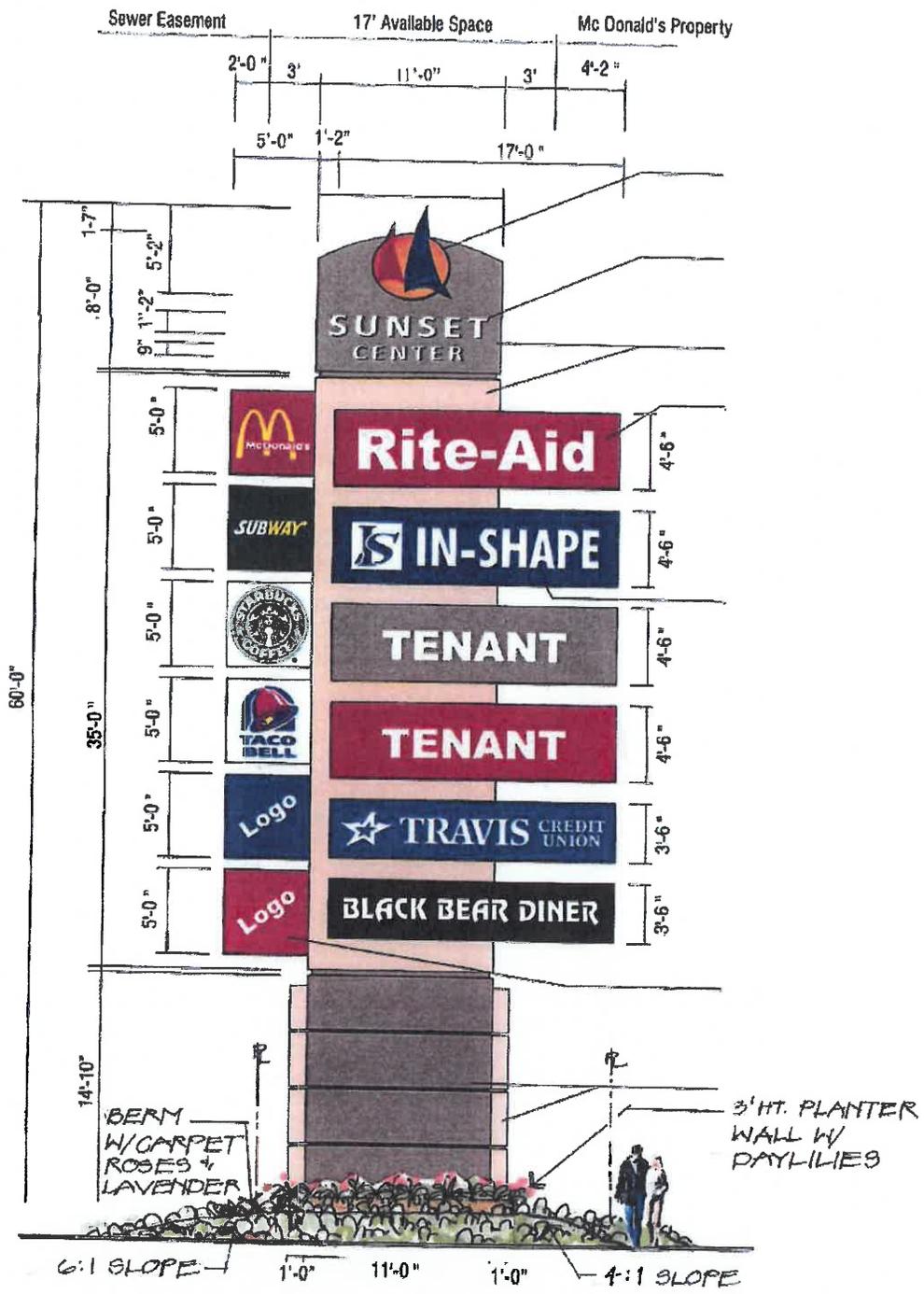


General Notes:
1) All features shown hereon represent surface conditions of the project area compiled from a ground survey performed on June 2nd, 2015. Surveyor made no attempt to determine the extent or existence of underground utilities or other features not surface visible.
2) Boundary shown hereon is based upon record data per 23 PM 01, Solano County Records.

NOTE: EXACT LOCATION OF THE FOOTING TO BE MARKED BY A PROFESSIONAL SURVEYOR

STATE HIGHWAY 12

<p>Mountain Pacific Surveys Land Surveying - Mapping - Planning 2505 W. Texas Street Fairfield, CA 94533 PH (707) 405-4234 FX (707) 405-1369</p>		<p>Approved: C. Weakley Drawn: S. Rohlfis Date: 6-10-15 Proj. No.: 515035</p>	
<p>Easement Exhibit Sunset Shopping Center APN: 173-390-150 City of Suisun City County of Solano</p>		Scale: 1" = 10'	Sheet No.: 1
		of	1



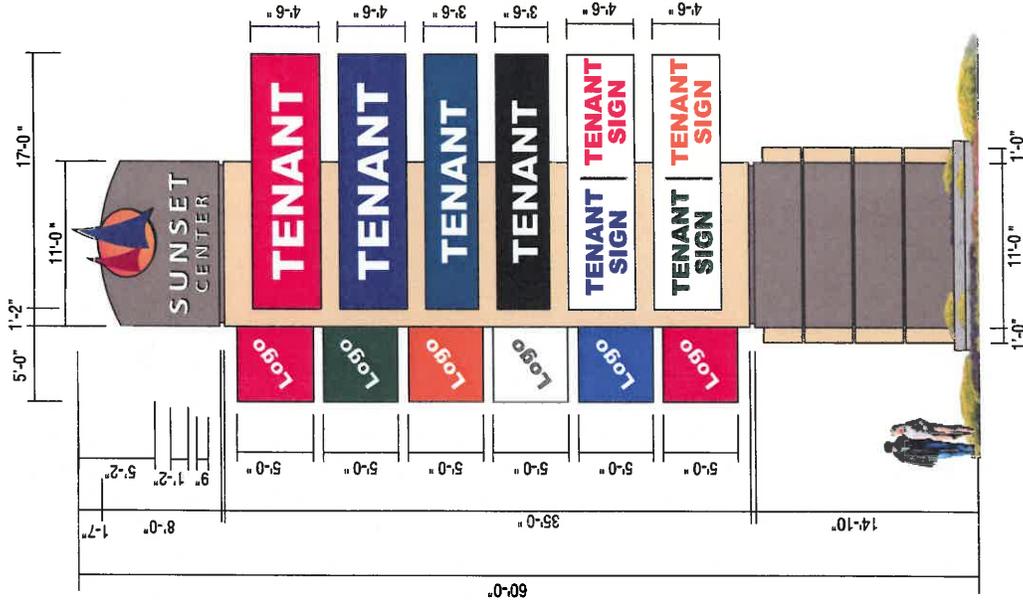
PROPOSED PYLON SIGN

MANUFACTURE AND INSTALL ONE DOUBLE FACE PYLON SIGN

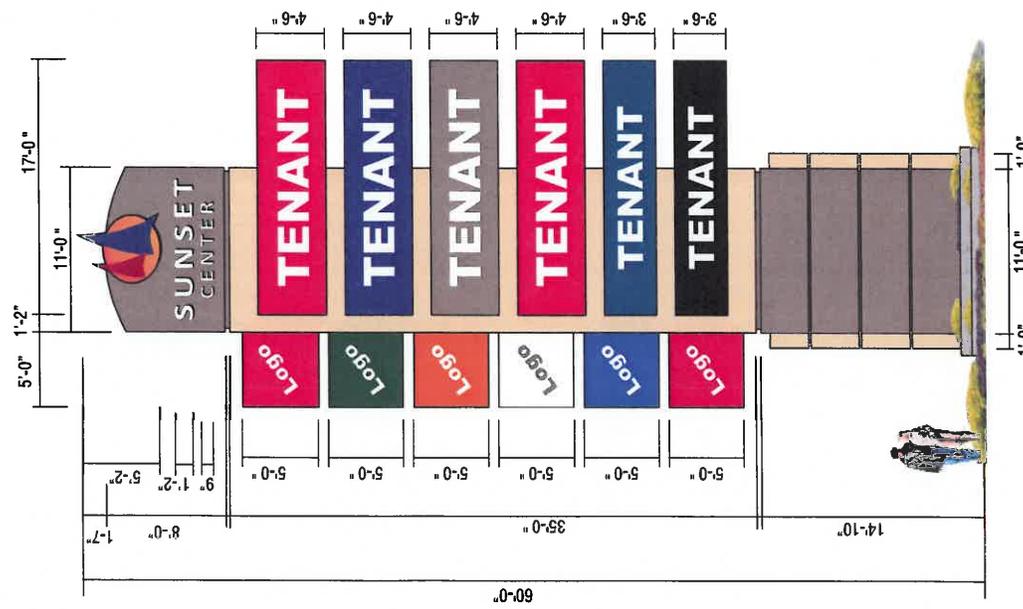
Scale 1/8" = 1'-0"

SIGN ELEVATION
WITH BERM EXTENDING OUTSIDE THE PL





PROPOSED PYLON SIGN
 Scale 1/8" = 1'-0"



PROPOSED PYLON SIGN
 Scale 1/8" = 1'-0"