

**AGENDA**  
**REGULAR MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., FEBRUARY 22, 2011**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC11-03*

**1. ROLL CALL:**

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

**2. ANNOUNCEMENTS:**

None

**3. AUDIENCE COMMUNICATIONS:**

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

**4. PUBLIC HEARINGS:**

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

**A. A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION  
RECOMMENDING APPROVAL OF AN ORDINANCE TO THE SUISUN CITY  
COUNCIL AMENDING CHAPTER 18, SECTION 18.66.560 “EXPIRATION THROUGH  
DISUSE” TO THE SUISUN CITY MUNICIPAL CODE PERTAINING TO USE  
PERMITS. ZONING TEXT AMENDMENT ZTA11-01.**

- **Adoption of Resolution No. PC11-\_\_\_-.**

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

**A. A Resolution of the City of Suisun City Planning Commission Making a Finding of General Plan Conformity for the Future Sale of a Portion of City-Owned Property of APN 0173-131-140**

- **Adoption of Resolution No. PC11-\_\_\_-.**

**6. COMMUNICATIONS:**

- A. Staff :** General Plan Technical Advisory Committee (TAC) Summary
- This is an informational item in which staff will be sharing a summary of the TAC meetings.
- B. Commissioners**
- C. Agenda Forecast**

**7. ADJOURN.**

## AGENDA TRANSMITTAL

**MEETING DATE:** February 22, 2011

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**PLANNING COMMISSION AGENDA ITEM:** Resolution PC11-\_\_\_; A Resolution of the City of Suisun City Planning Commission Recommending Approval to the City Council of a Zoning Text Amendment which Provides for the Extension of Conditional Use Permits.

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**FISCAL IMPACT:** None associated with this item.

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**OWNER:** N/A

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**SITE DATA:** N/A

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**ENVIRONMENTAL REVIEW:** The project is exempt from the requirements of the California Environmental Quality Act (CEQA), under the General Rule that CEQA only applies to projects which could have an impact on the environment.

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**STAFF REPORT:**

The State legislature, through SB1185, amended the Subdivision Map Act to extend the time periods before which a map would expire due to a necessity to preserve maps that are set to expire and cannot be exercised due to prevailing adverse economic conditions.

City staff believes that due to prevailing adverse economic conditions the same type of extension should be provided for Conditional Use Permits that have not been exercised. Consequently, the following text amendment to the zoning code is proposed. ~~Strikethrough~~ text would be deleted, while underlined text would be added.

In any case where a use permit has not been exercised within ~~one~~ two years after the date of granting thereof, or has expired within the previous 12 months, then without further action by the zoning administrator or planning commission, the use permit shall be null and void, ~~excepting that, prior to the expiration of the use permit, the applicant may apply to the Planning Director for an additional one year extension. The Planning Director shall grant the extension upon making each of the following findings:~~

- 1) There has been no substantial change in the circumstances under which the use will be operated,
- 2) The use permit and the conditions under which the use is operated and maintained are consistent with the Goals, Objectives and Policies of the General Plan and the purposes of the zoning district in which the site is located.
- 3) The original findings supporting the approval of the use permit are still applicable.

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**PREPARED/APPROVED BY:**

April Wooden, Community Development Director

- 4) The proposed project will not be detrimental to the public health, safety, or welfare of persons residing or working in, or adjacent to, the neighborhood of such use, nor detrimental to properties or improvements in the vicinity, or to the general welfare of the City.

The Director shall make a determination within 30 days of having received a completed application and shall inform the applicant in writing of the Director's determination. In the event the determination is adverse to the applicant, the applicant may appeal the Director's decision to the Planning Commission pursuant to the appeal process set forth in the zoning ordinance.

The ordinance is an "urgency ordinance" since it is necessary for the immediate preservation of the public peace, health, or safety and the facts constituting the necessity are to preserve use permits that are set to expire and that cannot be exercised presently due to prevailing adverse economic conditions.

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**STAFF RECOMMENDATION: Adopt Resolution PC11-\_\_\_;** A Resolution of the City of Suisun City Planning Commission Recommending Approval to the City Council of a Zoning Text Amendment which Provides for the Extension of Conditional Use Permits.

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**ATTACHMENTS:**

1. Resolution PC11-\_\_\_
2. Ordinance No. \_\_\_\_\_

## RESOLUTION NO. PC11-

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUISUN CITY RECOMMENDING APPROVAL OF AN URGENCY ORDINANCE AMENDING SECTION 18.66.560 OF CHAPTER 18.66 REGARDING THE EXPIRATION OF USE PERMITS THROUGH DISUSE

**WHEREAS**, the Planning Commission of the City of Suisun City wishes to recommend that the City Council provide for a longer term for use permits prior to automatic termination for disuse; and

**WHEREAS**, on February 22, 2011, the Planning Commission reviewed the staff report materials, considered all testimony and arguments, if any, of all persons desiring to be heard, and considered all the facts relating to the proposed zoning text amendment at a Regular Planning Commission meeting:

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SUISUN CITY RESOLVES AS FOLLOWS:**

**1. The City Council should consider a text amendment to** Section 18.66.560 of Chapter 18.66 of the Suisun City Municipal Code “Expiration through disuse” to amend as follows (deletions are ~~stricken through~~; additions are underlined):

**18.66.560** - Expiration through disuse.

- A. In any case where a use permit has not been exercised within ~~one~~ two years after the date of granting thereof, then without further action by the zoning administrator or planning commission, the use permit shall be null and void, excepting that, prior to the expiration of the use permit, the applicant may apply to the Planning Director for an additional one year extension. The Planning Director shall grant the extension upon making each of the following findings:
1. There has been no substantial change in the circumstances under which the use permit will be operated.
  2. The use permit and the conditions under which the use is operated and maintained are consistent with the Goals, Objectives, and Policies of the General Plan and the purposes of the zoning district in which the site is located.
  3. The original findings supporting the approval of the use permit are still applicable.
  4. The proposed project will not be detrimental to the public health, safety, or welfare of persons residing or working in, or adjacent to, the neighborhood of

such use, nor detrimental to properties or improvements in the vicinity, or to the general welfare of the City.

**B.** The Director shall make a determination within 30 days of having received a completed application and shall inform the applicant in writing of the Director's determination. In the event the determination is adverse to the applicant, the applicant may appeal the Director's decision to the Planning Commission pursuant to the appeal process set forth in the zoning ordinance.

**2. The City Council should consider the adoption of the ordinance as an urgency ordinance** since this Ordinance is necessary for the immediate preservation of the public peace, health, and safety, as those terms are defined in California Government Code Section 36937(b) in that it will preserve the use permits that are set to expire and that cannot be exercised presently due to prevailing adverse economic conditions.

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

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

**WITNESS** my hand and the seal of said City this 22<sup>nd</sup> day of February 2011

\_\_\_\_\_  
Anita Skinner  
Commission Secretary

ORDINANCE NO. \_\_\_\_\_

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, AMENDING SECTION 18.66.560 OF CHAPTER 18.66 REGARDING THE EXPIRATION OF USE PERMITS THROUGH DISUSE**

WHEREAS, the City Council of the City of Suisun City (the “City Council”) wishes to provide for a longer term for use permits prior to automatic termination for disuse; and

WHEREAS, the City Council has determined, on an urgency basis, that the urgency ordinance is necessary for the immediate preservation of public peace, health, and safety; and

WHEREAS, pursuant to Sections 36934 and 36937 of the California Government Code, the City may adopt the urgency ordinance if it is for the immediate preservation of the public peace, health, or safety:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the above recitals are true and correct and incorporated herein by this reference.

SECTION 2. This urgency ordinance shall be effective immediately upon adoption pursuant to the authority conferred upon the City Council by California Government Code Section 36937.

SECTION 3. The City Council finds and determines that adoption of this Ordinance is necessary for the immediate preservation of the public peace, health, and safety, as those terms are defined in California Government Code Section 36937(b) in that it will preserve the use permits that are set to expire and that cannot be exercised presently due to prevailing adverse economic conditions.

SECTION 4. Section 18.66.560 of Chapter 18.66 of the Suisun City Municipal Code “Expiration through disuse” is hereby amended as follows (deletions are ~~stricken through~~; additions are underlined):

**18.66.560** - Expiration through disuse.

- A. In any case where a use permit has not been exercised within ~~one~~ two years after the date of granting thereof, then without further action by the zoning administrator or planning commission, the use permit shall be null and void, excepting that, prior to the expiration of the use permit, the applicant may apply to the Planning Director for an additional one year extension. The Planning Director shall grant the extension upon making each of the following findings:

1. There has been no substantial change in the circumstances under which the use will be operated.
  2. The use permit and the conditions under which the use is operated and maintained are consistent with the Goals, Objectives, and Policies of the General Plan and the purposes of the zoning district in which the site is located.
  3. The original findings supporting the approval of the use permit are still applicable.
  4. The proposed project will not be detrimental to the public health, safety, or welfare of persons residing or working in, or adjacent to, the neighborhood of such use, nor detrimental to properties or improvements in the vicinity, or to the general welfare of the City.
- B.** The Director shall make a determination within 30 days of having received a completed application and shall inform the applicant in writing of the Director's determination. In the event the determination is adverse to the applicant, the applicant may appeal the Director's decision to the Planning Commission pursuant to the appeal process set forth in the zoning ordinance.

SECTION 5. This urgency ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code §§ 36934 and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council.

SECTION 6 If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7 This ordinance shall be posted in at least three (3) public places within the City or published in a county newspaper that is circulated in the City within fifteen (15) days after its passage, there being no newspaper of general circulation printed and published within the City.

PASSED, APPROVED, and ADOPTED as an URGENCY ORDINANCE this \_\_\_\_ day of March, 2011.

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PETE SANCHEZ

MAYOR

ATTEST:

\_\_\_\_\_  
LINDA HOBSON, CITY CLERK

STATE OF CALIFORNIA            )  
COUNTY OF SOLANO            ) ss.  
CITY OF SUISUN CITY            )

I, LINDA HOBSON, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing Interim Urgency Ordinance No. \_\_\_\_\_ was adopted by the City Council of the City of Suisun City at a special meeting held on the \_\_\_ day of March 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
LINDA HOBSON, CITY CLERK

## AGENDA TRANSMITTAL

**MEETING DATE:** February 22, 2011

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**PLANNING COMMISSION AGENDA ITEM:** Resolution PC11-\_\_\_; A Resolution of the City of Suisun City Planning Commission Making a Finding of General Plan Conformity for the Future Sale of City-Owned Real Property (APN 0173-131-140).

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**FISCAL IMPACT:** None associated with this item.

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**OWNER:** City of Suisun City  
701 Civic Center Boulevard  
Suisun City, CA 94585

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**SITE DATA:**

- (1) General Plan/Zoning: Park/Park
  - (2) Site Configuration: Rectangular portion of 0173-131-140
  - (3) Surrounding Land Use/Zoning:
    - North- Fire Station/Residential Single-Family
    - South- Single-Family Residences/Residential Single-Family
    - West- Hall Park/Residential Single-Family
    - East- Single-Family Residences/Residential Single-Family
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**ENVIRONMENTAL REVIEW:** This project is categorically exempt from the California Environmental Quality Act (CEQA), under Section 15601(b)(3).

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**STAFF REPORT:** The property at APN 0173-131-130 has been used in a “community center” capacity since approximately 1983. The parcel has a General Plan designation of Park and a Zoning designation of Park. The parcel is surrounded by single-family residences, civic, and recreational service uses. The Community Facilities and Services Element of the General Plan specifically speaks to the need for indoor and outdoor recreation facilities within close proximity to residential.

It is the City’s intent to sell real property to a non-profit entity to allow for the entity’s expansion of a community center at this site. In order to sell the property, the Planning Commission must find that the proposed future use of the real property proposed to be sold is in conformity with the City’s General Plan.

*Required Finding*

The Planning Commission makes the following Finding of General Plan Conformity for the future sale of a portion of City-Owned property APN 0173-131-140:

*Finding:* The City of Suisun City’s future sale of APN 0173-131-140 is consistent with the City’s General Plan and its designation of the subject site as “Park.”

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**PREPARED BY:**  
**APPROVED BY:**

John Kearns, Associate Planner  
April Wooden, Community Development Director

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**STAFF RECOMMENDATION: Adopt Resolution PC11-\_\_\_;** A Resolution of the City of Suisun City Planning Commission Making a Finding of General Plan Conformity for the Future Sale of a portion of City-Owned Real Property (APN 0173-131-140).

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**ATTACHMENTS:**

1. Resolution PC11-\_\_\_
2. Government Code 65402
3. New parcel plan to be distributed at Planning Commission Meeting once received by applicant's engineer
4. Location Map

**RESOLUTION NO. PC11-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUISUN  
CITY MAKING A FINDING OF GENERAL PLAN CONFORMITY FOR THE  
FUTURE SALE OF A PORTION OF CITY-OWNED REAL PROPERTY  
(APN 0173-131-140)**

**WHEREAS**, Government Code Section 65402 provides that prior to the sale of City-owned real property, the City Planning Commission must make a finding that the property is in conformance with the General Plan; and

**WHEREAS**, the property located at 586 East Wigeon is designated as “Park” on the City’s General Plan Map; and

**WHEREAS**, the proposed use of the real property subsequent to the sale is consistent with the “Park” designation; and

**WHEREAS**, on February 22, 2011, the Planning Commission reviewed the staff report materials, considered all testimony and arguments, if any, of all persons desiring to be heard, and considered all the facts relating to the subject application at a Regular Planning Commission meeting; and

**WHEREAS**, the Planning Commission desires to make a finding of General Plan conformance based upon substantial evidence.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SUISUN  
CITY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:**

**Section 1.** *Incorporation of Recitals.* That the above recitations are true and correct.

**Section 2.** *Finding.* The City of Suisun City’s future sale of a portion of Assessor’s Parcel Number APN 0173-131-140 is consistent with the City’s General Plan and its designation of the subject site as “Park.”

**Section 3.** *Environmental Clearance.* The Planning Commission finds that the sale of the property is exempt from CEQA because the sale of the property will not have a

significant effect on the environment per Section 15601(b)(3) of the Environmental Quality Act. The Planning Commission hereby directs a Notice of Exemption to be filed accordingly.

**Section 4.** *Certification.* The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

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

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

**WITNESS** my hand and the seal of said City this 22<sup>nd</sup> day of February 2011

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Anita Skinner  
Commission Secretary

**California Government Code Section 65402**

65402. (a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

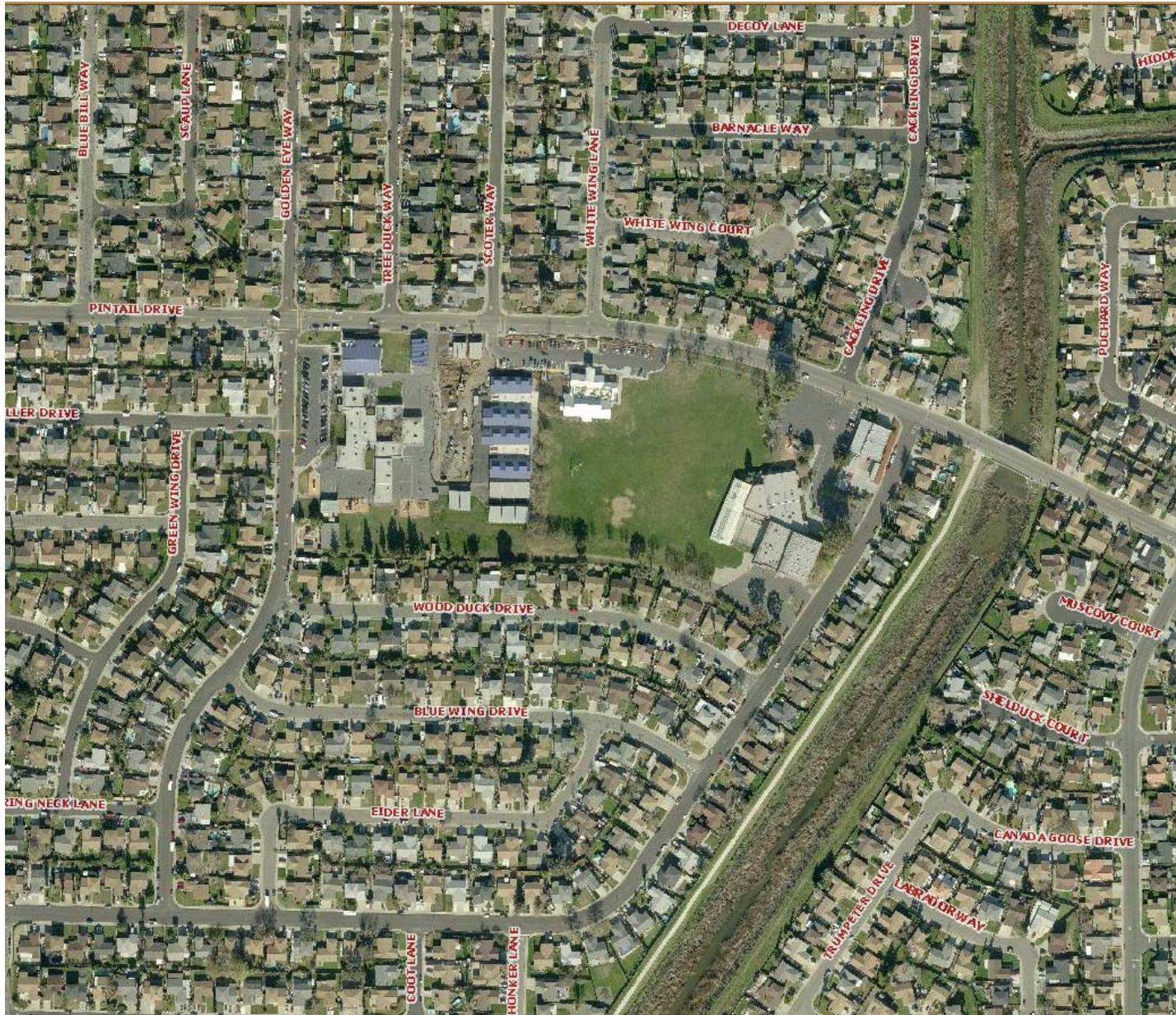
(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted

to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

# 586 East Wigeon Way





## MEMORANDUM

**DATE:** February 22, 2011

**TO:** Planning Commission

**FROM:** John Kearns, Associate Planner

**SUBJECT:** General Plan Update: Technical Advisory Committee Background Reporting Summary

Over the course of the last 9 months, staff (with the assistance of the General Plan consultant, AECOM) has coordinated a Technical Advisory Committee (TAC) for the General Plan Update. During this time period, four meetings were held to discuss twelve background reports. A list of the twelve background reports can be found below. The committee is comprised of members of local, regional, state and federal agencies including representatives of each of the city departments. The attendance has been exemplary with at least 15 members in attendance at each meeting.

This memo will provide the Planning Commission with ideas and some of the issues that were raised for each report by the TAC, as well as the next steps in the process for the General Plan Update.

### Air Quality

- More efficient land use development patterns;
- More efficient modes of transportation

### Biological Resources

- Consideration of incorporating habitat planning into General Plan policy;
- Self Mitigating policies that guide development

### Community Facilities and Services

- Additional fire protection services
- Capitalizing on waterfront as recreational opportunity
- Water supply options for new development

### Cultural Resources

- Historic preservation as tourism opportunity
- Restoration and/or maintenance of historic structures
- Protection of archaeological features

### Geology

- Proactive guidance regarding soil conditions
- Susceptibility of existing buildings to soil conditions

### Greenhouse Gases and Climate Change

- Sea-level rise in Suisun City
- More efficient land use development patterns
- Jobs/Housing Balance

### Hazards and Hazardous Materials

- Unreinforced masonry buildings
- Brownfield redevelopment
- Petroleum-related industries with pipelines traversing the Suisun City area

### Hydrology and Water Quality

- Stormwater Construction General Permit
- Low Impact Development

### Land Use

- Developing in the Priority Development Area (PDA)
- Development within the Sphere of Influence (SOI)
- Redevelopment of under-utilized properties
- Revenue generating land uses

### Local Economy and Demographics

- Retail leakage and revenue generation
- Creation of destination tourism
- Establishing unique economic clusters

### Noise

- Consideration of activities near noise emissions (eg Railroad, HWY 12, etc.)
- Consideration of land use compatibility

### Transportation

- Network of alternative modes of transportation
- Safety of travel no matter what the means of transportation

Staff will take a similar discussion to the City Council. Following that, policy development will begin and more opportunities will be available for the public to engage in the process, including discussion of Land Use Alternatives and the Notice of Preparation for the Environmental Impact Report (EIR).