

**AGENDA**  
**REGULAR MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., JULY 14, 2015**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

---

*Next Resolution No. PC15-13*

**1. ROLL CALL:**

Chairperson Clemente  
Vice-Chair Pal  
Commissioner Adeva  
Commissioner Holzwarth  
Commissioner Osborne  
Commissioner Ramos  
Commissioner Smith

Pledge of Allegiance  
Invocation

**2. ANNOUNCEMENTS:**

None

**3. MINUTES:**

Approval of Planning Commission minutes of May 26, 2015.

**4. 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.

**CONFLICT OF INTEREST NOTIFICATION**

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

**5. PUBLIC HEARINGS:**

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

- A. **A Resolution of the City of Suisun City Planning Commission Completing Review of Conditional Use Permit No. UP 08/9-012 700 Main Street #106, Per Condition No. 9 of Resolution PC09-06.**
  - **Adoption of Resolution No. PC15-\_\_-.**

**7. COMMUNICATION:**

**A. Staff**

**B. Commission**

**C. Agenda Forecast**

**8. ADJOURN.**

*a&m/150714.pca*

**MINUTES**  
**REGULAR MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., May 26, 2015**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

---

*Next Resolution No. PC15-12*

**1. ROLL CALL:**

Chairperson Clemente  
Vice-Chair Pal  
Commissioner Adeva  
Commissioner Holzwarth  
Commissioner Osborne  
Commissioner Ramos  
Commissioner Smith

Pledge of Allegiance  
Invocation

**2. ANNOUNCEMENTS:**

None

**3. MINUTES:**

Commissioner Ramos made a correction to the minutes on No. 5A Public Hearing for the Senior Assisted Care Facility that he wanted to have Clients background checks along with staff.

Commissioner Adeva moved to approve the Planning Commission minutes of April 14, 2015 as corrected. Commissioner Holzwarth seconded the motion. Motion passed by a roll call vote of 7-0.

Commissioner Osborn moved to approve the minutes of April 28, 2015. Commissioner Smith seconded the motion. Motion passed by a roll call vote of 7-0

**4. AUDIENCE COMMUNICATIONS:**

None

**5. PUBLIC HEARINGS:**

None

**6. GENERAL BUSINESS**

- A. Resolution No. PC15-\_\_\_; A Resolution of the Planning Commission of the City of Suisun City Adopting Planning Commission Bylaws and Rescinding the 1997 Planning Commission Rules of Procedure.**

Paul Junker presented the staff report. He indicated that at the previous meeting of April 14, 2015 there were two points of directions 1) clarify that the selection of officers requires 5 members of the Commission be present and 2) there was a sentence that was a little confusing which was corrected.

There was discussion regarding Section 5.7 which allows, by a vote of 3 members, Commissioners to add items to an agenda in an emergency situation. Mr. Junker clarified this Section.

There was also concern that the Bylaws did not reflect it is the Commission as a 7 member body. Mr. Junker explained that this would be addressed through a municipal code change at the City Council level. He further explained that the Bylaws do not determine the numbers of members.

Commissioner Ramos moved to adopt the Planning Commission Bylaws and Rescind the 1997 Planning Commission Rules of Procedure. Commissioner Pal seconded the motion. Motion passed 7-0 by a roll call vote.

### **B. Planning Commission Training: General Overview and Rosenberg's Rules.**

Mr. Junker gave an overview of the following:

- Overview of Commission's Role
- Types of Projects
- CEQA Overview
- Parliamentary Procedures
- Rosenberg's Rules
- AB1234 Training – Mandated
- General Plan Overview

#### Commission Role-Overview

- Help to set directions for the community and make decisions
- Decide on land-use and development issues
- Balancing individual rights with the public welfare
- Special role confirmed by the authority given in state law and local ordinance
- Assist in preparation of a General Plan
- Review and Recommend Zoning Code Regulations
- Review and Recommend the Reclassification of Property
- Act on Planning Applications
- Hold Public Meetings and Hearings
- Legislative and Quasi-Judicial Duties
- Approve project as proposed, with conditions or deny
- CEQA review
- Parliamentary procedures

There was a brief discussion in which the Commission asked questions with Mr. Junker clarifying their concerns.

## **7. COMMUNICATION:**

### **A. Staff**

John Kearns introduced Planning Intern Katrina Lapira. Katrina graduated from UC Irvine and will be working with Trishia Caguiat on grants and special projects.

Mr. Kearns reported on the following:

- A reminder of AB1234 training on June 12<sup>th</sup> at City Hall at 9am.
- Upcoming City Council budget hearings.
- City Council adopted the General Plan and the Housing Element on May19<sup>th</sup>.
- The Zephyr Estates project at the corner of Walters and East Tabor is close to obtaining their grading permit which will start their construction process.

### **B. Commission**

None

### **C. Agenda Forecast**

None

## **8. ADJOURN.**

There being no further business the meeting was adjourned at 8:10 pm.

---

Anita Skinner, Commission Secretary

## AGENDA TRANSMITTAL

MEETING DATE: July 14, 2015

---

**PLANNING COMMISSION AGENDA ITEM:** Resolution PC15-\_\_\_; A Resolution of the City of Suisun City Planning Commission Completing Review of Conditional Use Permit No. UP 08/9-012 700 Main Street #106, Per Condition No. 9 of Resolution PC09-06.

---

**BACKGROUND:** On April 7, 2009, the Planning Commission approved Conditional Use Permit No. UP08/9-012, 700 Main Street #106, for a Jazz Club/Entertainment Lounge with conditions of approval. Condition No. 9 of the adopted resolution states, "This use permit shall be reviewed by the Planning Commission upon a change in the owner/operator".

---

**STAFF REPORT:** The City has recently become aware of a new owner/operator of 700 Main Street #106 which triggers the need for Planning Commission review. The new owner/operator, Peter Ramirez of The Ovation Ultra Lounge has provided the following description for his business:

*"Ovation Ultra Lounge will be providing an array of entertainment including dancing, (Top 40 hits, dance music, salsa and jazz), live entertainment and comedy shows. We will also hold private events here including wedding receptions and corporate events. Proposed hours:*

*Thurs - Saturday 9pm-2am*

*Sun 5pm-2am*

*\*Special events can change the hours of operation.*

The existing Conditional Use Permit runs with the land and the Planning Commission is being asked to simply review the Conditional Use Permit per the approved conditions of approval. There is no discretionary review being undertaken. If complaints are received in the future, the Planning Commission retains its right to review the Conditional Use Permit for compliance and consistency at any time. Mr. Ramirez has been provided the approved Conditional Use Permit (UP08/9-012) and has agreed to comply with the approved conditions. The adopted resolution is included for reference.

---

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission conduct a review of Conditional Use Permit No. 08/9-012 and adopt Resolution No. PC15\_\_\_: A Resolution of the City of Suisun City Planning Commission Completing Review of Conditional Use Permit No. UP 08/9-012 700 Main Street #106, Per Condition No. 9 of Resolution PC09-06.

---

### ATTACHMENTS:

1. Resolution PC15-\_\_\_; A Resolution of the City of Suisun City Planning Commission Completing Review of Conditional Use Permit No. UP 08/0-012 700 Main Street #106, Per Condition No. 9 of Resolution PC09-06.

---

PREPARED BY:

John Kearns, Associate Planner

APPROVED BY:

Jason Garben, Development Services Director



**RESOLUTION NO. PC15-**

**A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION  
COMPLETING REVIEW OF CONDITIONAL USE PERMIT NO. UP 08/9-012 700 MAIN  
STREET #106, PER CONDITION NO. 9 OF RESOLUTION PC09-06.**

**WHEREAS**, the Planning Commission conducted a review of Conditional Use Permit No. UP08/9-012 with the change in owner/operator at their regular meeting of July 14, 2015; and

**WHEREAS**, Conditional Use Permit No. UP08/9-012 was approved by the Planning Commission at a regular meeting of April 7, 2009 (Exhibit A); and

**WHEREAS**, a report by the City Staff was presented and made a part of the record of the July 14, 2015 meeting; and

**WHEREAS**, the new owner/operator and members of the public were able to speak on the review; and

**WHEREAS**, based on evidence presented at the meeting by City Staff, the applicant, the public and Commissioners, the following Findings are hereby made:

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Commission of the City of Suisun City does hereby adopt Resolution PC15- ; A Resolution of the City of Suisun City Planning Commission Completing Review of Conditional Use Permit No. UP 08/9-012 700 Main Street #106, Per Condition No. 9 of Resolution PC09-06.

The forgoing 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 14<sup>th</sup> day of July 2015

---

Anita Skinner  
Commission Secretary

## **RESOLUTION NO. PC09-06**

### **A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION CONSIDERING APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION NO. 08/9-012 FOR THE OPERATION OF A JAZZ CLUB/ENTERTAINMENT LOUNGE AT 700 MAIN STREET, SUITE 106.**

**WHEREAS**, the Planning Commission at a special meeting on April 7, 2009 did review the application for a Conditional Use Permit Application No. 08/9-012 for the operation of a jazz club/entertainment lounge at 700 Main Street, Suite 106 ; and

**WHEREAS**, the public notice was published in the Daily Republic On March 28, 2009; and

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

**WHEREAS**, the applicant and members of the public were present to speak on the application; and

**WHEREAS**, The Conditional Use Permit application is exempt from the analysis required by the State of California Environmental Quality Act (CEQA) under Section 15303 New Construction or Conversion of Small Structures, and

**WHEREAS**, based on evidence presented at the Public Hearing by City Staff, the applicant, the public and Commissioners, the following Findings are hereby made:

1. That the proposed location of the use is consistent with the Goals, Objectives and Policies of the Specific Plan and the purposes of the district in which the site is located.
2. That the proposed location of the Conditional Use and the proposed conditions under which it would operated or maintained will be consistent with the General Plan.
3. That the proposed use 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.
4. That the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303, new construction or conversion of small structures.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Commission of the City of Suisun City does hereby approve a Conditional Use Permit Application No. 08/9-012 for the operation of a jazz club/entertainment lounge at 700 Main Street, Suite 106, subject to the following Conditions and all other Suisun City Codes and Ordinances:

1. Final Plan and use shall be similar in the design of those conceptual plans attached in this report.
2. The owner/operator shall ensure that the business does not cause excessive noise outside the premises which would be deemed a nuisance. 90 (ninety) decibels (db) shall be used as a threshold in determining if such noise constitutes a nuisance. Should the City receive complaints from occupants of neighboring properties concerning excessive noise generated by the business, the City shall measure the levels of such noise emanating from the premises by using a professional noise metering device. The readings shall be measured at the location of the property from which the complaint was received while the doors to the premises are closed. If the noise generated by the business is found to be above 90db as measured by means of the above manner, then the owner/operator shall take appropriate measures to mitigate the noise to levels below 90db. Should the owner/occupant fail to mitigate the noise to levels below 90 db, then the City may review this use permit and add or change conditions to abate the nuisance.
3. The owner/operator shall provide adequate monitoring, supervision and security inside and outside the Premises. The intent of this requirement is to ensure adequate supervision of customers at all times. Following the occurrence of two or more service calls within any consecutive thirty-day period to police or any other law enforcement personnel resulting in such personnel issuing a verbal warning, citation or arrest to any employee or patron of the business, the City shall have the right to require the owner/operator to reasonably add or increase its number of security personnel.
4. All windows and doors shall remain closed at all times except for reasonable ingress and egress during musically related operation of premises.
5. The operator shall keep the immediate area outside the building, including the sidewalks clean and litter free.
6. A dress code shall be enforced during evening events where there is an admission charge. Dress code for men shall include slacks, nice jeans or high-quality shorts, a collared shirt and no tennis shoes. Dress code for women shall be reasonable evening attire and no tennis shoes.
7. No alcohol shall be served on "youth nights." Alcohol shall be stored in a safe and secure location during such events.
8. No "rap" or "heavy metal" music is permitted at any time.
9. This use permit shall be reviewed by the Planning Commission upon a change in the owner/operator.

**BE IT FURTHER RESOLVED** that the Planning Commission approves UP08/9-012 for the operation of a jazz club/lounge and as provided in the applications materials, staff report and conditions.

The forgoing motion was made by Commissioner Clemente and seconded by Commissioner Norman and carried by the following vote:

AYES:	Commissioners:	Adeva, Clemente, Norman, Ramos, Spring,
NOES:	Commissioners:	None
ABSENT:	Commissioners:	Hemler, Wade
ABSTAIN:	Commissioners:	None

WITNESS my hand and the seal of said City this 7th day of April 2009

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