



CITY COUNCIL

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

CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

TUESDAY, JANUARY 12, 2016

6:00 P.M.

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

TELECONFERENCE NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following City Council meeting includes teleconference participation by Council/Board Member Jane Day from: 301 Morgan Street, Suisun City, CA 94585.

ROLL CALL

Council / Board Members

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.)

CLOSED SESSION

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

1. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Suzanne Bragdon, City Manager, Ron Anderson, Assistant City Manager, and Andrew White, Police Commander, Scott Corey, Management Analyst.

Employee organization: SCPOA (Suisun City Police Officers' Association)

2. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Suzanne Bragdon, City Manager, Ron Anderson, Assistant City Manager, and Tim McSorley, Building and Public Works Director, Scott Corey, Management Analyst.

Employee organization: SCEA (Suisun City Employees' Association).

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

3. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: Suzanne Bragdon, City Manager, Ron Anderson, Assistant City Manager, and Jason Garben, Development Services Director, Scott Corey, Management Analyst.

Employee organization: SCMPEA (Suisun City Management and Professional Employees' Association)

CONVENE OPEN SESSION

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

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 agendized 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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Lori Wilson, Mayor Pro-Tem
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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 12, 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. – 740)

(Next City Council Res. No. 2 016 – 03)

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

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 Ordinance No. 739: 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) (Introduced and Reading Waived on January 5, 2016) – (Garben).

Suisun City Council Acting as Successor Agency

4. Receiving and Accepting a Recognized Obligation Payment Schedule 16/17 (ROPS) for the Period of July 1, 2016 through June 30, 2017 – (Garben).

Joint City Council / Suisun City Council Acting as Successor Agency

5. Council/Agency approval of the December 2015 Payroll Warrants in the amount of \$385,852.91. Council/Agency Approval of the December 2015 Payable Warrants in the amount of \$1,096,367.34 – (Finance).

GENERAL BUSINESS**City Council**

6. Council Adoption of Ordinance No. 738: Repealing Chapter 18.47 in its Entirety and Adding Chapter 18.47 of the Suisun City Code Relating to Regulation of Medical Marijuana (Introduced and Reading Waived on January 5, 2016) – (Garben).
7. Discussion and Direction Regarding Title 18 “Zoning” Policies of the Suisun City Code – (Garben/Kearns).

PUBLIC HEARINGS**ADJOURNMENT**

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AGENDA TRANSMITTAL

MEETING DATE: January 12, 2016

CITY AGENDA ITEM: Council Adoption of Ordinance No. 739: 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). (Introduced and Reading Waived on January 5, 2016.)

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). This application was initiated by the applicant (property owner of the shopping center) and has been processed according to the provisions of Title 18 "Zoning" of the Suisun City Code.

STAFF REPORT: On January 5, 2016, the City Council by a vote of 4-0, introduced and waived the first reading of an ordinance establishing a special sign overlay district for property at the northeast corner of Sunset Avenue and Highway 12. The total area of the district is comprised of approximately 25 acres. Additionally, the City Council adopted a resolution approving the design of the sign which will take effect once the Sunset Center Special Sign Overlay District is approved and has taken effect.

RECOMMENDATION: It is recommended that the City Council adopt Ordinance No. 739 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).

ATTACHMENTS:

1. Ordinance No. 739: 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).

PREPARED BY:

REVIEWED BY:

APPROVED BY:

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

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ORDINANCE NO. 739

**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 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. 739.

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. 739), 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 12th 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 12th 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 12th day of January 2016.

Linda Hobson, CMC
City Clerk

EXHIBIT A



Key:
— Sunset Center Sign District
— Shopping Center Property

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AGENDA TRANSMITTAL

MEETING DATE: January 12, 2016

SUCCESSOR AGENCY AGENDA ITEM: Receiving and Accepting a Recognized Obligation Payment Schedule 16/17 (ROPS) for the Period of July 1, 2016 through June 30, 2017.

FISCAL IMPACT: None. All obligations listed will be included in the FY 2016-17 Annual Budget.

BACKGROUND: A component of the dissolution of the former redevelopment agency requires that the Successor Agency prepare a ROPS and submit it to the Oversight Board. Pursuant to Health and Safety Code §34179.7(o)(1), enacted by SB 107 in the Fall of 2015, commencing with the ROPS covering the period from July 1, 2016 to June 30, 2017 and thereafter, Successor Agencies are to submit an Oversight Board approved annual ROPS to Finance and the County Auditor-Controller by February 1, 2016 and each February 1 thereafter. Thus, the ROPS will be prepared only once per year as opposed to every six months as has been the case since the dissolution laws were enacted.

The following provides an overview of deadlines and process associated with the ROPS:

ROPS Submittal Deadline – February 1, 2016, is the deadline to submit a ROPS covering the period of July 1, 2016, through June 30, 2017.

ROPS Submittal/Approval Process – The Successor Agency must submit the ROPS to the County Auditor-Controller, County Administrative Officer, and the State Department of Finance (DOF) at the same time as the ROPS is submitted to the Oversight Board.

ROPS Form – The DOF has provided the form for this ROPS period.

Penalties – A penalty may be levied on the City of \$10,000 per day for each day the ROPS is delinquent. Failure to submit the ROPS within 10 days of the deadline will result in a 25% reduction of the Successor Agency's maximum administrative cost allowance for the period covered by the delinquent ROPS.

STAFF REPORT: Generally, the current ROPS includes line items that were listed on previously adopted ROPS, but contain updated figures to reflect the upcoming fiscal year (July 1, 2016, to June 30, 2017).

Staff recommends that the Successor Agency receive and accept the ROPS.

RECOMMENDATION: It is recommended that the Successor Agency receive and accept a Recognized Obligation Payment Schedule (ROPS) for the Period of July 1, 2016 to June 30, 2017.

ATTACHMENTS:

1. ROPS 16/17 (July 1, 2016 through June 30, 2017).

PREPARED BY:

Jason Garben, Development Services Director

REVIEWED/APPROVED BY:

Suzanne Bragdon, Executive Director

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Recognized Obligation Payment Schedule (ROPS 16-17) - Summary

Filed for the July 1, 2016 through June 30, 2017 Period

Successor Agency: _____
County: _____

Suisun City
 Solano

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)		16-17A Total	16-17B Total	ROPS 16-17 Total
Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding				
A	Sources (B+C+D):	\$	\$	\$
B	Bond Proceeds Funding	-	-	-
C	Reserve Balance Funding	-	-	-
D	Other Funding	-	-	-
E	Enforceable Obligations Funded with RPTTF Funding (F+G):	\$ 3,068,183	\$ 1,921,338	\$ 4,989,521
F	Non-Administrative Costs	2,943,183	1,796,338	4,739,521
G	Administrative Costs	125,000	125,000	250,000
H	Current Period Enforceable Obligations (A+E):	\$ 3,068,183	\$ 1,921,338	\$ 4,989,521

Certification of Oversight Board Chairman:
 Pursuant to Section 34177 (o) of the Health and Safety code, I
 hereby certify that the above is a true and accurate Recognized
 Obligation Payment Schedule for the above named successor
 agency.

 Name
 /s/ _____
 Signature

 Date

Suisun City Recognized Obligation Payment Schedule (ROPS 16-17) - ROPS Detail

July 1, 2016 through June 30, 2017

(Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K	L	M	N		O	P	Q	R	S	T	U	V	W
													16-17A	16-17B									
Item #	Project Name/Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	ROPS 16-17 Total	Bond Proceeds	Reserve Balance (Non-RPTTF)	Other Funds	Non-Admin	Admin	16-17A Total	Bond Proceeds	Reserve Balance (Non-RPTTF)	Other Funds	Non-Admin	Admin	16-17B Total	
4	Marina Construction Loan	Third-Party Loans	7/22/1991	8/1/2048	Dept of Boating and	Marina Construction/Rehab	All	\$ 82,549,696	N	\$ 4,989,521	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,068,183	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,921,338
5	Marina Expansion Loan	Third-Party Loans	10/24/1995	10/1/2025	Sheldon Oil	Marina Expansion/Land Acquisition	All	9,787,872	N	\$ 452,070	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 452,070	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	SERAF Payment	SERAF/ERAF	5/10/2010	6/30/2016	Suisun City Housing Authority (Housing Successor)	SERAF Loan Payment	All	6,904,505	N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Unfunded Liability	Unfunded Liabilities	2/1/2012	7/18/2029	PERS Agency Employees	Unfunded PERS and Accrued Leave	All	36,200	N	\$ 36,200	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9	Successor Agency Admin Cost	Admin Costs	2/1/2012	7/18/2029	Various	Staffing, Rent/Utilities, Supplies, Legal, Oversight Board, Etc.	All	250,000	N	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10	Foster Boltz Loan Guaranty	Third-Party Loans	7/31/2009	7/31/2019	Travis Credit Union	Loan Guaranty for Travis Credit Union for Equipment/Start-up Loan	All	300,000	N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
11	Marina Lease	Miscellaneous	5/7/1992	4/30/2022	CA State Lands Commission	Marina Lease with CA State Lands Commission	All	23,700	N	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12	Main Street West DDA	OPA/DDA/Constitution	4/17/2006	2/13/2014	Various	DDA Obligations	All	103,700	N	\$ 103,700	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13	Civic Center COP	Third-Party Loans	4/1/2004	1/1/2025	City of Suisun City	Civic Center COP Reimbursement Agreement	All	4,068,318	N	\$ 350,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
20	2014 Series A Tax Allocation Bonds	Refunding Bonds Issued After 6/27/12	12/11/2014	10/1/2017	US Bank	2014 Series A Tax Allocation Bonds	All	380,626	N	\$ 988,501	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
21	2014 Series B Tax Allocation Bonds	Refunding Bonds Issued After 6/27/12	12/11/2014	10/1/2033	US Bank	2014 Series B Tax Allocation Bonds	All	57,980,775	N	\$ 2,507,050	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
22	One Harbor Center DDA	Property Dispositions	1/9/2015	4/28/2015	Davis & Sroaf	Appraisal to Administer One Harbor Center DDA	All	-	Y	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
23	2014 Bond Continuing Disclosure Services	Fees	11/2/2015	6/30/2015	Don Fraser & Associates	FY17 Continuing Disclosure on 2014 Bonds	All	3,000	N	\$ 3,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
24	2014 Bond Trustee Services	Fees	12/11/2014	6/30/2015	US Bank	FY17 Bond Trustee Fees	All	3,000	N	\$ 3,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
25	2014 Bond Arbitrage Report	Fees	12/11/2014	6/30/2015	BLX Group, LLC	FY17 Bond Arbitrage Report	All	3,000	N	\$ 3,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
26	2014 Series A Tax Allocation Bonds	Refunding Bonds Issued After 6/27/12	12/11/2014	10/1/2017	US Bank	2014 Series A Tax Allocation Bonds	All	-	Y	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
27	2014 Series B Tax Allocation Bonds	Refunding Bonds Issued After 6/27/12	12/11/2014	10/1/2033	US Bank	2014 Series B Tax Allocation Bonds	All	-	Y	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
28	MSW DDA Legal Expenses	Litigation	4/17/2006	2/13/2014	Alshrine & Wynder	Defense of Litigation Filed Against Successor Agency RE: MSW DDA	All	25,000	N	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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Suisun City Recognized Obligation Payment Schedule (ROPS 16-17) - Report of Cash Balances
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [CASH BALANCE TIPS SHEET](#).

A	B	C	D	E	F	G	H	I	Fund Sources				Comments		
									Bond Proceeds		Reserve Balance			Other	RPTTF
									Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)			
Cash Balance Information by ROPS Period															
ROPS 15-16A Actuals (07/01/15 - 12/31/15)															
1			22,220		1,772,017		781,051								
2	Revenue/Income (Actual 12/31/15) RPTTF amounts should tie to the ROPS 15-16A distribution from the County Auditor-Controller during June 2015					500,414	2,124,505								
3	Expenditures for ROPS 15-16A Enforceable Obligations (Actual 12/31/15)		22,220		1,772,017	500,414	1,904,545								
4	Retention of Available Cash Balance (Actual 12/31/15) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)														
5	ROPS 15-16A RPTTF Balances Remaining														
6	Ending Actual Available Cash Balance C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,001,011		
ROPS 15-16B Estimate (01/01/16 - 06/30/16)															
7	Beginning Available Cash Balance (Actual 01/01/16) (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,001,011		
8	Revenue/Income (Estimate 06/30/16) RPTTF amounts should tie to the ROPS 15-16B distribution from the County Auditor-Controller during January 2016												1,053,288		
9	Expenditures for ROPS 15-16B Enforceable Obligations (Estimate 06/30/16)												1,937,813		
10	Retention of Available Cash Balance (Estimate 06/30/16) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)														
11	Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 116,486		

AGENDA TRANSMITTAL

MEETING DATE: January 12, 2016

CITY AGENDA ITEM: Council Adoption of Ordinance No. 738: An Ordinance of the City Council of Suisun City Repealing Chapter 18.47 in its Entirety and Adding Chapter 18.47 of the Suisun City Code Relating to Regulation of Medical Marijuana. (Introduced and Reading Waived on January 5, 2016.)

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

Pursuant to **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 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.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

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

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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 the Suisun City 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: On January 5, 2016, the City Council conducted a public hearing, the hearing was closed, and, by a vote of 4-1, introduced and waived the first reading of a land-use ordinance prohibiting commercial cultivation and delivery of medical marijuana within Suisun City's jurisdiction, with the modification of selected "whereas" clauses that are indicated below:

(Please note that the additions are indicated in *italics*, and deletions in ~~strikethrough~~.)

***WHEREAS**, the Act provides that if a city does not have cultivation regulations or a prohibition in place by March 1, 2016, then the State would have sole licensing authority for medical marijuana cultivation applicants in that city; and*

***WHEREAS**, the State has once again given us a very short time to fully discuss a very complicated law; and*

***WHEREAS**, by approving cultivation regulations or prohibitions by March 1, 2016, the City will preserve its rights to be able to modify the ordinance to address the more specific needs and concerns of its residents in the future; and*

WHEREAS, several California cities have reported negative impacts of marijuana cultivation, processing and distribution activities, including but not limited to offensive odors and criminal activity, *creating an increased risk to public safety and/or "attractive nuisance"*; and ~~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~~

Overall, by making these minor alterations to the whereas clauses, the proposed land use ordinance replacing and adding Chapter 18.47 Medical Marijuana Regulations, addresses the deficiencies in existing code regarding commercial cannabis activities before the **March 1, 2016** deadline, and serves to maintain local municipal authority. The Council indicated that with the preservation of that local authority, it may revisit the issue within a timeframe that affords the opportunity to fully explore alternatives that are appropriate for Suisun City. At that point the Council may consider altering these prohibitions in the future by amending Ordinance No. 738.

RECOMMENDATION: Staff recommends the City Council:

1. Adopt Ordinance No. 738: An Ordinance of the City Council of Suisun City Repealing Chapter 18.47 in its Entirety and Adding Chapter 18.47 of the Suisun City Code Relating to Regulation of Medical Marijuana.

ATTACHMENTS:

1. Ordinance No. 738: An Ordinance of the City Council of Suisun City Repealing Chapter 18.47 in its Entirety and Adding Chapter 18.47 of the Suisun City Code Relating to Regulation of Medical Marijuana.

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ORDINANCE NO. 738

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; and

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, 2015, 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)); and

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)); and

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, the Act provides that if a city does not have cultivation regulations or a prohibition in place by March 1, 2016, then the State would have sole licensing authority for medical marijuana cultivation applicants in that city; and

WHEREAS, the State has once again given us a very short time to fully discuss a very complicated law; and

WHEREAS, by approving cultivation regulations or prohibitions by March 1, 2016, the City will preserve its rights to be able to modify the ordinance to address the more specific needs and concerns of its residents in the future; and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation, processing and distribution activities, including but not limited to offensive odors and criminal activity, 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. 15-22 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 January 5, 2016, in the City Hall Council Chambers located at 701 Civic Center Boulevard, Suisun City, California, to consider the Planning Commission's recommendation as set forth in its Resolution No. 15-22 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. 15-22, 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 12th 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 12th 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 12th day of January 2016.

Linda Hobson, CMC
City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: January 12, 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 January 5 to allow for a full Council to consider the item on January 12.

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.

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

PREPARED BY:

John Kearns, Associate Planner

REVIEWED BY:

Jason Garben, Development Services Director

APPROVED BY:

Suzanne Bragdon, City Manager

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, canvas, lightweight fabric or other non-rigid material, but must be adequately anchored. Display period to limited

		<p>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.	<p><i>Specialty Signs (not discussed with Planning Commission so thus no recommendations); Definitions in Attachment 1.</i></p> <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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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 be 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.