

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



First and Third Tuesday
Every Month

A G E N D A

**REGULAR MEETING OF THE
SUISUN CITY COUNCIL
SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY,
AND HOUSING AUTHORITY
TUESDAY, OCTOBER 6, 2015
7:00 P.M.**

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

NOTICE

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

(Next Ord. No. – 734)
(Next City Council Res. No. 2015 – 107)
(Next Suisun City Council Acting as Successor Agency Res. No. SA2015 – 02)
(Next Housing Authority Res. No. HA2015 – 04)

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 421-7810 ■ FINANCE 421-7320
FIRE 425-9183 ■ 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).

3. Introduction and Swearing in of new Suisun City Police Officer Xavier Diaz – (Mattos)
4. Presentation of Proclamation to the Fire Department Proclaiming October 4–10, 2015 as “National Fire Prevention Week.”

CONSENT CALENDAR

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

City Council

5. Driftwood Drive Safe Routes to School Project – (McSorley).
 - a. Council Adoption of Resolution. No. 2015-___: Authorizing the City Manager to Request that the Metropolitan Transportation Commission Allocate Fiscal Year 2015-16 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding to the City for the Driftwood Drive Safe Routes to School Project.
 - b. Council Adoption of Resolution. No. 2015-___: Authorizing the City Manager to Execute a Professional Services Agreement on the City’s behalf with BKF Engineers for the Driftwood Drive Safe Routes to School Project.
6. Council Adoption of Ordinance No. 733: Amending Chapter 15.04 of the Suisun City Code Providing Expedited Permitting Procedures for Residential Rooftop Solar Systems – (McSorley).

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

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

GENERAL BUSINESS**PUBLIC HEARINGS**

8. PUBLIC HEARING
Appeal of the City of Suisun City Planning Commission Recommendation to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030 – (Garben).
 - a. Council Adoption of Resolution No. 2015-___: Denying the Appeal of the Planning Commission Recommendation to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030;
or
 - b. Council Adoption of Resolution No. 2015-___: Upholding the Appeal and Remanding the Amendment to the McCoy Creek Planned Unit Development, APN 0173-811-030 to the Planning Commission for Further Consideration.

9. PUBLIC HEARING

Considering a Request to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030.

- a. Council Introduce and Waive Reading of Ordinance No. ___ : Approving a Request to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030 – (Garben).

10. PUBLIC HEARING

Council Introduce and Waive Reading of Ordinance No. ___ : Amending Chapter 2.20 of the Suisun City Code as It Relates to the City of Suisun City Planning Commission – (Garben).

ADJOURNMENT

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

PLEASE NOTE:

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

Office of the Mayor

Suisun City, California

Proclamation



WHEREAS, the City of Suisun City is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,755 people in the United States in 2013, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to more than 369,500 home fires; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, three out of five home fire deaths result from fires in properties without working smoke alarms; and

WHEREAS, in one-fifth of all homes with smoke alarms, none were working; and

WHEREAS, when smoke alarms should have operated but did not do so it was usually because batteries were missing, disconnected, or dead; and

WHEREAS, Suisun City's residents should install smoke alarms in every sleeping room, outside each separate sleeping area, and on every level of the home; and

WHEREAS, Suisun City's residents should install smoke alarms and alert devices that meet the needs of people who are deaf or hard of hearing; and

WHEREAS, Suisun City's residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, Suisun City's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the 2015 Fire Prevention Week theme, "Hear the Beep Where You Sleep: Every Bedroom Needs a Working Smoke Alarm" effectively serves to remind us that we need working smoke alarms to give us the time to get out safely.

NOW, THEREFORE, I, Pete Sanchez, Mayor of the City of Suisun City in the State of California, do hereby proclaim October 4-10, 2015 as:

"FIRE PREVENTION WEEK"

throughout this city, and urge residents to support the many public safety activities and efforts of Suisun City's fire and emergency services during Fire Prevention Week 2015.

In witness whereof I have hereunto set my hand and caused this seal to be affixed

Pete Sanchez, Mayor

ATTEST

DATE September 15, 2015

AGENDA TRANSMITTAL

MEETING DATE: October 6, 2015

CITY AGENDA ITEM: Resolution No. 2015-___: Authorizing the City Manager to Request that the Metropolitan Transportation Commission Allocate Fiscal Year 2015-16 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding to the City for the Driftwood Drive Safe Routes to School Project.

FISCAL IMPACT: There would be no impact to the General Fund. STA has allocated up to \$128, 659 in TDA Article 3 funds to the City for the Driftwood Drive Safe Routes to School (SR2S) Project (Project). The final distribution amount may be revised due to the additional allocation of OBAG CMAQ funds to the Project by STA.

BACKGROUND: Transportation Development Act (TDA) funding is generated by a 1/4 cent tax on retail sales collected in California's 58 counties. An amount equal to two percent of the TDA funding generated, called TDA Article 3, and is returned to each county from which it was generated for bicycle and pedestrian projects. The Metropolitan Transportation Commission (MTC) administers this funding for each of the nine Bay Area counties with assistance from each of the county Congestion Management Agencies (e.g. Solano Transportation Authority).

STAFF REPORT: The Driftwood Drive SR2S Project was authorized for TDA Article 3 (TDA) funding by Solano Transportation Authority Board at its September 2015 meeting. In order to receive the TDA funds, the City must submit a formal request and application to the Metropolitan Transportation Commission (MTC). The resolution associated with this staff report includes the formal request and application for funding.

TDA funds would be used specifically for pedestrian- and bicycle-related improvements to and around Driftwood Drive as part of the overall Project.

The City was awarded OBAG SR2S funding in FY2013-14 in the amount of \$349,065. This award included a portion of the City of Fairfield's portion of the OBAG SR2S (\$217,553) funds that were programmed for the overall Fairfield-Suisun Unified School District as Fairfield was not able to utilize their programmed funds. The amount of programmed funding to a city is based on the number of school children that attend schools within the school district for that city. The programmed \$349,065 was about half the amount needed to complete the full Project as visualized. Since that time, the City has coordinated with STA to apply for and was awarded funds from the Transportation for Clean Air (TFCA) program in the amount of \$108,076. With the reprogrammed OBAG CMAQ funds and the TDA Article 3 funds, the City now has funds to move forward with the Project. The amount of TDA Article 3 funds the City ultimately receives may be less the total amount received from the OBAG CMAQ re-programmed funds. The final amount would be determined once the Project is completed and has the potential to be higher. In order for the City to receive the distribution of TDA Article 3 funds, the City must adopt a resolution of acceptance with includes a signed agreement with MTC. The City went through a similar process to receive TDA Article 3 funds for the Train Depot Improvement Project.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Amanda Dum, Management Analyst I
 Timothy J. McSorley, Public Works & Building Director/City Engineer
 Suzanne Bragdon, City Manager

The Driftwood Drive SR2S Project would extend the Grizzly Island Trail from its current easterly terminus at the Driftwood Drive/Marina Boulevard intersection to an area on Josiah Circle/Whispering Bay Lane. The westerly terminus would be in close proximity to the Crystal Middle School's main entrance. The Project alignment would be primarily along the south side of Driftwood Drive from Marina Boulevard to Whispering Bay Lane, and along the east side of Josiah Circle/Whispering Bay Lane, approximately 300 feet north of Driftwood Drive. This Project would fill in the gap between the existing Grizzly Island Trail and the school's main entrance.

This Project is identified in the latest Solano Countywide Bicycle Transportation Plan and the Safe Routes to School report, both produced by STA. It is also within the City's Priority Development Area (PDA) and is located within 0.5 mile of several destination points, including the following: the City's multi-modal transit center (Train Depot), the Marina Shopping Plaza, Downtown Suisun City, City Hall/Police Department, the Solano County offices, and the apartments surrounding the Crystal Middle School.

The City has discussed the Project on a number of occasions with the Fairfield-Suisun Unified School District (FSUSD) and the district is in full support of the Project. This Project has been on the agenda at numerous School District-City ad hoc committee meetings.

This Project would entail removing and replacing the existing sidewalk with a 10' to 12' wide concrete Class I bike/pedestrian path along the school frontage (south side of Driftwood Drive). The Project would also include the following: construction of a bulb-out at the southwest corner of Driftwood Drive and Marina Boulevard, removal and replacement of the existing trees with suitable trees for planting along a concrete path, installation of new street lights and relocation of street lights to properly illuminate the Project path and roadway, restriping the roadway by eliminating the redundant existing bike lanes, relocation of the centerline and delineation of parking spaces, and upgrading of curb ramps to ADA-compliant curb ramps, installation of way-finding signs, a monument sign, and other signs, relocation of the existing chain-link fence onto the school property, and installation of a security camera that will face into Victorian Harbor F.

The City's roadway right-of-way is limited and the path improvements would need to encroach into the school's right-of-way. The school administration has indicated that it would grant an Easement Right for the construction, maintenance, modification and operation of the improvements that would be within the school's right-of-way.

SOURCE	AMOUNT
OBAG SR2S	\$349,065
OBAG CMAQ (Reprogrammed Funding)	89,981
Transportation for Clean Air (TFCA)	108,076
TDA (Transportation Development Act) Article 3	128,659
<u>Local Match</u>	<u>56,883</u>
TOTAL	\$732,664

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2015-___: Authorizing the City Manager to Request that the Metropolitan Transportation Commission Allocate Fiscal Year 2015-16 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding to the City for the Driftwood Drive Safe Routes to School Project.

ATTACHMENTS:

1. Resolution No. 2015-___: Authorizing the City Manager to Request that the Metropolitan Transportation Commission Allocate Fiscal Year 2015-16 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding to the City for the Driftwood Drive Safe Routes to School Project.
2. Attachment A – Findings.
3. Attachment B – TDA Article 3 Project Application Form.

RESOLUTION NO. 2015- __

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO REQUEST THAT THE METROPOLITAN
TRANSPORTATION COMMISSION ALLOCATE FISCAL YEAR 2015-2016
TRANSPORTATION DEVELOPMENT ACT ARTICLE 3 PEDSTRIAN/BICYCLE
PROJECT FUNDING TO THE CITY FOR THE DRIFTWOOD DRIVE
SAFE ROUTES TO SCHOOL PROJECT**

WHEREAS, Article 3 of the Transportation Development Act (TDA), Public Utilities Code (PUC) Section 99200 *et seq.*, authorizes the submission of claims to a regional transportation planning agency for the funding of projects exclusively for the benefit and/or use of pedestrians and bicyclists; and

WHEREAS, the Metropolitan Transportation Commission (MTC), as the regional transportation planning agency for the San Francisco Bay region, has adopted MTC Resolution No.4108, entitled "Transportation Development Act, Article 3, Pedestrian and Bicycle Projects," which delineates procedures and criteria for submission of requests for the allocation of "TDA Article 3" funding; and

WHEREAS, MTC Resolution No. 4108 requires that requests for the allocation of TDA Article 3 funding be submitted as part of a single, countywide coordinated claim from each county in the San Francisco Bay region; and

WHEREAS, the City of Suisun City desires to submit a request to MTC for the allocation of TDA Article 3 funds to support the projects described in Attachment B to this resolution, which are for the exclusive benefit and/or use of pedestrians and/or bicyclists.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of City of Suisun City hereby declares that it is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code, and furthermore, that there is no pending or threatened litigation that might adversely affect the project or projects described in Attachment B to this Resolution, or that might impair the ability of the City of Suisun City to carry out the project; and furthermore, that the project has been reviewed by the countywide Bicycle Advisory Committee and has been approved by MTC to use the countywide BAC and the countywide BAC provides for expanded representation of the City of Suisun City and the designated representative is familiar with the bicycle and pedestrian needs of the City of Suisun City and furthermore, that the City of Suisun City attests to the accuracy of and approves the statements in Attachment A to this Resolution; and furthermore, that a certified copy of this Resolution and its attachments, and any accompanying supporting materials shall be forwarded to the congestion management agency, countywide transportation planning agency, or county association of governments, as the case may be, of Solano County for submission to MTC as part of the countywide coordinated TDA Article 3 claim.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City held on Tuesday the 6th day of October 2015 by the following vote:

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

WITNESS my hand and the seal of said City this 6th day of October 2015.

Linda Hobson, CMC
City Clerk

Attachment A

Findings

1. That the City of Suisun City is not legally impeded from submitting a request to the Metropolitan Transportation Commission for the allocation of Transportation Development Act (TDA) Article 3 funds, nor is the City of Suisun City legally impeded from undertaking the project(s) described in "Attachment B" of this resolution.
2. That the City of Suisun City has committed adequate staffing resources to complete the project(s) described in Attachment B.
3. A review of the project(s) described in Attachment B has resulted in the consideration of all pertinent matters, including those related to environmental and right-of-way permits and clearances, attendant to the successful completion of the project(s).
4. Issues attendant to securing environmental and right-of-way permits and clearances for the projects described in Attachment B have been reviewed and will be concluded in a manner and on a schedule that will not jeopardize the deadline for the use of the TDA funds being requested.
5. That the project(s) described in Attachment B comply with the requirements of the California Environmental Quality Act (CEQA, Public Resources Code Sections 21000 et seq.).
6. That as portrayed in the budgetary description(s) of the project(s) in Attachment B, the sources of funding other than TDA are assured and adequate for completion of the project(s).
7. That the project(s) described in Attachment B are for capital construction and/or design engineering; and/or for the maintenance of a Class I bikeway which is closed to motorized traffic; and/or for the purposes of restriping Class II bicycle lanes; and/or for the development or support of a bicycle safety education program; and/or for the development of a comprehensive bicycle and/or pedestrian facilities plan, and an allocation of TDA Article 3 funding for such a plan has not been received by the City of Suisun City within the prior five fiscal years.
8. That the project(s) described in Attachment B is included in a locally approved bicycle, pedestrian, transit, multimodal, complete streets, or other relevant plan.
9. That any project described in Attachment B that is a bikeway meets the mandatory minimum safety design criteria published in Chapter 1000 of the California Highway Design Manual.
10. That the project(s) described in Attachment B will be completed before the funds expire.
11. That the City of Suisun City agrees to maintain, or provide for the maintenance of, the project(s) and facilities described in Attachment B, for the benefit of and use by the public.

TDA Article 3 Project Application Form

Fiscal Year of this Claim: FY2015-2016 Applicant: City of Suisun City

Contact Person: Timothy McSorley

Mailing Address: 701 Civic Center Blvd.

E-Mail Address: tmcsorley@suisun.com Telephone: 707-421-7316

Secondary Contact (in event primary not available): Amanda Dum

E-Mail Address: adum@suisun.com Telephone: 707-421-7345

Short Title Description of Project: SR2S improvements to the portion of Driftwood Drive that abuts Crystal Middle School.

Amount of Claim: \$128,659

Functional Description of Project: This Project will entail removing and replacing the existing sidewalk with a 10' wide concrete Class I bike/pedestrian path along the Crystal Middle School site on Driftwood Drive and Josiah Circle/Whispering Bay Lane. This Project will also include constructing a bulb-out at the southwest corner of Driftwood Drive and Marina Boulevard; relocating the existing curb on Driftwood Drive to the south; paving between the old curbline and the new curbline; relocating and replacing chain link fence; removing and replacing the existing trees with suitable trees for planting along a concrete path; installing irrigation and planting shrubs and groundcover; installing new street lights and relocating existing street lights; restriping the roadway by eliminating the redundant existing bike lanes, relocating the centerline and marking parking spaces; upgrading curb ramps to ADA-compliant curb ramps; installing way-finding signs, a monument sign, and other signs; installing a security camera that will face into Victorian Harbor F; and completing miscellaneous conform work within the school grounds directly abutting the proposed Class I bike/pedestrian path.

Financial Plan:

List the project elements for which TDA funding is being requested (e.g., planning, engineering, construction, contingency). Use the table below to show the project budget for the phase being funded or total project. Include prior and proposed future funding of the project. Planning funds may only be used for comprehensive bicycle and pedestrian plans. Project level planning is not an eligible use of TDA Article 3.

Project Elements: Construction & contingency.

Funding Source	All Prior FYs	Application FY	Next FY	Following FYs	Totals
TDA Article 3	\$0	\$128,659	\$0	\$0	\$128,659
list all other sources:					
1. OBAG SR2S	\$0	\$349,065	\$0	\$0	\$349,065
2. OBAG CMAQ (Reprogram)	\$0	\$ 89,981	\$0	\$0	\$ 89,981
3.TFCA	\$0	\$108,076	\$0	\$0	\$108,076
4. Local Match	\$0	\$ 56,883	\$0	\$0	\$ 56,883
Totals	\$0	\$732,664	\$0	\$0	\$732,664

Project Eligibility:	YES?/NO?
A. Has the project been approved by the claimant's governing body? (If "NO," provide the approximate date approval is anticipated).	Yes
B. Has this project previously received TDA Article 3 funding? If "YES," provide an explanation on a separate page.	No
C. For "bikeways," does the project meet Caltrans minimum safety design criteria pursuant to Chapter 1000 of the California Highway Design Manual? (Available on the internet via: http://www.dot.ca.gov).	Yes
D. Has the project been reviewed by a Bicycle Advisory Committee (BAC)? (If "NO," provide an explanation). Enter date the project was reviewed by the BAC: <u>July 30, 2015</u>	Yes
E. Has the public availability of the environmental compliance documentation for the project (pursuant to CEQA) been evidenced by the dated stamping of the document by the county clerk or county recorder? (required only for projects that include construction).	No but will be once Prelim. Enviro. Study process is completed
F. Will the project be completed before the allocation expires? Enter the anticipated completion date of project (month and year): <u>5/2016</u>	Yes
G. Have provisions been made by the claimant to maintain the project or facility, or has the claimant arranged for such maintenance by another agency? (If an agency other than the Claimant is to maintain the facility provide its name:	Yes

AGENDA TRANSMITTAL

MEETING DATE: October 6, 2015

CITY AGENDA ITEM: Adoption of Council Resolution No. 2015-__ : Authorizing the City Manager to Execute a Professional Services Agreement on the City’s Behalf with BKF Engineers for the Driftwood Drive Safe Routes to School Project.

FISCAL IMPACT: Grant monies from multiple funding sources totaling approximately \$732,664 have been awarded to the City for completion of the Driftwood Drive Safe Routes to School (SR2S) Project (Project). The Project would construct a Class I bike/pedestrian path that would front Crystal Middle School along Driftwood Drive and Josiah Circle/Whispering Bay Lane. The local match of \$56,900 would be met through \$20,000 from the Victorian Harbor F Maintenance Assessment District and \$36,900 from OSSIP. The City was recently awarded Transportation Development Act Article 3 (TDA) funds and additional OBAG CMAQ funds at the September 2015 STA Board Meeting. It was the intention of STA that the City first use the OBAG CMAQ funds, so that the actual amount of TDA funds used for the Project would ideally be less than the available \$128,659.

REVENUES	REVENUES
One Bay Area Grant (OBAG) - Safe Route to School (SR2S)	\$ 349,065.00
CMAQ Reprogrammed Funds	89,981.00
Local Match SR2S & CMAQ - OSSIP	36,883.00
Local Match SR2S & CMAQ - Victorian Harbor F	20,000.00
Transportation for Clean Air (TFCA)	108,076.00
Transportation Development Act (TDA) Article 3	<u>128,659.00</u>
TOTAL	\$ <u>732,664.00</u>

Funding for the preparation of the plans, specifications, and estimates (PS&E), hereafter referred to as construction documents, would be funded from a combination of the above-mentioned sources.

BACKGROUND: A Request for Qualifications (RFQ) for City Engineer services was published on November 17, 2014. Five proposals were received and opened on December 11, 2014. The top four qualified firms were invited to participate in a formal interview process. BKF Engineers was determined to be the best fit for the City. On February 3, 2015, the City Council authorized the City Manager to execute a Professional Services Agreement on the City’s behalf with BKF Engineers for City Engineer services, which included preparing construction documents on civil projects, such as the Driftwood Drive SR2S Project. BKF Engineers has submitted to the City a cost proposal in the amount of \$39,155 to prepare construction documents for the Project. Since this amount is above the \$25,000 threshold, so City Council action/approval would be required to award the design contract. The Project has \$75,000 budgeted for design work on the Project.

PREPARED BY: Nick Lozano, Associate Engineer
REVIEWED BY: Timothy J. McSorley, Public Works & Building Director/City Engineer
APPROVED BY: Suzanne Bragdon, City Manager



STAFF REPORT: The federal OBAG SR2S & CMAQ allocations, which can only be used for construction of the Project, require the City to receive a formal approval to proceed with construction by the end of the 2015 calendar year from Caltrans. In order to meet this federal grant deadline, the PS&E (along with other documents) will need to be completed and submitted for review to Caltrans by November 1, 2015. Construction documents have not been prepared prior to this point due to the fact that the Project was not fully funded until this past month.

As discussed above, this Project was envisioned to be part of the work BKF was to perform as an adjunct to the City Engineer services. City staff recommends awarding the design contract for this Project to BKF Engineers to ensure timely submittal of the construction documents.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2015-__: Authorizing the City Manager to Execute a Professional Services Agreement on the City's Behalf with BKF Engineers for the Driftwood Drive Safe Routes to School Project.

ATTACHMENTS:

1. Council Resolution No. 2015-__: Authorizing the City Manager to Execute a Professional Services Agreement on the City's Behalf with BKF Engineers for the Driftwood Drive Safe Routes to School Project.
2. Driftwood Drive SR2S - Project Map.

RESOLUTION NO. 2015 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL
SERVICES AGREEMENT ON THE CITY'S BEHALF WITH BKF ENGINEERS
FOR THE DRIFTWOOD DRIVE SAFE ROUTES TO SCHOOL PROJECT**

WHEREAS, the City did request proposals from qualified firms to provide contract City Engineering services, including preparing construction documents on civil projects; and

WHEREAS, the City received proposals from five responsible professional engineering firms, and staff interviewed four of the most qualified responding professional engineering firms; and

WHEREAS, BKF Engineers, a California Corporation was selected as the most qualified firm to meet City needs; and

WHEREAS, the preparation of the construction document for the Driftwood Drive Safe Routes to School (SR2S) Project was envisioned as an adjunct to the contract with BKF Engineers; and

WHEREAS, the federal grant funding source for the Driftwood Drive SR2S Project has a deadline that requires that construction documents are completed by November 1, 2015; and

WHEREAS, BKF Engineers has submitted a reasonable cost proposal to prepare the construction documents for the Driftwood Drive SR2S Project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City authorizes the City Manager to execute a Professional Services Agreement on behalf of the City with BKF Engineers, a California Corporation, for preparing construction documents for the Driftwood Drive SR2S Project in the amount of \$39,155.

PASSED AND ADOPTED by a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 6th of October 2015, by the following vote:

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

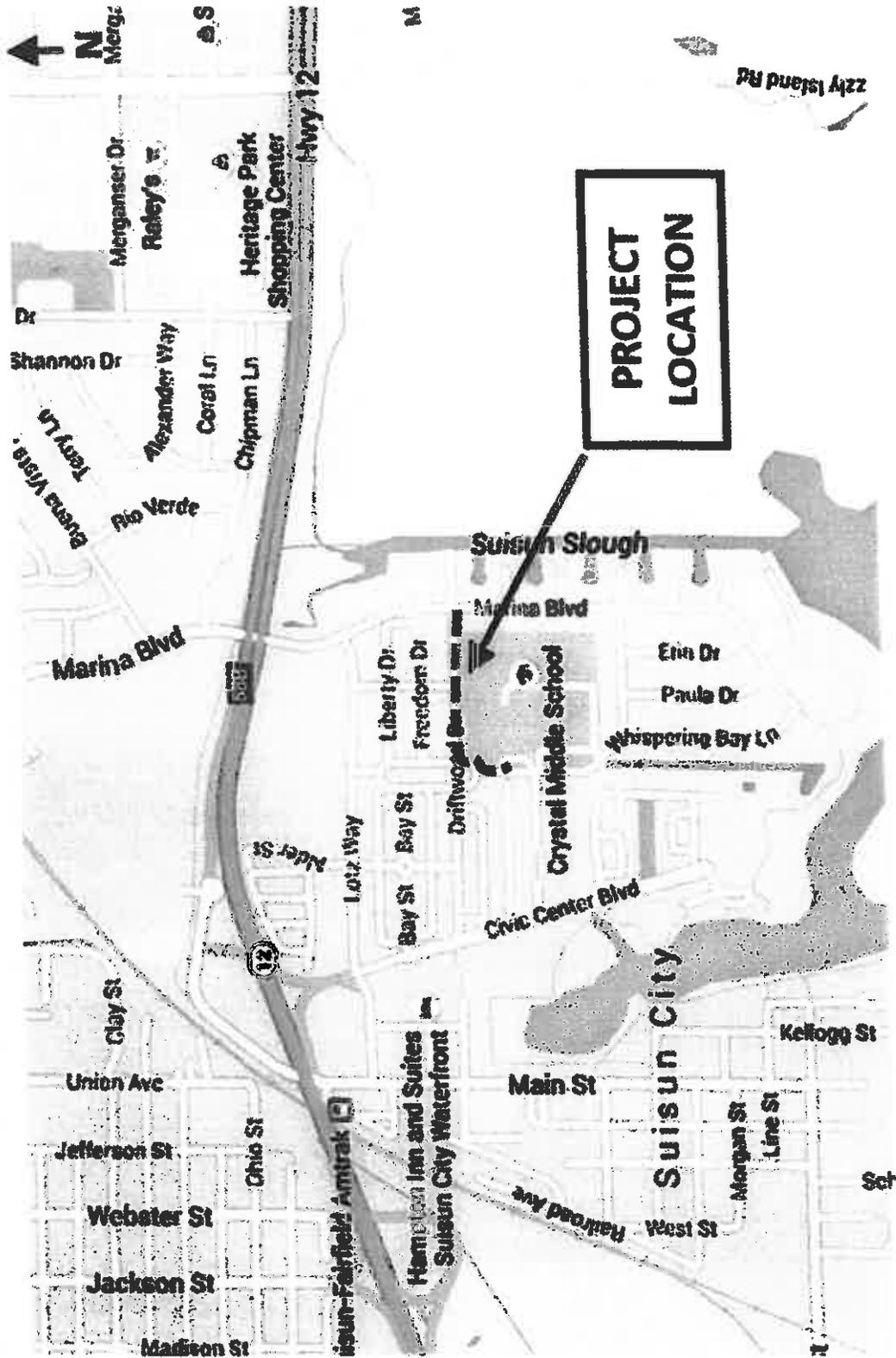
WITNESS my hand and the seal of the City of Suisun City this 6th of October 2015.

Linda Hobson, CMC
City Clerk

ATTACHMENT #2

LOCATION MAP

Driftwood Drive SR2S Project



AGENDA TRANSMITTAL

MEETING DATE: October 6, 2015

CITY AGENDA ITEM: Council Adoption of Ordinance No.733: Amending Chapter 15.04 of the Suisun City Code Providing Expedited Permitting Procedures for Residential Rooftop Solar Systems.

FISCAL IMPACT: There is no fiscal impact that results from the adoption of this Ordinance. All City costs are recovered through existing permit fees.

BACKGROUND: On September 21, 2014 Governor Brown signed Assembly Bill 2188 (AB 2188), which amended section 714 of the California Civil Code and Section 65850.5 of the California Government Code. AB 2188 requires that all cities and counties adopt an ordinance that creates an expedited permitting process for residential rooftop solar systems.

The City currently processes an average of 25 solar permit applications per month. All applications include plans and specifications that must be checked for structural and electrical code compliance. The City processes applications in an expedited manner usually in three days or less with a maximum five day turnaround. Applications are currently required to be submitted in person at City Hall, however, beginning September 30, 2015 the City will also be required to accept applications electronically for qualifying expedited projects.

The attached Ordinance codifies the requirements of AB 2188, including accepting and approving applications electronically, developing an eligibility checklist for expedited review, and authorizing the Building Official to administratively approve such applications. Upon the adoption of the attached Ordinance, the City will be in compliance with AB 2188.

The City Attorney has reviewed and approved the Ordinance as to form.

STAFF REPORT: At the regular City Council meeting of September 15, 2015, the Council introduced the ordinance and waived the reading thereof. As a part of that action, the Council approved minor wording changes in the "whereas" portion that are reflected in the attached ordinance.

STAFF RECOMMENDATION: It is recommended that the City Council adopt Ordinance No. 733: Amending Chapter 15.04 of the Suisun City Code Providing Expedited Permitting Procedures for Residential Rooftop Solar Systems.

ATTACHMENTS:

1. Ordinance No.733: Amending Chapter 15.04 of the Suisun City Code Providing Expedited Permitting Procedures for Residential Rooftop Solar Systems.

PREPARED BY:

REVIEWED AND APPROVED BY:

Tim McSorley, Director of Public Works & Building
Suzanne Bragdon, City Manager

ORDINANCE NO. 733

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA AMENDING CHAPTER 15.04 THE SUISUN CITY CODE PROVIDING EXPEDITED PERMITTING PROCEDURES FOR RESIDENTIAL ROOFTOP SOLAR SYSTEMS

WHEREAS, the City of Suisun City (the “City”) is required to implement AB 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council wishes to advance the use of solar energy by all of its citizens, businesses, and industries; and

WHEREAS, solar energy creates local jobs and economic opportunity; and

WHEREAS, the City Council recognizes that rooftop solar energy provides reliable energy and pricing for its residents and businesses; and

WHEREAS, it is in the interest of the health, welfare, and safety of the people of the City of Suisun City to provide an expedited permitting process to assure the effective deployment of solar technology.

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

SECTION 1. The City Council has performed a preliminary environmental assessment of this project and, pursuant to CEQA Guidelines Section 15061(b)(3), has determined with certainty that there is no possibility that this Ordinance may have a significant effect on the environment. The Ordinance involves updates to the City's regulations as required by the mandates of California law, specifically AB 2188 including Government Code Section 65850.5 and Civil Code Section 714. This is also consistent with CEQA's recognition that solar systems do not have a substantial impact on the environment, as set forth in Public Resources Code Section 21080.35, which provides that certain solar energy systems are statutorily exempt from environmental review under the California Environmental Quality Act, as well as the inherent recognition in CEQA Guidelines section 15301 (Existing Facilities). Additionally, the City Council has determined pursuant to CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) the adoption of the Ordinance, which had been directed by the State, would assure the enhancement of the environment, including climate action goals, and would not allow environmental degradation. Further, none of the exceptions to the exemptions under CEQA Guidelines Section 15300.2 are applicable. Therefore, this project is not subject to CEQA.

SECTION 2. There is hereby added to the Suisun City Code, Title 15, Chapter 15.04, Section 15.04.390 to read as follows:

15.04.390 RESIDENTIAL SOLAR PROJECTS

A. Definitions:

For the purposes of this Residential Solar Projects Ordinance, the following definitions shall apply:

1. A “Solar Energy System” means either of the following:
 - i. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

- ii. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
2. A “small residential rooftop solar energy system” means all of the following:
 - i. A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
 - ii. A solar energy system that conforms to all applicable State fire, structural, electrical, and other building codes as adopted or amended by the City and all State and City health and safety standards.
 - iii. A solar energy system that is installed on a single or duplex family dwelling.
 - iv. A solar panel or module array that does not exceed the maximum legal building height as defined by the City.
 3. “Electronic submittal” means the utilization of one or more of the following:
 - i. Email
 - ii. The Internet
 4. An “association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
 5. “Building official” means the building official or his designee authorized to enforce this code.
 6. A “common interest development” means any of the following:
 - i. A community apartment project
 - ii. A condominium project
 - iii. A planned development
 - iv. A stock cooperative
 7. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
 8. “Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.
 9. “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:
 - i. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent (10%) of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
 - ii. For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent, as originally specified and proposed.

B. Purpose

1. The purpose of the Ordinance is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes

2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. The Ordinance encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the City and expanding the ability of property owners to install solar energy systems. The Ordinance allows the City to achieve these goals while protecting the public health and safety.

C. Applicability

1. This Ordinance applies to the permitting of all small residential rooftop solar energy systems in the City.
2. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Ordinance are not subject to the requirements of this Ordinance, unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

D. Solar Energy System Requirements

1. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the State and of the City of Suisun City.
2. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
3. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

E. Duties of the Building Official

1. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City website.
2. Electronic submittals of the required permit application and documents by electronic means shall be made available to all small residential rooftop solar energy system permit applicants.
3. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
4. The building official shall adopt a checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
5. The small residential rooftop solar energy system permit process and City checklist shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.
6. All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Section 65850.55, Government Code Section

F. Permit Review and Inspection Requirements

1. The building official shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption on this Ordinance. The building official shall issue a building permit or other nondiscretionary permit the same day for applications that meet the requirements of the approved checklist or within three business days for electronic applications after receipt of a complete application. The building official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the city council consistent with the provisions of Subsection F.3, below.
2. Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.
3. The building official may deny an application for the permit if the official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the city council by the applicant. Any such appeal shall be filed within ten days of the date of the building official's decision and shall state the reasons for the appeal. A fee is required for filing any such appeal as established by resolution of the city council. The appeal shall be set for hearing by the city council within thirty days. The city council may uphold, modify, or set aside the decision of the building decision, and its decision shall be final. Failure to comply with the appeals process constitutes a failure to exhaust administrative remedies, and is a bar to bringing a civil action.
4. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.
5. A feasible method to satisfactorily mitigate or avoid the specific, adverse impact includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.
6. Whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property, and shall not be willfully avoided or delayed. For an approving entity that is an association, as defined in Section 4080 or 6528 of the California Civil Code, and that is not a public entity, both of the following shall apply:
 - i. The approval or denial of an application shall be in writing.
 - ii. If an application is not denied in writing within 45 days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

- 7. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
- 8. For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and should include consolidated inspections. If inspection fails, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Suisun City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall be in full force and effect thirty (30) days after its adoption following second reading.

SECTION 5. 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 6th day of October 2015.

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 September 15, 2015 and passed, approved, and adopted by the City Council of the City of Suisun City at a regular meeting held on the 6th day of October 2015 by the following vote:

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

WITNESS my hand and the seal of said City this 6th day of October 2015.

Linda Hobson, CMC
City Clerk

MINUTES

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

AND

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

TUESDAY, SEPTEMBER 15, 2015

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

Mayor Sanchez called the meeting to order at 6:00 PM with the following Council / Board Members present: Day, Hudson, Wilson, and Sanchez. Council / Board Member Segala was absent.

PUBLIC COMMENT - None

(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 - None

(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 / Successor Agency will hold a Closed Session for the purpose of:

Joint City Council / Suisun City Council Acting as Successor Agency

1. PERSONNEL MATTERS

Pursuant to California Government Code Section 54954.5 et seq. the Suisun City Council/Successor Agency will hold a Closed Session for the purpose of Public Employee Performance Evaluation: City Manager Goals and Priorities.

6:03 PM – Mayor Sanchez recessed the meeting to Closed Session.

6:32 PM – Council / Board Member Segala arrived.

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7800 ■ PLANNING 421-7835 ■ BUILDING 421-7810 ■ FINANCE 421-7820
FIRE 425-9183 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7873 ■ PUBLIC WORKS 421-7840
SUCCESSOR AGENCY 421-7809 FAX 421-7866

CONVENE OPEN SESSION

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

7:00 PM – Mayor Sanchez reconvened the meeting and stated no actions were taken in Closed Session.

ADJOURNMENT

There being no further business, Mayor Sanchez adjourned the meeting at 7:09 PM.

Linda Hobson, CMC
City Clerk

MINUTES

REGULAR MEETING OF THE SUISUN CITY COUNCIL

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

AND HOUSING AUTHORITY

TUESDAY, SEPTEMBER 15, 2015

7:00 P.M.

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

NOTICE

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

ROLL CALL

Mayor Sanchez called the meeting to order at 7:00 PM with the following Council / Board Members present: Day, Hudson, Segala, Wilson, and Sanchez.

Pledge of Allegiance was led by Council Member Hudson.

Invocation was given by City Manager Bragdon.

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).

George Guynn expressed concern about hiring a consultant to increase taxes.

CONFLICT OF INTEREST NOTIFICATION - None

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

REPORTS: (Informational items only.)

1. Mayor/Council - Chair/Boardmembers

Council Member Day reminded to attend the court hearing for the placement of Frazier Smith which will be held in Superior Court on September 25, 9:00 AM.

Council Member Segala expressed concern about no trespassing signs on the streams project, the Post Office landscaping, fences on Highway 12, traffic doughnuts and reckless driving near Fulmar and Peterson and commented on the success of dining coupons handed out at the Jazz events; and commented on Suisun City strike team working on the Valley fire being on the news.

Council Member Hudson commended Chief O'Brien for the nice 9/11 memorial and expressed concern about cars congregating out in Lawler Ranch and doing doughnuts,

Council Member Wilson discussed a complaint received from Peggy Taylor regarding Cepada using signage as Cepeda Sports Complex rather than Lambrecht Sports Complex and requested the item come back to the Council; discussed legislation SB 107 RDA dissolution and AB 266 marijuana local control dual licenses; suggested the mayor sign a letter to the post office regarding the landscaping; and stated the Suisun City fire strike team working at the Middleton Fire was seen on the Today Show.

Mayor Sanchez attended conference in Sacramento for the Local Agency Formation Commission where consolidation of fire districts is being discussed due to property tax losses, attended Solano County Water Agency and discussed a new law dealing with the formation of a new agency or commission to deal with underground water management with regard to projected sustainability by the year 2020; joined the teleconference of the North Bay League of California Cities covered the bill on marijuana which is being forwarded to the governor; and attended STA meeting where it was reported STA had secured a few \$100,000 for our Driftwood Street Bikeway and Pedestrian Project and secured significant funding for the Train Depot improvements and construction is scheduled for November; and STA is set to ask Solano County to call for a sales tax measure for local street and road repair and if the measure passes in June 2016 the allocation to cities would be based on population, mileage and other sources, Suisun City would receive upward of six million dollars over a five year period.

2. City Manager/Executive Director/Staff

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Achievement for Excellence in Financial Reporting – (Anderson).
 - a. Presentation of Certificate of Achievement for Excellence in Financial Reporting to Finance Department Staff.
 - b. Presentation of Award of Financial Reporting Achievement to Elizabeth Luna, Senior Accountant.

Vice Mayor Wilson read and presented the Certificate and Award to Senior Accountant Elizabeth Luna.

4. Presentation by Daryl Halls, Executive Director, Solano Transportation Authority, on the Countywide Transportation Tax.

Mayor Sanchez stated Item 4 was deleted from the agenda.

CONSENT CALENDAR

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

City Council

5. Council Adoption of Resolution. No. 2015-103: Adopting a Resolution of Intention to Annex Territory to Community Facilities District and to Authorize the Levy of Special Taxes Therein – (McSorley).

6. Council Adoption of Resolution No. 2015-104: Adopting Continuing Disclosure Procedures to Establish Protocol and Promote Best Practices in the Preparation of the City's Annual Continuing Disclosure Requirements for Bond Issues – (Garben).

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

7. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on August 11, 2015 and September 1, 2015 – (Hobson).
8. Council/Agency Approval of the August 2015 Payroll Warrants in the amount of \$350,199.30. Council/Agency Approval of the August 2015 Payable Warrants in the amount of \$1,058,798.46 – (Finance).

Suisun City Council Acting as Successor Agency

9. Receiving and Accepting a Recognized Obligation Payment Schedule 15/16B (ROPS) for the Period of January through June 2016 – (Garben).

George Guynn spoke favorably for the passing of Item 6 regarding full disclosure.

Motioned by Council / Board Member Wilson and seconded by Council Member Day to approve Consent Calendar. Motion carried unanimously by the following roll call vote: AYES: Council Members Day, Hudson, Segala, Wilson, Sanchez

GENERAL BUSINESS

City Council

10. Council Adoption of Resolution. No. 2015-105: Amending the Master Fee Resolution No. 2013-34 to Modify the Charge for Commercial Use of the Marina, Docks, and Boat Launch - (Davis).

Motioned by Council Member Segala and seconded by Council Member Day to adopt Resolution No. 2015-105. Motioned carried unanimously by the following roll call vote:

AYES: Council Members Day, Hudson, Segala, Wilson, Sanchez

8:16 PM – Mayor Sanchez recessed the Council.

8:26 PM – Mayor Sanchez reconvened the Council.

11. Elimination or Modification of the City's Hiring Freeze Practice - (Anderson)
 - a. Council Adoption of Resolution. No. 2015-106: Elimination the City's Hiring Freeze Practice; OR
 - b. Council Adoption of Resolution. No. 2015-____: Modifying the City's Hiring Freeze Practice.

George Guynn suggested the City should continue to be lean and suggested having a volunteer police department.

**Motioned by Council Member Segala and seconded by Council Member Day to adopt Resolution No. 2015-106 (Item A Elimination of the City's Hiring Freeze Practice). Motioned carried by the following roll call vote:
AYES: Council Members Day, Hudson, Segala, Wilson,
NOES: Council Member Sanchez**

9:10 PM – Mayor Sanchez left the meeting.

PUBLIC HEARINGS

City Council

12. PUBLIC HEARING

Council Introduction and Waive Reading of Ordinance No. 733: Amending Chapter 15.04 of the Suisun City Code Providing Expedited Permitting Procedures for Residential Rooftop Solar Systems – (McSorley).

Mayor Pro Tem Wilson opened the public hearing and hearing no comments, closed the public hearing.

Council Member Segala suggested amending the first whereas verb from seeks to requires and deleting the third whereas.

Council Member Segala introduced amended Ordinance 733 and motioned to waive the reading. Motion was seconded by Council Member Day. Motioned carried by the following roll call vote:

AYES: Council Members Day, Hudson, Segala,

NOES: Council Member Wilson

ADJOURNMENT

There being no further business, Mayor Pro Tem Wilson adjourned the meeting at 9:24 PM.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: October 6, 2015

CITY AGENDA ITEM: PUBLIC HEARING: Appeal of the City of Suisun City Planning Commission Recommendation to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030:

- a. Council Adoption of Resolution No. 2015-___: Denying the Appeal of the Planning Commission Recommendation to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030; OR
- b. Council Adoption of Resolution No. 2015-___: Upholding the Appeal and Remanding the Amendment to the McCoy Creek Planned Unit Development, APN 0173-811-030 to the Planning Commission for Further Consideration.

BACKGROUND: The City of Suisun City is in the process of reviewing a request to amend the previously approved McCoy Creek Planned Unit Development (PUD) to allow the proposed McCoy Creek Mixed Use Project (Project). The Planning Commission held a duly noticed public hearing on September 22, 2015, and, after reviewing the project and accepting public testimony, did vote 5-1-1 in favor of a resolution recommending that the City Council approve the proposed Project.

Subsequently, the City has received four appeals from residents within the McCoy Creek project requesting reconsideration of the Planning Commission's recommendation in support of the Project. Specifically, the received appeals are as follows:

September 24, 2015, appeal from Mr. Brian Winogradov, 1277 Gray Hawk Lane
 September 28, 2015, appeal from Ms. Jean Sarles, 1237 Gray Hawk Lane
 September 28, 2015, appeal from Mr. Dale Sarles, 1237 Gray Hawk Lane
 September 28, 2015, appeal from Mr. Clarence Foreman, 1217 Gray Hawk Lane

STAFF REPORT: Typically, appeals of Planning Commission decisions relate to items for which the Planning Commission is authorized to take action upon a project. In such cases, a member of the public may appeal the Planning Commission's decision to the City Council for reconsideration. In this instance, the action by the Planning Commission was a recommendation only and the project had already been scheduled for consideration and final action by the City Council.

Given the circumstances of this project and the requested appeal, the question before the Council in the review of this appeal is whether the Planning Commission action was well informed and based upon information that allowed a well-reasoned decision.

Should the Council determine that the Planning Commission lacked key information or fundamentally misunderstood the proposed action, it would be appropriate to approve the appeal and remand the project back to the Planning Commission for further consideration. Should the City Council determine that the Planning Commission did adequately understand the nature of the project and that no information exists that would likely result in a change to the Planning Commission's recommendation, then it would be appropriate for the City Council to deny the appeal and to proceed with City Council review of the proposed Project.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Paul Junker, Senior Project Advisor
 Jason Garben, Development Services Director
 Suzanne Bragdon, City Manager

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In considering the requested appeal, the City Council should consider whether the Planning Commission's decision was informed and well reasoned. The review of the appeal does not imply Council support or opposition to the project. Following a determination on the appeal and, if so ordered, reconsideration by the Planning Commission, the City Council will review the merits of the project and render its decision on the proposed McCoy Creek PUD Amendment.

Basis for Appeal

In filing his appeal, Mr. Winogradov identified the issues of concern as noted below. Following each issue is staff's analysis as to whether the issue merits reconsideration of the Project by the Planning Commission.

Issue 1: The McCoy Creek Mixed Use Project CEQA Addendum did not adequately address traffic impacts of the Project.

Staff Analysis: The Project Addendum has documented that the proposed Project would result in up to 9 additional vehicle trips per day and one additional peak-hour trip as compared to the currently approved commercial office use. This increase is not considered significant in terms of traffic impacts. Additionally, the traffic analysis assumed 9.6 daily trips for each apartment, the same figure that was applied to all housing in the McCoy Creek MND. It is very likely the apartments will generate fewer than 9.6 daily trips and therefore the Project would likely generate less traffic than the currently approved uses. No further analysis under CEQA is warranted. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

Issue 2: Revisions to the Project assumptions require further analysis of the project under CEQA, including impacts associated with traffic and air quality.

Staff Analysis: The initial analysis of the Project incorrectly assumed eight dwellings, not the proposed ten dwellings. Analysis of the project for the correct dwelling unit count was completed prior to the Planning Commission hearing and made part of the record through staff presentation, as well as hardcopies submitted with the Planning Commission Secretary. The results of the corrected analysis did not affect the validity of the CEQA Addendum findings that no further review is required. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

Issue 3: Concern that Commissioner Pal did not understand that the proposed project is for an apartment complex.

Staff Analysis: Commissioner Pal's comments seem to have been taken out of context. Staff is confident the Commissioner understood the proposal is for apartments and believes his comment was intended to point out that the project is much smaller than other more typical apartment complexes located in and around Suisun City. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

Issue 4: Concern that developer's stated expectations for rent levels are not realistic.

Staff Analysis: The Planning Commission's review and its subsequent actions were not based upon the anticipated levels of rent. The standards of review for a project do not include rental rates and would not be appropriate for the consideration of support for the project. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

Issue 5: Concern that the applicant's characterization of the proposed project as "luxury apartments" is misleading.

Staff Analysis: The definition of a luxury apartment is subjective and may relate to amenities, quality of materials and design, or other intangible qualities. The Planning Commission's recommendation was based on the project consistency with City standards and regulations. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

The City received three additional appeals to the Planning Commission decision. Various issues raised are substantially similar to comments provided By Mr. Winogradov. Provided below are additional issues and staff's associated analysis:

Jean Sarles Additional Comments

Issue 6: Design and character of the proposed apartments are inconsistent with the look and feel of the neighborhood.

Staff Analysis: The design of the proposed Project varies somewhat from the existing homes and from the previously approved commercial use. The Commission was provided the proposed architecture and did support the design. There is no evidence that the Commission's opinion of the architecture would change following reconsideration of the project. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

Issue 7: Statement that it appears there is a conflict of interest on the review of the project due to the fact that the applicant is a former City official.

Staff Analysis: Conflict of interest is generally defined by economic interest and there is no evidence of such conflict among the Planning Commission. The applicant has not been employed by the City for more than ten years and holds no special influence over any City officials. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

Dale Sarles Additional Comments

Issue 8: Copies of the impact study provided to the public were missing two pages.

Staff Analysis: There was an error in reproducing documents available to the public for the Commission hearing. However, complete documents were available for review through the City prior to the meeting and Planning Commissioners did have complete documents for their consideration. Complete documents have been made available

prior to the City Council meeting. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

Issue 9: Comments made regarding the expertise of Commissioner Smith on real estate matters and her ability to provide a recommendation on this project.

Staff Analysis: Specialized knowledge of real estate is not required for a Commissioner to make a reasoned decision on a project. The basis for a recommendation on the project is consistency with City regulations and personal judgment on the compatibility of the project with surrounding uses. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

Issue 10: The project analysis considered only eight apartments and therefore underestimated the population of the project by 20 percent.

Staff Analysis: The technical analysis at issue was prepared to determine whether the Project would have negative effects on the environment as defined under the California Environmental Quality Act (CEQA). While the initial analysis of the project conducted by staff was in error with regards to the number of apartments, that analysis has been corrected and the outcome with regard to CEQA remains unchanged. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

Clarence Foreman Additional Comments

Issue 11: Commented that an incorrect statement was made during the Project hearing – “less than 1% was stated but that is incorrect it should have been 1.5%.” Staff believes this comment is in regards to the increase in square footage of the proposed project would be relative to the originally approved project.

Staff Analysis: The increase in square footage is *de minimis* and does not have a significant impact on how the project was analyzed. *This issue does not support remanding the Project back to Planning Commission for further consideration.*

Based upon the information provided within the Application for Appeal and a review of the facts and circumstances of the Planning Commission’s review of the McCoy Creek PUD Amendment, staff does not consider remanding the project back to the Planning Commission to be appropriate. However, this determination is subject to interpretation and the Council may determine further Planning Commission review is warranted. Therefore, staff has prepared resolutions for both approving the appeals and denying the appeals

City Council Options

The City Council has two options in considering this application. Actions that the City Council may take in response to the appeal include:

- Uphold the appeal and direct the project be remanded back to the Planning Commission for reconsideration; OR
- Deny the appeal and proceed with City Council review of the application for the McCoy Creek PUD Amendment.

STAFF RECOMMENDATION: Adopt Resolution No. 2015: Denying the Appeal of the Planning Commission Recommendation to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030.

ATTACHMENTS:

1. Resolution No. 2015-___: Denying the Appeal of the Planning Commission Recommendation to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030.
2. Resolution No. 2015-___: Upholding the Appeal and Remanding the Amendment to the McCoy Creek Planned Unit Development, APN 0173-811-030 to the Planning Commission for Further Consideration.
3. Applications for Appeal
 - Mr. Brian Winogradov, 1277 Gray Hawk Lane
 - Ms. Jean Sarles, 1237 Gray Hawk Lane
 - Mr. Dale Sarles, 1237 Gray Hawk Lane
 - Mr. Clarence Foreman, 1217 Gray Hawk Lane

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
DENYING THE APPEAL OF THE PLANNING COMMISSION RECOMMENDATION
TO AMEND THE MCCOY CREEK PLANNED UNIT DEVELOPMENT,
APN 0173-811-030**

WHEREAS, the City of Suisun City is in the process of reviewing an application for the amendment of the McCoy Creek Planned Unit Development (PUD) to allow development of the proposed McCoy Creek Mixed Use Project; and

WHEREAS, Suisun City Planning Commission did, on September 22, 2015, adopt a resolution recommending the City Council approve the requested McCoy Creek PUD Amendment; and

WHEREAS, the City has received appeals requesting reconsideration of the September 22, 2015 Planning Commission recommendation to the City Council in support of approval of the McCoy Creek PUD Amendment; and

WHEREAS, notice for the public hearing to consider the appeal was published in the *Daily Republic* on or before September 26, 2015, and was mailed to affected property owners; and

WHEREAS, based upon the record of the project the City Council finds that the Planning Commission did have adequate information to complete a thorough and reasoned review of the project; and

WHEREAS, based upon the lack of any new information or revised information that could reasonably be assumed to result in a change to the Planning Commission's recommendation; and

WHEREAS, the City Council will consider the full record, including comments from the public, in its deliberations of the McCoy Creek PUD Amendment; and

WHEREAS, the City Council will consider the merits of the proposed determination for the review of the project under the California Environmental Quality Act, and

WHEREAS, the City Council conducted a duly noticed Public Hearing on October 6, 2015, and consider comments from the public and staff's analysis of the merits of the appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUISUN CITY that the request for appeal of the Planning Commission decision to recommend in favor of the McCoy Creek PUD Amendment is hereby denied.

PASSED AND ADOPTED by a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 6th of October 2015, by the following vote:

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

WITNESS my hand and the seal of the City of Suisun City this 6th day of October 2015.

Linda Hobson, CMC
City Clerk

RESOLUTION NO. __

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
UPHOLDING THE APPEAL AND REMANDING THE AMENDMENT TO THE
MCCOY CREEK PLANNED UNIT DEVELOPMENT, APN 0173-811-030 TO THE
PLANNING COMMISSION FOR FURTHER CONSIDERATION**

WHEREAS, the City of Suisun City is in the process of reviewing an application for the amendment of the McCoy Creek Planned Unit Development (PUD) to allow development of the proposed McCoy Creek Mixed Use Project; and

WHEREAS, Suisun City Planning Commission did, on September 22, 2015, adopt a resolution recommending the City Council approve the requested McCoy Creek PUD Amendment; and

WHEREAS, the City has received appeals requesting reconsideration of the September 22, 2015 Planning Commission recommendation to the City Council in support of approval of the McCoy Creek PUD Amendment; and

WHEREAS, notice for the public hearing to consider the appeal was published in the *Daily Republic* on or before September 26, 2015, and was mailed to affected property owners consistent with State Law and City Code; and

WHEREAS, based upon the record of the project the City Council finds that the Planning Commission would have benefitted from information that was not provided during the public hearing for the Project; and

WHEREAS, the Council has determined that the decision of the Planning Commission may have differed if such information had been provided; and

WHEREAS, the City Council conducted a dully noticed Public Hearing on October 6, 2015, and consider comments from the public and staff's analysis of the merits of the appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUISUN CITY that the request for appeal of the Planning Commission decision to recommend in favor of the McCoy Creek PUD Amendment is hereby upheld, and the Project is remanded to the Planning Commission for further consideration.

PASSED AND ADOPTED by a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 6th of October 2015, by the following vote:

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

WITNESS my hand and the seal of the City of Suisun City this 6th day of October 2015.

Linda Hobson, CMC
City Clerk

RECEIVED

SEP 24 2015

CITY OF SUISUN CITY

Appeal No: 25
Date Received: 9/24/15

APPEAL
TO THE SUISUN CITY COUNCIL
TITLE 18 - ZONING

Section 18.76.050 Appeal to the City Council. In case an applicant or any interested party is not satisfied with the decision of the planning commission, he or she may, within then days appeal in writing to the city council. A copy of the appeal shall be submitted to the planning commission. The city council shall consider the appeal and render its decision within sixty days after receipt of the appeal. (Ord. 549 § (Exbt. A(part), 1987: Ord. 529 §3, 1986: Ord. 379 §3200 (D) (part), 1974)

To: Suisun City Clerk

Name of Applicant Brian Winkgrader Phone 707 235-3087

Address 1277 Gray Hawk Lane Suisun City Ca 94585

Nature of Appeal: Appeal to the Planning Commission's recommendation
On request for an to approve modifications to McCoy Creek PUD

on Application No. PD 14-5-001 Dated 9/24/15

State specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission or wherein its decision is not supported by the evidence in the record.

The impact analysis was done wrong being based on 8 units not 10
when the addendum was offered at the meeting it was missing 2 page
leaving resident with insufficient information to argue our points
of contention. The updated trip calculations were
misrepresented in the meeting as they did not add up.
Jason Garben said the city did a reanalysis of the
impact with correct unit but the addendum said
"no further environmental analysis required". I spoke
with ~~the~~ the Air Quality Planning and the left differently
as a 20% margin of error most definitely would be
reason for further analysis

Signature of Applicant

City Council Action: _____
Council Meeting Date: _____
City Clerk Signature: _____

not page 2

Appeal No: _____
Date Received: _____

**APPEAL
TO THE SUISUN CITY COUNCIL
TITLE 18 - ZONING**

Section 18.76.050 Appeal to the City Council. In case an applicant or any interested party is not satisfied with the decision of the planning commission, he or she may, within then days appeal in writing to the city council. A copy of the appeal shall be submitted to the planning commission. The city council shall consider the appeal and render its decision within sixty days after receipt of the appeal. (Ord. 549 § (Exbt. A(part), 1987: Ord. 529 §3, 1986: Ord. 379 §3200 (D) (part), 1974)

To: Suisun City Clerk

Name of Applicant _____ Phone _____

Address _____

Nature of Appeal: On request for an Appeal to the Planning Commission's recommendation
to approve modifications to McCoy Creek PUD

on Application No. PD 14-5-001 Dated _____

State specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission or wherein its decision is not supported by the evidence in the record.

Mit Del saying that 10 unit does not
constitute apartment as he's used to seeing 20 or 40
so on that Note I note Yes is an error not
supported by evidence.
I believe the Board of Commissioners have the best of
intent in their recommendation but also believe they
have been misled by the former City Planner
and now Builders claims that an apartment in this
area with the median income would demand an excess
of 2000 sq ft as claimed for a 677 sq ft to 1,160 sq ft
space.

Signature of Applicant

City Council Action: _____
Council Meeting Date: _____
City Clerk Signature: _____

cont other side

to call an apartment luxury because of a few
granite upgrades, security gate and intercoms
a bit of a stretch as most luxury apartments
on the market include many amenities such as
pools spas security etc.

Please reconsider this proposal to change
current Planned Unit Development.

RECEIVED

CITY OF SUISUN CITY

Appeal No: 28
Date Received: 9/28/15

APPEAL
TO THE SUISUN CITY COUNCIL
TITLE 18 - ZONING

Section 18.76.050 Appeal to the City Council. In case an applicant or any interested party is not satisfied with the decision of the planning commission, he or she may, within then days appeal in writing to the city council. A copy of the appeal shall be submitted to the planning commission. The city council shall consider the appeal and render its decision within sixty days after receipt of the appeal. (Ord. 549 § (Exbt. A(part), 1987: Ord. 529 §3, 1986: Ord. 379 §3200 (D) (part), 1974)

To: Suisun City Clerk

Name of Applicant JEAN SARLES Phone 707-759-6926

Address 1237 Gray Hawk Lane Suisun City, CA 94585

Nature of Appeal: Appeal to the Planning Commission's recommendation
On request for an to approve modifications to McCoy Creek PUD

on Application No. PD 14-5-001 Dated 9-28-15

State specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission or wherein its decision is not supported by the evidence in the record.

We purchased our home (above) in 1/2014. We understand that the neighborhood would be completed with single family residences and/or home/business combo units as current. Introducing apartments (which look like Industrial bldgs) ARE NOT CONSISTENT with the look + feel of the neighborhood, affect values, and be a blight on our neighborhood. This is a classic example of bait and switch! 5 of the commissioners completely disregarded the objections of the majority of the residents of the neighborhood, while one agreed that he would not want this project in his own neighborhood. It appears to be a conflict of interest between the planning commissioners and the applicant, which was a former city official.

Jean Sarles
Signature of Applicant

City Council Action: _____
Council Meeting Date: _____
City Clerk Signature: _____

010-79410-3410
pd #74 9/28/15

RECEIVED

SEP 28 2015

CITY OF SUISUN CITY

Appeal No: 26
Date Received: 9/28/15

APPEAL
TO THE SUISUN CITY COUNCIL
TITLE 18 - ZONING

Section 18.76.050 Appeal to the City Council. In case an applicant or any interested party is not satisfied with the decision of the planning commission, he or she may, within then days appeal in writing to the city council. A copy of the appeal shall be submitted to the planning commission. The city council shall consider the appeal and render its decision within sixty days after receipt of the appeal. (Ord. 549 § (Exbt. A(part), 1987: Ord. 529 §3, 1986: Ord. 379 §3200 (D) (part), 1974)

To: Suisun City Clerk

Name of Applicant Dale Sarles Phone 707-759-6926

Address 1237 Gray Hawk Lane, Suisun City, CA 94585

Nature of Appeal: On request for ~~an~~ Appeal to the Planning Commission's recommendation to approve modifications to McCoy Creek PUD

on Application No. PD14-5-001 Dated 9/28/15

State specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission or wherein its decision is not supported by the evidence in the record.

- Copies of the impact study amendment given to the public were missing 2 pages.
- Commissioner Smith stated that she didn't know anything about real estate yet elected to weigh in on this important decision.
- Commissioner Ramos stated that these were not really apartments being proposed. That is clearly what the application is calling the units.
- The calculation of population is off by 20% due to the actual # of units being calculated -10 vs 8.

Dale Sarles
Signature of Applicant

City Council Action: _____
Council Meeting Date: _____
City Clerk Signature: _____

010 - 79410 - 3410

Ad 870 9/28/15

RECEIVED

SEP 14 1985

CITY OF SUISUN CITY

Appeal No: 29
Date Received: 9/28/15

APPEAL
TO THE SUISUN CITY COUNCIL
TITLE 18 - ZONING

Section 18.76.050 Appeal to the City Council. In case an applicant or any interested party is not satisfied with the decision of the planning commission, he or she may, within then days appeal in writing to the city council. A copy of the appeal shall be submitted to the planning commission. The city council shall consider the appeal and render its decision within sixty days after receipt of the appeal. (Ord. 549 § (Exbt. A(part), 1987: Ord. 529 §3, 1986: Ord. 379 §3200 (D) (part), 1974)

To: Suisun City Clerk

Name of Applicant Clarence Foreman Phone (707) 803-3754

Address 1217 Gray Hawk Lane

Nature of Appeal: On request for a ^{Appeal to the Planning Commission's} ~~recommendation~~ to change McCoy Creek PUD

on Application No. PD 14-5-001 Dated 9-28-85

State specifically wherein it is claimed that there was an error or abuse of discretion by the Planning Commission or wherein its decision is not supported by the evidence in the record.

There was pages missing from the addendum to the original impact study which in fact was incorrectly left out of the actual analysis. Per Jason Barber "less than 1%" was stated but that is incorrect it should have been "1.5%". lets us also be correct that an Apartment building can be 10 units! Met Pal was incorrect. The trip calculations was also incorrect. Most importantly, the price for renting the units was in discrepancy! Cameron stated "\$2000.00" but later changed.

[Signature]
Signature of Applicant

City Council Action: _____

Council Meeting Date: _____

City Clerk Signature: _____

010 - 79410 - 3410
1 470 9/28/15

AGENDA TRANSMITTAL

MEETING DATE: October 6, 2015

CITY AGENDA ITEM: PUBLIC HEARING: Considering a Request to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030:

- a. Council Introduce and Waive Reading of Ordinance No.____: Approving a Request to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030.

FISCAL IMPACT: The Project has been reviewed consistent with the City’s Revenue Based Land Use Policy. The proposed Project would finish out the McCoy Creek project, as well as provide the potential for modest commercial activity within the commercial components of the live/work units. Additionally, the Project would generate revenues from CFD fees (approximately \$4,500 annually) and property taxes (City’s share of property tax estimated between \$3,600 and \$4,500 annually).

BACKGROUND: The McCoy Creek Development was originally approved in 2005 through City Council adoption of the McCoy Creek Planned Unit Development (PUD). The PUD is a zoning document that allows the approval of a project with specific uses. The McCoy Creek Mixed-Use Project (Project) is located on an approximately 0.31 acre site within the previously approved McCoy Creek Development. Originally approved in 2005, the McCoy Creek Development included 19 single-family homes, 10 live/work units (5 of which have a carriage unit above the commercial space fronting McCoy Creek Drive) and approximately 9,052 square feet of commercial/office uses on land totaling 4.37 acres. Since project approval the majority of single-family homes and carriage units have been constructed, however the development of the 9,052 square foot commercial office building has not commenced.

STAFF REPORT: Below is information provided by the applicant that describes the proposed Project, as well as analysis of the proposal consistent with the provisions of Title 18, Zoning of the Suisun City Municipal Code:

Description of Application – The applicant is requesting to amend the 2005 McCoy Creek Planned Unit Development (PUD) documents to allow development of eight (8) apartments and two (2) live/work units upon the previously approved commercial office/retail site. If approved, the McCoy Creek PUD would be amended to include a new site plan for the 0.31 acre Project site and the proposed residential mixed-use project would receive its Preliminary Development Plan and Precise Development Plan approvals, thus allowing development of the Project to commence. All other aspects of the previously approved McCoy Creek Development project approvals would remain in effect.

Project Justification – The Project site was approved for commercial development under the original McCoy Creek Development approved in 2005. Since that time the property owner has been unsuccessful in efforts to develop the commercial/office project due to vacancies in existing commercial development, numerous vacant commercial properties that are more competitive from a commercial development perspective, and the relatively low visibility of the McCoy Creek site.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Paul Junker, Senior Project Advisor
 Jason Garben, Development Services Director
 Suzanne Bragdon, City Manager

58

In response to the challenging conditions, the applicant has proposed an alternative development plan that includes a combination of flexible commercial space and innovative residential dwellings. The proposed elevations, site plan and floor plans for the Project are provided as Attachment 2 of this report. The applicant has provided the following description of the proposed project:

“The proposed project will offer the highest quality apartment units in the market area. Each unit will have a private garage. Visitor access to the second floor is allowed via a call box, which lets the residents identify the visitors via sound and live video for maximum security and privacy. The units will be finished with high quality products. The apartment units offer a variety of unit sizes ranging from 677 to 1160 S.F.

It is well-known that commercial attraction for the properties along McCoy Creek Way, located three tiers away from Highway 12, in a low density area surrounded by permanent open space is marginal. The proposed project attempts to leverage 2000 S.F. of potential commercial use with the strength of the residential market at this location. Therefore, as proposed, the project contains two work live units each comprising approximately 1000 S.F. The floor plan offers flexibility to best meet the needs of the end user. Ultimately the commercial application of the space is driven by the market forces and types of tenants. The types of commercial uses allowed are already defined in the McCoy Creek PUD. The two units are designed to offer flexibility in meeting the needs of the market and the project.

Upon successful implementation of this project, the new rental rates will be establishing a new benchmark for multi-unit residential market in Suisun, one that can be leveraged further in developing luxury condominiums in town.”

Staff considers the proposed project to be a creative alternative to the currently approved commercial use that could both generate development within Suisun City and result in an increased interest in commercial development on the Lawler Commercial area parcels located between McCoy Creek and Highway 12. Further, staff concurs with the applicant that the viability of commercial development at this site, particularly once sites in front of the project have been developed, is relatively low.

Physical Characteristics of Proposed Use – Below are descriptions of the interior and exterior site characteristics of the project, including architecture, parking and site improvements:

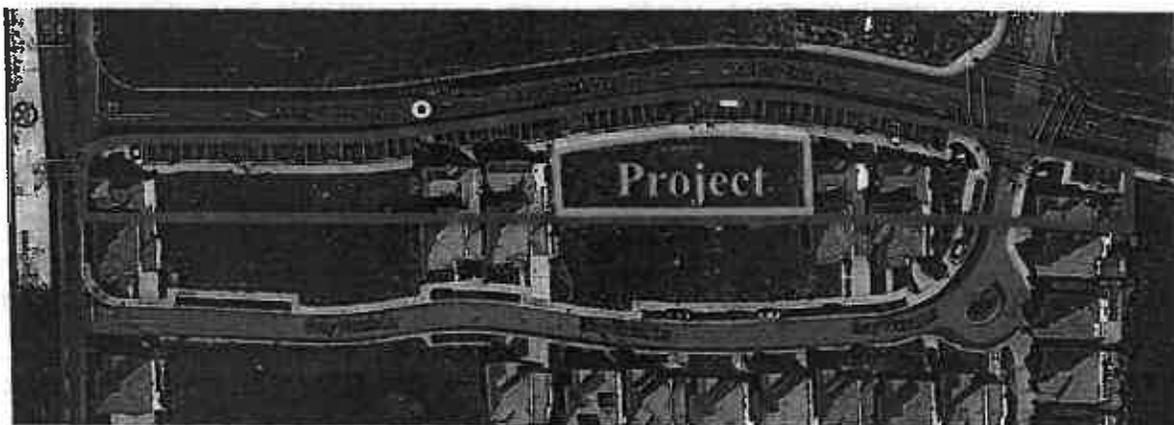
- **Interior** – The proposed Project would include eight (8) apartments with two (2) live/work units that total approximately 9,187 square feet of building space in two buildings. The two ground-floor live/work units on the north portion of the site would include work space (563 net square feet in each unit) with frontage on McCoy Creek Way. Functionality of the commercial portions of the live/work units is enhanced with separate entries, dedicated powder rooms/restrooms and sliding barn doors that separate the work space from the living space.
- **Exterior** – The proposed project would consist of two separate buildings with a courtyard separating the two buildings. Facing McCoy Creek Way (north) the buildings would have a tower feature with stucco siding that would be a khaki color, standing seam metal roofing that would be slate gray, and metal awnings. On the main portion of the building the roof would be charcoal color concrete tile roofing, off white stucco siding, hurricane shutters, and enhanced sills. The faces of the buildings away from the courtyard would include four

garage entries that would serve the residents of the apartments. The rear of each building would continue the off white stucco siding and windows with enhanced sills.

- **Parking** – Staff has analyzed the parking solution proposed by the project in relation to the parking solution within the originally approved McCoy Creek project. As a Planned Unit Development, the McCoy Creek project was approved with parking that did not meet typical City standards.

The original McCoy Creek project can best be understood as a project with two distinct uses: the mixed use/commercial portion facing McCoy Creek Way and the single-family residential portion fronting to Gray Hawk Lane. The parking for homes on Gray Hawk Lane is provided through two garage spaces, two driveway spaces and one on-street space for each home. The parking for uses fronting to McCoy Creek Way is provided by the 58 existing parking spaces on McCoy Creek Way.

Because the McCoy Creek Project was originally approved as a Planned Unit Development, the parking solution for the project varies somewhat from typical City standards in approach and methodology. For the analysis of the proposed Project, staff has compared the demand and available parking spaces for originally approved uses that fronts to McCoy Creek Way (see red boundary below) to the demand that would be generated by the proposed Project, plus the remaining previously approved development that fronts to McCoy Creek Way.



Under typical City parking standards, the previously approved uses on McCoy Creek Way (combined commercial uses and the carriage unit residential) generate demand for 69 parking spaces as follows:

- 9,052 sq. feet commercial/office at 1 space per 250 square feet = 36 spaces
- 6,130 sq. feet commercial at 1 space per 250 sq. feet = 25 spaces
- 5 carriage unit residential at 1.5 spaces per dwelling = 8 spaces

Based on typical City standards, the development along McCoy Creek Way was approved with a reduction of 11 parking spaces (69 calculated by standard and 58 provided).

Under typical City parking standards, the combination of the remaining previously approved uses on McCoy Creek Way and the proposed project would generate demand for 52 parking spaces as follows:

- 10 apartments at 1.5 spaces per dwelling = 15 spaces
- 1,126 sq. feet live/work commercial at 1 space per 250 sq. feet = 4.5 spaces

6,130 sq. feet commercial at 1 space per 250 sq. feet = 24.5 spaces
5 carriage unit residential at 1.5 spaces per dwelling = 8 spaces

The originally approved McCoy Creek project relied exclusively on parking provided on McCoy Creek Way (58 spaces). The proposed project would result in 55 on-street spaces and 8 off-street garage spaces, thereby providing a total of 63 spaces for the combined development that fronts to McCoy Creek Way.

Based upon this analysis, the proposed project reduces the total demand for parking by 17 spaces and increases the available parking by 5 spaces. Therefore, parking availability under the proposed project would be substantially increased as compared to the previously approved project.

- **Allowed Uses** – The project would be subject to the same allowed uses as established under the 2005 McCoy Creek project. Allowed uses for the eight residential apartments would be typical residential uses allowed in high density residential and the two live/work units would be allowed the uses described for commercial development under the McCoy Creek PUD.
- **Architecture and Site Plan** – Staff compared the proposed architecture to the existing commercial mixed-use development along McCoy Creek Way and found the overall design to be generally consistent and complimentary to the surrounding development. The design of the work component of the live/work units presents as more commercial in nature than the balance of the project, with tall glass, prominent shade canopies and dedicated entrances from the central courtyard. Outdoor seating space is available to allow business to extend out into the courtyard and street frontage areas.

The proposed buildings have incorporated “four-sided architecture” by providing window and door treatments, variations in color and both vertical and horizontal variations in the building faces. Overall, the proposed architecture is compatible with the surrounding existing/approved development within McCoy Creek.

Site improvements include a courtyard area that measures 18 feet between the faces of the live/work units and includes planter areas and walkways. All HVAC equipment is roof mounted and screened within a roof well.

Staff has expressed some concern to the applicant regarding the ability for vehicles to access the garages located furthest from McCoy Creek Way. Staff will work with the applicant during the preparation of improvement plans to ensure reasonable access to garage spaces is provided.

Required Approvals – The applicant seeks approval for an amendment of the McCoy Creek PUD. In addition to the PUD Amendment, this action also considers the detailed design of the Project and would constitute all approvals required to allow the applicant to proceed with review of construction documents and ultimate issuance of building permits. As such, this application and review addresses both the general requirements for a PUD Preliminary Plan and the more detailed requirements of a Precise Plan and a Site Plan and Architectural Review. This process of review is appropriate given the limited size of the Project (0.31 acre site and 9,187 square foot structure), and the high level of architectural detail that has been provided by the applicant.

- **City and Outside Agency Review** – The McCoy Creek Project application was routed City departments and outside agencies for review and comment. Comments were received and requested Conditions of Approval were incorporated as presented within the City Council’s ordinance.

- **Solano County Airport Land Use Commission** – Under the Solano County Airport Land Use Compatibility Plan (LUCP), the City is required to provide details of proposed rezone projects to the Airport Land Use Commission (ALUC) for review and consideration prior to approval by the City. The proposed Project would amend the McCoy Creek PUD and this document functions as the zoning regulations for the McCoy Creek Project. City staff contacted County ALUC staff and was informed that the Project did require formal consideration by the ALUC. City staff, acting on behalf of the applicant, prepared an application for ALUC review. On August 25, 2015, the Airport Land Use Commission formally reviewed and approved the Project by unanimous vote, thus concluding the ALUC review of the Project.
- **Preliminary Review of McCoy Creek PUD Amendment** – Upon receipt of application to amend the McCoy Creek PUD, staff initiated a preliminary review process. An initial review considered key factors such as compatibility of the proposed Project with surrounding uses, fiscal impacts to the City and the likelihood of the previously approved commercial/office uses being developed. The Project was reviewed by the Project Development/Economic Development Ad Hoc Committee (Vice Mayor Wilson and Councilman Segala), and based on Committee input the interior plans for the live/work units were modified.

On June 30, 2015 the Project was presented to the full Council for initial comments and preliminary consideration. While no formal action occurred at this meeting, Council was generally favorable to the proposed change in land use. The report prepared for the City Council preliminary review is provided as Attachment 6 of this report.

- **Proposed Conditions** – Staff has prepared draft conditions of approval which can be found in the ordinance approving the amendment of the McCoy Creek PUD.
- **Planning Commission Review and Recommendation** – The Planning Commission conducted a public hearing on September 22, 2015 to consider the application for the McCoy Creek Mixed-Use Project and, after due consideration, adopted Resolution PC15-16, recommending the City Council 1) determine analysis completed within the McCoy Creek Mitigated Negative Declaration (MND) adequately addressed the potential for impacts to the environment that could result from the McCoy Creek Mixed Use Project and that no further review under the California Environmental Quality Act (CEQA) is required or appropriate; and, 2) approve the request amendment to the McCoy Creek Planned Unit Development (PUD) to allow the development of the McCoy Creek Mixed Use Project.

In considering this application, the Planning Commission received testimony from residents in adjoining portions of the McCoy Creek development that are opposed to the proposed Project. The City also received several comments via e-mail immediately prior to the Planning Commission hearing (provided as Attachment 5 to this report). Specific concerns of the neighbors related to the Project include: lack of adequate review under the California Environmental Quality Act (CEQA); potential for the Project to negatively impact property values; potential for the Project to generate increased traffic; and, potential for the Project to negatively affect parking availability.

Environmental Review – Environmental impacts of development proposed of the Project site were analyzed in the Mitigated Negative Declaration (MND) prepared for the overall 4.37 acre McCoy Creek Development (SCH# 2005072009). The overall McCoy Creek Development included 19 single-family units, 10 mixed-use units (commercial/residential combination), and an approximately 9,052-square-foot commercial building.

The currently proposed Project includes 9,187 square feet of residential mixed use development that would occur on a 0.31-acre portion of the overall McCoy Creek Mixed Use that was analyzed for 9,052 square feet of retail/office space. Because the footprint of the proposed Project is within the development footprint assumed in the MND, there would be no change with respect to impacts related to footprint (agricultural resources, biological resources, cultural resources, geology, etc.).

Development that would be allowed under the currently proposed Project would generate nine more daily vehicle trips than the retail/office that was analyzed under the McCoy Creek MND. The nine additional daily trips generated by the proposed project would add approximately 1 trip in the AM and PM peak hours, which would not substantially affect delays at any intersections or reduce level of service. Further, it should be noted that the dwellings in the proposed project are substantially smaller than other residential units in McCoy Creek and the 9.6 trips per dwelling is likely an overstatement. Consequently, the project would not result in new or more severe traffic impacts.

Based upon the similarity of previously analyzed uses and the currently proposed Project, impacts associated with development intensity, such as traffic generation, traffic noise, utilities demands, and air emissions, would be less than disclosed in the McCoy Creek MND. It is not anticipated that the proposed Project would increase the severity of any impacts identified as significant, or would result in new significant and unavoidable impacts. Therefore, no further review under CEQA is required. Attachment 3 provides the analysis relied upon in determining that the McCoy Creek Project requires no additional review under CEQA.

Proposed Findings for City Council Consideration – In order for the City Council to approve the amendment to the McCoy Creek PUD, the following findings must be made. These findings are included in the proposed City Council ordinance that would approve the Project:

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. The proposed Project, when subject to the proposed conditions of approval, will not conflict 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 proposed Project and its uses, when subject to the proposed conditions of approval 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. The Project would be compatible in form, character and allowed uses with adjacent development approved under the original McCoy Creek PUD.
5. The City of Suisun City Development Services Department has conducted an Environmental Review of the Project and has complied with requirements to evaluate the Project under the California Environmental Quality Act.
6. No further analysis of this Project is required under CEQA, subject to Section 15162 and 15164 of the CEQA Guidelines due to the previously approved McCoy Creek Mitigated Negative Declaration and the lack of any new significant impacts or increases in the severity of previous identified impacts.

City Council Options – The City Council has several options in considering this application. Actions that the City Council may take within this project review include:

- Approve the project subject to the submitted application and the proposed Conditions of Approval; OR
- Approve the project with modifications to either the project submittal or the proposed Conditions of Approval; OR
- Disapprove the submitted application; OR
- Continue the item for further discussion.

STAFF RECOMMENDATION: It is recommended that the City Council introduce and waive reading of Ordinance No. ____: Approving a Request to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030.

ATTACHMENTS:

1. Ordinance No. ____: Approving a Request to Amend the McCoy Creek Planned Unit Development, APN 0173-811-030.
2. August 2015 McCoy Creek Mixed Use Project - Plans and Elevations.
3. September 22, 2015 Addendum to the McCoy Creek Mitigated Negative Declaration.
4. Resolution PC15-16; A Resolution of the City of Suisun City Planning Commission recommending approval to the City Council for the amendment of the McCoy Creek Planned Unit Development, APN 0173-811-030.
5. Correspondence from Residents Entered into the Record of the September 22, 2015 Planning Commission Public Hearing.
6. June 30, 2015 City Council Preliminary Discussion Report.

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
CALIFORNIA APPROVING A REQUEST TO AMEND THE MCCOY CREEK
PLANNED UNIT DEVELOPMENT, APN 0173-811-030**

WHEREAS, the City received an application for an amendment to the previously approved McCoy Creek Planned Unit Development (PUD), submitted on May 12, 2015, by Harbor Park LLC (Applicant); and,

WHEREAS, the City Council at its regular meeting on October 6, 2015, held a public hearing to review the application for the amendment of the McCoy Creek PUD, APN 0173-811-030; and

WHEREAS, notices for the City Council's public hearing were published in the Daily Republic on or before September 26, 2015, and were mailed to affected property owners consistent with State Law and City Code; and

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

WHEREAS, this project has been considered for compliance with all City regulations and ordinances; and

WHEREAS, the Planning Commission at its regular meeting on September 22, 2015, did review the application for the amendment of the McCoy Creek Planned Use Development, APN 0173-811-030 and did recommend to the City Council the approval of the McCoy Creek PUD Amendment; and

WHEREAS, based on evidence presented at the Public Hearing by City staff, the Applicant and the public, the following Findings are hereby made:

1. Notice has been given in the time and in the manner required by State Law and City Code.
2. The proposed project, when subject to the proposed conditions of approval, will not conflict 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 proposed project and its uses, when subject to the proposed conditions of approval 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. The project would be compatible in form, character and allowed uses with adjacent development approved under the original McCoy Creek Planned Unit Development.
5. The City of Suisun City Community Development Department has conducted an Environmental Review of the project and has complied with requirements to evaluate the project under the California Environmental Quality Act.
6. No further analysis of this project is required under CEQA, subject to Section 15162 and

15164 of the CEQA Guidelines due to the previously approved McCoy Creek Mitigated Negative Declaration and the lack of any new significant impacts or increases in the severity of previous identified impacts.

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

SECTION 1. The City Council hereby determines that the potential environmental impacts of the McCoy Creek PUD Amendment (Project) have been adequately analyzed and addressed through the McCoy Creek Mitigated Negative Declaration (SCH# 2005072009) and no further review under the California Environmental Quality Act (CEQA) is required or appropriate for the approval of the Project.

SECTION 2. The McCoy Creek PUD, and more specifically the McCoy Creek Planned Unit Development Narrative, as previously adopted by City Council Resolution No. 2005-75 on October 11, 2005, is hereby amended. Such amendment supersedes all references and graphic representations of the McCoy Creek Main Retail/Office Building uses approved under City Council Resolution No. 2005-75 with the McCoy Creek Mixed Use Project as depicted on plans and elevations dated August 2015 and as reviewed by the Planning Commission on September 22, 2015, and as reviewed by the City Council on October 6, 2015.

SECTION 3. The McCoy Creek PUD Amendment and, more specifically, the McCoy Creek Mixed Use Project, are approved subject to the following conditions of approval:

GENERAL CONDITIONS

1. The Applicant agrees to defend and indemnify and hold the City, its officers, officials, agents, employees, volunteers and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of Applicant's project.
2. The applicant shall comply with all conditions of the approved resolution. If it is determined that any conditions are being violated or the operator is out of compliance with the approved conditions, a Public Hearing shall be scheduled and procedures shall be consistent with Section 18.66.550 of the Suisun City Municipal Code.
3. The uses identified in the Site Plan shall be designed, constructed and maintained in accordance with the information presented, except as otherwise identified in the Conditions of Approval, and shall conform to, the Uniform Building Code as adopted by the City of Suisun City.

The Community Development Director may approve minor modifications to the project, and implement the project and mitigation measures as deemed appropriate. Modifications may require the review by the approving body (Zoning Administrator, Planning Commission, City Council) as determined by the Community Development Director.

4. No Operations conducted on the premises shall cause un-reasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.

5. The applicant shall comply with all applicable Federal, State, and local codes including, but not limited to, the Uniform Building Code, Fire Code, and County Health Department guidelines as interpreted by the County Health Inspectors.
6. All proposed improvements, including landscaping and irrigation systems installation shall be completed prior to Certificate of Occupancy.
7. Trees and shrubs shall be provided in landscape areas. Trees shall be 15 gallon in size and shrubs shall be 5 gallon in size.
8. All improvements shall conform to the approved Elevations Plan, Landscape Plan, and Site Plan.
9. Any future signage shall be required to be submitted to the City of Suisun City Planning Department for review and approval prior to request for building permits and construction.
10. All conditions of approval and mitigation measures approved and adopted within the original McCoy Creek PUD approval (2005) shall remain in force and effect on the amended McCoy Creek PUD project.
11. The design and construction of water facilities, and the condition of service, shall comply with the rules, regulations and requirements of the Suisun Solano Water Authority and the Solano Irrigation District.
12. All staff costs associated with monitoring compliance with these conditions of approval shall be borne by the permittee and/or property owners. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by City Council in accordance with the hourly consulting rate established at the time of the monitoring. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence compliance deficiencies are found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicants expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved.

PUBLIC WORKS

13. All work performed shall conform to all City ordinances, rules, standard specifications and details, design standards, and any special requirements imposed by the City Engineer. The Public Works Department will provide inspection to ensure conformance. Any deviation from the aforementioned documents shall require review and written approval by the City Engineer.
14. The Improvement Plans shall include a General Note that: any revisions to the approved Improvement Plans, including those due to field conditions, shall require review and written approval by the City Engineer. The Applicant shall have the revised plans prepared by the Project Professional Designer and shall have the revised plans submitted for review and approval by the City Engineer.

15. The Applicant shall obtain all necessary permits from all applicable agencies prior to starting construction.
16. All work within the public right-of-way, which is to be performed by the Applicant, the general contractor, and all subcontractors shall be included within a single City Encroachment Permit issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
17. Any existing wells shall be abandoned per County of Solano Health Department standards prior to development of the property. Owner shall submit documentation to the Public Works Director that this condition has been satisfied prior to any construction on this project.
18. If any archaeological resources are found during the grading of the site or during performance of any work, work shall be halted, the City Engineer shall be notified and a certified archaeological firm shall be consulted for advice at Applicant's expense.
19. Any relocation or modification of any existing facilities necessary to accommodate subject project shall be at the Applicant's expense. It shall be the responsibility of the Applicant to coordinate all necessary utility relocations with the appropriate utility company.
20. Any existing frontage, or street, improvements, which in the opinion of the City Engineer, are currently damaged or become damaged as a part of the work shall be removed and replaced as required to the current City Standards, or as directed.
21. All water and sewer lines shall have a minimum of five feet horizontal clearance from a fence, wall, or other structure as determined by the Public Works Director. All relocated facilities shall meet state and local separation standards.
22. Direct tapping of City or SSWA water mains is not permitted. Applicant shall install the required fittings in the existing or new main lines to accommodate the proposed water system. No existing water mains shall be shut down without specific permission of the City Engineer and the Solano Irrigation District.
23. The Applicant shall obtain all necessary permits for storm water discharges.
24. This project is subject to the General Permit for Discharges of Storm Water Associated with Construction Activity (State Water Resources Control Board Construction General Permit, 2009-0009 DWQ).
25. The project shall comply with the requirements of the most current National Pollutant Discharge Elimination System (NPDES) permit issued to the Fairfield-Suisun Urban Runoff Management Program.
26. The applicant shall fill out completely and submit to the City the "New and Redevelopment Post Construction Stormwater Requirements Application", prior to beginning construction work.
27. All stormwater treatment measures shall be adequately operated and maintained. To ensure operation and maintenance of stormwater treatment measures, the Applicant shall

- enter into a Stormwater Treatment Measures Maintenance Agreement with the City, prior to the issuance of a Certificate of Occupancy.
28. The project shall use best management practices (BMPs) during construction to mitigate construction impacts and during post-construction to mitigate post-construction impacts to water quality.
 29. The project shall utilize infiltration measures to reduce stormwater discharge to the greatest extent feasible.
 30. Dust control shall be in conformance with City Standards and Ordinances. Vehicles hauling dirt or other construction debris from the site shall cover any open load with a tarpaulin or other secure covering to minimize dust emissions.
 31. Storm water runoff shall drain toward the streets and not onto the neighboring lot(s).
 32. The Solano Irrigation District (SID) and the Fairfield-Suisun Sewer District (FSSD) may have separate comments and conditions which shall be resolved or met.
 33. The maintenance of the proposed landscaping shall not be funded by the City. The Applicant shall work with the City in identifying and processing an appropriate funding mechanism for the cost of maintaining the landscaping at an effort level to be determined by the City.
 34. The City standard for parking aisles is 25 feet in width - - not 24 feet. The plans are to be revised to address the City's standard requirements.
 35. The existing driveway apron at the northwest corner of the project parcel shall be upgraded to an ADA-compliant driveway apron. Truncated domes are required on each side of the driveway apron. Furthermore, the closest existing planting bulb-out at this driveway apron shall be removed or reduced in size to allow for proper vehicle turn movement into and out of the proposed development. This may also require the removal of adjacent existing perpendicular parking spaces to allow for the proper vehicle turn movement.
 36. Improvement shall include an ADA-compliant driveway apron for the proposed easterly parking aisle. Truncated domes are required on each side of the driveway apron. Furthermore, the closest existing planting bulb-out at this new driveway apron shall be removed or reduced in size to allow for proper vehicle turn movement into and out of the proposed development. This may also require the removal of adjacent existing perpendicular parking spaces to allow for the proper vehicle turn movement.
 37. The drawings shall provide vehicle turning drawings to ensure the proper vehicle movements into and out of the proposed development.
 38. The Applicant shall submit civil plans to the City for review. The civil plan set shall include, at the minimum, a cover sheet, demolition plan, grading plan, utility plan with plan view and profile, erosion and sediment control plan, signage and striping plan, and a details plan.
- FAIRFEILD/SUISUN SEWER DISTRICT**
39. The sewer connection fee (collected at the building permit phase) needs to be calculated based on the multi-family dwelling formula.

SUISUN-SOLANO WATER AUTHORITY

40. The SSWA Engineer, to the extent of existing records, will identify existing facilities within the scope of the project. Per the McCoy Creek Subdivision improvement plans there is currently a 2 inch meter and backflow preventer along with a 6 inch Double Check Detector Assembly off of McCoy Creek Way to provide potable water to the parcels of the development.
41. With the proposed amendment to the development, modifications may need to be made to the public water system such as increasing the number of meter services and/or increasing the size of the existing service. All changes to the public water system shall be in accordance with the Standard Specifications of the SSWA, and at the developer's expense.
42. Per the SSWA Cross-Connection Control Resolution No. 99-01, all types of commercial buildings and landscape irrigation services are required to include an approved backflow prevention assembly, at the developer's expense. The desired location, service size and flow-rate for the backflow prevention assembly must be submitted for approval. Based on the proposed commercial use, a Reduced Pressure Principle (RPP) Assembly will be required on each of the domestic water services.
43. Per the SSWA Cross-Connection Control Resolution No. 99-01, fire protection systems are required to include an approved backflow prevention assembly, at the developer's expense. The desired location, service size and flow-rate for the fire protection system must be submitted for approval. Based on the proposed commercial use, a Double Check-Detector Check (DCDC) Assembly will be required on each of the fire protection systems.
44. At the time the Building Permit is issued, the developer will be required to pay the appropriate SSWA Connection Fee and Meter Installation Fee at the City of Suisun City. These fees are determined by the size of meter requested. All domestic water services will be metered.
45. SSWA shall review, approve and sign all Final and/or Parcel Maps, and SSWA shall review, approve and sign the Improvement Plans of this development.
46. The SSWA Plan Review Fee applies and is due upon submittal of the maps and plans for review.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Suisun City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall be in full force and effect thirty (30) days after its adoption following second reading.

SECTION 5. 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 20th day of October 2015.

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 October 6, 2015 and passed, approved, and adopted by the City Council of the City of Suisun City at a regular meeting held on the 20th day of October 2015 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

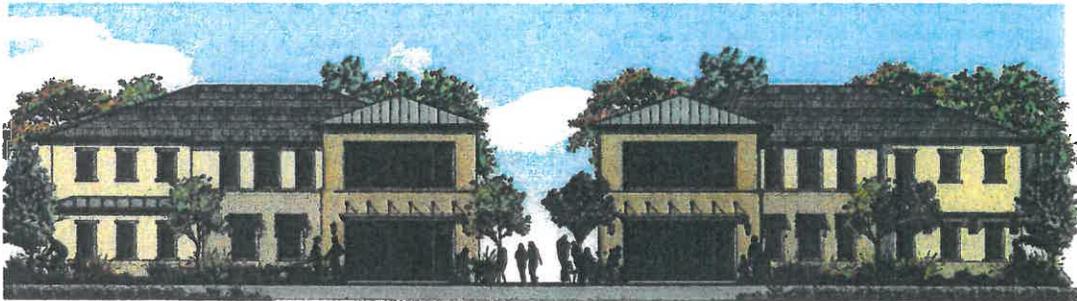
ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

WITNESS my hand and the seal of said City this 20th day of October 2015.

Linda Hobson, CMC
City Clerk

It came to Staff attention that some pages of Attachment 2 were inadvertently omitted during production of the agenda packet. This corrected exhibit was added at 9 a.m. Tuesday, Oct. 6, 2015.

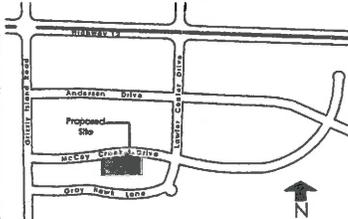


CLIENT CONSULTANTS:

CIVIL ENGINEER:
Phillippi Engineering, Inc.
425 Merchant Street, Ste. 200
Vacaville, CA 95688
707-451-6556

LANDSCAPE ARCHITECT:
MTWgroup
10411 Old Placerville Road, Ste. 205
Sacramento, CA 95827
916-369-3990

SITE ADDRESS / VICINITY MAP:
1225 McCoy Creek Lane



GENERAL PLAN: Mixed-Use

PREVIOUS APPROVALS:
Resolution No. 2005-75
EXISTING ZONING: Commercial
SITE AREA: 13,084 S.F.

ORIGINAL APPROVAL:
Retail / Office Condos
6818 S.F. Total - Main Floor
2234 S.F. Total - Mezzanine

PROPOSED:
Work / Live: 953 S.F. + 996 S.F. = 1949 S.F.
Residential: 8 Units
Unit Plan Summary:
(2) Plan 1 1 Bed 1 Bath 708 n.s.f.
(2) Plan 1A/B 1 Bed 1 Bath 677 n.s.f.
(2) Plan 2 2 Bed 2 Bath 1,074 n.s.f.
(2) Plan 3 2 Bed 2 Bath 1,160 n.s.f.

PARKING:
Previous Approval Allotted 1/250 S.F.
Along McCoy Creek Drive = 27 Open Spaces

Proposed:
Work / Live: 1949 S.F. / 250 S.F. = 8 Open Spaces
Residential: 8 Units
8 Garage Spaces
8 Open Spaces

SHEET INDEX:

- Architectural:**
T.1 Title Sheet
A0.1 Site Plan
A1.1 Colored Front Elevations
A1.2 Colored Side Elevations
A1.3 Colored Rear Elevations
A2.1 Building Composite - Front Elevations
A2.2 Building Composite - Side Elevations
A2.3 Building Composite - Rear Elevations
A3.1 Building Composite - First Floor Plans
A3.2 Building Composite - Second Floor Plans
Color & Materials Board 01

Civil:
C1 Site Plan

Landscape:
L1 Conceptual Landscape Plan

McCoy Creek Mixed Use
Harbor Park, LLC

TITLE SHEET

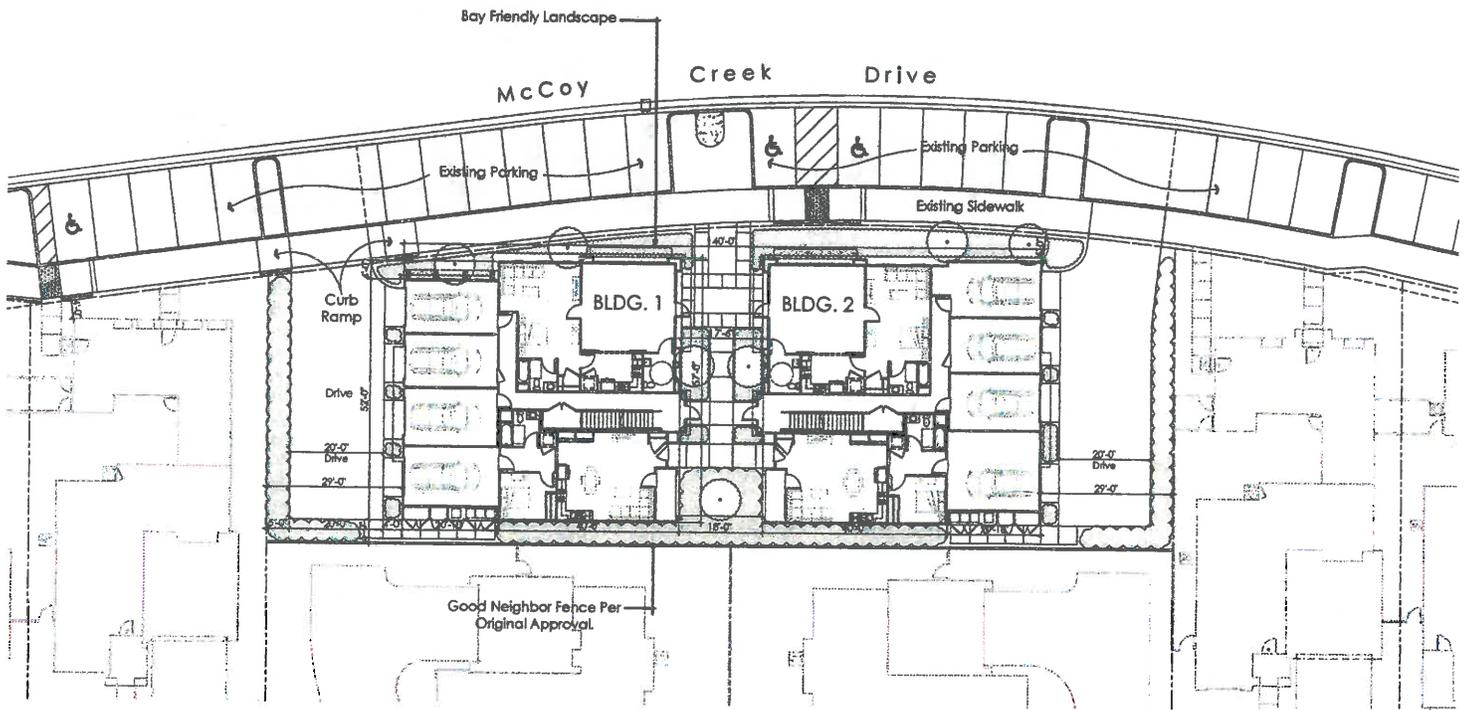
SILVER CITY, CA

03.20

KTGY Group, Inc.
Architecture+Planning
690 Second St., Suite 200
Oakland, CA 94607
510.272.2910
ktgy.com



T.1



McCoy Creek Mixed Use
Harbor Park, LLC.

SITE PLAN

SUNSHINE CITY, CA

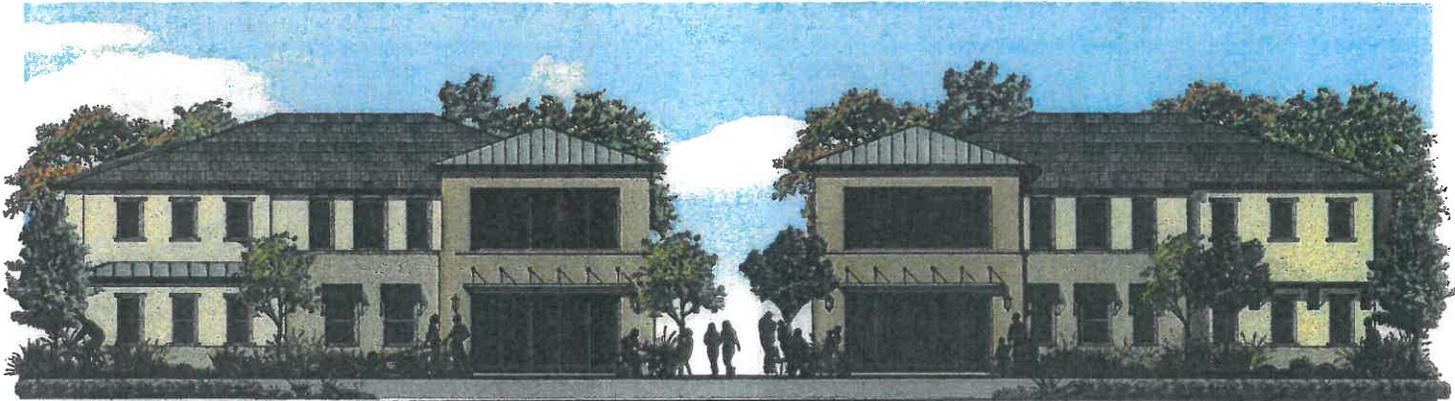
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A0.1

KTGY Group, Inc.
Architecture+Planning
880 Second St., Suite 200
Oakland, CA 94607
510.272.2910
ktgy.com





ELEVATION - FRONT

McCoy Creek Mixed Use
Harbor Park, LLC

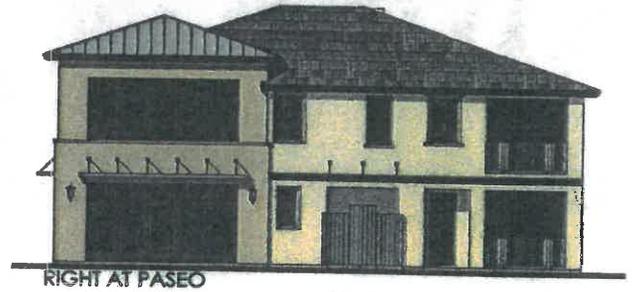
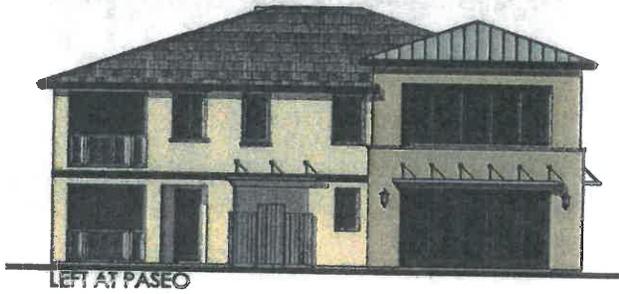
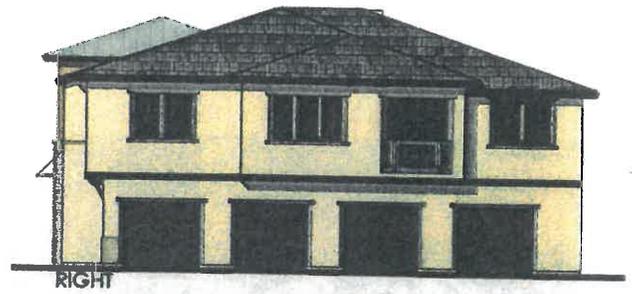
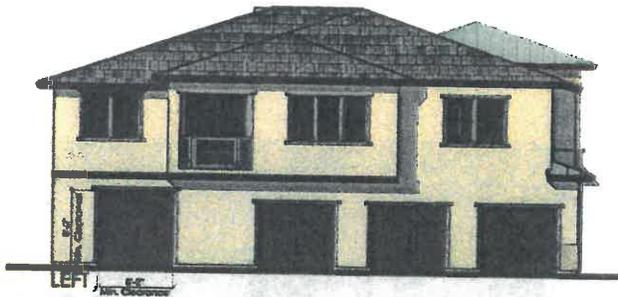
COLORED FRONT ELEVATIONS

A.I.

08 9 23428 8.08.2015

KTOY Group Inc.
Architecture+Planning
200 Second Street, Suite 200
Oakland, California 94607
ktoy.com
510 272 2910





McCoy Creek Mixed Use
Harbor Park, LLC

COLORED SIDE ELEVATIONS

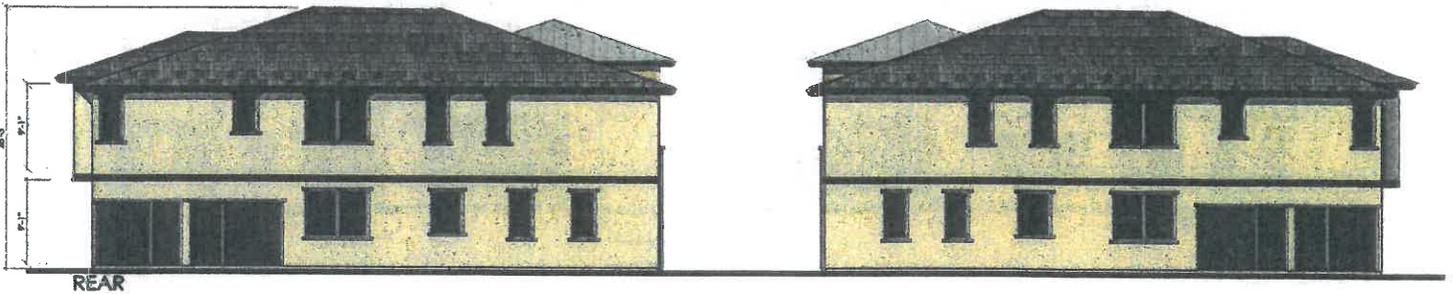
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08-0-23002

08.01.09

KTGY Group Inc.
Architectural/Planning
280 Second Street, Suite 200
Oakland, California 94607
ktgy.com
510.272.2670





McCoy Creek Mixed Use
Harbor Park, LLC.

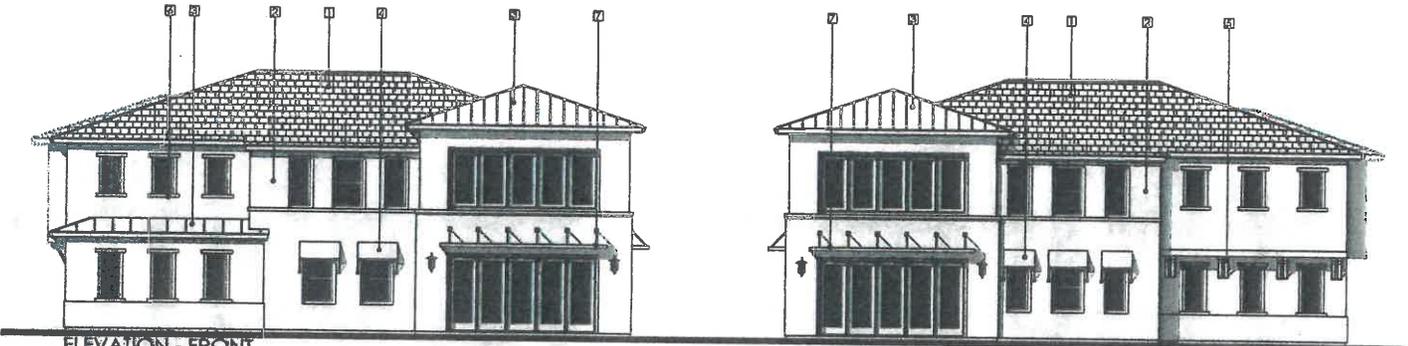
COLORED REAR ELEVATIONS

A1.3

2017.03.27 0.00.00

KITGY Group Inc.
Architecture+Planning
950 Second Street, Suite 200
Oakland, California 94612
http://www.kitgy.com
916.272.2910





ELEVATION - FRONT

- Material Legend:
- 1 Flat Concrete Tile Roofing
 - 2 Stucco Finish
 - 3 Standing Seam Metal Roof
 - 4 Hurricane Shutters
 - 5 Decorative Kicker / Corbel
 - 6 Enhanced Sills
 - 7 Metal Awnings

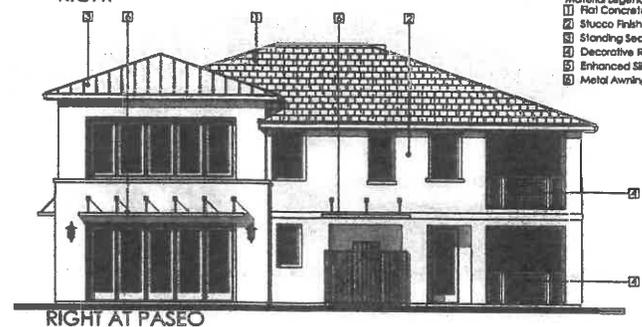
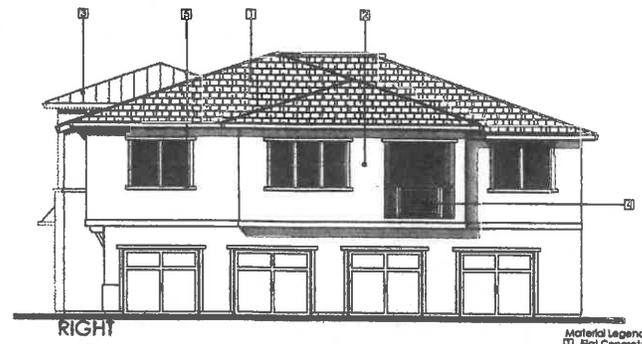
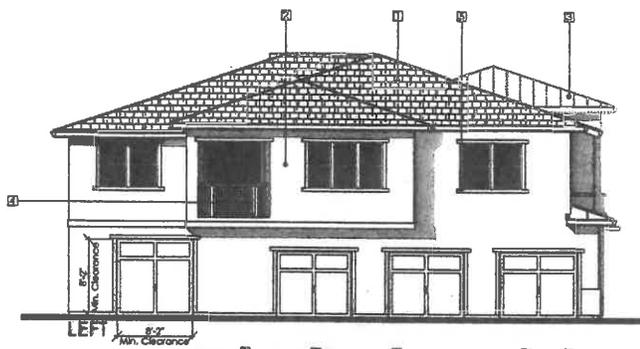
McCoy Creek Mixed Use
 Harbor Park, LLC.

BUILDING COMPOSITE ELEVATIONS

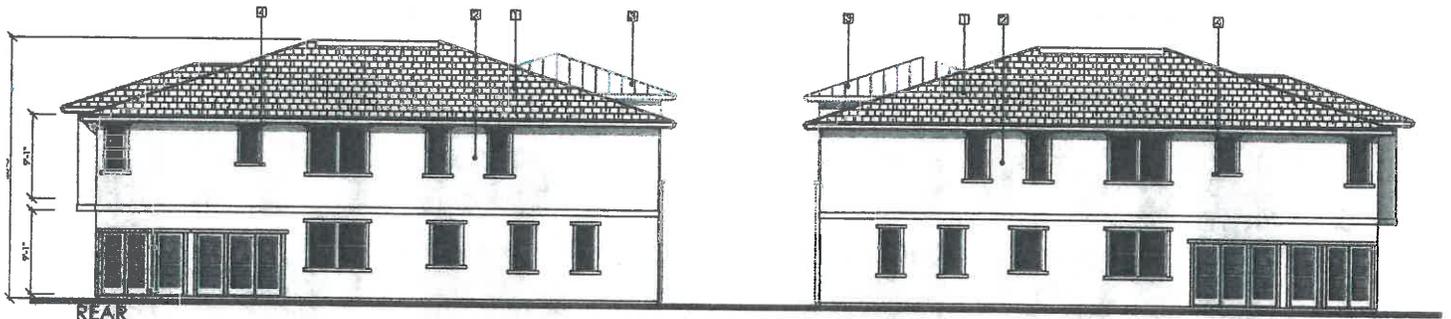
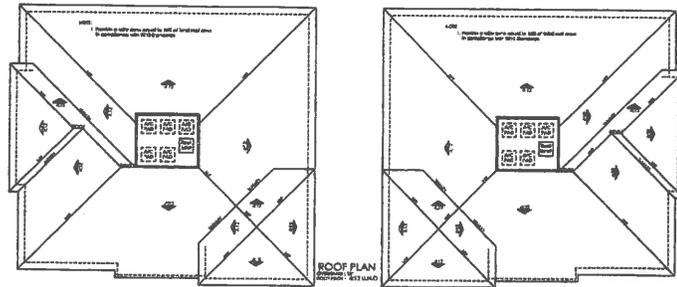
A2.1

REV # 3/20/10
 04.03.09
 KTGY Group Inc.
 Architecture/Planning
 17822 Flah
 Irvine, California 92614
 ktgy.com
 949 851 2153
 KTGY Group Inc.
 Architecture/Planning
 500 Second Street, Suite 200
 Oakland, California 94607
 ktgy.com
 510 272 2910





- Material Legend:
- 1 Flat Concrete Tile Roofing
 - 2 Stucco Finish
 - 3 Standing Seam Metal Roof
 - 4 Decorative Rolling
 - 5 Enhanced Sill
 - 6 Metal Awnings



Material Legend:
 1 Flat Concrete Tile Roofing
 2 Stucco Finish
 3 Standing Seam Metal Roof
 4 Enhanced Sill

McCoy Creek Mixed Use
Harbor Park, LLC.

BUILDING COMPOSITE REAR ELEVATIONS

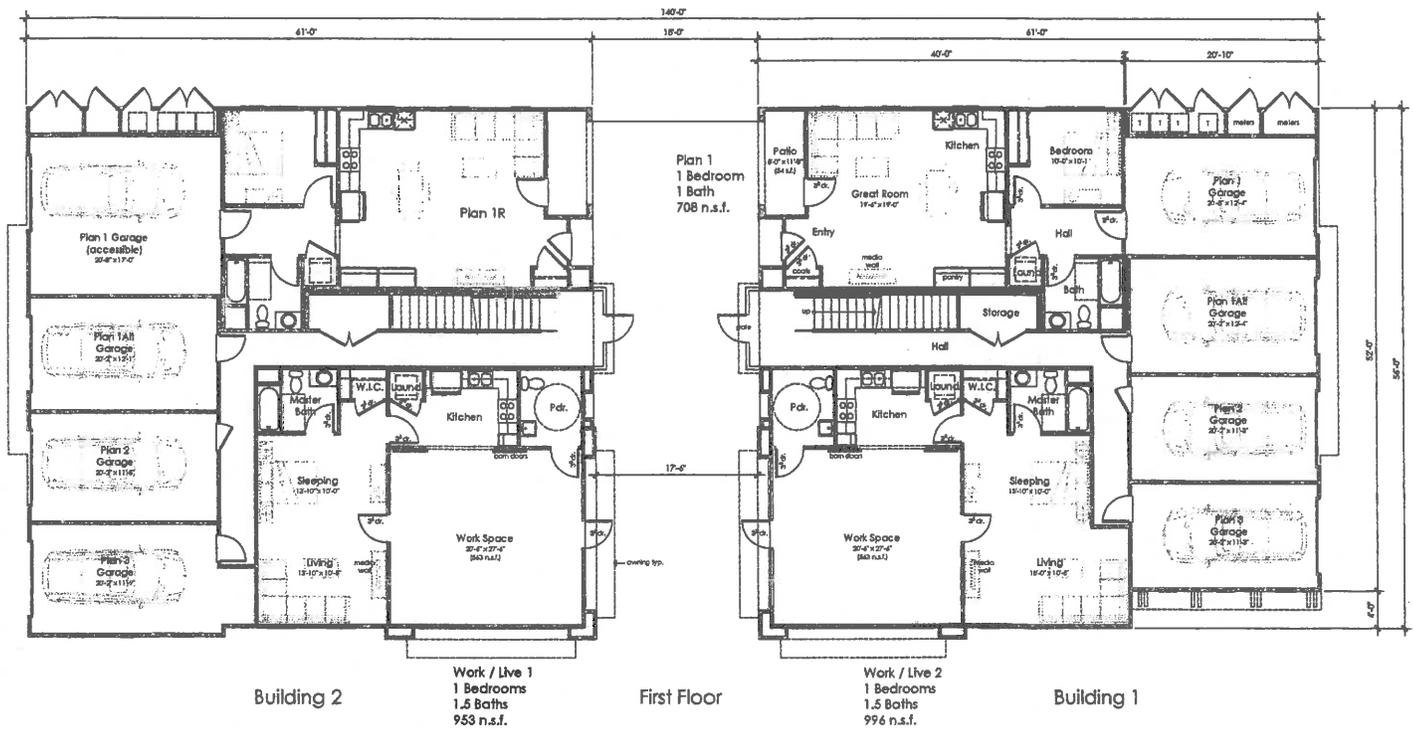
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REV: 0 2014-03

6.00.000

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Architecture+Planning
550 Second Street, Suite 200
Oakland, California 94607
ktoy.com
510.272.2810





McCoy Creek Mixed Use
 Harbor Park, LLC.

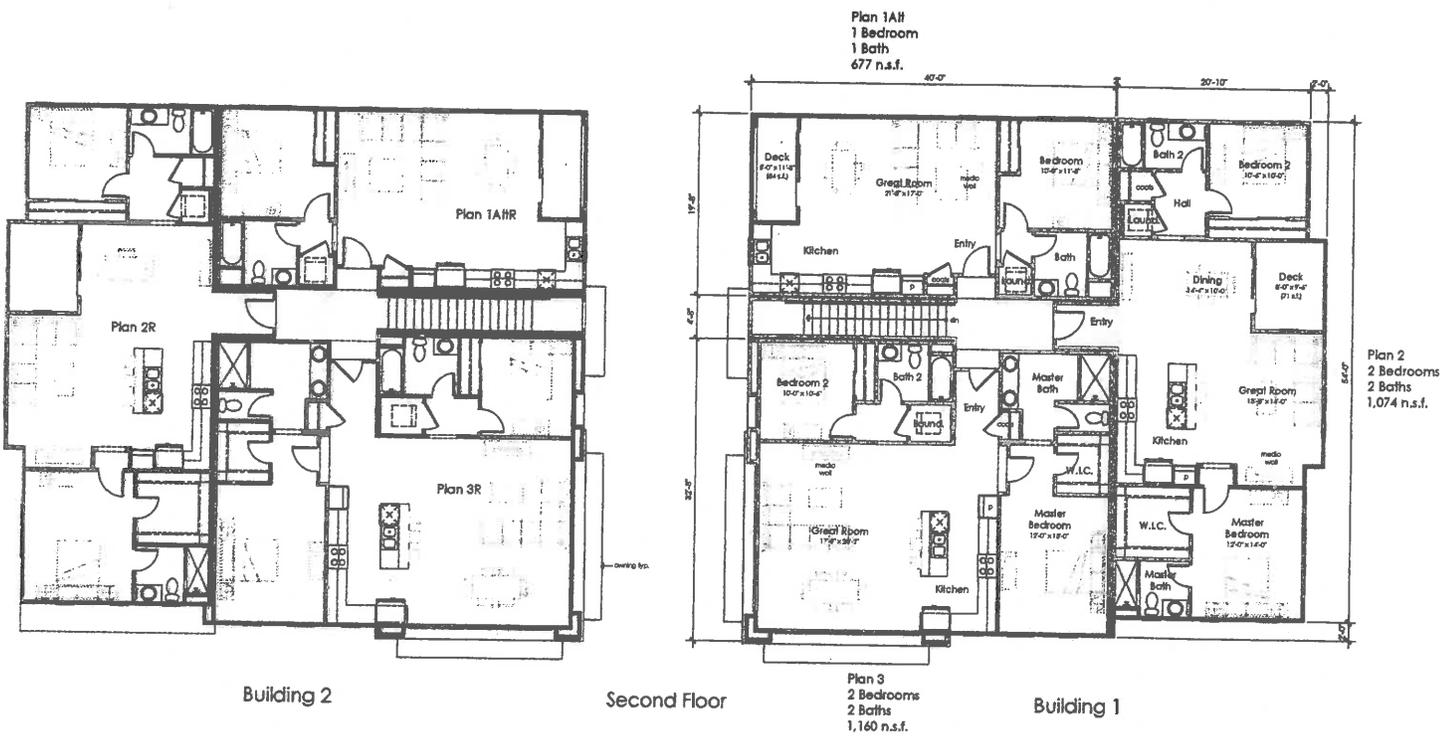
BUILDING COMPOSITE PLAN

SUNSHINE CITY, CA

8/23/11

KTGY Group, Inc.
 Architecture+Planning
 580 Second St., Suite 200
 Oakland, CA 94607
 510.272.2910
 ktgy.com





McCoy Creek Mixed Use
 Harbor Park, LLC.

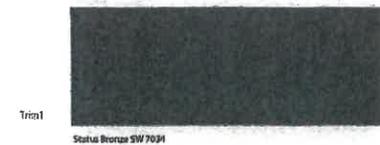
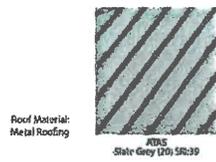
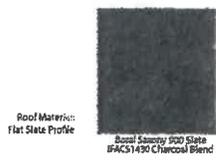
BUILDING COMPOSITE PLAN

SUNSHINE CITY, CA.

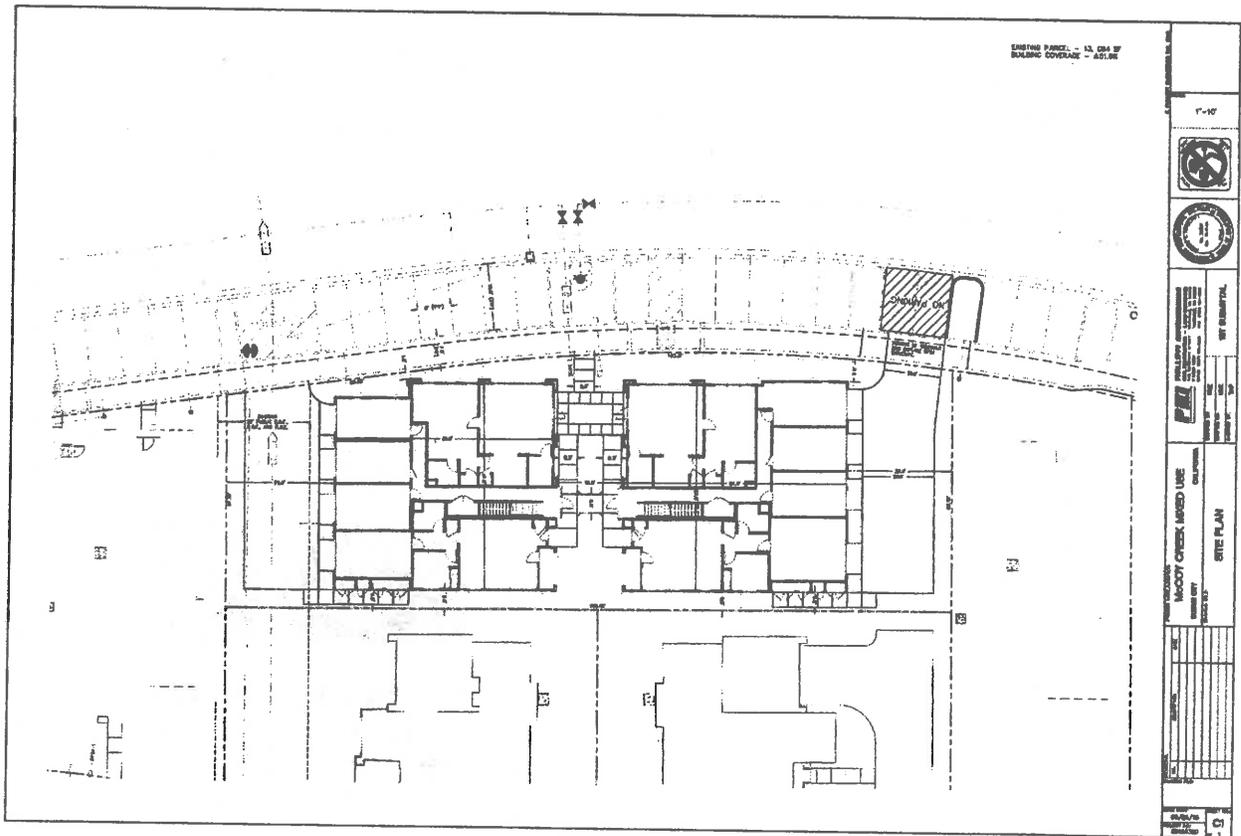
KTYG Group, Inc.
 Architecture+Planning
 660 Second St., Suite 200
 Oakland, CA 94607
 510.272.2910
 ktgy.com

A3.2

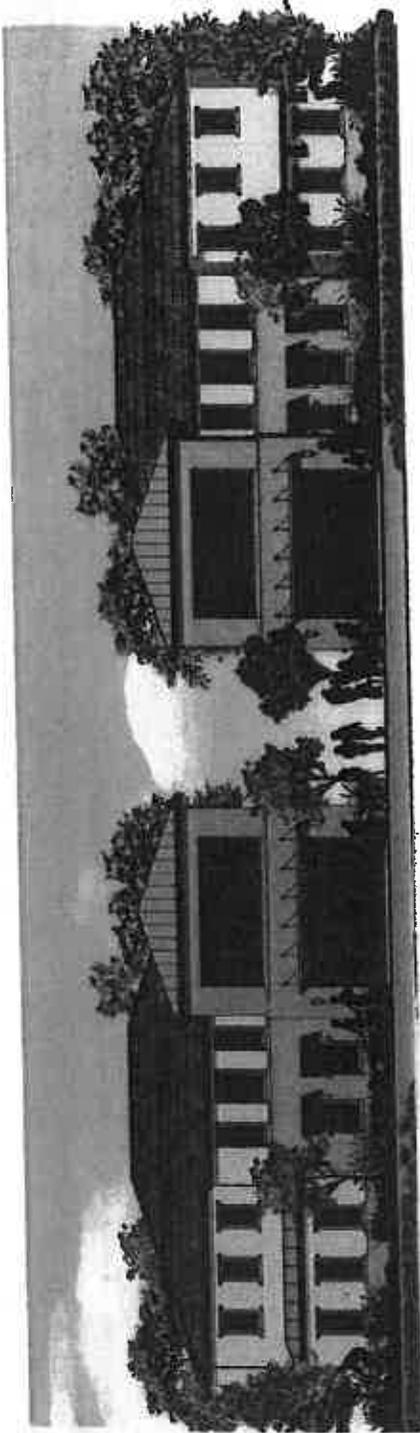
Architecture+Planning



ITEM 9
Attachment 2
(Corrected)



ITEM 9
Attachment 2
(Corrected)

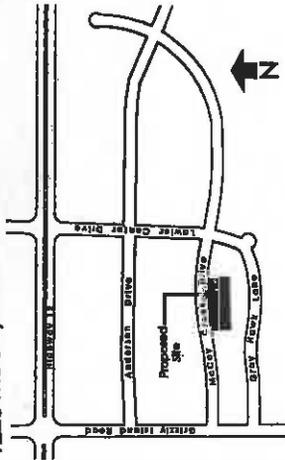


CLIENT CONSULTANTS:

CIVIL ENGINEER:
Phillipi Engineering, Inc.
425 Merchant Street, Ste. 200
Vacaville, CA 95688
707-451-6556

LANDSCAPE ARCHITECT:
MTWgroup
10411 Old Placerville Road, Ste. 205
Sacramento, CA 95827
916-369-3990

SITE ADDRESS / VICINITY MAP:
1225 McCoy Creek Lane



GENERAL PLAN: Mixed-Use

PREVIOUS APPROVALS:
Resolution No. 2005-75
EXISTING ZONING: Commercial
SITE AREA: 13,084 S.F.

ORIGINAL APPROVAL:
Retail / Office Condos
6818 S.F. Total - Main Floor
2234 S.F. Total - Mezzanine

PROPOSED:
Work / Live: 953 S.F. + 996 S.F. = 1949 S.F.
Residential: 8 Units

Unit Plan Summary:	
(2) Plan 1	1 Bed
(2) Plan 1Alt	1 Bath
(2) Plan 2	2 Bed
(2) Plan 3	2 Bed
	1 Bath
	1 Bath
	2 Bath
	2 Bath
	708 n.s.f.
	677 n.s.f.
	1,074 n.s.f.
	1,160 n.s.f.

PARKING:
Previous Approval Allotted 1/250 S.F.
Along McCoy Creek Drive
= 27 Open Spaces

Proposed:
Work / Live: 1949 S.F. / 250 S.F. =
Residential: 8 Units
8 Open Spaces
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A2.3 Building Composite - Rear Elevations
A3.1 Building Composite - First Floor Plans
A3.2 Building Composite - Second Floor Plans
Color & Materials Board 01

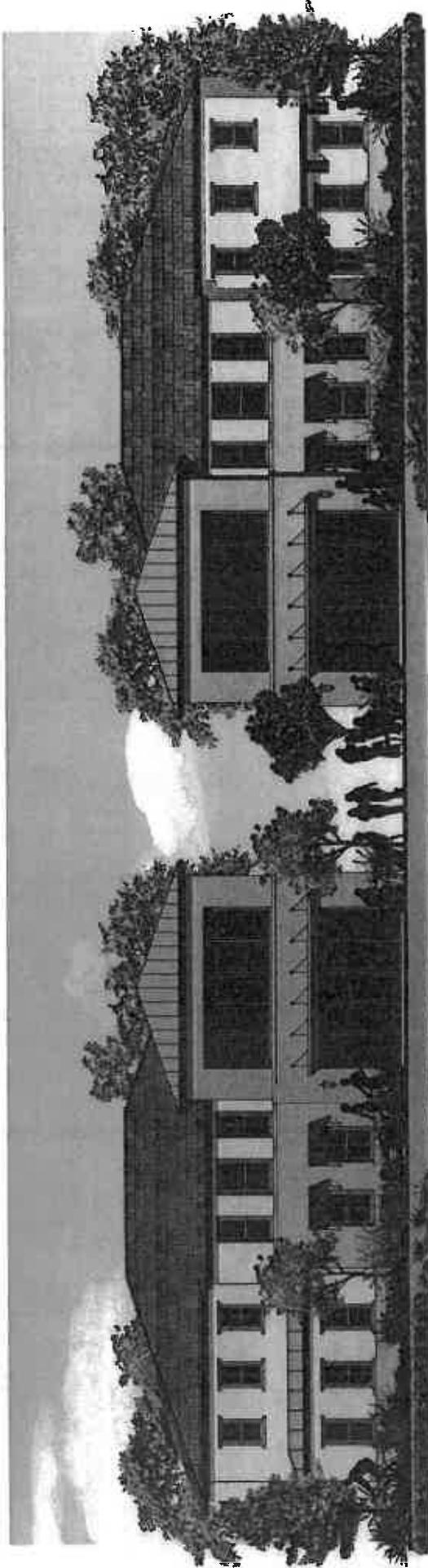
Civil:
C1 Site Plan

Landscape:
L1 Conceptual Landscape Plan

TITLE SHEET

McCoy Creek Mixed Use
Harbor Park, LLC

MTW Group, Inc.
Architectural Firm
850 Soanard St., Suite 200
Oakland, CA 94617
916.272.2990
http://www.mtw.com



ELEVATION - FRONT

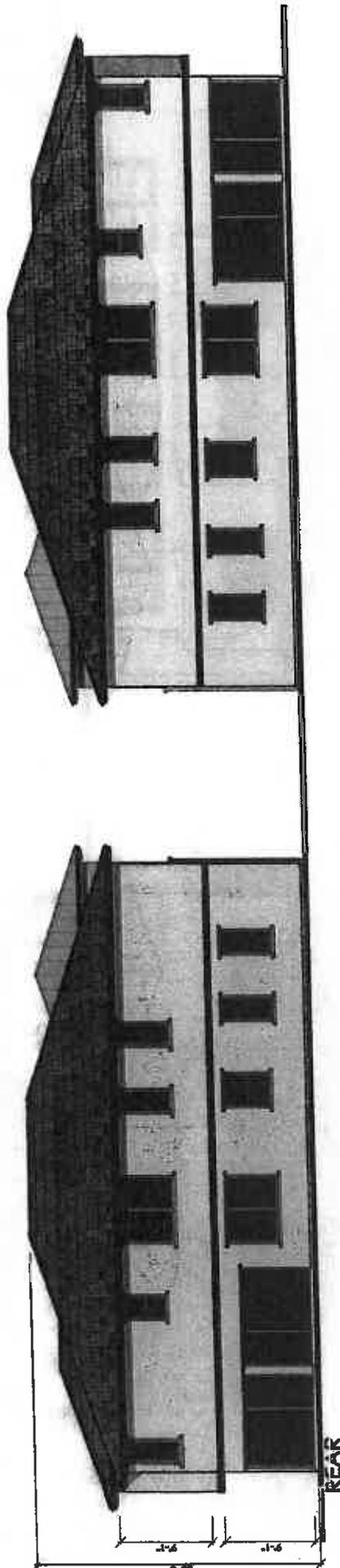
COLORED FRONT ELEVATIONS

A.I.J

McLoy Creek Mixed Use
Harbor Park, LLC

AIJ Group Inc.
1000 S. Main Street
1000 S. Main Street, Suite 200
Oxnard, California 93037
AIJ.com
810.272.2910





A1.3

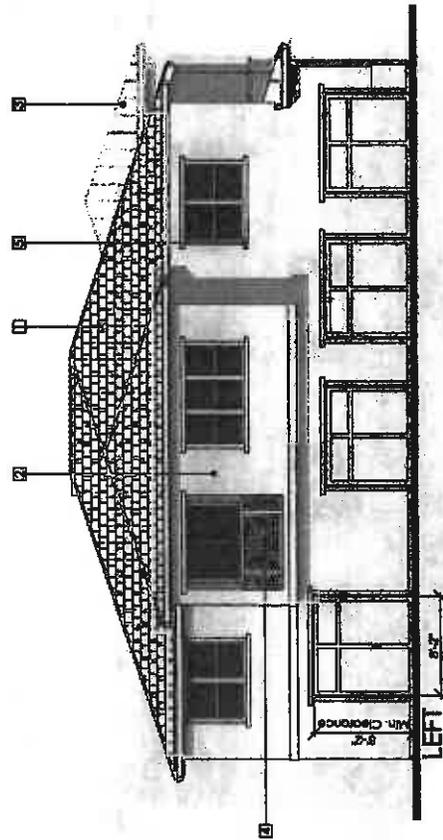
COLORED REAR ELEVATIONS

**McGoy Creek Mixed Use
Harbor Park, LLC**

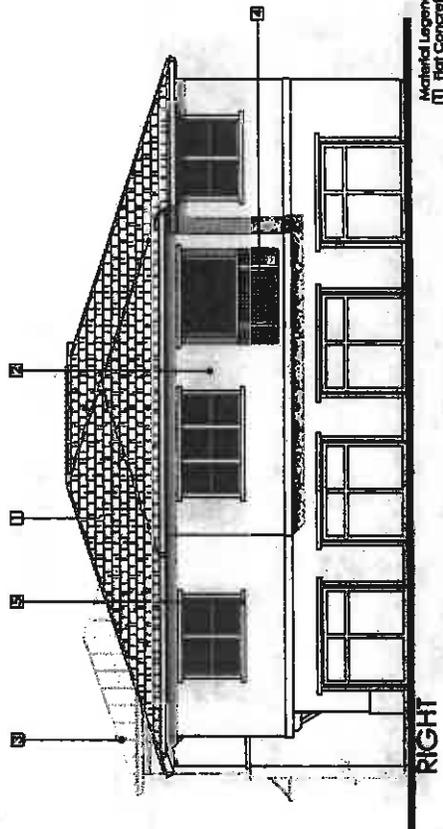
KTOY Group Inc.
Architectural/Planning
200 Stewart Street, Suite 200
Costa Mesa, California 92627
ktoy.com
949.272.2810



**ITEM 9
Attachment 2**

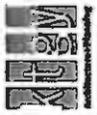


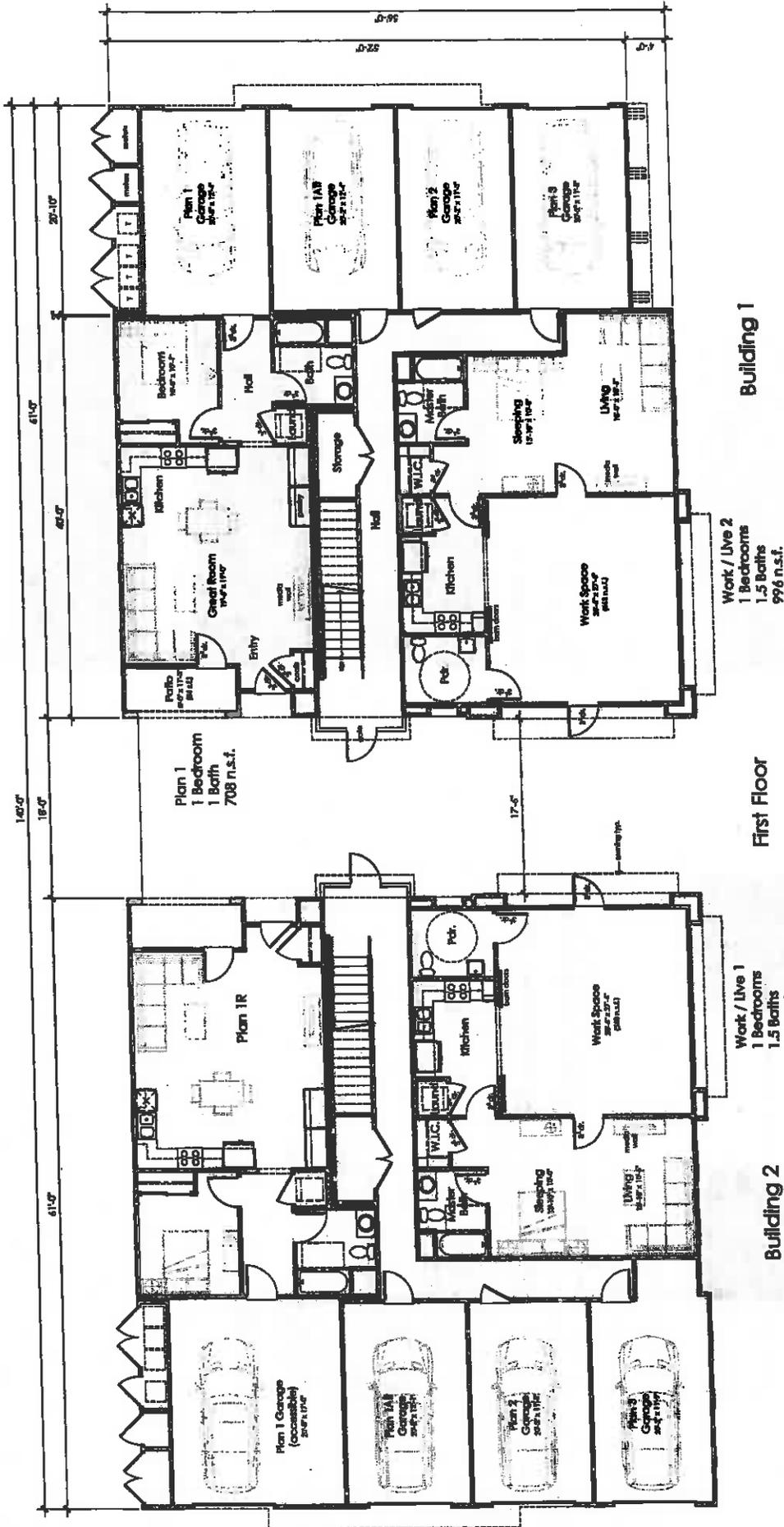
LEFT AT PASEO



RIGHT AT PASEO

- Material Legend:**
- 1 Flat Concrete Tile Roofing
 - 2 Stucco Finish
 - 3 Standing Seam Metal Roof
 - 4 Decorative Rolling
 - 5 Enhanced Sill
 - 6 Metal Awnings





BUILDING COMPOSITE PLAN

SCALE: 1/8" = 1'-0"

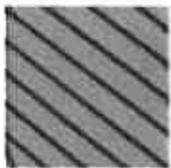
McCoy Creek Mixed Use
Harbor Park, LLC

KTOY Group, Inc.
Architectural/Planning
680 Sausal St., Suite 200
Oakland, CA 94607
510.272.2810
ktoy.com



Roof Material:
Flat Sheet Profile

Roof Material: Flat Sheet Profile
RCS1430 Charcoal Blend



Roof Material:
Metal Roofing

Roof Material: Metal Roofing
ATAS
Steel Gray 250 Strips



Body 1

Relaxed White SW 6149



Body 2

Pearl White SW 6008



Body 3

White Wheel SW 6131



Trim 1

Stellar Bronze SW 7034



Trim 2

Heppack SW 6109

**McCoy Creek Mixed Use
Harbor Park, LLC**

COLOR & MATERIALS BOARD 01

08 19 2020

1.1.1.0000

MANUFACTURERS:
PAINT: SHERWIN WILLIAMS
CONCRETE: MAPEI
METAL ROOFING: ATAS

KVOY Group Inc.
Architectural Planning
800 Sycamore Street, Suite 200
Chattanooga, Tennessee 37407
423.272.2910



September 22, 2015

John Kerns, Associate Planner
CITY OF SUISUN CITY
701 Civic Center Boulevard
Suisun City, CA 94585

RE: ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION FOR THE MCCOY CREEK VESTING TENTATIVE MAP

Dear Mr. Kerns:

Michael Baker International reviewed the application materials for the McCoy Creek Mixed-Use Project to determine the appropriate level of environmental review required under the California Environmental Quality Act (CEQA). As documented below, we determined that additional environmental review is not required.

Background

In 2005, the City adopted a Mitigated Negative Declaration (MND) for the McCoy Creek Mixed-Use Project (SCH# 2005072009), a mixed-use project on 4.37 acres located in the southwest portion of the city, east of Grizzly Island Road, south of McCoy Creek Drive, and north of the Suisun Marsh. The project included 19 single-family units, 10 mixed-use units (commercial/residential combination), and an approximately 9,052-square-foot commercial building. Portions of the project site have since been developed and the remainder of the site has been rough graded.

The proposed project would occur on a 0.31-acre portion of the McCoy Creek Mixed-Use site. The MND analyzed the physical impacts of development of this portion of the project site with 9,052 square feet of retail/office space. The MND addressed impacts related to aesthetics, agriculture, air quality, biological resources, cultural resources, geology, hazardous materials, hydrology and water quality, land use, noise, population, public services, utilities, and transportation. The City adopted a Mitigation Monitoring Program (MMP) as part of the project approval, which includes mitigation measures for air quality, biological resources, cultural resources, geology, hazardous materials, hydrology, noise, population, utilities, and transportation impacts. The proposed project would be required to comply with all applicable mitigation measures in the adopted MMP.

Legal Standards

CEQA Guidelines Section 15162 specifies the type of documentation required when changes are proposed to a project. CEQA Guidelines Section 15162 states:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.
- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.
- (d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Section 15164 of the CEQA Guidelines includes situations when a subsequent or supplemental EIR is not required. CEQA Guidelines Section 15164 states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Project Description

In May 2015, the City received an application for a Tentative Map Revision and Planned Unit Development (PUD) Amendment for a 0.31-acre portion of the approved McCoy Creek Mixed-Use Project site. The current project is located on the south side of McCoy Creek Drive, south of Highway 12 and east of Grizzly Island Road. Vacant land approved for commercial development is located north of the site, with live/work units to the east and west of the site and single-family homes to the south. The proposed project seeks to amend the McCoy Creek PUD to allow eight apartments and two live/work units that total approximately 9,192 square feet of building space in two buildings. The two ground-floor units on the north portion of the site would include work space (563 net square feet and 629 net square feet) with frontage on McCoy Creek Drive.

The buildings would be separated by a 20-foot-wide plaza area. Private drives on the east and west sides of the project site, accessed from McCoy Creek Drive, would provide access for a single-car garage provided for each residential unit. Additional parking would be provided by perpendicular parking on the south side of McCoy Creek Drive along the project frontage.

Analysis

The following analysis assumes compliance with mitigation measures identified for the approved project and assumes the measures would have the same mitigating effect for the current project as assumed in the MND.

As noted above, the project site was assumed for development in the MND. Because the footprint of the proposed project is within the development footprint assumed in the MND, there would be no change with respect to impacts related to footprint (agricultural resources, biological resources, cultural resources, geology, etc.).

The amount of land disturbed for the proposed project would be the same as that assumed in the MND, so there would be no change related to site preparation for construction. The proposed project would

result in an additional 140 square feet of building space, an approximately 1.5 percent increase over the amount of square footage considered in the MND. Therefore, construction impacts would not substantially change from those previously assumed.

The type of use and the density of development differ from the office/retail development assumptions included in the MND. With respect to the type of development, the proposed residential use would be more sensitive to impacts, such as those related to air emissions, noise, and nearby hazardous materials. However, the areas adjacent to the project site contain residential uses or have been approved for some type of residential development. Commercial uses are planned north of the project site, across McCoy Creek Drive. Given the existing and planned uses in the vicinity of the site, there are no characteristics of the site or its surroundings that would result in significant effects for the proposed residential uses as compared to the commercial uses previously analyzed. There would not be a substantial change in character associated with the change from office/retail previously analyzed for the site versus the residential use currently proposed. Therefore, there would be no new or more significant impacts related to the development of residential uses on this site.

The project would change the type of use allowed on the site, which would change traffic generated at the site. The MND assumed 9.6 trips per day for residential and 11 trips per day for each 1,000 square feet of office use (MND page 54). The 9,052 square feet of office use assumed for the site in the MND would generate approximately 100 daily trips. The proposed project includes eight residential units and two live/work units, which would generate approximately 96 daily trips. Assuming the work space included in the proposed project would generate traffic similar to stand-alone office space, the 1,192 square feet of work space in the proposed project would generate an additional 13 trips. Therefore, the combined live/work units would generate approximately nine more daily trips than assumed in the MND. The Traffic Impact Analysis for the McCoy Creek Project (Farhad and Associates 2005; p.7) assumed a peak hour trip generation of 10 percent of daily trips. Therefore, the nine additional daily trips generated by the proposed project would add approximately 1 trip in the AM and PM peak hours, which would not substantially affect delays at any intersections or reduce level of service. Consequently, the project would not result in new or more severe traffic impacts.

The current project would not substantially increase the number of trips compared to the previous analysis, but vehicle emissions from the project would be increased compared to that assumed in the MND. However, neither the proposed project nor the McCoy Creek Project as a whole with the changes associated with the proposed project would exceed the Bay Area Air Quality Management District's screening criteria for "Projects with Potentially Significant Emissions" referenced in the MND—320 residential units or 280,000 square feet of office uses (MND page 26). Therefore, it is assumed that the project would not exceed regional air quality standards.

Using an average of 2.9 persons per household, the MND assumed a population increase of 84.1 persons. However, the MND assumed a population increase of 101 persons when calculating increases in water demand and wastewater generation (MND pages 55 and 56, respectively). Assuming 2.9 persons per unit for the current project, an additional population of 29 would be generated by the ten units, for a total of 113 persons for the entire McCoy Creek Mixed-Use Project. The MND did not identify any resources for which the population increase of 29 persons (or 12 persons in the cases of water demand and wastewater generation) would result in a new or more severe impact on utilities or public services.

Conclusion

Based on the above analysis, the development of residential uses on the project site would not substantially exceed the level of development analyzed in the MND. The circumstances under which the project will be undertaken have not substantially changed such that new or more severe impacts would occur. Therefore, no further environmental analysis is required.

Please contact me at (916) 361-8384 or phindmarsh@mbakerintl.com with any questions regarding the level of analysis for the project.

Sincerely,



Patrick Hindmarsh
Project Manager

Cc: Patrick Angell

RESOLUTION NO. PC15-16

A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR THE AMENDMENT OF THE MCCOY CREEK PLANNED UNIT DEVELOPMENT

WHEREAS, the City received an application for an amendment to the previously approved McCoy Creek Planned Unit Development, submitted on May 12, 2015 by Harbor Park LLC (Applicant); and,

WHEREAS, the Planning Commission at its regular meeting on September 22, 2015 did review the application for the amendment of the McCoy Creek Planned Use Development, APN 0173-811-030; and

WHEREAS, notices for the Planning Commission's public hearing were published in the Daily Republic on Saturday, September 12, 2015 and were mailed to affected property owners consistent with State Law and City Code; and

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

WHEREAS, this project has been considered for compliance with all City regulations and ordinances; 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. Notice has been given in the time and in the manner required by State Law and City Code.
2. The proposed project, when subject to the proposed conditions of approval, will not conflict 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 proposed project and its uses, when subject to the proposed conditions of approval 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. The project would be compatible in form, character, and allowed uses with adjacent development approved under the original McCoy Creek Planned Unit Development.
5. The City of Suisun City Community Development Department has conducted an Environmental Review of the project and has complied with requirements to evaluate the project under the California Environmental Quality Act.

6. That no further analysis of this project is required under CEQA, subject to Section 15162 and 15164 of the CEQA Guidelines due to the previously approved McCoy Creek Mitigated Negative Declaration and the lack of any new significant impacts or increases in the severity of previous identified impacts.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby recommend to the City Council determine that potential environmental impacts of the McCoy Creek Planned Unit Development (Project) have been adequately analyzed and addressed through the McCoy Creek Mitigated Negative Declaration (SCH# 2005072009) and determine that no further review under the California Environmental Quality Act (CEQA) is required or appropriate for the approval of the Project; and,

BE IT FURTHER RESOLVED that the Planning Commission recommends that the City Council approve the Project subject to compliance with plans and elevations provided to the City and included in the Planning Commission staff report dated September 22, 2015; and,

BE IT FURTHER RESOLVED that the Planning Commission recommends that in taking these actions the City Council will Amend Exhibit B – McCoy Creek Planned Unit Development Narrative, as previously adopted by City Council Resolution No. 2005-75 on October 11, 2005. Such action would supersede all references and graphic representations of the McCoy Creek Main Retail/Office Building uses approved under City Council Resolution No. 2005-75 with the McCoy Creek Mixed Use Project as depicted on plans and elevations dated August 2015 and as reviewed by the Planning Commission on September 22, 2015; and,

BE IT FURTHER RESOLVED that the Planning Commission recommends that approval of the McCoy Creek Project constitutes approval of the amendment of the McCoy Creek PUD (originally approved 2005), approval of the Preliminary Development Plan for the 0.31 acre subject property, and approval of the Precise Development Plan for development of the same 0.31 acre parcel consistent with the submitted plans and elevations for the McCoy Creek Mixed Use Project; and,

BE IT FURTHER RESOLVED that the Planning Commission recommends that all approvals associated with the Project be subject to the conditions of approval as provided below within this Resolution.

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. The Applicant agrees to defend and indemnify and hold the City, its officers, officials, agents, employees, volunteers and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from

any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of Applicant's project.

2. The applicant shall comply with all conditions of the approved resolution. If it is determined that any conditions are being violated or the operator is out of compliance with the approved conditions, a Public Hearing shall be scheduled and procedures shall be consistent with Section 18.66.550 of the Suisun City Municipal Code.
3. The uses identified in the Site Plan shall be designed, constructed and maintained in accordance with the information presented, except as otherwise identified in the Conditions of Approval, and shall conform to, the Uniform Building Code as adopted by the City of Suisun City.

The Development Services Director may approve minor modifications to the project, and implement the project and mitigation measures as deemed appropriate. Modifications may require the review by the approving body (Zoning Administrator, Planning Commission, City Council) as determined by the Development Services Director.

4. No Operations conducted on the premises shall cause un-reasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.
5. The applicant shall comply with all applicable Federal, State, and local codes including, but not limited to, the Uniform Building Code, Fire Code, and County Health Department guidelines as interpreted by the County Health Inspectors.
6. All proposed improvements, including landscaping and irrigation systems installation shall be completed prior to Certificate of Occupancy.
7. Trees and shrubs shall be provided in landscape areas. Trees shall be 15 gallon in size and shrubs shall be 5 gallon in size.
8. All improvements shall conform to the approved Elevations Plan, Landscape Plan, and Site Plan.
9. Any future signage shall be required to be submitted to the City of Suisun City Development Services Department for review and approval prior to request for building permits and construction.
10. All conditions of approval and mitigation measures approved and adopted within the original McCoy Creek PUD approval (2005) shall remain in force and effect on the amended McCoy Creek PUD project.

11. The design and construction of water facilities, and the condition of service, shall comply with the rules, regulations and requirements of the Suisun Solano Water Authority and the Solano Irrigation District.
12. All staff costs associated with monitoring compliance with these conditions of approval shall be borne by the permittee and/or property owners. Costs associated with conditions and mitigation measures that require monitoring, including investigation of complaints, other than those costs related to investigation of complaints of non-compliance that are determined to be unfounded, shall be charged. Costs shall be as established by City Council in accordance with the hourly consulting rate established at the time of the monitoring. Violations of conditions of approval or mitigation measures caused by the permittee's contractors, employees, and guests are the responsibility of the permittee.

The Planning Commission may implement an audit program if compliance deficiencies are noted. If evidence compliance deficiencies are found to exist by the Planning Commission at some time in the future, the Planning Commission may institute the program at the applicants expense (including requiring a deposit of funds in an amount determined by the Commission) as needed until compliance assurance is achieved.

PUBLIC WORKS

13. All work performed shall conform to all City ordinances, rules, standard specifications and details, design standards, and any special requirements imposed by the City Engineer. The Public Works Department will provide inspection to ensure conformance. Any deviation from the aforementioned documents shall require review and written approval by the City Engineer.
14. The Improvement Plans shall include a General Note that: any revisions to the approved Improvement Plans, including those due to field conditions, shall require review and written approval by the City Engineer. The Applicant shall have the revised plans prepared by the Project Professional Designer and shall have the revised plans submitted for review and approval by the City Engineer.
15. The Applicant shall obtain all necessary permits from all applicable agencies prior to starting construction.
16. All work within the public right-of-way, which is to be performed by the Applicant, the general contractor, and all subcontractors shall be included within a single City Encroachment Permit issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.

17. Any existing wells shall be abandoned per County of Solano Health Department standards prior to development of the property. Owner shall submit documentation to the Public Works Director that this condition has been satisfied prior to any construction on this project.
18. If any archaeological resources are found during the grading of the site or during performance of any work, work shall be halted, the City Engineer shall be notified and a certified archaeological firm shall be consulted for advice at Applicant's expense.
19. Any relocation or modification of any existing facilities necessary to accommodate subject project shall be at the Applicant's expense. It shall be the responsibility of the Applicant to coordinate all necessary utility relocations with the appropriate utility company.
20. Any existing frontage, or street, improvements, which in the opinion of the City Engineer, are currently damaged or become damaged as a part of the work shall be removed and replaced as required to the current City Standards, or as directed.
21. All water and sewer lines shall have a minimum of five feet horizontal clearance from a fence, wall, or other structure as determined by the Public Works Director. All relocated facilities shall meet state and local separation standards.
22. Direct tapping of City or SSWA water mains is not permitted. Applicant shall install the required fittings in the existing or new main lines to accommodate the proposed water system. No existing water mains shall be shut down without specific permission of the City Engineer and the Solano Irrigation District.
23. The Applicant shall obtain all necessary permits for storm water discharges.
24. This project is subject to the General Permit for Discharges of Storm Water Associated with Construction Activity (State Water Resources Control Board Construction General Permit, 2009-0009 DWQ).
25. The project shall comply with the requirements of the most current National Pollutant Discharge Elimination System (NPDES) permit issued to the Fairfield-Suisun Urban Runoff Management Program.
26. The applicant shall fill out completely and submit to the City the "New and Redevelopment Post Construction Stormwater Requirements Application", prior to beginning construction work.
27. All stormwater treatment measures shall be adequately operated and maintained. To ensure operation and maintenance of stormwater treatment measures, the Applicant shall

enter into a Stormwater Treatment Measures Maintenance Agreement with the City, prior to the issuance of a Certificate of Occupancy.

28. The project shall use best management practices (BMPs) during construction to mitigate construction impacts and during post-construction to mitigate post-construction impacts to water quality.
29. The project shall utilize infiltration measures to reduce stormwater discharge to the greatest extent feasible.
30. Dust control shall be in conformance with City Standards and Ordinances. Vehicles hauling dirt or other construction debris from the site shall cover any open load with a tarpaulin or other secure covering to minimize dust emissions.
31. Storm water runoff shall drain toward the streets and not onto the neighboring lot(s).
32. The Solano Irrigation District (SID) and the Fairfield-Suisun Sewer District (FSSD) may have separate comments and conditions which shall be resolved or met.
33. The maintenance of the proposed landscaping shall not be funded by the City. The Applicant shall work with the City in identifying and processing an appropriate funding mechanism for the cost of maintaining the landscaping at an effort level to be determined by the City.
34. The City standard for parking aisles is 25 feet in width - - not 24 feet. The plans are to be revised to address the City's standard requirements.
35. The existing driveway apron at the northwest corner of the project parcel shall be upgraded to an ADA-compliant driveway apron. Truncated domes are required on each side of the driveway apron. Furthermore, the closest existing planting bulbout at this driveway apron shall be removed or reduced in size to allow for proper vehicle turn movement into and out of the proposed development. This may also require the removal of adjacent existing perpendicular parking spaces to allow for the proper vehicle turn movement.
36. Improvement shall include an ADA-compliant driveway apron for the proposed easterly parking aisle. Truncated domes are required on each side of the driveway apron. Furthermore, the closest existing planting bulbout at this new driveway apron shall be removed or reduced in size to allow for proper vehicle turn movement into and out of the proposed development. This may also require the removal of adjacent existing perpendicular parking spaces to allow for the proper vehicle turn movement.
37. The drawings shall provide vehicle turning drawings to ensure the proper vehicle movements into and out of the proposed development.

38. The Applicant shall submit civil plans to the City for review. The civil plan set shall include, at the minimum, a cover sheet, demolition plan, grading plan, utility plan with plan view and profile, erosion and sediment control plan, signage and striping plan, and a details plan.

FAIRFIELD/SUISUN SEWER DISTRICT

39. The sewer connection fee (collected at the building permit phase) needs to be calculated based on the multi-family dwelling formula.

SUISUN-SOLANO WATER AUTHORITY

40. The SSWA Engineer, to the extent of existing records, will identify existing facilities within the scope of the project. Per the McCoy Creek Subdivision improvement plans there is currently a 2 inch meter and backflow preventer along with a 6 inch Double Check Detector Assembly off of McCoy Creek Way to provide potable water to the parcels of the development.
41. With the proposed amendment to the development, modifications may need to be made to the public water system such as increasing the number of meter services and/or increasing the size of the existing service. All changes to the public water system shall be in accordance with the Standard Specifications of the SSWA, and at the developer's expense.
42. Per the SSWA Cross-Connection Control Resolution No. 99-01, all types of commercial buildings and landscape irrigation services are required to include an approved backflow prevention assembly, at the developer's expense. The desired location, service size and flow-rate for the backflow prevention assembly must be submitted for approval. Based on the proposed commercial use, a Reduced Pressure Principle (RPP) Assembly will be required on each of the domestic water services.
43. Per the SSWA Cross-Connection Control Resolution No. 99-01, fire protection systems are required to include an approved backflow prevention assembly, at the developer's expense. The desired location, service size and flow-rate for the fire protection system must be submitted for approval. Based on the proposed commercial use, a Double Check-Detector Check (DCDC) Assembly will be required on each of the fire protection systems.
44. At the time the Building Permit is issued, the developer will be required to pay the appropriate SSWA Connection Fee and Meter Installation Fee at the City of Suisun City. These fees are determined by the size of meter requested. All domestic water

services will be metered.

45. SSWA shall review, approve and sign all Final and/or Parcel Maps, and SSWA shall review, approve and sign the Improvement Plans of this development.
46. The SSWA Plan Review Fee applies and is due upon submittal of the maps and plans for review.

The forgoing motion was made by Commissioner Ramos and seconded by Commissioner Pal and carried by the following vote:

AYES: Clemente, , Osborne, Pal, Ramos, Smith
NOES: Holzwarth
ABSENT: Adeva
ABSTAIN: None

WITNESS my hand and the seal of said City this 22nd day of September 2015.



Anita Skinner
Planning Commission Secretary

Anita Skinner

From: Jason Garben
Sent: Monday, September 21, 2015 2:00 PM
To: John Kearns; Paul Junker
Cc: James Beggs
Subject: FW: Objection to the request of the developer to change the existing PUD of Mccooy Creek/Gray Hawk at Suisun Marsh

FYI – Please ensure this gets in as part of the formal record for this project.

From: ric3078@aol.com [mailto:ric3078@aol.com]

Sent: Monday, September 21, 2015 1:58 PM

To: Jason Garben

Subject: Objection to the request of the developer to change the existing PUD of Mccooy Creek/Gray Hawk at Suisun Marsh

Hello,

My name is Reese Canlas, owner of 1201 Gray Hawk Lane, Suisun, CA 94585. I OBJECT TO THE REQUEST OF THE DEVELOPER TO CHANGE THE EXISTING PUD TO HIGH DENSITY AP[ARTMENTS due to the following reason: 1). Apartment plans do not effectively account for the additional parking demands. 2). This increased in housing density will cause congestion and affect the peaceful enjoyment of existing residents. 3). These apartments will bring in many transient renters into a neighborhood of single family homes, thus changing the development;s original intent and design. 4). Our property values will most likely decline if these apartment are built. My contact number is (707) 372-2181.

Very Respectfully,

Reese Canlas

Anita Skinner

From: Clarence Jackie <forejackie@gmail.com>
Sent: Tuesday, September 22, 2015 7:10 AM
To: Jason Garben; John Kearns; Paul Junker; Kathy Lawton
Subject: Proses High Density apartments for Grey Hawk at Suisun Marsh

I Clarence Foreman, hereby express my concern and distaste of the proposed development change. As a home owner in the Gray Hawk Marsh Area, I strongly feel that this will destroy the property value, parking will be even more of a heartache not to mention the integrity of our neighborhood etc. I DO NOT AGREE/SUPPORT this proposed change at all!

Clarence Foreman

Anita Skinner

From: Laura Shaskey <lauraliz881@yahoo.com>
Sent: Tuesday, September 22, 2015 8:31 AM
To: Paul Junker; Paul Junker; John Kearns; Jason Garben; Kathy Lawton; Amit Pal; Bethany Smith; Dennis Clemente; Eddrick Osborne; Evelyn Adeva; Kenneth Holzwarth; Tony Ramos
Subject: Re: Significant Issues Regarding Proposed Changes to McCoy Creek PUD
Attachments: Gray Hawk Lane_East Side_9.20.2015.JPG; Gray Hawk Lane_West Side_9.20.2015.jpg

Please see attached pictures that did not successfully transmit in my original message.

Thank you,
Laura

On Monday, September 21, 2015 5:15 PM, Laura Shaskey <lauraliz881@yahoo.com> wrote:

Suisun City Development Services Department and Planning Commissioners:

We are extremely frustrated and appalled by the current request to amend the McCoy Creek Planned Unit Development (PUD), with the city giving us less than a week's notice to review and comment prior to consideration by the planning commission. I only just purchased my home on Gray Hawk Lane from the developer himself several months ago. Despite the development being incomplete, I bought into the development because it is specifically a PUD, so I knew what type of structures would eventually complete the neighborhood. When I was preparing to make an offer on my property, the developer's agent specifically said that he planned to finish out the development in the very near future, however there was no mention that he was working to make significant changes to the already approved PUD! I would not have bought this property if higher density housing existed nearby, as is now proposed.

The requested change greatly puts into question whether the developer has good intentions for this neighborhood. The single-family homes of this neighborhood were bought at a premium, and adding adjacent rental apartments is sure to devalue these properties, robbing us of our investments and equity.

The PUD, as advertised on the "Gray Hawk at Suisun Marsh" website (grayhawk@suisun.com), specifically states this is a neighborhood of single-family homes, with a small subset having an attached commercial aspect or a small carriage apartment (i.e. "granny unit"). The only other zoning was for a single retail building. Converting this commercial property to high-density (10) apartments (1-2 bedroom), with 2 adjoining workspaces, adds a huge number of additional residents. All of these residents would be transient renters, not homeowners. High-density rental housing is a direct departure from how this development had been advertised to prospective homebuyers. This is significant misrepresentation.

Additionally, the existing McCoy Creek/Gray Hawk development was already poorly designed with regard to parking, even without the currently proposed high-density housing and without the remaining homes being built yet. Gray Hawk Lane consists of numerous large 4-5 bedroom houses with no available street parking and only 2-car garages. Just a few small portions of the street have parking spots,

while the remainder of the street is narrow and marked with no parking signs. There are 9 additional 4-5 bedroom houses that have not been built yet, however the available parking spots along the entire street are often full despite the lack of houses and residents on these additional properties. (Please see attached pictures from early Sunday evening before many cars had returned home, showing all parking spots in sight already filled with cars.) Adding 10 new high-density residential units to the development is sure to create a parking nightmare on both McCoy Creek Way and Gray Hawk Lane, and this will be made even worse when all the originally planned homes (some with commercial aspects and granny units) are built. The 8 proposed single car garages as part of the apartment complex will not make much of a difference, as there are 10 new residences proposed, with many being 2-bedroom apartments. There could easily be 1-3 cars associated with each apartment, and there is also no guarantee that the apartment garages will be used for parking. This is significantly different than the parking necessary for the commercial building that was originally planned, which would mainly be needed by temporary daytime shoppers and would not conflict with the nighttime parking needs of surrounding residents.

The applicant's and planning department's assessment that a commercial property is not viable in that location is erroneous. Of the existing commercial frontage already built on McCoy Creek Way, four out of the five buildings have active businesses, and the only property without an active business was just recently sold to new owners. Right across the street there is the Suisun Seafood Market and several restaurants, as well as dozens of thriving businesses of a huge variety within a few block radius. Claiming that the KFC on the other side of highway 12 is vacant is completely irrelevant, as that building is very specialized and designed for fast food, and nearly every other fast food chain imaginable is already available nearby.

Furthermore, Michael Baker International reviewed the application materials for the project to determine the necessary environmental review, however the assessment was not based on correct information. In the "Addendum to the Mitigated Negative Declaration for the McCoy Creek Vesting Tentative Map" and through conversations with Patrick Hindmarsh, it has become apparent that the analysis of population impact was based on only 8 new residences, not the 10 total residences (both apartment and live/work combinations) that are proposed.

For all the reasons stated above, the proposed changes to the McCoy Creek PUD are highly inappropriate and are not in the best interest of the surrounding neighborhood nor the city of Suisun City. There is no reason that the existing plans for the PUD should be changed. The existing homeowners and residents of the development have also not been given sufficient time to fully review and comment on the proposed changes. Documents for the proposed amendment show this has been considered by the city of Suisun City since June of 2015, while surrounding landowners have only just received mailed notices one week ahead of the upcoming planning commission meeting. The resolution that the commission is considering on the upcoming September 22 meeting also currently prematurely reads as if it was already approved, even though the meeting has not happened yet and sufficient time for public comment has not been provided.

Please confirm receipt of this message.

Sincerely,

Laura Shaskey
1277 Gray Hawk Lane
Suisun City, CA 94585
lauraliz881@yahoo.com



John Kearns

From: brian neal <line3579@yahoo.com>
Sent: Tuesday, September 22, 2015 4:58 PM
To: Jason Garben; John Kearns; Kathy Lawton; Paul Junker; Suzanne Bragdon; Amit Pal; Bethany Smith; Dennis Clemente; ed@phatbooks.net; Evelyn Adeva; Kenneth Holzwarth; Tony Ramos
Subject: Objections to Proposed Changes to the McCoy Creek PUD

Suisun City Development Services Department and Planning Commissioners:

I invested in a home on Gray Hawk Lane with my fiancé, and I oppose the application to change the existing McCoy Creek PUD to put apartments into our neighborhood. We are planning to have children soon, and oppose the construction of an apartment complex as part of our "single family home" neighborhood. Changing the existing PUD to put in an apartment complex is expected to also significantly devalue the property we have recently invested in. Making changes to a PUD when it has recently been advertised to homebuyers otherwise is significant misrepresentation.

Even though I was given very limited time by the city to review this application, I have already discovered the analysis of the impacts to be inaccurate and insufficient. First of all, the construction of increased density housing will significantly impact the availability of residential parking on both McCoy Creek Way and Gray Hawk Lane. These nighttime parking impacts are significantly more severe in comparison to the retail building that was originally planned. The population assessment as part of the environment review was also only based on 8 new residential units, not 10 residential units (the correct number of new residences proposed).

This proposal will directly affect our equity, as well as our quality of life. We object to the proposed changes to the McCoy Creek PUD.

Please confirm receipt of this message.

Sincerely,

Brian N. Winogradov
1277 Gray Hawk Lane
Suisun City, CA 94585

AGENDA TRANSMITTAL

MEETING DATE: June 30, 2015

CITY AGENDA ITEM: Discussion and Direction Regarding Proposed Change in Commercial Use to a Live/Work Residential Concept in the McCoy Creek Development (Grayhawk) Consistent with the Revenue-Based Land Use Policy.

FISCAL IMPACT: None.

BACKGROUND: In October 2005, the City Council approved the Planned Unit Development (PUD) application for the McCoy Creek Mixed-Use Project (now known as Gray Hawk). The McCoy Creek Mixed-Use Project was approved for nineteen (19) single-family detached units, ten (10) "live/work" units, and a stand-alone commercial/office building of 9,052 square feet. Complete build out of the project was slowed due to the recession. Construction of the remaining single-family units are expected to commence this year, as revised building plans are currently being reviewed by the City's Building Division. However, the Developer (Harbor Park, LLC) has submitted a proposal to change the 9,052-square foot commercial building to a "live/work" multi-family mixed-use project that would contain eight (8) luxury apartment units and two (2) "live/work" units.

In July 2006, the City Council adopted a Revenue-Based Land Use Policy (the "Policy") for projects requiring a General Plan amendment and rezoning of commercial zoned lands for alternative development scenarios. It was adopted with the intent to foster development activity by providing significant flexibility to developers and the City by providing guidelines to work together to meet the broad interests of the community, including the long-term fiscal health of the City of Suisun City. The Policy provides that a proposed development that provides "value" to the City, however not necessarily in terms of revenue generation (i.e. land bank/swap/credit, fire station site, retail synergy, etc.) will be considered. These "value" components could be provided in lieu of perceived revenue generation shortfalls.

Although the proposal would not require a General Plan amendment, it would require an amendment to the PUD. Since the proposed change would take a commercial component of the PUD and allow for a mixed-use "live-work" project that is primarily residential, it is appropriate for Council to review and comment on the proposed change to lands designated for commercial-use, before commencement of the review by the Planning Commission and ultimately the City Council for formal action. As such, the proposal has been presented to staff, as well as the Project Development/Economic Development Ad Hoc Committee (Vice Mayor Wilson and Councilman Segala).

STAFF REPORT: The proposed project site consists of approximately 13,084 square feet (0.30 acres) located along the southern line of McCoy Creek Way (please see Attachment 1). The proposed development concept for the Site consists of a "live/work" multi-family mixed-use project that would contain eight (8) luxury apartment units and two (2) "live/work" units, which would be a change from the approved 9,052-square foot commercial building. Staff is seeking

PREPARED BY:

Jason D. Garben, Development Services Director *JDG*

REVIWED/APPROVED BY:

Suzanne Bragdon, City Manager *CB*

discussion and direction regarding the proposed commercial component as it relates to the Revenue Based Land Use Policy.

The conceptual development proposal was recently presented to the Project Development/Economic Development Ad Hoc Committee. The project would be a unique development in Suisun City that would provide ancillary benefits in addition to immediate revenues from CFD fees (approximately \$4,500 annually) and property taxes (City's share of property tax estimated between \$3,600 and \$4,500 annually). The "live/work" concept within the context of multi-family product is cutting edge for a suburban market, and would be the first of its kind in Solano County. The project is anticipated to achieve rents that have not been seen within this market. The Developer sees the project as a "stepping stone" project; one that would be able to provide lenders with evidence that there is a demand for luxury condominiums in this market, and that a luxury condominium project is economically viable in this market. Further, the proposed project would bring the Gray Hawk development closer to completion, creating a more vibrant Lawler Commercial area, and perhaps providing a catalyst for additional development nearby.

Another item to consider is current market conditions, which over the past decade have rendered the 9,052-square foot commercial component infeasible. Although the economy has improved dramatically, given the relative lack of visibility off of Highway 12 for this site, the current market conditions suggest substantial headwinds for construction to occur on a 9,052-square foot commercial project at this location. The vacancy rate for office space in the Suisun-Fairfield marketplace was reported at over 20% according the First Quarter 2015 Research and Forecast Report prepared by the local office of commercial real estate brokerage firm Colliers International.

Further, in there is approximately 6,985 square feet of in-line shop space, in addition to the former KFC building, currently available for lease in the Sunset Shopping Center, and over 19,000 square feet of in-line shop space available in the Heritage Park Shopping Center. Hall Equities is also marketing an expansion of the Sunset Shopping Center onto the 8.29-acre site located adjacent to the Sunset Shopping Center on the north side of Highway 12 just east of Sunset Avenue. Finally, there is over eight (8) acres of land located within the Lawler Commercial area still available for development, all of which could be argued to have superior site characteristics that would support commercial development. Thus, the Developer's contention that the 9,052-square foot commercial component is not feasible is backed by historic and current market fundamentals.

Based on the aforementioned, there was consensus developed out of the Ad Hoc Committee that the proposed concept would be consistent with the intent of the Revenue Based Land Use Policy. It is important to note the City Council is not being asked to consider the project for approval or make any predeterminations regarding the proposed project concept. Upon receipt of the required completed applications the Planning Commission and City Council would conduct a formal review of the proposed project and would consider the request to amend the PUD.

RECOMMENDATION: It is recommended the City Council provide staff with direction regarding the City Council's desire with respect to the proposed change from commercial to a "live/work" residential concept.

ATTACHMENTS:

1. Location Map.
2. Concept Rendering Proposed Concept Elevation.
3. Previously Approved Commercial Elevation.

AGENDA TRANSMITTAL

MEETING DATE: October 6, 2015

CITY AGENDA ITEM: Council Introduce and Waive Reading of Ordinance No. ___: Amending Chapter 2.20 of the Suisun City Code as It Relates to the City of Suisun City Planning Commission.

FISCAL IMPACT: There would be no fiscal impact associated with the adoption of this Ordinance.

BACKGROUND: Chapter 2.20 – Planning Commission, of the City of Suisun City Code establishes the Suisun City Planning Commission and specifies certain provisions related to the composition and conduct of the Planning Commission. Upon review of Chapter 2.20, staff has determined that certain provisions should be amended to better reflect current practices.

STAFF REPORT: Staff proposes the following amendments to Chapter 2.20 of the Suisun City Code to better reflect the current composition, procedures, and functions of the Planning Commission by updating and adding the following sections:

Membership

This section would be amended to increase the number of Commissioners from 5 to 7 members. The Planning Commission has functioned as a seven-member body since the dissolution of the Architectural Review Commission, but the change was not properly incorporated into Chapter 2.20.

Powers and Duties

This section would be amended to clarify that the Planning Commission functions as the Suisun City Planning Agency (a term established under State law), and that such duties are further clarified in Title 17 – Subdivisions and Title 18 – Zoning of the Suisun City Code.

Terms

This section would be amended to add provisions for the filling of vacancies on the Planning Commission and the removal of Planning Commissioners by the City Council.

By-laws

This would be a new section that authorizes the Planning Commission to establish bylaws that govern and regulate the proceedings of the Planning Commission. Under this section, the Planning Commission would approve its bylaws and forward the bylaws to the City Council for review. The City Council would retain the right to direct revisions to the Planning Commission bylaws at any time as determined necessary by a majority of the City Council.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

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

S. Bragdon

RECOMMENDATION: Council Introduce and Waive Reading of Ordinance No. ____:
Amending Chapter 2.20 of the Suisun City Code as It Relates to the City of Suisun City Planning
Commission.

ATTACHMENTS:

1. Ordinance No. ____: Amending Chapter 2.20 of the Suisun City Code as It Relates to the
City of Suisun City Planning Commission.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY,
CALIFORNIA AMENDING CHAPTER 2.20 OF THE SUISUN CITY CODE AS IT
RELATES TO THE CITY OF SUISUN CITY PLANNING COMMISSION**

WHEREAS, the Chapter 2.20 of the City of Suisun City Code establishes the composition, duties and authorities of the Suisun City Planning Commission; and

WHEREAS, the City Council at its regular meeting on October 6, 2015, did hold a public hearing to consider amendments to Chapter 2.20 of the Suisun City Code; and

WHEREAS, notice of the City Council's public hearing to consider such amendments was published in the Daily Republic on or before September 26, 2015 consistent with State Law and the Suisun City Code; and

WHEREAS, the City Council has determined that amendments to Chapter 2.20 are in the interest of effective governance and consistent with applicable provisions of state law.

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

SECTION 1. The City Council does hereby amend Chapter 2.20 – Planning Commission, of the City of Suisun City Municipal Code as follows:

- **Chapter 2.20 - PLANNING COMMISSION**

Sections:

- **2.20.010 - Established.**

A planning commission of the city is created and established.

- **2.20.020 - Membership.**

The planning commission of the city shall consist of ~~five~~ seven members, appointed by the mayor with the approval of the city council. All members shall be residents of the city.

- **2.20.030 - Powers and duties.**

Except as otherwise established within the City of Suisun City Municipal Code, Title 17 and Title 18, the The planning commission shall have the powers and duties conferred upon ~~it~~ by the Planning Agency by the provisions of Title 7 of the Government Code of California, and any other laws of the state applicable thereto.

- **2.20.035 - Compensation.**

All members of the planning commission shall receive compensation as determined from time to time by the city council.

- **2.20.040 - Terms, Vacancies and Removal.**

Terms of office shall expire on January 5th in odd years. Planning commissioners shall serve until a successor is appointed.

Vacancies on the commission shall be filled for the unexpired term by appointment of the mayor with city council approval.

Commissioners may be removed from the planning commission at any time by a majority vote of the City Council.

- **2.20.050 - Failure to attend meetings.**

If any commissioner fails to attend three meetings of the commission scheduled in any fiscal year without any such absence being excused by the commission, his or her office as commissioner shall automatically and immediately become vacant.

- **2.20.055 - Bylaws.**

The planning commission is authorized and directed to prepare and adopt such bylaws as it determines appropriate to guide the conduct of commission business.

Such bylaws shall be adopted by a majority of the planning commission and shall be forwarded to the city council for review. City council may at any time, by a majority vote of the city council, direct revisions to the planning commission bylaws as determined necessary and appropriate by the city council. Lacking any such direction the planning commission bylaws shall be considered valid and in effect.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Suisun City hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 3. This Ordinance shall be in full force and effect thirty (30) days after its adoption following second reading.

SECTION 4. 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 20th day of October 2015.

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 October 6, 2015 and passed, approved, and adopted by the City Council of the City of Suisun City at a regular meeting held on the 20th day of October 2015 by the following vote:

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

WITNESS my hand and the seal of said City this 20th day of October 2015.

Linda Hobson, CMC
City Clerk

