AGENDA TRANSMITTAL

MEETING DATE: November 18, 2014

CITY AGENDA ITEM: Introduction and Waive Reading of an Ordinance Amending Articles I and II of Chapter 15.08, Title 15 of the Suisun City Code Regarding Floodplains and Flood Damage Prevention.

FISCAL IMPACT: There would be no fiscal impact to the General Fund or another other fund.

BACKGROUND: Part of the City has been designated by the Federal Emergency Management Agency (FEMA) as being within a Flood Zone and there is a section of the City Code that deals with construction within those areas. Satisfactory compliance with City Code and other regulations are a prerequisite for federal aid in the event of a state of emergency. Periodically the City is visited by a State representative on behalf of FEMA to make sure that the Building & Public Works Department is administrating the flood regulations properly. The City was visited by our State representative in June of this year with everything found to be OK. However, it was recommended that the City make some changes to the Flood Ordinance. This is a typical occurrence and is in response to updated Federal and State standards.

STAFF REPORT: The purpose of the proposed Ordinance update is to have sufficient regulations in place to manage building and construction in floodplains and to minimize flood damage, as well as to otherwise ensure the future health, safety, and general welfare of the citizens. This amendment does not significantly change any procedures and policies used in the past.

The changes can be summarized as follows:

- There are minor editorial changes such as changing capitalization on some words.
- The intent is to not change any policy issues. For example the freeboard is not being changed from 0.5 feet.
- There are some sections added at the request of FEMA. This is largely due to the fact that the current map now has some zones in the City that were not designated previously. Therefore the related regulations are needed.
- FEMA always has some wording that needs to be updated to the current standards.
- Some definitions have been added for clarification.
- Some reference dates have been updated.
- Our City Engineer recommended some minor changes such as the insertion of "predominantly" in 15.08.280 A.2 and the wording in the definition of floodplain administrator.

PREPARED BY: Amanda Dum, Management Analyst I AD

REVIEWED AND APPROVED BY: Daniel Kasperson, Building & Public Works Director

Suzanne Bragdon, City Manager S.B

STAFF RECOMMENDATION: It is recommended that the City Council:

1. Introduce and waive the reading of Ordinance No. __: Ordinance Amending Articles I and II of Chapter 15.08, Title 15 of the Suisun City Code Regarding Floodplains and Flood Damage Prevention; and

2. Open the Public Hearing; and

3. Conduct the Public Hearing; and

4. Close the Public Hearing.

ATTACHMENTS:

1. Ordinance No. __: Ordinance Amending Articles I and II of Chapter 15.08, Title 15 of the Suisun City Code Regarding Floodplains and Flood Damage Prevention.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, AMENDING ARTICLES I AND II OF CHAPTER 15.08, TITLE 15 OF THE SUISUN CITY CODE RELATING TO FLOODPLAINS AND FLOOD DAMAGE PREVENTION

WHEREAS, the City updates the Suisun City Code from time to time to address public health, safety and welfare issues and to reflect changes in both circumstances and the regulatory environment; and

WHEREAS, the City adopted Article I of Chapter 15.08 of Title 15 providing regulations for floodplain regulations by Ordinance No. 631, and adopted Article II of Chapter 15.08 of Title 15 providing regulations for flood damage prevention by Ordinance No. 609; and

WHEREAS, since the adoption of those ordinances, the Federal Emergency Management Agency (FEMA) and other agencies have updated standards, regulations and zone descriptions relating to floodplains and flood damage prevention, including and updated Flood Insurance Study, with Flood Insurance Rate Maps and Flood Boundary and Floodway Maps; and

WHEREAS, the City seeks to have sufficient regulations in place to manage building and construction in floodplains and to prevent flood damage, as well as to otherwise to ensure the future health, safety, and general welfare of the citizens.

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

SECTION 1. Article I of Chapter 15.08 ("Floodplains and Flood Damage Prevention") of Title 15 ("Buildings and Construction") is hereby amended in the Suisun City Code to read as follows:

ARTICLE I. FLOODPLAIN REGULATIONS

15.08.005 Statutory authorization

15.08.010 Findings and declarations.

15.08.020 Definitions.

15.08.030 Zone classifications.

15.08.040 Conflicts in zone regulations.

15.08.050 FP-1 ~~zone~~Zone—Scope.

15.08.060 FP-1 ~~zone~~Zone—Uses allowed.

15.08.070 FP-1 ~~zone~~Zone—Prohibited buildings or structures.

15.08.080 FP-1 ~~zone~~Zone—Uses requiring permit.

15.08.090 FP-1 ~~zone~~Zone—Map.

15.08.100 FP-2 ~~zone~~Zone—Scope.

15.08.110 FP-2 ~~zone~~Zone—Uses allowed.

15.08.120 FP-2 ~~zone~~Zone—Uses requiring permit.

15.08.130 FP-3 ~~zone~~Zone—Scope.

15.08.140 FP-3 ~~zone~~Zone—Uses allowed.

15.08.150 Permit—Purpose.

15.08.160 Permit—Application.

15.08.170 Permit—Issuance or denial.

15.08.180 Permit—Revocation.

15.08.190 Permit—Appeal.

15.08.200 Rules of hearing procedure.

15.08.210 Appeals.

15.08.220 Review by ~~city council~~City Council.

15.08.230 Amendments.

15.08.240 Annexation of subject property.

15.08.250 Conformance of land use permits.

15.08.260 Enforcement duty.

15.08.270 Violation—Misdemeanor.

15.08.005 Statutory authorization.

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Additionally, Section 7

of Article XI of the California Constitution authorizes any city to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. Therefore, the City of Suisun City of Solano County does hereby adopt the following floodplain management regulations.

15.08.010 Findings and declarations.

The ~~city council~~City Council finds and declares that certain resource areas and valuable properties in the ~~city~~City and surrounding lands lying adjacent to, or near, natural streams, watercourses and sloughs, or constructed water channels, are subject to erosion, inundation, flooding and sedimentation and that the public health, safety and welfare, and the property of the people of the ~~city~~City, require the establishment of land use regulations for the purpose of floodplain management and effective cooperation with the state and the United States in flood control programs.

15.08.020 Definitions.

As used in this article:

A. "Design flood" means the selected flood against which the protection is provided, or eventually will be provided, by means of flood protective or control works.

B. "Designated floodway" means the channel of a stream and that portion of the adjoining floodplain required to reasonably provide for the construction of a project for passage of the design flood including the lands necessary for construction of project levees.

C. "Fairfield Streams Project" means the U.S. Army Corps of Engineers plan, as authorized by the federal government for improvement of McCoy Creek, Laurel Creek, Ledgewood Creek, and all necessary diversions.

15.08.030 ~~Zone~~Zone classifications.

The following general floodplain regulation zone classifications are adopted:

FP-1	Primary floodplain zone
FP-2	Secondary floodplain zones
FP-3	Tertiary floodplain zones

15.08.040 Conflicts in ~~zone~~Zone regulations.

In any FP-1, FP-2 or FP-3 ~~zone~~Zone, the regulations of this article shall apply, in addition to other regulations which apply to such floodplain zones; provided, that if conflicts in these regulations occur, the regulations of this article shall govern; and provided further, that the land uses previously permitted by regulations for such floodplain zones shall be permitted in any FP-1 ~~zone~~Zone only upon the terms and conditions specified in Section 15.08.080(C).

15.08.050 FP-1 ~~zone~~Zone—Scope.

The ~~zone~~Zone classification is intended to apply to properties located within a primary floodplain which, for the purposes of this article, shall be construed to include the stream channel and the portions of the adjacent floodplain that (A) are required to efficiently carry the design floodflows of the stream and (B) are necessary for the minimum protection of the public health, welfare and safety, and protection of property and improvements from the hazards and damages resulting from floodwaters.

15.08.060 FP-1 ~~zone~~Zone—Uses allowed.

The following uses are allowed in FP-1 ~~zone~~Zones, provided that any improvements to existing structures, disturbance of natural soil, removal of natural cover or any other alteration of existing conditions that, in the opinion of the ~~city engineer~~City Engineer, may cause channel erosion and sedimentation or adversely affect the capabilities of the channel and designated floodway to carry the design flood, shall require floodplain regulation permits:

A. Flood control channels, spreading grounds and basins;

B. Recreation areas, parking lots, wildlife preserves and forest preserves, exclusive of structural improvements (other than restrooms and appurtenant facilities located and constructed in accordance with County health requirements), and which areas, lots and preserves shall be so designed as to withstand inundation by floods;

C. Agricultural uses, provided they are not conducted within stream channels or floodplain zones where their effects would constitute a flood threat to life or property;

D. Public service facilities, such as roads, bridges, diversion drains and public utilities, designed and constructed so as not to be damaged appreciably by flooding or be unduly restrictive of the flood-carrying capacity of the designated floodway;

E. Boating facilities and campgrounds operated on a seasonal basis between the months of May and October, inclusive; floating docks shall be sectional with no portion longer than forty feet, and shall be removed from the FP-1 ~~zone~~Zone at the end of each season;

F. Normal maintenance of existing channels, ditches and levees.

15.08.070 FP-1 ~~zone~~Zone—Prohibited buildings or structures.

No building or structure shall be constructed, erected, converted, altered or enlarged in the primary floodplain zone, or relocated within that zone, nor shall any other condition be allowed which would tend to cause stream-channel alteration or adversely affect the carrying capacity of a designated floodway, so as to constitute a threat to life and property.

15.08.080 FP-1 ~~zone~~Zone—Uses requiring permit.

The following uses require a floodplain regulation permit in accordance with Sections 15.08.150 through 15.08.190 in the FP-1 ~~zone~~Zone:

A. Floating docks in off season (November through April, inclusive); provided, however, that such uses will not constitute a threat to life or significantly restrict the carrying capacity of the designated floodway;

B. Excavation or filling of land areas, construction of levees, dikes or other flood structures, designed to protect property from natural flooding; provided, however, that such uses will not constitute a threat to life or significantly restrict the carrying capacity of the designated floodway.

C. Uses otherwise allowed in the zone on properties which lie within primary floodplain zones, but have been sufficiently protected with manmade dikes or levees, as determined by the ~~city engineer~~City Engineer. When such protection is afforded, the subject property may be considered tertiary floodplain in nature, as defined by Section 15.08.~~100.~~300.

15.08.090 FP-1 ~~zone~~Zone—Map.

The requirements of this article are intended to be applied to those lands shown on drawings consisting of four sheets, entitled "Fairfield Streams Group," Fairfield, California, dated February 8, 1966, as prepared by the U.S. Army Engineering District, Corps of Engineers, Sacramento, or any modification of these plans as may be mutually agreed upon by the ~~city~~City, the U.S. Army Corps of Engineers and the Reclamation Board of the state which are affected by improvements shown thereon. The areas shown on these plans as the designated floodway shall be, for the purposes of this article, the FP-1, primary floodplain zoned lands.

15.08.100 FP-2 ~~zone~~Zone—Scope.

The FP-2 ~~zone~~Zone classification is intended to be applied to properties lying within inundation areas affected by overflow and backwater, but relatively free of any current and excluding FP-1 ~~zone~~Zones. These areas require special regulations for the protection of properties and their improvements from flood hazards and damages.

15.08.110 FP-2 ~~zone~~Zone—Uses allowed.

The following uses are allowed in the FP-2 ~~zone~~Zone:

A. Uses otherwise allowed in the Z~~z~~one provided that the ground floor level of buildings, structures and uses shall be above the flood profile level as determined by the ~~city engineer~~City Engineer; and

B. Public parks and recreational developments, exclusive of structural improvements, except for restrooms and appurtenant facilities which shall be located and constructed in accordance with Solano ~~county~~County health requirements and regulations, and designed to withstand inundation due to floods.

15.08.120 FP-2 ~~zone~~Zone—Uses requiring permit.

The following uses require a permit in accord with Sections 15.08.150 through 15.08.190 in the FP-2 ~~zone~~Zone:

A. Improvements to existing buildings and structures where the floor level does not meet the minimum requirements set forth under Section 15.08.110(A);

B. Uses normally permitted in the zone when properties which lie within the secondary floodplain zone have been protected with manmade dikes or levees. When such protection is afforded, the subject property may be considered tertiary floodplain in nature, as defined by Section 15.08.~~130~~300.

C. Filling of land areas, construction of levees or dikes or other flood structures to protect property from natural flooding.

15.08.130 FP-3 ~~zone~~Zone—Scope.

The FP-3 ~~zone~~Zone classification is intended to be applied to properties which lie within a flooding area, but which have been protected by manmade dikes or levees constructed by local, state or federal agencies, by private individuals, firms, corporations, etc., provided such protective devices meet all applicable local, state or federal standards. The regulations set out in Section 15.08.140 and the general rules, as set forth above, shall apply in all FP-3 ~~zone~~Zones.

15.08.140 FP-3 ~~zone~~Zone—Uses allowed.

Uses allowed in the FP-3 ~~zone~~Zone are such uses as are otherwise allowed in the particular and various zones.

15.08.150 Permit—Purpose.

A. The purpose of the floodplain regulation permit is to provide for a detailed review and necessary arbitration of certain proposed land uses by the ~~city engineer~~City Engineer.

B. Floodplain regulation permits, revocable, conditional or valid for a term period, may be granted for any of the uses or purposes for which such permits may be required by the terms

of this article. Granting of a qualified permit does not exempt an applicant from complying with the requirements of other ordinances.

15.08.160 Permit—Application.

Application for a floodplain regulation permit shall be made in writing with the required information as prescribed by the ~~city engineer~~City Engineer. The prescribed information may include plans, detailed survey information or information required by the ~~city engineer~~City Engineer in order to make a determination that the proposal complies with the intent of this article. Application for a permit shall be directed to the engineer.

15.08.170 Permit—Issuance or denial.

Upon the receipt of an application for a floodplain regulation permit, with the required information as prescribed in Section 15.08.160, the ~~city engineer~~City Engineer shall diligently process the application and issue or deny the permit. Such permit may be issued subject to conditions as stipulated by the City ~~e~~Engineer.

15.08.180 Permit—Revocation.

In any case where a floodplain regulation permit has not been exercised within one year after the date of the granting thereof, then without further action by the ~~city engineer~~City Engineer, the permit shall be null and void.

15.08.190 Permit—Appeal.

Appeal from an action resulting from the administration of this article may be made according to the provisions of Section 15.08.210. Nonissuance of a floodplain regulation permit within a reasonable period may be the subject of an appeal.

15.08.200 Rules of hearing procedure.

The ~~city council~~City Council may establish rules of procedure governing all hearings required by this article and the laws of the state. Upon the adoption of rules of procedure by the ~~city council~~City Council, the same shall be filed in the office of the ~~city clerk~~City Clerk and copies of the rules of procedure shall be given to persons requesting them.

15.08.210 Appeals.

A. The ~~city council~~City Council shall have power to hear and decide appeals when it is alleged by the appellant that there is error in any order, requirement, permit, decision or determination made by the City ~~e~~Engineer or other official of the ~~city~~City in the administration or enforcement of this article.

B. Any person, firm, corporation, unincorporated association, public officer or agency aggrieved or affected by any determination of this article may within ten days file an appeal in writing with the ~~city council~~City Council. In the written appeal, the reasons of the appeal shall be outlined. Filing of an appeal shall stay all proceedings until determination of the appeal. Upon receipt of such appeal, the ~~city council~~City Council shall set the date for a public hearing to be held within thirty days thereafter and notify the appellant, the original applicant, if other than the appellant, and the ~~city engineer~~City Engineer.

C. The City ~~e~~Engineer shall transmit to the ~~city council~~City Council copies of all papers constituting the record of action appealed.

D. Upon hearing the appeal, the ~~city council~~City Council shall make a determination that the decision appealed from shall be affirmed, reversed or modified. Notice of the ~~city council~~City Council's determination shall be mailed forthwith by the ~~city clerk~~City Clerk to the original applicant, the person making the appeal and the City ~~e~~Engineer.

15.08.220 Review by ~~city council~~City Council.

Notwithstanding any other provision of this article, the ~~city council~~City Council, upon its own motion made within ten days from the making of any final order, requirement or determination by the ~~city engineer~~City Engineer, may review to~~,~~ affirm, reverse or modify, wholly or in part, such order, requirement or determination. Notice of such review shall be delivered or mailed to the City ~~e~~Engineer and the original applicant. The notice shall include a provision for a public hearing to be held within fifteen days from the date of the motion.

15.08.230 Amendments.

This article may be amended by the establishment, or changing, of boundaries of floodplain regulation zones or by changing any other provision hereof whenever the public necessity, convenience and the general welfare require such amendment subject to the procedure set forth in this section:

A. Initiation. An amendment may be initiated by a resolution of intention by the ~~city council~~City Council.

B. Public h~~H~~earings. The ~~city council~~City Council shall hold at least two public hearings on any proposed amendment. At least ten days prior to the first public hearings the ~~city clerk~~City Clerk shall give notice thereof by at least one publication of such public hearing in a newspaper of general circulation within the ~~city~~City, setting forth the general purpose and scope of the proposed changes in the article.

15.08.240 Annexation of subject property.

Any property which, at the time of adoption of the ordinance codified in this article, is in unincorporated territory and subject to floodplain regulations which protect rights-of- way for the Fairfield Streams Project shall, upon annexation to the ~~city~~City, be subject to all provisions and requirements of this article.

15.08.250 Conformance of land use permits.

All departments, officials and public employees of the ~~city~~City vested with the duty and authority to issue land use permits shall conform to the provisions of this article, and shall issue no such permits for land uses, buildings or purposes which are in conflict with the provisions of this article; and any such permits, if issued in conflict with the provisions of this article, shall be null and void.

15.08.260 Enforcement duty.

It is the duty of the ~~city engineer~~City Engineer to bring about enforcement of the provisions of this article pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure, the moving of material, or any other operation covered by this article.

15.08.270 Violation—Misdemeanor.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this article, or condition of a permit issued pursuant to this article, is guilty of a misdemeanor.

SECTION 2. Article II of Chapter 15.08 ("Floodplains and Flood Damage Prevention") of Title 15 ("Buildings and Construction") is hereby amended in the Suisun City Code to read as follows:

ARTICLE II. FLOOD DAMAGE PREVENTION* [1]

15.08.280 Findings of fact—Purpose.

15.08.290 Methods of reducing flood losses generally.

15.08.300 Definitions.

15.08.310 Applicability.

15.08.320 Basis for establishing the areas of special flood hazard.

15.08.330 Compliance.

15.08.340 Abrogation and greater restrictions.

15.08.350 Interpretation of provisions.

15.08.360 Warning and disclaimer of liability.

15.08.365 Severability.

15.08.370 Development permits.

15.08.380 Designation of the floodplain administrator.

15.08.390 Duties and responsibilities of the floodplain administrator.

15.08.395 Appeals.

15.08.400 Standards of construction.

15.08.410 Anchoring.

15.08.420 Construction materials and methods.

15.08.430 Elevation and floodproofing.

15.08.440 Standards for utilities.

15.08.450 Standards for subdivisions.

15.08.460 Standards for manufactured homes.

15.08.465 Standards for recreational vehicles.

15.08.470 Floodways.

15.08.475 Coastal high hazard areas

15.08.480 Variance procedure.

15.08.490 Conditions for variances.

15.08.280 Findings of fact—Purpose.

A. Findings of fact~~Fact~~.

1. The flood hazard areas of the ~~city~~City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and government services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are predominantly caused by uses that are inadequately floodproofed, elevated or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contribute to the flood loss.

B. Statement of pPurpose. It is the purpose of this article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue or relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

15.08.290 Methods of reducing flood losses generally.

In order to accomplish its purposes, this article includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

15.08.300 Definitions.

Unless specifically defined in this section, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application:

"A zone" - see "Special flood hazard area".

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than 2 cars; or

2. A small, low--cost shed for limited storage, less than 150 square feet and $1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this article.

"Area of shallow flooding" means a designated AO or AH ~~zone~~Zone on the Flood Insurance Rate Map (FIRM); the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of ~~S~~special ~~F~~flood ~~H~~hazard. See "special flood hazard area."

"Base flood" means a flood which has a one-percent chance of being ~~equalled~~equaled or exceeded in any given year (also called the "one hundred year flood"). Base flood is the term used throughout this article.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building or the supporting pilings or columns.

"Building." See "~~s~~Structure."

"Development" means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations~~,~~ on June 1, 1982 ~~adopted by a community~~.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).

"Flood, flooding or flood water" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;

2. The unusual and rapid accumulation of runoff of surface waters from any source; and/or mudslides (i.e. mudflows), see "mudslides"; and

3. The condition resulting from flood-related erosion, see "flood related erosion."

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

"Flood Hazard Boundary Map (FHBM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source, see "flooding."

"Floodplain administrator" is the community official designated by title to ~~individual appointed to~~ administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and enhancing, where possible, nature resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other applications of police power which control development in flood-prone areas. The term describes ~~federal~~Federal, ~~state~~ State or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93, as may be amended.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."

"Floodway encroachment lines" means the lines marking the limits of floodways on ~~f~~Federal, ~~s~~State and local floodplain maps.

"Floodway fringe" is that area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

"Fraud ~~and~~ or victimization," as related to Section 15.08.~~480~~ 490 of this article, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the ~~community governing body~~City Council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Freeboard" means an additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 0.5-feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with State or community floodplain management regulations.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" means the local governing unit, i.e., Solano ~~county~~County or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship," as related to Section 15.08.480 of this article, means the exceptional hardship that would result from a failure to grant the requested variance. The ~~city council~~City Council requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other

means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a State Inventory of Historic Places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states with approved programs.

"Levee" means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement.

1. An unfinished or flood resistant enclosure, below the lowest floor, that is usable solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, it conforms to applicable non-elevation design requirements, including, but not limited to:

   a. The wet floodproofing standards in Section 15.08.430(C)(3).

   b. The anchoring standards in Section 15.08.410 (A).

   c. The construction materials and methods standards Section 15.08.420.

   d. The standard for utilities in Section 15.08.440.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD88)~~National Geodetic Vertical Datum (NGVD) of 1929~~ or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of the ordinance~~ codified in this article~~, June 1, 1982, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted~~ by this community~~ June 1, 1982.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-Hundred-Year-Flood." See "base flood."

"Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.

"Public safety or~~and~~ nuisance," as related to Section 15.08.~~480~~ 490 of this article, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully

obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sheet f~~F~~low a~~A~~rea. See "~~area~~ Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area having special flood, or flood-related erosion hazards and shown on FHBM or FIRM as Zone A, AO, A1-A30, AE, AR, A99, AH,or V ~~E or M~~.

"Start of construction" means and includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground. This includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or ~~to~~ exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition or other proposed development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure; provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

"Tertiary floodplain" means an area that is rarely flooded as compared to a primary floodplain, which is regularly inundated in a year of average flood, and a secondary floodplain, which is inundated less frequently in a year of average flood.

"Variance" means a grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

"Violation" means the failure of a structure or other development to fully comply with the community's flood plain management regulations that are contained in this code. A structure or other development without an elevation certificate and other evidence of compliance required by the City is presumed to be in violation until such time as that documentation is provided. A structure or other development shall not be considered in violation for the purposes of this article if it was lawfully constructed prior to June 1, 1982, and has not been substantially improved after that date.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Water surface elevation" means the height, in relation to the North American Vertical Datum of 1988 (NAVD88)~~National Geodetic Vertical Datum (NGVD) of 1929~~, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

15.08.310 Applicability.

This article shall apply to all ~~lands~~ areas of special flood hazards within the jurisdiction of the ~~city~~City.

15.08.320 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated ~~December 1, 1981~~May 4, 2009, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated ~~June 1, 1982 and revised to April 7, 1992~~May 4, 2009, and all subsequent amendments and/or revisions, is adopted by reference and declared to be a part of this article. The study, FIRMs, and FBFMs are on file at the Department of Public Works, 701 Civic Center Boulevard, Suisun City, California. This Flood Insurance Study and attendant mapping is the minimum area of applicability of this article and may be supplemented by studies for other areas which allow implementation of this article and which are recommended to the ~~city council~~City Council by the floodplain administrator.

15.08.330 Compliance.

A. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.

B. Violations of the provisions of this article by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

C. Nothing herein shall prevent the ~~city council~~City Council from taking such lawful action as is necessary to prevent or remedy any violation.

15.08.340 Abrogation and greater restrictions.

This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this article and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.08.350 Interpretation of provisions.

In the interpretation and application of this article, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body;

C. Deemed neither to limit nor repeal any other powers granted under ~~state~~ State statutes.

15.08.360 Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the ~~city~~City, any officer or employee thereof, the ~~state~~ State of California, or the Federal Insurance Administration, Federal Emergency Management Agency, from any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

15.08.365 Severability.

This article and the various parts thereof are hereby declared to be severable. Should any section of this article be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the article as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

15.08.370 Development permits.

A development permit shall be obtained before construction or development begins within any area of special flood hazards established in Section 15.08.320 of this article. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: ~~plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:~~

~~A.~~

~~Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures in zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or~~

~~B.~~

~~Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 15.08.430C; and~~

~~C.~~

~~All appropriate certifications listed in Section 15.08.390D of this article; and~~

~~D.~~

~~Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.~~

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;

2. Proposed locations of water supply, sanitary sewer, and other utilities;

3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;

4. Location of the regulatory floodway when applicable;

5. Base flood elevation information as specified in Section 15.08.320 or Section 15.08.390.C;

6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and

7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.08.430.B of this ordinance and detailed in FEMA Technical Bulletin TB 3-93, as may be amended.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.08.430.B.

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.08.430.C.3 of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93, as may be amended.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 15.08.390~~.2~~.E of this ordinance.

15.08.380 Designation of the floodplain administrator.

The ~~p~~Public ~~w~~Works ~~d~~Director is the community official appointed as the floodplain administrator to administer, implement, and enforce this article by granting or denying development permits in accordance with its provisions.

15.08.390 Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

A. Permit ~~Review~~review.

1. Review all development permits to determine that the permit requirements of this article have been satisfied;

2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding;

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. For purposes of this article, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of substantial improvement and substantial damage procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," as may be updated, develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."

2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

~~B~~ C. Review and ~~Use~~ use of ~~Other~~ other ~~Base~~ base ~~Flood~~ flood ~~Data~~data. When base flood elevation data has not been provided in accordance with Section 15.08.320 of this article, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 15.08.400 through 15.08.470 of this article. Any such information shall be submitted to the ~~city council~~City Council for adoption.

~~C~~D. Notification of o~~O~~ther ~~A~~agencies. ~~In alteration or relocation or watercourse:~~

1. In alteration or relocation of a watercourse, ~~N~~notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, ~~and~~ submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency,~~;~~ and assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained

~~2. Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained~~.

2. Base Flood Elevation changes due to physical alterations:

   a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).

   b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in municipal boundaries: Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

~~D~~E. Documentation of f~~F~~loodplain d~~D~~evelopment. Obtain and maintain for public inspection and mak~~d~~e available as needed the following:

1. The certification required in Section 15.08.430 A ~~and~~or~~&~~ 15.08.460 B (lowest floor elevations);

2. The certification required in Section 15.08.430 B (elevation or floodproofing of nonresidential structures);

3. The certification required in Section 15.08.430 C (wet flood proofing standard);

4. The certification of elevation required in Section 15.08.430 C1 or C2 or 15.08.450 B (~~subdivision~~ standards for subdivisions);

5. The certification required by Section 15.08.470 A (floodway encroachment)~~.~~;

6. Information required by Section 15.08.475 F (coastal construction standards); and

7. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

~~E~~F. Map ~~Determinations~~determinations. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 15.08.~~201~~210 and 15.08.220~~490~~ of this article, except that for the purposes of such appeal "City Engineer" shall be deemed to refer to "floodplain administrator" in those Sections.

~~F~~G. Remedial ~~Action~~action. Take action to remedy violations of this article as specified in Section 15.08.330.

H. Biennial report. Complete and submit Biennial Report to FEMA.

I. Planning. Assure ~~community~~City's General Plan is consistent with floodplain management objectives herein.

15.08.395 Appeals.

The ~~city council~~City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this article.

15.08.400 Standards of construction.

In all areas of special flood hazards the standards set out in Sections 15.08.410 through 15.08.470 of this article are required.

15.08.410 Anchoring.

A. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All manufactured homes shall meet the anchoring standards of Section 15.08.460 of this article.

15.08.420 Construction materials and methods.

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding.

D. Require within ~~zone~~Zones AH or AO adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

15.08.430 Elevation and floodproofing.

(See Section 15.08.300 definitions for "~~new~~ New construction," "Ssubstantial damage" and "~~substantial~~ Substantial improvement").

A. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

1. In an AO ~~zone~~Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM plus 0.5-ft of freeboard, or elevated at least two feet above the highest adjacent grade plus 0.5-ft of freeboard if no depth number is specified;

2. In an A ~~zone~~Zone, elevated to or above the base flood elevation plus 0.5-ft of freeboard, as determined by this community;

3. In all other zones, elevated to or above the base flood elevation plus 0.5-ft of freeboard. Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

4. The requirement for freeboard may be appealed to the floodplain administrator in writing, on a case by case basis. Justification, including any alternative means of flood protection, should be included with the written appeal. The freeboard requirement may be waived by the floodplain administrator however; all other requirements will still apply.

B. Nonresidential construction shall either be elevated in conformance with subsection A of this section or together with attendant utility and sanitary facilities:

1. Be floodproofed so that below the elevation specified under this section the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the floodplain administrator.

C. All new construction and substantial improvements, with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

1. Be certified by a registered professional engineer or architect; or

2. Be certified to comply with a local flood-proofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency; or

3. Have a minimum of two openings on different sides of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

D. Manufactured homes shall also meet the standards in Section 15.08.460 of this article.

15.08.440 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

15.08.450 Standards for subdivisions.

A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).

2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:

   a. Lowest floor elevation.

   b. Pad elevation.

   c. Lowest adjacent grade.

~~A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.~~

~~B. All subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood elevation, the final first floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.~~

~~C~~B. All subdivision proposals shall be consistent with the need to minimize flood damage.

~~D~~C. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

~~E~~D. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

15.08.460 Standards for manufactured homes.

A. All manufactured homes that are placed or substantially improved~~, within ZoneZones A1-30, AH, and AE and V on the community's Flood Insurance Rate Map,~~ on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

~~1. Outside of a manufactured home park or subdivision;~~

~~2. In a new manufactured home park or subdivision;~~

~~3. In an expansion to an existing manufactured home park or subdivision; or~~

~~4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as the result of a flood shall~~

1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.

2. Within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map, meet the requirements of Section 15.08.475.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within ~~zone~~Zones A1-30, AH, AE, V1-30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of subsection A of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the (1) lowest floor of the manufactured home is at or above the base flood elevation, or (2) manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Elevations must be certified by a registered professional engineer or surveyor, or verified by the community building inspector, and shall be provided to the floodplain administrator.

15.08.465 Standards for recreational vehicles.

A. All recreational vehicles places on sites within ~~zone~~Zones A1-30, AH, ~~and~~ AE, V1-30 and VE on the community's Flood Insurance Rate Map will either:

1. Be on the site for fewer than one hundred eighty consecutive days;

~~B.~~2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

~~C.~~3. Meet the permit requirements of Sections 15.08.370 through 15.08.395 of this article and the elevation and anchoring requirements for manufactured homes in Section 15.08.460.

B. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Subsection A of this Section and Section 15.08.475.

15.08.470 Floodways.

Located within areas of special flood hazard established in Section 15.08.320 of this article are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction, substantial improvements, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 15.08.400 through 15.08.470.

C. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City.

D. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City.

15.08.475 Coastal High Hazard Areas.

Within coastal high hazard areas, Zones V, V1-30, and VE, as established under 15.08.320, the following standards shall apply:

A. All new residential and non-residential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

B. All new construction and other development shall be located on the landward side of the reach of mean high tide.

C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in 15.08.300 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

D. Fill shall not be used for structural support of buildings.

E. Man made alteration of sand dunes which would increase potential flood damage is prohibited.

F. The floodplain administrator shall obtain and maintain the following records:

1. Certification by a registered engineer or architect that a proposed structure complies with 15.08.430; and

2. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

15.08.480 Variance procedure.

A. The ~~city council~~City Council shall hear and decide requests for variances from the requirements of this article.

B. Nature of Variances. The variance criteria set forth in this section of the article are based on the general principal zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this article would create an exceptional hardship to the applicant or the surrounding property owners. The characteristic must be unique to the property and shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the ~~city council~~City Council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this article are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than variance are more appropriate.

C. In passing upon requests for variances, the ~~city council~~City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article~~:~~ and

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger of life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents and the effect of such damage on the existing individual owner and future owners of the property;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in time of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

D. Any applicant to whom a variance is granted shall be given written notice over the signature of a ~~city~~City official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property;

3. The floodplain administrator shall record a copy of the written notice in the office of the Solano County recorder in a manner such that it appears in the chain of title of the affected parcel of land.

E. The floodplain administrator shall maintain the records of all variance actions, including justifications for their issuance, and report any variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

15.08.490 Conditions for variances.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 15.08.370 through 15.08.~~470~~ 475 of this article have been fully considered. As lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures (as defined in Section 15.08.300 of this article) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary considering the flood hazard to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this article. For example, in the case of variances to an elevation requirement, this means the ~~city council~~City Council need not grant permission for the applicant to build at grade, or event to whatever elevation the applicant proposes, but only to that elevation which the ~~city council~~City Council believes will both provide relief and preserve the integrity of this article.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship (as defined in Section 15.08.300 of this article) to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 15.08.300; see "public safety or nuisance"), cause fraud or victimization (as defined in Section 15.08.300) of the public or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvements and for other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsection A through F of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of Section 15.08.480 and the purposes of this article, the ~~city council~~City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason, held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining sections of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Ordinance, and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, this ordinance shall be posted in at least three (3) public places within the City and published in a county newspaper that is circulated in the City, or as otherwise authorized by Government Code §36933(c)(1) allowing for publication of a description of the ordinance in a county newspaper that is circulated in the City with a copy of the ordinance available in the City Clerk's Office.

PASSED, APPROVED, AND ADOPTED as an ORDINANCE at a regular meeting of the City Council of the City of Suisun City, California, on this ____ day of _____, 2014.

_____
PETE SANCHEZ
MAYOR

ATTEST:

_____
LINDA HOBSON
CITY CLERK

STATE OF CALIFORNIA)

01107.0006/228081.1

COUNTY OF SOLANO) ss.
CITY OF SUISUN CITY)

I, LINDA HOBSON, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing Ordinance No. _____ was adopted by the City Council of the City of Suisun City at a regular meeting held on the ____ day of _____ 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
LINDA HOBSON, CITY CLERK

AGENDA TRANSMITTAL

MEETING DATE: November 18, 2014

CITY AGENDA ITEM: Public Hearing: Community Workshop on Draft 2035 General Plan Update and Environmental Impact Report. (Continued from October 28, 2014).

FISCAL IMPACT: All costs associated with this item are included in the adopted budget.

BACKGROUND: The General Plan Update has proceeded as follows:

- **April 2010** – The City Council initiated the General Plan Update (GPU) process by awarding a consultant contract to AECOM.
- **August 2010** – The Council discussed the Guiding Principles that should be used by staff and the consultant in developing the GPU. One focus of the guiding principles is to plan development that can ensure the fiscal viability of the City, since there is a finite amount of vacant land left within the City's sphere of influence. The GPU must concentrate on allocating resources in the best interests of the community as a whole.
- **September 2011** – The Council initiated the Preferred Land Use Alternative (PLUA) identification process, leading to the analysis of the impacts of the land uses identified in the PLUA in the GPU EIR and, ultimately, the adoption of a final GPU Land Use Map which may vary from the PLUA.
- **September 2011 – July 2012** – Staff worked through a number of issues tied to the process of identifying and confirming a Preferred Land Use Alternative including the assessment of light industrial and commercial uses south of Petersen raised by the landowners (versus the recommendation generated by the Planning Commission); introduction of ICEMAP, a Federal study assessing air force bases (including Travis) on local compatibility and encroachment matters; density and infrastructure challenges of proposed uses by the landowner; consideration of a revised land use plan by the property owners for land south of Petersen; among other things.
- **July 3, 2012** – Due to concerns about the total impacts of future development within the sphere of influence on both the east and west sides of the City, staff brought forward an item to City Council with options for land use designations on both sides of the City. At that meeting, Council gave direction to remove the residential component from the west side, and analyze only the commercial impacts.
- **October 1, 2013** – The City Council adopted a PLUA initiating the Notice of Preparation period for the Environmental Impact Report (EIR)
- **January 21, 2014** – The City Council approved the Special Planning Area Goals and Policies for the area immediately east of Walters Road and south of Petersen Road.
- **October 10, 2014** - Draft 2035 General Plan Update and Environmental Impact Report circulated for 45-day public review period.
- **October 20, 2014** – Planning Commission held a community meeting at the Joseph Nelson Community Center.

PREPARED BY: John Kearns, Associate Planner JK
REVIEWED/APPROVED BY: Suzanne Bragdon, City Manager S.B.

- **October 22, 2014** – Parks and Recreation Commission held a community meeting at the Joseph Nelson Community Center.
- **November 13, 2014** – Staff conducted a public outreach meeting on the General Plan Update, as well as a kickoff meeting for the Downtown Waterfront Specific Plan Update.

At the October 28, 2014 meeting, the Council asked staff to expand outreach efforts and thus continued the public hearing to November 18, 2014. Outcomes from this additional outreach effort are summarized in the staff report.

STAFF REPORT: According to the California Office of Planning and Research (OPR), *California state law requires each city and county to adopt a general plan "for the physical development of the county or city, and any land outside its boundaries which bears relation to its planning" (§65300). The California Supreme Court has called the general plan the "constitution for future development". The general plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, both public and private.*

The City of Suisun City's General Plan was last comprehensively updated in 1992. Since that time, amendments to the Circulation and Transportation Element and the Land Use map have been adopted. Additionally, the Housing Element was amended in 1994, and new Housing Elements were adopted in 2005 and 2009.

Development of Draft 2035 General Plan

Staff and the consultant drafted the General Plan drawing from many significant milestones and input opportunities from the Council and public. A Technical Advisory Committee (TAC) was formed immediately following the inception of the project and included adjacent jurisdictions, service providers, City departments and other impacted local/regional/state agencies. The TAC was instrumental in developing and revising the technical background reports (see Volume II of the 2035 General Plan Update). Key outputs, which are discussed more fully below, include Guiding Principles, Preferred Land Use Alternative and, for the eastern sphere of the City, designation of Special Planning Area.

Guiding Principles

Concurrent with the TAC process was the development and discussion of the General Plan Guiding Principles. The principles were developed with input from the Planning Commission and culminated on August 17, 2010, when they were confirmed by the City Council. The ten Guiding Principles include:

- Community Character
- Destination Tourism and Entertainment
- Downtown
- Economic Vitality
- Infrastructure
- Neighborhood Revitalization
- Public Safety and Emergency Preparedness
- Quality of Community Life
- Sustainability
- Transportation

The confirmed Guiding Principles are included as Attachment 1.

Preferred Land Use Alternative
From a land use perspective, the major policy decision was the selection of a preferred land use alternative, which ultimately occurred in October of 2013. This action allowed the staff and consultant to move forward with the circulation of the Notice of Preparation for the EIR. The Preferred Land Use Alternative is included as Attachment 2.

Special Planning Area
Additionally, the Council's establishment of the Special Planning Area Goals and Policies in early 2014 allowed for a means of identifying an area in the eastern sphere that the City was not sure how it might develop given size and market demands, while still being supportive of future development and Travis Air Force Base. See Attachment 2 for specific area designated as Special Planning Area and Attachment 3 for Special Planning Area Goals and Policies.

Draft General Plan Update Documents

Building from these policy decisions, staff and the Project Consultants applied their technical expertise to develop the Draft General Plan documents to achieve the Council's policy objectives. The City of Suisun City General Plan Update is comprised of three volumes:

Volume 1: Policy Document
Volume 2: Technical Background Reports
Volume 3: Environmental Impact Report

Volume I: 2035 General Plan Update Policy Document consists of the following chapters:

1. Setting, Central Issues, and Guiding Principles
2. Community Character and Design Element
3. Land Use Element
4. Transportation Element
5. Economic Development Element
6. Housing Element
7. Open Space and Conservation Element
8. Community Facilities Element
9. Public Health and Safety Element
10. Glossary.

Of the above elements, the only "new" element is the Economic Development Element. Given the importance of Economic Development to the long-term fiscal health of the City, this element was been added. Other changes (when comparing the former plan to the 2035 plan) are not substantive like the change in title from "Circulation and Transportation Element" to "Transportation Element" or "Noise and Safety Element" to "Public Health and Safety Element".

This document, as implied in the title, is the key policy document drafted to achieve the City Council's approved "guiding principles" and "preferred land use alternative." For each element, this document identifies broad goals and supporting policies, generally concluding with actual programs that are designed to achieve the stated policies and goals. The following table highlights key programs proposed for each of the various elements of the Draft General Plan.

Referral to Volume I of the Draft General Plan will provide more detail on each program, as well as the goals and policies that each program is designed to achieve.

HIGHLIGHTS OF RECOMMENDED PROGRAMS BY ELEMENT	
Element	**Recommended Program**
Community Character	1. Revise zoning ordinance. 2. Design guidelines for downtown specific plan. 3. Architecture and site planning guidelines outside downtown. 4. Design guidelines for community gateways. 5. Street tree planting program in reinvestment areas. 6. Site design for lighting and glare to avoid adversely impacting motorists, bicyclists and pedestrians.
Land Use	Neighborhoods 1. Supporting neighborhood enhancement, maintain and publicize inventory of vacant/underutilized properties. 2. Streamline permitting process for residential renovations. 3. Integrate civic amenities into neighborhoods. Downtown Waterfront 4. Update downtown Specific Plan. 5. Leverage regional funding and support. Opportunity Areas 6. Update zoning ordinance. 7. Explore incentives to induce development consistent with GP in opportunity areas.
Transportation	1. Enhance connectivity with Fairfield & recreation areas. 2. Adopt trip reduction policy (as resources available). 3. Designate/maintain list of truck routes. 4. Maintain and expand access through Suisun Slough. 5. Enhance/expand pedestrian, bicycle & transit facilities. 6. Update off-street parking requirements.
Economic Development	1. Maximize interagency collaboration to leverage marketing resources. 2. Target tax/revenue generating businesses. 3. Review/update development fees to ensure equity and competitiveness. 4. Market to support tourism/destination uses that capitalize on waterfront/recreation resources. 5. Streamline entitlement process for economic development areas.
Housing	Adopted Separately through a Separate Process
Open Space/Conservation	1. Preservation through site planning and design. 2. Wetlands and riparian buffers.

	3. Biological resources review for new development. 4. Habitat conservation areas. 5. Riparian habitat management plan. 6. Wetlands delineation and permit requirements 7. Conservation planning. 8. Protection of Suisun Marsh through collaboration and education to promote awareness.
Community Facilities/Services	1. Master plans and Capital Improvement Program. 2. Nexus study and update of development impact fees. 3. Future planning for fire station siting and funding to accommodate two stations as development occurs. 4. Short and long-term funding strategies for dredging, levee improvements and additional access to waterway. 5. Funding strategies for parks and recreational facilities. 6. Seek opportunities to increase local water supply.
Public Health/Safety	1. Reduce noise exposure for noise-sensitive land uses. 2. Collaborate on establishment of "Train Quiet Zone". 3. Travis AFB land use compatibility review. 4. Construction noise and vibration reduction measures. 5. Health risk analyses for certain developments. 6. Construction mitigation measures maintained by BAAQMD. 7. Construction mitigations for health risk. 8. Greenhouse gas reduction program. 9. Seek funding and collaboration to assess local vulnerability to climate change and supportive regional adaptation strategy. 10. Application of stormwater development requirements. 11. Encourage programs that promote healthy lifestyles. 12. Collaboration in preparation of local hazard mitigation plan. 13. Designate and educate on emergency access and evacuation routes.

Volume II: Technical Background Reports

As stated previously, technical background reports were created as a result of meetings with the Technical Advisory Committee and research. These reports helped form the basis of 2035 General Plan. Volume II is comprised of 12 chapters:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gases and Climate Change

- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Local Economy and Demographics
- Noise
- Transportation
- Community Facilities and Services
- Land Use

Volume III - Environmental Impact Report (EIR)

This environmental impact report (EIR) evaluates the impacts of the *City of Suisun City 2035 General Plan* (2035 General Plan). The 2035 General Plan EIR is a program EIR, as described under the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq. [14 CCR 15000 et seq.). According to the State CEQA Guidelines (Section 15168[a]), a state or local agency should prepare a program EIR, rather than a project EIR, when the lead agency proposes the following:

- a series of related actions that are linked geographically; or

- logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program; or,

- individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects that can be mitigated in similar ways.

A program EIR "may be prepared on a series of actions that can be characterized as one large project and are related...in connection with the issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program" (State CEQA Guidelines Section 15168[a][3]). In this case, the program EIR will address the 2035 General Plan, which is the proposed "project," as defined by CEQA. This program EIR considers a series of actions related to implementation of the 2035 General Plan.

The analysis in this program EIR is considered the first tier of environmental review and creates the foundation upon which future, project-specific CEQA documents can build. "Tiering" refers to the concept of a multi-level approach to preparing environmental documents set forth in the Public Resources Code Section 21083.3 and the State CEQA Guidelines Section 15152.

Project-level environmental analysis can be streamlined to limit the scope of site-specific approvals following the preparation of an EIR for a general plan. This streamlining provision applies to site-specific approvals for projects that are consistent with the general plan. This program EIR will, in practice, help determine the need for subsequent environmental documentation, as well as dictate the scope of project level CEQA review.

The EIR has been prepared to include Seven Sections and an Executive Summary. Section 3 of the EIR includes 15 topic matters:

3.1 Agricultural Resources

3.2 Air Quality
3.3 Biological Resources
3.4 Cultural Resources
3.5 Greenhouse Gas Emissions
3.6 Energy
3.7 Geology, Soils, Minerals, and Paleontological Resources
3.8 Hazards and Hazardous Materials
3.9 Hydrology and Water Quality
3.10 Land Use and Planning
3.11 Noise and Vibration
3.12 Population and Housing
3.13 Utilities and Service Systems, Public Services, and Recreation
3.14 Traffic and Transportation
3.15 Visual Resources

Table E0-1 "Summary of Impacts and Mitigation Measures" provides information on each impact created as a part of the proposed 2035 General Plan, its "Significance Before Mitigation" and "Significance After Mitigation". In total, there are 67 impacts identified. These impacts are classified in six categories:

- "No Impact"
- "Cumulatively Considerable"
- "Less than Significant"
- "Significant"
- "Potentially Significant" and
- "Significant and Unavoidable"

When comparing the 1992 General Plan with the 2035 General Plan there is a lot of similar infrastructure conditions. For example, Suisun City's portion of the Jepson Parkway project was completed during this time period. Additionally, the 2035 General Plan carries over certain projects like the West Railroad Avenue Extension (Marina Boulevard to Main Street) that were not completed from the 1992 General Plan. This will improve the traffic conditions in areas will heavier traffic.

Public Outreach

The Notice of Availability for the Draft General Plan/EIR was circulated by the City on October 10, 2014, and the 45-day Public Comment will close on Monday, November 25, 2014, at 5:00 pm. As a part of the outreach effort and to maximize public input, the City scheduled three community workshops:

- Planning Commission meeting on October 20, 2014, at Joseph Nelson Community Center.
- Parks and Recreation Commission meeting on October 22, 2014, at Joseph Nelson Community Center.
- Community Workshop on November 13, 2014, held at Suisun Harbor Theater.
- City Council meeting on November 18, 2014, at City Hall (Continued from October 28, 2014).

November 13, 2014 – Community Workshop

On November 13, 2014, a community meeting was held at the Suisun Harbor Theater to discuss both the Draft General Plan Update, as well as the kick-off of the Downtown Waterfront Specific Plan Update. More than 30 interested parties attended the meeting to provide input and hear about these two very important projects.

Summary of Comments Received To Date

As stated above, staff has held three community meetings (October 20, 2014, and October 22, 2014) at the Joseph Nelson Community Center and November 13, 2014, at the Suisun Harbor Theater. Below include some of the comments received at these meetings:

- There is a need additional east-west circulation route opportunities.
- There is a need for further policy development for water transportation and recreation opportunities.
- Maximize economic development opportunities and focus on those programs.
- There is a safety issue on Highway 12 along the railroad overpass due to lack of sight.
- Policies should hone in on funding for maintenance as much as possible.
- The Community Facilities Element should include language for dog parks.
- The City should capitalize on the City's strengths of being a destination location.
- Focus on attractiveness of gateways into the City.

In addition, some questions received included:

- How soon will the Plan take effect?
- Does the Transportation Element address the Jepson Parkway project?
- Will there be a new interchange into the downtown area?
- How does the General Plan address local business attraction?
- How can the City work with the private sector to bring in businesses?
- Does the General Plan address hazards related to railroad, such as spills and hazardous materials?
- How does the General Plan work with the Zoning Ordinance and Downtown Waterfront Specific Plan?
- Can the General Plan include policies to promote healthy cities?
- How can the City encourage Caltrans to maintain State Route 12 more effectively to reduce the amount of trash along the roadway?
- What are the opportunities of the Special Planning Area?
- What is the relationship between Plan Bay Area and the General Plan?
- Will the General Plan consider privatization of facilities?

Next Steps

Staff and the consultant will take the comments/input provided during the 45-day public review period, including those provided at the community workshops and will begin preparation of a Final General Plan package which will ultimately come before each of the Commissions and the Council for adoption.

RECOMMENDATION: Staff recommends that the City Council hold Community Workshop to allow public input.

ATTACHMENTS:

1. Guiding Principles.
2. Preferred Land Use Alternative Map
3. Special Planning Area Goals and Policies.
4. Vehicular Transportation Diagram.

GUIDING PRINCIPLES – SUISUN CITY GENERAL PLAN UPDATE

(Listed alphabetically, since they are not ranked by importance)

COMMUNITY CHARACTER

Suisun City will strive to enhance the City's authentic, local identity as a vibrant waterfront community.

- Preserve and restore historic resources and utilize design review to ensure compatibility with existing development.
- Focus higher density development and mixed-use projects in areas adjacent to the train station.
- Provide regional leadership by working cooperatively to improve the economy and the quality of life in Solano County.

DESTINATION TOURISM AND ENTERTAINMENT

Suisun City will encourage the development of uses and protection of resources that attract visitors, enhancing the community as a tourism destination.

- Promote a vibrant downtown that provides both daytime and nighttime activities to attract visitors.
- Protect and enhance the Suisun Marsh as a natural scenic recreational resource.
- Provide a variety of high-quality passive and active recreation and leisure activities.
- Promote arts and culture in the community, including theaters, galleries, museums, music venues, and other activities.
- Provide conference and meeting facilities.

DOWNTOWN

Suisun City will continue to develop the downtown as a vibrant, pedestrian-scaled commercial and entertainment center that reflects our community's unique waterfront character.

- Develop the downtown as the social and cultural heart of the community.
- Provide convenient linkages from the train station and other regional connectors to bring patrons to the downtown.
- Ensure safe and efficient walking, biking, driving, and parking in the downtown.
- Strategically develop the Priority Development Area to provide convenient, attractive housing, shopping, services, and employment in the downtown neighborhood.

ECONOMIC VITALITY

Suisun City will strive for economic vitality, providing jobs, services, revenues, and opportunities.

- Maintain an economic base that is fiscally balanced and provides a wide range of job opportunities.
- Encourage the creation of a mix of uses that sustains a tax base that will allow the City to provide public services to the residents, businesses and visitors of the community.
- Strategically develop vacant, under-utilized, and infill land throughout the City, and especially in the downtown.
- Retain and attract new businesses to support the tax base and provide jobs and services for the community.

INFRASTRUCTURE

Suisun City will provide quality community services and sound infrastructure.

- Deliver public facilities and services in a timely and cost-effective manner.
- Ensure availability of water and sewer services to accommodate the City's continued growth and prosperity.
- Plan for the design and cost of future infrastructure to serve the community as it grows.

NEIGHBORHOOD VITALITY

Suisun City will ensure that neighborhoods maintain their character and vitality.

- Maintain complete, well-designed, and walkable neighborhoods, with places to gather, nearby services, and multi-modal access to jobs, recreation, and other community and regional services.
- Create policies and programs to maintain the character and vitality of neighborhoods.
- Foster transit-oriented development around the train station.

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

Suisun City will strive to protect the community and minimize vulnerability to disasters.

- Foster neighborhood safety through sensitive community planning practices, fire safety measures, building codes/seismic requirements, and effective code enforcement.
- Protect life and property through reliable law enforcement and fire protection, as well as active, sensitive service to members of the community in need.
- Minimize the City's vulnerability to natural and man-made disasters and strengthen the City's emergency response systems.

QUALITY OF COMMUNITY LIFE

Suisun City will foster an inclusive, multigenerational community that is economically and ethnically diverse.

- Foster volunteerism and encourage and recognize our service, non-profit, and faith-based organizations and their impact on the community.
- Encourage our community to live, work, and play locally, while supporting social and cultural activities, facilities and programs.
- Provide a full-spectrum of activities and services to meet the needs of the entire community, including youth and seniors.

SUSTAINABILITY

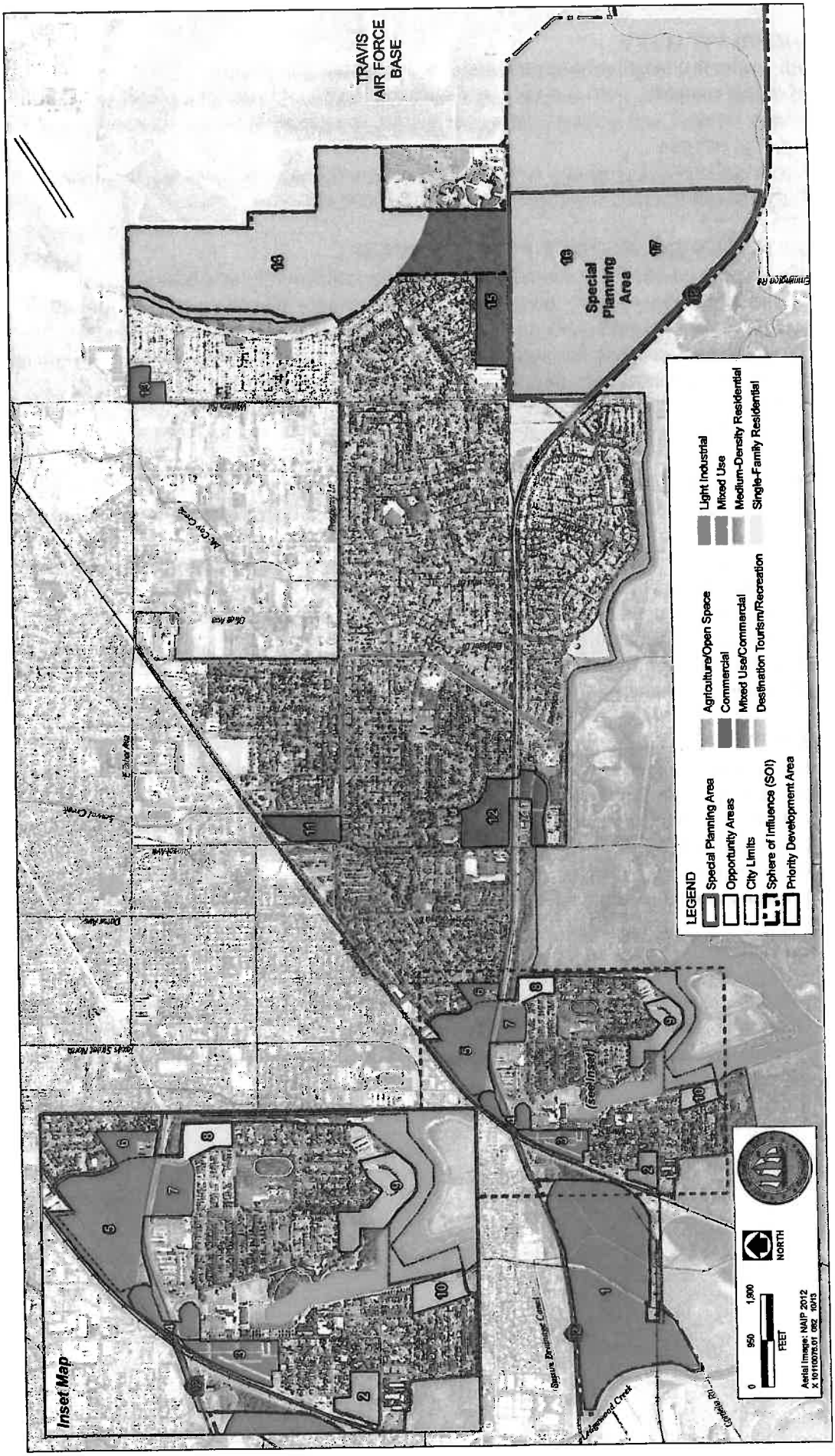
Suisun City will practice economically, fiscally and environmentally responsible municipal decision-making to avoid shifting today's costs to future generations.

- Utilize sustainable development and land use practices that provide for today's residents and businesses while preserving choices for the community in the future.
- Encourage a healthy living environment.
- Preserve and enhance natural resources and minimize negative environmental impacts.

TRANSPORTATION

Suisun City will provide choices for attractive, convenient transportation.

- Maintain and construct roadway infrastructure as needed.
- Design for active pedestrian and bicycle-friendly paths and streets and public spaces.
- Provide transportation alternatives to the automobile, especially capitalizing on the location of the train station.



Source: Suisun City 2012, AECOM 2013

Preferred Conceptual Land Use Alternative

Special Planning Area Goals and Policies

I. Promote development that enhances existing opportunities and builds on community vision and goals.

A. Encourage development that takes advantage of the Suisun Marsh, such as lodging and tourism activities.

B. Encourage development that takes advantage of traffic on Highway 12 and Jepson Parkway resulting in spending by non-residents, such as a travel center or other transportation-related or visitor-serving uses.

C. Encourage development that assists TAFB, such as providing a travel center for truckers serving the base.

D. Encourage development that provides job creation.

E. Encourage development of commercial and professional uses that support the nearby residential neighborhoods.

F. Consider the balance of land uses in the City at the time of proposed development and encourage development that addresses uses that are lacking city-wide.

II. Foster development that benefits the City over the long-term.

A. Demonstrate that proposed development either provides significant on-going revenue generation or provides other positive quantifiable benefits.

B. Design future development that enhances the City's gateway, creating a sense of "arrival".

C. Focus efforts on developing retail opportunities that bring sales tax revenue and help to stem the leakage that our City is experiencing.

III. Protect TAFB and its mission while encouraging development that benefits the base.

A. Demonstrate that proposed uses and physical development are likely to sustain the base's mission and minimize negative impacts.

B. Design development to be consistent with the Travis Airport Land Use Compatibility Plan.

C. Design development that meets all security requirements of the base.

IV. Identify infrastructure needed to serve development anticipated through 2035.

A. Design site access and internal circulation as part of initial development.

B. Design infrastructure, such as water system, sewer system, and stormwater system as part of initial development.

V. Plan development with sensitivity to environmental resources.

A. Encourage uses that are not only compatible with but enhanced by the environmental resources on site.

B. Encourage clustering of development to minimize environmental impacts.

C. Encourage on-site mitigation where possible.

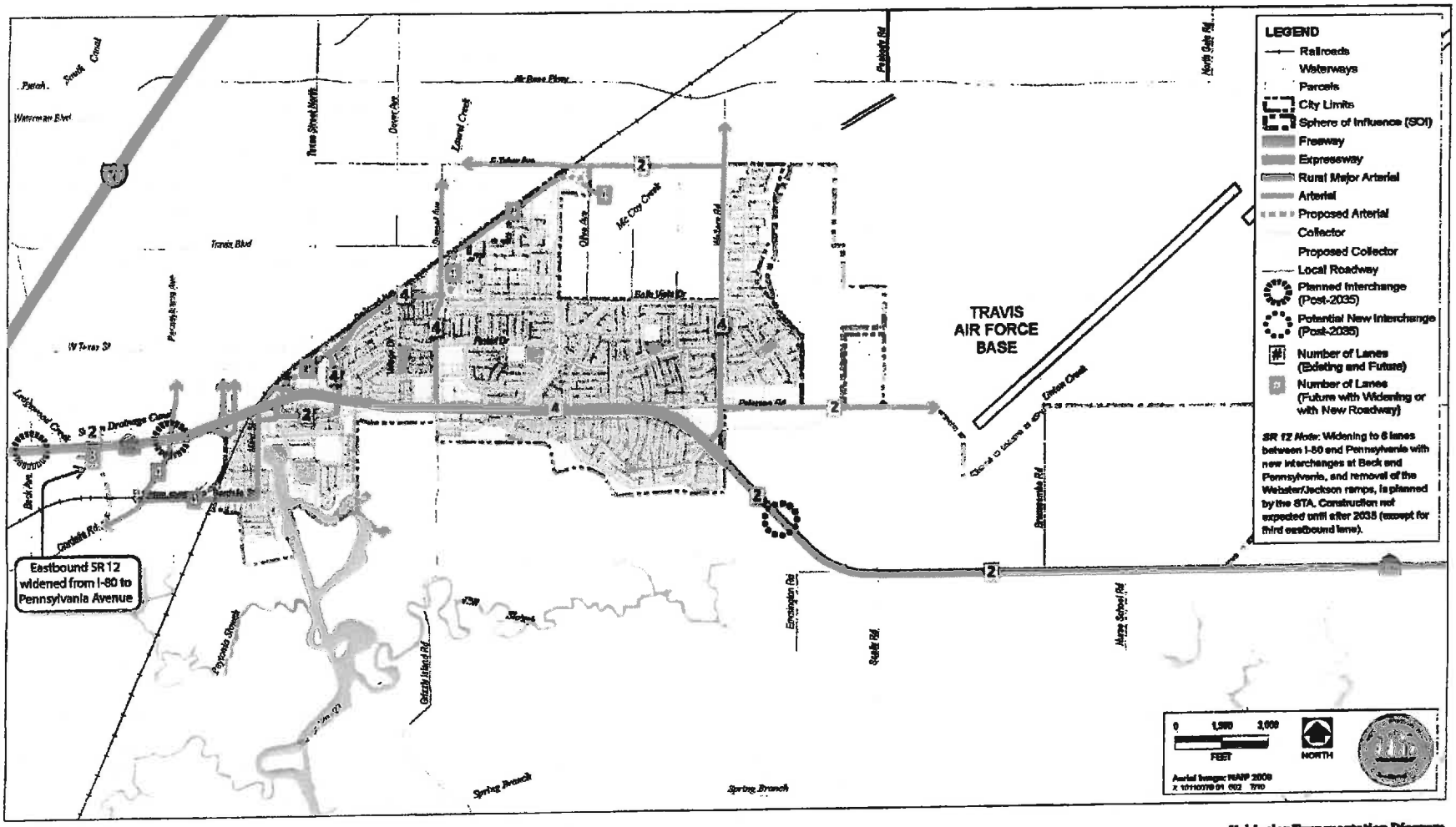
VI. Streamline the development application and entitlement review process.

A. Assist developer by providing clear and complete information regarding the entire application and entitlement process, including impact fees and other costs.

B. Provide help to developer in negotiating the LAFCO annexation process.

C. Serve as the liaison between the City's various departments and the developer.

D. Foster an open and objective dialogue with developer regarding City's interests and development requirements.



Source: Suisun City 2012.

Exhibit 4-4

Vehicular Transportation Diagram