

AGENDA
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., SEPTEMBER 24, 2019

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC19-08

1. CALL TO ORDER.

2. ROLL CALL:

Chairperson Clemente
Vice-Chair Ramos
Commissioner Borja
Commissioner Holzwarth
Commissioner Pal
Commissioner Rowe
Commissioner Thomas

Pledge of Allegiance
Invocation

3. APPROVAL OF AGENDA:

Approval of Planning Commission agenda of September 24, 2019

4. APPROVAL OF MINUTES:

Approval of Planning Commission minutes of July 9, 2019

5. PUBLIC COMMENT:

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

CONFLICT OF INTEREST NOTIFICATION

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

6. CONSENT CALENDAR:

None

7. CONTINUED ITEMS:

None

8. PUBLIC HEARINGS:

For each of the following items, the public will be given an opportunity to speak. After a Staff Report, the Chair will open the Public Hearing. At that time, the applicant will be allowed to make a presentation. Members of the public will then be allowed to speak. After all have spoken, the applicant is allowed to respond to issues raised by the public, after which the Public Hearing is normally closed. Comments should be brief and to the point. The Chair reserves the right to limit repetitious or non-related comments. The public is reminded that

all decisions of the Planning Commission are appealable to the City Council by filing a written Notice of Appeal with the City Clerk within ten (10) calendar days.

- A. Resolution PC19-___; A Resolution of the City of Suisun City Planning Commission Recommending City Council Adoption of an Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.

9. GENERAL BUSINESS:

None

10. REPORTS BY STAFF AND PLANNING COMMISSION:

- A. Staff
 - a. SB 2 Planning Grant
 - b. Project Updates
- B. Planning Commission

11. AGENDA FORECAST / FUTURE AGENDA ITEMS.

12. ADJOURNMENT.

MINUTES
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., July 9, 2019

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC19-07

1. CALL TO ORDER.

2. ROLL CALL:

Chairperson Clemente
Vice-Chair Ramos
Commissioner Borja
Commissioner Holzwarth
Commissioner Pal
Commissioner Rowe

EXCUSED
Commissioner Thomas

3. APPROVAL OF AGENDA:

Commissioner Pal moved to approve the Planning Commission agenda of July 9, 2019, as is.

Commissioner Borja seconded the motion. Motion passed 6-0 by roll call vote with Commissioner Thomas absent.

4. APPROVAL OF MINUTES:

Commissioner Pal moved to approve the Planning Commission minutes of June 11, 2019, as is.

Commissioner Borja seconded the motion. Motion passed 5-0-1 by roll call vote with Commissioner Holzwarth abstaining and Commissioner Thomas absent.

5. PUBLIC COMMENT:

Resident Steve Olry commented on the commercial businesses in the city and their trash on the sidewalks that blow around in the city. He closed by stating he wants the trash cleaned up.

Resident George G. stated that code enforcement needs to be fixed.

CONFLICT OF INTEREST NOTIFICATION

None.

6. CONSENT CALENDAR:

None

7. CONTINUED ITEMS:

None

8. PUBLIC HEARINGS:

None

9. GENERAL BUSINESS:

A. WORKSHOP – Residential Parking and Paving Ordinance

Senior Planner, John Kearns, started with how the workshop would be run and continued with a brief timeline of events that have happened so far, then went through the proposed ordinance line by line addressing issues brought up at past meetings. Mr. Kearns then opened the floor to the Planning Commissioners if they had any clarifying questions.

Commissioner Pal asked for clarification on the 36” foot egress.

Chief Vincent asked that the section of the draft code be taken out of the zoning ordinance. He then gave a brief description of where the 36” came from.

Commissioner Ramos asked if personal property could be destroyed without the 36” clearance.

Chief Vincent responded by saying, yes, he then repeated his point that the code should be taken out of the zoning ordinance since there is already a Fire Code in place that covers this issue in which fire can currently cite residents.

Chairperson Clemente then opened the floor to the public to address the Commissioners.

Resident Bill Sweet stated that the 36” rule should not be a fixed number.

Resident Pat Matteson suggested a change in wording to address the areas that are not paved or landscaped to deter weeds.

Commissioner Borja asked Senior Planner John Kearns to clarify if the tracked changes were provided to the Commission to review. Mr. Kearns replied that they were.

Senior Planner John Kearns then asked the commission to go over the 6 questions that were asked in the staff report:

1. Is the Commission in agreement with the definitions provided in the ordinance?
2. What should the impermeable/permeable ratio be for residential front yards?
3. Should every residential property be required to have a tree?
4. Does the Commission want to make revisions to the Rear/Side Yard provisions?
5. What clearance should be required on side yards for emergency access?
6. If a recreational vehicle is covered does it need to be snug/form-fitting?

They started with the first question, 1. Is the Commission in agreement with the definitions provided in the ordinance? To which Commissioner Borja moved to approve the Definition section ‘as is’. Commissioner Ramos wants to change the landscape definition to match the suggestion Pat Matteson made. Commissioner Pal cautioned to keep the definition of landscaping broad as to not burden residents.

Resident George G. asked the Commission to find ways to incentivize residents to fix up their yards.

Chairperson Clemente stated that rental properties should be a focus in up keeping their yards.

Commissioner Borja gave an example of how to word the landscaping definition; “hardscape used as landscaping permitted” or “decorative paving” or “adjacent to landscaping” and asked staff to reword it to make it work. Mr. Borja then moved to approve the Definitions section with landscaping definition amendment.

The next question asked was: 2. What should the impermeable/permeable ratio be for residential front yards? To which the commissioners gave a unanimous consensus 60/40.

Chairperson Clemente asked staff if the driveway section is in the building code.

In subsection 3 regarding ‘40% landscaping’, Commissioner Borja stated that the wording may pose a burden on some residents. After deliberation a consensus was reached to keep it as is.

The next question posed was: 3. Should every residential property be required to have a tree? Commissioner Borja motioned to remove it for existing residential homes and require it for new developments. To which the commissioners gave a unanimous consensus.

The next question asked was: 4. Does the Commission want to make revisions to the Rear/Side Yard provisions? Commissioner Ramos asked that there be language included that separates alleyways. The wording that was suggested was as follows; “rear and side yards facing alleyways or public right of ways...” Commissioner Pal suggested talking to resident Pat Matteson to help with the wording. To which the commissioners gave a unanimous consensus.

The next question, 5. What clearance should be required on side yards for emergency access? Commissioner Borja motioned to remove it. After deliberation a consensus was reached to remove it.

The next question, 6. If a recreational vehicle is covered does it need to be snug/form-fitting? There was consensus among the commissioners to keep it as is.

Commissioner Pal then asked if the section regarding cords and cables there could be language added that addresses “non-tripping hazard” and “ADA compliant”.

The commissioners deliberated and asked that Section 3. Vehicle Storage; subsection iv. Point ii. be considered to be removed. Also the wording “disabled or inoperable” was asked to be changed.

Commissioner Borja asked that Section 3. Vehicle Storage; subsection iii. wording “...must be parked on an approved driveway” be changed to hard surface.

B. Resolution PC19-__ ; A Resolution of the City of Suisun City Planning Commission Concurring and Adopting the City Council Planning Commission Bylaws with Amendments.

Commissioner Rowe moved to approve the Resolution PC19-07; A Resolution of the City of Suisun City Planning Commission Concurring and Adopting the City Council Planning Commission Bylaws with Amendments.

Commissioner Borja seconded the motion. Motion passed 5-1 by roll call vote with Commissioner Thomas absent.

10. REPORTS BY STAFF AND PLANNING COMMISSION:

A. Staff

Senior Planner John Kearns talked about the following items that have happened in the City: Holiday Inn Express groundbreaking, and moratorium on smoke shops

B. Planning Commission

None.

11. AGENDA FORECAST / FUTURE AGENDA ITEMS.

None.

12. ADJOURNMENT.

a&m/190709.pca

AGENDA TRANSMITTAL

MEETING DATE: September 24, 2019

PLANNING COMMISSION AGENDA ITEM: PUBLIC HEARING: Resolution PC19-___; A Resolution of the City of Suisun City Planning Commission Recommending City Council Adoption of an Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.

BACKGROUND/STAFF REPORT: Below is a brief summary of the background of this subject matter in chronological order:

Original Urgency Measures

On March 21, 2017, the City Council adopted a comprehensive update of Title 18 “Zoning” of the Suisun City Code. Following that time, staff discovered that the section addressing treatment of front yards “Parking in Residential Front Yards” had been inadvertently omitted which left staff no code to enforce relative to paving in residential front yards. In light of the void in the code, the City Council adopted Interim Urgency Ordinance No. 746 on January 16, 2018 which put an immediate limitation on the amount of paving in residential front yards until the Zoning Code could be amended to include these provisions. The ordinance was extended by the City Council through Interim Urgency Ordinance No. 747 on February 20, 2018. These provisions have since expired.

Planning Commission Meetings

At the December 18, 2018 Planning Commission meeting, the Commission held a Public Hearing to discuss the proposed Ordinance. While discussing the item, it was suggested that the item be continued to a future Planning Commission and an Ad Hoc of the Commission be formed. At the close of the meeting, the Commission appointed Commissioner’s Clemente, Borja and Thomas to the Ad Hoc Committee. Subsequently, on January 29, 2019, the Commission voted 6-0 in favor of recommending the City Council adopt the proposed ordinance.

March 19, 2019

The City Council held a public hearing to consider an ordinance which would amend both Chapter 18.36.070 of the Suisun City Code and the Waterfront District Specific Plan regarding residential yards, prohibited activities in driveways and landscaping and maintenance provisions. The City Council took staff’s presentation, asked some clarifying questions, opened and closed the Public Hearing and continued the item to the April 2, 2019 meeting.

April 2, 2019 City Council Meeting

The City Council took public comments and discussed the issues raised. A majority of the issues raised by the Public were centered on the regulation of Recreational Vehicles (including boats) on residential properties. Following discussion, the City Council chose to form an Ad Hoc

PREPARED BY:

John Kearns, Senior Planner

APPROVED BY:

Tim McNamara, Development Services Director

Committee consisting of two City Councilmembers and three Planning Commissioners. The Ad Hoc was formed specifically to look at the definition of “Recreational Vehicle” and section C.3 “Vehicle Storage” of the proposed ordinance.

April 24, 2019 Ad Hoc Meeting

The Ad Hoc Committee met on Wednesday April 24 at City Hall. Although an official head count was not determined, there were approximately 70 people in attendance. The focus of the Ad Hoc was to look at and discuss the definition of “Recreational Vehicle” and the “Vehicle Storage” provisions of Section 18.36.070.C.3 and did not focus on the remainder of the proposed ordinance including yards, landscaping and maintenance provisions. The Ad Hoc consisted of Mayor Pro-Tem Segala, Councilmember Adams, Planning Commission Chairperson Clemente, Commissioner Borja, and Commissioner Thomas. The meeting was led by the City Manager with participation from Development Services staff and although the presentation was directed toward the Ad Hoc, those in attendance were afforded opportunities to participate and address the Ad Hoc Committee. At the conclusion of the meeting, a majority of the committee provided a list of recommendations to be forwarded to the City Council.

May 14, 2019 City Council Meeting and Urgency Measures

At the May 14 City Council Public Hearing, staff presented the list of recommendations from the April 24 Ad Hoc Committee. Staff also went through the proposed ordinance line by line as the City Council discussed each of the points. At the conclusion of the public hearing, the City Council directed the ordinance to go back to the Planning Commission for more discussion before returning to the City Council for consideration. The City Council took specific care to clearly distinguish between what their direction was versus what they would like the Planning Commission to discuss. At the same meeting, the City Council adopted Ordinance No. 758 (Attachment 6), which placed a 45-day urgency measure relative to paving residential front yards. The City Council subsequently extended the Urgency Interim Ordinance for 10 months and 15 days at their June 18, 2019 meeting.

June 11, 2019 Planning Commission Workshop

As a result of the City Council’s direction from May 14, the Planning Commission was asked to hold a workshop to discuss the proposed ordinance and to take any Public Comments from interested parties. At the June 11 workshop, the Planning Commission took 15 public comments and accepted 3 written comments. At the conclusion of the meeting, the Commission chose to schedule a second workshop on July 9 in which the Commission would provide direction to staff on suggested language for the ordinance. This would then lead to a Public Hearing in which the Commission would formally make their recommendation to the City Council.

July 9, 2019 Planning Commission Workshop

A second workshop was held on July 9 in which staff asked the Planning Commission six questions in order to direct changes to the proposed ordinance. Below is a list of those questions and the direction provided by the Planning Commission. Some additional discussion ensued amongst the Commissioners and the public was granted the opportunity to address the Commission on each of these items. At the conclusion of the workshop, the Planning Commission asked that a public hearing be set for September 24 for the Commission to make a recommendation to the City Council.

Questions/Issues Raised with Planning Commission and Explanation of Proposed Changes

- Is the Commission in agreement with the definitions provided in the ordinance?
 - There was discussion amongst the Commission but ultimately no consensus for changes were proposed.
- What should the impermeable/permeable ratio be for residential front yards?
 - A consensus of the Commissioners directed a change from 50/50 to 60/40 relative to impermeable/permeable surface.
- Should every residential property be required to have a tree?
 - A consensus of the Commissioners directed the tree provision to only apply to new developments.
- Does the Commission want to make revisions to the Rear/Side Yard provisions?
 - After much discussion, the Commission asked staff to work with residents of Victorian Harbor on proposed language. Their suggested language has been provided in the most recent version of the ordinance.
- What clearance should be required on side yards for emergency access?
 - Chief Vincent addressed the Commission on July 9 and recommended the minimum clearance language be removed from the ordinance as other applicable codes already addressed this. A consensus of the Commission agreed.
- If a recreational vehicle is covered does it need to be snug/form-fitting?
 - A consensus was reached by the Commission to retain this language.

Revisions to the proposed ordinance are shown in ~~strike through~~ (removed language) and underline (proposed added language). This has been provided to for the Commission easily understand any change since the July 9 meeting.

Discussion of Attachments

Staff has included three attachments to this staff report:

1. A link to the July 9, 2019 Planning Commission Agenda which provides background and focuses on specific questions staff was seeking direction on.
2. A link to the June 11, 2019 Planning Commission Agenda which includes background on this subject from March 2019 to date.
3. The May 14, 2019 Draft Ordinance that was presented to the City Council.
4. Ordinance No. 762 which extended the moratorium on paving of more than sixty percent of residential front yards for an additional 10 months and 15 days.

Next Steps

Following a Planning Commission recommendation, the City Council will hold a Public Hearing to consider the ordinance.

STAFF RECOMMENDATION: Staff recommends the Planning Commission do the following:

1. Receive the presentation from staff;
2. Open the Public Hearing;

3. Take any public comments;
4. Close Public Hearing; and
5. Make recommendation to the City Council on the proposed ordinance.

ATTACHMENTS:

1. Resolution PC19-___; A Resolution of the City of Suisun City Planning Commission Recommending City Council Adoption of an Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
2. Ordinance No. ___; An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
3. July 9, 2019 Planning Commission Meeting (link to the packet can be found at https://www.suisun.com/wp-content/files/00_Complete_Packet.pdf).
4. June 11, 2019 Planning Commission Meeting (link to the packet can be found at - https://www.suisun.com/wp-content/files/00_June_11_2019_Planning_Commission_Packet.pdf)
5. Ordinance No. 762

RESOLUTION NO. PC19-

**A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION
RECOMMENDING CITY COUNCIL ADOPTION OF AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, REPEALING AND
REPLACING SECTION 18.36.070 OF TITLE 18 OF THE SUISUN CITY CODE AND
AMENDING THE WATERFRONT DISTRICT SPECIFIC PLAN, RELATING TO
REGULATIONS FOR FRONT, REAR, AND SIDE YARD AREAS OF RESIDENTIAL
PROPERTIES.**

WHEREAS, the City of Suisun City, Development Services Department initiated a Zoning Text Amendment to make amendments to both Title 18 “Zoning” of the Suisun City Code, as well as the Waterfront District Specific Plan; and

WHEREAS, Title 18 “Zoning” of the Suisun City Code (hereinafter “Zoning Ordinance”) and the Waterfront District Specific Plan (hereinafter “Specific Plan”) is proposed to be amended; and

WHEREAS, the City of Suisun City has conducted an environmental analysis of the amendments to the Zoning Ordinance, and has determined it to be categorically exempt from the California Environmental Quality Act ("CEQA") [State CEQA Guidelines Section 15061(b)(3)] as is it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on December 18, 2018 and, following discussion, consideration and public comment, decided to form an Ad Hoc Committee and have a new Public Hearing noticed for a future date; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on January 29, 2019 and, following discussion, consideration and public comment, voted in favor of recommending that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Suisun City did hold a duly noticed public hearing on March 19, 2019 and subsequently continued to April 2, 2019; and

WHEREAS, an Ad Hoc Committee of both the Planning Commission and City Council was held on April 24, 2019 and at the conclusion recommendations were made to the City Council; and

WHEREAS, the City Council held a Public Hearing on May 14 and at the conclusion directed the item back to the Planning Commission to work through the draft ordinance; and

WHEREAS, the City Council held a Public Hearing on May 14 to adopt an Urgency Interim Ordinance on front yard paving which was subsequently extended by the City Council at a Public Hearing on June 18; and

WHEREAS, the Planning Commission of the City of Suisun City did hold two public workshops on June 11 and July 9, 2019; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on September 24, 2019 and, following discussion, consideration and public comment, voted in favor of recommending that the City Council adopt this Ordinance; and

WHEREAS, after due consideration of all materials and testimony, and using its independent judgment, the Planning Commission desires to recommended that the City Council adopt the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the City of Suisun City Planning Commission, exercising its independent judgment as follows:

1. The above recitals are true and correct and incorporated herein by reference.
2. The Planning Commission recommends the City Council find the amendments categorically exempt from the California Environmental Quality Act ("CEQA") [State CEQA Guidelines Section 15061(b)(3)] as is it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment.
 - a. The Planning Commission recommends the City Council adopt the amendments in that the proposed amendments are consistent with and achieve the objectives prescribed in 2035 General Plan, Suisun City Code and Waterfront District Specific Plan; and
 - b. The proposed amendments are consistent with applicable government code as they relate to the updating of zoning regulations for a local government.
3. This resolution is effective immediately upon adoption.

This foregoing resolution is hereby approved and adopted this 24th day of September, 2019, by the following vote:

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

Joann Martinez, Commission Secretary

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, REPEALING AND REPLACING SECTION 18.36.070 OF TITLE 18 OF THE SUISUN CITY CODE AND AMENDING THE WATERFRONT DISTRICT SPECIFIC PLAN, RELATING TO REGULATIONS FOR FRONT, REAR, AND SIDE YARD AREAS OF RESIDENTIAL PROPERTIES

WHEREAS, this Ordinance is intended to preserve the residential character of streetscapes in the city's neighborhoods and minimize excess storm water runoff from residential properties; and

WHEREAS, the unregulated expansion of paved parking areas in front, rear, and side yards interferes with the pattern of building and open areas within neighborhoods, and can increase vehicle clutter by creating small parking lots in yard areas which are intended to remain as open and/or landscaped areas; and

WHEREAS, excessive paving of front, rear, and side yard areas have a negative impact upon the character and appearance of the City's neighborhoods; and

WHEREAS, the paving of front, rear, and side yard areas to add additional parking will potentially have impacts upon the walkability of the City's neighborhoods, because of the likely proliferation of curb cuts which reduce the number of available on-street parking spaces in the City's neighborhoods; and

WHEREAS, paving of front, rear, and side yards would potentially result in hazardous conditions on a residential property in that it could negatively impact the City's storm water management system such that a much higher amount of water runoff from such properties would negatively affect the City's storm water management system; and

WHEREAS, paving of front, rear, and side yards could result in potentially high amounts of runoff from such a property where such runoff could cause harm to adjoining properties; and

WHEREAS, paving of front, rear, and side yards would create visual blight by eliminating green space in the City's neighborhoods; and

WHEREAS, paving of front, rear, and side yards would create substantial aesthetic conflicts that may result in decreased property values for adjoining properties; and

WHEREAS, paving of front, rear, and side yards would result in potentially changing the use of residential properties, and it would result in less green space within the City; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on December 18, 2018 and, following discussion, consideration and public

comment, decided to form an Ad Hoc Committee and have a new Public Hearing noticed for a future date; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on January 29, 2019 and, following discussion, consideration and public comment, voted in favor of recommending that the City Council adopt this Ordinance; and

WHEREAS, the City Council of the City of Suisun City did hold a duly noticed public hearing on March 19, 2019 and subsequently continued to April 2, 2019; and

WHEREAS, an Ad Hoc Committee of both the Planning Commission and City Council was held on April 24, 2019 and at the conclusion recommendations were made to the City Council; and

WHEREAS, the City Council held a Public Hearing on May 14 and at the conclusion directed the item back to the Planning Commission to work through the draft ordinance; and

WHEREAS, the City Council held a Public Hearing on May 14 to adopt an Urgency Interim Ordinance on front yard paving which was subsequently extended by the City Council at a Public Hearing on June 18; and

WHEREAS, the Planning Commission of the City of Suisun City did hold two public workshops on June 11 and July 9, 2019; and

WHEREAS, the Planning Commission of the City of Suisun City did hold a duly noticed public hearing on September 24, 2019 and, following discussion, consideration and public comment, voted in favor of recommending that the City Council adopt this Ordinance; and

WHEREAS, all legal pre-requisites to adopt this Ordinance have occurred; and

WHEREAS, as provided in this Ordinance, the City Council now desires to repeal and replace Section 18.36.070 of Title 18 of the Suisun City Municipal Code and the Waterfront District Specific Plan as provided in this Ordinance.

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

SECTION 1. RECITALS.

The recitals set forth above are all true and correct and are incorporated herein.

SECTION 2. SECTION 18.36.070, "PROHIBITED ACTIVITIES IN FRONT AND STREET SIDE YARDS," OF CHAPTER 18.36 OF TITLE 18 OF THE SUISUN CITY CODE IS HEREBY REPEALED AND REPLACED AS FOLLOWS:

"Section 18.36.070 - Prohibited activities in front, rear, and side yards of residential properties.

A. Definitions. For the purposes of this Section, words shall have the same definitions as provided in Chapter 18.04 of Title 18 of the Suisun City Municipal Code, except as follows:

1. “Landscaped area” means a water-permeable area maintained to present an attractive, well-kept appearance. A “landscaped area” may consist of any combination of living plants (shrubbery, grass, trees, etc.) with or without a layer at least two inches deep of materials such as decorative bark or decorative stones with a permeable subterranean weed barrier. However, a “landscaped area,” does not include dead plants, bare soil without plants, or bare soil with cut weeds. Further, “landscaped area” does not include asphalt or hardscape materials (such as pavers, bricks, and other hard surfaces), regardless of permeability.

2. “Hardscaped area” means an area covered with semi-permeable or impermeable materials such as brick, pavers, or concrete. “Hardscaped area” does not include asphalt paving (asphalt is not permitted).

3. “Weeds” mean plants that are out of place or not deliberately planted by the property owner.

4. “Recreational vehicles” mean recreational vehicles (RVs), including but not limited to motor homes, truck campers, travel trailers, fifth-wheel and pull-behind trailers, all-terrain vehicles, snowmobiles, jet skis, boats, and boat trailers.

5. “Chain link fencing” means a fence, usually made of metal, which consists of wire loops interconnected into a series of joined links.

6. “Driveway” means a paved portion of a private street providing an unobstructed passage from the roadway to an off-street area used for driving, servicing, parking, or otherwise accommodating motor vehicles.

B. Purpose and Applicability.

1. The requirements specified in this Section are intended to preserve the residential character of streetscapes in the city's neighborhoods and to minimize excess storm water runoff as follows:

i. The unregulated expansion of paved parking areas in front, rear, and side yards interfere with the pattern of building and open areas within neighborhoods and can increase vehicle clutter by creating small parking lots in yard areas which are intended to remain as open areas and green spaces. Excessive paving of yard areas can negatively impact the character and appearance of residential areas. Paving yard areas to add additional parking can result in the proliferation of curb cuts that can have the effect of reducing the number of on-street parking spaces available this also impacts the walkability of a neighborhood.

ii. The paving of front, rear, and side yards would potentially result in

hazardous conditions on a residential property in that it could negatively impact the City's storm water management system such that a much higher amount of water runoff from such properties would negatively affect the City's storm water management system.

iii. The paving of front, rear, and side yards would result in potentially high amounts of runoff from such a property where such runoff could cause harm to adjoining properties.

iv. The paving of front, rear, and side yards would create visual blight by eliminating green space in the City's neighborhoods.

v. The paving of front, rear, and side yards would provide substantial aesthetic conflicts that may possibly result in decreased property values for adjoining properties,

vi. The paving would result in potentially changing the use of residential properties, and it would result in less green space within the City.

2. The requirements in this Section shall apply to all residential properties and lots.

C. Regulations and Standards

1. Front Yard.

i. Walkways and other Hardscaped Areas. The amount of paved walkways and hardscaped area, including but not limited to driveways, shall not exceed ~~fifty~~ sixty percent of the front yard area.

ii. Driveways. The amount of allowable paving for driveways shall not exceed thirty-five percent of the total front yard area.

iii. Landscaping ~~minimums~~. For all residential properties, ~~a minimum of fifty percent~~ of the front yard area other than paved walkways and hardscape shall consist of a landscaped area.

iv. Property owners must maintain all landscape on their property in such a way to allow for passage pedestrian and vehicular traffic.

v. Landscaped areas must be consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.

vi. Chain link fencing shall not be constructed and located such that such fencing is visible from public roads or alleyways. All chain link fencing constructed before the effective date of this Section are considered legal non-conforming. Chain link fencing that is damaged shall be replaced with conforming fencing pursuant to Title 18 of the Suisun City Code.

vii. No front yard driveway will be permitted without the approval and issuance of an encroachment permit from the Public Works Director of Suisun City (if applicable) and design review and approval from the Planning Division.

viii. One tree shall be required for each residential property, any tree removed must be replaced; this requirement applied only to new ~~includes all~~ new developments.

ix. An accessory building shall only be located on the rear fifty percent of a residential lot, must be consistent with Table 18.31.01 Development Standards in Residential Zones, as applicable, of the Suisun City Code.

2. Rear / Side Yard.

i. **Walkways and other Hardscaped Areas. Landscaping minimums.** For all residential properties and lots, **the amount of paved walkways and hardscape in a minimum of fifty percent of the required rear and side yard areas of a property combined area that are visible from public spaces shall not exceed sixty percent of the combined visible rear and side yard area. "Public spaces" includes, but is not limited to, streets, alleyways, public utility and access easements, and parks, shall consist of landscaped area.**

ii. **Landscaping. All parts of rear and side yards that are not paved walkways or hardscape and that are visible from public spaces shall consist of landscaped area.**

iii. Property owners must maintain all landscape on their property in such a way to allow for passage pedestrian and vehicular traffic.

iv. Landscaped areas must be consistent with Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.

v. No side yard or rear yard driveway will be permitted without the approval and issuance of an encroachment permit from the Public Works Director of Suisun City (if applicable) and design review approval from the Planning Division.

3. Vehicle Storage.

i. Driveway location and width shall be in accordance with the latest edition of the City of Suisun City Engineering Standards specifications.

ii. All vehicles, including recreational vehicles, shall be parked, stored or kept on a driveway being consistent with Chapter 8.12, as applicable, of the Suisun City Code.

iii. If a recreational vehicle is parked or stored on a residential property

recreational vehicles must be parked on an approved driveway, and meet the following requirements if parked on a front or side yard visible to the public:

- (1) ~~Provide a minimum 36" safety clearance from the house;~~
- (2) Recreational vehicles shall not impede the public right of way;
- (3) If recreational vehicle is covered it must be with a snug fitting material free of damage and the covering must be secured so as to not come off in a storm;
- (4) In no case shall power cords or other connection(s) to the property cross a sidewalk or public right of way to prevent any tripping hazards.

iv. The following activities are prohibited on any driveway governed by this Section:

- (1) The parking, storing, or keeping for a period of time greater than seventy-two consecutive hours of any household appliance, equipment, furniture, construction equipment, machinery, airplane or aircraft, and materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;
- (2) ~~The parking, storing or keeping in any such area, for a period of time in excess of seventy-two consecutive hours, of any motor vehicle or recreational vehicle that is disabled or inoperable because of the need of repairs;~~
- (3) The parking, storing or keeping of a motor vehicle not registered with the Department of Motor Vehicles in any such area of the driveway, or is visible to the public;
- (4) The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing in any such area of any motor vehicle, boat, trailer, recreational vehicle, airplane or aircraft, machinery, equipment, appliance or appliances, furniture or other personal property, excepting the repairing, washing, cleaning or servicing by an owner, lessee, or occupant of the lot, for a period exceeding 72 hours.”

SECTION 3. THE WATERFRONT DISTRICT SPECIFIC PLAN IS HEREBY AMENDED AS FOLLOWS:

Section 6.2.3.C. Landscaping

6. All residential yards shall be subject to the standards set forth in Section 18.36.070 of the Suisun City Code, at a minimum. Additional standards may be adopted by the Suisun City Council for specific unique neighborhoods that require special care and regulation.

Section 6.2.3.D Maintenance of Structures and Premises

All property owners in a residential district shall have an obligation to maintain structures and premises in good repair. Structures and premises in good repair shall present no material deviation in apparent condition from surrounding structures in compliance with the provisions of this Plan. Good repair includes and is defined as the level of maintenance that ensures the continued availability of the structure and premises for a lawfully permitted use and prevents deterioration, dilapidation, and decay of the exterior portions of the structure and premises, such as lack of paint, peeling, chipping, crumbling, breakage, accumulation of dirt and/or similar evidence. This is not intended to preclude normal construction activities in conjunction with a valid building permit, provided that the completion of such activities is diligently pursued in accordance with the standards of the Building Code.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after its passage.

SECTION 5. CERTIFICATION. The City Clerk shall certify to the adoption of this ordinance, and shall cause the same to be posted and codified in the manner required by law.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, California, on this _ day of _ 2019.

Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

**APPROVED AS TO FORM AND
LEGAL CONTENT:**

Aleshire & Wynder, LLP

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ORDINANCE NO. 762

AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, EXTENDING URGENCY INTERIM ORDINANCE NO. 758: "IMPOSING A TEMPORARY MORATORIUM ON PAVING OF GREATER THAN SIXTY PERCENT OF THE TOTAL SURFACE AREA OF ANY RESIDENTIAL FRONT YARD WITHIN THE CITY OF SUISUN CITY" FOR AN ADDITIONAL TEN MONTHS AND FIFTEEN DAYS, AND DECLARING THE URGENCY THEREOF

WHEREAS, the City's current land use regulations do not adequately address the paving of greater than sixty percent of the total surface area of any residential front yard in the City of Suisun City ("City"); and

WHEREAS, on January 16, 2018, the City Council adopted Interim Urgency Ordinance No. 746, which imposed a temporary moratorium ("2018 Moratorium") on paving of greater than sixty percent of the total surface area of any residential front yard in the City for 45 days based upon the following immediate threats to public health, safety, and welfare:

1. It would result in the existence of hazardous conditions on a property in which there would be potential impact upon the City's storm water management such that a much higher amount of run off from such properties would negatively affect the City's storm water management system;
2. It would result in potentially high amounts of runoff from such a property where such runoff could cause harm to adjoining properties;
3. It would create visual blight by eliminating green space;
4. It would provide substantial aesthetic conflicts that resulting in decreased property values for adjoining properties;
5. It would result in potentially changing the use of residential properties, and it would result in less green space within the City; and

WHEREAS, on February 20, 2018, the 2018 Moratorium was further extended by an additional ten months and fifteen days beyond its original expiration date ("2018 Moratorium Extension"); and

1 **WHEREAS**, during the effectiveness of the 2018 Moratorium, the City studied and
2 considered potential ways in which the City could regulate the paving of sixty percent of the
3 total surface area of any residential front yard in the City; and

4 **WHEREAS**, the 2018 Moratorium has since expired; and

5 **WHEREAS**, Government Code Section 65858(f) authorizes the City Council to adopt
6 an another interim moratorium ordinance on the paving of greater than sixty percent of the total
7 surface area of any residential front yard in the City “provided that the new interim ordinance
8 is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of
9 circumstances different from the event, occurrence, or set of circumstances that led to the
10 adoption of the prior interim ordinance”; and

11 **WHEREAS**, since the expiration of the 2018 Moratorium, the different events,
12 occurrences, and set of circumstances that are immediate threats to the public safety, health,
13 and welfare such that adopting of the Moratorium is necessary are as follows:

- 14 1. The immediate threats to public safety, health, and welfare identified in the
15 2018 Moratorium continue to be present.
- 16 2. During the effectiveness of the 2018 Moratorium, some City residents have
17 violated the 2018 Moratorium by removing all landscaping from their
18 properties and replacing such landscaping with pavement during the 2018
19 Moratorium’s effectiveness.
- 20 3. Further, after the 2018 Moratorium expired, some City residents have
21 continuously added additional paving and remove all landscaping from their
22 properties, which has resulted in more vehicles being parked off-street in front
23 and side yards.
- 24 4. City residents may access the newly paved front yard areas by driving over
25 City sidewalks. Overtime, this can cause damage to City sidewalks and result
26 in potential injury to pedestrians. Additionally, given that paving continued to
27 occur even during the effectiveness of the 2018 Moratorium, the potential
28 cumulative effect of such potential damage and injury may be substantial if
 paving of front yard areas continued without regulation.

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- 5. The newly paved front yard areas can provide access and parking in areas that do not meet the necessary engineering standards to allow the parking and driving of vehicles over such areas. Overtime, this can cause damage to such areas and result in potential injury for residents of a property. Additionally, given that paving continued to occur even during the effectiveness of the 2018 Moratorium, the potential cumulative effect of such damage may be substantial if paving of front yard areas continued without regulation.
- 6. The newly paved front yard areas can create unexpected ingress and egress points from a particular property such that motorists on adjacent streets may not expect a vehicle to enter or exit a property from certain non-driveway areas. Overtime, the cumulative effect could be substantial and create potential threats traffic safety, because of the unexpected ingress and egress of vehicles from affected properties.
- 7. Extensive front yard paving can also impede upon access to utility connections (both above- and under-ground) for installation, repair, and upgrade purposes; and

WHEREAS, the City Council of the City of Suisun City ("City Council") adopted Interim Urgency Ordinance No. 758 (the "Moratorium") on May 14, 2019, which imposed a temporary moratorium on paving of greater than sixty percent of the total surface area of any residential front yard in the City for 45 days so that the City Planning staff can study the matter further; and

WHEREAS, the Moratorium expires on June 28, 2019, but can be extended pursuant to California Government Code Section 65858 if there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with a zoning ordinance would result in that threat to public health, safety, or welfare; and

WHEREAS, since the adoption of the Moratorium, the City Planning Staff has studied the pavement of residential front yards; analyzed the applicable laws and standards currently relating to such activities in the State of California and the United States of

1 America; and to examine the local rules and regulations that other cities in California are
2 applying to such establishments; and

3 **WHEREAS**, the City Council finds that the conditions necessitating the Moratorium
4 continue to exist; and

5 **WHEREAS**, City Planning staff require more time to review and study the paving of
6 greater than sixty percent of the total surface area of any residential front yard in the City,
7 including any potential land use regulations; and

8 **WHEREAS**, after notice and a public hearing, Government Code Sections 65858,
9 36934 and 36937 permit the City Council to extend the Moratorium for an additional ten
10 months and fifteen days from the date the Moratorium expires to allow the City Planning Staff
11 additional time to complete its analysis and recommendations to the City Council and to allow
12 the City Council time to fully consider a potential Zoning Text Amendment which would
13 address the paving of greater than sixty percent of the total surface area of any residential
14 front yard in the City; and

15 **WHEREAS**, at a duly noticed public hearing on June 18, 2019, testimony and
16 evidence was heard and presented from all persons interested in affecting said proposal to
17 extend the Moratorium, from all persons protesting the same and from members of the City
18 staff, and the City Council has reviewed, analyzed, considered, and studied all oral and
19 written testimony and evidence presented at such public hearing, including staff reports and
20 presentations by City staff.

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

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

25 SECTION 2. Based upon the above recitals and findings, as well as the staff report
26 for this ordinance and Moratorium, the City Council finds that there is a current and
27 immediate threat to public health, safety, or welfare posed by the prospect of the paving of
28 greater than sixty percent of the total surface area of any residential front yard in the City, and
the approval of any report, permit, or other approval necessary for such paving, or approval of

1 any such paving, would result in that threat to public health, safety, or welfare, as those terms
2 are defined in Government Code Sections 65858, 36934 and 36937, for the following
3 continuing reasons:

- 4 1. It has been longstanding City policy to limit the paving of residential front yards,
5 or any portion thereof, to no more than 60% of the total surface area of the
6 residential front yard. In particular, prior to March 21, 2017, the City's zoning
7 code contained regulations regarding such paving, but the regulations were
8 inadvertently omitted when the City updated its zoning code in March of 2017.
- 9 2. Further, the paving of more than 60% of the residential front yard would be
10 contrary to the City's General Plan Policy CCD-2.2.
- 11 3. Extending the Moratorium will prohibit uses that are in conflict with the
12 contemplated zoning proposal that the City Council, the City Planning
13 Commission, and/or the City's Planning Department is considering or studying
14 or intends to study within a reasonable time of adoption of the Moratorium and
15 the extension contemplated by this ordinance.
- 16 4. The paving of greater than 60% of residential front yard continues to be an
17 immediate threat to public health, safety, and welfare, because:
 - 18 a. The immediate threats to public safety, health, and welfare identified in
19 the 2018 Moratorium continue to be present.
 - 20 b. During the effectiveness of the 2018 Moratorium, some City residents
21 have violated the 2018 Moratorium by removing all landscaping from
22 their properties and replacing such landscaping with pavement during
23 the 2018 Moratorium's effectiveness.
 - 24 c. Further, after the 2018 Moratorium expired, some City residents have
25 continuously added additional paving and remove all landscaping from
26 their properties, which has resulted in more vehicles being parked off-
27 street in front and side yards.
 - 28 d. City residents may access the newly paved front yard areas by driving
over City sidewalks. Overtime, this can cause damage to City sidewalks

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and result in potential injury to pedestrians. Additionally, given that paving continued to occur even during the effectiveness of the 2018 Moratorium, the potential cumulative effect of such potential damage and injury may be substantial if paving of front yard areas continued without regulation.

e. The newly paved front yard areas can provide access and parking in areas that do not meet the necessary engineering standards to allow the parking and driving of vehicles over such areas. Overtime, this can cause damage to such areas and result in potential injury for residents of a property. Additionally, given that paving continued to occur even during the effectiveness of the 2018 Moratorium, the potential cumulative effect of such damage may be substantial if paving of front yard areas continued without regulation.

f. The newly paved front yard areas can create unexpected ingress and egress points from a particular property such that motorists on adjacent streets may not expect a vehicle to enter or exit a property from certain non-driveway areas. Overtime, the cumulative effect could be substantial and create potential threats traffic safety, because of the unexpected ingress and egress of vehicles from affected properties.

g. Extensive front yard paving can also impede upon access to utility connections (both above- and under-ground) for installation, repair, and upgrade purposes.

5. The continued paving of greater than 60% of residential front yard would and continues to result in the above-referenced threat to public health, safety or welfare.

6. The City's current regulations related to the paving or non-paving of residential front yards, or portions thereof, in the City do not adequately protect the public health, safety and welfare of the residents of the City.

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7. The Moratorium and its extension as provided in this ordinance are necessary in order to ensure that adequate regulation regarding paving or non-paving of residential front yards, or portions thereof, in the City is adopted prior to the issuance of any new permits authorizing such activities to an extent greater than set forth in the Moratorium.

8. Based on the foregoing, extending the Moratorium will protect the public health, safety and welfare.

Based upon the forgoing, an interim urgency ordinance which imposes and extends the Moratorium is therefore necessary to protect the immediate public safety, health, and welfare pursuant to Government Code Sections 65858, 36934 and 36937.

SECTION 3. In accordance with Government Code Section 65858(d), the City Council issued a written report describing the measures taken to alleviate the conditions that led to the adoption of the Moratorium and this extension thereof, which written report was issued at the City Council meeting held on June 18, 2019.

SECTION 4. The Moratorium is hereby extended for an additional ten months and fifteen days beyond its original expiration date, such that the Moratorium will now expire on May 13, 2020, or when an ordinance supersedes the Moratorium.

SECTION 5. This interim urgency ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Suisun by Government Code Sections 65858, 36934 and 36937, and shall remain in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council. This interim urgency ordinance shall continue in effect until May 13, 2020, as provided above, and shall thereafter be of no further force and effect unless, after notice pursuant to Government Code Section 65090 and a public hearing, the City Council further extends the Moratorium for an additional period of time pursuant to Government Code Section 65858.

SECTION 6. The project is exempt from the requirements of the California Environmental Quality Act (CEQA), under the General Rule (Title 14 California Code of Regulations Section 15061(b)(3)) that the extension of the Moratorium is exempt from review because it can be seen with certainty that there is no possibility that such adoption may have a

1 significant impact on the environment.

2 SECTION 7. If any section, subsection, sentence, clause, or phrase of this ordinance
3 is for any reason held to be invalid or unconstitutional by a decision of any court of any
4 competent jurisdiction, such decision shall not affect the validity of the remaining portions of
5 this ordinance. The City Council hereby declares that it would have passed this ordinance,
6 and each and every section, subsection, sentence, clause and phrase thereof not declared
7 invalid or unconstitutional without regard to whether any portion of the ordinance would be
8 subsequently declared invalid or unconstitutional.

9 SECTION 8. This ordinance shall be posted in at least three (3) public places within
10 the City or published in a county newspaper that is circulated in the City within fifteen (15)
11 days after its passage, there being no newspaper of general circulation printed and published
12 within the City.

1 **PASSED, APPROVED, AND ADOPTED** as an Interim Urgency Ordinance at a
2 regular meeting of the City Council of the City of Suisun City, California, on this 18th day of
3 June 2019.

4 
Lori D. Wilson, Mayor

5 ATTEST:

6 
7 Linda Hobson, CMC
City Clerk

8
9
10 **CERTIFICATION**

11 I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify
12 that the foregoing Interim Urgency Ordinance was introduced, passed, approved, and adopted
13 at a regular meeting of the City Council on June 18, 2019, by the following vote:

14 **AYES:** Councilmembers: Adams, Day, Segala, Williams, Wilson
15 **NOES:** Councilmembers: None
16 **ABSENT:** Councilmembers: None
ABSTAIN: Councilmembers: None

17 **WITNESS** my hand and the seal of said City this 18th day of June 2019.

18 
19 Linda Hobson, CMC
20 City Clerk