

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



First and Third Tuesday
Every Month

A G E N D A

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

AND

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

TUESDAY, DECEMBER 1, 2015

6:00 P.M.

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

TELECONFERENCE NOTICE

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

ROLL CALL

Council / Board Members

PUBLIC COMMENT

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

CONFLICT OF INTEREST NOTIFICATION

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

CLOSED SESSION

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

City Council

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: City of Suisun City v. State of California, Department of Finance, et al; Case #34-2013-00146458.

2. CONFERENCE WITH LABOR NEGOTIATOR

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

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

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340
SUCCESSOR AGENCY 421-7309 FAX 421-7366

3. CONFERENCE WITH LABOR NEGOTIATOR

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

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

4. CONFERENCE WITH LABOR NEGOTIATOR

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

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

CONVENE OPEN SESSION

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

ADJOURNMENT

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

PLEASE NOTE:

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

CITY COUNCIL

Pedro "Pete" M. Sanchez, Mayor
Lori Wilson, Mayor Pro-Tem
Jane Day
Michael J. Hudson
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CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

REGULAR MEETING OF THE SUISUN CITY COUNCIL

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

AND HOUSING AUTHORITY

TUESDAY, DECEMBER 1, 2015

7:00 P.M.

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

NOTICE

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

(Next Ord. No. – 738)

(Next City Council Res. No. 2 015 – 128)

Next Suisun City Council Acting as Successor Agency Res. No. SA2015 – 03)

(Next Housing Authority Res. No. HA2015 – 04)

ROLL CALL

Council / Board Members

Pledge of Allegiance

Invocation

PUBLIC COMMENT

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

CONFLICT OF INTEREST NOTIFICATION

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

REPORTS: (Informational items only.)

1. Mayor/Council - Chair/Boardmembers
2. City Manager/Executive Director/Staff
 - a. Public Works Update – (McSorley).

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340
SUCCESSOR AGENCY 421-7309 FAX 421-7366

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Introduction and Swearing in of new Suisun City Police Sergeant Jeremy Crone - (Mattos).

CONSENT CALENDAR

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

City Council

4. Surrendered and Abandoned Vessel Exchange (SAVE) Program – (Davis).
 - a. Council Adoption of Resolution No. 2015-__: Authorizing the City Manager to Execute a Grant Agreement with the State of California Department of Parks and Recreation Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange (SAVE) Program; and
 - b. Council Adoption of Resolution No. 2015-__: Adopting the 6th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funds for the SAVE Grant Program.
5. City Council Adoption of Resolution No. 2015 -__: Adopting Certain Findings and the Policy Directives to Implement the Sales and Use of Safe and Sane Fireworks for 2016 as Provided in Chapter 8.04 of the Suisun City Code – (O'Brien).
6. Used Oil Competitive Grant No. UOC2-15-0039 – (McSorley).
 - a. Council Adoption of Resolution No. 2015-__: Authorizing the City Manager or Their Designee to Execute a Grant Funding Agreement with the County of Solano for the Calrecycle Used Oil Competitive Grant No. UOC2-15-0039; and
 - b. Council Adoption of Resolution No. 2015-__: Adopting the 7th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funds for the Used Oil Competitive Grant No. UOC2-15-0039.

Housing Authority

7. Housing Authority Adoption of Resolution No. HA 2015-__: Authorizing the Executive Director to Execute a Due Diligence and Exclusive Negotiation Agreement (ENA) for Assessor Parcel Numbers 0173-390-160 and 180 (the "Post Office Site") with Harbor Park, LLC – (Garben).

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

8. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on November 17, 2015 – (Hobson).

GENERAL BUSINESS**City Council**

9. Discussion and Direction Regarding Certain Downtown Waterfront Specific Plan Update Policies Prior to Completion of Draft Plan – (Garben).

PUBLIC HEARINGS**City Council****10. PUBLIC HEARING - (CONTINUED TO DECEMBER 15, 2015)**

Request to Establish the Sunset Special Sign Overlay District (the “District”) at the Northeast Corner of Highway 12 and Sunset Avenue and to Approve a Pylon Sign at the Sunset Center Shopping Center – Garben.

- a. Council Introduction and Waive Reading of Ordinance No.____: Approving a Special Sign Overlay District at the Northeast Corner of Highway 12 and Sunset Avenue (APNs 0173-390-010; 030, 040, 050, 060, 070, 100, 130, 140, 150, 160, 170, and 180).
- b. Council Adoption of Resolution No. 2015-____: Approving a 60 Foot Tall Pylon Sign at the Sunset Center Shopping Center (APNs 0173-390-150).

ADJOURNMENT

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AGENDA TRANSMITTAL

MEETING DATE: December 1, 2015

CITY AGENDA ITEM: Surrendered and Abandoned Vessel Exchange (SAVE) Program:

- a. Council Adoption of Resolution No. 2015-__: Authorizing the City Manager to Execute a Grant Agreement with the State of California Department of Parks and Recreation Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange (SAVE) Program; and
- b. Council Adoption of Resolution No. 2015-__: Adopting the 6th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funds for the SAVE Grant Program.

FISCAL IMPACT: The Surrendered and Abandoned Vessel Exchange (SAVE) program grant will provide \$20,000 for the removal and disposal of surrendered, abandoned, and nuisance vessels. The City currently has no funds budgeted for this purpose. The grant requirement that the City provide a 10% match will be met by the provision of in-kind services, primarily consisting of the Marina Supervisor's time which is included in the current budget.

BACKGROUND: The City of Suisun City Marina needs a funding source to deal with abandoned, derelict and nuisance vessels in the marina and in waterways located within the City. Removal of abandoned watercraft from the marina and City waterways would beautify the marina, would open up additional slip options for potential renters, would improve boating safety by reducing navigational hazards, and would reduce potential environmental dangers.

The Surrendered and Abandoned Vessel Exchange (SAVE) program grant funds are comprised of a combination of grant funds from the Abandoned Watercraft Abatement Fund (AWAF) and the Vessel Turn-In Program (VTIP), and grant funds may be used by the City for either purpose. Most cities with marinas and/or public waterways participate in the SAVE program.

Abandoned vessels, as defined by Harbors and Navigation Code section 522 (a), can be removed by the SAVE program grant funds. Currently there are two abandoned vessels in the marina that would be removed and disposed of once these funds are available. There are a few other boats that may eventually need to be removed from the marina, if corrective actions are not taken by the vessel owners.

No vessel would be removed without the City first making every effort to contact and work with the owner of the vessel. Owners of the vessels would be given ample time to address issues pertaining to their vessel. Removal of a vessel would only occur when all other efforts to remedy the situation have been exhausted.

In addition to the removal of abandoned vessels, the SAVE program grant would enable the City to administer a boat turn-in program. This program would provide a no-cost alternative for boat owners who may otherwise consider abandoning a boat. Boat owners would be required to show proof that they are the registered owner and sign a release of interest in the boat.

By providing funds for the removal of abandoned vessels and providing a turn-in program, the SAVE program grant would be both reactive and proactive. The SAVE program grant may be used for recreational vessels only. Grant funds may not be used for commercial vessels.

PREPARED BY: Randy Davis, Recreation and Community Services Director
REVIEWED/APPROVED BY: Suzanne Bragdon, City Manager

STAFF REPORT: The City's grant application for a SAVE program grant was approved with a grant amount of \$20,000. The grant term would be from October 1, 2015, through September 30, 2017. Since the grant application was approved by the state, staff has been researching the requirements of the grant to make sure that the City can complete the scope of work and comply with the provisions of the SAVE program grant. One of the requirements of the SAVE grant program is that the City Council pass a Resolution authorizing the execution of the agreement and naming the signatory of the contract.

Since these funds were not anticipated to be available during budget preparation, the Annual Appropriation Resolution needs to be amended to authorize the expenditure of these grant funds.

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Resolution No. 2015-__: Authorizing the City Manager to execute a grant agreement with the State of California Department of Parks and Recreation Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange (SAVE) program; and
2. Adopt Resolution No. 2015-__: Adopting the 6th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funds for the SAVE Grant Program.

ATTACHMENTS:

1. Resolution No. 2015-__: Authorizing the City Manager to execute a grant agreement with the State of California Department of Parks and Recreation Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange (SAVE) program.
2. Resolution No. 2015-__: Adopting the 6th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funds for the SAVE Grant Program.

RESOLUTION NO. 2015-_____**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT
WITH THE STATE OF CALIFORNIA DEPARTMENT OF PARKS AND
RECREATION DIVISION OF BOATING AND WATERWAYS FOR THE
SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) PROGRAM**

WHEREAS, the City of Suisun City has applied to the California Department of Parks and Recreation Division of Boating and Waterways for grant funds to provide for the removal and disposal of surrendered, abandoned, and nuisance vessels; and

WHEREAS, the Surrendered and Abandoned Vessel Exchange (SAVE) program grant funds are comprised of a combination of grant funds from the Abandoned Watercraft Abatement Fund (AWAF) and the Vessel Turn-In Program (VTIP), and grant funds may be used by the City for either purpose; and

WHEREAS, the Division of Boating and Waterways has approved the application for grant funds in the amount of \$20,000; and

WHEREAS, the grant requires that the City provide a 10% match that may be met by the provision of in-kind services, primarily consisting of the Marina Supervisor's time which is included in the current budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Suisun City hereby authorizes the City Manager to execute the SAVE program grant agreement with the California Department of Parks and Recreation Division of Boating and Waterways.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City on the 1st day of December, 2015 by the following vote:

| | | |
|-----------------|-----------------|-------|
| AYES: | Councilmembers: | _____ |
| NOES: | Councilmembers: | _____ |
| ABSTAIN: | Councilmembers: | _____ |
| ABSENT: | Councilmembers: | _____ |

WITNESS my hand and the seal of said City the 1st of December, 2015.

Linda Hobson, CMC
City Clerk

RESOLUTION NO. 2015-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ADOPTING THE 6TH AMENDMENT TO THE ANNUAL APPROPRIATION
RESOLUTION NO. 2015-79 TO APPROPRIATE FUNDS FOR THE SAVE GRANT
PROGRAM**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUISUN CITY:

THAT Section 183 of Part III of the Annual Appropriation Resolution No. 2015-79 be and is hereby amended as follows:

| | | <u>Increase/ (Decrease)</u> |
|-----|---|---------------------------------|
| TO: | RECREATION & COMMUNITY SERVICES DEPARTMENT | <u>\$ 20,000</u> |
| | TOTAL Section 183 | <u><u>\$ 20,000</u></u> |

THAT account titles and numbers requiring adjustment by this Resolution are as follows:

| | <u>Sources</u> | <u>Uses</u> |
|--|-------------------------|-------------------------|
| <u>SAVE Grant Fund</u> | | |
| Revenues: | | |
| A/C No. 183-76950-8931 Grants/Other | \$ 20,000 | \$ - |
| Appropriations: | | |
| A/C No. 183-93410-8931 Operating Contingency | <u>\$ -</u> | <u>\$ 20,000</u> |
| Total SAVE Grant Fund | <u><u>\$ 20,000</u></u> | <u><u>\$ 20,000</u></u> |

THAT the purpose is to appropriate funds for the Surrendered and Abandoned Vessel Exchange (SAVE) Grant Program.

ADOPTED AND PASSED at a regular meeting of the City Council of the City of Suisun City duly held on the 1st day of December, 2015 by the following vote:

| | |
|-----------------|----------------|
| AYES: | COUNCILMEMBERS |
| NOES: | COUNCILMEMBERS |
| ABSENT: | COUNCILMEMBERS |
| ABSTAIN: | COUNCILMEMBERS |

WITNESS my hand and seal of the said City this 1st day of December 2015.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: December 1, 2015

CITY AGENDA ITEM: City Council Adoption of Resolution No. 2015 -____: Adopting Certain Findings and the Policy Directives to Implement the Sales and Use of Safe and Sane Fireworks for 2016 as Provided in Chapter 8.04 of the Suisun City Code.

FISCAL IMPACT: Failure to approve the proposed resolution could result in the loss of approximately \$60,000 to fund the 2017 Fourth of July Celebration, as well as \$25,000 to enforce the sale of Safe and Sane Fireworks.

BACKGROUND: This is an annual resolution to regulate the sales of Safe and Sane Fireworks. Specifically, certain dates, times, are required to be specified in a City Council Resolution.

In 2013, Title 8, Chapter 8.04 – (“Fireworks.”) was modified to insure that future Safe and Sane fireworks sales periods may be approved by resolution without the need for technical changes every year to the City Ordinance.

STAFF REPORT: That attached Resolution provides the applicable dates for applying the Fireworks Ordinance to the 2016 Season. The following changes include the following:

- The due date for accepting applications will be January 1, 2016, through February 6, 2016.
- The date for the lottery will be February 24, 2016, at 10:00 AM.
- The date for execution of the fireworks wholesaler distribution agreement will be May 3, 2016
- The date for submission of the public education plan will be May 26, 2016.
- Permissible hours of use. It shall be unlawful to discharge any "Safe and Sane Fireworks" except during the hours of 9:00 am to 10:00 pm June 28, 2016, through July 5, 2016.
- All unsold fireworks and accompanying litter shall be cleared from the location by 5:00 p.m. two (2) days after the fireworks sales period ends, (July 7, 2016). (*Extended 1 day because of the weekend.*)

These changes are made to accommodate calendar changes in 2016 and a wholesaler request to move the lottery date so they could attend.

STAFF RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2015 -____: Adopting Certain Findings and the Policy Directives to Implement the Sales and Use of Safe and Sane Fireworks for 2016 as Provided in Chapter 8.04 of the Suisun City Code.

ATTACHMENTS:

1. Resolution No. 2015 -____: Adopting Certain Findings and the Policy Directives to Implement the Sales and Use of Safe and Sane Fireworks for 2016 as Provided in Chapter 8.04 of the Suisun City Code.
-

PREPARED BY:

REVIEWED/APPROVED BY:

Michael O'Brien, Fire Chief
Suzanne Bragdon, City Manager

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RESOLUTION NO. 2015-__**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ADOPTING CERTAIN FINDINGS AND THE POLICY DIRECTIVES TO
IMPLEMENT THE SALES AND USE OF SAFE AND SANE FIREWORKS FOR 2016
AS ALLOWED BY TITLE 8, CHAPTER 8.04 OF THE SUISUN CITY CODE**

WHEREAS, the Suisun City Code has been amended to permit the sales of Safe and Sane Fireworks, and to regulate other fireworks-related activities; and

WHEREAS, the sale of Safe and Sane Fireworks has benefitted the City of Suisun City by providing local Nonprofit Organizations who work for the benefit of the community with an opportunity to raise funds; and

WHEREAS, the City Council deems it necessary to adopt Certain Findings for the sale and use of Safe and Sane Fireworks; and

WHEREAS, the City Council deems it necessary to adopt Policy Directives for the sales and use of Safe and Sane Fireworks.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Suisun City hereby finds that Fireworks stands are categorically exempt from the California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15311 as minor accessory structures appurtenant to existing commercial, industrial, or institutional facilities; and

BE IT FURTHER RESOLVED that the City Council of the City of Suisun City hereby adopts the following Policy Directives:

- 1. Number of permits.** Three (3) Fireworks Sales Permits will be made available for the sale of Safe and Sane Fireworks in the City of Suisun City.
- 2. Locations of fireworks stands.** Fireworks stand locations will be approved by the City Manager.
- 3. Fireworks stands.** Fireworks stands may be put in place by the permittee no earlier than 8:00 a.m. on June 21.

Signs for fireworks sales shall be displayed no earlier than seven days (June 21) before the approved start of sales, June 28, and must be removed four (4) days after the fireworks sales period ends. (July 8)

All unsold fireworks and accompanying litter shall be cleared from the location by 5:00 p.m. two (3) days after the fireworks sales period ends, (July 7, 2016).

The fireworks stand shall be removed from the temporary location by 12:00 p.m. on July 10, 2016.

- 4. Permissible hours of use.** It shall be unlawful to discharge any "Safe and Sane Fireworks" except during the hours of 9:00 am to 10:00 pm June 28 through July 5, 2016.

5. Permissible hours of sale. Dates and Hours of the sale of "Safe and Sane Fireworks" shall begin no earlier than 12:00 noon on June 28 and shall not continue after 9:00 pm on July 4 of the same year. Sale of fireworks shall be permitted only from 12:00 noon to 9:00 pm on June 28 and from 9:00 am to 9:00 pm daily June 29 through July 3, and 9:00 am to 9:00 pm on July 4.

6. Filing Application for Firework sales on July 4th. Applications will be accepted from January 1, until February 6, 2016, until 5:00 pm.

7. Permittee selection process. The process for selection of permittees to hold and use Fireworks Sales Permits shall be consistent with the following policy directives:

a. Only Qualified Applicants, as that term is defined in section 8.04.010 of the Suisun City Code, shall be eligible to submit an application for a permit. Applicants are qualified on the basis of the following criteria:

- i. Organizations that have proved they are qualified by documentation of charitable nonprofit status with the State and IRS 501 3c. The organization bylaws or Articles of incorporation shall state organized for a charitable, educational, religious, or scientific purposes, and, a nonprofit organization.
- ii. Charitable organizations "Primarily Serving Suisun City Residents and Businesses," as that phrase is defined in the Municipal Code, and are organized primarily to benefit youth, schools, veterans, or local businesses in Suisun City shall be given preference in the first lottery drawing.
- iii. The organization has at least 10 members that will staff the booth and a plan to keep the booth open for the full sales period.
- iv. Organizations with less than 10 members shall produce an agreement with another nonprofit organization for a joint application.

b. The lottery shall take place at a time, place, and manner determined by the Fire Chief in accordance with the administrative rules and procedures adopted by the Fire Chief. In 2016, the lottery will be held on February 24, 2016, at 10:00 am in the Council Chambers.

- i. If three or less organizations with the above preference apply, these organizations will be drawn in a lottery to determine selection for available permits.
- ii. The choice of fireworks stand sites will be drawn separately after the permits have been determined.

ii. After the authorized number of permits has been awarded, the remaining qualified applicants shall be drawn in a second lottery as alternates. Each alternate, according to the order drawn, shall be offered a permit if one of the original permittees cannot meet the requirements of this Chapter or if a permittee voluntarily surrenders its permit.

8. Fireworks Wholesaler—Distribution agreement.

a. All fireworks wholesalers who seek to do business in the City and supply and contract with applicants for fireworks booth permits in the city shall enter into and execute a fireworks wholesaler distribution agreement with the City no later than May 3, 2016.

9. Fireworks Wholesaler Public Education Plan.

a. Each fireworks distributor/wholesaler supplying one or more nonprofit organizations who are permittees under this chapter, shall submit a public education plan to the City by no later than 5:00 pm on May 26, 2016.

10. City Manager to administer fireworks program. The City Manager is hereby directed to administer the Suisun City Fireworks Program; the City Council of the City of Suisun City authorizes the City Manager to execute any and all necessary documents pertaining to implementation of the Sales and the Use of Safe and Sane Fireworks in the City Suisun City.

PASSED AND ADOPTED at a regular meeting of the Suisun City Council duly noticed and held on the 1st day of December, 2015 by the following vote:

| | | |
|-----------------|-----------------|-------|
| AYES: | Councilmembers: | _____ |
| NOES: | Councilmembers: | _____ |
| ABSENT: | Councilmembers: | _____ |
| ABSTAIN: | Councilmembers: | _____ |

WITNESS my hand and the seal of said City this 1st day of December, 2015.

Linda Hobson, CMC
City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: December 1, 2015

CITY AGENDA ITEM: Used Oil Competitive Grant No. UOC2-15-0039:

- a. Council Adoption of Resolution No. 2015-__: Authorizing the City Manager or Their Designee to Execute a Grant Funding Agreement with the County of Solano for the Calrecycle Used Oil Competitive Grant No. UOC2-15-0039; and
- b. Council Adoption of Resolution No. 2015-__: Adopting the 7th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funds for the Used Oil Competitive Grant No. UOC2-15-0039.

FISCAL IMPACT: The Calrecycle Used Oil Competitive Grant No. UOC2-15-0039 will provide \$94,900 to purchase and install measures to prevent contaminants such as green waste and other litter that can absorb used motor oil from entering the storm drain system and polluting the Suisun Marsh Watershed. No match is required for this grant award.

BACKGROUND: The California Regional Water Quality Control Board (CRWQCB) requires that Suisun City reduce its trash load in the storm drain system by 100% by July 1, 2022 with an interim milestone of 70% reduction by July 1, 2017. To date, the City has not had adequate available funds to implement the field measures necessary to ensure we meet the required reduction. The focus to date with the funds available has been on public outreach which is not viewed by the CRWQCB as an action that contributes directly to meeting the required trash load reduction.

STAFF REPORT: On February 26, 2015 the County of Solano (County) submitted a Used Oil Competitive Grant Program, Cycle 2 (UOC2) for FY2015-16 as a regional lead on behalf Suisun City and unincorporated Solano County. On July 15, 2015, Calrecycle awarded the County \$224,924 with \$94,900 of this award earmarked specifically for the City of Suisun City.

These awarded grant funds would purchase:

- 1 connector pipe screen. (Contractor installed.)
- 12 automatic retractable inlet screens with oil absorbent socks. (Staff installed.)
- 12 coordinating manhole lids with storm drain message. (Staff installed.)
- 1 high-capacity trash capture device including one-year of maintenance of the device. (Contractor installed.)

Since these funds were not anticipated to be available during budget preparation, the Annual Appropriation Resolution needs to be amended to authorize the expenditure of these grant funds.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

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

RECOMMENDATION: It is recommended that the City Council:

1. Council Adoption of Resolution No. 2015-__: Authorizing the City Manager to Execute a Grant Funding Agreement with the County of Solano for the Calrecycle Used Oil Competitive Grant No. UOC2-15-0039; and
2. Council Adoption of Resolution No. 2015-__: Adopting the 7th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funds for the Used Oil Competitive Grant No. UOC2-15-0039.

ATTACHMENTS:

1. Council Adoption of Resolution No. 2015-__: Authorizing the City Manager to Execute a Grant Funding Agreement with the County of Solano for the Calrecycle Used Oil Competitive Grant No. UOC2-15-0039; and
2. Council Adoption of Resolution No. 2015-__: Adopting the 7th Amendment to the Annual Appropriation Resolution No. 2015-79 to Appropriate Funds for the Used Oil Competitive Grant No. UOC2-15-0039; and

RESOLUTION NO. 2015-_____**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT FUNDING
AGREEMENT WITH THE COUNTY OF SOLANO FOR THE
CALRECYCLE USED OIL COMPETITIVE GRANT NO. UOC2-15-0039**

WHEREAS, the County of Solano has applied to Calrecycle for used oil grant funds to create and execute a outreach program to unincorporated Solano County (County) agricultural businesses and to provide funds for Suisun City to purchase and install measures to prevent contaminants such as green waste and other litter that can absorb used motor oil from entering the storm drain system and polluting the Suisun Marsh Watershed; and

WHEREAS, the California Used Oil Recycling Fund Three-Year Spending Plan (FY13/14 to FY15/16) made \$2,000,000 available for the Used Oil Competitive Grant Program, Cycle 2 (UOC2) for FY15/16; and

WHEREAS, on July 15, 2015, Calrecycle has approved the County's application for grant funds in the award amount of \$224,924 with \$94,900 earmarked for the City of Suisun City with no match requirement; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Suisun City hereby authorizes the City Manager to execute the No. UOC2-15-0039 Used Oil Competitive Grant agreement with the County of Solano.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City on the 1st day of December, 2015 by the following vote:

| | | |
|-----------------|-----------------|-------|
| AYES: | Councilmembers: | _____ |
| NOES: | Councilmembers: | _____ |
| ABSTAIN: | Councilmembers: | _____ |
| ABSENT: | Councilmembers: | _____ |

WITNESS my hand and the seal of said City the 1st of December, 2015.

Linda Hobson, CMC
City Clerk

ATTACHMENT NO. 2

RESOLUTION NO. 2015-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
ADOPTING THE 7TH AMENDMENT TO THE ANNUAL APPROPRIATION
RESOLUTION NO. 2015-79 TO APPROPRIATE THE USED OIL COMPETITIVE GRANT
NO. UOC2-15-0039**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUISUN CITY:

THAT Section 134 of Part III of the Annual Appropriation Resolution No. 2015-79 be and is hereby amended as follows:

| | | <u>Increase/ (Decrease)</u> |
|-----|------------------------------------|---------------------------------|
| TO: | BUILDING & PUBLIC WORKS DEPARTMENT | \$ 94,900 |
| | TOTAL Section 134 | \$ 94,900 |

THAT account titles and numbers requiring adjustment by this Resolution are as follows:

| | <u>Sources</u> | <u>Uses</u> |
|--|----------------|-------------|
| <u>Used Oil Recycling Grant Fund</u> | | |
| Revenues: | | |
| A/C No. 134-76950-6035 Grants/Other | \$ 94,900 | \$ - |
| Appropriations: | | |
| A/C No. 134-93410-6035 Operating Contingency | \$ - | \$ 94,900 |
| Total Used Oil Recycling Grant Fund | \$ 94,900 | \$ 94,900 |

THAT the purpose is to appropriate funds for the Used Oil Competitive Grant No, UOC2-15-0039.

ADOPTED AND PASSED at a regular meeting of the City Council of the City of Suisun City duly held on the 1st day of December, 2015 by the following vote:

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

WITNESS my hand and seal of the said City this 1st day of December 2015.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: December 1, 2015

AUTHORITY AGENDA ITEM: Housing Authority Adoption of Resolution No. HA 2015-__: Authorizing the Executive Director to Execute a Due Diligence and Exclusive Negotiation Agreement (ENA) for Assessor Parcel Numbers 0173-390-160 and 180 (the “Post Office Site”) with Harbor Park, LLC.

FISCAL IMPACT: There would be no fiscal impact associated with the execution of this agreement.

BACKGROUND: The Housing Authority owns a parcel of vacant land totaling approximately 8.29 acres along the northern line of Highway 12, east of Sunset Boulevard that is zoned for commercial development (the “Property”). The Property was acquired by the now dissolved redevelopment agency using low-/moderate-income housing funds, and was transferred to the Housing Authority pursuant to the dissolution law. The transfer to the Housing Authority has been reviewed and approved by the State Department of Finance.

Over the years, the Property has been both analyzed and zoned for additional retail development. In 2007, Truststreet Properties entered into an ENA with the former RDA, but was unsuccessful in attracting retail tenants to the portion of the site located directly to the north of the existing gas stations (primarily the area with no Highway 12 frontage). One of the primary interests at the time was to plan for the development of the Property in a cohesive manner and to not allow for “piecemeal” development of the site. Unfortunately, the previous owner of the Sunset Shopping Center (Weingarten Realty) had no interest in expanding center, or enhancing or altering the center for a potential expansion on the Property. Most recently, in April of 2015, the current owner of the Sunset Shopping Center (Hall Equities) entered into an ENA, and was also unsuccessful in attracting retail tenants. The ENA with Hall Equities was terminated in October 2015.

Harbor Park, LLC expressed an interest in the Property for commercial development, and a Due Diligence and Exclusive Negotiation Agreement would provide Harbor Park, LLC and the Housing Authority with an ability to determine what is feasible, and see whether an agreement can be negotiated.

STAFF REPORT: Staff recommends entering into a Due Diligence and Exclusive Negotiation Agreement with Harbor Park, LLC, which would provide time through June 30, 2015 to perform necessary due diligence activities and market the site in order to determine what may be feasible. Harbor Park, LLC would have the option of exercising a negotiation period of up to seventy-five (75) days that would provide the ability to negotiate conditions of a sale transaction to be reflected in a disposition and development agreement that would be brought forth for future consideration by the Housing Authority.

Camran Nojoomi is the principal of Harbor Park, LLC, and has significant experience developing commercial projects, as well as housing projects (including affordable housing components) in

PREPARED BY:

Jason Garben, Development Services Director

APPROVED BY:

Suzanne Bragdon, Executive Director

Suisun City. In this case Mr. Nojoomi is proposing to determine the feasibility of commercial uses on the site. Mr. Nojoomi is currently in the process finishing the build out of the Gray Hawk project, located across Highway 12 to the south of the Property, and also operates several commercial/retail ventures throughout Northern California, including in the Lawler Commercial area. Mr. Nojoomi is familiar with the Property, and familiar with operating retail businesses within the Suisun City marketplace, and understands the opportunity, as well as the challenges this location presents.

Essentially, the proposed Due Diligence and Exclusive Negotiation Agreement would provide Harbor Park, LLC with the ability to conduct any necessary due diligence on the site, and would require the site be marketed to tenants/end-users during the Due Diligence period. Periodic marketing updates shall be made available to the Authority, with a written update of the marketing efforts on the Property due by the 15th of each month.

The terms of the proposed ENA are essentially the same as what was entered into with Hall Equities, however, a longer Due Diligence Period (to allow for slack associated with the Holiday season; essentially the six-month due diligence period begins on January 1, 2016) is provided, and the requirement to hire an outside brokerage was eliminated, as Mr. Nojoomi prefers to market the site direct.

Should the property be sold for any purpose, the proceeds of the sale would be returned to the Suisun City Housing Authority to be used for affordable housing projects.

RECOMMENDATION: It is recommended that the Housing Authority Adopt Resolution No. HA 2015-__: Authorizing the Executive Director to Execute a Due Diligence and Exclusive Negotiation Agreement (ENA) for Assessor Parcel Numbers 0173-390-160 and 180 (the “Post Office Site”) with Harbor Park, LLC.

ATTACHMENTS:

1. Resolution No. HA 2015-__: Authorizing the Executive Director to Execute a Due Diligence and Exclusive Negotiation Agreement (ENA) for Assessor Parcel Numbers 0173-390-160 and 180 (the “Post Office Site”) with Harbor Park, LLC.
2. Due Diligence and Exclusive Negotiation Agreement.

RESOLUTION HA NO. 2015-____**A RESOLUTION OF THE SUISUN CITY HOUSING AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE A DUE DILIGENCE AND EXCLUSIVE NEGOTIATION AGREEMENT (ENA) FOR ASSESSOR PARCEL NUMBER 0173-390-160 AND 180 (THE “POST OFFICE POST”) WITH HARBOR PARK, LLC**

WHEREAS, the Suisun City Housing Authority owns an 8.29-acre property (the “Property”) zoned for commercial development located east of Sunset Boulevard, north of Highway 12 adjacent to the existing Sunset Shopping Center (Solano County Assessor’s Parcel Numbers 0173-390-160 and 0173-390-180); and

WHEREAS, Harbor Park, LLC has expressed an interest in developing the Property; and

WHEREAS, Harbor Park, LLC is uniquely positioned to cause the Property to be developed due to familiarity with the local real estate marketplace, and experience operating commercial/retail business ventures; and

WHEREAS, Housing Authority staff has prepared a Due Diligence and Exclusive Negotiation Agreement with Harbor Park, LLC that provides through June 30, 2016 to perform necessary due diligence activities and market the site in order to determine what may be feasible, and additionally, up to seventy-five (75) days to negotiate the terms of a Disposition and Development Agreement for future consideration of the Housing Authority Board; and

WHEREAS, pursuant to the terms of the ENA, Harbor Park, LLC is required market the site, and provide a written update of the marketing efforts regarding the property by the 15th of each month; and

NOW, THEREFORE, BE IT RESOLVED THAT the Housing Authority of the City of Suisun City hereby authorizes the Executive Director to execute the Due Diligence and Exclusive Negotiation Agreement with Harbor Park, LLC; and

BE IT FURTHER RESOLVED THAT the Executive Director is hereby authorized to take the necessary actions required on behalf of the Housing Authority with regard to the agreement, and if necessary, to prepare a Disposition and Development Agreement for future Housing Authority Board consideration.

PASSED AND ADOPTED at a regular meeting of the Suisun City Housing Authority on the 1st day of December, 2015 by the following vote:

| | | |
|-----------------|----------------|-------|
| AYES: | Commissioners: | _____ |
| NOES: | Commissioners: | _____ |
| ABSENT: | Commissioners: | _____ |
| ABSTAIN: | Commissioners: | _____ |

WITNESS my hand and the seal of said Authority this 1st day of December, 2015.

Linda Hobson, CMC
Clerk of the Board

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DUE DILIGENCE AND EXCLUSIVE NEGOTIATION AGREEMENT

THIS DUE DILIGENCE AND EXCLUSIVE NEGOTIATION AGREEMENT ("Agreement") is entered into this ____ day of December, 2015 ("**Effective Date**") by and between the HOUSING AUTHORITY OF SUISUN CITY, a public body, corporate and politic ("**Authority**") and HARBOR PARK, LLC, a limited liability company ("**Developer**").

RECITALS

- A.** Authority owns that certain unimproved real property consisting of approximately 361,112 square feet of land, and identified as Solano County Assessor's Parcel Numbers 0173-390-160 and 0173-390-180 as depicted on attached Exhibit A ("**Property**").
- B.** The Property is adjacent to that certain shopping center known as Sunset Shopping Center, two (2) gas stations, a US Postal facility and a single family residential development.
- C.** Authority desires to sell the Property for the maximum value through a high quality commercial or mixed-use development that will complement the existing surrounding uses and take full advantage of the Property's characteristics.
- D.** In accordance with the terms of this Agreement, Authority and Developer desire to enter into a period to permit Developer to conduct due diligence which, under certain circumstances, may be followed by a period of exclusive negotiations for the sale of the Property to Developer.

NOW, THEREFORE, Authority and Developer agree as follows:

1. DUE DILIGENCE PERIOD. During the period commencing on Effective Date through June 30, 2016, ("**Due Diligence Period**"), Developer shall conduct reasonable due diligence with respect to the Property at its own cost and expense. Such due diligence perform and perform all studies and other research required to determine the feasibility of development of the Property including, but not limited to, appraisal, soil examination, marketing investigations, financial analysis, and comprehensive information to determine the appropriate land use for the Property. During the Due Diligence Period, Developer shall have the right to enter the Property in accordance with Section 3 below. Prior to expiration of the Due Diligence Period, Developer may exercise the option to enter into the Exclusive Negotiation Period in accordance with Section 2 below. Within five (5) business days of the Effective Date, Authority shall provide Developer with appropriate information and documents in its possession relevant to the Property.

The Developer shall actively market the property to prospective tenants or end-users during the Due Diligence Period; and not later than the 15th of each month shall provide written updates of its marketing efforts and results which summary shall be shared with Authority. Authority shall treat information regarding prospects in a confidential manner.

During the term of this Agreement, Developer may place signage on the Property for purposes of marketing the Property for possible development. All signage is subject to approval of the Executive Director or her designee, and shall comply with Section 3 below and the standard requirements of

City of Suisun City ("**City**"). Upon termination of this Agreement, any signage shall be promptly removed by Developer at its sole cost and expense.

2. EXCLUSIVE NEGOTIATION PERIOD.

2.1. Exercise of Exclusive Negotiation Option. Developer has the option to enter the Exclusive Negotiation Period (as defined in Section 2.2) ("**Exclusive Negotiation Option**") which Developer may exercise (a) provided Developer is not in default under this Agreement; and (b) prior to expiration of the Due Diligence Period, Developer delivers written notice of exercise to Authority together with (i) the sum of Twenty Five Thousand Dollars (\$25,000) in good funds¹ ("**Deposit**"), (ii) a proposed development plan together with supporting information, (iii) copies of all Reports (as defined in Section 3), (iii) enhanced conceptual drawings showing a refined preliminary property plan and conceptual architecture with respect to the project proposed for the development, (iv) copies of all findings, determinations, studies, reports and other work conducted during the Due Diligence Period related to the feasibility of the development, and (v) a development budget, financing plans, schedule of performance and a pro forma operating statement. If Developer fails to exercise of Exclusive Negotiation Option in the time and manner specified, this Agreement including the Exclusive Negotiation Option shall automatically terminate and, except for Section 3, the parties shall have no further obligations under this Agreement. Except for the Reports, all other Developer submissions shall remain the property of Developer except as otherwise provided in Section 6.

2.2. Exclusive Negotiation Period. If Developer exercises the Exclusive Negotiation Option as specified in Section 2.1, then for a period of seventy-five (75) days following expiration of the Due Diligence Period ("**Exclusive Negotiation Period**"), the parties agree to negotiate diligently and in good faith to negotiate terms and conditions of a sale transaction to be reflected in a disposition and development agreement ("**DDA**") for a high quality commercial development in accordance with a development plan that will complement the existing surrounding uses and maximizing the Property's characteristics. If, upon expiration of the Negotiation Period, Developer and Authority staff have not negotiated a mutually satisfactory DDA, to the point where Authority staff is prepared to submit same for Authority Board consideration, then this Agreement shall automatically terminate at the end of the Exclusive Negotiation Period, unless mutually extended in writing executed by both parties. The Executive Director shall have discretion to extend the Negotiation Period on behalf of Authority. If a mutually satisfactory DDA has been successfully negotiated by Developer and Authority staff within the Negotiation Period, to the point where Authority staff is prepared to submit same for Authority Board consideration, this Agreement shall terminate upon either (1) execution of the DDA by Developer and the approval and execution of the DDA by the Authority Board, or (2) disapproval of the submitted DDA by the Authority Board in its policy discretion as more fully provided for in Section 2.3 below.

2.3. Limitations. Developer understands that Authority's execution of this Agreement does not commit it (i) to sell or transfer the Property to Developer or (ii) to take any other acts or activities requiring the independent exercise of discretion by Authority, the City, or any

¹"Good funds" is defined to mean a wire transfer of funds, cashier's or certified check drawn on or issued by the offices of a financial institution located in the State of California.

Authority or department therefor. Any DDA resulting from the negotiations under this Agreement shall be effective only after the DDA has been considered and approved by Authority and the City Council, in their policy discretion, at a public hearing called for such purpose in accordance with applicable law. This Agreement does not constitute a disposition of property or exercise of control over the Property by Authority or the City and does not require a public hearing. Execution of this Agreement by Authority is merely an agreement to enter into a period to negotiate according to the terms hereof, reserving final discretion and approval by Authority and the City as to any DDA in accordance with applicable law and all proceedings and decisions in connections therewith. The purchase price and/or other consideration to be paid by the Developer for the Property or portion thereof under the DDA will be based on fair market value as established by an MAI appraisal. Mere failure by the parties to agree to the economic terms of the DDA shall not constitute negotiating in bad faith by either party hereunder.

3. RIGHT TO ENTER THE PROPERTY. During the Due Diligence Period, Authority grants Developer, its agents and employees a limited license to enter upon the Property for the purpose of conducting engineering surveys, soil tests, investigations or other studies reasonably necessary to evaluate the condition of the Property, which studies, surveys, reports, investigations and tests shall be done at Developer's sole cost and expense.

Prior to entry onto the Property, Developer shall (i) notify Authority the date and purpose of each intended entry together with the names and affiliations of the persons entering the Property; (ii) conduct all studies in a diligent, expeditious and safe manner and not allow any dangerous or hazardous conditions to occur on the Property during or after such investigation; (iii) comply with all applicable laws and governmental regulations; (iv) allow an employee of Authority to be present at Authority's election; (v) keep the Property free and clear of all materialmen's liens, lis pendens and other liens arising out of the entry and work performed under this provision; (vi) maintain or assure maintenance of workers' compensation insurance (or state approved self-insurance) on all persons entering the Property in the amounts required by the State of California; and (vii) provide to Authority prior to initial entry a certificate of insurance evidencing that Developer has procured and paid premiums for an all-risk public liability insurance policy written on a per occurrence and not claims made basis in a combined single limit of not less than TWO MILLION DOLLARS (\$2,000,000) which insurance names Authority as additional insured.

Further, Developer shall; (i) return the Property to substantially its original condition following Developer's entry; (ii) provide Authority copies of all studies, surveys, reports, investigations and other tests derived from any inspection but with the right of Authority to use the report without further consent from the issuer ("**Reports**"); and (iii) if the parties enter into a DDA, to take the Property at closing subject to any title exceptions caused by Developer exercising this right to enter.

Developer agrees to indemnify, and hold Authority free and harmless from and against any and all losses, damages (whether general, punitive or otherwise), liabilities, claims, causes of action (whether legal, equitable or administrative), judgments, court costs and legal or other expenses (including reasonable attorneys' fees) which Authority may suffer or incur as a consequence of Developer's exercise of the license granted pursuant to this Section or any act or omission by Developer, any contractor, subcontractor or material supplier, engineer, architect or other person or entity acting by or under Developer (except Authority and its agents) with respect to the Property, excepting any and all losses, damages (whether general, punitive or otherwise), liabilities, claims, causes of action (whether legal, equitable or administrative), judgments, court costs

and legal or other expenses (including reasonable attorneys' fees) arising from the mere discovery by Developer of any hazardous materials or conditions and excepting to the extent such claims arise out of the negligence or misconduct of Authority. Developer's obligations under this Section 3 shall survive termination of this Agreement for any reason.

4. DEPOSIT. The Deposit shall be delivered to the Authority to ensure that (i) Developer will proceed diligently and in good faith to negotiate, and (ii) perform all of Developer's obligations under this Agreement. Authority shall place the Deposit in an interest bearing account earning interest at not less than the average interest rate earned by Authority on similar funds held for investment, taking into account the size of the Deposit and the length of time held for investment. Any interest shall be allocated for tax purposes to Developer but shall be added to the Deposit held by Authority. Except as otherwise provided in Section 5 below, if this Agreement expires at the end of the Negotiation Period without the parties reaching agreement on a DDA despite their mutual good faith efforts, or if the parties enter into the DDA, the Deposit shall be returned to Developer.

5. DEVELOPER DEFAULT. If Developer fails to negotiate in good faith and/or otherwise fails to comply with the terms of this Agreement, Authority shall give written notice to Developer specifying in reasonable detail the alleged violation and specifying a date (which shall not be sooner than ten (10) business days from the date of the notice) by which time Developer must recommence negotiating in good faith or otherwise comply with the terms of this Agreement ("**Default Notice**"). If Developer fails to cure the alleged default within the time period specified in the Default Note, Authority may, in its sole discretion, terminate this Agreement and retain the Deposit by delivery of notice of such termination to Developer.

IF DEVELOPER BREACHES THIS AGREEMENT BY FAILING TO NEGOTIATE IN GOOD FAITH AND/OR FAILING OTHERWISE TO COMPLY WITH THE TERMS OF THIS AGREEMENT, THEN THE DEPOSIT SHALL BE PAID TO AUTHORITY AS LIQUIDATED DAMAGES FOR SUCH DEFAULT, IT BEING AGREED THAT SUCH PAYMENT SHALL BE AUTHORITY'S SOLE REMEDY IN THE EVENT OF SUCH DEFAULT AND THAT SUCH ACTUAL DAMAGES THAT WOULD RESULT FROM SUCH A DEFAULT ARE UNCERTAIN AND WOULD BE EXTREMELY DIFFICULT TO FIX AT THIS TIME AND WOULD BE DIFFICULT TO PROVE. THE PARTIES AGREE THAT THEY WOULD HAVE NEGOTIATED THE AMOUNT OF SUCH DEPOSIT AS BEING THEIR BEST ESTIMATE AT THE DATE HEREOF OF AUTHORITY'S LOSS IN THE EVENT OF A DEFAULT BY DEVELOPER. NOTWITHSTANDING THE FOREGOING, THIS LIMITATION SHALL NOT APPLY TO DEVELOPER'S OBLIGATIONS IN SECTION 3.



Developer's Initials

Authority (Initials)

6. AUTHORITY DEFAULT. In the event Authority fails to negotiate diligently in good faith during the Exclusive Negotiation Period and/or otherwise fails to comply with the terms of this Agreement, Developer shall give written notice to Authority specifying in reasonable detail the alleged violation and specifying a date (which shall not be sooner than ten (10) business days from the date of the notice) by which time Authority must recommence negotiating in good faith or must otherwise comply with the terms of this Agreement ("**Default Notice**"). If Authority fails to cure the alleged default in the time specified in the Default Notice, Developer may terminate this Agreement by delivery of termination notice to Authority ("**Termination Notice**"). Upon receipt of the Termination Notice, Authority shall return the Deposit, and Developer may seek compensation from Authority in an amount not to exceed Fifty Thousand Dollars (\$50,000), to offset actual documented expenses, incurred by Developer to prepare reports, plans and/or specifications required by this Agreement.

Upon payment of any Demand, all such plans, reports and other specifications shall become the sole property of Authority. Developer understands and agrees that Developer shall not have any right to seek specific performance or any other equitable remedies and shall not have any right to the Property.

IF AUTHORITY BREACHES THIS AGREEMENT BY FAILING TO NEGOTIATE IN GOOD FAITH AND/OR FAILING OTHERWISE TO COMPLY WITH THE TERMS OF THIS AGREEMENT, THEN DEVELOPER MAY SEEK RECOVERY OF THE INVESTIGATION COSTS TO THE MAXIMUM SET FORTH ABOVE. FURTHERMORE, DEVELOPER SPECIFICALLY AGREES THAT DEVELOPER SHALL NOT HAVE ANY RIGHT TO SEEK SPECIFIC PERFORMANCE OR ANY OTHER EQUITABLE REMEDIES OR OTHERWISE CLAIM ANY RIGHT OR INTEREST IN THE PROPERTY.

CV
Developer's Initials

Authority (Initials)

7. FULL DISCLOSURE AND APPROVAL. Developer shall make full disclosure to Authority of its principals, offices, stockholders, partners, joint venturers, employees, other associates and all other pertinent information concerning Developer and its associates. Developer shall also make full disclosure to Authority of the methods of financing to be used in purchasing and developing the Property. Developer's negotiators, development manager, consultants, professionals and directly-involved employees in the proposed redevelopment project are subject to the reasonable approval of Authority.

8. NO COLLUSION. No official, officer, or employee of Authority has any financial interest, direct or indirect, in this Agreement, nor shall any official, officer, or employee of Authority participate in any decision relating to this Agreement which may affect his/her financial interest or the financial interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any State or municipal statute or regulation. The determination of "financial interest" shall be consistent with State law and shall not include interest found to be "remote" or "non interest" pursuant to California Government Code Sections 1091 and 1091.5. Developer warrants and represents that it has not paid or given, and will not pay or give, to any third party including, but not limited to, Authority or any of its officials, officers, or employees, any money, consideration, or other thing of value as a result or consequence of obtaining this Agreement. Developer further warrants and represents that it has not engaged in any act(s), omission(s), or other conduct or collusion that would result in the payment of any money, consideration, or other thing of value to any third party including, but not limited to, any official, officer, or employee of Authority, as a result or consequence of obtaining this Agreement. Developer is aware of and understands that any such act(s), omission(s) or other conduct resulting in the payment of money, consideration, or other thing of value will render this Agreement void and of no force or effect.

9. COMMISSIONS. Authority has not engaged a broker, agent or finder in connection with this transaction, and Developer agrees to hold Authority harmless from any claim form commission by any broker, agent or finder retained by Developer.

10. **MISCELLANEOUS.**

10.1 Assignment. Neither party may assign this Agreement or any of its rights or obligations hereunder (including, without limitation, its rights and duties of performance) to any third party or entity without the prior written consent of the other party which shall not be unreasonably withheld, conditioned or delayed. Agreement will be binding upon and inure to the benefit of each of the parties hereto and, except as otherwise provided herein, their respective legal successors and permitted assigns.

10.2 Notices. Any notices, demands or communications under this Agreement between the parties shall be in writing, and may be given either by (i) personal service, (ii) overnight delivery, or (iii) mailing via United States mail, certified mail, postage prepaid, return receipt requested ("**US Mail**"), addressed to each party as set forth below or such other address as may be furnished in writing by a party, and such notice or communication shall, if properly addressed, be deemed to have been given as of the date so delivered, or three (3) business days after deposit into the U.S. Mail.

To Developer: Harbor Park, LLC
8850 Bella Terra Place
Granite Bay, 95746
Attn: Mr. Camran Nojoomi

To Authority: Housing Authority of Suisun City
701 Civic Center Blvd.
Suisun City, CA 94585
Attention: Executive Director

With Copy to: Aleshire & Wynder, LLP
18881 Von Karman Ave.
Suite 1700
Irvine, CA 92612
Attention: Anthony Taylor

10.3 Severability. If any term of this Agreement is held by a court of competent jurisdiction to be invalid or unenforceable, then this Agreement, including all of the remaining terms, will remain in full force and effect as if such invalid or unenforceable term had never been included.

10.4 Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California. If any legal action is necessary to enforce the terms and conditions of this Agreement, the parties agree that a court of competent jurisdiction in Solano County shall be the sole venue and jurisdiction for the bringing of such action.

10.5 Legal Fees and Costs. In the event of any litigation or other legal proceeding including, but not limited to, arbitration or mediation between the parties arising from this Agreement, the prevailing party will be entitled to recover, in addition to any other relief awarded or granted, its reasonable costs and expenses (including attorney's fees) incurred in the proceeding.

10.6 Final Agreement. This Agreement supersedes all prior agreements and under-

standings between the parties with respect to such subject matter.

- 10.7 Construction.** In determining the meaning of, or resolving any ambiguity with respect to, any word, phrase or provision of this Agreement, no uncertainty or ambiguity shall be construed or resolved against a party under any rule of construction, including the party primarily responsible for the drafting and preparation of this Agreement. Headings used in this Agreement are provided for convenience only and shall not be used to construe meaning or intent. As used in this Agreement, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates.
- 10.8 Qualification; Authority.** Each individual executing this Agreement on behalf of Developer represents, warrants and covenants to the Authority that (a) such person is duly authorized to execute and deliver this Agreement on behalf of Developer in accordance with authority granted under the organizational documents of such entity, and (b) Developer is bound under the terms of this Agreement.
- 10.9 Modifications in Writing.** Any modification or amendment of any provision of this Agreement must be in writing and executed by both parties.
- 10.10 Arbitration of Disputes.** Any controversy or claim arising out of or relating to this Agreement or any breach or default hereof (including, without limitation, any claims relating to the arbitration, retention, or return of the Deposit pursuant to Section 4 above) shall be settled by arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any Court having jurisdiction thereof. An arbitration may be initiated by either party providing a written demand for arbitration in accordance with the above referenced Rules, which demand and ensuing arbitration shall take place precedence over any other pending court action or proceeding. The arbitration shall be conducted in Solano County, California. Any action, which is brought to enforce the arbitration provisions hereof or to enforce an arbitration award, may be brought in the Superior Court of Solano County and each party hereto agrees to submit to the jurisdiction of such court and expressly waives any claim of forum non-conviens. The arbitration will take place before an arbitrator who is licensed to practice law with experience in public agency and real property law. The arbitrator shall determine the rights and obligations of the parties according to the substantive law of the State of California. The arbitrator shall award to the prevailing party that party's reasonable attorney's fees and other legal costs as set forth in Section 10.5.
- 10.11 No Waiver.** The failure of either party to enforce any term, covenant, or condition of this Agreement on the date it is to be performed shall not be construed as a waiver of that party's right to enforce this, or any other, term, covenant, or condition of this Agreement at any later date or as a waiver of any term, covenant, or condition of this Agreement.
- 10.12 No Third Party Beneficiaries.** This Agreement is only between the parties, and is not intended to be nor shall it be construed as being for the benefit of any third party.
- 10.13 Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original but all of which shall be deemed but one and the

same instrument, and a facsimile copy of such execution shall be deemed an original.

10.14 Exhibit. Exhibit A attached hereto is incorporated herein by reference.


IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date set forth above.

REMINDER: Both parties must also initial Sections 5 & 6.

DEVELOPER:

Harbor Park, LLC,
a limited liability company

By: Camran Nojoomi

Its: 

AUTHORITY:

HOUSING AUTHORITY OF SUISUN CITY,
A public body, corporate and politic

By: _____
Suzanne Bragdon,
Executive Director

ATTEST:

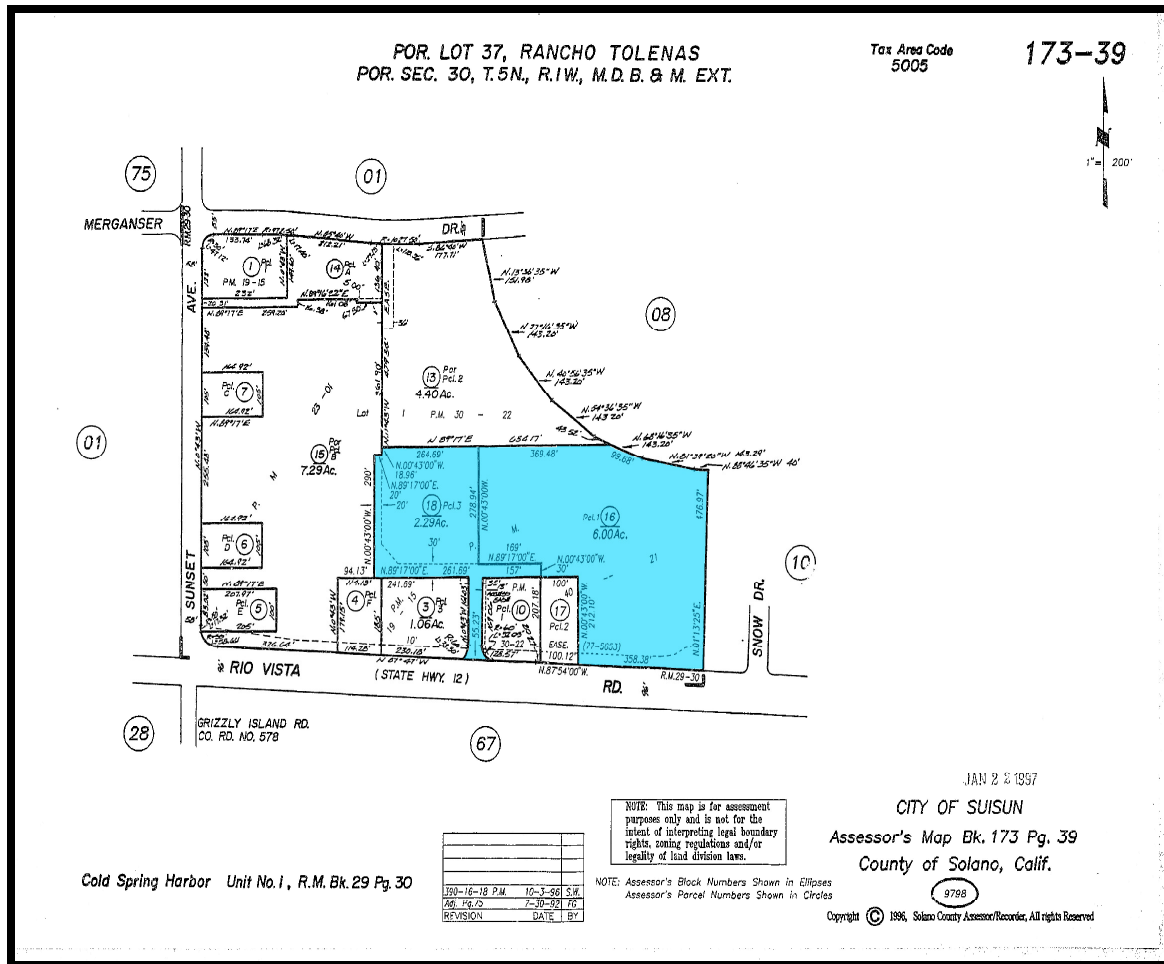
By: _____
Authority Secretary

APPROVED AS TO FORM:

ALESHIRE & WYNDER

By: _____
Anthony Taylor
Authority Counsel

EXHIBIT A DEPICTION OF PROPERTY



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MINUTES

REGULAR MEETING OF THE

SUISUN CITY COUNCIL

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

AND HOUSING AUTHORITY

TUESDAY, NOVEMBER 17, 2015

7:00 P.M.

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

NOTICE

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

(Next Ord. No. – 738)

(Next City Council Res. No. 2 015 – 125)

Next Suisun City Council Acting as Successor Agency Res. No. SA2015 – 03)

(Next Housing Authority Res. No. HA2015 – 04)

ROLL CALL

Mayor Sanchez called the meeting to order at 7:00 PM with the following Council / Board Members present: Day, Hudson, Segala, Wilson, and Sanchez. Pledge of Allegiance was led by Council Member Hudson

Invocation was given by Assistant City Manager Anderson.

PUBLIC COMMENT

(Requests by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3 allowing 3 minutes to each speaker).

Michael Moore expressed concern about the need for new taxes.

Dave Harrison asked the minutes for November 3 be corrected to state “expressed concern about council travel being paid to council member who teleconferences the council meetings.”

CONFLICT OF INTEREST NOTIFICATION - None

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

REPORTS: (Informational items only.)

1. Mayor/Council - Chair/Boardmembers

Council / Board Member expressed compassion for the citizens of France regarding the recent terrorists bombings and concern about trains being stored near Old Town.

Council / Board Member Segala reported attending the Black and White Ball, Fairfield-Suisun Sewer Board, community clean-up day, Wildlife Rehabilitation Event and presented change banks to all the elected officials, and stated tomorrow kicks off the Salvation Army Red Kettle collection.

Council / Board Member reported Mayor Sanchez, Council Member Segala and himself road the old fire truck in the Veterans Parade and encouraged citizens to support the Red Kettle collection.

Mayor Sanchez reported attending Solano Transportation Authority along with Council Member Segala and Wilson where Suisun City received the Agency of the Year Award, Solano taxpayers Association, Veterans Parade, Solano County Water Agency, and Suisun Sewer District.

2. City Manager/Executive Director/Staff

- a. Traffic Committee Presentation – Quarterly Report - (O’Brien/McSorley).
- b. STA Award naming Suisun City as “Agency of the Year” – (McSorley).

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

3. Introduction and Swearing in of new Suisun City Police Officers Cheryl Avery, Andrew McCabe and Mark Zorich, and Communications and Records Technicians Victoria Hill and Pamala Kline - (Mattos).

Police Chief Mattos introduced everyone, City Clerk Hobson gave the Oath of Office, and family members pinned the badges.

7:33 PM – Mayor Sanchez recessed the Council for refreshments.

7:48 PM – Mayor Sanchez reconvened the Council.

CONSENT CALENDAR

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

City Council

4. Council Adoption of Ordinance No. 736: Approving the Repeal of Title 20 Water-Efficient Landscaping and the Reenactment of Title 20 Water-Efficient Landscape Regulations to Comply with Governor Brown’s Executive Order B-29-15 and the Regulations Promulgated by the State Water Resources Control Board in Response Thereto (Introduced and Reading Waived on October 20, 2015) – (Garben).
5. Council Adoption of Ordinance No. 737: Levying Special Tax within City of Suisun City Community Facilities District No. 2 (Municipal Services), Including Certain Annexation Territory (Introduced and Reading Waived on November 3, 2015) – (McSorley).
6. Council Adoption of Resolution No. 2015-125: Authorizing the City Manager to Enter into a Construction Contract on the City’s Behalf with All-American Construction, Inc. for the Suisun-Fairfield Train Depot Improvement Project – (McSorley).
7. Council Reauthorization and Continuation of the Suisun City Historic Waterfront Business Improvement District – (Garben).

- a. Council Adoption of Resolution No. 2015-126: Reauthorizing and Continuing the Suisun City Historic Waterfront Business Improvement District and the Assessment Levy for the District.
- b. Council Adoption of Resolution No. 2015-127: Accepting the 2015 Annual Report, and Approving the Proposed Calendar Year 2016 Operating Budget for the Suisun City Historic Waterfront Business Improvement District.

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

8. Council/Agency/Authority Accept the Investment Report for the Quarter Ending September 30, 2015 – (Anderson)
9. Council/Agency/Authority Approval of the Minutes of the Regular and/or Special Meetings of the Suisun City Council, Suisun City Council Acting as Successor Agency, and Housing Authority held on October 6, 2015, October 20, 2015 and November 3, 2015 – (Hobson).

Joint City Council / Suisun City Council Acting as Successor Agency

10. Council/Agency Approval of the October 2015 Payroll Warrants in the amount of \$545,248.35. Council/Agency Approval of the October 2015 Payable Warrants in the amount of \$1,078,731.71 – (Finance).

Council Member Segala pulled Item 4.

Motioned by Council / Board Member Segala and seconded by Council / Board Member Hudson to approve Consent Calendar Items 5-9, Motion carried by the following roll call vote:

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

Item 4 failed for lack of motion.

GENERAL BUSINESS

PUBLIC HEARINGS

CLOSED SESSION

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

City Council

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

11. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of Case: City of Suisun City v. State of California, Department of Finance, et al; Case #34-2013-00146458.

8:04 PM – Mayor Sanchez recessed the City Council to Closed Session.

CONVENE OPEN SESSION

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

8:27 PM – Mayor Sanchez reconvened the City Council and stated no decisions were made in Closed Session.

ADJOURNMENT

There being no further business, Mayor Sanchez adjourned the meeting at 8:27 PM.

Linda Hobson, CMC
City Clerk

AGENDA TRANSMITTAL

MEETING DATE: December 1, 2015

CITY AGENDA ITEM: Discussion and Direction Regarding Certain Downtown Waterfront Specific Plan Update Policies Prior to Completion of Draft Plan.

FISCAL IMPACT: The Downtown Waterfront Specific Plan Update project is fully funded through a \$163,000 grant. The City's required match for this project is \$21,118. Staff time to administer the grant, manage the work of outside consultants, and lead public outreach activities is being used to meet the match requirement.

BACKGROUND: Staff last came before the City Council on November 3, 2015, to discuss the following three topic areas: treatment of historic resources; access between the Cities of Fairfield and Suisun City; and allowed and disallowed uses in the historic commercial areas. At this meeting, the City Council discussed these topics but chose to bring the discussion back to a meeting in which the full Council was present.

Building from the discussion at this meeting, as well as the Planning Commission and other public forums, recommendations have been developed in each of these areas to focus Council discussion and direction. Staff anticipates this will be the final step to receive additional direction on the update of the plan, prior to production of the Final Draft Downtown Waterfront Specific Plan. Once completed, the formal public review process before both the Planning Commission and ultimately City Council will be initiated.

STAFF REPORT: To facilitate review and discussion, Exhibit A that begins on the following page outlines numerically, by topic area, recommendations for Council consideration on these final three topic areas. The topical areas include:

- Treatment of Historic Resources.
- Access between Suisun City and Fairfield.
- Allowed and disallowed uses in the historic downtown commercial areas.

Following Exhibit A, as outlined in the previous staff report, is a more complete discussion of each topic including how the issue is addressed in the current Specific Plan, if applicable; factors to consider when determining policy options and alternatives; and a recap of the Planning Commission's discussion and ultimate recommendations.

As a reminder, in considering the recommendations contained in Exhibit A, the update of the Downtown Waterfront Specific Plan (the "Plan") is intended to retain its current core structure; however, there is a need to clarify and update the Plan, as it was last amended in 1999. One of the primary objectives of the update is to increase both the functionality and user-friendliness of the Plan.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

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

SUMMARY OF RECOMMENDATIONS

For each of the three topical areas identified above, a series of specific recommendations is outlined for Council consideration, discussion and direction. Direction on each of these recommendations will provide staff with the information necessary to prepare the Draft Final Specific Plan Update.

| EXHIBIT A – SUMMARY OF RECOMMENDATIONS BY TOPICAL AREA | | |
|--|------------|--|
| TOPICAL AREA 1: TREATMENT OF HISTORIC RESOURCES | | |
| Recommendation: | 1A. | If a historic commercial building is not economically feasible to restore/renovate, forensic architecture needs to be used in the design of any “new” structure facing Main Street in order to retain historic nature of the west side of Main Street. |
| | 1B. | The application of recommendation 1A applies to the 600 and 700 blocks of Main Street. |
| | 1C. | Vacant lots and non-historic buildings on the west side of Main Street must blend architecturally with the existing historic buildings. |
| | 1D. | No change from the current plan related to Historic Residential District. |
| TOPICAL AREA 2: ACCESS BETWEEN SUISUN CITY AND FAIRFIELD | | |
| Interest: Enhancing ease and accessibility, while addressing safety concerns involving the train tracks, to increase development opportunities for the 30 acre parcel by providing 360 degree access to site, and foot traffic to the entire Suisun City Waterfront District. | | |
| Recommendation: | 2A. | Plan for future vehicular RR overpass crossing from Fairfield to Suisun City at Marina or Clay in the event of future funding opportunities (i.e., replacement connector for possible removal of Webster connector as part of I80/680 interchange long-range plan.) |
| | 2B. | Plan for safe and inviting pedestrian at-grade crossing between Suisun City and Fairfield by the Train Depot to enhance designation as a regional and local destination (i.e., like Jack London Square), while increasing foot-traffic from Fairfield downtown employee base and rooftops. |
| | 2C. | Enhance safety and visual of current pedestrian overcrossing. |

| TOPICAL AREA 3: ALLOWED & DISALLOWED USES | | |
|---|------------|---|
| <p>Interest, Main Street Mixed Use: See Attachment 1 for map of this area. Uses that promote the Historic Downtown Waterfront District as a pleasant place to live (i.e., services for residents), while supporting the area as a local and regional destination (i.e., dining, shopping, entertainment, hospitality, tourism and recreation.) The changes in the region around Suisun City have created and will continue to create the opportunity for the Downtown PDA to evolve and develop into a place that attracts new residents, jobs, businesses, shoppers and tourists.</p> | | |
| Recommendations: | 3A. | <p>Examples of Allowed Uses Illustrative of Interest:</p> <ul style="list-style-type: none"> • Eating and drinking establishments where food service is the primary use • Bakery, coffee, tea shops • Crafted beverages/tasting rooms (i.e., wine, beer, hard liquor) • Clothing, accessories and specialty gifts shops • Neighborhood markets/corner stores • Florist shops • Hardware stores • Beauty salons/massage/spa • Barbershops • <i>Personal and business services**</i> • <i>Medical, dental, chiropractic offices**</i> <p>**Discussion: Waterfront District area-wide versus Off Main Street/2nd Floor Office.</p> |
| | 3B. | <p>Examples of Disallowed Uses Illustrative of Interest:</p> <ul style="list-style-type: none"> • Automotive service and repair • Automotive sales • Industrial, Light Manufacturing • Drive-through restaurants • See note above re: “<i>Personal and business services</i>” • <i>Tattoo parlors**</i> • <i>Vaping, hookah lounges**</i> • <i>Retail, liquor – tobacco focus</i> <p>**Discussion: Other identified areas? CUP? Legal restrictions.</p> |
| | 3C. | <p>Examples of Conditional Uses Illustrative of Interest requiring a Conditional Use Permit (CUP) considered by the Planning Commission:</p> <ul style="list-style-type: none"> • Entertainment venues for 21+ crowd • Services for 21+ crowd • <i>Change of use**</i> <p>**Planning Commission Review, not necessarily CUP.</p> |

| | | |
|--|------------|--|
| Interest, Downtown Mixed Use: See Attachment 1 for this area; primarily around the Train Depot off of Main Street. Uses that promote live and work, with opportunity to evolve and develop into a place that attracts new residents that can easily access train for commuting, local jobs and businesses. Multi-story, higher density residential/office over street shop space. | | |
| Recommendation: | 3D. | <p>Examples of Allowable Uses Illustrative of Interest:</p> <ul style="list-style-type: none"> • Similar to Main Street Mixed Use <i>Plus</i> + • Personal and business services • Medical, dental, chiropractic offices • Makers Space (i.e., product crafting onsite with retail and distribution) • <i>Tattoo parlors**</i> • <i>Vaping, hookah lounges**</i> • <i>Retail, liquor – tobacco focus</i> <p>**Discussion: Other identified areas? CUP? Legal restrictions.</p> |
| | 3E. | <p>Examples of Disallowed Uses Illustrative of Interest:</p> <ul style="list-style-type: none"> • Automotive service and repair • Automotive sales • Drive-through restaurants |
| | 3F. | <p>Examples of Conditional Uses Illustrative of Interest requiring a Conditional Use Permit (CUP) considered by the Planning Commission:</p> <ul style="list-style-type: none"> • Lower-floor uses with potential compatibility concerns with upper story residential • Entertainment venues for 21+ crowd • Services for 21+ crowd • <i>Change of use**</i> <p>**Planning Commission Review, not necessarily CUP.</p> |

DETAILED DISCUSSION AND PLANNING COMMISSION RECOMMENDATIONS

The following provides a more detailed discussion of each topical area, including a recap of the discussion and recommendations of the Planning Commission that led to the recommendations summarized in Exhibit A and presented in more detail below.

1. Treatment of Historic Resources

Direction has been provided to preserve the historic character of the Waterfront District, particularly along the west side of Main Street and in the neighborhood generally located at the northwest quadrant of Cordelia Street and Main Street, east to the rail line, and north to Common Street. Staff has also received direction to provide some flexibility to deal with “historic resources.” It is important to define what a “historic resource” means in the updated plan, and provide some guidance that will lead to policies that provide for flexibility to encourage new development that retains the historic character created by the “historic resources.”

As a part of the General Plan Update (adopted May 2015), the Cultural Resources chapter of Volume II, Technical Background Reports, lists both known “Cultural Resources” and “Suisun City Historic District Contributing Resources.” This information has been provided to the Council (Attachment 1). These pages essentially define what is recommended to become the definition of what an “historic resource” is under the Specific Plan Update.

Historic Residential

As part of the current plan, *Appendix A: Architectural Review, Demolition and Renewal Procedures in the HR Zone* (Attachment 2), there are policies regarding how to handle certain types of requests in the Historic Residential (HR) district, including demolition requests. Unfortunately, it is unclear whether these policies are applicable to properties within other districts, including Main Street Commercial.

Commercial Districts

In Section 7.5 “Commercial Development Guidelines” and in particular Sections 7.5.B and 7.5.C, design standards and guidelines for properties along Main Street are provided. The stated intent of this section is to preserve the historic character and small-town flavor of Old Town Suisun City. Although the intent of these districts is clear, the section does seem to primarily focus on new development versus how to handle existing historic resources.

Planning Commission Recommendation

The Planning Commission agreed with the listing of properties provided through the General Plan documents. Additionally, the Commission affirmed its interest in preservation of these properties and discussed the opportunities that are available in order to accomplish this.

Staff Recommendation

Utilize the listing of properties found in the Volume II of the 2035 General Plan Update as the basis for the term “historic” with the Plan. Include an overlay district along the west side of Main Street (south of Highway 12 and north of Morgan Street) which creates a similar process to the Historic Residential process in the existing Specific Plan. This would address treatment of remodeling or demolition requests for properties within this district including a threshold in which staff has purview over an application versus Planning Commission consideration.

2. Access between Fairfield and Suisun City (Particularly near the Train Depot)

In the May 5, 2015 staff report and subsequently in the June 9, 2015 staff report, staff described the access between the downtowns of Suisun City and Fairfield as “a potential at-grade connection between the downtowns of Fairfield and Suisun City (Union Avenue to Main Street). Vehicular connection would improve development viability of vacant and underdeveloped parcels within the Priority Development Area.” At that time, the City Council directed staff to work with City of Fairfield staff members to determine their interests and understand any direction they have been given. Unfortunately, the City of Fairfield is not yet in a position to provide specifics interests regarding improved access between the Cities; however, Fairfield has expressed its intent to include a discussion in its plan. A bike and pedestrian circulation concept has been provided to stimulate discussion (Attachment 3).

Planning Commission Recommendation

The Planning Commission provided positive feedback on providing access between the two Cities with the focus on a connection likely in the area of the train depot; however, the Commission remained open to additional crossing ideas.

Staff Recommendation

The updated plan should allow for potential or encourage connections between the two cities. There are many steps that need to be taken in order for an improvement to be completed and funding will need to be secured for any future project. By including the interest in the plan, it will make implementing a future project much easier if and when funding does become available. Additionally, any future project will need the coordination of several agencies including the Cities of Suisun City and Fairfield.

3. Allowed or Disallowed Uses

As outlined in Exhibit A, this topical area is only intended to apply to two land use categories, which are identified in an attachment map (Attachment 1):

- Main Street Mixed Use
- Downtown Mixed Use.

These uses are located along the west side of Main Street and adjacent to the Train Depot (i.e., Benton Court and Park & Ride lot.) Importantly, this discussion does not include the thirty acre site or area around the Old Marina Shopping Center. The land use designations incorporated from the General Plan Update will guide uses in these areas.

In the 1999 Plan (“current plan”) there is a discussion of prohibited uses (Attachment 4). This discussion centers on the intent of strengthening the pedestrian-oriented traditional retail atmosphere and moving away from automotive-oriented uses. Below is a listing of disallowed uses in the current plan (even with a Conditional Use Permit):

- Drive-in restaurants, banks or other drive-in uses.
- Auto sales (new or used).
- Automotive service or repair.
- Industrial or quasi-industrial uses normally found in business parks or manufacturing districts.
- Wholesale businesses.
- Warehousing as a primary use.
- Distribution, supply, or preparation of construction materials, automotive components or other materials or components used for manufacturing, assembly or packaging of finished products.

A historic concern is when uses are proposed that are not clearly identified as to whether they are intended as uses in the plan or not. Since the adoption of the current plan, there have been requests to establish a tattoo studio, a smoke shop, and mortuary. With no guidance, this required staff or Planning Commission interpretation.

There are several options to consider that are intended to help make the plan clearer and more user-friendly, while still meeting the original intent of creating a quality pedestrian-oriented atmosphere. Further, staff has provided the adopted “Vision Statement” for reference of the City Council (Attachment 5) for guidance.

Planning Commission Recommendation

The Planning Commission provided favorable feedback on locational requirements for certain uses. For example, certain uses may be disallowed along Main Street or in a designated “historic core” area, but allowed conditionally in other commercial areas on a case-by-case basis. Specific uses that were discussed included: drive-thru uses, and wholesale businesses.

Staff Recommendation

Create a structure in the Specific Plan that includes uses that are illustrative of meeting the City’s vision for the development along the west side of Main Street and adjacent to the Train Depot. These types of uses would be permitted for each land use district by right. Likewise, identify any use that the Council would like to prohibit in any of these areas. Uses that are outside of these two categories, or specifically identified as requiring a CUP or Planning Commission review, would require an application to be taken before the Planning Commission. For each use requiring an application, specific findings would need to be made for approval or denial. As with every action of the Planning Commission, the decision can always be appealed to the Council or Called for Review by the Council within the specified period of time.

OTHER OBSERVATIONS AND NEXT STEPS

Ad Hoc Committee

On October 7, 2015, staff presented the three Specific Plan items covered above to the Project Development/Economic Development Ad Hoc Committee, including the background information (language in existing plan and prior direction provided by the Council), and a summary of the Planning Commission’s recommendations in order to ensure key remaining issues of the Specific Plan were discussed before preparing the Draft Final Specific Plan.

Next Steps

Staff will take the direction received from the City Council and complete a draft of the Specific Plan Update. A complete draft is expected to be completed within a month or so. The Specific Plan must be completed and adopted by the City Council by May of 2016, pursuant to the requirements of the grant that is funding this effort.

RECOMMENDATION: Discussion and Direction Regarding Certain Downtown Waterfront Specific Plan Update Policies Prior to Completion of Draft Plan


ATTACHMENTS:

1. Map, “Main Street Mixed Use” and “Downtown Mixed Use” Designated Areas.
2. Cultural Resources Excerpt from 2035 General Plan Volume II.
3. Appendix A, Downtown Waterfront Specific Plan.
4. Bike and Pedestrian Circulation Concept.
5. Existing Disallowed Uses, Downtown Waterfront Specific Plan.
6. Adopted Vision Statement.













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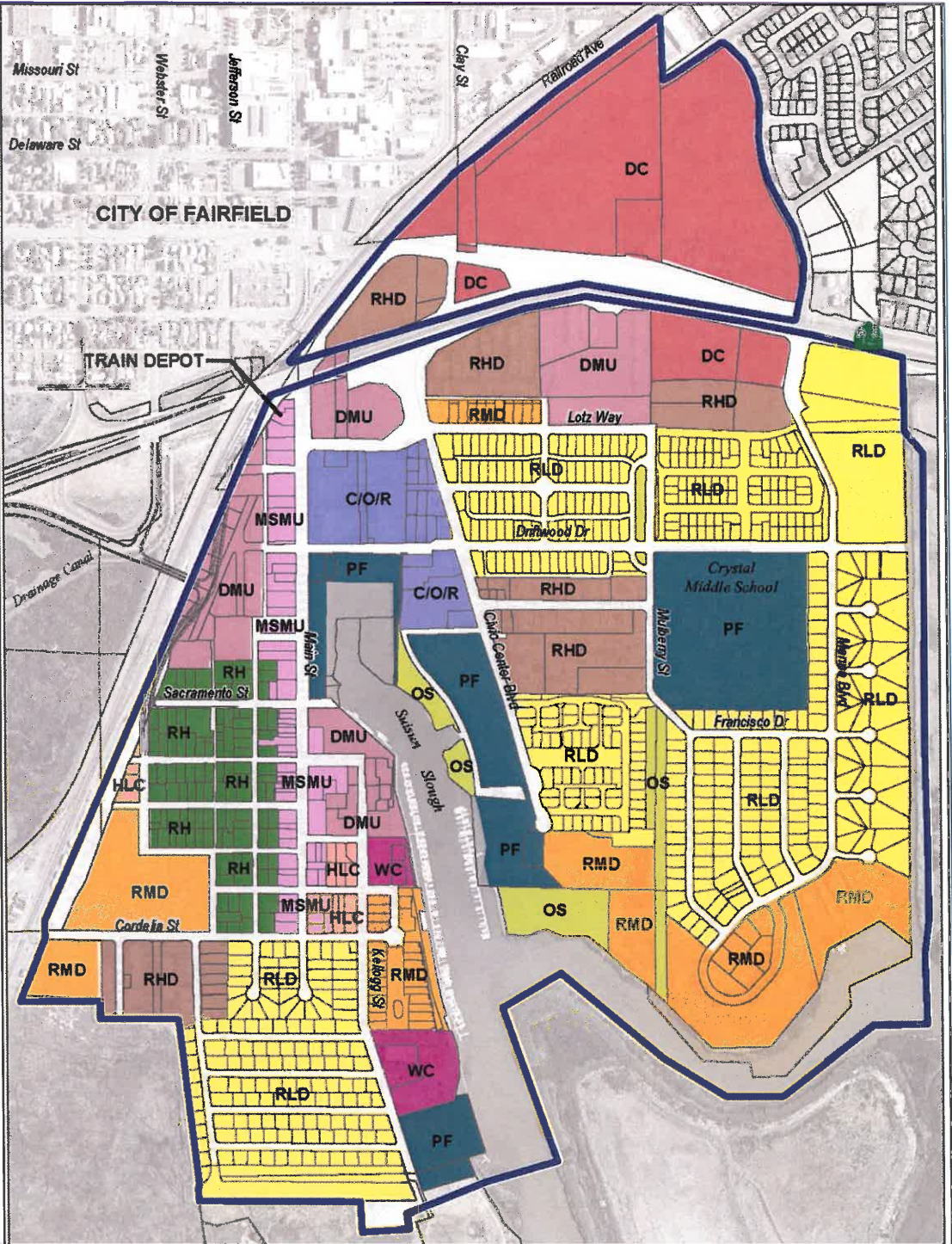
Refined Land Use Concept

LEGEND

 Specific Plan Area

Land Use Districts

| | |
|---|--|
|  Commercial/Office/Residential (C/O/R) |  Residential High Density (RHD) |
|  Downtown Commercial (DC) |  Residential Medium Density (RMD) |
|  Downtown Mixed Use (DMU) |  Residential Low Density (RLD) |
|  Historic Limited Commercial (HLC) |  Residential Historic (RH) |
|  Main Street Mixed Use (MSMU) |  Public Facilities (PF) |
|  Waterfront Commercial (WC) |  Open Space (OS) |



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Geologic Unit Summary

Geological units and their associated paleontological sensitivity in the vicinity of Suisun City are shown in Exhibit CUL-3.

Holocene Alluvium (Holocene: 11,000 years old – Present Day)

Holocene-age alluvial fan and Bay Mud deposits overlie older Pleistocene alluvium in the Planning Area, and consist of sand, silt, and gravel deposited in fan, valley fill, or basin environments. Holocene alluvium is typically found in smooth, flat valley bottoms, in medium-sized drainages, and other areas where the terrain allows a thin veneer of this alluvium to deposit, generally in shallowly sloping or flat environments (Graymer et al. 2002). By definition, in order to be considered a fossil, an object must be more than 11,000 years old. Therefore, the Holocene-age alluvium would not contain “unique” paleontological resources.

Pleistocene Alluvium (Pleistocene: 1.8 million years old - 11,000 years old)

The northern portion of the Planning Area is underlain by alluvial fan deposits of late Pleistocene age (Graymer et al. 2002). The Pleistocene alluvium is composed of fresh-water stream deposits along canyons and at the heads of older alluvial fans, and fresh-water marsh deposits. Vertebrate fossils found in Pleistocene alluvium are representative of the Rancholabrean land mammal age from which many taxa are now extinct and include but are not limited to bison, mammoth, ground sloths, saber-toothed cats, dire wolves, cave bears, rodents, birds, reptiles and amphibians (Helley et al. 1979, Savage 1951, Stirton 1951). Because of the number of vertebrate fossils recovered from the Pleistocene alluvium, this formation is considered to be paleontology sensitive.

The Tehama Formation (Pliocene: 5.3 – 1.8 million years old)

The Tehama Formation lies directly below the Montezuma Formation, and is exposed between the Montezuma and the Kirby Hills, as well as north of Vacaville. This formation is composed of sandstone, siltstone, conglomerate, and volcaniclastic (ash fragments) rocks (Graymer et al. 2002). A search of the U.C. Berkeley Museum of Paleontology Database (UCMP) (2012) contains 43 localities from which vertebrate fossils have been recovered in the Tehama Formation throughout northern California. Several hundred specimens have been recovered including horse, deer, coyote, ground sloth, peccary, turtle, tortoise, mammoth, gopher, bony fish, several types of rodents, and elephant. Because of the number of vertebrate fossils recovered from the Tehama Formation, this formation is considered to be paleontology sensitive.

Regulatory Context

California Environmental Quality Act

Under the provisions of CEQA, “A project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment” (CCR Title 14[3] Section 15064.5[b]).



CEQA defines a "historical resource" as a resource which meets one or more of the following criteria:

- Listed in, or eligible for listing in, the California Register of Historical Resources (CRHR) ;
- Listed in a local register of historical resources (as defined at PRC Section 5020.1[k]);
- Identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code; or
- Determined to be a historical resource by a project's lead agency (CCR Title 14[3] Section 15064.5[a]).

A historical resource consists of any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing in the California Register of Historical Resources" (CCR Title 14[3] Section 15064.5[a][3]).

CEQA requires that historical resources and unique archaeological resources be taken into consideration during the CEQA planning process (CCR Title 14[3] Section 15064.5; PRC Section 21083.2). If feasible, adverse effects to the significance of historical resources must be avoided, or the effects mitigated (CCR Title 14[3] Section 15064.5[b][4]). The significance of an historical resource is impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for the California Register of Historical Resources. If there is a substantial adverse change in the significance of a historical resource, the preparation of an environmental impact report may be required (CCR Title 14(3) Section 15065(a)).

Based on the environmental checklist in Appendix G of the State CEQA Guidelines, a project would have a significant impact on paleontological resources if it would directly or indirectly destroy a unique paleontological resource or site.

Health and Safety Code, Section 7052 and 7050.5

Section 7052 of the Health and Safety Code states that disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the California Native American Heritage Commission (NAHC) in accordance with the California Native American Historical, Cultural and Sacred Sites Act (see below).

California State Senate Bill 18

California State Senate Bill 18 (SB18), signed into law in September 2004 and implemented March 1, 2005, requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions for

CITY OF SUISUN CITY GENERAL PLAN

the purpose of protecting Traditional Tribal Cultural Places (also referred to as Traditional Cultural Properties). This law directed an amendment to the General Plan Guidelines to require consultation with and advice from California Native American Tribes. According to the Tribal Consultation Guidelines, SB 18 “requires local governments to involve California Native Americans in early stages of land use planning, extends to both public and private lands, and includes both federally recognized and non-federally recognized tribes.”

Local Codes, Ordinances, and Regulations

The City’s 1992 General Plan mentions historic preservation in the Community Character and Design Element. Policy 6 in this Element discusses the need for development in the Downtown/Waterfront Specific Plan Area to “reflect the relationship between the historic buildings, redeveloped areas, and the waterfront...” (City of Suisun City 1992). Policy 9 of this Element expresses the City’s intent to implement design guidelines to address historic preservation along Main Street and the adjacent historic residential area. Policy 10 discusses the need to periodically update the inventory of historic buildings and sites in the Old Town area.

The City’s 1989 Development Guidelines for Architecture and Site Planning addresses various aesthetic and functional aspects of the built environment. On Page 8, the City indicates that this document “primarily addresses the newer, suburban neighborhoods,” and that “the special needs of Old Town and Waterfront areas are already addressed by the City’s Historic Residential District and the design criteria established by the Downtown/Waterfront Specific Plan.” (City of Suisun City 1989).

The City’s Zoning Code includes three zoning districts designed, in part, to maintain the physical remnants of historic areas of the community as a highly valued part of the City’s heritage (see Title 18 of the City’s Municipal Code for more information):

- 18.14 H-R Historic Residential District.
- 18.16 HRC Historic Residential/Commercial District.
- 18.22 DW Historic Downtown and Waterfront District.

The City’s 1999 Downtown Specific Plan (also known as the Downtown/Waterfront Specific Plan) includes a “Historic Residential” Land Use District, which is intended to implement Specific Plan policies to “preserve and build upon the historic character of older residential and commercial structures within the Planning Area” (City of Suisun City 1999). As noted in the Downtown Specific Plan, the text describing the purpose and intent of the Historic Residential Land Use District is the same as provided in Chapter 18.14 of the City’s Zoning Code, which describes the Historic Residential zoning district.

Known Cultural Resources

Several cultural resources investigations within the Sphere of Influence and its vicinity have occurred in recent years. Record searches conducted by the Northwest Information Center (NWIC) of the California Historical Resources Information System within and in the vicinity of the Sphere of Influence were completed during the years 2006, 2008, 2010, and 2012. These record searches included reviews of previously recorded prehistoric and historic sites, as well as reviews of the following sources:

- National Register of Historic Places (NRHP) (National Park Service 2010);



C U L T U R A L R E S O U R C E S B A C K G R O U N D R E P O R T

- California Inventory of Historic Resources (State of California 1976);
- California Historical Landmarks (State of California 1996);
- California Register of Historical Resources (State of California 1976 and updates);
- California Points of Historical Interest (State of California 1992 and updates);
- Caltrans State and Local Bridge Survey (State of California 1989 and updates);
- Office of Historic Preservation (OHP) Property Directory (2010); and
- 1872 J.S. Henning Map of Solano County, California, and 1908 USGS Antioch Quadrangle map

Historic Architecture

The record searches indicated that several previous cultural resource studies have been conducted within the study area. Previously evaluated resources within and in the immediate vicinity of Suisun City are listed in Table CUL-1:

CITY OF SUISUN CITY GENERAL PLAN

**Table CUL-1
Known Cultural Resources**

| Resource | Reference Number | California Historical Resource Status Code |
|--|-------------------------|---|
| Martin Samuel House | | 1S (Listed on the NRHP) |
| Suisun Masonic Lodge No. 55) 623 Main Street | N/A | 1S (Listed on the NRHP) |
| 407 California Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| 821 Main Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| 216 Morgan Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| 301 Morgan Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| 400 Morgan Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| 406 Morgan Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| 501 Morgan Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| 221 Solano Street | N/A | 2S (Determined Eligible for the NRHP; Listed in the CRHR) |
| K I Jones House 308 California Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| Lambie Ranch 6054 Mauds Lane | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| Suisun City Fire Department 701 Suisun Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| Suisun City First Church of Christ Science 901 Main Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| Suisun Fairfield Depot 201 Main Street | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| Vogel/Morrison Home 2438 Morrison Lane | N/A | 2S2 (Determined Eligible for the NRHP; Listed in the CRHR) |
| Rockville Schoolhouse, Suisun Nisei Club | N/A | Unevaluated |
| | | |

In addition to the resources above, the Bank of Suisun was listed as a California Point of Historical Interest in 1982.



Suisun City Historic District

As a part of a project involving an interchange for Interstates 80 and 680 and State Route 12, the California Department of Transportation (Caltrans) requested concurrence that the Suisun City Historic District is eligible for listing on the National Register of Historic Places. In a March 20th, 2010 letter, the State Office of Historic Preservation agrees that the Suisun City Historic District meets eligibility requirements for listing.

The Historic District is roughly bounded by Sacramento Street to the north, West Street to the west, Cordelia Street to the south, and Kellogg and Main Streets to the east (Exhibit CUL-4). The district is comprised of 95 contributing buildings and 34 non-contributing buildings. The boundary includes residences, commercial and social/religious buildings that have historically been associated with the downtown core of Suisun City and retain integrity. This section of Main Street included in the district boundary was Suisun City's primary shopping venue and it reflects the city's economic growth as well as the diversity of the commercial businesses. Main Street's commercial enterprises included banking, general stores, stables/liveries, restaurants/saloons, movie theaters, and jewelers.

Table CUL-2
Suisun City Historic District Contributing Resources

| Resource | Reference Number | California Historical Resource Status Code |
|----------------------------|------------------|---|
| 200, 204 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 212 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 211 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 215 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 219 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 223 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |

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| 227 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 300 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 304 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 308 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 406 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 407 California Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 306, 308 Cordelia Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 315 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 400 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 401 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 404 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 420 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 500 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District |



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| | | Determined Eligible for the NRHP; Listed in the CRHR) |
| 504 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 508 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 511 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 512 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 515 Line Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 601 Main Street/ 409 Sacramento Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 607 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 613 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 623 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 627 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 701 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 707 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |

CITY OF SUISUN CITY GENERAL PLAN

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| 715 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 801-805 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 807 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 901 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 907 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 908 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 1000 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 1001 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 1004 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 1005 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 1008 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 1012 Main Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 210 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District |



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| | | Determined Eligible for the NRHP; Listed in the CRHR) |
| 216 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 220 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 224 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 300 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 301 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 304 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 307 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 311 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 400 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 401 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 405 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 406 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |

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| 501 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 507 Morgan Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 200, 204 Sacramento Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 208 Sacramento Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 215 Sacramento Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 225 Sacramento Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 301, 303 Sacramento | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 310 Sacramento Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 400 Sacramento Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 401 Sacramento Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 406 Sacramento Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 407 Sacramento Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 610 School Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District |



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| | | Determined Eligible for the NRHP; Listed in the CRHR) |
| 611 School Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 612 School Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 1010 School Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 1012 School Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 200 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 201 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 204, 206 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 205 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 210 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 215 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 216 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 220 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |

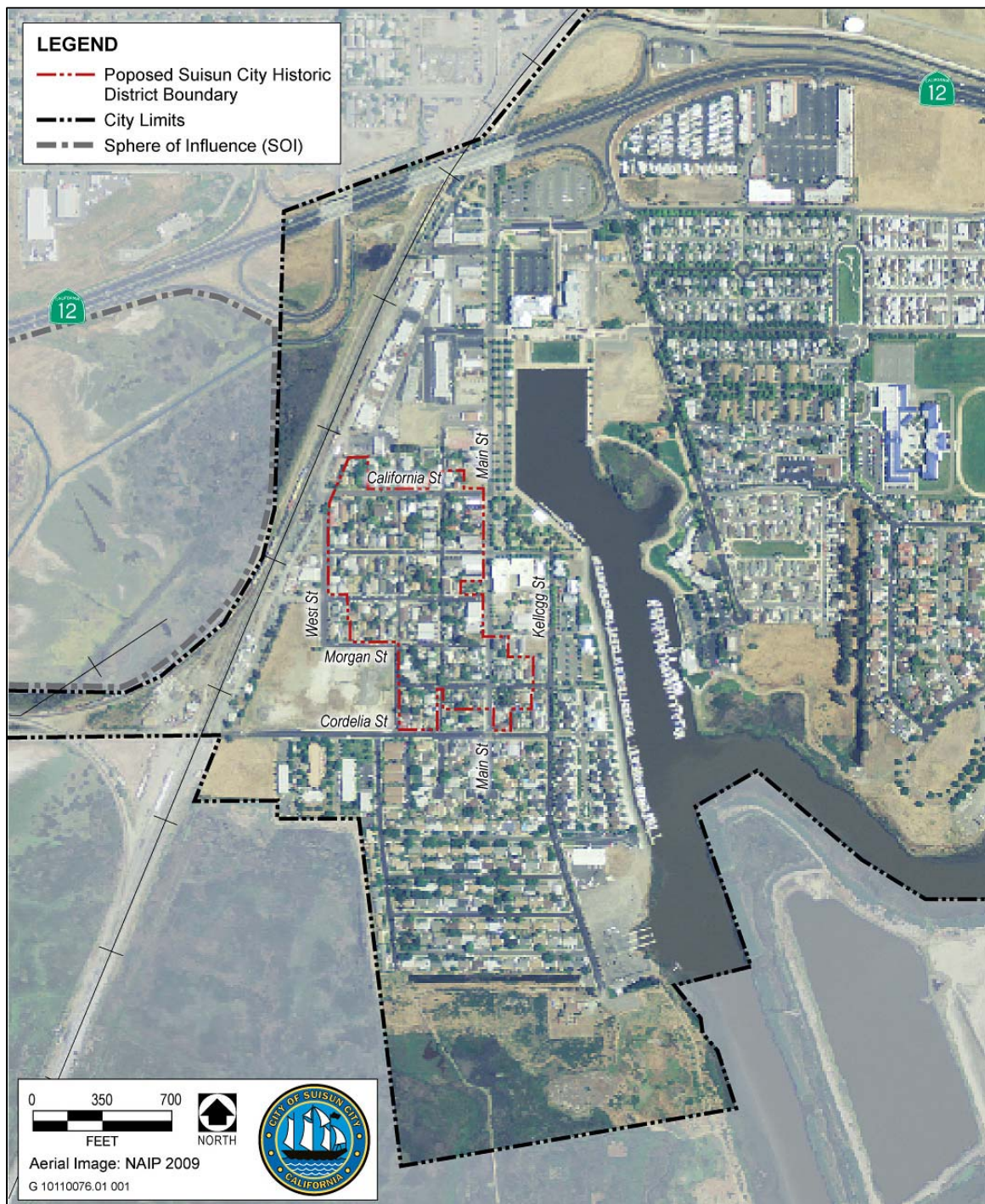
CITY OF SUISUN CITY GENERAL PLAN

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| 221 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 224 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 300, 302 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 301 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 308 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 309 Solano Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 601 Suisun Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 607 Suisun Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 615 Suisun Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 621 Suisun Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 701 Suisun Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 706 Suisun Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |
| 907 Suisun Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District |



CULTURAL RESOURCES BACKGROUND REPORT

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|-------------------|-----|---|
| | | Determined Eligible for the NRHP; Listed in the CRHR) |
| 911 Suisun Street | N/A | 2D2 (Determined Eligible for the NRHP As a Contributor to a District Determined Eligible for the NRHP; Listed in the CRHR) |



Source: ICF 2009; adapted by AECOM 2010

Appendix A: Architectural Review, Demolition and Renewal Procedures in the HR Zone

A.1. In General

Architectural Review in the HR District of any proposed alteration, enlargement, construction, removal or demolition of any structure in the HR district shall be subject to Architectural Review, prior to issuance of building permits or commencement of any work. Architectural Review shall be conducted as prescribed by this Section. Architectural Review and approval shall be the responsibility of the Community Development Department.

A.2. Applicability

Architectural Review shall not apply to the following types of Building Permit applications:

- Re-roofing and residing with like materials.
- Masonry repairs with like materials.
- Chimney repair with like materials.

NOTE: "Like Materials" shall mean the exact same materials as those being replaced. Any deviation from the original shall be reviewed by and may be referred to the Planning Commission.

A.3. Criteria

Specific standards and criteria for any activity subject to review as stated above, are found in Section 7.3 of Chapter of this Plan. The Community Development Department staff or the Planning Commission as the case may be, shall consider the proposed demolition, new construction or addition, in the context of the architectural or historical value and significance of the site and structure. These considerations shall include the visual relationship of proposed architectural design elements to the surrounding area, including scale, height, rhythm of building spacing, pattern of windows and doorways, building siting and landscaping, roof pitch, architectural style, and structural details, materials, and textures.

A. For demolitions and removals

- The Demolition Permit may be approved immediately if the Chief Building Official finds that the structure presents an immediate hazard to the public health and safety. Absent of a finding of immediate threat to the public health or safety, no Demolition or Moving Permit shall be issued for any structure within the HR District without prior review and approval by the Planning Commission. To assist in this evaluation, the Community Development staff shall submit a report and recommendation to the Planning Commission. If, after review of the request for a Demolition Permit, the Planning Commission determines that the structure itself has historical, architectural or cultural interest or value, the Commission may withhold approval for demolition or removal for 180 days (from the date of the Planning Commission action) or until environmental review is completed, whichever occurs later.

During the 180 days, the Planning Commission may direct the Community Development staff to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens, make recommendations for acquisition of property by public or private bodies or agencies, explore the possibility of moving one or more structures or other features, and take any other reasonable measures.

At the end of the 180-day period, the Demolition Permit may be issued if environmental review determines there will not be significant impact on the environment including cultural, architectural and historical impacts, and all requirements of this Chapter are met. The permit may also be issued if there are found to be substantial environment impacts, and specific health, safety, or welfare considerations are also found to make unfeasible the mitigation measures or alternatives identified during environmental review.

- If, after review of the request for a Demolition or Moving Permit, the Planning Commission determines that the building or structure has no substantial historical, architectural, or cultural interest or value, a Building Permit for demolition or removal may be issued.

B. For new improvements.

The Community Development staff or the Planning Commission shall not grant architectural review approval for any new improvements unless it finds that the proposed new improvements will be compatible with and help achieve the purposes and intent of the HR District. In reviewing an application, the following general design principles shall be considered:

- **Height and Scale:** New buildings should be constructed to a height, which bears a reasonable relationship to the average height of existing adjacent buildings.
- **Spacing of Buildings on Street:** The existing rhythm of the recurrent building masses to separations should be retained.
- **Relationship of Materials and Textures:** Choice of building materials and textures (smooth and rough) should enhance desired neighborhood qualities such as compatibility, similarity and continuity.
- **Relationship of Architectural Details and Roof Shapes:** Choice of architectural details and roof shapes should ensure compatible appearance with surrounding structures.
- **Walls of Continuity:** Physical ingredients such as low brick walls, wrought iron and picket fences, and evergreen landscape masses should be used to form continuous cohesive walls of enclosure along the street in keeping with the historic character of the district.
- **Landscaping:** Landscaping should reflect the historic quality and quantity of landscaping within the surrounding area. The concern here is primarily with mass and continuity.
- **Directional Expression of Front Elevations:** Structural shape, placement of openings, and architectural details should be used to give a compatible appearance with adjacent structures, which may be horizontal, vertical or non-directional in nature. Location and emphasis of major entries should also be compatible with the adjacent structures.

C. For Alterations, Additions or enlargements of Existing Structures:

This section contains criteria for reviewing all applications for Building Permits for exterior rehabilitation, renovation, alteration, reconstruction, or enlargement of any existing structure more than (30) years old within the HR District, and for any interior modification which requires the issuance of a Building Permits for a publicly owned and publicly accessible structure. In reviewing an application, the Community Development staff or Planning Commission shall consider the following general standards and principles:

- Every reasonable effort shall be made to provide a compatible use for property that requires minimal alteration of the building structure or site and its environment, or use a property for its originally intended purpose.
- The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.

- All buildings, structures, and sites shall be recognized as products of their own time. Alterations, which have no historic basis and/or seek to create an earlier or later appearance shall be discouraged.
- Changes, which may have taken place over the course of time, are evidence of the history and development of a building, structure, or site and its environment. If the Community Development staff or Planning Commission finds that these changes have acquired significance in their own right, this significance shall be recognized and respected.
- Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be treated with sensitivity.
- Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage older building materials shall not be undertaken, without prior approval of the The Community Development Department.
- Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.

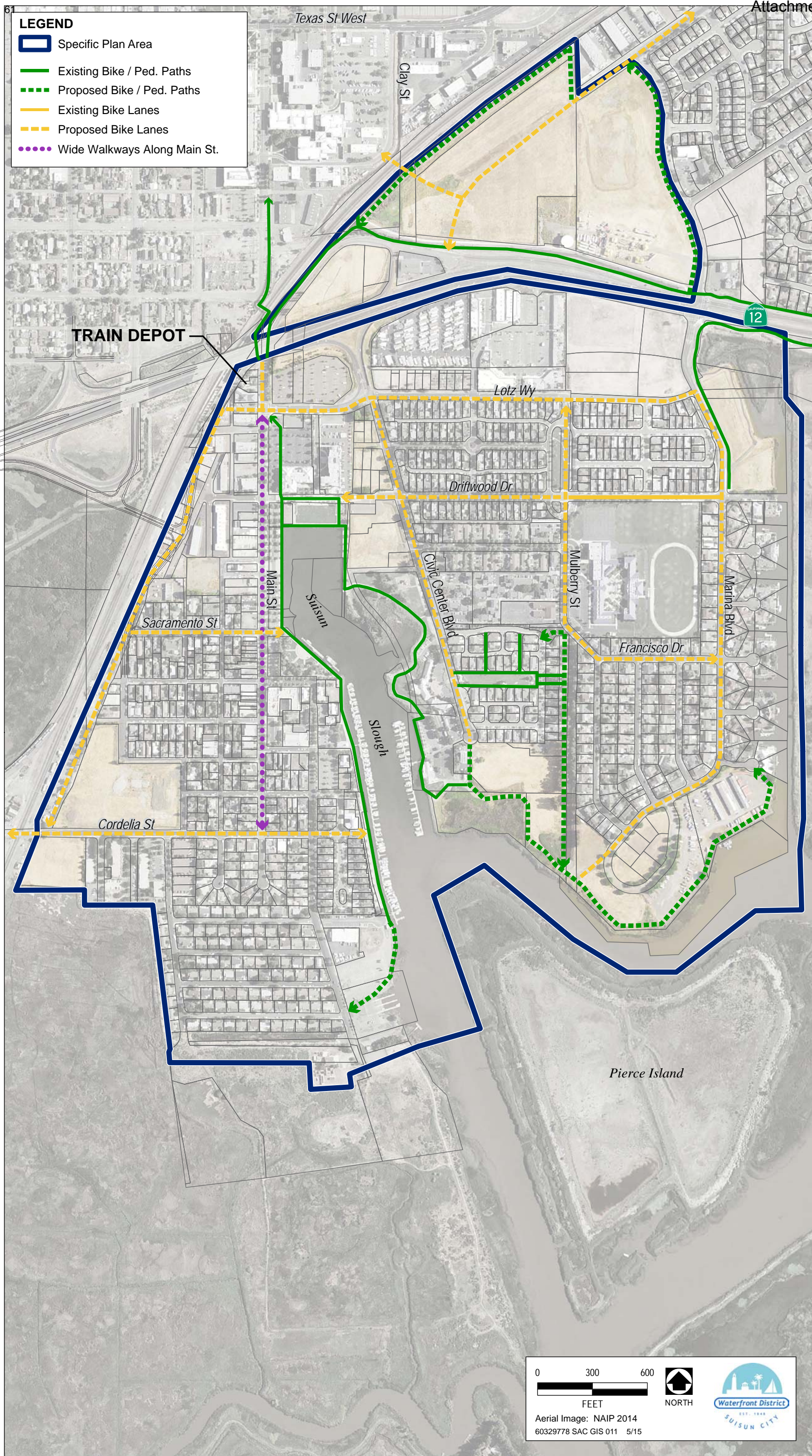
A.4. Effective Date.

Decisions of the Community Development Department staff or the Planning Commission shall be final on the tenth day after the date of the decision, unless appealed as prescribed by Chapter 8.

A.5. Economic Hardship of Waiver.

If an applicant for design approval presents evidence of inability to meet the cost of complying with a Condition of Approval, the Planning Commission may grant the approval with the requirement that all conditions be met within a period of up to two years. The exact waiver period granted is at the discretion of the Community Development Director or Planning Commission. If such conditions are not met within the stated time, the property owner shall be subject to the enforcement provisions of Chapter 8.

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Source: AECOM, 2015

August 2015

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IV. Land Use Regulations

4.1 Land Use Map/Development Program

A. Land Use Map

B. Development Program

4.2 Land Use Districts

■ A. Residential Districts

B. Commercial Districts

4.3 Public Facilities/Open Space

4.4 Parking Regulations



Main Street

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 Section 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 Uniform Building Code.

h. Mobile Homes Boats Trailers and Campers.

No mobile home as defined by the Zoning Ordinance, camping unit designed to be carried or towed by a motor vehicle, tent, mobile living unit, boat, trailer or freight van shall be stored in any front or side yard adjacent to a public street within the HR District longer than seven (7) consecutive days without obtaining a Temporary Use Permit. Storage beyond the time allotted for a Temporary Use is prohibited.

B. COMMERCIAL DISTRICTS

1. Downtown Commercial Districts

a. Intent and purpose

This district applies to a large portion of the commercial redevelopment sites surrounding the Waterfront. The areas covered include the Sheldon Oil Company/Agency Site (Parcel F, Figure 2-5); the Town Square and adjacent Waterfront commercial site (Parcel G); and the existing commercial frontage on the west side of Main Street; and Parcel 1, east of Kellogg Street, south of the proposed townhouse development site and north of the Boat Launch expansion site. Each of the above sites is treated as a distinct subdistrict, with specific land use regulations designed to suit the individual development program anticipated for those particular sites/districts.

b. Disallowed Uses – All Commercial Districts

Because the intent of this district is to preserve and strengthen the pedestrian-oriented, traditional Downtown retail atmosphere, commercial uses which are automotive-oriented, such as drive-in uses and automotive service/repair are inconsistent by their very nature and should be avoided.

The following list of uses are specifically not allowed, even by Conditional Use Permit, within the Downtown Commercial District:

- Drive-in restaurants, banks or other drive-in uses
- Auto sales (new or used)
- Automotive service or repair
- Industrial or quasi-industrial uses normally found in business parks or manufacturing districts
- Wholesale businesses

- Warehousing as a primary use
- Distribution, supply, or preparation of construction materials, automotive Components or other materials or components used for manufacturing, assembly or packaging of finished products.

c. Main Street Commercial (MC)

Purpose and Intent. This district is primarily devoted to preserving and enhancing the mix of retail, specialty and related uses traditionally found within the older, central retail districts of small cities. This traditional mix of uses typically consisted of a retail or personal service business in the ground floor storefront facing Main Street; small commercial, professional offices or residential uses could be found on the upper floor(s) and behind the Main Street frontage use. Main Street retailers sold a combination of convenience items and services for everyday needs (e.g., butcher, baker, shoe shop) and specialty items such as clothing, jewelry, gifts and antiques. Restaurants, cafes and similar eating and entertainment establishments were also commonplace. Large bulk retail businesses, such as furniture sales, automotive or wholesale uses were generally found only on the fringes of the Downtown, if at all.

The Town Square area is to be developed to recreate the traditional downtown's "focus". Here, because of the large setback from Main Street and the unique characteristics of the buildings, office uses are expected to locate on the ground floor as well as the upper floors. Businesses and buildings on Main Street shall face or orient toward Main Street; buildings on adjacent streets shall face the Square.

Permitted Uses. Where a "U" is denoted next to a particular use or business on the following list, that use is permitted only on the upper floor(s) or other areas of a building which do not front onto or have direct access to Main Street.)

Main Street.

- Apparel and accessory stores, not including used items
- Artist's studio; art supply stores
- Antique or antique reproductions shop, not including recently manufactured "used furniture" items
- Bakery, creamery
- Bookstores
- Business schools, art, modeling, music and/or dancing studios — (U)
- Eating and drinking places where food service is the primary use (restaurants)
- Florist shops
- Hardware stores, not including lumber, building materials and the like
- Paint, decorating and wallpaper stores
- Beauty, barber shops and salons
- Delicatessen, sandwich shop
- Business services, not including establishments engaged in the renting or leasing machinery, tools and other equipment — (U)
- Clothing and costume stores
- Communication services — (U)
- Finance, insurance and real estate offices — (U)
- Health services, including medical/dental services — (U)

IV. Land Use Regulations

4.1 Land Use Map/Development Program

A. Land Use Map

B. Development Program

4.2 Land Use Districts

A. Residential Districts

➡ B. Commercial Districts

4.3 Public Facilities/Open Space

4.4 Parking Regulations

Downtown Waterfront Specific Plan “Vision Statement”

1. Historic Downtown Waterfront Suisun City is a unique waterfront community with a marina; traditional Downtown commercial main street and historic residential neighborhoods within “Old Town,” and a South Waterfront district under development, west of the marina; and a civic center area and the Whispering Bay and Victorian Harbor residential neighborhoods, east of the marina.
2. Historic Downtown Waterfront Suisun City is pleasant to live in and at the same time serves as a local and regional destination, supporting shopping, entertainment, hospitality, tourism, and recreation. The changes in the region around Suisun City have created the opportunity for the Downtown to evolve and develop into a place that attracts new residents, jobs, businesses, and shoppers.
3. The entire Historic Downtown Waterfront needs to be focused on maximizing waterfront access on the Suisun Channel, which is its major and central feature and on improving public access to the train depot, another key asset in Historic Downtown Suisun City.
4. The Waterfront should maintain its extraordinary mix of natural wetlands and urban edge.
5. The historic Suisun City train depot and Amtrak station, on the north end of Main Street, should serve as a transit gateway into Historic Downtown Suisun City.
6. The circulation system should be enhanced to support safer and more convenient access between homes and destinations and between Historic Downtown Waterfront Suisun City and Downtown Fairfield – for pedestrians, cyclists, transit users, and motorists.
7. The Historic Downtown Waterfront needs a cohesive Open Space system that enhances the pedestrian experience and supports community access.
8. Gateways to the Historic Downtown Waterfront area, including from Highway 12 and from the Amtrak station should be enhanced to ensure a positive visual first impression.
9. Development adjacent to the historic residential area should be compatible in scale and architectural themes.
10. Where feasible and consistent with building codes, existing buildings should be repurposed with more economically viable uses that contribute to Downtown vibrancy.