PLANNING COMMISSION Albert Enault, Chair Kristina Elder, Vice Chair Herbert Dardon, Member Vinay Tewari, Member Terrence West, Member



A G E N D A REGULAR MEETING OF THE SUISUN CITY PLANNING COMMISSION TUESDAY, DECEMBER 12, 2023 6:30 PM

Suisun City Council Chambers - 701 Civic Center Boulevard - Suisun City, California

PLANNING COMMISSION MEETINGS ARE HELD IN-PERSON PUBLIC PARTICIPATION IS ALSO AVAILABLE VIA ZOOM ZOOM MEETING INFORMATION:

> WEBSITE: https://zoom.us/join Webinar: **834 2556 2844**

CALL IN PHONE NUMBER: (707) 438-1720

REMOTE PUBLIC COMMENT IS AVAILABLE FOR THE PLANNING COMMISSION MEETING BY EMAILING CLERK@SUISUN.COM (PRIOR TO 4 PM), VIA WEBSITE OR ZOOM CALL IN PHONE NUMBER: (707) 438-1720.

(If attending the meeting via phone press *9 to raise your hand and *6 to unmute/mute for public comment.)

(Next Resolution No. PC 23-05)

CALL TO ORDER

Chairperson Enault

ROLL CALL

PLEDGE OF ALLEGIANCE

INVOCATION

CONFLICT OF INTEREST NOTIFICATION

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

REPORTS: (Informational items only.)

1. Development Services Director

PUBLIC COMMENTS

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

CONSENT CALENDAR NONE

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

PUBLIC HEARING NONE

GENERAL BUSINESS

2. Adopt Resolution PC-23___: Approving the Request for a Conditional Use Permit to Serve Alcohol Consistent with a Type 47 License from the California Department of Alcohol and Beverage Control (ABC) at 360 Lawler Center Drive (APN 0173-670-390) - (Kearns: jkearns@suisun.com).

REPORTS: (Informational items only.)

- 3. a. Commission Members
 - b. Commission Chairperson

ADJOURNMENT

Public Access To Agenda Documents

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. To the extent feasible, the agenda packet is available for online public viewing on the City's website: https://www.suisun.com/Government/City-Council/Agendas

The City Council/Agency/Authority hopes to conclude its public business by 10:00 p.m. No new items will be taken up after 10:00 p.m., unless so moved by a majority of the City Council, and any items remaining will be agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.

Accommodations

If you require an accommodation to participate in this meeting, please contact the City Clerk at (707) 421-7302 or clerk@suisun.com. The City's reasonable accommodation policy is available for review on the City's website at www.suisun.com/government/city-council/, you may request an electronic copy or have a copy mailed to you. Please note that for accommodations that are not readily available, you must make your request as soon as you can prior to the time of the meeting.

Decorum

All participants are expected to conduct themselves with mutual respect. Conduct that disrupts meetings will be addressed in accordance with Section 54957.95 of the Government Code.

Ordinances

Ordinances are city laws contained in the Suisun City Municipal Code. Enacting a new city law or changing an existing one is a two-step process. Government Code 36934 provides, except when, after reading the title, further reading is waived by regular motion adopted by majority vote all ordinances shall be read in full either at the time of introduction or passage; provided, however, that a reading of the title or ordinance shall not be required if the title is included on the published agenda and a copy of the full ordinance is made available to the public online and in print at the meeting prior to the introduction or passage.

Certification Of Posting

Agendas for regular and special meetings are posted in accordance with the Brown Act at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including:

- Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA;
- Joe Nelson Center, 611 Village Drive, Suisun City, CA;
- Harbor Master Office, 800 Kellogg Street, Suisun City, CA.

I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda was posted and available for review, in compliance with the Brown Act.

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Planning Commission Agenda Report

December 12, 2023

Files:

CUP 23/24-001

DATE: December 12, 2023

TO: PLANNING COMMISSION

FROM: John Kearns, Principal Planner

RE: Request for Conditional Use Permit to Serve Alcohol Consistent with a Type 47

License from the California Department of Alcohol and Beverage Control (ABC)

at 360 Lawler Center Drive (APN 0173-670-390).

SUMMARY

The applicant, Ignacio Wence, has applied for a Type 47 license with the California Department of Alcohol and Beverage Control (ABC) as part of the 1933 restaurant being established at 360 Lawler Center Drive. In order for this application to be approved with the State of California a Conditional Use Permit (CUP) must first be applied for and granted by the City of Suisun City due to the location of the request and its proximity to nearby sensitive land uses.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission:

- 1. Conduct a Public Hearing, and
- 2. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301); and
- 3. Adopt Resolution PC 23-___: Approving the Request for a Conditional Use Permit to Serve Alcohol Consistent with a Type 47 License from the California Department of Alcohol and Beverage Control (ABC) at 360 Lawler Center Drive (APN 0173-670-390)

BACKGROUND/DISCUSSION

As part of the newly constructed mixed use development project located south of Highway 12 between Anderson Drive and McCoy Creek Way and east of Lawler Center Drive, commercial shell spaces were constructed in preparation for future tenants. One of the tenants is the 1933 restaurant (360 Lawler Center Drive) which is currently under construction. As part of this restaurant operation, the operator has requested approval of a Type 47 license from the California Department of Alcohol and Beverage Control (ABC). In order for ABC to grant such a license, they must assure that proposed operation is consistent with the land use regulations of the local municipality which in this case requires approval of a Conditional Use Permit (CUP).

ANALYSIS

Proposed Use

The subject building space is a 3,600 square foot building constructed as part of the larger mixed-use project which includes a twin commercial space and a four-story luxury apartment complex to the east.

As provided in the staff report materials (Attachment 2), the proposed hours of operation are 11AM – 9PM Sunday through Thursday and 10AM – 10PM on Fridays and Saturdays. The expected peak staffing is expected to be about 13 employees with a maximum number of guests at 80 (12 at the bar and 68 within the dining area). The applicant has included a section in their submittal termed "Alcohol Service in Context." Staff has provided their response verbatim for the Commission's benefit in reviewing the request (below):

"Alcohol service at 1933 Kitchen and Bar is envisioned to enhance our culinary offerings, not overshadow them. We plan to offer a curated selection of alcoholic beverages, thoughtfully paired with our dishes. This service includes alcoholic drink availability during our hours of operation, and daily happy hour from 3-5PM, offering our adult patrons a relaxed, enjoyable experience that complements their meals. This approach is in line with our commitment to maintaining a family-friendly environment."



Project Location – 360 Lawler Center Drive

Crescent Elementary School

General Plan

The subject building space is within the "Commercial Mixed Use" land use designation which provides for retail and service commercial operations; research, assembly, fabrication, storage, distribution, and processing uses; professional offices; public services and facilities; and other compatible uses, such as higher density dwelling units. As a retail use as part of a larger mixed-use development, staff feels that the proposed use subject to all adopted conditions of approval is consistent with the purpose and intent of the Commercial Mixed Use General Plan Land Use Designation.

Suisun City Code

The subject location is within the Commercial Mixed Use (CMU) zoning district which governs the allowable uses. Further, Section 18.30.080 of the Suisun City Code "Dancehalls, Liquor-Serving Establishments, Places of Amusement, or Recreation," states "No dancehall, roadhouse, nightclub, commercial club, or any establishment where liquor is served, or commercial

place of amusement or recreation, or any place where entertainers are provided, whether as social companions or otherwise, shall be established in any district closer than 200 feet to any boundary of any residential district, unless a conditional use permit is first secured in each case." The subject location is approximately 100 feet from the nearest residential unit which is within the adjacent Gray Hawk Subdivision. Further, the proposed use is across McCoy Creek Way from Crescent Elementary which is a sensitive land use. Due to the sensitivity of this land use, staff paid particular care to ensure that the proposed use would not cause any conflicts with the school and residential uses. Specific conditions have been proposed as part of the draft resolution which provide certain limitations in how the use may operate. This includes conditions relative to hours of operation, compliance with state and local regulations, how future modifications to the use will be handled, and potential non-compliance. With the adoption of the draft conditions, staff feels the proposed use is consistent with the purpose and intent of the Commercial Mixed Use Zoning District.

State Regulations

According to the California ABC website, a Type 47 (On-Sale General – Eating Place) license is defined as:

"Issued to restaurants. Authorizes the sale of beer, wine, and distilled spirits for consumption on licensed premises. Authorizes the sale of beer and wine for consumption off the licensed premises. Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. This license type is subject to Responsible Beverage Service (RBS) requirements and requires alcohol servers and managers of alcohol servers to be RBS certified."

CONCLUSION

Staff has closely reviewed the subject application materials as well as the state regulations while also considering the location of the request relative to adjacent land uses and has determined that the proposal is consistent with all applicable regulations. With the application of the proposed conditions of approval, staff is in full support of the proposed conditional use permit for a Type 47 license at 360 Lawler Center Drive.

ENVIRONMENTAL ANALYSIS

This project is categorically exempt from environmental review under Section 15301 of the State CEQA Guidelines. The proposed business operation utilizes an existing commercial building which was constructed for this purpose. Further, the applicant is seeking approval from all applicable agencies and will operate within the rules of the approvals/permits granted by such agencies.

ATTACHMENTS

- 1. Resolution PC 23-___: Approving the Request for a Conditional Use Permit to Serve Alcohol Consistent with a Type 47 License from the California Department of Alcohol and Beverage Control (ABC) at 360 Lawler Center Drive (APN 0173-670-390).
- 2. Application Materials.

A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION
APPROVING THE REQUEST FOR A CONDITIONAL USE PERMIT TO SERVE
ALCOHOL CONSISTENT WITH A TYPE 47 LICENSE FROM THE CALIFORNIA
DEPARTMENT OF ALCOHOL AND BEVERAGE CONTROL (ABC) AT 360
LAWLER CENTER DRIVE (APN 0173-670-390)

WHEREAS, the Planning Commission held a Public Hearing on December 12, 2023
to consider Conditional Use Permit CUP 23/24-001; and

WHEREAS, a report by City staff was presented and made a part of the record of the December 12, 2023 meeting; and

WHEREAS, the public hearing was properly noticed in the Daily Republic newspaper and provided to all property owners within 600 feet of the subject property; and

WHEREAS, the; and

WHEREAS, based on evidence presented at the meeting by City staff, the applicant, the Public and Commissioners, the following Findings are hereby made:

- 1. That the proposed location of the use was found to be consistent with the Goals, Objectives and Policies of Title 18 "Zoning" of the Suisun City Code (including Sections 18.20.070 and 18.30.080) and the purposes of the Commercial Mixed Use (CMU) District in which the site is located.
- 2. That the location of the Conditional Use and the proposed conditions under which it would be operated or maintained was previously found to be consistent with the General Plan.
- 3. That the current use was previously found not to be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, and not detrimental to properties or improvements in the vicinity or to the general welfare of the City.
- 4. That the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, "Existing Facilities." The proposed business operation utilizes an existing commercial building which was constructed for this purpose. Further, the applicant is seeking approval from all applicable agencies and will operate within the rules of the approvals/permits granted by such agencies.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby adopt Resolution PC23 - ____; A Resolution of the City of Suisun City Planning Commission APPROVING the Request for a Conditional Use Permit to Serve Alcohol Consistent with a Type 47 License from the California Department of Alcohol and

 Beverage Control (ABC) at 360 Lawler Center Drive (APN 0173-670-390) subject to the following conditions of approval:

- 1. The applicant or applicants successor in interest shall indemnify, defend and hold harmless the City of Suisun City it's agents, officers, and employees from any and all claims, actions or proceedings against the City of Suisun City, its agents, officers, and employees to attach, set aside, void or annul, any approval by the City of Suisun City and its advisory agency, appeal board, or legislative body concerning this application which action is brought within applicable statutes of limitations. The City of Suisun City shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans, or other documents pertaining to this application.
- 2. Final Plan and use shall be similar in the design of those plans attached in the staff report for Conditional Use Permit No. CUP23/24-001
- 3. The owner/operator shall ensure that the business does not cause excessive noise outside the Premises which would be deemed a nuisance. 90 (ninety) decibels (dB) shall be used as a threshold in determining if such noise constitutes a nuisance. Should the City receive complaints from occupants of neighboring properties concerning excessive noise generated by the business, the City shall measure the levels of such noise emanating from the Premises by using a professional noise metering device. The readings shall be measured at the location of the property from which the complaint was received while the doors to the Premises are closed. If the noise generated by the business is found to be above 90dB as measured by means of the above manner, then the owner/operator shall take appropriate measures to mitigate the noise to levels below 90dB. Should the owner/occupant fail to mitigate the noise to levels below 90 dB, then the City may review this use permit and add or change conditions to abate the nuisance.
- 4. The owner/operator shall provide adequate monitoring, supervision and security inside and outside the Premises. The intent of this requirement is to ensure adequate supervision of customers at all times. Following the occurrence of two or more service calls within any consecutive thirty-day period to police or any other law enforcement personnel resulting in such personnel issuing a verbal warning, citation or arrest to any employee or patron of the business, the City shall have the right to require the owner/operator to reasonably add or increase its number of security personnel.
- 5. Any break in service, meaning the closure of the alcoholic beverage establishment for a period of 180 consecutive days, will result in the expiration of this CUP.
- 6. Alcoholic beverages shall not be consumed off the premises and shall not be sold for consumption outside designated areas. This prohibition does not apply to City-approved outdoor eating-places that are adequately separated from direct public access.

- 7. Hours of operation shall be limited to 11:00 a.m. to 9:00 p.m. Sunday through Thursday and 10:00 a.m. to 10:00 p.m. on Friday and Saturday. Alcohol sales shall be limited to the hours of operation for the bona restaurant and cease one-half hour before closing, or as otherwise specified in the Alcoholic Beverage Control (ABC) license.
- 8. The operation of the business shall comply fully with all the rules, regulations, and orders of the ABC and Suisun City Code.
- 9. If problems arise as a result of the business practices or operations that are detrimental to public health, safety, or welfare, the Planning Commission may review the CUP and if after review, the Commission deems that there is sufficient evidence that the business practices or operations are detrimental to public health, safety, or welfare then the Planning Commission, subsequent to a public hearing, may revoke the CUP pursuant to Suisun City Code Section 18.73.090.
- 10. A major revision or modification to an approved CUP such as, but not limited to, change in conditions, expansion, intensification, or hours of operation, may be requested by the applicant. Such request shall be processed through application of major modification or new CUP, as determined by the Planning Division.
- 11. The sale of alcoholic beverages is approved under this Conditional Use Permit for the bona fide restaurant with a Type 47 (On-Sale General) ABC license. Any change in the use related to the sale of alcoholic beverages must first obtain approval by the Planning Division.
- 12. The establishment shall not conduct a Cocktail Lounge or Nightclub on the premises.
- 13. The operator shall keep the immediate area outside the building, including the sidewalks clean and litter free.
- 14. This conditional use permit shall be reviewed by the Planning Commission upon a change in the owner/operator.
- 15. Operator shall provide its staff with RBS (Responsible Beverage Service) training.
- 16. Operator shall comply with all applicable provisions of the municipal code and all applicable laws, subject to a 30-day cure period after a notice of a violation by the City, except where there are exigent circumstances.
- 17. Operator shall provide a mailing address that can accept certified and regular mail 6 days a week.
- 18. The operator will maintain a functioning video surveillance system in the venue. The system will back-up for at least 7 days. The venue will provide an employee that is trained in the video system anytime the venue is open. The venue will grant police access to video surveillance without a warrant as needed to investigate a crime.

| 1 | 19. The operator will furnish a point of contact that can be reached at any time of the night in case dispatch needs to contact them for any reason. | |
|---------------------------------|--|--|
| 2 | | |
| 3 | The forgoing motion was made by Commissioner and seconded by Commissioner and carried by the following vote: | |
| 4 | AYES: | Commissioners: |
| 5 | NOES: | Commissioners: |
| 6 | ABSENT: ABSTAIN: | Commissioners: Commissioners: |
| 7 | WITNESS my hand and the seal of said City this 12 th day of December 2023. | |
| 8 | WIINESSIN | y hand and the sear of said City this 12 day of December 2023. |
| 9 | | |
| 10 | | Donna Pock |
| 11 | | Commission Secretary |
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Conditional Use Permit – 1933 Kitchen and Bar

Proposed Products and Services:

1933 Kitchen and Bar, led by the Wence family with over 30 years of culinary experience, introduces Modern American California Cuisine to Suisun City. Emphasizing high-quality, gourmet dishes prepared with the freshest ingredients, our meals are made-to-order to ensure the highest standards. As a family-owned and operated establishment, we aim to cultivate a welcoming, relaxed atmosphere suitable for all ages. Chef Ignacio Wence, leveraging his extensive culinary expertise and passion, crafts distinctive and flavorful dishes. His son, Ignacio Jr., and daughter, Jessica, manage the dining room, ensuring each guest is warmly invited to enjoy a delicious meal. Genoveva, Ignacio Sr.'s wife, will support the back of the house. The Wence family is committed to creating a comfortable, stylish, and friendly environment, encouraging families to enjoy our offerings time and time again. The name "1933" is a tribute to the birth year of Ignacio's father, adding a unique touch to our brand, distinct from other family-run restaurants.

Brief description of operation including hours of operation, number of employees in total and at this location at any one time, number of clients/customers at any one time:

Our hours of operation are 11 AM to 9 PM from Sunday to Thursday and 10 AM to 10 PM on Fridays and Saturdays. The total staff count will range from 25 to 35, with peak hours (5 PM to 8 PM on Fridays and Saturdays) seeing 2 bartenders, 3 servers, 3 food runners, 4 cooks, and a dishwasher on duty. The restaurant can accommodate 12 guests at the bar and 68 in the dining area.

Integration of Alcohol Service at 1933 Kitchen and Bar:

1933 Kitchen and Bar, deeply rooted in family values and culinary excellence, seeks to enhance the dining experience by responsibly incorporating alcohol service. Our operational hours, staffing, and seating capacity are designed to accommodate a comfortable, high-quality dining experience for up to 80 patrons at any given time.

Alcohol Service in Context:

Alcohol service at 1933 Kitchen and Bar is envisioned to enhance our culinary offerings, not overshadow them. We plan to offer a curated selection of alcoholic beverages, thoughtfully paired with our dishes. This service includes alcoholic drink availability during our hours of operation, and daily happy hour from 3-5 PM, offering our adult patrons a relaxed, enjoyable experience that complements their meals. This approach is in line with our commitment to maintaining a family-friendly environment.

Our responsible approach to alcohol service includes:

- •Rigorous and thorough staff training in safe and legal alcohol service.
- ·Strict adherence to policies against serving minors and visibly intoxicated individuals.
- Empowering staff to handle situations with intoxicated or difficult patrons effectively.
- •Maintaining liquor stocking and handling at the bar, with unused inventory under lock and key

Community Alignment: We recognize the importance of aligning our alcohol service with the community standards of Suisun City. Our approach aims to ensure that offering alcohol complements the dining experience in a way that upholds our family-oriented atmosphere while elevating the culinary selection of our community.

Incorporating alcohol service at 1933 Kitchen and Bar is a thoughtful decision, aimed at enhancing our dining offerings while maintaining a responsible, community-friendly approach. We believe this addition is appropriate for the area and will positively contribute to Suisun City's dining scene.

Use Permit - Written statements describing import characteristics of the proposed.

Operation Description:

1933 Kitchen and Bar, managed by the Wence family, operates from 11 AM to 9 PM Sunday through Thursday, and 10 AM to 10 PM on Friday and Saturday. The restaurant employs between 25 to 35 staff members, with a peak-hour team consisting of 2 bartenders, 3 servers, 3 food runners, 4 cooks, and a dishwasher. The dining capacity includes 12 seats at the bar and 68 in the dining area.

Outdoor activities including work, storage, display and services:

Currently, there are no plans for outdoor activities, sales, or seating at 1933 Kitchen and Bar. All services, including dining and alcohol sales, are confined to the indoor premises. A sign with our name will be visible from the outside.

Odors, noise, dust, or glare produced:

The restaurant's operations primarily involve cooking and dining services, which may produce typical kitchen odors. Any noise, dust, or glare will be minimal and confined within the restaurant premises, adhering to local regulations and community standards.

Hazardous Materials:

No hazardous or volatile materials or chemicals are involved in the restaurant's day-to-day operations beyond standard cleaning supplies, which will be handled and stored according to safety guidelines.

Vehicle Traffic and Parking:

The restaurant expects standard customer traffic with available parking in front of the building to accommodate guests. Deliveries and refuse pick-up will be managed to minimize disruption, adhering to local traffic regulations.

Lease Controls and Private Provisions:

The lease agreement for 1933 Kitchen and Bar includes no specific restrictions regarding the sale and consumption of food or alcoholic beverages. This aspect of the lease allows for the full operation of the restaurant and bar as planned, in compliance with local and state regulations.

Prior Use of Property:

This is a new building with no prior use.

Additional Information for Zoning Administrator:

1933 Kitchen and Bar presents a unique asset to Suisun City, combining over 30

years of culinary expertise with a strong commitment to community and responsible operations. Our family-friendly establishment offers a distinctive dining experience with Modern American California Cuisine, prioritizing quality and safety in our responsible alcohol service. This blend of culinary excellence and community alignment makes us a suitable candidate for a conditional use permit, as we aim to enrich the local dining scene while adhering to the highest standards of service and community values.



