

AGENDA
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., June 11, 2019

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC19-07

1. CALL TO ORDER.

2. ROLL CALL:

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

Pledge of Allegiance
Invocation

3. APPROVAL OF AGENDA:

Approval of Planning Commission agenda of June 11, 2019

4. APPROVAL OF MINUTES:

Approval of Planning Commission minutes of April 23, 2019

5. PUBLIC COMMENT:

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

CONFLICT OF INTEREST NOTIFICATION

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

6. CONSENT CALENDAR:

None

7. CONTINUED ITEMS:

None

8. PUBLIC HEARINGS:

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

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

None

9. GENERAL BUSINESS:

A. WORKSHOP – Residential Parking and Paving Ordinance

10. REPORTS BY STAFF AND PLANNING COMMISSION:

A. Staff

B. Planning Commission

11. AGENDA FORECAST / FUTURE AGENDA ITEMS.

12. ADJOURNMENT.

a&m/190611.pca

MINUTES
MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., APRIL 23, 2019

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC19-06

1. ROLL CALL:

Chairperson Clemente
Commissioner Borja
Commissioner Holzwarth
Commissioner Ramos
Commissioner Rowe
Commissioner Thomas

EXCUSED
Commissioner Pal

2. ANNOUNCEMENTS:

None.

3. MINUTES:

Commissioner Borja moved to approve the Planning Commission minutes of March 26, 2019, as is.

Commissioner Thomas seconded the motion. Motion passed 6-0-1 by roll call vote with Commissioner Pal absent.

4. AUDIENCE COMMUNICATIONS:

None.

CONFLICT OF INTEREST NOTIFICATION

None.

5. GENERAL BUSINESS:

Senior Planner John Kearns started with a brief history on the bylaws and what the bylaws consist of. Commissioner Rowe opened the questions by asking if there have been any revisions to the bylaws presently, to which Mr. Kearns responded “no”.

Commissioner Borja then asked, if we could mirror what the bylaws say ‘before conducting a meeting commissioners would move to approve the agenda.’ Mr. Kearns responded by agreeing that we should implement it moving forward.

Commissioner Borja moved to approve the Resolution No. PC19 - 06; A Resolution of the Planning Commission of the City of Suisun City Recommending City Council Adoption of Planning Commission Bylaws and Rescinding the 1997 Planning Commission Rules of Procedure.

Commissioner Rowe seconded the motion. Motion passed 6-0-1 by roll call vote with Commissioner Pal absent.

6. PUBLIC HEARINGS:

None.

7. COMMUNICATION:

A. Staff

- a. Staff announced an AHOC meeting would be held on April 24th 6:00PM at the City Council Chambers
- b. Staff announced a noise ordinance workshop would be held on May 1st at 6:30PM at the Nelson Center.

B. Commissioners

None.

C. Agenda Forecast

None.

8. ADJOURN.

AGENDA TRANSMITTAL

MEETING DATE: June 11, 2019

PLANNING COMMISSION AGENDA ITEM: WORKSHOP – Residential Parking and Paving Ordinance.

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

Original Urgency Measures

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

Planning Commission Meetings

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

March 19, 2019

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

April 2, 2019 City Council Meeting

The City Council took public comments and discussed the issues raised. A majority of the issues raised by the Public were centered on the regulation of Recreational Vehicles (including boats) on residential properties. Following discussion, the City Council chose to form an Ad Hoc Committee consisting of two City Councilmembers and three Planning Commissioners. The Ad Hoc was formed specifically to look at the definition of “Recreational Vehicle” and section C.3 “Vehicle Storage” of the proposed ordinance.

PREPARED BY:

John Kearns, Senior Planner

APPROVED BY:

Tim McNamara, Development Services Director

April 24, 2019 Ad Hoc Meeting

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

May 14, 2019 City Council Meeting

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

Workshop and Planning Commission Consideration (Summer 2019)

As a result of the City Council’s direction from May 14, the Planning Commission is being asked to hold a workshop to discuss the proposed ordinance and to take any Public Comments from interested parties. Staff will go through the draft ordinance line by line with the Commission and answer any questions the Commission may have.

Discussion of Attachments

Staff has provided the Planning Commission with staff reports and links to each of the agenda items presented to the City Council on this matter following the recommendation of the Planning Commission in January. The redlined draft ordinance which was presented to the City Council on May 14 is also provided as Attachment 5 of this staff report.

Next Steps

At the conclusion of the June 11, 2019 workshop, the Planning Commission will be asked to address what the next steps will be regarding their consideration of the proposed ordinance. The Commission has options in considering how to move the ordinance forward including:

- Holding additional workshops;
- Forming an Ad Hoc Committee;
- Setting a date for a public hearing to consider a recommendation to the City Council.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission Hold a Workshop to Discuss the Proposed Residential Parking and Paving Ordinance and to Possibly Set a Date for the Public Hearing.

ATTACHMENTS:

1. **March 19, 2019 City Council Agenda, Item #10 (Staff Report included with a link to the entire packet provided for reference) (https://www.suisun.com/wp-content/files/Suisun_City_Council_Agenda_March_19_2019.pdf)**
2. **April 2, 2019 City Council Agenda, Item #9 (Staff Report included with a link to the entire packet provided for reference) (https://www.suisun.com/wp-content/files/Suisun_City_Council_Agenda_April_2_2019.pdf)**
3. **Recreational Vehicle Ad Hoc PowerPoint, April 24, 2019**
4. **May 14, 2019 City Council Agenda, Item #9 (Staff Report included with a link to the entire packet provided for reference) (https://www.suisun.com/wp-content/files/Suisun_City_Council_Agenda_May_14_2019.pdf)**
5. **May 14, 2019 Draft Ordinance as presented to the City Council.**
6. **Ordinance No. 758**

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AGENDA TRANSMITTAL

MEETING DATE: March 19, 2019

CITY AGENDA ITEM: PUBLIC HEARING: Residential Yards and Parking Ordinance:

Council Introduction and Waive Reading of Ordinance No. ____: An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties

FISCAL IMPACT: There is no anticipated fiscal impact associated with this item.

BACKGROUND: On March 21, 2017, the City Council adopted a comprehensive update of Title 18 “Zoning” of the Suisun City Code. Following that time, staff discovered that the section addressing treatment of front yards “Parking in Residential Front Yards” had been inadvertently deleted which left staff no code to enforce relative to paving in residential front yards.

In light of the void in the code, the City Council adopted Urgency Ordinance No. 746 on January 16, 2018 which put an immediate limitation on the amount of paving in residential front yards until the Zoning Code could be amended to include these provisions. The ordinance was extended by the City Council through Interim Ordinance No. 747 as staff worked through the drafting of revisions to the applicable portion of Title 18. Subsequently, staff prepared revisions to the Zoning Code which included language addressing front yard paving/parking. At the special meeting of March 19, 2018, the Planning Commission recommended the City Council adopt the proposed revisions absent the language on front yard paving/parking as the majority agreed it didn’t comprehensively address the issue. The City Council concurred and adopted the amendments without the parking/paving language.

Since the direction of the Planning Commission and City Council in 2018, staff has begun working on fully understanding the issue and how other communities have chosen to address it in their codes. Staff met with interested citizens on July 23, 2018 and October 30, 2018. This included sharing ideas and deeply discussing the issue from the residents’ perspective. The outcome of the research is that most cities address the issue(s) somewhat similarly, but in various sections of their codes.

At the December 18, 2018 Planning Commission meeting, the Commission held a Public Hearing to discuss the proposed Ordinance. The Commission discussed the matter and opened the Public Hearing. They took comments from the Public and ultimately closed the Public Hearing. While discussing the item, it was suggested that the item be continued to a future Planning Commission and an Ad Hoc of the Commission be formed. At the close of the meeting, the Commission appointed Commissioner’s Clemente, Borja and Thomas to the Ad Hoc Committee. Staff recommended a new Public Hearing be noticed as it was unclear specifically when the Ad Hoc would be available to meet.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

John Kearns, Senior Planner
Tim McNamara, Development Services Director
Richard Ramirez, Interim City Manager

On January 29, 2019, the Commission voted 6-0 in favor of recommending the City Council adopt the proposed ordinance.

STAFF REPORT: The Ad Hoc of the Planning Commission met with staff on Thursday, January 10, 2019 to discuss the ordinance. In large part, the structure of the prior proposed ordinance was retained. However, certain changes were made to the revised ordinance as a result of the following circumstances:

1. Written comments and/or Public Comments received at the December 18, 2018 Public Hearing;
2. Development Services staff observations over the past several years; and
3. Identified repetitious provisions that needed to be deleted.

Specifically, staff would like the Council to understand the differences between the two ordinances. Below are points illustrating the differences:

1. Maximum paved areas (overall and specific application such as driveways) and minimum landscaped areas have been clarified and applied consistency throughout the ordinance;
2. “Side Driveway” was removed as a definition;
3. Recreational vehicles are proposed to not be allowed within front, rear or side setback areas;
4. A basic maintenance or pruning standard has been included to allow for passage of pedestrians and vehicles.

At the conclusion of the January 29 Special Meeting of the Planning Commission, the Planning Commission included the following changes into their recommendation:

1. Deleted former 18.36.070.3.vi(1);
2. Added language to 18.36.070.3.vi(1) (formerly #2); and
3. Include recreational vehicle and airplane or aircraft into new 18.36.070.3.vi(2) and (4);

Additionally, staff has provided a summary of the applicable City codes/regulations the City Council should keep in mind as they review the proposed ordinance:

Title 8 “Health and Safety”

Both Section 8.12 “Public Nuisances” and 8.13 “Abandoned and Distressed Residential Properties Registration” have elements that could and should work together with any zoning ordinance developed on the issues of parking, treatment of yards, and residential property maintenance.

Title 18 “Zoning”

As stated previously in the Background section and presented at the December 18 Commission meeting, in the prior zoning ordinance there was a standard that spoke to paving and parking in residential front yards, but no standards relative to property maintenance and how rear or side yards were treated. Of course, with the omission of the prior language in our current code, the City is left with Urgency Ordinance 747 to uphold. Also as stated above, many cities regulate both parking in residential front yards as well as property maintenance standards. The proposed ordinance is relatively short in nature, but is intended to provide a way or regulating activities in front, side and

rear yards. It is staff's opinion that the regulating these activities is in the City and Community's interest as it will enhance curb appeal and limit potential blight in neighborhoods.

Waterfront District Specific Plan

Presently, the Waterfront District Specific Plan (which has a geographic specific area) has the following language in Appendix A which speaks specifically to the maintenance of properties within the Historic Residential (HR) and Historic Limited Commercial (HLC) Districts:

Maintenance of Structures and Premises

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

Staff recommends this language be extended to include all residential properties within the area of the Plan. In order to accomplish this, language should be inserted into Section 6.2.3 that makes this clear. Additionally, staff recommends that clear language be inserted into the provisions of the Zoning Code and that the City Council have the option to adopt more restrictive standards for certain neighborhoods within the area of the Waterfront District Specific Plan.

RECOMMENDATION: It is recommended that the City Council:

1. Introduce and Waive Reading of Ordinance No. ___ : An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.

ATTACHMENTS:

1. Ordinance No. ___; An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
2. January 29, 2019 Planning Commission Staff Report.
3. Suisun City Code Chapter 8.12– Public Nuisances and 8.13 Abandoned and Distressed Residential Properties.
4. PowerPoint Presentation

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AGENDA TRANSMITTAL

MEETING DATE: April 2, 2019

CITY AGENDA ITEM: Council Introduction and Waive Reading of Ordinance No. ____: Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.

FISCAL IMPACT: There is no anticipated fiscal impact associated with this item.

BACKGROUND: The City Council held a Public Hearing on March 19, 2019 to discuss a proposed ordinance which would regulate certain activities in front, side, and rear yards. At the Public Hearing, the City Council raised some concern relative to proposed Section 18.36.070.C.3 “Vehicle Storage”. At the conclusion of the Public Hearing, the City Council requested that staff bring back the item at the April 2, 2019 meeting to discuss further.

STAFF REPORT: Staff has attached the staff report from the March 19, 2019 meeting as well as the proposed ordinance and Chapters 8.12 (Public Nuisances) and 8.13 (Abandoned and Distressed Residential Properties) which were all provided to the City Council at the March 19 meeting.

RECOMMENDATION: It is recommended that the City Council:

1. Introduce and Waive Reading of Ordinance No. ____: An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
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ATTACHMENTS:

1. March 19, 2019 City Council Staff Report.
 2. Ordinance No. ____; An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
 3. Suisun City Code Chapter 8.12– Public Nuisances and 8.13 Abandoned and Distressed Residential Properties.
 4. PowerPoint
-

PREPARED BY:

John Kearns, Senior Planner

REVIEWED BY:

Tim McNamara, Development Services Director

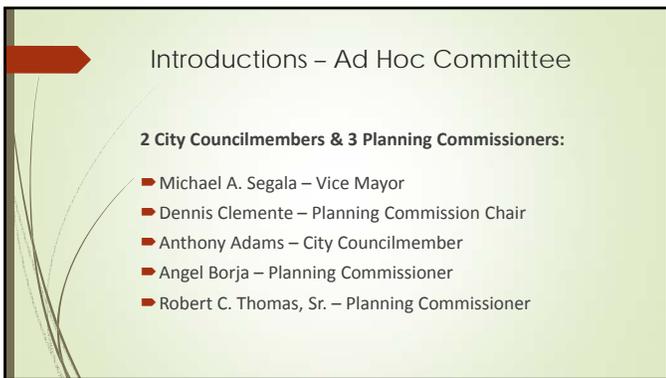
APPROVED BY:

Greg Folsom, City Manager

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RV Ad Hoc Committee
April 24th, 6pm



Introductions – Ad Hoc Committee

2 City Councilmembers & 3 Planning Commissioners:

- Michael A. Segala – Vice Mayor
- Dennis Clemente – Planning Commission Chair
- Anthony Adams – City Councilmember
- Angel Borja – Planning Commissioner
- Robert C. Thomas, Sr. – Planning Commissioner



Introductions – Staff

- Greg Folsom – City Manager
- Tim McNamara – Development Services Director
- John Kearns – Senior Planner
- Joann Martinez – Assistant Planner

Agenda

- Ground Rules
- Existing Ordinance
- CC&Rs
- Purpose of Ad Hoc Committee
- "Definitions"
- "Vehicle Storage"

Ground Rules - General

- This is not a Council meeting or a Planning Commission meeting, this is an Ad Hoc Committee meeting and I will be the Chair.
- Ad Hoc Committee meetings are not normally open to the general public, but Council wants public input on this issue.
- The goal of this Ad Hoc Committee meeting is to come to a consensus for a recommendation to Council.
- I will be providing information on the existing ordinance and will go through the proposed ordinance point by point.
- I will ask that Committee members allow each other to speak without interrupting each other.

Ground Rules - Public

- Primarily the discussion will be addressed to the Ad Hoc Committee members, but I will ask for a "show of hands" from the audience if you support a particular point of discussion or if you disagree.
- There are no speaker cards. At certain points I will ask if there are other ideas from the audience.
- If you have something to say about a particular item, please raise your hand.
- Please keep remarks short, to the point, and on topic.
 - This is not the appropriate venue to discuss any items but the ones at hand

Ground Rules – Next Steps

- Regardless of what the recommendation is from the Ad Hoc, the public will have another opportunity to address the Council when the item is discussed at Council.
- If we come to consensus on a recommendation, the soonest this item could be on the Council agenda would be May 14th
 - There is a 10-day public notice requirement for a first reading of an ordinance
- If we need to schedule another Ad Hoc Committee meeting then we will have to wait and see when the next Ad Hoc Committee meeting is and go from there.

Suisun City Code Chapter 18 – Zoning: Current Language
18.36.070 - Prohibited activities in front and street side yards

■ A. The following are unlawful and are declared to be public nuisances in the front and side yards and are not permitted:

- 1. The parking, repairing, assembly/disassembly, or other activities associated with any airplane or aircraft, or any part or parts thereof;
- 2. The parking, storing, or keeping for a period of time greater than 72 consecutive hours of any household appliance, equipment, machinery, or furniture, or of any construction equipment, machinery, or materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;
- 3. The parking, storing or keeping in any such area, for a period of time in excess of 72 consecutive hours, of any motor vehicle or vehicles that is or are disabled or inoperative because of the need of repairs or for any other reason;

Suisun City Code Chapter 18 – Zoning: Current Language
18.36.070 - Prohibited activities in front and street side yards

■ A. The following are unlawful and are declared to be public nuisances in the front and side yards and are not permitted:

- 4. The parking, storing or keeping of vehicle in any such area of front driveway, side driveway, or is visible to the public must be registered;
- 5. The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing in any such area of any motor vehicle, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property, excepting the repairing, washing, cleaning or servicing by an owner, lessee, or occupant of the lot, for a period not to exceed 72 hours.

Suisun City Code Chapter 18 – Zoning: Current Language
18.36.070 - Prohibited activities in front and street side yards

B. For purposes of this subsection, "front" and "street side yard" are defined as the following:

- 1. The front building setback area of any interior or corner lot located within any zoning district;
- 2. The side building setback area of any corner lot located within any zoning district, except where such side building setback areas are not located adjacent to a public street. Where not adjacent to a public street, the side yard must be enclosed by a solid fence or impenetrable hedge not less than six feet in height so that the premises are not visible from the street;

Suisun City Code Chapter 18 – Zoning: Current Language
18.36.070 - Prohibited activities in front and street side yards

C. For the purpose of determining whether or not a motor vehicle or airplane or other item of property has been unlawfully parked, stored, or kept in any area for a period of time greater than 72 consecutive hours, the hours during which the unlawful activity is done shall be deemed consecutive, notwithstanding the fact that such property may have been removed from restricted setback area for an intervening period of time if such intervening period of time is less than 72 hours, or if the property in question is parked, stored, or kept during such intervening period of time within or upon any public street.

Suisun City Code Chapter 18 – Zoning: Current Language
Summary

Currently, the main restrictions for front and street side yards are:

- No airplanes at all
- No appliances, equipment, furniture, or machinery in yard more than 72 hours
- No disabled or inoperative vehicles in yard more than 72 hours
- Parked vehicles must be registered
- Cannot work on personal property in yard more than 72 hours

Be aware, properties may also be subject to CC&R's!

Covenants, Conditions, and Restrictions (CC&Rs) – Warning!

- Many developments in the city limits have existing CC&Rs that restrict the ability to park boats, RV's, etc. on a property.
- The City does NOT enforce CC&Rs.
 - CC&Rs are different in different neighborhoods.
 - If City enforces some we should enforce all.
 - Legally tenuous for City to enforce CC&Rs.
- However, CC&Rs are civilly enforceable through the court system, i.e. your neighbor(s) can sue if you violate the CC&Rs.
- Staff is currently gathering information on the CC&Rs that we are aware of.

Covenants, Conditions, and Restrictions (CC&Rs) – Warning!



Purpose of Ad Hoc

1. Address Proposed Section A4: Definition of "Recreational Vehicle"
2. Address Proposed Section C3: "Vehicle Storage"

#1 - Definition of "Recreational Vehicle"
Proposed Wording for Discussion:

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

- "fifth wheel" rather than third-wheel
- Other discussion on definition?
- Separate definition based on Height? Length? Other?

#2 – Vehicle Storage
Proposed Wording for Discussion:

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

- (1) The parking, storing, or keeping for a period of time greater than seventy-two consecutive hours of any household appliance, equipment, furniture, construction equipment, machinery, **boat, jet-ski, motor vehicle, recreational vehicle,** airplane or aircraft, or materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;

#2 – Vehicle Storage
Proposed Wording for Discussion:

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

- (2) The parking, storing or keeping in any such area, for a period of time in excess of seventy-two consecutive hours, of any motor vehicle or recreational vehicle that is or are disabled or inoperative because of the need of repairs or for any other reason;
- (3) The parking, storing or keeping of a motor vehicle **not registered with the Department of Motor Vehicles** in any such area of the front driveway, side driveway, or ~~is visible to the public~~ **must be registered;**

#2 – Vehicle Storage
Proposed Wording for Discussion:

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

- (4) The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing in any such area of any motor vehicle, boat, trailer, recreational vehicle, airplane or aircraft, machinery, equipment, appliance or appliances, furniture or other personal property, excepting the repairing, washing, cleaning or servicing by an owner, lessee, or occupant of the lot, for a period ~~not to exceed~~ **72** hours.

#2 – Vehicle Storage
Proposed Wording for Discussion:

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

#2 – Vehicle Storage
Proposed Wording for Discussion:

- ii. All vehicles, including recreational vehicles, shall be parked, stored or kept on a driveway being consistent with Chapters 8.12 and ~~8.13~~, as applicable, of the Suisun City Code.
 - (Chapter 8.12 – Public Nuisances)
 - Abandoned, wrecked, inoperable vehicles are public nuisances – Exempted if screened from public view
 - Must be parked on asphalt, concrete or all weather surface
 - (Chapter 8.13 – Abandoned and Distressed Residential Properties Registration)
 - ??

#2 – Vehicle Storage
Proposed Wording for Discussion:

iii. If a recreational vehicle is parked or stored on a residential property, then an owner of the recreational vehicle must also live at the same address. Additionally, recreational vehicles must be parked on an approved driveway, **meet the setbacks addressed in Table 18.31.01 Development Standards in Residential Zones, as applicable, of the Suisun City Code, and parked in a manner so that they are not viewable from the City's right-of-way.**

- Table 18.31.01 Development Standards are for structure setbacks
- Incompatible with Section iv that allows up to 72 hour parking/storage
- Not possible to screen most travel trailers due to height above 6' fence

#2 – Vehicle Storage
Example:



#2 – Vehicle Storage
Proposed Wording for Discussion:

iii. If a recreational vehicle is parked or stored on a residential property, then an owner of the recreational vehicle must also live at the same address. Additionally, recreational vehicles must be parked on an approved driveway, **meet the setbacks addressed in Table 18.31.01 Development Standards in Residential Zones, as applicable, of the Suisun City Code, and parked in a manner so that they are not viewable from the City's right of way, and meet the following requirements if parked on a front or side yard visible to the public:**

#2 – Vehicle Storage
Proposed Wording for Discussion:

- *Recreational vehicles shall not obstruct visibility and no part of the vehicle shall exceed five feet tall within four feet of the back of sidewalk;*



#2 – Vehicle Storage
Proposed Wording for Discussion:

- *Recreational vehicles shall not impede the public right of way;*
- *If recreational vehicle is covered it must be with a snug-fitting material free of damage and the covering must be secured so as not to come off in a storm;*
- *Recreational vehicles must be in working order with no obvious signs of damage;*
- *Recreational vehicles must have properly inflated tires on the vehicle or trailer or the tires should be properly screened from view with an appropriately matching material;*

Other setbacks?
Other restrictions?

#2 – Vehicle Storage
Examples:



#2 – Vehicle Storage – Street parking
Proposed Wording for Discussion:

- Most complaints to Code Enforcement/PD regarding parked vehicles are about street parking concerns.
- *“v. The following activities are prohibited on any public street governed by this Section:*
 1. *The parking of any unattached trailer on the street at any time, except to load for a period not to exceed 2 hours.*
 2. *The parking of any motorhome or attached recreational vehicle in excess of 24 hours.*
 3. *In no case shall power cords or other connection(s) to the property cross a sidewalk or public right of way.”*

#2 – Vehicle Storage – Street parking
Example:



Summarize/Next Steps

- Summary for the record
- Next Steps??

AGENDA TRANSMITTAL

MEETING DATE: May 14, 2019

CITY AGENDA ITEM: PUBLIC HEARING: Residential Yards and Parking Ordinance:

- A. Council Adoption of Ordinance No. ___: An Interim Urgency Ordinance of the City Council of the City of Suisun City, California, Establishing a 45-day Temporary Moratorium on Paving of Greater Than Sixty Percent of the Total Surface Area of any Residential Front Yard, and Declaring the Urgency Thereof.
 - B. Council Introduction and Waive Reading of Ordinance No. ___: An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
-

FISCAL IMPACT: There is no anticipated fiscal impact associated with this item.

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

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

On March 19, 2019, the City Council held a public hearing to consider an ordinance which would amend both Chapter 18.36.070 of the Suisun City Code and the Waterfront District Specific Plan regarding residential yards, prohibited activities in driveways and landscaping and maintenance provisions. The City Council took staff’s presentation, asked some clarifying questions, opened and closed the Public Hearing and continued the item to the April 2, 2019 meeting.

At the April 2, 2019 meeting, the City Council took public comments and discussed the issues raised. A majority of the issues raised by the Public were centered on the regulation of Recreational Vehicles

PREPARED BY:
REVIEWED BY:
APPROVED BY:

John Kearns, Senior Planner
Tim McNamara, Development Services Director
Greg Folsom, City Manager

(including boats) on residential properties. Following discussion, the City Council chose to form an Ad Hoc Committee consisting of two City Councilmembers and three Planning Commissioners. The Ad Hoc was formed specifically to look at the definition of “Recreational Vehicle” and section C.3 “Vehicle Storage” of the proposed ordinance.

STAFF REPORT: As stated in the background section, the provisions of Interim Urgency Ordinance No. 747 have expired leaving the City again without any regulations relative to front yard paving to enforce. In an effort to address this issue, staff and the City Attorney have prepared a new interim urgency ordinance for the City Council’s consideration. These provisions mirror those that were a part of the prior urgency ordinance and also reflect the provisions that had been in place in the prior zoning code (60/40 rule). If the City Council chooses to adopt this new interim urgency ordinance and a new regular ordinance is not in place within 45 days, then staff will come back to the City Council requesting an extension of up to 10 months and 15 days.

April 24, 2019 Ad Hoc Meeting

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

Recommended Revisions

The following is a summary of the revisions the Ad Hoc recommended the City Council consider:

- Within the definition of “Recreational Vehicle.” strike third-wheel and replace with fifth-wheel.
- Under “Vehicle Storage” Section 18.36.070.C.3.iii, strike language relating to recreational vehicles stored on the property having to belong to the owner of the property, as well as having to meet with zoning standards of a structure. Instead, recreational vehicles would need to meet the following requirements if parked on a front and side yard visible to the public:
 - Provide a minimum 36” safety clearance from the house;
 - Recreational vehicles shall not impede the public right of way;
 - If recreational vehicle is covered it must be with a snug fitting material free of damage and the covering must be secured so as not to come off in a storm;
 - In no case shall power cords or other connection(s) to the property cross a sidewalk or public right of way to prevent any tripping hazards.
- Under “Vehicle Storage” Section 18.36.070.C.3.IV, the following revisions were proposed:
 - Strike boat, jet ski, motor vehicle and recreational vehicle from subsection 1 relating to the parking, storing or keeping in driveways for more than 72 hours;

- Strike “inoperative” and replace with “inoperable” and strike excess language at the end of subsection 2;
- Amend subsection 3 to clarify registration with the Department of Motor Vehicles;
- Amend subsection 4 to clarify that the section is applicable if the activities are exceeding 72 hours.

Further Key Decision Points of the City Council

Beyond the scope of the Ad Hoc, there are additional decision points the City Council will need to make relative to the contents of the proposed ordinance. As stated previously, the Ad Hoc had a rather strict focus and was not asked to provide any recommendations on subjects outside of their directed scope. These items include:

- Treatment of yards (front, side and rear) including standards relative to impervious surfaces;
 - For example, percentage of walkways and hardscaped areas in front yards is proposed to be a maximum of fifty percent. The prior code section allowed for a maximum of sixty percent impervious surface. The Planning Commission felt a stricter standard was appropriate.
 - The Planning Commission added a standard indicating a maximum fifty percent for impervious surfaces relative to rear and side yards. Should this standard be retained?
 - Currently, the City has no regulations relative to amount of impervious surfaces. The urgency ordinance that was adopted and then extended has since expired in January 2019.
- One tree being required for each residential property; and
 - Should this standard apply to all residential properties, should it only apply to new construction?
- How to ultimately apply the ordinance.
 - Will improvements made during the period of time where no ordinance was in place be considered “grandfathered”? As stated previously, the urgency ordinances adopted in 2018 have since expired.

The proposed ordinance including the recommendations of the Ad Hoc are presented to the City Council to consider. The City Council could choose to take several paths in moving the ordinance forward. These options may include (but are not limited to):

- Introduction and waiver of reading on May 14.
- Continue the Public Hearing to a date certain to allow for staff to provide more information.
- Provide direction for staff to work through any issues with the Planning Commission before returning with the Ordinance to the City Council.

Staff looks forward to discussing the proposed ordinance and any next steps.

RECOMMENDATION: It is recommended that the City Council:

1. Adopt Ordinance No. ____: An Interim Urgency Ordinance of the City Council of the City of Suisun City, California, Establishing a 45-day Temporary Moratorium on Paving of Greater Than Sixty Percent of the Total Surface Area of any Residential Front Yard, and Declaring the Urgency Thereof.
2. Introduce and Waive Reading of Ordinance No. ____: An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.

ATTACHMENTS:

1. Ordinance No. ____: An Interim Urgency Ordinance of the City Council of the City of Suisun City, California, Establishing a 45-day Temporary Moratorium on Paving of Greater Than Sixty Percent of the Total Surface Area of any Residential Front Yard, and Declaring the Urgency Thereof.
2. Ordinance No. ____; An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
3. Redline Version of Proposed Ordinance.
4. Section 18.36.070 “Prohibited Activities in Front and Street Side Yards”
5. Suisun City Code Chapter 8.12– Public Nuisances and 8.13 Abandoned and Distressed Residential Properties.
6. PowerPoint presentation.

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 1. RECITALS.

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

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

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

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

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

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

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

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

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

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

B. Purpose and Applicability.

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

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

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

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

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

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

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

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

C. Regulations and Standards

1. Front Yard.

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

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

iii. Landscaping minimums. For all residential properties, a minimum of fifty percent of the front yard area shall consist of a landscaped area.

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

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

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

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

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

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

2. Rear / Side Yard.

i. Landscaping minimums. For all residential properties and lots, a minimum of fifty percent of the required rear and side yard combined area shall consist of landscaped area.

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

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

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

3. Vehicle Storage.

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

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

iii. If a recreational vehicle is parked or stored on a residential property recreational vehicles must be parked on an approved driveway, and meet the following requirements if parked on a front or side yard visible to the public:

(1) Provide a minimum 36” safety clearance from the house;

(2) Recreational vehicles shall not impede the public right of way;

(3) If recreational vehicle is covered it must be with a snug fitting material free of damage and the covering must be secured so as to not come off in a storm;

(4) In no case shall power cords or other connection(s) to the property cross a sidewalk or public right of way to prevent any tripping hazards.

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

(1) The parking, storing, or keeping for a period of time greater than seventy-two consecutive hours of any household appliance, equipment, furniture, construction equipment, machinery, airplane or aircraft, and materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;

(2) The parking, storing or keeping in any such area, for a period of time in excess of seventy-two consecutive hours, of any motor vehicle or recreational vehicle that is disabled or inoperable because of the need of repairs ;

(3) The parking, storing or keeping of a motor vehicle not registered with the Department of Motor Vehicles in any such area of the driveway, or is visible to the public;

(4) The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing in any such area of any motor vehicle, boat, trailer, recreational vehicle, airplane or aircraft, machinery, equipment, appliance or appliances, furniture or other personal property, excepting the repairing, washing, cleaning or servicing by an owner, lessee, or occupant of the lot, for a period exceeding 72 hours.”

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

Section 6.2.3.C. Landscaping

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

Section 6.2.3.D Maintenance of Structures and Premises

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

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

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

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

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

Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

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

Aleshire & Wynder, LLP

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ORDINANCE NO. 758

AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, ESTABLISHING A 45-DAY TEMPORARY MORATORIUM ON PAVING OF GREATER THAN SIXTY PERCENT OF THE TOTAL SURFACE AREA OF ANY RESIDENTIAL FRONT YARD, AND DECLARING THE URGENCY THEREOF

WHEREAS, paving greater than 60% of residential front yard is an immediate threat to public health, safety, and welfare, because:

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

WHEREAS, this urgency ordinance is being adopted in order to allow the City time to duly investigate and consider these concerns and to thoroughly review, study and amend the City’s laws, rules, procedures and fees related to paving or non-paving of residential front yards, or portions thereof, within the City; and

WHEREAS, Government Code Section 65858 expressly authorizes the City Council to adopt an urgency ordinance prohibiting any uses which may be in conflict with a contemplated general plan, specific plan, or zoning proposal which the City Council or the City’s Planning Commission or Planning Department is considering or studying or intends to study within a reasonable time, for the purpose of the immediate preservation of the public health, safety, or welfare; and

WHEREAS, the City conducted a public hearing to consider adoption of this Ordinance pursuant to Government Code § 65858 on May 14, 2019.

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

SECTION 1. FINDINGS. The City Council of the City of Suisun City hereby finds, determines, and declares that:

1 A. The above recitals are true and correct and are incorporated herein by reference
as if set forth in full.

2 B. In adopting this Ordinance, the City Council finds:

3 1. It has been longstanding City policy to limit the paving of residential
4 front yards, or any portion thereof, to no more than 60% of the total surface area of the
5 residential front yard. In particular, prior to March 21, 2017, the City's zoning code contained
6 regulations regarding such paving, but the regulations were inadvertently omitted when the City
updated its zoning code in March of 2017.

7 2. Further, the paving of more than 60% of the residential front yard would
8 be contrary to the City's General Plan Policy CCD-2.2.

9 3. This Ordinance will prohibit uses that are in conflict with the
10 contemplated zoning proposal that the City Council, the City Planning Commission, and/or the
11 City's Planning Department is considering or studying or intends to study within a reasonable
time of adoption of this Ordinance.

12 4. In particular, the City will be considering a proposed ordinance in which
13 it will prohibit the paving of any residential front yard, or any portion thereof, to an extent that
14 would result in pavement covering greater than sixty percent (60%) of the total surface area of
the residential front yard.

15 5. The paving of greater than 60% of residential front yard is an immediate
16 threat to public health, safety, and welfare, because:

17 a. It would result in the existence of hazardous conditions on a property in
18 which there would be potential impact upon the City's storm water
19 management such that a much higher amount of run off from such
properties would negatively affect the City's storm water management
system,

20 b. It would result in potentially high amounts of runoff from such a property
21 where such runoff could cause harm to adjoining properties,

22 c. It would create visual blight by eliminating green space,

23 d. It would provide substantial aesthetic conflicts that resulting in decreased
24 property values for adjoining properties,

25 e. It would result in potentially changing the use of residential properties,
and it would result in less green space within the City.

26 6. The City's approval of additional permits or any other applicable use
27 entitlement which is required in order to comply with the City's zoning ordinance would result
28 in the above-referenced threat to public health, safety or welfare.

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

4 8. This urgency measure is necessary in order to ensure that adequate
5 regulation regarding paving or non-paving of residential front yards, or portions thereof, in the
6 City is adopted prior to the issuance of any new permits authorizing such activities to an extent
7 greater than set forth in this Ordinance.

8 9. Based on the foregoing, this Ordinance will protect the public health,
9 safety and welfare.

10 **SECTION 2. DEFINITIONS.** As used in this Ordinance, the following terms
11 shall have the following meanings:

12 “Pave” or “paving” shall mean covering an area or surface, or causing an area or surface
13 to be covered, with concrete, asphalt, brick, stones, all-weather surface material, or other
14 similar materials so as to create a hard, level and/or smooth surface.

15 “Pavement” shall mean and refer to the material used for or resulting from any paving.

16 “Residential front yard” shall mean and refer to a front yard, as defined in Section
17 18.04.010 of the Suisun Municipal Code, of a lot located in any residential zoning
18 district of the City.

19 **SECTION 3. MORATORIUM.**

20 A. Moratorium. During the effective period of this Ordinance, no person shall pave
21 any residential front yard, or any portion thereof, to an extent that would result in pavement
22 covering greater than sixty percent (60%) of the total surface area of the residential front yard.
23 During the effective period of this Ordinance, the City shall not permit or authorize, or accept
24 or consider any application for a permit to engage in, any paving activity, to the extent that such
25 activity would result in pavement covering greater than sixty percent (60%) of the total surface
26 area of any residential front yard.

27 B. Exemptions. This Moratorium shall not apply to a variance issued pursuant to
28 an application that is submitted, processed, and issued pursuant to Chapter 18.80 (Variances)
of Article V (Administration) of Title 18 (Zoning) of the Suisun Municipal Code. Such
applications and/or permits may be filed and processed in accordance with the City’s then
current regulations and authority, subject to the California Environmental Quality Act
(“CEQA”), CEQA Guidelines, and any other applicable laws, ordinances and regulations.

SECTION 4. REVIEW AND STUDY. During the effective period of this
Ordinance, the City’s Development Services Department shall review, study and propose
revisions as necessary to the City’s laws, standards, procedures and fees related to the paving
or non-paving of residential front yards, or portions thereof, in the City.

1 **SECTION 5. URGENCY MEASURE.** The City Council hereby declares that
2 this Ordinance is necessary as an urgency measure for the preservation of the public health,
safety and welfare of the City.

3 **SECTION 6. CEQA.** The City Council finds that this Ordinance is not subject to
4 the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections
5 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical
6 change to the environment) and 15060(c)(3) (the activity is not a project as defined in Section
7 15378 of Title 14 of the California Code of Regulations because it has no potential for resulting
in physical change to the environment, directly or indirectly); it prevents changes in the
environment pending the completion of the contemplated City municipal code review.

8 **SECTION 7. AUTHORITY AND EFFECT.** This Ordinance is enacted pursuant
9 to the authority conferred upon the City Council by Government Code Section 65858 and
therefore shall be in full force and effect immediately upon its adoption by a four-fifths (4/5)
10 vote of the City Council.

11 **SECTION 8. EFFECTIVENESS OF ORDINANCE.** This Ordinance shall
12 continue in effect for forty-five (45) days from the date of its adoption and shall thereafter be
13 of no further force and effect unless the City Council extends the Ordinance for an additional
14 period of time pursuant to Government Code Section 65858. Not later than ten (10) days prior
to the expiration of this Ordinance, or any extension thereof, the City Council shall issue a
written report describing the measures the City has taken to address the conditions which led to
the adoption of this Ordinance.

15 **SECTION 9. SEVERABILITY.** If any section, subsection, sentence, clause, or
16 phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision
17 of any court of any competent jurisdiction, such decision shall not affect the validity of the
remaining portions of this Ordinance. The City Council hereby declares that it would have
18 passed this Ordinance, and each and every section, subsection, sentence, clause and phrase
19 thereof not declared invalid or unconstitutional without regard to whether any portion of the
Ordinance would be subsequently declared invalid or unconstitutional.

20 **SECTION 10. PUBLICATION.** The City Clerk shall certify as to the passage and
21 adoption of this Ordinance and shall cause the same to be published in the manner prescribed
22 by law.

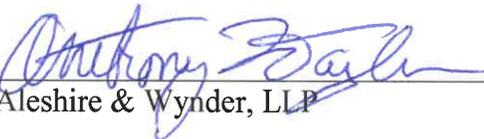
1 **PASSED, APPROVED, AND ADOPTED** as an Interim Urgency Ordinance at a
2 regular meeting of the City Council of the City of Suisun City, California, on this 14th day of
3 May 2019.

4
5 
6 _____
7 Lori Wilson, Mayor

8 ATTEST:

9 
10 _____
11 Linda Hobson, CMC
12 City Clerk

13 APPROVED AS TO FORM
14 AND LEGAL CONTENT:

15 
16 _____
17 Aleshire & Wynder, LLP

18 **CERTIFICATION**

19 I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify
20 that the foregoing Urgency Ordinance was introduced, passed, approved, and adopted at a
21 regular meeting of the City Council on May 14, 2019, by the following vote:

22 AYES:	Councilmembers:	Adams, Day, Segala, Williams, Wilson
23 NOES:	Councilmembers:	None
24 ABSENT:	Councilmembers:	None
25 ABSTAIN:	Councilmembers:	None

26 **WITNESS** my hand and the seal of said City this 14th day of May 2019.

27 
28 _____
29 Linda Hobson, CMC
30 City Clerk