

AGENDA
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., SEPTEMBER 12, 2017

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC17-12

1. ROLL CALL:

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

Pledge of Allegiance
Invocation

2. ANNOUNCEMENTS:

None

3. MINUTES:

Approval of Planning Commission minutes of July 25, 2017 and August 22, 2017.

4. AUDIENCE COMMUNICATIONS:

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.)

5. CONSENT CALENDAR

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

- A. A Resolution of the City of Suisun City Planning Commission Withdrawing Without Prejudice Site Plan/Architectural Review Application No. AR16/7-003: A Request to Construct Two Commercial Buildings at the Southeast Corner of Walters Road and East Tabor Avenue (APN 0174-511-150).**

6. PUBLIC HEARINGS:

For each of the following items, the public will be given an opportunity to speak. After a Staff Report, the Chair will open the Public Hearing. At that time, the applicant will be allowed to make a presentation. Members of the public will then be allowed to speak. After all have spoken, the applicant is allowed to respond to issues raised by the public, after which the Public Hearing is normally closed. Comments should be brief and to the point. The Chair reserves the right to limit repetitious or non-related comments. The public is reminded that all decisions of the Planning Commission are appealable to the City Council by filing a written Notice of Appeal with the City Clerk within ten (10) calendar days.

A. Conditional Use Permit Request to Establish Brewery/Tap Room at 301 Spring Street.

- **Resolution No. PC17-___ A Resolution of the City of Suisun City Planning Commission Approving Conditional Use Permit No. UP17/8-001 to Establish a Brewery/Tap Room at 301 Spring Street, APN-0032-052-120.**

7. COMMUNICATION:

- A. Staff**
- B. Commission**
- C. Agenda Forecast**

8. ADJOURN:

a&m/170912.pca

MINUTES
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., JULY 25, 2017

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC17-08

1. ROLL CALL:

Present:

Chairperson Clemente
Vice-Chair Osborne
Commissioner Borja
Commissioner Holzwarth
Commissioner Ramos

Absent:

Commissioner Pal
Commissioner Thomas

2. ANNOUNCEMENTS:

John Kearns introduced Marco Romagnoli, summer Intern for the Planning Division.

Mr. Kearns also announced the passing of former Commissioner Evelyn Adeva and the date and time of her services on August 2.

3. MINUTES:

Commissioner Ramos moved to approve the Planning Commission minutes of June 20, 2017. Commissioner Borja seconded the motion. Motion passed 5-0.

4. AUDIENCE COMMUNICATIONS:

None

5. CONSENT CALENDAR

Former Crystal School/Main Street West Parcel 14 Project: Resolution PC17-08: A Resolution of the City of Suisun City Planning Commission denying a request for a Planned Unit Development Permit and Precise Development Plan (PD-16-7-001), and recommending the City Council deny a Vesting Tentative Subdivision Map (SM 16-7-001) for the Crystal School/Parcel 14 Project, Assessor Parcel Number 0032-152-180.

Commissioner Holzwarth moved to approve Consent Calendar. Vice-chair Osborne seconded the motion. Motion passed by roll call vote 5-0.

CONFLICT OF INTEREST NOTIFICATION

Commissioner Ramos indicated he had a conflict with Item 6A.

6. PUBLIC HEARINGS:

Commissioner Ramos stepped down from the dais.

A. Review of and Potential Modification to Resolution No. PC17-04 and Direction for Further Action for Sovereign Ultra Lounge, 700 Main Street #106.

Mr. Kearns gave the following brief background:

- May 9 - Public Hearing held and Resolution PC17-04 adopted by Planning Commission.
- May 23 - Operator signs approval letter with note that he does not agree with Condition #18 and further does not believe that the Planning Commission agreed to this condition when adopting the resolution.
- May 27 - Police respond to physical fight in front of premises.
- June 4 - Police respond to domestic violence incident that occurred inside the premises.
- June 5 - Police Chief sends letter to operator regarding increase in security due to May 27 and June 4 occurrences.
- June 7 - Commander White sends email to operator memorializing conversation regarding increased security to a total of 11 personnel.
- June 8 - Operator receives business license name change from Suisun City Finance Department from Ovation Ultra Lounge to Sovereign Ultra Lounge.
- June 15 - Commander White sends email to operator regarding security personnel and specifically who to notify for upcoming performers (Condition #14).
- June 23 - Commander White sent email to operator including invoice for security camera.
- June 23 - Development Services staff sent letter to operator as a courtesy reminder of certain conditions of approval. The payment for the agreed upon security camera has not been paid, nor has any evidence been submitted indicating the operator's staff has received Responsible Beverage Service (RBS) training.

Mr. Kearns also stated that per information received from the Police Department, there have not been any calls for service since June 4, 2017. Mr. Kearns stated that Staff would like to discuss certain conditions of approval with the Planning Commission. These conditions include Numbers 2 (noise), 11 (security camera payment), 12 (RBS training), and 18 (regular review of CUP).

Chairperson Clemente opened the Public Hearing.

Jonathan Black, Attorney, commented his client and owner of Sovereign Ultra Lounge, Peter Ramirez was willing to purchase the security camera but had not received the specifications for the camera. Mr. Black stated they had only received a statement requesting the \$5,000.

Mr. Black stated that they had agreed to the July 25th meeting review but that it has now become a revolving 3 months and that is not what was agreed to.

Mr. Black stated that the noise concern was a new issue and they would not be prepared to discuss it this evening. The decibels were part of the original CUP and set at 90dB.

Jason Garben stated that there had not been any noise complaints but that the noise issue is something to look at as a whole and work with the operator to come up with something that makes more sense.

Mr. Black again stated they are willing to revisit the decibels but not prepared to discuss tonight.

Anthony Taylor, City Attorney, stated the applicant had not addressed the issue of RBS training. Mr. Black stated that the training had been completed.

Wayne Day, 301 Morgan Street, stated that there should be a time limit set as to when the security camera should be purchased. He also asked about a City noise ordinance and if the decibels could be lowered at 10:00 pm. Lastly, he asked why the name of the lounge had been changed.

Commander Andrew White stated there was no noise ordinance therefore it would revert back to the conditions of approval.

Mr. Kearns stated that on June 8th Mr. Ramirez filed the necessary paperwork for a name change of the business.

Dan Newcomer, 401 Morgan Street, asked if the name change required a new posting from the Alcohol Beverage Control Department. He also stated that they are required to keep the area clean and litter free and that on Sunday mornings there are still bottles, cigarette butts and gum all around the area.

Marsha Pouget, 400 Line Street, stated that she lives 5 blocks away. She stated she can hear the music and the language which she finds crude. She also stated there has been gun fire and feels it's a rough crowd and it is not what she wants in Suisun. She further stated that the original business was to compliment the theater and restaurants but that is not the case with the new owners.

Mr. Taylor stated he agreed that a time limit should be set for the purchase of the camera if that is what the Commission wished to do and proposed that it be within 15 days.

There being no further comments Chairperson Clemente closed the Public Hearing.

Vice-Chair Osborne asked how long it would take for installation of the camera once it is purchased. Commander White stated that it would be about a 45-day time frame.

Commissioner Borja asked if there had been any public reports on bullets. Commander White stated that no recent incidents had been reported and other than the camera issue there was good communication between the Police Department and the owners.

Commissioner Holzwarth asked when the 45 days started. Commander White stated that the payment would need to be received before equipment could be ordered.

Commissioner Holzwarth stated he didn't want to continue to have the owners come back before the Commission.

Chairperson Clemente confirmed the 45 days from payment being received. Commander White stated the department would have it installed sooner if possible.

Chairperson Clemente moved to continue the Public Hearing for 90 days.

Mr. Garben clarified that the resolution being adopted confirms there has been a review, not changing anything to the conditional use permit and will come back in another 90 days to review things and the expectation of the Commission is that the camera will be installed and feedback from the operator on their thoughts regarding the decibel limits.

Mr. Anthony read the resolution title and stated that it provides at the end of the resolution the Planning Commission scheduling a subsequent public hearing for modifications to the Conditional Use Permit and the Commission would be scheduling that for 90 days from July 25th.

Chairperson Clemente moved to adopt Resolution PC17-09 with the revision of the 90-day review. Vice-chair Osborne seconded the motion. Motion passed by roll call vote 4-0-1 with Commissioner Ramos abstaining.

B. Request for Approval to Construct Two Commercial Buildings at the Southeast Corner of Walters Road and East Tabor Avenue (Application No. AR16-7-003) (CONTINUED TO AUGUST 22, 2017).

Mr. Kearns explained the applicant asked for a continuation until August 22nd. He further explained the Commission should open the Public Hearing, take any comments from the public present and continue the Public Hearing.

Chairperson Clemente opened the Public Hearing and upon no comments continued the Public Hearing to August 22, 2017.

7. GENERAL BUSINESS:

A. Request for Finding General Plan Conformity for the Summary Vacation of Bay Drive Westerly of Civic Center Boulevard.

Mr. Kearns described the section of Bay Street to be vacated is located west of Civic Center Blvd., with Lotz Way to the north, the Hampton Inn to the west and Victorian Harbor to the east. Mr. Kearns explained it is the City's intent to summarily vacate the right-of-way as shown on Block 111, Book 5 of Maps at Page 5. He stated that with the vacation, the site could be appropriately assembled and development of the site could be pursued.

Commissioner Holzwarth moved to adopt Resolution No. PC17-10 A Resolution of the City of Suisun City Planning Commission Making a Finding of General Plan Conformity for the Summary Vacation of Bay Drive Westerly of Civic Center Boulevard. Commissioner Borja seconded the motion. Motion passed by roll call 5-0.

B. Request Finding of General Plan Conformity for the Future Sale of Real Property Owned by City of Suisun City (APN 0032-180-420).

Mr. Kearns explained the subject property is located at the terminus of Civic Center Boulevard, south of the existing Harbor Park Residential Subdivision.

Mr. Garben explained the City is in contract for development of this property, which was just recently approved by the Oversight Board. He stated there are two additional parcels, one is a wetlands piece and the other property to the north has been sent to the Department of Finance for approval. He further explained that in order to sell City property certain steps must be made and this resolution is one of those steps.

Commissioner Borja moved to adopt Resolution No. PC17-11; A Resolution of the Suisun City Planning Commission Making a Finding of General Plan Conformity for the Future Sale of Real Property Owned by City of Suisun City (APN 0032-180-420). Commissioner Holzwarth seconded the motion and motion passed by roll call vote 5-0.

8. COMMUNICATION:

A. Staff: None

B. Commission

Commissioner Ramos stated concern on Agenda Item #5 under Consent Calendar, the Crystal School site and what could be done in the future to rezone the site appropriately for development.

Commissioner Borja asked about Anderson Drive landscape maintenance.

C. Agenda Forecast

Mr. Kearns stated there would be a meeting on August 22, 2017.

9. ADJOURN.

There being no further business Chairperson Clemente adjourned the meeting at 8:15pm in memory of former Commission Evelyn Adeva.

Anita Skinner, Commission Secretary

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NOTICE: IT IS ANTICIPATED THERE WILL NOT BE A QUORUM AT THE MEETING. IF SO THE MEETING WILL BE CANCELLED AND ANY ITEMS ON THE AGENDA WILL BE CONTINUED UNTIL THE NEXT REGULAR MEETING SET FOR SEPTEMBER 12, 2017.

**MINUTES
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., AUGUST 22, 2017**

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC17-12

1. ROLL CALL:

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

Pledge of Allegiance
Invocation

John Kearns opened the meeting at 7:00 p.m.

No Commissioners or audience members were present. Mr. Kearns read the following statement into the record:

“I am John Kearns, Senior Planning. It is now 7:00 p.m. on August 22, 2017, the date and time for the regularly scheduled meeting of the Planning Commission. There is no quorum present, and there are (no) members of the public present. As such, this meeting is cancelled, and any items rescheduled for the next regular meeting set for 7:00p.m. on September 12, 2017.”

2. ANNOUNCEMENTS:

None

3. MINUTES:

None

4. AUDIENCE COMMUNICATIONS:

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.

5. CONSENT CALENDAR

None

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. PUBLIC HEARINGS:

For each of the following items, the public will be given an opportunity to speak. After a Staff Report, the Chair will open the Public Hearing. At that time, the applicant will be allowed to make a presentation. Members of the public will then be allowed to speak. After all have spoken, the applicant is allowed to respond to issues raised by the public, after which the Public Hearing is normally closed. Comments should be brief and to the point. The Chair reserves the right to limit repetitious or non-related comments. The public is reminded that all decisions of the Planning Commission are appealable to the City Council by filing a written Notice of Appeal with the City Clerk within ten (10) calendar days.

- A. CONTINUED FROM JULY 25, 2017 Request for Approval to Construct Two Commercial Buildings at the Southeast Corner of Walters Road and East Tabor Avenue (Application No. AR16-7-003). [NOTE: THIS ITEM WILL BE AUTOMATICALLY CONTINUED TO THE NEXT MEETING IF THERE IS NOT A QUORUM].**

7. GENERAL BUSINESS:

None

8. COMMUNICATION:

None

9. ADJOURN.

The meeting was adjourned at 7:04 p.m.

Anita Skinner, Commission Secretary

a&m/170822.pcm

AGENDA TRANSMITTAL

MEETING DATE: September 12, 2017

PLANNING COMMISSION AGENDA ITEM: Resolution PC17-___; A Resolution of the City of Suisun City Planning Commission Withdrawing Without Prejudice Site Plan/Architectural Review Application No. AR16/7-003: A Request to Construct Two Commercial Buildings at the Southeast Corner of Walters Road and East Tabor Avenue (APN 0174-511-150).

STAFF REPORT: A Public Hearing was noticed and opened on July 25. The item was requested to be continued to the August 22 meeting by the now former property owner. On August 17, 2017, Seno Homes, Inc. provided staff a letter withdrawing application No. AR16/7-003. The August 22 meeting was subsequently not held due to a lack of quorum. The property was recently sold and the new property owner submitted an application for development of the subject property, however the application is incomplete, but is expected to come before the Planning Commission for consideration in the future. Since the property has been sold and staff has received a request to withdrawal the subject application, it is necessary for the Planning Commission to adopt a resolution formally withdrawing the application.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission **adopt** Resolution No. PC17-___; A Resolution of the City of Suisun City Planning Commission Withdrawing Without Prejudice Site Plan/Architectural Review Application No. AR16/7-003: A Request to Construct Two Commercial Buildings at the Southeast Corner of Walters Road and East Tabor Avenue (APN 0174-511-150).

ATTACHMENTS:

1. Resolution No. PC17-___: A Resolution of the City of Suisun City Planning Commission Withdrawing Without Prejudice Site Plan/Architectural Review Application No. AR16/7-003: A Request to Construct Two Commercial Buildings at the Southeast Corner of Walters Road and East Tabor Avenue (APN 0174-511-150).
2. Seno Homes, Inc, Letter Dated August 17, 2017

PREPARED BY:

John Kearns, Senior Planner

REVIEWED/APPROVED BY:

Jason Garben, Development Services Director

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RESOLUTION NO. PC17-

A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION WITHDRAWING WITHOUT PREJUDICE SITE PLAN/ARCHITECTURAL REVIEW APPLICATION NO. AR16/7-003: A REQUEST TO CONSTRUCT TWO COMMERCIAL BUILDINGS AT THE SOUTHEAST CORNER OF WALTERS ROAD AND EAST TABOR AVENUE (APN 0174-511-150).

WHEREAS, staff received a letter from Seeno Homes, Inc., dated August 17, 2017, requesting withdrawal of Site Plan/Architectural Review Application No. AR16/7-003; and

WHEREAS, the Planning Commission continued consideration of the development application on July 25, 2017; and

WHEREAS, Site Plan/Architectural Review No. AR16/7-003 was noticed as a Public Hearing and published in the *Daily Republic* on July 15, 2017, as well as posted in three public places and on the Suisun City website; and

WHEREAS, in order to adopt this resolution, the following Findings are hereby made:

1. Staff received a formal request to withdrawal the application by the applicant of the subject application.
2. Site Plan/Architectural Review Application No. AR16/7-003 is being withdrawn without prejudice.
3. That the action is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061, General Rule.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby adopt Resolution PC17 -___; A Resolution of the City of Suisun City Planning Commission Withdrawing Without Prejudice Site Plan/Architectural Review Application No. AR16/7-003: A Request to Construct Two Commercial Buildings at the Southeast Corner of Walters Road and East Tabor Avenue (APN 0174-511-150).

The forgoing motion was made by Commissioner _____ and seconded by Commissioner _____ and carried by the following vote:

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

WITNESS my hand and the seal of said City this 12th day of September 2017.

Anita Skinner
Commission Secretary

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SEECON HOMES, INC.
4021 Port Chicago Highway, Concord, CA 94520
(925) 671-7711 Fax (925) 689-5979

August 17, 2017

John Kearns, Associate Planner
City of Suisun City
701 Civic Center Blvd.
Suisun City, CA 94585

RE: Jubilee Commercial Center
(Application No. AR 16/7-003)

Dear John:

I hereby withdraw the above application for the Jubilee Commercial Center. We have sold the parcel. Please return any balance of our application fee deposit.

We have appreciated your efforts in processing our project and hope to develop another project in the City in the future. Thank you.

Sincerely,


Richard D. Sestero
Project Manager

cc: Doug Messner
Kathi Blackard
Massoud Maraghi

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AGENDA TRANSMITTAL

MEETING DATE: September 12, 2017

PLANNING COMMISSION AGENDA ITEM: PUBLIC HEARING – Conditional Use Permit Request to Establish Brewery/Tap Room at 301 Spring Street.

Resolution PC17-___; A Resolution of the City of Suisun City Planning Commission Approving Conditional Use Permit No. UP17/8-001 to Establish a Brewery/Tap Room at 301 Spring Street, APN 0032-052-120.

ENVIRONMENTAL REVIEW: This project is categorically exempt from the California Environmental Quality Act (CEQA), under Section 15303, New Construction or Conversion of Small Structures.

BACKGROUND: The subject property at 301 Spring Street is located west of Main Street and just east of the rail tracks which is designated as Downtown Mixed Use (DMU) in the Waterfront District Specific Plan. The applicant, Andrew Coleman representing Right Eye Brewing Company, recently approached staff regarding relocating Right Eye Brewing Company from 221 Benton Court to 301 Spring Street. As part of the Waterfront District Specific Plan Update, “Shops selling age-restricted goods or providing age-restricted services” is considered a use subject to a Conditional Use Permit in the DMU District, thus the purpose for Planning Commission consideration of the subject application.

STAFF REPORT: Right Eye Brewing Company has been located in Suisun City for approximately four years at 221 Benton Court, but has identified an opportunity to grow the business by relocating to 301 Spring Street. The Spring Street location has been vacant for approximately two years and was previously home to several service and production based businesses. Pursuant to the Downtown Waterfront Specific Plan, a Conditional Use Permit is required, and Right Brewing Company has submitted the necessary application materials. Below is a summary of the proposed business operation as provided by the operator/applicant (see also Attachment 2).

Statement of Proposed Use

The applicant’s offering will include ales made in small batch format. Initially, offerings will include IPA, Stout, Hefeweizen, and Amber Ales. Additionally, seasonal brews will be offered quarterly. The applicant has stated they are a small brewer producing 4,000 – 4,600 barrels per year. The applicant’s intention is to start from a small base and not overextend commitments to customers or finances until gaining a foothold in the local beer marketplace to allow quality control of the product, and to assure they earn the desired reputation in the industry. The tap room is proposed to be open from Noon-9 P.M Wednesday through Sunday; the majority of their product will be sold from the tap room, with the rest sold directly to consumers or to select brew pubs in the region. Staff has proposed a condition of approval that extends the hours of operation until 12:00 A.M. which will allow for more flexibility.

PREPARED BY:
REVIEWED BY:

John Kearns, Senior Planner
Jason Garben, Development Services Director

The proposal includes an outdoor beer garden set behind an existing fenced area abutting the building to the west of the building. This area will meet all California Alcohol and Beverage Control (ABC) regulations and will provide casual seating for approximately 20 guests.

The brewing process emits minimal fumes, all of which are organic and related to the grain used and are not seen as hazardous or toxic. All of the used grain is donated to a local rancher who uses it for feed. Any and all cleaners and sanitizers are kept in appropriate sealed containers and are not in an area accessible to customers and are disposed of according to their package recommendations. The proposed location affords the applicant good access to the downtown market, major transportation routes, and a flourishing local entertainment scene within walking distance. The subject location offers parking options in close proximity to the property. Pedestrian traffic is anticipated to come from the general Main Street area as well as from the Train Depot. The location of the building lends itself to easy access for deliveries without interference to any city roadways.

Waterfront District Specific Plan –Downtown Mixed Use Zone

Per the Waterfront District Specific Plan – Downtown Mixed Use Zone, Section 3.1.2.D (Page 3-13), the intent of the zone is described as “This DMU zone is proposed as a new commercial mixed-use zone, intended to replace the General Commercial and Commercial Service zone designations that were phased out in both the General Plan Update, adopted in 2015 and the Zoning Code Update, adopted earlier this year. This zone allows a mix of retail, commercial service, civic, office, and other complementary non-residential uses...” Table 3.7: Downtown Mixed Use Zone Allowed Uses which provides “Permitted Uses”, “Administrative Review”, and “Conditionally Permitted” uses in the DMU zone is provided as Attachment 3.

Due to the fact that alcohol service is an age-restricted service, the use must come before the Planning Commission for consideration.

Approval/Permits

It is anticipated the applicant/operator will need to obtain permits/approvals from agencies including, but not limited to the following:

- Suisun City
 - Building permit, Tenant Improvements
 - Business License Tax
- Solano County Health Department
- California Alcohol and Beverage Control

Required Findings for Conditional Use Permit

1. That the proposed location of the use is consistent with the goals, objectives, and policies of this Plan and the purposes of the zone in which the site is located;
2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan.
3. That the proposed use will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor 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 15303, new construction or

conversion of small structures.

Proposed Conditions of Approval

1. Final Plan and use shall be similar in the design of those conceptual plans attached in the staff report for Conditional Use Permit No. UP17/8-001.
2. The operator shall keep the immediate area outside the building, including the sidewalks clean and litter free.
3. This use permit shall be reviewed by the Planning Commission upon a change in the owner/operator.
4. No music or performance that is likely to incite acts of violence inside or outside of the Premises shall be permitted at any time, subject to the limitations of *Brandenburg v. State of Ohio*, 395 U.S. 44 (1969) and subsequent law.
5. Operator shall provide its staff with RBS (Responsible Beverage Service) training.
6. 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.
7. Operator shall comply with all applicable provisions of the municipal code and all applicable laws.
8. Operator shall provide a mailing address that can accept certified and regular mail 6 days a week.
9. Operator shall apply for and receive licensing from California Alcoholic Beverage Control (ABC) before operating.
10. Operator shall obtain all local permits including but not limited to a Suisun City Building Permit, Solano County Health Department Permit, and Suisun City Business License Tax.
11. The operator will participate in the Suisun City Alcohol Control Committee.
12. The owner/operator shall provide adequate monitoring 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 Police Chief or his/her designee will provide security requirements for continued operation.
13. Hours of operation shall be 7 days a week from Noon to 12:00am.
14. The Conditional Use Permit shall be reviewed by the Planning Commission if two or more noise complaints are received and determined to be a nuisance by the City within a 30-day period.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission **adopt** Resolution No. PC17-___; A Resolution of the City of Suisun City Planning Commission Approving Conditional Use Permit No. UP17/8-001 to Establish a Brewery/Tap Room at 301 Spring Street, APN 0032-052-120.

ATTACHMENTS:

1. Resolution No. PC17-___: A Resolution of the City of Suisun City Planning Commission Approving Conditional Use Permit No. UP17/8-001 to Establish a Brewery/Tap Room at 301 Spring Street, APN 0032-052-120.
2. Application Materials.
3. Table 3.7: Downtown Mixed Use Zone Allowed Uses.

RESOLUTION NO. PC17-

A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. UP17/8-001 TO ESTABLISH A BREWERY/TAP ROOM AT 301 SPRING STREET, APN 0032-052-120

WHEREAS, the Planning Commission considered and reviewed Conditional Use Permit Application No. UP17/8-001 at its regular meeting of September 12, 2017; and

WHEREAS, a report by City staff was presented and made a part of the record of the September 12, 2017 meeting; and

WHEREAS, Conditional Use Permit Application No. UP17/8-001 was noticed as a Public Hearing and published in the *Daily Republic* on September 2 as well as posted in three public places and on the Suisun City website; 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 is consistent with the goals, objectives, and policies of this Plan and the purposes of the zone in which the site is located;
2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan.
3. That the proposed use will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor 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 15303, new construction or conversion of small structures.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby adopt Resolution PC17 - __; A Resolution of the City of Suisun City Planning Commission Approving Conditional Use Permit No. UP17/8-001 to Establish a Brewery/Tap Room at 301 Spring Street, APN 0032-052-120, including the following conditions of approval:

1. Final Plan and use shall be similar in the design of those conceptual plans attached in the staff report for Conditional Use Permit No. UP17/8-001.
2. The operator shall keep the immediate area outside the building, including the sidewalks clean and litter free.
3. This use permit shall be reviewed by the Planning Commission upon a change in the owner/operator.
4. No music or performance that is likely to incite acts of violence inside or outside of the Premises shall be permitted at any time, subject to the limitations of *Brandenburg v. State of Ohio*, 395 U.S. 44 (1969) and subsequent law.
5. Operator shall provide its staff with RBS (Responsible Beverage Service) training.
6. 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.

7. Operator shall comply with all applicable provisions of the municipal code and all applicable laws.
8. Operator shall provide a mailing address that can accept certified and regular mail 6 days a week.
9. Operator shall apply for and receive licensing from California Alcoholic Beverage Control (ABC) before operating.
10. Operator shall obtain all local permits including but not limited to a Suisun City Building Permit, Solano County Health Department Permit, and Suisun City Business License Tax.
11. The operator will participate in the Suisun City Alcohol Control Committee.
12. The owner/operator shall provide adequate monitoring 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 Police Chief or his/her designee will provide security requirements for continued operation.
13. Hours of operation shall be 7 days a week from Noon to 12:00am.
14. The Conditional Use Permit shall be reviewed by the Planning Commission if two or more noise complaints are received and determined to be a nuisance by the City within a 30-day period.

The forgoing motion was made by Commissioner _____ and seconded by Commissioner _____ and carried by the following vote:

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

WITNESS my hand and the seal of said City this 12th day of September 2017.

Anita Skinner
Commission Secretary

Right Eye Brewing Company

Address: 301 Spring St., Suisun City, California

Telephone 707-673-2380

Email: Andrew@Righteybrewing.com

Website: Righteybrewing.com

Statement of Proposed Use

Proposed Production and Services

Our offering will be ales made in small batch format. Initially we will offer IPA, Stout, Hefeweizen and Amber Ales. We will also offer seasonal brews quarterly. This will give us an opportunity to test new recipes and potentially add to our permanent stable of beers. We are a viable small brewer, producing approximately 400 - 4600bbbls per year. The facility affords the company good access to the downtown market, good access to and from the freeway and a flourishing local entertainment scene within walking distance.

It is the stated intention of the ownership of Right Eye Brewing to start from a small base and not overextend our commitments to our customer base or finances until we gain a foothold in the local beer marketplace. In this way we can control the quality of our product and assure we build the type of reputation in the industry we desire.

Operation Description

Our intention is to sell a dominant portion of our product out of our tap room with a minority portion to be sold directly to consumers or to select brew pubs in the region. Our selection of locations to sell our brand will be based on the amount of exposure our products can get in the establishment, the nature of the business and the profitability of the site.

Outdoor activities

Right Eye Brewing's new location will have an outdoor beer garden set behind the gated area to the right of the face of the building and abutted to the building. This area will be fenced per ABC guidelines and provide a casual seating area for approximately 20 guests. The nature of the socializing and location of the beer garden do not pose any noise concerns for surrounding businesses.

Local environmental impact (noise, etc.)

Over the past four years of operation on Bennet Court in Suisun City, Right Eye Brewing has maintained a respectable relationship with neighboring businesses. Our company produces very limited noise through the production process as well as with customers on sight.

Hazardous Materials

The brewing process emits minimal fumes, all of which are organic and related to the grain used and in no way hazardous or toxic. There is very little waste. All of the used grain is donated to a local rancher who uses it for feed. Any and all cleaners and sanitizers are kept in their appropriate sealed containers and are not in an area accessible to customers and are disposed of according to their packaging recommendation.

Traffic and Parking

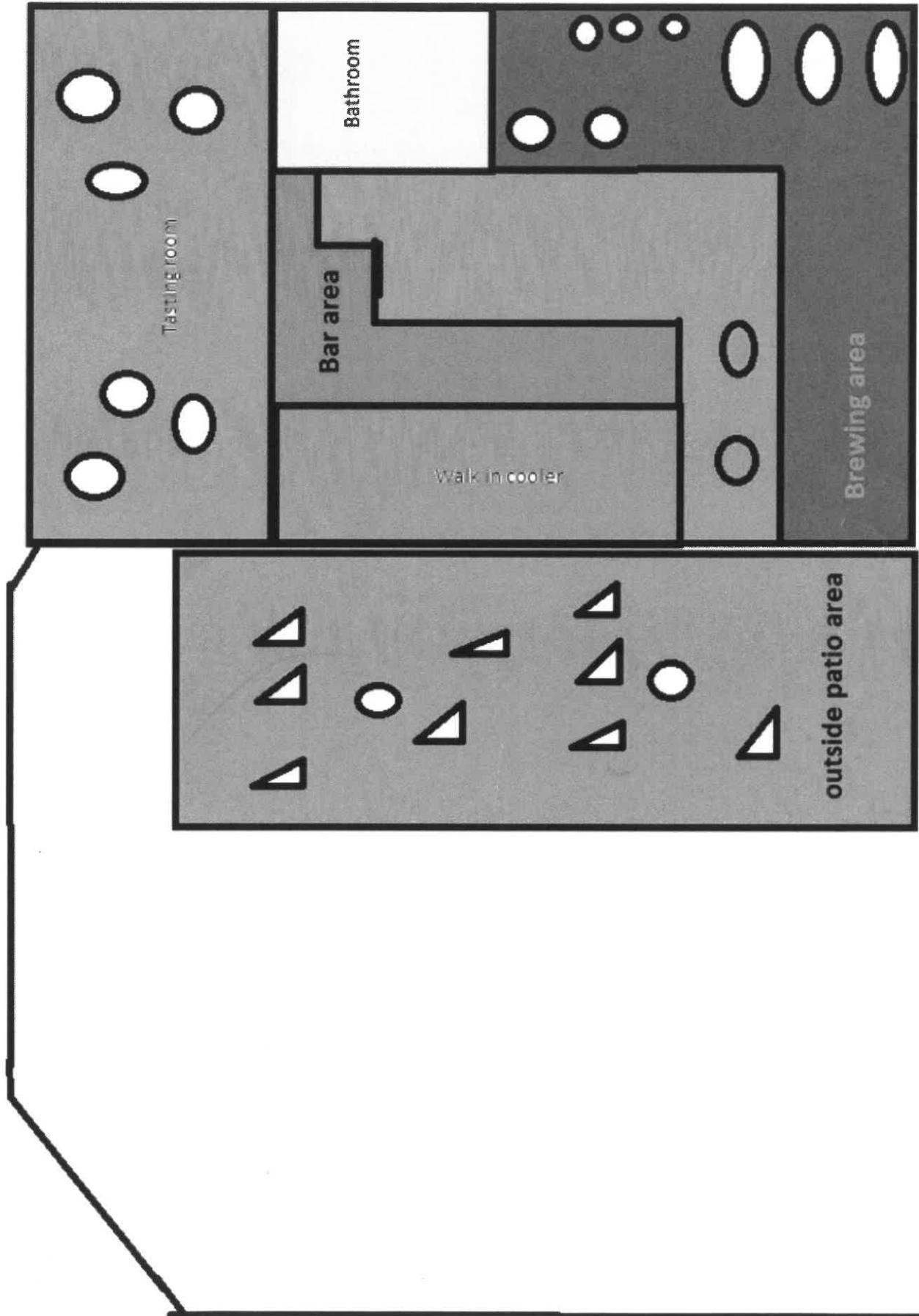
The space located at 301 Spring St. offers ample parking options on and near the property. The expectation for vehicle parking is for customers to access city provided parking. Pedestrian traffic will come from the general Main St. area as well as train riders. The location of the building lends itself to easy access for deliveries without interference to any city roadways.

Lease Controls:

None

Prior use of Property

The space has been vacant for over 2 years and prior to that there was a revolving door of production and service based companies.



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D. Downtown Mixed Use (DMU) Zone

This DMU zone is proposed as a new commercial mixed-use zone, intended to replace the General Commercial and Commercial Service zone designations that are proposed to be phased out in both the General Plan Update, adopted in 2015 and the Zoning Code Update, planned for adoption in 2016. This zone allows a mix of retail, commercial service, civic, office, and other complementary non-residential uses, as well as higher-density residential development. Allowed uses permitted within the DMU zone are indicated in Table 3.7.

TABLE 3.7: DOWNTOWN MIXED USE ZONE ALLOWED USES

Permitted Uses	Administrative Review and Conditionally Permitted Uses
<ul style="list-style-type: none"> ▪ Antique shop ▪ Art, modeling, music, and/or dance studio ▪ Artist studios; art supply stores ▪ Bed and breakfast inn ▪ Business services ▪ Clothing and costume stores ▪ Commercial services ▪ Communication services ▪ Community social services ▪ Eating and drinking places ▪ Educational services ▪ Finance, insurance, and real estate offices ▪ Food and grocery stores ▪ General merchandise and hardware store ▪ Medical health care facility ▪ Theater (i.e., motion picture or live) ▪ Optical shop or optometrist ▪ Personal services ▪ Professional or medical offices ▪ Specialty retail shops¹ ▪ Residential dwellings² 	<p>Administrative Review:</p> <ul style="list-style-type: none"> ▪ Public/quasi-public use (e.g., community center, school, fire station, library, church) <p>Conditionally Permitted:</p> <ul style="list-style-type: none"> ▪ Commercial amusement or entertainment ▪ Commercial retail or services greater than 40,000 square feet ▪ Drive-through facilities (only north of Driftwood Drive) ▪ Entertainment (i.e., nightclub and bar/lounge) ▪ Furniture stores ▪ Hospital ▪ Reupholstery and furniture repair; antique refinishing ▪ Convenience market ▪ Shops selling age-restricted goods or providing age-restricted services
<p>▪ Any other retail, service, public/quasi-public, or residential uses that are similar in nature, function, and operations to the permitted, administrative review clearance, and conditionally permitted uses listed above.</p>	
<p>Notes:</p> <ol style="list-style-type: none"> 1. Specialty retail shops are defined as small retail stores with distinctive merchandise, often supplied locally or with a local theme, not including sale of age-restricted goods or providing age-restricted services. 2. Permits the same type of residential dwellings permitted in the RHD zone. 	

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