

AGENDA
SPECIAL MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., JANUARY 29, 2019

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC19-01

1. ROLL CALL:

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

Pledge of Allegiance
Invocation

2. ANNOUNCEMENTS:

3. MINUTES:

Approval of Planning Commission minutes of December 18, 2018

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. GENERAL BUSINESS:

A. Review of Conditional Use Permit for 601 Marina Center:

Resolution PC19-__; A Resolution of the City of Suisun City Planning Commission Confirming Review of Conditional Use Permit No. 14/15-003, Including Conditions of Approval for the Blue Devils Bingo Center, 601 Marina Center

B. Review of Conditional Use Permit for 700 Main Street #106:

Resolution PC19-__; A Resolution of the City of Suisun City Planning Commission Confirming Review of Resolution No. PC17-04 for The Lounge, 700 Main Street #106

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

6. COMMUNICATION:

- A. Staff
- B. Commissioners
- C. Agenda Forecast

7. ADJOURN.

MINUTES
SPECIAL MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., DECEMBER 18, 2018

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC18-18

1. ROLL CALL:

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

EXCUSED
Commissioner Ramos

2. ANNOUNCEMENTS:

None.

3. MINUTES:

Commissioner Pal moved to approve the Planning Commission minutes, as is, of November 27, 2018.

Commissioner Holzwarth seconded the motion. Motion passed 6-0-1 by roll call vote with Commissioner Borja abstaining.

4. AUDIENCE COMMUNICATIONS:

None.

CONFLICT OF INTEREST NOTIFICATION

None.

5. PUBLIC HEARINGS:

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

Senior Planner John Kearns started with a background on how the proposed revisions came to be. Staff discovered that the section addressing the treatment of front yards "Parking in Residential Front Yards" had been inadvertently deleted. Leaving staff no code to enforce relative to paving in residential front yards. 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 City Council extended the ordinance 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. On 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 that time, staff met with interested citizens on July 23, 2018, and October 30, 2018. The meeting included sharing ideas and intensely 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.

After the summary, Senior Planner John Kearns addressed the resident's comments on the proposed ordinance.

Mr. Kearns then reminded the Commission what their role is, giving the Council a recommendation for the first and second reading.

Mr. Mike Zeiss, Suisun City resident, then read a statement from Patricia Matteson who couldn't attend the meeting. Afterward, Mr. Zeiss brought up four main corrections that he would like to be addressed. He concluded with his desire to keep property values up.

Ms. Judith Lefler, Suisun City resident, stated she is in favor of the ordinance and agreed with Mr. Zeiss there is the desire to keep property values up.

Chairperson Clemente wanted it to be noted that he has been interested in addressing this issue ever since becoming a Commissioner and stated he is happy to see this much resident interest for this ordinance.

Commissioner Borja commented the ordinance that it has many grammatical and structural issues that he would like addressed.

Commissioner Pal asked if the city was notified of the reading of this ordinance and asked which subdivisions were represented at the Planning Commissioners meeting that night. Commissioner Pal then went on to discuss a conversation he had with a resident of Suisun City; he asked how the rear yard coverage can be enforced. Senior Planner John Kearns then stepped in to answer, he agreed that enforcement would be difficult, but with storm water runoff regulations having these codes will help because there will be guidelines. Development Services Director Tim McNamara also wanted to remind the commissioners and residents to be sensitive on the enforcement side and suggested an H.O.A.

Commissioner Thomas wanted clarification on what area of the yard is the ordinance focused on; Mr. Kearns responded with, the front yard, but after delving into the topic, staff decided to focus on what's in public view.

Commissioner Pal then asked to pull up a google map on the projector for everyone to see and asked to scroll to a house that has two frontages. Mr. Kearns navigated to the Victorian Harbor neighborhood and showed that there could be two frontages; one in the front and one in the back on a shared alleyway.

While scrolling through the streets on google Chairperson Clemente commented that he didn't see an excess of cars and boats. Mike Kucsera, a resident of Suisun City, came up to the podium and showed that there is, in fact, a car and boat storage problem. Commissioner Osborne subsequently asked if this code would even help in enforcement. Ms. Judith then came up to the podium and talked about her positive experience with code enforcement and that there has been an increase in code enforcement activity where she lives. Mr. Mike Zeiss came to the podium next and elucidated that Chairperson Clemente said that code enforcement isn't doing a good job, he then went on to state that we need to provide code enforcement with more tools and better code so they can do a better job. Commissioner Holzwarth agreed with Mr. Zeiss' statement and shared that he has similar issues in his neighborhood, he then added that the 15-gallon tree needs to be struck out of the proposed ordinance.

Chairperson Clemente closed the public hearing. He then commented on the proposed ordinance, the 'RV covering' section needs more clarification.

Chairperson Borja stated that the driveways on side yards needed clarification.

Commissioner Borja asked if weed abatement and fire prevention should be added to the proposed ordinance. Mr. Kearns responded that fire already has code covering that topic.

Mr. Kearns then went to the podium and recommended to the commissioners to come back to the next commission meeting with comments from the commissioners. Commissioner Osborne recommended doing high-level formatting edits before the meeting was adjourned. Commissioner Holzwarth wanted to remind the commissioners that this ordinance is 'extra rules' and will be one more thing the City will need to enforce.

Chairperson Clemente suggested continuing the item.

Commissioner Pal suggested an ADHOC committee approach and later come back to the commission with a suggestion on how best to proceed. Mr. Kearns advised that the commission needed to be very clear on what is going to happen in the ADHOC. Per his observation, the commission concurred with most of the ordinance.

Chairperson Clemente stated he is in favor of the ADHOC.

Development Services director Mr. Tim McNamara came up to the podium and suggested the creation of an ADHOC.

Chairperson Clemente asked for hands of who would like to partake in the ADHOC group. The following commissioners volunteered: Commissioner Thomas, Commissioner Borja, and Chairperson Clemente.

6. COMMUNICATION:

A. Staff

Senior Planner John Kearns announced the City appointed a new interim City Manager and then discussed the annual city holiday event.

B. Commissioners

The Commissioners went to a Commissioners Training at Sonoma State, each of the participating Commissioners recounted their experience.

C. Agenda Forecast

Mr. Kearns discussed what's coming up in future commission meetings. He mentioned two use permits that are coming up. Mr. Kearns then reflected on the last meeting and would like to adopt the announcement of new projects on the pipeline. He plans on bringing it up again in February or March. He then went on to discuss the importance of Commissioner trainings and would like to have more in the coming year.

7. ADJOURN.

a&m/181218.pca

AGENDA TRANSMITTAL

MEETING DATE: January 29, 2019

PLANNING COMMISSION AGENDA ITEM: Review of Conditional Use Permit for 601 Marina Center:

Resolution PC19-__; A Resolution of the City of Suisun City Planning Commission Confirming Review of Conditional Use Permit No. 14/15-003, Including Conditions of Approval for the Blue Devils Bingo Center, 601 Marina Center

APPLICANT: Blue Devils
4065 Nelson Avenue
Concord, CA 94520

OWNER: Pellarin Enterprises
1520 Main Street
Redwood City, CA 94063

ENVIRONMENTAL REVIEW: This project is categorically exempt from the California Environmental Quality Act (CEQA), under Section 15301, Existing Facilities.

BACKGROUND: On July 24, 2012, the Planning Commission approved Resolution No. PC12-05, which granted a Conditional Use Permit (CUP) for a bingo center to be established at 600 Marina Center, which is within the Marina Shopping Center. Further on May 21, 2013, the City Council adopted Resolution 2013-29 that granted the Blue Devils a Bingo License, which was also a condition of approval (Condition No. 4) of the CUP.

At the January 13, 2015 meeting, the Planning Commission voted unanimously to amend Condition No. 17 of the resolution to read:

Session bingo shall be prohibited within the facility between the hours of 1:00 A.M. and 10:00 A.M. and drop-in bingo shall be prohibited within the facility between the hours of 11:00 P.M. and 8:00 A.M. The Development Services Director or his/her designee may, on a case by case basis extend the hours of operation of session or drop in bingo for special events; such as New Year's Eve.

STAFF REPORT: Per the adopted conditions of approval (specifically Condition No. 18), "An annual review by Planning Commission of the CUP is required and shall be conducted in compliance with the provisions of Chapter 18.66 [Now Section 18.73 of the newly adopted Zoning Ordinance]. Additional review by the Planning Commission may be required in the event the facility fails to conform to the conditions of approval or complaints regarding the facility operation are received."

PREPARED BY:
APPROVED BY:

Joann Martinez, Assistant Planner
John Kearns, Senior Planner

The CUP was last reviewed on January 18, 2018 and thus the permit is due for its annual review and staff has scheduled the item.

As with each Conditional Use Permit review, Development Services staff worked in close coordination with the Police Department regarding an analysis of the any impacts on emergency services as a result of the bingo operation. The outcome of that coordination was that there have been very few calls for service since the last review. With that said, staff recommends the Planning Commission adopt the resolution stating the annual review has been conducted.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission:

- Take Staff's presentation;
- Take any Publiccomment;
- Adopt Resolution PC19- ; A Resolution of the City of Suisun City Planning Commission Confirming Review of Conditional Use Permit No. 14/15-003, Including Conditions of Approval for the Blue Devils Bingo Center, 601 Marina Center

ATTACHMENTS:

1. Adopt Resolution PC19- ; A Resolution of the City of Suisun City Planning Commission Confirming Review of Conditional Use Permit No. 14/15-003, Including Conditions of Approval for the Blue Devils Bingo Center, 601 Marina Center
2. Resolution PC15-01

RESOLUTION NO. PC19-

A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION REGARDING REVIEW OF CONDITIONAL USE PERMIT NO. 14/15-003, INCLUDING CONDITIONS OF APPROVAL FOR THE BLUE DEVILS BINGO CENTER, 601 MARINA CENTER APN 0032-440-030.

WHEREAS, the Planning Commission conducted a review of Conditional Use Permit No. UP14/15-003 at its regular meeting of January 29, 2019; and

WHEREAS, Conditional Use Permit No. UP14/15-003 (which amended UP11/12-009) was approved by the Planning Commission at a regular meeting of January 13, 2015 (Exhibit A); and

WHEREAS, Conditional Use Permit No. UP11/12-009 was approved by the Planning Commission at a regular meeting of July 24, 2012; and

WHEREAS, a report by the City Staff was presented and made a part of the record of the January 18, 2018 meeting; and

WHEREAS, a report by the City Staff was presented and made a part of the record of the January 29, 2019 meeting; and

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby adopt Resolution PC19-___; A Resolution of the City of Suisun City Planning Commission Regarding Review of Conditional Use Permit No. 14/15-003, Including Conditions of Approval for the Blue Devils Bingo Center, 601 Marina Center APN 0032-440-030.

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 29th day January 2019

Joann Martinez, Commission Secretary

RESOLUTION NO. PC15-01

**A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION
APPROVING CONDITIONAL USE PERMIT NO. 14/15-003 BY AMENDING
CONDITIONAL USE PERMIT NO. 11/12-009 TO ALLOW FOR EXPANDED HOURS OF
OPERATION AT 601 MARINA CENTER FOR THE BLUE DEVILS BINGO CENTER,
APN 0032-440-030.**

WHEREAS, the Planning Commission at a regular meeting on January 13, 2015, did review Conditional Use Permit Application No. 14/15-003 to allow for expanded hours of operation at 601 Marina Center for the Blue Devils Bingo Center and conducted the annual review per condition No. 18 of Resolution PC12-05;

WHEREAS, the Planning Commission at a special meeting on December 22, 2014, did continue consideration of Conditional Use Permit Application No. 14/15-003 to allow for expanded hours of operation at 601 Marina Center for the Blue Devils Bingo Center until the outcome of a Suisun City Police Department investigation;

WHEREAS, the public notice was published in the Daily Republic on December 12, 2014; and

WHEREAS, a report by the City Staff was presented and made a part of the recommendations of said meeting; and

WHEREAS, the applicant and members of the public were present to speak on the application; and

WHEREAS, the Conditional Use Permit application is exempt from the analysis required by the State of California Environmental Quality Act (CEQA) under Section 15301: Existing Facilities; and

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

1. The proposed location of the use is consistent with the Goals, Objectives and Policies of the City's Zoning Ordinance and the purposes of the zoning district in which the site is located since it is a commercial location that allows amusement uses with the approval of a CUP.
2. The proposed location of the Conditional Use and the proposed conditions under which it would be operated and maintained are consistent with the General Plan in that the policies of the General Plan provide for commercial uses such as this within the City and the Downtown Waterfront designation.
3. 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 since the use is contemplated in the City's Zoning Ordinance, the location is within a commercial shopping center, and a variety of conditions are being imposed to address any concerns.

4. The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15301: Existing Facilities.
5. The conditions of approval will be effective and efficient when placed on this use at this location because they address concerns raised by police, fire, and other city staff, prevent impacts on neighboring property, and provide for security and safety for patrons.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby adopt Resolution PC14- ; A Resolution of the City of Suisun City Planning Commission Approving Conditional Use Permit No. 14/15-003 by Amending Conditional Use Permit No. 11/12-009 to Allow for Expanded Hours of Operation at 601 Marina Center for the Blue Devils Bingo Center, APN 0032-440-030, subject to the following Conditions and all other Suisun City Codes and Ordinances, state and federal law:

Conformity:

- 1) This Conditional Use Permit (CUP) approval shall be exercised in conformance with the requirements of the City of Suisun City Municipal Code.
- 2) The CUP is approved in conformance with the application and submittal materials provided. All exhibits are made a part of the CUP. No deviation from the submitted documents, plans, maps, or any other exhibit shall be made without written approval from the Development Services Director or his/her designee or Planning Commission.
- 3) Operation of the facility shall be in conformance with all federal, state, and local laws and regulations.
- 4) This Use Permit is conditioned upon the issuance by the City of Suisun City of both a Business Tax License and a Bingo License for the proposed bingo operation; and, unless both are issued within 12 months of the date of Planning Commission approval, this Use Permit shall be deemed null and void.

Prior to the Issuance of Building Permits:

- 5) Building permit plans shall comply with all applicable building code requirements, including the Americans with Disabilities Act, and all State- and Federally-mandated requirements in effect at the time of submittal for building permits.
- 6) Any roof-mounted equipment shall be shown on building plans. Equipment shall be painted to match the roof to the satisfaction of the Development Services Director or his/her designee.

During Construction and Prior to the Issuance of Occupancy Permits:

- 7) A building permit shall be obtained prior to initiation of any construction.

- 8) Construction shall occur only within the hours permitted by the City of Suisun City Municipal Code.
- 9) Exterior signage design shall be in conformance with an approved Marina Center Sign Program and shall be submitted to the Development Services Director or his/her designee for review and approval prior to installation.
- 10) Fire Department- prior to the issuance of a certificate of occupancy:
 - i) A facility evacuation plan shall be submitted to and approved by the Fire Chief (or his or her designee) and made a part of the CUP.
 - ii) Applicant shall install a Knox box on-site.
- 11) Police Department – prior to the issuance of a certificate of occupancy:
 - i) A facility operation plan shall be submitted to and approved by both the Development Services Director or his/her designee and the Police Chief (or his or her designees) and made a part of the CUP. Minor modifications may be approved by mutual agreement from time to time. Such facility operation plan shall be consistent with the floor plan submitted as an exhibit to the CUP application.
 - ii) A facility security plan shall be submitted to and approved by both the Development Services Director and the Police Chief (or their designees) and made a part of the CUP. Minor modifications may be approved by mutual agreement from time to time. Such facility security plan shall be consistent with the floor plan submitted as an exhibit to the CUP application and with all building plans submitted. At a minimum, security shall include:
 - (1) The presence of a uniformed security guard during Session Bingo;
 - (2) Outdoor lighting sufficient to provide safe ingress and egress from the building, as well as access to the parking area and outdoor smoking area shall be provided.
 - (3) Security cameras, equal to or better than the model shown in Applicant’s submittal materials, shall be mounted at the following locations:
 - (a) Each entrance/exit, mounted in a manner that provides a full facial view of each patron entering and leaving the facility;
 - (b) Each cashier counter, mounted in a manner that provides a full facial view of each counter patron, as well as a view of the monetary transaction occurring;
 - (c) Any safe or vault
 - (d) Any ATM
 - iii) In the event of excessive calls for service or complaints regarding the facility, the Police Department shall notify the Development Services Director or his/her designee for consideration of Planning Commission review, modification, and/or revocation of the CUP.

Operation:

- 12) No alcoholic beverages shall be sold, gifted, or consumed on the premises.
- 13) An outdoor smoking area, approved by the Development Services Director or his/her designee, Fire Chief, and Police Chief (or his or her designee), shall be provided and maintained in an attractive and functional manner.

- 14) The Use Permit does not include approval for a commercial kitchen. All food service shall conform to Solano County Health Department regulations.
- 15) Parking shall be in conformance with the parking plan submitted and which is made a part of this CUP.
- 16) No outdoor activities shall be permitted.
- 17) Session bingo shall be prohibited within the facility between the hours of 1:00 A.M. and 10:00 A.M. and drop-in bingo shall be prohibited within the facility between the hours of 11:00 P.M. and 8:00 A.M. The Development Services Director or his/her designee may, on a case by case basis, extend the hours of operation of session or drop-in bingo for special events, such as New Year's Eve.

Review:

- 18) An annual review by Planning Commission of the CUP is required and shall be conducted in compliance with the provisions of Chapter 18.66. Additional review by the Planning Commission may be required in the event the facility fails to conform to the conditions of approval or complaints regarding the facility operation are received.

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

AYES:	Commissioners:	Adeva, Clemente, Harris, Holzwarth, Mirador, Ramos, Wade
NOES:	Commissioners:	None
ABSENT:	Commissioners:	None
ABSTAIN:	Commissioners:	None

WITNESS my hand and the seal of said City this 13th day of January 2015.



 Anita Skinner
 Commission Secretary

AGENDA TRANSMITTAL

MEETING DATE: January 29, 2019

PLANNING COMMISSION AGENDA ITEM: Review of Conditional Use Permit for 700 Main Street #106:

Resolution PC19-___; A Resolution of the City of Suisun City Planning Commission Confirming Review of Resolution No. PC17-04 for The Lounge, 700 Main Street #106.

BACKGROUND: On April 7, 2009, the Planning Commission approved Conditional Use Permit No. UP08/9-012, 700 Main Street #106, for a Jazz Club/Entertainment Lounge with conditions of approval. The Conditional Use Permit was amended on May 9, 2017 with the adoption of Resolution PC 17-04. On June 18, 2018 the new business, The Lounge went before the Commission to review the conditional use permit because of the change in ownership, and the conditional use permit runs with the land. The Planning Commission then completed the review and approved the new owner with the same conditions. The Lounge had its grand opening on Friday October 19, 2018.

STAFF REPORT: The new owner/operator of 700 Main Street #106, The Lounge, had its grand opening on Friday October 19, 2018. A few months have passed which triggers the need for Planning Commission review. Since August 2018 through present day of the venue, there have been three calls for service: medical, area check, and hold up alarm.

The existing Conditional Use Permit runs with the land and the Planning Commission is being asked to simply review the Conditional Use Permit per the approved conditions of approval. There is no discretionary review being undertaken. If complaints are received in the future, the Planning Commission retains its right to review the Conditional Use Permit for compliance and consistency at any time. The Lounge, has been provided the approved Conditional Use Permit (PC 17-04) and has agreed to comply with the approved conditions.

As with each Conditional Use Permit review, Development Services staff worked in close coordination with the Police Department regarding an analysis of the any impacts on emergency services as a result of the bingo operation. The outcome of that coordination was that there have been very few calls for service since the last review. With that said, staff recommends the Planning Commission adopt the resolution stating the annual review has been conducted. Additionally, the applicant/operator may consider amending the Conditional Use Permit in the future which would initiate the need for a public hearing and a discretionary review of that request.

STAFF RECOMMENDATION:

- Take Staff's presentation;
- Take any Public Comment; and
- Adopt Resolution No. PC19___: A Resolution of the City of Suisun City Planning

PREPARED BY:

Joann Martinez, Assistant Planner

APPROVED BY:

John Kearns, Senior Planner

Commission Confirming Review of Resolution No. PC17-04 for The Lounge, 700 Main Street #106

ATTACHMENTS:

1. Resolution PC19-___; A Resolution of the City of Suisun City Planning Commission Confirming Review of Resolution No. PC17-04 for The Lounge, 700 Main Street #106
2. Resolution PC17-04

RESOLUTION NO. PC19-

A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION CONFIRMING REVIEW OF RESOLUTION NO. PC17-04 FOR THE LOUNGE, 700 MAIN STREET #106.

WHEREAS, the Planning Commission conducted a review of Resolution No. PC17-04 at its Regular Meeting of January 29, 2019; and

WHEREAS, a report by City staff was presented and made a part of the record of the January 29, 2019 meeting; and

WHEREAS, the Planning Commission conducted a review of Resolution PC17-04 at its regular meeting of November 14, 2017; and

WHEREAS, the Planning Commission conducted a review of Resolution PC17-04 at its regular meeting of July 25, 2017; and

WHEREAS, the Planning Commission conducted a review of Conditional Use Permit No. UP08/9-012 and modified the conditions of approval by adopting Resolution PC17-04 at its regular meeting of May 9, 2017; and

WHEREAS, Conditional Use Permit No. UP08/9-012 was reviewed on July 14, 2015 with the change of operator per approved conditions of approval; and

WHEREAS, Conditional Use Permit No. UP08/9-012 was approved by the Planning Commission at its regular meeting of April 7, 2009; and

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

1. That the proposed location of the use was previously found to be consistent with the Goals, Objectives and Policies of the Waterfront District Specific Plan and the purposes of the district in which the site is located.
2. That the location of the Conditional Use and the proposed conditions under which it would be operated or maintained was previously found to be consistent with the General Plan.
3. That the current use was previously found not to be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, and not detrimental to properties or improvements in the vicinity or to the general welfare of the City.
4. That the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 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 PC19 - ____; A Resolution of the City of Suisun City Planning Commission Confirming Review of Resolution No. PC17-04 for The Lounge, 700 Main Street #106., and retain 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. UP08/9-012.
2. The owner/operator shall ensure that the business does not cause excessive noise outside the Premises which would be deemed a nuisance. 90 (ninety) decibels (dB) shall be used as a threshold in determining if such noise constitutes a nuisance. Should the City receive complaints from occupants of neighboring properties concerning excessive noise generated by the business, the City shall measure the levels of such noise emanating from the Premises by using a professional noise metering device. The readings shall be measured at the location of the property from which the complaint was received while the doors to the Premises are closed. If the noise generated by the business is found to be above 90dB as measured by means of the above manner, then the owner/operator shall take appropriate measures to mitigate the noise to levels below 90dB. Should the owner/occupant fail to mitigate the noise to levels below 90 dB, then the City may review this use permit and add or change conditions to abate the nuisance.
3. The owner/operator shall provide adequate monitoring, supervision and security inside and outside the Premises. The intent of this requirement is to ensure adequate supervision of customers at all times. Following the occurrence of two or more service calls within any consecutive thirty-day period to police or any other law enforcement personnel resulting in such personnel issuing a verbal warning, citation or arrest to any employee or patron of the business, the City shall have the right to require the owner/operator to reasonably add or increase its number of security personnel.
4. All windows and doors shall remain closed at all times except for reasonable ingress and egress during musically related operation of Premises.
5. The operator shall keep the immediate area outside the building, including the sidewalks clean and litter free.
6. No alcohol shall be served on "youth nights." Alcohol shall be stored in a safe and secure location during such events.
7. This use permit shall be reviewed by the Planning Commission upon a change in the owner/operator.
8. 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.
9. Dress code for men shall include slacks, nice jeans, a collared shirt, button down shirts, designer T-shirt, and no Flip Flops, no shorts, no tank tops, and no hoodies/sweatshirts. Dress code for women shall be reasonable evening attire.
10. Operator shall provide a minimum of two uniformed security personnel to monitor the perimeter of the Premises including front and rear parking lots from 9:45 pm to 2:15 am on Fridays and Saturdays.
11. Operator has volunteered to purchase and donate a public safety camera to the City. For said camera, Operator agrees to voluntarily donate payment to the City of up to \$5,000 for the actual costs of the camera for purchase by the City and for costs of installation of the same.

12. Operator shall provide its staff with RBS (Responsible Beverage Service) training.
13. Operator shall employ an individual to promptly clean up all sidewalks and other exterior areas surrounding the Premises on Saturday and Sunday mornings.
14. Operator shall provide the name and schedule of all performing artists to the person designated by the City at least 48 hours in advance of any performance so that preparations can be made for any additional crowds or traffic caused by the artist's presence.
15. Operator shall pay all business license taxes and false alarm fees within thirty (30) days of notice of the same.
16. Operator shall comply with all applicable provisions of the municipal code and all applicable laws, subject to a 30 day cure period after a notice of a violation by the City, except where there are exigent circumstances.
17. Operator shall provide a mailing address that can accept certified and regular mail 6 days a week.
18. The Planning Commission shall review the Conditional Use Permit at least every 3 months for compliance or at an earlier date if exigent circumstances arise.

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 29th day of January 2019.

Joann Martinez
Commission Secretary

RESOLUTION NO. PC17-04

A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION MODIFYING THE CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. UP08/9-012

WHEREAS, the Planning Commission conducted a review of Conditional Use Permit No. UP08/9-012 at its regular meeting of May 9, 2017; and

WHEREAS, a report by City staff was presented and made a part of the record of the May 9, 2017 meeting; and

WHEREAS, Conditional Use Permit No. UP08/9-012 was reviewed on July 14, 2015 with the change of operator per condition No. 8 of approved resolution; and

WHEREAS, Conditional Use Permit No. UP08/9-012 was approved by the Planning Commission at its regular meeting of April 7, 2009; and

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

1. That the proposed location of the use was previously found to be consistent with the Goals, Objectives and Policies of the Waterfront District Specific Plan and the purposes of the district in which the site is located.
2. That the location of the Conditional Use and the proposed conditions under which it would be operated or maintained was previously found to be consistent with the General Plan.
3. That the current use was previously found not to be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, and not detrimental to properties or improvements in the vicinity or to the general welfare of the City.
4. That the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15303, new construction or conversion of small structures.
5. The need has arisen to modify the prior conditions that were provided in Conditional Use Permit No. UP08/9-012 to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Commission of the City of Suisun City does hereby adopt Resolution PC17 - 04; A Resolution of the City of Suisun City Planning Commission Modifying the Conditions of Approval for Conditional Use Permit No. UP08/9-012, to include 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. UP08/9-012.
2. The owner/operator shall ensure that the business does not cause excessive noise outside the Premises which would be deemed a nuisance. 90 (ninety) decibels (dB) shall be used as a threshold in determining if such noise constitutes a nuisance. Should the City receive complaints from occupants of neighboring properties concerning excessive noise generated by the business, the City shall measure the levels of such noise emanating from the Premises

by using a professional noise metering device. The readings shall be measured at the location of the property from which the complaint was received while the doors to the Premises are closed. If the noise generated by the business is found to be above 90dB as measured by means of the above manner, then the owner/operator shall take appropriate measures to mitigate the noise to levels below 90dB. Should the owner/occupant fail to mitigate the noise to levels below 90 dB, then the City may review this use permit and add or change conditions to abate the nuisance.

3. The owner/operator shall provide adequate monitoring, supervision and security inside and outside the Premises. The intent of this requirement is to ensure adequate supervision of customers at all times. Following the occurrence of two or more service calls within any consecutive thirty-day period to police or any other law enforcement personnel resulting in such personnel issuing a verbal warning, citation or arrest to any employee or patron of the business, the City shall have the right to require the owner/operator to reasonably add or increase its number of security personnel.
4. All windows and doors shall remain closed at all times except for reasonable ingress and egress during musically related operation of Premises.
5. The operator shall keep the immediate area outside the building, including the sidewalks clean and litter free.
6. No alcohol shall be served on “youth nights.” Alcohol shall be stored in a safe and secure location during such events.
7. This use permit shall be reviewed by the Planning Commission upon a change in the owner/operator.
8. 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.
9. Dress code for men shall include slacks, nice jeans, a collared shirt, button down shirts, designer T-shirt, and no Flip Flops, no shorts, no tank tops, and no hoodies/sweatshirts. Dress code for women shall be reasonable evening attire.
10. Operator shall provide a minimum of two uniformed security personnel to monitor the perimeter of the Premises including front and rear parking lots from 9:45 pm to 2:15 am on Fridays and Saturdays.
11. Operator has volunteered to purchase and donate a public safety camera to the City. For said camera, Operator agrees to voluntarily donate payment to the City of up to \$5,000 for the actual costs of the camera for purchase by the City and for costs of installation of the same.
12. Operator shall provide its staff with RBS (Responsible Beverage Service) training.
13. Operator shall employ an individual to promptly clean up all sidewalks and other exterior areas surrounding the Premises on Saturday and Sunday mornings.
14. Operator shall provide the name and schedule of all performing artists to the person designated by the City at least 48 hours in advance of any performance so that preparations can be made for any additional crowds or traffic caused by the artist’s presence.
15. Operator shall pay all business license taxes and false alarm fees within thirty (30) days of notice of the same.

16. Operator shall comply with all applicable provisions of the municipal code and all applicable laws, subject to a 30 day cure period after a notice of a violation by the City, except where there are exigent circumstances.
17. Operator shall provide a mailing address that can accept certified and regular mail 6 days a week.
18. The Planning Commission shall review the Conditional Use Permit at least every 3 months for compliance or at an earlier date if exigent circumstances arise.

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

AYES: Commissioners: Borja, Clemente, Holzwarth, Osborne
NOES: Commissioners: None
ABSENT: Commissioners: Pal, Ramos, Thomas
ABSTAIN: Commissioners: None

WITNESS my hand and the seal of said City this 9th day of May 2017.



Anita Skinner
Commission Secretary

AGENDA TRANSMITTAL

MEETING DATE: January 29, 2019

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

BACKGROUND: On March 21, 2017, the City Council adopted a comprehensive update of Title 18 “Zoning” of the Suisun City Code. Recently, however, staff discovered that the section addressing treatment of front yards “Parking in Residential Front Yards” had been inadvertently deleted. This 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 earlier 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. Staff presented the item as well as written comments that were submitted by interested citizens related to the matter. 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 possibly be continued to a future Planning Commission to allow for better thought toward a recommendation to the City Council. Further, the Commission recommended an Ad Hoc be formed for the purpose of discussing this topic and preparing a revised ordinance. At the close of the meeting, the Commission appointed Commissioner’s Clemente, Borja and Thomas to the Ad Hoc. Staff recommended a new Public Hearing be noticed as it was unclear specifically when the Ad Hoc would be available to meet.

PREPARED BY:

John Kearns, Senior Planner

STAFF REPORT: The Ad Hoc (Commissioner Borja was unable to attend) met with staff on Thursday January 10 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;
3. Identified repetitious provisions that needed to be deleted.

Specifically, staff would like the Commission to understand the differences between the two ordinances. Below are several 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 not to 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.

Below is a summary of the applicable City codes/regulations the Planning Commission 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. It is important to note that any revisions to Title 8 would be accommodated through a separate ordinance, but can be approved concurrently as the subject ordinance by the City Council. There are some examples that are relatively simple to accomplish through grammatical edits. There may also be some opportunity to apply the concepts and language in Section 8.13 to 8.12 which would allow for more comprehensive application. At the meeting, staff would appreciate general support from the Commission that changes in Title 8 should be consistent with amendments to Title 18.

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.

It is in staff's opinion that this language should be extended to include all residential properties within the area of the Plan. In order to accomplish this, staff is recommending that language be inserted into Section 6.2.3 that makes this clear. Additionally, staff is recommending that language be clear that language in the Zoning Code would apply, at a minimum, and that the City Council may choose to adopt more restrictive standards for certain neighborhoods within the area of the Plan.

Staff has provided communications received from the interested residents as an attachment to this staff report. It is intended to spur discussion with the Planning Commission in the hopes of developing the most effective ordinance.

Planning Commission Action

The Planning Commission is being asked to consider making recommendations to the City Council regarding adoption of amendments to both Title 18 "Zoning" of the Suisun City Code as well as the Waterfront District Specific Plan. The Commission's recommendations will be forwarded to the City Council when they hold their public hearing.

Next Steps

Following Planning Commission action, the proposed amendments will need to go before the Solano County Airport Land Use Commission for a finding of consistency with the Travis Air Force Base Land Use Compatibility Plan and ultimately to the City Council for introduction and adoption. It is anticipated that the City Council will consider these amendments in the latter part of February 2019.

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

1. Receive the presentation from staff;
2. Open the Public Hearing;
3. Take any public comments;
4. Close Public Hearing; and

5. Make recommendation to the City Council on the proposed ordinance.

ATTACHMENTS:

1. Resolution PC19-___; A Resolution of the City of Suisun City Planning Commission Recommending City Council Adoption of an Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
2. Ordinance No. ___; An Ordinance of the City Council of the City of Suisun City, California, Repealing and Replacing Section 18.36.070 of Title 18 of the Suisun City Code and Amending the Waterfront District Specific Plan, Relating to Regulations for Front, Rear, and Side Yard Areas of Residential Properties.
3. Email received with community input.

RESOLUTION NO. PC19-

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

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

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

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

WHEREAS, on December 18, 2018, the Planning Commission conducted a public hearing, received testimony and documents from staff, provided an opportunity for public comment, closed public comment, and voted to form an Ad Hoc Committee of the Commission; and

WHEREAS, on January 29, 2019, the Planning Commission conducted a public hearing, received testimony and documents from staff, provided an opportunity for public comment, closed public comment, and considered all documents including the proposed amendments (Exhibit A) and other materials; and

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

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

1. The above recitals are true and correct and incorporated herein by reference.
2. The Planning Commission recommends the City Council find the amendments categorically exempt from the California Environmental Quality Act ("CEQA") [State CEQA Guidelines Section 15061(b)(3)] as is it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment.

- a. The Planning Commission recommends the City Council adopt the amendments in that the proposed amendments are consistent with and achieve the objectives prescribed in 2035 General Plan, Suisun City Code and Waterfront District Specific Plan; and
- b. The proposed amendments are consistent with applicable government code as they relate to the updating of zoning regulations for a local government.

3. This resolution is effective immediately upon adoption.

This foregoing resolution is hereby approved and adopted this 29th day of January, 2019, by the following vote:

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

Joann Martinez, Commission Secretary

ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, 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, third-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 Chapters 8.12 and 8.13, as applicable, of the Suisun City Code.

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.

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

(1) The parking, repairing, assembly/disassembly, or other activities associated with any airplane or aircraft, boat, jet-ski, motor vehicle or any part or parts thereof;

(2) The parking, storing, or keeping for a period of time greater than seventy-two consecutive hours of any household appliance, equipment, machinery, or furniture, or of any construction equipment, machinery, boat, jet-ski, motor vehicle 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 seventy-two consecutive hours, of any motor vehicle or recreational vehicle that is disabled or inoperative because of the need of repairs or for any other reason;

(4) The parking, storing or keeping of a motor vehicle in any such area of the 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.”

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

Clarifications and recommendations for draft amendments to zoning code and Downtown Specific Plan presented at 18 Dec 2018 meeting of Suisun City Planning Commission

Michael Zeiss and Patricia Matteson, 832 Driftwood Drive, Suisun City

My first, and major, message is gratitude towards John Kearns and his staff for their willingness to work with homeowners and give serious consideration to homeowner recommendations during the development of this improved code. The 18 December draft represents a valuable strengthening of city standards for residential neighborhoods that will enhance property values and our quality of life. We appreciate the hard work by city staff that has brought us to this point.

The rest of my feedback falls into two categories: clarification questions, and recommendations.

Clarification Questions:

- 1. Front yard, “viii” states that, "An accessory building shall be located on the rear fifty percent of every residential lot."** Could city staff please clarify the intent and meaning if this statement? As written, it sounds as if everyone is required to install an accessory building, and only within the rear 50% of front yard.

- 2. Rear/Side Yard provisions “i” and “ii” appear to be contradictory:**
 - i. Up to 75 percent of total rear and side yard area can be hardscaped.
 - ii. Landscaping minimums, A minimum of fifty percent of the required rear and side yard combined area shall consist of landscaped area.

I recommend that the Planning Commission give preference to ii (50% landscaping).

- 3. Did city planners accidentally omit homeowners' recommendation of tree pruning requirements?** Such a requirement seems sensible, and important for public safety.

- 4. “Driveway” definition #6 seems incorrect:** “a paved portion of a public street providing an unobstructed passage from the roadway to an off-street area used for driving, servicing, parking, or otherwise accommodating motor vehicles.”
 - Is a driveway a public street?
 - Must a driveway be paved, or would gravel be okay? Maybe “hardscaped”?
 - Does the code intend to recognize off-street areas for parking motor vehicles, that are distinct from driveways? Doesn't this conflict with Vehicle Storage provision “iii”?

- 5. “Side driveway” definition #7 seems unnecessary and confusing.**
 - May a side driveway be located in the front yard?
 - How does the size specified in the definition (10% of front yard) relate to Front Yards provision ii “Driveways. The amount of allowable paving for driveways shall not exceed thirty-five percent of the total front yard area.” ?

6. **“Purpose and Applicability”, section 2: is it broad enough?** “The requirements in this Section shall apply to all residential properties and lots.” Would that wording cover mixed-use “live-work” properties?
7. **Vehicle Storage, prohibited activity v (1): cannot park or repair your motor vehicle in your driveway?** Delete? Seems to be covered by subsequent prohibited activities.
8. **Does existing code prohibit parking RVs on public streets?** Not clear that the new draft code prohibits this.

Recommendations:

1. **Landscaping standards should be amended to include the phrase “weed-free”.**
 “Weeds” are defined, but not mentioned thereafter in the description of landscaping standards - - even though weedy yards are a major part of neighborhood blight. Might the Planning Commission consider retaining the phrase “weed-free” in the standards? Those words are already part of city requirements for unoccupied properties. The draft code includes the excellent requirement that landscaped areas be “attractive and well-kept”. In addition, it would be empowering for code enforcement officers if “weed free” were explicitly mentioned.
2. **We support a requirement for living plants, but plants in front yards should not be limited to a 15-gallon tree.**

We support a requirement for living plants! The requirement for a 15- gallon tree on each residential property is an excellent start (unambiguous, and thus enforceable).

Planning Commission might consider allowing an *equivalent quantity* of living plants other than a 15-gallon tree - - such as a row of grape vines. However, we recognize this might make enforcement less clear.

Regardless, we recommend adding an additional requirement for a minimum area of plant cover in front yards. Hypothetical examples as food for thought:

- minimum of 30 square feet covered with living plants; or
- minimum of 20% of front yard covered with living plants.

While preparing input for the Senior Planner, a dozen Victorian Harbor and Lawler Ranch homeowners suggested that front yards covered with rocks or mulch should also be required to include plants, such that twenty percent of the area is under plant canopy (tree canopies excluded). Certainly, city planners envisioned Victorian Harbor and Lawler Ranch as charming green leafy environments; they landscaped the developments accordingly. Residents would like to preserve that unique and desirable neighborhood character.

3. We strongly support restricting parking of all vehicles, including RVs, to only driveways. This seems to be the intent of Vehicle Storage provision “iii”, but let’s make sure (for example, see our recommendations #5 and #6 below). Further, we support the following:

- Driveways must be hardscape (bricks, pavers, or concrete).
- Driveways not to exceed 35% of front yard.
- In side and rear yards, total hardscaped areas (including driveways) not to exceed 50%.
- Even if parked on a driveway (which should be the only parking place acceptable), RVs may not be “viewable from the City’s right of way”. *[we could live with “parked in a manner that is screened from view from the City’s right of way (for example, screened by a fence or a row of trees)”]*

4. Please continue to offer maintenance grants

Some homeowners may fail to maintain their property because they are not able to do the work themselves and cannot afford to hire the work done. The city should please continue to offer home improvement grants to homeowners for whom these new standards might cause significant financial hardship.

5. For clarity, amend Vehicle Storage provision “iii” as follows:

iii. All vehicles, including recreational vehicles, shall be parked, stored or kept on a driveway meeting all the requirements of the Suisun City Municipal Code.

6. For clarity, amend Vehicle Storage provision “iv” as follows:

iv. If a recreational vehicle is parked or stored on a residential property, then ~~thean~~ owners of the Recreational vehicles (~~RVs~~) must also live at ~~that~~ same residential property. Additionally, ~~the~~ recreational vehicles must be parked on an approved ~~surface (e.g., pavement)~~ driveway and parked in a manner so that ~~it is~~they are not viewable from the City’s right-of-way. *[we could live with “parked in a manner that is screened from view from the City’s right of way (for example, screened by a fence or a row of trees)”]*

7. For clarity, reword Vehicle Storage prohibited activity v (3) as follows:

(3) 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 ~~vehicles~~recreational vehicle that is ~~or are~~ disabled or inoperative because of the need of repairs or for any other reason;

8. For clarity, reword Vehicle Storage prohibited activity v (4) in order to emphasize what is prohibited (namely, parking or storing any motor vehicle that lacks a current registration sticker).

9. “Purpose and Applicability”, section 1 should stop after “vi”. Apparent typographical error: points “vii” “viii” and “ix” duplicate the three that come before (“iv”, “v”, and “vi”).

10. Under “Rear / Side Yard”, repeat the landscape standard that currently is required only for front yards:

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