

**AGENDA**  
**SPECIAL MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., JANUARY 30, 2018**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC18-03*

**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 January 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. Resolution PC18-\_\_;** A Resolution of the City of Suisun City Planning Commission Completing Review of Conditional Use Permit at 700 Main Street #106, Per Condition No. 7 of Resolution PC17-04.

**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.*

**None**

**7. COMMUNICATION:**

**A. Staff**

- a. Report on Development Activity.**
- b. 2018 Planning Commission Calendar.**

**B. Commissioners**

**C. Agenda Forecast**

**8. ADJOURN.**

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

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC18-01*

**1. ROLL CALL:**

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

Absent  
Commissioner Borja  
Commissioner Thomas

Pledge of Allegiance  
Invocation

**2. ANNOUNCEMENTS:**

None

**3. ELECTION OF CHAIR AND VICE CHAIR:**

Commissioner Clemente nominated himself for Chair and Commissioner Ramos seconded the motion. Motion passed 5-0 by roll call vote.

Commissioner Pal nominated Commissioner Osborne for Vice-Chair and Commissioner Holzwarth seconded the motion. Motion passed 5-0 roll call vote.

**4. MINUTES:**

Commissioner Ramos moved to amend the Planning Commission minutes of December 12, 2017 relative to making a distinction between opioid prescriptions and drugs.

Commissioner Holzwarth seconded the motion. Motion passed 5-0

**5. AUDIENCE COMMUNICATIONS:**

None.

**CONFLICT OF INTEREST NOTIFICATION**

None.

**6. GENERAL BUSINESS:**

**A. Review of Conditional Use Permit No. UP14/15-003:**

**Resolution PC18-\_\_; 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).**

Senior Planner, John Kearns, reported that there were very few calls for service in the past year and the staff recommendation was to adopt the resolution confirming annual review of the permit.

Commissioner Pal moved to approve Resolution No. PC18-01. Commissioner Holzwarth seconded the motion. Motion passed 5-0 by roll call vote.

**7. PUBLIC HEARINGS:**

**A. Planning Commission Consideration of a Proposed Commercial Development Project Consisting of a Gas Station, Convenience Market, and Retail Building at the Southeast Corner of East Tabor Avenue and Walters Road (APN 0174-511-150):**

**Resolution PC18-\_\_; A Resolution of the City of Suisun City Planning Commission Approving Conditional Use Permit (UP 16/7-002) and Site Plan/Architectural Review (AR 16/7-004) for a Gas Station, Convenience Market, and Retail Building at the Southeast Corner of Walters Road and East Tabor Avenue (APN 0174-511-150).**

Mr. Kearns provided staff's report on the proposed gas station, convenience market, retail project highlighting the new proposed business. He provided a background of the prior project. On September 16, 2015, the City Council adopted a series of entitlements as well as a Mitigated Negative Declaration for the Zephyr Estates Project. The project consisted of 59 single-family residences and a remainder commercial parcel at the southeast corner of Walters Road and East Tabor Avenue. Seecon Homes subsequently purchased the project and marketed the residential portion as "Jubilee". Seecon Homes submitted an application to develop the commercial property and the item was scheduled for Planning Commission consideration before being withdrawn in August 2017. Around that timeframe, the commercial property was sold to Suisun City 76, Inc.

The property has two points of access: Fort Irwin Way (off of Walters Road) and Fort Ross Way (off of E. Tabor Avenue). Utilities including sewer, water, storm drain and dry utilities are stubbed to the property. The commercial project proposes the following:

**Uses** – A gas station w/ 12 fueling stations under a 3,179 sf canopy; 4,250 sf Convenience Store w/ 17 parking stalls (15 standards, 1 van-accessible ADA, and 1 C.A.V.); 3,870 sf retail building (final use undetermined) w/ 19 parking stalls (17 standards, 1 ADA and 1 C.A.V.).

**Operation** – Hours of operation for the gas station and convenience store will be 24 hours/day, 7 days/week. Hours of operation for the additional retail has not yet been determined, however is not anticipated to operate 24 hours/day. Based on industry standards, the number of employees per shift is expected to range from 3 – 10, depending on the end user of the retail building. Outdoor activities associated with the type of land use is not anticipated.

**Odors/Materials** – The proposed uses such as a gas station/convenience store and QSR/restaurant/retail will not emit dangerous, injurious, noxious or otherwise objectionable odors.

**Vehicle Traffic** – Access to the site is via Fort Irwin Way (off of Walters Road) and Fort Ross Way (off of E. Tabor Avenue). Traffic associated with this project has been re-evaluated by Abrams Associates. Their analysis dated October 12, 2017 analyzed the traffic impacts specifically for this project. Additionally, a turning radius analysis was prepared by the applicant’s architect to ensure proper function of the site related to emergency vehicles and fuel delivery trucks.

**Regulatory Setting**

The Project is located within the Commercial Retail (CR) Zoning District. As stated previously, the project was a part of the Zephyr Estates Planned Unit Development, approved by the City Council September 2014. The residential portion of the project was initiated and subsequently has been built out since. The proposed commercial property has been sold and is now before the Planning Commission for consideration. The Zoning Ordinance was approved by the City Council in March 2017 and sets forth the classification of uses in each District as well as applicable development standards. Below (Table 1) provides for the “Surrounding Designations and Existing Uses”.

Chairperson Clemente opened the Public Hearing.

John Kearns then introduced the applicant Deep Grewal and his consultant, Martin Wood from SCO Planning and Engineering. They were available for questions. Two Suisun City residents (Martin Guttinger and Richard Debernard) shared their views.

Guttinger started the Public Hearing by first stating he was not in favor of the new project. He made a point to say that the business will attract homeless and vagrants.

Debernard opened by saying he has been a long time resident and his home will be near the gas station. He stated that he understands the city needs to build out but that he’s never seen a gas station so close to a residential development. Debernard closed by saying he was not in favor with the gas station and that the tanks underneath the ground might contaminate the ground water. Both residents opposed the idea of a 1.33-acre commercial property located at the southeast corner of E. Tabor Avenue & Walters Road.

Commissioner Ramos asked about security and what was being done with the retail part of the gas station. Mr. Kearns referred the question over to the applicant who provided clarification.

Commissioner Osborne asked the applicant how he had interacted with the surrounding community. To which the applicant explained that all communication had come through the City process and any notices that had been distributed by city staff.

Commissioner Pal asked for a “Right Turn Only” sign be installed to help with traffic circulation. He also brought up scheduling garbage pickup so the impact to the residents was minimized. Finally, he asked that the convenience store have conditions on the alcohol sales.

Hearing no further comments Chairperson Clemente closed the Public Hearing.

Commissioner Holzwarth moved to approve Resolution PC18-02 with the following conditions:

- Store Hours – Weekdays 5a – 11p; Weekends 5a - Midnight
- Install a “Right turn only” exiting from the southern entrance of the project.

Commissioner Osborne seconded the motion. Motion passed 4-1 by roll call vote. Commissioner Pal voted against the motion.

## **8. COMMUNICATION:**

### **A. Staff**

Mr. Kearns stated that City Council had approved the application for a new Holiday Inn Express and Suites Hotel next to the existing Hampton Inn.

### **B. Commissioners**

None

### **C. Agenda Forecast**

Mr. Kearns asked if the Commission was available to have a meeting on January 30.

## **9. ADJOURN.**

There being no further business the meeting was adjourned at 8:35 pm.

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Anita Skinner, Commission Secretary

## AGENDA TRANSMITTAL

**MEETING DATE:** January 30, 2018

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**PLANNING COMMISSION AGENDA ITEM:** Resolution PC18-\_\_\_; A Resolution of the City of Suisun City Planning Commission Completing Review of Conditional Use Permit at 700 Main Street #106, Per Condition No. 7 of Resolution PC17-04.

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**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. The approval included Condition No. 7 which states “This use permit shall be reviewed by the Planning Commission upon a change in the owner/operator.” With the proposed change in ownership, it is necessary for the Planning Commission to provide a review.

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**STAFF REPORT:** The City has recently become aware of a new owner/operator of 700 Main Street #106 which triggers the need for Planning Commission review. The new owner/operator, 724 Empire, LLC, has provided a project description which is included as Attachment 2 of this staff report. Topics addressed include:

- Hours of Operation;
- Employees (Regular and Nightclub Hours);
- Clientele;
- Outdoor Activities;
- Vehicle Traffic; and
- Provisions Affecting Proposed Use.

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. 724 Empire, LLC has been provided the approved Conditional Use Permit (PC 17-04) and has agreed to comply with the approved conditions. The adopted resolution is included for reference.

Additionally, the applicant/operator may consider amending the Conditional Use Permit to include additional activities. It is important to note that staff has not received a new application and this cannot provide any analysis relative to any requested amendments. Once a complete application is received, staff will need to review and analyze the application. A subsequent Public Hearing will then be scheduled with the Planning Commission for consideration.

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**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission conduct a review of the Conditional Use Permit and adopt Resolution No. PC18\_\_\_: A Resolution of the City of Suisun City Planning Commission Completing Review of the Conditional Use Permit at 700 Main Street #106, Per Condition No. 7 of Resolution PC 17-04.

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**PREPARED BY:**

John Kearns, Senior Planner

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**ATTACHMENTS:**

1. Resolution PC18-\_\_\_; A Resolution of the City of Suisun City Planning Commission Completing Review of the Conditional Use Permit at 700 Main Street #106, Per Condition No. 7 of Resolution PC 17-04.
2. Project Description.
3. PC17-04

**RESOLUTION NO. PC18-**

**A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION  
COMPLETING REVIEW OF THE CONDITIONAL USE PERMIT AT 700 MAIN  
STREET #106, PER CONDITION NO. 7 OF RESOLUTION PC 17-04.**

**WHEREAS**, the Planning Commission conducted a review of applicable Conditional Use Permit at their special meeting of January 30, 2018; and

**WHEREAS**, the Conditional Use Permit was originally approved on April 7, 2009 by the Planning Commission and amended on May 9, 2017 with the adoption of Resolution PC 17-04; and

**WHEREAS**, a report by the City Staff was presented and made a part of the record of the January 30, 2018 meeting; 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 the Specific Plan and the purposes of the district 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) per Section 15301, Existing Facilities.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Commission of the City of Suisun City does hereby adopt Resolution PC18-\_\_; A Resolution of the City of Suisun City Planning Commission Completing Review of the Conditional Use Permit at 700 Main Street #106, Per Condition No. 7 of Resolution PC 17-04.

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 30<sup>th</sup> day of January 2018

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Anita Skinner  
Commission Secretary

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## 724 Empire LLC, DBA Vice Ultra Lounge – Written Statement – Nightclub and Bar

Proposed Use: We propose to use the space at 700 Main St, Suit 106 as a Nightclub on certain nights and as a bar, event venue (such as weddings, corporate events, dance classes, etc), and sports bar (during sporting events such as Baseball, Football, Basketball, etc).

### Hours of Operation:

#### Hours:

Monday - Tuesday 5 PM – 1 AM, Sunday and Wednesday - Thursday 5 PM – 2 AM, Friday – Saturday 5 PM – 2 AM

### Employees (Regular Hours):

4-6 Employees (Estimate – Inclusive of Security though they are an independent bonded company, separate of 724 Empire, LLC):

- 1 Bartenders
- 1 Bar Manager or General Manger
- 1 Waitress/server(s)
- 1-2 Security Guards on lighter nights, and 2-3 Security Guards on busier nights, though on Friday and Saturday the initial guards will remain on site through nightclub hours of operation

### Employees (Nightclub Hours):

23-31 Employees (Estimate – Inclusive of Security though they are an independent bonded company, separate of 724 Empire, LLC):

- 1 Cashier
- 2-3 Bartenders
- 1-2 Bar Backs
- 1 Bar Manager
- 1 VIP Manager
- 1 General Manger
- 4-6 Waitress/server(s)
- 12-15 Security Guards on lighter nights, and 15-17 Security Guards on artist and large event nights

### Clientele:

During Nightclub Hours: We expect anywhere between 150 and Max Capacity patrons (Sliding scale estimate dependent on factors such as weather, marketing and promotion and holidays)

During Regular Hours (though with again an estimate dependent on what event – Sporting, corporate, birthday, etc – may be taking place): We expect no more than 75-100 patrons)

#### Outdoor Activities:

The patio will be utilized as smoking section area and area where individuals may step outside to make a phone call. Of course, we do understand that this area and the street area must be kept clean to the best of our extent and we hope individuals will utilize ash trays and garbage boxes we will provide outside to minimize trash left on the ground.

#### Vehicle Traffic:

Normal Street traffic with the utilization of street parking and the parking area directly across from the venue. We ask that on some days, such as a large events or artist events, we would be able to utilize or block off the 3 parking spots in front of the venue for the use of assigned parking for the safety of the artist and any manager or venue partner who may be transporting large sums of currency.

#### Provisions Affecting Proposed Use:

Provisions to abide by are listed in the original use permit drawn, and the terms of that use permit are reasonable to the extent that it will not affect our business (Though of course we can not predict the future, and therefore would ask if a section may be reviewed in the future to possibly accommodate for growth and or changes in the market and business)

## **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 9<sup>th</sup> day of May 2017.



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Anita Skinner  
Commission Secretary

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