

AGENDA
REGULAR MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., NOVEMBER 14, 2017

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC17-15

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 October 12, 2017.

4. AUDIENCE COMMUNICATIONS:

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

CONFLICT OF INTEREST NOTIFICATION

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

5. 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. Review of and Potential Modification to Resolution No. PC17-04 and Direction for Further Action for Sovereign Ultra Lounge, 700 Main Street #106 (Continued from October 12, 2017).**

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

6. REPORTS:

Presentation on Short-Term Rentals

7. COMMUNICATION:

A. Staff:

B. Commissioners:

C. Agenda Forecast

8. ADJOURN.

a&m/171114.pca

MINUTES
SPECIAL MEETING OF THE CITY OF SUISUN CITY
PLANNING COMMISSION
7:00 P.M., OCTOBER 12, 2017

COUNCIL CHAMBERS
701 CIVIC CENTER BOULEVARD
SUISUN CITY, CALIFORNIA 94585

Next Resolution No. PC17-14

1. ROLL CALL:

PRESENT:

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

ABSENT:

Chairperson Clemente
Commissioner Ramos

2. ANNOUNCEMENTS:

None

3. MINUTES:

Commissioner Holzwarth moved to approve the Planning Commission minutes of September 12, 2017. Commissioner Pal seconded the motion. Motion passed 5-0

4. AUDIENCE COMMUNICATIONS:

None

CONFLICT OF INTEREST NOTIFICATION

Commissioner Thomas reported that he had a conflict with 5A.

5. PUBLIC HEARINGS:

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

Mr. Kearns explained the applicant was personally dealing with the recent fires and asked for the item to be continued to November 14, 2017.

Vice-Chair Osborne opened the Public Hearing. There being no comments he continued the Public Hearing to November 14, 2014.

B. Request to Locate a Modular Manager's Unit at the Harbor Breeze Apartments (1101 Crystal Street)

John Kearns presented the staff report. Mr. Kearns stated the Harbor Breeze Apartments were formerly known as Continental Apartments. Mr. Kearns explained that the property manager has been living in one of the rentable units. He further explained that the applicant is proposing to locate a standalone modular unit on-site which will solely house the manager.

Mr. Kearns briefly discussed the Findings and Conditions of Approval. He stated that the landscape would be installed prior to occupancy of the new unit. Mr. Kearns explained the applicant would obtain the necessary

permits from the Public Works Department. He also explained modular buildings are under the jurisdiction of the State of California and building permits would be overseen by them.

Vice Chair Osborne opened the Public Hearing.

Commissioner Borja asked for clarification on the landscaping plan. Mr. Kearns confirmed that Condition No. 5 indicated that there would be no occupancy until landscaping is completed.

Commissioner Pal clarified there was no fireplace in the unit.

Commissioner Pal stated Condition No. 15 states the applicant shall pay the Suisun-Solano Water Authority plan check and inspection fees within 30 days. He inquired how much it is normally. Mr. Kearns confirmed that it varies from project to project but did not feel that on a project such as this the impact would be very great.

Commissioner Pal asked how Condition No. 21 regarding archeological finds work. Mr. Kearns confirmed work stops immediately and there are contacts that have to be made.

Commissioner Pal also asked if the City requires contractors to contact 811 called for utilities. Mr. Kearns stated yes.

Commissioner Borja stated that he noticed there appears to be a large amount of sand at the back of the property and asked if this was basically there for fire emergencies. Mr. Kearns stated that the Fire dept. did not comment with any concerns. Commissioner Borja also asked if the existing fence would stay.

Josh Brewer, project manager with Taylor Design Group, stated the owner is very particular with his landscape and doesn't like tenants creating unmarked pathways which is why he put the picnic tables where there would be xeriscape.

There being no further comments Vice Chair Borja closed the Public Hearing.

Commissioner Pal moved to adopt Resolution No. PC17-14 A Resolution of the City of Suisun City Planning Commission Approving Conditional Use Permit No. UP15-6-009 and Site Plan/Architectural Review No. AR15-6-004 to Locate a Modular Manager's Unit at 1101 Crystal Street (APN0032-162-150). Commissioner Borja seconded the motion. Motion passed 5-0 by a roll call vote.

6. COMMUNICATION:

A. Staff:

Mr. Kearns stated that with the recent fire disaster that City staff has been fully engaged and all have been sworn in as disaster workers.

Mr. Kearns stated that the old sign at Sunset and Highway 12 has been removed and new construction will start this week.

B. Commissioners:

Commissioner Pal stated he would like to have a report AirBNB. Mr. Kearns stated that staff has begun the research and will report at the November meeting.

Vice Chair Osborne stated he would like to thank all first responders, nurses/doc, social workers and everyone working together on the recent fires to help surrounding communities.

C. Agenda Forecast:

November 14

- Continued item for Sovereign Ultra Lounge
- Project at East Tabor/Walters road
- New Hotel on Civic Center Blvd.

Mr. Kearns also stated a future item would be the Blue Devil's Bingo Operation annual review.

7. ADJOURN.

There being no further business the meeting was adjourned at 7:30 pm.

Anita Skinner, Commission Secretary

a&m/171012.pcm

THIS PAGE INTENTIONALLY LEFT BLANK

AGENDA TRANSMITTAL

MEETING DATE: November 14, 2017

PLANNING COMMISSION AGENDA ITEM: Review of and Potential Modification to Resolution No. PC17-04 and Direction for Further Action for Sovereign Ultra Lounge, 700 Main Street #106 (Continued from October 12, 2017).

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

ENVIRONMENTAL REVIEW: This project is categorically exempt from the California Environmental Quality Act (CEQA), under Section 15303, New Construction or Conversion of Small Structures. No further environmental review is required for this agenda item.

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. On July 14, 2015, the Planning Commission considered an agenda item, per the adopted conditions of approval, as a new operator would be occupying the tenant space. On May 9, 2017, the Planning Commission adopted Resolution PC17-04 which amended the conditions of approval. Additionally, a review was completed by the Commission on July 25, 2017. Below are the approved 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 90dB, 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.

PREPARED BY:

John Kearns, Senior Planner

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 Planning Commission held a public hearing on July 25, 2017. At this public hearing, the Commission adopted Resolution PC17-09 which required the Conditional Use Permit to come back to the Commission within 90-days. On October 12, the Planning Commission opened the public hearing and continued the item to a date certain.

STAFF REPORT: At the July 25th Public Hearing, discussion centered around the following conditions of approval:

- Condition No. 2 (Noise);

- Condition No. 11 (Security Camera Payment);
- Condition No. 12 (RBS Training); and
- Condition No. 18 (Review of CUP).

Below is a brief update on each of the items:

Noise

Staff raised a concern regarding the noise condition as it presently allows for a 90dB threshold. Since the original Conditional Use Permit was issued, the City adopted a new General Plan which provides some direction on noise parameters. Staff has done extensive research into how other communities regulate noise and have begun drafting an ordinance. Unfortunately, the ordinance has not progressed enough to share with the Planning Commission. Staff's intent is to bring forward a noise ordinance for the Planning Commission and City Council to consider in the relatively near term.

Security Camera Payment

At the July 25 meeting, staff had not yet received payment for the agreed upon security camera at Main and Solano Street. However, on August 7, 2017, Police Department staff received payment. The Police Department immediately requested bids and soon after selected a vendor. There was an issue with some of the equipment being backordered, but as of the writing of this staff report, installation of the camera has been completed.

RBS Training

At the July 25 meeting, staff mentioned that Condition No. 12 had not yet been satisfied. Following the meeting, the operator has provided staff with documentation which satisfies this condition of approval.

Review of Conditional Use Permit

Staff mentioned that there was some confusion regarding Condition No. 18 and its application. The Commission confirmed that the conditional use permit was to come back for review within 90 days. Since the last review (July 25), a lot of progress has been made in satisfying the approved conditions of approval and working closely with staff. However, it has been noted that the operation has been open intermittently. For this reason, it is the position of staff that the condition be retained and another review by completed within three months.

Staff Request

At this public hearing, staff is requesting that the Commission review the subject Conditional Use Permit. If the Commission recommends any modifications to the permit, staff can come back at the next available meeting with a revised resolution. The intent is to first hold the review and second have the Commission provide staff direction on any next steps.

Public Hearing

It is recommended that the Planning Commission allow presentations by staff, ask questions and then open the Public Hearing for public comment. After receiving comment, close the public hearing, discuss and provide direction to staff regarding any modifications to conditions of approval and/or next steps.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission **adopt** Resolution No. PC17 ___; A Resolution of the City of Suisun City Planning Commission Confirming Review of Resolution No. PC17-04 for Sovereign Ultra Lounge, 700 Main Street #106.

ATTACHMENTS:

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

RESOLUTION NO. PC17-

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

WHEREAS, the Planning Commission conducted a review of Resolution No. PC17-04 at its Regular Meeting of November 14, 2017; and

WHEREAS, a report by City staff was presented and made a part of the record of the November 14, 2017 meeting; 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 PC17 - ___; A Resolution of the City of Suisun City Planning Commission Confirming Review of Resolution No. PC17-04 for Sovereign Ultra 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 14th day of November 2017.

Anita Skinner
Commission Secretary