

CITY COUNCIL
Lori Wilson, Mayor
Michael A. Segala, Mayor Pro-Tem
Anthony Adams
Jane Day
Wanda Williams



CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

SPECIAL MEETING OF THE SUISUN CITY COUNCIL

AND

SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY

TUESDAY, MAY 14, 2019

5:30 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

NOTICE

Pursuant to Government Code Section 54953, Subdivision (b), the following City Council / Successor Agency meeting includes teleconference participation by Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.

ROLL CALL

Council / Board Members

PUBLIC COMMENT

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

CONFLICT OF INTEREST NOTIFICATION

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

CLOSED SESSION

Successor Agency

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8 Real Property Identified by APN's, 0032-091-170, 0032-091-180, 0032-091-190 and 0032-091-200 located at the southwest corner of Civic Center and Driftwood Drive.

Negotiating Party: City Manager and Development Services Director

Subject: Price and Terms of Payment

Parties Negotiating With: Main Street West Partners

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320
FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340
SUCCESSOR AGENCY 421-7309 FAX 421-7366

City Council

2. PERSONNEL MATTERS

Pursuant to California Government Code Section 54957(b)(1) et seq. the Suisun City Council will hold a Closed Session for the purpose of Public Employee Performance Evaluation: Development Services Director

3. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: City Manager.

Employee organization: SCPOA (Suisun City Police Officers' Association)

4. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: City Manager

Employee organization: SCEA (Suisun City Employees' Association).

5. CONFERENCE WITH LABOR NEGOTIATOR

Agency negotiator: City Manager.

Employee organization: SCMPEA (Suisun City Management and Professional Employees' Association)

CONVENE OPEN SESSION

Announcement of Actions Taken, if any, in Closed Session.

ADJOURNMENT

A complete packet of information containing staff reports and exhibits related to each item for the open session of this meeting, and provided to the City Council, are available for public review at least 72 hours prior to a Council /Agency/Authority Meeting at Suisun City Hall 701 Civic Center Blvd., Suisun City. Agenda related writings or documents provided to a majority of the Council/Board/Commissioners less than 72 hours prior to a Council/Agency/Authority meeting related to an agenda item for the open session of this meeting will be made available for public inspection during normal business hours. An agenda packet is also located at the entrance to the Council Chambers during the meeting for public review. The City may charge photocopying charges for requested copies of such documents. Assistive listening devices may be obtained at the meeting

PLEASE NOTE:

1. The City Council/Agency/Authority hopes to conclude its public business by 11:00 P.M. Ordinarily, no new items will be taken up after the 11:00 P.M. cutoff and any items remaining will be agendized for the next meeting. The agendas have been prepared with the hope that all items scheduled will be discussed within the time allowed.
2. Suisun City is committed to providing full access to these proceedings; individuals with special needs may call 421-7300.
3. Agendas are posted at least 72 hours in advance of regular meetings at Suisun City Hall, 701 Civic Center Boulevard, Suisun City, CA. Agendas may be posted at other Suisun City locations including the Suisun City Fire Station, 621 Pintail Drive, Suisun City, CA, and the Suisun City Senior Center, 318 Merganser Drive, Suisun City, CA.

I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of May 14, 2019 was posted and available for review, in compliance with the Brown Act.



CITY COUNCIL
Lori Wilson, Mayor
Michael A. Segala, Mayor Pro-Tem
Anthony Adams
Jane Day
Wanda Williams

CITY COUNCIL MEETING

First and Third Tuesday
Every Month

A G E N D A

REGULAR MEETING OF THE SUISUN CITY COUNCIL

SUISUN CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SUISUN CITY, AND HOUSING AUTHORITY

TUESDAY, MAY 14, 2019

7:00 P.M.

SUISUN CITY COUNCIL CHAMBERS -- 701 CIVIC CENTER BOULEVARD -- SUISUN CITY, CALIFORNIA

NOTICE

*Pursuant to Government Code Section 54953, Subdivision (b), the following Council/Successor Agency/Housing Authority meeting includes teleconference participation by:
Councilmember Jane Day from: 301 Morgan Street, Suisun City, CA 94585.*

(Next Ord. No. – 758)

(Next City Council Res. No. 2019 – 43)

Next Suisun City Council Acting as Successor Agency Res. No. SA2019 - 04)

(Next Housing Authority Res. No. HA2019 – 05)

ROLL CALL

Council / Board Members

Pledge of Allegiance

Invocation

PUBLIC COMMENT

(Request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda per California Government Code §54954.3. Comments are limited to no more than 3 minutes unless allowable by the Mayor/Chair. Speaker cards are available on the table near the entry of the meeting room and should be given to the City Clerk. By law, no prolonged discussion or action may be taken on any item raised during the public comment period, although informational answers to questions may be given and matters may be referred for placement on a future agenda.)

CONFLICT OF INTEREST NOTIFICATION

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

DEPARTMENTS: AREA CODE (707)

ADMINISTRATION 421-7300 ■ PLANNING 421-7335 ■ BUILDING 421-7310 ■ FINANCE 421-7320

FIRE 425-9133 ■ RECREATION & COMMUNITY SERVICES 421-7200 ■ POLICE 421-7373 ■ PUBLIC WORKS 421-7340

SUCCESSOR AGENCY 421-7309 FAX 421-7366

REPORTS: (Informational items only.)

1. Dredging update – (Lozano).

PRESENTATIONS/APPOINTMENTS

(Presentations, Awards, Proclamations, Appointments).

2. Proclamations (not presented):
 - a. Proclaiming May 19 - 25, 2019 as “Public Works Week.” (Medill)

CONSENT CALENDAR

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

City Council

3. Council Adoption of Resolution No. 2019-___: Authorizing the City Manager to Enter into a Construction Contract on the City’s Behalf with Green Vista Landscape for the Pierce Island Vegetation Removal and Mouse Exclusion Fence Installation Project – (Medill).
4. Initiate and Provide Intent to the Levy and Collection of Assessments for the City’s Maintenance Assessment Districts – (Medill).
 - a. Council Adoption of Resolutions No. 2019-___: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer’s Report Related to the Suisun City Maintenance Assessment Districts for Fiscal Year 2019-20.
 - b. Council Adoption of Resolutions No. 2019-___: Declaring its Intention to Levy and Collect Assessments Within the City’s Maintenance Assessment Districts for Fiscal Year 2019-20 and Announcing That the Associated Public Hearing Will Be Held on June 18, 2019.
5. Initiate and Provide Intent to the Levy and Collection of Assessments for the Parking Benefit Assessment District – (Medill).
 - a. Council Adoption of Resolution No. 2019-___: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer’s Report Related to the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2019-20; and
 - b. Council Adoption of Resolution No. 2019-___: Declaring Its Intention to Levy and Collect Assessments Within the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2019-20.
6. Council Adoption of Resolution No. 2019-___: Approving the Purchase of a 2019 Groundsmaster 4000-D T4 Commercial Mower – (Medill).

Joint City Council / Suisun City Council Acting as Successor Agency

7. Council/Agency Approval of the April 2019 Payroll Warrants in the Amount of \$417,234.27. Council/Agency Approval of the April 2019 Payable Warrants in the Amount of \$1,211,396.20 – (Finance).

PUBLIC HEARINGS**City Council**

8. PUBLIC HEARING

Council Introduction and Waive Reading of Ordinance No. __: Amending Chapter 10 of Title 13 (Stormwater Management and Discharge Control) of the Suisun City Municipal Code to Implement the Municipal Regional Stormwater Permit Mandate to Manage Polychlorinated Biphenyls (PCB)-Containing Materials during Building Demolition - (Medill/Lozano).

9. PUBLIC HEARING

Residential Yards and Parking Ordinance – (McNamara)

- a. Council Adoption of Ordinance No. __: An Interim Urgency Ordinance of the City Council of the City of Suisun City, California, Establishing a 45-day Temporary Moratorium on Paving of Greater Than Sixty Percent of the Total Surface Area of any Residential Front Yard, and Declaring the Urgency Thereof.
- b. Council Introduction and Waive Reading of Ordinance No. __: 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.

GENERAL BUSINESS**City Council**

10. Informational Report – Public Works Complete Street Safety Assessment – (Medill).

REPORTS: (Informational items only.)

11. a. Council/Boardmembers
 - b. Mayor/Chair
12. City Manager/Executive Director/Staff

PUBLIC COMMENT

(Additional time for request by citizens to discuss any matter under our jurisdiction other than an item posted on this agenda limited to no more than 3 minutes.)

ADJOURNMENT

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I, Donna Pock, Deputy City Clerk for the City of Suisun City, declare under penalty of perjury that the above agenda for the meeting of May 14, 2019 was posted and available for review, in compliance with the Brown Act.

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Office of the Mayor
Suisun City, California

Proclamation



WHEREAS, Public Works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the residents of Suisun City; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Suisun City to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their community; and

WHEREAS, “It Starts Here” the theme for the 2019 National Public Works Week, represents the many facets of modern civilization that grow out of the efforts put forth by the public works professionals; and

WHEREAS, what starts here? Healthy communities start with public works, infrastructure, growth and innovation, mobility, and security all start with public works; and

WHEREAS, the year 2019 marks the 59th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

NOW, THEREFORE, I, Lori D. Wilson, Mayor of the City of Suisun City, do hereby designate the week of May 19-25, 2019 as

“NATIONAL PUBLIC WORKS WEEK”

in the City of Suisun City, and urge all residents and civic organizations to acquaint themselves with the issues involved in providing our community public works services and to recognize the substantial contributions public works professionals, engineers, managers and employees make every day protecting our health, safety, comfort, and quality of life.



In witness whereof I have hereunto set my hand and caused this seal to be affixed.



Lori D. Wilson, Mayor

ATTEST: 

DATE: May 14, 2019

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AGENDA TRANSMITTAL

MEETING DATE: May 14, 2019

CITY AGENDA ITEM: Adoption of Council Resolution No. 2019-__: Authorizing the City Manager to Enter into a Construction Contract on the City's Behalf with Green Vista Landscape for the Pierce Island Vegetation Removal and Mouse Exclusion Fence Installation Project.

FISCAL IMPACT: The total appropriation for Dredging Phase II includes the projected cost of vegetation removal and mouse exclusion fence installation project. There is sufficient funding appropriated to the Dredging Fund (Fund 340) for Fiscal Year 2018-19 to pay for this contract. The State's Department of Finance recently approved City's Recognized Obligation Payment Schedule (ROPS), which includes \$2,772,500 in FY2019-20 for the Dredging Project. There is no fiscal impact to General Fund.

BACKGROUND: In the early 1990s Pierce Island (Island) was constructed as a disposal site for sediment dredged from the Suisun City Marina and the Suisun Slough, including the Marina Village channel. In November 2018, the rehabilitation of the levee surrounding the east basin on Pierce Island levee was completed as preparatory work for the 2019 dredging episode. Excavated material from the east basin was used to raise the levee around the east basin. The completion of this levee rehabilitation project provides the necessary storage capacity for the 2019 dredge episode for which we have a dredging contractor under contract. Dredging is scheduled to begin on August 1, 2019.

The 2018 east basin levee rehabilitation project included clearing vegetation within the east basin; herding the Salt Marsh Harvest Mouse (SMHM) from the east basin to the exterior of the island; and installing SMHM exclusion fence around the east basin. Said work was performed in compliance with the conditions of the California Department of Fish and Wildlife's (CDFW) permit.

Since City staff has performed maintenance work on the existing SMHM fence surrounding the east basin during the 2018/2019 rain/winter season and since the SMHM fence has withstood the rain/winter conditions, CDFW will not require the City to clear the vegetation again prior to the placement of dredged material in the east basin during 2019 dredge episode.

However, prior to performing the 2019 dredging and as required by the CDFW permit, the vegetation within the west pond will need to be removed; the SMHM herded from the west pond to the island perimeter; and SMHM exclusion fencing installed around the west pond. Said work will be a one-month-long effort. Construction bid documents were prepared for this Pierce Island Vegetation Removal and Mouse Exclusion Fence Installation Project (Project) in early April 2019.

STAFF REPORT: On Monday, April 8, 2019, and on Wednesday, April 17, 2019, the construction documents for the Project were advertised in the Daily Republic newspaper. The bid documents provided to the builder's exchanges. Moreover, City staff notified more than 20

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Nick Lozano, Associate Engineer
 Matthew Medill, Public Works Director
 Greg Folsom, City Manager

contractors of the project, including the five (5) contractors who bid on the 2018 Pierce Island Levee Rehabilitation Project and the seven (7) other contractors who expressed interest in said 2018 project.

At the bid opening date of April 30, 2019 for the Project only one bid was received and read aloud at 2:00 PM. Staff has determined that the budget is enough to award the contract. In addition, it was determined that the bid submitted by Green Vista Landscape is a responsive bid. The lone bid received is as follows:

<u>Company</u>	<u>Total</u>
<i>Engineer's Estimate</i>	<i>\$ 100,120.00</i>
Green Vista Landscape	\$ 124,527.80

Given that the appropriation is enough to cover the construction contract for this Project, staff recommends awarding the construction contract in the amount of \$124,527.80 to Green Vista Landscape for this Pierce Island Vegetation Removal and Mouse Exclusion Fence Installation Project. Adding the 10% contingency of \$12,452.78 results in a total construction cost of up to \$136,981.00.

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2019-___: Authorizing the City Manager to Enter into a Construction Contract on the City's Behalf with Green Vista Landscape for the Pierce Island Vegetation Removal and Mouse Exclusion Fence Installation Project.

ATTACHMENTS:

1. Resolution No. 2019-___: Authorizing the City Manager to Enter into a Construction Contract on the City's Behalf with Green Vista Landscape for the Pierce Island Vegetation Removal and Mouse Exclusion Fence Installation Project.
2. Project Location Map.

RESOLUTION NO. 2019 - ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION
CONTRACT ON THE CITY'S BEHALF WITH GREEN VISTA LANDSCAPE FOR THE
PIERCE ISLAND VEGETATION REMOVAL AND MOUSE EXCLUSION FENCE
INSTALLATION PROJECT**

WHEREAS, dredging is performed in the Suisun Marina, Suisun Slough and the Marina Village channel every 8 to 9 years; and

WHEREAS, the last time dredging was performed was in December 2008, and dredging is due to be performed this coming year in 2019 as part of the planned 2019 Suisun Marina Dredging Project; and

WHEREAS, the Pierce Island Levee Rehabilitation Project was completed in early November 2018 to ensure that there is adequate storage capacity to accept dredged sediment for the upcoming dredging episode; and

WHEREAS, the Pierce Island Levee Rehabilitation Project included clearing vegetation in the east basin; herding mice from the east basin to the exterior perimeter of the island; and installing Salt Marsh Harvest Mouse (SMHM) fence around the east basin as required by the permit issue by the California Department of Fish and Wildlife (CDFW) for the levee rehabilitation project and dredging project; and

WHEREAS, prior to the upcoming 2019 dredging activities, the CDFW's permit conditions also requires vegetation clearing, mouse herding and SMHM fencing installation within and around the west basin; and

WHEREAS, plans, specifications, and an Engineer's Estimate were prepared for the Pierce Island Vegetation Removal and Mouse Exclusion Fence Installation Project (Project) to comply with the CDFW's permit conditions; and

WHEREAS, the construction documents for the Project were advertised in the local newspaper on April 8, 2019 and April 17, 2019; and

WHEREAS, one bid proposal for the Project was received by the City on April 30, 2018, by 2:00 pm, and bids were opened and read aloud; and

WHEREAS, Green Vista Landscape provided a responsive bid of \$124,527.80;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City authorizes the City Manager to enter into a construction contract on behalf of the City with Green Vista Landscape for the Pierce Island Vegetation Removal and Mouse Exclusion Fence Installation Project in the amount of \$124,527.80 and to take any and all necessary and appropriate actions to implement this contract. The City Council further authorizes the City Manager to approve changes for contingencies not to exceed 10% of the contract amount.

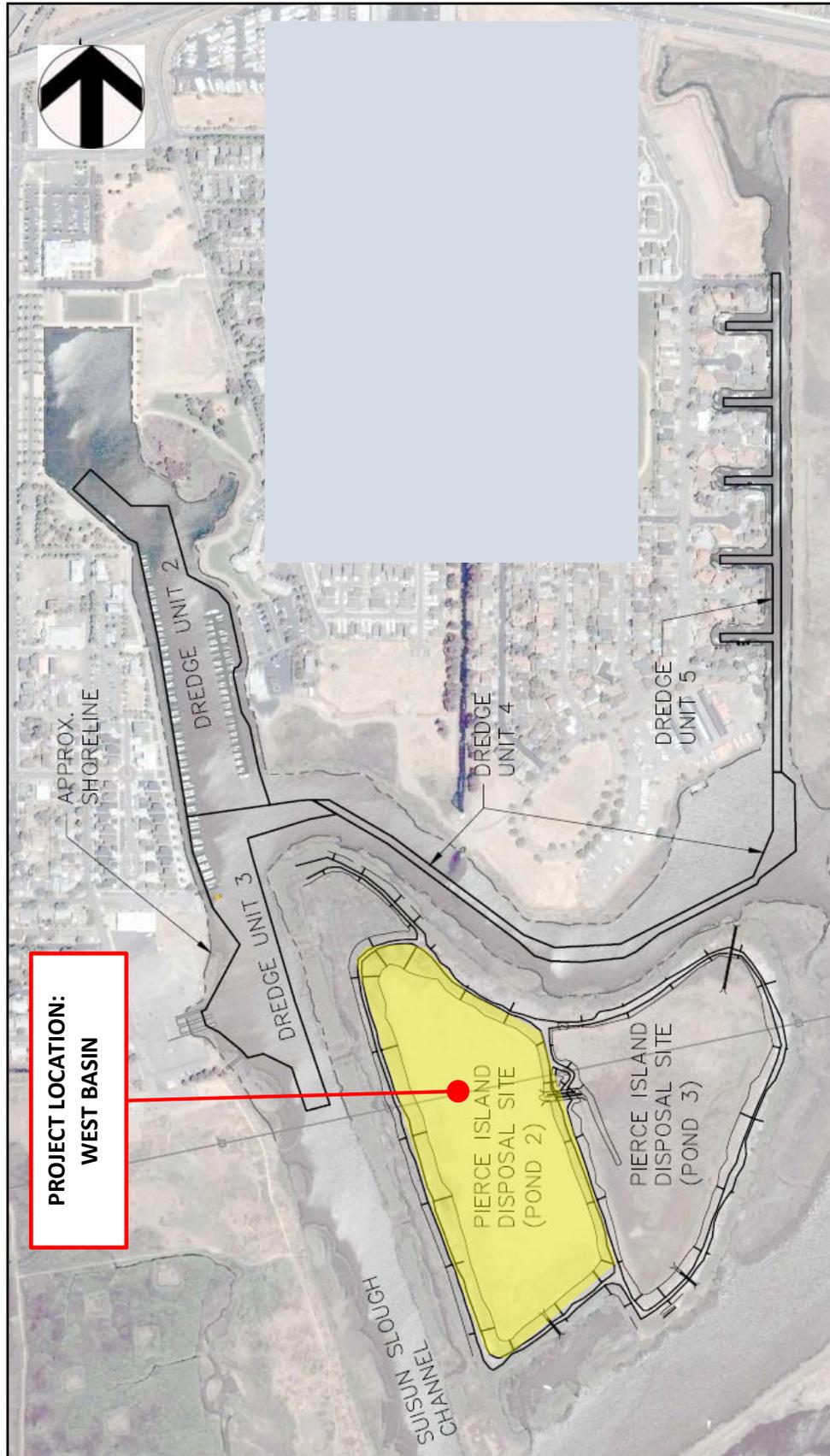
PASSED AND ADOPTED at a Regular Meeting of the City Council of the City of Suisun City duly held on Tuesday, the 14th day of May 2019, by the following vote:

AYES: Councilmembers: _____
NOES: Councilmembers: _____
ABSENT: Councilmembers: _____
ABSTAIN: Councilmembers: _____

WITNESS my hand and the seal of the City of Suisun City this 14th day of May 2019.

Linda Hobson, CMC
City Clerk

LOCATION MAP
Pierce Island Vegetation Removal and Mouse Exclusion Fence Installation project



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AGENDA TRANSMITTAL

MEETING DATE: May 14, 2019

CITY AGENDA ITEM: Initiate and Provide Intent to the Levy and Collection of Assessments for the City's Maintenance Assessment Districts:

- a. Council Adoption of Resolutions No. 2019-___: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the Suisun City Maintenance Assessment Districts for Fiscal Year 2019-20.
- b. Council Adoption of Resolutions No. 2019-___: Declaring its Intention to Levy and Collect Assessments Within the City's Maintenance Assessment Districts for Fiscal Year 2019-20 and Announcing That the Associated Public Hearing Will Be Held on June 18, 2019.

FISCAL IMPACT: There would be no fiscal impact from this action.

BACKGROUND: The Maintenance Assessment Districts (Districts) are important components of the City's budget, covering costs for landscaping within the Districts and contributing towards the City's dredging program. Over \$1 million is generated annually in assessments (Non-General Fund).

The proposed assessments would be collected for the City by the Solano County Auditor/Controller, via the secured property tax bills of the assessable parcels within each of the District boundaries. For Fiscal Year 2019-20, maximum assessments will vary from \$75.00 to \$3,725.50 per equivalent dwelling unit (EDU), depending on the District.

With the exception of Heritage Park, Montebello Vista and Marina Dredging, the Districts are subject to an annual inflation factor based on the Annual Construction Cost Index (CCI) as published in the April issue of the Engineering News Record magazine. This year the annual inflation factor was 2.559% increasing the assessments approximately \$0.00 to \$92.98 per EDU, depending on the District. The total assessments collected, with the approved CCI increases, will be just under approximately \$1,300,000.

STAFF REPORT: The resolutions associated with this Staff Report would initiate the annual process of levying assessments on the parcels within the City's Maintenance Assessment Districts/Landscaping & Lighting Districts (Districts). The City has eight (8) Districts: Blossom, Heritage Park, Lawler Ranch, Marina Village Channel Improvement, Montebello, Peterson Ranch, Railroad Avenue and the Victorian Harbor Maintenance Assessment Districts. The Victorian Harbor District is comprised of five (5) individual Districts (A, B, C-D, E, and F) and is also assessed for dredging. Six of the Districts were created in accordance with the Landscaping and

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Amanda Dum, Management Analyst I
 Matthew Medill, Public Works Director
 Greg Folsom, City Manager

Lighting Act of 1972. Two Districts, Marina Village and Victorian Harbor, were created in accordance with the Municipal Improvement Act of 1913. Both Acts require the preparation of annual Engineer's Reports for each District, including the individual Victorian Harbor Districts. The draft Engineer's Report for FY2019-20 is included as Attachment #4.

During the month of March, staff conducted annual meetings for Blossom, Heritage Park, Lawler Ranch, Peterson Ranch, and Victorian Harbors (A, B, C-D, E, and F). At these meeting staff discusses District funding, past year accomplishments, the current landscape contract and any concerns or requests for the coming year. The annual meetings have been held on a regular basis over the last ten years. The meetings have facilitated greater communication between the attending residents for each District and City staff. Two Districts warrant a specific update on status as noted below.

- **Montebello Vista District** (MBV) continues to endure financial hardship, as the District does not generate sufficient revenue to meet basic maintenance requirements of Montebello Vista Park, the medians at the entrance of the neighborhood and streetlights. In an effort to supplement Montebello Park with funding to assist the District in providing a sustainable level of maintenance to the park, the Recreation, Parks, and Marina Department (RPM) continues to develop and utilize Montebello Vista Park as a multi-use facility and as a sports field to accommodate both football and soccer activities. Rentals to date have been minimal, three (3) rentals between July 2018 and March 2019, but RPM is negotiating with a soccer program to use MBV on a regular basis. RPM plans on utilizing the park for Junior (Jr.) Giants practice from May 2019 to August 2019. The Jr. Giants baseball is a free program, therefore it will not generate revenue. The field will be used for youth soccer camps on Tuesday mornings in the Summer and Fall 2019. The 5v5 soccer league is scheduled to being in Fall 2019.

Public Works Maintenance staff plan to perform irrigation checks to identify high water use areas and improve irrigation efficiency in an effort to reduce water expenditures for the remainder of FY2018-19 and going into FY2019-20.

- **Heritage Park District** Like Montebello, Heritage Park (District) continues with its static revenue stream, which is not enough to sustain maintenance activities over time. The Request for Proposal for landscape maintenance contract services closes on May 21st. The new contract will directly impact the District's budget. Since this District includes the roadway medians along Sunset Avenue and along New Railroad and includes funding for maintenance of Heritage Park proper (maintenance work done by Public Works Maintenance staff), this District may come back before Council during budget discussions for consideration of additional funding to help cover the costs in gateway areas and in the City's only Community Park.

With this action, the City Council is being asked to:

- 1) Initiate the levy process, consider for approval the Preliminary Engineer's Reports for all Districts;
- 2) Declare the intent to levy and collect assessments for all Districts; and
- 3) Establish June 18, 2019, at 7:00 p.m. for the required Public Hearing.

This meeting does not provide final approval of the FY2019-20 levy amounts and does not trigger the actual assessments.

At the Public Hearing, Council should allow property owners the opportunity to address the Council concerning their District, the Council will approve or amend the Preliminary Engineer's Report and order the levy and collection of the assessments. Our consultant will then prepare the Assessor Parcel Assessment Report to be sent to the County prior to the Assessor's deadline on August 10, 2019.

STAFF RECOMMENDATION: It is recommended that the City Council adopt:

1. Resolutions No. 2019-___: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the Suisun City Maintenance Assessment Districts for Fiscal Year 2019-20.
2. Resolution 2019-___: Declaring its Intention to Levy and Collect Assessments Within the City's Maintenance Assessment Districts for Fiscal Year 2019-20 and Announcing That the Associated Public Hearing Will Be Held on June 18, 2019.

ATTACHMENTS:

1. Resolution No. 2019-___: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the Suisun City Maintenance Assessment Districts for Fiscal Year 2019-20.
2. Resolution No. 2019-___: Declaring its Intention to Levy and Collect Assessments Within the City's Maintenance Assessment Districts for Fiscal Year 2019-20 and Announcing That the Associated Public Hearing Will Be Held on June 18, 2018.
3. Table Summarizing Proposed District Assessments for FY 2019-20.
4. Preliminary Engineer's Reports FY 2019-20 (due to size are available with the City Clerk). Report includes the FY 2019-20 Parcel Listings.

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RESOLUTION NO. 2019-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND COLLECTION OF
ASSESSMENTS AND ORDERING THE PREPARATION AND FILING OF THE
ENGINEER’S REPORT RELATED TO THE SUISUN CITY MAINTENANCE
ASSESSMENT DISTRICTS FOR FISCAL YEAR 2019-20**

WHEREAS, the City Council has by previous Resolutions formed and levied annual assessments for the **Blossom Maintenance Assessment District, Heritage Park Maintenance Assessment District, Lawler Ranch Maintenance Assessment District, Marina Village Channel Improvement District, Montebello Vista Maintenance Assessment District, Peterson Ranch Maintenance Assessment District, Railroad Avenue Maintenance Assessment District and Victorian Harbor Maintenance Assessment District** (hereafter referred to as the “Districts”), pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* and the *Municipal Improvement Act of 1913, Division 12 of the California Streets and Highways Code (commencing with Section 10000)* (hereafter referred to as the “Acts”) that provide for the levy and collection of assessments for the City of Suisun City to pay the maintenance and services of all improvements and facilities related thereto; and,

WHEREAS, the City Council wishes to initiate proceedings to provide for the levy and collection of assessments for Fiscal Year 2019-20 in order to provide for the necessary costs and expenses pertaining to the maintenance of the improvements within the Districts.

WHEREAS, the City Council has retained NBS for the purpose of assisting with the annual levy of the Districts and the preparation and filing of an Annual Engineer’s Report (the “Report”) with the City Clerk in accordance with the Acts.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICTS, PURSUANT TO THE ACTS, AS FOLLOWS:

Section 1 The City Council hereby orders NBS to prepare and file with the City Clerk the Report concerning the levy and collection of assessments for the Districts for the Fiscal Year commencing July 1, 2019 and ending June 30, 2020 in accordance with the Acts.

Section 2 The improvements within the Districts may include operation, maintenance, and servicing of landscaping, street lighting, channel maintenance, parks, median island landscaping, alleyway landscaping, hardscape, sound walls, and appurtenant facilities within the boundaries of the Districts. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous and satisfactory condition. The improvements within the Districts are outlined in the Report, which provide details of all improvements.

Section 3 There will be no changes to the improvements and services to be provided for Fiscal Year 2019-20.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City held on Tuesday the 14th day of May, 2019, by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

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

Linda Hobson, CMC
City Clerk

RESOLUTION NO. 2019-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN
THE CITY'S MAINTENANCE ASSESSMENT DISTRICTS FOR
FISCAL YEAR 2019-20 AND ANNOUNCING THAT THE ASSOCIATED PUBLIC
HEARING WILL BE HELD ON JUNE 18, 2019**

WHEREAS, the City Council has by previous Resolutions formed and levied annual assessments for the **Blossom Maintenance Assessment District, Heritage Park Maintenance Assessment District, Lawler Ranch Maintenance Assessment District, Marina Village Channel Improvement District, Montebello Vista Maintenance Assessment District, Peterson Ranch Maintenance Assessment District, Railroad Avenue Maintenance Assessment District and Victorian Harbor Maintenance Assessment District** (hereafter referred to as the "Districts"), pursuant to the provisions of the *Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500)* and the *Municipal Improvement Act of 1913, Division 12 of the California Streets and Highways Code (commencing with Section 10000)* (hereafter referred to as the "Acts"); and,

WHEREAS, the City Council pursuant to the provisions of the Act did by previous Resolution, order the preparation of an annual Engineer's Report for the Maintenance Districts.

WHEREAS, NBS has filed with the City Clerk the Annual Engineer's Report (the "Report") concerning the cost of maintaining the improvements in such Districts for Fiscal Year 2019-20; and,

WHEREAS, this City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the Districts, each and all of the budget items and documents as set forth therein, and is satisfied that the levy amounts, on a preliminary basis, have been assessed in accordance with the special benefit received from the improvements, operation, maintenance and services to be performed within the Districts, as set forth in said Report.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICTS, PURSUANT TO THE ACTS, AS FOLLOWS:

Section 1 Engineer of Record: Matthew Medill, P.E., Public Works Director | City Engineer, is designated as Engineer of Work for purposes of the District.

Section 2 Intention: The City Council hereby declares its intention to levy and collect assessments within the Districts pursuant to the Act for Fiscal Year 2019-20.

Section 3 Engineer's Report: The Report, as presented, is hereby approved on a preliminary basis and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the Districts and the proposed assessments upon assessable lots and parcels of land within the Districts.

Section 4 Description of Improvements: The improvements within the Districts may include operation, maintenance, and servicing of landscaping, street lighting, channel maintenance, parks, median island landscaping, alleyway landscaping, hardscape, sound walls, and appurtenant facilities within the boundaries of the Districts. Services provided include all necessary service, operations, administration and maintenance required to keep the improvements in a healthy, vigorous and satisfactory condition. For a full and detailed description of the improvements, please refer to the Engineer’s Report on file with the City Clerk.

Section 5 Proposed Assessment Amounts: For Fiscal Year 2019-20, the proposed assessments are outlined in the Report which details any changes or increases in the annual assessment and is on file with the City Clerk.

Section 6 Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the Districts in accordance with *Chapter 3, Section 22626* of the Act.

Section 7 Notice: The City shall give notice of the time and place of the Public Hearing to all property owners within the Districts by causing the publishing of this Resolution once in the local newspaper, not less than ten (10) days before the date of the Public Hearing, and by posting a copy of this resolution on the official bulletin board customarily used by the City Council for the posting of notices. Any interested person may file a written protest with the City Clerk prior to the conclusion of the Public Hearing, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection and a protest by a property owner shall contain a description sufficient to identify the property owned by such property owner. At the Public Hearing all interested persons shall be afforded the opportunity to hear and be heard.

Section 8 Notice of Public Hearing: Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday, June 18, 2019 at 7:00 p.m.** or as soon thereafter as feasible in the City Council Chambers located at 701 Civic Center Boulevard, Suisun City.

Section 9 That the City Clerk shall certify to the passage and adoption of this Resolution and the minutes of this meeting shall so reflect the presentation of the Report.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City held on Tuesday the 14th day of May 2019, by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

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

Linda Hobson, CMC
City Clerk

Summary of Proposed District Assessments - Fiscal Year 2019-20

District	# of Parcels & EDU's	NEW PROPOSED LEVY - FY2019-20 Assessment per EDU	FY 2018-19 Assessment per EDU	ENR CCI (2.559%) Increase FY 2019-20	Year First Assessed
Blossom	113	\$ 166.17	\$ 162.03	\$ 4.14	92/93
Heritage Park	759	\$ 192.64	\$ 192.64	\$ -	92/93
Lawler Ranch	1,304.30	\$ 258.27	\$ 251.82	\$ 6.45	90/91
Marina Village - Inlet	25	\$ 1,127.68	\$ 1,127.68	\$ -	95/96
Marina Village - Inlet & Main	16	\$ 1,199.92	\$ 1,199.92	\$ -	
Marina Village - Commercial	1	\$ 4,688.28	\$ 4,688.28	\$ -	
Montebello Vista	486	\$ 75.00	\$ 75.00	\$ -	89/90
Peterson Ranch	605	\$ 354.60	\$ 345.75	\$ 8.85	3-Feb
Railroad Avenue	2	\$ 3,725.50	\$ 3,632.52	\$ 92.98	91/92
Victorian Harbor A - Dredging	94	\$ 276.25	\$ 269.35	\$ 6.90	94/95
Victorian Harbor A - Maintenance	94	\$ 765.95	\$ 746.83	\$ 19.12	94/95
Victorian Harbor B - Dredging	20.95	\$ 276.25	\$ 269.35	\$ 6.90	94/95
Victorian Harbor B - Maintenance	20.95	\$ 765.95	\$ 746.83	\$ 19.12	94/95
Victorian Harbor C-D - Dredging	119.99	\$ 276.25	\$ 269.35	\$ 6.90	94/95
Victorian Harbor C-D – Maintenance	119.99	\$ 1,149.28	\$ 1,120.59	\$ 28.69	94/95
Victorian Harbor E - Dredging	55	\$ 276.25	\$ 269.35	\$ 6.90	94/95
Victorian Harbor E - Maintenance	55	\$ 765.95	\$ 746.83	\$ 19.12	94/95
Victorian Harbor F - Dredging	89	\$ 276.25	\$ 269.35	\$ 6.90	94/95
Victorian Harbor F - Maintenance	89	\$ 765.95	\$ 746.83	\$ 19.12	94/95

EDU = Equivalent Dwelling Unit

ENR CCI = Adjusted annual inflator produced by the Engineer's News Record Construction Cost Index.

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AGENDA TRANSMITTAL

MEETING DATE: May 14, 2019

CITY AGENDA ITEM: Initiate and Provide Intent to the Levy and Collection of Assessments for the Parking Benefit Assessment District:

- a. Council Adoption of Resolution No. 2019-___: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2019-20; and
- b. Council Adoption of Resolution No. 2019-___: Declaring Its Intention to Levy and Collect Assessments Within the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2019-20.

FISCAL IMPACT: There would be no fiscal impact from this action.

BACKGROUND: This action is an annual, routine process which ultimately triggers the assessment of the McCoy Creek Parking Assessment District (PAD). The proposed assessments would be collected for the City by the Solano County Auditor/Controller, via the secured property tax bills of the assessable parcels within the District boundary, to fund the parking improvements and ongoing maintenance. For Fiscal Year 2019-20, maximum assessments would be \$97.60 per equivalent dwelling unit. The total District budget would be \$7,320.66.

The assessment is subject to an annual inflation factor based on the Annual Construction Cost Index (CCI) as published in the first issue of each April of the Engineering News Record magazine. This year the annual inflation factor was 2.559%, increasing the maximum assessment for FY 2019-20 from \$95.17 to \$97.60.

STAFF REPORT: As a condition of approval for the McCoy Creek Development Project (Grey Hawk), the developer was required to create a Parking Assessment District (PAD) to offset long-term maintenance costs associated with the on-street parking within public right-of-way. The City Council and applicant agreed to the formation of a PAD to offset the long-term maintenance of on-street parking.

The number of on-street parking spaces provided is 75. The Mixed-Use Portion and Commercial development are required to pay for the long-term maintenance of the on-street parking, because those units are benefiting from the deviation to the City's off-street parking requirements and utilizing public right-of-way to provide parking for their customers.

The boundaries of the District are described as within the area bounded by McCoy Creek Way to the north, Gray Hawk Lane to the south, Crescent Elementary School to the east and Grizzly Island Road to the west. The District consists of mixed parcel types and includes 75 assessable equivalent dwelling units (on-street parking spaces).

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Amanda Dum, Management Analyst I
 Matthew Medill, Public Works Director
 Greg Folsom, City Manager

The Council is being asked to initiate the process, consider for approval the Preliminary Engineer's Reports for Parking Benefit Assessment District, declare the intent to levy and collect assessments for all Districts, and establish June 18, 2019, at 7:00 pm for the required Public Hearing. A 2.559% (rounded to 2.56%) annual inflator, based on the Engineering Magazine's Construction Cost Increase (CCI), is proposed to be added to the District's annual assessment for Fiscal Year 2019-20. The same process comes before Council each year for direction on how to proceed with the annual inflator and for approval of the Engineer's Report.

At the Public Hearing, Council should allow property owners the opportunity to address the Council concerning the districts, and the Council may approve or amend the Preliminary Engineers Reports and order the levy and collection of taxes. Then NBS would prepare the taped Assessor Parcel Assessment Report to be sent to the County in time for the assessor's deadline on August 10, 2019.

STAFF RECOMMENDATION: It is recommended that the City Council adopt:

1. Resolution No. 2019-__: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2019-20.
2. Resolution No. 2019-__: Declaring Its Intention to Levy and Collect Assessments Within the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2019-20.

ATTACHMENTS:

1. Resolution No. 2019-__: Initiating Proceedings for the Annual Levy and Collection of Assessments and Ordering the Preparation and Filing of the Engineer's Report Related to the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2019-20.
2. Resolution No. 2019-__: Declaring Its Intention to Levy and Collect Assessments Within the McCoy Creek Parking Benefit Assessment District for Fiscal Year 2019-20.
3. FY 2019-20 Preliminary Engineer's Report - McCoy Creek Benefit Assessment District.

RESOLUTION NO. 2019-____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
INITIATING PROCEEDINGS FOR THE ANNUAL LEVY AND COLLECTION OF
ASSESSMENTS AND ORDERING THE PREPARATION AND FILING OF THE
ENGINEER’S REPORT RELATED TO THE MCCOY CREEK PARKING BENEFIT
ASSESSMENT DISTRICT FOR FISCAL YEAR 2019-20**

WHEREAS, the City Council has by previous Resolutions formed and levied annual assessments for the **McCoy Creek Parking Benefit Assessment District** (hereafter referred to as the “District”), pursuant to the *Benefit Assessment Act of 1982, Title 5 Division 2, of the California Government Code (commencing with Section 54703)* (hereafter referred to as the “Act”) that provides for the levy and collection of assessments for the City of Suisun City to pay the maintenance and services of all improvements and facilities related thereto; and,

WHEREAS, the City Council wishes to initiate proceedings to provide for the levy and collection of assessments for Fiscal Year 2019-20 in order to provide for the necessary costs and expenses pertaining to the maintenance of the improvements within the District.

WHEREAS, the City Council has retained NBS for the purpose of assisting with the annual levy of the District and the preparation and filing of an Annual Engineer’s Report (the “Report”) with the City Clerk in accordance with the Act.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO THE ACT, AS FOLLOWS:

Section 1 The City Council hereby orders NBS to prepare and file with the City Clerk the Report concerning the levy and collection of assessments for the District for the Fiscal Year commencing July 1, 2019 and ending June 30, 2020.

Section 2 The improvements that are being maintained in accordance with the Act, are the construction, operation, maintenance, and servicing of parking facilities including, but not limited to, maintenance, replacement, repair, materials, personnel, contracting services, and other items necessary for the satisfactory operation of these services. There are no substantial changes proposed to be made to existing improvements.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, duly held on the 14th day of May 2019 by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

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

Linda Hobson, CMC
City Clerk

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RESOLUTION NO. 2019-___

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN
THE MCCOY CREEK PARKING BENEFIT ASESMENT DISTRICT FOR FISCAL
YEAR 2019-20**

WHEREAS, the City Council has by previous Resolutions formed and levied annual assessments for the **McCoy Creek Parking Benefit Assessment District** (hereafter referred to as the “District”), pursuant to the *Benefit Assessment Act of 1982, Title 5 Division 2, of the California Government Code (commencing with Section 54703)* (hereafter referred to as the “Act”) that provides for the levy and collection of assessments for the City of Suisun City to pay the maintenance and services of all improvements and facilities related thereto; and,

WHEREAS, the City Council pursuant to the provisions of the Act did by previous Resolution, order the preparation of an annual Engineer’s Report for the District.

WHEREAS, NBS has filed with the City Clerk the Annual Engineer’s Report (the “Report”) concerning the cost of maintaining the improvements in such District for Fiscal Year 2019-20; and,

WHEREAS, this City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the District, each and all of the budget items and documents as set forth therein, and is satisfied that the levy amounts, on a preliminary basis, have been assessed in accordance with the special benefit received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.

NOW, THEREFORE BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT, PURSUANT TO THE ACT, AS FOLLOWS:

Section 1 Engineer of Record: Matthew Medill, P.E., Public Works Director | City Engineer, is designated as Engineer of Work for purposes of the District.

Section 2 Intention: The City Council hereby declares its intention to levy and collect assessments within the District pursuant to the Act for Fiscal Year 2019-20.

Section 3 Engineer’s Report: The Report, as presented, is hereby approved on a preliminary basis and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection. Reference is made to the Report for a full and detailed description of the improvements to be maintained, the boundaries of the District and the proposed assessments upon assessable lots and parcels of land within the District.

Section 4 Description of Improvements: The improvements that are being maintained in accordance with the Act, are the construction, operation, maintenance, and servicing of parking facilities including, but not limited to, maintenance, replacement, repair, materials, personnel, contracting services, and other items necessary for the satisfactory operation of these services. There are no substantial changes proposed to be made to existing improvements.

Section 5 Proposed Assessment Amounts: For Fiscal Year 2019-20, the proposed assessments are outlined in the Report which details any changes or increases in the annual assessment and is on file with the City Clerk.

Section 6 Public Hearing: The City Council hereby declares its intention to conduct a Public Hearing annually concerning the levy of assessments for the District. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on **Tuesday June 18, 2019 at 7:00 p.m.** or as soon thereafter as feasible in the City Council Chambers located at 701 Civic Center Boulevard, Suisun City.

Section 9 That the City Clerk shall certify to the passage and adoption of this Resolution and the minutes of this meeting shall so reflect the presentation of the Report.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Suisun City, duly held on the 14th day of May 2019 by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

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

Linda Hobson, CMC
City Clerk

CITY OF SUISUN

Fiscal Year 2019/20 Engineer's Report For:

McCoy Creek Parking Benefit Assessment District

May 2019

Prepared by:



nbsgov.com

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1. ENGINEER’S LETTER

WHEREAS, the City Council of the City of Suisun City (the “City”) has previously formed the following special benefit assessment district pursuant to terms of the “Benefit Assessment Act of 1982”, Chapter 6.4, Division 2, Title 5 of the California Government Code (commencing with Section 54703) (hereafter referred to as the “Act”). The district is known and designated as the McCoy Creek Parking Benefit Assessment District (the “District”);

WHEREAS, on May 14, 2019 the City Council under the Act, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer’s Report for the District;

WHEREAS, the Resolution of Initiation directed NBS to prepare and file a report presenting plans and specifications describing the general nature, location and extent of the improvements to be maintained, an estimate of the costs of the maintenance, operations, and servicing of the improvements for the District for the referenced fiscal year, a diagram for the District, showing the boundaries of the District and properties to be assessed, and an assessment of the estimated costs of the maintenance, operations, and servicing the improvements, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received;

NOW THEREFORE, the following assessment is proposed to be authorized in order to pay for the estimated costs of maintenance, operation, and servicing of improvements to be paid by the assessable real property within the boundaries of the District in proportion to the special benefit received.

SUMMARY OF ASSESSMENT

Description	Estimated for Fiscal Year 2019/20
Estimated Fiscal Year 2019/20 Levy ⁽¹⁾	\$7,320.66
Total District Equivalent Dwelling Units	75.00
Fiscal Year 2019/20 Assessment Per EDU	\$97.60

(1) Assessment for each parcel rounded down to nearest even cent for County tax roll purposes.

2. PLANS AND SPECIFICATIONS

2.1 Description of the Boundaries of the District

The boundaries of the District are described as the area bounded by McCoy Creek Way to the north, Gray Hawk Lane to the south, Crescent Elementary School to the east, and Grizzly Island Road to the west. The District consists of mixed-use parcel types and is proposed to include 75 on-street parking spaces at build-out for Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 13.

2.2 Description of Improvements and Services

In accordance with the Act, the improvements are the construction, operation, maintenance, and servicing of parking facilities including, but not limited to, maintenance, replacement, repair, materials, personnel, contracting services, and other items necessary for the satisfactory operation of these services.

Reference is made to the plans and specifications for the improvements, which are on file with the City. The table below lists specific improvements within the District:

2.2.1 PARKING AREAS AND FACILITIES:

75 on-street parking spaces benefiting Lots 1 through 10 and Lot 13, located on the south side of McCoy Creek Way, west of Crescent Elementary School, east of Grizzly Island Road, and north of Gray Hawk Lane.

3. ESTIMATE OF COSTS

The following page shows the estimate of costs related to the District.

**CITY OF SUISUN CITY FY 2019-20 ANNUAL BUDGET
CASH POSITION SUMMARIES**

Fund Title:	Fund Type:		Fund No.		
McCoy Creek Parking Assessment District Fund	Assessment Fund		464		
Fund Description:					
This fund accounts for property tax assessments collected and expended for the construction, operation, maintenance and servicing of parking facilities at McCoy Creek Area, pursuant to the Benefit Assessment Act of 1982.					
<u>Budget Activity</u>	<u>FY 16/17 Actual</u>	<u>FY 17/18 Actual</u>	<u>FY 18/19 Amended</u>	<u>FY 18/19 Estimated</u>	<u>FY 19/20 Recommend</u>
RESOURCES					
Beginning Balance	\$ 31,945	\$ 33,132	\$ 33,100	\$ 33,700	\$ 34,700
Local Taxes	\$ 6,867	\$ 6,949	\$ 7,100	\$ 7,100	\$ 7,300
Licenses & Permits	\$ -	\$ -	\$ -	\$ -	\$ -
Fines & Forfeitures	\$ -	\$ -	\$ -	\$ -	\$ -
Use of Money & Property	\$ (6)	\$ 28	\$ 300	\$ 700	\$ 700
Intergovernmental	\$ -	\$ -	\$ -	\$ -	\$ -
Charges for Service	\$ -	\$ -	\$ -	\$ -	\$ -
Intragovernmental/Transfers In	\$ -	\$ -	\$ -	\$ -	\$ -
Miscellaneous Revenues	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal: Revenue & Transfers	\$ 6,861	\$ 6,977	\$ 7,400	\$ 7,800	\$ 8,000
TOTAL RESOURCES	\$ 38,806	\$ 40,109	\$ 40,500	\$ 41,500	\$ 42,700
USE OF RESOURCES					
Personnel Services	\$ -	\$ -	\$ -	\$ -	\$ -
Services & Supplies	\$ 434	\$ 602	\$ 4,300	\$ 600	\$ 4,300
Interdepartmental Charges	\$ 4,741	\$ 5,307	\$ 5,700	\$ 5,700	\$ 5,700
Non-Recurring Charges	\$ -	\$ -	\$ 30,000	\$ -	\$ 32,200
Subtotal: Operating	\$ 5,174	\$ 5,910	\$ 40,000	\$ 6,300	\$ 42,200
Transfers To Other Funds or Agencies	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500
Debt Service	\$ -	\$ -	\$ -	\$ -	\$ -
Major Capital	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal: Non-Operating	\$ 500	\$ 500	\$ 500	\$ 500	\$ 500
Reserves & Contingencies	\$ -	\$ -	\$ -	\$ -	\$ -
Ending Balance	\$ 33,132	\$ 33,700	\$ -	\$ 34,700	\$ -
TOTAL USE OF RESOURCES	\$ 38,806	\$ 40,109	\$ 40,500	\$ 41,500	\$ 42,700
Notes:					

4. ASSESSMENTS

The amount of the assessment for Fiscal Year 2019/20 apportioned to each parcel as shown on the latest equalized roll at the Solano County Assessor’s office are listed in Section 6 of this Engineer’s Report. The description of each lot or parcel is part of the records of the County Assessor and such records are, by reference, made part of this Engineer’s Report.

4.1 Method of Apportionment

Pursuant to the Act and Article XIII D of the Constitution of the State of California, all parcels that have special benefit conferred upon them as a result of the maintenance and operation of improvements shall be identified and the proportionate special benefit derived by each identified parcel shall be determined in relationship to the entire cost of the maintenance and operation of the improvements. Only parcels that receive direct special benefit are assessed, and each parcel is assessed in proportion to the estimated benefit received. An Equivalent Dwelling Unit (EDU) of benefit per parcel/unit type is equal to the on-street parking spaces benefiting the parcel.

The District consists of three development types: Single-Family Attached parcels – (Retail Space) (“SFA”); Residential/Commercial parcels – (Carriage Unit over Retail) – (Live-Work or “L-W”); and Commercial parcels (“COM”), subject to this assessment. For any fiscal year, the Estimated Costs are apportioned as follows: each SFA parcel is deemed to receive 3.30 EDUs of benefit per parcel/unit type; each L-W parcel is deemed to receive 4.30 EDUs of benefit per each parcel/unit type; and each COM parcel is deemed to receive 1 EDU per 250 square feet of building area. The total EDU count for the District is 75.00 EDUs. Please refer to Section 7 of the Original Engineer’s Report for a full description and breakdown of the actual EDU calculations for the District.

The annual assessment for each parcel is calculated first by dividing the total District Estimated Costs by the total EDU count, thus yielding an assessment rate per EDU; second, multiplying the quotient from the first step by a given parcel’s individual EDU value. (Note: the actual annual assessment per EDU cannot exceed the Maximum Assessment described in this section without appropriate proceedings being conducted by the City.)

The District costs are spread to each of the 75 EDUs within the District as follows:

Estimated Fiscal Year 2019/20 Levy ⁽¹⁾	\$7,320.66
Total District Equivalent Dwelling Units	75.00
Fiscal Year 2019/20 Assessment Per EDU	\$97.60

(1) Assessment for each parcel rounded down to nearest even cent for County tax roll purposes.

4.2 Proposition 218 Requirements

This rate is to automatically increase in future years based on the Annual Construction Cost Index for San Francisco as published in the first issue of each April of the Engineering News Record magazine (“April Construction Cost Index”). The confirmed assessment per EDU for Fiscal Year 2006/07 sets the initial maximum assessment. If the actual assessment in any succeeding year increases by a percentage no greater than the April Construction Cost Index, the assessment shall not be considered an increase. The table below shows the April Construction Cost Index history and the authorized assessment related to the increase.

Fiscal Year	Percentage Increase	Maximum Assessment	Actual Assessment
2006/07	N/A	\$66.74	\$66.74
2007/08	7.76%	71.93	71.92
2008/09	0.58%	72.36	72.36
2009/10	6.56%	77.07	77.07
2010/11 ⁽¹⁾	0.00%	77.07	77.07
2011/12	4.42%	80.48	80.48
2012/13	2.07%	82.15	82.15
2013/14	0.02%	82.17	82.17
2014/15	5.03%	86.30	86.30
2015/16	2.46%	88.42	88.42
2016/17	3.55%	91.56	91.56
2017/18	1.19%	92.65	92.65
2018/19	2.72%	95.17	95.17
2019/20	2.55%	97.61	97.61

(1) The 2010/11 percentage increase in the annual April Construction Cost Index is -0.26%, and as such the maximum assessment rate for 2010/11 remains the same as the prior year.

5. ASSESSMENT DIAGRAM

An Assessment Diagram for the District has been submitted to the City in the format required under the provisions of the Act. The lines and dimensions shown on maps of the County Assessor for the current year are incorporated by reference herein and made part of this Engineer's Report.

6. ASSESSMENT ROLL

The following parcels within the District will be assessed for Fiscal Year 2019/20:

APN	Parcel Type	EDUs	Fiscal Year 2019/20 Assessment ⁽¹⁾
0173-811-010	SFA	3.30	\$322.10
0173-811-020	L-W	4.30	419.72
0173-811-030	COM	37.00	3,611.56
0173-811-060	L-W	4.30	419.72
0173-811-070	L-W	4.30	419.72
0173-811-080	SFA	3.30	322.10
0173-811-090	SFA	3.30	322.10
0173-811-100	SFA	3.30	322.10
0173-811-110	L-W	4.30	419.72
0173-811-120	L-W	4.30	419.72
0173-812-180	SFA	3.30	322.10
Totals:		75.00	\$7,320.66

(1) Assessment for each parcel rounded down to nearest even cent for County tax roll purposes

AGENDA TRANSMITTAL

MEETING DATE: May 14, 2019

CITY AGENDA ITEM: Council Adoption of Resolution No. 2019-___: Approving the Purchase of a 2019 Groundsmaster 4000-D T4 Commercial Mower.

FISCAL IMPACT: The total cost of the Commercial Mower would be \$72,400. The total purchase amount has been appropriated in the Fleet Acquisition Fund (706).

BACKGROUND: The City's Commercial Mower (Mower) is a vital piece of equipment for the Landscaping Division, being used approximately 40 hours per week in season. The existing Mower in the equipment pool is 10 years old and has outlived its useful service life, having accumulated approximately 17,100 hours of use. Additionally, the current Mower continues to suffer from numerous breakdowns, rendering it unreliable for regularly schedule maintenance activities. Furthermore, the existing smaller mowers in the equipment pool are also suffering from ongoing maintenance issues. This results in a delay of routine mowing activities and scheduled beautification projects.

STAFF REPORT: The purchase of the Mower will allow the Landscape Division to accomplish maintenance assignments, specifically the mowing of turf in all City areas, in an expedited and safe manner. The Mower will be purchased through a National Intergovernmental Purchasing Alliance (IPA) Company vendor, TurfStar Western, on IPA Contract 2017025. The City is a member of the IPA network, which is similar to the Sourcewell network and CMAS network. These types of networks require membership and offer government agencies the lowest available price on vehicles and equipment by handling competitive bid gathering on their end.

STAFF RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2019-___: Approving the Purchase of a 2019 Groundsmaster 4000-D T4 Commercial Mower.

ATTACHMENTS:

1. Resolution No. 2019-___: Approving the Purchase of a 2019 Groundsmaster 4000-D T4 Commercial Mower.

PREPARED BY:
REVIEWED/APPROVED BY:

Matthew Medill, Public Works Director
Greg Folsom, City Manager

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RESOLUTION NO. 2019-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY
APPROVING THE PURCHASE OF A 2019 GROUNDMASTER 4000-D T4
COMMERCIAL MOWER**

WHEREAS, the City of Suisun City Public Works Department has identified the need to acquire a new commercial mower to replace the existing commercial mower which is past its useful life and is experiencing ongoing reliability issues; and

WHEREAS, the purchase of the commercial mower will allow routine mowing activities to be accomplished by the maintenance staff in an expeditious manner; and

WHEREAS, the Suisun City Council recognizes the substantial benefits that replacing such equipment will provide to the City of Suisun City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Suisun City does hereby authorize the City Manager to execute the Purchase Agreement to acquire one 2019 Groundmaster 4000-D T4 commercial mower from TurfStar Western of California located in Hayward, CA.

PASSED AND ADOPTED at a Regular Meeting of said City Council of the City of Suisun City duly held on Tuesday, the 14th day of May 2019 by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____
ABSTAIN:	Councilmembers:	_____

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

Donna Pock, CMC
Deputy City Clerk

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AGENDA TRANSMITTAL

MEETING DATE: May 14, 2019

CITY AGENDA ITEM: Conduct a Public Hearing, Consider Introduction and Waive Reading of Ordinance No. __: Amending Chapter 10 of Title 13 (Stormwater Management and Discharge Control) of the Suisun City Municipal Code to Implement the Municipal Regional Stormwater Permit Mandate to Manage Polychlorinated Biphenyls (PCB)-Containing Materials during Building Demolition.

FISCAL IMPACT: There is negligible administrative costs associated with reviewing PCB screening assessments as part of the building demolition permit review. However, there will be indirect costs associated with the staff time needed to ensure enforcement of the Ordinance. There are existing sections within the Ordinance that deal with fines and penalties, along with recoupment of costs incurred to abate the public nuisance. This amendment will only apply to building demolition for *applicable structures*. To date, staff has identified seventeen (17) *applicable structures* in Suisun City. The definition for *applicable structures* is provided in the following sheet of this report.

BACKGROUND: On December 21, 2010, the City adopted Chapter 10 of Title 13 of the Suisun City Code relating to stormwater management and discharge control requirements pursuant to the National Pollutant Discharge Elimination System (NPDES). The proposed amendment to Chapter 10 of Title 13 of the Suisun City Municipal Code is required as part of the City's Municipal Regional Stormwater NPDES Permit (Permit) from the Regional Water Quality Control Board. Chapter 10 of Title 13 is attached (Attachment No. 2) for reference.

On November 19, 2015, Municipal Regional Stormwater Permit (Order No. R2-2015-0049, Permit No. CAS61208) was issued to the City of Suisun City along with 75 other cities, towns, counties, and districts within the San Francisco Bay. This Permit outlines the State's requirement for municipal agencies to address the water quality and flow-related impacts of stormwater runoff through public education program, implementing targeted pollutant reduction strategies, and a monitoring program.

Provision C.12.f of the Permit requires permittees to develop a program to manage PCBs-containing building materials during demolition. The Permit requires that the Permittees adopt and implement a PCBs Building Demolition Program (Program) no later than July 1, 2019.

The PCBs Building Demolition Program focuses on requiring sampling prior to demolition for these four priority building materials:

- Caulk.
- Thermal and fiberglass insulation.
- Adhesive mastics.
- Rubber window seals and gaskets.

PREPARED BY:
REVIEWED BY:
APPROVED BY:

Nick Lozano, Associate Engineer
 Matt Medill, Public Works Director
 Greg Folsom, City Manager

Single family homes and wood-framed structures are exempt. The Program applies only to commercial, public and industrial structures constructed or remodel between January 1, 1950 and December 31, 1980. Building materials containing PCBs were frequently used in building construction between 1950 and 1980, and PCBs are now classified as pollutants.

STAFF REPORT: The proposed amendment to the ordinance will update Chapter 10 of the Suisun City Code relating to Stormwater Management and Discharge Control. The Permit requires that the City have in place an ordinance which would give the City adequate legal authority to implement all the requirements of the Permit, including the sampling and testing for PCB pollutants. Specifically, the proposed amendment to Chapter 10 of the Ordinance will add Subsection G (Authority to Sample or Require Sampling on Demolition Projects) to Section 13.10.160 (Authority to Inspect).

Under this amendment and the PCBs Building Demolition Program, when a building demolition is permit application is received, the Applicant will be informed about the Program requirements and will be provided the attached (Attachment No. 3) *PCBs Screening Assessment Form*.

The first step of the screening assessment is for a building demolition applicant to assess whether or not the building is an *applicable structure*. *Applicable structures* are defined as structures built or remodeled from January 1, 1950 to December 1, 1980, with remodeling, partial building, wood framed structure, and single-family residence demolition projects being exempted. The *applicable structures* are commercial, public and industrial buildings that are typically constructed with concrete and/or bricks. There are only a few buildings in Suisun City that can be classified as *applicable structures*. Through review of its building permit database, so far staff has identified twenty-five (25) *applicable structures* at the following locations:

- Benton Court – nine (9) buildings.
- Travis Court – two (2) buildings.
- Spring Street – three (3) buildings.
- Driftwood Drive, 200th block – one (1) building.
- Main Street, 300th block – two (2) buildings.
- Marina Shopping Center –all 8 buildings.

Building demolition permit applicants for projects that **do not** involve *applicable structures* will only need to address the initial screening questions and certify the answers in the *PCBs Screening Assessment Form*.

However, building demolition permit applications for projects that do involve applicable structures will need to complete the entire *PCBs Screening Assessment Form*. This will necessitate the applicant to hire a certified company to perform sampling for the four priority building materials described in the previous page. If PCBs are found to be greater than or equal to 50 parts per million (ppm) in any of the priority building materials, applicants will be required to follow all applicable federal and state requirements for notification and abatement prior to demolition.

Staff anticipates that both the Public Works Department and Development Services Department will be responsible for implementing the following tasks for the PCBs Building Demolition Program:

Task	Department	Division
Receive Demolition Permit Application	Development Services	Building
Provide building demolition applications with <i>PCBs Screening Assessment Form</i> and Bay Area Storm Management Agencies Association (BASMAA) <i>Managing PCBs-Containing Building Materials during Demolition Guidance; Tools; Outreach and Training</i> handout (Attachment No. 4)	Development Services	Building
Issue demolition permits	Development Services	Building
Review PCB sampling data and reports	Public Works	Engineering
Perform the demolition activity compliance monitoring	Development Services	Building

Staff will provide outreach to notify the public of this new program via the City's website and a Building Department handout.

STAFF RECOMMENDATION: It is recommended that the City Council:

1. Receive the staff report; and
2. Conduct the Public Hearing; and
3. Introduce and waive the reading of Ordinance No. __: Amending Chapter 10 of Title 13 (Stormwater Management and Discharge Control) of the Suisun City Municipal Code to Implement the Municipal Regional Stormwater Permit Mandate to Manage Polychlorinated Biphenyls (PCB)-Containing Materials during Building Demolition.

ATTACHMENTS:

1. Attachment No. 1: Ordinance No. __: Amending Chapter 10 of Title 13 (Stormwater Management and Discharge Control) of the Suisun City Municipal Code to Implement the Municipal Regional Stormwater Permit Mandate to Manage Polychlorinated Biphenyls (PCB)-Containing Materials during Building Demolition.
2. Attachment No. 2: Ordinance No. 714, Adoption of Chapter 10 of Title 13 of the Suisun City Code.
3. Attachment No. 3: PCBs Screening Assessment Form.
4. Attachment No. 4: Bay Area Storm Management Agencies Association (BASMAA) *Managing PCBs-Containing Building Materials during Demolition Guidance; Tools; Outreach and Training*.

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ORDINANCE NO. - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, AMENDING CHAPTER 10 OF TITLE 13 (STORMWATER MANAGEMENT AND DISCHARGE CONTROL) OF THE SUISUN CITY MUNICIPAL CODE TO IMPLEMENT THE MUNICIPAL REGIONAL STORMWATER PERMIT TO MANAGE POLYCHLORINATED BIPHENYLS (PCB)-CONTAINING MATERIALS DURING BUILDING DEMOLITION

WHEREAS, the City of Suisun City (City) is a permittee under the Municipal Regional Stormwater NPDES Permit (Permit) for the San Francisco Bay Region, Order No. R2-2015-0049, NPDES Permit No. CAS612008 (the “MS4 Permit”), issued by the San Francisco Regional Water Quality Control Board on November 19, 2015 and

WHEREAS, Provision C.12.f.ii of the Permit requires the City to maintain the necessary authority to ensure that polychlorinated biphenyls (PCB) do not enter the City’s storm drain system during the demolition of certain structures constructed or remodeled between the years 1950 and 1980 with building materials containing PCB concentrations of 50 ppm or greater; and

WHEREAS, the purpose of this Ordinance is to ensure that the City has the necessary authority to sample and monitor for PCBs in applicable structures and, if PCBs are present, to require the implementation of best management practices to prevent such PCBs from entering the storm drain system; and

The City Council of the City of Suisun City does hereby ordain as follows:

SECTION 1. Chapter 10 (Stormwater Management and Discharge Control) of Section 13.10.160 (Authority to Inspect) of the Suisun City Code is hereby amended and restated in its entirety to read as follows:

“A. **Generally.** Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized enforcement official has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, the official may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the official by this chapter; provided that: (1) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (2) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Any such request for entry shall state that the property owner or occupant has the right to refuse entry.

B. **Warrant or Exigent Circumstances.** In the event the owner and/or occupant refuses entry after such request has been made, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. Inspection

may be made only upon issuance of a search warrant by a duly-authorized magistrate or judge, or with probable cause that a violation under this Chapter exists due to circumstances requiring immediate action to limit or eliminate any existing illicit discharge of pollutants.

C. **Routine Inspections.** Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to random sampling and/or sampling in areas with evidence of stormwater contamination, illicit discharges, discharge of non-stormwater to the storm drain system, or similar factors.

D. **Authority to Sample and Establish Sampling Devices.** The City shall have the right to establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the official may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-site.

E. **Notification of Spills.** As soon as any person in charge of a facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed release of materials, pollutants or waste which may result in pollutants or non-stormwater discharges entering the City storm drain system, such person shall take all necessary steps to ensure the discovery and containment and clean-up of such release and shall immediately notify the City's Police Department of the occurrence by telephone and confirm the notification by written correspondence to the City of Suisun City Public Works Department.

F. **Requirement to Test or Monitor.** Any authorized enforcement official may request that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of non-stormwater to the storm drain system, undertake such monitoring activities and/or analyses and furnish such reports as the official may specify. The burden, including costs, of these activities, analyses and reports shall bear a reasonable relationship to the need for the monitoring, analyses and reports and benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analyses and/or reports requested.

G. **Authority to Sample or Require Sampling on Construction or Demolition Projects.** As a condition of a building or demolition permit the City may require the owner or applicant to conduct a screening assessment and sampling operations for pollutants that may affect stormwater quality including, but not limited to, PCBs. The owner or applicant shall undertake and provide the monitoring, analysis and reports required by the building or demolition permit. Alternatively, the City may undertake such sampling pursuant to this Section and its authority in Section 13.10.160. If the sampling results demonstrate the presence of pollutant containing materials, then the City may require additional conditions of approval or disposal methods to be included in the building or demolition permit.”

SECTION 2. Severability and Validity. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Suisun City by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

SECTION 3. Effective Date. In accordance with California Government Code Section 36937, this Ordinance shall take effect and be in force on the thirtieth (30th) day after adoption.

SECTION 4. Publication. In accordance with Section 36933 of the Government Code of the State of California, wthis ordinance shall be posted in three (3) public places within the City prescribed by ordinance within fifteen (15) days after its passage, there being no newspaper of general circulation printed and published within the City.

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

By: Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

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

Anthony R. Taylor, City Attorney

CERTIFICATION

I, Linda Hobson, City Clerk of the City of Suisun City and ex-officio Clerk of the City Council of said City, do hereby certify that the above and foregoing ordinance was introduced at a regular meeting of the said City Council held on Tuesday, May, 14, 2019 and regularly passed and adopted at a regular meeting of said City Council held on Tuesday, _____, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

WITNESS my hand and the seal of said City this _____ day of _____.

Linda Hobson, CMC,
City Clerk

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ORDINANCE NO. 714

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUISUN CITY, CALIFORNIA, ADOPTING CHAPTER 10 OF TITLE 13 OF THE SUISUN CITY CODE RELATING TO STORMWATER MANAGEMENT AND DISCHARGE CONTROL REQUIREMENTS PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT ISSUED BY THE STATE OF CALIFORNIA

WHEREAS, on October 14, 2009, the National Pollutant Discharge Elimination System ("NPDES") Permit No. CAS612008 was issued by the California Regional Water Quality Control Board, San Francisco Bay Region to the City of Suisun City ("City") along with 75 other cities, towns, counties, and districts within the San Francisco Bay; and

WHEREAS, this NPDES permit is required for the regulation of stormwater discharge from municipal separate storm sewer systems ("MS4s"); and

WHEREAS, the City seeks to have sufficient regulations in place to manage stormwater runoff for the control of stormwater discharge and the proposed ordinance is required in order to comply with this State NPDES permit, as well as to ensure the future health, safety, and general welfare of the citizens.

WHEREAS, NPDES Permit Number CAS612008 is the existing NPDES Permit applicable to the City, which is incorporated by reference hereto in its current form and as may be modified by the San Francisco Bay Region of the California Regional Water Quality Control Board, and for which a complete copy of the current NPDES Permit is available for review in the Public Works Director's Office.

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

SECTION 1. Chapter 10 of Title 13 ("Stormwater Management and Discharge Control") is hereby added to the Suisun City Code to read as follows:

Chapter 10

STORMWATER MANAGEMENT AND DISCHARGE CONTROL

- 13.10.010 Title.
- 13.10.020 Purpose and Intent.
- 13.10.030 Construction and Application.
- 13.10.040 Definitions.

- 1 13.10.050 Responsibility for Administration.
- 2 13.10.060 Compliance Disclaimer.
- 3 13.10.070 Discharge of Pollutants.
- 4 13.10.080 Exceptions to Discharge Prohibition.
- 5 13.10.090 Discharges in Violation of the NPDES Permit.
- 6 13.10.100 Illicit Discharge and Illicit Connections.
- 7 13.10.110 [Reserved.]
- 8 13.10.120 Reduction of Pollutants in Stormwater – Industrial and Commercial Site
- 9 Controls.
- 10
- 11 13.10.130 Construction Site Controls.
- 12 13.10.140 Reduction of Pollutants in Stormwater.
- 13 13.10.150 Watercourse Protection.
- 14 13.10.160 Authority to Inspect.
- 15 13.10.170 Violations and Enforcement.
- 16 13.10.180 Concealment.
- 17 13.10.190 Acts Potentially Resulting in Violation of the Federal Clean Water Act or the
- 18 California Porter-Cologne Act.
- 19 13.10.200 Violations Deemed a Public Nuisance.
- 20 13.10.210 California Code of Civil Procedure Section 1094.6.
- 21 13.10.220 Appeals.
- 22 13.10.230 Civil Actions.
- 23 13.10.240 Administrative Enforcement Powers.
- 24 13.10.250 Authority to Arrest or Issue Citations.
- 25 13.10.260 Remedies Not Exclusive.
- 26
- 27

1 **13.10.010 Title.**

2 The ordinance codified in this chapter shall be known as the "City of Suisun City Stormwater
3 Management and Discharge Control Ordinance" and may be so cited.

4 **13.10.020 Purpose and Intent.**

5 A. **Purpose.** The purpose of this chapter is to ensure the future health, safety, and
6 general welfare of the City of Suisun City's citizens by:

- 7 1. Regulating non-stormwater discharges to the public storm drain system;
8 2. Protecting the public storm drain system from spills, dumping or disposal of
9 materials other than stormwater;
 3. Reducing pollutants in stormwater discharges to the maximum extent
 practicable.

10 B. **Intent.** The intent of this chapter is to protect and enhance the water quality of our
11 watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the
12 federal Clean Water Act and the California Porter-Cologne Act.

12 **13.10.030 Construction and Application.**

13 This Chapter shall be construed to assure consistency with the requirements of the federal
14 Clean Water Act, applicable implementing regulations, and NPDES Permit No. CAS612008
15 adopted by Order R2-2009-0074 (October 14, 2009) and any amendment, revision or
16 reissuance thereof.

16 **13.10.040 Definitions.**

17 Any terms defined in the federal Clean Water Act (33 U.S.C. §§ 1251-1387), and/or defined
18 in the regulations for the stormwater discharge permitting program issued by the
19 Environmental Protection Agency on November 16, 1990 (as may from time to time be
20 amended) as used in this article shall have the same meaning as in that statute or regulations
21 unless specifically defined otherwise herein.

21 A. "Authorized Enforcement Official." When used in this chapter, the following City
22 officials are authorized enforcement officials and may be referred herein simply as the
23 official: City Manager; Public Works Director; Community Development Director; Police
24 Chief; Fire Chief; and their authorized designees.

24 B. "Best management practices (BMPs)" means schedules of activities, prohibitions of
25 practices, general good housekeeping practices, pollution prevention practices, maintenance
26 procedures, and other management practices to prevent or reduce the discharge of pollutants
27 directly or indirectly to "waters of the United States." BMPs also include treatment
28 requirements, operating procedures, and practices to control plant site runoff, spillage or
29 leaks, sludge or waste disposal, or drainage from raw material storage.

- 1 C. "City" means the City of Suisun City.
- 2
- 3 D. "City storm drain system" means and includes, but is not limited to, those facilities
4 within the City by which stormwater is conveyed to "navigable waters," including any roads
5 with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, channels,
6 creeks or storm drains, which is not part of a publicly owned treatment works as defined in 40
7 CFR § 122.2.
- 8 E. "Illicit connection" means any physical connection to a storm drain system which has
9 not been permitted by the City, or other appropriate public agency.
- 10 F. "Illicit discharge" means any discharge to the City storm drain system that is a non-
11 stormwater discharge except exempted and conditionally exempted discharges as described in
12 the National Pollutant Discharge Elimination ("NPDES") Permit.
- 13 G. "Maximum extent practicable" means a standard for implementation of stormwater
14 management programs to reduce pollutants in stormwater to the maximum extent possible,
15 taking into account equitable considerations and competing facts including, but not limited to,
16 public health risks, environmental benefits, pollutant removal effectiveness, regulatory
17 compliance, cost and technical feasibility.
- 18 H. "Navigable waters" means the waters of the United States.
- 19 I. "New" and "Redevelopment Projects" mean projects within the City's jurisdiction that
20 are regulated by Provision C.3 of the NPDES Permit.
- 21 J. "Non-stormwater discharge" means any discharge that is not entirely composed of
22 stormwater.
- 23 K. "NPDES" means the National Pollutant Discharge Elimination System.
- 24 L. "NPDES Permit" means the California Regional Water Quality Control Board, San
25 Francisco Region's Municipal Regional Stormwater NPDES Permit, Order R2-2009-0074,
26 NPDES Permit No. CAS612008, October 14, 2009, and any amendment, revision, or
27 reissuance thereof.
- 28 M. "Person" means any natural person, firm, association, club, organization, corporation,
partnership, business trust, company or other entity which is recognized by law as the subject
of rights or duties.
- N. "Pollutant" means anything which causes the deterioration of water quality such that it
impairs subsequent and/or competing uses of the water. Pollutants may include but are not
limited to paints, oil and other automotive fluids, soil, rubbish, trash, garbage, debris, refuse,
waste, fecal coliform, fecal streptococcus, enterococcus, solid waste, sewage, sewage sludge,
heavy metals, hazardous waste, chemicals, chemical wastes, munitions, petroleum products,
biological materials, radioactive materials, equipment, rock, sand, fresh concrete, yard waste

1 from commercial landscaping operations, animal waste, materials that result from the process
2 of constructing a building or structure (e.g., waste, debris, sawdust, bark), industrial,
3 municipal or agricultural waste, nauseous or offensive matter of any kind, that discharge into
4 water.

4 O. "Premises" means any building lot, parcel, real estate, or land or portion of land
5 whether improved or unimproved including adjacent sidewalks and parking strips.

6 P. "Public Works Department" means the Public Works Department of the City of
7 Suisun City.

8 Q. "Storm drain system" means the Municipal Separate Storm Sewer System, which
9 includes, but is not limited to, any roads with drainage systems, streets, curbs, gutters, catch
10 basins, natural and artificial channels, ditches, aqueducts, storm drains, inlets, conduit or other
11 drainage structures.

11 R. "Stormwater" means stormwater runoff, snow melt runoff, surface runoff and drainage
12 from naturally occurring events.

12 **13.10.050 Responsibility for Administration.**

13 This chapter shall be administered by the Public Works Director. Where storm drain facilities
14 and/or watercourses have been accepted for maintenance by the City of Suisun City or other
15 public agency legally responsible for certain watercourses, then the responsibility for
16 enforcing the provisions of this chapter may be assigned to such agency, through contract or
17 agreement executed by the City and such agency, with respect to those watercourses for
18 which they have accepted maintenance.

18 **13.10.060 Compliance Disclaimer.**

19 Full compliance by any person or entity with the provisions of this chapter shall not preclude
20 the need to comply with other local, state or federal statutory or regulatory requirements,
21 which may be required for the control of the discharge of pollutants into stormwater and
22 urban runoff or the protection of stormwater and urban runoff quality or both.

22 **13.10.070 Discharge of Pollutants.**

23 Any non-stormwater discharges to the City storm drain system is prohibited except as
24 provided herein.

24 **13.10.080 Exceptions to Discharge Prohibition.**

25 A. The prohibition on discharges shall not apply to any discharge regulated under a
26 NPDES permit issued to the discharger and administered by the state of California under
27 authority of the United States Environmental Protection Agency; provided that the discharger

1 is in full compliance with all requirements of the permit and other applicable laws or
2 regulations.

3 B. Certain unpolluted discharges from activities, as defined in section C.15 of the
4 NPDES Permit, will be considered exempt or conditionally exempt, when discharged in
accordance with Section C.15 of the NPDES Permit.

5 **13.10.090 Discharges in Violation of the NPDES Permit.**

6 A. Any discharge that would result in or contribute to a violation of the NPDES Permit, a
7 copy of which is filed in the office of the Public Works Director, either separately considered
8 or when combined with other discharges, is prohibited.

9 B. Any discharge of non-stormwater into storm drain systems and City watercourses is
prohibited, except as specifically permitted herein.

10 C. Any discharge of pollutants, including without limitation those identified above in
11 section 13.10.040 (Definitions), into surface waters or at any place where they would contact
12 or eventually be transported to receiving waters, is prohibited.

13 D. Liability for any such discharge(s) shall be the responsibility of the person(s) causing
14 or responsible for the discharge, and such person(s) shall defend, indemnify and hold
harmless the City in any administrative or judicial action relating to such discharge.

15 **13.10.100 Illicit Discharge and Illicit Connections.**

16 It is unlawful to establish, use, maintain, or continue illicit drainage connections to the City
17 storm drain system, and to commence or continue any illicit discharges to the City storm drain
18 system. This prohibition is expressly retroactive and applies to connections made in the past,
19 regardless of whether made under a permit or other authorization or whether permissible
under the law or practices applicable or prevailing at the time of the connection.

20 **13.10.120 Reduction of Pollutants in Stormwater – Industrial and Commercial Site
Controls**

21 A. **Applicability.** All businesses which are required to be licensed by the City to operate
22 as either commercial or industrial facilities and which have a reasonable probability of any
23 discharge to the storm drain system shall be subject to the provisions of this Section.

24 B. **Requirements.** Each such business shall implement BMPs to reduce and/or eliminate
25 potential discharges to the City's storm drain system from any outdoor process and
26 manufacturing areas, outdoor material storage areas, outdoor waste storage and disposal areas,
27 outdoor vehicle and equipment storage and maintenance areas and yards, outdoor parking
areas and access roads, outdoor wash areas, outdoor drainage from indoor areas, rooftop
equipment and any other such sources designated by the Public Works Director.

1 **13.10.130. Construction Site Controls.**

2
3 A. Any construction contractor performing work in the City, where discharge of
4 stormwater to the City storm drain system is possible, shall at a minimum implement BMPs to
5 retain any debris, dirt or other pollutants on the project site from flowing into the City's storm
6 drain system. The Public Works Director may establish controls on the volume and rate of
7 stormwater runoff from new developments and redevelopments as may be appropriate to
8 minimize the discharge and transport of pollutants, with minimal compliance consisting of
9 those standards set forth in the NPDES permit which is incorporated by reference hereto, a
10 copy of which is available in the Public Works Director's Office.

11 B. All construction sites must implement and maintain at least the following minimum
12 best management practices to the maximum extent practicable:

- 13 1. Erosion control at the site;
- 14 2. Run-on and run-off controls to and from the site;
- 15 3. Control of sediments and fines on the site;
- 16 4. Active treatment systems (as necessary);
- 17 5. Good site management; and
- 18 6. Non-stormwater management.

19 **13.10.140. Reduction of Pollutants in Stormwater**

20 Any person engaged in activities which will or may result in pollutants entering the City
21 storm drain system shall undertake all practicable measures to reduce such pollutants.
22 Examples of such activities include ownership and use of facilities which may be a source of
23 pollutants such as parking lots, gasoline stations, industrial facilities, commercial facilities,
24 stores fronting city streets, etc. The following minimal requirements shall apply:

25 **A. Littering.**

26 1. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown,
27 deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or
28 abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm
29 drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any
30 public or private lot of land in the City, so that the same might be or become a pollutant,
31 except in containers or in lawfully established grounds.

32 2. The occupant or tenant, or in the absence of occupant or tenant, the owner,
33 lessee, or proprietor of any real property in the City in front of which there is a paved
34 sidewalk shall maintain the sidewalk free of dirt or litter to the maximum extent practicable.

1 Sweepings from the sidewalk shall not be swept or otherwise made or allowed to go into the
2 gutter or roadway, but shall be disposed of in receptacles maintained on the real property as
3 required for the disposal of garbage.

4 3. No person shall throw, place, sweep, blow, or otherwise deposit grass
5 clippings, leaves, weeds, or other landscape debris or materials onto any public sidewalk,
6 gutter, street, or other stormwater conveyance structure. All such materials shall be collected
7 and deposited in appropriate garbage receptacles.

8 4. No person shall throw or deposit litter in any pond, lake, stream, creek, lagoon,
9 marsh or any other body of water in a park or elsewhere within the City.

10 **B. Standard for Parking Lots and Similar Structures.** Persons owning or operating a
11 parking lot, gas station pavement or similar structure shall clean those structures as frequently
12 and thoroughly as practicable in a manner that does not result in discharge of pollutants to the
13 City storm drain system.

14 **C. Best Management Practices for New Developments and Redevelopments.**

15 1. All New and Redevelopment projects shall comply with all applicable
16 requirements set forth in Section C.3 of the NPDES Permit with respect to the design,
17 construction and maintenance of stormwater treatment for new development or
18 redevelopment projects, which is incorporated by reference hereto, a copy of which is
19 available in the Public Works Director's Office. The City may adopt requirements identifying
20 appropriate Best Management Practices to control the volume, rate, and potential pollutant
21 load of stormwater runoff from new development and redevelopment projects as may be
22 appropriate to minimize the generation, transport and discharge of pollutants. All New and
23 Redevelopment projects shall comply with the terms, provisions, and conditions of such
24 requirements.

25 **D. Compliance with Copper Discharge Requirements.**

26 1. All swimming pools, spas, hot tubs, and fountains that utilized copper-base
27 chemicals shall not discharge into any storm drain within the City's jurisdiction.

28 2. All industrial site sources shall implement Best Management Practices to minimize
the potential discharge of copper to storm drains.

E. Notification of Intent and Compliance with General Permits.

1. Each industrial discharger, discharger associated with construction activity, or
other discharger, described in any general stormwater permit addressing such discharges, as
may be adopted by the United States Environmental Protection Agency, the State Water
Resources Control Board, or the California Regional Water Quality Control Board, San
Francisco Bay Region, shall provide notice of intent, comply with, and undertake all other
activities required by any general stormwater permit applicable to such discharges.

1
2 2. Each discharger identified in an individual NPDES permit relating to
3 stormwater discharges shall comply with and undertake all activities required by such permit.

4 **F. Compliance with Best Management Practices.**

5 Where best management practices, guidelines or requirements have been adopted by any
6 federal, state of California, regional and/or City agency, for any activity, operation or facility
7 which may cause or contribute to stormwater pollution or contamination, illicit discharges,
8 and/or discharge of non-stormwater to the stormwater system, every person undertaking such
9 activity or operation, or owning or operating such facility shall comply with such guideline or
10 requirements as may be identified by the Public Works Director.

11 **13.10.150 Watercourse Protection.**

12 **A.** Every person owning property through which a watercourse passes, or such person's
13 lessee, tenant, or occupant shall keep and maintain that part of the watercourse within the
14 property reasonably free of trash, debris, excessive vegetation, and other obstacles which
15 would pollute, contaminate, or significantly retard the flow of water through the watercourse;
16 shall maintain existing privately-owned structures within or adjacent to a watercourse, so that
17 such structures will not become a hazard to the use, function, or physical integrity of the
18 watercourse; and shall not remove healthy bank vegetation beyond that actually necessary for
19 the maintenance, nor remove the vegetation in such a manner as to increase the vulnerability
20 of the watercourse to erosion.

21 **B.** No person shall permit or cause to be committed any of the following acts, unless a
22 written approval has first been obtained from the Public Works Director:

- 23 1. Discharge into or connect any pipe or channel to a watercourse;
- 24 2. Modify the natural flow of water in a watercourse;
- 25 3. Carry out development within thirty (30) feet of the center line of any creek or
26 twenty (20) feet of the top of a bank;
- 27 4. Deposit in, plant in, or remove any material from a watercourse including the
28 banks, except as required for necessary maintenance;
5. Construct, alter, enlarge, connect to, change, or remove any structure in a
watercourse; or
6. Place any loose or unconsolidated material along the side of or within a
watercourse or so close to the side as to cause a diversion of the flow, or to cause a probability
of such material being carried away by stormwaters passing through such watercourse.

1 **13.10.160 Authority to Inspect.**

2 **A. Generally.** Whenever necessary to make an inspection to enforce any of the
3 provisions of this chapter, or whenever an authorized enforcement official has reasonable
4 cause to believe that there exists in any building or upon any premises any condition which
5 constitutes a violation of the provisions of this chapter, the official may enter such building or
6 premises at all reasonable times to inspect the same or perform any duty imposed upon the
7 official by this chapter; provided that: (1) if such building or premises be occupied, he or she
8 shall first present proper credentials and request entry; and (2) if such building or premises be
unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons
having charge or control of the building or premises and request entry. Any such request for
entry shall state that the property owner or occupant has the right to refuse entry.

9 **B. Warrant or Exigent Circumstances.** In the event the owner and/or occupant refuses
10 entry after such request has been made, the official is empowered to seek assistance from any
11 court of competent jurisdiction in obtaining such entry. Inspection may be made only upon
12 issuance of a search warrant by a duly-authorized magistrate or judge, or with probable cause
that a violation under this Chapter exists due to circumstances requiring immediate action to
limit or eliminate any existing illicit discharge of pollutants.

13 **C. Routine Inspections.** Routine or area inspections shall be based upon such
14 reasonable selection processes as may be deemed necessary to carry out the objectives of this
15 chapter, including but not limited to random sampling and/or sampling in areas with evidence
of stormwater contamination, illicit discharges, discharge of non-stormwater to the storm
drain system, or similar factors.

16 **D. Authority to Sample and Establish Sampling Devices.** The City shall have the right
17 to establish on any property such devices as are necessary to conduct sampling or metering
18 operations. During all inspections as provided herein, the official may take any samples
19 deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-
site.

20 **E. Notification of Spills.** As soon as any person in charge of a facility or responsible for
21 emergency response for a facility has knowledge of any confirmed or unconfirmed release of
22 materials, pollutants or waste which may result in pollutants or non-stormwater discharges
23 entering the City storm drain system, such person shall take all necessary steps to ensure the
discovery and containment and clean-up of such release and shall immediately notify the
City's Police Department of the occurrence by telephone and confirm the notification by
written correspondence to the City of Suisun City Public Works Department.

24 **F. Requirement to Test or Monitor.** Any authorized enforcement official may request
25 that any person engaged in any activity and/or owning or operating any facility which may
26 cause or contribute to stormwater pollution or contamination, illicit discharges, and/or
27 discharge of non-stormwater to the storm drain system, undertake such monitoring activities
and/or analyses and furnish such reports as the official may specify. The burden, including
costs, of these activities, analyses and reports shall bear a reasonable relationship to the need

1 for the monitoring, analyses and reports and benefits to be obtained. The recipient of such
2 request shall undertake and provide the monitoring, analyses and/or reports requested.

3 **13.10.170 Violations and Enforcement.**

4 **A. Generally.** Violation of the provisions of this chapter shall be prosecuted pursuant to
5 the provisions of Title 1, including without limitation Chapter 1.08 (Penalty), Chapter 1.16
6 (Administrative Compliance Orders) and Chapter 1.20 (Administrative Citations), of Suisun
City Code and may also be abated as public nuisances as authorized by the Code.

7 **B. Criminal Enforcement.** Any person violating a provision of this chapter or failing to
8 comply with a mandatory requirement of this chapter is guilty of a misdemeanor or infraction,
9 depending on the magnitude and severity of the violation as well as any history of non-
10 compliance, the determination of which is reserved to the City and its prosecuting official.
11 Upon conviction of an infraction, the violator shall be punished as set forth in Chapter 36900
12 of the Government Code, and any conviction of a misdemeanor shall be determined at the
discretion of the Court hearing the matter with the prosecuting authority having recommended
the terms of punishment. After a third violation for a violation of the same provision, any
subsequent violations within a twelve-month period may be charged as a misdemeanor and
referred to the District Attorney for criminal prosecution.

13 **C. Continuing Violation.** Unless otherwise provided, a person, firm, corporation or
14 organization shall be deemed guilty of a separate offense for each and every day during any
15 portion of which a violation of this chapter is committed, continued or permitted by the
16 person, firm, corporation or organization and shall be punishable accordingly as herein
provided.

17 **D. Fines and Penalties.** The City Council shall establish by resolution, and from time to
18 time may amend, the fines and penalties for the administration of this Chapter. Fines and
penalties imposed and required by this Chapter shall be in addition to any required under any
other chapter of the City's Code .

19 **E. Recoupment of Costs Incurred to Abate Public Nuisance Caused by Illegal**
20 **Discharge.** Any person who has illegally discharged to the City's storm drain system shall in
21 addition to any fines or penalties be liable to reimburse the Public Works Department, Police
22 Department, and any other department or division of the City for all costs incurred to abate
23 the nuisance and address the impacts of the illegal discharge, including the costs of any
investigation, inspection, or monitoring survey which led to the establishment of the violation,
24 and for the reasonable costs and attorney's fees of preparing and bringing legal action to
enforce the provision of this Chapter that was violated.

25 **13.10.180 Concealment.**

26 **Causing, permitting, maintaining, aiding, abetting or concealing a violation of any provision**
27 **of this chapter shall constitute a violation of such provision.**

1 **13.10.190 Acts Potentially Resulting in Violation of the Federal Clean Water Act or**
2 **the California Porter-Cologne Act.**

3 Any person who violates any provision of this chapter, any provision of any permit issued
4 pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or
5 who violates any cease and desist order, prohibition, or effluent limitation, may also be in
6 violation of the Federal Clean Water Act and/or Porter-Cologne Act and may be subject to the
7 sanctions of those acts including civil and criminal penalty. Any enforcement action
8 authorized under this chapter should also include notice to the violator of such potential
9 liability.

10 **13.10.200 Violations Deemed a Public Nuisance.**

11 A. In addition to the penalties hereinbefore provided, any condition caused or permitted
12 to exist in violation of any of the provisions of this chapter is a threat to the public health,
13 safety and welfare, and is declared and deemed a nuisance, and may be summarily abated
14 and/or restored by any authorized enforcement official, and/or civil action to abate, enjoin or
15 otherwise compel the cessation of such nuisance may be taken by the City Attorney.

16 B. The cost of such abatement and restoration shall be borne by the owner of the property
17 and the cost thereof shall be a lien upon and against the property and such lien shall continue
18 in existence until the same shall be paid. If the lien is not satisfied by the owner of the
19 property within 90 days after the completion by the authorized enforcement official of the
20 removal of the nuisance and the restoration of the property to its original condition, the
21 property may be sold in satisfaction thereof in a like manner as other real property is sold
22 under execution.

23 C. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the City
24 Council shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated
25 every year without the necessity of any further hearing.

26 **13.10.210 California Code of Civil Procedure Section 1094.6**

27 Section 1094.6 of the California Code of Civil Procedure is applicable to judicial review of
28 City decisions pursuant to this chapter. Exhaustion of administrative remedies hereunder
shall require bringing a timely appeal of any adverse administrative decision or order in
accordance with the procedures of Section 13.10.220, and failure to do so is a failure to
exhaust administrative remedies and ban to bringing a civil action.

13.10.220 Appeals.

A. Incorporated herein by reference, and applicable to this chapter, is the appeals process
lawfully enacted by Title 1, Chapter 1.20, of the Suisun City Code, however, Section 1.20.090
of Chapter 1.20 providing that the City Manager designates a three person hearing board for
appeals shall not apply to this chapter. Instead, any appeals brought for violations arising
under this chapter shall be brought initially to the Public Works Director and a final appeal, if

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1 desired, shall be made to the City Council. Any person seeking a final appeal for violations
2 arising under this chapter shall bring a final appeal to the City Council before initiating a civil
3 action against the City.

4 B. Any discharger affected by any decision, action, or determination, including
5 assessments and abatement orders, made in interpreting or implementing the provisions of this
6 chapter, or any permit issued hereunder, may file with the Public Works Director a written
7 request for review of such decision, action, or determination, setting forth in detail the facts
8 supporting the request no later than ten (10) days from date of decision. The Public Works
9 Director shall complete the review and issue a written determination within ten (10) days after
10 receipt of the request, unless the Public Works Director or his/her designee reasonably
11 extends the time thereof.

12 C. Upon completion of an appeal to the Public Works Director, any person shall have a
13 right to appeal any determination made pursuant to any authority provided by this chapter to
14 the City Council, and such appeal must be submitted to, and a final decision made by, the City
15 Council to exhaust administrative remedies, by filing with the City Council a written notice of
16 appeal by following the procedures set forth in Title 1, Chapter 1.20, including without
17 limitation, Section 1.20.070.

18 **13.10.230 Civil Actions.**

19 In addition to any other remedies provided in this section, any violation of this chapter may be
20 enforced by civil action brought by the City. In any such action, the City may seek, and the
21 court shall grant, as appropriate, any or all of other following remedies:

22 A. A temporary and/or permanent injunction;

23 B. Assessment of the violator for the costs of any investigation, inspection, or monitoring
24 survey which led to the establishment of the violation, and for the reasonable costs of
25 preparing and bringing legal action under this subsection;

26 C. Costs incurred in removing, correcting, or terminating the adverse effects resulting
27 from the violation;

28 D. Compensatory damages for loss or destruction to water quality, wildlife, fish and
aquatic life. Assessments under this subsection shall be paid to the City to be used exclusively
for costs associated with monitoring and establishing stormwater discharge pollution control
systems and/or implementing or enforcing the provisions of this chapter.

13.10.240 Administrative Enforcement Powers.

In addition to the other enforcement powers and remedies established by this Chapter and
Title 1 of Suisun City Code, any authorized enforcement official has the authority to utilize
the following administrative remedies.

1 A. **Cease and Desist Orders.** When an authorized enforcement official finds that a
2 discharge has taken place or is likely to take place in violation of this chapter, the official may
3 issue an order to cease and desist such discharge, or practice, or operation likely to cause such
4 discharge and direct that those persons not complying shall: (1) comply with the requirement;
5 (2) comply with the time schedule for compliance, and/or (3) take appropriate remedial or
6 preventive action to prevent the violation from recurring.

7 B. **Notice to Clean.** Whenever an authorized enforcement official finds significant oil,
8 earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other pollutant or
9 material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon
10 any parcel of land or grounds, which may result in an increase in pollutants entering the City
11 storm drain system, he or she may give notice to remove such oil, earth, dirt, grass, weeds,
12 dead trees, tin cans, rubbish, refuse waste or other material, in any manner that he or she may
13 reasonably provide. The recipient of such notice shall undertake the activities as described in
14 the notice.

15 **13.10.250 Authority to Arrest or Issue Citations.**

16 A. Authorized enforcement officials shall have and are vested with the authority to arrest
17 or cite any person who violates any section of this chapter in the manner provided and as
18 authorized by the California Penal Code for the arrest or release on citation of misdemeanor
19 offenses as prescribed by Chapter 5, 5c, and 5d of Title 3, Part 2 of the Penal Code or as the
20 same may be hereinafter amended.

21 B. Such authorized enforcement officials or employees may issue a citation and notice to
22 appear in the manner prescribed by Chapter 5c of Title 3, Part 2 of the Penal Code, including
23 Section 853.6 or as the same may hereafter be amended. It is the intent of the City Council
24 that the immunities prescribed in Section 836.5 of the Penal Code (and other applicable
25 immunities) be applicable to public officers or employees acting in the course and scope of
26 employment pursuant to this chapter.

27 **13.10.260 Remedies Not Exclusive.**

28 Remedies under this chapter are in addition to and do not supersede or limit any and all other
remedies, civil or criminal. The remedies provided for herein shall be cumulative and not
exclusive.

SECTION 2. If any section, subsection, clause or phrase of this Ordinance is for any reason,
held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of
the remaining sections of this Ordinance. The Council hereby declares that it would have
passed this Ordinance and each section, subsection, sentence, clause and phrase thereof
irrespective of the fact that any one or more other sections, subsections, sentences, clauses or
phrases be declared unconstitutional.

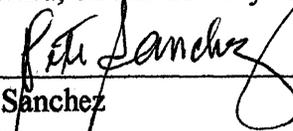
SECTION 3. The City Clerk shall certify to the passage and adoption of this Ordinance, and
shall make a minute of the passage and adoption thereof in the records of the proceedings of

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Adopted December 21, 2010
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the City Council at which the same is passed and adopted. This Ordinance shall be in full force and effect thirty (30) days after its final passage and adoption, and within fifteen (15) days after its final passage, this ordinance shall be posted in at least three (3) public places within the City and published in a county newspaper that is circulated in the City, or as otherwise authorized by Government Code §36933(c)(1) allowing for publication of a description of the ordinance in a county newspaper that is circulated in the City with a copy of the ordinance available in the City Clerk's Office.

PASSED, APPROVED, AND ADOPTED as an Ordinance at a regular meeting of the City Council of the City of Suisun City, California, on this 21st day of December 2010.



Pete Sanchez
Mayor

CERTIFICATION

I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing Ordinance No. 714 was introduced at a regular meeting of the City Council on December 7, 2010 and passed, approved, and adopted by the City Council of the City of Suisun City at a regular meeting held on the 21st day of December 2010 by the following vote:

AYES:	Councilmembers:	<u>Day, Hudson, Sanchez</u>
NOES:	Councilmembers:	<u>Segala</u>
ABSENT:	Councilmembers:	<u>Derting</u>
ABSTAIN:	Councilmembers:	<u>None</u>

WITNESS my hand and the seal of said City this 21st day of December 2010.

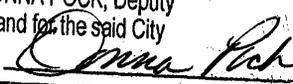


Linda Hobson, CMC
City Clerk

THIS DOCUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST: 2/2/11

DONNA POCK, Deputy
In and for the said City

By:  Deputy

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PCBs Screening Assessment Form

Date Received	
File #	

This screening process is part of a program for water quality protection and was designed in accordance with requirements in the Bay Area regional municipal stormwater NPDES permit (referred to as the Municipal Regional Permit). This process **does not** address other environmental programs or regulations (e.g., PCBs regulations under the Toxic Substances Control Act (TSCA); federal, state, or local regulations for hazardous material handling and hazardous waste disposal; health and safety practices to mitigate human exposure to PCBs or other hazardous materials; recycling mandates; or abatement at sites with PCBs or other contaminants). **The applicant is responsible for knowing and complying with all relevant laws and regulations. See Notices to Applicants section in the Applicant Instructions and at the end of this form.**

Complete all applicable parts of the PCBs Screening Assessment Form and submit with your demolition permit application.

All Applicants must complete Part 1 and Part 2.

Part 1. Owner/Consultant and project information		
Owner Information		
Name		
Address		
City	State	Zip
Contact (Agent)		
Phone	Email	
Consultant Information		
Firm Name		
Address		
City	State	Zip
Contact Person		
Phone	Email	
Project Location		
Address		
City	State CA	Zip
APN (s)		
Year Building was Built	Type of Construction	
Estimated Demolition Date		

Part 2. Is building subject to the PCBs screening requirement based on type, use, and age of the building?

2.a	Is the building to be demolished wood framed and/or single family residential?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If the answer to question 2.a is Yes , the PCBs Screening Assessment is complete, skip to Part 4. If the answer is No , continue to Question 2.b.			
2.b	Was the building to be demolished constructed or remodeled between January 1, 1950 and December 31, 1980?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
➤ If the answer to Question 2.b is No the PCBs Screening Assessment is complete, skip to Part 4. If the answer is Yes , continue to Question 2.c.			
2.c	Is the proposed demolition a complete demolition of the building?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
➤ If the answer to Question 2.c is No the PCBs Screening Assessment is complete, skip to Part 4. If the answer is Yes , complete Part 3.			

All applications affecting applicable structures and demolitions must complete Part 3 and the Part 3 Tables.

Part 3. Report concentrations of PCBs in priority building materials

Option 1. Applicants conducted representative sampling and analysis of the priority building materials per the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2018) (Attachment C).

Option 2. Applicants possess existing sample results that are that are consistent with the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2018) (Attachment C).

3.a Select option and report PCBs concentrations in the priority building materials and the source of data for each of the priority building materials. Provide the required supporting information	
<input type="checkbox"/> Option 1 Conduct Representative Sampling <ul style="list-style-type: none"> Summarize results on Part 3 Tables; and Provide the following supporting information: <ul style="list-style-type: none"> <input type="checkbox"/> Contractor’s report documenting the assessment results; <input type="checkbox"/> QA/QC checklist (see Attachment C, section 3.2.4); and <input type="checkbox"/> Copies of the analytical data reports. 	<input type="checkbox"/> Option 2 Use Existing Sampling Records <ul style="list-style-type: none"> Summarize results on Part 3 Tables; and Provide the following supporting information: <ul style="list-style-type: none"> <input type="checkbox"/> Contractor’s report/statement that the results are consistent with the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition. <input type="checkbox"/> Copies of the analytical data reports.

All Applicants must complete Part 4.

Part 4. Certification

I certify that the information provided in this form is, to the best of my knowledge and belief, true, accurate, and complete. I further certify that I understand my responsibility for knowing and complying with all relevant laws and regulations related to reporting, abating, and handing and disposing of PCBs materials and wastes. I understand there are significant penalties for submitting false information. I will retain a copy of this form and the supporting documentation for at least 5 years.

Signature: _____ Date: _____
(Property Owner//Agent/Legal Representative)

Print/Type: _____
(Property Owner/Agent/Legal Representative Name)

Signature: _____ Date: _____
(Consultant Completing Application Form)

Print/Type: _____
(Consultant Completing Application Form)

Notices to Applicants Regarding Federal and State PCBs Regulations

Applicants that determine PCBs exist in building materials must follow applicable federal and state laws. This may include reporting to U.S. Environmental Protection Agency (USEPA), the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control (DTSC). These agencies may require additional sampling and abatement of PCBs. Depending on the approach for sampling and removing building materials containing PCBs, you may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under TSCA and the California Code of Regulations. (See Note 1)

Note 1 - Federal and State Regulations

Building materials containing PCBs at or above 50 ppm that were manufactured with PCBs (e.g., caulk, joint sealants, paint) fall under the category of PCBs bulk product wastes. See 40 Code of Federal Regulations (CFR) 761.3 for a definition of PCBs bulk product wastes.

Building materials such as concrete, brick, metal contaminated with PCBs are PCBs remediation wastes (e.g., concrete contaminated with PCBs from caulk that contains PCBs). 40 CFR 761.3 defines PCBs remediation wastes.

Disposal of PCBs wastes are subject to TSCA requirements such as manifesting of the waste for transportation and disposal. See 40 CFR 761 and 40 CFR 761, Subpart K.

TSCA-regulated does not equate solely to materials containing PCBs at or above 50 ppm. There are circumstances in which materials containing PCBs below 50 ppm are subject to regulation under TSCA. See 40 CFR 761.61(a)(5)(i)(B)(2)(ii).

Disposal of PCBs wastes are subject to California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

California hazardous waste regulatory levels for PCBs are 5 ppm based on the Soluble Threshold Limit Concentration test and 50 ppm based on the Total Threshold Limit Concentration test, see CCR, Title 22, Section 66261.24, Table III.

Agency	Contact	Useful Links
US Environmental Protection Agency	Steve Armann (415) 972-3352 armann.steve@epa.gov	https://www.epa.gov/pcbs (EPA PCBs website) https://www.epa.gov/pcbs/questions-and-answers-about-polychlorinated-biphenyls-pcbs-building-materials (PCBs in Building Materials Fact Sheet and Q/A Document) https://www.epa.gov/pcbs/pcb-facility-approval-streamlining-toolbox-fast-streamlining-cleanup-approval-process (USEPA PCB Facility Approval Streamlining Toolbox (PCB FAST)) https://www.epa.gov/pcbs/polychlorinated-biphenyls-pcbs-building-materials#Test-Methods (See Information for Contractors Working in Older Buildings that May Contain PCBs)
San Francisco Bay Regional Water Quality Control Board	Jan O'Hara (510) 622-5681 Janet.O'Hara@waterboards.ca.gov Cheryl Prowell (510) 622-2408 Cheryl.Prowell@waterboards.ca.gov	https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbstmtl.shtml https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html
Department of Toxic Substances Control	Regulatory Assistance Office 1-800-72TOXIC RAO@dtsc.ca.gov	http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/PUB_SMP_Guide-to-Selecting-a-Consultant.pdf
California Division of Occupational Safety and Health (Cal/OSHA)	CalOSHA Consultations Services 1-800-963-9424	https://www.dir.ca.gov/dosh/consultation.html

Part 3 Caulk Applications Table		
<i>Column 1. Report all PCBs concentrations for each homogenous area of caulking area (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.</i>	<i>Column 2. Complete for each concentration ≥ 50 ppm</i>	
<u>Caulk Application Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u> <u>Units</u>
<i>Example:</i> <u>Caulk Sample 1</u>	<u>320</u>	<u>48</u> <u>Linear Feet</u>
1. _____	_____	_____ Linear Feet
2. _____	_____	_____ Linear Feet
3. _____	_____	_____ Linear Feet
4. _____	_____	_____ Linear Feet
5. _____	_____	_____ Linear Feet
6. _____	_____	_____ Linear Feet
7. _____	_____	_____ Linear Feet
8. _____	_____	_____ Linear Feet
9. _____	_____	_____ Linear Feet
10. _____	_____	_____ Linear Feet

Duplicate page if additional space is needed.

Part 3 Fiberglass Insulation Applications Table

Column 1. Report all PCBs concentrations for each homogeneous area of fiberglass insulation (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.

Column 2. Complete for each concentration ≥ 50 mg/kg

<u>Fiberglass Insulation Application Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u>	<u>Units</u>
Example: Fiberglass Insulation Sample 1	78	86	Square Feet
1. _____	_____	_____	Square Feet
2. _____	_____	_____	Square Feet
3. _____	_____	_____	Square Feet
4. _____	_____	_____	Square Feet
5. _____	_____	_____	Square Feet
6. _____	_____	_____	Square Feet
7. _____	_____	_____	Square Feet
8. _____	_____	_____	Square Feet
9. _____	_____	_____	Square Feet
10. _____	_____	_____	Square Feet

To estimate the square footage of insulation wrapped around pipes use the formula to calculate the lateral area of a cylinder $2\pi rh$. Where r is the pipe radius and h is the pipe length.
Duplicate page if additional space is needed.

Part 3 Thermal Insulation Applications Table		
Column 1. Report all PCBs concentrations for each homogeneous area of thermal insulation (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.	Column 2. Complete for each concentration ≥ 50 mg/kg	
<u>Thermal Insulation Application Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u> <u>Units</u>
<i>Example:</i> <i>Thermal Insulation Sample 1</i>	20	_____ <i>Square Feet</i>
1. _____	_____	_____ Square Feet
2. _____	_____	_____ Square Feet
3. _____	_____	_____ Square Feet
4. _____	_____	_____ Square Feet
5. _____	_____	_____ Square Feet
6. _____	_____	_____ Square Feet
7. _____	_____	_____ Linear Feet
8. _____	_____	_____ Square Feet
9. _____	_____	_____ Square Feet
10. _____	_____	_____ Square Feet

To estimate the square footage of insulation wrapped around pipes use the formula to calculate the lateral area of a cylinder $2\pi rh$. Where r is the pipe radius and h is the pipe length.
Duplicate page if additional space is needed.

Part 3 Adhesive Mastic Applications Table		
<i>Column 1. Report PCBs concentrations for each homogenous area of mastic (see Attachment C, Section 3.2.2. Use sample designators/descriptions from laboratory report.)</i>	<i>Column 2. Complete for each concentration ≥ 50 mg/kg</i>	
<u>Adhesive Mastic Application Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u> <u>Units</u>
<i>Example:</i> <i>Adhesive Mastic Sample 1</i>	87.4	800 Square Feet
1. _____	_____	_____ Square Feet
2. _____	_____	_____ Square Feet
3. _____	_____	_____ Square Feet
4. _____	_____	_____ Square Feet
5. _____	_____	_____ Square Feet
6. _____	_____	_____ Square Feet
7. _____	_____	_____ Linear Feet
8. _____	_____	_____ Square Feet
9. _____	_____	_____ Square Feet
10. _____	_____	_____ Square Feet

Duplicate page if additional space is needed.

Part 3 Rubber Window Gasket Applications Table

Column 1. Report PCBs concentrations for each gasket (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report.

Column 2. Complete for each concentration ≥ 50 mg/kg

<u>Rubber Window Gasket Application Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u>	<u>Units</u>
<i>Example:</i> Window Gasket Sample 1	70	75	Linear Feet
1. _____	_____	_____	Linear Feet
2. _____	_____	_____	Linear Feet
3. _____	_____	_____	Linear Feet
4. _____	_____	_____	Linear Feet
5. _____	_____	_____	Linear Feet
6. _____	_____	_____	Linear Feet
7. _____	_____	_____	Linear Feet
8. _____	_____	_____	Linear Feet
9. _____	_____	_____	Linear Feet
10. _____	_____	_____	Linear Feet

Duplicate page if additional space is needed.

Part 3 Other Materials Table		
<i>Column 1. Optional: Use this form to report PCBs concentration data from materials other than priority building materials. Report PCBs concentrations for each material and homogeneous area. Use sample designators/descriptions from laboratory report.</i>	<i>Column 2. Complete for each concentration ≥ 50 mg/kg</i>	
<u>Material Sample Description</u>	<u>Concentration (mg/kg)</u>	<u>Estimate Amount of Material</u> <u>Units</u>
<i>Example:</i> <u>Wall paint Sample 1</u>	<u>228</u>	<u>1500</u> <u>Square Feet</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

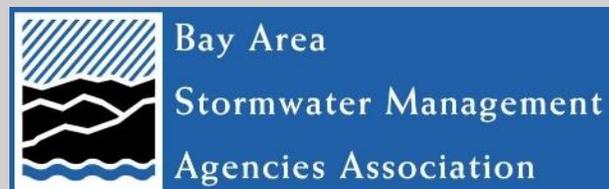
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PCBs in Priority Building Materials: Model Screening Assessment Applicant Package



Managing PCBs–Containing Building Materials during Demolition: Guidance, Tools, Outreach and Training



August 2018

This document is a deliverable of the Bay Area Stormwater Management Agencies Association (BASMAA) project *Managing PCBs–Containing Building Materials during Demolition: Guidance, Tools, Outreach and Training*. BASMAA developed guidance, tools, and outreach and training materials to assist with San Francisco Bay Area municipal agencies’ efforts to address the requirements of Provision C.12.f. of the Bay Area Municipal Regional Stormwater Permit (referred to as the MRP). Provision C.12.f of the MRP requires Permittees to manage PCBs–containing building materials during demolition.

We gratefully acknowledge the BASMAA Steering Committee for this project, which provided overall project oversight, including during the development of this and other project deliverables:

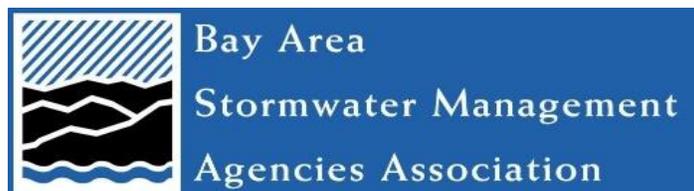
- Reid Bogert, Stormwater Program Specialist, San Mateo Countywide Water Pollution Prevention Program (BASMAA Project Manager)
- Amanda Booth, Environmental Program Analyst, City of San Pablo
- Kevin Cullen, Program Manager, Fairfield-Suisun Urban Runoff Management Program
- Matt Fabry, Program Manager, San Mateo Countywide Water Pollution Prevention Program
- Gary Faria, Supervisor, Inspection Services, Building Inspection Division, Contra Costa County
- Napp Fukuda, Deputy Director - Watershed Protection Division, City of San José
- Ryan Pursley, Chief Building Official, Building Division, City of Concord
- Pam Boyle Rodriguez, Manager, Environmental Control Programs – Stormwater, City of Palo Alto
- Jim Scanlin, Program Manager, Alameda Countywide Clean Water Program
- Melody Tovar, Regulatory Programs Division Manager, City of Sunnyvale

We also gratefully acknowledge the project Technical Advisory Group, which provided feedback from a variety of project stakeholders during development of selected project deliverables:

Stakeholder Group	Representative(s)
Regulatory – stormwater/PCBs	Luisa Valiela and Carmen Santos, U.S. EPA Region 9
Regulatory – stormwater/TMDL	Jan O’Hara, San Francisco Bay Regional Water Quality Control Board
Regulatory – experience with related program (asbestos management)	Ron Carey and Richard Lew, Bay Area Air Quality Management District
Industry – demolition contractors	Avery Brown, Ferma Corporation
Industry – remediation consultants	John Martinelli, Forensic Analytical Consulting John Trenev, Bayview Environmental Services, Inc.
MRP Permittee – large municipality	Patrick Hayes, City of Oakland
MRP Permittee – medium municipality	Kim Springer, San Mateo County Office of Sustainability
MRP Permittee – small municipality	Amanda Booth, City of San Pablo

Prepared for:

BASMAA
P.O. Box 2385
Menlo Park, CA 94026



Prepared by:

EOA, Inc.
Larry Walker Associates
Geosyntec Consultants
Stephanie Hughes
David J. Powers & Associates, Inc.



PCBs in Priority Building Materials: Model Screening Assessment Applicant Package

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Attachment A Process Flow Chart A-1

Attachment B PCBs in Priority Building Materials Screening Assessment FormB-1

Attachment C Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition C-1

DISCLAIMER

Information contained in BASMAA products is to be considered general guidance and is not to be construed as specific recommendations for specific cases. BASMAA is not responsible for the use of any such information for a specific case or for any damages, costs, liabilities or claims resulting from such use. Users of BASMAA products assume all liability directly or indirectly arising from use of the products.

The material presented in this document is intended solely for the implementation of a municipal regulatory program required by the San Francisco Bay Area Regional Water Quality Control Board Municipal Regional Stormwater Permit for the protection of water quality under the Clean Water Act.

BASMAA prepared the tools and guidance herein to assist MRP Permittees' efforts to address the requirements of Provision C.12.f. of the MRP. The project team received input from a variety of stakeholders during development of the tools and guidance, including regulators (San Francisco Bay Regional Water Quality Control Board, U.S. EPA, and Bay Area Air Quality Management District staff), Bay Area municipal agency staff, and industry representatives.

This document does not address other environmental programs or regulations (e.g., PCBs regulations under the Toxic Substances Control Act (TSCA); federal, state, or local regulations for hazardous material handling and hazardous waste disposal; health and safety practices to mitigate human exposure to PCBs or other hazardous materials; recycling mandates; and abatement at sites with PCBs (or other contaminants). The applicant is responsible for knowing and complying with all relevant laws and regulations.

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Process Overview

This document provides a model PCBs in Priority Building Materials Screening Assessment process to be conducted by demolition project proponents (applicants). A flow chart illustrating the above processes is provided in **Attachment A**.

Applicants proposing to demolish buildings must conduct the PCBs screening assessment. Through the PCBs screening assessment applicants will:

- 1) Determine whether the building proposed for demolition is likely to have PCBs-containing building materials (see discussion of applicable structure); and
- 2) Determine whether PCBs are present at a concentration equal to or greater than 50 parts per million (ppm) in building materials.

Use the *PCBs Screening Assessment Form (Attachment B)* to summarize and certify the information required by the municipality to issue the demolition permit. The form is divided into four parts:

- **Part 1** provide applicant information and project location.
- **Part 2** complete the questions to identify whether the project involves an applicable structure. If the demolition does not involve an applicable structure, the form may be certified and submitted without completing Part 3.
- **Part 3** complete the questions to provide the concentrations of PCBs in any priority building materials.
- **Part 4** certify the information being submitted.

Note that fluorescent light ballasts, polyurethane foam furniture, and Askarel fluid used in transformers, all of which may contain PCBs, are typically managed during pre-demolition activities under current regulations and programs that require removal of universal waste and outdated transformers. For this process it is assumed that those materials will be evaluated and managed under those existing programs.

This screening process is part of a program for water quality protection and was designed in accordance with requirements in the MRP. ¹ It does not address other environmental programs or regulations (e.g., PCBs regulations under the Toxic Substances Control Act (TSCA); federal, state, or local regulations for hazardous material handling and hazardous waste disposal; health and safety practices to mitigate human exposure to PCBs or other hazardous materials; recycling mandates; or abatement at sites with PCBs (or other contaminants). **The applicant is responsible for complying with all relevant laws and regulations. See the Notices to Applicants section for additional information.**

Water quality within the San Francisco Bay Region is regulated by the San Francisco Bay Area Regional Water Quality Control Board (Regional Water Board).

In 2015, the Regional Water Board reissued the Municipal Regional Permit (MRP)¹ that regulates discharges of stormwater runoff. The MRP includes provisions for reducing discharges of polychlorinated biphenyls (PCBs) in stormwater runoff and requires municipalities to develop a program to manage priority PCBs-containing building materials during demolition and implement the program by July 1, 2019.

Existing federal and state regulations create the framework for managing PCBs in building materials once those PCBs are identified through this program and for disposing of wastes containing PCBs.

¹ A National Pollutant Discharge Elimination System (NPDES) permit, Order No. R2-2015-0049, issued to municipalities in the counties of Alameda, Contra Costa, San Mateo, and Santa Clara, and the Cities of Fairfield, Suisun City, and Vallejo.

Applicant Instructions for Completing the PCBs Screening Assessment Form

Applicants for demolition permits or other permits that involve the complete demolition of a building must conduct an assessment to screen for PCBs in priority building materials. Use the *PCBs Screening Assessment Form*, to summarize and certify the information needed by the municipality to issue a demolition permit. The form is provided in **Attachment B**. If the project includes the demolition of multiple buildings complete one form for each building to be demolished.

Part 1. Owner and project information

Complete the owner and consultant information and the project location information.

For the Type of Construction select one of the following options:

- **Wood Frame** (Buildings constructed with lumber or timbers, which make up the studs, plates, joists, and rafters.)
- **Masonry Construction** (Buildings constructed with concrete blocks or bricks as the load bearing walls typically with the floors and ceilings constructed with wooden joists.)
- **Steel Frame Construction** (Buildings constructed with steel studs or steel columns and steel joists or trusses to support floors and roofs. Includes light gauge steel construction and high-rise steel construction.)
- **Concrete Frame** (Buildings constructed with reinforced concrete columns, concrete beams, and concrete slabs.)
- **Pre-Engineered** (Buildings constructed with pre-engineered parts bolted together.)

Part 2. Is building subject to the screening requirement based on type, use, and age of the building?

Part 2 documents the determination of whether the proposed demolition will affect an applicable structure. If the demolition does not affect an applicable structure, then the assessment is complete, and the form can be certified.

This determination screens out buildings that are a lower priority with regard PCBs-containing materials and provides an off-ramp from the rest of the screening process.

Key Definitions

Demolition means the wrecking, razing, or tearing down of any building. The definition is intended to be consistent with the demolition activities undertaken by contractors with a C-21 Building Moving/Demolition Contractor's License.

Priority Building Materials are:

1. Caulk;
2. Thermal insulation;
3. Fiberglass insulation;
4. Adhesive mastics; and
5. Rubber window gaskets.

Buildings are structures with a roof and walls standing more or less permanently in one place. Buildings are intended for human habitation or occupancy.

Applicable Structures are defined as buildings constructed or remodeled between January 1, 1950 and December 31, 1980. Wood framed buildings and single-family residential buildings are not applicable structure regardless of the age of the building.

Question 2.a: Is the building to be demolished wood framed and/or single family residential?

- If YES the PCBs Screening Assessment is complete, skip to the certification in Part 4.
- If NO, continue to Question 2.b.

Question 2.b: Was the building to be demolished constructed or remodeled between January 1, 1950 and December 31, 1980?

- If YES continue to Question 2.c.
- If NO, the PCBs Screening Assessment is complete, skip to the certification in Part 4.

Question 2.c: Is the proposed demolition a complete demolition of the building (as defined in key definitions of this document)?

- If YES continue to Part 3.
- If NO, the PCBs Screening Assessment is complete, skip to the certification in Part 4.

Studies have found the highest concentrations of PCBs in building materials in buildings that were built or remodeled from 1950 to 1980.

For this process, the date that the building permit was issued will be used to determine applicability.

Part 3. Report concentrations of PCBs in priority building materials

Part 3 documents the results of the assessment of PCBs concentrations in priority building materials. Part 3 is only required for proposed demolition of an applicable structure, as determined in Part 2. Check the option used.

- **Option 1** Conduct representative sampling and analysis of the priority building materials per the *Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition* (August 2018) provided in **Attachment C**.
- **Option 2** Use existing sampling results of the priority building materials. Applicants who have conducted sampling prior to the publication of the protocol may use that data provided it is consistent with the protocol (e.g., analytical methods, sample collection frequency, QA/QC). It is anticipated that prior sampling results will rarely be available and that most Applicants will need to use Option 1.

3.a Option 1 – Conduct representative sampling

Check this box if you conducted representative sampling and analysis of the priority building materials per the *Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition* (August 2018) (**Attachment C**).

- Complete the applicable tables for each priority building material.
- Attach the contractor's report² documenting the evaluation results.
- Attach (or include in the contractor's report) the QA/QC checklist (see **Attachment C**, Section 3.2.4).
- Attach copies of the analytical data reports.

² The contractor's report of the findings of the PCBs building material evaluation. See section 3 of Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (Attachment C).

3.a Option 2 – Use existing sampling records

In some cases, a property owner may have conducted sampling of the priority building materials for PCBs. If such data exist, you may use these data to demonstrate the concentration of PCBs in the priority building materials for the PCBs screening. However, if the sampling must be consistent with the *Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition*.

- Complete the applicable tables for each priority building material.
- Attach the contractor's report/statement that the results are consistent with the *Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition*.
- Attach copies of the analytical data reports.

Part 3 Tables Summarize concentrations of PCBs in priority building materials

Use these tables to summarize the concentrations of PCBs in the priority building materials.

- Each page of the table is for a different material. Duplicate the pages as needed to report all concentration data.
- A blank page is provided. Applicants have the option of submitting PCBs concentration data on other materials in addition to the priority building materials.

Column 1: required for all priority building material PCBs concentrations

- Use column 1 to report all PCBs concentrations in the priority building materials. Provide short description of the sample location, concentration.

Column 2: only required for PCBs concentrations ≥ 50 ppm

- Use column 2 to estimate the amount of material associated with each sample.

Part 4. Certification

- Complete the certification. The certification must be signed by the property owner or the owner's agent or legal representatives and the consultant who complete the application form.

Notices to Applicants Regarding Federal and State PCBs Regulations

Applicants that determine PCBs exist in priority building materials must follow applicable federal and state laws. This may include reporting to U.S. Environmental Protection Agency (USEPA), the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control (DTSC). These agencies may require additional sampling and abatement of PCBs.

Depending on the approach for sampling and removing building materials containing PCBs, you may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under Toxic Substances Control Act (TSCA).

Additionally, the disposal of PCBs waste is subject to California Code of Regulations (CCR) California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

Building owners and employers need to consider worker and public safety during work involving hazardous materials and wastes including PCBs.

Federal and State Regulations

Building materials containing PCBs at or above 50 ppm that were manufactured with PCBs (e.g., caulk, joint sealants, paint) fall under the category of PCBs bulk product wastes. See 40 Code of Federal Regulations (CFR) 761.3 for a definition of PCBs bulk product wastes.

Building materials such as concrete, brick, metal contaminated with PCBs are PCBs remediation wastes (e.g., concrete contaminated with PCBs from caulk that contains PCBs). 40 CFR 761.3 defines PCBs remediation wastes.

Disposal of PCBs wastes are subject to TSCA requirements such as manifesting of the waste for transportation and disposal. See 40 CFR 761 and 40 CFR 761, Subpart K.

TSCA-regulated does not equate solely to materials containing PCBs at or above 50 ppm. There are circumstances in which materials containing PCBs below 50 ppm are subject to regulation under TSCA. See 40 CFR 761.61(a)(5)(i)(B)(2)(ii).

Disposal of PCBs wastes are subject to California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

California hazardous waste regulatory levels for PCBs are 5 ppm based on the Soluble Threshold Limit Concentration test and 50 ppm based on the Total Threshold Limit Concentration test, see CCR, Title 22, Section 66261.24, Table III.

Agency Contacts

Applicants should contact the appropriate agencies and review the relevant guidance and information about PCBs in building materials. Municipal staff are not able to advise you on the requirements of the applicable federal and state laws.

Agency	Contact	Useful Links
US Environmental Protection Agency	Steve Armann (415) 972-3352 armann.steve@epa.gov	https://www.epa.gov/pcbs (EPA PCB website) https://www.epa.gov/pcbs/questions-and-answers-about-polychlorinated-biphenyls-pcbs-building-materials (PCBs in Building Materials Fact Sheet and Q/A Document) https://www.epa.gov/pcbs/pcb-facility-approval-streamlining-toolbox-fast-streamlining-cleanup-approval-process (USEPA PCB Facility Approval Streamlining Toolbox (PCB FAST)) https://www.epa.gov/pcbs/polychlorinated-biphenyls-pcbs-building-materials#Test-Methods (See Information for Contractors Working in Older Buildings that May Contain PCBs)
San Francisco Bay Regional Water Quality Control Board	Jan O'Hara (510) 622-5681 Janet.O'Hara@waterboards.ca.gov Cheryl Prowell (510) 622-2408 Cheryl.Prowell@waterboards.ca.gov	https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbstmdl.shtml https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html
Department of Toxic Substances Control	Regulatory Assistance Office 1-800-72TOXIC RAO@dtsc.ca.gov	http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/PUB_SMP_Guide-to-Selecting-a-Consultant.pdf
California Division of Occupational Safety and Health (known as Cal/OSHA)	CalOSHA Consultations Services 1-800-963-9424	https://www.dir.ca.gov/dosh/consultation.html

Attachment A

Process Flow Chart

Attachment B
PCBs in Priority Building Materials Screening
Assessment Form

Attachment C
Protocol for Evaluating Priority PCBs-Containing
Materials before Building Demolition

AGENDA TRANSMITTAL

MEETING DATE: May 14, 2019

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

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

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

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

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

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

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

PREPARED BY:
REVIEWED BY:
APPROVED BY:

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

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

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

April 24, 2019 Ad Hoc Meeting

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

Recommended Revisions

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

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

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

Further Key Decision Points of the City Council

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

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

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

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

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

RECOMMENDATION: It is recommended that the City Council:

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

ATTACHMENTS:

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

INTERIM URGENCY ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3. MORATORIUM.

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

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

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

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

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

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

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

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

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

PASSED, APPROVED, AND ADOPTED as an INTERIM URGENCY ORDINANCE at a regular meeting of the City Council of the City of Suisun City, California, on this ___ day of ____, 2018.

Lori Wilson, Mayor

ATTEST:

Linda Hobson, CMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SOLANO) ss.
CITY OF SUISUN CITY)

I, Linda Hobson, City Clerk of the City of Suisun City, California, do hereby certify that the foregoing Interim Urgency Ordinance No. _____ was adopted by the City Council of the City of Suisun City at a special meeting held on the ___ day of _____ 2019 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Linda Hobson, CMC, City Clerk

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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 6-0 in favor of recommending that the City Council adopt this Ordinance; and

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

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

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

SECTION 1. RECITALS.

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

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

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

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

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

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

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

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

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

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

B. Purpose and Applicability.

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

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

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

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

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

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

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

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

C. Regulations and Standards

1. Front Yard.

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

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

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

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

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

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

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

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

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

2. Rear / Side Yard.

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

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

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

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

3. Vehicle Storage.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 6.2.3.C. Landscaping

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

Section 6.2.3.D Maintenance of Structures and Premises

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

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

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

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

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

Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

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

Aleshire & Wynder, LLP

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

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

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

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

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

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

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

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

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

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

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

Section 6.2.3.C. Landscaping

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

Section 6.2.3.D Maintenance of Structures and Premises

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

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

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

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

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

Lori Wilson, Mayor

ATTEST:

Linda Hobson, City Clerk

APPROVED AS TO FORM

AND LEGAL CONTENT:

Aleshire & Wynder, LLP

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18.36.070 - Prohibited activities in front and street side yards.

- A. The following are unlawful and are declared to be public nuisances in the front and side yards and are not permitted:
1. The parking, repairing, assembly/disassembly, or other activities associated with any airplane or aircraft, or any part or parts thereof;
 2. The parking, storing, or keeping for a period of time greater than 72 consecutive hours of any household appliance, equipment, machinery, or furniture, or of any construction equipment, machinery, or materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;
 3. The parking, storing or keeping in any such area, for a period of time in excess of 72 consecutive hours, of any motor vehicle or vehicles that is or are disabled or inoperative because of the need of repairs or for any other reason;
 4. The parking, storing or keeping of vehicle in any such area of front driveway, side driveway, or is visible to the public must be registered;
 5. The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing in any such area of any motor vehicle, boat, trailer, machinery, equipment, appliance or appliances, furniture or other personal property, excepting the repairing, washing, cleaning or servicing by an owner, lessee, or occupant of the lot, for a period not to exceed 72 hours.
- B. For purposes of this subsection, "front" and "street side yard" are defined as the following:
1. The front building setback area of any interior or corner lot located within any zoning district;
 2. The side building setback area of any corner lot located within any zoning district, except where such side building setback areas are not located adjacent to a public street. Where not adjacent to a public street, the side yard must be enclosed by a solid fence or impenetrable hedge not less than six feet in height so that the premises are not visible from the street;
- C. For the purpose of determining whether or not a motor vehicle or airplane or other item of property has been unlawfully parked, stored, or kept in any area for a period of time greater than 72 consecutive hours, the hours during which the unlawful activity is done shall be deemed consecutive, notwithstanding the fact that such property may have been removed from restricted setback area for an intervening period of time if such intervening period of time is less than 72 hours, or if the property in question is parked, stored, or kept during such intervening period of time within or upon any public street.

(Ord. No. 743, § 3, 3-21-2017)

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Chapter 8.12 - PUBLIC NUISANCES

8.12.010 - Purpose of chapter.

- A. It is the intent of the city council in adopting this chapter to provide a comprehensive method for the identification and abatement of certain public nuisances within the city.
- B. Provisions of this chapter are to be supplementary and complimentary to all of the provisions of the City Code, state law and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in any manner so as to limit any existing right or power of the city to abate any and all nuisances.

(Ord. No. 706, § 1, 3-17-2009)

8.12.020 - Application.

The provisions of this chapter shall apply generally to all property throughout the city, except for abandoned property as defined in chapter 8.13, "Abandoned and Distressed Residential Properties Registration," wherein any of the conditions, hereinafter specified, are found to exist; provided that any condition which would constitute a violation of this chapter, but which is duly authorized under any city, state or federal law, shall not be deemed to violate this chapter.

(Ord. No. 706, § 1, 3-17-2009)

8.12.030 - Authority—Department head defined.

- A. The head of any city department or the health officer of the county, hereinafter referred to as "department head," is authorized and directed to use the provisions of this chapter for the purpose of abating those nuisances which exist as the result of violation of those ordinances for which the department has primary enforcement responsibility.
- B. As used in this chapter, the term "department head" shall include the authorized representative of such department head, including but not limited to the code enforcement specialist.

(Ord. No. 706, § 1, 3-17-2009)

8.12.040 - Right of entry—Department head to inspect premises.

- A. Whenever necessary to make an inspection of any premises to enforce the provisions of this chapter, the department head may enter on such premises at all reasonable times to inspect the same or to perform any duty imposed upon the department head by this chapter, in such manner as allowed by law.
- B. Whenever practicable, the department head shall contact the occupant of such premises and inform him of the reasons for such entry onto such property, and if the occupant is other than the owner, he shall, if practicable, contact the owner.
- C. If entry onto any premises is interfered with by the owner or occupant of such premises, or by any third party, the department head shall have recourse to every remedy provided by law to secure his peaceable entry on such premises to perform the duties required by this code, including the obtaining of an inspection warrant pursuant to California Code of Civil Procedure Sections 1822.50-1822.60.

(Ord. No. 706, § 1, 3-17-2009)

8.12.050 - Responsibility for property maintenance.

- A. Every owner of real property within the city is required to maintain such property in a manner so as not to violate the provisions of this chapter and such owner remains liable for violation thereof regardless of any contract or agreement with any third party regarding such property.
- B. Every occupant, lessee or holder of any interest in property other than as owner thereof is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed by this section on the owner thereof shall in no instance relieve those persons herein referred to from the similar duty.

(Ord. No. 706, § 1, 3-17-2009)

8.12.060 - Appointment of hearing board for appeals.

In order to hear appeals on a notice of violation given under this chapter, the city manager shall appoint one or more hearing examiners who shall serve at the pleasure of the city manager as the hearing board.

(Ord. No. 706, § 1, 3-17-2009)

8.12.070 - Generally—Definitions.

For the purposes of this chapter, the following words shall have the following specified meanings:

"Junk" means any cast-off, damaged, discarded, junked, obsolete, salvage, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic substance, fiber, glass, metal, paper, plaster, plaster of Paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance.

"Junk yard" means any premises from or on which any junk is abandoned, bailed, bartered, bought, brought, bundled, dissembled, disposed of, exchanged, handled, packed, processed, shipped, sold, stored or transported, regardless of whether or not such activity is done for profit.

"Owner" means owner of record of real property, occupant, lessee, or interest holder in same, as the case may be.

"Premises" means any real property, or improvements thereon, as the case may be.

"Property" means premises.

(Ord. No. 706, § 1, 3-17-2009)

8.12.080 - Generally—Acts declared to be nuisances.

It is declared a public nuisance for any person owning, leasing, occupying or having a charge or possession of any premises in this city, whether commercial, industrial or residential, to maintain such premises in such a manner that any one, or more of the conditions or activities described in the following subsections are found to exist:

- A. Lumber, junk, garbage, trash, debris, salvage materials visible from public or private property or otherwise in violation of this chapter. Junk consists of any cast-off, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn-out or wrecked object, thing or material composed in whole or in part of asphalt, brick, carbon, cement, plastic or other synthetic

substance, fiber, glass, metal, paper, plaster, plaster of Paris, rubber, terra cotta, wool, cotton, cloth, canvas, organic matter or other substance, except while excavation, construction or demolition is in progress at the site under a current city-issued building permit;

- B. Abandoned, discarded or unused furniture, appliances, sinks, toilets, cabinets or other fixtures or equipment stored in a place visible from public or private property;
- C. Construction equipment or machinery parked or stored on noncommercial property and readily visible to the general public, except while excavation, construction or demolition is in progress at the site under a current city-issued building permit;
- D. Presence of abandoned, dismantled, wrecked or inoperable motor vehicles, motorcycles, recreational vehicles, trailers, campers, boats, conveyances or parts thereof (hereinafter "vehicles"), except:
 - 1. When such vehicles are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property, or
 - 2. When stored or parked in a lawful manner on private property behind a fully screened fence in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise;
- E. Parking of a vehicle, trailer, camper or storage of other personal property on private property on other than a surface of asphalt, concrete or other similar all-weather material;
- F. Obstruction or encroachment of any public property, including but not limited to any public street, highway, right-of-way, park or building;
- G. An attractive nuisance to children, including but not limited to unprotected equipment, machinery, swimming pools whether full of liquid or drained, pools with water where the bottom or bottom drain can not be seen, ponds or excavations;
- H. A building or structure which, because of obsolescence, dilapidated condition, deterioration, damage, electrical wiring, gas connections or other cause, is in a condition as to constitute a fire hazard;
- I. A building exterior, wall, fence, driveway, sidewalk or walkway which is so defective, unsightly or deteriorated that it causes depreciation of the value of surrounding properties, is otherwise materially detrimental to nearby properties, or poses a hazard;
- J. A building or structure having dry rot, warping or termite infestation or an exterior surface which has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite or vermin infestation as to render the building or structure unsightly and in a state of disrepair;
- K. A building or structure which is structurally unsafe, partially destroyed, in an unreasonable state of partial construction, a fire hazard or otherwise dangerous or not in compliance with current building codes. An "unreasonable state of partial construction" exists if the building has been under construction for more than one year and the appearance and other conditions substantially detract from the appearance of the immediate neighborhood or reduces the property values in the immediate neighborhood;
- L. Building or structure that is marked or defaced with spray paint, dye or like substance in a manner commonly described as graffiti, visible from a public street, for an unreasonable period time;
- M. Buildings which are abandoned, boarded up, partially destroyed, or left in a state of partial construction for an unreasonable period of time and such buildings which are unpainted or where the paint on the building exterior is worn off;
- N. Dead, decayed, diseased or hazardous trees, weeds or tall grass more than eight inches tall, except ornamental grasses used as landscape or overgrown vegetation which is a fire hazard or

is likely to harbor rats, vermin or other pests, constitutes an unsightly appearance, is detrimental to neighboring properties or property values, or protrudes over or across a city street or sidewalk so as to substantially obstruct the clear passage of vehicles or pedestrians;

- O. Maintenance of any premises in any manner which is unsightly or unsanitary because of the presence of animal excrement;
- P. Vacant open land not maintained with weed control or firebreaks. In lieu of ordering complete abatement, the department head may order the preparation of firebreaks around parcels of property where combustible weeds or brush are present. The department head shall determine the width for the firebreak and the accessibility to the property for fire protection equipment.
- Q. Burning garbage, non-seasoned wood, or certain materials. No person shall cause or allow any of the following materials to be burned in a wood burning device: garbage, treated wood, non-seasoned wood, used or contaminated wood pallets, plastic products, rubber products, waste petroleum products, paints and paint solvents, coal, animal carcasses, glossy or colored paper, salt water driftwood, particle board, and any material not intended by a manufacturer for use as a fuel in a wood burning device. Visible smoke emissions are allowed from the startup of a new fire for a period of 20 consecutive minutes in any consecutive four-hour period.

Approved wood burning devices include: installed fireplaces and wood stoves, bar-b-ques, small meat smokers, small wood fired ovens used for cooking, patio fire pits, rings, or chimineas. These wood burning devices must be equipped with a spark arrestor screen or lid to prevent the spread of burning embers. Reference: Bay Area Air Quality Management District Regulation 6 - Particulate Matter and Visible Emissions Rule 3 - Wood-Burning Devices.

- R. Any condition recognized in law or in equity as constituting a public nuisance.

(Ord. No. 706, § 1, 3-17-2009)

8.12.090 - Commencement of abatement proceeding.

Whenever the department head has inspected or caused to be inspected any premises and has found and determined that such premises are in violation of this chapter, the department head shall commence proceedings to cause abatement of the nuisance as provided herein. Residential and light commercial parcels shall have 15 days to comply with a violation notice and abatement order. Vacant lots and large field properties within city limits shall have 30 days to comply with a violation notice and abatement order. One abatement order per property parcel in violation for each calendar year shall be posted and/or mailed. If a property owner or occupant fails to correct any violation within the time allotted, the fire official shall take all necessary steps to obtain an abatement order and such other orders necessary to enter upon the property and abate the property at owners' expense.

(Ord. No. 706, § 1, 3-17-2009)

8.12.100 - Violation notice.

- A. Except as otherwise provided herein, the department head shall issue a violation notice to the owner and occupant of the premises. The notice shall contain:
 - 1. The street address and such other description as is required to identify the premises;
 - 2. A statement that the department head has found the premises to be a public nuisance, as specified in this chapter, with a specific citation to the applicable section hereof, and to other sections of the City Code where applicable;
 - 3. An order to abate the nuisance and a date for the abatement to be completed. The date for compliance shall be no less than 15 calendar days from the date of issuance for residential and light commercial parcels, and 30 calendar days for vacant and large field properties;

4. A statement requesting the owner, within a specified number of calendar days determined by and at the discretion of the department head, to meet with or communicate with the department head to provide proof of abatement.
- B. The violation notice shall be posted on the property and delivered by U.S. mail to the property owner listed on the county's tax roll. The failure of any owner to receive the violation notice shall not affect in any manner the validity of any proceeding thereafter taken. A follow-up inspection may be conducted by the department head to determine compliance with the violation notice.

(Ord. No. 706, § 1, 3-17-2009)

8.12.110 - Appeal of the abatement order.

A written appeal to an abatement order may be filed with the department head. The appeal must be received five business days prior to the abatement order hearing date. If an appeal is timely received, a hearing officer shall hear and consider all objections to the abatement order. All property owners and occupants shall be given the opportunity to have their objections heard and given due consideration. At the conclusion of the hearing, the hearing officer shall allow or overrule the proposed abatement order. If owners or occupants do not attend the appeal hearing, the hearing officer may order abatement of the property without further notice or proceeding.

If an owner or occupant is aggrieved by the hearing officer's decision concerning the appeal, a written appeal to the hearing officer's decision may be filed with the city manager within five working days after the conclusion of the first appeal hearing. The city manager shall hear and consider all objections to the abatement order. The property owner and occupants shall be given the opportunity to have their objections heard and given due consideration. At the conclusion of the hearing, the city manager shall allow or overrule the proposed abatement order. The city manager's decision shall be final.

(Ord. No. 706, § 1, 3-17-2009)

8.12.120 - Contract award.

If an owner or occupant fails to comply with the abatement order, the department head shall have abatement work done under a contract let to a responsive and responsible bidder, as those terms are applied under the California Public Contract Code. A contract may include work on more than one parcel.

(Ord. No. 706, § 1, 3-17-2009)

8.12.130 - Abatement.

Pursuant to California Code of Civil Procedure section 731, the city attorney, shall pursue all legal means to obtain a civil or criminal judgment and order to abate that shall specifically indicate the time and manner of abatement.

(Ord. No. 706, § 1, 3-17-2009)

8.12.140 - Violation penalties, cost assessments, and fines.

Any person who causes or permits any weeds or rubbish to accumulate or remain on any property within city limits after the allotted days of the abatement notice, shall be guilty of an infraction and shall be liable for costs and expenses to abate the property.

(Ord. No. 706, § 1, 3-17-2009)

8.12.150 - Fines.

Any person who is guilty of an infraction under this chapter shall incur fine(s) as follows:

1. All posting and mailing abatement notices shall incur a \$50.00 fee. If owners or occupants comply with the abatement order within the allotted days, the \$50.00 fee shall be waived. Every violation determined to be an infraction is punishable by (1) a fine not exceeding \$100.00 for a first violation; (2) a fine not exceeding \$200.00 for a second violation of the provisions of this ordinance within one year; (3) a fine not exceeding \$500.00 for each additional violation of this chapter within one year. Notwithstanding any other provision of law, a violation of the city's building and safety codes determined to be an infraction is punishable by (1) a fine not exceeding \$100.00 for a first violation; (2) a fine not exceeding \$500.00 for a second violation of this ordinance within one year; (3) a fine not exceeding \$1,000.00 for each additional violation of this ordinance within one year of the first violation. All fees set forth in this section are initial amounts and are presented here for reference only. Actual fees shall be those set forth in the city's master fee schedule, which may be adjusted from time to time by resolution of the city council.
2. In addition to the penalties, any additional violation within the one-year period may be charged as a misdemeanor punishable as provided in chapter 1.08.

(Ord. No. 706, § 1, 3-17-2009)

8.12.160 - Fire suppression costs.

If there exists upon the lands of any person in violation of this chapter, a fire involving the burning of any vegetation or rubbish, the fire department shall go upon the lands and perform its regular duties to extinguish such fire or combustion. Any costs incurred by the fire department in fighting the fire and for the cost of providing rescue and emergency medical services shall be charged to the property owner consistent with the applicable charges set forth in the city's master fee schedule.

(Ord. No. 706, § 1, 3-17-2009)

8.12.170 - Assessment of costs—Entering on tax roll.

A certified copy of the report detailing the costs of abatement shall be filed with the county auditor and such parcels reported shall be described by their descriptions in the county assessor's map books for the current year, and it shall thereupon be the duty of the county auditor to enter each assessment as so reported on the county tax roll opposite the parcel of land.

(Ord. No. 706, § 1, 3-17-2009)

8.12.180 - Assessment of costs—Collection.

The amount of the assessment shall be collected with, at the same time and in the same manner as ordinary municipal taxes, by the county tax collector, and if delinquent shall be subject to the same penalties and procedure of foreclosure and sale provided for ordinary municipal taxes. All laws relating to the levy, collection and enforcement of county taxes shall apply to such special assessment taxes.

(Ord. No. 706, § 1, 3-17-2009)

8.12.190 - Private removal unimpaired.

Nothing contained in this chapter shall be construed to prevent a property owner from removing a public nuisance before the date of abatement, or to pay to the city, the amount due on any assessment prior to the said assessment being delivered to the county auditor.

(Ord. No. 706, § 1, 3-17-2009)

8.12.200 - Recovery of attorney fees for nuisance abatement actions or proceedings.

In any action, administrative proceeding, or special proceeding initiated by the city to abate a nuisance, the prevailing party may recover attorneys' fees. Recovery of attorneys' fees by the prevailing party is limited to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. The award of attorneys' fees to the prevailing party shall in no circumstances exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

(Ord. No. 706, § 1, 3-17-2009)

8.12.210 - Recovery of treble damages.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that a property owner is responsible for a condition which may be abated as a nuisance, the court may order the property owner to pay treble (three times) the cost of abatement. This section shall not apply to conditions abated pursuant to section 17980 of the California Health and Safety Code.

(Ord. No. 706, § 1, 3-17-2009)

Chapter 8.13 - ABANDONED AND DISTRESSED RESIDENTIAL PROPERTIES REGISTRATION

8.13.010 - Purpose and findings.

It is the purpose and intent of the city council, through the adoption of this chapter, to establish an abandoned and distressed residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties and to establish uniform and reasonable regulations to prevent immediate risks and detrimental effects associated with abandoned and distressed properties.

The city council finds that abandoned and distressed residential properties pose risks to the public peace, health and safety of citizens in that the detrimental effects from the lack of security and maintenance of abandoned and distressed residential properties endangers children unprotected from unsecured pools and other attractive nuisances, leads to neighborhood decline, contributes to lower property values, discourages potential buyers from purchasing a home adjacent to or in the neighborhoods with abandoned and distressed residences, and further endangers neighborhoods affected by the resulting squatting, vandalism, burglaries and other crimes.

The city council further finds that the city will incur additional costs in administering and implementing the abandoned and distressed residential properties registration program and that it is in the best interests of the public for the city to recover the said costs through imposition of a registration fee.

(Ord. No. 707, § 1, 3-17-2009)

8.13.020 - Definitions.

The following terms and phrases, whenever used in this chapter, shall be construed as defined in this section:

- A. "Abandoned property" means a residential property that is vacant and is under a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale, or a residential property that has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure, or a residential property transferred under a deed in lieu of foreclosure/sale.
- B. "Accessible property" means an abandoned property, and any structure or building on the abandoned property, that is accessible through a compromised, breached or broken gate, fence, wall, window, door, and similar entry points and/or is unsecured in such way as to allow access to interior space by unauthorized person or trespasser.
- C. "Agreement of sale" means any agreement or written instrument which provides that title to residential property shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.
- D. "Beneficiary" means a lender under a note secured by a deed of trust. Beneficiary shall also include beneficiary's authorized agent, property management company or property manager.
- E. "Buyer" means any person, partnership, co-partnership, association, corporation, fiduciary or any entity that agrees to transfer anything of value in consideration for property described in the agreement of sale, as defined in this chapter.
- F. "Days" means consecutive calendar days.
- G. "Deed of trust" means an instrument, describing the real property and by which title to real property is transferred to a third party trustee as security for repayment of a real property loan or an obligation. This definition applies to any and all subsequent deeds of trust, including but not limited to second trust deed, third trust deed, etc.
- H. "Deed in lieu of foreclosure/sale" means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.
- I. "Default" means the failure to fulfill a contractual obligation, whether monetary or conditional.
- J. "Distressed property" means a residential property that is occupied by a person(s) having the right to use or having right of possession of the property and under a current notice of default and/or notice of trustee's sale or pending tax assessor's lien sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary or trustee via deed in lieu of foreclosure/sale.
- K. "Evidence of vacancy" means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, and/or statements, based on observations by neighbors, passersby, delivery agents, government employees that the property is vacant.
- L. "Foreclosure" means the process by which a property, placed as security for a real estate loan, is sold at an auction to satisfy the debt if the trustor (borrower) defaults.
- M. "Landscape" includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastics sheeting, mulch, indoor-outdoor carpet or any similar material.

- N. "Landscape maintenance" includes, but is not limited to, regular watering, irrigation, cutting, pruning, mowing and removal of all trimmings of required landscape.
- O. "Local" means within 40 road/driving miles distance of the abandoned or distressed property.
- P. "Neighborhood standard" means those conditions that are present on a simple majority of properties within a 300-foot radius of a distressed or abandoned property. The abandoned or distressed property that is the subject of a neighborhood standard comparison, or any other abandoned property within the 300-foot radius, shall not be counted toward the simple majority.
- Q. "Notice of default" means a recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.
- R. "Out-of-area" means in excess of 40 road/driving miles distance of the subject property.
- S. "Owner" means any person, partnership, co-partnership, association, corporation, fiduciary or any other legal entity having a legal or equitable title or any interest in the property.
- T. "Owner of record" means the person, partnership, co-partnership, association, corporation, fiduciary or any other legal entity having recorded title to real property at any given point in time the record is provided by the Solano County Recorder's Office.
- U. "Residential property" means any improved real property, or portion thereof, situated in the city, designed, built or permitted to be used for dwelling purposes, specifically including the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted or zoned for such use.
- V. "Responsible person" shall also include beneficiary and trustee, as defined in this chapter.
- W. "Secured" means treated with such measures as may be directed by city manager or his/her designee that assist in rendering the abandoned property inaccessible to unauthorized persons, squatters, trespassers, including, but not limited to, the closure, locking, pad-locking, chaining, repair and/or boarding of fence(s), wall(s), gate(s), window(s), door(s) (walk-through, sliding and/or garage), and/or other openings of such size that may allow a child access to the interior of the accessible property. In case of broken windows, secured includes the re-glazing or boarding of a window. Boarding shall be completed to a minimum of the current United States Department of Housing and Urban Development (HUD) securing standards at the time the boarding is completed or required, and shall additionally require painting the boards with an exterior grade paint that matches the color of the accessible property.
- X. "Trustee" means the person, partnership, co-partnership, association, corporation, or fiduciary holding a deed of trust on a property. Trustee shall include any authorized agent, property management company or property manager of a trustee.
- Y. "Trustor" means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.
- Z. "Vacant" means a building/structure that is not legally occupied.

(Ord. No. 707, § 1, 3-17-2009)

8.13.030 - Inspection, registration and fees.

- A. Inspection and Registration. Any beneficiary or trustee, who holds a deed of trust on a property located within the city, shall perform an inspection of the property that is the security for the deed of trust, upon default by the trustor and prior to recording a notice of default with the Solano County Recorder's Office.
 - 1. If the property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed abandoned and the beneficiary or trustee shall, within ten days of the inspection or the

date of vacancy, whichever is earliest, register the property with the city manager or his/her designee on forms provided by the city.

2. If the property is occupied but remains in default, it shall be deemed distressed, and it shall be inspected by the beneficiary or trustee, every 15 days until either (1) the trustor or another party remedies the default; or (2) it is found to be vacant or shows evidence of vacancy, at which time it is deemed abandoned, and the trustee shall, within ten days of that inspection or the date of vacancy, register the property with the city manager or his/her designee on forms provided by the city.
- B. Contents of Registration. The registration required under this chapter shall contain: 1) the name of the beneficiary/trustee (co-partnership, partnership, association, fiduciary, corporation, any legal entity or an individual); 2) the direct street/office mailing address of the beneficiary/trustee, excluding P.O. boxes; 3) a direct contact name and phone number for the beneficiary/trustee; and 4) in the case of a corporation or out-of-area beneficiary/trustee, the local property management company responsible for the security, maintenance and marketing of the property. Any change of the information in the registration required under this paragraph shall be reported within ten days of the change.
 - C. Registration Fee. The fee for registering an abandoned residential property shall be set by Resolution of the city council. An annual registration fee shall accompany the registration form. The imposed fees may not be passed on to other than the holder of the deed of trust. The abandoned residential properties registration fee will be used to finance the cost of inspection, administering and enforcement under this chapter. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations are due January 1st of each year and must be received no later than January 31st of the year due. Properties subject to this chapter shall remain under the annual registration requirement, security and maintenance standards of this chapter as long as the properties remain vacant.
 - D. Out-of-Area Trustee/Beneficiary. An out-of-area beneficiary or trustee shall retain a local representative for the holder of the deed of trust, which shall inspect the property as required by this chapter to determine whether the abandoned property is in compliance with the requirements of this chapter.
 - E. If any beneficiary or trustee fails to register the residential property, as required by this chapter, the city may register the residential property and impose the annual registration fee. Notice shall be provided pursuant to section 8.13.090 except that notice shall be provided to: 1) beneficiary or trustee, prior to completion of foreclosure or deed in lieu of foreclosure/sale transaction; or 2) to owner or owner of record after completion of foreclosure or deed in lieu of foreclosure sale transaction, as the address appears on the recent tax assessor's records or as known to the city manager or his/ her designee. The notice shall provide the amount due for the registration fee, shall state that the property has not been registered as required by this chapter and shall constitute enrollment in the city's abandoned residences registration program. The city may collect any unpaid registration fee by use of any method authorized by law.

(Ord. No. 707, § 1, 3-17-2009)

8.13.040 - Maintenance requirements.

Abandoned property shall be maintained in a manner comparable to the neighborhood standard. The property must be ready to be appraised and sold. At minimum:

- A. Abandoned property shall be maintained so as to be kept free of evidence of vacancy;
- B. Abandoned property shall be maintained free of weeds, dry brush, dead vegetation, trash, junk, debris and excessive foliage growth that diminishes the value of surrounding properties;

- C. Abandoned property shall be maintained free of mosquito larvae from growing in standing water;
- D. Abandoned property shall be maintained free of any building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law), discarded personal items, including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned;
- E. Abandoned property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure, following a notice pursuant to section 8.13.090 or notice pursuant to California Civil Code Section 2929.3, whichever is applicable.
- F. Maintenance of abandoned properties shall include landscape maintenance of visible front and side yards; and
- G. Pools and spas shall either (a) be kept in working order so the water remains clear and free of pollutants and debris; or (b) drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the State of California.

Adherence to this section does not relieve the beneficiary/trustee or owner of any obligations set forth in any local, state or federal laws or any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the property.

(Ord. No. 707, § 1, 3-17-2009)

8.13.050 - Security requirements.

Any abandoned property shall be secured, as defined in this chapter. In addition, the abandoned property shall be secured in a manner that would prevent trespassers, squatters or unauthorized persons from entering and/or remaining on the property.

(Ord. No. 707, § 1, 3-17-2009)

8.13.060 - Declaration of public nuisance.

Pursuant to the city's police powers authorized in Article XI, Section 7 of the California Constitution, as well as under the City Code and other provisions of California law, including, but not limited to, California Government Code Section 38771, the city council hereby declares that violation of this chapter, including but not limited to the maintenance and security requirements of this chapter shall constitute a public nuisance.

(Ord. No. 707, § 1, 3-17-2009)

8.13.070 - Additional authority.

In addition to any other remedies authorized by the City Code and/or any other enforcement remedies permitted under the law, the city manager or his/her designee shall have the authority to require the beneficiary/trustee/owner and/or owner of record of any property affected by this section to implement additional maintenance and/or security measures including but not limited to securing any and all door(s), window(s) or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property.

(Ord. No. 707, § 1, 3-17-2009)

8.13.080 - Notice of violation.

- A. Whenever the city manager, or his/her designee or enforcement officer finds that a provision of this chapter has been violated, he or she may issue the responsible person a notice of violation ("NOV"). If an NOV is issued, it shall be served on the responsible person in the manner described in subsection B. of this section. The enforcement officer shall include the following information in the NOV:
1. The date and location of the violation, including the address or other description of the location where the violation occurred or is occurring and a brief description of the conditions observed that constitute a violation;
 2. The name(s) of the responsible person(s), if known;
 3. The chapter section(s) violated and a description of the section(s);
 4. Actions required to correct, abate or mitigate the nuisance condition or code violation, and a period of time during which action(s) shall be commenced and completed;
 5. A statement that the person upon whom the NOV is served may appeal the determination that there is/are violation(s) as alleged, that the person who was served with the NOV is the responsible person, or that the amount of any administrative fine or civil penalty imposed is warranted. The NOV will instruct the person being served as to the proper procedure and time frame for submitting an appeal;
 6. If applicable, notice that failure to correct or abate the listed violations in the NOV within the time specified will subject the responsible person to a civil penalty pursuant to section 8.13.100. If a penalty will be imposed, the NOV shall include the amount of the penalty; and
 7. The signature of the citing enforcement officer and city contact information (address, telephone number) for additional information.
- B. The NOV shall be served upon the responsible person personally or by United States mail, first-class postage prepaid, and if by such mail, it shall be sent to the last known address listed on the most recent tax assessor's records or as known to the city manager or his/her designee. In the case of personal service, service shall be deemed complete at the time of such delivery. In the case of service by first-class mail, service shall be deemed complete at the time of deposit into the United States mail. Where service is by first-class mail, a copy of the NOV shall also be conspicuously posted at the affected property when reasonably practicable for a period of not less than three calendar days prior to the first date that commencement of corrective action or abatement is to be undertaken. The failure to receive an NOV sent via first-class mail shall not affect the validity of any enforcement proceedings under this chapter.
- C. Proof of service shall be certified by a written declaration under penalty of perjury executed by the person effecting service, declaring the date, time, and manner of service, and the date and place of posting, if applicable. The declaration shall be affixed to a copy of the NOV and retained by the enforcement officer.
- D. The failure of an NOV to satisfy all of the requirements of this provision shall not affect the validity of any other enforcement proceedings under this Code.

(Ord. No. 707, § 1, 3-17-2009)

8.13.090 - Civil penalty imposed.

- A. Pursuant to California Civil Code Section 2929.3, the city, may impose a civil penalty in the amount not to exceed \$1,000.00 per day for failure to maintain and secure the abandoned property, as

required by this chapter, provided that notice requirements of Civil Code Section 2929.3 are satisfied as follows:

1. The city first issues a NOV, as provided in section 8.13.090, which also states that the city shall impose the civil penalty pursuant to this section if actions necessary to address the violation(s) at the abandoned property are not commenced within a period of not less than 14 days and completed within a period of not less than 30 days, from the date of mailing of NOV; and
 2. In addition to requirements of section 8.13.090, the NOV shall be mailed to the address provided in the deed of trust or other instrument specified in California Government Code Section 27321.5(a), or if none, to the return address provided on the deed or other instrument.
- B. The city shall not impose a civil penalty pursuant to this section together with administrative citations or fines authorized by chapter 8.12.
- C. The civil penalty imposed by this section shall stay in effect until January 1, 2013, the expiration date of Section 2929.3 of California Civil Code, unless extended by the state legislature.
- D. The civil penalty may not be passed on to other than the holder of the deed of trust.

(Ord. No. 707, § 1, 3-17-2009)

8.13.100 - Violation/penalty.

Violations of this chapter shall be treated as a strict liability offense regardless of intent.

(Ord. No. 707, § 1, 3-17-2009)

8.13.110 - Enforcement.

In addition to section 8.13.100, violations of this chapter may be enforced in any combination as permitted by the City Code and any other enforcement and legal remedies available to the city under the law. However, in no event shall the city impose a civil fine pursuant to section 8.13.100, together with administrative citations or fines authorized by chapter 1.20.

(Ord. No. 707, § 1, 3-17-2009)

8.13.120 - Appeals.

Any person aggrieved by any of the requirements of this section may appeal insofar as such appeal is permitted under the applicable sections of chapter 8.12. Any person aggrieved by the imposition of a civil penalty pursuant to section 8.13.100, may appeal the penalty pursuant to procedures for an appeal of administrative citations, as provided in sections 1.20.070 through 1.20.110 of chapter 1.20.

(Ord. No. 707, § 1, 3-17-2009)

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Residential Yards and Parking Ordinance

City Council Meeting - May 14 2019

Agenda

- ▶ Background.
- ▶ 18.36.070 - Prohibited activities in front and street side yards.
- ▶ April 24 Ad Hoc Meeting.
- ▶ Further Key Decision Points.
- ▶ Interim Ordinance.
- ▶ Recommendation.

Background

- ▶ Interim Urgency Ordinances 746 and 747.
- ▶ Planning Commission meetings of December 18, 2018 and January 29, 2019.
- ▶ City Council meetings of March 19, 2019 and April 2, 2019.
- ▶ April 24 Ad Hoc Meeting.

Suisun City Code Chapter 18 – Zoning: **Current Language**

18.36.070 - Prohibited activities in front and street side yards

- ▶ A. The following are unlawful and are declared to be public nuisances in the front and side yards and are not permitted:
 - ▶ 1. The parking, repairing, assembly/disassembly, or other activities associated with any airplane or aircraft, or any part or parts thereof;
 - ▶ 2. The parking, storing, or keeping for a period of time greater than 72 consecutive hours of any household appliance, equipment, machinery, or furniture, or of any construction equipment, machinery, or materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;
 - ▶ 3. The parking, storing or keeping in any such area, for a period of time in excess of 72 consecutive hours, of any motor vehicle or vehicles that is or are disabled or inoperative because of the need of repairs or for any other reason;

Suisun City Code Chapter 18 – Zoning: **Current Language**

18.36.070 - Prohibited activities in front and street side yards

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

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

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

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

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

Suisun City Code Chapter 18 – Zoning: **Current Language**

Summary

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

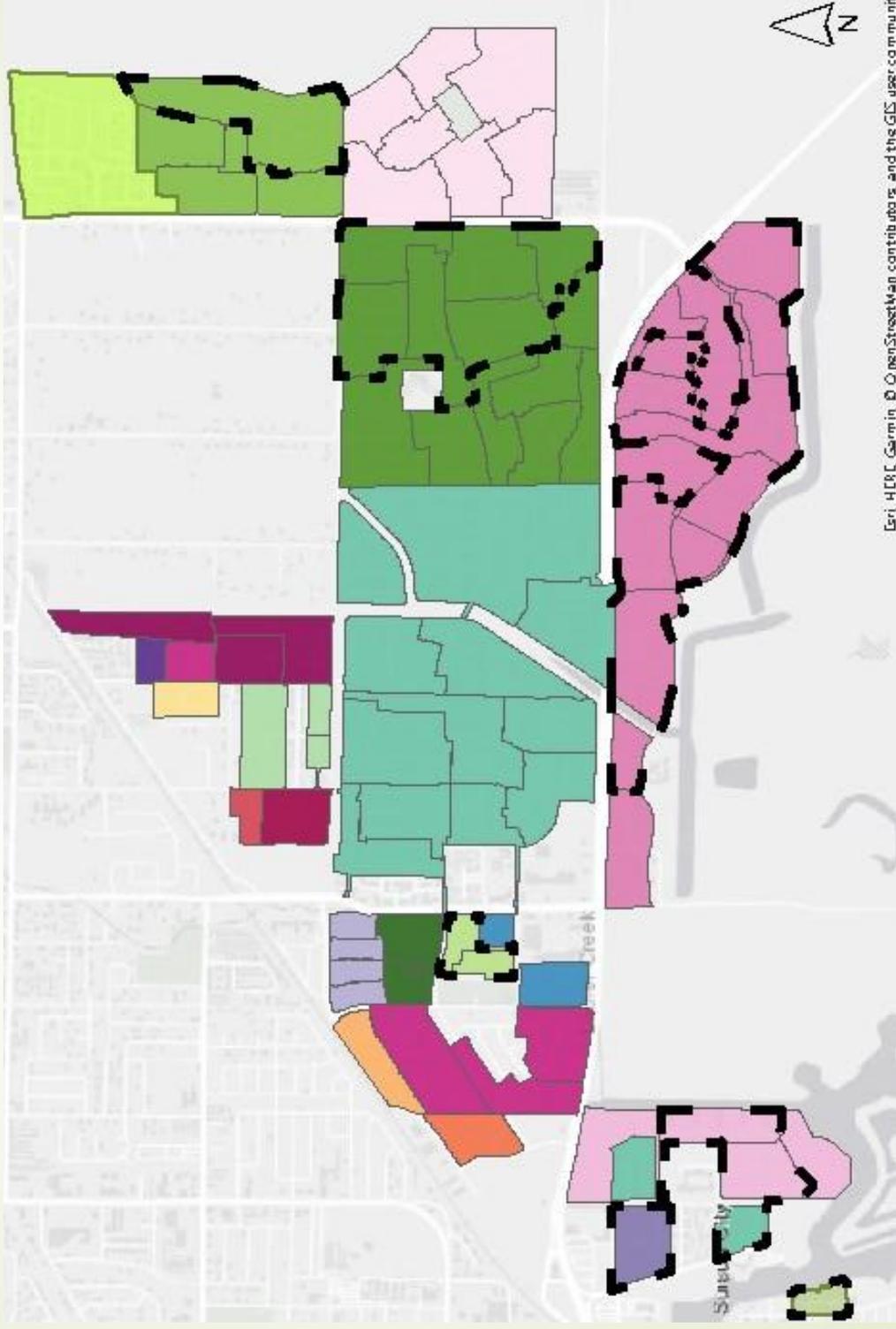
- ▶ No airplanes at all
- ▶ No appliances, equipment, furniture, or machinery in yard more than 72 hours
- ▶ No disabled or inoperative vehicles in yard more than 72 hours
- ▶ Parked vehicles must be registered
- ▶ Cannot work on personal property in yard more than 72 hours

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

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

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

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



April 24, 2019 Ad Hoc

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

#1 - Definition of “Recreational Vehicle”

Proposed Wording for Discussion:

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

- ▶ “fifth wheel” rather than third-wheel
- ▶ Other discussion on definition?
- ▶ Separate definition based on Height? Length? Other?

#2 – Vehicle Storage Proposed Wording for Discussion:

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

#2 – Vehicle Storage

Proposed Wording for Discussion:

- ii. All vehicles, including recreational vehicles, shall be parked, stored or kept on a driveway being consistent with Chapters 8.12 and ~~8.13~~, as applicable, of the Suisun City Code.

#2 – Vehicle Storage

Proposed Wording for Discussion:

III. If a recreational vehicle is parked or stored on a residential property, ~~than an owner of a recreational vehicle must also live at the same address. Additionally,~~ recreational vehicles must be parked on an approved driveway, ~~meet the setbacks addressed in Table 18.31-01 Development Standards in Residential Zones, as applicable, of the Suisun City Code, and parked in a manner so that they are not viewable from the City's right-of-way and meet the following requirements if parked on a front or side yard visible to the public:~~

- (1) Provide a minimum 36" safety clearance from the house;
- (2) Recreational vehicles shall not impede the public right of way;
- (3) If recreational vehicle is covered it must be with a snug fitting material free of damage and the covering must be secured so as to not come off in a storm;
- (4) In no case shall power cords or other connection(s) to the property cross a sidewalk or public right of way to prevent any tripping hazards.

#2 – Vehicle Storage

Proposed Wording for Discussion:

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

- (1) The parking, storing, or keeping for a period of time greater than seventy-two consecutive hours of any household appliance, equipment, furniture, construction equipment, machinery, ~~boat, jet-ski, motor vehicle, recreational vehicle,~~ airplane or aircraft, and materials other than that temporarily used or stored during the improvement of the lot and any associated structures or facilities;
- (2) The parking, storing or keeping in any such area, for a period of time in excess of seventy-two consecutive hours, of any motor vehicle or recreational vehicle that is disabled or ~~inoperative~~ inoperable because of the need of repairs ~~or for any other reason~~;
- (3) The parking, storing or keeping of a motor vehicle not registered with the Department of Motor Vehicles in any such area of the ~~front~~-driveway, ~~side driveway~~ or is visible to the public ~~must be registered~~;
- (4) The wrecking, dismantling, disassembling, manufacturing, fabricating, building, remodeling, assembling, repairing, painting, washing, cleaning or servicing in any such area of any motor vehicle, boat, trailer, recreational vehicle, airplane or aircraft, machinery, equipment, appliance or appliances, furniture or other personal property, excepting the repairing, washing, cleaning or servicing by an owner, lessee, or occupant of the lot, for a period ~~not to exceed~~ 72 hours.”

#2 – Vehicle Storage

Example:

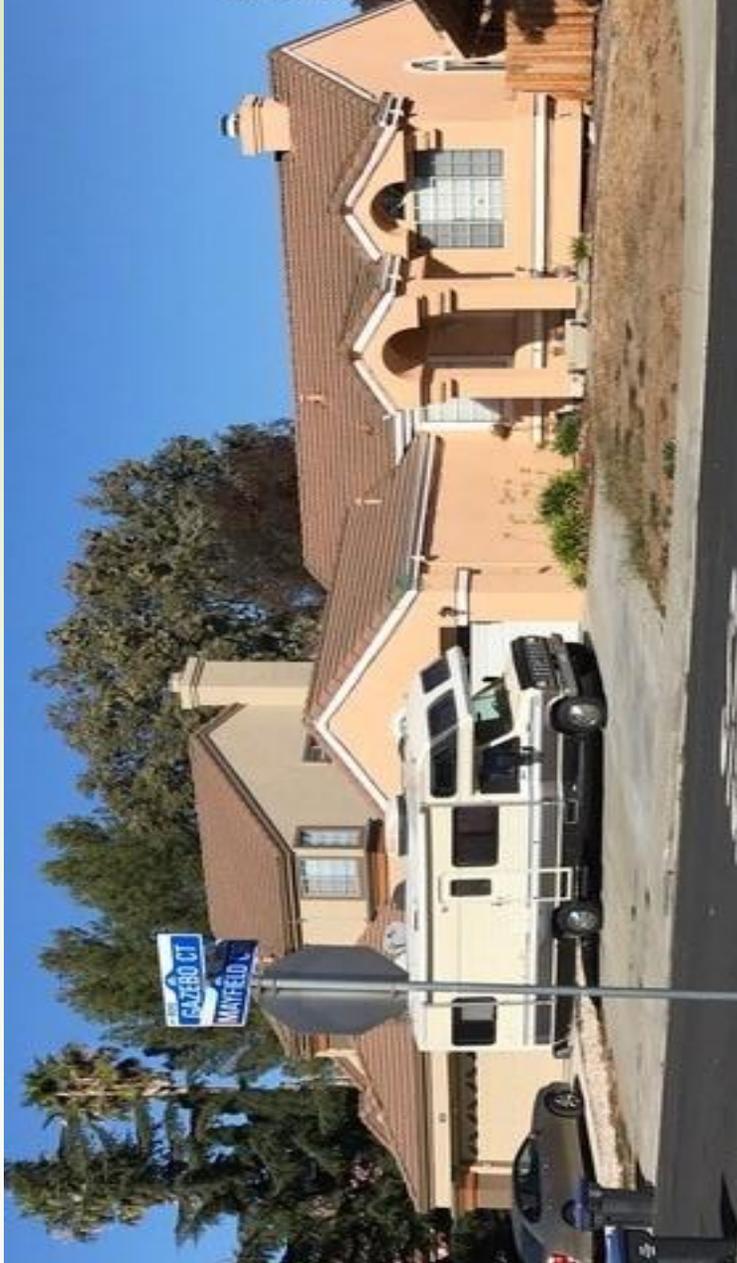


#2 – Vehicle Storage Example



#2 – Vehicle Storage

Examples



Item 9
Attachment 6



#2 – Vehicle Storage – Street parking

Example



Ad Hoc Recommendations

- Within the definition of “Recreational Vehicle”, strike third-wheel and replace with fifth-wheel.
- Under “Vehicle Storage” Section 18.36.070.C.3.iii, strike language relating to recreational vehicles stored on the property having to belong to the owner of the property as well as having to the meet with zoning standards of a structure. Instead recreational vehicles would need to meet the following requirements if parked on a front and side yard visible to the public:
 - Provide a minimum 36” safety clearance from the house;
 - Recreational vehicles shall not impede the public right of way;
 - If recreational vehicle is covered it must be with a snug fitting material free of damage and the covering must be secured so as not to come off in a storm;
 - In no case shall power cords or other connection(s) to the property cross a sidewalk or public right of way to prevent any tripping hazards.
- Under “Vehicle Storage” Section 18.36.070.C.3.IV, the following revisions were proposed:
 - Strike boat, jet ski, motor vehicle and recreational vehicle from subsection 1 relating to the parking, storing or keeping in driveways for more than 72 hours;
 - Strike “inoperative” and replace with “inoperable” and strike excess language at the end of subsection 2;
 - Amend subsection 3 to clarify registration with the Department of Motor Vehicles;
 - Amend subsection 4 to clarify that the section is applicable if the activities are exceeding 72 hours.

Further Key Decision Points

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

Interim Urgency Ordinance

- ▶ Ordinances 746 and 747.
- ▶ Interim solution to address void in the Suisun City Code.
- ▶ If regular ordinance not in place, the interim urgency ordinance will need to be extended by the City Council within 45 days.

Staff Recommendation

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

Questions for Staff



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AGENDA TRANSMITTAL

MEETING DATE: May 14, 2019

CITY AGENDA ITEM: Informational Report – Public Works Complete Street Safety Assessment

FISCAL IMPACT: None.

BACKGROUND: Public Works is constantly looking to improve our transportation facilities for multi-modal usage, improve public safety, and regularly takes advantage of local, regional, State and Federal programs which support our efforts. Most recently staff became aware of an upcoming Complete Streets Safety Assessment program offered by the UC Berkeley Safe Transportation Research and Education Center (SafeTREC).

SafeTREC is offering free Complete Streets Safety Assessments (CSSA) to California local agencies with a population of over 25,000 people. CSSAs are comprehensive transportation safety assessments that focus on pedestrian and bicycle safety. They help local agencies identify and implement traffic safety solutions that lead to improved safety for all users of California's roadways. Please check the CSSA website (<https://safetrec.berkeley.edu/programs/complete-streets-safety-assessments-cssa>) for additional information.

The CSSA program is funded by the California Office of Traffic Safety, through the National Highway Traffic Safety Administration. Up until 2018, the program was coordinated by the Tech Transfer program at UC Berkeley.

STAFF REPORT: In March 2019 staff submitted an CSSA application and in April received notice that Suisun City would be accepted for the program. When a local agency applies for a CSSA and is approved for a study, a team of two safety experts in the fields of traffic engineering and planning are assigned to conduct the study for the community. The experts conduct a thorough phone interview of local agency staff and then schedule a visit to the city or county to observe traffic conditions in the field. They review available safety data such as Statewide Integrated Traffic Reporting System (SWITRS) and Office of Traffic Safety (OTS) rankings. Based on the available collision data and discussions with local agency staff, a list of intersections and roadway segments with the highest rates of collisions is proposed for the assessment. The experts then visit the city, county, or campus for one day to conduct an assessment. The site visit is conducted at various locations (focus areas), as determined in coordination with local agency staff. The observations made during the field audit are used to suggest policies and physical improvements that could enhance motor vehicle, pedestrian and bicycle safety and accessibility. The experts then prepare a report summarizing their findings and suggestions.

PREPARED BY:

Matthew Medill, Public Works Director

REVIEWED/APPROVED BY:

Greg Folsom, City Manager

The suggestions made in the reports are all customized to each community and their needs. The suggestions include, but are not limited to the following subjects:

- Traffic signal equipment
- Traffic signal timing and coordination
- Sight distance
- Speed
- School zones traffic
- Pedestrian/bicycle facilities
- Signing and pavement marking
- Geometry of intersection/roadway
- Policies and Procedures
- Public Education and Outreach
- Funding
- Enforcement

The CSSAs help agencies in their planning for traffic safety projects. The suggestions could be included into Capital Improvement Projects and Pedestrian/Bicycle Master Plans. One other way the program helps local agencies is by providing a tool for communication among departments within a local agency, as well as with Caltrans and other stakeholders, to discuss opportunities for enhancing safety for all users of public roadways. The CSSAs give agencies a resource or a supporting document for applying for funding.

One way the community can participate is a SafeTREC program named Street Story. Street Story (<https://streetstory.berkeley.edu>) is a community engagement tool that allows residents, community groups and agencies to collect information about transportation collisions, near-misses, general hazards and perceived safe locations to travel. Street Story includes a survey about roadway experiences and a dataset of community input with maps and tables that can be downloaded. The platform and the information collected are free to use and publicly accessible. Community groups and agencies can use this information as part of community street assessments, transportation safety planning efforts, etc. The tool was created by a team of city planners, public health professionals, engineers, computer scientists at UC Berkeley's Safe Transportation Research and Education Center (SafeTREC).

Additionally, Street Story provides city agencies, including transportation and public works departments, with a geolocated data set of locations where residents experience transportation safety issues. City agencies can use the Street Story database to complement other transportation safety data, including police-reported crashes and traffic counts, which can help to create a more complete picture of transportation safety in communities.

City council members and city staff can collect information using Street Story by sharing the Street Story link (<https://streetstory.berkeley.edu>) with community members through newsletters, email listservs or social media, or by bringing the Street Story tool to community events.

The areas planned to be studied with this program include the Downtown Marina, Park and Ride Lot, Train Depot, Main Street, Civic Center Blvd., Lotz Way, Marina Blvd., Whispering Bay Lane, Driftwood Drive, Sunset Avenue, Pintail Avenue, Railroad Avenue, Walters Road and Cordelia Road.

STAFF RECOMMENDATION: It is recommended that the City Council receive and file the staff report.

ATTACHMENTS:

1. Street Story Flyer

STREET STORY: Give Your Input on Safe Streets

**Help improve safety in your community!
Share stories on Street Story of where you've
been in a crash or near miss, or where you
feel safe or unsafe traveling:**

<https://streetstory.berkeley.edu/city/suisun%20city>



Berkeley SafeTREC

Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration.