

**AGENDA**  
**REGULAR MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., MAY 9, 2017**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC17-04*

**1. ROLL CALL:**

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

Pledge of Allegiance  
Invocation

**2. ANNOUNCEMENTS:**

None

**3. MINUTES:**

Approval of Planning Commission minutes of April 11, 2017.

**4. AUDIENCE COMMUNICATIONS:**

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

**CONFLICT OF INTEREST NOTIFICATION**

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

**5. PUBLIC HEARINGS:**

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

- A. **Review of and Potential Modification of Conditional Use Permit (UP08/9-012) and Direction for Further Action for Ovation Ultra Lounge, 700 Main Street #106.**
- **Adoption of Resolution No. PC17-\_\_\_; A Resolution of the City of Suisun City Planning Commission Modifying the Conditions of Approval for Conditional Use Permit No. UP08/9-012.**

**6. COMMUNICATION:**

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

**7. ADJOURN.**

*a&m/170509.pca*

**MINUTES**  
**REGULAR MEETING OF THE CITY OF SUISUN CITY**  
**PLANNING COMMISSION**  
**7:00 P.M., APRIL 11, 2017**

COUNCIL CHAMBERS  
701 CIVIC CENTER BOULEVARD  
SUISUN CITY, CALIFORNIA 94585

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*Next Resolution No. PC17-02*

**1. ROLL CALL:**

**PRESENT:**

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

**ABSENT:**

Commissioner Ramos

**2. ANNOUNCEMENTS:**

None

**3. MINUTES:**

Commissioner Holzwarth moved to approve the Planning Commission minutes of March 14, 2017. Commissioner Pal seconded the motion. Motion passed by roll call vote 6-0-1.

**4. AUDIENCE COMMUNICATIONS:**

None

**CONFLICT OF INTEREST NOTIFICATION**

None

**5. PUBLIC HEARINGS:**

None

**6. GENERAL BUSINESS:**

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

**Resolution No. PC17-\_\_\_ A Resolution of the City of Suisun City Planning Commission Regarding Review of Conditional Use Permit No. 14/15-003, Including Conditions of Approval for the Blue Devils Bingo Center, 601 Marina Center, APN 0032-440-030.**

John Kearns presented the staff report. He gave a brief history explaining the original conditions of approval allowing for the bingo use at 600 Marina Center. He emphasized the annual review condition by the Planning Commission. Staff worked closely with the Police Department regarding an analysis of any impacts on emergency services as a result of the bingo operation. Mr. Kearns further stated that the review showed there were very few calls for service in the past year.

Commissioner Pal asked Mr. Kearns to clarify the conditional use and the specific hours of operation. Mr. Kearns explained the initial entitlement was a CUP and No. 18 requires an annual review. He further explained that the hours of operation were requested by the applicant and the City's Bingo Ordinance was revised extensively to accommodate this use in this location. Mr. Kearns stated that in 2015 the applicant requested extended hours for special events including New Year's Eve.

Commissioner Pal moved to approve Resolution No. PC17-02. Commissioner Borja seconded the motion. Motion passed by roll call vote 6-0-1.

## **B. Policy Discussion of Marijuana Regulations.**

Mr. Kearns introduced Paul Junker, Senior Project Manager. Mr. Junker explained no formal action was required at this time. He further explained that there have been new laws in the last 1-3 years on the legalization and regulation of marijuana. Mr. Junker explained further how other agencies are allowing or considering commercial cannabis uses, regulatory types and local regulatory control and examples of revenue programs.

Cathy Dacanay-Rader, ATOD Prevention Coordinator in Suisun City, encouraged the Commission to consider responsible regulation of recreation marijuana activities to safeguard the health and safety the community. She also stated her concern for the youth with the increase of marijuana availability and public safety and quality of life in neighborhoods.

Karen Grover, member of ATOD Coalition presented the Commission with recommendations regarding indoor marijuana cultivation for consideration in setting policies.

The Commission had a brief discussion. They shared concerns about cultivation, enforcement, types of studies that have been done, League of California Cities thoughts and asked for information on how the state of Colorado is being impacted. They also discussed how the DMV would determine what the legal limit would be on a traffic stop. The Commission also asked if local businesses had been contacted for their input.

Mr. Junker stated that information regarding studies could be obtained and provided to the Commission. He also stated that local businesses had not been contacted as of this date but that staff planned to do so.

The Commissioners thanked Mr. Junker for his presentation.

## **C. Resolution No. PC17-\_\_ A Resolution of the Planning Commission of the City of Suisun City in Support of the Solano County Local Formation Commission Retaining and Affirming the City of Suisun City's Sphere of Influence.**

Mr. Kearns presented the staff report. He explained the City in September of 2005 through the Municipal Services Review/Comprehensive Annexation Plan process approved a Sphere of Influence. The 2015 General Plan Update also used the Sphere of Influence as its planning area. He stated that the last action is LAFCO's affirmation which reflects the short and long term boundaries. Mr. Kearns suggested the Commission consider adding the property east of Pennsylvania Avenue as part of the short term Site A boundaries.

Commissioner Holzwarth moved to adopt Resolution No. PC17-03 and include the property east of Pennsylvania Avenue. Commissioner Osborne seconded the motion. Motion passed by a roll call vote 6-0-1.

## **7. COMMUNICATION:**

### **A. Staff**

Mr. Kearns stated as a follow-up to concerns from the previous meeting that were traffic committee related, Commissioner Pal asked about a loading zone on Solano Street. Staff took the request to the Traffic Committee and a subsequent report at the last City Council meeting but no final direction was given. It will continue to be an ongoing discussion. Mr. Kearns also stated that Commissioner Thomas had voiced concerns about speeding on Main Street. The Police Department will do increased enforcement on Main Street.

**B. Commissioners**

Commissioner Pal stated that he had an opportunity to tour Solano Land Trust at Harbor Square and explained to them that the upkeep of the Square was a landlord/tenant issue. Mr. Garben stated that he has spoken with the landlord and they are aware of the concerns.

Commissioner Pal asked if staff new of any upcoming Commissioner training. Mr. Kearns stated not at this time but would look into training for the new Fiscal Year.

**C. Agenda Forecast**

Mr. Kearns stated there would be a meeting on Tuesday, May 9<sup>th</sup> and asked the Commissioners to advise staff as soon as possible if they were unable to attend.

**8. ADJOURN.**

There being no further business the meeting was adjourned at 8:15 pm.

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Anita Skinner, Commission Secretary

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## AGENDA TRANSMITTAL

**MEETING DATE:** May 9, 2017

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**PLANNING COMMISSION AGENDA ITEM:** Review of and Potential Modification to Conditional Use Permit (UP08/9-012) and Direction for Further Action for Ovation Ultra Lounge, 700 Main Street #106.

Resolution No. PC17-\_\_\_; A Resolution of the City of Suisun City Planning Commission Modifying the Conditions of Approval for Conditional Use Permit No. UP08/9-012.

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

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**BACKGROUND:** On April 7, 2009, the Planning Commission approved Conditional Use Permit No. UP08/9-012, 700 Main Street #106, for a Jazz Club/Entertainment Lounge with conditions of approval (see Attachment 1: Resolution No. PC09-06). Within the adopted Conditions of Approval, Condition No. 9 states, "This use permit shall be reviewed by the Planning Commission upon a change in the owner/operator". On July 14, 2015, the Planning Commission considered an agenda item, per the adopted conditions of approval, as a new operator would be occupying the tenant space (see Attachment 2: Resolution No. PC15-13). Below are the approved conditions of approval:

- Final Plan and use shall be similar in the design of those conceptual plans attached in this report.
- The owner/operator shall ensure that the business does not cause excessive noise outside the premises which would be deemed a nuisance. 90 (ninety) decibels (dB) shall be used as a threshold in determining if such noise constitutes a nuisance. Should the City receive complaints from occupants of neighboring properties concerning excessive noise generated by the business, the City shall measure the levels of such noise emanating from the premises by using a professional noise metering device. The readings shall be measured at the location of the property from which the complaint was received while the doors to the premises are closed. If the noise generated by the business is found to be above 90dB as measured by means of the above manner, then the owner/operator shall take appropriate measures to mitigate the noise to levels below 90dB. Should the owner/occupant fail to mitigate the noise to levels below 90 dB, then the City may review this use permit and add or change conditions to abate the nuisance.
- The owner/operator shall provide adequate monitoring, supervision and security inside and outside the Premises. The intent of this requirement is to ensure adequate supervision of customers at all times. Following the occurrence of two or more service calls within any consecutive thirty-day period to police or any other law enforcement personnel resulting in such personnel issuing a verbal warning, citation or arrest to any employee or patron of the

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**PREPARED BY:**  
**REVIEWED BY:**

John Kearns, Associate Planner  
Ronald C. Anderson, Assistant City Manager

business, the City shall have the right to require the owner/operator to reasonably add or increase its number of security personnel.

- All windows and doors shall remain closed at all times except for reasonable ingress and egress during musically related operation of premises.
- The operator shall keep the immediate area outside the building, including the sidewalks clean and litter free.
- A dress code shall be enforced during evening events where there is an admission charge. Dress code for men shall include slacks, nice jeans or high-quality shorts, a collared shirt and no tennis shoes. Dress code for women shall be reasonable evening attire and no tennis shoes.
- No alcohol shall be served on “youth nights.” Alcohol shall be stored in a safe and secure location during such events.
- No “rap” or “heavy metal” music is permitted at any time.
- This use permit shall be reviewed by the Planning Commission upon a change in the owner/operator.

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**STAFF REPORT:** Dimitri’s Lounge operated from January 1, 2010, to December 31, 2014, at 700 Main Street, Suite 106 (approved by Resolution No. PC09-06). The business was then sold and the Planning Commission adopted Resolution PC15-13 indicating that it had reviewed the Conditional Use Permit per the conditions of approval.

Since the transition from Dimitri’s Lounge to Ovation Ultra Lounge, the Suisun City Police Department has received calls for service involving incidents outside the Premises including complaints regarding fights in parking lots where Ovation Ultra Lounge patrons park. City staff has likewise received complaints of patrons drinking in parked vehicles while waiting for Ovation to open, and leaving trash, garbage and broken bottles around premises of neighboring businesses.

#### **Meeting Between Staff and Representative of Ovation Lounge**

On April 25, 2017, City staff including representatives from the Police Department, Development Services Department and Administration met with representatives from Ovation Ultra Lounge. The meeting was an effort to convey complaints/concerns that had been received as well as issues that had been observed. Concerns raised included:

- Compliance with the Conditional Use Permit.
- Calls for service to the premises.
- Allowed occupancy within the tenant space.
- Adequate security personnel relative to the use.

Through these discussions, a discrepancy in allowed occupancy was discovered. The records on file with the City allow for an occupancy of 193 patrons; the owner of Ovation reported a conversation with City staff members, who no longer work for the City, that an occupancy of up to 270 would be allowed based on a modification of the use of space from the prior operator. Given that there is no documentation of this conversation either in City files or Ovation’s files, staff has



requested that Ovation work with a professional architect to certify the occupancy load, which will then be reviewed/confirmed by the City. Until this has occurred, Ovation has been notified that the permitted occupancy will remain at 193.

### **Business Tax Certificate and False Alarms**

Through this review process, it has come to the attention of planning staff that the Ovation Ultra Lounge is delinquent in paying its 2017 Business License Tax. Additionally, the Suisun City Police Department has responded to false alarms associated with the operation of this business. The Ovation Ultra Lounge has also failed to pay citation fees. It is possible that these delinquencies are the result of not providing the City with its current mailing address. This information was discovered after the meeting held on April 25, 2017, with representatives of Ovation Lounge. The owner of Ovation Lounge will be contacted to confirm this information and to determine the timing of payment prior to the Public Hearing on May 9, 2017.

### **Action Plan from Representatives of Ovation Lounge**

At the meeting held on April 25, 2017, representatives of Ovation Lounge indicated that they would put in writing the steps that they will undertake to help ensure a safe and clean environment outside their operation. This letter is attached. Highlights include:

- Uniformed staff (with proper designation at “security personnel”) will be assigned to monitor the outside area of the establishment to ensure public safety.
- Purchase and donation of a public safety camera to the City of Suisun City to monitor the outside areas of the establishment.
- Ovation staff will be given voluntary RBS (restaurant beverage service) training.
- Employment of an individual to clean up the property surrounding the Lounge on Saturday and Sunday morning.
- Performing artist schedule will be shared with Suisun City staff in advance so that preparations can be made for any additional crowds or traffic caused by the artist’s presence.

In addition, representatives of Ovation Lounge agree to address the question of occupancy by retaining the services of a certified architect, as outlined above.

### **Proposed Revisions to Conditions of Approval**

Staff would like to offer the following as a starting place with the Planning Commission to consider modifications to the Conditional Use Permit:

- Final Plans and Use shall be similar in the design of the conceptual plans attached in the staff report for UP08/9-012.
- The operator has expressed that Condition No. 6 relative to “dress code” is outdated. Language agreeable to staff includes: “Dress code for men shall include slacks, nice jeans, a collared shirt, button down shirts, designer T-shirt, and no Flip Flops, no shorts, no tank

tops, and no hoodies/sweatshirts. Dress code for women shall be reasonable evening attire.”

- The former condition relative to music should be stricken and replaced with “No music or performance that is likely to incite acts of violence inside or outside of the premises shall be permitted at any time.”
- Operator shall provide a minimum of two uniformed security personnel to monitor the perimeter of the premises including front and rear parking lots from 30 minutes before opening to 30 minutes after closing.
- Operator has volunteered to purchase and donate a public safety camera to the City. For said camera, Operator agrees to voluntarily donate payment to the City of up to \$5,000 for the actual costs of the camera for purchase by the City and for costs of installation of the same.
- Operator shall provide its staff with RBS (Responsible Beverage Service) training.
- Operator shall employ an individual to promptly clean up all sidewalks and other exterior areas surrounding the premises on Saturday and Sunday mornings.
- Operator shall provide the name and schedule of all performing artists to the person designated by the City at least 48 hours in advance of any performance so that preparations can be made for any additional crowds or traffic caused by the artist’s presence.
- Operator shall pay all business license taxes and false alarm fees within thirty (30) days of notice of the same.
- Operator shall comply with all applicable provisions of the municipal code and all applicable laws.
- Operator shall provide a mailing address that can accept certified and regular mail 6 days a week.

### **Public Hearing**

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

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**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission **adopt** Resolution No. PC17 \_\_\_; A Resolution of the City of Suisun City Planning Commission Modifying the Conditions of Approval for Conditional Use Permit No. UP08/9-012.

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### **ATTACHMENTS:**

1. Resolution No. PC09-06
2. Resolution No. PC15-13
3. Resolution No. PC17-\_\_\_; A Resolution of the City of Suisun City Planning Commission Modifying the Conditions of Approval for Conditional Use Permit No. UP08/9-012.
4. Letter from Jonathan Black to Chief Mattos, Received May 3.

## **RESOLUTION NO. PC09-06**

### **A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION CONSIDERING APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION NO. 08/9-012 FOR THE OPERATION OF A JAZZ CLUB/ENTERTAINMENT LOUNGE AT 700 MAIN STREET, SUITE 106.**

**WHEREAS**, the Planning Commission at a special meeting on April 7, 2009 did review the application for a Conditional Use Permit Application No. 08/9-012 for the operation of a jazz club/entertainment lounge at 700 Main Street, Suite 106 ; and

**WHEREAS**, the public notice was published in the Daily Republic On March 28, 2009; and

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

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

**WHEREAS**, The Conditional Use Permit application is exempt from the analysis required by the State of California Environmental Quality Act (CEQA) under Section 15303 New Construction or Conversion of Small Structures, and

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

1. That the proposed location of the use is consistent with the Goals, Objectives and Policies of the Specific Plan and the purposes of the district in which the site is located.
2. That the proposed location of the Conditional Use and the proposed conditions under which it would operated or maintained will be consistent with the General Plan.
3. That the proposed use will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use, nor detrimental to properties or improvements in the vicinity or to the general welfare of the City.
4. That the project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15303, new construction or conversion of small structures.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Commission of the City of Suisun City does hereby approve a Conditional Use Permit Application No. 08/9-012 for the operation of a jazz club/entertainment lounge at 700 Main Street, Suite 106, subject to the following Conditions and all other Suisun City Codes and Ordinances:

1. Final Plan and use shall be similar in the design of those conceptual plans attached in this report.
2. The owner/operator shall ensure that the business does not cause excessive noise outside the premises which would be deemed a nuisance. 90 (ninety) decibels (db) shall be used as a threshold in determining if such noise constitutes a nuisance. Should the City receive complaints from occupants of neighboring properties concerning excessive noise generated by the business, the City shall measure the levels of such noise emanating from the premises by using a professional noise metering device. The readings shall be measured at the location of the property from which the complaint was received while the doors to the premises are closed. If the noise generated by the business is found to be above 90db as measured by means of the above manner, then the owner/operator shall take appropriate measures to mitigate the noise to levels below 90db. Should the owner/occupant fail to mitigate the noise to levels below 90 db, then the City may review this use permit and add or change conditions to abate the nuisance.
3. The owner/operator shall provide adequate monitoring, supervision and security inside and outside the Premises. The intent of this requirement is to ensure adequate supervision of customers at all times. Following the occurrence of two or more service calls within any consecutive thirty-day period to police or any other law enforcement personnel resulting in such personnel issuing a verbal warning, citation or arrest to any employee or patron of the business, the City shall have the right to require the owner/operator to reasonably add or increase its number of security personnel.
4. All windows and doors shall remain closed at all times except for reasonable ingress and egress during musically related operation of premises.
5. The operator shall keep the immediate area outside the building, including the sidewalks clean and litter free.
6. A dress code shall be enforced during evening events where there is an admission charge. Dress code for men shall include slacks, nice jeans or high-quality shorts, a collared shirt and no tennis shoes. Dress code for women shall be reasonable evening attire and no tennis shoes.
7. No alcohol shall be served on "youth nights." Alcohol shall be stored in a safe and secure location during such events.
8. No "rap" or "heavy metal" music is permitted at any time.
9. This use permit shall be reviewed by the Planning Commission upon a change in the owner/operator.

**BE IT FURTHER RESOLVED** that the Planning Commission approves UP08/9-012 for the operation of a jazz club/lounge and as provided in the applications materials, staff report and conditions.

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

AYES:	Commissioners:	Adeva, Clemente, Norman, Ramos, Spering,
NOES:	Commissioners:	None
ABSENT:	Commissioners:	Hemler, Wade
ABSTAIN:	Commissioners:	None

**WITNESS** my hand and the seal of said City this 7th day of April 2009



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Anita Skinner  
Commission Secretary

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**RESOLUTION NO. PC15-13**

**A RESOLUTION OF THE CITY OF SUISUN CITY PLANNING COMMISSION  
COMPLETING REVIEW OF CONDITIONAL USE PERMIT NO. UP 08/9-012 700 MAIN  
STREET #106, PER CONDITION NO. 9 OF RESOLUTION PC09-06.**

**WHEREAS**, the Planning Commission conducted a review of Conditional Use Permit No. UP08/9-012 with the change in owner/operator at their regular meeting of July 14, 2015; and

**WHEREAS**, Conditional Use Permit No. UP08/9-012 was approved by the Planning Commission at a regular meeting of April 7, 2009 (Exhibit A); and

**WHEREAS**, a report by the City Staff was presented and made a part of the record of the July 14, 2015 meeting; and

**WHEREAS**, the new owner/operator and members of the public were able to speak on the review; and

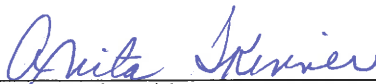
**WHEREAS**, based on evidence presented at the meeting by City Staff, the applicant, the public and Commissioners, the following Findings are hereby made:

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Commission of the City of Suisun City does hereby adopt Resolution PC15- ; A Resolution of the City of Suisun City Planning Commission Completing Review of Conditional Use Permit No. UP 08/9-012 700 Main Street #106, Per Condition No. 9 of Resolution PC09-06.

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

AYES:	Commissioners: Adeva, Clemente, Holzwarth, Osborne, Pal, Smith
NOES:	Commissioners: None
ABSENT:	Commissioners: None
ABSTAIN:	Commissioners: Ramos

**WITNESS** my hand and the seal of said City this 14<sup>th</sup> day of July 2015

  
\_\_\_\_\_  
Anita Skinner  
Commission Secretary

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## **RESOLUTION NO. PC17-\_\_\_**

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

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

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

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

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

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

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

**NOW, THEREFORE, BE IT RESOLVED THAT** the Planning Commission of the City of Suisun City does hereby adopt Resolution PC17 - \_\_\_; A Resolution of the City of Suisun City Planning Commission Modifying the Conditions of Approval for Conditional Use Permit No. UP08/9-012, to include the following conditions of approval:

1. Final Plan and use shall be similar in the design of those conceptual plans attached in the staff report for Conditional Use Permit No. UP08/9-012.
2. The owner/operator shall ensure that the business does not cause excessive noise outside the Premises which would be deemed a nuisance. 90 (ninety) decibels (dB) shall be used as a threshold in determining if such noise constitutes a nuisance. Should the City receive complaints from occupants of neighboring properties concerning excessive noise generated by the business, the City shall measure the levels of such noise emanating from the Premises

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

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

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

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

**WITNESS** my hand and the seal of said City this 9<sup>th</sup> day of May 2017.

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Anita Skinner  
Commission Secretary

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City of Suisun  
C/O Chief Mattos  
701 Civic Center Blvd.  
Suisun City CA 94585

RE: Correspondence to Development Services (Ovation Ultra Lounge)

Dear Chief Mattos,

I would like to follow up on our meeting and our phone conversation on 5/3/17. Ovation and the City of Suisun have had a chance to have productive conversations and discourse regarding working together to achieve common goals for the community of Suisun.

As such the City of Suisun and Ovation have agreed upon the following terms:

- 1) Ovation will employ an individual to clean up the property surrounding the establishment's location on Saturday and Sunday morning. This will reduce the trash around the establishment and promote a clean environment for the establishment and City of Suisun.
- 2) Uniformed Ovation's staff will be monitoring the outside area of the establishment to promote public safety for the patrons of the establishments until the public safety camera is installed and then this section will be re-evaluated by Ovation.
- 3) Ovation will purchase and donate a public safety camera to the City of Suisun. This will be done to promote safety for the customers of Ovation and to promote public safety for the City of Suisun.
- 4) Ovation's staff will be given voluntary RBS training.
- 5) The Dress Code for Ovation is proposed to read as follows:
  - a. "Dress code for men shall include slacks, nice jeans, a collared shirt, button down shirts, designer T-shirt, and no Flip Flops, no shorts, no tank tops, and no hoodies/sweatshirts. Dress code for women shall be reasonable evening attire."
- 6) The Music that is permitted is all music that is on the billboard charts. As the City of Suisun and Ovation agree that music is not the root of any unlawful activity.
- 7) The performing artist schedule will be shared with the City of Suisun in advance, so that the City of Suisun can prepare for any additional crowds or traffic caused by the artist's presences.
- 8) Ovation and the City will meet with Ovation's Architect to establish occupancy for the venue.
- 9) Ovation and the City of Suisun will try to develop a semi-annual meeting time for all establishments with ABC licenses in downtown Suisun to meet and discuss issues in the community. This will achieve better communications between the establishments and the City of Suisun.

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These terms will provide and promote the safety and business development for the City of Suisun and Ovation. Ovation and the City of Suisun are committed to working together to achieve the common goals for the community.

Sincerely,

Jonathan Black

A handwritten signature in black ink, appearing to read 'Jonathan Black'. The signature is fluid and cursive, with a large loop at the top and a long, sweeping tail that extends to the right.