MINUTE ITEM

This Calendar Item No. C22 was approved as Minute Item No. 22 by the State Lands Commission by a vote of 2 to 0 at its 5/22/86 meeting.

CALENDAR ITEM
C22

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05/22/86
WP 5738
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APPROVAL OF AMENDMENT OF A GENERAL LEASE - COMMERCIAL USE

APPLICANT: Clarence J. Richard and
Robert A. Klemmedson
dba Port Suisun
1216 Upper Happy Valley Road
Lafayette, California 94549

AREA, TYPE LAND AND LOCATION:
A 1.99-acre parcel of tide and submerged land, located in Suisun Slough, Solano County.

LAND USE: Commercial marina

AMENDED LAND USE: 41 additional boat berths.

TERMS OF ORIGINAL LEASE:

Initial period: Ten years beginning July 1, 1978.

Surety bond: $5,000.

Public liability insurance: Combined single limit coverage of $300,000.

Consideration: $550 per annum or five percent of gross income per annum; five-year rent review.

TERMS OF AMENDED LEASE:

Initial period: 20 years beginning July 1, 1978.

Public liability insurance: Combined single limit coverage of $500,000.

CONSIDERATION: $1,100 per annum beginning July 1, 1986; with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 06/09/86.

OTHER PERTINENT INFORMATION:

1. The original lease is being amended to reflect: (a) expansion of facilities to allow for 75 boat berths; (b) increase the required insurance coverage; (c) extend the lease term to 20 years; and (d) increase the annual minimum rental rate. The existing lease provides for a percentage of gross rental.

2. The original lease was approved by the State Lands Commission per Calendar Item 07 at its October 29, 1979 meeting. At that time, the lease use area was set at 1.99 acres and 34 berths were constructed with intentions of applying for approval of the remaining facilities when expansion was proposed.

3. Due to the poor economic conditions that prevail in the locality of the marina, high maintenance costs due to silting, the depth of the entry channel which precludes larger vessels, staff recommends the negotiated minimum annual rental as stated.

4. Lessor hereby consents to Lessee's subletting of all or any portion of the lease premises for berthing or mooring purposes in conjunction with normal commercial marina subleasing practices for terms of one year or less.

5. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

6. A Negative Declaration was prepared and adopted for this project by city of Suisun City. The State Lands Commission's staff has reviewed such document and believes that it complies with the requirements of the CEQA.

APPROVALS OBTAINED:
Bay Area Conservation and Development Commission.

FURTHER APPROVALS REQUIRED:
United States Army Corps of Engineers.

EXHIBITS:
A. Land Description.
B. Location Map.
C. Negative Declaration

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE CITY OF SUISUN CITY AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. DETERMINE THAT THE PROJECT, AS APPROVED, WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

4. AUTHORIZE ISSUANCE TO CLARENCE J. RICHARD AND ROBERT A. KLEMMEDSON, DBA PORT SUISUN, OF AN AMENDMENT TO LEASE PRC 5738, EFFECTIVE MAY 1, 1986, WHICH WOULD ACCOMPLISH THE FOLLOWING: (A) PROVIDE FOR 41 ADDITIONAL BOAT BERTHS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF; (B) INCREASE THE MINIMUM ANNUAL RENT TO $1,100 BEGINNING JULY 1, 1986; (C) EXTEND THE TERM FROM JULY 1, 1978 TO JUNE 30, 1998; AND (D) INCREASE THE PUBLIC LIABILITY INSURANCE TO COMBINED SINGLE LIMIT COVERAGE OF $500,000. ALL OTHER CONDITIONS SHALL REMAIN IN FULL FORCE AND EFFECT.

EXHIBIT "A"

LAND DESCRIPTION WP 5738

A parcel of tide and submerged land, in the bed of Suisun Slough, Suisun City, Solano County, California, lying within the following described parcel of land:

BEGINNING at a rebar monument marked RCE 7538 found at the southwest corner of Parcel "B" as shown on that certain parcel map entitled, "Division of Block 14 and a Portion NW 1/4 Section 36, T5N, R2W, MDB&M", recorded October 27, 1969, in Book 3 of Parcel Maps, Page 82, Solano County Recorder's Office; thence the following four courses:

1. N 00° 09' E 705.00 feet;
2. S 76° 29' 30" E 225.00 feet;
3. S 10° 21' 18" E 664.15 feet;
4. N 89° 51' W 340.00 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the westerly bank of Suisun Slough.

END OF DESCRIPTION

REVIEWED APRIL 28, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR

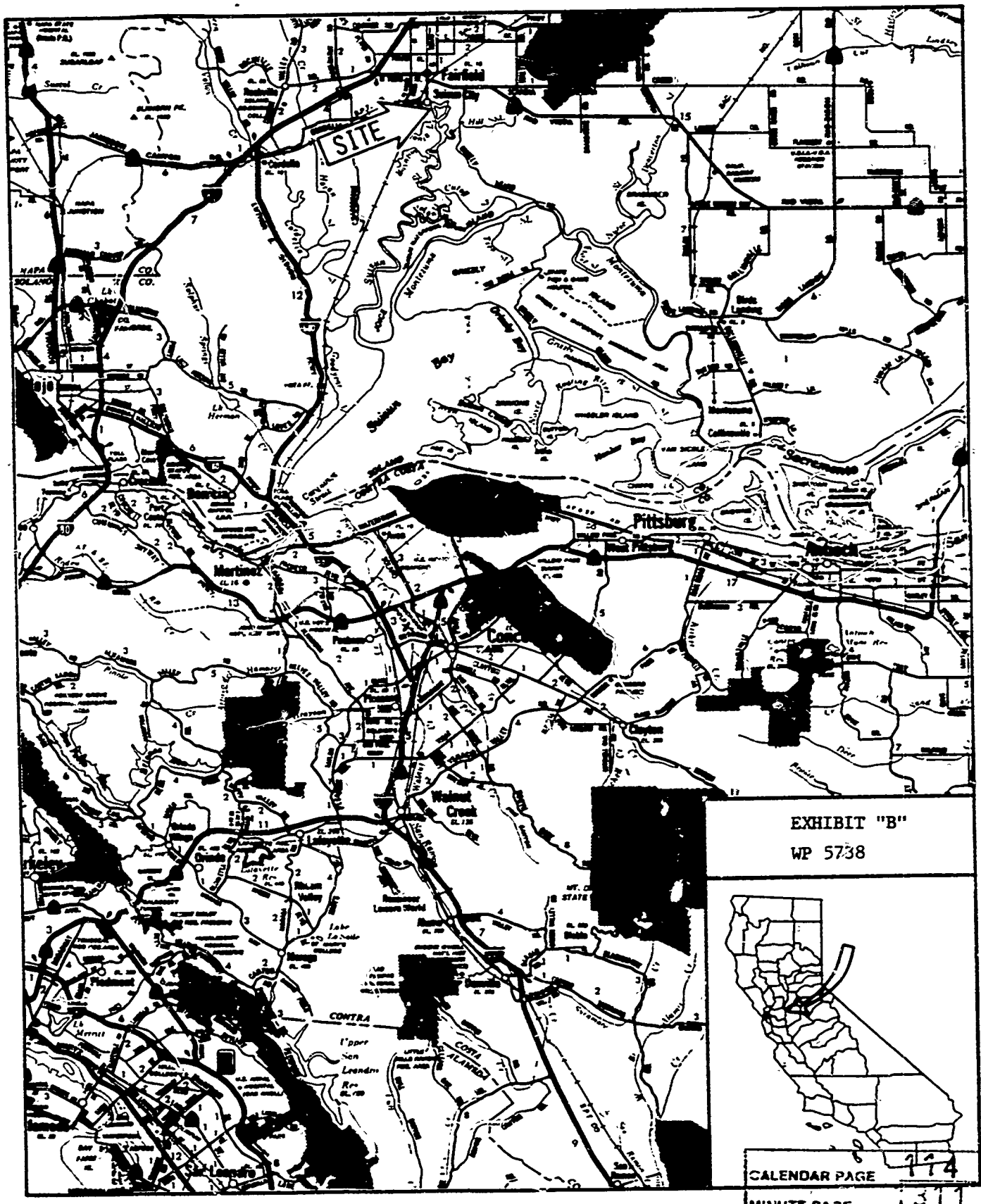

EXHIBIT "B"

WP 5738

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PLE

WP 5738

NEGATIVE DECLARATION

EXHIBIT "C"

It has been determined by the Planning Department of the City of Suisun City that:

[ ] the project described below will not have a significant impact upon the environment;

[XX] that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described below have been added to the project.

This notice constitutes a Negative Declaration under the provisions of the California Environmental Quality Act and Public Resources Code.

Date: August 22, 1980

Planning Department

Project Title: Port Suisun Square PUD

Project Location: 540 Solano Street, Suisun City

Project Description: Improve an existing Marina on the Suisun Slough and an adjacent vacant lot fronting on the Plaza.

State Clearinghouse Number: not applicable

Contact Person: Michael W. Kaufman, Planning Director

Telephone Number: (707) 429-2900

Date Submitted for Review: June 25, 1980

Additional comments, and measures conditional to receiving a Negative Declaration: (use additional sheet if necessary)

RECEIVED

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[ ] I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date: _____

Planning Department

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ENVIRONMENTAL CHECKLIST FORM

(To be completed by City Staff)

I. BACKGROUND

1. Name of Proponent: Robert Klemmedson and Clarence Richard
2. Address and Phone Number of Proponent:
   14 Orinda Way, Orinda, CA 94563
   (415) 254-5477
3. Date of Checklist Submitted: June 25, 1980
4. Agency Requiring Checklist: Planning Department
5. Name of Proposal, if applicable:
   Port Suisun Square PRD

II. ENVIRONMENTAL IMPACTS
(Explanations of all "yes" and "maybe" answers are required on attached sheets)

	YES	MAYBE	NO
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?			✓
b. Disruptions, displacements, compaction or overcovering of the soil?			✓
c. Change in topography or ground surface relief features?			✓
d. The destruction, covering or modification of any unique geologic or physical features?			✓
e. Any increase in wind or water erosion of soils, either on or off the site?			✓
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a stream or slough?			✓
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mud-slides, ground failure, or similar hazards?			✓
2. Air. Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?			✓
b. The creation of objectionable odors?			✓
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?			✓

	YES	MAYBE	NO
3. Water. Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?			✓
b. Changes in absorption rates, drainage paterns, or the rate and amount of surface water runoff?			✓
c. Alterations to the course or flow of flood waters?			✓
d. Change in the amount of surface water in any water body?			✓
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?			✓
f. Alteration of the direction or rate of flow of ground waters?			✓
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?			✓
h. Substantial reduction in the amount of water otherwise available for public water supplies?			✓
i. Exposure of people or property to water related hazards such as flooding or tidal waves?			✓
4. Plant Life. Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops and aquatic plants)?			✓
b. Reduction of the numbers of any unique, rare or endangered species of plants?			✓
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?			✓
d. Reduction in acreage of any agricultural crop?			✓
5. Animal Life. Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?			✓
b. Reduction of the numbers of any unique, rare or endangered species of animals?			✓
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?			✓

	YES	MAYBE	NO
d. Deterioration to existing fish or wildlife habitat?			✓
6. Noise. Will the proposal result in:			
a. Increases in existing noise levels?			✓
b. Exposure of people to severe noise levels?			✓
7. Light and Glare. Will the proposal produce new light or glare?			✓
8. Land Use. Will the proposal result in a substantial alteration of the present or planned land use of an area?	✓		
9. Natural Resources. Will the proposal result in:			
a. Increase in the rate of use of any natural resources?			✓
b. Substantial depletion of any nonrenewable natural resource?			✓
10. Risk of Upset. Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?			✓
11 Population. Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	✓		
12. Housing. Will the proposal affect existing housing, or create a demand for additional housing?			✓
13. Transportation/Circulation. Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	✓		
b. Effects on existing parking facilities, or demand for new parking?	✓		
c. Substantial impact upon existing transportation systems?			✓
d. Alterations to present patterns of circulation or movement of people and/or goods?			✓
e. Alterations to waterborne, rail or air traffic?			✓
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?			✓
14. Public Services. Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?			✓

	YES	MAYBE	NO
b. Police protection?			✓
C. Schools?			✓
d. Parks and other recreational facilities?			✓
e. Maintenance of public facilities, including roads?			✓
f. Other governmental services?			✓
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?			✓
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?			✓
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Power or natural gas?			✓
b. Communications systems?			✓
c. Water?			✓
d. Sewer or septic tanks?			✓
e. Storm water drainage?			✓
f. Solid waste and disposal?			✓
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?			✓
b. Exposure of people to potential health hazards?			✓
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?		✓	
19. Recreation. Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?			✓
20. Archeological/Historical. Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building?			✓
21. Mandatory Findings of Significance.			

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or re-

	YES	MAYBE	NO
strict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			✓
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)			✓
c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)			✓
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			✓

III. DISCUSSION OF ENVIRONMENTAL EVALUATION

IV. DETERMINATION
(to be completed by the City)

On the basis of this initial evaluation:

☐ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.

☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

Date 8/15/80

(Signature)

PLE 1.

E/FILED: _____

Environmental Information Form
(To be completed by applicant)

A. GENERAL INFORMATION

1. Name and address of developer or project sponsor: Clarence Richard & Robert L. Klemmedson

2. Address of Project: 540 Solano St, Suisun City, CA
Assessor's Parcel No.: Parcel 11 (A) 0032-142-11-0
Parcel 12 (B) 0032-142-12-0
Parcel 15 (C) 0032-142-15-0

3. Name, address, and telephone number of person to be contacted concerning this project: Clarence Richard, 1216 Upper Happy Valley Rd, Lafayette 94549 415-284-2643
Robert L. Klemmedson, 14 Orinda Way, Orinda, 94563 415-254-5477

4. List and describe any other related permits and other public approvals required for this project, including those required by City, County, Regional, State and Federal agencies: Permits from BCDC & The Corp of Engineers.

5. Existing zoning district: CBD & Water oriented commercial.

Present use of site: Boat Marina with boat building and repair.

6. Proposed use of site (Project for which this form is filed): Same as at present ∓ uses allowed under CBD & Water Oriented Commercial.

7. Site size (acres or square feet): Approximately 3 acres of land & 1 acre of water.

8. Square footage of structure(s): 17,000 sq.ft. for building now planned with an additional 18,000 sq.ft. possible.

9. Number of floors of construction: Mostly 2 stories. 1100 sq.ft. in 3 story rental house.

10. Amount of off-street parking provided: 72 space[illegible]h present building area of 14,000 sq.ft. of building requiring [illegible]ng.

11. Attached plans (one site or plot plan, elevatio[illegible]dscaping, etc.)

12. When do you anticipate starting the project: Work has started on Parcel C along with a foundation that was installed on parcel before we bought

13. When do you anticipate completing the project: Late 1980 and Spring of '81.

14. Indicate phases of the project and approximate dates for each phase: Phase I-Lawler House June 1980; Phase II Finish Boat Sales Bldg. on slab & repair shops, Sept. '80; Phase III - new boat docks Sept. '80; Phase IV-Restaurant in train station, late 1980 (The restaurant would be built as soon as permits could be issued).

15. If residential, number of units: 1 Harbor Master's Quarters.
Attach schedule of unit sizes, range of sale prices or rents, average lot area.

16. If commercial, number of stores or occupancies: From 10 to 20 with occupanci[illegible]
Indicate whether it's a neighborhood, city-wide, regional or other type of use. [illegible]
Indicate square footage of sales or service area, range of store sizes. [illegible] allowed under present zoning. Sizes will vary from one room offices to a 5,000 sq.ft. restaurant. This complex will serve the City of Suisun and also attract customers from most of Solano County.

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17. If industrial, number of businesses or occupancies: _____
Indicate number of businesses, types of users, estimated employment and estimated square footage of buildings and storage areas.

18. If the project involves a variance, conditional use permit or rezoning, state this and indicate clearly why the application is required.

B. BACKGROUND INFORMATION

1. Attach a regional map showing the location of the proposed project and significant environmental areas marked in relation to the project area.

2. On a separate sheet of paper, give a brief description of the proposed project, including in the case of a private project, the particular entitlement for use sought. Attach a plot plan of the project.

3. On a separate sheet of paper, describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of the site. Snapshots or polaroid photos will be accepted.

4. On a separate sheet of paper, describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), and scale of development (height, frontage, set-back, rear yard, etc.). Attach photographs of the vicinity. Snapshots or polaroid photos will be accepted.

5. Describe the steps the project will take from the time the project would be approved to the time it is completed. Identify processes to be used which may cause any of the conditions listed in Section III numbers 1-22, whether temporary or permanent. Include mitigation measures being proposed for each item of potential effect or indicate that no measure is being proposed.

C. ASSESSMENT OF ENVIRONMENTAL IMPACT

Answer the following questions by placing a check in the appropriate space. Explain all yes answers on a separate sheet of paper.

	YES	NO
1. Could the project significantly change present uses of the project area, or	___	X
2. Significantly change present uses of land outside the project?	___	X
3. Could the project change the pattern, scale or character of general area of project?	___	X
4. Change the scenic views or vistas from existing residential areas or public lands or roads?	___	X
5. Could the project result in the displacement of community residents?	___	X

	YES	NO
6. Could the project significantly affect a known historical or archaelogical site or its setting?		X
7. Could the project significantly affect the potential use, extraction, or conservation of a scarce natural resource?		X
8. Does the project area serve as a habitat, food source, nesting place, source of water, etc. for rare or endangered wildlife or fish species?		X
9. Change existing features of any marsh, tidelands, slough drainage patterns, or substantial alteration of ground contours.		X
10. Could the project result in the erosion of off-site property or increase on-site erosion?		X
11. Change in slough, stream or ground water quality or quantity, or alteration of existing drainage water quality?		X
12. Could the project serve to encourage development of presently undeveloped areas or intensify development of already developed areas?		X
13. Will the project require a variance from established environmental standards (air, water, noise, etc.), and/or adopted plans?		X
14. Will the project involve construction of facilities in a flood plain?	X	
15. Will the project involve construction of facilities in the area of a known active fault?		X
16. Create significant amounts of solid waste or litter?		X
17. Change in dust, ash, smoke, fumes or odors in vicinity?		X
18. Change in existing noise or vibration levels in the vicinity?		X
19. Is the site on filled land or create a slope of 10 per cent or more?	X	
20. Involve the use, storage or large amounts, or disposal of potentially hazardous materials, such as toxic substances, flammables or explosives?		X
21. Change in demand for municipal services (police, fire, water, sewage, etc.)		X

	YES	NO
22. Generate increased fossil fuel consumption (electricity, oil, natural gas, etc.)	___	X

CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Date: Feb 1 1980 Robert L. Klemmedson
(Signature)

14. This property is next to Suisun Slough in the center of the city. All of Suisun is within the flood plain of the Suisun marsh. Buildings that are planned will be raised to avoid flooding. The land is level and at approximately the same elevation as the rest of the commercial district of Suisun.

19. From historical evidence, there is probably some fill on the property and some small changes have been made in the waterline, which appears to have occurred long ago. There is an old slab left over from a shipping warehouse that was built in the late 1900's. The Old Train Station that is to be a restaurant will be on a foundation up on piles to insure stability. None of these piles will be in the water area.

RESOLUTION NO. 81-8

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUISUN CITY FOR THE APPROVAL OF PORT SUISUN SQUARE PUD CONCEPT, #500-109

WHEREAS, the Planning Commission at their regular meetings of April 14, April 28 and May 12, 1981, did hold public hearings on the request of Robert Klemmedson and Clarence Richard for a planned unit development for Port Suisun Square; and

WHEREAS, at the meetings staff presented information pertaining to the application for the planned unit development and made recommendations therein; and

WHEREAS, the following persons were present to speak in favor of the request: Robert Klemmedson and Clarence Richard, Applicants; Bonnie Klemme; George Ough, Manager Solano County Bank; Virgina Meredith, 815 Main Street; Bill Barbosa, 224/208 California Street, Gordon Fisk; Mary Hine and Mrs. Walter Ollenwoods;

WHEREAS, no one was present to speak against the application;

NOW, THEREFORE, the Planning Commission of the City of Suisun City does hereby resolve as follows:

SECTION 1. The Commission find that although the project could have significant adverse impacts upon the environment as described in the initial study, mitigation measures as described in the study and Negative Declaration have been incorporated into the project or are conditions of approval and the Planning Commission recommends City Council adoption of the Negative Declaration dated August 22, 1980 with those mitigation measures as a part of the project.

SECTION 2. The Planning Commission finds the project is consistent with the General Plan of the City.

SECTION 3. The Planning Commission finds that subject to the conditions set forth, the proposed development is designed to produce an environment of stable and desirable character and generally provides, subject to the conditions enumerated below, for the overall standards of population densities, open space, circulation, off-street parking, at least equivalent to those required by the terms of the Zoning Ordinance for the zoning district and

that the various elements of the development plan relate to one another in such a way to form a harmonious, integrated whole of sufficient unit to justify acceptance to the normal regulations of this ordinance, i.e., land uses, setbacks and determination of yard spaces.

SECTION 4. That the Planning Commission recommend to the City Council the approval of the Planned Unit Development, #SCO-109, entitled Port Suisun Square PUD, in concept only, subject to the following conditions:

A. That upon a finding of need by the City Council, the applicant shall be bound by prior agreement to participate in an assessment district, special district or other similar district formed for the purpose of developing parking for the general area in which the project is located.

B. That no building or occupancy permit be issued for the construction, location or occupancy of any building or use which will result in the exceeding of the parking requirements of the Zoning Ordinance for the number of spaces provided by this site.

C. That up to 20% of the parking spaces overall shall accomodate small cars.

D. That the applicant be financially obligated to participate in a traffic circulation and parking study if no district as enumerated in A above is present at the time that any of the conditions of Item B above are found.

E. The applicant shall provide specific plans, design criteria and appropriate signing to assure the maximum handicapped access to all buildings, public walkways and accessways in accordance with appropriate standards.

F. A uniform sign program for the entire site, its uses and buildings, be approved by the Planning Commission prior to the issuance of any building permit.

G. That the PUD be valid as a concept only for the Port Chicago Train Station as a restaurant, the boat sales offices and boat docks. All other structures and use arrangement be held as preliminary.

A two year time requirement is invoked to insure completion of the initial phase or if the completion of boat sales building, restaurant and docks are accomplished prior to the expiration of the two year period, the applicant could then apply for additional consideration. The two year time period would commence from the City's receipt of the notice of BCDC approval.

H. Site plan review by the Planning Commission will be required in accordance with Section 2100 of the Zoning Ordinance for all buildings and uses and shall additionally include:

1. A detailed landscaping plan be required to be provided by the applicant prior to the issuance of any building permit.
2. A detailed lighting plan showing security, walkway and other outdoor lighting be prepared by the applicant and approved by the Planning Department and Police Department prior to the issuance of any building permit.
3. That a revised trash receptacle plan be prepared and approved by the Planning Department and Solano Garbage prior to the issuance of any building permit to assure appropriate access.
4. That the applicant provide the utilities plan and landscape and architectural screening treatment plan to insure the appropriate screening of above-ground utility facilities prior to the issuance of a building permit.
5. That the applicant provide the Police Department with an appropriate security plan designed to reduce or avoid security problems after normal hours of operation.

I. That the applicant provide sufficient information to the Planning Department as to the method of relocation of existing residential uses on the site and methods of controlling the establishment of new residential uses.

J. That all provisions of the other codes of the City of Suisun City including the Uniform Building Codes and the provisions of the

Public Works Standards as approved by the Public Works Director shall be required as a part of this project.

K. That the uses contained within the Planned Unit Development include those uses generally permitted in the Water Oriented Commercial zone and professional offices, amusement arcades, cocktail lounges and similar uses as well as those other uses deemed to be compatible and similar to such uses by the Planning Commission upon application and review.

L. That the performance standards attached be made a part of this resolution and known as Appendix A of this resolution and be incorporated into the design concept as conditions of approval.

M. That the Planning Commission recommend that the City Council adopt as conditions of approval the Port Suisun Square Plan and Documents as a conceptual design plan providing design criteria, both specified and general for the development of the lands contained within the Planned Unit Development as described in Paragraph G, subject to the time periods and conditions contained herein. Modification would be considered by the Planning Commission upon application in the manner prescribed in Section 1900 of the City Zoning Ordinance or any subsequent amendment thereto.

The foregoing motion was made by Commissioner Barclay and seconded by Commissioner Cavanagh and carried by the following vote:

AYES: Barbour, Barclay, Cavanagh, Hemler and Pouget
NOES: None
ABSENT: None

JAMES L. BARBOUR, Chairman

MICHAEL W. KAUFMAN, Secretary

A F F I D A V I T

WE, Robert Klemmedron and Clarence Richard, Applicants, do hereby declare under penalty of perjury that we have read and understand the terms and conditions of the conceptual approval for Port Suisun Square PUD, #500-109 and that on this _____ day of _____, 1981, We accept said conditions.

ROBERT KLEMMEDSON

CLARENCE RICHARD

APPENDIX A

Performance Standards
Port Suisun Square PUD

SECTION 1. Intent and Purpose. The intent and purpose of these performance standards are to assure the harmony in design and operation of uses which will occur within the area of Port Suisun Square PUD, #500-109, including all land and water area. These standards are promulgated by the approval of a Planned Unit Development for the establishment of various uses which are included within the limits of the project.

SECTION 2. Conditions relative to the development of the Planned Unit Development.

A. Uses. The uses provided and permitted within the area defined as the PUD site may contain those uses as defined and provided for in the City Council resolution of approval and the ordinance of the City. The provisions for architectural design standards contained herein for each individual building occupancy and use shall apply to the site.

B. The following minimum standards and criteria shall apply to the design of the buildings and site areas covered by the PUD.

1. General

a. The design shall be compatible with future construction both on and off-site reflecting the early *20th century* character of the Old Town portion of the City.

b. Access to the property and circulation thereon be safe and convenient for pedestrians, cyclists, private and emergency vehicles, delivery vehicles, and the handicapped.

c. Materials, textures, colors and details of construction should be an appropriate expression of its design concept and function and the same shall be compatible with the adjacent neighboring structures and functions.

d. Landscaping should be compatible with and compliment site planning as well as the design of the building. Landscaping and screening methods shall be employed to hide offensive visual elements such as utilities.

2. Buildings

a. Improvements visible from pedestrian access will require additional landscaping design including but not limited to the landscaping of all areas not used for parking of automobiles, walkways or ramps.

b. All exterior wall elevations of buildings visible from and/or facing public view are to have architectural treatment consistent with early 20th century architecture. No building surface shall have a flat void surface without architectural treatment.

c. All roof mounted mechanical equipment or duct work shall be completely obscured from view.

d. No mechanical equipment is to be exposed on a wall surface of the building.

e. Compressors, fans and similar equipment shall be screened by a wall or an opaque fence and landscape materials and be located below facia and/or roof lines of the building. Further, they shall be located on the rear or hidden side of the buildings least accessible to public view.

f. Gutters and downspouts are to be painted to match the surface to which attached unless used as a major design element, in which case the colors to be consistent with the color schemes of the building.

g. Storage Areas. All outdoor storage for goods, materials, commercial vehicles or equipment shall be visually screened. Said screening shall form a complete opaque screen no less than six feet in vertical height.

All trash and storage areas outside of any buildings shall have an approved screening method consisting of an opaque screen preventing the materials contained therein to be viewed from outside the enclosure and preventing stored materials to be blown out of the enclosure.

h. Signing. That there be a uniform sign program developed for the site. Such signing that would be permitted would include: (a) two master site identification signs, (b) design of entry/exit

and directional signs, (c) design of identification signs including heights, widths, acceptable compatible sign copy styles and their location on all buildings.

3. Site

a. Landscaping. Landscaping be so designed as to break up any large expanse of parking lots or paved areas visible from public ways. All areas not used for buildings, parking, loading or outdoor storage, shall be landscaped.

b. Security Lighting. Security lighting fixtures attached to buildings are not to project above the facia or the roof line of the building and are to be shielded. The shield shall be painted to match the surface to which it is attached. The security lighting fixtures are not to be substituted for parking lot or walkway light fixtures.

Security lighting shall be required in areas where building recesses or other structures could afford human concealment.

c. Air Quality. Every use shall be operated in conformance with the air quality standards established by the Air Pollution Control District.

d. Odor. Every use shall be so operated that it does not emit an obnoxious odor or not produce said odors outside of the occupancy.

e. Dust and Dirt. Every use shall be so operated that any dust or dirt produced shall be confined within the area the use occupies and shall not be discharged in such a manner as to affect air quality.

f. Glare. Every use shall be so operated that any glare incidental to the operation shall not be visible beyond the boundaries of the property or be visible beyond the boundaries of the occupancy within the site.

g. Noise. Noise resulting from the conduct of permitted uses, excluding traffic, shall be muffled so as to not become objectional due to intermittance, beat, frequency or shrillness. A noise factor not to exceed the City adopted requirements shall be applied to all uses. There may be physical requirements placed upon the site or other spaces available to public access, to buffer or otherwise control noise to the allowable maximums. In the consideration of each site design and location for typical noise producing operations,

the Planning Commission shall review special treatment considerations for their adequacy. Additional consideration must also be given to adjoining uses as well as points of public access.

h. Phasing. In the development of the PUD, those areas which are not to be developed at the current time shall be maintained in a clean and weed free state continuously.