



CHAPTER 7 | SPECIFIC PLAN ADMINISTRATION

7.1 ADMINISTRATION

7.1.1 Administrator – Designation

The Administrator of the Specific Plan shall be the Development Services Director or other qualified member of the Planning Division staff designated by the Development Services Director and who shall normally be available to the general public during regular office hours.

7.1.2 Administration

The Planning Division shall administer this Specific Plan in accordance with the provisions of this Plan and the instructions of the Planning Commission. Refer to the Suisun City Zoning Code (Zoning Code), Section 18.84 for the process for appeals.

7.1.3 Administration - Consistency with Applicable General Plan Policies and Programs

Prior to issuance of a building permit, applicants must demonstrate consistency with Applicable General Plan Policies and Programs listed in Section 4 of the City's Specific Plan Consistency Analysis, as relevant and appropriate to the activity requiring the permit. The City's Specific Plan Consistency Analysis is on file with the Development Services Department and is under separate cover. Notwithstanding other provisions of this Specific Plan and the Specific Plan Consistency Analysis, all development and associated public improvements and environmental mitigations shall be consistent with the current adopted version of the Travis Air Force Base Land Use Compatibility Plan Update, which, as of the writing of this document is the one adopted on October 8, 2015 (Resolution 15-17).

7.2 SPECIFIC PLAN ADOPTION

A Specific Plan is similar to a Zoning Code in that it implements the General Plan through land use designation on a map, listing or referencing permitted specific uses, standards for development, and

appropriate special conditions. Title 7, Division 1, Chapter 3, Article 8, Sections 65450-65457 of the California Government Code provides the requirements for the contents and adoption process of a Specific Plan.

7.3 SPECIFIC PLAN AMENDMENT

Amendments to the Specific Plan may be initiated by a resident or property owner, as well as by the City, in accordance with the procedures outlined for initial adoption. In addition to these requirements, major amendments shall require a public hearing and notification, similar in nature to the process for amendments, addressed in the City Zoning Code, Chapter 18.8274, “Amendments.”

7.3.1 Application

Application for a Specific Plan Amendment shall be filed with the Planning Division upon such forms and accompanied by such data as may be prescribed by the Planning Division, so as to ensure the fullest practicable presentation of the facts for the permanent record. A fee set by resolution of the City Council shall accompany each application.

7.3.2 Scope of Amendment

The Administrator will be responsible for determining “major” amendments as opposed to “minor” amendments to the Plan and its Standards. “Major” amendments shall be processed as outlined above through the Planning Commission and City Council. Among the items which would be considered major are:

- Introduction of a new type of land use not discussed in the Specific Plan or City Zoning Code that would affect one or more property owners.
- Major changes to the layout of land uses (affecting one acre of land or more) or other changes, which may significantly affect a planning concept spelled out in this Specific Plan.
- Major changes to the proposed street system that would significantly alter land use or circulation concepts described in this Specific Plan.
- Changes or additions to design standards, which could significantly change the stated intent of this Specific Plan.
- Any change to the Specific Plan, such as an increase in the total maximum number of units proposed, which could create new environmental impacts or substantially increase environmental impacts.

Minor amendments shall be decided by the Administrator, subject to appeal to the Planning Commission. Minor amendments include:



- A proposed land use not identified in the Specific Plan or City Zoning Code that is substantially similar to a permitted use with respect to characteristics, intensity, and compatibility, according to the requirements of section 7.4.3 of this chapter. Minor changes to the land use diagram and/or alignment of streets that maintain the general pattern of permitted land uses and circulation and that are consistent with the vision, goals, and policies of the Specific Plan.
- A change to the development standards or design guidelines that does not significantly change the physical characteristics or purpose and intent of the Specific Plan and is determined by the Administrator as minor or requests for an adjustment that is 10% or less of quantifiable or measureable standards contained in the WDSP.
- Changes not expected to significantly increase environmental impacts beyond the levels identified in the Downtown Waterfront District Specific Plan Consistency Analysis.
- Minor text revisions required to clarify the intent of the Specific Plan, remove ambiguities, or maintain consistency with other adopted City planning and policy documents.
- Other modifications of a similar nature to those listed above, which are deemed minor by the Administrator and in keeping with the purpose and intent of the Specific Plan.

7.3.3 Findings

In considering any amendment to the Specific Plan the appropriate decision-making body shall make the following findings:

- The proposed amendment would benefit the Specific Plan Area.
- The proposed amendment would conform to the General Plan or would be considered in conjunction with an amendment of the General Plan.
- The proposed amendment would not adversely affect adjacent properties.
- If use specific, the subject property could be properly served by public facilities and services.

7.3.4 Amendment Procedures

The process for Major Amendments to the WDSP shall be the same as the process to amend the Zoning Code as described in Chapter 18.8274 of the Zoning Code. Minor Amendments to the WDSP, unlike Major Amendments, may be approved by the Administrator in accordance with the following procedures and does not require public hearings.

1. Application Requirement

Applications shall be made in writing on a form prescribed by the Development Services Department for the purposes of site plan and architectural review and shall be accompanied by site plans, elevations, and/or relevant data required to grant the application.

2. Application Processing

The Administrator or his/her designee shall review all applicable information and within thirty (30) days of receiving all relevant information, make a determination as to the appropriate level of review, based on applicable regulations and the characteristics of the project.

For Minor Specific Plan Amendments, the Administrator shall make one of the following determinations:

- a. Approve the application upon determination that the project substantially complies with all applicable standards of the Specific Plan and relevant City standards and meets the criteria for Minor Amendments in Section 7.3.2.
- b. Require or recommend the project be reviewed as a Major Amendment, including going through the appropriate public hearing process. However, prior to making this determination, when possible, the Administrator shall provide the applicant an opportunity to modify or correct the application to bring the project into conformance with the Specific Plan, relevant City standards, and the criteria for Minor Amendments, addressed in Section 7.3.2.
- c. Request further information, as may be needed to make a determination to approve the application.

In granting a Minor Amendment, the Administrator may impose conditions to safeguard the public health and safety and ensure that development is consistent with the objectives and intent of the Specific Plan.



7.4 CONFLICTS AND INTERPRETATION

The provisions of this Specific Plan are not intended to interfere with or void any easements, covenants, or other existing agreements, which are more restrictive than the provisions of this Specific Plan.

7.4.1 Conflict with Other Regulations

Whenever the provisions of this Specific Plan impose more restrictive regulations upon buildings or structures or use of lands; or require larger open spaces, yards, or setbacks; or otherwise establish more restrictive regulations than are imposed or required by any other law, title, ordinance, code, or regulation, the provisions of this Plan shall govern. Where this Plan is silent, other applicable development standards or regulations shall govern.

7.4.2 Clarification of Ambiguity

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Specific Plan, or if ambiguity exists with respect to matters of height, yard requirements, area requirements, or District boundaries as set forth herein, it shall be the duty of the Administrator, subject to appeal to the Planning Commission, to ascertain all pertinent facts and interpret the applicability of the provisions of this Plan.

7.4.3 Use Determination

Upon request regarding whether a use is allowed within a particular zone of the WDSP, the Administrator, subject to appeal to the Planning Commission, shall provide a written determination as to whether the use in question is substantially similar in characteristics, intensity, and compatibility to a use or uses permitted within the zoning district for the property.

7.4.4 General Interpretation

- A. The word "shall" is mandatory and not discretionary. The words "should" and "may" are permissive and discretionary.
- B. In case of any difference of meaning or implication between the text of any provision and any caption or illustration, the text shall control.
- C. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, occupied, or intended to be utilized.

7.5 NONCONFORMING USES AND STRUCTURES

7.5.1 Purpose

This section is intended to limit the number and extent of nonconforming uses by regulating their enlargement, their reestablishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. This section is also intended to limit the number and extent of nonconforming structures by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this Plan.

7.5.2 Regulation

Nonconforming uses shall be regulated consistent with Chapter 18.680 of the Zoning Code and the standards addressed in this section.

7.5.3 Continuation and Maintenance

- A. A use lawfully occupying a structure or a site that does not conform with the use regulations or the development standards for the zone in which the use is located shall be deemed to be a nonconforming use and may be continued, except as otherwise limited by Chapter 18.680 of the Zoning Code and this section.
- B. A structure, lawfully occupying a site, that does not conform with the standards for front yard, side yards, rear yard, height, coverage, distances between structures, parking facilities, and other applicable development standards for the zone in which the structure is located, shall be deemed to be a nonconforming structure and may be used and maintained, except as otherwise limited by Chapter 18.680 of the Zoning Code and this section.
- C. Buildings under construction shall not be required to modify the plans, construction, or designated use of any building upon which construction was lawfully begun prior to the effective date of this ordinance, as addressed in Section 18.680 of the Zoning Code.

7.5.4 Alteration and Additions to Nonconforming Uses and Structures

No nonconforming structure shall be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yard, side yards, rear yard, height of structures, distances between structures, parking facilities, and other applicable development standards as prescribed for the zone in which the structure is located, as addressed in Section 18.680 of the Zoning Code.



7.5.5 Discontinuation of Nonconforming Use

Whenever a nonconforming use has been discontinued for a continuous period of 180 days or more, all applicable regulations of the WDSP and the Zoning Code apply.

7.5.6 Restoration of a Damaged Structure

- A. Whenever a structure which does not comply with the standards for front yard, side yards, rear yard, height of structures, distances between structures, parking facilities, and other applicable standards as prescribed in the regulations for the zone in which the structure is located, or the use of which does not conform with the regulations for the zone in which it is located, is destroyed by fire or other calamity, or by act of God, to the extent of fifty percent (50%) or less, the structure may be restored and the nonconforming use may be resumed, provided that the restoration is started within one year and diligently pursued to completion. When the destruction exceeds fifty percent (50%) or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the zone in which it is located and the nonconforming use shall not be resumed.
- B. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage. Estimates for this purpose shall be made by or shall be reviewed and approved by the Chief Building Official and shall be based on the minimum cost of construction in compliance with the Building Code.

7.6 PERMITS

7.6.1 Site Plan and Architectural Review

A. Purpose

Site Plan and Architectural Review is required to ensure that the function, character, and appearance of the physical environment are consistent with the goals, objectives, policies, and standards of this Specific Plan. More specific purposes and intent of the Site Plan and Architectural Review process are discussed in Chapter 6.

B. Applicability

Site Plan and Architectural Review approval shall be required prior to issuance of a building permit, certificate of occupancy, business license, grading permit, or utility service connection for the following:

1. **In all commercial and mixed use zones (DC, HLC, WC, DMU, MSMU) and the HR, Historic Residential Zone.**
For projects or purposes that include demolition, new construction, or construction changes substantially affecting the exterior appearance of the building as viewed from a public right-of-way or circulation to the site, signs, and changes or intensification in use, occupancy, or tenancy of an existing building or portion of a building. Demolition requests shall follow the procedures in Appendix A of this Specific Plan.
2. **In all other zones.** For all projects, except individual single-family residences not a part of a proposed subdivision or development project, that involves new construction or exterior alterations, additions, and signs.

C. Procedure

Site Plan and Architectural Review shall consist of the procedures described in Chapter 18.7668 of the Zoning Code.

1. **Renewal.** The Administrator may renew Site Plan and Architectural Review approval for a period of one year upon determining that the original findings made remain valid. Request for renewal shall be made in writing at least thirty (30) days prior to expiration.
2. **Changed Plans.** The Administrator or the Administrator's designee, or the Planning Commission, as the case may be, may approve changes to approved plans or Conditions of Approval upon determining that the changes in conditions are minor and are consistent with the intent of the original approval. Revisions



involving substantial changes in project design or Conditions of Approval shall be treated as new applications.

3. **Alternative Development Standards or Guidelines.**

Alternative approaches to the development standards and design guidelines (Chapter 6) shall be identified by the applicant and shall be reviewed during the site plan and architectural review process. Approval of deviations to development standards or design guidelines may be permitted, if the applicant can demonstrate that the deviation(s) would still accomplish the intent of the Specific Plan standards and guidelines to the same degree or better. The applicant must request a Minor Specific Plan Amendment, accompanied by adequate justification for the proposed changes in accordance with the procedures for Minor Specific Plan Amendments described in Section 7.3.4.

D. Appeals

1. **Rights of Appeal and Review.** Site Plan and Architectural Review decisions of the Administrator may be appealed by any interested party to the Planning Commission. Planning Commission decisions may be appealed to the City Council, in accordance with the standards for appeals, addressed in Chapter 18.8476 of the Zoning Code.

7.6.2 Planned Unit Development (PUD) Permit

A. Purpose

1. To provide for development of larger parcels, designated for a mix of residential and/or commercial uses. The specific location, layout, design, and phasing of these zones may be determined through this process.
2. To allow a flexible approach to the application of development standards, where a higher quality of design, amenity, and community environment would result. The PUD Permit procedure is not intended as a means to circumvent the application of normal and appropriate development standards.
3. To encourage variety and avoid monotony in large developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenity.

B. Application and Procedure for Approvals and Amendments

Application for and the process for approving and amending PUD Permits shall be as described in Chapter 18.7263 of the Zoning Code.

7.6.3 Administrative Review and Conditional Use Permits

A. Purpose

1. **Administrative Review.** Administrative review is required to verify that an intended use or structure complies with the allowed list of activities, all applicable development standards, and does not negatively impact adjoining properties and/or the surrounding area. Thus, administrative review applications may be reviewed and approved by the Administrator or his/her designee, without requiring a public hearing or noticing within the area for which the use will be located.
2. **Conditional Use Permits.** Conditional Use Permits are required for uses typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. Such uses may be consistent with the purpose of a particular land use zone but the characteristics stated above might preclude their compatibility in every location within a zone. Use Permits provide the flexibility to allow such uses where appropriate, while disallowing those uses where conflict with surrounding uses or the purposes of the zone would occur.

B. Applicability

When required by the zoning district in which the use or structure is located, administrative review clearance or a conditional use permit, as the case may be, is required prior to commencement of construction or use.

C. Regulation

Upon request regarding whether a use is allowed within a particular zone of the WDSP, the Administrator, subject to appeal to the Planning Commission, shall provide a written determination as to whether the use in question is substantially similar in characteristics, intensity, and compatibility to a use or uses permitted within the zoning district for the property; that the use for the property is a permitted use, use requiring administrative review, a conditionally permitted use, or disallowed within that zone.

Application for and the process for administrative review and conditional use permits shall be as follows.



I. Administrative Review

Application for administrative review shall be made in writing on a form prescribed by the Development Services Department and shall be accompanied by plans and elevations, site plans, and/or relevant data required to grant the application. The Administrator or his/her designee shall review all applicable information and within thirty (30) days of receiving all relevant information, make a determination whether the proposed structure or use meets all applicable standards of the Specific Plan and other relevant City standards.

The Administrator shall make one of the following determinations:

- a. Approve the application upon determination that the project complies with all applicable standards of the Specific Plan and relevant City standards. Public hearings are not required for administrative review applications, unless the decision of the Administrator or his/her designee is appealed.
- b. Deny the application if it is determined that the project will not comply with all applicable standards of the Specific Plan and relevant city standards. However, prior to denying the application, the Administrator shall provide the applicant an opportunity to modify or correct the application to bring the project into conformance with applicable City standards.
- c. Request further information, as may be needed to make the determination to approve or deny the application.

2. Conditional use Permits

Application for and the process for conditional use permits shall refer to the standards in Chapter 18.7366 of the Zoning Code and standards in this section. In approving a Conditional Use Permit, the Planning Commission may impose reasonable conditions necessary to satisfy the findings, identified in subsection D, below.

D. Findings Required to Grant

I. Administrative Review

Administrative review applications shall be subject to the following findings:

- a. That the proposed location of the use is consistent with the goals, objectives, and policies of this Plan, the General Plan, and the purposes of the zone in which the site is located.
- b. That the proposed use is similar in character, intensity, and compatible with other uses permitted within the zoning district for the property.

2. Conditional Use Permits

Conditional use permits shall be subject to the findings in Section 18.~~7366.060.080~~ of the Zoning Code and the standards that follow:

- a. That the proposed location of the use is consistent with the goals, objectives, and policies of this Plan and the purposes of the zone in which the site is located.
- b. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan.
- c. 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.

7.6.4 Temporary Use Permit

A Temporary Use Permit, authorizing certain temporary use classifications, shall be subject to the provisions in Section 18.~~66.07573.120~~ of the Zoning Code.

7.6.5 Variances and Exceptions

A. Purpose

I. Variances

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or the immediate vicinity or from street locations or traffic conditions in the immediate vicinity of the site. Cost or inconvenience to the applicant of strict compliance with a regulation shall not, in and of itself, constitute sufficient reason for granting a variance.



Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, courts, distances between structures, open space, signs, off-street parking, and off-street loading standards.

2. Exceptions

Due to the unique conditions of design and construction in the HR and HLC district, where structures were sometimes built close to lot lines, densities are mixed, and parcel configurations have changed over the years, it is sometimes in the public interest to provide for a higher quality of design and/or enhance the historic character of the neighborhood by making an exception to normal setback, parking, landscaping, fencing, and screening requirements, where such an exception does not interfere with the public health or safety. Exceptions may be made within the HR and HLC districts for the same purposes as a variance, but where the strict findings of a variance cannot be made.

Exceptions may also be permitted for parking requirements.

B. Application and Authority to Grant

Application for and the process for variances and exceptions, shall refer to Chapter 18.[8073.03402](#) of the Zoning Code and the standards in this section.

The Administrator shall have the authority to grant Variances and Exceptions, subject to appeal to the Planning Commission by any person or persons affected by the variance or exception, except that Planning Commission approval is required for all major construction, enlargement, additions, improvements, alterations, and removal in the HR or HLC districts that exceed 500 square feet. Refer to Appendix A of the Specific Plan for demolition and review procedures in the HR and HLC zones. In no case, shall a Variance or Exception be granted, which allows a use of land or buildings not permitted in the district in which the subject property is located.

C. Public Noticing and Hearings

The process for public noticing and hearings for Variances and Exceptions shall be as addressed in Section 18.[8073.0502](#) of the Zoning Code. Additionally, notices shall be provided to all property owners within 300 feet of the property, which is the subject of the application.

D. Findings Required to Grant

1. Variances

Variances shall be subject to the findings in Section 18.8072.020 of the City Zoning Code and the findings that follow:

- a. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the Goals, Objectives, and Policies of this Plan.
- b. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the same zone.
- c. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.
- d. That the granting of the Variance or Exception will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

2. Exceptions

- a. Exceptions to development standards in the HR and HLC zone shall be subject to the criteria provided in Appendix A of the Specific Plan.
- b. Exceptions to parking standards may be permitted, as specified in Section 6.5.34 of the Specific Plan.

E. Conditions of Approval

In approving a Variance or Exception, the Administrator or Planning Commission, as the case may be, may impose reasonable conditions necessary to:

1. Achieve the general purpose of the Specific Plan or the specific purposes of the zoning district in which the site is located.
2. Protect the public health, safety, and general welfare.
3. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties in the surrounding area.



7.7 APPROVAL TO EXTEND WITH THE LAND

7.7.1 Approvals

Except where otherwise specified by the approving authority, approvals of all discretionary permits governed by this Plan shall extend with land.

7.7.2 Lapse of Approvals

Approvals for Site Plan/Architectural Review, Conditional Use Permit, Variances, and minor deviations shall lapse and become void twelve (12) months from the approval date, unless a different expiration date is specifically established as a Condition of Approval. Such approvals shall not lapse if any of the following actions occur prior to twelve (12) months from project approval or as extended, subject to Section 7.7.3:

- A. A building permit is issued in accordance with the approved entitlement and construction is commenced and diligently pursued toward completion; or,
- B. The use addressed under the approved Use Permit has commenced; or,
- C. A certificate of occupancy for the use or improvement addressed under the entitlement is issued.

7.7.3 Extensions

An extension may be issued for project approvals described in the previous sections. The Administrator may only extend approvals originally granted by the Administrator. The Planning Commission may only extend approvals originally granted by the Planning Commission. An extension may be granted for twelve (12) months and shall not exceed a total of two (2) years from the original date of approval. All requests for extensions should be filed with the Planning Division sixty (60) days prior to the expiration date. The Administrator or Planning Commission may extend the approval of a project if they find that there have been no significant changes in the goals, objectives, policies and regulations of this Specific Plan, or character of the area within which the project is located, that would cause the approved project to become inconsistent or nonconforming. Also, the granting of an extension should not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

7.8 HEARINGS

Public hearings shall be held for the purpose of considering public testimony regarding the granting of various permits and actions as specified by this Chapter and as required by State law. The Planning Commission and/or City Council may, from time to time, determine that a public hearing is necessary or desirable even when not specifically required and may set the time and place for such hearing to occur.

7.8.1 Notice of Hearing

The Planning Division shall cause notice of the time and place of the public hearing on the project to be given at least ten (10) days in advance of the public hearing, as follows:

- A. Notice of public hearing shall be mailed to the applicant and owner(s) of the property in question, or their authorized representative.
- B. Notice of public hearing shall be mailed to all property owners within 300 feet of the subject property.
- C. Notice of public hearing shall be published in at least one newspaper of general circulation.
- D. Notice of public hearing shall be posted in at least three (3) public places designated by the City Council for such notification.

7.8.2 Other Notice Requirements

Notices required by this section shall be in addition to any other or different notice required by other provisions of this Code or by State law, provided, however, that nothing therein shall require separate notices to be given if the same notice will satisfy the requirements of this Section and any other application section of this Code or State law.

7.8.3 Continuance of Hearings

Any public hearing may be continued from time to time by the body or official conducting the hearing, subject to limitations provided by law, and in such case no further notice need be given.



7.9 ENFORCEMENT

Enforcement of this Plan shall be subject to the enforcement standards for the Zoning Code, addressed in Chapter 18.8678, "Administration and Enforcement" of the Zoning Code.

7.10 APPEALS

Appeals shall be subject to the standards in the City Zoning Code, Chapter 18.8476, "Appeals."

7.11 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Plan is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Plan. The Council hereby declares that it would have passed this Plan and each section, subsection, sentence, clauses, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clauses, or phrases has been declared invalid or unconstitutional, and if for any reason this Plan should be declared invalid or unconstitutional, then the remaining provisions shall be in full force and effect.

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