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Planning Services Division

Use Permit Renewal – Staff Report

Application: U-93-23-EX4 (Bud's Liquor)

Project Planner: Travis Kroger

Location: 318 Benicia Road

General Plan: Traditional Community – Mixed Use

Zoning: Residential Traditional Community – Mixed Use 'RTC-MU'

Meeting of July 2, 2015

Agenda Item No. 1

Assessor Parcel Numbers: 0059-101-290

Proposal

The applicant has filed extension No. 4 of Use Permit U-93-23 for the continued use of a food and liquor store. Pursuant to Section 28.106(N) of the County Zoning Regulations, use permits subject to periodic renewal shall be administratively approved if all of the following criteria are met:

- 1) The permittee has requested renewal;
- 2) The permittee has paid the applicable renewal fee; and
- 3) The use is being conducted in compliance with all conditions of the use permit.

Background

Use Permit U-93-23 was granted by the Solano County Zoning Administrator April 21, 1994. Subsequent renewals have extended the permit term through April 21, 2014.

Review and Recommendation

Based on the application materials submitted for this renewal and review of the approved development plans and conditions of approval, staff has determined that the food and liquor store is being operated in compliance with U-93-23. Staff recommends approval based on the following findings:

1. The applicant filed an application for a renewal.
2. The applicant has paid the necessary permit renewal fee.
3. The permitted use is operating in compliance with the conditions of approval as set forth in U-93-23.

Updated Permit Term (Condition of Approval No. 12)

The permit shall be in effect for a five (5) year period, with the provision that an extension may be granted if said request is received prior to the expiration date of April 21, 2019 and the use remains the same and in compliance with the conditions of approval.

Attachment - Zoning Administrator Resolution No. 94-12

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 94-12**

WHEREAS, the Solano County Zoning Administrator has considered, in public hearing, Use Permit Application No. U-93-23 of Saleh Nijem to re-establish a food and liquor store located at 318 Benicia Road in unincorporated Vallejo. The project is located within the "CN" Neighborhood Commercial Zoning District (APN: 59-101-29), and

WHEREAS, said Zoning Administrator has reviewed the report of the Department of Environmental Management and heard testimony relative to the subject application at the duly noticed public hearing held on April 21, 1994, and

WHEREAS, after due consideration, the said Zoning Administrator has made the following findings in regard to said proposal:

1. The establishment, maintenance or operation of a use applied for is in conformity with the General Plan for the County regarding traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Planning Commission to be pertinent.
2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.
3. The applicant exhibits proof that such use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood as such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County; provided that if any proposed use is necessary for the public health, safety or general welfare, the finding shall be to that effect.
4. The proposed use is compatible with surrounding land uses.
5. The Solano County Zoning Administrator finds that the proposed project will not have a significant effect on the environment and determined that a Negative Declaration be prepared.

WHEREAS, the Zoning Administrator has determined that the following conditions of approval shall be incorporated into said Use Permit:

1. The above use shall be established and conducted in accord with the plans and information submitted with Use Permit Application No. U-93-23 and as approved by the Solano County Zoning Administrator.

2. Waste disposal service shall be provided by an approved local refuse collector.
3. That the hours of operation be limited from 7 a.m. to midnight daily.
4. Adequate measures shall be taken to prevent offensive dust, noise, lighting, litter or other impacts which constitute a nuisance to surrounding properties.
5. Remodeling of the structure will require a Zoning Building Permit and meet all requirements of the Uniform Building Code.
6. All requirements of the Solano County Environmental Health Services Division shall be met including the following:
 - a) Prior to the issuance of the use permit, the applicant shall submit an equipment list and construction plans to this Division for plan checking.
 - b) Prior to the issuance of the use permit, the applicant shall secure a permit to operate a food facility from this Division.
7. All requirements of the Solano County Department of Transportation shall be met.
8. All requirements of the Solano County Building and Safety Division shall be met.
9. All requirements of the California Department of Alcohol Beverage Control shall be met.
10. The subject project shall meet all requirements of the Vallejo Fire Department.
11. The subject project shall meet all requirements of the Vallejo Sanitation and Flood Control District including the following:
 - a) The use of the existing private sanitary sewer main is conditioned upon passing a standard Vallejo Sanitation and Flood Control District (VSFCD) air test.
 - b) Comply with VSFCD pretreatment requirements for sanitary sewage.
 - c) Area within refuse enclosures shall drain to the sanitary sewer system if required by Solano County Environmental Health Services. If a sanitary sewer system connection is required, the outside perimeter of the trash enclosure shall be graded to prevent storm water from draining into the sanitary sewer system.

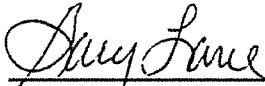
- d) Prior to building permit issuance, the property owner shall grant VSFCD a right-of-way to test and repair sanitary sewer laterals per Resolution No. 89-4210.
 - e) Prior to building permit issuance, a VSFCD connection permit is required. Pay all applicable review and connector fees.
 - f) Prior to occupancy/final building inspection, comply with the requirements of VSFCD.
 - g) Prior to occupancy/final building inspection, provide a standard VSFCD cleanout at the right-of-way easement line per District standards.
12. The permit shall be in effect for a five (5) year period with the provision that an extension may be granted if said request is received prior to the expiration date of April 21, 1999, depending upon the circumstances at that time.
 13. Exterior lights on the building and in the parking lot shall be shielded such that the light emitted does not spill onto adjacent properties.
 14. The site shall be kept free of trash and debris, and trash receptacles shall be placed within trash enclosure at all times.
 15. There shall be no outside storage of materials, trailers, equipment, inoperable automobiles and recreational vehicles, parts and supplies on site.
 16. Adequate maintenance shall be provided to prevent deterioration of all exterior improvements so that the project remains visually attractive to the public at all times.
 17. Provide a secured decorative outdoor trash receptacle near entrance of building.
 18. Plant Helix herda Ivy at 6 inches on center spacing in the landscape planter located on the Benicia Road frontage near Starr Street.
 19. Loitering is prohibited on the subject property. If necessary, the business operator and/or property owner shall hire the appropriate security personnel to assure enforcement of this condition.
 20. Failure to comply with any of the conditions or limitations set forth in the subject Conditions of Approval shall be cause for the revocation of this use permit.

Resolution No. 94-12
U-93-23, Nijem

BE IT, THEREFORE, RESOLVED, that the Zoning Administrator of the County of Solano does hereby approve Land Use Permit Application No. U-93-23 of Saleh Nijem.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on April 21, 1994.

JOHN TAYLOR, ZONING ADMINISTRATOR



Gary Lape, Principal Planner