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**DEPARTMENT OF RESOURCE MANAGEMENT**



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Planning Services Division

**SOLANO COUNTY ZONING ADMINISTRATOR**

**Staff Report  
 U-05-29-MR1**

<b>Application No.</b> U-05-29-MR1 (Vapor Pharm) <b>Project Planner:</b> Travis Kroger, Planning Technician		<b>Meeting of September 3, 2015    Agenda Item No. 2</b>	
<b>Applicant</b> Glenda Robertson, 1051 Madrone Ave, Vallejo, CA 94592 and Sheila Shelly, P.O. Box 4678, Vallejo, CA 94590		<b>Property Owner</b> Janet Hantke and Glenda Robertson 727 Carolina Street Vallejo, CA 94590	
<b>Action Requested</b> Consideration of Use Permit application U-05-29 to revise an existing neighborhood commercial land use (dog training and pet sitting) to add electronic cigarette sales in the existing Aardvarks & Others building.			
<b>Property Information</b>			
Size: 0.24 ac. (total)		Location: 1125 Benicia Road	
APN: 0074-071-050			
Zoning: Commercial Service		Land Use: Neighborhood Commercial	
General Plan: Traditional Community Mixed Use		Ag. Contract: n/a	
Utilities: Existing municipal water and sewer services		Access: Benicia Road	
<b>Adjacent General Plan Designation, Zoning District, and Existing Land Use</b>			
	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Traditional Community	Commercial Service	Residential
<b>South</b>	Traditional Community	Residential Traditional Community 'RTC-20'	Comm./Residential
<b>East</b>	Traditional Community	Residential Traditional Community 'RTC-6'	Comm./Residential
<b>West</b>	Traditional Community	Residential Traditional Community 'RTC-6'	Comm./Residential
<b>Environmental Analysis</b> The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.			
<b>Motion to Approve</b> The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Use Permit No. U-05-29-MR1 based on the enumerated findings and subject to the recommended conditions of approval.			

## **BACKGROUND**

On April 6, 2006 the Solano County Planning Commission granted Land Use Permit U-05-29 to establish and operate a dog training facility. Since then, the applicant has owned and operated the site as Aardvarks & Others (Business License LIC-0132). Assessor's parcel records indicate the existing structure was originally built in 1960.

## **SETTING**

The subject property consists of .24 acre of land, developed with an existing 4,370 square foot commercial structure. The site is currently served by City of Vallejo water and Vallejo Sanitation & Flood Control District sewer. Vehicle access is from Benicia Road and paved and striped parking is provided on-site..

Land uses fronting along Benicia Road are a mix of single and multiple family residences, as well as commercial sales and service uses. Travelling away from Benicia Road (north or south), land uses become predominantly residential in nature. Lot sizes generally range between 5,000 – 10,000 square feet.

## **PROJECT DESCRIPTION**

The applicant has applied for a Conditional Use Permit revision to add electronic cigarette sales to an existing dog training facility in an existing structure. The subject property consists of approximately .24 acre (10,454sf).

The dog training will occur in 2,000 square feet of the existing 4,370 square foot building, which was previously occupied by a ceramics shop which included retail sales and classes, and more recently retail sales of dog training supplies. The building itself is functionally divided into two sections. The main section is 2,370 square and contains six rooms: a kitchen, two bathrooms, retail area, and two storage areas. The remaining portion of the building is open without any interior rooms.

The proposed uses will be retail sales of electronic cigarettes in the retail space in the main section of the building, and dog training classes by appointment only in the open 2,000sf section. The previously approved pet sitting portion of the business has been relocated to a new facility "Island Aardvarks" at 783 Walnut Ave. Scheduled dog training classes will remain at the Benicia Road location with the addition of electronic cigarette sales. The front of the building will be used for retail sales of electronic cigarettes and supplies. The classroom will be used for meetings and seminars (pet first aid/CPR). The two largest rooms will be for training classes, including: pet management, beginning and advanced obedience, agility, competitive obedience, socialization training, and group play sessions. The proposed hours of operation are 11:00am to 8:00 PM, and scheduled dog training classes by appointment.

No new structures are proposed. The only changes proposed are additional signage for the "Vapor Pharm" business.

## **LAND USE CONSISTENCY**

The parcels are designated Traditional Community – Mixed Use by the Solano County General Plan Land Use Diagram. As indicated on the General Plan land use consistency table (General Plan Table LU-7) the Commercial Service 'CS' Zoning District is consistent with this designation.

The subject site is zoned Commercial Service "CS". Within this district issuance of a Minor Use Permit is required for Neighborhood Commercial land uses greater than 1,500 square feet in size, providing outdoor sales and service, or serving liquor within 200 feet of a residential district. Although the existing 4,370 sq. ft. structure has been previously permitted via U-05-29 for a neighborhood commercial use for dog training, the addition of electronic cigarette sales triggers the need for a revision.

All Neighborhood Commercial retail uses are subject to the general land use requirements provided in Section 28.74.10 of the Zoning Regulations. These requirements address access, encroachment, roads, and setbacks. Vehicle access to the site is provided via encroachment off Benicia Road, a public road. The existing structure meets the minimum setback of zero feet from the adjacent street (Benicia Road). In addition, retail uses require one space per two hundred square feet of gross floor area and commercial uses require one parking space for every 200 square feet of floor area. The existing structure is 4,370 square feet with 2,000 square feet devoted to dog training, and 710 square feet devoted to retail sales. This would require 6 parking spaces and the lot is developed with paved and striped parking for seven (7) vehicles, thus meeting the parking requirement. The existing use and the proposed modifications are consistent with applicable zoning regulations.

The existing dog training business is permitted via land use permit U-05-29; however the proposed project qualifies for a Revision pursuant to Section 28.106(I) of the County Zoning Regulations. The proposed modifications are being processed as a revision to the permitted use under U-05-29.

## **ENVIRONMENTAL ANALYSIS**

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Assessor's property records indicate the effective age of development on APN 0074-071-050 to be built in 1960. On April 6, 2006 the Solano County Planning Commission granted Land Use Permit U-05-29 to establish and operate a dog training business. No remodeling will be required for the planned additional use, so the proposed project qualifies for a Class I Categorical Exemption, Existing Facilities.

## **RECOMMENDATION**

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. U-05-29-MR1, subject to the recommended conditions of approval.

## **MINOR USE PERMIT MANDATORY FINDINGS**

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

The Land Use Chapter of the General Plan recognizes residential and mixed-use communities located outside agricultural and municipal service areas where previous development has occurred at higher densities or intensities than currently allowed under County policy. Neighborhood scale commercial uses over 1500 square feet are conditionally permitted within the Commercial Service. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site is provided with domestic drinking water and sewer service from the City of Vallejo. Access is provided via encroachment off Benicia Road. The project does not involve new construction therefore drainage on-site would not be affected.

- 3. The subject use will not, under the circumstances of this 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 of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed neighborhood commercial uses will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

## **ADDITIONAL FINDINGS**

- 4.** The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- 5.** The proposed project qualifies for a Revision pursuant to Section 28.106(l) of the County Zoning Regulations. The proposed modifications are being processed as a revision to the permitted use and will supersede the previously issued use permit U-05-29.

## **CONDITIONS OF APPROVAL**

### **General**

- 1.** The proposed dog training facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-05-29, and as shown on the approved site plan entitled Proposed Site Plan and Existing Floor Plan, drawn by ARC, Inc., revised February 7, 2006, and as approved by the Solano County Planning Commission.
- 2.** The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.
- 3.** Operating hours for training services shall be limited to 7:00am and 9:00pm. Operating hours and days for retail sales shall be limited to 9am to 5pm, Mondays through Saturday.

4. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan or those otherwise allowed by right, without prior approval of a new permit or minor revision to the use permit and additional environmental review.
5. If hazardous materials, including fuels, oils, lubricants, and/or welding gases are stored onsite, verification with Solano County Resource Management, Hazardous Materials Section shall be made regarding requirements for a Hazardous Materials Management Plan.
6. The applicant shall ensure that all necessary occupancy permits are obtained from the Building and Safety Division for the change of use of the existing structure.
7. Prior to occupancy of the structure, all requirements of the East Vallejo Fire Protection District shall be met.
8. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
9. Electronic Cigarette sales will be limited to the portion of the building identified as "Sales Area" on the floor plan submitted with this application.
10. This permit supersedes all conditions of U-05-29

#### **Permit Term**

11. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

#### **Building and Safety Division**

12. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.

#### **Attachments**

- A – Draft Resolution
- B – Assessor's Parcel Map
- C – Site Plan

**SOLANO COUNTY ZONING ADMINISTRATOR  
RESOLUTION NO. XX**

**WHEREAS**, the Solano County Zoning Administrator has considered Minor Revision No. 1 to Use Permit No. U-05-29 of **Glenda Robertson (Vapor Pharm)** to revise an existing neighborhood commercial land use (dog training and pet sitting) to add electronic cigarette sales in the existing Aardvarks & Others building located .25 miles west of the City of Vallejo in a "CS" Commercial Service Zoning District, APN: 0074-071-050, and;

**WHEREAS**, said Zoning Administrator has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on September 3, 2015, and;

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

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

The Land Use Chapter of the General Plan recognizes residential and mixed-use communities located outside agricultural and municipal service areas where previous development has occurred at higher densities or intensities than currently allowed under County policy. Neighborhood scale commercial uses over 1500 square feet are conditionally permitted within the Commercial Service. The Zoning of the property along with the existing use and proposed modifications is consistent with the General Plan.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site is provided with domestic drinking water and sewer service from the City of Vallejo. Access is provided via encroachment off Benicia Road. The project does not involve new construction therefore drainage on-site would not be affected.

- 3. The subject use will not, under the circumstances of this 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 of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditioned, the proposed neighborhood commercial uses will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

- 4. The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class I consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features,**

involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

5. The proposed project qualifies for a Revision pursuant to Section 28.106(I) of the County Zoning Regulations. The proposed modifications are being processed as a revision to the permitted use and will supersede the previously issued use permit U-05-29.

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved the minor revision to Use Permit No. U-05-29 subject to the following recommended conditions of approval:

#### **General**

1. The proposed dog training facility shall be established in accord with the plans and information submitted with Use Permit Application No. U-05-29, and as shown on the approved site plan entitled Proposed Site Plan and Existing Floor Plan, drawn by ARC, Inc., revised February 7, 2006, and as approved by the Solano County Planning Commission.
2. The permittee shall take such measures as may be necessary or as may be required by the County to prevent offensive noise, lighting, dust or other impacts, which constitute a hazard or nuisance to surrounding properties.
3. Operating hours for training services shall be limited to 7:00am and 9:00pm. Operating hours and days for retail sales shall be limited to 9am to 5pm, Mondays through Saturday.
4. No additional uses (including outdoor storage), new or expanded buildings shall be established or constructed beyond those identified on the approved plot plan or those otherwise allowed by right, without prior approval of a new permit or minor revision to the use permit and additional environmental review.
5. If hazardous materials, including fuels, oils, lubricants, and/or welding gases are stored onsite, verification with Solano County Resource Management, Hazardous Materials Section shall be made regarding requirements for a Hazardous Materials Management Plan.
6. The applicant shall ensure that all necessary occupancy permits are obtained from the Building and Safety Division for the change of use of the existing structure.
7. Prior to occupancy of the structure, all requirements of the East Vallejo Fire Protection District shall be met.
8. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
9. Electronic Cigarette sales will be limited to the portion of the building identified as "Sales Area" on the floor plan submitted with this application.
10. This permit supersedes all conditions of U-05-29

#### **Permit Term**

11. The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic compliance reviews occurring at

five (5) year intervals from the date of granting this permit. The cost associated with the periodic reviews shall be charged at that time.

**Building and Safety Division**

12. The permittee shall obtain approval from the Building and Safety Division prior to construction, erection, enlargement, altering, repairing, moving, improving, removing, converting, demolishing any building or structure, fence or retaining wall regulated by the Solano County Building laws. Submit four (4) sets of plans to the Building and Safety Division for plan review and permits prior to beginning any improvements.

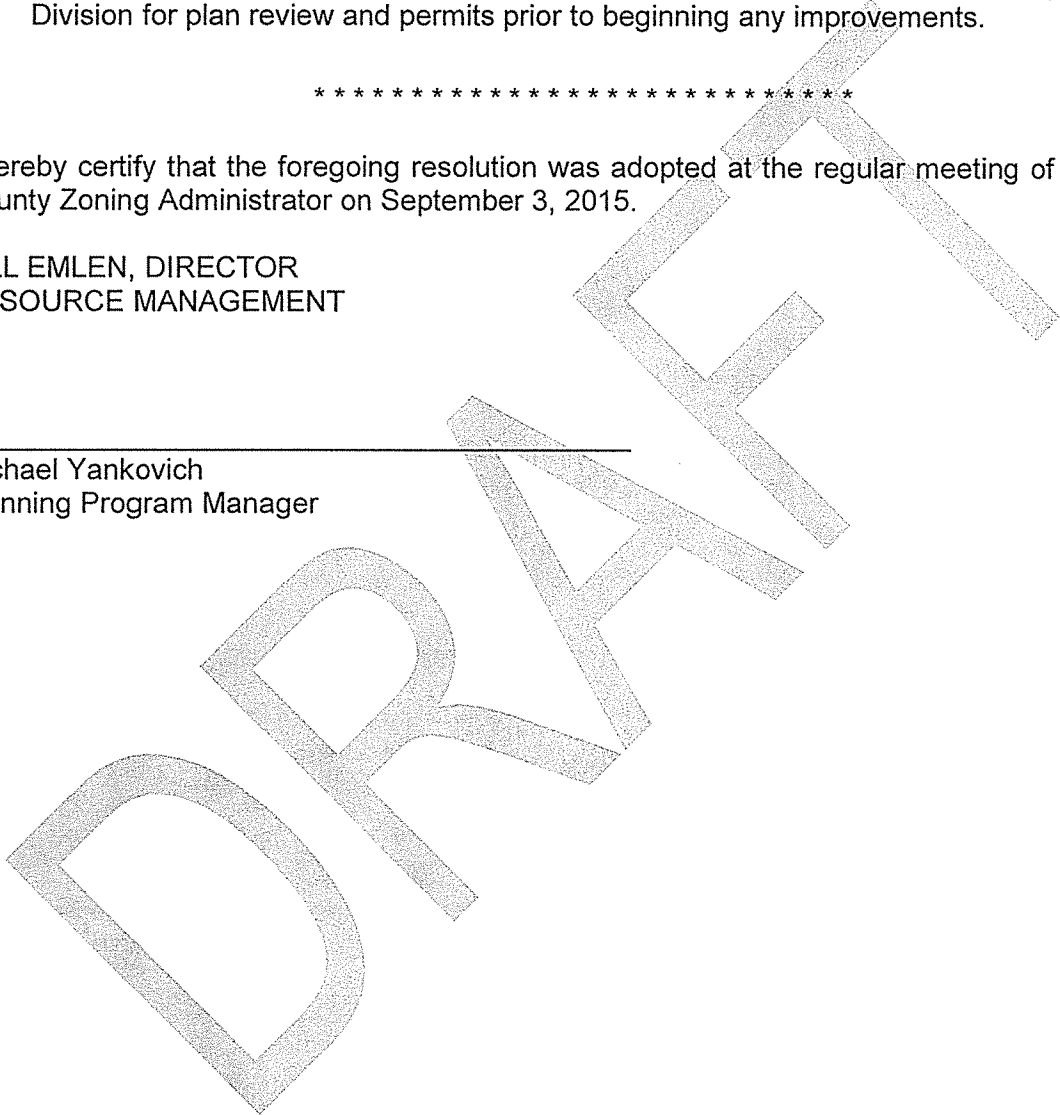
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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on September 3, 2015.

BILL EMLLEN, DIRECTOR  
RESOURCE MANAGEMENT

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Michael Yankovich  
Planning Program Manager

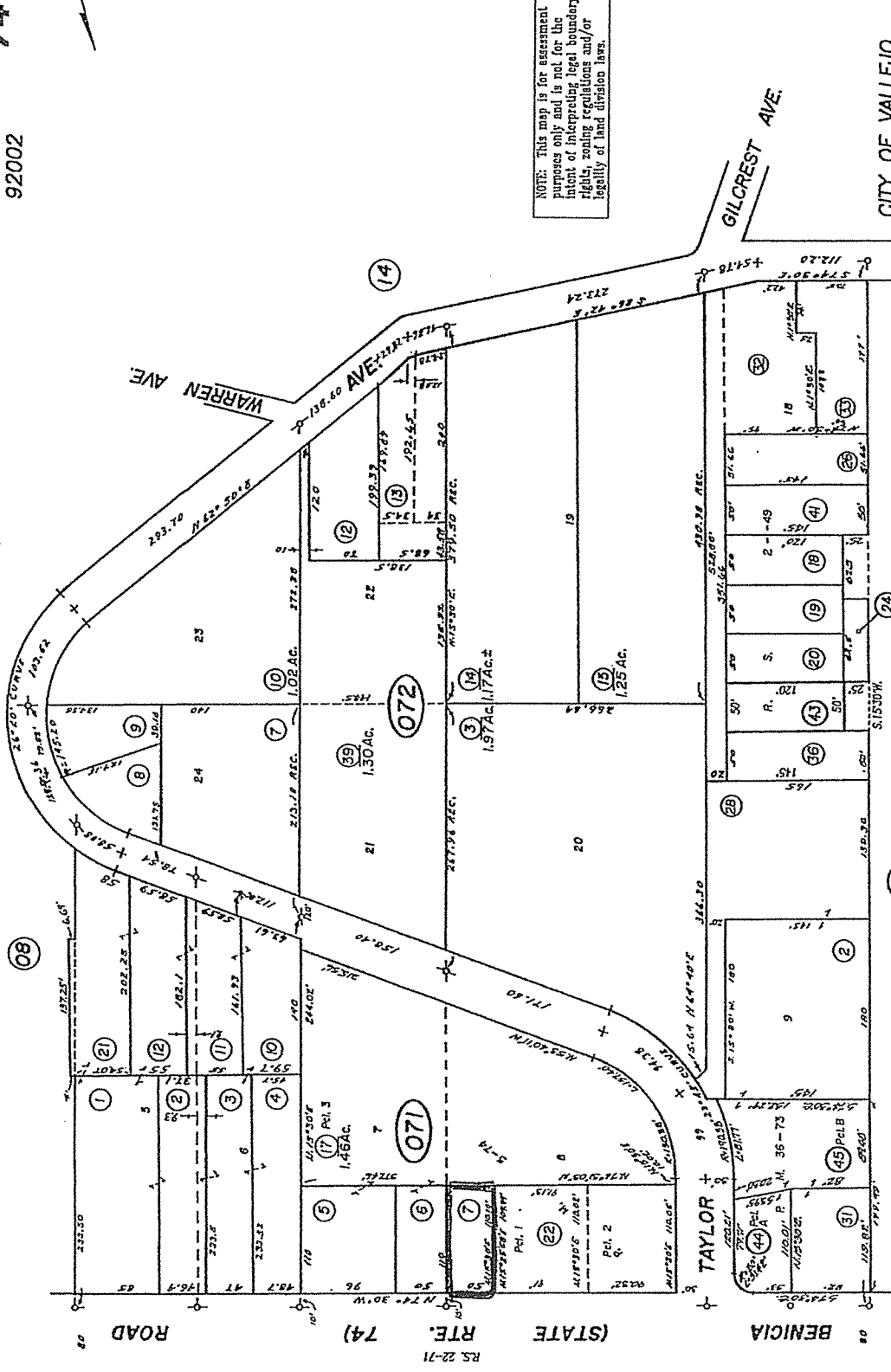
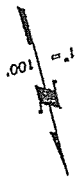




POR. S.E. 1/4 SEC. 20, T.3N., R.3W., M.D.B. & M.

Tax Area Code  
92002

74-07



NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

CITY OF VALLEJO  
Assessor's Map Bk. 74 Pg. 07  
County of Solano, Calif.

89-00

REVISION	DATE	BY
Benicia Pl. Rs	4-27-98	RS
Rtl 072-42 (03)	6-12-97	RS
072-14,45 (PM)	9-23-91	RS

NOTE: Assessor's Block Numbers Shown In Ellipses  
Assessor's Parcel Numbers Shown In Circles

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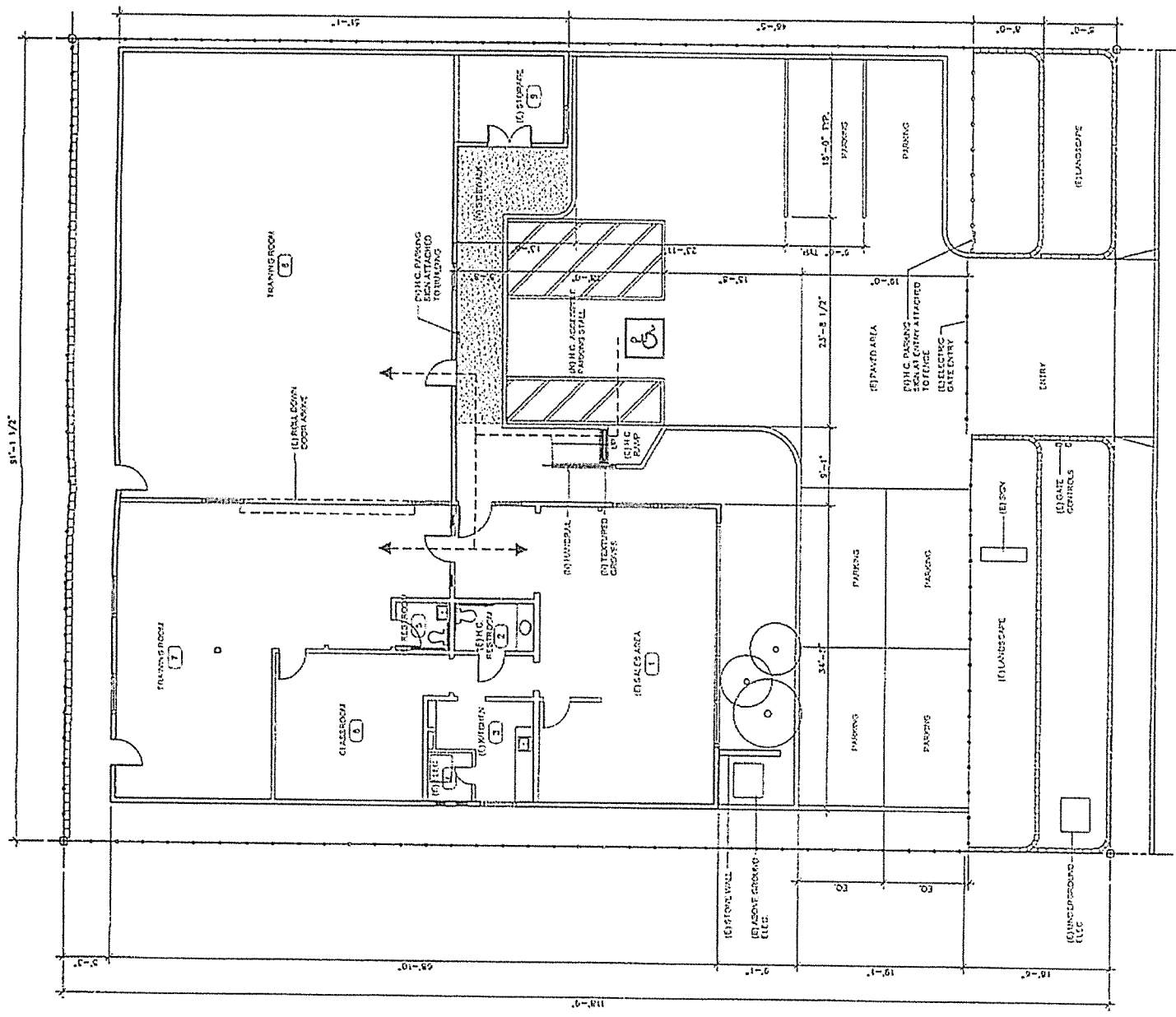
Petaluma Subdivision , R.M. Bk. 05 Pg. 17

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Bk. 71

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U-05-29-ME1



BENICIA ROAD