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DEPARTMENT OF RESOURCE MANAGEMENT



SOLANO COUNTY

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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

Staff Report

MU-17-03

Application No. MU-17-03 (Bolaños) Project Planner: Travis Kroger, Planning Technician		Meeting of October 19, 2017 Agenda Item No. 1	
Applicant Design 4 Buildings Attn: Jaime E. Valle 620 E. Washington St STE 100 Petaluma, CA 94952		Property Owner Jose and Ana Bolaños 101 Lair Court Vallejo, CA 94591	
Action Requested Consideration of Minor Land Use Permit application MU-17-03 to permit the continuing use of a previously Legal non-conforming mixed use residential and Neighborhood Commercial building.			
Property Information			
Size: 0.45 ac. (total)		Location: 541 Benicia Road	
APN: 0059-133-110, 120			
Zoning: Residential Traditional Community Mixed Use (RTC-MU)		Land Use: Neighborhood Commercial Use	
General Plan: Urban Commercial		Ag. Contract: n/a	
Utilities: Existing sewer and water connections		Access: Benicia Road	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Traditional Community – Mixed Use	Residential Traditional Community Mixed Use (RTC-MU)	Mixed Use (Residential and Neighborhood Commercial)
South	Traditional Community - Residential	Residential Traditional Community (RTC-D4)	Residential
East	Traditional Community – Mixed Use	Residential Traditional Community Mixed Use (RTC-MU)	Mixed Use (Residential and Neighborhood Commercial)
West	Traditional Community – Mixed Use	Residential Traditional Community Mixed Use (RTC-MU)	Transitional Industrial

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.

Motion to Approve

The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Use Permit No. MU-17-03 based on the enumerated findings and subject to the recommended conditions of approval.

BACKGROUND

The existing development on this parcel consists of a mixed use structure with 3 separate units for neighborhood commercial use, and 2 residential apartments which was built in 1947 according to assessors records (541 Benicia Road), and a small storage building located on APN 0059-133-110. An additional residential structure is located on APN 0059-133-120 built in 1918 according to assessors records (537 Benicia Road). 17 off street parking spaces are currently available on the two subject parcels (2 for the 537 Benicia Road dwelling, 1 for each of the 2 existing apartments, and 13 for the Neighborhood Commercial spaces). As part of the development associated with this application, the property owner is proposing to re-stripe the parking lot to create a total of 26 striped parking spaces, which meets the current code requirements for parking for the proposed use of the property.

This building has historically been a mixed use structure with residential and Neighborhood Commercial uses, most recently a restaurant "El Emperador" which operated under Business License LIC-0327 from 2004 until closing in November 2015. The current proposal is to open a new restaurant in the largest of the 3 Neighborhood Commercial spaces (1,717 square feet) and add 2 additional tenants in the future.

SETTING

The subject property consists of 0.45 acres of land, fronting on Benicia Road in unincorporated Vallejo. The surrounding parcels include residential, Neighborhood Commercial and mixed use structures.

PROJECT DESCRIPTION

The applicant has applied for a Minor Land Use permit for a Neighborhood Commercial use of an existing structure for up to 3 commercial tenants. The existing development consists of 3 dwelling units (2 residential apartments and one separate residence), and 3 neighborhood commercial retail spaces, with one currently proposed to be used as a restaurant.

No other changes to the site or land use are proposed.

LAND USE CONSISTENCY

The parcel is 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 Residential Traditional Community (RTC-MU) Zoning District is consistent with this designation.

The subject site is zoned Residential Traditional Community (RTC-MU). Within this district, Neighborhood Commercial uses are allowed subject to the requirements of section 28.74.10(A) of the Solano County Code. These general requirements address access, road encroachment standards, and setbacks. Vehicle access to the site is provided via a driveway off of Benicia Road.

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.

Assessor's property records and Building Permit records indicate the effective age of development on the subject parcel (APN 0059-133-110 and 120) to be built starting in 1918.

RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. MU-17-03, 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.**

This project is located within an area designated Urban Commercial by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Residential Traditional Community – Mixed Use (RTC-MU) zoning district. 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 water and sewer service by the City of Vallejo. Access is provided via encroachment off Benicia Road.

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 use 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.

CONDITIONS OF APPROVAL

General

1. The above use shall be established in accord with the application materials and development plans as submitted with MU-17-03 filed June 5th, 2017 and as approved by the Solano County Zoning Administrator.
2. Any modifications to the business or existing development or construction of any new structures may require approval of a Minor Revision to this permit prior to issuance of a Building Permit.
3. The proposed parking plan must be completed prior to approval of a Business License or any other permits for occupancy of more than one of the three Neighborhood Commercial spaces.
4. All Neighborhood Commercial businesses operating on this parcel will maintain a current Solano County Business License as required by the Solano County Code.

Building and Safety Division

5. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2016 California Building Code, or the latest edition enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."

Public Works Division

6. The Applicant shall apply for, secure and abide by the conditions of an encroachment permit for any planned or any existing driveway connections to Benicia Road that do not have an existing encroachment permit issued by Solano county. All driveway connections to public roads shall meet Solano County Road Improvement Standards and Land Development Requirements

Permit Term

7. 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.

Attachments

A – Draft Resolution

B – Assessor's Parcel Map

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered Minor Use Permit Application No. MU-17-03 of **Jose Bolanos (c/o Jaime Valle, Design 4 Buildings)** for a new restaurant in an existing building as a Neighborhood Commercial Use. The property is located a 541 Benicia Road, south of the City of Vallejo in a Residential Traditional Community Mixed Use (R-TC-MU) Zoning District, APN: 0059-133-110, 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 October 19, 2017, 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.**

This project is located within an area designated Urban Commercial by the Solano County General Plan Land Use Diagram. The proposed use is a conditionally permitted use within the Residential Traditional Community – Mixed Use (RTC-MU) zoning district. 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 water and sewer service by the City of Vallejo. Access is provided via encroachment off Benicia Road.

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 use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare of County residents.

The project qualifies for a Class I Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301, Existing Facilities.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved the application subject to the following recommended conditions of approval:

General

1. The above use shall be established in accord with the application materials and development plans as submitted with MU-17-03 filed June 5th, 2017 and as approved by the Solano County Zoning Administrator.
2. Any modifications to the business or existing development or construction of any new structures may require approval of a Minor Revision to this permit prior to issuance of a Building Permit.
3. The proposed parking plan must be completed prior to approval of a Business License or any other permits for occupancy of more than one of the three Neighborhood Commercial spaces.
4. All Neighborhood Commercial businesses operating on this parcel will maintain a current Solano County Business License as required by the Solano County Code.

Building and Safety Division

5. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2016 California Building Code, or the latest edition enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."

Public Works Division

6. The Applicant shall apply for, secure and abide by the conditions of an encroachment permit for any planned or any existing driveway connections to Benicia Road that do not have an existing encroachment permit issued by Solano county. All driveway connections to public roads shall meet Solano County Road Improvement Standards and Land Development Requirements

Permit Term

7. 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.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on October 19, 2017.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager

DRAFT

Tax Area Code
92006
92012

59-13

RD.

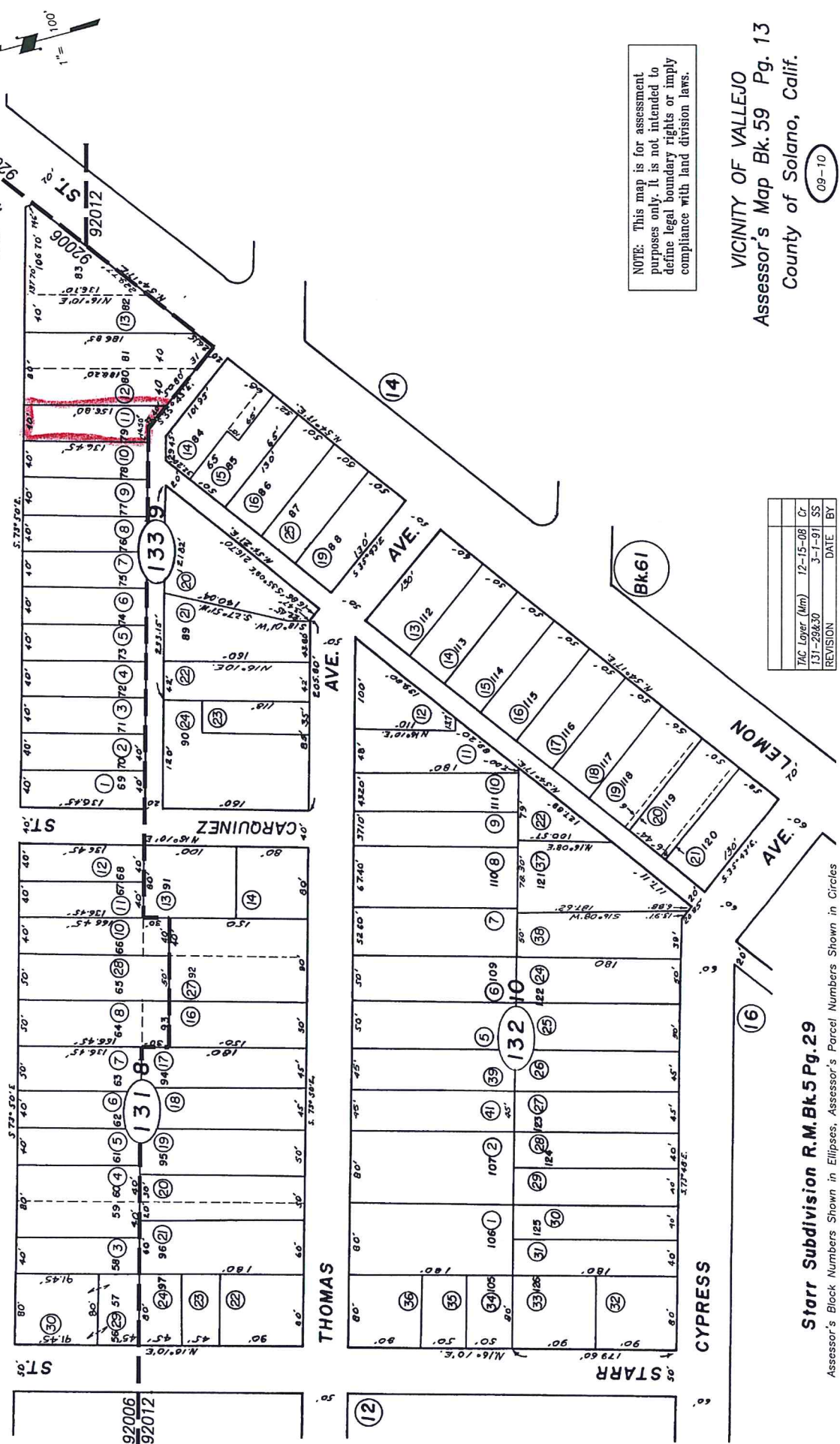
ST. STARR

92006
92012

(STATE HWY.)

BENICIA

ST. CARQUINEZ



NOTE: This map is for assessment purposes only. It is not intended to define legal boundary rights or imply compliance with land division laws.

VICINITY OF VALLEJO
Assessor's Map Bk. 59 Pg. 13
County of Solano, Calif.

09-10

REVISION	DATE	BY
TAC Layer (Mm)	12-15-08	Cr
131-29830	3-1-91	SS

Starr Subdivision R.M. Bk. 5 Pg. 29

Assessor's Block Numbers Shown in Ellipses, Assessor's Parcel Numbers Shown in Circles