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DEPARTMENT OF RESOURCE MANAGEMENT



SOLANO COUNTY

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Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

**Staff Report
 U-18-06**

Application No. U-18-06 (GW Chew) Project Planner: Travis Kroger, Planning Technician		Meeting of July 18, 2019 Agenda Item No. 1	
Applicant GW Chew 177 Skyway Drive Vallejo, CA 94591		Property Owner Benicia Kitchen LLC 65 Lyell Street Los Altos, CA 94022	
Action Requested Consideration of Land Use permit application U-18-06 to remodel the existing commercial building to create 3 commercial kitchen spaces for lease, and a retail sales area for sales of pre-packaged food products. Additionally, one parking space for a food truck will be provided for use as commissary parking.			
Property Information			
Size: 0.24 ac. (total)		Location: 1125 Benicia Road	
APN: 0074-071-050			
Zoning: Commercial Service (CS)		Land Use: Neighborhood Commercial	
General Plan: Traditional Community Mixed Use		Ag. Contract: n/a	
Utilities: Existing municipal water and sewer services		Access: Benicia Road	
Adjacent General Plan Designation, Zoning District, and Existing Land Use			
	General Plan	Zoning	Land Use
North	Traditional Community	Commercial Service	Residential
South	Traditional Community	Residential Traditional Community 'RTC-20'	Comm./Residential
East	Traditional Community	Residential Traditional Community 'RTC-6'	Comm./Residential
West	Traditional Community	Residential Traditional Community 'RTC-6'	Comm./Residential
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. U-18-06 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, which was later revised to include sales of electronic cigarettes. After the closing of those businesses, the site has been vacant. Previous permit history at this site includes the following:

Building

Permit Number	Description	Date Issued	Date Finaled
B-5346	Cover for shop entry	10/2/1989	10/26/1989
B-5106	Sign	3/20/1989	4/26/1989
B-7161	Interior Alteration	6/2/1994	Expired
B-99-417	40' x 19' Carport	7/29/1999	8/16/1999
B2001-0120	12' high sign with electric	3/15/2001	Expired
B2006-0286	Remodel existing commercial structure	4/26/2006	Expired
B2006-0548	Replace existing electrical	7/7/2006	10/27/2006
B2019-0096	Repair existing roof	2/11/2019	

Planning

Permit Number	Description	Date Issued	Status
U-05-29	Establish and operate a dog training facility	4/6/2006	Superseded
U-05-29-MR1	Add electronic cigarette sales to existing business	9/3/15	Use terminated

Business License

License Number	Business Name	Status
LIC-0132	Aardvarks & Others	Closed
LIC-0702	New Looks Service & Supply dba Vapor Pharm	Closed

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 for Neighborhood Commercial Uses – More than 1500 square feet to establish a community retail store with three commercial kitchen spaces available for lease, a retail sales area for pre-packaged food, and a commissary space for one food truck. The business proposes up to 8

employees with business hours Monday-Friday 8:00 am-6:00 pm. Proposed improvements to the property will include minor electrical, plumbing and gas installations, updated face on the existing sign, and new striping of the parking lot. The parking spaces will include at least 6 employee spaces and two customer spaces (including one ADA parking space), and an additional space for food truck parking.

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 Land 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.

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 200 square feet of gross floor area and commercial uses require one parking space for every 800 square feet of floor area. The existing structure is 4,370 square feet with 1,813 square feet devoted to kitchen space, 1,850 square feet devoted to storage, and 316 square feet of retail space. This would require 6 parking spaces for employees and 2 spaces for customers. The plans submitted with the application show proposed striping for 8 parking spaces (including one ADA space) and an additional space for commissary parking thus meeting the parking requirement. The existing use and the proposed modifications are consistent with applicable zoning regulations.

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. No significant 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-18-06, subject to the recommended conditions of approval.

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 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 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(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.**

CONDITIONS OF APPROVAL

General

- 1. The proposed community retail store shall be established in accord with the plans and information submitted with Use Permit Application No. U-18-06, and as shown on the approved site plan and floor plans.**

2. Both the business authorized by this permit and any tenants using the kitchen facilities will maintain a current Solano County Business License.
3. 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.
4. Operating hours and days for retail sales shall be limited to 9am to 6pm, Monday through Friday.
5. 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.
6. Additional of any additional signage (beyond the existing freestanding sign by the front gate) will require approval of a Sign Permit prior to installation.
7. 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.
8. 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.
9. Prior to occupancy of the structure, all requirements of the East Vallejo Fire Protection District shall be met.
10. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
11. Retail sales will be limited to the portion of the building identified as "Retail" on the floor plan submitted with this application.

Environmental Health Consumer Protection Division

12. The California Retail Food Code requires all food facilities to obtain a permit to operate from Environmental Health. Complete plans are required for the food facility and/or retail area; contact the consumer protection program at (707)784-6765 for the application and guidelines for construction.

Building and Safety Division

13. While the following comments are not all inclusive, they will act as a guideline for the requirements for the construction, repair or modification of any buildings or structures on the site now and in the future. These comments are not required on the application plan for the Use Permit, but (4) sets of plans will be required to be submitted to reflect all of the requirements in the latest edition of the codes adopted by the State of California and Solano County at the time of a construction permit application. These requirements, as well as all other required code requirements, shall be reflected on all construction drawings submitted for permit through Solano County Building Division.
14. The Building and any site improvements shall be designed using the 2016 California Building Standards Codes including the mandatory measures found in the new 2016 California Green Building Code, Chapter(s) 1, 2, 3, 5, 6, 7, 8, and A5 for Voluntary Measures.
15. 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 most current edition of the code 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.”**
16. Plans and Specifications shall meet the requirements as per Section 105 of the 2016 California Building Code. **“Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.”** Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.”

Permit Term

17. 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 Use Permit Application No. U-18-06 of **GW Chew (Benicia Kitchen, LLC)** to remodel the existing commercial building to create 3 commercial kitchen spaces for lease, and a rental sales area of pre-packaged food products. Additionally, one parking space for a food truck will be provided for use as commissary parking. The property is located at 1125 Benicia Road, west of the City of Vallejo within the Residential Traditional Community "RTC" 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 July 18, 2019, 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 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 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(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.

BE IT THEREFORE RESOLVED, that the Zoning Administrator has approved Use Permit Application No. U-18-06 subject to the following recommended conditions of approval:

General

1. The proposed community retail store shall be established in accord with the plans and information submitted with Use Permit Application No. U-18-06, and as shown on the approved site plan and floor plans.
2. Both the business authorized by this permit and any tenants using the kitchen facilities will maintain a current Solano County Business License.
3. 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.
4. Operating hours and days for retail sales shall be limited to 9am to 6pm, Monday through Friday.
5. 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.
6. Additional of any additional signage (beyond the existing freestanding sign by the front gate) will require approval of a Sign Permit prior to installation.
7. 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.

8. 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.
9. Prior to occupancy of the structure, all requirements of the East Vallejo Fire Protection District shall be met.
10. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk.
11. Retail sales will be limited to the portion of the building identified as "Retail" on the floor plan submitted with this application.

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14. The Building and any site improvements shall be designed using the 2016 California Building Standards Codes including the mandatory measures found in the new 2016 California Green Building Code, Chapter(s) 1, 2, 3, 5, 6, 7, 8, and A5 for Voluntary Measures.
15. 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 most current edition of the code 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.”

16. Plans and Specifications shall meet the requirements as per Section 105 of the 2016 California Building Code. **“Construction documents, statement of special inspections and other data shall be submitted in one or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.”** Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.”

Permit Term

17. 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 July 18, 2019.

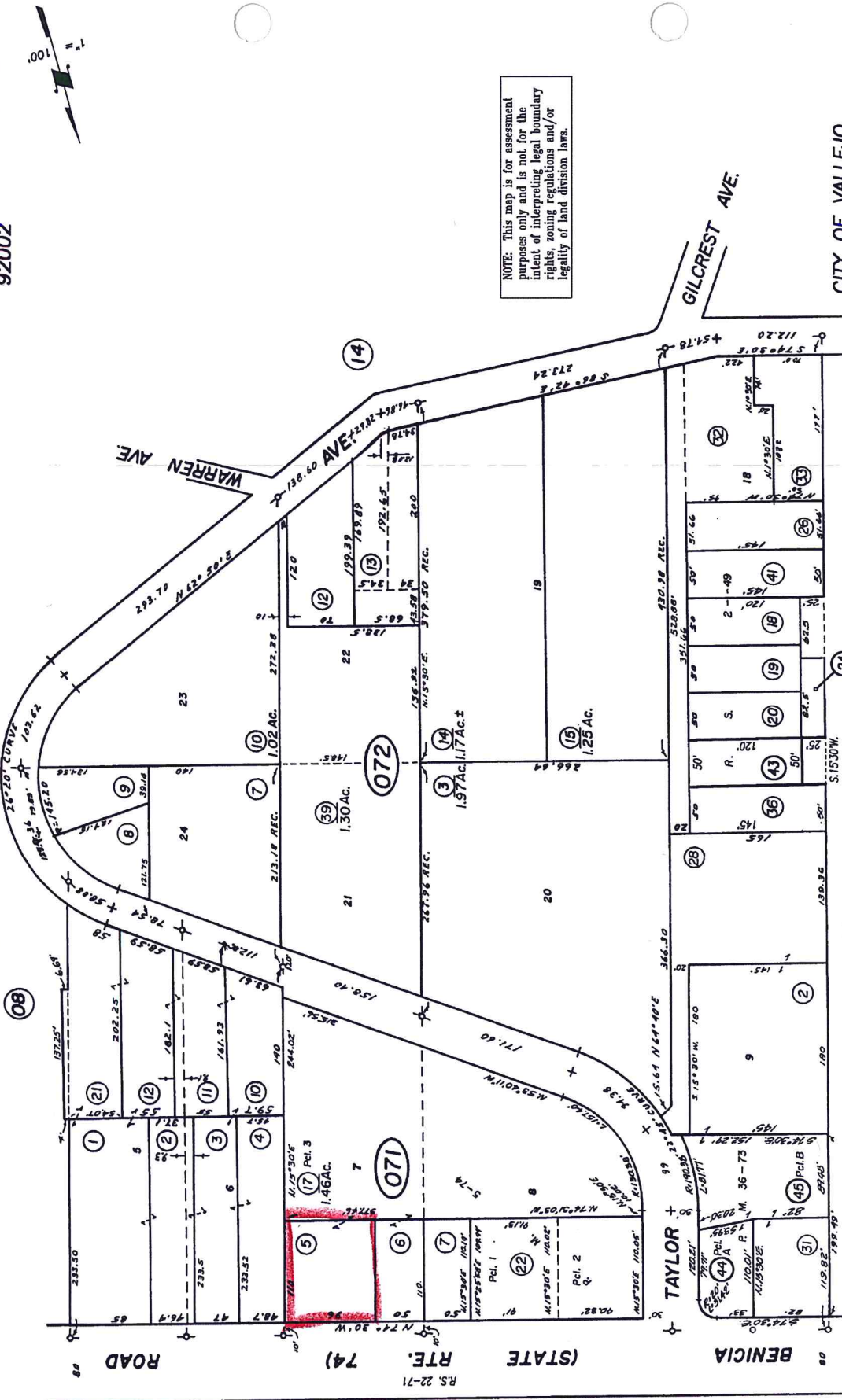
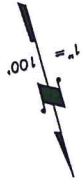
BILL EMLIN, DIRECTOR
RESOURCE MANAGEMENT

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.

REVISION	DATE	BY

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

99-00

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R.M. Bk. 05 Pg. 17

Petaluma Subdivision

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

Bk. 71

R.S. 22-71

74

ROAD

BENICIA

(STATE)

RTE.

TAYLOR

GILCREST AVE.

WARREN AVE.