

SOLANO COUNTY ZONING ADMINISTRATOR
Use Permit
Resource Management Staff Report

Application No. U-09-03 Tri City Fence Company Meeting of November 5, 2009
Project Planner: Nedzlene Ferrario Agenda Item No. 1

Applicant: Name: Dennis Hammer Address: 1175 Benicia Road, Vallejo, CA 94591	Property Owner: Name: Same as applicant
--	---

Action Requested:
 Approval of a Use Permit to allow the sales of fencing supplies and materials including outdoor storage in the Commercial Service Zone.

Site Information:	
Size: 2.5 gross acres	Location: 1175 Benicia Road, Vallejo, CA
APN: 0074-080-140, 130, 150, 200	
Zoning: CS	Land Use: Fencing company with outdoor storage
General Plan: Traditional Community Mixed Use/Residential	Ag. Contract: Not Applicable
Soils Type(s): N/A	Access: Benicia Road
Utilities: Public water and sewer	

Adjacent General Plan Designations, Zoning and Existing Land Uses			
	General Plan	Zoning	Land Use
North	Traditional Community Mixed Use	CN	Church
South	Traditional Community Residential	RE1/2	Single Family Dwelling
East	Traditional Community Mixed Use/Residential	RM1	Single Family Dwelling/Vacant
West	Traditional Community Mixed Use/Residential	RM1	Single Family/Apartments

Motion to Approve:
 The Zoning Administrator does hereby **ADOPT** the attached draft resolution and **APPROVE** Use Permit No. U-09-03 subject to the recommended conditions of approval.

SUMMARY

This is an application for a Use Permit to legalize an existing fencing company in the Commercial Service zone.

RECOMMENDATION

The Department of Resource Management recommends that the Zoning Administrator **APPROVE** the Use Permit, based on the findings enumerated herein, and subject to the conditions of approval incorporated in this report.

BACKGROUND AND SURROUNDING USES

The site was zoned residential and rezoned to Commercial Service(CS) on December 7, 2004 through a Zoning Consistency Program for the unincorporated area along Benicia Road (Z04 - 07). The applicant was directed by the Board of Supervisors to lawfully establish by obtaining a use permit and a business license.

The surrounding uses consist of a church to the north, single family to the south and east and apartments to the west.

Aerial of Parcel and Surrounding Area



PROJECT DESCRIPTION

The applicant is proposing to legalize the fencing supply company with an outdoor storage yard on 2.5 acre property zoned CS. The project involves converting an existing 1200 square foot single family dwelling to an office space. Access is off Benicia Road via a gravel driveway which provides access to the parking lot in front of the office and to the rear and sides of the property. The on site driveway is paved, loops around and connects to the front of the property. The terrain is rolling and peaks in the middle of the property where the main office is located. This building was a single family dwelling, approximately 1200 square feet in size, and used as an office. There are several outbuildings used for storage, a concrete pad, containers and an occupied recreational vehicle. There is space for 15 cars along the driveway in the front of the main office. Much of the property consists of a storage yard, with space for customer, employee and maintenance vehicles.

ENVIRONMENTAL ANALYSIS

The project is exempt under CEQA Guidelines Section 15301, existing structures.

GENERAL PLAN AND ZONING

General Plan:

The northern portion of the property is designated Traditional Community – Mixed Use (1-4 du/ac 0.25 FAR) and the southern portion is designated Traditional Community – Residential (1-4 du/ac) adopted in November 2008. Land Use Designation is intended recognize the mix of existing residential and commercial for this area, and allow for infill residential and mixed use development to occur in the future. The current CS zoning is inconsistent with the current designation; however, Planning staff is intending to recognize the CS zoning as an allowable zone within this category via a minor update to the General Plan Zoning Consistency Matrix. Approval of this use permit is contingent upon the General Plan amendment.

Zoning:

Commercial service district is intended to provide an area of extensive or heavy nature in support of industrial, construction or other business activities. The sales of fencing supplies and materials is similar and like to the construction and landscaping supply category in CS zone which is a conditionally permitted use. Outdoor storage is conditionally permitted as well.

Caretaker's residence:

Staff observed an occupied recreational vehicle on the front of the property and confirmed that that the recreational vehicle is connected to the City's utilities. According to the applicant, the recreational vehicle is occupied by the business caretaker and necessary for security purposes. Such use is permissible by condition of approval provided that recreational vehicle is replaced with a manufactured home instead. The applicant has opted to remove the recreational vehicle and indicated no longer needs a caretaker residence. Staff has conditioned the use permit accordingly.

Fencing adjacent to residential:

The site abuts residential development and is currently contained by chain-link fencing. According to the Zoning Code, a minimum 6-foot high solid wall or fence shall be constructed adjacent to residential development unless waived by the Zoning Administrator. Due to the fact that the residential development on the east is located approximately 15 feet higher than the subject site and the residential development to the south is approximately 6 feet lower, a 6 foot high fence solid fence would not effective in providing a buffer. However, given that the western side of the property abuts existing single story multi-family units, staff recommends installing vinyl slats in the existing chain-link fence to provide visual relief. The applicant has agreed to the condition.

Parking:

Required parking for the office space is 6 (1200 square feet at ratio of 1:200). Adequate off-street space for 15 cars is provided in front of the main office and additional space is available in the rear of the property. The parking and driveway areas are paved with asphaltic concrete.

DEPARTMENTAL REVIEW

Environmental Health:

Service and Utilities: The subject property is currently served by City of Vallejo municipal water and sewer.

Hazardous Material Plan:

A shed type work area directly south of the office-residence is used for welding, and oxygen tanks of compressed gas are stored in this area. In addition, the applicant indicated that argon gas is stored on site as well. Compliance with the Solano County's Hazardous Material Code is required.

Public Works:

No encroachment permit is currently on file for the driveway entering onto Benicia Road. A site visit on June 17, 2009 found the driveway to be paved, in good condition and suitable for the proposed use.

Building Division:

The proposal involves conversion of a single family dwelling unit, Occupancy classification R3, to a commercial office building with an occupancy classification (B). In addition to the 2007 Building Code requirements, the project shall meet ADA compliance regulations as well. The applicant shall phase improvements in coordination with the County Building Official.

USE PERMIT MANDATORY FINDINGS

1. That the establishment, maintenance or operation of the use applied for 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.

The sale of fencing supplies is consistent with the Commercial Service District in that the use is conditionally allowed. In addition, the use is in conformance with the intent of the Traditional Community Mixed Use/Residential Land Use category to recognize existing business and allow continued use.

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

Access roadways, drainage facilities, public water and sewer services are already provided.

- 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.**

On the basis of a site inspection conducted by staff on June 12, 2009, and as well as compliance with the Department of Environmental Management conditions of approval, staff believes that the existing use does not constitute a nuisance nor is it detrimental to the comfort or general welfare of persons residing in or passing through the neighborhood.

SUGGESTED FINDINGS

- 4. That the proposed use will not have a negative effect on neighboring properties nor pose a threat to the public's health or safety.**

As noted above, the operation of the proposed facility, in accordance with the conditions of approval, will not create a nuisance or pose a threat to surrounding properties. The conditions of approval include upgraded fencing requirements adjacent to the residential development, limitations on lighting, removal of junk which protect the surrounding neighborhood.

RECOMMENDATION

If after the public hearing the Zoning Administrator concludes the findings and recommended conditions (or as may be amended) are appropriate, the Zoning Administrator should **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit Application No. U-09-03.

CONDITIONS OF APPROVAL

1. The proposed use shall be established in accord with the application and site plan for Use Permit U-09-03, and as approved by the Solano County Zoning Administrator.
2. Approval of the use permit is contingent upon the General Plan amendment to include the Commercial Service District as a zone that is consistent with the General Plan Traditional Community Residential/Mixed Use Land Use category.
3. All requirements of the Solano County Building and Safety Division shall be met including:
 - a. The permittee shall submit phasing plans and work with the County Building Official to phase in building improvements. 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.
 - b. Except as exempted in Chapter 31 of the Solano County Code, no person shall commence or perform any grading, filling, excavation, or clearing of vegetation for any purpose without having first obtained a grading permit from the Building and Safety Division.
4. The applicant shall comply with all requirements of the Solano County Hazardous Materials Section, including, but not limited to a Hazardous Materials Business Plan. Brad Nicolet, at 707 784-3316, is the Hazardous Materials Section contact for the Vallejo area.
5. Comply with the City of Vallejo Fire Department's requirements.
6. The recreational vehicle shall be disconnected from public water and sewer, and removed from the property.
7. Install green vinyl slats in the chain link fence along the western property line.
8. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk. The existing debris and/or junk shall be removed from the subject site.
9. The use shall be operated in such a manner as to not constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of the people of the County, or be detrimental to adjacent properties or improvements or to the general welfare of the County.

10. 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.
11. All lightings shall be hooded and directed downward, so as not to provide off-site glare.
12. All signs on the property shall comply with Section 28.66 of the Solano County Zoning Ordinance. Applicant shall apply for a sign permit prior to issuance of any building permit.
13. No additional uses shall be established beyond those identified on the project plan without prior approval. No new or expanded buildings shall be constructed without prior approval of a minor revision to this use permit or approval of a new use permit.
14. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause of the revocation of this permit.
15. The permit shall be in effect for a five (5) year period with provision that an extension may be granted if said request is received prior to the expiration date of November 5th, 2014 and the use shall remain the same and in compliance with the conditions of approval.

Attachments:

- Exhibit A: Draft Resolution
Exhibit B: Site Plan

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO.**

WHEREAS, the Solano County Zoning Administrator has considered a Use Permit for **Tri City Fence Company** for the sales of fencing supplies and materials. The property is located at 1175 Benicia Road, in the Commercial Service (CS) Zoning District, within the unincorporated portion of the City of Vallejo, APN: 0074-080-140, 130, 150, 200.

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 November 5, 2009, and

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

- 1. That the establishment, maintenance or operation of the use applied for 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.**

The sale of fencing supplies is consistent with the Commercial Service District in that the use is conditionally allowed. In addition, the use is in conformance with the intent of the Traditional Community Mixed Use/Residential Land Use category to recognize existing business and allow continued use.

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

Access roadways, drainage facilities, public water and sewer services are already provided.

- 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.**

On the basis of a site inspection conducted by staff on June 12, 2009, and as well as compliance with the Department of Environmental Management conditions of approval, staff believes that the existing use does not constitute a nuisance nor is it detrimental to the comfort or general welfare of persons residing in or passing through the neighborhood.

detrimental to the comfort or general welfare of persons residing in or passing through the neighborhood.

4. That the proposed use will not have a negative effect on neighboring properties nor pose a threat to the public's health or safety.

As noted above, the operation of the proposed facility, in accordance with the conditions of approval, will not create a nuisance or pose a threat to surrounding properties. The conditions of approval include upgraded fencing requirements adjacent to the residential development, limitations on as lighting, removal of junk which protect the surrounding neighborhood.

WHEREAS, the Zoning Administrator has approved the Use Permit No. U-09-03 subject to the following recommended conditions of approval:

1. The proposed use shall be established in accord with the application and site plan for Use Permit U-09-03, and as approved by the Solano County Zoning Administrator.
2. Approval of the use permit is contingent upon the General Plan amendment to include the Commercial Service District as a zone that is consistent with the General Plan Traditional Community Residential/Mixed Use Land Use category.
3. All requirements of the Solano County Building and Safety Division shall be met including:
 - a. The permittee shall submit phasing plans and work with the County Building Official to phase in building improvements. 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.
 - b. Except as exempted in Chapter 31 of the Solano County Code, no person shall commence or perform any grading, filling, excavation, or clearing of vegetation for any purpose without having first obtained a grading permit from the Building and Safety Division.
4. The applicant shall comply with all requirements of the Solano County Hazardous Materials Section, including, but not limited to a Hazardous Materials Business Plan. Brad Nicolet, at 707 784-3316, is the Hazardous Materials Section contact for the Vallejo area.
5. Comply with the City of Vallejo Fire Department's requirements.

6. The recreational vehicle shall be disconnected from public water and sewer, and removed from the property.
7. Install green vinyl slats in the chain link fence along the western property line.
8. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris and junk. The existing debris and/or junk shall be removed from the subject site.
9. The use shall be operated in such a manner as to not constitute a nuisance or be detrimental to the health, safety, comfort, or general welfare of the people of the County, or be detrimental to adjacent properties or improvements or to the general welfare of the County.
10. 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.
11. All lightings shall be hooded and directed downward, so as not to provide off-site glare.
12. All signs on the property shall comply with Section 28.66 of the Solano County Zoning Ordinance. Applicant shall apply for a sign permit prior to issuance of any building permit.
13. No additional uses shall be established beyond those identified on the project plan without prior approval. No new or expanded buildings shall be constructed without prior approval of a minor revision to this use permit or approval of a new use permit.
14. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause of the revocation of this permit.
15. The permit shall be in effect for a five (5) year period with provision that an extension may be granted if said request is received prior to the expiration date of November 5th, 2014 and the use shall remain the same and in compliance with the conditions of approval.

Resolution No:
U-09-03 Tri City Fence Company

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on November 5, 2009.

BIRGITTA CORSELLO, DIRECTOR
ENVIRONMENTAL MANAGEMENT

Michael Yankovich
Planning Program Manager

R:\PLANNING\U- Use Permits\1990\U-90-20 (Yarbrough)\U-90-20 ext (Recycle Zone)\U-90-20 ext Recycle Zone za resolution.doc April 26, 2004

