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Planning Services Division

**SOLANO COUNTY ZONING ADMINISTRATOR**

**Staff Report  
 MU-18-05**

<b>Application No.</b> MU-18-05 (Commercial Auto Repair) <b>Project Planner:</b> Travis Kroger, Planning Technician		<b>Meeting of April 16, 2020 Agenda Item No. 1</b>	
<b>Applicant</b> Michael Morales 5111 Ellsworth Road Vacaville, CA 95688		<b>Property Owner</b> Neil's Service Center 800 Apricot Lane Winters, CA 95694	
<b>Action Requested</b> Consideration of Minor Land Use Permit application MU-18-05 to establish an Auto Repair Garage in an existing building on a 4.38-acre parcel.			
<b>Property Information</b>			
Size: 4.38 ac. (total)		Location: 5111 Ellsworth Road	
APN: 0133-050-260			
Zoning: Commercial Service (CS)		Land Use: Auto Repair Garage	
General Plan: Urban Commercial		Ag. Contract: n/a	
Utilities: private well and on-site septic system		Access: Ellsworth 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>	Urban Commercial	Commercial Service (CS)	Vacant
<b>South</b>	Urban Commercial	Commercial Service (CS)	Nursery
<b>East</b>	Urban Commercial	Commercial Service (CS)	Commercial
<b>West</b>	Urban Residential	Rural Residential (RR-2.5)	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. MU-18-05 based on the enumerated findings and subject to the recommended conditions of approval.			

## BACKGROUND

The addresses listed as associated with this parcel are: 5105, 5107, 5109, 5111, 5113, 5115, 5117, 5119, 5121, and 5123 Ellsworth Road. The existing development on this parcel consists of 6 commercial buildings, and Solano County records show that the following Building Permits have been approved for this parcel:

Permit Number	Description	Date
B-5607	Addition	5/18/1960
B-2846	Flag Pole, 60'	8/25/1983
B9700095	New prefab commercial office	4/23/1997
BT95-8245	Commercial Remodel/Repair	6/19/1996
B9900214	24x30 tuff shed	2/21/1999
B-829	Warehouse	6/22/1978
B-1411	Agricultural building	9/21/1979
B-1186	Warehouse	5/8/1979

## SETTING

The subject property consists of 4.38 acres of land, fronting on Ellsworth Road in unincorporated Vacaville. The surrounding parcels are developed with residential and commercial structures and uses.

## PROJECT DESCRIPTION

The applicant has applied for a Minor Land Use permit to operate an Auto Repair Garage in an existing commercial structure

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

## LAND USE CONSISTENCY

The parcel is designated Urban Commercial by the Solano County General Plan Land Use Diagram. Urban Commercial is for properties which will ultimately develop in an incorporated city. The property has developed historically under its Commercial Service (CS) District zoning classification which is not consistent with the Urban Commercial general plan designation. The CS Zoning District and the existing development pre-date the general plan. Since the City of Vacaville is not ready to annex this area for further development, the County continues to permit development consistent with the Commercial-Service Zoning District regulations. The commercial service uses would be consistent with urban commercial type uses in terms of traffic circulation, population density and intensity and other characteristics of commercial land uses.”

The subject site is zoned Commercial Service (CS). Within this district, Automobile Repair Garages are allowed subject to Section 28.74.10 (A) & (B)(3) of the Solano County Code. These general requirements address access and avoidance of public nuisance.

## 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.

Aerial images show that the parcel is developed with 6 commercial warehouse type structures, with similar development on the parcels to the south and east.

## RECOMMENDATION

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings, and **APPROVE** Use Permit No. MU-18-05, 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 parcel is designated Urban Commercial by the Solano County General Plan Land Use Diagram. Urban Commercial is for properties which will ultimately develop in an incorporated city. The property has developed historically under its Commercial Service (CS) District zoning classification which is not consistent with the Urban Commercial general plan designation. The CS Zoning District and the existing development pre-date the general plan. Since the City of Vacaville is not ready to annex this area for further development, the County continues to permit development consistent with the Commercial-Service Zoning District regulations. The commercial service uses would be consistent with urban commercial type uses in terms of traffic circulation, population density and intensity and other characteristics of commercial land uses.”

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

The site is provided with water by an existing on-site private well and sewer service by an on-site sewage disposal system. Access is proposed via encroachment off Ellsworth 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 Automobile Repair Garage 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-18-05 filed November 13, 2018 and as approved by the Solano County Zoning Administrator.
2. This Auto Repair Garage business will be conducted as described in the project description. Any change of use, expansion, or construction of additional structures may require a revision to this permit or a new permit.
3. A current Solano County Business License will be maintained for the life of the business.
4. The business shall be conducted entirely indoors, with the exception of outdoor storage of vehicles and trailers associated with the business within the fenced area to the north of the building.

### Building and Safety Division

5. While the following comments are not all inclusive, they will act as a guideline for the requirements for the construction 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.
6. 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.
7. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2019 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.”**
8. 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.”

9. The fire district will reassess the site for fire life and safety requirements.

**Public Works Division**

10. No Conditions

**Environmental Health Division**

11. The facility shall comply with all hazardous materials management, storage, handling, and reporting requirements. As the facility stores, handles, or manages hazardous materials onsite in quantities larger than 200 cubic feet of gases, 55 gallons of liquids, or 500 pounds of solids, they shall create a Hazardous Materials Business Plan (HMBP), and upload those documents to the California Environmental Reporting System (CERS) website. The facility shall keep the HMBP current for the life of the business.
12. The facility shall maintain commercial garbage service onsite at a sufficient capacity and frequency to prevent the accumulation of solid waste and prevent the attraction of disease vectors and the creation of nuisance.

**Permit Term**

13. 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 granting of this permit, commencing April 16, 2020. The cost associated with the periodic reviews shall be charged at that time.

**Attachments**

- A – Draft Resolution
- B – Assessor’s Parcel Map