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Planning Services Division

**ZONING ADMINISTRATOR STAFF REPORT
Use Permit Renewal**

Application: U-09-03-MR1-EX1
Applicant: Dennis Hammer-Tri City Fence

**Meeting of February 18, 2016
Agenda Item No. 5**

Project Planner: Travis Kroger

Location: 1175 Benicia Road **General Plan:** Traditional Community - Residential

Assessor Parcel Number: 0074-080-130, 140, 150, 200 **Zoning:** CS

Proposal

The applicant has requested extension No. 1 of use permit U-09-03-MR1-EX1, pursuant to condition of approval No. 14. Per Zoning Regulations Section 28.106(N), the Zoning Administrator shall administratively approve a use permit renewal request so long as the following requirements are satisfied:

- 1) The permittee has requested renewal
- 2) The permittee has paid the applicable renewal fee
- 3) The use is being conducted in compliance with the conditions of the use permit

Background

On November 19, 2009, Land Use permit U-09-03 was granted by the Solano Zoning Administrator for the sales of fencing supplies and materials. On April 1, 2010, the Solano County Zoning Administrator approved Minor Revision No. 1 to remove the requirement to install vinyl slats in the existing chain link fence surrounding the site.

Review and Recommendation

Upon review of the permit conditions of approval and based on the absence of code compliance cases on file, staff has determined that the fence materials and supplies business is being operated in compliance with Use Permit No. U-09-03-MR1.

Permit Term

Per condition 14 of U-09-03-MR1, staff recommends that this permit be extended for a 5 year term with provision that an extension may be granted if requested by the applicant prior to the expiration date of November 19, 2019.

Attachment: Solano County Zoning Administrator Resolution No. 10-10

**SOLANO COUNTY ZONING ADMINISTRATOR
RESOLUTION NO. 10-10**

WHEREAS, the Solano County Zoning Administrator has considered Minor Revision No. 1 to Use Permit No. U-09-03 for **Tri City Fence Company** to eliminate the requirement to install vinyl slats within the existing chain-link fence adjacent to the residential properties on the west. 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, 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 March 4, continued to March 18 and April 1, 2010, and

WHEREAS, after due consideration, the said Zoning Administrator 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 Resource 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.

The existing perimeter chain link fence does not cause a nuisance to the surrounding residential properties.

- 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.

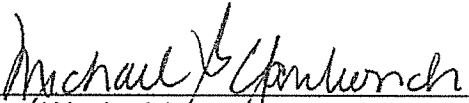
WHEREAS, the Zoning Administrator has approved Minor Revision No. 1 to Use Permit No. U-09-03 subject to the following recommended conditions of approval:

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 permittee 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. A caretaker's residence shall be permitted on the property provided that the residence is built on a permanent foundation or contained within a permanent structure. A recreational vehicle or similar vehicles shall not be utilized as a residence on site. The recreational vehicle shall be disconnected from public utilities and removed from the property prior to the issuance of the building permit for the new caretaker's residence.
7. 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.
8. 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.
9. 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.

10. All lightings shall be hooded and directed downward, so as not to provide off-site glare.
11. All signs on the property shall comply with Section 28.66 of the Solano County Zoning Ordinance. The permittee shall apply for a sign permit prior to issuance of any building permit.
12. 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.
13. 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.
14. 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 19, 2014 and the use shall remain the same and in compliance with the conditions of approval.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on April 1, 2010.

CLIFFORD K. COVEY, INTERIM DIRECTOR
RESOURCE MANAGEMENT



Michael Yankovich
Planning Program Manager