

BILL EMLÉN
 Director
 (707) 784-6765

TERRY SCHMIDTBAUER
 Assistant Director
 (707) 784-6765

MIKE YANKOVICH
 Planning Services Manager
 (707) 784-6765



675 Texas Street, Suite 5500
 Fairfield, CA 94533-6342
 (707) 784-6765
 Fax (707) 784-4805

www.solanocounty.com

Planning Services Division

SOLANO COUNTY ZONING ADMINISTRATOR

Staff Report MU-15-04

Application No. MU-15-04 (H Lounge) Project Planner: Eric Wilberg, Associate Planner		Meeting of August 6, 2015 Agenda Item No. 1	
Applicant Julius Lavares 472 Benicia Road Vallejo, CA 94590		Property Owner same	
Action Requested Consideration of Minor Use Permit application MU-15-04 to revise an existing neighborhood commercial land use (cocktail lounge) to provide parking on the adjacent parcel, add an outdoor seating area, and incorporate a barber shop/hair salon into the existing H Lounge building.			
Property Information			
Size: 0.21 ac. (total)		Location: 472 Benicia Road	
APNs: 0059-113-200 and 21			
Zoning: Residential Traditional Community Mixed Use		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	City of Vallejo	City of Vallejo	Residential
South	Traditional Community	Residential Traditional Community 'RTC-MU'	Comm./Residential
East	Traditional Community	Residential Traditional Community 'RTC-MU'	Comm./Residential
West	Traditional Community	Residential Traditional Community 'RTC-MU'	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 Minor Use Permit No. MU-15-04 based on the enumerated findings and subject to the recommended conditions of approval.			

BACKGROUND

On April 16, 1963 the Solano County Planning Commission granted Land Use Permit R-198 to establish and operate a cocktail lounge. Since October 4, 2011 the applicant has owned and operated the site as the H-Lounge bar (Business License LICA-0514). Assessor's parcel records indicate the existing structure was originally built in 1946.

SETTING

The project is located along Benicia Road, within an unincorporated neighborhood of Solano County generally identified as Starr Subdivision. 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.

The subject site is comprised of two Assessor's parcels totaling 0.21 acres, situated adjacent to the city limits of Vallejo. The subject site is bound to the north by single family residences; to the east by a car wash; to the south by Benicia Road, a veterinary hospital, and residences; and to the west by residences. The site is developed with a 2,000 square foot structure currently utilized as a bar and lounge. Paved and striped parking is provided on-site.

PROJECT DESCRIPTION

The H-Lounge bar operates within a 2,000 square foot structure located on Assessor's Parcel No. 0059-110-200. The applicant proposes to modify the existing permit to integrate existing paved and striped parking on APN 0059-113-210, incorporate a 1,500 square foot space to provide an outdoor bar and lounge seating area, and convert the office and storage rooms at the northwest corner of the existing structure into a barbershop and hair salon. Each of the proposed modifications including paved parking, outdoor seating, and the office and storage rooms of the structure have been previously constructed and no new development is proposed at this time.

The H Lounge currently operates Monday through Sunday and opens for business at 4 p.m. The bar closes Sunday through Wednesday at 12 a.m., Thursday at 1 a.m., and Friday and Saturday at 2 a.m. The hours of operation for the proposed barber shop business are daily from 10 a.m. to 10 p.m.

There is existing signage (approx. 24 sq. ft.) above the entrance to the lounge. In addition, three barber shop and hair saloon advertising signs are mounted on the western wall of the building, near the existing parking lot.

The H Lounge does not provide food service; however does allow customers to bring food into the lounge. The H Grill, a mobile food truck, has parked near the entrance to the lounge parking lot. While not a permanent fixture of the site, staff recommends that mobile food facilities parking on-site shall not restrict access to the ten (10) parking spaces required for the neighborhood commercial uses. Food trucks shall be restricted in their hours of service to coincide with the operating business hours of the H-Lounge.

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 Residential Traditional Community 'RTC-MU' Zoning District is consistent with this designation.

The subject site is zoned Residential Traditional Community – Mixed Use 'RTC-MU'. Within this district issuance of a Minor 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. Although the existing 2,000 sq. ft. structure has been previously permitted via R-198 for a neighborhood commercial use serving liquor near a residential district, the proposed outdoor service and barber shop/hair salon use has triggered the need for this permit revision.

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 two hundred square feet of gross floor area. The existing structure is 2,000 square feet and the lot is developed with paved and striped parking for ten (10) vehicles, thus meeting the parking requirement. The existing use and the proposed modifications are consistent with applicable zoning regulations.

The existing bar is permitted via land use permit R-198; however 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 (R-198).

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 0059-113-200 to be built in 1946. On April 16, 1963 the Solano County Planning Commission granted Land Use Permit R-198 to establish and operate a cocktail lounge. In addition, the outdoor courtyard in the rear of the H-Lounge and the paved parking on APN 0059-113-210 also exist. Although limited remodeling within the existing structure would be required to accommodate the barber shop/hair salon, 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** Minor Use Permit No. MU-15-04, 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 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 are conditionally permitted within the Residential

Traditional Community – Mixed Use 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(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 (R-198).

CONDITIONS OF APPROVAL

General

1. The permitted neighborhood commercial uses shall be established and operated in accord with the application materials and development plans for Minor Use Permit MU-15-04, filed March 25, 2015 by Julius Lavares, and as approved by the Solano County Zoning Administrator.
2. The permitted neighborhood commercial land uses shall be developed and operated only in substantial conformance with the terms and conditions of this permit. Any changes to or expansion of the use may require a revised, amended, or new use permit and further environmental review.
3. Per Chapter 14 of the Solano County Code (Business Licenses), the business or businesses shall procure and maintain a valid business license from the business licensing officer.
4. The permittee shall take such measures to prevent offensive noise, dust, glare, vibration, or

odor. All uses of land and buildings shall be conducted in a manner, and provide adequate controls and operational management to prevent:

- a. Dust, glare, vibration which are detectable beyond any property line, and
 - b. Noise that exceeds 65dBA LDN at any property line.
5. The outdoor lounge seating area shall be limited in the hours of operation:
Sunday through Thursday: Open – 10:00 p.m.
Friday and Saturday : Open – 11:00 p.m.
6. Mobile food facilities parking on-site shall not restrict access to the ten (10) parking spaces required for the neighborhood commercial uses. Food trucks shall be restricted in their hours of service to coincide with the operating business hours of the H-Lounge.
7. This permit shall supersede land use permit R-198.

Permit Term

8. Per Section 28.106(N), the permit shall be in effect for a five (5) year period with the provision that a renewal may be granted if said request is received prior to the expiration date of August 6, 2020 and the use remains in compliance with permit conditions of approval.

Building and Safety Division

9. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per the 2013 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."

Environmental Health Division

10. All areas utilized for the barber shop / hair salon activities shall be physically separated from the food facility portions of the building. The applicant shall obtain all necessary permits as required by the State of California Cosmetology Board.
11. Prior to construction of the barber/beauty shop, plans and specifications shall be submitted to the Consumer Section for review of any potential structural impacts to the existing food facility.

Attachments

- A – Draft Resolution
- B – Assessor's Parcel Map
- C – Site Plan

SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

WHEREAS, the Solano County Zoning Administrator has considered Minor Use Permit Application No. MU-15-04 of **Julius Lavares (H-Lounge)** to revise an existing neighborhood commercial use to provide parking on the adjacent parcel, an outdoor seating area, and incorporate a barber/beauty shop into the existing bar located at 472 Benicia Road, south of the City of Vallejo, in an "R-TC-MU" Residential Traditional Community Mixed Use Zoning District, APN's: 0059-113-200 and 210, 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 August 6, 2015, 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 are conditionally permitted within the Residential Traditional Community – Mixed Use 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 (R-198).

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

General

1. The permitted neighborhood commercial uses shall be established and operated in accord with the application materials and development plans for Minor Use Permit MU-15-04, filed March 25, 2015 by Julius Lavares, and as approved by the Solano County Zoning Administrator.
2. The permitted neighborhood commercial land uses shall be developed and operated only in substantial conformance with the terms and conditions of this permit. Any changes to or expansion of the use may require a revised, amended, or new use permit and further environmental review.
3. Per Chapter 14 of the Solano County Code (Business Licenses), the business or businesses shall procure and maintain a valid business license from the business licensing officer.
4. The permittee shall take such measures to prevent offensive noise, dust, glare, vibration, or odor. All uses of land and buildings shall be conducted in a manner, and provide adequate controls and operational management to prevent:
 - a. Dust, glare, vibration which are detectable beyond any property line, and
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7. This permit shall supersede land use permit R-198.

Permit Term

- 8. Per Section 28.106(N), the permit shall be in effect for a five (5) year period with the provision that a renewal may be granted if said request is received prior to the expiration date of August 6, 2020 and the use remains in compliance with permit conditions of approval.

Building and Safety Division

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Environmental Health Division

- 10. All areas utilized for the barber shop / hair salon activities shall be physically separated from the food facility portions of the building. The applicant shall obtain all necessary permits as required by the State of California Cosmetology Board.
- 11. Prior to construction of the barber/beauty shop, plans and specifications shall be submitted to the Consumer Section for review of any potential structural impacts to the existing food facility.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on August 6, 2015.

BILL EMLLEN, DIRECTOR
RESOURCE MANAGEMENT

Michael Yankovich
Planning Program Manager

Tax Area Code
7000, 92006

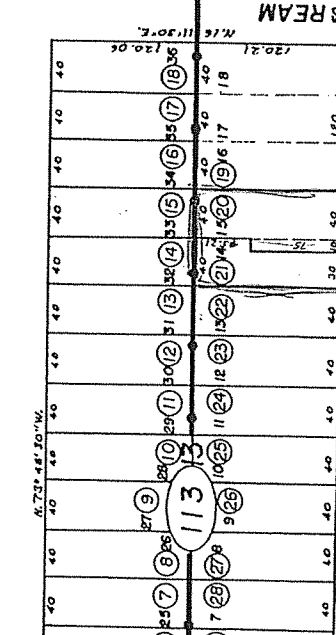
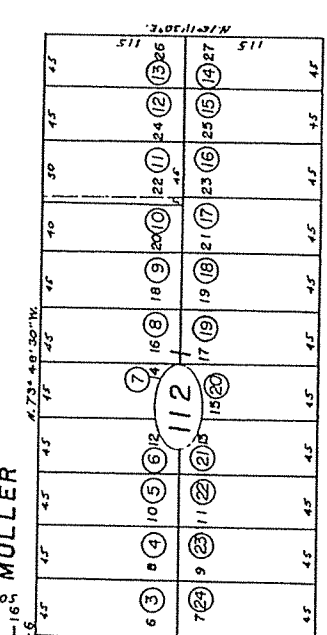
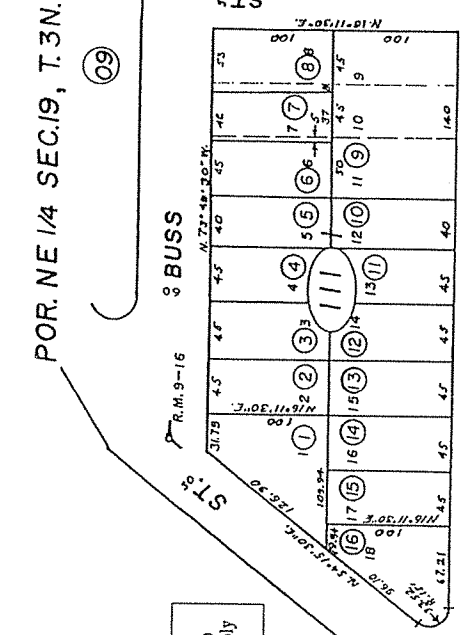
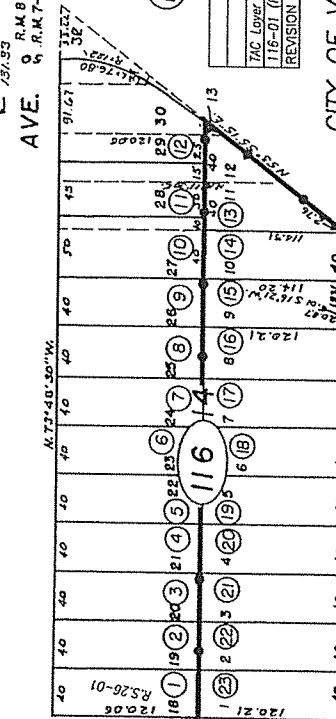
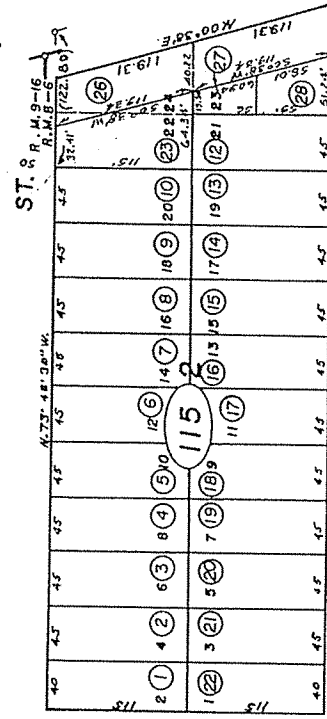
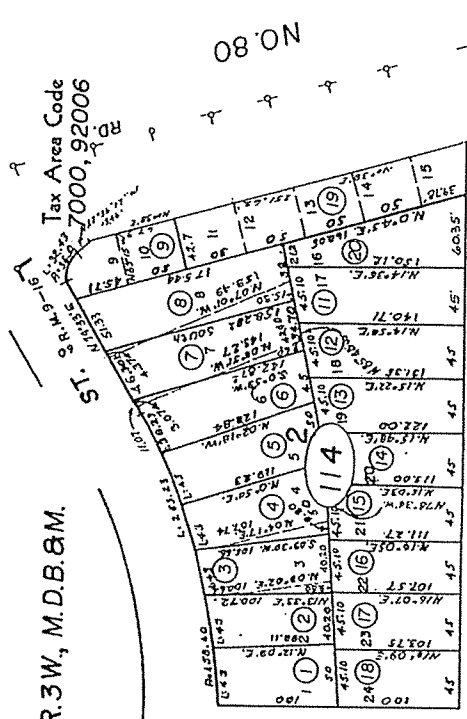
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Bk. 71

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

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TAC	Lower (Mm)	12-12-09	CP
118-01	(16)	7-30-03	SE
REVISION	DATE	BY	

CITY OF VALLEJO
Assessor's Map Bk. 59 Pg. 11
County of Solano, Calif.

09-10

RD.

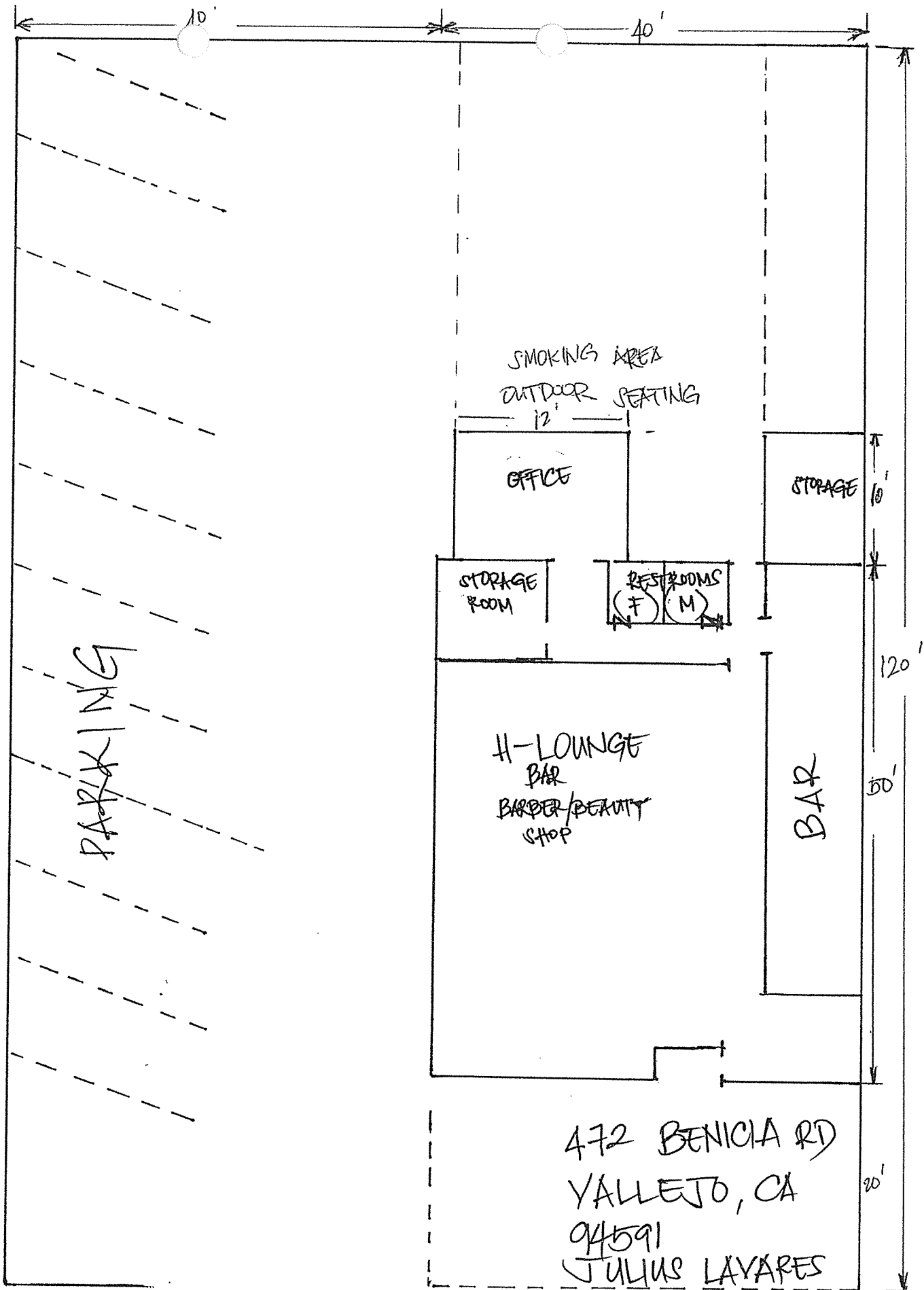
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13

BENICIA Leachman Park Addition R.M. Bk. 7 Pg. 6
Leachman Park Add. Re. Sub. Acre Lots 15 to 21 R.M. Bk. 8 Pg. 6
Meek Subdivision R.M. Bk. 9 Pg. 16

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

FILE COPY



FII EXHIBIT C

MU-15-04