

SOLANO COUNTY PLANNING COMMISSION

RESOLUTION NO. XX

WHEREAS, the Solano County Planning Commission has considered Amendment No. 1 to Use Permit U-10-11 of **Green River Brewing and Taproom** to permit the current use of the existing bar and restaurant facility and additional use of the outdoor area of the property for outdoor events. The property is located at 4513 Putah Creek Road, south of the City of Winters in the Commercial "CS" Zoning District, APN: 0103-160-010, and;

WHEREAS, the Commission 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 May 16, 2019 and;

WHEREAS, after due consideration, the Planning Commission 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 addition of outdoor dining and beverage service with entertainment and events is consistent with the goals and policies of the Solano County General Plan. The business, as proposed, along with the conditions of approval, will be consistent with the General Plan.

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

The site contains existing domestic water and septic system on site. These facilities will be improved pursuant to the conditions of approval and will be adequate to properly serve the proposed uses.

- 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 Restaurant and bar with outdoor service 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 15304, Minor Alterations to Land.**

BE IT, THEREFORE, RESOLVED, that the Planning Commission of the County of Solano does hereby adopt the findings and approves Amendment No. 1 to Use Permit No. U-10-11, subject to the following recommended conditions of approval:

I. GENERAL PROVISIONS

Administrative Conditions of Approval

1. **Approved Uses.** The proposed use shall be established in accord with the application and site plan for Use Permit U-10-11-AM1, submitted July 9, 2018 and as amended by the applicant, Green River Brewery and Taproom, and as described and conditioned herein. In the event of any conflict between the application materials and the project description or conditions set forth in this permit, the latter shall control.
2. **Permit Term.** The permit is issued for an indefinite term, subject to renewal every five years pursuant to Section 28-106N of the Solano County Code. The initial renewal period shall occur prior to December 20, 2023.
3. **Final Plan.** Within 30 days of approval of the use permit, the permittee shall submit a final development plan portraying the project as together with all project modifications imposed by these conditions of approval.

Limitations of the Permit

4. **Minor Revisions.** No additional uses shall be established beyond those identified on the final development plan without prior approval of a revision or amendment to the use permit. 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.
5. **Indemnification.** By acceptance of this permit, the permittee and its successors in interest agree that the County of Solano, its officers and employees shall not be responsible for injuries to property or person arising from the issuance or exercise of this permit. The permittee shall defend, indemnify and hold harmless the County of Solano, its officers and employees from all claims, liabilities, losses, or legal actions arising from any such injuries. The permittee shall reimburse the County for all legal costs and attorney's fees related to litigation based on the issuance of and/or interpretation of this permit. This agreement is a covenant that runs with the land and shall be binding on all successors in interest of the permittee.
6. **Exercise of Permit.** The use permit shall expire and thereafter be null and void, without further action by the County, if it is not exercised by close of business on June 28, 2019. The use permit shall not be considered exercised until all building, public works and environmental health permits required for the use have been issued.
7. **Initial Inspection Prior to Commencement of Activities.** Prior to the commencement of activities under this use permit or the admission of the public to the site, the permittee shall be present on site for an inspection of the premises by the Department of Resource Management and other agencies with jurisdiction, in order to determine if all prerequisite conditions and requirements have been met. Commencement of activities authorized under this permit shall not begin until the Director of Resource Management determines that the permittee is in compliance with the prerequisite conditions of approval.
8. **Subsequent Inspections.** If additional inspections are required before the Director determines the permittee is in compliance with the use permit, the permittee shall be charged inspection fees based on the adopted rate established by the Board for hourly work by the Department.
9. **Failure to Comply.** Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for the revocation of the use permit and cessation of the permitted uses at the Permittee's expense.

II. SITE AND FACILITY CONDITIONS AND IMPROVEMENTS

10. **Occupancy.** The site shall be limited to a maximum occupancy of 289 customers and 40 employees.
11. **Access.** The site shall have two twenty-foot minimum width all-weather surface driveway connections to a public road.
12. **Kitchen Facilities.** No kitchen facility may be used unless it is permitted as a food facility by the Environmental Health Division.
13. **Exterior Lighting.** Lighting capable of providing adequate illumination for security and safety shall be provided. Lighting shall be downcast and/or directed away from adjacent properties and public rights-of-way to prevent offensive light or glare.
14. **Sanitation.** Permittee must provide approved sanitation facilities of adequate capacity that are accessible to attendees and food vendors including restrooms, refuse disposal receptacles, potable water and wastewater facilities.
15. **Parking.** The parking area identified on the final development plan shall provide adequate parking space for at least 143 vehicles; parking areas and driveways shall be treated as necessary to control dust. Parking shall be located in an open area with a slope of 10 percent or less.
16. **Parking on the road.** No parking shall be allowed within any road right-of-way for 1,000 feet in either direction of any access point or access located on the site. The applicant shall place signs along the interior access ways and at 300-foot intervals along the road right-of-way indicating the parking restriction. These signs shall be posted no earlier than the day before any event in excess of 100 attendees and shall be removed no later than the day following the event.
17. **Use of Existing Structures.** The use of existing permanent structures temporarily during events are limited to existing structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable. Any interior remodeling of an existing structure is limited to that needed to meet building occupancy and ADA requirements without expansion of the footprint.
18. **Use of Temporary Structures.** The use of temporary structures during events are limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable. This requirement may be waived through an adjustment (Section 22.70.030) when the applicable fire agency verifies in writing that the proposed structure is adequate for safe egress and all other fire safety concerns have been addressed.
19. **New Permanent Structures.** Event activities may only be allowed in new structures where approved through a Conditional Use Permit. All new structures proposed for events shall be located off Class I and II soils as defined by the NRCS and are limited to structures that are permitted for commercial and public assembly occupancy and are in compliance with Americans with Disabilities Act (ADA) where applicable.

III. OPERATIONAL AND PERFORMANCE STANDARDS

20. **Prevent Offensive Noise, Dust, Glare, Vibration or Odor.** All uses of land and buildings shall be conducted in a manner that provides adequate controls and operational management to prevent dust, glare, vibration which are detectable beyond any property line, and noise that exceeds 65dBA LDN at any property line.
21. **Prevent Storm Water Pollution.** Any use of land or buildings shall contain measures to manage storm water to prevent any potential contaminants, processing wastes or by-products

from entering any natural or constructed storm water facility or canal, creek, lake, pond, stream or river

22. **Removal of Natural Material.** Removal of natural material 1) shall be done in a manner that prevents offensive noise, dust, vibrations or standing water from occurring beyond any property line; 2) shall not create finished grades of a greater slope than two to one; and 3) shall be so located that generated traffic will not constitute a hazard or nuisance to surrounding property.
23. **Solid Waste and General Liquid Waste Storage and Disposal.**
 - a. All uses are prohibited from discharging liquid, solid, toxic, or hazardous wastes onto or into the ground and into streams, lakes, or rivers except as allowed by applicable local, State and federal laws and regulations.
 - b. The handling and storage of hazardous materials, the discharge of hazardous materials into the air and water, and the disposal of hazardous waste in connection with all uses shall be in conformance with all applicable local, State and federal regulations.
 - c. All burning of waste materials accessory to any use shall comply with the Yolo-Solano Air Quality Management District or the San Francisco Bay Area Air Quality Management district based on geographic location of the activity specific to each air quality management district.
 - d. The disposal or dumping of solid wastes accessory to any use, including, but not limited to, slag, paper and fiber wastes or other industrial wastes, shall be in compliance with applicable local, State, and federal laws and regulations.
24. **Food Vendors.** Permittee is responsible for ensuring event organizer and food vendors secure food permits with the Division of Environmental Health.
25. **Operational Controls.** Shall show that adequate controls or measures will be taken to prevent offensive noise, light or vibration.
26. **Incidental Retail Uses.** Temporary agritourism uses of land, buildings or structures may include incidental retail uses customarily found at such establishments.
27. **Nuisance Controls.** Permittee shall show that adequate measures and controls shall be taken to prevent offensive glare, noise, odors and dust from impacting abutting uses or facilities.
28. **Hours of Operation.** The hours of operation are from 9:00 a.m. - 9:00 p.m. Sunday through Thursday except holidays; 9:00 a.m. through midnight Friday, Saturday and holidays. Facility set up and clean up shall be allowed between the hours of 6:00 a.m. to 9 p.m. Music shall stop by 10:00 p.m. All guests of an event shall be off the property by 8:30 p.m.
29. **Site Appearance.** The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
30. **Event Management Plan.** No later than June 20, 2019, the permittee shall submit an Event Management Plan which shall identify measures, procedures and operational controls to address the operational and performance standards imposed by this permit, including the following categories:
 - a. **Nuisance Elimination.** Identify measures and controls to manage potential nuisances such as fugitive dust, noise, light, glare and odor.
 - b. **Traffic and Parking Management.** Identify measures and controls to manage traffic arriving and departing the site as well as controls to assure the efficient movement of vehicles in the parking areas.
 - c. **Food and Beverage Service.** Describe the types of food and beverage services available to the public and identify all necessary permits and licenses which must be obtained prior to conducting the event.

- d. **Emergency Response Plan.** Identify measures and controls to manage any emergency which might reasonably arise during an event. Provide a list of emergency contacts for various responders to all staff and volunteers. Identify a central location on the property which will serve as an emergency center with communications and fire and first-aid equipment.
- e. **Storm Water Management.** Identify measures and controls to manage storm water to prevent storm water pollution.
- f. **Sanitation and Waste Management.** Identify measures and controls to manage all forms of liquid and solid waste on the site.
- g. **Approval of the Event Management Plan.** The permittee shall not commence any uses of buildings or the land for events until the Director has approved the Event Management Plan.

IV. ADDITIONAL PERMITS REQUIRED

Planning Division Permits

- 31. **Sign Permit** A sign permit for all existing or proposed signs shall be applied for and granted prior to the commencement of the use.

Building Division Conditions

- 32. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2016 California Building Code. "Any owner or authorized agent who intends to construct, enlarge, or change the occupancy of a building or structure shall first make application to the building official and obtain the required permit."
- 33. Certificate of Occupancy "111.1 Use and Occupancy. No building shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefore as provided herein."
- 34. All facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2016 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2016 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan and floor plan drawn to scale and designed by a licensed architect reflecting all architectural and accessibility.
- 35. All accessible paths of travel and parking areas shall be a hard-scaped surface and shall meet all of the worst-case requirements between Chapter 11B of the 2016 California Building Code and the ADA Federal Law. One ADA parking shall be provided per every 25 parking stalls.
- 36. The building permit plans shall include a code analysis as listed below and the design shall be under the 2016 California Codes and all current rules, regulations, laws and ordinances of the local, state and federal requirements. Upon building permit submittal, the licensed architect shall provide a code analysis for each building or structure such as:
 - a. Occupancy Classification
 - b. Type of Construction
 - c. Seismic Zone
 - d. Location on Property

- e. Height of all buildings and structures
 - f. Square footage
 - g. Occupant Load
 - h. Allowable Floor Area
 - i. Height and Number of Stories
37. 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." Electronic media documents are permitted when approved by the building official. 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."
38. **Site Accessibility Requirements.** The site and all facilities shall meet all of the accessibility requirements found in Chapter 11B of the 2016 California Building Code. The designer is required to design for the most restrictive requirements between ADA Federal Law and the 2016 California Building Code. The Solano County Building Division will be reviewing the plans for the most restrictive requirements of the two. There shall be a complete site plan, drawn to scale reflecting all site accessibility. The site shall be developed in a manner consistent with state and federal requirements for accessibility for disabled persons, including all parking area, aisles and paths of travel and structures. The applicant shall submit accessibility analysis prepared by a Certified Access Specialist (CAS). The analysis must state that the inspected structures and other site features meet both state and federal accessibility requirements or specify what corrections are necessary in order to comply. The permittee shall make any necessary corrections identified by the CAS analysis. All accessible paths of travel and parking areas shall be a hardscaped surface as specified by the CAS specialist and shall meet all of the worst case requirements between Chapter 11B of the 2016 California Building Code and the ADA Federal Law.
39. The fire district will reassess the site for fire life and safety requirements.

Environmental Health Division Conditions

40. Green River Taproom shall have an approved septic design plan for an expansion of the septic system by June 1, 2019. The expansion of the septic system shall meet Solano County Code capacity requirements for wastewater generating activities. The septic expansion plan shall show capacity to handle the increased wastewater flows from the planned growth in business activities, including the proposed: permanent outdoor bathrooms, outdoor bar, detached auxiliary cold storage, and full kitchen remodel with addition of fryers and grill.
41. Environmental Health requires installation of the approved septic plan to occur prior to the 2019 wet weather moratorium. Environmental Health is willing to consider a phased construction build out for the septic system if included in a Registered Consultant's design plan, however no expansion of the existing menu, addition of a detached auxiliary cold storage unit, permanent rest rooms in the park area, nor permanent outdoor bar can be approved until the septic system is shown to have capacity to support those activities.
42. Plans shall be submitted no later than June 1, 2019 for the addition of mechanical ventilation system(s) for all equipment which require it per the California Retail Food Code. The current menu may not be changed without approval from this office.

43. The outdoor temporary bar is permissible for no more than one year in the outdoor event area – the temporary outdoor bar shall cease all operations by 12/31/2019. Plans must be submitted for the installation of an approved park bar or mobile unit which shall be connected to an approved sanitary sewer (i.e. septic system) if the facility intends to provide “food service” (beverages meet the definition of food per the California Retail Food Code) in the event/park area.
44. A temporary food facility permit cannot be issued unless an event meets the definition of a Community event and has approval from all applicable local jurisdictions for its issuance. A temporary food facility shall not be created/erected or set in place outside of the permitted fixed retail food facility without a permit from Environmental Health. Any act which may create additional water usage and/or wastewater generation related to the preparation of food is not allowed outside of the permitted food facility apart from an open air-barbeque.
45. Green River Taproom shall obtain permits, or written approval, from Environmental Health prior to any remodel of the kitchen or change in menu.
46. If the facility changes its source of potable water, it shall provide written notification of the change to Environmental Health prior to the change.
47. The applicant shall create a Hazardous Materials Business Plan (HMBP) and upload the plan to the California Environmental Reporting System (CERS) within 30 days of exceeding any of the hazardous materials thresholds. The HMBP shall include: facility information, a hazardous materials inventory, site diagram, emergency response plan, and an employee training plan.

The hazardous materials thresholds are 55 gallons of liquids, 200 cubic feet for gases, 500 lbs. for solids, and 1000 cubic feet of inert gases such as carbon dioxide or nitrogen.

Dixon Fire Protection District

48. Plans submitted for building permit must meet all requirements of the Uniform Building and Fire Codes. Occupancies will be determined by the County Building Official for restrictions.
49. New buildings may require protection by an automatic fire sprinkler system. System plans must be submitted to the Suisun Fire Protection District for permit, plan review and field inspections. Other Fire Protection Systems and Alarms may be required pending occupancy use.
50. Public events on-site may have special requirements.
51. Access Road and building approach must meet County and Fire Code Standards.
52. Occupant load and exits will be determined upon submission of plans for building permit.
53. The access road must meet all Solano County requirements for use as a commercial driveway. This may include adequate turning radius or approved turnarounds capable of supporting fire apparatus.
54. Any gate entrances shall be at least 16 ft. wide. If gate is locked, it will be required to be provided with approved fire department access device.
55. Prior to issuance of building permits, all requirements of the Dixon Fire Protection District shall be met.

Public Works – Engineering Conditions

56. The Applicant shall apply for, secure and abide by the conditions of a grading permit for the existing grading that has taken place on the property subsequent to the previous grading permit #G2002-144. In addition, grading permits shall be secured for any future grading or drainage

improvements on the property. Public Works Engineering will require the submittal of a drainage plan showing all offsite and onsite improvements necessary to manage storm water issues related to this development.

57. The Applicant shall apply for, obtain and comply with the conditions of an encroachment permit from Solano County Public Works for the existing driveway access and parking areas along Putah Creek Road. The access and parking areas must be maintained in such a manner as to prevent soil debris and rocks from tracking onto Putah Creek Road. In addition, subsequent encroachment permits shall be obtained for any future work within the Solano County rights-of-way.

Other Agency Conditions of Approval

58. **Other Agencies.** Certain land uses are subject to laws and regulations administered by federal, state, regional and local agencies and may require additional licenses or permits, prior to conducting the land use. Prior to conducting any land use authorized under this Chapter, any other licenses or permits required by any other agency must be obtained.

V. COMPLAINTS

59. **Investigations of Complaints.** The Department of Resource Management shall investigate all complaints received regarding any activities or matters authorized by this permit. If staff is able to verify that violations of the permit conditions have occurred, then the Department will issue a notice to the permittee to take corrective actions. The Department shall bill the permittee for all time expended to investigate and obtain compliance with the permit conditions, based on the adopted rate established by the Board for hourly work by the Department.

I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Planning Commission on May 16, 2019 by the following vote:

AYES:	Commissioners	_____

NOES:	Commissioners	_____
EXCUSED:	Commissioners	_____

By: _____
Bill Emlen, Secretary