

Attachment E

Response to the Appeal

The Planning Commission conducted a public hearing on Use Permit 19-03 on June 4th, 2020. It heard public testimony from two community members in support of the application with over 50 in support of the project in attendance. Several written communications / e-mails from Mary Browning were noted for the record. After considering public testimony and written communications, the Commission approved Use Permit 19-03 by a 4 – 0 vote.

On June 12th, 2020, staff received a written appeal of the Planning Commission action from Mrs. Browning. Her appeal is addressed below.

APPEAL:

Appellant issues/reasons for requesting Appeal Hearing. The appellant has raised several issues pertaining to U-19-03:

1. Multiple tenants are utilizing a single use permit.
2. Past public nuisance complaints have not been addressed by County staff.
3. ATC zoning does not allow for musical entertainment that utilizes electric sound amplification systems.
4. Fire Hazard Planning goals established through land use planning are not addressed. On street parking issues / California Fire Code violations re: fire apparatus access road designation.

Staff Response to the Issues/Reasons for requesting Appeal Hearing. Staff has provided responses to each of the points raised in the appeal filed on this matter.

1. Multiple tenants are utilizing a single use permit.

The applicant/property owner filed a new use permit application prior to the expiration date of an existing use permit to allow for continuation of the Suisun Valley Antiques/John's Hauling use with the addition of the Filling Station, which serves and sells wine and beer produced primarily by small local vintners and brewers. They also serve packaged foods generally derived from the local area. A discretionary use permit is required for the Filling Station because it includes a small outdoor sitting and standing areas for customers. They also have a small indoor seating area. Two other uses on the site (Simply Savvy, a furniture studio selling home furnishings and a small upstairs apartment) are pre-existing uses.

Table 28-23A in the Solano County Zoning Regulations lists a variety of retail uses: bakery/café/restaurants, local product stores and tasting facilities. The three primary uses on the site fall well within the types of uses listed.

While individual aspects of the uses on site could be considered permitted, a use permit is required due to the square footage of retail uses on the site that exceeds 1,500 s.f. and the outdoor sales and services provided by Suisun Valley Antiques and the Filling Station. Outdoor sales specifically require a use permit under the Zoning Ordinance. Under such circumstances a single use permit is appropriate for the entire property given the size of the site and common parking and circulation system that all uses are dependent on.

It is staff's view that the proposed uses in this permit are consistent with the ATC zoning district and are compatible with adjacent land uses, subject to the use permit's specific conditions of approval. Additionally, staff has concluded that the proposed uses will not be a nuisance or detrimental to the public welfare based on conditions of approval addressing access to parking, management of public/marketing events and on-site wastewater treatment.

2. Past public nuisance complaints have not been addressed by County staff.

The appellant identifies repeated requests for the consideration of a nuisance designation in violation of the Solano County Public Health and Safety Chapter of the 2008 General Plan, resulting in unsafe traffic conditions potentially detrimental to public safety.

As of June 24th, 2020, there are no open County code compliance cases for nuisance complaints pertaining to any of the three businesses on parcel 0145-140-050 nor for parcel 0145-140-060. Mary Browning has brought these issues to the County's attention as part of the use permit and staff has been working over the past few years with Suisun Valley Antiques to address parking and circulation issues.

The site contains 26 marked spaces for customers of the three businesses on the site. There are also two parking spaces for the apartment unit. Overall parking is adequate if all parking spaces are accessible for customer parking. John's Hauling business had occasionally displayed or temporarily stored products that interfered with parking access. In recent years, this has been a concerted effort to ensure parking spaces are accessible for customer use. Conditions #5 & #9 reiterates the need to maintain access to all parking spaces on the site so that all three businesses are served by adequate park availability.

Due to Covid-19 social distancing rules suggested by the Governor and the desire to reopen the business safely, the food and beverage serving applicant has applied for and received permission (License# 42-583198) from Alcohol and Beverage Control (ABC) to expand the service area to 1) a zone adjacent to the parking area (approx. 3,300 s.f.) and 2) a small patio area adjacent to a previously permitted patio area (approx. 252 s.f.). The applicant also has a "Type 77 event License" from ABC which allows for four events per year (an event in conjunction with the Suisun Valley Vintners Association, Passport Sunday, the Harvest Celebration and an anniversary event).

3. A-T-C zoning does not allow for musical entertainment that utilizes electric sound amplification systems. Public / marketing events are problematic.

The properties in question are in the ATC zoning district, which permits Neighborhood Commercial land uses. There is no provision in the Zoning Regulations prohibiting Neighborhood Commercial uses as listed in the ATC Zoning from providing music, amplified or acoustic, to their customers and historically, planning department staff has permitted limited musical entertainment for Neighborhood Commercial land uses (bars/restaurants/tasting rooms) as it is incidental to their business operations.

The definition of Neighborhood Commercial use in section 28.01 says the use is to be conducted entirely within a building, but section 28.23.50.40(B)(1)(c)(1) indicates a Retail Store/Service use can conduct part of its operation in a yard area if allowed by CUP. Thus, the applicant/property owner has filed a new use permit application prior to the expiration date of an existing use permit to allow for continuation of the Suisun Valley Antiques/John's Hauling use with the addition of the Filling Station. The use permit for the Filling Station is specifically for the small outdoor sitting and standing areas for customers.

Both Suisun Valley Antiques and the Filling Station participate in or conduct occasional marketing events. Suisun Valley Antiques has a monthly outside sales event over a weekend period. Such events further Suisun Valley tourism efforts and the importance of Mankas Corner as a community focal point. It is important these events are managed proactively. Condition #13 stresses the need for coordination with nearby properties and temporary traffic control and parking measures.

4. Fire Hazard Planning goals established through land use planning are not addressed. On street parking issues / California Fire Code violations re: fire apparatus access road designation.

The County adheres to the State Responsibility Areas (SRA) Fire Safe Regulation Standards as updated on Jan 1, 2020. The area southeast of Mankas Corner, including the subject property is in the SRA and is designated as in a "Moderate" fire hazard severity zone. It is the intent of Article 2 of those regulations titled "Emergency Access and Egress" that "roads and driveways, whether public or private, unless exempted, shall provide for safe access for emergency wildfire equipment and civilian evacuation concurrently, and shall provide unobstructed traffic circulation during a wildfire emergency."

Clayton Road and Mankas Corner Road comply with the Fire Safe Regulations for access and egress, provided vehicle are not parked within the roadway. Condition #11 prohibits the parking of company, employee, or customer vehicles within the road right-of-way in the vicinity of the site.

There is an ongoing effort to actively monitor the "no parking" zones with the use of cones and regular observation throughout the day.

For the reasons stated above and as summarized in the staff report, staff is recommending that the appeal be denied.