



Agenda Submittal

Agenda #: 34 **Status:** Regular Calendar
Type: Resolution **Department:** Resource Management
File #: 20-536 **Contact:** Bill Emlen, 784-6062
Agenda date: 7/28/2020 **Final action:** 7/28/2020
Title: Conduct a noticed public hearing and consider an Appeal by Mary Browning of the Solano County Planning Commission's action to approve Use Permit U-19-03 allowing continued use of the indoor and outdoor retail areas currently occupied by Suisun Valley Antiques/John's Hauling, and the indoor and outdoor serving of local wines and beer and packaged local food products at the Suisun Valley Filling Station and Visitor's Center in addition to two long term uses on the site (The Simply Savvy furniture design studio and an apartment unit above the retail spaces)
Governing body: Board of Supervisors
District: All
Attachments: 1. A - Resolution, 2. B - Applicant's Information Packet and Site Plan, 3. C - Appeal Letter from Mary Browning June 12, 2020, 4. D - Correspondence Rec'd before June 4, 2020 Planning Commission Mtg, 5. E - Appeal Response, 6. F - Excerpt Draft June 4, 2020 Planning Commission Meeting Minutes, 7. G - Public Hearing Notice, 8. Adopted Resolution, 9. Minute Order

Date	Ver.	Action By	Action	Result
7/28/2020	1	Board of Supervisors		

Published Notice Required? Yes X No
Public Hearing Required? Yes X No

DEPARTMENTAL RECOMMENDATION:

The Department of Resource Management recommends that the Board:

1. Conduct a noticed public hearing to consider the Appeal by Mary Browning of the Planning Commission's action to approve Use Permit 19-03; and
2. Concur with the Planning Commissions determination that the Use Permit application is Categorically Exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines; and
3. Adopt Resolution denying the Appeal and affirming the decision of the Planning Commission to approve Use Permit 19-03 subject to the included conditions of approval allowing continued use of the indoor and outdoor retail areas currently occupied by Suisun Valley Antiques/John's Hauling, and the indoor and outdoor serving of local wines and beer and packaged local food products at the Suisun Valley Filling Station and Visitor's Center in addition to two long term uses on the site (the Simply Savvy furniture design studio and an apartment unit above the retail spaces).

SUMMARY:

In February 17, 2011, the Planning Commission approved Use Permit 08-17 for John's Hauling business located at 2525 Mankas Corner Road. The use permit included several conditions, including a termination date of eight years from the February 18, 2011 approval date. The applicant/property owner filed a new use permit application prior to the expiration date to allow for continuation of the Suisun Valley Antiques/John's

Hauling use and to add the outdoor service areas of the Filling Station as an conditionally permitted use on the property. The Filling Station serves and sells wine and beer produced primarily by small local vintners and brewers and serves packaged foods generally derived from the local area. Indoor food service and sales are allowed by right within the zoning district but the Filling Station's small outdoor dining area requires a use permit. Two other uses on the site (Simply Savvy, a furniture design studio selling home furnishings and a small upstairs apartment) are ongoing uses and will remain on the site.

Since the approval of the of the original use permit in 2011, there have been various improvements completed to improve the functionality of the site for retail and tourist serving uses. Spillover of items from the John's Hauling salvage business into the parking area has been reduced to ensure customer access for all businesses on this property to parking spaces. The parking lot was re-striped including required accessible parking. The building has been modified to ensure safe fire exiting and signage has been upgraded. Most of the uses on the site have been operating for some time and are appropriate for the zoning district and location.

The Planning Commission conducted a public hearing on Use Permit 19-03 on June 4th, 2020. Minutes from the Planning Commission meeting are attached. The Commission heard public testimony from two community members in support of the application in addition to testimony from the owner of Suisun Valley Antiques/John's Hauling and the Filling Station. There were other individuals with interest in this item in attendance but did not testify. Several written communications / e-mails from Mary Browning were noted for the record. Ms. Browning did not testify at the meeting. 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 was timely filed within the appeal period and is analyzed further in the discussion section of this report and in an attachment.

FINANCIAL IMPACT

The cost to process this application have been covered by processing fees submitted by the applicant. The appellant submitted the necessary fee to file the appeal.

APPLICATION & PROPERTY INFORMATION:

- A. Applicant/Owner:**
April Russell Harris
4950 Gordon Valley Road
Fairfield, CA 94534
- B. General Plan Land Use Designation/Zoning:**
General Plan: Neighborhood Agricultural /Tourist Center
Zoning: ATC (Agricultural Tourist Center)
- C. Adjacent Zoning and Uses:**
North: Agricultural (A-40)
South: Agricultural (A-20)
East: Agricultural (A-20)
West: Agricultural Tourist Center (ATC)
- D. Utilities:** Water - Suisun/Solano Water Authority, On-site septic
- E. Access:** Mankas Corner Road and Clayton Road
- F. APN:** 0151-140-050, 060

G. Property size: .96 acres

DISCUSSION:

A description of the businesses located on the subject property as prepared by the property owner is attached. As noted above, two of the three businesses on the property have been there for some time. A site plan and a 2017 evaluation report of the existing on site wastewater treatment system are included in the information packet provided by the owner.

Ms. Browning's formal appeal is included as an attachment. Her appeal addresses a number of issues, including the nature and extent of marketing events on the property, questions on compliance of the proposed uses with the Zoning Ordinance, impacts of marketing events and use of amplified music and various other issues associated with implementation of the Suisun Valley Strategic Plan. Her key appeal points are addressed in an Attachment. Staff focused the responses to the facts pertaining directly to the proposed use permit application. Other points in her appeal letter discuss the prior public improvement project approved in the Mankas Corner area including medians and identification sign designed to increase identity of the village and provide traffic calming. Those issues were addressed by the Board in 2017 when the Mankas Corner public improvement project was approved. A key consideration was maintaining adequate clear roadway to allow CALFIRE apparatus to pass unobstructed through this area. One action taken at the time was to establish a "no parking zone" in front of the site on both sides of Clayton Road to ensure adequate clearance for emergency vehicles. These continue in place and the County will continue to work with the owners, particularly during marketing events, to ensure the roadway remains clear. In terms of the zoning and related issues that Ms. Browning raises, the Planning Commission based much of their decision on the consistency analysis provided below along with input provided during public testimony and consideration of the recommended conditions of approval that are contained in the attached resolution.

General Plan Consistency

The 2008 General Plan designates the subject property as a Neighborhood Agricultural/Tourist Centers (NAC). The purpose of this designation is to provide areas for complementary agricultural and tourism commercial facilities that are compatible with surrounding agricultural uses. Some examples include small hotels, restaurants, retail shops, and facilities that sell local products. The description of uses included within the proposed use permit are fully consistent within the range of uses identified in the General Plan.

Zoning Consistency

The purpose of the Agricultural Tourist Center Zoning District is to allow a variety of uses that help foster small tourist oriented centers with the Suisun Valley, helping attract tourist, and provide additional opportunities to market local products. Table 28-23A lists a variety of retail of related and tourist orientated business allowed in the ATC Zoning District, including retail uses, bakery/café/restaurants, local product stores and tasting facilities. The 3 primary uses on the site fall well within the type of uses listed. (John's Hauling is interpreted by county planning staff as an ancillary use to the retail use of Suisun Valley Antiques). There is also a pre-existing residential apartment located above Suisun Valley Antiques and the Filling Station. Residential uses are allowed in the ATC Zoning District.

While the types of uses being conducted on site are allowed by right within the zoning district, a use permit is required due to 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. Overall, staff believes the mix of uses are consistent with the ATC zoning district subject to specific conditions discussed below.

Use Permit Considerations/Conditions

The Suisun Valley Antiques/John's Hauling use has operated on the site since 2007. The use has evolved over the years and has begun to focus more on retail sales and made improvements to their building and adjacent site areas reflective of their retail operations. The use had provided a valuable service for re-use of a variety of previously owned products for re-sell rather than disposal at the landfill. It has become a destination for many Solano County residents looking for such products.

The use does involve hauling products and materials to the site for assessment, sorting and stocking to retail display areas. The sorting/salvage operation occupies the northern half of the Clayton Road frontage, with some materials and storage trailers visible despite being behind a solid fence. Limited sorting/salvage as an ancillary activity serving the primary retail use is acceptable under the ATC Zoning District. The extent of sorting/salvage operation that currently occurs is a concern and should be reduced in extent over time to be fully compatible with the type of uses permitted in the ATC District. This issue was discussed with the owner of John's Hauling at the time the prior use permit was issued in 2011, and he has made efforts to minimize the visibility of the salvage operations and occasional spillover to the parking area. Condition #16 provides a timeline and parameters for further reductions of the salvage operation over time to further consistency with zoning and uses in this area.

The Filling Station

The Filling Station use would be considered permitted except for the small outdoor covered area where customers can stand or sit while tasting local beer, wine and packaged food products. The establishment provides a unique venue for showcasing local beer and wine products for growers who do not have tasting facilities. The property has a license from State Alcohol Beverage Control (ABC) for serving beer and wine only. Under this license, they are restricted to serving customers only within the designated areas for sitting and standing. Condition #15 reflects this requirement.

Parking

The site contains 25 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 on-site parking spaces are accessible for customer parking. As noted earlier in the report, in the past that John's Hauling business 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 business are served by adequate parking availability. In addition, parking within the roadway adjacent to the property is prohibited and there are posted "no parking" signs on Clayton Road. This ensures that the roadway remains open to regular traffic and emergency vehicles.

Wastewater Treatment System

The attached information packet from the applicant contains an assessment report of the existing on-site wastewater treatment system prepared by Campi Engineering in 2017. The report has been reviewed by County Environmental Health staff who have concurred that the system is currently adequate. Staff notes that there is some material storage on top of the leach field which runs behind the main building. Several years ago, staff worked with John's Hauling to relocate some of the heavier materials off the leach field area with only lighter materials stored in that area. To ensure that material storage does not become problematic in the future, Condition #14 is proposed that provides for periodic inspections and assurance that any material storage not interfere with the effectiveness of the existing system.

Marketing Events

Both Suisun Valley Antiques and the Filling Station participate in or conduct occasional publicized sales and marketing events. Suisun Valley Antiques has a monthly outside sales event over a weekend period. The

Filling Station conducts approximately four marketing events per year inclusive of Passport Sunday. 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.

Rock Wall along Clayton Road Frontage

The existing rock wall is value added in terms of the ambiance of the site. It is in the public right of way and has been issued an encroachment permit. Engineering staff see no need to re-locate the wall at this time but as an encroachment should there ever be a widening need or a traffic issue, the encroachment permit provides for removal if deemed necessary. Condition # 12 reflects this requirement.

ALTERNATIVES

The Board could uphold the appeal and deny the application. Such action is not recommended as the site has been improved significantly over the past few years and the uses are consistent with both zoning and the General Plan as conditioned.

The Board could consider additional conditions to address marketing events and use of amplified music. The Planning Commission considered these issues and determined the conditions in the attached resolution adequately addressed these issues.

OTHER AGENCY INVOLVEMENT

Application materials were submitted to other agencies as part of the consultation process. Their comments were considered in preparation of this report and the proposed conditions of approval.

CAO RECOMMENDATION

APPROVE DEPARTMENTAL RECOMMENDATION