

**DEPARTMENT OF RESOURCE MANAGEMENT**

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Planning Services Division

<b>Application Number:</b>	MU-20-08	<b>Hearing Date:</b>	January 20, 2022 Agenda Item No. 1
<b>CAMS Site Number(s):</b>	312108	<b>Project Planner:</b>	Travis Kroger
<b>Applicant:</b>	Jeremy Mason Diversity Beer P.O. Box 1798 Vacaville, CA 95696	<b>Property Owner:</b>	Billy Merritt 7446 N Meridian Road Vacaville, CA 95688

**Action Requested:**

Public Hearing to consider Minor Use Permit application MU-20-08 to establish and operate a Neighborhood Commercial brewpub and taproom, including conversion of the existing structures historically used as a saloon and single-family dwelling into a brewing operation, taproom (with kitchen and food service), and office.

No other changes to the site or new development are proposed.

**DECISIONMAKER FOR THIS APPLICATION:**  
 Administrative     Zoning Administrator     Planning Commission     Board of Supervisors

**Applicable Zoning Sections:**    Section 28.70.10, Section 28.74.10(A), Section 28.94

**Subject Property Information:**

<b>Parcel Size:</b>	0.48 acres	<b>Site Address:</b>	6077 & 6081 California Pacific Road
<b>APN(s):</b>	0142-061-040, 210	<b>CALFIRE State Responsibility Area Designation:</b>	N/A
<b>Zoning District:</b>	RTC-MU	<b>General Plan Designation:</b>	Traditional Community – Mixed Use
<b>Ag. Contract:</b>	N/A	<b>Utilities:</b>	SID water and City of Vacaville Wastewater

**Adjacent General Plan Designation, Zoning District, and Existing Land Use**

	<b>General Plan</b>	<b>Zoning</b>
<b>North</b>	Traditional Community Mixed Use	Residential Traditional Community RTC-20
<b>South</b>	Traditional Community Mixed Use	Residential Traditional Community RTC-20
<b>East</b>	Traditional Community Mixed Use	Residential Traditional Community RTC-20
<b>West</b>	Traditional Community Mixed Use	Residential Traditional Community RTC-20

**Environmental Analysis**    CEQA Guidelines Section 15302 (b) Replacement/Reconstruction & 15311 Accessory Structures (parking lot).

**Motion to Approve**  
 The Zoning Administrator does hereby ADOPT the attached resolution and APPROVE Minor Use Permit MU-20-08, based on the enumerated findings and subject to the recommended conditions of approval.

## BACKGROUND

### Existing Development:

The existing structures on the parcels are currently vacant and include a single-family dwelling and saloon and dance hall buildings previously operated as an existing non-conforming use which has since been abandoned.

### Legal Lot Status:

Both APNs have been deemed to be a legal building site as evidenced by prior issuance of building permits.

### Aerial Image:



## SETTING

Access: This site is accessed via encroachment from California Pacific Road, a public road.

Surrounding uses: The surrounding parcels are developed with residential uses, except for railroad tracks and vacant land to the southeast.

## PROJECT DESCRIPTION

The previous tenant had operated the business as a non-conforming use in the RTC-20 zoning district, but the property has been rezoned by rezoning petition Z-20-02 approved by the Solano County Board of Supervisors on October 26, 2021 to change the zoning to RTC-MU to conforming with the General Plan designation of the property. In the RTC-MU zoning district the proposed neighborhood commercial use is allowed with approval of a Minor Use permit.

The intent of the rezoning petition was to allow the previous existing non-conforming use to be re-established and allow upgrades to the site, and bring the zoning into conformance with the General Plan designation.

The property at 6081 California Pacific Street contains two buildings that are attached by a hallway. The front building commonly referred to as “the Cabin” contains architectural styling typical of old west saloons with a wooden covered porch and a flat parapet at the roof line. The building is boarded and in disrepair. The second building is referred to as “the dance hall”. Saloon operations at this facility date back to the 1920s, although the use has not been operational for more than five years.

Proposed improvements include taking down three sides of one portion of the building and leaving the entire front façade in place. Using the same foundation, a prefabricated steel building (40-feet by 72-feet) will be constructed to house the brew operation and will contain stainless steel tanks to brew the beer, and a kitchen to prepare food

which will be served in the taproom. The interior of the dance hall will be remodeled to include the taproom/brewpub for retail sales (see Attachment D floor plan).

The 6077 California Pacific Street parcel, located immediately south of the proposed brew pub, contains a single-family home that will be converted to an office to support the proposed Diversity Beer business. The existing two-bedroom, one-bathroom residential structure is 936 square feet in size. Office uses are not allowed in residential districts. Therefore, the rezoning from RTC-20 to RTC-MU will allow office uses to occur on the site so that the structure can be used to support administrative functions of the Diversity Beer operations.

## **ZONING & LAND USE CONSISTENCY FINDINGS**

*General Standards:* The existing use and proposed revision meets all standards listed in Section 28.70.10 of the Solano County Code.

*Specific Standards:* The proposed neighborhood commercial use meets the requirements of Section 28.74.10(A) & Section 28.94 of the Solano County Code. Neighborhood Commercial uses are allowed in the RTC-MU zoning district with approval of a Minor Use Permit and include businesses which provide goods and services to the surrounding community. The proposed brewpub and taproom will provide a service to the community of Elmira and the surrounding area, which is consistent with the desired outcome of permitting new Neighborhood Commercial used to be established.

## **RECOMMENDATION**

Staff recommends that the Zoning Administrator **ADOPT** the mandatory and suggested findings detailed in attachment A and **APPROVE** Minor Use Permit MU-20-08 subject to the recommended conditions of approval.

## **ATTACHMENTS**

- A. [Draft Resolution and Conditions of Approval](#)
- B. [Assessor's Parcel Map](#)
- C. [Approved Site Plan](#)
- D. [Approved Floor Plan](#)

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

**WHEREAS**, the Solano County Zoning Administrator has considered Minor Use Permit application MU-20-08 to establish and operate a Neighborhood Commercial brewpub and taproom, including conversion of the existing structures historically used as a saloon and single-family dwelling into a brewing operation, taproom and office, located at .6077 & 6081 California Pacific Road, APNs 0142-061-040 & 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 October 21, 2021; 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 Project as rezoned will be in conformance with the General Plan and will be required to comply with the Conditions of Approval associated with this Minor Use Permit including hours of operation. The Project site has adequate traffic circulation access and is an appropriate use for this location. The project site is adequately served by highways or streets of sufficient width and improved as necessary to carry the level of traffic the proposed use would generate, and by other public or private service facilities as are required.

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

The Project site is serviced by municipal services including water from the Solano Irrigation District and wastewater disposal by the City of Fairfield. Adequate services are available to serve the site. The Project site has adequate traffic circulation access from California Pacific Road and is an appropriate use at this location.

- 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.**

The Project will include conditions of approval (Attachment B) that will ensure that the use remains compatible with the neighborhood as far as hours of operation, noise

and maintenance of the property and that the Director of Resource Management will have the ability to review and ensure the use is in compliance.

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved Minor Use permit MU-20-08 subject to the following recommended conditions of approval:

1. **Acceptance of Minor Use Permit** should the Applicant fail to file a timely and valid appeal of this Minor Use Permit within the applicable appeal period, such inaction by the Applicant shall be deemed to constitute all of the following on behalf of the Applicant:
  - a. Acceptance of the Minor Use Permit by the Applicant; and
  - b. Agreement by the Applicant to be bound by, to comply with, and to do all things required of or by the Applicant pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Chapter 28 of the Solano County Code applicable to such Permit.
2. **Permit Expiration.** This Minor Use Permit shall automatically expire one (1) year from and after the date of issuance hereof by the Zoning Administrator, if within such time period, a Building Permit has not been obtained or the use, if no Building Permit is required, has not commenced, pursuant to and in accordance with the provision of this Permit. The date of issuance is the date this Permit is approved by the Zoning Administrator. However, the Director of Resource Management may approve a one-year extension to exercise this Permit in accordance with Section 28.106 of the Solano County Code. The extension to exercise must be approved prior to the expiration of this Permit.
3. **Building Permit.** Issuance of a Building Permit by the Building Official for the structures described or contemplated under this Minor Use Permit shall be deemed acceptance of all conditions specified in this Minor Use Permit and the Applicant's agreement to fully comply with all of said conditions. No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without a Building Permit for Change of Occupancy, as required, and any such change in occupancy must comply with all other applicable local and state laws.
4. **Conformance to Plans.** The development of the site shall conform to the approved Minor Use Permit plans entitled, "Diversity Beer," dated received on 09/25/2019 and revised 12/2/2021 on file with the Department of Resource Management as may be amended and approved by the Director. The approved Minor Use Permit plans are referred to herein as the "approved plans" or "Approved Plan Set."
5. **Use Authorization.** This Minor Use Permit authorizes the construction of improvements to operate the Diversity Beer brewery and tap room (File No. MU-20-08).
6. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the County.
7. **Compliance with Local, State and Federal Laws.** The subject use shall be conducted in full compliance with all local, state and federal laws and regulations. No part of this approval shall be construed to permit a violation of any part of the Solano County Code.
8. **Discretionary Review.** The Director of Resource Management maintains the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Conditional Use Permit incorporated by reference in accordance Solano County Code.

9. **Hours of Operation.** This Minor Use Permit includes approval of hours of operation from 10:00 am to 10:00 p.m. daily.
10. **Noise.** Maximum noise levels emanating from the facility and associated equipment, including the brew operations, shall not exceed 65 decibels at any site property line adjacent to a property used or zoned for residential uses.
11. **Outdoor Storage.** No outdoor storage is allowed or permitted unless designated on the final Approved Plan Set.
12. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris. Cleaning shall include keeping all publicly used areas free of litter, trash, cigarette butts and garbage.
13. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to review and approval by the Director of Resource Management through a subsequent sign permit (Solano County Code Section 28.96).
14. **Property Maintenance.** The permittee shall maintain the project site in good visual and functional condition. This shall include, but not be limited to, all exterior elements of the site such as paint, roof, paving, fencing, signs, lighting and landscaping.
15. **Environmental Health Division.** The facility shall submit plans for the food facility construction to the Consumer Protection program of Environmental Health for review and approval.
  - a. Approval of the food facility plans by Environmental Health will be required prior to issuance of the food facility Building permit.
  - b. The California Retail Food Code requires all food facilities to obtain a permit to operate from Environmental Health. The facility shall obtain a food facility permit from Environmental Health and maintain a valid and active permit for the life of the facility.
16. **Building Division Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
  - a. **Construction Plans.** This permit file number shall be printed on all construction plans submitted to the Building Division.
  - b. **Construction Conformance.** A project construction conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to final inspection approval by the Building Department, applicant shall obtain a written confirmation from the Planning Division that the project, as constructed, conforms to all applicable requirements of the subject Permit, including the plan sets. To prevent delays in the issuance of Building Permits, please notify Planning Division staff at least one week prior to the final Building Division inspection date.
17. **Stormwater.** The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site.
18. **Permit Term.** The Department of Resource Management shall verify ongoing compliance with the terms and conditions of this permit through a program of periodic renewals

occurring at five (5) year intervals from the date of granting this permit. The cost associated with the periodic renewals shall be charged at that time.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on March 3, 2022.

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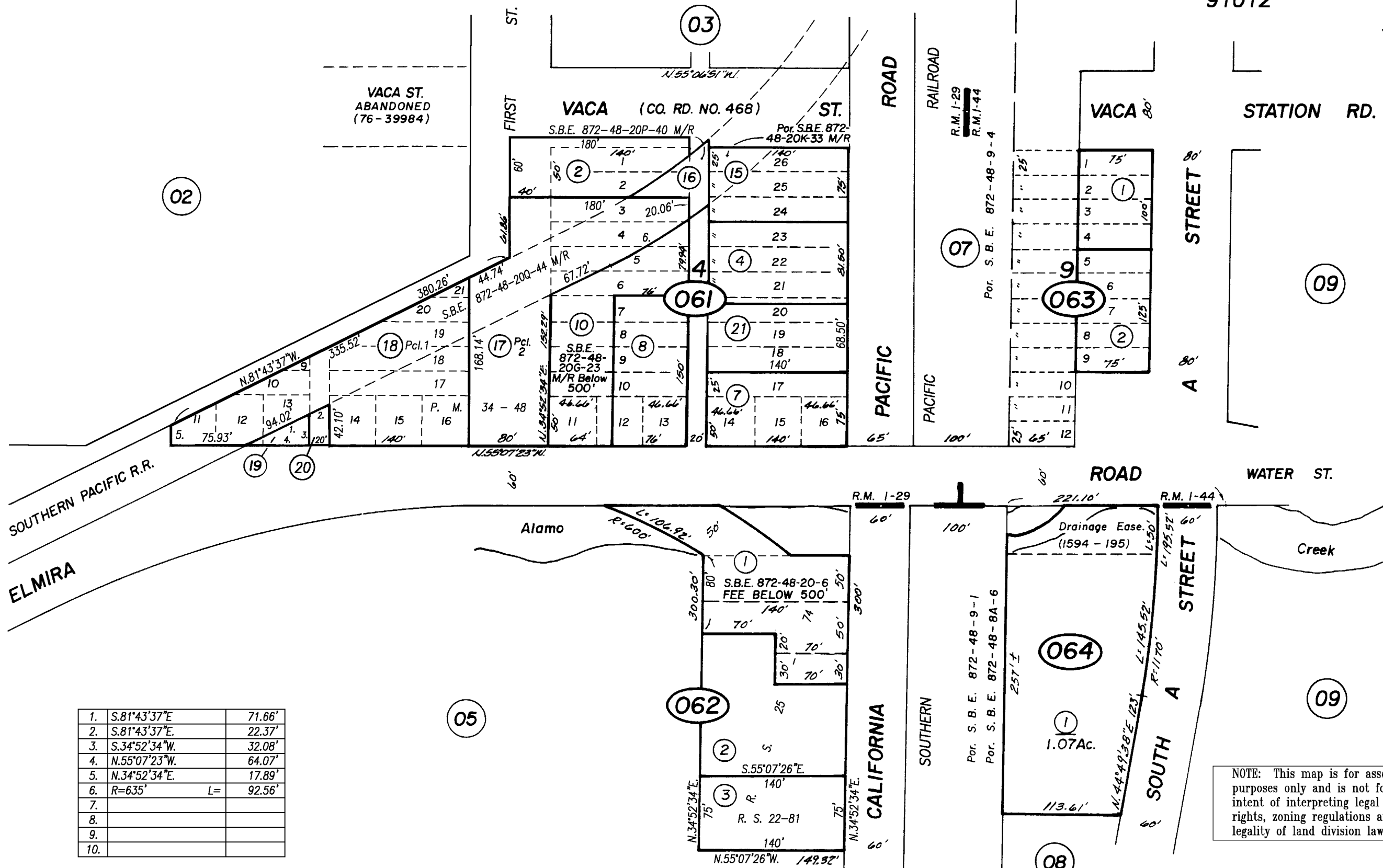
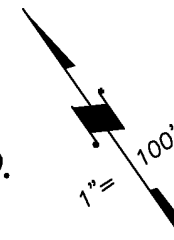
Allan M. Calder, Planning Manager  
Department of Resource Management

DRAFT

POR. S.W. 1/4 SEC. 19, T.6N., R.1E., M.D.B. & M.

Tax Area Code  
91012

142-06



1.	S.81°43'37"E	71.66'
2.	S.81°43'37"E	22.37'
3.	S.34°52'34"W	32.08'
4.	N.55°07'23"W	64.07'
5.	N.34°52'34"E	17.89'
6.	R=635'	L= 92.56'
7.		
8.		
9.		
10.		

061-21 (Dd)	3-13-07	DV
061-20 (Dd)	6-21-06	CR
062-1 thru 3 (Rs)	2-3-03	SE
061-02 (Dd)	8-14-02	DJ
SBE-PU	6-28-00	Pd
SBE-PU	2-2-00	Pd
REVISION	DATE	BY

NOTE: Assessor's Block Numbers Shown in Ellipses  
Assessor's Parcel Numbers Shown in Circles

NOTE: This map is for assessment purposes only and is not for the intent of interpreting legal boundary rights, zoning regulations and/or legality of land division laws.

Assessor's Map Bk. 142 Pg. 06  
County of Solano, Calif.

Vaca Station , R.M. Bk. 01 Pg. 29  
Plan of Resurvey of Portion of Vaca Station , R.M. Bk. 01 Pg. 44



PROJECT DESIGNER:  
RYAN FERGUSON  
IN/SCALE DESIGN  
(510) 499-9735  
RG.FERGUSON@GMAIL.COM

SITE PLAN WITH PROPOSED PARKING AREAS

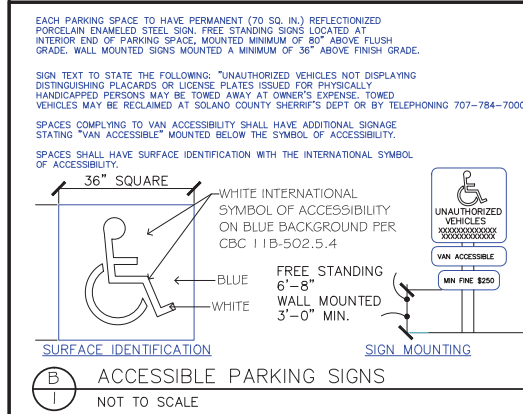
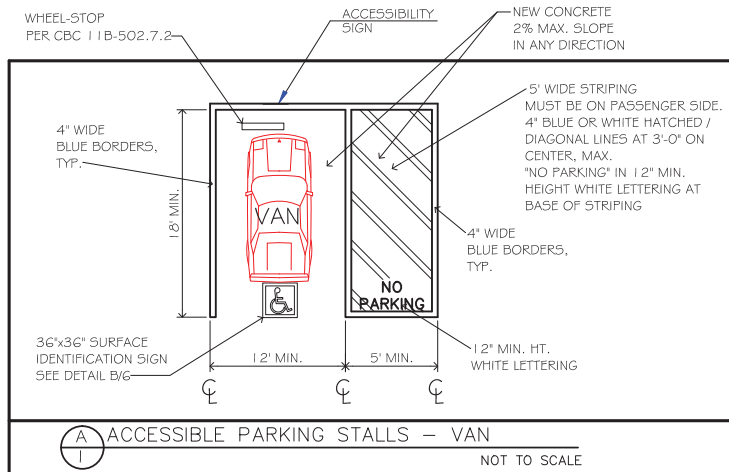
A NEW TENANT IMPROVEMENT LOCATED AT:  
**DIVERSITY BEER COMPANY**  
**6077 AND 6081 CA PACIFIC ROAD**  
ELMIRA, CA 95625  
APN: 0142-061-210 & 0142-061-040

REVISION

#	DATE	BY
△		
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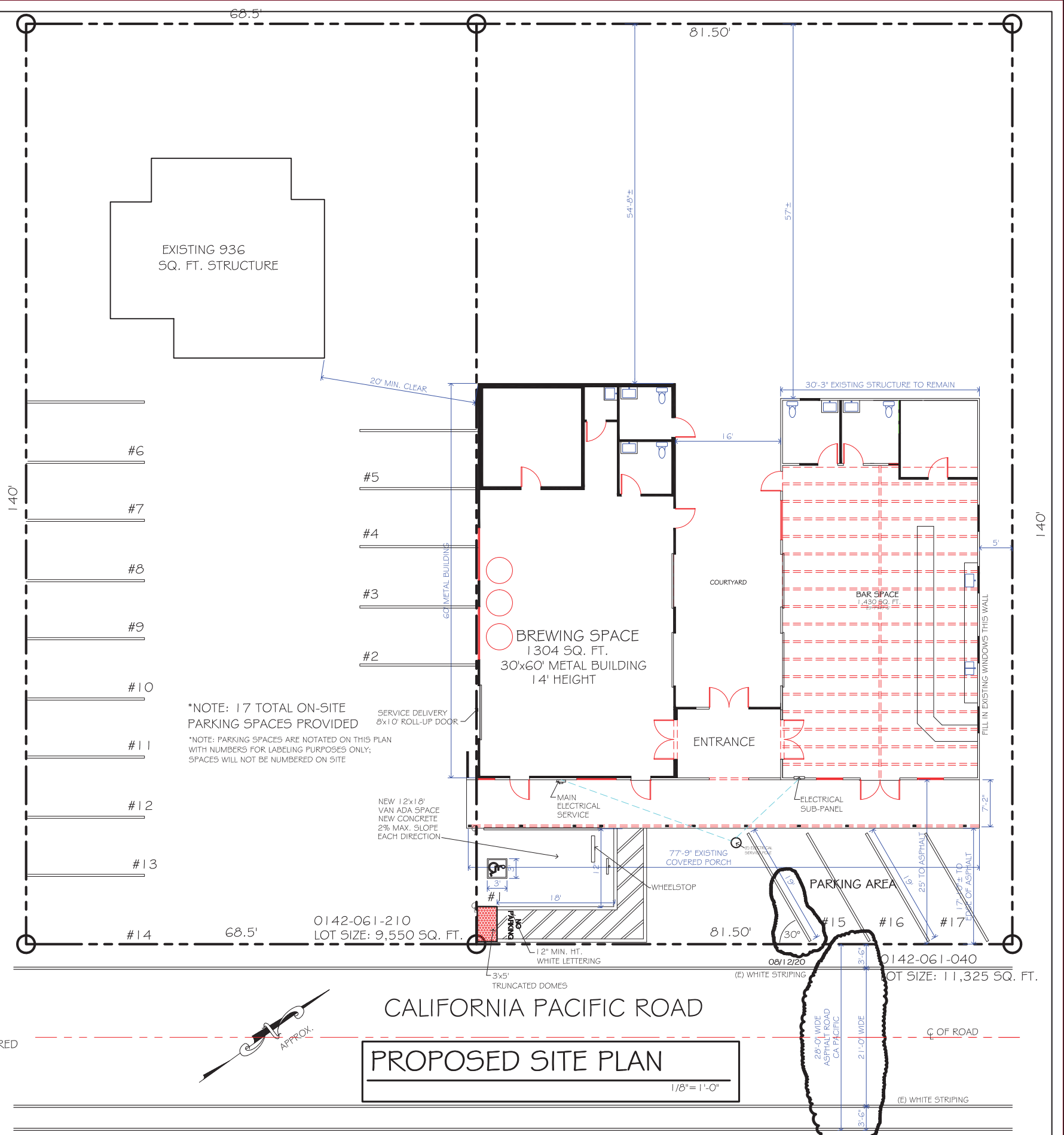
DRAWN R/F  
CHECKED  
DATE 08/12/20  
SCALE NOTED  
JOB NO.

SITE VICINITY MAP



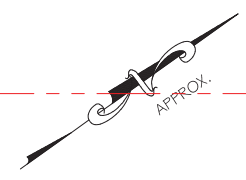
CODE DATA:

CODE 2016 C.B.C.  
CODE 2016 C.P.C.  
CODE 2016 C.M.C.  
CODE 2016 C.E.C.  
CONSTRUCTION TYPE: V-B SPRINKLERED  
WIND ZONE- 110 MPH, EXPOSURE C  
2016 CALIFORNIA ENERGY CODE  
2016 CA GREEN BUILDING CODE  
\*NOTE: DEFERRED SUBMITTAL FOR NEW SPRINKLER SYSTEM



\*NOTE: 17 TOTAL ON-SITE PARKING SPACES PROVIDED  
\*NOTE: PARKING SPACES ARE NOTATED ON THIS PLAN WITH NUMBERS FOR LABELING PURPOSES ONLY; SPACES WILL NOT BE NUMBERED ON SITE

**CALIFORNIA PACIFIC ROAD**  
**PROPOSED SITE PLAN**  
1/8" = 1'-0"



## Project Narrative

We purchased two parcels in town in Elmira. Our vision is to open up a brewery and taproom with this purchase. The first parcel is 6077 California Pacific Rd. This parcel has a house on it that will be used as office space. It sits back on the property so that the front of this parcel can be used for parking. The second parcel is 6081 California Pacific Rd. This parcel has two buildings on it. One everyone knows as the cabin and adjacent to it is considered the dance hall. It has a connecting hallway. Our vision for this is to tear down the three sides of the old bar while keeping the front facade, saloon type look from the street. In its place we will pour a concrete foundation and erect a 40x72 steel building. This is where the brewing process will take place. This building will also house the kitchen. The dancehall will be remodeled as the taproom. We want the original historic look from the outside and a modern brewpub when you walk in. The backyard of the 6081 will remain open for easement and outdoor activities. We want to be open 7 days a week from 10am to 10pm. With having the kitchen we would like to do lunch and dinner.

