

ITEM 5.3: **CONDITIONAL USE PERMIT AND DESIGN REVIEW PERMIT MODIFICATION – 10021 and 10031 Foothills Boulevard – NIPA PCL 45 - TARBIYA INSTITUTE – FILE # PL19-0349**

REQUEST

The applicant requests approval of a Conditional Use Permit to allow a community assembly use within the Light Industrial (M1) zone district for the Tarbiya Institute. A Design Review Permit Modification is also requested to allow construction of a 300' x 150' soccer field for Tarbiya Institute members on the western portion of the property at 10021 Foothills Blvd.

Applicant – Tarbiya Institute
Property Owner – Robert M. Krantz, Union Pacific Railroad Company

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission take the following actions:

- A. Adopt the three (3) findings of fact for the Conditional Use Permit and approve the Conditional Use Permit subject to four (4) conditions of approval.
- B. Adopt the two (2) findings of fact for the Design Review Permit Modification and approve the Design Review Permit Modification subject to three (3) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request. The applicant has reviewed and is in agreement with all recommended conditions of approval.

BACKGROUND

The project is located on Parcel 7 of the Carlsberg Industrial Center, on Foothills Boulevard north of Blue Oaks Boulevard within the City's North Industrial Plan Area. The property is adjacent to light industrial uses to the north and west and undeveloped light industrial land to the south and east (see Figure 1). The Tarbiya Institute will be spread across two properties, 10021 Foothills Blvd. and 10031 Foothills Blvd. On February 23, 1984, both parcels were approved for construction of two light industrial buildings, one on each parcel, totaling 110,000 square feet (File #UP 83-102). Only one of the buildings, at 10031 Foothills Blvd., was constructed. The constructed building totals 30,724 square feet and until recently was occupied with offices for the Union Pacific Railroad.

The Tarbiya Institute requests a Conditional Use Permit to occupy the existing light industrial office building with a community assembly use. Tarbiya proposes to reconfigure the interior of the building to create a 4,350-square foot prayer room and 4,050-square foot community hall. The proposed project would be located in the building addressed 10031 Foothills Blvd. (see Figure 1). The purpose of the Conditional Use Permit is to evaluate the appropriateness of the use at the proposed location and minimize any potential conflicts between adjacent uses. Typically, one of the primary issues to address with community assembly uses is ensuring adequate parking is available to support the higher parking demand generated from the use. A Design Review Permit Modification is also requested to modify the approved development on 10021 Foothills. The property was approved for a 70,000 square foot light industrial building. The applicant proposes to develop a soccer field on a portion of the property.

Figure 1: Project Location



CONDITIONAL USE PERMIT EVALUATION

Section 19.78.060 of the City of Roseville Zoning Ordinance requires that three findings be made in order to approve a CUP. The three findings are listed below in *italicized, bold print* and are followed by an evaluation of the proposal in relation to each finding.

1. The proposed use or development is consistent with the City of Roseville General Plan and any applicable specific plan.

The project site has a land use designation of Light Industrial (LI). The site is located within the North Industrial Plan Area of the City and not within a Specific Plan area. The LI land use designation is typically intended for office, industrial, and research and development uses that generate very limited noise, vibration, odor, dust, smoke, light, or other pollutants, and are either integrated or compatible with surrounding uses. The General Plan lists religious assembly as a secondary use that may be permitted in the LI zone. The General Plan relies on the Zoning Ordinance to determine the appropriate location and design of community assembly uses through the Conditional Use Permit process. As discussed below, the proposed use is consistent with the Zoning Ordinance; therefore, the proposed use is consistent with the General Plan.

2. The proposed use or development conforms with all applicable standards and requirements of the Zoning Ordinance.

Tarbiya Institute will be occupying an existing office building. Therefore, there are no specific development standards outlined in the Zoning Ordinance, other than parking requirements, for the community assembly use. The project site is a self-contained parcel with its own off-street parking lot. On-street overflow parking is also available on adjacent Foothills Bl. and Winding Creek Rd. The site was developed with 156 parking spaces. For community assembly uses, the Zoning Ordinance dictates the parking requirement be calculated based on the assembly area. Interior building area dedicated to restrooms, office space, and other ancillary uses are excluded from the parking calculation. The parking ratio for community assembly is one parking space per 50 square feet of assembly area (1:50). In this case, the assembly area is the prayer room. As shown in the proposed floor plan for the Tarbiya Institute (**Exhibit A**), the prayer room will be approximately 4,350 square feet. The Tarbiya Institute is therefore required to provide 87 spaces for the

assembly area. With the proposed change in use, the parking requirement for the building will be adjusted as shown in **Table 1**. A community room is also shown on the plans. However, by religious obligation, all attendees pause their activities and congregate in the prayer room during services. Therefore, only the prayer room is used to calculate assembly area, as that space will hold all attendees on-site during prayer service. In addition to assembly area, the zoning ordinance requires there be one parking space per classroom. The applicant proposes to use up to five of the existing office rooms for youth classes, therefore five additional spaces are required. In total, 92 parking spaces are required on-site for the Tarbiya Institute. The existing 156 spaces on-site can therefore accommodate this use.

Table 1 - Parking Requirement for 10031 Foothills Boulevard

Tenant	Applicable Area	Use Type	Parking Ratio	Parking Required	Parking Provided	Surplus Parking
Union Pacific Railroad	30,724	Office	1:250	123	156	33
Tarbiya Institute	4,350 sf	Assembly	1:50 +1/Classroom	87 +5 = 92	156	64

As shown in the table above, the proposed change in use of the building from office to assembly will decrease the parking requirement for the site by 31 parking spaces. The center will have 64 additional parking spaces beyond what is required by the Zoning Ordinance. If the Tarbiya Institute were to expand their worship areas in the future the parking calculations will need to be revisited and a building permit will need to be obtained. As proposed, the project conforms to the Zoning Ordinance requirements.

3. *The location, size, design and operating characteristics of the proposed use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.*

The Carlsberg Industrial Center and the Foothills Commerce Center land to the north have Light Industrial zoning and land use designations. Many of the parcels are undeveloped, but the General Plan anticipates light industrial uses to include research and development (which may include manufacturing and assembly), electronics assembly, warehousing, intensive commercial uses (e.g. autobody repair, landscaping material sales, retail and wholesale lumberyards), and associated administrative offices. Typical hours of operation for such uses are Monday through Friday 8 am to 5 pm and often closed during the noon lunch hour. The Tarbiya Institute is a religious (community assembly) use. The operations plan is provided in **Exhibit B**. The operations of the institute will be busiest during non-typical business hours. The only time of conflict with surrounding business hours will be church services on Fridays from 12:15 - 12:45 pm, 1:30 - 2:00 pm, and 3:30-4:00 pm. The largest assembly of these services will be the 12:15 pm service with 150 attendees and 1:30 pm service with 200 attendees. The rest of the typical weekday business hours will be staff office hours. There will also be associated programs on weekday evenings and weekends that draw smaller crowds. Most of the events associated with the institute will occur inside the tenant space. The exception to this will be recreational soccer among members on the soccer field. It is estimated that the maximum 200 attendees of the Friday services will not generate the need for more than the 156 spaces located on-site. If overflow parking is required, there is an additional 350 lineal feet of frontage on either side of Winding Creek Rd. in front of the entrances that would yield an additional 35 spaces. As there are adequate parking spaces on-site, and only a limited overlap in hours is expected, no parking impacts are anticipated to adjacent businesses. Condition #3 has been added to require additional approval from the Planning Division prior to an expansion of the use. The project has also been reviewed by the applicable City Departments. With the proposed conditions, and based on the proposed operations, staff finds the proposed use will be compatible with and will not adversely impact adjacent uses.

DESIGN REVIEW PERMIT MODIFICATION EVALUATION

Section 19.78.060(J) of the City of Roseville Zoning Ordinance requires adoption of two (2) findings to approve a Design Review Permit Modification. The evaluation of the Design Review Permit Modification for the project has been based on the applicable development standards within the City's Zoning Ordinance, the North Industrial Plan Area (NIPA) guidelines, and the design standards of the City's Community Design Guidelines (CDG). Staff reviewed the proposal for consistency with all applicable standards and found the project to be consistent with the requirements and guidelines in each. The following discussion is provided as clarification on areas of interest. In order to approve a Design Review Permit Modification, the following two findings must be made:

- 1. The proposed modification is in substantial compliance with the intent of the original approval, prior conditions of approval, and all applicable design, development and improvement standards in effect as of the date of application for the modification.***

The original Design Review Permit for the property at 10021 Foothills Blvd. approved construction of a 70,000-square foot light industrial building. The building was never constructed. A Design Review Permit Modification is required to modify this approval to allow construction of a soccer field. The soccer field will serve as an ancillary use to the Community Assembly use at 10031 Foothills Blvd. Soccer fields have been developed for other uses in light industrial zones such as at the Cokeva facility at 8800 Foothills Blvd. A soccer field would have been an acceptable ancillary use to the previously approved light industrial building, and is therefore in substantial compliance with the previous approval. Furthermore, the field will not use water for irrigation beyond what is allocated to the site. The site is allocated 25 acre feet of water per year. The applicant proposes to use 15 acre feet per year on the site including irrigation for the soccer field and existing landscape. Any future development on site that includes retaining the soccer field will be allowed an additional 10 acre feet per year of water beyond what is proposed with this application. Additionally, Condition #5 was added to the Design Review Permit Modification to require compliance with the City's Water Efficient Landscape Ordinance (WELo).

- 2. The proposed modification is in compliance with all standards and requirements of the City's Zoning Ordinance, with the applicable goals, policies and objectives set forth in the General Plan and the applicable Community Design Guidelines.***

Access: Access to the project site would be provided via existing driveway entrances off Foothills Bl. and Winding Creek Rd. There are existing pedestrian pathways leading from various points on the property to the soccer field area. The project has been reviewed by the Engineering Division who found that the project does not create the need for additional driveways or access points. Additionally, the project would not create additional trips because the soccer field is for Tarbiya members.

Site Planning: The project would include construction of one soccer field. The soccer field has been located to allow easy access from the existing building at 10031 Foothills Blvd. Consistent with the NIPA, the fields are not located within the 50-foot landscape corridor along Foothills Blvd. The project will not be visible from an existing public roadway due to the distance from the road and existing landscape screening. Additionally, the site layout would not require modifications to existing development.

Parking: As discussed above in the Conditional Use Permit evaluation, there is adequate parking on-site for the community assembly use. The soccer field will provide an ancillary use for members and will therefore not require any additional parking on-site.

Landscaping: The project does not propose any new landscaping beyond the sod used for the field. Landscaping is typically required to screen undesirable views, provide a buffer between uses, soften the transition between hardscape and buildings, provide shading for parking areas, and add visual interest to projects. For this project, shading is already provided in the parking areas. There are no additional

structures that need to be buffered by landscaping. Due to location of the fields and extensive amount of grass on the site, staff does not feel additional landscaping is needed. Existing landscaping within the landscape corridor of Foothills Blvd. provides adequate screening.

CONCLUSION

Based on the analysis contained in this staff report and as conditioned, staff finds that the proposed project is consistent with the findings needed to approve the Conditional Use Permit and Design Review Permit Modification and meets the requirements of the General Plan and Zoning Ordinance; and therefore, the required findings to approve the entitlement can be made.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, which exempts In-Fill Development Projects that meet the following criteria: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.(c) The project site has no value, as habitat for endangered, rare or threatened species.(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.(e) The site can be adequately served by all required utilities and public services.

The project meets these criteria for the following reasons and is therefore exempt. (a) The general plan designation of Light Industrial allows for religious assembly as a secondary use. (b) The total project site including the existing developed site and the proposed soccer field is 4.39 acres. (c) The project site contains an area that is developed with a building and parking as well as a portion that has been rough graded for future construction and does not contain habitat for endangered, rare or threatened species. (d) The proposed use is consistent with the existing use of the site and will not have significant effects on traffic, noise, air quality, or water quality. (e) The site can be adequately served by a required utilities and public services allocated to the site including irrigation of the proposed soccer field.

PUBLIC OUTREACH

The proposed project was distributed to all internal and external agencies and departments who have requested such notice, and all comments or recommended conditions of approval have been incorporated into the project, as appropriate. A notice of the public hearing was published on July 10, 2020 and was also distributed to all property owners within 300 feet of the site, and to the Roseville Coalition of Neighborhood Associations. No comments were received at the time of publication of this report.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

- A. Adopt the three (3) findings of fact as listed in the staff report and approve the **CONDITIONAL USE PERMIT – 10031 FOOTHILLS BOULEVARD - NIPA PCL 45 - TARBIYA INSTITUTE – FILE # PL19-0349** subject to four (4) conditions of approval.
- B. Adopt the two (2) findings of fact for the **DESIGN REVIEW PERMIT MODIFICATION – 10031 FOOTHILLS BOULEVARD - NIPA PCL 45 - TARBIYA INSTITUTE – FILE # PL19-0349** subject to three (3) conditions of approval.

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (FILE # PL19-0349)

1. This Conditional Use Permit approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on **August 13, 2022**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of one year from **August 13, 2022**. (Planning)
2. The Conditional Use Permit shall be effectuated upon issuance of an occupancy permit by the Building Department. (Planning, Building)
3. The activities and services approved in conjunction with this Conditional Use Permit shall be as identified in **Exhibit A** and **Exhibit B**. No expansion of the use beyond what is outlined in these exhibits shall be permitted without prior approval from the Planning Division. (Planning)
4. A Building Permit will be required for any alteration or change in use of the approved building floor plan identified in **Exhibit A**. (Building)

CONDITIONS OF APPROVAL FOR DESIGN REVIEW PERMIT MODIFICATION (FILE # PL19-0349)

1. This Design Review Permit Modification approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on **August 13, 2022**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval does not extend the expiration beyond **August 13, 2023**.
2. The project is approved as shown in **Exhibit A** and as conditioned or modified below. (Planning)
3. The applicant shall receive approval from the Environmental Utilities Department to ensure the project will adhere to the City's Water Efficient Landscape Ordinance. (Planning)

EXHIBIT

- A. Project Plans
- B. Tarbiya Institute Operations Plan

Note to Applicant and/or Developer: Please contact Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.