

ITEM 5.4: **CONDITIONAL USE PERMIT MODIFICATION AND DESIGN REVIEW PERMIT MODIFICATION – 1050 WINDING CREEK ROAD – NIPA PCL 44 & 45 – Foothills Commerce Center Additional Outdoor Storage – File # PL20-0163**

REQUEST

The applicant requests a Conditional Use Permit Modification and Design Review Permit Modification to convert a portion of an existing parking lot into an outdoor storage yard. The project includes adding gravel, fences, gates & light poles to create the 20,339 square-foot yard. No hazardous materials will be stored in the proposed yard.

Applicant – Rocelyn Bajao, Borges Architectural Group
Property Owner – FCC ROSEVILLE II CD LLC

SUMMARY RECOMMENDATION

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

- A. Adopt the two (2) findings of fact for the Conditional Use Permit Modification and approve the Conditional Use Permit Modification 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 subject property is located a quarter mile north of Blue Oaks Boulevard and 750 feet west of Foothills Boulevard at 1050 Winding Creek Road in the North Industrial Planning Area of the City. Several high voltage overhead electric transmission lines traverse the east portion of the site as shown in Exhibit A. Union Pacific Railroad (UPRR) tracks are also located to the east of the site, in addition to a seasonal wetland feature at the southeast corner of the site. The seasonal wetland will not be impacted with this project.

On August 30, 2000 the Planning Commission approved a Design Review Permit and Subdivision Map allowing the construction of Phase I of the Foothills Commerce Center, and on August 16, 2001 the Design Committee approved the development of Phase II of the center. Both phases of the project have been constructed and are designed to function with reciprocal access, parking, drainage and utilities.

On March 8, 2007 (File #2006PL-234) the Planning Commission approved a Design Review Permit Modification and Conditional Use Permit to allow construction of two outdoor storage yards of 1,920 sf and 9,856 sf. The Zoning Ordinance requires approval of a Conditional Use Permit (CUP) for outdoor storage yards in the light industrial zone so that operational characteristics can be analyzed and restricted accordingly in order to minimize impacts to adjacent property owners.

The current request is for a Conditional Use Permit Modification and a Design Review Permit Modification to allow construction of an additional outdoor storage yard at the Foothills Commerce Center. The

applicant proposes to add the 20,661 sf storage yard where there is currently undeveloped land to the east of the existing parking lot. Eight parking spaces will be removed to create access to the yard and fencing will be constructed around the yard for screening and security.

Figure 1: Project Location



CONDITIONAL USE PERMIT MODIFICATION EVALUATION

Section 19.78.060(J) of the City of Roseville Zoning Ordinance requires two findings of fact be made in order to approve a Modification for the Conditional Use Permit. The required findings are listed below in ***italicized bold*** print and are followed by an evaluation.

1. The proposed modification is substantially consistent with the intent of the original approval.

The original approval for the Conditional Use Permit (File #2006PL-234) allowed outdoor storage in the Light Industrial zone district at the Foothills Commerce Center. The approved storage area totaled approximately 11,776 sf and is utilized for storage of materials and equipment. Condition #2 on the approved CUP states, "The storage yard shall be limited to 11,776 sf, as shown in Exhibit A." A modification is therefore required to add additional storage yard area to the site. The current request is for an additional 20,166 sf of outdoor storage yard to the north of the previously approved yard.

The applicant, who represents the property owner, requests the additional storage area in order to market the property to prospective light industrial tenants. The interior clear height of the buildings on the site is below industry standard and the owner is hoping to attract tenants by offering additional storage area outdoors. The proposed modification is consistent with the intent of the original approval because the original storage yard was found not to be detrimental to the health, safety, or welfare of persons residing or working in the area or be detrimental to public or private property or improvements and the additional storage area will continue to meet this finding. The existing storage on site allows for 500 sf of hazardous materials storage. The proposed storage yard will reduce impacts to surrounding properties by prohibiting hazardous materials storage. Additionally, the proposed storage yard will be screened from public view by fencing with metal mesh and landscaping. The location of the storage

yard on the site also reduces the impact to surrounding properties. The yard is approximately 175 ft from Industrial Avenue to the east with raised Union Pacific Railroad tracks separating them and over 250 ft from Winding Creek Road to the northwest. Staff finds the modification is substantially consistent with the intent of the original approval.

2. *The proposed modification complies with all applicable standards and requirements of the Zoning Ordinance, with the applicable goals, policies and objectives set forth in the General Plan, the applicable Community Design Guidelines, and the applicable specific plan.*

The project site has a General Plan 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 existing and proposed commercial and industrial uses are consistent with this land use designation. The General Plan relies on the Zoning Ordinance to determine the appropriate location and design of outdoor storage yards with 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.

Section 19.14.020 of the Zoning Ordinance allows Equipment and Materials Storage Yards in the Light Industrial zone with approval of a Conditional Use Permit. A CUP was approved for the adjacent 11,776 sf of storage yard on the property. Therefore, the applicant is requesting to modify this existing permit to allow an additional 20,661 sf of storage on the parcel. The existing storage yard has not been detrimental to its surroundings, therefore the proposed storage yard will have similar conditions put on the project in order to gain an equally positive result. Condition #3 limits the size of this storage yard to the proposed 20,661 sf shown in Exhibit A. This ensures that the applicant will need to apply for an additional modification to expand the storage use and the Planning Commission will have the opportunity to re-evaluate the storage on-site. Condition #4 requires that the height of the materials be limited to ten feet and that no hazardous materials be stored in the yard. This condition ensures that the 8-foot tall fence can adequately screen the materials and that no materials will have an impact on surrounding uses.

Based on the analysis contained in this staff report, and with the project conditions, the required findings can be made for the proposed Conditional Use Permit Modification.

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 substantially consistent with the intent of the original approval.*

On August 30, 2000 the Planning Commission approved a Design Review Permit and Subdivision Map allowing the construction of Phase I of the Foothills Commerce Center, and on August 16, 2001 the Design Committee approved the development of Phase II of the center. Both phases of the project have been designed to function with reciprocal access, parking, drainage and utilities. The proposed modification to the site does not affect access to the site or modify any of the buildings. The proposed storage yard is accessory to the uses within the buildings and is only a minor modification to the development.

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.*

Site Design: The proposed storage yard will be constructed in an area that is currently undeveloped on the eastern portion of the site. The proposed changes will not alter the existing site access or building layouts. However, the proposed modifications will include the construction of landscape planters and the removal of eight parking spaces, described below. However, these changes will not significantly affect access, as the main route of travel from the primary entrance to the buildings will not be altered.

Parking: The applicant proposes to modify the site design to add the storage yard, which will require the removal of 8 parking spaces to create two entrances to the storage area. As shown in the overall parking table for the Foothills Commerce Center (Attachment 1), there will be a surplus of 54 parking spaces after the removal of eight spaces. This is based on the current uses of the buildings and may change over time as new tenants enter the center.

Landscaping: The applicant proposes to use existing shrubs on the eastern portion of the property to screen the storage area from the rest of the development. Where it is necessary to remove any screening shrubs to install the fence, replacement landscaping will be installed. Additionally, screening shrubs will be added on the northern edge of the storage yard to screen any views from Winding Creek Road and the future development to the north of the property. The percentage of parking lot shading will increase with the proposed project. Four of the existing spaces are currently unshaded. The applicant proposes to add finger planters on each side of the newly created entrances that will contain 15-gallon trees to create additional parking lot shading.

Storage Area: The applicant proposes to surface the entrance to the storage area with asphalt pavement. The storage area itself is proposed to be surfaced with gravel. Zoning ordinance section 19.26.040.2.D "Surfacing of Parking Areas" requires parking and circulation areas be surfaced with asphalt concrete or Portland cement concrete, or other approved all-weather, hard, non-eroding surface. In this case, because of the speculative nature of the proposed storage area, staff has allowed the applicant to move forward with a gravel surface. The exact use of the storage yard will not be known until the applicant finds a tenant for their adjacent vacant building. Staff added Condition #3 to the permit to require that any future portion of the storage yard that is required for circulation or parking must be paved. This requirement will be met with future improvement plan submittal.

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 Modification and Design Review Permit Modification and meets the requirements of the General Plan and Zoning Ordinance; and therefore, the required findings to approve the entitlements 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 15304, which includes minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry and agricultural purposes. The project meets criterion: (a) Grading on land with a slope of less than 10 percent, except that grading shall not be exempt in any environmentally sensitive area. The project area is not environmentally sensitive and is therefore exempt.

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 October 30, 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 two (2) findings of fact and approve the **CONDITIONAL USE PERMIT MODIFICATION – 1050 WINDING CREEK ROAD - NIPA PCL 44 & 45 – FOOTHILLS COMMERCE CENTER ADDITIONAL OUTDOOR STORAGE – FILE # PL20-0163** subject to four (4) conditions of approval.
- B. Adopt the two (2) findings of fact for the **DESIGN REVIEW PERMIT MODIFICATION – 1050 WINDING CREEK ROAD - NIPA PCL 44 & 45 – FOOTHILLS COMMERCE CENTER ADDITIONAL OUTDOOR STORAGE – FILE # PL20-0163** subject to three (3) conditions of approval.

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT MODIFICATION (FILE # PL20-0163)

1. This Conditional Use Permit Modification approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on **November 12, 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 **November 12, 2022**. (Planning)
2. The Conditional Use Permit Modification shall be effectuated upon issuance of an occupancy permit by the Building Division. (Planning, Building)
3. The activities and services approved in conjunction with this Conditional Use Permit shall be as identified in **Exhibit A**. No expansion of the use beyond what is outlined in these exhibits shall be permitted without prior approval from the Planning Commission. (Planning)
4. Materials stored within the yard shall not exceed ten (10) feet in height. Furthermore, the storage of hazardous materials is not approved with this request, and will require approval of a subsequent CUPMOD.

CONDITIONS OF APPROVAL FOR DESIGN REVIEW PERMIT MODIFICATION (FILE # PL20-0163)

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 **November 12, 2022**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval does not extend the expiration beyond **November 12, 2022**.
2. The project is approved as shown in **Exhibit A** and as conditioned or modified below. (Planning)
3. Any portion of the storage yard that is to be used for circulation or parking must be paved in compliance with zoning ordinance section 19.26.040.2.D. (Planning)

Attachment

1. Foothills Commerce Center Parking Table

EXHIBIT

A. Project Plans

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.