

**ITEM 5.2:      **CONDITIONAL USE PERMIT – 1401 CHURCH STREET – INFILL PCL 287 – PLACER FOOD BANK PANTRYTOGO DISTRIBUTION CUP – FILE # PL22-0041****

**REQUEST**

The applicant requests approval of a Conditional Use Permit to establish a regular food distribution service in an existing parking lot. The food distribution will operate on the first Friday of the month between 8:00am and 10:00am and will serve drive-through customers.

Applicant – Dave Martinez, Placer Food Bank  
Property Owner – Eric Denio

**SUMMARY RECOMMENDATION**

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

1. Adopt the three (3) findings of fact for the Conditional Use Permit and approve the Conditional Use Permit 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 site is located at 1401 Church St., at the southeast corner with Atkinson St., and is identified as Parcel 287 within the City's Infill Area. The subject parcel has a General Industrial (IND) General Plan land use designation, with a Light Industrial (M1) zoning designation. Historically, this site is associated with the Denio's Livestock Auction. The auction began on this site in 1947 before expanding to adjacent parcels. In recent years, the livestock auction has ceased operation on the parcel.

The Placer Food Bank requests a Conditional Use Permit (CUP) to establish a food distribution service for their PantryToGo program within the existing parking lot on-site. Based on the use description (Exhibit A), the program includes distributing food to clients who arrive on-site in their car and do not exit the vehicle while volunteers load food into their cars. The food distribution service occurs on the first Friday of each month. Zoning Ordinance Chapter 19.40 establishes the requirements and standards for the location and operation of a food distribution facility. A food distribution facility which does not meet the standards set forth in that section, is required to obtain a CUP in accordance with Chapter 19.74. The purpose of the CUP is to evaluate the appropriateness of the use at the proposed location and minimize any potential conflicts between adjacent uses.

**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 General Plan land use designation of General Industrial (IND). The site is located within the Infill planning area of the City, which is generally characterized by pre-1980s development and is not part of a specific plan. The IND land use designation is typically intended for industrial uses that generate noise, vibration, odor, dust, smoke, light, and an aesthetic appearance not compatible with residential and other sensitive receptors. The General Plan does not address the compatibility of civic use types such as food distribution in the IND land use category. The General Plan therefore relies on the Zoning Ordinance to determine the appropriate location and design of food distribution 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.***

Chapter 19.40 establishes the requirements and standards for the location and operation of a food distribution facility. The Planning Commission may approve reasonable deviations from the chapter other than the requirements of subsection B., which states the allowable zones. Food distribution facilities may be located only in GC, HC, CMU, M1, M2, and MMU zones. The proposed use is within the M1 zone and is therefore permitted. The PantryToGo program differs from typical food distribution facilities, which are located within enclosed buildings and operate on a more regular schedule. The PantryToGo program only operates on the first Friday of each month. Certain standards from Chapter 19.40 are therefore not applicable to the proposed use. Conformance with these other standards is analyzed below. The applicable standard is provided in underline and the evaluation follows.

***Distance Separation Requirements: A food distribution facility may be located no closer than 1,000 feet from any other food distribution or social service facility.***

The nearest other facility is the Saint Vincent de Paul Food Distribution site located at 105 Bonita St., which is approximately 2,000 feet away and on the opposite side of the Union Pacific Railroad yard.

*Size. A facility which exceeds 600 square feet shall require a Conditional Use Permit.*

The proposed use is an outdoor drive-through facility and therefore occupies a much larger area than a typical indoor facility. The distribution area will occupy approximately 5,000 square feet of the approximately 9-acre site. The remainder of the site will be used for volunteer parking and vehicle circulation. The large building and attached yard at the center of the site will not be used for food distribution.

*Development Standards. The food distribution facility shall comply with all development standards of the applicable zoning district. The facility shall provide one parking space for every staff person and one parking space for every 500 square feet of floor area.*

The distribution area, where volunteers will load food for clients is approximately 5,000 square feet and therefore requires 10 spaces. There will be up to 35 staff and volunteers on-site at any one time. Therefore, a total of 45 parking spaces are required for the use. The area identified for volunteer parking contains approximately 120 parking spaces.

*All food distribution and related activities shall occur inside the structure.*

The distribution will not operate within an enclosed structure. However, the operations will take place within a completely fenced area, which is not immediately adjacent to any other sensitive uses.

*There shall be adequate waiting space inside the facility such that any person waiting for food distribution is not required to wait on the sidewalk or any other public right-of-way.*

The large site can accommodate the circulation and queuing of the maximum number of people expected at any time for the food distribution. Volunteers and staff will be on-site to direct traffic.

*Restroom(s) shall be permanent, non-portable, inside the structure and consistent with all applicable requirements of the Building and Fire Standards of Title 16 of this Code.*

Unlike the typical food distribution anticipated by Chapter 19.40, the proposed use will not operate within an enclosed building and will not have a permanent designated restroom. The use is proposed to take place for 4.5 hours once a month. Given the low volume of use per month, a portable restroom is proposed for the use.

*Trash receptacles and enclosures shall be provided and made secure to the satisfaction of the solid waste division of the environmental utilities department.*

Trash will be collected by the applicant and disposed of off-site.

*The food distribution facility shall have lighting consistent with the City of Roseville Building Security Ordinance.*

The distribution will operate during daylight hours.

*Occupancy standards of the Building and Fire Standards of Title 16 of this Code shall be posted and complied with.*

The use will not take place within an enclosed building and therefore this standard does not apply.

*Food distribution shall be limited to the hours between 6:00 a.m. to 9:00 p.m.*

The food distribution is proposed to operate on the first Friday of each month from 8:00 a.m. to 10:00 am.

Given that the use meets the requirements of the applicable Zoning Ordinance chapter, or is otherwise found to propose acceptable deviations, the project conforms to the Zoning Ordinance.

- 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 requirements of Zoning Ordinance chapter 19.40 evaluated above address the location, size, design, and operating characteristics of the proposed use. The proposed operations of the PantryToGo food distribution use are not materially detrimental to health safety, or welfare because they address the above described requirements.

## **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 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 Section 15304 (Minor Alterations to Land) and Section 305 of the City of Roseville CEQA Implementing Procedures. Consistent with this exemption, the use is minor and temporary and has no permanent effects on the environment.

## **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 April 16, 2022 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:

1. Adopt the three (3) findings of fact as listed in the staff report and approve the **CONDITIONAL USE PERMIT – 1041 CHURCH STREET – INFILL PCL 287 - PLACER FOOD BANK PANTRYTOGO DISTRIBUTION CUP – FILE # PL22-0041** subject to three (3) conditions of approval.

## **CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (FILE # PL22-0041)**

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 **April 28, 2024**. 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 **April 28, 2024**. (Planning)
2. The Conditional Use Permit shall be effectuated upon commencement of the first food distribution event. (Planning)
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 the approval of a Conditional Use Permit modification. (Planning)

## **EXHIBIT**

A. Operations Plan

**B. Site 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.