

**ITEM 5.2:** **Design Review Permit Modification, Conditional Use Permit, and Parking Reduction – 209 Kenroy Ln. – INFILL PCL 276 – Kenroy DRPMOD, CUP, and Parking Reduction – PL22-0384**

**REQUEST**

The applicant requests approval of a Design Review Permit Modification, Conditional Use Permit, and Parking Reduction to allow an automotive body and equipment repair use to operate at 209 Kenroy Ln. Suites 2, 4, 6, and 8 of the building currently operate as a legal nonconforming automotive body and equipment repair use, and the request includes expansion into Suite 10. The project also includes modification of the existing parking lot layout, and a request to reduce the total parking requirement by 12 spaces.

Applicant – Collette Bruce, Team Safety LLC  
Owner- David Clark

**SUMMARY RECOMMENDATION**

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

1. Adopt the three (3) findings of fact and approve the Conditional Use Permit subject to four (4) conditions of approval;
2. Adopt the two (2) findings of fact and approve the Design Review Permit Modification subject to two (2) conditions of approval; and
3. Adopt the two (2) findings of fact and approve the Administrative Permit for a Parking Reduction, 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 the recommended conditions of approval.

**BACKGROUND**

The subject property is located at 209 Kenroy Ln, within the Infill area of the City. The property has a zoning designation of Industrial/Business Park (MP) and a General Plan land use designation of Light Industrial (LI). The property is surrounded by industrial uses to the north, east and west, and Low Density Residential uses to the south.

The building on the subject property was constructed as a part of the Kenroy Industrial Park project (SR 78-04). On April 6, 1978, the Project Review Commission approved the construction of four light industrial buildings along the southern portion of Kenroy Ln. On August 16, 1979, the renewal of the original site review permit and a revision to one of the buildings were approved (SR 79-21). The Planning Commission approved a Tentative Subdivision Map to create condominium units within the industrial building on April 9, 1985 (SUBD 301-300).

The project site currently operates as an auto body repair facility, which requires a Conditional Use Permit (CUP) in the MP zone, and as part of the request will expand from Suites 2, 4, 6, and 8 into Suite 10 as well. The applicant has provided evidence that this facility has operated as an auto body repair facility since 1987, with an extensive history of permitting from the Roseville Fire Department. However, no CUP has ever been obtained. The proposed project includes the required CUP, as well as a Design Review Permit Modification (DRP MOD) for minor site improvements to restripe the parking lot. A Parking

Reduction is also requested, as the site does not have adequate parking to comply with the Zoning Ordinance parking standards for an auto body repair facility. A total of 19 parking spaces are proposed on site, which is 12 fewer than the 31 required parking spaces. The applicant has provided a detailed operational plan to justify the requested CUP and parking reduction.

**Figure 1: Project Location**



### **EVALUATION – CONDITIONAL USE PERMIT**

Section 19.78.060 A of the City of Roseville Subdivision Ordinance requires that three findings be made in order to approve a Conditional Use Permit (CUP). The three findings are listed below in ***italicized, bold*** text and are followed by an evaluation of 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 Infill 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 land uses. The General Plan lists auto body repair as a primary use within the LI land use designation.

The project site also has a zoning designation of Industrial/Business Park (MP), which allows auto body repair with the approval of a CUP. The General Plan relies on the Zoning Ordinance to determine the appropriate location and design of these facilities through the CUP process, and allows the City to impose operational conditions on a project where appropriate. The project requests a CUP to formalize the existing nonconforming use; therefore, the proposed project is consistent with the General Plan and Zoning Ordinance.

**2. *The proposed use or development conforms to all applicable standards of this title.***

The property has a zoning designation of MP. Auto body repair uses are permitted in the MP zone district with the approval of a CUP. The CUP allows the Planning Commission the opportunity to review the project's compatibility with uses in the project area. The Zoning Ordinance standards relevant to the project are the requirements for approval of a CUP, as addressed herein, and requirements for off-street parking.

Section 19.26.030 of the Zoning Ordinance includes minimum off-street parking requirements for various land uses. The requirement for automotive repair facilities is one (1) parking space per 400 square feet of floor area, plus one (1) space per vehicle bay and one (1) space per company vehicle. The proposed tenant space is approximately 10,039 square feet, with a total of six (6) vehicle bays and no company vehicles. Therefore, a total of 31 parking spaces would be required per the Zoning Ordinance. However, the project proposes a total of 19 parking spaces, which is 12 spaces fewer than the minimum requirement. An operational plan is included in Exhibit B and an evaluation of the requested Parking Reduction is included in the following Evaluation section of this report.

**3. *The location, size, design, and operating characteristics 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 detrimental or injurious to public or private property or improvements.***

According to the applicant, the automotive repair business occupying several suites (2, 4, 6, and later 8) at 209 Kenroy operated as Clark Auto body for approximately 35 years. The operation included both vehicle body repair as well as painting. Suite 10 was also occupied by an automotive service and alignment business. While no building permits have been issued for certificate of occupancy or tenant improvement, the operations at 209 are considered existing nonconforming. The applicant has provided historical records of issued Hazardous Water Generator permits, Air Quality Permits, and business licenses spanning the life of the Clark Auto Body business. The business was purchased by Gerber Collision and Glass in July 2022.

The property is surrounded by industrial uses to the north, east and west, and Low Density Residential uses to the south. It is noted that there is a significant grade difference between the residential homes and the industrial uses along Kenroy Ln., with the homes sitting higher than the industrial buildings. A search of City records does not show records of any code enforcement complaints related to the auto repair business operation. Furthermore, staff has not received any comments from surrounding neighbors and property owners since publishing the public hearing notice, or posting the project notification on the Roseville Coalition of Neighborhood Associations (RCNA) website.

Based on the parcel history, operational description, and conditions of approval, staff does not anticipate that the use will 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.

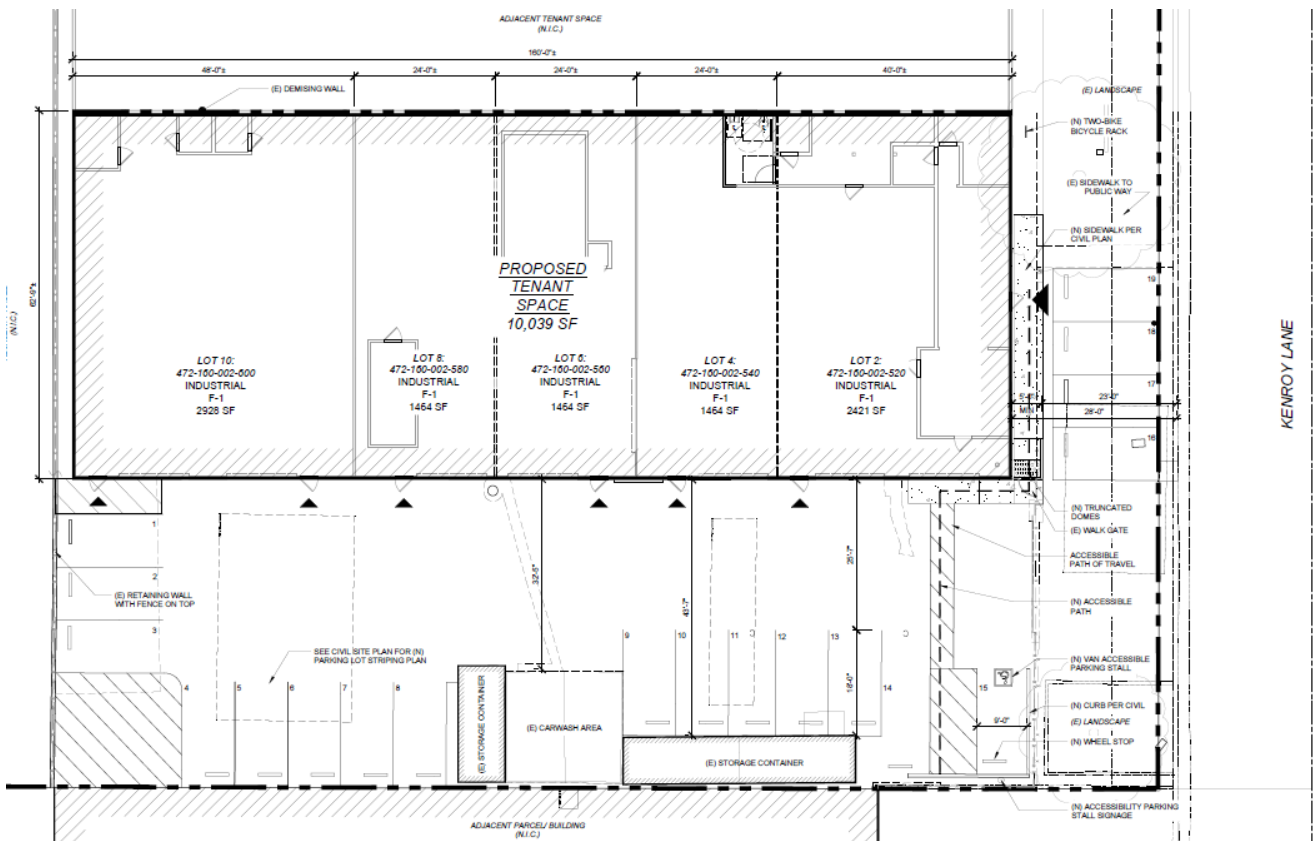
**EVALUATION-- DESIGN REVIEW PERMIT MODIFICATION**

The evaluation of the Design Review Permit Modification (DRP MOD) is based on the applicable development and design standards in the City's Zoning Ordinance, General Plan, and the Community Design Guidelines (CDG). Section 19.78.060 J of the City of Roseville Subdivision Ordinance requires that two findings be made to approve a DRP MOD. The two findings are listed below in ***italicized, bold*** text and are followed by an evaluation of each finding.

2. **The proposed modification is substantially consistent with the intent of the original approval.**
3. **The proposed modification complies with all applicable standards and requirements of this title, with the applicable goals, policies, and objectives set forth in the General Plan, the applicable Community Design Guidelines, and the applicable specific plan.**

The proposed project includes only minor changes to the project site, including restriping of the parking lot. As previously discussed, the project is an existing nonconforming use that is requesting a CUP to legalize the operation as well as expansion into an adjacent suite (Suite 10). At present, there are 12 parking spaces available for employee and customer parking. This does not include interior space (such as repair bays) where there are additional vehicles in for repair and service. With the revision, the project will have a total of 19 parking spaces. The proposed modifications are minor and have been reviewed by relevant City departments. The project is consistent with the previous approval, as well as the applicable goals, policies, and objectives in the General Plan, Zoning Ordinance, and CDG.

**Figure 2: Site Plan**



**EVALUATION – PARKING REDUCTION**

Section 19.26.030 C (3) of the City of Roseville Zoning Ordinance contains provisions for requesting and evaluating Parking Reductions for an Individual Use. An applicant may apply for an Administrative Permit to allow a parking reduction for an individual use if its use functions differently from the generic use type and associated parking standards. The applicant has the burden of proof for requesting a reduction in the total number of required off-street parking spaces, and documentation shall be submitted substantiating the request. The approving authority shall only approve reduced parking if the criteria in **bold, italics** below are met.

**1. Satisfactory evidence is provided describing the nature of the use, the operation and data from other facilities or similar facilities so as to demonstrate that the required parking standards are excessive and the proposed parking standards are appropriate; and**

**2. Overflow parking will not impact any adjacent use.**

Gerber Collision and Glass is an automotive body repair shop, consistent with the definition outlined in the Zoning Ordinance. Site activities include vehicle body repair, automotive painting, and glass repair. The applicant provided an operational description (Exhibit B) of the business to support the request for a CUP and parking reduction. Hours of operation are 8:00 AM to 5:00 PM, and a maximum of 14 employees are on site at any one time. Customer vehicles are dropped off on an appointment-only basis, with a maximum of one customer drop off at a time. The plan states that a maximum of 21 vehicles would be on site at any one time. This would include vehicles in the service bays (in repair process), staging, and in the parking lot for estimates awaiting parts.

As previously stated, the proposed use requires a total of 31 parking spaces according to the Zoning Ordinance. The project proposes a total of 19 parking spaces, not including the areas interior to the building where vehicle repairs will take place.

In the event of overflow parking, the adjacent uses would not be negatively impacted. Kenroy Ln. is almost entirely occupied by other auto repair and vehicle-related uses, and street parking is available. Adjacent uses also include auto detailing, auto sales, a tow yard, and similar industrial uses. The request would legalize an existing operation, which does not currently create a parking issue in the project vicinity. Therefore, staff supports the requested parking reduction.

## **PUBLIC OUTREACH**

The proposed project was distributed to the various agencies and departments which have requested notice of City applications, and all comments were considered and incorporated into the Conditions of Approval, as appropriate. Notice of the application was also distributed to the Roseville Coalition of Neighborhood Associations. No comments were received. A public notice of the Planning Commission hearing was published on September 28, 2023, and was distributed to all property owners within 300 feet of the project site. To date, no comments have been received.

## **CONCLUSION**

Based on the foregoing analyses, staff recommends that the Planning Commission approve the requested DRP MOD, CUP, and Parking Reduction.

## **ENVIRONMENTAL DETERMINATION**

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, and Section 305 of the City of Roseville CEQA Implementing Procedures. The project does not propose any modifications to the project site other than restriping of the existing parking lot; therefore, it meets the criteria of the exemption class.

Furthermore, none of the exceptions to exempting projects, as outlined in Section 15300.2 of CEQA, apply to the proposed project. The project does not request exemption through Classes 3, 4, 5, 6, or 11. As this is an existing use and surrounded by development, there are no cumulative impacts which have not been considered that will have a significant effect on the environment. There are no unusual circumstances that will have a significant effect on the environment proposed as part of the project, as all uses are permitted and the project will occur within an existing facility. The project is not located adjacent to a scenic highway, is not located on a hazardous waste site pursuant to Section 65962.5 of

Government Code, and will not result in a substantial adverse change in the significance of a historical resource.

### **RECOMMENDATION**

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

1. Adopt the findings of fact as stated in the staff report and approve the **Conditional Use Permit – 209 Kenroy Ln.– INFILL PCL 276 – DRPMOD, CUP, and Parking Reduction – PL22-0384** subject to four (4) conditions of approval;
2. Adopt the findings of fact as stated in the staff report and approve the **Design Review Permit Modification – 209 Kenroy Ln.– INFILL PCL 276 – DRPMOD, CUP, and Parking Reduction – PL22-0384** subject to two (2) conditions of approval; and
3. Adopt the findings of fact as stated in the staff report and approve the **Administrative Permit for a Parking Reduction – 209 Kenroy Ln.– INFILL PCL 276 – DRPMOD, CUP, and Parking Reduction – PL22-0384** subject to three (3) conditions of approval.

#### **CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT FILE # PL22-0384**

1. The Conditional Use Permit approval shall be effectuated within a period of two (2) years from **October 12, 2023** and if not effectuated shall expire on **October 12, 2025**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended no more than a total of one year from **October 12, 2025**. (Planning)
2. The project is approved as shown in Exhibits A-C and as conditioned or modified below. (Planning)
3. Vehicle parking for 209 Kenroy Suites 2, 4, 6, 8, and 10 shall only occur in designated and striped parking areas. At no time shall vehicles block drive aisles. (Planning, Fire)
4. All vehicle service and repair activities shall occur indoors. (Planning)

#### **CONDITIONS OF APPROVAL FOR DRP MODIFICATION FILE # PL22-0384**

1. This Design Review Permit modification approval shall be effectuated within a period of two (2) years from **October 12, 2023** and if not effectuated shall expire on **October 12, 2025**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval does not extend the expiration beyond **October 12, 2026**. (Planning)
2. The project is approved as shown in Exhibits A-C and as conditioned or modified below. (Planning)

#### **CONDITIONS OF APPROVAL FOR PARKING REDUCTION # PL22-0384**

1. This Administrative Permit for a parking reduction is approved based on the proposed mix, square footage, and operating characteristics of tenants and tenant spaces, as described in this staff report and in Exhibits A-C and as conditioned below. (Planning)
2. This Administrative Permit approval shall be effectuated within a period of two (2) years from **October 12, 2023**, and if not effectuated shall expire on **October 12, 2025**. Prior to said expiration date, the applicant may apply for an extension of time, provided this approval does not extend the expiration beyond **October 12, 2026**. (Planning)
3. The applicant shall submit plans to the Building Division and secure a building permit for any proposed tenant improvements. (Building)

## **Attachments**

1. Permitting History – Clark Auto Body

## **Exhibits**

- A. Project Plans
- B. Operational Description
- C. Proposed Parking Table

**Note to Applicant and/or Developer:** Please contact the 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.