



ITEM IV-B: CONDITIONAL USE PERMIT – 1200 PLUMBER WAY (COLORS EXPRESS) -- FILE # CUP 05-06

REQUEST

The applicant requests approval of a Conditional Use Permit to perform equipment repair, which includes the operation of a paint spray booth and limited bodywork within an existing building at 1200 Plumber Way in the Industrial / Business Park (MP) zone district.

Property Owner: Bill Clarkson
Applicant: Joe Spilliero, Colors Express

SUMMARY RECOMMENDATION

The Planning Department recommends that the Planning Commission:

- A. Adopt the three (3) findings of fact for the Conditional Use Permit; and
- B. Approve the Conditional Use Permit subject to the fifteen (15) 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 1200 Plumber Way, which is situated north of Highway 65, south of the Rocklin/Roseville city limits and east of Taylor Road. The subject property is within the Infill portion of the City, is zoned Industrial / Business Park (MP), and has a land use designation of Community Commercial (CC). On December 17, 2002, the Design Committee approved a Design Review Permit for the construction of two buildings on the subject property totaling 8,928 square feet, along with associated landscaping, lighting, and parking. The buildings were completed and occupied last year.

In January of 2005, the applicant leased a tenant space within one of the buildings with the intent of operating a ding repair business. According to information provided by the applicant, the business includes the repair of “door dings” and other minor dent repair on a variety of vehicles including (but not limited to) motorcycles, automobiles, and motor homes. In March of 2005, the applicant approached the City with a request to install a paint spray booth within the tenant space and was advised at that time that a Conditional Use Permit would be required for the existing use and the paint spray booth.

Auto body repair and painting is classified under the Equipment Repair use type in the Zoning Ordinance. Equipment Repair is a conditionally permitted use in the MP zone; therefore, the applicant is requesting approval of a Conditional Use Permit.

Surrounding Uses: The zoning, land use and actual use of adjacent properties is described in the table below:

LOCATION	ZONING	GENERAL PLAN LAND USE	ACTUAL USE OF PROPERTY
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On-Site	Industrial/Business Park (MP)	Community Commercial (CC)	Various Light Industrial Uses
North	MP	CC	Various Light Industrial Uses
South	MP	CC	A-All Mini Storage
East	MP/Special Area (MP/SA)	CC	Industrial Buildings
West	MP	CC	Scotty's Automotive

As evidenced in the table above, there are no sensitive land uses (i.e., residential) directly adjacent to the project site. The nearest residential land use is 420 feet to the east within the Rocklin city boundary (see Aerial Photo – Attachment 2).

Current Request: The applicant is proposing the Conditional Use Permit to conduct equipment repair, including a paint spray booth and limited bodywork (ding and dent repair). Approximately 75% of the business operation is mobile and is conducted off-site. A Site Plan is provided as Exhibit A, which shows the tenant space configuration and location of the spray booth. In addition, the applicant has provided a brief narrative of the proposed use (Exhibit B). The operational characteristics proposed by the applicant are briefly summarized below:

- The proposed hours of operation will be 9:00 a.m. to 6:00 p.m. Monday through Friday, and Saturdays by appointment.
- The paint booth will be completely enclosed with a filtration system.
- The proposed paint booth will use less than one gallon of paint per day and will be used to repaint smaller vehicle parts including doors, bumpers, etc.
- All mechanical equipment associated with the booth will be located indoors.
- The proposal does not involve any changes to the exterior façade of the building. A six-foot tall roof vent will be required to exhaust the spray booth. However, staff has determined through site line analysis that the vent will only be partially visible from Plumber Way. The vent will be painted to match the building to the satisfaction of the Planning Department (**Condition 3**).

EVALUATION

Section 19.78.060.A of the City of Roseville Zoning Ordinance requires that three findings are made to approve a Conditional Use Permit. The required findings are listed below in ***italicized bold print*** and are followed by an evaluation.

1. The proposed use is consistent with the City of Roseville General Plan.

The subject property has a General Plan land use designation of Community Commercial (CC). The General Plan states that primary uses associated with the CC land use designation include “Retail stores and businesses selling a full range of goods and services, including auto sales and repair, and commercial child care facilities.” The Zoning Ordinance states that Equipment Repair, which includes auto body repair and painting, is permitted in the MP zone subject to approval of a Conditional Use Permit (CUP). Upon approval of a CUP, the proposed use would be consistent with the General Plan.

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

The Zoning Ordinance states that Equipment Repair, which includes auto painting and bodywork, may be located within the MP zoning district upon approval of a Conditional Use Permit. The Zoning Ordinance does not provide regulations for equipment repair in the MP zoning district except those regulations that are related to parking.

The Zoning Ordinance does not specifically list a required parking ratio for the equipment repair use type. The use type most similar to equipment repair is automotive repair, which requires a parking ratio of one space per 400 square feet, plus one space per bay. Using this ratio, the project's parking requirement would be six spaces (2,000 s.f. @ 1/400 + 1 bay). The business has been operating under the automotive repair use type. The change in use from automotive repair to equipment repair does not change the amount of required parking. Sufficient parking is available to support the proposed use. Staff does not expect any parking problems associated with the proposed Conditional Use Permit.

3. *The location, size, design and operating characteristics of the proposed use 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.*

Typically, when a CUP is required, there is something about the use that needs closer evaluation. In this case, the difference between the automotive repair and equipment repair use types is related to air quality issues and use of hazardous materials (e.g., paint). As previously mentioned, the business has been operating (without painting) since January. Staff is not aware of any adverse impacts as a result of the existing operation and has not received any complaints.

This section of the report discusses the consistency of this Conditional Use Permit with Conditional Use Permit finding #3. Staff has identified use characteristics of air quality and hazardous materials storage for discussion. The building in which the use will occur is located within an industrial / business park zone district over 400 feet from the nearest residential property line and is oriented away from the residences. As such, noise impacts are expected to be minimal and are not discussed in the evaluation below.

Air Quality

The painting operation will consist of painting body parts under repair and touch-up painting and shall not include the painting of entire vehicles. Condition 11 restricts the painting operations as described. The use of paint and solvents in the painting process will result in the release of chemical emissions into the building and, after passing through a filtration and ventilation system, into the atmosphere. The emissions may result in odors due to the type of chemicals involved; however, due to the low volume of paint used per day and the filtration system utilized, odiferous emissions are expected to be minimal. Due to the low volume of paint and the distance from the nearest residential property line (420 feet), staff does not anticipate odor impacts to residential properties.

A recent example of a similar operation is the Village RV facility on Orlando Avenue. In 2002, the Planning Commission approved a CUP for equipment repair, including a spray booth utilizing less than one gallon of paint per day. The Village RV facility is approximately 120 feet from the nearest residential property line. Staff is not aware of any odor complaints being received from the residential neighbors since the time the CUP was approved.

Emissions from stationary sources are regulated by the Placer County Air Pollution Control District (PCAPCD). Per the California Clean Air Act of 1988, the PCAPCD has primary responsibility for improving air quality in Placer County. The PCAPCD has adopted an Air Quality Attainment Plan with

strategies for reducing emissions, and has further adopted rules and regulations governing emissions from point sources. The PCAPCD requires permits for operations that release emissions into the atmosphere. Exemptions are provided for operations whose emissions are below adopted standards.

General Rule 501 of the PCAPCD states that operations using less than one gallon per day (GPD) of coating and solvents are exempt from the permit requirements of the PCAPCD. This limitation is based upon use on any given day and is not based upon average use. According to the applicant, the painting operations will not exceed one gallon per day. Based on this information, the proposed use qualifies for the exemption under General Rule 501 and does not require a permit from PCAPCD. Given the limited level of emissions generated by Colors Express and the paint facility's separation from residential land uses, the proposed paint operations are not expected to adversely effect air quality in the vicinity of the nearby homes.

To ensure consistency with the PCAPCD standard and to minimize impacts to residential properties, Condition 12 restricts the use of paint and solvent to less than one gallon per day and requires the applicant to submit records of paint and solvent use to City within 15 days of any such request. Staff is comfortable with the request for a paint booth utilizing less than one gallon of paint per day and recommends approval of the CUP with this limitation. Should the applicant seek to exceed this threshold in the future, a request for a Conditional Use Permit Modification would need to be submitted and approved, and a permit from the PCAPCD would need to be obtained. However, staff believes a paint spray operation exceeding this threshold may not be appropriate in this location due to its MP zoning and relative proximity to residential land uses in the city of Rocklin. A larger paint spray operation would be better suited in the Light Industrial or General Industrial zone districts. The applicant is aware of this restriction and is in agreement with Condition 12.

Hazardous Materials Storage

The handling, storage and transportation of paint and other hazardous and toxic materials is regulated by the California Health and Safety Code and local City Ordinances. The California Health and Safety Codes require a Risk Management and Prevention Program (RMPP) for those uses that handle specified quantities of toxic and/or hazardous materials. Also, businesses that handle toxic or hazardous materials are required to complete a Hazardous Materials Management Program (HMMP), which will be administered by the Fire Department through the Colors Express business plan. All business owners must file a site-specific business plan with the City Fire Department before a new building is occupied. The Fire Department has conditioned (Condition 6) the project to comply with all local, State and Federal requirements for the handling of hazardous materials.

Conditional Use Permit Conclusion

The proposed paint spray and limited body repair facility is appropriate for this location and will not adversely affect nearby commercial or residential properties, subject to the limitations noted herein. As such, staff recommends approval of the Conditional Use Permit.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines and Section 305 of the City of Roseville CEQA Implementing Procedures, alterations to existing facilities.

RECOMMENDATION

The Planning Department recommends that the Planning Commission take the following actions A-C:

- A. Adopt the following three (3) findings of fact as listed in the staff report for the **CONDITIONAL USE PERMIT – 1200 PLUMBER WAY (COLORS EXPRESS) -- FILE # CUP 05-06**; and,
- B. Approve the **CONDITIONAL USE PERMIT – 1200 PLUMBER WAY (COLORS EXPRESS) -- FILE # CUP 05-06** subject to the conditions of approval listed below.

CONDITIONS OF APPROVAL

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 **May 12, 2007**. 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 **May 12, 2007**.
2. The project is approved as shown in Exhibits A and B and as conditioned or modified below. (Planning)

PRIOR TO BUILDING PERMITS:

3. Any roof-mounted equipment and satellite dishes proposed shall be shown on the building plans. The equipment shall be fully screened from public streets and the surrounding properties. Any exhaust ducts required for the paint spray booth shall be painted to match the building to the satisfaction of the Planning Department. (Planning)
4. Building permit plans shall comply with all applicable code requirements (Uniform Building Code - UBC, Uniform Mechanical Code - UMC, Uniform Plumbing Code - UPC, Uniform Fire Codes - UFC and National Electrical Code - NEC), California Title 24 and the American with Disabilities Act - ADA requirements, and all State and Federally mandated requirements in effect at the time of submittal for building permits (contact the Building Department for applicable Code editions). (Building)
5. The project shall comply with Article 45 of the Roseville Fire Code, which provides construction and operation standards for paint facilities. (Fire, Building)
6. Use or storage of hazardous materials, liquids, gases and/or chemicals will be subject to meeting the requirements of the Chapter 6.95 of the Health and Safety Code, the Roseville Fire Department and the National Fire Codes. The applicant shall submit names and quantities of any hazardous materials, if they are to be stored or used, to the Bureau of Fire Prevention for review and approval. (Fire)
7. The business shall have an approved Risk Management and Prevention Program (RMPP) and a completed Hazardous Materials Management Program (HMMP) per applicable Local, State and Federal Health and Safety Codes. In addition, the business shall file a business plan with the City Fire Department before a new building is occupied, which specify what to do in the event of an accident, and which transportation routes would be used. (Fire)
8. The existing fire sprinkler system shall be altered as necessary to extend to the paint booth, per applicable Fire Department requirements. Plans and a permit application shall be submitted to the Roseville Fire Department's Bureau of Fire Prevention for review and approval prior to any alteration of the fire protection system. A separate inspection for the fire protection system alterations shall be required prior to the final fire inspection. (Fire)

DURING CONSTRUCTION & PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:

9. The project is subject to the noise standards established in the City's Noise Ordinance. In accordance with the City's Noise Ordinance project construction is exempt between the hours of

seven a.m. and seven p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. Provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order. (Building)

OTHER CONDITIONS OF APPROVAL:

10. Bodywork shall be limited to repair and replacement of vehicle body panels and windshield replacement and shall not include frame straightening or fabrication of materials. (Planning)
11. The painting operation shall consist of painting body parts under repair or replacement and touch-up painting and shall not include the painting of entire vehicles. (Planning)
12. The painting operation shall use less than one gallon of coating and solvent per day (not on an average basis). The property owner shall continually conduct record keeping of daily paint and solvent use. The paint and solvent usage records shall be provided to the City within fifteen (15) days of request of the City. (Planning)
13. All body repair operations shall be conducted indoors. (Planning)
14. The project shall comply with any applicable requirements of the Placer County Air Pollution Control District. (PCAPCD, Planning)
15. Painting and limited body repair operations shall be limited to Monday through Saturday, between 7:00 a.m. and 7:00 p.m. (Planning)

ATTACHMENTS

1. Vicinity Map
2. Aerial Photo

EXHIBITS

- A. Site Plan / Floor Plan
- B. Applicant's Description of Use

Note to Applicant and/or Developer: Please contact the Planning Department 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 Director at, or prior to, the public hearing.