



**PLANNING AND REDEVELOPMENT DEPARTMENT STAFF REPORT
PLANNING COMMISSION MEETING**

JUNE 9, 2005

Prepared by: Wendy W. Hartman, Associate Planner

**ITEM V-B: **CONDITIONAL USE PERMIT & ADMINISTRATIVE PERMIT –1132 SMITH LANE – AIM
HIGHER ADULT DEVELOPMENT CENTER – FILE #s: CUP 05-05 & AP 05-10****

REQUEST

The applicant requests approval of a Conditional Use Permit to allow for an adult daycare center in an Attached Housing (R3) zone district. The applicant is also requesting approval of an Administrative Permit to reduce the parking requirement from 39 spaces to 23 spaces.

Applicant/Property Owner – Ed David, Aim Higher

SUMMARY RECOMMENDATION

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

- A. Adopt the three (3) findings of fact for the Conditional Use Permit;
- B. Approve the Conditional Use Permit subject to the attached Conditions of Approval;
- C. Adopt the three (3) findings of fact for the Administrative Permit; and,
- D. Approve the Administrative Permit for a parking reduction of 16 parking spaces subject to the attached 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 1132 Smith Lane in the Infill portion of the City (see Attachment 1). The site is zoned Attached Housing (R3) and has a land use designation of High Density Residential (HDR 20). The surrounding land uses include a variety of small apartment complexes and a parking lot. The project site is currently developed with a 6,420 square foot building and 24 parking spaces.

In November of 1983, the Planning Commission approved a Site Review for the construction of a 6,420 square foot day care center. A 13 space parking reduction was also approved for the day care. The building is no longer used as a childcare facility and is currently vacant.

Adjacent Zoning and Land Use

	Zoning	General Plan Land Use	Actual Use Of Property
Site	Attached Housing (R3)	High Density Residential (HDR 20)	Vacant building
North	R3	Business Professional	Parking lot for the medical offices located at 406 Sunrise Ave.
East	R3	HDR 20	Apartments and duplex
South	R3	HDR 20	Apartments
West	R3	HDR 20	Apartments

The applicant requests approval of a Conditional Use Permit to establish an adult daycare facility for up to 136 clients and 22 employees. The facility will operate from 8:30 am to 2:30 pm, Monday through Friday. The adult daycare will provide classes to develop and maintain life skills required for self-care, employment services both on-site and off-site, arts/craft activities, and occasional field trips. Clients will be supervised by staff at all times (staffing ratios are determined by the State and are typically 1 employee per 8 clients for these types of centers). Clients will be transported to the facility by a contract transit service.

EVALUATION & FINDINGS

The staff report will first evaluate the request for Conditional Use Permit followed by an evaluation of the Administrative Permit for the parking reduction.

CONDITIONAL USE PERMIT

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 High Density Residential (HDR 20). The General Plan states that secondary uses in the HDR designation include schools, churches, recreation, and commercial childcare. The Zoning Ordinance includes adult daycare and commercial child care in the same use type classification, because both have similar operating characteristics. Both uses occupy commercial type buildings, maintain weekday business hours, maintain skilled staffing ratios, and are licensed and inspected by the state. The General Plan relies on the Zoning Ordinance to ensure compatibility with the neighborhood through the requirement for a Conditional Use Permit.

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

The site is zoned Attached Housing (R3). Since this request involves using an existing commercial building, the only development standard that applies to this project is the off-street parking requirement. The site currently has a total of 24 parking spaces. However, there is currently not a space that can accommodate the vans/shuttles that will be transporting clients to the center. Therefore, the project has been conditioned to combine parking spaces 6 and 7 into one space and mark and sign the space as a “drop-off/loading zone” (Condition 2a).

The proposed adult daycare requires a minimum of one parking space per employee and one loading/parking space for each eight clients. Initially the facility will only have three employees but anticipates being able to expand to a maximum of 22 staff and 136 clients. Based on this, the parking requirement is 39 spaces. Therefore, the applicant is requesting approval of an Administrative Permit for a 16 space parking reduction. With approval of the parking reduction the project will be consistent with the requirements of the Zoning Ordinance.

If the Planning Commission does not approve the Administrative Permit for a 16 space parking reduction, the total number of employees and clients will need to be limited to a maximum of 90 clients and 12 staff based on the existing number of parking spaces.

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.*

The proposed adult daycare will operate within an existing 6,420 square foot commercial building that was previously used as a commercial day care center. The Center will operate from 8:30 a.m. to 2:30 p.m. Monday through Friday. As described in Exhibit C, the Center provides a variety of services that will enable their clients to gain life skills necessary for them to live semi-independently (in group homes).

A Conditional Use Permit is required for daycare centers in the R3 zone district to ensure that there will not be any traffic, noise, safety, or other impacts to the surrounding neighborhood. There were no known complaints with the operation of the previous daycare facility and staff expects this request to operate in much the same manner as the previous use with the exception that traffic will probably be somewhat reduced since clients will be arriving by a transport service rather than by individual vehicles. Staff has not identified any potential adverse effects of the proposed use upon the public health, safety, and welfare, or upon property or improvements in the vicinity.

ADMINISTRATIVE PERMIT

Section 19.26.030.C.3 of the Roseville Zoning Ordinance provides for parking reductions for an individual use. An applicant can request an Administrative Permit to allow for a reduction in the number of required parking spaces when they can provide evidence that their use functions differently than the generic use type and associated parking standards. The Administrative Permit may be approved if the required findings can be made for the parking reduction for an individual use. The required findings are listed below in ***italicized bold print*** and are followed by an evaluation.

- 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.***

As discussed above, the project requires a total of 39 parking spaces (1 per employee & 1 per every eight clients). As conditioned, the site will have 23 parking spaces, with one of the spaces reserved as a “drop-off” zone for the vans/shuttles that transport the clients to the center. Therefore the applicant is requesting approval of a parking reduction.

The applicant has submitted a letter that describes how transportation/parking for his business operates (Exhibit B). The clients attending the facility do not drive. In addition, unlike a typical daycare center where clients are dropped off by individual vehicles, the clients of the adult daycare center will be transported in groups to and from the center by a private transportation service. Therefore there will be fewer vehicles coming to the adult day care center than is typically associated with a child daycare center. The site provides enough parking spaces for each employee of the center as well as a drop-off area for the vans/shuttles. Based on this information, the Planning Department finds the amount of parking provided adequate for this particular use.

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

As previously mentioned, the site was previously used as a child daycare center. The childcare center was given a 13 space parking reduction. The City did not receive any complaints regarding parking in the almost 20 years the childcare center operated at this location. Based on the operational characteristics of the proposed adult daycare facility, it appears that fewer vehicle trips are expected due to the van/shuttle transport service. In addition, to the off-street parking, there is also space available for four (4) vehicles to park along the street in front of the center. However, based on the operational characteristics of the project it is unlikely that on-street parking will be needed to accommodate the parking demands of the project and therefore staff does not anticipate any impacts to surrounding uses.

The applicant has provided evidence that indicates their business functions differently from the typical daycare facility. Based on the analysis contained in this staff report the required findings can be made for the proposed Administrative Permit to allow a parking reduction of 16 parking spaces.

ENVIRONMENTAL DETERMINATION

This application is exempt from the provisions of the California Environmental Quality Act pursuant to the City of Roseville Implementing Procedures Section 305 and Section 15303 of the CEQA Guidelines, which exempts the conversion of existing buildings from one use to another where only minor modifications are made in the exterior of the structure.

RECOMMENDATION

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

- A. Adopt the three findings of fact as stated in the Staff Report for the Conditional Use Permit – 1132 Smith Lane – Aim Higher – FILE# CUP 05-05;
- B. Approve the Conditional Use Permit – 1132 Smith Lane – Aim Higher – FILE# CUP 05-05 subject to the four (4) Conditions of Approval;
- C. Adopt the findings of fact as stated in the Staff Report for the Administrative Permit for a 16 space Parking Reduction – 1132 Smith Lane – Aim Higher – FILE# CUP 05-05;
- D. Approve the Administrative Permit for a 16 space Parking Reduction – 1132 Smith Lane – Aim Higher – FILE# CUP 05-05 subject to the three (3) Conditions of Approval.

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 05-05

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 **June 9, 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 **June 9, 2007**. (Planning)
2. The project is approved as shown and described in Exhibits A - C and as conditioned or modified below
 - a. Parking spaces 6 and 7 shall be combined into one parking space. The space shall be striped and signed as a “drop-off/loading zone.”
 - b. The adult daycare center is limited to a maximum of 136 clients and 22 employees. (Planning)
3. The project plans indicate there will be no building additions/alterations related to this project. If any building additions/alterations are proposed then a Building Permit shall be obtained. (Building)
4. The plans submitted to the Building Department for a Building Permit 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)

CONDITIONS OF APPROVAL FOR ADMINISTRATIVE PERMIT 05-15

1. This Administrative Permit approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on **June 9, 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 **June 9, 2007**. (Planning)
2. The project is approved as shown and described in Exhibits A - C and as conditioned or modified below
 - a. Parking spaces 6 and 7 shall be combined into one parking space. The space shall be striped and signed as a “drop-off/loading zone.”
 - b. The adult daycare center is limited to a maximum of 136 clients and 22 employees. (Planning)
3. Uses with a higher parking requirement per the Zoning Ordinance are not permitted uses at 1132 Smith Lane due to lack of adequate off-street parking. Such uses would only be permitted subject to issuance of an Administrative Permit for a Parking Reduction. (Planning)

ATTACHMENTS

1. Vicinity Map

EXHIBITS

- A. Site Plan
- B. Description of Parking/Transportation Services for Aim Higher
- C. Description of Services Provided by Aim Higher

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.