

ITEM VI-A: CONDITIONAL USE PERMIT – 503 GIUSEPPE COURT, UNIT 8 – ST VINCENT DE PAUL FOOD DISTRIBUTION FACILITY - FILE# 2006PL-163 (CUP- 000032)

REQUEST

The applicant requests approval of a Conditional Use Permit to allow a food distribution facility (“food locker”) to operate in a General Industrial (M2) zone. Food distribution will occur Tuesday through Saturday from 9 a.m. to 11:15 a.m. The proposed food distribution activities will be in addition to administrative operations that are currently conducted on-site.

Applicant – Don Fraser
Property Owner – Ed Benoit

SUMMARY RECOMMENDATION

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

- A. Adopt the three (3) findings of fact for approval of the Conditional Use Permit; and
- B. Approve the Conditional Use Permit subject to eight (8) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

In response to informational notices that staff mailed to surrounding property owners and tenants and a neighborhood meeting held on December 5, 2006, staff received phone calls and letters both in support of the project and others that expressed concerns about the proposed use. The issues raised focused on safety/security, transients, parking, and St. Vincent de Paul’s potential expansion of other social service uses. These concerns are discussed in more detail in the noticing/public outreach section of the staff report.

BACKGROUND

St. Vincent de Paul (SVDP) currently leases Unit 8 at 503 Giuseppe Court within the MTA Industrial Park, which is located within the Infill Area of the City (Attachment 1). The property is zoned General Industrial (M2) with a land use designation of Light Industrial (LI). SVDP decided to relocate their administrative and food distribution (“food locker”) services from the Riverside Avenue location, where they had provided services to the community for over 23 years, because the organization could not reach amenable lease terms with the property owner.

At the request of SVDP, City staff identified locations within the City where office and food distribution uses could potentially occur. Of these locations, SVDP decided to locate at 503 Giuseppe Court where SVDP is currently conducting their administrative services. However, a Conditional Use Permit (CUP) is required to operate a food distribution facility at this location.

PROJECT DESCRIPTION

The unit that SVDP leases within the MTA Industrial Park is 6000 square feet in size. The Zoning Ordinance states that any food distribution use greater than 600 square feet requires a CUP; otherwise the proposed use could be permitted with an administrative permit. Of the 6000 square feet that SVDP

leases, 2800 square feet is dedicated to office space for administrative uses and 3200 square feet is dedicated to warehouse space (2000 of which will be dedicated to food storage and distribution). Food distribution is proposed to occur Tuesday through Saturday from 9:00 a.m. to 11:15 a.m.

Participants in the food distribution program are low-income individuals and families, many of whom are part of SVDP's transitional housing program who need supplemental assistance. To be eligible to receive food a client must be a resident of Placer County and must provide identification before food is provided. Placer County residents who are eligible to participate in the food locker program may receive food one time per month.

Many persons/families who receive food locker assistance from SVDP have jobs, however their incomes are limited. The following table shows the annual income of clients who received assistance from the food locker from July 1, 2006 through November 16, 2006.

<u>Annual Income</u>	<u>Count – All Households</u>	<u>Percent</u>
\$0	15	1.95
\$1 - \$4999	200	26.01
\$5000 - \$9999	232	30.17
\$10000 - \$14999	157	20.42
\$15000 - \$19999	88	11.44
\$20000 - \$24999	49	6.37
\$25000 - \$29999	13	1.69
\$30000 - \$34999	9	1.17
\$35000 - \$49999	5	0.65
\$50000 - \$74999	0	0.00
\$75000 - \$99999	0	0.00
\$100000+	1	0.13
		100%

The following describes the services that SVDP currently provides on site. The applicant has provided a summary of these uses as well which is provided in Exhibit A.

Transitional Housing Program: Includes interviewing new clients that are currently homeless in order to find them housing and employment. Once housing is provided, counseling services are provided to the client such as budgeting, parenting, and planning assistance. Clients are seen on a weekly basis and currently there are thirty-eight (38) families that participate in this program. Potential clients are referred to the program by the County, other service providers and through word of mouth.

Medical Care: Provides limited medical services to clients who have no other source of medical care. SVDP will offer medical care each Wednesday morning for three hours. Additionally, one Tuesday evening per month a pediatrician will be on site for three hours. At these times one doctor and nurse, both volunteers, will see clients for medical concerns and check ups. Limited prescriptions are available if needed. Since 2001, SVDP has received a Health & Hygiene grant from the City through the Citizen's Benefit Fund that allows SVDP to provide over the counter and prescription medicines (non-narcotic) that are not on Medicare and Medicaid's formulary lists. These medicines are available to any of SVDP's clients and the only restriction on the grant is that their clients must be drug free. Some items the grant funds supply include: walkers, wheelchairs, hospital beds, canes/crutches, teething gel, infant Tylenol, cold/flu medication, humidifiers, Prosobee infant formula, diapers, lice medication, first aid supplies, dental hygiene products, motion sickness medications, bedwetting supplies, heart medications, asthma medications, blood pressure medications, herbal menopausal supplements, recovery testing, non-smoking aids, etc.

Clients are seen on an as needed basis for care. Currently, approximately twenty (20) clients are seen per week.

Mail for Clients: Clients can receive mail at the facility. Approximately fifteen (15) clients per day pick up mail.

Social Security SSI Payments: SSI payments can be picked up at the facility. Approximately eight (8) clients pick up their payments per week.

Placer County Office: Two times per week (Tuesday and Wednesday) a Placer County Health & Human Services representative is on site to process clients' requests for Medicare, Medicaid and food stamps. Approximately eight (8) to ten (10) clients are seen per week.

Donations: Currently, SVDP does not accept donations at the Giuseppe Court location, however in the future they plan to accept donations for processing from 10:00 a.m. to 4:00 p.m. Monday through Friday. Specific items will not be accepted such as appliances, vehicles, boats, and motorized or wheeled items. Donations will only be accepted indoors and after hours drop off will not be available. Sale of donated items will not take place at 503 Giuseppe Court; instead SVDP is in the process of looking for another site for their Thrift Store. After a location has been identified, donations will no longer be accepted at Giuseppe Court.

Staff has determined that SVDP's primary use is administrative, which falls into the Professional Office use category, which is permitted in the M2 zone. Staff has found that the programs run by SVDP are service oriented and are no different than any other service based business within the MTA that has daily customer contact, carries out administrative functions, accepts deliveries, and stores materials/goods on site.

Many businesses fall into the Professional Office use category, such as attorneys, counselors, accountants, real estate offices, detective agencies, secretary services, etc. All of which could operate a business within the MTA Industrial Park by right within the M2 zone. These types of businesses operate in a similar fashion to SVDP. Just like SVDP, clients could visit the business on a daily basis to receive services, pick up/drop off products, receive advice/counseling with a staff to provide these services.

As for the medical care component that is proposed, staff has found that the medical care is incidental and subordinate to the primary use of professional office. The Zoning Ordinance states that accessory uses encompassed by a primary use are permitted as long as accessory uses are "necessarily and customarily associated with, and are appropriate, incidental, and subordinate to, such primary uses (Section 19.22.020). The Zoning Ordinance states that it is the responsibility of the Planning Director to evaluate the accessory use and determine if the use is appropriate. The Planning Director has evaluated the SVDP CUP application and their proposed operational plan and has determined that given the limited number of hours and limited medical care that will be provided at the Giuseppe Court location that it is by definition accessory to the primary use and is appropriate given the social service nature of SVDP's services to help underserved individuals and families within the community. At the Riverside location, SVDP had provided limited medical care as part of their services for the last three to four years without any problems.

The MTA Industrial Park Board of Directors and surrounding business and property owners have indicated that they do not believe that the MTA Industrial Park is an appropriate location for any of SVDP's services (administrative offices or food distribution) (Attachment 8).

FINDINGS/EVALUATION

Staff has evaluated the proposed food distribution use based on the applicable findings for a CUP and the requirements of Zoning Ordinance Section 19.40 for Food Distribution. Staff's evaluation of these findings and requirements are outlined below.

Section 19.78.060.A of the City of Roseville Zoning Ordinance requires that three findings are made to approve a CUP. 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 project site has a General Plan land use designation of Light Industrial (LI). The LI land use designation is intended to allow for uses related to office and industrial uses that may generate limited impacts (noise, vibration, odor, dust, etc.) that are compatible with surrounding uses. While primary uses include research and development, electronics assembly, warehousing, and intensive commercial uses with associated administrative office uses, food distribution is anticipated as a secondary use. The General Plan relies on the Zoning Ordinance to establish performance criteria that aids in determining whether a conditionally permitted use is appropriate at a particular location. Therefore, the proposed use, if approved, 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 project site is zoned General Industrial (M2). The Zoning Ordinance provides development standards and criteria that all food distribution facilities must adhere to. Staff has evaluated the proposed project and determined that it is consistent with all criteria outlined in Section 19.40 of the Zoning Ordinance. Each criterion is described below, and a copy is provided as Attachment 3.

- A. ***Permit Required:*** *All food distribution facilities require approval of either an Administrative Permit or a Conditional Use Permit prior to beginning operations.*

Because the size of the facility exceeds 600 square feet a CUP is required.

- B. ***Location:*** *Food distribution facilities are permitted in the following zones, subject to approval of either an Administrative Permit or Conditional Use Permit: General Commercial (GC), Highway Commercial (HC), Commercial Mixed Use (CMU), Light Industrial (M1), General Industrial (M2), and Industrial Mixed Use (MMU).*

The subject site is zoned M2.

- C. ***Distance Separation Requirements:***

- a. *A CUP is required for any food distribution facility that is located within 500 feet of any preschool, elementary school, high school, or any zone where food distribution facilities are not permitted.*

Two zoning designations exist within 500 feet of the proposed facility, M1 and M2, both of which allow for a food distribution use. The proposed project meets the requirements for distance separation. Attachment 4 illustrates the different zoning designations that surround the project site.

- b. *A food distribution facility may not be located within 1000 feet from any other food distribution or social service facility unless it is located within the same building or on the same lot.*

No other food distribution or social service facilities are located within 1000 feet of the subject site. (Attachment 4)

D. **Size:** *Food distribution facilities that exceed 600 square feet require approval of a CUP.*

The 503 Giuseppe Ct, Unit 8 site is 6000 square feet, of which 2000 square feet is used for food distribution, and therefore a CUP is required.

E. **Development Standards:** *A food distribution facility shall provide parking in the amount of one space for every 500 square feet of floor area plus one space for every staff person.*

Section 19.40 has specific parking requirements for food distribution. Because only half of the unit will be dedicated to food distribution, staff has determined that the parking requirement should be based on the sum of all uses within Unit 8. The table below shows the breakdown of uses within Unit 8.

Use	Square Footage	Parking Ratio	Parking Requirement	Total
Office	2800	1/250	11.2	11.2
Food Distribution	2000	1/500 + 1 per staff/volunteer	4 + 10	14
Warehouse	1200	1/1000	1.2	1.2
				26.4

As shown above, the office component of the project generates a requirement for eleven (11) parking spaces. The food distribution use requires fourteen (14) spaces. The staff component of the parking ratio was based on the number of volunteers that would be on site for food distribution activities. Depending on the day, SVDP plans to have between five (5) to nine (9) paid staff on site; these staff members were not included in the food distribution parking calculation because their role is related to the office use. The warehouse portion of the project is solely for storage/warehouse space, which generates one (1) space. In total, SVDP is required to provide twenty-six (26) parking spaces.

Without SVDP, the MTA Industrial Park requires 269 parking spaces. With the addition of SVDP, 295 parking spaces will be required. Currently, the MTA Industrial Park has 299 parking spaces available; therefore staff has determined that with the inclusion of SVDP, the parking requirement can be met (Attachment 6 – Parking Summary). Even though the parking requirement can be met and there is an excess of four (4) spaces available, staff has included condition 8. Condition 8 requires SVDP to work with the MTA Industrial Park Board to restripe parking stalls at the rear of 503 Giuseppe Court that have become illegible over the years. All new construction projects include a standard condition that all parking stalls be well maintained and legible. Therefore this has been a requirement of the MTA property owners since the property was developed. The MTA board has indicated to the City that they will be restriping the industrial park in the near future. The addition of these new parking spaces will generate at least ten (10) additional parking spaces.

F. **Business Practices:** The Zoning Ordinance requires that seven business practices be met. The applicant has provided Attachment 5, which indicates how these business practices will be achieved. As proposed, SVDP meets all business practices related to waiting space, restrooms, trash receptacles/enclosures, lighting, building and fire occupancy standards, and hours of operation. As currently proposed, the business practice that requires all food distribution and related activities to take place inside the structure will not be met. The Zoning Ordinance states that where deviations to the standards occur, the deviation may be considered in the CUP.

The majority of the food distribution process will occur within Unit 8. In order to receive food, clients will enter Unit 8 from the front of the building to begin the paperwork process. After all required paperwork is filled out and clients are deemed eligible to receive food, the client will exit the front of the building and either walk to their vehicle and drive to the rear of the building to accept their groceries or exit the front of the unit and walk around the side of the building to the rear to accept their food. After receiving their food and loading their vehicle, clients will exit the site.

Staff has evaluated this aspect of the operational plan and has determined that having clients exit the building to pick up their food allotment from the rear is no different than any other business that has customers pick up goods from the rear of the building through the service roll up doors. Additionally, picking up food is the final step of the process and is the only part of the operation that occurs outdoors. SVDP would prefer to have clients pick up the food from the rear since that is where the food bags are assembled. SVDP has stated that once clients have received their food they have no reason to stay on site, as that is the last step of the process.

Staff has determined that the proposed use meets the standards and requirements of the Zoning Ordinance.

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 applicant has provided a description of the proposed operations. The information that follows is a summary of the description provided by the applicant as shown in Exhibit A. Exhibit A will serve to define the scope of the CUP for permitted operations.

Hours of Operation: As stated above, food distribution hours are limited to Tuesday through Saturday from 9 a.m. to 11:15 a.m. The remainder of the time SVDP will be conducting their daily operations, which are not subject to this CUP.

Customer Traffic: Based on previous experience at the Riverside location, SVDP estimates that each day between 15 and 35 people will be provided food during food locker hours. One concern that has been expressed continuously is related to an increase in transients on site. For the month of November, SVDP kept a log of all clients who visited the site. Of the 651 clients that received services from SVDP (food locker services and administrative services), only nine were transients. SVDP has stated that they will help transients through the transitional housing program and will give information to them on where they can receive assistance (i.e. local churches and organizations), but they will not provide food locker services to any person that does not have proper identification (driver's license, utility bill, etc.) that indicates that they are a Placer County resident.

Deliveries: The food for the food locker will be delivered by truck or van to the rear of Unit 8. Three to four deliveries will be made each day in the morning with an additional two deliveries per month on the second and fourth Wednesday during the afternoon. The MTA Industrial Park is well suited to accommodate deliveries, as it was designed for this type of business activity.

Security: Security has been an existing concern for the tenants and property owners within the MTA Industrial Park, due to the presence of transients loitering. To ensure that no persons are loitering on site, SVDP has staff assigned to walking the grounds every two hours between the hours of 9 a.m. and 3 p.m. At the December 5th meeting, which is described in more detail below, attendees were concerned that SVDP's security measures are proposed to cease at 3 p.m.

Attendees also commented that walking the grounds every two hours is not sufficient. Therefore, staff has included Condition 6 that requires SVDP to walk the grounds of MTA Industrial Park every hour during their business hours (9 a.m. to 4:30 p.m.) to ensure that any potential loitering can be dealt with promptly.

NOTICING/PUBLIC OUTREACH

Following staff's initial review of the CUP application, an informational notice outlining SVDP's operational plan for the food distribution use was mailed to property owners and businesses owners within a 300+ foot radius of Unit 8. A copy of this notice was also emailed to the president of the MTA Industrial Park, who in turn emailed the notice to businesses within the park that may have been outside of the 300-foot radius list. In addition, a neighborhood meeting was held at the Civic Center to share project information and answer questions.

In response to the notice, staff received a number of phone calls from property owners and business owners within the MTA Industrial Park and the commercial center at the northwest corner of Cirby and Vernon Street expressing concerns about the proposed CUP. Overall, the concerns focused on the services that SVDP provides and their appropriateness for the industrial park. More specifically, the concerns centered around three main issues: 1) that SVDP will expand their social services to include hot meal service and a temporary resident shelter, 2) that there will be an increase in transient traffic on site creating a safety/security problem, and 3) that there would not be enough parking.

In response to these concerns, the applicant and City staff met with the MTA Industrial Park Board at their board meeting of November 15, 2006 to discuss SVDP plans for the site. SVDP was clear that they had no intentions of applying for any additional permits to allow hot meal service or a temporary resident shelter at the Giuseppe Court location. SVDP signed an agreement between SVDP and the MTA Board that would prohibit hot food service and shelters within the industrial park.

The second issue was related to the presence of transients on site. Prior to SVDP leasing space within the industrial park there was an existing presence of transients within the center and the area (Stop N Shop) due to the close proximity of the creek and the train tracks. Some of the surrounding property owners and business owners have stated (as shown in Attachment 8) that there has been an increase in transients on the property since SVDP moved in and at times transients come into their businesses and/or loiter on the property. It is difficult to determine whether the presence of the transients in these instances are related to SVDP being located within the MTA Industrial Park or whether this situation would have occurred regardless due to transients being on site in the past.

The third concern is related to parking. As described in finding two above, staff has determined that there is adequate parking available. Additionally, SVDP has agreed to have their staff and volunteers park on the side of Unit 8 in order to limit any parking impacts to their neighbors in Units 1-7. Furthermore, since Condition 8 has been imposed, approximately ten (10) additional parking spaces will be striped at the rear of the building to provide an excess of approximately fourteen (14) parking spaces (ten (10) new spaces plus four (4) excess spaces).

In addition to the concerns received, staff has also received letters of support for the SVDP CUP. To date, staff has received approximately one hundred thirty (130) letters of support. Attachment 9 is a list of people who have commented on the project and Attachment 10 includes a few of the comment letters that have been received (both in support of and against the project). The majority of the letters are in support of the project and are from residents throughout Roseville, however there are a few from surrounding areas including: Rocklin, Granite Bay, Loomis and Lincoln. The letters received in support of the project request approval of the CUP for the food distribution use and state that SVDP provides necessary supplemental assistance to many local residents.

Given the volume of comments received, both in support and against the CUP, SVDP hosted an informational meeting on December 5, 2006. Six hundred sixty (660) notices were mailed to surrounding property owners, business owners and residents in the neighborhood east of Vernon Street and north of Cirby Way. Approximately 20 people attended the meeting. The comments received were in line with the previous comments received and were related to concerns about the future services that SVDP may provide, safety/security, medical care, and that transient foot traffic will increase and already has increased with the presence of their administrative services. The overall consensus by the people in attendance was that they do not believe that the MTA Industrial Park is an appropriate location for the services SVDP provides nor the clients they serve. Staff has addressed these concerns throughout the staff report. All attendees were notified of the Public Hearing date and time and were invited to provide comments up to and at the Public Hearing.

In addition to the early notice and meetings, standard noticing procedures were followed for the Public Hearing on December 14, 2006.

SUMMARY/CONCLUSION

SVDP is a non-profit business that has been providing services to the local community for over 23 years. The proposed food locker is not a new service that will be provided, but rather is a relocation of a service that SVDP has provided for years. Staff has received over 130 letters in support of the services that SVDP provides to residents of Roseville as well as greater Placer County.

The Zoning Ordinance states that a request for a CUP for a food distribution facility shall be approved if the project meets the requirements and development standards of the Zoning Ordinance. Staff has evaluated SVDP's request against these standards and has found that the project is in conformance. Staff has also determined that the other services that SVDP currently provides, as described in the staff report, are permitted in the M2 zone and are not subject to additional permits.

Furthermore, the concerns that have been raised regarding the presence of transients on site is not a criterion outlined in the Zoning Ordinance and therefore is not a factor related to approval or disapproval of the CUP request; however, conditions for security measures have been recommended to alleviate any potential problems with loitering.

Based on the analysis contained in this staff report and as conditioned, the required findings can be made for the proposed CUP.

ENVIRONMENTAL DETERMINATION

Staff has determined that the food distribution use does not introduce any environmental effects not already considered by the General Plan EIR in the allocation of the Light Industrial Land use and the existing operations of the MTA Industrial Park. Therefore, this project is exempt from environmental review per Section 15301 of the California Environmental Quality Act (CEQA) for existing facilities. In summary, this exemption pertains to the "operation...permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities."

RECOMMENDATIONS

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

- A. Adopt the three findings of fact, as stated in the staff report, for approval of the **CONDITIONAL USE PERMIT – 503 GIUSEPPE COURT, UNIT 8 – ST VINCENT DE PAUL FOOD DISTRIBUTION FACILITY - FILE# 2006PL-163 (CUP- 000032)**.

- B. Approve the CONDITIONAL USE PERMIT – 503 GIUSEPPE COURT, UNIT 8 – ST VINCENT DE PAUL FOOD DISTRIBUTION FACILITY - FILE# 2006PL-163 (CUP- 000032) subject to eight (8) conditions of approval:
1. One (1) year from this date, December 14, 2006, the Planning Commission will review the CUP to evaluate whether the food distribution use is being operated in a manner consistent with the approved conditions of the CUP. (Planning)
 2. As described in Exhibit A, the approved hours of operation for food distribution activities shall be as follows: Tuesday–Saturday 9:00 a.m. – 11:15 a.m. (Planning)
 3. All food distribution activities shall occur inside with the exception of clients receiving their food allotment at the rear of the building after filling out the necessary paperwork in the waiting room. No one is permitted to wait or loiter outside of the building. After receiving food, recipients of the food distribution program shall leave the MTA Industrial Park. (Planning)
 4. Donations shall only be accepted Monday through Friday between the hours of 10 a.m. and 4 p.m. All donations are required to be accepted indoors and no donations are permitted to be left outside or stored outside. (Planning)
 5. Medical care hours are limited to a maximum of three (3) hours total per week for general medical care plus an additional three (3) hours per month for pediatric care. (Planning)
 6. The applicant shall be responsible for providing security during SVDP business hours (9 a.m. to 4:30 p.m.). SVDP shall designate security to patrol the MTA Industrial Park every hour. If the security measures as proposed in the staff report are determined by the City and the MTA Industrial Park Board as insufficient, increasing security or hiring private security may be required. (Planning)
 7. SVDP staff and volunteers shall park on the north side of Unit 8 adjacent to the trash enclosure. (Planning)
 8. Parking stalls that do not have clear, legible stripping shall be re-stripped within the MTA Industrial Park consistent with the originally approved site plan (Exhibit C). Specifically, the stalls at the rear of 503 Giuseppe shall be restriped. It is the responsibility of the applicant to work with the MTA Industrial Park Board to coordinate restriping on-site. (Planning)

ATTACHMENTS

1. Vicinity Map
2. Aerial Site Plan
3. Zoning Ordinance Section 19.40
4. 500' & 1000' Radius Map (Surrounding Zoning)
5. Business Practices Letter (Provided by Applicant)
6. Revised Parking Summary
7. Letter from Applicant to MTA Board
8. MTA Board Letter
9. Comments Received – Excel Sheet
10. Letters Received

EXHIBITS

- A. Description of Use
- B. Floor Plan
- C. Site Plan

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.