

PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING March 8, 2007

Prepared by: Wayne Wiley, Assistant Planner

ITEM VI-B: CONDITIONAL USE PERMIT & DESIGN REVIEW PERMIT MODIFICATION 1030 WINDING CREEK ROAD JOHNSON CONTROLS FOOTHILLS COMMERCE

CENTER PHASE II FILE# 2006PL-234 (PROJECT# CUP-000037 & DRP-000171)

REQUEST

The applicant requests approval of a Conditional Use Permit to allow two outdoor storage yards totaling 11,776 square feet in a Light Industrial zone district. One yard totaling 1,920 square feet will be utilized for the storage of business equipment and materials. The second yard, totaling 9,856 square feet, is proposed for the storage of company vehicles and will include a 500 square foot area for the storage of hazardous materials (reclaimed oil). The applicant also requests approval of a Design Review Permit Modification to allow minor alterations to the Foothills Commerce Center site design.

Applicant Bernard Furlow, Borges Architectural Group, Inc.
Owner Ken Giannotti, Stanford Ranch I, LLC

SUMMARY RECOMMENDATION

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

- A. Adopt the Negative Declaration;
- B. Adopt the three (3) Findings of Fact for the Conditional Use Permit;
- C. Approve the Conditional Use Permit with eight (8) conditions of approval;
- D. Adopt the two (2) Findings of Fact for the Design Review Permit Modification; and
- E. Approve the Design Review Permit Modification with six (6) 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 a mile north of Blue Oaks Boulevard and 750 feet east of Foothills Boulevard at 1030 Winding Creek Road in the North Industrial Planning Area of the City (see Attachment 1). The subject property is part of the Foothills Commerce Center Phase II and has a General Plan Land Use and Zoning designation of Light Industrial.

On August 16, 2001 the Design Committee approved a Design Review Permit to construct Phase II of the Foothills Commerce Center. The center is currently developed with two light industrial buildings (Buildings C and D) totaling 87,848 square feet, and one light industrial building (Building E) currently under construction.

Additional entitlements have been approved for the subject site, including a Conditional Use Permit (CUP) allowing the construction of a 15,000 square foot outdoor storage yard located towards the northeast corner of the site (see Attachment 2). However, at the time that the property owner requested the CUP for outdoor storage, the need for the storage yard was assumed on a speculative basis, as the specific tenants that would utilize this area had not been secured. Since that time, the

property owner has leased space to Johnson Controls, an equipment repair company. Johnson Controls requires outdoor storage, including the storage of reclaimed HVAC oil (classified by the Fire Department as a Hazardous Material), and is proposing to revise the previously approved site plan to better accommodate their operational needs.

The current request is to modify the site design to remove one loading dock and landscape planter, which will be replaced by a 1,920 square foot storage yard for HVAC equipment. One other outdoor storage yard totaling 9,856 square feet is proposed along the eastern boundary of the site and will include a 500 square foot storage area to store reclaimed HVAC oil. Ordinarily, the proposed design changes would be handled administratively. However in this case, the Design Review Permit Modification (DRPMOD) has been forwarded to the Planning Commission for review along with the CUP for the storage yards.

ADJACENT ZONING AND LAND USE

Location	Zoning	General Plan Land Use	Actual Use Of Property
Site	Light Industrial (M1)	Light Industrial (LI)	Foothills Commerce Center Phase II (partially constructed- two of the three office/warehouse buildings are constructed)
North	M1	LI	Vacant (Foothill Commerce Center Phase III - in for review)
South	M1	LI	CEMO Business park
East	General Industrial (M2)	General Industrial (IND)	Union Pacific RR and Industrial Buildings
West	M1	LI	Vacant & Pride Industries

The proposed project is consistent with the land uses contemplated by the City's General Plan and the Zoning Ordinance. With approval of the CUP, the proposed outdoor storage yards and hazardous materials storage area will be consistent with the Zoning Ordinance.

CONDITIONAL USE PERMIT

Conditional Use Permits are evaluated for consistency with the City s General Plan, conformance with the City s Zoning Ordinance, and potential for impacts to the health, safety and welfare of persons who reside or work in the area. Specifically, the Planning Commission must make the three findings of fact listed below in bold italics to approve a CUP. An analysis of the request for outdoor storage and storage of hazardous materials in the M1 zone follows each finding:

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

The land use designation for the subject property is Light Industrial (LI). The LI land use designation is typically intended to provide for industrial uses that generate very limited noise, vibration, odor, dust, smoke, light, or other pollutants, and are either integrated or compatible with surrounding properties. Primary uses include research and development (which may include manufacturing and assembly), electronics assembly, warehousing, intensive commercial uses (e.g. auto body repair, landscaping material sales, retail and wholesale lumberyards), and associated administrative offices. As uses conditionally permitted by the Zoning Ordinance, the proposed storage yards and the handling/storage of hazardous materials is consistent with the Light Industrial land use designation.

In addition, the Roseville General Plan establishes criteria to protect the community s health, safety, natural resources, and property through regulation of use, storage, transport, and disposal of hazardous materials. As proposed, the project meets the applicable criteria and complies with the

City s General Plan; further analysis of the above-mentioned criteria is discussed in more detail in the evaluation section of Finding #3.

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

The Zoning Ordinance contains development standards relating to parking, driveways, setbacks and height limitations. Additionally, the Community Design Guidelines provide guidance on other design and layout issues. These issues are addressed in the Design Review Permit portion of this report.

The City s General Plan relies on the Zoning Ordinance to govern permitted uses in the Light Industrial zone district. The Zoning Ordinance requires a CUP for the storage of hazardous materials in a Light Industrial (M1) zone. Through the CUP process, operational characteristics are analyzed and operational restrictions can be required of a project to ensure compatibility with adjacent land uses, and to protect the health, safety, and welfare of the public.

Typical concerns related to outdoor storage include visibility of the materials or equipment, and noise associated with the heavy equipment required to move the material. The first yard, which is proposed for flat stock storage, will total 1,920 square feet and will be screened by Building D to the north and by the adjacent storage yard to the east. This yard will be enclosed by an eight-foot tall chain link fence with slats, which will provide additional screening.

The second yard will be used to store company vehicles and will be visible from Winding Creek Road and surrounding businesses. This yard will also be screened by an eight-foot fence with slats and a ten-foot wide landscape planter along the eastern portion of the yard, and a five-foot wide planter along the interior side of the yard. Consistent with the other storage yards approved in the complex, the height of the stored materials has been conditioned to not exceed ten feet (Condition #3). Furthermore, the site is surrounded by other light industrial uses (none are sensitive receptors) and noise impacts from heavy equipment moving material within the yard are not expected to result in significant impacts.

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 yards intended for the storage of company vehicles and mechanical equipment are consistent with previous approvals for the Foothills Commerce Center. Existing storage operations on-site have not resulted in any significant issues. As such, staff does not anticipate any significant issues with this proposal.

However, the request to store hazardous materials is unique, and warrants special consideration. Potential conflicts associated with the storage of hazardous materials include operational characteristics, disposal measures, and potential impacts to adjacent properties regarding air and water quality. In this case, reclaimed oil from serviced HVAC units will be stored in a maximum of four 55-gallon, double contained drums, and placed on a spill container block. For added protection from the elements, the drums will be placed under a six-foot tall metal canopy structure located within a 500 square foot storage area, within a larger storage yard. This area will be secured by an eight-foot tall fence that will be accessed by a four-foot gate located at the southwest corner of the yard and will include a self contained eye wash station, fire extinguisher, face shields, and emergency contact information.

The project proponents have indicated that the proposed storage yards and hazardous materials area will operate during typical commercial business hours (7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturdays). The applicant has also stated that the processing, cleaning

and removal of reclaimed oil will take place (indoors) within Johnson Controls tenant space during normal business hours. According to the applicant the hazardous materials will be routinely transported (twice a month) by truck to an off-site location to be disposed of; and, although there are no designated routes for the transportation of hazardous materials within the City of Roseville, the City has designated truck routes that attempt to divert traffic away from residential areas. In addition, for businesses that handle hazardous materials, the property owner is required to comply with applicable California Health and Safety Codes and local City Ordinances regulating the handling, storage, and transportation of hazardous and toxic materials. The California Health and Safety Codes require a Risk Management and Prevention Program (RMPP) for those uses that handle specific quantities of toxic and/or hazardous materials.

In addition, businesses that handle toxic or hazardous materials are subject to regulations addressing the protection of air and water quality, because the mishandling of liquids could result in air and/or water quality impacts. The Fire Department is responsible for monitoring and enforcing these plans. The Fire Department has reviewed the proposal and has not indicated any concern, provided the property owner complies with the aforementioned requirements. As such, the proposed project is required to provide a Hazardous Material Business Plan to the Fire Department and must comply with all local, State and Federal requirements for the handling of hazardous materials.

Based on the information presented above, staff has not identified any potential adverse effects of this project upon the public health, safety and welfare, or upon property or improvements in the vicinity of the project site and therefore supports approval of the request.

Conditional Use Permit Conclusion

Based on the analysis contained in this staff report, and with the project conditions, the required findings can be made for the proposed Conditional Use Permit.

DESIGN REVIEW PERMIT MODIFICATION

The evaluation of the proposed project has been based on the applicable development standards within the City s Zoning Ordinance and the design standards of the City s Community Design Guidelines. Staff reviewed the proposal for consistency with all applicable standards and found the project to be consistent with the requirements and guidelines in each. The following discussion is provided as clarification on the proposed modifications.

Architecture: The two proposed storage yards will be screened by an eight-foot tall chain link fence with slats. Additionally, to ensure added security and screening from the elements for the hazardous materials storage area, the applicant proposes a six-foot tall, 200 square foot metal storage structure consisting of six two-inch galvanized steel polls with a corrugated metal roof. In order to ensure consistency throughout the site, Condition #5 requires the structure to painted Deerfield tan to match the colors of the surrounding buildings. The structure will be screened from view by the proposed eight-foot tall fence and surrounding landscaping.

Site Design: The proposed changes to the parking field will not alter the existing site access or building layouts. The proposed modifications will result in the deletion of the loading dock area located at the southeast corner of Building D and will reduce a portion of the existing landscape planter adjacent to the southeast corner of the building to accommodate the proposed 1,960 square foot storage yard. With the construction of the storage yards and reconfiguration of the parking lot, minimal changes to the circulation pattern will occur as compared and contrasted in Attachment 2 and Exhibit B. However, these changes will not significantly affect access, as the main route of travel from the primary entrance to the buildings located in Phase II will not be altered.

Parking: A total of 468 parking stalls are required for the project site based on the existing/proposed uses located within the center. With the proposed storage yards, 498 parking spaces will be provided, exceeding the minimum parking requirement.

Landscaping: The proposed site modifications will result in the removal of the planter located at the southeast corner of Building D. In addition, the planter adjacent to the east side of the building will be slightly reduced in size. These changes will result in the removal of two Chinese Pistache trees, one London Plane tree, associated shrubs, and groundcover. Staff has evaluated relocating the landscaping and found a suitable location for additional shrubs and groundcover. As such, Condition #6 is recommended, which requires a three-foot wide landscape planter around the southeast corner of the flat stock storage area. The recommended landscape planter will provide an area to relocate landscaping and will provide additional screening on the south and east perimeter of the yard.

FINDINGS

In order to approve a Design Review Permit Modification, the following two findings must be made:

- 1. The proposed modification is in substantial compliance with the intent of the original approval, prior conditions of approval, and all applicable design, development and improvement standards in effect as of the date of application for the modification.
- 2. The proposed modification is in compliance with all standards and requirements of the City's Zoning Ordinance, with the applicable goals, policies and objectives set forth in the General Plan, the applicable Community Design Guidelines.

Design Review Permit Conclusion

Based on the analysis contained in this staff report and with the project conditions, the required findings can be made for the proposed Design Review Permit Modification.

ENVIRONMENTAL DETERMINATION

The Planning & Redevelopment Director has determined that the project will not have a significant effect on the environment and proposes that a Negative Declaration be adopted. This determination is based on an Initial Study, which has concluded that the project will avoid potentially significant environmental impacts. The Initial Study and Negative Declaration were posted for a 20-day review, which began February 15, 2007 and ends on March 8, 2007.

RECOMMENDATION

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

- A. Adopt the Negative Declaration;
- B. Adopt the three findings of fact as stated in the staff report for approval of the CONDITIONAL USE PERMIT 1030 WINDING CREEK ROAD PROJECT # 2006PL-234 (FILE # CUP-000037);
- C. Approve the CONDITIONAL USE PERMIT 1030 WINDING CREEK ROAD PROJECT # 2006PL-234 (FILE # CUP-000037) with the eight (8) conditions listed below;
- D. Adopt the two findings of fact as stated in the staff report for approval of the DESIGN REVIEW PERMIT MODIFICATION 1030 WINDING CREEK ROAD PROJECT # 2006PL-234 (FILE# DRP-000171); and

E. Approve the DESIGN REVIEW PERMIT MODIFICATION 1030 WINDING CREEK ROAD PROJECT # 2006PL-234 (FILE# DRP-000171) with the six (6) conditions listed below.

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP-000037)

- 1. The CUP will be effectuated upon the effectuation of DRP-0001171, and shall expire concurrent with DRP-000171. (Planning & Redevelopment)
- 2. The total storage area shall be limited to 11,776 square feet, as shown in Exhibit B. (Planning & Redevelopment)
- 3. Materials stored within the yard shall not exceed ten (10) feet in height. (Planning & Redevelopment)
- 4. A maximum of four (4), 55 gallon, double contained barrels shall be stored at the specified location shown in Exhibit C. (Planning & Redevelopment)
- 5. The contractor shall request an inspection by the Fire Prevention Division at the time of project completion. (Fire)
- 6. The owner or operator will pay for a flammable/combustible liquids storage permit if applicable, as determined by the Fire Department.(Fire)
- 7. Chemical storage areas subject to a permit shall be provided with hazard warning (NEPA) signage posted at the fenced enclosure or gate. (Fire)
- 8. The owner shall update the Business Plan Chemical Inventory by submitting a completed chemical description page for the reclaimed oil if it will be inventoried prior to removal in a quantity exceeding 55 gallons. (Fire)

CONDITIONS OF APPROVAL FOR DESIGN REVIEW PERMIT MODIFICATION (DRP-000171)

- 1. This Design Review Permit Modification approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on **March 8, 2009**. 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 **March 8, 2009**. (Planning & Redevelopment)
- 2. The project shall comply with the originally approved Conditions of Approval for the project (DRP 01-25), as applicable and except as modified below. (Planning & Redevelopment)
- The project is approved as shown in Exhibits B D and as conditioned or modified below. (Planning & Redevelopment)
- 4. The three feet of barbwire attached to the top of the chain link fence (as shown in Exhibit B) shall be removed. (Planning & Redevelopment)
- 5. The proposed metal canopy structure located within the hazardous materials storage area shall be painted Deerfield tan. (Planning & Redevelopment)
- 6. The applicant shall provide a three-foot landscape planter consisting of approximately ten 5-gallon Purple Hopseed shrubs around the southeast corner of the flat stock storage yard to the satisfaction of the Planning and Redevelopment Department. (Planning & Redevelopment)

ATTACHMENTS

- 1. Vicinity Map
- 2. Original Site Plan

EXHIBIT

- A. Initial Study & Negative Declaration
- B. Site Plan
- C. Detailed Site Plan
- D. Landscape Plan

<u>Note to Applicant and/or Developer:</u> Please contact the Planning & Redevelopment 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.