

PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING August 23, 2007

Prepared by: Ron Miller, Assistant Planner

ITEM V-A: CONDITIONAL USE PERMIT - 400 TAHOE AVENUE - ALL VALLEY TOW & TRANSPORT - FILE# 2007PL-086 (PROJECT# CUP-000045)

REQUEST

The applicant requests approval of a Conditional Use Permit to operate a vehicle towing impound yard of approximately 7,500 square feet within a Light Industrial (M1) zone district.

Applicant – All Valley Tow & Transport – James Hard Owner – Isaac J. Joseph Family Trust

SUMMARY RECOMMENDATION

The Planning & Redevelopment 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 with ten (10) 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 400 Tahoe Avenue just east of Yosemite Street, within the City's Infill area. The project site is bordered by single family residences to the north, Union Pacific Railroad to the south, an automobile tire, wheel and repair facility to the east, and an underground construction supply facility to the west. The property is developed with a light industrial building consisting of three suites, totaling approximately 10,000 square feet. The applicant currently uses suites B and C, approximately 5,000 square feet of the building, for restoring classic cars. All vehicle repair/restoration activity takes place within the building.

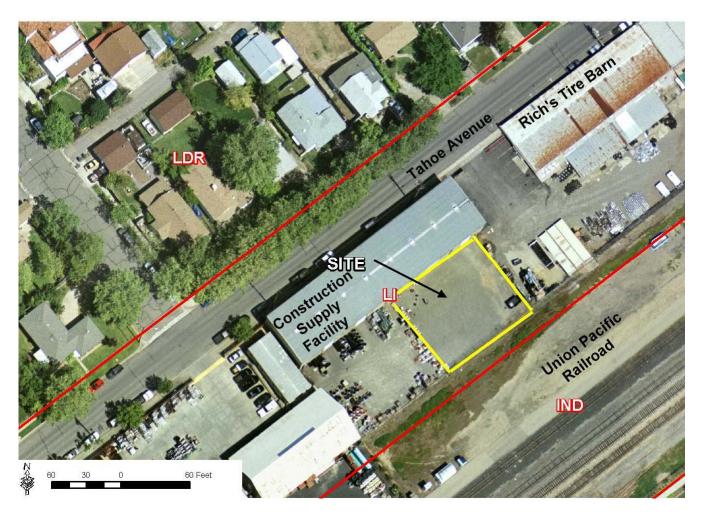
The proposed towing impound yard area is adjacent to the building, located behind suites B & C, between the building and the railroad tracks. The area is approximately 7,500 square feet in size, has a gravel surface, and is enclosed by chain link fencing (see Attachment 1).

In May 2007, the Building Department's Code Enforcement Division received a complaint regarding the operation of a towing business and vehicle storage at the site. Code Enforcement's investigation revealed that the applicant, All Valley Tow & Transport, was conducting business at the project site, and that the applicant had not applied for a Conditional Use Permit to operate the towing impound yard.

The project site is located within the Light Industrial (M1) zoning district; therefore, per the Zoning Ordinance (Chapter 19.14.020), a Conditional Use Permit is required to operate a towing impound yard. The applicant applied for the required Conditional Use Permit in June 2007.

The current request is to operate a towing and storage yard for All Valley Tow & Transport. The primary use of the subject site will be for the storage of towed and impounded vehicles, as well as

vehicles undergoing repair or restoration. No additional buildings or structures are proposed for the site.



Evaluation

Conditional Use Permits (CUP) 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 operation of a towing impound yard 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 noted above, the area where the cars will be stored is substantially surrounded by other industrial types of uses. The Conditional Use Permit will allow staff to implement conditions which will provide operational restrictions that will ensure the proposed use is compatible with the M1 land use designation. As a use conditionally permitted by the Zoning Ordinance, the proposed towing impound yard is consistent with the Light Industrial land use designation.

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

The Zoning Ordinance contains development standards related to parking and building height. The facility will utilize existing buildings, with no new buildings or structures proposed. The facility has five existing parking spaces at the east end of the building within the common entry area to the site (see Exhibit A). Additional on-street parking is also available on Tahoe Avenue. There are no additional prescriptive standards identified in the Zoning Ordinance for towing impound yards. Therefore, as conditioned, the project is consistent with 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 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 operation of a vehicle towing impound yard 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 towing impound yards include visibility of the vehicles and towing equipment, associated noise impacts, and the potential for fluid leaks from the vehicles.

Visibility: The proposed towing yard will be visible from surrounding properties and from Atlantic Street; although the site is approximately 220 feet generally north of the Atlantic Street corridor. The Union Pacific railroad tracks are located between Atlantic Street and the towing yard location. Railroad tank cars are regularly parked in this vicinity and serve to screen the proposed storage yard area from the Atlantic Street corridor. Additionally, a 25-foot wide landscape corridor, with trees and shrubbery, is in place on the north side of Atlantic Street which serves to screen the railroad tracks, the proposed towing impound yard, and neighboring industrial type businesses from the Atlantic Street Corridor.

The towing impound yard will be screened on the north side by the building on the property; therefore, it will not be readily visible from the residences on Tahoe Avenue. The common entry area between the subject property and the auto repair facility to the east has an eight-foot tall chain link fence and gate with slats, which further screens the yard area from Tahoe Avenue.

As stated above, the proposed towing impound yard area is currently enclosed by an eight-foot tall chain link fence. Slats matching those utilized in the common entry area fence and the fence of adjacent properties will be placed in the chain link fencing on the east, west and south sides of the storage yard, including all gates, providing additional screening from the Atlantic Street corridor and surrounding properties. Condition No. 3 has been included outlining the requirement for inclusion of slats in the storage yard fencing.

Noise Impacts: The site is surrounded by other light industrial properties and uses, and the Union Pacific Railroad tracks. Noise impacts generated from the towing of vehicles to and from the yard, unloading, loading and storage of vehicles are not expected to result in significant impacts. The applicant has noted that most of the operations will take place during normal business hours; however, vehicles can potentially be towed to the site at any time. Operational hours for the facility will be 8:00 AM - 5:00 PM, Monday through Friday, with the exception of federal and state holidays, when the facility will be closed. The applicant anticipates a maximum of two trips to the site per day on average. All vehicles towed to the site will enter the facility through the common entry gate east of the building,

and will be unloaded behind the building. As such, the impacts to the adjacent properties and residences to the north will be minimal. Condition No. 6 has been included outlining this requirement.

Vehicle Maintenance/Fluid Leaks: The operation of the proposed facility may include restoration and/or repair work to vehicles stored at the site, as well as company vehicles. All service and repair work must be performed inside the building. Vehicles towed to the site that have known fluid leaks will be stored inside the building, with the use of drip pans and/or absorbent pellets to prevent fluids or other chemicals from washing off of the site. Drip pans will also be routinely used for all vehicles stored in the graveled storage area as a measure to prevent soil contamination, should there be a fluid leak or spillage.

Operational Restrictions: Staff recommends operational conditions (Condition Nos. 4 - 8) in order to minimize the potential for noise affecting nearby residences and to minimize potential for spillage of oil or other motor vehicle fluids. The project is consistent with the Zoning Ordinance and similar towing impound yards previously approved within the City (i.e. Classic Tow Services, Neighborhood Enterprises, Lowrie Towing Yard).

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.

ENVIRONMENTAL DETERMINATION

In reviewing the site specific information provided for this project, the City of Roseville Planning & Redevelopment Department has analyzed the potential environmental impacts created by the project and has found the project to be 1) consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning regulations; 2) the proposed development occurs within the city limits on a project site of no more than five acres substantially surrounded by urban uses; 3) the project site has no value as habitat for endangered, rare or threatened species; 4) approval of the project would not result in any significant effects relating to traffic noise, air quality, or water quality; and 5) the site can be adequately served by all required utilities and public services. As such, the Planning & Redevelopment Department has determined that the project is categorically exempt from further CEQA review as an Infill Development Project pursuant to CEQA Guidelines Section 15332 and the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

The Planning & Redevelopment 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 400 TAHOE AVENUE PROJECT # 200PL-086 (FILE # CUP-000045);
- C. Approve the CONDITIONAL USE PERMIT 400 TAHOE AVENUE PROJECT # 200PL-086 (FILE # CUP-000045) with the ten (10) conditions listed below;

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP-000045)

- 1. The project is approved as shown in Exhibit A, and as conditioned or modified below. (Planning)
- 2. This permit shall be valid for a period of two (2) years from this date and shall expire on **August 23**, **2009**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, that this approval shall be extended for no more than one year from **August 23**, **2009**. (Planning)
- 3. Applicant shall install slats in the chain link fencing on the east, west and south sides of the storage yard, including all gates. Installation of the slats shall be completed within 30 days of the approval date of the Conditional Use Permit. Slat material and color shall match that of the slats utilized in the common entry area fence and the fencing of adjacent properties. Slats shall be properly maintained to ensure an attractive visual appearance, and that there are no missing or broken slats. (Planning)
- 4. All vehicle restoration, service and/or repair work performed at the site shall be done inside the building. No restoration, service or repair work is to be performed outside the building, or within the enclosed vehicle storage yard area. (Planning)
- 5. Customer vehicle pick up will be limited to standard business hours (Monday Friday 8:00 AM to 5:00 PM) (Planning)
- 6. Vehicles towed to the site shall enter the facility through the common entry gate on Tahoe Avenue, immediately adjacent to and east of the facility. Vehicles shall enter the vehicle storage yard area through the security gate on the eastern fence line of the yard. (Planning)
- 7. Vehicles towed or delivered to the site shall be off-loaded within the enclosed vehicle storage yard area behind the building fronting Tahoe Avenue. No vehicle deliveries shall be made on the street. (Planning)
- 8. The applicant shall use methods such as drip pans and absorbent clay pellets to prevent fluids or other chemicals from washing off of the site, or contaminating soil at the site. Vehicles with known fluid leakage shall be stored inside the building with use of drip pans and absorbent pellets. (Planning & Redevelopment)
- 9. A 20-foot wide clear drive aisle shall be maintained within the vehicle storage yard area. (Fire
- 10. The applicant shall install a sewer clean out to current City standards if one does not exist. (Environmental Utilities)

ATTACHMENT

1. Photographs of Site

EXHIBIT

A. Site Plan

Note to Applicant and/or Developer: 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.