



ITEM IV-B: **CONDITIONAL USE PERMIT – 9001 FOOTHILLS BOULEVARD – NIPA PCL 50 – BLUE OAKS BAPTIST CHURCH – FILE # 2010PL-101 (CUP-000066)**

REQUEST

The applicant requests approval of a Conditional Use Permit to allow a community assembly use (Blue Oaks Baptist Church) to operate within a Light Industrial (M1) zone.

Property Owner: Steven Fassler, Fassler, LLC
Project Applicant: Jason Azzarello, Blue Oaks Baptist Church

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; and
- B. Approve the Conditional Use Permit subject to four (4) 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 project site is located near the corner of Foothills Boulevard and Albertsons Drive within the North Industrial Planning Area of the City (see Figure 1). The property is zoned and has a land use designation of Light Industrial (M1/LI) and is surrounded by industrial properties to the north, east, and west and vacant industrial land to the south.

On March 28, 2002 the Planning Commission approved a Design Review Permit (DRP 01-78) to construct a mixed-use 23,000 square-foot commercial/industrial building with associated improvements. On January 19, 2007 a Design Review Permit Modification (DRPMOD) to convert the warehouse portion of the building to office space was approved. In addition, the applicant proposed minor modifications to the site design including the addition of 17 parking spaces and minor associated site improvements. To date, the site is fully constructed and seven of the ten tenant spaces are occupied.

The current request is for a Conditional Use Permit (CUP) to allow a community assembly use (Blue Oaks Baptist Church) to locate in an Industrial zone. The proposed church would be located in two vacant tenant spaces within the Tech Ed Business Center, totaling 4,274 square feet and will house a main sanctuary, classrooms, offices, kitchen, audio/visual control room, and restrooms (see Exhibit A).



FINDINGS & EVALUATION

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 live in the area. Specifically, the Planning Commission must make the three findings listed below in ***bold italics*** to approve the Conditional Use Permit. An analysis of the project follows each finding:

1. The proposed use or development 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 office and industrial uses such as research and development, electronics assembly, warehousing, and employment serving commercial uses. Service uses with large space needs such as health clubs, religious assembly and gymnastics studios are also anticipated uses.

Community assembly uses inclusive of churches are considered secondary uses in the LI land use designation. However, when potential for conflict between uses occurs, the General Plan relies on the Zoning Ordinance through the Conditional Use Permit process to evaluate the appropriateness of a use. A Conditional Use Permit allows potential incompatibilities between land uses to be addressed and conditions to be added to minimize conflicts. As such, the standards and requirements of the Zoning Ordinance are used to evaluate the appropriateness of a conditionally permitted use for a specific location. Where incompatibilities can be addressed and conflicts resolved, community assembly uses have been determined to be consistent with the General Plan.

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

The use permit allows for evaluation of the details of a particular location and Chapter 19.14 of the Zoning Ordinance identifies that community assembly uses are conditionally permitted within the Light Industrial (M1) zone, to address and minimize potential conflicts through operational conditions. For Community Assembly Uses, the Roseville Zoning Ordinance does not establish any specific development standards except for parking requirements. As such, the following evaluation will focus on the parking situation within the center. The operational characteristics of the proposed use and the compatibility with the existing uses will be addressed under Finding #3.

As noted previously, Blue Oaks Baptist Church is proposing to occupy 4,274 square feet of tenant space within the Tech Ed Business Center. Based on the Zoning Ordinance parking requirements for Community

Assembly Uses (i.e. 1 stall per 50 sq ft of non-fixed seating in the assembly area plus 1 stall per classroom), the church’s parking requirement is 25 spaces (see Exhibit A). The project site has 86 parking spaces, and as shown below, with the inclusion of the proposed assembly use the center will provide sufficient parking for all tenant spaces (occupied and vacant).

Business / Suite #	Existing Use	Parking Standard	Parking Requirement
Tax Office Suite 100/110	Office	1:250 *	4536 sq. ft. (4082 sq. ft.) = 16 stalls
Eagle Roofing Suite 120	Office	1:250 *	2137 sq. ft. (1923 sq. ft.) = 8 stalls
Proposed Church Suite 130/140	Vacant (Proposed Assembly)	1:50 sq. ft. of assembly area (non fixed seating); plus 1 space per classroom	4274 sq. ft. (1010 sq ft of assembly area & 5 classrooms) = 25
Surveyors Group Suite 150	Office	1:250 *	2137 sq. ft. (1923 sq. ft.) = 8 stalls
Potential Office Suite 160	Vacant (Office Potential)	1:250 *	2430 sq. ft. (2187 sq. ft.) = 9 stalls
Refurb World Suite 170	Business Support Services	1:300	2822 sq. ft. = 9 stalls
Refurb World Suite 180	Wholesale & Distribution	1:1000	2474 sq. ft = 2 stalls
Surveyors Group Suite 190	Office	1:250 *	2474 sq. ft. (2227 sq. ft.) = 9 stalls Total: 86

* The Zoning Ordinance allows Professional Offices to calculate the parking requirement based on 90% of the gross building square footage. The other 10% is common areas, hallways, and bathrooms which do no generate any parking demand.

To date, the site has three vacant tenant spaces and has a surplus of 34 parking stalls. With the proposed church locating in approximately 4,200 square feet of space and requiring 25 parking stalls, there will be a net surplus of nine stalls. Based on the previous use of Suite 160 as Professional Office, staff finds the remaining nine stalls sufficient for the vacant tenant space. However, in the future if the property owner wishes to lease this space to another use with a higher parking demand, an Administrative Permit (AP) for a parking reduction or a DRPMOD to construct additional parking will be required. As discussed in more detail below, parking will be shared by the church and the existing tenants. However, in addition to there being adequate parking available onsite, the church’s parking demand will be low during the weekday and will not affect the surrounding businesses.

3. The location, size, design and operating characteristics of the proposed use or development 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 current tenants located in the Tech Ed Business Center include professional offices, business services, and light wholesale and distribution. The existing tenants have conventional hours of operation and are open Monday through Friday and close by 6:00 pm (see Attachment 2). As noted in Exhibit B, the applicant has documented the various services and activities that will occur in conjunction with the operation of the church and these activities include: Sunday Morning Services from 10:00 am to 1:00 pm; Sunday Evening Services from 5:30 pm to 7:00 pm; and Weekday Evening Services (Thursdays) from 7:00 pm to 9:00 pm.

Blue Oaks Baptist Church has provided an operations plan that minimizes potential conflicts with the other tenants of the business center, as the church’s worship and bible study activities will only occur when the surrounding office uses are not in operation. In addition, all activities will take place indoors

and will not impact any of the surrounding businesses. Furthermore, due to the main operations of the church occurring during off-peak hours, the cumulative parking demand will be less than what might be expected if the church tenant space was occupied by a typical commercial, office, or industrial user with normal business hours. Exhibit B contains a table listing the anticipated number of people that will attend church services at approximately 50. Staff does not anticipate any parking issues, as there are 86 spaces within the center and the majority will be available during the church's peak hours of operation. To ensure this remains the case, Condition #2 has been included requiring the church to conform to the operations plan provided as Exhibit B.

CONCLUSION

Staff has determined that the Blue Oaks Baptist Church, based on the analysis of the operations provided above and as conditioned below, will not negatively affect existing tenants or adjacent uses. Because the hours of operation for peak activities are different from other uses in the building complex and based on the availability of parking within the center, conflict between the church and the existing uses is unlikely.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines, operation of existing private facilities.

RECOMMENDATION

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

- A. Adopt the three (3) findings of fact listed in the staff report for the CONDITIONAL USE PERMIT – 9001 FOOTHILLS BOULEVARD – NIPA PARCEL 50 – BLUE OAKS BAPTIST CHURCH – FILE# 2010PL-101 (Project # CUP-000066); and
- B. Approve the CONDITIONAL USE PERMIT – 9001 FOOTHILLS BOULEVARD – NIPA PARCEL 50 – BLUE OAKS BAPTIST CHURCH – FILE# 2010PL-101 (Project # CUP-000066) subject to the five (5) conditions below:

CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE PERMIT (CUP-000066):

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 **January 27, 2011**. 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 **January 27, 2011**. (Planning & Redevelopment)
2. The CUP shall be effectuated upon issuance of an occupancy permit by the Building Department. (Planning & Redevelopment, Building)
3. The activities and services approved in conjunction with this CUP shall be as identified in Exhibit B. (Planning & Redevelopment)
4. All activities for Blue Oaks Baptist Church shall take place inside 9001 Foothills Boulevard, Suites 130 & 140. (Planning & Redevelopment)
5. Building permit plans shall comply with all applicable code requirements (California Building Code – CBC – based on the International Building Code, California Mechanical Code – CMC – based

on the Uniform Mechanical Code, California Plumbing Code – CPC – based on the Uniform Plumbing Code, California Fire Code – CFC – based on the International Fire Code – with City of Roseville Amendments – RFC, California Electrical Code – CEC – based on the National Electrical Code, and California Energy Standards – CEC T-24 Part 6), 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)

6. The proposed change in use to a place of assembly may require the upgrade of the automatic fire alarm system depending on the final occupancy load calculated by the building official. All amendments, standards, policies and our fee scheduled can be found on the City's web site www.roseville.ca.us or contact Patrick Chew, Plan Check Engineer, at 916-774-5823 or pchew@roseville.ca.us with the Fire Prevention Division for information. (Fire)

ATTACHMENTS

1. Site Plan
2. Tech Ed Business Center Breakdown
3. Tech ED Business Center Tenant Space

EXHIBITS

- A. Floor Plan
- B. Operations Plan/Project Description

<p><u>Note to Applicant and/or Developer:</u> 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.</p>
