



**ITEM V-B:    **CONDITIONAL USE PERMIT, LOT LINE ADJUSTMENT & DESIGN REVIEW PERMIT MODIFICATION – 1020 WINDING CREEK ROAD – FOOTHILLS COMMERCE CENTER PHASE II – FILE# 2006PL-199 (PROJECT# CUP-000034, LLA-000036 & DRP-000152).****

**REQUEST**

The applicant requests approval of a Conditional Use Permit to allow outdoor storage in a Light Industrial zone district, a Lot Line Adjustment to transfer 0.75-acres of land from the property to the northeast into Phase II of the Foothills Commerce Center, and a Design Review Permit Modification to modify the site design to incorporate 47 additional parking spaces located to the east of Building E.

Applicant - Lane Borges, 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 three (3) Findings of Fact for the Conditional Use Permit;
- B. Approve the Conditional Use Permit with three (3) conditions of approval;
- C. Find the Lot Line Adjustment consistent with the criteria as discussed within this report;
- D. Approve the Lot Line Adjustment with eight (8) conditions of approval;
- E. Adopt the two (2) Findings of Fact for the Design Review Permit Modification; and
- F. 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 subject property is located a ¼ mile north of Blue Oaks Boulevard and 750 feet west of Foothills Boulevard at 1020 Winding Creek Road in the North Industrial Planning Area of the City (see Attachment 1). Several high voltage overhead electric transmission lines traverse the east portion of the site as shown in Exhibit A. Union Pacific Railroad (UPRR) tracks are also located to the east of the site, in addition to a seasonal wetland feature at the southeast corner of the site. The seasonal wetland will not be impacted with this project.

On August 30, 2000 the Planning Commission approved a Design Review Permit and Subdivision Map allowing the construction of Phase I of the Foothills Commerce Center, and on August 16, 2001 the Design Committee approved the development of Phase II of the center. Both phases of the project have been designed to function with reciprocal access, parking, drainage and utilities.

The requested Conditional Use Permit is to allow outdoor storage in the Light Industrial zone district. The proposed storage area will be approximately 15,000 square feet and will be utilized for storage of materials and equipment associated with future businesses in Building E. The applicant also requests

approval of a Lot Line Adjustment to transfer 0.75 acres from Phase III of the Foothills Commerce Center to Phase II (see Exhibit A). This area will be utilized for the proposed outdoor storage yard and the construction of 47 additional parking spaces. Approval of a Design Review Permit Modification is necessary to alter the previously approved site plan.

The applicant is proposing the storage yard on a speculative basis to meet the anticipated industrial user demand. This demand has been proven for other businesses located within the Foothills Commerce Center such as Johnson Controls (for HVAC equipment/truck storage), Independent Electric Supply (for electric materials/supplies storage) and Master Tile (granite slab storage). The project proponents are requesting an outdoor storage yard to accommodate the anticipated need of future tenants.

**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 Conditional Use Permit, the proposed outdoor storage 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 Conditional Use Permit (CUP). An analysis of the request for outdoor storage 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 a use conditionally permitted by the Zoning Ordinance, the 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 relating to parking, driveways, setbacks and height limitations. In addition, 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 Light Industrial zone allows for outdoor storage yards upon approval of a CUP. The CUP allows the Commission to condition the project to assure compatibility with surrounding land uses. 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 yard will be visible from Winding Creek Way and surrounding business owners, but as discussed in the Design Review Permit Modification evaluated below, the contents of the yard will be adequately screened through an eight-foot tall chain link fence with slats and a five-foot wide landscape planter adjacent to east side of the storage yard. As the site is surrounded by other light industrial uses (no sensitive receptors), noise impacts from equipment moving material within the yard is not expected to result in significant impacts. Staff concludes that the project is consistent with the Zoning Ordinance and the Community Design Guidelines.

**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 approximately 15,000 square-foot storage yard will be used to store outdoor materials and equipment associated with tenants in Building E and will be accessed through a gate on the north side of the yard. The yard is not immediately adjacent to Building E, however, the proposed location was determined to be the most appropriate location to minimize disruption of the site circulation. Uses surrounding the site are predominantly light industrial in nature and are not expected to be adversely affected by the construction or operation of the storage yard. Because the specific uses that will occupy Building E have not been identified, the specific materials that will be stored in this area are unknown. However, the subject CUP does not allow storage of hazardous materials; a separate CUP would be required should future tenants need to store hazardous materials. In addition, staff recommends Condition #3 to restrict the height of stored materials to ten feet to ensure that the proposed fence and landscaping provide adequate screening.

Based on the analysis presented above, staff finds that the proposed use will not be detrimental to the health, safety, or welfare of persons residing or working in the area or be detrimental to public or private property or improvements.

**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.

**LOT LINE ADJUSTMENT**

The Subdivision Ordinance does not list any required findings for a Lot Line Adjustment. However, Lot Line Adjustments must comply with the criteria listed below, which are followed by a discussion of each criterion as it relates to the proposed project.

### **1. Compliance with the Zoning Ordinance for the District in which it is located.**

The project is located within the Light Industrial (M1) zone. There are no specific lot sizes for the M1 zone. The site plan prepared for Foothills Commerce II (see Exhibit A) illustrates that the proposed parcel is of adequate size and configuration to support the proposed development. The proposed Lot Line Adjustment will not result in inconsistencies with the Zoning Ordinance.

### **2. Compliance with Local Building Regulations**

The Uniform Building Code establishes building regulations based upon the type of construction, the use of a building, and a building's proximity to other buildings and property lines. There are no buildings, either existing or proposed, that would conflict with the proposed lot line. Therefore, the Lot Line Adjustment complies with the local building regulations.

### **3. Provisions for relocation of existing infrastructure or easements.**

The Planning and Redevelopment Department has forwarded this proposal to various City Departments and utilities for review and comment. To date, staff has not received any comments related to infrastructure or easements. The Lot Line Adjustment will not affect any existing or result in a need for any new infrastructure or easements, and therefore complies with this criterion.

### **4. Compliance with the City of Roseville General Plan, applicable specific plan, Roseville Municipal Code and Subdivision Ordinance.**

The subject property has a General Plan Land Use designation of Light Industrial (LI). The purpose of the Light Industrial land use designation is to accommodate a range of activities including manufacturing, processing, assembly, and storage uses. The proposed lot line adjustment is consistent with the General Plan land use designation of LI. The subject property is not part of any specific plan. Furthermore, the Planning and Redevelopment Department concludes that the proposed Lot Line Adjustment is in compliance with Roseville Municipal Code and Subdivision Ordinance.

### **Lot Line Adjustment Conclusion**

The proposed Lot Line Adjustment is consistent with the applicable criteria outlined by the City's Subdivision Ordinance. Approval of the Lot Line Adjustment will increase the size of the subject property and locate the northern property line perpendicular to Winding Creek Road. Staff has not identified any issues relative to the request and recommends its approval.

### **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.

**Site Design:** The proposed changes to the parking field will not alter the existing site access or building layouts. However, the proposed modifications will include the construction of landscape planters and curb and gutter improvements (more detail is provided below). With the construction of the landscape planters and reconfiguration of the parking lot, minimal changes to the circulation pattern will occur as compared and contrasted in Attachment 3 and Exhibit A. 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:** The applicant proposes to modify the site design to add 47 parking spaces. The additional spaces are proposed to accommodate a higher percentage of office use for the overall center than previously anticipated. The proposed modifications to the parking field will include the addition of 39 standard parking spaces and eight compact parking spaces located to the east of Building E. With the inclusion of additional parking spaces, the percentage of compact to standard stalls will not exceed the allowed maximum.

**Landscaping:** The proposed site modifications will result in the addition of 1,140 square feet of landscaping. The Community Design Guidelines require 50% of the parking lot paved area to be shaded. As mentioned above, there are several high voltage overhead electric transmission lines that traverse the east end of the site. As such, tree plantings within the power line easements are subject to height restrictions. Due to these restrictions, the percentage of parking lot shading has been reduced to 47%.

However, staff recommends Condition #4 requiring approximately twenty standard stalls be replaced with compact stalls in order to provide space for additional shade trees. The changes to the parking lot will result in a total of 80 compact stalls, which is consistent with the Community Design Guidelines. With the incorporation of the compact stalls, additional landscape planters can be incorporated into the site design to provide additional shade trees. Staff will work with the applicant during plan check to ensure the additional landscaping is incorporated into the site design.

Additionally, to ensure the storage yard is screened from the nearby industrial buildings to the east staff recommends Condition #5. Condition #5 requires the inclusion of six Purple Leaf Plum trees and associated groundcover along the eastern perimeter of the storage yard. Staff is confident that the combination of fencing and landscaping will adequately screen the storage yard. As conditioned, staff finds the proposed landscaping sufficient for the project, and supports the proposed Landscape Plan as shown in Exhibit B.

## **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 Commission adopted a Negative Declaration for the Foothills Commerce Center on August 31, 2000. The Initial Study/Negative Declaration assumed development of the subject site including the construction of Building E totaling 20,619 square feet and associated improvements (i.e. parking lot improvements, lighting, and landscaping). The proposed modifications to the parking lot layout do not change the conclusions of, and are consistent with, the previous environmental document adopted for the project. In addition, the proposed Conditional Use Permit and Lot Line Adjustment are

exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and 15305 respectively. No further environmental analysis is necessary.

**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 – 1020 WINDING CREEK ROAD – PROJECT# 2006PL-199 (FILE # CUP-000034);
- B. Approve the CONDITIONAL USE PERMIT – 1020 WINDING CREEK ROAD – PROJECT# 2006PL-199 (FILE # CUP-000034) with the three (3) conditions listed below;
- C. Find the LOT LINE ADJUSTMENT – 1020 WINDING CREEK ROAD – PROJECT# 2006PL-199 (FILE # LLA-000036) consistent with the criteria identified in the staff report;
- D. Approve the LOT LINE ADJUSTMENT – 1020 WINDING CREEK ROAD – PROJECT# 2006PL-199 (FILE # LLA-000036) with the eight (8) conditions listed below;
- E. Adopt the two findings of fact as stated in the staff report for approval of the DESIGN REVIEW PERMIT MODIFICATION – 1020 WINDING CREEK ROAD – PROJECT# 2006PL-199 (FILE # DRP-000152); and
- F. Approve the DESIGN REVIEW PERMIT MODIFICATION – 1020 WINDING CREEK ROAD – PROJECT# 2006PL-199 (FILE # DRO-000152) with the six (6) conditions listed below.

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP-000034)**

- 1. The CUP will be effectuated upon the effectuation of DRP-000152, and shall expire concurrent with DRP-000152. (Planning & Redevelopment)
- 2. The storage yard shall be limited to 15,000 square feet, as shown in Exhibit A. (Planning & Redevelopment)
- 3. Materials stored within the yard shall not exceed ten (10) feet in height. Furthermore, the storage of hazardous materials is not approved with this request, and will require approval of a subsequent CUP. (Planning & Redevelopment)

**CONDITIONS OF APPROVAL FOR LOT LINE ADJUSTMENT (LLA-000036)**

- 1. The Lot Line Adjustment is approved as shown in Exhibit A, subject to the following conditions. (Engineering, Planning & Redevelopment)
- 2. The following shall be submitted to Engineering prior to recordation of the lot line adjustment:
  - a. Two copies of property boundary description with exhibit map (8.5" x 11" sheet), and one copy of boundary closure calculations for resulting lots. These items shall be stamped and signed by a California Licensed Land Surveyor or Registered Civil Engineer authorized to practice land surveying.
  - b. One copy of the Conditions of Approval.
  - c. A completed Property Owner Consent Form.

- d. Deed to convey interest in the property.
  - e. Preliminary title report no older than six months for all properties involved. (Engineering)
3. If surveying monuments are placed as a result of this Property Line Adjustment, it will be the responsibility of the Surveyor to record a Record of Survey with the County Recorders Office. (Engineering)
  4. All existing easements shall be maintained, unless otherwise provided for in these conditions. (Environmental Utilities, Electric, Engineering)
  5. The applicant shall submit to the Engineering Division of Public Works a paper copy and an electronic copy of the recorded lot line adjustment per the “Digital Submittal of Cadastral Surveys”. (Environmental Utilities)
  6. Any relocation, rearrangement, or change to existing City facilities due to this Lot Line Adjustment shall be paid for by the applicant. (Engineering, Environmental Utilities, Electric)
  7. All existing buildings shall conform to Table 5A of the Uniform Building Code (UBC) with regard to the minimum distance to the property line. (Building)
  8. Any structures crossing the adjusted Lot/Parcel lines shall be removed prior to recordation of the Lot Line Adjustment documents. (Engineering)

#### **CONDITIONS OF APPROVAL FOR DESIGN REVIEW PERMIT MODIFICATION (DRP-000152)**

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 **January 11, 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 **January 11, 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)
3. Project is approved as shown in Exhibits A & B and as conditioned or modified below. (Planning & Redevelopment)
4. The project proponents shall replace approximately twenty (20) standard stalls with (20) compact stalls to provide space for additional planters. The planter areas shall match the design of parking lot and consist of Purple Leaf Plum trees with associated ground cover. (Planning & Redevelopment)
5. Six Purple Leaf Plum trees and other ground cover shall be planted adjacent to the eastern boundary of the storage yard to the satisfaction of the Planning and Redevelopment Department. (Planning & Redevelopment)
6. All landscaping in areas containing electrical service equipment shall conform to the Electric Department’s Landscape Requirements and Work Clearances as outlined in Section 10.00 of the Departments “Specification for Commercial Construction.” (Electric)

#### **ATTACHMENTS**

1. Vicinity Map
2. Original Conditions of Approval
3. Original Site Plan

4. Original Landscape Plan

**EXHIBIT**

- A. Site Plan
- B. Landscape 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.