

PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING APRIL 24, 2008

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ITEM V-A: COMPREHENSIVE ZONING ORDINANCE UPDATE – FILE# 2007PL-195 (PROJECT# OA-000013)

REQUEST

Planning and Redevelopment staff proposes modifications to the Zoning Ordinance that include administrative updates, the correction of errors and typos, clarification of intent, and modifications to the document format to ensure consistency. Other proposed modifications include new text to reflect State and case law, repealing Section 19.62 (Sole Source Pharmacy) and modifications to Sections 19.22 (Accessory Structures), 19.42 (Home Occupations), 19.47 (Large Family Daycares) and 19.95 (Definitions).

Applicant: City of Roseville, Planning & Redevelopment Department

SUMMARY RECOMMENDATION

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

- A. Recommend that the City Council adopt the Negative Declaration, and
- B. Recommend that the City Council adopt the Zoning Ordinance Amendment.

SUMMARY OF PREVIOUS DISCUSSION - APRIL 10, 2008 - PLANNING COMMISSION

At the Planning Commission meeting of April 10, 2008 staff presented follow up information that pertained to the Parking Lot Workshop held on February 28, 2008 and presented information regarding the modifications to the Zoning Ordinance that proposed new regulations or would change existing policy. Discussion occurred regarding approved parking reductions, increasing the width of compact parking stalls from 8 feet to 9 feet, reducing the maximum allowed percentage of compact parking stalls in retail centers, and reducing the amount of parking required for banks and financial institutions. The Planning Commission provided staff with the following direction:

- Increase the minimum compact stall width from 8 feet to 9 feet,
- Make no change to the maximum percentage of compact stalls allowed,
- Require that all parking reductions involving restaurant uses be forwarded to the Planning Commission for review and action, and
- Reduce the parking ratio for banks and financial institutions from 1 space per 150 square feet to 1 space per 250 square feet, plus one additional dedicated stall for each ATM machine.

Additionally, testimony was given during the public hearing that illustrated a potential inconsistency between modifications to Section 19.08.090, "Eating and Drinking Establishments" and "Nightclubs". Staff's intention was to differentiate between music that is provided in a restaurant for ambiance; music that is accessory and incidental to the restaurant use; and music that is provided in a nightclub. Staff has amended the modifications to eliminate any inconsistency. A brief description and analysis of the previously mentioned modifications is provided in the Discussion section below.

DISCUSSION

Section 19.08.090(L) – Eating and Drinking Establishments: The language that defines Eating and Drinking Establishments has been modified to allow live or recorded amplified music and any associated dance floor area *if accessory and incidental* to the primary restaurant use. The intention is to allow private banquets and wedding receptions, jazz trios, etc. The revised language is intended to clearly differentiate between restaurants and nightclubs (Exhibit A, page 25).

Chapter 19.26 – Off-Street Parking and Loading

Banks and Financial Institutions: The Planning Commission directed staff to modify the parking ratio for banks and financial intuitions to decrease the amount of required parking. The current standard is 1 space per 150 square feet. The Commission agreed that a ratio of 1 space per 250 square feet, plus one additional space per ATM machine, is appropriate. Table 1 is provided below to show how much parking would be required for three different sized banks under both the current and proposed regulations.

	Square feet	Current Ratio 1:150	Proposed Ratio 1:250, plus 1 space per ATM
Bank A	1,500 sf, plus 1	40	7
	ATM	10	/
Bank B	3,500 sf, plus 2		
	ATM's	23	16
Bank C	5,000 sf, plus 2	33	22

Table 1 - Bank Parking

As shown in Table 1, the proposed parking ratio averages about a one-third reduction in parking from the current parking ratio.

The Commission also requested that parking spaces required for ATM machines be reserved (clearly marked) for the exclusive use of persons using the ATM machines. The Commission stated that stalls for the exclusive use of ATM patrons would increase the safety of ATM patrons. In response to the concerns expressed by the Commission, staff has analyzed requiring reserved ATM stalls and has the following concerns:

- 1. Section 19.26.020(D)(3) of the Zoning Ordinance specifically prohibits "reserved" and/or timed parking. Reserved and timed stalls are prohibited for several reasons:
 - A parking supply that is shared by all users is the most efficien use of the spaces provided and of the circulation of a parking lot.
 - The current regulations require that any disputes about reserved parking be a tenant/landlord issue.
 - The current regulations ensure that the City is not involved in the management or mediation of the distribution or location of such stalls. They also protect the City from involvement in the enforcement or dispute resolution of a private matter.
 - The design of parking lot would be negatively affected if each use's parking spaces had to be located adjacent to the use's storefront.
 - The situation where reserved parking was allowed was through approval of a Parking Management Plan.

Staff believes that requiring the additional parking space per ATM machine is appropriate but does not believe that requiring those spaces to be reserved is allowed by the zoning ordinance and is therefore not enforceable.

2. To address the safety concern expressed by the Commission staff contacted the Police Department and conducted the following research on ATM safety. The Police Department confirmed that there had been no reports of robberies or thefts at any ATM machines in the City. Additionally, State law requires cameras at ATM machines and has minimum lighting requirements of 10 foot candles within 15 feet of any ATM machine and 2 foot candles within 50 feet of the 15 foot buffer. The time when safety would be of greater concern would late in the evening at which time the associated bank would be closed and, in most centers, the spaces closest to the ATM would be available for ATM use. In busier centers, the most convenient spaces to the ATM may be occupied but the increased foot and vehicle traffic would provide an additional level of security.

Staff agrees that each ATM machine should require an additional parking space be provided, but for the reasons listed above staff has not incorporated any language requiring "reserved" ATM parking at this time.

Compact Parking Spaces: The Planning Commission directed staff to increase the minimum width of a compact parking stall from 8 feet to 9 feet. That modification has been incorporated into Exhibit A (p. 87). The Commission also directed that all existing compact stalls be grandfathered in, but that when a project increases the required parking that they comply with the new 9 foot dimension. Using the Commission's direction as a guideline staff will address the re-striping/widening of existing compact stalls through the permit process when a permit requirement is triggered by the proposed modification.

Parking Reductions: The Planning Commission directed staff to forward applications for parking reductions that involve restaurant uses to the Commission for review and action. Staff has incorporated additional language into Section 19.26.030(C) (Exhibit A, page 87) which stipulated that the Approving Authority for parking reductions for restaurant uses shall be the Planning Commission.

ENVIRONMENTAL DETERMINATION

An Initial Study and Negative Declaration were prepared in accordance with the provisions of the CEQA Guidelines as the environmental document for this project (Exhibit B). The Initial Study and Negative Declaration were posted for a 20-day public review and comment period, from March 21, 2008 through April 10, 2008. No comments have been received to date.

RECOMMENDATIONS

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

- A. Recommend that the City Council adopt the Negative Declaration, and
- B. Recommend that the City Council adopt the Zoning Ordinance Amendment.

EXHIBITS

- A. Draft of revised Zoning Ordinance Amendment (redline/strike-out) and matrix of changes
- B. Negative Declaration for 2007PL-195, OA-000013

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.