



**ITEM V-B:    **CONDITIONAL USE PERMIT – 1021 JUNCTION BOULEVARD – NWRSP PCL 39 – H&L TOWING IMPOUND YARD – FILE # 2011PL-029 (CUP-000069)****

**REQUEST**

The applicant requests approval of a Conditional Use Permit to operate a vehicle towing impound yard within a Light Industrial (M1) zone district. All storage of automobiles and business operations will take place within an existing building in the Roseville Business Park.

Property Owner: Melissa Chapman, Roseville Business Park  
Project Applicant: Dain Lyon, H&L Towing and Recovery

**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 five (5) 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.

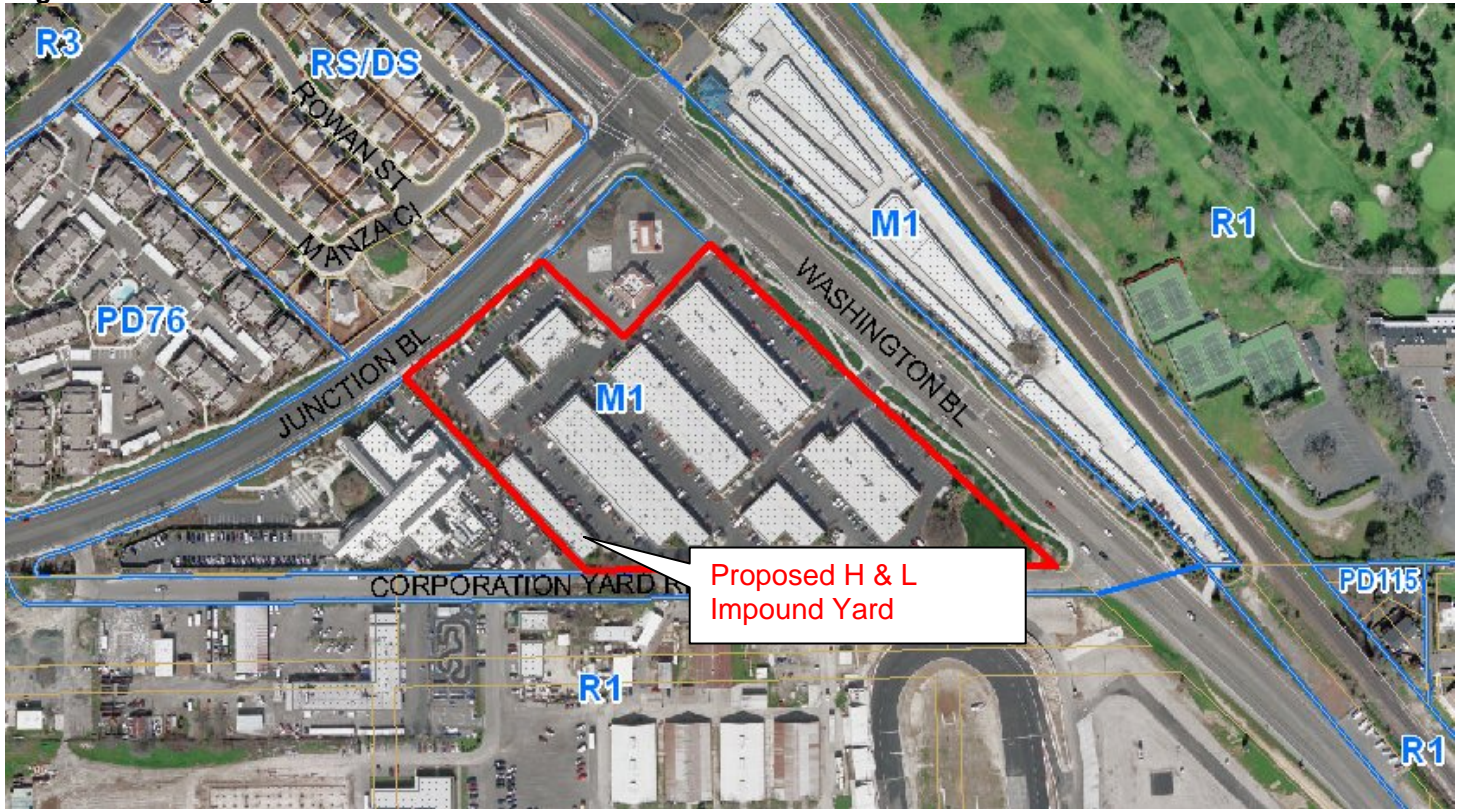
**BACKGROUND**

The project site is located near the corner of Washington Boulevard and Junction Boulevard within the Northwest Roseville Specific Plan Area of the City (see Figure 1). The property is zoned Light Industrial (M1) and has a land use designation of Community Commercial (CC). Adjacent uses include Junction Boulevard and residential uses to the north, Washington Boulevard and a personal storage facility to the east, the Roseville Police Department to the west and the Placer County Fairgrounds to the south.

On February 5, 1998 the Design Committee approved a Design Review Permit (DRP 97-49) and Tree Permit (TP 97-57) to construct seven mixed-use commercial/industrial buildings totaling 131,866 square-feet, with associated improvements. The site is now fully constructed.

The current request is for a Conditional Use Permit (CUP) to allow a vehicle impound yard within the project. All storage of automobiles and business operations will take place within the existing building. The proposed Impound Yard would be located in a vacant tenant space within the Roseville Business Park, totaling 3,400 square feet and will house an office, stored vehicles, and related operations (see Exhibit B).

Figure 1: Zoning and Land Use



## **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 Community Commercial (CC). The CC land use designation is typically intended to provide for retail stores and businesses selling a full range of goods and services. Secondary uses include professional office uses, including medical offices and clinics. The Roseville Business Park was designed as a mixed use project with retail storefront buildings along Washington and Junction Boulevard, with office and light industrial buildings behind the retail buildings.

Impound Yards are not considered a primary or secondary use in the CC land use designation, however Light Industrial land uses are listed as conditionally compatible with the Community Commercial district. 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, Impound Yard uses have been determined to be consistent with the General Plan.

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 CC land use designation. As a use

conditionally permitted by the Zoning Ordinance, the proposed towing impound yard is consistent with the CC land use designation.

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

The Zoning Ordinance does not contain development standards specific to impound yards, but does contain standards for required parking spaces and building height. The facility will utilize an existing industrial building, with no new buildings or structures proposed. As was mentioned above, the project was originally designed with a mix of retail, office, and industrial uses in mind. The complex was designed to provide parking at 1 space per 250 square feet of retail and office area and 1 space per 1000 square feet of warehouse area. Each building was anticipated to have approximately 10% of office space in addition to warehouse uses. The Zoning Ordinance requires Impound Yards to provide 1 parking space per 250 square feet of office, and 1 additional space for each company vehicle. H & L Towing will have approximately 700 square feet of office area and 3 company vehicles. This will generate a need for 5 parking spaces. If the space were a typical contractor or warehouse tenant with 10% of office it would have a parking requirement of 4 spaces. Given the fact that the center has a reciprocal parking agreement in place and provides shared parking for all tenants within the center, Staff does not anticipate parking impacts on neighboring businesses. The operator has stated that during normal business hours the company vehicles will not be parked at the Impound Yard. The Tow Truck operators would typically be out in the field assisting customers, or at home. There will typically be two staff members of H & L Towing at the business during most times of the day. One will be a dispatcher and the other would be the owner of the business.

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 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 Zoning Ordinance requires a CUP for operation of a vehicle towing impound yard in an 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. Each of these items is discussed below.

**Visibility:** The proposed towing yard will be operated totally within an existing building. There maybe occasional times when an automobile is parked outside while the operator is making space for an impounded vehicle, but these occasions will be rare. Staff has added condition #4, which requires all storage to be indoors.

**Noise Impacts:** The site is surrounded by other light industrial properties and uses, Placer County Fairgrounds and the Police Department. 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. Office 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 rollup doors on the front of the building. As such, the impacts to the adjacent properties will be minimal.

**Vehicle Maintenance/Fluid Leaks:** The operation of the proposed facility may include minor ancillary repair work to vehicles stored at the site, as well as company tow vehicles. Automotive Repair is a permitted use in a M1 zone district. However, 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 building as a measure to prevent spills from entering the storm drain system, should there be a fluid leak or spillage. The City's Environmental Utilities Department has reviewed the project and has provided conditions of approval to ensure fluid leaks do not enter the City's storm drain or sewer systems.

**Operational Restrictions:** Staff recommends operational conditions (Condition Nos. 4 & 5) in order to minimize the potential for noise affecting nearby businesses 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. All Valley Towing, 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. All impounding of vehicles will occur within an existing light industrial building, and impacts to surrounding business are expected to be typical of other industrial uses that surround the tenant space. In addition a sufficient number of parking spaces exist to provide parking for the facility, and no additional parking impacts are anticipated.

### **ENVIRONMENTAL DETERMINATION**

The application is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 pertaining to existing facilities and pursuant to Section 305 of 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 (3) findings of fact listed in the staff report for the CONDITIONAL USE PERMIT – 1021 JUNCTION BOULEVARD – NWRSP PCL 39 H&L TOWING IMPOUND YARD — FILE# 2011PL-029 (Project # CUP-000069); and
- B. Approve the CONDITIONAL USE PERMIT – 1021 JUNCTION BOULEVARD – NWRSP PCL 39 H&L TOWING IMPOUND YARD — FILE# 2011PL-029 (Project # CUP-000069) subject to the five (5) conditions below.

### **CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE PERMIT (CUP-000069):**

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 **April 14, 2013**. 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 **April 14, 2013**. (Planning & Redevelopment)

2. The CUP shall be effectuated upon issuance of an occupancy permit by the Building Department. (Planning & Redevelopment, Building)
3. 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)
4. The activities and services approved in conjunction with this CUP shall be as identified in Exhibit B. No outdoor storage of vehicles or equipment is allowed. (Planning & Redevelopment)
5. The applicant shall use methods such as drip pans and a dry sweep system to prevent fluids or other chemicals from entering the storm drain system or sewer system. Vehicles with known fluid leakage shall use drip pans and a dry sweep system to prevent leaks from entering the sewer system or storm drain system. (Environmental Utilities & Planning & Redevelopment)

## **EXHIBITS**

- A. Site Plan
- B. Project Description

**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.