

PLANNING DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING

October 27, 2011

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ITEM IV-B: CONDITIONAL USE PERMIT & ADMINISTRATIVE PERMIT – 1020 SUNDOWN WAY – RHEMA CHRISTIAN CENTER – FILE #2011PL-073 (CUP-000073 & AP-000389)

REQUEST

The applicant requests approval of a Conditional Use Permit to allow a community assembly use in a Planned Development zone (PD 35) and an Administrative Permit for a reduction in required parking.

Applicant – Gary Johns, RHEMA Christian Center Property Owner – Bart Codiga, CV-CA Properties II LLC

SUMMARY RECOMMENDATION

The Planning 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 subject to five (5) conditions of approval;
- C. Adopt the two (2) findings of fact for the Administrative Permit; and
- D. Approve the Administrative Permit subject to one (1) condition 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 near the corner of Sundown Way and Sunrise Avenue within the Infill area of the City of Roseville and is zoned Planned Development (for office/commercial use) with a land use designation of Business Professional (BP). The site totals 4.5 acres and is surrounded by open space to the north and west, an office building to the east, and apartment complexes to the south. The site is fully developed with a 25,000 square foot office building consisting of six tenant spaces that are approximately 75 percent leased.

The current request is for a Conditional Use Permit (CUP) to allow a community assembly use (RHEMA Christian Center) to locate in the existing building. The proposed church will be located in a 2,700 square foot vacant tenant space and will house a main sanctuary, two offices, two classrooms, and restrooms (see Exhibit B). In addition to the applicant's request for a CUP, an Administrative Permit (AP) is also requested to allow a parking reduction for shared parking. The AP is required to address the higher parking requirement associated with the community assembly use as opposed to the office/commercial uses originally assumed for the subject tenant space.



EVALUATION

The evaluation section of this report includes an analysis of each of the requested entitlements. Each of the entitlements is analyzed for consistency with the goals and policies of the applicable regulations (i.e. the General Plan and the Zoning Ordinance). Analysis is provided for the Conditional Use Permit first, and is followed by review of the Administrative Permit for a parking reduction.

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. An analysis of the requested community assembly use 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 Business Professional (BP). The BP land use designation is intended to provide for administrative, professional, government and medical office uses. Hospitals and clinics may also locate in this land use designation. Secondary uses include limited service commercial uses (i.e. banks, restaurants, day care centers, travel agencies, and florists) where they would minimize vehicle travel for convenience trips, but only as secondary uses in proximity to larger business parks and office complexes.

While the General Plan does not specifically list community assembly as a primary or secondary use anticipated in the BP land use category, the space needs and operational characteristics of the proposed church (as described in Exhibit A) are similar to, and compatible with, the anticipated uses allowed within the BP land use designation. In addition, the city has approved other community assembly uses in similar settings and zone districts. Where there is the potential for conflict between uses, the General Plan relies on the Zoning Ordinance through the CUP process to evaluate the appropriateness of a use. As described in Exhibit A and conditioned, the operation of the RHEMA Christian Center is consistent with the BP land use designation.

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

The property is zoned Planned Development for professional offices and commercial uses. However, the ordinance zoning the site (Ordinance # 1215) does not specifically address the permitted uses allowed within this zone. As such, because the PD zone contemplated development of the site with commercial/professional office uses and has a Land Use Designation of BP, the Planning Department has determined that this PD zone is most similar to the BP zoning district and will rely on the permitted uses outlined within the Zoning Ordinance.

Chapter 19.14 of the Roseville Zoning Ordinance identifies that community assembly uses are conditionally permitted within the BP zone. Conditional Use Permits are used to address potential incompatibilities between land uses. The standards and requirements of the Zoning Ordinance are used to evaluate the appropriateness of a use or uses. For Community Assembly uses, the Zoning Ordinance does not establish any specific development standards except for parking requirements. Therefore, the following evaluation will focus on the parking situation of the RHEMA Christian Center locating at 1020 Sundown Way.

The project site is a 25,000 square foot building that was designed for office uses and provided 100 parking spaces according to the parking requirements at that time (presently 90 spaces would be required based on the net square footage of the building). The site currently consists of a mix of uses that cumulatively have a higher parking requirement than anticipated, which has resulted in the center having fewer spaces available for future tenants than previously expected. As such, with the addition of the RHEMA Christian Center, which requires 28 spaces, the site will be under parked by 22 spaces and an Administrative Permit for a parking reduction will be required. Staff believes that a parking reduction can be supported due to the after hour (off-peak) nature of the activities proposed by the RHEMA Christian Center. This issue is discussed in greater detail in the Administrative Permit analysis section of this report. With approval of the AP for the parking reduction, the proposed use will comply with Zoning Ordinance requirements.

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 at 1020 Sundown Way have conventional hours of operation and are open Monday through Friday and typically close by 6:00 pm. As noted in Exhibit A, 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 9:30 am to 2:00 pm; Sunday Evening Services from 6:00 pm to 8:30 pm; Wednesday Prayer Services from 12:00 pm to 1:00 pm; Weekday Evening Services (Wednesday and Thursday) from 6:00 pm to 9:00 pm; and occasional Saturday events.

The operations of the RHEMA Christian Center minimizes potential conflicts with the other tenants of the business center, as the church's activities will primarily occur when the surrounding businesses 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 or office user with normal business hours. The CUP includes a condition (Condition #3) that requires the RHEMA Christian Center to conform to the operations plan provided. With the conditions of the CUP staff believes the findings for approval can be met.

Conditional Use Permit Conclusion

Staff has determined that the RHEMA Christian Center, based on the analysis provided above and as conditioned below, will be compatible with the existing uses and will not conflict with persons residing or working in the area. Because the hours of operation are different from other uses in the building complex and activities will be contained within the tenant space, staff does not anticipate any conflict between the church and the existing uses.

ADMINISTRATIVE PERMIT

The project site is a 25,000 square foot office/commercial building consisting of six tenant spaces (four of which are occupied) with a specialty school, a personal service use, and two commercial offices with standard business hours ranging from 6:00 am to 6:00 pm. The site is developed with 100 parking spaces, and based on the current tenant mix the site has a parking requirement of 94 (see Exhibit C). With the addition of the RHEMA Christian Center locating in a 2,780 square foot tenant space an additional 28 parking spaces will be required (based on a parking requirement of one space per 50 square feet of assembly area plus one space per classroom). Accordingly, due to the 1,178 square feet of assembly area and four classrooms, a total of 122 spaces will be required for the site, resulting in a 22 space shortfall.

Section 19.26.030.C.2 of the Roseville Zoning Ordinance provides for parking reductions for shared parking (i.e. in association with a building complex). An applicant can apply for an AP to permit shared parking where they believe the hours of operation for different tenants may differ to effectively allow for dual use of parking within the center. In order to approve the AP, the Planning Commission must make the following findings.

1. A sufficient number of spaces are provided to meet the greatest parking demand of the participating uses.

Based on the parking requirement for the space, a maximum of 28 parking spaces will be utilized at peak times, and as discussed in the CUP analysis, the peak times of the church will not coincide with the peak hours of operation for the existing tenants. Staff does not anticipate any parking issues, as there will be sufficient parking available in the center due to the existing tenants having conventional hours of operation and the RHEMA Christian center's highest parking demand being on Sundays and evenings, when the surrounding businesses are closed and the majority of the parking spaces within the center will be vacant.

2. Satisfactory evidence is provided describing the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential conflict between them.

The main hours of operation for the church, which have been identified in the CUP analysis and in Exhibit A, include services primarily on Wednesday and Thursday evenings, and on Sundays. The adjacent tenants all have conventional hours of operation and based on the list of permitted uses in the BP zone, future tenants would likely have similar hours of operation. Since the hours of operation for the church are substantially different from the current tenants, the Planning Department does not foresee any significant parking conflicts between uses at this location.

3. Overflow parking will not impact any adjacent use.

Staff does not anticipate an overflow parking problem for the site. However, should the RHEMA Christian center need more than the 28 parking spaces required for the use, it will be at times when all 100 spaces will likely be available. In addition, on street parking is not available in the vicinity of the project and there are no residences or other sensitive uses that are in proximity to the project which could be negatively affected by overflow parking. The subject site does have direct access to the

surrounding parcels to the east; however, the businesses adjacent to the site are commercial offices with standard business hours and are not anticipated to be impacted by overflow parking, as on-site parking will be adequate and would be more convenient for patrons.

4. Additional documents, covenants, deed restrictions, or other agreements as may be deemed necessary by the Planning Director are executed to assure that the required parking spaces are maintained and uses with similar hours and parking requirements as those uses sharing the parking facilities remain for the life of the project.

No additional documents or agreements are necessary.

Administrative Permit Conclusion

The landlord has reviewed and agreed to allow the RHEMA Christian Center to utilize parking for the center when other businesses are closed. Staff concludes that the parking provided will satisfy the demand for parking generated by the proposed use due to varying hours of operation of the existing tenants and the proposed church. As such, the number of parking stalls provided is sufficient to meet the parking demand of the proposed church and the four criteria for approval of the parking reduction for shared parking are satisfied.

OTHER ISSUES

The existing building/tenant space was not constructed for an assembly type occupancy. Therefore, improvements to the interior of the building will be necessary per Condition #4.

ENVIRONMENTAL DETERMINATION

This application is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines pertaining to alterations to existing facilities, and pursuant to Section 305 of the Roseville CEQA Implementing Procedures.

RECOMMENDATION

The Planning Department recommends the Planning Commission take the following actions:

- A. Adopt the three findings of fact as stated in the staff report for the CONDITIONAL USE PERMIT
 – 1020 SUNDOWN WAY, RHEMA CHRISTIAN CENTER FILE# CUP-000073;
- B. Approve the CONDITIONAL USE PERMIT 1020 SUNDOWN WAY, RHEMA CHRISTIAN CENTER FILE# CUP-000073 subject to the four (4) conditions listed below;
- C. Adopt the four findings of fact as stated in the staff report for the ADMINISTRATIVE PERMIT 1020 SUNDOWN WAY, RHEMA CHRISTIAN CENTER – FILE# AP-000389; and
- D. Approve the ADMINISTRATIVE PERMIT 1020 SUNDOWN WAY, RHEMA CHRISTIAN CENTER FILE# AP-000389 subject to the one (1) condition listed below.

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT CUP-000073

- 1. The CUP shall be effectuated upon issuance of an occupancy permit by the Building Department. (Planning, Building)
- 2. Associated RHEMA Christian Center functions shall be operated in a manner consistent with the operations plan provided as Exhibit A. (Planning)

- 3. All activities for the RHEMA Christian Center shall take place inside 1020 Sundown Way, Unit 140. (Planning)
- 4. Tenant improvement plans shall comply with all applicable code requirements (Uniform Building Code UBC, Uniform Mechanical Code UMC, Uniform Plumbing Code UPC, Uniform Fire Codes UFC and National Electrical Code NEC), 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)

CONDITIONS OF APPROVAL FOR ADMINISTRATIVE PERMIT AP-000389

1. The Administrative Permit is approved for the RHEMA Christian Center only and shall be effectuated upon effectuation of CUP-000073. (Planning)

EXHIBITS

- A. Operations Plan
- B. Floor Plan
- C. Site Plan/Existing Tenants

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.