

ITEM V-A: ADMINISTRATIVE PERMIT – 9000 WOODCREEK OAKS BL – NRSP PCL M-31 – TEMPORARY CONSTRUCTION YARD EXTENSION – FILE #2010PL-008 (PROJECT # AP-000450)

REQUEST

The applicant requests approval of an Administrative Permit to continue to operate an existing temporary construction yard for an additional year.

Applicant/Property Owner: Steve Schnable, JMC Homes

SUMMARY RECOMMENDATION

The Planning Department has provided two actions for the Commission to consider. The actions are summarized below:

- A. Adopt the 3 findings of fact, and approve the Administrative Permit until December 31, 2014.
- B. Deny the Administrative Permit and require the applicant to remove the structures on the property within a reasonable amount of time (i.e. 30 days).

SUMMARY OF OUTSTANDING ISSUES

Staff has sought to find a compromise between the applicant, who for business purposes wishes to continue using the site for a one year period, and residents who have concerns about the appearance and the extended period of time the construction yard has been located at the site. Since the permit expired in July of 2013, the applicant has been searching for alternative locations for their construction yard. JMC Homes has stated that their desire is to locate the yard within the new Sierra Vista Specific Plan (SVSP) area. Unfortunately, the wetland permits for the SVSP area have not been approved by the Army Corps of Engineers and United States Fish and Wildlife Service. Therefore, the applicant cannot begin construction within the SVSP and we have been unable to find a solution that satisfies both parties.

BACKGROUND

The subject site is located at 9000 Woodcreek Oaks Boulevard. The temporary construction yard is approximately 13,000 square feet and is located within the North Roseville Specific Plan (NRSP). The site is zoned Community Commercial and is adjacent to the Hewlett Packard campus (North Industrial Plan Area) to the east (see Figure 1). JMC Homes initiated use of the site as a temporary construction yard with an onsite trailer in September of 2001. An Administrative Permit for the site was approved for a period of 18 months, and expired on June 3, 2003. Since 2003, JMC Homes has continued to operate the temporary construction yard. The applicant received approval of an Administrative Permit to continue to operate the yard in April of 2010 for a period of one year. In July of 2011, the Planning Commission approved an additional two year extension of the Administrative Permit which expired on July 28, 2013. Prior to the expiration of this Administrative Permit, JMC Homes filed for an additional one year extension. During 2013, Staff sought alternative locations with the applicant based on the recently approved JMC SVSP subdivision maps. However, as was mentioned above, the applicant has been unable to secure State and Federal wetland permits to begin construction in Sierra Vista.

The yard is primarily used for the storage of lumber, building supplies, and assembly of products for home construction (see Figure 2). Per Chapter 19.64.030.D of the City's Zoning Ordinance, Temporary Uses, the establishment of an on or off-site temporary contractor's construction yard in conjunction with

an approved development project is subject to the issuance of an Administrative Permit. Originally the construction yard was utilized to construct the Woodcreek North subdivisions (across Woodcreek Oaks Bl.). JMC is currently using the yard during the construction of the Crocker Ranch and Fiddymont Ranch subdivisions.

Figure 1 - Land Use & Zoning Map



FINDINGS & EVALUATION

Section 19.78.060A of the City of Roseville Zoning Ordinance requires adoption of three (3) findings to approve an Administrative Permit. The findings address issues of 1) consistency with the General Plan; 2) consistency with the Zoning Ordinance; and 3) effect upon public health, safety and welfare. The original approval of the Administrative Permit and subsequent permits found that the temporary yard met the required findings listed in the Zoning Ordinance. The required findings are listed below followed by an evaluation of each finding.

1. The proposed use or development is consistent with the City of Roseville General Plan and the North Roseville Specific Plan.

The General Plan land use designation for the subject parcel is Community Commercial. Permanent construction yards are not listed as an intended use for the Community Commercial land use designation. The Community Commercial land use designation is intended for retail, business professional, and other commercial types of uses. The General Plan and North Roseville Specific Plan rely on the Zoning Ordinance to regulate temporary uses.

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

The Zoning Ordinance allows temporary uses, in this case a temporary off-site construction yard, in a Community Commercial zone upon approval of an Administrative Permit. The intent of the Zoning Ordinance is to allow temporary construction yards while on-site or nearby projects are under construction. Typically construction yards are on-site within the subdivision, and when construction has been completed the temporary yard is removed. At the time of the original approval for the JMC site this was the case, but at this time nearby construction has been completed. The subdivisions being served by this site are approximately 1 ½ miles (Crocker Ranch North & Fiddymet Ranch) from the yard.

The Zoning Ordinance allows the approving authority to attach conditions of approval to the project in order to ensure compatibility with surrounding land uses. These conditions are listed below along with a brief description as it relates to the project.

A. Requirements for improved parking facilities, including vehicular ingress and egress;

The parking ratio for equipment and material storage yards was used to determine the number of required parking spaces. The requirement is 1 space per 300 square feet of office plus 1 per 10,000 square feet of yard area with a combined minimum of 4 parking spaces. The proposed construction trailer is 300 square feet in size (10' by 30') and the yard is approximately 13,000 square feet (see Exhibit A). The applicant will therefore be required to provide at least four (4)



parking spaces for this use. The applicant is proposing to provide an area for parking along the fence to the west of the yard adjacent to the trailer. Condition 5 requires all company vehicles to be stored behind the fenced area of the yard.

In the past, parking and vehicle ingress and egress for the site has not been a problem. There is sufficient area in front of the yard to provide space for vehicles to exit Woodcreek Oaks Bl. and park at the site. There is also a limited amount of traffic generated by the site from work crews visiting the yard and from the occasional delivery of wood and construction supplies to the site.

B. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination on adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;

The yard generates a limited amount of noise, vibrations, odor, dust, and smoke. The majority of noise generated on site is the result of periodic precutting of lumber. Given the buffer from homes to the north of the site provided by Woodcreek Oaks Bl. and a 72 foot

setback of the yard from the street, staff does not anticipate any noise or glare impacts to adjacent uses.

C.Regulation of temporary structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;

As was mentioned above, and discussed in detail later in this report there are sufficient buffers to protect adjacent uses.

D.Provision for sanitary and medical facilities;

The site uses a portable sanitation toilet to provide for these facilities.

E.Provision for solid, hazardous and toxic waste collection and disposal;

Solid waste is disposed of by a private construction debris recycling and hauling company.

F.Provision for security and safety measures;

The entire site is surrounded by fencing. A combination of wood, chain link, and wrought iron fencing surrounds the site, and is locked after hours. There are ample street lights to light the front of the site.

G. Regulation of signs;

JMC Homes does have a permit for the freestanding subdivision sign on the property.

H.Submission of a performance bond or other surety devices, satisfactory to the City Attorney, to ensure that any temporary facilities or structures used will be removed from the site within a reasonable time following the event and that the property will be restored to its former condition;

Staff recommends adding Condition #6 to the project to ensure that the site will be returned to its former condition after the permit has expired.

I. A requirement that approval of the temporary use permit is contingent upon compliance with applicable provisions of the Roseville Municipal Code; and

If the project is approved, Condition #7 has been added to ensure that the project will comply with the Roseville Municipal Code.

J. Any other conditions which will ensure the operation of the proposed temporary use, will protect public health and safety and in accordance with the intent and purpose of this Title.

No other issue areas have been identified.

Based on the information above, the proposed use is consistent with the City of Roseville Zoning Ordinance.

3. The location, size, design and operating characteristics of the 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.

As was mentioned above in the background section of this report, Staff received complaints from nearby residents regarding the yard after accepting the application for the Administrative

Permit extension in 2013. The complaint letter focuses on the traffic safety, aesthetics of the yard, home values and storm water pollution. The letter is included as Attachment 2. Since the permit expired earlier this year, Staff has been in contact with the resident who made the complaint. The resident feels the yard is no longer a temporary use. Unfortunately, the Zoning Ordinance does not define the length of time a temporary use can remain on a parcel. The original Administrative Permit approved in 2001 was approved for a period of eighteen (18) months. Since the time of the original approval JMC has utilized the site for approximately 13 years.

JMC has requested the yard remain in place for a period of twelve (12) months. They have stated that they believe this timeframe will allow them to find a suitable location for their yard. The most recent Administrative Permit approved by the Planning Commission in 2011 was for a period of two years. The two year permit was the estimated timeframe to complete construction at the Longmeadow and Crocker Ranch Subdivisions. As of June 2014, the applicant has finished construction at Longmeadow and has approximately 25 lots which have not been issued building permits in Crocker Ranch North.

JMC Homes has also begun construction in the Fiddymont Ranch area of the West Roseville Specific Plan. This site is approximately 1.5 miles from the construction yard. Given the fact that the applicant's construction activities continue to be further from the construction yard on Woodcreek Oaks Bl., staff recommends the Administrative Permit be extended for a period of six (6) months to allow JMC Homes adequate time to find a suitable location and remove the yard or secure the necessary State and Federal wetland permits to relocate the yard to the Sierra Vista area.

CONCLUSION

Typically this type of request would be handled administratively at the staff level. However we received a request for a public hearing from several residents. Staff recognizes the merits of both the applicant's and residents' positions and has discussed the issue with them at length. It is not customary that any type of temporary use would continue for 13 years. However, staff has also received a letter from JMC Homes which details the benefits of the yard to their operations. This letter is included as Attachment 1. The applicant states the location of the yard, screening, and economic benefits all warrant the continued use of the yard. Given these facts Staff has provided two potential actions for the Commission's consideration. The proposed actions are listed below.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Guidelines Section 15304(e) pertaining to temporary use of the land and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

The Planning Department recommends that the Planning Commission take one of the following actions.

If the Planning Commission determines that the applicant's request warrants approval, the following action is provided:

- A. Adopt the three findings of fact as stated in the staff report for the ADMINISTRATIVE PERMIT – 9000 WOODCREEK OAKS BL – NRSP PCL M-31 – TEMPORARY STORAGE YARD EXTENSION – FILE #2010PL-008 (PROJECT # AP-000450); and

- B. Approve the ADMINISTRATIVE PERMIT – 9000 WOODCREEK OAKS BL – NRSP PCL M-31 – TEMPORARY STORAGE YARD – FILE #2010PL-008 (PROJECT # AP-000377), with seven (7) conditions of approval until December 31, 2014.

The Planning Commission may determine the Administrative Permit does not warrant approval. The Alternative Action provides for the denial of the permit:

- A. Adopt the finding of fact listed below for the ADMINISTRATIVE PERMIT – 9000 WOODCREEK OAKS BL – NRSP PCL M-31 – TEMPORARY STORAGE YARD EXTENSION – FILE #2010PL-008 (PROJECT # AP-000450); and
1. **The location, size, design and operating characteristics of the use or development is not compatible with and would 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.**
- B. Deny the ADMINISTRATIVE PERMIT – 9000 WOODCREEK OAKS BL – NRSP PCL M-31 – TEMPORARY STORAGE YARD EXTENSION – FILE #2010PL-008 (PROJECT # AP-000450).

CONDITIONS OF APPROVAL FOR ADMINISTRATIVE PERMIT (AP-000450)

1. The project is approved as shown in Exhibit A and as conditioned or modified below. (Planning)
2. This permit shall expire on **December 31, 2014**.
3. The storage of materials, equipment, and vehicles is limited to the inside of the fenced yard area. No debris including trash, landscape material, or other construction material, equipment, or vehicles, shall be kept outside the fenced construction yard. (Planning)
4. The project is subject to the noise standards established in the City's Noise Ordinance. In accordance with the City's Noise Ordinance project construction is exempt between the hours of seven a.m. and seven p.m. Monday through Friday, and between the hours of eight a.m. and eight p.m. Saturday and Sunday. Provided, however, that all construction equipment shall be fitted with factory installed muffling devices and that all construction equipment shall be maintained in good working order. (Planning)
5. No signs shall be placed onsite without first obtaining a City of Roseville Sign Permit. (Planning)
6. After the expiration of this permit the site shall be returned to its former condition free of any debris, structures, or other materials within 30 days. (Planning)
7. Approval of the Administrative Permit for the temporary use is contingent upon compliance with applicable provisions of the Roseville Municipal Code. (Planning)

ATTACHMENT

1. Letter from JMC Homes
2. Letters from concerned residents

EXHIBIT

A. Site Plan

Note to Applicant and/or Developer: Please contact the Planning Division 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 Manager at, or prior to, the public hearing.