

PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING SEPTEMBER 13, 2007

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ITEM V-B: CONDITIONAL USE PERMIT COMPLIANCE REVIEW - 503 GIUSEPPE COURT, UNIT 8 - ST VINCENT DE PAUL FOOD DISTRIBUTION FACILITY - FILE# 2006PL-163 (CUP-000032)

REQUEST

The Planning Commission approved a conditional use permit for the project referenced above on December 14, 2006. A condition of project approval required that a compliance hearing be held to ensure that the food locker is operating in compliance with the conditions of approval. Additionally, the applicant requests that the Planning Commission amend one condition of approval to modify the location of the required security patrol to the area immediately surrounding Unit 8 only.

Applicant – Don Fraser Property Owner – Ed Benoit

SUMMARY RECOMMENDATION

The Planning & Redevelopment Department recommends that the Planning Commission finds that the use has been operating in compliance with the approved conditions and that the use has not adversely affected the adjacent businesses or residences. Staff also recommends that the Planning Commission amend Condition #6 to limit security patrol to the area immediately surrounding Unit 8.

BACKGROUND

St. Vincent de Paul (SVDP) currently leases Unit 8 at 503 Giuseppe Court within the MTA Industrial Park, which is located within the Infill Area of the City.



Figure 1: Site Map

The property is zoned General Industrial (M2) with a land use designation of Light Industrial (LI). SVDP relocated their administrative and food distribution ("food locker") services from their previous location on Riverside Avenue because the organization could not reach amenable lease terms with the property owner.

On December 14, 2006, the Planning Commission unanimously approved a conditional use permit as described in the attached staff report (Attachment 1). Since that time, staff has visited the site approximately two times per month and not noticed any issues within the MTA Industrial Park.

EVALUATION

The purpose of this review is to ensure that the use operates in compliance with the conditions and that there have been no impacts to the surrounding businesses and residences related to parking, loitering, and safety. Staff has been in contact with the president of MTA Industrial Park and the applicant for the SVDP CUP. Both parties have confirmed that no issues have arisen since SVDP began operation of the food locker on January 30, 2007 and that the food locker is being operated in compliance with the conditions of approval. Staff also contacted the representative for 199 Cirby Way, which is the adjacent retail center at the corner of Cirby and Vernon Street, south of MTA Industrial Park. The representative did not want to provide comment for the purposes of the compliance review, but noted that SVDP's operations have negatively impacted the center and the tenants located there. Staff was unable to obtain any additional information. A copy of the legal notice for the compliance review was mailed to all property owners within a 300 foot radius of 503 Giuseppe Ct. No other comments have been received.

For additional input on the first eight months of operations, staff also contacted the Police Department to find out how many calls for service were made for 503 Giuseppe Ct., Unit 8. All calls for service are described in Table 1.

<u>Call</u>	Reason for Call	# of Instances	<u>Description</u>
Α	911 Misdial	2	Accidental misdials
В	False Alarms	4	Accidental false alarms
С	Missing Person's Report	1	A client of SVDP was concerned about a missing person and asked SVDP contact the police to determine if the whereabouts/condition of that person was known.
D	Verbal Dispute	1	Staff informed a man who wanted to receive food locker services that he needed to have proof of Roseville residency. The man became upset when he was denied services so the police were called to remove the man from the property.
E	Animal Control	1	A staff member from SVDP found a lost dog on site and requested that the dog be picked up.
F	Warrant Service	1	SVDP was aware that a warrant for one of their clients had been issued. When the client arrived for services SVDP staff notified the police of his/her location and the client was arrested.
G	Subject Stop	1	SVDP requested police services to deal with an upset client related to child protective services.
Н	Suspicious Circumstance	1	Two tenants within the MTA Industrial Park (SVDP & Rexel) had their roll up doors smashed in order to make entry.

Table 1: Calls for Service to 503 Giuseppe Ct., Unit 8

Overall 12 calls for service to the Police Department were made for SVDP. Half of the calls for service were unrelated to SVDP's CUP such as calls A, B, C, E, and H outlined in Table 1. Calls D, F, and G

(verbal dispute, warrant service, and subject stop) are related to SVDP; however, they are not a result of improperly following their operations plan or their conditions of approval. SVDP staff initiated these calls to the Police Department to request service. The president of MTA noted that he was not aware of the calls for service and does not believe that they have had a negative impact on the operations of the MTA Industrial Park since it was unknown that any issues had arisen. Staff believes that SVDP has appropriately handled these intermittent situations and has found that they are not an indicator of SVDP's lack of compliance with their CUP.

As this is a compliance review to ensure that the applicant is operating according to their conditions of approval, the following illustrates the applicant's status/compliance with each condition of approval that was approved as part of the CUP:

 Eight (8) months from this date, December 14, 2006, the Planning Commission will review the CUP to evaluate whether the food distribution use is being operated in a manner consistent with the approved conditions of the CUP. (Planning)

At the December 14, 2006 Planning Commission meeting, the Commission amended Condition #1 requiring a Compliance Review hearing after eight months from the date of hearing instead of one year from the date of hearing. SVDP did not begin operation of the food locker until January 30, 2007.

2. As described in Exhibit A, the approved hours of operation for food distribution activities shall be as follows: Tuesday–Saturday 9:00 a.m. – 11:15 a.m. (Planning)

The applicant has confirmed that the hours of operation for all food distribution activities are within the day/hours permitted by the CUP. The president of MTA confirmed that the applicant is operating in compliance with these hours.

3. All food distribution activities shall occur inside with the exception of clients receiving their food allotment at the rear of the building after filling out the necessary paperwork in the waiting room. No one is permitted to wait or loiter outside of the building. After receiving food, recipients of the food distribution program shall leave the MTA Industrial Park. (Planning)

The applicant has confirmed that that all food distribution activities take place indoors. After filling out the appropriate paperwork in the waiting room, applicants exit the facility and walk or drive to the rear of Unit 8 to receive their food. After receiving their food allotment they leave the property. The applicant indicates that the majority of customers drive to the facility to pick up their food as they typically leave with five to six bags of food supplies. The president of MTA confirmed that the applicant is operating in compliance with this condition.

4. Donations shall only be accepted Monday through Friday between the hours of 10 a.m. and 4 p.m. All donations are required to be accepted indoors and no donations are permitted to be left outside or stored outside. (Planning)

Donations are being accepted between the permitted hours only. The applicant noted that generally one to two donations are made per day. Donations are brought in doors and are not dropped off outside or left after hours. The president of MTA did not have any concerns related to donation drop-offs.

5. Medical care hours are limited to a maximum of three (3) hours total per week for general medical care plus an additional three (3) hours per month for pediatric care. (Planning)

Consistent with SVDP's operation plan and this condition, medical care is provided on a limited basis. In compliance with this condition, general medical care is being provided no more than three hours per week. For the last seven months of operation, general medical care has been provided Wednesday mornings between the hours of 9 a.m. and noon. Also consistent with this condition, pediatric care is being provided from the Giuseppe Court location once a month for no more than a three hour period. Typically, pediatric care has been provided the first Tuesday of the month from 6 to 8 p.m. The president of MTA did not have any concerns related to this condition.

6. The applicant shall be responsible for providing security during SVDP business hours (9 a.m. to 4:30 p.m.). SVDP shall designate security to patrol the MTA Industrial Park every hour. If the security measures as proposed in the staff report are determined by the City and the MTA Industrial Park Board as insufficient, increasing security or hiring private security may be required. (Planning)

Consistent with this condition, SVDP has a designated a staff person to provide security patrol throughout the MTA Industrial Park every hour between the hours of 9 a.m. and 4:30 p.m. to ensure that no one is loitering on the property. The applicant does not believe that the security patrol is necessary. It has been their experience that customers do not hang around MTA before or after receiving their supplies. MTA concurs that patrol of the entire park is not needed and is, in their view, a potential liability since the designated security patrol person is not a professional security guard. Staff has visited the site on approximately a dozen occasions and has not witnessed any loitering on or off-site. Staff concurs with the applicant and MTA that Condition #6 should be modified to limit SVDP's patrol to the area immediately surrounding Unit 8.

7. SVDP staff and volunteers shall park on the west side of Unit 8 adjacent to the trash enclosure. (Planning)

The applicant has confirmed that staff and volunteers park on the west side of the building adjacent to the trash enclosure. The applicant has also noted that they reserve the parking in the front of the building during food locker hours for customers of the adjacent business.

8. Parking stalls that do not have clear, legible stripping shall be re-stripped within the MTA Industrial Park consistent with the originally approved site plan (Exhibit C). Specifically, the stalls at the rear of 503 Giuseppe shall be restriped. It is the responsibility of the applicant to work with the MTA Industrial Park Board to coordinate restriping on-site. (Planning)

This condition is a standard condition for the MTA Industrial Park, not for SVDP specifically. The president of MTA noted that they have recently received bids for the repaving and re-striping of the entire parking lot within the MTA Industrial Park. With the addition of SVDP to the Industrial Park, the parking available on site is sufficient according to the Zoning Ordinance standards. However, with the repaving/re-striping project, MTA expects to pick up an additional 20 parking stalls for the entire center, which will provide an excess of parking stalls for the use of tenants and customers of the entire MTA Center.

CONCLUSION

From the information provided in this report, staff concludes that the project is in compliance with the approved conditions of approval. Staff does not believe that future compliance reviews need to be scheduled at this time. In the case that there are any future complaints, staff will work with the applicable parties to resolve any issues. If any future issues were to remain unresolved, the Zoning Ordinance provides that a Compliance Review can be initiated and brought before the Planning Commission for review and action.

ENVIRONMENTAL DETERMINATION

The project was exempted from environmental review per Section 15301 of the California Environmental Quality Act (CEQA) as the operation of existing private facilities. No further CEQA action is required.

RECOMMENDATIONS

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

- A. For CONDITIONAL USE PERMIT COMPLIANCE REVIEW 503 GIUSEPPE COURT, UNIT 8 ST VINCNT DE PAUL FOOD DISTRIBUTION FACLITY – FILE# 2006PL-163 (CUP-000032) find that:
 - 1) the "food locker" use has been operating in compliance with the approved conditions;
 - 2) the "food locker" use has not adversely affected the adjacent businesses/residences:
 - 3) no future Compliance Review is required at this time; and
- B. Amend Condition #6 to read as follows:

The applicant shall be responsible for providing security <u>patrol</u> during SVDP business hours (9 a.m. to 4:30 p.m.) <u>for areas immediately surrounding Unit 8 only</u>. SVDP shall designate security to patrol the MTA Industrial Park every hour. If the security measures as proposed in the staff report are determined by the City and the MTA Industrial Park Board as insufficient, increasing security or hiring private security may be required. (Planning)

ATTACHMENTS

 Conditional Use Permit Staff Report for 503 Giuseppe Ct., Unit 8 - St Vincent de Paul Food Distribution Facility

<u>Note to Applicant and/or Developer:</u> 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.