

PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING APRIL 10, 2008

Prepared by: Elisa Reynolds, Associate Planner

ITEM V-B: 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. Provide direction to Planning staff regarding amendments to Chapter 19.26, Off-Street Parking and Loading, and
- B. Continue this item to the Meeting of April 24, 2008 for final action.

SUMMARY OF PREVIOUS ZONING ORDINANCE DISCUSSIONS AND ACTIONS

Recent Zoning Ordinance Amendment actions include:

- Blue Ribbon Corporate Center Committee Recommendations Corporate Centers (Chapter 19.37)
- CDVC Recommendations Compact Residential Development
- Parking Lot Design/Off-Street Parking and Loading
- Comprehensive Zoning Ordinance Update

At the Parking Lot Design Workshop, held on February 28, 2008, specific discussion occurred regarding increasing the required width of compact parking stalls, adjusting the percentage of compact spaces allowed in parking lots, and reducing the required parking for banks and financial institutions. In addition, the Planning Commission requested that staff research past parking Variances and parking reductions and provide this information for additional discussion. Based on direction from the Planning Commission staff will incorporate the changes into the Zoning Ordinance Amendment and bring it back for Commission review and action.

DISCUSSION

Staff provides the following information for the Commission's consideration and discussion and proposes the following for the public hearing:

- Staff will present information on the items requested at the Parking Lot Design Workshop;
- Staff will present information on other proposed modifications;

- Staff requests direction from the Planning Commission with respect to modifications to Chapter 19.26, Off-Street Parking and Loading;
- Staff requests direction from the Planning Commission with respect to other proposed amendments; and
- Staff will bring back draft language for Commission review and action.

PARKING VARIANCE / REDUCTION ANALYSIS

During discussion at the Parking Lot Design Workshop the Commission requested that staff provide further information regarding the history, types, and reasons that parking reductions had been approved or denied in the past. The Department's records on parking reductions extend back to 1996, when parking reductions were incorporated into the Zoning Ordinance, and are provided as Attachment 1. Since 1996 the Planning Department has received a total of 90 applications for parking reductions.

Applications Received	Applications Approved	Avg. % Reduction Approved	Applications Denied	Applications Withdrawn	
90	68	28%	4	18	

These numbers do not include parking reductions that were built into Design Review Permits or Major Project Permits. Staff provides Figure 1, below, which shows the approved reductions by use type.

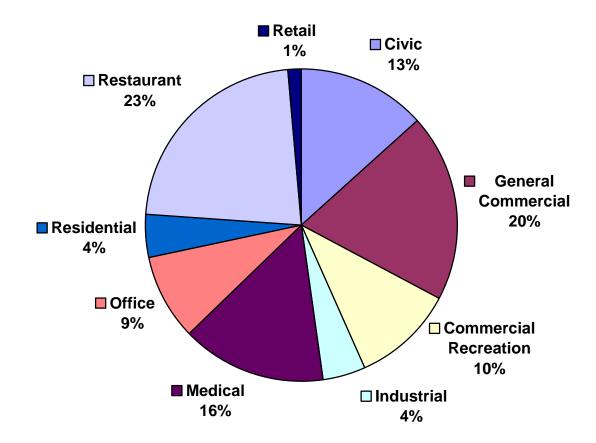


Figure 1 – Approved Reductions by Use Types

Staff separated office, retail, restaurant, and commercial recreation from general commercial in Figure 1 because the parking ratios and operating characteristics differ for each use type. Commercial recreation includes reductions for dance studios, Arena Baseball, a movie theater, and exercise/aerobic classes. General commercial use types include all commercial uses not identified above (i.e. gas stations, veterinary clinics, auto sales, etc.).

There were four (4) applications for parking reductions that were denied:

Name	Use Type	Туре	Parking	Parking	Basis for Denial
		Requested	Required	Requested	
Big Shots Billiards	Billiards, Nightclub	Shared parking	238	150	Insufficient parking provided
Olympus Pointe	Theater,	Shared	1142	1082	Insufficient parking
Center	Restaurant	Parking			provided
Taylor Road	Restaurant,	Shared	68	51	Insufficient parking
Commercial	Retail	Parking			provided
Building (1801		_			
Taylor)					
McDonalds	Fast Food	Individual	67	49	Insufficient parking
(Foothills Blvd)	Restaurant	Use			provided

The Zoning Ordinance (Section 19.26.030.C) provides two justifications for a parking reduction approval: The first is for shared parking in which the applicant can demonstrate that the existing parking spaces can serve a dual use due to hours of operation or peak demand. The second justification is for an individual use where an applicant can demonstrate that their business functions differently than the generic use type and associated parking standards. As shown in Figure 2 below, nearly two-thirds of parking reductions have been approved based on shared parking.

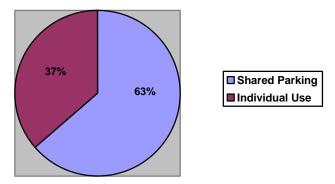


Figure 2 - Basis for Parking Reduction Approval

Of the approved parking reductions, staff has been able to identify two (2) centers where parking problems have arisen. The first is the Rocky Ridge Town Center and the second is Eureka Ridge (Crush 29). It should be noted that both of these centers have high percentages of restaurant occupancy. As shown in Figure 1 above, restaurant uses comprise the highest percentage of approved parking reductions.

The parking reduction at Rocky Ridge Town Center was built into the project approval. The project was approved with 527 parking spaces where 560 spaces were required. Staff research regarding Rocky Ridge Town Center indicates that the problem is not parking supply, rather parking distribution. Rarely are all of the parking spaces at Rocky Ridge occupied. However, due to the placement of uses that have a high parking demand in close proximity to each other it can be difficult to find a parking space that is convenient to those high demand uses.

Eureka Ridge was approved "after the fact" to allow a specific restaurant tenant. The parking problem at Eureka Ridge can be attributed to inadequate parking supply to meet the demand at peak times, although, as discussed by the Commission in January, solutions to alleviate the problem are being explored by the center's management and tenants.

Staffs research has indicated that reductions in medical use types have also comprised a large number of approved reductions. Approved reductions for medical uses have typically been for smaller, single practitioner businesses with a limited number of clients and employees that have located in centers with shared parking available.

Based on staff's research and analysis of past parking reductions staff concludes that parking reductions are a useful tool, and in the majority of cases have not created parking problems. Staff believes that the City can best avoid future parking problems by building any necessary reductions into a project's initial approval. During the entitlement stage a project is still flexible and fluid enough to incorporate any modifications to site or parking lot design or limitations on future uses that may be necessary to offset the reduced amount of parking provided. However, staff recognizes that there are situations in which an "after-the-fact" parking reduction may or may not be warranted. Staff believes that in such cases the appropriateness of the reduction should be completely justified. The analysis needs to be thorough and needs to address a number of factors such as:

- The size of the reduction requested,
- · Types of uses,
- · Operating characteristics and peak demand,
- · Distribution of parking spaces and high demand uses, and
- The design and circulation of the parking lot.

ZONING ORDINANCE AMENDMENT EVALUATION

This Ordinance Amendment is predominantly comprised of modifications that include administrative updates, the correction of errors in punctuation, grammar, typos and formatting, providing clarification of intent, and many new graphics. There are also some minor modifications that are intended to reflect State or case law and to incorporate department policies and Zoning Interpretations into the Zoning Ordinance. For brevity, staff will exclude discussion related to error correction and format consistency. The analysis provided below includes discussion of all proposed modifications that would change existing policies or regulations. A comprehensive listing of each proposed modification is provided with the draft Ordinance Amendment (Exhibit A).

Chapter 19.06 – Establishment of Zone Districts

Staff is proposing the removal of text left over from the last comprehensive Ordinance Amendment (adopted in 1996) that was intended to provide clarification because zone district names and symbols were changed but is no longer necessary. That text is 19.06.020(C)-(D) and the associated matrix. In addition, staff has proposed a new Section 19.03.020(C) that specifies that Ordinance Amendments be automatically incorporated into the Zoning Ordinance and the Zoning Map. It also allows errors in the incorporation of past Ordinance Amendments to be administratively corrected with a reference to the adopted Ordinance Amendment and to Section 19.06.020(C).

Section 19.08.080(B) – Community Care Facility, Small: Staff is proposing the deletion of the requirement that Small Community Care Facilities be owner occupied and owner operated consistent with State law. The California Community Care Facilities Act (California Health and Safety Code Section 1500 et seq) requires that local jurisdictions treat Small Community Care Facilities (serving six or fewer persons) the same as the jurisdiction would a single family residence in the same zone district. This means that the City cannot impose any requirements on a Small Community Care Facility that aren't imposed on single family dwellings.

Section 19.08.090(L) – Eating and Drinking Establishments: Staff is proposing clarifying language that would apply to Eating and Drinking Establishments that would allow live and amplified music if accessory and incidental to the primary restaurant use. This is intended to allow open microphone events at coffee houses, mariachi bands, jazz trios, jukeboxes at diners, etc. The proposed language is intended to clearly differentiate between restaurants and nightclubs.

Section 19.08.090(T) – Nightclubs: Staff is proposing that the definition of "Nightclub" be amended to ensure that the definition in the Zoning Ordinance and the proposed Downtown Specific Plan are consistent. The primary change is the requirement for a dance permit from the Police Department per the Municipal Code.

Section 19.12.020 – Passive Power: Staff has modified the Permitted Uses matrix to allow Passive Power Generating Facilities as a Permitted use type in all Commercial zoning districts. This modification is proposed consistent with California Government Code Section 65850.5(B) which states that local review of applications to install a passive power generating facility (i.e. solar power) shall only be limited to the building official's review of whether it meets all health and safety requirements of local, state and federal law. A city or county must approve applications that meet building height & setback requirements and cannot deny an application unless it makes written findings based on substantial evidence that the installation would have a specific adverse impact upon public health or safety. This modification is also proposed for Industrial and Civic zone districts.

Chapter 19.22 – Accessory Uses and Structures

Staff is proposing various changes to this Chapter that are predominately corrections of errors and formatting. There are also minor changes to clarify meaning and intent with respect to setbacks. Staff is proposing some new graphics in this Chapter that are intended to be more user-friendly and will reproduce a "cleaner" copy for distribution to the public. All exiting and proposed graphics are provided as Attachment 2. Staff is proposing modifications to Section 19.22.030(F), Prohibited Accessory Uses and Structures, which will prohibit the use of barbed wire in Residential zones unless a CUP is obtained.

Chapter 19.26 – Off-Street Parking and Loading

Banks and Financial Institutions: Staff is proposing that the parking requirement for banks and financial institutions be reduced from 1 space per 150 square feet of floor area. As discussed at the Parking Lot Design Workshop, the City's parking ratio for banks is higher than that of other jurisdictions, the average of which was 1 space per 275 square feet of floor area. The ITE Manual recommends a ratio of 4 spaces per 1000 square feet of floor area (1 per 250). Staff had proposed reducing the parking ratio to 1 space per 300 square feet of floor area, consistent with the parking ratio for retail uses. The trend for banks is to locate in grocery stores and at commercial/retail centers where shared parking is available. Combined with the prevalence of direct deposit, satellite ATM machines, and the fact that the majority of banking services are now offered on-line, staff believes that the proposed ratio of 1 space per 300 square feet of floor area will not result in any shortfall of parking. The current ratio, 1 space per 150 square feet of floor area, is the same ratio required for medical uses. Discussion at the Workshop indicated that several Commissioners had reservations about the proposed modification. At this time, staff requests that the Planning Commission provide a recommendation with respect to modifications to the parking ratio of this use type.

Parking for Office Projects – Net vs. Gross Square Footage: The Zoning Ordinance (Section 19.26.030.A.4.) requires 1 space for every 250 square feet of professional office uses. However, the Northeast Roseville Specific Plan allows professional office uses to base their parking calculations on the net leasable square footage of the building(s). The Northeast plan states that common areas such as conference facilities, hallways, restrooms, elevators, stairwells, etc. shall not be included in the net

square footage of the building(s). These areas are not "leasable" elements of buildings and are available for use by all of the buildings tenants. Therefore, they do not increase the parking demand of the building site. Typically, the net leasable square footage is about 90% of the gross square footage. This net leasable square footage provision has worked well in the Northeast plan area and has not resulted in any shortfall of parking at professional office sites. Additionally, allowing office uses to park at net leasable square footage will provide more parking area to accommodate a wider compact space. At the Parking Lot Design Workshop the Commission heard testimony from design practitioners that allowing office uses to park at the new leasable square footage directly impacts a developer's bottom line as leasable square footage generates income while parking is a secondary cost that can undermine a project's financial stability. For those reasons, staff has proposed changes to Section 19.26 that include the incorporation of the net leasable square footage provision for professional office (excluding medical office) uses city wide.

Additionally, staff received feedback requesting that the Zoning Ordinance specify how to calculate "net" square footage. The proposed changes will allow all professional office uses to base the required parking on net leasable square footage, which shall begin at 90% of the gross square footage. Staff has found that the 10% reduction of gross square footage is the average percentage of floor area devoted to common areas. Project proponents that wish to receive further reduction will have to demonstrate, during the Design Review or Major Project Permit process, that the percentage of common area is greater than 10%. The new provisions stipulate that the net leasable square footage shall be determined at the time of initial approval of the building shell(s).

Bike Parking & Lockers: Staff is proposing the addition of Section 19.26.040(A)(1)(d) which defines the area required for each required bicycle parking space and stipulates that bicycle parking spaces shall not encroach into any parking space, landscape area, or walkway. Staff is also proposing that Section 19.26.040(A)(2)(f) be amended to include bicycle lockers.

Parking Lot Striping: Staff is proposing that Section 19.26.040(A)(2)(h) be amended to require that parking lot striping be a solid line in either white or yellow. This modification is intended to prevent the placement of advertising in/on the parking lot striping.

Compact Parking Spaces: Discussion at the Parking Lot Design Workshop indicated that the Planning Commissioners in attendance were interested in increasing the minimum width of compact stalls from 8 feet to 9 feet. Staff requests confirmation of this direction.

Discussion at the Parking Lot Design Workshop also indicated that at least some of the Commissioners in attendance were interested in decreasing the 30% maximum percentage of compact stalls allowed in parking lots. The intent is to minimize impacts to parking lot efficiency due to oversized vehicles parking in compact parking stalls. Staff requests direction from the Commission on the following:

- 1. Does the Commission wish to reduce the maximum percentage of compact stalls allowed?
- 2. If so.
 - a. Will the reduction apply city wide?
 - b. What should the maximum percentage be?

Decreasing the maximum percentage of compact parking stall may not be necessary if the Commission directs staff to increase the minimum required width of compact parking stalls. If all stalls were required to be nine (9) feet wide the impacts of oversized vehicles utilizing compact spaces would be reduced. Additionally, increasing the minimum width of compact parking stalls will improve parking lot design by removing the incentive for parking lot designers to "bank" or group large numbers of compact stalls together because all parking stalls would be the same width.

Chapter 19.34 – Antennas and Communication Facilities: Staff is proposing that Section 19.34.020(B)(5) be incorporated into the Ordinance Amendment. Specifically, this modification

provides a maximum height (35 feet) and required minimum setback (5 feet) for HAM Radio antennas in Residential zone districts.

Chapter 19.42 – Home Occupation: Staff is recommending several changes to Chapter 19.42. The most recent modifications to Home Occupation regulations were nearly 12 years ago, in 1996. Since that time technology has evolved that makes it easier for a business to operate from a home office.

One of the action items in the City's Economic Development Strategy was to update the Home Occupation Regulations to reflect the needs of home based businesses and the technology that has expanded the ability to conduct business from home. Planning department staff has worked closely with the Economic Development Department on the proposed modifications. The modifications are intended to encourage the growth of new businesses, while providing those with home based businesses clear direction regarding appropriate levels of activity and preserving the residential character of the neighborhood. The Economic Development Advisory Committee reviewed the proposed modifications on April 1, 2008 and recommended incorporation of all of the proposed modifications.

Staff is recommending that Section 19.42.030 be amended to delete the requirement that only one Home Occupation be allowed per residence. The proposed language states that Home Occupations be allowed provided that the cumulative impact of all Home Occupations does not exceed the impact of a single Home Occupation.

Additional proposed modifications would allow on-site employees and customer contact with the approval of an Administrative Permit. Current regulations require that a Conditional Use Permit be obtained to allow such activities. The Administrative Permit requires that all property owners within 300 feet of the Home Occupation be noticed of the proposed employee/customer contact. Any property owner who objects can request a formal public hearing before the Planning Commission.

Staff is also proposing a modification that would allow those engaged in instruction as a Home Occupation to receive one (1) student at a time without any permit approval. Instruction based Home Occupations are typically those that provide lessons or tutoring out of the home. Staff believes that the nature of private instruction does not require the deeper level of review and analysis that an Administrative Permit or a Conditional Use Permit provides. Instruction based Home Occupations typically will see one (1) student at an appointed time and staff believes that this minor customer contact will not exceed the established threshold of impacts to the surrounding residents and neighborhood.

Other proposed modifications include the deletion of the maximum number of deliveries per month, clarification with respect to the types of delivery vehicles allowed (UPS and FedEx type vans), and adding increased vehicle traffic and excessive storage to the list of impacts that are prohibited by Home Occupations.

Chapter 19.47 – Large Family Daycare Facilities

Staff is proposing modifications to Chapter 19.47, Large Family Daycare Facilities, which would allow requests for deviation from the general requirements to be addressed through the Administrative Permit process. In home daycares are currently required to obtain approval of an Administrative Permit if they wish to care for more than 8 children. This amendment would allow Large Family Daycares to request deviation and for staff to address any deviation from standards in the Conditions of Approval.

Chapter 19.52 – Outdoor Restaurant Seating

Staff is recommending that Chapter 19.52 be amended to incorporate the Planning Department's policy regarding outdoor restaurant seating. Department policy directs staff to differentiate between secured

and unsecured outdoor restaurant seating (requirements described in Chapter 19.52) based on certain design criteria (see Attachment 1).

The Zoning Ordinance directs that secured outdoor restaurant seating be included in the total restaurant square footage for purposes of calculating the required parking. Planning Department policy dictates that secured outdoor restaurant seating that meets certain criteria be exempt from inclusion in the square footage used for parking calculations. The criteria for exemption are:

- The outdoor area should only provide fencing in compliance with state alcohol service requirements, and
- The area should not be improved to provide protection from the elements such that a building permit would be required.

Staff is proposing changes that would incorporate this internal policy into Sections 19.26, Off-Street Parking and Loading, and Section 19.52, Outdoor Restaurant Seating.

Chapter 19.62 – Sole Source Pharmacy

This Chapter was enacted when the City adopted a Medical Marijuana Ordinance to regulate where Sole Source Pharmacies (medical marijuana dispensaries) could be located. The Medical Marijuana Ordinance (Chapter 9.95 of the Roseville Municipal Code) was repealed by Ordinance No. 4235 in July 2005 after the Supreme Court ruled that the Federal Government could prosecute medical marijuana users and dispensaries. Chapter 19.62 should have been repealed at the same time as the Medical Marijuana Ordinance. Staff is proposing that Chapter 19.62, Sole Source Pharmacy, be repealed in conjunction with this Ordinance Amendment. Staff also proposes modification to all applicable section of the Zoning Ordinance to remove all references to Sole Source Pharmacies.

CONCLUSION

At this time staff requests direction from the Commission regarding modifications to Chapter 19.26 (Off-Street Parking and Loading) of the Zoning Ordinance. Staff will incorporate recommended modifications to this Chapter, and any other direction that may be provided by the Commission, and bring the Ordinance Amendment back to the Commission on April 24, 2008 for action.

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. Provide direction to Planning staff regarding amendments to Chapter 19.26, Off-Street Parking and Loading, and
- B. Continue this item to the Meeting of April 24, 2008 for final action.

ATTACHMENTS

- 1. Parking reduction information
- 2. Existing and Proposed Graphics

EXHIBITS

- A. Draft of 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.