

## CC ATTACHMENT 1



## COUNCIL COMMUNICATION

CC #: 8802

File #: 0400-08 &amp; 0400-04-09-1

<b>Title:</b>	Fiddymment Plaza Commercial Project Appeal
<b>Contact:</b>	Wayne Wiley 916-774-5283 <a href="mailto:wwiley@roseville.ca.us">wwiley@roseville.ca.us</a>

Meeting Date: 10/4/2017

Item #: 9.2.

RECOMMENDATION TO COUNCIL

City staff recommends that the City Council deny the appeal of the Planning Commission's approval of the Fiddymment Plaza Commercial Project, and that the City Council adopt the four (4) findings of fact for the Design Review Permit and approve the Design Review Permit subject to one hundred (100) conditions of approval. This recommendation is made because the Project is a principally permitted use and the four findings of fact for a Design Review Permit can be made.

A Resolution which embodies the above recommendations is provided by City staff for City Council approval.

BACKGROUND

On August 10, 2017 the Planning Commission, by a vote of 4-1, approved a Design Review Permit (DRP) to allow the construction of a 10,306 square-foot mixed-use building consisting of 7,606 square feet of retail, 2,700 square feet of restaurant and a 3,310 square-foot gas station canopy with five fuel bays/ten pumps. The Planning Commission staff report is included as Attachment 1 to provide background information and an evaluation of the requested DRP entitlement. In summary, the staff report concludes that the proposed gas station is a principally permitted use in the Community Commercial (CC) zone and that the property owner has a right to develop the site as proposed with approval of a DRP. Further, the requested entitlement has been found consistent with the City's General Plan, Zoning Ordinance, West Roseville Specific Plan (WRSP), Community Design Guidelines and the required four Findings of Fact for a DRP.

Following the Planning Commission's approval, on August 21, 2017, neighbors from the Diamond Creek and Westpark neighborhoods (represented by Michele Threlkel) filed an appeal of the Planning Commission's approval based on concerns related to inadequate noticing, increased traffic, air quality impacts and incompatibility with the surrounding residential homes. The appeal of the Fiddymment Plaza project is now before the City Council, and based on the Planning Commission's approval and findings, staff recommends that the City Council deny the appeal and uphold the Planning Commission's action by approving the DRP.

As background for Council, the project site is located on the corner of Fiddymment Road and Angus Road near the northern City boundary limits and has a land use and zoning designation of CC. In 2014, as part of the West Roseville Specific Plan Amendment 3 project (SPA 3), the property was rezoned from Single Family Residential/Development Standards (R1/DS) to CC based on the unique shape of the property and to accommodate commercial development that would provide more neighborhood serving uses for the area. As part of that process, several neighborhood meetings were held and notices were mailed to residents of the community prior to the Planning Commission's recommendation and City Council's approval of the SPA 3 project on April 16, 2014.

Based on the summary provided above and the analysis provided in the Planning Commission staff report (see Attachment 1), the following section provides responses to the concerns raised at the Planning Commission hearing and noted within the appeal letter dated August 28, 2017.

OUTSTANDING ISSUES**Issues Raised at Planning Commission Hearing**

At the Planning Commission hearing five residents addressed the Commission regarding the proposed project (four in opposition and one in support). Concerns were raised regarding the notification process, proximity of the project to Harrigan Greens Park, air quality issues, traffic and security. A brief summary of each item is provided below followed by staff's response.

**Concerns regarding the lack of public notification for the project were raised and residents noted that they were not informed of the neighborhood meeting and/or the Planning Commission meeting.**

In response, a project notice was mailed to the Westpark Neighborhood Association, Fiddymment Farm Neighborhood Association and RCONA Board upon initial filing of the application with the City. The applicant also mailed a notice to residents within 300' of

# CC ATTACHMENT 1

the project site informing them of an April 15<sup>th</sup> Fiddymment Farm Neighborhood Association meeting to discuss the project (twenty residents attended that meeting). On July 18, 2017, staff emailed the Neighborhood Associations and interested residents revised project plans and information on the public hearing. A notice of the Planning Commission hearing was then published in the Press Tribune on July 27, 2017, and distributed to the RCONA Board, nearby Neighborhood Associations, and residents within 300' of the project site.

## **Questions regarding restrictions on alcohol sales within a certain distance of sensitive receptors were raised.**

The City does not regulate the sale of alcohol for principally permitted uses, but the current zoning designation allows for alcohol sales with the appropriate license. The Department of Alcohol Beverage and Control (ABC) monitors the sale of alcohol beverages and the applicant is required to apply and receive approval of an ABC license prior to selling any alcoholic beverages at the site. Staff has reached out to the Department of ABC and confirmed that a notice will be sent to residents located within 500' of the site and a notice will be posted onsite once an application is filled. In addition, the Roseville Police Department will receive notice that an ABC license has been requested and will have an opportunity to recommend operational restrictions. During this time, concerns from residents may also be forwarded to the Department of ABC for consideration.

## **Concerns regarding traffic associated with the use combined with existing traffic patterns was raised.**

The Engineering Division noted that the proposed use will generate approximately 27 PM peak hour trips which is less than the 61 PM peak hour trips allocated for the site based on the City's Traffic Model.

## **Environmental concerns were raised regarding the gas station component in close proximity to a park, school, and residential development.**

Per the California Environmental Quality Act (CEQA) the project site is exempt per Section 15332 pertaining to Infill development projects on a site of five acres or less. No additional local requirements would pertain to the project, as State and County regulations permit and monitor the sale of gasoline. A notice of the proposed project was sent to the Placer County Air Pollution Control District (PCAPCD). In response, PCAPCD noted that they did not have any special comments, but if the project was approved, the applicant would need to submit a permit application to PCAPCD for the proposed gas station. The PCAPCD has its own permitting process to ensure gas stations meet all air quality regulatory requirements.

## **Issues Raised in Appeal Letter**

Following the Planning Commission meeting, the project approval was appealed by Michele Threlkel on behalf of residents in the surrounding communities. The appeal included a petition (see Attachment 2) signed by 77 residents addressing the following issues.

## **The project is inconsistent with the second Finding of Fact which states that the project shall be harmonious, efficient and safe.**

As provided in the General Plan, the CC land use is conditionally compatible with residential development. Accordingly, the site has been designed to reduce impacts on the nearby residential homes through building orientation, landscaping, and the use of enhanced architecture that is compatible with the neighborhood. Additionally, the applicant has agreed to operational measures that will limit potential criminal activity (i.e. restricting access behind the building, installing appropriate lighting and security cameras and limiting hours of operation). Finally, through compliance with the PCAPCDs requirements for gas stations, air quality impacts will not pose an unsafe condition for the surrounding homes.

## **It is noted that the site is too small to handle traffic generated by the use and is not consistent with the General Plan's suggested 5-25 acre size for commercial sites.**

As proposed, the driveway off of Angus Road will provide approximately 200' of stacking and will ensure an appropriate distance for the potential queuing of vehicles entering the site. The internal circulation pattern will consist of a two-way drive aisle along the front of the commercial building and a drive aisle around the western portion of the gas station and under the canopy that will help facilitate traffic around the site. The internal circulation pattern will also provide the required approach to the trash enclosures and will be configured to allow emergency vehicles access throughout the site. In addition, pedestrian access will be rerouted around the project frontage and a new eight-foot wide sidewalk will be constructed along Fiddymment Road to tie into the existing sidewalk on Angus Road. As noted in the DRP analysis, the project will provide the appropriate vehicular and pedestrian circulation consistent with the Community Design Guidelines, WRSP, and Zoning Ordinance. Furthermore, although the General Plan suggests a 5-25 acre site based on large scale commercial development, the size of the subject site (totaling approximately 1.3 acres) does not preclude development and is similar in size to other CC properties located throughout the City that are less than the suggested 5 acres. The General Plan also states that "appropriate areas for community commercial land use are the corners of, and adjacent to, arterials." Fiddymment Road is an arterial roadway. Accordingly, a gas station on the 1.3 acre site is appropriate and consistent with the General Plan.

## **The site design conflicts with the Community Design Guidelines that recommends gas station canopies be located away from intersections.**

Based on the unique shape of the subject parcel, the current site layout is the most effective use of space in allowing appropriate circulation, and vehicle and pedestrian access. While the City's Design Guidelines discourage fuel canopies on corners of

# CC ATTACHMENT 1

prominent intersections, this is a guideline that is not necessarily applicable to all intersections. In addition, the proposed site configuration is not unlike several other gas station locations within the City that currently have fuel canopies adjacent to intersections. As proposed, the gas station canopy and pumps are situated to provide the greatest separation between the proposed use and all surrounding homes. As designed, the homes to the south and west are separated from the use by a two lane and four lane roadway, respectively. In conclusion, the City's Design Guidelines are the framework to use when evaluating projects; however, deviations to the guidelines are permitted through the approval of a DRP.

**The proximity of the gas station to the park is unique to the proposed location and is not harmonious with the development of the area and will create an unsafe environment.**

The proposed gas station is located over 350' from the nearest property line of the park site with Fiddymment Road acting as a buffer. Furthermore, the Zoning Ordinance does not prohibit specific uses from locating within proximity to park sites.

**The CEQA exemption of the project is not valid due to potential significant effects related to traffic noise and air quality.**

See Environmental Review Section below.

## SUMMARY EVALUATION

The proposed use is principally permitted and is consistent with the General Plan's land use designation of CC. Furthermore, the project is consistent with the Zoning Ordinance standards related to maximum building height, parking, permitted uses and compliance with the City's Community Design Guidelines. In addition, special attention has been paid to the building layout and architectural design to ensure compatibility with the surrounding neighborhood and compliance with the applicable development standards. A review of the proposed site layout and building design has determined that the project complies with the Community Design Guidelines, West Roseville Specific Plan, and Zoning Ordinance. As such, the Planning Commission has found that the project is consistent with the following four required Findings of Fact.

1. *The project, as approved, preserves and accentuates the natural features of the property, such as open space, topography, trees, wetlands and watercourses, provides adequate drainage for the project, and allows beneficial use to be made of the site for development.*
2. *The project site design, as approved, provides open space, access, vehicle parking, vehicle, pedestrian and bicycle circulation, pedestrian walks and links to alternative modes of transportation, loading areas, landscaping and irrigation and lighting which results in a safe, efficient and harmonious development and which is consistent with the applicable goals, policies and objectives set forth in the General Plan, WRSP, and Community Design Guidelines.*
3. *The building design, including the materials, colors, height, bulk, size and relief, and the arrangement of the structures on the site, as approved, is harmonious with other development and buildings in the vicinity and which is consistent with the applicable goals, policies and objectives set forth in the General Plan, WRSP, and Community Design Guidelines.*
4. *The design of the public services, as approved, including, but not limited to trash enclosures and service equipment are located so as not to detract from the appearance of the site, and are screened appropriately and effectively using construction materials, colors and landscaping that are harmonious with the site and the building designs.*

## FISCAL IMPACT

The development of the site with a 10,000 sq ft commercial building and 10 pump gas station will not result in negative impacts to the City's General Fund. All costs associated with development of the site will be borne by the project applicant.

## ECONOMIC DEVELOPMENT / JOBS CREATED

The project will generate construction jobs and several part time service industry jobs once the project is operational.

## ENVIRONMENTAL REVIEW

The project is categorically exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) per Section 15332 pertaining to Infill development projects and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures. The section 15332 categorical exemption applies to Infill development meeting the following conditions:

**a) The project is consistent with the applicable general plan designation and all applicable general plan polices as well as with applicable zoning designation and regulations.**

The project site has a land use and zoning designation of CC which principally permits the proposed use. Furthermore, as noted herein the project is consistent with the Zoning Ordinance standards and Community Design Guidelines.

**b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

As noted in the background section of this report, the site totals approximately 1.3 acres and is surrounded by developed residential subdivisions to the east, south and west.

## CC ATTACHMENT 1

**c) The project has no value as habitat for endangered, rare or threatened species**

The project site has been rough graded and no endangered/threatened species or special habitat exists onsite.

**d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

As noted above, the project will generate fewer trips than anticipated by the City's Traffic Model and air quality impacts related to gas stations are governed by PCAPCD. The project was circulated to PCAPCD and no special comments were submitted. The Subsequent Environmental Impact Report (SEIR) for SPA 3 included air quality mitigation measures that the project must meet. Additionally, the nearest homes back up to the site or the adjacent roadway and will be setback from the gas station a minimum of 125'. These homes will also be screened by landscaping and a six foot tall masonry wall further reducing noise impacts. Staff does not anticipate any noise impacts or significant air quality impacts to the adjoining properties beyond those customarily associated with traffic from the nearby roadways. However, consistent with City policy the project will be required to comply with the City's Noise Ordinance to ensure minimal impacts on the nearby homes, and the proposed gas station will be required to secure an annual permit to operate, through PCAPCD, ensuring the required local, state, and federal standards are adhered to as it relates to air quality impacts.

**e) The site can be adequately served by all required utilities and public services.**

Backbone infrastructure is available to the site from Fiddymont Road. Additionally, the project has been reviewed and commented on by all applicable service providers.

Respectfully Submitted,

Wayne Wiley, Associate Planner

Kevin Payne, Development Services Director



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Rob Jensen, City Manager

**ATTACHMENTS:**

Description

[Resolution No. 17-430](#)

[Attachment 2 - Appeal Letter 1](#)

[Attachment 1 - PC Staff Report, Attachments & Exhibits](#)

[Attachment 3 - Supplemental Appeal Letter](#)