

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
December 12, 2019

PROJECT TITLE

Old Dominion Freight

ADDRESS/LOCATION

2960 Dutton Avenue

ASSESSOR'S PARCEL NUMBER

043-134-053

APPLICATION DATE

July 16, 2018

REQUESTED ENTITLEMENTS

Conditional Use Permit (with parking reduction)

Zoning Variance

PROJECT SITE ZONING

IL (Light Industrial)

PROJECT PLANNER

Adam Ross

APPLICANT

Chris Furstenau

PROPERTY OWNER

Roger Nelson

FILE NUMBER

PRJ18-043 (CUP18-112 & ZV18-003)

APPLICATION COMPLETION DATE

August 8, 2019

FURTHER ACTIONS REQUIRED

Major Design Review

Building Permits

GENERAL PLAN DESIGNATION

Light Industry

RECOMMENDATION

Approval

Agenda Item #
For Planning Commission Meeting of: December 12, 2019

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR CISCO AND MEMBERS OF THE COMMISSION

FROM: ADAM ROSS, CITY PLANNER
PLANNING AND ECONOMIC DEVELOPMENT

SUBJECT: OLD DOMINION FREIGHT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

The Planning and Economic Development Department recommends that the Planning Commission, by resolutions, approve (1) an addendum to mitigated negative declaration, (2) a Conditional Use Permit, with a 4% parking reduction, to allow a trucking freight and transfer terminal and (3) a Major Zoning Variance that would allow 30-foot tall light standards, a 14-foot increase over the 16-foot light standards allowed under the Zoning Code.

EXECUTIVE SUMMARY

The project proposes a truck and freight terminal at 2960 Dutton Avenue. The proposed use requires a Minor Conditional Use Permit approval, which has been elevated to the Planning Commission for review with a Major Variance to allow for increased height for the proposed light standards. The project also requires Design Review, which will be acted on by the Design Review Board.

BACKGROUND

1. Project Description

The project site is an undeveloped 8.5-acre parcel surrounded by light industrial development including the Canine Companions for Independence Campus in a Light Industrial Zoning District. The site is located at 2960 and 2970 Dutton Avenue in the City of Santa Rosa east of Dutton Avenue. The site is bordered by the SMART train tracks to the east and Dutton Avenue to the west.

The majority of the project site is relatively level with elevations ranging between 117 and 125 feet above sea level. A drainage swale, which supports a 0.04 acres seasonal wetland, is located in the southern portion of the project site. There are two Rights-of-Way located on the southeastern corner of the site, one is a railroad spur and the other is an easement that accommodates a Sonoma County Water Agency water line. The spur is no longer used as it is not connected to the main track.

The Project proposes one freight transfer terminal building with a square footage of approximately 17,695 square feet that includes 34 loading dock doors on the 8.5-acre site. The yard will have 224,901 square feet of paved maneuvering and parking area for trailers.

A small (0.04 acre) wetland drainage that delivers water to a storm drain inlet will remain undeveloped thus avoiding impacts to waters of the U.S. and State. An average wetland setback of 25 feet from the wetland edge on all sides shall be preserved in perpetuity via recordation of a permanent deed restriction approved by the City of Santa Rosa prior to building permit.

The railroad spur easement at the back of the property, off of the SMART tracks, will be avoided.

The Project includes a Minor Conditional Use Permit for a truck or freight terminal and a Zoning Variance for 30-foot tall light standards. Zoning Code Section 20-30.080(A)(3) limits the light standards to 16 feet for Business and Light Industrial Parks. The 30-foot light standards are a 14-foot increase over the allowed 16-foot limit on light standards. The applicant has requested the Variance because strict compliance with Zoning Code Section 20-30.080(C), which requires one-foot candle of light at ground level during hours of darkness for the property at 2960 Dutton Avenue, would inhibit the proposed use given the height of the trucks maneuvering throughout the site

2. Surrounding Land Uses

North: Vacant and Light Industry

South: Light Industry

East: Light Industry

West: Light Industry

3. Existing Land Use – Project Site

The project area is comprised of one parcel totaling approximately 8.5 acres. The site is undeveloped and consists of mostly native grasses, and an approximately 0.04-acre seasonal wetland in the south east corner. Existing topography is generally flat, with the average slope of the site less than 10 percent. No trees exist on-site.

4. Project History

In November 1999, the Design review Board approved a similar project with a Mitigated Negative Declaration (MND) that consisted of the construction of two light industrial concrete buildings approximately 69,836 square feet and 57,512 square feet, totaling 127,348 square feet. The design the buildings were designed for light industrial uses with no known tenants at the time.

In 1999, the Design Review Board approved Resolution No. 99-186 adopting a Mitigated Negative Declaration to allow two new light industrial buildings on the project site. In 2016, the Planning Commission approved Resolution No. 11744 recommending approval to the City Council of a General Plan Amendment from General Industry to Light Industry for the project site. On March 29, 2016, City Council approved Resolution No. 28760 approving a General Plan Amendment to change the Land Use Designation from General Industry to Light Industry for Assessor's Parcel Number 043-134-053.

After the adoption of the MND and City Design Review approval, the potential for the presence of California Tiger Salamander (CTS) was identified. The two years of required studies were performed by Golden Bear Biostudies, and no CTS were identified. The report was submitted to the U.S. Fish and Wildlife Service (USFWS). The USFWS concurred with the findings of (1) no take and (2) no mitigation requirement (see Appendix B-5 of the 2016 Addendum).

Two wetlands delineations were performed for the site. The first delineation and Preliminary Jurisdictional Determination (PJD) was verified by the United States Army Corps of Engineers (USACOE) in 2008 (Appendix B-6 of the 2016 Addendum). In 2013, a second request for a PJD was submitted. On July 8, 2014, the USACOE confirmed their jurisdiction over 0.04 acres of waters of the U.S./State. The areas subject to the USACOE/RWQCB Clean Water Act jurisdiction are limited to the remnant swale that supports small pockets of seasonal wetland in the southwestern portion of the project site (Appendix B-3 of the 2016 Addendum).

On March 29, 2016, City Council approved Resolution No. 28760 approving a General Plan Amendment to change the Land Use Designation from General Industry to Light Industry for Assessor's Parcel Number 043-134-053.

PRIOR CITY COUNCIL REVIEW

On March 29, 2016, City Council approved Resolution No. 28760 approving a General Plan Amendment as well as an Addendum to the 1999 Mitigated Negative Declaration to change the Land Use Designation from General Industry to Light Industry for Assessor's Parcel Number 043-134-053.

ANALYSIS

1. General Plan

The subject site is within an area designated as Light Industry on the General Plan Land Use Diagram. The Light Industry Land Use Designation accommodates light industrial, warehousing and heavy commercial uses. Uses appropriate to this land use category include auto repair, bulk or warehoused goods, general warehousing, manufacturing/assembly with minor nuisances, home improvement retail, landscape materials retail, freight or bus terminals, research oriented industrial, accessory offices, and employee-serving commercial uses, and services with large space needs, such as health clubs.

General Plan Goals and Policies

In addition to the above noted uses, staff also considered the following General Plan goals and policies related to the proposal:

- LUL-J-1 Maintain an adequate supply of employment centers in a variety of locations and settings to ensure the city's continued economic vitality
- LUL-K Protect industrial land supply and ensure compatibility between industrial development and surrounding neighborhood.
- LUL-K-2 Require that outdoor storage areas be screened from any public right-of-way
- LUL-S-1 Provide for pedestrian walkways on all major roads and in all highway over-crossing design
- EV-B Facilitate the retention and expansion of existing business and provide sufficient land for business expansion and attraction of new employers that utilize the area's existing labor pool.
- EV-C-2 Establish and inventory of ready-to-go non-residential sites complete with zoning, infrastructure, and environmental clearances.
- EV-D Maintain the economic vitality of the downtown, business parks, offices and industrial areas.

- LUL-LL Establish a complete network of paths for pedestrians and bicyclists to conveniently navigate through the plan area and beyond.
- T-B-2 Locate uses generating heavy traffic so that they have direct access or immediate access secondary access to regional/arterial streets or highways.

The proposed height of the light standards is similar to lights located on the neighboring parcel south of the site, while the remainder of the site layout and building height is similar to existing industrial uses north and south of the site. The Light Industry Land Use Designation specifically identifies the proposed use as appropriate for this site and surrounding area. The site does not abut Residential Land Use Designations.

2. Other Applicable Plans

Not applicable.

3. Zoning

The subject property is within the IL (Light Industrial) zoning district, which is consistent with the General Plan land use designation. Zoning districts for surrounding properties:

North: IL (Light Industrial)

South: IL (Light Industrial)

East: IL (Light Industrial)

West: IL (Light Industrial)

The site is appropriately zoned for the use and allowed with approval of a Minor Conditional Use Permit. The site is located in an industrially zoned area with similar uses adjacent to the site. The Project has been reviewed and Conditioned by City Staff and outside agencies. Under typical circumstances the Minor Use Permit is approved by the Zoning Administrator (Zoning Code Section 20-52.050(C)(2), however, the Planning Commission may act on a Minor Use Permit when combined with another Entitlement.

Applicable sections of the Zoning Code include:

Development Standards

Pursuant to Zoning Code Section 20-52.060, the request to exceed the maximum

height of outdoor light standards by 14 feet requires a major Zoning Variance, for which the review authority is the Planning Commission.

Initially, the Applicant requested 40-foot light poles. After Staff analyzed the requested Variance, the Applicant was asked to provide additional photometric studies of the site with varying light standard heights, and to further evaluate onsite circulation. Three exhibits were provided showing the photometrics and onsite circulation with 16-foot light poles (Attachment 5), 30-foot light poles (Attachment 6), and another showing 40-foot light poles (Attachment 7). It is evident that the shorter poles would not provide sufficient lighting into the middle of the yard. If the project is restricted to 16-foot tall light poles, the number of poles needed is more than doubled compared to taller light standards while also inhibiting onsite circulation and therefore the proposed use.

The Applicant's preferred light pole height is 40 feet to allow greater maneuverability throughout the site due to the limitations caused by the wetland and railroad easement and the need to provide three less light poles. However, after Staff analysis and correspondence with the Applicant, the Applicant amended their request from 40-foot light poles to 30-foot light poles, which requires more light poles and puts a greater burden on the use but has a less intrusive view of the outdoor lighting.

The applicant has requested a Variance from the outdoor light standards as written in Zoning Code Section 20-30.080(A)(3). All other development standards will still apply.

FINDINGS REQUIRED FOR VARIANCE

The Planning Commission must make five findings, as shown below, before granting the Variance:

- a. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Code denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self-created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable development standards.

Staff Response:

The site's wetland on the southwest side of the property and a railroad easement on the southeast side of the property, when incorporated into the feasible use of the site, result in constraints that are unique. The seasonal wetland on the southwest and the railroad spur on the southeast of the property greatly limit opportunities for flexible site planning which is necessary to preserve and utilize natural site features such as the

wetlands. The unique shape of the property along with the reduced front and rear usable space significantly challenges development of the site that negatively impacts the location of the outdoor lighting required for the site.

In this context, the unusual circumstance is the collection of constraints described herein, which are specifically attached to the subject property and not generally shared by other properties nearby. As such, the proposed site plan was developed in response to existing conditions and the presence of onsite easements.

- b. A non-self-created hardship peculiar to the subject property does exist by reason of the conditions, and these conditions are not common to all or most of the properties in the immediate area which are also within the identical zoning district. In this context, personal, family, or financial difficulties, loss of prospective profits, and existing zoning violations, or legal nonconforming uses or structures existing on neighboring properties shall not be deemed hardships justifying a Variance.

Staff Response:

Given the unique circumstances outlined in the finding above, relief from the development standards is necessary in order to respect and preserve the natural wetland on the site and accommodate an efficient site plan for the proposed truck or freight terminal use. In this context, a strict application of the zoning standards will result in a hardship in that a diminished function and less environmentally sensitive site plan would be required that would potentially impact and/or diminish the valuable, natural feature of the site. A strict application of the zoning standards requiring 16-foot light poles will impact maneuverability for the tractor-trailers to safely navigate the site creates a non-self-created hardship not encountered on the surrounding properties within the Light Industrial Zoning District.

- c. Granting the Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the vicinity which are within the identical zoning district as the subject property, and a Variance, if granted, would not constitute a special privilege to the subject property which is not held or enjoyed by neighboring properties within the identical zoning district.

Staff Response:

In light of the natural constraints described herein, a strict application of the zoning standards would deprive this property of the ability to present an efficient and functional site plan that will reasonably facilitate the intended truck or freight terminal use and be proportionately appropriate for the site and consistent with other developments nearby. Further, the surrounding properties are able to operate light industrial uses with the

property immediately south having approximately 30-foot light poles in front of the property facing inward. The Variance is only for the area behind the proposed building and parking lot frontage and faces inward. Relief from the 16-foot light standards requirement will result in a site plan that will maintain a streetscape along Dutton Avenue that is keeping with the existing commercial development pattern of the vicinity, and allow for the preservation of the existing wetland and railroad easement.

Granting the Variance is a right associated with all properties within the City of Santa Rosa and does not grant this property a special privilege. The future use of the site does not inhibit the surrounding properties from applying for a Variance from development standards as outlined in Zoning Code Section 20-52.060.

- d. The Variance would not be of substantial detriment to adjacent properties and would not be in conflict with the purposes and intent of this Zoning Code, the General Plan, any applicable specific plan, or the public interest or welfare.

Staff Response:

Relief from the zoning standards will allow the subject property to operate a truck or freight terminal safely and sufficiently without becoming a burden to surrounding properties while preserving the naturally occurring wetland onsite and maintaining the railroad easement. Moreover, because the outdoor lighting would be directed inward, would not protrude onto surrounding properties, and would allow the safe and sufficient use of the site while complying with all other Zoning Code requirements for new development within the Light Industry General Plan Land Use Designation.

- e. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Staff Response:

For more detailed information, refer to the Environment Review section of this staff report.

4. **Parking**

Section 20-36.040, Table 3-4 of the Zoning Code requires one (1) vehicle parking space for each 350 square feet and one (1) bicycle parking space per 7,000 square feet for industrial uses that are less than 50,000 square feet and one (1) vehicle parking space for each 250 square feet and one (1) bicycle parking space per 5,000 square feet for business service use such as an office. The proposed use is located in a new 36,467 square-foot building, with 4,472 square feet

dedicated to the office use therefore, 18 vehicle parking spaces and one (1) bicycle parking space are required for the office use and 38 vehicle parking spaces and three (3) bicycle parking space is required for the industrial use. A total of 56 parking spaces and four (4) bicycle parking spaces are required for the Project.

The applicant is proposing 54 vehicle parking spaces and four (4) bicycle parking spaces onsite, therefore, the project requires approval of a 4% vehicle parking reduction for the use.

Under Zoning Code Section 20-36.050(C)(1)(b), the review authority may reduce the amount of parking by any amount for a project that requires a Conditional Use Permit after making the following findings:

- Due to special circumstances associated with the operation of the use at its location, the proposal will generate a parking demand different from the standards specified in Table 3-4
- The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use

FINDINGS REQUIRED FOR CONDITIONAL USE PERMIT INCLUDING A PARKING REDUCTION

The Planning Commission must make the following findings as required in Zoning Code Section 20-52.050 to grant the Conditional Use Permit with a parking reduction. Each finding is followed by a staff response.

- A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the City Code.

Staff Response:

The proposed Project is allowed in the Light Industrial (IL) Zoning District and complies with all other applicable provisions of this Zoning Code and the City Code. Zoning Code Table 2-10 lists allowable uses within the IL Zoning District, which implements the Light Industry General Plan land use designation, and allows a truck or freight terminal with the approval of a Minor Conditional Use Permit.

- B. The proposed use is consistent with the General Plan and any applicable specific plan.

Staff Response:

The proposed Project is consistent with the General Plan land use designation of

Light Industry, which is applied to areas which accommodate light industrial, warehousing, and heavy commercial uses including freight or bus terminals.

- C. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity.

Staff Response:

The site is in an area zoned and predominately occupied by various industrial uses. The properties to the north, east, south, and west are zoned Light Industrial (IL), with predominately light industrial uses in operation and located near Highway 101. The size of 8.45-acre parcel is large enough to support the operating characteristics of the Project.

- D. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

Staff Response:

The Project plans demonstrate compliance with all operational standards as specified in Zoning Code. The 8.45-acre site is suitable for the size of the operation. The Project site is located on an arterial street which is in close proximity to Highway 101 and has access to all public utilities. The Addendum to the Mitigated Negative Declaration included a Trip Generation Summary by W-Trans, dated September 13, 2019, indicates that there is no significant impact, not already identified in the 1999 Mitigated Negative Declaration as the 2019 Summary indicates that the project will generate 35 AM Peak Hour Trips and 33 PM Peak Hour Trips and does not require further analysis.

- E. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the property is located.

Staff Response:

The project site is located in an industrial corridor with other light industrial uses are operating and implements the General Plan Land Use Designation. The Project includes public right-of-way improvements that will provide a sidewalk for safer pedestrian travel in front of the property where no current sidewalk exists, and the site is located on an arterial street that can support the proposed use. The Project is located within an enclosed site and does not encroach into any of the surrounding properties and would prevent any light pollution greater than one-foot candle from protruding onto surrounding properties.

The proposed use has incorporated standard Bay Area Air Quality Management District Best Management Practices during all on- and off-site construction

activities and falls within the BAAQMD's significance thresholds for industrial uses to prevent any nuisance, injury, or detriment to the public interest, health, safety, convenience, or welfare.

- F. Due to special circumstances associated with the operation of the use at its location, the proposal will generate a parking demand different from the standards specified in Table 3-4

Staff Response:

The parking supplied for the site is deficient by two spaces. However, the proposed use is not open to the public, and out of the total of 60 number of employees only a portion will be on the site at any given staggered shift. The parking demand will not exceed what is available on site.

- G. The number of parking spaces approved will be sufficient for its safe, convenient, and efficient operation of the use

Staff Response:

Given the total number of employees present on the site at any given shift, the proposed parking supply will be sufficient. Given the nature of the truck freight terminal operations, employees may arrive and depart in a tractor-trailer, which would not necessitate a parking space and requiring a parking space would inhibit tractor-trailer maneuverability.

5. Design Guidelines

Not applicable.

6. Neighborhood Comments

None Received since writing this Staff Report.

7. Public Improvements/On-Site Improvements

Frontage improvements include street widening to arterial street width, a 10-foot wide planter strip, and a six-foot wide sidewalk connecting to the existing sidewalk to the south of the property.

FISCAL IMPACT

Not applicable.

ENVIRONMENTAL IMPACT

An IS/MND was prepared in compliance with the California Environmental Quality Act (CEQA) in 1999, for the Dutton Avenue Light Industrial Buildings Initial Study/Mitigated Negative Declaration (IS/MND). A Mitigated Negative Declaration was posted with the California State Clearing House and the Sonoma County Clerk's Office, initiating a thirty-day public comment period beginning October 15, 1999, and ending November 4, 1999. Potentially significant impacts related to Air Quality, Biological Resources, Cultural Resources, Hazards & Hazardous Materials, Noise, and Transportation/Traffic, Water, Land Use, and Aesthetics were mitigated to a less than significant level through mitigation measure implementation or compliance with existing Municipal Code requirements or City standards. The MND prepared for the project concluded that the construction of two light industrial concrete buildings having an area of 69,836 square feet and 57,512 square feet designed to accommodate warehousing, bulk distribution, office, and research and development, would not result in direct or primary environmental effects. The Design Review Board adopted the IS/MND at its November 4, 1999.

On January 28, 2016, a first Addendum analyzed a modified project for the site. The Addendum analyzed the new project which consisted of two industrial buildings with a combined square footage of 118,500 square feet as it relates to those potential uses identified by the 1999 IS/MND.

A Second Addendum to the adopted 1999 Mitigated Negative Declaration was prepared on September 13, 2019, and reviewed by City Staff, and staff determined that the project would not cause new significant environmental effects or substantial increases in the severity of significant effects beyond those previously identified as part of the City's environmental review process. An Addendum to an adopted negative declaration may be prepared if no significant environmental effects will occur and none of the previously identified effects will increase in severity. (CEQA Guidelines section 15164.) None of the circumstances under CEQA Guidelines Section 15162 are triggered; therefore, no additional analysis is required. See "Old Dominion Second Addendum" for further analysis.

Per CEQA Guidelines Section 15164(c), an addendum need not be circulated for public review, but can be included in or attached to the final EIR or adopted mitigated negative declaration. Per CEQA Guidelines Section 15164(d), the decision-making body shall consider an addendum with the final EIR or adopted mitigated negative declaration prior to making a decision on the project.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

In November 2019, the project was noticed as a public hearing pursuant to Zoning Code Chapter. 20-66. One public hearing sign was posted on site, a Public Hearing Notice was published in the Press Democrat, a Public Hearing Notice was mailed to property owners and occupants within 600 feet of the property; and bulletin board postings were provided at City Hall and on the City website. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ISSUES

There are no unresolved issues.

ATTACHMENTS

- Attachment 1 – Disclosure Form
- Attachment 2 – Location Map
- Attachment 3 – Civil Site Plan dated received March 28, 2019
- Attachment 4 – Architectural Site Plan received June 20, 2019
- Attachment 5 – Floor Plan received June 20, 2019
- Attachment 6 – Elevations received June 20, 2019 (For Reference)
- Attachment 7 – Landscape Plans received June 20, 2019 (For Reference)
- Attachment 8 – Grading and Drainage Plans received March 28, 2019
- Attachment 9 – Variance Request from Applicant received on October 21, 2019
- Attachment 10 – Amended Variance Request from Applicant received on Nov 25, 2019
- Attachment 11 – 16-foot Light Pole Photometrics Exhibit received on Nov 25, 2019
- Attachment 12 – 16-foot Light Pole Maneuverability Exhibit received on Nov 25, 2019
- Attachment 13 – 16-foot Light Pole Photometrics Exhibit without obstructions received March 28, 2019
- Attachment 14 – 30-foot Light Pole Photometrics Exhibit without Obstructions received on October 3, 2019
- Attachment 15 – 30-foot Light Pole Photometrics Exhibit received on Nov 25, 2019
- Attachment 16 – 30-foot Light Pole Maneuverability Exhibit received on Nov 25, 2019
- Attachment 17 – 40-foot Light Pole Photometrics Exhibit received on October 21, 2019
- Attachment 18 – 40-foot Light Pole Photometrics Exhibit without Obstructions received on October 3, 2019
- Attachment 19 - Site Lighting Renderings received September 30, 2019
- Attachment 20 - Light Fixture Cut Sheets received June 20, 2019
- Attachment 21- First Addendum dated January 20, 2019
- Attachment 22 - Second Addendum to the 1999 Initial Study/Mitigated Negative Declaration Old Dominion Industrial Building dated September, 2019.

- Resolution 1 – Second Addendum to IS/MND
- Resolution 2 – Zoning Variance

Resolution 3 – CUP

CONTACT

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