

**ITEM V-A:            VARIANCE - INFILL PCL 10 – 400 SEQUOIA ST. - VARIANCE FOR SECOND UNIT – FILE #PL16-0155**

**REQUEST**

The applicant proposes to construct a 660 square foot one bedroom, single-story second residential unit with access from the rear alley. The second unit is proposed to be located 10 feet from the rear property line, where the Zoning Ordinance requires a 20 foot rear yard setback for the second residence.

**SUMMARY RECOMMENDATION**

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

- A.     Adopt the three findings of fact for the Variance; and
- B.     Approve the Variance subject to nine (9) conditions of approval.

**OUTSTANDING ISSUES**

To date, Staff has received one letter (Attachment 1) and two phone calls from adjacent neighbors who are concerned with the proposed Variance. These concerns center on the fact that the accessory building is currently under construction and was originally intended to be constructed as a workshop and not a second unit. The adjacent neighbors also cited the number of rental units in the area, parking for the second unit, and the visibility of motorists from the alleyway as an additional concerns. These items are discussed in more detail in the evaluation section of this report.

**BACKGROUND**

The project site is located on Sequoia St. between Manzanita Av. and El Dorado Av. in the infill area of the City (see Figure 1). The property is zoned Single Family Residential (R1) and has a land use designation of Low Density Residential (LDR-5). Surrounding uses are all single family residences except for the neighborhood park (Woodbridge Park) that is located to the south of the property across Manzanita Av. The property is a part of the Sierra Vista Park subdivision which was created in 1906, before the City incorporated in 1909. Many houses in the neighborhood appear to have been constructed in the early 20<sup>th</sup> century, prior to the City's first Zoning Ordinance.

The lot is approximately fifty (50) feet wide by one hundred fifty (150) feet long. The 7,500 square foot parcel is currently developed with a 1,857 square foot single-family residence and an attached 400 square foot garage (see Exhibit A). The rear property line abuts a 20-foot wide public alley. (All of the blocks in the neighborhood have east-west mid-block alleys) The second unit to be constructed on the property would total 660 square feet.

**Figure 1: Aerial Photo**



The project applicant originally applied for a building permit in November of 2015 to construct a detached workshop building on the property. The building permit was issued in January of this year and work began on the building (see Figure 2). Subsequently, the property owner has decided to convert the building that is under construction into a second unit.

**Figure 2: Photo of 2<sup>nd</sup> Unit**



The development standards contained in the Zoning Ordinance are different for a second unit versus an accessory building. Section 19.60 of the Zoning Ordinance contains the development standards for a Second Dwelling Unit. These standards require a second unit to comply with the Zone District Standards of the property on which the second unit will be located. Thus, the Variance is needed to reduce the rear yard setback from 20 feet to 10 feet.

## **EVALUATION**

In accordance with the Chapter 19.78.060.G of the Zoning Ordinance, three (3) findings must be made in order to approve a Variance. The required findings for a Variance are listed below in ***italicized bold*** print and are followed by an evaluation.

- 1. There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, such that the strict application of the provisions of this Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical land use district classification.***

As previously referenced, the project site is located in the Sierra Vista subdivision, which was established in the early 1900s. As shown in the Figure 3 below, the neighborhood is characterized by back alley development and structures that are built within close proximity to property lines. This development pattern is very typical in older neighborhoods with mid-block alleys.

Since the subject property is located within a neighborhood that was largely developed prior to the establishment of zoning standards, many of the existing structures do not meet current setback requirements. One purpose of setbacks and maximum coverage requirements is to provide separation and adequate circulation of light and air between structures. In this instance, it is the use of the proposed structure as a second residence that is triggering the need for a larger rear yard setback (20 feet) and the Variance.

**Figure 3: Sierra Park Neighborhood**



As shown in Exhibit A, there is an existing attached garage located at the rear of the primary residence in the middle of the lot. The location of this structure will not allow for the second unit to be placed on the lot without encroaching into either the six (6) foot separation requirement or the twenty (20) foot rear yard setback.

The proposed reduction in the rear yard setback would reduce the separation between this structure and those to the north. However, the 20-foot wide alley provides a permanent open space and extends the effective depth of all abutting parcels by 10 feet, including the subject site.

Staff finds the proposed project to be consistent with other residential development in the neighborhood (back alley development pattern). Approval of the variance will allow the property owner to take advantage of the alley access (as do other residences in the neighborhood), which provides a buffer between this lot and those to the north. In addition, the Variance allows for a usable rear yard area between the primary and second unit.

**2. The granting of the Variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in such vicinity and land use district in which the property is located.**

The proposed construction will occur in the unoccupied rear yard with adequate separation from existing improvements on adjacent properties. The Planning Department sent notice to all property owners within 300 feet of this project. To date, one letter and two phone calls were received from neighboring property owners. In their letter and phone calls, the adjacent property owners state that the required twenty (20) foot setback requirement should be maintained (Attachment 1). In addition, the neighboring property owners are concerned there is a lack of off-street parking and that the workshop is being converted into a second unit.

Staff has brought these items to the attention of the applicant and it is his desire to mitigate these concerns by extending the driveway attached to the main garage to allow an additional parking space. Exhibit A depicts the location of the additional parking space. Staff has added Condition #2 to the project which requires the parking space for the unit to be placed behind the garage, in tandem with the main home’s garage parking spaces.

Staff has not identified any detrimental effects of this project upon the public health, safety and welfare; or upon property or improvements in the vicinity of the project site.

**3. The granting of the Variance does not allow a use or activity which is not otherwise expressly authorized by the regulations governing the subject parcel and will not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity and under identical zoning classification.**

The proposed second dwelling unit is a use and activity that is allowed in the R1 District. The Variance will allow construction in the required rear yard setback, where other adjacent and nearby properties also have structures. The proposed variance does not allow a use that is not otherwise authorized by the regulations of the Zoning Ordinance. In fact, Staff researched past rear setback variance requests of the Planning Commission and also those approved administratively by the Planning Manager in the past ten years. The table below details each of these requests and the reduction in rear yard setback.

**Figure 4: Past Approvals**

Project Name	Address	Project Number	Rear Yard Setback Reduction	Approval Date
Adair 2nd Unit	415 Grove St.	V-000066	7'	PC – 4/28/11
Lines Rear Yard Setback Variance	103 San Juan Av.	V-000063	7'	Admin. – 10/14/09
Kincaid 2nd Unit	616 Oak St.	V-000061	14'	PC – 3/12/09
Ingrid Clegg Variance	516 Vine Wy.	V-000051	8'	PC – 1/24/08
Rush 2nd Unit	506 Coronado Av.	V-000015	13'	PC- 12/8/05
Wells 2nd Unit	112 Irene Av.	V 04-05	20'	PC – 1/13/05
Smith 2 <sup>nd</sup> Unit	424 Pleasant St.	V 03-11	9'	PC – 4/8/04
Fisher 2nd Unit	234 Pleasant St.	V 03-10	20'	PC – 11/20/03

Given the fact that the development pattern of the Sierra Park neighborhood contains numerous alley loaded garages, carports, and second units, and the historical support for similar request in the City's infill neighborhoods, Staff does not believe the granting of the variance will constitute a special privilege.

### **VARIANCE CONCLUSION**

Based on the analysis contained in this staff report, and with the project conditions, the required findings can be made for the proposed Variance. Surrounding properties enjoy equal or greater reductions in rear setbacks given the alley access provided to these properties. In addition, the Planning Commission has approved other similar second units with reduced rear yard setbacks in the recent past, without ongoing operational concerns.

### **ENVIRONMENTAL DETERMINATION**

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15305 pertaining to Minor Alterations in Land Use Limitations and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures

### **RECOMMENDATION**

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

- A. Adopt the three (3) findings of fact listed in the staff report for the VARIANCE – 400 SEQUOIA ST. – INFILL PARCEL 10 – VARIANCE FOR SECOND UNIT — FILE #PL16-0155; and
- B. Approve the VARIANCE – 400 SEQUOIA ST. – INFILL PARCEL 10 – VARIANCE FOR SECOND UNIT — FILE #PL16-0155 subject to the nine (9) conditions below.

### **CONDITIONS OF APPROVAL FOR THE VARIANCE (PL16-0155):**

1. This Variance approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on **June 23, 2018**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of one year from **June 23, 2018**. (Planning & Redevelopment)
2. The required off-street parking for the new second unit shall be provided by locating two spaces behind the existing attached garage. The required parking spaces shall be a minimum of 9 feet by 18 feet. (Planning)
3. A Building Permit is required to construct the proposed 2<sup>nd</sup> Dwelling Unit. (Building)
4. Building permit plans shall comply with all applicable code requirements (California Residential Code – CRC – based on the International Residential Code, California Building Code – CBC – based on the International Building Code, California Green Building Standards Code-CGBSC, California Mechanical Code – CMC – based on the Uniform Mechanical Code, California Plumbing Code – CPC – based on the Uniform Plumbing Code, California Fire Code – CFC – based on the International Fire Code – with City of Roseville Amendments – RFC, California Electrical Code – CEC – based on the National Electrical Code, and California Energy Standards – CEC T-24 Part 6), California Title 24 and the American with Disabilities Act - ADA requirements, and all State and Federally mandated requirements in effect at the time of submittal for building permits (contact the Building Department Division for applicable Code editions). (Building)

5. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings. CRC Sec. R313.2 & NFPA 13D. (Building & Fire)
6. Water service must be sized large enough to accommodate 2 units and fire flow. If building determines that a larger service is needed, Applicant will be required to pay additional fees. (Environmental Utilities)
7. The applicant will be required to pay additional sewer fees. (Environmental Utilities)
8. The water meter is typically installed 2' outside of the pavement. The 2<sup>nd</sup> dwelling shall maintain 5' clearance from the water meter. (Environmental Utilities)
9. The 2<sup>nd</sup> unit will need to be fed by a subpanel from the existing dwelling. A separate secondary drop will not be provided by Roseville Electric. Service entrance is required to meet NEC standards. An electric back bone fee will be assessed based on panel size. (Electric)

#### **ATTACHMENT**

1. Letter from Neighbors

#### **EXHIBITS**

- A. Site Plan
- B. Elevations
- C. Floor 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.