

ITEM V.A: ADMINISTRATIVE PERMIT – 1028 WAILEA WAY – NWRSP PCL 28 – PACIFIC BLUE SWIM LESSONS – PL16-0178

REQUEST

The applicant requests approval of an Administrative Permit for a home occupation that does not conform to the Home Occupation Performance Standards. The applicant requests approval of private one-on-one swimming and water safety instruction conducted at the permit holder’s home.

Owner and Applicant – Shannon and Nick Buendia, Pacific Blue Swim Lessons

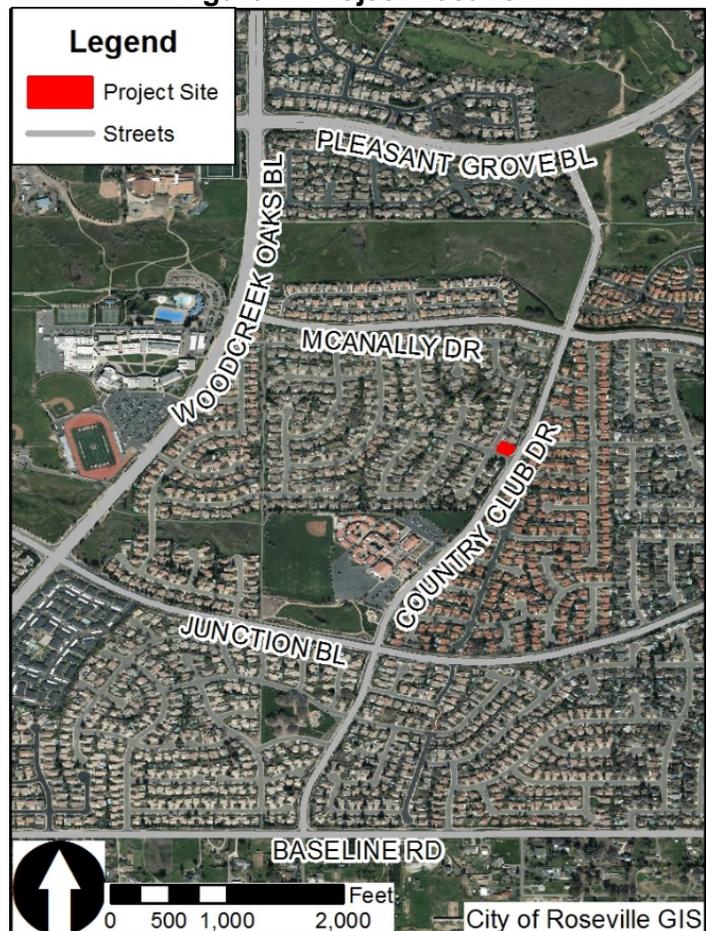
SUMMARY RECOMMENDATION

The Planning Division recommends the Planning Commission deny the request for an Administrative Permit, as the required findings for approval cannot be made.

SUMMARY OF OUTSTANDING ISSUES

There are two Code Enforcement cases related to this property, located at 1028 Wailea Way in the Northwest Roseville Specific Plan area (see Figure 1). The first case is CE16-0436, opened on May 2, 2016, which was for the operation of a home business inconsistent with the Zoning Ordinance. The complainant indicated that there were many cars entering and being parked in the neighborhood, including in front of the complainant’s home. A second complainant also contacted the City about this issue. The applicants applied for and received a Home Occupation Permit on May 6, 2016, which is an online or by-phone process. The permit required filling out and electronically submitting a Home Occupation Clearance Form. The form the applicants completed is attached (Attachment 1), and shows the applicants affirmed by signature that their business would operate in compliance with the Roseville Municipal Code Chapter 19.42 – Home Occupations. Specifically, the applicants affirmed that all business activities would be indoors, even though their business activities are outdoors. This case resulted in the Administrative Permit request from the applicant. The case is currently closed pending the outcome of the Administrative Permit process.

Figure 1: Project Location



The second case is CE16-0449, opened on May 4, 2016, for a tent structure erected over the pool without permits. This case was again generated by two complainants. A courtesy notice was mailed to the property owner on May 10, 2016, requesting the owner remove or permit the non-compliant structure by May 27, 2016. A Code Enforcement Officer visited the property to speak with the owner and go over the code

violations and the process for achieving compliance. Due to lack of progress, a warning was e-mailed on June 7, 2016 informing the owner that the structure would require removal or permitting by June 21, 2016 or a citation warning would be issued. On June 24, 2016 a citation warning was issued, indicating that fines would begin unless the applicant removed or permitted the structure by July 8, 2016. On July 5, 2016 an inspection by Code Enforcement confirmed that the structure had been removed. The Code Enforcement case is now closed.

BACKGROUND

The applicant's business is called Pacific Blue Swim Lessons, and focuses on instruction for children. The instruction area is alongside and within the pool in the backyard. In addition to the pool instruction area, one room of the home and a ¾ bathroom have been set up as a waiting room and changing room for use by clients. The business first began in 2013 at the homes of clients, then transitioned to a leased property in Loomis in the fall of 2013. The applicants purchased the subject property at 1028 Wailea Way in spring of 2016, and began operating their business at the home.

The City has approved a handful of Administrative Permits for Home Occupations, most of which were in-home salons serving one customer at a time and one of which was for music lessons involving several children at once instead of the typical one student. The City has never approved a Home Occupation involving outdoor activities; approving the requested Administrative Permit would set a precedent for Home Occupations.

SITE INFORMATION

Location: 1028 Wailea Way

Total Size: 0.18 acres

Topography and Setting: The property is developed with a single-family home, landscaping, and a pool, and is surrounded by similar residential properties. Except on the eastern side, the rear yard is fenced by typical residential six-foot-tall wood fencing. On the eastern side the fencing is double-faced wood supported by brick pilasters. The property and all surrounding properties have a zoning designation of Single-Family Residential (R1) and a land use designation of Low Density Residential (LDR).

As shown in Figure 2, the property is located on an entry corner to the County Club Estates subdivision, and as a result is bounded by public streets on three sides: Country Club Drive to the east (42 feet wide), Legends Way to the south (42 feet wide), and Wailea Way to the west (32 feet wide). Country Club Drive is a residential collector street with bicycle lanes on both sides of the street, a meandering sidewalk in a 19-foot-wide landscape area, and a double-faced wooden fence with brick pilasters located behind the landscape

Figure 2: Project Area



area. The other two roadways are minor residential streets with standard curb, gutter, and attached sidewalk.

EVALUATION

Section 19.78.060A of the City of Roseville Zoning Ordinance requires that three findings be made prior to the approval of an Administrative Permit. The required findings are listed below in ***italicized bold print*** and are followed by an evaluation.

1. The proposed use or development is consistent with the City of Roseville General Plan and any applicable specific plan.

The General Plan and Northwest Roseville Specific Plan land use designation for the subject property is Low Density Residential (LDR). The LDR land use designation is intended to allow for the development of attached and detached single-family residences, and also contemplates secondary uses, such as schools, commercial child care, and religious assembly. However, the General Plan is designed to function at a broader land use level, deferring development standards, performance criteria, and the evaluation of individual single-family parcels to the Zoning Ordinance. The Specific Plan is more detailed than the General Plan, but is still focused on the neighborhood level, not on individual lots. Thus, the General Plan and the Northwest Roseville Specific Plan are silent on the topic of Home Occupations.

The Zoning Ordinance was developed with the policies and intent of the overarching General Plan and Specific Plans in mind, so in general a project consistent with the Zoning Ordinance is also consistent with the General Plan and applicable Specific Plan. In cases where a project is inconsistent with the Zoning Ordinance, an evaluation is needed to define whether the deviation is such that inconsistency with the General Plan results. This is because many Zoning Ordinance standards are designed to avoid creating nuisance conditions in neighborhoods; they are not essential components that distinguish a Low Density Residential land use from other land uses. In general, this is also true of the Home Occupation chapter of the Zoning Ordinance. It exists both to prevent uses which are clearly incompatible and inconsistent with the General Plan Low Density Residential land use, such as auto repair businesses, but also to prevent other compatible uses, such as in-home music lessons, from being conducted in such a way that nuisance conditions occur. As discussed below, the proposed home-based swimming lessons business is inconsistent with the provisions of the Zoning Ordinance intended to preserve residential character and avoid nuisance conditions, but cannot be said to be inconsistent with the Low Density Residential land use of the General Plan and Specific Plan.

2. The proposed use or development conforms with all applicable standards and requirements of the Zoning Ordinance.

Home-based businesses are regulated by City of Roseville Municipal Code Chapter 19.42 – Home Occupation. A Home Occupation is defined as follows:

A Home Occupation is an accessory, non-residential business activity carried on within a dwelling by its inhabitants, incidental to the residential use of the dwelling, that does not change the character of the surrounding residential area by generating more traffic, noise, or storage of material than would normally be expected in a residential zone.

Uses inconsistent with the above definition are explicitly prohibited, and the chapter includes Section 19.42.050 – Performance Standards, which defines the parameters a business must ordinarily meet. There are thirteen Performance Standards. An Administrative Permit is required for Home Occupations inconsistent with the Performance Standards, pursuant to Zoning Ordinance Section 19.42.040. The

purpose of the Administrative Permit process is to allow the City to individually examine a proposed business, consider the nature of the deviations from the Performance Standards, and determine whether it is consistent with the Home Occupation definition. The standards most germane to this request are standards A, B, G, I, and L, which are listed and analyzed below.

A. All Activities Indoors: Limiting activities to indoor areas helps prevent home occupations from disturbing the residents of neighboring homes. The proposed swimming instruction business primarily operates outdoors, within and alongside the pool, and is thus inconsistent with this criterion. The primary result of this inconsistency is the generation of noise, which is discussed as part of Performance Standard L, below.

B. Customers: Customer contact is generally prohibited because it generates traffic and, potentially, high levels of activity in a neighborhood. Having non-residents visiting a home frequently throughout the day, and on a daily basis, is generally not expected in a residential neighborhood. Home Occupations involving private instruction of one student at a time (e.g. piano lessons) are permitted, because these generally involve lower activity levels and are traditionally associated with residential neighborhoods. The applicant is requesting private instruction for one child at a time, which is consistent with the customer contact criterion. However, this project came to the City as a Code Enforcement complaint in part because multiple children were being accommodated at once on the property, and the business is established with a waiting area in the home to allow overlapping appointments. Should non-compliance with this condition occur, as has occurred in the past, staff is concerned this may be difficult for staff to enforce.

G. Maximum Area: A Home Occupation shall not require the use of more than 15 percent of the total square footage of the home (including the garage). The purpose of the maximum area criteria is to ensure that the business is clearly secondary or subordinate to the residential use of the home. The home and garage are approximately 1,850 square feet in size. The applicant has devoted one room and a bathroom to the business totaling approximately 215 square feet, which is 12 percent of the home. The interior area devoted to the business is less than the maximum allowed, so is technically consistent with this criterion. However, this does not consider the outside area. This is because the Zoning Ordinance prohibits outdoor activity, and so there are no criterion regarding the amount of outdoor area or combined indoor/outdoor area that may be used for a Home Occupation. If the 15 percent criteria was used for both indoor and outdoor area, then with a lot of 7,852 square feet and a total indoor and outdoor area of 1,515 square feet (approximately 1,300 square-foot pool plus surrounding hardscape, plus 215 square feet of indoor area), the business is using 19 percent of the property.

I. Parking: Single-family homes require two off-street parking spaces, which cannot be eliminated or encumbered because of the Home Occupation. The property includes a two-car garage, which counts as the required two spaces. Clients are not parking within the garage, so this criteria is met. However, traffic and parking has been impacting the residential character of the neighborhood, which is discussed in the “Consistency With Definition” section, below.

L. Noise, Odors: This criterion reads that a Home Occupation “shall not create adverse levels of noise or odors above the ambient levels in the surrounding neighborhood.” While noise from the use of backyards and pools is common in residential areas, it is generally intermittent. Even in cases where a daycare or school is located nearby, there are a limited number of specific time periods when noise occurs. In the case of the swim instruction business, the hours of operation span the entire day (9 am to 7 pm, according to the website) and so noise from the instruction can also occur throughout the day. This is one reason why outdoor activities are prohibited, and why the use is inconsistent with this criterion.

Consistency With Definition

Since opening in the spring, the operation of the swimming instruction business has resulted in frequent, daily visitation of the property by multiple clients at a time. Clients have been parking on neighboring streets and in the driveway of the home, which are legal places for visitors to park, but has contributed to complaints due to traffic volumes and activity levels which are inconsistent with the residential character of the neighborhood. Though the current request would lessen those impacts by allowing only one child to be instructed at a time, the business also involves outdoor activities and generates more noise and activity on the property than is typical in a residential neighborhood. On these grounds, the Planning Manager concluded the requested Administrative Permit does not conform to the standards and requirements of the Zoning Ordinance, and has forwarded the matter to the Planning Commission.

3. *The location, size, design, and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property or improvements.*

The proposed home business involves more traffic, activity, and noise than are ordinarily associated with a residential neighborhood, but not to such a degree that health, safety, or welfare is adversely affected. The proposal was reviewed by the Engineering Division, Fire Department, and Police Department, and none had any comments or concerns related to the proposal. With regard to detrimental impacts to private property or improvements, opponents have observed that the business may impact property values. There are certainly nuisance conditions that are known to lower property values and which most people dislike, which is why the City Municipal Code provides for remediation of conditions such as an unkempt yard, junk and rubbish, and noise levels that disrupt sleep. In this case, it is not clear that the project would lower appraised values. Many of the surrounding neighbors support the business (see the Neighborhood Outreach section of this staff report). Under the circumstances, there is insufficient evidence to conclude that the project would be detrimental or injurious to public or private property or improvements.

NEIGHBORHOOD OUTREACH

Upon first receiving the application, the project was routed to both City and external reviewers for comment, including to the Woodcreek Oaks Neighborhood Association and the Roseville Coalition of Neighborhood Associations. The only comments received were informational items from the Building Division. An Administrative Permit is typically approved by the Planning Manager after distributing a 10-day notice of intent to approve the permit to all property owners within 300 feet of the project. If a public hearing is requested within that 10-day notice period, then the project is forwarded to the Planning Commission for consideration. In this case, the application was received as a result of a Code Enforcement case, with two complainants on record, and the Planning Manager is recommending denial. For these reasons, the Planning Manager has forwarded the Administrative Permit directly to the Planning Commission. Instead of a notice of intent to approve the project, a public hearing notice was mailed to all property owners within 300 feet of the project on July 15, 2016. Multiple letters, both in support and in opposition, have been received from the community. As of the date this staff report was finalized, none of the letters of support are from neighbors, though neighbors did sign a petition (see below). All letters received as of the date this staff report was finalized are included as Attachment 2. Any letters received after that date will be provided to the Planning Commission at the hearing by staff.

In addition to City notifications, the applicant went door-to-door to many of the surrounding homes to request support. A copy of the petition with neighborhood signatures is included as Attachment 3, and a map showing the location of the neighbors who signed is included as Figure 3.

CONCLUSION

The Planning Manager determined that the project does not conform to the standards and requirements of the Zoning Ordinance, and has forwarded the matter to the Planning Commission with a recommendation of denial. In addition to this, the Planning Manager is concerned about the precedent which could be set by allowing outdoor activities for the first time, particularly since the Home Occupation standards have not been developed with this in mind, and would provide no guidance on how future requests for outdoor activities should be treated.

In addition, the clear prohibition on outdoor activities has been of beneficial use to the City's Code Enforcement staff in responding to complaints about home-based business activities in residential neighborhoods. The City typically receives complaints about home-based businesses every month, and a review of the City's records from last year (2015) indicate that the majority of the complaints generally arise due to contractors storing materials outside or otherwise using the home as a staging area, carpentry and woodworking in the driveway, and auto repair businesses. The prohibition on outdoor activities allows the City to establish a clear violation and abate the nuisance conditions. People subject to these Code Enforcement cases typically ask if there is a means of allowing their particular business to continue, and City staff has been able to offer a clear "no," as the City has never supported such outdoor activities. If the City allows outdoor activities in this case, staff is concerned about the precedent that will set for future requests.

ENVIRONMENTAL DETERMINATION

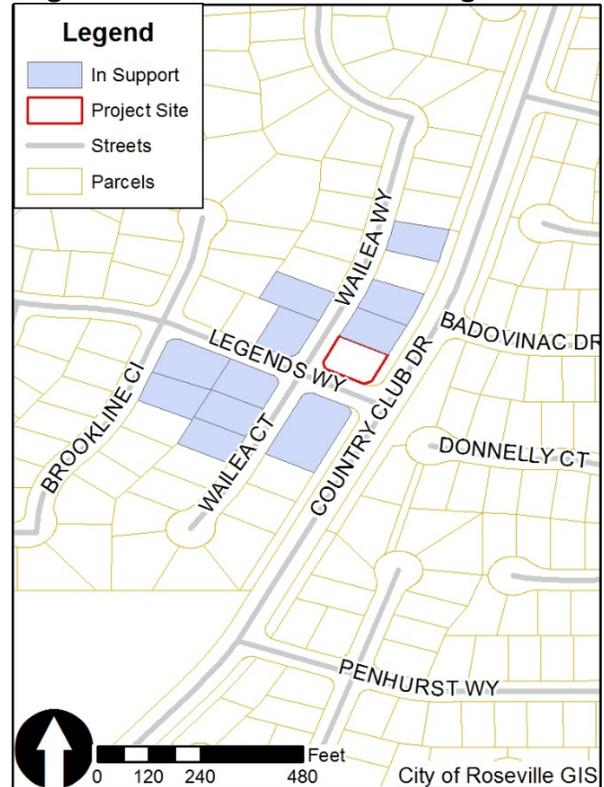
The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305, Minor Changes in Land Use Limitations, and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

- A. Deny the **ADMINISTRATIVE PERMIT – 1028 WAILEA WAY – NWRSP PCL 28 – PACIFIC BLUE SWIM LESSONS – PL16-0178.**

Figure 3: Location of Petition Signatories



Attachments

1. Submitted Home Occupation Clearance Form
2. Letters Received from the Community
3. Petition of Support

Exhibits

- A. Justification and Operational Description
- B. Site 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.



HOME OCCUPATION CLEARANCE FORM

Requests for Home Occupations that comply with the standards identified in Zoning Ordinance Section 19.42 are permitted nonresidential activities in residential zones. Requests for Home Occupations are reviewed by the Planning Division for compliance with the Home Occupation standards outlined in the Zoning Ordinance, as listed below.

A Home Occupation is an accessory, nonresidential business activity carried on within a dwelling by its inhabitants, incidental to the residential use of the dwelling, that does not change the character of the surrounding residential area by generating more traffic, noise or storage of material than would normally be expected in a residential zone.

The conduct of a home occupation shall be subject to the following conditions and criteria:

- A. Number.** More than one (1) Home Occupation may be permitted in a dwelling so long as the maximum cumulative impact of all such businesses shall not exceed the impact of a single Home Occupation.
- B. All Activities Indoors.** All Home Occupation activities shall occur within the dwelling or accessory structures. No Home Occupation activity shall occur outside at any time, nor shall any equipment or material relating to the Home Occupation be parked or stored outside the residence at any time.
- C. Customers.** Personal contact with customers at the residence is prohibited except when authorized by the Approving Authority through approval of an Administrative Permit. Instruction based Home Occupations may receive one (1) student/customer at a time, by appointment only, with no additional permit required.
- D. Deliveries.** No delivery shall be by vehicles larger than an auto, pickup, or standard sized delivery van.
- E. Employees.** The Home Occupation shall be operated by no more than two (2) individuals, both of whom shall be residents of the dwelling. Both residents shall be listed on this application. No other person shall operate or perform any function of the business at the residence. Personal contact with employees or having an employee perform work at the site is prohibited except when authorized by the Approving Authority through approval of an Administrative Permit.
- F. Flammable or Hazardous Materials.** A Home Occupation involving the storage of flammable or hazardous materials shall not be allowed unless the Fire Department approves, in writing, the amount and the method of such storage of materials.
- G. Inspection Required.** The City of Roseville may, at all reasonable times during normal business hours, enter the premises for the purpose of inspecting to determine whether or not the conditions of this chapter are being complied with.
- H. Maximum Area.** The Home Occupation shall not require the use of more than fifteen (15) percent of the total floor area of the dwelling (including garage and detached accessory buildings). The Home Occupation shall not result in any addition to, alteration of, or exterior remodeling of the dwelling, garage or accessory structures.
- I. Merchandise for Sale.** The making of merchandise for sale is permitted provided that the storage of such merchandise does not exceed the total allowable area for Home Occupations and does not require the transporting of material or finished product by means other than an automobile, pickup or standard sized delivery van.
- J. Parking.** No Home Occupation shall result in the elimination of required off-street parking spaces.
- K. Signs.** No signs advertising the Home Occupation shall be allowed, except one vehicle used for the Home Occupation may display the business name.
- L. Vehicles.** Not more than one (1) vehicle specifically designated to be used for a Home Occupation shall be parked at the subject residence at any time. Such allowed vehicle shall not be larger than a standard pickup or delivery van. No commercial vehicles, equipment or trailers shall be parked at the residence at any time.
- M. Noise, Odors.** A Home Occupation shall not create adverse levels of noise or odors above the ambient levels in the surrounding neighborhood.
- N. Equipment.** No equipment (other than a permitted vehicle) or material relating to a Home Occupation shall be parked or stored outside the subject residence.

NOTE: Thank you for opening a business in Roseville. We want your home based business to be successful. If you have any questions regarding the Home Occupation regulations, please contact the Planning Division at (916) 774-5276.

A Business License is required for all persons who transact and carry on business within the City of Roseville. Business License information may be obtained by contacting the Finance Department at (916) 774-5310.



DEVELOPMENT SERVICES –
 PLANNING DIVISION
 311 Vernon Street
 Roseville, California 95678-2649
 (916) 774-5276

FOR OFFICE USE ONLY #PL _____

Approved _____ Denied _____ Date: _____

HOME OCCUPATION CLEARANCE

BUSINESS NAME: Pacific Blue Swim Lessons

Operator's Name Nick & Shannon Buendia Date 5/3/2016

Phone (916) 474-4353 E-mail address lessons@pacblueswim.com

Address: 1028 Wailea Way, Roseville, CA Zip Code 95747

Description of Business (describe services/products in detail)

Private Swim Lessons

Aside from private instruction based home occupations as described in the Home Occupation regulations, will customers or employees not residing at the residence come to the home? Yes No

If yes, an Administrative Permit from the Planning Division shall be obtained prior to issuance of this certificate. Provide the Administrative Permit record number: # PL _____

I have read the Home Occupation Regulations, as outlined in Chapter 19.42 of the City of Roseville Zoning Ordinance, and will comply with the conditions, limitations and terms of the Home Occupation Clearance Certificate. Initial NB SB

I understand that violation of the Home Occupation regulations may result in a penalty and/or revocation of the Home Occupation Clearance Certificate. Initial NB SB

I hereby certify that the information submitted in this application is true and correct and is signed under penalty of perjury under the laws of the State of California. I also understand and agree that a fax, photocopy or electronic copy of this Home Occupation Clearance form with my signature will be accepted with the same authority as the original.

Signature: Nick Buendia Shannon Buendia Date: 5/3/2016

PROPERTY OWNER AUTHORIZATION: (If the applicant is not the property owner of record), I authorize the Applicant to file this application and to represent me on all matters concerning the application. I also understand and agree that a fax, photocopy or electronic copy of this Home Occupation Clearance form with my signature will be accepted with the same authority as the original.

PROPERTY OWNER (print) _____

Address _____ Day Phone _____

Owner's Signature _____ Date _____

July 15th, 2016

Project Planner, Planning Division
311 Vernon Street
Roseville, CA 95678

RECEIVED

JUL 18 2016

Re: Pacific Blue Swim School, Administrative Permit

Planning Department

It has come to our attention that Pacific Blue Swim School is facing challenges brought on by the City of Roseville due to the School's violation of the Home Occupation Performance Standards. I am writing to appeal to the City of Roseville to approve an Administrative Permit that would allow them to continue to operate out of their home.

Our family used Pacific Blue Swim for our daughter's swim lessons in the summer of 2014. The school is nothing short of amazing. Nick Buendia was her teacher and he provided personalized, professional swim lessons. He focused on her swimming technique as well as important aspects of water safety, all while keeping the lesson fun and entertaining for my 3 year old. Nick was able to coach my daughter in a very effective and efficient manner. We are so grateful for his services. I have since referred many friends to Pacific Blue Swim as a result of our wonderful experience.

1010 229-011

It would be a tragedy if Pacific Blue Swim School was not able to continue to operate in the manner they currently do to provide much needed swim lessons to the children of our community. Please consider an Administrative Permit to allow the Buendia's to continue to operate Pacific Blue Swim School out of their home.

Sincerely,



Lauren and Brian Ayala
316 Caldarella Circle
Roseville, CA 95678
(916) 996-0554

1010 229-011

1010 229-011

MATTHEW E. BLANKINSHIP
5959 Tanus Circle
Rocklin, CA 95677
(916) 804-8479

RECEIVED
JUL 18 2011
Planning Department
Planning Department

To: City of Roseville / Planning Division
Re: Pacific Blue Swim Lessons

I am writing to your division in support of approval for Pacific Blue Swim to continue operating within your jurisdiction. This program has been a very positive influence for my daughter who has been attending swimming lessons for the past year and a half. I am constantly impressed with Nick and Shannon Buendia (Owner/Operators). They have a very unique skill set which is essential for young children in preventing drownings and is the main reason I take my daughter to them.

Both Nick and Shannon provide great instruction for my daughter who continually looks forward to working with them. As we are currently in the summer months, my daughter is frequently in the pool and utilizing her skills that she has learned from Pacific Blue. There are few swimming schools in our area and I am so glad that my daughter has the opportunity to attend Pacific Blue.

Nick and Shannon provide a safe, clean, and professional environment for their students. I do not see any hazards to the neighboring residents or community. It seems to me that the City of Roseville would want to encourage Pacific Blue Swim to continue to succeed as it provides tax revenue to the City.

I hope that your division approves Pacific Blue Swim to continue to provide swimming lessons. It's the right thing to do and a win-win for the City.

Sincerely,



Matthew Blankinship

RECEIVED

JUL 18 2016

Planning Department

July 12, 2016

*Amber Bower
349 Lasso Ct
Roseville CA 95747*

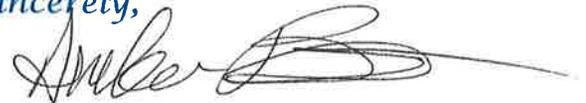
Dear Planning Commission,

I'm writing this letter of recommendation for Pacific Blue Swim Lessons and teacher, Nick Buendia. Pacific Blue Swim Lessons has become an integral part of my son's weekly routine. My first priority after my family moved into our new Roseville home, which has a swimming pool, was to have my son learn to be safe in and around a pool. We started swim lessons when my son, Garrett, was 9 months old. Garrett is now 2 and can swim like a little fish. I have many friends that are blown away by how safe my son behaves around the pool. His progress over the last year and a half has encouraged them to enroll their kids in Pacific Blue Swim Lessons as well. Nick's has done an amazing teaching job.

Furthermore, Nick's personality is enchanting, which is especially important to our little kids, who need a more personal approach. He is always cheerful, encouraging, and patient. He enjoys his work and ensures that the client enjoys it too. Personally, I have found that Nick listens to clients and their parents. No kid is a challenge and he tells me that no adult is either. To have someone like this in our community is amazing and denying the community this business would be detrimental.

Not only does Pacific Blue have the best swim lessons, but also they are the most reasonably priced compared to other companies in the surrounding areas. I hope you reconsider your decision and keep their doors open. The families in our community need the option to enroll their children at Pacific Blue Swim to learn how to swim so they will never experience a tragedy.

Sincerely,



Amber Bower

Roseville Planning Commission Lauren Hocker

This letter is concerning, permit application/ 1028 Wailea Way - NWRSP PCL 28 - Pacific Blue Swim Lessons - PL16-0178. I am a current resident in the neighborhood. You really need a study into this, as much as I hate it for the kids, There is a problem with this location! I have observed the sale of this home and aware of the traffic in and out of this home! This intersection is already busy with school children from Silverado Middle School. When school is busy my wife cannot even get out onto Country Club Blvd, as it was before the sale of this home! Now its even worse to the point that without crosswalk and street light, it poses a safety problem to the extent There Will Be An Incident That Could Hurt A Child! Children and traffic dont work! Someone should have looked into this Before All Construction Was Made At Location. Now they want a permit for a business in a residential neighborhood, seems this should have been done first before all the construction, by thy way, did they even get permits for work already done? There is not one person and adult at a time! There is TRAFFIC with mutiple families going in and out of this location. Please NO MORE TRAFFIC AT Legends and Country Club Blvd. Which borders at this location 1028 Wailea Way! Please reconsider this permit! Also noise factor with multiple families at this location, during Fourth of July week, was heard throughout the peaceful neighborhood. The zoning is R1 and thats what it means, did the purchasee not Know This! Please let me know of of intent of this property, as this is the start of neighbor hood decline and could potentially affect my property value! Concerned neighbor.

Paul Cameron, cameronpaul640@yahoo.com

406 Pine Hearst Court Roseville Ca, 95747

Please Notify Me
of Hearing Date @

Cameron Paul 640@Yahoo.com

PUBLIC HEARING NOTICE

Notice is hereby given that on **July 28, 2016 at 7 pm**, or as soon thereafter as the matter may be heard, the **Planning Commission** of the City of Roseville will hold a Public Hearing at the **City Council Chambers located at 311 Vernon Street, Roseville, CA** for the purpose of considering an application for an **ADMINISTRATIVE PERMIT – 1028 WAILEA WAY – NWRSP PCL 28 – PACIFIC BLUE SWIM LESSONS – PL16-0178.**

Request: The applicant requests approval of an Administrative Permit for a home occupation that does not conform to the Home Occupation Performance Standards. The applicant requests approval of private swimming and water safety instruction for one student at a time at the permit holder's home.

Project Title/Name: NWRSP PCL 28 – Pacific Blue Swim Lessons
Project Address: 1028 Wailea Way
Owner: Shannon Buendia, Pacific Blue Swim Lessons
Applicant: Nick Buendia, Pacific Blue Swim Lessons
Current Zoning: R1
Project Planner: Lauren Hocker, Associate Planner

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15305, Minor Changes in Land Use Limitations.

Following the Public Hearing, the **Planning Commission** may take such action on the project as it deems appropriate. Interested persons are invited to submit written comments prior to and may testify at the Public Hearing. **Written comments may be submitted to the Project Planner, Planning Division, 311 Vernon Street, Roseville, CA 95678.** If the matter is continued for any reason to a later date, written comments and public testimony will be accepted until the close of the final Public Hearing. All comments will be considered by the Approving Authority.

The **Planning Commission's** action on the project may be appealed by any interested person to the City Council by filing a written appeal with the applicable fee with the City Clerk within 10 days following the **Planning Commission's** final action on the project. If the City Council is the final Approving Authority, or if the project is appealed to the Council, the Council's action is final.

If you challenge the action of the **Planning Commission** on this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Division at, or prior to the Public Hearing.

Greg Bitter
Planning Manager

Dated: June 28, 2016

Publish: July 15, 2016

RECEIVED

JUL 18 2016

To Whom it may concern,

Planning Department

I, Meghan Curran am writing this letter to support and promote the business of Pacific Blue Swim Lessons, the Buendias (Owners) and their instructors that are involved. The Buendia's are trying to get their Administrative Permit approved to continue running their home swimming lessons business.

My son who is 11 years old and is Autistic has been with Pacific Blue Swim Lessons since April 2016, and couldn't swim prior to starting. The lesson is one on one and has been absolutely amazing for my son's abilities in the water. He has learned so much already and I couldn't be more happy about his progress. It wouldn't have been possible without the help from Pacific Blue Swim Lessons.

I have had my son in the Roseville Parks and Recreation Swim lessons in the past and honestly was very disappointed. First the adaptive classes were full for months, so he had to go into the regular class. He didn't learn anything. It was a very bad setting for someone with special needs. Pacific Blue Swim Lessons on the other-hand is a wonderful program for all ages and abilities. They are doing the community a great service for providing swim lessons to the public. I am hoping you can see that they are doing a great service too and will approve their permit quickly so they can continue providing such excellent services to those children and adults in need of swim lessons.

If you have any further questions or concerns, please contact me. I would be more than happy to answer anything regarding this matter.

Thank you for your time,

Meghan Curran



meghanc20@hotmail.com

WestparkPlaycare@hotmail.com

916-468-2168

7/14/2016

7/12/16

RECEIVED

JUL 18 2016

Planning Department

To Whom It May Concern,

This letter is regarding my family's experience with Pacific Blue Swim Lessons and their essential role in the water safety of our children. We began working with Nick and Shannon over two years ago, when my son needed more guidance in becoming water safe. Nick was highly recommended by multiple friends as an amazing teacher and role model for swimming skills.

Nick uses rigorous technique, a positive attitude and a gentle but firm leadership when teaching. He finds ways to let the child discover their own capabilities and talents while making it a fun, safe yet challenging experience. How he provides that perfect combination of a strict but fun-loving role model, is truly a gift.

Nick and Shannon have found amazing co-teachers. Their judgement on who they bring in to help fulfill their vision for Pacific Blue shows how much they care about a quality result. As soon as my second child was old enough to walk, I had her in the water at Pacific Blue. People are amazed her breath control and self awareness around water, even at the young age of 1.5 years old.

Shannon provides an impeccable backbone to the business, with prompt and detailed bookkeeping and communication with all their clients. She responds quickly and thoroughly with any issues or updates. I rest assured knowing that my children are in a safe, well organized environment at Pacific Blue.

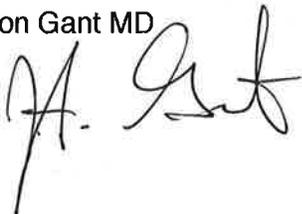
Business owners such as these should be applauded and encouraged in our community. They provide swimming skills to our youth with flexible lesson schedules and affordable prices, surpassing the offerings of other local swim teachers or swim schools. Not a day goes by that we don't hear of a terrible drowning accident during these summer months. We are so grateful to Pacific Blue and the part they play in preventing these very type of tragedies.

Respectfully,



Kate Gant MD

Jon Gant MD



Dear City of Roseville Project Planning,

I Am writing on behalf of Pacific Blue Swim School. My two children have been swimming with them and I have been able to see great progress with their swimming skills. On top of that they have a confidence now that they would never have had if it wasn't for this business. It has been such a gift to attend classes and so great to have in our community. It is literally helping save children's lives including mine. My niece and nephew has also used their services and now swim for the Granite Bay Gators. I ask you humbly to please keep this business here in our community as it has so many positive benefits for families with children. I can now know that my child will not drown because of what they did for us.

Thank you for your consideration. Regards,
Debbie Weber

Sewell L. Keeter
1407 Legends Way
Roseville, CA 95747
Skeeter500@comcast.net
916-780-0720

June 15, 2016

Ms. Lauren Hawker, Planner
City of Roseville
311 Vernon Street
P. O. Box 45807
Roseville, CA 95678

Re: Objection to Pending Residential Business Permit (PL 16-0178)
1028 Wailea Way, Roseville, CA 95747

Dear Ms. Hawker: (apologies if I misspelled your name...)

Under Roseville codes, residential business permits are permitted provided at least two conditions are met: 1) No customers may be served at the address, and 2) no outside activities are allowed. The applicants are in violation of both conditions and have been since they moved into the residence in April 2016. The application(s) suggest they would offer swimming lessons to only one child at any given time. Giving credence to that promise would entail trust without verification. If cars in their driveway represent customers (parents with children), there are more than two such vehicles at any given time; sometimes three. The applicants have not been truthful with the city regarding their business activities (PL 16-0154) wherein they indicated no customers would visit the address. They offer swimming lessons to children.

Without permit(s), the applicants have erected a massive tent structure that covers virtually their entire backyard: an eyesore, at best and a detriment to property values, at worst. Mitch Raese, Building Inspector II, told me he had cited the owner in early May to have the structure removed. As of this day, the tent is still in place. It is higher than seven feet and covers an area greater than 120 square feet.

The location of the residence (corner of Legends and Wailea) is in an impacted traffic area due to parents picking up their children from Silverado Middle School every weekday. The applicants have moved their vehicles onto the street so their customers may park in the applicants' driveway.

In the short period of their residency, the applicants have shown no regard for Roseville codes nor have they shown any respect for the neighborhood at large. They went so far as to ask neighbors to sign some kind of petition that would allow the continuation of the business. They made a promise they would "...cut the business in half...". My neighbors in Legends Estates have

Objection to Pending Residential Business Permits cont.

voiced their concerns to me about the traffic and the tent eyesore. I don't know whether any have taken any formal action.

There is virtually nothing that would recommend approval of the application. I would ask the City of Roseville to deny it and to enforce an existing citation for removal of the massive tent.

Sincerely

A handwritten signature in cursive script that reads "Sewell L. Keeter". The signature is written in black ink and is positioned to the right of the word "Sincerely".

Sewell L. Keeter

7-12-14
RECEIVED

JUL 18 2015

Planning Department

Dear Planning Division,

I am writing in regards to Pacific Blue Swim School. I honestly hope you will re-consider their business. My daughter, Harper is three years old. We attend swimming lessons every Wednesday. Please approve their administrator permit request. Nick and Shannon Buendia are absolutely the nicest and most amazing swim teachers. Our daughter was swimming on her own with only a few lessons from Nick. We have been nothing but impressed with this entire business. Their yelp reviews speak for themselves. We would be devastated to learn we could no longer take lessons from their home facility. Shutting them down will do more harm than good to the community. Please reconsider. Thank you

-Hayley Kniesel

From: [Dana Hutty](#)
To: [Hocker, Lauren](#)
Subject: Pacific Blue Swim Administrative Permit
Date: Wednesday, July 20, 2016 12:42:41 PM

To whom it may concern,

I am writing on behalf of Nick and Shannon Buendia at Pacific Blue Swim. My family and I have had the pleasure of knowing Nick and Shannon since 2013 as friends, neighbors and swim instructors. I am grateful every day for the lessons they have given my 4 year old daughter and the sense of security they have provided my husband and I near our backyard pool. I believe that the City of Roseville and their citizens would benefit tremendously from allowing the Buendia's to operate their business out of their home.

Having worked for the City of Roseville for 5.5 years (3 years in the Planning Department and 2.5 years in the Transportation Division), I truly respect and understand the importance of regulating and protecting the citizens and integrity of the City. I also know how important it is to the City to provide a sense of community, as well as, encourage entrepreneurship and strong family values for their citizens.

I strongly believe that the Buendia's and their business encompass all of the qualities that the City of Roseville tries to foster within their community by:

- **Giving back to their community:** Teaching water safety in a comfortable and real life family setting prepares children and families for real situations they will face in their home and community pools. They have saved countless lives through their lessons and protected many families from losing a loved one to the water.
- **Taking pride in the appearance of their home and business:** They provide a clean and well maintained interior and exterior of their home. It is aesthetically pleasing for their neighbors and creates a welcoming home environment for their students.
- **Respecting their neighbors:** They follow the guidelines of their community and are considerate of maintaining a schedule that does not disrupt traffic flow or parking within their neighborhood. The Buendia's offered lessons within my neighborhood several years ago. My neighbors and I never had an issue with their clients or business practices. We welcomed their business and the safety they taught to the kids in our community.
- **Keeping business local:** Nick was raised in Roseville and has been involved in the community throughout his whole life. Owning a business that not only provides for his family, but gives back to his community is something he takes great pride in.

Please approve their Administrative Permit for the good of Roseville citizens and the families and lives that have been changed for the better by Pacific Blue Swim. I am confident that Pacific Blue Swim will respectfully manage and maintain their business to the standards set by the City of Roseville and their neighborhood, while providing valuable lessons to the citizens and surrounding community.

Thank you in advance for your consideration and time.

Sincerely,
Dana McKillip

July 12, 2016

Project Planner
Planning Division
311 Vernon Street
Roseville, CA 95678

To Whom It May Concern:

We are the parents of 2 daughters, Ava and Savannah, who have swam with Pacific Blue Swim School since they were each 18 months. The instructional experience you get with Nick and Shannon Buendia is unlike any other experience we have had. We had tried swimming lessons through the city of Rocklin at the high school and through city of Roseville at the Aquatic center and neither provided any "one on one" learning, nor did I feel they were learning survival skills for the water. Most of the time it was teenager employees chatting with their other coworkers while the students just hung on to the wall. That was not what I wanted for my kids and decided to find something better, that's when I was introduced to the private lessons at Pac Blue.

With Pacific Blue Swim our girls were given the opportunity to build the confidence they needed to swim in water comfortably. In fact, it gave us the confidence to buy a house with a pool since we felt they knew how to play safe and swim safe around water. Their technique of safety jumps are the only ones I have seen that works. The attention they are given in this environment gave the kids a chance to really focus on what they were learning and able to retain that information. I am very thankful for Nick and Shannon.

We strongly encourage you to let Pacific Blue keep their swim school open and continue to save lives around water.

Sincerely,

Noah and Jill Schroeder

RECEIVED

JUL 14 2016

Planning Department

Rick and Allegra Stratton
1662 Ainsworth Lane
Lincoln, CA 95648

July 13, 2016

Project Planner, Planning Division
311 Vernon Street
Roseville, CA 95678

To whom it may concern,

Our family is currently enrolled at Pacific Blue Swim Lessons, where our daughter receives water safety training from Nick Buendia. He was referred to us by a mutual friend and after looking into other programs in the area, we felt that Pacific Blue Swim Lessons provided the right atmosphere and instruction for our daughter to learn water safety. This swim school is truly unique and we enjoy bringing our daughter to her swim lessons every week. It was very important to us that her swim school take pride in their instruction and really have a love for water safety. The Buendia family is passionate about the services that they're providing to the community and it shows in how they teach their students.

If they're not allowed to run their business, I'm afraid we would not find the same passion from anyone else in the area. We enjoy supporting a local family and would like to continue bringing our daughter to Pacific Blue for swim lessons. They bring their passion into their work and it's such a benefit for our children and the community.

Please consider the impacted families that will be displaced and how important it is that our children be taught water safety from a trusted and passionate family business.

Sincerely,
Rick and Allegra Stratton



RECEIVED

JUL 14 2016

Planning Department

Hocker, Lauren

Subject: FW: Pacific Blue Swim Lessons
Attachments: Video.MOV; Video_1.MOV; ATT00001.txt

From: Sheila Strong [mailto:sheilastrong5@gmail.com]
Sent: Tuesday, July 12, 2016 6:56 PM
To: Planning External <PlanningDept@roseville.ca.us>
Cc: Scott Strong <scottreidstrong@gmail.com>; Lindsay Strong <lindsaymstrong@gmail.com>; Richard Strong <richard.strong@hp.com>
Subject: Pacific Blue Swim Lessons

Dear Planning Department,

I understand this small home business is in jeopardy of being closed by the city as a result of some Home Occupation regulations. As a Roseville resident, and Grandparent of two young children in their program, I urge you to allow an Exemption. This is a small program, with generally no more than two children at a time engaging in private lessons. And where else would you teach swimming than in a wonderfully clean backyard pool, with a very nice sun cover to provide shelter for the children and their parents?

This is such a unique swim school. Their program focuses on safety first, teaching very young children to be safer in and around water. Then on to real swim lessons. Just check out all the great things parents and friends have to say on their Facebook page. Nick and Shannon are the most awesome patient and knowledgeable swim instructors I have ever witnessed.

I have attached picture of my one year old Grandson Reid as he learns to "swim for the side". Also, my 4 year old Granddaughter Claire in her 4th year with them swims an almost perfect freestyle crawl and backstroke. She will definitely join a Roseville swim team after she turns 5. Our two sons Scott and David Strong both spent many years swimming with the Roseville Sugar Bears.

Please, City of Roseville, allow their small home business to continue to operate.

We appreciate your consideration.

Sheila and Richard Strong
1744 Krpan Dr
Roseville, Ca 95747

Michelle Sutherland
3900 Argonaut Avenue
Rocklin, CA 95677
(916) 801-0904

July 15, 2016

Project Planner
Planning Division
311 Vernon Street
Roseville, CA 95678

RECEIVED

JUL 18 2016

Planning Department

RE: Pacific Blue Swim Lessons Administrative Permit Application

To Whom It May Concern:

I am writing in hopes that my personal experience with Pacific Blue will help to strengthen the Buendias' application to continue doing business in Roseville. I enrolled my oldest daughter at Pacific Blue in 2013, when they opened in Loomis. My daughter was a year old, and I was anxious to get her water safe, as we have a pool at home. I had seen videos of what Pacific Blue could accomplish with even young children; it was amazing! The private lessons were very appealing to me, as it meant one-on-one attention to my child's individual needs. She was fearful of water when we started, and I didn't feel that a "mommy and me" type lesson would work well for her.

Nick and Shannon Buendia (and their other instructors) all seemed to have the perfect balance of building rapport with the children, while also being firm enough to actually teach them new skills. When my daughter began asking when she would go to see Teacher Nick again, it made me so happy—she was actually happy to go to swimming lessons! Now my younger daughter, almost two years old, is swimming with Teacher Nick. Every week, I am so surprised by her progress and Nick's ability to work with her so effectively.

I have several friends who have enrolled their children at other area swim schools (and there are not many offering private lessons!). They complain that the instructors are always changing, there are many children in the pool at once, and their child doesn't seem to be making the progress that they would expect. I feel so lucky to have started my girls at Pacific Blue, where our experience has been nothing less than excellent!

The procedures for attending swim lessons are well thought out and clearly defined. From my observations, families are doing an excellent job at following those procedures to help keep Pacific Blue in compliance. It would be a shame for this young family to have to shutter their business, which has helped so many children to become water safe! If you haven't already, I suggest scheduling a time to go check out the swim school while sessions are taking place. You will find that the Buendias and their staff are extremely professional. This is a business that is providing high-quality, valuable services to the families of Roseville and the surrounding areas!

Sincerely,



July 14, 2016

Project Planner, Planning Division
311 Vernon Street
Roseville, CA 95678

RECEIVED

JUL 18 2016

Planning Department

Regarding: Administrative Permit for Pacific Blue Swim Lessons

Dear Project Planner,

I want to express my full support in getting the Administrative Permit approved for the Pacific Blue Swim Lessons. This business provides a unique service to the community. Private swim lessons are priceless in my opinion. When our granddaughter was 2 ½ years old, we wanted to provide her with private swim lessons, as pool safety is critical for all children. We checked out 5 different businesses in the Roseville, Rocklin, and Loomis areas. Three provided private and group lessons at larger community type pools. When we visited these locations, we felt they were too busy with too many private lessons being given at the same time. Two locations were home businesses, where they taught private lessons in a home pool. This setting and type of private lessons were exactly where we felt our granddaughter would thrive. We selected Pacific Blue Swim Lessons, because we felt the owners were outstanding in their interaction with the young students, when we observed a lesson, prior to enrolling our granddaughter. Scarlett has taken swim lessons since July 2014 at Pacific Blue Swim Lessons. We are very happy with our selection of Pacific Blue Swim Lessons and want to be able to have the business continue, so that our granddaughter can continue to learn to be safe in and around water and to improve on her swimming skills. Maybe someday looking towards the Olympics by following in the footsteps of Roseville's Summer Sanders winning 2 gold, 1 silver and 1 bronze medals at the 1992 Olympics!

The U.S. Department of Health & Human Services, Centers for Disease Control and Prevention provide these national statistics on drownings and it is grim:

- From 2005-2014, there were an average of 3,536 fatal unintentional drownings (non-boating related) annually in the United States — about ten deaths per day.
- About one in five people who die from drowning are children 14 and younger. For every child who dies from drowning, another five receive emergency department care for nonfatal submersion injuries.
- More than 50% of drowning victims treated in emergency departments require hospitalization or transfer for further care (compared with a hospitalization rate of about 6% for all unintentional injuries). These nonfatal drowning injuries can cause severe brain damage that may result in long-term disabilities such as memory problems, learning disabilities, and permanent loss of basic functioning (e.g., permanent vegetative state).

- Children ages 1 to 4 have the highest drowning rates. In 2014, among children 1 to 4 years old who died from an unintentional injury, one-third died from drowning. Among children ages 1 to 4, most drownings occur in home swimming pools. Drowning is responsible for more deaths among children 1-4 than any other cause except congenital anomalies (birth defects). Among those 1-14, fatal drowning remains the second-leading cause of unintentional injury-related death behind motor vehicle crashes.

I did not want my precious granddaughter to become one of those statistics!

The Centers for Disease Control and Prevention also provides recommendations, including the following:

- Taking part in formal swimming lessons reduces the risk of drowning among children aged 1 to 4 years.
- Learn to Swim. Formal swimming lessons can protect young children from drowning.

Based on the above statistics, I know you can see the value provided by the Pacific Blue Swim Lessons. Too, these lessons are not in competition with the City of Roseville's Parks and Recreation, as we were looking for a home setting, and not a larger facility which can have too much noise and distraction during a dedicated, private, one-on-one lesson.

In October, 2015, Roseville was ranked the 10th best city in California for families according to a survey by WalletHub.com. Roseville ranked well above average in several categories, including being **tied for first** statewide in number of playgrounds per capita. Roseville's focus on children and families should be extended to allow Pacific Blue Swim Lessons to continue in operation at their existing location. Pacific Blue Swim Lessons, with Facebook rating of 4.9 out of 5, is exactly the type of home business that Roseville needs to cultivate and maintain.

Thanking you in advance for your support and positive consideration for the Pacific Blue Swim Lessons Administrative Permit. Their business is a very valuable asset to the Roseville community which should be allowed to continue.

Sincerely,



Pamela S. Wortman
916-995-1559

RECEIVED

May 20th, 2016

MAY 20 2016

To Whom It May Concern:

Planning Division

Thank you for considering our application for an Administrative Permit. The purpose of this letter is to let you know who we are and what aim to accomplish. We are swim instructors, first time home buyers, small business owners, and we recently became a family of four with our identical twin boys born this past October.

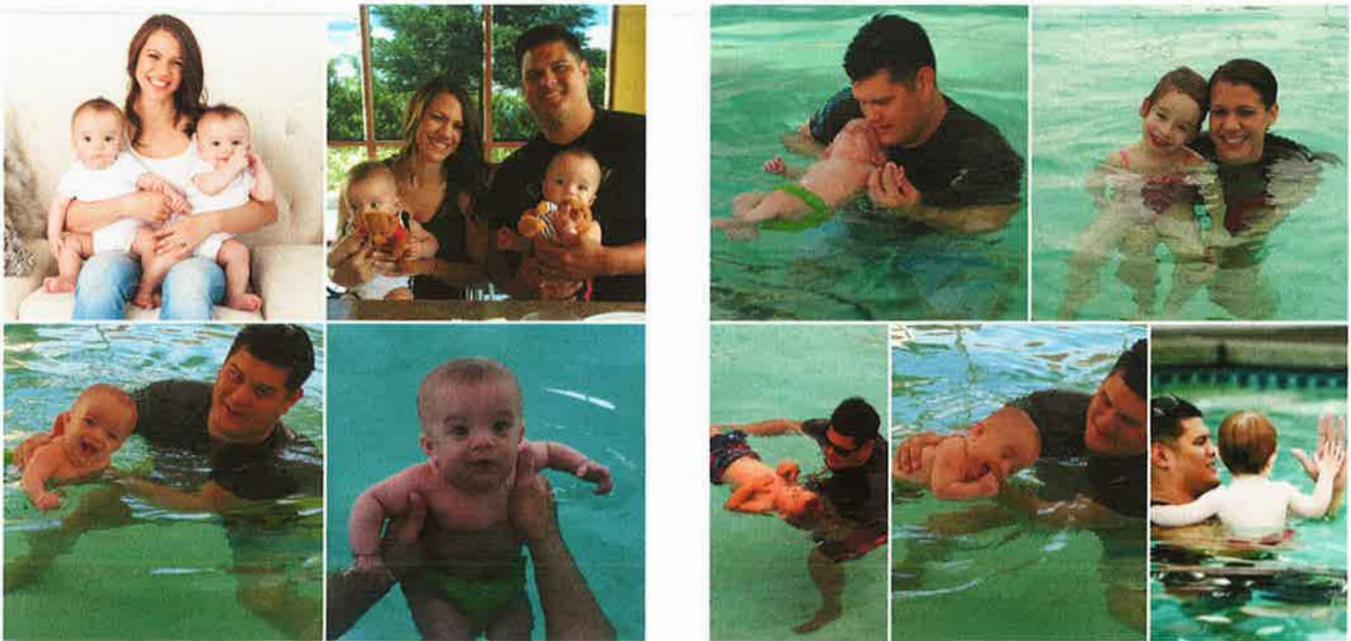
We have been teaching in the area for the past 8 years, and in 2013 we decided to start our own business with nothing but the support of the families that believed in us and a few of their backyard pools. By the end of that first summer, it was clear we needed to find a more permanent situation for our business, and ended up leasing a beautiful residential property in Loomis to continue on with our lessons. This past February, our landlord opted to sell the property at price out of our range, consequently uprooting our family and business. Thankfully, the opportunity to run my business out of his residence allowed us to qualify to buy our first home.

Over the past 8 years, my wife and I have dedicated our lives to teaching children and adults of all ages to survive and thrive in the water. As a home-based business teaching private lessons, we are able to limit the distractions that may come in a group lesson setting. This has been extremely beneficial to families with small children and/or children with special needs, as well as adults who find it overwhelming to learn in a public environment. Unfortunately, we are unable to accommodate all who contact us for swim lessons, and we are constantly adding names to an overwhelming waiting list. This problem is common for many swim programs in our area; too many children, not enough instructors. We hope to one day help solve this problem.

It has been brought to our attention that our an Administrative Permit will be required in addition to our existing business license, due to being outdoors. We will do everything in our power to be in good standing with our neighbors and the city of Roseville. We ask that you please consider granting us this permit to allow us to continue to teach water safety to the members of our community.

Thank you for your consideration and support in this matter,

Nick, Shannon, Noah & Blake



Description of Proposed Use:

The outdoor use of our 612 sq. ft. pool to provide one-on-one private water safety instruction for children.

RECEIVED

MAY 20 2016

Planning Division

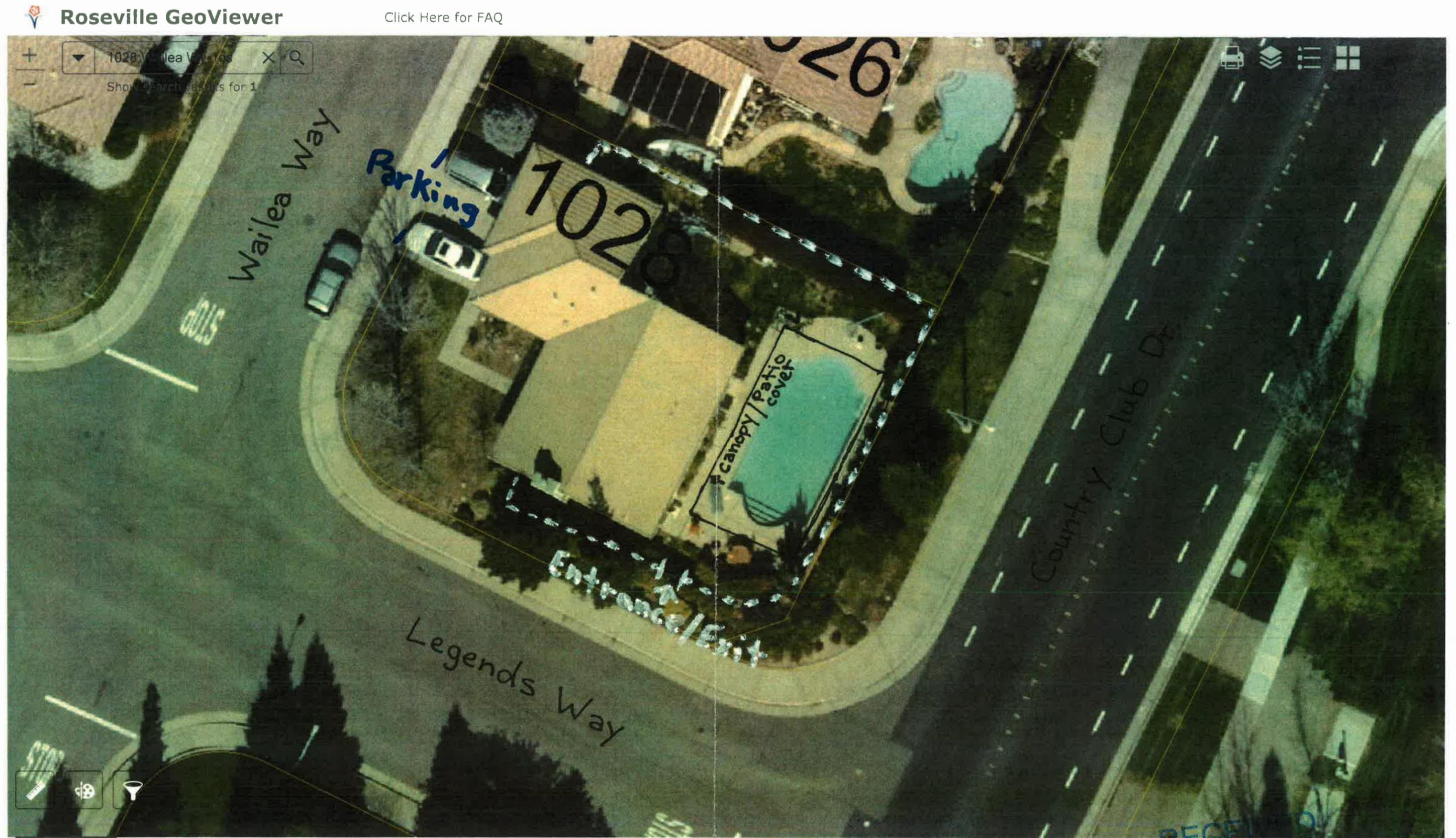
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AP-HO

PL16-0178

**NWRSP PCL 28 - Pacific Blue Swim Lessons
1028 WAILEA WY**

Exhibit B



AP-HO

PL16-0178

**NWRSP PCL 28 - Pacific Blue Swim Lessons
1028 WAILEA WY**

1028 WAILEA WAY
Request to operate outdoor swimming
lessons business.

RECEIVED
MAY 20 2016

Planning Division
FILE COPY