

ITEM VI-B: VARIANCE - 2010 BRADY LANE – DUARTE SECOND UNIT - FILE# 2006 PL-056 (V-000023)

REQUEST

The applicant requests approval of a Variance to allow a second dwelling unit of 1,493 square feet where the Zoning Ordinance allows 1,200 square feet.

Applicant & Owner– Jo and Carlos Duarte

SUMMARY RECOMMENDATION

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

- A. Adopt the three (3) findings of fact for the Variance; and
- B. Approve the Variance subject to six (6) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

Following the distribution of the Notice of Intent to Approve, staff received three (3) letters (Attachment 3) from neighboring property owners requesting a public hearing. In these letters, the nearby property owners cite concerns about increased density, and their opposition to having more than a single dwelling unit on each lot on Brady Lane. The property owners' concerns are addressed in the evaluation section of this report.

SITE INFORMATION

Location: 2010 Brady Lane, between Vineyard Road to the south, and Chignahuapan Way to the north, in the infill area (Attachment 1).

Roseville Coalition Of Neighborhood Associations (RCONA): This parcel is located within the Vineyard Neighborhood (21), which does not currently have an active neighborhood association.

Parcel Size: 37,650 square feet (166' x 225')

Topography: The property is generally level, with a slight downward slope toward the north end of the property.

Current Use: The parcel is currently developed with a 1,493 square foot, two-story, single-family residence, located on the southwest portion of the property (see Exhibit A and Attachment 2). A storage shed of approximately 150 square feet is located at the back of the property, along the eastern property boundary, which will be removed. Redwood trees are planted along the east and north property lines. The site does not have any additional, significant landscape apart from the front yard shrubs and street trees.

History: The subject parcel is within the Elk Hills Subdivision, which was recorded in 1984. This subdivision included single-family residences, small lot halfplexes, and four estate-sized lots, including the

subject property. The properties on the west side of Brady Lane are large-parcel, rural residences that are not within the City, but in unincorporated Placer County. The parcels immediately adjacent to Brady Lane to the east, including the subject property, were zoned as Suburban Estates, (see Attachment 4) thereby placing minimum lot size, dimension, and setback requirements on these properties to ensure that these lots remain compatible with the rural residences west of Brady Lane. As such, these parcels were to serve as a “buffer” between the rural, large-parcel properties to the west, and the small lot halfplexes to the east.

Adjacent Zoning and Land Use

Location	Zoning	General Plan Land Use	Actual Use Of Property
Site	Single Family Residential (R1/DS)	Medium Density Residential (MDR-7)	Single Family Dwelling
North	R1/DS	MDR-7	Single Family Dwelling
South	Small Lot Residential (RS/DS)	Low Density Residential (LDR-6)	Single Family Dwelling
East	RS/DS	MDR-7	Halfplex Homes
West	RS/AG/B-20 (residential with agricultural overlay and 20,000 sq. ft. minimum lot size – Placer County)	Low Density Residential/1-2 Units Per Acre – Placer County	Estates/Ranchettes

EVALUATION – VARIANCE

The applicant’s request is to construct a handicap accessible, single-story, 3,040 square foot house on the northern portion of the property, and that the existing 1,493 square foot residence be designated as the second unit on the property. Consistent with existing state law, second units that conform to the Zoning Ordinance standards (Chapter 19.60 – Second Dwelling Units) are permitted by right and do not require public review. The Zoning Ordinance and state law state that the floor area of a detached second unit shall not exceed 1,200 square feet. The proposed second unit exceeds 1,200 square feet, thereby requiring the request for a variance.

Three (3) letters (Attachment 3) have been received from neighboring property owners opposing approval of the requested variance. The nearby property owners cite concerns, in general, about having more than a single home per lot on Brady Lane, and the potential impact on the rural atmosphere in the area. The letters, however, do not specifically express concern about the reason for the variance - the second unit exceeding 1,200 square feet. The property owners’ concerns are addressed in the evaluation section of this report.

Minimum Lot Area: A second dwelling unit may be established on lots of at least 5,000 square feet.

- The subject lot is 37,650 square feet, which exceeds the standard.

Maximum Coverage: The maximum combined building coverage shall not exceed 40 percent.

- The combined lot coverage of the new home and attached garage, and the existing home will be 5,527 square feet, or 14.7 percent lot coverage, which is well below the standard.

Setbacks: A second dwelling unit shall maintain the setbacks required in the zoning district in which it is located. Per Section 19.60.040 of the Zoning Ordinance, a detached second dwelling unit must maintain a 10-foot building separation from the primary unit. The building separation, based on the development standard for the subject parcel, is 20 feet.

- The proposed house will be constructed 34 feet from the existing house, which exceeds the standards.
- The proposed house will have a front yard setback of 53 feet, a side yard setback of 20 feet, and a rear yard setback of 40 feet, which exceed the minimum zoning standards.

Floor Area: The floor area of a detached unit shall not exceed 1,200 square feet.

- The proposed house will have 3,040 square feet of floor area. The existing house that will be designated as the second unit has 1,493 square feet of floor space, which exceeds the maximum allowable floor area.
- A Variance is required to authorize this exception.

Minimum Facilities: The second dwelling unit shall include permanent provisions for independent living, sleeping, eating, cooking and sanitation within the unit. The primary residence and the second dwelling unit may maintain separate utilities, subject to approval by the Environmental Utilities Department.

- The proposed dwelling unit will have separate sleeping, eating, cooking and sanitation facilities, consistent with the standard. The existing unit that shall be designated as the second unit also has the necessary facilities, consistent with the standard.
- The application has been reviewed by Environmental Utilities and they will allow utilization of a single water connection, subject to the Building Department's determination that the size is adequate. If not, the property owner is to upgrade the existing connection to current size specifications, or a separate service is to be constructed to the new residence.

Fees: The owner shall pay to the City all applicable fees at the time the building permit is obtained for the second living unit.

- The City collects these fees prior to the issuance of a building permit, consistent with the standard.

Appearance: The unit shall be designed and constructed so as to be compatible with the existing neighborhood in terms of height, form, and materials and the unit shall be subordinate to the primary residence.

- The proposed home is single-story.
- The existing home on the lot is a two-story structure. There is a two-story house of 2,500 square feet on the adjacent property to the north and two-story homes of 1,850 and 2,190 square feet to south, while single-story halfplexes ranging from 1,000 to 1,340 square feet exist on the property immediately adjacent to the east.
- The proposed unit will be designated as the primary residence. The existing residence will be classified as the second unit, and will be subordinate in floor area.
- External materials and colors of the new home will be of materials and colors compatible with the existing home that is to be designated as the second unit. The second unit will, therefore, be compatible and subordinate, consistent with the standard.

Parking: Parking for a second dwelling unit shall be provided in addition to the parking required for the primary residence. A one bedroom or studio unit shall provide at least one off-street parking space. The required parking may be provided with one space located within the twenty foot front yard setback and may be in tandem with other on site parking. Additional parking may be required for additional bedrooms.

- The proposed new residence includes a driveway and an attached three-car garage, which will satisfy the requirement for the primary residence.
- The existing residence has a driveway and an attached two-car garage.
- The combined parking equals five spaces, consistent with the standard.

FINDINGS

In accordance with Section 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.

The subject property is a large, generally flat parcel of .86 acres. It is rectangular in shape, which can accommodate two residential dwellings of the square footage proposed, while still complying with all existing development standards. The property owner is a paraplegic and must use a wheelchair; therefore, a handicap accessible structure is required. Such a structure must be single-story by necessity. A single-story home built for handicap accessibility creates a larger structure footprint; thereby, necessitating a large, relatively flat parcel to accommodate the structure and to maintain setback and lot coverage requirements. This property was purchased, as it will accommodate an accessible home, as is requested in this application.

The applicant has resided in a single-story 1,700 square foot home since 1990, which has received certain modifications to accommodate wheelchair use, but the home is not designed, nor is it functional as a fully accessible structure, thereby causing certain hardships and difficulties to the applicant, who must use a wheelchair. Handicap accessible structures require larger hallways, doorways, wider access (turning radius) for corners, and larger space in kitchens, bathrooms and closets, consequently increasing square footage requirements for the entire dwelling. The 3,040 square foot structure proposed by the applicant will accommodate the applicant's needs, and be fully handicap accessible.

The existing structure, which will be designated as the second unit, is 1,493 square feet, and it would not be practical to eliminate 293 square feet of floor area solely to comply with the zoning ordinance standard for second unit square footage. In addition, the existing structure is a two-story residence, and not feasible for handicap accessibility.

Secondly, construction of a new, handicap accessible second unit of 1,200 square feet or less would not be practical, as this square footage could not accommodate the needs of the property owner.

Accordingly, the homeowner's requirement for an accessible structure, which can only be accommodated on a property of the size, shape and topography of the subject property, is a special circumstance that allows approval of the requested variance.

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 applicant is entitled to build a second unit on the subject property, per Section 65852 of the Government Code (State of California Planning and Zoning Laws), and Chapter 19.60 of the City's Zoning Ordinance. These statutes place a 1,200 square foot restriction on second dwelling units to ensure that the second unit is subordinate to the primary residence on the property, and to prevent "over development" of a parcel.

The applicant has requested the variance to allow the second unit to exceed the zoning standard by only 293 square feet. The requested variance is consistent with the intent of the Planning and Zoning Law, and the City's Zoning Ordinance, as the second unit will be subordinate to the primary residence, and the size of the parcel permits the second unit to fully comply with all setback and building separation requirements. The 293 square feet of structure exceeding the zoning standards should not impact the neighborhood over and above that of a 1,200 square foot structure that is permitted by right.

The proposed construction will occur on the north side of the parcel, which is currently vacant. (See Exhibit A and Attachment 2) There will be adequate separation from existing improvements on adjacent properties. 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. The Planning Department sent notice to all property owners within 300 feet of this project. To date, three (3) letters (two from the same individual) have been received from adjacent/nearby property owners who expressed concern about construction of an additional unit on the parcel. The adjacent neighbor was also concerned about the possibility of business or commercial activity, and parking of vehicles on the front portion of the property.

Staff has spoken to the adjacent neighbor, and responded via letter to the nearby property owner, and provided information about the request. Staff has also discussed the neighbors' concerns with the applicant. As shown on Exhibit A, the new residence includes an attached three-car garage, which will provide adequate parking, away from the front of the property. The applicant has already taken steps to ensure that vehicles are not currently parked on the front of the property in the circular driveway, and has advised staff that there are no plans to operate a business from the home.

In addition to construction of the new residence, the applicant plans to make improvements to exterior colors and materials of the existing residence, to ensure its compatibility with the new residence. Redwood trees have been planted along the north and east property boundaries that will soon serve as a natural screen for adjacent properties, and will enhance the natural, rural atmosphere of the area.

As discussed above, the total lot coverage for both residences will be less than 15 percent, which is less than nearby properties. Adjacent and nearby properties south of the subject property have lot coverage of 17.5 percent and 15.2 percent on lots of approximately one-third acre in size. The size of the subject parcel allows the construction of the additional unit, while still providing distances between dwellings, and setbacks that exceed development standards.

Since the lot coverage, setbacks, and distance between structures is similar to other properties in the area, it is staff's belief that construction of the new residence, and designation of the 1,493 square foot existing residence as the second unit will not be detrimental or injurious to other residents or properties in the vicinity.

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 permitted use in the R1/DS Zoning District. The Variance will allow construction on a large, unused portion of the parcel.

The California Legislature, as stated in State Government Code Section 65852, has found that "second units are a valuable form of housing in California." Additionally, it is the Legislature's intent that second-unit ordinances adopted by local agencies provide for the creation of second units and that provisions included in the ordinance do not unreasonably restrict the ability of homeowners to create second units

in zones in which they are authorized by local ordinance. State law and the City's Zoning Ordinance permit second units as an acceptable residential use.

The proposed variance does not allow a use (a residence) that is not otherwise authorized by the regulations of the Zoning Ordinance and/or California Law.

SUMMARY / CONCLUSION

Based on the evaluation and discussion above, staff believes that the Planning Commission can make the required findings to approve the application.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15303(a) pertaining to new construction (second dwelling units) and Section 305 of the City of Roseville CEQA Implementing Procedures.

RECOMMENDATION

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

- A. Adopt the three (3) findings of fact for the Variance – Duarte Second Unit, 2010 Brady Lane – File #2006 PL-056 (V-000023); and
- B. Approve the Variance – Duarte Second Unit, 2010 Brady Lane – File# 2006 PL-056 (V-000023) subject to six (6) conditions of approval listed below.

CONDITIONS OF APPROVAL FOR VARIANCE #2006 PL-056 (V-000023)

- 1. The project is approved as shown in Exhibit A, and as conditioned or modified below.
- 2. The property owner will be required to upgrade service to this parcel from the transformer at the property line of 1363 Chignahuapan Way and 2020 Brady Lane to the existing secondary box at the property line of 2010 and 2020 Brady Lane. Only one service point will be allowed for this parcel. The two residences can be metered separately; however, both meters must be in the same location, preferably on the new residence. (Electric)
- 3. Tree planting will be restricted in overhead power line easement to trees no greater than 15' at maturity. (Electric)
- 4. The address for the new residence to be constructed will be 2016 Brady Lane. (Engineering)
- 5. The applicant shall show locations of all existing and proposed water and sewer services. (Environmental Utilities)
- 6. The applicant shall pay all applicable water and sewer connection fees for the new building prior to issuance of Building Permit. (Environmental Utilities)

ATTACHMENTS

- 1. Vicinity Map
- 2. Aerial Photograph
- 3. Letters From Neighbors

4. Development Standards for Subject Property

EXHIBITS

A. Site Plan

Note to Applicant and/or Developer: Please contact the Planning Department staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Director at, or prior to, the public hearing.