PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT
PLANNING COMMISSION MEETING January 11, 2007

Prepared by: Wayne Wiley, Assistant Planner

ITEM IV-B: PARCEL MAP & VARIANCE – 930 PARRY STREET – FILE# 2006PL-167 (PROJECT# SUB-000073 & V-000076)

REQUEST

The applicant requests approval of a Parcel Map to divide one residential lot, developed with two homes, into two lots. The applicant also requests approval of a Variance to allow portions of the existing homes to encroach up to three feet into the required five-foot side yard setback and to create 50 foot wide lots where the prescribed standard is 60 feet.

Applicant - Michael C. Hansen, G.C. Wallace of California, Inc.
Owner – Bob Richards

SUMMARY RECOMMENDATION

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

A. Adopt the three (3) Findings of Fact for the Variance;
B. Approve the Variance with thirteen (13) conditions of approval;
C. Adopt the three (3) Findings of Fact for the Parcel Map; and
D. Approve the Parcel Map with thirteen (13) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues associated with this request. The applicant has reviewed and is in agreement with all recommended conditions of approval. Include columns to rear elevations to provide more depth to the

BACKGROUND

The subject property is located at 930 Parry Street within the Infill area of the City of Roseville near the northeast corner of Parry Street and East Street (see Attachment 1). The parcel is zoned Single-Family Residential (R1) and has a General Plan land use designation of Low Density Residential, 4 units per acre (LDR-4). The 14,975 square foot (150' X 100') parcel is developed with two single-family homes, Home A - 1,246 square feet and Home B - 2,405 square feet.

Originally the subject parcel was two separate lots owned by the same property owner. At some point in the past, the property owner decided to merge the two lots. Staff has verified that the existing lot is in fact one recorded parcel. Currently, the applicant requests a Parcel Map to subdivide the existing parcel into two lots, resulting in lots that will revert back to their original state. Each lot will total 7,492 square feet and will measure 150' X 50'. The two existing homes will encroach approximately three feet into the side yard setback.

Per the development standards outlined in the Zoning Ordinance, interior single-family residential lots are required to have a minimum lot width of 60' and minimum side yard setback of five feet. With the proposed Parcel Map, the two newly created lots will not meet the above-mentioned standards. Therefore, the applicant has requested approval of a Variance to allow exceptions to the development standards.

The approval of the Variance is necessary in order to approve the Parcel Map due to the resulting lot dimensions and building placements; therefore, the Variance analysis is discussed first.

On November 7, 2006 staff attended the Enwood Neighborhood Association meeting to provide information to surrounding property owners and residents. To date, staff has not received any comments from interested individuals.

ADJACENT ZONING AND LAND USE

Location	Zoning	General Plan Land Use	Actual Use Of Property
Site	Single-Family Residential (R1)	Low Density Residential (LDR 4)	Single-Family Residence
North	R1	LDR 4	Single-Family Residence
South	R1	LDR 4	Single-Family Residence
East	R1	LDR 4	Single-Family Residence
West	R1	LDR 4	Single-Family Residence

The proposed project is consistent with the land uses contemplated by the City's General Plan and the Zoning Ordinance.

VARIANCE

Section 19.10.030 of the City of Roseville Zoning Ordinance outlines the specific development standards for lot sizes and residential structures in each residential zone district. Table 2 below is an excerpt of the R1 zone district standards specific to the project.

Table 2. Applicable R1 Residential Development Standards (excerpt)

STANDARD	REQUIRED	PARCEL 1 (Standards subject to Variance ***in bold, italics***)	PARCEL 2 (Standards subject to Variance ***in bold, italics***)
Lot Area (min)	6000	7,452	7,452
Lot Width (min)	60'	***50***'	***50***'
Front Yard Setback (min)	20'	30'	20'
Shared Side Yard Setback (min)	5'	***2.23' (west property line)***	***2.73' (east property line)***
Side Yard Setback (min)	5'	21' (east property line)	4.5' (west property line)*
Rear Yard Setback (min)	20% of Lot Depth; 10 feet minimum	*71'*	*67'*
Site Coverage (max)	50%	16%	32%

* The existing side yard setback was established prior to the implementation of the current development standards and is therefore deemed legal nonconforming.

As noted above, the current request includes a Variance to allow reduced lot widths and to allow two homes to encroach into the required side yard setback.

EVALUATION AND 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.

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 it exists, the rectangular shaped lot is a large parcel (approximately 15,000 square feet) in an R-1 zone district surrounded by smaller lots ranging in size from 7,000 square feet to 8,000 square feet. With the proposed lot split, the resultant parcels would exceed the interior lot size standard of 6,000 square feet, but would be nonconforming to the current R1 interior lot width standard of 60'. Therefore the applicant requests a Variance to create two 50' wide lots. This request will result in lots that are consistent with the surrounding development pattern and would allow the property owner to have the same lot sizes enjoyed by other property owners in the immediate vicinity.

   Additionally, the applicant requests a Variance to allow exceptions to the required five foot side yard setback. As proposed, the nearest portion of the home located on Lot 1 will be setback 2.23' from the eastern property line and the home located on Lot 2 will be setback 2.73' from the western property line (see Exhibit A). In both cases, the portion of the homes that are closest to the property line are fireplaces that protrude approximately one foot to 1.5' from the dwellings. Building construction concerns have been raised due to the fireplaces' proximity to the side yard property line, and the Building Department has determined that both fireplaces will be required to meet specific construction techniques for fireproofing. These include 1-hour fire protection consisting of 5'8th type X sheeting or Jip Board construction. The applicant has been in contact with the Building Department and is aware of the requirements and is prepared to implement them.

   In addition to the fireplaces, both homes are located within the side yard setback. Home A is approximately 3.8' away from the eastern property line and Home B is 4.2' away from the western property line. The subject property is developed with two existing homes in an area where the current request would result in two lots that are consistent with the character and existing development pattern of the neighborhood. Due to the location of the proposed lots within the Infill area, there are no opportunities to increase the width to meet the prescribed standards. However, staff has visited the site and has verified that many of the surrounding homes also have nonconforming side setbacks (see Attachment 2).

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 subject property is located within the R1 Zone District and has a land use designation of Low Density Residential, four units per acre. Residential uses consisting of single-family dwellings are permitted in this district. The proposed exceptions to the development standards are consistent with the adjacent parcels and will not negatively impact the surrounding neighborhood due to the fact that the Variance will not further intensify any use beyond what is permitted on surrounding properties.

   In addition, the existing dwelling units located on the property were constructed in accordance with the applicable development standards and all subsequent modifications to the buildings will

comply with the Building Code. As a result, the Planning & Redevelopment Department has not identified any potential 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 Variance will not alter the allowable use or permitted activity of the property. Therefore, granting the Variance would result in lots that conform to the surrounding parcels located within the Enwood Neighborhood (see Attachment 3), and would not constitute a special privilege inconsistent with the limitations on other properties in the vicinity.

PARCEL MAP

EVALUATION AND FINDINGS

Section 18.06.180 of the City of Roseville Subdivision Ordinance requires that three findings be made to approve or conditionally approve a Parcel Map. The three findings are listed below in **bold italic text** and are followed by an evaluation of the Tentative Parcel Map in relation to each finding.

1. **The size, design, character, grading, location, orientation, and configuration of lots, roads and all improvements for the tentative subdivision map are consistent with the density, uses circulation and open space systems, applicable policies and standards of the General Plan and the design standards of Title 18 (Subdivision Ordinance) of the Roseville Municipal Code.**

   Parcel size, design, configuration, location, orientation, and character: The General Plan relies on the Zoning Ordinance to establish minimum lot sizes for parcels within the Single-Family Residential Zone District. The minimum lot size for the R1 Zone District is 6,000 square feet for interior lots. In addition, the required lot width is 60' for interior lots. Although the overall square footage of the proposed lots meet the development standards, the proposed lot width is 10' less than the prescribed standard. However, the size and configuration of the proposed parcels are consistent with the existing lots within the neighborhood and match the established development pattern (50' X 150' lots). The Zoning Ordinance allows exceptions to these standards upon approval of a Variance. Therefore, approving the Variance will result in compliance with the Zoning Ordinance.

   Grading and Drainage: No additional grading or improvements of these parcels are necessary or proposed with the request.

   Access, Circulation, & Parking: Access is provided via two driveways off Parry Street, one to each respective home. The existing site access, circulation, and parking will not be affected by this request.

   Improvements: No onsite improvements are proposed nor does staff recommend any onsite improvements in conjunction with the Tentative Parcel Map.

2. **The subdivision will result in lots, which can be used or built upon. The subdivision will not create lots which are impractical for improvement or use due to: the steepness of terrain or location of watercourses in the area; the size or shape of the lots or inadequate building area; inadequate frontage or access; or, some other physical condition of the area.**

   The subject property is currently developed with two existing residences and one detached garage. Potential future development could include one second dwelling unit on each parcel under the R-1

zone district standards; however, this construction would not require any entitlements through the Planning & Redevelopment Department if consistent with the applicable development standards and design guidelines. As proposed, the Parcel Map will result in two developed lots that are consistent with the surrounding parcels in the neighborhood.

3. **The design and density of the subdivision will not violate the existing requirements prescribed by the Regional Water Quality Control Board for the discharge of waste into the sewage system, Pursuant to Division 7 of the Water Code.**

The water quality impacts and the expected discharge of waste associated with the project are consistent with what was anticipated by the General Plan Environmental Impact Report. In addition, the design of the sewer lines in the project area and treatment capacity at the City's sewage treatment has adequate conveyance and capacity to accommodate the existing development.

CONCLUSION

In approving the Variance and Parcel Map the subject parcel will revert back to its original size and will be consistent with other parcels located in the neighborhood. Given that any modifications made to the existing buildings, and/or future development will have to comply with the Building Code, staff supports granting the Variance and Parcel Map.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Guidelines Section 15315 pertaining to minor land divisions 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 findings of fact as stated in the staff report for approval of the VARIANCE – 930 PARRY STREET – PROJECT # 2006PL-167 (FILE # V-000076);

B. Approve the VARIANCE – 930 PARRY STREET – PROJECT # 2006PL-167 (FILE # V-000076) with the thirteen (13) conditions listed below;

C. Adopt the three findings of fact as stated in the staff report for approval of the PARCEL MAP – 930 PARRY STREET – PROJECT # 2006PL-167 (FILE # SUB-000073); and

E. Approve the PARCEL MAP – 930 PARRY STREET – PROJECT # 2006PL-167 (FILE # SUB-000073) with the thirteen (13) conditions listed below.

CONDITIONS OF APPROVAL FOR PROJECT# 2006PL-167

1. The project is approved as shown in Exhibit A and as conditioned or modified below. (Planning & Redevelopment)

2. Prior to recordation of the Parcel Map the existing homes shall be brought into conformance with the applicable provisions of the Building Code. (Planning& Redevelopment, Building, and Engineering)

3. Construction Documents submitted for plan check and permit shall comply with all applicable code requirements including the 2001 California Building Code, 2001 California Mechanical Code, 2001 California Plumbing Code, 2004 California Electrical Code, 2001 California Fire Code and all state and federal mandated requirements in effect at the time of submittal for building permit. (Building)

4. Exterior walls and openings shall be protected as required by Table 5A with regard to building location to property lines. (Building)

5. Exterior walls shall have the fire resistance and opening protection as set forth in Table 5-A and in accordance with such additional provisions as are set forth in Chapter 6. Projections beyond the exterior wall shall comply with Section 705 and as set forth in 503.2.1. (Building)

6. Occupancy separations shall be provided between the various groups and divisions of occupancies as set forth in Table 3-B and as provided for in Section 302.4. (Building)

7. The design criteria used in the City of Roseville is as follows:
    4. Seismic zone 3
    5. Exposure B
    6. 75 mph basic wind speed
    7. 3" per hour max. rainfall
    8. No snow loading
    9. Climate zone 11 (Building)

8. Construction documents submitted for plan check and permit must be signed by the preparer and all engineering must be wet stamped and signed by a licensed architect or engineer. (Engineering)

9. The approval of a Tentative Map and/or tentative site plan does not constitute approval of proposed improvements as to size, design, materials, or location, unless specifically addressed in these conditions of approval. (Engineering)

10. The applicant shall pay City's actual costs for providing plan check, mapping, GIS, and inspection services. This may be a combination of staff costs and direct billing for contract professional services. (Engineering, Environmental Utilities, Finance)

11. The applicant shall apply for and obtain an encroachment permit from the Engineering Department prior to any work conducted within the City right-of-way. (Engineering)

12. The applicant shall remove and reconstruct any existing damaged curb, gutter, and sidewalk along the property frontage. During site inspection Engineering will designate the exact areas to be reconstructed. (Engineering)

13. Each lot shall have its own individual water and sewer service. (Environmental Utilities)

ATTACHMENTS

1. Vicinity Map
2. Neighborhood Photos
3. Assessor's Map

EXHIBIT

A. Tentative Parcel Map

Note to Applicant and/or Developer: Please contact the Planning & Redevelopment 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.