

DEPARTMENT OF PLANNING AND HOUSING STAFF REPORT PLANNING COMMISSION MEETING APRIL 28, 2011

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ITEM VI-A: ADMINISTRATIVE VARIANCE – 415 ½ GROVE STREET – INFILL PARCEL 12 – ADAIR SECOND UNIT ADMINISTRATIVE VARIANCE – FILE # 2011PL-021 (V-000066)

REQUEST

The applicant requests an Administrative Variance to reduce the required rear yard setback for a new second unit from twenty (20) feet to thirteen (13) feet. The unit will replace a structure that was destroyed by fire.

Property Owner/ Applicant: John Adair

SUMMARY RECOMMENDATION

The Department of Planning and Housing recommends that the Planning Commission take the following actions:

- A. Adopt the three (3) findings of fact for the Administrative Variance; and
- B. Approve the Administrative Variance subject to five (5) Conditions of Approval.

SUMMARY OF OUTSTANDING ISSUES

Administrative Variance requests may be approved by the Planning Director. In this case, staff sent out a notice of intent to approve the Administrative Variance and received one request for a public hearing from a neighboring property owner. Staff reviewed the plans with this property owner and options for moving the second unit. Staff was unable to reach an acceptable solution that met the needs of both the applicant and adjacent property owner.

BACKGROUND

The project site is located on Grove Street between Alta Avenue and Los Vegas Avenue in the infill area of the City (see Figure 1). The property is zoned Single Family Residential (R1) and has a land use designation of Low Density Residential (LDR-5). Surrounding uses are all single family residences. The property is a part of the Los Cerritos subdivision which was created in 1906, before the City incorporated in 1909. Many houses in the neighborhood appear to have been constructed in the early 20th century, prior to the City's first Zoning Ordinance.

The lot is approximately fifty (50) feet wide by one hundred forty (140) feet long. The 7,000 square foot parcel is currently developed with a 960 square foot single-family residence and a detached 336 square foot garage (see Exhibit A). The rear property line abuts a 20-foot wide public alley. (All of the blocks in the neighborhood have east-west mid-block alleys.) In August of 2010 the second unit that existed on the property was destroyed by a fire. This structure was approximately 640 square feet, and also had a 320 square foot carport attached to it. The original second unit was located directly on the rear and western (side) property lines. The photograph in Figure 2 below depicts the original second unit.

Chapter 19.24 of the Zoning Ordinance regulates nonconforming uses and structures. Because the original second unit on the property was considered a nonconforming structure with regards to rear and side yard setback requirements, the applicant has filed a Variance to rebuild the structure as required by Chapter 19.24.020(E)(2)(b). The proposed second unit would increase the rear and side yard setbacks from the original structure as described below.

Figure 1: Site and Surrounding Uses



The current request is for an Administrative Variance to reduce the rear yard setback from the required twenty (20) feet to thirteen (13) feet in order to allow the construction of a new second unit on the property. The new unit would meet all other development standards including setbacks, lot coverage, and other second unit standards.

FINDINGS & EVALUATION

In accordance with the Chapter 19.78.060.G of the Zoning Ordinance, three (3) findings must be made in order to approve an Administrative Variance. The required findings for an Administrative 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.

Figure 2 – Original second



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

Since the subject property is located within a neighborhood that was largely developed prior to the establishment of zoning standards, many of the existing structures do not meet current setback

requirements. One purpose of setbacks and maximum coverage requirements is to provide separation and adequate circulation of light and air between structures. In this instance, it is the use of the proposed structure as a second residence that is triggering the need for a larger rear yard setback (20 feet) and the Administrative Variance.

Figure 3: Los Cerritos Neighborhood



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

The proposed reduction in the rear yard setback would reduce the separation between this structure and those to the south. However, the 20-foot wide alley provides a permanent open space and extends the effective depth of all abutting parcels by 10 feet, including the subject site. The Sierra Vista and West Roseville Specific Plan and other recently approved projects with alley loaded garages have required a minimum four (4) foot driveway apron. Therefore the proposed thirteen (13) foot setback from the alley provides adequate depth for vehicle turns in and out of the garage, and is a greater setback than many other buildings adjacent to the alley.

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

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

The proposed construction will occur in the unoccupied rear yard with adequate separation from existing improvements on adjacent properties. The Planning Department sent notice to all property owners

within 300 feet of this project. To date, one letter was received from the adjacent property owners at 423 Grove Street, Edward and Lorraine Alexander. In their letter requesting a public hearing, the Alexanders state that the required twenty (20) foot setback requirement should be maintained (Attachment 1). They also state that the carport that was on the property prior to the fire was a detriment to their property. Finally, they add that the placement of refuse containers and automobiles adjacent to the alley has caused damage to their fence.

Staff has brought these items to the attention of the applicant and it is his desire to mitigate these concerns by constructing the garage attached to the unit, and by placing the refuse containers within an enclosed structure. In addition, the applicant will provide a second parking space for the home in front of the garage, thereby reducing the impact on the neighboring property at 423 Grove Street. Exhibit A depicts the location of the trash enclosure and parking space. Staff has added Condition #4 to the project which requires the second parking space for the unit to be placed behind the garage, in tandem with the first space. This will allow the uncovered second space to be set back approximately 25 from the property at 423 Grove St. Staff has also added Condition #5 which requires the trash receptacles to be placed within an enclosure. This will provide for a neat appearance and prevent cans form blocking alley access for neighboring 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.

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

Figure 4: Past Approvals

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

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

ADMINISTRAITIVE VARIANCE CONCLUSION

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

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15303 pertaining to New Construction of Small Structures and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures

RECOMMENDATION

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

- A. Adopt the three (3) findings of fact listed in the staff report for the ADMINISTRATIVE VARIANCE 415 ½ GROVE ST. INFILL PARCEL 12 ADAIR SECOND UNIT FILE# 2011PL-021 (Project # V-000066); and
- B. Approve the ADMINISTRATIVE VARIANCE 415 ½ GROVE ST. INFILL PARCEL 12 ADAIR SECOND UNIT FILE# 2011PL-021 (Project # V-000066) subject to the five (5) conditions below.

CONDITIONS OF APPROVAL FOR THE ADMINISTRATIVE VARIANCE (V-000066):

- 1. This Administrative Variance approval shall be effectuated within a period of two (2) years from this date and if not effectuated shall expire on **April 28, 2013**. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than a total of one year from **April 28, 2013**. (Planning & Redevelopment)
- 2. Building permit plans shall comply with all applicable code requirements (California Building Code CBC based on the International Building Code, California Mechanical Code CMC based on the Uniform Mechanical Code, California Plumbing Code CPC based on the Uniform Plumbing Code, California Fire Code CFC based on the International Fire Code with City of Roseville Amendments RFC, California Electrical Code CEC based on the National Electrical Code, and California Energy Standards CEC T-24 Part 6), California Title 24 and the American with Disabilities Act ADA requirements, and all State and Federally mandated requirements in effect at the time of submittal for building permits (contact the Building Department for applicable Code editions). (Building)
- 3. The applicant shall convert the existing overhead services to underground in order to maintain the existing and proposed points of connection for electric service. The applicant will be responsible for installation of the underground service, per the Electric Department's specifications and the riser at the utility pole will be constructed by Electric Department staff on a fixed cost basis. (Electric)
- 4. The required off-street parking for the new second unit shall be provided by locating one space within a new garage to be constructed by the applicant, and constructing a paved second uncovered space which shall be parked in tandem with (and partially behind) the garage space. (Planning)

5. Refuse containers for the property shall be located within an enclosure as depicted in Exhibit A to the satisfaction of the Planning Department. (Planning)

ATTACHMENT

1. Letter from Edward and Loraine Alexander

EXHIBITS

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