

PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT PLANNING COMMISSION MEETING October 14, 2010

Prepared by: Derek Ogden, Associate Planner

ITEM V-A: ADMINISTRATIVE PERMIT AND VOLUNTARY MERGER – 181 PARK DR. – SIMPSON

ADDITION AND VOLUNTARY MERGER - FILE # 2010PL-073 (AP-000346 & VM-

000018)

REQUEST

The applicant requests approval of an Administrative Permit to construct a 1,066 square foot addition to the existing 2,239 square foot home. The applicant is also requesting to merge the two existing parcels into one. The resultant lot will be .46 acres (\pm 20,000 sq. ft.).

Property Owner/Applicant: Thomas Simpson

SUMMARY RECOMMENDATION

The Planning & Redevelopment Department recommends that the Planning Commission:

- A. Adopt the three (3) findings of fact for the Administrative Permit;
- B. Approve the Administrative Permit subject to eleven (11) Conditions of Approval; and
- C. Approve the Voluntary Merger subject to seven (7) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

Staff has received approximately 10 written requests for a public hearing from neighbors in the Park Drive Neighborhood. These letters focus on past complaints regarding activity occuring at Mr. Simpson's residence including:

- Vehicle parking camping in the driveway
- Upkeep and maintenance of the property
- Renting of rooms
- Parolees/vagrants living at the residence
- Safety of neighborhood
- Alcohol and drug abuse
- Parties fights and disturbances

These letters are included as Attachments 1 through 10 of this Staff Report.

BACKGROUND

The subject property is located at 181 Park Drive within the Infill Area of the City of Roseville. Currently two separate parcels comprise the property located at 181 Park Dr (See Figure 1). Each parcel is approximately 10,000 square feet in size. The property contains two structures including the main single story residence and a detached garage. The existing home is approximately 2,239 square feet in size and the detached garage is approximately 400 square feet in size (see Exhibit A).

The current request is for an Administrative Permit to allow the construction of a 1,066 square foot addition to the northern portion of the home. The proposed addition will include adding a second story to the home. The expansion consists of adding one bedroom, a family room, study, and a master bathroom to the home (see Exhibit C). In addition to the Administrative Permit, the applicant is also requesting to merge the two existing parcels into one. The current home was constructed across the property line between the two parcels. The California Building Code will not allow an addition to the residence without merging the two properties and removing this property line.



FINDINGS & EVALUATION

Administrative Permits are evaluated for consistency with the City's General Plan, conformance with the City's Zoning Ordinance, and potential for impacts to the health, safety and welfare of persons who reside or live in the area. Specifically, the Planning Commission must make the three findings listed below in **bold italics** to approve the Administrative Permit. An analysis of the project follows each finding:

1. The proposed use or development is consistent with the City of Roseville General Plan.

The General Plan land use designation for the subject parcel is Low Density Residential (LDR 4). The LDR land use designation provides for single-family residences. The applicant is proposing to build an addition to an existing single-family residence and will not increase the number of units on the parcel. Therefore, the proposed addition is consistent with the LDR 4 land use designation and the General Plan.

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

The subject property is zoned Single-Family Residential (R1). The R1 zone allows one primary residence and one second unit per lot. One residence exists on the two parcels. Additions to single-family homes over 700 square feet require approval of an Administrative Permit and must comply with the development standards of the zone. The building coverage and setback standards of the R1 zone are listed below. In addition, the setback and coverage features of the existing home and proposed addition are listed in the following table:

	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Height Limit	Lot Coverage
Standard of	20' minimum	5' minimum	20% of lot depth;	35'	35% for 2 story;
R1 Zone		interior lot	need not exceed 20	maximum	45% for 1 story
			ft; 10 ft minimum		
Existing	53'	29'2" north	82'	20'	Approximately
Home		5'2" south			13%
Proposed Addition	53'	29'2" north 5'2" south	82'	28'	Approximately 19%

As noted in the table above, the addition will not reduce the front, side, or rear yard setbacks. The applicant is proposing to add a second story so only the height of the home will increase. The addition will increase the height of the home from twenty (20) feet to twenty-eight (28) feet. The addition will also increase the overall lot coverage from 13% to 19%. However, with the proposed addition, the new two- story single family dwelling will conform to the applicable R1 development standards for a two-story home.

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 addition will be constructed primarily on the northern and western sides of the existing home. Impacts to the surrounding homes will be minimal, as the required setbacks from the property lines will be maintained. The southern elevation of the home which is currently setback five (5) feet from the property will not be significantly altered with the addition. The applicant is only proposing to extend the ridge of the roof in this location to match the rest of the addition, and will not be adding living space on the southern portion of the home.

The materials and colors of the addition will match the existing home and will consist of stucco siding and composition shingle roofing (see Exhibit C). Staff has reviewed the proposed building design and concluded that the changes will be complementary to the existing architectural features of the home. In addition, the appearance of the addition will be compatible with other homes in the neighborhood.

As was mentioned in the outstanding issue section of this report, the City has on numerous occasions had to investigate complaints of suspected illegal activity at 181 Park Dr. The Police Department has contacted Planning Staff to inform us of the past activities that have occurred at the residence (Attachment 12). On January 14th of this year, there was a fire at the residence and the Fire Department responded. Subsequently, the City's Building Department condemned the home until repairs can be made. In addition, the City's Code Enforcement Division has visited the site to investigate Building and Municipal Code violations for nuisance abatement and operating a Rooming and Boarding House. Staff has spoken with the applicant about these Municipal Code violations and made it clear to Mr. Simpson what the regulations are regarding these issues (See Attachment 13).

Given the past history of the residence it is understandable why the surrounding neighborhood is concerned with the proposed development plans (Attachments 1-10). However, Staff has evaluated the development proposal based on the applicable development standards contained in the Zoning Ordinance, General Plan, and Subdivision Ordinance. Based on these standards Staff finds the project consistent with the City's codes and ordinances. As far as Staff has been able to determine the only outstanding code violation is the fire repairs that need to be made to the home.

VOLUNTARY MERGER

The Subdivision Ordinance does not list any required findings for a Voluntary Merger, although a Voluntary Merger must comply with the following criteria listed in **bold text**, which is followed by an evaluation.

1. Compliance with the Zoning Ordinance for the district in which it is located.

The parcels are zoned Single Family Residential (R1). The development standards for the R1 zone require a minimum interior lot width of 60' and lot size of 6,000 square feet. As shown on Exhibit A, the resulting merged parcel will have a lot width of 100 feet and a lot size of 19,976 square feet. The applicant is proposing to merge the two residential parcels in order to remove an inconsistency with the building code. The current home was built many years ago and across property lines. Because the applicant is proposing an addition to the home, the new addition must meet current building codes. By merging the parcels the applicant will be able to construct the addition. The resultant lot will exceed the minimum lot size requirement for the R1 zone district. The garage constructed to the rear of the property will remain a legal nonconforming structure with respect to the side yard setback (0 foot setback where 5 feet is required).

2. Compliance with local building regulations.

As discussed above the existing home does not meet current development standards for the R1 Zone District. However, the merger will effectively eliminate this nonconformity. Any future structures to be located on the merged parcel will be subject to City review for conformance with applicable building code requirements and zoning standards. The proposed Voluntary Merger will not create a parcel that would negatively affect the owner's ability to construct an addition to the single family residence as is permitted in the R1 zone.

3. Provisions for relocation of existing infrastructure or easements.

The Planning Department has forwarded this proposal to various City departments and utilities for review and comment. The Planning Department received comments from the Electric, Engineering and Building Departments. Their comments have been included as conditions of approval for the merger. The Voluntary Merger will not affect any utility services or any easements of record and therefore complies with this criterion.

4. Compliance with General, Specific Plan, and Subdivision Design Standards.

Both parcels are located within the Infill area of Roseville and have a General Plan land use designation of Low Density Residential (LDR4). The Voluntary Merger will result in a single lot, which is in conformance with the General Plan land use designation of LDR. The proposed Voluntary Merger will not conflict with the Subdivision Design Standards identified in the City's Subdivision Ordinance.

CONCLUSION

Staff does understand the nature and reasons for neighborhood concern with the proposed addition. However we have evaluated the request against the City's Zoning Ordinance, Building Codes, and Subdivision Ordinance and found the project to be consistent with these standards. As such Staff is recommending approval of the project. In the future Staff will monitor the activities at 181 Park Dr. and follow up with the appropriate City Department if there are issues or complaints.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per Guidelines Sections 15301(e) and 15305(a) pertaining to additions to existing structures and minor alterations in land use limitations. The project is also exempt pursuant to 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 as discussed in the staff report for the Administrative Permit 181 Park Dr. – SIMPSON ADDIITON & VOLUNTARY MERGER - FILE# 2010PL-073; (AP-000346);
- B. Approve the Administrative Permit 181 Park Dr. SIMPSON ADDITION & VOLUNTARY MERGER FILE# 2010PL-073; (AP-000346), with the eleven (11) conditions of approval listed below; and
- C. Approve the Voluntary Merger 181 Park Dr. SIMPSON ADDITION & VOLUNTARY MERGER FILE# 2010PL-073; (AP-000346), with the seven (7) conditions of approval listed below.

CONDITIONS OF APPROVAL FOR THE ADMINISTRATIVE PERMIT (AP-000346):

- 1. The project is approved as shown in Exhibits A C and as conditioned or modified below. (Planning & Redevelopment)
- 2. The existing location of the main electric service panel has the electric service drop crossing above the pool. Upgrading the service would require the new service drop meet all National Electrical Code clearances. (Electric)
- 3. All costs associated with the electric service upgrade are at the developer's expense. (Electric)
- 4. Building Construction Documents submitted for plan check and permit shall comply with all applicable code requirements including the 2007 California Building Code, 2007 California Mechanical Code, 2007 California Plumbing Code, 2007 California Electrical Code, 2007 California Fire Code and all state and federal mandated requirements in effect at the time of submittal for building permit. (Building)
- 5. Exterior walls and openings shall be protected as required by 2007 CBC 702.1 & Tbl. 602 with regard to building location to property lines. (Building)
- 6. Openings shall be limited to 25% of the wall area, per story, when the exterior walls are located greater than 3' but less than 5' to the lot line, as measured from the outermost face of the exterior wall, as required by 2007 CBC 704.8. (Building)
- 7. Exterior walls shall have the fire resistance and opening protection as set forth in 2007 CBC 702 & 704 and in accordance with such additional provisions as are set forth in Chapter 6 & 7. Projections beyond the exterior wall shall comply with Section 704.2. (Building)
- 8. Occupancy separations shall be provided between the various groups and divisions of occupancies as set forth in 2007 CBC Table 508.3.3 and as provided for in Section 706 & 406.1.4. (Building)
- 9. The design criteria used in the City of Roseville is as follows:
 - a. Seismic Design Category & Site Class per Section 1613
 - b. Exposure B

- c. 85 mph basic wind speed
- d. 3" per hour max. rainfall
- e. No snow loading
- f. Climate zone 11 (Building)
- 10. 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. (Building)
- 11. Limitations for residential conventional construction in Seismic Design Category C, D or E shall apply. Engineering may be required. See 2007 CBC 2308.12 for provisions. (Building)

CONDITIONS OF APPROVAL FOR VOLUNTARY MERGER (VM-000018):

- 1. The Voluntary Merger is approved as shown in Exhibit A. (Planning, Engineering)
- 2. The following shall be submitted to Engineering prior to recordation of the Voluntary Merger:
 - a) Two copies of property boundary description with exhibit map (8.5" x 11" sheet), and one copy of boundary closure calculations for resulting lots. These items shall be stamped and signed by a California Licensed Land Surveyor or Registered Civil Engineer authorized to practice land surveying.
 - b) One copy of the Conditions of Approval.
 - c) A completed Property Owner Consent Form.
 - d) Deed to convey interest in the property.
 - e) Preliminary title report no older than six months for all properties involved. (Engineering)
- 3. If surveying monuments are placed as a result of this Property Line Adjustment, it will be the responsibility of the Surveyor to record a Record of Survey with the County Recorders Office. (Engineering)
- 4. All existing easements shall be maintained, unless otherwise provided for in these conditions. (Environmental Utilities, Electric, Engineering)
- 5. The applicant shall submit to the Engineering Division of Public Works a paper copy and an electronic copy of the recorded Voluntary Merger per the "Digital Submittal of Cadastral Surveys". (Environmental Utilities)
- 6. Any relocation, rearrangement, or change to existing City facilities due to this Voluntary Merger shall be paid for by the applicant. (Engineering, Environmental Utilities, Electric)
- 7. Prior to recordation of the voluntary merger, the applicant shall pay the City's surveyor's processing and consulting fee of \$115. (Engineering)

ATTACHMENTS

- 1 11. Letters from Neighbors
- 12. Email from Police Department
- 13. Letter form City Staff regarding Rooming and Boarding House

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.