



AGENDA
August 25, 2016

7:00 p.m.
City Council Chambers
311 Vernon Street
Roseville, California

1. **ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **ORAL COMMUNICATIONS**
4. **CONSENT CALENDAR**
 - 4.1. MINUTES OF JULY 28, 2016
5. **NEW BUSINESS**
 - 5.1. INFILL PARCEL 201 - 530 & 532 ALOLA ST. LOT LINE ADJUSTMENT - FILE #PL16-0172.

The applicant requests approval of a lot line adjustment to adjust the common property boundaries between two (2) residential properties and the Abundant Life Church parking area. the Lot Line Adjustment is proposed to address current building and fire code compliance. Applicant: Bill Bird. Property Owner: Doug Bird, Abundant Life Church. (Ogden)
6. **REPORTS: COMMISSION/STAFF**
7. **ADJOURNMENT**



PLANNING COMMISSION

Title: MINUTES OF JULY 28, 2016

Meeting Date: 8/25/2016
Item #: 4.1.

ATTACHMENTS:

Description

July 28, 2016 Minutes - Draft



**Planning Commission Meeting
July 28, 2016 – 7:00 p.m.
Draft Minutes**

I. ROLL CALL

Planning Commissioners Present

Krista Bernasconi, Chair
Bruce Houdesheldt, Vice-Chair
Justin Caporusso
Charles Krafka
Joseph McCaslin

Staff Present

Kevin Payne, Development Services Director
Greg Bitter, Planning Manager
Gina McColl, Associate Planner
Marc Stout, City Engineer
Michelle Sheidenberger, Assistant City Attorney
Lupe Nelson, Recording Secretary

Planning Commissioners Absent

Julie Hirota, *Excused*

II. PLEDGE OF ALLEGIANCE

Gina Garbolino led those in attendance in the Pledge of Allegiance.

III. ORAL COMMUNICATION

Chair Bernasconi opened the Oral Communication.

- None

IV. CONSENT CALENDAR

Chair Bernasconi asked if anyone wished to remove any of the items from the Consent Calendar for discussion.

Hearing none, Chair Bernasconi asked for a motion to approve the Consent Calendar as listed below:

A. MINUTES OF JUNE 23, 2016

MOTION

Commissioner McCaslin made the motion, which was seconded by Commissioner Caporusso, to approve the Consent Calendar item.

The motion passed with the following vote:

Ayes: Caporusso, Houdesheldt, Krafka, McCaslin

Noes: None

Abstain: Bernasconi

V. NEW BUSINESS

A. NWRSP PCL 28–PACIFIC BLUE SWIM LESSONS–1028 WAILEA WAY – FILE #16-0178.

Planning Manager, Greg Bitter, presented the staff report and responded to questions.

Chair Bernasconi opened the public hearing and invited comments from the applicant and/or audience.

Applicant, Nick Buendia, addressed the Commission and responded to questions. He stated he had received a copy of the staff report and was not in agreement with staff's recommendations. He explained his business operations and why he believed he should be granted an Administrative Permit.

The following residents spoke in support of the project:

- Trent Johnson
- K.C. Castleberry
- Kelly Longo
- Nicholas Porter
- Lindsay Strong
- Kristin Kelly
- Krista Lopez
- Jessica Vetter
- Pam Wortman

The following resident spoke in opposition of the project:

- Sewell Keeter – health and parking concerns

Commission Discussion:

- Zoning Code
- Home Occupation Clearance form clarification
- How many Home Occupations occur at this site?
- Independent contract running his own Home Occupation?
- Clarification on accessory structures
- Is the second individual in the pool an employee?
- Are accessory structures for personal use?
- How did the business begin?
- Was the property in Loomis in the same type of residential neighborhood as your current home?
- Are there two students at a time in the pool? How many come and go in the same vehicle?
- Are noise sources such as whistles, radios, starting guns used when giving lessons?
- What are the hours of operation?
- Are the adjacent neighbors in support?
- How is parking handled?
- Where does the applicant/owner park their vehicles?
- How many students do you average in a day?
- How many students does the other Home Occupation teach?
- How long are lessons?

- Do you do offsite lessons?
- Why is a Home Occupation for outdoor use not allowed?
- What do other jurisdictions allow for Home Occupations?
- Location is non-invasive.
- Business is first, resident is second.
- The quality of the business is not in question.
- Avenues needs to be explored for these type of businesses.
- Protect residents from businesses that do not operate as well as Pacific Blue Swim Lessons.
- Planning Commission has the opportunity to review each Administrative Permit as it comes through and apply strict guidelines if necessary.
- Is the document (Home Occupation form) approved by City Council?
- Protecting the Zoning Ordinance that is in place.
- Grant a temporary exception?
- Is there a transition period for the business if the Administrative Period is denied?
- Does the City have liability in approving a home business?

Chair Bernasconi closed the public hearing and asked for a motion.

MOTION

Commissioner Caporusso made the motion, which was seconded by Commissioner Houdesheldt, to continue the item for a period of six (6) months to allow the applicant to work with staff to identify an avenue to meet the Home Occupation performance standards. During the six (6) months, the business is allowed to operate as follows:

- a) Open Monday through Friday from 9:00 a.m. to 7:00 p.m.;
- b) One employee is allowed on site;
- c) Two students are allowed at one time (one student per instructor); and,
- d) Customers must park in driveway (off-street).

The motion passed with the following vote:

Ayes: Caporusso, Houdesheldt, Krafka, Bernasconi

Noes: McCaslin

Abstain: None

B. CAMPUS OAKS AMENDMENTS – 1485 BLUE OAKS BL. – FILE #16-0153.

Associate Planner, Gina McColl, presented the staff report and responded to questions.

Chair Bernasconi opened the public hearing and invited comments from the applicant and/or audience.

Property Owner, Stephen Des Jardins, addressed the Commission and responded to questions. He stated he had received a copy of the staff report and was in agreement with staff's recommendations with the exception of the two Development Agreement Amendment change

pages. He requested the Commission to approve the entitlements with his proposed language (found in change page 8 and change page 10) for the Development Agreement Amendment.

Applicant, Scott Canel, addressed the Commission. He stated he was in agreement with staff's recommendations.

Public Comment:

- David Larson spoke in support of the project.
- Jessie Yang, Taylor & Wiley, spoke in opposition of the project.

Commission Discussion:

- Public Benefit Fee

Chair Bernasconi closed the public hearing and asked for a motion.

MOTION

Commissioner McCaslin, made the motion, which was seconded by Commissioner Houdesheldt, to approve the conditions of approval as follows:

- a) Recommend the City Council adopt the Addendum to the Hewlett Packard Master Plan EIR;
- b) Recommend the City Council approve the General Plan Text Amendment;
- c) Recommend the City Council approve the General Plan Land Use Map Amendment;
- d) Recommend that the City Council adopt the five (5) findings of fact and approve the 5th Development Agreement Amendment for the BBC Roseville Parcel with the applicant's changes to the DA (Change Page 8 and Change Page 10);
- e) Recommend that the City Council adopt the two (2) findings of fact and approve the Rezone;
- f) Recommend the City Council adopt the two (2) findings of fact and approve the Major Project Permit –Stage 1 (HP Campus Oaks Master Plan Amendment), subject to the one (1) condition of approval; and,
- g) Recommend the City Council adopt the three (3) findings of fact and approve the Lot Line Adjustment, subject to the ten (10) conditions of approval.

The motion passed with the following vote:

Ayes: Caporusso, Houdesheldt, Krafka, McCaslin, Bernasconi

Noes: None

Abstain: None

VI. REPORTS: COMMISSION/STAFF

A. ELECTION OF PLANNING COMMISSION CHAIR AND VICE CHAIR

MOTION

Commissioner Houdesheldt made the motion, which was seconded by Commissioner McCaslin, to appoint Commissioner Bernasconi as the Planning Commission Chair.

The motion passed with the following vote:

Ayes: Caporusso, Houdesheldt, Krafka, McCaslin, Bernasconi

Noes: None

Abstain: None

MOTION

Commissioner McCaslin made the motion, which was seconded by Commissioner Caporusso, to appoint Commissioner Houdesheldt as the Planning Commission Vice-Chair.

The motion passed with the following vote:

Ayes: Caporusso, Houdesheldt, Krafka, McCaslin, Bernasconi

Noes: None

Abstain: None

B. ELECTION OF DESIGN COMMITTEE REPRESENTATIVE AND ALTERNATE

MOTION

Commissioner McCaslin made the motion, which was seconded by Commissioner Houdesheldt, to appoint Commissioner Krafka as the Design Committee Representative.

The motion passed with the following vote:

Ayes: Caporusso, Houdesheldt, Krafka, McCaslin, Bernasconi

Noes: None

Abstain: None

MOTION

Commissioner Krafka made the motion, which was seconded by Commissioner McCaslin, to appoint Commissioner Caporusso as the Design Committee Alternate.

The motion passed with the following vote:

Ayes: Caporusso, Houdesheldt, Krafka, McCaslin, Bernasconi

Noes: None

Abstain: None

C. REPORTS FROM STAFF

Greg Bitter: Greg informed the commissioners that on August 31, 2016, the City Clerk Department would have a Board, Commission and Committee Training. A Planning Commission meeting will not be held on August 11, 2016.

D. REPORTS FROM COMMISSIONERS

Commissioner Houdesheldt: Top Golf will be opening on the first week of September. Thank you to staff.

VII. ADJOURNMENT

Commissioner Bernasconi asked for a motion to adjourn the meeting.

MOTION

Commissioner McCaslin made the motion, which was seconded by, Commissioner Houdesheldt to adjourn to the meeting.

The motion passed unanimously at 9:40 p.m.



PLANNING COMMISSION

Title: INFILL PARCEL 201 - 530 & 532 ALOLA ST. LOT LINE ADJUSTMENT - FILE #PL16-0172.

Meeting Date: 8/25/2016
Item #: 5.1.

ATTACHMENTS:

Description

PL16-0172 abundant_life_lla

ITEM V-A: LOT LINE ADJUSTMENT – INFILL PCL 201 - 530 & 532 ALOLA ST. LOT LINE ADJUSTMENT – PL16-0172

REQUEST

The applicant requests approval of a lot line adjustment to adjust the common property boundaries between two (2) residential properties and an Abundant Life Church parcel. The Lot Line Adjustment is proposed to address current building and fire code compliance for the residential structures on these parcels.

Applicant– Doug Bird, Abundant Life Church
Owner–Bill Bird

SUMMARY RECOMMENDATION

The Subdivision Ordinance does not list any required findings for a Lot Line Adjustment. However, a Lot Line Adjustment must comply with the four criteria listed in the Staff Report below. The Planning Division recommends that the Planning Commission take the following action:

- A. Approve the Lot Line Adjustment subject to ten (10) conditions of approval.

SUMMARY OF OUTSTANDING ISSUE

A Notice of Intent to Approve the Lot Line Adjustment was sent to property owners within a 300-foot radius of the project. The last day to request a public hearing was July 25, 2016 by 5:00 pm. An email from an adjacent property owner was sent to the City on July 25th which requested a public hearing (see Attachment 1). In this email, Mr. Zisk expressed concerns that the proposed lot line adjustment would negatively impact his property boundary and property rights. Staff and Mr. Zisk have had several conversations regarding these concerns. Staff has provided additional information regarding the lot line adjustment to Mr. Zisk showing that the proposed lot line adjustment will not have any impact to the Zisk property. Despite this communication, Mr. Zisk has not withdrawn his request that the City deny the proposed lot line adjustment. Although, as of the publication of this report, he has not provided any evidence of an impact to his property, Mr. Zisk is seeking a denial of the lot line adjustment on the grounds that the project would negatively impact the property boundaries and rights of his property.

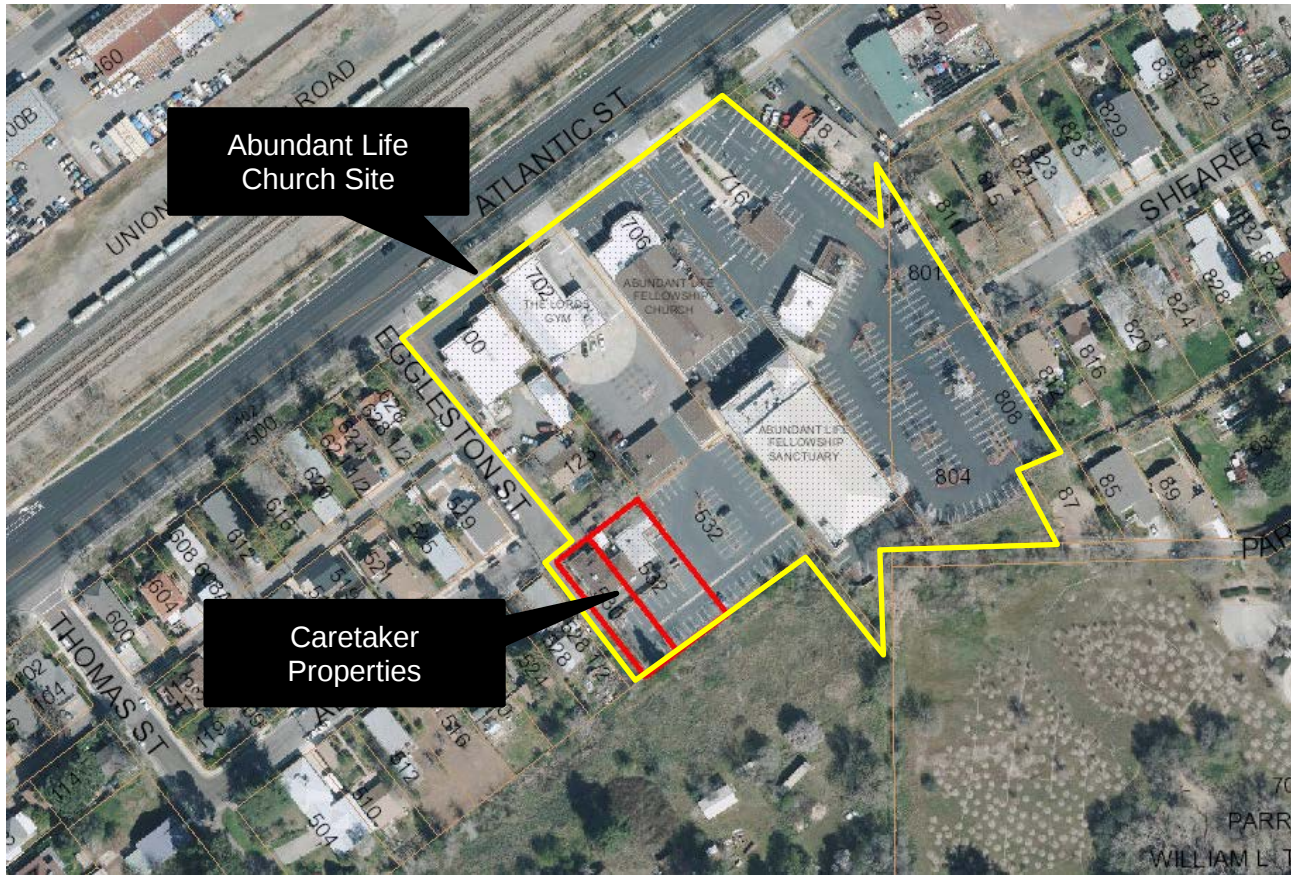
BACKGROUND

The project site is two residential properties located at 530 and 532 Alola Street (see Figure 1), which are a portion of the Abundant Life Church property. The properties have a zoning designation of Attached Housing (R3) and have a land use designation of Low Density Residential (LDR-6). The City does not have building permit records for either home. According to the Placer County Assessor's information, the home at 530 Alola St. was constructed in 1917 and the home at 532 Alola St. was constructed in 1937.

Abundant Life Fellowship started holding church services at leased facilities on Atlantic Street in 1989, and made an initial purchase of property around 1992. Over time the church has purchased additional, adjacent properties leading to their current property ownership configuration. The church has used the properties for religious assembly activities that have included providing the Lord's Gym (on adjacent, leased property), caretaker homes, church offices, and a sanctuary. The properties which have been used as caretaker homes currently do not meet building or fire code separation requirements for residential structures. The current request is an attempt to satisfy these requirements prior to offering the homes for sale.

In September of 2003 the Roseville City Council approved a General Plan Amendment and Rezone to consolidate the various land use and zoning designations on the property into the current configuration. At this same hearing the Council also denied an appeal by Bill Zisk of a Design Review Permit Modification and Voluntary Merger, which allowed the construction of a new parking area adjacent to the caretaker units.

Figure 1: Aerial Photo of the Site



EVALUATION

As mentioned above the applicant is requesting the lot line adjustment in an attempt to comply with Building and Fire code requirements for the caretaker homes that exist at the rear of the Abundant Life Church property. The homes do not meet current Zoning Ordinance requirements for front and side yard setbacks. Given the age of these structures they are considered existing legal non-conforming structures in respect to these setbacks. The following table depicts impacts to the subject parcels as a result of the proposed lot line adjustment.

Table 1: Change in Acreage

Lot	Impacts
1	Net loss of ±2078 square feet – resultant square footage = ±4172
2	Net loss of ±4902 square feet – resultant square footage = ±4698
3	Net gain of ±6980 square feet – resultant square footage = ±23,545

The affected properties each have a land use designation of Low Density Residential (LDR). The applicant is not proposing to change the use of the land; therefore, the proposed Lot Line Adjustment is in conformance with the General Plan.

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

The subject properties have a zoning designation of Attached Housing (R3). As was mentioned above, the current homes were constructed prior to Zoning Ordinance requirements in respect to front and side yard setbacks. With the proposed project the applicant will also be constructing a fire resistant wall for the home located on lot 1. This wall is located along the eastern property line between the proposed parcels 1 & 2. The proposed lot line adjustment will allow the applicant to comply with Building and Fire Code requirements and enhance the fire and life safety of the residences.

If approved the proposed Lot Line Adjustment will allow parcels which do not meet the Zoning Ordinance standard for lot width, and area. However, in this case the existing lots do not meet these standards and the proposed adjustments will not increase the non-conformity. Therefore, the proposed adjustments will comply with the City's Zoning Ordinance.

3. Compliance with the local building regulations.

The City's Building Official has determined that the residential units for the subject lots will need to meet the minimum Building and Fire Code separation requirements as discussed above; therefore, Condition #9 requires the applicant to comply with applicable Building and Fire Codes. Accordingly, the proposed Lot Line Adjustments will not present any conflicts with the local building regulations.

4. Provisions for relocation of existing infrastructure or easements.

The Planning Division has forwarded this proposal to affected City departments for review and comment. Staff did receive minor comments related to water and sewer services for the parcels and necessary easements. Condition #6 has been added to the project to require the recordation of a separate easement for the maintenance of these services across the adjusted property boundaries.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15305(a), pertaining to Minor Lot Line Adjustments, 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. Approve the **LOT LINE ADJUSTMENT – 530 ALOLA ST. – INFILL PCL 201 – 530 7 532 ALOLA ST. LOT LINE ADJUSTMENT – PL16-0172** subject to ten (10) of conditions of approval.

CONDITIONS OF APPROVAL FOR A LOT LINE ADJUSTMENT

1. The project is approved as shown in Exhibit A, and as conditioned below. (Planning)
2. The following shall be submitted to Engineering prior to recordation of the lot line adjustment:
 - 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 Recorder's 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)

OTHER CONDITIONS IF NEEDED TO RELOCATE FACILITIES AND EASEMENTS

- 6. The following easement(s) shall be provided by separate instrument:
 - a) A 15' private sewer easement centered over the sewer service crossing 530 Alola St. (Environmental Utilities)
 - b) A 15' private water easement centered over the water service crossing 530 Alola St. (Environmental Utilities)
- *Easement widths shall comply with the City's Improvement Standards and Construction Standards. (Engineering, Environmental Utilities, Electric)
- 7. Separate document easements required by the City shall be prepared in accordance with the City's "Policy for Dedication of Easements to the City of Roseville". All legal descriptions shall be prepared by a licensed land Surveyor (Environmental Utilities, Electric, Engineering)
 - 8. Any relocation, rearrangement, or change to existing City facilities due to this Lot Line Adjustment shall be paid for by the applicant. (Engineering, Environmental Utilities, Electric)
 - 9. The applicant shall provide minimum fire separation distances and opening protection between the structures exterior walls on Lots 1 & 2 and the proposed lot line between them. California Residential Code (CRC) Tables R302.1(1) & Table R302.1(2) specify the fire separation distances and opening protection for 1 & 2 family dwellings. And, California Building Code (CBC) Table 602 specifies the fire separation distance based on Occupancy Group and Type of Construction with opening protection per CBC Table 705.8. (Building)
 - 10. Any structures crossing the adjusted Lot/Parcel lines shall be removed prior to recordation of the Voluntary Merger documents. (Engineering)

Attachment

1. Emails from John Zisk

Exhibit

- A. Lot Line Adjustment

<u>Note to Applicant and/or Developer:</u> 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.
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