

ITEM 5.2: Conditional Use Permit – 123 Circuit Drive – INFILL PCL 18 – Cadell Residence – File #PL22-0212

REQUEST

The applicant requests a Conditional Use Permit to allow the construction of a 1,300-square-foot single-family dwelling unit on a vacant 0.07-acre property. The property has a zoning designation of General Commercial (GC) and a land use designation of Low Density Residential (LDR-6.8).

Applicant – Michael Cadell
Property Owner – Carolyn & Michael Cadell

SUMMARY RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt the three (3) findings of fact and approve the Conditional Use Permit subject to six (6) 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.

BACKGROUND

The project site is located at 123 Circuit Drive and is identified as Parcel 18 within the City's Infill Area (see Figure 1). The project site has a zoning designation of General Commercial (GC) and a General Plan land use designation of Low Density Residential (LDR-6.8). The site is partially improved with a single driveway leading to an existing detached garage located at 123 1/2 Circuit Drive north of the project site, while the remainder of the site is undeveloped. The site is bounded by an existing single-family dwelling unit with a detached garage to the north, a vacant commercial building to the east, existing residences to the south across Circuit Drive and to the west.

In 1993 the Planning Commission approved a Special Use Permit to allow the continued use of a single-family dwelling unit on a commercial zoned property at 123 1/2 Circuit Drive (file #SUP 92-49). According to the staff report, the single-family dwelling unit was developed prior to the adoption of the Zoning Ordinance and as a result was categorized as a

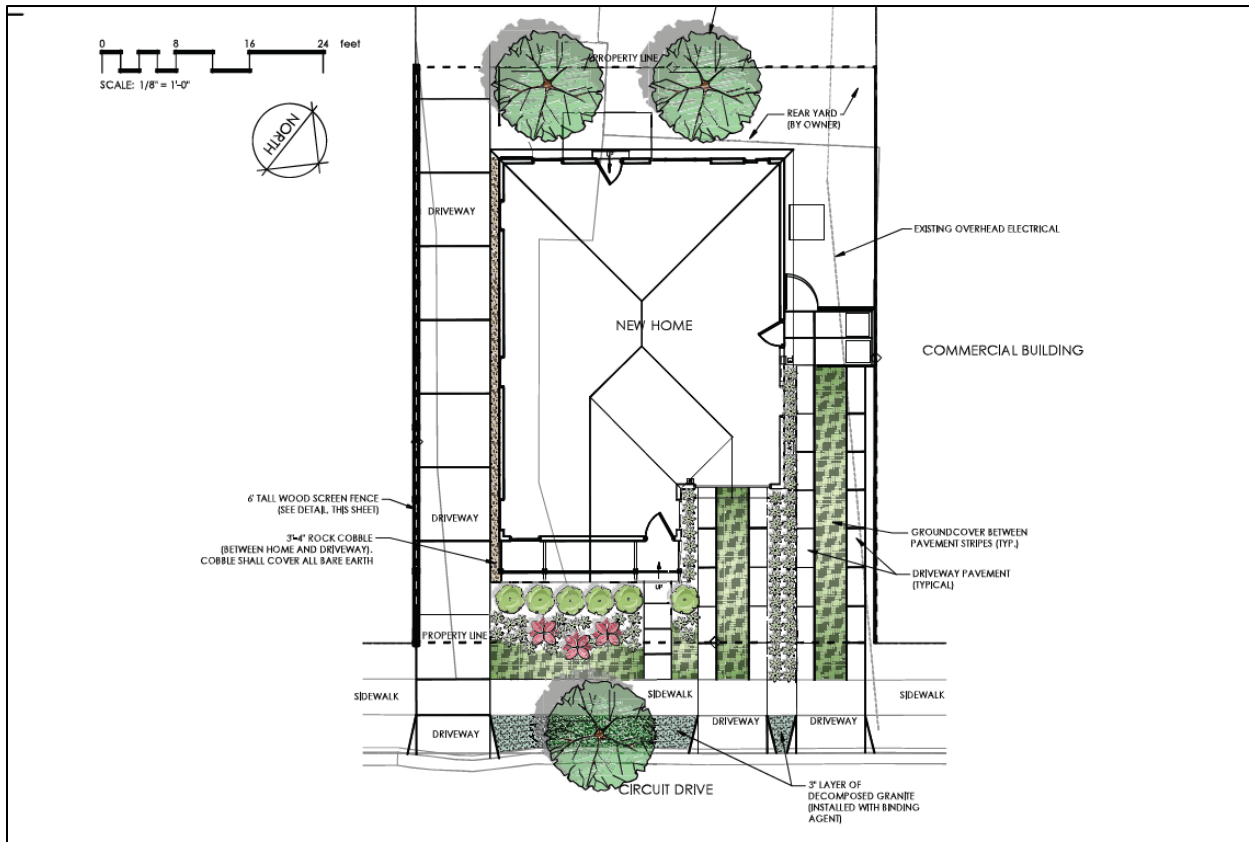
Figure 1: Project Location



nonconforming use. Further, the lot was created in 1960 by the Superior Court of Placer County through probate proceedings (see Attachment 1) The parcel is 50-feet wide by 70-feet in depth and does not have street frontage or alley access. However, the parcel was classified as a substandard residential lot with an access easement across the subject parcel which allows access from Circuit Drive.

The requested entitlement will facilitate the development of a 1,006 square foot single-family dwelling unit, with an approximately 204-square-foot single car garage and an 80-square-foot covered porch (see Figure 2). The requested Conditional Use Permit (CUP) will allow a single-family dwelling unit with on-site improvements to be located on a GC zoned property.

Figure 2: Proposed Site Plan



SITE INFORMATION

Location: 123 Circuit

Total Size: ±0.07 acres

Topography and Setting: The project site is an infill property located in an urbanized setting. The site includes frontage on Circuit Drive, which include a detached sidewalk, curb and gutter, and a two-lane roadway. The project site is flat with annual grassland. There are currently no structures on the property, but the site is partially improved with a single driveway along the west property line.

EVALUATION – CONDITIONAL USE PERMIT

Section 19.78.060 of the City of Roseville Zoning Ordinance requires that three findings be made in order to approve a CUP. The three findings are listed below in *italicized, bold print* and are followed by an evaluation of the proposal in relation to each finding.

1. The proposed use or development is consistent with the City of Roseville General Plan and any applicable specific plan.

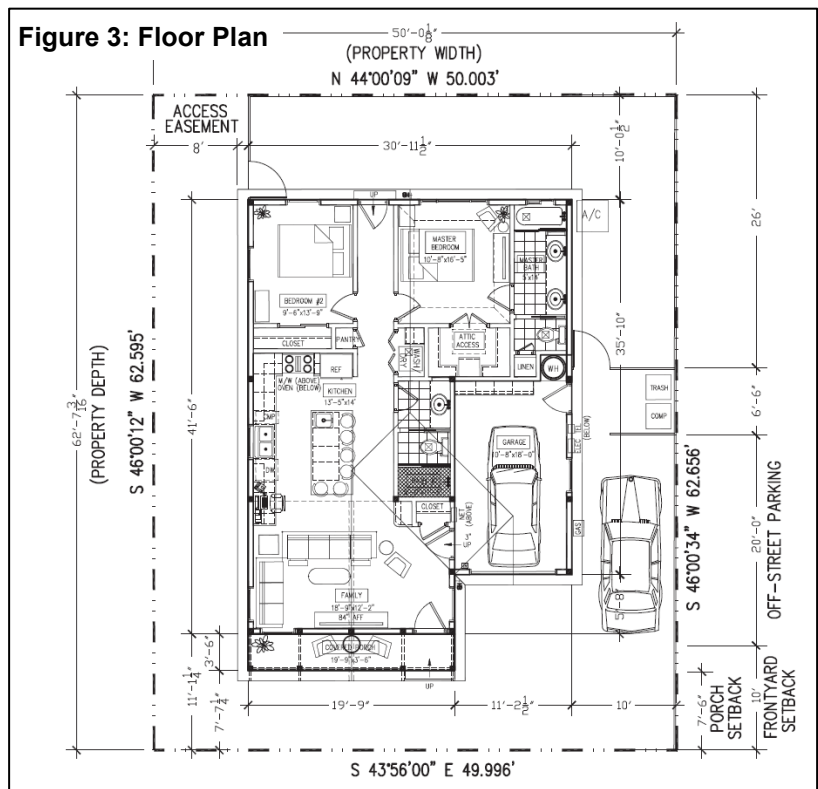
The project site is zoned GC and has a land use designation of LDR-6.8. Primary uses intended for the LDR land use category include attached and detached single-family residences, public parks, resource preservation and open space areas, landscape corridors, and other public utility easements. The project is located within the Infill area of the City and is not subject to a Specific Plan. The Zoning Ordinance states that single-family dwelling units are permitted in the GC zone upon approval of a CUP. Based on the General Plan primary land use categories, the proposed project is consistent with the land use designation with approval of the required CUP.

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

The project site is located within the City’s Infill planning area. The property was subdivided in 1960 through probate proceedings. When the lot was created it did not comply with the City’s then current Subdivision Ordinance. As such, the parcel is a legal lot (see Attachment 1). The project site has a zoning designation of GC, and single-family dwelling units on GC zoned property are identified in the Zoning Ordinance as conditionally permitted uses. The subject parcel is not consistent with typical commercial parcels found throughout the City, which are generally half an acre or greater in size and can accommodate a feasible building with associated parking and landscaping. For example, the property located at 405 Church Street is a vacant GC parcel that is approximately 0.60-acre in size making it large enough to accommodate a commercial building, surface parking, landscaping and lighting improvements. Due to the size of the project site, it is unfeasible for the applicant to develop a commercial building on the site. As such, a single-family dwelling unit was determined to be a more appropriate use of the site.

The property is located in the Roseville Heights subdivision, which was originally developed in the early 1900s, prior to the City’s first Zoning Ordinance. The neighborhood is characterized by single-family dwelling units built within close proximity to property lines. Aerial photography shows that several of the

homes in the surrounding neighborhood have a 10-foot front yard setback or larger, with some having a front yard porch encroaching within that 10-foot front yard setback. Therefore, many of the buildings within the neighborhood do not conform to current Zoning Ordinance standards such as setbacks. In recent years the City has seen an increase in applications from developers to reduce the side and front yard setbacks, making it feasible for single-family dwelling units to be built on 4,500-square-foot lots. The applicant proposes a single-family dwelling unit with a 10-foot front yard setback (7'-6" porch setback) and a 10-foot rear yard setback (see Figure 3). The side yard setbacks vary but an 8-foot side yard setback along the western property line is proposed due to the existing access easement and a 10-foot side yard setback along the eastern property line is proposed. Overall, the



site will be developed with a 1,290-square-foot single-family dwelling unit consistent with the surrounding community.

Staff has reviewed the proposed location, size, and design of the proposed single-family dwelling unit and concludes the structure is compatible with the character of the property and the neighborhood. Furthermore, 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 location, size, design and operating characteristics of the proposed 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 project site is surrounded by a vacant commercial building to the east, and existing single-family dwelling units to the north, west, and south across Circuit Drive. As mentioned above, the subject parcel is approximately 3,131-square-feet in size and has street frontage along Circuit Drive. Based on the history of 123 1/2 Circuit Drive, it is assumed that the subject site was also created in 1960 when 123 1/2 Circuit Drive was divided by order of the Superior Court in 1960 pursuant to probate proceedings. The Map Act and Subdivision Ordinance do not contain any maximum and minimum lot sizes. Similarly, the General Commercial zoned district does not contain any maximum or minimum lot sizes. Based on the above findings, the location and size of the subject parcel is consistent and compatible with the surrounding properties.

PUBLIC OUTREACH

The proposed project was distributed to all internal and external agencies and departments who have requested such notice, and all comments or recommended conditions of approval have been incorporated into the project, as appropriate. Early notification of the project was posted on the Roseville Coalition of Neighborhood Associations (RCONA)'s website. A notice of the public hearing was published in the Roseville Press Tribune on June 29, 2023, and a notice of the hearing was also distributed to all property owners within 300 feet of the site and posted on the RCONA website. Staff spoke with a neighboring property owner who had questions about the project and requested to view the proposed plans. The property owner did not request a public hearing.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332, "In-Fill Development Projects", and pursuant to Section 305 of the City of Roseville CEQA Implementing Procedures. The project involves the construction of a single-story primary dwelling unit on an infill property within city limits that is no more than five (5) acres in size and is surrounded by urban uses and can be adequately serviced by all required utilities and public services; therefore, no further environmental evaluation is required.

RECOMMENDATION

The Planning Division recommends the Planning Commission take the following actions:

1. Adopt the three (3) findings of fact and approve the **CONDITIONAL USE PERMIT – 123 CIRCUIT DRIVE – INFILL PCL 18 – CADELL RESIDENCE – FILE #PL22-0212** subject to six (6) conditions of approval.

CONDITIONS OF APPROVAL FOR A CONDITIONAL USE PERMIT – FILE #PL22-0212

1. The project is approved as shown in Exhibit A, and as conditioned or modified below. Any modifications to the development standards shall require approval of a Conditional Use Permit modification. (Planning)
2. This Conditional Use Permit approval shall be effectuated within a period of two (2) years from **July 13, 2023** and if not effectuated shall expire on **July 13, 2025**. 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 **July 13, 2025**. (Planning)
3. The applicant shall submit plans to the Building Division and secure a building permit for the construction of the dwelling. The Conditional Use Permit shall be effectuated upon issuance of the Building Permit. (Building & Planning)
4. A separate building permit is required for the construction of a new dwelling. Targeted timeframes for Building Division plan review are: Three (3) weeks for first review and two (2) weeks for subsequent plan review cycles. (Building)
5. The applicant to provide a 5' wide private sewer easement prior to improvement plan approval. The sewer easement will provide sewer service to the rear lot. (Engineering)
6. The applicant shall repair any broken curb and gutter. In addition, repair the low point in the gutter to allow for drainage to flow as intended. (Engineering)

ATTACHMENT

1. SUP 92-49 Staff Report

EXHIBITS

- A. Plans

Note to Applicant and/or Developer: Please contact 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.