

P98-124 - Dyer Halfplexes

- REQUEST:
- A. Environmental Determination: Exempt 15305, 15315
 - B. Tentative Map to subdivide one parcel into two parcels on .19± developed acres in the Standard Single Family (R-1) zone.
 - C. Variance to allow encroachment of a 6 foot wall 19 feet into the 25 feet front yard setback.
 - D. Variance to reduce the side yard setback of a 6 foot wall from 5 feet to 3 feet.

LOCATION:	1508 38 th Street, 3760 Folsom Blvd. APN 008-0402-028 East Sacramento Community Plan Area Council District 3
APPLICANT:	Kenneth G. Dyer 1022 47 th Street Sacramento, CA 95819
OWNER:	Same as applicant

APPLIC. FILED: November 11, 1998

STAFF CONTACT: Mark Kraft, 264-8116

SUMMARY: The applicant is requesting the entitlements necessary to develop 2 halfplex units on 2 lots at the southwest corner of 38th Street and Folsom Boulevard. The proposed project requires a Tentative Map to subdivide one existing parcel into two parcels. The project also requires variances to allow 6 foot walls to encroach into the front and sideyard setback areas.

RECOMMENDATION:

Staff recommends approval of the Tentative Map, subject to conditions, and denial of the requested variances. The recommendation for approval of the tentative map is based on the proposed use, density and housing type, which is consistent with the General Plan designation and zoning for the site, and which is allowed under existing zoning. This recommendation is also based upon the consistency of the proposed use with General Plan policies which encourage the development of quality housing opportunities and efficient development of infill housing sites in the City. The recommendation for denial of the requested variances is based upon the lack of hardship to justify these variances, and the fact that the proposed walls would result in a design which is inconsistent with existing development in the area, and inconsistent with the City's Single Family Residential Design Principles.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential (4-15du/na)
Existing Land Use of Site:	2 Residential Units(under construction)
Existing Zoning of Site:	Single Family Residential (R-1)

Surrounding Land Use and Zoning:

North: Single Family Residential; R-1
 South: Single Family Residential; R-1
 East: Single Family Residential; R-1
 West: Church Office; R-1

Parking Required:	2 spaces
Parking Provided:	4 spaces
Property Dimensions:	70'x120'
Property Area:	±.19 acres total
Height of Building:	28 feet
Height Limit:	35 feet
Lot Coverage:	36.9%
Maximum Lot Coverage Allowed:	40%

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Requirement</u>	<u>Agency</u>
Building Permit	Development Services

BACKGROUND INFORMATION:

The applicant is in the process of constructing two attached units in the Standard Single Family (R-1) zone. The homes are two story, with two car garages. Each unit has three bedrooms and 2½ baths, with attached two car garages. The design and scale of the buildings, with the exception of the proposed walls, are compatible with the surrounding structures. The applicant is seeking to provide ownership housing opportunities, and to efficiently utilize vacant land in a manner consistent with existing zoning.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The project is consistent with the General Plan designation for the site. Section 2-4 of the General Plan describes residential land use categories, and for Low Density residential, it states that typical development in these areas will consist of single family detached units, duplexes, halfplexes, townhouses, condominiums, zero lot line units and cluster houses.

The project, in providing residential infill housing units, is consistent with the following General Plan Goals and Policies:

Sec 1-31 Policy 2-

It is the policy of the City that adequate quality housing opportunities be provided for all income households and that projected housing needs are accommodated.....providing a variety of residential uses near major employment centers...can help insure housing opportunities for all income households employed in those areas.

Section 1-34 Policy 5-

Some neighborhoods are characterized by vacant land skipped over in the process of development. To more fully utilize this resource, efforts to promote infill and remove development constraints will be necessary.

Sec 2-13 Goal C

Develop Residential land uses in a manner which is efficient and utilizes existing and planned urban resources.

Sec 2-14 Policy 4

Promote infill development as a means to meet future housing needs...

Sec 3-47 Policy 1

Improve the infill incentive program to maximize housing development on urban vacant

properties.

B. Zoning Requirements

1. Zoning

The project site is zoned Standard Single Family Residential (R-1). This zone allows for the development of duplexes on corner lots, by right. The structure also meets all setback and lot coverage requirements of the zoning ordinance. As a result, the applicant has received building permits and is proceeding with the construction of the units. The entitlements requested for the project involve a tentative map to subdivide these units for individual sale, and variances to construct walls within the setback areas.

2. Wall Variances

The applicant is seeking to construct 6 foot block walls around the entry courts of both units, as well as the area surrounding a courtyard along 38th Street. The zoning ordinance does not allow walls over 3 feet in height within the front yard setback area, or within 5 feet of the property line along the street side yard area.

A proposed wall surrounding the entry court for the unit facing Folsom Boulevard is proposed to extend to within 6 feet of the property line (a 19 foot encroachment into the front setback area) A proposed wall surrounding a courtyard for this unit is proposed to extend to within 3½ feet of the property line (a 1½ foot encroachment into the street sideyard setback). The entry court for the unit facing 38th Street is also proposed to be enclosed by a 6 foot wall, however, this wall does comply with zoning ordinance requirements for setback.

The applicant is requesting variances to allow these walls in order to provide additional outdoor spaces for these units, which are shielded from the impacts of the adjacent streets. Part of the justification for the variances was the existence of other similar types of development in the immediate area. The walls are broken up somewhat by 4 foot wide areas of metal grids. Staff discouraged the applicant from requesting these variances, but the applicant's position is that the enclosed courtyards are important to the marketability of the units, and has chosen to proceed with the request. Staff recommended to the applicant that the proposed design would be somewhat improved by aligning the metal grids with the front door so that the door would be visible from the street. The applicant has made this revision.

Despite the revision of the project however, staff still cannot support the requested variances, for the following reasons:

- 1) The proposed courtyard design is contrary to the City's Single Family Design Principles. The principle related to porches, entries, and courts states that "a clear sense of entry is provided through the inclusion of porches, verandas, Porte cocheres and other architectural elements that contribute to a sense of place and activity" with the rationale that "quality design of porches and entries provides for "eyes on the street" and contributes to pedestrian safety and activity." The principle recommends the following: a) Fronts of houses and entries that face the street. Each house should have a clearly identified entry and have active use windows facing the street. b) the main entry feature should be prominently displayed on the elevation facing the street. c) Front porches large enough to accommodate chairs provide an opportunity for increased interaction amongst the neighbors. The applicant's objective of providing areas which are closed off from the street runs counter to the objective of these design principles.
- 2) The proposed variances would set a precedent, and would result in development incompatible with the surrounding area. Part of the justification for the variances is that the proposed development would be consistent with existing development in the area. However, a survey of Folsom Boulevard from 35th to 43rd Streets indicated that no existing properties are developed so as to be inconsistent with zoning ordinance requirements limiting wall heights in the front setback. It is true that several lots side onto Folsom Boulevard and have walls along this street frontage. However, all lots which front onto Folsom Boulevard have open front entryways and a good street relationship. One halfplex unit, on the northwest corner of 43rd and Folsom does have a wall exceeding 3 feet in front of the entry door. However, this entry is in the side yard, as defined by the Zoning Ordinance. Additionally, even in this case, the wall tapers down to 3 feet, as it runs west of the entry door. Given the inconsistency of the proposed entry court design with the Single Family Residential Design Principles, staff is concerned about establishing the precedent of granting variances to allow such development.
- 3) Variances are to be granted only in the case of substantial hardship. Staff can identify no hardship in this case, particularly in light of the fact that the project does provide open space in the back yards of these units.

3. Tentative Map

The proposed Tentative Map creates two halfplex lots. The lots are 64'x 70' and 52'x 70' respectively. The Tentative Map was reviewed by all applicable agencies and was unanimously approved at the January 6, 1999 Subdivision Review Committee meeting. Conditions of approval are included in the attached Notice of Decision.

4. Building Design

The proposed buildings are of a Mediterranean style, with stucco siding and tile roofs. Apart from the proposed courtyard walls, the design and scale of the building is compatible with surrounding development.

PROJECT REVIEW PROCESS

A. Environmental Determination

The City Environmental Coordinator has determined that the proposed project is exempt from environmental review pursuant to CEQA, Section 15305 and 15315.

B. Public/Neighborhood Association Comments

The proposed project application was routed to the East Sacramento Improvement Association. Land owners within a 500 foot radius of the project site were also notified of the project proposal. No comments were received as of the time of this report.

C. Summary of Agency Comments

The proposal was routed to several City Departments and other agencies. All comments received were incorporated into the attached Notice of Decision, as conditions of the Tentative Map.

PROJECT APPROVAL PROCESS:

The Planning Commission has the authority to approve or deny items A-D. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision approving the Environmental Determination: Exempt 15305, 15315;
- B. Adopt the attached Notice of Decision approving the Tentative Map to subdivide one parcel into two parcels on .19± developed acres in the Standard Single Family (R-1) zone.

- C. Adopt the attached Notice of Decision and Finding of Fact denying the Variance to allow encroachment of a 6 foot wall 19 feet into the 25 feet front yard setback.
- D. Adopt the attached Notice of Decision and Finding of Fact denying Variance to reduce the side yard setback of a 6 foot wall from 5 feet to 3 feet.

Report Prepared By,

Report Reviewed By,

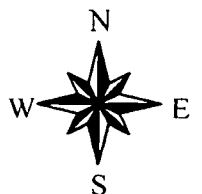
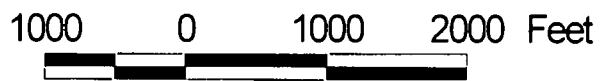
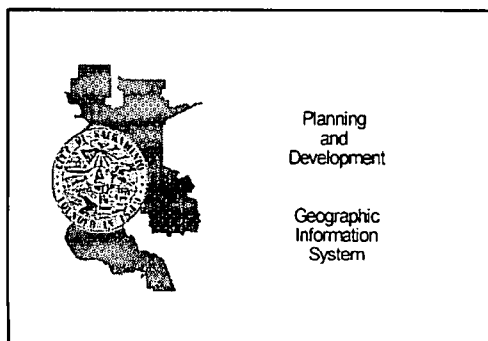
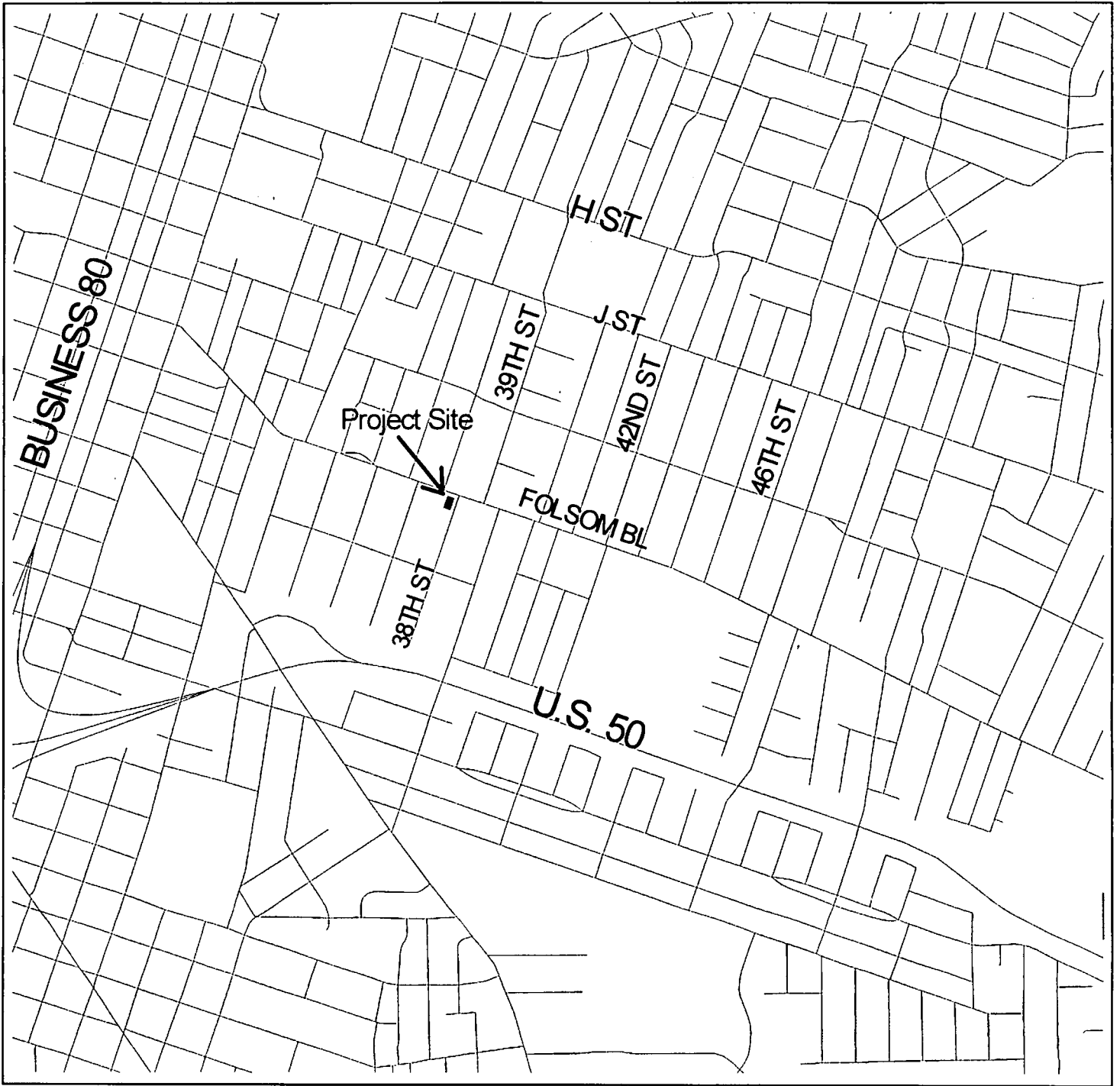


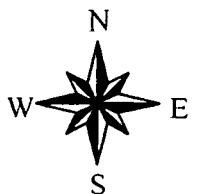
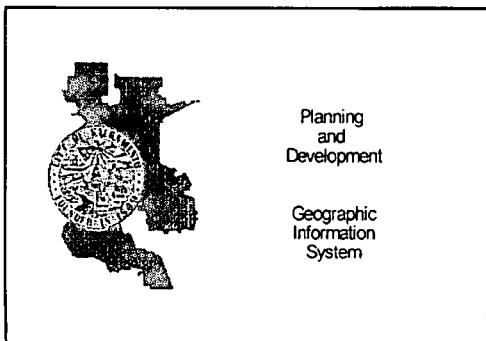
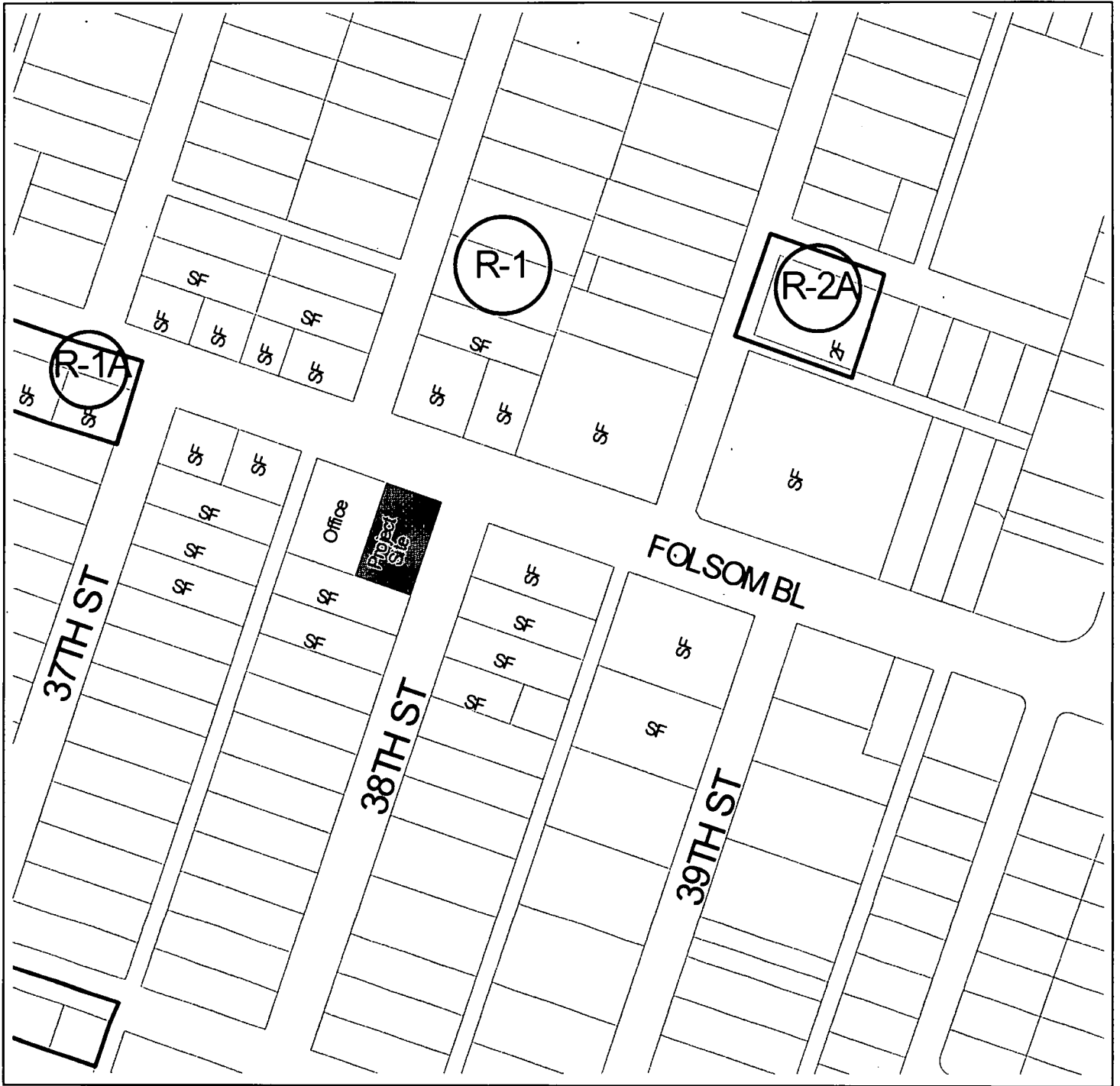
Mark Kraft
Associate Planner

Steve Peterson
Senior Planner

Attachments

- | | |
|--------------|-------------------------|
| Attachment A | Vicinity Map |
| Attachment B | Land Use and Zoning Map |
| Attachment C | Notice of Decision |
| Exhibit C-1 | Site Plans/Elevations |





ATTACHMENT C
NOTICE OF DECISION AND FINDINGS OF FACT FOR
(Dyer Halfplexes), LOCATED ON 1508 38th Street and 3760 Folsom Blvd.
SACRAMENTO, CALIFORNIA IN THE
Standard Single Family (R-1) ZONE (P98-124)

At the regular meeting of January 21, 1999 the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. Approved the Environmental Determination: Exempt 15305, 15315
- B. Approved the Tentative Map to subdivide one parcel into two parcels on .19± developed acres in the Standard Single Family (R-1) zone.
- C. Denied the Variance to allow encroachment of a 6 foot wall 19 feet into the 25 feet front yard setback.
- D. Denied the Variance to reduce the side yard setback of a 6 foot wall from 5 feet to 3 feet.

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. Categorical Exemption: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Sections 15305, 15315 of the CEQA Guidelines.
- B. The Tentative Map to subdivide one existing parcels into two parcels is hereby approved, based upon the following findings:
 - 1. The City Planning Commission, on January 21, 1999 held a public meeting on the request for approval of a Tentative Map at the property located at the above described location.
 - 2. All government and utility agencies affected by the development of the proposed subdivision have been notified and given the opportunity to respond.

3. The Environmental Services Manager has determined that the project, is exempt from environmental review per Sections 15305 and 15315 of the CEQA Guidelines.
 4. The Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed subdivision.
- C-D. The *VariANCES* requested for the project are hereby denied subject to the following findings of fact:
1. The variances would constitute a special privilege extended to an individual property owner in that the same variances would be appropriate for other property owners facing similar circumstances.
 2. The variances would be detrimental to the public welfare or result in the creation of a public nuisance in that granting of these entitlements would result in development inconsistent with that of the surrounding area and inconsistent with the City's Single Family Residential Design Guidelines.

CONDITIONS OF APPROVAL

- C. The Tentative Map to subdivide one existing parcel into two parcels is hereby approved, subject to the following conditions:
- These conditions shall supersede any conflicting information shown on the tentative map or supporting documents. The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in this condition:
- C1. Provide standard subdivision improvements pursuant to Section 40.12.1211 of the City Code.
 - C2. Pursuant to City Code 40.16.1601 (parkland dedication), submit to the City an appraisal of the property to be subdivided and pay the required parkland dedication in-lieu fees. The appraisal shall be dated no more than 90 days prior to the filing of the final map.
 - C3. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition.

Easements

- C4. Dedicate standard 12.5 foot public utility easement for underground public utility facilities and appurtenances adjacent to all public ways, private drives, and\or Irrevocable offer of Dedication, except where buildings and structures are located.
- C5. Dedicate the westerly 5' of Parcel as a public utility easement for overhead and underground public utility facilities and appurtenances.

Streets

- C6. Remove and reconstruct existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Department of Public Works.

Utilities

- C7. Each parcel shall have its own separate water and sewer service.
- C8. Parcel B on the proposed Tentative Parcel Map is not contiguous to an existing public water main. The property owner/developer shall be required to either extend an off-site water main from Folsom Boulevards or record an easement through Parcel A to Parcel B for a water service to the satisfaction of the Department of Utilities, Engineering Services Division.
- C9. Drainage across parcel lines is not allowed. Either the lots must be graded so that drainage does not cross property lines or a reciprocal drainage easement must be recorded.

Miscellaneous

- C10. Conform to Uniform Building Code requirements.

Advisory Notes:

The following advisory notes are informational in nature and are not a requirements of this Tentative Map:

- C11. The applicant my file a Certificate of Compliance in lieu of a Final Map to record this lot split if no Subdivision Improvement Agreement is required.
- C12. The proposed project is located in the 100-year floodplain, designated as an AR zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMS) dated July 6, 1998. Within the AR zone the following

regulations will apply:

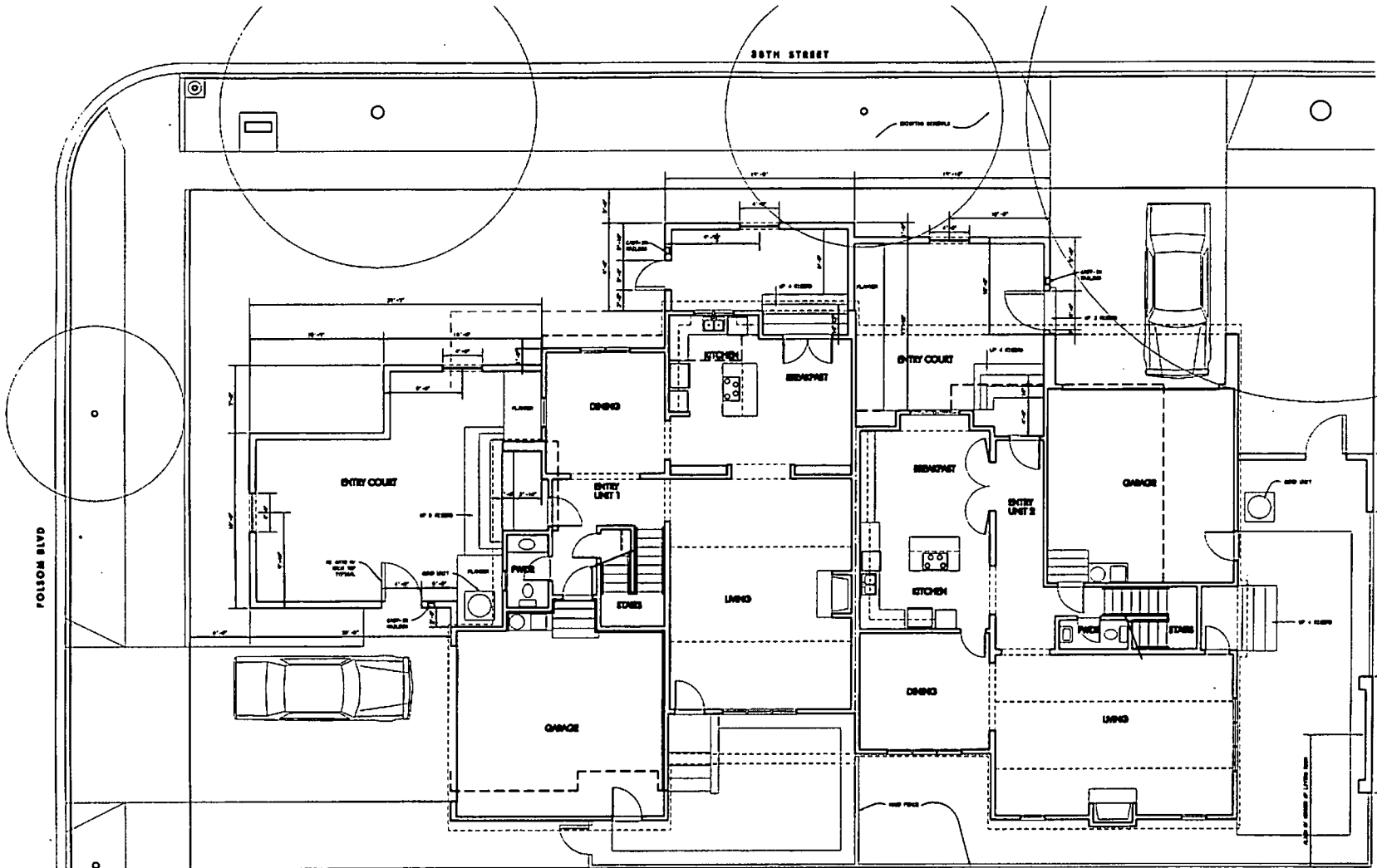
- All new residential development is required to be constructed with the lowest floor, including basement, at or above the base flood elevation, or 3 feet above the highest adjacent grade, whichever is lower.
- C13. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is in an area served by a regional water quality control facility only source control measures are required. Refer to the draft "Manual of Standards for Design of New Development On-Site Stormwater Quality Control Measures" dated January 23, 1995, for appropriate source control measures.
- C14. Negotiate with the Sacramento City Unified School District, a written agreement in satisfaction of the proposed subdivision's school facilities impacts on the District, as mutually agreed to by the applicant and the District, subject to ratification by the District's Board of Trustees.
- C15. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance will require the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

CHAIRPERSON

ATTEST:

SECRETARY TO CITY PLANNING COMMISSION

DATE (P98-124)



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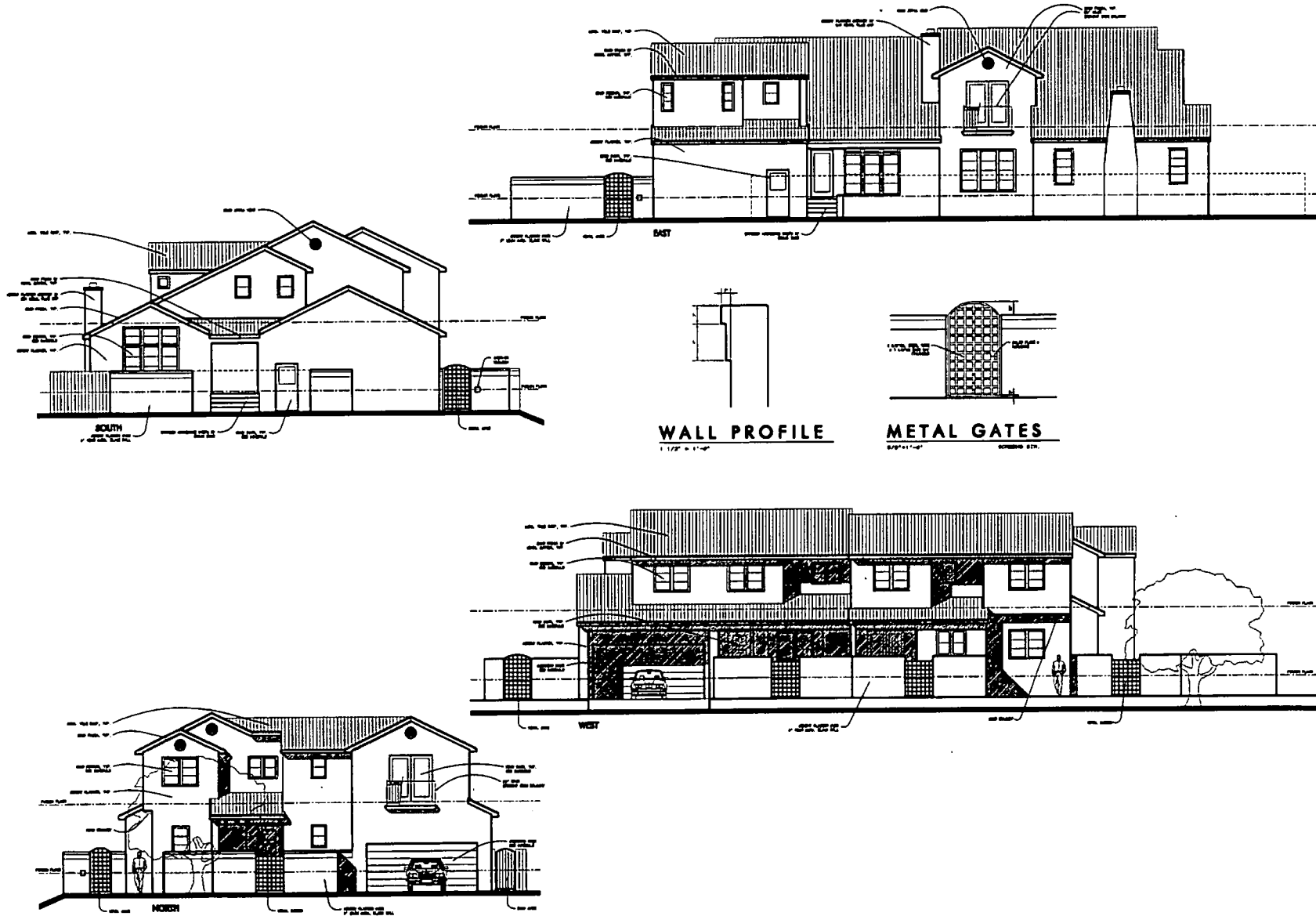
NEW HALLWAY FOR
 DYER
 CONSTRUCT
 FOLSOM BOULEVARD
 AT 86TH STREET
 SACRAMENTO, CA

PRELIMINARY COURTYARD PLAN

1/4" = 1'-0"



REVISION 11



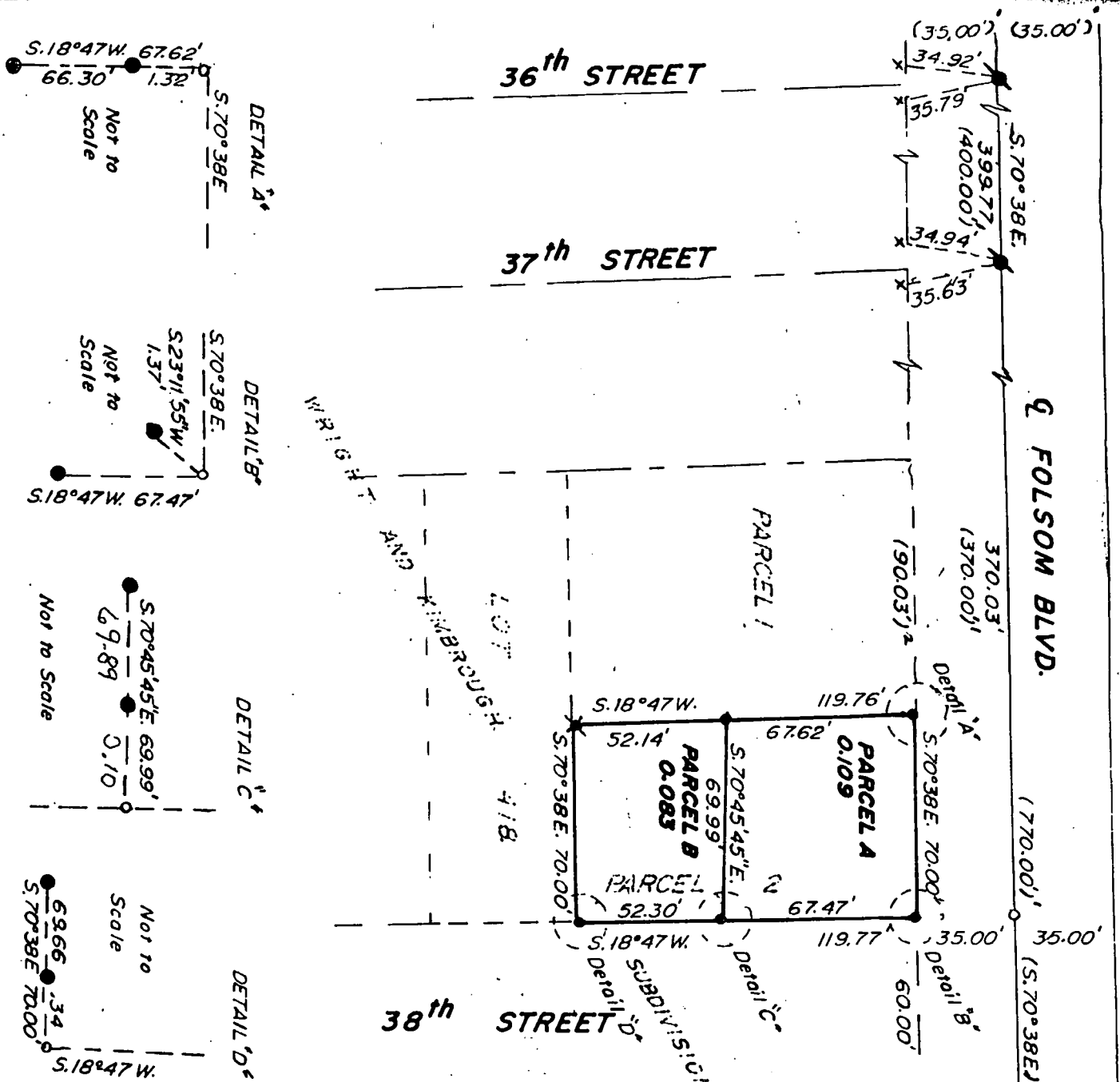
WALL PROFILE

METAL GATES

EXTERIOR ELEVATIONS

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NEW WALLS FOR
DYER
CONSTRUCT
FOUR HOLLOWED
AT 8TH STREET
SACRAMENTO, CA



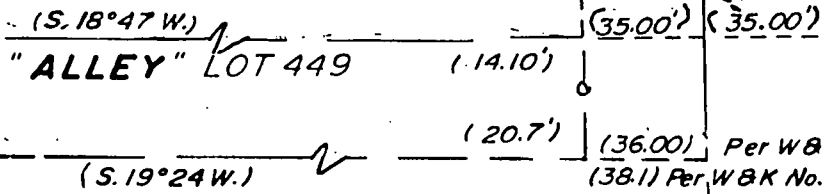
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