

REPORT AMENDED BY STAFF 5-10-89
CITY PLANNING COMMISSION

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT David Miller - 840 9th Avenue, Sacramento, CA 95818
 OWNER David Miller - 840 9th Avenue & David Noguichi - 824 9th Avenue
 PLANS BY David Miller - 840 9th Avenue, Sacramento, CA 95818
 FILING DATE 3-17-89 ENVIR. DET. Cat. Ex. 15305(a) REPORT BY DH:sg
 ASSESSOR'S PCL. NO. 017-0034-005,007,031,032

- APPLICATION:**
- A. Tentative Map to redivide 4 lots into 3 lots totaling 0.4+ development acres in the Standard Single Family (R-1) zone
 - B. Subdivision Modification to create lots less than 100 feet deep and less than 5,200 square feet of lot area
 - C. Variance to establish 2 lots with less than 100 feet of depth
 - D. Variance to create 2 lots with less than 5,200 sq. ft. of lot area
 - E. Variance to reduce the required rear yard setback from 15 feet to 13 feet for an existing dwelling in the R-1 zone
 - F. Variance to reduce the required front yard setback from 25 feet to 12 feet in the R-1 zone

LOCATION: 824 and 840 9th Avenue

PROPOSAL: The applicant is requesting the necessary entitlements to establish a second lot for single family development.

PROJECT INFORMATION:

General Plan Designation: Low Density Residential (4-15 du/ac)
 Existing Zoning of Site: R-1
 Existing Land Use of Site: Single family dwelling

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided	
			Parcel B	Parcel C
North: Single family; R-1	Front:	25'	21'	14'
South: City water treatment plant; R-1	Side(Int):	5'	25'	5'
East: Duplex; R-1	Side(St):	5'	8'	5'
West: Single family; R-1	Rear:	15'	13'	15'

Parking Required: 1 space per unit
 Parking Provided: 1 space per unit
 Property Dimensions: 120' x 144' overall; Parcel A = 60' x 144',
 Parcel B = 60' x 80', Parcel C = 60' x 64'
 Property Area: 0.4+ acres
 Density of Development: 8 d.u. per acre

Square Footage of Building:	New dwelling - 1,680 sq. ft.
Height of Building:	2 story
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Stucco
Roof Material:	Composition

SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On April 26, 1989, by a vote of 6 ayes and 3 absent, the Subdivision Review Committee recommended approval of the tentative parcel map subject to the attached conditions.

BACKGROUND INFORMATION: On June 26, 1986 the Planning Commission approved a lot line adjustment to merge the vacant 40 foot wide parcel to the two adjacent properties of 824 and 840 9th Avenue. Each lot received 20 feet of additional lot width. The County Assessor established two new tax assessor's parcels but the applicant did not file a certificate of compliance merging the two lots. The owner of 824 9th Street has since constructed a garage building addition over the property line which is in violation of building codes due to the property line bisecting the building. The proposed parcel map will establish the lot line originally approved by the lot line adjustment. The parcel map will also divide 840 9th Avenue into two lots which require variances and subdivision modifications.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of four lots, developed with single family dwellings and zoned Standard Single Family (R-1) zone. The 1988 General Plan designates the site for Low Density Residential uses. Surrounding land uses include residential to the north, west and east with the City water treatment plant to the south across 10th Avenue. The subject sites are considered through lots since they have frontage on two streets, 9th and 10th Avenues. The area is developed with single family dwellings on adjacent lots and several detached accessory buildings which appear to have been converted to single family uses. Staff notes that during the field survey, the front address to the lots appears to be 9th Avenue with 10th Avenue the rear of the lots. Garages and driveways to the rear of the lots are present along 10th Avenue. Also an 8 to 10 foot unimproved strip of public right-of-way is located along the north pavement edge of 10th Avenue from Riverside Boulevard and Santa Buena Way.

B. Project Description and Evaluation

1. Parcel Map

The applicant proposes to redivide four tax assessor's parcels into three lots, two for existing single family dwellings and one for a new 1,680 square foot two story, single family dwelling with single car garage. The western property owner will be acquiring a 20 foot wide, 144 foot long parcel to be merged with 824 9th Avenue. The new Parcel

B will be 60 foot wide and 79 feet depth. Staff has recommended increased parcel B to be 81 feet deep so that the minimum 15 foot rear yard setback will be established for the existing single family dwelling located at 840 9th Avenue. This would move the proposed new dwelling to the south 2 feet and reduce the driveway length from 22 feet to 20 feet. Staff supports the relocation of the new dwelling 2 feet southward since the front yard setback would be reduced from 14 feet to 12 feet within the average of the 4 foot setback to the east and 16 foot building setback to the west for the garages. The resulting lot area for Parcel C is 3,780 square feet covered by a 1,418 square foot dwelling yields lot coverage of 38 percent, under the 40 percent maximum lot coverage in the R-1 zone. Adequate yard area will be provided for the new dwelling and the existing residence at 840 9th Avenue will have a standard 15 foot rear yard.

2. Subdivision Modifications & Variances

The City Subdivision Ordinance and Zoning Ordinance require a minimum of 100 feet of lot depth and 5,200 square feet of lot area in the R-1 zone for new lots. Parcel A will measure 60 feet wide and 144 feet deep and continue to be used as a single family dwelling with two detached accessory structures. Parcel B will be 82 feet deep and 60 feet wide containing 4,920 square feet. Parcel C will be 63 feet deep and 80 feet wide totaling 3,780 square feet of lot area. Parcels B and C require variances and subdivision modifications to legally be created. Staff field inspected the area and conducted a survey of land uses on similarly sized lots and noted several smaller lots not meeting the minimum 5,200 square feet of lot area requirement. Staff also noted duplex and single family structures scattered throughout the area. No determination was made regarding how and when the duplex or other dwellings on smaller lot were established.

The applicant wishes to establish Parcel C for construction financing. The dwelling on Parcel C will be owned and rented out by the applicant. Staff supports the proposed reduction in lot depth and area if the following conditions are met.

- a. The applicant shall construct a replacement garage on Parcel B for the existing dwelling prior to recording the final map. The replacement garage will require compliance with building code requirements and its driveway meet City standards.
- b. The applicant shall provide a water and sewer utility easement across Parcel B to Parcel C to the satisfaction of the City Engineer.
- c. The design and exterior elevations of the new dwelling shall be similar to those reviewed by the Commission. Use of stucco and composition shingle roof are acceptable and compatible with dwellings in the area.

- d. The existing 6 foot high fence along 10th Avenue is to be removed and any replacement fence constructed to City standards no higher than 3 feet in the front yard setback. Staff notes that the existing dwelling at 901 10th Avenue due east of Parcel C is only 4 feet from the front property line. With the 9 feet of unimproved City right-of-way, a total of 13 feet of area provides adequate sight distance for backing out of Parcel C's garage onto 10th Avenue. The City Traffic Engineer has commented that no improvements are planned for the 9 feet of excess right-of-way.

AGENCY COMMENTS: The various City departments reviewed the proposed project and comments are included as conditions from the Subdivision Review Committee.

ENVIRONMENTAL DETERMINATION: The project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15305(a)).

RECOMMENDATION: Staff recommends the Commission take the following actions:

- A. Recommend approval of the Tentative Map subject to conditions which follow;
- B. Recommend approval of the Subdivision Modifications to create lots less than 100 feet deep and less than 5,200 square feet of lot area;
- C. Approve the Variance to establish 2 lots with less than 100 feet in depth subject to conditions and based upon findings of fact which follow;
- D. Approve the Variance to establish 2 lots with less than 5,200 sq. ft. of lot area subject to conditions;
- E. Deny the Variance to reduce the rear yard setback from 15 feet to 13 feet for Parcel B based upon findings of fact which follow;
- F. Approve the Variance to reduce the required front yard setback from 25 feet to 12 feet subject to conditions and based upon findings of fact which follow.

Conditions - Tentative Map - The applicant shall satisfy each of the following conditions prior to filing the final map unless a different time for compliance is specifically noted:

- 1. Provide standard subdivision improvements pursuant to Section 40.811 of the City Code (sidewalks required on 10th Avenue);
- 2. Place the following note on the final map: Water and sewer service connections to each lot must be paid for and installed *after issuance of at the time of obtaining building permits and prior to completion of project; (staff amended)*
- 3. Pursuant to City Code Section 40.1302 (parkland dedication), the applicant shall 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 not more than 90 days prior to the filing of the final map (1.0149 fee acres);

4. The applicant/developer shall designate and place on the final map those structures and/or lots which will meet the required 80% south orientation (including solar access) to the satisfaction of the Planning Director, or comply with Title 24 requirements of the Uniform Building Code;
5. ~~Existing deteriorated curb, gutter and sidewalk shall be removed and reconstructed per City standards. (deleted by Public Works Dept.)~~
6. Dedicate the east 5 feet of Parcel A, adjacent to Parcel C, as a standard public utility easement for underground and overhead electrical and public utility facilities and appurtenances;
7. Dedicate the west 5 feet of Parcel C as public utility easement for underground and overhead public utility and electrical facilities and appurtenances;
8. Parcel B should provide an easement (10 feet) for utilities at Parcel C (sewer, water and others);
9. Fence in public right-of-way must be relocated at owner's expense, or a revocable encroachment permit must be obtained from the Public Works Department; (staff amended)
10. Final map shall be recorded prior to issuance of building permit for Parcel C;
11. Replacement garage on Parcel B shall be constructed prior to issuance of building permits for Parcel C;
12. Final map shall show the property line separating Parcels B and C moved 2 feet to the south;
13. Approval subject to the following notice: The property on which construction is authorized by this permit may be subject to flooding. It is the applicant's and property owner's responsibility to ascertain whether and to what extent such flooding may occur, and to review the applicable base flood elevations for the proposed project which are contained in the effective Flood Insurance Rate Map; the Department of the Sacramento District Corps of Engineers, Sacramento, California, Flood Insurance Study for the Sacramento City and County of California, FBFM and FIRM work map, dated January 1989; and, all preliminary flood maps available at the City of Sacramento's Planning Division. The Federal Emergency Management Agency and the U.S. Army Corps of Engineers ("Corps") are studying portions of the City of Sacramento to determine what improvements and measures may be needed in order to deem the areas under study adequately protected from a 100 year flood. Until the needed

improvements and measures are in place, the areas under study may be subject to flooding by a 100 year or lesser flood. (A "100 year flood" refers to the area subject to inundation by flooding once during any given 100 year cycle; however, such flooding could occur in any given year.) The applicant and property owners should check with the local Corps to ascertain the status of its ongoing study and the projected completion date of any flood control project which might affect the proposed development. Flood insurance may be mandatory in all areas not protected from a 100 year flood, and the City of Sacramento recommends obtaining such insurance whether it is mandated or not. If the investigation of the nature of the flood hazard indicates that the property is at risk, it is the applicant and property owner's responsibility to ensure that all persons holding a record title interest in the property, and all subsequent owners, tenants, occupants, and other interested parties receive notice, as required under applicable law, of the flooding risk to which the property may be subject. This notice is intended to ensure that those persons choosing to develop property in an area subject to flooding have knowledge and the means of acquiring knowledge of the particular risks involved in such development. This notice shall not create liability on the part of the City of Sacramento, or any of its officers, agents, or employees for any damages to persons or property caused by flooding.

Conditions - Variances

1. The applicant shall construct a replacement garage on Parcel B for the existing dwelling prior to recording the final map. The replacement garage will require compliance with building code requirements and its driveway meet City standards for design and location.
2. The applicant shall provide a water and sewer utility easement across Parcel B to Parcel C to the satisfaction of the City Engineer.
3. The design and exterior elevations of the new dwelling shall be similar to those reviewed by the Commission. Use of stucco and composition shingle roof are acceptable and compatible with dwellings in the area. Any changes in floor plan, elevations or materials are to be reviewed and approved by the Planning Director prior to building permit issuance.
4. Fence in public right-of-way must be relocated at owner's expense, or a *revocable encroachment permit must be obtained from the Public Works Department; (staff amended)*
5. The parcel map shall be recorded prior to issuance of building permits for Parcel C.

Findings of Fact - Variances - Approval

1. Granting the variances is not a special privilege extended to one property owner in that:

- a. Under similar circumstances for through lots where similar small parcels and development are adjacent and in the area, the Commission has supported substandard lot depth and area where no other alternative was available for use of the site.
 - b. Subject to conditions, granting the variance is not establishing a precedent for through lots.
 - c. Under similar circumstances, variances may be granted to other property owners.
2. Granting the variance, subject to conditions, does not constitute a use variance in that single family residential uses are allowed in the R-1 zone.
 3. Granting the variance subject to conditions, will not be injurious to the public health, safety or welfare nor to properties in the vicinity of the subject site in that:
 - a. adequate front and rear yard setbacks are provided for visibility; and
 - b. adequate setbacks from property lines will be established with preservation of existing trees on the site; and
 - c. standard street improvements will enhance the area; and
 - d. adequate on-site parking is provided for each lot.
 4. The variances, as conditioned, are consistent with the General Plan in that the resulting density does not exceed 15 du/net acre since it is 8 dwelling units per acre density.

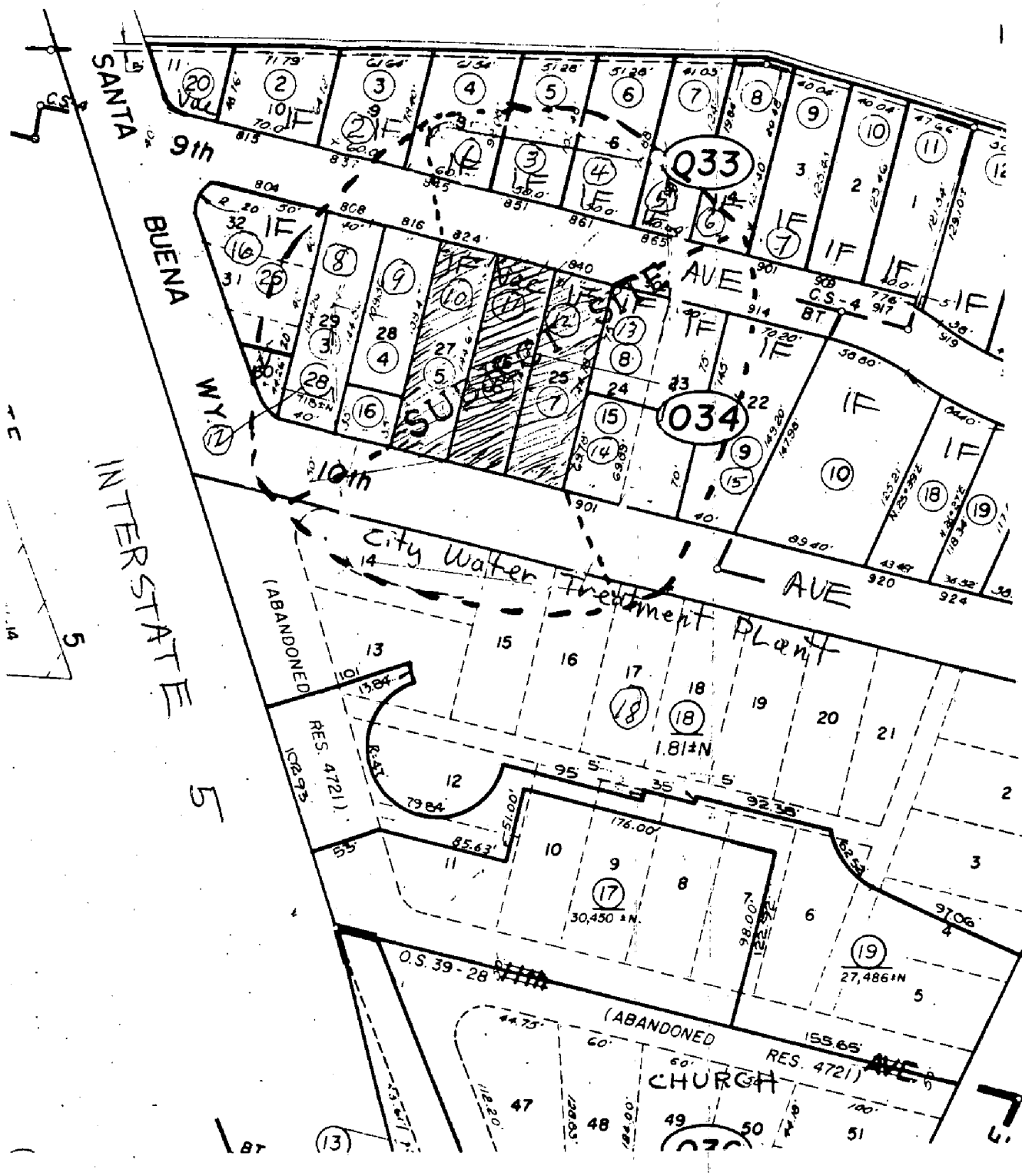
Findings of Fact - Variance - Denial

Granting the variance to reduce the required rear yard setback from 15 feet to 13 feet where two story structures are located would be detrimental to the public health, safety and welfare in that adequate open space and air would not be available to each lot not compatible with adjacent rear yard setbacks.



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scale: 1" = 500'

VICINITY MAP



Zoning: R-1 Entire Page

Scale: 1" = 100'

LAND USE & ZONING MAP

3-17-89

MILLER LOT SPLIT

Existing Legal Descriptions:

Parcel A -

Lot 25 as shown on the Plat of Bath Tract, recorded in the office of the County Recorder of Sacramento County, March 18, 1912 in Book 13 of Maps, Map # 11.

Parcel B -

Lot 26 as shown on the Plat of Bath Tract, recorded in the office of the County Recorder of Sacramento County, March 18, 1912 in Book 13 of Maps, Map #11.

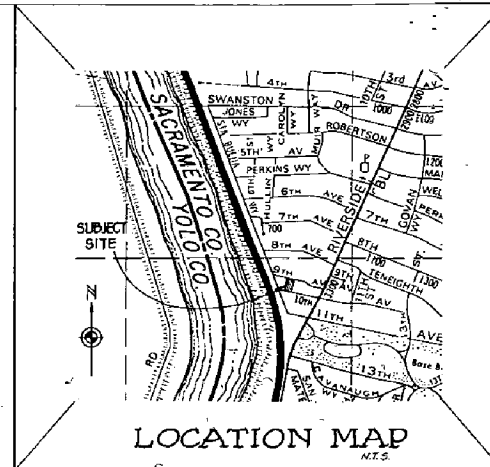
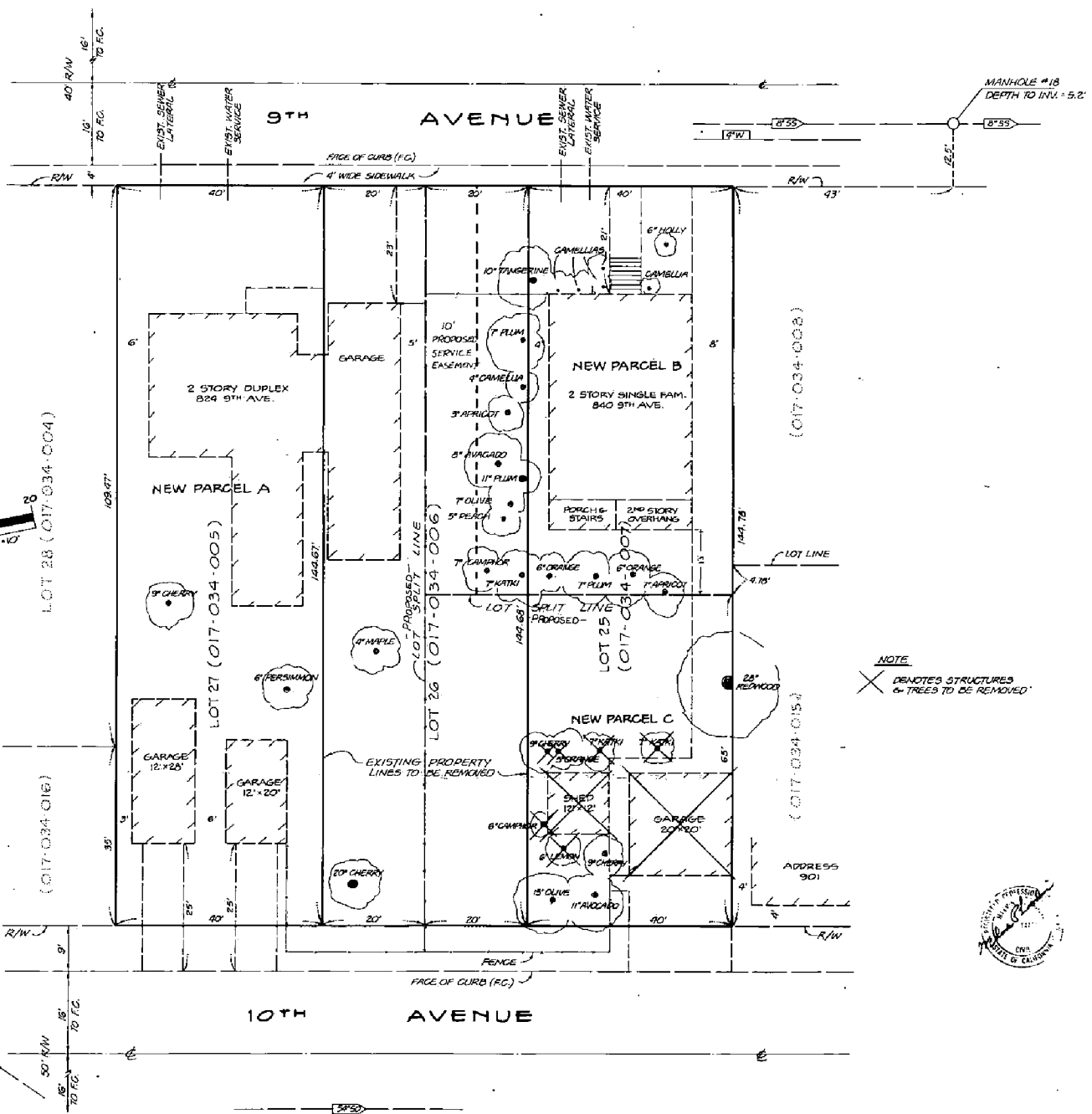
Parcel C -

Lot 27 as shown on the Plat of Bath Tract, recorded in the office of the County Recorder of Sacramento County, March 18, 1912 in Book 13 of Maps, Map #11.

P-89-151

5-11-89
5-25-89
61

stem
H
10



GENERAL NOTES:

ENGINEER: DRAVALDER/JACKSON ENGINEERING, INC.
3000 T STREET, #101
SACRAMENTO, CA 95816 (916) 452-9411

OWNERS: LOT 25 & E. HALF LOT 26 LOT 27 & W. HALF LOT 28
DAVE MILLER DAVID NOGUCHI
840 9TH AVE. 443-3030 824 9TH AVE.

GROSS AREA: 0.4 ACRE
PRESENT USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL

EXISTING ZONING: R-1
PROPOSED ZONING: R-1
LOT SITE: EXISTING - LOT 25=5790 S.F., LOT 26=5790 S.F., LOT 27+28=5790 S.F.
PROPOSED - PARCEL A=5670 S.F., PARCEL B=4790 S.F., PARCEL C=5790 S.F.

WATER SUPPLY: CITY OF SACRAMENTO
SEWAGE DISPOSAL: CITY OF SACRAMENTO
DRAINAGE: CITY OF SACRAMENTO
FIRE PROTECTION: SACRAMENTO FIRE DISTRICT
SCHOOL DISTRICT: CITY OF SACRAMENTO
PARK DISTRICT: CITY OF SACRAMENTO
POWER: S.M.U.D. (OVERHEAD FROM 10TH AVE.)
GAS: P.G.&E.

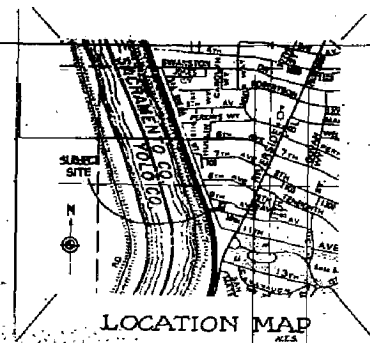
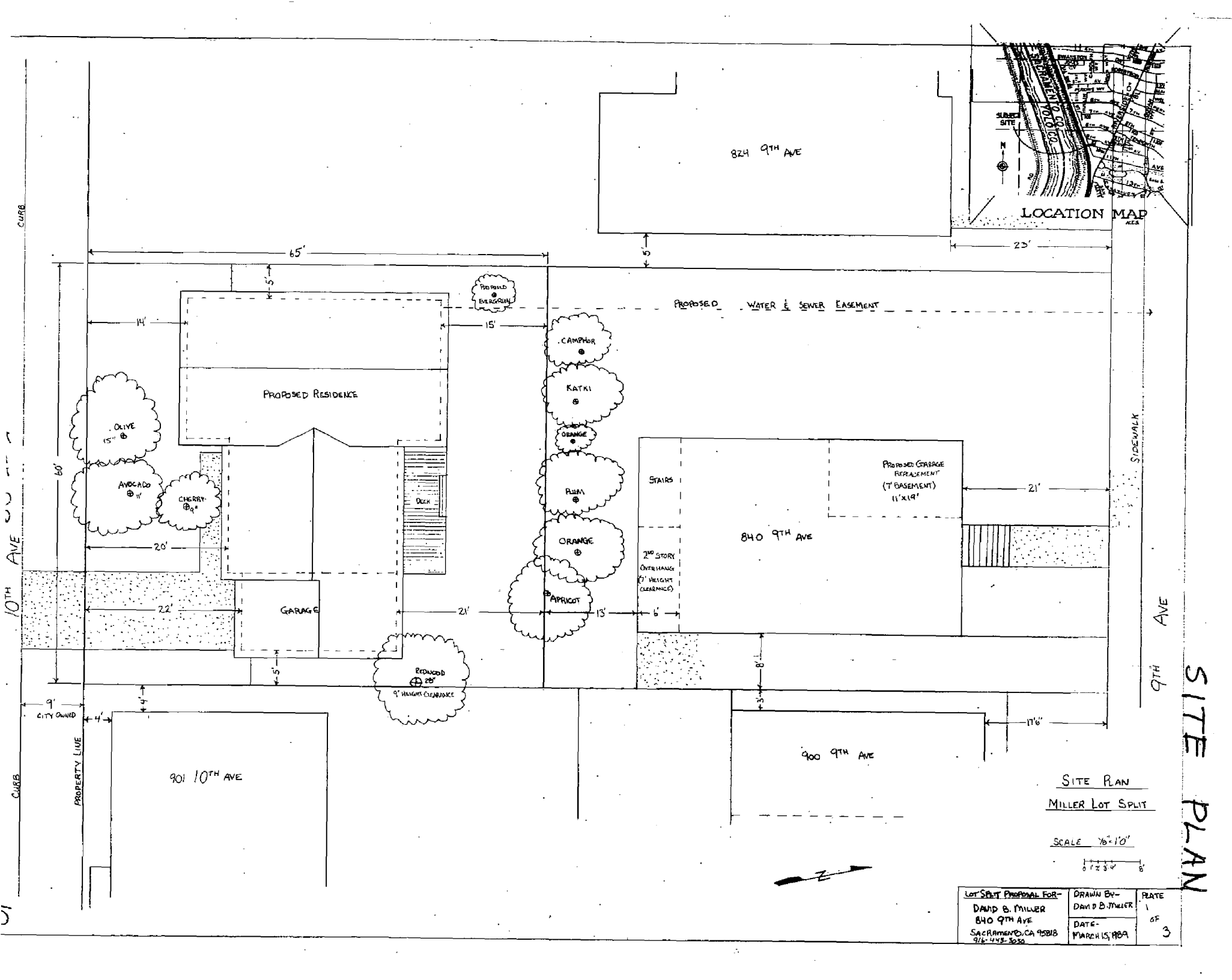
NOTE
X DENOTES STRUCTURES & TREES TO BE REMOVED



LOT NUMBERS AS SHOWN ON THE PLAT OF BATH TRACT, RECORDED AT BOOK 13 OF MAPS, MAP NR 11 OF COUNTY RECORDER OF SACRAMENTO COUNTY.

TENTATIVE MAP
- OF -
MILLER LOT SPLIT
A PORTION OF SECTION 18, T.3N., R.9E. M.D.B.M.
CITY OF SACRAMENTO, STATE OF CALIFORNIA

MARCH 1989



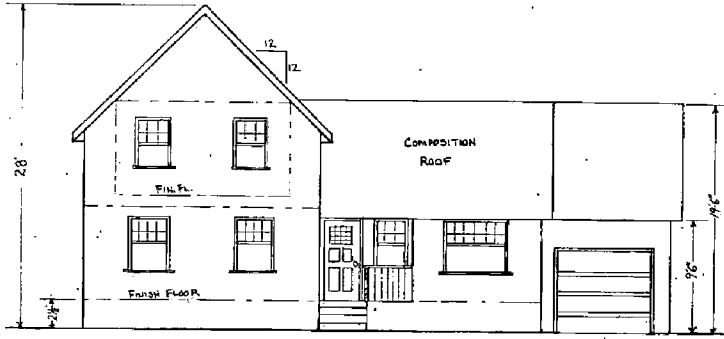
SITE PLAN
MILLER LOT SPLIT

SCALE 7/8" = 10'
0 1 2 3 4 6

LOT SPLIT PROPOSAL FOR - DAVID B. MILLER 840 9TH AVE SACRAMENTO, CA 95818 916-442-3020	DRAWN BY - DAVID B. MILLER DATE - MARCH 15, 1989	PLATE 1 OF 3
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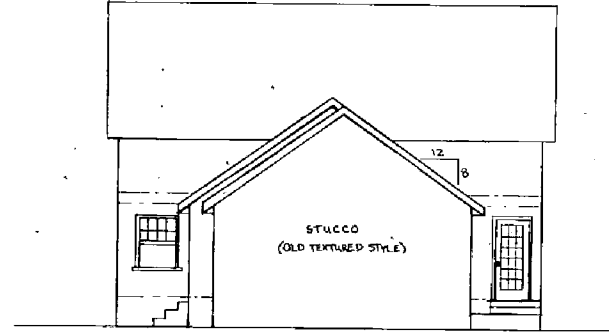
SITE PLAN

P-89-151



FRONT ELEVATION 1/8" = 1'0"

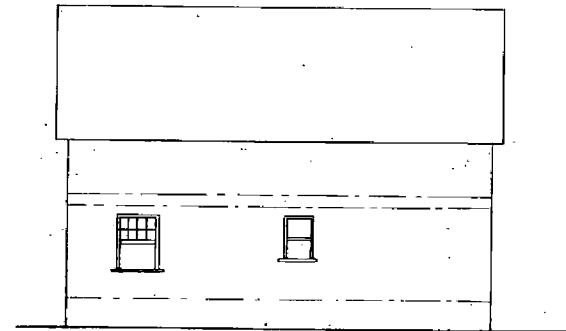
WINDOWS:
DOUBLE-HUNG
MULTI-PANE
WOOD SASH



RIGHT ELEVATION 1/8" = 1'0"



REAR ELEVATION 1/8" = 1'0"



LEFT ELEVATION 1/8" = 1'0"

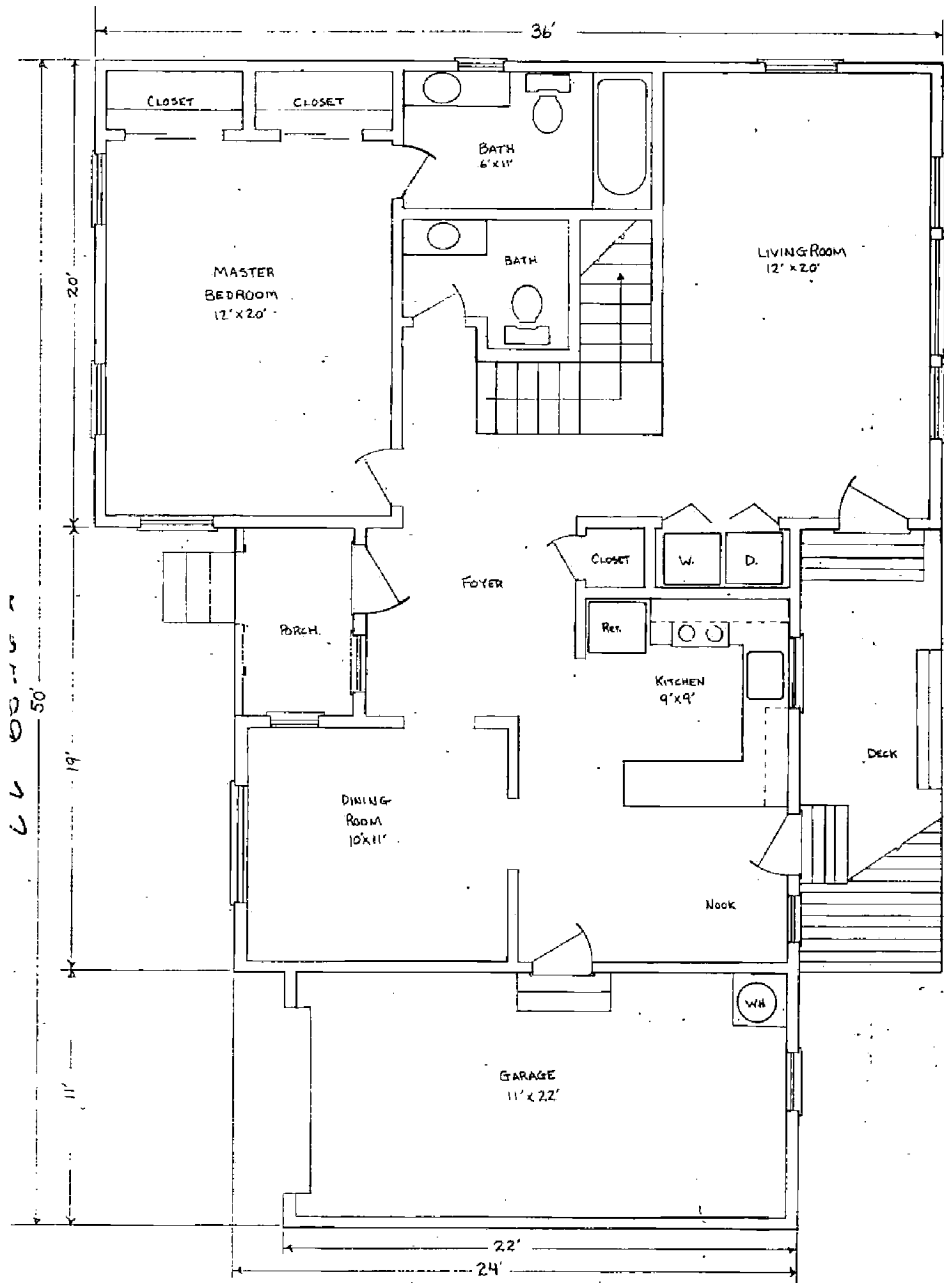
MILLER LOT SPLIT

LOT SPLIT FOR: DAVID B. MILLER 840 9TH AVE. SACRAMENTO, CA 95816 916-443-3030	DRAWN BY: DAVID B. MILLER DATE: MARCH 15, 1989	PLATE OF
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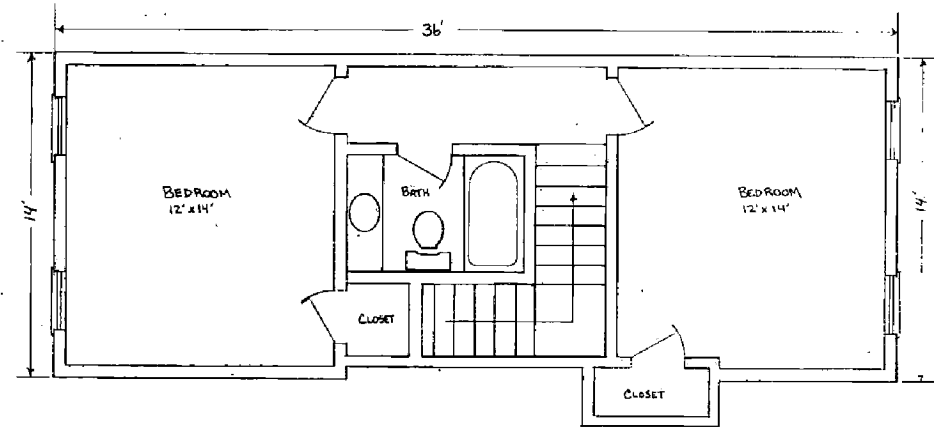
5-25-89 21
5-11-89

stem #

ELEVATIONS

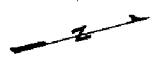


FIRST FLOOR PLAN 1/4" = 1'0"



SECOND FLOOR PLAN 1/4" = 1'0"

1st Floor = 1176 #
 2nd Floor = 504 #
 1680 # TOTAL (4% GARAGE)
 FOOTPRINT = 36.2%



FLOOR PLAN
 MILLER LOT SPLIT

SCALE 1/4" = 1'0"

LOT SPLIT FOR DAVID B. MILLER 840 9TH AVE SAC TO, CA 95818 916-443-2050	DRAWN BY- DAVID B. MILLER DATE- MARCH 15, 1981	PLATE OF
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FLOOR PLAN