

P97-011                      1821 HARIAN WAY

REQUEST:    A.    Environmental Determination  
              B.    Variance to reduce the side yard setback from 5 feet to 1 foot.

LOCATION:    1821 Harian Way  
              APN: 017-0211-003  
              Council District 4

APPLICANT/ OWNER:	Jessie Goodsell, 632-3421 3349 Parkside Dr Rocklin, CA 95677
APPLICATION FILED:	February 6, 1997
STAFF CONTACT:	Don Smith, 264-8289

**SUMMARY:** The applicant is seeking the necessary entitlement to allow approval of a 270 square foot family room addition that was constructed between the house and garage in the 1960's. A one foot setback between garage and side property line was permitted when the garage was detached. Now that the garage is attached to the main structure, a five foot setback is required. A Variance to allow the sideyard setback to be reduced to 1 foot will bring the structure into conformance with the zoning regulations. A building permit will be needed in order to establish that the structure complies with the Uniform Building Code.

**RECOMMENDATION:** Staff recommends approval of the project.

**PROJECT INFORMATION:**

General Plan Designation:	Low Density Residential (4-15 DU/NA)
Zone:	Standard Single Family Residential - Executive Airport Overlay (R-1) (EA4)
Existing Land Use of Site:	Single Family Residence
School District:	Sacramento Unified

**Surrounding Land Use and Zoning (see Attachment B):**

North: Single Family Residential - Executive Airport Overlay; R-1 (EA4)  
South: Single Family Residential - Executive Airport Overlay; R-1 (EA4)  
East: Single Family Residential - Executive Airport Overlay; R-1 (EA4)  
West: Single Family Residential - Executive Airport Overlay; R-1 (EA4)

Property Area: .16 acres  
Property Dimensions: 61' X 120'  
Building Size: 2,058 Square Feet  
Height of Existing Building: 1 story

**OTHER APPROVALS REQUIRED:** In addition to the requested entitlement, the applicant will be required to obtain the following permits or approvals, including but not limited to:

<u>Permits</u>	<u>Agency</u>
Building Permit	Development Services Division

**BACKGROUND:** The home was constructed prior to the area's annexation into the city in 1952. In September, 1953, a building permit was obtained to build the detached garage. In the mid 1960's there were two additions to the home. A 156 square foot addition to the bedroom and a 270 square foot patio cover were constructed. Sometime after 1966, the patio was enclosed and became used as a family room. The property owner now desires to correct the past construction that was done without permits.

**STAFF EVALUATION:** Staff has the following comments:

A. Policy Considerations

**General/Community Plan.** The subject site is designated "Low density Residential" (4-15 DU/NA). No Community Plan exists for the area. Zoning of the site is Standard Single Family Residential (R-1). The applicant's proposal would not result in a change to the present or anticipated land use of the site or area. The proposal is considered to be compatible with the overall land use goals of the General Plan and zoning which have been applied to the site.

**B. Site Plan**

The requested variance will bring an existing structure into conformance with zoning requirements. The main building was constructed 10± feet from the easterly property line and 21± feet from the westerly property line which was permitted at the time of original construction. The detached garage was built one foot from the westerly property line and eighteen feet from the rear property line. These are acceptable setbacks for a detached garage. With the connection of the family room to the garage, however, a five foot side yard is required between the garage and westerly property line. This variance requests the setback between the garage and westerly property line be reduced to one foot, rather than the required five feet. Approval of the requested variance would bring the building into conformance with zoning regulations.

The location of the addition is acceptable, There is still adequate emergency access to the rear yard area along the 10 foot sideyard setback adjacent to the east property line. The location of the addition is such that there is also adequate open space in the rear yard area.

**C. Design**

The design of the room addition is compatible with the design of the main structure and with other structures in the neighborhood. The addition is not visible from Harian Way and similar building materials as the main structure were used on the addition.

The garage, constructed in 1953, was built with a storage loft. This loft area is not to be used as living space. The applicant is aware of this restriction.

**PROJECT REVIEW PROCESS:****A. Environmental Determination**

The proposed project involves the minor alteration of an existing private structure involving no expansion of the use beyond that currently existing. The project therefore qualifies for a Categorical Exemption pursuant to Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. No further environmental review is required.

**B. Neighborhood Response**

Public notice was sent to the properties within 500 feet of the subject site. No comments have been received.

**C. Summary of Agency Comments**

No specific concerns were received from other departments. The Building has inspected the property and will require a solid core door between the garage and family room.

**PROJECT APPROVAL PROCESS:** The Planning Commission has the authority to approve or deny the requested entitlement(s). The Commission action may be appealed to the City Council within 10 days following the Commission's action. Any modification to the project shall be subject to review and approval by Planning staff prior to the issuance of building permits.

**RECOMMENDATION:** Staff recommends that the Planning Commission take the following action:

- A. Adopt the attached Notice of Decision and Findings of Fact with the environmental determination that the project is exempt pursuant to CEQA;
- B. Adopt the attached Notice of Determination and Findings of Fact approving the **Variance** to reduce the side yard setback from 5 feet to 1 foot;

Report Prepared By,

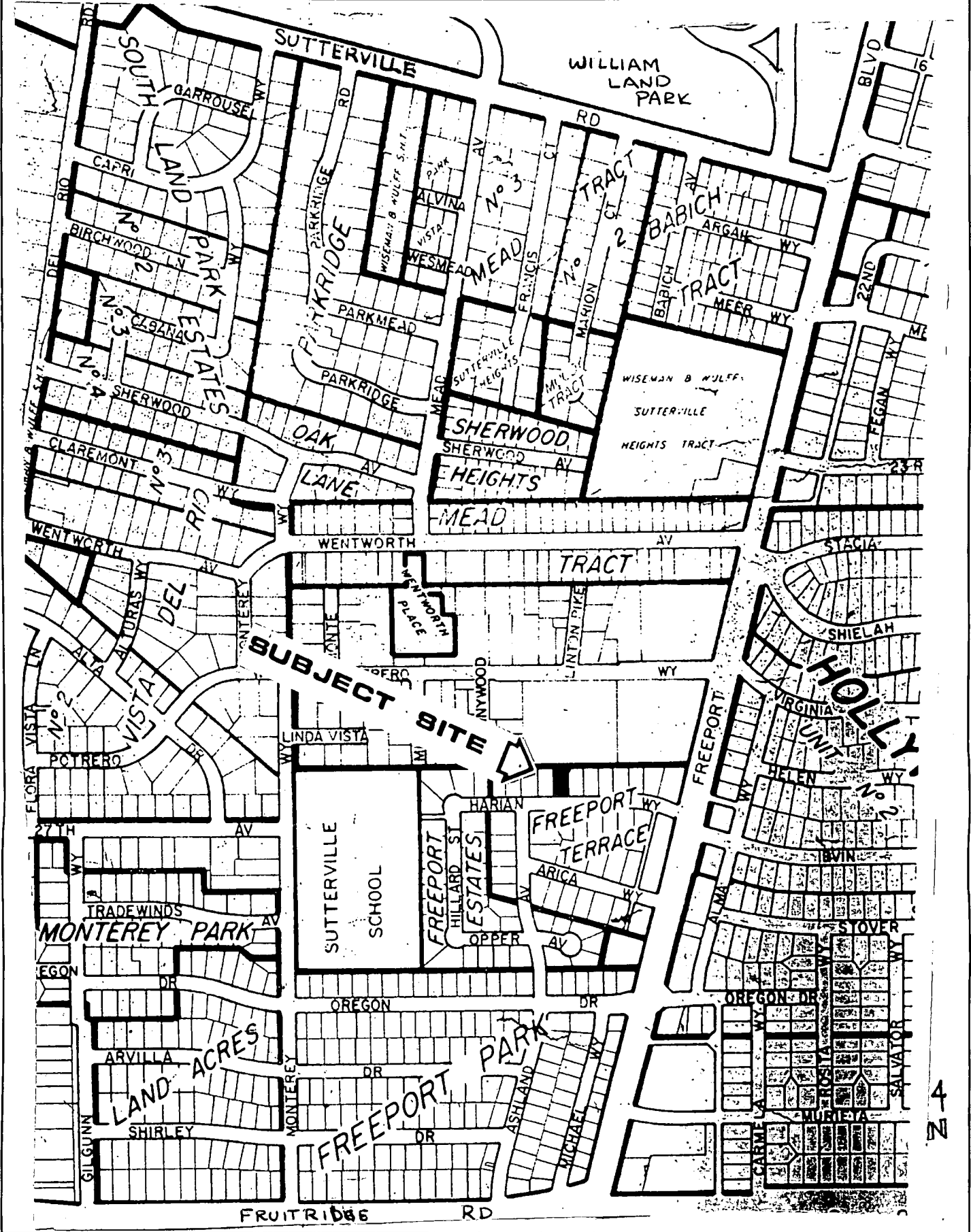
  
\_\_\_\_\_  
Don Smith, Associate Planner

Report Reviewed By,

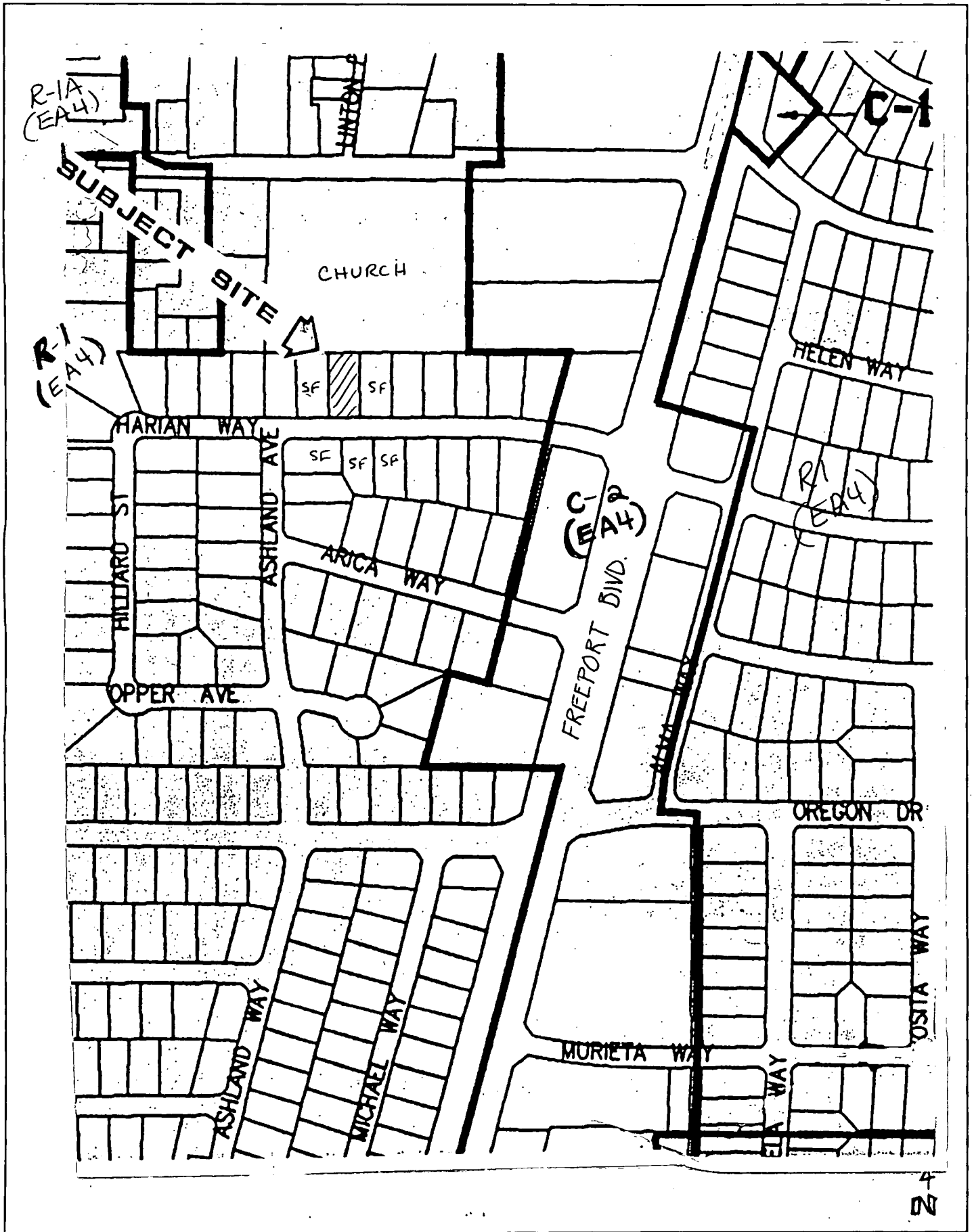
  
\_\_\_\_\_  
Joy Patterson, Senior Planner

**Attachments**

Attachment 1	Vicinity Map
Attachment 2	Land Use and Zoning Map
Attachment 3	Notice of Decision & Findings of Fact
Exhibit 1A	Site Plan
Exhibit 1B	Floor Plan
Exhibit 1C	Photographs



VICINITY MAP



**LAND USE & ZONING MAP**

P97-012 - BELLEVIEW LOT LINE ADJUSTMENT

- REQUEST: A. Environmental Determination: Exemption
- B. Lot Line Adjustment to relocate the common property lines between three parcels totaling 3.42± partially developed acres in the Standard Single Family (R-1) zone.
- C. Subdivision Modification to create a lot that is substandard in width (and a flag lot).

LOCATION: 5771 Belleview Avenue (N. of Belleview Ave./Lemon Hill Ave. Int.)  
Assessor's Pcl. No. 027-0133-004, 005, 006  
South Sacramento Community Plan Area  
Sacramento Unified School District  
Council District 6

APPLICANT: GNA Engineering (Steve Norman), 485-3746  
2575 Valley Road, Sacramento, CA 95821

OWNER: Tring Nam and Duong and Ha, 383-8038  
5771 Belleview Avenue, Sacramento, CA 95824

APPLICATION FILED: December 18, 1996

STAFF CONTACT: Sandra Yope, 264-7158

**SUMMARY:** The applicant is proposing to relocate common property lines in order to separate a two unit deep lot development and to reconfigure the parcels for future development. In order to meet the applicant's objectives, the project requires the discretionary planning entitlements described above. In evaluating the project, the basic issues are the creation of a substandard lot in width and a flag lot, and the compliance of the lot line adjustment with the Subdivision Ordinance.

**RECOMMENDATION:** Staff recommends approval of the project. This recommendation is based on the project's consistency with the General Plan, the South Sacramento Community Plan, and the Subdivision Ordinance regarding lot line

adjustments and the subdivision modification.

**PROJECT INFORMATION:**

General Plan Designation: Low Density Residential (4-15 du/na)  
Community Plan Designation: Residential (4-8 du/na)  
Existing Land Use of Site: Single Family and Vacant  
Existing Zoning of Site: R-1

**Surrounding Land Use and Zoning:**

North: Single Family, R-1  
South: Single Family, R-1  
East: Single Family, R-1  
West: Multi-Family (Deep lot development), R-1

Setbacks	Required	Provided (Parcel 1/Parcel 3)
Front:	25'	55'/55'
Side(N.):	5'	112'/6'
Side(S.):	5'	5'/23'
Rear:	15'	182'/40'

Property Dimensions: 442 feet by 336 feet  
Property Area: 3.42± acres  
Topography: Flat  
Street Improvements: Existing  
Utilities: Existing

**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>Permit</u>	<u>Agency</u>
Certificate of Compliance	Public Works, Development Services

**STAFF EVALUATION:** Staff has the following comments:

**A. Policy Considerations**

The General Plan designates the subject site as Low Density Residential (4-15 du/na) and the South Sacramento Community Plan designates the site as Residential (4-8 du/na). The proposed lot line adjustment is consistent with the land use designations. The proposed lot line adjustment is also consistent with the Subdivision and Zoning Ordinances.



The applicant is proposing to relocate the common property lines between three parcels. The existing southern parcel is developed with two single family residences that both front on Belleview Avenue. The two existing northern parcels are vacant deep lots that are substandard in width. The proposed lot line adjustment will reconfigure the property lines such that each single family residence will be on a separate lot and the center lot between the two parcels will be substandard in width and a large flag lot. The Subdivision Ordinance requires that in order to create a flag lot the following findings be made:

- 1) Either the flag lot is required by topographic conditions, or there is no alternative design for the development of the interior portions of excessively deep parcels; and
- 2) The flag lot will not be detrimental to public health, safety, or welfare.

The subject site is in a general area that is developed with predominantly detached single family residences. The large flag lot that will be substandard in width will be wide enough to allow a street to create a cul-de-sac in the wider portion and hence further subdivision of the parcel. The lots exist as long narrow deep lots. Reconfiguring the property lines between the three parcels, creating a flag lot design will not create a detriment to the area as further subdivision could occur and setbacks will maintained.

The Subdivision Ordinance requires a Subdivision Modification to create a lot less than 52 feet in width. The required findings for the Subdivision Modification are similar to those required for the flag lot and are more directed to division of land. The findings are included in the attached notice of determination.

#### B. Site Plan Design/Zoning Requirements

The applicant proposes to reconfigure the lots so that each of the two existing single family residences constructed under a prior Special Permit for deep lot development can be on separate parcels. The Subdivision Ordinance does not permit separate sale of each structure while contained on a single parcel; therefore, the applicant is requesting a lot line adjustment.

#### PROJECT REVIEW PROCESS:

##### A. Environmental Determination

This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15305(a)}.

**B. Agency Comments**

The proposed project has been reviewed by the City Utilities Department, the Building Division, and the Public Works - Transportation and Engineering Planning Divisions. The comments received pertaining to the lot line adjustment have been included as conditions in the attached notice of determination.

**PROJECT APPROVAL PROCESS:** Of the entitlements below, Planning Commission has the authority to approve or deny them all. 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:

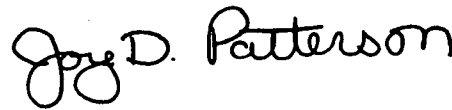
- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15305(a);
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Lot Line Adjustment to relocate the common property lines between three parcels totaling 3.42± partially developed acres in the Standard Single Family (R-1) zone; and
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Subdivision Modification to create a lot that is substandard in width (and a flag lot).

Report Prepared By,



Sandra L. Yope  
Associate Planner

Report Reviewed By,



Joy D. Patterson  
Senior Planner

**Attachments**

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1-a	Site Plan
Exhibit 1-b	New Legal Description
Attachment 2	Vicinity Map
Attachment 3	Land Use and Zoning Map

**EXHIBIT 1-b****PARCEL 1**

ALL THAT CERTAIN REAL PROPERTY IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE SOUTH 1/2 OF LOT 35 AND LOT 36 AS SHOWN ON THE "PLAT OF RICHLAND", FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON JANUARY 31, 1910, IN BOOK 10 OF MAPS, MAP NO. 2, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 1/2 OF SAID LOT 35, ALSO BEING IN THE CENTERLINE OF BELLEVIEW AVENUE; THENCE FROM SAID POINT-OF-BEGINNING SOUTH 89°43'07" EAST 442.14 FEET TO THE EAST LINE OF SAID LOT 35; THENCE ALONG THE EAST LINE OF SAID LOTS 35 AND 36 SOUTH 00°02'36" EAST 131.33 FEET; THENCE LEAVING SAID LINE SOUTH 89°55'38" WEST 157.51 FEET; THENCE SOUTH 00°04'22" EAST 56.06 FEET; THENCE SOUTH 89°55'38" WEST 284.59 FEET TO THE WEST LINE OF SAID LOT 36, ALSO BEING THE CENTERLINE OF SAID BELLEVIEW AVENUE; THENCE ALONG SAID LINE NORTH 00°03'41" WEST 190.12 FEET TO THE POINT-OF-BEGINNING.

P 97-012

Z 96-171

**EXHIBIT 1-b.****PARCEL 2**

ALL THAT CERTAIN REAL PROPERTY IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF LOT 36 AS SHOWN ON THE "PLAT OF RICHLAND", FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON JANUARY 31, 1910, IN BOOK 10 OF MAPS, MAP NO. 2, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 36, ALSO BEING ON THE CENTERLINE OF BELLEVIEW AVENUE LOCATED NORTH 00° 03' 41" WEST 104.83 FEET FROM THE SOUTHWEST CORNER OF SAID LOT 36; THENCE FROM SAID POINT-OF-BEGINNING AND ALONG THE CENTERLINE OF BELLEVIEW AVENUE AND THE WEST LINE OF SAID LOT 36 NORTH 00° 03' 41" WEST 44.00 FEET; THENCE LEAVING SAID LINE NORTH 89° 55' 38" EAST 284.59 FEET; THENCE NORTH 00° 04' 22" WEST 56.06 FEET; THENCE NORTH 89° 55' 38" EAST 157.51 FEET TO THE EAST LINE OF SAID LOT 36; THENCE ALONG THE EAST LINE OF SAID LOT 36 SOUTH 00° 02' 36" EAST 204.89 FEET TO THE SOUTHEAST CORNER OF SAID LOT 36; THENCE ALONG THE SOUTH LINE OF LOT 36 SOUTH 89° 55' 38" WEST 304.26 FEET; THENCE LEAVING SAID LINE NORTH 00° 04' 22" EAST 104.83 FEET; THENCE SOUTH 89° 55' 38" WEST 137.75 FEET TO THE POINT-OF-BEGINNING.

**EXHIBIT 1-b.**

**PARCEL 3**

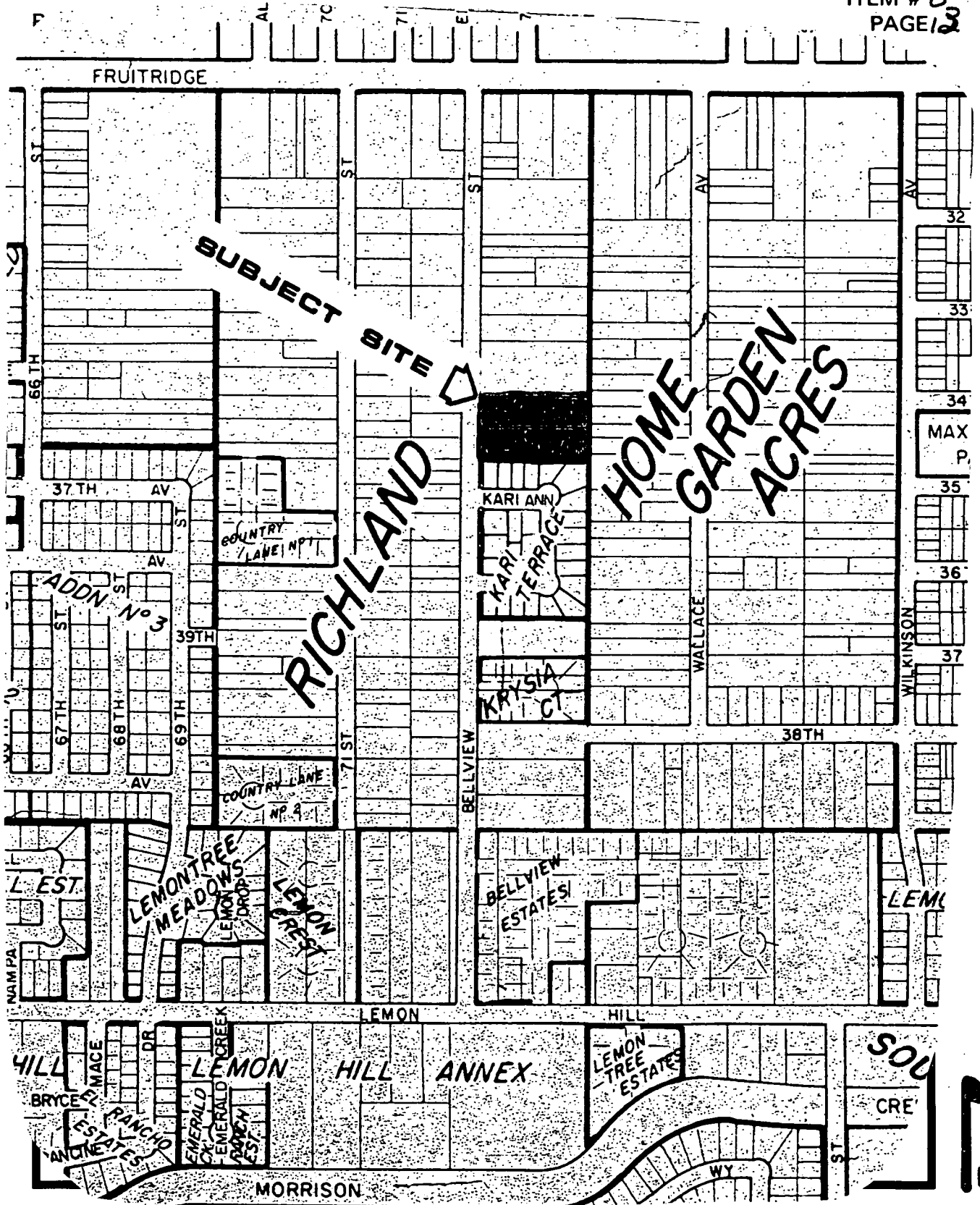
ALL THAT CERTAIN REAL PROPERTY IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF LOT 36 AS SHOWN ON THE "PLAT OF RICHLAND", FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON JANUARY 31, 1910, IN BOOK 10 OF MAPS, MAP NO. 2, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 36, ALSO BEING ON THE CENTERLINE OF BELLEVIEW AVENUE; THENCE FROM SAID POINT-OF-BEGINNING ALONG THE WEST LINE OF SAID LOT 36 AND SAID CENTERLINE OF BELLEVIEW AVENUE NORTH 00°03'41" WEST 104.83 FEET; THENCE LEAVING SAID LINE NORTH 89°55'38" EAST 137.75 FEET'; THENCE SOUTH 00°04'22" EAST 104.83 FEET TO THE SOUTH LINE OF SAID LOT 36; THENCE ALONG SAID SOUTH LINE SOUTH 89°55'38" WEST 137.77 FEET TO THE POINT-OF-BEGINNING.

ATTACHMENT 2

ITEM # 8  
PAGE 12



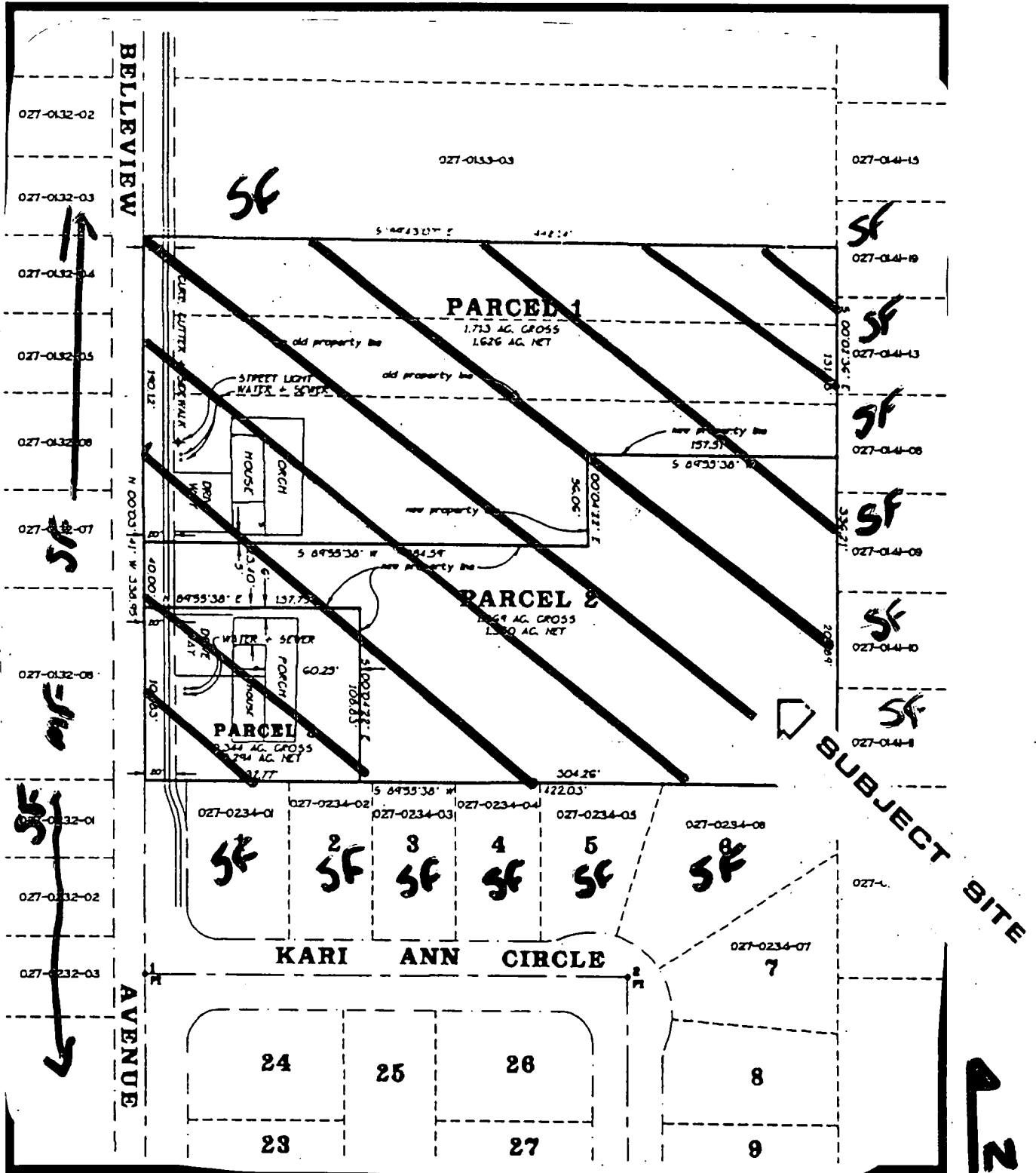
VICINITY MAP

ATTACHMENT 3

FEBRUARY 27, 1997

ITEM # 8  
PAGE 14

P97-012



LAND USE AND ZONING MAP