

P99-143: 1129 Azusa Residential Lot Split

REQUEST: Entitlements to subdivide a developed parcel in the Residential Single Family (R-1) zone containing six existing dwelling units into two parcels, one to contain two and the other to contain four of the existing dwelling units:

- A. Environmental Determination: Exempt (15315);
- B. Tentative Map to split a 0.560 net acre parcel into two parcels containing 0.204 and 0.356 net acres respectively;
- C. Subdivision Modification to allow a "flag" lot, to allow this lot to exceed the maximum lot depth of 160 feet, and to allow this lot with less than the minimum 52 feet of street frontage;
- D. Special Permit Modification to remove the condition of approval on the prior Special Permit (P1197) requiring the property to remain one unsubdivided parcel;
- E. Special Permit Modification to revise the prior Special Permit for Deep Lot Development (P1197) to allow the existing four dwelling units on a 0.356 net acre parcel (Parcel B of the Tentative Map) instead of six dwelling units on a 0.560 net acre parcel;
- F. Special Permit to allow one of the existing two dwelling units on Parcel A of the Tentative Map as a second residential unit.

LOCATION: 1129 Azusa Street (between Truxel and Northgate, south of West El Camino)
South Natomas Community Plan area
Natomas Unified School District
APN: 274-0091-003
Council District #1

APPLICANT:	Anthony Trunzo, (916) 539-1563 2615 Carlson Drive, Shingle Springs, CA 95682
OWNER:	Anthony Trunzo, (916) 539-1563 2615 Carlson Drive, Shingle Springs, CA 95682
ENGINEER:	Robert U. Grant, (916) 488-5211 820 Watt Avenue, Sacramento, CA 95864
APPLICATION FILED:	November 17, 1999
APPLICATION COMPLETED:	December 20, 1999
STAFF CONTACT:	Philip Reed, (916) 264-8287

SUMMARY:

Applicant is proposing to split an existing residential lot into two new parcels. There are a total of six existing dwelling units on the property. After the lot split, two of the existing dwelling units will be located on the smaller parcel, and the other four (two duplexes) will be located on the second parcel. There are no changes to the existing arrangement of structures proposed with this application. The issues are as follows: 1) though previously approved, the density of dwelling units is and will continue to be greater than what is currently allowed; 2) approval of the lot split will require removal of a previous condition of approval; and 3) the lot split must be designed with the property line centered in one of the existing driveways, requiring a reciprocal ingress/egress easement.

RECOMMENDATION:

Staff recommends approval of the project subject to the conditions of approval in the attached Notice of Decision.

PROJECT INFORMATION:

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

Surrounding Land Use and Zoning:

North:	Existing residential; R-1
South:	Existing residential; R-1
East:	Existing residential; R-1
West:	Existing residential; R-1

Topography:	Flat
Property Dimensions:	264' deep x 100' wide
Property Area:	0.606± acres gross; 0.560± acres net
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>
Final Map or	Public Works, Development Services
Certificate of Compliance	

BACKGROUND INFORMATION:

A Special Permit for deep lot development was approved on November 29, 1962 (P1197). This previous approval allowed the construction of two new dwelling units (a duplex, with the two units separated by a carport structure) near the back of the property. There were four dwelling units already on the site at the time, including another duplex similar to the one constructed later.

STAFF EVALUATION: Staff has the following comments:A. Policy Considerations

The subject parcel is located in the Residential Single Family (R-1) zone, and the parcel also qualifies as a deep lot. Currently, deep lot development provisions in the City Zoning Ordinance require a minimum of 5,200 square feet of lot area per dwelling unit. For the subject parcel, with 24,400 square feet of net area, this requirement would translate into a total of four dwelling units allowed. The six existing dwelling units currently located on the property exceed that limit, but were approved under the regulations that were in force at the time of approval for those units.

After the lot split, two of the existing dwelling units will be located on Parcel A (the smaller new parcel), and the other four dwelling units (two duplexes) will be located on the second new parcel (Parcel B). The smaller new parcel (Parcel A) will no longer qualify for deep lot status, but the existing two dwelling units that will remain on this new parcel will qualify as a single family residence with a second residential unit which meets all of the current requirements as such, and a Special Permit for a second residential unit will legitimize it as such.

The second new parcel (Parcel B) will be a flag lot which still qualifies as a deep lot, and the existing four dwelling units (two duplexes) that will remain on this new parcel will still exceed the number that would be allowed by current deep lot development regulations (which would allow only two dwelling units on the 15,515 square feet of net area in this new parcel). However, given that the existing arrangement of dwelling units on the property qualifies as an existing legal non-conformance, and given that the current application proposes no change to that arrangement, approval of the lot split will not create any new non-conformance on the property. The Special Permit Modification to revise the existing Special Permit for deep lot development (P1197) to allow the four existing units on the new flag lot (instead of six units on the original parcel) will maintain the status of these existing units as a legal non-conformance.

While the entitlements proposed will legitimize the existing arrangement of dwelling units on the two new lots, it should be noted that any future proposal for redevelopment of either or both new parcels will be subject to all requirements of the Zoning Ordinance in force at the time of application for building permit. Based on the requirements currently in force, any redevelopment of Parcel A for more than one dwelling unit will require a new Zoning Administrator's Special Permit for a second residential unit; and any redevelopment of the flag lot (Parcel B) for more than one dwelling unit will require a new Special Permit for Deep Lot Development or a Zoning Administrator's Special Permit for a second residential unit.

The previously approved Special Permit for Deep Lot Development, which was approved on November 29, 1962 (P1197), included a condition that the property remain one unsubdivided parcel. Staff understands that this was a standard condition applied to deep lot developments in the past that reflects previous policy favoring only standard lot configurations, and that current policy provides greater flexibility

to consider non-standard alternatives in cases where standard lots are not possible. In this case, given the dimensions of the subject property and the existing arrangement of structures that will remain in place, the lot split proposed is the only workable option; and the proposed lot split furthers policy goals in the General Plan and South Natomas Community Plan because it will help maintain or improve the viability of the property, and thereby help maintain or improve the quality of the neighborhood, by providing greater flexibility in financing for the property owner.

B. Tentative Map Design

The submitted Tentative Map proposes two parcels of 0.204 and 0.356 net acres. The larger of these two new parcels will be a flag lot, with less than the normally required minimum street frontage provided in the "flag pole" (38.3 feet instead of 52 feet), and a 100 foot square "flag" at the back of the property. This new flag lot will still qualify as a deep lot, with the full 244 feet of depth currently provided on the property. There are no changes to the existing arrangement of structures proposed with this application, and driveway locations will not be altered in any way. However, the property line splitting the property into new parcels must be located in the center of the driveway providing access to all dwelling units on the flag lot (in order to maintain minimum setbacks for structures from the property line), and this location of the property line will require a reciprocal ingress/egress easement to maintain access to these four dwelling units.

The Tentative Map submitted was reviewed and approved by the Subdivision Review Committee on January 5, 2000. There was some discussion and clarification of sewer connection and utility easement requirements; but there was no disagreement over the requirements, and all parties accepted the proposed conditions of approval, as amended.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15315 – minor land divisions).

B. Public/Neighborhood/Business Association Comments

The project application was routed to the Natomas Community Association and the Gardenland-Northgate Neighborhood Association. Comments were not received from either of these or any other public organizations. In addition, early notification was mailed to the owners of all property within a 500' radius of the subject site. Two or three calls were received as a result of this early notification from neighbors with questions; however, there has been no opposition to the proposal in response to this early notification.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following summarizes the comments received:

1. Public Works: Comments provided are included as conditions of approval.
2. Fire: Comments provided are included as conditions of approval.
3. Police: Commented that there could be potential for disagreement over cooperation on the reciprocal ingress/egress easement if ownership changes on one of the parcels relative to the other; but they did not indicate opposition to the proposal for this (or any other) reason, and did not impose any conditions on the project.
4. Utilities: Comments provided are included as conditions of approval.
5. County Sanitation District 1 (CSD-1): Comments are included as conditions.
6. SMUD: Comments provided are included as conditions of approval.
7. PG&E: Comments are included as conditions of approval, with modification.

D. Subdivision Review Committee Recommendation

On January 5, 2000, the Subdivision Review Committee (SRC) voted to recommend approval of the proposed subdivision by a vote of three ayes, subject to the conditions in the attached Notice of Decision and Findings of Fact (Attachment 1). There have been only minor clarifications in wording of the conditions since this SRC vote of approval.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the entitlements below. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

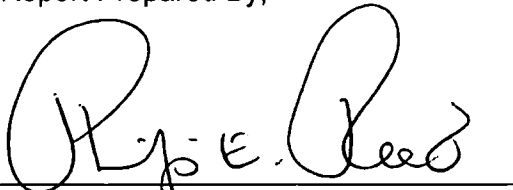
RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15315 – minor land divisions;
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Tentative Map to split a 0.560 net acre parcel into two parcels containing 0.204 and 0.356 net acres respectively;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Subdivision Modification to allow a “flag” lot, to allow this lot to exceed the maximum lot depth of 160 feet, and to allow this lot with less than the minimum 52 feet of street frontage;
- D. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit Modification to remove the condition of approval on the prior Special Permit (P1197) requiring the property to remain one unsubdivided parcel;

- E. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit Modification to revise the prior Special Permit for Deep Lot Development (P1197) to allow the existing four dwelling units on a 0.356 net acre parcel (Parcel B of the Tentative Map) instead of six dwelling units on a 0.560 net acre parcel;

- F. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit to allow one of the existing two dwelling units on Parcel A of the Tentative Map as a second residential unit.

Report Prepared By,



Philip Reed, Junior Planner

Report Reviewed By,



Scot Mende, Senior Planner

Attachments

- | | |
|--------------|---------------------------------------|
| Attachment 1 | Notice of Decision & Findings of Fact |
| Exhibit 1A | Tentative Map |
| Attachment 2 | Vicinity Map |
| Attachment 3 | Land Use and Zoning Map |

**NOTICE OF DECISION AND FINDINGS OF FACT FOR
1129 AZUSA LOT SPLIT, LOCATED AT 1129 AZUSA STREET, IN SOUTH NATOMAS,
SACRAMENTO, CALIFORNIA, IN THE R-1 ZONE. (P99-143)**

At the regular meeting of March 9, 2000, 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. **Environmental Determination: Exempt (15315);**
- B. **Approved the Tentative Map to split a 0.560 net acre parcel into two parcels containing 0.204 and 0.356 net acres respectively;**
- C. **Approved the Subdivision Modification to allow a "flag" lot, to allow this lot to exceed the maximum lot depth of 160 feet, and to allow this lot with less than the minimum 52 feet of street frontage;**
- D. **Approved the Special Permit Modification to remove the condition of approval on the prior Special Permit (P1197) requiring the property to remain one unsubdivided parcel;**
- E. **Approved the Special Permit Modification to revise the prior Special Permit for Deep Lot Development (P1197) to allow the existing four dwelling units on a 0.356 net acre parcel (Parcel B of the Tentative Map) instead of six dwelling units on a 0.560 net acre parcel;**
- F. **Approved the Special Permit to allow one of the existing two dwelling units on Parcel A of the Tentative Map as a second residential unit.**

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

FINDINGS OF FACT

- A. **Categorical Exemption**: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section 15315 (minor land divisions) of the CEQA Guidelines.
- B. **Tentative Map to split a 0.560 net acre parcel into two parcels containing 0.204 and 0.356 net acres respectively**: The Tentative Map to split a 0.560 net acre parcel into two parcels containing 0.204 and 0.356 net acres respectively, is **approved** based on the following findings of fact:
 - 1. None of the conditions described in Government Code Section 66474, subsections (a) through (g) inclusive, exist with respect to the proposed subdivision;

2. The proposed subdivision, together with the provision for its design and improvement, is consistent with the General Plan, South Natomas Community Plan, and the City of Sacramento Subdivision Ordinance; and
 3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Control Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision.
- C. Subdivision Modification to allow a "flag" lot, to allow this lot to exceed the maximum lot depth of 160 feet, and to allow this lot with less than the minimum 52 feet of street frontage: The Subdivision Modification to allow a "flag" lot, to allow this lot to exceed the maximum lot depth of 160 feet, and to allow this lot with less than the minimum 52 feet of street frontage, is **approved** based on the following findings of fact:
1. There is no practical alternative to the flag lot for splitting this parcel given its width and depth, and given the location of existing structures on the property;
 2. The cost to the subdivider of strict or literal compliance with the Subdivision Ordinance is not the sole reason for granting the modification; and
 3. The modification will not be detrimental to the public health, safety, or welfare, and it will not be injurious in any way to other properties in the vicinity in that there are no new structures or alterations to existing structures proposed.
- D. Special Permit Modification to remove the condition of approval on the prior Special Permit (P1197) requiring the property to remain one unsubdivided parcel: The Special Permit Modification to remove the condition of approval on the prior Special Permit (P1197) requiring the property to remain one unsubdivided parcel, is **approved** based on the following findings of fact:
1. Removal of this condition is based upon sound principles of land use in that it will not create any new non-conformity or increase the density of the development, and therefore will not contribute any new environmental impacts;
 2. It will not be detrimental to the public health, safety, or welfare, result in the creation of a public nuisance, or be injurious in any way to adjacent properties in that there are no new structures or alterations to existing structures proposed; and
 3. It is consistent with policies in the General Plan and South Natomas Community Plan in that it helps to improve the viability of the property and the quality of the neighborhood.
- E. Special Permit Modification to revise the prior Special Permit for Deep Lot Development (P1197) to allow the existing four dwelling units on a 0.356 net acre parcel (Parcel B of the Tentative Map) instead of six dwelling units on a 0.560 net acre parcel: The Special Permit Modification to revise the prior Special Permit for Deep Lot Development (P1197) to allow the existing four dwelling units on a 0.356 net acre parcel (Parcel B of the Tentative Map) instead of six dwelling units on a 0.560 net acre parcel, is **approved** based on the following findings of fact:

1. Approval of this Special Permit Modification is based upon sound principles of land use in that it will not create any new non-conformity or increase the density of the development, and therefore will not contribute any new environmental impacts;
 2. It will not be detrimental to the public health, safety, or welfare, result in the creation of a public nuisance, or be injurious in any way to adjacent properties in that there are no new structures or alterations to existing structures proposed; and
 3. It is consistent with policies in the General Plan and South Natomas Community Plan in that it preserves and maintains the viability of existing housing.
- F. Special Permit to allow one of the existing two dwelling units on Parcel A of the Tentative Map as a second residential unit: The Special Permit to allow one of the existing two dwelling units on Parcel A of the Tentative Map as a second residential unit, is **approved** based on the following findings of fact:
1. Approval of the Special Permit is based upon sound principles of land use in that it will avoid creating a new non-conformity, and it will not increase the density of the development, and therefore will not contribute any new environmental impacts;
 2. It will not be detrimental to the public health, safety, or welfare, result in the creation of a public nuisance, or be injurious in any way to adjacent properties in that there are no new structures or alterations to existing structures proposed; and
 3. It is consistent with policies in the General Plan and South Natomas Community Plan in that it legitimizes the second of the two existing dwelling units on the new parcel.

CONDITIONS OF APPROVAL

- B. The Tentative Map to split a 0.560 net acre parcel into two parcels containing 0.204 and 0.356 net acres respectively, is hereby approved subject to the following conditions:

General

- B1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.
- B2. Show reciprocal ingress, egress and parking easements on Final Map. Place a note on the Final Map: Private reciprocal easements shown hereon shall be dedicated with the sale of each parcel.
- B3. Show all existing, proposed and required easements. Clearly show which easements (if any) are to be abandoned.
- B4. Obtain and comply with abandonment clearance letters for any abandonments on the Final Map. Letters shall be provided to the Public Works Department.

Public Works

- B5. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Department of Public Works.
- B6. The applicant shall install "No Parking" sign(s) along the easterly driveway to maintain clear access to the rear dwelling.

Public Utilities

- B7. Dedicate a 12.5' Public Utility Easement for overhead and underground facilities and appurtenances adjacent to Azusa Street.
- B8. Dedicate the east 4' of Parcel B as a Public Utility Easement for overhead facilities and appurtenances.
- B9. Dedicate a 10-foot public utility easement for existing Pacific Gas and Electric underground facilities and appurtenances. Contact Frank L. Forgey at (530) 889-3163 at PG&E to arrange to locate the underground facilities and appurtenances on your property (if any).
- B10. A separate sewer connection is required for each parcel. Sewer Impact fees will be due (to County Sanitation District 1) prior to final map. Note: Developing this property may require the payment of additional sewer impact fees. Applicant should contact the Fee Quote Desk at 875-6679 for Sewer Impact fee information.

City Utilities

- B11. Provide separate metered domestic water services to each parcel and pay all tap fees.
- B12. Drainage across property lines is not allowed. Either the lots must be graded so that drainage does not cross property lines or a private reciprocal drainage easement between must be recorded at the time of sale of either parcel. The following note must be placed on the **Certificate of Compliance or Final Map**:

"Note: A private reciprocal drainage easement must be recorded at the time of sale of either parcel."

ADVISORY NOTES:

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

- B13. Applicant may file a Certificate of Compliance in lieu of a Final Map to record this lot split if no Subdivision Improvement Agreement is required (*four or fewer lots*);
- B14. Per the July 6, 1998 FIRM (Flood Insurance Rate Map, Community Panel Number 0600266 0020F), this parcel is located in a shaded Zone X area, defined as areas protected from the 100-year flood by levee, dike, or other structures subject to possible overtopping during larger flood events.

- D. The Special Permit Modification to remove the condition of approval on the prior Special Permit (P1197) requiring the property to remain one unsubdivided parcel, is approved subject to the following condition of approval:
 - D1. This Special Permit Modification shall be vested upon recordation of the Parcel Map or Certificate of Compliance. Failure to record the Parcel Map or Certificate of Compliance prior to the expiration of the Tentative Map will result in the expiration of the Special Permit Modification, unless time extensions of the Tentative Map and associated entitlements are approved.

- E. The Special Permit Modification to revise the prior Special Permit for Deep Lot Development (P1197) to allow the existing four dwelling units on a 0.356 net acre parcel (Parcel B of the Tentative Map) instead of six dwelling units on a 0.560 net acre parcel, is approved subject to the following condition of approval:
 - E1. This Special Permit Modification shall be vested upon recordation of the Parcel Map or Certificate of Compliance. Failure to record the Parcel Map or Certificate of Compliance prior to the expiration of the Tentative Map will result in the expiration of the Special Permit Modification, unless time extensions of the Tentative Map and associated entitlements are approved.

- F. The Special Permit to allow one of the existing two dwelling units on Parcel A of the Tentative Map as a second residential unit, is approved subject to the following condition of approval:
 - F1. This Special Permit shall be vested upon recordation of the Parcel Map or Certificate of Compliance. Failure to record the Parcel Map or Certificate of Compliance prior to the expiration of the Tentative Map will result in the expiration of the Special Permit, unless time extensions of the Tentative Map and associated entitlements are approved.

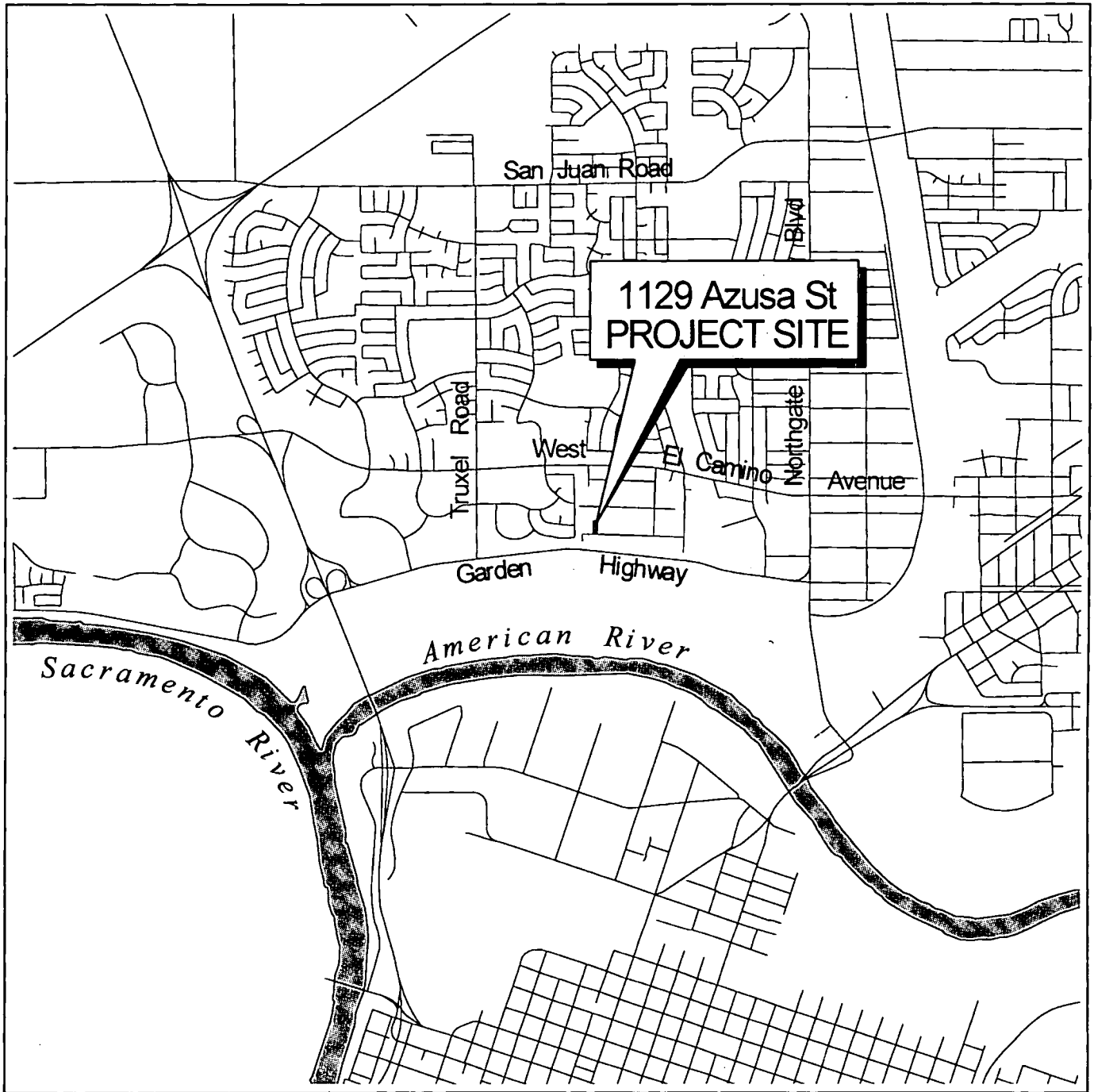
CHAIRPERSON

ATTEST:


SECRETARY TO CITY PLANNING COMMISSION

DATE (P99-143)

Exhibit 1A Tentative Map (Attached)



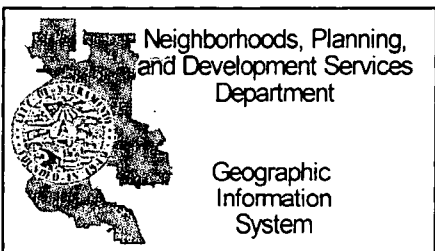
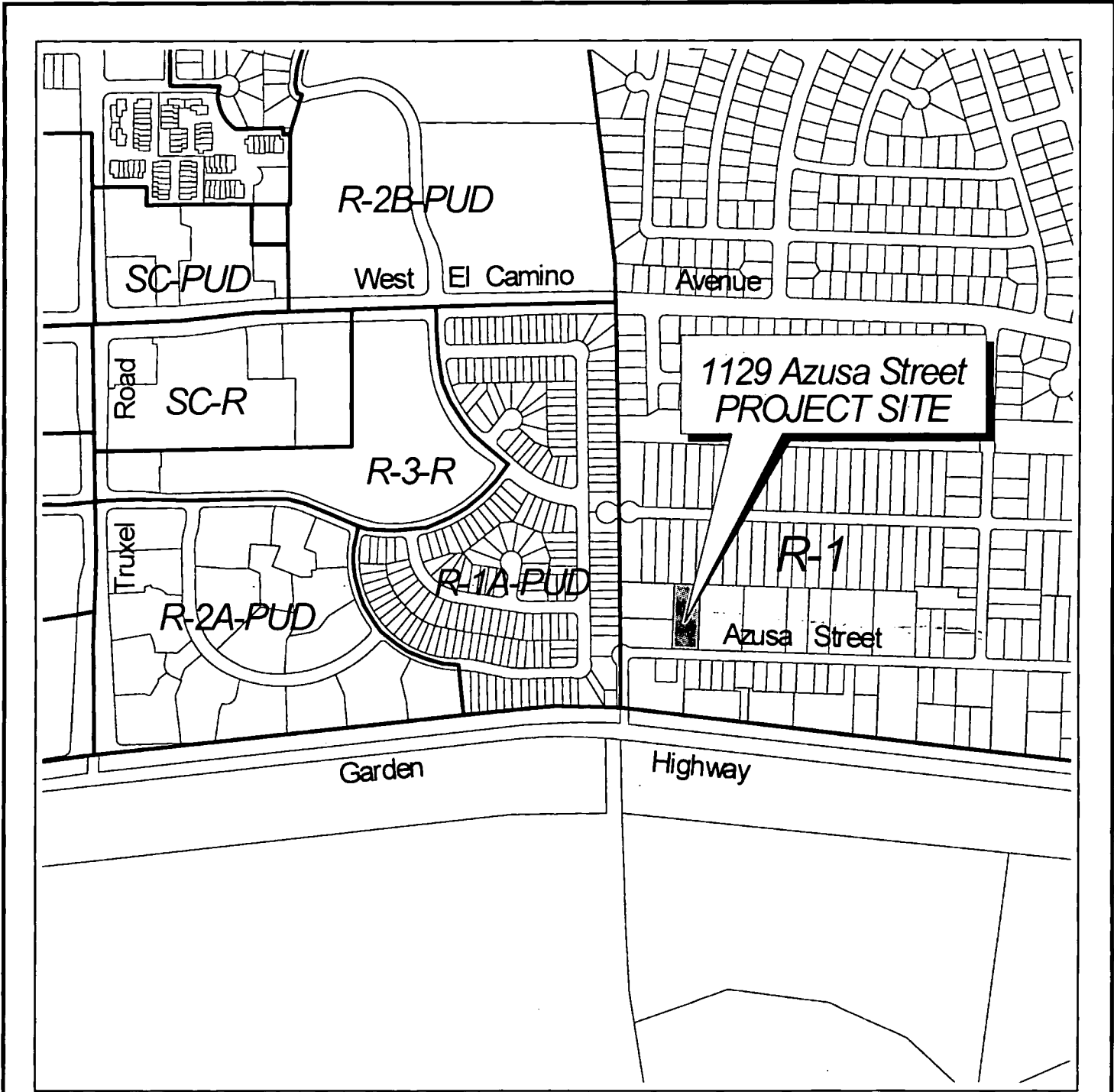
Neighborhoods, Planning,
and Development Services
Department



Geographic
Information
System

Vicinity Map P99-143





Land Use & Zoning
P99-143

