

P98-135 - Nicholson Lot Merger

- REQUEST:
- A. **Environmental Determination:** Categorical Exemption: (CEQA Section 15305)
  - B. **Lot Merger** to combine three parcels into one on 0.373± acres in the Standard Single Family (R-1) zone;
  - C. **Subdivision Modifications** to create a flag shaped parcel deeper than 160 feet.

LOCATION: 5514 19<sup>th</sup> Avenue  
APN(s): 021-0213-018, 021-0213-050, 021-0213-051  
Council District 5

APPLICANT:	Michael Nicholson, 457-6438 5514 19 <sup>th</sup> Avenue Sacramento, CA 95820
OWNER:	Michael Nicholson 5514 19 <sup>th</sup> Avenue Sacramento, CA 95820
APPLICATION FILED / COMPLETE:	December 23, 1998
STAFF CONTACT:	Brad Shirhall, 916-264-7483

**SUMMARY:** The applicant proposes to merge three parcels into one for the purpose of creating a larger backyard suitable for a swimming pool, home shop facilities, garden areas, and a patio. One residence and a granny flat exist on the site. The basic issues include consistency with the General and Community plans, and the character of the surrounding development.

**RECOMMENDATION:** Staff recommends approval of the project, subject to conditions, because merging the parcels does not create access problems and has raised no objections from staff or the public.

PROJECT INFORMATION:

General Plan Designation: Low Density Residential  
 Existing Land Use of Site: Single Family Residential & Granny Flat  
 Existing Zoning of Site: Standard Single Family (R-1)

## Surrounding Land Use and Zoning:

North: Single Family Residential; Standard Single Family (R-1) zone  
 South: Single Family Residential; Standard Single Family (R-1) zone  
 East: Single Family Residential; Standard Single Family (R-1) zone  
 West: Single Family Residential; Standard Single Family (R-1) zone

Setbacks:	Required	Provided
Front:	25'	25'
Side(St):	5'	6'
Side(Int):	5'	5'
Rear:	15'	117'

Property Dimensions: Irregular  
 Property Area: 0.373± net acres  
 16,241± square feet

Square Footage of Building: 1,939 square feet (Building one)  
 638 square feet (Building two)  
 Height of Building: 20± feet, 2 stories  
 Exterior Building Materials: Stucco  
 Roof Material: Composite  
 Parking Provided: 3 spaces  
 Parking Required: 2 spaces  
 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:

Permit  
 Certificate of Compliance

Agency  
 Public Works, Development Services

BACKGROUND INFORMATION: On May 13, 1976 the City recorded a Map Act Violation indicated that parcels 050 and 051 were improperly divided. On May 10, 1990 the City Planning Commission approved a Special Permit for a second unit and Variances to reduce the minimum side yard setback from 10 to 6 feet, and to allow a dwelling unit to have its main entrance from the rear yard. Both the first and second units were subsequently constructed according to plans.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

General Plan

Section 3-45: *Goal:* Maintain and improve the existing housing stock.

Section 3-46: *Policy 9:* Upgrade established neighborhoods experiencing decline in order to preserve existing housing stock.

The applicant's proposal supports this goal and policy in that it will result in the improvement of two vacant and dilapidated properties.

B. Lot Merger

The applicant is requesting to merge three parcels into one. The applicant's existing parcel is 6,000± square feet and contains a 1,932± square foot main residence and a separate 638± square foot "granny flat." This parcel has frontage on 19<sup>th</sup> street, but the garages are accessed from the adjacent alley. The applicant owns two adjacent contiguous parcels (050, and 051) directly south of his 6,000 square foot parcel. Each of these two parcels is about 5,106 square feet. Neither of these parcels has frontage on a street and can only be accessed from the adjacent alley. When all three parcels are merged the total area will be about 16,212 square feet.

Staff supports the lot merger because, as conditioned, the merger will not impede any existing streets, utilities, or easements. Moreover, with Subdivision Modifications, the parcel will conform to Chapter 40 of the Sacramento City Code, and is consistent and compliant with the City's General Plan and the City's Zoning Ordinance. Finally, the lot merger will correct the map act violation on Parcels 050 and 051.

C. Subdivision Modification

The City's Subdivision Ordinance regulates the maximum lot dimensions and shape. Specifically, the maximum lot depth is 160 feet. Flag shaped parcels are discouraged but can be approved if certain findings of fact can be made. The requested lot merger will create a parcel that is 220.7± feet long thereby exceeding the maximum depth by over 60 feet. Moreover, the parcel will be flag shaped.

These discrepancies from the subdivision regulations require that Subdivision Modifications be approved. These modifications have been combined into a single entitlement because one cannot exist without the other.

Staff supports the deep parcel modification because similarly sized parcels already exist nearby as a result of the original subdivision pattern, and the modification will not result in a nuisance. Staff also supports the flag shaped lot design of the proposed parcel because the shape of the single parcel will effectively match that of all three existing parcels and, therefore, will not be a detriment to public health safety or welfare.

D. Site Plan Design/Zoning Requirements

1. Setbacks

There are no proposed changes to the structure locations and the existing structures comply with a setback variance approved in 1990. The lot merger will increase the existing rear yard setback from 15 feet to 117 feet.

E. Building Design

No changes to existing structures are proposed.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15305).

B. Public/Neighborhood/Business Association Comments

Staff sent a letter to all neighbors within a 200 foot radius of the subject site. The

letter requested that concerned neighbors respond either in writing or by phone. Staff received no comments.

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 Department

No objections.

2. Fire Department

No objections.

3. Building Inspections

No objections. However, the applicant needs to verify that only one gas, water sewer, electrical, and sewer service is provided for the entire parcel.

4. Utilities Department

Only one domestic water service per parcel is allowed. The excess domestic water services must be abandoned to the satisfaction of the Department of Utilities. The applicant should be advised that the tap record research and verification of tap locations by the field crews involved prior to sign-off of this condition may take a considerable amount of time, therefore all requests should be submitted in a timely manner.

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

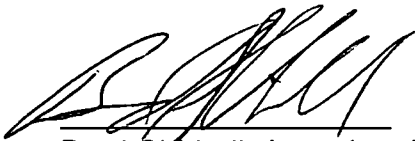
RECOMMENDATION: Staff recommends the Planning Commission take the following actions

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15305;

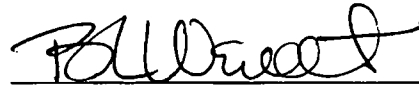
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Lot Merger to combine three parcels into one on 0.373± acres in the Standard Single Family (R-1) zone.
  
- C. Adopt the attached Notice of Decision and Findings of Fact approving the Subdivision Modifications to create a flag shaped parcel deeper than 160 feet.

Report Prepared By,

Report Reviewed By,



Brad Shirhall, Associate Planner



Barbara Wendt, Senior Planner

Attachments

- |              |                                       |
|--------------|---------------------------------------|
| Attachment 1 | Notice of Decision & Findings of Fact |
| Exhibit 1A   | Lot Merger / Site Plan                |
| Attachment 2 | Vicinity Map                          |
| Attachment 3 | Land Use & Zoning Map                 |

**NOTICE OF DECISION AND FINDINGS OF FACT FOR  
NICHOLSON LOT MERGER, LOCATED AT 5514 19<sup>th</sup> AVENUE SACRAMENTO,  
CALIFORNIA IN THE STANDARD SINGLE FAMILY (R-1) ZONE. (P98-134)**

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At the regular meeting of March 11, 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. **Environmental Determination:** Categorical Exemption: (CEQA Section 15305).
- B. **Approved a Lot Merger** to combine three parcels into one on 0.373± acres in the Standard Single Family (R-1) zone;
- C. **Approved Subdivision Modifications** to create a flag shaped parcel deeper than 160 feet.

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

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**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 15305 of the CEQA Guidelines.
- B. The Lot Merger to combine three parcels into one on 0.373± acres in the Standard Single Family (R-1) zone is hereby approved subject to the following findings of fact:
  - 1. all existing streets and/or utility easements of record are reserved;
  - 2. the resulting parcel conforms to the requirements of Sacramento City Code, Chapter 40, the General Plan, the Zoning Ordinance, and the City's Building Code.
- C. The Subdivision Modifications to create a flag shaped parcel deeper than 160 feet are hereby approved subject to the following findings of fact:
  - 1. the property to be divided is of such size or shape or is affected by such topographic conditions, or that there are such special circumstances or

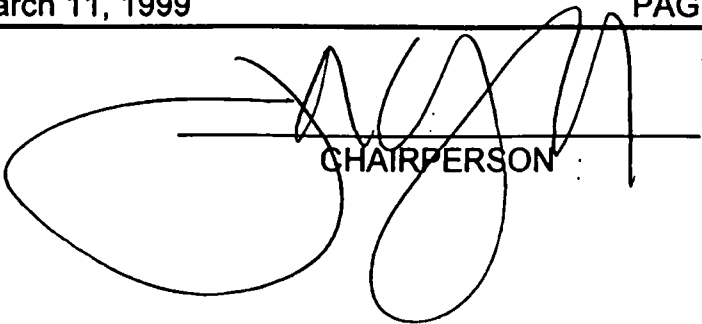
conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

2. that the cost to the sub-divider of strict or literal compliance with the regulation is not the sole reason for granting the modification;
3. that the modifications will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;
4. that granting the modification is in accord with the intent and purposes of these regulations and is consistent with the General Plan and with all other applicable specific plans of the City;
5. that there is no alternative for the development of the interior portions of excessively deep parcels.

#### CONDITIONS OF APPROVAL

- A. The Lot Merger to combine three parcels into one on 0.373± acres in the Standard Single Family (R-1) zone is hereby approved subject to the following conditions:
  - A1. Any modification to the project shall be subject to review and approval by Planning Department Staff prior to issuance of any Certificate of Compliance.
  - A2. Only one domestic water service per parcel is allowed. The excess domestic water services must be abandoned to the satisfaction of the Department of Utilities. The applicant should be advised that the tap record research and verification of tap locations by the field crews involved prior to sign-off of this condition may take a considerable amount of time, therefore all requests should be submitted in a timely manner.
- B. The Subdivision Modifications to create a flag shaped parcel deeper than 160 feet are hereby approved subject to the following conditions of approval:
  - B1. Any modification to the project shall be subject to review and approval by Planning Department Staff prior to issuance of any Certificate of Compliance.





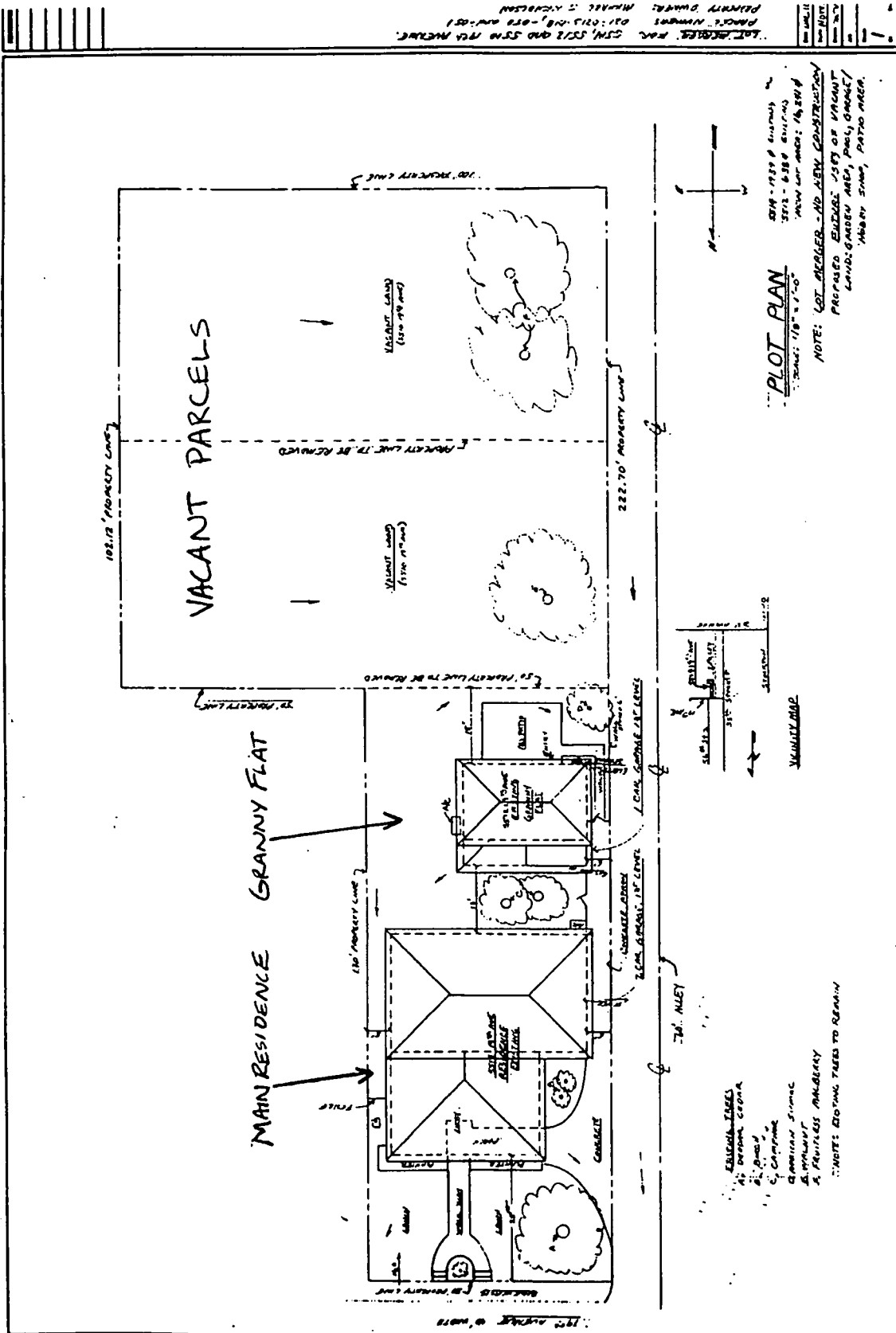
CHAIRPERSON :

ATTEST:

Gayle Stambusch  
SECRETARY TO CITY PLANNING COMMISSION  
3-11-99  
DATE (P98-134)

Exhibit 1A Lot Merger / Site Plan

Exhibit 1 - Lot Merger / Site Plan



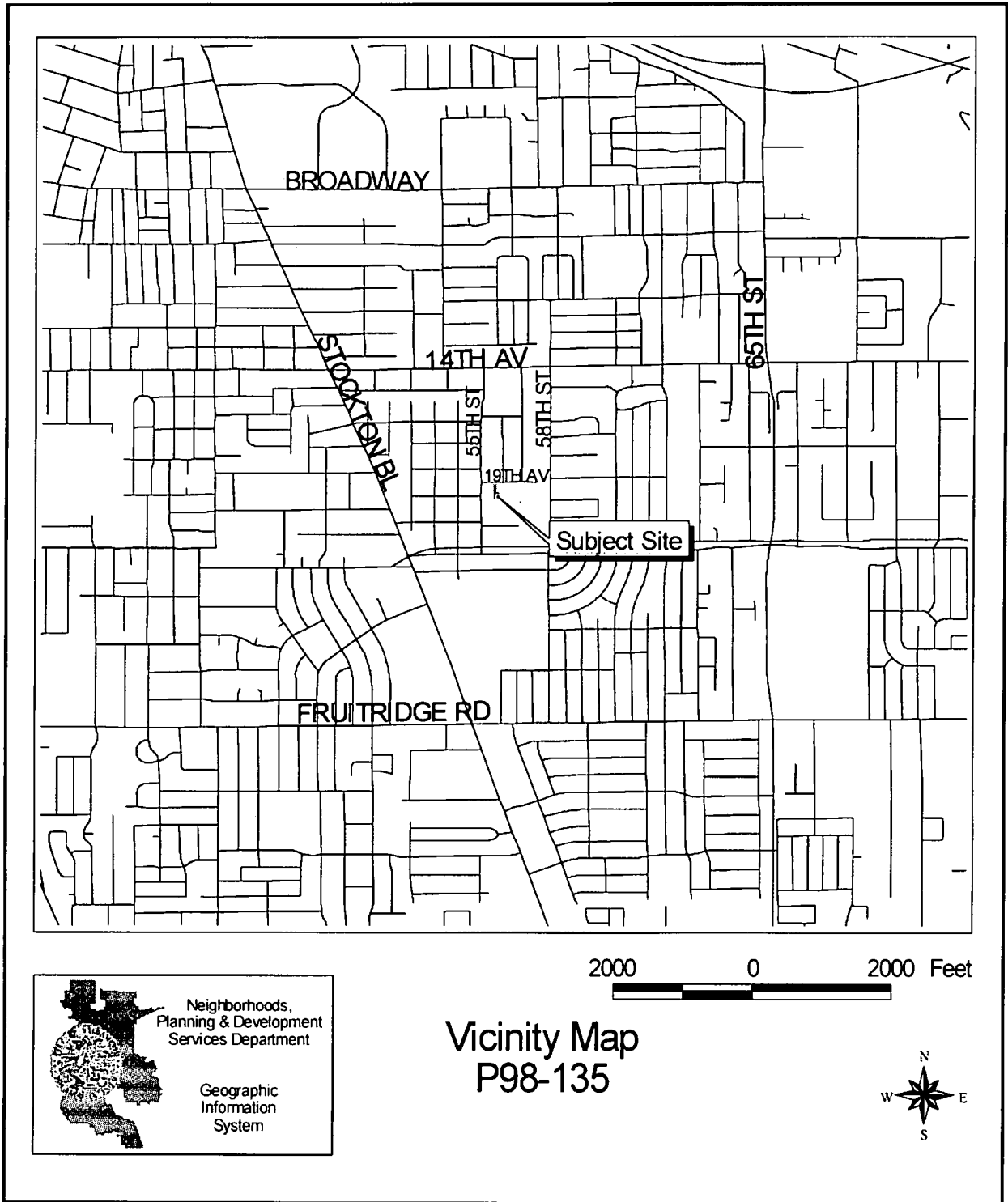
**LOT MERGER FOR 55M, 5572 AND 5574 WITH MERGER**  
 PARCELS NUMBERS: 021-0713-018, 072 AND 071  
 PLANNING DEPARTMENT: MICHAEL S. KREBSMAN

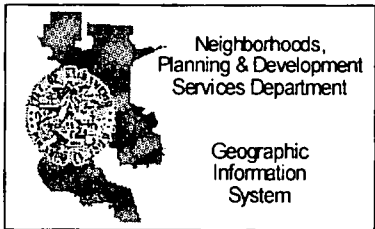
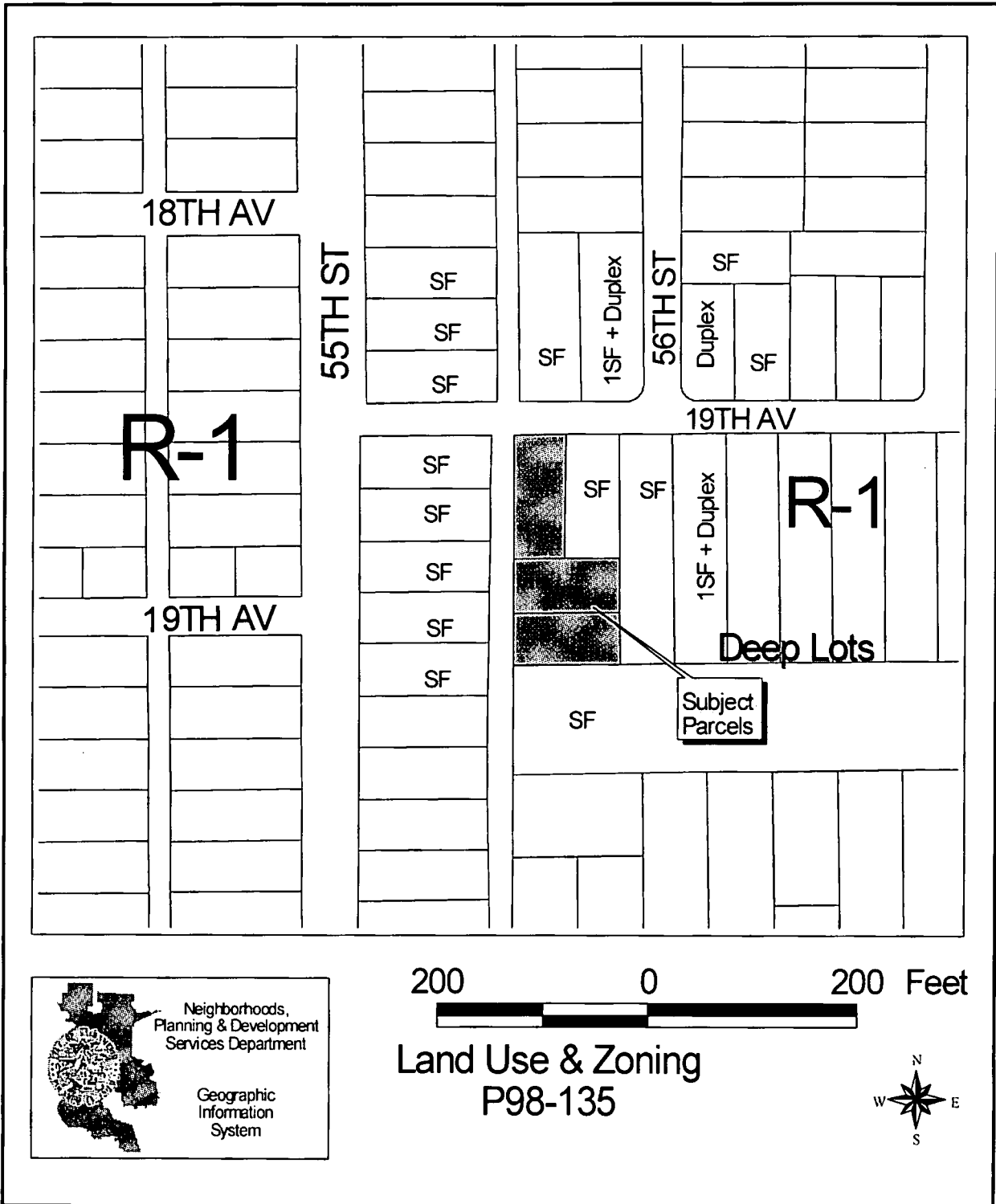
**PLOT PLAN**  
 55M - 1999 # 5572  
 5572 - 6388 BUILDING  
 NEW LOT AREA: 16,824 sq ft  
 5574 - 17-0

**NOTE: LOT MERGER - NO NEW CONSTRUCTION**  
 PROPOSED ENDSIDE SETBACK OF VACANT  
 LAND-GARDEN AREA, PAULY GRANNY  
 FLAT, 55M, PATIO AREA.

- 1. EXISTING TREES
- 2. EXISTING CEILING
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Land Use & Zoning  
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