

P98-057 - Montgomery Parcel Map

- REQUEST:
- A. **Environmental Determination:** Categorical Exemption (15315)
  - B. **Tentative Map** to subdivide one developed 0.147± acre parcel in to two in the Standard Single Family (R-1) zone.
  - C. **Subdivision Modifications** to create an interior lot less than 5,200 square feet and less than 100 feet deep.
  - D. **Subdivision Modifications** to create a corner lot less than 6,200 square feet and less than 100 feet deep.
  - E. **Variance** to reduce the rear setback from 15' to 6'3".
  - F. **Variance** to reduce the street sideyard setback from 12½ feet to 7'4".

LOCATION: 1600 36<sup>th</sup> Street  
APN: 007-0372-016  
Council District 3

APPLICANT:	Richard Varney, Varney Land Surveys, 395-2822 2285 66 <sup>th</sup> Avenue Sacramento, CA 95822
OWNER:	David Montgomery PO Box 2443 Granite Bay, CA 95746
APPLICATION FILED:	May 26, 1998
STAFF CONTACT:	Brad Shirhall, 916-264-7483

SUMMARY: The applicant proposes to split his existing lot into two lots for two existing

detached residential structures. The basic issues include consistency with the general and community plans, and the character of surrounding development.

RECOMMENDATION: Staff recommends approval of the project.

PROJECT INFORMATION:

General Plan Designation: Low density residential  
 Existing Land Use of Site: Detached duplex  
 Existing Zoning of Site: Standard Single Family (R-1)

Surrounding Land Use and Zoning:

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

Setbacks:

	Required	Parcel 2 Existing	Parcel 1 Existing
Front:	25'	20'	9'3"
Side(St):	12½'	7'4"	N/A
Side(Int):	5'	7'7"	5'
Rear:	15'	20'	6'3"

Property Dimensions: 40' x 160'  
 Property Area: 0.147± gross acres  
 Square Footage of Buildings: 1,058 & 972 square feet  
 Height of Buildings: 10 feet, 1 story  
 Exterior Building Materials: Wood & Stucco  
 Roof Material: Composition  
 Parking Provided: 2 spaces  
 Parking Required: 2 spaces  
 Topography: Flat  
 Street Improvements: Existing  
 Utilities: Existing

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant

---

<sup>1</sup>The minimum front yard setback shall be the average of the two nearest buildings on the same side of the street on the same block. In no event shall the required front yard setback be greater than 25 feet.

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
Building Permit	Building Division

**BACKGROUND INFORMATION:** A review of the entitlement history for the project site revealed no activity. Building permits were reviewed to determine a construction history for the property. The original building (Parcel Two) was constructed in 1922 while the second building (Parcel One) was constructed in 1962.

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

A. Policy Considerations

*General Plan*

- |                         |  |
|-------------------------|--|
| GP Sec. 3-48 - Policy 5 | Allow additional units on qualifying parcels in excess of 160 feet of depth. |
| GP Sec. 3-49 - Goal     | Provide affordable housing for all income groups.                            |
| GP Sec 3-51 - Goal      | Provide a mixture of housing types and styles throughout the city.           |

Staff supports the project on the basis that it is in furtherance of these General Plan goals and policies. The lot split and separation of the two dwelling units will help diversify the city's housing stock while providing an opportunity for inexpensive single family home ownership.

B. Tentative Map Design

The proposed Tentative Map (Exhibit 1A) subdivides the property into two parcels. The purpose of the subdivision is to create single family homes on separate parcels. The existing parcel contains two detached residential units on a total of 0.147± net acres. After the lot split, Parcel One will total 0.071± net acres (3,092 sq.ft.) and contain one 984 square foot residential unit. Parcel Two will total 0.076± net acres (3,307 sq.ft.) and contain one 972 square foot residential unit. Conditions of approval related to drainage, sewer service, water service, and utilities easements were placed on the map. However, no significant issues were raised at the Subdivision Review Committee (SRC) meeting. Staff and the SRC recommends approval of the Tentative Map.

C. Subdivision Modification Requirements

Subsection 40.1022 of the City's Subdivision Regulations specifies minimum lot width and area for all single and two family residential uses. It requires that interior lots shall have an area of not less than 5,200 square feet and be at least 52 feet wide. Corner lots shall have an area of not less than 6,200 square feet and be at least 62 feet wide. Neither interior or corner lots shall be less than 100 feet deep or greater than 160 feet deep.

The existing parcel is currently 40 feet wide and 160 feet deep. Because the parcel is not 62 feet wide, as required under subsection 40.1022 the lot is non-conforming.

After subdivision neither lot will meet the minimum standards specified above. Parcel One will be only 3,092 square feet and have a depth of 40 feet. Parcel Two will be only 3,307 square feet and have a depth of about 83 feet. These discrepancies from the subdivision regulations require that subdivision modifications be approved. These modifications have been combined into a single entitlement for each parcel.

Staff supports the modifications because the lot split will allow single family ownership of each residential unit, similar lots already exist nearby in East Sacramento on corner lots with street and alley access (see Attachment 3), and because the original parcel was created prior to the adopted width standard.

D. Site Plan Design/Zoning Requirements

1. Setbacks

The required setbacks in the Standard Single Family zone are as follows

Front	25 feet maximum
Rear	15 feet minimum
Interior Side	5 feet minimum
Street Side	12½ feet minimum

Parcel One

After the lot split the building on Parcel One will have a rear yard setback of 6'3". The western interior sideyard will be 26'3" and the eastern interior sideyard setback will be 5 feet. The front yard setback will be 9'3". None of these will change from current conditions as a result of the lot split. Exhibit 1A delineates the "new" front and rear yard locations.

## Parcel Two

After the lot split the building on Parcel Two will have a rear and front yard setback of 20 feet. The street sideyard setback will be 7'4"; the minimum is 12½ feet. The interior sideyard setback will be 7'7"; the minimum is 5 feet.

All of these setbacks represent existing conditions. However, the lot split alters what is now considered the front, rear and side yards. As such, variances to the setback requirements found in Section 3 of the Zoning Ordinance are required. Staff supports the requested variances given that: redefining the front, side and rear yards will be "invisible" to surrounding property owners and, therefore, won't create a nuisance; the setbacks are consistent with the existing character of the neighborhood; similar variances could be granted to other property owners.

### 2. Parking/Circulation

Section 6 of the City Zoning Ordinance requires that each residential unit provide at least one on-site parking space. Upon subdivision, each unit will meet this requirement.

### C. Fence Height

The existing fence which will separate the two parcels is approximately 6 feet tall from the back of the sidewalk along P Street to the south property line. Staff found that this provides no "clear visibility zone" for drivers exiting the driveway of Parcel Two. As such, staff has included a condition requiring that the fence height be lowered to no more than 3 feet for the first 13 linear feet of fence extending south from the back of the sidewalk.

### D. Building Design

No changes to the existing structures have been proposed.

## PROJECT REVIEW PROCESS:

### A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15315).

B. Public/Neighborhood/Business Association Comments

Staff requested comments from the East Sacramento Improvement Association. Staff confirmed by phone that they had 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. Department of Utilities

Utilities stated that drainage shall not be allowed to cross property lines, and that a new sewer and water connection would be required for the new parcel. Conditions of approval have been incorporated.

2. Sacramento Municipal Utility District

SMUD requested a 12½ foot utilities easement both above and below ground. Conditions of approval have been incorporated.

D. Subdivision Review Committee Recommendation

On October 7, 1998 the Subdivision Review Committee, by a vote of seven ayes, voted to recommend approval of the proposed subdivision subject to the conditions in the attached Tentative Map Resolution.

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

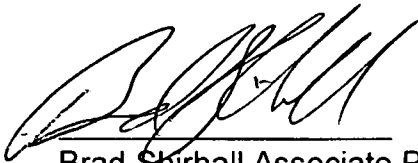
RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section (Section 15315).
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Tentative Map to subdivide one partially developed 0.147± acre parcel into two 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 an interior lot less than 5,200 square feet and less than 100 feet deep.
- D. Adopt the attached Notice of Decision and Findings of Fact approving the Subdivision Modifications to create a corner lot less than 6,200 square feet and less than 100 feet deep.
- E. Adopt the attached Notice of Decision and Findings of Fact approving the Variance to reduce the rear setback from 15 feet to 6'3".
- F. Adopt the attached Notice of Decision and Findings of Fact approving the Variance to reduce the street sideyard setback from 12½ feet to 7'4".

Report Prepared By,

Report Reviewed By,



Brad Shirhall Associate Planner



Steve Peterson, Senior Planner

Attachments

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

**NOTICE OF DECISION AND FINDINGS OF FACT FOR  
MONTGOMERY PARCEL MAP, LOCATED AT 1600 36<sup>TH</sup> STREET SACRAMENTO,  
CALIFORNIA IN THE STANDARD SINGLE FAMILY (R-1) ZONE. (P98-057)**

---

At the regular meeting of October 22, 1998, 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:** Categorically Exempt (CEQA Section 15315)
- B. **Approved the Tentative Map** to subdivide one partially developed 0.147± acre parcel into two in the Standard Single Family (R-1) zone.
- C. **Approved the Subdivision Modifications** to create an interior lot less than 5,200 square feet and less than 100 feet deep.
- D. **Approved the Subdivision Modifications** to create a corner lot less than 6,200 square feet and less than 100 feet deep.
- E. **Approved the Variance** to reduce the rear setback from 15 feet to 6'3".
- F. **Approved the Variance** to reduce the street sideyard setback from 12½ feet to 7'4".

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 Section 15315 of the CEQA Guidelines.
- B. The Tentative Map to subdivide one partially developed 0.147± acre parcel into two in the Standard Single Family (R-1) zone is hereby approved based on the following findings of fact:
  - 1. none of the conditions described in Government Code Section 66474, subsection (a) through (g) inclusive, exist with respect to the proposed subdivision;



2. the proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, and Chapter 40 of the City Code, which is a Specific Plan of the City.
  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 the subdivision will not result in an increase of land density over that which currently exists.
  4. the design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
- C. The Subdivision Modifications to allow interior and corner parcels less than the minimum dimensions and areas are hereby approved based on 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 modification 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.
- D. The Variances to reduce the rear yard and side yard setbacks are hereby approved based on the following findings of fact:
1. granting the variances does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances;
  2. granting the variances would not be detrimental to the public welfare and not result in the creation of a public nuisance in that the structures

currently exist on the lot and have not created a nuisance or been detrimental to the public welfare;

3. granting the variances does not constitute a use variance in that the land use is allowed in the Standard Single Family (R-1) zone.

#### CONDITIONS OF APPROVAL

- A. The Tentative Map to subdivide one partially developed 0.147± acre parcel into two in the Standard Single Family (R-1) zone is hereby approved subject to the following conditions of approval:

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 the condition:

- A1. If applicable, pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.
- A2. Remove and reconstruct existing deteriorated curb, gutter and sidewalk per City standards.
- A3. Dedicate a standard 12.5-foot public utility easement for overhead and underground public utility facilities and appurtenances adjacent to all public ways.
- A4. Show all existing easements.
- A5. Drainage across parcel lines is not allowed. Applicant shall either grade lots so as to disallow drainage across property lines, or a reciprocal drainage easement shall be recorded with the sale of either parcel.
- A6. Each parcel shall have its own separate sewer service. Applicant shall purchase an additional sewer service and reconstruct existing services to the satisfaction of the Department of Utilities.
- A7. Applicant shall abandon existing water service for Parcel Two which goes through Parcel One and connects to the water main in the adjacent alley. The City will provide a new water service to the property line on P Street at no cost to the owner. Applicant shall pay for the abandonment of the existing water service to Parcel Two and connect to the new water service.

Advisory Notes:

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

- A8. 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.
  
- B. The Subdivision Modifications to create an interior lot less than 5,200 square feet and less than 100 feet deep 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.
  - B2. Applicant shall modify the first 13 feet of existing fence, extending south from the back of the P Street sidewalk, along the proposed property line between Parcel One and Parcel Two, to be no higher than 3 feet tall.
  
- C. The Subdivision Modifications to create a corner lot less than 6,200 square feet and less than 100 feet deep are hereby approved subject to the following conditions of approval:
  - C1. Any modification to the project shall be subject to review and approval by Planning Department staff prior to issuance of any Certificate of Compliance.
  - C2. Applicant shall modify the first 13 feet of existing fence, extending south from the back of the P Street sidewalk, along the proposed property line between Parcel One and Parcel Two, to be no higher than 3 feet tall.
  - C3. Applicant shall be prohibited from constructing additional residential units on the corner lot.

D. The Variance to reduce the rearyard setback from 15 feet to 6'3" is hereby approved subject to the following conditions of approval:

D1. Any modification to the project shall be subject to review and approval by Planning Department staff prior to issuance of any Certificate of Compliance.

D2. Applicant shall modify the first 13 feet of existing fence, extending south from the back of the P Street sidewalk, along the proposed property line between Parcel One and Parcel Two, to be no higher than 3 feet tall.

E. The Variance to reduce the street sideyard setback from 12½ feet to 7'4" is hereby approved subject to the following conditions of approval:

E1. Any modification to the project shall be subject to review and approval by Planning Department staff prior to issuance of any Certificate of Compliance.

E2. Applicant shall modify the first 13 feet of existing fence, extending south from the back of the P Street sidewalk, along the proposed property line between Parcel One and Parcel Two, to be no higher than 3 feet tall.

  
CHAIRPERSON

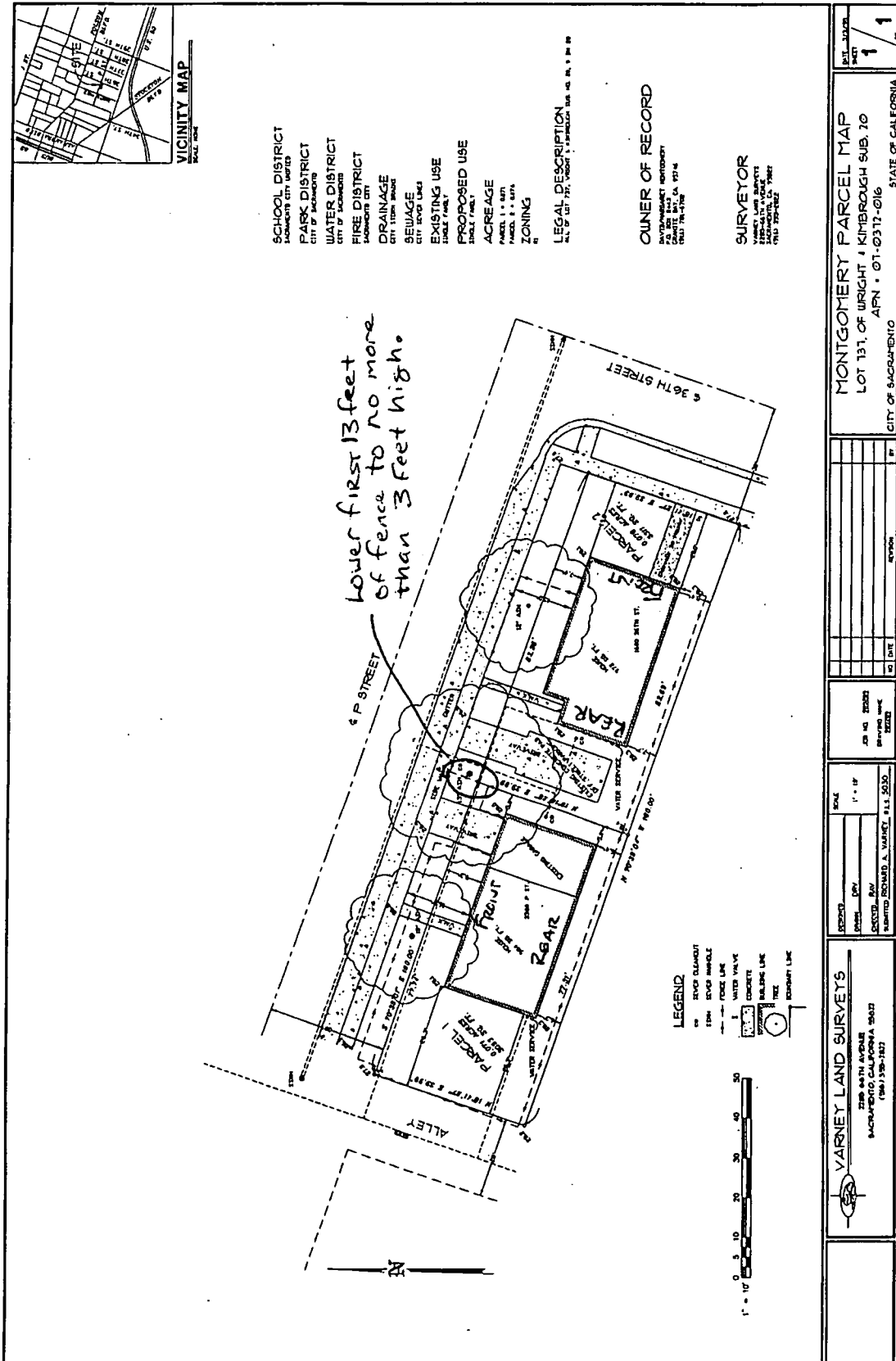
ATTEST:

Gary Strohhouse  
SECRETARY TO CITY PLANNING COMMISSION

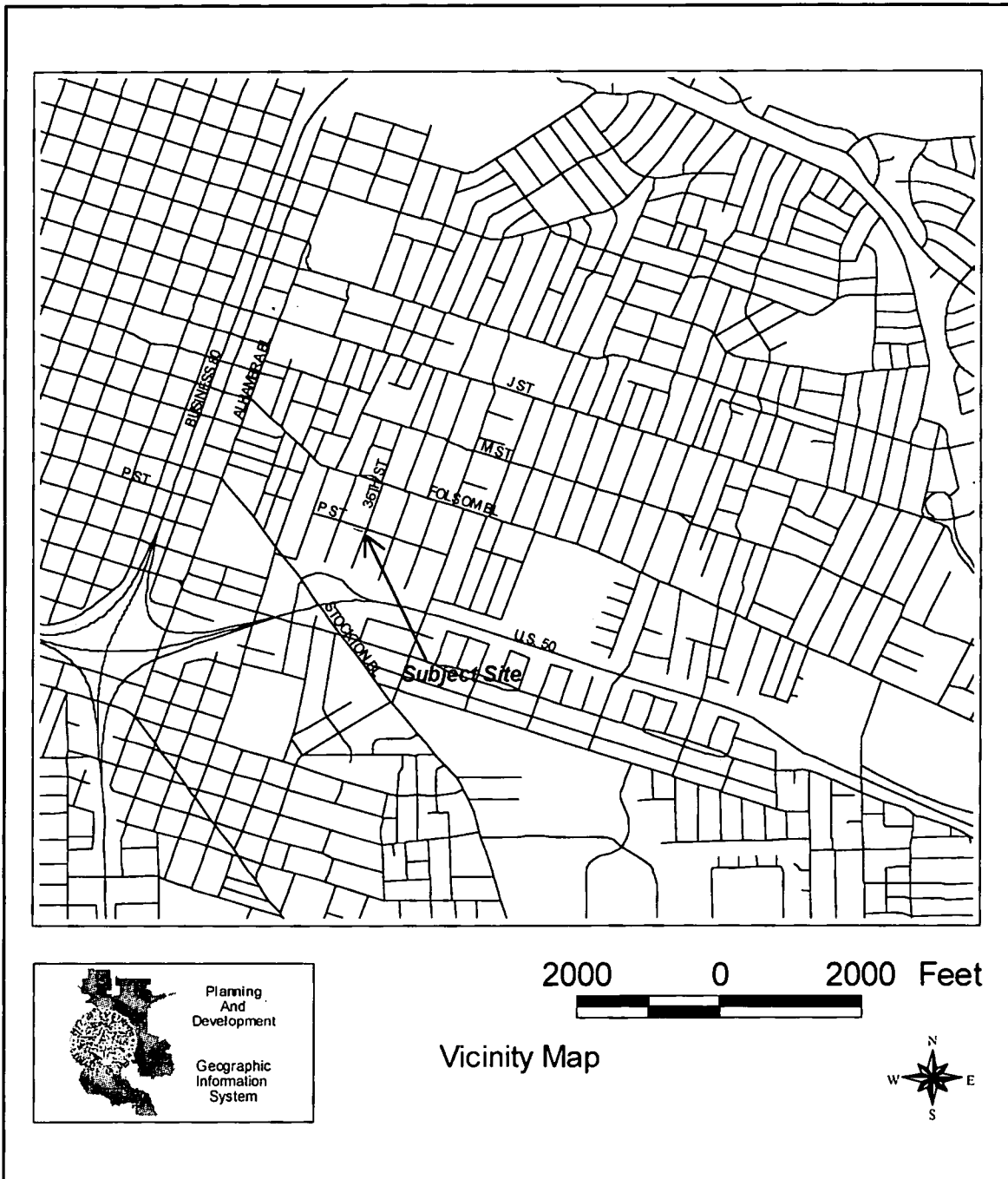
10-22-98  
DATE (P98-057)

Exhibit 1A Tentative Map

Exhibit 1A - Tentative Map



Attachment 2



Attachment 3

