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CITY OF SACRAMENTO

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814

TELEPHONE (916) 449-5604

MARTY VAN DUYN

PLANNING DIRECTOR

October 1, 1981

City Council
Sacramento, California

Honorable Members in Session:

- SUBJECT:
1. Environmental Determination
 2. Subdivision Modification to create lots less than 100 feet in depth
 3. Tentative Map (P-9489)

LOCATION: 6331 Logan Street

SUMMARY

This is a request for necessary entitlements to divide a one-acre parcel into six single family lots. The staff and Planning Commission recommend approval of the request subject to conditions. The Planning Commission also approved a variance to allow substandard lots and to allow a substandard setback for an existing dwelling.

BACKGROUND INFORMATION

The subject tentative map was originally approved by the City Council in October, 1979. However, the final map was never recorded and, therefore, expired. The applicant is requesting a new tentative map at this time.

Staff has no objection to the project. The proposed single family lots are compatible with surrounding land uses and with the community plan. The creation of the substandard lot depths is justified because of the lot dimensions and the stub streets from the adjacent development to the northeast.

The adjacent property owners appeared at the hearing; however, the item had already been heard and decided upon by the Commission. They indicated objection to the project because of a concern that the grading of

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OCT. - 6 1981

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this site may cause flooding of their properties which are located adjacent to the subject site. Subsequent to the Planning Commission meeting, staff contacted the City Engineer's office and they indicated that prior to recordation of the final map, a drainage plan will have to be approved for the subdivision. They indicated the drainage of the site will probably be towards Logan Street and Netherton Lane. The drainage study is a recommended condition of approval of the tentative map.

VOTE OF COMMISSION

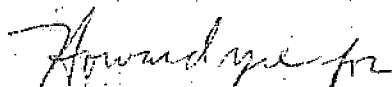
On August 27, 1981, the Planning Commission, by a vote of eight ayes, one absent, recommended approval of the tentative map subject to conditions.

RECOMMENDATION

The staff and Planning Commission recommend that the City Council approve the project by:

1. Ratifying the Negative Declaration; and
2. Adopting the attached Resolution adopting findings of fact, approving the tentative map and subdivision modification with conditions.

Respectfully submitted,



Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:HY:jm
Attachments
P-9489

October 6, 1981
District No. 6

RESOLUTION No. 81-732

Adopted by The Sacramento City Council on date of

OCTOBER 6, 1981

A RESOLUTION ADOPTING FINDINGS OF FACT,
APPROVING A REQUEST FOR SUBDIVISION
MODIFICATION AND TENTATIVE MAP FOR
NETHERTON ESTATES (APN: 038-261-05)
(P-9489)

WHEREAS, the Planning Commission has submitted to the City Council its report and recommendations concerning the request for Subdivision Modification and Tentative Map for Nethernton Estates, located at 6331 Logan Street (hereinafter referred to as the proposed subdivision).

WHEREAS, the Council of the City of Sacramento, based on testimony submitted at public hearing(s) conducted on October 6, 1981, hereby finds and determines as follows:

- A. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan and the Colonial Community Plan in that both plans designate the subject site for residential uses. Also, any required improvements are to be designed and constructed within the provisions of the Subdivision Regulations which, by Section 40.102 of said regulations, is designated as a Specific Plan of the City of Sacramento.
- B. The site is physically suitable for the type and proposed density of development in that the subject site is flat with no significant erosional, soil expansion or other similar problems.
- C. The design of the subdivision or proposed improvements are not likely to cause substantial environmental damage, and will not substantially and avoidably injure fish or wildlife or their habitat. The proposed project has been reviewed and assessed by the Environmental Coordinator who has filed a Negative Declaration with the City Clerk. By virtue of the Negative Declaration, the proposed project will not cause individual or cumulative adverse effects on the natural and social-physical environment nor substantially and avoidably injure fish, wildlife, or their habitat.
- D. The design of the subdivision or the type of improvements are not likely to cause serious public health problems in that community water and sewer systems exist at the site. The site is not within an established floodplain or over a known seismic fault.

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- E. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public for access through, or use of, the property within the proposed subdivision in that there are no access easements for use by the public at large on the subject site.
- F. The discharge of waste from the proposed subdivision into the community sewer system servicing the proposed subdivision will not result in or add to a violation of the waste discharge requirements applicable to said sewer system which were prescribed by the California Regional Water Quality Control Board, Central Valley Region, in that the existing County of Sacramento treatment plants have a design capacity for which the discharge from the proposed project will not create a condition exceeding the design capacity.
- G. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the proposed subdivision, taking into consideration the local climate, the contour and configuration of the parcel to be divided, and such other design and improvement requirements applicable to the proposed subdivision.
- H. In the matter of the requested Subdivision Modification, the Council determines as follows:
- a. That 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, impracticable or undesirable in the particular case to conform to the strict application of these regulations.
- Fact: The dimensions of the site and existing stub streets to the east make it difficult to meet all requirements of the Subdivision Ordinance.
- b. That cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.

Fact: The size and dimensions of the site make it impossible to meet all the requirements of the Subdivision Ordinance.

- c. That the modification will not be detrimental to the public health, safety, or welfare, or be injurious to other properties in the vicinity.

Fact: The granting of the Subdivision Modification will not change the characteristics of the area.

- d. That granting the modification is in accord with the intent and purpose of these regulations and is consistent with the General Plan and with all other applicable Specific Plans of the City.

Fact: The site is designated for residential.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Sacramento as follows:

- A. The Negative Declaration be ratified;
- B. The Tentative Map and Subdivision Modification be approved subject to the following conditions:
 - 1. The applicant shall provide standard subdivision improvements pursuant to Section 40.811 of the Subdivision Ordinance prior to filing the final map.
 - 2. The applicant shall prepare a sewer and drainage study for the review and approval of the City Engineer prior to filing the final map. Oversized drain may be required on Netherton Lane.
 - 3. The sewer line shall be extended east on Netherton Lane to serve Parcels 2, 3, 4, and 5.
 - 4. The subdivider shall submit to the City an appraisal pursuant to Section 40.1304 of the Subdivision Ordinance (Parkland Dedication) within 90 days before filing the final map. The required in-lieu fees shall be paid prior to filing the final map.
 - 5. Radius around the corners shall be 20 feet.

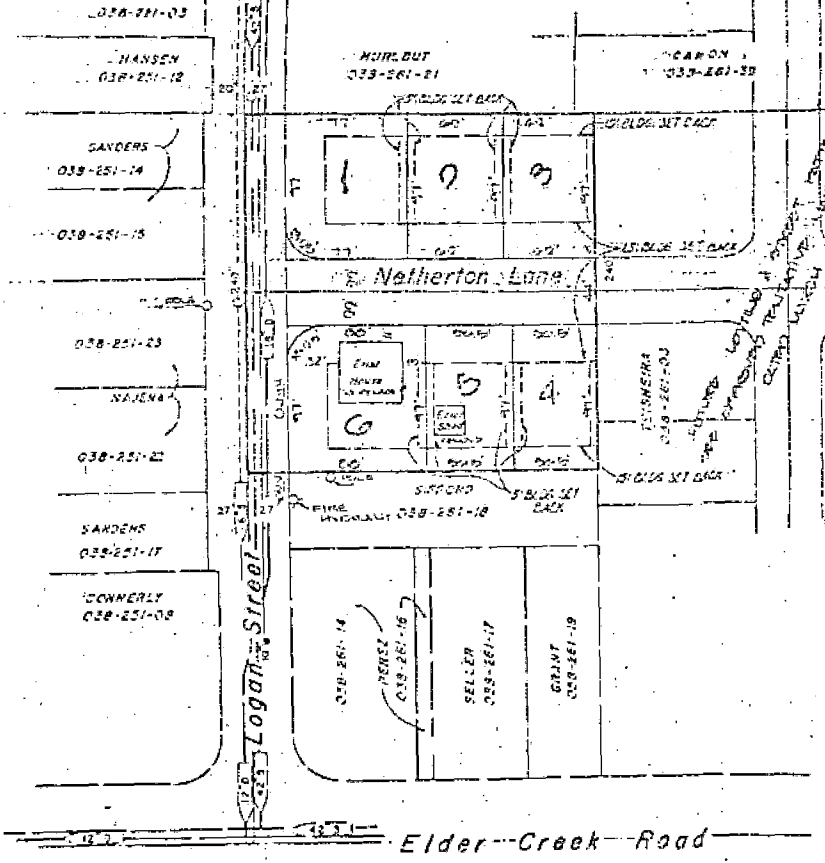
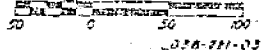
MAYOR

ATTEST:

CITY CLERK

P-9489

10489



NETHERTON ESTATES

BEING A PORTION OF LOT 18
PLAT OF SOUTH SACRAMENTO GARDENS
B.K. 14, B.M. PG. 40

CITY OF SACRAMENTO, SACRAMENTO COUNTY STATE OF CALIFORNIA
SCALE 1" = 50' JULY, 1951

OWNER/DEVELOPER

ROYCE NETHERTON & SANDRA D. KOTZ
3705 BAXTER WAY
GRANGEVALE, CALIFORNIA 95662

ENGINEER

JTS ENGINEERING CONSULTANTS
511 "N" STREET
SACRAMENTO, CALIFORNIA
95814

PROPOSED USE:

SINGLE FAMILY ALL LOTS
EXISTING K-1 ZONING TO REMAIN.

PRESENT USE:

RESIDENTIAL ON LOT 6
VACANT, ALL OTHERS

ACREAGE

1.05 ACRES TOTAL
0.89 ACRES NET
MINIMUM LOT SIZE 5400 SQ. FT.

SCHOOL DISTRICT:

CITY OF SACRAMENTO

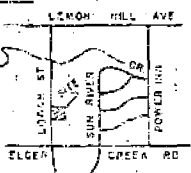
UTILITIES

SEWER: } CITY OF SACRAMENTO
STORM DRAIN: }
WATER: }
GAS: R.G.E.
POWER: SMUD
EXISTING CURB OUTER SIDEWALK ALONG LOGAN ST.

A.P.N. AND ZONING

ASSESSOR'S PARCEL NO.
038-251-05

ZONING
K-1



VICINITY MAP

NO SCALE

Elder-Creek Road

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE August 27, 1981
 ITEM NO. 10a FILE NO. P-9489
 H-

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- EIR DETERMINATION
- OTHER _____

Recommendation:

LOCATION: 6331 Logan Street

- Favorable
- Unfavorable
- Petition
- Correspondence

NAME	PROPONENTS	ADDRESS

NAME	OPPONENTS	ADDRESS
<i>* Charles Sifford</i>	<i>- 6335 Logan Street</i>	<i>Sacramento</i>
<i>* Richard Harpout</i>	<i>- 6315 Logan Street</i>	<i>Sacramento</i>

** Appeared after item was heard to protest project*

MOTION NO. _____

	YES	NO	MOTION	2ND
Augusta	✓		✓	
Fong	✓			
Goodin	<i>absent</i>			
Holloway	✓			
Hunter	✓			✓
Larson	✓			
Muraki	✓			
Silva	✓			
Simpson	✓			

MOTION:

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE _____
- TO RECOMMEND APPROVAL *subject to cond. in staff report* & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO _____ MEETING
- OTHER _____

CITY PLANNING COMMISSION

915 "I" STREET - SACRAMENTO, CALIFORNIA 95814

APPLICANT	JTS Engineering, 811 "J" Street, Sacramento, CA 95814
OWNER	Royce Netherton and Sandra Kotz, 8705 Baxter Way, Orangevale, CA 95662
PLANS BY	JTS Engineering, 811 "J" Street, Sacramento, CA 95814
FILING DATE	8/27/81
50 DAY CPC ACTION DATE	
REPORT BY	SD:bw
NEGATIVE DEC.	8/17/81
ASSESSOR'S PCL. NO.	038-261-05

- APPLICATION:
1. Environmental Determination
 2. Variance to reduce front yard setback from 25 feet to 11 feet for parcel 6
 3. Variance/Subdivision Modification to create lots less than 100 feet in depth
 4. Tentative Map

LOCATION: 6331 Logan Street

PROPOSAL: The applicant is requesting the necessary entitlements to divide 1+ acre zoned R-1, single family, into six single family lots.

PROJECT INFORMATION:

1974 General Plan Designation: Residential
 1965 Colonial Community Plan Designation: Light Density Residential
 Existing Zoning of Site: R-1
 Existing Land Use of Site: One single family residence

Surrounding Land Use and Zoning:

North: Single Family; R-1
 South: Single Family; R-1
 East: Vacant; R-1
 West: Single Family; R-1

Property Dimensions: 201' x 238'
 Property Area: 1.1 acre
 Density of Development: 5.5 du/ac
 Topography: Flat
 Street Improvements: To be provided
 Utilities: Available to site

SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On August 12, 1981, by a vote of eight ayes and one abstention, the Subdivision Review Committee voted to recommend approval subject to the following conditions:

1. The applicant shall provide standard subdivision improvements pursuant to Sec. 40.811 of the Subdivision Ordinance prior to filing the final map.
2. The applicant shall prepare a sewer and drainage study for the review and approval of the City Engineer prior to filing the final map. Over-sized drain may be required on Netherton Lane.

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3. Sewer line shall be extended east on Netherton Lane to serve parcels 2,3,4 and 5.
4. The subdivider shall submit to the City an appraisal pursuant to Section 40.1304 of the Subdivision Ordinance (Parkland Dedication) within 90 days before filing the final map. The required in-lieu fees shall be paid prior to filing the final map.
5. Radius around the corners shall be 20 feet.

BACKGROUND INFORMATION: On October 9, 1979, the City Council approved an identical map known as Kraemer Estates. This map has subsequently expired. The current application is a resubmittal of the Kraemer Estates tentative map.

STAFF EVALUATION: Staff has the following comments with regard to this project:

1. Maralee Estates is a recorded subdivision which is already constructed and located northeast of the subject site. The future lotting pattern for Maralee Estates designates a stub street to this site. Therefore, alignment of Netherton Lane is dictated by Maralee Estates. Staff supports the variance/subdivision modification request to create all lots with a depth of 97 feet because the stub street to the east makes it impossible to meet the 100 foot minimum lot depth requirement.
2. A variance has been requested to reduce front yard setback from 25 feet to 11 feet for the existing residence. The front yard is currently on Logan Street. When Netherton Lane is constructed, the front yard will be along that frontage. Again, because street alignment was previously determined by Maralee Estates, staff supports the request.
3. The proposal is consistent with the surrounding land uses, zoning and adopted plans.
4. The Planning and Community Service Departments have calculated that 0.11 acres of land are required for parkland dedication purposes and that fees are to be charged in lieu of parkland dedication. The subdivider shall submit to the City an appraisal of the land to be subdivided. Said appraisal shall be submitted and dated within 90 days of filing the final map with the City Council.

STAFF RECOMMENDATION: Staff recommends the following actions:

1. Ratification of the Negative Declaration.
2. The variance to reduce the front yard setback of an existing unit from 25 feet to 11 feet be approved based on findings of fact to follow.

3. The Subdivision Modification/Variance to create lots with less than 100 feet in depth be approved based on findings of fact to follow.
4. The Tentative Map be approved subject to the following conditions:
 - a. The applicant shall provide standard subdivision improvements pursuant to Sec. 40.811 of the Subdivision Ordinance prior to filing the final map;
 - b. The applicant shall prepare a sewer and drainage study for the review and approval of the City Engineer prior to filing the final map. Oversized drain may be required on Netherton Lane;
 - c. Sewer line shall be extended east on Netherton Lane to serve parcels 2,3,4 and 5;
 - d. The subdivider shall submit to the City an appraisal pursuant to Section 40.1304 of the Subdivision Ordinance (Parkland Dedication) within 90 days before filing the final map. The required in-lieu fees shall be paid prior to filing the final map;
 - e. Radius around the corners shall be 20 feet.

Findings of Fact

1. The proposed variances are not special privileges extended to an individual property owner in that the stub street to the east makes it impossible to meet the 100 foot minimum lot depth requirement and the required front yard setback.
2. The project will not be injurious to the public welfare, nor to properties in the vicinity of the applicants, in that, it will not change the characteristics of the area.
3. The granting of the variance is not a use variance, in that, single family dwellings are allowed in the R-1 zone.
4. The project is consistent with the 1974 General Plan and Lindale-Florin Community Plan, in that, both plans designate the site for residential uses.



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

815 I STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5428

LORRAINE MAGANA
CITY CLERK

October 7, 1981

Royce Netherton & Sandra Kotz
8705 Baxter Way
Orangevale, CA 95662

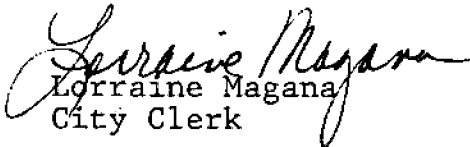
Dear Mr. Netherton & Ms. Kotz:

On October 6, 1981, the Sacramento City Council adopted a resolution which approved the following for property located at 6331 Logan Street (P-9489):

- A. Tentative Map to divide 1± acre into six parcels in the R-1 Zone; and
- B. Subdivision Modification to allow lots less than 100 feet deep

For your records, enclosed is a fully certified copy of said resolution.

Sincerely,


Lorraine Magana
City Clerk

LM/mm/25
Enclosure

cc: Planning Dept.
JTS Engineering