

P95-010 - SCHAEGLER TENTATIVE MAP

REQUEST: Entitlements to allow the subdivision of a corner parcel totaling 0.4± acres with two existing single family residences into two lots at 4840-4850 Monterey Way:

- A. Tentative Map to subdivide one parcel totaling 0.4± developed acres into two single family lots in the Standard Single Family Executive Airport Overflight Area 4 (R-1/EA-4) zone.
- B. Variance to reduce the required side yard setback for an existing single family residence from 5 feet to 2 feet.
- C. Variance to reduce the required side yard setback for an existing single family residence from 5 feet to 3 feet.
- D. Variance to reduce the required front yard setback from 25 feet to 22 feet for an existing single family residence.
- E. Subdivision Modification to create a lot less than 100 feet in depth.
- F. Subdivision Modification to waive sidewalks.

LOCATION: 4840 & 4850 Monterey Way
APN #017-0154-004-0000
Land Park
Sacramento City Unified School District
Council District 4

APPLICANT:	Matthew C. Schaedler, 732-5321 P.O. Box 189278, Sacramento, CA 95818-9278
OWNER:	Dave Cody c/o P.O. Box 189278, Sacramento, CA 95818-9278
PLANS BY:	Matthew C. Schaedler
APPLICATION FILED:	January 26, 1995
STAFF CONTACT:	Dawn T. Holm, Project Manager, 264-5851

SUMMARY/RECOMMENDATION: The applicant proposes to subdivide one parcel into two parcels. The current parcel contains two single family residences. The applicant is proposing to subdivide the parcel into two for financing purposes. To meet the applicant's objectives, the project requires the discretionary planning entitlements described above. **Staff recommends approval of the project** because the lots to be created will be consistent with the size, area and setbacks of other lots in the surrounding neighborhood.

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential (4-15 du/na)
Existing Land Use of Site:	Two Single Family Residences
Existing Zoning of Site:	Standard Single Family (R-1/EA-4)

Surrounding Land Use and Zoning:

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

Property Dimensions:	129' ± x 118' ±
Existing Property Area:	0.4 ± gross acres
Required Property Area Parcel A:	6,200 square feet
Proposed Property Area Parcel A:	6,967 square feet
Required Property Area Parcel B:	5,200 square feet
Proposed Property Area Parcel B:	6,316 square feet
Existing Development:	Parcel 1 - 1,100 sq. ft. residence Parcel 2 - 1,100 sq. ft. residence
Parking Required:	1 car garage for each residence
Parking Provided:	Driveway parking for each residence
Topography:	Flat
Street Improvements:	Existing (curb & gutter)
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
Building Permit	Building Division

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The General Plan designates the site Low Density Residential (4-15 du/na). The parcel is developed with two detached single family residences. The proposed subdivision is consistent with the General Plan designation which permits single family residences.

B. Tentative Map/Subdivision Modification/Variances

The applicant is requesting to subdivide an existing parcel into 2 parcels. The subject site is developed with two detached single family residences that were constructed five feet apart. Due to the location of the existing structures there will not be adequate area to provide for the minimum five foot interior yard setback from the proposed property line. To meet building code requirements a minimum of a three foot setback needs to be provided from a structure to a property line. The applicant is proposing to provide a 3 foot interior side yard setback on Parcel A and a 2 foot interior side yard setback on Parcel B. Planning staff, a building inspector and the applicant met on site to discuss the building and fire code requirements for the south side of the existing residence on Parcel B. The applicant understands that a fire wall will be required to be constructed along the south side of the residence, in order to allow for a 2 foot setback from a property line. A variance is also required to allow the required front yard setback for the existing structure on Parcel A be reduced from 25 feet to 22 feet. At the time the structure on Parcel A was constructed, Potrero Way was considered the front yard and a 31 foot setback was provided. The mapping of the property as shown on Exhibit C-1 creates the narrowest street frontage for the properties on Monterey Way. As required by the Zoning Ordinance the narrowest street frontage is determined to be the front yard, therefore, a variance is needed to reduce the front yard setback for Parcel A.

Parcel A as proposed does not meet the Subdivision Ordinance requirements for a minimum 100 foot lot depth. Planning staff has reviewed the lot configuration and has determined that based upon the location of the existing structures it is not possible to meet the 100 foot lot depth requirement for this lot. As proposed Parcel A and B exceed the minimum lot area requirements for single family lots. The Subdivision Ordinance also requires that sidewalks be constructed along Monterey Way and Potrero Way, the applicant has requested a waiver from this requirement. Planning staff and staff from the Public Works Transportation and Engineering Planning Division visited the site and drove the surrounding area and did not find any existing sidewalks along these streets or within the surrounding area.

C. Site Plan/Building Design

The existing residences on the subject site were constructed with garages that have been eliminated without approval. Planning staff discussed this issue with the applicant. The applicant has stated that the buildings will be remodeled and that a single car garage will be provided for each residence. With the location of the structures only five feet apart Planning staff is recommending that the applicant construct a minimum of a six foot high wood fence on the property line to be created in order to provide privacy for the existing residences (See Exhibit D-1). The fence shall not encroach into the required 25 foot front setback.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301 {c}, 15305{a} and 15315).

B. Public/Neighborhood/Business Association Comments

The subject site is located within the boundaries of the Land Park Community Association. The project was continued from the April 13, 1995, meeting to allow additional time for the adjacent property owners and the community association to review the proposed project. The Land Park Community Association has indicated that they have not taken a position at this time (Attachment E). By the time this project goes to hearing the Association will be prepared to take a position.

In addition, several property owners adjacent to the subject property have contacted staff to express concerns about the project. Adjacent property owners feel that the tentative map creates two lots which are smaller in size compared to the lot sizes in this neighborhood. There has also been a concern raised over the lack of maintenance of the existing property and buildings. A petition signed by 56 residents of the area has been included as Attachment F. Some neighbors have stated that they will attend the public hearing to express their concerns.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The comments deal primarily with the standards about drainage, grading dedication of easements and building/fire requirements for the existing structures. The comments have been incorporated into the conditions of approval in the attached Tentative Map Resolution (Attachment C).

D. Subdivision Review Committee Recommendation

On March 15, 1995, the Subdivision Review Committee, by a vote of three ayes, voted to recommend approval of the proposed subdivision.

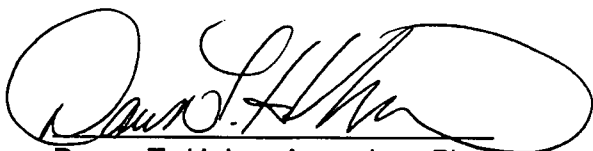
PROJECT APPROVAL PROCESS: Planning Commission has the authority to approve or deny all of the entitlements requested. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

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

- A. Adopt the attached Resolution (Attachment C), approving the Tentative Map to subdivide on parcel into two parcels.
- B. Adopt the attached Resolution (Attachment D), approving the Variance to reduce the required side yard setback from 5 feet to 2 feet for the existing residence on Parcel B.
- C. Adopt the attached Resolution (Attachment D), approving the Variance to reduce the required side yard setback from 5 feet to 3 feet for the existing residence on Parcel A.
- D. Adopt the attached Resolution (Attachment D), approving the Variance to reduce the required front yard setback from 25 feet to 22 feet for the existing single family residence on Parcel A.
- E. Adopt the Attached Resolution (Attachment C), approving the Subdivision Modification to create a lot less than 100 feet in depth on Parcel A.
- F. Adopt the Attached Resolution (Attachment C), approving the Subdivision Modification to waive sidewalks for Parcels A and B.

Report Prepared By,

Report Reviewed By,



Dawn T. Holm, Associate Planner



Barbara L. Wendt, Senior Planner

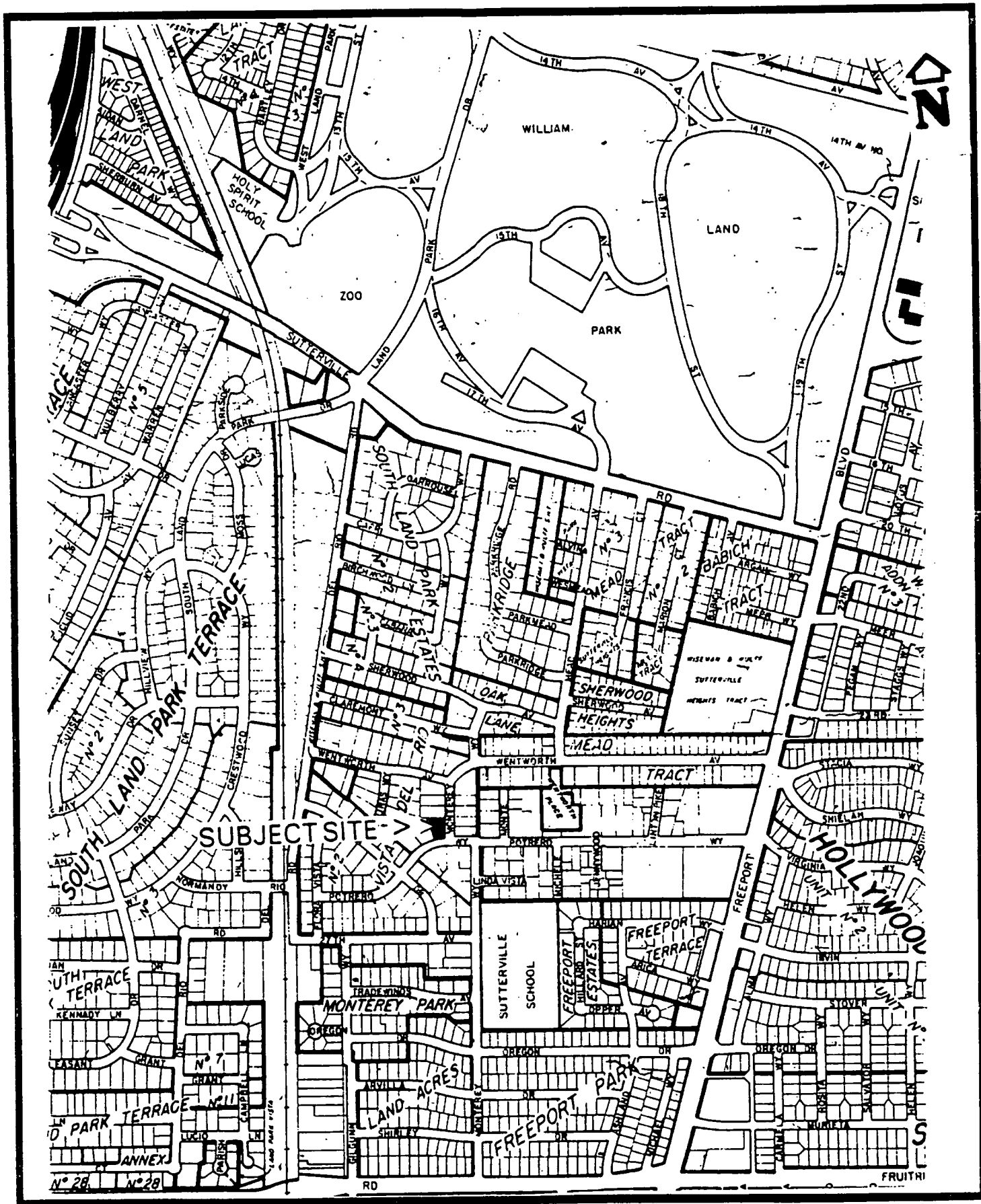
Attachments

Attachment A	Vicinity Map
Attachment B	Land Use and Zoning Map
Attachment C	Resolution Approving Tentative Map and Subdivision Modification
Exhibit C-1	Tentative Map
Attachment D	Resolution Approving Variances
Exhibit D-1	Site Plan
Attachment E	LPCA Letter
Attachment F	Neighborhood Petition

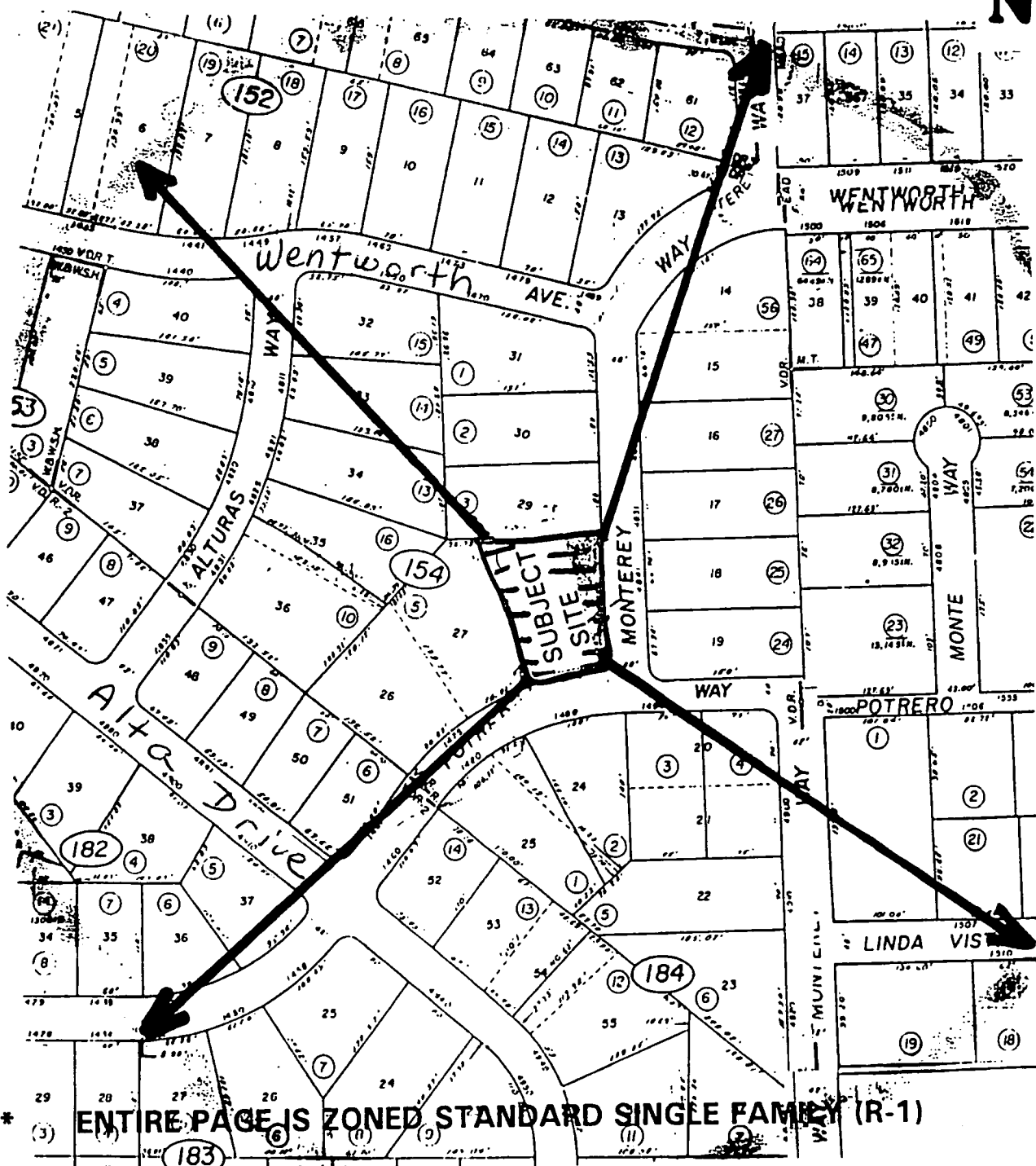
ATTACHMENT A

P95-010

APRIL 27, 1995



VICINITY MAP



* ENTIRE PAGE IS ZONED STANDARD SINGLE FAMILY (R-1)

** ALL PARCELS ARE DEVELOPED WITH A SINGLE FAMILY RESIDENCE EXCEPT FOR THE SUBJECT SITE WHICH IS DEVELOPED WITH 2 DETACHED SINGLE FAMILY RESIDENCES

LAND USE AND ZONING MAP



TENTATIVE PARCEL MAP

Lot 28 of "Vista Del Rio Tract",
22 Book of Maps, page 17

SACRAMENTO COUNTY, CALIFORNIA
FEBRUARY, 1995 SCALE 1" = 20'
BAILEY AND ASSOCIATES ENGINEERING

OWNER: Dave Cody
P.O. BOX 189278
Sacramento, Ca. 95816-9278
916 - 424-9454

ENGR: Shelly Bailey (BAILEY & ASSOC. ENG.) SUBDIV: Matthew C. Schaedler
330 U. ST. P.O. BOX 189278
Sacramento, Ca. 95818 Sacramento, Ca. 95816-9278
916 - 444-3137 916 - 732-5321

PRESENT ZONING: R1/4 PROPOSED ZONING: R1/4
PRESENT USE: Single Family PROPOSED USE: Single Family

NUMBER OF LOTS: 2
GROSS ACRES: 4+/-

SCHOOL DISTRICT: Sacramento City
WATER: Sacto. City SEWER: Sacto. City
STORM: Sacto. City FLOOD: Sacto. County

NOTES:
- All structures are existing. (trees, fences, buildings and ect.)
- There are no contour lines; the ground is flat. (less than 1%)
- This is a re-submission of a previously approved tentative map, P-9498 (RESOLUTION 81-749)
- This map was prepared from the subdivision map " Vista Del Rio Tract", (22 B.M. 17)
- There are no sidewalks in this area.

EXISTING
LEGAL DESC. Lot 28 as shown on the "Plat of Vista Del Rio Tract", recorded in the office of the Recorder of Sacramento county, on May 1, 1941 in Book 22 of Maps, Map No. 17.

TENTATIVE MAP



SHANLEY
017-0154-003

016

LEE FAMILY TRUST
017-0154-005

SHANLEY
017-0154-003

PARCEL B
.145 Acre

PARCEL A
.160 Acre

RICHARD FAM. TR.
017-0184-002

BROWN
017-0184-003

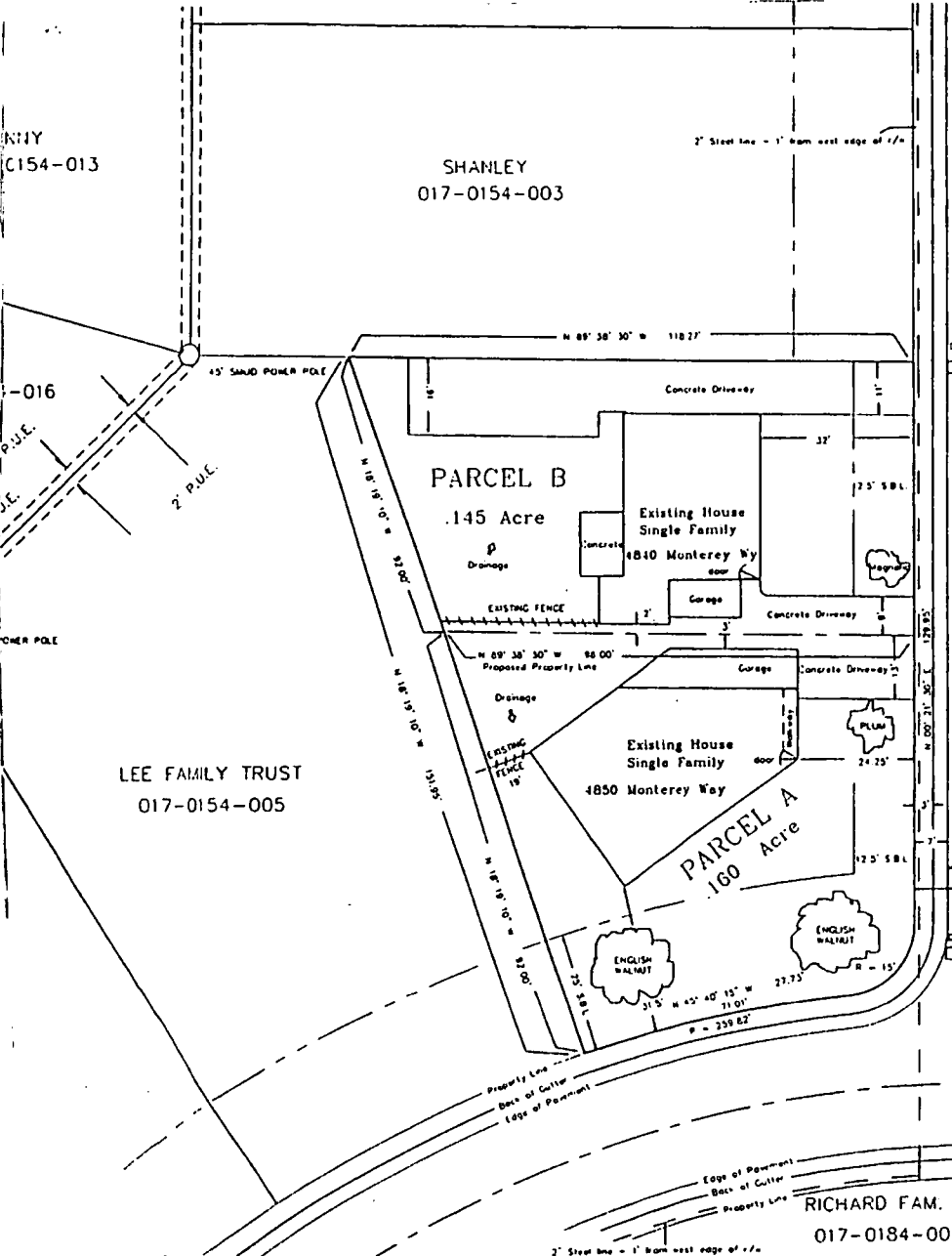
RIVETT FAM. TRUST
017-0161-026

FONG
017-0161-025

HOM
017-0161-024

MONTEREY WAY

POTRERO WAY



C/C 316/2 143/3 T & E

ATTACHMENT D

P95-010

APRIL 27, 1995

ITEM #10

PAGE 12

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION
ON DATE OF APRIL 27, 1995

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING
VARIANCES FOR PROPERTY LOCATED AT 4840-4850 MONTEREY WAY

(P95-010) (APN: 017-0154-004)

WHEREAS, the City Planning Commission on April 27, 1995, held a public hearing on the request for approval variances to reduce the required side yard setback for Parcel B from 5 feet to 2 feet; reduce the required side yard setback for Parcel A from 5 feet to 3 feet; and to reduce the required front yard setback for Parcel A from 25 feet to 22 feet.

WHEREAS, the lot line adjustment is categorically exempt pursuant to CEQA Sections 15301 {c}, 15305{a} and 15315; and

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

- A. The variances to allow the required side yard setback for Parcel B to reduced from 5 feet to 2 feet; the required side yard setback for Parcel A to be reduced from 5 feet to 3 feet; and the required front yard setback for Parcel A to be reduced from 25 feet to 22 feet are hereby approved based upon 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 variance would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. Adequate parking and setbacks have been provided;
 - b. The applicant will bring the existing structures into conformance with building and fire code requirements; and
 - c. The structures are existing and there will not be further encroachment into the setback areas.
 3. Granting the variances does not constitute a use variance in single family residences are an allowed use in the Standard Single Family (R-1/EA-4) zone.
 4. The project is consistent with the General Plan which designates the site as Low Density Residential (4-15 du/na).

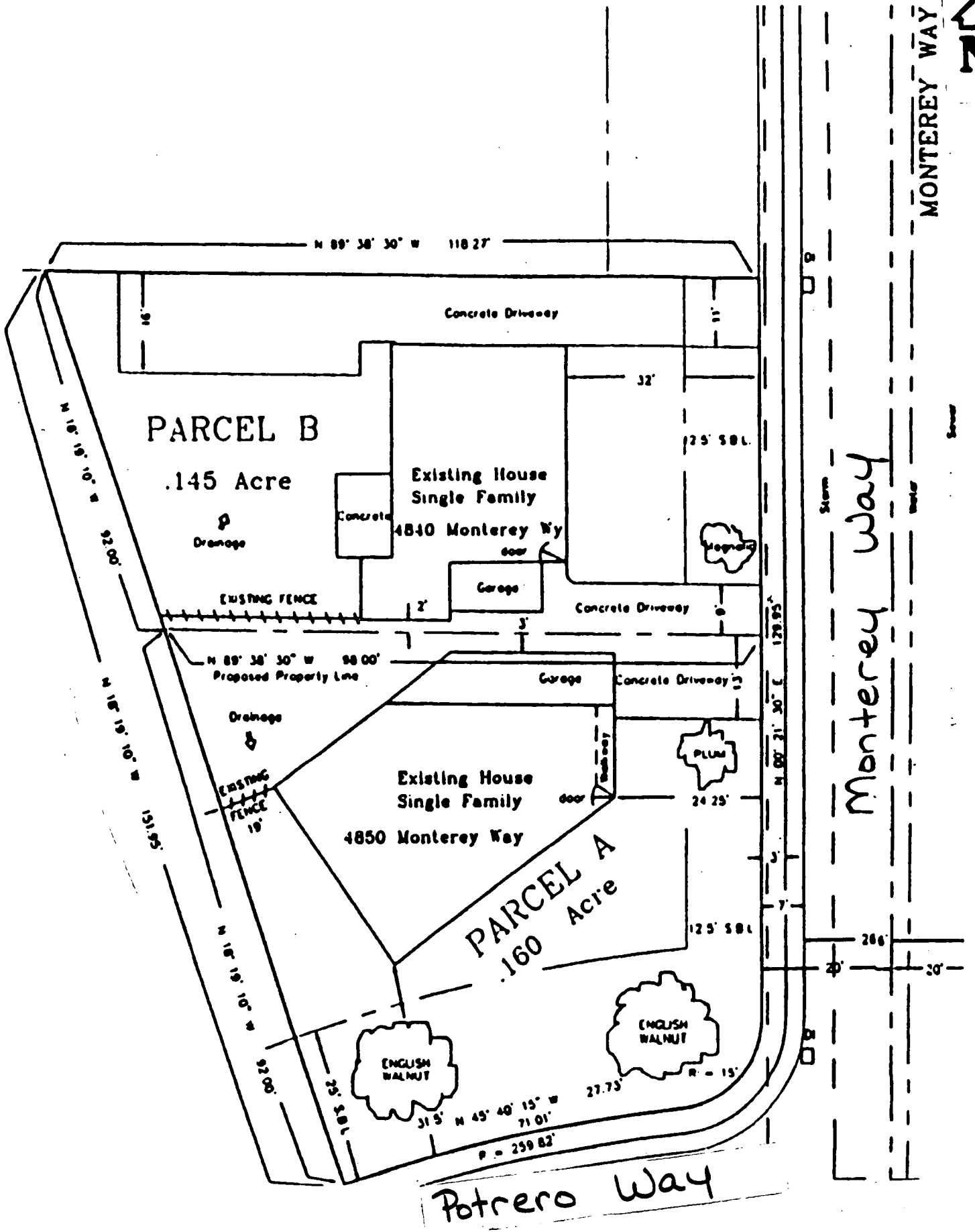
- B. The variances to allow the required side yard setback for Parcel B to be reduced from 5 feet to 2 feet; the required side yard setback for Parcel A to be reduced from 5 feet to 3 feet; and the required front yard setback for Parcel A to be reduced from 25 feet to 22 feet are hereby approved, subject to the following conditions:
1. The applicant shall provide a minimum of a one car garage for each residence prior to recordation of the final map;
 2. The existing structure on Parcel B shall be brought up to code for a structure within 3 feet of a property line as required by the Uniform Building and Fire Codes prior to recordation of the final map; and
 3. A six foot high wood fence (or other suitable material as approved by staff), shall be constructed on the proposed property line between the existing structures prior to recordation of the final map. The fence shall not encroach into the required front yard setback area.

CHAIRPERSON

ATTEST:

SECRETARY TO CITY PLANNING COMMISSION

SITE PLAN





LAND PARK COMMUNITY ASSOCIATION

April 18, 1995

Dawn T. Holm
City of Sacramento
Department of Planning and Development
1231 I Street Suite 300
Sacramento, CA 95814-2904

Re: 4840 & 4850 Monterey Way
Project Number P95-010

Dear Ms. Holm:

The Land Park Community Association has not taken a formal position on the above referenced project, however, we understand that approximately sixty (60) nearby residents have signed a petition opposing the project. We understand their concerns to be whether or not the current owner will stand by his representations to bring this property to a condition commensurate with the neighborhood and that the lot sizes after the split will be undersized in relation to other lots in the area. As you are aware a lot split was attempted at this parcel before, but the owner at that time failed to complete the project and comply with the lot split conditions. The parcel then went into foreclosure and the past and present owners have allowed the property to deteriorate.

Presently the Land Park Community Association is working to facilitate a meeting with the project applicant and nearby by residents to discuss and resolve neighborhood concerns with this proposal. We would anticipate that this meeting will take place just prior to the April 27 hearing and a neighborhood and/or LPCA position on the proposal will be presented at the hearing.

Should you have any questions regarding the LPCA position, Please contact me at (916) 446-8950.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven A. Kahn", is written over a horizontal line.

Steven A. Kahn, President

cc: Bill Shanley

To: City of Sacramento
Department of Planning and Development
1231 I Street, Room 300
Sacramento, CA 95814

From: Neighbors Opposed to P95-010

Date: April 10, 1995

Re: 4840 - 4850 Monterey Way, Sacramento, CA
APN 017-0154-004-0000
P95-010

*9 pages of signatures
(56 lots signed for)*

The undersigned Property Owners and Residents are opposed to the referenced subdivision and lot split for the following reasons:

1. The current owners have failed to maintain the property. The property, particularly 4840 Monterey Way, is an eye sore. There have been numerous calls to the Police Department for domestic violence as well as a drug bust by the Federal Marshall / DEA. There already exists a fence between the two units.
2. The neighbors have not been advised of the owner's proposed plans. We have no guarantee the property will be up-graded if the lot is split.
3. The lot split will reduce surrounding property values and create sub-standard lots.
4. We object to the minimal sideyard set-backs on either side of the property.
5. We do not want lots created that are less than one hundred feet in depth.

Thank you for your consideration.

Very truly yours,

CONCERNED PROPERTY OWNERS AND RESIDENTS

(Property Addresses, Names and Signatures, and Dates Attached)

PROPERTY OWNERS AND RESIDENTS OPPOSED TO P95-010

Address 4803 MONTE WAY - SACRAMENTO, CA. 95822
Name/Signature DOROTHY J. BOURNE Dorothy J. Bourne
Date APRIL 15, 1995

Address 1500 POTRERO WAY Sacramento, Ca. 95822
Name/Signature SHIRLEY A. FRAME Shirley A. Frame
Date APRIL 15, 1995

Address 7800 MONTE WAY Sacramento, Ca. 95822
Name/Signature EVELYN BEAUMONT Evelyn M. Beaumont
Date 4/17/95

Address 1550 POTRERO WAY SACRAMENTO CA 95822
Name/Signature SANDRA H. CASE Sandra H. Case
Date 4/17/95

Address 1515 Potrero Way Sacramento, CA 95822
Name/Signature Marlys J. Anderson Marlys J. Anderson
Date 4/17/95

Address 4808 Monte Way, Sacramento, Ca. 95822
Name/Signature Kim Frankland Kim Frankland
Date 4/17/95

Address 4805 Monte Way, Sacramento, CA 95822
Name/Signature W. Earl Sams by Donald E. Sams w/POA
Date W. Earl Sams Donald E. Sams
4/17/95

PROPERTY OWNERS AND RESIDENTS OPPOSED TO P95-010

A. S. Kavours
1511 Wentworth Ave.
Sacramento, CA
95822

1511-WENTWORTH AVE. SAC. CA. 95822

Alex S Kavours

Date x 4-17-95

Address x 4931 MONTEREY WAY

Name/Signature x *Theodore Fourkas* THEODORE FOURKAS

Date x 4-17-95

Address x 1507 Linda Vista Ln. SAC, CA. 95822

Name/Signature x *Nancy E. Thomas* Nancy E. Thomas

Date x 4-17-95

Address x 1497 POTRERO WY SAC CA 95822

Name/Signature x *Robert H. ...*

Date x 4-17-95

Address

Name/Signature

Date

Address

Name/Signature

Date

Address

Name/Signature

Date

PROPERTY OWNERS AND RESIDENTS OPPOSED TO P95-010

4940 Alta Dr.
Address
Russell H. Menke
Name/Signature
Russell H. Menke 4/16/95
Date

4971 Alta Drive
Address
Susan Dupre
Name/Signature
Susan Dupre 4/16/95
Date

1494 Potrero Way
Address
SUZANNE M. BROWN
Name/Signature
Suzanne M. Brown April 16, 1995
Date

1480 Potrero Way
Address
LOIS B. SHELLHAMMER (Lois B. Shellhammer)
Name/Signature
THOMAS A. SHELLHAMMER (Thomas A. Shellhammer)
Date 4/16/95

1475 Potrero Way
Address
Howard H. Lee / Howard H. Lee
Name/Signature
Margaret W. Lee / Margaret W. Lee
Date

4931 Alta Drive
Address
GEORGE YOMOGIDA
Name/Signature
George Yomogida
Date 4-17-95

4931 Alta Drive
Address
Tule Yomogida / Tule Yomogida
Name/Signature
4-17-95
Date

PROPERTY OWNERS AND RESIDENTS OPPOSED TO P95-010

41830 Monterey Way Sacto, CA 95822
 Address
 W. William K and Susan M. Stanley for M. Stanley
 Name/Signature
 10 April, 1995
 Date

4841 MONTEREY WAY SACTO CA 95822
 Address
 ALYCE FONG
 Name/Signature
 APRIL 10, 1995
 Date

Address
 4831-MONTEREY WAY, SACTO. 95822
 Name/Signature
 DONALD I. & VIRGINIA M. RIVETT Donald Rivett Virginia M. Rivett
 Date
 4-11-95

Address
 4804-Monte Way
 Name/Signature
 Merle Scribner Merle Scribner
 Date
 4/14/95

Address
 4820 MONTEREY WAY
 Name/Signature
 Matthew & Karen Fulkerson
 Date
 4-15-95

Address
 4821, Monterey Way
 Name/Signature
 James & Selam Woodward
 Date
 4-15-95

Address
 1589 WENTWORTH AVE
 Name/Signature
 JOHN L. WHITE John White
 Date
 4-17-95

PROPERTY OWNERS AND RESIDENTS OPPOSED TO P95-010

x 1453 POTRERO WAY

Address

x RAY H. SOEHREN *Ray H. Soehren*

Name/Signature

x 4-15-95

Date

x 4970 ALTA DRIVE

Address

NORMA K. CLEVENGER *Norma K. Cleverger*

Name/Signature

4/15/95

Date

4961 ALTA DR.

Address

ERIC M. SCOTT

Name/Signature

[Signature] 4/15/95

Date

4950 ALTA DR.

Address

ELISABETH NICHOLS

Name/Signature

Elisabeth Nichols 4/16/95

Date

4949 ALTA DR

Address

JIM HENSLEY *[Signature]*

Name/Signature

4/16/95

Date

4949 ALTA DR.

Address

LAURIE HENSLEY *[Signature]*

Name/Signature

4/16/95

Date

4940 ALTA DR.

Address

Katherine B. Menke

Name/Signature

Katherine B. Menke 4/16/95

Date

PROPERTY OWNERS AND RESIDENTS OPPOSED TO P95-010

4795 Monterey Way
Address
Virginia Hughes
Name/Signature
4/13/95
Date

1473 Wentworth Ave
Address
Wilma Hay
Name/Signature
April 13 1995
Date

1449 Wentworth Ave
Address
D. J. M. D.
Name/Signature
4/13/95
Date

1488 POTRERO WAY
Address
Barbara Richard
Name/Signature
4-15-95
Date

4880 Alta Dr.
Address
John Wood
Name/Signature
4/15/95
Date

4910 MONTEREY WAY
Address
Yoshiko Sammi
Name/Signature
4-18-95
Date

Address
Name/Signature
Date

PROPERTY OWNERS AND RESIDENTS OPPOSED TO P95-010

4825 Alturas Way
 Address
 William M Green
 Name/Signature
 April 12, 1995
 Date

4910 Alta Drive
 Address
 Nancy J. Shelly
 Name/Signature
 April 13, 1995
 Date

1450 Patroero WY
 Address
 Bonnie Fox
 Name/Signature
 4/13/95
 Date

4835 Alturas Way
 Address
 Kathleen E Blackie
 Name/Signature
 April 13, 1995
 Date

1457 Wentworth Ave.
 Address
 Nancy DeMenitt
 Name/Signature
 4/13/95
 Date

1480 Wentworth Avenue
 Address
 James Dattler & Adita
 Name/Signature
 4/13/95
 Date

1479 Wentworth Ave.
 Address
 Margaret Wallace
 Name/Signature
 4/13/95
 Date

PROPERTY OWNERS AND RESIDENTS OPPOSED TO P95-010

4810 Alturas Way
Address
Richard Kuchman
Name/Signature
April 11, 1995
Date

1440 Wentworth
Address
Sue Supple Age
Name/Signature
April 11, 1995
Date

4820 Alturas Way
Address
Richard P. ...
Name/Signature
4/11/95
Date

4831 ALTURAS WAY
Address
Jasmine Yang
Name/Signature
4/11/95
Date

4830 ALTURAS WAY
Address
Joseph Samuel
Name/Signature
4/11/95
Date

4821 Alturas Way
Address
M. P. F.
Name/Signature
4/11/95
Date

1470 WENTWORTH AVE.
Address
Helen ...
Name/Signature
4-11-95
Date

PROPERTY OWNERS AND RESIDENTS OPPOSED TO P95-010

1450 WENTWORTH AVE 95822

Address Milton F. White
Name/Signature
Date 4/11/95

1441 WENTWORTH ME. 95822

Address Rudy Miskulin
Name/Signature
Date 4-11-95

4811 ALTURAS Way 95822

Address ~~John S. Hill~~
Name/Signature
Date 4/11/95

4870 ALTA DR.

Address
Name/Signature
Date 4/11/95

1461 POTRERO WAY

Address ~~David~~
Name/Signature
Date 4/11/95

1460 POTRERO WAY

Address
Name/Signature
Date

1465 WESTWORTH AVE

Address
Name/Signature
Date 04-11-95