P95-010 - SCHAEDLER TENTATIVE MAP

REQUEST:

Entitlements to allow the subdivision of a corner parcel totaling $0.4\pm$ 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

<u>SUMMARY/RECOMMENDATION</u>: 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: Existing Land Use of Site: Existing Zoning of Site: Low Density Residential (4-15 du/na) Two Single Family Residences 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:

Existing Property Area:

Required Property Area Parcel A:

Proposed Property Area Parcel A:

Required Property Area Parcel B:

Required Property Area Parcel B:

Constant Signature 129' ± x 118' ± constant

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. <u>Environmental Determination</u>

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

B. <u>Public/Neighborhood/Business Association Comments</u>

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 conern 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. <u>Summary of Agency Comments</u>

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. <u>Subdivision Review Committee Recommendation</u>

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.

<u>RECOMMENDATION</u>: 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

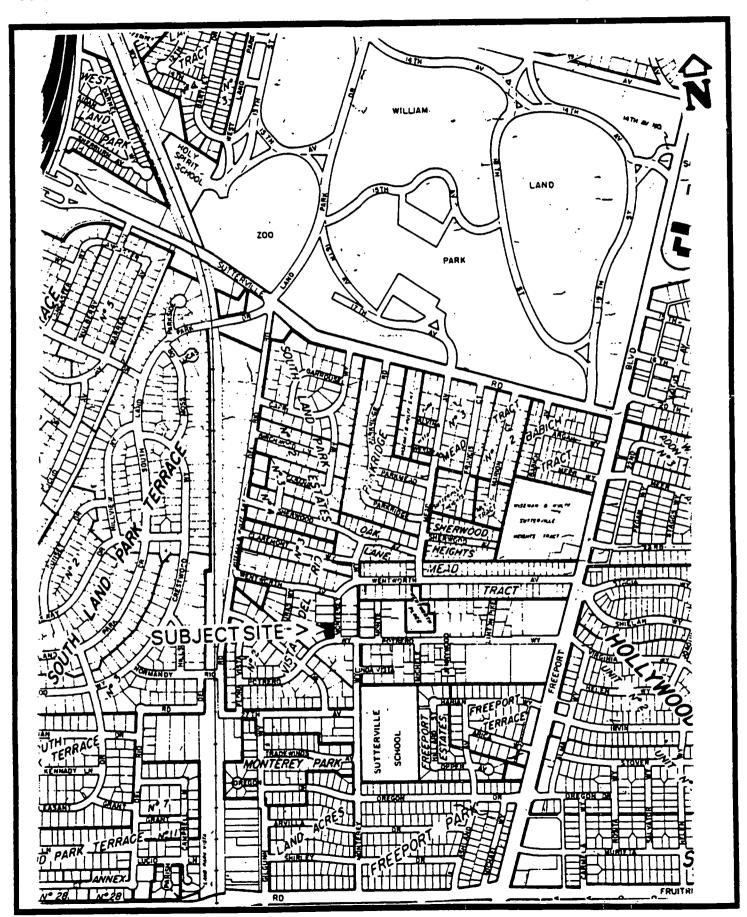
Attachment C Resolution Approving Tentative Map and Subdivision Modification

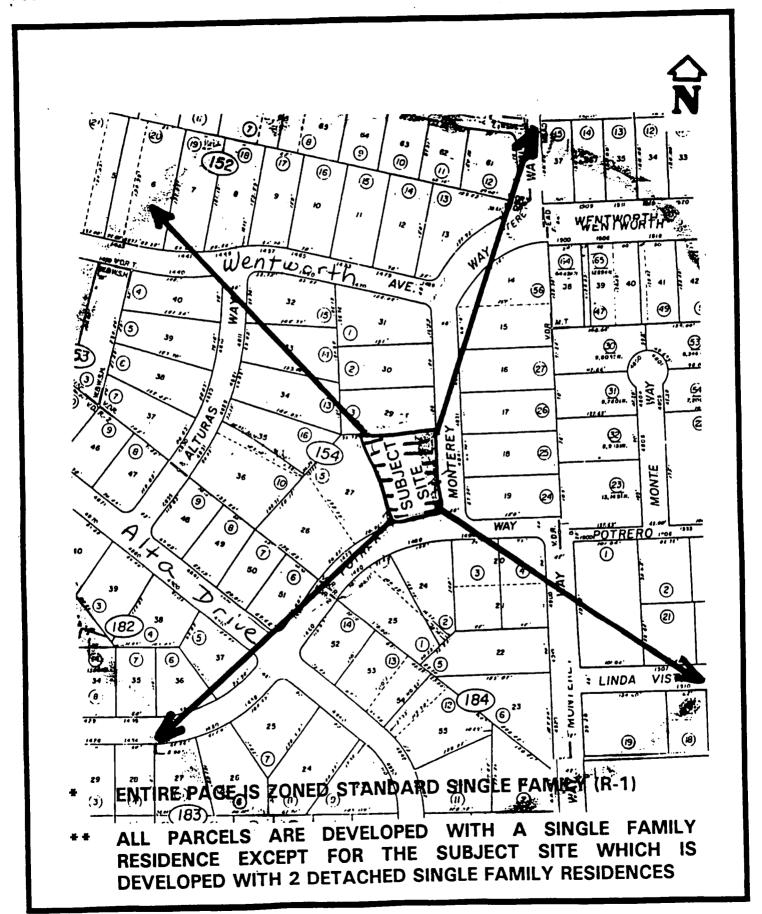
Exhibit C-1 Tentative Map

Attachment D Resolution Approving Variances

Exhibit D-1 Site Plan Attachment E LPCA Letter

Attachment F Neighborhood Petition





RESOLUTION NO.

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF APRIL 27, 1995

A RESOLUTION ADOPTING FINDINGS OF FACT & APPROVING A TENTATIVE MAP AND SUBDIVISION MODIFICATIONS FOR PROPERTY LOCATED AT: 4840-4850 MONTEREY WAY

(P95-010) (APN: 017-0154-004-0000)

WHEREAS, the City Planning Commission on April 27, 1995, held a public hearing on the request for approval of a tentative map with subdivision modifications for property located at the above described location;

WHEREAS, all governmental and utility agencies affected by the development of the proposed subdivision have been notified and given the opportunity to respond;

WHEREAS, the City Environmental Coordinator has determined that the proposed project is exempt from environmental review pursuant to CEQA Sections 15301 {c}, 15305{a} and 15315;

WHEREAS, the Subdivision Review Committee has submitted to the City Planning Commission its report and recommendations on the proposed subdivision;

WHEREAS, the City Planning Commission has considered the design of the proposed subdivision in relation to feasible future passive or natural heating and cooling opportunities; and

WHEREAS, the City Planning Commission has considered the effects that approval of the proposed subdivision would have on the housing needs of the Sacramento Metropolitan area and balances these needs against the public service needs of City residents and available fiscal and environmental resources.

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

- A. The tentative map for the proposed subdivision is hereby approved based upon the findings of fact which follow:
 - 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. The City General Plan designates the site as Low Density Residential (4-15 du/na).

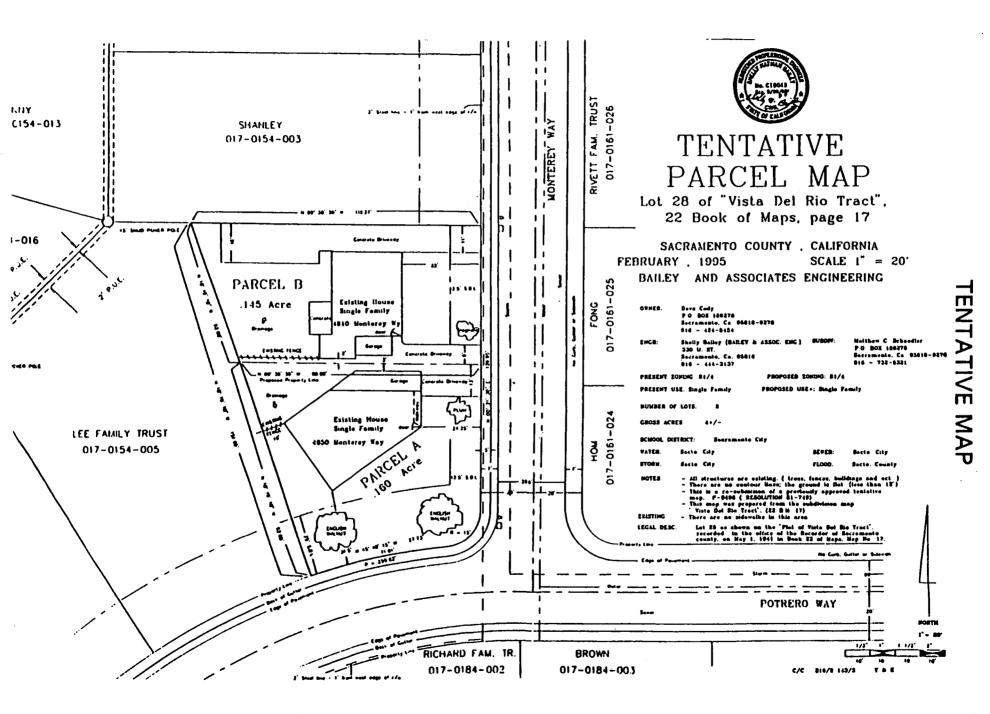
- 3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in violation of the applicable waste discharge requirements prescribed by the California Regional Quality Control Board, Central Valley Region in that existing treatment plants have a design capacity adequate to service the proposed subdivision.
- 4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
- B. In the matter of the hereby approved requested subdivision modification to allow a lot less than 100 feet in depth and to waive standard sidewalk improvements, the Planning Commission makes the following findings of fact:
 - 1. The City Planning Commission determines that it is impossible, impracticable and undesirable in this particular case to conform to the strict application of the subdivision ordinance in that:
 - a. The location of the existing structures does not allow adequate area to meet the lot depth requirement; and
 - b. Sidewalks do not existing on either Monterey Way or Potrero Way and the City has no plans for installing sidewalks in the future.
 - 2. The cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification in that if standard sidewalk improvements were required adjacent to this parcel it would be the only parcel in the area to have sidewalk improvements.
 - 3. The modification will not be detrimental to the public health, safety, or welfare, or be injurious to other properties in the vicinity in that:
 - a. The parcel to be created with less than 100 feet in depth exceeds the minimum lot area requirements for a single family lot; and
 - b. Waiving the sidewalk improvements along Monterey Way and Potrero Way will not impact the surrounding developments in that there currently are not sidewalk improvements in the area.
 - 4. 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.
- C. The tentative map (Exhibit C) for the proposed subdivision is hereby approved, subject to the following conditions which must be satisfied prior to the filing of the final map unless a different time for compliance is specifically noted:
 - 1. Provide separate water and sewer services to each parcel. Any new water services shall be metered;

- 2. Dedicate the north 5 feet of the west 25 feet of Parcel B as a public utility easement for underground and overhead facilities and appurtenances;
- 3. Dedicate the west 5 feet of Parcels A and B as a public utility easement for overhead and underground facilities and appurtenances;
- Provide an on-site grading and drainage plan for the review and approval by the Department of Public Works and/or Department of Utilities to assure lot drainage does not cross lot lines. Reciprocal drainage easements will be required if lot lines are crossed;
- 5. Enter into an agreement with the City to participate in any future assessment district to provide street lights.
- 6. Comply with all Building Code requirements for existing structures on Parcels A & B;

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

1. 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;

CHAIRPERSON



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

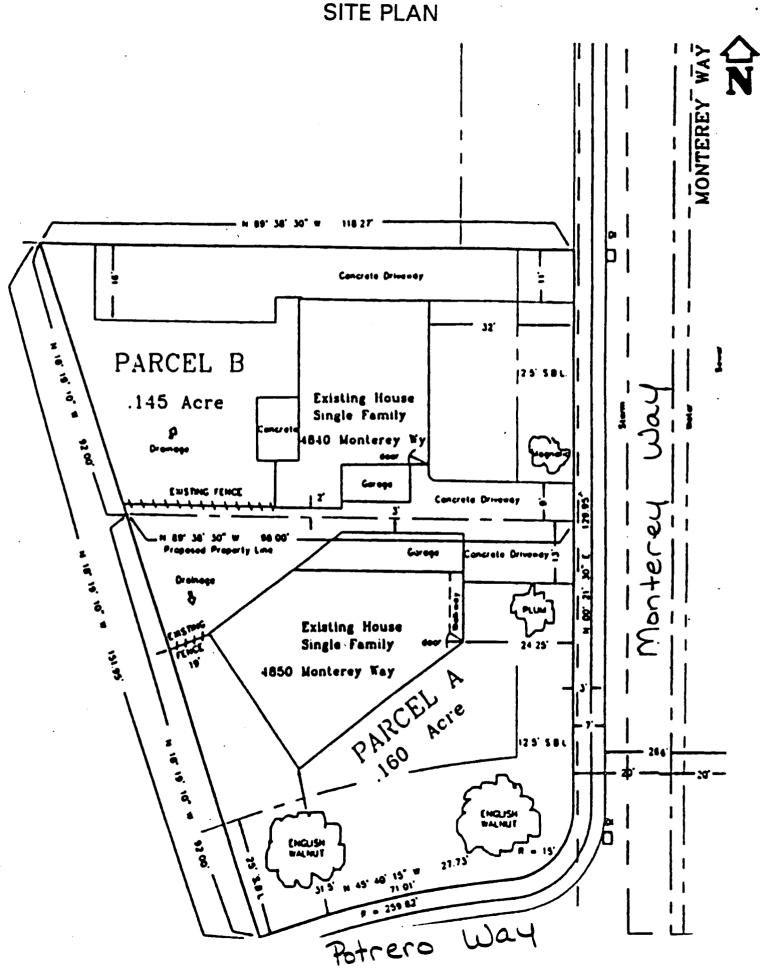
WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

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:
 - 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 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.

1	CHAIRPERSON
ATTEST:	
SECRETARY TO CITY PLANNING COMMISSION	





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.

Sincerety

Steven A. Kahn, President

CC:

Bill Shanley

(56 lots signed for)

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

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)

Address 4803 MONTE WAY SACRAMENTO, CA. 95822 Name (Signature)
Name/Signature DOROTHY J. BOURNE. Donthy J. Barree Date
Date
Address 1500 PATRERO WAY Sacraments Ca. 95822
Address 1500 POTRERO WAY Sacraments Ca. 95822 Name/Signature SHIRLEY A. FRAME Shuley a Frame Date Date
APRIL 15, 1113
Name/Signature EVELYN BEAUMONT Svolyn M. Beaumont Date
Name/Signature EVELYN BEAUMONT - Evelyn M. Beaumont
Date 4/17/95
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Address 1550 POTRERO WAY SACRAMENTO CA 95822 Name/Signature SANDRA H CASE Sandra H CASE Date // / / / / / / / / / / / / / / / / /
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Address 4805 Monte Way, Jacramento, CA 95822
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