



CITY OF SACRAMENTO

18

CITY PLANNING DEPARTMENT
927 TENTH STREET SACRAMENTO, CA 95814
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

June 30, 1983

APPROVED
BY THE CITY COUNCIL

City Council
Sacramento, California

JUL 12 1983

Honorable Members in Session:

OFFICE OF THE
CITY CLERK

- SUBJECT:
1. Environmental Determination;
 2. Rezone from A to R-1;
 3. Subdivision Modification to create a lot in excess of 160 feet;
 4. Subdivision Modification to waive sewer and water services;
 5. Tentative Map (P83-130)(APN: 117-132-19)

LOCATION: 5216 Ehrhardt Avenue

SUMMARY

The applicant is requesting entitlements necessary to divide a 1 acre parcel zone for agricultural use into two parcels in order to develop a single family residence. The site presently contains a single family dwelling and an accessory structure. The Planning Commission recommended approval of this request subject to conditions.

BACKGROUND INFORMATION

The subject site is located in an area of mixed agricultural zoning and new single family development. As proposed, the project will be consistent with new development in the area since single family residential use is becoming the predominant use.

Proposed parcel B contains a detached garage that is situated across the easterly property line. The retention of the garage on a vacant parcel and the placement of the structure across a property line is prohibited by the Zoning Ordinance. To address this problem, the Planning Commission recommended several conditions of approval that will either require removal of the garage or require the owner to enter into an agreement with the City to construct a new residence on proposed parcel B within two years.

With reference to the Subdivision Modification to waive service connections, the staff has no objection to this request. Approval of this request will only defer these services until actual development occurs.

In reference to the Subdivision Modification to create a deep lot, staff has no objection because the size and configuration of the lot make it difficult to meet all standards.

The Environmental Coordinator has determined that the proposed project will not have a significant adverse effect on the environment and has filed a Negative Declaration.

The project as proposed and conditioned is consistent with the Valley Hi Community Plan and the General Plan which designate the site for residential uses.

VOTE OF THE PLANNING COMMISSION

On June 9, 1983 by a vote of 8 ayes and 1 absent, the Planning Commission recommended approval of this project subject to amended conditions.

RECOMMENDATION

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

- 1. Ratifying the Negative Declaration;
- 2. Approving the attached rezoning ordinance; and
- 3. Adopting the attached resolution adopting findings of fact approving the tentative map and subdivision modifications with conditions.

Respectfully submitted,



for Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:SC:cp
Attachments
P83-130

July 12, 1983
District No. 7

MEETING DATE: June 9, 1983
ITEM NO. 15a FILE NO. P- 83-130
M- _____

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TELETYPE MAIL
- SUBDIVISION MODIFICATION
- ENVIRONMENTAL DET.
- OTHER _____

Recommendation LOCATION: 5216 Chubbott Avenue

- Favorable
- Unfavorable
- Petition
- Correspondence

NAME	PROPOSERS	ADDRESS
<u>Robert Fensi</u>	<u>- 4449</u>	<u>Edison Avenue, Sacramento 95821</u>

NAME	OPPOSERS	ADDRESS

MOTION NO. _____

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

- MOTION:
- TO APPROVE
 - TO DENY
 - TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
 - TO DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
 - INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FINDINGS OF FACT DUE _____
 - TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
 - TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
 - TO RATIFY NEGATIVE DECLARATION
 - TO CONTINUE TO _____ MEETING
- OTHER _____

ORDINANCE NO. 83-081

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, BY REMOVING PROPERTY LOCATED AT 5216 EHRHARDT AVENUE

FROM THE A, AGRICULTURE ZONE(S)

AND PLACING SAME IN THE R-1, SINGLE FAMILY ZONE(S)

(FILE NO. P-83-130)(APN: 117-132-19)

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The territory described in the attached exhibit(s) which is in the A, Agriculture zone(s), established by Ordinance No. 2550, Fourth Series, as amended, is hereby removed from said zone and placed in the R-1, Single Family zone(s).

This action rezoning the property described in the attached exhibit(s) is adopted subject to the following conditions and stipulations:

- a. A material consideration in the decision of the Planning Commission to recommend and the City Council to approve rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of this request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property.
- b. If an application for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the Planning Commission June 9, 1983, on file in the office of the Planning Department, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Director shall report the matter to the Planning Commission as provided for in Ordinance No. 3201, Fourth Series.

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

APPROVED
BY THE CITY COUNCIL

JUL 12 1983

OFFICE OF THE
CITY CLERK

④

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

P83-130

LEGAL DESCRIPTION - P83-130

ALL THAT PORTION OF LOT 3, AS SHOWN ON THE "PLAT OF EHRHARDT ACRES", RECORDED IN BOOK 12 OF MAPS, MAP NO. 24, RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT 3; THENCE FROM SAID POINT OF BEGINNING, SOUTHWESTERLY ALONG THE NORTHWEST LINE OF SAID LOT, 271.00 FEET; THENCE SOUTHEASTERLY PARALLEL WITH THE NORTHEASTERLY LINE OF SAID LOT, 186.00 FEET; THENCE NORTHEASTERLY PARALLEL WITH THE NORTHWESTERLY LINE OF SAID LOT, 271.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF SAID LOT, 186.00 FEET TO THE POINT OF BEGINNING.

RESOLUTION No. 83-533

Adopted by The Sacramento City Council on date of

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING
A SUBDIVISION MODIFICATION AND TENTATIVE MAP FOR
PROPERTY LOCATED AT 5216 EHRHARDT AVENUE

(P- 83-130)(APN: 117-132-19)

WHEREAS, the City Council, on July 5, 1983, held a public hearing on the request for approval of a subdivision modification and tentative map for property located at 5216 Ehrhardt Avenue

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 will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration;

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

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

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

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

1. The Negative Declaration has been prepared in compliance with CEQA, State and City Guidelines, and the Council has reviewed and considered the information contained therein.
2. None of the conditions described in Government Code Section 66474, subsections (a) through (g) inclusive, exist with respect to the proposed subdivision.

3. ~~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. Both the City General Plan and the Valley Hi Community Plan designate the subject site for residential use(s).
4. 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 existing treatment plants have a design capacity adequate to service the proposed subdivision.
5. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.
6. In the matter of the hereby approved requested subdivision modification to waive separate water and sewer service and to create a lot in excess of 160 feet deep:
 - a. there are such circumstances affecting the property to be subdivided that it is impossible, impracticable and undesirable in this particular case to conform to the strict application of City Code Chapter 40 in that the lot is currently developed with a single family dwelling and the adjacent lot may be further developed at a later date since it is capable of further subdivision. Also it is difficult to determine the size of service connections until specific plans are submitted.
 - b. the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification in that the separate services will be provided at the time building permit is obtained. Also, the size and configuration of the lot make it difficult to meet all requirements.
 - c. the modification will not be detrimental to the public health, safety, or welfare, or be injurious to other properties in the vicinity in that the granting of the 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 in that the site is designated for residential uses.
7. The tentative map 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:
 - a. Place the following note on the final map: Water and sewer service connections do not exist between the main lines and Parcel B. These services must be paid for and installed at the time of obtaining building permits.

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- b. Pursuant to City Code Section 40.1302 (parkland dedication), the applicant shall submit to the City an appraisal of the property to be subdivided and pay the required parkland dedication in-lieu fees. The appraisal shall be dated not more than 90 days prior to the filing of the final map.
- c. Eliminate circular driveway.
- d. The applicant shall remove the existing garage on Parcel B or bring it into conformance with the Zoning and Subdivision Ordinances prior to the filing of the final map.
- e. The applicant shall enter into an agreement with the City for applicant to remove, at his expense, the detached garage unless the new residence is constructed within two years of the approval of the tentative map. The owner's performance of the agreement shall be secured by a bond or certificate of deposit with the City.

MAYOR

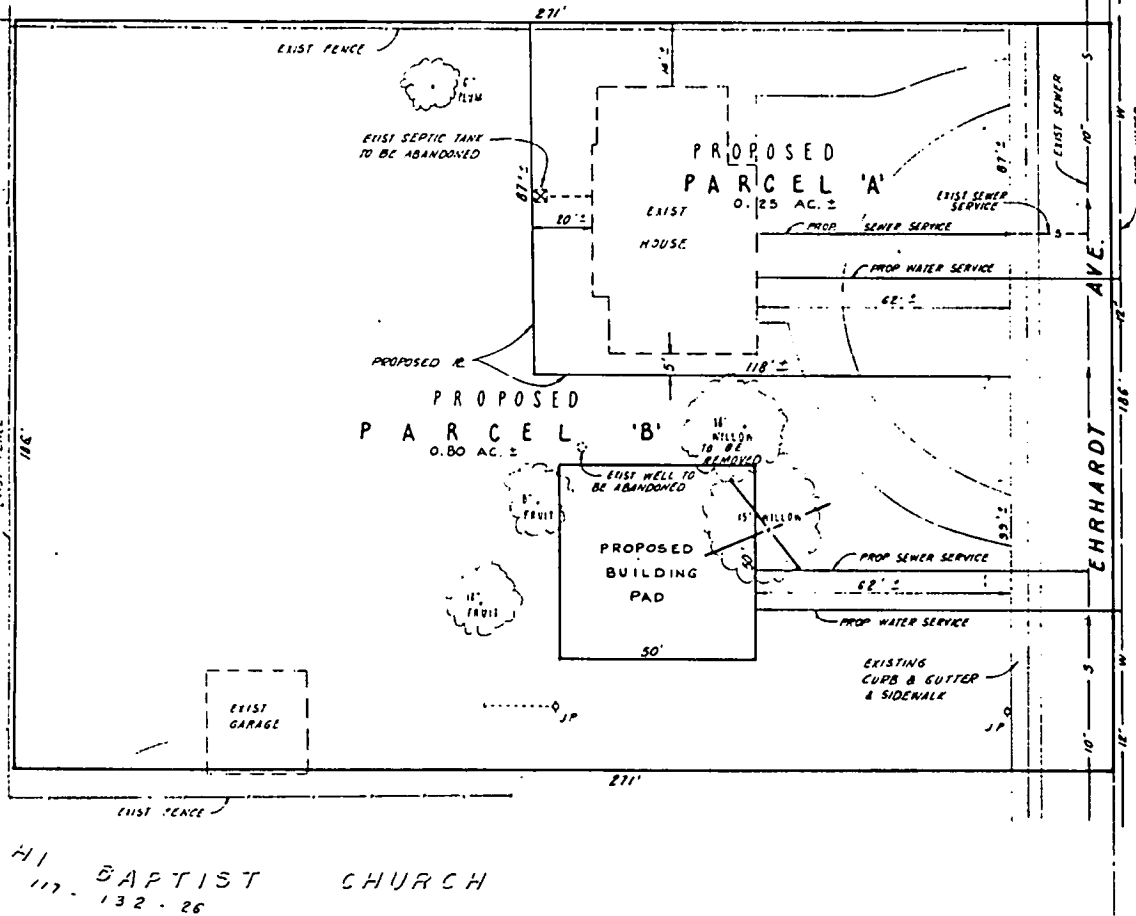
ATTEST:

CITY CLERK

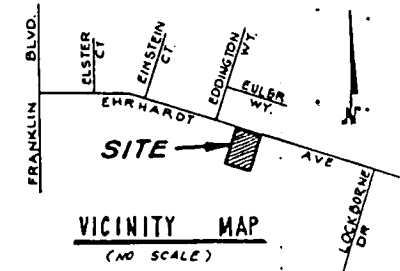
P83-130



WILKERSON
117-132-04



H1 BAPTIST CHURCH
117-132-26



COVINGTON BROTHERS TECHNOLOGIE 117-66-42
COVINGTON BROTHERS TECHNOLOGIE 117-66-43
COVINGTON BROTHERS TECHNOLOGIE 117-66-44
COVINGTON BROTHERS TECHNOLOGIE 117-66-45

OWNER: MR. OLLIE AND MRS. ANNE B. BAILEY
5216 EHRHARDT AVE.
SACRAMENTO, CA 95823

ENGINEER: ROBERT J. FEUSI CIVIL ENGINEERING
4449 EDISON AVE
SACRAMENTO, CA 95821

ASSESSOR'S NO.: 117-132-19
EXIST ZONING: AGG. 3 AC MIN.
PROPOSED IDING: R-1
PRESENT USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL
PROPOSED DENSITY: 1.73 RES/AC

UTILITIES: SEWER... COUNTY OF SACRAMENTO
WATER... CITY OF SACRAMENTO
FIRE... CITY OF SACRAMENTO
GAS... PG &
ELECTRIC... SMUD
DRAINAGE... CITY OF SACRAMENTO

GROSS AREA: 1.16 AC

Exhibit A

TENTATIVE PARCEL MAP FOR 5216 EHRHARDT AVE.



ROBERT J. FEUSI
Civil Engineering

4449 Edison Avenue, Sacramento, CA 95821 487-8804

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STAFF REPORT AMENDED 6-9-83
CITY PLANNING COMMISSION

915 "I" STREET - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Robert J. Feusi, C.E. - 4449 Edison Avenue, Sacramento, CA 95821				
OWNER	Ollie & Annie Bailey - 5216 Ehrhardt Avenue, Sacramento, CA 95823				
PLANS BY	Robert J. Feusi, C.E. - 4449 Edison Avenue, Sacramento, CA 95821				
FILING DATE	4-26-83	50 DAY CPC ACTION DATE		REPORT BY	JP:sg
NEGATIVE DEC	5-27-83	EIR		ASSESSOR'S PCL NO.	117-132-19

- APPLICATION:
1. Negative Declaration
 2. Rezone from Agricultural (A) to Single Family (R-1)
 3. Tentative Map to divide 1± acre into 2 parcels
 4. Subdivision Modification to create a flag-shaped lot (withdrawn)
 5. Subdivision Modification to create a lot in excess of 160 feet deep
 6. Subdivision Modification to waive sewer and water services to Parcel B

LOCATION: 5216 Ehrhardt Avenue

PROPOSAL: The applicant is requesting the necessary entitlements to divide 1± acre into two parcels to accommodate a new single family residential unit and an existing residence.

PROJECT INFORMATION:

1974 General Plan Designation:	Residential
1968 Valley Hi Community Plan Designation:	Light Density Residential
Existing Zoning of Site:	Agricultural
Existing Land Use of Site:	Single family residence
Surrounding Land Use and Zoning:	
North: Vacant; R-1	
South: Vacant; A	
East: Valley Hi Baptist Church; A	
West: Vacant; A	

Parking Required:	2 spaces
Parking Provided:	2 spaces
Property Dimensions:	186' x 271'
Property Area:	1.16 acres
Square Footage of Building:	Existing: 2,600± sq. ft.; Proposed: 2,800± sq. ft.
Topography:	Flat
Utilities:	Existing and to be provided
Exterior Building Colors:	Undetermined
Exterior Building Materials:	Wood and stucco

SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On May 25, 1983, by a vote of six ayes and three absent, the Subdivision Review Committee voted to recommend approval of the tentative map subject to the following conditions: The applicant shall satisfy each of these conditions prior to the filing of the final map unless a different time for compliance is specifically stated:

1. Place the following note on the final map: Water and sewer service connections do not exist between the main lines and Parcel B. These services must be paid for and installed at the time of obtaining building permits.
2. Pursuant to City Code Section 40.1302 (Parkland Dedication), the applicant shall submit to the City an appraisal of the property to be subdivided and pay the required parkland dedication in-lieu fees. The appraisal shall be dated not more than 90 days prior to the filing of the final map.
3. Eliminate circular driveway.
4. The applicant shall remove the existing garage on Parcel B or bring it into conformance with the Zoning and Subdivision Ordinances prior to the filing of the final map.

Informational Item: Standard public utility easements will be required along all street frontages.

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

1. The subject site consists of a 50,406 square foot (1.16 acre) parcel with one single family residence and a detached garage (Exhibit A) in the Agricultural (A) zone. The applicant proposes to split the parcel into two lots in order to build a new single family residence (Exhibits B and C). The applicant anticipates selling the parcel on which the existing residence is located after construction of the new home has been completed.
2. In splitting the parcel, the applicant will have created a flag-shaped lot in excess of 160 feet deep. While the creation of flag-shaped lots are discouraged, it would be possible in the future to further subdivide this lot (Exhibit D). This lot conforms to the minimum frontage requirements as it has over 52 feet of street frontage. Staff, therefore, has no objection to the creation or the depth of the flag-shaped parcel. A subdivision modification for the flag-shaped lot is not necessary and has been withdrawn.
3. The new parcel created by the lot split will have the detached garage located on it while the existing residence will be located on the other parcel. According to the Zoning Ordinance, detached accessory structures must be located on the same parcel as the main structure. The applicant, however, desires to use the existing garage as an accessory structure for the residence proposed for the new parcel. Staff recommends that the applicant post a bond on the existing garage until the new residence is constructed. If the residence is not constructed, the applicant will be required to remove the garage from the parcel.

In addition, approximately one foot of the east side of the detached garage is located on the adjacent property to the east. The applicant shall be required to have the detached structure located entirely on the subject site or remove the garage before the filing of the final map.

4. The Water and Sewer Department has requested that a note be placed on the final map stating that water and sewer service connections do not exist between the main lines and Parcel B. These services must be paid for and installed at the time of obtaining building permits.

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- 5. The Planning and Community Services Department has determined that .0149 acres of land are required for parkland dedication purposes and that fees are to be charged in lieu of the required dedication. The subdivider shall submit to the City an appraisal of the land to be subdivided. The appraisal shall be dated not more than 90 days prior to the filing of the final map.
- 6. The Traffic Engineering Department has requested that the circular driveway be eliminated.
- 7. Staff has no objection to the proposed rezoning and division of the subject site. The parcel is in an area that is currently being developed with single family residences. The proposed development will not change the character of the area as single family residences are allowed under the General Plan and the Valley Hi Community Plan. In addition, the rear portion of Parcel B can be further subdivided in the future as indicated in Exhibit D.

STAFF RECOMMENDATION: Staff recommends the following actions:

- 1. Ratification of the Negative Declaration.
- 2. Approval of the Rezoning from Agricultural (A) to Single Family Residential (R-1).
- 3. Approval of the Tentative Map subject to conditions which follow.
- 4. Approval of the Subdivision Modification to create a lot in excess of 160 feet deep.
- 5. Approval of the Subdivision Modification to waive sewer and water services to Parcel B.

Conditions - Tentative Map

- a. Place the following note on the final map: Water and sewer service connections do not exist between the main lines and Parcel B. These services must be paid for and installed at the time of obtaining building permits.
- b. Pursuant to City Code Section 40.1302 (Parkland Dedication), the applicant shall submit to the City an appraisal of the property to be subdivided and pay the required parkland dedication in-lieu fees. The appraisal shall be dated not more than 90 days prior to the filing of the final map.
- c. Eliminate circular driveway.
- d. The applicant shall remove the existing garage on Parcel B or bring it into conformance with the Zoning and Subdivision Ordinances prior to the filing of the final map.

e. // The applicant shall post a bond or certificate of deposit with the City to cover the demolition costs of the existing detached garage until the new residence is constructed within two years. // If the residence is not constructed, the garage shall be removed at the owner's expense. (deleted by CPC)

e. The applicant shall enter into an agreement with the City which will require applicant to remove, at his expense, the detached garage unless the new residence is constructed within two years of the approval of the tentative map. The owner's performance of the agreement shall be secured by a bond or certificate of deposit with the City. (added by CPC)

June 9, 1983

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Item 15



Location Map

MONAGHAN CIR
RICHMOND
PARAMOUNT BLVD
VALLEY CIRCLE

P83-130

CEILING LINE

6-9-83
16

FLOOR LINE

SLUMP STONE

COLUMN BUILT TO SUIT

CEILING LINE

FLOOR LINE
CEILING LINE

CHIMNEY BUILT TO SUIT

FLOOR LINE

NORTH VIEW

Exhibit B

18

Item 15

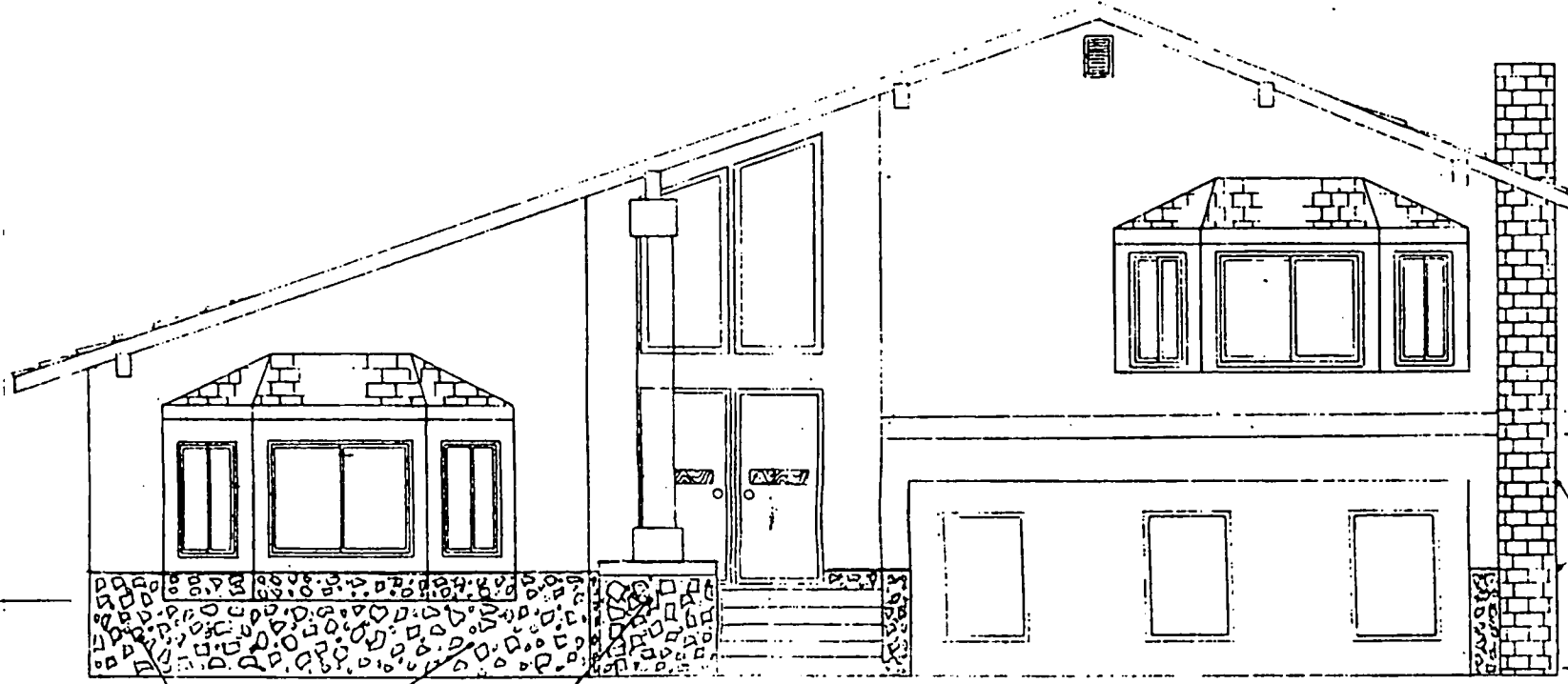
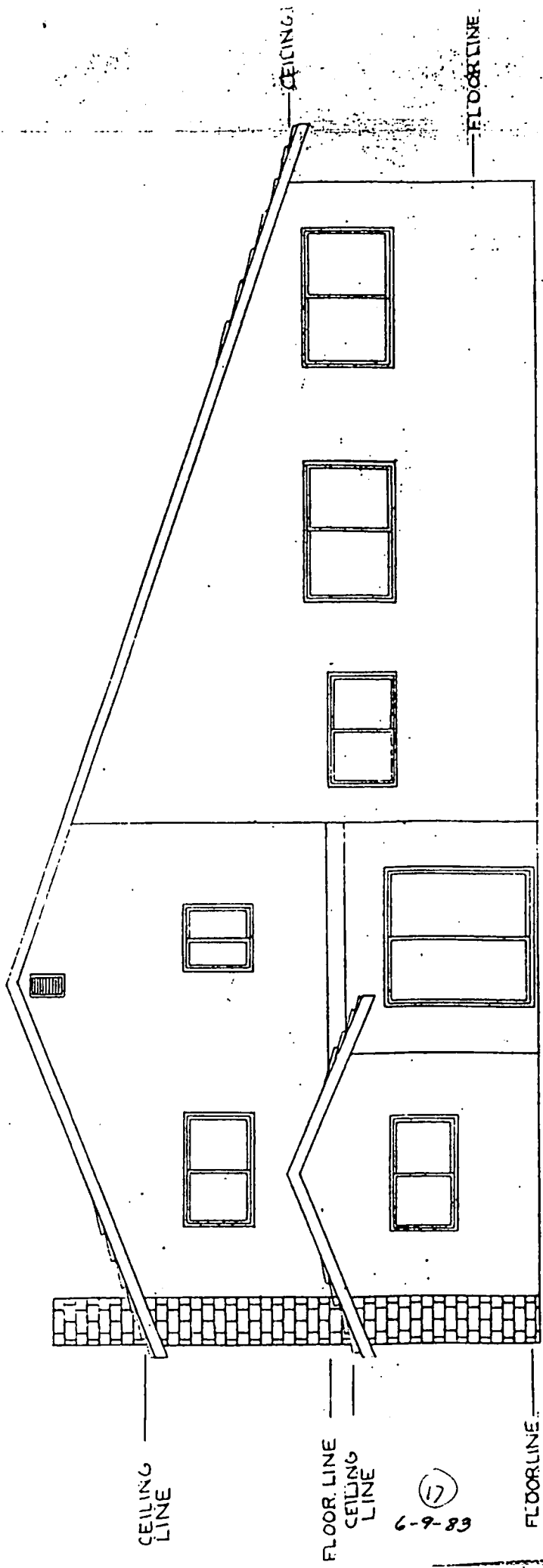


Exhibit C



SOUTH VIEW

P83-130

FLOOR LINE
CEILING LINE

(17)
6-9-83

FLOOR LINE

Item 15

June 9, 1983

Possible Future
Development

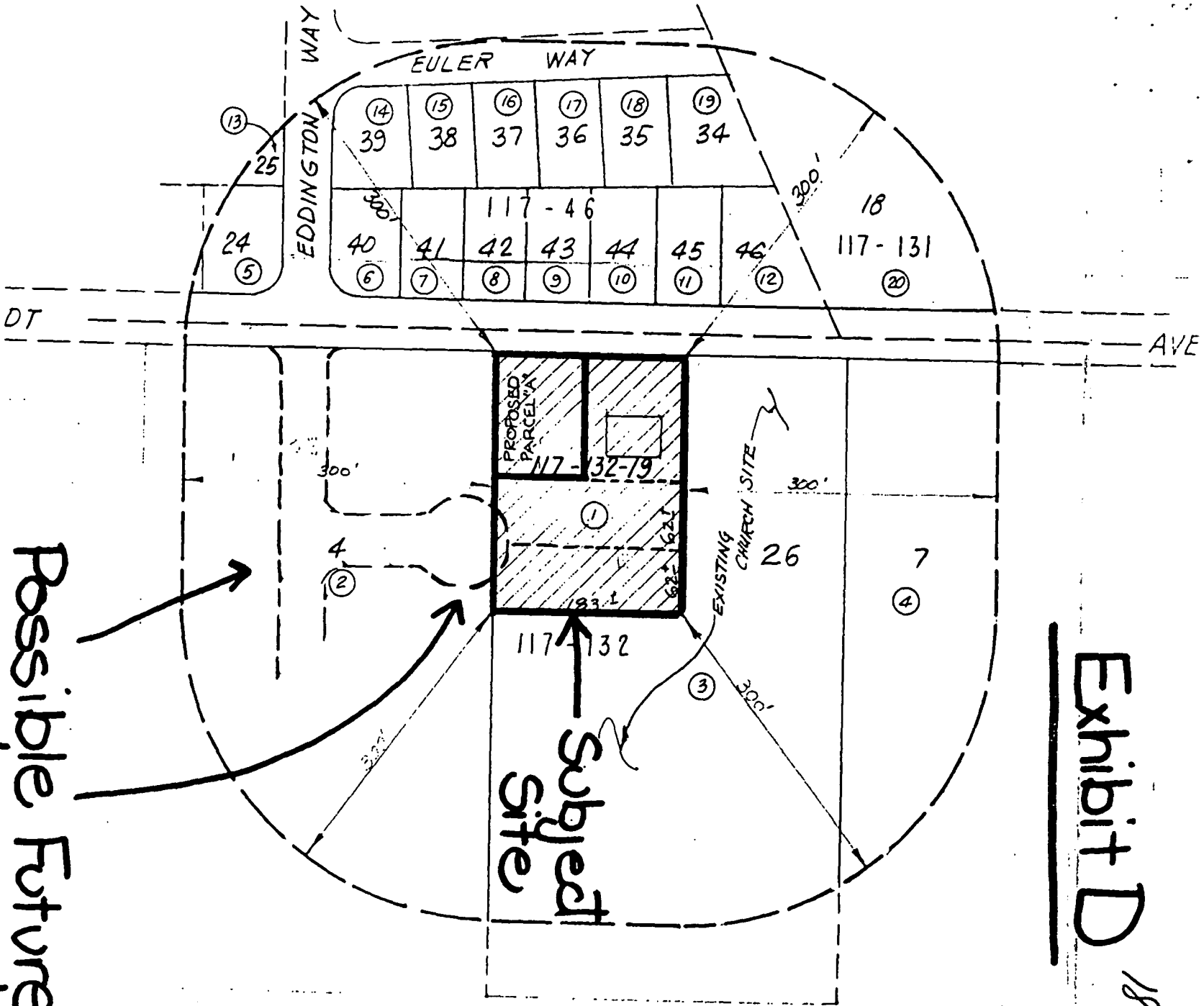


Exhibit D

(18)



CITY OF SACRAMENTO

18 (10)

CITY PLANNING DEPARTMENT
927 TENTH STREET SACRAMENTO, CA 95814
SUITE 300 TELEPHONE (916) 449-5604

MARTY VAN DUYN
PLANNING DIRECTOR

June 27, 1983

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Rezone 1+ acre from A to R-1.

LOCATION: 5216 Ehrhardt Avenue

SUMMARY

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 38.

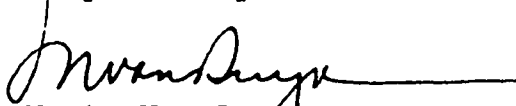
BACKGROUND

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

RECOMMENDATION

It is recommended that the item be passed for publication of title and continued to July 12, 1983.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:cp
Attachment
P83-130

PASSED FOR
PUBLICATION
& CONTINUED
TO 7-12-83

July 5, 1983
District No. 7

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

ORDINANCE AMENDING THE DISTRICTS ESTABLISHED BY THE
 COMPREHENSIVE ZONING ORDINANCE NO. 2550, FOURTH SERIES,
 AS AMENDED, BY REMOVING PROPERTY LOCATED AT 5216
EHRHARDT AVENUE
 FROM THE A, AGRICULTURE ZONE(S)
 AND PLACING SAME IN THE R-1, SINGLE FAMILY ZONE(S)
 (FILE NO. P-83-130)(APN: 117-132-19)

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- a. A material consideration in the decision of the Planning Commission to recommend and the City Council to approve rezoning of the applicant's property is the development plans and representations submitted by the applicant in support of this request. It is believed said plans and representations are an integral part of such proposal and should continue to be the development program for the property.
- b. If an application for a building permit or other construction permit is filed for said parcel which is not in conformity with the proposed development plans and representations submitted by the applicant and as approved by the Planning Commission June 9, 1983, on file in the office of the Planning Department, or any provision or modification thereof as subsequently reviewed and approved by the Planning Commission, no such permit shall be issued, and the Planning Director shall report the matter to the Planning Commission as provided for in Ordinance No. 3201, Fourth Series.

SECTION 2.

The City Clerk of the City of Sacramento is hereby directed to amend the maps which are a part of said Ordinance No. 2550, Fourth Series, to conform to the provisions of this ordinance.

SECTION 3.

Rezoning of the property described in the attached exhibit(s) by the adoption of this ordinance shall be deemed to be in compliance with the procedures for the rezoning of property prescribed in Ordinance No. 2550, Fourth Series, as said procedures have been affected by recent court decisions.

PASSED FOR PUBLICATION:

PASSED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

LEGAL DESCRIPTION - P83-130

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