

CITY OF SACRAMENTO

19

CITY PLANNING DEPARTMENT

725 "J" STREET

SACRAMENTO, CALIF. 95814

TELEPHONE (916) 449-5604

MARTY VAN DUYN

PLANNING DIRECTOR

October 6, 1981

APPROVED
BY THE CITY COUNCIL

OCT 13 1981

OFFICE OF THE
CITY CLERK

City Council
Sacramento, California

Honorable Members in Session:

- SUBJECT:
1. Environmental Determination
 2. Subdivision Modification to create a lot that is less than 100 feet in depth
 3. Subdivision Modification to waive sidewalks
 4. Tentative Map (P-9496)

LOCATION: 4840 - 4850 Monterey Way

SUMMARY

This is a request for entitlements necessary to divide a .4+ acre site into two single family lots. The purpose of the division is to locate the two existing dwellings on individual lots. The staff and Planning Commission recommend approval of the project subject to conditions. The Planning Commission also approved a Variance to allow a substandard setback and lot size.

BACKGROUND INFORMATION

The subject site is located in an existing single family subdivision. The proposed division will not change the physical characteristics of the immediate area. The project is also compatible with surrounding land uses.

In reference to the Subdivision Modification to waive sidewalks, the Planning staff and a majority of the Subdivision Review Committee members have no objection to this request because the site is located in an area that has no sidewalks. The area was originally developed with no sidewalks. The placement of sidewalks may change this unique characteristic.

In reference to the Subdivision Modification to create a substandard lot, staff believes there is justification to grant the modification because the site is irregular in shape. This makes it difficult to meet all requirements of the Subdivision Ordinance.

VOTE OF COMMISSION

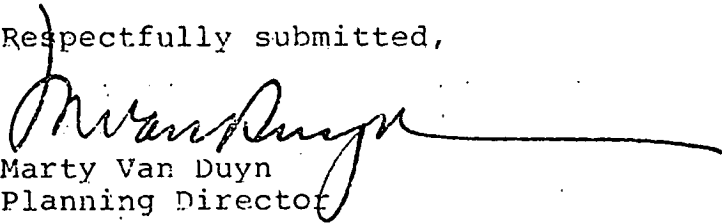
On September 10, 1981, the Planning Commission, by a vote of eight ayes, one absent, recommended approval of the request subject to conditions.

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 Modifications with conditions.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

MVD:HY:jm
Attachments
P-9496

October 13, 1981
District No. 4

RESOLUTION No. 81-749

Adopted by The Sacramento City Council on date of

OCTOBER 13, 1981

APPROVED
BY THE CITY COUNCIL

A RESOLUTION ADOPTING FINDINGS OF FACT, OCT 13 1981
APPROVING A REQUEST FOR SUBDIVISION
MODIFICATION AND TENTATIVE MAP FOR PROPERTY OFFICE OF THE
LOCATED AT 4840 AND 4850 MONTEREY WAY CITY CLERK
(APN: 017-154-04) (P-9496)

WHEREAS, the Planning Commission has submitted to the City Council its report and recommendations concerning the request for Subdivision Modification and Tentative Map for property located at 4840 and 4850 Monterey Way (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 13, 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 Sutterville Heights 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.

- 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 City of Sacramento treatment plants have a design capacity of 75 mgd and that actual treated discharge averages 56 mgd. 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 size and configuration of the site makes it difficult to meet all requirements of the Subdivision Ordinance.

Fact: The site is located in an area that was developed with no sidewalks.

- b. That cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification.

Fact: It is not possible to divide the parcel and meet the depth requirements because of the location of existing dwellings and configuration of the site.

- 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 modifications 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 uses.

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 enter into an agreement with the City to participate in any future assessment districts to provide street lights. A note shall be placed on the final map referencing the agreement.
 - 2. 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.

3. The applicant shall locate existing sewer and water services. Separate services shall be required and hooked-up prior to filing the final map. Services shall not cross property lines.

MAYOR

ATTEST:

CITY CLERK

P-9496

SACRAMENTO CITY PLANNING COMMISSION

MEETING DATE September 10, 1981
 ITEM NO. 100 FILE NO. P-9496
 M-_____

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

Recommendation:

- Favorable
- Unfavorable
- Petition
- Correspondence

LOCATION: 4840 & 4850 Montezuma Way

<u>NAME</u>	<u>PROPOONENTS</u>	<u>ADDRESS</u>

<u>NAME</u>	<u>OPPONENTS</u>	<u>ADDRESS</u>

MOTION NO. _____

MOTION:

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

- 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 & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO _____ MEETING
- OTHER _____

CITY PLANNING COMMISSION

915 "I" STREET - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Shelly Nathan Bailey, 1409-28th Street, Sacramento, CA 95816		
OWNER	Shelly Nathan Bailey, 1409-28th Street, Sacramento, CA 95816		
PLANS BY	Shelly Nathan Bailey, 1409-28th Street, Sacramento, CA 95816		
FILING DATE	7/31/81	60 DAY CPC ACTION DATE	REPORT BY:SD:bw
NEGATIVE DEC	8/31/81	EIR	ASSESSOR'S PCL. NO. 017-154-04

- APPLICATION:
1. Environmental Determination
 2. Variance to reduce the side yard setback from five feet to three feet for Parcel A, and five feet to two feet for Parcel B for two existing residences
 3. Variance/Subdivision Modification to create one lot less than 100 feet in depth
 4. Subdivision Modification to waive sidewalks
 5. Tentative Map

LOCATION: 4840 and 4850 Monterey Way

PROPOSAL: The applicant is requesting the necessary entitlements to divide .4+ acre developed with two single family residences located on a corner lot in the Single Family (R-1) zone.

PROJECT INFORMATION:

1974 General Plan Designation:	Residential
1965 Sutterville Heights	
Community Plan Designation:	Light Density Residential
Existing Zoning of Site:	R-1
Existing Land Use of Site:	Two single family residences

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

Parking Required:	2 spaces	Parking Provided:	4 spaces
Property Area:			.4+ ac.
Square Footage of Building(s):			1,100 sq. ft. each unit
Topography:			Flat
Street Improvements:			Provided
Utilities:			Provided

SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On August 27, 1981 by a vote of eight ayes and one abstention, the Subdivision Review Committee voted to recommend approval of the project subject to the following conditions:

1. The applicant shall enter into an agreement with the City to participate in any future assessment districts to provide street lights. A note shall be placed on the final map referencing the agreement.

2. 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.
3. The applicant shall locate existing sewer and water service. Separate services shall be required and hooked-up prior to filing the final map. Services shall not cross property lines.

A concern with the request to waive sidewalks was expressed by two Subdivision Review Committee members. On a separate vote of 6 ayes, 2 noes and 1 abstention, the Subdivision Review Committee voted to recommend approval of the Subdivision Modification to waive sidewalks.

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

1. The applicant is requesting the necessary entitlements to divide an existing corner lot developed with 2 single family structures. The proposal does not represent a more intensive land use than currently exists or is allowed in the R-1 zone. The request will allow for individual unit ownership. Due to the location of the structures on the site, staff has no objection to the request to reduce sideyard setbacks. Parcel A has sufficient overall area for a corner lot. Staff has no objection with the subdivision modification/variance request to create this lot less than 100 feet in depth. The project is compatible with surrounding land uses.
2. The Planning and Community Service Departments have calculated that .041 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 dated and submitted within 90 days prior to filing the final map with the City Council.
3. Should the Planning Commission concur with the concerns expressed at Subdivision Review Committee regarding provision of sidewalks, the following condition should be added;

"The applicant shall provide sidewalks pursuant to Section 40.811 of the Subdivision Ordinance prior to filing the final map."

Staff, however, supports the request to waive construction of sidewalks as there are no other sidewalks in the area. This subdivision was originally developed without sidewalks.

STAFF RECOMMENDATION: Staff recommends the following actions:

1. Ratification of the Negative Declaration.
2. Approval of the Variance to reduce sideyard setbacks based on findings of fact which follow;
3. Approval of the Variance/Subdivision Modification to create a lot less than 100 feet in depth based on findings of fact which follow;

4. Approval of the Subdivision Modification to waive sidewalks;
5. Approval of the Tentative Map subject to conditions.

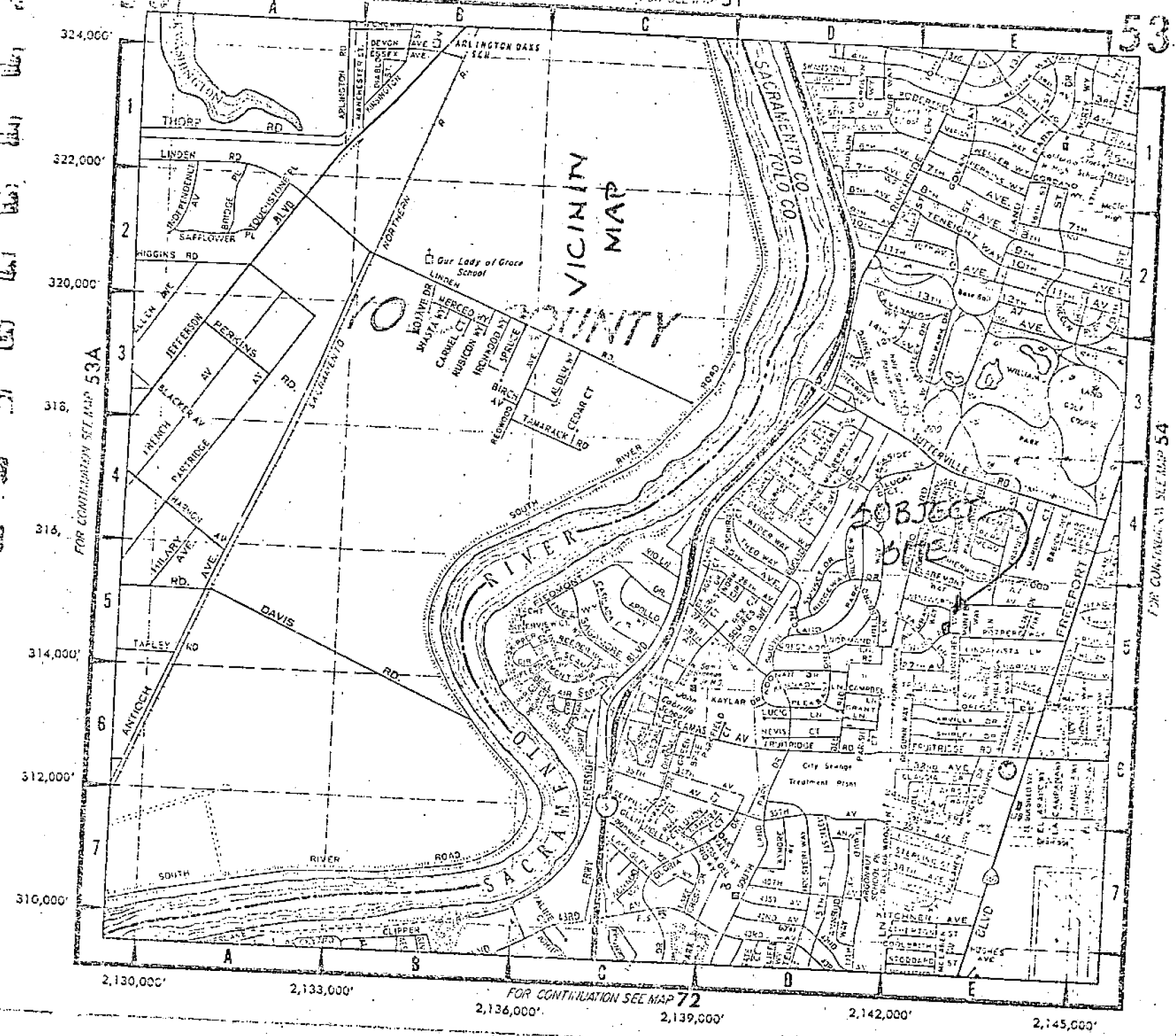
Findings of Fact - Variances

1. The proposed variances are not special privileges extended to an individual property owner in that location of existing structures makes standard setbacks impossible.
2. The project will not be injurious to public welfare nor 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 the 1965 Sutterville Heights Community Plan which designate the site residential.

Conditions of Tentative Map:

1. The applicant shall enter into an agreement with the City to participate in any future assessment districts to provide street lights. A note shall be placed on the final map referencing the agreement.
2. 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.
3. The applicant shall locate existing sewer and water service. Separate services shall be required and hooked-up prior to filing the final map. Services shall not cross property lines.

FOR CONTINUATION SEE MAP 51



FOR CONTINUATION SEE MAP 53A

FOR CONTINUATION SEE MAP 72

FOR CONTINUATION SEE MAP 54

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9-10-81

ITEM No. 10

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