

**CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT
ZONING ADMINISTRATOR
915 I Street, Sacramento, CA 95814**

ACTION OF THE ZONING ADMINISTRATOR

On Thursday, October 27, 2005, the Zoning Administrator approved with conditions a tentative map and two subdivision modifications to create two parcels and a variance to reduce the required side yard setback between the new parcel and existing house for the project known as Z05-196. Findings of Fact and conditions of approval for the project are listed on pages 2-5.

Project Information

- Request:
1. **Zoning Administrator Tentative Map** to subdivide one parcel into two parcels totaling 0.20 partially developed acres in the Single Family Residential (R-1).
 2. **Zoning Administrator Subdivision Modification** to create two lots less than 52 feet wide.
 3. **Zoning Administrator Subdivision Modification** to create two lots less than 5,200 square feet in area.
 4. **Zoning Administrator Variance** to reduce the required side yard setback from five feet to three feet for Parcel 1

Location: 5401 10th Ave (D6, Area 3)

Assessor's Parcel Number: 015-0132-022

Applicant: Andy Rosten
901 McClatchy Way
Sacramento, CA 95818

Property Owner: Same as owner

Project Planner: Sandra Yope

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

Surrounding Land Use and Zoning:		Setbacks	Required	Existing	Proposed
North:	R-1; Single Family Residential	Front:	25'	47'	47'
South:	R-1; Single Family Residential	Side (E):	5'	45'	3'
East:	R-1; Single Family Residential	Side (W):	5'	8'	8'
West:	R-1; Single Family Residential	Rear:	15'	35'	35'

Property Dimensions: 82.5 feet x 106.6 feet
Property Area: 0.20+ acres
Topography: Flat
Street Improvements: Existing
Utilities: Existing

Project Plans: Exhibit A

Previous Files: None

Additional Information: The applicant proposes to subdivide one parcel into two parcels for the purpose of a future sale and development. The parcel has one substandard single family house on the west side of the lot. The site is on the north side of 10th Avenue. There is an existing redwood tree that is of heritage size in the front center of the lot. The tree will be retained unless required to come down due to disease. The proposed lots will be 42.5 feet wide (Parcel 1) and 40 feet wide (Parcel 2) after being split. The lots will be 4,739 square feet and 4,050 square feet in area respectively. The wider lot will be the west lot with the existing house. The Subdivision Code requires an interior lot width of 52 feet and an area of 5,200 square feet. The applicant is requesting a subdivision modification to create the two lots that do not meet the required width and area. Both lots will meet all other lot size requirements of the Subdivision Code.

The proposed subdivision will create a property line within three of the existing structure on the east interior side (Parcel 1). The applicant is requesting a variance to allow the reduce setback for the existing structure and proposed new lot.

The site is located within the Tahoe Park Neighborhood Association area. The project plans were sent to the association and staff received numerous questions about the project and a letter of support. The project was noticed and staff received calls from the two adjacent property owners on each side. Both were concerned about the setback variance and if the reduced area would be between their property line and the new lots. Staff explained the setback variance was for the interior line created within the existing lot after subdivision and not either existing interior property line.

Subdivision Review Committee: The proposed map was heard at the Subdivision Review Committee on October 5, 2005. During the hearing, minor changes were effected on the proposed conditions of approval specific to the map which were accepted by the applicant and approved by the Committee. The conditions are listed under Conditions of Approval.

Agency Comments: The proposed project has been reviewed by the City Utilities Department, the Building Division, and the Development Engineering and Finance Division, Parks, SMUD, and other utilities. The comments received pertaining to the tentative map have been included as conditions.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15315 and 15305(a).

Conditions of Approval- Tentative Map:

The following conditions shall be satisfied prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions:

NOTE: The design of any improvement not covered by these conditions shall be to City standard.

GENERAL:

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessment.
2. Show all continuing and proposed/required easements on the Parcel Map.
3. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition.

DEVELOPMENT ENGINEERING AND FINANCE DIVISION: Streets

4. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk adjacent to the property along 10th Avenue per City standards and to the satisfaction of the Development Engineering and Finance Division.
5. This project does not require street lighting. There is an existing street lighting system in this project area. Improvement of right-of-way may require modification to the existing system. Electrical equipment shall be protected and remain functional during construction.
6. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering and Finance Division. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards.
7. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering and Finance Division.

PUBLIC/PRIVATE UTILITIES:

8. Dedicate a 12.5-foot public utility easement for overhead and underground facilities and appurtenances adjacent to all public street rights of ways.

CITY UTILITIES:

9. Only one domestic water service per parcel is allowed. Any new domestic water services shall be metered. Excess domestic water services must be abandoned to the satisfaction of the Department of Utilities. The applicant should be advised that the tap record research and verification of tap locations by the field crews involved prior to sign-off of this conditions may take a considerable amount of time, therefore, all requests should be submitted in a timely manner.
10. The applicant shall locate, verify, and provide a drawing to the Department of Utilities showing all utility services to the existing building on Parcel 1. Any utility services that cross property lines to serve the existing building shall be relocated to the satisfaction of the Department of Utilities.

PPDD: Parks

11. The Applicant shall comply with City Code 16.64 (Parkland Dedication) and dedicate a park site at a location deemed acceptable to the City's PPDD; and/or, as determined by PPDD, request the City have prepared, at the applicants expense, a fair market value appraisal of the property to be subdivided and pay

the required parkland dedication in lieu fees or, as an alternative to the appraisal process, pay the required parkland dedication in lieu fees based on the Community Planning Area "fixed market value " per acre of land as adopted by Sacramento City Council.

12. The applicant must provide proof they have initiated and completed the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annexed the project to an existing parks maintenance district prior to recording a Parcel Map. The applicant shall pay all city fees for formation of or annexation to special districts. The purpose of the district is to equitably spread the cost of neighborhood park maintenance on the basis of special benefit, in the case of an assessment district. In the case of a special tax district, the cost will be spread based upon the hearing report, which specifies the tax rate and method of apportionment. (Contact Development Services Department, Special Districts, Project Manager).

CITY ARBORIST:

13. The applicant shall provide an arborist's report on a crown inspection for the area of co-dominate stems of the redwood tree on the lot to the City Arborist for review and further recommendations/requirements.

PLANNING:

14. The applicant shall construct a ten foot by 20 foot parking pad outside of the front setback area on Parcel 1.

ADVISORY NOTES:

15. There is currently a combined sewer system easement located along the north property line of Parcel 1 and along the north and east property line of Parcel 2. No permanent structures shall be constructed on top of the combined sewer system or anywhere within the associated utility easements.
16. The proposed project is located in the Flood zone designated as an X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the X zone, there are no requirements to elevate or flood proof.

Conditions of Approval- Variance:

1. There shall be no further encroachment into the side yard setback area beyond the existing house.

Findings of Fact-Tentative Map:

1. The Tentative Subdivision Map is consistent with the General Plan which designate the site as Low Density Residential (4-15 du/na).
2. All existing streets and/or utility easements of record are reserved. The Tentative Subdivision Map will not result in the abandonment of any street or utility easement of record.
3. The Tentative Subdivision Map will not eliminate or reduce in size of the access way to any resulting parcel.
4. The resulting parcels from the Tentative Subdivision Map conform to the requirements of this Subdivision Code, Title 16 of the City Code, the City's General Plan, and the City's Comprehensive Zoning Code, Title 16 of the City Code.

Findings of Fact-Subdivision Modification:

1. 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, impractical, or undesirable in the particular case to conform to the strict application of these regulations.
2. The cost to the subdivider, of strict or literal compliance with the regulation, is not the sole reason for granting the modification.
3. The modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity.
4. Granting the modification is in accord with the intent and purposes of these regulations and is consistent with the General Plan and with all other applicable specific plans of the City.

Findings of Fact-Variance:

1. Granting the Variance does not constitute a special privilege extended to an individual applicant in that:
 - a. the lots will be substandard in width to accommodate the existing structure when subdivided; and
 - b. other variances have been approved under similar circumstances.
2. Granting the Variance request does not constitute a use variance in that a single family residence is a permitted use in the Standard Single Family (R-1) zone.
3. Granting the request will not be injurious to the public health, safety, or welfare nor result in a nuisance in that:
 - a. the reduced setback will not negatively impact neighboring property owners; and
 - b. the project will provide adequate open space for the residences; and
 - c. the house currently exists on the lot.

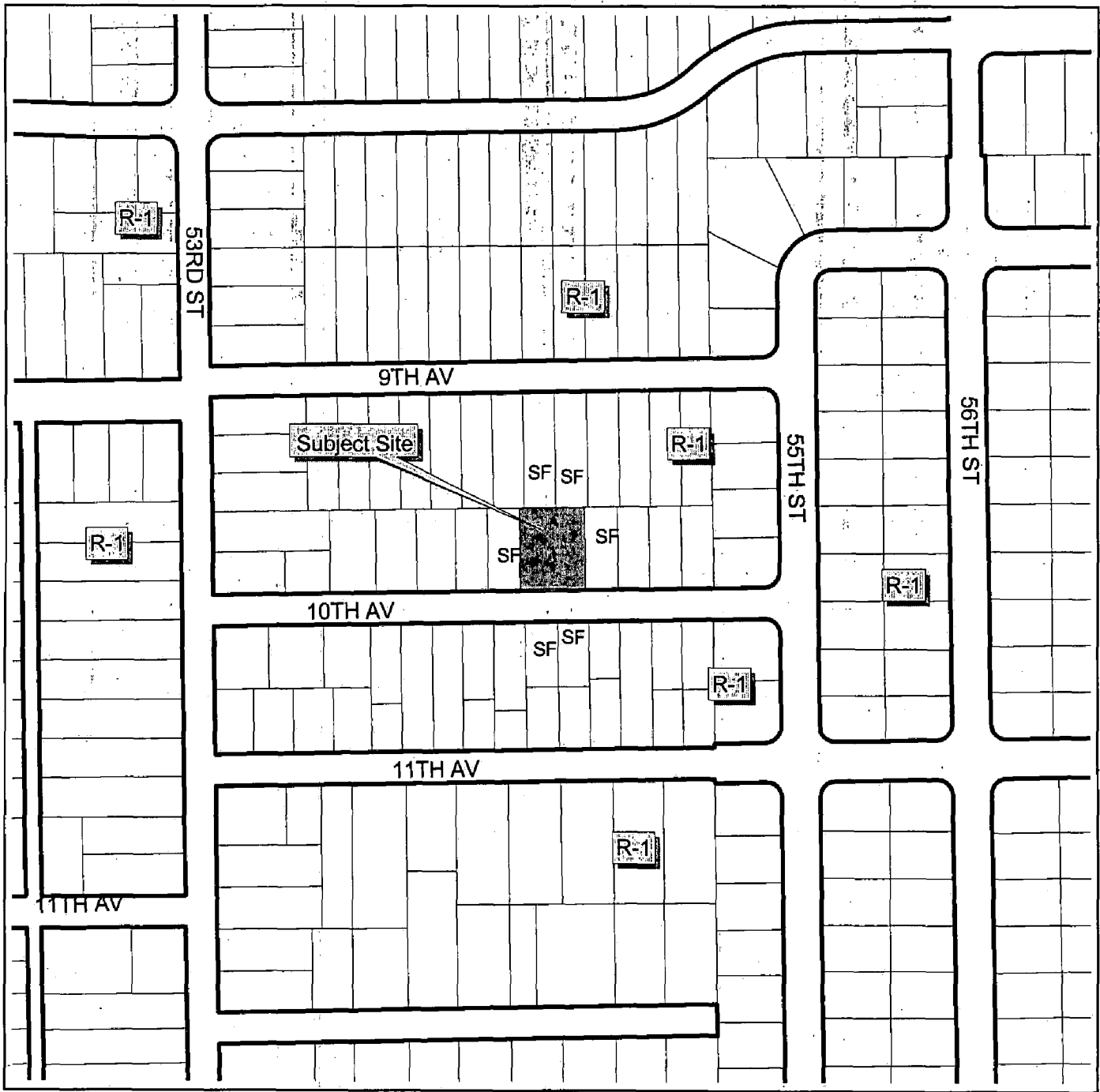


Joy D. Patterson
Zoning Administrator

The Tentative Map that is granted must be finalized within three years after such tentative map is approved. If such map is not so finalized the Tentative Map shall be deemed to have expired and shall be null and void. A use for which a Variance is granted must be established within three years after such permit is approved. If such use is not so established the Variance shall be deemed to have expired and shall be null and void. A Variance use which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required the use shall be deemed established when the activity permitted has been commenced. The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

Note: The applicant will need to contact the Public Works Department (Jerry Lavoto, 808-7918) after the appeal period is over to submit for a Final Map.

cc: File ZA Log Book Applicant Public Works (Jerry Lavoto)



Development Services
Department

Geographic
Information
System

Land Use & Zoning



EXHIBIT A
53rd STREET

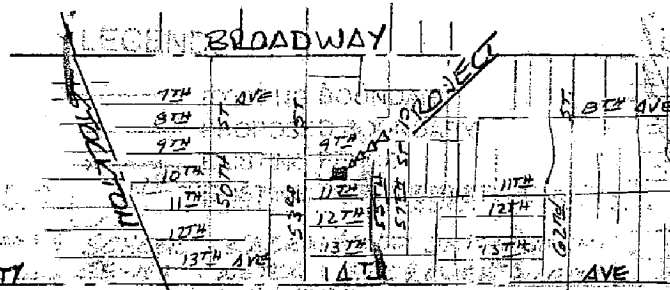
LEGEND:

- EXISTING BOUNDARY
- - - PROPOSED BOUNDARY
- * - * - EXISTING FENCE
- * - * - EXISTING TREE (DBH) & TYPE

SCHOOL: SACRAMENTO UNIFIED
SEWER & WATER: SACRAMENTO CITY

LEGEND (CONT)

31.8 = SPOT ELEVATION



VICINITY MAP
NO SCALE

TENTATIVE PARCEL MAP

EAST HALF LOT 3, McDANNALD TRACT-17BM3

OWNER / APPLICANT:

ANDY ROSTEN
736 RIVERLAKE WAY
SACRAMENTO, CA. 95831
916-451-9424

SURVEYOR:

GERALD F. DING L.S. 3735
6500 MORGAN PLACE
LOOMIS, CA. 95650
916-652-7663

A.P.N. 015-132-22

NET AREA: 8795 S.F.

EXISTING USE: RESIDENCE

PROPOSED USE: 2nd RESIDENCE

CURRENT ZONING: R-1

