



# CITY OF SACRAMENTO

23

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

MARTY VAN DUYN  
PLANNING DIRECTOR

June 29, 1983

City Council  
Sacramento, California

APPROVED  
BY THE CITY COUNCIL

JUL 5 1983

OFFICE OF THE  
CITY CLERK

Honorable Members in Session:

- SUBJECT:
1. Environmental Determination;
  2. Subdivision Modification to create lots substandard in width, depth, and area;
  3. Tentative Map (P83-120)

LOCATION: Southeast corner of 23rd and H Streets

## SUMMARY

This is a request for entitlements necessary to divide a .29 acre site located within the Central City into three separate parcels. The purpose of the division is to locate three existing structures into separate parcels. The Planning Commission recommended approval of the project.

## BACKGROUND INFORMATION

The subject site is a 79' x 160' parcel that is presently zoned R-3A. It is presently developed with a single family dwelling (proposed Parcel A); duplex (Parcel C); and a four-unit apartment (Parcel B). The proposed division would create a parcel for each structure. Because of the size of the proposed lots, a number of Variances are necessary and were approved by the Commission.

The staff expressed concern with the creation of Parcel C which will be substandard in depth and area. Any future development of the site will necessitate a Variance request for a substandard setback because the lot will only be 40' in depth. Staff suggested that Parcels A and C be combined into a single parcel with a dimension of 40' x 160' which would be easier to develop in the future.

## VOTE OF PLANNING COMMISSION

On May 36, 1984, the Planning Commission, by a vote of 8 ayes, 1 vacancy recommended approval of the project.

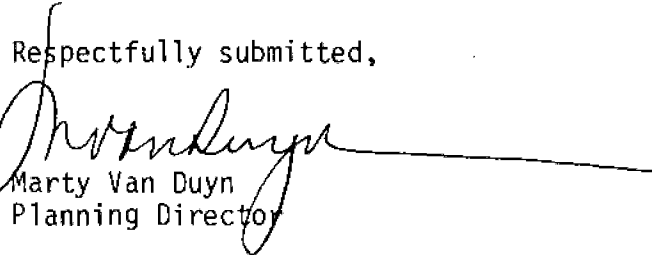
RECOMMENDATION

If the City Council concurs with the Planning Commission, the proper action would be to:

- 1. Ratify the Negative Declaration; and
- 2. Adopt the attached resolution (Exhibit A-1) adopting findings of fact and approving the tentative map and subdivision modification with conditions.

If the City Council concurs with Planning staff, the proper action would be to:

- 1. Ratify the Negative Declaration;
- 2. Adopt the attached resolution (Exhibit A-2) adopting findings of fact and approving the tentative map with conditions;
- 3. Deny the subdivision modification to create lots substandard in area, width and depth.

Respectfully submitted,  
  
 Marty Van Duyn  
 Planning Director

FOR CITY COUNCIL INFORMATION  
 WALTER J. SLIPE  
 CITY MANAGER

MVD:HY:cp  
 Attachments  
 P83-120

July 5, 1983  
 District No. 1

MEETING DATE May 24, 1983

ITEM NO. 14 a. FILE NO. P-89-120

M-                    

GENERAL PLAN AMENDMENT

COMMUNITY PLAN AMENDMENT

REZONING

SPECIAL PERMIT

VARIANCE

TENTATIVE MAP

SUBDIVISION MODIFICATION

ENVIRONMENTAL DET.

OTHER

23

Recommendation

LOCATION: SE corner of 23rd + H Streets

Favorable w/cond

Unfavorable  Petition  Correspondence

<u>NAME</u>	<u>PROPOSERS</u>	<u>ADDRESS</u>
<u>Madyn Andrews</u>	<u>P.O. Box 2077, Citrus Heights, CA 95611</u>	

<u>NAME</u>	<u>OPPOSERS</u>	<u>ADDRESS</u>

MOTION NO. \_\_\_\_\_

	YES	NO	MOTION	2ND
Augusta	<input checked="" type="checkbox"/>			
Fong	<input checked="" type="checkbox"/>			
Holloway	<input checked="" type="checkbox"/>			
Hunter	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Larson				<input checked="" type="checkbox"/>
Silva				
Simpson	<input checked="" type="checkbox"/>			
Goodin				

MOTION:

- 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 \_\_\_\_\_

# RESOLUTION No. 83-506

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 SOUTHEAST CORNER OF 23RD AND  
"H" STREETS  
(P-83-120)(APN: 007-025-01)

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 southeast corner of 23rd and "H" Streets

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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.

**APPROVED**  
BY THE CITY COUNCIL

JUL 5 1983

OFFICE OF THE  
CITY CLERK

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 Central City 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 create lots substandard in width, depth and area :

- a. there are special circumstances that affect this property  
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 existing dimensions of the site make it difficult to meet all requirements of the subdivision ordinance.
- 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 applicant intends to locate each structure on individual lots.
- 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. Provide separate sewer and water service to each parcel. Existing services must be located. Dedicate reciprocal access easements as needed. Eliminate interconnecting water services between the structures.
- b. Comply with all building code requirements.
- c. Demolish the existing garage structure on Parcel B and provide four surfaced parking spaces on that parcel.

- d. Provide four parking spaces at the rear of Parcel B which comply with the requirement of the Zoning Ordinance.
- e. Place a note on the final map referencing parkland dedication requirements.
- f. The following note shall be placed on the final map: If building permits for additional dwelling units are requested within four years of the date of filing the final map, the applicant will be responsible for parkland dedication in-lieu fees.

\_\_\_\_\_  
MAYOR

ATTEST:

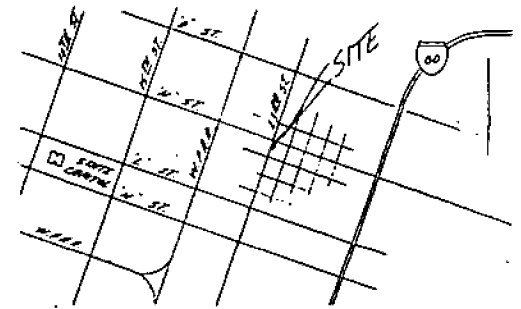
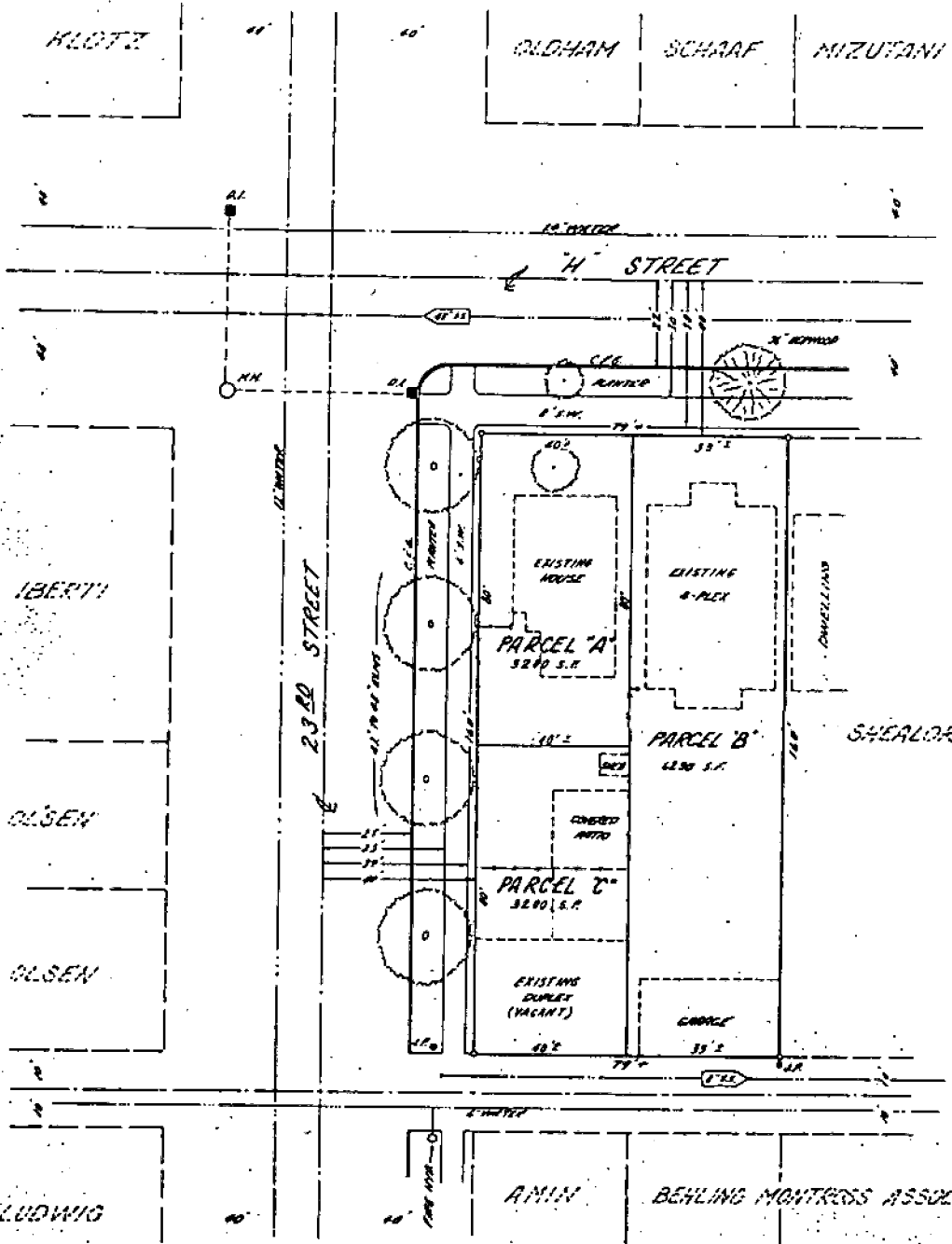
\_\_\_\_\_  
CITY CLERK

P83-120

P 83120

7 MAY 26, 1983

ITEM 14



VICINITY MAP  
1" = 100'

OWNER: MARTIN L. & KAROL L. MENAN  
3167 OCAISO CANYON (415) 456-7662  
FREMONT, CA 94538

ENGINEER: ALLIED ENGINEERING, SURVEYING & PLANNING  
P.O. BOX 1011 149-7513  
CIT. HTS., CA. 95610

ASSESSOR'S P: T-015-01

TOWNSHIP: R 3 S

WATER: CITY OF SAC.

SEWER: CITY OF SAC.

SEWERAGE: CITY OF SAC.

SCHOOL DIST: SACRAMENTO UNITED

FIRE DIST: SACRAMENTO

MARK DIST: CITY OF SAC.

GAS & POWER: P.L.G. & S.W.D.

PRESENT USE: AS SHOWN HEREON

PROPOSED USE: TWO RESIDENTIAL LOTS

GROSS AREA: 12,600 S.F. ±

### TENTATIVE PARCEL MAP

A PORTION OF LOT 1, IN THE BLOCK BOUNDED BY "H" & "I"  
AND 23<sup>RD</sup> & 24<sup>TH</sup> STREETS, CITY OF SACRAMENTO, CA.  
AUGUST, 1982 SCALE: 1" = 10'

ALLIED ENGINEERING, SURVEYING & PLANNING  
AUBURN CITRUS HEIGHTS

EXHIBIT A-1

23

## RESOLUTION No.

Adopted by The Sacramento City Council on date of

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING  
A TENTATIVE MAP FOR PROPERTY LOCATED AT SOUTHEAST  
CORNER OF 23RD AND "H" STREETS

(P-83-120)(APN: 007-025-01)

WHEREAS, the City Council, on July 5, 1983, held a public hearing on the request for approval of a tentative map for property located at southeast corner of 23rd and "H" Streets;

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 balances 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 Central City 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 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. 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. Provide separate sewer and water service to each parcel. Existing services must be located. Dedicate reciprocal access easements as needed. Eliminate interconnecting water services between the structures.
  - b. Comply with all building code requirements.
  - c. Demolish the existing garage structure on Parcel B and provide four surfaced parking spaces on that parcel.
  - d. Provide four parking spaces at the rear of Parcel B which comply with the requirement of the Zoning Ordinance.
  - e. Place a note on the final map referencing parkland dedication requirements.
  - f. The following note shall be placed on the final map: If building permits for additional dwelling units are requested within four years of the date of filing the final map, the applicant will be responsible for parkland dedication in-lieu fees.

\_\_\_\_\_  
MAYOR

ATTEST:

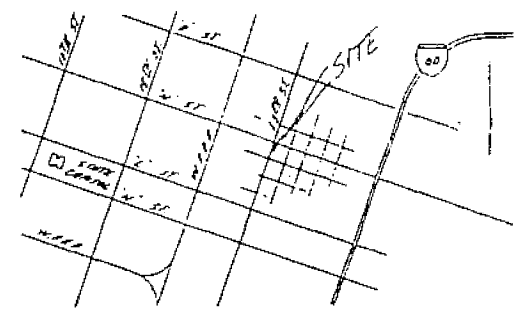
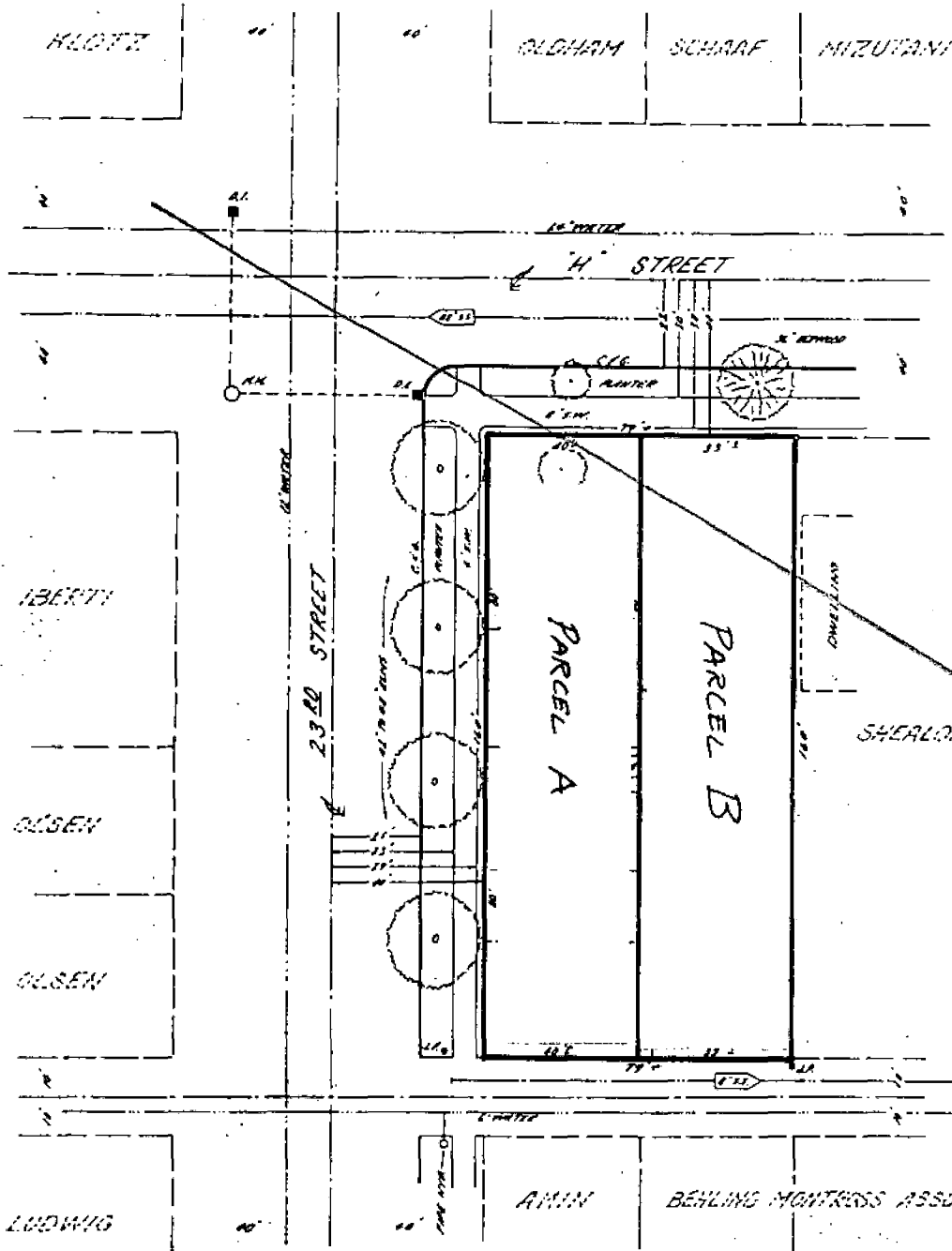
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CITY CLERK

P83-120

P. 03120

10 MAY 26, 1983

THRU 14



VICINITY MAP  
1:50,000

- OWNER: MARTIN L. & KAREL I. HENAN  
2127 OLSON CANYON (P.S.) 156-1082  
FREMONT, CA 94538
- ENGINEER: ALLIED ENGINEERING, SURVEYING & PLANNING  
P.O. BOX 10711  
CIT. HTS., CA. 95610 747-2575
- ASSESSOR'S P: 7-025-01
- ZONING: R 3 B
- WATER: CITY OF SAC
- SEWER: CITY OF SAC
- DRAINAGE: CITY OF SAC
- SCHOOL DIST: SACRAMENTO UNIFIED
- FIRE DIST: SACRAMENTO
- MERC DIST: CITY OF SAC
- GAS & POWER: A.G.E. & SAND
- PRESNT USE: RS SMOKE HOUSE
- PROPOSED USE: TWO RESIDENTIAL LOTS
- GROSS AREA: 12,140 S.F. ±

### TENTATIVE PARCEL MAP

A PORTION OF LOT 1, IN THE BLOCK BOUNDED BY 'H' ST  
AND 23<sup>RD</sup> & 24<sup>TH</sup> STREETS, CITY OF SACRAMENTO, CA.

AUGUST, 1982

SCALE: 1" = 40'

ALLIED ENGINEERING, SURVEYING & PLANNING  
AUBURN CITRUS HEIGHTS

### STAFF PROPOSAL

EXHIBIT A-2

23

STAFF REPORT AMENDED 5-26-83  
CITY PLANNING COMMISSION

23

927 - 10th Street, Suite 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Allied Engineering - P.O. Box 2077, Citrus Heights, CA 95611	969-7533	
OWNER	Martin & Karol Mehnert - 2147 Ocaso Camino, Fremont, CA 94538		
PLANS BY	Allied Engineering - P.O. Box 2077, Citrus Heights, CA 95611		
FILING DATE	4-20-83	50 DAY CPC ACTION DATE	REPORT BY: SD:sg
NEGATIVE DEC.	4-16-83	EIR	ASSESSOR'S PCL NO. 007-025-01

- APPLICATION:
1. Environmental Determination
  2. Variance to reduce interior side yard setback for Parcel A from five feet to four feet (Sec. 3-B-4a)
  3. Variance to reduce front yard setback for Parcel B from 17.5 feet to 11.5 feet (Sec. 3-B-4a) (Withdrawn)
  4. Variance to reduce interior side yard setback for Parcel B from five feet to four feet (Sec. 3-B-4a)
  5. Variance to reduce front, side and rear yard setback for Parcel C to 0 feet (Sec. 3-B-4a)
  6. Variance to exceed 50% lot coverage requirement for Parcel C (Sec. 3-B-4a)
  7. Variance to waive three required parking spaces for Parcels A and C (Sec. 6-A-1) (Withdrawn)
  8. Variance/Subdivision Modification to create lots substandard in width, depth and area (Subdivision Ordinance 40.322 a,b,c,d,e)
  9. Tentative Map

LOCATION: Southeast corner of 23rd and H Streets

PROPOSAL: The applicant is requesting the necessary entitlements to divide .29± acres located in the Central City into three parcels which contain three structures.

PROJECT INFORMATION:

1974 General Plan Designation:	Residential
1980 Central City Community Plan Designation:	Multi-Family
Existing Zoning of Site:	R-3A
Existing Land Use of Site:	Residential
Surrounding Land Use and Zoning:	
North:	Multiple family; R-3A
South:	Multiple family; R-3A
East:	Single and multiple family; R-3A
West:	Multiple family; R-3A
Parking Required:	7 spaces
Parking Provided:	4 spaces
Parking Ratio:	1:.6 dwelling units

APPLC. NO. P83-120

MEETING DATE May 26, 1983

CPC ITEM NO. 14

Property Dimensions: 79' x 160'  
 Property Area: .29± acres  
 Density of Development: 23 du/ac.  
 Significant Features of Site: Existing development  
 Topography: Flat  
 Street Improvements: Existing  
 Utilities: To be provided

SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On May 11, 1983, by a vote of seven ayes and two absent, the Subdivision Review Committee voted to recommend approval of the tentative map. The applicant shall satisfy each of the following conditions prior to filing the final map unless a different time for compliance is specifically noted:

1. Provide separate sewer and water service to each parcel. Existing services must be located. Dedicate reciprocal access easements as needed. Eliminate interconnecting water services between structures;
2. Comply with all building code requirements;
3. Redraw the map to eliminate Parcel C;
4. Demolish the existing garage structure on Parcel B and provide four surfaced parking spaces on that parcel.

BACKGROUND INFORMATION: On August 18, 1981, the City Council denied a request to subdivide the subject site into three separate parcels. The single family dwelling and the fourplex were to be retained on the 40' x 80' lots fronting on H Street. A five unit condominium was proposed for a 40' x 80' lot fronting on 23rd Street. The Council denied the request due to concerns expressed by the neighbors with regard to inadequate parking and site design.

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

1. The applicant now proposes to subdivide the site into three parcels so that each structure can be individually sold. To do this, a number of variances are necessary. Staff has a concern that dividing the site into three parcels is inappropriate in that a substandard sized lot with an unusual street frontage and depth would be created. The front setback of Parcel C is measured from 23rd Street and the rear setback is measured from the opposite line for Parcel C. If the parcel was made vacant, it would be suitable only for a very narrow structure without variance approvals. Staff believes more useable parcels will result if the subject site were subdivided into a 40' x 160' and 39' x 160' parcel. The Subdivision Review Committee concurs with this recommendation.
2. The garage on Parcel B is in a dilapidated condition and is currently unused. The Fire Marshal requests that the structure be demolished since its condition is a fire hazard and creates danger to the adjacent duplex. Staff requests that the garage be replaced with four surfaced, shaded parking spaces.

3. The structures are already situated on the site. Staff therefore has no objection to the front, sides, and rear setback variance requests. The appearance and character of the site will not be altered.
4. Width, depth and area requirements of the Subdivision Ordinance are applicable only to single and two family development. Subdividing the parcel into two parcels eliminates the need for lot coverage variance.
5. Since the structures are more than five years old, subdivision of the property is not subject to parkland dedication requirements. If building permits should be requested within four years of the filing of the map for additional units, the applicant will be required to pay parkland dedication in-lieu fees for any additional units. A note to this effect should be placed on the final map.
6. To comply with building code requirements, it may be necessary to move the proposed lot line three feet from the duplex. The applicant should check with the Building Inspection Department.

STAFF RECOMMENDATION: Staff recommends the following:

1. Ratification of the Negative Declaration.
2. Approval of the variance to reduce the interior side yard setback on Parcel A from five feet to four feet, based on findings of fact which follow.
3. Approval of the variance to reduce the interior side yard setback for Parcel B from five feet to four feet, based on findings of fact which follow.
4. Approval of the variance to reduce the interior side yard setback for Parcel A to 0 feet, based on findings of fact which follow.
5. Denial of the variance to exceed the 50% lot coverage requirement, based on findings of fact which follow. (CPC approved)
6. Denial of the variance/subdivision modification to create lots of substandard width, depth and area, based on findings of fact which follow. (CPC approved variance & recommended approval of subdivision modification)
7. Approval of the tentative map, subject to conditions which follow.

Conditions - Tentative Map

The applicant shall satisfy each of the following conditions prior to filing the final map unless a different time for compliance is specifically noted:

- a. Provide separate sewer and water service to each parcel. Existing services must be located. Dedicate reciprocal access easements as needed. Eliminate interconnecting water services between the structures.
- b. Comply with all building code requirements.
- c. ~~Redraw the map to eliminate Parcel A. (CPC deleted)~~
- d. Demolish the existing garage structure on Parcel B and provide four surfaced parking spaces on that parcel.

- e. Provide four parking spaces at the rear of Parcel B which comply with the requirement of the Zoning Ordinance.
- f. Place a note on the final map referencing parkland dedication requirements.
- g. The following note shall be placed on the final map: If building permits for additional dwelling units are requested within four years of the date of filing the final map, the applicant will be responsible for parkland dedication in-lieu fees.

Findings of Fact - Approval of Variances 2, 3 and 4:

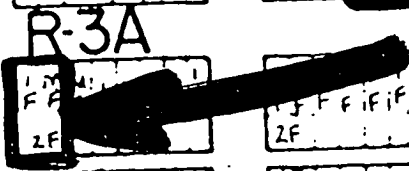
- a. Approval of the variance does not constitute a special privilege in that there are many lots existing in the Central City of similar size and structural setbacks.
- b. The request does not constitute a use variance in that residential uses are allowed in the R-3A zone.
- c. The project will not be injurious to public welfare and safety in that:
  - 1. building code requirements will be complied with.
  - 2. four new off-street parking spaces will replace the unused garage.
- d. The proposal is in harmony with the 1980 Central City Plan and the 1974 General Plan which designate the site for residential use.

Findings of Fact - Denial of Variances 5 and 6

- a. Granting the variances constitutes a special privilege in that the hardship is self-imposed. The proposed lots will be smaller than the majority of lots in the vicinity.
- b. The project constitutes a disservice to public welfare in that it will offer lots for individual sale which have inadequate light and air and open-space.

LOCATION MAP

**SUBJECT SITE**



P-83120

MAY 26, 1983

CAPITAL AVENUE

OB R

July 6, 1983

Martin and Karol Mehan  
2147 Ocaso Camino  
Fremont, CA 94538

Dear Mr. and Mrs. Mehan:

On July 5, 1983, the Sacramento City Council took the following action(s) for property located SE corner of 23rd and H Streets:

Hearing closed and Resolution 83-506 adopted.

Enclosed, for your records, are fully certified copies of above referenced documents.

Sincerely,

Lorraine Magana  
City Clerk

LM/km/23  
Enclosure

cc: Planning Department  
Allied Engineering  
P. O. Box 2077  
Citrus Heights, CA 95611



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