

Item No. 7

Supplemental Material

For

**City of Sacramento
Planning Commission
Agenda Packet**

For the Meeting of: July 17, 2008



Additional Material

Revised Material

Contact Information: Jamie Broker, Assistant Planner (916) 808-1928

Project Name: 2075 Edgewater Road

Subject:

Dear Commissioners,

Please see the attached supplemental material. The applicant was conditioned to survey the property to determine the correct setbacks. The applicant provided the results of the survey to Staff this afternoon. The surveyed showed the structure actually has a 16.5 foot front setback, rather than the approved 18 foot front setback. The supplemental material includes:

- 1.) A survey of the property at 2075 Edgewater Road.
- 2.) The revised pages of the staff report reflecting the surveyed setbacks where mentioned.

Thank you.



REPORT TO PLANNING COMMISSION City of Sacramento

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING
July 17, 2008

To: Members of the Planning Commission

Subject: Appeal of the Zoning Administrator's Decision for 2075 Edgewater Road (Z08-097)

A request to construct a single family residence on approximately 0.14 acres in the Standard Single Family (R-1) zone.

A. Environmental Determination: Exempt, CEQA Guidelines section 15303;

B. Variance to reduce the required front setback from 25 feet to 16.5 feet for a new single family residence on approximately 0.14 acres in the Standard Single Family Residence (R-1) zone.

Location/Council District:

2075 Edgewater Road
Assessor's Parcel Number 275-0171-018
Council District 2

Recommendation: Staff recommends the Planning Commission approve the variance based on the findings and subject to the conditions listed in Attachment 1, thereby denying the appeal of the Zoning Administrator. This recommendation is based on the conclusion that the proposed single family residence will not significantly affect the site or the surrounding uses and the proposed setback will allow for the heritage tree to remain onsite.

Contact: Jamie Broker, Planner (916) 808-1928
Sandra Yope, Senior Planner (916) 808-7158

Applicant: Andrey Chuprikov, Premier Design, (916) 743-0123, 7610 Auburn Blvd. Ste #2, Citrus Heights CA 95610

Owner: Vadim Vilchitsa and Anatoliy Azarov, 7610 Auburn Blvd. Ste #2, Citrus Heights CA 95610

feet. The applicant requested a variance from the Zoning Administrator to allow the reduction of the front setback. The Zoning Administrator approved the project subject to conditions. The project was appealed to the Planning Commission by neighbors who have concerns regarding the reduction in setback and the health of the heritage tree located on the property.

Table 1: Project Information
General Plan designation: Low Density Residential (4-15 du/na)
North Sacramento Community Plan designation: Residential (4-8 du/na)
Existing zoning of site: Single Family Residential (R-1)
Existing use of site: Vacant (with foundation under construction)
Property area: 0.14+/- gross acres

Background Information: The applicant came to the public counter to obtain permits for constructing a new single family residence on an interior parcel in 2007 prior to starting the project. No Planning entitlements were required at the time as staff mistakenly determined the front setback to be 20 feet, which is what the proposed site plan reflected. As the project is in the North Sacramento Alternative Design Guidelines Interim Ordinance area and the Expanded North Design Review area, Design Review staff worked with the applicant to revise the original elevations to comply with the neighborhood design standards. The Urban Design Manager reviewed and approved the proposed design at the December 20, 2007 Design Director hearing, subject to conditions. The applicant was issued the necessary building permits for the project on February 21, 2008.

During the construction, in February of 2008, the setbacks of the proposed building were brought into question by area residents. At this time, the foundation had been poured. City staff measured the setbacks and determined the building was not built according to submitted plans as the front setback was at ~~48~~ 16.5 feet. In addition, it was determined by City staff that the foundation was located within the drip line of the heritage tree at the rear of the parcel. It was determined that the heritage tree was originally drawn incorrect on the site plan and that the structure was encroaching in the required 14 foot radius protection zone from the trunk of the tree. The building division delivered a stop work order to the owner onsite on February 25, 2008; and in order to resume construction of the single family residence, he would need to apply for and receive the necessary planning entitlements and move the foundation out of the drip line of the heritage tree. After the applicant submitted for the variance for the front setback, it was determined by staff that the actual front setback required is 25 feet, rather than the approved 20 feet.

Therefore, the applicant is requesting a variance to reduce the required front setback to ~~48~~ 16.5 feet for the single family residence.

Height, Bulk and Setbacks

Table 3: Height and area standards			
Standard	Required	Proposed	Deviation?
Height	35'	21' to the plate line (35' overall)	no
Front setback	25'	18' 16.5'	7' 8.5'
Side setback (N)	5'	8' 11.5'	no
Side Setback (S)	5'	5' 6.3'	no
Rear setback	15'	47'	no
Lot coverage/Building Size	40%	34%	no

As indicated above, the project will request entitlements to deviate from the required front setback requirement. The proposed project will reduce the required front yard setback by eight and a half feet. Staff supports the reduced front yard setback to allow for the heritage tree to remain onsite. The arborist will require a minimum 14 foot radius protection zone from the trunk of the tree. The foundation is currently less than the required 14 feet and will be moved to accommodate the arborist's radius requirements. As the shape of the lot and the location of the heritage tree caused design restrictions the reduction in the front setback is needed. The proposed development will have a minimum 47 foot rear yard setback, 32 feet more than the 15 foot minimum required by the Zoning Code.

The applicant proposes to construct a 3400 square foot, two story single family residence with a one car garage on the property. The City Arborist has indicated that the foundation of the house is required to be at least 14 feet from the base of the tree. Due to this constraint and the fact that the lot is wider at the front than the rear, the applicant is requesting a variance to reduce the front yard setback to 18 16.5 feet. (The covered porch is located in the 18 16.5 foot setback; however as it is less than 10 feet to the plate line, it is permitted in this area.)

Staff supports the request to reduce the front setback as the site is constrained due to: 1) the location of the heritage tree at the rear of the property; and 2) the irregular shape of the lot, the widest part being at the front and narrowing at the rear. As indicated on Exhibit 1A (page 12) the house is situated 47 feet from the rear property line. If the heritage tree was not located on the property a home could have been designed to utilize the 32 feet of yard area in the rear and meet the 25 foot front setback

- b. the proposed project, as conditioned, is compatible in design with the existing homes on the surrounding properties in the neighborhood.
- 5. The project is consistent with the General Plan and the North Sacramento Community Plan which designates the subject site as Low Density Residential (4-15 du/na) and Residential (4-8 du/na) respectively.

CONDITIONS OF APPROVAL:

- B-1. The front setback shall not be less than 16.5 feet. Any further encroachment will require additional entitlements.
- B-2. The applicant shall comply with all Design Review Conditions of Approval, ER07-132.
- B-3. The covered front porch shall have a maximum height of 10 feet to the plate line.
- B-4. Prior to resuming construction on the site, the applicant shall have an independent arborist mark the heritage tree with the proposed cuts. The City Arborist shall visit the site and review and approve the cut marks before any trimming of the heritage is done. Planning and Design Review staff will also visit the site for review and approval prior to tree trimming.
- B-5. The plans shall be revised to reflect a 14 foot setback from the heritage tree. The City Arborist shall review the plans to confirm the 14 setback is appropriate.
- B-6. No development, including landscaping, shall occur under the heritage tree unless reviewed and approved by the City Arborist.
- B-7. The applicant shall have the property surveyed by a licensed land surveyor or registered civil engineer to ensure correct building setbacks. The survey shall be received by the Development Services Department staff before construction can resume on the structure.
- B-8. The applicant shall meet with the neighbors to show them the revised plans and results of consultation with the City Arborist prior to construction resuming on the site. The applicant shall use the 300 foot radius list and addresses of those attending the public hearing and indicate on the notice the time and place of the meeting. The notice shall be mailed at least 10 days in advance. The meeting shall be held after 5 p.m. on a weekday. The notice shall also be sent to the project planner.
- B-9. The applicant shall contact the City Arborist for review and approval of the