



**CITY OF SACRAMENTO DESIGN REVIEW AND PRESERVATION BOARD  
RECORD OF DECISION**

New City Hall, 915 I Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814

Project Name: Ten single family homes  
Project Number: DR06-014  
Project Location: 1737 Kathleen Avenue  
Assessor's Parcel No.: 265-0373-028  
Applicant: Macaulay Architects  
Action Status: Approved with Amended Conditions Action Date: 11/15/06

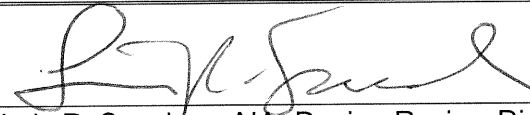
**REQUESTED ENTITLEMENT(S):** 1737 Kathleen Avenue (DR06-014), A request to develop a vacant lot into 10 parcels to construct a dwelling on each parcel for a total of 6-1,552 sq. ft. duplexes, 3- 1,677 sq. ft. single family homes, and common parking area. The total lot area is 30,000 sq. ft. in the rezoned R-2B (Multi-Family Zone).

- A. Environmental Determination: Mitigated Negative Declaration;
- B. Mitigation Monitoring Plan;
- C. Design Review request to construct 98 single family small-lot homes in the R-2B zone.

**ACTIONS TAKEN:** On 11/15/06, the Design Review and Preservation Board took the following actions based on the attached findings of fact and subject to the attached conditions of approval:

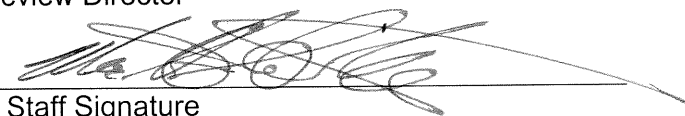
Action: Moved, seconded, carried (Fuller/Booher, 5:0:0; Absent- Elliot, Marshack, Sehnert), to approve with amended conditions.

Action certified by:

  
Luis R. Sanchez, AIA, Design Review Director

Sent to Applicant: 11/16/06

By:

  
Staff Signature

**NOTICE OF PROTEST RIGHTS**

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not

stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

#### **EXPIRATION**

**TENTATIVE MAP:** Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

**SPECIAL PERMIT:** A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

**VARIANCE:** Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

**PLAN REVIEW:** Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

**DESIGN REVIEW:** The approval shall be deemed automatically revoked unless required permits have been issued and construction begun within two years of the date of the approval. Prior to expiration, an extension of time may be granted by the Board upon written request of the applicant.

**NOTE:** Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

#### **APPEALS**

Appeals of the Design Review and Preservation Board decision of this item to the Planning Commission must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 11/25/06. If the 10<sup>th</sup> day falls on a Sunday or holiday, the appeal may be filed on the following business day.

## Findings Of Fact

### **A. Environmental Determination: Mitigated Negative Declaration**

1. The Design Review Preservation Board of the City of Sacramento finds as follows:
  - a. The City of Sacramento's Environmental Planning Services conducted or caused to be conducted an initial study on Gateway at Stonehenge P06-011 ("Project") to determine if the Project may have a significant effect on the environment.
  - b. The initial study identified potentially significant effects of the Project. Revisions to the Project made by or agreed to by the Project applicant before the proposed mitigated negative declaration and initial study were released for public review were determined by City's Environmental Planning Services to avoid or reduce the potentially significant effects to a less than significant level, and, therefore, there was no substantial evidence that the Project as revised and conditioned may have a significant effect on the environment. A Mitigated Negative Declaration (MND) for the Project was then completed, noticed and circulated in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the Sacramento Local Environmental Procedures as follows:
    - i. On October 6, 2006 a Notice of Intent to Adopt the MND (NOI) dated October 5, 2006 was circulated for public comments for 20 days. The NOI was sent to those public agencies that have jurisdiction by law with respect to the proposed project and to other interested parties and agencies, including property owners within 500 feet of the boundaries of the proposed project. The comments of such persons and agencies were sought.
    - ii. On October 6, 2006 the project site was posted with the NOI, the NOI was published in the Daily Recorder, a newspaper of general circulation, and the NOI was posted in the office of the Sacramento County Clerk.
  - c. The Design Review Preservation Board has reviewed and considered the information contained in the MND, including the initial study, the revisions and conditions incorporated into the Project, and the comments received during the public review process and the hearing on the Project. The Design Review Preservation Board has determined that the MND constitutes an adequate, accurate, objective and complete review of the environmental effects of the proposed project.
2. The Design Review Preservation Board has final approval authority over the following Project entitlements: Design Review.
3. Based on its review of the MND and on the basis of the whole record, the Design

Review Preservation Board finds that the MND reflects the Design Review Preservation Board's independent judgment and analysis and that there is no substantial evidence that the Project will have a significant effect on the environment, and will waive the CDFG fees.

4. With respect to the entitlements over which the Design Review Preservation Board has final approval authority, the Design Review Preservation Board adopts the MND for the Project.

5. Upon approval of the Project, the City's Environmental Planning Services shall file or cause to be filed a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

6. The documents and other materials that constitute the record of proceedings upon which the Design Review Preservation Board has based its decision are located in the City of Sacramento Development Services Department, Environmental Planning Services, 2101 Arena Boulevard, Suite 200, Sacramento, CA 95834. The custodian of these documents and other materials is the Development Services Department, Environmental Planning Services.

#### **B. Mitigation Monitoring Program**

Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the Design Review Preservation Board adopts the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.

**C. The Design Review** request to develop a vacant lot into 10 parcels to construct a dwelling on each parcel for a total of 6 duplexes, 3 single family homes, and common parking area is approved subject to the following Findings of Fact and Conditions of Approval:

1. The project is based upon sound principles of land use in that the proposed use is allowed in the Multi-Family Zone (R-2B) zone and includes conditions addressing building and site design and signage.
2. The proposed use will be consistent with the objectives of the City of Sacramento General Plan.
3. The project, as conditioned, enhances the surrounding neighborhoods.
4. The project, as conditioned, will complement certain aspects of the structures in the vicinity, and conforms to the Board's design criteria.

## Conditions Of Approval

As stated in the Mitigation Monitoring Plan for Mitigation Measure N-1, prior to issuance of Building Permits and Certificates of Occupancy, the Building Department shall verify that the building plans for all units contain the following measures included in the Noise Impact Study:

- Construction of a 6-foot high noise barrier along the east side of the Lot 6 backyard/patio.
  - This barrier should be of solid construction, such as masonry or stucco, with no gaps or holes that would compromise its noise-insulation performance.
  - The barrier should connect directly to the northeast corner of the Lot 6 home or be a continuation of the east wall.

As stated in the Mitigation Monitoring Plan for Mitigation Measure CR-1 and CR-2, to mitigate for impacts to unknown cultural resources, the following conditions shall be included on all grading plans and implemented during construction activities:

- In the event that any prehistoric subsurface archeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during construction-related earth-moving activities, all work within 50 meters of the resources shall be halted, and the City shall consult with a qualified archeologist to assess the significance of the find. Archeological test excavations shall be conducted by a qualified archeologist to aid in determining the nature and integrity of the find. If the find is determined to be significant by the qualified archeologist, representatives of the City and the qualified archeologist shall coordinate to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis and professional museum curation. In addition, a report shall be prepared by the qualified archeologist according to current professional standards.
- If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.<sup>3</sup>
- If Native American archeological, ethnographic, or spiritual resources are involved, all identification and treatment shall be conducted by qualified archeologists, who are certified by the Society of Professional Archeologists (SOPA) and/or meet the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.
- In the event that no such Native American is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archeological sites are involved, all identified treatment is to be carried out by qualified historical archeologists, who shall meet either Register of Professional Archeologists (RPA), or 36 CFR 61 requirements.
- If a human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find, and the County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, who shall

notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.

The Design Review request to develop a vacant lot into 10 parcels to construct a dwelling on each parcel for a total of 6 duplexes, 3 single family homes, and common parking area is approved subject to the following conditions:

- A. The design of the site (see plans attached) is hereby approved subject to the following conditions. These conditions must be met prior to the issuance of a building permit:**
1. The buildings shall be sited as indicated in the report and exhibits.
  2. The project shall have setbacks as indicated in the report and exhibits.
  3. ~~**Provide Applicant shall work with staff on paving type for brick pavers wrapping**~~ the central common area that complement the overall colors of the project. The proposed Evergreen Pear and Crape Myrtle shall be replaced along Kathleen Avenue and along Academy Way with large canopy trees. Final landscaping plans shall be reviewed and approved by staff prior to Building Permit submittal.
  4. Auto access, pedestrian access, and site layout shall be as indicated in the report and exhibits. Final site plans shall be submitted for review and approval by staff prior to Building Permit submittal.
  5. Existing masonry wall shall be retained at north property line. A new masonry wall to match existing masonry wall to the north shall be provided at the property lines adjacent to the existing transformer station. Decorative wrought iron fence painted black shall be provided wrapping duplexes and single family homes. Final wall, fence, and gates shall be submitted for review and approval by staff prior to Building Permit submittal.
  6. Exterior lighting style and design shall be compatible and consistent with the building design, and the site should be adequately illuminated for safety and security with a minimum 1.0 foot candle throughout. Staff requires a lighting design that avoids the use of wall pack security lighting. Wall packs tend to throw a lot of light in one direction, and are not neighbor friendly. Appropriate lighting should light up wall surfaces or landscape areas. At the parking lot, staff recommends shielded pole mounted fixtures to be 14'-0" high. This shielding will also avoid glare to neighboring residential units. Parking lot lighting should complement the buildings design and colors. Final lighting plans shall be submitted for review and approval by staff prior to Building Permit submittal.
  7. Mechanical equipment proposed shall be screened as necessary to fit in with the design of the new buildings. Backflow prevention devices, SMUD boxes, etc., shall be placed where not visible from street views, screened from any pedestrian view. The Applicant shall submit final mechanical locations and screening for review and

approval by staff prior to Building Permit submittal.

8. Trash enclosures shall be provided per proposed plans. Final Trash Enclosure plans shall be reviewed and approved by staff.

**B. The design of the building (see plans attached) is hereby approved subject to the following conditions:**

9. The applicant shall construct the proposed project with color and materials palette as indicated on plans and conditions of approval. The building shall be constructed with smooth finish cement plaster wainscot and field, 8" exposure smooth finished horizontal fiber-cement lap siding, and white, wide framed vinyl windows. No rough sawn trim shall be utilized; all trim shall be smooth wood finish.
10. Exterior lighting mounted on the building shall "complement the building design" shall be provided. Decorative wall sconces shall be provided along pathways to rear of structures. Final building lighting and cut sheets shall be reviewed and approved by staff prior to Building Permit submittal.
11. Any roof or ground mounted HVAC or mechanical equipment shall not be visible from any street and neighbor views by locating them towards the rear or alley side of structures. Any proposed mechanical equipment shall be screened by the raised parapet wall per the Board's guidelines. An additional step shall be taken by locating all of the mechanical equipment to the center of the design to reduce street views. Final HVAC and mechanical locations shall be provided for review and approval by staff prior to Building Permit submittal.
12. All required new and revised plans shall be submitted for review and approval of staff prior to issuance of building permits. **A set of the appropriate plans shall be submitted directly to Design Review staff.** Any necessary planning entitlements shall have been approved by the Planning Commission or the Zoning Administrator prior to final Design Review sign off of plans.
13. The approval shall be deemed automatically revoked unless required permits have been issued and construction begun within two years of the date of the approval. Prior to expiration, an extension of time may be granted by the Board upon written request of the applicant.
14. Final occupancy shall be subject to approval by Design Review staff and shall involve an on site inspection.