



**CITY OF SACRAMENTO PLANNING COMMISSION  
RECORD OF DECISION**

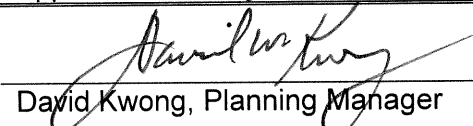
New City Hall, 915 I Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814


Project Name: Last Days Harvest Church  
Project Number: P05-142  
Project Location: 721 North B Street  
Assessor's Parcel No.: 001-0031-023, 002-0010-006, 001-0031-024  
Applicant: Curt Davis, Last Days Harvest Ministries  
Action Status: Approved Action Date: 08/24/06

**REQUESTED ENTITLEMENT(S):** A request to establish a 3,297± square foot church within an existing office building on a developed 0.82± acre lot (APN 001-0031-023) in the Heavy Industrial Richards Boulevard Special Planning District Central (M-2-SPD[C]) zone.

- A. Environmental Determination: Categorical Exemption pursuant to CEQA Section 15061(b)(3) (General Rule); and
- B. Special Permit to establish a 3,297± square foot church within an existing office building on a developed 0.82± acre lot in the Heavy Industrial Richards Boulevard Special Planning District Central (M-2-SPD[C]) zone.
- C. Special Permit to allow off-site parking to be located on the parcel to the north (APN 002-0010-006) and to the east (APN 001-0031-024).

**ACTIONS TAKEN:** On 08/24/06, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:  
Approved A through C.

**Action certified by:**   
David Kwong, Planning Manager

Sent to Applicant: 08/25/2006 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.

**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 Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 09/05/06. 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**

Staff recommends that the Planning Commission make the following findings of fact:

A. Environmental Determination: The Planning Commission finds that the project is categorically exempt from environmental review pursuant to Section 15061 of the California Environmental Quality Act (CEQA). The project has been determined to have no significant effect on the environment and is therefore exempt from environmental review of the California Environmental Quality Act (CEQA) Guidelines.

B. The Special Permit to establish a 3,297± square foot church within an existing office building on a developed 0.82± acre lot in the Heavy Industrial Richards Boulevard Special Planning District Central (M-2-SPD[C]) zone and the Special Permit to allow off-site parking to be located on the parcel to the north (APN 002-0010-006) and to the east (APN 001-0031-024) in the Heavy Industrial Richards Boulevard Special Planning District Central (M-2-SPD[C]) zone is approved subject to the following Findings of Fact:

1. Granting of the Special Permit is based upon sound land use principles in that:

a. The proposed use is allowed in the Heavy Industrial Richards Boulevard Special Planning District Central (M-2-SPD[C]) zone subject to the approval of a special permit, and provides a service in an area that already has full access to City utilities and infrastructure;

b. Adequate parking will be provided for the use on the subject site and adjacent parcels;

c. The church makes use of a vacant office building on an underused parcel which is compatible and in character with the surrounding area.

2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:

a. Adequate measures are being taken to resolve building code issues with regards to an existing property line crossing through the existing structure; and

b. Adequate measures are being taken to ensure that the church use will not result in the creation of a public nuisance by conditioning the project that kitchen/cooking facilities shall be restricted to the direct use and benefit of the congregation and shall not be used to provide food service to members of the general public.

3. The proposed project is consistent with the General Plan and Central City Community Plan, both of which recognize churches as an appropriate use type for the subject area of the city with the approval of a special permit.

## Conditions Of Approval

Staff recommends that the Planning Commission approve the Special Permit to establish a 3,297± square foot church within an existing office building on a developed 0.82± acre lot in the Heavy Industrial Richards Boulevard Special Planning District Central (M-2-SPD[C]) zone and the Special Permit to allow off-site parking to be located on the parcel to the north (APN 002-0010-006) and to the east (APN 001-0031-024) in the Heavy Industrial Richards Boulevard Special Planning District Central (M-2-SPD[C]) zone subject to the following conditions of approval:

### Planning

B1. Prior to obtaining building permits or occupying the facility, the applicant shall either:

a. Modify the existing structures to comply with Building Code. Fire-rated walls shall be installed on either side of the property line to make the buildings compliant with the California Building Code. Entrances to the building will have to be relocated. The location and number of entrances to the proposed sanctuary will have to meet the assembly occupancy type requirements. All electrical and plumbing equipment will need to be self-sustaining for each property. Shared electrical and plumbing panels and meters will need to be individually provided for each building located on separate parcels. Access to the bathroom on the adjacent parcel will not meet the building code requirements for an assembly occupancy type. A bathroom within the sanctuary building will need to be constructed to meet building code requirements; or

b. Complete a lot line adjustment between the two properties which would relocate the existing property line to a distance 20 feet away from the structures currently crossing property lines in order that all buildings on the site would comply with code provisions related to the new property line; or

c. Obtain an Alternate Means Request approved by the Chief Building Official and the Fire Marshal to consider the subject building which is bisected by a property line as one that complies with code requirements. In order to obtain such approval, the applicant shall demonstrate that a covenant between the owners of all parcels under the existing building (apparently APN 001-0031-023 [721 North B Street] and APN 002-0010-006 [821 North B Street]) and the City of Sacramento acting through its Chief Building Official has been recorded with the County Recorder. The covenant shall:

i. Restrict the use of the building by the owners and tenants to those specified in the agreement and compliant with code requirements;

ii. Contain a graphical exhibit showing the location and legal description of an assumed property line(s) (for building code purposes only) between the shared building and any other existing or future buildings; and

iii. Limit any existing and future uses of the building as well as changes to the building or property to those that would not violate the current building code or code in effect at the time.

B2. The church shall be limited to 283 occupants at any one time per Building Code.

B3. Church services and activities shall be limited to lease space within the office building located on APN 001-0031-023 (721 North B Street).

B4. The church facilities shall be used for services, bible studies and weekly meetings only.

B5. Sunday hours shall be limited between 9AM and 5PM for church services. Church hours shall be limited to Tuesdays and Wednesdays from 6PM to 9PM.

B6. Kitchen/cooking facilities shall be restricted to the direct use and benefit of the congregation and shall not be used to provide food service to members of the general public.

B7. The applicant shall provide an off-site parking agreement allowing the use of 16 parking spaces on APN 002-0010-006 (821 North B Street) and 13 parking spaces on APN 001-0031-024 until the church vacates the facility. (See Exhibit E)

B8. Any deteriorated landscaping within all existing planters on APN 001-0031-023 (721 North B Street) shall be replaced with live, healthy plants, trees, groundcover and turf as needed. Landscaping shall be irrigated and maintained and any damaged planters within the parking lot of the subject site shall be repaired or replaced.

B9. Any exterior work requiring a building permit shall be subject to Design Review approval. Any proposed signage shall be subject to Design Review approval and issuance of a signage permit.

#### Development Engineering

B10. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering and Finance Division.

B11. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering and Finance Division.

B12. The site plan shall conform to A.D.A. requirements in all respects.

B13. The design of walls fences and signage 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 at maturity. The area of exclusion shall be determined by the Development Engineering and Finance Division.

#### Advisory Notices

1. The use of APN 002-0010-006 is subject to the lease agreement between the City of Sacramento and the lessee, Steve Ayers.