



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

New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name: Katharine Avenue Variance
Project Number: P06-094
Project Location: 1400 Block of Katharine Avenue
Assessor's Parcel No.: 237-0161-023
Applicant: Cliff Zall
Action Status: Approved with Conditions Action Date: 10/12/06

REQUESTED ENTITLEMENT(S): Request to allow the development of one single-family residence on a 3,600 square foot lot in the Standard Single Family (R-1) zone (P06-094).
A. Environmental Determination: Exempt (CEQA, Section 15332)
B. Variance to develop on a land-locked parcel with access by public alley.

ACTIONS TAKEN: On 10/12/06, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:
Approved Entitlements A and B listed above.

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 10/13/2006

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 (SCC 18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC 18.28.150); 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 10/22/06. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

- A. Categorical Exemption: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section 15332 of the CEQA Guidelines (Infill Development Projects).
- B. The Variance to develop a land-locked parcel is approved subject to the following findings of fact:
 1. Granting the variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances. Special circumstances affecting the property exist because the lot has no street frontage and surrounding development precludes acquisition of street frontage;
 2. Granting the variance would not be detrimental to the public welfare and not result in the creation of a public nuisance in that the property can be developed with a standard single-family residence without setback variances and adequate lot area is provided;
 3. Granting the variance does not constitute a use variance in that residential uses are allowed in the Standard Single-Family (R-1) zone; and
 4. The proposed project is consistent with the General Plan and North Sacramento Community Plan which designates the site for Low Density Residential land use.

CONDITIONS OF APPROVAL:

The Variance to construct a new single-family residential unit is hereby approved subject to the following conditions:

Fire:

1. Improve the alley to the satisfaction of the Fire Department and the Division of Engineering and Finance. At the minimum, fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (70,000 lbs.) and shall be provided with a roadbed consisting of material unaffected by the introduction of water based upon fire flow or rain based on 25 year storm and a surface consisting of a minimum of a single layer of asphalt. CFC 902.2.2.2. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet, 6 inches. CFC 902.2.2.1.
2. Provide a fire hydrant in accordance with CFC 903.4.2 and Appendix III-B, Section 5 OR the structure shall be fitted with an approved NFPA 13D automatic sprinkler system to the satisfaction of the fire department.
3. The furthest projection of the exterior wall of the building shall be accessible from within 150 feet of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building.

Development Engineering Division:

4. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. Improvements shall be designed and constructed to City standards in place at the time that the Building Permit is issue. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Any public improvement not specifically noted in these conditions shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering Division.
5. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division.
6. 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 feet 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 to 3.5' in height at maturity. The area of exclusion shall be determined by the Development Engineering Division.

City Utilities:

7. The applicant shall properly obtain a permit from the City and County Environmental Management Department, for any septic system to be located on the property. The septic system shall be installed and maintained until public sewer service is available.
8. Construction of any alley improvements shall be coordinated with the Department of Utilities to assure natural drainage paths are not blocked and that alley improvements will drain to an existing drainage facility (ditch or pipe).

Parks:

9. The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project into an existing parks maintenance district. The applicant shall pay all city fees for formation of or annexation to a parks maintenance district.
10. As per City Code, the applicant will be responsible to meet his/her obligation regarding Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of the building permit. The Park Development Impact Fee due for this project is estimated at \$2,088. This is based on one single family unit at the infill fee of \$2,088. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for the building permit.

Current Planning:

11. All stucco shall have a smooth finish.
12. Roofing shall be a minimum 30-year laminated dimensional composition shingle.
13. Gutters and downspouts shall be provided.
14. No roof-mounted mechanical equipment is allowed.