




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

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

Project Name: WIND Youth Services
Project Number: P07-006
Project Location: 3520 Dayton Street
Assessor's Parcel No.: 252-0242-035
Applicant: Bob Ekstrom
Action Status: Approved Action Date: 07/12/07

REQUESTED ENTITLEMENT(S): Request to establish a Residential Care Facility on two parcels totaling approximately 1.04 acres in the R-1 (Standard Single Family) zone.
A. Environmental Determination: Categorical Exemption: § 15301 Existing Facilities;
B. Special Permit to allow a Residential Care Facility within an existing care facility residence on approximately 1.04 acres in the R-1 zone;
C. Special Permit to allow off-site parking on the adjacent parcel in the R-1 zone;.

ACTIONS TAKEN: On 07/12/07, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:
Approved items A-C

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 7/16/2007

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 07/23/07. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

A. Environmental Determination: Exemption

1. The Planning Commission of the City of Sacramento finds as follows:

The City of Sacramento's Environmental Planning Services has reviewed the WIND Youth Services Application (P07-006) and has determined the Project is exempt from review under the California Environmental Quality Act as follows:

- a. The Project is exempt under the following provisions of the California Environmental Quality Act and/or Guidelines: CEQA Guidelines Section 15301, Existing Facilities
- b. The factual basis for the finding of exemption is as follows:

This project consists of the operation of a Residential Care Facility for Children within the existing residence and involves negligible or no expansion of use beyond the existing use.

2. The Planning Commission has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the hearing on the Project and has determined that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

B. The Special Permit to establish a Residential Care Facility in the Standard Single Family (R-1) zone 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 Standard Single Family (R-1) zone and includes conditions addressing parking and public safety.

2. The proposed use will be consistent with the policies of the City of Sacramento General Plan, to provide housing for special needs groups.
 3. The approval of the Special Permit for a Residential Care Facility will not be detrimental to the public welfare and will not result in the creation of a public nuisance in that the use is consistent with adjacent residential uses and the care facility will implement a curfew for its clients and a good neighbor policy. The approval of this care facility will not result in an over-concentration of social services in the immediate neighborhood.
- C. The Special Permit to allow off-site parking spaces with seven (7) spaces is approved subject to the following Findings of Fact and Conditions of Approval:
1. Granting the Special Permit is based upon sound principles of land use in that the proposed project use is allowed in the Standard Single Family (R-1) zone and provides a service in an area that has full access to City utilities and infrastructure.
 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. The parking is an existing lot on an adjacent parcel dedicated as a parking lot for the residential care facility.
 3. The proposed project is consistent with the General Plan and North Sacramento Community Plan land use designations for the site.

Conditions Of Approval

B. The Special Permit for a Residential Care Facility is hereby approved subject to the following conditions:

Development Engineering

- B-1. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering Division.
- B-2. The site plan shall conform to A.D.A. requirements in all respects. This shall include the replacement of any curb ramp that does not meet current A.D.A. standards.
- B-3. The site plan shall conform to the parking requirements set forth in chapter 17 of the City Code (Zoning Ordinance).
- B-4. 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 Division.

Planning

- B-5. The applicant shall obtain all applicable state licenses to operate a residential care facility.
- B-6. The contract for admission of any person to the facility shall specifically indicate the 10:00 p.m. curfew and shall outline the enforcement procedures.
- B-7. WIND Youth Services shall comply with the Good Neighbor Policy with respect to its facility operations. WIND Youth Services shall:
 - Be responsive to complaints and concerns of the community;
 - Hold a "Good Neighbor" open house at least once annually to ensure ongoing communications with neighbors;
 - Establish an ongoing relationship with surrounding businesses, law enforcement, and neighborhood groups and assume responsibility for being an active member of the neighborhood by having continuous contacts with these groups;
 - Comply with the public nuisance ordinances and post signs prohibiting loitering, drinking, and other public nuisance, and any others as may be required by any applicable government authority;
 - Participate in area crime prevention and nuisance abatement efforts;
 - Maintain facility grounds with appropriate landscaping and litter removal;
 - Post name and telephone number of an emergency contact person on the outside of the facility for 24-hour response to problems;
 - Notify surrounding neighborhood groups and businesses of any operational changes that could impact the neighborhood and work with the community in an effort to mitigate potential impacts;
 - Respond immediately to complaints of neighbors and law enforcement, with a follow-up notification and explanation of how the issue was (or is being) resolved.
 - Residents of WIND Youth Services will be denied services for repeated infractions of facility policies/rules.
 - Establish a process for neighbors to communicate directly with WIND;
 - Give the neighbors the name of the contact person for the service provider;
- B-7. The facility shall not house more than 16 children at the same time.

B-8. Further planning review shall be required for any future social services proposing to locate at the subject site.

C. The Special Permit to allow off-site parking is hereby approved subject to the following conditions:

Planning

C-9 The contract for admission of any person to the facility shall specifically state that no personal motor vehicle shall be operated by the potential resident at or near the facility.

C-10. The contract for admission of any person to the facility shall specifically indicate that visiting hours are allowed only at the Tutoring Center.