



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

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

Project Name: 1328 Nogales St. Tentative Map
Project Number: P07-030
Project Location: 1328 Nogales Street, Sacramento, CA 95838
Assessor's Parcel No.: 251-0175-009
Applicant: Tarik Taeha
Action Status: Approved Action Date: 06/14/07

REQUESTED ENTITLEMENT(S): A request to subdivide one 0.55± acre undeveloped parcel into three parcels in the Standard Single-Family (R-1) zone in the North Sacramento Community Plan Area.
A. Environmental Determination: Categorical Exemption pursuant to CEQA Guidelines Section 15303;
B. Tentative Map to subdivide one 0.55± acre parcel into three parcels in the Standard Single-Family (R-1) zone;
C. Subdivision Modification to allow the creation of two parcels without public street frontage; and
D. Variance to allow building permits for construction of two single-family residences without public street frontage.

ACTIONS TAKEN: On 06/14/07, 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-D

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 06/18/2007

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 (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 06/25/07. 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 1328 Nogales St. Tentative Map (P07-030) 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 15303, New Construction or Conversion of Small Structures

b. The factual basis for the finding of exemption is as follows: This project consists of the construction and location of three (3) single family residences in an urbanized area.

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 Tentative Map to divide one lot into three lots is approved based on the following Findings of Fact and Conditions of Approval:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g),

inclusive, exist with respect to the proposed subdivision as follows:

- a. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable specific plans, and Title 16 of the City Code, which is a specific plan of the City;
- b. The site is physically suitable for the type of development proposed and suited for the proposed density;
- c. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;
- d. The design of the subdivision or the type of improvements are not likely to cause serious public health problems; and
- e. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use, of, property within the proposed subdivision.

2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, the North Sacramento Community Plan and Title 16 Subdivisions of the City Code, which is a Specific Plan of the City (Gov. Code §66473.5);

3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. code §66474.6);

4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Gov. Code §66473.1);

5. The Planning Commission has considered the effect of the approval of this tentative subdivision map on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Gov. Code §66412.3).

C. The Subdivision Modifications to create a lot without adequate street frontage is approved subject to the following Findings of Fact and Conditions of Approval:

1. The property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;

2. The cost to the subdivider, of strict or literal compliance with the regulation, is not the sole reason for granting the modification;

3. The modification will not be detrimental to the public health, safety, or welfare or be injurious to other properties in the vicinity.

D. The Variance to allow development on lots without at least twenty (20) feet of a public street or approved private street frontage is approved subject to the following Findings of Fact and Conditions of Approval:

1. The variance is consistent with the general purpose and intent of the City Zoning Code (Title 17 of the City Code) including the open space regulations and the General Plan in that:

a. the proposed single family homes will not substantially alter the characteristics of the surrounding neighborhood; and

b. the proposed single family homes will enhance the property and is compatible with other houses in the area.

2. Granting the variance will not be detrimental to the public welfare nor result in the creation of a public nuisance.

3. Granting the variance does not constitute a special privilege extended to an individual applicant in that a variance would be and has been granted to other property owners of similar circumstances.

4. Granting the variance request does not constitute a use variance in that the three new single family residences are residential uses that are permitted in the R-1 zone.

5. The project is consistent with the General Plan and the North Sacramento Community Plan which designate the subject site as Low Density Residential (4-15 du/na) and Residential (4-8 du/na) respectively.

Conditions Of Approval

B. The request for entitlements to subdivide one lot into three lots on 0.55± net acres in the Standard Single Family (R-1) zone is hereby approved subject to the following conditions:

CONDITIONS: Tentative Map

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map or any contradictory provisions approved for this project (P07-030). The design of any improvement not covered by these conditions shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Parcel Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Development Engineering Division

The City strongly encourages the applicant to thoroughly discuss the conditions of approval for the project with their Engineer/Land Surveyor consultants prior to City Planning Commission approval. The improvements required of a Tentative Map can be costly and are completely dependent upon the condition of the existing improvements. Careful evaluation of the potential cost of the improvements required by the City will enable the applicant to ask questions of the City prior to project approval and will result in a smoother plan check process after project approval:

GENERAL: All Projects

B1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.

DEVELOPMENT ENGINEERING: Streets

B2. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Improvements required shall be determined by the City. Any public improvement not specifically noted in these conditions or on the Tentative Map 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;

B3. Private reciprocal ingress, egress, and maneuvering access easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that private reciprocal ingress, egress, and maneuvering access easements shall be conveyed to and reserved from the appropriate parcels

B4. The design and placement of walls, fences, signs and Landscaping 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. The area of exclusion shall be determined by the Development Engineering Division.

CITY UTILITIES:

B5. Any new domestic water services shall be metered. Only one domestic water service is allowed per lot. Water services to lots 1, 2 and 3 shall be deferred until the time of Building Permit. (Note: There is an existing 12" water main in Nogales Street.)

B6. Provide separate sewer service to each lot at the point of service. Sewer services to Lots 1, 2 and 3 shall be deferred until the time of Building Permit. (Note: There is an existing 6" sewer main in Nogales Street.)

B7. The applicant shall enter into and record an Agreement for Conveyance of Easement with the City, in a form acceptable to the City Attorney, stating that each parcel shall convey to the remaining parcels, as needed, private easements for water, drainage and sanitary sewer at no cost at the time of sale or other conveyance of any parcel. A note stating the following shall be placed on the Final Map, "The parcels created by this map shall be developed in accordance with recorded agreement for conveyance of easements in Book ___, O.R Page ___."

BUILDING:

B8. The new Private Drive shall be an easement for private underground utilities.

FIRE:

B9. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus 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

B10. Roads used for Fire Department access shall have an unobstructed paved width of not less than 20' and unobstructed vertical clearance of 13'6" or more.

B11. The first 150 feet of the private drive shall be marked "No Parking Fire Lane" on both sides to the satisfaction of the Fire Department.

B12. Provide a public fire hydrant on Nogales Street at the entrance of the private drive.

B13. Provide an easement for emergency vehicle access.

PARKS:

B14. Payment of In-Lieu Park Fee: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall pay to City an in-lieu park fee in the amount determined under SCC §§16.64.040 and 16.64.050 equal to the value of land prescribed for dedication under 16.64.030 and not satisfied by dedication. (See Advisory Note)

B15. Maintenance District: 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. (Contact Development Services Department, Special Districts, Project Manager. In assessment districts, the cost of neighborhood park maintenance is equitably spread on the basis of special benefit. In special tax districts, the cost of neighborhood park maintenance is spread based upon the hearing report, which specifies the tax rate and method of apportionment.)

PUBLIC/PRIVATE UTILITIES:

B16. Dedicate a 12.5-ft PUE for overhead and underground facilities and appurtenances adjacent to all public street rights of ways.

B17. Dedicate any private drive, ingress and egress easement, or Irrevocable Offer of Dedication and 6-ft adjacent thereto as a PUE for overhead and underground facilities and appurtenances.

B18. Dedicate the East 10-ft of Lots 1 & 2 as a PUE for overhead and underground facilities and appurtenances.

B19. The owner/developer must disclose to future/potential owners the existing 69kV electrical facilities. SMUD has existing overhead facilities adjacent to Nogales Street.

D. The Variance to allow development on lots without at least twenty (20) feet of public street frontage is hereby approved subject to the following conditions:

CONDITIONS: Variance

D1. The project is in the Del Paso Heights Design Review District; the proposed units must comply with the Standard Single Family Design Guidelines. The attached house plans are for illustrative purposes only and final review and approval shall be completed by Design Review Staff prior to issuance of any building permits. Any modifications required as a part of the Design Review process shall supersede the plans reviewed with this approval.

ADVISORY NOTES:

1. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and a qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less than significant effect before construction resumes. A note shall be placed on the final improvement plans referencing this condition.
2. Existing Sacramento Regional County Sanitation District (SRCSD) facilities serving this proposed project are capacity constrained. Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010. SRCSD is working to identify potential interim projects to provide additional capacity. SRCSD and County Sanitation District 1 (CSD-1) will issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served". There is no guarantee that capacity will be available when actual requests for sewer service are made. Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for by the payment of the appropriate SRCSD fees.
3. Developing this property may require the payment of sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.
4. Per Sacramento City Code, water meters shall be located at the point of service which is the back of curb for separated sidewalks or the back of walk for connected sidewalks.
5. All onsite water and sewer system shall be private systems maintained by the property owners.
6. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.
7. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.
8. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Only source control measures are required for this project. This will not affect site design. Improvement plans must include the source controls measures selected for the site. Refer to the latest edition of the "Guidance Manual for On-Site Stormwater Quality Control Measures" for appropriate source control measures.

9. The proposed project is located in the Flood zone designated as X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the Shaded X zone, there are no requirements to elevate or flood proof.

10. Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.

11. As per City Code, the applicant will be responsible to meet his/her obligations regarding:

1. Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The Quimby fee due for this project is estimated at \$6,010. This is based on 3 single family units and an average land value of \$105,000 per acre for the North Sacramento Planning Area, plus an additional 20% for off-site park infrastructure improvements, less acres in land dedication. Any change in these factors will change the amount of the Quimby fee due. The final fee is calculated using factors at the time of payment.

2. Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at \$6,264. This is based on 3 single family units at the residential target infill rate of \$2,088 per unit. 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 building permit.

3. Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation.