



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

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

Project Name: Sacramento Samoan Church
Project Number: P06-190
Project Location: 3526 5th Avenue
Assessor's Parcel No.: 013-0251-005, -028
Applicant: Fred Toailoa, Sacramento Samoan Church, (916) 769-1957, 4223 Josh Ct, Carmichael, CA 95608
Action Status: Approved with Conditions Action Date: 09/11/08

REQUESTED ENTITLEMENT(S): A. Environmental Determination: Exempt, Section 15332;
B. Special Permit to establish a church in an existing building on approximately one-half acre in the General Commercial (C-2) zone;
C. Special Permit to waive a portion of the required parking for a proposed church in the General Commercial (C-2) zone.

ACTIONS TAKEN: On 09/11/08, 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: 09/12/2008

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 09/22/08. 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: Categorical Exemption. The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section 15301 of the California Environmental Quality Act.

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

The City of Sacramento's Environmental Planning Services has reviewed the Sacramento Samoan Church P06-190 ("Project") 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: Section 15301 Existing Facilities.

b. the factual basis for the finding of exemption is as follows: the Project involves no expansion of the building, and the site is not environmentally sensitive.

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 church in an existing building on 0.44± acres in the General Commercial (C-2) zone is approved subject to the following Findings of Fact:

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

A. the church enhances the quality of life for citizens of the community and City; and

- B. the project promotes efficient growth patterns with the reuse of an existing building and is compatible with adjacent development.
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. a church use has been operating on site for the last 27 years; and
 - B. the church use within the building will not result in the need for new or altered services related to fire protection, police protection, school facilities, or other governmental services;
 - C. the proposed uses for the church will be conducted inside the building and should not conflict with other uses established in the area.
 - D. the church operates on Saturdays from 9:30am to 12:30pm, and 3:30pm to 6:00pm and occasional weeknights from 6:00pm to 9:00pm.
 3. The proposed project is consistent with the General Plan in that the church use is permitted in the Community/Neighborhood Commercial & Offices designation, subject to approval of a special permit.
 - C. The Special Permit to waive a portion of the parking requirement for a proposed church in the General Commercial (C-2) zone is approved subject to the following Findings of Fact:
 1. Granting the Special Permit is based upon sound principles of land use in that:
 - A. adequate on-street parking is available in the area; and
 - B. 15 off-street parking spaces are available at the Thompson Rose Chapel Funeral Home located across the street.
 2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that the church hours of operation are outside the hours of operation of other businesses in the area and should not impact the area ;
 3. The proposed project is consistent with the General Plan in that the church use is compatible with the General Commercial (C-2) zone.

Conditions Of Approval

B/C. The Special Permits to establish a church in an existing building on 0.44± acres in the General Commercial (C-2) zone and to waive a portion of the required parking are hereby approved subject to the following conditions:

1. Applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction.
2. Any modification to the project including exterior changes shall be subject to review and approval by Development Services Department staff.
3. The maximum seating in the church shall be limited to 200 seats.
4. The church use shall be limited to church worship services only and shall not provide ancillary services such as feeding the homeless, daycare, schooling or special events.
5. The residential structure shall be used for residential purposes only and shall not provide services such as feeding the homeless, daycare, schooling or for any church related events.
6. Church services and activities shall be outside the hours of Monday through Friday 9am-5pm and Sundays.
7. All proposed signage shall comply with the City's Sign Ordinance.
8. Construct standard public 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 issued. All improvements shall be designed and constructed to the satisfaction of the Department of Transportation. 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 Department of Transportation.
9. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Department of Transportation. The redesign of the existing driveway to the east and the removal of the existing site driveway to the west adjacent to the crosswalk shall be per City standards to the satisfaction of the Department of Transportation.
10. The minimum throat distance for all site driveways shall be 25-ft (throat distance is that distance a vehicle can move from the public right-of-way into a given site before encountering a conflict with parking stalls, aisles, etc).
11. 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.
12. Prior to the issuance of a Building Permit, the applicant shall perform either a lot line adjustment or a lot merger to remove the property line that is currently bisecting the existing house located along the eastern portion of the subject property.
13. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance).
14. The applicant shall install a stop sign at the site driveway adjacent to 5th Avenue to the satisfaction of the Department of Transportation.

15. 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 Department of Transportation.

16. Prior to issuance occupancy permits the developer shall send the name of the recycling service provider, the frequency of service, and the processing facility to the Solid Waste Division to verify that service has been established.

Advisory Notes:

A. The second floor of the main sanctuary building may need a second exit because of the occupancy load.

B. Provide appropriate Knox access for the site.

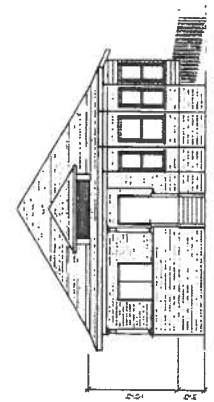
C. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5.

D. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 50 feet and no closer than 5 feet from a fire hydrant.

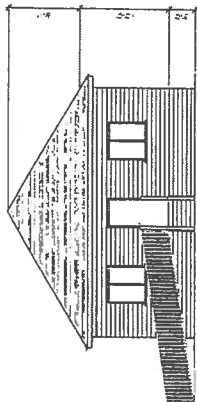
E. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the fire suppression systems.

Exhibit 4 – Residential Guest House Elevations

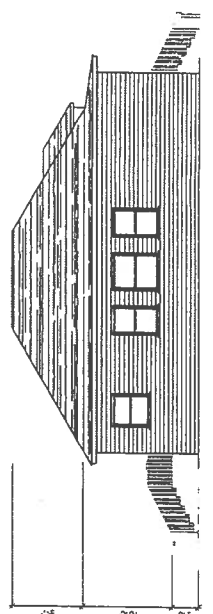
FLOOR PLAN RESIDENCE, 3526 5TH AVE. SACRAMENTO, CALIFORNIA	DATE: 09-11-08 CHECKED BY: SCALE: SHOWN	DRAWN BY: LISA LIVING JR. DRAWING NUMBER: PROJECT NUMBER:	SHEET NUMBER: A-3 SHEET 4 OF 4
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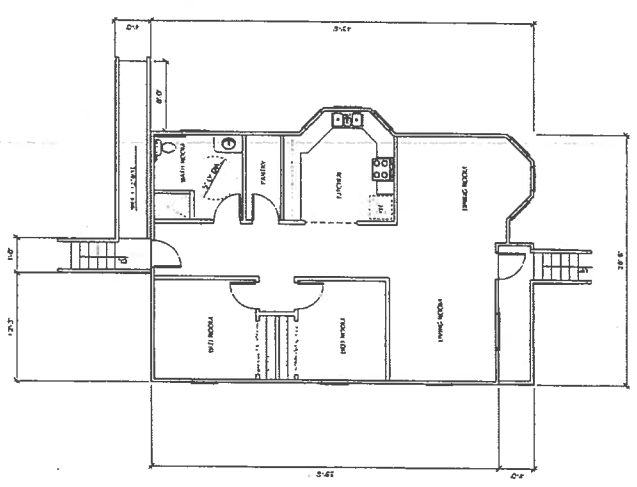
EXISTING FRONT ELEVATION



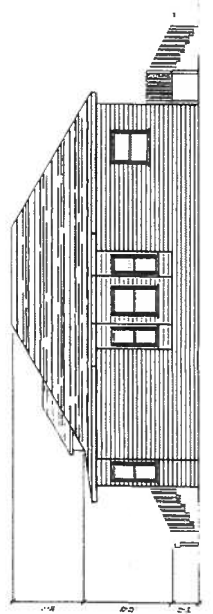
EXISTING REAR ELEVATION



EXISTING LEFT SIDE ELEVATION



EXISTING FLOOR PLAN



EXISTING RIGHT SIDE ELEVATION

P06-190
Oct. 20, 2006