



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

300 Richards Boulevard, 3rd Floor, Sacramento, CA 95811

Project Name: 3043 Marshall Way Map
Project Number: P08-088
Project Location: 3043 Marshall Way, Sacramento, CA 95818
Assessor's Parcel No.: 013-0103-030
Applicant: Rick Fritz, (916) 686-2719, 9201 Pelham Way, Elk Grove, CA 95624
Action Status: Approved with conditions Action Date: 11/13/2008

REQUESTED ENTITLEMENT(S): A. Environmental Determination: Exempt (CEQA Section 15061(b)(3));
B. Tentative Map to subdivide one parcel into two parcels on approximately 0.18 acre in the Multi-Family (R-4) zone;
C. Subdivision Modification to create non-standard sized parcels;
D. Variance to reduce the rear setback for two developed lots in the Multi-Family (R-4) zone.

ACTIONS TAKEN: On 11/13/08, 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), (B), (C) and (D).

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 11/14/2008

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 300 Richards Boulevard, 3rd Floor, within 10 calendar days of this meeting, on or before 11/24/08. 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: Exemption

1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under CEQA Guidelines Section 15061(b)(3), of the California Environmental Quality Act, as follows:
 - a. This project consists of subdividing a parcel containing two existing buildings, and a variance for reducing setbacks of the existing buildings. These entitlements will not cause the potential for any significant environmental impacts.
 - b. This project is exempt from CEQA because the activity is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Where it be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

- B. The Tentative Map** to subdivide one parcel into two parcels on approximately 0.18 acre in the Multi-Family (R-4) zone is **approved** subject to 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 community and 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 and 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 and the type of improvements are not likely to cause serious public health problems;
 - e. The design of the subdivision and 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 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 Modification to create non-standard sized parcels is approved subject to the following Findings of Fact and Conditions of Approval:

1. The proposed smaller lot sizes can be found in similar zoned parcels in the vicinity; the existing conditions and site constraints require deviations from the

subdivision standards;

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 in that the buildings are already constructed on the site and adequate yard areas are being provided;
4. The density and the land use are consistent with the general plan and with the zoning designation.

D. The Variance to reduce the rear setback for two developed lots in the Multi-Family (R-4) zone is **approved** subject to the following Findings of Fact and Conditions of Approval:

1. Granting the variance does not constitute a special privilege extended to an individual property owner in that reductions in setback are required due to lot size constraints and placement of existing buildings on the site;
2. Granting the variance will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the use has already been established on the site and the buildings were approved and built to the current manner;
3. Granting the variance does not constitute a use variance in that the existing use is allowed in the zone and a change in use is not requested;
4. The proposed development is otherwise consistent with the zoning regulations and the proposal does not violate any applicable general plan policies.

Conditions Of Approval

- B. The Tentative Map to subdivide one parcel into two parcels on approximately 0.18 acres in the Multi-Family (R-4) zone is hereby approved subject to the following conditions:**

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P08-088).

The applicant shall satisfy each of the following conditions prior to filing the Final 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 Department of Transportation.

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:

SPECIAL DISTRICTS: Assessment Districts

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

DEPARTMENT OF TRANSPORTATION:

2. Show all continuing and proposed/required easements on the Parcel Map.
3. 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 Department of Transportation.
4. 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 Department of Transportation. 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 Department of Transportation.

5. The applicant shall construct ADA compliant ramps at all corners of intersections bounded by this project to the satisfaction of the Department of Transportation.
6. The applicant shall make provisions for bus stops, shelters, transit centers, etc. (if necessary) to the satisfaction of Regional Transit.
7. The applicant shall dedicate (if necessary) and construct bus turn-outs for all bus stops adjacent to the subject site to the satisfaction of the Department of Transportation.

SMUD:

8. Dedicate the West 8 feet of Parcel 2 as a public utility easement for overhead and underground facilities and appurtenances.

DOU:

9. Only one domestic water and sewer service is allowed per parcel, each parcel shall be provided with its own water and sewer service connection to the public system. Any new or existing domestic water services shall be metered. Excess services shall be abandoned to the satisfaction of the Department of Utilities.
10. If required, the applicant shall enter into and record an Agreement of Conveyance of Easements with the City, in a form acceptable to the City Attorney, stating that a private reciprocal sewer, water, and/or drainage easement shall be conveyed to and reserved from each parcel as needed, at no cost, at the time of sale or other conveyance of either parcel. A note stating the following must be placed on the Final Map: "THE PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORD AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK , PAGE)".

PPDD: Parks

11. **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)

ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

- 12. 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.
- 13. City Code 13.04.570 requires that no fire service shall be installed across any parcel other than the parcel to which the services is being furnished, provided that the fire chief may in his or her discretion, authorize a fire service line that serves more than one parcel, upon the recording of an agreement, in a form approved by the City, that fully provides for the operation, maintenance and repair of the line, and grants a permanent easement for these purposes, at no cost or liability to the City.
- 14. New property line, at the south side of Parcel 2, shall be greater than 3 feet to the face of the wall in order to allow the pipe and dryer vent penetrations in the now proposed 3-foot setback per CBC Section 704.
- 15. 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 \$6,720. This is based on subdivision of a lot with 2 units within a recently built duplex and an average land value of \$250,000 per acre for the Land Park 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.

C. The Subdivision Modification to create non-standard sized parcels is hereby approved subject to the following conditions:

- C1. The applicant shall comply with the conditions of approval on the Tentative Map (P08-088).

D. The Variance to reduce the setback for two developed lots in the Multi-Family (R-4) zone is hereby approved subject to the following conditions:

- D1. The rear setback is approved as such:

Parcel 1	Approx. 10 feet rear setback
Parcel 2	Approx. 5 feet rear setback

- D2. New property line, at the south side of Parcel 2, shall be greater than 3 feet to the face of the wall in order to allow the pipe and dryer vent penetrations in the now proposed 3-foot setback per CBC Section 704.
- D3. Add new 6-ft high wood fencing on property line between Parcel 1 and Parcel 2 where none exists, outside the front setback on Parcel 2.

