



CITY OF SACRAMENTO PLANNING COMMISSION RECORD OF DECISION

300 Richards Blvd., 3rd Floor, Sacramento, CA 95811

Project Name:	Ramirez Parcel Split	
Project Number:	P09-011	
Project Location:	3059 8 th Avenue	
Assessor's Parcel No.:	013-0281-036	
Applicant:	Claybar Engineering Inc. – Dennis Barksdale, 9354 Elk Grove-Florin Road, Elk Grove, CA 95624, 916-684-7301	
Action:	Items A, B, C, D, and E approved	Action Date: Sept. 24 th , 2009

**REQUESTED
ENTITLEMENT(S):**

- A. Environmental Determination:** Categorically Exempt pursuant to CEQA Guidelines Section 15061.
- B. Tentative Map** to subdivide one 0.19 acre parcel into two parcels in the Standard Single-family (R-1) zone.
- C. Subdivision Modification** to allow the creation of two parcels that do not meet the minimum requirements for width, depth, and overall lot area for the R-1 zone.
- D. Variances** to reduce the required front yard setback to less than the required 20 feet and to reduce the required rear yard setback to less than the required 15 feet for Parcel 1.
- E. Variances** to reduce the required front yard setback to less than the required 20 feet and to reduce the street side setback to less than the required 12.5 feet for Parcel 2.

ACTIONS TAKEN: On 09/24/2009, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:

- A. Environmental Determination:** Categorically Exempt pursuant to CEQA Guidelines Section 15061.
 - B. Approved the Tentative Map** to subdivide one 0.19 acre parcel into two parcels in the Standard Single-family (R-1) zone.
 - C. Approved the Subdivision Modification** to allow the creation of two parcels that do not meet the minimum requirements for width, depth, and overall lot area for the R-1 zone.
 - D. Approved the Variances** to reduce the required front yard setback to less than the required 20 feet and to reduce the required rear
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yard setback to less than the required 15 feet for Parcel 1.

- E. Approved the Variances to reduce the required front yard setback to less than the required 20 feet and to reduce the street side setback to less than the required 12.5 feet for Parcel 2.

Action certified by: *David Kwong*
David Kwong, Planning Manager

Sent to Applicant: 09/28/2009 By: *Evan Guxton for Kimberly Kaufman*
Staff Signature *Brid*

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 300 Richards Blvd., 3rd Floor, within 10 calendar days of this meeting, on or before October 4th, 2009. 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

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 Section **15061(b)(3) – Review for Exemption** of the California Environmental Quality Act Guidelines as follows:

The project, consisting of subdividing one parcel into two parcels, is exempt from CEQA pursuant to CEQA Guidelines, Section 15061(b)(3) - the project does not have the potential to cause a significant effect on the environment. The project site is already developed with two single family residential units and infrastructure serving the existing units. New connections may be needed to accommodate the second parcel separately from the first, but those connections would be completed in the existing developed urban environment and would not require additional services. No physical construction is associated with the proposed project that would create or cause any new potential environmental impacts.

B. Tentative Map: The Tentative Map to subdivide a 0.19 acre parcel into two parcels in the Standard Single-family (R-1) zone is approved based on the following findings of fact:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (e), 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 2030 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. Subdivision Modification: The Subdivision Modification to allow the creation of two parcels that do not meet the minimum requirements for width, depth, and overall lot area for the R-1 zone is approved subject to the following Findings of Fact:

1. That 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 in that the property was originally created and developed with lots narrower than the current lot width and depth requirements for the Standard Single-family (R-1) zone;

2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification in that two houses exist on the property and it would be beneficial to subdivide the property to provide an additional developed property that would provide more affordable home ownership and would be a more efficient use of the property;

3. That 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 property is already developed with single-family homes and has been well maintained as is the surrounding neighborhood;

4. That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the general plan in that it will not violate the density requirements of the General Plan in the broader view and is consistent with all other applicable specific plans of the city.

D. Variances: The Variance to reduce the required front yard setback to less than the required 20 feet and to reduce the required rear yard setback to less than the required 15 feet for Parcel 1 is approved subject to the following Findings of Fact:

1. Granting the variances does not constitute a special privilege extended to an individual property owner in that adjacent properties have similar setbacks and no changes are proposed for the existing houses. All property conditions are existing; the only change is the division of the property which shifts the setback designations and requirements for the house on Parcel 1.

2. Granting the variances does not constitute a use variance in that the proposed use is permitted subject to City development standards.

3. Granting the variances will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the property has existed with the current setbacks for many years and the property is well maintained as are the surrounding properties so there is reason to believe the property will continue to be well maintained.

4. The proposed development is otherwise consistent with the general purpose and intent of the City Zoning Code (title 17 of the City Code) including the open space regulations in that the safety and aesthetic of the area is not impaired. The proposed variances do not violate any applicable general plan policies.

E. Variances: The Variance to reduce the required front yard setback to less than the required 20 feet and to reduce the required street side yard setback to less than the required 12.5 feet for Parcel 2 is approved subject to the following Findings of Fact:

1. Granting the variances does not constitute a special privilege extended to an individual property owner in that adjacent properties have similar setbacks and no changes are proposed for the existing houses. All property conditions are existing; the only change is the division of the property which requires the setback inconsistencies to be ameliorated for the house on Parcel 2.

3. Granting the variances does not constitute a use variance in that the proposed use is permitted subject to City development standards.

3. Granting the variances will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the property has existed with the current setbacks for many years and the property is well maintained as are the surrounding properties so there is reason to believe the property will continue to be well maintained.

4. The proposed development is otherwise consistent with the general purpose and intent of the City Zoning Code (Title 17 of the City Code) including the open space regulations in that the safety and aesthetic of the area is not impaired. The proposed variances do not violate any applicable general plan policies.

Conditions Of Approval

- B. The Tentative Map to subdivide one 0.19 acre parcel into two parcels in the Standard Single-family (R-1) zone is hereby approved subject to the following conditions of approval:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map. 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 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:

GENERAL: All Projects

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
2. Show all continuing and proposed/required easements on the Parcel Map;

DEF: Streets

3. The applicant shall repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property along 8th Avenue per City standards and to the satisfaction of the Department of Transportation;
4. 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;

PUBLIC/PRIVATE UTILITIES

5. Dedicate the west 3-feet of Parcel 1 as a Public Utility Easement for overhead facilities and appurtenances;

CITY UTILITIES

6. Only one domestic water service is allowed per parcel. Current records show an existing 1" water service located in Parcel 2. If the existing water service does not have a meter, then the owner is required to install a meter, box and yolk. Parcel 1 will need a separate water service from the existing 6" water main in 31st Street;
7. Only one sewer service is allowed per parcel;
8. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of any building permit. The impact to the CSS due to one single family dwelling is estimated to be 1 ESD. The Combined Sewer System fee at time of building permit is estimated to be \$106.50 per ESD plus any increases to the fee due to inflation and credit for existing sanitary sewer flows from the site. The fee will be used for improvements to the CSS;
9. No water or sewer services shall cross property lines;

ADVISORY NOTES:

10. The applicant shall either apply to abandon the existing alley north of parcel 1 or relocate the existing fence if it is encroaching into the alley right of way prior to recording the parcel map to the satisfaction of the Department of Transportation;

Planning

11. Parcel 2, (the corner lot) shall be developed with no more than one single-family unit. The final map must be recorded including a condition limiting the Parcel 2 development to one single-family unit.

