

DIRECTOR REPORT

STAFF RECOMMENDATION

Staff recommends the Zoning Administrator and Design Director approve with conditions the Tentative Subdivision Map, and the Design Director approve with conditions the Site Plan and Design Review of the Tentative Subdivision Map with a deviation for the creation of a parcel without public street frontage for the project known as **Z23-065**. Draft Findings of Fact and Conditions of Approval for the project are included below.

REQUESTED ENTITLEMENTS

1. **Tentative Subdivision Map** to subdivide one approximately 14.4-acre vacant parcel into five parcels within the Residential Mixed-Use (RMX-PUD) Zone and Delta Shores Planned Unit Development.
2. **Site Plan and Design Review of the Tentative Subdivision Map** with a deviation for the creation of a parcel without public street frontage. No construction is proposed with this map.

PROJECT INFORMATION

Location: SW of the easternmost intersection of Cosumnes River Blvd. and Delta Shores Circle South

Parcel Number(s): 053-0180-054-0000

Council District: 8

Applicant/Owner: M&H Realty Partners c/o Barron Caronite
425 California Street, 10th Floor
San Francisco, CA 94101

Project Planner: Danny Abbes, Associate Planner, (916) 808-5873

Hearing Date: January 25, 2024

Land Use Information

General Plan Designation: Traditional Center

Zoning: Residential Mixed-Use (RMX-PUD)

PUD: Delta Shores Planned Unit Development

Design Review Area: Citywide

Parking District: Traditional

Existing Land Use of Site: Vacant

Surrounding Zoning and Land Uses

North:	R-3-PUD	Vacant
South:	R-3-PUD	Vacant
East:	R-1A-PUD	Vacant
West:	RMX-PUD	Vacant

Site Characteristics

Existing Property Area:	1 lot, ± 627,000 square feet / 14.41 net acres
Proposed Property Areas:	5 lot (sizes detailed in Table 1)
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

ATTACHMENTS

Attachment 1: Proposed Tentative Subdivision Map

PROPOSED PROJECT AND ANALYSIS

Background

The site is within the Delta Shores Planned Unit Development (PUD). This PUD was established in 1983 and occupies 800 acres adjacent to the city's southwestern boundary. Current buildout of Delta Shores includes main roadways Cosumnes River Boulevard and Delta Shores Circle South, and tens of thousands of square feet of retail development immediately east of Highway 5, as well as approximately twelve new residences that have been constructed and occupied. There is an active Planning approval for 87 single-unit dwellings (DR21-267) and an active Planning proposal for a 235-unit apartment complex (DR23-146).

The project site is one large (14.41-acre) commercial lot located south of Cosumnes River Boulevard and west of Delta Shores Circle South that is currently surrounded by vacant land at all sides.

The site is located within the Residential Mixed Use (RMX) Zone. The purpose of the RMX zone is to allow a mix of residential and commercial uses as a matter of right, and to preserve the residential character of neighborhoods while encouraging the development of neighborhood-oriented ground-floor retail and service uses.

Project Details

The proposed division of the subject site into five commercial lots requires entitlements for a Tentative Subdivision Map and Site Plan and Design Review to analyze site access and lot size, width and depth. This request requires a public hearing and decisions by the Zoning Administrator and Design Director.

Tentative Parcel Map (TPM)

The applicant is proposing to subdivide the existing 14.41-acre undeveloped commercial lot into five separate commercial lots and is requesting a deviation to development standards for the creation of a parcel without public street frontage. Proposed Parcel MU-3 does not have direct access to either Cosumnes River Boulevard or Delta Shores Circle South; however, a reciprocal access agreement among all proposed parcels will allow users of Parcel MU-3 public street access. General conditions #1 and #4 require that the applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, and maneuvering easements shall be conveyed and reserved, and shown on the Final Map.

The applicant states that the proposed layout of the subdivision is in line with future development based on discussions with potential tenants and general market feedback. The subdivision will allow for eventual commercial development in a location that is within walking distance of future residential

subdivisions, and would help encourage commercial facilities such as a grocery store, retail, and restaurants to locate at the site, consistent with the vision of the Mixed-Use area within the Delta Shores PUD Guidelines.

Table 1 below shows proposed lot dimensions. All proposed lots except MU-5 have irregular shapes.

Table 1: R-1 zone—Lot size, width, and depth. (17.204.230)						
	Lot Size No Requirement		Lot Width No Requirement		Lot Depth No Requirement	
Lot	Proposed	Deviation	Proposed	Deviation	Proposed	Deviation
MU-2	415,840 sq. ft.	N	± 444feet	N	± 288 feet	N
MU-3	32,962 sq. ft.	N	± 173 feet	N	± 162 feet	N
MU-4	64,198 sq. ft.	N	± 177 feet	N	± 670	N
MU-5	48,458 sq. ft.	N	± 300 feet	N	± 162 feet	N
MU-6	66,339 sq. ft.	N	± 162 feet	N	± 350 feet	N

Subdivision Review Committee

The proposed map was heard at the Subdivision Review Committee on December 20, 2023. During the meeting, the proposed conditions of approval for the Tentative Subdivision Map were accepted by the applicant and forwarded by the Committee. The resulting conditions are listed under Conditions of Approval.

PUBLIC/NEIGHBORHOOD OUTREACH AND COMMENTS

This project was routed to Preservation Sacramento, Civic Thread, Sacramento Area Bicycle Advocates, and Region Builders. Staff did not receive any comments from any community group.

All property owners and residents within 500 feet of the subject site were sent hearing notices for this public hearing. The site was also posted at least 10 days in advance of the hearing with project information and hearing participation details as well as staff contact information for project comments or questions. At the time of the writing of this report, staff did not receive any public comments.

ENVIRONMENTAL DETERMINATION

On January 13, 2009, the City certified the Environmental Impact Report, adopted the Findings of Fact and a Mitigation Monitoring Plan for the Delta Shores Project EIR (City project number P06-197; (City Council Resolution No. 2009-030), which evaluated the environmental impacts associated with the development and operation of the Delta Shores project (P06-197)(proposed project).

The current project (Delta Shores Mixed-Use Tentative Subdivision Map (Z23-065) consists of a request for a Tentative Subdivision Map to subdivide one approximately 14.4-acre vacant parcel into five parcels within the Residential Mixed-Use (RMX-PUD) Zone and Delta Shores Planned Unit Development and Site Plan and Design Review of the Tentative Subdivision Map with a deviation for the creation of a parcel without public street frontage. No construction is proposed with this map.

The Current Project is consistent with the uses reviewed and evaluated in the certified EIR and the analysis of impacts and mitigation in the EIR is adequate for the Current Project.

The CEQA Guidelines provide that a lead agency shall not prepare a subsequent or supplemental EIR in such a case unless one or more of the conditions set forth in CEQA Guidelines Section 15162 is present. Following staff review, it was determined that the project did not result in any of the circumstances identified in CEQA Guidelines 15162. No further environmental review is required.

The EIR can be found at:

<http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>

FLOOD HAZARD ZONE

State Law (SB 5) and Planning and Development Code chapter 17.810 require that the City must make specific findings prior to approving certain entitlements for projects within a flood hazard zone. The purpose is to ensure that new developments will have protection from a 200-year flood event or will achieve that protection by 2025. The project site is within a flood hazard zone and is an area covered by SAFCA's Improvements to the State Plan of Flood Control System, and specific findings related to the level of protection have been incorporated as part of this project. Even though the project site is within a flood hazard zone, the local flood management agency, SAFCA, has made adequate progress on the construction of a flood protection system that will ensure protection from a 200-year flood event or will achieve that protection by 2025. This is based on the SAFCA Urban level of flood protection plan, adequate progress baseline report, and adequate progress toward an urban level of flood protection engineer's report that were accepted by City Council Resolution No. 2016-0226 on June 21, 2016 and the SAFCA 2023 Adequate Progress Annual Report accepted by City Council Resolution No. 2023-0337 on October 24, 2023.

Draft Conditions of Approval – Tentative Parcel Map

These conditions shall supersede any contradictory information shown on the Tentative Map or any contradictory provisions in the PUD guidelines approved for this project (Z23-065). The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.

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 Public Works.

General

1. In conjunction to recordation of any of these parcels, private reciprocal ingress, egress, and maneuvering 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 a private reciprocal ingress/egress, and maneuvering easement shall be conveyed to and reserved from all appropriate parcels at no cost, at the time of sale or other conveyance of either parcel.
2. Comply with requirements included in the Mitigation Monitoring Plan developed by, and kept

on file in, the Planning Division Office (P06-197).

3. Meet all conditions of the existing PUD (P06-197) unless the condition is superseded by a Tentative Map condition.
4. Show all continuing and proposed/required easements on the Final Map.
5. The design of any improvement not covered by these conditions or the PUD Guidelines shall be to City standard.
6. Applicant shall participate in the Delta Shores Finance Plan and pay all necessary fees and shall execute all agreements which may be required to implement this condition as determined by the City of Sacramento.

Public Works

7. Construct standard subdivision improvements as noted in these conditions pursuant to section 17.504.050 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. 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 the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk adjacent to the subject property per City standards to the satisfaction of the Department of Public Works.
8. 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 Public Works.

SMUD

9. SMUD has existing overhead 12kV facilities along the east side of parcel 2 & 6 that will need to remain. The Applicant shall be responsible for maintaining all CalOSHA and State of California Public Utilities Commission General Order No. 95 safety clearances during construction and upon building completion. If the required clearances cannot be maintained, the Applicant shall be responsible for the cost of relocation.
10. SMUD has existing underground low voltage secondary facilities in the north east corner of parcel 6 that will need to remain. The Applicant shall be responsible for maintaining all CalOSHA and State of California Public Utilities Commission General Order No. 128 safety clearances during construction and upon building completion. If the required clearances cannot be maintained, the Applicant shall be responsible for the cost of relocation.
11. Any necessary future SMUD facilities located on the Applicant's property shall require a dedicated SMUD easement. This will be determined prior to SMUD performing work on the Applicant's property.

12. In the event the Applicant requires the relocation or removal of existing SMUD facilities on or adjacent to the subject property, the Applicant shall coordinate with SMUD. The Applicant shall be responsible for the cost of relocation or removal.
13. SMUD reserves the right to use any portion of its easements on or adjacent to the subject property that it reasonably needs and shall not be responsible for any damages to the developed property within said easement that unreasonably interferes with those needs.
14. The Applicant shall not place any building foundations within 5-feet of any SMUD trench to maintain adequate trench integrity. The Applicant shall verify specific clearance requirements for other utilities (e.g., Gas, Telephone, etc.).
15. In the event the City requires an Irrevocable Offer of Dedication (IOD) for future roadway improvements, the Applicant shall dedicate a 12.5-foot public utility easement (PUE) for overhead and/or underground facilities and appurtenances adjacent to the City's IOD.
16. The Applicant shall comply with SMUD siting requirements (e.g., panel size/location, clearances from SMUD equipment, transformer location, service conductors). Information regarding SMUD siting requirements can be found at: <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services>.
17. The Applicant shall provide separate SMUD service points to each parcel to the satisfaction of SMUD.
18. The Applicant shall dedicate and provide all-weather vehicular access for service vehicles that are up to 26,000 pounds. At a minimum: (a) the drivable surface shall be 20-feet wide; and (b) all SMUD underground equipment and appurtenances shall be within 15-feet from the drivable surface.

Sacramento Regional County Sewer District

19. Pursuant to Regional San's easement rights for the 66-inch Sacramento Force Main:
 - a. Any improvement or proposed use, including landscaping, that restricts Regional San access to its existing easements to construct, operate, maintain, and repair its facilities will not be permitted.
 - b. Permanent structures, walls, signs, and footings will not be permitted within the existing Regional San easement areas.
 - c. Construction staging and stockpiling within the existing Regional San easement areas will not be permitted. A note will be placed on any plans issued for construction activities.
 - d. Deep-rooted trees, trees with mature growth of more than five feet, oak trees, and other environmentally protected species will not be permitted within Regional San's existing easement area.
 - e. Any proposed tree plantings and landscaping shall be placed so mature roots will not infiltrate manholes or other Regional San structures. A geotextile fabric root protection barrier system may be required.
20. The project shall install purple piping and associated irrigation appurtenances (including but

not limited to valve boxes, sprinkler heads, flow meters, etc.) for all open space and landscaping corridors. The purple pipe shall be installed in lieu of regular irrigation piping and related appurtenances for the future distribution and delivery of Title 22 tertiary recycled water to the project site. If recycled water service is not available at the time of the onsite development, the onsite purple pipe irrigation system should be charged with another water supply, such as potable water. Once recycled water becomes available, the onsite irrigation system shall be disconnected from the potable water system via an air gap and connected to the recycled water distribution system. Regional San and the City of Sacramento are currently establishing a timeline for when the recycled water will be available at the project site.

21. An approved Access Permit will be required from Regional San for any access to Regional San facilities or property. A note will be placed on any plans issued for construction activities.
22. Improvements shall not be installed in such a manner that will impede vehicular access by Regional San for maintenance purposes.
23. The applicant shall provide Regional San with continuous, unimpeded access to its facilities at all times.
24. Any proposed utility crossings of a Regional San interceptor shall be a maximum of 45 degrees from the line perpendicular to the interceptor's centerline.
25. Any proposed utility crossing of the Regional San interceptor shall have a minimum vertical clearance of five (5) feet.
26. Parallel utilities (water, drain, electrical, etc.) will not be permitted within the existing Regional San easement area.
27. Sewer service laterals cannot connect directly to the Regional San interceptor system.
28. The applicant shall submit for Regional San review and approval all landscaping, utility, and improvement plans directly affecting Regional San easements, facilities, and property.
29. A maximum peak wet weather flow (PWWF) of 1.283 million gallons per day (mgd) shall be conveyed to the Regional San City Interceptor on an interim basis only.

The interim service area associated with this flow is comprised of Phase 1 and Phase 2 of the Delta Shores project, the Town of Freeport, and the Bartley Cavanaugh Golf Course Club House. The PWWF of 1.283 mgd was calculated based on equivalent single-family dwelling units (ESD) and acreage. The interim PWWF of 1.283 mgd shall be allocated within the service area by ESDs and acreage as follows.

Interim Service Area Sub-Shed	ESD's	Area (acres)	PWWF (mgd)
Phases 1 and 2 for the Delta Shores Project	1603	231.51	1.153
Town of Freeport	168	28	0.135
Bartley Cavanaugh Golf Course Club House ¹	12	2	0.010

Total ²	1783	261.51	1.283
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1. ESDs and equivalent acreage for the Bartley Cavanaugh Golf Course Club House course are based on existing uses.

The total PWWF is less than the sum of the calculated PWWF from each sub-shed because the peaking factor decreases with increasing flow.

30. The applicant shall construct a permanent collection system and associated pump station that will re-direct all interim flow to an alternative Regional San connection point before any one of the following events:
 - a. The calculated PWWF exceeded the allocated 1.28 mgd limit
 - b. The development of any area outside the interim service areas of Phase 1 and Phase 2 of the Delta Shores project.
 - c. Development activity within one of the three interim service area sub-sheds defined in the table above beyond the specific allocated ESDs and acreage.
31. Developing this property will require the payment of Regional San sewer impact fees (connection fees). Regional San sewer impact fees shall be paid before the issuance of building permits. For questions about Regional San sewer impact fees, please contact the Permit Services Unit at (916) 876-6100 or email PermitServices@sacsewer.com.

Department of Utilities

32. Applicant shall participate in the Delta Shores Fee District Finance Plan and pay all required fees.
33. All existing easements and all existing right-of-ways shall be shown on the Final Map, except for all abandoned easements and right-of-ways.
34. Dedicate all necessary easements, IOD easements right-of-way, fee title property, or IOD in fee title property on the final map as required to implement the approved drainage, water and sewer studies, per each approving agency requirements. Easements shall be dedicated for the off-site water and storm drain main extensions. Street right-of-way shall be dedicated for common drainage pipes identified in the master water and drainage plan. All dedications shall be at no cost to the City, shall be free and clear of all encumbrances and liens, and shall be to the satisfaction of the DOU.
35. Applicant shall dedicate a 14-foot-wide access easement along the western property line(s) of MU-2, MU-3 and MU-4 for maintenance access to the adjacent City drainage basin to the satisfaction of the DOU.
36. Applicant shall grant a minimum of two (2) access points to and from the 14-foot-wide access easement to the satisfaction of the DOU.
37. The applicant shall construct the 14-foot-wide vehicular access along the western property line to the satisfaction of the DOU.
38. The applicant shall grant and reserve easements, as needed, for water, drainage and

sanitary sewer facilities, and for surface storm drainage, at no cost at or before the time of sale or other conveyance of any parcel or lot. A note stating the following shall be placed on the Final Map: "Private easements for utilities, drainage, water and sanitary sewer facilities, and surface storm drainage shall be granted and reserved, as necessary and at no cost, at or before the time of sale or conveyance of any parcel shown in this map."

39. There are existing City drainage mains on northwest corner of Parcels MU-4 and southeast corner of MU-2. Applicant shall provide evidence of easements. If there are none, the applicant shall dedicate public drainage easements to the satisfaction of the DOU.
40. Per City Code 13.04.230, no permanent structure (including without limitation garages, patios, concrete slabs, tool shed and similar structures) shall be constructed on top of water, sewer or drainage pipelines or anywhere within the associated utility easements.
41. Prior to or concurrent with the submittal of improvement plans, prepare a project specific water study for review and approval by the DOU. The water study shall be consistent with the current Delta Shores Water Master Plan. The water distribution system shall be designed to satisfy the more critical of the two following conditions: (1) at maximum day peak hour demand, the operating or "residual" pressure at all water service connections shall be at least 30 pounds per square inch, (2) at average maximum day demand plus fire flow, the operating or "residual" pressure in the area of the fire shall not be less than 20 pounds per square inch. The water study shall determine if the existing and proposed water distribution system is adequate to supply fire flow demands for the project. A water supply test may be required for this project. The applicant is advised to contact the City of Sacramento Utilities Department Development Review Section (916-808-7890) at the early planning stages to address any water related requirements. Failure to submit the water study may delay review and approval.
42. Prior to or concurrent with the submittal of improvement plans, prepare a project specific sewer study for review and approval by the DOU. Sewer study shall be consistent with the Delta Shores Sewer Master Plan. The applicant is advised to contact the City of Sacramento Utilities Department Sewer Planning Section (916-808-7890) at the early planning stages to address any sewer related requirements. Note: No vertical development shall occur until City Regional Sump 53 is operational.
43. Prior to or concurrent with the submittal of the building permit application, the applicant shall prepare a project specific drainage study. Drainage study shall be consistent with the current Delta Shores Drainage Master Plan. The applicant is advised to contact the City of Sacramento Utilities Department Development Review Section (916-808-7890) at the early planning stages to address any drainage related requirements. Failure to submit the drainage study may delay review and approval.
44. The east portion of the project area is in Zone X on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). Areas in Zone X have no requirements to elevate or flood proof.
45. The west portion of the project area affecting Parcels MU-2, MU-3, MU-4 and MU 5 is in a Special Flood Hazard Area (SFHA), designated as AE zone by the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs). City Code Chapter 15.104 Floodplain Management Regulations require that any new construction of any residential structure located in AE zone must have the lowest floor, including the basement,

elevated a minimum of one (1) foot above the base flood elevation BFE. New construction of any residential structure will require a Hold Harmless Agreement and an Elevation Certificate. For Commercial and/or mix use structures, the finished floor shall meet the requirements of the Onsite Design Manual Section 3.5 and in addition, if the FEMA elevation requirement cannot be met, any structure shall have floodproofing (Floodproofing Certificate will be required) to one (1) foot above the BFE. Note: The project will be required to meet the aforementioned FEMA and local jurisdiction requirement unless the floodzone designation has been remapped.

Fire Department

46. Secondary access points may be required for future residential improvements. The chief is authorized to require two means of access for sites serving 40 or more dwelling units and/or when it is determined by the chief that access by a single road might be impaired by vehicle congestion. California Fire Code Section 503.1.2
47. If any fire service mains cross property lines, a reciprocal easement agreement may be required.
48. If any shared driveways are required for Fire Department access, a reciprocal ingress egress agreement shall be provided for review by the City Attorney.
49. Required maintenance agreements shall be provided for the interior roadways of the proposed complex and for the fire protection systems. The agreement shall be record with the Public Records Office having jurisdiction and shall provide for the following:
 - a. Provisions for the necessary repair and maintenance of the roadway surface
 - b. Removal of vegetation overgrowing the roadway and infringing on the roadway clear vertical height of thirteen feet six inches (13'6") and/or width of twenty feet (20')
 - c. Provisions for the maintenance, repair, and/or replacement of NO PARKING-FIRE LANE signage or striping
 - d. Provisions for the necessary repair and maintenance of vehicle and pedestrian access gates and opening systems
 - e. Unrestricted use of and access to the roadways covered by the agreements.
 - f. Provisions for the control of vehicle parking in prohibited areas and a mechanism for the removal of vehicles illegally parked.
 - g. Maintenance and timely repair of all fire protection systems, including but not limited to hydrants, fire alarm systems and fire sprinklers.

Advisory Notes:

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

50. 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.

51. The City of Sacramento (City) is responsible for providing local sewer service to the proposed project site via their local sanitary sewer collection system. Regional San is responsible for the conveyance of wastewater from the City collection system to the EchoWater Resource Recovery Facility (EchoWater Facility).
52. Regional San has the dual 66-inch Sacramento Force Main (Regional San operating system N50) and 16-inch SPA Recycled Water Line (Regional San operating system N48), along with associated easements located within the proposed project's boundaries.
53. The applicant is responsible for the protection and repair of the City sanitary sewer, drainage and water mains during construction.
54. Prior to the ISSUANCE OF A BUILDING PERMIT: The owner must contact Permit Services Unit at PermitServices@sacsewer.com or by phone at (916) 876-6100 to determine if Regional San impact fees are due. Fees are to be paid prior to the issuance of building permits.

Draft Conditions of Approval – Site Plan and Design Review
Planning and Design Review

1. All other notes and drawings on the final plans as submitted by the applicant are deemed conditions of approval. Any work that differs from the final set of plans approved by the Planning staff shall be subject to review and approval prior to issuance of a building permit or work undertaken.
2. Any modification to the project shall be subject to the review and approval of planning staff (and may require additional entitlements).
3. This approval shall expire in three (3) years from the approval date.

Flood Finding

The project site is within an area for which the local flood-management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood-protection system that, for the area intended to be protected by the system, will result in flood protection equal to or greater than the urban level of flood protection in urban areas for property located within a flood-hazard zone, as demonstrated by the SAFCA Urban Level of Flood Protection Plan and Adequate Progress Baseline Report and the SAFCA Adequate Progress Toward an Urban Level of Flood Protection Engineer's Report, each accepted by the City Council on June 21, 2016 (Resolution No. 2016-0226), and the SAFCA 2023 Adequate Progress Annual Report accepted by the City Council on October 24, 2023 (Resolution No. 2023-0337).

Draft Findings of Fact – Environmental:

The Zoning Administrator of the City of Sacramento finds as follows:

On January 13, 2009, pursuant to the California Environmental Quality Act 14 California Code of Regulations §15000 et seq.), and the City of Sacramento environmental guidelines, the City Council certified an environmental impact report (EIR) and, adopted the Findings of Fact and a Mitigation Monitoring Plan for the Delta Shores Project (P06-197) (Resolution No. 2009030) which evaluated the environmental impacts associated with the development and operation of the Delta Shores project (P06-197)(proposed project).

The current project (Delta Shores Mixed-Use Tentative Subdivision Map (Z23-065) consists of a request for a Tentative Subdivision Map to subdivide one approximately 14.4-acre vacant parcel into five parcels within the Residential Mixed-Use (RMX-PUD) Zone and Delta Shores Planned Unit Development and Site Plan and Design Review of the Tentative Subdivision Map with a deviation for the creation of a parcel without public street frontage. No construction is proposed with this map.

The Zoning Administrator has determined that there are no proposed changes to the Original Project that require the preparation of a subsequent EIR based upon the and evaluated in the certified EIR as amended by and the analysis of impacts and mitigation in the EIR is adequate for the Current Project. As part of this analysis, all uses allowed under the current zoning were evaluated.

The Zoning Administrator has reviewed and considered the information contained in the previously certified EIR for the Project and all oral and documentary evidence received during the hearing for the current project and has determined that the previously certified EIR, constitutes an adequate, accurate, objective, and complete review of the proposed Current Project and finds that no additional environmental review is required based on the reason set forth below:

- a. No substantial changes are proposed by the Project that will require major revisions of the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- b. No substantial changes have occurred with respect to the circumstances under which the Project will be undertaken which will require major revisions to the previously certified EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- c. No new information of substantial importance has been found that shows any of the following:
 - i. The Current Project will have one or more significant effects not discussed in the previously certified EIR;
 - ii. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR;
 - iii. Mitigation measures previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant effects of the Project Modification; or

Mitigation measures which are considerably different from those analyzed in the previously certified EIR would substantially reduce one or more significant effects on the environment.

Based on its review of the previously certified EIR for the Project, the previously adopted findings of fact and findings of overriding consideration, and all oral and documentary evidence received during the hearing on the Project, the Director finds that the EIR

Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15074, and in support of its approval of the Project, the Mitigation Monitoring Program to require all reasonably feasible mitigation measures be implemented by means of Project conditions, agreements, or other measures, as set forth in the Mitigation Monitoring Program.

Upon approval of the Project, the Planning Director shall file or cause to be filed

a Notice of Determination with the Sacramento County Clerk and, if the project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to section 21152(a) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

The documents and other materials that constitute the record of proceedings upon which the Director has based its decision are located in the City of Sacramento Community Development Department, Environmental Planning Services, 300 Richards Boulevard, Sacramento, CA 95811-0218. The custodian of these documents and other materials is the Community Development Department, Environmental Planning Services.

Draft Findings of Fact – Tentative Parcel Map:

1. None of the conditions described in City Code section 17.828.090 and Government Code section 66474 exist with respect to the proposed subdivision as follows:
 - a. The proposed map is consistent with the General Plan, all applicable community and specific plans, Title 17 of the City Code, and all other applicable provisions of the City Code;
 - b. The design and improvement of the proposed subdivision is consistent with the General Plan, all applicable community and specific plans, Title 17 of the City Code, and all other applicable provisions of the City Code as conditioned;
 - c. The site is physically suitable for the type of development;
 - d. The site is physically suitable for the proposed density of development;
 - e. 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 or their habitat;
 - f. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;
 - g. 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 General Plan, all applicable community and specific plans, Title 17 of the City Code, and all other applicable provisions of the City Code (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); and

5. The Zoning Administrator 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).

Draft Findings of Fact – Site Plan and Design Review:

1. The design, layout, and physical characteristics of the proposed subdivision are consistent with the General Plan which designates the site as Traditional Center (TCNT). There is no specific plan or transit village plan applicable to this project.
2. The design, layout, and physical characteristics of the proposed subdivision are consistent with all applicable design guidelines and with all applicable development standards. The deviation to create a parcel without public street frontage is consistent with the purpose and intent of the Planning and Development Code in that reciprocal access among the parcels provides adequate access to the proposed parcel that does not abut a public street.
3. All streets and other public access ways and facilities, parking facilities, and utility infrastructure are adequate to serve the proposed development and comply with all applicable design guidelines and development standards.
4. The design, layout, and physical characteristics of the proposed subdivision are visually and functionally compatible with the surrounding area in that reciprocal access among the parcels will provide adequate access for future development plans.
5. The design, layout, and physical characteristics of the proposed development minimizes energy consumption and encourages the use of renewable energy sources as an urban infill development project utilizing existing road and utility networks.
6. The design, layout, and physical characteristics of the proposed subdivision are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance in that the site will have sufficient access to the commercial lots.

Danny Abbes

Danny Abbes
Associate Planner

MEJ

Marcus Adams (Jan 19, 2024 12:15 PST)

Marcus Adams
Senior Planner

The decision of the Zoning Administrator and Design Director may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator and Design Director is final.

Note: The applicant will need to contact the Public Works Department after the appeal period is over to submit for a Final Map. A discretionary permit expires and is thereafter void if the use or development project for which the discretionary permit has been granted is not established within the applicable time period. The applicable time period is either three years from the effective date of approval of the discretionary permit; or the time specified by the decision-maker, if so stated in a condition of approval of the discretionary permit. A use or development project that requires a building permit is established when the building permit is secured for the entire development project and construction is physically commenced.

