



Attachment 7 – Environmental Exemption

RESOLUTION NO.

Adopted by the Sacramento City Council

**DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT
(3940 14th Avenue)
(P05-019) (APN: 020-0073-003, -007, -028)**

BACKGROUND

- A. On January 10, 2008, the City Planning Commission conducted a public hearing on the Kim Residential Subdivision project (hereafter referred to as "Project"), and forwarded the Project to the City Council with a recommendation to approve with conditions.
- B. On July 22, 2008, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code Section 17.200.010 (C)(2)(a), (b), and (c) (publication, posting, and mail (500')), and received and considered evidence concerning the Project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 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 City Council finds that the Project is exempt from review under Section 15332 of the California Environmental Quality Act Guidelines as follows:

- a. The project complies with all applicable policies of the General Plan, as well as with the applicable zoning regulations;
- b. The proposed development occurs within City limits on a project site of no more than five (5) acres substantially surrounded by urban uses;
- c. The project site has no value as habitat for endangered, rare or threatened species;
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e. The site can be adequately served by all required utilities and public services.

Attachment 8 – Project Resolution

RESOLUTION NO.

Adopted by the Sacramento City Council

**ADOPTING FINDINGS OF FACT AND APPROVING THE KIM
RESIDENTIAL SUBDIVISION
(3940 14TH AVENUE)
(P05-019) (APN: 020-0073-003, -007, -028)**

BACKGROUND

A. On January 10, 2008 the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the Kim Residential Subdivision.

B. On July 22, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 16.24.097, 17.208.020 (C), 17.212.035, and 17.200.010(C)(2)(a), (b), and (c) (publication, posting, and mail (500')), and received and considered evidence concerning the Kim Residential Subdivision.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

Section 1. Based on the verbal and documentary evidence received at the hearing on the Kim Residential Subdivision, the City Council approves the Project entitlements based on the findings of fact and subject to the conditions of approval as set forth below.

Section 2. The City Council approves the Project entitlements based on the following findings of fact:

A. Tentative Map: The Tentative Map to subdivide 0.8± net acres into seven (7) single-family lots and one common area lot 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 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 City Council 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).

B. Special Permit: The Special Permit for alternative housing to allow the development of 6 single-family homes within the Single-Family Alternative (R-1A) Zone is approved based on the following Findings of Fact:

1. The proposed project constitutes a sound land use in that the proposed single-family homes are consistent with the surrounding land uses which are mostly single-family detached dwellings. Additionally, the compact nature of the project will provide an alternative to the traditional single-family homes that surround the subject site.

2. The proposed project, as conditioned, would not result in the creation of a

nuisance as the proposed single family homes are compatible with the surrounding land uses. Also, the project has been designed to meet all circulation and emergency access requirements.

3. Granting of the Special Permit would be consistent with the objectives of the General Plan in that it:

- preserves neighborhood character by providing housing consistent with the adjacent residential uses (Goal A, Sec 2-10);
- develops residential land uses in a manner that is efficient and utilizes existing urban resources (Goal C, Sec 2-15);
- promotes infill development as a means to meet future housing needs (Policy 4, sec 2-16)

Section 3. The City Council approves the Project entitlements subject to the following conditions of approval:

A. The **Tentative Map** to subdivide 0.8± net acres into 7 single-family lots and one common area lot is approved subject to the following conditions of approval:

CONDITIONS: Tentative Map

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P05-019).

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 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:

SPECIAL DISTRICTS: Assessment Districts

A1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.

DEVELOPMENT ENGINEERING:

- A2. Pursuant to City Code Section 16.40.190, indicate easements on the Final Map to allow for the placement of centralized mail delivery units. The specific locations for such easements shall be subject to review and approval of the Development Engineering Division after consultation with the U.S. Postal Service.
- A3. 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 the appropriate parcels at no cost, at the time of sale or other conveyance of either/any of the parcel(s).
- A4. Show all continuing and proposed/required easements on the Final Map.
- A5. 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.
- A6. The applicant shall relocate the two existing speed bumps along San Carlos Way in front of the proposed driveway to the satisfaction of the Department of Transportation and the Development Engineering Division. The applicant shall coordinate with Debb Newton (phone#: 808-6739) from the Department of Transportation regarding the said relocation of the speed bumps.
- A7. 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.

SMUD:

- A8. Dedicate a 12.5-ft PUE for overhead and underground facilities and appurtenances adjacent to all public street rights of ways.
- A9. Dedicate any private drive, ingress and egress easement, or Irrevocable Offer of Dedication and 7.50-ft thereto for underground facilities and appurtenances.

DOU:

- A10. Only one domestic water service is allowed per parcel. Any new domestic water services shall be metered. Excess domestic water services must be abandoned to the satisfaction of the Department of Utilities. (Note: There is an existing 6" water main in San Carlos Way and an 8" and 36" water main in 14th Avenue. No connection is allowed to the 36" water main in 14th Avenue.)
- A11. Dedicate the private drive as exclusive public easement for water and sewer facilities. Parallel underground dry utilities shall not be located within this easement. This easement shall be reviewed and approved by the Department of Utilities prior to recordation of the Final Map.
- A12. Dedicate a minimum of 3 feet adjacent to private drive as a Public Utility Easement (PUE) for water and sewer facilities. This easement shall be reviewed and approved by the Department of Utilities prior to recordation of the Final Map.
- A13. Private drive with City maintained water and sewer facilities shall have a minimum paved AC (asphalt concrete) width of 22-feet from edge of pavement to edge of pavement. Drain inlets, curb and gutter shall be constructed to City Standards for residential streets.
- A14. City maintained water facilities and sewer facilities within the subdivision shall be constructed within the paved portion of the private drive.
- A15. This development is in drainage shed G252, which drains by gravity flow to Morrison Creek. The applicant's engineer shall either (1) design the site to store 2200 cubic feet per acre of storm water during a 10-year storm event or (2) upsize the existing 21" storm drainage main to a 30" storm drainage main in 17th Avenue (from manhole #224 to manhole #207 per Drainage/Sewer 2005 map page KK17). If option 1 is chosen, then the applicant shall submit a drainage study as described in Section 11.7 of the City Design and Procedures Manual prior to or concurrent with the improvement plans. Onsite detention shall be stored in oversized pipes and/or within the private street section prior to overland release. Drainage improvement shall be to the satisfaction of the DOU. The drainage study shall also identify all existing off-site flows that are blocked by the proposed project. Sufficient off-site and on-site spot elevations shall be provided in the drainage study to determine the direction of storm drain runoff. The drainage study shall include an overland flow release map for the proposed project. The 10-year HGLs shall be no higher than 6 inches below the lowest DI. The 10-year and 100-year HGL's shall be shown on the improvement plans.
- A16. Finished lot pad elevations shall be a minimum of 1.20 feet above the 100-year HGL and 1.50 feet above the controlling overland release elevation. Finished lot pad shall be approved by the Department of Utilities.
- A17. Per City Code, the Subdivider may not develop the project in anyway that obstructs, impedes, or interferes with the natural flow of existing off-site drainage that crosses

the property. The project shall construct the required public and/or private infrastructure to handle off-site runoff to the satisfaction of the DOU. If private infrastructure is constructed to handle off-site runoff, the applicant shall dedicate the required private easements and/or, at the discretion of the DOU, the applicant shall enter into and record an Agreement for Maintenance of Drainage with the City, in a form acceptable to the City Attorney.

- A18. All lots shall be graded so that drainage does not cross property lines.
- A19. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City stating that a private reciprocal 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 RECORDED AGREEMENT FOR CONVEYANCE OF EASEMENTS IN BOOK _____, O.R. PAGE _____."
- A20. 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.
- A21. 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.
- A22. 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 subdivision. Improvement plans must include the source controls selected for the site. Refer to the latest copy of the latest copy of the "Guidance Manual for On-Site Stormwater Quality Control Measures", for appropriate source control measures.

FIRE:

- A23. Dead ends exceeding 150 feet in length require an approved Fire Department turnaround (45' radius cul-de-sac or city standard hammerhead). *Subdivision Map shows access road at 145' and Site Plan/Landscaping Plan shows access at 175'.*
- A24. Roads used for Fire Department access shall have an unobstructed width of not less than 20' and unobstructed vertical clearance of 13'6" or more. *Access road will need to be marked "No Parking – Fire Lane" both sides.*

PPDD: Parks

- A25. **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)
- A26. **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 Planning 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.)

ADVISORY NOTES:

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

- A27. 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.
- A28. The applicant/developer shall relocate the existing drainage inlet and appurtenances away from the private drive entrance. The relocation and construction of the drainage inlet shall be to the satisfaction of the Department of Utilities.
- A29. 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 X zone, there are no requirements to elevate or flood proof.
- A30. 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 \$12,337. This is based on six single-family residential units and an average land value of \$115,000 per acre for the East Broadway 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 \$13,506. This is based on six single-family residential units at the rate of \$2,251 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.

B. Special Permit: The Special Permit for alternative housing to allow the development of 6 single-family homes within the Single-Family Alternative (R-1A) Zone is approved subject to the following conditions of approval:

Planning

- B1. The design and construction materials of the single family residences shall be consistent with the attached elevations. Modifications/Plan substitution will require additional planning review and may require the approval of additional entitlements prior to the issuance of building permits.
- B2. Roofing material shall be 30-year Dimensional Composition Shingle or equivalent.
- B3. The applicant shall obtain all necessary building permits prior to construction.
- B4. Final landscaping plans shall be submitted to the Building Division – Site Conditions Unit for review and approval. The scope of the review shall include plant species selection, landscape materials, and irrigation system. The irrigation system and landscaping shall be maintained in good condition during the life of the project.
- B5. To ease garage egress, the driveway shared between lots 1 and 4 shall be modified such that the paved area shall be extended to a line drawn from the southwest corner of Lot 4 to the southwest corner of the proposed Lot 4 residence.
- B6. Form a Homeowner's Association. CC&R's shall be approved by the City and recorded assuring maintenance of private drives. The Homeowner's Association shall maintain all private drives, lights, common areas and common landscaping
- B7. The initial sale of the units/lots shall be to owner occupants

Development Engineering

- B8. Construct standard subdivision 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 Development Engineering Division. 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 Development Engineering Division.

- B9. The applicant shall relocate the 2 existing speed humps along San Carlos Way directly across the proposed driveway to the satisfaction of the Department of Transportation.
- B10. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division.
- B11. The applicant shall record the Final Map, which creates the lot pattern shown on the proposed site plan prior to obtaining any Building Permits.
- B12. 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 Development Engineering Division.

Utilities

- B13. The applicant/developer shall relocate the existing drainage inlet and appurtenances away from the private road entrance. The relocation and construction of the drainage inlet shall be to the satisfaction of the Department of Utilities.
- B14. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.
- B15. A final map shall be recorded prior to issuance of any building permit.

Table of Contents:

- Exhibit A – Tentative Map
- Exhibit B – Site Plan
- Exhibit C – Plan A Floorplan
- Exhibit D – Plan A Elevations
- Exhibit E – Plan B Floorplan
- Exhibit F – Plan B Elevations

Kim Residential Subdivision (P05-019)

July 22, 2008

Exhibit G – Plan C Floorplan

Exhibit H – Plan C Elevations

Exhibit I – Plan E Floorplan

Exhibit J - Plan E Elevations

Exhibit K – Design Review Approval