

## RESOLUTION NO. 2008-654

Adopted by the Sacramento City Council

September 23, 2008

### ADOPTING FINDINGS OF FACT AND APPROVING THE 21<sup>ST</sup> & I STREET REZONE PROJECT (P08-043)

#### BACKGROUND

- A. On August 14, 2008, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve with conditions the 21<sup>st</sup> & I Street Rezone Project.
- B. On September 23, 2008, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.212.035, 17.216.035, 17.220.035, 16.24.097, and 17.200.010 (C)(2)(a), (b), and (c) (publication, posting, and mail 500'), and received and considered evidence concerning the 21<sup>st</sup> & I Street Rezone project.

#### 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 21<sup>st</sup> & I Street Rezone Project, 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. Environmental Determination: The Environmental Exemption for the Project has been adopted by Resolution No. 2008-653.
  - B. Lot Line Adjustment: The Lot Line Adjustment to the common lot lines between two lots totaling approximately 0.26 acres in the Multi-Family (R-3A) and General Commercial (C-2) zones 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, the North Sacramento Community 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).

C. Subdivision Modification: The Subdivision Modification to create a lot less than 3200 square feet within the central city is approved based on 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;
2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;
3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;
4. That granting the modification is in accord with the intent and purposes of the

provisions of Title 16 of the Sacramento City Code (the Subdivision Ordinance) and is consistent with the general plan and with all other applicable specific plans of the city.

#### Conditions Of Approval

D/E. The Lot Line Adjustment to adjust the common lot lines between two lots totaling approximately 0.26 acres in the Multi-Family (R-3A) and General Commercial (C-2) zones and Subdivision Modification to create a lot less than 3200 square feet within the central city are hereby approved subject to the following conditions of approval:

**NOTE: These conditions shall supersede any contradictory information shown on the Lot Line Adjustment or Subdivision Modification approved for this project (P08-043). 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 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 and Finance 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

#### **All Projects:**

D/E1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;

D/E2. Private reciprocal ingress, egress, maneuvering and parking easements are required for future development of the area covered by this Lot Line Adjustment. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from Parcels A and B as shown in Exhibit B, at no cost, at the time of sale or other conveyance of either parcel;

D/E3. Show all continuing and proposed/required easements on any future Parcel Map;

#### **Development Engineering:**

D/E4. 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;

**City Utilities:**

D/E5. Current records indicate that existing water and sewer services for parcel 2 (APN: 007-0022-004) are located and will traverse through Parcel 1 (APN: 007-0022-001). Thus, the applicant must enter into and record an Agreement for Conveyance of Easements with the City stating that a private water, drainage and sewer easement shall be conveyed to Parcel 2 from Parcel 1 as needed;

**Fire Department:**

D/E6. Fire service mains shall not cross property lines unless a reciprocal easement agreement is provided;

D/E7. A reciprocal ingress egress agreement shall be provided for review by City Attorney for all shared driveways being used for Fire Department access;

**Advisory Notes:**

The following advisory note is informational in nature and are not a requirement of this Lot Line Adjustment or Subdivision Modification:

1. If, due to a lot line adjustment, any existing utility lines such as water, sewer, gas or electrical that serve existing duplex are going to cross new lot line, those lines have to be relocated or easement has to be provided for those utility lines. New easement has to be recorded and permanently maintained.

**Table of Contents:**

Exhibit A – Lot Line Adjustment Exhibit – 1 page

Exhibit B – Reciprocal Ingress/Egress Parking Easement Exhibit – 1 page

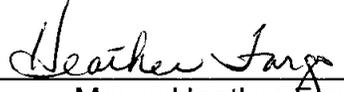
Adopted by the City of Sacramento City Council on September 23, 2008 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.

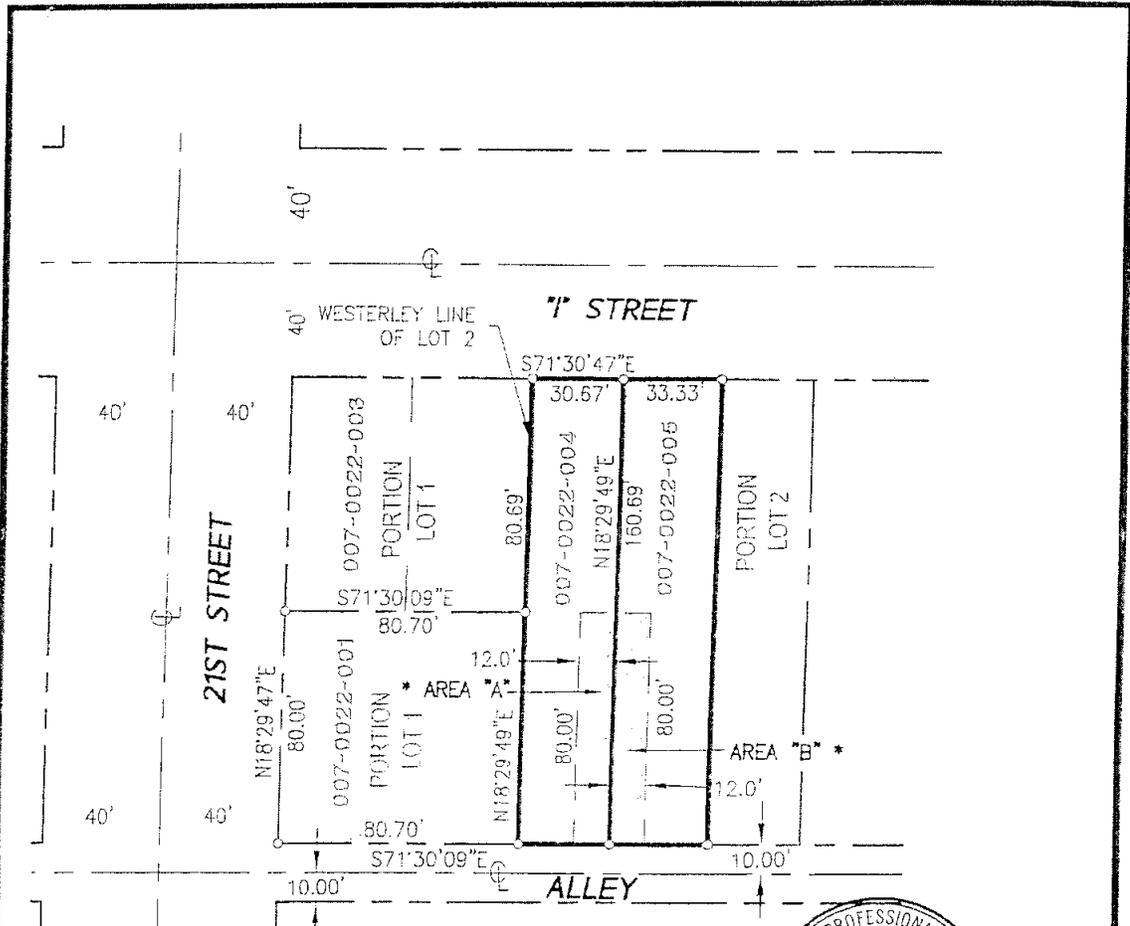
  
\_\_\_\_\_  
Mayor Heather Fargo

Attest:

  
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Shirley Concolino, City Clerk

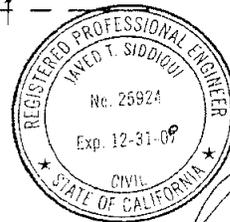


Exhibit B – Reciprocal Ingress/Egress Parking Easement Exhibit



NOTE:  
THIS EXHIBIT IS PREPARED FROM RECORD DATA.  
IT IS NOT BASED ON A SURVEY.

\* 12.0' INGRESS/EGRESS AND  
PARKING/MANUVERING SPACE EASEMENT.  
MUTUAL/RECIPROCAL AND  
NON-EXCLUSIVE.



*Javed T. Siddiqui*  
JAVED T. SIDDIQUI RCE 25924 1/8/08

<b>JTS ENGINEERING CONSULTANTS, INC.</b> 1808 J STREET SACRAMENTO CALIFORNIA 95814 (916) 441-6708	EXHIBIT "B" RECIPROCAL EASEMENT EXHIBIT PORTIONS OF LOT 2 IN THE BLOCK BOUNDED BY I, J, 21ST AND 22ND STREETS CITY OF SACRAMENTO CALIFORNIA	SCALE: 1"=50' DATE: 01/06/08 SHEET: 1 OF 1 JOB#: 2006-083
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