

## RESOLUTION NO. 2009-292

Adopted by the Sacramento City Council

May 12, 2009

### ADOPTING FINDINGS OF FACT AND APPROVING THE 403 38TH STREET TENTATIVE MAP PROJECT (Z08-144)

#### BACKGROUND

- A. On September 18, 2008 the Zoning Administrator conducted a public hearing and acted to approve with conditions the 403 38th Street Tentative Map.
- B. On September 23, 2008 the decision of the Zoning Administrator was appealed to the Planning Commission.
- C. On October 23, 2008 the Planning Commission conducted a public hearing and acted to continue the 403 38th Street Tentative Map.
- D. March 12, 2009 the Planning Commission conducted a public hearing and acted to approve with conditions the 403 38th Street Tentative Map.
- E. On March 23, 2009 the project was called up to be heard before the City Council.
- F. On May 12, 2009, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2)(d) (posting and mail (300')), and received and considered evidence concerning the 403 38th Street Tentative Map.

#### 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 403 38th Street Tentative Map, 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 Exemption for the Project has been adopted by Resolution No. 2009-291.
  - B. Tentative Map: The Tentative Map to subdivide 0.42 acres into 2 lots is approved based on the following findings of fact:
    - 1. None of the conditions described in Government Code Section 66474, subsection

(a) through (g), inclusive, exist with respect to the proposed subdivision;

2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan, all applicable community and specific plans, 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 Control 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 one (1) interior parcel of less than 52 feet in width (at the front building setback line) 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.

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

B. Tentative Map: The Tentative Map to subdivide 0.42 acres into 2 lots is approved based on the following findings of fact:

**NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (Z08-144). 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:

**PLANNING:**

- B1. The existing paved driveway must be removed and replaced with a new driveway that complies with front setback area paving limitations (40% of front setback area), prior to finalization of the map. Paved driveway may have a landscaped strip in the center and the driveway must lead to a fully paved parking area for the existing home.

**GENERAL: All Projects**

- B2. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
- B3. Private reciprocal ingress, egress, maneuvering and parking 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, maneuvering, and parking easement shall be conveyed to and reserved from Parcels 1 and 2, at no cost, at the time of sale or other conveyance of either parcel.;
- B4. Show all continuing and proposed/required easements on the Parcel Map;
- B5. 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;

**UTILITIES:**

- B6. Prior to the recordation of the parcel map the applicant/owner shall provide to the Department of Utilities, for review and approval, a detail grading plan showing existing and proposed elevations. 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.
- B7. Per City Code, the Subdivider may not develop the project in any way that obstructs, impedes, or interferes with the natural flow of existing off-site drainage that crosses the property. Furthermore, all lots shall be graded so that drainage does not cross property lines. The project shall construct the required private infrastructure to handle all the pre-existing off-site runoff to the satisfaction 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.

**DEPARTMENT OF TRANSPORTATION:**

- B8. 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 fronting the property along 38th Street per City standards and to the satisfaction of the Development Engineering Division;
- B9. 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;

**PPDD: Parks**

- B10. 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);
- B11. 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:

- B12. At the time of building permit the applicant must show that either the lots will be graded so that drainage does not cross property lines or the applicant will be required to 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; (Utilities)

- B13. Developing this property may require the payment of sewer impact fees. Applicant should contact the fee quote desk at (916) 876-6100 for sewer impact fee information; (SASD)
- B14. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction; (FIRE)
- B15. The furthest projection of the exterior wall of a building shall be accessible from within 150 ft of an approved Fire Department access road and water supply as measured by an unobstructed route around the exterior of the building. (CFC 503.1.1); (FIRE)
- B16. Provide at least 5' setback for second story bedroom windows to allow for fire ladder rescue operations. Provide clear access to buildings openings, free to landscaping and other obstructions. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the Fire Department. CFC 504.1; (FIRE)
- B17. Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life; (PARKS)
- B18. The City adjusts its Park Development Impact Fees on July 1 of each year. Beginning July 1, 2008 the Park Development Impact Fee due for each single-family residential unit will increase from \$4,843 per residential unit to \$4,868 per unit. The fees are assessed based upon the date of submittal of the application for a Building Permit; (PARKS)
- B19. As per City Code, the applicant will be responsible to meet his/her obligations regarding:
- a. 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 \$4,470. This is based on the creation of one new single-family lot and an average land value of \$250,000 per acre for the East Sacramento 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.
  - b. 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 \$4,843. This is based on one new single family unit at the rate of \$4,843 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.

- c. Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation.

**PLANNING ADVISORY NOTE:**

- B20. Any new home to be constructed in this neighborhood will be subject to compliance with the Interim East Sacramento Design Standards (tent) ordinance and to the Citywide Design Review checklist.
  
- C. Subdivision Modification: The Subdivision Modification to create one (1) interior parcel of less than 52 feet in width (at the front building setback line) is approved subject to the following conditions of approval:
  - C1. A five (5) foot minimum side yard setback requirement for all residential dwellings shall be recorded on the final map.
  - C2. The minimum distance between parallel property lines must be at least twenty (20) feet apart.

Adopted by the City of Sacramento City Council on May 12, 2009 by the following vote:

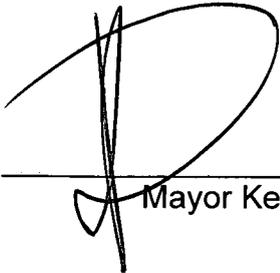
Ayes: Councilmembers Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

Noes: None.

Abstain: Councilmember Cohn (Recused).

Absent: None.

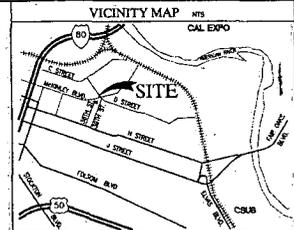
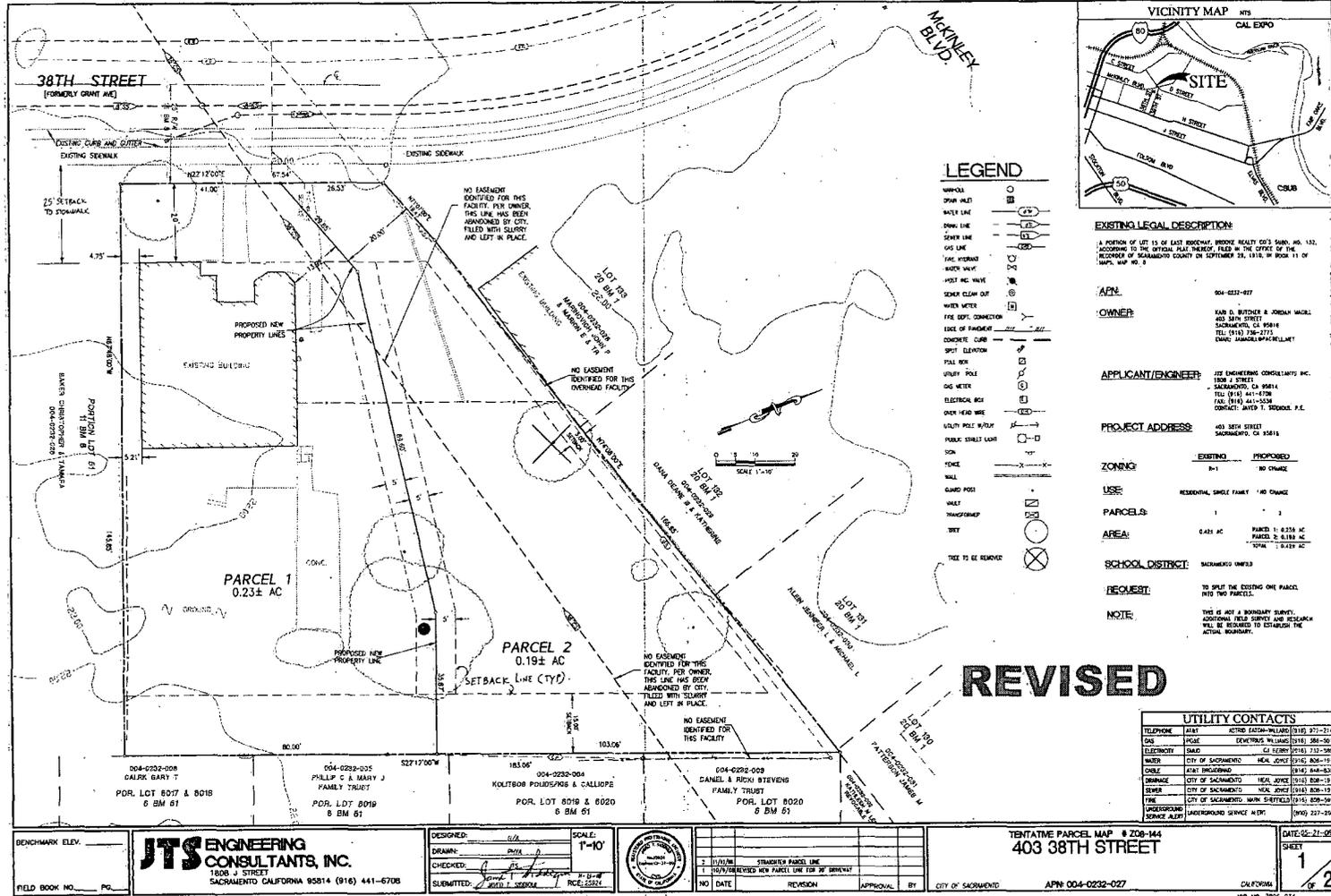
Attest:



\_\_\_\_\_  
Mayor Kevin Johnson

*for Dawn Bullwinkel*  
Shirley Concolino, City Clerk

Exhibit A: Tentative Map



**EXISTING LEGAL DESCRIPTION:**  
 A PORTION OF LOT 15 OF EAST BROADWAY, BROADWAY REALTY CO'S 5880, NO. 132, ACCORDING TO THE ORIGINAL PLAT THEREOF, FILED IN THE OFFICE OF THE RECORDER OF SACRAMENTO COUNTY ON SEPTEMBER 23, 1918, IN BOOK 511 OF SAFFS, MAP NO. 2.

**APN:** 004-0232-027

**OWNER:** KAM D. BUTCHER & JORDAN MAJOR, 403 38TH STREET, SACRAMENTO, CA 95814, TEL: (916) 441-4708, FAX: (916) 441-0034, EMAIL: JMAJOR@GMAIL.COM

**APPLICANT/ENGINEER:** JTS ENGINEERING CONSULTANTS, INC., 1808 J STREET, SACRAMENTO, CA 95814, TEL: (916) 441-4708, FAX: (916) 441-0034, CONTACT: JAYNE T. SPODOL, P.E.

**PROJECT ADDRESS:** 403 38TH STREET, SACRAMENTO, CA 95814

**ZONING:** EXISTING: R-1, PROPOSED: NO CHANGE

**USE:** RESIDENTIAL, SINGLE FAMILY, NO CHANGE

**PARCELS:** 1, 2

**AREA:** GROSS AC: PARCEL 1: 0.23± AC, PARCEL 2: 0.19± AC, TOTAL: 0.42± AC

**SCHOOL DISTRICT:** SACRAMENTO UNIFIED

**REQUEST:** TO SPLIT THE EXISTING ONE PARCEL INTO TWO PARCELS.

**NOTE:** THIS IS NOT A BOUNDARY SURVEY. ADDITIONAL FIELD SURVEY AND RESEARCH WILL BE REQUIRED TO ESTABLISH THE ACTUAL BOUNDARY.

UTILITY CONTACTS	
TELEPHONE	SAINT ANTHONY (916) 227-2140
POST	CONVENTUS (916) 226-2073
ELECTRICITY	PG&E (916) 232-5807
WATER	CITY OF SACRAMENTO (916) 808-1912
CABLE	AT&T (916) 684-2500
SEWER	CITY OF SACRAMENTO (916) 808-1912
TRUCK	CITY OF SACRAMENTO (916) 808-1912
UNDERGROUND SERVICE ALERT	(800) 227-2940

BENCHMARK ELEV. _____	<b>JTS ENGINEERING CONSULTANTS, INC.</b> 1808 J STREET SACRAMENTO CALIFORNIA 95814 (916) 441-6708	DESIGNED: <i>[Signature]</i>	SCALE: 1"=10'		TENTATIVE PARCEL MAP # Z08-144 <b>403 38TH STREET</b>	DATE: 02-21-09
FIELD BOOK NO. _____ PG. _____		DRAWN: <i>[Signature]</i>	CHECKED: <i>[Signature]</i>			SUBMITTED: <i>[Signature]</i>