

RESOLUTION NO. 2006-541

Adopted by the Sacramento City Council

July 18, 2006

ADOPTING THE FINDINGS OF FACT DENYING THE APPEAL AND APPROVING THE TENTATIVE MAP AND SPECIAL PERMIT FOR THE DIAS PARK SUBDIVISION LOCATED AT 6122 DIAS AVENUE. (APN: 038-0191-011) (P04-243)

BACKGROUND

- A. On March 9, 2006, the City Planning Commission approved the Tentative Map to subdivide 1.37± acres and the Special Permit to build a single-family home upon each lot (P04-243);
- B. On March 20, 2006, an appeal was made of the decision of the City Planning Commission to approve the Tentative Map to subdivide 1.37± acres and the Special Permit to build a single-family home upon each lot; and
- C. July 18, 2006, the City Council heard and considered evidence in the above-mentioned matter.

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

- Section 1. At the regular meeting of July 18, 2006, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the City Council took the following actions for the location listed above:
- A. Denied the appeal and approved the Tentative Map to subdivide 1.37± acres and the Special Permit to build a single-family home upon each lot.

These actions were made based upon the following findings of fact and subject to the following conditions of approval.

FINDINGS OF FACT

Environmental Determination. The proposed project is exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15332) as the project: a) is consistent with the Low Density Residential General Plan designation and the R-1A zoning; b) is on a 1.37± gross acre site; c) is on a site that has no value as habitat; d) 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 improvements.

Tentative Map. The **Tentative Map** to subdivide 1.37± gross acres into eight single-family residential 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, South Sacramento Community Plan, and subdivision Ordinance Chapter 16.12.020 of the Sacramento City Code. The City General Plan designates the site for Low Density Residential and the South Sacramento Community Plan designates the site for Low Density Residential (4-8 du/acre).
3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in violation of the applicable waste discharge requirements prescribed by the California Regional Quality Control Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision.

Special Permit. The **Special Permit** to construct a single-family residence upon each lot is approved based on the following findings of fact:

1. Granting of the Special Permit is based upon sound principles of land use in that:
 - A. The proposed single-family homes are compatible with the existing surrounding residential development which includes single-family homes and a mobile home park;
 - B. The proposed unit mix that includes single-family homes, halfplexes, and second units will provide a variety of ownership opportunities.
2. Granting the Special Permit would not be detrimental to public welfare nor result in the creation of a public nuisance in that:
 - A. The proposed single-family homes are compatible with the existing neighborhood, and
 - B. The project had been designed to meet all requirements for circulation and emergency access,

- 3 The project is consistent with the General Plan and the South Sacramento Community Plan in that the project is consistent with the Low Density Residential designation of the site.

CONDITIONS OF APPROVAL

The **Tentative Map** to subdivide 1.37± gross acres into eight single-family residential lots is hereby approved subject to the following conditions:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P04-243). 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:

GENERAL. All Projects

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
2. 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 and Finance Division after consultation with the U.S. Postal Service;
3. 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 Parcels 4 and 5, at no cost, at the time of sale or other conveyance of either parcel;
4. Show all continuing and proposed/required easements on the Final Map;
5. 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;

Development Engineering and Finance Division: Streets

6. Submit a Geotechnical Analysis prepared by a registered engineer to be used in street design. The analysis shall identify and recommend solutions for groundwater related problems, which may occur within both the subdivision lots and public right-of-way. Construct appropriate facilities to alleviate those problems. As a result of the analysis street sections shall be designed to provide for stabilized subgrades and pavement sections under high groundwater conditions;
7. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering and Finance Division;
8. Dedicate and construct full frontage improvements along Dias Avenue to the satisfaction of the Development Engineering and Finance Division. Dias Avenue shall be constructed to the City's pedestrian friendly residential standards and shall incorporate separated sidewalks;
9. The applicant shall dedicate and construct full frontage improvements along the proposed "A" Street per City standards and to the satisfaction of the Development Engineering and Finance Division. Street "A" shall be constructed as a 41-foot residential street with full improvements on the west side, two travel lanes and an acceptable drainage on the east side to the satisfaction of the Department of Utilities and the Development Engineering and Finance Division;
10. This project shall require street lighting. There is an existing street lighting system in this project area. Improvement of right-of-way may require modification to the existing system. Electrical equipment shall be protected and remain functional during construction;
11. Developer is required to install permanent street signs to the satisfaction of the Development Engineering and Finance Division;
12. 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 and Finance Division. Improvements required shall be determined by the City, but at a minimum, streets shall include half-streets and at least one travel lane in each direction and appropriate drainage. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards;

13. 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 to 3.5' in height. The area of exclusion shall be determined by the Development Engineering and Finance Division;

14. Provide a temporary traffic turnaround at the end of Street "A" to the satisfaction of the Traffic Engineer and the Fire Department;

PUBLIC/PRIVATE UTILITIES

15. Dedicate a standard 12.5 foot public utility easement (PUE) for underground facilities and appurtenances adjacent to all public street right of ways;
16. Connection to the District's sewer system shall be required to the satisfaction of the County Sanitation District (CSD-1). Sacramento County Improvement Standards apply to sewer construction;
17. Each lot and each building with a sewage source shall have a separate connection to the County Sanitation District (CSD-1) sewer system;
18. In order to obtain sewer service, construction of a County Sanitation District (CSD-1) sewer infrastructure is expected to be required;
19. Sewer easements may be required. All sewer easements shall be dedicated to County Sanitation District (CSD-1) in a form approved by the District Engineer. All County Sanitation District (CSD-1) sewer easements shall be at least 20-feet in width and ensure continuous access for installation and maintenance;
20. The County Sanitation District (CSD-1) requires sewers to be located 10 feet from other parallel utilities (water, drain, electrical, etc.). Prior to the recording of the Final Map, applicant shall prepare a utility plan that will demonstrate that this condition is met;

CITY UTILITIES

21. Provide standard subdivision improvements per Section 16.48.110 of the City Code;
22. The PUE shown between Lots 4 and 5 shall not be used for public water, sewer or drainage mains;

23. Either the lots must be graded so that drainage does not cross property lines or the applicant must 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 # (BOOK ____, PAGE__).”

24. Provide separate metered domestic water services to each new parcel,
25. Prior to the submittal of improvement plans, the applicant must provide the Department of Utilities (DOU) with the average day water system demands, the fire flow demands, and the proposed points of connection to the water distribution system for the proposed development. The DOU can then provide the "boundary conditions" for the design of the water distribution system. The water distribution system shall be designed, per Section 13.4 of the Design and Procedures Manual, to satisfy the more critical of the two following conditions:
- A. 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.
- B. 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 applicant shall submit a water study with pipe network calculations for the proposed water distribution system. The calculations shall be reviewed and approved by the DOU prior to improvement plan approval. Note: A 6" water main is located in Dias Avenue. Fire hydrants are located approximately 80 feet west and 220 feet east of the subdivision on Dias Avenue. A water main extension (8-inch minimum) and a new fire hydrant will be required for this subdivision,

26. The proposed development is located within County Sanitation District No. 1 (CSD-1). Satisfy all CSD-1 requirements;
27. Prior to submittal of improvement plans, a drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual is required. If required by the Department of Utilities, the applicant shall develop a Storm Water Management Model (SWMM) for the drainage study. Prior to performing the drainage study, the applicant should coordinate with the Department of Utilities the scope of the drainage study. The drainage system

will need to be extended to serve the new lots. Detention may be required in oversized pipes or the street section per the Design and Procedures Manual. Finished lot pad elevations shall be a minimum of 1.20 feet above the 100-year HGL and shall be approved by the Department of Utilities. The drainage study shall include an overland flow release map for the proposed project. Lot pad elevations shall be a minimum of 1.5 feet above the controlling overland release elevation. Note: A 36-inch drainage pipe is located in Dias Avenue. Sump 147 is located at the east end of Dias Avenue and can pump at the rate of 0.35 cfs;

28. 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. The proposed development shall not block existing off-site drainage. If necessary, private facilities shall be constructed to convey existing off-site drainage and if necessary, the owner shall execute a drainage agreement with the City assuring maintenance of the private drainage facilities;
29. 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,
30. 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. This will not affect site design. Refer to the "Guidance Manual for On-site Stormwater Quality Control Measures," dated January 2000, for appropriate source control measures;
31. This project will disturb greater than 1 acre of property; therefore the project is required to comply with the State "NPDES General Permit for Stormwater Discharges Associated with Construction Activity" (State Permit). To comply with the State Permit, the applicant will need to file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and prepare a Stormwater Pollution Prevention Plan (SWPPP) prior to construction. A copy of the State Permit and NOI may be obtained at www.swrcb.ca.gov/stormwtr/construction.html. The SWPPP will be reviewed by the Department of Utilities prior to issuing a grading permit or approval of improvement plans to assure that the following items are included. 1) vicinity map, 2) site map, 3) list of potential pollutant sources, 4) type and location of erosion and sediment BMPs, 5) name and phone number of person responsible for SWPPP, 6) signed certification page by property owner or authorized representative;

FIRE:

32. Because Fire Department turnaround is located on private property, a reciprocal ingress/egress agreement shall be provided for review by the City Attorney;
33. All turning radii for fire access shall be designed as 35' inside and 55' outside;
34. Place a hydrant immediately south of the driveway to the granny flats on the east side of the street, and provide any additional required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5;

PPDD: Parks

35. The Applicant shall comply with City Code 16.64 (Parkland Dedication) and dedicate a park site at a location deemed acceptable to the City's Park Planning, Design and Development division (PPDD); **and/or**, as determined by PPDD, request the City have prepared, at the applicant's expense, a fair market value appraisal of the property to be subdivided and pay the required parkland dedication in-lieu fees or, as an alternative to the appraisal process, pay the required parkland dedication in-lieu fees based on the Community Planning Area "fixed market value " per acre of land as adopted by Sacramento City Council;
36. The Applicant must provide proof they have initiated and completed the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annexed the project to an existing parks maintenance district prior to recording a Final Map. The applicant shall pay all City fees for formation of or annexation to special districts. The purpose of the district is to equitably spread the cost of neighborhood park maintenance on the basis of special benefit, in the case of an assessment district. In the case of a special tax district, the cost will be spread based upon the hearing report, which specifies the tax rate and method of apportionment. (Contact Development Services Department, Special Districts, Project Manager);

MISCELLANEOUS

37. Title to any property required to be dedicated to the City in fee shall be conveyed free and clear of all rights, restrictions, easements, impediments, encumbrances, liens, taxes, assessments or other security interests of any kind (hereafter collectively referred to as "Encumbrances"), except as provided herein. The Applicant shall take all actions necessary to remove any and all Encumbrances prior to approval of the Final Map and acceptance of the dedication by City, except that the Applicant shall not be required to remove Encumbrances of record, including but not limited to easements or rights-of-way

for public roads or public utilities, which, in the sole and exclusive judgment of the City, cannot be removed and/or would not interfere with the City's future use of the property. The Applicant shall provide title insurance with the City as the named beneficiary assuring the conveyance of such title to City;

ADVISORY NOTES:

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

38. Developing this property will require the payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to filing and recording of the Final Map, or issuance of the building permits, whichever is first. Applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information.

The **Special Permit** to construct a single-family residence upon each lot is approved subject to the following conditions.

1. 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 approval prior to the issuance of building permits;
2. Identical plans placed next to each other shall have a mirrored orientation and shall be finished different color palettes;
3. Garage doors shall be metal sectional with raised panels;
4. Automatic front yard sprinklers and landscaping with a minimum of one shade tree shall be provided within the front yard of each residence at the time of construction;
5. Provide seamless gutters along all appropriate roof lines with down spouts where applicable;
6. The front windows for all homes shall be constructed as shown on the plans;
7. The standard roofing materials shall be concrete tile in a color to match the homes;
8. All rear and side elevations visible from the street shall incorporate window treatments consistent with those on the front elevations;

9. Houses with the same color scheme shall not be located adjacent to one another;
10. The project shall be required to divert construction waste by recycling. The project proponent should target cardboard, wood waste, scrap metal, and dry wall for recovery;
11. The fencing on the corner lots along the street side shall start at the rear corner of the house and extend toward the street and to the rear lot line, meeting all setback requirements;
12. The halfplex units proposed for lots 3A, 3B, 6A, and 6B shall be deleted and the applicant shall construct single-family homes on each of the corner lots;
13. To the extent it complies with the Department of Real Estate (DRE), the owner/applicant shall include an "anti-speculation and use as principle residence" provision in the Agreement of Sale for the homes. The provision will require the initial sale of the home(s) be owner occupied for a minimum of 18 to 24 months. The purpose of the provision is to discourage speculation and to provide a stabilized community of owner-occupied homes.

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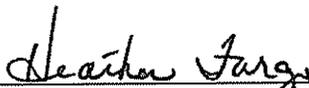
Adopted by the City of Sacramento City Council on July 18, 2006 by the following vote:

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

Noes: None.

Abstain: Pannell.

Absent: None.

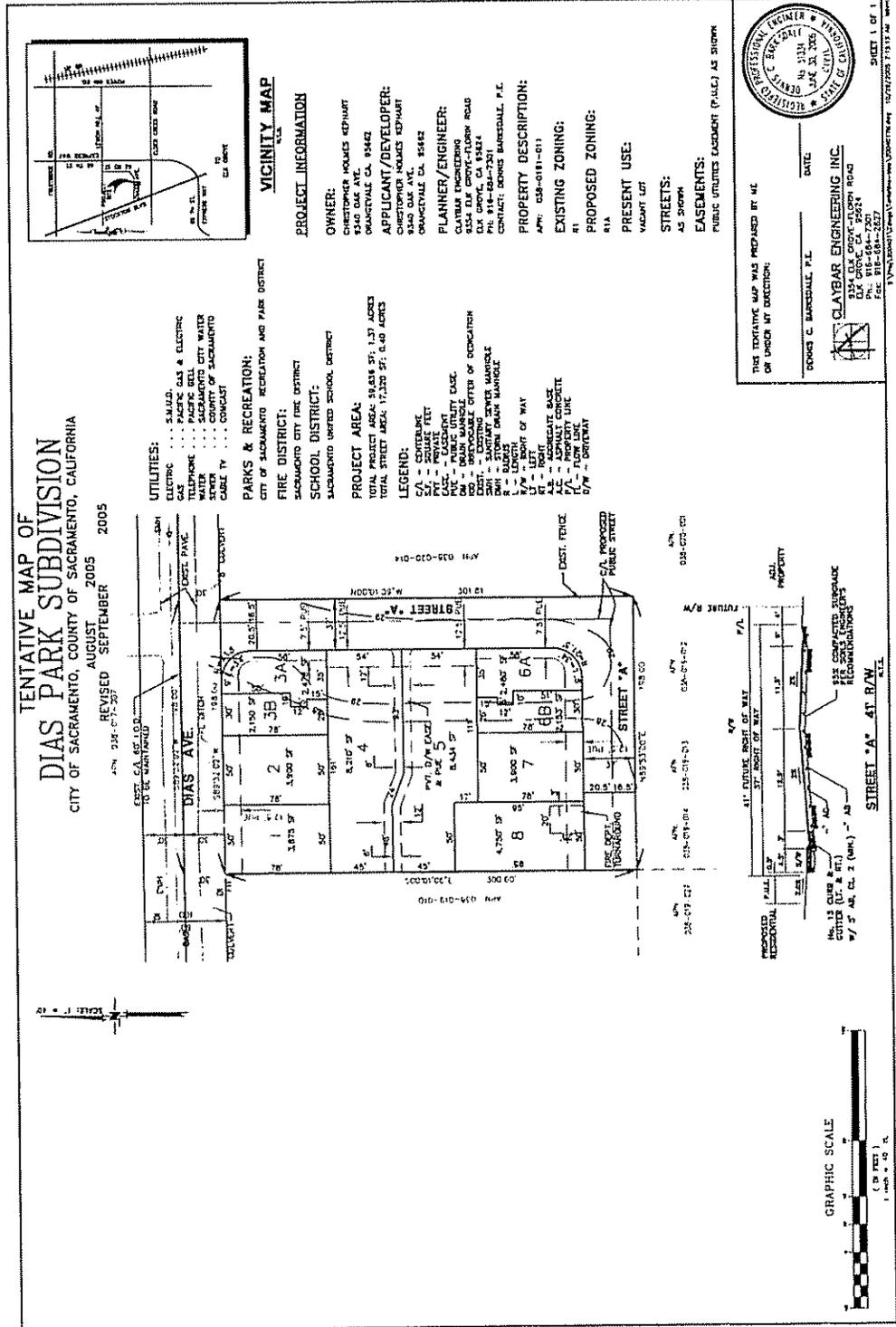


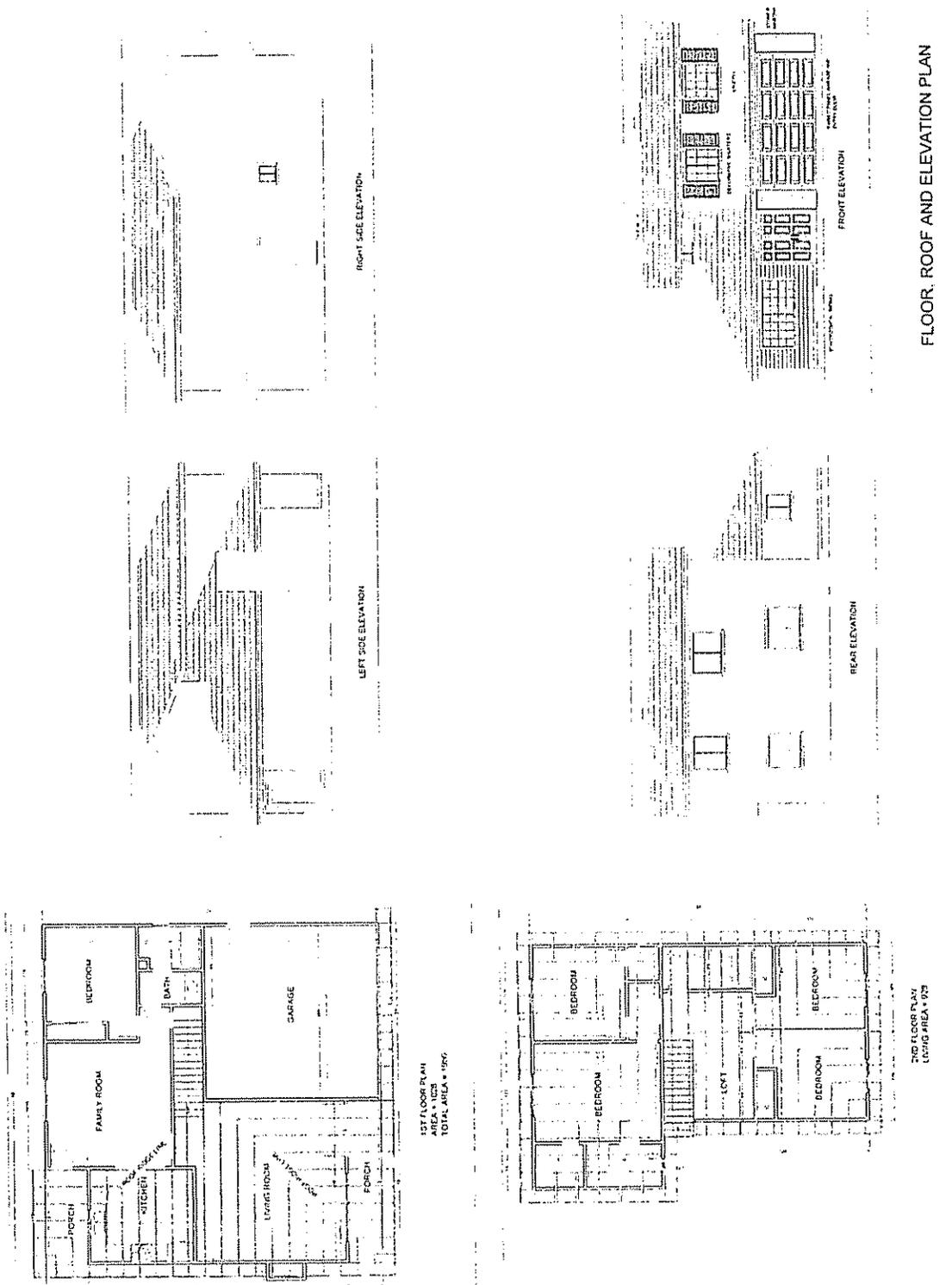
 Mayor, Heather Fargo

Attest:

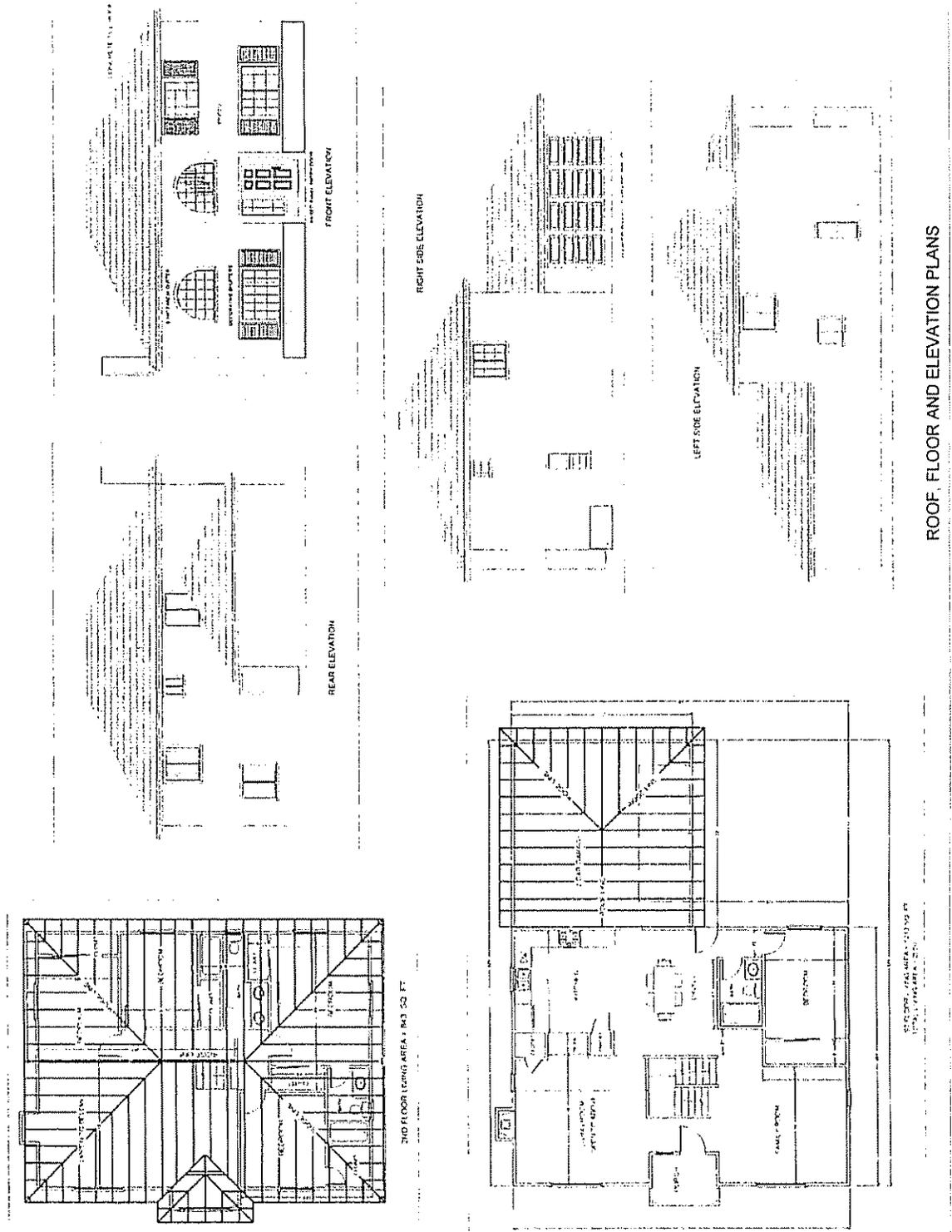


 Shirley Concolino, City Clerk

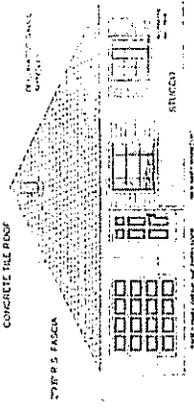
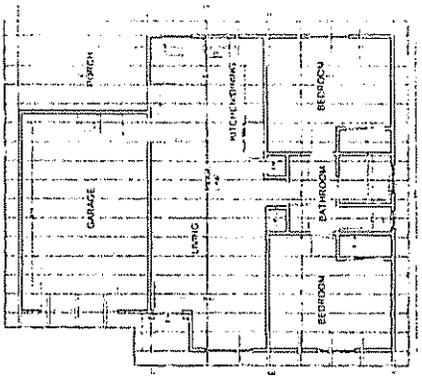




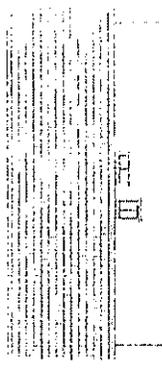
FLOOR, ROOF AND ELEVATION PLAN



ROOF, FLOOR AND ELEVATION PLANS



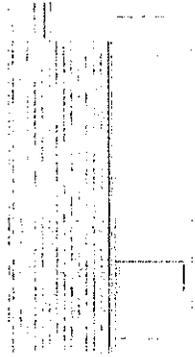
FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION