



# REPORT TO COUNCIL

## City of Sacramento

915 I Street, Sacramento, CA 95814-2671  
www.CityofSacramento.org

Public Hearing  
August 15, 2006

Honorable Mayor and  
Members of the City Council

**Title:** Call-up: Luther Estates Unit #2 Tentative Map (P06-041)

**Location/Council District:** 7255 Luther Drive; APNs: 049-0010-038, 042, and 085  
(District 8)

**Recommendation:** Adopt 1) a **Resolution** determining project exempt under the California Environmental Quality Act, 2) a **Resolution** approving a Tentative Map, and 3) a **Resolution** approving a Subdivision Modification.

**Contact:** Kimberly Kaufmann-Brisby, Associate Planner, 808-5590; Tom Buford, Senior Planner, 808-7931

**Presenter:** Kimberly Kaufmann-Brisby

**Department:** Development Services

**Division:** Current Planning

**Organization No:** 4881

**Description/Analysis:**

**Issue:** The applicant is requesting to subdivide a vacant ±0.78 acre site into five (5) single-family lots in the Standard Single-family (R-1) zone. See Background discussion (Attachment 3) and the discussion regarding the applicant's request for relief from certain project conditions (Attachment 4).

**Policy Considerations:**

The General Plan designates the site for Low Density Residential [4-15 dwelling units per net acre (du/na)]. The South Sacramento Community Plan designates the site for Residential 4-8 du/na. The project proposes a net density of 6 du/na, which is consistent with the land use designations and applicable policies of the General Plan and the South Sacramento Community Plan.



**Smart Growth Principles:** The City Council adopted a set of Smart Growth Principles in December of 2001 in order to encourage development patterns that are sustainable and balanced in terms of economic objectives, social goals, and use of environmental/natural resources. The project promotes the concentration of new development and targets infrastructure investments within the urban core of the City of Sacramento.

**Strategic Plan Implementation:** The recommended action conforms to the City of Sacramento's Strategic Plan, specifically by increasing opportunities for all Sacramento residents to live in safe and affordable housing.

**Committee/Commission Action:** On July 13, 2006, the Planning Commission unanimously approved, with a vote of six ayes and with two commissioners absent, the proposed tentative map and subdivision modification.

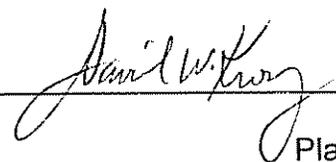
**Environmental Considerations:** Exempt under CEQA Guidelines Section 15332-Infill Development. The project is consistent with the General Plan designation and all applicable General Plan policies as well as with the zoning designation and applicable regulations. The proposed development is within city limits on a site with less than five acres that is substantially surrounded by urban uses. The site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site is adequately served by all required utilities and public services.

**Rationale for Recommendation:** The project is consistent with sound principles of land use and environmental quality. Approval of the proposed project would result in the addition of five single-family infill lots with a lotting pattern consistent with the surrounding neighborhood. Staff is not aware of any public opposition to the proposed project.

**Financial Considerations:** None.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased under this report.

Respectfully Submitted by:



David Kwong  
Planning Manager

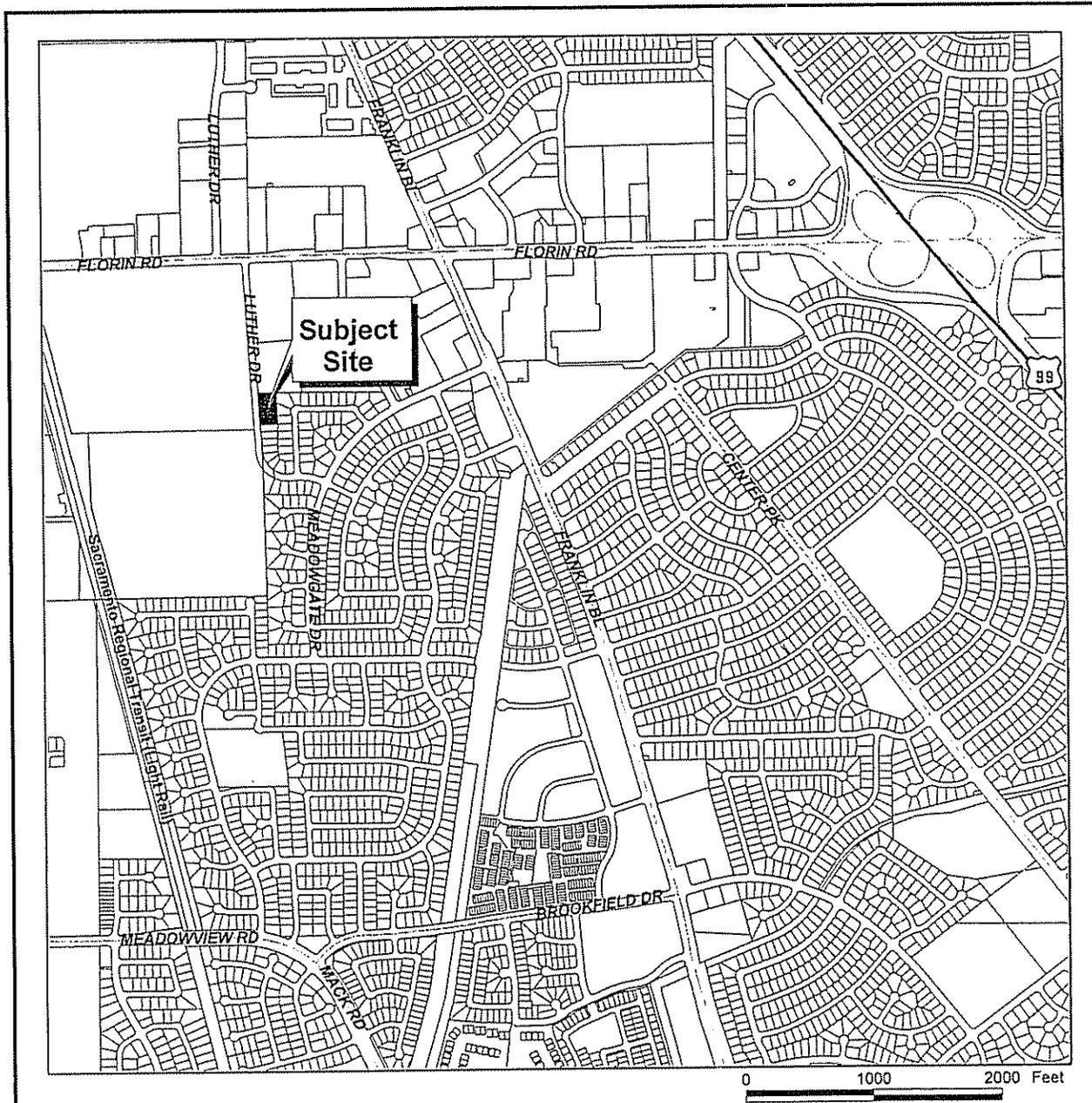
Approved by: William Thomas  
William Thomas  
Development Services Director

Recommendation Approved:

Ray Kerridge  
RAY KERRIDGE  
City Manager

<b>Table of Contents:</b>		
Report		Pg. 1
<b>Attachments</b>		
1 Vicinity Map		Pg. 4
2 Land Use Map		Pg. 5
3 Project Background		Pg. 6
4 Applicant's Request for Modification of Conditions and Memo		Pg. 7
5 Resolution determining project exempt under CEQA		Pg. 10
6 Resolution to approve the Tentative Map		Pg. 12
Exhibit A – Tentative Map		Pg. 19
7 Resolution to approve the Subdivision Modification		Pg. 20
Exhibit A – Tentative Map		Pg. 22
8 July 13, 2006 CPC Staff Report		Pg. 23

### Attachment 1 - Vicinity Map



Development Services  
Department

Geographic  
Information  
Systems

### Vicinity Map for the Luther Drive Tentative Map



P06-041



## Attachment 3 – Project Background

### Summary:

The applicant proposes to subdivide and develop the vacant  $\pm 0.78$  net acres with five (5) standard single-family lots. Because the property is zoned for and would be developed with a standard single-family development, review of house plans with the tentative map application is not required by the Zoning Code. The lotting layout is consistent with standard single-family subdivision requirements with regard to the required 100' lot depth, which each lot exceeds by at least 35'; however the lot widths are less than the required 52' width, ranging between  $\pm 49'$  to  $\pm 51'$ , for which a subdivision modification is requested.

### Background Information:

A review of project history revealed no recent project applications. A tentative map, P8340, subdividing assessor's parcel number 049-0010-038 was approved many years ago, but was never finalized. No additional records of prior planning applications affecting this property were found.

## Attachment 4

### Applicant's Request for Modification of Conditions and Memo

Following the July 13, 2006, Planning Commission approval of the project, and notification of the Call-Up by the Councilmember, the applicant contacted staff and asked for the modification of several conditions that were approved by the Planning Commission.

The applicant has submitted a written request via Memo dated July 22, 2006. The Memo is included as a part of this attachment.

The applicant's request relates to required off-site improvements for water and sewer, payment of sewer impact fees, installation of a fire hydrant, and payment for a water flow test to demonstrate that adequate flows can be delivered to the project. The applicant asserts that other "...lower end housing projects..." have been granted relief from similar conditions. The applicant indicates the financial burden imposed on the project by these conditions is substantial, and they jeopardize the financial viability of the development.

The conditions identified by the applicant are standard conditions imposed on development projects in the City. The purpose of the conditions is to ensure that each development project is adequately served with utilities and public services, that existing users are not adversely affected by the extension of such services, and that the cost of extending or upgrading such services is fairly allocated.

Staff does not support the applicant's request, and has not included findings to support such relief, or changes in the identified conditions, in the materials submitted to City Council. In the event City Council seeks to approve such changes, staff can return with modified findings and a revised Resolution for approval at a later meeting.

**FAX MEMO**

TO: Tom Buford, Senior Planner  
City of Sacramento Planning Department  
808-5328 FAX TBuford@cityofsacramento.org

FROM: Robert Pecora  
(916) 399-9288 (916) 421-9185 FAX rpecora@cs.com

DATE: Saturday, July 22nd, 2006

RE: 7255 Luther Dive, Sacramento lot line adjustment  
Tentative Map Application P060041

I request that the City Council vote to affirm or deny the Subdivision Review Committee and City Planning Commission unanimous approval of the tentative map at their scheduled August 14<sup>th</sup> meeting and that the matter does not get delayed, tabled or otherwise set aside with no resolution of council person Panell's call up.

On July 13th the City Planning Commission approved the tentative map application with 30 conditions of approval, 13 findings of fact and 4 advisory notes. Several of the conditions of approval have meaningful cost implication as a condition for granting final map approval which creates the lots and which affects the projects economics. Examples include:

1. Off site improvements of a new sewer and water lines in the street in front of the subject property, although there is are existing sewer and water lines, but I would not be allowed to tap into them for individual lot service. I request that the city provide the civil engineering for these off site improvements, contract for them and directly pay to them within one year of the August 14<sup>th</sup> date.
2. I request that the city pay for the off site improvement for a new fire hydrant at the corner of the site as mandated by a condition of approval and that they contract for this and implement such within one year of the August 14th, 2006 date.
3. Payment of sewer impact fees is waiver by the city or paid directly by the city.
4. Pay for a mandated water pressure study and water supply test and effect measures to increase water pressure to certain standards for residual pressure, as needed, which I request is done by the city and paid for by the city and that if the test results indicate inadequate water pressure or flow, that the city shall correct those conditions to a satisfactory level and pay for such directly, within one year of the August 14<sup>th</sup> date.

These requests are made, fostered by the facts:

1. this is a small infill project with few lots to spread the costs cover;
2. compounded by the fact that the costs to implement all of the conditions of approval will result in land cost that is notably excessive for the projects economic viability, roughly estimated at 2 to 3 times the land costs;
3. and further compounded to an uncertain degree and open ended ness with the water supply and flow conditions which substantially increase the risk; and
4. further exasperated that the subject property is located in a marginal lower income neighborhood where the home prices would need to remain relatively low to be competitive and saleable

and supported by the fact that the City of Sacramento has given grants or has otherwise absorbed costs for lower end housing projects as has been done for example with Regis homes in midtown/downtown Sacramento.

Tom, please include this as part of the package submitted to the city council. referenced as the applicant's statement to the city council.

Thank you.

**Attachment 5**

**RESOLUTION NO. 2006-XXX**

Adopted by the Sacramento City Council

**DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Luther Estates Unit#2 P06-041)**

**BACKGROUND**

A. The City of Sacramento's Environmental Planning Services has reviewed Luther Estates Unit#2 (P06-041) ("Project") and has determined the Project is exempt from review under the California Environmental Quality Act as follows:

1. The Project is exempt under the following provisions of the California Environmental Quality Act and/or Guidelines: Section 15332-Infill Development Projects.
2. The factual basis for the finding of exemption is as follows:
  - (a) The project is consistent with the applicable General Plan designation and all applicable General Plan Policies as well as with applicable zoning designation and regulations.
  - (b) The proposed development occurs within city limits on a project site of no more than five 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.
  - (e) The site can be adequately served by all required utilities and public services.

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

Section 1. The City Council has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the

hearing on the Project and determines that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

**Attachment 6**

**RESOLUTION NO. 2006-XXX**

Adopted by the Sacramento City Council

Date

**APPROVING THE LUTHER ESTATES UNIT #2 TENTATIVE MAP LOCATED AT 7255 LUTHER DRIVE IN SACRAMENTO, CALIFORNIA (P06-041) ASSESSOR'S PARCEL NUMBERS (APNS): 049-0010-038, 042, AND 085.**

**BACKGROUND**

- A. On July 13, 2006, the City Planning Commission approved the Tentative Map and Subdivision Modification for the Luther Estates Unit #2 project (P06-041); and,
- B. On July 19, 2006, the project was called-up to be heard by the City Council by Council member Pannell; and,
- C. On August 15, 2006, the City Council heard and considered evidence in the above-mentioned matter; and,
- D. The City Council has determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines (Section 15332-Infill Development projects).

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

- Section 1. Based on verbal and documentary evidence at said hearing, the City Council approves the Luther Estates Unit #2 Tentative Map to merge three parcels totaling ±0.78 acres then subdivide into five lots in the Standard Single-family (R-1) zone.
- Section 2. This approval of the Luther Estates Unit #2 Tentative Map is made based upon the following findings of fact and subject to the following conditions of approval:

**A. 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 and the Subdivision Ordinance, Chapter 16.12.020, of the Sacramento City Code. The City General Plan designates the site for Low Density Residential (4-15 du/na) and the South Sacramento Community Plan designates the site for Residential 4-8 du/na.
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.
4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

**B. CONDITIONS OF APPROVAL**

**NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P06-041). 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:

**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. Show all continuing and proposed/required easements on the Final Map;
4. 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**

5. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property along Luther Drive per City standards and to the satisfaction of the Development Engineering Division;
6. 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. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards;
7. Dedicate sufficient right-of-way (if needed) and construct full frontage improvements along Luther Drive per City standards and to the satisfaction of the Development Engineering Division. The improvements along Luther Drive shall match the existing improvements on adjoining parcels;
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 to 3.5' in height. The area of exclusion shall be determined by the Development Engineering and Finance Division;
9. This project does not require street lighting. There is an existing street lighting system around this project area. Improvements of right-of-way may require modification to the existing system. Electrical equipment shall be protected and remain functional during construction;

**PUBLIC/PRIVATE UTILITIES**

10. Dedicate a standard 12.5 foot public utility easement (PUE) for underground facilities and appurtenances adjacent to all street right-of-ways, private drives and/or Irrevocable Offer of Dedication;
11. Connection to the District's sewer system shall be required to the satisfaction of County Sanitation District-1 (CSD-1). Sacramento County Improvement Standards apply to sewer construction;
12. Each parcel and each building with a sewage source shall have a separate connection to the CSD-1 sewer system;
13. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required. An 8-inch (min.) collector pipe and associated infrastructure attaching to the 8-inch line to the north may be necessary;
14. Sewer easements may be required. CSD-1 will provide maintenance only in public right-of-ways and in minimum 20-foot wide easements dedicated to CSD-1 for the purpose of continuous access and maintenance;
15. Demonstrate the existence of, and if needed, abandon the existing easement along the subject property's north boundary and grant CSD-1 a sewer access and maintenance easement centered along the existing pipeline near the property's north boundary. Easements from adjoining parcels are not required;

**CITY UTILITIES**

16. The property owner/developer shall construct an off-site water main extension (8-inch water distribution main) in Luther Drive from the existing 8-inch water main just south of the project site to the 8-inch water main to the north. The construction shall be to the satisfaction of the Department of Utilities (DOU). No connections will be allowed to the 30-inch transmission main in Luther Drive;
17. Any new domestic water services shall be metered. Only one domestic water service is allowed per parcel. Excess services shall be abandoned to the satisfaction of the Department of Utilities;
18. Per Sacramento City Code, water meters shall be located at the point of service which is the back of walk for connected sidewalks;
19. Residential water taps and meters shall be sized per the City's Building Division on-site plumbing requirements (water taps and meters may need to be larger than 1-inch, depending on the length of the house service, number of fixture units, etc.);

20. Prior to the submittal of improvement plans, a project specific water study shall be approved by the Department of Utilities. 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 a least 30 pounds per square inch, and (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. Contact the Department of Utilities for the pressure boundary conditions to be used in the water study;
21. Properly abandon under permit, from the City and County Environmental Management Department, any well or septic system located on the property;
22. 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. 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;
23. Each lot or parcel shall be graded so that drainage does not cross property lines;
24. 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;
25. Finished lot pad elevations shall be a minimum of 1.5 feet above the controlling overland release elevation and a minimum of 1.2 feet above the highest adjoining back of sidewalk elevation. Finished lot pad elevation shall be accepted by the Department of Utilities;
26. 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;
27. Post construction, storm water 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 project. This will not affect site design. Specific source controls are required for

(1) commercial/industrial material storage, (2) commercial/industrial outdoor loading/unloading of materials, (3) commercial/industrial vehicle and equipment fueling, (4) commercial/industrial vehicle and equipment maintenance, repair and washing, (5) commercial/industrial outdoor process equipment operations and maintenance, and (6) commercial/industrial waste handling. Storm drain message is required at all drain inlets. Improvement plans must include the source controls measures selected for the site. Refer to the "Guidance Manual for On-Site Storm Water Quality Control Measures" dated January 2000 for appropriate source control measures;

#### PPDD: Parks

28. **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);
29. **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 Development Services 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.);

#### MISCELLANEOUS

30. Approved fire hydrants capable of providing the required fire flow for the protection of any and all structures shall be located along the route of the fire apparatus access roadway. Fire hydrant installations for the protection of residential projects shall comply with the following requirements:
- a. Replace any existing "wharf" type fire hydrants with an approved hydrant. Wharf hydrants do not satisfy hydrant requirements for new construction.
  - b. Each approved fire hydrant shall have a minimum flow of 1,000 gallons per minute (gpm) for residential developments.

#### ADVISORY NOTES:

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

31. Prior to design of the subject project, the Department of Utilities suggests that the

applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the fire suppression systems;

32. The proposed project is located in the Flood zone designated as **A99** 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 A99 zone, there are no requirements to elevate or flood proof. Although A99 zone has no requirements to elevate or flood proof, flood insurance is required;
33. Developing this property will require the payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to the filing and recording of the Final Map or issuance of building permits, whichever is first. Applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information;
34. 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 \$29,502. This is based on 5 single family residential units and an average land value of \$330,000 per acre for the South Sacramento Planning Area, plus an additional 20% for off-site park infrastructure improvements, less 0 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 (PDIF), due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at \$21,890. This is based on 5 single family units at \$4,378 each. Any change in these factors will change the amount of the PDIF 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.



**Attachment 7**

**RESOLUTION NO. 2006-XXX**

Adopted by the Sacramento City Council

Date

**APPROVING THE LUTHER ESTATES UNIT #2 SUBDIVISION MODIFICATION TO CREATE LOTS WITH LESS THAN THE REQUIRED 52' WIDTH IN THE STANDARD SINGLE-FAMILY (R-1) ZONE LOCATED AT 7255 LUTHER DRIVE IN SACRAMENTO, CALIFORNIA. (P06-041) ASSESSOR'S PARCEL NUMBERS (APNS): 049-0010-038, 042, AND 085.**

**BACKGROUND**

- A. On July 13, 2006, the City Planning Commission approved the Tentative Map and Subdivision Modification for the Luther Estates Unit #2 project (P06-041); and,
- B. On July 19, 2006, the project was called-up to be heard by the City Council by Council member Pannell; and,
- C. On August 15, 2006, the City Council heard and considered evidence in the above-mentioned matter; and,
- D. The City Council has determined that the project is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines (Section 15332-Infill Development projects).

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

- Section 1. Based on verbal and documentary evidence at said hearing, the City Council approves the Luther Estates Unit #2 Subdivision Modification to create lots with less than the required 52' width in the Standard Single-family (R-1) zone.
- Section 2. This approval of the Luther Estates Unit #2 Subdivision Modification is made based upon the following findings of fact:

**A. FINDINGS OF FACT**

1. The property to be divided is of such size or shape, or is affected by such topographic conditions, or there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in this particular case to conform to the strict application of these regulations. The lotting layout makes efficient use of the property by providing lots comparable in size to the surrounding properties and maintaining appropriate density;
2. The cost to the subdivider, of strict or literal compliance with the regulation, is not the sole reason for granting the modification;
3. The modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity in that the lots are of adequate size to accommodate conventional single-family homes. The modification of planning development standards by allowing lots with less width than is typically required for standard single-family development is allowed in this instance because adequate area is provided so all required setbacks and lot coverage requirements may be adhered to; and,
4. Granting the modification is in accord with the intent and purposes of these regulations and is consistent with the General Plan and with all other applicable specific plans of the City.



**Attachment 8 – July 13, 2006, Planning Commission Staff Report**



**REPORT TO  
PLANNING COMMISSION  
City of Sacramento**

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT  
**July 13, 2006**

Honorable Members of the Planning Commission

**Subject: Luther Estates, Unit #2** - A request to subdivide a vacant ±0.78 acre site into five (5) single-family lots in the Standard Single-family (R-1) zone.

- A. Environmental Determination:** Categorically Exempt 15332;
- B. Tentative Map** to merge and then subdivide three parcels totaling ±0.78 acres into five lots in the Standard Single-family (R-1) zone;
- C. Subdivision Modification** to create lots with less than the required 52' width in the Standard Single-family (R-1) zone.

**Location/Council District:**

7255 Luther Drive/Council District 8

Assessor's Parcel Numbers (APNs): 049-0010-038, 042, and 085

**Recommendation:** Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A-C above, and its decision may be appealed to the City Council.

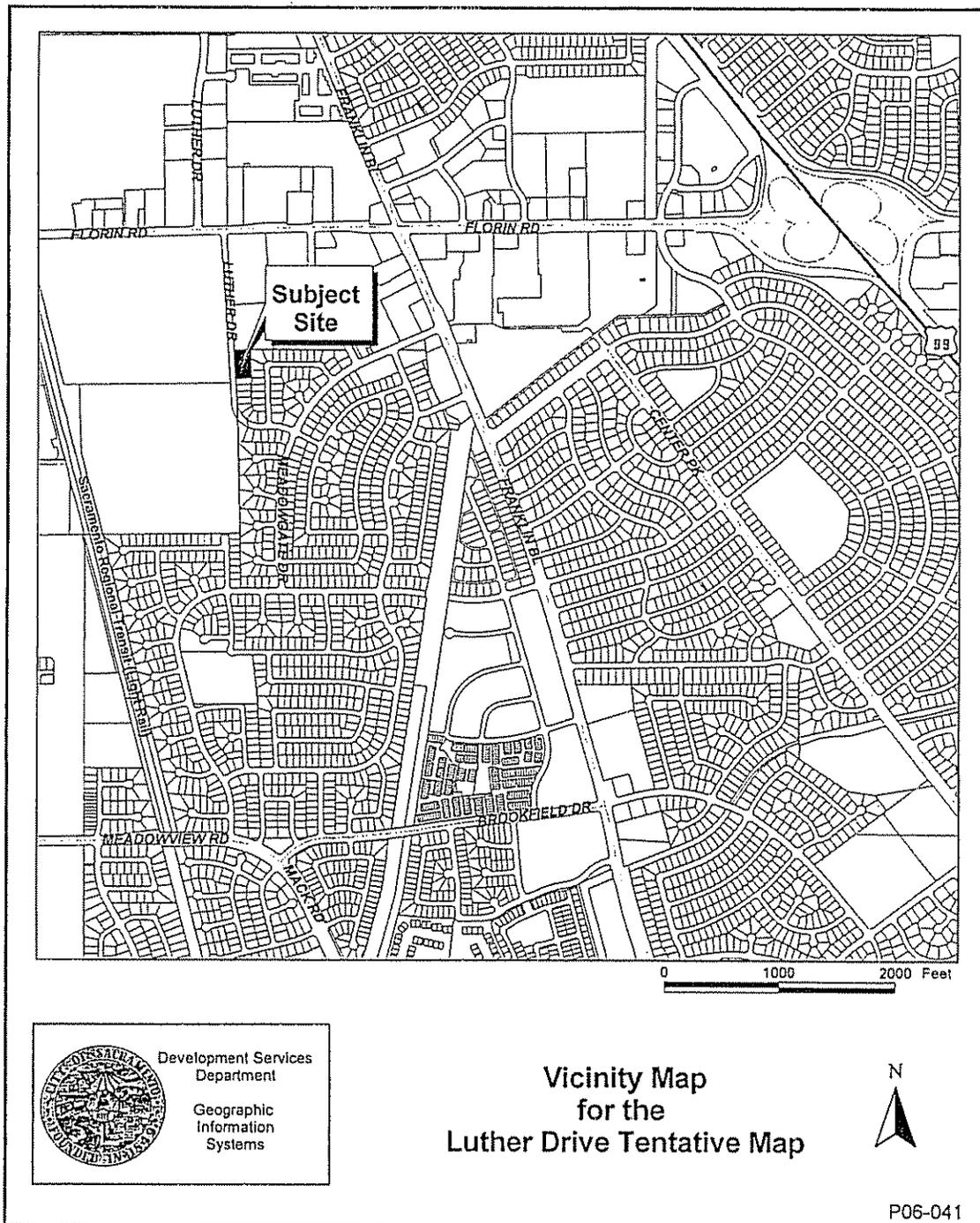
**Staff Contact:** Kimberly Kaufmann-Brisby, Associate Planner, 916-808-5590

**Applicant:** Robert Pecora, 7799 Dutra Bend Drive, Sacramento, CA 95831, 916-399-9288

**Owner:** Florin Road Toyota, Inc., 5150 Madison Avenue, Sacramento, CA 95823-2459

Subject: Luther Estates. Unit #2

July 13, 2006



Subject: Luther Estates, Unit #2

July 13, 2006

**Summary:** The applicant proposes to develop three (3) vacant ±0.78 gross acre parcels with five (5) standard single-family lots. There are no project issues and the project is not considered to be controversial.

<b>Table I: Project Information</b>
<b>General Plan designation:</b> Low Density Residential (4-15 dwelling units per net acre)
<b>South Sacramento Community Plan designation:</b> Residential 4-8 dwelling units per net acre
<b>Existing Site Zoning:</b> R-1 (Standard Single-family)
<b>Existing use of site:</b> vacant
<b>Property area:</b> ±0.78 gross acres

**Background Information:** A review of project history revealed no recent project applications. A tentative map, P8340, subdividing assessor's parcel number 049-0010-038 was approved many years ago, but was never finalized. No additional records of prior planning applications affecting this property were found.

**Public/Neighborhood Outreach and Comments:** The Florin Road Partnership was sent an Early Project Notification packet. To date no comments have been received.

**Environmental Considerations:** The proposed project is exempt from environmental review pursuant to CEQA Guidelines Section 15332. Section 15332 exempts projects such as the current application, as "in-fill development", because the proposed project is consistent with the General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

The proposed development is within city limits on a site with less than five acres that is substantially surrounded by urban uses. The site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality and the site is adequately served by all required utilities and public services.

**Policy Considerations:** The General Plan designates the site for Low Density Residential 4-15 dwelling units per net acre (du/na). The South Sacramento Community Plan designates the site for Residential 4-8 du/na. The project proposes a net density of 6 du/na which is consistent with the land use designations and applicable policies of the General Plan and the South Sacramento Community Plan.

**Project Design:**

The project site is vacant infill acreage located along a fully developed right-of-way, Luther Drive, thus vehicular connectivity already exists. The lotting layout is consistent with the Single-family Residential Design Principles and surrounding residential

Subject: Luther Estates, Unit #2

July 13, 2006

neighborhood. Staff is not aware of any controversy regarding the project and staff supports the project design.

**Land Use**

The applicant proposes to subdivide and develop the vacant ±0.78 net acres with five (5) standard single-family lots. Because the property is zoned for and is proposed to be developed with a standard single-family development review of house plans with the tentative map application is not required. The lotting pattern is consistent with standard single-family subdivision requirements with regard to the required 100' lot depth, which each lot exceeds by at least 35'; however the lot widths are slightly less than the required 52' width, for which a subdivision modification is requested.

<b>Table II</b>			
<b>Lot Design Standards</b>			
<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Deviation ?</b>
<b>Minimum Lot Area (interior)</b>	5,200 square feet	±6,800 sq. ft.	No
<b>Minimum Lot Depth (Interior)</b>	100'	±135'	No (+35')
<b>Minimum Lot Width (Interior)</b>	52'	49'-51'	Yes, -1'to -3'

**Tentative Map Design**

The proposed Tentative Map subdivides ±0.78 acres into five (5) single-family lots averaging ±6,800 square feet in area. The minimum area per dwelling unit in the Standard Single-family (R-1) zone is 5,200 square feet for an interior lot with which the proposed lots comply. The entirety of the property lies adjacent to, and all five parcels will front on, Luther Drive.

As indicated in Table II the proposal deviates from the standard lot width requirement. In order to maintain the project density each lot was narrowed by ±1' to ±3', requiring a subdivision modification in order to deviate from the lot width requirement. In evaluating the subdivision modification the Commission is required to make the following findings:

- a. That the property is of such a size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property it is impossible, impractical, or undesirable in this particular case to conform to the strict application of these regulations;

Subject: Luther Estates, Unit #2

July 13, 2006

- b. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;
- c. That the modification will not be detrimental to the public health, safety, or welfare or be injurious to other properties in the vicinity;
- d. That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the General Plan and with all other applicable specific plans of the city.

In this case, staff finds the shape of the site warrants the need for the slightly narrower lots in order to maintain the target density. The slightly narrower lot widths do not affect the ability develop the lots with standard single-family dwellings so the subdivision modification will not be detrimental to the public health and safety. The lot area provides adequate room to accommodate standard setbacks. Also, the slightly narrower width allows an additional lot to be provided within the development increasing the number of lots available for single-family dwellings consistent with the General Plan. The Subdivision Review Committee (SRC) unanimously approved the Tentative Map with conditions on June 21, 2006. Staff supports the proposed tentative map and the requested subdivision modification.

Respectfully submitted by: \_\_\_\_\_  
 Kimberly Kaufmann-Brisby  
 Associate Planner

Recommendation Approved:

\_\_\_\_\_  
 Tom Buford  
 Senior Planner

Table of Contents:

Pg. 6	Attachment 1 - Recommended Findings and Conditions
Pg. 2	Vicinity Map
Pg. 14	Land Use and Zoning Map
Pg. 15	Tentative Map

CITY OF SACRAMENTO  
DEVELOPMENT SERVICES DEPARTMENT  
ZONING ADMINISTRATOR  
915 I Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814

**ACTION OF THE ZONING ADMINISTRATOR**

On September 27, 2006, the Applicant withdrew an application for a Special Permit for the project known as Z06-103 as the project application that was submitted was incomplete.

**Project Information**

Location: 1438 Del Paso Blvd.

Assessor's Parcel Number: 275-0125-009

Applicant: Rich Meeker  
American Sheet Metal  
1438 Del Paso Blvd.  
Sacramento CA 95815

---

Joy D. Patterson  
Zoning Administrator

cc: File  
ZA Binder

