



REPORT TO COUNCIL

City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
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CONSENT
August 29, 2006

Honorable Mayor and
Members of the City Council

Title: Administrative Matter: Confirmation of Vote for Luther Estates Unit #2 Tentative Map (P06-041) Resolutions and Direction to Staff

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

Recommendation: Confirm the August 15, 2006 Council vote for: 1) Resolution 2006-608 determining project exemption from California Environmental Quality Act; 2) Resolution 2006-609 approving the Tentative Map to merge three parcels totaling ±0.78 acres then subdivide into five lots in the Standard Single-family (R-1) zone and finding the project exempt from the California Environmental Quality Act (CEQA); 3) Resolution 2006-610 approving the Subdivision Modification to create lots with less than the required 52' width in the Standard Single-family (R-1) zone; and 4) direction for staff to work with the applicant through the Architectural review and building permit stages.

Contact: Shirley Concolino, City Clerk (916) 808-5442; Dawn Bullwinkel, Assistant City Clerk (916) 808-7267.

Presenters: None.

Department: Office of the City Clerk

Organization No: 0700

Description/Analysis

Issue: On August 15, 2006, Resolutions 2006-608, 2006-609 and 2006-610 were adopted by Council by a roll call vote. There was a "verbal" vote cast initially and a "roll call" vote was carried out without a motion to reconsider the matter before Council.

Policy Considerations: It is in the best interest of the City to preserve and ensure a clear and concise legislative history.

Environmental Considerations: None.

Commission/Committee Action: None.

Rationale for Recommendation: In order to clarify and confirm the intent of the Council, a confirmation of the final vote of the Council is necessary.

Financial Considerations: None.

Emerging Small Business Development (ESBD): None

Approved by: *Shirley Encolens*

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Attachment 1

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).
- B. On July 19, 2006, the project was called-up to be heard by the City Council by Council member Pannell.
- C. On August 15, 2006, the City Council heard and considered evidence in the above-mentioned matter.
- D. On August 15, 2006, the Council voted verbally on a motion to 1)adopt a Resolution determining project exemption from California Environmental Quality Act; 2) adopt a Resolution approving the Tentative Map to merge three parcels totaling ±0.78 acres then subdivide into five lots in the Standard Single-family (R-1) zone and finding the project exempt from the California Environmental Quality Act (CEQA); and 3) adopt a Resolution 2006-610 approving the Subdivision Modification to create lots with less than the required 52' width in the Standard Single-family (R-1) zone; and 4) direct staff to work with the applicant through the Architectural review and building permit stages with the motion failing with the following results:
 - Ayes: Councilmembers Cohn, Fong, Tretheway, and Mayor Fargo.
 - Noes: Councilmembers Hammond, Pannell, Sheedy, and Waters
 - Abstain: None.
 - Absent: Councilmember McCarty
- E. On August 15, 2006, Assistant City Attorney-Sabina Gilbert clarified that the Planning Commission decision would stand if the Council failed to take action because of the time restraints of a matter that is called up.
- F. On August 15, 2006 Council voted on the matter by Roll Call vote without a motion to reconsider with the following result:
 - Ayes: Councilmembers Cohn, Fong, Pannell, Tretheway, and Mayor Fargo.
 - Noes: Councilmembers Hammond, Sheedy, and Waters
 - Abstain: None.
 - Absent: Councilmember McCarty