

RESOLUTION NO. 2006-316

Adopted by the Sacramento City Council

May 9, 2006

ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT DENYING THE APPEAL OF THE PLANNING COMMISSION DECISION TO DENY THE APPEAL OF THE ZONING ADMINISTRATOR'S APPROVAL OF THE FLORIN ROAD SUBDIVISION, LOCATED AT 2730 FLORIN ROAD. (Z05-186) (APN: 049-0021-036)

BACKGROUND

- A. On April 13, 2006, the City Planning Commission approved the requested entitlements;
- B. On April 20, 2006, the decision of the City Planning Commission approving these entitlements was appealed by a third party; and ;
- C. On May 9, 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 May 9, 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. Environmental Determination: Categorical Exemption (Section 15315).
 - B. Denied the Third Party's Appeal of the Planning Commission's decision to deny the Appeal of the Zoning Administrator Tentative Map Approval to subdivide one parcel into two parcels totaling 2.29 partially developed acres in the General Commercial-Review (C-2R) zone.

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

Section 2. FINDINGS OF FACT

- A. Environmental Determination: The City Council finds that the project is Exempt pursuant to CEQA Section 15315.

B. Tentative Map: The Appeal of the decision of the Planning Commission to deny appeal of the Zoning Administrator Tentative Map Approval to subdivide one parcel into two parcels is denied. The tentative map is approved subject to 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's General Plan, the Airport Meadowview Community Plan, and Chapter 16 of the City Code, which is a Specific Plan of the City. The City's General Plan and the Airport Meadowview Community Plan designate the site as Community/Neighborhood Commercial & Offices and Commercial respectively.
3. The site is physically suitable for the type of development proposed and suited for the proposed density.
4. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision or the type of improvements is not likely to cause serious public health problems.
6. The design of the subdivision or 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.

Section 3. **CONDITIONS OF APPROVAL**

B. The Tentative Map to subdivide one parcel into two parcels totaling 2.29 partially developed acres in the General Commercial-Review (C-2R) zone (Exhibit A) is hereby approved subject to the following conditions of approval:

NOTE: The design of any improvement not covered by these conditions shall be to City standard.

GENERAL:

- B1) Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessment.

- B2) 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 A and B, at no cost, at the time of sale or other conveyance of either parcel.
- B3) Show all continuing and proposed/required easements on the Parcel Map.
- B4) Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property along Florin Road and Loma Verde Way per City standards to the satisfaction of the Development Engineering and Finance Division.

PUBLIC/PRIVATE UTILITIES:

- B5) The owner/developer must disclose to future/potential owners the existing 69kV electrical facilities.

CITY UTILITIES:

- B6) Only one domestic water service is allowed per parcel. Any new domestic water services shall be metered. A new service to Parcel A may be deferred until the time of Building Permit.
- B7) Each parcel shall have a separate, metered irrigation service; provided that an owner or entity possessing an easement or other property right authorizing a common irrigation service for multiple parcels may request a common irrigation service for such parcels, and the DOU may, in its sole discretion, approve a Utility Service Agreement to provide a common irrigation service, on such terms and conditions as may be determined by the DOU. A new irrigation service to Parcel A may be deferred until the time of Building Permit.
- B8) Provide separate sanitary sewer services to each parcel to the satisfaction of the Department of Utilities.
- B9) 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 __).”

MISCELLANEOUS:

- B10) Fire service mains shall not cross property lines unless a reciprocal easement agreement is provided.
- B11) A reciprocal ingress egress agreement shall be provided for review by City Attorney for all shared driveways being used for Fire Department access.
- B12) PG&E owns and operates gas facilities which are located on the northerly portion within or adjacent to the proposed project boundaries. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their plans. Any proposed development plans should provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.
- B13) Any existing private underground utilities that cross the new parcel line shall either be removed, rerouted, or an easement shall be provided.

ADVISORY NOTES:

- B14) The applicant/owner shall construct a parking lot on Parcel B that provides the required number of parking stalls needed for the existing commercial use prior to commencing development of Parcel A. The new parking lot shall meet City Zoning Code for shading, irrigation, stall size and maneuvering requirements.
- B15) The proposed project is located in the Flood zone designated as an 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.
- B16) The applicant must comply with the City's of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

Table of Contents:

Exhibit A Tentative Map

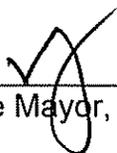
Adopted by the City of Sacramento City Council on May 9, 2006 by the following vote:

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

Noes: None.

Abstain: None.

Absent: Mayor Fargo.



Vice Mayor, Robert King Fong

Attest:



Shirley Corcolino, City Clerk

