



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2671
[www. CityofSacramento.org](http://www.CityofSacramento.org)

PUBLIC HEARING
May 16, 2006

Honorable Mayor and
 Members of the City Council

Subject: Third Party Appeal of the Dias Park Subdivision

Location/Council District:

6122 Dias Avenue, APN: 038-0191-011, Council District 6.

Recommendation:

Planning staff recommends that the City Council adopt the Findings of Fact in the attached resolution to deny the appeal and approve the Tentative Map to subdivide 1.37± gross acres into eight single-family lots and the Special Permit to construct a single-family residence upon each lot.

Contact: Antonio Ablog, Associate Planner 808-7702; Tom Buford, Senior Planner 808-7931

Presenter: Antonio Ablog, Associate Planner

Department: Development Services

Division: Planning

Organization No: 4875

Summary:

On March 16, 2006 an appeal of the Planning Commission's approval of the requested entitlements was submitted on behalf of an adjacent property owner. The appellant's grounds for appeal include, but are not limited to, the following:

- The proposed road requires construction on adjacent properties should the adjacent properties be developed in the future;
- The Planning Commission was not advised that there was public opposition to the project;
- The Lemus Family (the owner of the adjacent parcel, and also the appellant) owns multiple parcels in the immediate vicinity (see attachment 8);

- The proposed design violates City building standards as the lot size and setbacks for the proposed project do not conform to the single-family development standards; and
- The inclusion of detached second units encourages non-owner occupied units.

The appellant recommends that the proposed subdivision be designed as a cul-de-sac in order to address the concerns regarding the modified road width, substandard lots, and the traffic issues associated with extending a future roadway to Elder Creek Road.

Staff maintains that the current development is consistent with typical development in the Single-Family Alternative (R-1A) zone which has a target density of 10 units per net acre. Staff also supports the approved circulation pattern as it would allow for the future infill development of the surrounding deep lots. Pursuant to section 17.20.030 of the City Code, the City Council hears appeals de novo.

Committee/Commission Action:

The Planning Commission heard this project on March 9, 2006. The project was scheduled on the consent calendar since staff was not aware of any public opposition when the project was scheduled to be heard. A letter of opposition was submitted to staff on March 8, 2006, the day prior to the hearing (see attachment 5, page 19). Based upon the issues raised by the project opponent, the Planning Commission voted to remove the item from the consent calendar.

Staff presented the letter of opposition to the Commission and also presented a written response to the concerns of the neighboring property owner (see attachment 6). There were no members of the public in attendance to present testimony in opposition to the project. The appellant, James Lemus, MD, states that his mother, the resident of the adjacent property, was unable to attend the Planning Commission meeting.

After hearing staff's presentation, the Commission's main concern was whether the creation of the new subdivision would cause flooding on adjacent properties. Staff responded that the proposed subdivision would be reviewed for drainage prior to construction as required by conditions 23, 27 and 28 of the tentative map (pages 25-26).

The Commission ultimately voted to approve the Tentative Map and Special Permit to construct single-family homes with a vote of six ayes and one abstention.

Background Information:

The subject site is a vacant 1.37± gross acre parcel in the Single-Family Alternative (R-A) zone. The R-1A zone is a low to medium density zone intended to accommodate alternative single-family designs which might include single-family attached or detached units, townhouses, cluster housing, condominiums, cooperatives or other similar

projects. The subject site itself is surrounded by single-family residences to the east, west, and the south. To the north of the site is a 9.5± acre mobile home park.

In 1991, the site was rezoned from Standard Single-Family (R-1) to R-1A, and a Tentative Map was approved to subdivide the site into eight lots for residential development (P30-403). The subdivision design consisted of a modified cul-de-sac with eight single-family lots (see attachment 6). The design proposed the construction of half of a cul-de-sac on the western portion of the subject site. The approved subdivision was never constructed, and the Tentative Map was allowed to lapse.

In November of 2004, the current subdivision proposal was submitted. The initial Tentative Map submittal was similar to the design approved in 1991 in that the subdivision was designed around half of a cul-de-sac on the western side of the property. After an initial review of the site, staff recommended that the applicant revise the Tentative Map design to allow for future connectivity and development options on neighboring lots. The tentative map was revised to show a modified 41-foot right of way along the eastern and southern property boundaries (page 30). The revised Map was approved by the Planning Commission on March 9, 2006. An appeal of the Planning Commission's approval was received on March 20, 2006.

Financial Considerations: None

Environmental Considerations:

The proposed project is exempt from environmental review pursuant to California Environmental Quality Act 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.

The appellant has raised the issue of flooding on their property caused by past dumping of dirt on the subject site. The environmental determination is based on current conditions, and any impact on the appellant's property can be adequately resolved during the implementation of the Final Map.

Policy Considerations:

The General Plan land use designation for the site is Low Density Residential. The proposed use is consistent with this designation.

Smart Growth Principles:

City Council adopted a set of Smart Growth Principles in December 2001 in order to promote growth or sustain existing development that is economically sound, environmentally friendly, and supportive of community livability. Supporting this project

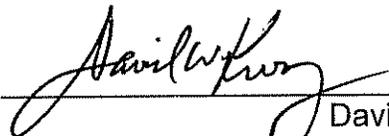
focuses investments within already developed areas and provides residential units consistent with the existing neighborhood.

Strategic Plan Considerations:

The recommended action conforms with the City of Sacramento Strategic Plan, specifically by adhering to the goal to expand economic development while maintaining the livability of our neighborhoods.

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
Director of Development Services

Recommendation Approved:

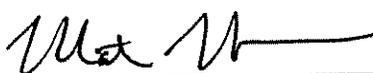
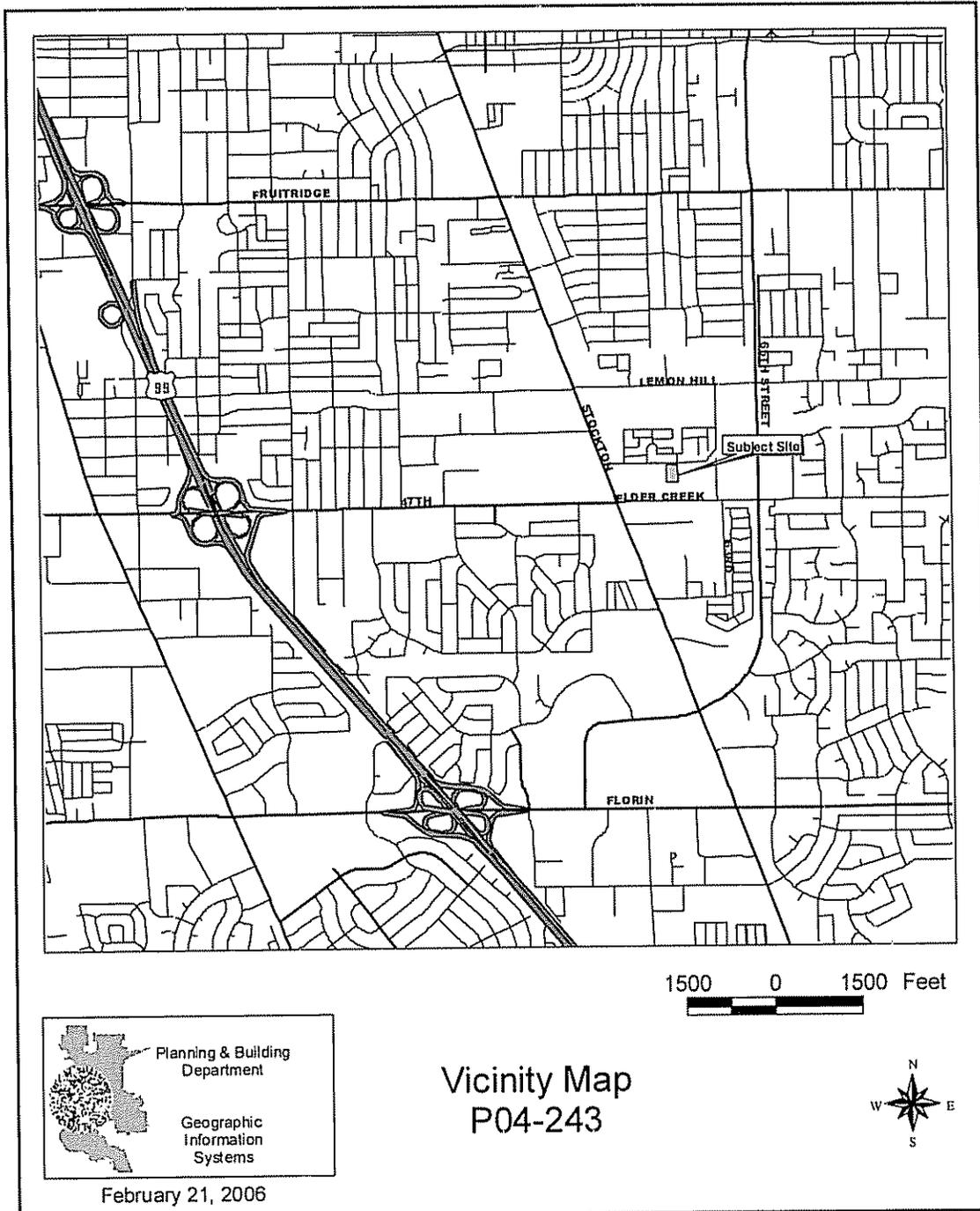

RAY KERRIDGE
for City Manager

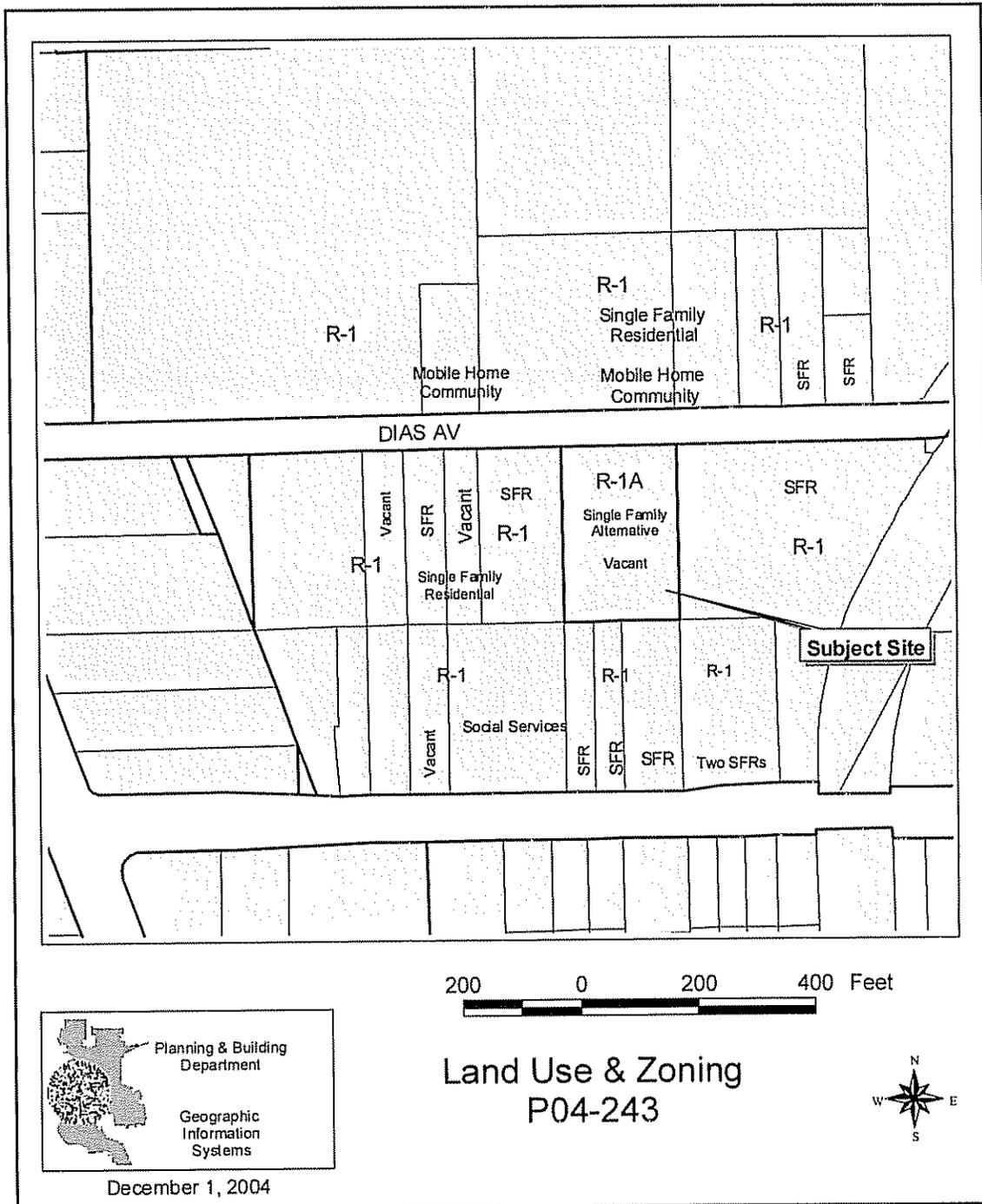
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Attachment 1 – Vicinity Map



Attachment 2 – Land Use and Zoning Map



Attachment 3 – Applicant's Grounds for Appeal Statement

CITY OF SACRAMENTO
DEVELOPMENT SERVICES DEPARTMENT
915 I Street, New City Hall, 3rd Floor
Sacramento, CA 95814

PLANNING DIVISION
916-808-5419

APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION

DATE: 3/16/06

TO THE PLANNING DIRECTOR:

704 243

I do hereby make application to appeal the decision of the City Planning Commission on 3/9/06 (hearing date), for project number (P#) 038-0191-011 when:

- Special Permit for lot size; setback. Recurrent
- Variance for substandard road, proposed house
- "R" Review for lot size & house square footage
- Other _____ for not conforming shed use imposed development of Road on 6200 Dias Ave.

was: Granted by the City Planning Commission
 Denied by the City Planning Commission

Grounds For Appeal: (explain in detail, you may attach additional pages)

See attached letter
Planning Commission was not informed of public opposition

- ⇒ Property Location: 6200 Dias Ave + 6201 Elder Creek Road
- ⇒ Appellant: JAMES LEMUS WM Daytime Phone: 323-816-8410
(please print)
- ⇒ Address: 5020 E. Washington Blvd / 6200 Ave 323-260-7900
- ⇒ Appellant's Signature: [Signature] Sacramento CA 95824

THIS BOX FOR OFFICE USE ONLY			
FILING FEE:	<input checked="" type="checkbox"/> \$1,192.00 By Applicant	RECEIVED BY:	_____
	<input type="checkbox"/> \$298.00 By Third Party	DATE:	_____
Distribute Copies To: CAS; DK; Project Planner; Mae Saetern (original & receipt)			
P# _____		Forwarded to City Clerk: _____	

Appeal of the Sacramento City Planning Commission

Hearing Date: 3-09-2006

Project Number: APN 038—191-011

6122 Dias Ave

The Lemus family is in favor of responsible development that follows existing traditional aesthetic, conforming and functional standards established by the department. Planning department staff and commission recommendations needs your oversight to correct a proposed development of 6122 Dias Ave.

1. The planning commission was not correctly informed that there was public opposition to this project. Planning department staff had received oral and hand delivered letter communicating from my mother, Lucy Lemus, opposing the proposed project. My mother is 85 years of age and because of diminished driving ability was not able to attend the planning commission meeting. I, James Lemus, MD, was not informed of the proposed development.
2. The staff further failed to inform the planning commission that the Lemus family is the major stakeholder of the entire street because they own multiple parcels and have lived their since 1946
 - a. 6200 Dias Ave APN 038-0171-014
Adjacent single family residence property of approx 3 acres
 - b. 6235 Dias Ave APN: 038-0171-008
Single family residence
 - c. 6201 Elder Creek Rd APN: 038-0201-001
Single Family Residence, contiguous to 6200 Dias Ave and proposed development
 - d. 6300 Dias Ave APN: -38-0191-007
Vacant land of ½ acre
3. The proposed development is fatally flawed because the planning department staff has imposed a desire to connect Dias Ave with Elder Creek Road upon this small development site. If the city desires to connect Dias Ave. to Elder Creek Road then the design should be fully planned and funded. As you know by the aerial photos, the Lemus family own 2 contiguous large parcels that could facilitate the development of a road to connect the tow streets in a future development.

The proposed plan, with the constraints of public road as described, violates city building standards: design standard is non-conforming as proposed, lot size and lot setback requirements, non-conforming land use regulations, and property rights violation of 6200 Dias Ave. The use of zoning exceptions as proposed is a travesty of public trust

 - a. Surrounding residential lands are single family homes. The proposed development is technically an R-2 zone change and should be reflected in this application
 - b. If you remove lot size and development requirements then you have a planned unit development which is not present in this application

Appeal of the Sacramento City Planning Commission

Hearing Date: 3-09-2006 Project Number: APN 038—191-011 6122 Dias Ave.

- c. Conforming land use would be to provide similar types of home sites and similar types of square footage. Home sites proposed range from 604 sf on 2,150 sf lot to 1,956 sf home on a lot of 8,434 sf. It is proposed to mix bachelor apartment with single family homes which is non-conforming land use.
 - d. Home ownership should be encouraged. The allowance of detached second units (house) represents a non-owner occupied properties. Separate lots for home site should be a minimum standard for this development. Mixing landlords and tenants will result in the entire project becoming tenants.
4. Today, if the planning department were to permit a cul-de-sac design then all parties involved would achieve a desired outcome.
- a. Road development costs would be substantially less providing the developer financial feasibility for less number of units per acre.
 - b. Lands used for a road can be added to lot size development.
 - c. Traditional conforming lot size development would be easily achieved.
 - d. Adjacent homeowners would be less impacted.
 - e. Planning department would achieve establishment of an aesthetic design style which could be used for other developments on the same street.
5. General and Community Plan site density of 4 to 8 units per acre are not calculated correctly because the proposed public road is included in the calculations.
6. Site design plan includes a substandard road of 37 feet instead of 41 feet are required by current building standard. The staff recommendation of this road is a violation of 6200 Dias property rights because they have imposed completion of the "remainder of the improvements to be constructed on the adjacent properties should those ever be further developed in the future." Please accept my opposition to the road in the strongest language possible and resources allocated to defend this position.
7. Dias Avenue is a dead end or cul-de-sac street and is desirable for that very reason. The staff has proposed to connect Dias Ave. to Elder Creek Road with no mandate for completion.
- a. An incomplete road as proposed is not ideal for the fire department with substandard turning radius throughout the length. There are no required turnouts for cross traffic.
 - b. The proposed road without future development is aesthetically opposed in all civil engineer planning references internationally where roads are only built on property lines.
 - c. The developer has lost precious land that could be used to improve lot size of units.

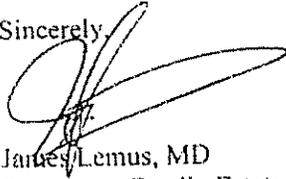
Appeal of the Sacramento City Planning Commission

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- d. Connection of Dias Ave to Elder Creek Road should require a traffic study which would identify a safety hazard. Elder Creek Road is a high density and fast traffic street with multiple accidents. Attaching a slow traffic street would slow the traffic on Elder Creek Road and create an traffic impact zone.
- e. Elder Creek Road is of higher elevation than Dias Ave and would require grading changes. Road grade changes means more land use requirements which are not identified in this proposal.

I and my family place great trust in our elected and public servants and thank you in advance for your diligent work. Please vote no to the 6211 Dias Ave. housing tract as proposed.

Sincerely,



James Lemus, MD
For Lemus Family Estate

Please have me carbon copied in all correspondence regarding this and future developments at my office as listed below. A limited power of attorney document is forthcoming.

James Lemus, MD 5020 E. Washington Blvd. Los Angeles, CA 90040
Office phone: 323-260-7900 Cell phone: 323-816-8410

I will attend any hearing in the future related to this matter.

Attachment 4 – March 9, 2005 Staff Report to the Planning Commission

CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:

ITEM # 7
March 9, 2006
PAGE 1

P04-243 – Dias Park Subdivision

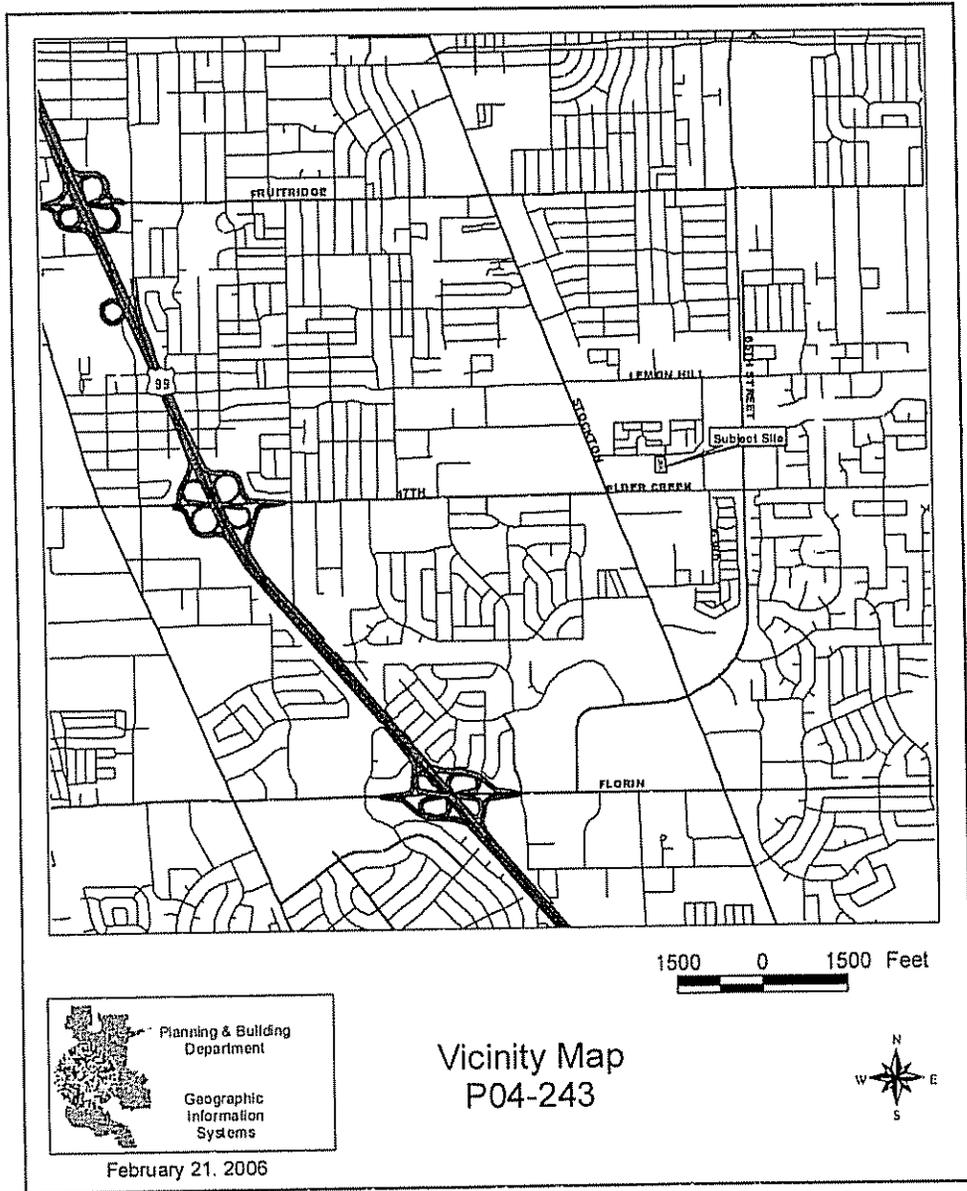
- REQUEST:
- A. Environmental Determination: Exempt (CEQA 15332);
 - B. Tentative Map to subdivide 1.37± gross acres into eight single-family residential lots;
 - C. Special Permit to construct a single-family residence upon each lot

LOCATION: 6122 Dias Avenue
 APN: 038-0191-011
 South Sacramento Community Plan Area
 Sacramento City Unified School District
 Council District 6

Applicant/Owner	Christopher Kephart 9340 Oak Avenue Orangevale, CA 95662
APPLICATION FILED:	November 23, 2004
APPLICATION COMPLETED:	August 23, 2005
STAFF CONTACT:	Antonio Ablog, 808-7702

SUMMARY:

The applicant is seeking approval of both a tentative map to subdivide 1.37± vacant acres into eight lots and a Special Permit to construct a single-family residence upon each lot. Due to the constraints posed by the size of the lot and right-of-way width required, the applicant is requesting to deviate from a few of the standard single-family lot and development requirements. As the proposed project is in the Single-Family Alternative (R-1A) Zone, such deviations are allowed. Specifically, the applicant is proposing to deviate from the lot size, lot coverage, and setback requirements for single-family residences. Planning Staff believes that the deviations allow the project to meet the desired housing density in the R-1A zone while creating a housing product that is consistent with the surrounding Land Uses. As of the date of this report, staff is not aware of any public opposition to the proposed subdivision.



RECOMMENDATION:

Staff recommends approval of the project, subject to conditions in the Notice of Decision

PROJECT INFORMATION:

General Plan Designation:	Low Density Residential
Community Plan Designation:	Residential 4-8
Existing Land Use of Site:	Vacant
Existing Zoning of Site:	Single Family Alternative(R-1A)

Surrounding Land Use and Zoning:

North: Mobile Home Park;	R-1
South: Single-Family, Church;	R-1
East: Single-Family;	R-1
West: Single-Family;	R-1

Property Dimensions:	198' x 301'
Property Area:	1.37± acres
Topography:	Flat
Street Improvements:	To Be Constructed
Utilities:	Existing @ 63 rd Street

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Final Map	Public Works, Development Services
Building Permit	Building Division

BACKGROUND INFORMATION:

The subject site consists of a vacant 1.37± gross acre parcel in the Single-Family Alternative (R-1A zone) In 1991, the subject site was subdivided into 12 single-family lots and rezoned from R-1 to R-1A (P90-403). A Special Permit to develop single-family homes was approved at the same time. An extension to the Tentative Map and Special Permit was approved in 1993, but the improvements were never constructed, so the Tentative Map was never finalled. The subject site has remained vacant since the expiration of the prior entitlements

The current project was submitted on November 23, 2004. The Tentative Map and the house plans have gone through several revisions based on recommendations from City Staff. Staff believes that the most current revisions represent a project that is a sound land

use that is consistent with the surrounding residential neighborhood.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

General & Community Plan

The General Plan designates the site as Low Density Residential (4-15 units/acre) and the South Sacramento Community Plan designates the site as Residential (4-8 units/acre). As proposed the subdivision will be consistent with these designations as the project density is approximately eight dwelling units per net acre. Furthermore, the proposed project is consistent with the General Plan in that it:

- develops a residential land use in a manner which is efficient and utilizes existing urban resources (sec 2-15, Goal C);
- promotes infill development as a means to meet housing needs.

B. Site Design

Tentative Map design

The Tentative map will create eight single-family lots and a new street that will follow the eastern and southern property lines of the subject site. The initial submittal of the Tentative Map depicted eight single-family lots with a modified cul-de-sac section. Staff recommended that this initial design be revised as the cul-de-sac design precluded development of a connection to Elder Creek Road to the south and also precluded the development of some of the surrounding properties that could be further developed in the future.

This new street is proposed to intersect Dias Avenue approximately 1000 feet east of Stockton Boulevard. Since the project is in the R-1A zone, deviations are allowed from the single-family development standards. These deviations apply to both lot size and lot development requirements. Furthermore, since the subject site is an infill site, staff has worked with the applicant to maximize the development of the site.

Planning and Development Engineering Staff have agreed to apply the 41-foot wide street standard which is typical for similar infill projects. The applicant has worked with Planning and Development Engineering to modify the 41-foot standard and arrive at a 37-foot wide section to be constructed. This section provides full improvements in front of the proposed residences while the opposite side of the street will be finished with a drainage channel. This modified section allows for two

lanes of travel and parking directly in front of the proposed homes. The modified section allows more room to achieve the appropriate density on the site and also allows the remainder of the improvements to be constructed on the adjacent properties should those ever be further developed in the future.

If approved, the Tentative Map will create eight single-family lots in the Single-Family Alternative Zone. Two of those lots, which are corner lots, are proposed to be halfplex lots. The R-1A Zone allows for deviations from the standard lot dimensions for lots created for single-family homes. Lots 1, 2, 3, 6, 7, and 8 do not meet the minimum single-family lot dimensions of 52 feet by 100 feet. Planning Staff has taken the lot sizes into consideration and believes that the lots are adequate to accommodate the proposed house plans. The site plan shows that each lot will meet the standard single-family setbacks on the side and rear, however, a few of the lots will have less than the 20-foot standard front setback. These lots will maintain 20-foot driveways to accommodate vehicle parking.

House Plans

Within the R-1A Zone, a Special Permit is required for any development. The Special Permit encompasses the house plans, the site layout, and lot configuration as discussed in the previous section. The house plans initially submitted with the application were inadequate as they were not consistent with the single-family design guidelines. The applicant was directed to re-submit a new set of plans that were both consistent with the single-family design guidelines and with the redesign of the subdivision.

The applicant re-submitted house plans with the revisions to the Tentative Map. There are three proposed house plans with the plans for lots 4 and 5 including a detached second unit. The new house plans are consistent with the single-family design guidelines and will be finished with stucco, stone, horizontal siding, and tile roofs.

The first plan, proposed for lots 1, 2, 7, and 8 is a two-story, 1956 square-foot unit. Since the plan will be on adjacent lots, staff has conditioned the Special Permit to require that the adjacent plans mirror each other and follow different color schemes. The second plan, proposed for lots 4 and 5, is proposed to be a two-story, 2058 square-foot unit. A 650 square-foot second unit is also proposed for Lots 4 and 5. The second units will be accessed via a single driveway that will be shared between lots 4 and 5. This driveway will also provide access to the garages that are on the rear of the main units. The final plan is a 3011 square foot halfplex that is proposed for lots 3 and 6.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15332) as the project is a residential infill project on a site less than five acres.

B. Public/Neighborhood/Business Association Comments

Upon receipt of the original application, the project information was forwarded to the Southeast Area Neighborhood Association and the Avondale Action Committee. As of the date of this report, no public opposition to this project has been received.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies including Development Engineering, Department of Utilities, City fire, County Sanitation, SMUD, and Parks & Recreation. All applicable comments are addressed in the conditions of approval. All applicable comments are addressed in the project conditions

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny A, B, and C. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact that finds the project is **Categorically Exempt** (CEQA 15332);
- B. Adopt the attached Notice of Decision and Findings of Fact approving the **Tentative Map** to subdivide 1.37± gross acres into eight single-family residential lots;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the **Special Permit** to construct a single-family residence upon each lot

P04-243

March 9, 2006

ITEM # 7
PAGE 7

Report Prepared By,

Report Reviewed By,

Antonio A. Ablog, Associate Planner

Thomas S. Pace, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Tentative Map
Exhibit 1B	Plan 1956
Exhibit 1C	Plan 2058
Exhibit 1D	Halfplex
Exhibit 1E	Second Unit
Attachment 2	Land Use and Zoning Map

Attachment 5 -- Letter of Opposition from Frank and Lucy Lemus

March 8, 2006

Planning Commission
City of Sacramento
New City Hall
915 I Street, 3rd Floor
Sacramento, CA 95814

Attention Mr. Antonio Ablog,
City Planning Division

Reference Number: PO 40243

Title: Dias Park Subdivision

Location: 6122 Dias Avenue

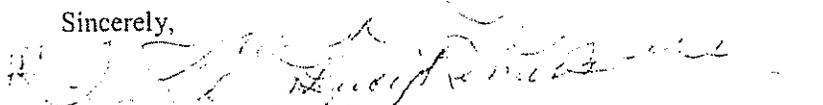
By this letter, I submit my written correspondence pertaining to A-C to property owners within 500' of the proposed project.

A. I request that an Environment Determination Report be conducted. I oppose any exemption because the environmental impact needs to be assessed, evaluated and determined. The owner over the last several years has raised the lot elevation by dumping multiple truckloads of dirt causing a flooding on the southeast corner of my property lot line and it is therefore imperative that this raising of the lot elevation be included in the Environmental Determination Report in addition to the several other environmental issues.

B. Regarding the tentative map to subdivide 1.37 acres into eight single family lots, I opposed this project in that this is high density for this project. I also strongly oppose the projected street running parallel to my property which is located on the east side. The developer should use the west side of the property for the street since no one currently resides on the Westside. I opposed the street as proposed since my bedrooms are located on the same side as the street side.

C. I oppose any special permit to construct single family residence. This is unacceptable. Why should a special permit be issued?

Sincerely,



Mr. and Mrs. Frank and Lucy Lemus
6200 Dias Avenue
Sacramento, CA. 95824

916-383-4103

MAY 05 2006

Attachment 6 – Staff Response to Letter of Opposition



PLANNING AND BUILDING
DEPARTMENT

PLANNING DIVISION

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2998

PLANNING
916-264-5381
FAX 916-264-5328

MEMORANDUM

Date: April 26, 2006
To: Members of the Planning Commission
From: Antonio Ablog, Associate Planner

SUBJECT: Dias Park Subdivision (Item 7)

Planning staff recently received the attached letter from the property owner who resides directly to the east to of the above mentioned project. There are several concerns listed referring to environmental impacts, the location of the proposed road, and the issuance of a Special Permit. Staff has followed up on the concerns and has the following response to the concerns listed in the letter:

I request that an Environmental Determination Report be conducted.

- The project was determined to be Categorically Exempt from the provisions of CEQA as the project is a residential infill project on a site of less than five acres. Our Environmental Services staff has determined that the dumping of soil on the property is not a trigger for an initial study. If soil has been dumped on the property, it is an issue that will be addressed when the applicant submits a request for a grading permit.

The owner over the last several years has raised the lot elevation by dumping multiple truckloads of dirt causing flooding on the southeast corner.

- With respect to the flooding issue, the proposed project will be reviewed for drainage prior to construction. As part of the required improvements, drainage pipe will be required that will pick of drainage from the site and if necessary, any adjacent drainage.

I oppose this project in that this is high density for this project

- As proposed the project is slightly above eight (8) units per net acre. As the site is in the Single-Family Alternative (R-1A) zone, this is slightly below the zone's target density of 10 units per net acre. Staff believes the single-family homes are consistent with the surrounding uses that include a mobile home park and single-family residences

I also strongly oppose the project street running parallel to my property for the street since no one currently resides on the Westside

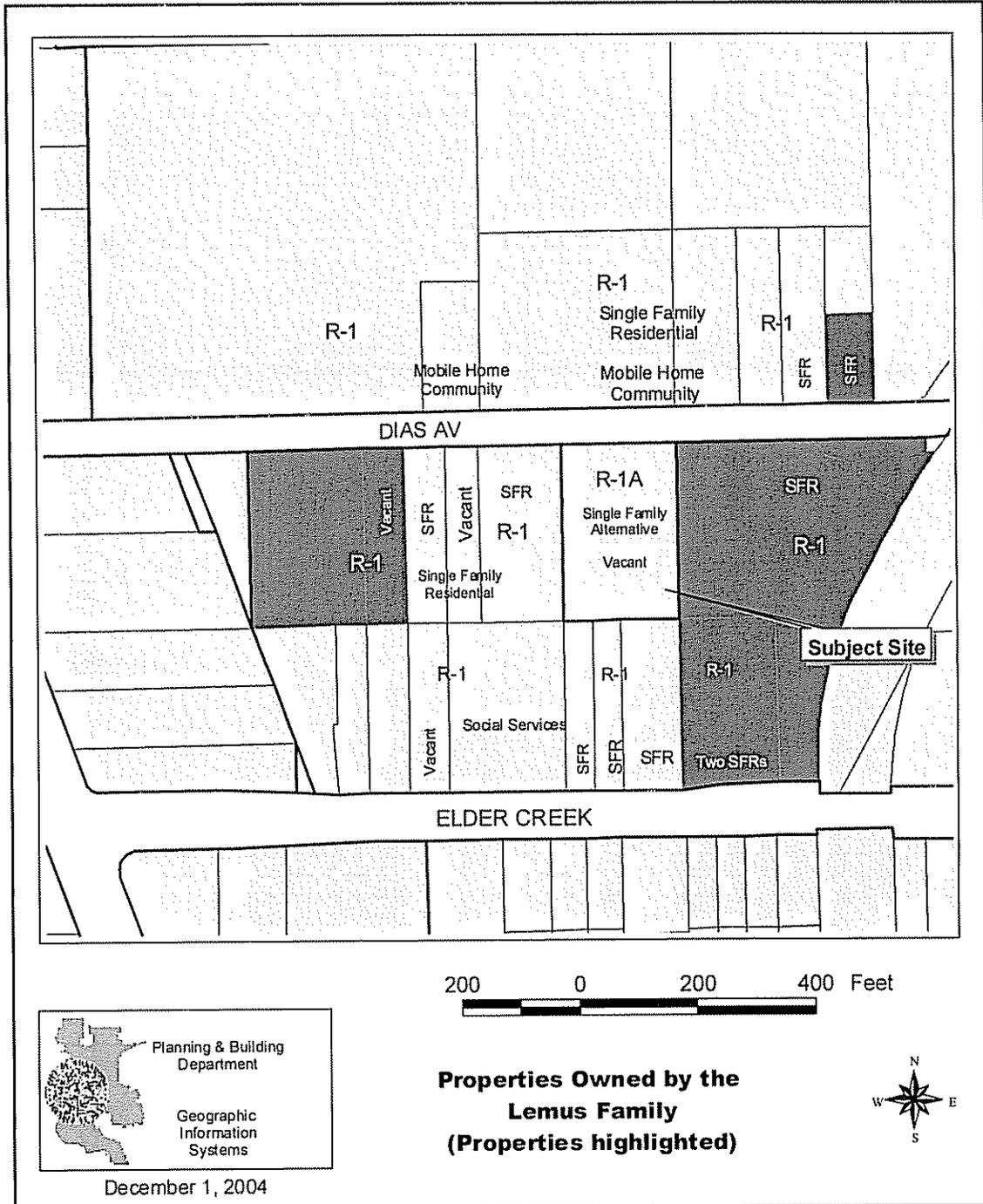
- There are residences on both sides of the property. The circulation pattern was recommended to the applicant by staff as it provided the opportunity to create a street pattern to give access to underutilized land for future development. Staff has received feedback from the property owner to the west who supports the project as it will allow him to tie into a proposed new street network.

I oppose any special permit to construct single family residence

- A Special Permit is required to locate a single-family home in the R-1A zone. Single-family residences are uses consistent with the R-1A zone.

Staff has spoken with the property owner who has submitted the comments. Staff discussed the concerns with the applicant. At the time that staff spoke to the applicant, she stated that she may not attend the meeting. Unless any property owners appear to contest the project, Staff requests that the item stay on the consent item based on the responses listed above.

Attachment 8 – Lemus Family Properties



RESOLUTION NO.

Adopted by the Sacramento City Council

May 16th, 2006

A RESOLUTION ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT 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. On May 16, 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 16, 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:

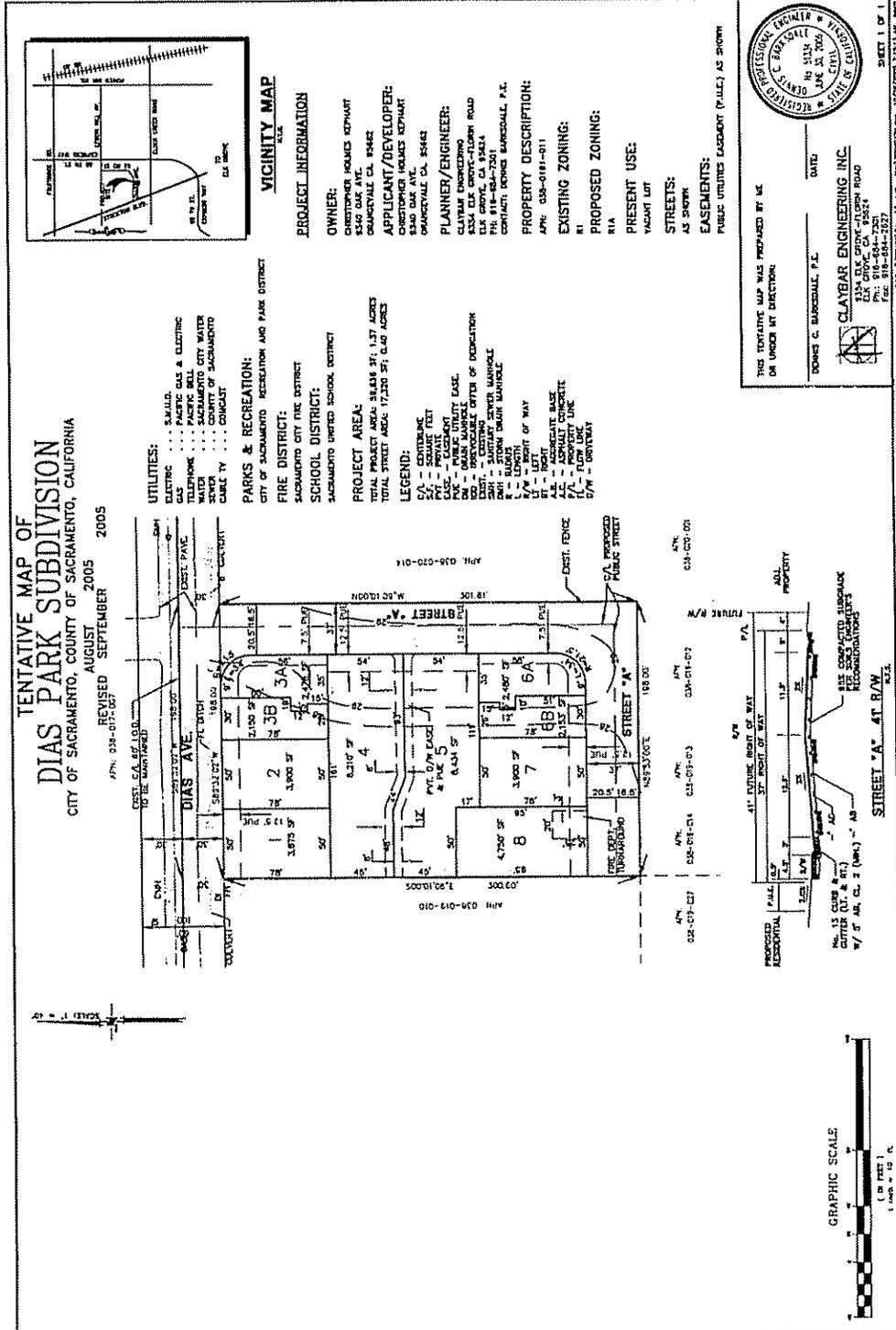
38. Developing this property will require the payment of sewer impact fees. Impact fees for CSD-1 shall be paid prior to filing and recording of the Final Map, or issuance of the building permits, whichever is first. Applicant should contact the Fee Quote Desk at (916) 876-6100 for sewer impact fee information.

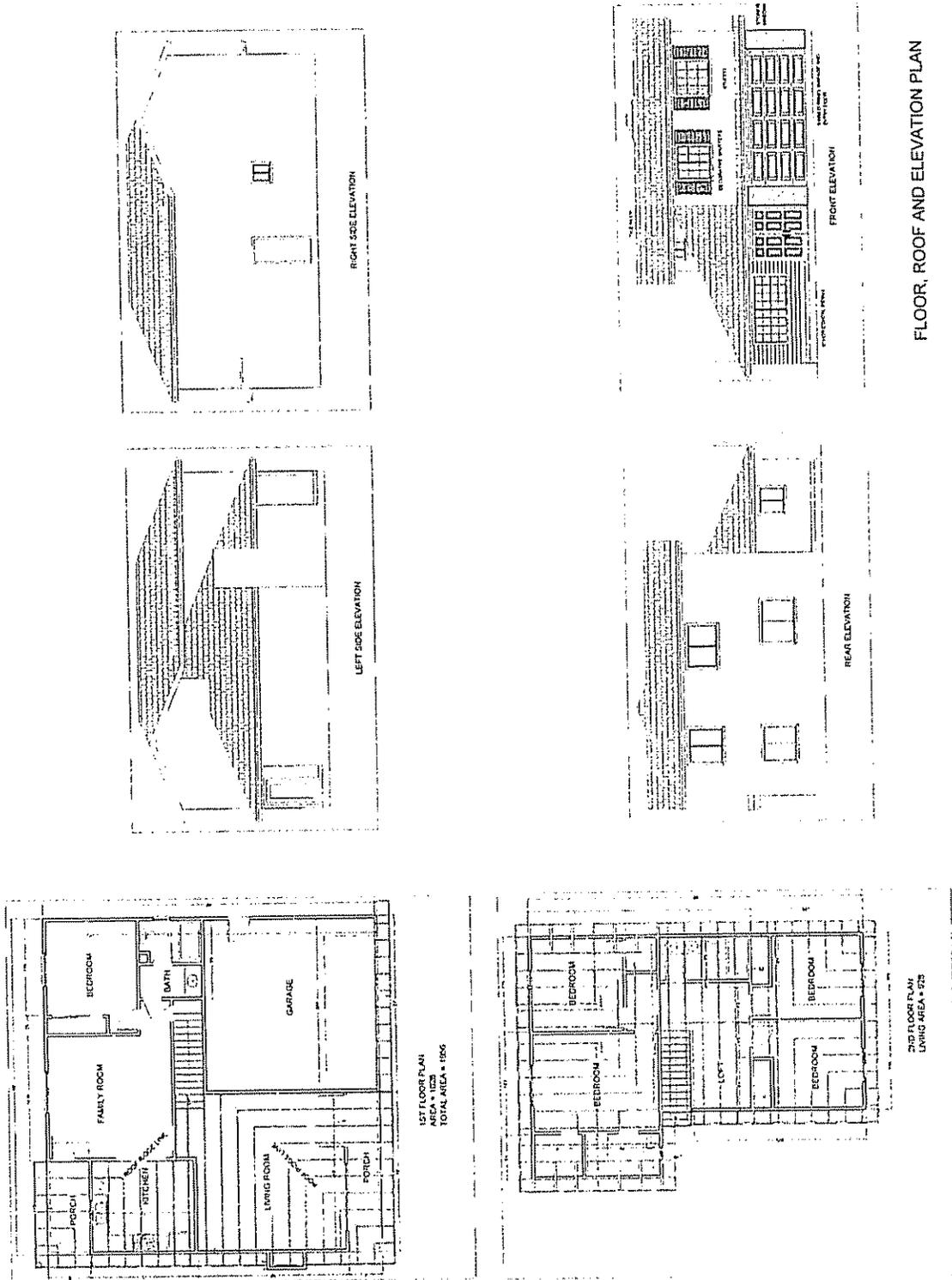
The **Special Permit** to construct a single-family residence upon each lot is approved subject to the following conditions:

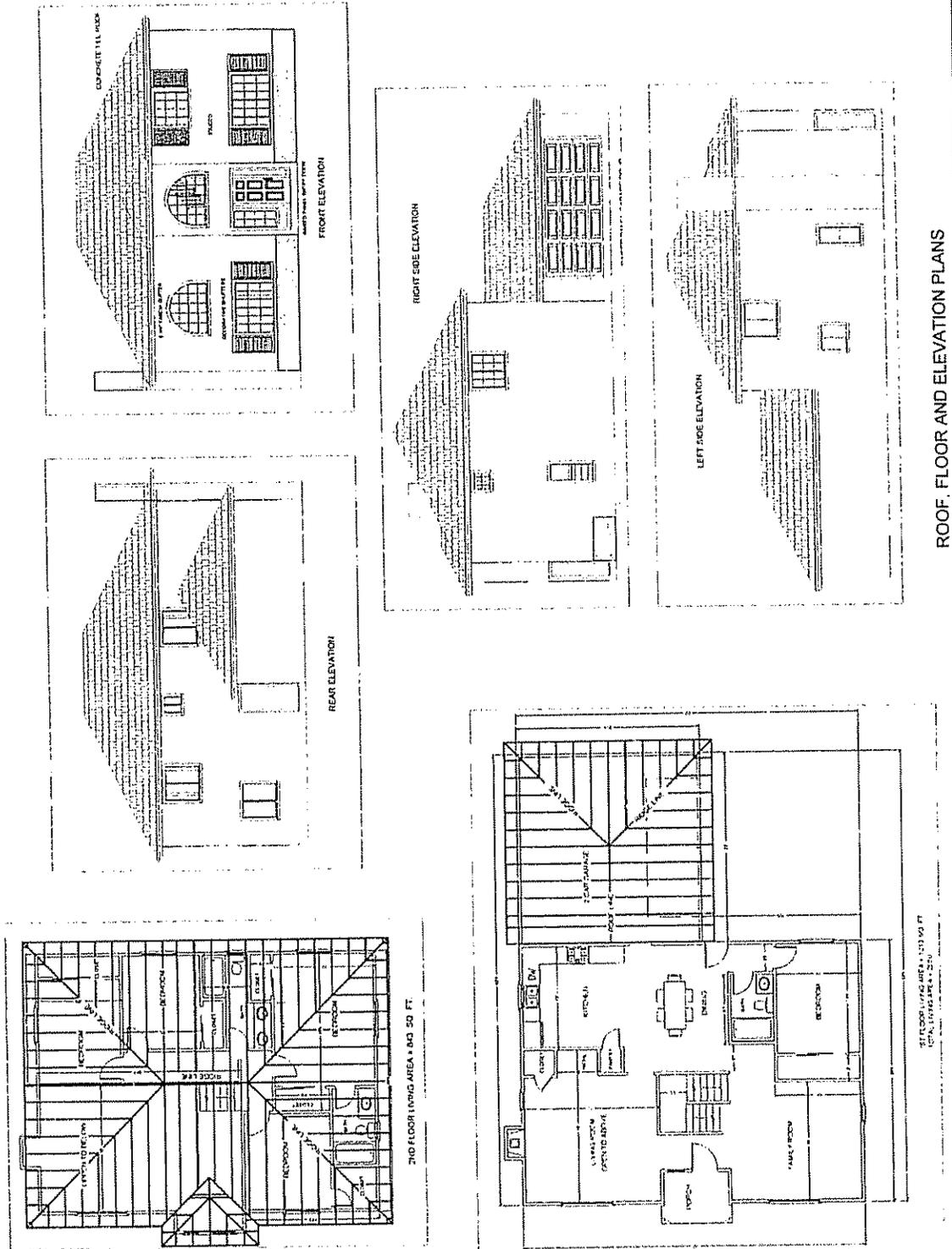
1. The design and construction materials of the single-family residences shall be consistent with the attached elevations. Modifications/Plan substitution will require additional planning review and approval prior to the issuance of building permits;
2. Identical plans placed next to each other shall 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.

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Pg 36	Exhibit C - Plan 2058
Pg 37	Exhibit D - Halfplex
Pg 38	Exhibit E - Second Unit







ROOF, FLOOR AND ELEVATION PLANS

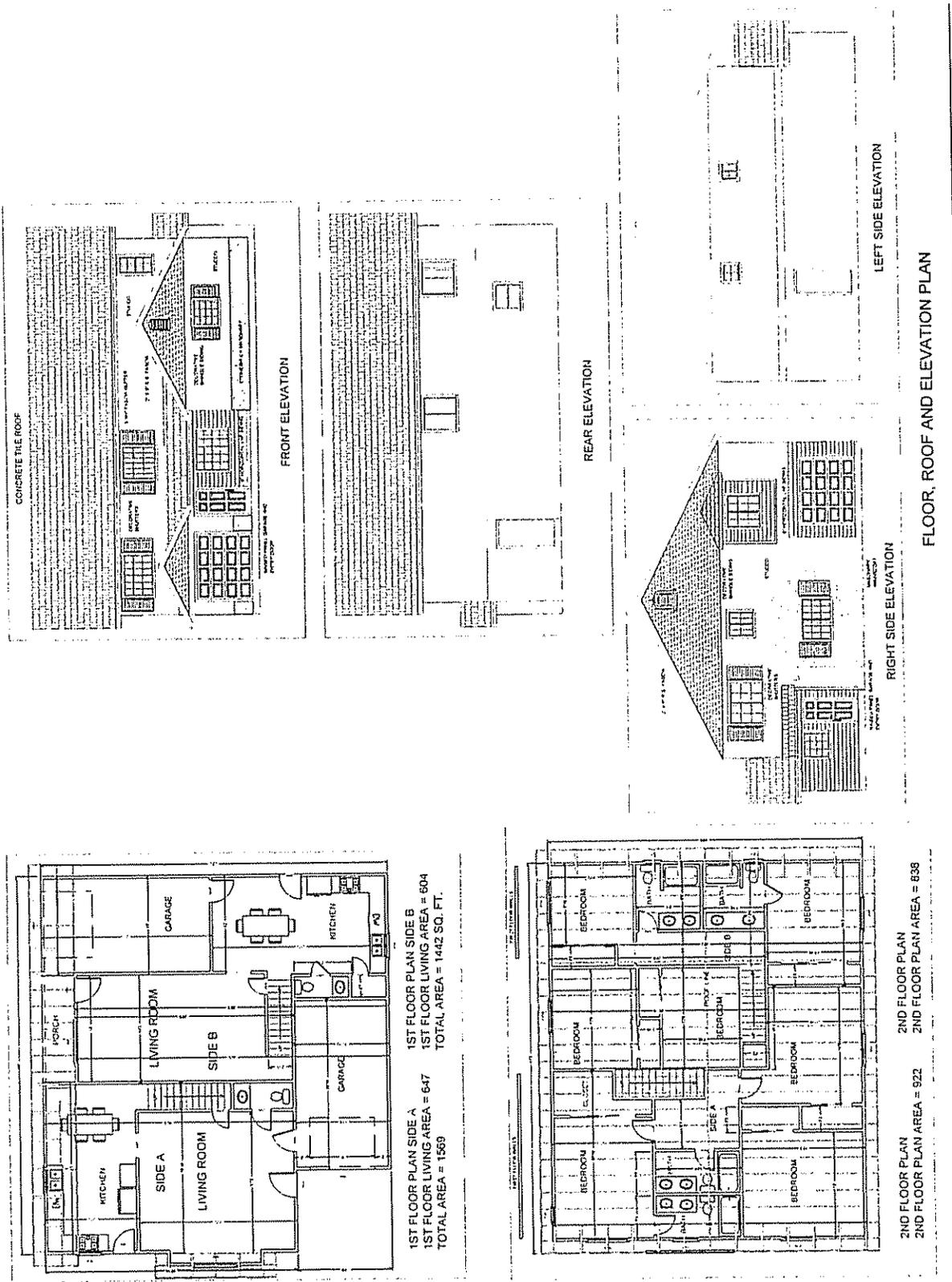
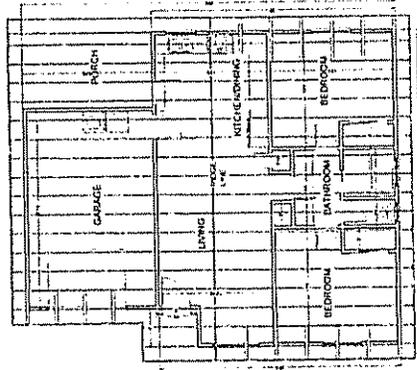
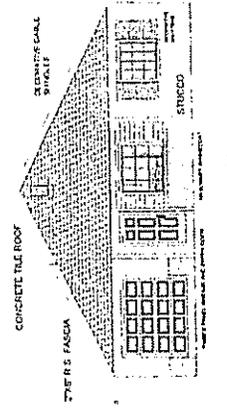


Exhibit E – Second Unit



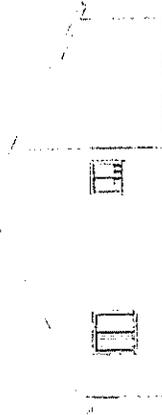
SECOND FLOOR PLAN



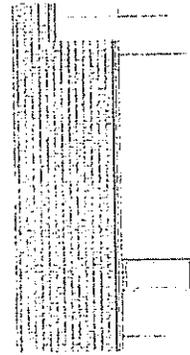
FRONT ELEVATION



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

ROOF, FLOOR AND ELEVATION PLAN

