



**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION**

300 Richards Boulevard, Sacramento, CA 95811

Project Name: 45th and F Streets Tentative Map
Project Number: P10-062
Project Location: 601 45th Street and 4510 F Street
Assessor's Parcel No.: 004-0303-037-0000 and 004-0303-038-0000
Applicant: Brian Holloway, Holloway Land Company, (916) 996-2019, 442 Pico Way, Sacramento, CA 95819
Action Status: Approved with conditions Action Date: 11/18/10

**REQUESTED
ENTITLEMENT(S):**

- A. Environmental Determination: Exempt per CEQA Guidelines Section 15332;
- B. Tentative Map to subdivide an existing 0.15-acre parcel in the Standard Single-Family (R-1) zone into two parcels;
- C. Subdivision Modification to create a corner lot with less than 62 feet in width in the Standard Single-Family (R-1) zone;
- D. Subdivision Modification to create an interior lot with an area less than 5,200 square feet and a corner lot with an area less than 6,200 square feet in the Standard Single-Family (R-1) zone;
- E. Subdivision Modification to create two lots less than 100 feet in depth in the Standard Single-Family (R-1) zone;
- F. Variance to allow non-standard building setbacks in the Standard Single-Family (R-1) zone; and
- G. Variance to allow non-standard lot coverage in the Standard Single-Family (R-1) zone.

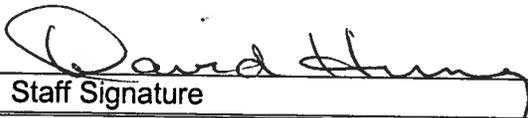
ACTIONS TAKEN: On 11/18/10, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:
Approved entitlements (A) through (G).

Action certified by:


David Kwong, Planning Manager

Sent to Applicant: 11/22/10

By:


Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC 18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC 18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

PLAN REVIEW: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

APPEALS

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 11/29/10. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

A. Environmental Determination: Exemption

1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under CEQA Guidelines Section 15332, In-Fill

Development Projects of the California Environmental Quality Act, as follows:

- a. The project complies with all applicable policies of the General Plan, as well as with the applicable zoning regulations;
- b. The proposed development occurs within City limits on a project site of no more than five (5) 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; and
- e. The site can be adequately served by all required utilities and public services.

B. The Tentative Map to subdivide an existing 0.15-acre parcel in the Standard Single-Family (R-1) zone into two parcels is **approved** subject to the following Findings of Fact and Conditions of Approval:

1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision as follows:
 - a. The proposed map is consistent with applicable general and specific plans as specified in Section 65451;
 - b. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, all applicable community and specific plans, and Title 16 of the City Code, which is a specific plan of the City;
 - c. The site is physically suitable for the type of development proposed;
 - d. The site is physically suitable for the proposed density of the development;
 - e. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife their habitat;
 - f. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;
 - g. The design of the subdivision and 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;
2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City General Plan and Title 16

Subdivisions of the City Code, which is a specific plan of the City (Gov. Code §66473.5);

3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. code §66474.6);
4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Gov. Code §66473.1); and
5. The Planning Commission has considered the effect of the approval of this tentative subdivision map on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Gov. Code §66412.3).

C/D/E. The **Subdivision Modifications** to allow non-standard sized lots, non-standard lot widths and lot depths are **approved** subject to the following Findings of Fact and Conditions of Approval:

1. Due to the existing structures and site constraints, it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;
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 buildings are already constructed on the site and adequate yard areas are being provided; and
4. The density and the land use are consistent with general plan goals and policies for single-family housing in traditional neighborhoods.

F/G. The **Variances** to allow non-conforming setbacks and lot coverage are **approved** subject to the following Findings of Fact and Conditions of Approval:

1. Granting the variances does not constitute a special privilege extended to one individual property owner in that due to the existing location of the built structures on the site, a land subdivision on similar parcels would create non-conforming setbacks;
2. Granting the variances does not constitute a use variance in that the existing use is allowed in the zone and a change in use is not requested;
3. Granting the variances will not be injurious to public welfare, nor to property in the vicinity of the applicant in that the use has already been legally established on the site and the buildings were approved and built to the current manner; and

4. The variances do not adversely affect the goals and policies for single-family housing in traditional neighborhoods.

Conditions Of Approval

- B. **The Tentative Map to subdivide an existing 0.15-acre parcel in the Standard Single-Family (R-1) zone into two parcels 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 (P10-062). 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 Parcel 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 Department of Transportation.

The City strongly encourages the applicant to thoroughly discuss the conditions of approval for the project with their Engineer/Land Surveyor consultants prior to City Planning Commission approval. The improvements required of a Tentative Map can be costly and are completely dependent upon the condition of the existing improvements. Careful evaluation of the potential cost of the improvements required by the City will enable the applicant to ask questions of the City prior to project approval and will result in a smoother plan check process after project approval:

GENERAL: All Projects

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
2. Show all continuing and proposed/required easements on the Parcel Map;

DEPARTMENT OF TRANSPORTATION: STREETS (Anis Ghobril, Department of Transportation, 808-5367)

3. 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 Department of Transportation. Improvements required shall be determined by the city. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. **This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk fronting the property along "F" and "45th" Streets per City standards to the satisfaction of the Department of Transportation;**

PLANNING (David Hung, 808-5530)

4. The following shall be recorded on the Title Report: **A duplex or halfplex development per section City Code section 17.24.050(37) is not permitted on the resulting corner lot (601 45th Street).**

PUBLIC/PRIVATE UTILITIES (Yujean Kim, SMUD, 732-5027)

5. Dedicate a 5-foot public utility easement (PUE) for underground and overhead facilities and appurtenances adjacent to F street;

CITY UTILITIES (Neal Joyce, Department of Utilities, 808-1912)

6. The applicant shall enter into and record an Agreement of Conveyance of Easements with the City, in a form acceptable to the City Attorney, stating that a private reciprocal sewer, and/or 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 RECORD AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK _____, PAGE)";

C/D/E. The Subdivision Modifications to allow non-standard sized lots, non-standard lot widths and lot depths is hereby approved subject to the following conditions:

C/D/E1. The applicant shall comply with the conditions of approval on the Tentative Map (P10-062).

C/D/E2. The following shall be recorded on the Title Report: **A duplex or halfplex development per section City Code section 17.24.050(37) is not permitted on the resulting corner lot (601 45th Street).**

F/G. The Variances to allow non-standard building setbacks and lot coverage is hereby approved subject to the following conditions:

F/G1. The street side and rear setbacks of Parcel A (601 45th Street) are approved as such:

Street side setback	6.75' (minimum)
Rear setback	13.11' (minimum)

F/G2. The setbacks and lot coverage of Parcel B (4510 F Street) are approved as such:

Front setback	7' (minimum)
Side setback (west)	5' (minimum)
Side setback (east)	14.44' (minimum)
Rear setback	4.63' (minimum)
Lot coverage	62% (maximum)

F/G3. Any deviation from the minimum setbacks or any request to exceed the maximum allowed lot coverage for Parcel B shall be subject to further review and approval by the City of Sacramento's Community Development Department.

F/G4. The following shall be recorded on the Title Report: **A duplex or halfplex development per section City Code section 17.24.050(37) is not permitted on the resulting corner lot (601 45th Street).**

Exhibit 1B – Enlarged Map Section

