



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

300 Richards Boulevard, Sacramento, CA 95811

Project Name: Muslim Mosque Association Annex
Project Number: P10-093
Project Location: 2110 5th Street
Assessor's Parcel No.: 009-0114-009-0000
Applicant: Maria Ogrydziak Architecture c/o Maria Ogrydziak, (530) 756-2346, 241 B Street, Davis, CA 95616
Action Status: Approved project with amended conditions. Action Date: 04/14/2011

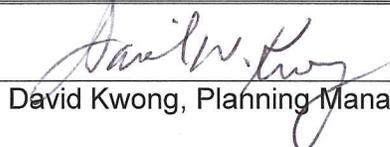
**REQUESTED
ENTITLEMENT(S):**

- A. Environmental Determination: Exempt per CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures;
- B. Special Permit Major Modification to allow the construction of an ancillary building to an existing mosque in the Multi-Family (R-3A) zone;
- C. Variance to reduce front building setback in the Multi-Family (R-3A) zone;
- D. Variance to reduce rear building setback in the Multi-Family (R-3A) zone;
- E. Variance to allow a trash enclosure in the required rear setback area in the Multi-Family (R-3A) zone;
- F. Variance to allow lot coverage to exceed the maximum allowed in the Multi-Family (R-3A) zone.

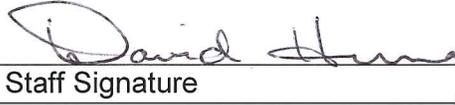
ACTIONS TAKEN:

On 04/14/2011, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Approved entitlement (A) to (F) above.

Action certified by:


David Kwong, Planning Manager

Sent to Applicant: 04/18/2011

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 (SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); 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 04/25/11. 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

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 Section **15303, New Construction or Conversion of Small Structures** of the California Environmental Quality Act Guidelines as follows:

The project consists of the construction of a new, small facility not exceeding 10,000 square feet in an urbanized area on a site zoned for such use and not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

B. The Special Permit Major Modification to allow the construction of an ancillary building to an existing mosque in the Multi-Family (R-3A) zone is approved subject to

the following Findings of Fact and Conditions of Approval:

1. Staff finds that the proposed project is based upon sound principles of land use since the community supportive use that can help strengthen and vitalize the neighborhood.
2. The proposed project will not be detrimental to the public health, safety or welfare and does not create a nuisance in that: 1) The proposed structure is sensitive to the scale and privacy of surrounding structures; 2) The project provides on-site parking spaces and open space to buffer adjacent properties; and 3) The structure is articulately designed to complement and enhance the surrounding developments.
3. The proposed project supports the General Plan land use policy for Traditional Neighborhood Medium Density in encouraging appropriately scaled community-supportive facilities and services within all neighborhoods.

C/D/E/F. The **Variances** to reduce front building setback, to reduce rear building setback, to allow a trash enclosure in the rear setback area and to allow lot coverage to exceed maximum allowed in the R-3A zone 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 wide-shallow nature of the lot and the need to create ample and usable space within, deviations to setbacks and lot coverage are needed.
2. Granting the variances does not constitute a use variance in that the proposed use may be allowed in the zone.
3. Granting the variances will not be injurious to public welfare, nor to property in the vicinity of the applicant in that landscape and buffer areas are provided on the other sides of the property.
4. The variances do not adversely affect the goals and policies found in the General Plan and specifically for the Traditional Neighborhood Medium Density designation.

Conditions Of Approval

- B.** The Special Permit Major Modification to allow the construction of an ancillary building to an existing mosque in the Multi-Family (R-3A) zone is hereby approved subject to the following conditions:

Planning

- B1.** The applicant shall obtain all necessary building permits, including wrecking permit, prior to commencement of construction.

- B2. The project shall be constructed in substantial compliance with the attached exhibits.
- B3. The applicant shall comply with conditions of approval from the Design Director.
- B4. Hours of operation shall be 9:00 a.m. to 9:00 p.m. daily. Any changes to the hours of operation shall be subject to review by the Planning Division.
- B5. The mosque shall not operate a private school on the premises without the approval of a Planning Commission Special Permit for that use.
- B6. A six foot high masonry wall shall be constructed along the western and northern property line except where building wall is constructed.
- B7. All parking areas shall meet full landscaping requirements as required by City Code. Landscaping shall meet the 50% shading requirement.
- B8. In order to provide adequate surveillance opportunities, all plants and shrubs are to be maintained at maximum height of thirty inches (30"); the lowest tree branch height shall be at least six feet (6').
- B9. Any onsite signs shall comply with the Sign Ordinance and subject to review and approval of a sign permit.
- B10. No amplified sound shall be broadcasted outside the annex building.
- B11. **Applicant shall inform adjacent residents of the demolition and construction schedule and be made available to answer questions regarding the construction activities. (Moved from Advisory Notes as conditioned by the Planning Commission.)**
- B12. **A minimum of 30 days prior to the demolition of the existing structure, the contractor or owner shall conduct a meeting by notifying property owners and tenants within 500 feet. The meeting will be conducted to introduce the contractor and to identify a contact person and phone number that neighbors can use if an emergency arises. The meeting will also discuss the construction schedule and impacts to the surrounding properties and address questions from the neighbors.**

Three months following the completion of the building, the owner shall arrange a meeting and notice property owners and tenants within 500 feet of the site. The purpose of this meeting is to receive comments and concerns from neighbors that have arisen with the use of the site, and to work toward possible solutions/resolutions. The same property owners and tenants shall be informed of their ability to request similar meetings in the future. (Added by request of the Planning Commission.)

Department of Transportation

- B13. The applicant shall repair/reconstruct any deteriorated portions of the existing curb, gutter and sidewalk fronting the property along 5th Street per City standards and to the satisfaction of the Department of Transportation.
- B14. All new and existing driveways shall be designed and constructed to City Standards and must be ADA compliant to the satisfaction of the Department of Transportation.
- B15. The site plan shall conform to A.D.A. requirements in all respects.
- B16. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance).
- B17. The design of walls fences and signage 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 3.5' in height at maturity. The area of exclusion shall be determined by the Department of Transportation.

Utilities Department

- B18. Per City Code 13.04.070, except for separate irrigation service connections and fire service connections, each lot or parcel shall only have one (1) metered domestic water service. Requests for multiple domestic water service connections to a single commercial lot or parcel, consistent with the DOU "Commercial Tap Policy", may be approved on a case-by-case basis by the DOU. Contact the DOU at (916) 808-1400 for a copy of the tap policy. Excess services shall be abandoned to the satisfaction of the DOU.
- B19. Per City Code, the point of service for water, sewer and storm drain service is located at the edge of alley, back of curb for separated sidewalks, and back of sidewalk for attached sidewalks. All water connections shall comply with the City of Sacramento's Cross Connection Control Policy.
- B20. The building pad elevation shall be approved by the DOU and shall be a minimum of 1.5 feet above the local controlling overland release elevation or a minimum of 1.2 feet above the highest adjoining back of sidewalk elevation, whichever is higher, or as approved by the Department of Utilities.
- B21. This project is served by the Combined Sewer System (CSS). Therefore, the developer/property owner will be required to pay the Combined Sewer System Development Fee prior to the issuance of building permit. The Combined Sewer System fee at time of building permit is estimated to be \$339.81 plus any increases to the fee due to inflation. The fee will be used for improvements to the CSS.
- B22. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment

Control Ordinance. This ordinance will require the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

- B23. There is an existing three foot wide private sewer and water easement running along the west property line of this project, serving the neighboring property located at 2100 5th Street. Locate and properly plot on the building permit plans, any water and/or sewer services serving 2100 5th St. that may run through this property, and work with the neighbor and/or building department as needed to solve any potential issues.

Fire Department

- B24. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105.
- B25. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
- B26. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4
- B27. Provide appropriate Knox access for site
- B28. An automatic fire sprinkler system shall be installed in any portion of a building when the floor area of the building exceeds 3,599 square feet.
- B29. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 50 feet and no closer than 15 feet from a fire hydrant.
- B30. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. CFC 903.8

Solid Waste

- B31. Project must meet the requirements outlined in Sacramento City Code Chapter 17.72 (unless otherwise approved on this application).
- B32. Solid waste trucks must be able to safely move about the property, with minimum backing, and be able to empty the bins and cans safely. This appears to be the case with the current site plans.

- B33. Properties must accommodate trucks, as well as cans or bins that are roughly the dimensions outlined in the attached file, "Truck, Bin, Can Dimensions". The current 8x8 trash enclosure in the southwest corner of the building appears to meet this.
- B34. All commercial properties (i.e., all businesses) must have solid waste services, but are not required to use City of Sacramento Solid Waste Services.
- B35. Solid waste driver must not have to move front-loader bins more than 15 ft. for collection. The current 8x8 trash enclosure in the southwest corner of the building appears to meet this.
- B36. The trash enclosures for each commercial property must have enough weekly capacity of both trash and recycling to meet the requirements are outlined in 17.72.030, which for this project is 1 cubic yard of trash and 1 cubic yard of recycling. The current 8x8 trash enclosure in the southwest corner of the building appears to meet this.
- B37. Statement of Recycling must be completed, including a description of trash and recycling operations after the building is built and occupied. There is a note about the trash enclosure, but no other information was provided.

Building Division

- B38. Building must comply with 2010 California Code of Regulations, Title 24, Parts 2,3,4,5,6,9 and 11.
- B39. Building must comply with the 2010 California Green Code Mandatory Measures.
- B40. Building cannot be built over the 3' wide private sewer and water easement on the west side of the property.

Sacramento Area Sewer District

- B41. Developing this property will require the payment of SRCSD sewer impact fees. Impact fees shall be paid prior to issuance of Building Permits. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

Advisory Notes – Planning Division

1. Applicant should provide on-site Class 3 bicycle parking facilities.
2. Walls and fencing shall not extend into approve front yard setback area unless it complies with residential requirements for a wall per Section 17.76.020(A). If a wall or fence is placed adjacent to a paved area or parking lot adjoining a public street or public right-of-way, a minimum four-foot wide, excluding concrete curbs, landscaped and irrigated planting strip composed of climbing vines, shrubs, or trees is required along the base of that portion of the wall or fence that fronts the public street or public right-of-way. If at least seventy-five (75) percent of the wall or fence is transparent, the planting strip may

be located inside the wall or fence.

Advisory Notes – Utilities Department

3. The proposed project is located in the Flood zone designated as a shaded X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs), dated December 8th, 2008. Within the shaded X zone, there are no requirements to elevate or flood proof.
4. **Many projects within the City of Sacramento require on-site booster pumps for fire suppression and domestic water systems.** Prior to design of the subject project, the DOU 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 on-site fire suppression.

Advisory Notes – Parks and Recreation:

5. As per City Code, the applicant will be responsible to meet his/her obligations regarding:
 - a) Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at \$1,632. This is based on 9,600 square feet at the Retail/Commercial Services/Other Infill Rate of \$0.17 per square foot. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

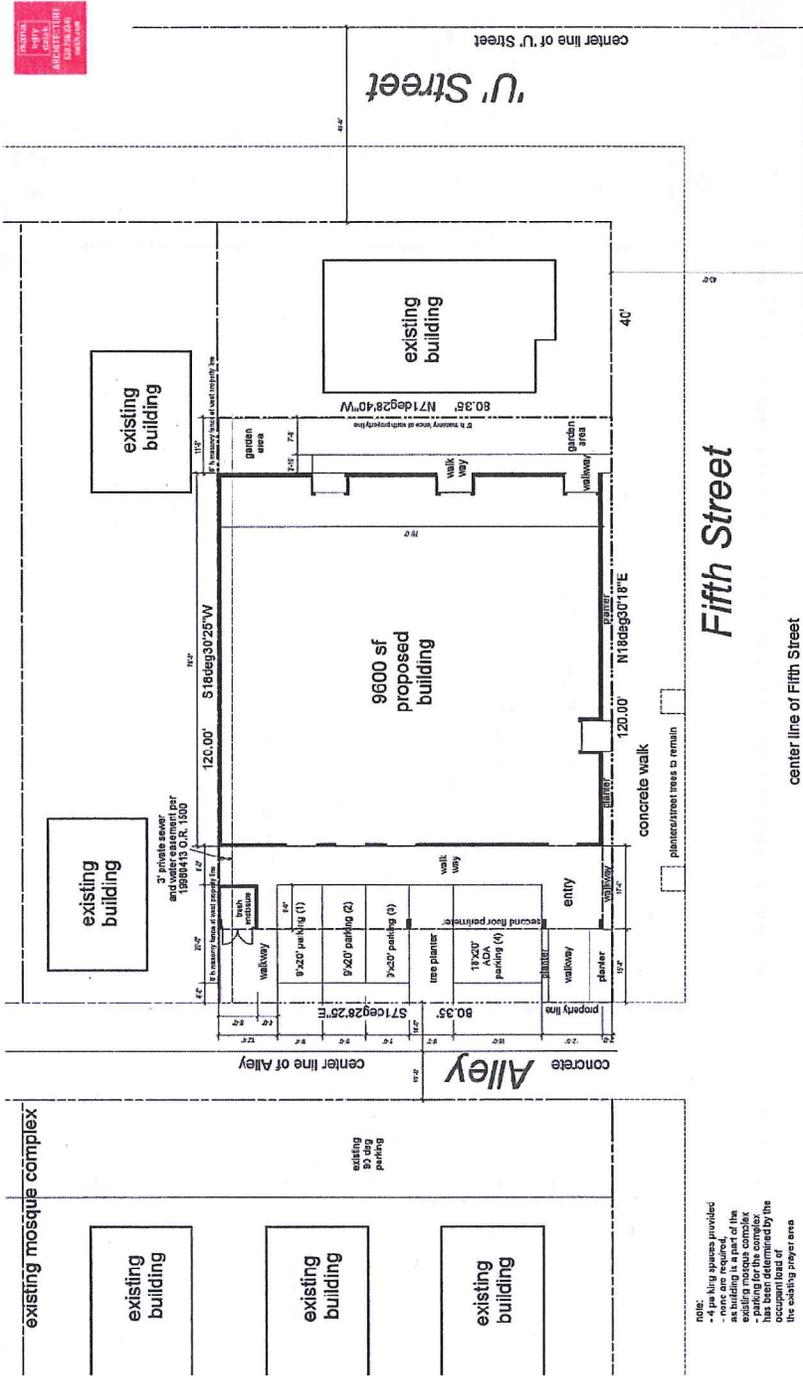
C/D/E/F. The Variances to reduce front building setback, to reduce rear building setback, to allow a trash enclosure in the rear setback area and to allow lot coverage to exceed maximum allowed in the R-3A zone is hereby approved subject to the following conditions:

C/D/E/F1. The setbacks are approved as such:

Building front setback	2'-0" (minimum)
Building rear setback	Zero Lot Line
Trash enclosure setback at rear property line	Zero Lot Line

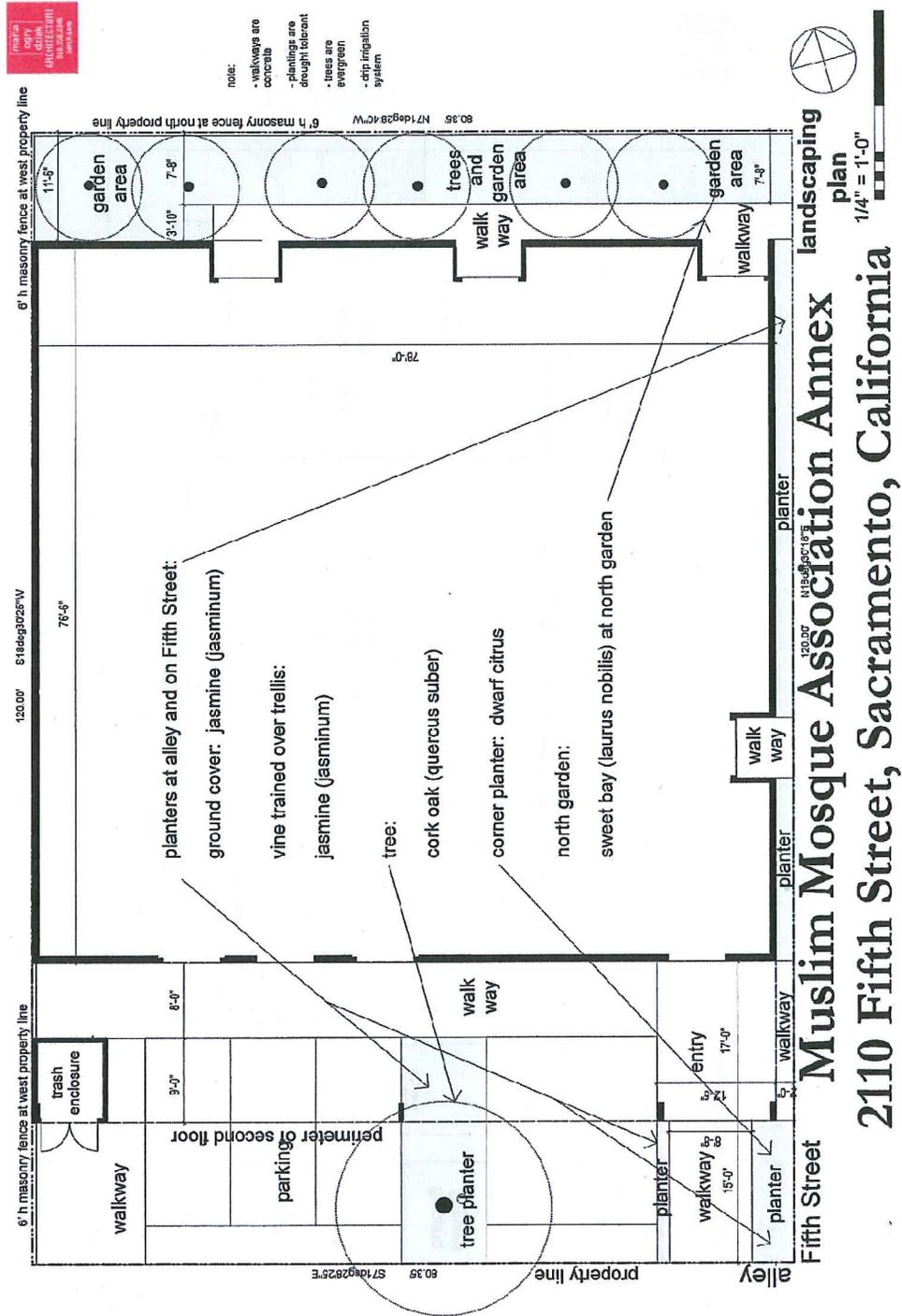
C/D/E/F2. The maximum lot coverage is 76%.

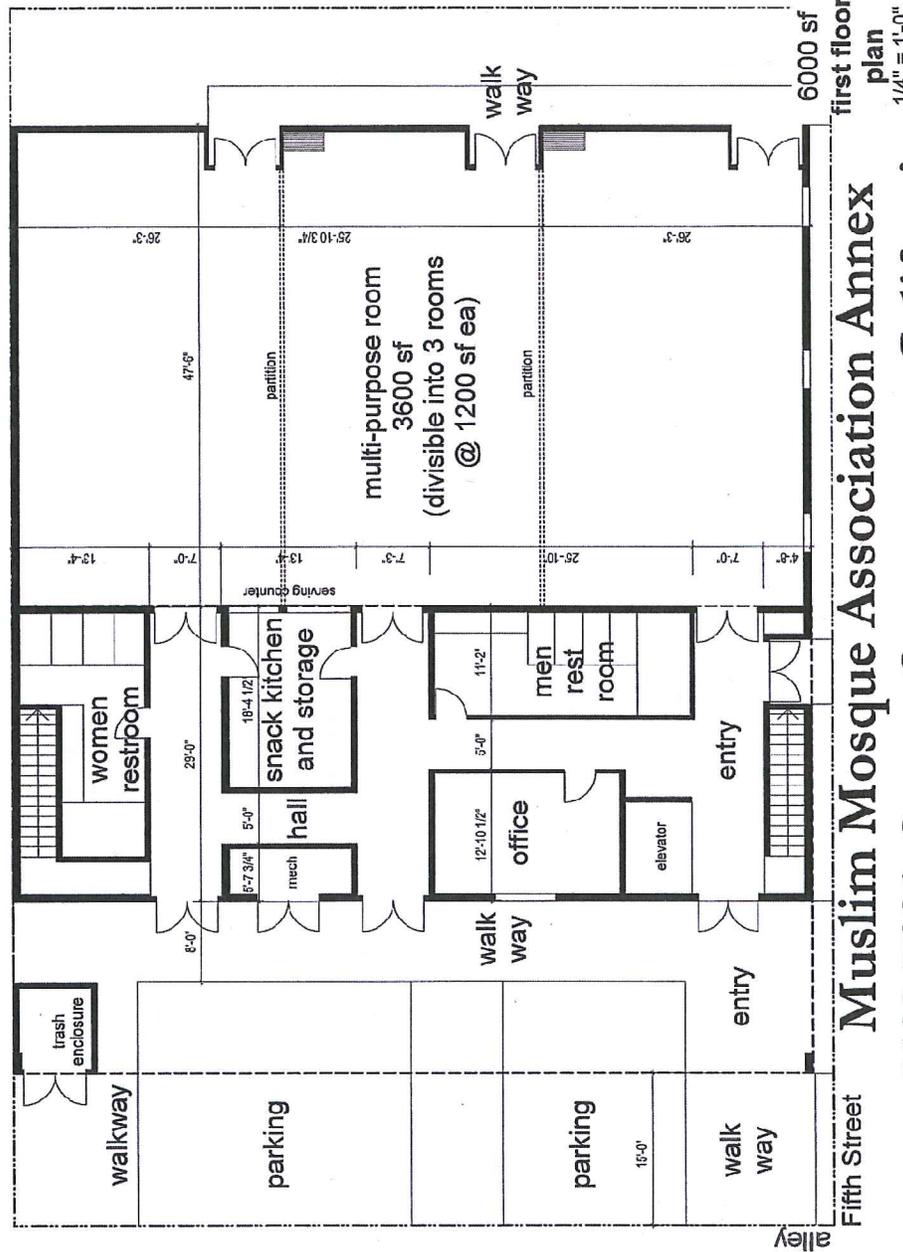
C/D/E/F3. Any deviation from the approved setbacks or lot coverage shall be subject to further review and approval by the City of Sacramento's Planning Division.



Muslim Mosque Association Annex
2110 Fifth Street, Sacramento, California
 site area = 9600 sf
 site plan
 1/8" = 1'-0"

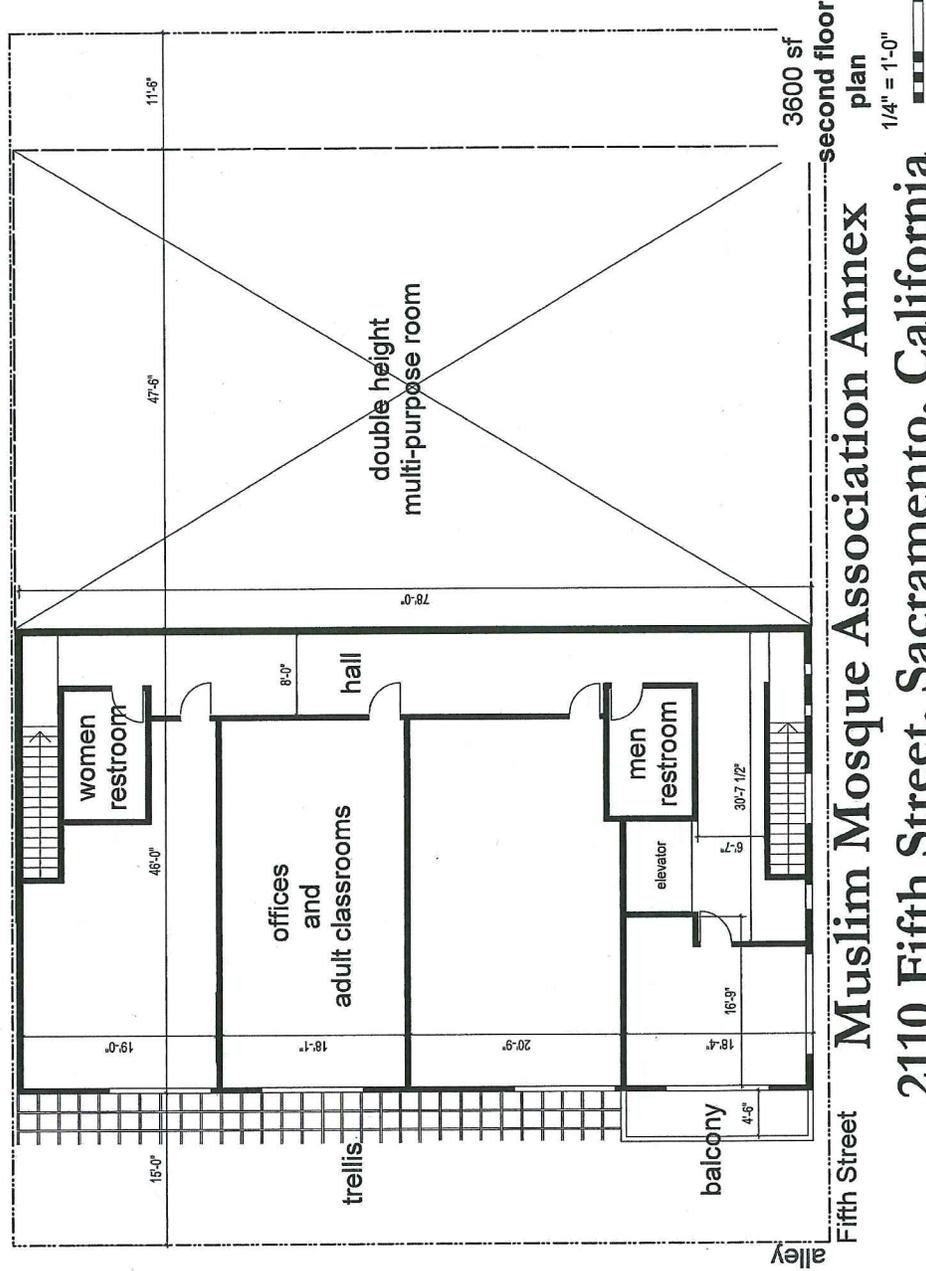




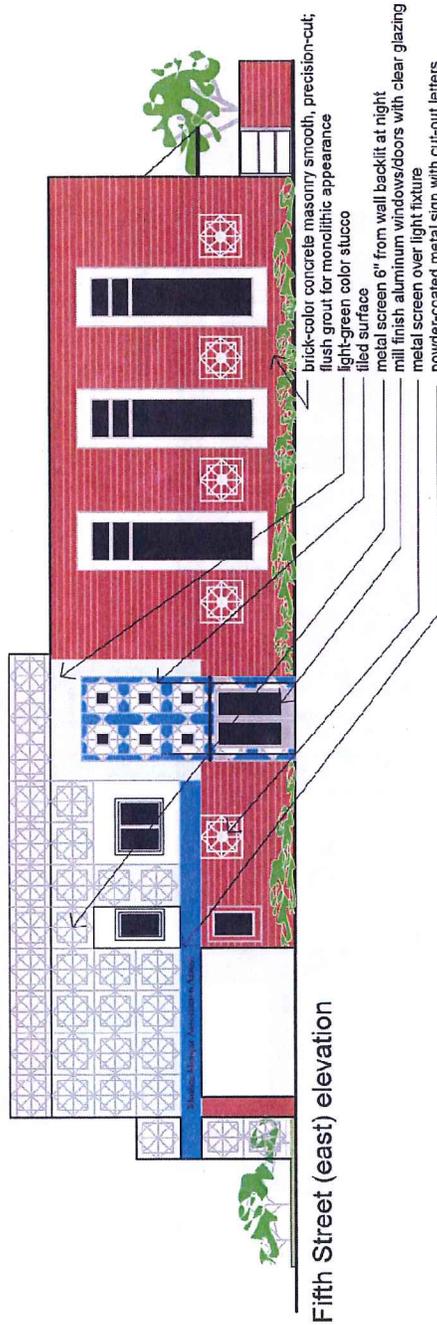


Muslim Mosque Association Annex
2110 Fifth Street, Sacramento, California

Fifth Street



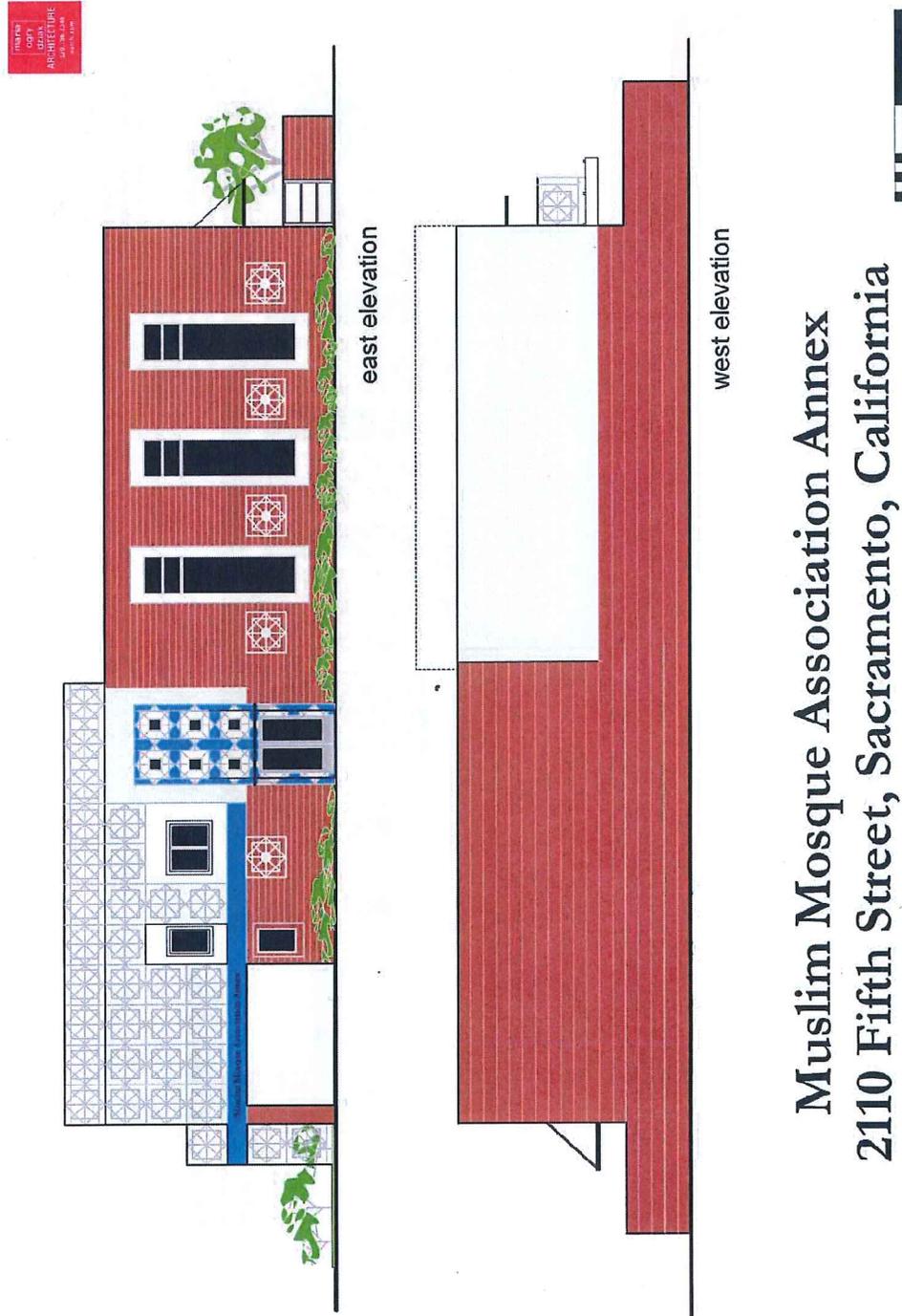
Muslim Mosque Association Annex
2110 Fifth Street, Sacramento, California



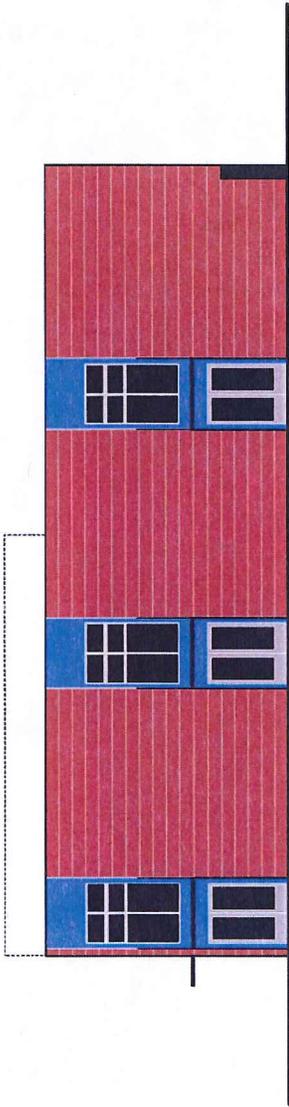
Muslim Mosque Association Annex

2110 Fifth Street, Sacramento, California

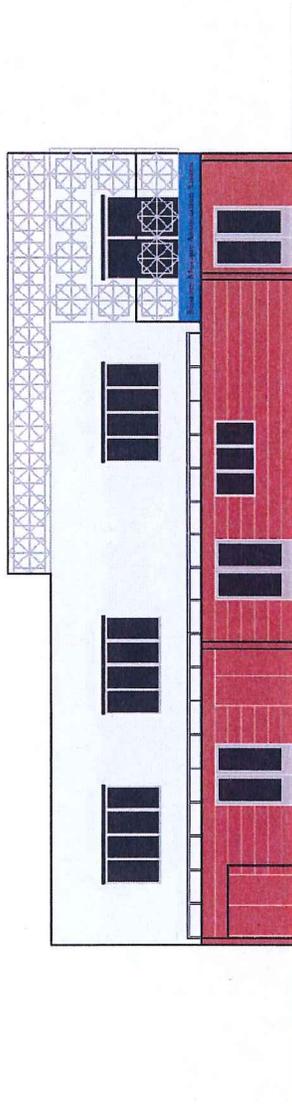




**Muslim Mosque Association Annex
2110 Fifth Street, Sacramento, California**



north elevation



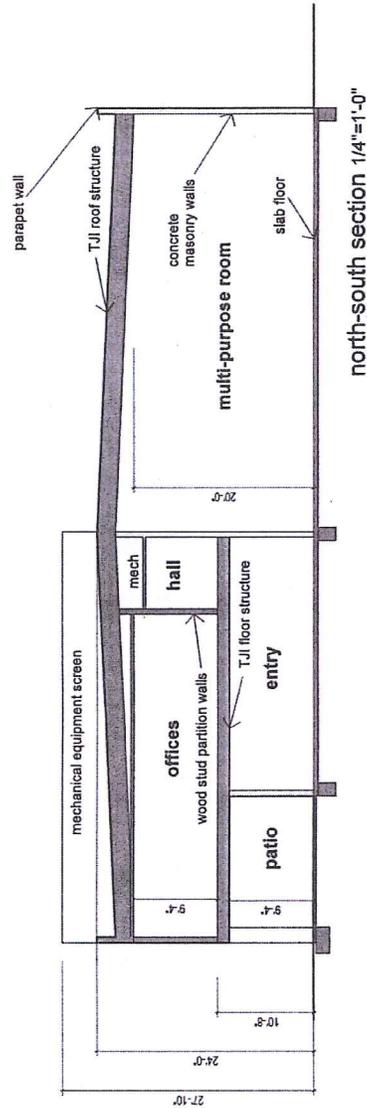
south elevation

**Muslim Mosque Association Annex
2110 Fifth Street, Sacramento, California**





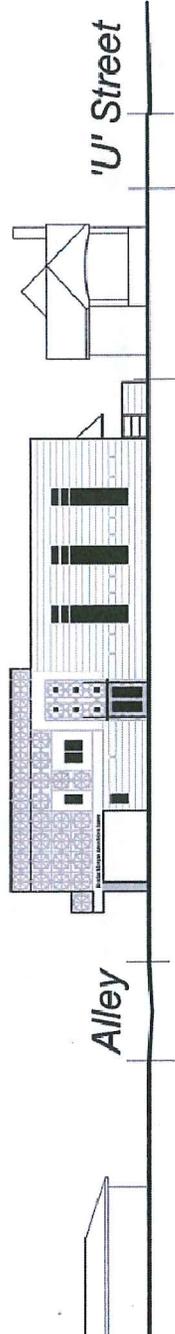
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**Muslim Mosque Association Annex
2110 Fifth Street, Sacramento, California**

section
1/4" = 1'-0"





Fifth Street
streetscape
1/8" = 1'-0"

**Muslim Mosque Association Annex
2110 Fifth Street, Sacramento, California**

