

AMENDED BY STAFF 7/23/92
CITY PLANNING COMMISSION
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT	German Wong & Assoc.	201 Lathrop Way Ste F Sacto	CA 95815		
OWNER	Geremia Companies	1327 65th Street Sacto	CA 95820		
PLANS BY	Wong & Assoc.	201 Lathrop Way Ste F Sacto	CA 95815		
FILING DATE	4-8-91	ENVIR. DET.	Neg Dec	REPORT BY	B Williams
ASSESSOR'S PCL. NO.	274-0430-109; 274-0030-041				

APPLICATION:

- A. Negative Declaration
- B. Mitigation Monitoring Plan
- C. Rezone 0.5± vacant acres from Agriculture (A) to Single Family Alternative (R-1A).
- D. Tentative Map to subdivide two lots into five single family lots and one common lot for a private driveway on 0.5± vacant acres in the Agriculture (A) zone.
- E. Subdivision Modification to waive standard street improvements.
- F. Special Permit to develop five single family dwellings in the R-1A zone on 0.5± acres.
- G. Variance to FEMA Flood Regulations to obtain building permits to allow residential development within the A99 Flood zone.

LOCATION:

Southeast corner of River Plaza Drive & Orchard Lane

PROPOSAL:

The applicant is requesting the necessary entitlements to subdivide vacant property into five lots for single family development.

PROJECT INFORMATION:

General Plan Designation:
1988 South Natomas Community
Plan Designation:

Low Density Residential (4-15 du/na)
Medium Density Residential (7-15 du/na) Designated Infill

Existing Zoning of Site:
Existing Land Use of Site:

A
Vacant

APPLC. NO. P90-010

MEETING DATE July 23, 1992

ITEM NO. 7

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Apartments; R-3	Front:	Determined	18'-30'
South: Vacant; A	Side(Int):	By	6'-11'
East: Single Family; R-1A		The	
West: Condominiums; R-1A	Rear:	Commission	6'5"-11'
Parking Required:	5 spaces		
Parking Provided:	10 spaces (Two car garages)		
Property Dimensions:	Irregular		
Property Area:	Gross: 0.5±		
	Net: 0.4±		
Density of Development:	12 du/na		
Height of Building:	Two-story		
Topography:	Flat		
Street Improvements:	To Be Provided		
Utilities:	To Be Provided		
Exterior Building Materials:	Horizontal Lap Siding		
Roof Materials:	Tile		
Exterior Building Colors:	Earth Tones		

<u>Lot:</u>	<u>Lot Size:</u>	<u>Building Footprint:</u>
1	3,600 sq. ft.	1,390 sq. ft.
2	3,830 sq. ft.	1,320 sq. ft.
3	3,920 sq. ft.	1,420 sq. ft.
4	4,630 sq. ft.	1,735 sq. ft.
5	6,830 sq. ft.	1,440 sq. ft.

SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On November 6, 1991, by a vote of seven ayes and two absent, the Subdivision Review Committee voted to recommend approval of the tentative map subject to conditions which are noted below.

PROJECT EVALUATION: Staff has the following comments:

A. **Land Use and Zoning**

The subject site consists of two vacant parcels on 0.5± acres in the Agriculture (A) zone. The General Plan designates the site for Low Density Residential (4-15 du/na) and the 1988 South Natomas Community Plan designates the site for Medium Density Residential (7-15 du/na). Surrounding land use and zoning includes multi-family residential to the north, zoned R-3; single family residential to the east, zoned R-1A; a vacant lot to the south, zoned A; and a condominium development known as Swallows Nest to the west, in the R-1A zone. The subject site contains a number of large oak trees.

B. Applicant's Proposal

The applicant is requesting a Rezone from A to R-1A in order to develop five single family detached units on the subject site. The applicant is also proposing a Tentative Map to subdivide the subject site into five lots for single family units and establish a common lot for a private driveway in the R-1A zone. A Special Permit is required to develop in the R-1A zone. Additionally, the applicant is requesting to waive standard street improvements in order to establish a private driveway for access into the single family development. Lastly, a Variance to FEMA flood regulations is requested by the applicant. The purpose of this request is to obtain building permits for residential development prior to the flood moratorium prohibiting development of residential development in South Natomas.

C. Rezone - Policy Consideration

The subject site is adjacent to a single family development which has R-1A zoning with substandard lots (45' x 100'). The applicant is proposing to rezone the subject site from A to R-1A in order to allow lots that are irregular in shape and building setbacks that vary from the required setbacks. The proposed density for the subject site is 12 dwelling units per net acre. The proposed rezone from A to R-1A will be consistent with both the General Plan (4-15 du/na) and the South Natomas Community Plan (7-15 du/na) land use designations. The proposed rezone will also be compatible with the existing and future rezones in the immediate area. The rezone will not be a significant impact in the area since the density is allowed and the proposal is consistent with future development in the area. Allowing the R-1A zoning on the subject site will encourage development on an infill lot. Staff, therefore, is not opposed to the proposed rezone.

D. Map Design

The submitted site plan indicates one private driveway into the subdivision off of Orchard Lane. The submitted map indicates a total of five lots for single family detached homes and a common lot to serve as a driveway in the subdivision. The proposed lot sizes range between 3,600 square feet to 6,800 square feet. The frontyard setbacks average between 18 feet to 30 feet and the average rear yard setback is ten feet. The submitted map indicates sideyard setbacks ranging between six feet to 11 feet. Due to the shape of the lots and the placement of the footprints, adequate setbacks and usable yard area will be provided. The lots and placement of the footprints are configured in a manner to avoid several of the oak trees that exist on the subject site. Staff is, therefore, not opposed to the lot sizes proposed for the single family units. The proposed lot sizes will be compatible with the existing and future single family developments in the area.

E. Subdivision Modification

The applicant is requesting a subdivision modification to waive standard street improvements for the five unit subdivision. A 20 foot wide private driveway is proposed for access into the subdivision. The private road has access onto Orchard Lane. The applicant is requesting to waive the standards due to the limited size of the site and the presence of the oak trees. The reduce street width would not significantly impact the street circulation into the development. The applicant has also informed staff that a Homeowners Association will be formed to provide for maintenance of the private

driveway and the common landscape areas. Staff is not opposed to the street waiver since adequate access will be provided and the private driveway will be maintained.

F. Special Permit

As previously mentioned, the proposed single family development will contain five single family detached units. The applicant is proposing five different house models. Conceptual elevations and floor plans have been submitted for staff's review. The applicant has indicated that the proposed dwellings will be custom built and will contain significant architectural features such as bay windows and multi-pane windows, stone veneer, planter sills, raised entry ways and decorative vents. These features will enhance the appearance of the units and will provide interest along the streetscape. Exterior building materials are made of horizontal wood siding with tile roofs. The submitted plans also indicate a hip roof over the bay window. Exterior building colors are earth tones. Each model will be two story. Staff finds the proposed architectural features to be of high quality and design and would recommend that these features be incorporated into the actual elevations submitted. It is, therefore, recommended that the proposed dwellings be reviewed and approved by the Design Review Board staff prior to issuance of building permits and after the flood moratorium has been lifted. Staff is also recommending that building permits not be issued under the Special Permit until the moratorium has been lifted and/or if the applicant builds the units above the 100 year flood elevations.

The applicant is proposing to construct a six foot high decorative masonry wall along the south property line and north property line adjacent to River Plaza Drive. Staff recommends that the wall be located a minimum of five feet back from the sidewalk. The five foot area shall be landscaped with ground cover and flowering plants. It is also recommended that the proposed wall's design be reviewed and approved by the Design Review staff prior to issuance of building permits. The landscaped area shall also be maintained by the Homeowners Association formed for the subdivision.

G. Flood Variance

Background

On February 6, 1990, the City Council adopted a City Ordinance establishing a Land Use Planning Policy for areas of the City with less than 100-year flood protection. One component of the policy imposes a temporary moratorium on residential development in North and South Natomas Community Plan areas until the Natomas levees are stabilized. The anticipated date for completion of the levees is Spring, 1993. Because of the recent moratorium, the applicant is, therefore, required to obtain a Flood Variance from the City of Sacramento in order to develop residential on the subject site.

The Flood Policy language requires two types of variance procedures for project applications requesting to develop residential in North or South Natomas. The two types of variances are: Planning Director's Flood Variance and Planning Commission Flood Variances. The qualifying criteria for each of the two types of variances are outlined below:

Planning Director's Flood Variance - Qualifying Criteria

- * Intended for applicants who: 1) propose to construct one new single family structure, 2) that will be occupied by the applicant, and 3) on a parcel that was owned by the applicant prior to January 1, 1990.

Planning Commission Flood Variance - Qualifying Criteria

- * Intended for: applicants who propose to construct one or more new, residential structures and do not meet the criteria of the Planning Director's Flood Variance.

A Flood Variance Review Team was formed as part of the Flood Policy Variance approval or denial. The team is comprised of representatives from the City's Public Works Department, Building Inspections, the Planning and Development Department and the City Attorney's Office. The purpose of the meeting was to review the request and determine whether or not it meets the objectives of the Federal Emergency Management Agency (FEMA) Floodplain Management regulations (Subchapter B, Title 44, Code of Federal Regulations (CFR), Section 60.6, as amended (Ord. No. 88-002,1).

Listed below are the objectives used by the Flood Team to make a recommendation for approval or denial.

Variations shall only be issued by the City Planning Commission upon;

- (a) a showing of good and sufficient cause;
- (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Staff's Analysis

It was determined by the review team that the applicant's proposal be denied. The team found that the subject site was purchased after the February 6, 1990 effective date of the moratorium. Additionally, the applicant was informed by staff that the Flood Variance would be denied because an approval would subject more people and property to the risk of injury and damage in the event of a flood. Also, staff believes that denial of this Variance would not result in an exceptional hardship to the applicant since the lot was purchased after the effective moratorium date and the applicant was aware of the moratorium. The applicant would be adding five residential units in the moratorium area without showing "exceptional hardship". Approving the Variance would also be precedent setting in both the South Natomas and North Natomas Community Plan areas. Lastly, approval of the Variance would result in additional threats to public safety, extraordinary public expense, create nuisances and be a conflict with existing local laws and federal regulations. Staff is recommending denial of the Variance request.

H. Neighborhood Comments

Staff received a memorandum from the Natomas Community Association indicating their opposition to the proposed project (see attached memorandum). The association indicated that the proposed density was too high and the construction could potentially damage many of the trees on the site. In addition, the association has some concerns with the unsafe levels of parking along Orchard Lane created by the project.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project, will not have a significant impact on the environment; therefore a Negative Declaration has been prepared. Mandatory Mitigation measures shall be incorporated into the project to reduce potential environmental impacts to below a level of significance. The mandatory mitigation measures are listed below.

RECOMMENDATION: Staff recommends the following actions:

- A. Ratify the Negative Declaration.
- B. Recommend adoption of the attached Mitigation Monitoring Plan and forward to City Council.
- C. Recommend approval of the Rezone of 0.5± vacant acres from Agriculture (A) to Single Family Alternative (R-1A) zone and forward to City Council.
- D. Recommend approval of the Tentative Map to subdivide two 0.5± acres into five single family lots and one common lot for a private driveway subject to conditions which follow and forward to City Council.
- E. Recommend approval of the Subdivision Modification to waive standard street improvements subject to conditions which follow and forward to City Council.
- F. Approve the Special Permit to develop five single family units in the R-1A zone subject to conditions and based on findings of fact which follow.
- G. Deny the Variance to FEMA Flood Regulations to obtain building permits to allow residential development within the A99 Flood zone based on findings of fact which follow.

Conditions - Tentative Map

- 1. Provide standard subdivision improvements pursuant to Section 40.811 of the City Code;
- 2. Prepare a sewer and drainage study for the review and approval of the Department of Public Works. Off-site extensions and over-sizing may be required;
- 3. Submit a soils test prepared by a registered engineer to be used in street design;

4. Pursuant to City Code Section 40.1302 (parkland dedication), the applicant shall submit to the City an appraisal of the property to be subdivided and pay the required parkland dedication in-lieu fees. The appraisal shall be dated not more than 90 days prior to the filing of the Final Map;
5. Redesign map so that the common driveway is a minimum 20 foot wide strip and designated as Lot A on Final Map;
6. Meet all County Sanitation District requirements;
7. Subject property must complete annexation to both the Sacramento Regional County Sanitation District and County Sanitation District No. 1 of Sacramento County prior to recordation of the map or prior to the approval of improvement plans, whichever comes first;
8. Applicant shall comply with the mandatory mitigation measures required by the Environmental Services Manager on file in the Planning Division Office (P90-010);
9. 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;
10. Dedicate a ~~standard 12.5 foot~~ public utility easement for underground facilities and appurtenances adjacent to Orchard Lane and River Plaza Drive **to the satisfaction of the City's Utilities Department;(Amended By Staff)**
11. Dedicate ~~private drive and 12.5 feet adjacent to private drive~~ **the common area, excluding all structures** as a public utility easement for underground and overhead facilities and appurtenances **to the satisfaction of the City's Utilities Director;(Amended By Staff).**
12. Show all existing easements;
13. Pursuant to City Code Section 40.319-1, the applicant shall 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 City Engineer after consultation with the U.S. Postal Service;
14. Show reciprocal ingress, egress, maneuvering and parking easements on Final Map;
15. The proposed project is located within the 100-year floodplain, designated as Zone A-99, on the Sacramento Community's official Flood Insurance Rate Map, dated November 15, 1989. Pursuant to the City's floodplain management regulations, codified in City Code Chapter 9, Articles XXVI and XXVII (Sec. 9.1001 et seq.), no building permit will be issued for the construction of any residential structure in the North and South Natomas Community Plan

areas unless the lowest floor of such structure is built at least one foot above the base flood elevation for the project site, as set forth in the January 1989 Working Map of the U.S. Army Corps of Engineers. The City is currently participating in efforts to obtain approval for levee and other improvements to provide a minimum of 100-year flood protection to all of Sacramento. Upon completion of the improvements and a determination that adequate protection against the 100-year flood is provided, elevation should not be required. At some time prior to actual completion of the necessary flood protection improvements and with the approval of Congress, Federal Emergency Management Agency (FEMA) and/or other responsible state or federal authorities, the City may be able to authorize the issuance of building permits for the construction of residential structures without the elevation of the structure one foot above the base flood elevation, provided that the lowest floor of the structure will be at or above the base flood elevation for the project site upon the completion of the approved improvements. It is anticipated that the City may be able to authorize such construction commencing in late 1992. However, there is no assurance that this will occur at this or any other time prior to actual completion of the improvements, and it is dependent upon a number of factors, including but not limited to, the date of approval and financing of flood protection improvements; adequate progress on, or completion of, the flood protection improvements; obtaining approval from appropriate federal and/or state authorities;

16. Public water distribution systems with metered services shall be constructed to City standards in private drive. Note: Water meters shall be required for this project if building permits are not obtained prior to January 1, 1992;
17. Dedicate common driveway and 3 foot adjacent to private driveway as a public water easement;
18. Provide an on-site grading and drainage plan for the review and approval by the Department of Public Works. Private on-site drainage system to be maintained by the Homeowner's Association is required;
19. Provide an on-site sewer plan for the review and approval of the Department of Public Works. Private sewer system to be maintained by the Homeowner's Association is required;
20. Dedicate private sewer and drainage easements as needed;
21. Dedicate and construct River Plaza Drive to a 40 foot half street.
22. Dedicate and construct Orchard Lane to a 27 foot half-street (measured from the easterly edge of the existing median) to form a right angle intersection with River Plaza Drive. Right-of-way requirements and improvement design for Orchard Lane and the intersection shall be coordinated with the Department of Public Works prior to the approval of the improvement plans;
23. Intersection of River Plaza Drive and Orchard Lane shall be designed to provide adequate sight distance based on a design speed of 45 MPH on River Plaza Drive. Structures, fences

- or landscaping shall be setback to provide the required site distance;
24. Construct round corner at intersection of Orchard Lane and River Plaza Drive to a 25 foot radius;
 25. Private drive shall be designed to the satisfaction of the Traffic Engineer to provide adequate maneuvering room to insure that vehicles will not back out onto Orchard Lane. CC&R's for the Homeowner's Association shall prohibit parking on the driveways and the common private drive as necessary to provide adequate maneuvering room;
 26. Driveway to Lots 3 & 5 shall be redesigned to allow back-out maneuvering room;
 27. Applicant shall participate in the Facilities Benefit Assessment (FBA) District. Fees shall be paid prior to issuance of a building permit;
 28. A Homeowner's Association shall be formed and CC&R's shall be approved by the City and recorded assuring maintenance of private drive. The Homeowner's Association shall maintain all private driveways, lights, landscaping, sewer and drainage system;
 29. Entrance to private street shall be a standard driveway;
 30. A seepage study will be required and shall be prepared by a registered engineer. The study shall identify and recommend solutions or groundwater related problems which may occur within both the subdivision lots and public right-of-way. Appropriate facilities shall be constructed to alleviate those problems;
 31. Street sections shall be designed to provide for stabilized subgrades and pavement sections under high groundwater conditions;
 32. Must obtain approval of Reclamation District No.1000 and pay necessary fees. RD 1000 shall be compensated for increased runoff caused by change in land use;
 33. Grading, grade changes and roadbed excavation shall not be allowed within 6 feet of the exterior of any tree designated to be preserved by the Negative Declaration. Trees to be preserved shall be shown on the improvement plans along with appropriate protection measures;
 34. No storage of materials or parking of vehicles shall be allowed on the site;
 35. A trenching/utility plan shall be required for the review and approval of the City Arborist and the Department of Public Works. Underground utility trenching shall not be allowed within the driplines of the existing trees. Boring, tunneling, or hand trenching shall be implemented under the lower portion of the root system in order to reduce the amount of root damage. The plan shall be developed to ensure the preservation of the root systems of trees on the site;

36. Construct a decorative wall adjacent to River Plaza Dr. The wall shall be of same height, type and materials as the existing wall immediately southeast of the site. The wall shall extend from the existing wall along River Plaza Drive to the satisfaction of Traffic Engineering to provide for adequate sight distance to around the round corner. Wall shall be to the satisfaction of the Department of Public Works and the Planning Department; and (Amended By Staff)
37. Developer shall join a landscape and maintenance assessment district, or other suitable entity, for the maintenance of landscaping, irrigation and masonry walls in the common areas adjacent to River Plaza Drive and Orchard Lane. Developer shall maintain the landscaping, irrigation, and masonry walls for two years or until a maintenance district is formed (whichever is less). The two year period shall begin following the acceptance by the City (issuance of a notice of completion).

7
Mandatory Mitigation Measures

Tree Protection Measures

- A. Valley Oaks numbered 477-479, 482, 484, 485 and 487 as noted on the applicant's site plan (See Attachment C) shall not be removed.
- B. No surface or grade changes shall take place within 6 feet from the trunk of each tree to be preserved.
- C. To protect the area within the driplines of the trees prior to and during construction, no storage of materials nor parking of vehicles shall occur on the project site prior to and during construction. The applicant shall be required to provide a site for off-site storage of materials. The location of this site shall be identified on the improvement plans prior to receiving a Notice to Proceed from The Department of Public Works and at the time of Building Permit application.
- D. Roadbed excavation can occur within the dripline of the preserved trees up to a point 6 feet from the exterior of the trunk of the tree.
- E. If, during excavation, tree roots greater than 2 inches in diameter are encountered, work shall stop until a certified arborist can perform an on-site evaluation. The root shall not be cut unless the certified arborist gives his/her approval. Roots approved by the on-site arborist to be severed during the course of excavation shall be neatly trimmed.
- F. A trenching/utility plan shall be required for the review and approval of the City Arborist and Director of Public Works' prior to the issuance of a Final Map. The goal of the trenching/utility plan shall be to preserve the roots systems of all of the saved trees and to maintain as many limbs as possible in order for the trees to remain lively and in good health.

- G. Underground utility trenching shall not be allowed within the driplines of the existing trees. Boring, tunneling, or hand trenching shall be implemented under the lower portion of the root system in order to reduce the amount of root damage.
- H. The applicant/developer shall be required to retain a professional arborist selected from an approved list of certified arborists maintained by the Environmental Services Division. The arborist shall be contracted through the City of Sacramento and funded by the developer, and shall report directly to the City Arborist. The contracted arborist shall be required to be on-site during all grading and trenching activities. The arborist shall also be on-site at the time when construction activities will affect existing limbs. The contracted arborist shall be consulted prior to the cutting/removal of any limb, and prior to the cutting/removal of any root greater than two inches in diameter. Roots approved by the on-site arborist to be severed during the course of excavation shall be neatly trimmed.
- I. Structural foundations shall comply to the Footing Foundation Detail as found on the applicant's Tree Plan (See Attachment D) within the excavatable area within the dripline of the preserved trees.
- J. The landscaping plan for the each lot shall be subject to the review and approval of the City Arborist prior to the issuance of any Building Permits. New landscaping under the existing oaks shall be carefully planned to avoid excess soil moisture. Drought tolerant plants that are compatible with oaks shall be specified. As a condition to any further discretionary residential land use entitlements, developers shall be required to notify potential residents of the development of the landscaping restrictions as follows:

Disclosure Regarding Landscape Restrictions: All owners are advised that lots in this subdivision are subject to landscaping restrictions, and that all landscaping must be carefully planned to avoid excess soil moisture. Drought tolerant plants that are compatible with oaks shall be specified, and shall receive approval from the City Arborist.

Noise Reduction Measures

- K. All joints in exterior walls shall be grouted or caulked airtight.
- L. All penetrations of exterior wall shall include a 1/2 inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
- M. Window or through-the-wall ventilation and air conditioning units shall not be permitted.
- N. All sleeping spaces shall be provided with carpet and pad.
- O. There shall be no through the door or through the wall mail or paper chutes. (Acoustics & Vibration Group, 1988 and conversation with Steve Pettyjohn of A&V Group)

- P. As a condition to any further discretionary residential land use entitlements, developers shall be required to notify potential residents of the development of the overflights by aircraft using Sacramento Metropolitan Airport as follows (This note shall be included on the Final Map):

Disclosure Regarding Overflight: All owners are advised that the lots in this subdivision are subject to overflight from aircraft going to and coming from Sacramento Metropolitan Airport. As a result, the use and enjoyment of the lots may be subject to noise, vibration, discomfort and inconvenience. This disclosure is made pursuant to the requirements of the County of Sacramento and is not intended to be a covenant.

General

- Q. Participate in the Facilities Benefit Assessment (FBA) District formed to finance needed public infrastructure and community facilities in South Natomas. The assessment shall be made prior to the issuance of building permits.
- R. Participate in the Natomas West Assessment District or provide capacity studies and agreements to provide the various necessary infrastructure.
- S. If subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

Conditions - Special Permit

1. Individual dwellings shall be subject to Design Review staff review prior to issuance of building permits and after the flood moratorium has been lifted.
2. Significant architectural design features shall be incorporated into the elevations submitted for review. The design features shall include things such as bay windows and multi-pane windows, stone veneer, planter sills, raised entry ways and decorative vents.
3. Building permits shall not be issued under the Special Permit until the moratorium has been lifted and/or if the applicant builds the units above the 100 year flood elevations. This Special Permit shall expire on July 23, 1994 unless a request for a time extension is filed prior to this date by the applicant and approved by the Planning Commission.
4. A six foot high masonry wall shall be located along the south and east property lines of the proposed subdivision. The masonry wall shall be located a minimum of five feet back from the property line along ~~Orchard Lane~~ River Plaza Drive. (Amended By Staff)

5. The five foot area shall be landscaped with ground cover and flowering plants. The landscaped area shall also be maintained by the Homeowners Association formed for the subdivision until the landscape and maintenance assessment district is formed.
6. The masonry wall's design shall be reviewed and approved by the Planning Director prior to issuance of building permits.

Findings of Fact - Special Permit/Approval

1. The Special Permit, as conditioned, is based upon sound principles of land use in that the proposed density is compatible with the existing and proposed single family residential development in the area.
2. The Special Permit, as conditioned, will not be detrimental to the public health, safety or welfare, nor result in the creation of a nuisance in that:
 - a. the lot sizes will allow for adequate setbacks and usable yard area;
 - b. the conceptual elevations provide for a high quality architectural design;
 - c. the project provides a variety of building materials; and
 - d. the lot layout is compatible with the area and will not significantly impact the existing oak trees on the subject site nor the surrounding single family development in the neighborhood.
3. The proposed project is compatible with the General Plan and South Natomas Community Land use designation which designates the site for single family development.

Findings of Fact - Flood Variance/Denial

1. The project denial is based on sound principles of land use in that there would be increase of residents exposed to the A99 flood area.
2. The project will be detrimental to the public safety or welfare, and could result in the creation of a public nuisance in that:
 - a. The addition of five new residential units in the Flood Zone could jeopardize the safety and welfare of the inhabitants of the residential units.
 - b. the applicant purchased the lot after the effective moratorium date and the applicant was aware of the moratorium.
 - c. The applicant would be adding five residential units in the moratorium area without showing "exceptional hardship".

- d. approving the Variance would be precedent setting in both the South Natomas and North Natomas Community Plan areas.
 - e. approving the Variance would be a conflict with existing local laws and federal regulations.
3. Granting the Variance would constitute a special privilege extended to an individual property owner in that Variances would not be granted to other property owners facing similar circumstances.
 4. Granting the Variance would constitute a use Variance in that additional residential buildings are not allowed in the Flood Zone covered by a building moratorium until the levee system is improved to provide a 100 year flood protection.

ORCHARD LANE P90-010
INITIAL STUDY

Recording
Not
Required

-
-
-
-
-

MITIGATION MONITORING PLAN

FOR

ORCHARD LANE / P90-010

Type of Environmental Document:
Negative Declaration

Prepared By:
City of Sacramento Environmental Services Division

Date:
August 23, 1991

Adopted By:
City of Sacramento City Council

Date:

Attest:

City Clerk

ORCHARD LANE P90-010
INITIAL STUDY

CITY OF SACRAMENTO
MITIGATION MONITORING PLAN

This Mitigation Monitoring Plan has been required and prepared by the Department of Planning and Development, Environmental Services Division, 1231 I Street, Suite 301, Sacramento, CA 95814, (916) 449-2037, pursuant to CEQA Guidelines Section 21081.

SECTION 1: PROJECT IDENTIFICATION

Project Name and/or File Number: Orchard Lane / P90-010
Applicant - Name: German-Wong and Associates
Address: 201 Lathrop Way, Sacramento, CA 95670

Project Location / Legal description of Property (if recorded):

All that certain property situated, lying and being in the County of Sacramento, State of California, described as follows:

All that portion of Lot 34, as said lot is shown upon the official "Map of Natomas Riverside Subdivision No. 2", recorded in the office of the Recorder of Sacramento County, California, in Book 15 of Maps, Map No. 41, described as follows:

Beginning at a on and one-half inch iron pipe monument and disc stamped R.E. 9591, located at the Southwest corner of said Lot 34, thence from said point of beginning, North 89 56'30" East 182.00 feet along the Southerly line of said Lot 34 to a one-inch iron pipe monument and plug stamped L.S. 3031; thence, leaving said lot line, North 10 31'06" West 132.20 feet to a similar one-inch pipe monument and plug; thence, South 89 56'30" West 158.00 feet along a line parallel to the South line of said Lot 34 to a similar one-inch pipe monument and plug located in the West line of said Lot 34; thence, South 00 03'30" East 130.00 feet along said lot line to the point of beginning.

Assessor's Parcel Numbers: 274-0030-041 and 274-0430-109.

SECTION 2: GENERAL INFORMATION

The project as approved includes nineteen mitigation measures. The intent of the Plan is to prescribe and enforce a means for properly and successfully implementing the mitigation measures as identified within Attachment A of the Initial Study for this project. Unless

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INITIAL STUDY

otherwise noted, the cost of implementing the mitigation measures as prescribed by this Plan shall be funded by the above-mentioned applicant.

SECTION 3: PLAN CONTENTS

1. PLANT/ANIMAL LIFE

Mitigation Measures:

Tree Protection Measures

- A. Valley Oaks numbered 477-479, 482, 484, 485 and 487 as noted on the applicant's site plan (See Attachment C) shall not be removed.
- B. No surface or grade changes shall take place within 6 feet from the trunk of each tree to be preserved.
- C. To protect the area within the driplines of the trees prior to and during construction, no storage of materials nor parking of vehicles shall occur on the project site prior to and during construction. The applicant shall be required to provide a site for off-site storage of materials. The location of this site shall be identified on the improvement plans prior to receiving a Notice to Proceed from The Department of Public Works and at the time of Building Permit application.
- D. Roadbed excavation can occur within the dripline of the preserved trees up to a point 6 feet from the exterior of the trunk of the tree.
- E. If, during excavation, tree roots greater than 2 inches in diameter are encountered, work shall stop until a certified arborist can perform an on-site evaluation. The root shall not be cut unless the certified arborist gives his/her approval. Roots approved by the on-site arborist to be severed during the course of excavation shall be neatly trimmed.
- F. A trenching/utility plan shall be required for the review and approval of the City Arborist and Director of Public Works' prior to the issuance of a Final Map. The goal of the trenching/utility plan shall be to preserve the roots systems of all of the saved trees and to maintain as many limbs as possible in order for the trees to remain lively and in good health.
- G. Underground utility trenching shall not be allowed within the driplines of the existing trees. Boring, tunneling, or hand trenching shall be implemented under

ORCHARD LANE P90-010
INITIAL STUDY

the lower portion of the root system in order to reduce the amount of root damage.

- H. The applicant/developer shall be required to retain a professional arborist selected from an approved list of certified arborists maintained by the Environmental Services Division. The arborist shall be contracted through the City of Sacramento and funded by the developer, and shall report directly to the City Arborist. The contracted arborist shall be required to be on-site during all grading and trenching activities. The arborist shall also be on-site at the time when construction activities will affect existing limbs. The contracted arborist shall be consulted prior to the cutting/removal of any limb, and prior to the cutting/removal of any root greater than two inches in diameter. Roots approved by the on-site arborist to be severed during the course of excavation shall be neatly trimmed.
- I. Structural foundations shall comply to the Footing Foundation Detail as found on the applicant's Tree Plan (See Attachment D) within the excavatable area within the dripline of the preserved trees.
- J. The landscaping plan for the each lot shall be subject to the review and approval of the City Arborist prior to the issuance of any Building Permits. New landscaping under the existing oaks shall be carefully planned to avoid excess soil moisture. Drought tolerant plants that are compatible with oaks shall be specified. As a condition to any further discretionary residential land use entitlements, developers shall be required to notify potential residents of the development of the landscaping restrictions as follows:

Disclosure Regarding Landscape Restrictions: All owners are advised that lots in this subdivision are subject to landscaping restrictions, and that all landscaping must be carefully planned to avoid excess soil moisture. Drought tolerant plants that are compatible with oaks shall be specified, and shall receive approval from the City Arborist.

Entities Responsible for Ensuring Compliance:

The City of Sacramento, Department of Planning and Development
The City of Sacramento, Department of Public Works
The City of Sacramento, Parks and Community Services

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INITIAL STUDY

Monitoring Program:

Mitigation Measures A through E:

Prior to the issuance of a Notice to Proceed or Building Permits, the Department of Public Works and the Building Division shall ensure that the grading or site plans (submitted as part of the subdivision improvement plans or building plans) indicate full compliance and completion of the tree protection mitigation measures which are applicable at that time.

Prior to the issuance of any Building Permits, the Building Division shall schedule inspections with its Site Conditions Unit using a Special Conditions Attachment to ensure that the tree protection measures are being implemented. Prior to the issuance of a Final, a Certificate of Occupancy or a Certificate of Completion, the Building Division shall require full compliance and completion of the specified tree protection mitigation measures.

Mitigation Measure F:

Prior to the issuance of a Notice to Proceed, the Department of Public Works and the City Arborist shall review and approve the trenching/utility plan for the proposed project.

Mitigation Measure G:

Public improvement plans shall be noted to indicate where trenching will not be allowed for utilities within the public right of way.

The Building Division shall schedule inspections with its site conditions unit using a Special Conditions Attachment to ensure that the proper method for locating utilities is being implemented.

Mitigation Measure H:

Prior to the issuance of any Building Permits, the Building Division shall receive a copy of an executed contract with a certified arborist. The arborist shall be selected from a list of certified arborists maintained by the Environmental Services Division. The arborist shall be contracted through the City of Sacramento, Environmental Services Division and funded by the developer. The contract shall specify that the contracted arborist is to be on-site during all grading and trenching activities, and when construction will affect existing limbs. The contract shall also indicate that the contracted arborist shall be consulted prior to the cutting/removal of any limb, and prior to the cutting/removal of any root greater than two inches in diameter. Roots approved by the on-site arborist to be severed during the course of excavation shall be neatly trimmed. The Building Division shall also schedule inspections with its site conditions unit

ORCHARD LANE P90-010
INITIAL STUDY

using a Special Conditions Attachment to ensure that the tree protection measures are being implemented.

Mitigation Measure I:

Prior to the issuance of any Building Permits, the Building Division shall ensure that the Footing Foundation Detail as found on the applicant's Tree Plan (See Attachment D of Negative Declaration) is incorporated into the construction plans for the proposed project. The Building Division shall schedule inspections with its Site Conditions Unit using a Special Conditions Attachment to ensure that the structural foundations are in compliance with the Footing Foundation Detail as found on the applicant's tree plan.

Mitigation Measure J:

Prior to the approval of the Final Map, the Department of Public Works shall require that the Final Map include the Disclosure Regarding Landscape Restrictions.

Prior to the issuance of any Building Permits, the Building Division shall receive written notification from the City Arborist that the landscape plans for the each lot of the proposed project have been reviewed and have received approval.

2. NOISE

Mitigation Measures: **Noise Reduction Measures**

- K. All joints in exterior walls shall be grouted or caulked airtight.
- L. All penetrations of exterior wall shall include a 1/2 inch airspace. This space shall be filled loosely with fiberglass insulation. The space shall then be sealed airtight on both sides of the wall with a resilient, non-hardening caulking or mastic.
- M. Window or through-the-wall ventilation and air conditioning units shall not be permitted.
- N. All sleeping spaces shall be provided with carpet and pad.
- O. There shall be no through the door or through the wall mail or paper chutes. (Acoustics & Vibration Group, 1988 and conversation with Steve Pettyjohn of

ORCHARD LANE P90-010
INITIAL STUDY

A&V Group)

The site is subject to overflight from Sacramento Metropolitan Airport. The applicant has agreed to the mitigation measure:

- P. As a condition to any further discretionary residential land use entitlements, developers shall be required to notify potential residents of the development of the overflights by aircraft using Sacramento Metropolitan Airport as follows (This note shall be included on the Final Map):

Disclosure Regarding Overflight: All owners are advised that the lots in this subdivision are subject to overflight from aircraft going to and coming from Sacramento Metropolitan Airport. As a result, the use and enjoyment of the lots may be subject to noise, vibration, discomfort and inconvenience. This disclosure is made pursuant to the requirements of the County of Sacramento and is not intended to be a covenant.

Entity Responsible for Ensuring Compliance:

The City of Sacramento, Department of Planning and Development.
The City of Sacramento, Department of Public Works

Monitoring Program:

Mitigation Measures K through P:

Prior to approval of the Final Map, the Department of Public Works shall require that the map contains the Disclosure Regarding Overflight statement.

Prior to the issuance of any Building Permit, the Building Division shall require that final building plans incorporate the applicable noise attenuation measures. The Building Division shall also require that site inspections are included on the Special Conditions Attachment to ensure that the noise reduction measures are being implemented. Prior to the issuance of a Final, a Certificate of Occupancy or a Certificate of Completion for the Project, the Building Division shall require full compliance and completion of the specified noise attenuation measures.

3. TRAFFIC/CIRCULATION

Mitigation Measure: Participate in FBA District

ORCHARD LANE P90-010
INITIAL STUDY

- Q. Participate in the Facilities Benefit Assessment (FBA) District formed to finance needed public infrastructure and community facilities in South Natomas. The assessment shall be made prior to the issuance of building permits.

Entity Responsible for Ensuring Compliance:

The City of Sacramento, Department of Planning and Development

Monitoring Program:

The Building Division shall collect the correct assessment amount for the proposed project at the issuance of Building Permits.

4. PUBLIC SERVICES/ENERGY/UTILITIES

Mitigation Measure: Participate in Natomas West Assessment District

- R. Participate in the Natomas West Assessment District or provide capacity studies and agreements to provide the various necessary infrastructure.

Entity Responsible for Ensuring Compliance:

The City of Sacramento, Department of Public Works

Monitoring Program:

The Department of Public Works shall require the proposed project to participate in the Natomas West Assessment District. Participation in the District shall be a condition of the Tentative Map.

5. CULTURAL RESOURCES

Mitigation Measure: Protect Cultural Resources

- S. If subsurface archaeological or historical remains (including unusual amounts of bones, stones, or shells) are discovered during excavation or construction of the site, work shall stop immediately and a qualified archaeologist and a

ORCHARD LANE P90-010
INITIAL STUDY

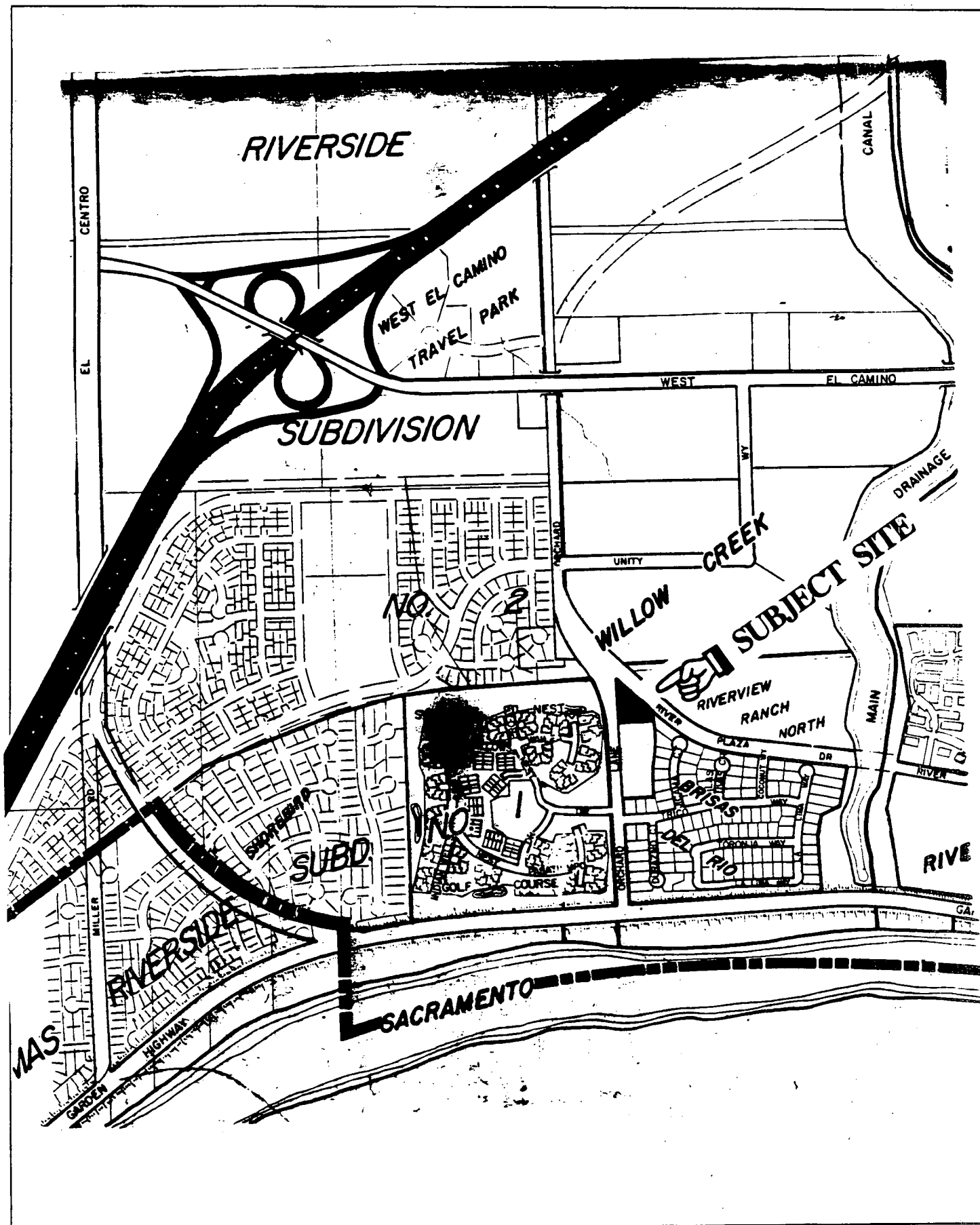
representative of the Native American Heritage Commission shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impact to a less-than-significant level before construction continues.

Entity Responsible for Ensuring Compliance:

The City of Sacramento, Department of Planning and Development

Monitoring Program:

The Building Division, Permit Services Section, shall periodically inspect the project site ensuring that the above mitigation measures to protect cultural resources are being implemented. If archeological or cultural artifacts are discovered at any time during grading or construction activities, such activity shall stop within 100 feet of the discovery, and a qualified archeologist shall be contacted to perform a general analysis of the site. If human bone is found, the City shall notify the Sacramento County coroner and the Native American Heritage Commission (916/332-7791). The construction shall halt at the archeological site and additional mitigation measures may be developed and implemented prior to commencement of work.



VICINITY MAP

988-8511
9218 Madison Ave
Orangevale, CA 95662

SUNRISE
DESIGN
INC.

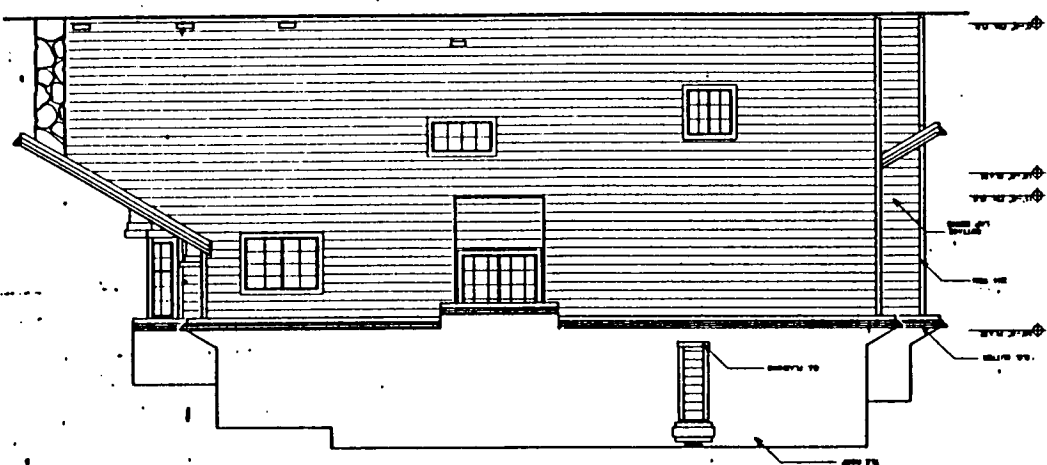
Plans For:
ORCHARD LANE
1327 65th St. Sacramento, CA 95819

DATE	0-13-87
SCALE	1/4" = 1'-0"
NO. OF SHEETS	51
SHEET NO.	50
DESIGNED BY	GP
REVISED BY	
REVISED DATE	10-21-87

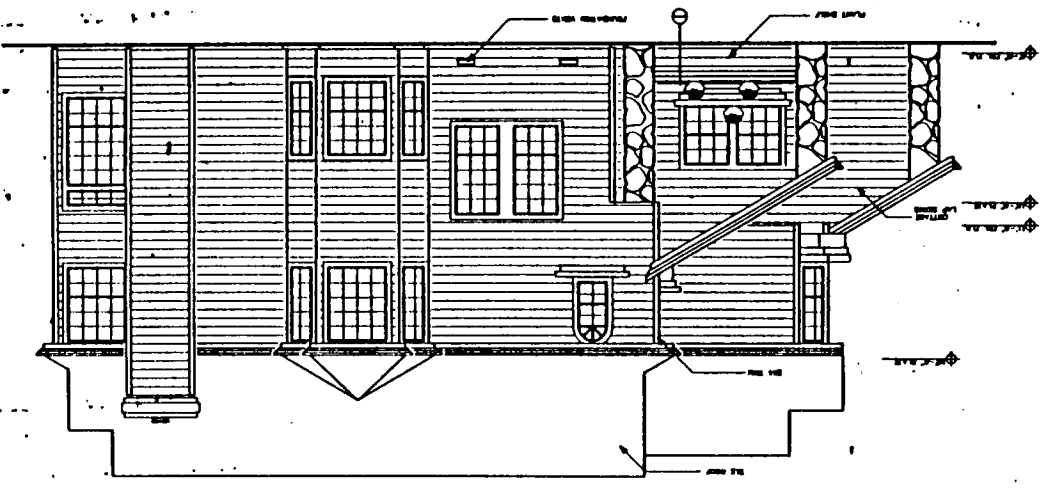
Exhibit B

"Conceptual Elevations"

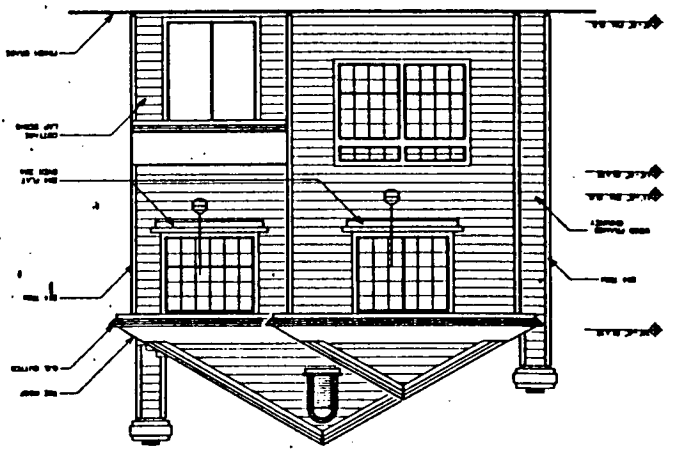
LEFT ELEVATION
PLAN B
1900



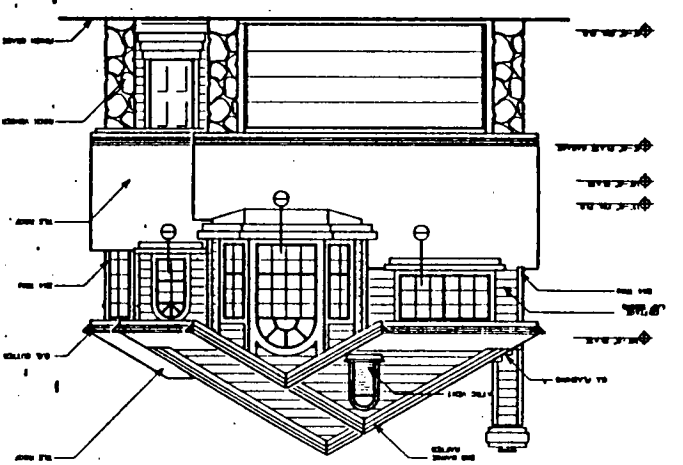
RIGHT ELEVATION
PLAN B



REAR ELEVATION
PLAN B



FRONT ELEVATION
PLAN B



ALL EXTERIOR TRIM TO HAVE 1" DEEP
RF CUT (BLADE THICK) ON BACK SIDE
OF CUTS TO BE
-2X6's
-2X10's
-2X12's

Draw 1

1000

1000

990-D10

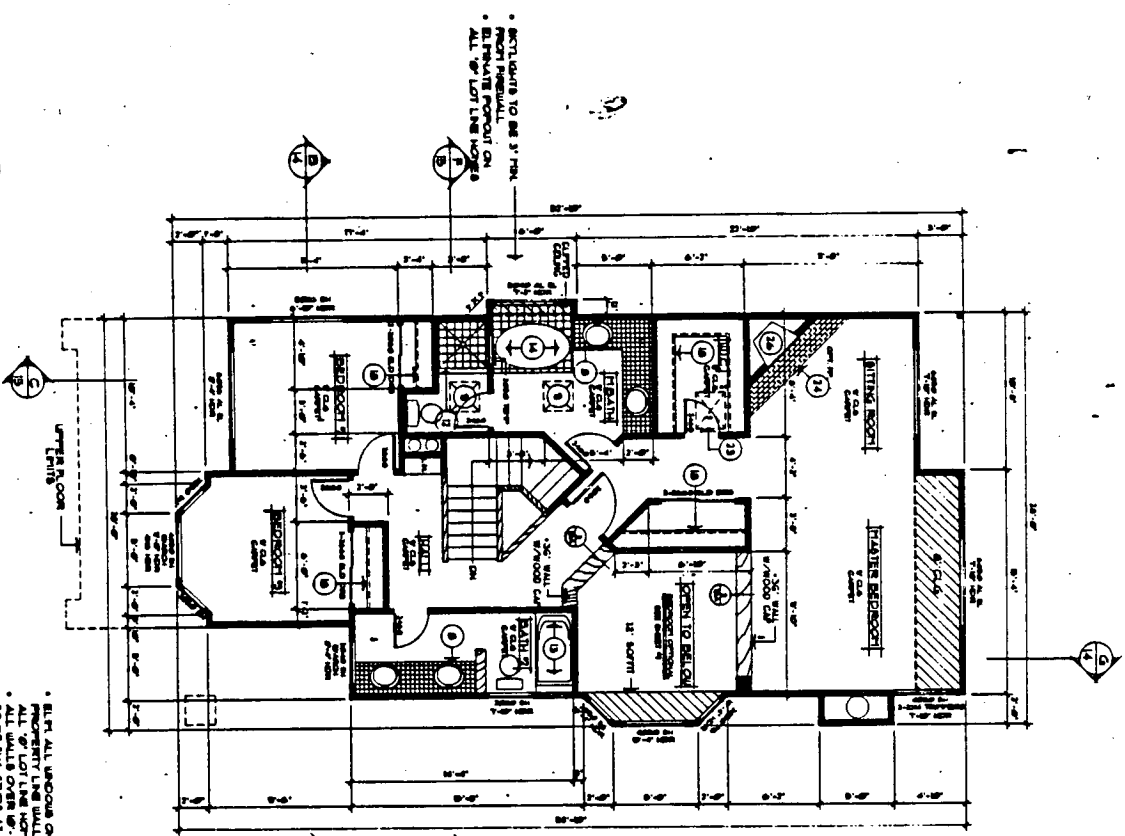
7-23-92

Item 7

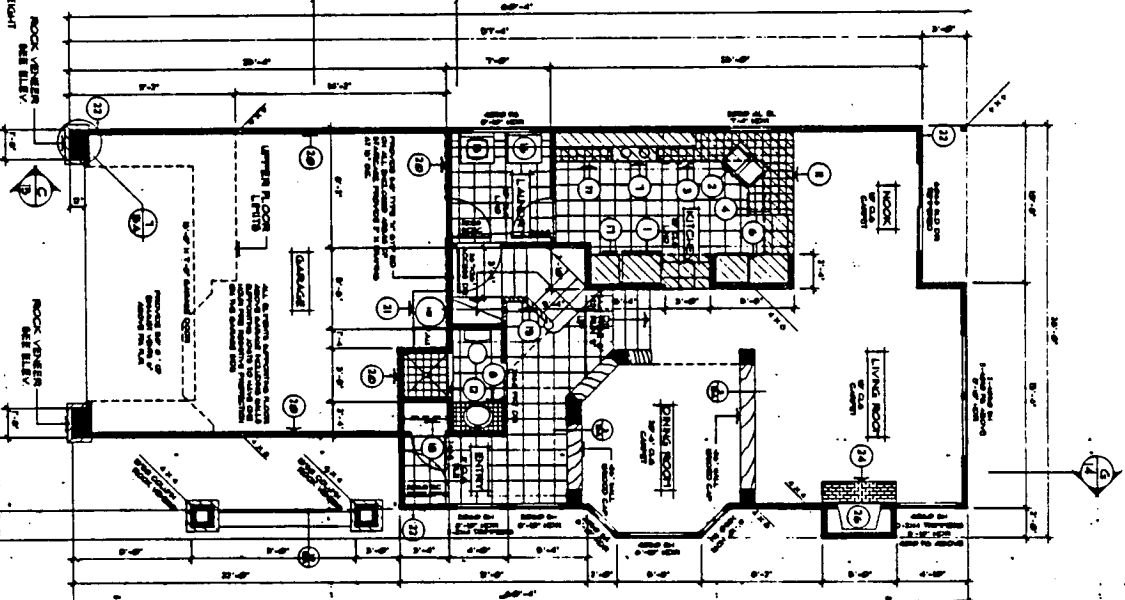
1900

2ND LEVEL FLOOR PLAN B

1ST LEVEL FLOOR PLAN B



- SET ALL UNDOOR ON PROPERTY LINE UNLESS OTHERWISE NOTED.
- ALL UNDOOR TO BE 3" MIN. CLEARANCE UNDER UNDOOR.
- TO BE 3/4" STUDS AT 16" O.C.
- UNDOOR HANGS TO VERIFY ALL UNDOOR HANGS FROM TO CORNER.
- SEE DETAIL 21-12 FOR UNDOOR HANG.
- SET FINISH ALL OVERLAP ON 2" LOT LINE SIDE OF HOUSE.
- SEE STRUCTURAL SHEET FOR ALL FOUNDATION AND HOLDDOWN LOCATIONS.



CONSTRUCTION NOTES:
 1. ALL UNDOOR TO BE 3" MIN. CLEARANCE UNDER UNDOOR.
 2. TO BE 3/4" STUDS AT 16" O.C.
 3. UNDOOR HANGS TO VERIFY ALL UNDOOR HANGS FROM TO CORNER.
 4. SEE DETAIL 21-12 FOR UNDOOR HANG.
 5. SET FINISH ALL OVERLAP ON 2" LOT LINE SIDE OF HOUSE.
 6. SEE STRUCTURAL SHEET FOR ALL FOUNDATION AND HOLDDOWN LOCATIONS.

Exhibit C

"Conceptual Floor Plans"

Plans For: **ORCHARD LANE**
 1327 65th St. Sacramento, CA 95819

SUNRISE DESIGN INC.
 988 - 8511
 9218 Madison Ave
 Orangevale, CA 95862

DATE	7-23-92
SCALE	1/4" = 1'-0"
NO. OF SHEETS	10
NO. OF THIS SHEET	10
DESIGNED BY	D.R.
REVISED BY	D.R.
REV. NO.	1-6-92

Exhibit D



NCA

Natomas Community Association

P.O. Box 340451 • Sacramento, California 95834

CITY OF SACRAMENTO
CITY PLANNING DIVISION
DEC 12 1989

December 7, 1989

Mr. Dan Hendrycks
Planning Division
Department of Planning and Development
City of Sacramento
1231 "I" Street, Suite 300
Sacramento, CA 95814-2904

RECEIVED

Officers:

David M. Thoene, President
446-1111

Kenneth Golden, Vice President
921-9370

Gregg Wardripp, Treasurer
922-1404

Lee LeFevre, Secretary
925-2832

Directors:

Pat Davidson
Jeffrey Evans
Heather Fargo
Debbie Fox
Mark McLaughlin
Ralph Meredith
Kathy Sabel
Ray Tretheway

Re: Application Nr. P90-010
Orchard Lane Subdivision

Dear Mr. Hendrycks:

Thank you for inviting the comments of the Natomas Community Association on Application Number P90-010, the Orchard Lane Subdivision. The Natomas Community Association is strongly opposed to this project for the following reasons:

1. The density of this subdivision is inappropriate for the site. Many of the proposed lots are less than 4,000 square feet, and some are as low as 3,056 square feet. This represents a degradation of the neighborhood. This location deserves a lower density project that will help to enhance the aesthetic and economic value of the neighborhood.
2. The proposed plan would result in severe and permanent damage to many trees (including several spectacular oak trees and nut trees) that we believe are protected under Sacramento City Ordinance. Accordingly, we are demanding a complete tree study by an approved arborist for this project.
3. The proposed plan would require home construction within the canopy of trees that the Community Association believes are protected by ordinance.
4. The proposed plan would result in unsafe levels of parking along Orchard Lane.

Dan-A10

1-23-92

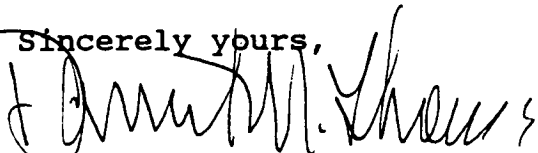
Jim 7

Exhibit D-1

Page 2
December 8, 1989

In general, the Community Association Board of Directors finds this project contains none of the elements required to make a satisfactory and positive contribution to the future of this neighborhood. Accordingly, we are asking that this project be redesigned by the applicant.

Sincerely yours,



David M. Thoene
President

P90-DK

7-23-92

Item 7

Exhibit D



NCA

Natomas Community Association

P.O. Box 340451 • Sacramento, California 95834

CITY OF SACRAMENTO
CITY PLANNING DIVISION

DEC 12 1989

RECEIVED

December 7, 1989

Mr. Dan Hendrycks
Planning Division
Department of Planning and Development
City of Sacramento
1231 "I" Street, Suite 300
Sacramento, CA 95814-2904

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P90-010

1-23-92

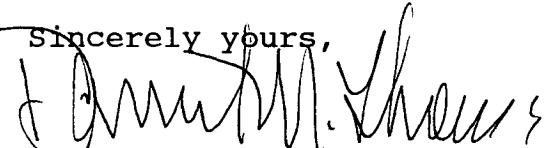
Item 7

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Page 2
December 8, 1989

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President

P90-010

7-23-92

Item 7