



# REPORT TO PLANNING COMMISSION City of Sacramento

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING  
January 24, 2008

To: Members of the Planning Commission

**Subject: Terrace Park II (P05-135)**

A request to construct 66 units of single-family alternative housing in the Single-Family Alternative Planned Unit Development (R-1A-PUD) zone in the Natomas Creek PUD.

- A. Environmental Determination: Mitigated Negative Declaration;
- B. Mitigation Monitoring Plan;
- C. PUD Schematic Plan Amendment to re-designate approximately 10.8 gross acres from School to Park and Single-Family Alternative (R-1A zone) within the Natomas Creek PUD;
- D. Tentative Map to subdivide approximately 10.8 gross acres in the R-1A-PUD zone into one park lot, 66 single-family residential lots and one landscape corridor lot;
- E. Subdivision Modification to allow non-standard elbow design; and
- F. Special Permit to construct 66 units of single-family alternative housing on approximately 7.05 net acres in the Single-Family Alternative Planned Unit Development (R-1A-PUD) zone.

**Location/Council District:**

Greg Thatch Circle, west of Tres Piezas Way, Sacramento, CA 95835

Assessor's Parcel Numbers 201-0300-102, 201-0300-103

Council District 1

**Recommendation:** Staff recommends the Commission forward to City Council a recommendation of approval for items A through F for the Project as shown in Attachment 1, based on the findings and subject to the conditions of approval set forth in Attachments 2 to 4. **The project is controversial since the Terrace Park Neighborhood Association and surrounding neighbors all desire to see a school developed on the project site and do not support the ~~subdivision of the subject site.~~**

**Contact:** David Hung, Associate Planner, (916) 808-5530; Gregory Bitter, Principal Planner, (916) 808-6871



**Summary:** The applicant is proposing to construct 66 units of single-family alternative housing in the Single-Family Alternative Planned Unit Development (R-1A-PUD) zone in the Natomas Creek PUD. The project requires a PUD Schematic Plan Amendment to re-designate a proposed elementary school site to Park and Single-Family Alternative uses within the Natomas Creek PUD, a Tentative Subdivision Map to subdivide approximately 10.8 gross acres in the R-1A-PUD zones into one park lot, 66 single-family residential lots, one landscape corridor lot and public streets, a Subdivision Modification to allow non-standard elbow design on a residential street, and a Special Permit to construct 66 units of single-family alternative housing. The project is being opposed by the surrounding residents who are against the re-designation of the school site to residential use since they have been expecting a school to be built on the site.

The basic issue with this project is whether or not an elementary school should be located on the subject property. The original Tentative Subdivision Map depicted a school on the subject site and pursuant to the Subdivision Map Act, California Government Code Section 66479, this parcel was reserved for a school. Pursuant to Government Code Section 66480, "the public agency for whose benefit an area has been reserved shall at the time of approval of the final map or parcel map enter into a binding agreement to acquire such reserved area within two years after the completion and acceptance of all improvements, unless such period of time is extended by mutual agreement". Government Code Section 66481 further states that "if the public agency for whose benefit an area has been reserved does not enter into such a binding agreement, the reservation of such area shall automatically terminate". Prior to the expiration of the two year limitation, on May 10, 2005, the Rio Linda Elementary School District submitted a letter to the City of Sacramento and the applicant indicating the School Board's action to release their interest in the property (Attachment 5).

The development of a school at this site is consistent with the vision and policies of the North Natomas Community Plan, however, the above referenced provisions of the Subdivision Map Act prevent staff from relying on the Community Plan to oppose this project. Staff has therefore, reviewed the proposed project in relation to all other plan policies and provisions of the zoning code.

<b>Table 1: Project Information</b>
<b>General Plan designation:</b> Public/Quasi-Public-Miscellaneous
<b>North Natomas Community Plan designation:</b> General Public Facilities
<b>PUD designation:</b> Proposal to re-designate from School to Park and Single-Family Alternative (R-1A zone)
<b>Existing zoning of site:</b> R-1A (Single-family Alternative)
<b>Existing use of site:</b> vacant
<b>Property area:</b> 10.8 gross acres

**Background Information:** On August 12, 1999, the Planning Commission approved the Tentative Master Parcel Map and Tentative Subdivision Map for Natomas Creek

PUD (P98-041) and forwarded recommendations to the City Council for approval of the Community Plan Amendment, Rezone, PUD Designation, PUD Guidelines and PUD Schematic Plan; on September 28, 1999, the City Council approved the recommendations of the Planning Commission, establishing the Natomas Creek Planned Unit Development. Subsequently, D.R. Horton obtained the necessary entitlements and permits to develop approximately 490 single-family dwellings in Villages 1, 2 and 3 within the Natomas Creek PUD. The current project is a 10.8 gross acre property that was designated for an elementary school site in the Natomas Creek PUD and that D.R. Horton (Owner) had reserved for that purpose. This school site is the elementary school that would serve Neighborhood 6 as proscribed in the North Natomas Community Plan. A 4.71 gross acres parcel directly to the north of the subject property is being proposed for a public park site. Homeowners in Natomas Creek who purchased D.R. Horton homes claim that the builder had promised them a school site in the neighborhood.

In February of 2005, D.R. Horton offered to sell the 10.8 gross acre site to the Rio Linda Union School District; however, the school district declined the offer due to insufficient student enrollment and a lack of resources to purchase the site. On May 10, 2005, the School District submitted a letter to the City of Sacramento and the applicant indicating the School Board's action to release their interest in the property (Attachment 5). On August 22, 2005, D.R. Horton submitted the application (P05-135) to the City of Sacramento to develop 66 single-family homes within the 10.8 acre site.

After additional development in the area which boosted potential student enrollment, it became fiscally viable for the school district to purchase the property in late 2005. At that time the school district began a dialogue with the City and D.R. Horton regarding the purchase of the site. During the course of the next 18 months, the school district passed a bond measure to fund the purchase and construction of the new school (Measure P), and the school district has been working with the City of Sacramento to reach an agreement to bridge the gap between what the district can afford for a school site and what D.R. Horton is asking for the site. To this end, the City has committed to purchase a portion of this land to add to the park site to the north. To date, D.R. Horton has rejected three written offers by the school district and the City of Sacramento to purchase the site; the school district upholds that none of the appraisals it has obtained can justify D.R. Horton's asking price. (See Attachments 6 and 7) D.R. Horton has maintained that the company acted in good faith and has been and continues to be willing to sell the site to the school district at a fair market value, but it is the school district which is vacillating and cannot come to a firm decision on the site (Attachment 8).

As of now, D.R. Horton is seeking City approval on its application to develop the 66 single-family homes, which requires a PUD Schematic Plan Amendment to re-designate the elementary school site to alternative single-family use and park and a tentative map and special permit to develop the homes.

**Public/Neighborhood Outreach and Comments:** Staff sent notifications to neighborhood groups such as the Natomas Community Association, the North Natomas

Community Association, the Natomas Chapter of the Partnership for Active Communities and the Terrace Park Neighborhood Association. There were also meetings with the Terrace Park neighborhood group. Staff received the following comments regarding the project:

Natomas Community Association (January 14, 2008): "We appreciate the reduction in the number of homes and the increase in the size of the park, as we had suggested. I don't know if the change fully addresses our comment as I don't know if there was ever a specific designation of so many acres for the school and so many acres for the park, when those were the planned uses, so can't tell if the revised park size is consistent with the original "intended" size, if there ever was one. So in that regard, our earlier comment still stands. However, these comments assume that a school will not be built at this site. Our preference, as we've stated before, is to carry out the NNCP's intention to have a school at the center of each neighborhood. From what I've read, this appears not to be a dead issue, as the Terrace Park neighborhood is still working with the school district and developer to make this happen. We support those efforts." *Staff response: The total acreage for the original designated park site has not changed; the applicant is actually dedicating a 1.13 net acre site out of their 10.8 gross acres site to be used as parkland; eventually the 1.13 net acre will be added to the proposed park site to the north of the site and thus increasing the overall park size.*

Staff received comments from Erik DeMarco of the Terrace Park Neighborhood Association (Attachment 9) and Jim Jakobs (Attachment 10) in opposition to the project due to the elimination of the school site. *Staff response: Staff recognizes the loss of the school site is unwanted by the community, however, the residential (R-1A) zoning of the site does allow for the development of housing units. Staff's review, as mentioned above in the Summary section, is limited to the design of the proposed tentative map and special permit to develop dwelling units. Staff understands the School District is still trying to negotiate with the developer on the purchase of the site, but until some agreement can be reached between the parties, staff cannot delay the processing of the proposed map and special permit.*

#### **Environmental Considerations:**

The Environmental Services Manager has determined the project, as proposed, will not have a significant impact to the environment; therefore, a Mitigated Negative Declaration has been prepared. In compliance with Section 15070 of the California Environmental Quality Act Guidelines, the applicant has incorporated mandatory mitigation measures into the project plans to avoid identified impacts or to mitigate such impacts to a point where clearly no significant impacts will occur. These mitigation measures address Biological Resources and Cultural Resources. The mitigation measures are listed in the attached Mitigation Monitoring Plan (Exhibit 2A). The draft Mitigated Negative Declaration was circulated for a 30-day public review and comment period from November 28, 2007 through December 27, 2007. Five comment letters were received during the public review and comment period and are included as attachments 1-5.

The Caltrans District 3 letter requested collection of proportional funding from the project for the planned improvements to the SR99-SR70/Elkhorn Boulevard interchange. Proportional funding will be collected from the applicant by the City per the 1994 North Natomas Freeway-Related Improvements Study.

The CSD-1 letter stated that CSD-1 did not have any specific concerns and felt the environmental document would adequately address the sewage aspects of the project.

The letter from Casey and Sarah Nichols did not contain any environmental concerns; however, it stated that they opposed the project.

The Terrace Park Neighborhood Association (TPNA) letter voiced concerns regarding the type of environmental analysis prepared for the proposed project. The Mitigated Negative Declaration prepared for the project fully analyzes the potential environmental impacts of the proposed project and does not incorporate general discussions from previous environmental documents prepared for the project site. The level of each potential impact of the proposed project is determined by comparison to the Standards of Significance. The checklist includes the following determinations: potentially significant, potentially significant unless mitigated; and less-than-significant impact.

The TPNA letter raised concerns regarding flooding. The City is applying to FEMA in order to re-designate the Natomas Basin as Special Flood Hazard Area (SFHA) Zone AR. FEMA will consider using the Zone AR designation for a community if the flood protection system has been deemed restorable by a Federal agency in consultation with a local project sponsor; a minimum level of flood protection is still provided to the community by the system; and restoration of the flood protection system is scheduled to begin within a designated time period and in accordance with a progress plan negotiated between the community and FEMA. In the event that FEMA revises the Flood Insurance Rate Maps (FIRM) and issues a new SFHA designation that indicates the North Natomas levees can no longer provide 100-year protection, development would be required to comply with FEMA regulations associated with the SFHA designation. Development that occurs at the project site prior to recertification of the North Natomas levee system would be required to implement the following mitigation measure:

Water-1

If the North Natomas Area is remapped by FEMA into an AE Zone or AR Zone then (1) the City shall require development within the project site to comply with all applicable building and design regulations identified by FEMA and by the City of Sacramento's Floodplain Management Ordinance in existence at the date of issuance of building permits pertaining to the applicable remapped zone; (2) the project applicant shall participate in a funding mechanism such as an assessment district established by SAFCA and/or the City for the purpose of implementing measures that would provide no less than 100-year flood protection including the North Natomas Area, or for that portion of the Natomas Basin requiring re-certification for 100-year flood protection including the Project

site provided that such funding mechanism is (i) based on a nexus study; (ii) is regional in nature; (iii) is proportionate; (iv) complies with all applicable laws and ordinances; and (3) the requirements of the applicable FEMA zone and corresponding requirements under the City of Sacramento's Floodplain Ordinance shall be satisfied prior to the issuance of building permits for the project. Any future homeowners within the flood zone shall maintain federal flood insurance, as required under the applicable FEMA and City of Sacramento Floodplain Management Ordinance regulations.

Under any of the two scenarios (AE or AR Zone), homebuilders within the flood zone area shall disclose to all prospective buyers, lenders, bondholders and insurers of the property through written disclosure, prior to the sale of units, that the US Army Corps of Engineers had determined that the levees protecting the Natomas Basin may not provide flood protection from a 100-year or greater storm event until the levees are recertified as providing 100-year storm protection.

The above measures shall terminate upon the first recertification of the levees by the US Army Corps of Engineers.

The Terrace Park Neighborhood letter also urged the City to consider the environmental justice impacts of this project. According to Section 15131 of the CEQA guidelines, economic and social effects are not required to be analyzed; however, these concerns are noted and forwarded to the decision-makers for consideration.

The TPNA letter questioned the assertion that the project would not substantially increase vehicle trips or traffic congestion and urged the City to reexamine the air quality analysis. As stated on page 24 of the MND, "The proposed project would generate 56 additional morning peak hour trips (7:00-9:00 A.M.) and 74 afternoon peak hour vehicle trips (4:00-6:00 P.M.) on the network; however, the slight increase in traffic volume would be accommodated within the existing capacity of the roadway system in the project vicinity." The small increase in trips attributable to the proposed project would not be sufficient to cause adverse impacts to the roadway system nor would the trips be sufficient to exceed SMAQMD air quality thresholds.

A letter was received from Rio Linda Union School District (RLUSD). First, RLUSD questioned the project's consistency with the current land use designations. However, as stated on page 6 of the MND, "The Zoning Code designates a zoning of A-OS-PUD for the northern portion of the site and R-1A-PUD for the southern portion of the project site (Section 17.20.010). This is a low to medium density residential zone intended to permit the establishment of single-family, individually owned, attached or detached residences where lot sizes, height, area and/or setback requirements vary from standard single-family requirements. Maximum density for the R-1A-PUD zone is 15 dwelling units per net acre."

Second, RLUSD stated that the environmental effects of locating the school in another location, and transporting the students to that location, should be addressed.

Environmental analysis of transportation impacts under CEQA is based on the proposed land use, which in this case is single-family residences. There is no school currently on the site.

Third, RLUSD believes the project would result in an adverse impact to existing schools. As stated on page 37 of the MND, the project would be required to pay SB 50 fees. Pursuant to SB 50, payment of fees is considered full mitigation for project impacts.

***Policy Considerations:***

**General Plan and Community Plan**

The General Plan designation for the site is Public/Quasi-Public-Miscellaneous and the North Natomas Community Plan designation is General Public Facilities. The applicant proposes to use the site for development of dwelling units. Staff has made the finding that a land use designation of "public" is "consistent with any and every zone, because the property owner has the right to use and develop the site consistent with the underlying zoning until the city or other public agency decides to acquire the property (see discussion in Summary Section, above). Also, the underlying zone is R-1A-PUD which allows the development of housing units. Therefore, amendments to the General Plan and Community Plan are not being required.

The project is consistent with the following General Plan goals and policies:

General Plan, Sec 1-32, Policy 4 – New Growth Areas

It is the policy of the City to approve development in the City's new growth areas that promotes efficient growth patterns and public service extensions, and is compatible with adjacent developments.

Residential Land Use, Sec 2-15, Goal E

Provide appropriate residential opportunities to meet the City's required fair share of the region's housing needs.

Housing Element, Sec 3.10-2, Goal 1

Housing Supply: Provide adequate housing sites and opportunities for all households.

Staff is of the opinion that the proposed project meets the overall goals and policies of the General Plan and the proposed residential use is a desirable use for this area.

While the City's General Plan is being updated, the City Council has adopted a vision for the future of the City, as well as several guiding principles to help guide the update and achieve this vision. This was done to ensure that new developments submitted during the ongoing update comply with the goals and policies that are being incorporated into the General Plan through the update. The applicable guiding principles that this proposal complies with include:

1. Include a mix of housing types within neighborhoods to promote a diversity of household types and housing choices for residents of all ages and income levels in order to promote stable neighborhoods.
2. Promote strategic development of vacant, underutilized, and infill land, especially along transportation and commercial corridors, to improve the city's economic outlook.
3. Promote designs for development that are compatible with the scale and character of Sacramento's existing neighborhoods.

In addition to being consistent with these principles, the proposal is not contrary to any of the other approved principles of the General Plan Update Vision.

The project is consistent with the following goals and policies of the North Natomas Community Plan:

Residential Guiding Policies A, page 13-

Each neighborhood shall provide a variety of housing densities, types, and prices to enhance a neighborhood identity, serve the wide array of residents, and avoid monotony.

Residential Guiding Policies D, page 13-

At least 80 percent of the dwelling units shall be within 880 feet of open space. Open space includes accessible public and private parks and parkways, drainage corridors, agricultural buffers, golf course, lakes, and other open space opportunities.

One of the main visions of the North Natomas Community Plan was to create 14 neighborhoods with an elementary school as the focal point. Residential Guiding Policy B (page 13) specifically calls for an elementary school as the focal point of each neighborhood. The original PUD schematic plan and tentative map depicted the subject site as the elementary school site for the Natomas Creek neighborhood, consistent with the Community Plan. While the proposal is not consistent with this policy, staff is of the opinion that the project meets the all other applicable goals and policies of the North Natomas Community Plan and that the proposed residential use is compatible with the surrounding neighborhood and will have access to open space adjacent to the site.

**Project Design:**

**Land Use**

**1. PUD Schematic Plan Amendment**

The project proposes a PUD Schematic Plan Amendment to re-designate approximately 10.8 gross acres from School to Single-Family Alternative (R-1A) (Exhibit 3A). Proposed projects seeking to obtain entitlements to proceed to the construction phase of development are required to submit a Schematic Plan along with other drawings delineating the anticipated developments proposed in the near future for a site. The

existing Schematic Plan delineates school use. The proposed Schematic Plan Amendment delineates residential and park uses. Since the PUD Schematic Plan Amendment introduces new types of use, that is, residential and park, the entitlement requires the approval of the City Council. The existing and proposed schematic plan use is described below:

Lot	Existing Designation	Existing Acreage	Proposed Designation	Proposed Use
201-0300-102, -103	School	10.8 gross acres	Single-Family Alternative (R-1A)	66 single-family dwellings, one park lot and one landscape corridor lot

The existing zoning of the site is Single-Family Alternative Planned Unit Development (R-1A-PUD) zone and the proposed uses on the PUD Schematic Plan Amendment is consistent with the zone. Due to reasons described in the Summary section on how the basic issue with this project is whether or not an elementary school should be located on the subject property and how the PUD Schematic Plan Amendment is necessary to allow the development of proposed single-family alternative residences and a park lot on the site, staff supports the proposed PUD Schematic Plan Amendment.

## **2. Special Permit**

The applicant proposes to develop homes on small lots that deviate from the lot size and width standards. Section 17.24.050(8) of the zoning code permits deviations from these standards in the R-1A zone with the issuance of a special permit. In evaluating special permit proposals of this type, the Commission is required to make the following findings:

- A. A special permit shall be granted upon sound principles of land use. Staff finds that the proposed lot sizes are appropriate because they provide for a housing type not found in the area and help ensure that the City meets its objectives to provide more affordable ownership housing opportunities.
- B. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance. Lots of this size have routinely been approved in North Natomas. Staff finds that the proposed lot width and depth are adequate to accommodate standard setbacks which will protect the privacy of neighbors and ensure adequate open space and access to light and air.
- C. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

The project is consistent with the General Plan and North Natomas Community Plan policies pertaining to residential developments.

*Height, Bulk and Setbacks*

Since the request is for a special permit to develop alternative ownership housing, the Planning Commission has the authority to vary height, setback and lot coverage requirements. The project is proposing the following height and setback as documented on the following table:

Standard	Required	Proposed	Deviation?
Height	35'-0" maximum (per R-1A zone)	Typical 19'-0"± to plate line	no
Front setback – to Living Area	20'-0" (per R-1 zone)	9'-0" to 12'-0"	yes
Front setback – to Garage	20'-0" minimum	18'-0" to 20'-0"	yes
Side setback	5'-0" (per R-1 zone)	5'-0"	no
Street side setback	12'-6" (per R-1 zone)	8'-0" to 12'-6"	yes
Rear setback	15'-0" (per R-1 zone)	15'-0" minimum	no

The project is able to comply with all height and setback requirements similar to the R-1 zone except for front and street side setbacks as noted above. Due to the smaller lot sizes and the intent to meet the average density in the R-1A zone, staff supports the reduced setbacks to the living area, garage and street side. Per the following table, all proposed house plans shall be able to meet the regular lot coverage requirement of 40% for the R-1A zone:

Plan #	Typical Lot Size:	1 <sup>st</sup> Floor Footprint	Lot Coverage
3A	4,275	1,260	29%
4A	4,275	1,456	34%
5A	4,275	1,278	30%
6A	4,275	985	23%

6B	4,275	1,100	26%
6B-2	4,275	1,243	29%

Staff supports the proposed height, setbacks and lot coverage and recommends that the Planning Commission approve the variations.

*Building design and landscaping*

The building exterior wall finishes include stucco, cementitious siding and cementitious board and batten; brick veneer, stone veneer, decorative corbels, brackets and shutters are also used on elevations. Roofing materials are either low profile or medium profile concrete tiles. The project is conditioned to provide a minimum of three distinctive elevations for each house plan and that enhanced side and rear elevations shall be required whenever either of those elevations faces a public street, school, park, canal, or other public space. As shown on the table below, most of the house plans are compliant with the design principle to have garage recessed behind living space; one house plan has living space behind front of garage but is mitigated by a usable front porch. Following is a summary of the proposed house plans:

Plan #:	# of Stories:	Total Living Area (In square feet):	# of Garage Spaces:	# of Bed-rooms:	# of Bath-rooms:	Level of Compliance:
3A	2	2,175	2	4	2-1/2	Compliant (recessed garage)
4A	2	2,203	2	4	2-1/2	Compliant (recessed garage)
5A	2	2,107	2	3	2-1/2	Compliant (recessed garage)
6A	2	1,477	2	3	2-1/2	Compliant (recessed garage)
6B	2	1,756	2	3	2-1/2	Mitigated (with usable porch area)
6B-2	2	1,780	2	3	2-1/2	Compliant (recessed garage)

Additionally, the project will need to comply with the following landscape and fencing requirements:

- Install an average of two 15-gallon trees along the street frontage of each unit. In addition, along side yards adjacent to public streets, install an average of one 15-gallon tree for each 30' of street frontage.
- Front landscaping and irrigation system shall be provided and consistent with the Natomas Creek PUD Guidelines.
- On corner lots, the builder shall provide special landscaping treatments by providing accent trees and shrubs along the side yard fence.
- All landscaping and planting shall conform to City standards for sight line requirements at intersections and driveways.
- Walls and fences shall be consistent with the PUD Guidelines and shall conform to City standards for sight line requirements at intersections and driveways.

Staff recommends that the Planning Commission approve the Special Permit to develop the 66 dwelling units.

#### **Tentative Map design**

Map Design: The tentative map (Exhibit 4A) proposes to subdivide an approximately 10.8 gross acre parcel to include a park lot and 66 single-family parcels which is detailed below:

<b>Standard</b>	<b>Required</b>	<b>Proposed</b>	<b>Deviation?</b>
Minimum lot size (interior)	5,200 square feet	4,275 square feet (typical)	yes
Minimum lot size (corner)	6,200 square feet	4,750 square feet	yes
Minimum lot width (interior)	52'	45' (typical)	yes
Minimum lot width (corner)	62'	50'	yes
Minimum lot depth	100'	95'	yes
Maximum lot depth	160'	133'	no
Density	Target 10 du/na (based on R-1A zone)	9.36 du/na (based on approx. 7.05 net acres)	no

The proposed lot sizes fall below many of the requirements for standard single-family lots; however, the applicant is requesting the special permit to develop alternative single-family housing units in the Single-Family Alternative Planned Unit Development (R-1A-PUD) zone, and the proposed density is near the target density for the R-1A

zone, therefore the deviations are acceptable. All proposed lots front on to the adjacent streets and proposed park lot and adequate circulation pattern is being provided. The applicant is also dedicating a 1.13 net acre site out of the 10.8 gross acre site to be used as parkland; eventually the 1.13 net acre will be added to the proposed park site to the north of the site.

**Vehicular Circulation:** The project site is located at Greg Thatch Circle, west of Tres Piezas Way. The public right-of-way on both Greg Thatch Circle and Tres Piezas Way has been constructed. Section 'A' is constructed with a 41' right-of-way section and Section 'B' is constructed with a 46' right-of-way section; since the site is located in a Planned Unit Development with an approved Development Agreement, the new street is not required to developed to the current street standards.

**Pedestrian Circulation:** A sidewalk currently exists on Greg Thatch Circle and Tres Piezas Way and will remain or repaired. The new streets along sections 'A' and 'B' are shown with 5' sidewalk on either side.

**Subdivision Modification:** The proposal shows non-standard elbow design on a proposed street. A subdivision modification is required in order to deviate from elbow design. In evaluating subdivision modifications, the Commission is required to make the following findings:

- A. That the property to be divided is of such size or shape, or is affected by such topographic conditions, or that there are such special circumstances or conditions affecting the property that it is impossible, impractical, or undesirable in the particular case to conform to the strict application of these regulations;
- B. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;
- C. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity;
- D. That granting the modification is in accord with the intent and purposes of these regulations and is consistent with the general plan and with all other applicable specific plans of the city.

In this case, staff finds that the non-standard elbow is a result of the staff-supported intent to develop lots that front on park sites and on all public street. Because of this, the subdivision modification is not based solely on the cost to the subdivider. Since this is at a minor residential street that does not generate high volumes of traffic, the modification should not be detrimental to the public health and safety and it will be consistent with the intent and purposes of the General Plan and the North Natomas Community Plan. Therefore, staff supports the requested subdivision modification.

Attachments:

Attachment 1	Recommended Findings of Fact and Conditions of Approval
Attachment 2	Mitigated Negative Declaration – Draft Resolution
Exhibit 2A	Mitigation Monitoring Plan
Attachment 3	PUD Schematic Plan Amendment – Draft Resolution
Exhibit 3A	PUD Schematic Plan
Attachment 4	Project Approval – Draft Resolution
Exhibit 4A	Tentative Map
Exhibit 4B	880' Walking Map
Exhibit 4C	Streetscape
Exhibit 4D	Plan 3A
Exhibit 4E	Plan 4A
Exhibit 4F	Plan 5A
Exhibit 4G	Plan 6A
Exhibit 4H	Plan 6B
Exhibit 4I	Plan 6B-2
Attachment 5	Letter from Rio Linda School District (May 10, 2005)
Attachment 6	Letter from Rio Linda School District (August 20, 2007)
Attachment 7	Letter from Rio Linda School District (August 22, 2007)
Attachment 8	Letter from D.R. Horton (September 12, 2007)
Attachment 9	Comments from the Terrace Park Neighborhood Association
Attachment 10	Comments from Terrace Park Homeowner
Attachment 11	Land Use and Zoning Map
Attachment 12	Mitigated Negative Declaration