



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

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

Project Name: Santos Halfplex
Project Number: P07-086
Project Location: 529 T Street
Assessor's Parcel No.: 009-0056-015
Applicant: Amado Santos
Action Status: Approved Action Date: 02/14/08

REQUESTED ENTITLEMENT(S): A. Environmental Determination: Exempt per CEQA 15332
B. Tentative Map to subdivide one lot into two halfplex lots
C. Special Permit to develop two halfplex units in the R-3A zone.

ACTIONS TAKEN: On 02/14/08, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:
A. Environmental Determination: Exempt per CEQA 15332
B. Approved the Tentative Map to subdivide one lot into two halfplex lots
C. Approved the Special Permit to develop two halfplex units in the R-3A zone.

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 02/15/2008

By: 
Staff Signature

NOTICE OF PROTEST RIGHTS

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

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

18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

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

EXPIRATION

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

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

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

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

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

APPEALS

Appeals of the Design 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 07/03/06. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

A. Environmental Determination: Exemption

1. The Planning Commission of the City of Sacramento finds as follows:

Santos Halfplex (P07-086) and has determined the Project is exempt from review under the California Environmental Quality Act as follows:

a. The Project is exempt under the following provisions of the California Environmental Quality Act and/or Guidelines: CEQA Guidelines Section 15332, Infill Development Projects

b. The factual basis for the finding of exemption is as follows:

The proposed project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations; The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; The project site has no value as habitat for endangered rare or threatened species; The approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and; The site can be adequately served by all required utilities and public services.

2. The Planning Commission has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the hearing on the Project and has determined that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.

B. The Tentative Map to subdivide one lot into two halfplex lots in the R-3A zone is hereby approved based upon the following findings:

1. That the proposed map is consistent with the general plan or any applicable specific plan, or other applicable provisions of this code;

2. That the site is physically suitable for the type of development;
 3. That the site is physically suitable for the proposed density of development;
 4. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 5. That the design of the subdivision or the type of improvements are not likely to cause serious public health problems;
 6. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the planning commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or
 7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use. (Section 66474). (Ord. 2002-002 § 4, 2002)
- C. The Special Permit to construct two halfplex units is hereby approved based on the following findings of fact:
1. The project is based upon sound principles of land use in that:
 - a. the proposed use is compatible with existing development.
 - b. the project will not be detrimental to the public health, safety and welfare in that the proposed project has will not result in significant noise, traffic, or parking impacts to the surrounding area.
 2. The project is consistent with the General Plan and Central City Community Plan in that:
 - a. The use is consistent with the Central City Community Plan Residential land use designation for the site.
 - b. The project is consistent with General Plan and Community Plan Goals and policies related to the production of ownership housing units on infill properties in the Central City.

Conditions Of Approval

- B. The Tentative Map to subdivide one lot into two halfplex lots in the R-3A zone is hereby approved subject to the following conditions:

DEVELOPMENT ENGINEERING

B1. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering Division.

B2. The design and placement of walls, fences, signs and Landscaping near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height. The area of exclusion shall be determined by the Development Engineering Division.

PUBLIC/PRIVATE UTILITIES

B3. Dedicate a standard 12.5 foot public utility easement (PUE) for underground facilities and appurtenances adjacent to all street right of ways, except where buildings and structures are located.

CITY UTILITIES

B4. Any new domestic water services shall be metered. Only one domestic water service is allowed per parcel. Excess services shall be abandoned to the satisfaction of the DOU. City records indicate that an existing domestic water service crosses two properties, 1916 and 1920 6th Street to serve the proposed project location. The property owner/developer shall either construct off-site water main extensions in 6th Street to the satisfaction of the Department of Utilities, obtain private water service easements from the adjacent parcels, or construct water services to both lots under the sidewalk/planter strip on the west side of 6th Street from the S/T Alley. If the applicant chooses to construct the water services under the sidewalk/planter strip the owner/developer shall construct the water services to the satisfaction of the Department of Utilities, Development Services Engineering Division, Building Division and the City's Urban Forest Division. (Note: There is an existing 6-inch water main in the Alley between S & T Street.)

B5. No water service taps shall be allowed to the 24" water transmission main in 6th Street.

B6. 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 \$105 plus any increases to the fee due to inflation. The fee will be used for improvements to the CSS.

B7. Only one sanitary sewer service is allowed per parcel. Sanitary sewer services shall not cross property lines without a recorded easement. (Note: There is an existing 8" combined sewer main in T Street south of the proposed project.)

B8. If any utilities cross property lines the applicant must enter into and record an Agreement for Conveyance of Easements with the City stating that a private reciprocal sewer and water easement shall be conveyed to and reserved from each parcel as needed, at no cost, at the time of sale or other conveyance of either parcel. A note stating the following must be placed on the Final Map: "The parcels created by this map shall be developed in accordance with recorded agreement for conveyance of easements in Book ____,

O.R. Page__."

SPECIAL DISTRICTS: Assessment Districts

B9. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.

PPDD: Parks

B10. Payment of In-lieu Park Fee: Pursuant to Sacramento City Code Chapter 16.64 (Parkland Dedication) the applicant shall pay to City an in-lieu park fee in the amount determined under SCC §§16.64.040 and 16.64.050 equal to the value of land prescribed for dedication under 16.64.030 and not satisfied by dedication. (See Advisory Note).

B11. Maintenance District: The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project into an existing parks maintenance district. The applicant shall pay all city fees for formation of or annexation to a parks maintenance district. (Contact Development Services Department, Special Districts, Project Manager. In assessment districts, the cost of neighborhood park maintenance is equitably spread on the basis of special benefit. In special tax districts, the cost of neighborhood park maintenance is spread based upon the hearing report, which specifies the tax rate and method of apportionment.)

FIRE

B12. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5.

B13. Fire service mains shall not cross property lines unless a reciprocal easement agreement is provided.

B14. Provide 5' clearance for second story bedroom windows for fire ladder rescue operations. Provide clear access to building openings, free of landscaping and other obstructions. Exterior doors and openings required by this code or the Building Code shall be maintained readily accessible for emergency access by the Fire Department. CFC 902.3.1

C. The Special Permit to develop two halfplex units in the R-3A zone is hereby approved, subject to the following conditions:

Planning

C1. The applicant shall obtain all necessary building permits prior to construction.

C2. The project shall substantially conform to the approved plans as shown on attached Exhibits. Any modification to the project shall be subject to review and approval by Planning Staff (and may require additional entitlements) prior to issuance of building permits.

C3. Unless specified by any condition below, this project shall be developed and constructed in full compliance with the Zoning Ordinance.

C4. Lot sizes and building setbacks shall comply with the approved site plan.

C5. The project is shall comply with the conditions of approval for the staff level Preservation review (PB07-085).

C6. Front landscaping and irrigation system shall be provided for each unit.

C7. During construction, waste shall be diverted for recovery, targeting cardboard, wood waste, scrap metal, brick, concrete, asphalt, and dry wall. The developer must submit the following information to the Solid Waste Division: method of recovery, hauler information, disposal facility, diversion percentage and weigh tickets documenting disposal and diversion. Please contact Michael Root, Solid Waste Division at 916-808-4935 with any questions.

C8. The applicant shall obtain all building permits prior to the commencement of construction and building permits shall not be issued unless the Final Map has been approved.

ADVISORY NOTES:

The following advisory notes are informational in nature and are not a requirement of this Tentative Map:

A. 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.

B. Prior to design of the subject project, the Department of Utilities 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 fire suppression systems

C. Per City Code, the point of service for water, sewer and storm drain service is located at the back of curb for separated sidewalks, the back of sidewalk for attached sidewalks and within two feet of the right of way for alleys. The Department of Utilities will maintain the water, sewer, and storm drainage facilities within the public right of way to the point of service.

D. Water services obtained from a water main in the alley shall install meter boxes at the right-of-way and shall be as follows: (1) for 1-inch domestic water service, Christy traffic box B1324 (H/20 loading) with reading lid B1324-61GH and (2) for 1.5-inch domestic water service, Christy traffic box B1730 (H/20 loading) with reading lid B1730-51G.

E. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.

F. The proposed project is located in the Flood zone designated as Shaded X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) that have been revised by a Letter of Map Revision effective February 18, 2005. Within the Shaded X zone, there are no requirements to elevate or flood proof.

G. Special consideration should be given during the design phase of a development project to address the benefits derived from the urban forest by installing, whenever possible, large shade trees and thereby increasing the shade canopy cover on residential lots and streets. Trees in the urban environment reduce air and noise pollution, furnish habitat for wildlife, provide energy saving shade and cooling, enhance aesthetics and property values, and contribute to community image and quality of life.

H. As per City Code, the applicant will be responsible to meet his/her obligations regarding:

1. Title 16, 16.64 Park Dedication / In Lieu (Quimby) Fees, due prior to approval of the final map. The Quimby fee due for this project is estimated at \$6,720. This is based on two halfplex units and an

average land value of \$250,000 per acre for the Central City Planning Area, plus an additional 20% for off-site park infrastructure improvements, less acres in land dedication. Any change in these factors will change the amount of the Quimby fee due. The final fee is calculated using factors at the time of payment.

2. 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 \$3,396. This is based on two halfplex units at the rate of \$1,698 per unit. 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.

3. Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation.

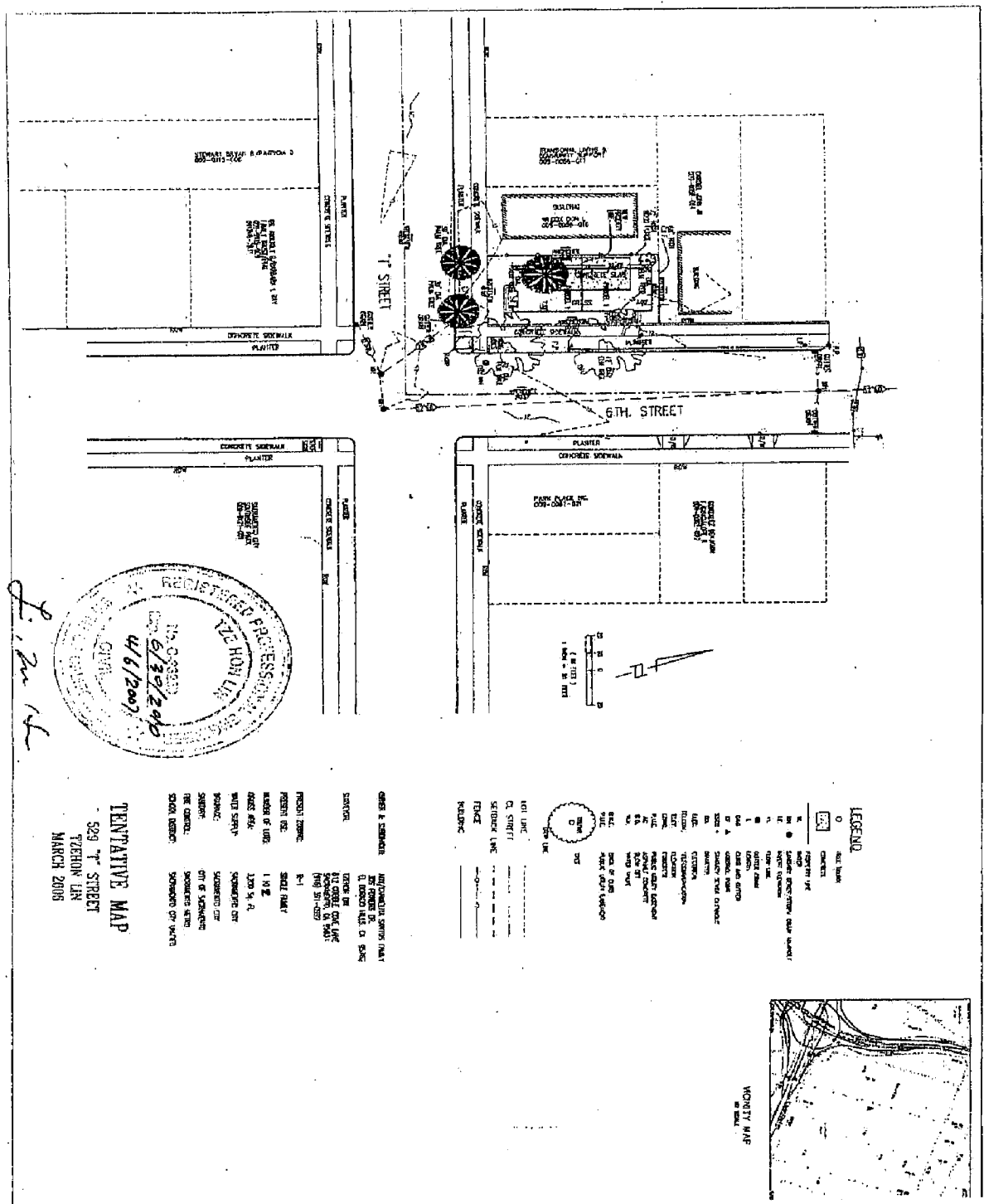


Exhibit A- Tentative Map

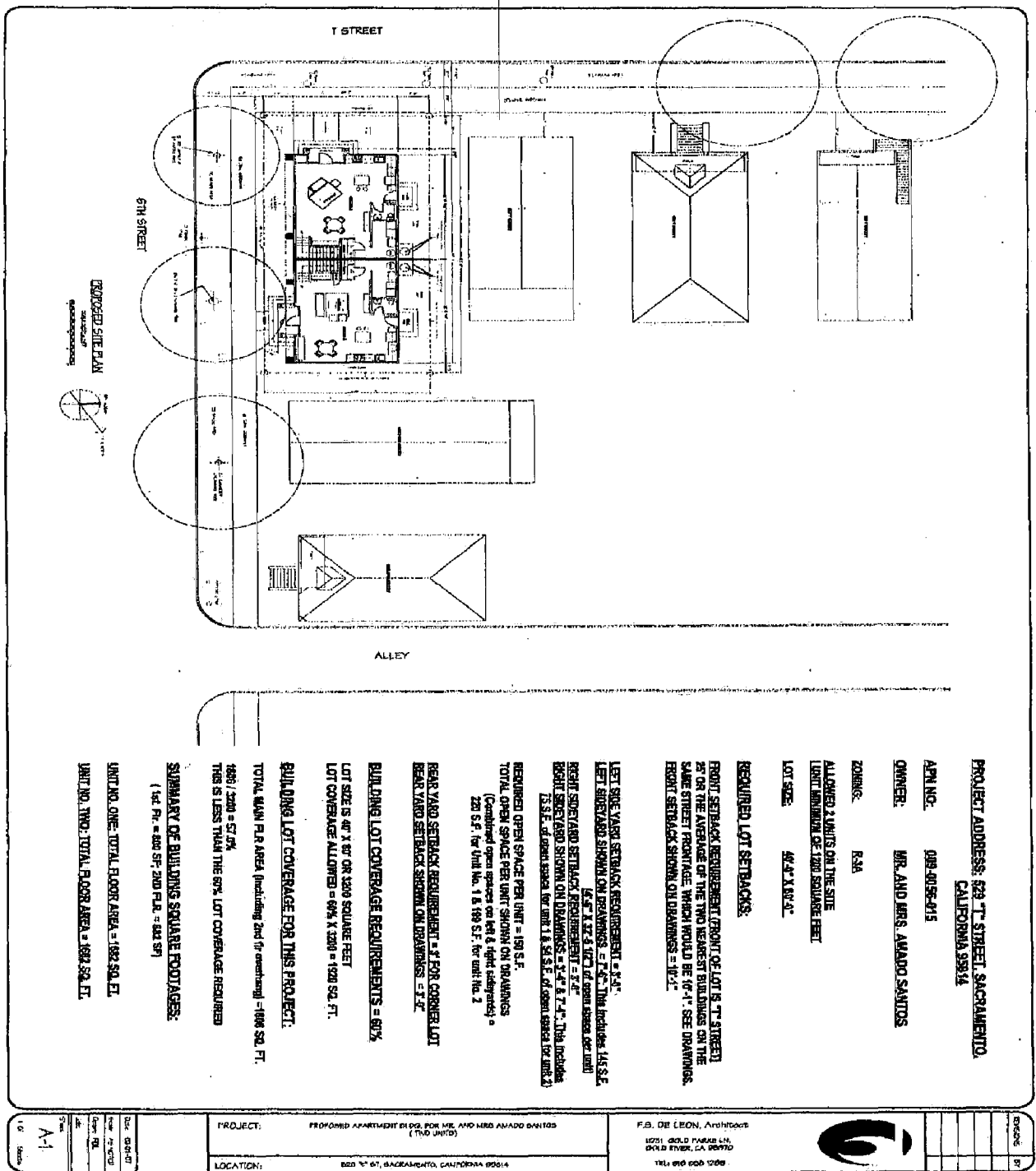


Exhibit B- Site Plan

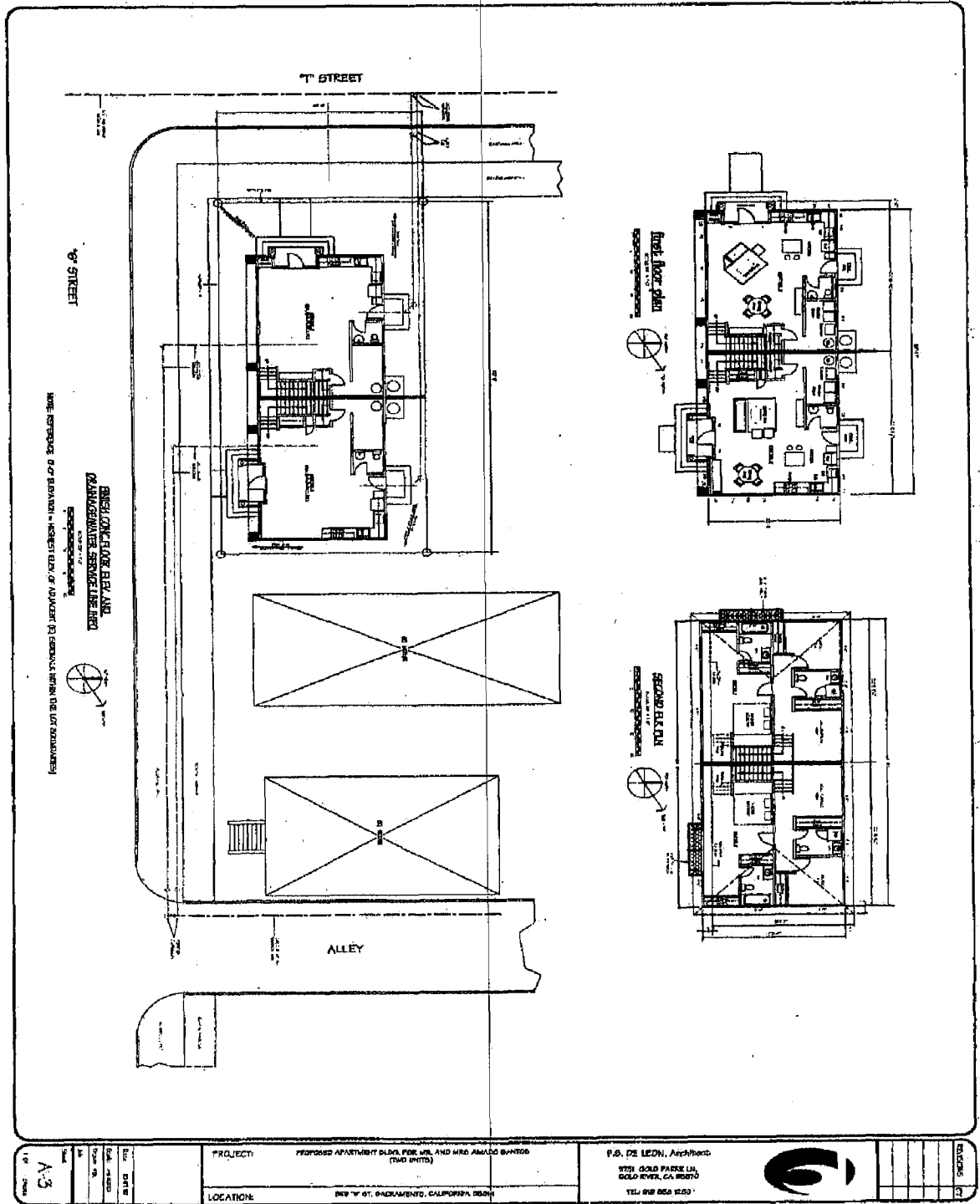


Exhibit C- Floor Plans

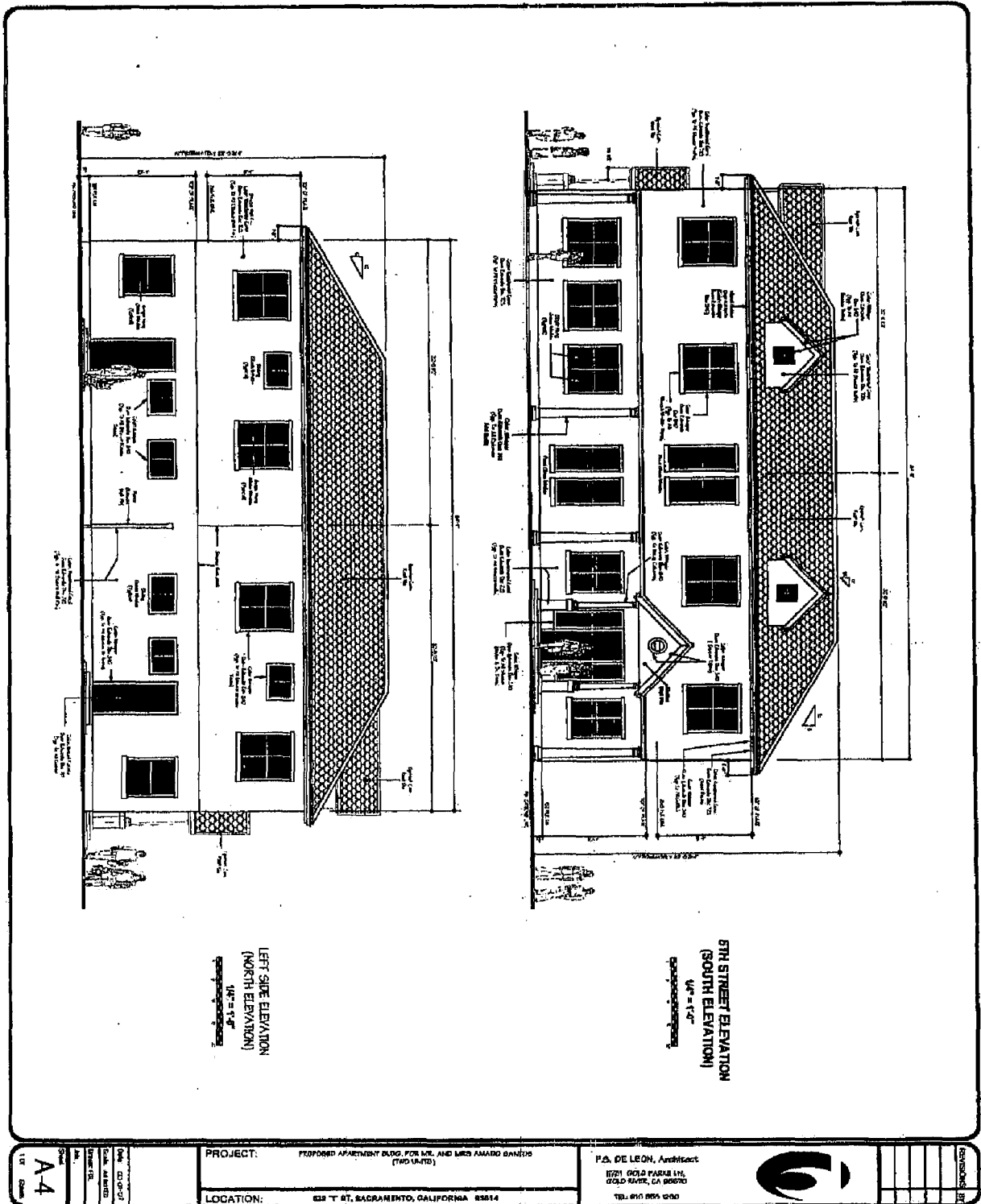


Exhibit D- Elevations

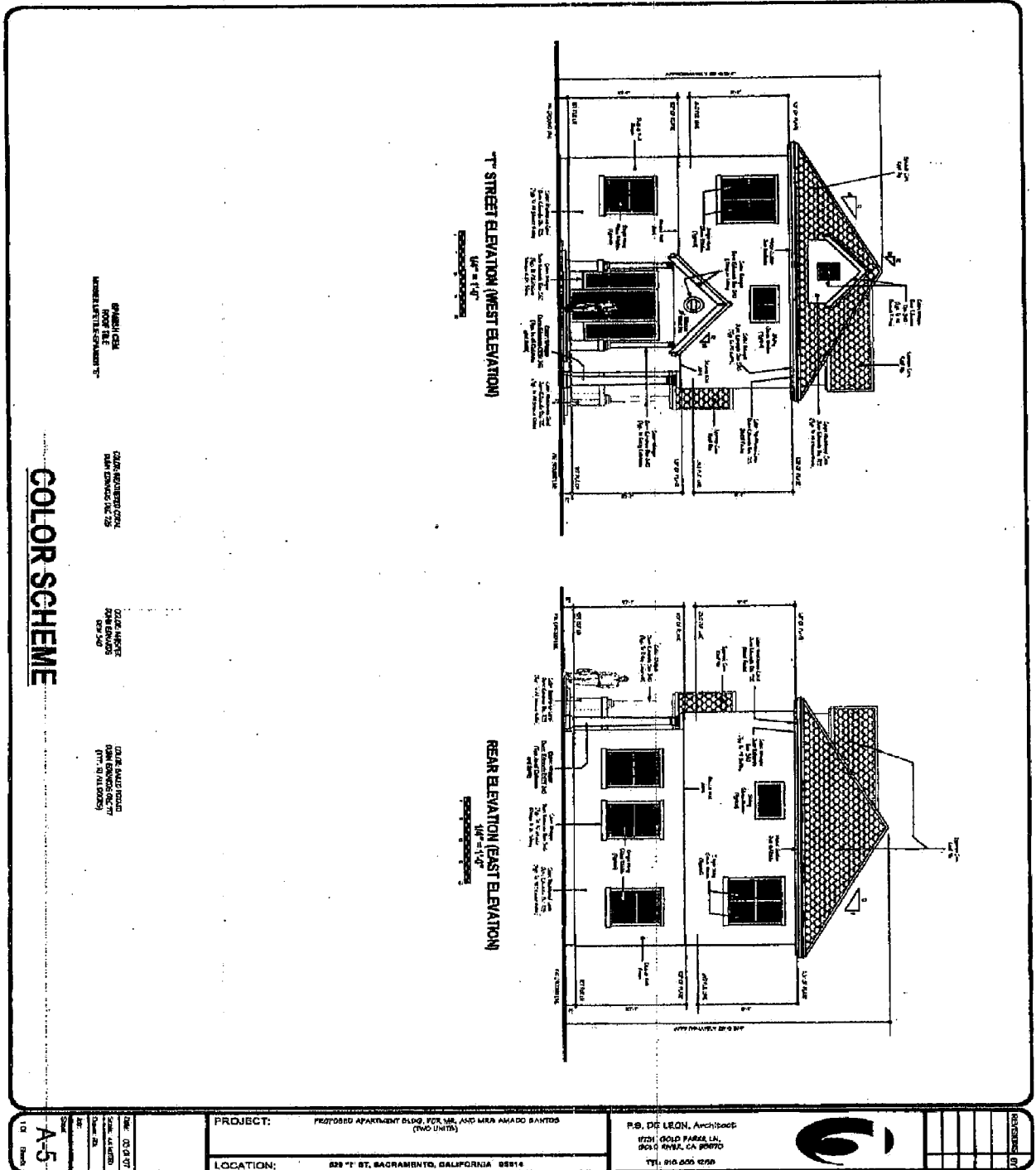


Exhibit E- Elevations