



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

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

Project Name: 340 Haggin Avenue Tentative Map
Project Number: P04-158
Project Location: 340 Haggin Avenue
Assessor's Parcel No.: 262-0182-006
Applicant: Reza Valizadeh, ADG Engineering, (916) 487-3766
3921 Mona Park Lane, Carmichael, CA 95608
Action Status: Approved Action Date: 08/24/06

- REQUESTED ENTITLEMENT(S):**
- A. Environmental Determination: Exempt (CEQA Section 15332);
 - B. Tentative Map to subdivide a 0.94± acre parcel into four parcels in the Standard Single-Family (R-1) zone;
 - C. Subdivision Modification to allow development of parcels without public street frontage;
 - D. Variance to allow building permits to be issued for two lots with less than 20 feet of public street or approved private street frontage.

ACTIONS TAKEN: On 08/24/06, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Approved Entitlements (A), (B), (C) and (D).

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 08/25/06

By: 
Staff Signature

NOTICE OF PROTEST RIGHTS

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

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); Willow Creek Project Area Development

Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

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

EXPIRATION

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

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

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

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

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

APPEALS

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 09/05/06. 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:** The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section 15332 of the CEQA Guidelines.
- B. The Tentative Map to subdivide a 0.94± acre parcel into four parcels in the Standard Single-Family (R-1) zone is approved subject to the following Findings of Fact and Conditions of Approval:**
1. None of the conditions described in Government Code Section 66474, subsection (a) through (g), inclusive, exist with respect to the proposed subdivision;
 2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the City's General Plan, the South Natomas Community Plan, and Chapter 16 of the City Code, which is a Specific Plan of the City. The City's General Plan designates the subject site as Low Density Residential and the South Natomas Community Plan land use designation is Low Density Residential;
 3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Control Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision; and
 4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities.

C. The **Subdivision Modification** to allow development of parcels without public street frontage is **approved** subject to the following Findings of Fact and Conditions of Approval:

1. 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;
2. That the cost to the subdivider of strict or literal compliance with the regulation is not the sole reason for granting the modification;
3. That the modification will not be detrimental to the public health, safety or welfare or be injurious to other properties in the vicinity; and
4. 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.

D. The **Variance** to allow building permits to be issued for two lots with less than 20 feet of public street or approved private street frontage is **approved** subject to the following Findings of Fact and Conditions of Approval:

1. A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances;
2. The consideration of "use variances" is specifically prohibited. These are variances which request approval to locate a use in a zone from which it is prohibited by ordinance;
3. A variance must not be injurious to public welfare, nor to property in the vicinity of the applicant; and
4. A variance must be in harmony with the general purpose and intent of the zoning code. It must not adversely affect the general plan or specific plans of the city, or the open space zoning regulations.

Conditions Of Approval

- B. The Tentative Map to subdivide a 0.94± acre parcel into four parcels in the Standard Single-Family (R-1) zone is hereby approved subject to the following conditions:

NOTE: These conditions shall supersede any contradictory information shown on the Tentative Map approved for this project (P04-158). The design of any improvement not covered by these conditions shall be to City standard.

The applicant shall satisfy each of the following conditions prior to filing the Parcel Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Development Engineering Division:

GENERAL: All Projects

- B1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.
- B2. Private reciprocal ingress, egress, and maneuvering easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from all appropriate Parcels, at no cost, at the time of sale or other conveyance of either parcel.
- B3. Show all continuing and proposed/required easements on the Parcel Map.
- B4. 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.

DEVELOPMENT ENGINEERING: Streets

- B5. 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 and Finance 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.
- B6. 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 and Finance Division.

- B7. The applicant shall by separate instrument provide to the City an Irrevocable Offer of Dedication (IOD) for the southernmost 20.5 feet of Lots C and D for a future road. Said IOD shall be to the satisfaction of the Development Engineering Division.

PUBLIC/PRIVATE UTILITIES:

SMUD/PG&E:

- B8. Dedicate a standard 12.5 foot public utility easement (PUE) for underground and overhead facilities and appurtenances adjacent to all street right of ways.
- B9. Dedicate any private drive, ingress and egress easement, or Irrevocable Offer of Dedication and 10.0 feet adjacent thereto as a public utility easement (PUE) for underground facilities and appurtenances excepting where buildings or structures are located.

CSD-1:

- B10. Connection to the District's sewer system shall be required to the satisfaction of CSD-1. Sacramento County Improvement Standards apply to sewer construction.
- B11. Each lot and each building with a sewage source shall have a separate connection to the CSD-1 sewer system. In order to obtain sewer service, construction of CSD-1 sewer infrastructure will be required. On-site sewer construction will be necessary. Off-site sewer construction may be necessary.
- B12. Sewer easements will be required. All sewer easements shall be dedicated to CSD-1, in a form approved by the District Engineer. All CSD-1 sewer easements shall be at least 20 feet in width and ensure continuous access for installation and maintenance.
- B13. The subject project owner(s) shall be responsible for repair and/or replacement of all non-asphalt and/or enhanced surface treatments of streets and drives within these easements damaged by District maintenance and repair operations. This requirement shall be set forth in easement grant documents and be a covenant running with the land, be responsibility of successors in interest in future land transfers and divisions and by language approved by the District. It shall also be shown on the final map in like language. Surface enhancements include, but are not limited to non-asphaltic paving, landscaping, lighting, curbing and all non-driveable street appurtenances.
- B14. CSD-1 will provide maintenance only in public rights-of-way and in minimum 20-foot wide easements dedicated to CSD-1 for the purpose of continuous access and maintenance.
- B15. CSD-1 requires their sewers to be located 10 feet from other parallel utilities (water, drain, electrical, etc.). Prior to recording the Final Map, the applicant shall prepare a utility plan that will demonstrate that this condition is met.
- B16. All structures along private drives shall have a minimum 10-foot setback so that CSD-1 can properly maintain sewer service.
- B17. Gates across CSD-1 easements shall meet CSD-1 standards for accessibility.

CITY UTILITIES:

- B18. Only one domestic water service is allowed per parcel. Excess services shall be abandoned to the satisfaction of the Department of Utilities.
- B19. The applicant shall enter into and record an Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, stating that Lot B shall grant to Lot D and Lot A shall grant to Lot C, private easements for access, storm drainage, water, and sanitary sewer at no cost at the time of sale or other conveyance of any parcel. A note stating the following shall be placed on the Final Map:

"THE PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORDED AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK____, PAGE____)."

Or if a Certificate of Compliance is used instead of the Final Map the following note must be placed on the Certificate of Compliance:

"THE PARCELS SHOWN ON THE ATTACHED EXHIBIT SHALL BE DEVELOPED IN ACCORDANCE WITH RECORDED AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK __, PAGE __)."

PPDD: Parks

- B20. **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)
- B21. **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:

- B22. Dead ends exceeding 150 feet in length require a turnaround designed to the satisfaction of the Fire Department.
- B23. Include emergency vehicles in the reciprocal ingress egress agreement.
- B24. Provide a fire hydrant in accordance with CFC 903.2, 903.4.2 and Appendix III-B, Section 5.

ADVISORY NOTES:

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

- B25. Any use of CSD-1 sewer easements, which is not compatible or interferes with the construction, reconstruction, operation, maintenance, or repair of the District's sanitary sewer(s), shall not be allowed. Each proposed use shall be reviewed and approved in writing by the District Engineer prior to the use of the easement by the Grantor. This includes landscaping.
- B26. Gravity sewer service may not be available to entire project area.
- B27. Developing this property will require the payment of sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.
- B28. Existing Sacramento Regional County Sanitation District (SRCSD) facilities serving this proposed project are capacity constrained. Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010. SRCSD is working to identify potential interim projects to provide additional capacity. SRCSD and County Sanitation District 1 (CSD-1) will issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served". There is no guarantee that capacity will be available when actual requests for sewer service are made. Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for by the payment of the appropriate SRCSD fees.
- B29. Per Sacramento City Code, water meters shall be located at the point of service which is the back of curb for separated sidewalks or the back of walk for connected sidewalks.
- B30. The on-site water, sanitary sewer and storm drain systems shall be private systems maintained by the property owner.
- B31. Residential water taps shall be sized per the City's Building Department onsite plumbing requirements (water taps may need to be larger than 1-inch depending on the length of the house service, number of fixture units, etc.).
- B32. On-site water, sanitary sewer and storm drain services shall be located within private easements as noted in the Agreement for Conveyance of Easements.
- B33. Each lot shall have a separate water and sanitary sewer service.
- B34. As per City Code, the applicant will be responsible to meet his/her obligations regarding:
- a. 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 \$15,824. This is based on 3 single family residential units and an average land value of \$295,000 per acre for the South Natomas Planning Area, plus an additional 20% for off-site park infrastructure improvements, less 0 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
 - b. 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 \$6,102. This is based on 3 single family units at the infill fee of \$2,034 each. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

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

C. The **Subdivision Modification** to allow development of parcels without public street frontage.

C1. The applicant shall comply with the conditions of approval on the Tentative Map (P04-158).

D. The **Variance** to allow building permits to be issued for two lots with less than 20 feet of public street or approved private street frontage.

PLANNING:

D1. Any new single family home is subject to Design Review approval prior to submittal of a building permit application.

D2. The northern side of Lots C and D shall be considered the front of the parcel and the southern side of Lots C and D shall be considered the rear of the parcel.

D3. No structures shall be built on the southernmost 20.5 feet of Lots C and D inside the I.O.D. Required setbacks shall be exclusive of the I.O.D.

D4. New walls, fencing and vehicular gates must be installed according to standards per City code.

FIRE:

D5. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

D6. The entire 20' private road and the hammerhead turnaround used for Fire Department access shall be marked "No Parking Fire Lane" on both sides.

BUILDING:

D7. For the parcels that do not have direct access to a public street, easements for ingress, egress, and private underground utilities (electrical, water, sewer, fire) shall be provided.

URBAN FOREST SERVICES:

D8. Prior to the issuance of demolition/grading permits a 6 foot chain link fence shall be installed around the drip line of trees within the construction area. The drip line is an imaginary line on the ground directly below the outermost tips of the branches. Orange plastic fencing is acceptable but not recommended because it does not stand up to construction activity and is easily removed. The fencing shall remain in place for the duration of the project except for the temporary removal required to replace existing curb, gutter, and sidewalk.

D9. No excavation for utilities, trenching, grade changes, storage of materials or parking of vehicles shall be allowed within the fenced area. Boring or hand trenching for utilities shall be allowed within the fenced area under the supervision of the project arborist.

- D10. The contractor shall hire an International Society of Arboriculture (ISA) certified arborist to do any required pruning for building or equipment clearances. The arborist will also perform any root inspections.
- D11. If during excavation for the project or for any necessary sidewalk, curb, gutter repair or driveway construction, tree roots greater than two inches in diameter are encountered work shall stop immediately until project arborist can perform an on-site inspection. All roots shall be cut clean and the tree affected may require supplemental irrigation/fertilization and pruning as a result of root pruning.
- D12. The contractor shall be held liable for any damage to existing trees i.e. trunk wounds, broken limb, pouring of any deleterious materials, or washing out concrete under the drip line of the tree. Damages will be assessed using the "Guide to Plant Appraisal" ninth edition published by the ISA. The project arborist will submit a report to the property owner for review.
- D13. The protection methods listed above shall be identified on all site plans for the project.