

# CITY PLANNING COMMISSION

1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

**APPLICANT** Timothy Train - 2604 21st Street, Sacramento, CA 95818  
**OWNER** Mildred Peacock - 4265 65th Street, Sacramento, CA 95820  
**PLANS BY** Timothy Train - 2604 21st Street, Sacramento, CA 95818  
**FILING DATE** 6-9-89 **ENVIR. DET.** Negative Declaration **REPORT BY** DH:rt  
**ASSESSOR'S PCL. NO.** 021-0163-006

- APPLICATION:**
- A. Negative Declaration
  - B. Rezone of 0.05+ acres from Standard Single Family (R-1) zone to Multiple Family - Review (R-2-R) zone
  - C. Tentative Map to divide 0.85+ partially developed acres into four lots in the R-1 and R-1 zone
  - D. Plan Review of two duplex units on two lots totaling 0.37+ vacant acres in the Multiple Family - Review (R-2-R) zone

**LOCATION:** 4265 65th Street

**PROPOSAL:** The applicant is requesting the necessary entitlements to divide one lot into four lots, two lots for future duplex construction and one lot for future single family unit

**PROJECT INFORMATION:**

1974 General Plan Designation: Low Density Residential (4-15 du/net acre)

Existing Zoning of Site: R-1 and R-2-R  
Existing Land Use of Site: Single Family Dwelling

Surrounding Land Use and Zoning:	Setbacks:	Required:	Provided:
North: Duplex & Single Family; R-2-R, R-1	Front:	25'	25'
South: Single Family; R-1	Side(Int):	5'	5'
East: 65th Street Expressway & Single Family; R-1	Side(St):	5'	5'
West: Single Family; R-1	Rear:	15'	15'

Parking Required: 4 spaces  
Parking Provided: 4 spaces  
Property Dimensions: 280 ft. x 132 ft.  
Property Area: 0./85+ acres  
Density of Development: 8 du per acre  
Square Footage of Building: Each duplex, 1956 sq. ft.  
Height of Building: Single Story  
Topography: Flat  
Street Improvements: Existing  
Utilities: Existing  
Exterior Building Materials: T-1-11 Exterior Plywood  
Roof Material: Composition Shingle

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SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On August 23, 1989, by a vote of seven ayes and two absent, the Subdivision Review Committee voted to recommend approval of the tentative map subject to the attached conditions.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning:

The subject site contains 0.87± acres developed with a single family dwelling in the Standard Single Family (R-1) zone. The 1988 General Plan designates the site for Low Density residential 4-15 dwelling units per net acre. The site has frontage on two streets: 65th Street and Nielsen Way. Dwellings along 65th Street are single family. Dwellings and zoning north of the site on Nielsen Way are duplex units in the R-2-R zone. To the east of Nielsen Way is the right-of-way for the 65th Street Expressway. A six foot high chainlink fence separates Nielsen Way from the 65th street Expressway. Street improvements are installed on Nielsen Way which include curb, gutter and sidewalk. Sewer and water service are stubbed to the proposed Parcels C and D.

65th Street frontage improvements include curb, gutter and sidewalk in poor repair. Additional sewer and water service will be required for Lot A.

B. Project Description:

The applicant is requesting the necessary entitlements to establish a four lot subdivision with two lots in the R-2-R zone and two lots in the R-1 zone. A 17 foot wide strip of land running near the center of the site is proposed to be rezoned from R-1 to R-2-R in order to allow larger lot area for the R-2-R lots. Plans for the duplex units are subject to Planning Commission review since the eastern half of the street is zoned R-2-R.

C. Subdivision Design:

The proposed Tentative Parcel Map establishes lots meeting the minimum standards for residential single family and duplex development. An existing wood shed is to be relocated which is on the property line separating Parcels A and B. Proposed structures meet the minimum building setback requirements and yard requirements. Staff recommends approval of the tentative map subject to conditions.

D. Rezoning Request:

In order for the zoning for Parcels C and D to be the same and allow adequate rear yard area, an additional 17 feet of R-1 zoned property is needed to be rezoned to R-2-R and added onto the existing R-2-R zoned area. Staff supports the rezoning request since the yard area for the R-2-R zoned lots will be increased and adequate yard area for Parcels A and B will result. In addition, the shape of the existing cul-de-sac has eliminated yard area for Parcels C and D similar to the duplex lots to the north. Therefore, the lot line and zoning must be shifted westerly for 17 feet.

E. Plan Review - Duplex Units:

Staff has reviewed the proposed duplex units and find them similar to the existing duplex units located along Nielsen Way. Staff recommends the following changes to the elevations and site plan for the duplex units to provide more variety and attractiveness to the site.

1. The front elevation should contain two or more exterior building materials. Use of a brick veneer or wainscoting below the windows and adjacent to the ground could enhance the elevation. A low decorative masonry wall or berm in the front yard landscape area could also break up the front.
2. Add wood trim elements to all windows and doorways.
3. Show a decorative pattern on the garage doors. Use of small panel windows is suggested.
4. Use two or more exterior materials on the entire building. This could include stucco and plywood siding. Exclusive use of one material is not allowed.
5. For roofing material, use of an earthtone color composition shingle with a minimum 25 year rating.
6. No roof mounted air conditioning equipment is allowed. Heating and cooling equipment is to be ground mounted and screened.
7. Front yard areas are to be landscaped and irrigated for Lots C and D.
8. All rear and side areas are to be fenced with a six foot high solid board fence.

ENVIRONMENTAL DETERMINATION: (Refer to Attachment A)

The Environmental Coordinator has determined that the project as proposed will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated the following mandatory mitigation measures into the project plans to avoid identified effects or to mitigate such effects to a point where clearly no significant effects would occur:

- A. The property line between proposed Parcel A and Parcel B shall be relocated so that no trees are located directly on the property line.
- B. The applicant shall construct six foot high noise barrier walls along the front yard fence line for Lots C and D prior to issuance of any occupancy permits for the two proposed duplex.
- C. All joints in exterior walls shall be grouted or caulked airtight.

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- D. All penetrations of exterior walls shall include a 1/2 inch air space. 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.
- E. Window or through the wall ventilation and air conditioning units shall not be permitted.
- F. All sleeping spaces shall be provided with carpet and pad.
- G. There shall be no through the door or through the wall mail or paper chutes.
- H. Windows must have a minimum STC rating of 29 or better. Windows should comprise less than 30 percent of the wall area. Windows shall have an air infiltration rate of less than or equal to 0.20 CEM/lin. feet when tested with a 25 mile hour window per ASTM standards.
- I. Sliding glass doors must carry an STC rating of 29 or better. They should be double glazed and they must meet or exceed the window air infiltration rating given above.
- J. Exterior entrance doors should have a minimum STC rating of 30. They must include complete perimeter door seals.

Non-compliance with, or deletion of any of the above mitigation measures by any party will require the project to be reprocessed for additional environmental review. If this review determines that there is the possibility of significant adverse environmental impact due to the development of the project, additional mitigation measures may be required, or the applicant may be requested to prepare an Environmental Impact Report if identified impacts cannot be reduced to less than a significant level through mitigation.

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

- A. Ratify the Negative Declaration;
- B. Recommend approval of the rezoning from R-1 to R-2-R;
- C. Recommend approval of the tentative map subject to conditions which follow; and
- D. Approve the plan review of the duplex units subject to conditions and based upon findings of fact which follow.

Tentative Map Conditions:

1. Place the following note on the final map: Water and sewer service connections do not exist between the main lines and undeveloped lots. These services must be paid for and installed at the time of obtaining building permits.
2. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments.

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3. 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.
4. 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.
5. The applicant/developer shall designate and place on the final map those structures and/or lots which will meet the required 80 percent south orientation (including solar access) to the satisfaction of the Planning Director, or comply with Title 24 requirements of the Uniform Building Code.
6. Meet all County Sanitation District requirements.
7. Existing deteriorated curb, gutter and sidewalk shall be removed and reconstructed per City standards.
8. Provide street lights and coordinate with Electrical Section of the Engineering Division.
9. Dedicate a 12.5 foot Public Utility Easement for underground public utility and electrical facilities and appurtenances adjacent to Nielsen Way.
10. Dedicate the north five feet of Parcel C and the east five feet of Parcel A as a public utility easement for overhead electrical facilities and appurtenances.
11. Well to be abandoned under permit from County Environmental Health Department.
12. Any septic system must be abandoned and under permit from City Building Department.
13. Remove refuse and trailer from premises.
14. Property lines shall not divide existing structures (wood shed to be removed or property line changed to go around it).
15. Maintain live oak, black walnut and pecan trees to the satisfaction of the City Arborist.
16. Grade lots to drain to the street.
17. Extend off-site water main along the east property line of Parcel D in a 10 foot easement.

18. Provide separate water and sewer services for each existing unit and install hook up as required prior to filing final map.
19. Annex to Regional Sanitation District and pay necessary fees.
20. Approval subject to the following notice:

Notice is given that the property on which construction is authorized by this permit may be subject to flooding. It is the applicant and property owners responsibility to ascertain whether and to what extent such flooding may occur, and to review the applicable base flood elevations for the proposed project which are contained in the effective Flood Insurance Rate Map; the Department of the Sacramento District Corps of Engineers, Sacramento, California, Flood Insurance Study for the Sacramento City and County of California, FBFM and FIRM work map, dated January, 1989; and all preliminary flood maps available at the City of Sacramento's Planning Department.

The Federal Emergency Management Agency and the U.S. Army Corps of Engineers ("Corps") are studying portions of the City of Sacramento to determine what improvements and measures may be needed in order to deem the areas under study adequately protected from a 100 year flood. Until the needed improvements and measures are in place, the areas under study may be subject to flooding by a 100 year or lesser flood. (A "100 year flood" refers to the area subject to inundation by flooding once during any given 100 year cycle; however, there is a statistical one percent chance that such flooding could occur in any given year.)

The applicant and property owners should check with the local Corps to ascertain the status of its ongoing study and the projected completion date of any flood control project which might affect the proposed development. Flood insurance may be mandatory in all areas not protected from a 100 year flood, and the City of Sacramento recommends obtaining such insurance whether it is mandated or not. If the investigation of the nature of the flood hazard indicates that the property is at risk, it is the applicant and property owners responsibility to ensure that all persons holding a record title interest in the property, and all subsequent owners, tenants, occupants and other interested parties, receive notice, as required under applicable law, of the flooding risk to which your property may be subject.

This notice is intended to ensure that those persons choosing to develop property in an area subject to flooding have knowledge and the means of acquiring knowledge of the particular risks involved in such development. This notice shall not create liability on the part of the City of Sacramento, or any of its officers, agents or employees for any damages to persons or property caused by flooding.

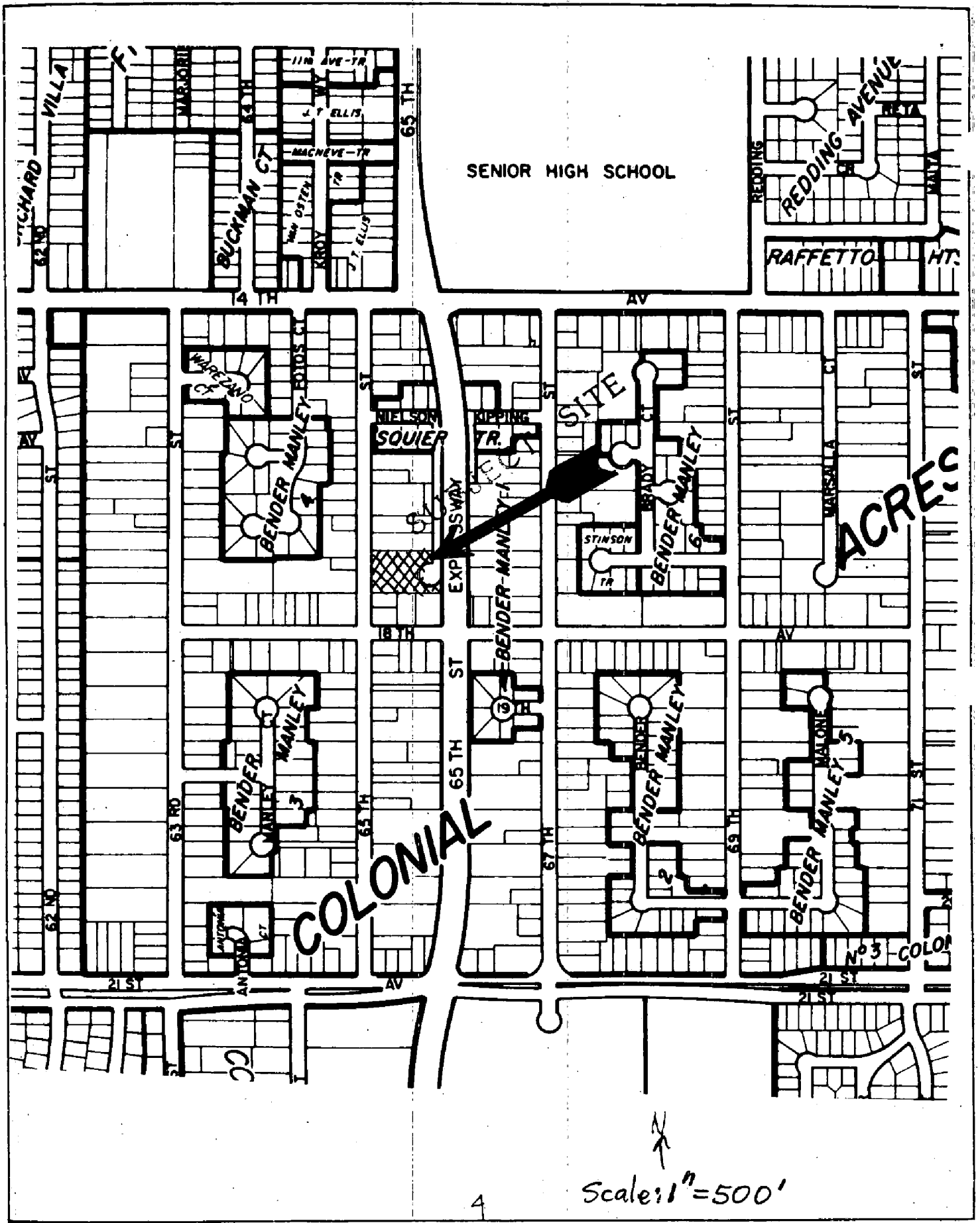
23. Applicant shall comply with mitigation measures identified in the Negative Declaration for P89-233 on file at the City Planning Department.

Plan Review Conditions

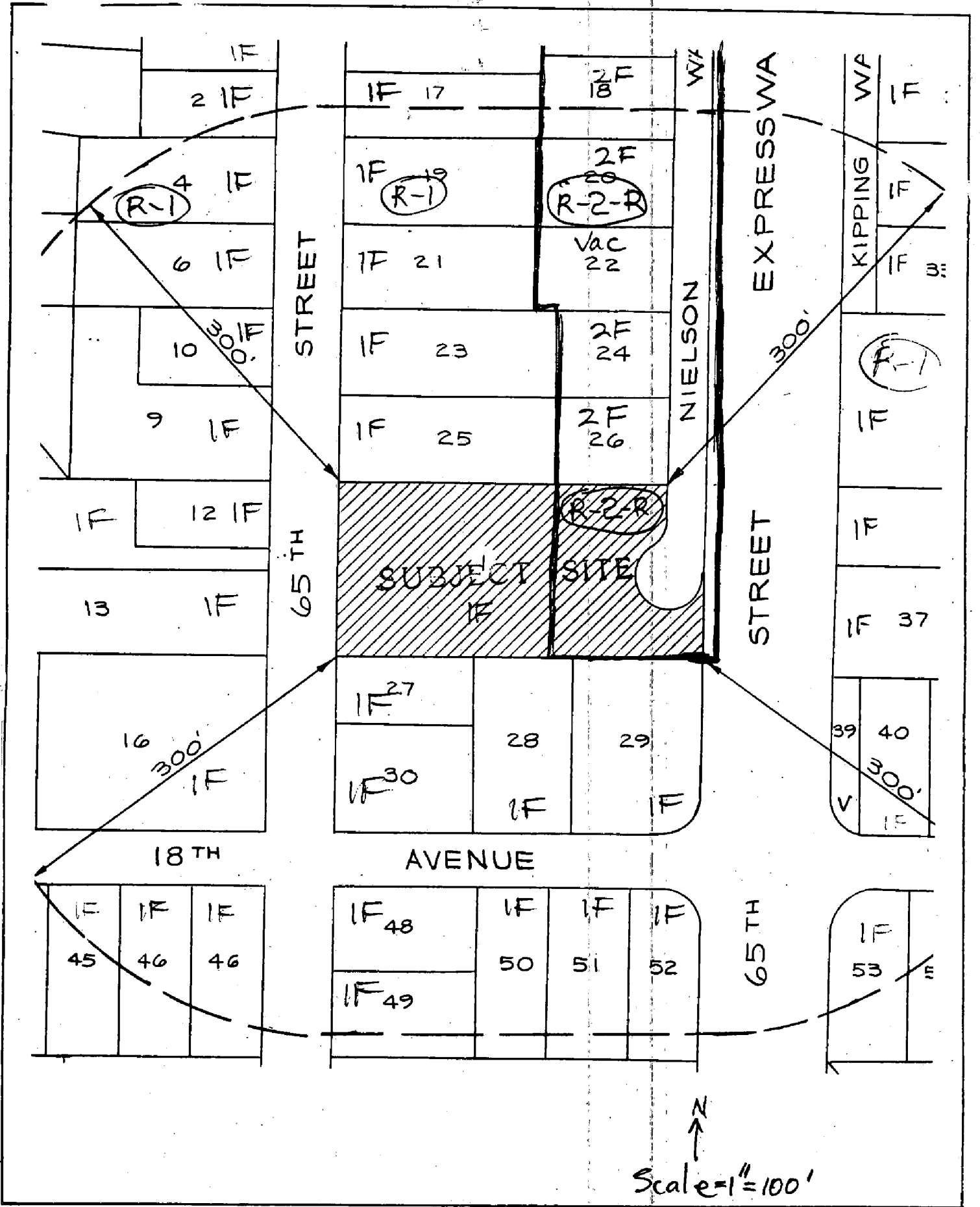
1. The front elevation shall contain two or more exterior building materials. Use of a brick veneer or wainscoting below the windows and adjacent to the ground could enhance the elevation.
2. Add wood trim elements to all windows and doorways.
3. The applicant shall indicate a decorative pattern on the garage doors. Use of small paned windows is suggested.
4. The applicant shall use two or more exterior materials on the entire building. This could include stucco and plywood siding. Exclusive use of one material is not allowed.
5. For roofing material, the applicant shall use an earthtone color dimensional and laminated composition shingle with a minimum 25 year rating.
6. No roof mounted air conditioning equipment shall be allowed. Heating and cooling equipment shall be ground mounted and screened.
7. Front yard areas shall be landscaped and irrigated for Lots C and D.
8. All rear and side yard areas are to be fenced with a six foot high solid board fence.
9. Applicant shall comply with mitigation measures in the Negative Declaration for P89-233 on file at the City Planning Department.

Findings of Fact - Plan Review

1. The project, as conditioned, is based upon sound principles of land use in that the proposed duplex units are compatible with existing units along Nielsen Way and will observe all required setbacks and landscaping.
2. The project, as conditioned, will not be detrimental to the surrounding properties in that the design and landscaping will be an improvement to the area and eliminate a vacant lot which is poorly maintained.
3. The project is consistent with the City General Plan in that the site is designated for residential low density development and four lots on 0.87 acres with six units is consistent with the density range of four to 15 dwelling units per net acre.



# VICINITY MAP



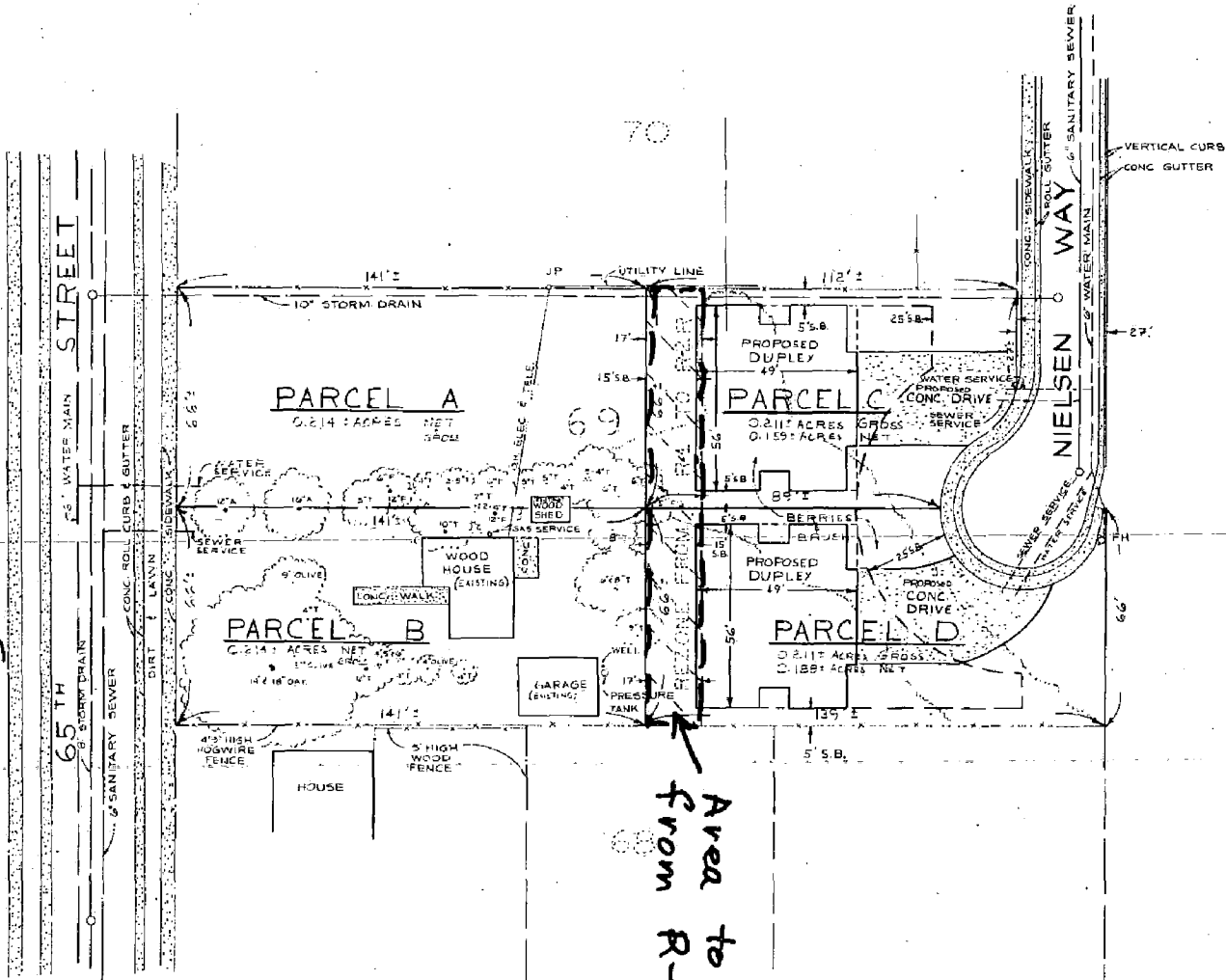
# LAND USE & ZONING MAP

P-89-233

9-14-89

ZC

Item 14



- LEGEND**
- 5"A DENOTES ALMOND TREE & SIZE
  - 4"T DENOTES SHADE TREE & SIZE
  - 6"F DENOTES FRUIT TREE & SIZE
  - S. B. DENOTES BUILDING SET BACK LINE.

Area to be rezoned  
from R-1 to R-2-R



**REZONE & BUILDING SITE MAP OF LOT 69, COLONIAL ACRES CITY OF SACRAMENTO, CALIFORNIA JUNE 1989**

**RECORD OWNER**  
MILDRED PEACOCK  
4265 65TH STREET  
SACRAMENTO, CA 95820  
(916) 393-4525

**SUBDIVIDER**  
AL M. BOISH  
205 DELTA OAKS WAY  
SACRAMENTO, CA 95851  
(916) 393-4525

**SURVEYOR**  
TIMOTHY S. TRAIN, LAND SURVEYOR  
2004 - 21ST STREET  
SACRAMENTO, CA 95818  
(916) 451-7793

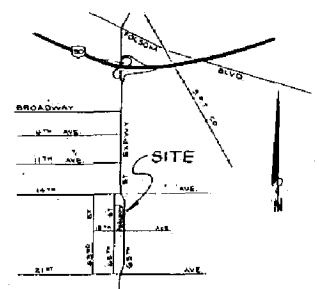
**ASSESSOR'S PARCEL NUMBER**  
021-0163-006

**EXISTING ZONING & USE**  
ZONE R-1, RESIDENTIAL  
ZONE R-2R, DUPLEX  
**PROPOSED ZONING & USE**  
ZONE R-1, RESIDENTIAL, PARCELS A & B  
ZONE R-2R, DUPLEX, PARCELS C & D  
**PROPOSED SEWAGE DISPOSAL**  
EXISTING SANITARY SEWER

**PROPOSED DRAINAGE**  
EXISTING STORM DRAIN

**PROPOSED WATER SUPPLY**  
EXISTING

**SCHOOL DISTRICT**  
SACRAMENTO UNIFIED SCHOOL DISTRICT



**VICINITY MAP**  
NOT TO SCALE

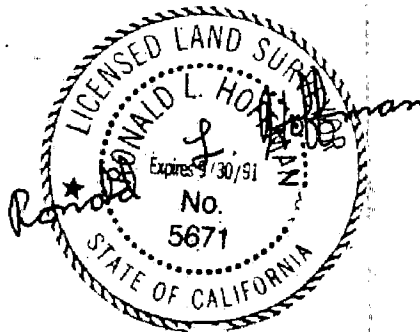
**REZONE EXHIBIT**

DESCRIPTION  
OF  
REZONE FROM R1 TO R2-R

All that real property situated in the City of Sacramento, County of Sacramento, State of California, described as follows:

Lot 69, as said lot is shown and so designated on the official "Plat of Colonial Acres", filed in Book 13 of Maps, Map No. 17, Sacramento County Records,

EXCEPTING THEREFROM the westerly 141.00 feet and the easterly 172.00 feet thereof.





EXHIBIT

EXISTING PROPERTY  
LEGAL DESCRIPTION

The land referred in this Report is situated in the State of California, County of Sacramento, City of Sacramento and is described as follows:

Lot 69, as shown on the Plat of "Colonial Acres", recorded in Book 13 of Maps, Map No. 17, records of Sacramento County.

EXCEPTING THEREFROM the East 50.00 feet thereof.

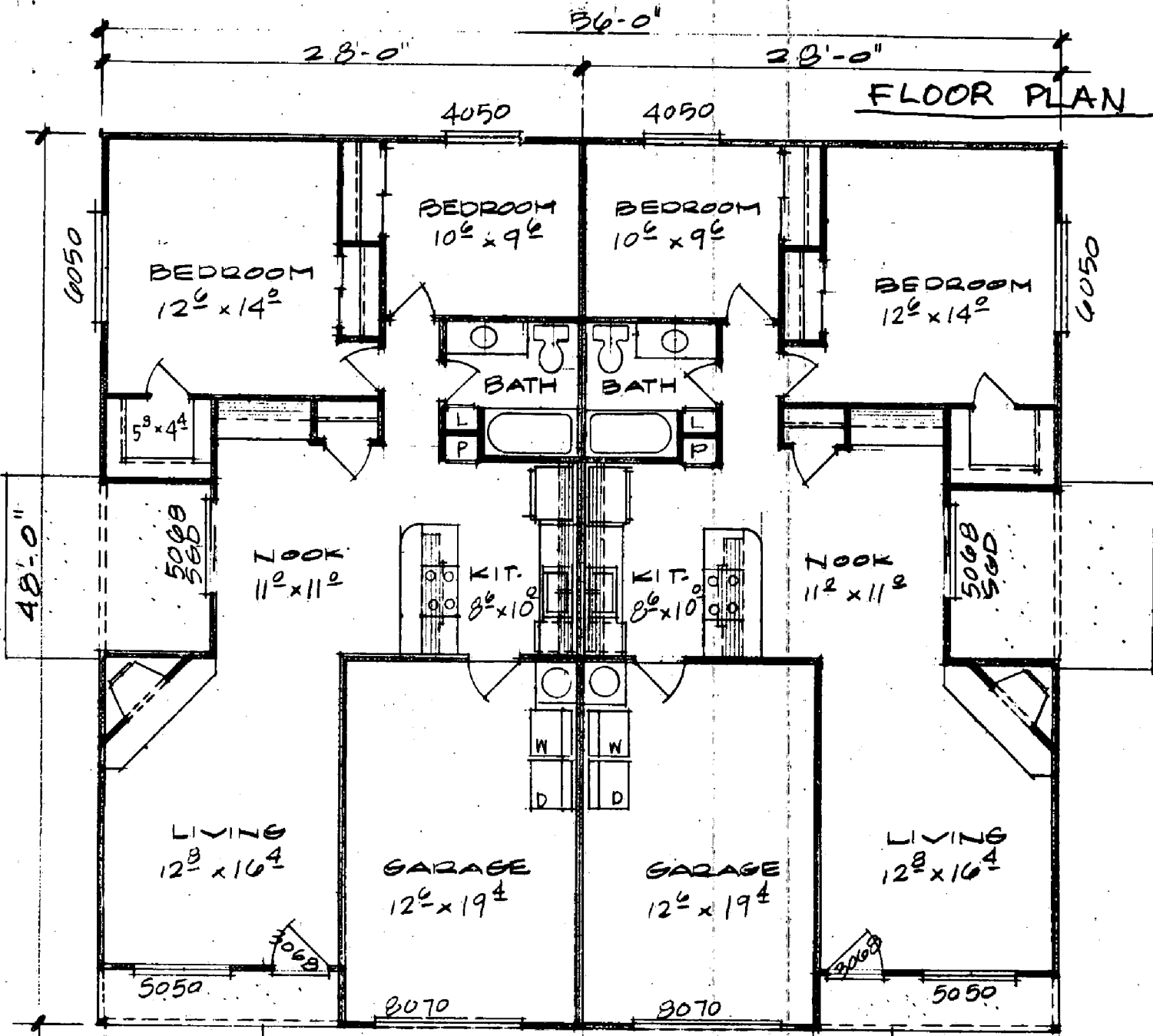
APN: 021-0163-006

**P89 233 1**

9-14-89  
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item 14





**FLOOR PLAN**

978# LIVABLE  
270# GARAGE

978# LIVABLE  
270# GARAGE

TOTAL LIVABLE AREA = 1956#  
 TOTAL GARAGE AREA = 540#  
 TOTAL COVERED PORCH = 186#

ATTACHMENT A

INITIAL STUDY DISCUSSION  
(P89-233)

PROPOSED PROJECT

The applicant is proposing to subdivide 0.84± acres developed with a single family residence into four lots. Two lots, one containing the existing residence, will be fronting on 65th Street and two lots will front on Neilsen Way, adjacent to the 65th Street Expressway. The site is zoned both Standard Single Family (R-1) and Single Family Alternative - Review (R-2-R); the proposal includes a request to rezone a portion of the site to R-2-R so that the two lots facing Neilsen Way will be entirely within the R-2-R zone. The applicant then proposes to construct two duplexes on the Neilsen Way lots.

ENVIRONMENTAL ANALYSIS

1. Earth

Development of the site will result in the overcovering and grading of the site. This property is designated for urban development and the result will be equivalent whether the site is developed for multi-family or single family residential use. These are normal consequences of urban development. Urban development is consistent with the planned land use of the site. These effects are therefore not considered to be significant impacts.

4. Plant Life

The site is heavily vegetated by blackberry bushes and olive, almond, fruit, oak and various shade trees. All the trees are proposed to be saved; however, five trees are shown to be on the property line between the two lots fronting on 65th Street. To avoid removing any of these trees should a fence ever be constructed along this property line, the following mitigation measure shall apply:

- A. The property line between proposed Parcel A and Parcel B shall be relocated so that no trees are located directly on the property line.

A swath of blackberry bushes is located on the proposed parcels C and D and is slated for removal. Blackberry bushes are generally indicative of a surface water supply. In this instance, however, the water supply is from on-site yard irrigation that has not been well controlled. Loss of this vegetation is not considered significant.

6. Noise

The site is impacted by roadway traffic on the 65th Street Expressway. This source is expected to remain the same to the design year of 2016. The traffic on 65th Street Expressway is expected to increase from a current average daily trip (ADT) of 26,500 to 44,200 in the design year of 2016. At a point 20 feet from the property line, this traffic volume translates into an exterior noise level of 70 dB.

The City of Sacramento Noise Element identifies an acceptable exterior noise limit for rear yards of residences as 60 dB, day-night average sound level (Ldn). The Noise Element also identifies an acceptable interior noise level for residences as 45 dB Ldn. When exterior noise levels exceed 60 dB, single family residential development is permitted only with the inclusion of noise attenuation measures. The Noise Element requires that an acoustical study be completed to identify applicable noise attenuation measures unless City staff has an existing acoustical report on file which is applicable. In this instance, the City has an acoustical study for development on 65th Street Expressway in the vicinity of the project with the same noise impacts.

That study indicates that exterior day-night average sound levels will exceed the 60 dB Ldn limit specified in the Noise Element for all portions of the subject site located 75 feet from the center line of the 65th Street Expressway.

It is possible to mitigate all or some of the exterior noise impact by two means: either a sound wall along 65th Street Expressway or by requiring noise barrier walls on Lots C and D that will shield the rear yard from most traffic noise. The second option is, at this time, the most practical, and thus the following mitigation measure shall apply:

- B. The applicant shall construct six foot high noise barrier walls along the front yard fence line for Lots C and D prior to issuance of any occupancy permits for the two proposed duplexes.

The interior noise level can be reduced to the 45 dB Ldn requirement by incorporating the following construction techniques for the two proposed duplexes:

- C. All joints in exterior walls shall be grouted or caulked airtight.
- D. All penetrations of exterior walls shall include a 1/2 inch air space. 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.
- E. Window or through the wall ventilation and air conditioning units shall not be permitted.
- F. All sleeping spaces shall be provided with carpet and pad.
- G. There shall be no through the door or through the wall mail or paper chutes.
- H. Windows must have a minimum STC rating of 29 or better. Windows should comprise less than 30 percent of the wall area. Windows shall have an air infiltration rate of less than or equal to 0.20 CFM/lin. feet when tested with a 25 mile hour window per ASTM standards.

- I. Sliding glass doors must carry an STC rating of 29 or better. They should be double glazed and they must meet or exceed the window air infiltration rating given above.
- J. Exterior entrance doors should have a minimum STC rating of 30. They must include complete perimeter door seals.

LP: