

STAFF REPORT AMENDED 7-26-84  
**CITY PLANNING COMMISSION**  
927 10TH STREET, SUITE 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Edmund J. Coyne & Co., Inc. 666 Third St., Suite 203, San Rafael, Ca.		
OWNER	River View Marina, 2 LTD. Partnership & Michael A. Coyne		
PLANS BY	Roger S. Scott Group 1801 Garden Highway, Sacramento, Ca.		
FILING DATE	5/30/84	50 DAY CPC ACTION DATE	REPORT BY: TM:mm
NEGATIVE DEC.	7/16/84	EIR	ASSESSOR'S PCL NO. 274-021-02, 274-030, 47, 50

274-030-63

- APPLICATION:
1. Negative Declaration
  2. Amendment of the South Natomas Community Plan to allow Residential Condominiums in the Riverfront District
  3. Special Permit to Develop 14 Condominium Units and to Expand an Existing Marina from 82 to 135 Berths

LOCATION: Southside of Garden Highway opposite El Centro Road

PROJECT INFORMATION:

1974 General Plan Designation:	Major Recreation or Open Space
1978 South Natomas Community Plan Designation:	Riverfront District
Existing Zoning of Site:	Floodway (F)
Existing Land Use of Site:	82 berth marina and parking lot

Surrounding Land Use and Zoning:

North:	Garden Highway, condominiums; and R-1A
South:	Sacramento River; and F
East:	Vacant (Riverbank); and F
West:	Single Family Residence; and F

Parking Required

Condominium Use; 1 space per unit  
Marina Use; to be determined by Commission

Parking Provided

1.8 space per unit (32)  
81 spaces (CPC determined that 71 spaces would be required)

Property Dimensions:

Irregular

Property Area:

8± acres

Density of Development:

7± units on condominium area

Square Footage of Proposed Units:

2,000± sq. ft.

Height of Units:

35 ft.

Significant Features:

50± oak and ash trees of various sizes as well as a number of elderberry bushes are located on the site

Topography:	Varies, ranges from maximum of 43+ ft. at levee to 28+ ft. at rivers edge
Street Improvements:	Two lanes of pavement on Garden Highway, no curbs gutters or sidewalks
Utilities:	Water; on-site well Sewer; connected up to adjacent condominium system
Exterior of Building Colors:	Not specified; eastern coastal theme
Exterior Building Materials:	Wood siding, metal roof, post and beam construction

BACKGROUND INFORMATION: The following chronology is provided to indicate past events which have occurred relative to this project:

- April 1984: County Board of Supervisors certified an Environmental Impact Report for the proposed project and approved the necessary land use entitlements.
- May 30, 1984: Applicant files complete application with the City Planning Division due to understanding the project area will be annexed via the Willow Creek annexation request.
- July 3, 1984: City Council adopts resolution annexing Willow Creek area and concurrently enters into an annexation agreement (see Attachment A) as well as amends the South Natomas moratorium Ordinance to allow processing of this application.
- July 5, 1984: Negative Declaration, based upon previous EIR, filed with the State Clearinghouse for a 21 day review period.
- July 20, 1984: Willow Creek Annexation finalized by filing of resolution with the County Recorder.
- July 26, 1984: Review period on Negative Declaration closes at 5:00 p.m. Commission hearing.

PROJECT EVALUATION: The staff has the following comments relative to this project:

1. Community Plan Consistency: The South Natomas Community Plan designates the subject site as Riverfront District. As stated in this Plan document the Riverfront designation is intended to accommodate single family detached residences at a density of one unit per acre. Also this district allows water orientated commercial uses. The following provisions are listed within the Riverfront District to assist in project evaluation:

- o The location and type of land uses permitted within this district should compliment the open space and natural character of the embankment and water.
- o Natural riparian areas of significance within the District should be preserved and protected from damage or loss. This includes mature trees.
- o New or replacement uses should be restricted to single family detached residential dwellings on lots of one acre or larger, private boat docks, and water-oriented commercial uses.
- o All commercial development projects should require plan approval by the appropriate City or County planning Commission and legislative body.
- o Commercial uses should be properly screened from residential uses.
- o Commercial gas and boat service facilities should be allowed only at existing marinas.
- o Commercial uses should have adequate provisions for safe vehicular ingress or egress onto Garden Highway as well as sufficient parking.

Staff finds the proposed marina expansion consistent with these provisions. However, the proposed condominium use is not consistent. The intent of these provisions appear to emphasize retention of as much of the natural habitat as possible as well as to insure the intensity of proposed development would not be incompatible with the river setting. The current draft of the Community Plan update also expresses similar concerns.

Although the condominium portion of the project exceeds the permissible density, staff finds the general scale of development acceptable for the following reasons:

- o The condominium development occupies approximately 35 to 45 percent of the site. The remainder of the project area consists of open space. This lot coverage percentage is close to the maximum coverage of 40 percent which is allowed in the single family zone. Therefore the proposed development is not overly intense if one considers lot coverage as a measurement of intensity and land use compatibility.
- o The applicant proposes to return the majority of on-site trees. These trees will help soften the appearance of the units. In addition the utilization of post and beam construction and proposed exterior materials will be harmonious with the river setting.
- o The amendment of the Community Plan to accommodate condominium units in the Riverfront district has been allowed in the past for marina associated developments (River Bank).

2. Environmental Assessment: An Environmental Impact Report was previously prepared for this project by the County Environmental Impact Section. This EIR was ratified by the Board of Supervisors and a subsequent use permit and variance was granted by the County Project Planning Commission in February of 1984.

Due to the annexation of the subject site into the City, the applicant also was required to obtain the necessary City Permits. The Planning staff prepared a Negative Declaration with mitigation measures (see Environmental Determination) based on the EIR identified mitigation measures as well as additional measures relative to City requirements and policies. Basically, the mitigation measures were imposed to assure public health and safety, retention of existing vegetation and public access to the river.

Because implementation of the project requires State and Federal Permits the Negative Declaration was routed through the State Clearinghouse. The deadline for response to the Negative Declaration corresponds with the Commission's hearing. Staff will present all comments received at the Commission hearing.

3. Annexation Agreement: On July 3, 1984, the City entered into an annexation agreement with the applicant which indicated that the City would delay certain improvements related to sewer and water services as well as Garden

Highway improvements. Therefore, no conditions are recommended pursuant to these types of improvements.

4. Circulation and Parking: The site plan indicates three points of access into the project off of Garden Highway. The City Traffic Engineer has indicated that specific details must be provided on these driveways and prior to issuance of building permits. Modifications may be required.

The residential parking (32 spaces) will be provided on the boardwalk portion of the site and the marina parking spaces (81 spaces) will be provided below the boardwalk and condominium units. However, some of the spaces do not appear to meet City Planning dimension requirements so some revisions will be necessary prior to issuance of building permits. Also, the parallel spaces adjacent to the Garden Highway entrances should be eliminated.

5. Aesthetics: The subject site has a number of mature oak, ash, and cottonwood trees on the western portion of the site. These trees contribute positively to the aesthetic qualities of the site. Most of these trees will be retained. The proposed condominium units are to be constructed on an elevated boardwalk post and beam foundation. These units are to be constructed with horizontal wood siding with metal roofs. Since the site and elevation plans appear to be schematic in nature, staff recommends that specific plans be reviewed and approved by the Design Review Board prior to issuance of building permits.

To compensate for the loss of existing vegetation and the riverview due to the condominium development, the Environmental Determination indicated that public access should be provided to the marina and area east of the condominium site. Also, the Environmental Determination concluded that the area east of the marina entrance should be revegetated. The applicant has indicated that these conditions are acceptable.

6. Condominium Map: Staff notes that in order to develop the proposed condominium units, the applicant must apply for and, receive approval, of a subdivision map.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has reviewed the proposed project and has filed a Negative Declaration, based upon compliance with the following mitigation measures:

1. The applicant shall obtain the necessary permits and adhere to the standards of development as mandated by the Federal and State permitting Agencies (Corps of Engineers, State Declaration Board, State Department of Fish and Game).
2. Development of the condominiums and associated parking shall be supported by a post and beam construction with finished floor levels above the 100 year floodplain.
3. The setbacks established by the State Reclamation Board from the levee toe and waterbank shall be maintained in their natural state. Only the removal of poison oak may be permitted. Final landscaping and revegetation plans are to be approved by the City Planning Director with the aeration system approved by the City Arborist. The only exception to maintaining the natural vegetation would be bank protection measures required by any State or Federal agency.
4. Construction work and placement of impervious surfaces shall be approved by the City Arborist. The removal and retention of existing oak trees and other vegetation shall be reviewed and approved by the Planning Director after review by the City Arborist.
5. Prior to issuance of Building Permit, a report shall be submitted for the review and approval of the Building Inspection Division which addresses the liquification potential of the site and debris impact loads of the structural foundation.
6. All construction shall occur within the dry season established by the State Department of Reclamation (normally March through October).
7. The applicant shall submit an erosion control and reduction plan for the review and approval of the City Planning Director prior to Building Permit.
8. Foundations shall be designed and constructed to accommodate debris impact loads and pressures exerted by high velocity river flows.
9. All unnecessary existing pavement within the driplines of trees and blue elderberry bushes shall be removed from the site. If it is absolutely necessary to locate a portion of driveway within the driplines of trees, the surface shall be constructed of previous materials such as turfstone. No existing blue elderberry bushes shall be removed from the site.

10. The retention of, and revegetation of natural area as shown on Exhibit C. Final landscape plans for this area shall be submitted for the review and approval of the Planning Director prior to issuance of a Building Permit.
11. A temporary 6 foot high construction chain link fence shall be installed on the north side to protect the 30 foot wide Natural Area along the riverbank prior to the start of construction, and shall remain in place until the construction is completed. The fence shall meander northward as necessary around the driplines of all oak trees which have their trunks within the Reclamation Board setback area. The land on the south side of this fence shall be left completely in a natural and undisturbed condition. The root zones of the other oak trees not approved for removal shall also be protected by temporary fencing throughout the construction period. No grading, trenching, cutting or filling should occur within the driplines of the trees which are not approved for removal. Also, no employee vehicles, construction equipment, supplies, materials or facilities shall be parked, stockpiled or located within the driplines of any trees which are not approved for removal. The only exception to trenching shall be for trenching necessary for structural post and beams as approved by the City Arborist.
12. Ten interior live oaks (15 gallon), ten valley oaks (15 gallon), and ten blue elderberry bushes (5 gallon) shall be planted within the 30 foot wide Natural Area (adjacent to the condominiums) as replacement trees for riparian vegetation which would be removed to construct the project. The planting shall occur during the month of November following the completion of construction, and the trees shall be watered as necessary until winter rains have begun.
13. The site shall not include boat launching facilities, gas sales or storage facilities, outside repair or service of boats or boat accessories, fish cleaning facilities, and outside equipment storage. Signs shall be posted accordingly.
14. Dockside pumpout facilities vessel sewage wastes, waste oils and bilge slops shall be provided.
15. A harbor policy and enforcement program prohibiting waste discharge into the river shall be provided.
16. Fish cleaning areas connected to a City approved sewage system shall be provided on the landward portion of the site.

17. Exterior lighting shall be shielded to eliminate glare toward the river.
18. Public access must be provided to portions of the marina and proposed natural area including provisions for bicycle and automobile parking spaces.
19. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impacts to less than significant effect before construction resumes.
20. The applicant shall retain and revegetate the natural area as indicated on Exhibit C to offset any reduction in wildlife habitat.

STAFF RECOMMENDATION: The staff recommends the following actions:

- A. Ratification of the Negative Declaration.
- B. Approval of the amendment of the South Natomas Community Plan to allow 14 condominium units within the Riverfront District.
- C. Approval of the Special Permit to develop 14 condominium units and to expand the existing marina to a maximum of 135 berths subject to conditions and based upon findings of fact which follow:

Conditions - Special Permit

1. The applicant shall submit the detailed plans which indicate the driveway location for the review and approval of the City Traffic Engineer prior to issuance of building permits.
2. The parking area dimensions shall be revised to comply with the City's standards prior to issuance of building permits.
3. The parallel parking spaces adjacent to the entries into the project shall be eliminated.
4. Subject to review and approval of the Design Review Board prior to the issuance of building permits.



5. Signage shall be posted designating commercial (marina) and public parking areas prior to the issuance of occupancy permits. The signage shall be subject to the review and approval of the City Planning Director.
6. The applicant shall obtain the necessary permits for development as mandated by the Federal and State permitting Agencies (Corps of Engineers, State Reclamation Board, State Department of Fish and Game) and shall be accomplished prior to issuance of a building permit.
7. Development of the condominiums and associated parking shall be supported by a post and beam construction with finished floor levels above the 100 year floodplain.
8. The setbacks established by the State Reclamation Board from the levee toe and waterbank shall be maintained in their natural state. Only the removal of poison oak may be permitted. Final landscaping and revegetation plans are to be approved by the City Planning Director with the aeration system approved by the City Arborist. The only exception to maintaining the natural vegetation would be bank protection measures required by any State or Federal agency.
9. Construction work and placement of impervious surfaces shall be approved by the City Arborist. The removal and retention of existing oak trees and other vegetation shall be reviewed and approved by the Planning Director after review by the City Arborist.
10. Prior to issuance of Building Permit, submit a report for the review and approval of the Building Inspection Division which addresses the liquification potential of the site and debris impact loads of the structural foundation.
11. All construction shall occur within the dry season established by the State Department of Reclamation (normally March through October).
12. The applicant shall submit an erosion control and reduction plan for the review and approval of the City Planning Director prior to Building Permit.
13. Foundations shall be designed and constructed to accommodate debris impact loads and pressures exerted by high velocity river flows.

14. All unnecessary existing pavement within the driplines of trees and blue elderberry bushes shall be removed from the site. If it is absolutely necessary to locate a portion of driveway within the driplines of trees, the surface shall be constructed of previous materials such as turfstone. No existing blue elderberry bushes shall be removed from the site.
15. The retention of, and revegetation of natural area as shown on Attachment C shall be accomplished prior to occupancy permits. Final landscape plans for this area shall be submitted for the review and approval of the Planning Director prior to issuance of a Building Permit.
16. A temporary 6 foot high construction chain link fence shall be installed on the north side to protect the ~~30 foot wide~~ Natural Area along the riverbank prior to the start of construction, and shall remain in place until the construction is completed. The fence shall meander northward as necessary around the driplines of all oak trees which have their trunks within the Reclamation Board setback area. The land on the south side of this fence shall be left completely in a natural and undisturbed condition. The root zones of the other oak trees not approved for removal shall also be protected by temporary fencing throughout the construction period. No grading, trenching, cutting or filling should occur within the driplines of the trees which are not approved for removal. Also, no employee vehicles, construction equipment, supplies, materials or facilities shall be parked, stockpiled or located within the driplines of any trees which are not approved for removal. The only exception to trenching shall be for trenching necessary for structural post and beams as approved by the City Arborist. *(CPC amended to ...protect the setback of the natural area along...)*
17. Ten interior live oaks (15 gallon), ten valley oaks (15 gallon), and ten blue elderberry bushes (5 gallon) shall be planted within the ~~30 foot wide~~ Natural Area (adjacent to the condominiums) as replacement trees for riparian vegetation which would be removed to construct the project. The planting shall occur during the month of November following the completion of construction, and the trees shall be watered as necessary until winter rains have begun. *(CPC amended to... within the setback of the natural area...)*

18. The site shall not include boat launching facilities, gas sales or storage facilities, outside repair or service of boats or boat accessories, fish cleaning facilities, and outside equipment storage. Signs shall be posted accordingly.
19. Dockside pumpout facilities vessel sewage wastes, waste oils and bilge slops shall be provided.
20. A harbor policy and enforcement program prohibiting waste discharge into the river shall be provided.
21. ~~Fish/cleaning/areas/connected/to/a/City/approved/sewage system/shall/be/provided/on/the/landward/portion/of/the/site/ (CPC deleted)~~
22. Exterior lighting shall be shielded to eliminate glare toward the river.
23. Public access must be provided to portions of the marina and proposed natural area including provisions for bicycle and automobile parking spaces.
24. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impacts to less than significant effect before construction resumes.
25. The applicant shall retain and revegetate the natural area as indicated on Attachment C to offset any reduction in wildlife habitat.
26. The applicant shall meet the water flow requirements of the City Fire Department.

Findings of Fact

- a. The proposed project is based on sound principles of land use in that:
  - 1) The zoning ordinance allows the uses in the flood zones with the approval of a special permit.
  - 2) The proposal complies with the criteria for "Special Developments in the Flood Zones" in that

the development will have direct access to a major collector street, adequate on-site parking is provided; the design of the structures will be compatible with the riverfront character and surrounding properties.

- 3) The proposal is for expansion of an existing use.
- b. The project is not injurious to the general public or surrounding properties in that:
- 1) The structures will be constructed above the 100 year flood level.
  - 2) The site will meet on-site fire hydrant requirements.
  - 3) The proposal is subject to required state and federal approvals for development along the Sacramento River.
  - 4) Adequate on-site parking and landscaping shall be provided.
- c. The proposal is consistent with the 1974 General Plan in that:
- 1) Public access to the Sacramento River is provided.
  - 2) The uses are permitted in the flood zones by special permit based on criteria for "Special Developments in the Flood Zone".

CITY PLANNING COMMISSION

927 10TH STREET, SUITE 300 - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Edmund J. Coyne & Co., Inc. 666 Third St., Suite 203, San Rafael, Ca.		
OWNER	River View Marina, 2 LTD. Partnership & Michael A. Coyne		
PLANS BY	Roger S. Scott Group 1801 Garden Highway, Sacramento, Ca.		
FILING DATE	5/30/84	50 DAY CPC ACTION DATE	REPORT BY: TM:mm
NEGATIVE DEC	7/16/84	EIR	ASSESSOR'S PCL NO. 274-021-02, 274-030,47,50

274-030-63

- APPLICATION:
1. Negative Declaration
  2. Amendment of the South Natomas Community Plan to allow Residential Condominiums in the Riverfront District
  3. Special Permit to Develop 14 Condominium Units and to Expand an Existing Marina from 82 to 135 Berths

LOCATION: Southside of Garden Highway opposite El Centro Road

PROJECT INFORMATION:

1974 General Plan Designation:	Major Recreation or Open Space
1978 South Natomas Community Plan Designation:	Riverfront District
Existing Zoning of Site:	Floodway (F)
Existing Land Use of Site:	82 berth marina and parking lot
Surrounding Land Use and Zoning:	
North:	Garden Highway, condominiums; and R-1A
South:	Sacramento River; and F
East:	Vacant (Riverbank); and F
West:	Single Family Residence; and F

<u>Parking Required</u>	<u>Parking Provided</u>
Condominium Use; 1 space per unit	1.8 space per unit (32)
Marina Use; to be determined by Commission	81 spaces

*see amended staff report*

Property Dimensions:	Irregular
Property Area:	8+ acres
Density of Development:	7+ units on condominium area
Square Footage of Proposed Units:	2,000+ sq. ft.
Height of Units:	35 ft.
Significant Features:	50+ oak and ash trees of various sizes as well as a number of elderberry bushes are located on the site

Topography:	Varies, ranges from maximum of 43+ ft. at levee to 28+ ft. at rivers edge
Street Improvements:	Two lanes of pavement on Garden Highway, no curbs gutters or sidewalks
Utilities:	Water; on-site well Sewer; connected up to adjacent condominium system
Exterior of Building Colors:	Not specified; eastern coastal theme
Exterior Building Materials:	Wood siding, metal roof, post and beam construction

**BACKGROUND INFORMATION:** The following chronology is provided to indicate past events which have occurred relative to this project:

- April 1984: County Board of Supervisors certified an Environmental Impact Report for the proposed project and approved the necessary land use entitlements.
- May 30, 1984: Applicant files complete application with the City Planning Division due to understanding the project area will be annexed via the Willow Creek annexation request.
- July 3, 1984: City Council adopts resolution annexing Willow Creek area and concurrently enters into an annexation agreement (see Attachment A) as well as amends the South Natomas moratorium Ordinance to allow processing of this application.
- July 5, 1984: Negative Declaration, based upon previous EIR, filed with the State Clearinghouse for a 21 day review period.
- July 20, 1984: Willow Creek Annexation finalized by filing of resolution with the County Recorder.
- July 26, 1984: Review period on Negative Declaration closes at 5:00 p.m. Commission hearing.

**PROJECT EVALUATION:** The staff has the following comments relative to this project:

1. Community Plan Consistency: The South Natomas Community Plan designates the subject site as Riverfront District. As stated in this Plan document the Riverfront designation is intended to accommodate single family detached residences at a density of one unit per acre. Also this district allows water orientated commercial uses. The following provisions are listed within the Riverfront District to assist in project evaluation:

- o The location and type of land uses permitted within this district should compliment the open space and natural character of the embankment and water.
- o Natural riparian areas of significance within the District should be preserved and protected from damage or loss. This includes mature trees.
- o New or replacement uses should be restricted to single family detached residential dwellings on lots of one acre or larger, private boat docks, and water-oriented commercial uses.
- o All commercial development projects should require plan approval by the appropriate City or County planning Commission and legislative body.
- o Commercial uses should be properly screened from residential uses.
- o Commercial gas and boat service facilities should be allowed only at existing marinas.
- o Commercial uses should have adequate provisions for safe vehicular ingress or egress onto Garden Highway as well as sufficient parking.

Staff finds the proposed marina expansion consistent with these provisions. However, the proposed condominium use is not consistent. The intent of these provisions appear to emphasize retention of as much of the natural habitat as possible as well as to insure the intensity of proposed development would not be incompatible with the river setting. The current draft of the Community Plan update also expresses similar concerns.

Although the condominium portion of the project exceeds the permissible density, staff finds the general scale of development acceptable for the following reasons:

- o The condominium development occupies approximately 35 to 45 percent of the site. The remainder of the project area consists of open space. This lot coverage percentage is close to the maximum coverage of 40 percent which is allowed in the single family zone. Therefore the proposed development is not overly intense if one considers lot coverage as a measurement of intensity and land use compatibility.
- o The applicant proposes to return the majority of on-site trees. These trees will help soften the appearance of the units. In addition the utilization of post and beam construction and proposed exterior materials will be harmless with the river setting.
- o The amendment of the Community Plan to accommodate condominium units in the Riverfront district has been allowed in the past for marina associated developments (River Bank).

2. Environmental Assessment: An Environmental Impact Report was previously prepared for this project by the County Environmental Impact Section. This EIR was ratified by the Board of Supervisors and a subsequent use permit and variance was granted by the County Project Planning Commission in February of 1984.

Due to the annexation of the subject site into the City, the applicant also was required to obtain the necessary City Permits. The Planning staff prepared a Negative Declaration with mitigation measures (see Environmental Determination) based on the EIR identified mitigation measures as well as additional measures relative to City requirements and policies. Basically, the mitigation measures were imposed to assure public health and safety, retention of existing vegetation and public access to the river.

Because implementation of the project requires State and Federal Permits the Negative Declaration was routed through the State Clearinghouse. The deadline for response to the Negative Declaration corresponds with the Commission's hearing. Staff will present all comments received at the Commission hearing.

3. Annexation Agreement: On July 3, 1984, the City entered into an annexation agreement with the applicant which indicated that the City would delay certain improvements related to sewer and water services as well as Garden



Highway improvements. Therefore, no conditions are recommended pursuant to these types of improvements.

4. Circulation and Parking: The site plan indicates three points of access into the project off of Garden Highway. The City Traffic Engineer has indicated that specific details must be provided on these driveways and prior to issuance of building permits. Modifications may be required.

The residential parking (32 spaces) will be provided on the boardwalk portion of the site and the marina parking spaces (81 spaces) will be provided below the boardwalk and condominium units. However, some of the spaces do not appear to meet City Planning dimension requirements so some revisions will be necessary prior to issuance of building permits. Also, the parallel spaces adjacent to the Garden Highway entrances should be eliminated.

5. Aesthetics: The subject site has a number of mature oak, ash, and cottonwood trees on the western portion of the site. These trees contribute positively to the aesthetic qualities of the site. Most of these trees will be retained. The proposed condominium units are to be constructed on an elevated boardwalk post and beam foundation. These units are to be constructed with horizontal wood siding with metal roofs. Since the site and elevation plans appear to be schematic in nature, staff recommends that specific plans be reviewed and approved by the Design Review Board prior to issuance of building permits.

To compensate for the loss of existing vegetation and the riverview due to the condominium development, the Environmental Determination indicated that public access should be provided to the marina and area east of the condominium site. Also, the Environmental Determination concluded that the area east of the marina entrance should be revegetated. The applicant has indicated that these conditions are acceptable.

6. Condominium Map: Staff notes that in order to develop the proposed condominium units, the applicant must apply for and, receive approval, of a subdivision map.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has reviewed the proposed project and has filed a Negative Declaration, based upon compliance with the following mitigation measures:

1. The applicant shall obtain the necessary permits and adhere to the standards of development as mandated by the Federal and State permitting Agencies (Corps of Engineers, State Declaration Board, State Department of Fish and Game).
2. Development of the condominiums and associated parking shall be supported by a post and beam construction with finished floor levels above the 100 year floodplain.
3. The setbacks established by the State Reclamation Board from the levee toe and waterbank shall be maintained in their natural state. Only the removal of poison oak may be permitted. Final landscaping and revegetation plans are to be approved by the City Planning Director with the aeration system approved by the City Arborist. The only exception to maintaining the natural vegetation would be bank protection measures required by any State or Federal agency.
4. Construction work and placement of impervious surfaces shall be approved by the City Arborist. The removal and retention of existing oak trees and other vegetation shall be reviewed and approved by the Planning Director after review by the City Arborist.
5. Prior to issuance of Building Permit, a report shall be submitted for the review and approval of the Building Inspection Division which addresses the liquification potential of the site and debris impact loads of the structural foundation.
6. All construction shall occur within the dry season established by the State Department of Reclamation (normally March through October).
7. The applicant shall submit an erosion control and reduction plan for the review and approval of the City Planning Director prior to Building Permit.
8. Foundations shall be designed and constructed to accommodate debris impact loads and pressures exerted by high velocity river flows.
9. All unnecessary existing pavement within the driplines of trees and blue elderberry bushes shall be removed from the site. If it is absolutely necessary to locate a portion of driveway within the driplines of trees, the surface shall be constructed of previous materials such as turfstone. No existing blue elderberry bushes shall be removed from the site.

10. The retention of, and revegetation of natural area as shown on Exhibit C. Final landscape plans for this area shall be submitted for the review and approval of the Planning Director prior to issuance of a Building Permit.
11. A temporary 6 foot high construction chain link fence shall be installed on the north side to protect the 30 foot wide Natural Area along the riverbank prior to the start of construction, and shall remain in place until the construction is completed. The fence shall meander northward as necessary around the driplines of all oak trees which have their trunks within the Reclamation Board setback area. The land on the south side of this fence shall be left completely in a natural and undisturbed condition. The root zones of the other oak trees not approved for removal shall also be protected by temporary fencing throughout the construction period. No grading, trenching, cutting or filling should occur within the driplines of the trees which are not approved for removal. Also, no employee vehicles, construction equipment, supplies, materials or facilities shall be parked, stockpiled or located within the driplines of any trees which are not approved for removal. The only exception to trenching shall be for trenching necessary for structural post and beams as approved by the City Arborist.
12. Ten interior live oaks (15 gallon), ten valley oaks (15 gallon), and ten blue elderberry bushes (5 gallon) shall be planted within the 30 foot wide Natural Area (adjacent to the condominiums) as replacement trees for riparian vegetation which would be removed to construct the project. The planting shall occur during the month of November following the completion of construction, and the trees shall be watered as necessary until winter rains have begun.
13. The site shall not include boat launching facilities, gas sales or storage facilities, outside repair or service of boats or boat accessories, fish cleaning facilities, and outside equipment storage. Signs shall be posted accordingly.
14. Dockside pumpout facilities vessel sewage wastes, waste oils and bilge slops shall be provided.
15. A harbor policy and enforcement program prohibiting waste discharge into the river shall be provided.
16. Fish cleaning areas connected to a City approved sewage system shall be provided on the landward portion of the site.

17. Exterior lighting shall be shielded to eliminate glare toward the river.
18. Public access must be provided to portions of the marina and proposed natural area including provisions for bicycle and automobile parking spaces.
19. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impacts to less than significant effect before construction resumes.
20. The applicant shall retain and revegetate the natural area as indicated on Exhibit C to offset any reduction in wildlife habitat.

STAFF RECOMMENDATION: The staff recommends the following actions:

- A. Ratification of the Negative Declaration.
- B. Approval of the amendment of the South Natomas Community Plan to allow 14 condominium units within the Riverfront District.
- C. Approval of the Special Permit to develop 14 condominium units and to expand the existing marina to a maximum of 135 berths subject to conditions and based upon findings of fact which follow:

Conditions - Special Permit

1. The applicant shall submit the detailed plans which indicate the driveway location for the review and approval of the City Traffic Engineer prior to issuance of building permits.
2. The parking area dimensions shall be revised to comply with the City's standards prior to issuance of building permits.
3. The parallel parking spaces adjacent to the entries into the project shall be eliminated.
4. Subject to review and approval of the Design Review Board prior to the issuance of building permits.

5. Signage shall be posted designating commercial (marina) and public parking areas prior to the issuance of occupancy permits. The signage shall be subject to the review and approval of the City Planning Director.
6. The applicant shall obtain the necessary permits for development as mandated by the Federal and State permitting Agencies (Corps of Engineers, State Reclamation Board, State Department of Fish and Game) and shall be accomplished prior to issuance of a building permit.
7. Development of the condominiums and associated parking shall be supported by a post and beam construction with finished floor levels above the 100 year floodplain.
8. The setbacks established by the State Reclamation Board from the levee toe and waterbank shall be maintained in their natural state. Only the removal of poison oak may be permitted. Final landscaping and revegetation plans are to be approved by the City Planning Director with the aeration system approved by the City Arborist. The only exception to maintaining the natural vegetation would be bank protection measures required by any State or Federal agency.
9. Construction work and placement of impervious surfaces shall be approved by the City Arborist. The removal and retention of existing oak trees and other vegetation shall be reviewed and approved by the Planning Director after review by the City Arborist.
10. Prior to issuance of Building Permit, submit a report for the review and approval of the Building Inspection Division which addresses the liquification potential of the site and debris impact loads of the structural foundation.
11. All construction shall occur within the dry season established by the State Department of Reclamation (normally March through October).
12. The applicant shall submit an erosion control and reduction plan for the review and approval of the City Planning Director prior to Building Permit.
13. Foundations shall be designed and constructed to accommodate debris impact loads and pressures exerted by high velocity river flows.

14. All unnecessary existing pavement within the driplines of trees and blue elderberry bushes shall be removed from the site. If it is absolutely necessary to locate a portion of driveway within the driplines of trees, the surface shall be constructed of previous materials such as turfstone. No existing blue elderberry bushes shall be removed from the site.
15. The retention of, and revegetation of natural area as shown on Attachment C shall be accomplished prior to occupancy permits. Final landscape plans for this area shall be submitted for the review and approval of the Planning Director prior to issuance of a Building Permit.
16. A temporary 6 foot high construction chain link fence shall be installed on the north side to protect the 30 foot wide Natural Area along the riverbank prior to the start of construction, and shall remain in place until the construction is completed. The fence shall meander northward as necessary around the driplines of all oak trees which have their trunks within the Reclamation Board setback area. The land on the south side of this fence shall be left completely in a natural and undisturbed condition. The root zones of the other oak trees not approved for removal shall also be protected by temporary fencing throughout the construction period. No grading, trenching, cutting or filling should occur within the driplines of the trees which are not approved for removal. Also, no employee vehicles, construction equipment, supplies, materials or facilities shall be parked, stockpiled or located within the driplines of any trees which are not approved for removal. The only exception to trenching shall be for trenching necessary for structural post and beams as approved by the City Arborist.
17. Ten interior live oaks (15 gallon), ten valley oaks (15 gallon), and ten blue elderberry bushes (5 gallon) shall be planted within the 30 foot wide Natural Area (adjacent to the condominiums) as replacement trees for riparian vegetation which would be removed to construct the project. The planting shall occur during the month of November following the completion of construction, and the trees shall be watered as necessary until winter rains have begun.

18. The site shall not include boat launching facilities, gas sales or storage facilities, outside repair or service of boats or boat accessories, fish cleaning facilities, and outside equipment storage. Signs shall be posted accordingly.
19. Dockside pumpout facilities vessel sewage wastes, waste oils and bilge slops shall be provided.
20. A harbor policy and enforcement program prohibiting waste discharge into the river shall be provided.
21. Fish cleaning areas connected to a City approved sewage system shall be provided on the landward portion of the site.
22. Exterior lighting shall be shielded to eliminate glare toward the river.
23. Public access must be provided to portions of the marina and proposed natural area including provisions for bicycle and automobile parking spaces.
24. If unusual amounts of bone, stone, or artifacts are uncovered, work within 50 meters of the area will cease immediately and qualified archaeologist shall be consulted to develop, if necessary, further mitigation measures to reduce any archaeological impacts to less than significant effect before construction resumes.
25. The applicant shall retain and revegetate the natural area as indicated on Attachment C to offset any reduction in wildlife habitat.
26. The applicant shall meet the water flow requirements of the City Fire Department.

Findings of Fact

- a. The proposed project is based on sound principles of land use in that:
  - 1) The zoning ordinance allows the uses in the flood zones with the approval of a special permit.
  - 2) The proposal complies with the criteria for "Special Developments in the Flood Zones" in that

the development will have direct access to a major collector street, adequate on-site parking is provided; the design of the structures will be compatible with the riverfront character and surrounding properties.

- 3) The proposal is for expansion of an existing use.
- b. The project is not injurious to the general public or surrounding properties in that:
- 1) The structures will be constructed above the 100 year flood level.
  - 2) The site will meet on-site fire hydrant requirements.
  - 3) The proposal is subject to required state and federal approvals for development along the Sacramento River.
  - 4) Adequate on-site parking and landscaping shall be provided.
- c. The proposal is consistent with the 1974 General Plan in that:
- 1) Public access to the Sacramento River is provided.
  - 2) The uses are permitted in the flood zones by special permit based on criteria for "Special Developments in the Flood Zone".



## Attachment A

JUL 8 1984

RECEIVED

AGREEMENT BETWEEN MICHAEL A. COYNE, EDMUND J. COYNE, COYNE AND COMPANY, INC., AND THE CITY OF SACRAMENTO RELATING TO RIVER VIEW MARINA SACRAMENTO COUNTY ASSESSOR'S PARCEL NOS. 274-021-02, 274-030-47, 274-030-50, AND 274-030-63 AND THE WILLOW CREEK ANNEXATION (M-84-024)

This agreement is made and entered into this third day of July, 1984, between the City of Sacramento, a charter city, and Michael A. Coyne, Edmund J. Coyne, and Coyne and Company, Inc., property owners and permittees, hereafter "owners."

WHEREAS, owners own certain real property on the Garden Highway in the unincorporated area of Sacramento, Assessor's Parcel Nos. 274-021-02; 274-030-47; 274-030-50; 274-030-63, hereinafter referred to as "the property;" and

WHEREAS, the property is proposed to be annexed to the City of Sacramento as a part of the Willow Creek Annexation being conducted by the City of Sacramento under the District Reorganization Act, pursuant to Resolution No. LAFC 809 approved by the Sacramento Local Agency Formation Commission on March 7, 1984; and

WHEREAS, upon annexation of the property to the City of Sacramento owners will be required to obtain a special use permit from the City of Sacramento for development of the property as heretofore approved by the County; and

WHEREAS, the City of Sacramento adopted Ordinance No. 83-147 on December 6, 1983, declaring a moratorium on amendments to the South Natomas Community Plan within an area which includes the property; and

WHEREAS, the City of Sacramento adopted Ordinance No. 83-147 on December 6, 1983, declaring a moratorium on amendments to the South Natomas Community Plan within an area which includes the property; and

WHEREAS, owners are unable to assess their protest rights in the pending Willow Creek Annexation proceedings unless certain agreements are reached with the City of Sacramento concerning use of the property;

NOW THEREFORE, the parties hereto mutually agree as follows:

1. The City of Sacramento agrees to adopt an urgency ordinance exempting the property from the moratorium provisions of Ordinance No. 83-147.
2. The City of Sacramento agrees that water and sewerage systems serving the property are currently adequate and applicant agrees to meet City requirements for domestic water at such time as the City acquires the Swallows Nest county water system or provides City water to the property.
3. Applicant agrees to participate on an equitable and pro rata basis in any assessment district or other area improvement program hereafter formed or required by City for road and frontage improvements on and along Garden Highway. City agrees that no right-of-way or improvements are required at this time.
4. Applicant agrees to apply for and City agrees to process an application for a special permit for use and development of the property. City agrees that any conditions

of approval for such use relating to water and sewer service, and road and frontage improvements on and along the Garden Highway shall be consistent with this agreement. This agreement shall not require the City to grant a special permit.

5. This agreement shall run with the land and shall be an equitable servitude thereon. This agreement shall be binding upon and inure to the benefit of the heirs, successors, executors, administrators, and assigns of the parties, it being expressly understood that any buyer or other successor of owners shall be obligated to perform all obligations required hereunder as to that portion of the property sold or assigned.

6. This agreement shall be recorded in the office of the Recorder of Sacramento County.

WHEREFORE, the parties hereto have executed this agreement on the day and year first above written.

CITY OF SACRAMENTO

APPROVED AS TO FORM:

By \_\_\_\_\_  
Its \_\_\_\_\_

\_\_\_\_\_  
ASSISTANT CITY ATTORNEY

ATTEST:

\_\_\_\_\_  
MICHAEL A. COYNE

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
EDMUND J. COYNE  
COYNE AND COMPANY, INC.

By \_\_\_\_\_  
EDMUND J. COYNE, President

P84-187

7-26-84

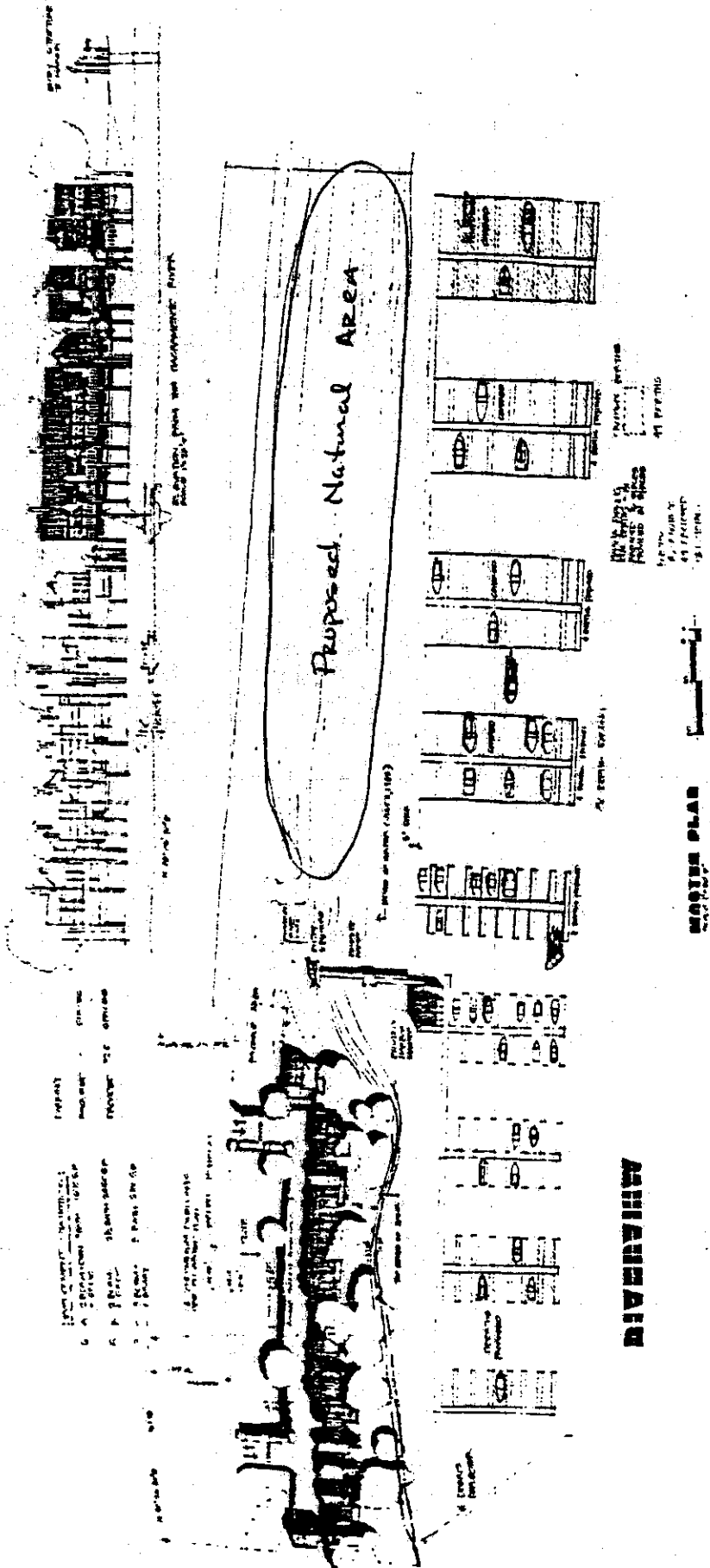
#13



P84-187

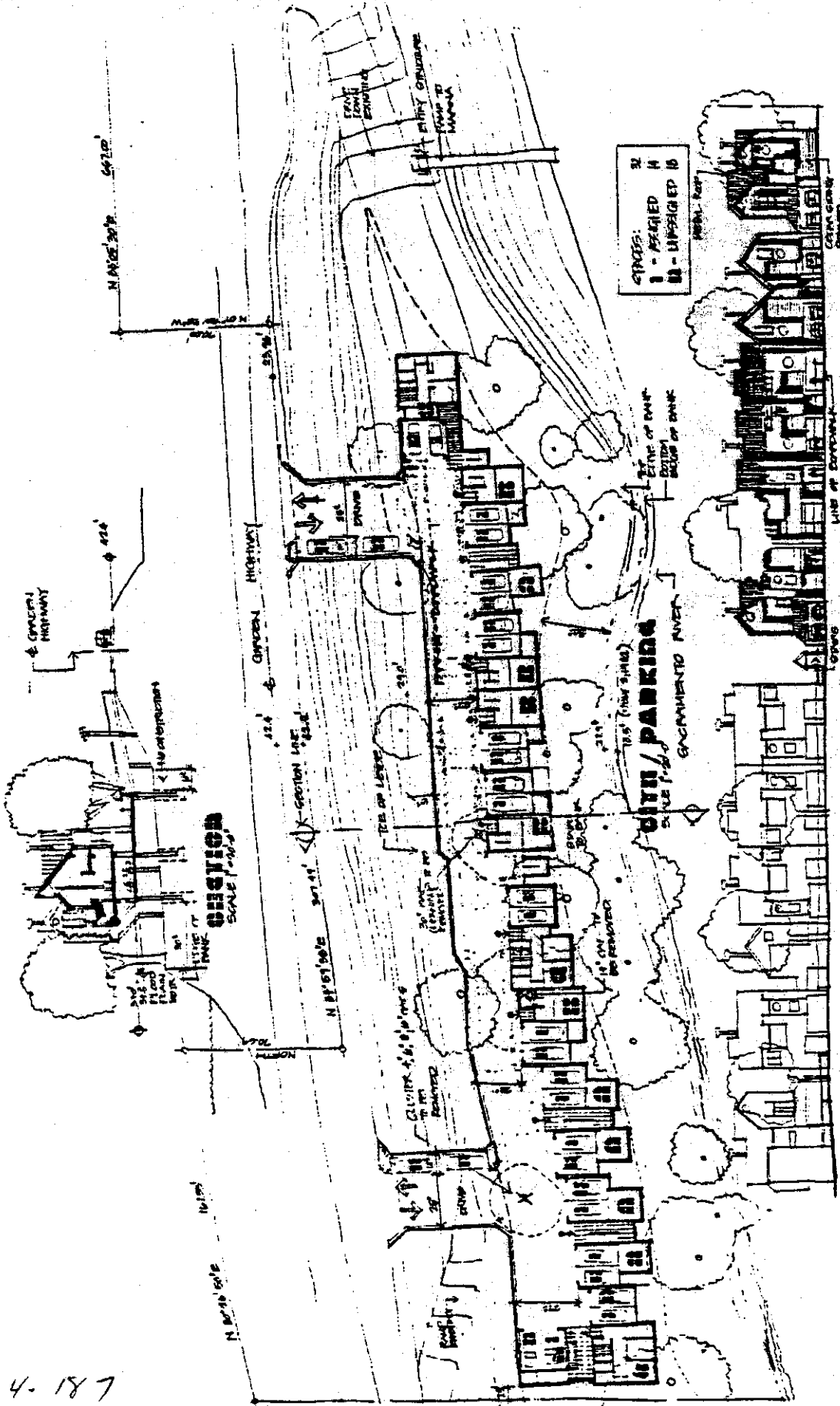
7-26-84

#13



AMERICAN

P84-187

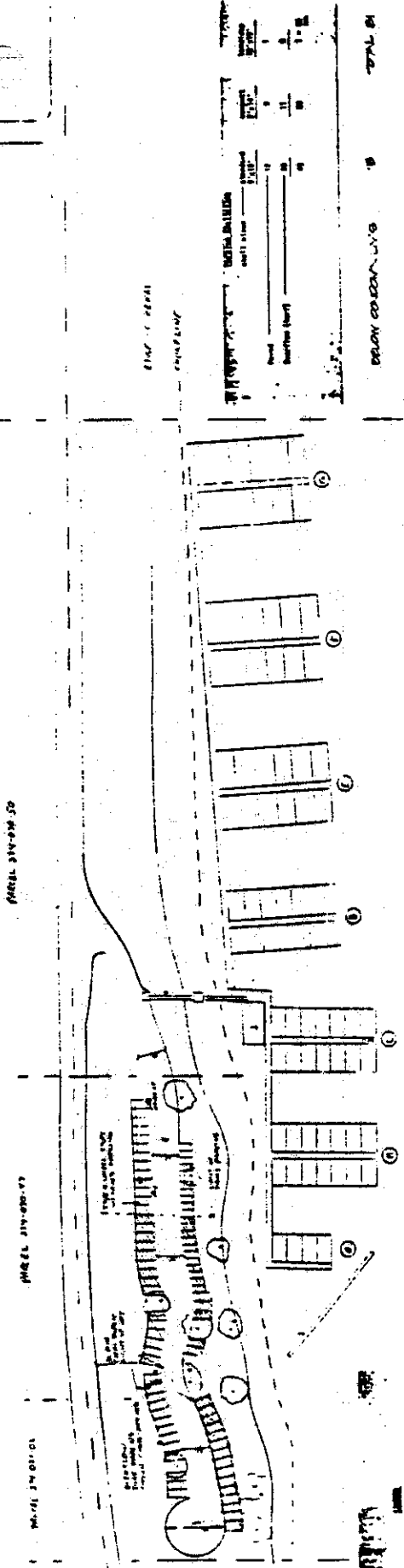


Robert S. Scott  
 1801 N. Tenth Street  
 Phoenix, Arizona 85016  
 602-254-4444

RESERVATION CONDO  
 1000 N. Tenth Street  
 Phoenix, Arizona 85016  
 602-254-4444



# RIVER VIEW MARINA



- 1. Building Footprint
- 2. Restrooms, Truck Trailer, Office and Storage
- 3. Parking Lot
- 4. Truck Trailer
- 5. Parking Area

DATE: 7-26-84  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: 1/8" = 1'-0"

REVISED  
 5-25-83