

CITY PLANNING COMMISSION
1231 "I" STREET, SUITE 200, SACRAMENTO, CA. 95814

APPLICANT	Spink Corporation - 2590 Venture Oaks Way, Sacramento, CA 95833		
OWNER	Irene Silva Trust et al - 7936 Pocket Road, Sacramento, CA 95831		
PLANS BY	Spink Corporation - 2590 Venture Oaks Way, Sacramento, CA 95833		
FILING DATE	3-23-89	ENVIR.DET	Neg. Dec.
			REPORT BY DH:sg
ASSESSOR'S PCL. NO.	031-0112-020 & 021		

- APPLICATION:
- A. Negative Declaration
 - B. Amendment to Pocket Community Plan to allow back-up lots adjacent to the Sacramento River Parkway and reduce the 40 foot levee easement to 20 feet
 - C. Rezone of 9.7+ partially developed acres from Agriculture (A) zone to Standard Single Family (R-1) zone
 - D. Tentative Map to divide 9.7+ partially developed acres into 19 single family, 8 halfplex and one lot to be dedicated to the City for parkway

LOCATION: 7936 and 7938 Pocket Road

PROPOSAL: The applicant is requesting the necessary entitlements to establish a 27-unit subdivision consisting of 18 standard single family lots and 8 halfplex lots and one common lot.

See attached amendment report

PROJECT INFORMATION:

1988 General Plan Designation: Low Density Residential (4-15 du/ac)
1988 Pocket Community Plan Designation: Low Density Residential (3-6 du/ac)
Existing Zoning of Site: Agriculture
Existing Land Use of Site: Farming with 2 houses and agriculture buildings

Surrounding Land Use and Zoning:

North: Pocket Road parkway & single family; R-1A(PUD)
South: Sacramento River; F
East: Lighthouse 29 Marina access; A
West: Single family; R-1

Property Dimensions: Irregular; 805+ ' x 600+ '
Property Area: 10.4 gross ac.; 9.7 net acres (includes 3.0 ac. Lot A)
Density of Development: 3.6 d.u. per acre
Topography: Flat
Street Improvements: To be extended
Utilities: To be extended

SUBDIVISION REVIEW COMMITTEE RECOMMENDATION: On January 10, 1990 the Subdivision Review Committee voted to recommend denial of the tentative map by a vote of seven ayes and two absent. Should the City Planning Commission or City Council seek to approve the map, tentative conditions are attached.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site is designated Low Density Residential 4-15 dwelling units per acre in the 1986-2006 General Plan and 3-6 dwelling units per acre in the Pocket Area Community Plan. The site contains two existing dwellings, several large trees and ranch out buildings. The zoning is now Agriculture with a request to rezone the site to Standard Single Family (R-1) zone. Surrounding land uses include the Sacramento River to the south, Pocket Road parkway and vacant land to the north, single family to the west and vacant to the east.

B. Project Description

The applicant has requested a community plan amendment to establish back-on lots to the Sacramento River Parkway and a reduction of the 40 foot landscape maintenance easement from the toe of the levee to 20 feet. Design criteria was included in the community plan and 1974 Sacramento River Parkway Plan which provide the most effective means of access to maintain the river parkway and provide surveillance of the residences on or near the parkway. Design criteria 4 of the South Pocket Community Plan states: Only side-on and lots fronting onto streets paralleling the river should be permitted next to the Sacramento River Parkway. The 40 foot landscape maintenance easement is required to allow for 10 feet of clear area for the maintenance of the levee, then 10 feet for tree or other vegetative planting and then 20 feet of clear area to the residential side lot line. The Parks and Community Services Department recommend in Exhibit D a 30 foot landscape strip which could be reduced to 20 feet adjacent to the roadway based upon redesign of the subdivision to eliminate the back-on lots.

Staff can find no compelling reason to establish a precedent in amending the plan. Staff recommends that the proposed tentative map be denied and that the map be redesigned and resubmitted showing a lotting pattern similar to Exhibit D reflecting elimination of back-on lots and providing a 30 foot levee landscape parkway.

C. Tentative Map Design

The proposed tentative map shows a total of 28 lots with 19 standard single family lots, 8 halfplex lots and one Lot A to be dedicated to the City of Sacramento as part of the Sacramento River Parkway. No plans were submitted for the halfplex units. Lots 6 to 13 are back-on lots to the parkway with a 20 foot landscape and levee maintenance easement shown from the toe of the levee to the rear property line of the lots. Lot 13 is proposed to retain the Silva family residence. The dwelling on Lot 11 is to be removed. A life

estate is proposed for the Silva family residence at which time the City will be able to purchase the 20 foot strip of land adjacent to the toe of the levee when the Silva's no longer reside. Parks will request 30 feet if the map is approved on the Silva family residence.

Staff does not support the map design as previously stated based upon comments received from the Parks Department, Exhibit C, and inconsistency with the Pocket Community Plan. The applicant has provided arguments for the proposed map and has provided 5 conditions acceptable to his client if the tentative map is approved (refer to Exhibit E).

D. Pocket Road Access

Access onto Pocket Road is restricted from each of the proposed halfplex lots due to a 25 foot landscape parkway adjacent to Pocket Road. No driveways to halfplex units are allowed off Pocket Road. A joint driveway from the interior streets shall provide access to both units. Absent detailed elevations and floor plans, staff recommends Planning Director review of halfplex units prior to issuance of building permits.

E. Tree Preservation

The City Arborist has inspected the site and reviewed the tentative map and commented that tree preservation measures need to be identified and agreed to prior to building permit. Complete tree specie and retention information is to be approved by the City Arborist prior to recording the final map.

F. Cultural Deposits

The site may contain archaeological evidence of human habitation. A qualified archaeologist has recommended that earth moving activities be monitored by a professional archaeologist. The Environmental Coordinator has placed appropriate mitigation measures in the negative declaration.

G. Summary

In previous instances where a proposed project is in conflict with stated goals and policies, staff provides the Commission and Council conditions should the policy be amended. Staff reminds the Commission that the Parks Department has supported reductions in the landscape maintenance easement at the toe of the levee in the LPPT Planned Unit Development when a 25 foot landscape parkway was installed adjacent to Pocket Road and provisions for bikeway installation and landscaping were made. The parkway reduction was from 40 feet to 30 feet in the LPPT PUD. Staff of the Parks Department stated at the Subdivision Review Committee meeting of January 10, 1990 that with the elimination of the back-on lots and relocation of the roadway to the levee easement, the actual required setback from toe of levee to road right-of-way is only 20 feet. The applicant can legally gain more useable area without amending the Parkway Plan or Pocket Community Plan.

The applicant has also proposed 10 feet of landscaping adjacent to Pocket Road as a continuation of LPPT Parkway. The original tentative map for Carriage Estates showed a 25 foot wide landscape parkway adjacent to pocket Road. A green belt adjacent to Pocket Road has been installed adjacent to the subject site which ranges in width from 6 feet to 20 feet. This appears to have been installed at the time street improvements were constructed. Portions of the existing turn-out and curb, gutter and sidewalk adjacent to the site will require removal and redesign. Staff would recommend continuation of the 25 foot wide parkway adjacent to Pocket Road as shown in the original tentative map.

With the above considerations in mind, the Planning Division staff and Parks and Recreation Department staff recommend denial of the proposed tentative map and advise the applicant to redesign the map to comply with the policies and goals of the Pocket Community Plan, Sacramento River Parkway Plan, and the treatment to Pocket Road as stated in the LPPT PUD Guidelines.

ENVIRONMENTAL DETERMINATION: 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 applicant shall conform to the requirements of the Uniform Building Code and all other State and local regulations governing excavations and foundation and structural design and construction.
- B. If bone, shell, prehistoric period artifacts, or unusual amounts of stone are uncovered during construction, work should halt immediately and a qualified archeologist will be retained by the applicant to evaluate the situation and make recommendations.
- C. If construction activities reveal bones or bone fragments, the applicant will contact the Sacramento County Coroner. If the bones are determined to be human and of prehistoric period origin, the corner must, by law, contact the Native American Heritage Commission.

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 for 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 (refer to Exhibit A, Initial Study Discussion).

STAFF RECOMMENDATION: Staff recommends the Commission take the following actions:

- A. Ratify the Negative Declaration;

- B. Recommend denial of the Pocket Community Plan Amendment to allow back-on lots to the Sacramento River Parkway;
- C. Recommend denial of the Pocket Community Plan and Sacramento River Parkway Plan Amendment to reduce the landscape/maintenance easement from 40 feet to 20 feet;
- D. Recommend denial of the Rezone of 9.7+ acres from Agriculture to Standard Single Family; and
- E. Recommend denial of the tentative map to be called Carriage Estates.

Should the Commission or City Council seek to approve the various requests, attachment B includes tentative map conditions.

Conditions - Tentative Map - The applicant shall satisfy each of the following conditions prior to filing the final map unless a different time for compliance is specifically noted:

1. Provide standard subdivision improvements pursuant to Section 40.811 of the City Code;
2. Prepare a sewer and drainage study for the review and approval of the City Engineer;
3. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
4. 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;
5. 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;
6. The applicant/developer shall designate and place on the final map those structures and/or lots which will meet the required 80% south orientation (including solar access) to the satisfaction of the Planning Director, or comply with Title 24 requirements of the Uniform Building Code;
7. 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;
8. Meet all County Sanitation District requirements;
9. Submit a soils test prepared by a registered engineer to be used in street design;
10. Show all existing easements;
11. Street sections shall be designed to provide for stabilized subgrades and pavement sections under high ground water conditions;

12. Pay Pocket Bridge fees;
13. Dedicate a standard 12.5-foot public utility easement for underground electrical and public utility facilities and appurtenances adjacent to all public ways;
14. Show a 20 foot parkway easement from the toe of the levee. Show toe of levee on final map;
15. Dedicate the southwesterly 5 feet of Lot 14 as a public utility easement for underground electrical and public utility facilities and appurtenances;
16. Dedicate the easterly 5 feet of Lot 13 as a public utility easement for underground electrical and public utility facilities and appurtenances;
17. Property abandon under permit any existing water wells prior to recordation of the final map;
18. Prepare a tree preservation plan for review and approval of the City Arborist prior to recording final map;
19. Existing improvements and landscaping along Pocket Road shall be revised as necessary to the satisfaction of the Public Works Department and the Landscape Architect; and
20. Note: Property to be subdivided in accordance with this map may be subject to flooding. Interested parties should ascertain whether and to what extent such flooding may occur. The applicable base flood elevations for the property should be reviewed. Base flood elevations are contained in the U.S. Army Corps of Engineers Flood Insurance Study Working Map for the Sacramento Community, dated January 1989, available at the City of Sacramento's Public Works Department, Development Services Division, Room 100, 927 10th Street;
21. A seepage study will be required by a registered engineer. The study shall identify and recommend solutions or groundwater-related problems which may occur within both the subdivision lots and public right-of-way. Appropriate facilities shall be constructed to alleviate those problems;
22. Dedicate 10 foot levee maintenance and space easement at the toe of the levee (levee r/w), to the satisfaction of the State Reclamation Board, and City Food Control and Sewer Division;
23. Eliminate the meandering lot line on parcel 13 and replace with a boundary line more easily described in a legal description;

24. The applicant shall comply with all mitigation measures listed in the negative declaration for P89-158, on file at the City Planning Division, to the satisfaction of the City's Environmental Review Coordinator. A note referencing the mitigation measures shall be placed on the face of the final map and in the deed to all lots;

25. Lot A shall be dedicated to the City of Sacramento; *For purchase*

26. The subdivider shall pave the bicycle path on the top of the levee for a distance of approximately 838.79 feet (the distance the property being subdivided backs onto the levee behind lots 5 through 13 inclusive). The surface, paving material, depths of paving material, width of the paved surface and any striping requirements shall be as directed by the Department of Public Works. Construction shall be commenced within ninety days after the reinforcement of the levee is completed. The performance of this condition shall be secured by a deposit with the City in the form of a Certificate of Deposit in an amount equal to the estimated construction costs from a local bank to be returned to subdivider upon completion of paving the bicycle path. The subdivider shall obtain all necessary permits;

27. The subdivider shall record a notice affecting lots 5 through 12 inclusive as follows:

"Notice is hereby given that a bicycle path shall be paved on the top of the levee on lot A. This notice shall not be construed to create any property interest, lien or encumbrance on said lot. This notice shall expire and be of no effect on (date to be two years after date of recording)."

28. The subdivider shall offer to sell to the City a 20 foot wide strip between the toe of the levee and the rear lot lines of the lots backing on the levee, excepting lot 13. This strip shall be inclusive of any easement area in favor of any public entity between the toe of the levee and the rear lot lines (lots 5 through 13, inclusive). This strip shall be landscaped with native trees on approximately 30 foot centers and irrigated to the satisfaction of the Department of Parks and Community Services;

30' of which 10' is easement area

29. The owners of lot 13 shall offer to sell to the City a strip of property defined as the easterly extension of the rear property line of lot 12 across the southerly portion of lot 13 (hereinafter referred to as the "Strip"). The Strip shall be inclusive of any easement area in favor of any public entity.

At the time the Strip is sold to the City, the owner of lot 13 shall:

- a. remove any building or other improvement in or encroaching on the Strip and shall meet all legal requirements for capping any well in the Strip; and
- b. landscape the Strip with native trees on 30 foot centers and install irrigation to the satisfaction of the City of Sacramento. The time for aforementioned sale, demolition and other work, and landscaping and irrigation improvements (collectively hereinafter referred to as "Sale") shall be determined as follows:

Mrs. Irene Silva, the present owner of lot 13 has represented that, before the time of her death or through her estate, lot 13 shall be transferred to John Silva. If such transfer is made, at the time John Silva ceases to reside at lot 13, or at the time John Silva dies, whichever shall occur, the Sale shall be made within One Hundred Eight (180) calendar days. If such transfer from Mrs. Silva to John Silva is not made, the Sale shall be made within One Hundred Eighty (180) days of the date of Mrs. Irene Silva's death. If the aforementioned Sale is not accomplished in whole or in part when required, then the City of Sacramento may accomplish the work, and the cost of such work shall be a lien on lot 13. This condition shall be recorded on lot 13 as a Memorandum of Agreement between Mrs. Irene Silva, John Silva and the City of Sacramento;

30. The City of Sacramento shall pay the subdivider and the owner of lot 13, as their respective interests appear, the fair market value of the property to be sold to the City of Sacramento as required by the prior two conditions as well as the fair market value of the remaining land from the levee side of the 20 foot strip to the property line in or at the Sacramento River. The respective payments shall be made not later than two years after the City of Sacramento receives each of the respective properties. Fair market value shall be determined by an appraisal obtained from an MAI appraiser paid by the City of Sacramento within six months of the date the property is dedicated to the City. The price shall be determined as of the date the final subdivision map is recorded regardless of when the property is actually sold to the City. If either subdivider

or the owner of lot 13 disagrees with the City appraisal, they shall respectively obtain a second MAI appraisal within six months of the date the City of Sacramento delivered its appraisal. If the City of Sacramento and either subdivider of the owner of lot 13 are not agreement within six months of subdivider or the owner of lot 13 delivering their respective appraisal to the City of Sacramento, then the price shall be determined by binding arbitration before the American Arbitration Association ("AAA") which the AAA costs to be borne equally to both sides with each side to bear its respective costs;

31. A decorative masonry wall shall be reviewed and approved by the Planning Director for those lots adjacent to Pocket Road. Design and color of the six foot high wall shall be compatible with similar walls along the Pocket Road Parkway.

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