

## RESOLUTION NO. 2007-810

Adopted by the Sacramento City Council

November 6, 2007

### APPROVING THE MARCONI JULIESSE ESTATES PROJECT (HEARING ON APPEAL) (APN: 266-0153-030 & 032) (P06-154)

#### BACKGROUND

- A. On August 9, 2007, the Planning Commission conducted a public hearing on and denied the Marconi Juliesse Estates Project, and on August 20, 2007, the applicant appealed the Planning Commission's decision to the City Council; and
- B. On November 6, 2007, the City Council conducted a public hearing, for which notice was given pursuant to Sacramento City Code sections 17.200.030(K) and 17.200.010(C)(2)(d)(posting and mail), and received and considered evidence concerning the Marconi Juliesse Estates Project.

#### BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Based on the verbal and documentary evidence received at the hearing on the Marconi Juliesse Estates Project, the City Council approves a special permit for two residential units and two secondary residential units and denies the tentative subdivision map based on the findings of fact as set forth below.
- Section 2. The City Council approves the Project entitlements based on the following findings of fact:

##### A. Environmental Determination

Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the City Council finds that the Project is exempt from review under Section **15322** Infill Development of the California Environmental Quality Act Guidelines as follows:

- a. The project complies with the General Plan designation and all applicable policies of the General Plan as well as with the applicable zoning regulations;

- b. The proposed development occurs within City limits on a project site of no more than five (5) acres substantially surrounded by urban uses;
- c. The project site has no value as habitat for endangered, rare or threatened species;
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e. The site can be adequately served by all required utilities and public services.

**B. Special Permit.** The Special Permit to allow the development of two residential units and two secondary residential units is approved based on the following Findings of Fact:

- 1. The project, as conditioned, is based upon sound principles of land use in that:
  - a. The project will utilize existing vacant lots;
  - b. The single-family residences are designed to enhance the existing neighborhood; and
  - c. The project will not adversely affect the surrounding land uses in that the housing units are being located in a predominately residential area.
- 2. The project, as conditioned, will not be detrimental to the public welfare, safety, or and result in the creation of a public nuisance in that:
  - a. The proposed project supports redevelopment and rehabilitation efforts to eliminate neighborhood blight;
  - b. The proposed project would eliminate the potential for nuisance activities such as illegal dumping on the vacant lots.
- 3. The project, as conditioned, complies with the General Plan policies that promote infill development to meet future housing needs, maintains and improves residential neighborhoods and develop residential uses that utilize existing and planned urban resources.

**C. Tentative Map:** The Tentative Map to subdivide 0.28± gross acres

into four lots for four detached single family residential development is denied based on the following findings of fact:

1. The design of the proposed subdivision is being reviewed in conjunction with a Special Permit for four, single-family residences in the General Commercial (C-2) zone. With the City Council's approval for the Special Permit to construct two single family residences and two secondary residences, it is unsuitable to approve the subdivision in its current configuration at this time.

Section 3. The City Council approves a special permit for two residential units and two secondary residential units based on the following conditions of approval:

**PLANNING:**

1. The approval of the project allows one single family residential unit and one secondary residential unit on each existing lot subject to the contained conditions of approval.
2. The Special Permit for one single family residential unit on each existing lot shall be established, such building permits shall be issued, within three years from the date of the City Council approval. If such use is not so established, the Special Permit shall be deemed to have expired unless a special permit time extension is submitted pursuant to the City Code Section 17.212.100. The secondary residential units can establish anytime after or at the same time the Special Permit is established.
3. Development of the site shall be fronting Juliesse Avenue and backing on Marconi Circle for all units and garages.
4. The development of the single family residential units shall comply with the footnote 26 of Zoning Ordinance Section 17.24.050.
5. All development standards for all units, include but not limit to, setbacks, lot coverage, height, etc. shall comply with Standard Single Family (R-1) zone requirement.
6. The single family residential units and the secondary residential units shall comply with the North Sacramento Alternative Development Standards or subject to Design Review approval. The secondary residential units shall have a ministerial review by the Planning Division.
7. Decorative lights shall be provided around garages and at front entries.
8. Raised panel roll-up doors shall be provided for all units and garages.

9. Front landscaping and irrigation system shall be provided on each lot.
10. Property owners shall occupy at least one of the two units on each lot.
11. The area of a secondary residential unit shall not exceed eight hundred fifty (850) square feet. If the secondary residential unit is attached to the primary single family residential unit, it shall not exceed thirty (30) percent of the floor area of the primary single family residence.
12. The square footage of the secondary residential units shall include all of the area within the building envelope of the entire detached structure, excluding garage space and exterior stairs. If a garage is provided for an attached secondary residential unit, it shall not be included in the square footage calculation.
13. The distance between the primary single family residential unit and the secondary residential unit shall be no less than six feet.
14. At least one off-street parking space shall be provided per bedroom for the secondary residential unit, which shall be outside of the front yard setback areas. The parking space or spaces may be provided in an existing or proposed garage.
15. The secondary residential units are designed and architecturally to be compatible with the primary single family residential units and the surrounding neighborhood in terms of scale and massing.
16. Applicant/owner shall obtain all necessary building permits prior to construction.

**DEVELOPMENT ENGINEERING:**

17. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. Improvements shall be designed and constructed to City standards in place at the time that the Building Permit is issued. All improvements shall be designed and constructed to the satisfaction of the Development Engineering Division. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk per City standards to the satisfaction of the Development Engineering Division.
18. The applicant shall construct Juliesse Avenue adjacent to the subject property to a modified 53-ft right-of-way street cross-section. Any extra right-of-way shall be added to the planter. The design and construction of Juliesse Avenue shall be to the satisfaction of the Development Engineering Division.

**NOTE:**

**In the event that an Assessment District within the area of the subject property is formed, or is in the process of being formed, a proof of the formation or the imminent formation of the Assessment District shall satisfy the above condition.**

19. The property line adjacent to the Marconi Circle shall be dedicated to the City as a no ingress/egress rights line to motor vehicles.
20. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Development Engineering Division.
21. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Development Engineering Division.

**DEPARTMENT OF UTILITIES:**

22. Provide a separate sanitary sewer service to each parcel to the satisfaction of the Department of Utilities (DOU).
23. Provide a drainage study and shed map as described in Section 11.7 of the City Design and Procedures Manual. This study and shed map shall be approved by the DOU. The study shall consist of either the City's SSWMM model or another method approved by the DOU. Applicant shall assure that drainage from the site to Juliesse Avenue will connect to the existing drainage system by extending pipes or upgrading and/or re-establishing ditches and culverts. New frontage improvements along Juliesse Avenue (if required) shall not block existing drainage. Drainage improvements shall be to the satisfaction of DOU.
24. A grading plan showing existing and proposed elevations is required. The lots shall be graded to drain to Juliesse Avenue. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing surface drainage paths. Lot pad elevations shall be a minimum of 1.5 feet above the controlling overland release elevation and a minimum of 1.2 feet above the highest adjoining back of sidewalk elevation. No grading shall occur until the grading plan has been reviewed and approved by the DOU.
25. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Only source control measures are required. Storm drain public notice message is required at all drain inlets. Improvement plans must include the source controls measures selected for the site. This will not affect site design. Refer to the "Stormwater Quality Design Manual" dated May 2007 for appropriate source control measures.

26. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.

**FIRE DEPARTMENT:**

27. Provide the required fire hydrants in accordance with CFC 903.4.2 and Appendix III-B, Section 5. Approved fire hydrants capable of providing the required fire flow for the protection of any and all structures shall be no further than 250 feet from any point of the property frontage. The required fire hydrants shall be installed and operational prior to any construction or on-site storage of combustible materials. Fire hydrant installations for the protection of residential projects shall comply with the following requirements:

- A. Existing "wharf" type fire hydrants do not satisfy hydrant requirements for new construction.
- B. Each approved fire hydrant shall have a minimum flow of 1,000 gallons per minute (gpm) for residential developments.

If proper fire flow cannot be achieved due to the size of available water mains, all structures without adequate fire flow shall be fitted with an approved NFPA Standard 13D fire sprinkler system. In this case, no hydrants shall be required to be installed.

28. A Water Supply Test to determine available fire flows must be requested by the project applicant. Contact the Sacramento Suburban Water District at 916-972-7171 for more information. The Administration Office is located at 3701 Marconi Avenue, Suite 100, Sacramento, CA 95821-5346.

**SMUD:**

29. Dedicate a 12.5-ft PUE for overhead and underground facilities and appurtenances adjacent to all public street rights of ways.

**SACRAMENTO SUBURBAN WATER DISTRICT:**

30. The District will require the installation of new adequate sized water mains connected to an adequate source as per Regulations to provide adequate fire protection to the proposed subdivision. The location of the water main will be in the public right of way fronting the parcels.
31. The required minimum water main size is 8-inch.
32. Individual metered water services will be required for each lot.

33. The new water facilities will be designed and installed per District's standards at the developer's cost.
34. The District will maintain ownership and provide maintenance of the facilities after a one-year warranty from the date the system is accepted. The Developers Contractor shall be liable for maintenance on the facilities installed during that one-year warranty period.
35. District fees including but not limited to connection fees, supervision and inspection cost, meter furnish only fees, construction water and plan review cost will be assessed and paid by the developer at plan approval.

**Advisory Notes:**

36. 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.
37. The proposed project is located in the Flood zone designated as an X zone on the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRMs) dated July 6, 1998. Within the X zone, there are no requirements to elevate or flood proof.
38. Existing Sacramento Regional County Sanitation District (SRCSD) facilities serving this proposed project are capacity constrained. Ultimate capacity will be provided by construction of the Lower Northwest and Upper Northwest Interceptors, currently scheduled for completion in 2010. SRCSD is working to identify potential interim projects to provide additional capacity. SRCSD and County Sanitation District 1 (CSD-1) will issue sewer permits to connect to the system if it is determined that capacity is available and the property has met all other requirements for service. This process is "first come, first served". There is no guarantee that capacity will be available when actual requests for sewer service are made. Once connected, the property has the entitlement to use the system. However, its entitlement is limited to the capacity accounted for by the payment of the appropriate SRCSD fees.
39. Developing this property may require the payment of sewer impact fees. Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

Adopted by the City of Sacramento City Council on November 6, 2007 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: Councilmember Sheedy.

  
Mayor Heather Fargo

Attest:

  
Shirley Concolino, City Clerk