

**RESOLUTION NO. 2004-937**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

DEC 14 2004

ON DATE OF \_\_\_\_\_

**A RESOLUTION ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT APPROVING THE SPECIAL PERMIT TO ALLOW A CHURCH WITHIN THE GENERAL COMMERCIAL BROADWAY STOCKTON SPECIAL PLANNING DISTRICT (C-2-SPD) ZONE AND APPROVING THE PARCEL MERGER TO MERGE TWO (2) DEVELOPED PARCELS INTO ONE PARCEL TOTALING 0.14 ACRES WITHIN GENERAL COMMERCIAL BROADWAY STOCKTON SPECIAL PLANNING DISTRICT (C-2-SPD) ZONE LOCATED AT 3540 4<sup>TH</sup> AVENUE.**

(APN: 013-0143-001, -002)  
(P03-141)

**WHEREAS**, the Environmental Coordinator has found the project to be categorically exempt from environmental review per CEQA Section 15301(a);

**WHEREAS**, at the public hearing on September 9, 2004, the City Planning Commission heard and considered evidence on the request for approval of various entitlements for the project known as The United House of Prayer For All People Church;

**WHEREAS**, on September 9, 2004, the City Planning Commission denied the requested entitlements;

**WHEREAS**, on September 20, 2004, the decision of the City Planning Commission's denial was appealed by the applicant; and

**WHEREAS**, the City Council conducted a public hearing on December 7, 2004 concerning the above project and based on documentary and oral evidence submitted at the public hearing, the Council hereby adopts the Notice of Decision and Findings of Fact, as set forth herein.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the City of Sacramento that subject to the findings of fact set forth below, the applicant's appeal is approved, and the requested project is approved by the City Council.

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## **NOTICE OF DECISION**

At the regular meeting on the above date, the City Council heard and considered evidence in the above-entitled matter. Based on verbal and documentary evidence at said hearing, the Council took the following actions for the location listed above:

- A. Environmental Determination:** Exempt (CEQA Section 15301(a));
- B. Approved the Special Permit** to allow a church to operate within the General Commercial Broadway Stockton Special Planning District (C-2-SPD) zone;
- C. Approved the Parcel Merger** to merge two (2) developed parcels into one parcel totaling 0.14 acres within the General Commercial Broadway Stockton Special Planning District (C-2-SPD) zone.

These actions were made based upon the following findings of fact and conditions of approval:

## **FINDINGS OF FACT**

- A. Environmental Determination:** The City finds that the project is categorically exempt from environmental review per CEQA Section 15301(a);
- B. The Special Permit** to allow a church to operate within the General Commercial Broadway Stockton Special Planning District (C-2-SPD) zone at 3540 4<sup>th</sup> Avenue is approved based on the following findings of fact and conditions of approval:
  - 1. Granting the Special Permit is based upon sound principles of land use in that the proposed project is consistent with the General Plan, the Broadway/Stockton Special Planning District, and the underlying General Commercial (C-2) zoning.
  - 2. Granting the Special Permit would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
    - a. The project site is designated for a general commercial use, and;
    - b. The project proposes to be located within an existing building,

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and use an existing parking lot, both of which are of consistent use and design for the Broadway Stockton Special Planning District.

3. The proposed project is consistent with the General Plan, which designates the site Medium Density Residential, and the use of the site as a church is allowed under the Medium Density Residential land use designation.

**C. The Parcel Merger** to merge two (2) developed parcels into one parcel totaling 0.14 acres within the General Commercial Broadway Stockton Special Planning District (C-2-SPD) zone is approved subject to the following Findings of Fact and conditions of approval:

1. Granting the Parcel Merger would ensure that all existing streets and/or utility easements of record are reserved;
2. Granting the Parcel Merger would result in a single parcel which conforms to the requirements of the city's general plan, the city's comprehensive zoning ordinance, and the city's building code.

### **CONDITIONS OF APPROVAL**

B. The Special Permit to allow a church within the General Commercial Broadway Stockton Special Planning District (C-2-SPD) zone is approved subject to the following Conditions of Approval:

#### **Planning**

- B1. The church use is approved with a maximum occupancy of 46 people. Any change in the nature of the use or deviation from the approved plans shall be subject to the Special Permit Modification provisions of City Code Chapter 17.212.
- B2. The church's hours of operation shall be limited to services on Sundays between 9:00 a.m. to 8:30 p.m. and Mondays through Saturdays between 8:00 p.m. to 10:00 p.m.
- B3. The onsite kitchen facilities will only be used for the benefit of those who worship at the church.
- B4. Activities at the church will only relate to worship services and meetings and programs

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for worshipers and will not include public outreach programs to serve the homeless, job training, or other similar social services.

B5. In order to minimize the use of off-street parking, the church shall encourage its worshipers to use the van-pool service and share rides to worship services. The church shall enter into an arrangement with Cal State Patrol Service, Inc. to utilize the 14 parking spaces located at 3514 Broadway for its worshipers.

### **Public Works**

B6. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk along 4<sup>th</sup> Avenue per City standards to the satisfaction of the Department of Public Works;

B7. Repair or replace/reconstruct any existing deteriorated portion of the alley, from the northern property line to the nearest street, per City standards to the satisfaction of the Department of Public Works;

B8. The site plan shall conform to A.D.A requirements in all respects;

B9. The site plan shall conform to the parking requirements set forth in Chapter 17 of City Code (Zoning Ordinance);

B10. This project does not require street lighting. There is an existing street lighting system in this project area. Improvements of right-of-way may require modification to the existing system.

### **Building**

The following shall be corrected before submitting plans for a Building permit:

B11. A Building Permit plan is required for a change in occupancy use;

B12. A handicap lift or elevator to second floor may be required;

C. The Parcel Merger to merge two (2) developed parcels into one parcel totaling 0.14 acres within the General Commercial Broadway Stockton Special Planning District (C-2-SPD) zone is approved subject to the following Conditions of Approval:

### **Public Works**

C13. The applicant shall file an application for a Certificate of Compliance with the

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Department of Public Works. The applicant must submit all documents required by the submittal requirements checklist and pay the necessary fees.

C14. The applicant must file for a Waiver of Parcel Map.

C15. The applicant shall pay off or segregate existing easements.

### **Utilities**

C16. Only one domestic water service per parcel is allowed. Any excess domestic water services must be abandoned to the satisfaction of the Department of Utilities. The applicant should be advised that the tap record research and verification of tap locations by the field crews involved prior to sign-off of this condition may take a considerable amount of time, therefore, all requests should be submitted in a timely manner.

### **ADVISORY NOTES:**

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

C17. 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.

C18. Key Boxes. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or firefighting purposes, or where the building is served by a fire alarm system which is monitored by a central station, the chief is authorized to require approved key switches, key boxes or padlocks to be installed in approved accessible locations or areas in order to permit immediate fire department access. CFC 902.4

C19. Gates and barriers. Plans shall be submitted for review and approval prior to the installation of gates, barriers, and access control devices which are to be constructed on or within fire department apparatus access roadways CFC 902.2.4.3

C20. Required Water Supply for Fire Protection. An approved water supply capable of supplying the required flow for the protection shall be provided to all premises upon which facilities, buildings, or portion of buildings are hereafter constructed or moved into or within the jurisdiction. When any portion of the facility or building protected is in

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excess of 150 feet from a water supply on a public street, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the chief. CFC 903.2 Note: contact Utilities for flow test 264-5371.

C21. Gated system. Shall be reviewed by fire single gate 20' clear width, dual gate 16' each side.

HEATHER FARGO

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MAYOR

ATTEST:           SHIRLEY CONCOLINO

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CITY CLERK  
P03-141

Exhibit 1A – Parcel Merger Plan  
Exhibit 1B – Special Use Permit Plan  
Exhibit 1C – Existing Area Parking Plan  
Exhibit 1D – Exterior Elevations  
Exhibit 1E – Exterior Elevations  
Exhibit 1F – Floor Plan

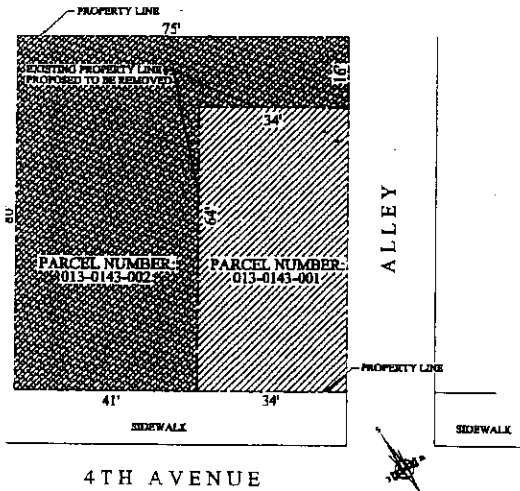
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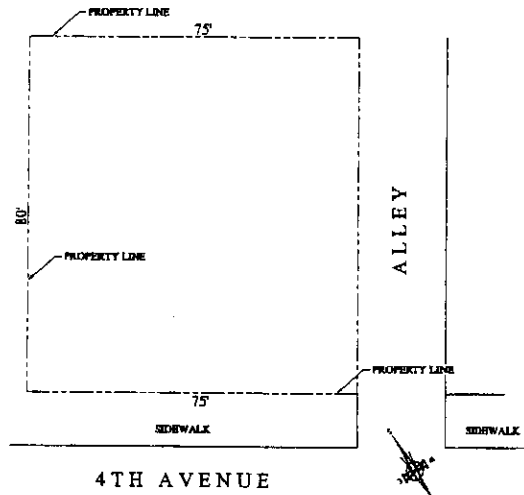
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UNITED HOUSE OF PRAYER FOR AMI IN THE  
**SACRAMENTO, CALIFORNIA HOUSE OF PRAYER**  
 HONORABLE S.C. MADISON, BISHOP

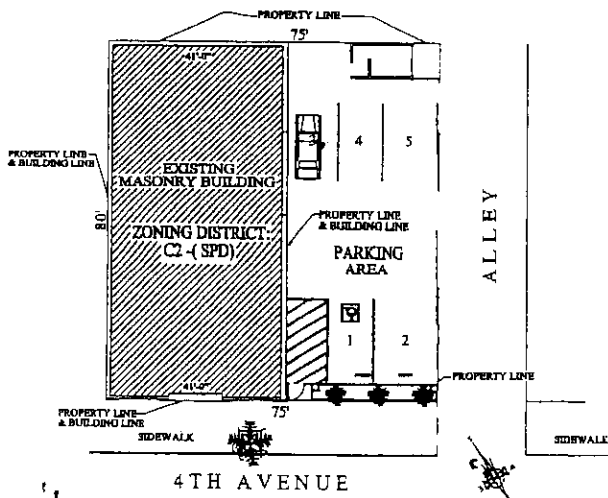
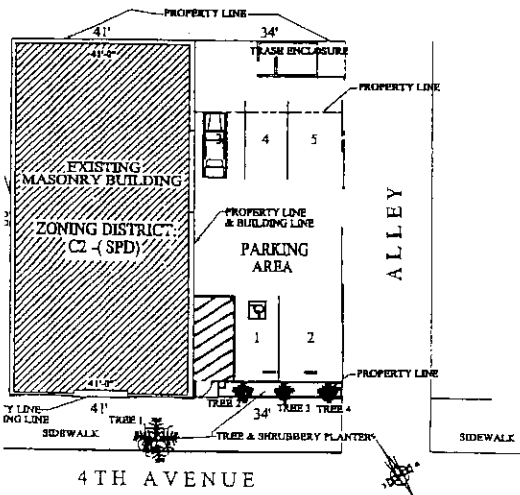
NOTE: THESE TWO LOTS (001 & 002) TO BE COMBINED TO BECOME ONE LOT



SCALE: 1/16"=1'



SCALE: 1/16"=1'



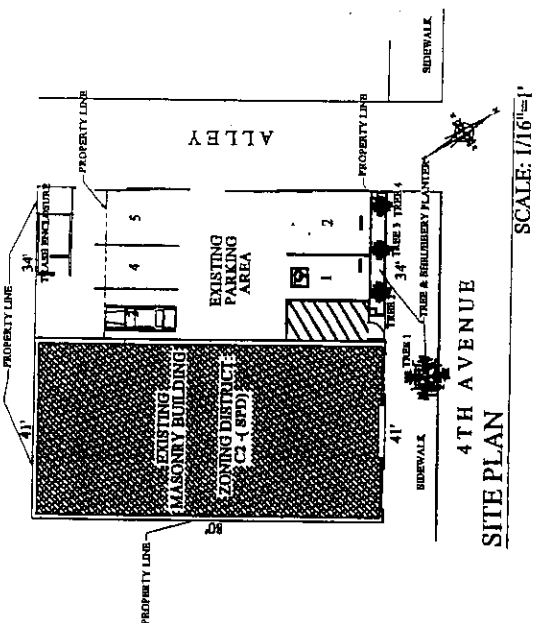
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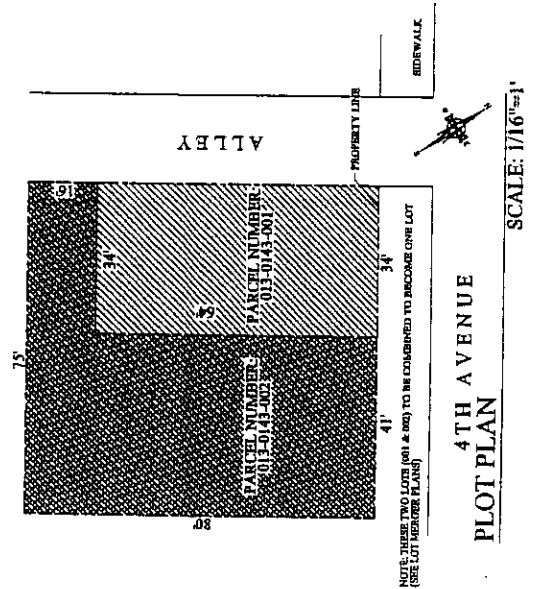
DRAWING INDEX	
SHEET #	SHEET CONTENTS
A-0	TITLE SHEET/ PLOT PLAN/ SITE PLAN
A-1	FLOOR PLANS
A-2	ELEVATIONS
A-2.1	ELEVATIONS
A-3	EXISTING AREA PARKING

NOTE - NON-SIMULTANEOUS OCCUPANCY FOR SANCTUARY & SOCIAL HALL  
 TOTAL REQUIRED PARKING: 11-12 SPACES (1 CAR FOR EVERY 4 PEOPLE)  
 TOTAL PROPOSED PARKING: 5 SPACES



4TH AVENUE  
 SITE PLAN

SCALE: 1/16"=1'



4TH AVENUE  
 PLOT PLAN

SCALE: 1/16"=1'

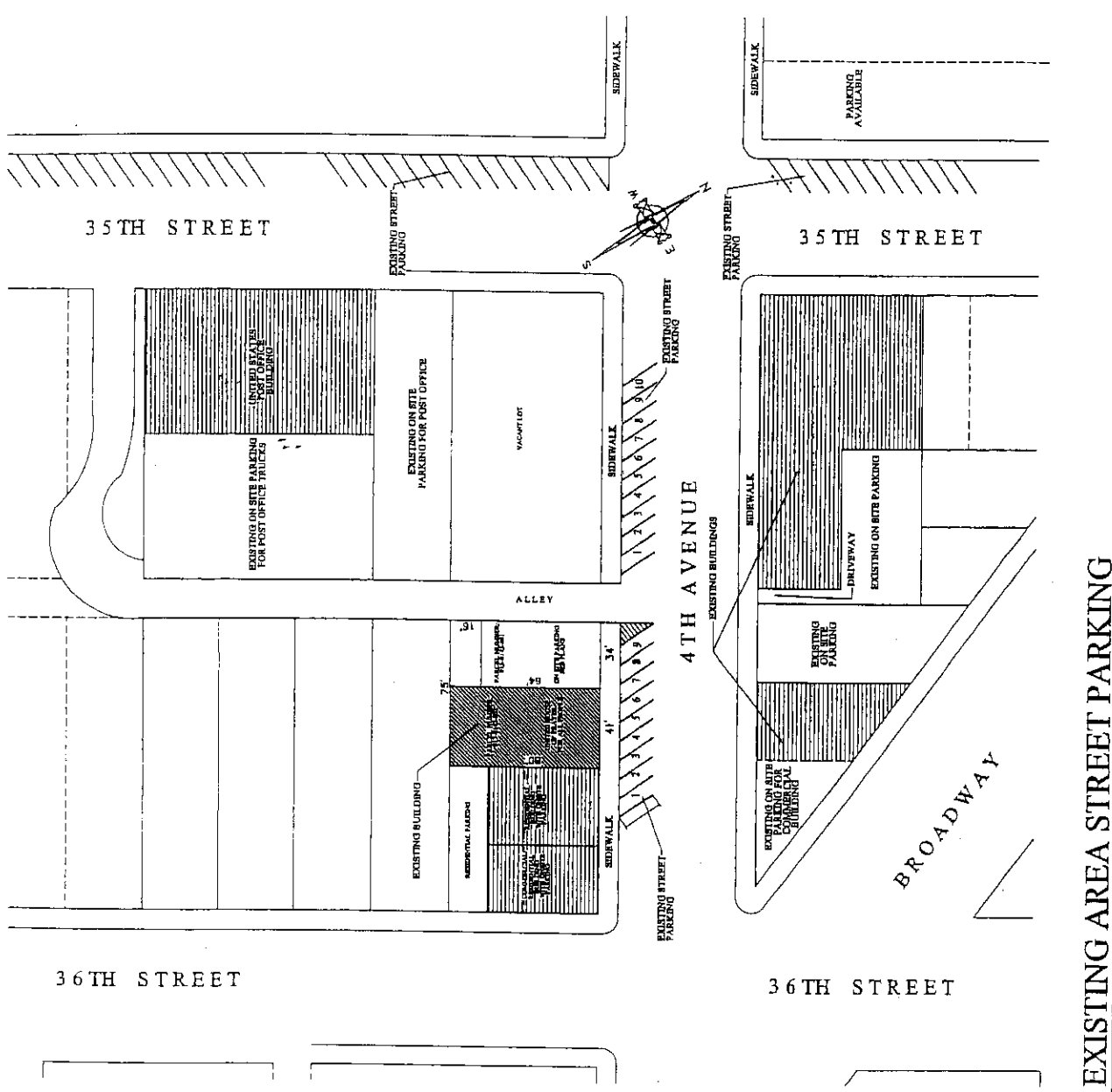
NOTE: THESE TWO LOTS (013-0143-002 & 001) TO BE COMBINED TO BECOME ONE LOT (SEE LOT MERGER PLAN)

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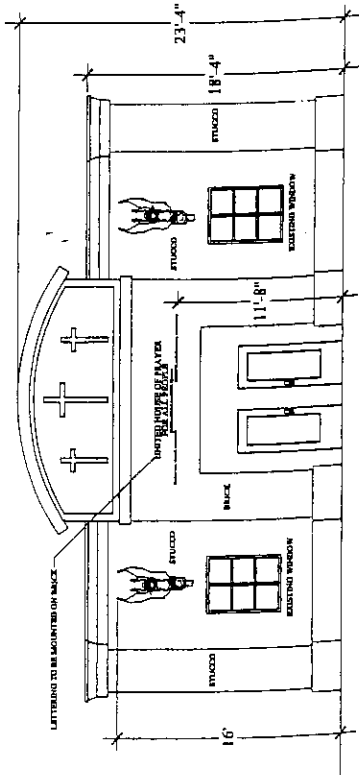
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EXISTING AREA STREET PARKING

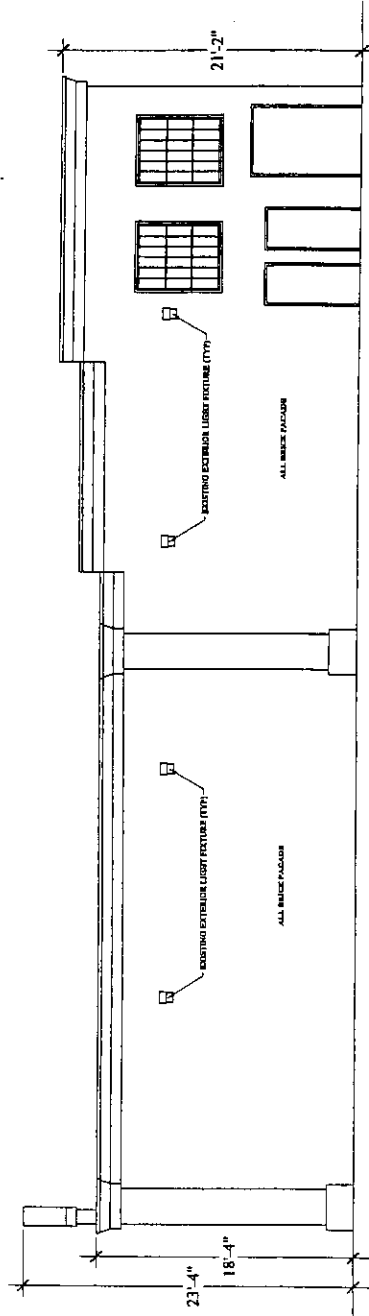
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FRONT ELEVATION  
SCALE: 1/4"=1'

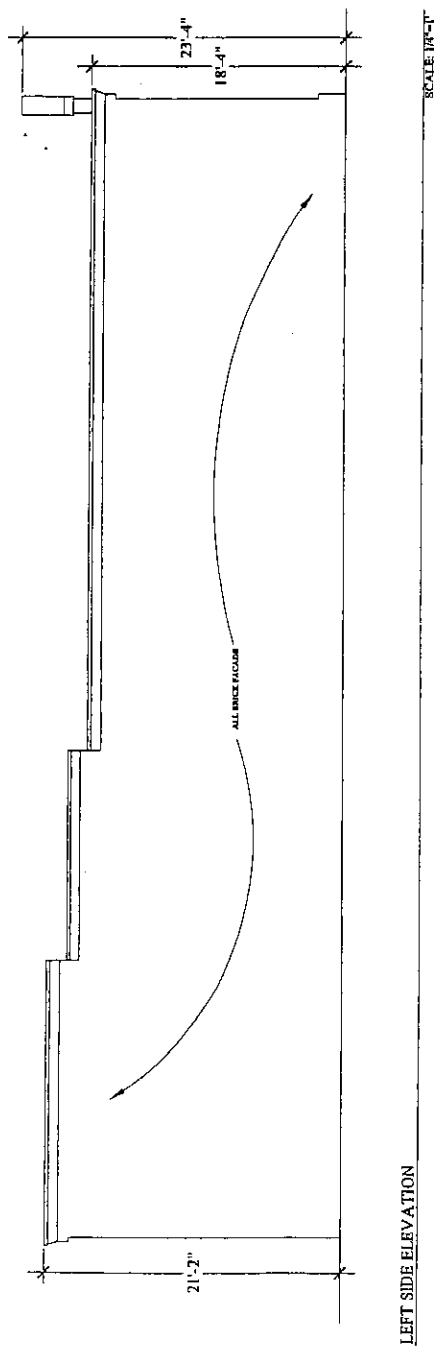
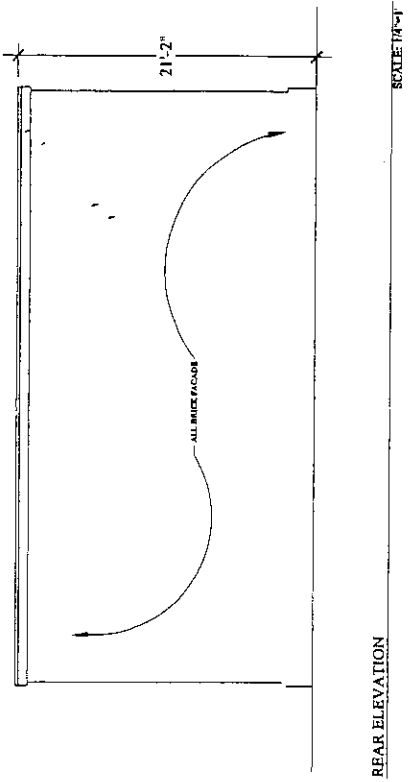


RIGHT SIDE ELEVATION  
SCALE: 1/4"=1'

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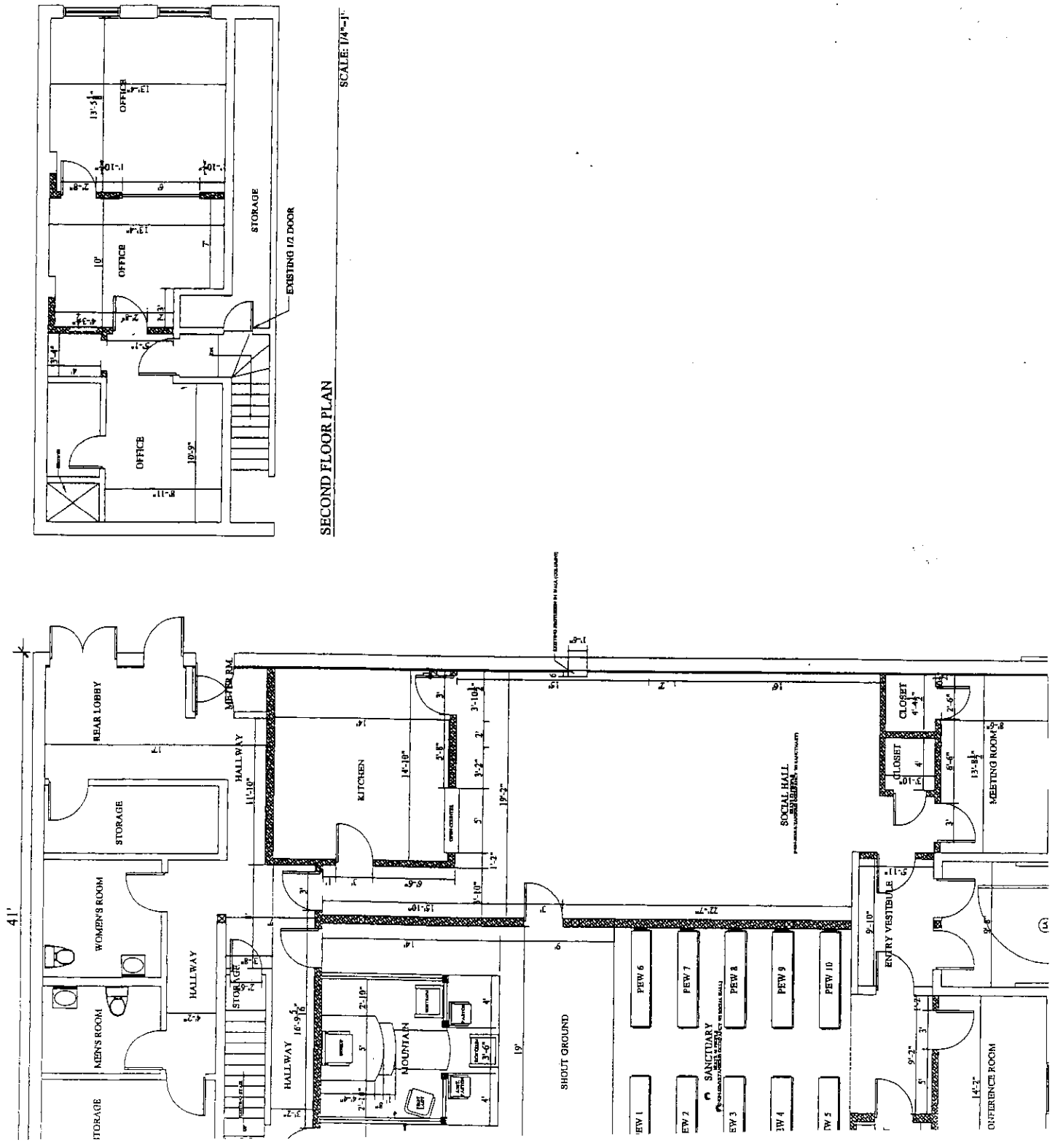
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