

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

| | | |
|---|--------------------------------------|------------------------------|
| APPLICANT: <u>Pauline Meyer/ Joseph and Linda Ehly, 1851 Heritage Lane, Suite 128, Sacto, CA 95815</u> | | |
| OWNER: <u>Pauline Meyer/ Joseph and Linda Ehly, 1851 Heritage Lane, Suite 128, Sacto, CA 95815</u> | | |
| PLANS BY: <u>Joseph and Linda Ehly, 1851 Heritage Lane, Suite 128, Sacto, CA 95815</u> | | |
| FILING DATE: <u>March 20, 1991</u> | ENVIR. DET.: <u>Neg. Dec.</u> | REPORT BY: <u>DIH</u> |
| ASSESSOR'S PCL. NO. <u>226-0020-022</u> | | |

APPLICATION:

- A. Negative Declaration
- B. Flood Variance to allow the construction of a single family residence on 3.42 vacant acres in the Agricultural (A) Zone and the A99 Flood Zone while Ordinance No. 90005 regarding the moratorium on new residential structures in the Flood Zone area of North and South Natomas is in effect.

LOCATION: Adjacent to the north of 5310 Sorento Road

PROPOSAL: The applicant is requesting the necessary entitlements to construct a single family residence in an area in which a moratorium on the construction of residential structures is in effect.

PROJECT INFORMATION:

| | |
|---|--------------------------------|
| General Plan Designation: | Rural Estates 1 du/.5- 4 acres |
| North Natomas Community Plan Designation: | Rural Estates 1 du/ ac |
| Existing Zoning of Site: | Agriculture (A) |
| Existing Land Use of Site: | Vacant |

Surrounding Land Use and Zoning:

| | |
|--------|---|
| North: | Single family residence; A |
| South: | Single family residence; A |
| East: | Single family residence; A |
| West: | Vacant farm land in County; AG-80 (County zone designation) |

| | |
|------------------------------|--------------------|
| Property Dimensions: | 180' x 856.9' |
| Property Area: | 148,975.20 sq. ft. |
| Square Footage of Units: | 4,200 sq. ft. |
| Height of Building: | 18' |
| Topography: | Sloping |
| Street Improvements: | Existing |
| Utilities: | Existing |
| Exterior Building Materials: | Wood/ stucco |
| Roof Material: | Tile |

BACKGROUND INFORMATION:

On February 6, 1990, the City Council adopted a City Ordinance establishing a Land Use Planning Policy for all of the City with less than 100-year flood protection. The City Planning Commission recommended adoption of the policy on February 1, 1990. One component of the policy imposes a temporary moratorium on residential development in North and South Natomas Community Plan areas until the Natomas levees are stabilized. The anticipated date for completion of the levees is October, 1992. Because of the recent moratorium, the applicant is, therefore, required to obtain a Flood Variance from the City of Sacramento in order to develop residential on the subject site.

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of 3.42 vacant acres in the Agriculture (A) Zone. The surrounding land use consists of single family residences on large parcels to the north, east, and south. There is vacant agricultural land to the west. The General Plan designates the area Rural Estates (1 du/ .5- 4 acres). The North Natomas Community Plan designates the area Rural Estates (1 du/ acre).

B. Applicant's Proposal

The applicant is requesting the necessary entitlements to construct a single family residence on 3.42 vacant acres in the Agricultural (A) Zone and the A99 Flood Zone while Ordinance No. 90005 regarding the moratorium on new residential structures in the Flood Zone area of North and South Natomas is in effect.

C. Staff Analysis

The Flood Policy language requires two types of variance procedures for project applications requesting to develop residential in North or South Natomas. The two types of variances are: Planning Director's Flood Variance and Planning Commission Flood Variances. The qualifying criteria for each of the two types of variances are outlined below:

Planning Director's Flood Variance - Qualifying Criteria

- * Intended for applicants who: 1) propose to construct one new single family structure, 2) that will be occupied by the applicant, and 3) on a parcel that was owned by the applicant prior to January 1, 1990.

Planning Commission Flood Variance - Qualifying Criteria

- * Intended for: applicants who propose to construct one or more new, residential structures and do not meet the criteria of the Planning Director's Flood Variance.

A Flood Variance Review Team was formed as part of the Flood Policy Variance approval or denial. The team is comprised of representatives from the City's Public Works Department, Building Inspections, the Planning and Development Department and the City Attorney's Office.

A memorandum was sent to the members of the Flood Variance Review Team to review the applicant's proposal to construct a single family dwelling on the subject site on April 24, 1991. The purpose of the meeting was to evaluate the proposed project and determine whether or not it meets the objectives of the Federal Emergency Management Agency (FEMA) Floodplain Management regulations (Subchapter B, Title 44, Code of Federal Regulations (CFR), Section 60.6, as amended (Ord. No. 88-002,1). Listed below are the objectives used by the Flood Team to make a recommendation for approval or denial.

Variations shall only be issued by the City Planning Commission upon;

- (a) a showing of good and sufficient cause;
- (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

Members of the Flood Variance Review Team did not meet as a group, but gave comments to the staff recommending denial based on the FEMA Variance guidelines. The Public Works Department representative followed up with written comments as to why the variance should be denied. Those comments are listed under the "Agency Comments".

The applicant originally applied for a Planning Director's Flood Variance since he proposed to construct one new single family structure in the flood zone. He was informed by staff that they would seek denial of the Planning Director's Variance. In order to shorten the process for the applicant who intended to appeal the denial to the Planning Commission, it was agreed by the applicant and staff to take the Flood Variance directly to the Planning Commission.

Staff does not support the variance request. The applicant is proposing to construct a single family residence for his family and elderly mother-in-law. The applicant and his mother-in-law each has a single family residence in South Natomas which is also under the moratorium. Should the applicant be allowed to construct the single family house on Sorento Road, there would be a net increase of two available residential units in the moratorium area.

As previously mentioned, the Federal Emergency Management Agency has specific guidelines in which a variance may be granted. The granting of most variances is basically limited to those lots which are less than an acre. Variations may also be granted upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances. Based on the lot size (3.42 acres), the granting of this variance would alone deviate from the recommendation of subchapter B, Title 44, Code of Federal Regulations (CFR), Section 60.6 as amended (FEMA Variance). The lot size exceeds the one-half acre guideline called for in this regulation for granting a "FEMA Variance". In addition, the applicant would be adding two residential units in the moratorium area without showing "exceptional hardship".

D. Agency Comments

The proposed project was reviewed by the Flood Variance Review Team. The Engineering Development Division has submitted the following comments:

Based on "FEMA Variance" guidelines:

- A. Based on the lot size, the granting of this request would deviate from the recommendations of subchapter B, Title 44, Code of Federal Regulations (CFR), Section 60.6, as amended (FEMA Variance). The lot size exceeds the one-half acre guideline called for in this regulation for granting a "FEMA Variance".
- B. The applicant needs to establish a case showing that an exceptional hardship will result if this variance is not granted.

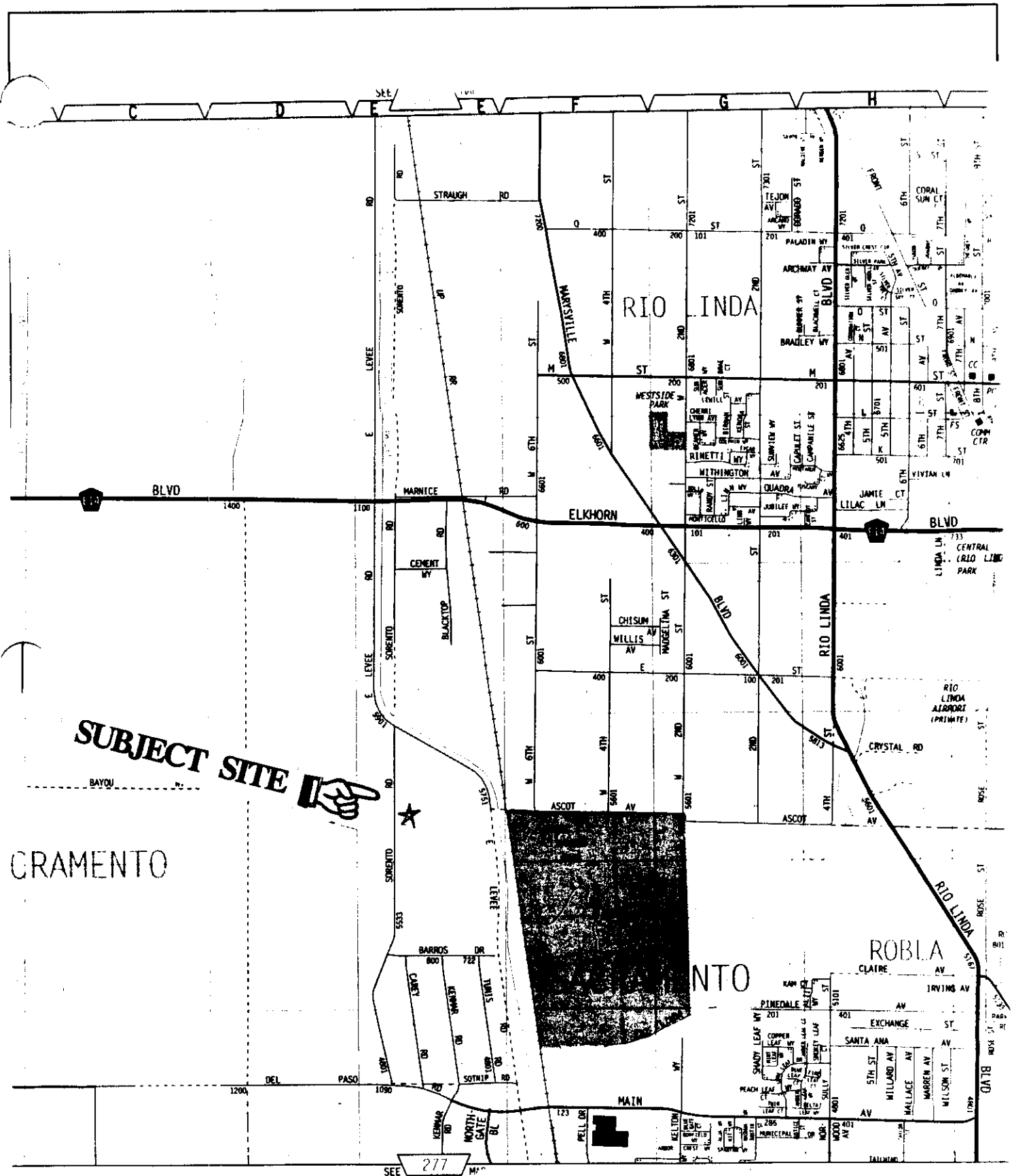
ENVIRONMENTAL DETERMINATION: The Environmental Services Manager has determined that the project, as proposed, will not have a significant impact on the environment provided the mitigation measure related to flood impacts is incorporated into the project; therefore, a Negative Declaration has been prepared. The applicant is in compliance with Section 15070(B) 1 of the California Environmental Quality Act Guidelines because he has refused to incorporate the mandatory mitigation measure (that no building permit will be issued until the moratorium is lifted) which would eliminate the significant effect on the environment.

RECOMMENDATION: Staff recommends the City Planning Commission take the following action:

Deny the Variance to allow the construction of a single family residence on 3.42 vacant acres in the Agricultural (A) Zone and the A99 Flood Zone while Ordinance No. 90005 regarding the moratorium on new residential structures in the Flood Zone area of North and South Natomas is in effect, and based on Findings of Fact which follow.

Findings of Fact

1. The project denial is based on sound principles of land use in that the net increase of two residential units in the A99 Flood Zone area prohibited by the building moratorium.
2. The project will be detrimental to the public safety or welfare, and could result in the creation of a public nuisance in that:
 - a. The addition of two net residential units in the Flood Zone could jeopardize the safety and welfare of the inhabitants of the residential units.
 - b. Based on the lot size, the granting of this request would deviate from the recommendations of subchapter B, Title 44, Code of Federal Regulations (CFR), Section 60.6, as amended (FEMA Variance). The lot size exceeds the one-half acre guideline called for in this regulation for granting a "FEMA Variance".
 - c. The applicant has failed to show that an extreme hardship exists.
3. Granting the variance would constitute a special privilege extended to an individual property owner in that variances would not be granted to other property owners facing similar circumstances.
4. Granting the variance would constitute a use variance in that additional residential buildings are not allowed in the Flood Zone covered by a building moratorium until the levee system is improved to provide a 100 year flood protection.



VICINITY MAP