

Amended
RESOLUTION NO. 2004-754
ADOPTED BY THE SACRAMENTO CITY COUNCIL
ON DATE OF SEP 21 2004

**RESOLUTION DENYING THE APPEAL AND APPROVING VARIOUS
ENTITLEMENTS TO ALLOW THE DEVELOPMENT OF SEVEN TOWNHOME
UNITS ON +0.56 VACANT ACRES IN THE RESIDENTIAL OFFICE (R-O)
ZONE (P03-011)**

WHEREAS, at a public hearing on January 22, 2004, the City Planning Commission heard and considered evidence on the request for approval of various entitlements, for the project known as Academy Arms; and

WHEREAS, on January 22, 2004, the City Planning Commission approved the requested entitlements, with conditions; and

WHEREAS, on February 2, 2004, the City Planning Commission decision approving these entitlements was called up by a member of the City Council; and

WHEREAS, on February 2, 2004, the City Planning Commission decision approving these entitlements was appealed by a third party; and

WHEREAS, on September 21, 2004, the City Council heard and considered evidence in the above-mentioned matter.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Sacramento that, subject to the findings of fact and conditions of approval set forth below, the appeal is denied and the requested entitlements are approved as conditioned by the City Council:

FINDINGS OF FACT:

The Tentative Map to subdivide one 0.56 \pm net acre parcel into seven parcels in the Residential Office (RO) zone (as shown in Exhibit 1) is hereby approved based on the following Findings of Fact:

1. The proposed map is consistent with the general plan or any applicable specific plan, or other applicable provisions of this code;

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2. The site is physically suitable for the type of development;
3. The site is physically suitable for the proposed density of development;
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision or the type of improvements are not likely to cause serious public health problems;
6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the planning commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction, and no authority is granted to the planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision; or
7. Subject to Section 66474.4 of the Subdivision Map Act, that the land is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (commencing with Section 51200 of the Government Code) and that the resulting parcels following a subdivision of the land would be too small to sustain their agricultural use. (Section 66474). (Ord. 2002-002 § 4, 2002)

The Special Permit to allow the development of seven alternative single-family homes (as shown in Exhibits 2 through 6) is hereby approved based upon the following Findings of Fact:

1. The project is based upon sound principles of land use in that:
 - a. the proposed use is compatible with existing development.

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- b. the project will not be detrimental to the public health, safety and welfare in that the proposed project has adequate off-street parking and will not result in significant noise, traffic, or parking impacts to the surrounding area.
2. The project is consistent with the General Plan and North Sacramento Community Plan in that:
 - a. The use is consistent with the North Sacramento Community Plan land use designation for the site, since the site is to be developed at 12.5 du/na and provides an alternative housing type.
 - b. The project is consistent with General Plan and Community Plan Goals and policies related to the production of ownership housing units on infill properties in the City.

CONDITIONS OF APPROVAL

The Tentative Map to subdivide one 0.56± net acre parcel into seven parcels in the Residential Office (RO) zone (as shown in Exhibit 1) is hereby approved subject to the following conditions:

Public Works

The applicant shall satisfy each of the following conditions prior to filing the Final Map unless a different time for compliance is specifically stated in these conditions:

1. Pay off existing assessments, or file the necessary segregation requests and fees to segregate existing assessments;
2. Pursuant to City Code Section 16.40.190, 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 Department of Public Works after consultation with the U.S. Postal Service;
3. Private reciprocal ingress, egress, and maneuvering easements are required for future development of the area covered by this Tentative Map. The applicant shall enter into and record an Agreement For Conveyance of Easements with the City stating that a private reciprocal ingress/egress, maneuvering, and parking easement shall be conveyed to and reserved from any parcel, at no cost, at the time of sale or other conveyance of any parcel;

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4. Show all continuing and proposed/required easements on the Final Map.
5. 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;
6. Construct standard subdivision improvements as noted in these conditions pursuant to section 16.48.110 of the City Code. All improvements within the public right of way shall be designed and constructed to the satisfaction of the Department of Public Works. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards;
7. Dedicate (if necessary) additional right of way adjacent to the subject site to cover the area of the existing cul-de-sac, to the satisfaction of the Department of Public Works.
8. The design and placement of walls, fences, signs and Landscaping 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 to 3.5' in height. The area of exclusion shall be determined by the Department of Public Works.

Utilities

9. The applicant shall enter into and record and Agreement for Conveyance of Easements with the City, in a form acceptable to the City Attorney, stating that each parcel shall convey to the remaining parcels, as needed, private easements for storm drainage, water, and sanitary sewer at no cost at the time of sale or other conveyance of any parcel. A note stating the following shall be placed on the Final Map:

"THE PARCELS CREATED BY THIS MAP SHALL BE DEVELOPED IN ACCORDANCE WITH RECORDED AGREEMENT FOR CONVEYANCE OF EASEMENTS # (BOOK __, PAGE __)."

10. Provide separate metered domestic water services to each parcel. Point of service for each parcel shall be at the street right-of-way.

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11. Prior to or concurrent with the submittal of improvement plans, the applicant must provide the Department of Utilities with the average day water system demands, the fire flow demands, and the proposed points of connection to the water distribution system for the proposed development. The Department of Utilities can then provide the "boundary conditions" for the design of the water distribution system. The water distribution system shall be designed, per Section 13.4 of the Design and Procedures Manual, to satisfy the more critical of the two following conditions:
 - a. At maximum day peak hour demand, the operating or "residual" pressure at all water service connections shall be at least 30 pounds per square inch.
 - b. At average maximum day demand plus fire flow, the operating or "residual" pressure in the area of the fire shall not be less than 20 pounds per square inch.

The method and calculations for the design of the water distribution system shall be reviewed and approved by the Department of Utilities prior to improvement plan approval. The existing 4" water main may need to be replaced with a larger water main to meet these requirements.

12. Prior to design of the subject project, the Department of Utilities suggests that the applicant request a water supply test to determine what pressure and flows the surrounding public water distribution system can provide to the site. This information can then be used to assist the engineers in the design of the on-site domestic, irrigation and fire suppression systems.
13. All water, sewer, and drainage facilities within the subdivision shall be private and constructed to City standards and approved by the Department of Utilities. The City's responsibility for the maintenance of these facilities shall end at the point of service at the City right of way.
14. An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All on-site systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual). Dedicate an exclusive drainage easement for the 12" SD pipe that runs through Lot 4 to the satisfaction of the Department of Utilities, and execute a hold harmless agreement.
15. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing

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surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.

16. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.
17. 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. This will not affect site design. Refer to the "Guidance Manual for On-Site Stormwater Quality Control Measures" dated January 2000 for appropriate source control measures.
18. The Applicant shall comply with City Code 16.64 (Parkland Dedication) and dedicate a park site at a location deemed acceptable to the City's PPDD; and/or, as determined by PPDD, submit to the City an appraisal of the property to be subdivided and pay the required parkland dedication in -lieu fees.
19. The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district), or annex the project to an existing parks maintenance district Prior to recording a Final (Parcel) Map. The applicant shall pay all city fees for formation of or annexation to special districts. The purpose to the district is to equitably spread the cost of neighborhood park maintenance on the basis of special benefit, in the case of an assessment district. In the case of a special tax district, the costs will be spread base upon hearing report which specifies the tax rate and method of apportionment.

Planning

20. Using a certified asbestos removal contractor, remove all visible Black Felt material prior to site grading or disturbing existing debris and standing walls.
21. In the event that soils are to be moved off-site for any reason, additional lead analysis shall be conducted to determine lead solubility concentration via Soluble Threshold Limit Concentration (STLC) analysis. Disposal shall be to approved facilities, using certified procedures.

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22. Institute standard OSHA dust control measures during grading activities, including wetting soil surface and careful handling procedures.
23. Conduct daily personnel and perimeter air monitoring, per industry standard (for asbestos fibers and lead) during debris removal and initial grading activities
24. Prior to obtaining a Final Map for the project, the applicant shall create a Homeowners Association (HOA), with Covenants, Codes, and Restrictions (CC&R's). The City shall review the CC&Rs to ensure that they contain language which: 1) provides for the maintenance of landscaping and driveways, 2) provides for enforcement of conditions as detailed in this resolution, 3) requires that the units be owner occupied by the first purchasers of the property, and 4) requires that exterior colors be approved by the HOA.

The Special Permit to allow the development of seven townhouse units in the RO zone (as shown in Exhibits 2 through 6) is hereby approved subject to the to the following conditions:

Planning

1. The project shall be subject to staff level Design Review and approval prior to issuance of a building permit for the project. Prior to submittal of plans to design review staff, the applicant shall provide detailed plans to adjoining property owners for their review. The project shall be designed to be architecturally consistent with adjacent houses to the southeast of the project site, and shall include the following:
 - a. On the eastern elevations of units 5, 6, and 7 there shall be either no windows or frosted windows with trim.
 - b. The units shall have, brick, stone, or stucco stone material at least three feet high along the base (wainscoting) on all elevations
 - c. Each unit shall have different architectural features (i.e., facade treatments, porch columns) to prevent monotony.
 - d. The units shall have staggered front setbacks along Del Paso Boulevard (as depicted in exhibit 1-A (Site Plan, Plan B)
 - e. Provide windows on the side elevations on the second floor.
 - f. Provide shutters on all windows, or other window trim detail as approved by

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Design Review Staff.

- g. Provide windows on the garage elevations which face Del Paso Boulevard.
 - h. Provide ground mounted heating and air conditioning units which are visually screened.
 - i. Utilize a minimum 25-year dimensional composition roofing material.
 - j. The privacy fences located in the front of the units shall be no more than 3 feet high.
2. Landscaping and evergreen trees (minimum 15 gallon) shall be planted along the southeast side of the project. The landscaping shall be irrigated and maintained.
 3. A masonry wall shall be constructed on the property line between the project site and existing development to the south and east.
 4. Solid waste containers for the four units facing Del Paso Boulevard shall be picked up along Del Paso Boulevard.
 5. Access to the site shall be from Del Paso Boulevard, subject to review and approval by the Development Engineering and Finance Section. Emergency access will be provided on Academy Way. The emergency access gate shall be secured by Knox box, approved by the Fire Department.

Utilities

6. Provide separate metered domestic water services to each parcel. The point of service for each parcel shall be at the street right-of-way.
7. All water, sewer, and drainage facilities within the subdivision shall be private and constructed to City standards and approved by the Department of Utilities. The City's responsibility for the maintenance of these facilities shall end at the point of service at the City right of way.
8. An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All on-site systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).
9. A grading plan showing existing and proposed elevations is required. Adjacent off-site topography shall also be shown to the extent necessary to determine impacts to existing

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surface drainage paths. No grading shall occur until the grading plan has been reviewed and approved by the Department of Utilities.

10. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance requires the applicant to show erosion and sediment control methods on the subdivision improvement plans. These plans shall also show the methods to control urban runoff pollution from the project site during construction.
11. 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. This will not affect site design. Refer to the "Guidance Manual for On-Site Stormwater Quality Control Measures" dated January 2000 for appropriate source control measures.

Advisory Notes

1. The City Transportation Department is directed to evaluate installation of better directional signage for the Light Rail Station at Marconi Avenue and Kenwood Street and a diverter type circle at Kenwood Street and Academy Way to facilitate direction of traffic to the light rail station.

Building

2. Provide 6' minimum separation between a single townhouse and two-unit townhouse.
3. Provide two-one hour firewall with 1" air gap between the townhouse and zero property line.
4. Provide 30" minimum parapet between townhouses. Otherwise, the design shall comply with exceptions outlined in UBC section 709.4.
5. Provide entire building with not less that a Class B roofing assembly.
6. No underground utilities (Sewer, Water, Electrical, Drain, Fire) shall cross property lines. If that cannot be achieved, provide easements.
7. Roof overhang shall be a minimum 3 feet from property line, or install an exterior fire rated wall to protect the roof overhang.

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Fire

- 8. Provide a minimum 20-foot fire lane.
- 9. Provide adequate space for fire vehicle turnaround.
- 10. Provide adequate fire flow/hydrants.
- 11. Access gates, if any, shall be equipped with Knox hardware.

Utilities

- 12. 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.
- 13. Developing this property may require the payment of additional sewer impact fees. The Applicant should contact the Fee Quote Desk at 876-6100 for sewer impact fee information.

HEATHER FARGO

MAYOR

ATTEST:

SHIRLEY CONCOLINO

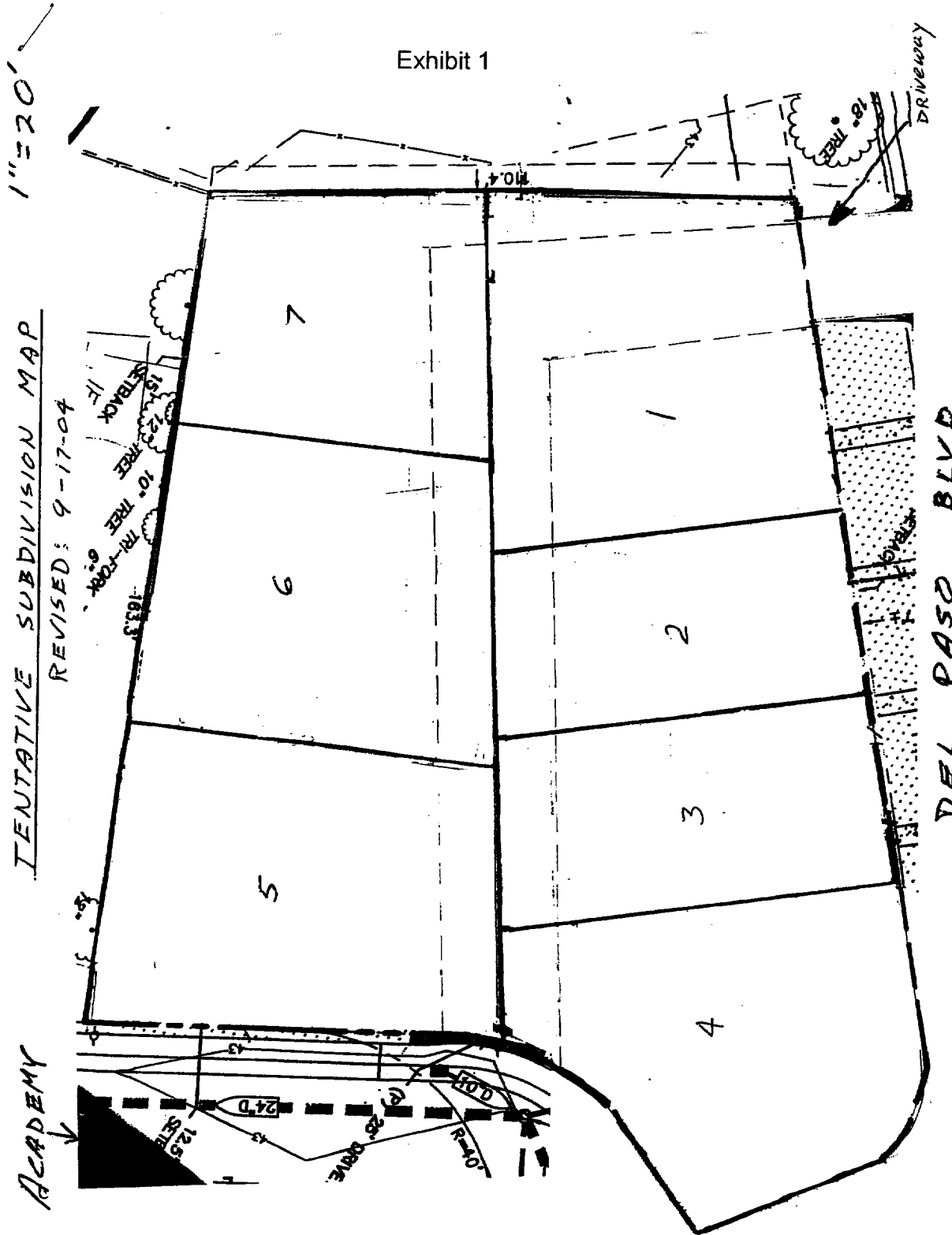
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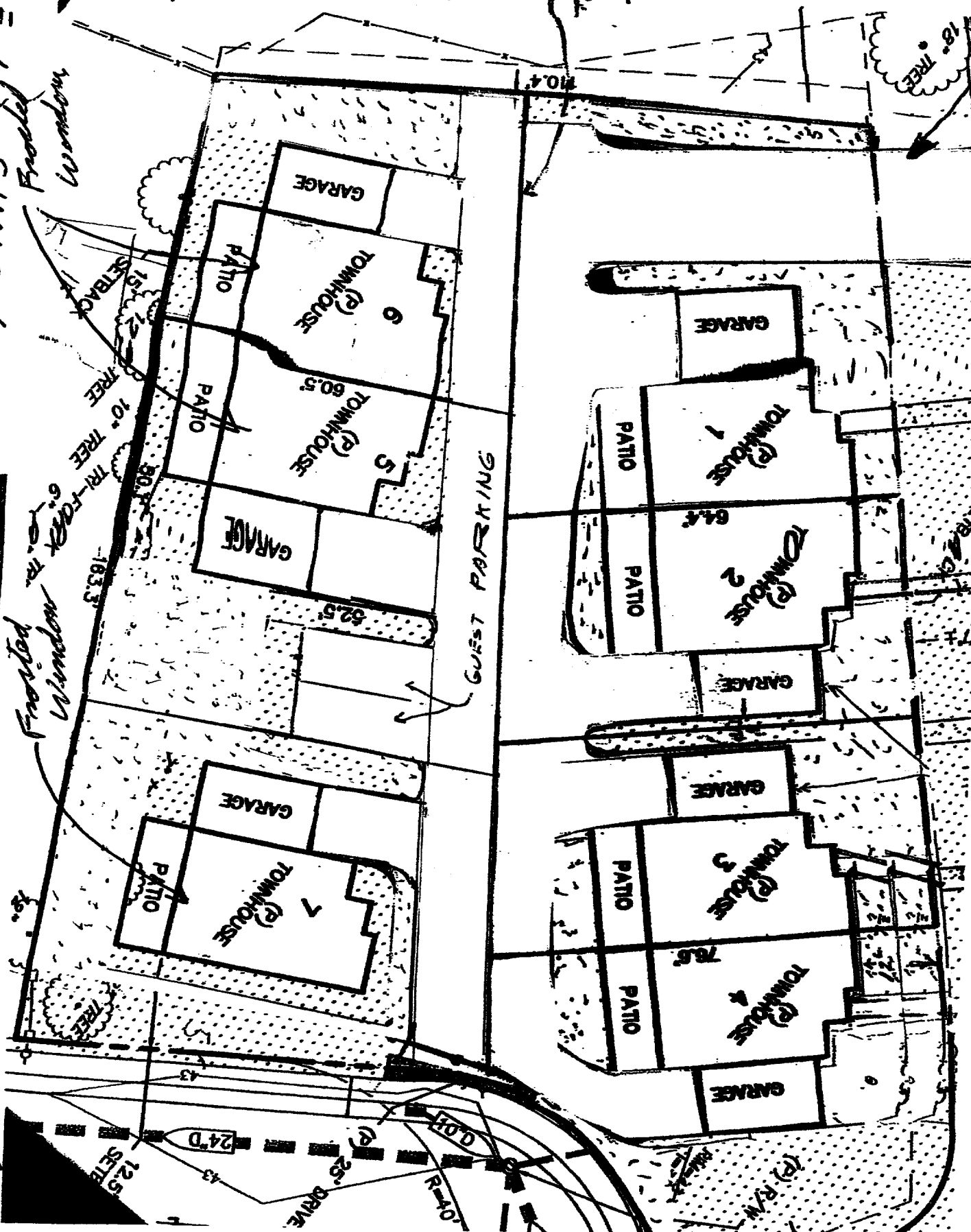
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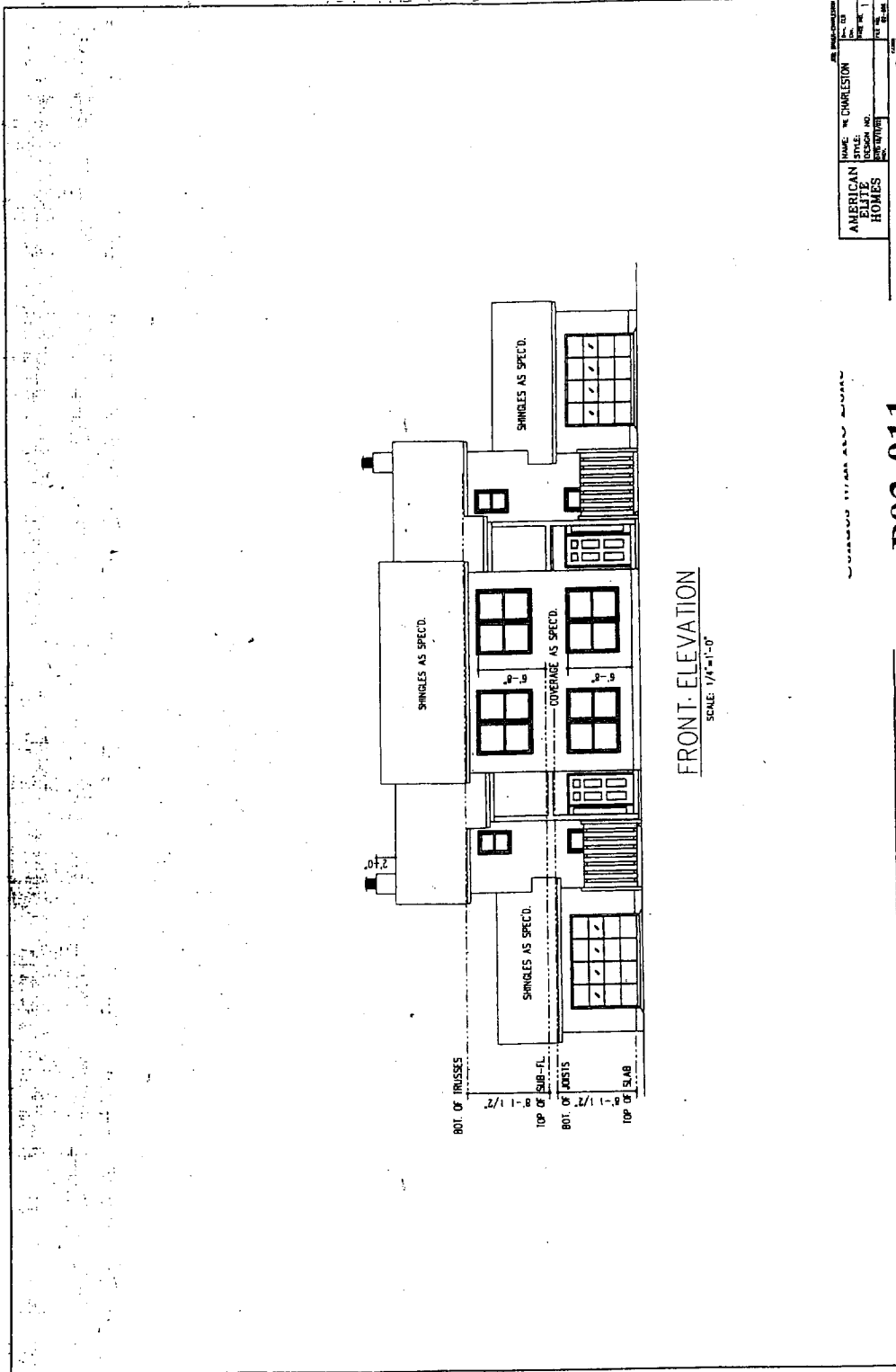
PLAN B

7-UNITS
Frosted 1" = 20'

Woods

18" TREE





FRONT ELEVATION
SCALE: 1/4"=1'-0"

NAME	CHARLESTON
STATE	
DESIGN NO.	
DATE	
PROJECT	

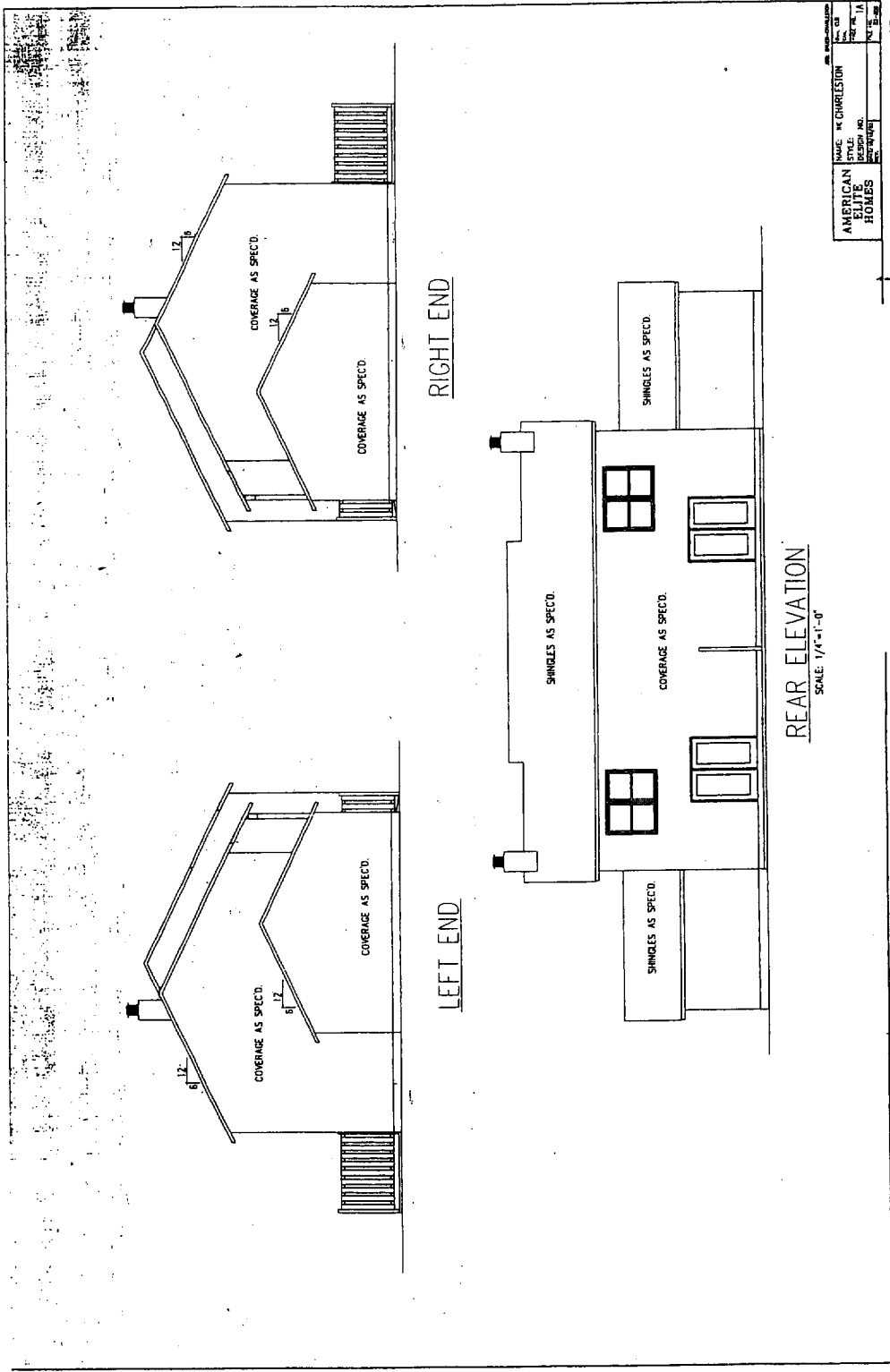
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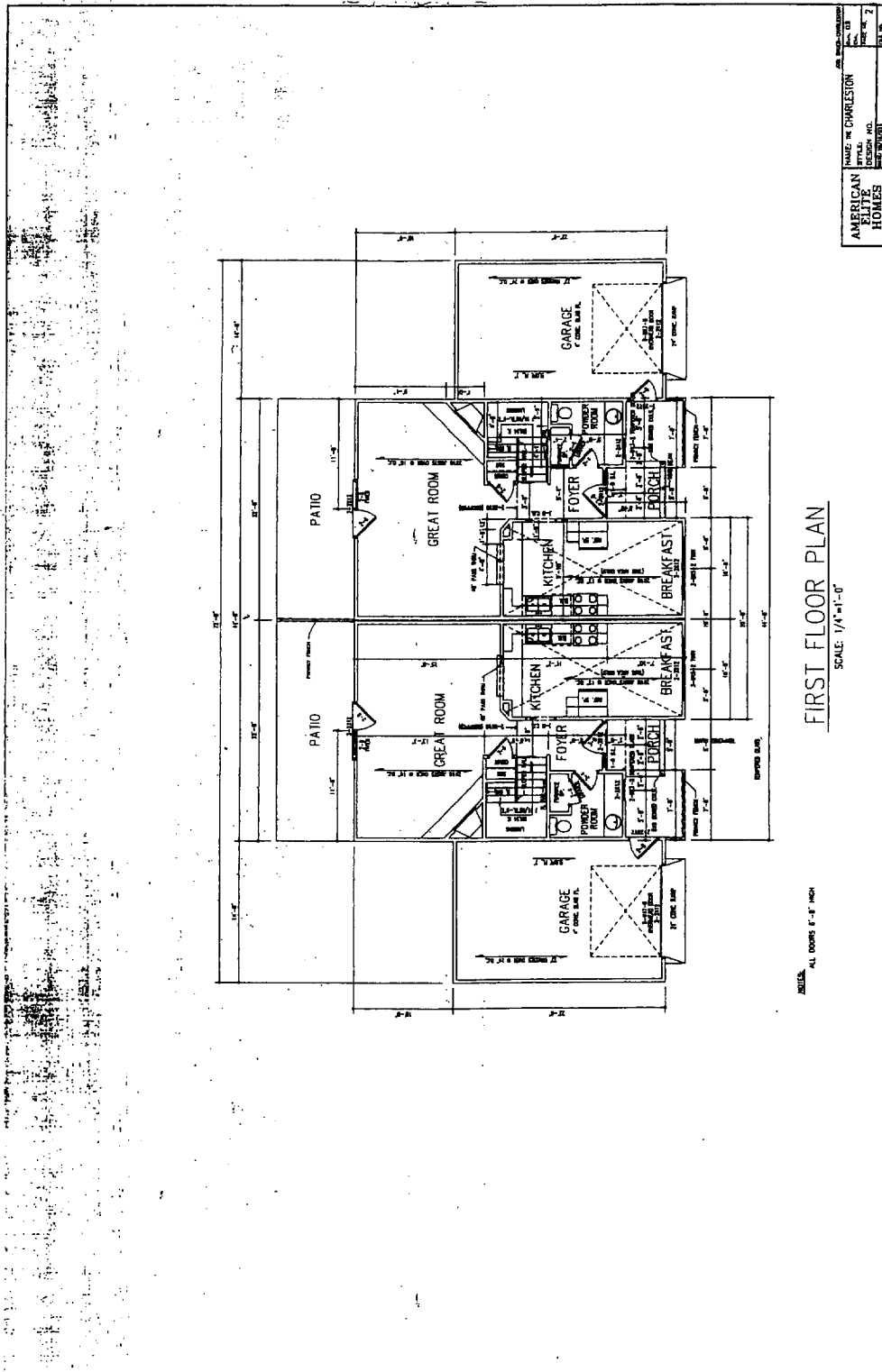
NAME	W. CHARLESTON
STYLE	AMERICAN ELITE HOMES
DATE	1/11/03
BY	
CHECKED	

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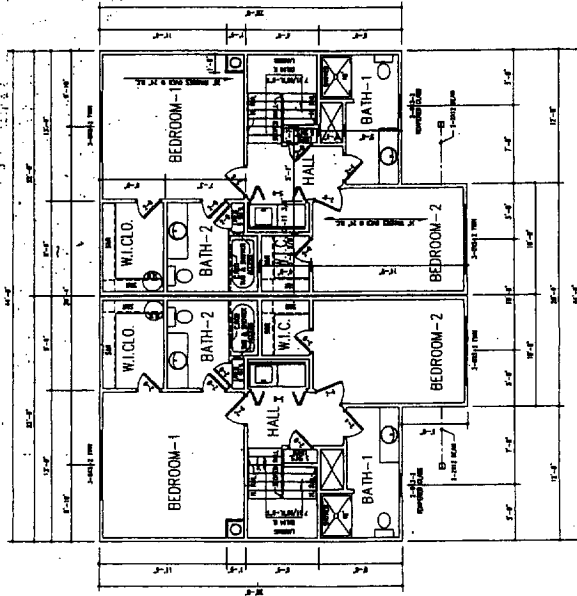


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AMERICAN ELITE HOMES	NAME: THE CHARLESTON
	STYLE: NO.
	PROJECT NO.
	DATE: 1/22/03

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SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

NOTES:
ALL ROOMS 8'-0" HIGH

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