



Help Line: 916-264-5011 CityofSacramento.org/cdd

# DIRECTOR REPORT

#### STAFF RECOMMENDATION

Staff recommends the Zoning Administrator approve with conditions the Tentative Parcel Map, and the Design Director approve with conditions the Site Plan and Design Review for deviations to development standards including lot size, lot width, and the creation of a parcel without public street frontage and for alterations to the existing residence for the project known as **Z23-098**. Draft Findings of Fact and Conditions of Approval for the project are included below.

# **REQUESTED ENTITLEMENTS**

- 1. **Tentative Subdivision Map** to subdivide one 0.23-acre lot into two lots within the Single-Unit Dwelling (R-1) Zone.
- 2. **Site Plan and Design Review** with deviations for lot size, lot width, and the creation of a parcel without public street frontage. The existing house is proposed to remain with alterations including a raised basement and new stairs.

#### PROJECT INFORMATION

Location: 5081 10<sup>th</sup> Avenue

Parcel Number(s): 015-0191-063-0000

Council District: 6

Applicant/Owner: Havencrest LLC c/o Colin Hammett

2398 Fair Oaks Blvd. #7 Sacramento, CA 95825

Project Planner: Danny Abbes, Associate Planner, (916) 808-5873

Hearing Date: May 2, 2024

Land Use Information

General Plan Designation: Neighborhood
Community Plan Area: Fruitridge/Broadway
Zoning: Single-Unit Dwelling (R-1)

Design Review Area: Citywide
Parking District: AB 2097
Existing Land Use of Site: Residential

# Surrounding Zoning and Land Uses

North: R-1 Residential South: R-1 Residential East: R-1 Residential West: R-1 Residential

# Site Characteristics

Existing Property Area: 1 lot, 10,168 square feet / 0.23 acres Proposed Property Areas: 2 lots (sizes detailed in Table 1)

Topography: Flat
Street Improvements: Existing
Utilities: Existing

#### **ATTACHMENTS**

Attachment 1: Tentative Parcel Map, Attachment 2: Public comment

#### PROPOSED PROJECT AND ANALYSIS

# Background

The subject site is a nearly quarter-acre square foot lot at the end of 10<sup>th</sup> Avenue with an existing residence. The residence is located on the northern half of the parcel. The applicant is proposing to split the residential lot in half and make alterations to the existing house. A fallen tree damaged the residence and part of the request is to repair damage to the roof and porch while also raising the basement height. There is no construction proposed for Parcel 2 with this application. A future request to develop the parcel would require review and approval of a separate Site Plan and Design Review entitlement.

# Project Details

The proposed split of the subject site into two residential lots requires entitlements for a Tentative Parcel Map and Site Plan and Design Review to analyze site access and lot size, width and depth. This request requires a public hearing and decisions by the Zoning Administrator and Design Director. The applicant is proposing to subdivide the existing 0.23-acre residential lot into two residential lots and is requesting deviations to development standards for minimum lot size and width, and for the creation of a parcel without public street frontage.

# Tentative Parcel Map (TPM) and Site Plan and Design Review (SPDR)

Table 1 below shows the proposed lot sizes and dimensions, with deviations identified where applicable. Staff supports the deviation requests since the parcels can accommodate residential development, and since proposed Parcel 2 without street frontage does not have a vehicle parking requirement and can be accessed from the existing 10<sup>th</sup> Avenue sidewalk.

The subdivision will allow for an additional residence or residences in a location within close proximity to the Stockton Blvd. commercial corridor and large-scale employer UC Davis Medical Center. Furthermore, the lot split is consistent with the City's 2040 draft general plan's desire to see new growth "accommodated primarily through infill of vacant and underutilized properties."

The applicant is also proposing to raise the basement of the existing residence, enlarge windows, and redo the stairs. The lower level would have a stucco exterior and the upper would remain wood siding.

Table 1: R-1 zone—Lot size, width, and depth. (17.204.230)							
	Lot Size		Lot Width		Lot Depth		Street
	Min. 5,200 square feet		52 feet		100 – 160 feet		Frontage
Lot	Proposed	Deviation	Proposed	Deviation	Proposed	Deviation	Deviation
1	5,084 sq. ft.	Y	± 50 feet	Υ	± 101 feet	N	Y
2	5,084 sq. ft.	Y	± 50 feet	Υ	± 101 feet	N	Υ

#### Subdivision Review Committee

The proposed map was heard at the Subdivision Review Committee on March 20, 2024. During the meeting, the proposed conditions of approval for the Tentative Subdivision Map were accepted by the applicant and forwarded by the Committee. The resulting conditions are listed under Conditions of Approval.

# PUBLIC/NEIGHBORHOOD OUTREACH AND COMMENTS

This project was routed to Preservation Sacramento, Civic Thread, Sacramento Area Bicycle Advocates, Region Builders, and the Tahoe Park Neighborhood Association. Staff did not receive any comments from any community group.

All property owners and residents within 500 feet of the subject site were sent hearing notices for the December 21st hearing. The site was also posted at least 10 days in advance of the hearing with project information and hearing participation details as well as staff contact information for project comments or questions.

Staff did receive an e-mail from an area resident who expressed concern about a no-minimum parking requirement, and that the information posted at the site was removed. The subject site is within an AB2097 area which prohibits cities from establishing parking requirement minimums. Staff visited the site after receiving the e-mail and confirmed that project and hearing information remained posted at the site.

# **ENVIRONMENTAL DETERMINATION**

Environmental Planning Services of the Community Development Department has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15301, Existing Facilities and 15332, In-Fill Development.

# **FLOOD HAZARD ZONE**

State Law (SB 5) and Planning and Development Code chapter 17.810 require that the City must make specific findings prior to approving certain entitlements for projects within a flood hazard zone. The purpose is to ensure that new developments will have protection from a 200-year flood event or will achieve that protection by 2025. The project site is within a flood hazard zone and is an area covered by SAFCA's Improvements to the State Plan of Flood Control System, and specific findings related to the level of protection have been incorporated as part of this project. Even though the project site is within a flood hazard zone, the local flood management agency, SAFCA, has made adequate progress on the construction of a flood protection system that will ensure protection from a 200-year flood event or will achieve that protection by 2025. This is based on the SAFCA Urban level of flood protection plan, adequate progress baseline report, and adequate progress toward an urban level of flood protection engineer's report that were accepted by City Council Resolution No. 2016-0226 on June 21, 2016 and the SAFCA 2023 Adequate Progress Annual Report accepted by City Council Resolution No. 2023-0337 on October 24, 2023.

# <u>Draft Conditions of Approval – Tentative Parcel Map</u>

The applicant shall satisfy each of the following conditions prior to filing the Parcel Map unless a different time for compliance is specifically stated in these conditions. Any condition requiring an improvement that has already been designed and secured under a City Approved improvement agreement may be considered satisfied at the discretion of the Department of Public Works.

# **GENERAL**: All Projects

- 1. Pay off existing assessments or file the necessary segregation requests and fees to segregate existing assessments.
- 2. Show all continuing and proposed/required easements on the Parcel Map.

# **Public Works**

3. Construct standard subdivision improvements as noted in these conditions pursuant to section 17.504.050 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk adjacent to the subject property per City standards to the satisfaction of the Department of Public Works.

#### **SMUD**

- 4. SMUD has existing overhead 21kV and low voltage/secondary facilities along the west side of Parcels 1 and 2 that will need to remain. SMUD also has existing overhead low voltage/secondary along the south and east side of Parcel 2 that will need to remain. The Applicant shall be responsible for maintaining all CalOSHA and State of California Public Utilities Commission General Order No. 95 safety clearances during construction and upon building completion. If the required clearances cannot be maintained, the Applicant shall be responsible for the cost of relocation.
- 5. Any necessary future SMUD facilities located on the Applicant's property shall require a dedicated SMUD easement. This will be determined prior to SMUD performing work on the Applicant's property.
- 6. In the event the Applicant requires the relocation or removal of existing SMUD facilities on or adjacent to the subject property, the Applicant shall coordinate with SMUD. The Applicant shall be responsible for the cost of relocation or removal.
- 7. SMUD reserves the right to use any portion of its easements on or adjacent to the subject property that it reasonably needs and shall not be responsible for any damages to the developed property within said easement that unreasonably interferes with those needs.
- 8. The Applicant shall provide separate SMUD service points to each parcel to the satisfaction of SMUD.
- 9. The Applicant shall locate, verify, and provide a drawing to SMUD identifying all electrical utility infrastructure for the existing structures. If necessary, any existing onsite electrical infrastructure that serves existing structures shall be relocated to the satisfaction of SMUD.

# **Department of Utilities (DOU)**

10. All existing easements and all existing right-of-ways shall be shown on the Final Map,

- except for all abandoned easements and abandoned right-of-ways.
- 11. The applicant shall grant and reserve easements as needed, for water, drainage and sanitary sewer facilities, and for surface storm drainage, at no cost at or before the time of sale or other conveyance of any parcel or lot. A note stating the following shall be placed on the Final Map: "Reciprocal easements for utilities, drainage, water and sanitary sewer facilities, and surface storm drainage shall be granted and reserved, as necessary and at no cost, at or before the time of sale or conveyance of any parcel shown in this map."

# **Parks Department**

- 12. Payment of In-lieu Park Fee: Pursuant to Sacramento City Code Chapter 17.512 (Parkland Dedication) the applicant shall pay to City an in-lieu park fee in the amount determined under SCC §§17.512.030 and 17.512.040 equal to the value of land prescribed for dedication under 17.512.020 and not satisfied by dedication. (See Advisory Note)
- 13. Maintenance District: The applicant shall initiate and complete the formation of a parks maintenance district (assessment or Mello-Roos special tax district) or annex the project into an existing parks maintenance district. The applicant shall pay all city fees for formation of or annexation to a parks maintenance district. (Contact Infrastructure Finance, Brent Mueller, (916)808-5715, bmueller@cityofsacramento.org).

# **Advisory Notes:**

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

- 14. If unusual amounts of bone, stone, or artifacts are uncovered, work, in the area within the distance required by federal and state regulations, 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.
- 15. Due to the limited public street frontage of Parcel 2, a future driveway for Parcel 2 will not be able to meet the city standard driveway design requirement, and because on site parking is not required, any future driveway for Parcel 2 shall not be allowed. The applicant shall plan the development of Parcel 2 without onsite parking.
- 16. The proposed resultant parcels are not contiguous to an existing public sewer main. Therefore, the applicant shall 1) obtain a private sewer easement from the neighboring property owner(s) to allow a new sewer service from the existing 8" City combined sewer main in 52nd Avenue or 2) if a private sewer easement is already existing, the applicant must a) ensure the neighboring property is aware of the existing private sewer easement b) ensure the private sewer easement meets and bounds are sufficient and c) ensure the neighboring property is willing to allow future construction for a new sewer service tap.
- 17. Prior to the ISSUANCE OF A BUILDING PERMIT: The owner must contact the Regional San Permit Services Unit at PermitServices@sacsewer.com or by phone at (916) 876-6100 to determine if sewer impact fees are due. Fees are to be paid prior to the issuance of building permits.

- 18. The subject property is outside the Local Collection Boundaries of SacSewer but within the Interceptor Collection Service Boundary. SacSewer will provide treatment of the sewer generated from this site, but the City of Sacramento Utilities Department's approval will be required for local sewage service.
- 19. Structural setbacks less than 14-feet shall require the Applicant to conduct a preengineering meeting with all utilities to ensure property clearances are maintained.
- 20. The Applicant shall not place any building foundations within 5-feet of any SMUD trench to maintain adequate trench integrity. The Applicant shall verify specific clearance requirements for other utilities (e.g., Gas, Telephone, etc.).
- 21. The Applicant shall comply with SMUD siting requirements (e.g., panel size/location, clearances from SMUD equipment, transformer location, service conductors). Information regarding SMUD siting requirements can be found at: https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services. Applicant shall coordinate individual service panel location placement with SMUD Design Department.
- 22. As per City Code, the applicant will be responsible to meet their obligations regarding:
  - a. Title 17, 17.512 Park Dedication / In Lieu (Quimby) Fees, due prior to recordation of the final map. The Quimby fee due for this project is estimated at\$1,767. This is based on the creation of one (1) new residential lot at an average land value of \$155,000 per acre for the Fruitridge Broadway Community Plan Area, north of Fruitridge Road, plus an additional 20% for off-site park infrastructure improvements. Any change in these factors will change the amount of the Quimby fee due. The final fee is calculated using factors at the time of payment. The fee is due at the time of the final map.
  - b. Community Facilities District 2002-02, Neighborhood Park Maintenance CFD Annexation.

# **Draft Conditions of Approval – Site Plan and Design Review**

# **Planning and Design Review**

- 1. All other notes and drawings on the final plans as submitted by the applicant are deemed conditions of approval. Any work that differs from the final set of plans approved by the Planning staff shall be subject to review and approval prior to issuance of a building permit or work undertaken.
- 2. Alterations to the existing house shall be consistent with approved architectural elevations.
- 3. Wood lap siding shall remain as exterior material for upper floor of house.
- 4. Any modification to the project shall be subject to the review and approval of planning staff (and may require additional entitlements).
- 5. This approval shall expire in three (3) years from the approval date.

#### **Public Works**

6. Construct standard subdivision improvements as noted in these conditions pursuant to section 17.504.050 of the City Code. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Improvements required shall be determined by the city. The City shall determine improvements required for each phase prior to recordation of each phase. Any public improvement not specifically noted in these conditions or on the Tentative Map shall be designed and constructed to City standards. This shall include the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk adjacent to the subject property per City standards to the satisfaction of the Department of Public Works.

# Flood Finding

The project site is within an area for which the local flood-management agency has made adequate progress (as defined in California Government Code section 65007) on the construction of a flood-protection system that, for the area intended to be protected by the system, will result in flood protection equal to or greater than the urban level of flood protection in urban areas for property located within a flood-hazard zone, as demonstrated by the SAFCA Urban Level of Flood Protection Plan and Adequate Progress Baseline Report and the SAFCA Adequate Progress Toward an Urban Level of Flood Protection Engineer's Report, each accepted by the City Council on June 21, 2016 (Resolution No. 2016-0226), and the SAFCA 2023 Adequate Progress Annual Report accepted by the City Council on October 24, 2023 (Resolution No. 2023-0337).

# **Draft Findings of Fact – Environmental Determination: Exempt**

- 1. 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 Zoning Administrator finds that:
  - a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations with approval of deviation requests.
  - b. The proposed development occurs within city limits on a project site of no more than five 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.
  - e. The site can be adequately served by all required utilities and public services.

# **Draft Findings of Fact – Tentative Parcel Map**

- 1. None of the conditions described in City Code section 17.828.090 and Government Code section 66474 exist with respect to the proposed subdivision as follows:
  - a. The proposed map is consistent with the General Plan, all applicable community and specific plans, Title 17 of the City Code, and all other applicable provisions of the City Code;

- b. The design and improvement of the proposed subdivision is consistent with the General Plan, all applicable community and specific plans, Title 17 of the City Code, and all other applicable provisions of the City Code as conditioned;
- c. The site is physically suitable for the type of development;
- d. The site is physically suitable for the proposed density of development;
- e. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- f. The design of the subdivision and the type of improvements are not likely to cause serious public health problems;
- g. The design of the subdivision and 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.
- 2. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, all applicable community and specific plans, Title 17 of the City Code, and all other applicable provisions of the City Code (Gov. Code §66473.5);
- 3. The discharge of waste from the proposed subdivision into the existing community sewer system will not result in a violation of the applicable waste discharge requirements prescribed by the California Regional Water Quality Board, Central Valley Region, in that existing treatment plants have a design capacity adequate to service the proposed subdivision (Gov. Code §66474.6);
- 4. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Gov. Code §66473.1); and
- 5. The Zoning Administrator has considered the effect of the approval of this Tentative Subdivision Map on the housing needs of the region and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources (Gov. Code §66412.3).

# **Draft Findings of Fact – Site Plan and Design Review**

- 1. The design, layout, and physical characteristics of the proposed subdivision are consistent with the General Plan which designates the site as Neighborhood. There is no specific plan or transit village plan applicable to this project.
- 2. The design, layout, and physical characteristics of the proposed subdivision are consistent with all applicable design guidelines and with all applicable development standards. Deviations proposed to reduce lot size and lot width standards are consistent with the purpose and intent of the Planning and Development Code in that the proposed lot configurations can accommodate residential site development. The deviation to create a parcel without public street frontage is consistent with the purpose and intent of the Planning and Development Code in that the proposed parcel 1) does not require vehicle parking, 2) is accessible for emergency services, and 3) has direct pedestrian access from the 10<sup>th</sup> Avenue sidewalk.

- 3. All streets and other public access ways and facilities, parking facilities, and utility infrastructure are adequate to serve the proposed development and comply with all applicable design guidelines and development standards.
- 4. The design, layout, and physical characteristics of the proposed subdivision are visually and functionally compatible with the surrounding neighborhood in that the subdivision occurs at the end of the street and will not disrupt established lot patterns along the length of 10<sup>th</sup> Avenue.
- 5. The design, layout, and physical characteristics of the proposed development minimizes energy consumption and encourages the use of renewable energy sources as an urban infill development project utilizing existing road and utility networks.
- 6. The design, layout, and physical characteristics of the proposed subdivision are not detrimental to the public health, safety, convenience, or welfare of persons residing, working, visiting, or recreating in the surrounding neighborhood and will not result in the creation of a nuisance in that the site is accessible for emergency services and has direct sidewalk access.

Danny Abbes //
Associate Planner

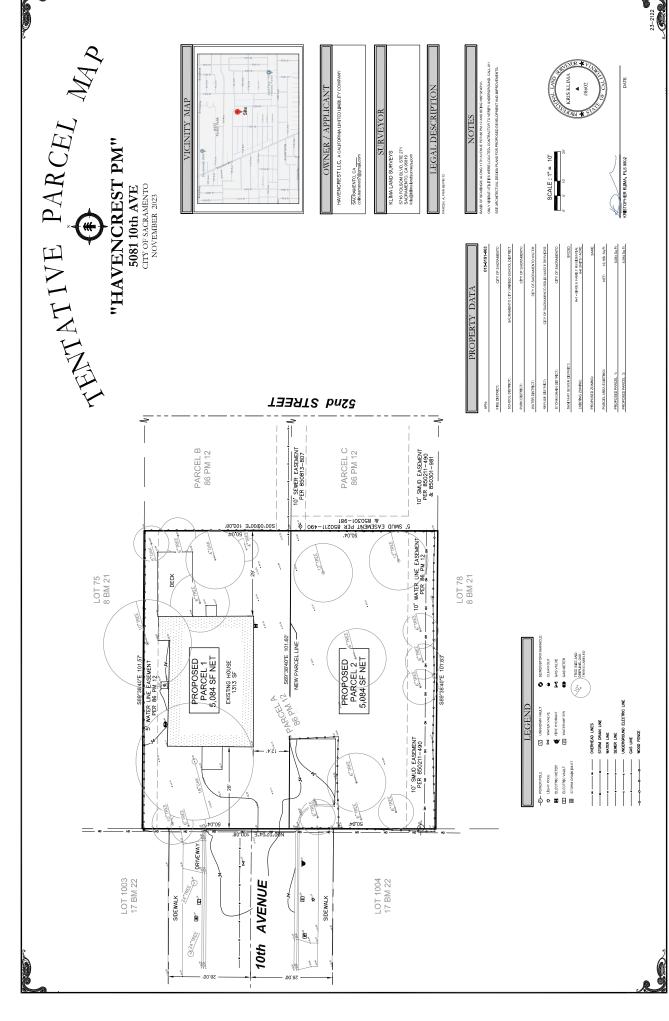
Marcus Adams (Apr 26, 2024 13:52 PDT)

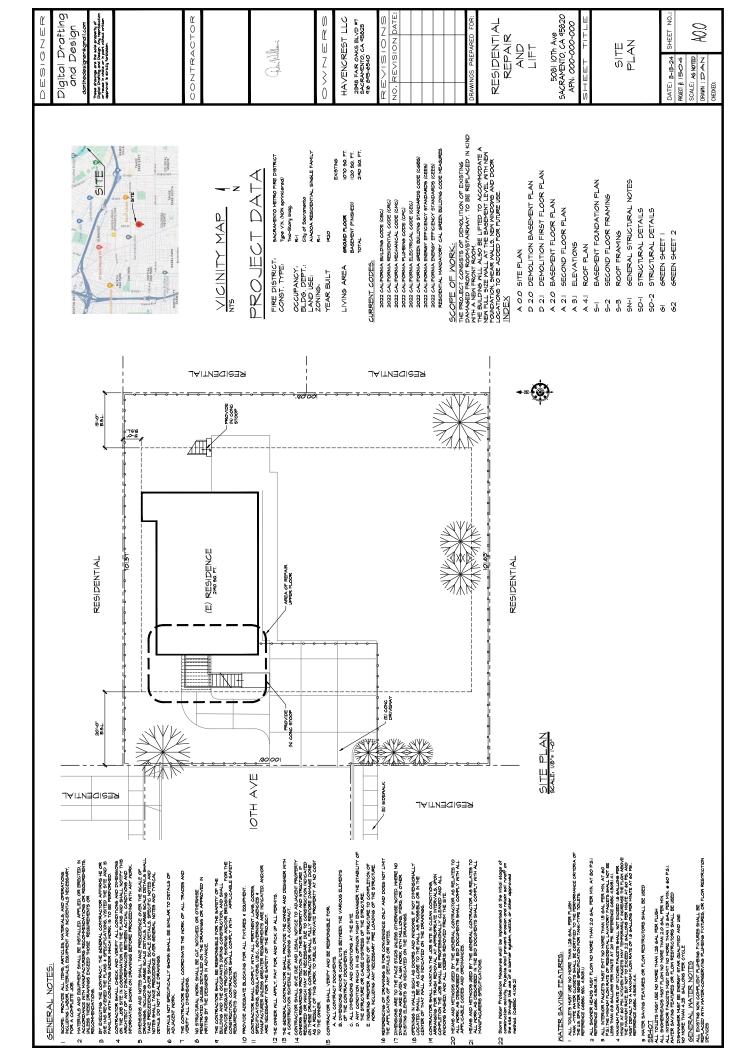
Danny Abbes

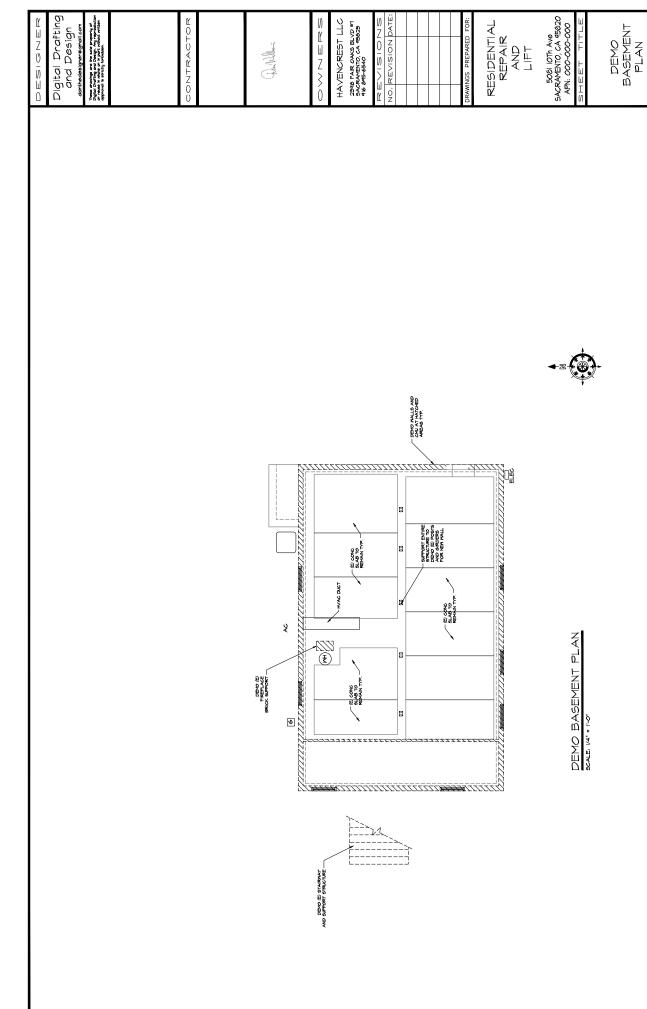
Marcus Adams Senior Planner

The decision of the Zoning Administrator and Design Director may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator and Design Director is final.

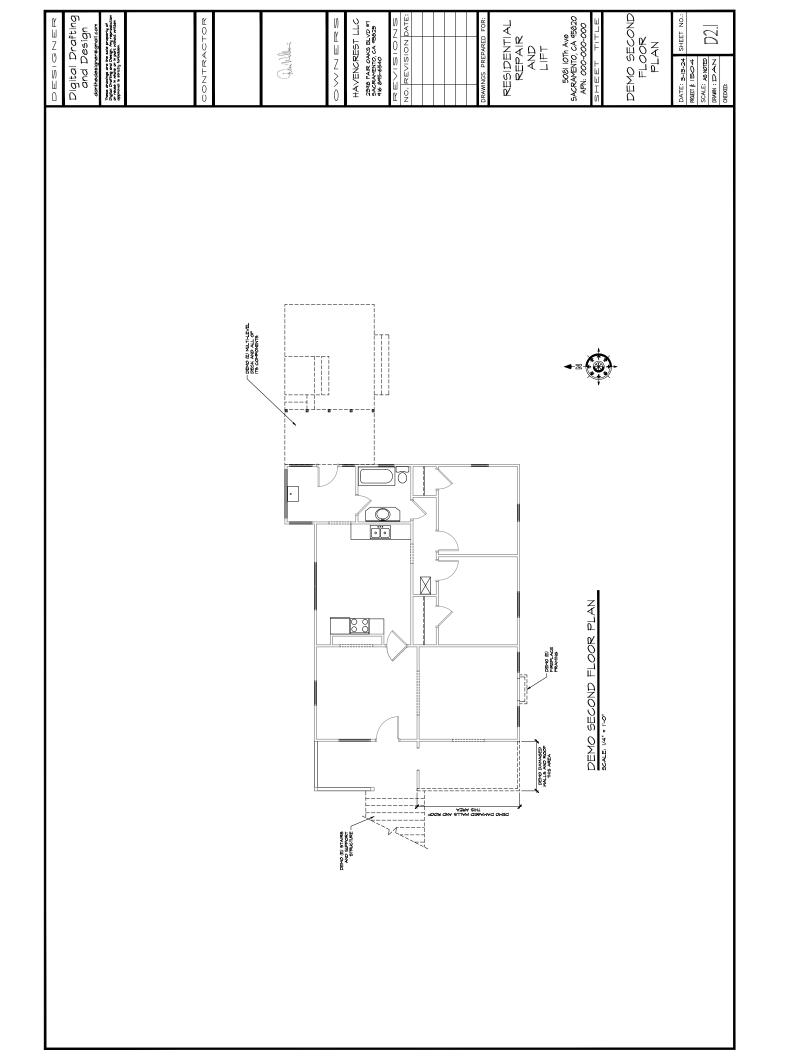
Note: The applicant will need to contact the Public Works Department after the appeal period is over to submit for a Final Map. A discretionary permit expires and is thereafter void if the use or development project for which the discretionary permit has been granted is not established within the applicable time period. The applicable time period is either three years from the effective date of approval of the discretionary permit; or the time specified by the decision-maker, if so stated in a condition of approval of the discretionary permit. A use or development project that requires a building permit is established when the building permit is secured for the entire development project and construction is physically commenced.

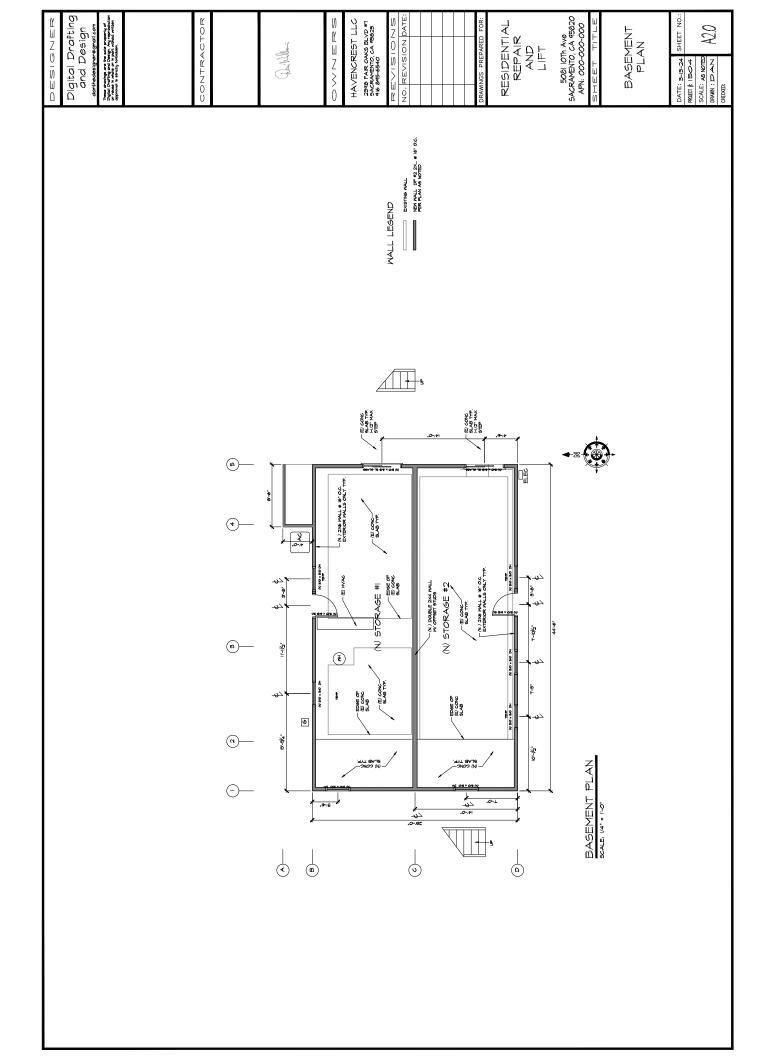


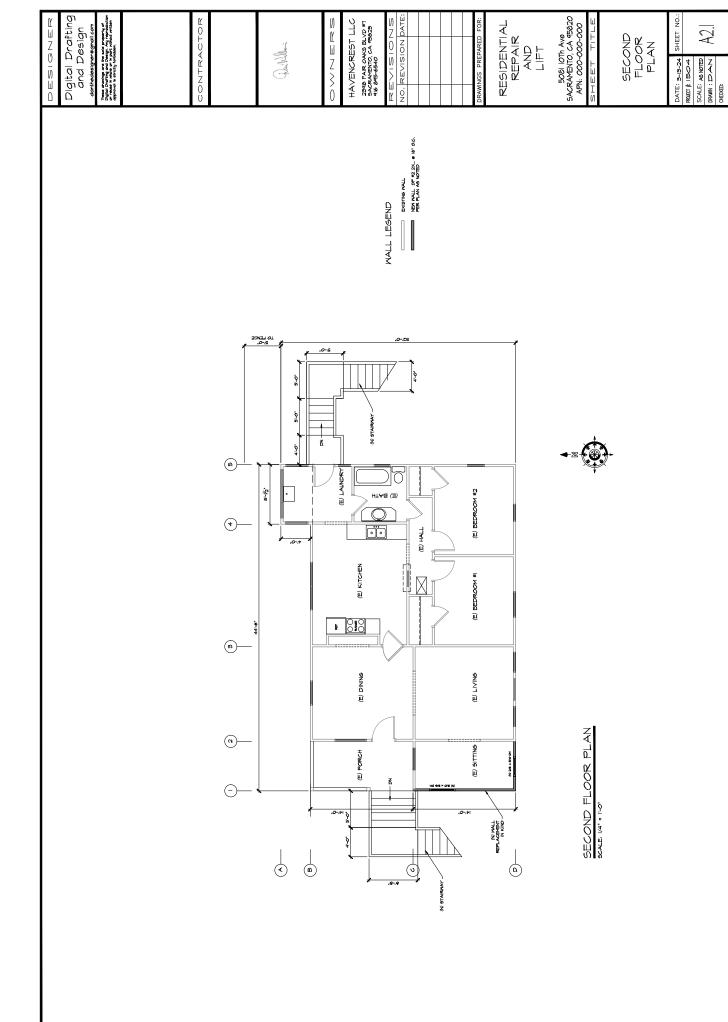


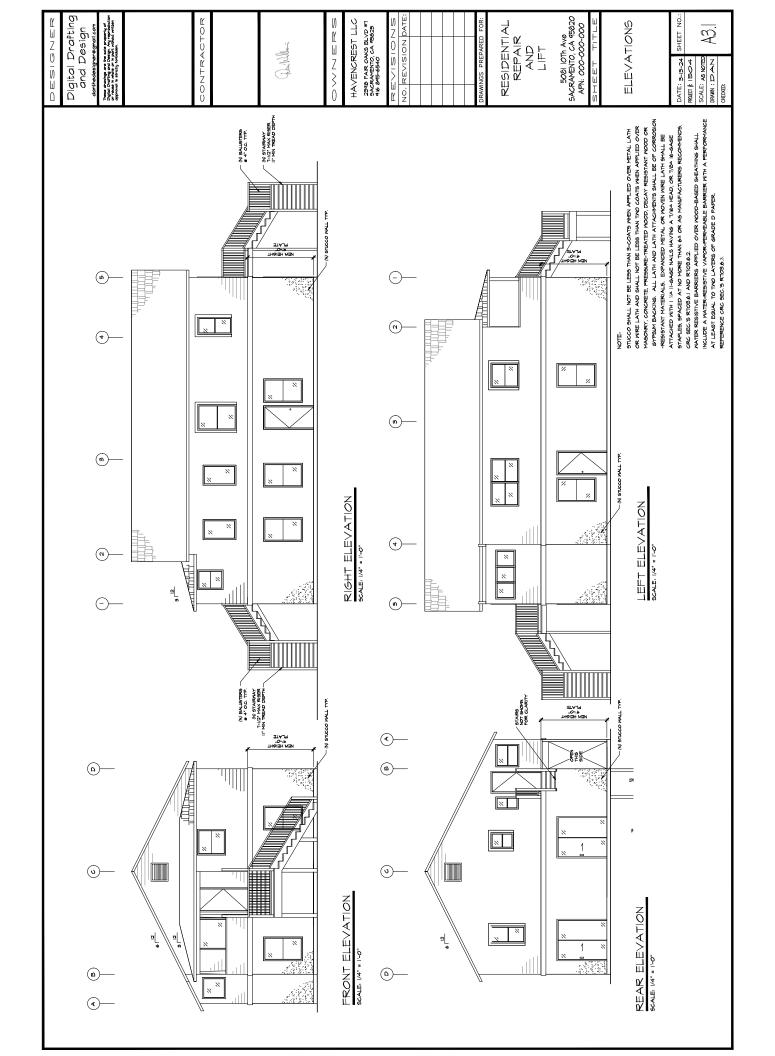


DATE: 9-19-24
RMOOF | 19-0-4
SCALE: AS WOTED
DRAWN : □ → N
GEORE:









From: <u>Daniel Abbes</u>

To: "bingleycase@aol.com"

Subject: RE: Property located at 5081 10th ave, 95820.

Date: Wednesday, April 17, 2024 11:21:00 AM

# Hi Mary,

The sign was posted with the same letter you received in the mail. These letters are sent to every property owner and occupant within 500 feet of the subject property. Sometimes these notices get removed from the sign after they're posted. If you're interested in seeing the proposed plans, I can send them to you! Just let me know.

Regarding parking, the property at 5081 10<sup>th</sup> Avenue is within an AB2097 area. AB2097 is a state bill that prohibits local jurisdictions from requiring any minimum parking requirement for a project/property that is within a half-mile from a frequent transit stop.

I hope that information helps.

Danny Abbes, Associate Planner
Community Development Department, City of Sacramento

<u>DAbbes@cityofsacramento.org</u>; (916) 808-5873

\_\_\_

We received letters yesterday, only 10 days notice. In addition, the planning department sign in the property fence is MISSING the development plan, its been torn off.

In additino, most of the renter so this street are long term. And they are concerned as are homeowners regarding the parking

requirements. I will see to it that the long term renter have a copy fo the letter.

Can you give me a reasonable explanation NOW about the parking situation. We do plan to attend the online meeting.

**Thanks** 

Mary Meinertcase 9165625508