

# Modification: 4301, 4500 Fistor Dr.

Modification of Final Map

4301 and 4500 Fistor Drive

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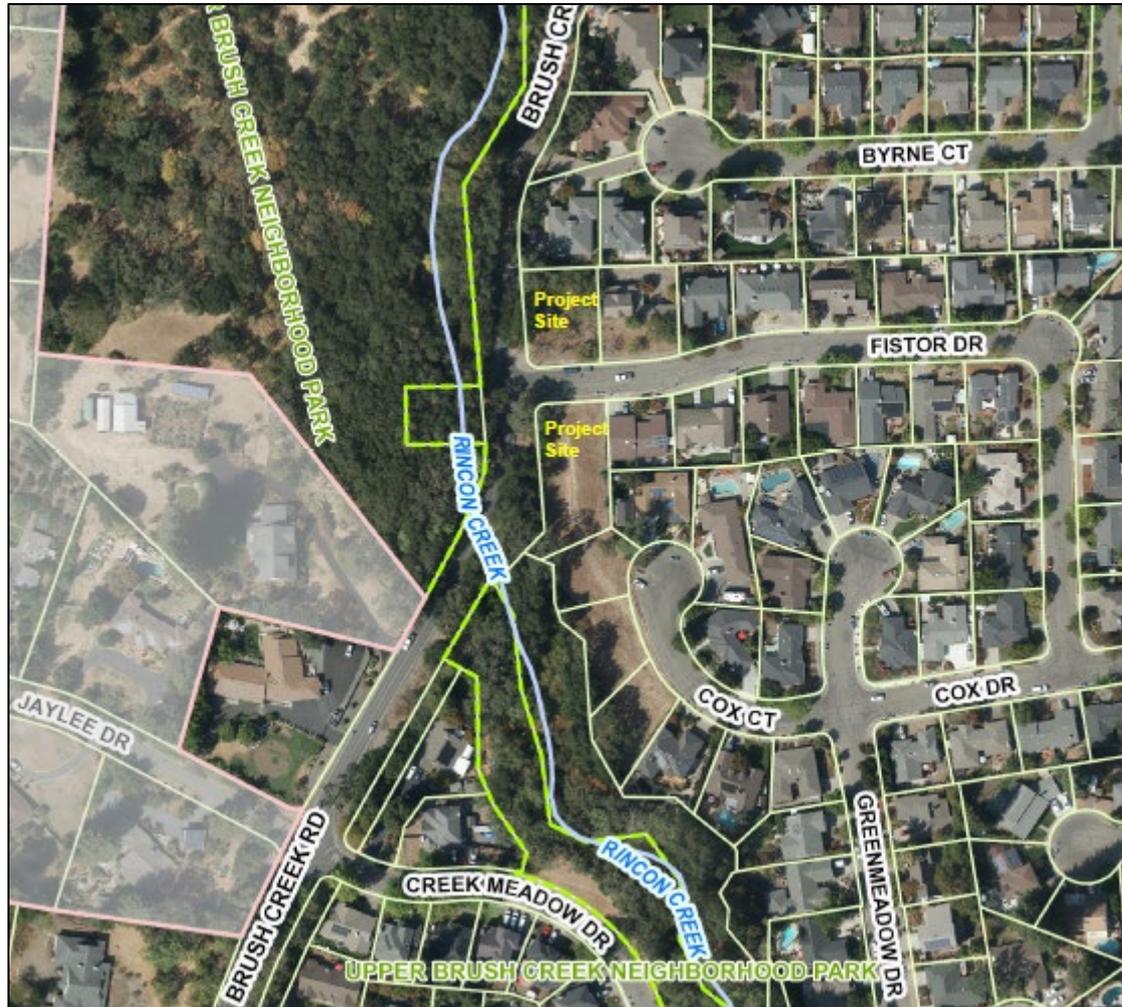
August 22, 2024

Sheila Wolski, City Planner  
Planning and Economic Development

The proposal includes a request to modify the existing 50' exterior side building setback line measured from the parcel line to instead be consistent with the Scenic Road Combining District for Brush Creek Road.

The Scenic Road Combining District for Brush Creek Road is measured at 50' from edge of pavement to a one-story structure.

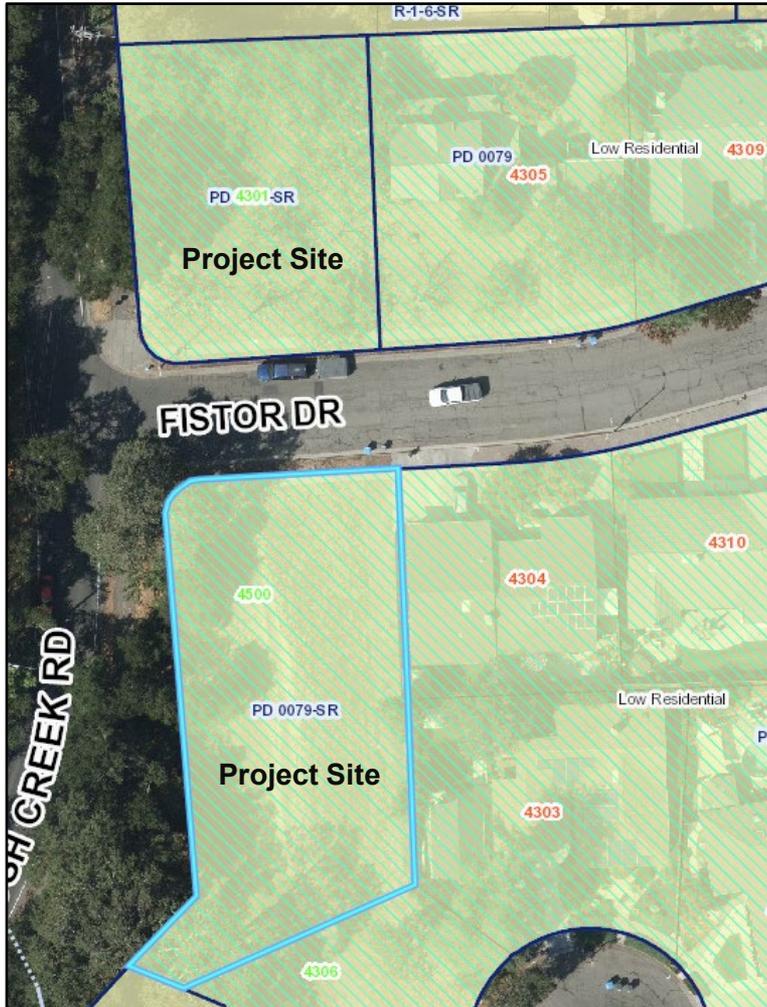
## Project Location – 4301 & 4500 Fistor Drive



## Neighborhood Context – 4301 & 4500 Fistor Dr.



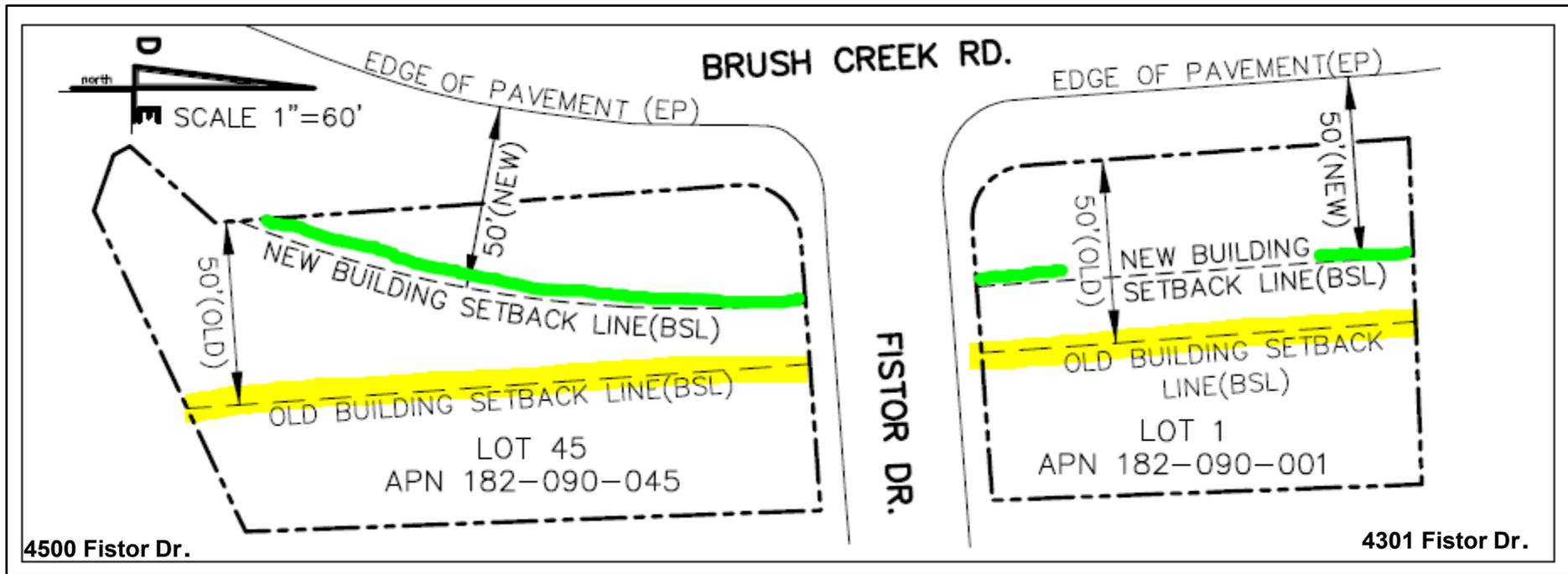
# Zoning and General Plan



Zoning: PD0079-SR

General Plan: Low Density  
Residential

# Proposed Modification Exhibit



# Scenic Road Combining District

§ 20-28.050 Scenic Road (-SR) combining district.

A. Purpose. The -SR combining district is intended to enhance and preserve the natural and constructed features that contribute to the character of scenic roads. Natural and constructed features include trees, rock walls, view corridors, road configuration and tree canopy.

D. (1)(b) Minimum setback from Brush Creek Road-Wallace Road:

- (1) 50 feet measured from edge of pavement to a one-story structure with a maximum height not exceeding 25 feet;
- (2) 100 feet measured from edge of pavement to a two-story structure, or a one-story structure with a height over 25 feet;

Correspondence received from neighbors indicating opposition to the project based on presumption of future development that would impact open space and eliminate informal path created on private property to connect to Brush Creek Road.

- That the proposed map is consistent with the general plan and any applicable specific plans;
- That the proposed subdivision meets the housing needs of the City and that the public service needs of the subdivision's residents are within the available fiscal and environmental resources of the City;
- That the design of the proposed subdivision has, to the extent feasible, provided for future passive or natural heating or cooling opportunities in the subdivision; and
- That the proposed subdivision would not discharge waste into the City's sewer system that would result in violation of the requirements prescribed by the California Regional Water Quality Control Board.

## Required Determinations- Grounds for Denial

- That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- That the site is not physically suitable for the proposed density of development.
- That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- That the design of the subdivision does not incorporate all mitigation measures as outlined in the certified environmental impact report or negative declaration.
- That the design of the subdivision or type of improvements is likely to cause serious public health problems.

## Required Determinations- Grounds for Denial

- That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body 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 a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.
- That the design of the subdivision, where the subdivision fronts upon a public waterway, river, or stream, does not provide, or have available, reasonable public access by fee or easement from a public highway to that portion of the bank of the river or stream bordering or lying within the proposed subdivisions.
- That the design of the subdivision, where the subdivision fronts upon a public waterway, river, or stream, does not provide for a dedication of a public easement along a portion of the bank of the river or stream bordering or lying within the proposed subdivision.
- That the design of the subdivision or the proposed improvements is likely to result in or contribute to downstream property damage or injury due to storm water runoff.

The project has been found in compliance with the California Environmental Quality Act (CEQA):

- CEQA Section 15305: Minor Alterations in Land Use Limitations

The Planning and Economic Development Department recommends that the Planning Commission, by resolution, approve the Modification of Final Map proposed for the Fistor Subdivision, which would modify the existing 50' exterior side building setback line to be consistent with the Scenic Road Combining District setback, which is 50', as measured from edge of pavement.

Sheila Wolski, City Planner  
Planning and Economic Development  
[swolski@srcity.org](mailto:swolski@srcity.org)  
(707) 543-4705

