



**CITY OF SACRAMENTO PLANNING COMMISSION  
RECORD OF DECISION**

**New City Hall, 915 I Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814**

Project Name: 1812 1st Avenue Second Unit (Z05-338)  
Project Number: Z05-338  
Project Location: 1812 1st Avenue  
Assessor's Parcel No.: 010-0272-004  
Applicant: Dave Todd  
Action Status: Denied Action Date: October 26, 2006

**REQUESTED ENTITLEMENTS:** A request to grant the necessary entitlements to allow a Second Residential Unit in the Single Family (R-1) zone. Council District 4.

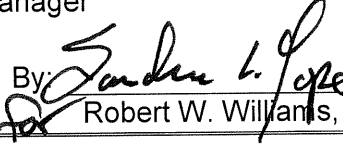
- A. **Environmental Determination:** Exempt CEQA 15303(a).
- B. **Special Permit** to allow the existing second floor of an accessory structure to be converted to a second residential unit that does not meet the required 15 foot rear (south) setback and the required 3 foot interior (left) side (east) setback, on 0.10± developed acres in the Standard Single Family (R-1) zone.

**ACTIONS TAKEN:** On October 26, 2006, the Planning Commission took the following actions based on the attached findings of fact:

Approved Item A.  
Denied Item B.

**Action certified by:**   
David Kwong, Planning Manager

Sent to Applicant: October 30, 2006

By:  - Senior Planner  
Robert W. Williams, Assistant Planner

**NOTICE OF PROTEST RIGHTS**

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee

(SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

#### **EXPIRATION**

**TENTATIVE MAP:** Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

**SPECIAL PERMIT:** A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

**VARIANCE:** Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

**PLAN REVIEW:** Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

**NOTE:** Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

#### **APPEALS**

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before November 6, 2006. If the 10<sup>th</sup> day falls on a Sunday or holiday, the appeal may be filed on the following business day.

## **Findings Of Fact**

### **A. Environmental Determination:**

1. The Planning Commission of the City of Sacramento finds as follows:
  - a. The City of Sacramento's Environmental Planning Services has reviewed the 1812 1st Avenue Second Unit (Z05-338) ("Project") and has determined the Project is exempt from review under the California Environmental Quality Act as follows:
    - (1) The Project is exempt under the following provisions of California Environmental Quality Act Guidelines Section 15303(a). – New Construction or Conversion of Small Structures.
    - (2) The factual basis for the finding of exemption is as follows: The project site is developed with single family home and 2-story accessory structure and infrastructure. The project would approve the change of use of the accessory structure into a Second Residential Unit (with attached first floor garage). No new structures are proposed. Second dwellings are categorically exempt in residential zones.
  - b. The Planning Commission has reviewed and considered the Environmental Planning Services determination of exemption and the comments received at the hearing on the Project and has determined that the Project is exempt from review under the California Environmental Quality Act for the reasons stated above.
2. Upon approval of the Project, the project planner shall file or cause to be filed a Notice of Exemption with the Sacramento County Clerk.

**B.** The **Special Permit** to allow Second Residential Unit in existing accessory building in the Standard Single Family (R-1) zone is denied subject to the following Findings of Fact:

1. Granting the Special Permit is not based upon sound principles of land use in that:
  - a. The proposed project is not compatible in design with the existing home on the property and existing homes on surrounding properties in the neighborhood.
  - b. The project is cannot be conditioned to minimize impacts to surrounding properties.
  
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 use will generate significant new impacts to the nearby residential properties.
  - b. The reduced setbacks for the conversion of an existing legal accessory structure into a secondary dwelling will impact the adjacent neighboring properties.