



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

New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name: 50th Street Setback Variance
Project Number: P06-079
Project Location: 3921 50th Street, Sacramento

Assessor's Parcel No.: 021-0022-024

Applicant: Dick Varney, Varney Land Surveys (916) 395-2822

Action Status: Approved

Action Date: 1/11/07

**REQUESTED
ENTITLEMENT(S):**

A. Environmental Determination: Exempt (CEQA 15305);

B. Variance for a ± 0.65 foot side yard setback in the single family (R-1) zone.

ACTIONS TAKEN: On 1/11/07, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Approved the Environmental Exemption; and approved the Variance for a ± 0.65 foot side yard setback in the single family (R-1) zone.

Action certified by:

David Kwong
David Kwong, Planning Manager

Sent to Applicant: 1/12/07

By:

Greg Sandford
Staff Signature

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 (SCC 18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC 18.28.150); 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 1/22/07. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

A. Environmental Determination: Categorical Exemption

1. The Planning Commission of the City of Sacramento finds as follows:

The City of Sacramento's Environmental Planning Services has reviewed the 50th Street Setback Variance (P06-079) ("Project") and has determined the Project is exempt from review under the California Environmental Quality Act as follows:

- a. The Project is exempt under the California Environmental Quality Act Guidelines section 15305: Minor Alterations in Land Use Limitations.
- b. The factual basis for the finding of exemption is as follows:
 - i. The project would not result in any changes of land use or density.
 - ii. The project is a setback variance that would not result in the creation of a new parcel.
 - iii. The project site has an average slope of less than 20%.

B. The Variance for a ± 0.65 foot side yard setback in the single family (R-1) zone is approved based on following Findings of Fact and Conditions of Approval:

1. The Variance does not constitute a special privilege as a similar variance would be appropriate for any property owner in a similar situation.
2. The Variance does not constitute a use variance in that the single family home is allowed in the R-1 zone.

3. The Variance will not be injurious to public welfare, nor to property in the vicinity of the applicant.
4. The Variance is in harmony with the general purpose and intent of the Zoning Code and the proposal does not violate any applicable General Plan policies.

Conditions Of Approval

The Variance for a ± 0.65 foot side yard setback is approved subject to the following conditions:

1. The design and construction materials of the single family residence shall be consistent with the attached elevations. Modifications/Plan substitution besides those mentioned in the building conditions below will require additional planning review and approval prior to the issuance of building permits.

Building Department

2. Based on the new north wall setback from the property line, this permit (#0503126) requires a revision. New plan sheets would need to be furnished showing the following:
 - a. Provide a new site plan, showing the accurate setback dimensions.
 - b. Revise the floor plan to show:
 - i. No openings whatsoever on the north wall. This wall must be solidly framed-in.
 - ii. Based on 7/8", 3 coat stucco as the exterior wall covering, provide one layer of 5/8", type "X" gypsum wallboard to the inside face of the entire north wall, extended to the roof sheathing. This will provide the one-hour protection required. No eaves or projections of any kind are allowed on this wall.
 - iii. The electric service panel shall be relocated. Panel and meter location is subject to the approval of SMUD/PG&E.
 - iv. The vents for the dryer and water heater shall not penetrate the north wall. They shall be extended vertically and then offset so as to penetrate the roof at least 5' away from the north wall. No roof penetrations shall be made within 5' of the north wall.
 - v. The structural members (roof trusses, parallel condition) shall be protected for at least 5' from the north wall. This can be accomplished by applying one layer of 5/8", type "X" gypsum wallboard to the third truss from the gable-end. The one hour protection of this area is then made complete by applying 5/8", type X gypsum wallboard to the ceiling. All penetrations through this separation must be sealed in an approved manner.
 - vi. Additional eave vents may be required, as the gable-end attic vent must be sealed.



NOTICE OF EXEMPTION

TO: X County Clerk
County of Sacramento

FROM: City of Sacramento
Environmental Planning Services
2101 Arena Blvd., Ste. 200
Sacramento, CA 95834

— Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA 95814

ACTIVITY/PROJECT TITLE: 50th Street Setback Variance (P06-079)

ACTIVITY/PROJECT LOCATION: 3921 50th Street

CITY: Sacramento

COUNTY: Sacramento

DESCRIPTION OF ACTIVITY/PROJECT This project consists of the entitlements to reduce the side yard setback from 5 feet to 1 foot. Home was constructed with permits too close to property line based on reliance on fence line.

NAME OF PUBLIC AGENCY APPROVING ACTIVITY/PROJECT: City of Sacramento

NAME OF PERSON/AGENCY CARRYING OUT ACTIVITY/PROJECT: Dick Varney c/o Varney Land Surveys
2285 66th Avenue, Sacramento, CA 95622; ph(916) 395-2822.

THE CITY OF SACRAMENTO FINDS THAT THE ACTIVITY/PROJECT IS EXEMPT.

Exempt Status: (Check One)

- Activity is not a project as defined in Section 15378 [Section 15061(b)(1)]
- Activity has no potential for causing a significant effect on the environment [Section 15061(b)(3)]
- Statutory Exemption [Section 21080(b)(8)]
- Ministerial Exemption [Section 15268]
- Declared Emergency Exemption [Section 15269(a)]
- Emergency Project [Section 15269(b) and (c)]
- Categorical Exemption-State Class5 and Section Number(s)15305

REASONS WHY ACTIVITY/PROJECT IS EXEMPT: 15305(a) Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel.

CONTACT PERSON: Ronnie Bess, DSD Technician

TELEPHONE: (916) 808-1909

SIGNED: _____

DATED: _____