



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

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

Project Name: 2091 Edgewater Duplex
Project Number: Z08-092
Project Location: 2091 Edgewater Road
Assessor's Parcel No.: 275-0171-016
Applicant: Andrey Chuprikov
Action Status: Denied Action Date: 08/14/2008

REQUESTED ENTITLEMENT(S): A request for a Variance to reduce the front yard setback for a new attached duplex on approximately 0.16 acres in the Standard Single Family (R-1) zone. The request also includes a Variance to provide both driveways off the same street.

ACTIONS TAKEN: On 08/14/08, the Planning Commission took the following actions based on the attached findings of fact:

Requested Entitlement(s)	Action
Environmental Determination: Categorical Exemption pursuant to CEQA Guidelines Section 15303	Denied
Variance – Front Yard Setback	Denied
Variance – Driveway Locations	Denied

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 08/15/08

By: 
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 (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 02/25/08. 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 pursuant to CEQA Section 15303.**
- B. The **Variance** to reduce the required front yard setback from 25 feet to 19 feet for an attached duplex on approximately 0.16 acres in the Standard Single Family (R-1) zone is **denied** subject to the following Findings of Fact:
 - 1. Granting the variance would extend a special privilege to one individual property owner in that the structure can be rebuilt and redesigned to avoid the encroachment into the setback.
 - 2. The project will be injurious to the public welfare and property in the vicinity in that there is not adequate available front yard with the encroachment of the structure and the heritage tree will be damaged by the encroachment into the tree setback.
- C. The **Variance** to provide both units' driveways off the same street is **denied** subject to the following Findings of Fact:
 - 1. Granting the variance would extend a special privilege to one individual property owner in that the structure can be rebuilt to locate both driveways and garages off different streets.
 - 2. The project will be injurious to the public welfare and property in the vicinity in that allowing the driveways and garages off the same street is not consistent with the neighborhood.