



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

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

Project Name: Appeal of 2509 11<sup>th</sup> Avenue Accessory Structure  
Project Number: Z08-154  
Project Location: 2509 11<sup>th</sup> Avenue  
Assessor's Parcel No.: 013-0314-013  
Applicant: Nancee Murray  
Action Status: Denied Action Date: 10/23/2008

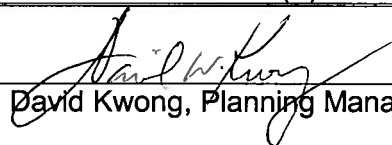
**REQUESTED**

**ENTITLEMENT(S):**

- A. Environmental Determination: Exempt, CEQA Guidelines section 15303 and 15311;
- B. Special Permit for an accessory structure to exceed the maximum allowed wall height of ten feet by eight feet, to total 18 feet on a 0.10 acre parcel in the Single-Family (R-1) zone.
- C. Special Permit for an accessory structure to exceed the maximum allowed overall height of 18 feet by two feet, to total 20 feet.

**ACTIONS TAKEN:** On 10/23/2008, the Planning Commission took the following actions based on the attached finding of fact:  
Denied entitlements (A) through (C).

**Action certified by:**

  
David Kwong, Planning Manager

Sent to Applicant: 10/24/2008

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 exaction imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exceptions 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 purpose of the 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 (SCC12.32.150); Development Impact 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**

The action of the Planning Commission is final unless called up by the district councilmember or mayor within 10 calendar days of the Planning Commission action, on or before 11/03/2008. If the 10<sup>th</sup> day falls on a Sunday or holiday, the call up may be filed on the following business day.

**Findings Of Fact**

**B. and C.** The **Special Permits** to construct a new detached accessory structure with overall and wall heights exceeding the maximum allowed by Zoning Code is denied subject to the following Findings of Fact:

1. The project is not based upon sound principles of land use in that:
  - a. the design of the structure is not compatible with other residences in the surrounding neighborhood;
  - b. the increased height of the accessory structure will substantially alter the characteristics of the site or the surrounding residential area; and
  - c. the structure can be constructed to remain within standards of the Zoning Code.
2. Granting the request will be injurious to the public health, safety, or welfare and result in the creation of a nuisance in that:
  - a. the height of the structure will have a negative impact on surrounding properties;
  - b. the project is not consistent with other structures in the area; and
  - c. the structure's size and massing is out of scale with the neighborhood.