

## **RESOLUTION NO. 2010-163**

Adopted by the Sacramento City Council

March 23, 2010

### **ADOPTING FINDINGS OF FACT AND DENYING THE PROJECT FOR FAILURE TO PROCESS THE APPLICATION IN A TIMELY MANNER CLAIRE AVENUE WAREHOUSES PROJECT APNS: 215-0260-004, 005, 006, 007, AND 008 (P07-017)**

#### **BACKGROUND**

- A. On July 30, 2009, the Planning Director determined that the subject application was not being processed by the applicant in a timely manner and was subject to being denied under Zoning Code section 17.196.030. On August 14, 2009, the applicant appealed the Planning Director's determination to the City Planning Commission.
- B. On December 10, 2009, the City Planning Commission conducted a public hearing on and granted the applicant's appeal.
- C. On December 17, 2009, Councilmember Sheedy filed a call-up of the Planning Commission's action to the City Council.
- D. On March 23, 2010, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010 (C)(2)(d), and received and considered evidence concerning the Planning Director's determination of failure to timely process the application.

#### **BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1. Based on the verbal and documentary evidence received at the hearing, the City Council determines that the subject application has not been processed by the applicant in a timely manner and is therefore denied pursuant to Zoning Code section 17.196.030.
- Section 2. The City Council's determination that the subject application has not been processed by the applicant in a timely manner is based on the following findings of fact:
  - A. The applicant was informed of the Planning Director's determination of failure to process in a timely manner on two separate occasions. The applicant initially responded to the first failure to process determination with a request to extend the submittal deadline, and the response period deadline was extended due to extenuating circumstances. However, even with the additional time, the applicant failed to respond with the additional information and fees by the stated response date ( which was more than thirty (30) days), taking an additional four months beyond the

extended deadline of September 2, 2008, to respond, with a submittal and the additional fees on January 8, 2009.

- B. The applicant was informed of the planning director's determination of failure to process in a timely manner a second time on July 29, 2009, after the applicant had failed to respond to staff's April 16, 2009, letter outlining various options for the processing of the project.

Adopted by the City of Sacramento City Council on March 23, 2010 by the following vote:

Ayes: Councilmembers Cohn, Fong, McCarty, Pannell, Sheedy, Tretheway, Waters, and Mayor Johnson.

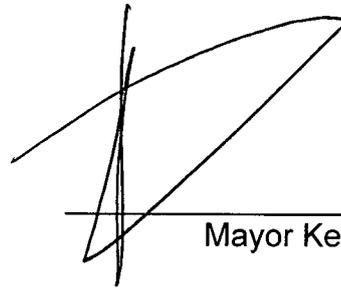
Noes: None.

Abstain: Councilmember Hammond.

Absent: None.

Attest:

  
Shirley Concolino, City Clerk

  
Mayor Kevin Johnson