



CITY OF SACRAMENTO

CITY MANAGER'S OFFICE  
**RECEIVED**

DEC 20 1979

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CITY PLANNING DEPARTMENT

915 "I" STREET  
CITY HALL - ROOM 308

SACRAMENTO, CALIF. 95814  
TELEPHONE (916) 449-5604

ETHAN BROWNING, JR.  
PLANNING DIRECTOR

December 20, 1979

**APPROVED**  
BY THE CITY COUNCIL

JAN 15 1979

*HRA Reset  
2-5-80*

**APPROVED**  
BY THE CITY COUNCIL

FEB 5 1980

OFFICE OF THE  
CITY CLERK

OFFICE OF THE  
CITY CLERK

*INTENT  
TO DENY  
BASED ON  
F.O.F.  
Dne 2-19-80*

City Council  
Sacramento, California

Honorable Members in Session:

Subject: Appeal of City Planning Commission denial of variance to waive required paving and landscaping for 8+ acres in M-1 zone to expand recently established trailer sales facility (P-8732)

Location: Northeast corner Arden Way and Lexington Street

SUMMARY

This request involves waiving several provisions of the zoning ordinance and City Code. The applicant has indicated that this use will be temporary in nature and therefore deserving of special consideration. The Planning Commission denied the variance request based on the recommendation and findings made by the staff. Staff recommends denial of the appeal.

BACKGROUND INFORMATION

The applicant is requesting waiver of paving and landscaping requirements for use of an 8+ acre site for sales and storage of mobile homes and trailers

The site is located within the proposed I-80 Bypass Corridor and is being leased to the applicant by the State of California. The applicant took possession of the property in May 1979 and has failed to meet any of the City paving, landscaping or curb-cut requirements. In addition, the applicant, previously aware of the required permits, has moved onto the subject site without City permits.

The applicant (appellant) contends that since the property lies within the I-80 By-pass Corridor that the paving and landscaping requirements constitute a hardship because of the "temporary" nature of the use (5-7 years).

**APPROVED**  
BY THE CITY COUNCIL

DEC 26 1979 *Cont 40  
1-2-80*

OFFICE OF THE  
CITY CLERK

**APPROVED**  
BY THE CITY COUNCIL

JAN 2 1979

OFFICE OF THE  
CITY CLERK

*intent to deny  
Based on F.O.F.  
due 1-15-80*

Staff argued at the hearing that because of the unknown future of the corridor and the minimum 5-7 years for initiation of any permanent activity within the area that minimum site improvements should be met. Four-foot landscape planters and site paving to reduce development impacts are considered minimal improvements for the site even under a 5-7 year period.

The Commission denied the requested variances based on the staff report and findings which are attached for Council information. In addition to the use of the site for trailer storage and sales, it was also pointed out that the site contains a large variety of junk materials, dirt, concrete, heavy equipment and salvage parts, trucks, scrap steel and the like. This property is zoned for light industrial use (M-1) and not intended for the additional uses presently being conducted on the site.

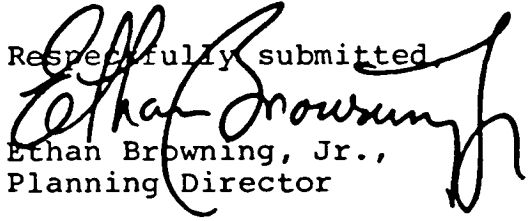
VOTE OF COMMISSION

At their regular meeting of November 8, 1979 the City Planning Commission denied the requested variances by a vote of seven ayes, two absent.

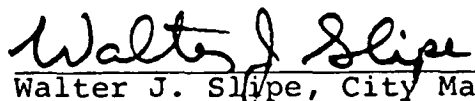
RECOMMENDATION

Staff recommends that the Council uphold the action of the Commission and that the appeal be denied.

Respectfully submitted,

  
Ethan Browning, Jr.,  
Planning Director

FOR TRANSMITTAL TO CITY COUNCIL:

  
Walter J. Slupe, City Manager

December 26, 1979  
District No. 1

EBj:MVD:bw

Attachments

P-8732

**SACRAMENTO CITY PLANNING COMMISSION**

MEETING DATE November 8, 1979  
 ITEM NO. 19 FILE NO. P-8732  
M-

REZONING	<input type="checkbox"/>	TENTATIVE MAP	<input type="checkbox"/>
SPECIAL PERMIT	<input type="checkbox"/>	EIR DETERMINATION	<input checked="" type="checkbox"/>
VARIANCE	<input checked="" type="checkbox"/>	EXT. OF PERMIT	<input type="checkbox"/>
SUBD. MOD.	<input type="checkbox"/>	OTHER	<input type="checkbox"/>

Recommendation:  
 Favorable  
 Unfavorable  
 Petition  Correspondence

LOCATION: NE corner of Arden Way  
& Leighton Street

<u>PROPOSERS</u>		
<u>NAME</u>	<u>ADDRESS</u>	
<u>George Sheldon</u>	<u>900 El Camino Avenue</u>	
<u>OPPOSERS</u>		
<u>NAME</u>	<u>ADDRESS</u>	

MOTION NO. \_\_\_\_\_

	YES	NO	MOTION	2ND
Augusta	<u>absent</u>			
Flores	<u>absent</u>			
Fong	✓			
Goodin	✓			
Hunter	✓		✓	
Muraki	✓			
Simpson P	✓			
Simpson S	✓			✓
Silva	✓			

MOTION:

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE SUBJ. TO COND. & BASED ON FINDINGS OF FACT DUE \_\_\_\_\_
- TO RECOMMEND APPROVAL \_\_\_\_\_ & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO \_\_\_\_\_ MEETING
- OTHER \_\_\_\_\_

- EXHIBITS:
- A. Site Plan
  - B. Floor Plan
  - C. Elevation
  - D. Landscaping

NOTICE OF APPEAL OF THE DECISION OF THE SACRAMENTO CITY PLANNING COMMISSION

P. 8732

DATE: November 19, 1979

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission of November 8, 1979 when: (Date)

       Rezoning Application                        xx   Variance Application  
       Special Permit Application              xx   Environmental Determination

was:        Granted,   xx   Denied by the Commission


GROUNDS FOR APPEAL:        All grounds stated in Appellant's original application, being essentially undue hardship because of the temporary nature of the proposed use.

PROPERTY LOCATION:        Northeast corner of Arden Way and Lexington St.  
PROPERTY DESCRIPTION:        Irregular area consisting of 7.46 acres.  
       Site plan attached to original application.

ASSESSOR'S PARCEL NO.        277        -        143        -        06.07        .

PROPERTY OWNER:        State of California  
ADDRESS:        P.O. Box 911, Marysville, California 95901

APPLICANT:        Franklin Trailer Sales  
ADDRESS:        900 El Camino Avenue, Sacramento, CA 95815

APPELLANT BY:        Frederick W. Stephenson, Inc.            Attorney for Appellant  
                   Franklin Trailer Sales  
       Frederick W. Stephenson (SIGNATURE)  
ADDRESS:        901 H Street, Suite 303, Sacramento, CA 95814  
       Telephone: 446-7781

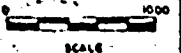
FILING FEE: \$50.00. Receipt No.        4898        .

FORWARDED TO CITY COUNCIL ON DATE OF:        Council meeting 12-26-79

P-        8732

(4 COPIES REQUIRED)

# Location Map



PLANNING DEPARTMENT  
CITY OF BALTIMORE

**CITY PLANNING COMMISSION**  
915 "I" STREET - SACRAMENTO, CALIFORNIA 95814

APPLICANT	Franklin Trailer Sales-900 El Camino Avenue, Sacto., CA 95815				
OWNER	State of Calif., P.O. Box 911, Marysville, CA 95901				
PLANS BY	Rose's Engineering, 1249 - 41st Ave., Sacto., CA 95822				
FILING DATE	8/6/79	50 DAY CPC ACTION DATE		REPORT BY:	TM:bw
NEGATIVE DEC	Exempt 15101	EIR		ASSESSOR'S PCL NO.	277-143-06,07

APPLICATION: 1. Environmental Determination  
2. Variance to waive required paving and landscaping for 8+ acres in M-1 zone to expand recently established trailer sales facility.

LOCATION: Northeast corner Arden Way and Lexington Street

PROJECT INFORMATION

General Plan Designation:	Industrial
Community Plan Designation:	Heavy Commercial or Industrial
(Woodlake-Norlto)	
Existing Zoning of Site:	M-1
Existing Land Use of Site:	Temporary storage of mobile homes and farm equipment

Surrounding Land Use and Zoning:

North:	Commercial-Industrial; M-1
South:	Vacant; M-1
East:	Railroad; M-1
West:	Warehouse; M-1

Property Dimensions: Irregular, see site plan  
Area: 7.46 acres

Improvements required:

- 1) surfacing - required for all off-street parking, loading, storage, sales, rental or service areas, including driveways;
- 2) planters - landscaped planters abutting all public streets.

Improvements provided: None

PROJECT BACKGROUND: The applicant requests a variance to waive the required paving and landscaping on 8+ acres in the M-1 zone. The subject property is rented by the applicant from the State of California and lies within the proposed I-80 By-pass Corridor. The applicant took possession of the subject property on May 1, 1979, and has failed to meet any of the City paving and landscaping or curb cut requirements. In addition, the applicant, aware of the required permits, has moved onto the subject site, without City permits.

It is the applicant's contention that since the subject property lies within the I-80 By-pass Corridor the paving and planter requirements constitute a hardship because of the "temporary" nature of the use (5-7 years).

(OVER)

The timing of construction within the I-80 Bypass Corridor is dependent upon actions recently undertaken by the City Council. The City Council has requested withdrawal of the I-80 By-pass freeway segment from the interstate system and is undertaking actions to utilize this corridor for alternative transportation means. According to the City Traffic Engineering Division, the earliest possible construction date for any project in this corridor would be September 30, 1984, and no later than September 30, 1986. Therefore, any project site improvements are at least 5-7 years away.

STAFF EVALUATION: As noted above the applicant requests the variance to waive all the required paving and landscaping. While the applicant maintains the required improvements constitute a hardship, staff estimates the use will be established for a period of at least five years and possibly longer. Staff inspected the subject site on October 25 and 30, 1979 and noted that loose rocks, gravel, and mud were being tracked out of the subject area and onto Arden Way. With the advent of the rainy season approaching, this site has the potential of creating road hazards and nuisance conditions on Arden Way and surrounding streets. Furthermore, other recently established uses in the general vicinity have the required paving and landscaping, i.e. the warehouse on Lexington across from the subject site, and the RV storage lot approximately one block southwest of the subject site on Arden.

The applicant has constructed a used cyclone fence around much of the subject site; however, the used fencing is in poor condition. In addition, the southern portion of this fence was installed on the Southern Pacific right-of-way. Staff suggests the entire fence be upgraded and brought into conformance with the applicant's property line.

STAFF RECOMMENDATION:

1. The Variance to waive the required paving and landscaping be denied.
2. The Exempt Determination be ratified.

Findings of Fact

1. The variance would constitute a special privilege in that:
  - a. the applicant will probably be at this location between five and seven years. The proposed use for such a duration does not in itself constitute enough justification for granting of a variance;
  - b. other recently established businesses within the immediate vicinity have complied with the paving and landscaping requirements.

2. The requested variance would be injurious to the public welfare and property in the vicinity in that:
  - a. the current use of the subject site causes gravel and mud to be tracked onto Arden Way and thus creates hazardous road conditions;
  - b. the subject site is an eyesore (see staff photo), and as such, impacts the property values in the immediate vicinity.
3. The requested variance is not in harmony with the general purpose and intent of the Zoning Ordinance in that it does not provide the required landscaping or paving.



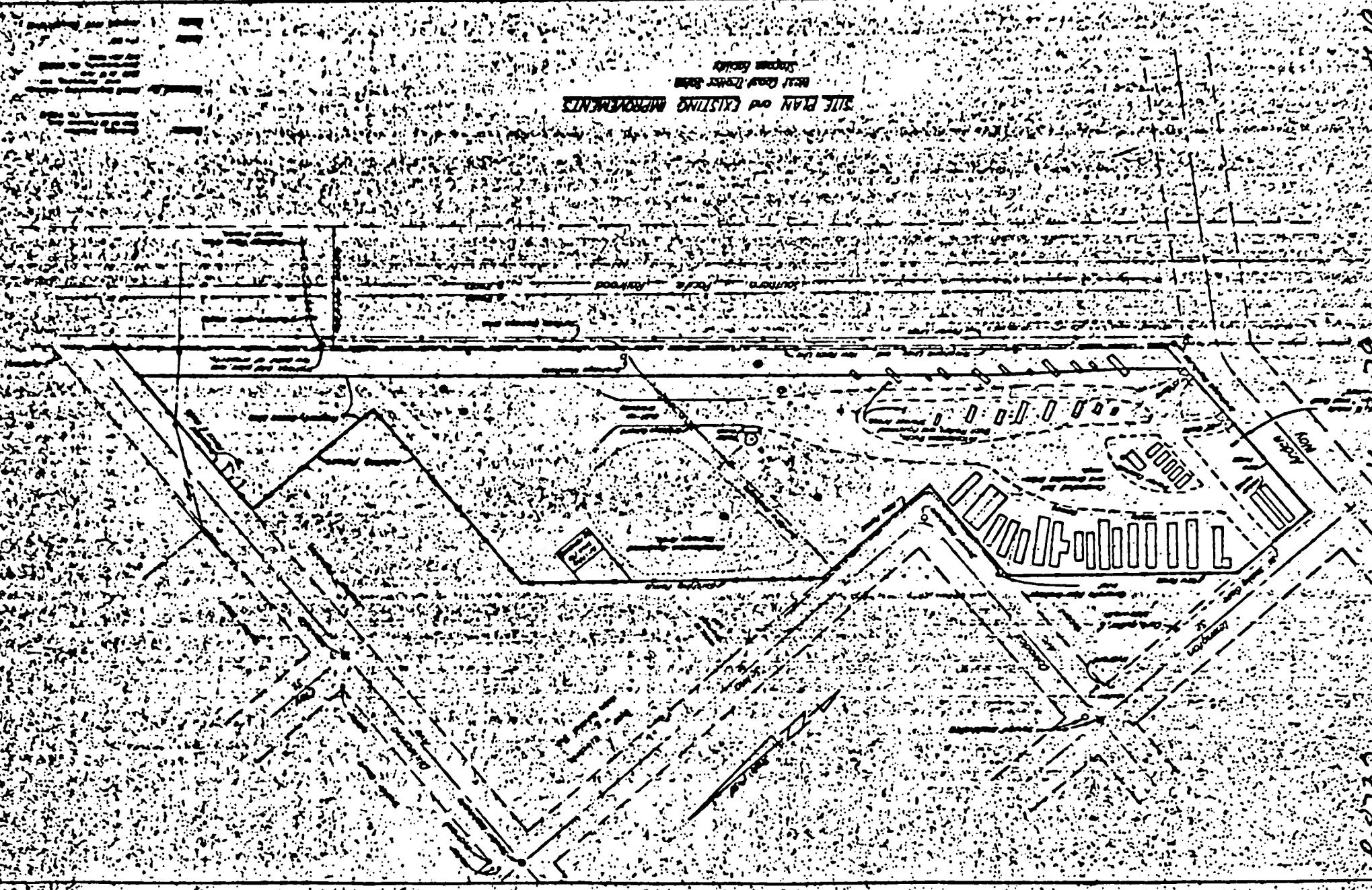
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SITE PLAN of EXISTING IMPROVEMENTS

BEAL COAST TRUST STATION

Station Facility

- Legend
- Proposed
- Existing
- Water
- Drainage
- Other



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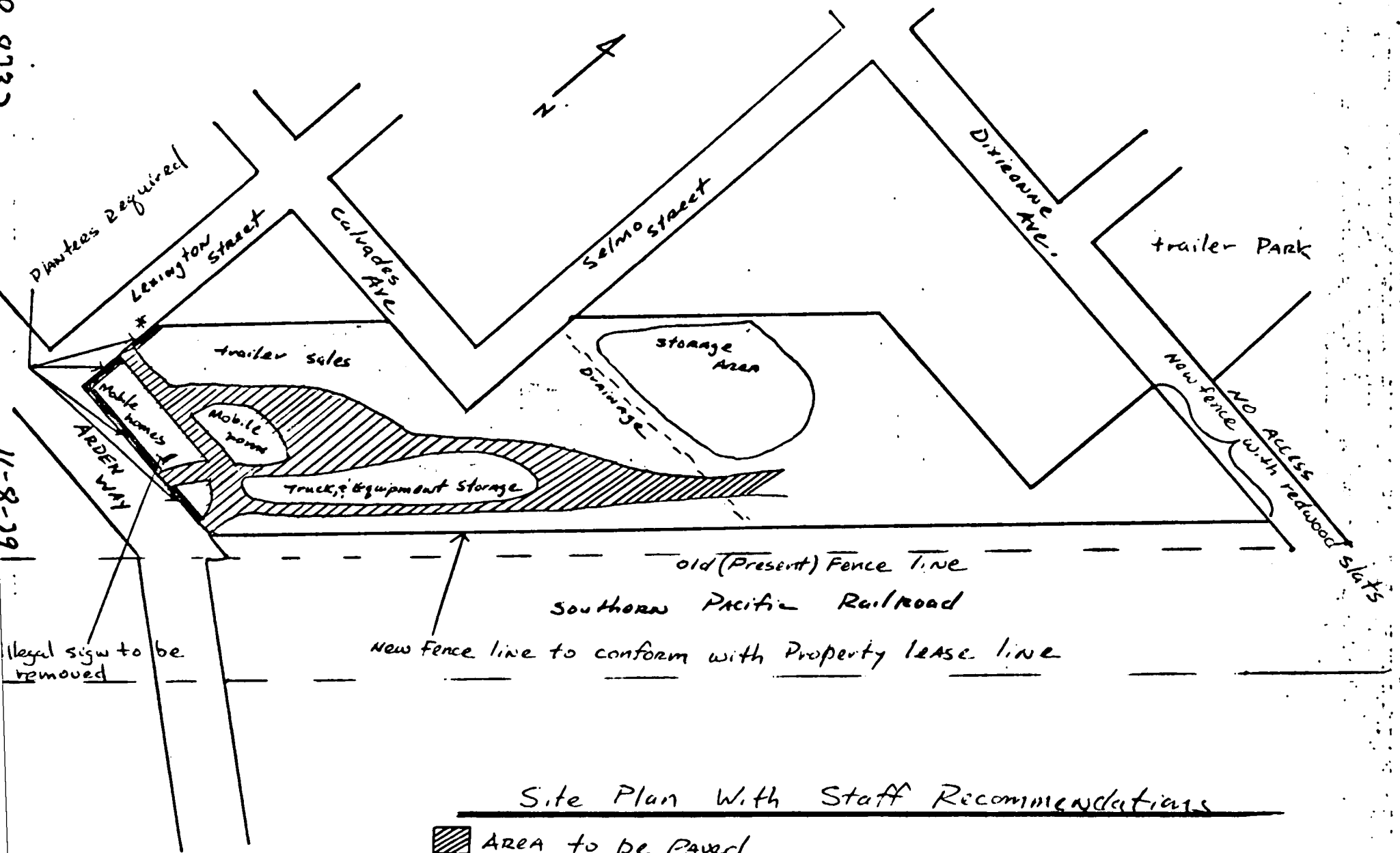
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Site Plan With Staff Recommendations

-  AREA to be PAVED
-  AREA to covered with gravel and oiled

\* Fence along Lexington street to have redwood slats