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CITY OF SACRAMENTO

CITY MANAGER'S OFFICE
RECEIVED

DEC 20 1979

CITY PLANNING DEPARTMENT

915 T STREET
CITY HALL - ROOM 308

SACRAMENTO, CALIF. 95814
TELEPHONE (916) 449-5004

ETHAN BROWNING, JR.
PLANNING DIRECTOR

December 20, 1979

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
OFFICE OF THE CITY CLERK
Cont to 1-2-80

APPROVED BY THE CITY COUNCIL
JAN 2 1979
OFFICE OF THE CITY CLERK
intent to deny Based on Fof 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.

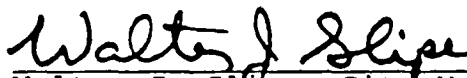
RECOMMENDATION

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-8232

M-

REZONING

SPECIAL PERMIT

VARIANCE

SUBD. MOD.

TENTATIVE MAP

EIR DETERMINATION

EXT. OF PERMIT

OTHER

Recommendation:

Favorable

Unfavorable

Petition

Correspondence

LOCATION: NE corner of Arden Way & Livingston Street

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

<u>NAME</u>	<u>OPPOSERS</u>	<u>ADDRESS</u>

MOTION NO. _____

	YES	NO	MOTION	2ND
Augusta	<u>absent</u>			
Flores	<u>absent</u>			
Fong	<input checked="" type="checkbox"/>			
Goodin	<input checked="" type="checkbox"/>			
Hunter	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
Muraki	<input checked="" type="checkbox"/>			
Simpson P	<input checked="" type="checkbox"/>			
Simpson S	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Silva	<input checked="" type="checkbox"/>			

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

GROUND 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
Frederick W. Stephenson Franklin Trailer Sales

ADDRESS: 901 H Street, Suite 303, Sacramento, CA 95814
Telephone: 446-7781

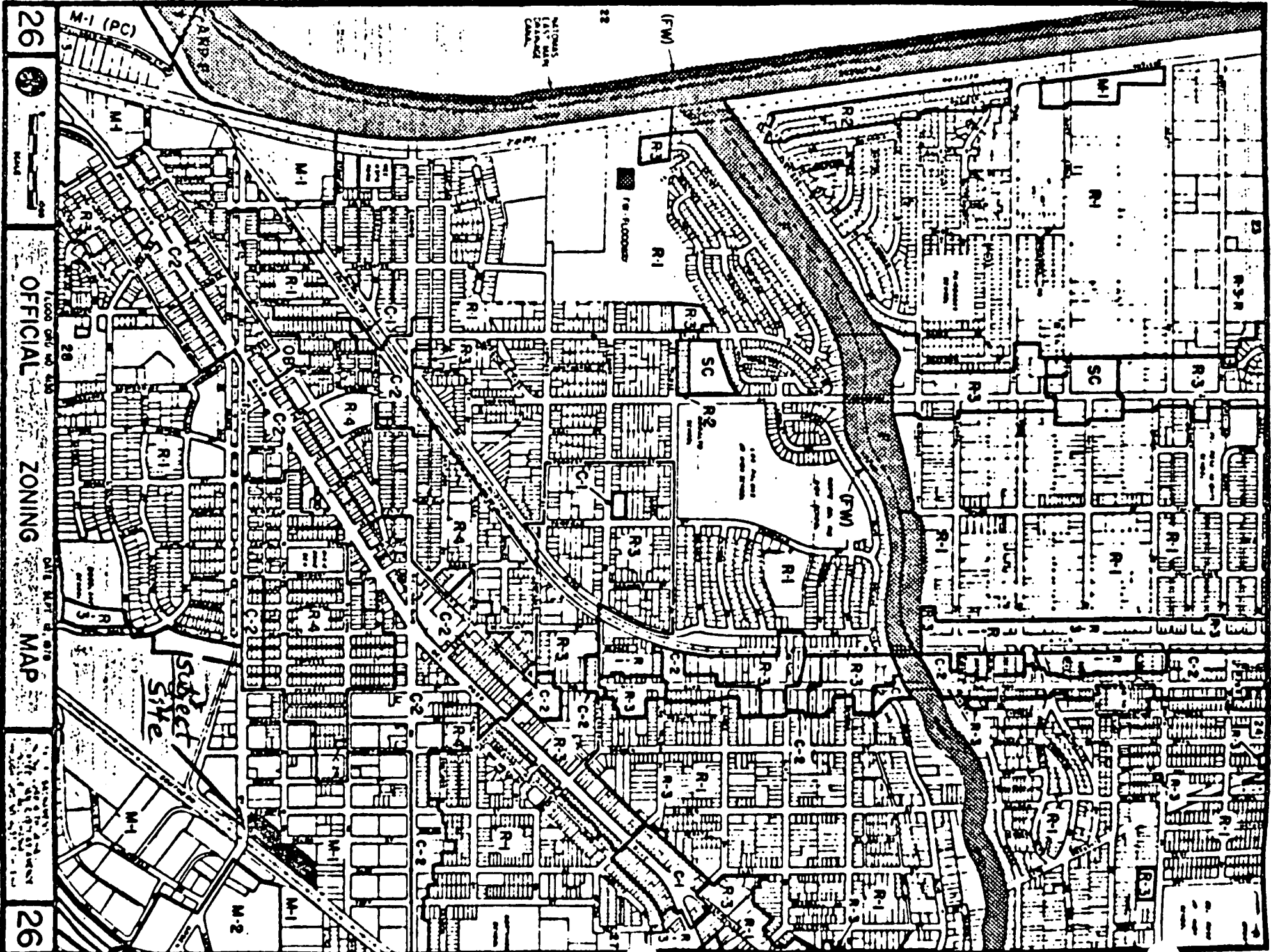
FILING FEE: \$50.00. Receipt No. 4898 .

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

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(4 COPIES REQUIRED)

Location Map



26

OFFICIAL

ZONING

MAP

26

Subject Site

NATIONALS LAY AND CHANGE CANAL

28

(F.W.)

(F.W.)

(F.W.)

(F.W.)

M-2

M-1

M-1

M-1

SC

R-1

R-1

R-1

R-3

R-1

R-1

R-1

R-3

R-1

R-1

R-1

Location Map

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: (Woodlake-Norralto)	Heavy Commercial or Industrial
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

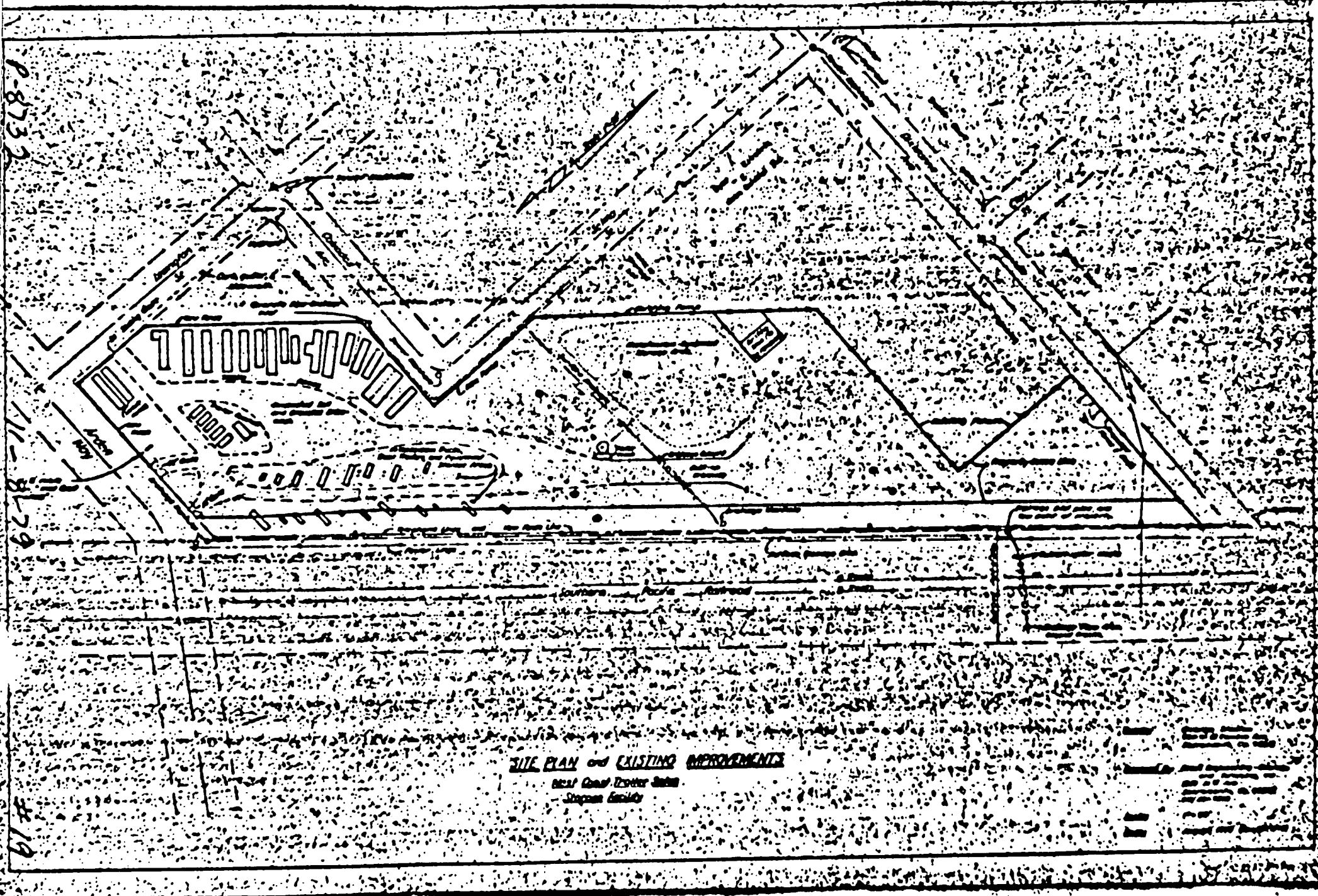
1. The variance would constitute a special privilege in that:
 - a. the applicant will probably be at this location between five and seven years. The proposed use for such a duration does not in itself constitute enough justification for granting of a variance;
 - b. other recently established businesses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

P-8732

11-29

#19



SITE PLAN and EXISTING IMPROVEMENTS
 Near Coast Center Station
 - Station Facility

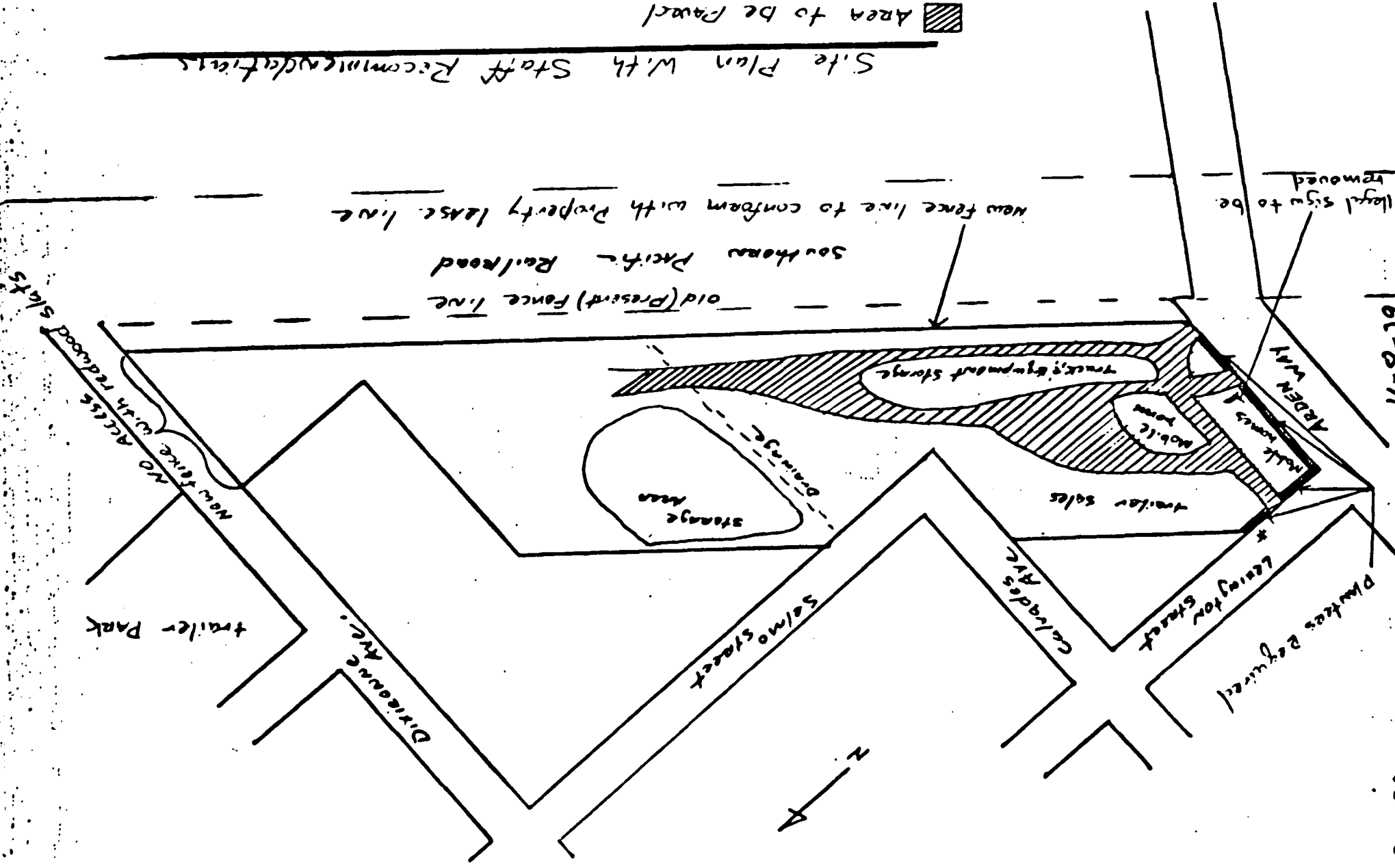
—	Existing Building
- - -	Proposed Building
—	Proposed Improvements
- - -	Proposed Improvements
—	Proposed Improvements
- - -	Proposed Improvements
—	Proposed Improvements
- - -	Proposed Improvements

P8732

* Fence along Lexington street to have reduced slots

- area to covered with gravel and oiled
- ▨ Area to be paved

Site Plan With Staff Recommendations



CITY OF SACRAMENTO

INTER-OFFICE ROUTING

To:

- Mayor / City Council Office
- City Manager
- Asst. City Manager
- Asst. City Manager, Community Development
- Asst. to City Manager
- Public Information
- City Clerk
- Finance Administration
- Revenues & Collections
- Purchasing
- Central Stores
- Accounting
- Utility Billing
- Data Processing
- City Treasurer
- City Attorney
- Planning Department
- Personnel Administration
- Employee Relations
- Employee Services
- Management Services
- Personnel Selections
- Training
- Police Department

To:

- Fire Department
- Fire Prevention
- Weed Abatement
- Emergency Planning
- City Engineer
- Asst. City Engr. Administration
- Animal Control
- Real Estate & Street Assessment
- Facility Maintenance
- Street Maintenance
- Traffic - Parking
- Water & Sewer
- Building Inspection
- Electrical Inspection
- Plumbing Inspection
- Community Improvement
- Waste Removal
- Equipment Maintenance

To:

- Museum & History Commission
- Recreation & Parks Administration
- Recreation
- Parks
- Golf
- Zoo
- Crocker Art Gallery
- Library Administration
- Housing and Redevelopment
- Community Center
- _____


Note:

- For Your Information
- Return with Recommendations
- Please Comment
- Prepare Draft and Return
- Prepare Letter
- Take Necessary Action
- Investigate and Report
- Per Your Request
- Reply, Send Copy To:
- _____
- _____
- _____

To: ETHAN BROWNING, PLANNING DIRECTOR REFERRAL OF AGENDA ITEM, MEETING OF 1-2-80

ITEM NO. 25: P-8732 (APPEAL): Findings of Fact due 1-15-80.

Comments _____

Signature  Title or Dept. CITY CLERK Date 1-3-80

(1976)