

**COUNTY OF SACRAMENTO
CALIFORNIA**

Control No.: PLNP2008-00214
Type: UPP-VAZ-DRS

TO: CARMICHAEL OLD FOOTHILL FARMS COMMUNITY COUNCIL

FROM: PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: AUBURN BOULEVARD AUTO SALES USE PERMIT RENEWAL,
VARIANCE, AND DESIGN REVIEW

CONTACT: *Mark Michelinini, Planner III, 874-6141; michelinim@saccounty.net*

PROJECT DESCRIPTION

ASSESSOR'S PARCEL NO.: 228-0291-024

LOCATION: The property is located at 4707 Auburn Boulevard, on the northwest corner at the intersections of Auburn Boulevard and Date Avenue, in the North Highlands – Foothill Farms community. (Supervisor District 3: Susan Peters)

APPLICANT:

Infinity General Engineering Construction and Design
6716 Castroverde Way
Elk Grove, CA 95757
Attention: Choudry Nasir

OWNERS:

Louis and Marlene Morago
8871 Chambray Road
Elk Grove, CA 95624
Attention: Marlene Morago

- REQUEST:
1. A **Use Permit Renewal** (96-0337) for auto sales on 0.45 acres in the General Commercial (GC) zone.
 2. A **Variance** to reduce the display setback from 50 feet to 8 feet on Auburn Boulevard and Myrtle Avenue and 5 feet on Date Avenue.
 3. A **Design Review** to comply with the commercial and mixed use design guidelines.

ENVIRONMENTAL DOCUMENT: **EXEMPT**

Overview:

The proposed project consists of a Use Permit renewal for auto sales in the General Commercial zone, located at 4707 Auburn Boulevard in the North Highland – Foothill Farms Community area. Additionally, a variance to reduce display setback and Design Review is requested.

Summary of Significant Issues:

In addition to renewing a Use Permit for auto sales, the proposed project provides an opportunity to add landscaping to the site and add visual interest to the street corner.

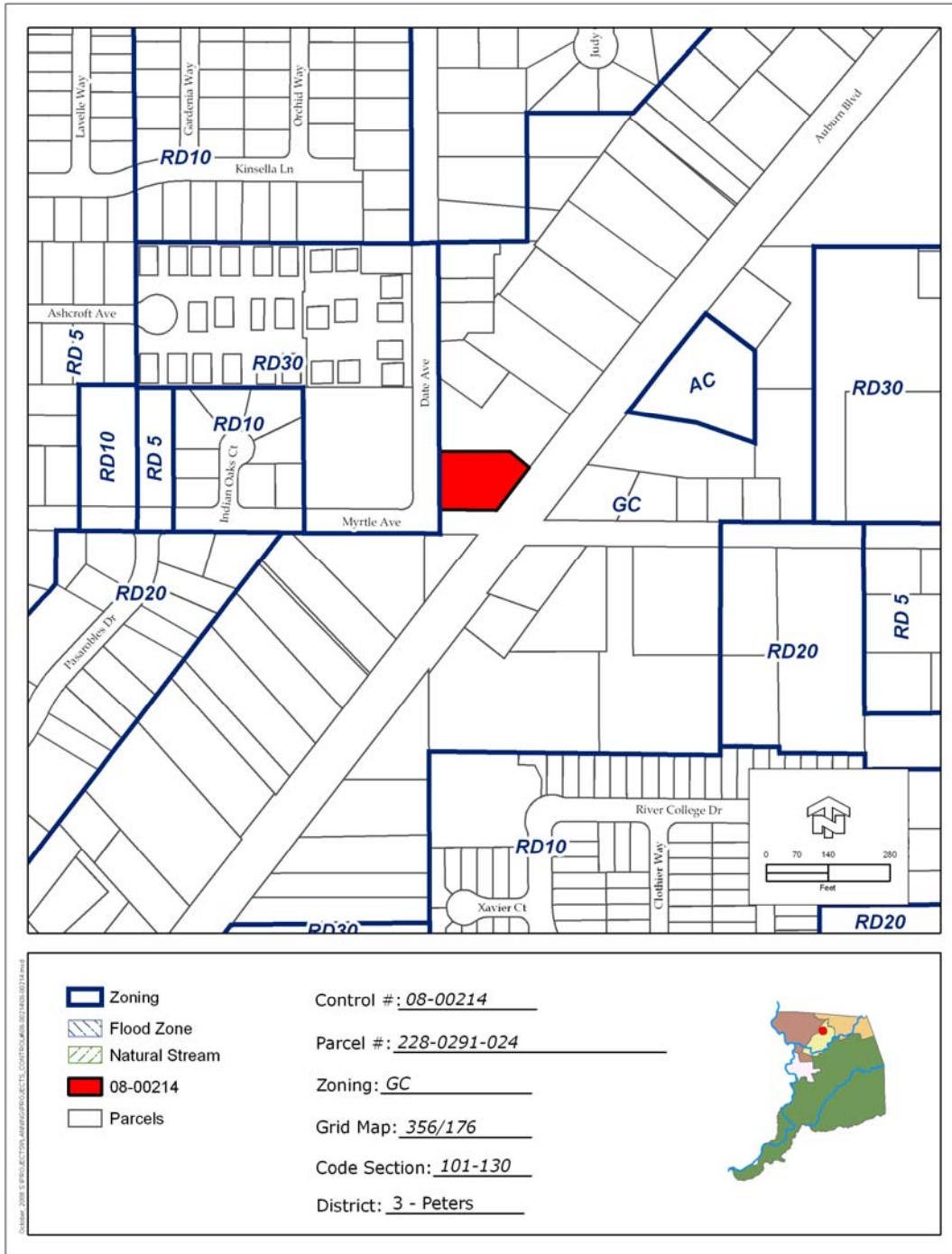
The Carmichael Community Council will hear this project.

Recommendations:

Staff is recommending **APPROVAL** of the proposed project.

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I. LOCATION MAP



II. PROJECT ANALYSIS

A. Adjacent Land Uses and Zoning:

	Existing Land Use	Zoning and Community Plan Designations
Subject Property	Auto Sales	GC
North	Commercial Tire Store	GC
South	Commercial	GC
East	Commercial Gas Station	GC
West	Multi-Family across Date Ave.	RD-30

B. History/Background: On September 4, 1996 the Sacramento County Board of Supervisors approved a Use Permit (96-UPB-VAZ-XXB-0337) to allow auto sales in the GC zone. As part of the Use Permit approval, the Board also approved two variances that reduced the 25-foot required planter to 8 feet and reduced the display setback from 50 feet to 8 feet on Auburn Boulevard and Myrtle Avenue and 5 feet on Date Avenue. This Use Permit was conditioned to allow no more that 9,100 square feet of display area. In addition, the Use Permit was also conditioned to expire 10 years from the date of issuance.

C. Project Description: The applicant is requesting renewal of a Use Permit that will allow auto sales in the GC (General Commercial) zone. A Variance is also being sought to reduce the display area setback from 50 feet to 8 feet on Auburn Boulevard and Myrtle Avenue and reduce the display area along Date Avenue to 5 feet. The proposed project will add landscaping (trees and shrubs) along the street right-of-way. The existing building is 1,017 square feet in size and used as an office. No interior or exterior modifications are proposed for this existing office building.

D. General Plan: Staff has identified one General Plan Policy that may be in conflict with the proposed Use Permit and Variance request. The existing General Commercial zoning is consistent with the General Plan Office and Commercial designation.

LU-14: This policy states, “It is the policy of Sacramento County to design new development located within ½ mile of a transportation corridor to conform to the density requirements of Table III-4 (0.4 FAR Floor Area Ratio), except where the Board of Supervisors finds that development at the desired densities is not feasible. This policy shall not be applied to prevent, constraint, limit or deter the development of housing affordable to lower income households, in land currently zoned for residential or commercial use. This policy shall not be applied to justify reducing the available acreage for parcels at densities RD-20 or greater”.

The minimum density and intensity requirements of LU-14 (Table III-4) require that projects located adjacent to feeder line stop, or trunk stop which does not adjoin an arterial street and feeder bus route to achieve a minimum density of 0.4 FAR (Floor Area Ratio). The proposed project does adjoin an arterial street (Auburn Boulevard) and has a Floor Area Ratio of .05 FAR which is significantly less than the 0.4 FAR intensity requirement of LU-14.

LU-1: States, "Improve the character and quality of existing development through the revitalization of blighted and underutilized development". The proposed project meet the intent of LU-1 since the project will revitalize the site with new landscaping including street trees and shrubs planted along the right-of-ways of Auburn Boulevard, Myrtle Avenue and Date Avenue.

- E. Carmichael Community Plan: The Carmichael Community Action Plan was adopted by the Board of Supervisors on April 26, 2006 as an appendix to the 1975 Carmichael Community Plan. This Action Plan compliments and updates to goals, objectives and polices in the 1975 Community Plan. Policy C 5 states: "An effort should be made to encourage more variety in the type of businesses located in Carmichael". The retention of this business at this location will add to the variety of businesses that can be found within Carmichael area.

Policy L-3: States: "Encourage rehabilitation of existing high density and commercial areas before new projects are developed". The proposed project will rehabilitate the subject site as new landscaping, lawn, trees, and shrubs will be planted therefore improving the general appearance of the site.

- F. Design Review: The proposed project was reviewed by Barry Wasserman, Design Review Administrator and the County Design Review Committee (DRAC). The DRAC did not propose any modifications to the existing building but requested that street trees be planted closer to mitigate lighting from the project parking lot. DRAC has recommended that the street trees be planted closer together to mitigate the parking lot lights. DRAC has recommended that the street trees shall be planted at least 15 feet on center. DRAC also requests for live landscaping along the street right-of-way in addition to the street trees.

In order to address comments provided by the DRAC, staff has added a condition that would require street trees planted at 15 feet on center. This will mitigate the parking lot lights and add visual interest to the corner.

- G. Access Issues: The site is accessed via two driveways. One is along Auburn Boulevard and the other is off Date Avenue. The driveway along Auburn Boulevard is 35 feet wide. The driveway along Date Avenue is also 35 feet wide and is the main access driveway for the site. The site has a 6-foot high wrought iron fence

adjacent to the street right-of-ways (a perimeter fence). There is a wrought iron gate at both access driveways. During business hours, the gate adjacent to Auburn Boulevard will be closed while the access gate adjacent to Date Avenue will remain open.

- H. Variance: The applicant is requesting a Variance to reduce the display area setback from 50 feet to 8 feet on Auburn Boulevard and Myrtle Avenue and 5 feet on Date Avenue. Sacramento County Zoning Code (SCZC) Section 315-42 (b) states, “that there shall be a front and side street yard of at least 50-foot between any structure within these zones (commercial zones) and the public street right-of-way or edge of pavement of a private drive. Such yard depth may be reduced to a minimum of 25 feet, provided that for each square foot of additional buildable area created by the application of these provisions, an equivalent square foot of planter or landscaped area is provided in the corresponding front or side street yard. Such a planter or landscaped area shall be in addition to the planter and landscaped areas required in Section 315-45 and shall be subject to all the provisions of this Section”. The Zoning Code further requires that the front and side street setback areas cannot be used to display merchandise. The subject site is adjacent to three streets thereby reducing the amount of display area on the site. Due to the irregular shape of the site, only approximately 5,060 square feet will be available for vehicle sales and display. As a result, staff supports the issuance of a Variance to deviate from the 50-foot setback requirement down to the 8 feet in order to provide additional display area on site.

The subject site is zoned GC and therefore is only required to have a 5-foot wide planter that increases to 8 feet wide to accommodate street trees planted 50 feet on center adjacent to the right-of-way. There is an existing 8-foot wide planter along Auburn Boulevard and Myrtle Avenue. The landscape area along Date Avenue is only 5 feet wide. The landscape area adjacent to Date Avenue will have to add the 7 feet by 8 feet “tree wells”. This added landscaping area will be added to the conditions of approval and “red lined” on Exhibit “1” (Site Plan) and Exhibit “4” (Landscaping Plan).

- I. Use Permit Renewal: The existing Use Permit to allow for auto sales within a General Commercial zone was approved on September 4, 1996. This Use Permit is only valid for 10 years. The owner is merely requesting for continued use of this site for auto sales. Staff did not receive any opposition from surrounding neighbors and is supportive of this renewal since the owner is providing a valuable service to the Carmichael Community. However, since this property is located along the Auburn Boulevard corridor which is targeted for re-planning and revitalization, staff is only proposing a 10-year extension. Due to the placement of this property within a major corridor in the County, the subject property should be made available and considered

for a higher intensity use consistent with key commercial corridor revitalization policies of the County's General Plan.

- J. Community Outreach: It is Sacramento County policy to encourage applicants to conduct community outreach for projects prior to or concurrent with the filing of a planning application, and to provide a written description of the outreach.

To date Planning staff has not received any responses or any other comments from the neighbors in support or opposition to the proposed project.

III. STAFF RECOMMENDATIONS

The project site has historically been used for auto sales. The previous use permit was conditioned to expire after 10 years and the project proposes the renewal of this Use Permit. Staff is conditioning the new Use Permit to expire in 10 years. This will enable staff to reconsider the uses along the Auburn Boulevard corridor. The variance to reduce the display area setback is reasonable because of the sites size and shape of the site is unique. By having the site bordered by three streets the buildable portion of the site is approximately 25% of the total site area. Furthermore, this entitlement will add much needed landscaping improvements along the right-of-ways of Auburn Boulevard, Myrtle Avenue, and Date Avenue. Street trees will be planted 15 feet on center to mitigate the parking lot lights. For these reasons, staff recommends **APPROVAL** of this proposal.

A. Recommended Actions:

1. Recognize the **EXEMPT** status of the request under Section 15301, Class 1 and 15304, Class 5.
2. Use Permit: **APPROVE** the requested entitlement for Auto Sales as requested, subject to the findings listed in Section III.B and the conditions listed in Section III.C of this report
3. Variance: **APPROVE** the requested Variance to reduce a 25-foot required planter and to reduce the display setback as requested, subject to the findings listed in Section III.B and the conditions listed in Section III.C of this report.

B. Recommended Findings: The staff recommendations are based upon the following considerations:

1. The request is not consistent with the County General Plan Map and Text in that the proposed development, located between 1/8 and 1/4 mile of an existing transit stop on a transportation corridor, does not conform to the 0.4 floor area ratios, as specified in Table III-4 of the County General Plan; however,

densities specified in the General Plan would not be feasible at this location since the site is not of adequate size to support intensive development.

2. The request is consistent with the Carmichael – Old Foothill Farms Community Plan Map and Text.
3. The proposed development will conform to applicable Zoning Code regulations Section 315-42(b) and 315-45(a).
4. Identified environmental effects and suggested mitigation measures have been taken into consideration in the recommended actions and conditions of approval.
5. Staff has identified no effects from the proposal which would result in a significant detrimental impact on adjoining or neighboring properties if the conditions, as recommended by staff, are adopted.
6. The granting of the Use Permit will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County in that:
 - a. Similar uses have been approved along Auburn Boulevard.
 - b. Auto-related commercial uses immediately abut the property.
 - c. The use can adequately be buffered from nearby residences.
7. The strict application of the requirements of the Sacramento County Zoning Code would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications because of special circumstances peculiar to the subject property, including size, shape, topography, location, or surroundings; or because of the location of Heritage or Land Mark Trees as defined and regulated by Chapter 19.04 of the Sacramento County Code in that similar deviations have been approved along Auburn Boulevard. In addition, the irregular shape of the lot and the adjacent streets reduces the useable area of the lot if standard Zoning Code setbacks and landscaping are required.
8. The grant of the Variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone, in which the subject property is situated in that similar deviations have been approved along Auburn Boulevard. In addition, the irregular shape of the lot

and the adjacent streets reduces the useable are of the lot if standard Zoning Code setbacks and landscaping are required.

- C. Recommended Conditions: Any approval of the Use Permit, Variance, and Design Review shall be subject to the following conditions:
1. The final development plans shall be in substantial compliance with Exhibit “1” (Site Plan), Exhibit “2” (Elevations), Exhibit “3” (Floor Plan), Exhibit “4” (Landscaping Plan).
 2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. Any required subsequent procedural actions shall take place within 36 months of the date on which the permit became effective or this action shall automatically be null and void
 3. This Use Permit shall expire ten (10) years from the date of issuance.
 4. Verify to the satisfaction of the Department of Water Resources that the building envelope does not encroach into the drainage easement and/or 30 inch drainage line traversing the property.
 5. Sewer service shall continue to be provided by the Districts infrastructure at the existing sewer service lateral. Required modifications, if any, shall be to the satisfaction of the District.
 6. There shall be street trees planted at 15 feet on center along the right-of-way (As indicated on Exhibit “4” Landscaping Plan). The Department of Transportation, Landscape Design and Tree Section shall approve the species of trees.
 7. The applicant shall submit complete landscape planting and irrigation plans that are consistent with the requirements of the Water Conservation Ordinance and Zoning Code requirements for landscaping to the Department of Transportation, Landscape Design and Tree Section for review prior to issuance of building permits for the project.
 8. Removal of existing parking lot shade tree requires the issuance of a Tree Removal Permit by this office and replacement of the trees at a ration of one 24-inch box tree for each parking lot shade tree that is removed.
 9. Add two “tree wells” measuring at least 7 feet by 8 feet to the landscape area along Date Avenue (As indicated on Exhibit “1” Site Plan and Exhibit “4” Landscaping Plan) to accommodate the two street trees as per SCZC Section 315-45(a).

10. Provide an all-weather, dust-free surface for all display areas and parking areas.
11. All trash and recycle container on the subject site shall be in compliance with SCZC 315-50.
12. All entrances to the parking area shall be posted with appropriate signs per 22658(a) CVC, to assist in removing vehicles at the property owner's/managers request.
13. Handicapped parking spaces shall be clearly marked and properly sign posted and be conveniently located near the primary entrances of buildings they are intended to serve.
14. All parking of "for sale" vehicles shall occur within the property boundaries only, and not onto the public street.
15. No "for sale" vehicles shall be placed in parking spaces required for customer parking.
16. The address number of every commercial building shall be illuminated during the hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than six inches in height and of a color contrasting with background.
17. Each different unit within the building shall have its particular address prominently displayed on its front and rear doors. (Rear doors numbers only need to be one inch in height.) If front door numbers are placed on glass, the numerals shall be white in color.
18. Interior directional signs shall be employed as necessary.
19. Transit information shall be displayed in prominent locations within the business for both patrons and employees. Please contact RT Marketing Department at (916) 556-0112 for more information.

IV. ATTACHMENTS

- A. Sheriff's Department Comments
- B. Context Photos (7)

V. EXHIBITS

1. Site Plan

AUBURN BOULEVARD AUTO SALES
PLNP2008-UPP-VAZ-DRS-00214
228-0291-024

2. Building Elevations
3. Floor Plan
4. Landscape Plan
5. Color and Materials (see file)

This staff report was prepared on January 5, 2009.