

**CITY OF SACRAMENTO
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING ADMINISTRATOR
1231 I Street, Sacramento, CA 95814**

ACTION OF THE ZONING ADMINISTRATOR

On Wednesday, October 3, 1999, the Zoning Administrator approved with conditions a special permit and a variance to expand a non-conforming commercial structure and project into the side yard setback area for the project known as Z99-116. Findings of Fact and conditions of approval for the project are listed on pages 3-6.

Project Information

- Request: 1. **Zoning Administrator Variance** to reduce the required side yard setback from 7.5 feet to five feet for a proposed 2673 square foot commercial building expansion on 0.26± developed acres in the General Commercial (C-2) zone.
2. **Zoning Administrator Special Permit** to expand a non-conforming structure along the existing five foot rear yard building setback.

Location: 4600 7th Avenue (D5, Area 3)

Assessor's Parcel Number: 015-0112-001

Applicant: M.G. Williams Construction (Mike Williams)
 8139 Sunset Avenue, Ste. 206
 Sacramento, CA 95628

Property Owner: Ali Khid and Nadeem Aslem
 4600 7th Avenue
 Sacramento, CA 95820

Project Planner: Sandra Yope

General Plan Designation: Community/Neighborhood Commercial & Offices
Existing Land Use of Site: Commercial
Existing Zoning of Site: General Commercial (C-2)

Surrounding Land Use and Zoning:	Setbacks	Required	Proposed
North: C-2 and R-1; Vacant and Single Family	Front:	25'	36'
South: R-1; Single Family	Side(N.):	5'	7.5'
East: R-1; Single Family	Side(S):	7.5'	5'
West: C-2; Commercial	Rear:	15'	5'

Property Dimensions: Irregular
Property Area: 0.26± acres

Parking Provided:	7 Spaces
Parking Required:	5 Spaces (1:1000 sq. ft. storage, 1:500 sq. ft. commercial)
Square Footage of Building:	3,873 square feet
Exterior Building Materials:	Block/Stucco/Metal
Height of Building:	17 feet, One story
Roof Materials:	Metal
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

Project Plans: See Exhibits A-B

Previous Files: None

Background Information: There is a code enforcement case on the site for numerous nuisance activities that includes storage of tires outside instead of within the building as required by the Zoning Ordinance for the zone and use.

Additional Information: The site is currently developed with a 1,200 square foot commercial building located at the southeast corner of Stockton Boulevard and 7th Avenue. The building is used for a tire business. There is an existing wrought iron fencing along the north and west property line and portions of the south property line. There is an existing 5.5 foot masonry wall along a portion of the south property line and along the east property line. The wall and part of the fencing has barbed wire attached at the top.

The applicant is proposing to expand the existing building by a total 2,673 square feet along the existing building lines. The existing structure will be incorporated into the new additions. The building will expand to the north by 1,850 square feet and to the south by 823 square feet. The parking lot will be refinished to meet current standards. The existing building has a rear setback of 5 feet and the Zoning Ordinance requires a 15 foot setback when commercially zoned property abuts residentially zoned property. The building is a legal non-conforming structure. The proposed expansion will follow the existing building setback along the east property line. A Zoning Administrator Special Permit is required to expand a non-conforming structure.

The expansion will project into the required side yard setback along the south property line. The Zoning Ordinance requires a 7.5 foot side yard setback for the commercial building that exceeds 15 feet in height when adjacent to a residentially zoned parcel. The proposed expansion will have a five foot setback. The building will be 17 feet high. The additional height is predominately for architectural features and not additional usable space. The applicant is requesting a variance to encroach in the side yard setback area.

The parking area will have seven spaces. The tire store use will require five spaces. The storage area (2,297 square feet) requires one space per 1000 square feet or two spaces. The remaining area (1,576 square feet) is calculated as general commercial, one space per 500 square feet. A new trash enclosure will be located on the north side and is shown within the street side yard setback area. The enclosure will need to be relocated out of any required setback area.

The site is located within the Tahoe Park Neighborhood Association and the Oak Park Project Area Committee (PAC) association areas. The project plans were sent to the associations. Both associations conditionally support the project. There was a community meeting with the applicant, owner, neighborhood groups, and council member regarding the proposed project. All parties agreed to specific conditions which have been incorporated within the conditions of approval (see Exhibit C). The project has been noticed and staff has not received any calls. The site is also located within a Design Review Area. The applicant has not submitted an application to Design Review staff.

Agency Comments: The proposed project has been reviewed by the City Utilities Department, the Building Division, and the Public Works - Transportation and Engineering Planning Divisions. The comments received pertaining to the lot line adjustment have been included as conditions. Public works has commented that the driveway off of 7th Avenue will not be allowed because it does not meet required City Standards for driveway depths.

Environmental Determination: This project will not have a significant effect on the environment and is exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Sections 15305(a) and 15301 (e{2}).

Conditions of Approval

1. There shall be no further expansion of the building into the setback areas.
2. Size and location of the building shall conform to the plans submitted. The applicant shall comply with all Design Review Staff conditions and submit revised plans to Planning should changes to submitted plans be required.
3. The applicant shall obtain all necessary building permits prior to commencing construction.
4. The following are Building Division comments:
 - a. Provide a one hour fire resistive construction for south/east walls with a 30 inch parapet.
 - b. Handicap parking stall is required to be van accessible with an eight foot aisle. Only one ADA space is required.
5. An on-site surface drainage system is required and shall be connected to the street drainage system by means of a storm drain service tap. All on-site systems shall be designed to the standard for private storm drainage systems (per Section 11.12 of the Design and Procedures Manual).
6. Post construction, stormwater quality control measures shall be incorporated into the development to minimize the increase of urban runoff pollution caused by development of the area. Since the project is in an area served by a regional water quality control facility only source control measures are required. Refer to the draft "Manual of Standards for Design of New Development On-Site Stormwater Quality Control Measures" dated January 23, 1995, for appropriate source control measures.

7. The applicant must comply with the City of Sacramento's Grading, Erosion and Sediment Control Ordinance. This ordinance will require the applicant to prepare erosion and sediment control plans for both during and after construction of the proposed project, prepare preliminary and final grading plans, and prepare plans to control urban runoff pollution from the project site during construction.
8. The business located on the property shall adhere to the following requirements:
 - a. The business shall operate no earlier than 8:00 a.m. and no later than 8:00 p.m.
 - b. The existing perimeter wrought iron fencing shall be removed and all barbed wire shall be removed from all walls, structures, and fencing. There shall not be barbed wire located on the premises.
 - c. There shall be no guard dogs kept or used on the site at any time.
 - d. There shall be no outside storage of tires, equipment, vending machines, or related items. All work shall be performed within the confines of the building. All used tires must be stored within the building. **These requirements are required by the Zoning Ordinance and are effective immediately and throughout construction and future operation of the building.**
 - e. All hazardous materials shall be stored within the building in accordance with Building Code requirements. No hazardous materials are to be stored outside.
 - f. There shall be no bars on any window exterior. Any security system shall be included in the Design Review application.
 - g. The building shall be constructed so that operations within the building due not exceed the maximum allowed decibels for commercial activity during hours of operation as defined in the City Code.
 - h. The applicant shall relocated the large dumpster used for discarding tires to within the building.
9. The existing pole sign shall be removed prior to issuance of certificate of Occupancy. All new signage must comply with the requirements of the Sign Ordinance and have sign permits.
10. The applicant shall obtain a driveway Variance from Public Works for the driveway located off of 7th Avenue. If the driveway Variance is granted then the driveway shall never be used as a parking space or for trucks to park during loading operations.
11. The applicant shall increase the masonry wall height to six feet along the entire east and south property lines up until the required setback lines where the wall shall drop to no higher than four feet.
12. The applicant shall relocate the trash enclosure outside of the required five foot street side yard setback area.

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Advisory Notes:

1. This project is served by the Combined Sewer System (CSS). However, it is not anticipated to make any significant impacts to the CSS. Consequently, no Impact/Mitigation Agreement is required.
2. There is an existing 6 inch water main within the 5 foot public utilities easement, lying 2 ½ feet on either side of the southerly property lines and 50 feet westerly of the easterly property line as shown and so delineated in the Plat of Boulevard Terrace Subdivision #1. This easement shall be clear of any structures and the Department of Utilities personnel shall have unlimited and unrestricted access at all times.

Findings of Fact- Variance:

1. The proposed project, as conditioned, is based upon sound principles of land use in that the proposed building will not substantially alter the characteristics of the surrounding neighborhood.
2. Granting the variance does not constitute a special privilege extended to an individual applicant in that a variance would be and has been granted to other property owners facing similar circumstances.
3. Granting the variance request does not constitute a use variance in that the commercial building has a commercial use that is permitted in the General Commercial (C-2) zone.
4. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. the expanded building will allow more storage inside helping resolve chronic compliance problems for the site; and
 - b. the proposed project will not substantially alter the characteristics of the surrounding mixed use area.
5. The project is consistent with the General Plan which designate the subject site as Community/Neighborhood Commercial & Offices.

Findings of Fact- Special Permit:

1. The proposed project, as conditioned, is based upon sound principles of land use in that the proposed building expansion will actually improve the site and not substantially alter the characteristics of the site or the surrounding neighborhood.
2. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:

- a. the proposed building expansion follows established building lines;
- b. there will be adequate on-site parking; and
- c. the new building will create more inside storage area for the commercial building.

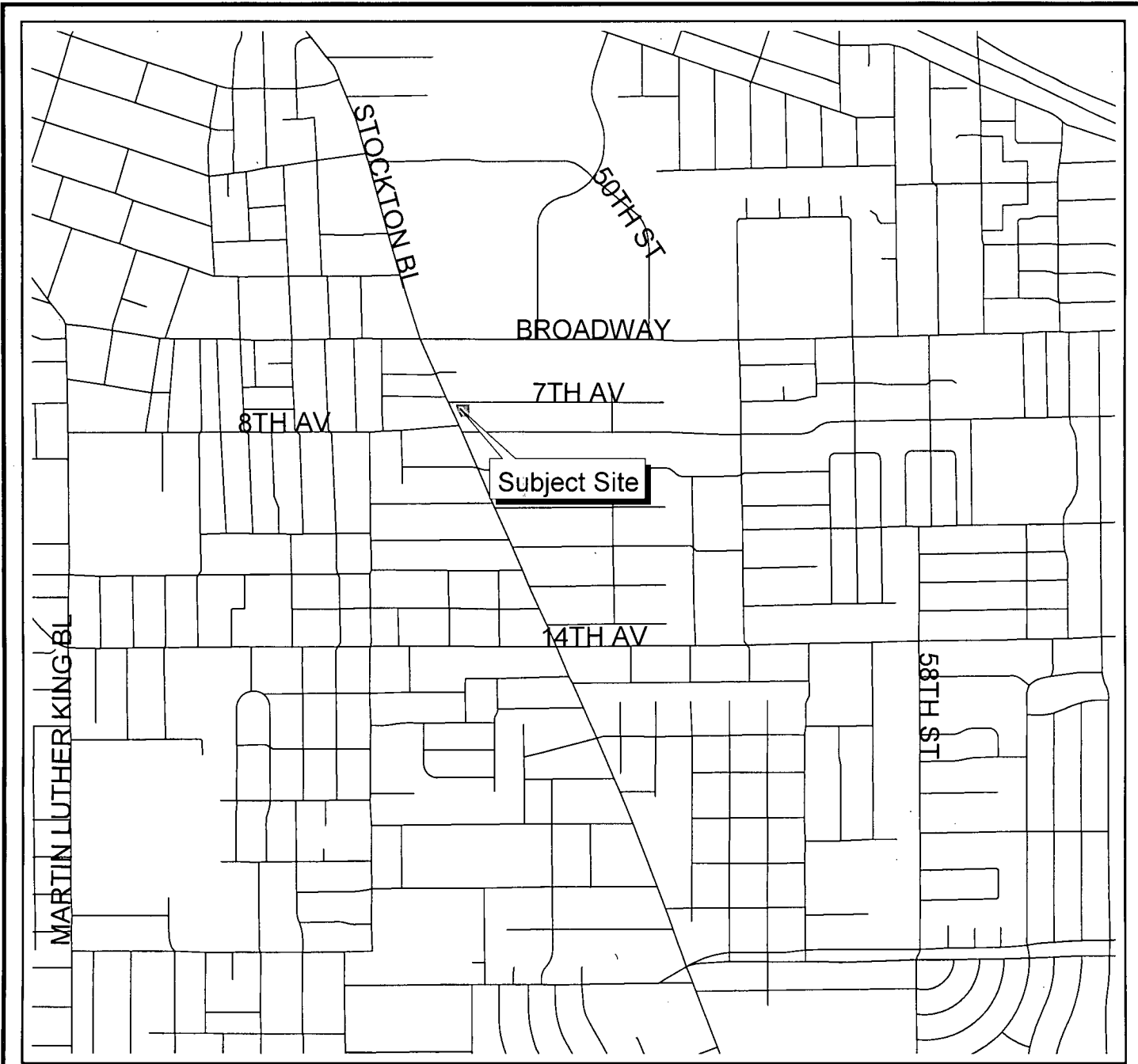



Joy D. Patterson
Zoning Administrator

A use for which a Variance is granted must be established within two years after such permit is approved. If such use is not so established the Variance shall be deemed to have expired and shall be null and void. A Variance which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.

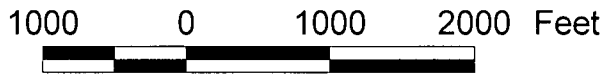
The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File
Applicant
Dave Holloway, Code Enforcement
Council Member Lauren Hammond
ZA Log Book

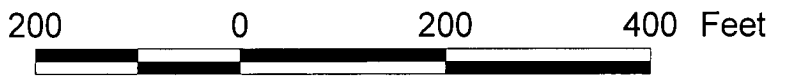
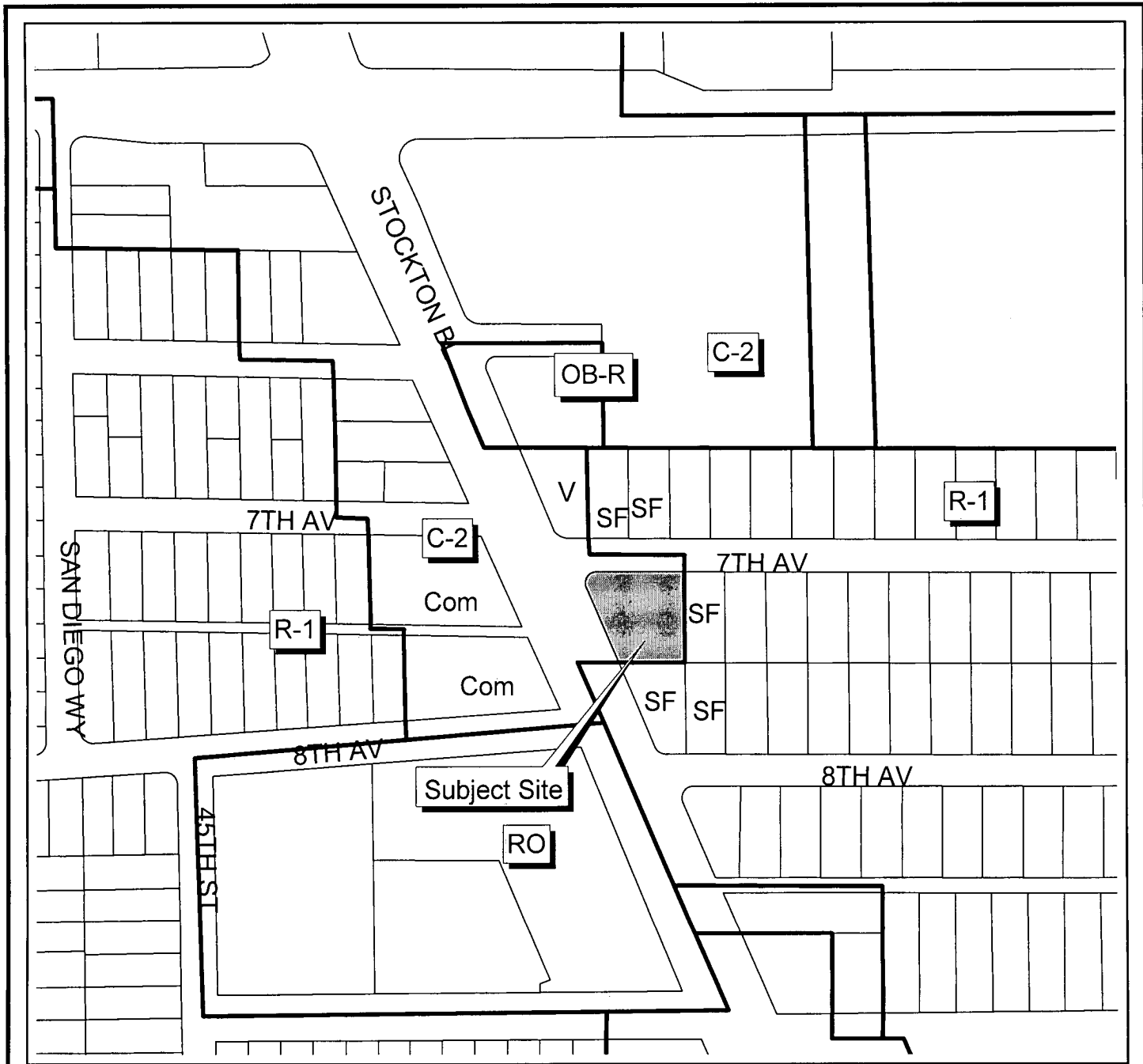



Neighborhoods, Planning
And Development Services
Department

Geographic
Information
System



VICINITY MAP



Neighborhoods, Planning
And Development Services
Department

Geographic
Information
System

LAND USE AND ZONING



8139 Sunset Ave. Suite 206 Fair Oaks, CA 95628
916.981.8561

BUILDING DATA

ZONE C2
OCCUPANCY- B-1
TYPE V - N
1994 CBC

BUILDING AREA

EXISTING BLDG.	1200 S.F.
NEW CONSTRUCTION	2673 S.F.
TOTAL AREA	3873 S.F.

SERVICE BAYS	1186 S.F.
TIRE STORAGE (INACCESSIBLE TO PUBLIC)	1864 S.F.
GENERAL STORAGE (INACCESSIBLE TO PUBLIC)	433 S.F.
OFFICE AREA	389 S.F.

NOTES

1. BUILDING TO BE PROVIDED WITH NEW SPRINKLER SYSTEM PER ALL APPLICABLE CODES

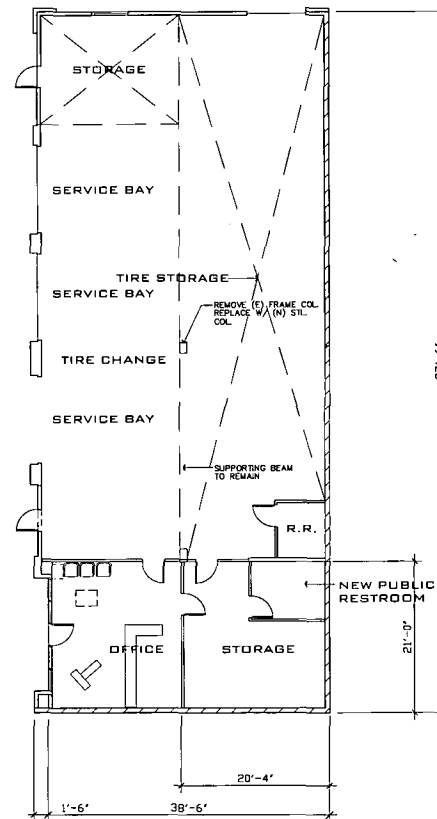
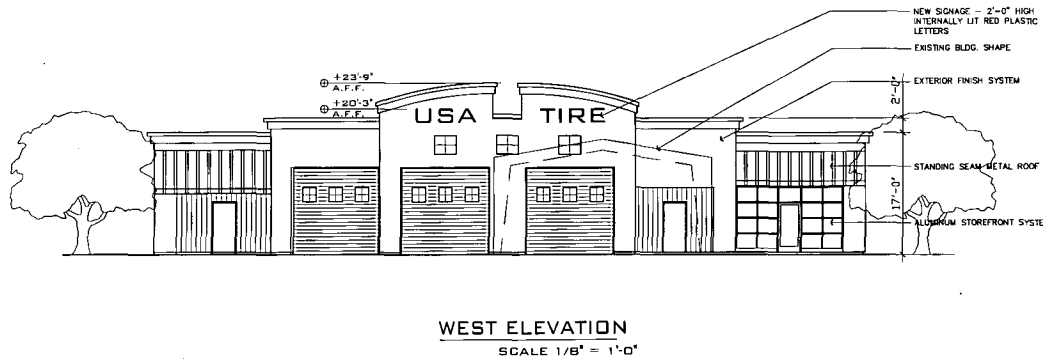
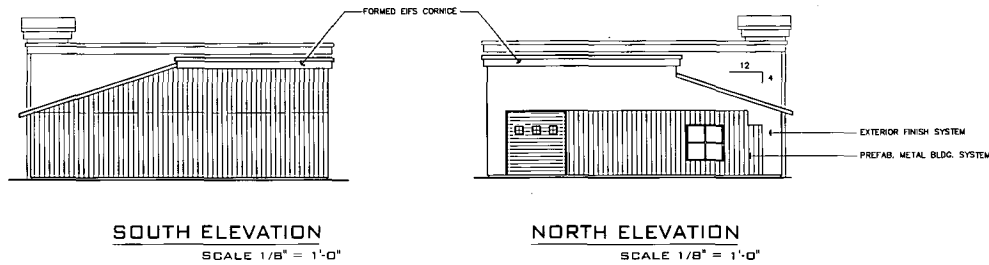
Contractor shall verify and be responsible for all dimensions and conditions on the job and this office to be notified in writing of any variances from the dimensions and conditions shown by these drawings. This drawing is not final or to be used for construction until signed by the architect/engineer.

No. Revision _____ Date _____
Owner _____

Project
USA TIRE RENOVATION
SACRAMENTO, CA.
Sheet Title

FLOOR PLAN AND ELEVATIONS

THA Job No.	9903
Scale	AS NOTED
Date	9-7-99
Dwg. No.	A2



NEW FLOOR PLAN

SCALE 1/8" = 1'-0"

--- EXISTING WALL TO BE REMOVED
= NEW METAL STUD WALL
/// NEW CMU WALL



8139 Sunset Ave. Fair Oaks, CA 95628
916.961.8261

BUILDING DATA

ZONE C2
OCCUPANCY B-1
TYPE V - N
1994 CBC

SITE AREA	11,434 S.F.
EXISTING BLDG.	1200 S.F.
NEW CONSTRUCTION	2873 S.F.
TOTAL AREA	3873 S.F.

PARKING DATA

TOTAL PARKING SPACES REQUIRED	
SERVICE AREA 1/500	1186 S.F./500 2 SP.
OFFICE AREA 1/250	389 S.F./250 2 SP.
STORAGE AREA 1/1000	2298 S.F./1000 2 SP.
TOTAL PARKING SPACES PROVIDED 7 SP.	
ALLOW COMPACT SPACES @ 40%	2 SP.
HANDICAPPED SPACES	2 SP.

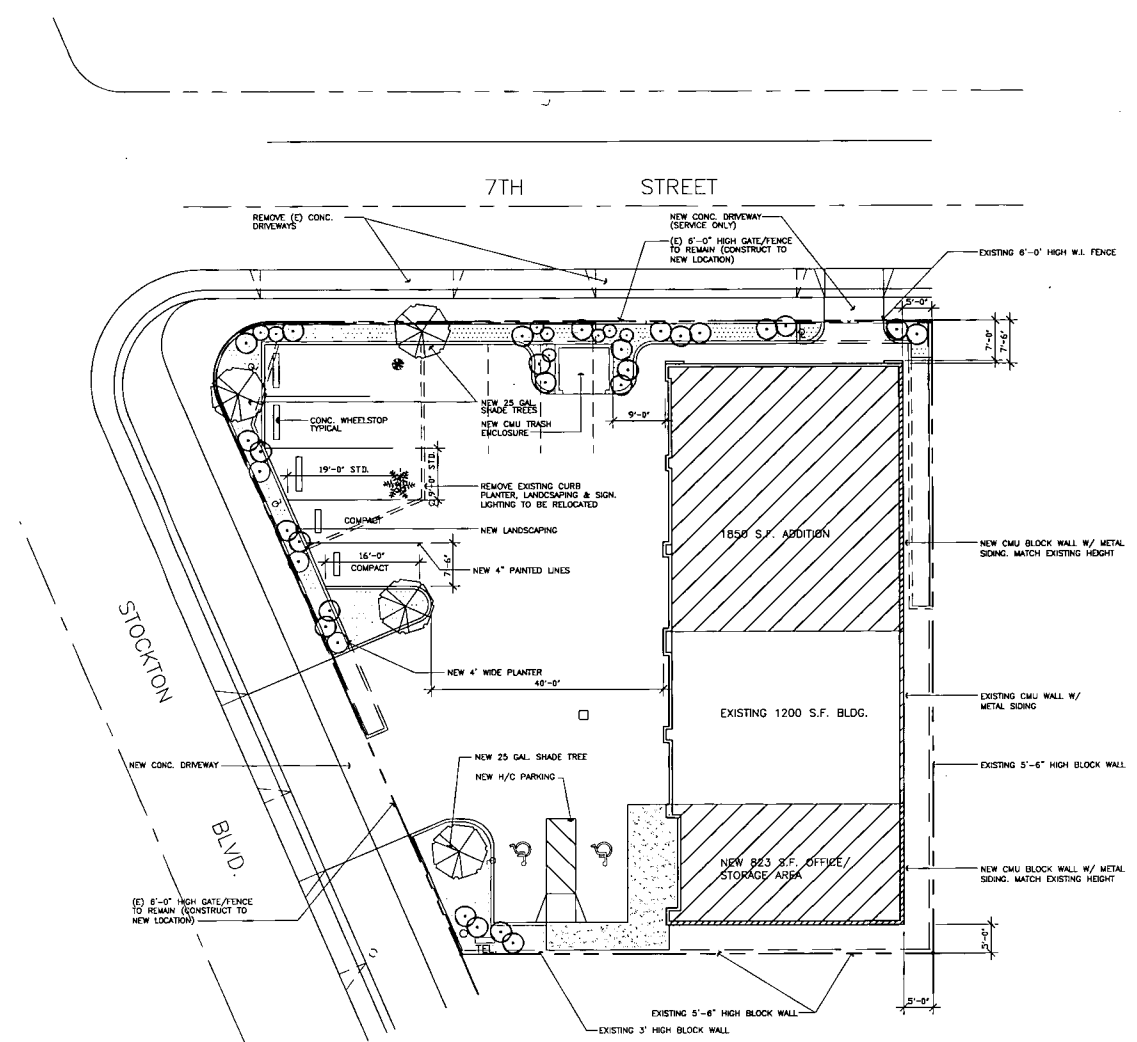
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No. Revision: _____ Date _____
Owner _____

Project
**USA TIRE RENOVATION
SACRAMENTO, CA.**
Sheet Title

SITE PLAN

THA Job No. 9903
Scale AS NOTED Dwg. No. _____
Date 2-18-99 **A1**



SITE PLAN
Scale 1"=20'-0"



LEGAL DESCRIPTION DESIGN REVIEW AREA
A.P.N. - 015-0112-001-0000 DR 97-154