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STAFF REPORT

Community Development Department
Planning Division
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Hearing Date: March 13, 2024**File Number:** UP-17-02 and DRPMOD-17-10**Application Type:** Use Permit and Design
Review Permit Extension**Assessor's Parcel Number:** 204-0235-072-0000**Prepared by:** Steffane Lui, Assistant Planner**Project Name:** 7766 Auburn Boulevard (CA Quick Slice) Time Extension**Project Address:** 7766 Auburn Boulevard**Gross Acreage:** 0.38**Net Acreage:** 0.38**Maximum FAR:** N/A**Provided FAR:** N/A**Current Zoning:** SPA (Auburn
Boulevard Lincoln 40 District)**Proposed Zoning:** SPA (Auburn
Boulevard Lincoln 40 District)**Neighborhood Association:**
6 – Sunrise Ranch**Surrounding Zoning:****Surrounding Land Use
Designation****Actual Use:****On-site:**SPA
(Auburn Boulevard –
Lincoln 40 District)

General Commercial

Vacant

North:SPA
(Auburn Boulevard –
Lincoln 40 District)

General Commercial

Tire Shop

South:SPA
(Auburn Boulevard –
Lincoln 40 District)

General Commercial

Car Wash

West:

RD-5

Low Density Residential

Rusch Park

East:SPA
(Auburn Boulevard –
Lincoln 40 District)

General Commercial

Fencing Company

Planning Department Recommendations:☒ Approve☐ Approve with conditions☐ Denial**Applicant:**Tyson Family 2002 Trust
8 Rable Rd
Orinda, CA 94563**Property
Owner:**Tyson Family 2002 Trust
8 Rable Rd
Orinda, CA 94563

SUMMARY RECOMMENDATION

The Planning Division recommends the Planning Commission make the following motions:

1. Staff recommends the Planning Commission approve the one-year extension request with the conditions of approval shown in Exhibit A. If approved the new and final expiration date will be February 28, 2025

BACKGROUND

In 2017, the Tyson Family filed a development proposal to repurpose a former gas station into a restaurant with walk-up and drive-through service located at 7766 Auburn Boulevard. The proposed project intended to utilize the existing building with a minor building expansion (less than 50 square feet) to accommodate the drive-through's pick-up window. The operation would allow patrons to order from either one of the two drive-through lanes or from inside the restaurant's lobby. The proposal did not include any indoor dining or table service but would provide outdoor seating under the existing canopy. Other site improvements proposed include the addition of expanded landscaping, updated lighting, walkways, parking, and an alteration to the Auburn Boulevard driveway.

On February 28, 2018, the Planning Commission approved a Use Permit (UP-17-02), and Design Review Permit Modification (DRPMOD-17-10) approved the proposal. This approval was valid for three years (2/28/21). However, when the COVID pandemic hit, the City provided an automatic five-year extension to all approved projects. This granted extension extended the approval until February 28, 2023. In February of 2023, the applicant requested an additional one-year extension as allowed by the Zoning Code. This request was granted, and the project remains valid until February 28, 2024. The Zoning Code allows one additional year, if approved by the Planning Commission.

Project Request

The applicant is requesting the Planning Commission grant a one-year extension for the project to allow additional time to continue to market the space to a new user. The applicant stated there has been interest in the site but there is no current user identified at this time. Should the Commission grant the request, the project entitlements will remain valid until February 28, 2025. If by February 28, 2025, a building permit is not issued for the project, the approvals will expire.

It should be noted that this extension will allow the operation of a business as described within the approved use permit. Should a business propose to utilize the space significantly different than the use permit allows, that project will be evaluated on its own merits.

RECOMMENDED MOTIONS

Staff recommends that the Planning Commission take the following actions:

- 1> Staff finds that there are no significant changes to the project that would cause the original project to be denied; therefore, staff recommends the Planning Commission approve the one-year extension request with the conditions of approval shown in Exhibit A. If approved the new and final expiration date will be February 28, 2025

Attachments

1. UP-17-02 and DRPMOD-17-10 Staff Report

2. Quick Slice Pizza 7766 Auburn Blvd NTA