



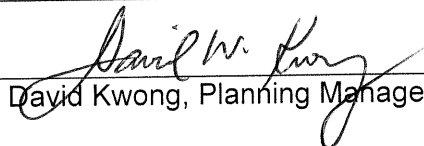
**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION**

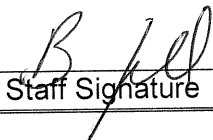
New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name: Clear Channel Sign Variance
Project Number: P06-135
Project Location: 1441 Richards Blvd.
Assessor's Parcel No.: 001-0070-029
Applicant: Robert Hatton, Clear Channel Outdoor, Inc.
Action Status: Approved with Conditions Action Date: 03/22/07

REQUESTED ENTITLEMENT(S): Variance to exceed 300 square feet of sign area for an off-site sign.
Variance to exceed the 35 foot height limit for an off-site sign.
Variance to relocate a nonconforming sign.
Variance to allow the alteration of an off-site sign located within 660 feet of a freeway.

ACTIONS TAKEN: On 03/22/07, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: The Commission denied Variance to exceed 300 square feet of sign area for an off-site sign and Variance to exceed the 35 foot height limit for an off-site sign. The Commission approved the Variance to relocate a nonconforming sign and Variance to allow the alteration of an off-site sign located within 660 feet of a freeway.

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 03/23/2007 By: 
Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the

Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

PLAN REVIEW: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

APPEALS

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 04/01/07. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

A. Environmental Determination: Categorical Exemption. The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to CEQA section 15302(b) of the California Environmental Quality Act.

B-C. The Variances to exceed 300 square feet in area for an off-site sign and to exceed the 35 foot height limit for an off-site sign on 1.81± net acres in the Heavy Commercial Parkway Corridor Richards Boulevard Special Planning District (C-4-PC-SPD) zone are denied subject to the following Findings of Fact:

1. The granting of the variance will be detrimental to public welfare and to property in the area in that: a) the excessively large billboard sign will increase blight in an area currently challenged by dilapidated buildings, a high concentration of social service providers, and currently lacks streetscape and infrastructure improvements; b) the proposed reconstructed sign is twice as large in area as the existing sign and nine feet taller than the existing sign which increases the visible impact on the American River Parkway Corridor; and c) the Richards Boulevard Area Plan has designated North 12th Street as a major gateway into the Central City and the proposed billboard sign is not an appropriate marker on an identified Gateway entrance to the City.

2. The additional height and area of the sign would result in a special privilege to an individual property owner since billboard signs are limited to 300 square feet in area and 35 feet in height.

3. The proposed project is adverse to the General Plan quality of life policies since the size of the sign will not enhance the appearance of the City, adds to the excessive sign displays on North 12th Street and will impact the American River Parkway Corridor.

D-E. The Variances to allow an off-site sign located within 660 feet of a freeway and to relocate a nonconforming sign on 1.81± net acres in the Heavy Commercial Parkway Corridor Richards Boulevard Special Planning District (C-4-PC-SPD) zone are approved subject to the following Findings of Fact:

1. The proposed reconstruction of the billboard sign is not a special privilege in that the sign has been established on this parcel since 1933 and the proposal involves reconstructing the sign and relocating

the existing nonconforming sign in order to maintain the integrity of the levee.

2. The proposed reconstruction and relocation of the existing sign does not constitute a use variance in that the sign is a legal use established in 1933, and

3. The granting of the variance will not be detrimental to public welfare and to property in the area in that the American River Flood Control District has indicated that the relocation of the sign 60 feet to the south of its current location will improve their ability to maintain the levee and to carry out an emergency flood fight plan at that location. Maintaining the permitted height and area will reduce the impacts on the American River Parkway Corridor.

4. The proposed project is not adverse to the General Plan policies for public safety to maintain the integrity of the levee.

Conditions Of Approval

- D-E1. No building permit shall be issued until March 2008 to allow staff and the applicant to explore options of relocating sign to a more appropriate location at the appropriate size as per negotiations.
- D-E2. If the city and applicant find an appropriate location and size for the relocation of the 1441 Richards Boulevard sign as per General Condition of Approval D-E1. and applicant elects to relocate the sign on a parcel other than the one at 1441 Richards Boulevard (APN 001-0070-029), then Variances D. and E. are voided upon such election.
- D-E3. The applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction.
- D-E4. Any modification to the project shall be subject to review and approval by Planning Department staff prior to the issuance of building permits.
- D-E5. The area of the sign shall be no more than 300 square feet.
- D-E6. The height of the sign shall be no more than 35 feet from the grade.
- D-E7. No more than four, maximum 400 Watt up lighted fixtures (two per each sign facing).
- D-E8. The proposed sign shall be back-to-back and not a V configuration.
- D-E9. The existing cyclone fencing south of the levee on the same parcel shall be repaired and or replaced and maintained.