

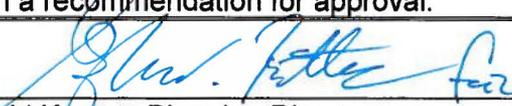


**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION
300 Richards Boulevard, Sacramento, CA 95811**

Project Name: Pell Circle Billboard Relocation
Project Number: P10-065
Project Location: 3961 Pell Circle
Assessor's Parcel No.: 237-0400-016
Applicant: David Nybo, Rogers Media Co, Inc, 5409 Rogers Street, Davis, Ca 95618
Action Status: Approved Action Date: 11/18/2010

- REQUESTED ENTITLEMENT(S):**
- A. Environmental Determination: Exempt per CEQA 15303
 - B. Rezone of approximately 2.32 acres from the Light Industrial (M-1S-R) zone to the Light Industrial (M-1-R) zone.
 - C. Relocation Agreement to relocate three existing billboards from three different locations to a 45-foot tall billboard to be located at 3961 Pell Circle in the Light Industrial (M-1-R) zone.
 - D. Variance to exceed the 40-foot height limit for a detached sign in the Light Industrial (M-1-R) zone in order to construct a 45-foot tall billboard.

ACTIONS TAKEN: On 11/18/2010, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Approved entitlement D and forwarded entitlements B and C to City Council with a recommendation for approval.

Action certified by: 
David Kwong, Planning Director

Sent to Applicant: 11/22/2010

By: 
Antonio Ablog, Associate Planner

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 300 Richards Boulevard, 3rd Floor, within 10 calendar days of this meeting, on or before 11/29/2010. 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: Exemption

Based on the determination and recommendation of the City’s Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under **15303, New Construction or Conversion of Small Structures** of the California Environmental Quality Act (CEQA) Guidelines as follows:

The proposed project is consistent with the construction of new, small structure as it consists of the construction of a new billboard sign on approximately 2.32 acres in the Light Industrial (M-1-R) zone.

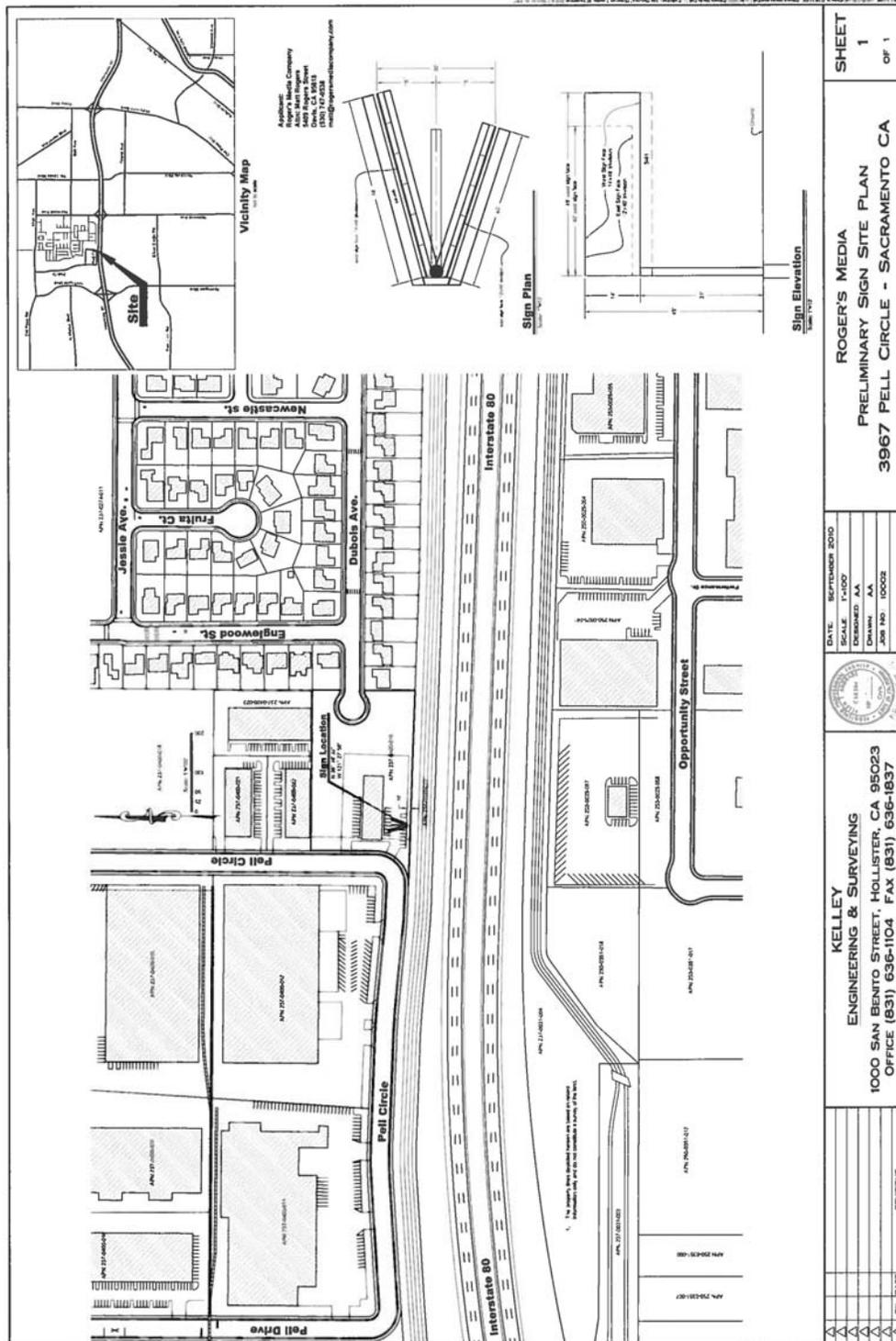
- B.** The Planning Commission recommends approval and forwards to the City Council the **Rezoning** for the Project as set forth in Attachment 3.
- C.** The Planning Commission recommends approval and forwards to the City Council the **Relocation Agreement** for the Project based on the findings as set forth in Attachment 4.
- D.** The **Variance** to exceed the maximum allowed 40 foot height by 5 feet for a 45 foot high billboard within the M-1-R zone is approved based on the following Findings of Fact:

1. That exceptional or extraordinary circumstances or conditions apply to the proposed sign that do not apply generally in the same zoning district, and that the enforcement of the regulations of the Sign Code would have an unduly harsh result upon the utilization of the subject property in that the proposed sign is oriented to the freeway with nearby ramps and overpasses. The existing conditions are such that strict adherence to the 40-foot height limit would limit the visibility of the proposed billboard sign.

2. That the variance will not result in a special privilege to one individual property owner, and that the variance would be appropriate for any property owner facing similar circumstances in that other variances for sign height have been granted in similar situations.

3. That the requested variance will not materially and adversely affect the health and safety of persons residing or working in the neighborhood, and will not be materially detrimental to the public welfare or injurious to property and improvements in the neighborhood in that the proposed billboard is located adjacent to the freeway in an area that is predominantly comprised of industrial uses. Further, the relocation of the billboard will allow for the removal of three existing billboard signs.

4. Granting the variance does not constitute a use variance in that a relocated billboard on the same site is allowed in the M-1-R zone with a relocation agreement.



KELLEY ENGINEERING & SURVEYING 1000 SAN BENITO STREET, HOLLISTER, CA 95023 OFFICE (831) 636-1104 FAX (831) 636-1837		DATE: SEPTEMBER 2010 SCALE: 1"=100' DRAWN: AA JOB NO: 10002	ROGER'S MEDIA PRELIMINARY SIGN SITE PLAN 3967 PELL CIRCLE - SACRAMENTO CA	SHEET 1 OF 1
REVISIONS				
NO.	BY	DATE		

