



REPORT TO PLANNING AND DESIGN COMMISSION City of Sacramento

3

PUBLIC HEARING
October 11, 2012

To: Members of the Planning and Design Commission

Subject: Display Way and Fee Drive Sign Relocation. A request to remove 4 existing signs at various locations with a total sign area of 4,539 square feet and construct two double sided, 1,344 square foot off-site signs. One sign will be located on approximately 1.4 acres in the Light Industrial (M-1-PUD) zone located at 575 Display Way and the other sign will be located on approximately 2.0 acres in the Light Industrial (M-1) zone located at 1235 Fee Drive. (P11-006)

- A. Environmental Determination: Exempt per CEQA 15303
- B. Relocation Agreement to remove 4 existing signs at various locations with a total sign area of 4,539 square feet and construct two double sided, 1,344 square foot signs.
- C. Variance to exceed the 40-foot height limit for a detached sign in the Light Industrial (M-1) zone located at 1235 Fee Drive.

Location/Council District:

575 Display Way and 1235 Fee Drive

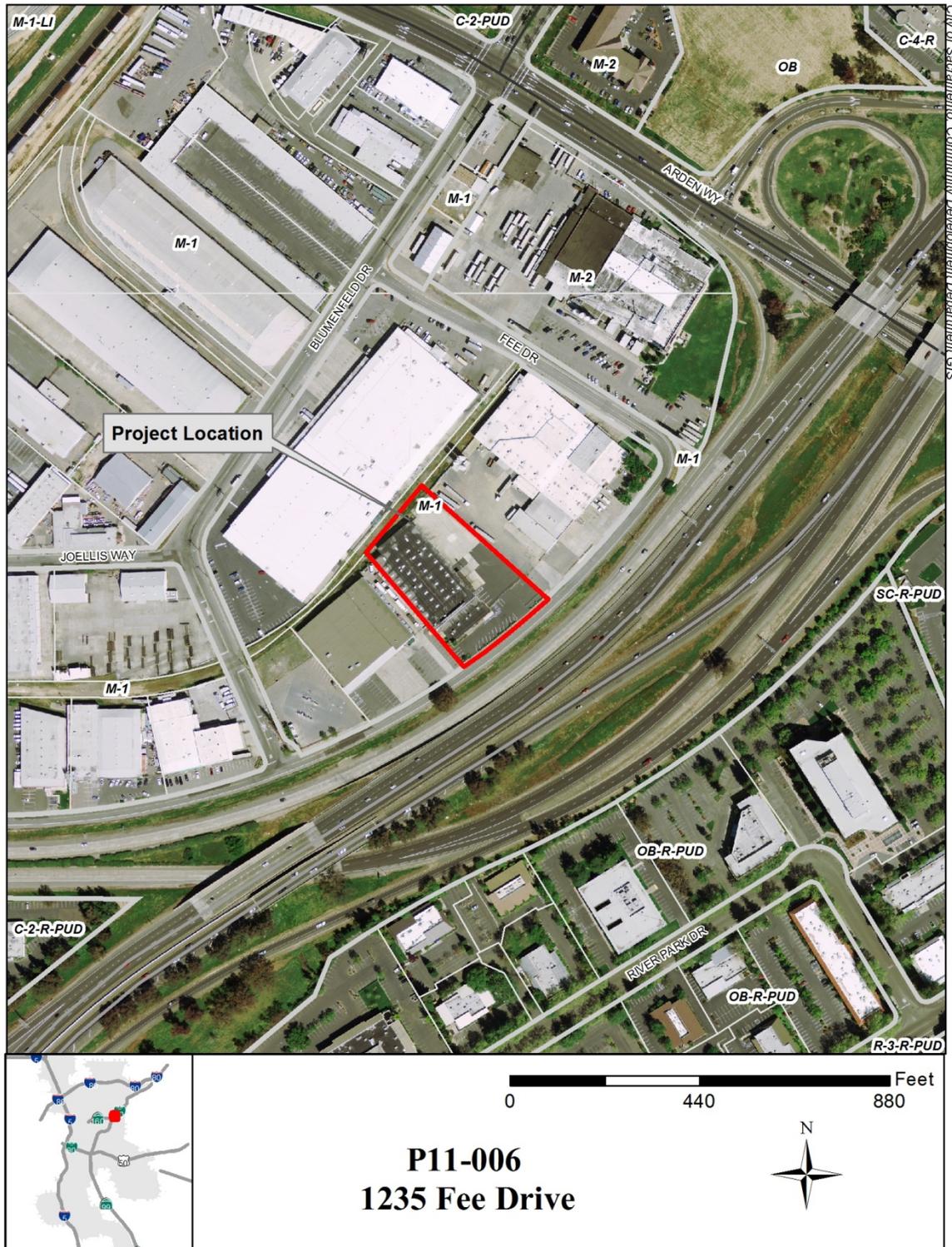
Assessor's Parcel Number: 250-0040-062, 277-0242-007

Council District 2

Recommendation: Staff recommends the Planning and Design Commission approve the Variance and recommend approval and forward the Off-Site Sign Relocation Agreement request to the City Council based on the findings listed in Attachment 2. The City Council has the final approval authority over items A and B. This recommendation is based upon the conclusion that the project is consistent with the applicable policies, requirements and findings for a relocation agreement established under Chapter 15.148 of the Sacramento City Code. **Staff has received no opposition to this project and has deemed it non-controversial.**

Land Use Map
Display Way





P11-006
1235 Fee Drive

Contact: Antonio Ablog, Associate Planner, 808-7702, Lindsey Alagozian, Senior Planner, 808-2659.

Applicant: Michael Wagener, Clear Channel Outdoor, 1107 9th Street #500, Sacramento, CA 95814

Owners: Providence Commercial Properties, 575 Display Way, Sacramento, CA 95838; 1235 Fee Drive LLC, 40 Lancaster Ave, Kentfield, CA 94904

Summary: The applicant is requesting approval of an off-site sign relocation agreement to allow for the removal of four existing off-site signs with a total of 7 advertising faces and allowing the construction of two new replacement off-site signs that will be located at 575 Display Way and 1235 Fee Drive. The new off-site signs will each be double faced, with a total of 1,344 feet of display area in each sign. The new sign located at 1235 Fee Drive requires a variance to exceed the 40-foot height requirement for signs in the Light Industrial (M-1) zone. As of the time of writing the report there were no comments or objections from any neighborhood group or adjacent property owners.

Table 1: Project Information
575 Display Way
General Plan designation: Employment Center Low Rise
Community Plan Area: North Sacramento
Existing zoning of site: Light Industrial (M-1-PUD)
Planned Unit Development: Norwood I-80 PUD
Existing use of site: Commercial Truck Dealer
Property area: 1.4± Acres
1235 Fee Drive
General Plan designation: Urban Center Low
Community Plan Area: Arden Arcade
Existing zoning of site: Light Industrial (M-1)
Existing use of site: Light Industrial/Warehouse (accessory shed sales)
Property area: 2.02± Acres

Background Information: On October 16, 2007, the Sacramento City Council adopted Ordinance No. 2007-079, which prohibits the construction and operation of new off-site signs within the City. This ordinance also provides that the prohibition does not limit the City's ability to enter into off-site relocation agreements under which new signs may be constructed in exchange for the permanent removal of existing signs, resulting in a net reduction of both the number and total square footage of off-site signs then lawfully allowed. Section 15.148.815 of the Sacramento City Code ("Section 15.148.815") prescribes when and how the City may enter into a relocation agreement.

Clear Channel Outdoor wishes to construct two new off-site signs under a relocation agreement. The proposed agreement (Attachment 3, Exhibit A) identifies the location of the proposed new off-site sign sites (which are “freeway oriented”) the location, general description, and size of the off-site signs proposed for permanent removal.

Environmental Considerations: The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that this is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15303, New Construction or Conversion of Small Structures. The project consists of the installation of two new off-site sign structures.

Policy Considerations: The subject site at Display Way is designated Employment Center Low Rise, and the site at Fee Drive is designated Urban Center Low on the 2030 General Plan Land Use and Urban Form Diagram. The proposed sign locations are consistent with the land use designations as compatible ancillary special use. Additionally, the sign relocations are consistent with the General Plan goal of reducing visual clutter by regulating the number, size and design quality of signs (LU 6.1.12). The proposal will reduce the total number, and square footage, of off-site signs within the City.

The relocation agreement meets the requirements of Section 15.148.815 Sacramento City Code and the findings can be made to support the agreement. Under both Section 15.148.815 and the provisions of the Outdoor Advertising Act (Bus. And Prof. Code §5200 et seq.), the proposed new signs may be located only on commercial or industrial zoned property. The subject sites are zoned Light Industrial (M-1 and M-1-PUD).

Public/Agency Outreach and Comments: The proposed project was routed to the Robla Park Community Association, as well as to landowners within a 500 foot radius of each off-site sign site. At the time of writing this report, staff has not received any comments, and staff is not aware of any opposition to the project.

As the proposed signs are adjacent to Interstate 80, Business 80, and State Highway 160, project information was sent to Caltrans for review. Caltrans has determined that the installation of the new signs would be permitted.

Off-Site Sign Relocation

Sign Removal: The proposal calls for the removal of four existing off-site signs and the construction of two new signs (Attachment 2, Exhibit L). The table below outlines the off-site signs to be removed.

Off-Site Sign Removal			
Location	Size	Sign Faces	Total Area
2452 Del Paso Blvd	12'x25'	1	300 sq. ft.
1537 Grand Ave	12'x25'	2	600 sq. ft.
3330 Marysville Blvd	12'x25'	2	600 sq. ft.
909 Fee Drive	23.2'x65.5'	2	3039.2 sq. ft.
4 signs total		7	4,539.2 sq. ft.

Of the signs proposed to be removed, three of them are located on commercial properties adjacent to residential neighborhoods. These are the signs located at 2452 Del Paso Boulevard, 1537 Grand Avenue, and 3330 Marysville Boulevard. The proximity of these signs to residential development makes them appropriate candidates for removal.

The fourth sign proposed for removal, located at 909 Fee Drive, is also a good candidate for removal. It is a sign with two large display faces supported by a semi-exposed lattice. While this sign is not located near residential, its size and design make it appropriate for replacement.

New Signs

The applicant proposes to construct two new off-site signs to replace the four that are planned for removal. The table below outlines the new signs to be constructed.

New Signs				
Location	Sign Height	Size	Sign Faces	Total Area
575 Display Way	50'	14'x48'	2	1,344 sq. ft.
1235 Fee Drive	65'	14'x48'	2	1,344 sq. ft.
2 Signs			4	2,688 sq. ft.

The sign proposed to be located at 575 Display Way will be a dual-faced, 14' by 48' sign. The sign will be located at the northeast corner of the property and will be oriented towards Interstate 80. The new sign will be 50 feet high and supported by a single pole. The sign will have a "V" shaped design for the sign faces. The each sign face is proposed to be 14 feet by 48 feet for a total of 1,344 square feet of display area.

The Display Way site is located in an industrial area adjacent to the freeway. There are single family homes approximately 800 feet to the south of the sign location, but the existing development will block the view of the sign. There is multi-family residential approximately 500 feet to the northeast of the site, but the existing foliage and height of the freeway grade should significantly obscure views of the sign from these units.

The applicant is requesting a sign height of 50 feet. Though this exceeds the maximum 40-foot sign height in the M-1 zone per Section 15.148.160.B.4 of the Sign Code (Chapter 15.148), the Norwood I-80 Planned Unit Development (PUD) Guidelines allow

for a 50-foot sign height for freeway oriented detached signs. Since the proposed sign is consistent with the height allowed by the PUD, a variance is not required.

The sign proposed for Fee drive is also in an industrial area adjacent to a freeway. It will be oriented to be visible from Business 80 and State Route 160. The site at 1235 Fee Drive is just over two acres in size and is currently occupied by a warehouse building currently used for shed sales. The sign will be placed at the northeast corner of the site in an existing paved area. The sign will not encumber any of the on-site parking spaces. The Fee drive sign will also be a dual-faced, 14' by 48' sign supported by a single pole. The sign will have a "V" shaped design for the sign faces and will be 65' tall. Each sign face is proposed to be 14 feet by 48 feet for a total of 1,344 square feet of display area. The nearest residential development is over half a mile from the subject site.

For the Fee Drive site, the applicant is requesting a sign height of 65 feet. This exceeds the maximum 40-foot sign height in the M-1 zone per Section 15.148.160.B.4 of the Sign Code (Chapter 15.148). Section 15.148.1010 affords the opportunity to vary certain provisions of the Sign Code through the Planning and Design Commission. The applicant is requesting the variance as the existing mature trees, high median walls, and change of grade along the freeway will significantly diminish the visibility of the sign if it was built to the 40-foot standard. Additionally, the proposed 65 foot height will be lower than signs 500 feet to the north and south which are 80 feet and 85 feet in height.

In order to grant a sign code variance, the following findings must be made per Section 15.148.1040(A) (B) and (C) of the Sign Ordinance:

1. That exceptional or extraordinary circumstances or conditions apply that do not apply generally in the same district and the enforcement of the regulations of the Sign Code would have an unduly harsh result upon the utilization of the subject property;

Exceptional circumstances do apply in that the existing trees, freeway ramps, and median walls, combined with the elevation change, limit the full view duration of the proposed sign.

2. 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;

No special privilege is being extended to one individual property owner in that prior variances have been granted to off-site signs where visibility has been diminished by freeway structures and grade differences.

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;

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 sign is located adjacent to the freeway in an industrial area. Additionally, the proposed sign will be lower and smaller than existing signs in the vicinity.

Relocation Agreement: New off-site signs that are the subject of a relocation agreement are exempt from Ordinance No. 2007-079, which prohibits the construction and operation of new off-site signs within the City. Section 15.148.815 allows an applicant to apply for a sign relocation agreement under which new signs may be constructed in exchange for the permanent removal of existing off-site signs, resulting in a net reduction in both the number and total square footage of signs then lawfully allowed. Under the proposed relocation agreement, a total of four existing off-site signs of different sizes will be removed, three of which are double-faced signs. The new, double-faced signs will result in a net reduction of two signs, three sign faces, and 1,851 square feet of existing off-site sign area.

Sign relocation agreements are subject to the same procedural and hearing requirements as city council approved special permits under Section 17.212.060. A relocation agreement may be approved only if the following findings are made concerning the proposed new signage:

1. The new off-site signs comply with the purpose and requirements of Sacramento City Code Chapter 15.148, including section 15.148.815.

The news signs comply with City Code Chapter 15.148 regarding signs. Though one sign exceeds the detached sign height for the M-1 zone, the applicant is requesting a height variance per section 15.148.1040 of the City Code.

2. The new signs are compatible with the uses and structures on the new sites and in the surrounding areas, including parks, trails, and other public facilities and amenities.

The new signs are compatible with their respective subject sites. Both signs will be placed on industrially zoned properties and will not significantly impact residential development.

3. The new signs will not interfere with onsite access, circulation, or visibility.

Both signs are located on their sites such that they will not interfere with the day-to-day operations, or visibility on the site.

4. The new signs will not create a traffic or safety hazard.

The new signs will not create traffic or safety hazards. They are both static signs That will have a constant illumination (no blinking or flashing lights) at night.

5. The new signs will not result in any undue or significant increase in visual clutter in the areas surrounding the new signs.

The new signs will not result in any undue or significant increase in visual clutter. The sign at 575 Display Way will not be located near any existing off-site signs. There is a smaller, on-site detached sign 175 feet to the east of the proposed sign. Adding an off-site sign at display way will not significantly increase visual clutter. The sign proposed at 1235 Fee Drive will be smaller and lower than existing signs in the vicinity. Furthermore, the applicant will be removing a large, unsightly off-site sign within a half mile of the subject site (909 Fee Drive).

Conclusion

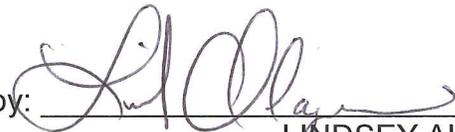
The relocation agreement proposes to remove four off-site signs with a total of seven advertising faces and construct a two new double-faced off-site signs located on Display Way and Fee Drive. The proposed relocation will remove three signs that are in adjacent to residential neighborhoods and one large sign with extensive, semi-exposed lattice supports. Staff supports this request as the applicant has met all relocation requirements which will result in a net reduction of signage, and the permanent removal of four existing off-site signs.

Respectfully submitted by: _____



ANTONIO A. ABLOG
Associate Planner

Approved by: _____



LINDSEY ALAGOZIAN
Senior Planner

Recommendation Approved:



GREGORY BITTER, AICP
Principal Planner

Attachments:

- | | |
|--------------|--------------------------------|
| Attachment 1 | Draft Environmental Resolution |
| Attachment 2 | Draft Project Resolution |
| Exhibit A | Sign Relocation Agreement |
| Exhibit B | Display Way Site Plan |

Exhibit C	Display Way Sign Location
Exhibit D	Display Way Sign Design
Exhibit E	Display Way Photosimulations
Exhibit F	Display Way Site Survey
Exhibit G	Fee Drive Site Plan
Exhibit H	Fee Drive Sign Location
Exhibit I	Fee Drive Sign Design
Exhibit J	Fee Drive Photosimulations
Exhibit K	Fee Drive Site Survey
Exhibit L	Signs to be Removed

Attachment 1

(Draft) RESOLUTION NO.

Adopted by the Sacramento City Council

**DETERMINING DISPLAY WAY AND FEE DRIVE SIGN RELOCATION PROJECT
EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT
(P11-006)**

BACKGROUND

- A. On October 11, 2012 the City Planning and Design Commission conducted a hearing on, and forwarded to the City Council a recommendation to approve the Display Way and Fee Drive Sign Relocation Project.
- B. On _____, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1)(d), and received and considered evidence concerning the Display Way and Fee Drive Sign Relocation.
- C. The City of Sacramento's Environmental Planning Services has reviewed the Display Way and Fee Drive Sign Relocation (P11-006) ("Project") and has determined the Project is exempt from the California Environmental Quality Act under California Environmental Quality Act Guidelines: Section 15303-New Construction Projects.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

Section 1. 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 City Council finds that the Project is exempt from review under Section 15303 of the California Environmental Quality Act Guidelines as follows:

- a. The proposed project is consistent with the construction of new, small equipment and facilities as it consists of the construction of two dual face, 1,344 square foot off-site signs.

Attachment 2 - Draft Project Resolution

(DRAFT) RESOLUTION NO.

Adopted by the Sacramento City Council

ADOPTING FINDINGS OF FACT AND APPROVING THE DISPLAY WAY AND FEE DRIVE SIGN RELOCATION PROJECT (P11-006)

BACKGROUND

A. October 12, 2012 the City Planning and Design Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve the Display Way and Fee Drive Sign Relocation Project.

B. On _____, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(1) (a) and (c) (publication and mail (500 feet)), and received and considered evidence concerning the Display Way and Fee Drive Sign Relocation Project.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the verbal and documentary evidence received at the hearing on the Display Way and Fee Drive Sign Relocation Project, the City Council approves the Relocation Agreement as attached in Exhibit A, based on the findings of fact as set forth below:

- A. The new off-site signs comply with the purpose and requirements of Sacramento City Code Chapter 15.148, including section 15.148.815.

The news signs comply with City Code Chapter 15.148 regarding signs. Though the signs do exceed the maximum detached sign height for the M-1 zone, a variance to allow the additional height has been granted per section 15.148.1040 of the City Code

- B. The new signs are compatible with the uses and structures on the new sites and in the surrounding areas, including parks, trails, and other public facilities and amenities.

The new signs are compatible with their respective subject sites. Both signs will be placed on industrially zoned properties and will not significantly impact residential development.

- C. The new signs will not interfere with onsite access, circulation, or visibility.

Both signs are located on their sites such that they will not interfere with the day-to-day operations, or visibility on the site.

- D. The new signs will not create a traffic or safety hazard.

The new signs will not create traffic or safety hazards. They are both static signs that will have a constant illumination (no blinking or flashing lights) at night.

- E. The new signs will not result in any undue or significant increase in visual clutter in the areas surrounding the new off-site signs.

The new signs will not result in any undue or significant increase in visual clutter. The sign at 575 Display way will not be located near any existing off-site signs. There is a smaller, on-site detached sign 175 feet to the east of the proposed sign. Adding an off-site sign at display Way will not significantly increase visual clutter. The sign proposed at 1235 Fee Drive will be smaller and lower than existing signs in the vicinity. Furthermore, the applicant will be removing a large, unsightly off-site sign within a half mile of the subject site (909 Fee Drive).

Exhibit A: Draft Proposed Relocation Agreement

Billboard Relocation Agreement**City of Sacramento and Clear Channel Outdoor**

This agreement, dated October __, 2012, for purposes of identification, is between the CITY OF SACRAMENTO (the "City"), a California municipal corporation; and CLEAR CHANNEL OUTDOOR, INC. ("CCO"), a Delaware corporation.

Background

On October 16, 2007, the Sacramento City Council adopted Ordinance No. 2007-079, which prohibits the construction and operation of new billboards within the City. Ordinance No. 2007-079 also provides, however, that this prohibition does not limit the City's ability to enter into relocation agreements under which new billboards may be constructed in exchange for the permanent removal of existing billboards, as encouraged by the Outdoor Advertising Act.¹ Section 15.148.815 of the Sacramento City Code ("**Section 15.148.815**") prescribes when and how the City may enter into a relocation agreement.

CCO desires to construct, maintain, and operate two new billboards on privately owned land within the City's jurisdiction, at CCO's sole expense (the "**New Billboards**"). The first column of Exhibit A to this agreement identifies the lands on which CCO proposes to locate the New Billboards (the "**New Billboard Sites**"). CCO owns the existing billboards identified in the second column of Exhibit A, each of which is located on privately owned land within the City's jurisdiction (the "**Existing Billboards**"). To fulfill the requirement that CCO remove existing billboards in return for the right to construct, operate, and maintain the New Billboards on the New Billboard Sites, CCO applied to the City for a relocation agreement covering the Existing Billboards (Project No. P11-006). Removal of the Existing Billboards and construction of the New Billboards will result in a net reduction within the City of both (1) the total number of lawfully permitted offsite signs and (2) the total square footage of lawfully permitted offsite signage, as required by Section 15.148.815.

In accordance with Section 15.148.815, on October 11, 2012, the City's Planning and Design Commission held a public hearing on CCO's application for a relocation agreement and then forwarded a recommendation of approval to the City Council; and on _____, 2012, the City Council held a public hearing on the application and approved it based on the findings of fact, and subject to the conditions of approval (if any), set out in Resolution No. 2012-__.

With these background facts in mind, the parties agree as follows:

- 1. Removal of Existing Billboards.** In return for the City's approval of the New Billboards (Project No. P11-006), and to comply with Ordinance No. 2007-079, Section 15.148.815, and the Outdoor Advertising Act, CCO shall remove the Existing Billboards according to the schedule set forth in the second column of Exhibit A.

¹ Chapter 2 (beginning with section 5200) in division 3 of the California Business and Professions Code.

2. Compliance with Law. While removing the Existing Billboards and while constructing, operating, and maintaining the New Billboards on the New Billboard Sites, CCO shall comply with all conditions of approval set out in Resolution No. 2012-___ and with valid and applicable statutes, ordinances, regulations, rules, and orders that concern the Existing Billboards, the New Billboards, or the New Billboard Sites, including Section 15.148.815 and the Outdoor Advertising Act, whether enacted or issued before, on, or after the effective date of this agreement (see section 6(h), below).

3. Waiver of Compensation. CCO hereby waives and releases all claims for compensation CCO has or may have in the future that are against the City or the City's elected officials, officers, employees, or agents and are related to, or connected with, CCO's removal of the Existing Billboards. This waiver and release includes any claims made or arising under the California Government Claims Act,² the Outdoor Advertising Act, the California Constitution, the federal Highway Beautification Act of 1965,³ or the United States Constitution.

4. Release of Claims. CCO unconditionally and forever releases and discharges the City and the City's elected officials, officers, employees, and agents from all liabilities, claims, demands, damages, and costs (including reasonable attorneys' fees and litigation costs through final resolution on appeal) that in any way arise from, or are connected with, CCO's removal of the Existing Billboards. This release and discharge covers all claims, rights, liabilities, demands, obligations, duties, promises, costs, expenses, damages, and other losses or rights of any kind, past, present, and future, whatever the theory of recovery, and whether known or unknown, patent or latent, suspected or unsuspected, fixed or contingent, or matured or unmatured. CCO hereby waives all rights it has or may have in the future under section 1542 of the California Civil Code, which provides as follows:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known to him or her must have materially affected his or her settlement with the debtor."

5. Indemnity. CCO shall indemnify, defend (upon the City's written request), protect, and hold the City and the City's elected officials, officers, employees, and agents harmless against all liabilities, claims, demands, damages, and costs (including reasonable attorneys' fees and litigation costs through appeal) that arise in any way from either or both of the following:

- (a) The acts or omissions of CCO or CCO's officers, employees, or agents in removing the Existing Billboards.
- (b) The City's processing and approval of CCO's application for this relocation agreement. CCO's obligation under this section 5(b) includes all claims by the owner of property from which an Existing Billboard is removed, including claims based on the California

² Parts 1 through 7 (beginning with section 810) in division 3.6 of title 1 of the California Government Code.

³ Title 23 United States Code section 131.

Government Claims Act, the Outdoor Advertising Act, the California Constitution, the federal Highway Beautification Act of 1965, or the United States Constitution.

6. Miscellaneous.

- (a) *Notices.* Any notice or other communication under this agreement must be in writing and will be considered properly given and effective only when mailed or delivered in the manner provided by this section 6(a) to the persons identified below. A mailed notice or other communication will be effective or will be considered to have been given on the third day after it is deposited in the United States Mail (certified mail and return receipt requested), addressed as set forth below, with postage prepaid. A notice or other communication sent in any other manner will be effective or will be considered properly given when actually delivered. Any party may change its address for these purposes by giving written notice of the change to the other party in the manner provided in this section.

If to the City:

City of Sacramento
Community Development Department
Planning Division
300 Richards Boulevard, Third Floor
Sacramento, California 95811
Attention:
Antonio Ablog
Associate Planner

If to CCO:

Clear Channel Outdoor, Inc.
1107 9th Street, Suite 500
Sacramento, California 95814
Attention:
David M. McWalters
Senior Vice President
Real Estate & Public Affairs

- (b) *Assignment.* A party may not assign or otherwise transfer this agreement or any interest in it without the other party's written consent. An assignment or other transfer made contrary to this section 6(b) is void.
- (c) *Successors and Assigns.* This agreement binds and inures to the benefit of the successors and assigns of the parties. This section 6(c) does not constitute the City's consent to any assignment of this agreement or any interest in this agreement.
- (d) *Interpretation.* This agreement is to be interpreted and applied in accordance with California law, without regard to conflict-of-law principles, subject to the following:
- (1) Sections 3, 4, and 5 of this agreement are to be interpreted so as to provide the City and the City's elected officials, officers, employees, and agents with the maximum protection possible against any obligation or liability that in any way arises from, or is connected with, CCO's removal of the Existing Billboards.
 - (2) The rule of interpretation in Civil Code section 1654 will not apply.

- (3) "Include" and its variants are terms of enlargement rather than of limitation. For example, "includes" means "includes but not limited to," and "including" means "including but not limited to."
- (4) Exhibit A is part of this agreement.
- (e) *Waiver of Breach.* A party's failure to insist on strict performance of this agreement or to exercise any right or remedy upon the other party's breach of this agreement will not constitute a waiver of the performance, right, or remedy. A party's waiver of the other party's breach of any term or provision in this agreement will not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other term or provision. A waiver is binding only if set forth in writing and signed by the waiving party.
- (f) *Severability.* If a court with jurisdiction holds any nonmaterial provision of this agreement to be invalid, void, or unenforceable, then the remaining provisions will remain in full force.
- (g) *Counterparts.* The parties may execute this agreement in counterparts, each of which will be considered an original, but all of which will constitute the same agreement.
- (h) *Effective Date.* This agreement is effective as of the date on which both the City and CCO have signed it, as indicated by the dates in the signature blocks below.
- (i) *Time of Essence.* Time is of the essence of this agreement.
- (j) *Integration and Modification.* This agreement sets forth the parties' entire understanding regarding the matters addressed. It supersedes all prior or contemporaneous agreements, representations, and negotiations (written, oral, express, or implied) and may be modified only by another written agreement signed by both parties.

(Signature Page Follows)

City of Sacramento

By: _____
John F. Shirey
City Manager
Dated: October __, 2012

Attest:
Sacramento City Clerk

By: _____
Approved as to Form
Sacramento City Attorney

By: _____
Joseph Cerullo Jr.
Senior Deputy City Attorney

Clear Channel Outdoor, Inc.

By: _____
David McWalters
Senior Vice President Real Estate
Clear Channel Outdoor
Dated: October __, 2012

Approved as to Form
Thomas Law Group

By: _____
Tina Thomas
Attorneys for Clear Channel Outdoor

**Exhibit A to Billboard Relocation Agreement
City of Sacramento and Clear Channel Outdoor**

New Billboards	Existing Billboards
<p>New Billboard 1 <i>General Location:</i> 575 Display Way <i>APN:</i> 250-0040-064 <i>Zoning:</i> M-1 (Light Industrial) <i>General Description:</i> two-sided billboard (14' X 48') <i>Total Display Area:</i> 1,344 square feet</p> <p>New Billboard 2 <i>General Location:</i> 1235 Fee Drive <i>APN:</i> 250-0040-064 <i>Zoning:</i> M-1 (Light Industrial) <i>General Description:</i> two-sided billboard (14' X 48') <i>Total Display Area:</i> 1,344 square feet</p>	<p>CCO shall permanently remove these Existing Billboards from the indicated locations before CCO begins constructing the New Billboards:</p> <p>Existing Billboard 1 <i>General Location:</i> 2452 Del Paso Boulevard <i>APN:</i> 265-0296-021-0000 <i>Zoning:</i> C-2 <i>CCO Location Number:</i> 4057 <i>General Description:</i> one-sided billboard (12' X 25') <i>Total Display Area:</i> 300 square feet</p> <p>Existing Billboard 2 <i>General Location:</i> 1537 Grand Avenue <i>APN:</i> 251-0083-014 <i>Zoning:</i> C-1 <i>CCO Location Number:</i> 4223 / 4224 <i>General Description:</i> two-sided billboard (12' X 25') <i>Total Display Area:</i> 600 square feet</p> <p>Existing Billboard 3 <i>General Location:</i> 3330 Marysville Boulevard <i>APN:</i> 251-0230-041-0000 <i>Zoning:</i> Mixed <i>CCO Location Number:</i> 4285 / 4286 <i>General Description:</i> two-sided billboard (12' X 25') <i>Total Display Area:</i> 600 square feet</p> <p>Existing Billboard 4 <i>General Location:</i> 909 Fee Drive <i>APN:</i> 277-0241-033-0000 <i>Zoning:</i> M-1 <i>CCO Location Number:</i> 2432 <i>General Description:</i> two-sided billboard (23.2' X 65.5') <i>Total Display Area:</i> 3,039.2 square feet</p>
<p>Total Number of Sign Structures: 2 Total Number of Display Faces: 4 Total Display Area: 2,688 square feet</p>	<p>Total Number of Sign Structures: 4 Total Number of Display Faces: 7 Total Display Area: 4,539.2 square feet</p>

Net Reduction in Number of Sign Structures:	2 signs
Net Reduction in Number of Display Faces:	3 faces
Net Reduction in Display Area:	1,851.2 square feet

Exhibit B: Display way site Plan

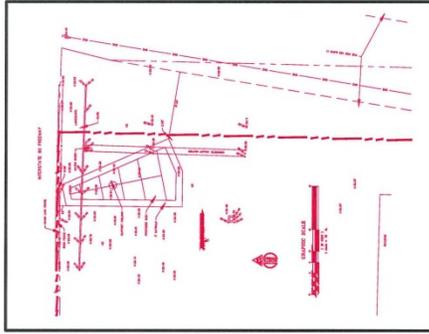
SITE PLAN - 575 DISPLAY WAY

Providence Commercial Properties, LLC

APN: 250-0040-064-0000



Proposed Sign Location



Site Plan

Exhibit C: Display Way Sign Location



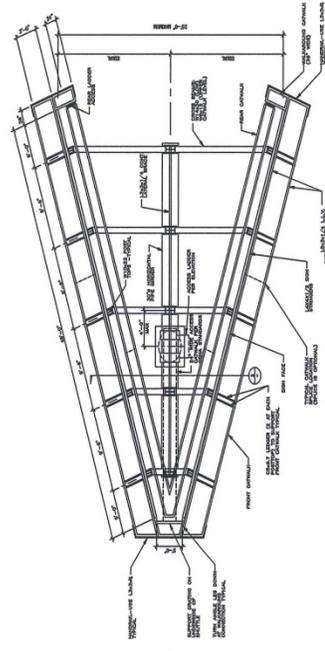
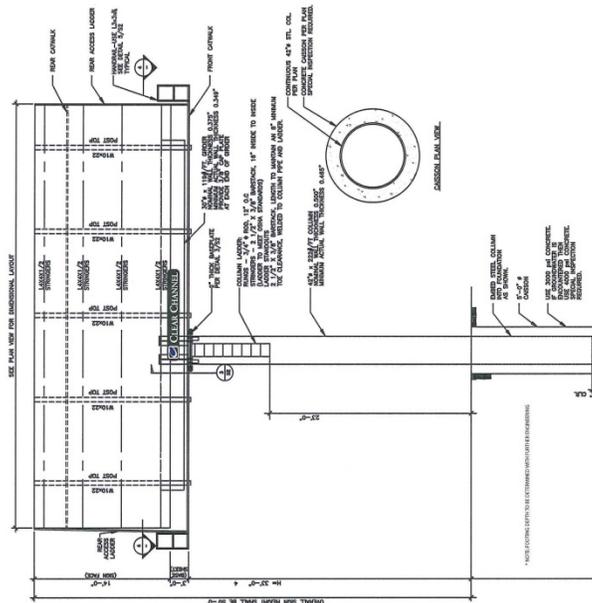
Exhibit D: Display Way Sign Design

SIGN DESIGN - 575 DISPLAY WAY
Providence Commercial Properties, LLC

CLEARCHANNEL
SIGNAGE

APN: 250-0040-064-0000

32'
3/32 Scale: 3" = 32'



PLAN VIEW WITH CATWALK LAYOUT

FRAME ELEVATION

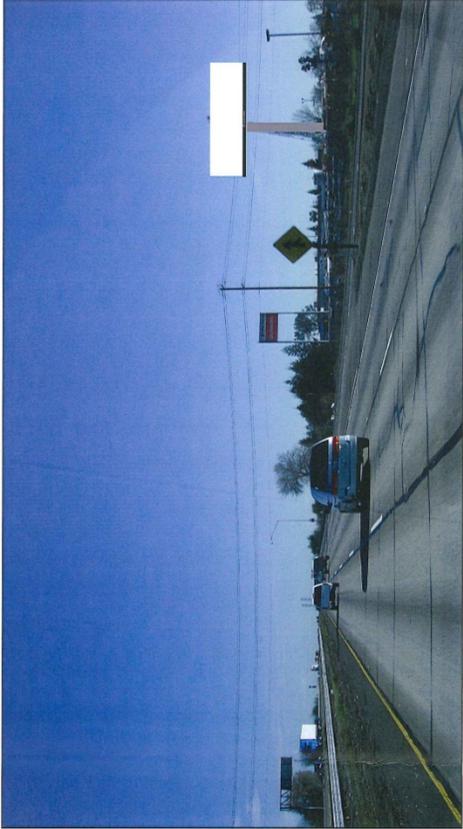
Sign Design

Exhibit E: Display Way Photosimulation

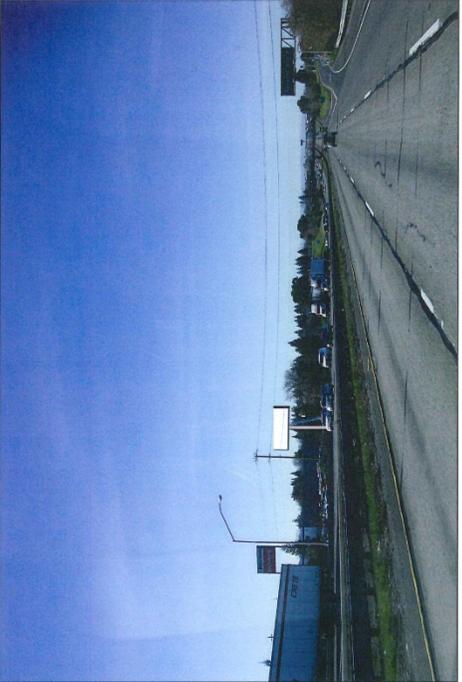
SIGN RENDERINGS - 575 DISPLAY WAY
Providence Commercial Properties, LLC
APN: 250-0040-064-0000

CLEAR CHANNEL CHANNEL

← Sign Rendering: East Face



Sign Renderings



Sign Rendering: West Face →

Exhibit G: Fee Drive Site Plan

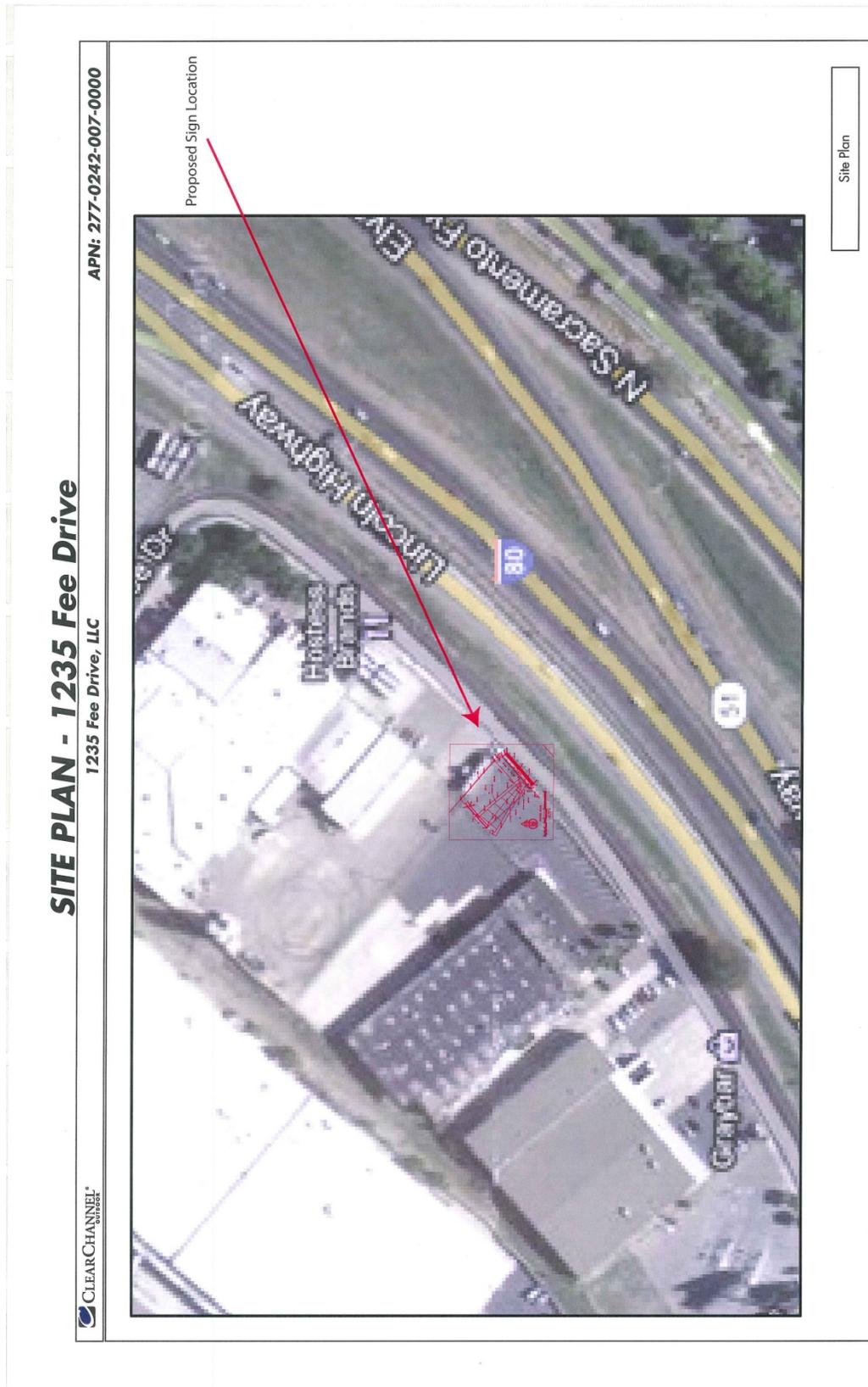


Exhibit H: Fee Drive Sign Location

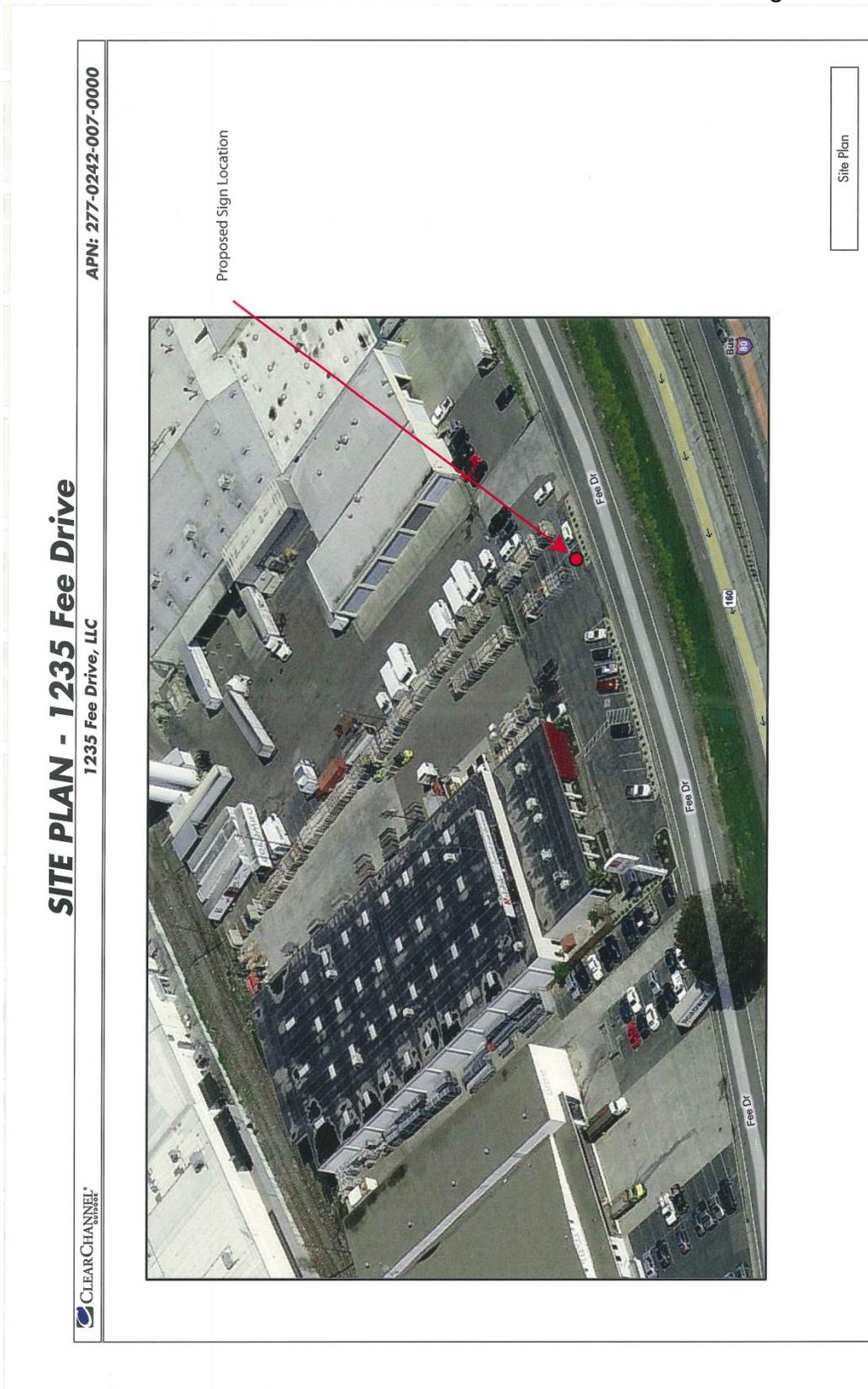


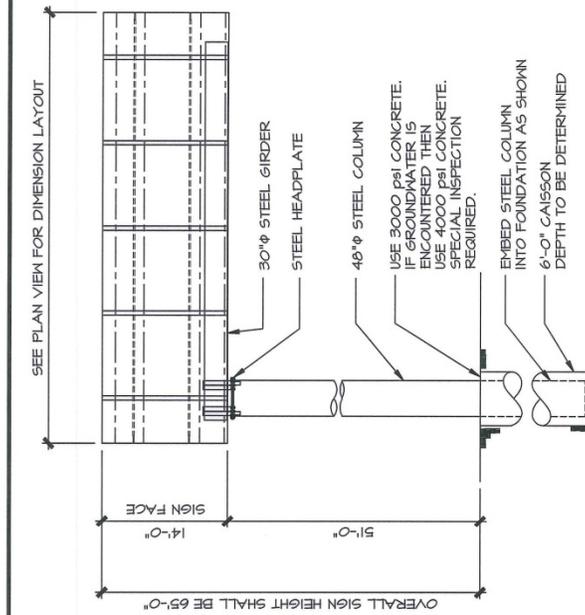
Exhibit I: Fee Drive Sign Design

SIGN DESIGN - 1235 Fee Drive

CLEAR CHANNEL
SOLUTIONS

1235 Fee Drive, LLC

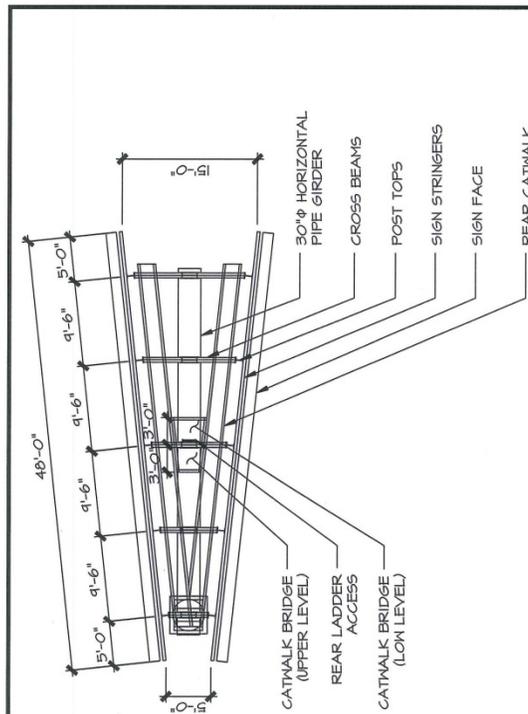
APN: 277-0242-007-0000



APN: 277-0242-007-0000

SIGN ELEVATION

SCALE: 3/32" = 1'-0"



PLAN VIEW WITH CATWALK LAYOUT

SCALE: 3/32" = 1'-0"

Sign Design

Exhibit J: Fee Drive Photosimulations

CLEARCHANNEL
OUTDOOR

CRANE TEST - 1235 Fee Drive
1235 Fee Drive, LLC

APN: 277-0242-007-0000



Raw North Face - Raw with Crane



Rendering North Face - Height = 65 ft; Face = 14' x 48'



Raw South Face - Raw with Crane



Rendering South Face - Height = 65 ft; Face = 14' x 48'

The image block contains four photosimulations of a sign structure. The top-left image is a 'Raw North Face' view showing a crane at the site, circled in red. The top-right image is a 'Rendering North Face' showing a blue sign with a yellow crane icon, with dimensions 'Height = 65 ft; Face = 14' x 48''. The bottom-left image is a 'Raw South Face' view showing the crane circled in red. The bottom-right image is a 'Rendering South Face' showing the sign structure from the opposite angle, also with dimensions 'Height = 65 ft; Face = 14' x 48''. The header includes the ClearChannel logo, project title 'CRANE TEST - 1235 Fee Drive', address '1235 Fee Drive, LLC', and APN '277-0242-007-0000'.

Exhibit L: Sign Removals

SIGN REMOVALS - 575 DISPLAY WAY & 1235 FEE DRIVE

APN: 250-0040-064 & 277-0242-007

Providence Commercial Properties, LLC / 1235 Fee Drive, LLC



REMOVALS



12' x 25' - District 2
600 Sq Ft



12' x 25' - District 2
600 Sq Ft



12' x 25' - District 2
300 Sq Ft



23.2' x 65.5' - District 2
3,039.2 Sq Ft



575 Display Way



1235 Fee Drive

CLEAR CHANNEL OUTDOOR

New - Back to Back 14 x 48 Static (1,344 sq ft)
575 Display Way
New - Back to Back 14 x 48 Static (1,344 sq ft)
1235 Fee Drive
Remove - 4 Structures (4,539.2 sq ft)
Net Reduction of 1,851.2 sq ft
No Re-Zone of Parcel & No Residential Spacing Issues

Sign Removals