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CITY OF SACRAMENTO

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Deputy City Attorneys

April 15, 1986

City Council  
City Hall  
Sacramento, California

SUBJECT: April 15, 1986 Agenda Item 16 - Sign  
Application/Appeal, 7667 Folsom Boulevard

Honorable Members in Session:

The above matter is being withdrawn at staff request. The applicant and appellant, State Teachers Retirement System, is a state agency and in this particular case is not subject to the City's jurisdiction.

Respectfully submitted,

THEODORE H. KOBAY, JR.  
Assistant City Attorney

RECEIVED  
CITY CLERKS OFFICE  
CITY OF SACRAMENTO  
APR 15 10 45 AM '86



# CITY OF SACRAMENTO

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DEPARTMENT OF PLANNING AND DEVELOPMENT  
1231 "I" Street Sacramento, Ca. 95814

**FILED**  
APR 1 1986  
*Cont. to 4-15-86*  
BY THE CITY COUNCIL  
OFFICE OF THE CITY CLERK

Administration  
Room 300 449-5571  
Building Inspections  
Room 200 449-5716  
Planning  
Room 200 449-5604

March 24, 1986

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: 1. Appeal of City Planning Commission denial of a variance to allow an attached sign visible from and located within 660 feet of a freeway and which exceeds the maximum 20 feet height limit (P86-044).

LOCATION: 7667 Folsom Blvd.

### SUMMARY

The application is for a variance to allow an attached sign located within 660 feet of a freeway and visible from the freeway and which exceeds the maximum 20 feet height limit. The request was denied by the Planning Commission and the Applicant has appealed to the City Council. The Commission and Staff recommend denial of the Appeal.

### BACKGROUND

On February 1, 1983, subject site was granted a variance on an appeal for four attached signs visible from the freeway (2 signs, 2 logos). The appeal (P82-213) was opposed by the Planning Commission and Staff citing the basis for the ordinance and the precedent setting potential if approved.

On September 10, 1985 an appeal of a variance denied by the Commission was granted for two attached signs visible from the freeway on an adjacent building (85-251). The applicant had requested three signs. On this appeal the Commission and Staff expressed the same concerns regarding proliferation of signage and the negative impact on the Cityscape and the precedent setting nature if approved. Especially since there are other office structures in immediate vicinity that can make similar request.

The Planning Commission and Staff still believes objectives of the sign ordinance provisions related to signs visible from the freeway are still valid, the objectives are to reduce proliferation of signs which compete for and distract the motorists' attention and to prevent regradation of the Cityscape. Past concerns regarding precedent setting action have been proven to be valid.

*cont 4-15-86*

**FILED**  
APR 15 1986  
*Withdrawn*  
BY THE CITY COUNCIL  
OFFICE OF THE CITY CLERK

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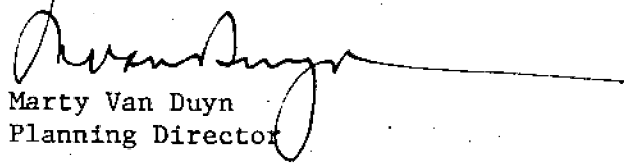
VOTE OF THE PLANNING COMMISSION

On February 27, 1986 the Commission voted six ayes, two absent (one vacant) to deny the variance.

RECOMMENDATION

The Planning Commission and Planning Staff recommend the City Council deny the appeal based on the findings that are attached.

Respectfully submitted,



Marty Van Duyn  
Planning Director

FOR CITY COUNCIL INFORMATION  
WALTER C. SLIPE  
CITY MANAGER

AG:jg  
Attachments  
P86-044

April 1, 1986  
District No. 6

2

2-16

Appeal of Steven Nagano vs. City of ]  
Sacramento Planning Commission's ]  
Denial of Variance to exceed the ]  
20 foot height limit for signs ]  
visible and within 660 feet of a ]  
freeway at 7667 Folsom Boulevard ]  
(P86-044) ]

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of April 1, 1986, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

- a. The project is not based on sound principles of land used in that the proposed signage would create a proliferation of signs adjacent to the freeway.
- b. The applicant has not shown that any extraordinary circumstances or conditions presently exist which limit the applicants' ability to utilize the subject site.
- c. The granting of the variance would constitute a special privilege being in that, similar non-highway uses also have the same standards and similar circumstances.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

P86-044

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# CITY PLANNING COMMISSION

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

<b>APPLICANT</b>	Steven Nagano, P.O. Box 15275-C, Sacramento, CA 95851		
<b>OWNER</b>	State Teachers' Retirement System, P.O. Box 15275-C, Sacramento, CA 95851		
<b>PLANS BY</b>	_____		
<b>FILING DATE</b>	1-16-86	<b>ENVIR. DET.</b>	Exempt 15311(a)
<b>ASSESSOR'S-PCL. NO.</b>	079-200-23,25,35,36,44,19		
<b>REPORT BY</b>	FG:bw		

- APPLICATION:**
- A. Variance to exceed the height limit for an attached sign.
  - B. Variance to allow an attached sign which is visible from and located within 660 feet of a freeway.

**LOCATION:** 7667 Folsom Boulevard

**PROPOSAL:** The applicant is requesting the necessary entitlements to erect an attached sign for an office building.

**PROJECT INFORMATION:**

1974 General Plan Designation:	Commercial and Office
1967 College Greens Community Plan Designation:	General Commercial
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Office Building

**Surrounding Land Use and Zoning:**

North: U.S. 50 Freeway; TC	Setbacks:	Required	Provided
South: Industrial; M-2(S)	Front:	50'	60'
East: Commercial; C-2	Side(Int):	100'	0'
West: U.S. 50 Freeway; TC	Rear:	0'	80'

Property Dimensions:	Irregular
Property Area:	6.8+ acres
Square Footage of Building:	100,000
Height of Building:	45 feet;
Height of Sign:	37 feet; Height Permitted: 20 feet
Topography:	Flat
Street Improvements/Utilities:	Existing
Exterior Building Materials:	Concrete
Sign Materials:	Sheet metal, Lexan plexiglas
Sign Dimensions:	5' x 18' (90 sq. ft.)

**BACKGROUND INFORMATION:** On November 24, 1982, the Commission denied an application to allow four attached signs which exceeded the height limit for attached signs and which were located within 660 feet of a freeway (P82-213). The applicant appealed the decision to the City Council which granted the variance on January 18, 1983. The Council approved a maximum of four attached signs (2 logos, 2 signs) on the north and west faces of the structure. These logos and signs have been installed on the building.

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**PROJECT EVALUATION:** Staff has the following comments:

- A. The subject site consists of 6.8+ acres which are developed with a 100,000+ foot office building consisting of Delta Dental and National University. The site is designated for commercial uses on both the General Plan and the 1967 College Greens Community Plan.
- B. The applicant proposes to erect an attached sign on the north face of the existing building. The sign would designate the State Teachers' Retirement System (STRS) headquarters. The sign would be 37 feet above grade level and be constructed of sheet metal and Lexan plexiglas, with an illuminated interior. The sign would be 90 square feet in size and designate "STRS".
- C. As previously mentioned, the structure has two signs (1 logo, 1 sign) on its north face. In August of 1981 the City Council adopted various amendments to the Sign Ordinance which resulted in more restrictive requirements for freeway visible signs. The general intent of these amendments was to reduce the amount of signage visible from the freeway and to prevent sign proliferation adjacent to the freeways. Highway commercial uses, such as gas stations, hotels and restaurants were allowed more signage than non-highway commercial uses; however, the subject site does not qualify as a highway commercial use. In addition, the proposed offices are located within the C-2 zone which allows a liberal amount of signage. Staff cannot find any justification which warrants the granting of a variance; therefore, staff recommends that the sign be scaled down and placed on the Folsom Boulevard frontage. The existing structure has four large signs (2 logos, 2 signs). Additional signage facing the freeway would only add to the sign clutter on the building and increase proliferation of signage along Highway 50.

**ENVIRONMENTAL DETERMINATION:** The project is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15311(a)).

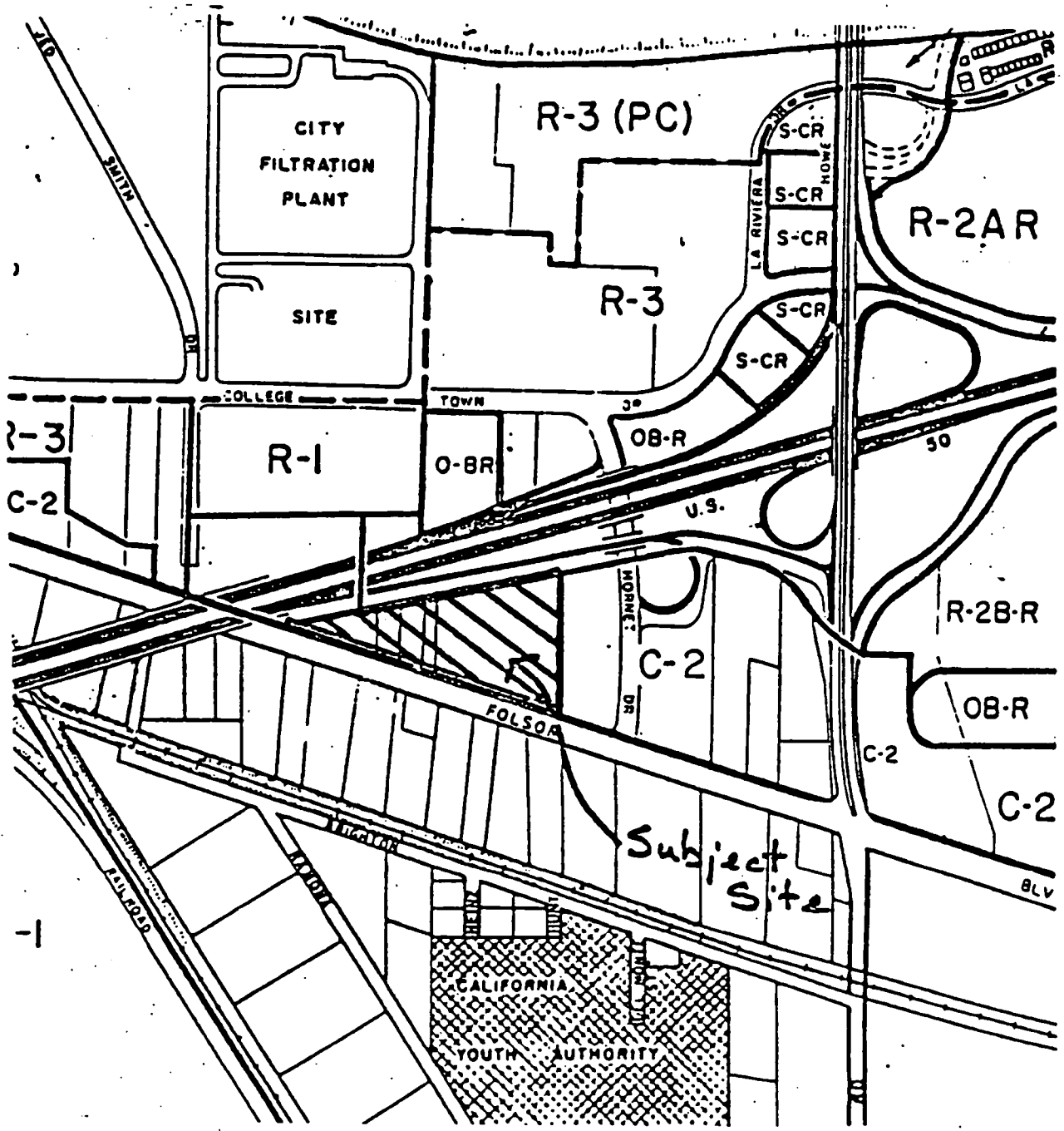
**RECOMMENDATION:** Staff recommends the following actions:

- A. Deny the variance to allow attached signage to exceed the 20-foot height limit, based upon Findings of Fact.
- B. Deny the variance to allow attached signage which is freeway oriented and within 660 feet of a freeway, based upon the Findings of Fact.

**Findings of Fact**

- 1. There are no exceptional or extra ordinary circumstances or conditions relative to this site that indicate that the current Sign Ordinance requirements unduly restrict the utilization of the subject site.
- 2. The granting of the variance would constitute a special privilege being extended to one property owner, and, if granted, would result in a proliferation of signage in the area because other sites within 660 feet of a freeway also have the same standards and similar circumstances.

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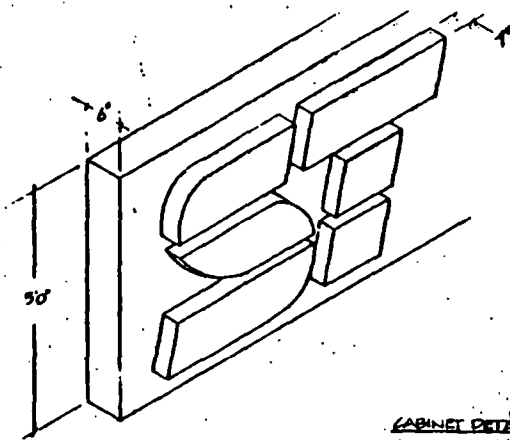


# VICINITY MAP

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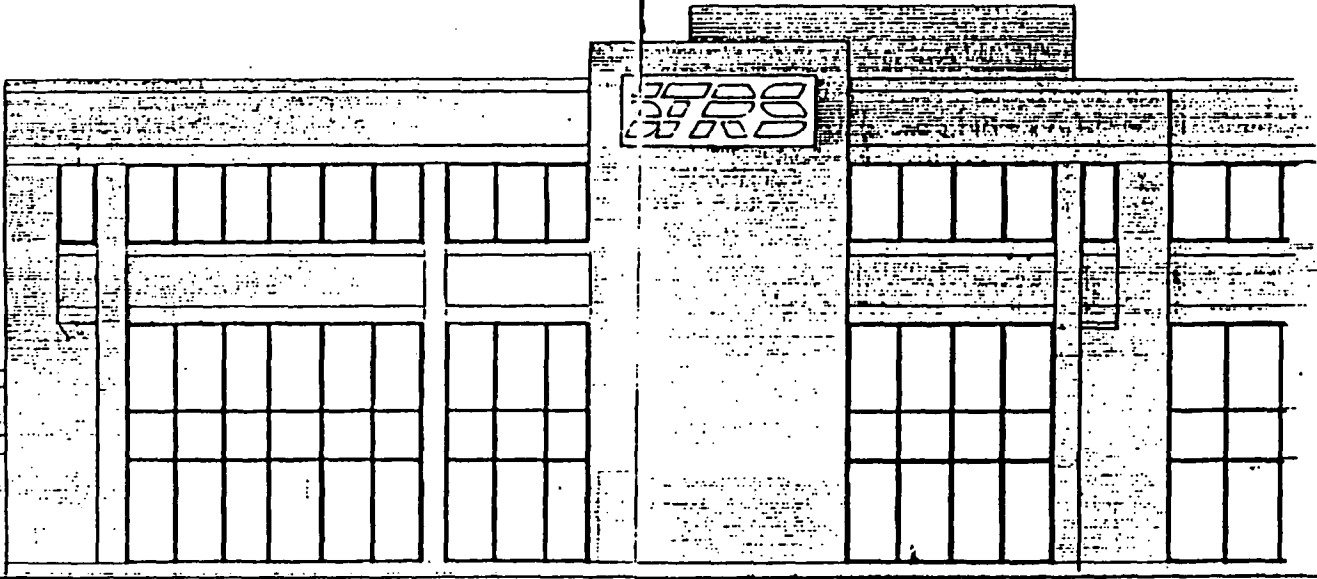
NORTH ELEVATION  
1/8" - 10' APPROX.



CABINET DETAIL  
LETTER HGT. 14" O"  
BACK LIT HEX

2 27-81

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NORTH ELEVATION DETAIL  
ILLUMINATED WALL SIGN  
1/8" - 10' APPROX.

HOUSE SIGNS

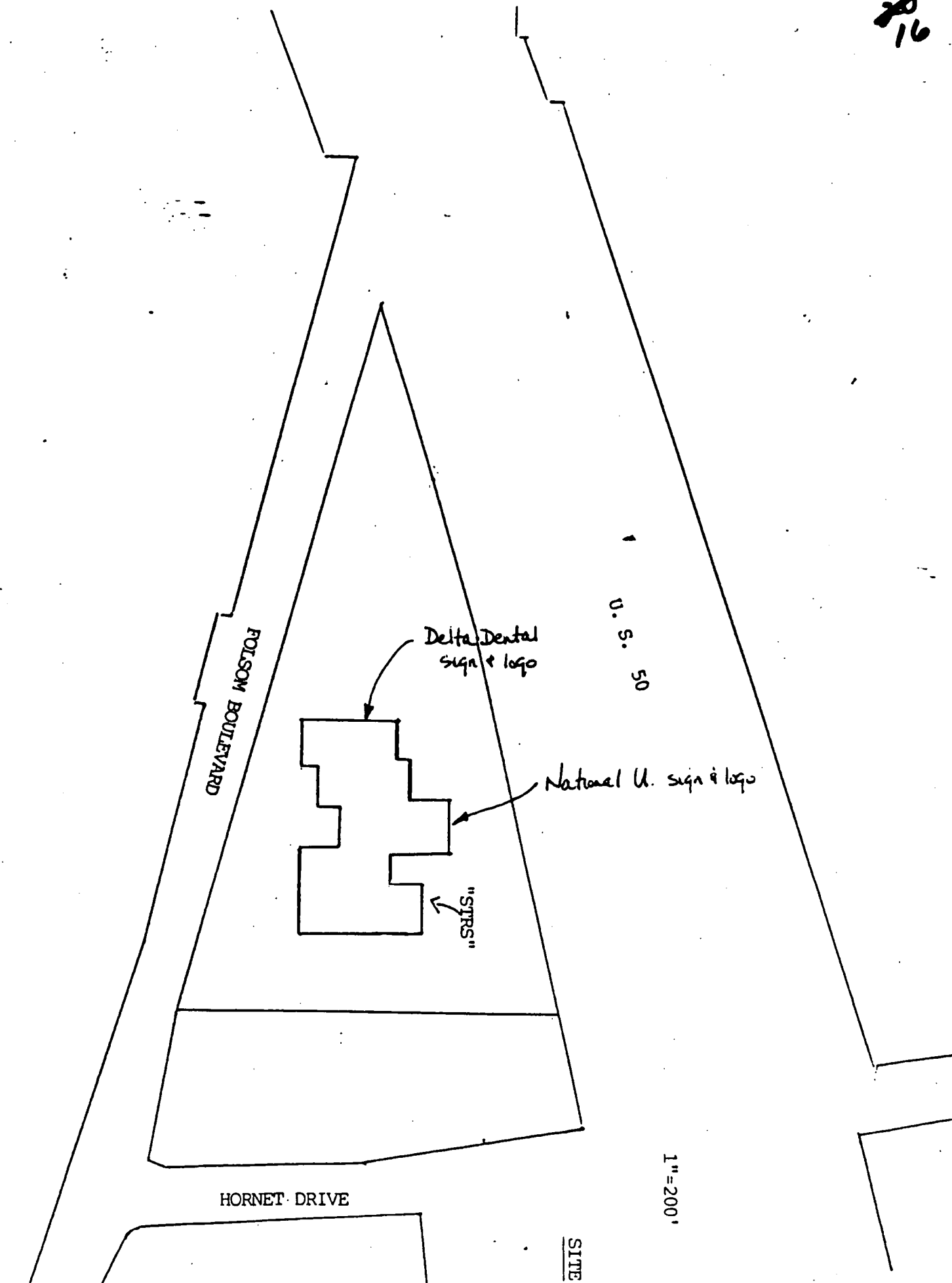
Project Name • KRM - KIMMEL  
Project No • 48352  
Date • 10.9.85

Approved By •  
Scale •  
Sheet No • 02

Drawn By • KRP  
Revisions •

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FOLSOM BOULEVARD

Delta Dental sign & logo

U.S. 50

National U. sign & logo

"STRS"

HORNET DRIVE

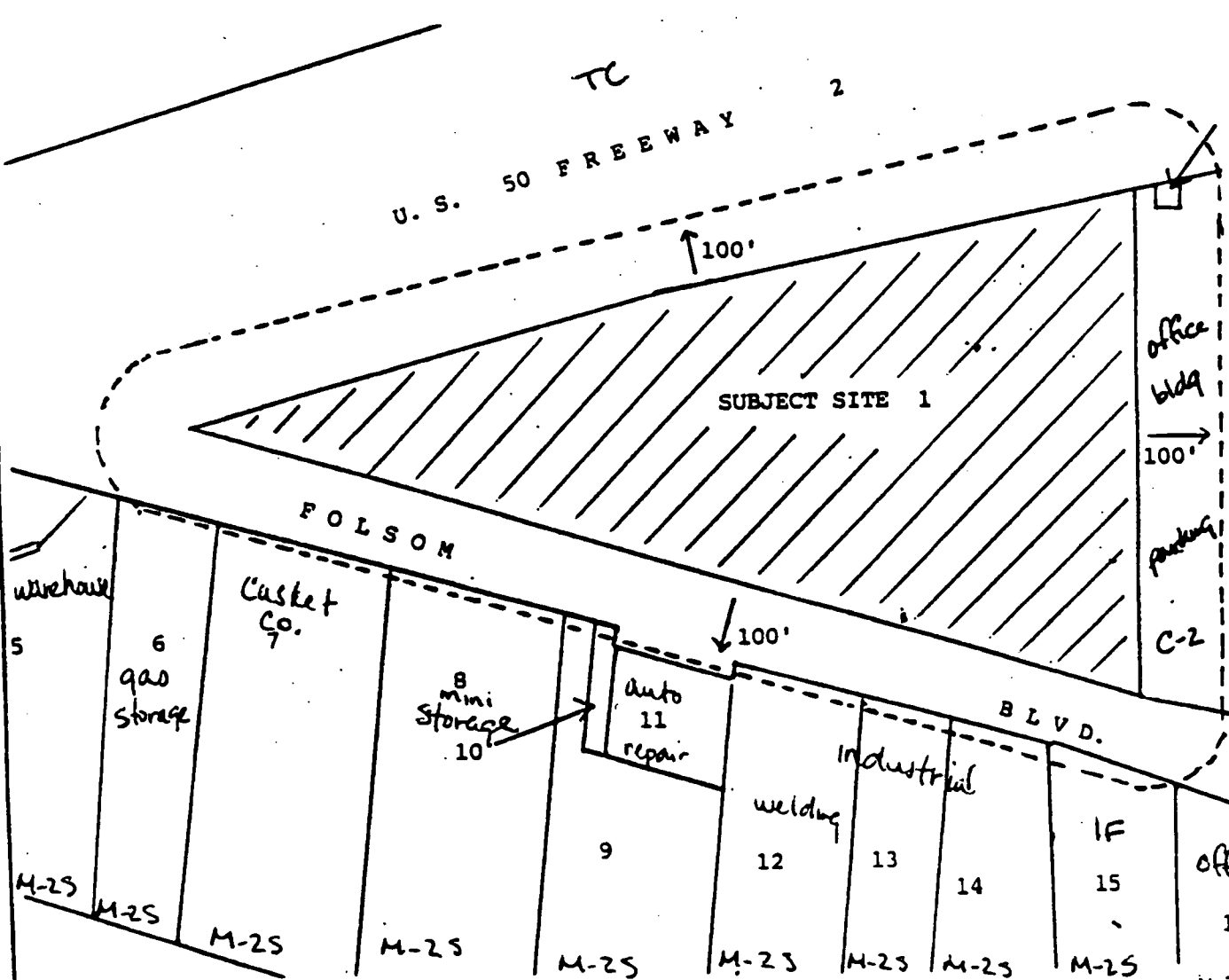
1" = 200'

SITE PLAN

P 86044

8  
2-27-86

Item 21



# LAND USE & ZONING MAP

NOTICE OF APPEAL OF THE DECISION OF THE  
SACRAMENTO CITY PLANNING COMMISSION

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DATE: March 4, 1986

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of February 27, 1986 when:  
(Date)

       Rezoning Application                      x   Variance Application  
       Special Permit Application                    \_\_\_\_\_

was:        Granted   x   Denied by the Commission

GROUNDS FOR APPEAL: (Explain in detail)

See Exhibit A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPERTY LOCATION: 7667 Folsom Boulevard

PROPERTY DESCRIPTION: See Exhibit B.

ASSESSOR'S PARCEL NO. 079 - 200 - 23, 25, 35, 36, 44, 19

PROPERTY OWNER: State Teachers' Retirement System

ADDRESS: 7667 Folsom Boulevard, Sacramento, CA 95826

APPLICANT: State Teachers' Retirement System

ADDRESS: 7667 Folsom Boulevard, Sacramento, CA 95826

APPELLANT: ( *Steven Nagano* ) ( Steven Nagano )  
(SIGNATURE) PRINT NAME

ADDRESS: STRS P.O. Box 15275-C Sacramento, CA 95851

FILING FEE:  
 by Applicant: \$105.00    RECEIPT NO. \_\_\_\_\_ CITY PLANNING DEPARTMENT  
 by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: MAR 05 1986

P-86-044

5/82

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RECEIVED

DISTRIBUTE TO -  
(4 COPIES REQUIRED): MVD  
AG  
WW  
LO  
SG - (Orig)

## Grounds for Appeal

On January 16, 1986, the State Teachers' Retirement System (STRS or System) filed an application for variance from certain provisions of the sign ordinance. On February 27, 1986, the Sacramento City Planning Commission denied the application. The System hereby appeals the denial.

The System proposes to erect an "STRS" sign on its headquarters building. The sign would require a variance to exceed the height limit for an attached sign and a variance to allow an attached sign which is visible from and located within 660 feet of a freeway.

The City Council should grant the requested variances because the System has met the showing required under Division 13, Section 3.225 of the sign ordinance.

Exceptional and extraordinary circumstances are present which do not apply generally in the district. The exceptional and extraordinary circumstances are based in large part upon the function of the System and the location of its headquarters building. The System, a unit of the State of California, is the pension fund for the public school teachers in California.

The headquarters building, located at 7667 Folsom Boulevard, is part of the System's investment portfolio. Some of the building is occupied by the System's staff; the balance is leased to various tenants. The System's headquarters building is located adjacent to the U.S. 50 Freeway. The proposed sign would be located at the third-floor level on the north face of the building facing the freeway. The proposed sign will consist of the letters, "STRS."

Failure to grant the variance and allow the System to erect the sign would have an unduly harsh result upon the use of the property. The sign is necessary for the System to reach more effectively the people it serves. Every year, thousands of teachers, members of the System, travel to the headquarters building to consult with the staff regarding their pensions. The "STRS" sign will facilitate location of the headquarters building by the teachers. Further, the headquarters building is an investment of the pension fund. Hence, in a very real sense, the building is owned by all of the teachers in California. The System has been urged to identify the ownership by erecting the sign.

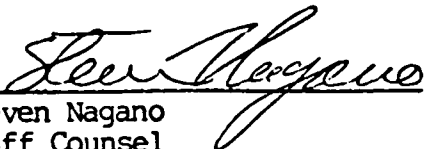
The variance would not result in a special privilege. In a previous decision granting a variance from the sign ordinance, the City Council found that the granting of a variance would not constitute a special privilege because, "a. the freeway is above grade adjacent to the site, and the signs would not be visible based on the 20-foot height limitation; b. upon maturity of the trees located within the parking lot, the signs will not be visible." (P82-213.) Moreover, the Council has granted a variance for a similar sign at the property adjacent to the STRS building at 7801 Folsom Boulevard.

Finally, the variance will not adversely affect people in the neighborhood, will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. The sign will not even be visible from any

28  
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residential uses. Rather, the sign will only be visible from the freeway. The sign is designed to provide a clear designation without being intrusive. The sign is aesthetically pleasing and carefully integrated into the design of the building so as to enhance the local environment.

For the above reasons, the System respectfully requests that the application for variances be granted.



Steven Nagano  
Staff Counsel  
State Teachers' Retirement  
System

In the State of California, County of Sacramento, City of Sacramento,  
and being:

PARCEL NO. 1:

All that portion of Section 15, Township 8 North, Range 5 East, M.D.B.&M.,  
described as follows:

BEGINNING at the intersection of the Northerly right of way line of Folsom  
Boulevard and the Southerly line as described in the "Notice of Pendency  
of Action", recorded in Book 681219, page 564, Official Records of  
Sacramento County, California; thence along said Southerly line the  
following two (2) courses and distances: (1) North  $73^{\circ} 35' 02''$  East 33.42  
feet and (2) North  $73^{\circ} 03' 47''$  East 103.65 feet; thence South  $00^{\circ} 15' 34''$   
East 75.12 feet to the Northerly right of way line of Folsom Boulevard;  
thence North  $74^{\circ} 54' 30''$  West 136.25 feet to the point of beginning.

PARCEL NO. 2:

All that portion of Section 15, Township 8 North, Range 5 East, M.D.B.&M.,  
described as follows:

COMMENCING at a point of intersection of the Northerly right-of-way line of  
Folsom Boulevard and the Southerly line of Proposed State of California  
Route 50 as described in the "Final Order of Condemnation", recorded in  
Book 691017, page 423, Official Records of Sacramento County, California;  
thence leaving said Northerly line North  $73^{\circ} 35' 02''$  East 33.42 feet; thence  
North  $73^{\circ} 03' 47''$  East 103.65 feet to the true point of beginning; thence  
continuing North  $73^{\circ} 03' 47''$  East 437.76 feet to the Westerly line of the  
land described in "Judgment in Condemnation" filed in the matter of the  
City of Sacramento vs. Helen B. Simon, in the Superior Court of the State  
of California, in and for the County of Sacramento, Case No. 142074 on  
January 9, 1964, a certified copy of said Judgment being recorded in Book  
4859, page 42, Official Records; thence along the Westerly line of said  
land South  $00^{\circ} 15' 34''$  East 315.87 feet to its intersection with the  
Northerly line of Folsom Boulevard; thence along Folsom Boulevard North  
 $74^{\circ} 54' 30''$  West 434.86 feet to a point which is South  $74^{\circ} 54' 34''$  East  
136.25 feet from the point of commencement; thence North  $00^{\circ} 15' 34''$   
West 75.12 feet to the true point of beginning.

PARCEL NO. 3:

All that portion of the Northeast one-quarter of Section 15, Township  
8 North, Range 5 East, M.D.B.&M., described as follows:

BEGINNING at a point located on the Westerly boundary of that certain  
20.00 foot strip of land designated "Parcel No. 4", Cutter Brothers to  
Raymond S. Cutter, filed in Book 420 of Official Records, Page 385,  
Sacramento County Records, on that certain Record of Survey entitled  
"Portion of Sections 10 and 15, T. 8N, R. 5E, M.D.B.&M.", filed in the  
office of the Recorder of Sacramento County in Book 24 of Surveys, Page  
11, from which the Southwest corner of that certain 36,781 acre tract  
of land as shown on said Record of Survey bears North  $00^{\circ} 05' 06''$  West  
391.94 feet; thence from said point of beginning along the Westerly  
boundary of said 20.00 foot strip of land, South  $00^{\circ} 55' 06''$  East  
577.63 feet to a point located on the Northerly right of way line of  
Folsom Boulevard, a public street; thence along said Northerly right of  
way line, the following two (2) courses and distances: (1) Northwesterly,  
curving to the left on a arc of 8040.00 feet radius, said arc being

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PARCEL NO. 3. CONTINUED

subtended by a chord bearing North 74° 05' 03" West 301.68 feet and (2) North 75° 09' 33" West 230.80 feet, to a point located on the West-erly boundary of that certain 8.85 acre tract of land as shown on the Map of Survey of W. W. White Tract, filed in the office of said Recorder in Book 4 of Maps, Map No. 13; thence along said Easterly boundary, North 00° 15' 24" West 332.20 feet to a point located on the Southerly right of way line of the State of California freeway; thence along said Southerly right of way line, North 78° 25' 50" East 516.03 feet to the point of beginning.

PARCEL NO. 4.

All that portion of the Northeast one-quarter of Section 15, Township 8 North, Range 5 East, Mount Diablo Meridian, described as follows:

BEGINNING at a point in the North line of the lands herein from whence the Northwest corner of said Section 15 bears the following three courses: (1) North 01° 10' 50" West 485.40 feet, (2) South 88° 10' 33" West 504.97 feet, and (3) South 87° 38' 44" West 3053.94 feet distant; thence from said point of beginning North 88° 25' 33" East 72.56 feet to the Northeast corner of said lands; thence South 01° 45' 00" East 692.37 feet to a point in the Northerly line of Folsom Boulevard; thence along said Northerly line North 76° 21' 50" West 51.82 feet; thence North 01° 45' 00" West 553.11 feet; thence North 31° 45' 00" West 145.12 feet; thence North 88° 25' 33" East 50.00 feet to the point of beginning, EXCEPTING THEREFROM: All that portion lying Northerly of the Southerly line of the State Freeway Route 50.