

#32



CITY OF SACRAMENTO

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

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

September 6, 1985

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of Planning Commission's Denial of a Variance to exceed the 20 foot height limit for three attached signs within 660 feet of the freeway (P85-251)

LOCATION: 7823 Folsom Boulevard

SUMMARY

On July 25, 1985, the Planning Commission denied a request for a Variance to exceed the 20 foot height limit for three attached signs within 660 feet of the freeway. The height of the proposed signs was 44 feet. The applicant has appealed the Commission's decision to the City Council.

BACKGROUND INFORMATION

In 1981 the City Council adopted an amendment to the Sign Ordinance which resulted in more restrictive requirements for signs visible and within 660 feet of a freeway. The intent was to reduce proliferation of the signs adjacent to freeways which compete and distract for the motorist's attention and degrade the City scape. An exception was made for uses such as gas stations, motels and restaurants which are there to serve the motorist. The Planning Commission considered the subject request for three signs 44 feet in height and voted to deny the Variance finding no hardship or justification for the exception. The applicant has appealed the Commission's action.

The Commission denied a similar request for two signs on an adjacent site (Dental Association and National University). Their decision was appealed to the City Council and subsequently approved. After the Commission's action on the subject Variance, the Commission indicated to staff that if their decision is appealed to the Council and granted staff should ask the Council on behalf of the Commission if the policy and ordinance related to signs for non-freeway oriented uses should be changed.

VOTE OF THE PLANNING COMMISSION

On July 25, 1985, the Commission voted seven ayes, one absent, and one no to deny the Variance.

APPROVED
BY THE CITY COUNCIL
SEP 10 1985
OFFICE OF THE
CITY CLERK

/

#32

City Council


-2-

September 6, 1985

RECOMMENDATION

The Planning Commission and staff recommend the City Council deny the appeal based on the attached Findings of Fact.

Respectfully submitted,


Marty Van Duyn
Planning Director

FOR CITY COUNCIL INFORMATION

WALTER J. SLIPE
CITY MANAGER

AG: pkb
attachments
P85-251

September 10, 1985
District No. 3

Appeal of R.A. Raymond 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)
9823 Folsom Boulevard (P85-251))

NOTICE OF DECISION
AND
FINDINGS OF FACT

At its regular meeting of September 10, 1985, 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 use 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 extended to one property owner, in that other similar non-highway uses also have the same standards and similar circumstances.

MAYOR

ATTEST:

CITY CLERK

P85-251

SACRAMENTO CITY PLANNING COMMISSION

#32

MEETING DATE July 25, 1985
 ITEM NO. 15 FILE # P 85 251
 M _____

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- LOT LINE ADJUSTMENT
- ENVIRONMENTAL DET.
- OTHER _____

Location: 7823 Folsom Blvd

Recommendation:

- Favorable
- Unfavorable
- Petition
- Correspondence

<u>PROPOSERS</u>		
<u>NAME</u>		<u>ADDRESS</u>
J. OTTO		1722 3RD SAC
R. RAYOND	PACIFIC NEUD	1576 SILICA Ave SAC

<u>OPPOSERS</u>		
<u>NAME</u>		<u>ADDRESS</u>

MOTION NO. _____

	YES	NO	MOTION	SECOND
Ferris	✓			
Fong	✓			
adin		✓		
olloway	✓			
Hunter	✓		✓	
Ishmael	Absent			
Ramirez	✓			
Simpson	✓			✓
Augusta	✓			

MOTION

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE _____
- TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
- TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO _____ MEETING.
- OTHER _____

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#32

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

DATE: 1 AUG 1985

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning Commission of 25 JULY 1985 when: (Date)

Rezoning Application Variance Application (checked) Special Permit Application

was: Granted (checked) Denied by the Commission

GROUND FOR APPEAL: (Explain in detail)

- A) EXISTING BUILDINGS HAVE SIGNS AS REQUESTED, THIS PROJECT REQUIRES EQUAL SIGNAGE TO BE COMPETITIVE B) RAISED FREEWAY, SIGNS INSTALLED @ 20' WOULD BE BELOW LINE OF SITE C) ABILITY TO LEASE SPACE CONTINGENT UPON APPROV

PROPERTY LOCATION: FOLSOM BLVD. AND HORNET DRIVE

PROPERTY DESCRIPTION: 3.11+ ACRES, LEVEL W/ 45,000 sq ft BUILDING ZONED C-2

ASSESSOR'S PARCEL NO. 79 - 200 - 27

PROPERTY OWNER: HORNET GROUP

ADDRESS: 1722 3RD STREET SUITE 202 SACRAMENTO

APPLICANT: PACIFIC NEON COMPANY

ADDRESS: P.O. Box 15100 SACRAMENTO

APPELLANT: (Signature) (R.D. RAYMOND) (SIGNATURE) PRINT NAME

ADDRESS:

FILING FEE: [checked] by Applicant: \$105.00 RECEIPT NO. 5169 [] by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF:

P- AS 251

CITY PLANNING DIVISION

5/82

AUG 5 1985

RECEIVED

DISTRIBUTE TO - (4 COPIES REQUIRED): MVD HY WW

LO (circled) SG - 10 orig

CITY PLANNING COMMISSION

#32

1231 I STREET, ROOM 200, SACRAMENTO, CALIFORNIA 95814

APPLICANT	Pacific Neon Company, P.O. Box 15100, Sacramento, CA 95821		
OWNER	Hornet Group, 1722 3rd Street, Suite 202, Sacramento		
PLANS BY	Pacific Neon Company		
FILING DATE	6-7-85	50 DAY CPC ACTION DATE	REPORT BY: FG:ec
NEGATIVE DEC.	Ex 15311, 15315 EIR	ASSESSOR'S PCL NO.	79-200-27

APPLICATION: Variance to exceed 20-foot height limitation for attached signs within 660 feet of freeway for three attached signs.

LOCATION: 7823 Folsom Boulevard

PROPOSAL: The applicant is requesting the necessary entitlements to erect three attached signs within 660 feet of the freeway.

PROJECT INFORMATION:

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

Surrounding Land Use and Zoning:

North: Highway 50; TC
South: Offices, Light Industrial; M-2 (S)
East: Offices; C-2
West: Offices; C-2

Property Dimensions:	Irregular
Property Area:	3.11 ± acres
Square Footage of Building:	45,000
Height of Building:	51 feet (4 stories)
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Stucco/Glass
Size of Signs:	30" x 40'
No. of Signs:	3
Height of Signs:	44'

APPLC. NO. P85-251

MEETING DATE 7-25-85
7-11-85

CPC ITEM NO. 2015

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PROJECT EVALUATION: Staff has the following comments:

- A. The subject site is zoned General Commercial (C-2) and is designated for commercial uses on both the General Plan and the 1967 College Greens Community Plan. Surrounding land uses include offices, residential and Highway 50.
- B. The applicant is requesting to erect three attached signs which would be visible from Highway 50. The proposed signs would be located less than 660 feet from Highway 50 and exceed the 20-foot maximum height limit by 24 feet.

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 office(s) are located within the C-2 zone which allows a liberal amount of signage.

Staff cannot justify the Variance in that there are no hardships or unusual circumstances which warrant approval of the signs. These signs will add to the sign proliferation along Highway 50.

- C. The proposed signage was reviewed by Traffic and Building Inspections. No comments were received.
- D. A similar request was considered by the Commission for the structure to the west (National University) to locate two signs that would be visible from Highway 50 (National University and Dental Association). The Commission at that time determined these signs would add to the sign proliferation along Highway 50 and denied the Variance and signs. The applicant appealed to the City Council who approved the Variance and signs.

Staff recommends the Commission be consistent with their original decision and uphold the purpose of the Sign Ordinance and thereby deny the Variance.

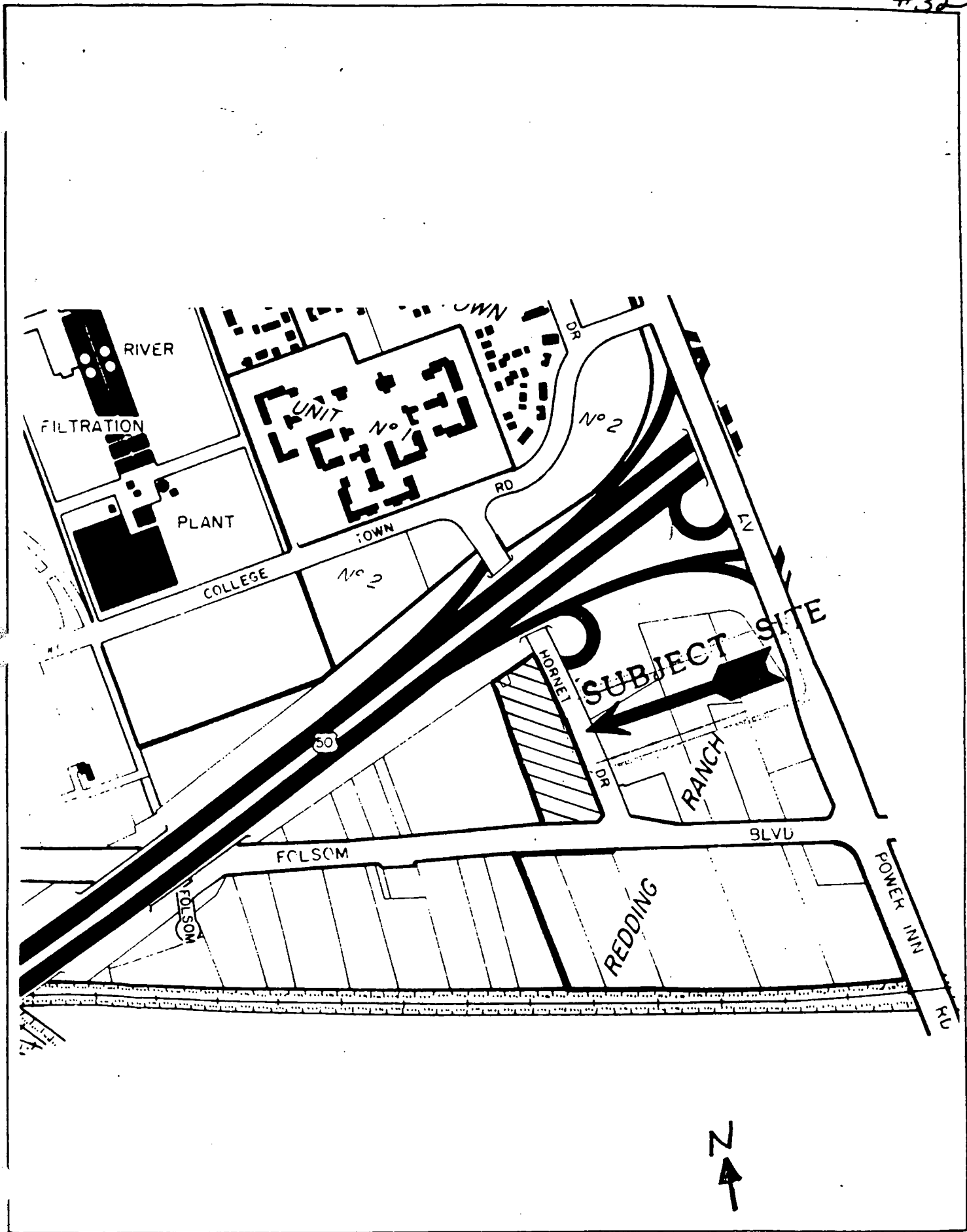
ENVIRONMENTAL DETERMINATION: The proposal is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15311 and 15315).

STAFF RECOMMENDATION: Staff recommends the following:

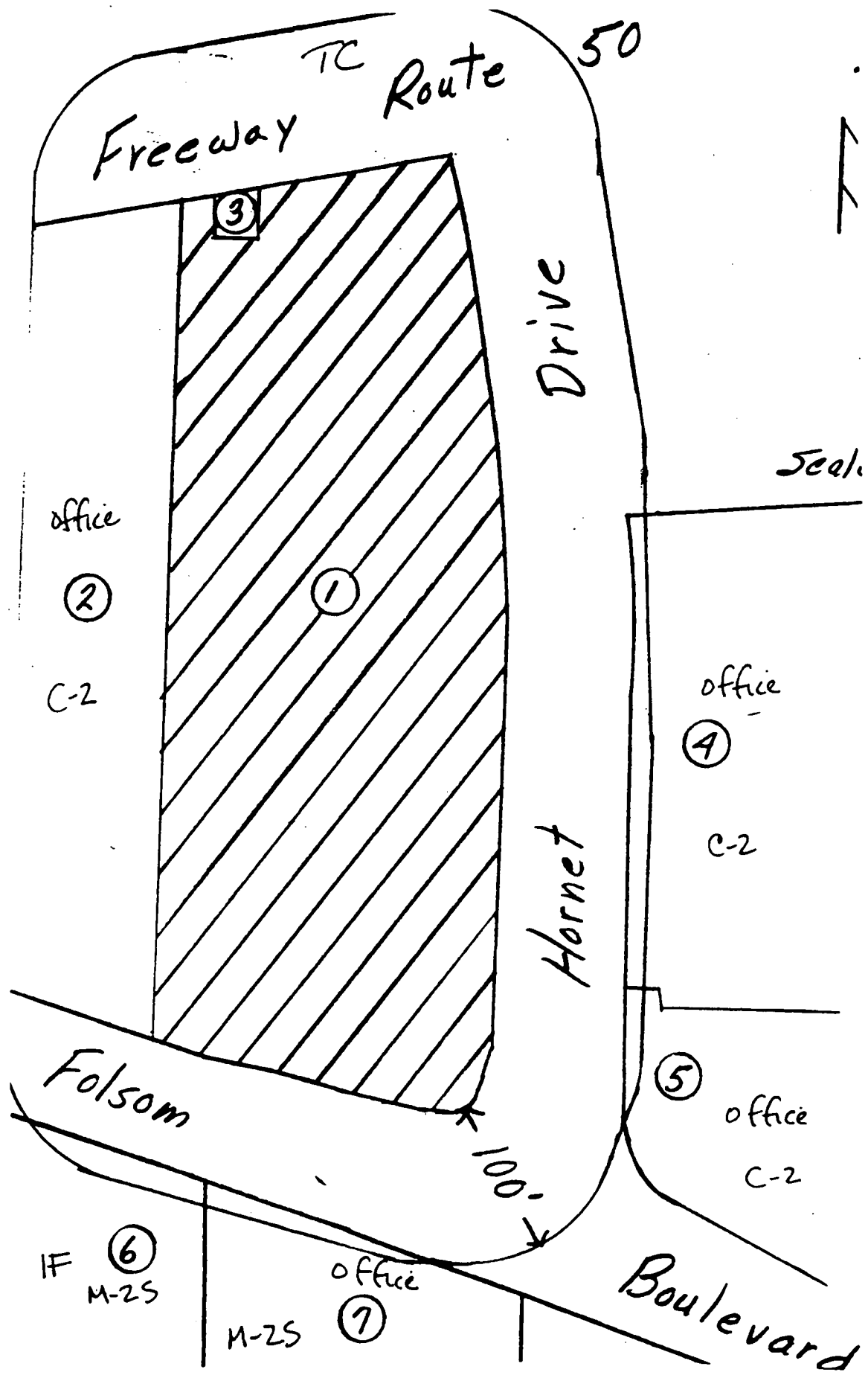
Denial of the Variance based upon Findings of Fact which follow:

Findings of Fact - Variance

- a. The project is not based on sound principles of land use 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 extended to one property owner, in that other similar non-highway uses also have the same standards and similar circumstances.



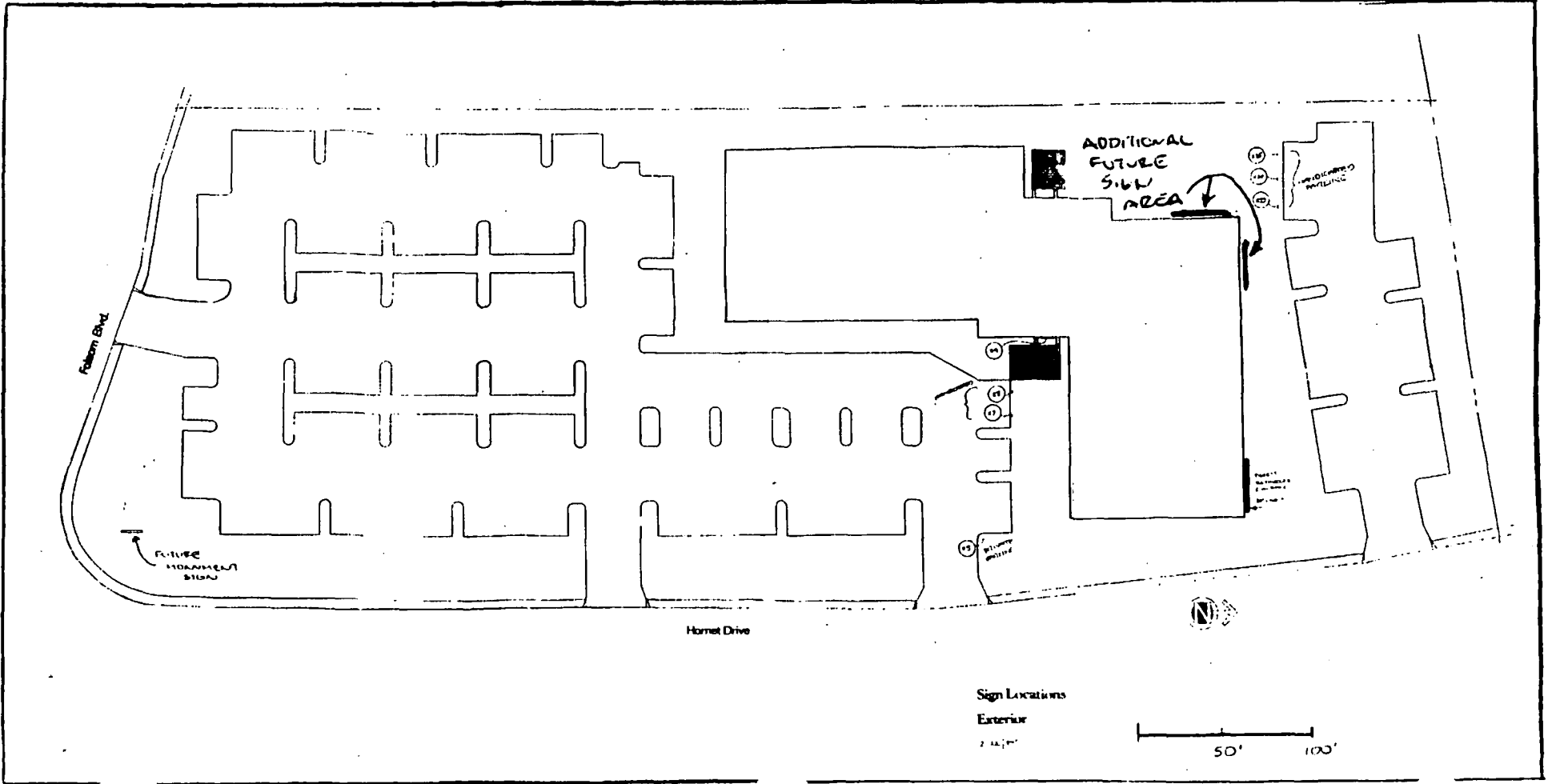
VICINITY MAP



LAND USE & ZONING MAP

#32

Item 80



10 7-11-85

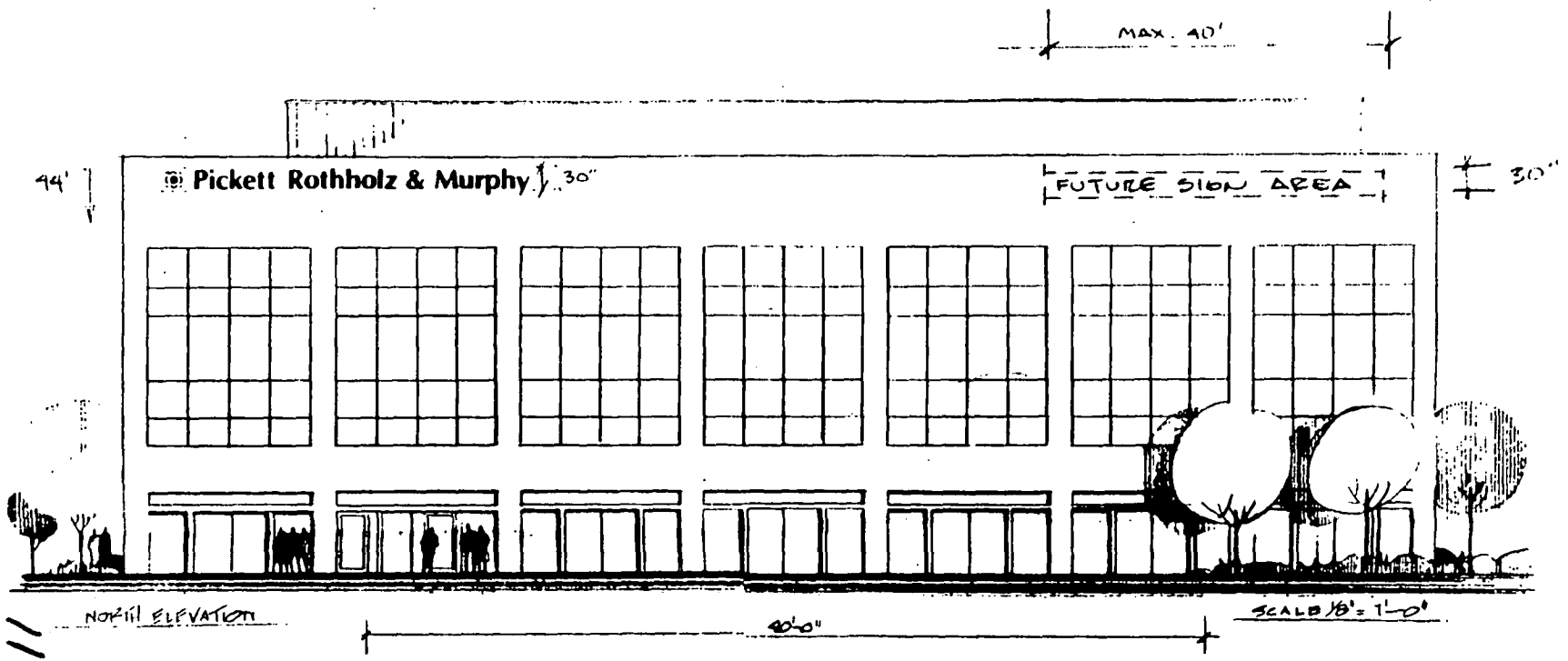
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785-251

7-11-85

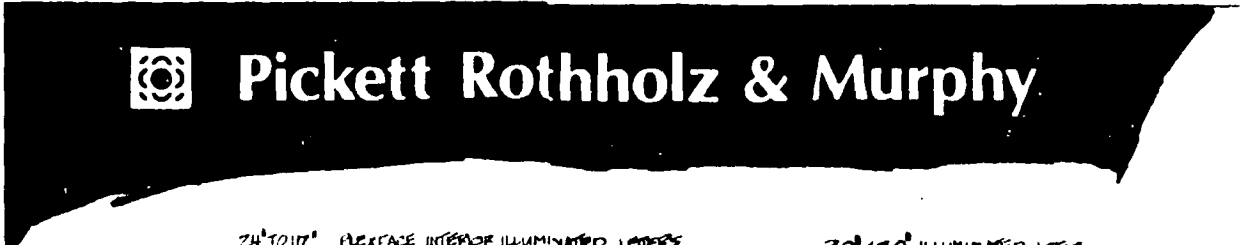
Item 88 15



NORTH ELEVATION

80'-0"

SCALE 1/8" = 1'-0"



Pickett Rothholz & Murphy

24" TO 117" FLEXFACE INTERIOR ILLUMINATED LETTERS

WHITE FLEX FACES
BLACK CHANNELLED RETURNS
REAR ILLUMINATION

30" X 30" ILLUMINATED LOGO

WHITE FLEX FACE
F.O.O GREEN FIGURES / OVERLAY
BLACK CHANNELLED RETURNS
REAR ILLUMINATION

#32



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET
CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5426

LORRAINE MAGANA
CITY CLERK

August 28, 1985

R.A. Raymond
1576 Silica Avenue
Sacramento, CA 95815

On August 21, 1985, the following matter was filed with my office to set a hearing date before the City Council:

P-85251 - Appeal of Planning Commission's Denial of a Variance to exceed 20' height limit for attached signs within 660' of freeway right-of-way for three signs in the General Commercial, C-2 zone for property located west of Hornet Drive and south of Route 50 - 7823 Folsom Boulevard. (D3) (APN: 079-200-27)

This hearing has been set for September 10, 1985, 7:30 p.m., Council Chamber, Second Floor, City Hall, 915 "I" Street, Sacramento, California. Interested parties are invited to appear and speak at the hearing.

Pursuant to Council Rules of Procedure 4.5, continuance of the above matter may be obtained only by the property owner of the above property, applicant, or appellant, or their designee, by submitting a written request delivered to this office no later than 12:00 Noon the day prior to the scheduled hearing date. If written request is not delivered to this office as specified herein, a continuance may only be obtained by appearing before the City Council at the time of the hearing and submitting a verbal request to the Council.

Any questions regarding this hearing should be directed to the City Planning Department, 1231 "I" Street, Sacramento, California, Room 200, phone 449-5604.

Sincerely,

Janice Beaman
Deputy City Clerk

JB/dbp

cc: MAILING LIST P-85251 (11)
Hornet Group
Pacific Neon Company

September 11, 1985

R. A. Raymond
1576 Silica Ave
Sacramento CA 95815

Dear Sir:

On September 10, 1985, the City Council adopted Findings of Fact denying your appeal for the following matter (P-85251):

Appeal of Planning Commission's denial of a variance to exceed 20' height limit for attached signs within 660' of freeway right-of-way for three signs in the General Commercial, C-2 zone for property located west of Hornet Drive and south of Route 50 - 7823 Folsom Boulevard.

Enclosed, for your records, is a certified copy of said Findings of Fact.

Sincerely,

Lorraine Magana
City Clerk

LM/mls/32

Enclosure(s)

cc: Planning Department
Hornet Group, 1722 3rd St Ste 202, Sac 95814
Pacific Neon Co., P.O. Box 15100, Sac 95821

September 23, 1985

R.A. Raymond
1576 Silica Avenue
Sacramento, CA 95815

Dear Mr. Raymond:

On September 10, 1985, the Sacramento City Council heard your appeal from the City Planning Commission of a variance to exceed 20' height limit for attached signs with 660' of freeway right-of-way for three signs in the General Commercial zone for property located west of Hornet Drive and south of Route 50 - 7823 Folsom Boulevard. (P-85251)

The Council adopted, by motion, its intent to grant your appeal contingent on Findings of Fact due September 25, 1985.

Sincerely,

Lorraine Magana
City Clerk

LM/dbp/32

cc: Planning Department

Hornet Group
1722 3rd Street Suite 202
Sacramento, CA 95814

Pacific Neon Co.
P.O. Box 15100
Sacramento, CA 95821