

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: OCTOBER 11, 2007**  
**DEPARTMENT: PLANNING AND DEVELOPMENT**  
**ITEM DESCRIPTION: RQR-24165 - APPLICANT: LAMAR ADVERTISING - OWNER:**  
**AG RAMPART GROUP, LLC, ET AL**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. This Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
2. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
3. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a required Two-Year Review of an approved Special Use Permit (U-0099-91) which allowed two 14-foot by 48-foot Off-Premise Advertising (Billboard) Signs at 5001 and 5041 North Rainbow Boulevard.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
07/17/91	The City Council approved a Special Use Permit (U-0099-91), which allowed four 14-Foot by 48-Foot Off-Premise Advertising (Billboard) Signs on the subject sites subject to a fiveyear review.
03/18/92	The City Council approved a Rezoning to C-2 (Limited Commercial) on this site as part of a larger request (Z-0004-92).
07/06/94	The City Council approved a Plot Plan and Building Elevation Review [Z000492(3)] for a 115,668 square-foot commercial shopping center as part of a larger request (Rancho Santa Fé Center) containing the subject sites.
05/11/95	The Planning Commission approved a Plot Plan and Building Elevation Review [Z0004-92(6)] on the southern subject site (5001 North Rainbow Boulevard) for a convenience store with gasoline sales.
02/22/96	The Planning Commission approved a Plot Plan and Building Elevation Review [Z0004-92(8)] for a retail pad building on the northern subject site (5041 North Rainbow Boulevard) as part of a larger request.
09/18/96	The City Council approved a Five Year Review [U-0099-91(1)] for two 14-foot by 48-foot Off-Premise Advertising (Billboard) Signs on the subject sites subject to a second fiveyear review.
09/08/97	The City Council approved a Variance (V-0067-97) to allow an existing 40-foot high, legal non-conforming Off-Premise Advertising (Billboard) Sign, within the off-premise exclusionary zone, to be raised to 55 feet where such height is not allowed on the northern subject site (5041 North Rainbow Boulevard).
11/21/01	The City Council approved a Five Year Review [U-0099-91(2)] for two 14-foot by 48-foot Off-Premise Advertising (Billboard) Signs on the subject sites subject to a twoyear review. The Planning Commission and staff recommended approval on 10/04/01.
09/07/05	The City Council approved a request is for a Required Two-Year Review of an approved Special Use Permit (U0099-91) which allowed two 14-Foot by 48-Foot Off-Premise Advertising (Billboard) Signs at 5001 and 5041 North Rainbow Boulevard. The Planning Commission and staff recommended denial.

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<b><i>Related Building Permits/Business Licenses</i></b>	
09/25/07	The Planning Department received confirmation from the Department of Building and Safety that an engineering letter stating that the subject sign was structurally sound was accepted.
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required, nor was one held.	
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Field Check</i></b>	
09/07/07	A site inspection was conducted and photographs were taken. The northern sign was found to be in good condition. The southern sign was found to still be in place.
09/19/07	A second site inspection was conducted to determine if the southern sign was removed as required by condition #1 of RQR-6683. Photographs were taken. It was noted that the sign was in the process of being removed; however, this is not in conformance to the condition that required the sign be removed in its entirety by 09/18/07.

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Office Building	GC (General Commercial)	C-2 (General Commercial)
North	Theater	GC (General Commercial)	C-2 (General Commercial)
South	Restaurant	GC (General Commercial)	C-2 (General Commercial)
East	Undeveloped	GC (General Commercial)	C-2 (General Commercial)
West	Casino	GC (General Commercial)	C-2 (General Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		X	N/A
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (200-Foot)	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

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**DEVELOPMENT STANDARDS**

<b>Standards</b>	<b>Code Requirement</b>	<b>Provided</b>	<b>Compliance</b>
Location	No Off-Premise Advertising (Billboard) Sign may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas	Located within the Exempt Area	Y
Zoning	Off-Premise Advertising (Billboard) Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only	Located within a C-2 (General Commercial) zoning district	Y
Area	No Off-Premise Advertising (Billboard) Signs shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	672 SF	Y
Height	No higher than 40 feet from grade at the point of construction	Maximum height of 55 feet from grade (V-0067-97)	Y
Screening	All structural elements of an Off-Premise Advertising (Billboard) Sign to which the display panels are attached shall be screened from view.	Screened	Y
Off-Premise Advertisement (Billboard)	At least 300 feet to another Off Premise Sign	1,070 feet to another Off Premise Sign	Y
Off-Premise Advertisement (Billboard)	At least 300 feet to the nearest property line of a lot in any R zoned district.	526 feet from R zoned property to the east.	Y

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Other	All Off-Premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Permanently secured to ground; located on strictly commercial property	Y
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**ANALYSIS**

This is the fifth review of the subject Off-Premise Advertising (Billboard) Sign. The sign was found to be in good condition. The sign is obstructed from view from the south due to the signs proximity to the building on the subject property. At the time of this report the site was not in conformance to the conditions of approval from the previous review (RQR-6683). Condition number one of that review required that the Off-Premise Advertising (Billboard) Sign on the southern parcel be removed in its entirety by 09/18/07. Photographs taken on 09/19/07 showed that the sign structure was still in place. Only the sign faces had been removed. Due to this lack of conformance to the conditions of approval, denial of this request is recommended.

**FINDINGS**

The subject Off-Premise Advertising (Billboard) Sign is not in conformance to the previous conditions of approval. Denial of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 5

**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 6

**NOTICES MAILED** 204

**APPROVALS** 0

**PROTESTS** 1

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