



AGENDA
CITY OF ROCKLIN PLANNING COMMISSION
DATE: June 19, 2018
TIME: 6:30 PM
PLACE: Council Chambers, 3970 Rocklin Road
www.rocklin.ca.us

MEETING PROCEDURES AND STANDARDS OF DECORUM

Citizens may address the Planning Commission on any items on the agenda, when the item is considered. Citizens wishing to speak may request recognition from the presiding officer by raising his or her hand and stepping to the podium when requested to do so. Although not required, speakers are requested to identify themselves by stating their name and city of residence for the official record.

For items not listed on the agenda, any person may do so under "Citizens Addressing the Planning Commission on non-agenda items." Three to five-minute time limits may be placed on citizen comments. As a reminder, the Brown Act does not permit the Commission to take action on items not on the agenda.

All remarks shall be addressed to the Commission as a body and not to any member thereof, or to staff, or to the public. No person, other than a member of the Commission, and the person having the floor, shall be permitted to enter into any discussion without the permission of the presiding officer.

Whenever any group of persons wishes to address the Commission on the same subject matter, it shall be proper for the Chairman to request that a spokesperson be chosen.

Any person who disrupts the meeting of the Commission, may be barred by the Chairman from further audience before the Commission during that meeting.

WRITINGS RECEIVED AFTER AGENDA POSTING

Any writing related to an agenda item for the open session of this meeting distributed to the Planning Commission less than 72 hours before this meeting is available for inspection at City Hall, 3970 Rocklin Road, Rocklin, during normal business hours. These writings will also be available for review at the planning commission meeting in the public access binder located on the table at the back of the Council Chambers. If you have questions related to this agenda, please call 916-625-5160.

WRITTEN MATERIAL INTRODUCED INTO THE RECORD

Any citizen wishing to introduce written material into the record at the hearing on any item is requested to provide a copy of the written material to the Planning Department prior to the hearing date so that the material may be distributed to the Planning Commission prior to the hearing.

AMERICANS WITH DISABILITIES ACT

In compliance with the Americans with Disabilities Act, the City of Rocklin encourages those with disabilities to participate fully in the public hearing process. If you have a special need in order to allow you to attend or participate in our public hearing process or programs, please contact our office at (916) 625-5160 well in advance of the public hearing or program you wish to attend so that we may make every reasonable effort to accommodate you.

COURT CHALLENGES AND APPEAL PERIOD

Court challenges to any public hearing items may be limited to only those issues which are raised at the public hearing described in the notice or in written correspondence delivered to the City at or prior to the public hearing. (Government Code Section 65009)

There is a 10-day appeal period for most Planning Commission decisions. However, a Planning Commission approval of a tentative parcel map has a 15-day appeal period. Appeals can be made by any interested party upon payment of the appropriate fee and submittal of the appeal request to the Rocklin City Clerk or the Planning Department, 3970 Rocklin Road, Rocklin.

ELECTRONIC PRESENTATIONS

All persons with electronic presentations for public meetings will be required to bring their own laptop or other form of standalone device that is HDMI or VGA compatible. It is further recommended that presenters arrive early to test their presentations. The City is not responsible for the compatibility or operation of non-city devices or the functionality of non-city presentations.

FURTHER INFORMATION

Any person interested in an agenda item may contact the Planning Staff prior to the meeting date, at 3970 Rocklin Road, Rocklin, CA 95677 or by phoning (916) 625-5160 for further information.

POSTING OF AGENDA

In accordance with Government Code Section 54954.2(a) this agenda was posted on the City's bulletin board at City Hall, 3970 Rocklin Road, Rocklin, and City of Rocklin website at www.rocklin.ca.us.

AGENDA

1. **Meeting called to order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Minutes**
 - a. May 1, 2018 Minutes
 - b. May 15, 2018 Minutes
5. **Correspondence**
6. **Citizens Addressing the Commission on Non Agenda Items**

CONSENT ITEMS

None

PUBLIC HEARINGS

7. **ATRIA ROCKLIN STORAGE BUILDING DESIGN REVIEW, DR2018-0002**

This application is a request for approval of a Design Review to allow the construction of a 1,361 square foot storage building at the existing Atria Rocklin Senior Living facility. The subject site is located at 3201 Santa Fe Way. APN 017-350-051. The property is zoned Planned Development Business Professional/Commercial (PD-BP/C) and Wetlands (W). The General Plan designation is Business Professional/Commercial (BP/C) and Recreation/Conservation (R-C).

A preliminary review of this project pursuant to the California Environmental Quality Act (CEQA) Section 15303,

New Construction or Conversion of Small Structures, and Section 15311, Accessory Structures, has tentatively identified a Categorical Exemption as the appropriate level of environmental review for this project.

The applicant is The Olympic Group, Inc. The property owner is ARHC CAROCCA01 LLC.

- a. Resolution Of The Planning Commission Of The City Of Rocklin Approving A Notice Of Exemption (Atria Rocklin Storage Building/DR2018-0002)
- b. Resolution Of The Planning Commission Of The City Of Rocklin Approving A Design Review (Atria Rocklin Storage Building/DR2018-0002)

**8. WEST MARINE DIGITAL FREEWAY SIGN
DESIGN REVIEW, DR2018-0003**

This application is a request for approval of a Design Review to construct an approximately 65-foot-tall, 672 square foot digital freeway sign adjacent to Highway 80. The subject site is located on the southern corner of the commercial center located at 4445 Granite Drive, directly adjacent to Highway 80. APN 045-080-036. The property is zoned Planned Development Commercial (PD-C). The General Plan designation is Retail Commercial (RC)

A preliminary review of this project pursuant to the California Environmental Quality Act (CEQA) has identified that the project may rely on the previously approved Mitigated Negative Declaration for the Digital Freeway Sign Program project adopted by City Council in 2012 (CC Reso 2012-35). The applicant is Orion 50 Outdoor, LLC (Beau Palley). The property owner is Acorn Property Management and Development Company, LLC (Audrey Gannon).

- a. Resolution Of The Planning Commission Of The City Of Rocklin Recommending To The City Council Approval Of An Operating Agreement For A Digital Freeway Sign, City Of Rocklin And Orion 50 Outdoor, LLC Interstate 80 At West Marine. (West Marine Digital Freeway Sign / DR2018-0003)
- b. Resolution Of The Planning Commission Of The City Of Rocklin Recommending To The City Council Approval Of A Design Review (West Marine Digital Freeway Sign / DR2018-0003)

**9. DIGITAL BILLBOARD SIGN RELOCATION
DESIGN REVIEW, DR2017-0015**

This application is a request for approval of a Design Review to relocate an existing digital billboard sign from APN 365-020-032 south, approximately 80 feet, on to APN 365-310-033. There would be no modification to the design, height, or total area of the sign. The subject site is located on the northwest corner of the commercial center located at 6500 Lonetree Boulevard, directly adjacent to Highway 65. APN 365-310-033. The property is zoned Planned Development Business Professional/Commercial/Light Industrial (PD-BP/C/LI). The General Plan designation is Retail Commercial (RC)

A preliminary review of this project pursuant to the California Environmental Quality Act (CEQA) has identified that the project may rely on the previously approved Mitigated Negative Declaration for the Digital Freeway Sign Program project adopted by City Council in 2012 (CC Reso 2012-35). The applicant is Clear Channel Outdoor (Rob LaGrone). The property owner is Rocklin 65 LLC (John S. Foggy).

- a. Resolution Of The Planning Commission Of The City Of Rocklin Recommending To The City Council Approval Of An Operating Agreement For A Digital Freeway Sign, City Of Rocklin And Clear Channel Outdoor At Rocklin 65 Commerce Center Site. (Digital Billboard Sign Relocation / DR2017-0015)
- b. Resolution Of The Planning Commission Of The City Of Rocklin Recommending To The City Council Approval Of A Design Review (Digital Billboard Sign Relocation / DR2017-0015)

**10. RMC GRAZING ANIMALS UTILIZED FOR WEED ABATEMENT
ZONING ORDINANCE AMENDMENT, ZOA2018-0003**

The proposed project would amend certain sections of Title 17 - Zoning of the Rocklin Municipal Code related to the keeping of large animals in single family residential zones to clarify exemptions pursuant to the City's Weed Abatement and Open Space Management Grazing Program.

The proposed revisions to the Rocklin Municipal Code are not "projects" under CEQA because they do not result in a direct or reasonably foreseeable indirect physical change in the environment, nor do they authorize the construction of any new structures or other physical changes to the environment. Therefore, this action is exempt under sections 15060(c)(2) and (3), 15061(b)(3), 15262, and 15378 of the State CEQA Guidelines.

The proposed Amendment to the Rocklin Municipal Code was initiated by the City of Rocklin and would be effective City-wide.

- a. Resolution Of The Planning Commission Of The City Of Rocklin Recommending Approval Of An Ordinance Of The City Council Of The City Of Rocklin To Amend A Section Of Title 17 Of The Rocklin Municipal Code Regarding The City's Weed Abatement And Open Space Management Grazing Program And The Keeping Of Large Animals (ZOA2018-0003)

NON PUBLIC HEARINGS

- 11. Presentations and Informational Items
- 12. Reports and Discussion Items from Planning Commissioners
- 13. Reports from City Staff
- 14. Adjournment



CITY OF ROCKLIN
 MINUTES OF THE
 PLANNING COMMISSION MEETING

May 1, 2018
 Rocklin Council Chambers, 3970 Rocklin Road
 (www. rocklin.ca.us)

1. Meeting Called to Order at 6:32 pm
2. Pledge of Allegiance was led by Commissioner McKenzie.
3. Roll Call

Chairman Martinez
 Commissioner McKenzie
 Commissioner Sloan - excused
 Vice Chairman Whitmore
 Commissioner Vass

Others Present:

DeeAnne Gillick, Assistant City Attorney
 Laura Webster, Director of the Office of Long Range Planning
 Bret Finning, Manager of Planning Services
 Dara Dungworth, Senior Planner
 David Mohlenbrok,
 Terry Stemple, Planning Commission Secretary

About 10

4. Minutes –
 - a. Minutes of March 20, 2018 were approved as submitted.
5. Correspondence - None
6. Citizens Addressing the Commission on Non Agenda Items – None

CONSENT ITEMS

None

PUBLIC HEARING ITEMS

7. **CONTINUED FROM APRIL 17, 2018**
AAA BUILDING AT SECRET RAVINE **CONTINUED TO MAY 15, 2018**
DESIGN REVIEW, DR2018-0001
USE PERMIT, U2018-0001

This application is a request for approval of a Design Review and a Use Permit to allow the construction and operation of a 6,800 square foot AAA auto repair facility on a vacant pad within the existing Center at Secret Ravine. The use would be light general maintenance service for vehicles. This would include oil changes, battery

replacement, tire replacement/rotation, etc. The use would not include any heavy repair, such as engine replacement or auto body work. The subject site is a vacant pad within the Center at Secret Ravine, located at 5530 Schriber Way. APN 045-053-081. The property is zoned Planned Development Commercial (PD-C). The General Plan designation is Retail Commercial (RC).

A preliminary review of this project pursuant to the California Environmental Quality Act (CEQA) has identified that the project may rely on the previously approved Mitigated Negative Declaration for the Center at Secret Ravine project adopted by City Council in 2011 (Reso 2011-144).

The applicant is RSC Engineering, Inc. The property owner is Donahue Schriber Realty Group, LP.

**8. CONTINUED FROM APRIL 17, 2018
ROSEVILLE MOTORSPORTS (SUNSET PLAZA)
CONDITIONAL USE PERMIT, U2018-0003**

This application is a request for approval of a Conditional Use Permit to allow automotive service and repair in connection with a new motorcycle and recreational vehicle retail store in an existing tenant space in the Sunset Plaza Shopping Center. The subject site is located on the southeast corner of Pacific Street and Sunset Boulevard. APN 046-010-026. The property is zoned Retail Business (C-2). The General Plan designation is Retail Commercial (RC).

A preliminary review of this project pursuant to the California Environmental Quality Act (CEQA) Section 15332 Infill Development Projects has tentatively identified a Categorical Exemption as the appropriate level of environmental review for this project.

The applicant is Robert Keil. The property owner is 6015 Pacific St., LLC.

Dara Dungworth, Senior Planner, presented the staff report.

The Commission had questions for staff regarding:

- Outdoor storage during off hours

The Applicant Bob Keil addressed the Commission stating they had nothing to add but were available for questions.

The Commission had no questions for the applicant.

The hearing was opened to the public for comment. There being none, the hearing was closed.

The Commission had no additional questions for Staff and the Applicant.

On a motion by Commissioner Vass and seconded by Commissioner Whitmore Resolution of the Planning Commission of the City of Rocklin Approving a Notice of Exemption (Roseville Motorsports / U2018-0003) was approved by the following vote:

AYES: Vass, Whitmore, McKenzie, Martinez
 NOES: None
 ABSENT: Sloan
 ABSTAIN: None

On a motion by Commissioner Vass and seconded by Commissioner Whitmore, Resolution of the Planning Commission of the City of Rocklin Approving a Conditional Use Permit (Roseville Motorsports / U2018-0003) was approved by the following vote:

AYES: Vass, Whitmore, McKenzie, Martinez
 NOES: None
 ABSENT: Sloan
 ABSTAIN: None

**9. VILLAGES AT CIVIC CENTER
 DESIGN REVIEW, DR2017-0013**

This request is for Design Review approval of a single family residential project that includes 11 detached single family homes and 54 attached single family homes along with landscaping and some related site improvements. Most site improvements were reviewed and approved with the previously approved Tentative Subdivision Map, SD-2004-08, and Oak Tree Preservation Plan Permit, TRE-2004-04. (The approved map allows the subdivision of an existing approximately 12.5 acre site into 54 lots for attached single-family homes, 11 lots for detached single-family homes, and 5 lots for open space and common parking, landscaping, and park areas.) The subject site is generally located north of Evelyn Avenue, east of Ruhkala Road, and west of Lost Avenue. APNs 010-191-029, 032, 050, and 010-260-038 and 039. The property is zoned Planned Development (Residential Development) 4 units to the acre (RD-4) and Planned Development (Residential Development) 8 units to the acre (RD-8). The General Plan designation is Medium Density Residential (MDR).

A Mitigated Negative Declaration of Environmental Impacts was previously approved by the Rocklin City Council through Resolution No. 2005-306. The requested revisions to the previously approved tentative subdivision map does not result in any environmental impacts beyond those that were previously identified and therefore, the Design Review can rely on the approved Mitigated Negative Declaration.

The applicant and owner is Greg Judkins with Riverland Homes, Inc.

Dara Dungworth, Senior Planner presented the staff report.

The Commission had questions for staff regarding:

- Gas/electric meters location on interior of 4 pack homes
- Additional enhanced articulations on back row of townhomes (Bret Finning, Planning Services Manager, reminded the Commission that the Architectural Review Committee approved the design as submitted.)
- Western access – public or private
- Different color schemes and elevations
- One car garages in 4 pack homes / additional visitor parking

- Detached single family residences not being part of HOA

The Applicant Tanner Judkins addressed the Commission regarding:

- Gas meter locations being a PG&E decision
- Rear elevation articulation enhancements
- Alternating color schemes for the attached single family

The Commission had no questions for the applicant.

The hearing was opened to the public for comment.

- Dan Meeker, Rocklin, spoke in support of the project, however, did express some concern with traffic flow and street parking on Lost Avenue
- JoAnne Ruhkala Lawson, Rocklin, spoke in support of the project

There being no further comments the hearing was closed.

The Commission had additional questions for Staff and the Applicant regarding:

- Circulation
- Public street parking
- Condition requiring garages for vehicle parking
- CC&R's for detached single family homes on Lost Avenue and Evelyn Avenue
- 3 car garages traditional size
- Pre plot plans for color schemes

The applicant stated that he is okay with adding a condition regarding the alternating color schemes.

Commissioner Whitmore stated he was concerned with the flatness of the backs of the attached single family units and would like to see some additional articulation added to those rear elevations and more color scheme options added for use with the detached single family homes.

The applicant stated that the existing community asked for conformity in the project.

Commission Deliberation/Discussion:

Commissioner McKenzie thanked the applicant for the work done through the Architectural Review Committee stated he supports the project as submitted and conditioned by staff.

Commissioner Vass stated she agrees with Commissioner Whitmore on the flatness of the backs of the attached single family units.

Commissioner Whitmore added that he is not suggesting the project come back but that it can done at the administrative level. He stated he appreciates the fact the neighbors support the project. He can support the project with these minor adjustments.

Chairman Martinez wants a condition added to make sure the same color/material palette is not next to each other for the detached single family homes and there are not mirror image color schemes across streets for the attached single family 4- and 5-pack buildings.

On a motion by Commissioner Whitmore and seconded by Commissioner Vass, Resolution of the Planning Commission of the City of Rocklin Approving a Design Review (Villages at Civic Center / DR2017-0013) was approved by the following vote as amended regarding the additional articulation of the rear elevations of the attached single family units, creating “preplotting” plans for both the multifamily and single family units, and adding at least two more additional tones to the single family unit color palettes:

Amend Condition to Read:

10. Townhome and House Design

- a. *Townhome and detached house architecture, colors, materials, and lighting shall be generally as shown in Exhibit A, consistent with the Quarry District Architectural Guidelines and subject to the following, to the satisfaction of the Economic and Community Development Director: (PLANNING, BUILDING)*
 - i. *Prior to issuance of building permits, the rear facades of the multifamily townhouse buildings shall be revised to incorporate additional minor dimensional elements (e.g. protruding gables) to create more articulation and depth.*
 - ii. *The color schemes for the detached homes along Lost Avenue and Evelyn Avenue shall be revised to incorporate a minimum of two additional color scheme options, based on the townhome color palette, for added diversity.*
 - iii. *Prior to issuance of the first building permit for the attached townhomes, the applicant shall submit a “pre-plot” plan exhibit that illustrates the color scheme combinations to be used on each building to ensure that no two adjacent buildings have mirror image color schemes.*
 - iv. *Prior to issuance of the first building permit for a detached single family house, the applicant shall submit a “pre-plot” plan exhibit that illustrates the elevation and color scheme combinations to be utilized on each detached single family parcel to ensure that no two adjacent houses have identical finishes and colors.*

AYES: Whitmore, Vass, Martinez
 NOES: McKenzie

ABSENT: Sloan
ABSTAIN: None

NON PUBLIC HEARINGS

9. Informational Items and Presentations

- City Manager Resignation
- Commissioner Sloan’s condition
- Planning Commissioner applications due Friday, May 4th, 2018
- May 15th, 2018 meeting

10. Reports and Discussion Items from Planning Commissioners

- Commissioner Vass offered to attend the ARC meetings in Commissioner Sloan’s absence.
- Commissioner Whitmore will not be at the May 15, 2018 PC meeting.

11. Reports from City Staff

- DeeAnne Gillick, Deputy City Attorney will be leaving the City at the end of May, 2018.

12. Adjournment

There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Terry Stemple
Planning Commission Secretary

*Approved at the regularly scheduled
Meeting of*



CITY OF ROCKLIN
 MINUTES OF THE
 PLANNING COMMISSION MEETING

May 15, 2018
 Rocklin Council Chambers, 3970 Rocklin Road
 (www. rocklin.ca.us)

1. Meeting Called to Order at 6:31 pm
2. Pledge of Allegiance was led by Commissioner Vass.
3. Roll Call

Chairman Martinez
 Commissioner McKenzie
 Commissioner Sloan - *excused*
 Vice Chairman Whitmore - *excused*
 Commissioner Vass

Others Present:

DeeAnne Gillick, Assistant City Attorney
 Bret Finning, Manager of Planning Services
 Nathan Anderson, Senior Planner
 Dara Dungworth, Senior Planner
 Shauna Nauman, Assistant Planner
 Dave Palmer, City Engineer
 Terry Stemple, Planning Commission Secretary

About 25

4. Minutes – None
5. Correspondence - None
6. Citizens Addressing the Commission on Non Agenda Items – None

CONSENT ITEMS

None

PUBLIC HEARING ITEMS

7. **CONTINUED FROM MAY 1, 2018**
AAA BUILDING AT SECRET RAVINE
DESIGN REVIEW, DR2018-0001
USE PERMIT, U2018-0001

This application is a request for approval of a Design Review and a Use Permit to allow the construction and operation of a 6,800 square foot AAA auto repair facility on a vacant pad within the existing Center at Secret Ravine. The use would be light general maintenance service for vehicles. This would include oil changes, battery

replacement, tire replacement/rotation, etc. The use would not include any heavy repair, such as engine replacement or auto body work. The subject site is a vacant pad within the Center at Secret Ravine, located at 5530 Schriber Way. APN 045-053-081. The property is zoned Planned Development Commercial (PD-C). The General Plan designation is Retail Commercial (RC).

A preliminary review of this project pursuant to the California Environmental Quality Act (CEQA) has identified that the project may rely on the previously approved Mitigated Negative Declaration for the Center at Secret Ravine project adopted by City Council in 2011 (Reso 2011-144).

The applicant is RSC Engineering, Inc. The property owner is Donahue Schriber Realty Group, LP.

Nathan Anderson, Senior Planner, presented the staff report.

The Commission had no questions for staff.

The Applicant Tiffany Wilson, RSC Engineering, addressed the Commission and stated they agree with all conditions.

The Commission had no questions for the applicant.

The hearing was opened to the public for comment. There being none, the hearing was closed.

The Commission had no additional questions for Staff and the Applicant.

Commission Deliberation/Discussion:

Commissioner Vass supports the project.

Commissioner McKenzie supports the project.

On a motion by Commissioner Vass and seconded by Commissioner McKenzie, Resolution of the Planning Commission of the City of Rocklin Approving a Design Review (AAA Building At Secret Ravine / DR2018-0001) was approved by the following vote:

AYES: Vass, McKenzie, Martinez
NOES: None
ABSENT: Sloan, Whitmore
ABSTAIN: None

On a motion by Commissioner Vass and seconded by Commissioner McKenzie, Resolution of the Planning Commission of the City of Rocklin Approving a Use Permit (AAA Building At Secret Ravine / U2018-0001) was approved by the following vote:

AYES: Vass, McKenzie, Martinez
NOES: None
ABSENT: Sloan, Whitmore
ABSTAIN: None

**8. KNIGHTS WAY TENTATIVE PARCEL MAP
DIVISION OF LAND, DL2018-0001**

This application is a request for approval of a Tentative Parcel Map to allow the division of a 0.33± acre parcel into two parcels. Parcel 1 is proposed at 0.20± acres and Parcel 2 at 0.13± acres. The property is currently developed with a single family residence and accessory structure. The subject site is located at 4925 Knights Way, approximately 110 feet northeast of the intersection of Knights Way and Sceptre Drive, south of Park Drive. APN 367-100-027. The property is zoned Planned Development Residential, 6 Dwelling Units/Acre (PD-6). The General Plan designation is Medium Density Residential (MDR).

A preliminary review of this project, pursuant to the California Environmental Quality Act (CEQA) Section 15315 Minor Land Division, has tentatively identified a Categorical Exemption as the appropriate level of environmental review for this project.

The applicant is Timothy G. Blair, P.L.S. with Surveyors Group, Inc. The property owner is Ron and Leilani Spell.

Shauna Nauman, Assistant Planner, presented the staff report.

The Commission had questions for staff regarding:

1. Historic conditions or easements prohibiting split of parcel.

The Applicant Anthony Cocchi addressed the Commission stating they had nothing else to add to the staff report.

The Commission had no questions for the applicant.

The hearing was opened to the public for comment.

1. Elvis Lloyd, Rocklin – spoke in opposition
2. David Jones, Rocklin – spoke in opposition
3. Name not given – spoke in opposition
4. Ken Forsythe, Rocklin – spoke in opposition
5. Name not given – spoke in opposition
6. Name not given – spoke in opposition
7. Andy Loberg, Rocklin – submitted letter in opposition which was presented as a blue memo.

There being no further comments, the hearing was closed.

The Commission had additional questions for Staff and the Applicant regarding:

1. CC&R's being city enforceable or not
2. Residential oak tree mitigation for diseased/dead trees
3. Size requirements for new homes
4. Noticing requirements
5. Lot size calculations
6. Construction traffic regulations

Commission Deliberation/Discussion:

Commissioner McKenzie stated that it would be very difficult to make findings for denial. He supports the project.

Commissioner Martinez stated he understands the concerns of the neighbors, but he also cannot make findings to deny the project.

Commissioner Vass echoed the other Commissioners comments and supports the project.

On a motion by Commissioner McKenzie and seconded by Commissioner Vass, Resolution Of The Planning Commission Of The City Of Rocklin Approving A Notice Of Exemption (Knights Way Tentative Parcel Map / DL2018-0001) was approved by the following vote:

AYES: McKenzie, Vass, Martinez
 NOES: None
 ABSENT: Sloan, Whitmore
 ABSTAIN: None

On a motion by Commissioner McKenzie and seconded by Vass, Resolution Of The Planning Commission Of The City Of Rocklin Approving A Tentative Parcel Map (Knights Way Tentative Parcel Map / DL2018-0001) was approved by the following vote:

AYES: McKenzie, Vass, Martinez
 NOES: None
 ABSENT: Sloan, Whitmore
 ABSTAIN: None

**9. RMC COMMERCIAL MARIJUANA USE
 ZONING ORDINANCE AMENDMENT, ZOA2018-0002**

The proposed project would amend certain sections of Title 17 - Zoning of the Rocklin Municipal Code related to the regulation of Marijuana.

The proposed revisions to the Rocklin Municipal Code are not “projects” under CEQA because they do not result in a direct or reasonably foreseeable indirect physical change in the environment, nor do they authorize the construction of any new structures or other physical changes to the environment. Therefore, this action is exempt under sections 15060(c)(2) and (3), 15061(b)(3), 15262, and 15378 of the State CEQA Guidelines.

The proposed Amendment to the Rocklin Municipal Code was initiated by the City of Rocklin and would be effective City-wide.

The applicant is the City of Rocklin.

Dara Dungworth, Senior Planner, presented the staff report.

The Commission had no questions for staff.

The hearing was opened to the public for comment. There being none, the hearing was closed.

Commission Deliberation/Discussion:

Commissioner Vass stated she supports the ordinance amendment and would like to make a motion.

On a motion by Commissioner Vass and seconded by Commissioner McKenzie, Resolution Of The Planning Commission Of The City Of Rocklin Recommending Approval Of An Ordinance Of The City Council Of The City Of Rocklin To Repeal And Re-Enact Chapter 17.81, Delete Certain Sections Of Title 17 Of The Rocklin Municipal Code, And Repeal Ordinance 1080 Regarding Regulation Of Marijuana (ZOA2018-0002) was approved by the following vote:

AYES: Vass, McKenzie, Martinez
 NOES: None
 ABSENT: Sloan, Whitmore
 ABSTAIN: None

NON PUBLIC HEARINGS

9. **Informational Items and Presentations** - None

10. **Reports and Discussion Items from Planning Commissioners** - None

11. **Reports from City Staff**

- Bret Finning, Planning Services Manager, reported that the June 5th Planning Commission meeting would be cancelled, but there would be a meeting on June 19th.
- Mr. Finning also stated that tonight would be Assistant City Attorney DeeAnne Gillick’s last meeting with the City.

12. **Adjournment**

There being no further business, the meeting was adjourned at 7:18 p.m.

Respectfully submitted,

Terry Stemple
 Planning Commission Secretary

Approved at the regularly scheduled Meeting of



City of Rocklin Economic and Community Development Department

**Planning Commission
STAFF REPORT**

Atria Rocklin Storage Building

**Design Review, DR2018-0002
(Modification to Approved Project)**

June 19, 2018

Recommendation

Staff recommends the Planning Commission approve the following:

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN APPROVING A NOTICE OF EXEMPTION (Atria Rocklin Storage Building/DR2018-0002)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN APPROVING A DESIGN REVIEW (Atria Rocklin Storage Building/DR2018-0002)

Proposal/Application Request

This application is a request for approval of a Design Review to allow the construction of a 1,361 square foot storage building within the existing landscape area at the northwest edge of the existing Atria Rocklin Senior Living & Memory Care facility.

Owner/Applicant

The applicant is: The Olympus Group, Inc.

The property owner is: ARHC CAROCCA01 LLC, A Delaware Limited Liability Company.

General Site Information

The subject site is a developed senior living and memory care facility located at 3201 Santa Fe Way. Assessor Parcel Number (APN) 017-350-051. The proposed storage building is located at the northern edge of the developable area of the property as

Planning Commission Staff Report
 Atria Rocklin Storage Building
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shown in Figure 1 (the northerly half of the property is designated Wetlands and cannot be developed).

Figure 1 – Aerial/Vicinity Map



Background

Atria Rocklin Senior Living & Memory Care (previously Rocklin Villas and Casa de Santa Fe) was originally approved in 1999 (SPU-99-08 and DR-99-05) as an assisted living facility to provide care for residents with memory loss and consisted of the single story complex within the southwest portion of the property (Phase 1). In 2000, the 2-story independent living units (Phase 2) were approved along with an additional single story Alzheimer’s unit and a clubhouse at the north and east portion of the property (DR-2000-17). The expansion was completed in late 2003 and the facility has been in operation since that time.

Design Review

The applicant is now requesting a modification to the approved design review to add a 1,361 square foot storage building to the project. The storage building will be used for general maintenance supplies for daily operations of the overall site. No changes are proposed the existing site circulation or emergency vehicle access.

Project Architecture

The project site is not located within any of the City’s adopted Architectural Districts, and is therefore subject only to the architectural requirements of the Citywide Design Review Guidelines and the Municipal Code. As the existing development has already gone through design review approval, staff reviewed the proposed building for consistency with the architecture of the existing facility. Staff’s initial concern was that the new storage building should blend in with the existing buildings and not stand out from view along Stanford Ranch Road and Park Drive. Faux windows were added to the rear elevation to give the appearance of a living unit rather than a storage building, and thus, better blend with the existing buildings. All of the windows have trim to match the existing buildings. Figures 2 and 3 below show the faux windows along the rear elevation that will be visible from Stanford Ranch Road and Park Drive.

Figure 2 – Rear Elevation

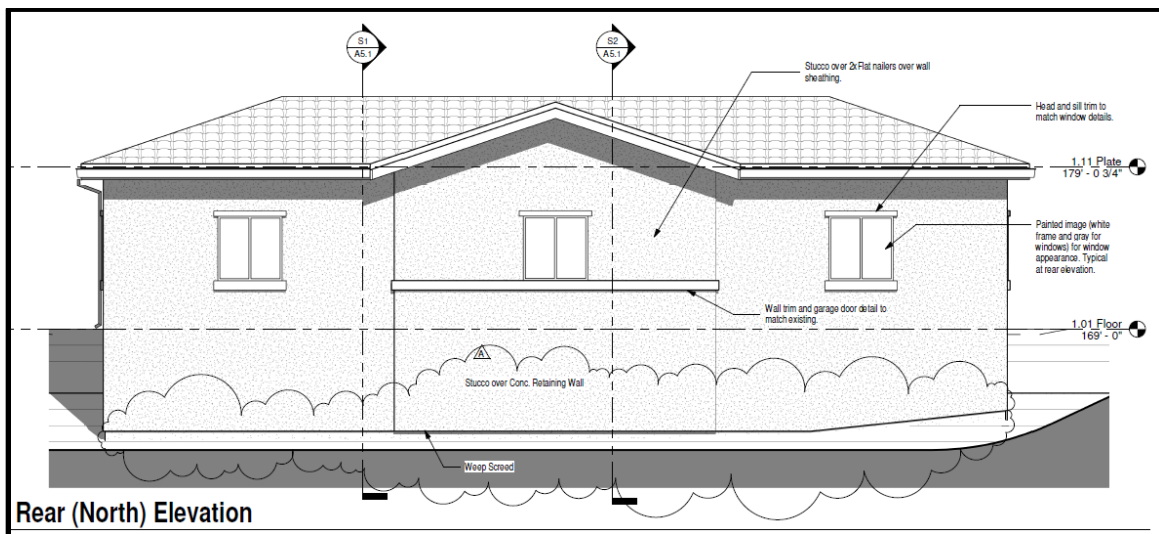
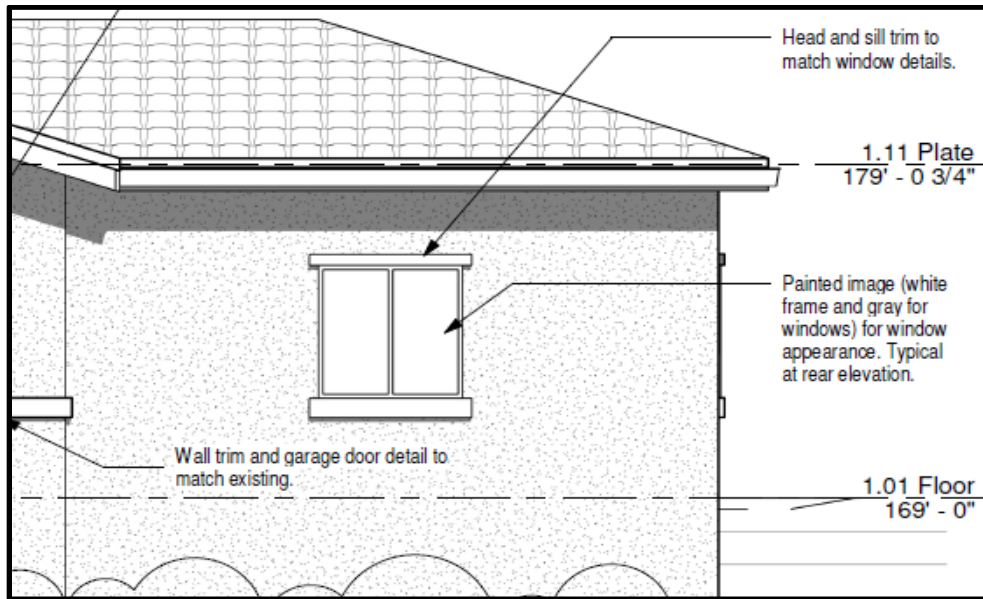


Figure 3 – Faux Window Detail at Rear Elevation



Colors and Materials

The project proposes to use the same color scheme as that of the existing buildings as shown in Exhibit A and Figure 4 below. The windows, trim, and garage door will all match the existing buildings. The new storage building will have red concrete Spanish style roofing to match the existing buildings. The stucco on the sides and rear of the building will extend all the way down to finish grade.

Figure 4 – Proposed Colors and Materials to Match Existing

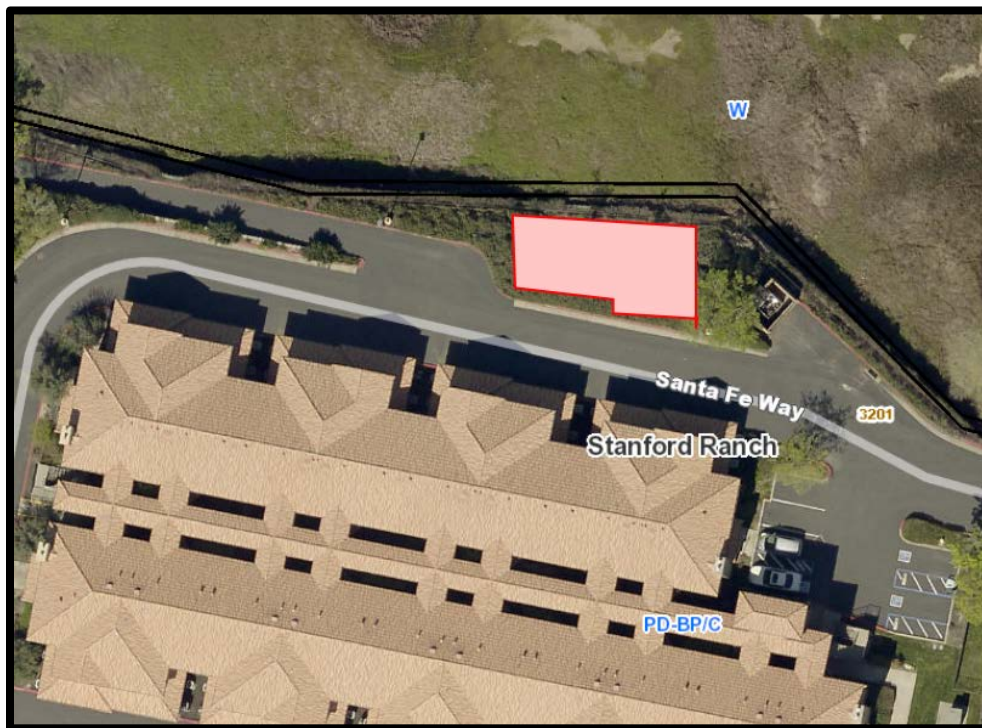


Planning Commission Staff Report
 Atria Rocklin Storage Building
 June 19, 2018
 Page 5

Landscaping and Drainage

The project is proposed to be located within an existing landscaped embankment between the existing perimeter driveway and the retaining wall and fencing that separates the wetlands on the property from the developed area of the facility as shown in Figure 5 below. The project does not propose to disturb the existing retaining wall and fence; to ensure that there is no disturbance of the wetland area a condition has been included in the draft resolution to require the fence and wall remain in place.

Figure 5 – Existing Landscaped Embankment



The area around the new building will be re-landscaped with groundcover, shrubs and vines as shown on Exhibit A, Sheet L1 and L2, of the Design Review Resolution. Recommended conditions of approval require the landscape plans be revised to include trellises along the bottom portion the building facing the wetlands. The landscape plans are conditioned to include climbing vines to grow onto the trellis to further enhance this portion of building area that will be visible from the public right-of-way. The existing tree located next to the trash enclosure will remain.

The storage building is proposed to include roof gutters that will carry all runoff to downspouts at the front of the building that will convey runoff to the existing driveway and an existing storm drain inlet.

*Planning Commission Staff Report
Atria Rocklin Storage Building
June 19, 2018
Page 6*

As conditioned, staff finds the proposed storage building architecture, including colors, materials, landscaping, and drainage to be consistent with the existing development.

Environmental Determination

The City of Rocklin's Environmental Coordinator has reviewed the proposed project and determined that it is categorically exempt from review under the California Environmental Quality Act pursuant to Section 15303 – New Construction or Conversion of Small Structures and Section 15311 – Accessory Structures. For a more in-depth discussion of the environmental evaluation and conclusion, please refer to the Notice of Exemption attached to the Resolution prepared for the proposed project.

General Plan and Zoning Compatibility

The project site is designated as Business Professional/Commercial/Light Industrial (BP/COMM/LI) in the Rocklin General Plan and is zoned Planned Development Business Professional/Commercial (PD-BP/C). The northern portion of the property is designated Recreation/Conservation and is zoned Wetlands. This area of the property cannot be developed and no construction or construction activity is proposed in this area. Recommended conditions of approval include a requirement for temporary protective fencing to be installed to ensure that no construction related activities, equipment, or vehicles encroach into the wetlands.

Staff finds that the proposed project is compatible with the existing General Plan designation and Zoning and is consistent with the Citywide Design Review Guidelines and the existing development of the site.

Summary

Given the above, staff recommends that the Planning Commission approve the Notice of Exemption prepared for the proposed project and approve the Design Review (DR2018-0002), subject to findings and conditions of approval.

Prepared by Shauna Nauman, Assistant Planner

P:\Planning\PUBLIC PLANNING FILES__ PROJECT FILES\Atria Rocklin Storage Building\Meeting Packets\01 - SR Atria Rocklin Storage Building (PC 6-19-18).docx

RESOLUTION NO. 2018-
RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ROCKLIN
APPROVING A NOTICE OF EXEMPTION
(Atria Rocklin Storage Building/DR2018-0002)

WHEREAS, the City of Rocklin’s Environmental Coordinator has reviewed the Atria Rocklin Storage Building Project/DR2018-0002 (“Project”) and determined that it is exempt from review under the California Environmental Quality Act pursuant to California Code of Regulations Section 15303 – New Construction or Conversion of Small Structures and 15311 – Accessory Structures; and

WHEREAS, a Notice of Exemption has been prepared for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Rocklin as follows:

Section 1. Based on the review and determination of the Environmental Coordinator, the Planning Commission of the City of Rocklin finds that the Project is exempt from review under the California Environmental Quality Act.

Section 2. A Notice of Exemption is approved for the Project.

Section 3. Upon approval of the Project by the Planning Commission, the Environmental Coordinator may file the Notice of Exemption with the County Clerk of Placer County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of Section 21152(b) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

PASSED AND ADOPTED this __ day of _____, 2018, by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

Chairman

ATTEST:

Secretary

NOTICE OF EXEMPTION

TO: County Clerk, County of Placer
 2954 Richardson Blvd.
 Auburn, CA 95604-5228

FROM: City of Rocklin
 ECD Department
 3970 Rocklin Road
 Rocklin, CA 95677

Project Title: Atria Rocklin Storage Building

Project Location - Specific: The project location is within the Atria Rocklin Senior Living Facility at 3201 Santa Fe Way, APN 017-351-051.

Project Location - City: Rocklin, CA; **County:** Placer

Description of Nature, Purpose and Beneficiaries of Project: The proposed project would involve the construction of a 1,361 square foot storage building within the landscape area at the northwest edge of the existing Atria Rocklin Senior Living Facility.

Name of Public Agency Approving Project: City of Rocklin

Name of Person or Agency Carrying Out Project: The applicant is the Olympic Group, Inc., Attn: Rich Francis, 8850 Greenback Lane, Ste. C, Sacramento, CA 95662, (916) 396-6228, and the property owner is ARHC CAROCCA01, LLC., 500 North Hurstbourne Parkway, Ste. 200, Louisville, KY 40222 (502) 357-9000.

Exempt Status (Check one)

x Categorical Exemption (California Code of Regulations Sec. 15300 et seq.): Section 15303 – New Construction or Conversion of Small Structures and Section 15311 – Accessory Structures

Reasons why the project is exempt. The project involves the construction of a 1,361 square foot storage building at an existing senior living facility, as further described above. Class 3 exemptions consist of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to: (e) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences. Class 11 exemptions consist of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities. The project as proposed is consistent with the exemption class descriptions noted above and is exempt pursuant to Classes 3 and 11 of the CEQA Guidelines.

Contact Person: Marc Mondell, Economic and Community Development Department Director

Date received for Filing: _____

Signature: _____
 Marc Mondell, Economic and Community Development Department Director

P:\PUBLIC PLANNING FILES\DavidM\EXEMPTIONS\Atria Rocklin Storage Building NOE and Reso 15303 and 15311 (2018).docx

RESOLUTION NO. PC-2018-

RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ROCKLIN APPROVING A DESIGN REVIEW

(Atria Rocklin Storage Building / DR2018-0002)

The Planning Commission of the City of Rocklin does resolve as follows:

Section 1. The Planning Commission of the City of Rocklin finds and determines that:

A. Design Review (DR2018-0002) approves the construction of a 1,361 square foot storage building on a portion of the existing Atria Rocklin senior living facility (previously called Rocklin Villas and Casa de Santa Fe). Assessor's Parcel Number 017-351-051.

B. A Categorical Exemption of environmental impacts has been approved for this project via Planning Commission Resolution No. PC-2018- .

C. The design of the site is compatible with surrounding development, natural features and constraints and is consistent with the existing site development.

D. The height, bulk, area, color scheme and materials of the buildings and structures are compatible with surrounding development.

E. Adverse light and glare impacts upon adjoining properties have been eliminated or reduced by conditioning the project to use light fixtures that will direct light downward.

F. The landscaping design is compatible with existing development in the area and has been conditioned to use climbing ivies on the rear elevation of the building to soften the large expanse of the footing wall needed to support the storage building while minimizing grading activities adjacent to the wetlands.

G. The design of the storage building is consistent with the goals, policies, and land use designations in the General Plan and with all zoning standards, regulations, and restrictions applicable to the property.

Section 2. The Design Review for the Atria Rocklin Storage Building/ DR2018-0002 as depicted in Exhibit A, attached hereto and by this reference incorporated herein, is hereby approved subject to the conditions listed below. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to occupancy of the structure. The approved Exhibit A shall govern the design and construction of the project. Any condition directly addressing an element

incorporated into Exhibit A shall be controlling and shall modify Exhibit A. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit. The agency and/or City department(s) responsible for ensuring implementation of each condition is indicated in parenthesis with each condition.

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Utilities

All utilities, as applicable, shall be provided to the structure in compliance with the standards and requirements of the applicable provider. (APPLICABLE UTILITY)

2. Schools

The following conditions shall be satisfied to mitigate the impact of the proposed development on school facilities (ROCKLIN UNIFIED SCHOOL DISTRICT, BUILDING):

- a. At the time of issuance of a building permit, the developer shall pay to the Rocklin Unified School District all fees required under Education Code section 17620 and Government Code Section 65995, to the satisfaction of the Rocklin Unified School District.
- b. The above condition shall be waived by the City Council if the applicant and the District reach agreement to mitigate the impacts on the school facilities caused by the proposed development and jointly request in writing that the condition be waived.

3. Grading and Drainage

Prior to any grading, site improvements, or other construction activities associated with this project a building permit, consistent with the exhibits and conditions incorporated as a part of this entitlement, and in compliance with all applicable city standards, shall be prepared for the review and approval of the Chief Building Official and the Economic and Community Development Director. Said building permit shall specifically include, but is not limited to, a detailed grading and drainage plan prepared by a registered civil engineer. (BUILDING, PLANNING)

4. Geotechnical Study

Prior to any grading or construction activities including issuance of improvement plans or issuance of a building permit, the applicant shall submit a design-level soil investigation for the review and approval of the City Engineer and/or Chief Building Official that evaluates soil and rock conditions, particularly the potential for expansive soils. The professional engineer that prepared the soil investigation shall recommend appropriate construction and foundation techniques and other best practices that are to be implemented by the project during construction. These techniques and practices shall address expansive soils or other geological concerns requiring remediation, including but not limited to: (BUILDING, ENGINEERING)

- a. Recommendations for building pad, footing, and retaining wall construction;
- b. Use of soil stabilizers or other additives; and
- c. Recommendations for surface drainage.

5. Restoration of Disturbed Areas

All on-site standard improvements disturbed or damaged by construction activities, including but not limited to paving, curbs, gutters, sidewalks, drainage improvements, irrigation improvements, utility improvements, parking lot lights, retaining walls, fences, trash enclosures, etc. shall be restored and / or replaced as indicated on Exhibit A. (BUILDING, PLANNING)

6. Noise

The project shall be subject to the following noise conditions; said conditions shall be included in the notes on the face of the building plans: (BUILDING)

- a. All “self-powered” construction equipment and stationary noise sources (e.g. pumps, electrical generators, etc.) shall be equipped with noise control devices (e.g. mufflers). (BUILDING)

- b. Equipment “warm-up” areas, water storage tanks, equipment storage areas, and stationary noise-generating machinery (e.g. pumps, electrical generators, etc.) shall be located away from the existing residences and other sensitive noise receptors to the extent feasible. (BUILDING)
- c. The project shall be subject to the City of Rocklin Construction Noise Guidelines, including restricting construction-related noise generating activities within or near residential areas to between 7:00 a.m. and 7:00 p.m. on weekdays, between 8:00 a.m. and 7:00 p.m. on weekends. The Economic and Community Development Director may grant exceptions to the Construction Noise Guidelines if, in the opinion of the Economic and Community Development Director, special and unusual circumstances exist that make strict adherence to the Construction Noise Guidelines infeasible. (BUILDING)

5. Landscaping

- a. Final landscape plans, consistent with the approved exhibit(s), shall be provided by the developer and approved by the Director of Economic and Community Development. The landscape plans shall comply with the following requirements: (PLANNING)
 - 1) The landscaping plan shall be prepared by a landscape architect and shall include:
 - i. Three trellises shall be added at the rear of the building (north elevation) and planted with non-invasive evergreen vines. Trellises shall be 8 feet high and 12 feet wide, constructed of a durable material such as but not limited to metal, and equally spaced to break up the mass of the lower portion (foundation wall) of the building.
 - ii. A legend of the common and botanical names of specific plant materials to be used. The legend should indicate the container size of plant materials, the size at maturity, and include a graphic symbol for each plant type.
 - iii. Shrubs and vines shall be a minimum of five (5) gallon in size.
 - iv. Groundcover spacing shall be sufficient to achieve adequate cover upon establishment of the plants.
 - v. An irrigation plan including an automatic irrigation system. The plan shall include drip irrigation wherever possible.

2) The landscape plan shall be certified by the landscape architect that the plan meets the requirements of the Water Conservation in Landscaping Act. Government Code §65591, et seq.

b. All landscaping shall be installed and the landscape architect shall certify, in writing, that the landscaping and irrigation system have been installed and/or repaired in full compliance with the approved plans prior to issuance of a Certificate of Occupancy. (PLANNING)

6. Architecture

Full gutters shall be installed at the roof eaves to carry all roof runoff to the front of the building to downspouts that will convey runoff to the existing driveway and then into the existing storm drain inlet to the east of the building. (PLANNING)

7. Lighting

Prior to issuance of a building permit, any proposed exterior lighting shall be approved by the Economic and Community Development Director for compliance with this condition. (PLANNING)

a. Exterior lighting shall be designed and installed to avoid adverse glare on adjacent properties and to incorporate “dark sky” provisions. Cut-off decorative lighting fixtures, or equivalent, shall be used building mounted lighting and mounted such that all light is projected directly toward the ground.

b. Building mounted light fixtures located on the front of the storage building shall match as closely as possible those used on the residential buildings. No light fixtures shall be mounted on the sides or rear of the building.

8. Maintenance

a. The property owner shall remove within 72 hours all graffiti placed on any fence, wall, existing building, paved area or structure on the property consistent with the provisions of Rocklin Municipal Code Section 9.32. Prior to removal of said graffiti, the property owner shall report the graffiti vandalism to the Rocklin Police Department. (PLANNING, POLICE)

b. The project, including but not limited to paving, landscaping, structures, and improvements shall be maintained by the property owners, to the standard of similarly situated properties in equivalent use zones, to the

satisfaction of the Economic and Community Development Director.
(PLANNING)

9. Screening of Mechanical Equipment

All mechanical equipment, whether ground or roof mounted shall be screened from view from all public rights of way to the satisfaction of the Economic and Community Development Director. The design of the screening shall be in harmony with the architectural design of the building. (PLANNING)

10. Special Conditions

- a. The existing masonry wall at the boundary of the Wetland area and decorative tubular steel fencing on top, shall be maintained, in place, undisturbed. (PLANNING)
- b. No construction activities shall be allowed within the wetlands area open space area (i.e., No construction, earth movement, staging, materials storage, etc. beyond the point of the existing wall and fencing). (PLANNING)
- c. Notes shall be included on the construction plans stating “Grading, removal of native vegetation, deposit of any type of debris, construction materials, chemicals or trash is prohibited beyond the fence line separating the wetlands from the project site.” (PLANNING)

10. Indemnification and Duty to Defend

Within 30 days of approval of this entitlement by the City, the developer shall execute an Indemnity Agreement, approved by the City Attorney’s Office, to indemnify, defend, reimburse, and hold harmless the City of Rocklin and its agents, officers and employees from any claim, action, or proceeding against the City of Rocklin to set aside, void or annul an approval of the entitlement by the City’s planning commission or City Council, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate in the defense of the claim, action or proceeding. Unless waived by the City, no further processing, permitting, implementation, plan checking or inspections related to the subdivision or parcel map shall be performed by the City if the Indemnity Agreement has not been fully executed within 30 days. (CITY ATTORNEY)

11. Validity

- a. This entitlement shall expire two years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)

PASSED AND ADOPTED this day of , 2018, by the following roll call vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

Pierre Martinez, Chairman

ATTEST:

Secretary

EXHIBIT A

Atria Rocklin Storage Building / DR2018-0002

CONTRACT DOCUMENTS ARE THE COPYRIGHT OF THE OLYMPUS GROUP CONSULTING AND ENGINEERING AND MAY NOT BE USED ON ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF THE OLYMPUS GROUP, INC.

TLO1.DWG Apr 03, 2018--08:11 am MCKEY

Packet Pg. 32

LEGEND

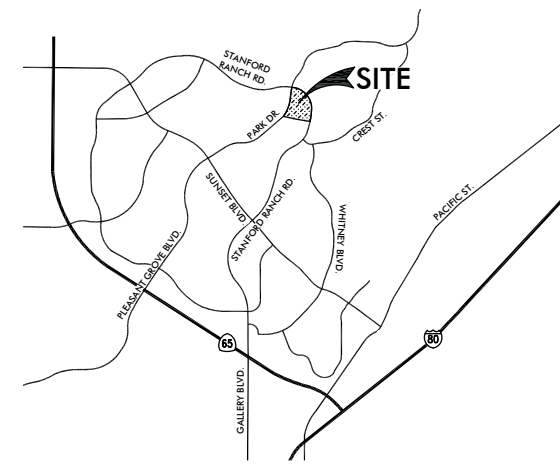
Table with columns for DESCRIPTION, EXISTING, and PROPOSED. Lists various engineering symbols for items like LOT LINES, EASEMENT, PROPERTY LINE, CENTERLINE, CURB & GUTTER, DITCH, STORM DRAIN, SANITARY SEWER, WATER, GAS LINE, FIRE SERVICE, CULVERT, SDMH, AREA DRAIN, DROP INLET, DIRECTION OF SURFACE FLOW, SSMH, SSCO, SEWER SERVICE, BLOW OFF, FIRE HYDRANT, WATER VALVE, WATER METER, MONUMENT, UTILITY POLE, UTILITY POLE WITH LIGHT, STREET LIGHT, POST TOP STREET LIGHT, FENCE, INDEX CONTOUR, INTERMEDIATE CONTOUR, HEDGE, JUNCTION/PULL BOX, SIGN, GRADE BREAK LINE, FINISH GRADE ELEVATION, and TREE & DRIPLINE.

ABBREVIATIONS

Table listing abbreviations and their corresponding full names, such as AC: ASPHALT CONCRETE, AD: AREA DRAIN, A.E.: APPROVED EQUAL, AP: ANGLE POINT, ARV: AIR RELEASE VALVE, BK: BOOK, BOC: BACK OF CURB, BOV: BLOW-OFF VALVE, BOW: BACK OF WALK, BW: BOTTOM OF WALL, CG: CURB AND GUTTER, CL: CENTERLINE, CMP: CORRUGATED METAL PIPE, CO: CLEANOUT, CONC: CONCRETE, CP: CAR POOL, DETL: DETAIL, DI: DROP INLET, DIP: DUCTILE IRON PIPE, DIST: DISTRICT, DWG: DRAWING, (E): EXISTING OR EAST, ELEV: ELEVATION, EP: EDGE OF PAVEMENT, ESMT: EASEMENT, EX: EXISTING, EXIST: EXISTING, EV: ELECTRIC VEHICLE, FF: FINISH FLOOR, FG: FINISH GRADE, FS: FIRE SERVICE, FDC: FIRE DEPARTMENT CONNECTION, FES: FLARED END SECTION, FH: FIRE HYDRANT, FL: FLOW LINE, FP: FINISH PAVEMENT, G: GAS, GB: GRADE BREAK, GR: GRATE, HDPE: HIGH DENSITY POLYETHYLENE, HP: HIGH POINT, INTX: INTERSECTION, INV: INVERT, IRR: IRRIGATION, LF: LINEAR FEET, LT: LEFT, NFPA: NATIONAL FIRE PREVENTION ACT, NO: NUMBER, NTS: NOT TO SCALE, OG: ORIGINAL GROUND, OMP: OPEN METAL PIPE, P: PAVERS, PIV: POST INDICATOR VALVE, PROP: PROPOSED, PCC: PORTLAND CEMENT CONCRETE, POC: POINT OF CONNECTION, PL: PROPERTY LINE, PG: PAGE, PUE: PUBLIC UTILITY EASEMENT, PVC: POLYVINYL CHLORIDE, RCP: REINFORCED CONCRETE PIPE, RT: RIGHT, ROW: RIGHT-OF-WAY, SD: STORM DRAIN, SDMH: STORM DRAIN MANHOLE, SDWK: SIDEWALK, S.O.: SIDE OPENING, SS: SANITARY SEWER, SSCO: SANITARY SEWER CLEAN OUT, SSMH: SANITARY SEWER MANHOLE, STD: STANDARD, SVC: SERVICE, SW: SIDEWALK, TBW: TOP BACK OF WALK, TC: TOP OF CURB, TYP: TYPICAL, TS: TOP OF SLOPE, TW: TOP OF WALL, W: WATER, WV: WATER VALVE, WM: WATER METER.

PRELIMINARY PLANS FOR ATRIA - ROCKLIN 3201 SANTA FE WAY CITY OF ROCKLIN, PLACER COUNTY CALIFORNIA 95765 APN: 017-350-051

VICINITY MAP

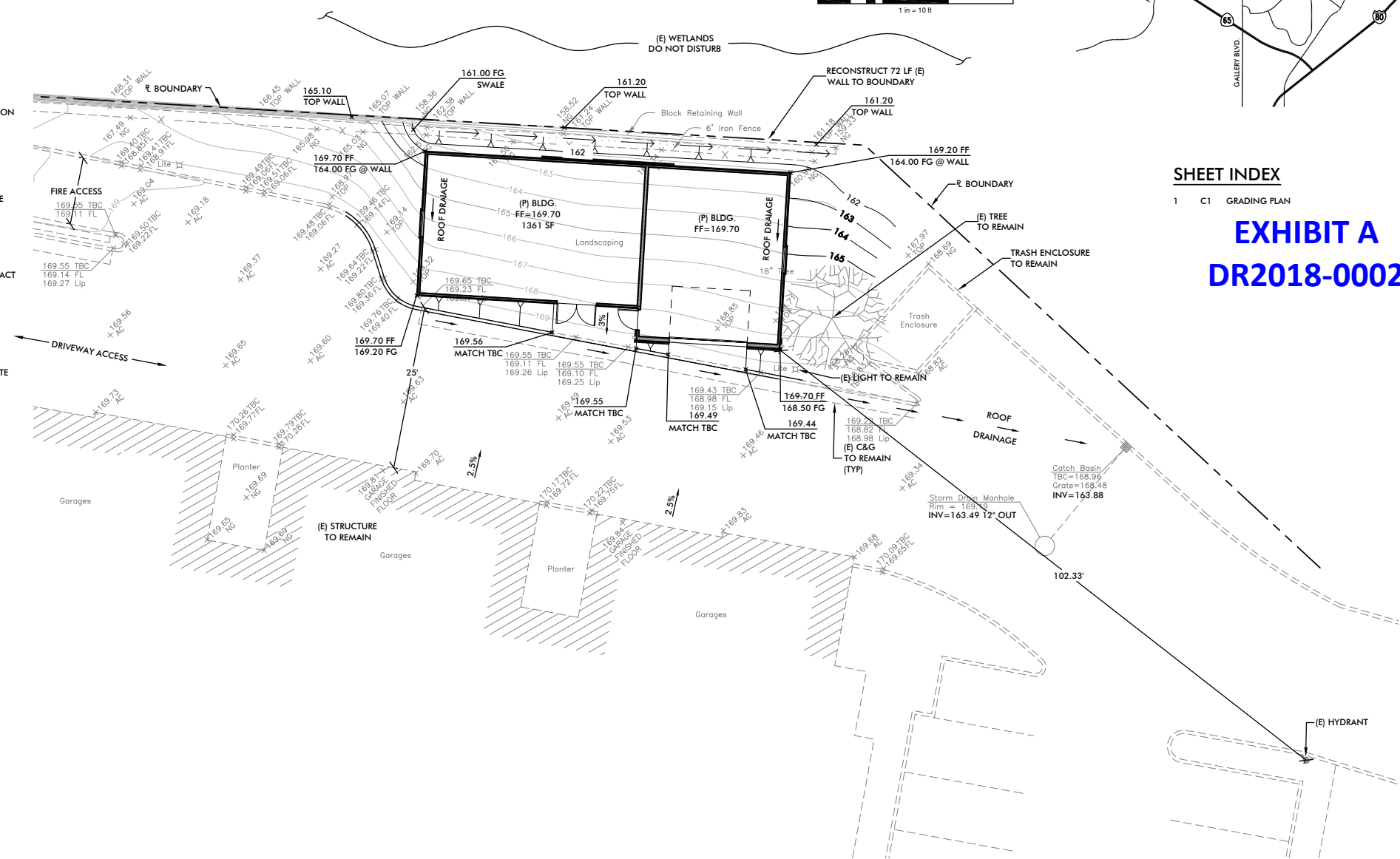


REVISIONS:

SHEET INDEX

1 C1 GRADING PLAN

EXHIBIT A DR2018-0002



BENCHMARK

DESCRIPTION: 2" BRASS DISC IN MONUMENT WELL AT INTERSECTION PARK DRIVE AND STANFORD RANCH ROAD, STAMPED "RCE 21478". R: 10'-2" ELEVATION: 159.46 FEET

BASIS OF BEARINGS

THE BEARING N00°50'00"E ALONG CENTERLINE OF PARK DRIVE AS SHOWN ON THAT CERTAIN PARCEL MAP RECORDED IN BOOK 30 OF PARCEL MAPS, PAGE 49, PLACER COUNTY RECORDS IS THE BASIS OF ALL BEARINGS SHOWN HEREON.

DRAINAGE NOTE

THE PROPOSED STRUCTURE WILL ROUTE ALL ROOF DRAINAGE TO THE FRONT OF BUILDING TO DOWNSPOUTS THAT WILL CONVEY RUNOFF TO THE EXISTING DRIVEWAY ACCESS AND THEN INTO THE EXISTING DRAINAGE INLET TO THE EAST.

DEMOLITION NOTE

THERE ARE NO EXISTING STRUCTURES TO BE DEMOLISHED. THE PROPOSED SITE CONTAINS SHRUBS AND GROUND COVER ONLY.

UTILITY REPRESENTATIVES

Table with columns: UTILITY, COMPANY, CONTACT, PHONE. Lists representatives for Gas, Electricity, Telephone, Water, Sewer, Drainage, Fire, Cable T.V., and Underground.

OWNER:

ATRIA ROCKLIN 3201 SANTA FE WAY ROCKLIN, CA 95765 PHONE: (916) 672-9639

ARCHITECT:

LRS ARCHITECTS 3407 HANEY ROAD CAMERON PARK, CA 95662

ENGINEER:

THE OLYMPUS GROUP, INC. 8850 GREENBACK LANE, SUITE C ORANGEVALE, CALIFORNIA 95662 PHONE: 916-396-6228 WWW.OLYGROUP.NET CONTACT: RICH FRANCIS

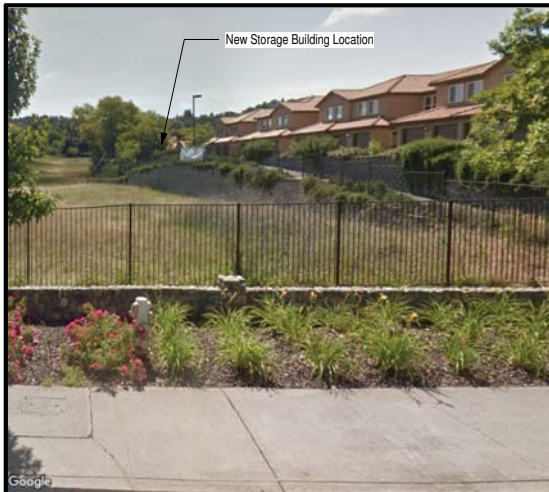
PRELIMINARY PLANS FOR ATRIA - ROCKLIN 3201 SANTA FE WAY TITLE SHEET/GRADING PLAN CITY OF ROCKLIN, CALIFORNIA PRELIMINARY - NOT FOR CONSTRUCTION



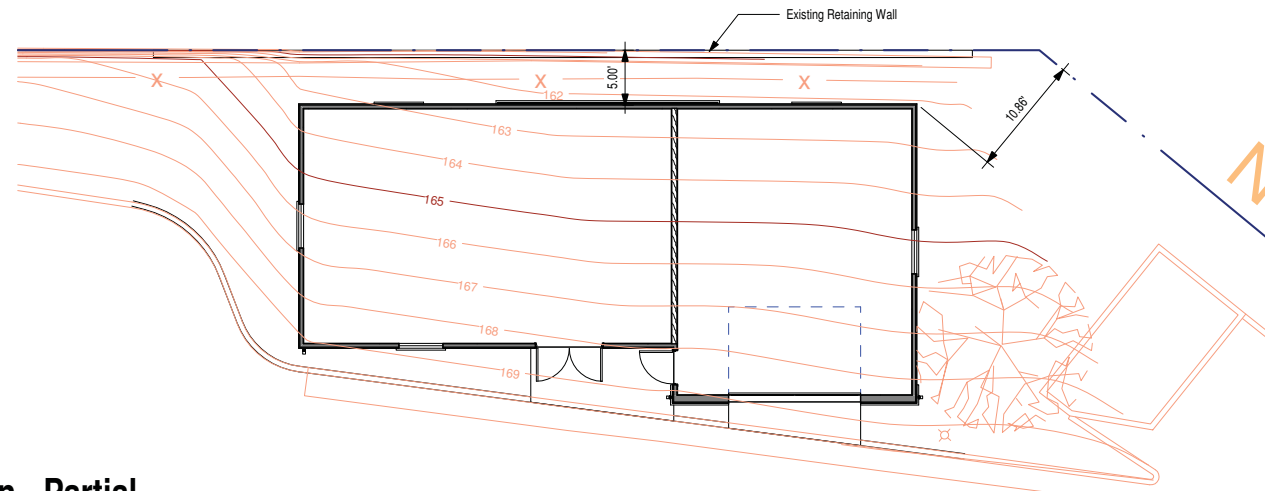
Agenda Item #7.b.

THE OLYMPUS GROUP ENGINEERING, PLANNING & SURVEYING. Includes staff list: DRAWN BY: R. FRANCIS, DESIGNED BY: R. FRANCIS, CHECKED BY: M. MARKS, DATE: 12/31/18, SCALE: 1"=10'-0", PROJECT NO: 18-0002.

C1 SHEET 1 OF 1



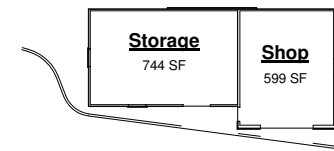
1 Photo-Storage Bldg Location
A1.1 1/4" = 1'-0"



SP1 Site Plan - Partial
A1.1 1/8" = 1'-0"

Scope of Work

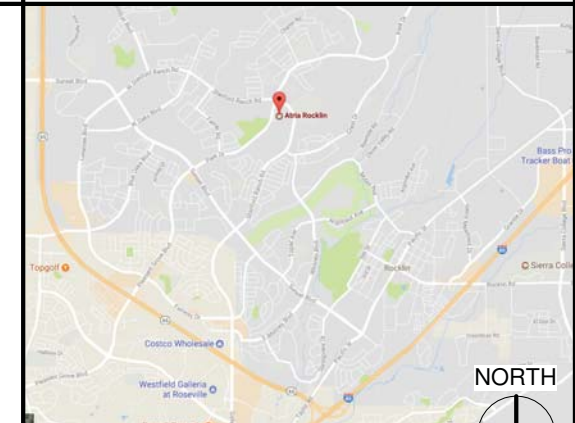
The project consists of the construction of a wood framed structure for use as storage and a small shop to service the existing Atria facility. The materials, architectural details, finishes, and color will match the existing buildings.



AP1 Area Plan
A1.1 1" = 20'-0"

Area Schedule

Name	Area
Shop	599 SF
Storage	744 SF
Total	1343 SF



VM Vicinity Map
A1.1 1/4" = 1'-0"



SP2 Site Plan-Overall
A1.1 1" = 50'-0"

Drawing List

Sheet Number	Sheet Name	Current Revision
1: Architectural		
A1.1	Site Plan and Project Info	A
A2.1	Floor & Roof Plan	A
A4.1	Elevations	A
A5.1	Sections	
2: Color Board		
CB	Color Board	

LRS...Architecture
Architecture — Certified Access Specialists (CASp)
(916) 956-4795 email: LRS@LRSARCHITECTURE.COM



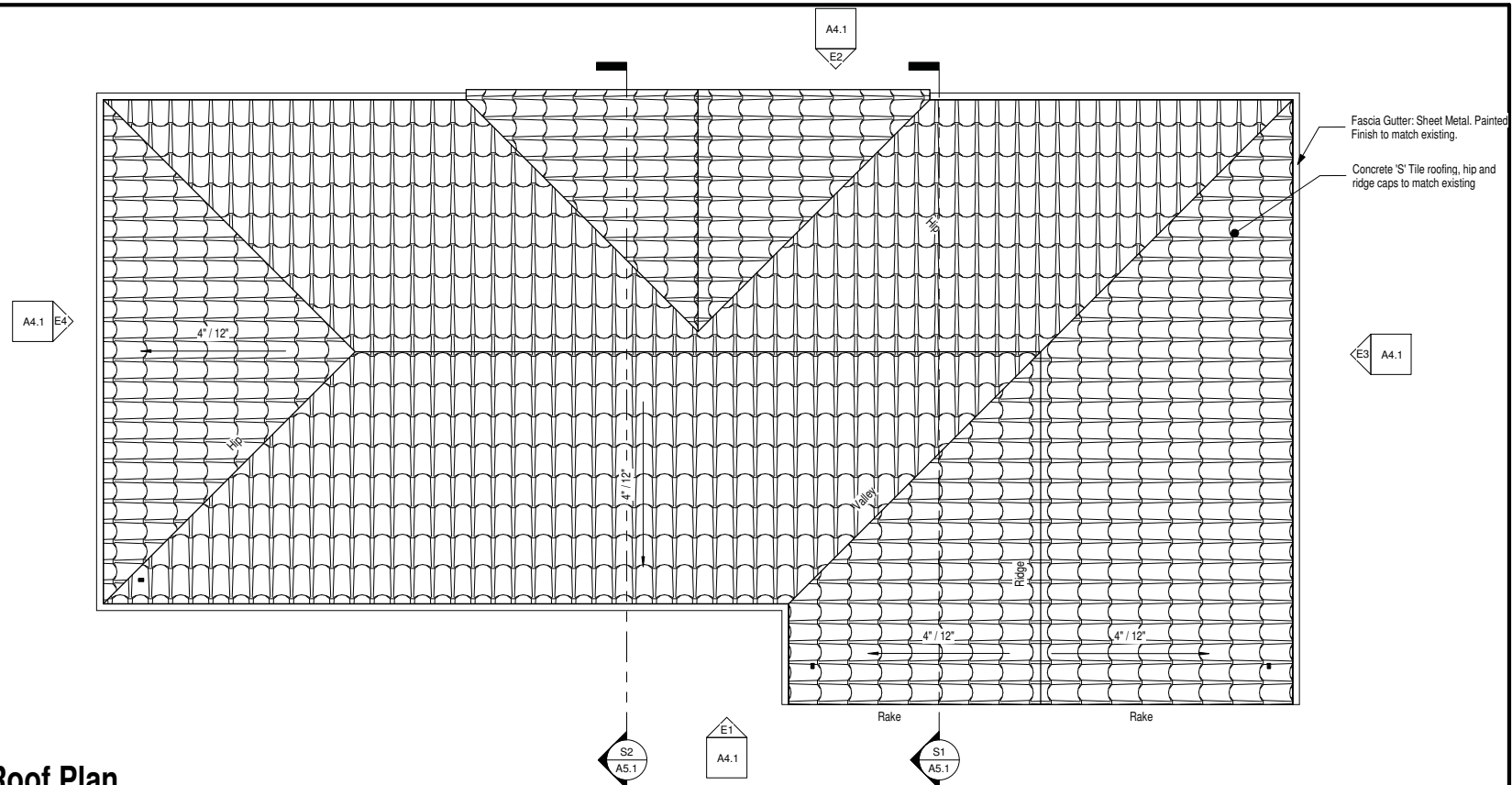
Project Information:
Atria Rocklin - Storage Building
3201 Santa Fe Way, Rocklin, CA 95765

Project Number: 16R10
Drawn by: lrs...
Date: 10/27/2017
Revisions:
A 4/5/2018 Design Review

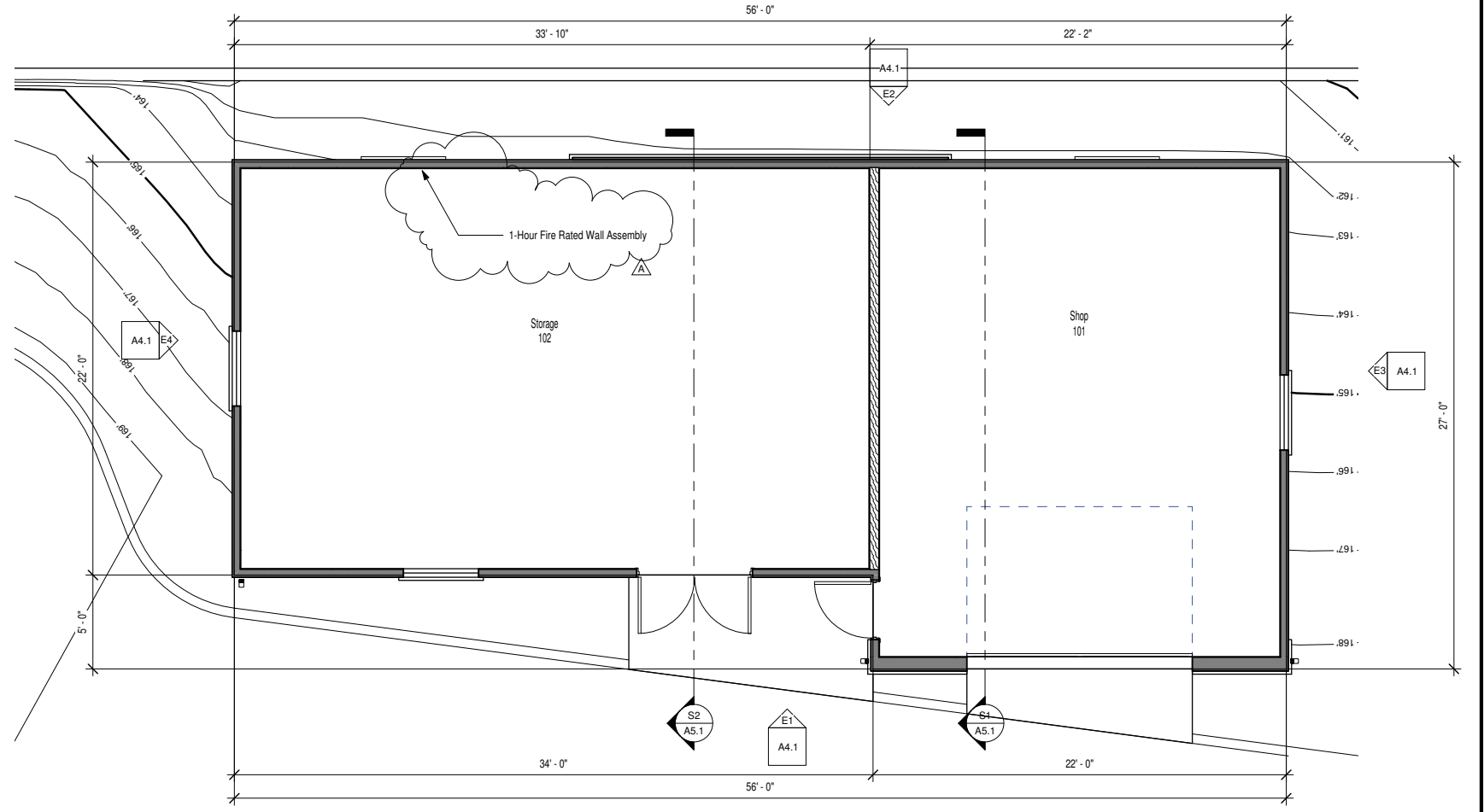
Set: Sheet Title:
Site Plan and Project Info
Design Review - Shop/Storage Building

Sheet Number:
A1.1

P2
A2.1
Roof Plan
1/4" = 1'-0"



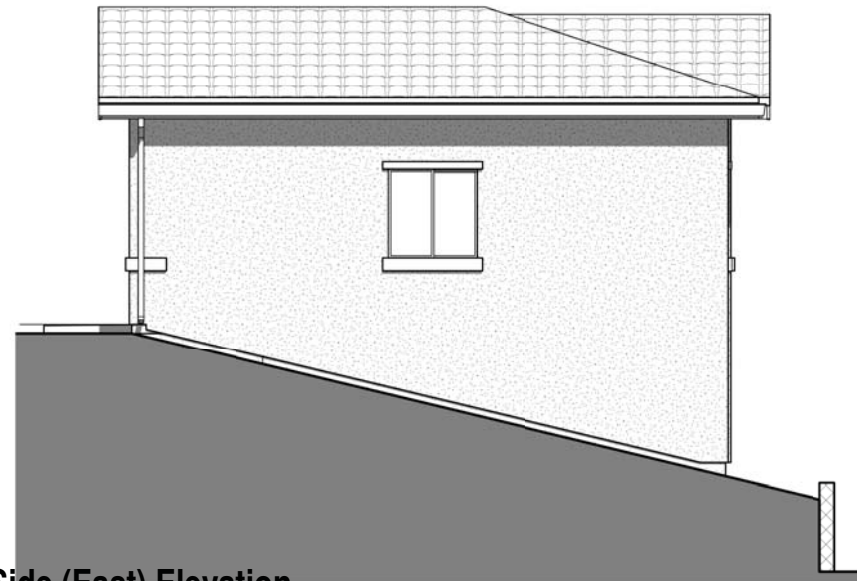
P1
A2.1
1.01 Floor
1/4" = 1'-0"



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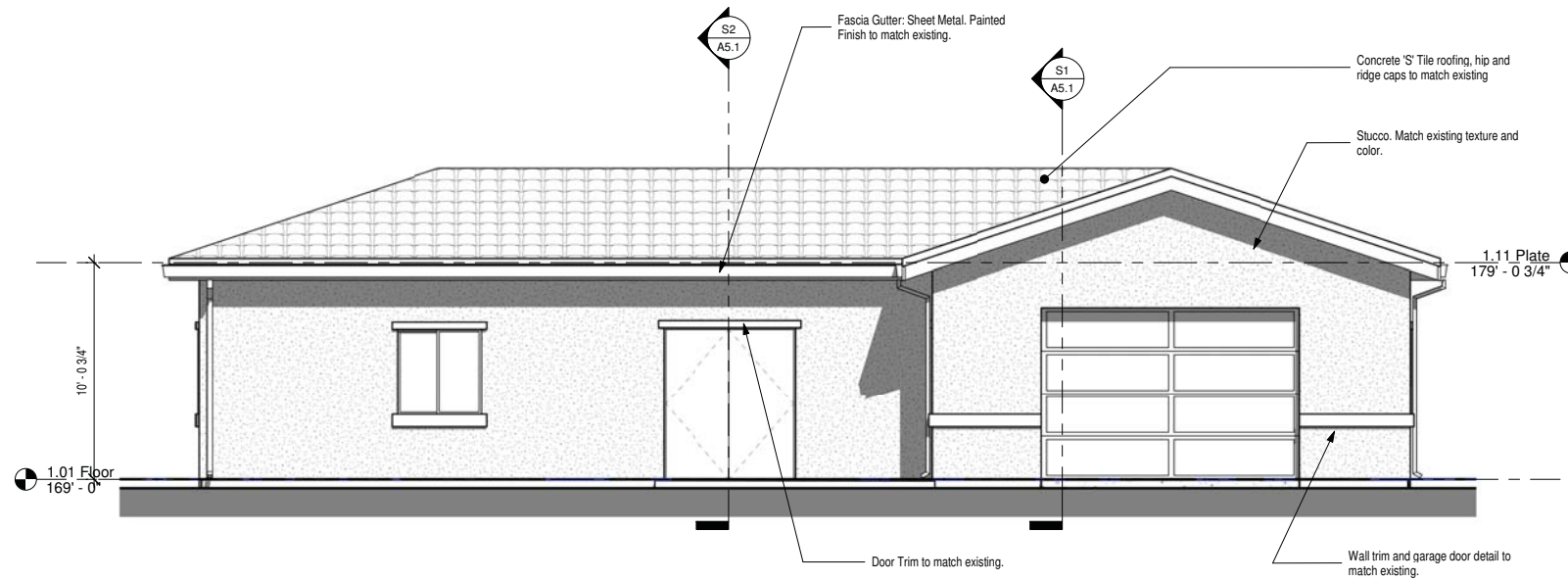
Project Information:	
Project Number:	16R10
Drawn by:	lrs...
Date:	10/27/2017
Revisions	
A 4/5/2018	Design Review
Set:	Sheet Title:
Design Review - Shop/Storage Building	Floor & Roof Plan
Sheet Number:	A2.1

LRS...Architecture
Architecture — Certified Access Specialists (CASp)
(916) 956-4795 email: LRS@LRSARCHITECTURE.COM



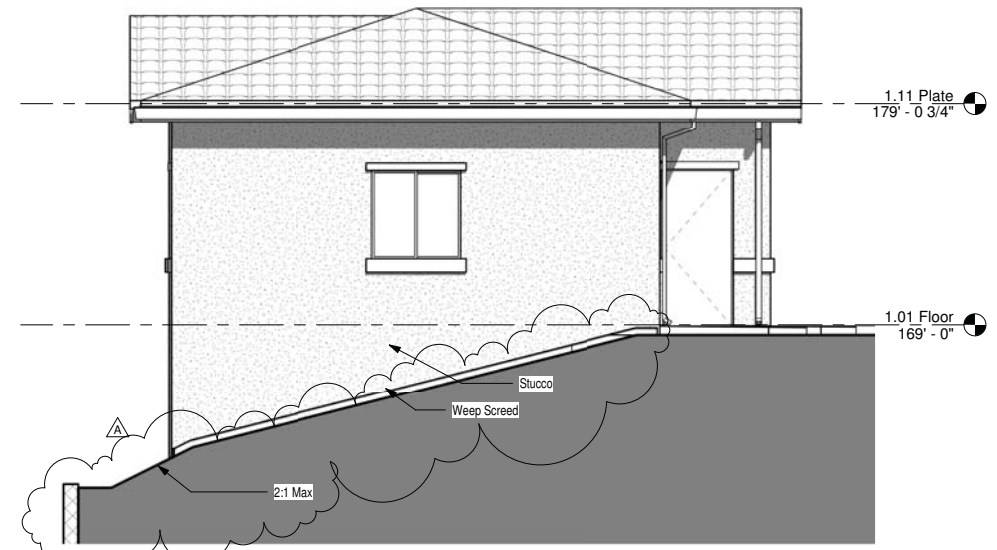
E3 Right Side (East) Elevation

A4.1 1/4" = 1'-0"



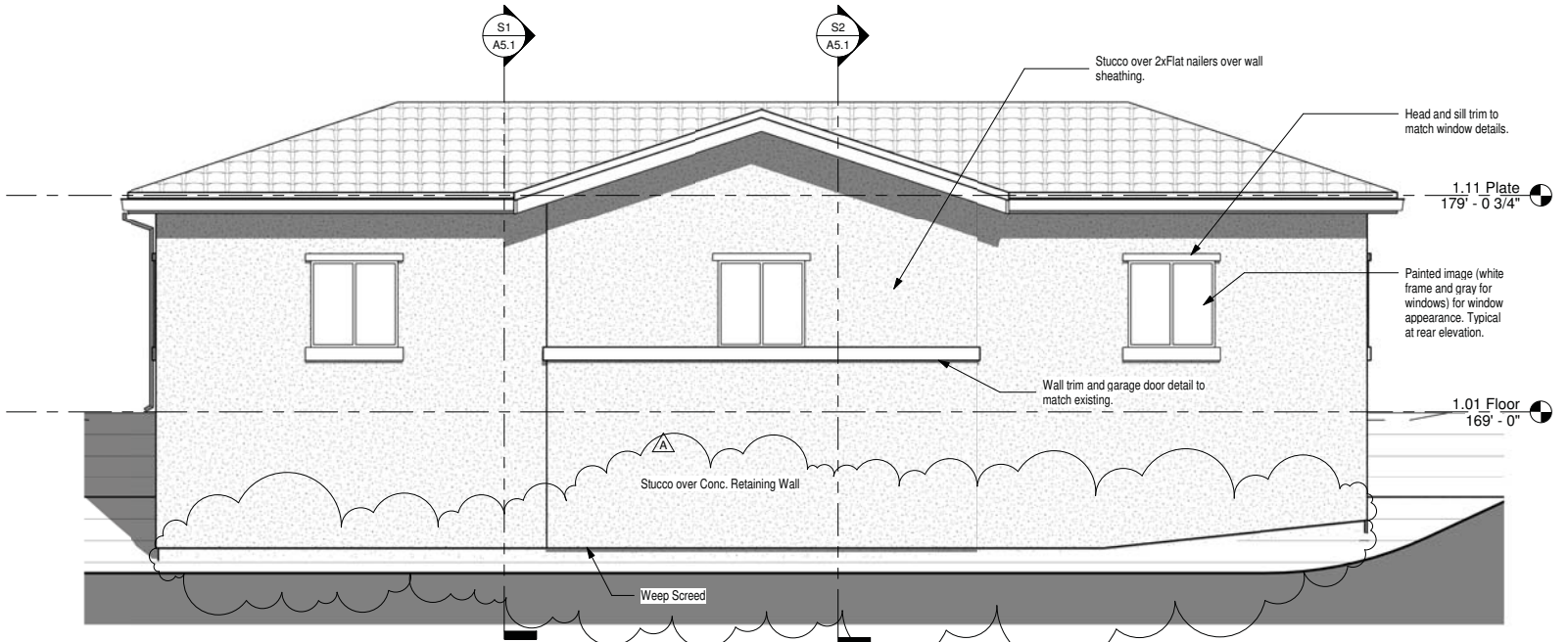
E1 Front (South) Elevation

A4.1 1/4" = 1'-0"



E4 Left Side (West) Elevation

A4.1 1/4" = 1'-0"



E2 Rear (North) Elevation

A4.1 1/4" = 1'-0"



Existing Building

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Project Information:

Atria Rocklin - Storage Building

Project Number: 16R10
 Drawn by: lrs...
 Date: 10/27/2017
 Revisions:
 A 4/5/2018 Design Review

Set: Sheet Title:

Design Review - Shop/Storage Building

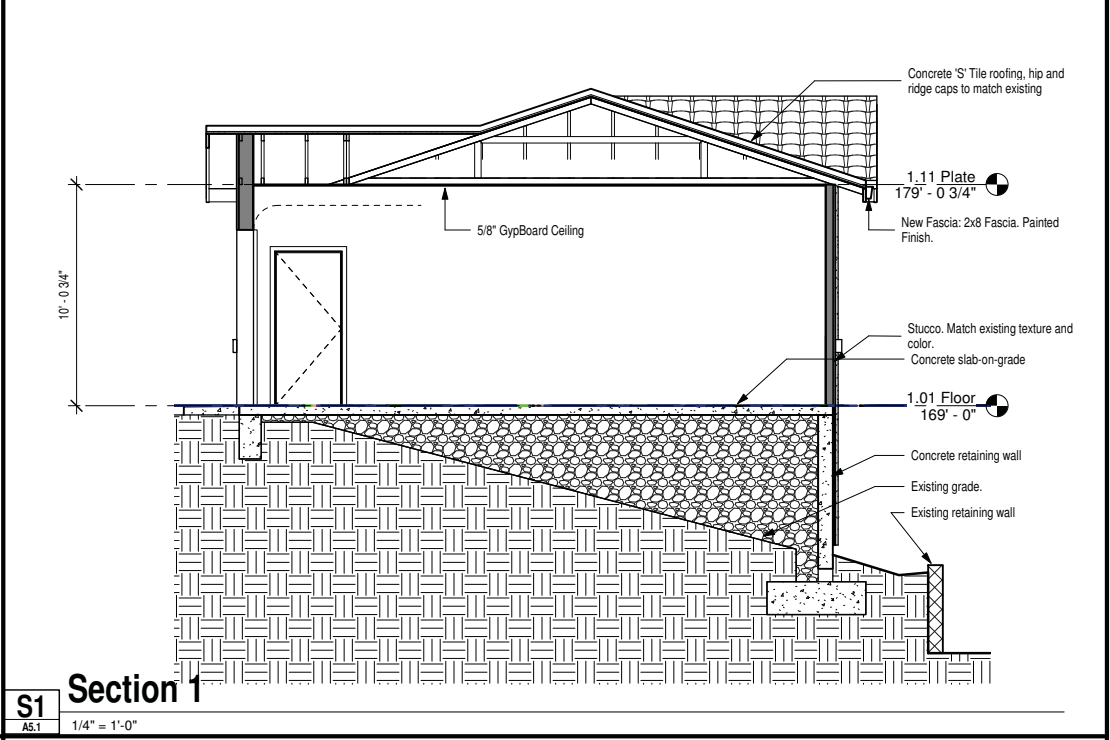
Sheet Number:

A4.1

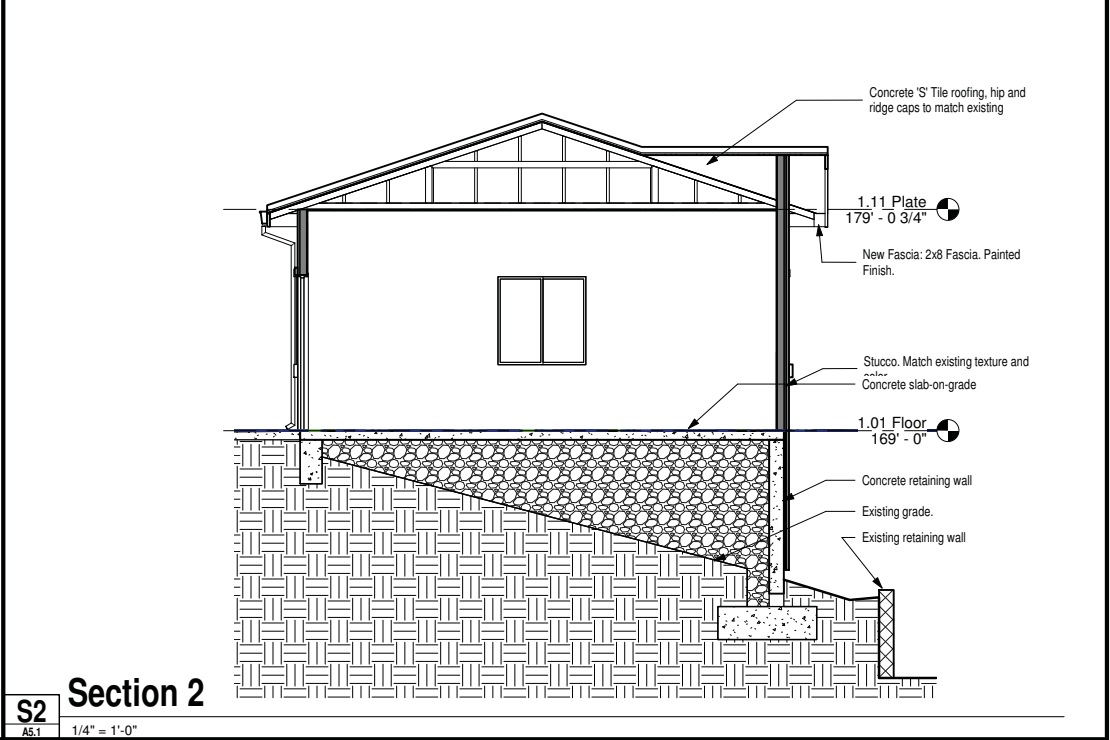
Elevations

Agenda Item #7.b.

Packet Pg. 35



S1
A5.1
Section 1
1/4" = 1'-0"



S2
A5.1
Section 2
1/4" = 1'-0"

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Project Information:

Atria Rocklin - Storage Building

Project Number: 16R10
Drawn by: lrs...
Date: 10/27/2017

Revisions

Set: Sheet Title:

Design Review - Shop/Storage Building

Sheet Number:
A5.1

Sections

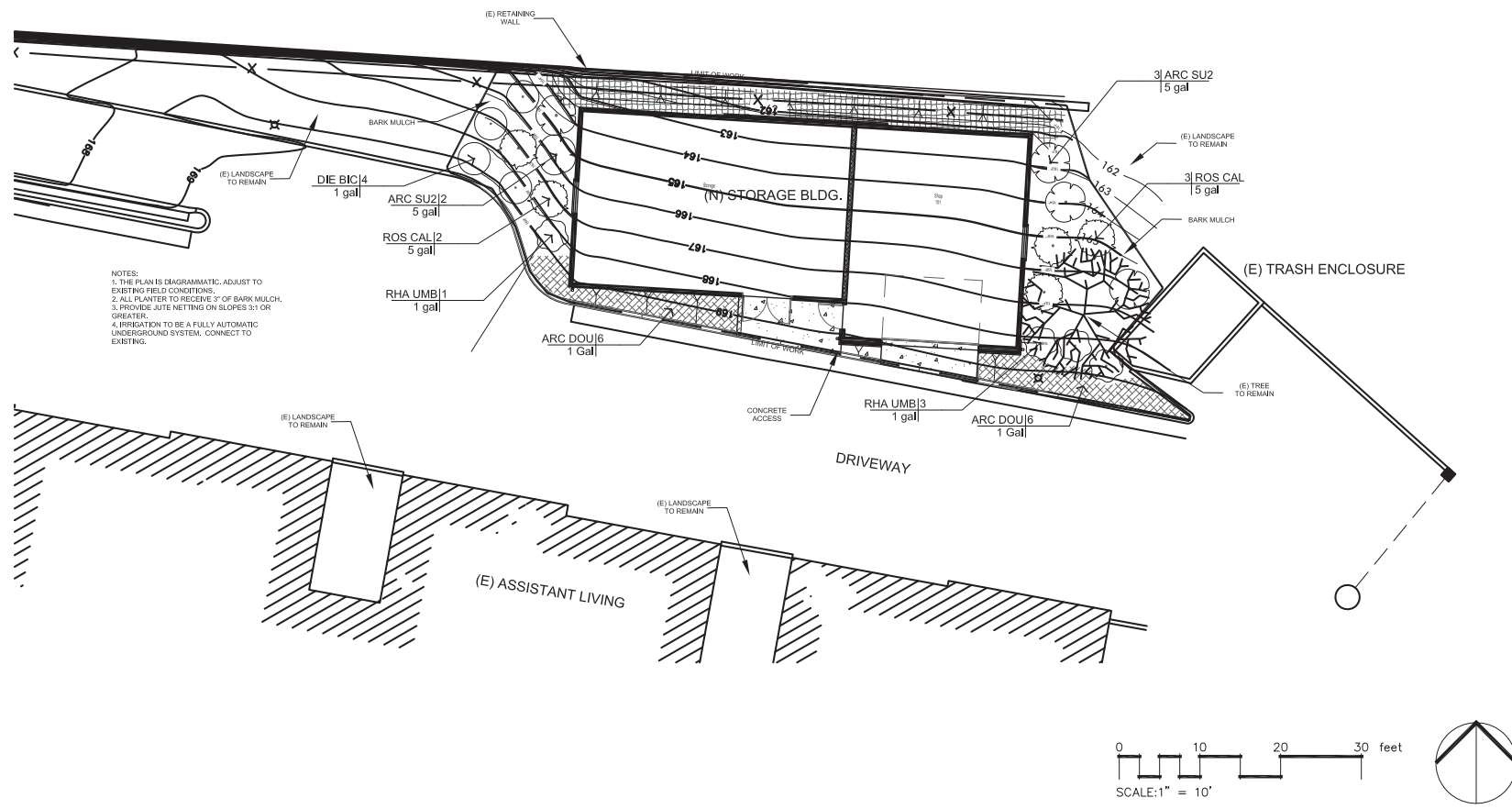
Agenda Item #7.b.

3201 Santa Fe Way, Rocklin, CA 95765



**All materials, finishes, textures,
and colors to match existing.**

LRS...Architecture LEWIS R. SPRINGER, III Architect, Certified Access Specialist (CASp) 916 995-4795 LRS@LRSARCHITECTURE.COM	Project: Atria Rocklin - Storage Building 3201 Santa Fe Way, Rocklin, CA 95765	Project Number: 16R10 Set: Design Review - Shop/Storage Building	Date: 11/09/17
		Sheet Title: Color Board	Sheet Number: CB



NOTES:
 1. THE PLAN IS DIAGRAMMATIC. ADJUST TO EXISTING FIELD CONDITIONS.
 2. ALL PLANTER TO RECEIVE 3" OF BARK MULCH.
 3. PROVIDE JUTE NETTING ON SLOPES 2:1 OR GREATER.
 4. IRRIGATION TO BE A FULLY AUTOMATIC UNDERGROUND SYSTEM. CONNECT TO EXISTING.

PLANT SCHEDULE

SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	SIZE	QTY	WATER USE	WIDTH x HEIGHT
	ARC SU2	Arctostaphylos x 'Sunset' / Sunset Manzanita	5 gal	5	LOW	4'-5' x 4'-5'
	DIE BIC	Diets bicolor / Fortnight Lily	1 gal	4	LOW	2'-3' x 2'-3'
	RHA UMB	Rhaphiolepis umbellata 'Minor' / Yedda Hawthorn	1 gal	4	LOW	5'-6' x 6'-8'
	ROS CAL	Rosa californica / California Wild Rose	5 gal	5	LOW	4'-8' x 4'-8'

GROUND COVERS	CODE	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY	WATER USE	WIDTH x HEIGHT
	ARC DOU	Arctostaphylos x 'John Dourley' / John Dourley Manzanita	1 Gal	48" o.c.	12	LOW	1'-3' x 4'-6'
	ROS IRE	Rosmarinus officinalis 'Irene' TM / Irene Trailing Rosemary	1 Gal	36" o.c.	26	LOW	2'-3' x 6'-8'



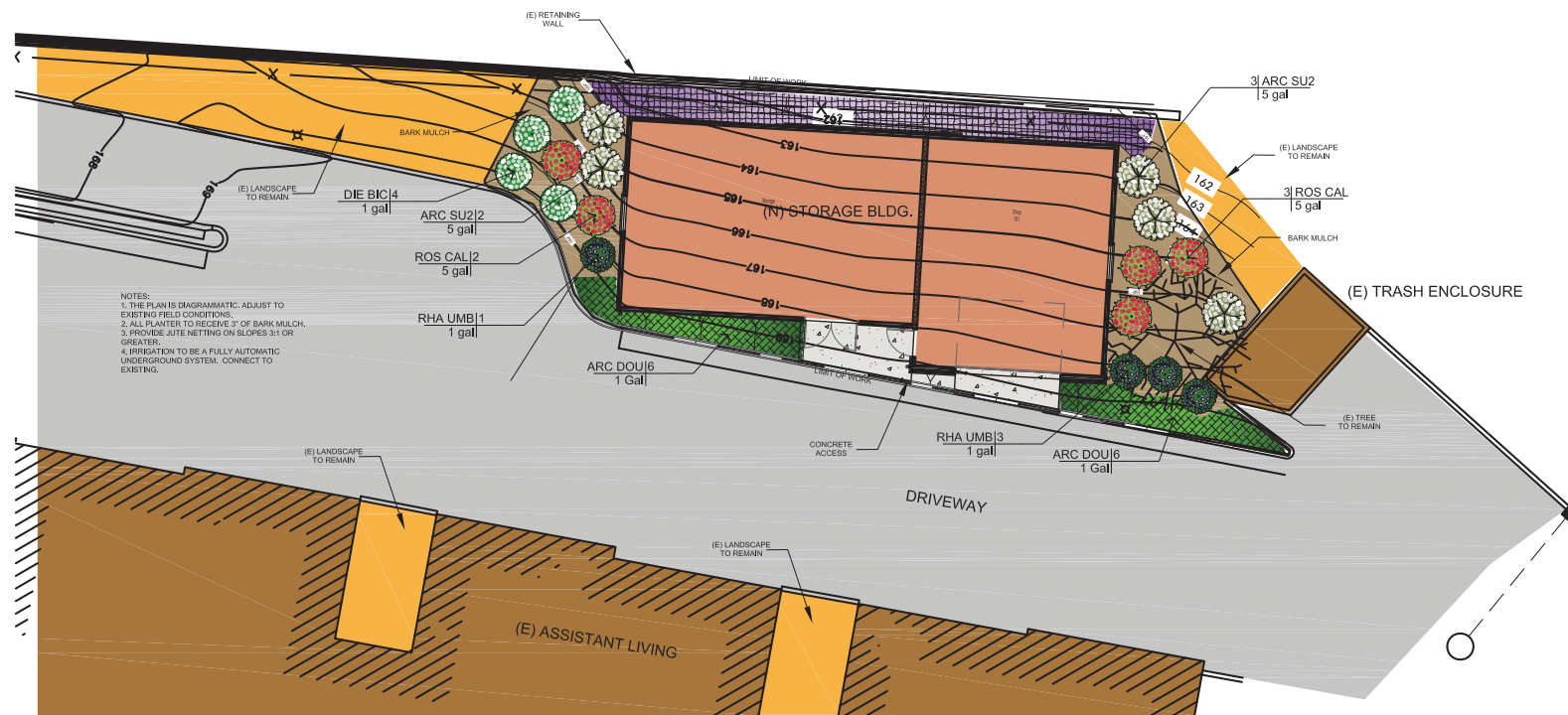
REVISIONS:
 △

PRELIMINARY PLANS FOR
ATRIA - ROCKLIN
 PRELIMINARY PLANTING PLAN
 CITY OF ROCKLIN, CALIFORNIA
 PRELIMINARY - NOT FOR CONSTRUCTION



THE OLYMPIUS GROUP
 ENGINEERING, PLANNING & SURVEYING
 1400 COMMERCIAL CENTER DRIVE, SUITE 100
 ROCKLIN, CA 95765-4092 | www.olympiusgroup.com
 PROJECT NO.: 16-00000001

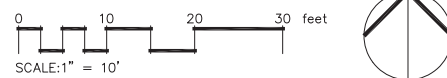
DRAWN BY: STAFF
 DESIGNED BY: R. CAMPBELL
 CHECKED BY: J. RAY
 DATE: 11-1-2018
 SCALE: 1" = 10'-0"



NOTES:
 1. THE PLAN IS DIAGRAMMATIC. ADJUST TO EXISTING FIELD CONDITIONS.
 2. ALL PLANTER TO RECEIVE 3" OF BARK MULCH.
 3. PROVIDE JUTE NETTING ON SLOPES 2:1 OR GREATER.
 4. IRRIGATION TO BE A FULLY AUTOMATIC UNDERGROUND SYSTEM. CONNECT TO EXISTING.

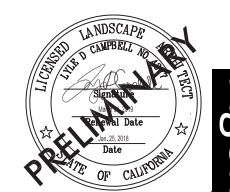
PLANT SCHEDULE

SHRUBS	CODE	BOTANICAL NAME / COMMON NAME	SIZE	QTY	WATER USE	WIDTH x HEIGHT	
	ARC SU2	Arctostaphylos x 'Sunset' / Sunset Manzanita	5 gal	5	LOW	4'-5' x 4'-5'	
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GROUND COVERS	CODE	BOTANICAL NAME / COMMON NAME	CONT	SPACING	QTY	WATER USE	WIDTH x HEIGHT
	ARC DOU	Arctostaphylos x 'John Dourley' / John Dourley Manzanita	1 Gal	48" o.c.	12	LOW	1'-3' x 4'-6'
	ROS IRE	Rosmarinus officinalis 'Irene' TM / Irene Trailing Rosemary	1 Gal	36" o.c.	26	LOW	2'-3' x 6'-8'



REVISIONS:
 △

PRELIMINARY PLANS FOR
ATRIA - ROCKLIN
 COLORED PLANTING PLAN
 CITY OF ROCKLIN, CALIFORNIA
 PRELIMINARY - NOT FOR CONSTRUCTION



THE OLYMPIUS GROUP
 ENGINEERING, PLANNING & SURVEYING
 1400 COMMERCIAL CENTER DRIVE, SUITE 200
 ROCKLIN, CA 95765-4992 | www.olympiusgroup.com
 PROJECT NO. 16-00000001

DRAWN BY: R. CAMPBELL
 DESIGNED BY: R. CAMPBELL
 CHECKED BY: J. HANSEN
 DATE: 11-20-2018
 SCALE: 1" = 10'-0"

STAFF: R. CAMPBELL
 J. HANSEN
 PROJECT NO. 16-00000001



City of Rocklin Economic and Community Development Department

**Planning Commission
STAFF REPORT**

**West Marine Digital Freeway Sign
Design Review, DR2018-0003**

June 19, 2018

Recommendation

Subject to the recommended conditions of approval, staff recommends the Planning Commission approve the following:

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN OPERATING AGREEMENT FOR A DIGITAL FREEWAY SIGN, CITY OF ROCKLIN AND ORION 50 OUTDOOR, LLC INTERSTATE 80 AT WEST MARINE. (West Marine Digital Freeway Sign / DR2018-0003)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DESIGN REVIEW (West Marine Digital Freeway Sign / DR2018-0003)

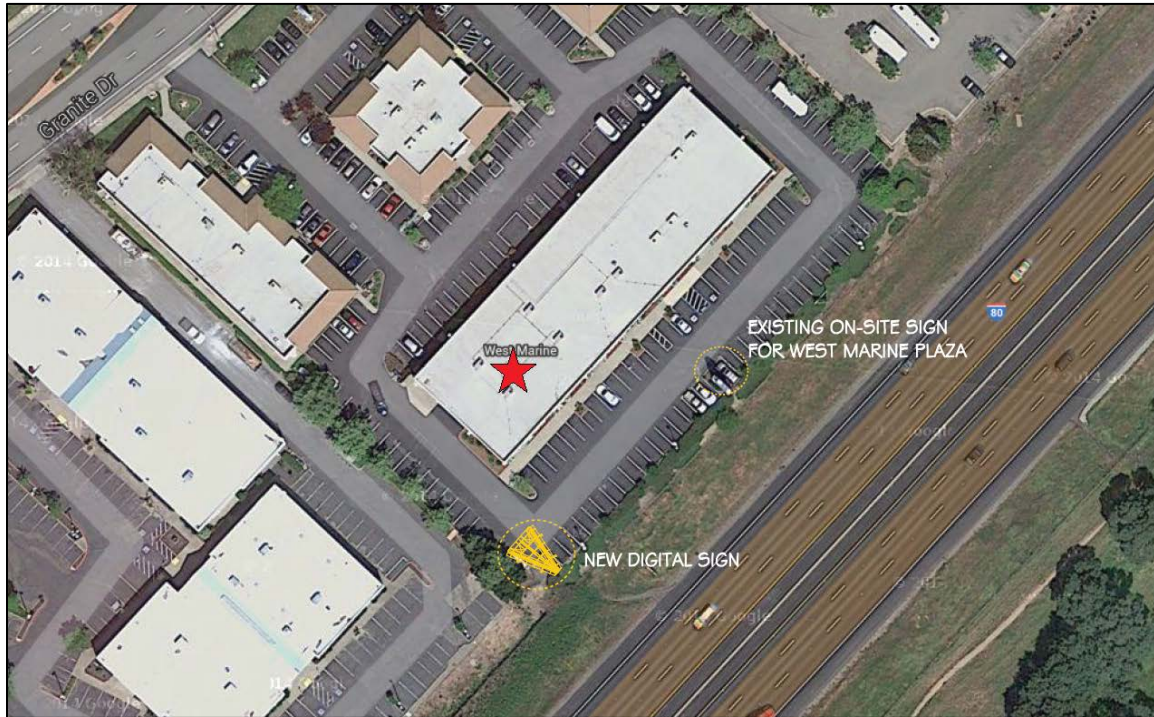
Proposal/Application Request

This application is a request for approval of a Design Review to construct an approximately 65-foot-tall digital freeway sign adjacent to Highway 80 and an Operating Agreement for use of the sign. If approved, this sign would be constructed in lieu of a similar sign which was previously approved on the nearby Mercedes-Benz of Rocklin property.

General Site Information

The subject site is located on the southern corner of the commercial center located at 4445 Granite Drive, directly adjacent to Highway 80. The site is the current location of West Marine. Assessor Parcel Number (APN) 045-080-036. See **Figure 1** for an aerial vicinity map with the proposed location of the digital sign overlaid in yellow.

Figure 1 – Aerial Vicinity Map



Owner/Applicant

The applicant is Orion 50 Outdoor, LLC (Beau Palley). The property owner is Acorn Property Management and Development Company, LLC (Audrey Gannon).

Background and Site Characteristics

The City of Rocklin Digital Freeway Sign Program was adopted in 2012 via Ordinance No. 979. The program allows for up to three digital freeway signs to be located within the City, as follows: one on the I-80 corridor, one on the SR-65 by-pass, and one on the balance of the SR 65 corridor. The Digital Freeway Sign Program also includes a description of what constitutes a digital freeway sign, when and how they are permitted, standards for illumination, minimum display time, maximum face size, application of future technologies, and digital face replacement requirements.

Consistent with the Digital Freeway Sign Program, two digital freeway signs have been approved and installed along State Route 65, one adjacent to the by-pass route area off of Five Star Boulevard, and one between Blue Oaks Boulevard and West Oaks Boulevard. The latter sign is the subject of a relocation project which is being processed concurrently by the City.

*Planning Commission Staff Report
West Marine Digital Freeway Sign
June 19, 2018
Page 3*

A third digital freeway sign was approved to be located at the Mercedes Benz dealership along I-80 via City Council Resolution No. 2012-37 (**Attachment 1**). However, this digital freeway sign was never installed. It is now proposed that the I-80 digital freeway sign be relocated approximately 1,300 feet to the northeast along I-80 to a parking lot/landscape portion of the existing West Marine business.

The original project approval for the Mercedes Benz site was last extended on July 12, 2016 by City Council Resolution No. 2016-190, and was scheduled to expire on February 28, 2018. However, as part of a settlement agreement for the project, the City has agreed that it will not deem the original design review as expired, unless and until the project receives review approval and a building permit for the proposed West Marine location. If these two items are not satisfied, the original entitlements for the Mercedes Benz site would be retained and a project extension would be required.

Approving Authority

Section 17.75.090 of the Rocklin Municipal Code (RMC) states that all digital freeway signs are subject to Design Review. While the Planning Commission is typically the designated approving authority for Design Review entitlements, Section 17.72.070 of the RMC states that the City Council is the authority for all nonresidential buildings or structures greater than 40 feet in height. Because the digital billboard sign exceeds this height requirement, and because the operation of digital freeway signs requires approval of an Operating Agreement, the City Council is the approving authority for the project, subject to Planning Commission recommendation.

General Plan and Zoning Compatibility

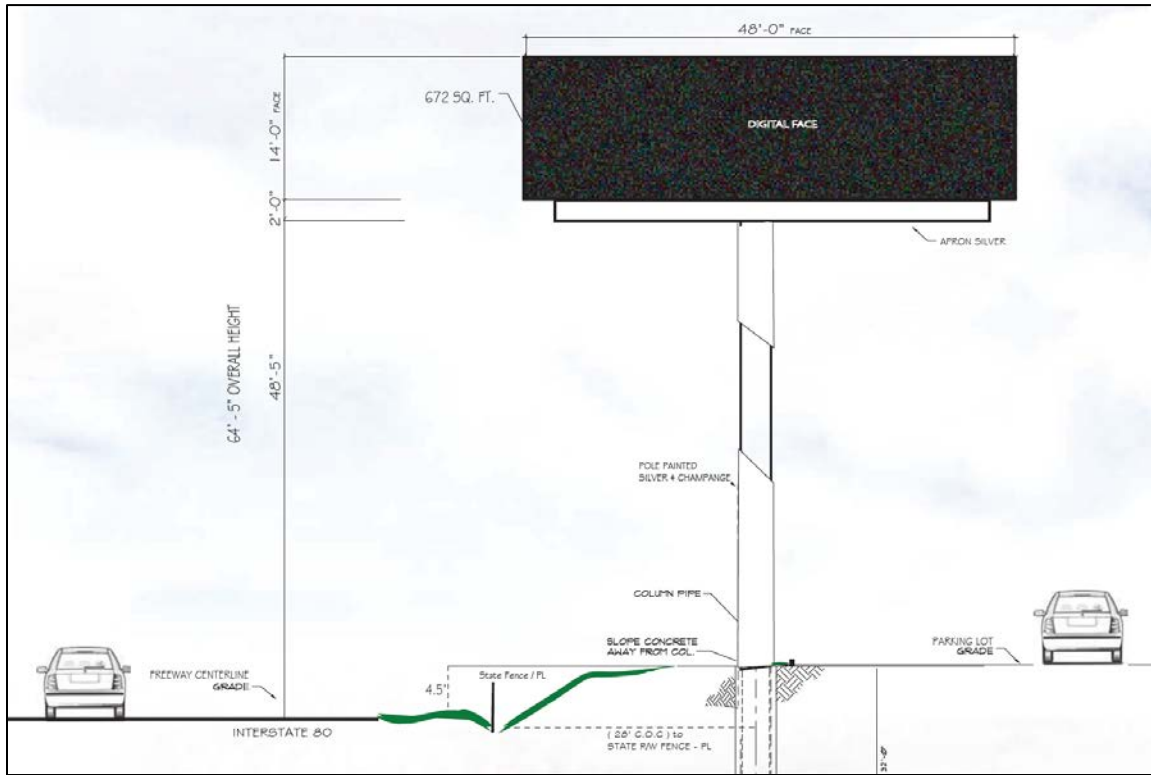
The project site is designated as Retail Commercial (RC) in the Rocklin General Plan and is zoned Planned Development Commercial (PD-C) within the Sierra Meadows General Development Plan. The proposed project is compatible with the existing General Plan designation and Zoning, subject to issuance of a Design Review and Operating Agreement, pursuant to Section 17.75.090 of the RMC.

Design Review

The project site is an improved parking lot located directly adjacent to the West Marine building between Granite Drive and Highway 80. According to Section 17.75.090 of the RMC, a digital freeway sign shall not exceed 65 feet in height, as measured from the centerline of the nearest freeway to the top of the sign or structure. Each sign face is permitted to be no larger than 14 feet by 48 feet in dimension (total 672 square feet)

plus framing. The digital billboard sign is proposed at 65 feet tall, with a sign face totaling 672 square feet in area. See **Figure 2**.

Figure 2 – Digital Sign Elevation

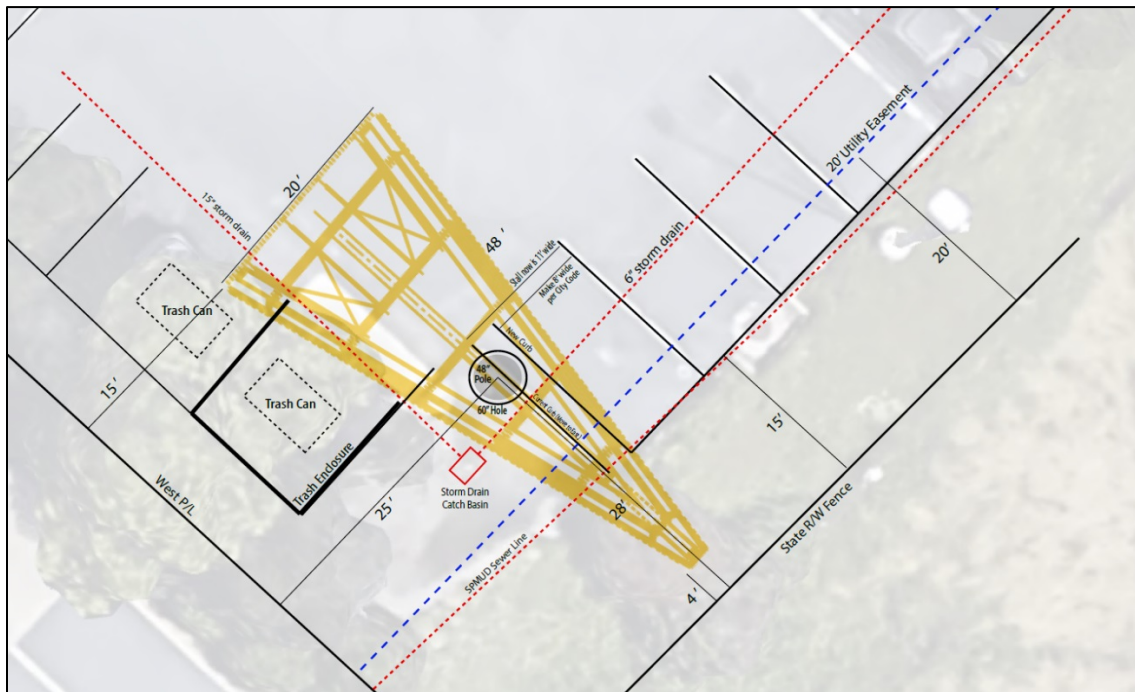


The billboard sign pole would be located approximately 25 feet east of the neighboring property line, and 28 feet north of the Highway 80 right-of-way. In order to site the pole in this location, an existing parking curb would be relocated approximately 3 feet to east. This would allow construction of the sign without resulting in any net loss to parking within the lot. In this location, the face of the sign (which is approximately 49 feet above the freeway centerline grade) would be located approximately 15 feet east of the neighboring property line and 4 feet north of the Highway 80 right-of-way fence. See **Figure 3**.

This project would extend over a 15-foot-wide SPMUD easement, which traverses the site along the Highway 80 right-of-way. At the request of SPMUD, the project has been conditioned that it will be required to enter into an encroachment permit with SPMUD for the construction of the billboard sign face within the air space of the existing easement. The agreement shall include provisions that SPMUD is not responsible for the

sign, should it be damaged during the course of the District’s operations and maintenance activities.

Figure 3 – Digital Sign Site Plan



The site contains an existing storm drain catch basin, which was installed with the construction of the parking lot. Leading to the catch basin are two storm drain pipes. The first, which runs from east to west into the catch basin, is a 6-inch galvanized pipe. The second, which runs from north to south into the catch basin, is a 15-inch pipe. The location of the proposed sign pole is unlikely to impact either drainage pipe. However, the project has been conditioned that the developer will be responsible to repair any damage which may be done to either of these pipes as a result of project construction.

Sign Design and Materials

The digital freeway sign has been proposed to match the colors and materials of the existing digital sign designs in the City of Rocklin. With the exception of the sign face, the entirety of the structure would be colored with a combination of champagne and silver. See **Figures 4 and 5** for photo simulations which illustrate how the sign would look from Highway 80.

Figure 4 – Photo simulation (Eastbound w/ West Face of Sign)



Figure 5 – Photo simulation (Westbound w/ East Face of Sign)



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West Marine Digital Freeway Sign
June 19, 2018
Page 7*

Levels of Illumination

The proposed electronic display would feature automatic light level controls to adjust the sign display at night and during other darkened conditions. The sign would be equipped with light monitors that detect the ambient light levels and would automatically adjust the display brightness levels based on these conditions. The light intensity of the display would be set to meet the regulations of the RMC, which states that digital freeway signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance of 250 feet. The sign has been conditioned to comply with this requirement.

Architectural Review Committee

The project site is located the Granite Architectural District. On April 5, 2018, the project was presented to the Architectural Review Committee (ARC). The ARC stated that the sign appeared to be consistent with other digital freeway signs within the City and had no comments regarding the size or design. The ARC voted to recommend approval of the project.

Operating Agreement

Pursuant to RMC Section 17.75.090(C), digital freeway signs shall only be permitted when the City has entered into an operating agreement with a digital freeway sign owner to allow for digital billboards under certain circumstances, including compensation to the City; the provision for the City to access the billboard for messages of community information, interest, and public safety; use of the billboard for the display of "Amber Alert" messages and emergency disaster communications; and the establishment of quality and maintenance standards.

Similar to existing digital sign operating agreements between the City and other sign operators, the City and Orion 50 will enter into an operating agreement under which Orion will pay a maximum administrative fee to City of \$2,000/month with a 2% annual escalator starting in year 7. Orion will display Amber Alert messages and will allow the City to promote non-commercial City and community messages on a space available basis. The proposed operating agreement negotiated between the City and Orion 50 has been reviewed by the City Attorney and was found to be in compliance with the requirements of the RMC. Staff recommends that the Planning Commission recommend that the City Council approve the proposed operating agreement, as indicated in the draft resolution for approval included with this packet.

Environmental Determination

In 2012, a Mitigated Negative Declaration (MND) prepared for the Digital Freeway Sign Program was approved per City Council Resolution 2012-35. Project specific analysis was conducted for the three sites that were proposed at the time (one at the by-pass route area of SR 65 off of Five Star Boulevard, one along State Route 65 between Blue Oaks Boulevard and West Oaks Boulevard, and one along I-80 at the Mercedes Benz dealership) and potential impacts of the implementation of the Digital Freeway Sign Program, including construction and operation of the proposed signs, were identified in the MND document. All of the potentially significant environmental impacts of the project identified in the MND were mitigated to a less than significant level.

The West Marine Digital Freeway Sign Design Review project involves: 1) re-locating the digital freeway sign that was approved but never installed at the Mercedes Benz dealership along I-80 to the improved parking lot/landscape area of the existing West Marine business along I-80 located at 4445 Granite Drive, and 2) modifying the design of the proposed sign to better fit at the new location. The sign, as proposed, would be consistent with the City of Rocklin's Digital Sign Program (Rocklin Municipal Code 17.75.090). These changes were reviewed in a 15162 Analysis, which was prepared by the City and included as **Attachment 2** to this packet, and summarized below.

The analysis found that the original Digital Freeway Sign MND adequately evaluated the potential environmental impacts of the development of the West Marine Digital Freeway Sign Design Review project. The MND contemplated three digital freeway signs overall, including one to be located along I-80 on the Mercedes Benz site. Although the new digital freeway sign is proposed approximately 1,300 feet northeast of the Mercedes site, the design of the proposed sign, the physical characteristics of the proposed site, its adjacency to the I-80, and the relative proximity to the original location are all such that the findings and conclusions of the MND adequately address the current application.

Like the Mercedes Benz site, the physical setting of the proposed West Marine location has been previously disturbed by development and now functions as improved parking lot/landscape areas. Given this, the new location does not represent any significant differences in potential environmental impacts that are specific to a project's location (i.e., aesthetics, some aspects of air quality, agricultural resources, biological resources, cultural resources, hazards and hazardous materials, some aspects of noise, and some aspects of transportation/traffic).

Because the West Marine Digital Freeway Sign Design Review will introduce the same development (the placement of a digital freeway sign) that is consistent with what was

*Planning Commission Staff Report
West Marine Digital Freeway Sign
June 19, 2018
Page 9*

anticipated by the original project, and because the development would be consistent with the surrounding, existing, and anticipated development and would not include any aspects that would introduce new or increased environmental impacts, it was determined that it would be appropriate to rely upon the prior MND for purposes of CEQA compliance. Based on the analysis provided above, no new significant environmental impacts would occur and no substantial increases in the severity of previously identified significant effects would be anticipated. None of the conditions described in CEQA Guidelines sections 15162, 15163 and 15164 calling for the preparation of a supplement, subsequent or addendum to a negative declaration or EIR are present, and therefore, no subsequent or EIR or supplemental EIR or addendum to an EIR is required pursuant to CEQA. Mitigation Measures which were included with the previously-approved MND have been included with the proposed project as Conditions of Approval. No further environmental review is necessary.

Attachments:

- 1) City Council Resolution No. 2012-37
- 2) CEQA Analysis - 15162

Prepared by Nathan Anderson, Senior Planner

RESOLUTION NO. 2012-37

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
 APPROVING A DESIGN REVIEW
(Digital Freeway Sign Program / Design Review - Mercedes Benz of Rocklin Site)
(DR-2008-07A)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. Approval of Design Review (DR-2008-07A) is required to authorize the construction of a 48 foot tall digital freeway sign on the property at the existing Mercedes Benz of Rocklin site - 4747 Granite Drive (APN 045-102-028).

B. A Mitigated Negative Declaration of environmental impacts was prepared for this project and has been approved via City Council Resolution No. 2012-35.

C. Due to the application of operating provisions contained within the City of Rocklin Digital Freeway Sign Program, the sign will not create any adverse glare or light impacts on adjoining properties.

D. The dimensions, placement, and design of the sign are compatible with the existing building and structures, surrounding development and the environment.

E. The design of the structure is consistent with the goals, policies, and land use designations in the General Plan and will comply with all the standards, regulations, and restrictions outlined in Zoning Ordinance Amendment (ZOA-2008-01)/Digital Freeway Sign Program, being processed concurrently.

Section 2. The Design Review (DR-2008-07A) for a 48 foot tall digital freeway sign at the Mercedes Benz of Rocklin site as depicted in Exhibit A, attached hereto and by this reference incorporated herein, is hereby approved subject to the conditions listed below. The approved Exhibit A shall govern the design and construction of the project. Any condition directly addressing an element incorporated into Exhibit A shall be controlling and shall modify Exhibit A. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Concurrent Approvals

Approval of this Design Review (DR-2008-07A) is contingent upon City Council approval of the Zoning Ordinance Amendment (ZOA-2008-01) being processed concurrently and an operating agreement between the applicant and City as required by the Digital Freeway Sign Program.

2. Sign Design and Operation

- a. The sign shall conform to the provisions of the City of Rocklin Digital Freeway Sign Program and the sign design, materials and location as shown on Exhibit A. (PLANNING)
- b. The sign shall meet the structural design requirements of the California Building Code and the electrical design and installation requirements of the California Electric Code. Plans for the structural design shall be prepared by a California Licensed Engineer or Architect and the electrical design by a qualified licensed professional. (BUILDING)
- c. Installation and operation of the sign shall conform to all applicable state and federal regulations including the Outdoor Advertising Act. (BUILDING, PLANNING)
- d. The operation of the digital signs shall comply with the following at all times:

- 1) No special visual effects that include moving or flashing lights shall accompany the transition between two successive messages, and no special visual effects shall accompany any message display;
- 2) Both screens shall be coordinated such that image changes occur simultaneously and not in an alternating fashion, or the image on the top screen may remain static while the primary screen changes, but in no case shall changes to the screens be alternating in such a way as to create a flashing or blinking effect.
- 3) The operator shall report to the City of Rocklin its intention of installing, implementing or using any technology that would allow interaction with drivers, vehicles or any device located in vehicles, including, but not limited to a radio frequency identification device, geographic positions system, or other device, a minimum of 30 days in advance of such operation, and shall not proceed with such operation until approved by the City of Rocklin.

(PLANNING, CITY ATTORNEY)

3. Utilities

All utilities shall be provided to the project in compliance with all standards and requirements of the applicable provider. (UTILITY PROVIDERS)

4. Geotechnical Information

Application for a building permit shall be accompanied by all necessary geotechnical and site boring information. (BUILDING)

5. Cultural Resources

The following information shall be included as a note on the Building Plans:

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted and

a qualified professional archaeologist and the United Auburn Indian Community (UAIC) shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA (i.e., whether it is a historical resource, a unique archaeological resource, or a unique paleontological resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources would include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and cultural associations, and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to archaeological and cultural artifacts.

In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, until compliance with the provisions of Sections 15064.5 (e)(1) and (2) of the CEQA Guidelines, as well as Public Resources Code Section 5097.98, has occurred. If any human remains are discovered, all work shall stop in the immediate vicinity of the find and the County Coroner shall be notified, according to Section 7050.5 of the California Health and Safety Code. The City's Community Development Director shall also be notified. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods, and the landowner shall comply with the requirements of AB2641 (2006). (PLANNING)

6. De-watering if Groundwater Encountered

The following information shall be included as a note on the Building Plans:

If ground water is detected and de-watering is determined to be necessary, arrangements shall immediately be implemented to ensure that such water is collected within an appropriate pump truck or other acceptable collection method and transported for proper disposal at an

approved location to the satisfaction of the Building Official. (BUILDING, CDD DIRECTOR)

7. Soil Removal and Disposal

The following information shall be included as a note on the Building Plans:

All dirt/soil extracted as part of the sign installation shall be collected, covered and transported from the site for disposal at an approved landfill or other location deemed acceptable to the satisfaction of the Building Official. (BUILDING, CDD DIRECTOR)

8. Removal of Existing Monument Signage Along Interstate 80 and Restoration of Site Features

The existing Mercedes Benz monument sign located along I-80 shall be completely removed and impacts to landscaping, irrigation or the existing water feature created by monument sign removal or installation of the Digital Freeway Sign shall be repaired to the satisfaction of the Community Development Director prior to final inspection or operation of the Digital Freeway Sign. (PLANNING)

9. Removal of Existing Static Billboard(s) on Within the Interstate 80 Corridor

At least one of the existing static billboards on I-80 shall be removed prior to the Digital Freeway Sign becoming operational.

10. Ongoing Tree Maintenance

- a. Prior to building permit issuance and the onset of any tree maintenance activities, the height and general condition of all trees to be maintained in the vicinity of the digital freeway sign shall be documented by the applicant. This documentation (photographic and other) shall be submitted to the Community Development Director for review and acceptance.

Existing native and/or ornamental trees located in the vicinity of the digital sign may be maintained such that the height of the trees does not exceed existing levels. However, maintenance practices shall not be permitted which significantly alter the natural shape, form or viability of the trees. Ongoing

maintenance shall be to the satisfaction of the Community Development Director.
(PLANNING)

- b. In the event that the existing native and/or ornamental trees in the vicinity of the digital sign are significantly damaged through ongoing maintenance (e.g. pruning), those over-pruned trees may be required to be replaced. Species and size of all replacement trees shall be to the satisfaction of the Community Development Director. (PLANNING)

11. Validity

This approval shall expire in two years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on February 28, 2012, by the following vote:

AYES: Councilmembers: Hill, Yuill, Ruslin, Storey

NOES: Councilmembers: Magnuson

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

Brett Storey, Mayor

ATTEST:

Barbara Ivanusich, City Clerk

T:\clerk\reso\Digital Freeway Sign\RESO Design Review Mercedes Benz.doc

EXHIBIT A

(Digital Freeway Sign Program / Design Review - Mercedes Benz of Rocklin Site)
(DR-2008-07A)

Design Review Documents are available at the Community Development Department

MERCEDES-BENZ OF ROCKLIN

4747 GRANITE DRIVE, ROCKLIN, CA

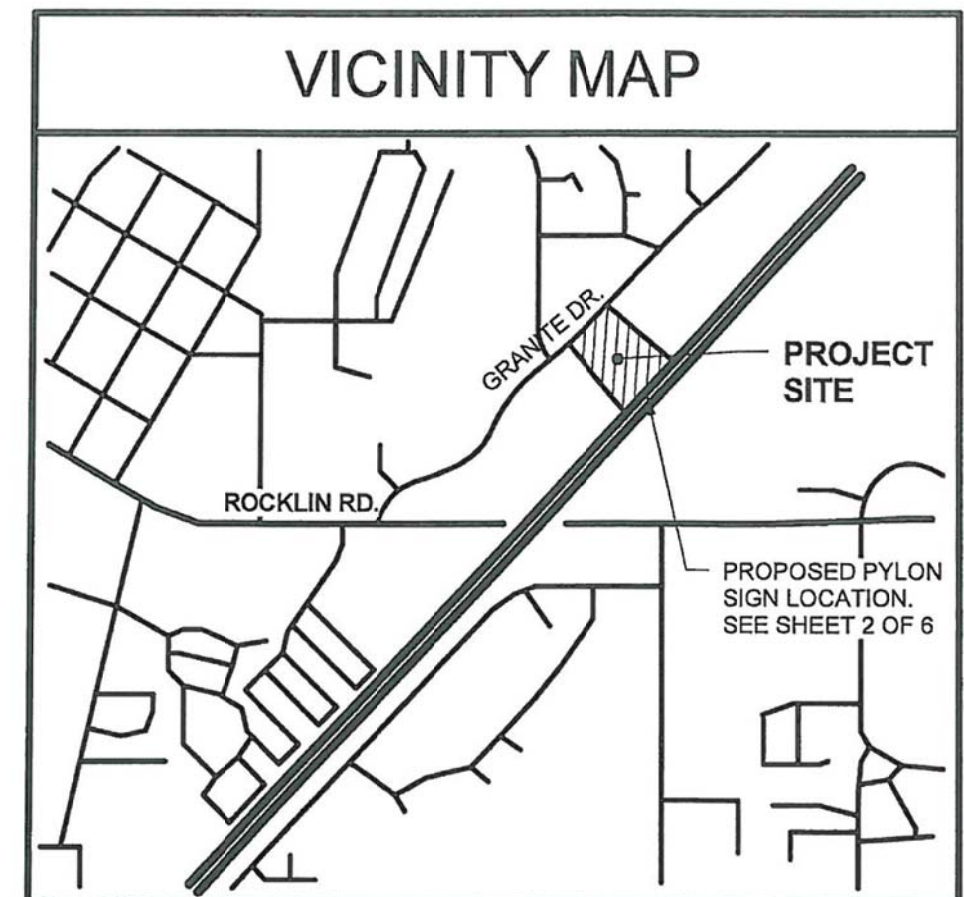
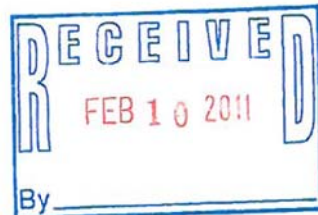
LED PYLON SIGNAGE

EXHIBIT A

FILE NO. DR-2008-07A

DRAWING INDEX

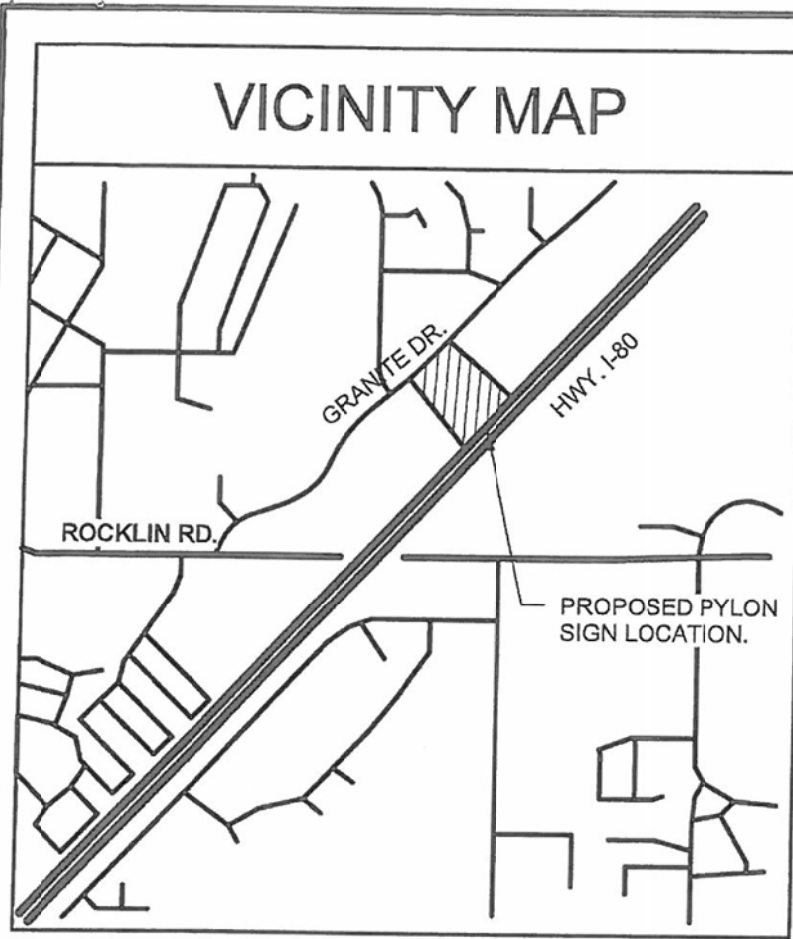
- 1 OF 4 - COVER SHEET AND VICINITY MAP
- 2 OF 4 - SITE PLAN - LED PYLON SIGN
- 3 OF 4 - PLAN VIEW - LED PYLON SIGN
- 4 OF 4 - SITE SECTION AT HWY. I-80
- 1 OF 1 - LED PYLON SIGN ELEVATIONS AND RENDERING
- 1 OF 1 - LED PYLON SIGN SHOP DRAWINGS



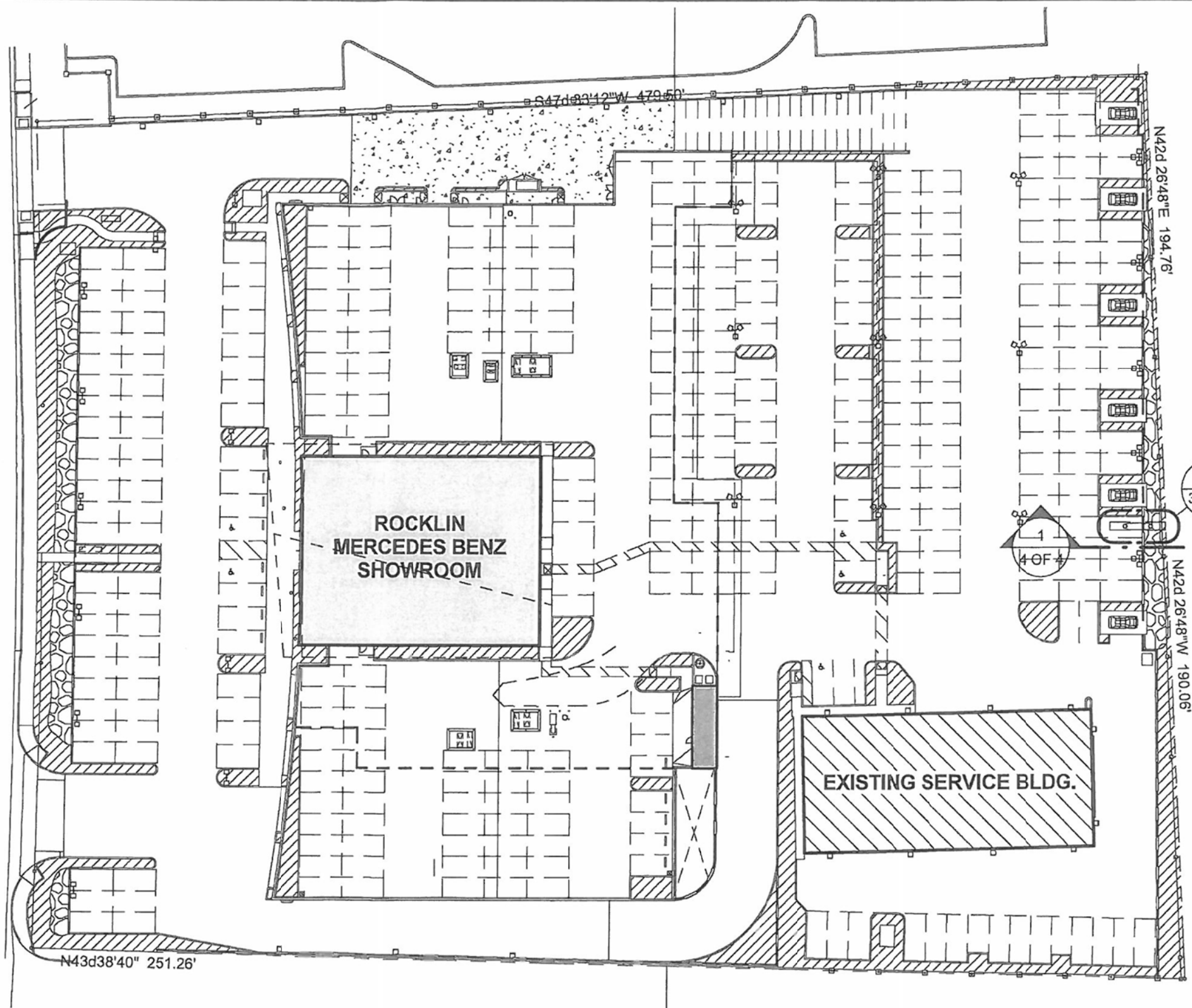
MARCA TECTS

240 Market Pl.
Escondido, CA 92029
Phone: (760) 743 4109
Fax: (760) 743 4106
Website: marcatect.biz
E-mail: marca@marcatect.biz

MERCEDES BENZ OF ROCKLIN
4747 GRANITE DR.
ROCKLIN, CA
1 OF 4
COVER SHEET AND VICINITY MAP



GRANITE DR.



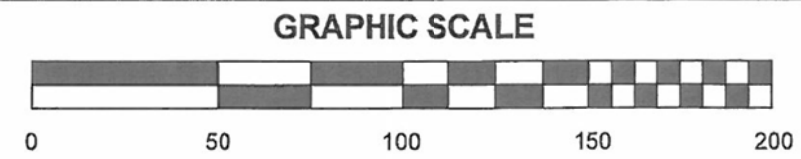
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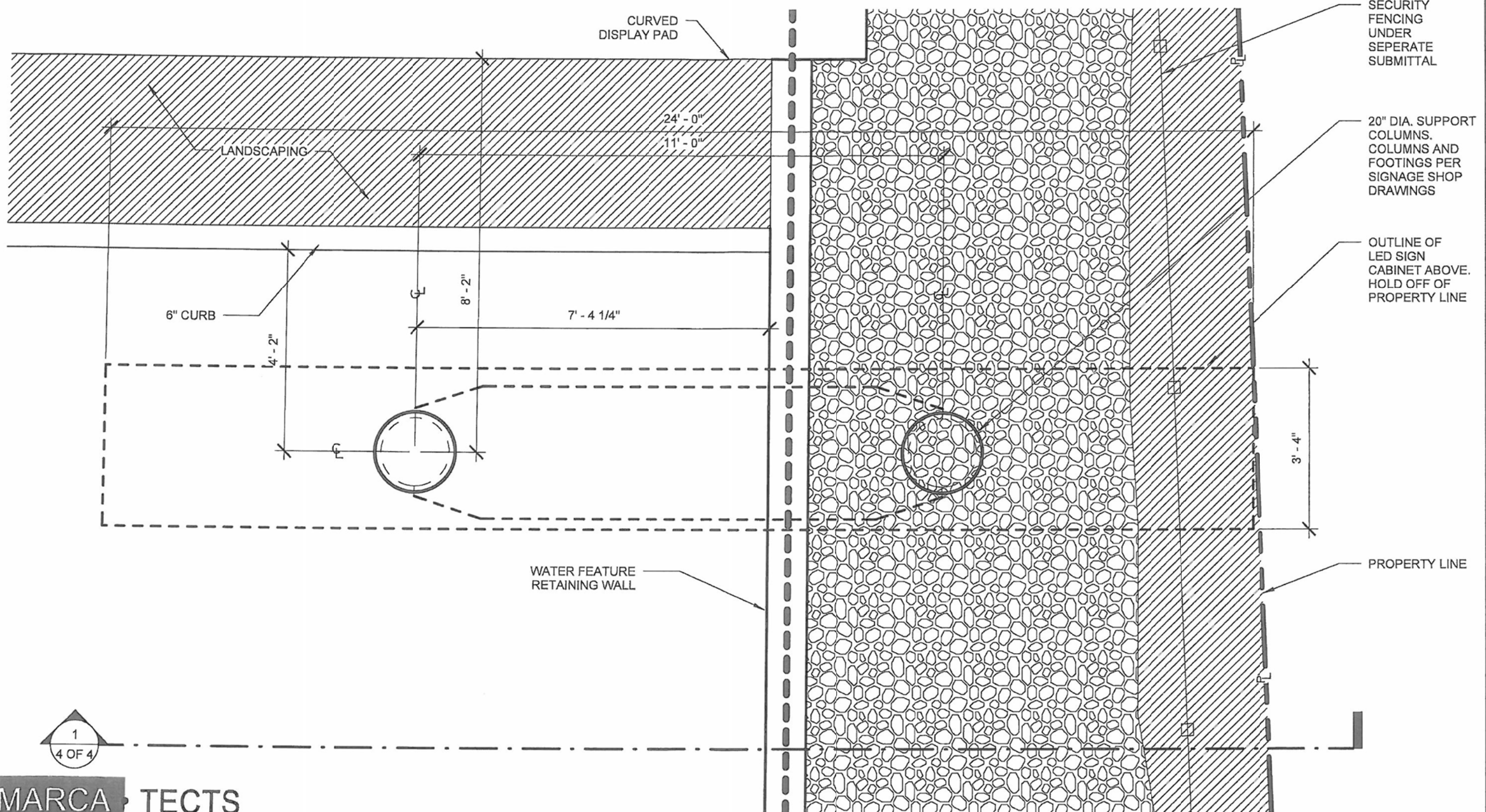
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Fax: (760) 743 4106
Website: marcatect.biz
Email: marca@marcatect.biz

MERCEDES BENZ OF ROCKLIN
4747 GRANITE DR.
ROCKLIN, CA
2 OF 4
SITE PLAN - LED PYLON SIGN

① **SITE PLAN - LED PYLON SIGN**
1" = 50'-0"





1
4 OF 4

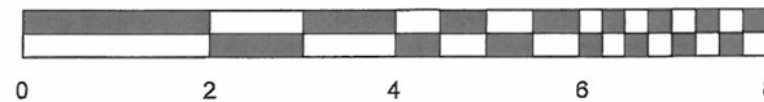
MARCA TECTS

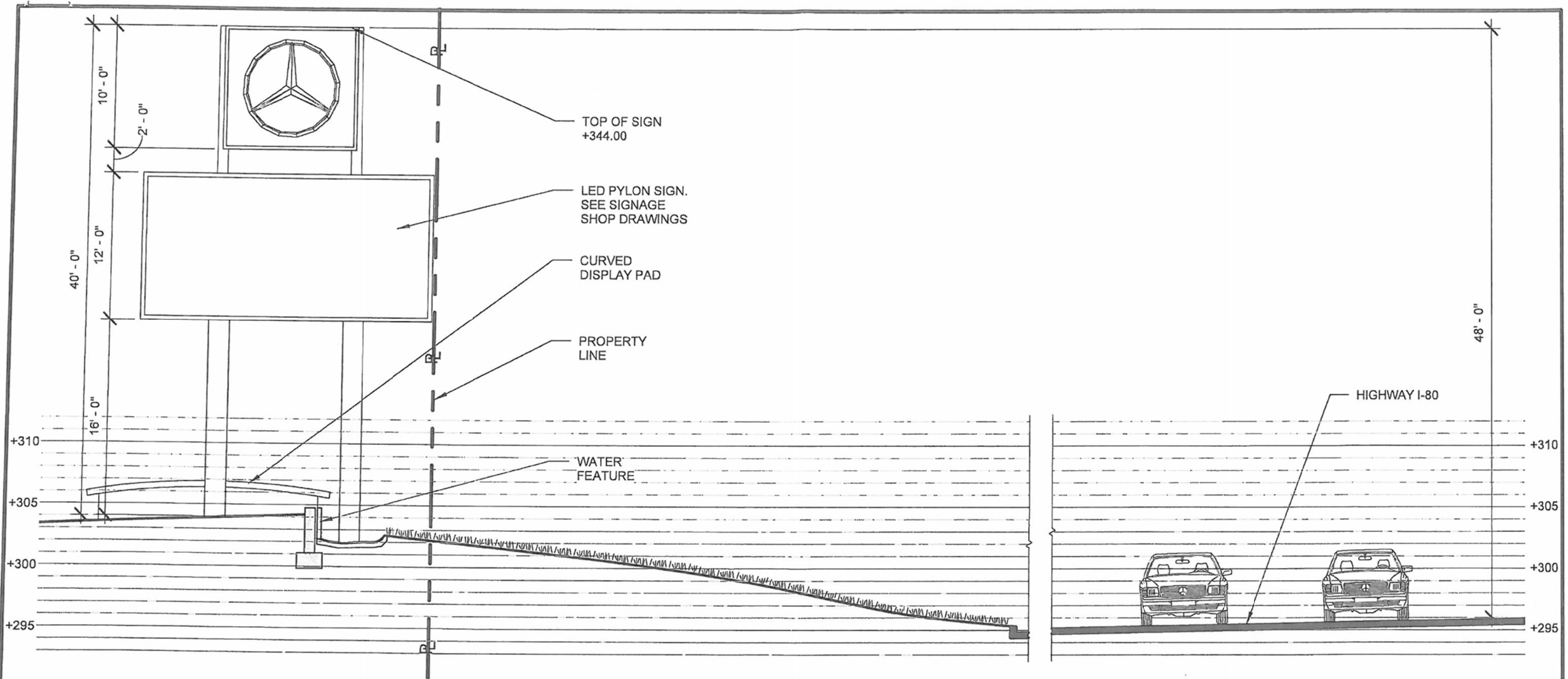
240 Market Pl
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Fax: (760) 743-4108
Website: marcatect.biz
Email: marca@marcatect.biz

MERCEDES BENZ OF ROCKLIN
4747 GRANITE DR.
ROCKLIN, CA
3 OF 4
PLAN VIEW PYLON SIGN

① **PYLON SIGN - PLAN VIEW**
1/2" = 1'-0"

GRAPHIC SCALE

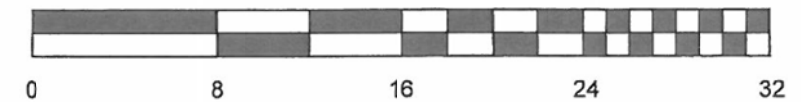




SIGNAGE CROSS SECTION

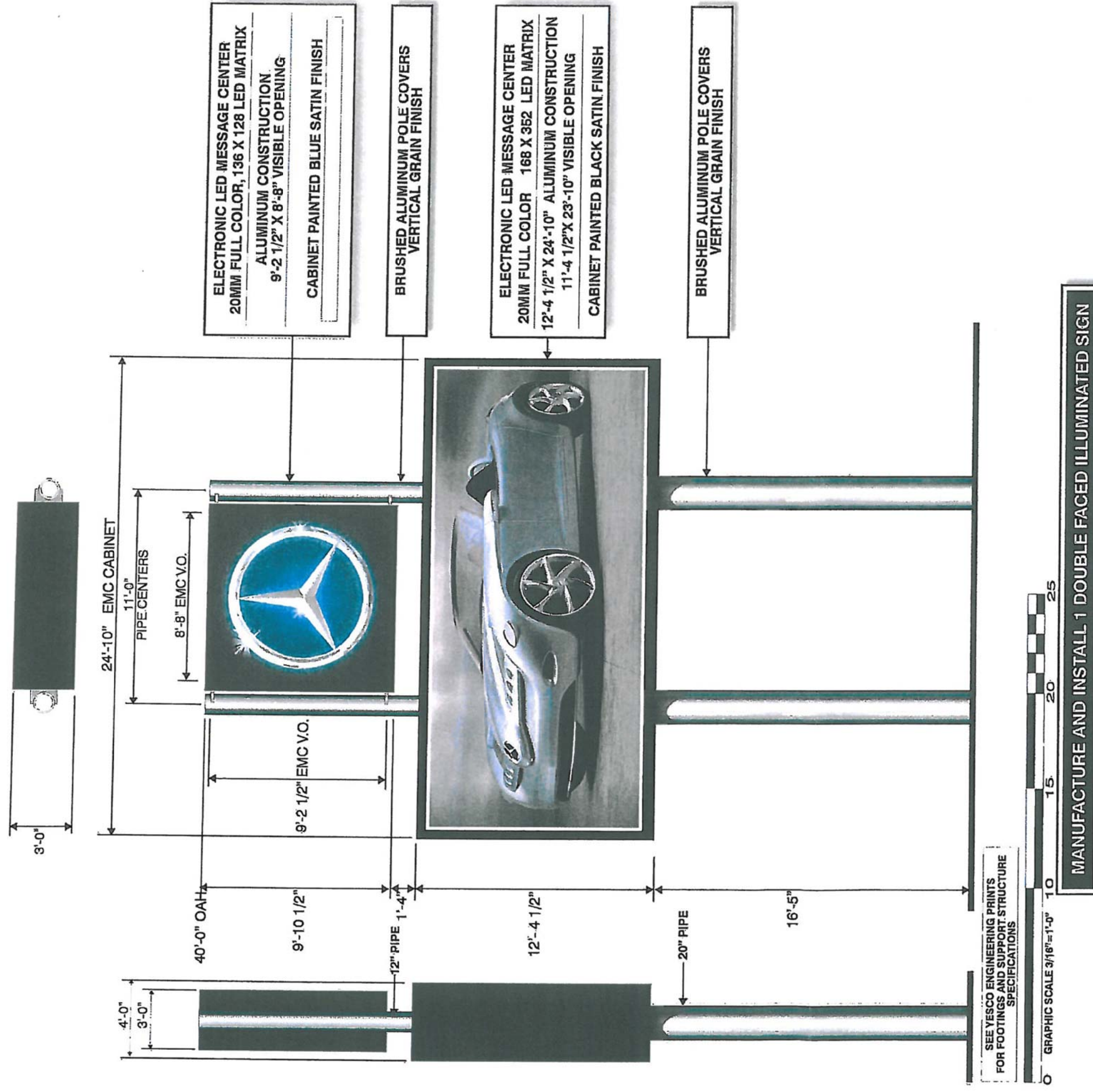
① 1/8" = 1'-0"

GRAPHIC SCALE

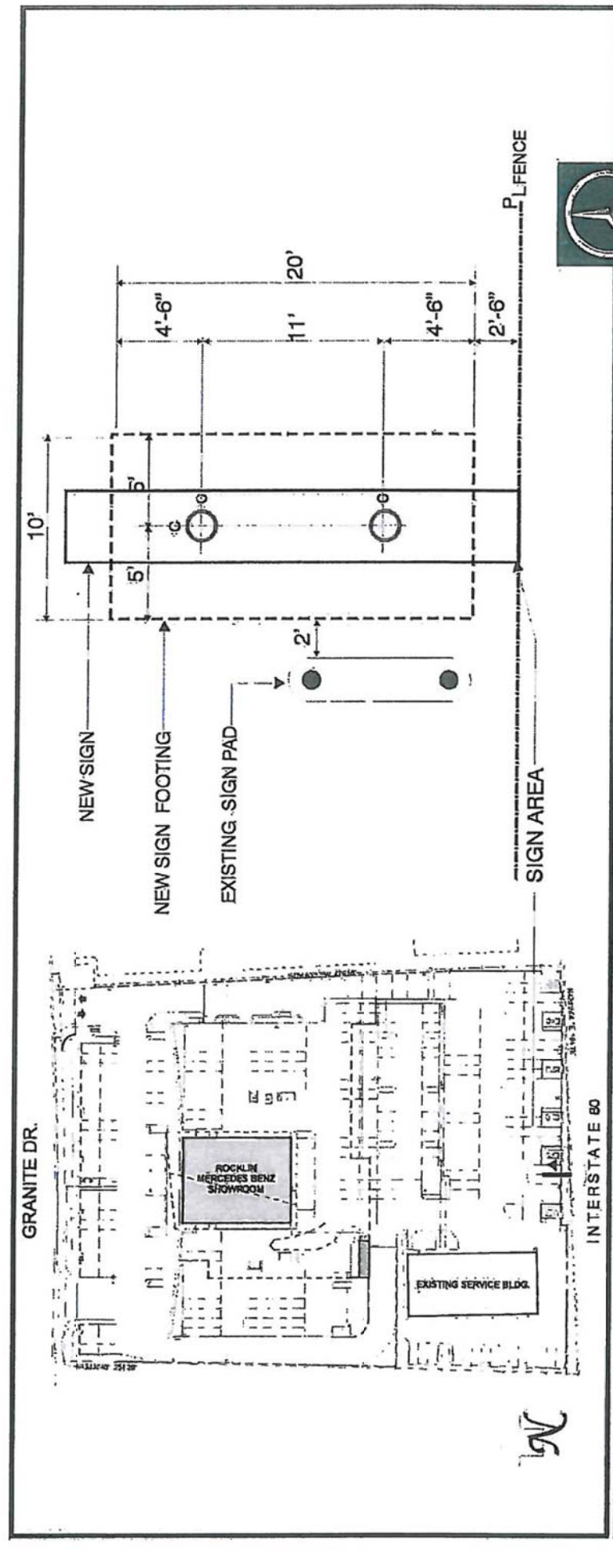


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 E-mail: marca@marcatect.biz

MERCEDES BENZ OF ROCKLIN
 4747 GRANITE DR.
 ROCKLIN, CA
 4 OF 4
 SITE SECTION AT I-80 HWY.



YESCO TO REMOVE EXISTING DOUBLE FACED SIGN AND DISPOSE



YESCO

Sacramento Branch
BENJAMIN BRANCH
1915 North Market Blvd, Suite 8
Sacramento, CA 95834
Tel: 916-418-8101

Needs to the Customer
This document is prepared for the customer and is not to be used for any other purpose without the written consent of YESCO. The customer is responsible for providing all necessary information and approvals. YESCO is not responsible for any errors or omissions in this document.

APPROVALS

DATE	BY	FOR

07-5596.R-3
sheet 1 of 1
DATE: 5/16/09

VON HOUSEN
ROCKLIN, CALIF
TOM HUFF

SPECIFICATIONS:

WIND LOAD:

2007 CBC, 85mph, Exposure C

STRUCTURAL STEEL:

Design and fabrication according to AISC-ASD, 9th edition.

Plate, angle, channel, tee and wide flange: ASTM A36, Fy = 36ksi.

Round pipe: ASTM A53 Grade B or equivalent, Fy = 35ksi.

Square and rectangular tube: ASTM A500 Grade B, Fy = 46ksi.

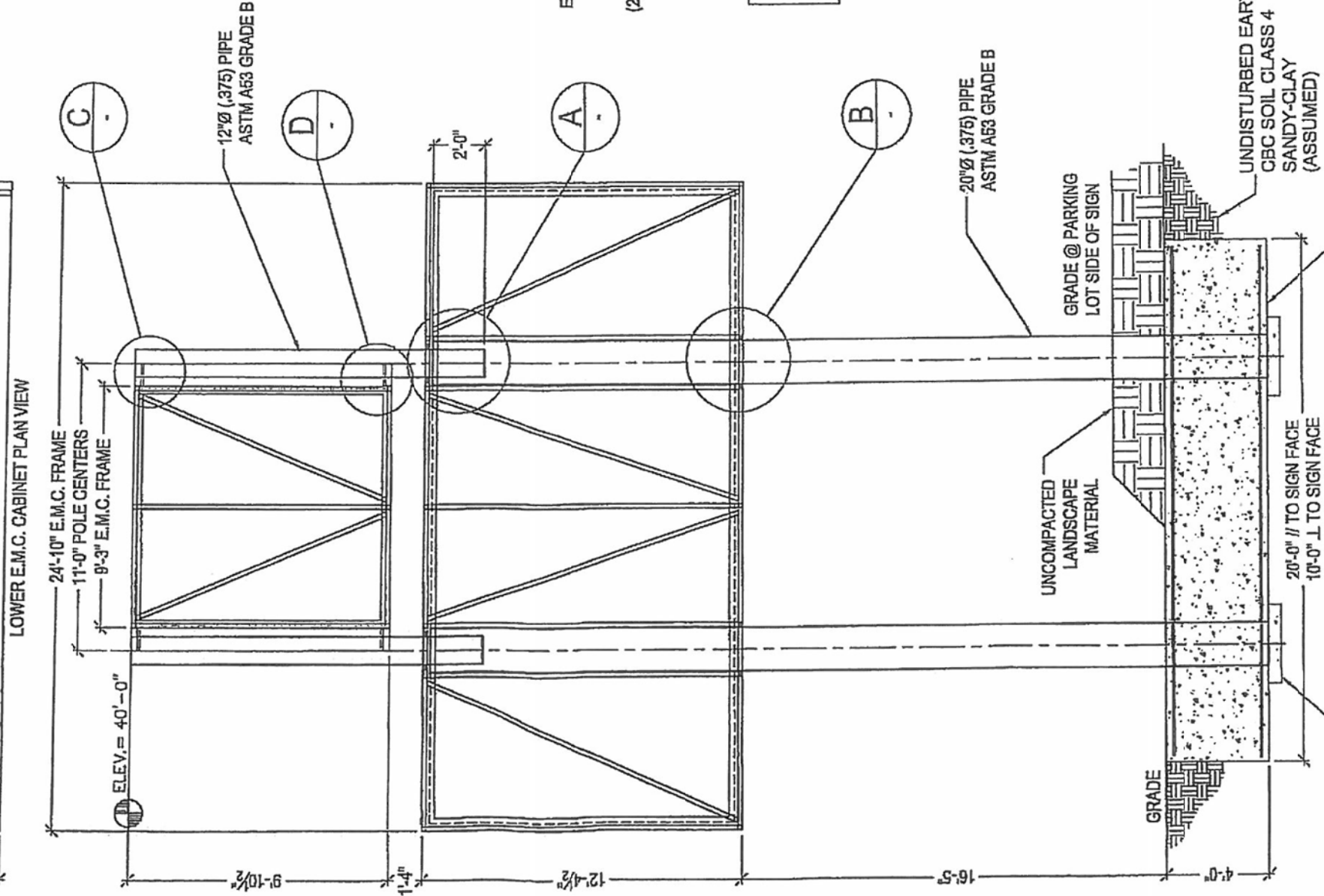
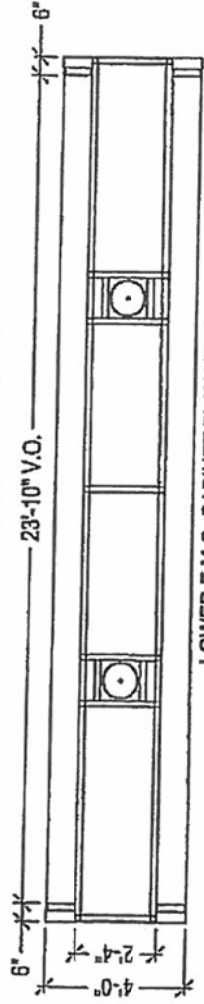
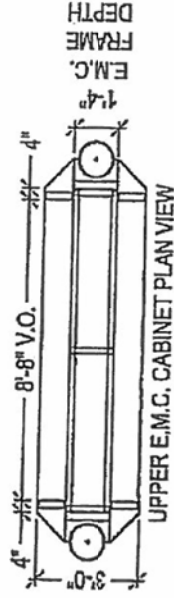
Steel for reinforced concrete: ASTM A615, Grade 60.

WELDING:

Design and fabrication according to AWS D1.1, current edition.
AWS certification required of all structural welders.
E70XX electrodes for SMAW processes.

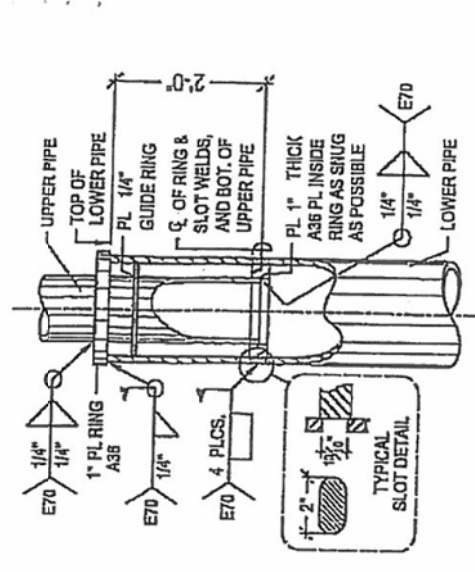
CONCRETE:

Design and construction according to ACI 318-95.
Compressive strength at 28 days, f'c = 2,500 psi minimum.

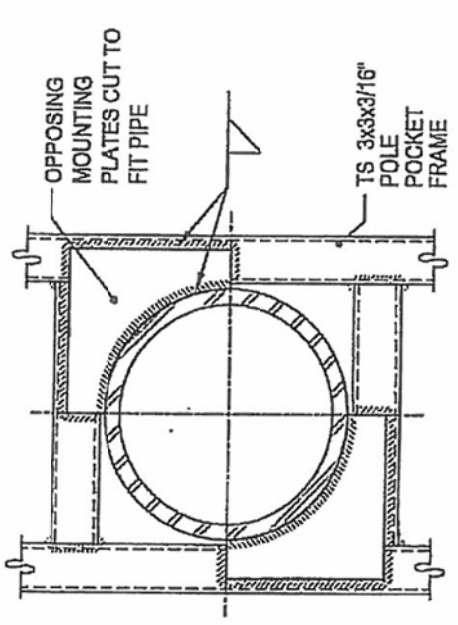


ELEVATION VIEW
SCALE: 3/16" = 1'-0"

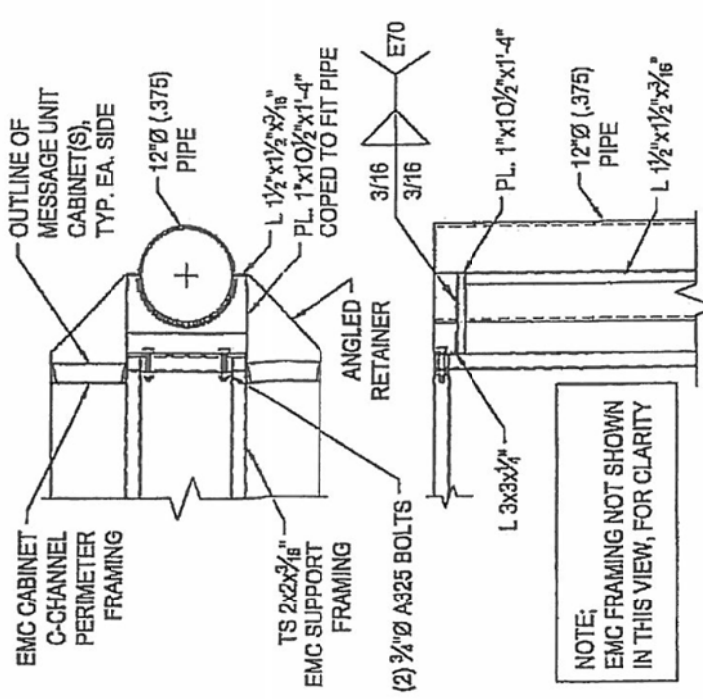
UNCOMPACTED LANDSCAPE MATERIAL
GRADE @ PARKING LOT SIDE OF SIGN
UNDISTURBED EARTH- CBC SOIL CLASS 4 SANDY-CLAY (ASSUMED)
2500 PSI CONCRETE FTG. W/ #6 REBAR @ 10" O.C.
CONCRETE PLACEMENT PADS, TYP. EACH PIPE



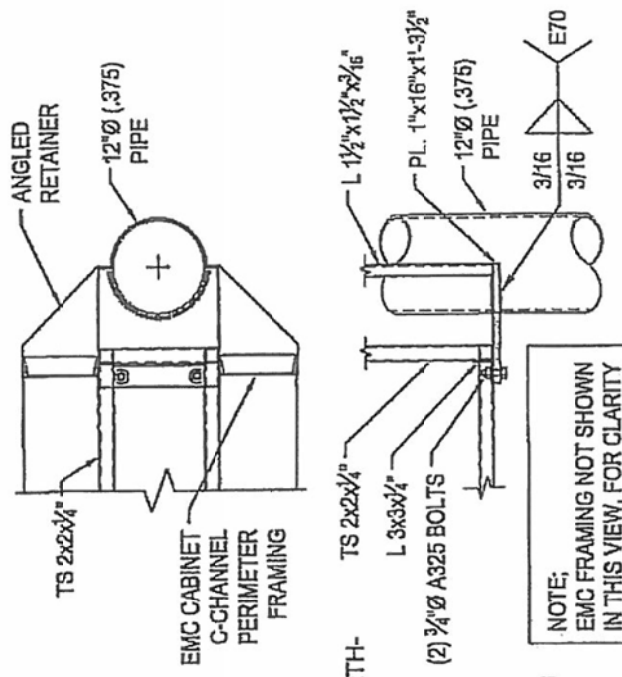
A SLEEVE DETAIL
SCALE: N.T.S.



B TYPICAL POLE POCKET DETAIL
SCALE: N.T.S.



C CABINET TO PIPE CONNECTION
SCALE: 1/2" = 1'-0"



D CABINET TO PIPE CONNECTION
SCALE: 1/2" = 1'-0"

NOTE: EMC FRAMING NOT SHOWN IN THIS VIEW, FOR CLARITY

NOTE: EMC FRAMING NOT SHOWN IN THIS VIEW, FOR CLARITY



engineering

JOB NAME: YON HOUSEN MOTORS

DESCRIPTION: 40' OAH PYLON SIGN

LOCATION: ROCKLIN, CA

DATE: 9-19-08 BY: BARNEY W.

JOB NO. _____ SHT. _____ OF _____

West Marine Digital Freeway Sign Design Review (DR2018-0003) and
Digital Freeway Sign Relocation Design Review (DR2017-0015)

15162 Analysis

PROJECT DESCRIPTION:

The West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects consist of the following: 1) a request for a Design Review entitlement to install a new digital freeway billboard sign along Interstate 80 (I-80) in the improved parking lot/landscape area of the existing West Marine business located at 4445 Granite Drive, and 2) a request for the relocation of the existing digital freeway billboard sign located along State Route 65 (SR-65) between Blue Oaks Boulevard and West Oaks Boulevard to a new location approximately 80 feet to the south in the improved parking lot area of the existing Rocklin 65 Office and Business Plaza located at 6550 Lonetree Boulevard.

The new West Marine Digital Freeway Sign will be approximately 65 feet tall with a 672 square foot (14' x 48') screen facing both directions of traffic on I-80. The existing digital freeway sign along State Route 65 that will be relocated would not involve any modifications to the height or total area of the existing sign (45 feet tall, 672 square foot screen [14' x 48'] facing both directions of traffic on SR-65).

Both digital freeway billboard signs will be consistent with the City of Rocklin's Digital Sign Program, which is discussed below.

CITY OF ROCKLIN DIGITAL FREEWAY SIGN PROGRAM (Rocklin Municipal Code 17.75.090)

The City of Rocklin Digital Freeway Sign Program allows for up to three digital freeway signs in the City, separated as follows: one on the I-80 corridor, one on the SR-65 by-pass route, and one on the balance of the SR 65 corridor. The Digital Freeway Sign Program also includes a description of what constitutes a digital freeway sign, when and how they are permitted, standards for illumination, minimum display time, maximum face size, application of future technologies, and digital face replacement requirements.

Consistent with the Digital Freeway Sign Program, two digital freeway signs have been installed along State Route 65, one at the by-pass route area off of Five Star Boulevard, and one between Blue Oaks Boulevard and West Oaks Boulevard; the latter is the subject of the relocation project as described above under the Project Description heading. A third digital freeway sign was approved to be located at the Mercedes Benz dealership along I-80, however this digital freeway sign was never installed and it is now proposed that the I-80 digital freeway sign location as allowed under the City's program be relocated to the parking lot/landscape area of the existing West Marine business, as described above under

the Project Description heading. The West Marine business is located approximately 1,300 feet to the northeast along I-80 from the Mercedes Benz dealership.

PRIOR ENVIRONMENTAL REVIEW:

In 2012, a Mitigated Negative Declaration (MND) for the Digital Freeway Sign Program was approved per City Council Resolution 2012-35. Project specific analysis was conducted for the three sites that were proposed at the time (one at the by-pass route area of SR 65 off of Five Star Boulevard, one along State Route 65 between Blue Oaks Boulevard and West Oaks Boulevard, and one along I-80 at the Mercedes Benz dealership) and potential impacts of the Digital Freeway Sign Program were identified in the MND document. All of the potentially significant environmental impacts of the project identified in the MND were mitigated to a less than significant level.

RELIANCE ON PRIOR ENVIRONMENTAL REVIEW:

The potential environmental impacts of the Digital Freeway Sign Program project were analyzed as required by the California Environmental Quality Act (CEQA) in an Initial Study/Mitigated Negative Declaration which was previously approved by the Rocklin City Council acting as the lead agency through Resolution 2012-35. Once a project has been approved, the lead agency's role in project approvals is completed, unless further discretionary approval on that project is required. In this case, because the West Marine Digital Freeway Sign and Digital Freeway Sign Relocation projects are requesting additional land use entitlements (Design Review) and further discretionary approval, the City must examine the adequacy of the prior environmental review.

Public Resources Code section 21166 and Section 15162 provide the framework for analysis of the adequacy of prior environmental review of a subsequent project. The questions that must be addressed when making a determination of whether further environmental review would be necessary are as follows:

1) Do Proposed Changes Involve New Significant Impacts?

Pursuant to Section 15162(a)(1) of the CEQA Guidelines, will substantial changes represented by the current project result in new significant impacts that have not already been considered and mitigated by the prior environmental review or a substantial increase in the severity of a previously identified significant impact?

2) Are There Any New Circumstances Involving New Impacts?

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, have there been substantial changes to the project site or vicinity (circumstances under which the project is undertaken) which have occurred subsequent to the prior environmental document, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental document or that substantially increase the severity of a previously identified impact?

3) Is There Any New Information Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, is there new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was adopted as complete that is now available requiring an update to the analysis of the previous environmental document to verify that the environmental conclusions and mitigations remain valid? If the new information shows that:

- (A) The project will have one or more significant effects not discussed in the prior environmental documents; or
- (B) That significant effects previously examined will be substantially more severe than shown in the prior environmental documents; or
- (C) That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) That mitigation measures or alternative which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative, then the preparation of a subsequent or supplemental EIR would be required.

If the additional analysis completed finds that the conclusions of the prior environmental documents remain the same and no new significant impacts are identified, or identified environmental impacts are not found to be more severe, or additional mitigation is not necessary, then no additional environmental documentation (supplemental or subsequent EIR or subsequent negative declaration) is required.

COMPARISON OF THE PREVIOUSLY APPROVED PACIFIC TECH PARK PROJECT AND ITS MND:

The adopted Digital Freeway Sign MND addressed the implementation and development of the Digital Freeway Sign Program project as follows:

- A General Plan Amendment (GPA-2011-01) to re-designate the land use for a small portion of City owned property adjacent to State Route 65 from Recreation/Conservation to Retail Commercial;
- A Rezone (Z-2011-01) to change the zoning applicable to a small portion of City owned property adjacent to State Route 65 from Open Space to Planned Development - Commercial;
- A Zoning Ordinance Amendment (ZOA-2008-01) to amend the City of Rocklin Zoning Code to add a Digital Freeway Sign Program which will allow a limited number of digital freeway sign structures;
- Design Review (DR-2008-07A and DR-2008-07B) for three digital freeway sign structures

The West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects involve: 1) re-locating the third digital freeway sign that was approved but never installed at the Mercedes Benz dealership along I-80 to the improved parking lot/landscape area of the existing West Marine business along I-80 located at 4445 Granite Drive, and 2) moving the existing digital freeway billboard sign located along State Route 65 (SR-65) between Blue Oaks Boulevard and West Oaks Boulevard to a new location approximately 80 feet to the south in the existing parking lot of the Rocklin 65 Office and Business Plaza located at 6550 Lonetree Boulevard. The signs at both locations would be consistent with the City of Rocklin's Digital Sign Program (Rocklin Municipal Code 17.75.090). These changes are analyzed below.

IMPACT ANALYSIS:

- 1) Aesthetics – the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will introduce the same digital freeway signs into relatively the same project areas as were previously considered and analyzed (the West Marine Digital Freeway Sign would be located in an existing improved parking lot/landscape area approximately 1,300 feet to the northeast along I-80 from the previously considered, analyzed and approved Mercedes Benz dealership location, and the sign associated with the Digital Freeway Sign Relocation project would move the existing sign along State Route 65 between Blue Oaks Boulevard and West Oaks Boulevard to a new location approximately 80 feet to the south in the improved parking lot area of the existing Rocklin 65 Office and Business Plaza located at 6550 Lonetree Boulevard). The areas surrounding the existing digital freeway sign along State Route 65 and the proposed relocation site include Retail Commercial uses and a highway facility, and the areas surrounding the proposed Mercedes Benz digital freeway sign site and the proposed West Marine site also include Retail Commercial uses and a freeway facility. The previously approved Mercedes Benz digital freeway sign was approved at an overall height of 48 feet as measured from the center line of the nearest freeway to the top of the digital sign structure, and the proposed West Marine Digital Freeway Sign Design Review project is proposing an overall height of 65 feet; this additional 17 feet is not anticipated to result in any new aesthetic impacts or substantially more severe aesthetic impacts. The placement of digital freeway signs in the locations being proposed is consistent with the surrounding existing and anticipated development and does not include any aspects that would introduce new aesthetic impacts.

Light and glare from the existing digital freeway sign to be relocated along State Route 65 to the Rocklin 65 Office and Business Plaza already exists, but the digital freeway sign and its associated light and glare will be moved approximately 80 feet to the south. The West Marine digital freeway sign will introduce new a new source of light and glare to the project area, however there are already existing sources of light and glare in that location from freeway frontage signage and retail commercial uses. The brightness of the LED display on digital freeway signs is subject to adjustment based on ambient

conditions. The display, for example, is adjustable, so it may be brighter in the daytime than in the darkness. The digital freeway signs have automatic light level controls to adjust light levels at night and during other darkened conditions. The signs come equipped with ambient light monitors that detect the external lightness or darkness and will automatically adjust the brightness level of the signs based on ambient light conditions. A photo-sensor adjusts the sign's lighting levels to below 65 percent of sign power during nighttime hours are required by the California energy code, and the light intensity of the displays can be preset to meet brightness regulations prescribed by local regulations (the City of Rocklin's Digital Freeway Sign Program regulates illumination levels to no more than 0.3 foot candles above ambient light and requires a light sensing device that will adjust the brightness as ambient light conditions change). Furthermore, restrictions on digital signs, imposed and enforced by Caltrans for traffic safety reasons, preclude lighting that would be directed at motorists that is so direct or intense that it could blind or confuse drivers, or create conditions that make recognition of the roadway or official signage difficult. The resulting controls effectively regulate light and glare to ensure that the operation of any digital billboard does not create a substantial new source of light or glare. This determination is consistent with the prior determination that was made in the Digital Freeway Sign MND regarding less than significant light and glare impacts.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant aesthetic impacts or substantially more severe aesthetic impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant aesthetic impacts or substantially more severe aesthetic impacts, and there is no new information requiring new analysis or verification. The analysis of aesthetics impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 2) Agricultural Resources – the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will occur in locations that are designated as urban and built up land and are not located within or adjacent to land in productive agriculture or lands zoned for agricultural uses or timberland production and do not introduce any new agricultural resources impacts.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant agricultural resources impacts or

substantially more severe agricultural resources impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant agricultural resources impacts or substantially more severe agricultural resources impacts, and there is no new information requiring new analysis or verification. The analysis of agricultural resources impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 3) Air Quality - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in similar construction and operational air quality emissions due to no changes in the number or screen size of the digital freeway signs and the vehicle trips associated with minimal on-site maintenance that will be generated by the projects. The proposed locational changes do not result in any change to the type or intensity of development beyond what was previously considered and analyzed within the Digital Freeway Sign MND, and does not include any aspects that would introduce new air quality impacts.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant air quality impacts or substantially more severe air quality impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant air quality impacts or substantially more severe air quality impacts, and there is no new information requiring new analysis or verification. The analysis of air quality impacts within the Digital Freeway Sign MND is applicable to West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 4) Biological Resources - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in the placement of two digital freeway signs in the different footprint areas as compared to those that were previously analyzed and approved. However, the new footprint areas for the digital freeway signs are located within areas that have been previously disturbed as a result of development and now function as improved parking lot/landscape areas at existing businesses; these locations do not represent riparian areas or wetlands/waters of the U.S., nor are they anticipated to support any special-status plant or animal species.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign

Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant biological resources impacts or substantially more severe biological resources impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant biological resources impacts or substantially more severe biological resources impacts, and there is no new information requiring new analysis or verification. The analysis of biological resources impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 5) Cultural Resources - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in the placement of two digital freeway signs in the different footprint areas as compared to those that were previously analyzed and approved. However, the new footprint areas for the digital freeway signs are located within previously disturbed and now improved parking lot/landscape areas at existing businesses. While these locations do not contain any historic resources and are not anticipated to contain cultural resources, there is always the potential to discover unknown resources as was contemplated in the prior Digital Freeway Sign MND. Such potential was reduced to a less than significant level with mitigation measures that were identified in the Digital Freeway Sign MND, and those same mitigation measures would be applicable to the current projects.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant cultural resources impacts or substantially more severe cultural resources impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant cultural resources impacts or substantially more severe cultural resources impacts, and there is no new information requiring new analysis or verification. The analysis of cultural resources impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 6) Geology and Soils - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the type of development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, the development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would be subject to compliance with the City's development review process and the City's Improvement Standards and Standard Specifications and

the Uniform Building Code which will reduce any potential geology and soils impacts to a less than significant level.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant geology and soils impacts or substantially more severe geology and soils impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant geology and soils impacts or substantially more severe geology and soils impacts, and there is no new information requiring new analysis or verification. The analysis of geology and soils impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 7) Greenhouse Gas Emissions – the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation projects will result in similar construction and operational air quality/greenhouse gas emissions due to no changes in the number or screen size of the digital freeway signs and associated construction emissions and vehicle trips associated with minimal on-site maintenance that will be generated by the projects. In addition, the changes contemplated by the projects will result in similar electricity usage due to no changes in the number or screen size of the digital freeway signs. The proposed locational changes do not result in any change to the type or intensity of development beyond what was previously considered and analyzed within the Digital Freeway Sign MND, and does not include any aspects that would introduce new air quality/greenhouse gas emissions impacts.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant greenhouse gas emissions impacts or substantially more severe greenhouse gas emissions impacts; there are no new circumstances involving new significant greenhouse gas emissions impacts or substantially more severe greenhouse gas emissions impacts, and there is no new information requiring new analysis or verification. The analysis of greenhouse gas emissions impacts above is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 8) Hazards and Hazardous Materials - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is

consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would be subject to compliance with various Federal, State, and local laws and regulations (including but not limited to Titles 8 and 22 of the Code of California Regulations, Uniform Fire Code, and Chapter 6.95 of the California Health and Safety Code) addressing hazardous materials management and environmental protection which will reduce any hazardous materials management and environmental protection impacts to a less than significant level. The West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects do not include any unusual uses of hazardous materials. In addition, the project sites are not on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the project sites are not located within an airport land use plan or within the vicinity of a private airstrip, the projects design and layout will not impair or physically interfere with the street system emergency evacuation route or impede an emergency evacuation plan, and the projects will be reviewed by the Rocklin Fire Department and will be designed with adequate emergency access for use by the Rocklin Fire Department to reduce the risk of loss, injury or death involving wildland fires.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant hazards and hazardous materials impacts or substantially more severe hazards and hazardous materials impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant hazards and hazardous materials impacts or substantially more severe hazards and hazardous materials impacts, and there is no new information requiring new analysis or verification. The analysis of hazards and hazardous materials impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 9) Hydrology and Water Quality - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would also be subject to the mitigation measures incorporated into Rocklin General Plan goals and policies, the City's Grading and Erosion and Sedimentation Control Ordinance (Rocklin Municipal Code, Chapter 15.28), the Stormwater Runoff Pollution Control Ordinance (Rocklin Municipal Code, Chapter 8.30),

and the City's Improvement Standards to reduce impacts to hydrology and water quality to a less than significant level. In addition, the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review project sites are located in flood zone X, which indicates that the projects are not located within a 100-year flood hazard area and outside of the 500-year flood hazard area. The project sites are not located within the potential inundation area of any dam or levee failure, nor is the project site located sufficiently near any significant bodies of water or steep hillsides to be at risk from inundation by a seiche, tsunami, or mudflow. Because of the limited size of the impact area associated with each digital freeway sign (6' x 6') and because of the existing drainage infrastructure at each digital freeway sign site, the construction and operation of the digital freeway signs is not anticipated to generate significant additional stormwater runoff. Therefore, the projects will not expose people or structures to a significant risk or loss, injury, or death as a result of flooding and a less than significant flood exposure impact would be anticipated.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant hydrology and water quality impacts or substantially more severe hydrology and water quality impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant hydrology and water quality impacts or substantially more severe hydrology and water quality impacts, and there is no new information requiring new analysis or verification. The analysis of hydrology and water quality impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 10) Land Use and Planning - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, the projects would be consistent with the City's General Plan and Zoning Ordinance. The construction of the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would not physically divide an established community and would be compatible with nearby existing and anticipated land uses.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant land use and planning impacts or

substantially more severe land use and planning impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant land use and planning impacts or substantially more severe land use and planning impacts, and there is no new information requiring new analysis or verification. The analysis of land use and planning impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 11) Mineral Resources - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would occur on sites that do not contain known mineral resources and the project is not anticipated to have a mineral resources impact.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant mineral resources impacts or substantially more severe mineral resources impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant mineral resources impacts or substantially more severe mineral resources impacts, and there is no new information requiring new analysis or verification. The analysis of mineral resources impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 12) Noise - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would be anticipated to generate noise levels similar to those that would occur with the original project. Digital freeway signs are not anticipated to have significant long-term operational noise impacts nor result in a substantial permanent or temporary increase in ambient noise levels.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant noise impacts or substantially more severe noise impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant noise impacts or substantially more severe noise impacts, and there is no new information requiring new analysis or verification. The analysis of noise impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 13) Population and Housing - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would maintain the same number and screen size of digital freeway signs as was previously approved. The West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will not directly generate employment at the project sites, do not contain areas designated for residential uses, nor do they contain existing housing. As such, the projects would not introduce unplanned growth or displace substantial numbers of people.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant population and housing impacts or substantially more severe population and housing impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant population and housing impacts or substantially more severe population and housing impacts, and there is no new information requiring new analysis or verification. The analysis of population and housing impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 14) Public Services - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations.

Regardless of the different locations, development associated with West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would not increase the need for fire protection, police patrol and police services to the sites beyond what was previously contemplated, and the need for other public facilities would not be created by the projects. The construction and operation of digital freeway signs would not require public services, except for cases of emergency, nor would they generate a need for additional public services. The construction and operation of digital freeway signs would not have an effect upon, nor would they result in a need for, fire and police protection. The operation of digital freeway signs may have a positive effect on law enforcement and emergency services if they are used to display information important to the traveling public. Similarly, the construction and operation of digital freeway signs would not have an effect upon schools, public facilities or other governmental services.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant public services impacts or substantially more severe public services impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant public services impacts or substantially more severe public services impacts, and there is no new information requiring new analysis or verification. The analysis of public services impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 15) Recreation - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would not be anticipated to increase the use of, and demand for, recreational facilities in a significant manner.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant recreation impacts or substantially more severe recreation impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant recreation impacts or substantially more severe recreation impacts, and there is no new

information requiring new analysis or verification. The analysis of recreation impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 16) Transportation/Traffic - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will not result in an increase in the number of automobile trips generated by the previously approved project because the total number of digital freeway signs is not changing. The construction and operation of the digital signs would not result in an appreciable increase in vehicle trips. Other than trips generated from the construction and minimal maintenance of the digital sign, most of which is done remotely, no other vehicle trips will be made as a result of the project.

The prior Digital Freeway Sign MND analyzed whether digital freeway signs could have potential impacts on traffic safety and determined that existing restrictions regarding location, intensity of light, light trespass, especially those enforced by the California Department of Transportation (Caltrans) under the agreements between the U.S. Department of Transportation under the Highway Beautification Act and the Outdoor Advertising Act, are anticipated to reduce potential traffic safety impacts to a less than significant level. In addition, the prior Digital Freeway Sign MND analyzed whether the project would result in potential traffic safety impacts as a result of the use of special visual effects and interactive signs and such potential was reduced to a less than significant level with mitigation measures that were identified in the Digital Freeway Sign MND. Those same mitigation measures would be applicable to the current projects.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant transportation/traffic impacts or substantially more severe transportation/traffic impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant transportation/traffic impacts or substantially more severe transportation/traffic impacts, and there is no new information requiring new analysis or verification. The analysis of transportation/traffic impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 17) Tribal Cultural Resources – the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different

locations. While the Digital Freeway Sign MND was prepared and adopted prior to the requirement to address tribal cultural resources in CEQA documents, because Public Resources Code section 21080.3.3 requires consultation to occur prior to the release of a negative declaration, mitigated negative declaration or EIR for a project and the City intends to rely upon the previous MND for the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, there is no opportunity to incorporate additional mitigation measures for the protection of tribal cultural resources.

- 18) Utilities and Service Systems - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would not increase the need for utilities and service systems to the site beyond what was previously contemplated, and the need for other utilities and public services would not be created by the project. The proposed project will require additional electrical supply and conveyance infrastructure, but will not require water supply and conveyance and treatment facilities, solid waste conveyance and landfill facilities, gas supply and conveyance infrastructure, and other utilities and services typical of commercial development.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant utilities and service systems impacts or substantially more severe utilities and service systems impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant utilities and service systems impacts or substantially more severe utilities and service systems impacts, and there is no new information requiring new analysis or verification. The analysis of utilities and service systems impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

CONCLUSION:

The Digital Freeway Sign MND evaluated the potential environmental impacts of the development of the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects. The Digital Freeway Sign MND contemplated three digital freeway signs overall, but the one new digital freeway sign (West Marine Digital Freeway Sign Design Review) and the relocated digital sign (Digital Freeway Sign Relocation

Design Review) are proposed in different locations than those previously analyzed, as described above under the Project Description heading. The physical setting of the new different locations have been previously disturbed as a result of development and now function as improved parking lot/landscape areas at existing businesses, so the new locations do not represent any potential differences in potential environmental impacts that are specific to a project's location (i.e., aesthetics, some aspects of air quality, agricultural resources, biological resources, cultural resources, hazards and hazardous materials, some aspects of noise, and some aspects of transportation/traffic).

Because the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will introduce the same development (the placement of two digital freeway signs) that is consistent with what was anticipated by the original project, and the development would be consistent with the surrounding existing and anticipated development and does not include any aspects that would introduce new or increased environmental impacts, it was determined that the prior MND would be appropriate to rely upon for purposes of CEQA compliance. Based on the analysis provided above, no new significant environmental impacts would occur and no substantial increases in the severity of previously identified significant effects would be anticipated. None of the conditions described in CEQA Guidelines sections 15162, 15163 and 15164 calling for the preparation of a supplement, subsequent or addendum to a negative declaration or EIR are present, and therefore, no subsequent or EIR or supplemental EIR or addendum to an EIR is required pursuant to CEQA.

In summary, the analysis conducted to determine if further environmental review would be necessary has resulted in the determination that the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects do not result in any environmental impacts beyond those that were previously identified and no further environmental review is necessary.

RESOLUTION NO. PC-2018-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN
 RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN OPERATING AGREEMENT
 FOR A DIGITAL FREEWAY SIGN, CITY OF ROCKLIN AND ORION 50 OUTDOOR, LLC
 INTERSTATE 80 AT WEST MARINE
(WEST MARINE DIGITAL FREEWAY SIGN)

The Planning Commission of the City of Rocklin does resolve as follows:

Section 1. The Planning Commission of the City of Rocklin finds and determines that:

A. The purpose of the Freeway Digital Sign Program is to manage development of freeway advertising structures by removing outdated billboard structures, reducing the total number of freeway billboards, and updating the freeway advertising to state of the art electronic messaging which will provide area businesses with additional advertising opportunities in a manner that minimizes visual clutter and provides an orderly, attractive, high quality image of the City.

B. The Freeway Digital Sign Program facilities can be quickly and effectively utilized to present critically important “Amber Alert” and other public safety messages to the community.

C. Approval of Design Review (DR2018-0003) authorizes the construction of a digital freeway sign on the property at the existing West Marine site - 4445 Granite Drive (APN 045-080-036).

D. The development of the project site was analyzed as required by the California Environmental Quality Act (CEQA) as a part of the Digital Freeway Sign Program Initial Study/Mitigated Negative Declaration of Environmental Impacts (MND), approved and certified by City Council Resolution No. 2012-35. Pursuant to Section 15162 of the CEQA Guidelines, no further environmental review of the West Marine Digital Freeway Sign is required, nor should be conducted, since the project is within the scope of the Digital Freeway Sign Program MND which adequately describe these activities for purposes of CEQA for the following reasons:

- i) No new significant environmental impacts nor any substantial increase in the severity of previously identified significant impacts will occur from the West Marine Digital Freeway Sign project.
- ii) No substantial changes occur with respect to the circumstances under which the project will be undertaken which will require major revisions of the previous MND due to the involvement of new significant

environmental impacts or a substantial increase in the severity of previously identified significant impacts.

- iii) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete shows any of the following:
 - a. That the project will have one or more significant effects not discussed in the previous MND;
 - b. That significant effects previously examined will be substantially more severe than shown in the previous MND;
 - c. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
 - d. That mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects of the environment, but the project proponents declined to adopt the mitigation measure or alternative.

E. City of Rocklin and Orion 50 Outdoor, LLC desire to complete the necessary operating agreement required to implement the City's Digital Freeway Sign Program on Interstate 80.

Section 2. The Planning Commission of the City of Rocklin hereby recommends that the City Council approve and authorize the City Manager to execute the Operating Agreement for a Digital Freeway Sign on the I-80 corridor in the form attached hereto as Exhibit A and by this reference incorporated herein.

PASSED AND ADOPTED on this day of , 2018 by the following roll
call vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

Pierre Martinez, Chairman

ATTEST:

Secretary

EXHIBIT A

(Digital Freeway Sign Program/I-80 Corridor Site)
Operating Agreement for Digital Freeway Sign
City of Rocklin and Orion 50 Outdoor, LLC

**Operating Agreement for Digital Freeway Sign
City of Rocklin and Orion 50 Outdoor, LLC
Interstate 80 at West Marine Site**

This Operating Agreement for a Digital Freeway Sign (hereinafter "Agreement"), dated _____, 2018 is by and between the **City of Rocklin** (the "City"), a California municipal corporation, and **Orion 50 Outdoor, LLC**, ("ORION"), a California limited liability company.

Background

Ordinance No. 979, which the Rocklin City Council adopted on March 13, 2012, after all required notices and public hearing, allows for the City to enter into an Operating Agreement to allow for Digital Freeway Signs under certain circumstances; including compensation to the City and the permanent removal of pre-existing billboards from within the City.

There is property in the City located at the West Marine Site adjacent to Interstate 80 and suitable for the operation of a Digital Freeway Sign. ORION is an outdoor-advertising company that has extensive experience in successfully installing, operating, and maintaining billboards throughout California. ORION desires to contract with the owners of the West Marine Site for the purpose of installing, operating, and maintaining a Digital Freeway Sign, and it has the requisite resources and expertise to do so successfully.

City finds that a substantial public benefit will accrue to City by reason of the advertising revenue that will be generated by ORION's outdoor advertising display and shared with City, which adds value to the community by enabling City to undertake projects, programs and other activities for the benefit of City and its businesses and residents. In exchange for providing these public benefits, ORION receives assurance that it may proceed with the construction and operation of ORION's outdoor advertising display and the Project in accordance with ordinances, resolutions and regulations existing as of the date of this Agreement, subject only to the terms and conditions contained herein.

With these background facts in mind, the City and ORION agree as follows:

1. Definitions. This section defines the terms "Agreement Year," "Business Day," "Caltrans," "Caltrans Permits," "City Permits," "City controlled real property," "City Permits," "Commencement Date," "Digital Freeway Signs," "Digital Display Area," "Effective Date," "Include," "Operational," "Site" or "West Marine Site," "Sign Structure," and "Term." Other terms are defined elsewhere in this Agreement.

(a) "Agreement Year" means one of the consecutive 12-month periods during the Term. The first Agreement Year begins on the Effective Date.

- (b) “Business Day” means any day the City’s main offices located at 3970 Rocklin Road, Rocklin, California, are open to the public.
- (c) “Caltrans” means the California Department of Transportation.
- (d) “Caltrans Permits” means all permits and approvals that ORION must obtain from Caltrans to install, operate, and maintain the Digital Freeway Signs in accordance with this Agreement.
- (e) “City controlled real property” means any property which the City owns, or property in which the City has a legal right that allows the City to exercise unencumbered operational control over the property.
- (f) “City Permits” means all building permits, zoning amendments, relocation agreements, design review approvals, and other permits, entitlements, and agreements that the City, acting in its governmental capacity, must issue or approve for ORION to install, operate, and maintain the Digital Freeway Sign in accordance with this Agreement.
- (g) “Commencement Date” means the date as of which both of the following have occurred: the City has finally approved the Plans (defined in Section 6(a)), and ORION has received all necessary governmental permits and approvals for the Digital Freeway Sign, including the Caltrans Permits and the City Permits.
- (h) “Digital Freeway Sign” means an off-site outdoor advertising sign containing two faces, utilizing digital message technology, capable of changing the static message or copy on the sign electronically. Digital Freeway Signs may be internally or externally illuminated. Digital Freeway Signs shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include flashing, scintillating lighting or the varying of light intensity. ORION will install and operate the Digital Freeway Sign on the Site in accordance with the criteria set forth in **Exhibit A** to this Agreement. The Digital Freeway Sign consists of a Digital Display Area and a Sign Structure.
- (i) “Digital Display Area” means the portion of the Digital Freeway Sign that consists of back-to-back digital (LED) display areas used for general commercial advertising, with each of the two display areas measuring 14 feet high and 48 feet wide plus a framing around the display area.
- (j) “Effective Date” means the date as of which both the City and ORION have signed this Agreement, as indicated by the dates in the signature blocks below.

- (k) "Include" and its variants are not restrictive. For example, "includes" means "includes but not limited to," and "including" means "including but not limited to."
- (l) "Operational" means the Digital Freeway Sign is capable, legally and functionally, of displaying advertising on the Message Center.
- (m) "Site" or "West Marine Site" means the real property located at 4445 Granite Drive in the City that is the location of a digital freeway sign pursuant to this Agreement.
- (n) "Sign Structure" means the portion of the Digital Freeway Sign other than the Digital Display Area, and it includes all ancillary equipment and utilities installed on the Site.
- (o) "Term" means the entire time this Agreement is in effect. As specified in Section 2.

2. Term of Agreement.

- (a) *Term.* The "Term" of this Agreement consists of two phases:
 - (1) The "Pre-Operations Phase," which begins on the Effective Date and ends with respect to the Digital Freeway Sign on the date such Digital Freeway Sign becomes Operational.
 - (2) The "Operations Phase," with regard to the Digital Freeway Sign begins when the Pre-Operations Phase ends and ends when such Digital Freeway Sign is removed.

3. Consideration. As consideration for the rights and benefits it enjoys under this Agreement, including the contemplated use during the Term, ORION shall do all of the following:

- (a) *Monthly Fee.* Each month during the Operations Phase, ORION shall pay the City the "Monthly Fee" set forth in **Schedule 1**.
 - (1) Monthly Fee is due and payable on the first day of each calendar month at the address set forth for the City in Section 9(c). Any installment of Monthly Fee that is not paid within 20 days after it is due and payable will increase by 5%.
 - (2) If the Operations Phase begins on a day other than the first day of a month, then the first and last months' installments of Monthly Fee will be prorated.
 - (3) ORION may offset the Monthly Fee if ORION is unable by reason of law or regulation, permit revocation or issuance, to continue operation of the Digital Display Area for any period of time during the Term of this Agreement in which event the Monthly Fee shall be waived in full for any such period of time.

- (4) ORION may offset the Monthly Fee if ORION has provided notice of an Obstruction under Section 4(b) and the City has not removed the Obstruction as provided therein. In such event, the Monthly Fee shall be offset in full until such Obstruction is removed as required in Section 4(b).

4. Use of Site.

- (a) *Exclusive Uses.* Except as otherwise provided in Section 5(i), ORION has the exclusive right to display outdoor advertising on the approved Digital Freeway Sign, in digital format. In addition, the City shall not authorize any off-site outdoor advertising on any City-owned or City-controlled property if the outdoor advertising would be within 1,000 feet of the Digital Freeway Sign. ORION’s exclusive right to conduct outdoor advertising on the Site includes the following:

- (1) Installing, erecting, maintaining, operating, improving, supplementing, posting, painting, illuminating, repairing, adding, changing and maintaining equipment required to maintain communications with the Digital Freeway Sign repositioning (with the City’s consent), and removing the Digital Freeway Sign and all associated equipment on or from the Site when this Agreement terminates.
- (2) Licensing the use of the Digital Freeway Sign, or any portion of it, for any lawful purpose related to outdoor advertising,
- (3) All rights to operate the sign face as Digital Display Areas as set forth in subsection 4 (a) above.

- (b) *Unobstructed Use.*

- (1) The City shall not allow the following (an “Obstruction”):
 - (A) On any City-owned or City-controlled real property in the immediate vicinity of the Site – any structure, sound wall, communications antennae, tree, or vegetation that is within 1,000 feet of the Digital Freeway Sign and obstructs the view of the Digital Display (in the sole determination of ORION) from Interstate 80.
- (2) If ORION notifies the City in writing that an Obstruction exists, and if the City authorized or actively caused the Obstruction, then the City shall remove or remedy the Obstruction at its own cost within 30 days after receiving the notice. If the City fails to remove the Obstruction within 30 days after receiving the notice, then ORION may remove the Obstruction at the City’s expense after coordinating with the appropriate department of the City.

- (3) If ORION notifies the City in writing that an Obstruction exists, and if the City did not authorize or actively cause the Obstruction, then the City may remove or remedy the Obstruction at its own cost within 30 days after receiving the notice. If the City does not remove or remedy the Obstruction within the 30 days, then, at no cost to the City, and after coordinating with the appropriate department of the City, ORION may remove the Obstruction described in the notice.
- (4) ORION's exercise of its rights under this Section 4(b) shall be the sole remedy for obstruction of the Digital Display under this Agreement.

5. Installation and Operation of Digital Freeway Sign. ORION shall install and operate the Digital Freeway Sign on the Site in accordance with this Section 5 and consistent with Section 4, all at no cost to the City.

- (a) *Plans and Specifications.* At no cost to the City, ORION shall prepare complete plans and specifications for the Digital Freeway Sign, working closely with the City to develop plans and specifications that are mutually acceptable (the "Plans"). ORION shall submit the Plans to the City for final approval, which the City shall not unreasonably withhold.
- (b) *Caltrans Permits.* As soon as practicable after the Effective Date, ORION shall apply to Caltrans for all Caltrans Permits, and the City shall cooperate with ORION in that effort, including the completion of any Caltrans forms, all at no cost to the City. All Caltrans Permits are to be obtained and secured for ORION's sole benefit and are to be issued in ORION's name. ORION shall perform all obligations under the Caltrans Permits at no cost to the City.
- (c) *City Permits.* The City shall diligently process ORION's applications for all City Permits. This Agreement does not commit the City in advance to approve the City Permits; and this Agreement does not constrain the City's discretion, acting as a government, with respect to the City Permits specifically or to the Digital Freeway Sign generally.
- (d) *Installation.* ORION shall begin installing the Digital Freeway Sign as soon as practicable after the Commencement Date and shall diligently pursue installation to completion without unnecessary interruption. ORION will be excused, however, for any delays in beginning or completing installation that are caused by a Force Majeure Event, as defined in Section 8(d)(1). ORION shall use reasonable diligence to avoid such delays and to resume work as promptly as possible after such a delay.
- (e) *Ownership.* ORION will be the owner of the Digital Freeway Sign and all permits and authorizations that relate to it, including the City Permits and the Caltrans Permits.
- (f) *Maintenance.* At no cost to the City, ORION shall maintain the sign structures and shall maintain, repair, and improve the Digital Freeway Sign in accordance with the standards of the outdoor-advertising industry. ORION's maintenance obligation under this Section

5(f) includes the obligation to remove any graffiti from the Sign Structure and the Digital Freeway Sign. The City is not obligated to maintain the sign structure or to maintain or repair the Digital Freeway Sign.

- (g) *Damage or Destruction.* At ORION's sole option, this Agreement will continue in full effect if the Digital Freeway Sign is damaged or destroyed in whole or part. If ORION elects to repair or replace the Digital Freeway Sign, ORION shall promptly apply for, and diligently pursue the issuance of, any permits or approvals it needs to repair or replace the Digital Freeway Sign. Within 30 days after obtaining the necessary permits and approvals, and the availability of all parts and components ORION shall begin work to repair or replace the Digital Freeway Sign. ORION shall complete the work within 180 days after the work begins. If ORION elects, under this Section 5(g), not to repair or replace the Digital Freeway Sign then ORION shall notify the City in writing of its election and shall remove the Digital Freeway Sign and restore the Site in accordance with Section 5(m); and
- (h) *Utilities.* At no cost to the City, ORION shall provide and pay for all utility connections, utility equipment, and utility service required to install, operate, maintain, repair, improve, or reposition the Digital Freeway Sign throughout the Term
- (i) *Amber Alerts and Public-Service Messages.* During all periods when Digital Display Areas are Operational on its Digital Freeway Sign, ORION shall make the advertising space on the Digital Freeway Sign available to the appropriate agencies for the purpose of displaying "Amber Alert" messages in accordance with the Amber Alert Guidelines set forth in **Exhibit B** to this Agreement. In addition, ORION shall make the advertising space on the Digital Freeway Sign available to the City, and to other government agencies with the consent of the City, which consent shall not be unreasonably withheld, and without cost, on a space-available basis determined by ORION, for the purpose of displaying public-service messages (e.g., evacuation routes, drunk-driving-awareness messages, , emergency-disaster communications). The City's messages must meet ORION's graphics-arts standards so that the messages are "camera ready," at no cost to ORION. All copy will be subject to ORION's standard advertising copy rejection and removal policies which allow ORION the right in ORION's sole discretion to approve or disapprove copy and remove copy once posted or displayed.
- (j) *City Sign.* On each side of the Sign Structure, ORION shall install, operate, maintain, and repair a City sign that faces the same direction as a Digital Display Area on the Digital Freeway Sign. The size and design of the City sign shall substantially comply with the criteria set forth in the Design Review Approval provided by the City.
- (k) *Future technologies.* The technology currently being deployed for Digital Freeway Signs is LED (light emitting diode), but there may be alternate, preferred or superior technology available in the future. ORION is authorized to change the Digital Freeway Sign to any other technology that operates under the maximum brightness standards set forth in

Section 5(l) of this Agreement. The City shall expedite any required approvals for technology that is superior in energy efficiency over previous generations or types.

- (l) *Illumination Standards.* Digital Freeway Sign illumination is expressly permitted when operated within these standards,
 - (1) Digital Freeway Signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.
 - (2) Distance to measure the foot candles impact shall be measured from a distance of 250 ft. for a sign with a nominal face size of 14' x 48'.
 - (3) Each Digital Display Area must have a light sensing device that will adjust the brightness as ambient light conditions change.

- (m) *Removal of Digital Freeway Sign.* When the Term ends, whether it expires as scheduled or is terminated early, ORION shall promptly apply for, and diligently pursue the issuance of, at no cost to the City, any permits or approvals it needs to remove the Digital Freeway Sign. Within 120 days after obtaining the necessary permits and approvals, ORION shall remove the Digital Freeway Sign from the Sites and restore the Site to its pre-Agreement condition, all at no cost to the City, except that ORION is not obligated to remove the below-ground elements of the Sign Structure.

- (n) *Compliance with Laws; Waiver of Compensation.* During the Term and while removing the Digital Freeway Signs after the Term in accordance with Section 5(m), ORION shall do the following at no cost to the City: comply with all valid and applicable statutes, ordinances, regulations, rules, and orders that concern the Digital Freeway Sign and are enacted or issued by any federal, state, or local governmental entity with jurisdiction over the Digital Freeway Sign (excluding the City) whether enacted or issued before, on, or after the Effective Date. Notwithstanding the foregoing, nothing herein shall be deemed to negate, void, or diminish (i) any claim ORION may have for just compensation as a result of any governmental action that results in the taking of its property or (ii) the right of ORION to avail itself of all remedies available to ORION under state or federal law to maintain its Digital Freeway Sign.

- (o) *Compliance with Mitigation-Monitoring Program.* During the Term and while removing the Digital Freeway Signs after the Term in accordance with Section 5(m), ORION shall comply with the Mitigation Monitoring Program attached as **Exhibit C** to this Agreement. ORION's compliance with the Mitigation Monitoring Program is a material term of this Agreement.

6. Early Termination.

- (a) *City's Termination Rights.* Without prejudice to its other remedies at law or in equity, the City may terminate this Agreement, at any time and in its sole discretion, effective 30 days after the City gives ORION written notice of termination, if any of the following circumstances occurs:
- (1) ORION breaches its obligation to pay Monthly Fee when due and does not cure the breach within 30 days after the City serves ORION with a written notice of breach.
 - (2) ORION breaches its obligation to perform in accordance with any material provision of this Agreement other than the obligation to pay Monthly Fee and (A) does not cure the breach within 30 Business Days after the City serves it with a written notice of breach or, if the breach cannot reasonably be cured within 30 Business Days, (B) does not begin work on a cure within 30 Business Days after the City serves it with a written notice of breach and diligently pursue the cure to completion within 90 days after work begins. The express designation in this Agreement of a provision as "material" does not imply that other provisions are not material.
- (b) *ORION's Termination Rights.* Without prejudice to its other remedies at law or in equity, including the right to seek just compensation under the laws of eminent domain as described in Section 5(n), ORION may terminate this Agreement with respect to any or all of the Digital Freeway Signs, at any time and in its sole discretion, effective 30 days after ORION gives the City written notice of termination, if any of the following circumstances occurs:
- (1) The view of the Message Center's display area from the portion of Interstate 80 adjacent to the Site is materially Obstructed, and ORION did not cause the Obstruction.
 - (2) ORION cannot safely use the Site to install, operate, maintain, repair, or improve the Digital Freeway Sign because of a non-remediable condition, and ORION did not cause the condition.
 - (3) There is a material diversion of traffic from, or a material reduction or change in the directional flow of traffic on, the portion of Interstate 80 adjacent to the Site, and the diversion or disruption continues uninterrupted for at least 12 consecutive months.
 - (4) ORION cannot obtain or maintain the governmental permits required to install, operate, maintain, repair, or improve the Digital Freeway Sign, including the Caltrans Permits and the City Permits.
 - (5) Use of the Digital Freeway Sign for their intended purpose is prevented or limited by law, or ORION is required by any court or other governmental entity, for reasons other than eminent domain, to remove the Digital Freeway Sign from the Site.

- (6) With respect to the Digital Freeway Sign, such Sign is damaged by a casualty for which ORION elects not to repair or replace the Digital Display Area.
- (c) *City's and ORION's Additional Termination Rights.* Without prejudice to their other remedies at law or in equity, either party may terminate this Agreement if the other party (or, for ORION, its parent company):
- (1) has an order for relief entered with respect to it, commences a voluntary case, or has an involuntary case filed against it under any applicable bankruptcy, insolvency, or other similar law then in effect, and the order or case is not stayed, withdrawn, or settled within 60 days after it is entered, commenced, or filed (11 U.S.C. § 365(e)(2)(A), as amended, or any successor statute); or
 - (2) files for reorganization, becomes insolvent, or has a receiver or other officer with similar powers appointed for its affairs in any court with jurisdiction, whether or not with its consent (unless dismissed, bonded, or discharged within 60 days after appointment).

7. Indemnification.

- (a) *Definitions.* The following definitions apply to this Section 7:
- (1) "Person" is to be interpreted broadly. It includes not just third persons but also ORION and ORION's directors, officers, employees, contractors, and agents; and the City and the City's elected officials, officers, employees, contractors, and agents.
 - (2) "Liabilities" means all liabilities, claims, demands, damages, and costs (including reasonable attorneys' fees and litigation costs through final resolution on appeal) that arise directly or indirectly from ORION's possession or use of the Site.
 - (3) "Occurrence" means (A) the death of, or injury to, any Person; and (B) damage to, or destruction of, any real property, personal property.
- (b) *General Indemnity.* ORION shall indemnify, defend (with attorneys reasonably acceptable to the City), protect, and hold the City and the City's property, (including the Sites) harmless, for the full period of time allowed by law, from and against all Liabilities that arise directly or indirectly from ORION's possession or use of the Sites. ORION is obligated under this Section 7(b) even if the City or the City's elected officials, officers, employees, contractors, or agents reviewed, accepted, or approved the work, materials, or activities from which the Liabilities arise. But ORION is not obligated under this Section 7(b) to the extent the Liabilities are caused by the active negligence or willful misconduct of the City or the City's elected officials, officers, employees, contractors, or agents. ORION's obligation under this Section 7 (b) includes Liabilities arising from any of the following:

- (1) Any Occurrence on the Site.
 - (2) Any Occurrence that is in any way connected with any of ORION’s personal property on the Site.
 - (3) Any Occurrence caused or allegedly caused by (A) any condition of the Site created by ORION or by any Person on the Site with ORION’s permission; or (B) some act or omission on the Site by ORION or by any Person on the Site with ORION’s permission.
 - (4) Any Occurrence caused by, or related in any way to, work or activities performed on the Site or materials furnished to the Site at the request of ORION or any person or entity acting for ORION or with ORION’s permission.
 - (5) Any Occurrence that is caused by, or related in any way to, a verbal or non-verbal display on the Digital Display Area.
 - (6) ORION’s failure to perform any provision of this Agreement, to comply with any requirement of law applicable to ORION, or to fulfill any requirement imposed by any governmental entity (including the City when acting as a government) on ORION or on ORION’s use of the Site.
- (c) *Legal Challenges.* Notwithstanding anything to the contrary contained in this Section 7, ORION shall be required to indemnify, defend, protect, and hold harmless the City and the City’s elected officials, officers, and employees in any litigation (including litigation based on the California Environmental Quality Act) brought to challenge the validity of this Agreement, the validity of the City Permits or the Caltrans Permits, or the validity of the City ordinances that authorize the installation and operation of the Digital Freeway Sign on the Site.
- (d) *Survival.* ORION’s obligations under this Section 7 shall survive this Agreement for the full period of time allowed by law.

8. Miscellaneous.

- (a) *Assignments and Subagreements.* A party may not assign or otherwise transfer this Agreement or any interest in it, and this Agreement is not assignable by operation of law, without the other party’s prior written consent, which the other party shall not withhold, delay, or condition unreasonably. An assignment or transfer of this Agreement does not occur, for purposes of this Section 8(a), if ORION merges with another company, reorganizes its stock, or undergoes a similar corporate restructuring, or if ORION sells any of its assets or stock. An assignment or transfer made contrary to this Section 8(a) is void. Notwithstanding the foregoing, City hereby approves a sublease by Orion to Clear

Channel Outdoor, Inc, or a parent, subsidiary, successor or affiliate under common control of Clear Channel Outdoor, Inc., provided such sublease is otherwise in compliance with the terms and conditions of this Agreement.

- (b) *Successors and Assigns.* This Agreement binds and inures to the benefit of the successors and assigns of the parties. This Section 8(b) does not constitute the City’s consent to any assignment of this Agreement or any interest in the Agreement.
- (c) *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 8(c) 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. A 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 8(c).

If to the City:
 City of Rocklin
 3970 Rocklin Road
 Rocklin, California 95677
 Attention: City Manager

If to ORION:
 Orion 50 Outdoor, LLC
 3161 Cameron Park Sr. Ste. 221
 Cameron Park CA 95682
 Attn: Beau Palley

- (d) *Force Majeure.*
 - (1) “Force Majeure Event” means a cause of delay that is not the fault of the party who is required to perform under this Agreement and is beyond that party’s reasonable control, including the elements (including floods, earthquakes, windstorms, and unusually severe weather), fire, energy shortages or rationing, riots, acts of terrorism, war or war-defense conditions, acts of any public enemy, epidemics, the actions or inactions of any governmental entity (excluding the City) or that entity’s agents, litigation, labor shortages (including shortages caused by strikes or walkouts), and materials shortages.
 - (2) Except as otherwise expressly provided in this Agreement, if the performance of any act required by this Agreement to be performed by either the City or ORION is prevented or delayed because of a Force Majeure Event, then the time for performance will be extended for a period equivalent to the period of delay, and performance of the act during the period of delay will be excused.

- (3) This Section 8(d) does not excuse (A) ORION's obligation to pay Monthly Fee when due and payable, except as otherwise provided in Subsection 3(b); or (B) either party's obligation to perform any act when performance is rendered difficult or impossible solely because of that party's financial condition.
- (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 provision in this Agreement will not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other provision. A waiver is binding only if set forth in writing and signed by the waiving party.
- (f) *Relationship of the Parties.* ORION is an independent contractor to the City and not an agent or employee of the City. No agency, joint powers agreement, or other relationship is created or intended to be created by this Agreement.
- (g) *Attorney's Fees.* If the services of any attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party, or if any judicial remedy or arbitration is necessary to enforce or interpret any provisions of this Agreement or the rights and duties of any person in relation to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and other expenses, in addition to any other relief to which such party may be entitled. Prevailing party includes (a) a party who dismisses an action in exchange for sums allegedly due; (b) the party that receives performance from the other party of an alleged breach of covenant or a desired remedy, if it is substantially equal to the relief sought in an action; or (c) the party determined to be prevailing by a court of law.
- (h) *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.
- (i) *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.
- (j) *Further Assurances.* Each party shall execute all additional documents or instruments and take all necessary action that either party reasonably considers necessary to carry out the proper purposes of this Agreement.
- (k) *Time of Essence.* Time is of the essence of this Agreement.
- (l) *Governing Law; Interpretation.* This Agreement is to be interpreted and applied in accordance with California law without regard to conflict-of-laws principles, except that the rule of interpretation in California Civil Code section 1654 will not apply. The titles of the various Paragraphs of this Agreement and elsewhere in the Contract Documents are

used for convenience of reference only and are not intended to, and shall in no way, enlarge or diminish the rights or obligations of the City or ORION and shall have no effect upon the construction or interpretation of the Agreement. The Agreement shall be construed as a whole in accordance with its fair meaning and not strictly for or against the City or ORION. Schedules 1 and Exhibits A, B, and C are part of this Agreement.

- (m) *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 Rocklin

Orion 50 Outdoor, LLC

By: _____

Steven Rudolph
City Manager

Dated: _____, 2018

By: _____

Beau Palley
Managing Member

Dated: May 23, 2018

Approved as to Form
Rocklin City Attorney

By: _____

*Operating Agreement for Digital Freeway Sign
Orion 50 Outdoor, LLC – West Marine Site*

**Schedule 1
Monthly Fee**

1. The Monthly Fee shall be as follows:
 - Years 1-6 - \$2,000 per month, or portion thereof, commencing on the first day of the Operations Phase.
 - Subsequent years - On the first (1st) day of the seventh (7th) yearly anniversary of the Operations Phase and, every year thereafter, the rent shall be increased by 2%.

*Operating Agreement for Digital Freeway Sign
Orion 50 Outdoor, LLC – West Marine Site*

Exhibit A

Digital Freeway Signs Operational Requirements

- a. **Operational Limitations.** Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement. Each static message shall not include flashing, scintillating lighting or the varying of light intensity.
- b. **Minimum display time.** Each message on the sign must be displayed for a minimum of eight (8) seconds.
- c. **Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.**
- d. **The Digital billboard shall be operated with systems and monitoring in place to either turn the display off or show a “full black” image on the display in the event of a malfunction.**

*Operating Agreement for Digital Freeway Sign
Orion 50 Outdoor, LLC – West Marine Site*

Exhibit B

Amber Alert Guidelines

AMBER alerts are issued by the National Center for Missing and exploited Children in Washington, DC. For those alerts, ORION and the outdoor advertising industry adhere to these guidelines:

Digital Freeway Sign advertising will be completely interrupted upon receipt of an AMBER Alert within the affected geographical boundary.

The appropriate AMBER Alert will run uninterrupted for a minimum of one hour preempting all other advertising.

During the next two hours, the same alert will be displayed in rotation along with other paid advertisers unless cancelled earlier. After the initial 3 hour display period, any additional posting of the alert is based on the situation and availability.

*Operating Agreement for Digital Freeway Sign
Orion 50 Outdoor, LLC – West Marine Site*

Exhibit C

**Exhibit 3 to Mitigated Negative Declaration approved by
Rocklin City Council Resolution 2012- 35
Mitigation Monitoring Program**

RESOLUTION NO. PC-2018-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DESIGN REVIEW
(Design Review – West Marine Digital Freeway Sign)
(DR2018-0003)

The Planning Commission of the City of Rocklin does resolve as follows:

Section 1. The Planning Commission of the City of Rocklin finds and determines that:

A. Approval of Design Review (DR-2018-0003) is required to authorize the construction of a digital freeway sign in a parking / landscape area of at the existing West Marine facility - 4445 Granite Drive (APN 045-080-036).

B. The development of the project site was analyzed as required by the California Environmental Quality Act (CEQA) as a part of the Digital Freeway Sign Program Initial Study/Mitigated Negative Declaration of Environmental Impacts (MND), approved and certified by City Council Resolution No. 2012-35. Pursuant to Section 15162 of the CEQA Guidelines, no further environmental review of the West Marine Digital Freeway Sign is required, nor should be conducted, since the project is within the scope of the Digital Freeway Sign Program MND which adequately describe these activities for purposes of CEQA for the following reasons:

- i) No new significant environmental impacts nor any substantial increase in the severity of previously identified significant impacts will occur from the West Marine Digital Freeway Sign project.
- ii) No substantial changes occur with respect to the circumstances under which the project will be undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts.
- iii) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete shows any of the following:
 - a. That the project will have one or more significant effects not discussed in the previous MND;

- b. That significant effects previously examined will be substantially more severe than shown in the previous MND;
- c. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
- d. That mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects of the environment, but the project proponents declined to adopt the mitigation measure or alternative.

C. Due to the application of operating provisions contained within the City of Rocklin Digital Freeway Sign Program, the sign will not create any adverse glare or light impacts on adjoining properties.

D. The dimensions, placement, and design of the sign are compatible with the existing building and structures, surrounding development and the environment.

E. The design of the structure is consistent with the goals, policies, and land use designations in the General Plan and will comply with all the standards, regulations, and restrictions outlined in Section 17.75.090 and other applicable sections of the Rocklin Municipal Code.

Section 2. The Design Review (DR2018-0003) for a digital freeway sign at the West Marine site, as depicted in Exhibit A, attached hereto and by this reference incorporated herein, is hereby recommended for approval by the City Council of the City of Rocklin, subject to the conditions listed below. The approved Exhibit A shall govern the design and construction of the project. Any condition directly addressing an element incorporated into Exhibit A shall be controlling and shall modify Exhibit A. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Sign Design and Operation

- a. The sign shall conform to the provisions of the City of Rocklin Digital Freeway Sign Program and the sign design, materials and location as shown on Exhibit A. (PLANNING)
- b. The sign shall meet the structural design requirements of the California Building Code and the electrical design and installation requirements of the California Electric Code. Plans for the structural design shall be prepared by a California Licensed Engineer or Architect and the electrical design by a qualified licensed professional. (BUILDING)
- c. Installation and operation of the sign shall conform to all applicable state and federal regulations including the Outdoor Advertising Act. (BUILDING, PLANNING)
- d. The operation of the digital signs shall comply with the following at all times:
 - 1) No special visual effects that include moving or flashing lights shall accompany the transition between two successive messages, and no special visual effects shall accompany any message display.
 - 2) Both screens shall be coordinated such that image changes occur simultaneously and not in an alternating fashion, or the image on the top screen may remain static while the primary screen changes, but in no case shall changes to the screens be alternating in such a way as to create a flashing or blinking effect.
 - 3) The operator shall report to the City of Rocklin its intention of installing, implementing or using any

technology that would allow interaction with drivers, vehicles or any device located in vehicles, including, but not limited to a radio frequency identification device, geographic positions system, or other device, a minimum of 30 days in advance of such operation, and shall not proceed with such operation until approved by the City of Rocklin.

(MITIGATION MEASURE XVI-1)

- 4) The sign shall be subject to all requirements of Section 17.75.090 of the Rocklin Municipal Code. (PLANNING, CITY ATTORNEY)

2. Utilities

- a. All utilities shall be provided to the project in compliance with all standards and requirements of the applicable provider. (UTILITY PROVIDERS)
- b. Prior to building permit issuance, the applicant shall enter into an encroachment permit with the South Placer Municipal Utility District (SPMUD) for the construction of the digital billboard sign within the air space of the existing easement. The agreement shall include provisions that SPMUD is not responsible for the digital billboard sign should it be damaged during the course of the District's operations and maintenance activities. (PLANNING, SPMUD)
- c. Prior to building permit issuance the property owner shall enter into an encroachment permit with the South Placer Municipal Utility District (SPMUD) for the existing freestanding sign adjacent to the freeway that was constructed within the existing easement and over the District's sewer pipe. The agreement shall include provisions that SPMUD is not responsible for the sign should it be damaged during the course of the District's operations and maintenance activities. (PLANNING, SPMUD)

3. Geotechnical Information

Application for a building permit shall be accompanied by all necessary geotechnical and site boring information. (BUILDING)

4. Biological Resources

- a. If construction activities occur during the breeding season (February 1 through August 31), the developer shall require pre-construction surveys of the site to be conducted by a qualified biologist approved by the City. The surveys shall cover all areas of suitable nesting habitat within 500 feet of project activity and shall be conducted within 14 days prior to the commencement of project activity. The surveys shall be valid for one construction season. If no active nests are found, no further mitigation shall be required.
- b. If active nests are found, impacts shall be avoided by the establishment of appropriate buffers. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active. The California Department of Fish and Game (CDFG) guidelines recommend implementation of 500-foot buffers, but the size of the buffer may be adjusted if a qualified biologist determines through consultation with CDFG (or United States Fish and Wildlife for federal species of concern) that construction activities would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist may be required if the activity has the potential to adversely affect the nest.

(MITIGATION MEASURE IV-1)

5. Cultural Resources

The following information shall be included as a note on the Building Plans:

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist and the United Auburn Indian Community (UAIC) shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA (i.e., whether it is a historical resource, a unique archaeological resource, or a unique paleontological resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources would include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and

excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and cultural associations, and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to archaeological and cultural artifacts.

In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, until compliance with the provisions of Sections 15064.5 (e)(1) and (2) of the CEQA Guidelines, as well as Public Resources Code Section 5097.98, has occurred. If any human remains are discovered, all work shall stop in the immediate vicinity of the find and the County Coroner shall be notified, according to Section 7050.5 of the California Health and Safety Code. The City's Community Development Director shall also be notified. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods, and the landowner shall comply with the requirements of AB2641 (2006).
(MITIGATION MEASURE V-1)

6. De-watering if Groundwater Encountered

The following information shall be included as a note on the Building Plans:

If ground water is detected and de-watering is determined to be necessary, arrangements shall immediately be implemented to ensure that such water is collected within an appropriate pump truck or other acceptable collection method and transported for proper disposal at an approved location to the satisfaction of the Building Official. (BUILDING, PLANNING, ENGINEERING)

7. Soil Removal and Disposal

The following information shall be included as a note on the Building Plans:

All dirt/soil extracted as part of the sign installation shall be collected, covered and transported from the site for disposal at an approved landfill or other location deemed acceptable to the satisfaction of the Building Official. (BUILDING, PLANNING, ENGINEERING)

8. Ongoing Tree Maintenance

- a. Prior to building permit issuance and the onset of any tree maintenance activities, the height and general condition of all trees to be maintained in the vicinity of the digital freeway sign shall be documented by the applicant. This documentation (arborist report, photographs and other) shall be submitted to the Economic and Community Development Director for review and acceptance.

Existing native and/or ornamental trees located in the vicinity of the digital sign may be maintained such that the height of the trees does not exceed existing levels. However, maintenance practices shall not be permitted which significantly alter the natural shape, form or viability of the trees. Ongoing maintenance shall be to the satisfaction of the Economic and Community Development Director.

(PLANNING)

- a. In the event that the existing native and/or ornamental trees in the vicinity of the digital sign are significantly damaged through ongoing maintenance (e.g. pruning), those over-pruned trees may be required to be replaced. Species and size of all replacement trees shall be to the satisfaction of the Economic and Community Development Director. (PLANNING)

9. On-site Construction

The developer shall be responsible for any damage to on-site drainage facilities, paving, landscaping, trash enclosures, etc. which may occur as a result of project construction. If any damage occurs, the developer shall be responsible to repair / restore the above to original condition, to the satisfaction of the Economic and Community Development Director.

(ENGINEERING, PLANNING)

10. Indemnification and Duty to Defend

Within 30 days of approval of this entitlement by the City, the developer shall execute an Indemnity Agreement, approved by the City Attorney's Office, to indemnify, defend, reimburse, and hold harmless the City of Rocklin and its agents, officers and employees from any claim, action, or proceeding against the City of Rocklin to set aside, void or annul an approval of the entitlement by the City's planning commission or City Council, which action is brought within the time period provided for in

Section 66499.37 of the Government Code. The City will promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate in the defense of the claim, action or proceeding. Unless waived by the City, no further processing, permitting, implementation, plan checking or inspections related to the subdivision or parcel map shall be performed by the City if the Indemnity Agreement has not been fully executed within 30 days. (CITY ATTORNEY)

11. Validity

- a. This approval shall expire in two years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)
- b. Design Review (DR2018-0003) shall not be considered valid and approved unless and until the concurrent Operating Agreement between the applicant and City as required by the Digital Freeway Sign Program has been approved by the City Council.

PASSED AND ADOPTED on this day of , 2018 by the following roll call vote:

- AYES: Commissioners:
- NOES: Commissioners:
- ABSENT: Commissioners:
- ABSTAIN: Commissioners:

Pierre Martinez, Chairman

ATTEST:

Secretary

EXHIBIT A

(Design Review – West Marine Digital Freeway Sign)
(DR2018-0003)

ARIAL SITE PLAN OF 4445 GRANITE DR. SITE • FOR 64.5FT DIGITAL SIGN • COMMERCIAL AND NON-COMMERCIAL USE

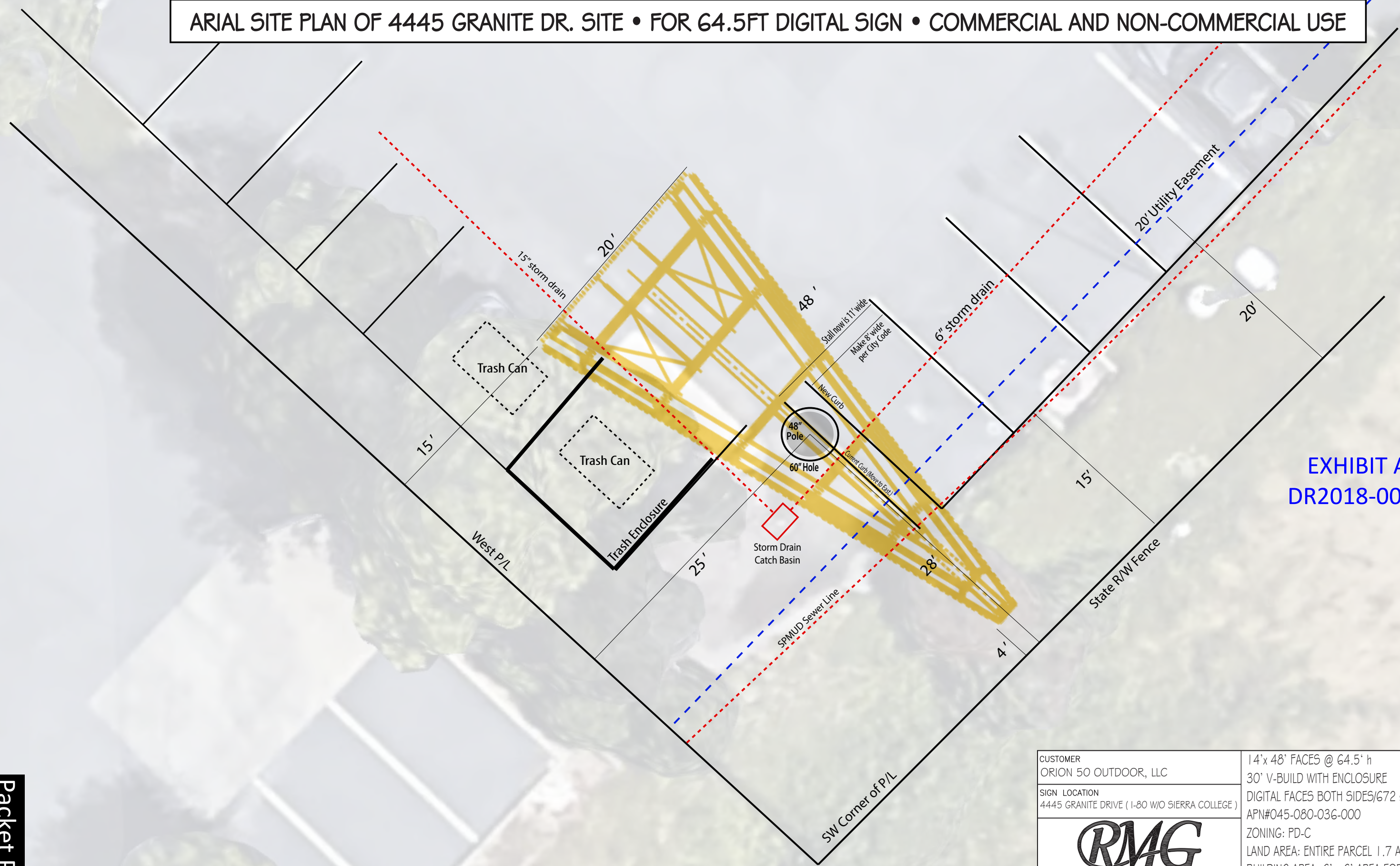
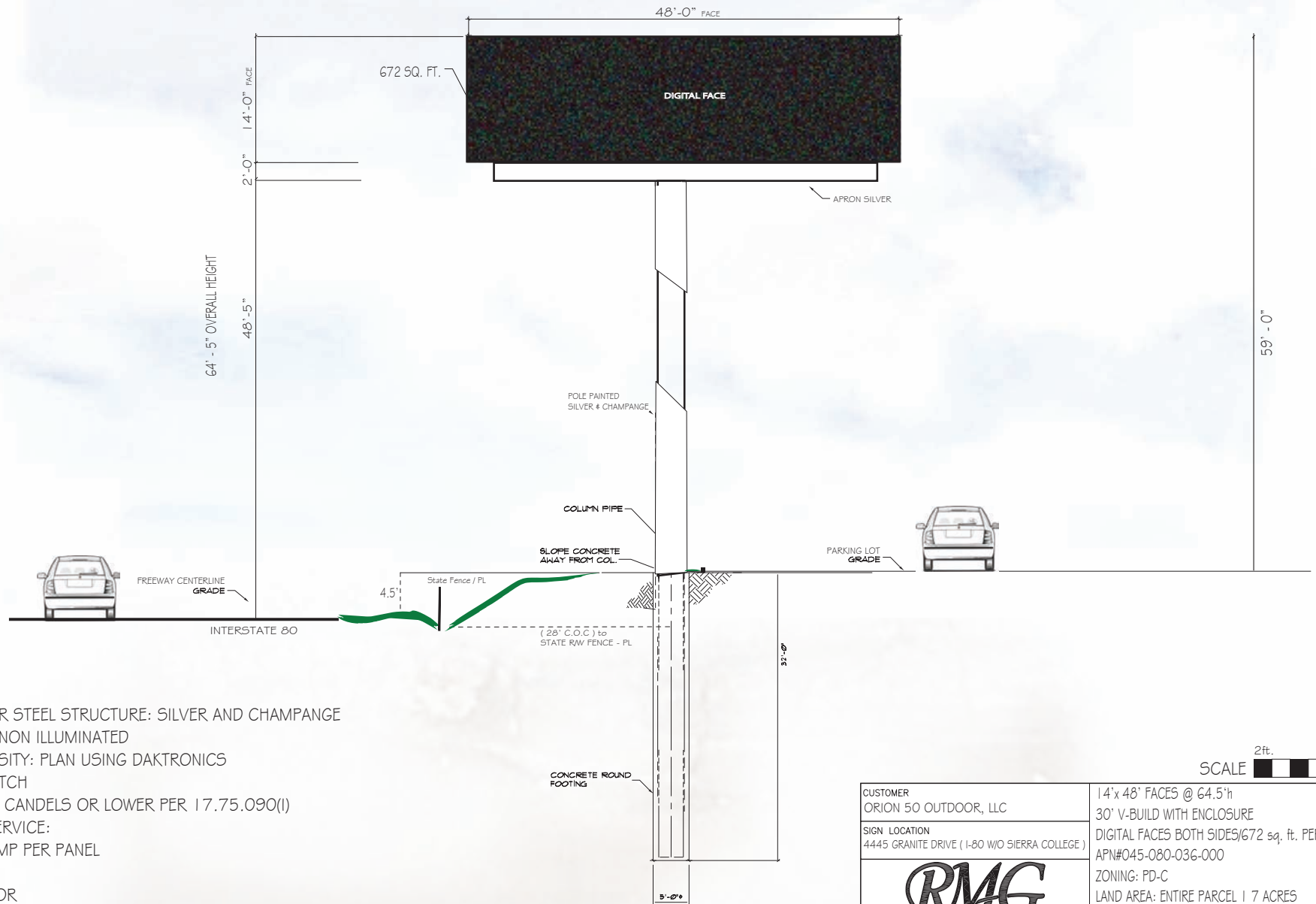


EXHIBIT A
DR2018-0003

<p>CUSTOMER ORION 50 OUTDOOR, LLC</p>	<p>14'x 48' FACES @ 64.5' h</p>
<p>SIGN LOCATION 4445 GRANITE DRIVE (I-80 W/O SIERRA COLLEGE)</p>	<p>30' V-BUILD WITH ENCLOSURE</p>
 <p>4425 North 24th Street, Suite 200 Phoenix, Arizona 85016 Phn: (602) 230-8634 Fax: (602) 230-9071</p>	<p>DIGITAL FACES BOTH SIDES/672 sq. ft. PER APN#045-080-036-000</p>
	<p>ZONING: PD-C</p>
	<p>LAND AREA: ENTIRE PARCEL 1.7 ACRES BUILDING AREA: 6' x 6' AREA FOR SIGN CO</p>
	<p>PROPERTY OWNER: Acorn Property Mgmt. and Development Co., APPLICANT: ORION 50 OUTDOOR, LLC</p>

ELEVATION • 4445 GRANITE DR. SITE • FOR 64.5FT DIGITAL SIGN • COMMERCIAL AND NON-COMMERCIAL USE



- A. COLOR KEY FOR STEEL STRUCTURE: SILVER AND CHAMPANGE
- B. LIGHTING: D/F NON ILLUMINATED
 - PIXEL DENSITY: PLAN USING DAKTRONICS
 - 20 MM PITCH
 - 0.3 FOOT CANDELS OR LOWER PER 17.75.090(I)
- C. ELECTRICAL SERVICE:
 - EST. 50AMP PER PANEL
- D. LED COLOR:
 - FULL COLOR
- E. CABINET SIZE:
 - 14.1 x 48.2
- F. SIGN MATERIALS: STEEL PAINTED SILVER
- G. DIGITAL SIGN FACES - 672 sq. ft. PER SIDE

ELEVATION

CUSTOMER ORION 50 OUTDOOR, LLC	14' x 48' FACES @ 64.5'h 30' V-BUILD WITH ENCLOSURE DIGITAL FACES BOTH SIDES/672 sq. ft. PER SIDE
SIGN LOCATION 4445 GRANITE DRIVE (I-80 W/O SIERRA COLLEGE)	APN#045-080-036-000 ZONING: PD-C LAND AREA: ENTIRE PARCEL 1 7 ACRES BUILDING AREA: 6' x 6' AREA FOR SIGN COLUMN
	
4425 North 24th Street, Suite 200 Phoenix, Arizona 85016 Phn: (602) 230-8634 Fax: (602) 230-9071	
PROPERTY OWNER:	Acom Property Mgmt. and Development Co., LLC
APPLICANT:	ORION 50 OUTDOOR, LLC

DRIVE SHOT RENDERING EAST FACE • 4445 GRANITE DR. SITE • FOR 64.5FT DIGITAL SIGN • COMMERCIAL AND NON-COMMERCIAL USE



<p>CUSTOMER ORION 50 OUTDOOR, LLC</p>	<p>14'x 48' FACES @ 64.5' h 30' V-BUILD WITH ENCLOSURE</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Agenda Item #8.b.</p>
<p>SIGN LOCATION 4445 GRANITE DRIVE (I-80 W/O SIERRA COLLEGE)</p>	<p>DIGITAL FACES BOTH SIDES/672 sq. ft. PE APN#045-080-036-000</p>	
<p>RMG Outdoor Inc. 4425 North 24th Street, Suite 200 Phoenix, Arizona 85016 Phn: (602) 230-8634 Fax: (602) 230-9071</p>	<p>ZONING: PD-C LAND AREA: ENTIRE PARCEL 1.7 ACRES BUILDING AREA: 6' x 6' AREA FOR SIGN CO PROPERTY OWNER: Acorn Property Mgmt. and Development Co. APPLICANT: ORION 50 OUTDOOR, LLC</p>	

DRIVE SHOT RENDERING WEST FACE • 4445 GRANITE DR. SITE • FOR 64.5FT DIGITAL SIGN • COMMERCIAL AND NON-COMMERCIAL USE



CUSTOMER
ORION 50 OUTDOOR, LLC
SIGN LOCATION
4445 GRANITE DRIVE (I-80 W/O SIERRA COLLEGE)



4425 North 24th Street, Suite 200
Phoenix, Arizona 85016
Phn: (602) 230-8634 Fax: (602) 230-9071

14'x 48' FACES @ 64.5' h
30' V-BUILD WITH ENCLOSURE
DIGITAL FACES BOTH SIDES/672 sq. ft. PER
APN#045-080-036-000
ZONING: PD-C
LAND AREA: ENTIRE PARCEL 1.7 ACRES
BUILDING AREA: 6' x 6' AREA FOR SIGN CO
PROPERTY OWNER:
Acorn Property Mgmt. and Development Co
APPLICANT:
ORION 50 OUTDOOR, LLC

ARIAL SITE PLAN OF 4445 GRANITE DR. SITE • FOR 64.5FT DIGITAL SIGN • COMMERCIAL AND NON-COMMERCIAL USE



CUSTOMER
ORION 50 OUTDOOR, LLC

SIGN LOCATION
4445 GRANITE DRIVE (I-80 W/O SIERRA COLLEGE)



4425 North 24th Street, Suite 200
Phoenix, Arizona 85016
Phn: (602) 230-8634 Fax: (602) 230-9071

14'x 48' FACES @ 64.5' h
30' V-BUILD WITH ENCLOSURE
DIGITAL FACES BOTH SIDES/672 sq. ft. PER SIDE
APN#045-080-036-000
ZONING: PD-C
LAND AREA: ENTIRE PARCEL 1.7 ACRES
BUILDING AREA: 6' x 6' AREA FOR SIGN COLUMN
PROPERTY OWNER:
Acorn Property Mgmt. and Development Co., LLC
APPLICANT:
ORION 50 OUTDOOR, LLC

Materials Sample Board

Actual chips, samples, and swatches (preferred) or colors shown as close as possible to the true colors proposed to be used

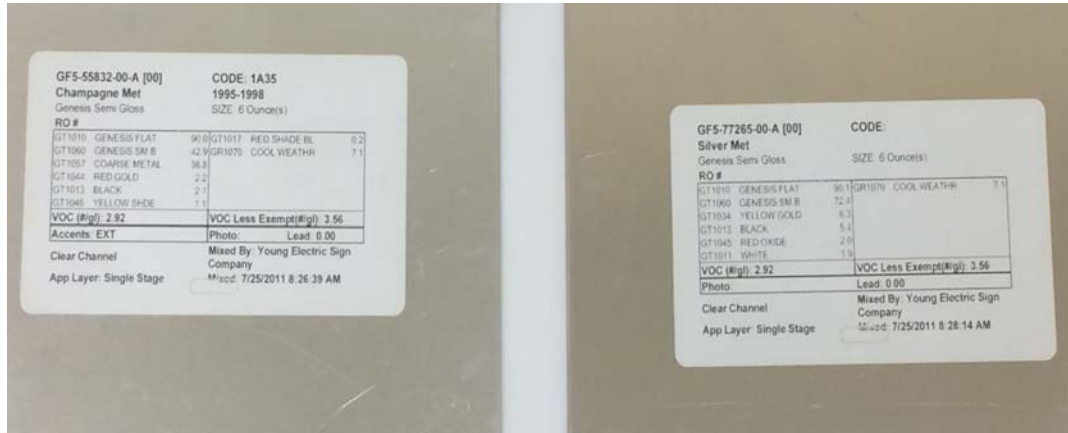
Colors:

Column: Champagne and Silver

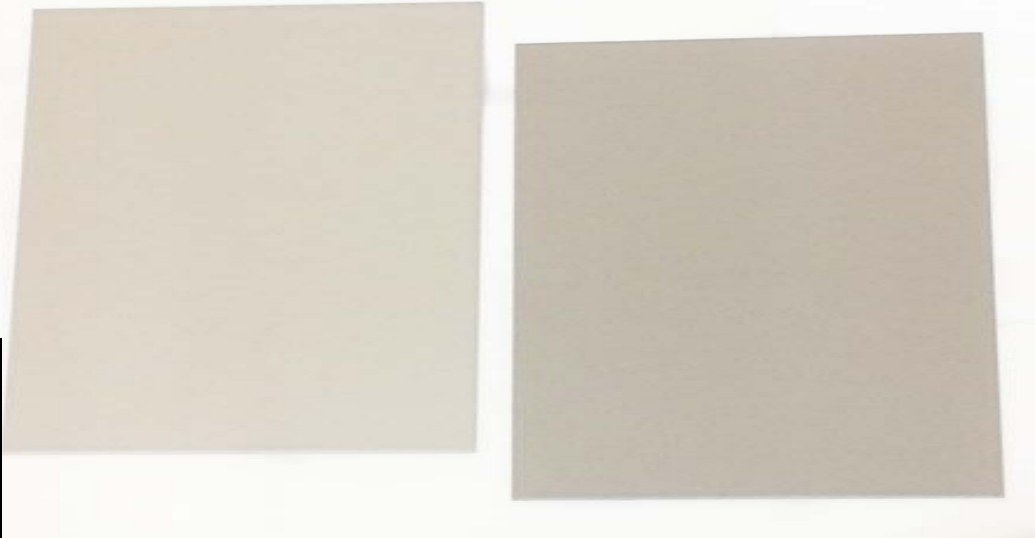
Connections: Silver

Structure: Silver

Apron and Digital Display Cabinet: Silver



To Match Existing Digital Sign Designs in City of Rocklin



<p>CUSTOMER ORION 50 OUTDOOR, LLC</p>	<p>14'x 48' FACES @ 64.5' h 30' V-BUILD WITH ENCLOSURE</p>
<p>SIGN LOCATION 4445 GRANITE DRIVE (I-80 W/O SIERRA COLLEGE)</p>	<p>DIGITAL FACES BOTH SIDES/672 sq. ft. PER S APN#045-080-036-000</p>
<p>ZONING: PD-C LAND AREA: ENTIRE PARCEL 1.7 ACRES BUILDING AREA: 6' x 6' AREA FOR SIGN COLL PROPERTY OWNER: Acorn Property Mgmt. and Development Co., LL APPLICANT: ORION 50 OUTDOOR, LLC</p>	

RMG
Outdoor Inc.

4425 North 24th Street, Suite 200
Phoenix, Arizona 85016
Phn: (602) 230-8634 Fax: (602) 230-9071



City of Rocklin Economic and Community Development Department

**Planning Commission
STAFF REPORT**

**Digital Billboard Sign Relocation
Design Review, DR2017-0015**

June 19, 2018

Recommendation

Subject to the recommended conditions of approval, staff recommends the Planning Commission approve the following:

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN OPERATING AGREEMENT FOR A DIGITAL FREEWAY SIGN, CITY OF ROCKLIN AND CLEAR CHANNEL OUTDOOR AT ROCKLIN 65 COMMERCE CENTER SITE. (Digital Billboard Sign Relocation / DR2017-0015)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DESIGN REVIEW (Digital Billboard Sign Relocation / DR2017-0015)

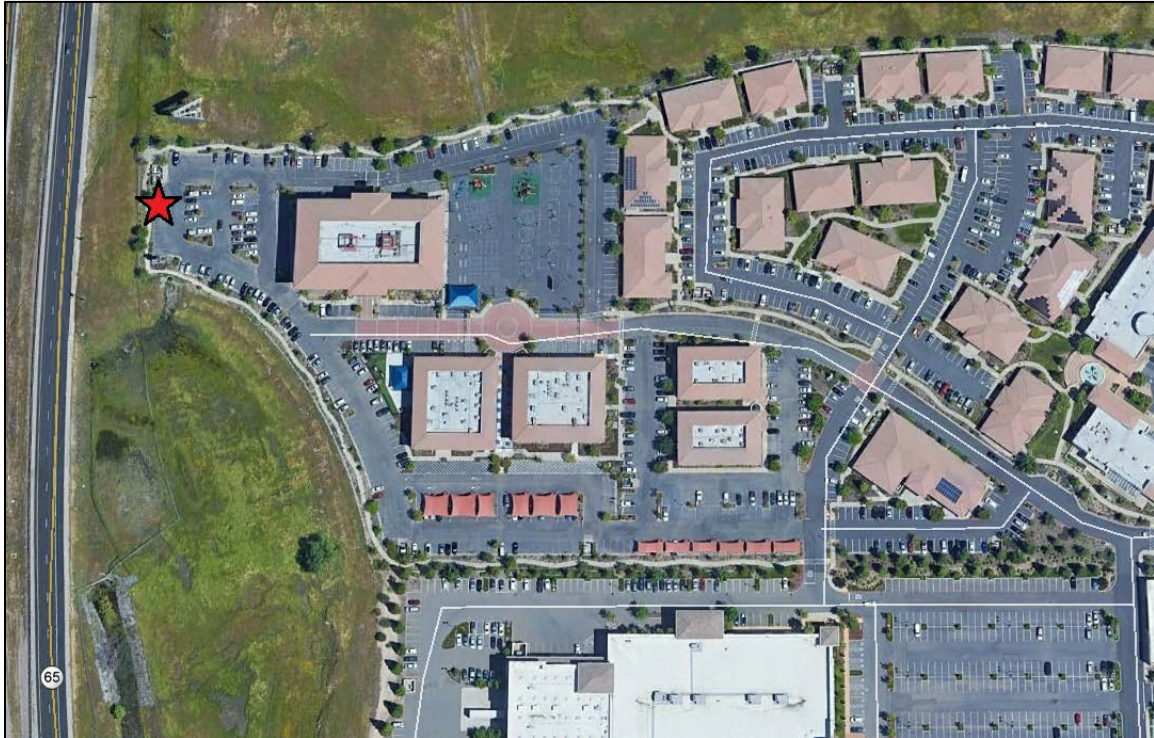
Proposal/Application Request

This application is a request for approval of a Design Review to relocate an existing digital billboard sign from APN 365-020-032 to the south, approximately 90 feet, onto APN 365-310-033. There would be no modification to the design, height, or total area of the sign.

General Site Information

The subject site is located on the northwestern corner of the Rocklin 65 Office & Retail Plaza, located at 6500 Lonetree Boulevard, directly adjacent to Highway 65. Assessor Parcel Number (APN) 365-310-033. See **Figure 1** for an aerial vicinity map with the proposed location shown with a red star.

Figure 1 – Aerial Vicinity Map



Owner/Applicant

The applicant is Clear Channel Outdoor (Rob LaGrone). The property owner for the relocation site is Rocklin 65 LLC (John S. Foggy).

Background and Site Characteristics

The City of Rocklin Digital Freeway Sign Program was adopted in 2012 via Ordinance No. 979. The program allows for up to three digital freeway signs to be located within the City, as follows: one on the I-80 corridor, one on the SR-65 by-pass, and one on the balance of the SR 65 corridor. The Digital Freeway Sign Program also includes a description of what constitutes a digital freeway sign, when and how they are permitted, standards for illumination, minimum display time, maximum face size, application of future technologies, and digital face replacement requirements.

Consistent with the Digital Freeway Sign Program, two digital freeway signs have been approved and installed along State Route 65. One of these signs is adjacent to the by-pass route area off of Five Star Boulevard, and is not proposed for any modification. The

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Digital Billboard Sign Relocation
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second of these signs is currently located between Blue Oaks Boulevard and West Oaks Boulevard. This is the subject sign which is proposed for relocation.

A third digital freeway sign was approved to be located at the Mercedes Benz dealership along I-80; however this digital freeway sign was never installed. It is now proposed that the I-80 digital freeway sign be relocated approximately 1,300 feet to the northeast along I-80 to a parking lot/landscape portion of the existing West Marine business. This sign is the subject of the West Marine Digital Freeway Sign project, which is being processed concurrently by the City.

Approving Authority

Section 17.75.090 of the Rocklin Municipal Code (RMC) states that all digital freeway signs are subject to Design Review. While the Planning Commission is typically the designated approving authority for Design Review entitlements, Section 17.72.070 of the RMC states that the City Council is the authority for all nonresidential buildings or structures greater than 40 feet in height. Because the digital billboard sign exceeds this height requirement, and because the operation of digital freeway signs requires approval of an Operating Agreement, the City Council is the approving authority for the project, subject to Planning Commission recommendation.

General Plan and Zoning Compatibility

The project site is designated as Retail Commercial (RC) in the Rocklin General Plan and is zoned Planned Development Business Professional/Commercial/Light Industrial (PD-BP/C/LI) within the Sunset West General Development Plan. The proposed project is compatible with the existing General Plan designation and Zoning, subject to issuance of a Design Review and Operating Agreement, pursuant to Section 17.75.090 of the RMC.

Design Review

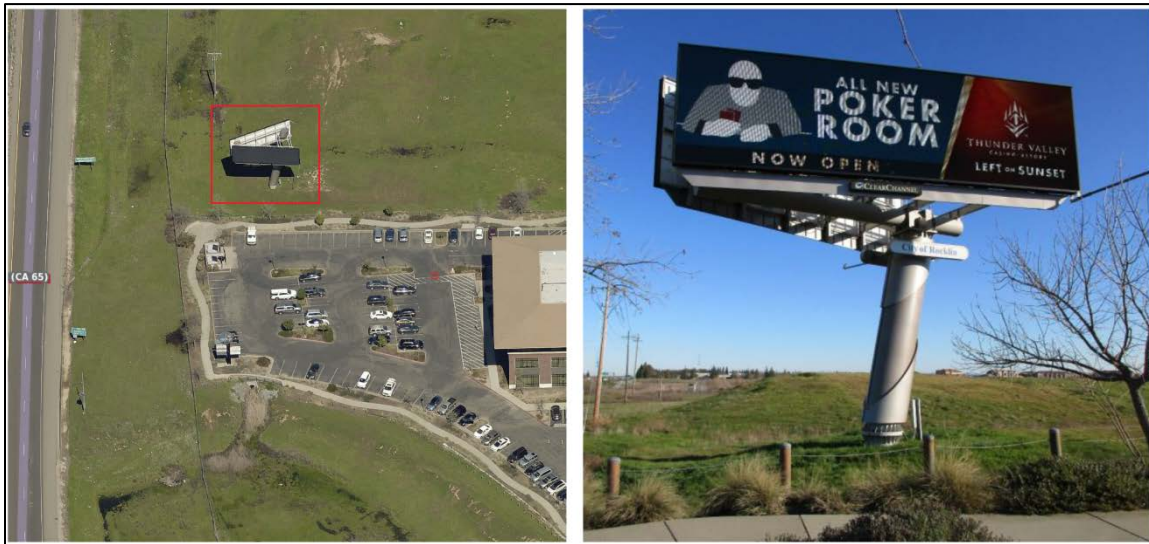
Existing Sign Location

The existing digital freeway sign was approved on February 28, 2012 via City Council Resolution No. 2012-38 (**Attachment 1**). The sign was constructed in 2013. The sign is 45 feet in height and approximately 672 square feet in total face area. See **Figure 2** for photos of the existing sign.

The sign is currently located on a vacant parcel, which is designated Recreation-Conservation (R-C) in the Rocklin General Plan and is zoned Open Space (OS). The location is also within an open space easement. The primary reason for the proposed

relocation is to move the sign out of this easement and onto the developed commercial property to the south.

Figure 2 – Existing Digital Sign



Proposed Sign Location

The digital billboard sign is proposed to be relocated approximately 90 feet south of its existing location into an improved parking lot within the Rocklin 65 Office & Retail Plaza, which was constructed in 2007. The relocation would reuse the entire above-ground sign structure, which is bolted at ground level to the existing footing. A new footing would be installed at the proposed location. The height and face area of the sign would not be modified.

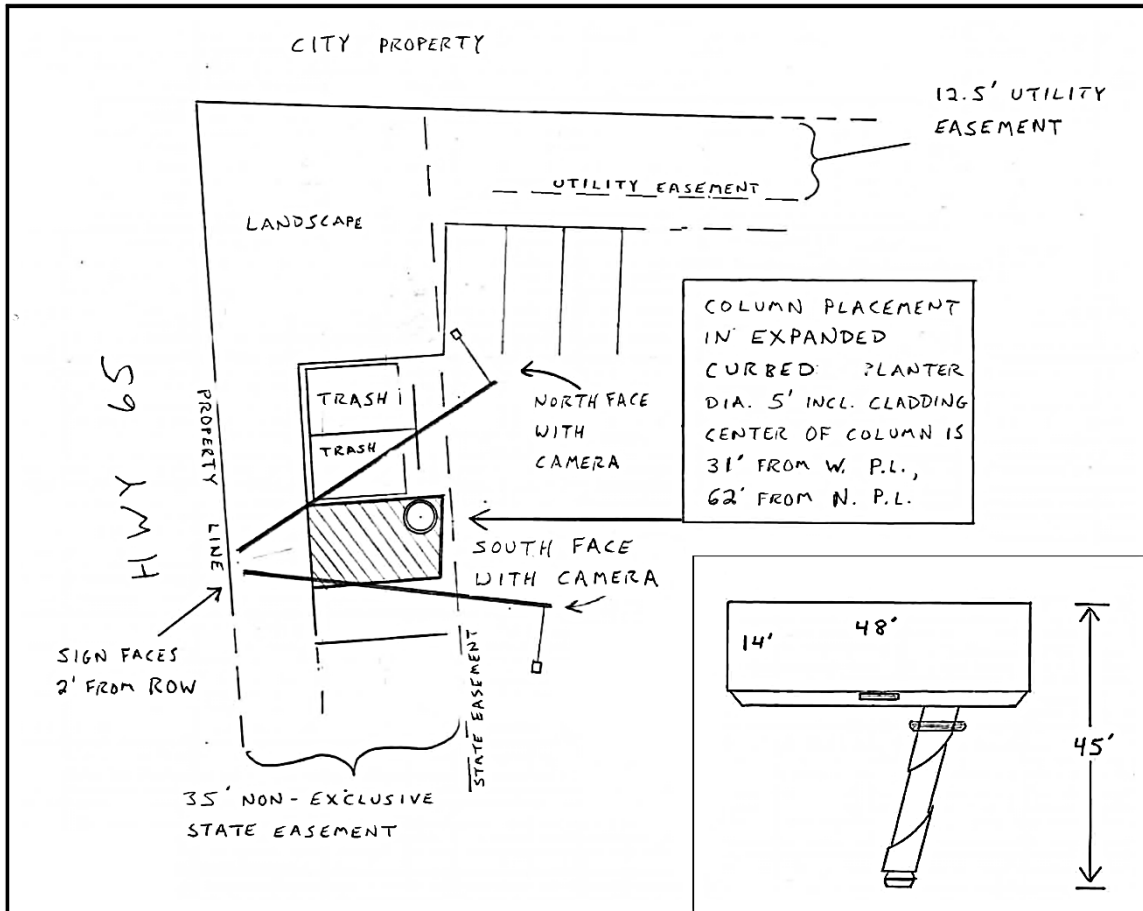
The billboard sign pole would be relocated directly south of an existing trash enclosure within the developed parking area. The pole would be installed 31 feet east of the Highway 65 right-of-way and 62 feet south of the northern property line. In order to site the pole in this location, an existing 5 foot wide landscape planter located directly south of the trash enclosure would be widened to include the full width of the adjacent parking space. The column would be placed within this planter area in the location shown on **Figures 3 and 4**. The balance of the planter area would be installed with vegetation to match the existing site landscaping. While this conversion would result in the loss of one parking space, the Rocklin 65 Plaza contains hundreds of spaces and has a shared parking agreement throughout. The loss of a single parking space as a result of the proposed project would not be considered significant.

Figure 3 – Proposed Sign Location



The face of the sign is proposed to extend above the existing trash enclosure. As part of the referral process, the project was reviewed by Recology Auburn Placer. Recology stated that it has no objections to any freeway-oriented signage overhanging its enclosures, provided a 15-foot minimum clearance is provided. The proposed sign face would be located approximately 31 feet above the grade. Therefore, the proposed location above the enclosure is not anticipated to impact Recology waste collection vehicles on the site.

Figure 4 – Proposed Site Plan



As shown in **Figure 4**, the project site contains two easements within proximity to the proposed sign location. A 12.5-foot utility easement is located along the northern boundary of the site. The sign was originally proposed to be constructed along the northern property line, which would have resulted in encroachment into this easement. However, objections were brought forward by utility providers, resulting in the modification of the site plan to locate the sign further to the south as now proposed. As a result of this modification, no portion of the sign would encroach into the utility easement. In addition a 35-foot non-exclusive State easement is located along the western boundary of the site. No objections were raised by Caltrans as to the location of the sign within this easement as part of the project referral process.

Photo simulations

The applicant has provided photo simulations which illustrate the minimal aesthetic change which would result from the relocation of the sign as viewed from Highway 65. **Figure 5** illustrates the view of the sign in its current location, viewed from south on the highway. **Figure 6** illustrates the view of the sign in its proposed location from the same viewpoint.

Figure 5 – Current Sign Location



Figure 6 – Proposed Sign Location



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Levels of Illumination

The electronic display features automatic light level controls to adjust the sign display at night and during other darkened conditions. The sign is equipped with light monitors that detect the ambient light levels and would automatically adjust the display brightness levels based on these conditions. The light intensity of the display will continue to meet the regulations of the RMC, which states that digital freeway signs shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance of 250 feet. The sign has been conditioned to comply with this requirement.

Architectural Review Committee

On April 5, 2018, the project was presented to the Architectural Review Committee (ARC). The ARC stated that it had no objections to the proposed relocation. The ARC voted to recommend approval of the project.

Operating Agreement

Pursuant to RMC Section 17.75.090(C), digital freeway signs shall only be permitted when the City has entered into an operating agreement with a digital freeway sign owner to allow for digital billboards under certain circumstances, including compensation to the City; the provision for the City to access the billboard for messages of community information, interest, and public safety; use of the billboard for the display of "Amber Alert" messages and emergency disaster communications; and the establishment of quality and maintenance standards.

Similar to existing digital sign operating agreements between the City and other sign operators, the City and Clear Channel Outdoor will enter into an operating agreement under which Clear Channel Outdoor will pay a maximum administrative fee to City of \$2,000/month with a 2% annual escalator starting in year 7. Clear Channel Outdoor will display Amber Alert messages and will allow the City to promote non-commercial City and community messages on a space available basis. The proposed operating agreement negotiated between the City and Clear Channel Outdoor has been reviewed by the City Attorney and was found to be in compliance with the requirements of the RMC. Staff recommends that the Planning Commission recommend that the City Council approve the proposed operating agreement, as indicated in the draft resolution for approval included with this packet.

Environmental Determination

In 2012, a Mitigated Negative Declaration (MND) prepared for the Digital Freeway Sign Program was approved per City Council Resolution 2012-35. Project specific analysis was conducted for the three sites that were proposed at the time (one at the by-pass route area of SR 65 off of Five Star Boulevard, one along State Route 65 between Blue Oaks Boulevard and West Oaks Boulevard, and one along I-80 at the Mercedes Benz dealership) and potential impacts of the implementation of the Digital Freeway Sign Program, including construction and operation of the proposed signs, were identified in the MND document. All of the potentially significant environmental impacts of the project identified in the MND were mitigated to a less than significant level.

The Digital Freeway Sign Relocation Design Review project involves a request for the relocation of the existing digital freeway billboard sign located along Highway 65 between Blue Oaks Boulevard and West Oaks Boulevard to a new location approximately 90 feet to the south in the improved parking lot area of the existing Rocklin 65 Office and Business Plaza located at 6550 Lonetree Boulevard. These changes were reviewed in a 15162 Analysis, which was prepared by the City and included as **Attachment 2** to this packet.

The analysis found that the original Digital Freeway Sign MND adequately evaluated the potential environmental impacts of the relocation of the existing digital freeway sign. Although the new digital freeway sign location is proposed approximately 90 feet south of the originally approved location, the design of the sign, its adjacency to Highway 65, and the relative proximity to the original location are all such that the findings and conclusions of the MND adequately address the current application.

Because the proposed Digital Billboard Sign Relocation will introduce the same development (the placement of a digital freeway sign) that is consistent with what was anticipated by the original project, and because the development would be consistent with the surrounding, existing, and anticipated development and would not include any aspects that would introduce new or increased environmental impacts, it was determined that it would be appropriate to rely upon the prior MND for purposes of CEQA compliance. Based on the analysis provided above, no new significant environmental impacts would occur and no substantial increases in the severity of previously identified significant effects would be anticipated. None of the conditions described in CEQA Guidelines sections 15162, 15163 and 15164 calling for the preparation of a supplement, subsequent or addendum to a negative declaration or EIR are present, and therefore, no subsequent or EIR or supplemental EIR or addendum to an EIR is required pursuant to CEQA. Mitigation Measures which were included with the

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previously-approved MND have been included with the proposed project as Conditions of Approval. No further environmental review is necessary.

Attachments:

- 1) City Council Resolution No. 2012-38
- 2) CEQA Analysis - 15162

Prepared by Nathan Anderson, Senior Planner

RESOLUTION NO. 2012-38

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
APPROVING A DESIGN REVIEW(Digital Freeway Sign Program / Design Review (State Route 65 Sites)/ DR-2008-07B)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. Approval of Design Review (DR-2008-07B) is required to authorize the construction of up to a 65 foot tall digital freeway sign on each of the following properties:

Five Star Site - located on the east side of SR-65 towards the terminus of Five Star Boulevard (APN 016-350-077).

City-Owned Site (SR 65/Lonetree) – located on the east side of SR-65 between Blue Oaks Boulevard and West Oaks Boulevard (APN 365-020-032 - an approximately 1,200 square foot portion thereof).

B. A Mitigated Negative Declaration of environmental impacts was prepared for this project and has been approved via City Council Resolution No. 2012-35.

C. Due to the v-shape associated with the digital screen component of the signs which directs visual images and light toward the freeway and away from adjacent properties, as well as the application of operating provisions contained within the City of Rocklin Digital Freeway Sign Program, the signs will not create any adverse glare or light impacts on adjoining properties.

D. The dimensions, placement, and design of the signs is compatible with the existing buildings and structures in the vicinity, surrounding development and the environment.

E. The design of the structures is consistent with the goals, policies, and land use designations in the General Plan and will comply with all the standards, regulations, and restrictions outlined in Zoning Ordinance Amendment (ZOA-2008-01)/Digital Freeway Sign Program, General Plan Amendment (GPA-2011-01) and Rezone/General Development Plan Amendment (PDG-2011-01), being processed concurrently.

Section 2. The Design Review (DR-2008-07B) for up to a 65 foot tall digital freeway sign at each of the State Route 65 Sites as depicted in Exhibit A, attached

hereto and by this reference incorporated herein, is hereby approved subject to the conditions listed below. The approved Exhibit A shall govern the design and construction of the project. Any condition directly addressing an element incorporated into Exhibit A shall be controlling and shall modify Exhibit A. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Concurrent Approvals

Approval of this Design Review (DR-2008-07B) is contingent upon City Council approval of the Zoning Ordinance Amendment (ZOA-2008-01), General Plan Amendment (GPA-2011-01), and Rezone/General Development Plan Amendment (PDG-2011-01) being processed concurrently, as well as, an operating agreement between the applicant and City as required by the Digital Freeway Sign Program. (PLANNING)

2. Sign Design and Operation

- a. The sign shall conform to the provisions of the City of Rocklin Digital Freeway Sign Program and the sign design, materials and location as shown on Exhibit A. (PLANNING)
- b. The sign shall meet the structural design requirements of the California Building Code and the electrical design and installation requirements of the California Electric Code. Plans for the

structural design shall be prepared by a California Licensed Engineer or Architect and the electrical design by a qualified licensed professional. (BUILDING)

- c. Installation and operation of the sign shall conform to all applicable state and federal regulations including the Outdoor Advertising Act. (BUILDING, PLANNING)
- d. The operation of the digital signs shall comply with the following at all times:
 - 1) No special visual effects that include moving or flashing lights shall accompany the transition between two successive messages, and no special visual effects shall accompany any message display;
 - 2) The operator shall report to the City of Rocklin its intention of installing, implementing or using any technology that would allow interaction with drivers, vehicles or any device located in vehicles, including, but not limited to a radio frequency identification device, geographic positions system, or other device, a minimum of 30 days in advance of such operation, and shall not proceed with such operation until approved by the City of Rocklin.

(PLANNING, CITY ATTORNEY)

3. Utilities

All utilities shall be provided to the project in compliance with all standards and requirements of the applicable provider. (UTILITY PROVIDERS)

4. Geotechnical Information

Application for a building permit shall be accompanied by all necessary geotechnical and site boring information. (BUILDING)

5. Biological – Raptor Survey (City Owned Site Only)

The following information shall be included as a note on the Building Plans:

- a) If construction activities occur during the breeding season (February 1 – August 31), the developer shall require pre-construction surveys of the City-owned site to be conducted by a qualified biologist approved by the City. The surveys shall cover all areas of suitable nesting habitat within 500 feet of project activity and shall be conducted within 14 days prior to the commencement of project activity. The surveys shall be valid for one construction season. If no active nests are found, no further mitigation shall be required.
- b) If active nests are found, impacts to the nesting site shall be avoided by the establishment of appropriate buffers. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active. The California Department of Fish and Game (CDFG) guidelines recommend implementation of 500-foot buffers, but the size of the buffer may be adjusted if a qualified biologist determines through consultation with CDFG (or United States Fish and Wildlife for federal species of concern) that construction activities would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist may be required if the activity has the potential to adversely affect the nest. (BUILDNG, PLANNING)

6. Cultural Resources

The following information shall be included as a note on the Building Plans:

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist and the United Auburn Indian Community (UAIC) shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA (i.e., whether it is a historical resource, a unique archaeological resource, or a unique paleontological resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources

would include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and cultural associations, and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to archaeological and cultural artifacts.

In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, until compliance with the provisions of Sections 15064.5 (e)(1) and (2) of the CEQA Guidelines, as well as Public Resources Code Section 5097.98, has occurred. If any human remains are discovered, all work shall stop in the immediate vicinity of the find and the County Coroner shall be notified, according to Section 7050.5 of the California Health and Safety Code. The City's Community Development Director shall also be notified. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods, and the landowner shall comply with the requirements of AB2641 (2006). (PLANNING)

7. Dewatering if Groundwater Encountered

The following information shall be included as a note on the Building Plans:

If ground water is detected, arrangements shall immediately be implemented to ensure that such water is collected within an appropriate pump truck or other approved collection method and transported for proper disposal at an approved location to the satisfaction of the Building Official. (BUILDING, CDD DIRECTOR)

8. Soil Removal and Disposal

The following information shall be included as a note on the Building Plans:

All dirt/soil extracted as part of the sign installation shall be collected, covered and transported from the site for disposal at an approved landfill or other location deemed acceptable to the satisfaction of the Building Official. (BUILDING, CDD DIRECTOR)

9. Landscape Restoration (Five Star Site)

Landscaping and irrigation within the existing planter at the Five Star site (APN 016-350-077) shall be restored prior to final inspection or operation of the Digital Freeway Sign installed at that location. Replanting/replacement of trees, shrubs, ground cover, etc. shall be to the satisfaction of the Community Development Director. (PLANNING)

10. Gate Modification and Landscape Restoration (Parcel Adjacent to City Owned Site)

a. The existing manual access gate located on the common boundary between APN 365-020-032 and the commercially developed property to the south (APN 365-310-033) shall be replaced with a vehicle gate of the same quality and design as the existing vehicle gate located further to the east. (PLANNING)

b. Landscaping and irrigation within the existing planter on APN 365-310-033 shall be restored prior to final inspection or operation of the Digital Freeway Sign. Replanting/replacement of trees, shrubs, ground cover, etc. shall be to the satisfaction of the Community Development Director. (PLANNING)

11. Ongoing Tree Maintenance

a. Prior to building permit issuance and the onset of any tree maintenance activities, the height and general condition of all trees to be maintained in the vicinity of the digital freeway signs shall be documented by the applicant. This documentation (photographic and other) shall be submitted to the Community Development Director for review and acceptance.

Existing ornamental trees located in the vicinity of the digital sign may be maintained such that the height of the trees does not exceed existing levels. However, maintenance practices shall not be permitted which significantly alter the natural shape, form or viability of the trees. Ongoing maintenance shall be to the satisfaction of the Community Development Director. (PLANNING)

b. In the event that the existing ornamental trees in the vicinity of the digital signs are significantly damaged through ongoing maintenance (e.g. pruning), those over-pruned trees may be

required to be replaced. Species and size of all replacement trees shall be to the satisfaction of the Community Development Director. (PLANNING)

12. Initial and Ongoing Site Restoration (City Owned Site)

Appropriate native plant hydro seed mix shall be applied and growth established to any areas of soil disturbance created by project initiation or ongoing maintenance of digital sign related facilities within the City owned site or access easement to it to the satisfaction of the Community Development Director. This condition shall be applicable upon completion of the initial sign installation and repeated as needed during the life of the project and lease. (PLANNING)

13. Validity

This approval shall expire in two years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on February 28, 2012, by the following vote:

AYES: Councilmembers: Hill, Ruslin, Yuill, Storey

NOES: Councilmembers: Magnuson

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

Brett Storey, Mayor

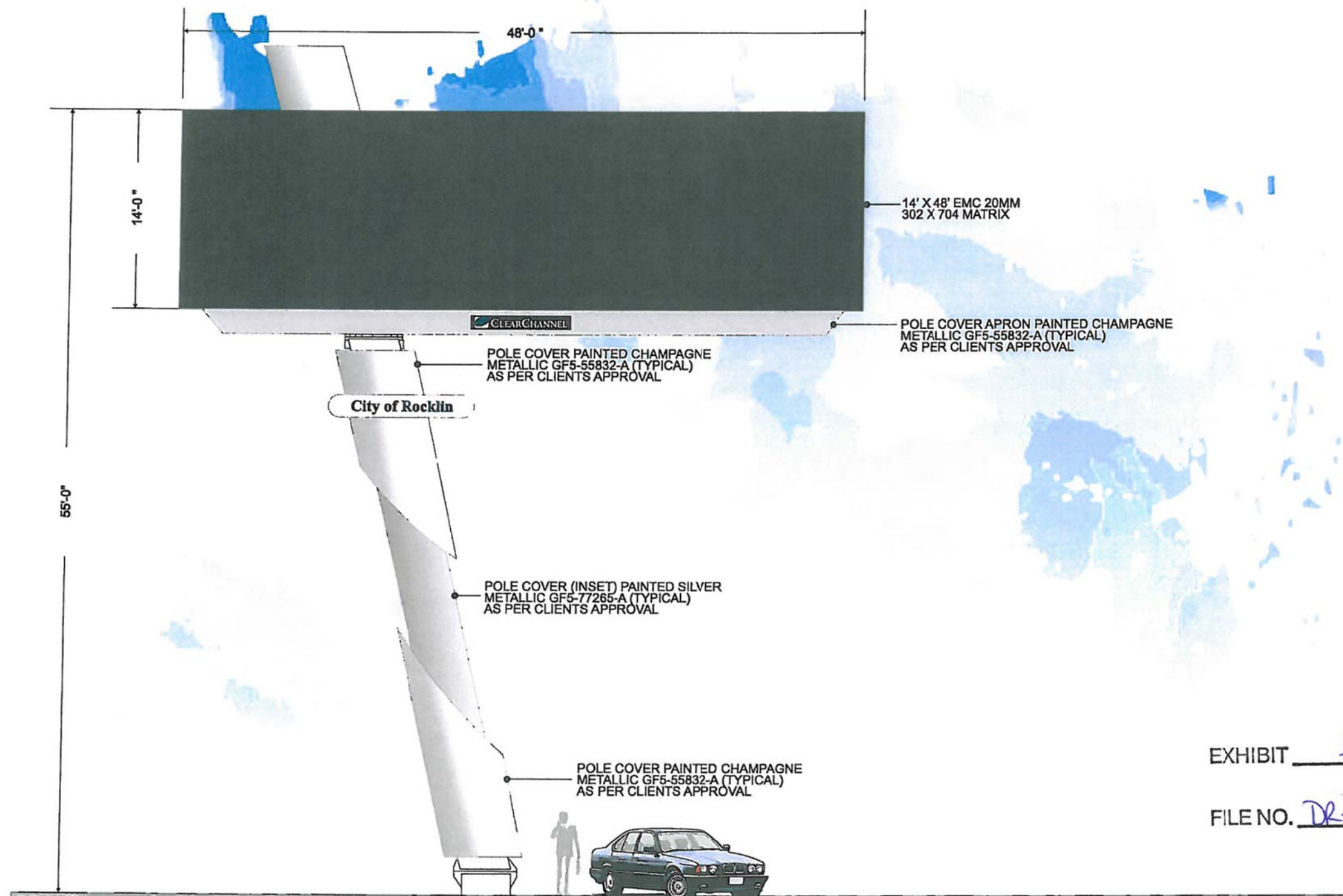
ATTEST:

Barbara Ivanusich, City Clerk

T:\clerk\reso\Digital Freeway Sign\RESO Design Review State Route 65.doc

EXHIBIT A

(Digital Freeway Sign Program / Design Review (State Route 65 Sites)/ DR-2008-07B)
Design Review Documents are available at the Community Development Department



MU-1 NEW 55' PYLON SIGN
 SCALE: 1/8" = 1'-0" ONE REQ'D
 SQUARE FOOTAGE: 770.0

EXHIBIT A
 FILE NO. DR-2008-07B

ELECTRICAL LOAD:
 PRIMARY POWER TO BE PROVIDED BY CUSTOMER

FIELD SURVEY REQUIRED PRIOR TO PRODUCTION

YESCO.
RENO DIVISION
SACRAMENTO BRANCH

875 National Drive
 Suite 107
 Sacramento, Ca. 95834
 (916) 419-8101

CA. CONTRACTOR LICENSE NO.
 259739 / 652155

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Note: The colors depicted on this rendering may not match actual colors used on the finished drawing. Please refer to the detail drawing for the approved color specifications.
 Note: The cost of providing electrical wiring to the sign area, all required permits and all special inspections are not included in this sign proposal.
 Note: The proportion of signs shown on building and landscape area photos is an approximate representation.

FIRM NAME / LOCATION ADDRESS

CLEAR CHANNEL
 DIVISION

FIVE STAR BLVD.
 ADDRESS:

ROCKLIN, CA
 CITY:

TOM HUFF
 ACCOUNT EXECUTIVE:

DESIGNER	DATE
R. Tucker	7/26/11

APPROVAL

CUSTOMER	DATE

LANDLORD	DATE

SALES	DATE

ESTIMATING	DATE

SURVEY	DATE

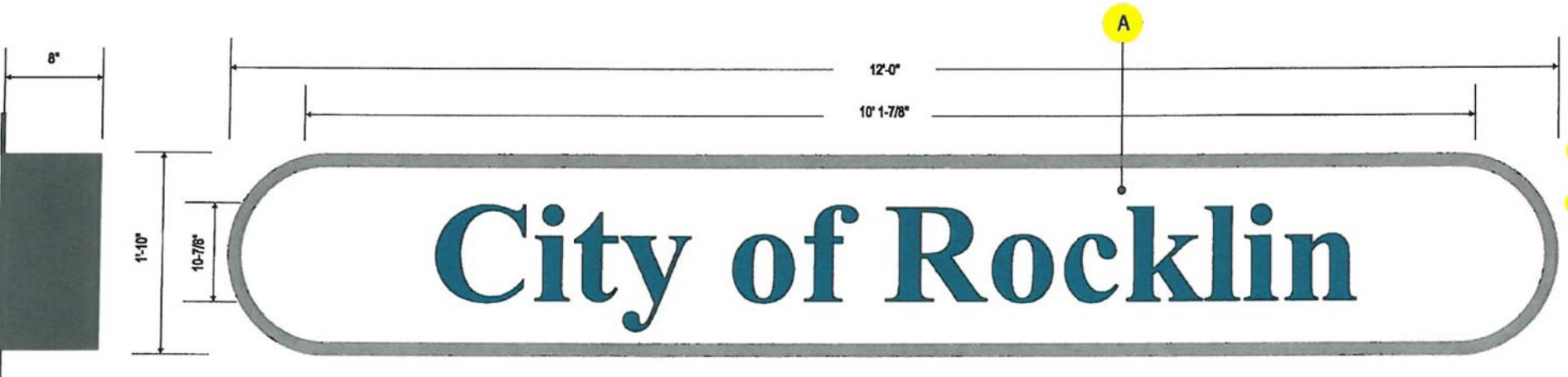
DESIGN NUMBER
565657

ARCHIVE NUMBER

SHEET
 1 of 3



BG-1 S/F ILLUMINATED SIGN CABINETS
 SCALE: 1" = 1'-0" TWO REQ'D
 SQUARE FOOTAGE: 8.5



BG-2 S/F ILLUMINATED SIGN CABINETS
 SCALE: 3/4" = 1'-0" ONE REQ'D
 SQUARE FOOTAGE: 22.0

SCOPE OF WORK:
 ■ MANUFACTURE AND INSTALL (2) S/F SIGN CABINETS.

S/F ILLUMINATED CABINETS (2)
FACE: ■ 3/16" WHITE LEXAN
VINYL: ■ 3M 3630-167 BRIGHT BLUE, 3M 3630-22 BLACK (WHITE SHD THU COPY)
FONTS: ■ CUSTOMER PROVIDED ARTWORK
CABINET: ■ ALUMINUM CONSTRUCTION, PAINTED BLACK SEMI GLOSS
RETAINERS: ■ 1-1/2" FLAT RETAINERS
ILLUMINATION: ■ T-8 LAMPS

SCOPE OF WORK:
 ■ MANUFACTURE AND INSTALL (2) S/F SIGN CABINETS.

S/F ILLUMINATED CABINETS (2)
FACE: ■ 3/16" WHITE LEXAN
VINYL: ■ 3M 3630-167 BRIGHT BLUE COPY
FONTS: ■ CUSTOMER PROVIDED ARTWORK
CABINET: ■ ALUMINUM CONSTRUCTION, PAINTED CHAMPAGNE METALLIC GF5-55832 SEMI GLOSS FINISH
RETAINERS: ■ 1-1/2" FLAT RETAINERS
ILLUMINATION: ■ T-8 LAMPS

ELECTRICAL LOAD: _____
 PRIMARY POWER TO BE PROVIDED BY CUSTOMER

FIELD SURVEY REQUIRED PRIOR TO PRODUCTION

YESCO.
RENO DIVISION
SACRAMENTO BRANCH

875 National Drive
 Suite 107
 Sacramento, Ca. 95834
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Note: The colors depicted on this rendering may not match actual colors used on the finished display. Please refer to the detail drawing for the approved color specifications.
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 Note: The proportion of signs shown on building and landscape area photos is an approximate representation.

FIRM NAME / LOCATION ADDRESS
CLEAR CHANNEL
 OUTDOOR

FIVE STAR BLVD.
 ADDRESS:
 ROCKLIN, CA
 CITY:
 TOM HUFF
 ACCOUNT EXECUTIVE:

DESIGNER	DATE
R.Tucker	7/26/11

APPROVAL

CUSTOMER	DATE

LANDLORD	DATE

SALES	DATE

ESTIMATING	DATE

SURVEY	DATE

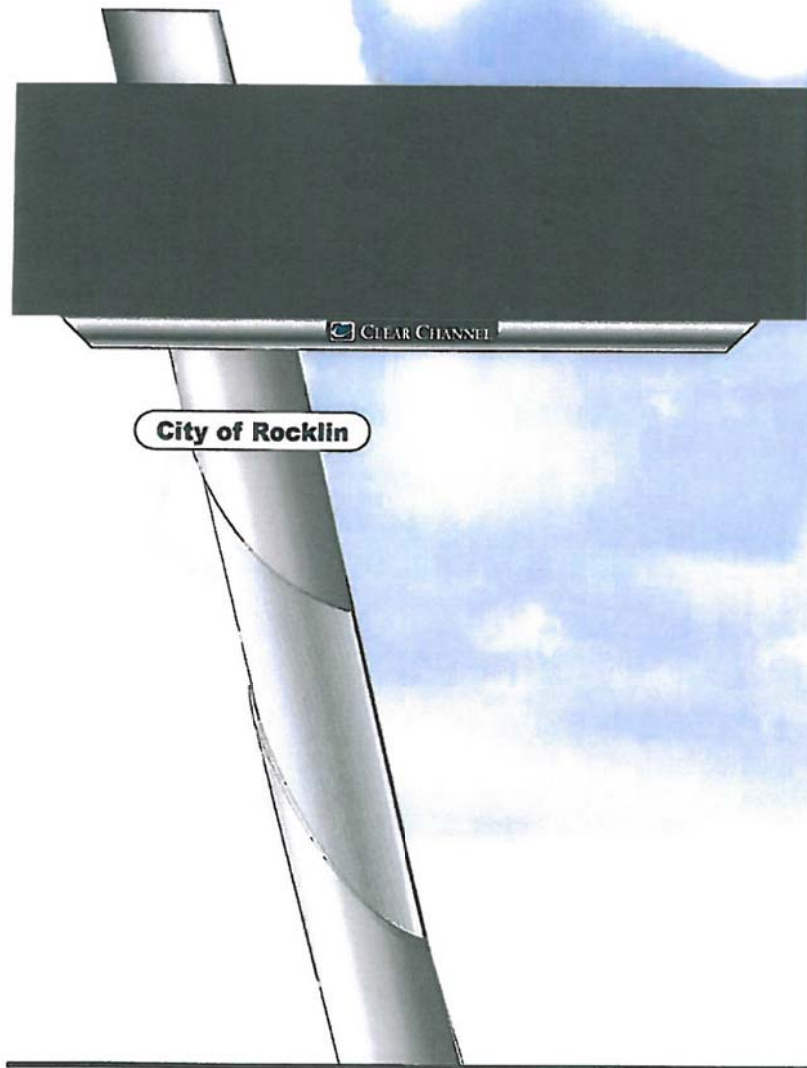
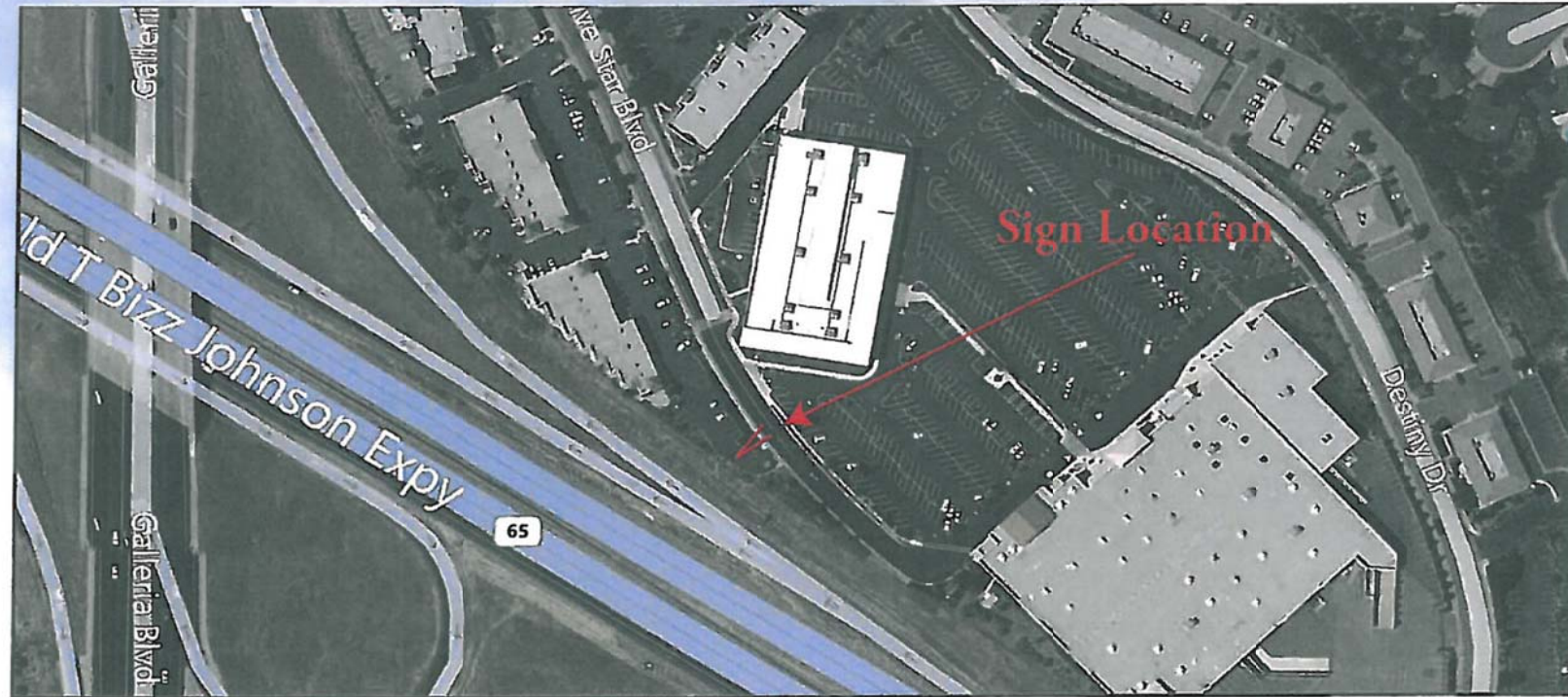
DESIGN NUMBER
565657

ARCHIVE NUMBER

SHEET
 2 of 3

FIVE STAR SITE PLAN

Aerial Site Plan



55 ft DESIGN

FIVE STAR LOCATION

North Face



Before



After

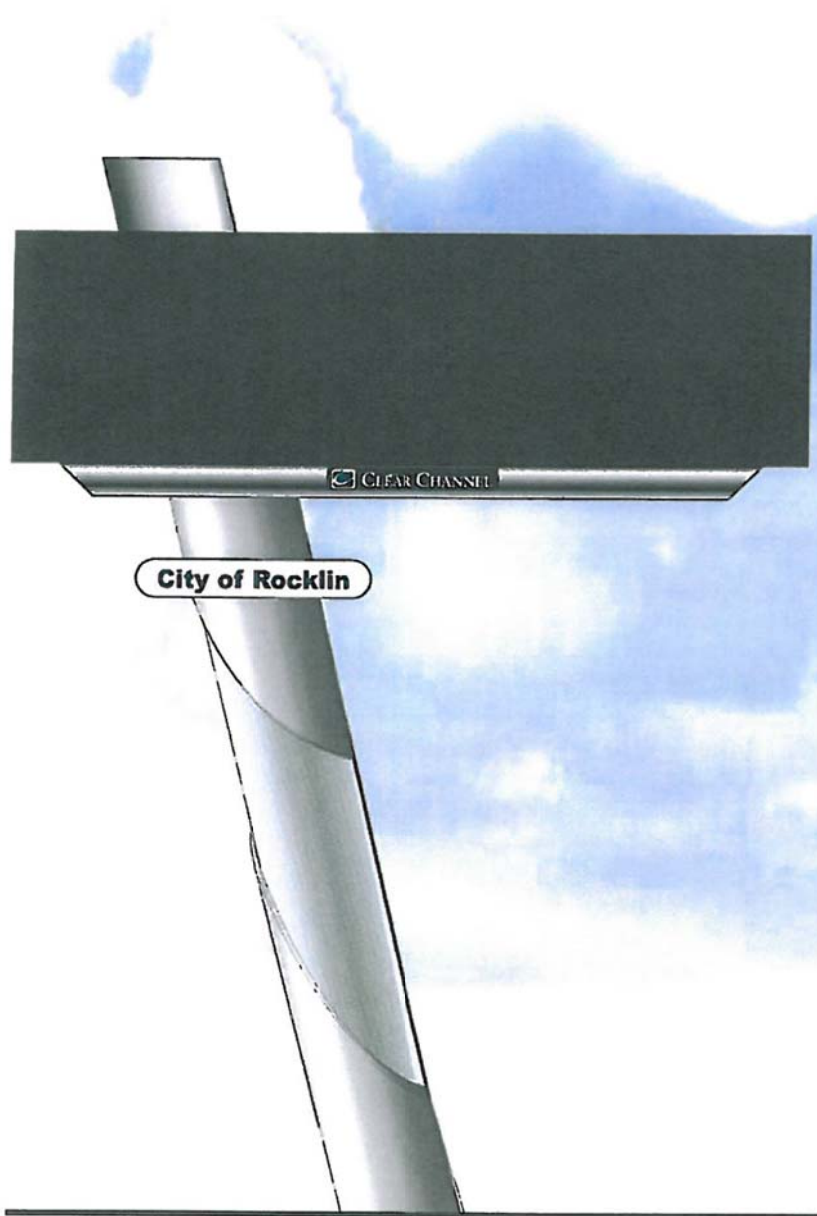
South Face



Before



After



55 ft DESIGN



**RENO
DIVISION**

**SACRAMENTO
BRANCH**

875 National Drive
Suite 107
Sacramento, Ca. 95834
(916) 419-8101

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Note: The cost of preading electrical wiring to the sign area, all required permits and all special inspections are not included in this sign proposal.

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FIRM NAME / LOCATION ADDRESS



FIVE STAR BLVD.
ADDRESS:

ROCKLIN, CA
CITY:

TOM HUFF
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DESIGNER	DATE
R.Tucker	7/26/11

APPROVAL

CUSTOMER	DATE

LANDLORD	DATE

SALES	DATE

ESTIMATING	DATE

SURVEY	DATE

DESIGN NUMBER
565657

ARCHIVE NUMBER

SHEET
3 of 3

ELECTRICAL LOAD: _____
PRIMARY POWER TO BE PROVIDED BY CUSTOMER

FIELD SURVEY REQUIRED PRIOR TO PRODUCTION



North Face



Before



After

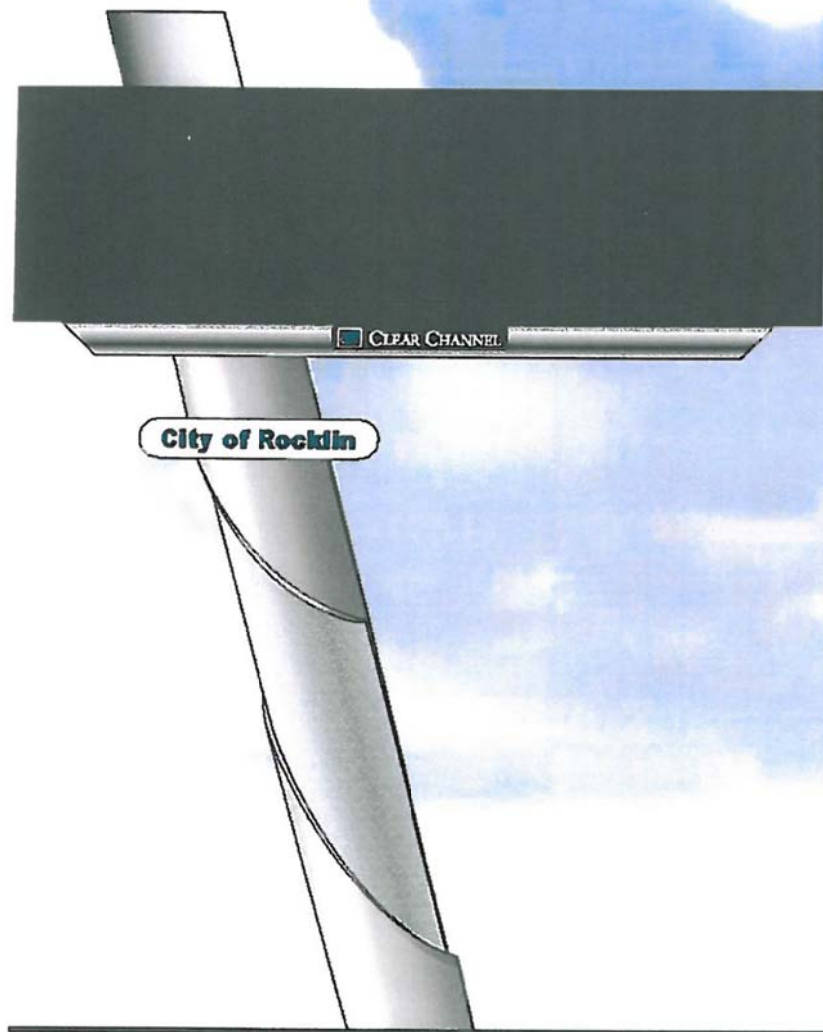
South Face



Before



After



45 ft DESIGN

West Marine Digital Freeway Sign Design Review (DR2018-0003) and
Digital Freeway Sign Relocation Design Review (DR2017-0015)

15162 Analysis

PROJECT DESCRIPTION:

The West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects consist of the following: 1) a request for a Design Review entitlement to install a new digital freeway billboard sign along Interstate 80 (I-80) in the improved parking lot/landscape area of the existing West Marine business located at 4445 Granite Drive, and 2) a request for the relocation of the existing digital freeway billboard sign located along State Route 65 (SR-65) between Blue Oaks Boulevard and West Oaks Boulevard to a new location approximately 90 feet to the south in the improved parking lot area of the existing Rocklin 65 Office and Business Plaza located at 6550 Lonetree Boulevard.

The new West Marine Digital Freeway Sign will be approximately 65 feet tall with a 672 square foot (14' x 48') screen facing both directions of traffic on I-80. The existing digital freeway sign along State Route 65 that will be relocated would not involve any modifications to the height or total area of the existing sign (45 feet tall, 672 square foot screen [14' x 48'] facing both directions of traffic on SR-65).

Both digital freeway billboard signs will be consistent with the City of Rocklin's Digital Sign Program, which is discussed below.

CITY OF ROCKLIN DIGITAL FREEWAY SIGN PROGRAM (Rocklin Municipal Code 17.75.090)

The City of Rocklin Digital Freeway Sign Program allows for up to three digital freeway signs in the City, separated as follows: one on the I-80 corridor, one on the SR-65 by-pass route, and one on the balance of the SR 65 corridor. The Digital Freeway Sign Program also includes a description of what constitutes a digital freeway sign, when and how they are permitted, standards for illumination, minimum display time, maximum face size, application of future technologies, and digital face replacement requirements.

Consistent with the Digital Freeway Sign Program, two digital freeway signs have been installed along State Route 65, one at the by-pass route area off of Five Star Boulevard, and one between Blue Oaks Boulevard and West Oaks Boulevard; the latter is the subject of the relocation project as described above under the Project Description heading. A third digital freeway sign was approved to be located at the Mercedes Benz dealership along I-80, however this digital freeway sign was never installed and it is now proposed that the I-80 digital freeway sign location as allowed under the City's program be relocated to the parking lot/landscape area of the existing West Marine business, as described above under

the Project Description heading. The West Marine business is located approximately 1,300 feet to the northeast along I-80 from the Mercedes Benz dealership.

PRIOR ENVIRONMENTAL REVIEW:

In 2012, a Mitigated Negative Declaration (MND) for the Digital Freeway Sign Program was approved per City Council Resolution 2012-35. Project specific analysis was conducted for the three sites that were proposed at the time (one at the by-pass route area of SR 65 off of Five Star Boulevard, one along State Route 65 between Blue Oaks Boulevard and West Oaks Boulevard, and one along I-80 at the Mercedes Benz dealership) and potential impacts of the Digital Freeway Sign Program were identified in the MND document. All of the potentially significant environmental impacts of the project identified in the MND were mitigated to a less than significant level.

RELIANCE ON PRIOR ENVIRONMENTAL REVIEW:

The potential environmental impacts of the Digital Freeway Sign Program project were analyzed as required by the California Environmental Quality Act (CEQA) in an Initial Study/Mitigated Negative Declaration which was previously approved by the Rocklin City Council acting as the lead agency through Resolution 2012-35. Once a project has been approved, the lead agency's role in project approvals is completed, unless further discretionary approval on that project is required. In this case, because the West Marine Digital Freeway Sign and Digital Freeway Sign Relocation projects are requesting additional land use entitlements (Design Review) and further discretionary approval, the City must examine the adequacy of the prior environmental review.

Public Resources Code section 21166 and Section 15162 provide the framework for analysis of the adequacy of prior environmental review of a subsequent project. The questions that must be addressed when making a determination of whether further environmental review would be necessary are as follows:

1) Do Proposed Changes Involve New Significant Impacts?

Pursuant to Section 15162(a)(1) of the CEQA Guidelines, will substantial changes represented by the current project result in new significant impacts that have not already been considered and mitigated by the prior environmental review or a substantial increase in the severity of a previously identified significant impact?

2) Are There Any New Circumstances Involving New Impacts?

Pursuant to Section 15162(a)(2) of the CEQA Guidelines, have there been substantial changes to the project site or vicinity (circumstances under which the project is undertaken) which have occurred subsequent to the prior environmental document, which would result in the current project having new significant environmental impacts that were not considered in the prior environmental document or that substantially increase the severity of a previously identified impact?

3) Is There Any New Information Requiring New Analysis or Verification?

Pursuant to Section 15162(a)(3)(A-D) of the CEQA Guidelines, is there new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence at the time the previous environmental document was adopted as complete that is now available requiring an update to the analysis of the previous environmental document to verify that the environmental conclusions and mitigations remain valid? If the new information shows that:

- (A) The project will have one or more significant effects not discussed in the prior environmental documents; or
- (B) That significant effects previously examined will be substantially more severe than shown in the prior environmental documents; or
- (C) That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) That mitigation measures or alternative which are considerably different from those analyzed in the prior environmental documents would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative, then the preparation of a subsequent or supplemental EIR would be required.

If the additional analysis completed finds that the conclusions of the prior environmental documents remain the same and no new significant impacts are identified, or identified environmental impacts are not found to be more severe, or additional mitigation is not necessary, then no additional environmental documentation (supplemental or subsequent EIR or subsequent negative declaration) is required.

COMPARISON OF THE PREVIOUSLY APPROVED PACIFIC TECH PARK PROJECT AND ITS MND:

The adopted Digital Freeway Sign MND addressed the implementation and development of the Digital Freeway Sign Program project as follows:

- A General Plan Amendment (GPA-2011-01) to re-designate the land use for a small portion of City owned property adjacent to State Route 65 from Recreation/Conservation to Retail Commercial;
- A Rezone (Z-2011-01) to change the zoning applicable to a small portion of City owned property adjacent to State Route 65 from Open Space to Planned Development - Commercial;
- A Zoning Ordinance Amendment (ZOA-2008-01) to amend the City of Rocklin Zoning Code to add a Digital Freeway Sign Program which will allow a limited number of digital freeway sign structures;
- Design Review (DR-2008-07A and DR-2008-07B) for three digital freeway sign structures

The West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects involve: 1) re-locating the third digital freeway sign that was approved but never installed at the Mercedes Benz dealership along I-80 to the improved parking lot/landscape area of the existing West Marine business along I-80 located at 4445 Granite Drive, and 2) moving the existing digital freeway billboard sign located along State Route 65 (SR-65) between Blue Oaks Boulevard and West Oaks Boulevard to a new location approximately 90 feet to the south in the existing parking lot of the Rocklin 65 Office and Business Plaza located at 6550 Lonetree Boulevard. The signs at both locations would be consistent with the City of Rocklin's Digital Sign Program (Rocklin Municipal Code 17.75.090). These changes are analyzed below.

IMPACT ANALYSIS:

- 1) Aesthetics – the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will introduce the same digital freeway signs into relatively the same project areas as were previously considered and analyzed (the West Marine Digital Freeway Sign would be located in an existing improved parking lot/landscape area approximately 1,300 feet to the northeast along I-80 from the previously considered, analyzed and approved Mercedes Benz dealership location, and the sign associated with the Digital Freeway Sign Relocation project would move the existing sign along State Route 65 between Blue Oaks Boulevard and West Oaks Boulevard to a new location approximately 90 feet to the south in the improved parking lot area of the existing Rocklin 65 Office and Business Plaza located at 6550 Lonetree Boulevard). The areas surrounding the existing digital freeway sign along State Route 65 and the proposed relocation site include Retail Commercial uses and a highway facility, and the areas surrounding the proposed Mercedes Benz digital freeway sign site and the proposed West Marine site also include Retail Commercial uses and a freeway facility. The previously approved Mercedes Benz digital freeway sign was approved at an overall height of 48 feet as measured from the center line of the nearest freeway to the top of the digital sign structure, and the proposed West Marine Digital Freeway Sign Design Review project is proposing an overall height of 65 feet; this additional 17 feet is not anticipated to result in any new aesthetic impacts or substantially more severe aesthetic impacts. The placement of digital freeway signs in the locations being proposed is consistent with the surrounding existing and anticipated development and does not include any aspects that would introduce new aesthetic impacts.

Light and glare from the existing digital freeway sign to be relocated along State Route 65 to the Rocklin 65 Office and Business Plaza already exists, but the digital freeway sign and its associated light and glare will be moved approximately 90 feet to the south. The West Marine digital freeway sign will introduce new a new source of light and glare to the project area, however there are already existing sources of light and glare in that location from freeway frontage signage and retail commercial uses. The brightness of the LED display on digital freeway signs is subject to adjustment based on ambient

conditions. The display, for example, is adjustable, so it may be brighter in the daytime than in the darkness. The digital freeway signs have automatic light level controls to adjust light levels at night and during other darkened conditions. The signs come equipped with ambient light monitors that detect the external lightness or darkness and will automatically adjust the brightness level of the signs based on ambient light conditions. A photo-sensor adjusts the sign's lighting levels to below 65 percent of sign power during nighttime hours are required by the California energy code, and the light intensity of the displays can be preset to meet brightness regulations prescribed by local regulations (the City of Rocklin's Digital Freeway Sign Program regulates illumination levels to no more than 0.3 foot candles above ambient light and requires a light sensing device that will adjust the brightness as ambient light conditions change). Furthermore, restrictions on digital signs, imposed and enforced by Caltrans for traffic safety reasons, preclude lighting that would be directed at motorists that is so direct or intense that it could blind or confuse drivers, or create conditions that make recognition of the roadway or official signage difficult. The resulting controls effectively regulate light and glare to ensure that the operation of any digital billboard does not create a substantial new source of light or glare. This determination is consistent with the prior determination that was made in the Digital Freeway Sign MND regarding less than significant light and glare impacts.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant aesthetic impacts or substantially more severe aesthetic impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant aesthetic impacts or substantially more severe aesthetic impacts, and there is no new information requiring new analysis or verification. The analysis of aesthetics impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 2) Agricultural Resources – the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will occur in locations that are designated as urban and built up land and are not located within or adjacent to land in productive agriculture or lands zoned for agricultural uses or timberland production and do not introduce any new agricultural resources impacts.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant agricultural resources impacts or

substantially more severe agricultural resources impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant agricultural resources impacts or substantially more severe agricultural resources impacts, and there is no new information requiring new analysis or verification. The analysis of agricultural resources impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 3) Air Quality - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in similar construction and operational air quality emissions due to no changes in the number or screen size of the digital freeway signs and the vehicle trips associated with minimal on-site maintenance that will be generated by the projects. The proposed locational changes do not result in any change to the type or intensity of development beyond what was previously considered and analyzed within the Digital Freeway Sign MND, and does not include any aspects that would introduce new air quality impacts.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant air quality impacts or substantially more severe air quality impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant air quality impacts or substantially more severe air quality impacts, and there is no new information requiring new analysis or verification. The analysis of air quality impacts within the Digital Freeway Sign MND is applicable to West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 4) Biological Resources - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in the placement of two digital freeway signs in the different footprint areas as compared to those that were previously analyzed and approved. However, the new footprint areas for the digital freeway signs are located within areas that have been previously disturbed as a result of development and now function as improved parking lot/landscape areas at existing businesses; these locations do not represent riparian areas or wetlands/waters of the U.S., nor are they anticipated to support any special-status plant or animal species.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign

Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant biological resources impacts or substantially more severe biological resources impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant biological resources impacts or substantially more severe biological resources impacts, and there is no new information requiring new analysis or verification. The analysis of biological resources impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 5) Cultural Resources - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in the placement of two digital freeway signs in the different footprint areas as compared to those that were previously analyzed and approved. However, the new footprint areas for the digital freeway signs are located within previously disturbed and now improved parking lot/landscape areas at existing businesses. While these locations do not contain any historic resources and are not anticipated to contain cultural resources, there is always the potential to discover unknown resources as was contemplated in the prior Digital Freeway Sign MND. Such potential was reduced to a less than significant level with mitigation measures that were identified in the Digital Freeway Sign MND, and those same mitigation measures would be applicable to the current projects.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant cultural resources impacts or substantially more severe cultural resources impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant cultural resources impacts or substantially more severe cultural resources impacts, and there is no new information requiring new analysis or verification. The analysis of cultural resources impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 6) Geology and Soils - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the type of development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, the development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would be subject to compliance with the City's development review process and the City's Improvement Standards and Standard Specifications and

the Uniform Building Code which will reduce any potential geology and soils impacts to a less than significant level.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant geology and soils impacts or substantially more severe geology and soils impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant geology and soils impacts or substantially more severe geology and soils impacts, and there is no new information requiring new analysis or verification. The analysis of geology and soils impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 7) Greenhouse Gas Emissions – the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation projects will result in similar construction and operational air quality/greenhouse gas emissions due to no changes in the number or screen size of the digital freeway signs and associated construction emissions and vehicle trips associated with minimal on-site maintenance that will be generated by the projects. In addition, the changes contemplated by the projects will result in similar electricity usage due to no changes in the number or screen size of the digital freeway signs. The proposed locational changes do not result in any change to the type or intensity of development beyond what was previously considered and analyzed within the Digital Freeway Sign MND, and does not include any aspects that would introduce new air quality/greenhouse gas emissions impacts.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant greenhouse gas emissions impacts or substantially more severe greenhouse gas emissions impacts; there are no new circumstances involving new significant greenhouse gas emissions impacts or substantially more severe greenhouse gas emissions impacts, and there is no new information requiring new analysis or verification. The analysis of greenhouse gas emissions impacts above is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 8) Hazards and Hazardous Materials - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is

consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would be subject to compliance with various Federal, State, and local laws and regulations (including but not limited to Titles 8 and 22 of the Code of California Regulations, Uniform Fire Code, and Chapter 6.95 of the California Health and Safety Code) addressing hazardous materials management and environmental protection which will reduce any hazardous materials management and environmental protection impacts to a less than significant level. The West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects do not include any unusual uses of hazardous materials. In addition, the project sites are not on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, the project sites are not located within an airport land use plan or within the vicinity of a private airstrip, the projects design and layout will not impair or physically interfere with the street system emergency evacuation route or impede an emergency evacuation plan, and the projects will be reviewed by the Rocklin Fire Department and will be designed with adequate emergency access for use by the Rocklin Fire Department to reduce the risk of loss, injury or death involving wildland fires.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant hazards and hazardous materials impacts or substantially more severe hazards and hazardous materials impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant hazards and hazardous materials impacts or substantially more severe hazards and hazardous materials impacts, and there is no new information requiring new analysis or verification. The analysis of hazards and hazardous materials impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 9) Hydrology and Water Quality - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would also be subject to the mitigation measures incorporated into Rocklin General Plan goals and policies, the City's Grading and Erosion and Sedimentation Control Ordinance (Rocklin Municipal Code, Chapter 15.28), the Stormwater Runoff Pollution Control Ordinance (Rocklin Municipal Code, Chapter 8.30),

and the City's Improvement Standards to reduce impacts to hydrology and water quality to a less than significant level. In addition, the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review project sites are located in flood zone X, which indicates that the projects are not located within a 100-year flood hazard area and outside of the 500-year flood hazard area. The project sites are not located within the potential inundation area of any dam or levee failure, nor is the project site located sufficiently near any significant bodies of water or steep hillsides to be at risk from inundation by a seiche, tsunami, or mudflow. Because of the limited size of the impact area associated with each digital freeway sign (6' x 6') and because of the existing drainage infrastructure at each digital freeway sign site, the construction and operation of the digital freeway signs is not anticipated to generate significant additional stormwater runoff. Therefore, the projects will not expose people or structures to a significant risk or loss, injury, or death as a result of flooding and a less than significant flood exposure impact would be anticipated.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant hydrology and water quality impacts or substantially more severe hydrology and water quality impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant hydrology and water quality impacts or substantially more severe hydrology and water quality impacts, and there is no new information requiring new analysis or verification. The analysis of hydrology and water quality impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 10) Land Use and Planning - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, the projects would be consistent with the City's General Plan and Zoning Ordinance. The construction of the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would not physically divide an established community and would be compatible with nearby existing and anticipated land uses.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant land use and planning impacts or

substantially more severe land use and planning impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant land use and planning impacts or substantially more severe land use and planning impacts, and there is no new information requiring new analysis or verification. The analysis of land use and planning impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 11) Mineral Resources - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would occur on sites that do not contain known mineral resources and the project is not anticipated to have a mineral resources impact.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant mineral resources impacts or substantially more severe mineral resources impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant mineral resources impacts or substantially more severe mineral resources impacts, and there is no new information requiring new analysis or verification. The analysis of mineral resources impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 12) Noise - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would be anticipated to generate noise levels similar to those that would occur with the original project. Digital freeway signs are not anticipated to have significant long-term operational noise impacts nor result in a substantial permanent or temporary increase in ambient noise levels.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant noise impacts or substantially more severe noise impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant noise impacts or substantially more severe noise impacts, and there is no new information requiring new analysis or verification. The analysis of noise impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 13) Population and Housing - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would maintain the same number and screen size of digital freeway signs as was previously approved. The West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will not directly generate employment at the project sites, do not contain areas designated for residential uses, nor do they contain existing housing. As such, the projects would not introduce unplanned growth or displace substantial numbers of people.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant population and housing impacts or substantially more severe population and housing impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant population and housing impacts or substantially more severe population and housing impacts, and there is no new information requiring new analysis or verification. The analysis of population and housing impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 14) Public Services - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations.

Regardless of the different locations, development associated with West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would not increase the need for fire protection, police patrol and police services to the sites beyond what was previously contemplated, and the need for other public facilities would not be created by the projects. The construction and operation of digital freeway signs would not require public services, except for cases of emergency, nor would they generate a need for additional public services. The construction and operation of digital freeway signs would not have an effect upon, nor would they result in a need for, fire and police protection. The operation of digital freeway signs may have a positive effect on law enforcement and emergency services if they are used to display information important to the traveling public. Similarly, the construction and operation of digital freeway signs would not have an effect upon schools, public facilities or other governmental services.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant public services impacts or substantially more severe public services impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant public services impacts or substantially more severe public services impacts, and there is no new information requiring new analysis or verification. The analysis of public services impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 15) Recreation - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would not be anticipated to increase the use of, and demand for, recreational facilities in a significant manner.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant recreation impacts or substantially more severe recreation impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant recreation impacts or substantially more severe recreation impacts, and there is no new

information requiring new analysis or verification. The analysis of recreation impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 16) Transportation/Traffic - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will not result in an increase in the number of automobile trips generated by the previously approved project because the total number of digital freeway signs is not changing. The construction and operation of the digital signs would not result in an appreciable increase in vehicle trips. Other than trips generated from the construction and minimal maintenance of the digital sign, most of which is done remotely, no other vehicle trips will be made as a result of the project.

The prior Digital Freeway Sign MND analyzed whether digital freeway signs could have potential impacts on traffic safety and determined that existing restrictions regarding location, intensity of light, light trespass, especially those enforced by the California Department of Transportation (Caltrans) under the agreements between the U.S. Department of Transportation under the Highway Beautification Act and the Outdoor Advertising Act, are anticipated to reduce potential traffic safety impacts to a less than significant level. In addition, the prior Digital Freeway Sign MND analyzed whether the project would result in potential traffic safety impacts as a result of the use of special visual effects and interactive signs and such potential was reduced to a less than significant level with mitigation measures that were identified in the Digital Freeway Sign MND. Those same mitigation measures would be applicable to the current projects.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant transportation/traffic impacts or substantially more severe transportation/traffic impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant transportation/traffic impacts or substantially more severe transportation/traffic impacts, and there is no new information requiring new analysis or verification. The analysis of transportation/traffic impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

- 17) Tribal Cultural Resources – the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different

locations. While the Digital Freeway Sign MND was prepared and adopted prior to the requirement to address tribal cultural resources in CEQA documents, because Public Resources Code section 21080.3.3 requires consultation to occur prior to the release of a negative declaration, mitigated negative declaration or EIR for a project and the City intends to rely upon the previous MND for the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, there is no opportunity to incorporate additional mitigation measures for the protection of tribal cultural resources.

- 18) Utilities and Service Systems - the changes contemplated by the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will result in development (the placement of two digital freeway signs) that is consistent with the development that was anticipated with the original project, albeit in different locations. Regardless of the different locations, development associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects would not increase the need for utilities and service systems to the site beyond what was previously contemplated, and the need for other utilities and public services would not be created by the project. The proposed project will require additional electrical supply and conveyance infrastructure, but will not require water supply and conveyance and treatment facilities, solid waste conveyance and landfill facilities, gas supply and conveyance infrastructure, and other utilities and services typical of commercial development.

In conclusion, when comparing the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects to the Digital Freeway Sign MND analysis, the anticipated changes associated with the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects as described above are not anticipated to result in new significant utilities and service systems impacts or substantially more severe utilities and service systems impacts that have not already been considered by the prior Digital Freeway Sign MND; there are no new circumstances involving new significant utilities and service systems impacts or substantially more severe utilities and service systems impacts, and there is no new information requiring new analysis or verification. The analysis of utilities and service systems impacts within the Digital Freeway Sign MND is applicable to the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects, and no further analysis is required.

CONCLUSION:

The Digital Freeway Sign MND evaluated the potential environmental impacts of the development of the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects. The Digital Freeway Sign MND contemplated three digital freeway signs overall, but the one new digital freeway sign (West Marine Digital Freeway Sign Design Review) and the relocated digital sign (Digital Freeway Sign Relocation

Design Review) are proposed in different locations than those previously analyzed, as described above under the Project Description heading. The physical setting of the new different locations have been previously disturbed as a result of development and now function as improved parking lot/landscape areas at existing businesses, so the new locations do not represent any potential differences in potential environmental impacts that are specific to a project's location (i.e., aesthetics, some aspects of air quality, agricultural resources, biological resources, cultural resources, hazards and hazardous materials, some aspects of noise, and some aspects of transportation/traffic).

Because the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects will introduce the same development (the placement of two digital freeway signs) that is consistent with what was anticipated by the original project, and the development would be consistent with the surrounding existing and anticipated development and does not include any aspects that would introduce new or increased environmental impacts, it was determined that the prior MND would be appropriate to rely upon for purposes of CEQA compliance. Based on the analysis provided above, no new significant environmental impacts would occur and no substantial increases in the severity of previously identified significant effects would be anticipated. None of the conditions described in CEQA Guidelines sections 15162, 15163 and 15164 calling for the preparation of a supplement, subsequent or addendum to a negative declaration or EIR are present, and therefore, no subsequent or EIR or supplemental EIR or addendum to an EIR is required pursuant to CEQA.

In summary, the analysis conducted to determine if further environmental review would be necessary has resulted in the determination that the West Marine Digital Freeway Sign Design Review and Digital Freeway Sign Relocation Design Review projects do not result in any environmental impacts beyond those that were previously identified and no further environmental review is necessary.

RESOLUTION NO. PC-2018-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN
 RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN OPERATING AGREEMENT
 FOR A DIGITAL FREEWAY SIGN, CITY OF ROCKLIN AND CLEAR CHANNEL OUTDOOR AT
 ROCKLIN 65 COMMERCE CENTER SITE
(DIGITAL BILLBOARD SIGN RELOCATION)

The Planning Commission of the City of Rocklin does resolve as follows:

Section 1. The Planning Commission of the City of Rocklin finds and determines that:

A. The purpose of the Freeway Digital Sign Program is to manage development of freeway advertising structures by removing outdated billboard structures, reducing the total number of freeway billboards, and updating the freeway advertising to state of the art electronic messaging which will provide area businesses with additional advertising opportunities in a manner that minimizes visual clutter and provides an orderly, attractive, high quality image of the City.

B. The Freeway Digital Sign Program facilities can be quickly and effectively utilized to present critically important “Amber Alert” and other public safety messages to the community.

C. Approval of Design Review (DR2017-0015) authorizes the relocation of a digital freeway sign from APN 365-020-032 to the south, approximately 90 feet, onto APN 365-310-033. There would be no modification to the design, height, or total area of the sign.

D. The development of the project site was analyzed as required by the California Environmental Quality Act (CEQA) as a part of the Digital Freeway Sign Program Initial Study/Mitigated Negative Declaration of Environmental Impacts (MND), approved and certified by City Council Resolution No. 2012-35. Pursuant to Section 15162 of the CEQA Guidelines, no further environmental review of the Digital Billboard Sign Relocation is required, nor should be conducted, since the project is within the scope of the Digital Freeway Sign Program MND which adequately describe these activities for purposes of CEQA for the following reasons:

- i) No new significant environmental impacts nor any substantial increase in the severity of previously identified significant impacts will occur from the Digital Billboard Sign Relocation project.
- ii) No substantial changes occur with respect to the circumstances under which the project will be undertaken which will require major revisions of

the previous MND due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts.

- iii) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete shows any of the following:
 - a. That the project will have one or more significant effects not discussed in the previous MND;
 - b. That significant effects previously examined will be substantially more severe than shown in the previous MND;
 - c. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
 - d. That mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects of the environment, but the project proponents declined to adopt the mitigation measure or alternative.

E. City of Rocklin and Clear Channel Outdoor desire to complete the necessary operating agreement required to implement the City's Digital Freeway Sign Program on State Route 65.

Section 2. The Planning Commission of the City of Rocklin hereby recommends that the City Council approve and authorize the City Manager to execute the Operating Agreement for a Digital Freeway Sign on the SR-65 corridor in the form attached hereto as Exhibit A and by this reference incorporated herein.

PASSED AND ADOPTED on this day of , 2018 by the following roll
call vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

Pierre Martinez, Chairman

ATTEST:

Secretary

EXHIBIT A

(Digital Freeway Sign Program/SR-65 Corridor Site)
Operating Agreement for Digital Freeway Sign
City of Rocklin and Clear Channel Outdoor

**Operating Agreement for Digital Freeway Sign
City of Rocklin and Clear Channel Outdoor
Rocklin 65 Commerce Center Site**

This Operating Agreement for a Digital Freeway Sign (hereinafter "Agreement"), dated _____, 2018 is by and between the City of Rocklin (the "City"), a California municipal corporation, and Clear Channel Outdoor, Inc. ("CCO"), a Delaware corporation.

Background

Ordinance No. 979, which the Rocklin City Council adopted on March 13, 2012, after all required notices and public hearing, allows for the City to enter into an Operating Agreement to allow for Digital Freeway Signs under certain circumstances; including compensation to the City and the permanent removal of pre-existing billboards from within the City.

Pursuant to Ordinance No. 929, the Digital Freeway Sign Program, CCO obtained City approvals, other applicable approvals, and entered into an Operating Agreement for a Digital Freeway Sign with the City of Rocklin for the Hwy 65 at Blue Oaks ("Blue Oaks") location.

CCO installed the Blue Oaks digital freeway sign in compliance with the applicable approvals and the Operating Agreement, including removal of pre-existing billboards from within the City.

CCO and the City now desire to relocate the existing Blue Oaks location digital freeway sign to adjacent property commonly known as Rocklin 65 Commerce Center (the "Foggy Site").

There is property in the City located at the Foggy Site adjacent to Highway 65 and suitable for the operation of a Digital Freeway Sign. CCO is an outdoor-advertising company that has extensive experience in successfully installing, operating, and maintaining digital billboards throughout the United States. CCO desires to contract with the owners of certain property for the purpose of installing, operating, and maintaining a Digital Freeway Sign, and it has the requisite resources and expertise to do so successfully. For the reasons recited herein, the City has determined that the construction and operation of CCO's proposed outdoor advertising displays is a development for which this Agreement is appropriate and is specifically permitted and encouraged by §§ 5412 and 5443.5 of the California Outdoor Advertising Act (Bus. and Prof. Code § 5200 et seq.).

City finds that a substantial public benefit will accrue to City by reason of the fees that will be generated by CCO's outdoor advertising display and shared with City, which adds value to the community by enabling City to undertake projects, programs and other activities for the benefit of City and its businesses and residents. In exchange for providing these public benefits, CCO receives assurance that it may proceed with the relocation, construction and operation of

CCO's outdoor advertising display and the Project in accordance with ordinances, resolutions and regulations existing as of the date of this Agreement, subject only to the terms and conditions contained herein.

With these background facts in mind, the City and CCO agree as follows:

1. Definitions. This section defines the terms "Agreement Year," "Business Day," "Caltrans," "Caltrans Permits," "City controlled real property," "City Permits," "Commencement Date," "Digital Display Area," "Digital Freeway Sign," "Effective Date," "Include," "Operational," "Site" or "Foggy Site," "Sign Structure," and "Term." Other terms are defined elsewhere in this Agreement.

- (a) "Agreement Year" means one of the consecutive 12-month periods during the Term. The first Agreement Year begins on the Effective Date.
- (b) "Business Day" means any day the City's main offices located at 3970 Rocklin Road, Rocklin, California, are open to the public.
- (c) "Caltrans" means the California Department of Transportation.
- (d) "Caltrans Permits" means all permits and approvals that CCO must obtain from Caltrans to install, operate, and maintain the Digital Freeway Sign in accordance with this Agreement.
- (e) "City controlled real property" means any property which the City owns, or property in which the City has a legal right that allows the City to exercise unencumbered operational control over the property.
- (f) "City Permits" means all building permits, zoning amendments, relocation agreements, design review approvals, and other permits, entitlements, and agreements that the City, acting in its governmental capacity, must issue or approve for CCO to relocate, install, operate, and maintain the Digital Freeway Sign in accordance with this Agreement.
- (g) "Commencement Date" means the date as of which both of the following have occurred: the City has finally approved the Plans (defined in Section 5(a)), and CCO has received all necessary governmental permits and approvals for the Digital Freeway Sign, including the Caltrans Permits and the City Permits.
- (h) "Digital Display Area" means the portion of the Digital Freeway Sign that consists of back-to-back digital (LED) display areas used for general commercial advertising, with each of the two display areas measuring 14 feet high and 48 feet wide (excluding cabinetry and trim).

- (i) “Digital Freeway Sign” means an off-premises outdoor advertising sign containing two faces, utilizing digital message technology, capable of changing the static message or copy on the sign electronically. The Digital Freeway Sign may be internally or externally illuminated. The Digital Freeway Sign shall contain static messages only, and shall not have animation, movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign. Each static message shall not include flashing lighting or the varying of light intensity. CCO will install and operate the Digital Freeway Sign on the Site in accordance with the criteria set forth in **Exhibit A** to this Agreement. The Digital Freeway Sign consists of a Digital Display Area and a Sign Structure.
- (j) “Effective Date” means the date as of which both the City and CCO have signed this Agreement, as indicated by the dates in the signature blocks below.
- (k) “Include” and its variants are not restrictive. For example, “includes” means “includes but not limited to,” and “including” means “including but not limited to.”
- (l) “Operational” means the Digital Freeway Sign is capable, legally and functionally, of displaying advertising on the Digital Display Area.
- (m) “Site” or “Foggy Site” means the real property located at 6550 Lonetree Boulevard in the City that is the proposed location of the Digital Freeway Sign pursuant to this Agreement.
- (n) “Sign Structure” means the portion of the Digital Freeway Sign other than the Digital Display Area, and it includes all ancillary equipment and utilities installed on the Site.
- (o) “Term” means the entire time this Agreement is in effect, as specified in Section 2.

2. Term of Agreement.

- (a) *Term.* The “Term” of this Agreement consists of two phases:
 - (1) The “Pre-Operations Phase,” which begins on the Effective Date and ends on the date the Digital Freeway Sign becomes Operational.
 - (2) The “Operations Phase,” with regard to the Digital Freeway Sign begins when the Pre-Operations Phase ends and ends when such Digital Freeway Sign is removed.

3. Consideration. As consideration for the rights and benefits it enjoys under this Agreement, including the contemplated use during the Term, CCO shall do all of the following:

- (a) *Monthly Fee.* CCO shall pay the City the “Monthly Fee” set forth in **Schedule 1**.
- (1) The Monthly Fee is due and payable on the first day of each calendar month at the address set forth for the City in Section 8(c) following commencement of the Operations Phase, and subject to subsection (5) below. Any installment of Monthly Fee that is not paid within 20 days after it is due and payable will increase by 5%.
 - (2) If the Operations Phase begins on a day other than the first day of a month, then the first and last months’ installments of the Monthly Fee will be prorated.
 - (3) CCO may offset the Monthly Fee if CCO is unable by reason of law or regulation, permit revocation or issuance, to continue operation of the Digital Display Area for any period of time during the Term of this Agreement in which event the Monthly Fee shall be waived in full for any such period of time.
 - (4) CCO may offset the Monthly Fee if CCO has provided notice of an Obstruction under Section 4(b) and the City has not removed the Obstruction as provided therein. In such event, the Monthly Fee shall be offset in full until such Obstruction is removed as required in Section 4(b).
 - (5) Notwithstanding anything to the contrary contained herein, the Monthly Fee shall be waived for the first eighty-four (84) months following commencement of the Operations Phase.
- (b) *Relocation of Existing CCO Sign.* At no cost to the City, and as additional consideration for use and occupancy of the Site during the Operations Phase, CCO shall relocate the existing sign located at the Blue Oaks location to the Foggy Site, according to **Schedule 2**, subject to the following:
- (1) CCO’s commitment to relocate the Existing Sign according to the schedule set forth in **Schedule 2** is a material provision of this Agreement.

4. Use of Site.

- (a) *Exclusive Uses.* Except as otherwise provided in Section 5(i), CCO has the exclusive right to display outdoor advertising on the approved Digital Freeway Sign, in digital format. CCO shall retain the right at any time to convert the Digital Freeway Sign to a conventional, printed sign. In addition, the City shall not authorize any off-site outdoor advertising on any City-owned or City-controlled property if the outdoor advertising would be within 1,000 feet of the Digital Freeway Sign. CCO’s exclusive right to conduct outdoor advertising on the Site includes the following:

- (1) Installing, erecting, maintaining, operating, improving, supplementing, posting, painting, illuminating, repairing, removing, adding, changing and maintaining equipment required to maintain communications with the Digital Freeway Sign , repositioning (with the City’s consent), and removing the Digital Freeway Sign and all associated equipment on or from the Site when this Agreement terminates or earlier if required by law.
- (2) Licensing the use of the Digital Freeway Sign , or any portion of it, for any lawful purpose related to outdoor advertising,
- (3) All rights to operate the sign face as Digital Display Areas or with conventional printed faces as set forth in subsection 4 (a) above.

(b) *Unobstructed Use.*

- (1) The City shall not allow the following (an “Obstruction”):
 - (A) On any City-owned or City-controlled real property in the immediate vicinity of the Site – any structure, sound wall, communications antennae, tree, or vegetation that is within 1,000 feet of the Digital Freeway Sign and obstructs the view of the Digital Display (in the sole determination of CCO) from State Route 65.
- (2) If CCO notifies the City in writing that an Obstruction exists, and if the City authorized or actively caused the Obstruction, then the City shall remove or remedy the Obstruction at its own cost within 30 days after receiving the notice. If the City fails to remove the Obstruction within 30 days after receiving the notice, then CCO may remove the Obstruction at the City’s expense after coordinating with the appropriate department of the City.
- (3) If CCO notifies the City in writing that an Obstruction exists, and if the City did not authorize or actively cause the Obstruction, then the City may remove or remedy the Obstruction at its own cost within 30 days after receiving the notice. If the City does not remove or remedy the Obstruction within the 30 days, then, at no cost to the City, and after coordinating with the appropriate department of the City, CCO may remove the Obstruction described in the notice.
- (4) CCO’s exercise of its rights under this Section 4(b) shall be the sole remedy for obstruction of the Digital Display under this Agreement.

5. Installation and Operation of Digital Freeway Sign. CCO shall relocate, install and operate the Digital Freeway Sign on the Site in accordance with this Section 5 and consistent with Section 4, all at no cost to the City.

- (a) *Plans and Specifications.* At no cost to the City, CCO shall prepare complete plans and specifications for the Digital Freeway Sign, working closely with the City to develop plans and specifications that are mutually acceptable (the "Plans"). CCO shall submit the Plans to the City for final approval, which the City shall not unreasonably withhold.
- (b) *Caltrans Permits.* As soon as practicable after the Effective Date, Orion 50 Outdoor, LLC or CCO shall apply to Caltrans for all Caltrans Permits, and the City shall cooperate with CCO and Orion in that effort, including the completion of any Caltrans forms, all at no cost to the City. All Caltrans Permits are to be obtained and secured for CCO's sole benefit and are to be issued in CCO's name (or if issued in Orion's name, such permit shall be assigned to CCO by Orion). CCO shall perform all obligations under the Caltrans Permits at no cost to the City.
- (c) *City Permits.* The City shall diligently process CCO's applications for all City Permits. This Agreement does not commit the City in advance to approve the City Permits; and this Agreement does not constrain the City's discretion, acting as a government, with respect to the City Permits specifically or to the Digital Freeway Sign generally.
- (d) *Installation.* CCO shall begin relocating and installing the Digital Freeway Sign as soon as practicable after the Commencement Date and shall diligently pursue installation to completion without unnecessary interruption. CCO will be excused, however, for any delays in beginning or completing installation that are caused by a Force Majeure Event, as defined in Section 8(d)(1). CCO shall use reasonable diligence to avoid such delays and to resume work as promptly as possible after such a delay.
- (e) *Ownership.* CCO will be the owner of the Digital Freeway Sign and all permits and authorizations that relate to it, including the City Permits and the Caltrans Permits.
- (f) *Maintenance.* At no cost to the City, CCO shall maintain the sign structure and shall maintain, repair, and improve the Digital Freeway Sign in accordance with the standards of the outdoor-advertising industry. CCO's maintenance obligation under this Section 5(f) includes the obligation to remove any graffiti from the Sign Structure and the Digital Freeway Sign. The City is not obligated to maintain the sign structure or to maintain or repair the Digital Freeway Sign.
- (g) *Damage or Destruction.* At CCO's sole option, this Agreement may continue in full effect if the Digital Freeway Sign is damaged or destroyed in whole or part. If CCO elects to repair or replace the Digital Freeway Sign, CCO shall promptly apply for, and diligently pursue the issuance of, any permits or approvals it needs to repair or replace the Digital Freeway Sign. Within 30 days after obtaining the necessary permits and approvals, and the availability of all parts and components CCO shall begin work to repair or replace the Digital Freeway Sign. CCO shall exercise commercially reasonable efforts to complete the work within 180 days after the work begins. If CCO elects, under this Section 5(g), not to repair or replace the Digital Freeway Sign then CCO shall notify the City in writing of its

election, remove the Digital Freeway Sign in accordance with the obligations under the lease for the Foggy Site, and this Agreement shall terminate.

(h) *Utilities.* At no cost to the City, CCO shall provide and pay for all utility connections, utility equipment, and utility service required to install, operate, maintain, repair, improve, or reposition the Digital Freeway Sign throughout the Term.

(i) *Amber Alerts and Public-Service Messages.* During all periods when Digital Display Areas are Operational on its Digital Freeway Sign, CCO shall make the advertising space on the Digital Freeway Sign available to the appropriate agencies for the purpose of displaying "Amber Alert" messages in accordance with the Amber Alert Guidelines set forth in **Exhibit B** to this Agreement. In addition, CCO shall make the advertising space on the Digital Freeway Sign available to the City, and to other government agencies with the consent of the City, which consent shall not be unreasonably withheld, and without cost, on a space-available basis determined by CCO, for the purpose of displaying public-service messages (e.g., evacuation routes, drunk-driving-awareness messages, emergency-disaster communications) ("Public Service Announcements"). The City's messages must meet CCO's graphics-arts standards so that the messages are "camera ready," at no cost to CCO. All copy will be subject to CCO's standard advertising copy rejection and removal policies which allow CCO the right in CCO's sole discretion to approve or disapprove copy and remove copy once posted or displayed.

(j) The City shall and hereby does agree to indemnify, defend and hold harmless CCO for, from and against, any claims, costs (including, but not limited to, court costs and reasonable attorney's fees), losses, actions, or liabilities arising from or in connection with any third party allegation that any portion of any Public Service Announcement provided by City infringes or violates the rights, including, but not limited to, copyright, trademark, trade secret, privacy or any similar right, of any third party. This indemnity obligation shall not include Company's lost profits or consequential damages.

(k) *City Sign.* On each side of the Sign Structure, CCO shall install, operate, maintain, and repair a City sign that faces the same direction as a Digital Display Area on the Digital Freeway Sign. The size and design of the City sign shall substantially comply with the criteria set forth in the Design Review Approval provided by the City.

(l) *Future technologies.* The technology currently being deployed for Digital Freeway Sign is LED (light emitting diode), but there may be alternate, preferred or superior technology available in the future. CCO is authorized to change the digital Freeway Sign to any other technology that operates under the maximum brightness standards set forth in Section 5(m) of this Agreement. The City shall expedite any required approvals for technology that is superior in energy efficiency over previous generations or types.

- (m) *Illumination Standards.* Digital Freeway Sign illumination is expressly permitted when operated within these standards,
 - (1) Digital Freeway Sign shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance.
 - (2) Distance to measure the foot candles impact shall be measured from a distance of 250 ft. for a sign with a nominal face size of 14' x 48'.
 - (3) Each Digital Display Area must have a light sensing device that will adjust the brightness as ambient light conditions change.

- (n) *Removal of Digital Freeway Sign.* When the Term ends, whether it expires as scheduled or is terminated early, CCO shall promptly apply for, and diligently pursue the issuance of, at no cost to the City, any permits or approvals it needs to remove the Digital Freeway Sign. Within 120 days after obtaining the necessary permits and approvals, CCO shall remove the Digital Freeway Sign from the Site in accordance with its obligations under the lease for the Foggy Site.

- (o) *Compliance with Laws; Waiver of Compensation.* During the Term and while removing the Digital Freeway Sign after the Term in accordance with Section 5(n), CCO shall do the following at no cost to the City: comply with all valid and applicable statutes, ordinances, regulations, rules, and orders that concern the Digital Freeway Sign and are enacted or issued by any federal, state, or local governmental entity with jurisdiction over the Digital Freeway Sign (excluding the City) whether enacted or issued before, on, or after the Effective Date. Notwithstanding the foregoing, nothing herein shall be deemed to negate, void, or diminish (i) any claim CCO may have for just compensation as a result of any governmental action that results in the taking of its property or (ii) the right of CCO to avail itself of all remedies available to CCO under state or federal law to maintain its Digital Freeway Sign.

- (p) *Compliance with Mitigation-Monitoring Program.* During the Term and while removing the Digital Freeway Sign after the Term in accordance with Section 5(n), CCO shall comply with the Mitigation Monitoring Program attached as **Exhibit C** to this Agreement. CCO's compliance with the Mitigation Monitoring Program is a material term of this Agreement.

- 6. Early Termination.**
 - (a) *City's Termination Rights.* Without prejudice to its other remedies at law or in equity, the City may terminate this Agreement, at any time and in its sole discretion, effective 30 days after the City gives CCO written notice of termination, if any of the following circumstances occurs:

- (1) CCO breaches its obligation to pay the Monthly Fee when due and does not cure the breach within 30 days after the City serves CCO with a written notice of breach.
 - (2) CCO breaches its obligation to perform in accordance with any material provision of this Agreement other than the obligation to pay Monthly Fee and (A) does not cure the breach within 30 Business Days after the City serves it with a written notice of breach or, if the breach cannot reasonably be cured within 30 Business Days, or (B) does not begin work on a cure within 30 Business Days after the City serves it with a written notice of breach and diligently pursue the cure to completion after work begins. The express designation in this Agreement of a provision as “material” does not imply that other provisions are not material.
- (b) *CCO’s Termination Rights.* Without prejudice to its other remedies at law or in equity, including the right to seek just compensation under the laws of eminent domain as described in Section 5(o), CCO may terminate this Agreement with respect to any or all of the Digital Freeway Sign, at any time and in its sole discretion, effective 30 days after CCO gives the City written notice of termination, if any of the following circumstances occurs:
- (1) The view of the Digital Display Area’s display area from the portion of State Route 65 adjacent to the Site is materially Obstructed, and CCO did not cause the Obstruction.
 - (2) CCO cannot safely use the Site to install, operate, maintain, repair, or improve the Digital Freeway Sign because of a non-remediable condition, and CCO did not cause the condition.
 - (3) There is a material diversion of traffic from, or a material reduction or change in the directional flow of traffic on, the portion of State Route 65 adjacent to the Site, and the diversion or disruption continues uninterrupted for at least 12 consecutive months.
 - (4) CCO cannot obtain or maintain the governmental permits required to install, operate, maintain, repair, or improve the Digital Freeway Sign, including the Caltrans Permits and the City Permits.
 - (5) Use of the Digital Freeway Sign for their intended purpose is prevented or limited by law, or CCO is required by any court or other governmental entity, for reasons other than eminent domain, to remove the Digital Freeway Sign from the Site.
 - (6) With respect to the Digital Freeway Sign, such Sign is damaged by a casualty for which CCO elects not to repair or replace the Digital Display Area.
 - (7) Upon termination of CCO’s lease at the Foggy Site.

(c) *City's and CCO's Additional Termination Rights.* Without prejudice to their other remedies at law or in equity, either party may terminate this Agreement if the other party:

- (1) has an order for relief entered with respect to it, commences a voluntary case, or has an involuntary case filed against it under any applicable bankruptcy, insolvency, or other similar law then in effect, and the order or case is not stayed, withdrawn, or settled within 60 days after it is entered, commenced, or filed (11 U.S.C. § 365(e)(2)(A), as amended, or any successor statute); or
- (2) files for reorganization, becomes insolvent, or has a receiver or other officer with similar powers appointed for its affairs in any court with jurisdiction, whether or not with its consent (unless dismissed, bonded, or discharged within 60 days after appointment)

7. Indemnification.

(a) *Definitions.* The following definitions apply to this Section 7:

- (1) "Person" is to be interpreted broadly. It includes not just third persons but also CCO and CCO's directors, officers, employees, contractors, and agents; and the City and the City's elected officials, officers, employees, contractors, and agents.
- (2) "Liabilities" means all liabilities, claims, demands, damages, and costs (including reasonable attorneys' fees and litigation costs through final resolution on appeal) that arise directly or indirectly from CCO's possession or use of the Sites.
- (3) "Occurrence" means (A) the death of, or injury to, any Person; and (B) damage to, or destruction of, any real property, personal property.

(b) *General Indemnity.* CCO shall indemnify, defend (with attorneys reasonably acceptable to the City), protect, and hold the City and the City's property harmless, for the full period of time allowed by law, from and against all Liabilities (including, without limitation, reasonable attorney's fees) that arise directly or indirectly from CCO's possession or use of the Site. CCO is obligated under this Section 7(b) even if the City or the City's elected officials, officers, employees, contractors, or agents reviewed, accepted, or approved the work, materials, or activities from which the Liabilities arise. But CCO is not obligated under this Section 7(b) to the extent the Liabilities are caused by the active negligence or willful misconduct of the City or the City's elected officials, officers, employees, contractors, or agents. CCO's obligation under this Section 7 (b) includes Liabilities arising from any of the following resulting from CCO's acts or omissions:

- (1) Any Occurrence on the Site.
- (2) Any Occurrence that is in any way connected with any of CCO's personal property

on the Site.

- (3) Any Occurrence caused or allegedly caused by (A) any condition of the Site created by CCO or by any Person on the Site with CCO's permission; or (B) some act or omission on the Site by CCO or by any Person on the Site with CCO's permission.
 - (4) Any Occurrence caused by, or related in any way to, work or activities performed on the Site or materials furnished to the Site at the request of CCO or any person or entity acting for CCO or with CCO's permission.
 - (5) Any Occurrence that is caused by, or related in any way to, a verbal or non-verbal display on the Digital Display Area.
 - (6) CCO's failure to perform any provision of this Agreement, to comply with any requirement of law applicable to CCO, or to fulfill any requirement imposed by any governmental entity (including the City when acting as a government) on CCO or on CCO's use of the Site.
- (c) *Legal Challenges.* Notwithstanding anything to the contrary contained in this Section 7, CCO shall be required to indemnify, defend, protect, and hold harmless the City and the City's elected officials, officers, and employees in any litigation (including litigation based on the California Environmental Quality Act) brought to challenge the validity of this Agreement, the validity of the City Permits or the Caltrans Permits, or the validity of the City ordinances that authorize the installation and operation of the Digital Freeway Sign on the Site.
- (d) *Survival.* CCO's obligations under this Section 7 shall survive this Agreement for the full period of time allowed by law.

8. Miscellaneous.

- (a) *Assignments and Subagreements.* A party may not assign or otherwise transfer this Agreement or any interest in it, and this Agreement is not assignable by operation of law, without the other party's prior written consent, which the other party shall not withhold, delay, or condition unreasonably. An assignment or transfer of this Agreement does not occur, for purposes of this Section 8(a), if CCO merges with another company, reorganizes its stock, or undergoes a similar corporate restructuring, or if CCO sells any of its assets in the California market or stock. An assignment or transfer made contrary to this Section 8(a) is void.
- (b) *Successors and Assigns.* This Agreement binds and inures to the benefit of the successors and assigns of the parties. This Section 8(b) does not constitute the City's consent to any assignment of this Agreement or any interest in the Agreement.

(c) *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 8(c) 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. A 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 8(c).

If to the City:

City of Rocklin
 3970 Rocklin Road
 Rocklin, California 95677
 Attention: City Manager

If to CCO:

Clear Channel Outdoor, Inc.
 401 Slobe Avenue
 Sacramento, California 95815
 Attention:
 Division President - Sacramento

(d) *Force Majeure.*

- (1) "Force Majeure Event" means a cause of delay that is not the fault of the party who is required to perform under this Agreement and is beyond that party's reasonable control, including the elements (including floods, earthquakes, windstorms, and unusually severe weather), fire, energy shortages or rationing, riots, acts of terrorism, war or war-defense conditions, acts of any public enemy, epidemics, the actions or inactions of any governmental entity (excluding the City) or that entity's agents, litigation, labor shortages (including shortages caused by strikes or walkouts), and materials shortages.
- (2) Except as otherwise expressly provided in this Agreement, if the performance of any act required by this Agreement to be performed by either the City or CCO is prevented or delayed because of a Force Majeure Event, then the time for performance will be extended for a period equivalent to the period of delay, and performance of the act during the period of delay will be excused.
- (3) This Section 8(d) does not excuse (A) CCO's obligation to pay Monthly Fee when due and payable, except as otherwise provided herein; or (B) either party's obligation to perform any act when performance is rendered difficult or impossible solely because of that party's financial condition.

(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 provision in this Agreement will not constitute a continuing waiver or a waiver of any subsequent breach of the same or any other provision. A waiver is binding only if set forth in writing and signed by the waiving party.

- (f) *Relationship of the Parties.* CCO is an independent contractor to the City and not an agent or employee of the City. No agency, joint powers agreement, or other relationship is created or intended to be created by this Agreement.
- (g) *Attorney's Fees.* If the services of any attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party, or if any judicial remedy or arbitration is necessary to enforce or interpret any provisions of this Agreement or the rights and duties of any person in relation to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees, costs and other expenses, in addition to any other relief to which such party may be entitled. Prevailing party includes (a) a party who dismisses an action in exchange for sums allegedly due; (b) the party that receives performance from the other party of an alleged breach of covenant or a desired remedy, if it is substantially equal to the relief sought in an action; or (c) the party determined to be prevailing by a court of law.
- (h) *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.
- (i) *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.
- (j) *Further Assurances.* Each party shall execute all additional documents or instruments and take all necessary action that either party reasonably considers necessary to carry out the proper purposes of this Agreement.
- (k) *Time of Essence.* Time is of the essence of this Agreement.
- (l) *Governing Law; Interpretation.* This Agreement is to be interpreted and applied in accordance with California law without regard to conflict-of-laws principles, except that the rule of interpretation in California Civil Code section 1654 will not apply. The titles of the various Paragraphs of this Agreement and elsewhere in the Contract Documents are used for convenience of reference only and are not intended to, and shall in no way, enlarge or diminish the rights or obligations of the City or CCO and shall have no effect upon the construction or interpretation of the Agreement. The Agreement shall be construed as a whole in accordance with its fair meaning and not strictly for or against the City or CCO. Schedules 1 and 2 and Exhibits A, B, and C are part of this Agreement.

- (m) *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 Rocklin

By: _____
Steven Rudolph
City Manager
Dated: _____, 2018

Approved as to Form
Rocklin City Attorney

By: _____

Clear Channel Outdoor, Inc.

By: Robert Selmer
Its: Regional President
Clear Channel Outdoor, Inc.

Dated: May 22, 2018

By: [Signature]

Its: Regional VP, Finance
Clear Channel Outdoor, Inc.

Dated: May 22, 2018

Operating Agreement for Digital Freeway Sign
Clear Channel Outdoor – Rocklin 65

Schedule 1
Monthly Fee

1. The Monthly Fee shall be as follows:
 - Years 1-6 - \$2,000 per month, or portion thereof, commencing on the first day of the Operations Phase.
 - Subsequent years - On the first (1st) day of the seventh (7th) anniversary of the Operations Phase and, every year thereafter, the rent shall be increased by 2%.
 - Notwithstanding the foregoing, the Monthly Fee payments to City by CCO shall be waived for the first eighty-four (84) months, which is seven (7) years, of the Operations Phase.

Operating Agreement for Digital Freeway Sign
Clear Channel Outdoor – Rocklin 65

Schedule 2

Existing Billboard to be Relocated

Current Location	New Location
<p>Hwy 65 at Blue Oaks <i>General Location:</i> Hwy 65 ES 0.15 mi S/O Stanford Ranch Road <i>APNs:</i> 365-020-032 <i>General Description:</i> BTB Digital Bulletin <i>Total Display Area:</i> 1,344 sq. ft.</p>	<p>Rocklin 65 Commerce Center Site <i>General Location:</i> Rocklin 65 Commerce Center <i>APNs:</i> 365-310-033 <i>General Description:</i> BTB Digital Bulletin <i>Total Display Area:</i> 1,344 sq. ft.</p>

Operating Agreement for Digital Freeway Sign
Clear Channel Outdoor – Rocklin 65

Exhibit A

Digital Freeway Sign Operational Requirements

- a. **Operational Limitations.** Such displays shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement. Each static message shall not include flashing lighting or the varying of light intensity.
- b. **Minimum display time.** Each message on the sign must be displayed for a minimum of eight (8) seconds (or as otherwise provided by law).
- c. **Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.**
- d. **The Digital billboard shall be operated with systems and monitoring in place to either turn the display off or show a “full black” image on the display in the event of a malfunction.**

Operating Agreement for Digital Freeway Sign
Clear Channel Outdoor – Rocklin 65

Exhibit B

Amber Alert Guidelines

AMBER alerts are issued by the National Center for Missing and exploited Children in Washington, DC. For those alerts, CCO and the outdoor advertising industry adhere to these guidelines:

Digital Freeway Sign advertising will be completely interrupted upon receipt of an AMBER Alert within the affected geographical boundary.

The appropriate AMBER Alert will run uninterrupted for a minimum of one hour preempting all other advertising.

During the next two hours, the same alert will be displayed in rotation along with other paid advertisers unless cancelled earlier. After the initial 3 hour display period, any additional posting of the alert is based on the situation and availability.

**Operating Agreement for Digital Freeway Sign
Clear Channel Outdoor – Rocklin 65**

Exhibit C

**Exhibit 3 to Mitigated Negative Declaration approved by
Rocklin City Council Resolution 2012- 35
Mitigation Monitoring Program**

RESOLUTION NO. 2018-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN
 RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A DESIGN REVIEW
(Design Review – Digital Billboard Sign Relocation)
(DR2017-0015)

The Planning Commission of the City of Rocklin does resolve as follows:

Section 1. The Planning Commission of the City of Rocklin finds and determines that:

A. Approval of Design Review (DR-2017-0015) is required to authorize the relocation of a digital freeway sign from APN 365-020-032 to the south, approximately 90 feet, onto APN 365-310-033.

B. The development of the project site was analyzed as required by the California Environmental Quality Act (CEQA) as a part of the Digital Freeway Sign Program Initial Study/Mitigated Negative Declaration of Environmental Impacts (MND), approved and certified by City Council Resolution No. 2012-35. Pursuant to Section 15162 of the CEQA Guidelines, no further environmental review of the Digital Billboard Sign Relocation is required, nor should be conducted, since the project is within the scope of the Digital Freeway Sign Program MND which adequately describe these activities for purposes of CEQA for the following reasons:

- i) No new significant environmental impacts nor any substantial increase in the severity of previously identified significant impacts will occur from the Digital Billboard Sign Relocation project.
- ii) No substantial changes occur with respect to the circumstances under which the project will be undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental impacts or a substantial increase in the severity of previously identified significant impacts.
- iii) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete shows any of the following:
 - a. That the project will have one or more significant effects not discussed in the previous MND;

- b. That significant effects previously examined will be substantially more severe than shown in the previous MND;
- c. That mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.
- d. That mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects of the environment, but the project proponents declined to adopt the mitigation measure or alternative.

C. Due to the application of operating provisions contained within the City of Rocklin Digital Freeway Sign Program, the sign will not create any adverse glare or light impacts on adjoining properties.

D. There would be no modification to the design, height, or total area of the sign. The dimensions, placement, and design of the sign are compatible with the existing building and structures, surrounding development and the environment.

E. The design of the structure is consistent with the goals, policies, and land use designations in the General Plan and will comply with all the standards, regulations, and restrictions outlined in Section 17.75.090 and other applicable sections of the Rocklin Municipal Code.

Section 2. The Design Review (DR2017-0015) for a digital freeway sign relocation, as depicted in Exhibit A, attached hereto and by this reference incorporated herein, is hereby recommended for approval by the City Council of the City of Rocklin, subject to the conditions listed below. The approved Exhibit A shall govern the design and construction of the project. Any condition directly addressing an element incorporated into Exhibit A shall be controlling and shall modify Exhibit A. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Sign Design and Operation

- a. The sign shall conform to the provisions of the City of Rocklin Digital Freeway Sign Program and the sign design, materials and location as shown on Exhibit A. (PLANNING)
- b. The sign shall meet the structural design requirements of the California Building Code and the electrical design and installation requirements of the California Electric Code. Plans for the structural design shall be prepared by a California Licensed Engineer or Architect and the electrical design by a qualified licensed professional. (BUILDING)
- c. Installation and operation of the sign shall conform to all applicable state and federal regulations including the Outdoor Advertising Act. (BUILDING, PLANNING)
- d. The operation of the digital signs shall comply with the following at all times:
 - 1) No special visual effects that include moving or flashing lights shall accompany the transition between two successive messages, and no special visual effects shall accompany any message display.
 - 2) Both screens shall be coordinated such that image changes occur simultaneously and not in an alternating fashion, or

the image on the top screen may remain static while the primary screen changes, but in no case shall changes to the screens be alternating in such a way as to create a flashing or blinking effect.

- 3) The operator shall report to the City of Rocklin its intention of installing, implementing or using any technology that would allow interaction with drivers, vehicles or any device located in vehicles, including, but not limited to a radio frequency identification device, geographic positions system, or other device, a minimum of 30 days in advance of such operation, and shall not proceed with such operation until approved by the City of Rocklin.

(MITIGATION MEASURE XVI-1)

- 4) The sign shall be subject to all requirements of Section 17.75.090 of the Rocklin Municipal Code. (PLANNING, CITY ATTORNEY)

2. Utilities

- a. All utilities shall be provided to the project in compliance with all standards and requirements of the applicable provider. (UTILITY PROVIDERS)

3. Geotechnical Information

Application for a building permit shall be accompanied by all necessary geotechnical and site boring information. (BUILDING)

4. Cultural Resources

The following information shall be included as a note on the Building Plans:

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist and the United Auburn Indian Community (UAIC) shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA (i.e., whether it is a historical resource, a unique

archaeological resource, or a unique paleontological resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources would include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and cultural associations, and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to archaeological and cultural artifacts.

In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, until compliance with the provisions of Sections 15064.5 (e)(1) and (2) of the CEQA Guidelines, as well as Public Resources Code Section 5097.98, has occurred. If any human remains are discovered, all work shall stop in the immediate vicinity of the find and the County Coroner shall be notified, according to Section 7050.5 of the California Health and Safety Code. The City's Community Development Director shall also be notified. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods, and the landowner shall comply with the requirements of AB2641 (2006).
(MITIGATION MEASURE V-1)

5. De-watering if Groundwater Encountered

The following information shall be included as a note on the Building Plans:

If ground water is detected and de-watering is determined to be necessary, arrangements shall immediately be implemented to ensure that such water is collected within an appropriate pump truck or other acceptable collection method and transported for proper disposal at an approved location to the satisfaction of the Building Official. (BUILDING, PLANNING, ENGINEERING)

6. Soil Removal and Disposal

The following information shall be included as a note on the Building Plans:

All dirt/soil extracted as part of the sign installation shall be collected, covered and transported from the site for disposal at an approved landfill or other location deemed acceptable to the satisfaction of the Building Official. (BUILDING, PLANNING, ENGINEERING)

6. On-site Construction

a. The developer shall be responsible for any damage to on-site drainage facilities, paving, landscaping, trash enclosures, etc. which may occur as a result of project construction. If any damage occurs, the developer shall be responsible to repair / restore the above to original condition, to the satisfaction of the Economic and Community Development Director.

(ENGINEERING, PLANNING)

b. The widened landscape planter directly south of the trash enclosure shall be installed with vegetation to match the existing site landscaping, to the satisfaction of the Economic and Community Development Director.

(ENGINEERING, PLANNING)

c. The previous location of the sign pole on APN 365-020-032 shall be improved and hydro seeded with a drought tolerant mix of native grasses and flowers to be aesthetically consistent with the surrounding property, to the satisfaction of the Economic and Community Development Director.

(ENGINEERING, PLANNING)

7. Indemnification and Duty to Defend

Within 30 days of approval of this entitlement by the City, the developer shall execute an Indemnity Agreement, approved by the City Attorney's Office, to indemnify, defend, reimburse, and hold harmless the City of Rocklin and its agents, officers and employees from any claim, action, or proceeding against the City of Rocklin to set aside, void or annul an approval of the entitlement by the City's planning commission or City Council, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate in the defense of the claim, action or proceeding. Unless

waived by the City, no further processing, permitting, implementation, plan checking or inspections related to the subdivision or parcel map shall be performed by the City if the Indemnity Agreement has not been fully executed within 30 days. (CITY ATTORNEY)

8. Validity

- a. This approval shall expire in two years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)
- b. Design Review (DR2017-0015) shall not be considered valid and approved unless and until the concurrent Operating Agreement between the applicant and City as required by the Digital Freeway Sign Program has been approved by the City Council.

PASSED AND ADOPTED on this day of , 2018 by the following roll call vote:

AYES: Commissioners:
 NOES: Commissioners:
 ABSENT: Commissioners:
 ABSTAIN: Commissioners:

Pierre Martinez, Chairman

ATTEST:

Secretary

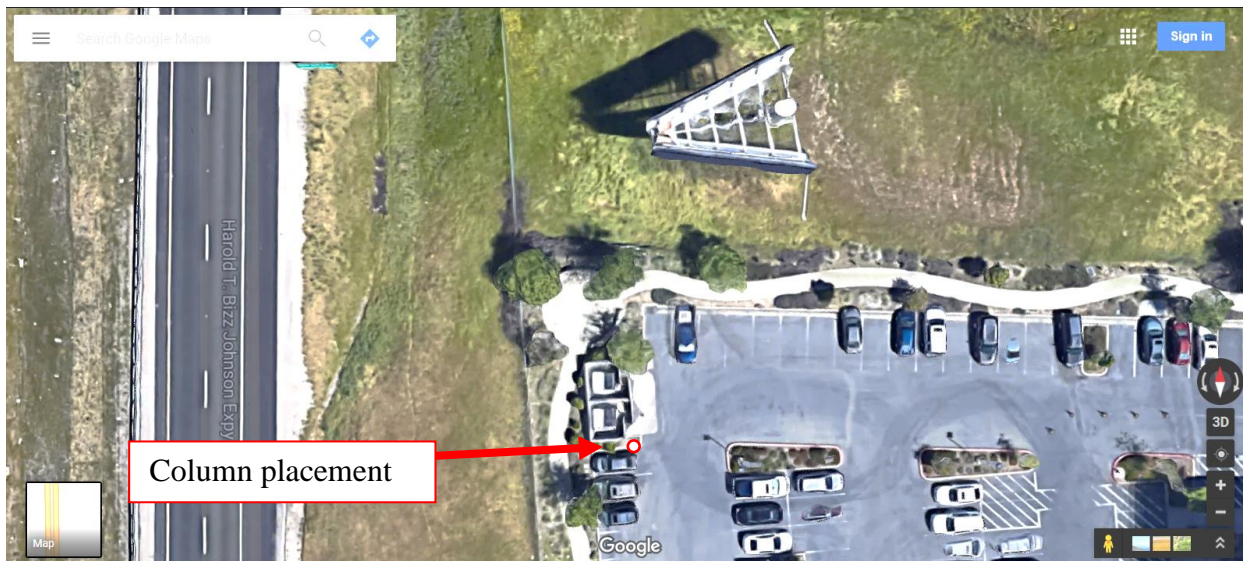
EXHIBIT A

(Design Review – Digital Billboard Sign Relocation)
(DR2017-0015)

CLEAR CHANNEL OUTDOOR

Planned digital sign placement upon relocation

6550 Lonetree Boulevard, Rocklin, CA



Column placement indicated by red circle, above. With cladding, column's diameter is roughly 5 feet. (Actual column shown below.)

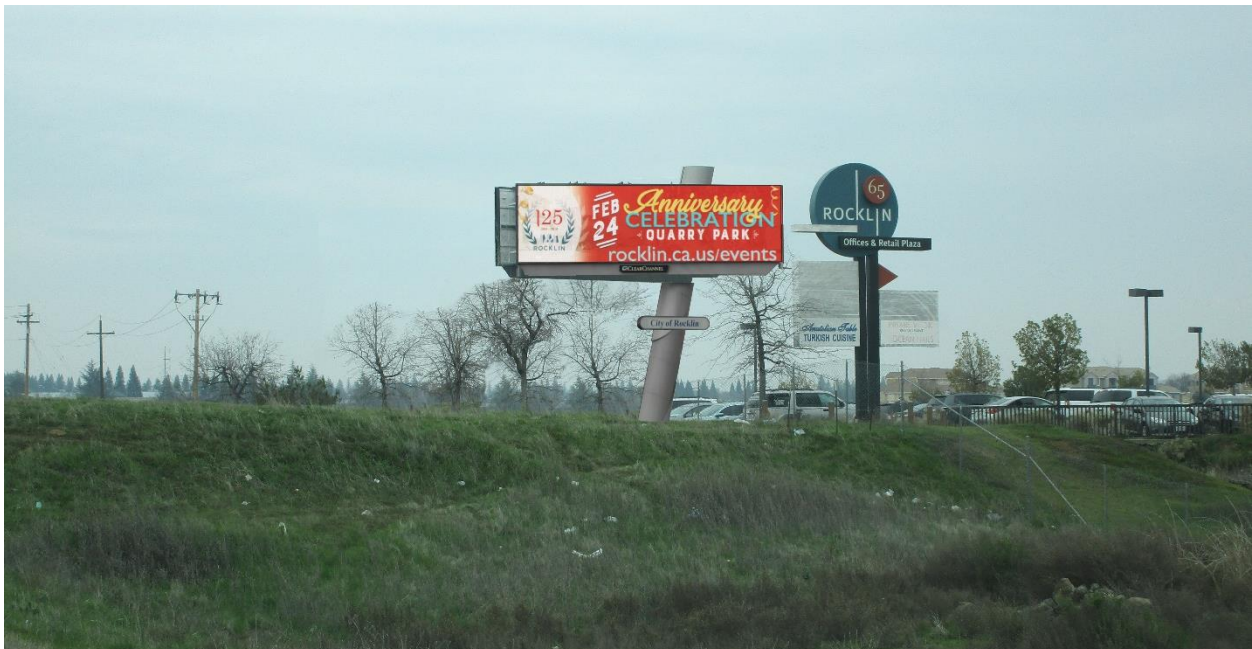


HIGHWAY 65 DIGITAL BILLBOARD RELOCATION

East side of highway, 0.62 miles north of Blue Oaks Blvd.



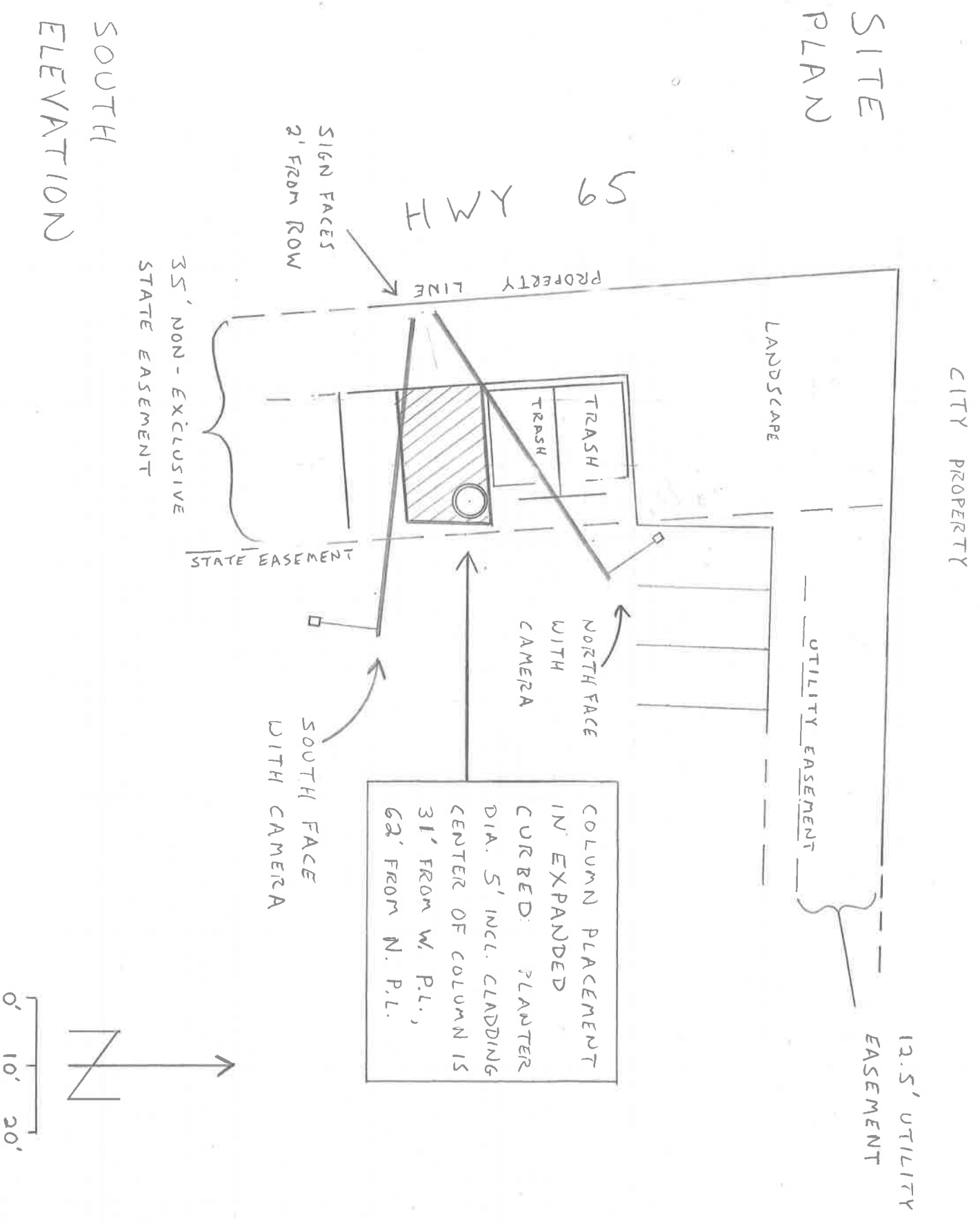
Above: current sign position, viewed from south on highway



Above: proposed new location, approximately 80 feet south of current position

SIGN RELOCATION

FROM APN 365-020-032 TO APN 365-310-033
REUSING EXISTING ABOVE-GROUND COMPONENTS



EXISTING DIGITAL BILLBOARD WITH "V" ANGLE BETWEEN FACES
ORIGINALLY APPROVED BY DR 2008-07B



City of Rocklin Economic and Community Development Department

**Planning Commission
Staff Report**

GRAZING PROGRAM UPDATES TO RMC SECTION 17.78 – LARGE ANIMALS

Zoning Ordinance Amendment, ZOA2018-0003

June 19, 2018

Recommendation

Staff recommends Planning Commission approval of the following:

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN RECOMMENDING APPROVAL OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN TO AMEND A SECTION OF TITLE 17 OF THE ROCKLIN MUNICIPAL CODE REGARDING THE CITY'S WEED ABATEMENT AND OPEN SPACE MANAGEMENT GRAZING PROGRAM AND THE KEEPING OF LARGE ANIMALS (ZOA2018-0003)

The Planning Commission's action would be a recommendation to the City Council.

Proposed Ordinance Amendment

This Ordinance Amendment would modify Section 17.78.010 to clarify that the keeping of goats and sheep on properties within the City is allowed if a grazing permit has been issued pursuant to Rocklin Municipal Code (RMC) Section 6.36.050 and the animals are kept consistent with the City's Weed Abatement and Open Space Management Grazing Program.

Proponent

The proposed Zoning Ordinance Amendment was initiated by the City of Rocklin.

*Planning Commission Staff Report
RMC Amendment - Grazing
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Location

The proposed Zoning Ordinance Amendment would apply Citywide.

Background / Analysis

On April 28, 2009, City Council approved Resolution 2009-73 authorizing a Grazing Management Program for Weed Abatement and Open Space Management and approving the Weed Abatement and Open Space Management Grazing Program Regulations and Permit Conditions.

In February 2016, the Weed Abatement and Open Space Management Grazing Program Regulations and Permit Conditions were modified to include policies and procedures for a Herd Health Management Program.

In April 2018, staff found it necessary to update and clarify language of the Weed Abatement and Open Space Management Grazing Program Regulations and Permit Conditions (Grazing Permit) to do the following: 1) Transfer requirements for performing and maintaining animal health and husbandry from the City to the Contractor; 2) define enforcement steps, and 3) Decrease liability to the City and transfer it to the Contractor. A copy of the updated Grazing Permit is included with this staff report for your use and information, see Attachment 1.

During the legal review of the above-referenced Grazing Permit updates, staff identified language in RMC Section 17.78 – Large Animals which was incompatible with the issuance of a Grazing Permit to allow the use of goats and sheep for grazing in certain residential zones.

The purpose of this Resolution is to amend Municipal Code Section 17.78.010 to add language which will address the conflict. The proposed modification to the Municipal Code is included in add format, with proposed additions shown with an underline in Attachment 2.

Environmental Determination

The California Environmental Quality Act (Section 2100, et. seq. of the California Public Resources Code, hereafter CEQA) requires analysis of agency approvals of discretionary “projects”. A “project”, under CEQA is identified as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.”

*Planning Commission Staff Report
RMC Amendment - Grazing
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Page 3*

The proposed revision to the Rocklin Municipal Code is not a “project” under CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, nor does it authorize the construction of any new structures or other physical changes to the environment. Therefore, this action is exempt under sections 15060 (c)(2) and (3), 15061 (b)(3) and 15378 of the CEQA Guidelines.

Recommendation

Staff recommends that the Planning Commission recommend to the Rocklin City Council approval of the proposed amendment of the Rocklin Municipal Code Title 17 regarding the City’s Weed Abatement and Open Space Management Grazing Program and the keeping of large animals.

Attachments

- 1) Grazing Management Program Regulations and Permit Conditions (April 2018)
- 2) Proposed Amendment to the Rocklin Municipal Code (new text underlined)



CITY OF ROCKLIN

WEED ABATEMENT AND OPEN SPACE MANAGEMENT GRAZING PROGRAM REGULATIONS AND PERMIT CONDITIONS (GRAZING PERMIT)

April 2018

GRAZING PROGRAM REGULATIONS AND PERMIT CONDITIONS

1. Purpose; Permit Required

A. The City Of Rocklin Weed Abatement and Open Space Management Grazing Program ("Grazing Program") implements Ordinance No. 950 to allow Grazing Animals (limited to goats and sheep) to graze open space, wetlands, and other appropriate areas of natural vegetation on a short-term basis. For the purposes of this program and these regulations, any specific reference to grazing animals, goats or sheep shall be interpreted to include both goats and sheep.

B. Grazing Animals, as permitted by the Grazing Program, shall only be used for the purpose of removing potentially combustible vegetation and shall not be kept as pets within the City of Rocklin.

C. It shall be unlawful for any landowner, herdsman, contractor or any other person to engage in or carry on, or to permit to be engaged in or carried on, in or upon any land within the City, grazing activities utilizing any grazing animals unless the person first obtains and continues to maintain in full force and effect a Grazing Program permit issued by the City; except if the keeping of such animals is otherwise consistent with the City of Rocklin zoning requirements.

D. The Grazing Program permit shall be completed by both the grazing contractor and the landowner, and they shall submit the completed application to the issuing department. The issuing department's director shall either grant or deny the permit application within 20 calendar days of the day the completed application is submitted.

E. Prior to issuance of the Grazing Program permit, pre-grazing photos of the grazing site shall be provided to the City. Within 10 days of the completion of the grazing activities, post-grazing photos shall be taken and submitted to the City. Failure to submit pre- and post-grazing photos shall be grounds for denial of any subsequent permit applications by the grazing contractor and/or landowner of record.

F. The issuing department or their designee shall schedule and conduct regular inspections of grazing sites to ensure that permit conditions are met. The contractor shall be responsible for attending scheduled inspections and failure to do so shall be grounds for revocation of the Grazing Program permit.

2. Care and Control of Animals

A. The Contractor shall supply, utilize, and care for animals to graze the designated areas agreed to between the landowner and the Contractor.

B. The Contractor is completely responsible for, and shall pay all costs necessary to ensure the health and safety for the animals and to comply with any applicable federal and state animal health requirements.

C. All animals will be healthy, well-nourished and free of internal and external parasites, and current on vaccinations for disease prevention. Grazing contractors shall monitor livestock

on a daily basis. Any sick or injured animals should be treated and removed from the project if necessary. If veterinary care for any animal is required, the Contractor shall be responsible for costs incurred. Any animals that die during this project shall promptly be removed and disposed of off-site by the Contractor.

D. The contractor and landowner shall coordinate to ensure access to a supply of drinking water for all animals working on the project. This may include streams, creeks, ponds, or portable water tanks.

3. Nature of the Operation

A. The Contractor shall provide all personnel, tools, equipment, materials, means of transportation, and support facilities necessary for the onset management of the animals and support of herdsman, including a clean and adequate water supply for the animals.

B Contractor shall conduct grazing activities in a manner which keeps all animals under herdsman’s control and appropriately confined within paddocks using portable electric fencing except when moving between grazing locations. The City or land owner, reserves the right to have Contractor remove from the grazing site any animal which creates a noise nuisance or habitually escapes confinement or control of the herdsman.

4. Environmental Management and Indemnification

A. Any species of plants or trees to be protected from animal grazing should be identified prior to the start of grazing. Soil erosion is to be avoided and animals shall be moved immediately if any evidence of erosion damage is visible.

B. Landowner shall be responsible for identifying environmentally sensitive areas within the grazing site. The Contractor shall ensure that no animal grazing occurs in identified environmentally sensitive areas.

C. Landowner and Contractor hereby agree, jointly and severally, to defend, indemnify and hold harmless City and its officers, officials, employees, agents, consultants, subcontractors and volunteers from and against any and all claims, damages, losses and expenses including without limitation attorney fees, expert fees and related costs arising out of or relating to violations or alleged violations of any rule, regulation, or statute protecting environmentally sensitive areas or plant or animal species of any kind whatsoever in undertaking the grazing activities authorized by this permit.

5. Herdsman

A person employed by the Contractor shall be on or near the work site during the entire time of this project. Living accommodations such as a portable self-contained living trailer (e.g., tent trailer, trailer, 5th wheel, camper shell or motor home) shall be provided by the Contractor for this person. The herdsman shall have a cell phone provided by the Contractor for communication. The herdsman shall not smoke or use open fires for cooking. The campsite shall be kept clean and near the current grazing paddock. Movement of the camp is the responsibility of the Contractor.

6. Herd Control and Predator Deterrence

The Contractor may use dogs, or upon approval by the City, other appropriate animals for herd control and predator deterrence. The Contractor's dogs may work off leash in order to accomplish this scope of work. All dogs used for this purpose shall be vaccinated for rabies and shall have a certificate of vaccination by a licensed veterinarian.

7. Signage

Signage identifying the contractor's business name and a 24 hour contact phone number shall be required every 165' on all sides of the paddock area where there is the potential of public accessibility. The intent is that citizens and neighbors first address their questions and concerns directly with the contractor.

8. Contractor Insurance Requirements

A. During the term of this permit and any extension thereof, the Contractor shall obtain and thereafter maintain at least the minimum insurance coverage as set forth below:

1. Worker's Compensation: Statutory Limits;
2. Commercial General Liability: \$2,000,000 combined single limit; and
3. Commercial Automobile Liability: \$1,000,000 combined single limit.

B. All insurance required hereunder shall:

1. Provide that it is primary to and not contributing with, any policy of insurance carried by City or Landowner covering the same loss;
2. Include an endorsement providing that written notice shall be given to Landowner at least thirty (30) days prior to termination, cancellation, or reduction of coverage in such policy. (10 day non-payment is OK)
3. Include an endorsement waiving all rights of subrogation against City and Landowner;
4. Include an endorsement in substance and form satisfactory to City, naming City and Landowner as an additional insured; and
5. Be procured from companies that are licensed in the State of California and that are reasonably acceptable to City.

C. Contractor shall provide City with a certificate of insurance evidencing that Contractor has obtained all insurance required under this permit prior to commencement of any work or activity at the Grazing Site.

D. The amount of coverage of insurance obtained by Contractor pursuant to these Permit requirements shall not limit Contractor's liability nor relieve Contractor of any obligation or liability resulting from activities related to this permit.

9. Indemnification Provisions

A. Contractor understands the nature of the work to be performed under this permit, has inspected the site where the work is to be performed, and understands any potential dangers incidental to performing the work at the site. Contractor hereby voluntarily releases, discharges, waives, and relinquishes any and all actions and causes of action for personal injury (including death) or property damage occurring to himself/herself arising out of or as a result of performing the work under this permit. Contractor agrees to defend, indemnify and hold harmless the City of Rocklin, its officers, employees and volunteers, from any claims, demands, damages, costs, expenses or liability for personal injury (including death) or property damage, arising out of or connected with his/her work under this permit or issuance of this permit. Contractor agrees that under no circumstances will he/she, or his/her heirs, executors, administrators and assigns prosecute or present any claim against the City of Rocklin or any of its officers, employees or volunteers for person injury (including death) or property damage, including those which arise by the negligence of the City of Rocklin or any of said persons, whether passive or active. The indemnification provisions of this section shall not be construed to require Contractor to indemnify against liability for claims, damages, losses, or expenses arising out or relating to trespassers or other persons entering or using the grazing site for purposes unrelated to the grazing activities related to this permit.

B. Landowner shall indemnify, defend and hold harmless City and its officers, officials, employees, agents, consultants, subcontractors and volunteers from and against any and all claims, damages, losses and expenses including without limitation attorney fees, expert fees and related costs arising out of or relating to the activities authorized by this permit. Landowner agrees that under no circumstances will he/she, or his/her heirs, executors, administrators and assigns prosecute or present any claim against the City of Rocklin or any of its officers, employees or volunteers for person injury (including death) or property damage, including those which arise by the negligence of the City of Rocklin or any of said persons, whether passive or active.

10. Denial or Revocation; Appeal Process

- A. The requirements, regulations and provisions set forth above shall be deemed conditions imposed upon every grazing management permit approved, and failure to comply with every such requirement shall be grounds for suspension, revocation or other action on the permit issued pursuant to these regulations.
- B. Failure to comply with any and all requirements will result in escalating enforcement including a verbal warning followed by a written warning and finally revocation of the permit. Contractors who have had a permit revoked in the previous year shall not receive a warning prior to revocation or suspension. Revocation of a grazing permit in a previous year shall be grounds for denial of future permit applications.
- C. The denial or revocation of a grazing permit by the issuing department's director (or his or her designee) may be appealed by the applicant or permit holder to the city manager. The appeal must be filed in writing with the city clerk not later than the fifteenth day after the date notice of the director's decision is mailed to the applicant or permit holder. On receipt of an appeal, the city clerk shall set the matter for hearing occurring

within fifteen days after receipt of the appeal. Notice of the hearing shall be mailed to the applicant or permit holder, at least three days before the hearing. On appeal, the city manager may hear and determine the matter as if it were an original application. The city manager shall issue a decision in writing within 20 calendar days from the date of the appeal hearing. The City Manager's determination of the matter shall be final.

CITY OF ROCKLIN Grazing Permit Application

LANDOWNER INFORMATION		
Landowner Name:		
Street Address:		
City, State, Zip Code:		
Telephone Number:	()	
Email Address:		
Emergency Contact Name and Phone Number:		()

By signing below, the Landowner agrees that all work to be performed shall comply with the **City's Weed Abatement and Open Space Management Grazing Program** requirements, including requirement to indemnify and hold the City harmless from claims arising from the Landowner's grazing activities and any other applicable City, State or Federal regulations, including, but not limited to, specific conditions incorporated into applicable conservation easement provisions.

Landowner's Signature

Date

CONTRACTOR INFORMATION		
Contractor Name:		
Street Address:		
City, State, Zip Code:		
Telephone Number:	()	
Email Address:		
Veterinarian Contact Name and Phone Number		()
Emergency Contact Name and Phone Number:		()

By signing below, the Contractor agrees that all work to be performed shall comply with the **City's Weed Abatement and Open Space Management Grazing Program** requirements, including requirement to indemnify and hold the City harmless from claims arising from the Contractor's activities authorized by this permit and any other applicable City, State or Federal regulations, including, but not limited to, specific conditions incorporated into applicable conservation easement provisions.

Contractor's Signature

Date

FIRE DEPARTMENT USE ONLY		Permit Issued by:
Print Name and Title: _____		
Signature: _____		Date: _____
<input type="checkbox"/> Proof of Insurance Received	Date: _____	<input type="checkbox"/> Rocklin Business License No: _____
<input type="checkbox"/> Pre-Grazing Photos Received	Date: _____	

Applicant copy

Animal Control copy

Public Works copy

PLEASE PROVIDE THIS INFORMATION FOR EACH GRAZING SITE. ATTACH MULTIPLE COPIES OF THIS PAGE IF NECESSARY.

GRAZING SITE INFORMATION	
Location:	
Area/Acres to be Grazed:	
Map Attached:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Description of the vegetation and/or fuels abated:	
Expected Start Date:	
Expected End Date:	
Number of Animals:	
If animals will be moved across a public street, list street name(s):	

Conditions of Approval

FIRE DEPARTMENT USE ONLY	Permit Terminated by:
Print Name and Title: _____	
Signature: _____	Date: _____
<input type="checkbox"/> Post Grazing Photos Received	Date: _____

Chapter 17.78 - LARGE ANIMALS

Sections:

17.78.010 - Generally.

Large animals (excluding common household pets governed by Sections 6.44.050 and 6.44.060 of this code, which are not regulated by this chapter) are permitted in certain single-family residential zones where there is sufficient space to accommodate them, subject to the provisions of this chapter. In some zones, only horses are permitted. Domestic swine are permitted as household pets as provided in Title 6. No large animals may be kept on property where there is not an occupied single-family residence on the property unless a conditional use permit has been issued by the planning commission, but shall not exceed the number permitted on occupied premises without a conditional use permit. Notwithstanding the foregoing, goats and sheep are allowed in any zone of the City if a grazing permit has been issued pursuant to Section 6.36.050 and the animals are kept consistent with the City's Weed Abatement and Open Space Management Grazing Program.

(Ord. 663 § 2, 1992: Ord. 370: Ord. 336 § 7.07.000, 1977).

RESOLUTION NO. PC-

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN
RECOMMENDING APPROVAL OF AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ROCKLIN TO AMEND A SECTION OF TITLE 17 OF THE
ROCKLIN MUNICIPAL CODE REGARDING THE CITY'S WEED ABATEMENT
AND OPEN SPACE MANAGEMENT GRAZING PROGRAM
AND THE KEEPING OF LARGE ANIMALS (ZOA2018-0003)

The Planning Commission of the City of Rocklin does resolve as follows:

Section 1. The Planning Commission of the City of Rocklin finds and determines that:

A. The proposed amendment of Section 17.78 – Large Animals of Title 17 of the Rocklin Municipal Code is necessary to address conflicts between the zoning language and the use of goats and sheep for grazing consistent with the City's Weed Abatement and Open Space Management Grazing Program.

B. The proposed amendment to the Rocklin Municipal Code is not a "project" under CEQA, and is therefore exempt under sections 15060(c)(2) and (3), 15061(b)(3) and 15378 of the State CEQA Guidelines.

C. The proposed amendment to the Rocklin Municipal Code is consistent with and implements the policies of the City of Rocklin's General Plan, including the Housing Element.

D. The proposed amendment to the Rocklin Municipal Code is not likely to create serious health problems or create nuisances on or near affected properties.

E. The Planning Commission has considered the effect of the proposed amendment to the Rocklin Municipal Code on the housing needs of the region and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

Section 2. The Planning Commission of the City of Rocklin hereby recommends approval of the Ordinance attached hereto as Exhibit 1 and incorporated by reference herein.

PASSED AND ADOPTED this 19th day of June, 2018, by the following vote:

AYES: Commissioners

NOES: Commissioners

ABSENT: Commissioners

ABSTAIN: Commissioners

Chairman

ATTEST:

Secretary

EXHIBIT 1

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN TO AMEND
 A SECTION OF TITLE 17 OF THE ROCKLIN MUNICIPAL CODE REGARDING THE
 CITY'S WEED ABATEMENT AND OPEN SPACE MANAGEMENT GRAZING PROGRAM
 AND THE KEEPING OF LARGE ANIMALS (ZOA2018-0003)

The City Council of the City of Rocklin does ordain as follows:

Section 1. Findings.

A. The proposed amendment of Section 17.78 – Large Animals of Title 17 of the Rocklin Municipal Code is necessary to address conflicts between the zoning language and the use of sheep and goats for grazing consistent with the City’s Weed Abatement and Open Space Management Grazing Program.

B. The proposed amendment to the Rocklin Municipal Code is not a “project” under CEQA, and is therefore exempt under sections 15060(c)(2) and (3), 15061(b)(3) and 15378 of the State CEQA Guidelines.

C. The proposed amendment to the Rocklin Municipal Code is consistent with and implements the policies of the City of Rocklin's General Plan, including the Housing Element.

D. The proposed amendment to the Rocklin Municipal Code is not likely to create serious health problems or create nuisances on or near affected properties.

E. The City Council has considered the effect of the proposed amendment to the Rocklin Municipal Code on the housing needs of the region and has balanced those needs against the public service needs of its residents and available fiscal and environmental resources.

Section 2. Authority. The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution and Government Code Section 37100.

Section 3. Amend. Section 17.78.010 of Chapter 17.78 – LARGE ANIMALS is hereby amended to read as follows:

17.78.010 - Generally.

Large animals (excluding common household pets governed by Sections 6.44.050 and 6.44.060 of this code, which are not regulated by this chapter) are permitted in

certain single-family residential zones where there is sufficient space to accommodate them, subject to the provisions of this chapter. In some zones, only horses are permitted. Domestic swine are permitted as household pets as provided in Title 6. No large animals may be kept on property where there is not an occupied single-family residence on the property unless a conditional use permit has been issued by the planning commission, but shall not exceed the number permitted on occupied premises without a conditional use permit. Notwithstanding the foregoing, goats and sheep are allowed in any zone of the City if a grazing permit has been issued pursuant to Section 6.36.050 and the animals are kept consistent with the City's Weed Abatement and Open Space Management Grazing Program.

(Ord. 663 § 2, 1992: Ord. 370: Ord. 336 § 7.07.000, 1977).

Section 4. Severability. If any section, sub-section, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. City Council hereby declares that it would have adopted the Ordinance and each section, sub-section, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 5. Environmental. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, subdivision (c)(3) (the activity is not a project as defined in Section 15378), section 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment) and section 15378 (definition of a "project").

Section 6. Effective Date. This ordinance shall take effect 30 days after the day of its adoption.

Section 7. Publication. Within 15 days of the passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Council members voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within 15 days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Council members voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the full text of the ordinance, along with the names of those City Council members voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on _____, 2018, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers
ABSTAIN: Councilmembers

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on _____, 2018, by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

KenBroadway, Mayor

ATTEST:

Barbara Ivanusich, City Clerk

First Reading:
Second Reading:
Effective Date: