

Arellano, Humberto Jr.

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Tuesday, May 16, 2023 6:49 PM
To: cdd
Subject: Public Comment -- 5/17/2023 PC Mtg., Item No. 7B, Non-Conforming Sign

Follow Up Flag: Follow up
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Planning Commission,

Based on the agenda materials, the proposed replacement of the sign face of this non-conforming sign is not permissible because there is no obvious way for the Planning Commission to make the 3 findings necessary to approve the non-conforming sign. Importantly, the applicant has done nothing to make the height or the sign area of the proposed sign "significantly more conforming" compared to the existing non-conforming sign, which is the first finding you would have to make. Since you can't make that finding, you can't approve this request even if you were inclined to do so from a policy perspective based on the applicant's reasoning. Rather, you would at least need to require the sign to be significantly shorter than the current 12 feet but that is not being proposed as part of this application. Instead, the applicant just wants to keep their existing sign at its non-conforming height of 12 feet and at its current location that appears to be in the traffic safety sight area. There is no scenario where that could be allowed under our current CLUDC.

If you do want to come up with a compromise solution, you will need to determine what level of increased conformity is necessary to meet the "significantly more conforming" standard and a slight decrease in height below the 12'3" of the existing sign doesn't seem like it would be "significant". Moreover, that approval could only be good for the next 5 years anyway, at which point the sign would need to be replaced with a 6 foot sign per the third required finding. Why wait when we can just bring it into conformity now and in a manner that doesn't require the City to track and follow up with code enforcement if the new still non-conforming sign hasn't been replaced by the 5-year deadline to do so?

There are other issues with this sign as well, including its location within what appears to be within the "traffic safety sight area" that was also an issue with the proposed Grocery Outlet freestanding sign you just reviewed at the last meeting (and which required a special condition to move it out of the traffic safety sight area). Ideally, this sign should be shortened to meet our height limit of 6 feet or at least lowered to no more than 9 feet (i.e., splitting the difference between the existing 12 foot sign and the CLUDC maximum of 6 feet) and likely moved outside the traffic visibility corridor at this corner. In fact, due to the increased traffic at this very intersection, removing the existing non-conforming sign that actually blocks some visibility at this corner that will get even busier once the Grocery Outlet is operational seems like a necessary traffic visibility improvement from a safety standpoint.

I recommend an alternate action from the staff-provided recommendations, which is to only approve a conforming sign that is limited to 6 feet in height and which is outside the traffic visibility corner setback area we have applied to other projects. The sign would probably have to have the new branding next to the current fuel prices rather than being vertical but there are conforming designs that will still convey all of the necessary information for this business to continue to thrive but in a manner that meets our current applicable code requirements.

Regards,

--Jacob