

**MEETING DATE:** December 10, 2014

**PREPARED BY:** S. O'Rourke

**PRESENTED BY:** S. O'Rourke

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Variance 4-14 (VAR 4-14)

**APPLICANT:** Gerald Denevi

**OWNER:** Gerald Denevi

**REQUEST:** Variance request to allow an increase in height from six (6) feet to nine (9) feet for a freestanding sign located at the Super 8 Motel.

**LOCATION:** 888 South Main Street. This property is in the Coastal Zone.

**ASSESSOR'S PARCEL NO.:** 018-120-42

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt from CEQA under Section 15311 – Accessory Structures including on-premise signs.

**SURROUNDING LAND USES:**

NORTH:	Chevron Gas Station
EAST:	Vacant Lands, Vacant Building
SOUTH:	North Harbor Drive, Arco Gas Station, Harbor Lite Lodge
WEST:	Main Street, Vacant Mill Site Lands

**APPEALABLE PROJECT:**  Can be appealed to City Council

### PROJECT BACKGROUND

In May of 2009, the applicant received sign permit approval to replace their non-conforming Super 8 Motel sign along the Main Street frontage with the current Super 8 Motel sign. The applicant at that time expressed some distress at the new Coastal Zone requirement for a six (6) foot high sign, and only proceeded because they were required to change their logo due to their franchise agreement. The old, non-conforming Super 8 sign was 13 feet 5 inches high with a total sign area of 46 square feet (SF). The new, conforming sign is six (6) feet high with a total sign area of 19.37 SF. In 2010, the applicant received a sign permit and installed a 24 SF Super 8 Motel sign on the building façade fronting Main Street.

## PROJECT ANALYSIS

The applicant is requesting a Variance to increase the height of the existing Super 8 Motel frontage sign from the current height of six (6) feet to a height of nine (9) feet. The applicant has indicated that the current signage is too small and is not visible to guests, especially during the day, and that their guests have a hard time locating the hotel (see image below).



The existing, freestanding sign currently complies with the City's Coastal Land Use and Development Code (CLUDC) sign height requirement of six (6) feet. In addition to the increase in height, the applicant is proposing to increase the face size of the sign from 19.37 SF to 42 SF.

*Sign Design, Height, and Size.* The sign height would be increased from six (6) feet to nine (9) feet. The sign would have the same colors and lettering as the existing sign, however, the sign area will be increased from 19.37 SF to 42 SF. Table 3-12 of the CLUDC outlines sign standards and allows a maximum sign area of 100 SF regardless of building frontage. The Super 8 building has 160 feet of building frontage on Main Street and 200 square feet on North Harbor Drive which qualifies it for the maximum allowance of 100 SF of signage. The new sign face on Main Street would total 42 SF (only one face of each double sided monument sign is counted towards the total allowable square footage) plus the existing Super 8 Motel building sign of 24 SF results in a total of 66 SF, which complies with the CLUDC sign requirements of 100 SF.

The City's freestanding civic sign (Redwood Round) is also located on the Super 8 Motel Main Street frontage, but is not calculated as part of Super 8's total signage.

## VARIANCE

In order to approve a sign height Variance, the Planning Commission must make the following findings:

- a. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of this Development Code deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district;

For the reasons set forth in the staff report, there are special circumstances that are applicable to the property. The Super 8 Motel is set back a significant distance from Highway 1 behind a restaurant with limited building frontage along Main Street; consequently the existing building and frontage signs provide limited visibility from Main Street. Due to additional roadway, the sidewalk is eight (8) to ten (10) feet further from the vehicular path of travel on this block than on adjacent blocks, and the signage is less visible to travelers than signage on adjacent blocks. Additionally, the height limit constrains Super 8's ability to utilize its permissible signage allowance of 100 SF, because Super 8 must use the logo as designed by their franchise (with the exact height, length aspect ratio), and thus the current height limit, restricts Super 8's street frontage sign area to 19.27 SF. If approved, the Variance would allow Super 8 to construct a 42 square foot sign on its frontage.

Unique to the Super 8 Motel, a City of Fort Bragg freestanding civic sign is located on the Super 8 Motel frontage which may cause messaging confusion.

Therefore, this project is currently deprived of the ability to utilize its permissible signage allowance and adequately advertise itself due to its location and size, and more specifically due to: 1) the limited visibility of signage on the building face; 2) the height limit's impact on the total feasible signage area (19.27 SF) for the pole sign; 3) the distance of the pole signage from the lane of travel due to the unique configuration of Main Street at this block; and 4) the presence of a civic sign on the business frontage. The proposed height will increase the sign's visibility along the public right-of-way, consistent with the majority of businesses along this section of Main Street.

- b. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and

The proposed Variance includes Conditions of Approval, and the project as proposed will not constitute a grant of special privileges as the proposed sign height would be consistent with the majority of businesses along this section of Main Street.

- c. The Variance is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program. In addition to any other findings and/or conditions regarding the granting of a Variance, the City shall only grant a Variance if the City determines that the means of accommodating the Variance: (1) will not have an adverse effect on coastal resources, (2) will ensure adequate services will be provided to serve the proposed development, and (3) will not displace Coastal Act priority uses. If the City determines that the means for accommodating a Variance will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace Coastal Act priority uses, the City shall deny the Variance.

The proposed Variance includes Conditions of Approval, and the project as proposed will not have an adverse effect on coastal resources as it will not interfere with views to the ocean, nor will it have any impacts on cultural or botanical resources as the proposed request would replace an existing sign located at a developed site. Services are already provided to the property and will not be impacted by the proposed project. There are no changes to the proposed use of the property, and the use of the proposed sign serves a Coastal Act priority visitor serving use.

## **PLANNING COMMISSION ACTION**

1. Approve a Variance to the CLUDC height limit for the proposed freestanding Super 8 Motel sign (Variance 4-14) allowing for a maximum height of nine (9) feet.

## **ALTERNATIVE ACTIONS**

1. Approve the Variance with a different height limit; and/or
2. Deny the Variance.

## **RECOMMENDATION**

Staff recommends approval of Variance 4-14 based on the following findings and conditions:

### **GENERAL FINDINGS**

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Coastal Land Use and Development Code (CLUDC) and the Fort Bragg Municipal Code in general.
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
4. For the purposes of the environmental determination, this project is exempt from CEQA under Section 15311 – Accessory Structures including on-premise signs - in accordance with the California Environmental Quality Act (CEQA).

### **FINDINGS FOR APPROVAL**

1. There are special circumstances applicable to the property, including size, shape, topography, location, or surroundings, so that the strict application of the Coastal Land Use & Development Code (CLUDC) deprives the property of privileges enjoyed by other property in the vicinity and within the same zoning district.
2. The approval of the Variance includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district.
3. The Variance is consistent with the General Plan, any applicable specific plan, and the Local Coastal Program. In addition to any other findings and/or conditions regarding the granting of a Variance, the City shall only grant a Variance if the City determines that the means of accommodating the Variance: (1) will not have an adverse effect on coastal resources, (2) will ensure adequate services will be provided to serve the proposed development, and (3) will not displace Coastal Act priority uses. If the City determines that the means for

accommodating a Variance will have an adverse effect on coastal resources, will not ensure adequate services will be provided to serve the proposed development, or will displace Coastal Act priority uses, the City shall deny the Variance.

## **STANDARD CONDITIONS**

1. This action shall become final on the 11<sup>th</sup> day following the decision unless an appeal to the City Council is filed pursuant to Coastal Land Use & Development Code (CLUDC) Chapter 17.92 - Appeals.
2. The use and occupancy of the premises shall be established and maintained in conformance with the requirements of this permit and all applicable provisions of the CLUDC.
3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - (a) That such permit was obtained or extended by fraud.
  - (b) That one or more of the conditions upon which such permit was granted have been violated.
  - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
  - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Coastal Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with CLUDC Subsection 17.76.070 (B).

## **ATTACHMENTS**

1. Site Location Map
2. Previous Non-Conforming Sign and Proposed Sign
3. City of Fort Bragg Civic Sign
4. Site Plan