

MEETING DATE: April 13, 2016

PREPARED BY: S. Perkins

PRESENTED BY: S. Perkins

AGENDA ITEM SUMMARY REPORT

APPLICATION NO.: Sign Permit (SA 6-16)

APPLICANT: Speedex / Ghulam Ansari

OWNER: Ghulam Ansari

REQUEST: Replace a damaged nonconforming 17-foot tall, 42 sf freestanding sign with: 1) a new nonconforming 14-foot tall, 30 sf freestanding sign; 2) 9.8 square feet of wall signs; and 3) 34 square feet of LED lighting. The project would also require the removal of 24 square feet of existing wall signs.

LOCATION: 863 North Main Street

ASSESSOR'S PARCEL NO.: 008-034-11

APPEALABLE PROJECT: ☒ Can be appealed to City Council

PROJECT BACKGROUND

The applicant proposes to replace a fallen nonconforming 17-foot tall freestanding sign with a new nonconforming 14-foot tall freestanding at the Speedex service station located at 863 North Main Street. The proposed freestanding sign will remain nonconforming, as the maximum permitted freestanding sign height in the Coastal Zone is 6 feet. The applicant also proposes to remove two wall signs of 12 square feet each currently located on the building (the "Food Mart" signs), and install two wall signs of 9 sf each on the service station canopy (to read "Speedex"). Finally, the applicant proposes to wrap the canopy with a strip of LED tube lighting, for an additional 34 square feet of signage.

The maximum permissible signage on the parcel is 40.6 square feet. The previous configuration of signage on the site totaled approximately 66 square feet, while the proposed signage will total approximately 39.8 square feet without the LED tube lighting and approximately 73.8 square feet with the proposed lighting. The request for a larger amount of signage than is strictly permissible is possible only under CLUDC Section 17.38.090(B), which is described in great detail below.

COMMISSION REVIEW AUTHORITY

New nonconforming signage may be approved to replace existing nonconforming signage with Planning Commission approval per the Coastal Land Use Development Code (CLUDC). An exception is allowable per CLUDC Section 17.38.090(B), provided the Commission can make the following findings:

17.38.090 – Nonconforming Signs. A nonconforming sign is any permanent or temporary sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation but that does not now comply with the provisions of this Development Code.

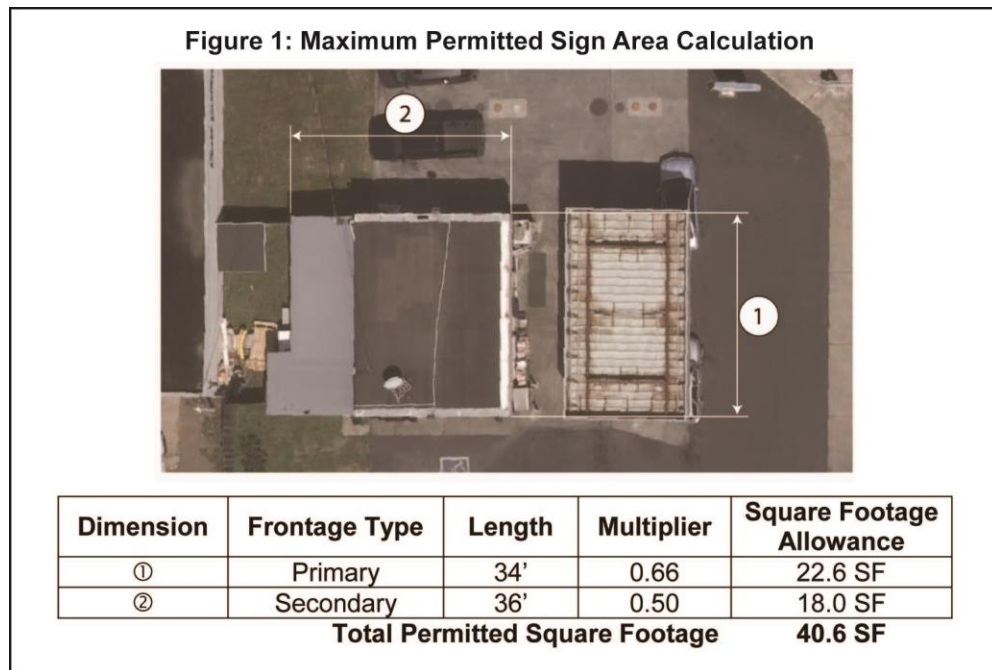
(B). Exceptions. An administrative exception to the requirements of Subsection A. may be granted by the Commission, provided the Commission shall make the following findings:

1. The proposed new sign is significantly more conforming in height and/or area than the existing sign; and
2. By approving the new sign, the exception will eliminate the existing nonconforming sign.

PROJECT ANALYSIS

Total Sign Area

Table 3-12 of the CLUDC outlines sign standards and allows maximum sign areas based on building frontage. The subject building has 34 linear feet of primary frontage on Main Street, and 36 linear feet of secondary frontage on Elm Street, permitting a maximum of 40.6 square feet of total signage (see **Figure 1**).



Freestanding Sign

The previous freestanding sign was very large, outdated and dilapidated (see photo). The sign was located at a conspicuous location (the intersection of Main Street and Elm Street), prominently visible at the northern gateway to the City. This intersection has increased in prominence with the newly-opened Coastal Trail, and serves as the main accessway to the Elm Street trailhead parking lot.

This application proposes to replace the freestanding sign. The pole would be replaced with a shorter support and the cabinet would be replaced with a smaller, double-faced illuminated

cabinet sign. The sign height would be reduced from 17 feet to 14 feet. This brings it to about the midpoint between the old sign and the requirements of the code, which is the general standard used by the Commission to satisfy the requirement that the new sign be “significantly” more conforming than the old sign. The sign would have the same colors and similar lettering as the previous sign; however, a greater use of background colors would replace the graphics on the previous sign. This would also make the sign more conforming as white backgrounds for cabinet signs are not permitted by the code as they lead to significantly more light pollution.

The former freestanding sign was also larger in total sign area than the proposed replacement. Sign area computations for service station signs exclude the portions listing pricing. CLUDC Section 17.38.040(E)(5) defines service station price signs required by State law as exempt from the sign ordinance. Without accounting for price identification, the former sign was 42 square feet compared to the 30 square foot proposed sign.



Canopy (Wall) Signs

The application also proposes the installation of canopy signs on the north and south elevations of the service station canopy. The CLUDC permits the review authority to calculate only the area of the text as sign area, exempting “symbols, pictures, patterns, and illumination approved as architectural ornamentation or decoration by the review authority” (Section 17.38.040(E)(3)). Past interpretations of the sign ordinance have excluded backdrops similar to those proposed by this application from the sign area calculation using this code section. The text proposed on the north and south canopy elevations are 4.9 square feet each. No exemptions are requested or required specific to the proposed canopy signs.

Canopy Lighting

In addition to the proposed signage, the applicant proposes to place a red light-emitting diode (LED) strip along the top of each canopy façade. The CLUDC addresses this type of lighting in two code sections:

17.38.040 – Exemptions from Sign Permit Requirements. The following signs are allowed without sign permit approval...

(E)(3) Symbols, pictures patterns, and illumination approved as architectural ornamentation or decoration by the review authority.

17.38.060 – General Requirements for All Signs.

(H)(8) Permanently installed illumination panels, visible tubing, and strings of lights outlining all or a portion of a structure, other than lighting that is primarily for indirectly illuminating architectural features, signs, or landscaping, shall be deemed “signs” subject to this Chapter and shall be counted as part of the allowed sign area. Each line of tubing or lights shall be deemed to have a minimum width of at least six inches for the purpose of area calculation.

The first referenced code section could exempt the LED lighting from the sign calculation (which also exempts the decorative background of the canopies); whereas, the second referenced section provides a methodology to include the LED lighting in the application review. Staff recommends the Commission consider the proposed LED lighting signage, consistent with CLUDC Section 17.38.060(H)(8), due to the attention-grabbing nature of the lighting and as they are not used to detail architectural features.

The CLUDC defines a sign as, in part, "...a display...designed, constructed, intended, or used to advertise...or attract attention to an object, person, institution, business, product, service, event or location by any means, including...illumination..." The exemption that could apply to the lighting (CLUDC Section 17.38.040(E)(3)) has been used for decorative backgrounds that add visual appeal to a structure without attracting a great deal of attention. The proposed LED light strip would attract far greater attention than merely colors or designs painted on a façade.

Staff's recommendation to include the LED lighting in the sign area calculation would add a total of 34 square feet of signage to the total proposed sign area.

Existing Wall Signs

The business presently includes two wall signs on the south and east convenience store façades. The applicant proposes to remove the existing wall signs to permit the additional square footage proposed on the canopy. The existing wall signs are 12 square feet each, and their removal would result in the elimination of 24 square feet of signage.

The previous signage consisted of the fallen freestanding sign and two wall signs combining for a total square footage of 66 square feet, or 19.4 square feet more than the CLUDC permits. The proposed signage totals approximately 73.8 square feet when including the LED lighting in the sign area calculation, or 33.2 square feet more than the CLUDC permits. If the Commission were to find the LED lighting exempt from sign permitting per CLUDC Section 18.38.060(E)(3), the total proposed sign area would be 39.8 square feet, or 0.8 square feet less than the maximum permitted sign area (see Figure 2).

Figure 2: Sign Plan

| Sign Area Calculation | | | | Total Permitted Square Footage | 40.6 SF |
|-----------------------|---------------|----------------------------|----------|--------------------------------|---------|
| Existing Signage | | | | | |
| Location | Sign Type | Copy | Height | Size | |
| ① | Freestanding | Speedex Gasoline Food Mart | 17'-0" | 42 SF | |
| ②* | Wall | Food Mart | Roofline | 12 SF | |
| ③* | Wall | Food Mart | Roofline | 12 SF | |
| *To be removed | | | | | |
| | | | | Total Square Footage | 66 SF |
| Proposed Signage | | | | | |
| Location | Sign Type | Copy | Height | Size | |
| ① | Freestanding | Speedex Gasoline Food Mart | 14'-0" | 30 SF | |
| ② | Wall | Speedex | Canopy | 4.9 SF | |
| ③ | Wall | Speedex | Canopy | 4.9 SF | |
| ④ | Wall (Lights) | N/A | Canopy | 34 SF | |
| | | | | Total Square Footage | 73.8 SF |



Findings for Approval

The Planning Commission may approve the sign requirement exception provided the signage is significantly more confirming in height and/or area than the existing signage, and that the exception eliminates existing nonconforming signage, per CLUDC Section 17.38.090(B). The following discussion represents staff's recommendation concerning the required findings:

17.38.090(B)(1) – The new proposed sign is significantly more conforming in height and/or area than the existing sign.

The fallen freestanding sign was nonconforming for height (17 feet where 6 feet is permitted). The proposed 14-foot freestanding sign is 3 feet (17.6%) shorter than the previous nonconforming sign. While the sign remains nonconforming in height, it is also 12 square feet smaller (28.5%) than the previous sign. Staff feels that since the sign is located at a busy intersection, it is necessary for the sign to be elevated so it does not obstruct sight lines for vehicles and pedestrians. Regarding the proposed freestanding sign, staff recommends that this finding can be made, as the proposed freestanding sign is significantly more conforming in height and area than the previously existing sign.

The previous signage was also nonconforming in total area (66 square feet where 40.8 square feet is permitted for the entire property). The proposed signage for the entire site, including the LED lighting, totals 73.8 square feet, 33 square feet (80.9%) larger than permitted for the property, and 7.8 square feet (11.8%) more than previously existing on the property. Regarding the proposed total sign area for all signs, staff recommends that this finding cannot be made as proposed because the signage is not significantly more conforming than the previous signage. Staff recommends **Condition 1** requiring the applicant to remove the LED lighting from the application, reducing the total proposed signage for the entire property to 39.8 square feet, which is less than the maximum permitted site signage of 40.6 square feet. Adherence to **Condition 1** would reduce the total sign area to an amount significantly more conforming in area than the existing signage and the required finding can be made.

Condition 1: The applicant shall revise the sign plan to remove the light-emitting diode (LED) lighting from the exterior perimeter of the canopy, thereby reducing the total sign area to an amount less than the maximum signage permitted by the Coastal Land Use and Development Code.

The applicant may choose to relocate the LED lighting within the canopy, where it could be found to provide decorative site lighting, attract less attention, and be exempt from sign area calculations.

Alternatively, the Commission may find that the LED lighting is exempt from sign permitting requirements as proposed, per CLUDC Section 18.38.060(E)(3), and omit recommended **Condition 1**. This would permit the lighting as a decorative or ornamental architectural feature, and the total signage would remain less than the maximum permitted by the CLUDC.

17.38.090(B)(2) – By approving the new sign, the exception will eliminate the existing nonconforming sign.

Approval of the application would eliminate the previous nonconforming freestanding sign. Additionally, with recommended **Condition 1**, the proposed canopy signs would replace the existing wall signs, thereby reducing the overall site signage from 66 square feet to 39.8 square feet. The application would be consistent with the required finding.

If the Commission elects to omit **Condition 1** and consider the LED lighting exempt from sign requirements per CLUDC Section 18.38.060(E)(3), the total proposed lighting would remain 39.8 square feet with the elimination of the previous freestanding sign and the existing wall signs, and the second required finding can be made.

RECOMMENDED PLANNING COMMISSION ACTION

1. Approve an exception to the height limitation requirement for the proposed freestanding sign, allowing for a 14-foot tall freestanding sign in the place of the fallen 17-foot tall freestanding sign.
2. Approve the installation of the proposed canopy signs replacing the existing wall signs, with the recommended Condition of Approval that the LED lighting be removed from the application.

ALTERNATIVE ACTIONS

1. Deny the sign permit; or
2. Approve the sign permit with a different height limit or sign size; and/or
3. Approve the sign permit without the recommended Condition of Approval, recognizing the proposed LED lighting as a decorative or ornamental architectural feature exempt from sign permitting requirements.

FINDINGS FOR APPROVAL

1. The new proposed sign is significantly more conforming in height than the existing sign.
2. By approving the new sign, the exception will eliminate the existing nonconforming sign.

CONDITION OF APPROVAL

1. The applicant shall revise the sign plan to remove the light-emitting diode (LED) lighting from the exterior perimeter of the canopy, thereby reducing the total sign area to an amount less than the maximum permitted by the Coastal Land Use and Development Code.

ATTACHMENTS

1. Location Map
2. Proposed Sign Plan