PLANNING COMMISSION STAFF REPORT



NOVATO CALIFORNIA

STAFF: Brett Walker, Senior Planner bwalker@novato.org; (415) 493-4711

August 7, 2017

922 Machin Avenue Novato, CA 94945-3232 (415) 899-8900 FAX (415) 899-8213 www.novato.org

SUBJECT: **URGENT CARE SIGN VARIANCE** PUBLIC HEARING AND ADOPTION OF A RESOLUTION REGARDING A SIGN VARIANCE - BRETT V. CURTIS, MD, INC. FILE: P2017-048; APN 153-011-52; 7428 Redwood Blvd.

REQUESTED ACTION

MEETING

DATE:

Conduct a public hearing, consider and adopt a resolution to deny an application for a variance to allow a sign with 18-inch letter height vs. a maximum allowed 12-inch letter height pursuant to the Municipal Code on a two-story commercial building located at 7428 Redwood Blvd. APN 153-011-52 or provide alternate direction to staff.

SITE AND PROJECT DESCRIPTION

The site is located on the east side of Redwood Blvd, and is accessed from the northbound local access lane of the multiway boulevard. The subject lot is improved with a two-story commercial building, parking lot, and landscaping. A second commercial building, 7430 Redwood Blvd., shares the driveway access and is located east of the subject building on a separate lot. The subject $0.5\pm$ acre lot is improved with a 60' x 147' two-story building on the north side of the lot, and a double-sided parking lot with a two-way drive aisle on the south side of the lot. The proposed tenant, Urgent Care, would occupy the tenant space nearest Redwood Blvd. for use as an urgent care medical clinic. A second tenant space is located in the eastern portion of the same building. The two-story building is approximately 27 feet tall and is setback less than 10 feet from the Redwood Blvd sidewalk. The proposed sign would be located on the west building elevation closest to Redwood Blvd. approximately 15 feet above ground level on the one-story covered entry feature/portico. The proposed 18-inch letters would read "Urgent Care" for a length of 190 inches (see attached site plan sheets) across the frontage. The address identification numbers (7428) are located on the same elevation.

BACKGROUND

Applicant:	Brett V. Curtis, MD, Inc, represented by Centric Signs
Property Owner:	ASHFI, LLC
Assessor's Parcel No.:	153-011-52
Property Size:	$0.5\pm$ acres
General Plan Designation:	General Commercial
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Zoning:	General Commercial; Downtown overlay
Existing Use:	Commercial use
Proposed:	Commercial use; 18" letter height sign
Adjacent Zoning:	North – General Commercial, Downtown overlay
	East – General Commercial, Downtown overlay
	South – General Commercial and Commercial/Industrial, Downtown overlay
	West - General Commercial, Downtown overlay

STAFF ANALYSIS

Downtown Novato Specific Plan

The project site is located within the boundary of the Downtown Novato Specific Plan (Downtown Plan), and this variance request is subject to the guidelines and policies of the plan. Section 5 of the Downtown Plan details design guidelines and policies regarding future development.

All proposed signs in the Downtown Novato Specific Plan Area must be consistent with the Downtown Plan. The discussion below includes the specific provisions of the Downtown Plan applicable to signs and staff's analysis of the proposal's consistency with the applicable provisions.

Guideline UD 11.7 (Signage) details the guiding regulations for new signs; policies are intended to result in a pedestrian-oriented environment through the use of appropriate materials, scale, and placement. The following policies are applicable to this variance request:

UD 11.7 Policy 4 The size, shape and location of all signs shall be compatible with the building proportions and features.

This policy does not specifically limit letter height, but uses more generalized terms tied to compatibility. The proposed 18 inch letter height is subject to this policy regarding its proportion to the building massing and elevation dimensions. Storefronts in the downtown area range from 25 feet to 100 feet in width and are one to two stories tall (with the exception of Millworks). The subject building the sign would be located is two stories tall and 60 feet wide, similar scale and proportions of other buildings subject to the same sign regulations. Additionally, the elevation on which the sign is proposed is a one-story portion of the building approximately 16.5 feet in height (inclusive of the cornice feature). Therefore, the building is similar in size and scale to typical buildings within the Downtown Plan area.

IM 17 Policy 1 Design signs with lettering sized to be seen primarily by pedestrians and relatively slow-moving cars.

Letter height is directly related to the vehicle speed necessary to legibly read a sign when passing by. Larger letters are more visible and legible at faster

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speeds. A reduced letter size may encourage vehicular traffic to travel at a slower speed, especially those drivers that are seeking a business. Slow moving vehicular traffic typically results in a more pedestrian-oriented environment. Signs limited to a 12-inch letter height will encourage slower speed vehicles; consistent with this policy.

Novato Municipal Code

Signs are regulated pursuant to Novato Municipal Code (NMC) Division 19.32, including sign regulations specific to the Downtown Novato Specific Plan (D) Overlay District. Table 1, below, details codified requirements and proposed sign details.

	Sign Area	Letter Height	Maximum Number	Maximum Sign
	(square feet)	(inches)	of Signs	Projection (inches)
Maximum Per Code	109	12	1	12
Proposed Sign	23.75	18	1	4.5

Table 1. Codified Sign Standards¹ and Proposed Sign Design

¹Novato Municipal Code Division 19.32 Signs

Division 19.32 of the NMC was revised in 2001, in part to implement the Downtown Plan design guidelines. The 12-inch maximum letter height was likely included to implement the two Downtown Plan policies listed in the section above; the proposed 18-inch tall letters do not conform to the maximum height standard.

There are a number of signs within the downtown overlay district that are considered legal nonconforming regarding sign letter height. These signs were installed prior to the ordinance effective date that limited sign letter height to 12 inches or possibly installed without the necessary approvals. The applicant has provided a narrative and images as justification for approval of the variance request (Attachment C). In summary, the applicant believes that, due to the Redwood Blvd street configuration, including landscaping, pedestrian bulb-outs, crosswalks, and medians, that the sign regulations are burdensome. Additionally, the applicant believes that larger buildings and longer street frontages along Redwood Blvd. necessitate larger sign letter height for adequate legibility. The applicant believes that 18 inch letter heights are necessary for the sign to effectively notify clients of the business location.

Along Redwood Blvd. between Grant Ave. and Golden Gate Pl., two variances requests for letter height have been approved by the City, one for The Loop gas station and convenience store located at the southwest corner of Redwood Blvd. and Olive Ave., and one for the Trader Joe's shopping center located at the northeast corner of Redwood Blvd. and Olive Ave. The City approved a 30" letter height for The Loop in February 2017, and approved 22" and 15" letter heights for Novato Gateway/Village of Novato (Trader Joe's) in December 2005.

The Trader Joe's variance was approved based on the building setback (approx. 140 ft.) from Olive Ave. and the building size, massing, and storefront proportions. The 22" letter height signs were approved for the south and east elevations below the tower element at the southeast corner of the subject building. Fifteen (15) inch letter heights were approved for the other storefronts within the multi-tenant building. The variance for The Loop gas station was approved based on the height of

the tower element (28 feet) where the sign was proposed and the approximately 100-foot setback from the Redwood Blvd. sidewalk and vehicle travel lanes.

Variance Request Analysis

The subject building where the sign is proposed is 60 feet wide along the Redwood Blvd. frontage, with a one-story entry feature that is 30 feet wide. The main portion of the building is setback approximately 20 feet from the sidewalk and the pillars/overhang of the one-story entry feature are setback approximately 5 to 8 feet from the sidewalk. The proposed sign is vertically centered on a 3-foot tall entry cover supported by pillars. The 3-foot tall façade of the entry cover is topped with an 18-inch cornice feature.

The eastern frontage of the portion of Redwood Blvd. between Vallejo Ave. and Olive Ave. is developed with buildings at varying setbacks, parking lots, and landscaping. Redwood Blvd. is a multiway boulevard on this block with a center median separating the north and southbound traffic, two through travel lanes, and a local access lane in each direction. The local access lane is separated from the through lanes by a median; the local access lane area include one travel lane, diagonal parking near the median, a Class II bicycle lane (striped bicycle lane), and an 8-foot wide sidewalk. Street trees vary from 30 to 60 feet separation along the sidewalk, with trees spaced approximately 50 feet apart in the local access median. Center median street trees are spaced 50 to 100 feet apart, and on-site (not in public right-of-way) landscaping along Redwood Blvd. includes bushes and trees. The speed limit on this segment of Redwood Blvd is 25 MPH.

The Novato Municipal Code (NMC) and State Government Code Section 65906 provide guidance regarding the circumstances where conditions exist to consider approval of a variance request. The Review Authority (Planning Commission) may approve, with or without conditions, a variance request only after first making all of the findings that follow this paragraph. Planning staff's analysis regarding each of the findings follows each finding.

a. Granting the Variance is consistent with the General Plan and any applicable specific plan;

The proposed 18-inch letters are not consistent with IM 17 Policy 1 regarding letter sizes scaled to the pedestrian and slow-moving vehicles. The proposed 18-inch letter height is intended for faster-moving vehicles, which would likely result in a visually more intrusive, less pedestrian-friendly environment.

b. Granting the Variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district;

There are a number of non-conforming signs in proximity to the project site. However, current regulations would not allow those existing non-conforming signs. The Downtown overlay includes commercial properties along Redwood Blvd. from Pinheiro Circle on the north side of downtown, south through downtown to Delong and points south. Any new sign within Downtown would need to comply with the 12-inch height regulation, unless a variance were to be granted. The zoning code is intended to implement the General Plan and Downtown Specific Plan, and over time as new signs are proposed, improve the downtown pedestrian experience. Approving a sign with 18-inch letter height is not consistent with zoning. Given

the close proximity to (approx. 10 foot setback) and visibility of the sign location from Redwood Blvd., granting of this variance request would constitute a special privilege.

c. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of this Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self imposed, hardship or unreasonable regulation which make it obviously impractical to require compliance with the development standards;

The proposed wall sign is located on a typical commercial building façade element that is both close (approx. 10 feet setback) and visible from Redwood Blvd. The building is located on a typical rectangular-shaped and sized lot fronting Redwood Blvd. The site topography (nearly flat) is similar to adjacent properties and properties in the vicinity that are also subject to the same land use and zoning district provisions. Given the above mentioned site/building attributes, a functional (i.e. effectively) visible sign meeting the development standards could be proposed, eliminating the need for the variance request. Based on the observations above, there are not special circumstances at the site that would justify approval of this variance request.

d. Granting the Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the Variance is sought; and

The applicant/property owner has the ability to propose a functional (i.e. effectively) visible sign that meets the development standards while preserving substantial property rights possessed by other property owners in the vicinity and in the same zoning district.

e. Granting the Variance would not be materially detrimental to the public interest, health, safety, convenience, or welfare of the City, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.

Granting of this variance request is not in the public interest and is detrimental to the goals and policies of City-adopted land use and zoning regulations intended to guide development. The granting of the variance request for a larger, more intrusive sign may impede progress towards creating a more pedestrian-oriented, pedestrian-friendly downtown.

Public Notice

Novato Municipal Code Section 19.58.050 requires an action of the Planning Commission to be publicly noticed. Accordingly, notices have been mailed to property owners and residents within 600 feet of the project site. Additionally, the public hearing notice was published in the Marin Independent Journal.

At the time this report was written staff has not received any public correspondence.

ENVIRONMENTAL ASSESSMENT

The project is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines Section 15270, *Projects Which are Disapproved*. CEQA Guidelines Section 15270 exempts projects that a public agency rejects or disapproves.

RECOMMENDATION

Staff recommends that the Planning Commission approve the attached resolution to deny the variance request.

RECOMMENDED MOTION

1. Adopt the attached Resolution of the Novato Planning Commission Denying a Variance to Allow a Wall Sign with Eighteen (18) inch Letter Height on the Existing Building at 7428 Redwood Blvd., APN 153-011-52.

FURTHER ACTION

The Planning Commission is the Review Authority for this project, unless an appeal of the Planning Commission decision is filed in a timely manner along with applicable fees.

ATTACHMENTS

- A. Resolution
- B. Application materials and plans

PLANNING COMMISSION RESOLUTION

RESOLUTION NO._____

RESOLUTION OF THE NOVATO PLANNING COMMISSION DENYING A VARIANCE TO ALLOW A WALL SIGN WITH EIGHTEEN (18) INCH LETTER HEIGHT IN THE DOWNTOWN NOVATO SPECIFIC PLAN OVERLAY DISTRICT, APN 153-011-52

WHEREAS, the City of Novato received an application requesting a variance to allow a wall sign with eighteen (18) inch letter height on a commercial building located at 7428 Redwood Blvd; and

WHEREAS, the Applicant is requesting a variance from Novato Municipal Code Section 19.32.070.F.2, which limits maximum letter height to twelve (12) inches in the Downtown Novato Specific Plan Overlay District; and

WHEREAS, Novato Municipal Code Section 19.42.070 allows for variances from the development standards of the zoning ordinance under certain circumstances; and

WHEREAS, the Zoning Administrator referred the variance application to the Planning Commission in compliance with Novato Municipal Code Section 19.42.070.E and Division 19.58; and

WHEREAS, denial of the variance request is exempt from the requirements of the California Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines 15270 – *Projects Which are Disapproved*; and

WHEREAS, notices describing the Planning Commission's public hearing on the proposed variance were sent to all affected property owners within 600-feet of the project site, pursuant to Section 19.58.020 of the Novato Municipal Code, and published in the Marin Independent Journal, a newspaper of local circulation on July 27, 2017; and

WHEREAS, the Planning Commission held a public hearing on August 7, 2017, to consider and receive public testimony on the variance request; and

WHEREAS, the Planning Commission considered oral and written testimony presented by City staff, the public, and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby finds and resolves as follows:

Section 1. <u>Recitals</u>

The foregoing recitals are true and correct and are incorporated into the record herein.

Section 2. <u>Record</u>

The Record of Proceedings ("Record") upon which the Planning Commission bases its decision includes, but is not limited to: (1) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the variance request, (2) the evidence, facts, findings and other determinations set forth in the staff report and this resolution, (3) the City of Novato 1996 General Plan, the Downtown Novato Specific Plan, the Novato Municipal Code and the environmental documents relating thereto, (4) all designs, plans, studies, data and correspondence submitted to the City in connection with the variance request (5) all documentary and oral evidence received at public workshops, meetings, and hearings or submitted to the City at or prior to the Public Hearing, (6) the facts, analysis, evidence and conditions of approval and limitations stated in the staff report, and (6) all other matters of common knowledge to the Planning Commission including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas.

The location and custodian of the records is the Novato Community Development Department, 922 Machin Avenue, Novato, California, 94945.

Section 3. <u>CEQA Finding</u>

The Planning Commission hereby finds that the denial of the variance request is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 – *Projects Which are Disapproved*. CEQA does not apply to a project that a public agency rejects or disapproves.

Section 4. <u>Variance Findings</u>

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Planning Commission hereby denies the variance, based on the evidence contained in the Record which is herein incorporated by reference.

- 1. The variance request is not consistent with Downtown Novato Specific Plan regarding commercial signs. Commercial signs in downtown Novato are intended to have a pedestrian scale in accordance with the Downton Novato Specific Plan; regulations regarding signage in downtown consistent with the Downtown Novato Specific Plan is implemented through Division 19.32 (Signs) of the Novato Municipal Code. The Municipal Code limits letter height to twelve (12) inches within the Downtown Specific Plan Area. The proposed eighteen (18) inch letter height is 50 percent larger than the development standards and is not in keeping with the intent of the Downtown Novato Specific Plan regarding pedestrian scale for signs.
- 2. Granting the variance would constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district. Adjacent parcels with the same zoning that front Redwood Blvd are subject to the same sign regulations as 7428 Redwood Blvd. The multiway boulevard design along Redwood Blvd extends from Grant Ave north to Olive Ave. Twenty-one parcels, in whole or part, along this ... mile stretch are located along the Redwood Blvd local access lanes, separated from the central arterial lanes by a median, landscaping, local access lane, and parking. Therefore, other properties in the vicinity

and in the same zoning district are subject to the same sign limitation regulations as the subject property.

- 3. There are not special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of the zoning ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self imposed, hardship or unreasonable regulation which make it obviously impractical to require compliance with the development standards. The subject lot is a typical rectangular-shaped ‰ acre parcel with a building that has frontage along the Redwood Blvd local access lane. The location, shape, size, surroundings, or topography are not unique from surrounding parcels along Redwood Blvd.
- 4. Granting the variance is not necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owner for which the Variance is sought. A variance is not required for the property owner/tenant to place a wall sign on the building that complies with the zoning ordinance. Other property owners in the vicinity and with the same zoning are subject to the same signs regulations, including the limitation on sign letter height.
- 5. Granting the Variance is not in the public interest and is detrimental to the goals and policies of City-adopted land use and zoning regulations intended to guide development. The granting of the variance request for a larger, more intrusive sign will impede progress towards creating a more pedestrian-oriented, pedestrian-friendly downtown.

Passed and adopted at a regular meeting of the Planning Commission of the City of Novato held on the _____ day of ______, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

*

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of the resolution which was adopted by the Planning Commission, City of Novato, County of Marin, State of California, on the _____ day of _____.

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Chairman

Ref:

CENTRIC SIGNS 7430 REDWOOD BLVD., SUITE B NOVATO, CA. 94945 415-713-7499

Vivek Damodaran-Planner 1 The City of Novato 922 Machin Avenue Novato, Ca. 94945

Re: "Urgent Care" sign Variance, 7428 Redwood Blvd., Novato, Ca. 94945

Dear Mr. Damodaran,

Below if the information that you have requested.

- Granting the Variance is consistent with the General Plan and any applicable specific plan; It is consistent with the General Plan since it is in a commercial zone.
- 2. Granting the Variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the vicinity and in the same zoning district;

The proposed sign does not exceed the square footage allowed by code for a sign in a commercial zone. The proposed sign is only ten letters with a square foot measuring 23.75 square ft.

- 3. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, topography, or other conditions), so that the strict application of the Zoning Ordinance denies the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts or creates an unnecessary and non-self-imposed, hardship or unreasonable regulation which make it obviously impractical to require compliance with the development standard; There is an understandable justification for maintaining a 12" letter size on Grant Avenue but northern Redwood Blvd. has longer street frontages, significant vegetation and larger buildings making it necessary to ensure the business can provide clear and readable signage. Vehicles are generally driving at a faster speed than on Grant and must see past the frontage impediments to view signage.
- 4. Granting the Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other property owners in the same vicinity and zoning district and denied to the property owners for the Variance is sought;

A nearby property in the same zoning district just received a variance for up to 30" in height. General commercial parcels not included in the downtown (D) overlay do not have restrictions on specific letter height. Allowing 18" letter height is in keeping with this northern corridor of Redwood Blvd.

5. Granting the Variance would not be materially detrimental to the public interest, health, safety, convenience, or welfare of the City or injurious to the property or improvements in the vicinity and zoning district in which the property is located;

This small increase in letter height does not create any issues with respect to public interest, health, safety, convenience or welfare of the City, nor injurious to property or improvements to surrounding development. The height of the letters is properly scaled to the proportions of the building and will allow easier identification of the business. This property has been recently upgraded and is now proposed a business that will provide a service to the community.

Centric Sign 7430 Redwood Blvd. Suite B Novato, Ca. 94945

City of Novato Community Development Department 922 Machin Avenue Novato, Ca. 94945

Brett Walker, AICP Senior Planner

Dear Brett,

I have enclosed some additional photos showing several of the surrounding businesses.

On the corner of Vallejo and Redwood Blvd. is Napa Auto Parts and Big O Tires, along with CrossFit at 7427 Redwood Blvd. These businesses along Redwood enjoy the benefit of signage with letters larger than 12" dictated by the Downtown overlay in the commercial district. I did not include the photos of The Loop, Chevron and Trader Joe's on the other corner of Redwood Blvd. and Olive but I think everyone is familiar with the sizing of their signage.

I also included two photos driving north on Redwood Blvd. and one driving south where you can just see a peek of Napa Auto Parts. I realize that Novato has wanted to beautify their community with tree lined streets but it has a significant impact on identifying the location of the potential new Urgent Care facility. The three street trees planted in the right of way and the three sidewalk trees have yet to mature. Their maturity will only exacerbate the ability to locate their facility.

This area also has a lot going on that demands the driver's focus on the road. You have large crosswalks crossing the divided Redwood Blvd, frontage roads, bike lanes and sidewalks. The improved transit station and upcoming downtown Smart Train station should increase all modes of transportation along with the future businesses on North Redwood Blvd. This all contributes to the need for effective signage.

It is also to be noted that a nearby neighbor was just given a variance for up to 30" in height claiming that their signage is set back behind a canopy. I appreciate that comment but gas pumps are a clear sign that it is a gas station. Other than the monument sign outside, there is no clear indication that this building 7428 Redwood houses an Urgent Care unless noticeable signage in installed on the building.

We would really appreciate your consideration.





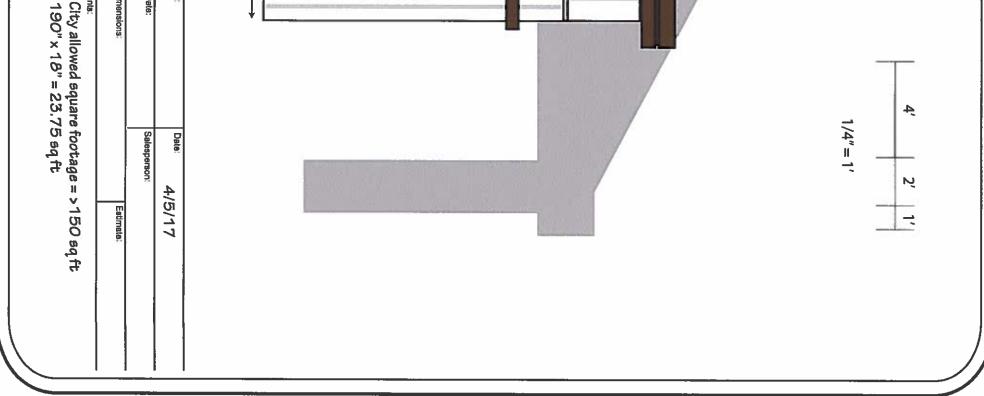




Customer: Company: Urgent Care / Medical Center of Marin Addrese: 7428 Redwood Blvd City: Novato StatesZIP: Ca 94945 Phone: Fax:		
Centric Signs 7430 Redwood Blvd Suite B Novato, CA 94945 (415) 893-0442 Fax: (415) 893-0442 LIC# 950860	<section-header><section-header><section-header><section-header><section-header><section-header><section-header><section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header></section-header>	100″
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Customer: Company: Urgent Care / Medical Center of Marin Address: 7428 Redwood Blvd City: Novato StatisZIP: Ca 94945 Phone: StatisZIP: Fax: Fax:	123	
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Attachment B - Application Materials

