



- CITY OF CLOVIS - REPORT TO THE PLANNING COMMISSION

TO: Clovis Planning Commission

FROM: Planning and Development Services

DATE: December 21, 2017

SUBJECT: Consider Approval – Res. 17-____, V2017-07, A request to approve a variance to the non-residential sign standards to allow for the placement of additional on-building signage for the property located at 790 W. Shaw Avenue. Gary Pinkston, owner; Permits 2U, applicant and representative.

ATTACHMENTS:

Figure 1:	Location Map
Attachment 1:	Draft Resolution
Exhibit "A:"	Existing Signs
Exhibit "B:"	Proposed Sign Addition

CONFLICT OF INTEREST

None.

RECOMMENDATION

Staff recommends that the Planning Commission deny V2017-07.

EXECUTIVE SUMMARY

The applicant is requesting this variance to the non-residential sign standards to allow for the placement of additional on-building signage for the Smart & Final grocery store within the Willow Plaza shopping center located at the southeast corner of Willow and Shaw Avenues. The granting of this variance will allow the applicant to proceed with a sign permit application for an additional 202 square feet of on-building signage for the west elevation of the lease space.

BACKGROUND

- General Plan Designation: General Commercial
- Existing Zoning: C-2 (Community Commercial)
- Current Land Use: Commercial Shopping Center
- Lot Size: 3.37 acres
- Adjacent Land Uses: North: Commercial
South: Residential/Office
East: Commercial
West: Commercial/ Residential
- Previous Entitlements: MA2016-05 (Increase and transfer sign area)
SPR78-42 (Commercial Center)
SPR78-42A10 (Exterior remodel)

PROPOSAL AND ANALYSIS

Variance Request

This variance is related to the commercial zoned property located at 790 W. Shaw Avenue. The applicant, Permits 2U, is requesting this variance to the City's sign ordinance to increase sign area for the Smart & Final grocery store.

The variance is seeking deviation from the non-residential sign standards to place one additional primary identification sign on the store's west elevation. The applicant is requesting an additional 202 square feet of on-building sign area in addition to what has been previously approved for the subject lease space. Approval of this variance would allow for the additional square footage request and placement of the company's trademark primary identification for the west elevation of the lease space (see Exhibit "B").

The applicant has utilized the maximum sign area allowed under the Sign Ordinance and a Minor Adjustment approval for its existing primary signage.

Sign Allowance

The CMC §9.34.130(3)(a), for C-2 Zoned commercial centers allow for on-building identification signs per the Table 3 -15 below.

TABLE 3 - 15
AREA ALLOWED FOR FRONTAGES WITH PUBLIC ENTRANCES

Structure Entrance Setback (from street frontage property line)	Allowable Sign Area Formula	Minor Tenants Maximum Allowable Sign Area	Major Tenants Maximum Allowable Sign Area*
150 feet or less to the intended service street property line.	One sq. ft. per each linear foot of lease space.	50 sq. ft.	100 sq. ft.
More than 150 feet to the intended service street property line.	One and one-half sq. ft. per each linear foot of lease space.	75 sq. ft.	150 sq. ft.

This matrix is intended to provide specific sign area allowances for minor and major tenants within a shopping center. The square footage of on-building signage is greater if a tenant is located more than 150 feet from the street frontage property line. According to the matrix, Smart & Final is allowed a maximum sign area of 150 square feet of on-building signage. In addition, the building's west elevation consists of street frontage without a public entrance. According to CMC §9.34.130(3)(b), each business occupying the end of a structure, having a street frontage without a public entrance, shall be allowed one-half (1/2) square foot of sign area for each one foot of leased building frontage. The maximum area shall be limited to twenty-five (25) square feet. Combining the allowed square footage for both elevations, Smart & Final was allowed a total signage area of 175 square feet.

Minor Adjustment Application

The City's sign ordinance allows the Planning and Development Services Director to grant minor adjustments to signs for the purpose of improved aesthetics and to prevent hardships which would result from a strict and literal interpretation of the sign ordinance. If approved, the minor adjustment may grant up to a 25% increase in total allowed sign area and the transfer of sign area.

On November 2, 2016, a Minor Adjustment Application was submitted to the Planning Division requesting both an increase and transfer of sign area. On December 1, 2016, the Director of Planning and Development Services approved the Minor Adjustment, granting the applicant a 25% increase in total sign area totaling in an additional 43 sq. ft. of allowed sign area as well as the transfer of sign area. The Minor Adjustment approval provided Smart & Final a total of 218 square feet of on-building sign area to be divided between the two lease frontages of the grocery store. Although, there was discussion of placing signage on the west elevation, the applicant chose to utilize the allowed sign area exclusively on the north elevation. A total of 213 square feet of the allowed 218 square feet of sign area was utilized (see exhibit A).

Variance Findings

Under State law, four findings of fact must be considered in order to grant a variance to the development standards of any zone district.

Finding 1: There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the vicinity having the identical zoning classification.

Applicant's Statement: "As a result of having no signs on the stores west elevation customers are by-passing the driveway to turn right on West Shaw, then turn again on the plaza's driveway to enter into the Smart & Final parking lot. This adds additional traffic to W Shaw and creates a hazard as a result."

Staff Response: Staff does not concur with the applicant's statement. The subject site does not have exceptional or extraordinary circumstances or conditions that warrant additional on-building sign area not currently provided by the Sign Ordinance. The shopping center has a freestanding monument sign along the Willow Avenue frontage. Although the sign is placed north of the shopping center's Willow Avenue entrance, it can be seen prior to the entrance. Staff would also support the relocation of the freestanding sign to the south side of the entrance.

Finding 2: Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, a right that is possessed by other property owners under like conditions in the vicinity having identical zoning classification.

Applicant's Statement: "We have observed Home Depot, Carl's Jr, 76 Gas Stations and Western Dental with similar signage as to our request."

Staff Response: Staff does not concur with the applicant's statement. The Home Depot was granted a signage area allowance of three hundred (300) square feet based on its status as a major tenant with one hundred thousand (100,000) square feet or more of leasable area with a building entrance setback of one hundred fifty (150) feet or greater from the nearest street property line. This does not apply to Smart & Final. The other mentioned businesses' signs are within allowed sign areas and do not approach the applicant's proposed signage.

The sign Code is intended to provide an even playing field for businesses. Additional sign area through a variance is warranted where unusual circumstances exist, such as a limited frontage due to the shape of the parcel, or distance from public view. The approval of variances where findings are not met can set a precedence for other businesses.

Finding 3: The granting of the variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity of which the property is located.

Applicant's Statement: "*See Finding #1*"

Staff Response: Staff does not concur with the applicant's statement. Major tenants with similar setbacks in the vicinity of the subject site are operating in compliance with the Clovis Sign Ordinance. In addition, the proposed additional signage may have an adverse impact on the residential neighborhood across Willow Avenue.

Finding 4: The granting of such variance will not be contrary to the objectives of the General Plan.

Applicant's Statement: "*Other tenants in the area enjoy similar exposure as to our request.*"

Staff Response: Staff does not concur with the applicant's statement. The applicant was approved with the previous minor adjustment to transfer as well as increase the sign area, and chose at the time to use almost all available granted signage on the north elevation.

Neighborhood Concerns

Staff sent notices to property owners within 500 feet of the Project. As of the writing of this report, staff has not received comments or concerns from the public.

California Environmental Quality Act (CEQA)

The City has determined that this Project is exempt from CEQA pursuant to Public Resources Code Section 15061(b)(3) which provides that CEQA applies only to projects that have the potential for causing a significant effect on the environment. A Notice of Exemption has been completed during the preliminary review, and is kept for public review with the project file during the processing of the project application. Staff will file the notice with the County Clerk if the project is approved.

The City published notice of this public hearing in the *Business Journal* on Wednesday, December 6, 2017.

FISCAL IMPACT

None.

REASONS FOR RECOMMENDATION

This staff report and attachments provide the evidentiary support necessary for denial of this variance request.

The variance has been evaluated subject to the "Findings of Fact," and staff does not support approval of a variance for an additional 202 square feet of on-building sign area for Smart & Final. The City's established Sign Ordinance provides adequate sign area allowances for on-building identification signs, in addition to what was granted with the previous Minor Adjustment. Therefore, staff recommends that the Planning Commission deny V2017-07.

In the event that the Planning Commission makes findings that the variance is warranted and considers approval, staff included conditions of approval as well as an approval resolution.


ACTIONS FOLLOWING APPROVAL

None.

NOTICE OF HEARING

Property owners within 500 feet notified:	36
Interested individuals notified:	0

Prepared by: Joyce Roach, Planning Intern

Reviewed by: 
Bryan Araki
City Planner

**FIGURE 1
PROJECT LOCATION MAP**



EXHIBIT "A"
Conditions of Approval – V2017-07

Planning Division Conditions

(Lily Cha, Planning Assistant – (559) 324-2335)

1. The granting of this variance will allow for installation of an additional 202 square feet of sign area to be placed on the west elevation of the subject lease space per Exhibit "B."
2. Any further exceptions to the sign ordinance or the conditions of this variance shall require a separate variance action.
3. The applicant shall obtain a building permit prior to installation of the proposed sign.

**DRAFT
RESOLUTION 17-__**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS APPROVING A VARIANCE
TO THE NON-RESIDENTIAL SIGN STANDARDS TO ALLOW FOR THE PLACEMENT OF ADDITIONAL
ON-BUILDING SIGNAGE FOR THE PROPERTY LOCATED AT 790 W. SHAW AVENUE**

WHEREAS, Permits 2U, 585 N. Twin Oaks Valley Road, San Marcos, CA 92069, has applied for a Variance V2017-07; and

WHEREAS, Variance V2017-07, is a request to approve a variance to the non-residential sign standards to allow for the placement of additional on-building signage for the property located at 790 W. Shaw Avenue, in the City of Clovis, County of Fresno; and

WHEREAS, a public notice was sent out to area residents within 500 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on December 21, 2017, and

WHEREAS, the Commission, has reviewed and considered the staff report and all written materials submitted in connection with this request and has incorporated this information herein by this reference, and hearing and considering the testimony presented during the public hearing; and

WHEREAS, after hearing evidence gathered by itself and in its behalf, makes the following findings, namely:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
3. The granting of this variance will not be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and
5. The granting of such a variance will not be contrary to the objectives of the General Plan.
6. That V2017-07 is exempt from CEQA pursuant to Public Resources Code Section 15061(b)(3).

NOW, THEREFORE, BE IT RESOLVED that the Clovis Planning Commission does approve Variance V2017-07.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on December 21, 2017, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 17-____
DATED: December 21, 2017

Paul Hinkle, Chair

ATTEST: _____
Dwight Kroll, AICP, Secretary

**DRAFT
RESOLUTION 17-__**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLOVIS DENYING A VARIANCE TO
THE NON-RESIDENTIAL SIGN STANDARDS TO ALLOW FOR THE PLACEMENT OF ADDITIONAL ON-
BUILDING SIGNAGE FOR THE PROPERTY LOCATED AT 790 W. SHAW AVENUE**

WHEREAS, Permits 2U, 585 N. Twin Oaks Valley Road, San Marcos, CA 92069, has applied for a Variance V2017-07; and

WHEREAS, Variance V2017-07, is a request to approve a variance to the non-residential sign standards to allow for the placement of additional on-building signage for the property located at 790 W. Shaw Avenue, in the City of Clovis, County of Fresno; and

WHEREAS, a public notice was sent out to area residents within 500 feet of said property boundaries ten days prior to said hearing; and

WHEREAS, a duly noticed hearing was held on December 21, 2017, and

WHEREAS, the Commission, has reviewed and considered the staff report and all written materials submitted in connection with this request and has incorporated this information herein by this reference, and hearing and considering the testimony presented during the public hearing; and

WHEREAS, after hearing evidence gathered by itself and in its behalf, makes the following findings, namely:

1. There are no exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the vicinity having the identical zoning classification.
2. Such variance is not necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the vicinity having the identical zoning classification.
3. The granting of this variance will be materially detrimental to the public welfare or injurious to property and improvements in the vicinity in which the property is located; and
5. The granting of such a variance will be contrary to the objectives of the General Plan.
6. That V2017-07 is exempt from CEQA pursuant to Public Resources Code Section 15061(b)(3).

NOW, THEREFORE, BE IT RESOLVED that the Clovis Planning Commission does deny Variance V2017-07.

* * * * *

The foregoing resolution was approved by the Clovis Planning Commission at its regular meeting on December 21, 2017, upon a motion by Commissioner _____, seconded by Commissioner _____, and passed by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

PLANNING COMMISSION RESOLUTION NO. 17-____
DATED: December 21, 2017

Paul Hinkle, Chair

ATTEST: _____
Dwight Kroll, AICP, Secretary

Recommended Signage



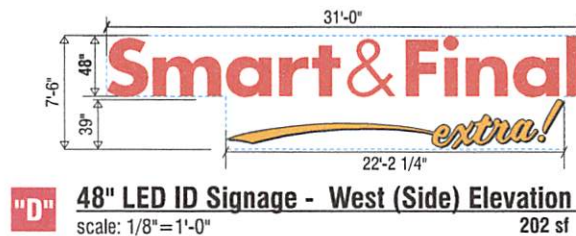
Existing West (Side) Elevation

scale: Not to Scale



Proposed West (Side) Elevation

scale: 1/16" = 1'-0"



*SIGN HEIGHT ABOVE GRADE IS: 17'

Recommended Signage



Existing North (Front) Elevation

scale: Not to Scale

FILE # SR2016-53

DATE 12/2/16

PLANNING DEPARTMENT

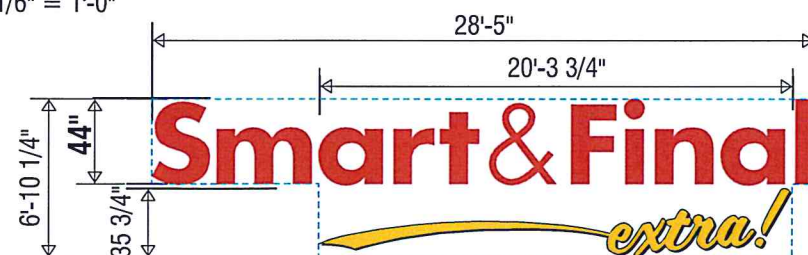
[Signature]

APPROVED



Proposed North (Front) Elevation

scale: 1/6" = 1'-0"

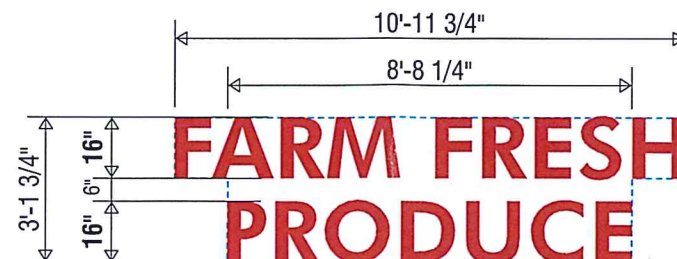


"A"

44" Main LED ID Signage

scale: 1/8" = 1'-0"

169 sf

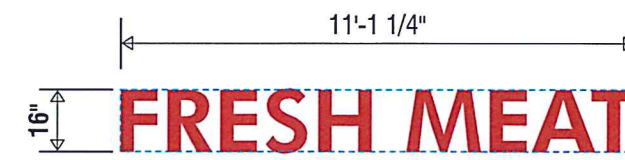


"B"

16" LED Channel Letters

scale: 1/4" = 1'-0"

30 sf



"C"

16" LED Channel Letters

scale: 1/4" = 1'-0"

14 sf