

# CITY OF ROSEVILLE PLANNING & REDEVELOPMENT DEPARTMENT STAFF REPORT DESIGN COMMITTEE MEETING March 19, 2009

Prepared by: Ron Miller, Associate Planner

<u>ITEM III-A:</u> ADMINISTRATIVE PERMIT FOR SIGN EXCEPTION – SERSP PCL 40 GRANITE BAY PAVILIONS – 9243 SIERRA COLLEGE BOULEVARD - FILE #2006PL-094 (PROJECT# AP-000287).

## **REQUEST**

The applicant requests approval of an Administrative Permit for Sign Exception for Granite Bay Pavilions to allow three wall signs where the existing sign program and Sign Ordinance allow only two. Granite Bay Pavilions is a commercial site located on the southeast corner of Sierra College Boulevard and Eureka Road; consisting of 16 buildings (±117,908 sq. ft.) designated for medical and professional office, retail, and restaurant use. The request for a sign exception is for the northernmost tenant space of retail Building C (an end-cap tenant) located at the northwest corner of the site.

Applicant: Panattoni Development Company, Gary Muljat Owner: Panattoni Development Company, Mike Diepenbrook

## **SUMMARY RECOMMENDATION**

The Planning Department recommends that the Design Committee:

- A. Adopt the four findings of fact for denial of the Administrative Permit for Sign Exception;
- B. Deny the Administrative Permit for Sign Exception;

# **SUMMARY OF OUTSTANDING ISSUES**

The applicant is not in agreement with staff's recommendation. It is the applicant's position that the corner tenant space at the north end of Building C should be allowed three signs, with one sign per elevation. The applicant feels that a third sign on the east facing wall is necessary to provide the prospective tenant with "Public Service" signage which, from the applicant's perspective, would not be provided by the other two allowable signs (see Attachment 1).

Additionally, staff has received a letter from the JR East Owner's Association, advising that the applicant had not contacted them to seek approval of the proposed signage, as required by the Southeast Roseville Specific Plan (see Attachments 2 & 3). The letter further requests that the City not approve the Administrative Permit for Sign Exception prior to JR East Owner's Association's review and approval of the proposed signage.

A subsequent letter was received from the association advising that the applicant had submitted a request for the approved signage, and that the JR Owner's Association has denied the request. The applicant is appealing the decision of the JR East Owner's Association; however, any actions between the applicant and the association regarding this issue are not germane to the City's approval process.

The SERSP requires plans submitted for sign permits to be approved by the association; however, it does not specify the same requirement for other entitlement applications. Nevertheless, the decision and authority to approve or deny the Sign Exception request lies with the Design Committee.

## **BACKGROUND**

**Location**: The 12.75 acre project site is located on the southeast corner of the intersection of Sierra College Boulevard and Eureka Road, in the Southeast Roseville Specific Plan (SERSP) area, and has a zoning designation of Community Commercial/Special Area – Southeast Roseville Specific Plan area (CC/SA-SE). Retail Building C is located at the northwest corner of the center facing the intersection of Sierra College Boulevard and Eureka Road (see Exhibit A). The corner tenant space at the north end of Building C (the site of the requested sign exception) has three elevations. The west elevation faces Sierra College Boulevard, while the north elevation faces Eureka Road. The east elevation; the storefront/entry area, is interior to the center and faces the parking area east of the building.

**Permit History:** On February 23, 2006, the Planning Commission approved a Design Review Permit (DRP-000057), Tentative Subdivision Map (SUB-000030), Tree Permit (TP-000050), and an Administrative Permit (AP-000094) to allow construction of Granite Bay Pavilions. On September 21, 2006, the Design Committee approved a Sign Variance (V-000029) to allow two wall signs each for retail tenants in buildings that back up to Sierra College Boulevard (Buildings A, B & C – see Exhibit A). The Sign Ordinance permitted only one sign per tenant for these buildings, but given the unique street-forward architecture, the Design Committee determined that a unique condition existed that warranted approval of the Variance.

## **Surrounding Land Use and Zoning**



# **EVALUATION**

Section 17.08.410 of the City of Roseville's Sign Ordinance provides criteria for exceptions to Sign Ordinance requirements in cases where practical difficulties, unique site or building design, or other physical restrictions on the land or buildings not generally shared by other properties result from the strict application of the Sign Ordinance requirements. The evaluation of the Administrative Permit for Sign Exception has been based on applicable standards within the City's Sign Ordinance and the Southeast Roseville Specific Plan (SERSP).

The applicant is requesting an Administrative Permit for Sign Exception to allow three wall signs for the northernmost tenant space of retail Building C. Sign Ordinance Section 17.06.230 allows one sign per tenant for buildings that are neither major tenants nor freestanding pad buildings. Corner tenants (the above-referenced tenant space meets this criteria) are permitted two wall signs, provided the signs are located on different sides of the building and face a public entrance, a public street or a parking lot. As previously mentioned, a Sign Variance has already been approved to allow two signs per tenant for both in-line and corner tenant spaces.

As discussed further below, the Design Committee has denied similar requests, including (most recently) Granite Community Bank on Pleasant Grove Boulevard, Fidelity Investments on Roseville Parkway, and Union Bank at Roseville Parkway and Pleasant Grove Boulevard. Staff has not identified a hardship or other unique circumstance that applies to the subject property that does not apply to properties with similar configurations that would warrant approval of a Sign Exception.

Section 17.08.440 of the Sign Ordinance requires that four (4) specific findings be made in order to approve an Administrative Permit for Sign Exception. The required findings for an Administrative Permit for Sign Exception are listed in **bold italics** below and are followed by an evaluation.

- 1. The requested sign is consistent with the purpose and intent of the Sign Ordinance.
- 2. The requested signs are in harmony with the individual building, and visually related to the buildings within a planned sign permit program and the surrounding development.
- 3. The requested signs are consistent with the adopted specific plan sign guidelines for the applicable specific plan or other applicable regulations in which it is located.
- 4. There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, uses, or signs involved which do not generally apply to other land, buildings, or signs in the neighborhood.

No Unique or Extraordinary Circumstances Associated With Property: The subject tenant space is located on the highly visible north end of Building C facing Sierra College Boulevard and Eureka Road,

and is entitled for two wall signs, provided each sign is located on a different side of the building and faces a public entrance, a public street, or a parking lot. The Sign Ordinance does not mandate which elevations to which signs must be affixed. The tenant space is allowed two signs, and the tenant is provided with the flexibility to choose which elevations would be most effective.

Although the prospective tenant for this location has not yet submitted a request for a Sign Permit, the request for a Sign Exception indicates that one sign would be located on the west elevation, facing Sierra College Boulevard. This sign would be



Figure 1 – Building C, looking south from Sierra College Bl. & Eureka Rd.

visible from north and southbound Sierra College, and from eastbound Eureka Road. The second permitted sign would be placed on the north elevation, facing Eureka Road, and would be visible from east and westbound Eureka Road, as well as southbound Sierra College Boulevard (see Exhibit A).

Attachment 1 provides a letter from the applicant justifying the request for a Sign Exception (see Attachment 1) to allow an additional wall sign. The letter states, "the street-fronting nature of the buildings does not physically allow either of the two (2) allowable signs to provide the dual purpose of providing "Advertising Signage" and "Public Service" Signage. As a result, an additional "Public Service" wall sign is required in order to allow a corner tenant to address all of its critical elements of

signage." The applicant also states that not allowing the additional sign puts a corner tenant in a "Pedestrian Project" at a distinct competitive disadvantage (see Attachment 1).

Planning staff finds that the applicant has not demonstrated any unique or extraordinary circumstances to warrant approval of this request. It is not staff's position, however, to prevent the applicant's prospective tenant from placing a sign on the east wall of their tenant space. The tenant would be entitled to place a sign on the east wall, per the Sign Ordinance; however, the Sign Ordinance does restrict the number of wall signs for the tenant space to a maximum of two. The Sign Ordinance's restriction to two signs does not distinguish between "Advertising Signage" vs. "Public Service Signage", which was cited as justification for a third sign in the applicant's request (see Attachment 1).

Granite Bay Pavilions, and the subject corner tenant space, enjoy an immediate frontage along Sierra College Boulevard and Eureka Road, with both the north and west walls of the tenant space highly visible from the adjacent streets (see Figure 2). Staff has visited the site and found no unique conditions at the site that impair passing motorists' or pedestrians' views of the subject tenant space.

Additionally, staff has advised the applicant that the proposed tenant would be permitted to place window signage on the east elevation that would fulfill the "Public Service" element of the tenant's signage requirements. A tastefully designed neon



Figure 2 – Granite Bay Pavilions looking east from Eureka Road

window sign would provide tenant identification for pedestrians within the center (see Figure 5 below). Alternatively, the tenant could consider a neon window sign on the north elevation, vs. a wall sign. An additional wall sign could then be placed on the east elevation above the east entry to the tenant space. Per the City's Sign Ordinance Section 17.10.040, signs on doors and windows are exempt from sign permit requirements. A tastefully designed neon window sign would then accomplish the applicant's advertising objective on the north elevation.

Staff also advised the applicant that additional signage/tenant identification could be provided by placing the prospective tenant's name on the center's monument sign located at an entry driveway on Sierra College Boulevard (see Figure 3). The monument sign provides additional tenant visibility for vehicles traveling either direction on Sierra College Boulevard. The sign is located immediately adjacent to a driveway into the center from Sierra College Boulevard (see Exhibit A). This driveway may be accessed via a right turn for northbound vehicles, and/or a left turn via a dedicated left turn lane for vehicles traveling south on Sierra College Boulevard.



Figure 3 – Monument sign, looking north on Sierra College Blvd.

**Previous Actions on Similar Requests:** The Design Committee has previously denied several similar requests, as summarized below.

1. In November 2006, Granite Community Bank requested a Sign Variance which was denied. Granite Community Bank is located in the Pleasant Grove Pointe Center at 933 Pleasant Grove Boulevard, between Roseville Parkway and Highway 65, within the North Central Roseville Specific Plan (NCRSP). The justification for the request for a third sign was very similar to this request; 1) the tenant space backed up to the street, 2) the store frontage was to the interior parking field, and, 3) the building had more than two fascias on which a sign could be placed. The project was denied based on findings similar to those cited in this report.

- 2. A Sign Variance request from Fidelity Investments was denied in August 2005. Fidelity Investments is located in Creekside Center at 1220 Roseville Parkway in the NCRSP area. The request was for a Sign Variance to allow a third wall sign because their tenant space had more than two building fascias on which a sign could be placed, and the store front faced the parking area. The project was denied based on similar findings as included in this report.
- 3. In 2004, the Design Committee also denied a similar request for the Union Bank project. The request was for a PSPP modification and Sign Variance for the Union Bank tenant located in the Highland Crossing Shopping Center at 1020 Pleasant Grove Blvd in the NCRSP area. The Union Bank is a corner tenant that requested approval of a third wall sign on the tower element of the building located on the fascia. The applicant for the Union Bank project believed that a building with three fascias should be allowed three signs and felt that their existing signs on the building did not provide adequate visibility, much like the view presented by Granite Bay Pavilions in this application. The Union Bank request was also denied based on similar findings as included in this report.

Approval of this request could potentially grant a special privilege not enjoyed by other similar properties, thereby resulting in a competitive advantage for the subject property.

**Excessive Signage and Equal Treatment of All Sign Users:** Staff has found that because the tenant enjoys full frontage with two walls visible from Eureka Road and Sierra College Boulevard, the third wall sign would be excessive and would allow for an unfair advantage over other businesses in the center and throughout the City, which is inconsistent with Sign Ordinance Section 17.02.030. E., which provides for "fair and equal treatment of sign users."

The proposed Sign Exception deviates from the number of wall signs allowed for corner tenants of a building that are neither major tenants nor freestanding pad buildings (also known as in-line tenant buildings). Given the number of other tenants with three building elevations in Granite Bay Pavilions and in other areas of the City, approval of this request creates the potential to allow a significant increase in the number of signs that may result in visual clutter in the center and elsewhere in the City, which is generally inconsistent with the Sign Ordinance's purpose and intent.

Staff examined potential tenant spaces in the center that this request may affect and found that an additional seven (7) tenants have circumstances similar to the applicant. Staff arrived at this figure by

counting the number of corner tenants of in-line retail buildings along Sierra College Boulevard and Eureka Road having more than two fascias on which to apply signs. Corner, or end tenant, spaces in Buildings A, B, C, and D fit this category (see Exhibit A). Staff site visits and review of sign permits submitted to the City have confirmed that tenants who currently occupy these spaces have signs on only two elevations<sup>1</sup> (see Figure 3).

The Findings section of the Sign Ordinance, Section 17.02.020(B), states, "where signs are not properly regulated, they contribute to visual clutter, confusion, aesthetic blight, and create an unpleasant impression." Staff feels that while one



Figure 4 – Corner tenant space on south end of Building C.

additional sign may not constitute visual clutter or be distracting to motorists, the quantity of signs requested for this tenant space would not be consistent with similarly-situated tenants at the center, or other centers in the City. The increase in the number of signs would also result in the granting of a special privilege not enjoyed by other buildings, businesses or persons in the area or the City.

<sup>&</sup>lt;sup>1</sup> It should be noted that the tenant occupying Building 1B (Clear Choice Dental) has three signs; however, the Sign Ordinance Section 17.06.220 classifies this building as a freestanding pad building with one tenant. As such, three signs are permitted.

Additionally, the special privilege would also create a competitive advantage to the applicant not shared by other centers, buildings, businesses, and persons. The Sign Ordinance is intended to treat sign users uniformly, creating a level playing field for all sign users. Staff believes that the granting of this request would tilt the field unfairly, and conflict with past actions on similar Sign Variance/Exception requests. Staff is also concerned that an approval of this request may promote other similar requests that would result in a greater disparity in the application of sign standards, and contribute to sign "clutter" in the City.

**Enjoyment of Property Rights:** As noted above, there are no unique topographic or other circumstances that apply to this property, building, or tenant space. The subject tenant space enjoys unrestricted visibility from Sierra College Boulevard and Eureka Road, with store frontage facing the center's parking area (see Figure 2), as is the case with many other retail/commercial centers in the City.

Further, the subject tenant space within Granite Bay Pavilions is located at a prominent intersection in the City, and is not difficult to locate geographically.

The applicant believes, however, that a third wall sign on the east elevation is required to provide the prospective tenant with "Public Service" signage, which the applicant perceives as necessary. As discussed previously, since there is ample window and door space on the east elevation (See Figure 5), it is staff's position that a neon window sign would provide adequate tenant identification for pedestrians in the center, and thus provide ample tenant identification and fulfill the tenant's perceived necessity of "Public Service" signage. As discussed earlier, the Sign Ordinance does not address the necessity of "Public Service" signage.



Figure 5 – Subject tenant space as seen from center's parking area

Staff does not find the granting of this Sign Exception necessary for the enjoyment of property rights by the applicant. Under the current Sign Ordinance standards, the prospective tenant will enjoy the same property rights relating to signs as other tenants in retail Buildings A, B, C and D within the center, and throughout the City.

#### **CONCLUSION**

Staff has been unable to identify any unique circumstances that affect Granite Bay Pavilions, nor the subject corner tenant space at the north end of Building C. The standard for two wall signs for a corner tenant of an in-line tenant building is a long-standing standard that has been successfully applied to commercial centers throughout the City, including centers with building directly abutting the roadway.

As discussed above, the Design Committee has denied requests similar to the Granite Bay Pavilions request in the past. These projects were denied based on the same evaluation and findings as described in this report.

Given the goals of the Sign Ordinance, and past Design Committee actions and direction on sign exceptions, staff cannot support the current request. The Sign Exception would, in fact, grant a special privilege not enjoyed by other properties in the SERSP, and the City of Roseville. Denial of the Sign Exception for Granite Bay Pavilions will maintain a level playing field for other businesses and sign users within the City.

Based on the analysis provided in the staff report, it is staff's belief that the required findings cannot be made for approval of the Administrative Permit for Sign Exception. Therefore, staff recommends denial of the Administrative Permit for Sign Exception.

# **ENVIRONMENTAL DETERMINATION**

The project is categorically exempt pursuant to Section 15311(a) of the California Environmental Quality Act (CEQA) Guidelines, which exempts on-premise signs.

## **RECOMMENDATION**

The Planning & Redevelopment Department recommends that the Design Committee take the following actions:

- A. Adopt the four (4) findings of fact for denial of the Administrative Permit for Sign Exception SERSP Parcel 40, Granite Bay Pavilions File #2009PL-094 (AP-000287):
- B. Deny the Administrative Permit for Sign Exception SERSP Parcel 40, Granite Bay Pavilions File #2009PL-094 (AP-000287).

#### **ATTACHMENTS:**

- 1. Applicant's Request/Justification Letter
- 2A. Letter 1 from the JR East Owner's Association dated March 4, 2009
- 2B. Letter 2 from the JR East Owner's Association dated March 12, 2009
- 3. SERSP Page 83-a (Requirement for JR East Owner's Association Approval of Signage)
- 4. Photograph of Tenant Space Looking North from Eastbound Eureka Road
- 5. Photograph Depicting Proposed Sign Location on East Elevation
- 6. Photograph of Subject Tenant Space Depicting Obstructed View of East Elevation of Subject 7. Tenant Space When Viewed From Eureka Road

#### **EXHIBITS**:

- A. Site Plan
- B. Building Elevation Sign Specifications

Note to Applicant and/or Developer: Please contact the Planning Department staff at (916) 774-5276 prior to the Design Committee meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Director at, or prior to, the public hearing.