

**Minutes  
Zoning Administrator Meeting  
July 23, 2013**

**Staff Present**

Charley Stump, Zoning Administrator  
Jennifer Faso, Associate Planner  
Cathy Elawadly, Recording Secretary

**Others Present**

Juan Martinee  
Dave Shell  
Susan Shell  
Alex Abraham  
Steve Crawford

**1. CALL TO ORDER**

Zoning Administrator Stump called the meeting to order at 10:38 a.m. in Conference Room No. 5, Ukiah Civic Center, 300 Seminary Avenue, Ukiah, California.

**2. SITE VISIT VERIFICATION**

Zoning Administrator Stump confirmed the site visits.

**3. APPROVAL OF MINUTES: May 9, 2013**

Zoning Administrator Stump approved the May 9, 2013 minutes, as submitted.

**4. COMMENTS FROM AUDIENCE ON NON-AGENDA ITEMS**

**5. APPEAL PROCESS**

Zoning Administrator Stump read the appeal process. For matters heard at this meeting the last day to appeal is August 2, 2013.

**6. VERIFICATION OF NOTICE**

Associate Planner Faso verified Minor Use Permit 13-15-UP-ZA, Shell Office Addition 13-14-SDP-ZA and Orchard Plaza Sign Program Amendment 13-12-SDP-ZA were properly noticed in accordance with the provisions of the UMC.

**7. PUBLIC HEARINGS**

**7A. Minor Use Permit (File No.: 13-15-UP-ZA)** 1360 South State Street, AP 003-472-30.  
Request for Minor Use Permit to allow retail sales within the Heavy Commercial Zone (C2).

**Associate Planner Faso:**

- Gave a staff report.
- Staff is recommending a bike rack be installed.
- Sign permits and a business license are required.
- There are no outstanding issues concerning the Project.
- No public comments have been received by staff concerning the Project.

**PUBLIC HEARING OPENED: 10:38 a.m.**

Applicant has reviewed the staff report and had no Project questions or concerns.

**PUBLIC HEARING CLOSED: 10:38 a.m.**

**Zoning Administrator Stump:**

- Has visited the site and agrees with staff's analysis concerning the Project.
- Is pleased the applicant is seeking the appropriate permits to legalize the land use.

- 1 • Retail sales in the proposed location are an appropriate use even though the zoning for
- 2 the Project is Heavy Commercial (C2). Other retail sales establishments are operating in
- 3 the neighborhood.
- 4 • The business appears to be a low intensity land use.
- 5 • The Project meets the parking and Airport density requirements.
- 6 • Related to the Project Findings, acknowledged the proposed Project, as conditioned, is
- 7 consistent with the goals and policies of the General Plan, specifically Goal ED-1,
- 8 'Supports a strong local economy.' Recognized the Project and corresponding business
- 9 is also consistent with the Policy under Goal ED-1, 'Take steps to reinforce the Valley's
- 10 economy' and Implementation Measures associated with this Policy, Implementation
- 11 Measure ED-1.1(a),(b),(c),(d),(e).
- 12 • Supports approval of the Project.

13  
 14 **Zoning Administrator Stump** approved Minor Use Permit File No.: 13-15-UP-ZA based on  
 15 Findings 1-7 and Conditions of Approval 1-13 as provided for in the staff report.

16  
 17 **USE PERMIT FINDINGS**  
 18 **TO ALLOW UKIAH SOCCER STORE AND CELLULAR AND MORE**  
 19 **TO OPERATE A RETAIL STORE**  
 20 **AT 1360 SOUTH STATE STREET, APN 003-472-30**  
 21 **FILE NO.: 13-15-UP-ZA**  
 22

23 The following findings are supported by and based on information contained in this staff report,  
 24 the application materials and documentation, and the public record.

- 25
- 26 1. The proposed project, as conditioned, is consistent with the goals and policies of the
- 27 General Plan as described in the staff report.
- 28
- 29 2. The proposed project, as conditioned, is consistent with the Zoning Ordinance as
- 30 described in the staff report.
- 31
- 32 3. The proposed project, as conditioned, is consistent with the purpose and applicable
- 33 requirements of the C-2 zoning district based on the following:
- 34
- 35 A. With an approved use permit the proposed project that includes retail is a permitted
- 36 use within the Heavy Commercial (C-2) zoning district.
- 37
- 38 B. There are 16 parking spaces on the site. The existing residential uses require 10
- 39 spaces and the proposed retail use requires four spaces therefore there is sufficient
- 40 parking on the site for both the existing uses and the new retail use.
- 41
- 42 C. The proposed project meets the parking requirements of the zoning code in that four
- 43 parking spaces are required for the proposed retail uses and six parking spaces are
- 44 available to and located in front of the commercial building.
- 45
- 46 4. The proposed project, as conditioned, is consistent with the Airport Compatibility
- 47 requirements for the B2 zone based on the following:
- 48
- 49 A. The proposed project would be a retail business that includes sales of soccer
- supplies and cell phones. This use is consistent with low intensity retail uses which
- are allowed in the B2 zone.

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- B. The B2 airport zone allows 60 people per acre therefore given that the site is .57 of an acre the maximum density cannot exceed people (.57 acre site X 60 people/acre).
  - C. The applicant has indicated that the proposed retail stores would have approximately two employees on a daily basis and it is not anticipated there would be more than 4-5 customers in the store at any one time.
  - D. In determining the anticipated density of the parcel staff used an occupancy ratio of two residents per unit, three employees for the retail use and an average of 5 customers on site at one time. The total density at one given time would be 19 people. Based on this the project would be consistent with the maximum density of the B2 zone.
  - E. The size of the parcel is 25,000 square feet (.57 acre). The footprint of the commercial building is 1,080 square feet and the combined square footage of the five residential cottages is approximately 4,125 square feet which leaves 80 % of open land for this parcel which is greater than the recommended minimum. No change or addition to the structures is proposed as part of this project therefore the open land available in the B2 zone will not change.
5. The proposed project, as conditioned, is compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare based on the following:
- A. Surrounding uses to the project site include a variety of office commercial/retail uses and residential all of which would be compatible with the proposed retail use.
  - B. The proposed site does contain five existing residential units. The units have been established at this location for many years and were established prior to requirement for use permit approval for residential uses. The proposed project would not change or intensity the existing residential use. The proposed retail use would not negatively impact the residential units because the proposed use is a low intensity retail use that would not result in noise or late hours. Furthermore parking for the retail use is located at the front of the parcel and therefore would not impact the parking for the residential units or impact the driveway for the residential units.
  - C. The proposed retail use would be less intensive than many of the allowed or permitted uses in the Heavy Commercial (C-2) zone. Such as auto repair and machine shops.
  - D. There are 16 onsite parking spaces. Twelve parking spaces are required to serve all the uses on the site.
  - E. The project has been reviewed by the Fire Marshal, Police Department, Building Official, and Public Works comments received were included as conditions of approval.
  - F. The project is required to comply with all federal, state and local laws.
  - G. The proposed hours of operation are compatible with the existing surrounding uses.

1 H. In the project description submitted by the application the hours of operation would  
2 be Monday through Saturday 11:00 a.m. to 8:00 p.m. and closed on Sundays. Staff  
3 recommends that the hours of operation be extended to seven days a week 10:00  
4 am to 8:00 pm Monday through Saturday and 10:00 am to 6:00 pm on Sundays  
5 because if in the future the applicant wants to expand the business hours this use  
6 permit would not need to be amended. This is consistent with the approach that  
7 Planning Commission has taken with similar projects. Furthermore the extended  
8 hours would be consistent with the surrounding uses.  
9

10 I. The project promotes the public health, safety, and welfare by providing a new local  
11 business so that residents do not have to travel out of town for these items or  
12 services.  
13

14 6. The proposed project is exempt from the provisions of the California Environmental  
15 Quality Act (CEQA) pursuant to Section 15303 Class 3 (c), New Construction and  
16 Conversion of Small Structures, which allows structures up to 10,000 square feet to be  
17 converted from one use to another in urbanized areas when the use does not involve  
18 significant amounts of hazardous materials, where all necessary public services and  
19 facilities are available, and the surrounding area is not environmentally sensitive based  
20 on the following.  
21

22 A. The total building square footage is 1,080 square feet with 600 square feet  
23 dedicated to retail sales.  
24

25 B. The business does not use large amounts of hazardous materials.  
26

27 C. The site is developed with existing buildings, public utilities and services already  
28 are available at the site and no expansion of the existing buildings are proposed  
29 as part of the project.  
30

31 D. The location is not environmentally sensitive and no drainage courses or bodies  
32 of water (such as creeks or streams).  
33

34 7. Notice of the proposed project was provided in the following manner as required by the  
35 Zoning Ordinance:  
36

37 A. Posted in three places on the project site on July 10, 2013  
38

39 B. Mailed to property owners within 300 feet of the project site on July 12, 2013  
40

41 C. Published in the Ukiah Daily Journal on July 13, 2013  
42

43 **USE PERMIT CONDITIONS OF APPROVAL**  
44 **TO ALLOW UKIAH SOCCER STORE AND CELLULAR AND MORE**  
45 **TO OPERATE A RETAIL STORE**  
46 **AT 1360 SOUTH STATE STREET, APN 003-472-30**  
47 **FILE NO.: 13-15-UP-ZA**  
48

49 1. Approval is granted for the operation of a retail store at 1360 South State Street based on  
50 the project description submitted to the Planning and Community Development

1 Department and as shown on the Site Plan date stamped June 11, 2013 except as  
2 modified by the following conditions of approval.

- 3 2. This Use Permit is granted subject to the following operating characteristic:
- 4 A. Hours of operation are limited to Monday through Saturday 10:00 am to 8:00  
5 pm and Sunday from 10:00 am to 6:00 pm.
  - 6 B. Outside display and/or storage of items is prohibited.
- 7 3. Prior to commencement of business and issuance of a business license, a revised site  
8 plan showing the following shall be submitted to Planning Staff for review and approval.  
9
- 10 A. Location of required bike rack and specifications of proposed bike rack.  
11 Inverted “u” preferred.
  - 12 B. Location of “ No Parking” sign on north side of commercial building as  
13 required in condition 10.
- 14 4. Prior to commencement of the business and issuance of a business license, the following  
15 shall be completed and are subject to staff approval:
- 16 A. The required bike rack shall be installed as required in 3a. Inverted “U “style  
17 rack is preferred.
  - 18 B. “No Parking” shall be installed as required by condition 3 and 10.
- 19 5. Application for and approval of a Sign Permit from the Planning and Community  
20 Development Department is required prior to installation of any signage.

21 From the Fire Department (Kevin Jennings )  
22

- 23 6. No parking shall be allowed in the driveway adjacent to the business (north), and shall be  
24 posted as such. This would allow unlimited access for emergency vehicles and normal  
25 two way traffic for occupants of rear units.  
26

27 Standard City Conditions of Approval  
28

- 29 7. Business operations shall not commence until all permits required for the approved use,  
30 including but not limited to business license, tenant improvement building permit, have  
31 been applied for and issued/finaled.  
32
- 33 8. No permit or entitlement shall be deemed effective unless and until all fees and charges  
34 applicable to this application and these conditions of approval have been paid in full.  
35
- 36 9. The property owner shall obtain and maintain any permit or approval required by law,  
37 regulation, specification or ordinance of the City of Ukiah and other Local, State, or  
38 Federal agencies as applicable. All construction shall comply with all fire, building,  
39 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect  
40 at the time the Building Permit is approved and issued.  
41

- 1 10. A copy of all conditions of this Use Permit shall be provided to and be binding upon  
2 any future purchaser, tenant, or other party of interest.  
3  
4 11. All conditions of approval that do not contain specific completion periods shall be  
5 completed prior to building permit final.  
6  
7 12. This Use Permit may be revoked through the City's revocation process if the approved  
8 project related to this Permit is not being conducted in compliance with these stipulations  
9 and conditions of approval; or if the project is not established within two years of the  
10 effective date of this approval; or if the established use for which the permit was granted  
11 has ceased or has been suspended for 24 consecutive months.  
12  
13 13. This approval is contingent upon agreement of the applicant and property owner and their  
14 agents, successors and heirs to defend, indemnify, release and hold harmless the City,  
15 its agents, officers, attorneys, employees, boards and commissions from any claim,  
16 action or proceeding brought against any of the foregoing individuals or entities, the  
17 purpose of which is to attack, set aside, void or annul the approval of this application.  
18 This indemnification shall include, but not be limited to, damages, costs, expenses,  
19 attorney fees or expert witness fees that may be asserted by any person or entity,  
20 including the applicant, arising out of or in connection with the City's action on this  
21 application, whether or not there is concurrent passive or active negligence on the part of  
22 the City. If, for any reason any portion of this indemnification agreement is held to be void  
23 or unenforceable by a court of competent jurisdiction, the remainder of the agreement  
24 shall remain in full force and effect.

25 **7B. Shell Office Addition (File No.: 13-14-SDP-ZA) 206 South Oak Street,**  
26 **APN 003-256-05.** Request for Minor Site Development Permit to allow a 376 square foot  
27 addition to existing commercial property.  
28

29 **Associate Planner Faso** gave a staff report.  
30

31 **Zoning Administrator Stump:**

- 32 • Acknowledged the Design Review Board (DRB) recently reviewed the design aspects of  
33 the proposed project and their comments/recommendations are included on pages 2 and 3  
34 of the staff report. The DRB was not supportive of the proposed Project, as presented, and  
35 provided the following recommendations should the Zoning Administrator be in a position to  
36 approve the Project: 1) If the owner prefers a Mediterranean design, the Project be  
37 designed to use this style throughout for the new building and the modifications to the  
38 existing building. This would include consistent roof lines, materials, window and trim styles,  
39 exterior building finishes, and appropriate scale and proportion. 2) If the owner prefers to  
40 continue the simple modern style of the existing building, the Project be designed to use  
41 this style for the new building and the modifications to the existing building. This would  
42 include consistent roof lines, materials, window and trim styles, exterior building finishes,  
43 and appropriate scale and proportion.  
44 • Staff's analysis of the Project determined the Project is not consistent with the City of Ukiah  
45 General Plan, as provided for in Finding No. 1 of attachment 1 in the staff report.  
46

47 **PUBLIC HEARING OPENED: 10:48 a.m.**  
48

49 **Dave Shell, applicant:**

- 50 • Designed his Project with a Mediterranean theme after careful consideration of other  
51 buildings in the City that have this type of architectural design/articulation.

- Is of the opinion the proposed Project is architecturally compatible with other buildings in the neighborhood, including City Hall.
- The Project intent was to integrate some of the design aspects of other buildings having a similar Mediterranean theme so as to provide for an aesthetically pleasing project.
- Explained more fully how and why the design concepts were integrated.

**Susan Shell:**

- Further commented on the design concepts/materials, color scheme, and features.
- Expressed concern related to fees if the Project has to be revised?

**PUBLIC HEARING CLOSED: 10:50 a.m.**

**Zoning Administrator Stump:**

- Has visited the site and is familiar with the Project.
- Thanked the applicant for wanting to make improvements to his commercial building and for his comments/reasons demonstrated why the Project should be approved.
- Is of the opinion the Project has merit and that denial may not need to be a consideration such that revisions and/or possible minor modifications can be made that could improve the Project.
- Is inclined to approve the Project with the condition the applicant work with staff to fine tune the design and move forward to the building permit application submittal without having to come back to the Zoning Administrator for further review.
- Agrees with the DRB the Project, as presently designed, has different styles that could be modified so the Project would become more uniform and aesthetically pleasing in appearance. Is of the opinion the different styles articulated on the site plans are not so significant to suggest denial of the Project. The following comments and changes were made related to the staff report:
  - Recommends the applicant work with staff and the architect to fine tune the proposed design for architectural consistency/continuity to demonstrate the project is consistent with the Ukiah General Plan. Specifically, General Plan Goal/Policy, Goal CD-9: Improve and enhance the appearance of Downtown Ukiah, Implementation Measure CD-9.1c): Ensure that new and rebuilt downtown properties maintain the character and sense of place for the Downtown area, and Policy CD-9.3: Ensure Downtown design that will enhance the character of the area. As such, attachment 1, Finding No. 1 would need to be revised to read, 'The proposed project, as conditioned is consistent with the City of Ukiah General Plan as described in Table 1 of the staff report,' because the Project would then enhance the appearance of the Downtown by upgrading an existing structure with a cohesive, uniform architectural theme. According with fine tuning of the Project design characteristics by the architect, applicant, and staff, Finding No. 3 would also need to be revised to read: 'The proposed project, as conditioned is consistent with the purpose and applicable requirements Site Development Permits as described in Table 3 of the staff report.'
  - The aforementioned changes would then allow the Project to move forward expeditiously to the Building Permit phase.

**Zoning Administrator Stump** approved Shell Office Addition File No.:13-14-SDP-ZA with Findings 1-5 and as modified above and Conditions of Approval 1-12 as provided in attachment 2 of the staff report and as discussed above.

**MINOR SITE DEVELOPMENT PERMIT FINDINGS  
TO CONDITIONALLY APPROVE CONSTRUCTION OF AN OFFICE THAT ALSO INCLUDES  
MODIFICATIONS TO THE EXISTING BUILDING.  
206 SOUTH OAK STREET, APN 002-256-05  
FILE NO.: 13-14-SDP-ZA**

1  
2 The following findings are supported by and based on information contained in this staff report,  
3 the application materials, and the public record.  
4

5 1. The proposed project, as conditioned, is consistent with the City of Ukiah *General Plan* as  
6 described in Table 1 of the staff report.  
7

8 2. The proposed project, as conditioned, is consistent with the purpose and applicable  
9 requirements of the Zoning Ordinance as described in Table 2 of the staff report.  
10

11 3. The proposed project, as conditioned, is consistent with the purpose and applicable  
12 requirements *Site Development Permits* as described in Table 3 of the staff report.  
13

14 4. The proposed project is exempt from the provisions of CEQA pursuant to CEQA Guidelines  
15 Section 15301, Class 1(e)(2)(a), Existing facilities which allows additions of less than 10,000  
16 square feet to an existing structure provided that the project is in an area where all public services  
17 are available and the project site is not located within an environmentally sensitive area which  
18 based on the following:  
19

20 A. The project involves the addition of 376 square feet to an existing commercial structure.  
21

22 B. The project is not located within an environmentally sensitive area in that the site is  
23 located in an urban area that includes a variety of commercial businesses. The site is  
24 developed with existing commercial building. No water courses, wildlife, wildlife habitat,  
25 floodway or flood plain or other environmentally sensitive areas are present.  
26

27 C. The project site is located in a urban area where all public services are  
28

29 5. A notice of public meeting for the proposed project was provided in the following manner as  
30 required by the Ukiah Municipal Code:  
31

32 A. posted in three places on the project site on July 10, 2013;

33 B. mailed to property owners within 300 feet of the project site on July 12, 2013; and

34 C. published in the Ukiah Daily Journal on July 13, 2013.  
35

36 **MINOR SITE DEVELOPMENT PERMIT CONDITIONS OF APPROVAL**  
37 **TO ALLOW THE CONSTRUCTION OF AN OFFICE THAT ALSO INCLUDES MODIFICATIONS**  
38 **TO THE EXISTING BUILDING.**

39 **206 SOUTH OAK STREET, APN 002-256-05**

40 **FILE NO.: 13-14-SDP-ZA**  
41

42 1. Minor Site Development Permit approval is granted to allow an office addition that also  
43 includes modifications to the existing building located at 206 South Oak Street, APN 002-  
44 256-05.  
45

46 2. Approval is granted subject to staff review and approval of a building permit that includes  
47 one of the two recommendations from the Design Review Board. The Design Review  
48 Board felt that the project as presented had poor composition and needs to be unified by  
49 use of one of the following:  
50

51 A. Use of the Mediterranean Style throughout the whole project, creating  
52 consistency and a connection between the proposed addition and the existing  
53 structure

54 B. Use of the existing structure as a reference and continuing the modern simple  
55 style to the addition.  
56

1 From the Building Division (David Willoughby)

- 2 3. A building permit and electrical permit are required.

3  
4 From the Fire Department (Kevin Jennings)

- 5  
6 4. Approved street numbers both 206 and 208 South Oak shall be placed in a visible and  
7 legible location at the front of the building.  
8  
9 5. Portable fire extinguishers are required with classification 2:A10:BC.

10  
11 Standard Conditions of Approval

- 12  
13 6. The property owner shall obtain and maintain any permit or approval required by law,  
14 regulation, specification or ordinance of the City of Ukiah and other Local, State, or  
15 Federal agencies as applicable. All construction shall comply with all fire, building,  
16 electric, plumbing, occupancy, and structural laws, regulations, and ordinances in effect  
17 at the time the Building Permit is approved and issued.  
18  
19 7. All conditions of approval that do not contain specific completion periods shall be  
20 completed prior to building permit final.  
21  
22 8. Building, Sign, Grading or other required Permits shall be issued within two years after  
23 the effective date of the Site Development Permit, or the discretionary actions granted by  
24 the permit shall expire. In the event the required Permits cannot be issued within the  
25 stipulated period from the project approval date, a one year extension may be granted by  
26 the Director of Planning if no new circumstances affect the project which otherwise would  
27 render the original approval inappropriate or illegal. It is the applicant's responsibility in  
28 such cases to propose the one-year extension to the Planning Department prior to the  
29 two-year expiration date.  
30  
31 9. Except as otherwise specifically noted, the Site Development Permit Amendment shall be  
32 granted only for the specific purposes stated in the action approving the Site  
33 Development Permit and shall not be construed as eliminating or modifying any building,  
34 use, or zone requirements except to such specific purposes.  
35  
36 10. The approved Site Development Permit Amendment may be revoked through the City's  
37 revocation process if the approved project related to the Site Development Permit is not  
38 being conducted in compliance with the stipulations and conditions of approval; or if the  
39 project is not established within two years of the effective date of approval; or if the  
40 established land use for which the permit was granted has ceased or has been  
41 suspended for twenty four (24) consecutive months.  
42  
43 11. No permit or entitlement shall be deemed effective unless and until all fees and charges  
44 applicable to this application and these conditions of approval have been paid in full.  
45  
46 12. This approval is contingent upon agreement of the applicant and property owner and  
47 their agents, successors and heirs to defend, indemnify, release and hold harmless the  
48 City, its agents, officers, attorneys, employees, boards and commissions from any claim,  
49 action or proceeding brought against any of the foregoing individuals or entities, the  
50 purpose of which is to attack, set aside, void or annul the approval of this application.  
51 This indemnification shall include, but not be limited to, damages, costs, expenses,  
52 attorney fees or expert witness fees that may be asserted by any person or entity,  
53 including the applicant, arising out of or in connection with the City's action on this  
54 application, whether or not there is concurrent passive or active negligence on the part of  
55 the City. If, for any reason any portion of this indemnification agreement is held to be void

1 or unenforceable by a court of competent jurisdiction, the remainder of the agreement  
2 shall remain in full force and effect.

3  
4 **7C. Orchard Plaza Sign Program Amendment. (File No. 13-12-SDP-ZA).** 115 South  
5 Orchard Avenue, APN 002-247-03. Request for Minor Site Development Permit to allow an  
6 amendment to the Orchard Plaza Program.

7  
8 **Associate Planner Faso** gave a staff report regarding the Orchard Plaza Sign Program  
9 amendment that included discussion about the Project description and DRB  
10 comments/recommendations regarding the following four signs:

11  
12 1. **Sign 1:** Legalization of one unpermitted 4-foot by 4-foot freestanding sign located within the  
13 parking lot between Stars and CVS (shown as # 16 on the application site plan).

14  
15 2. **Sign 2:** Legalization of one unpermitted 3-foot x 10-foot sign on north elevation of the former  
16 location of Sears (shown as # 1 on the application site plan).

17  
18 3. **Sign 3:** Abandonment of the existing Stars Restaurant sign located on the north elevation of  
19 the Stars building (shown as # 19 on the application site plan).

20  
21 The new LED sign would replace this sign. The applicant intends to abandon the existing sign  
22 however given that the sign structure is built into the building the applicant proposes to paint over  
23 the sign leaving the old sign structure at the existing location. Only the proposed new sign would  
24 be used on the north elevation.

25  
26 4. **Sign 4:** Approval of one new 4-foot X 10-foot LED sign on the north elevation of Stars  
27 Restaurant facing Chevron (shown as # 17 on the application site plan).

28  
29 The LED sign would display the daily breakfast, lunch and dinner specials offered at the  
30 restaurant. There would be one special daily for breakfast, lunch and dinner and would be shown  
31 as words and pictures thus creating six different screens. Each screen would be static for at least  
32 eight seconds. Based on the project description submitted by the applicant the sign would not  
33 flash, blink or rotate.

34  
35 The Design Review Board is required to review and make recommendations on all Site  
36 Development Permits. On July 11, 2013 the Design Review Board reviewed the proposed sign  
37 amendment. The DRB unanimously (4-0) recommended the following:

38  
39 Sign 1 Legalization of one unpermitted 4-foot by 4-foot freestanding sign located within the  
40 parking lot between Stars and CVS (shown as # 16 on the site plan).

41  
42 Recommended denial of the legalization because the size and location of the sign is a hazard to  
43 the vehicle and pedestrian circulation within the parking lot and the site and use already have  
44 adequate signage.

45  
46 Sign 2 Legalization of one unpermitted 3-foot x 10-foot sign on north elevation of the former  
47 location of Sears (shown as # 1 on the site plan).

48  
49 Recommended approval of this sign with the condition that the sign can only be used by the  
50 tenant that occupies that space. The DRB recommended approval of this sign rather than having  
51 the sign box be painted to match the roof.

52  
53 Sign 3 Abandonment of the existing Stars Restaurant sign located on the north elevation of the  
54 Stars building (shown as # 19 on the site plan).

1 Recommended approval of the abandonment of this sign only if the sign structure is removed and  
2 the roof is repaired to match the existing. If the sign box cannot be removed and the roof repaired  
3 to match the existing roof cannot be done then the DRB is not supportive of this sign.  
4

5 Sign 4 Approval of one new 4-foot X 10-foot LED sign on the north elevation of Stars Restaurant  
6 facing Chevron (shown as # 17 on site plan).  
7

8 The DRB recommended denial of the LED sign based on the following:

- 9 • The design is out of character with the existing signs in the surrounding area and the  
10 Orchard Plaza.
- 11 • The center and the restaurant already have adequate signage.
- 12 • The rotating of the words and visual messages is visually distracting and detracts from  
13 the character of Orchard Avenue (a major city thoroughfare) and the shopping center.
- 14 • Depending on the frequency and number of text and visual images, the sign could be a  
15 hazard and distraction to motorists.
- 16 • Recommends denial because the LED sign would add visual clutter to the building and  
17 site since the building and site already have numerous signs. If the Zoning Administrator  
18 is in the position to approve the new LED sign, recommends that the sign be static for at  
19 least five minutes and only display words not pictures.  
20

21 The DRB also recommends that if the Zoning Administrator is in the position to approve the new  
22 LED sign that one of the existing Stars signs be removed in the effort to reduce visual clutter on  
23 the building.  
24

25 **Staff** is recommending approval of the sign amendment but incorporating some  
26 recommendations that were made by the DRB, as outlined above.  
27

28 **Zoning Administrator Stump:**

- 29 • Inquired if Sign 1 (Sign #16 as shown on the site plans) still exists?
- 30 • Asked if the applicant or applicant's representative had any questions/concerns regarding  
31 the Project.  
32

33 **PUBLIC HEARING OPENED: 11:08 a.m.**  
34

35 **Alex Abraham:**

- 36 • Advised Sign #16 is no longer standing. Someone knocked it down.
- 37 • Related to the proposed sign amendment project, Sign 2 (Sign #1 on the site plan) is not  
38 within his control. He would only be responsible for the signs related to Stars Restaurant.  
39 This signs space would be used by future tenants of that particular space.
- 40 • Related to the signs in Orchard Plaza, while vintage they are outdated and many do not  
41 work. The question for the Stars sign Project was to determine whether or not that same  
42 vintage look should continue.
- 43 • Supports implementing the new LED that would replace Sign 3 (Sign #19 as shown on  
44 the site plan). Is of the opinion the proposed new LED sign would not be a hazard and/or  
45 distraction. The use of such signs is very common in other cities and cited some  
46 examples. Added, some of these LED signs are large and are located near freeways.
- 47 • Proposed LED sign 4 (Sign #17 on the site plan) is not as large as some he has seen  
48 along freeways. To this end, disagrees with some of the Project findings.
- 49 • Indicated the Stars sign that presently exists on the north side of the building is no longer  
50 visible after Chevron constructed the new buildings. This is the reason the applicant is  
51 proposing a sign amendment. Stars lost approximately 25% of business because of the  
52 Chevron development.
- 53 • Is of the opinion the proposed new LED sign will help recapture lost business.  
54

55 **Steve Crawford:**

- 1 • Generally commented on the use of LED signs related to appearance and effectiveness
- 2 concerning advertising.
- 3 • Is of the opinion the proposed LED sign would not be a hazard and/or distraction since he
- 4 considers it a form of advertising.
- 5 • Drivers are essentially responsible for their actions when operating behind the wheel.
- 6 • The proposed new LED would not be obtrusive with bright blinking digital lights but rather
- 7 pictures of menus, meal specials and associated prices. The sign will not flash or move
- 8 on a continual basis with 'continual basis' referring to rotation time. The Rotation time for
- 9 the proposed LED sign would be approximately 30 minute intervals unlike the LED sign
- 10 on Orchard Avenue that rotates every eight seconds.
- 11 • The proposed LED sign would rotate into different restaurant menus.
- 12 • The Project intent is not to create a distraction for drivers.
- 13 • The existing Stars sign (Sign #19 on the site plan) is located on the north side of Stars
- 14 building. The applicant does not own the building and therefore any structural work
- 15 required to remove the sign would be the responsibility of the property owner. The
- 16 applicant proposes to keep the sign structure and paint it the same color as the existing
- 17 roof.
- 18 • Is of the opinion the proposed new LED sign would help the restaurant regain some of
- 19 the lost business that happened as a result of the Chevron development project.

20  
21 **PUBLIC HEARING CLOSED: 11:16 a.m.**

22  
23 **Zoning Administrator Stump:**

- 24 • Has visited the site and is familiar with the Project.
- 25 • Acknowledged the intersection of Perkins Street and Orchard Avenue is the busiest
- 26 intersection in the City.
- 27 • Had concerns about safety for motorists traveling in the area if the proposed sign rotation
- 28 interval was every eight seconds for a sign located in the City's busiest intersection.
- 29 • Is relieved the rotation time for message change would occur approximately every 30
- 30 minutes.
- 31 • Asked if staff had an opinion about text versus pictures concerning the LED sign.

32  
33 **Staff:** The issue of text versus pictures was raised by the DRB. The DRB was not supportive of  
34 pictures and okay with use of text at the longer intervals.

35  
36 **Zoning Administrator Stump:**

- 37 • Reviewed the matter of text versus pictures and concluded there is no real difference
- 38 between text versus pictures in terms of potential hazards.
- 39 • Making a decision on the concept of text versus pictures is effectively boarding on
- 40 regulating content. Municipalities have the authority to regulate place, time and manner
- 41 for signs but not regulate content.
- 42 • Related to the issue whether or not the new LED sign is out of character with the other
- 43 Orchard Plaza shopping center signs and/or other signs in the area and while he
- 44 appreciates the DRB comments in this regard could not find or identify what the character
- 45 of the existing Sign Program is for the Orchard Plaza shopping center. Is of the opinion
- 46 there is no design theme concerning the Sign Program at the Orchard Plaza shopping
- 47 center.
- 48 • There is a variety of sign types functioning in Orchard Plaza as well as in the area.
- 49 • Is of the opinion signage in Orchard Plaza is 'hodge podge.'
- 50 • Supports the sign program for Orchard Plaza be updated and provide for a theme
- 51 sometime in the future.
- 52 • The City Code has no rules or regulations mandating themes and/or displaying of
- 53 character for signs.
- 54 • There are no provisions in the City Code that disallows LED signs.

- 1 • Cannot find the proposed LED sign is inconsistent with the intent/character relevant to  
2 the sign program for Orchard Plaza because there is no actual theme for this shopping  
3 center. As such, is inclined to approve Sign 4, (Sign #17 on the site plan).
- 4 • Is fine with the 30-minute interval time.
- 5 • Is supportive of allowing the existing north facing sign structure on the Stars building to  
6 remain with the recommendation that the applicant paint the abandoned sign structure  
7 the same color as the roof. The intent is that the sign structure blend into the existing  
8 roof.
- 9 • Regarding the sign on the old Sears building (shown as #1 on the site plan.),  
10 understands the applicant has no control over this sign and noted it to be an overall sign  
11 program issue.
- 12 • Does not support eliminating an existing Star Restaurant sign in lieu of the LED sign  
13 because the existing north facing roof sign would be eliminated.
- 14 • In order to approve the Project acknowledged revisions to the findings and conditions of  
15 approval need to be made and recommends final action on the Project be delayed for a  
16 week for staff to make the revisions.
- 17 • Provided staff with specific direction on the necessary revisions to be made to support  
18 approval.  
19

20 **Zoning Administrator Stump** continued the Project to a date certain of Thursday, August 1 at  
21 10:00 a.m. and directed staff to prepare revised findings and conditions to support approval of the  
22 Project consistent with the Zoning Administrator's comments and conclusions.  
23

24 **7. ADJOURNMENT**

25 There being no further business, the meeting was adjourned at 11:38 a.m.  
26

27 \_\_\_\_\_  
28 Charley Stump, Zoning Administrator

29 \_\_\_\_\_  
30 Cathy Elawadly, Recording Secretary  
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