

TO: JAMES L. APP, CITY MANAGER
FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR *RLA*
SUBJECT: APPEAL OF SIGN PLAN (CORVERA)
DATE: JULY 20, 1999

Needs: For the City Council to consider an appeal filed by Mr. Jaime Corvera. The appeal relates to a Development Review Committee (DRC) decision to deny his application for a monument sign in the R3 (Multi-Family Residential) zone. The DRC action was subsequently upheld by the Planning Commission.

- Facts:
1. At the DRC meeting of March 8, 1999, Mr. Corvera presented designs for a monument sign to advertise his professional office building (residential conversion) located at 1427 Pine Street.
 2. The subject property is designated for RMF-M, Multi-Family Residential Medium Density in the General Plan and is in the R3 zone, in an area where there is an "OP" (Office Professional) zoning overlay.
 3. The sign base, frame and one of four panels has been installed without DRC approval and without building permits.
 4. The DRC denied the sign on the basis that the sign design did not meet the purpose and intent of the Office Professional & overlay districts in maintaining the residential character of the neighborhood.
 5. Mr. Corvera appealed the DRC decision. The appeal was scheduled before the Planning Commission on May 25, 1999. At that meeting, after consideration of Mr. Corvera's testimony, the Commission voted unanimously to uphold the action of the Development Review Committee.
 6. The applicant filed an appeal application of the Planning Commission's May 25, 1999 decision, requesting the matter be considered by the City Council.
 7. According to Chapter 21.18.080.c.2, free standing signs may not exceed twenty-four square feet in area and four feet in height (including the architectural base) in order to be in appropriate scale and proportion to the residential character of this district.
 8. The applicant is seeking approval of an illegally installed sign that would consist of a metal frame "can-style" sign which would have four replaceable plastic panels that would change as the tenants of his office building changed. Temporarily, until the office spaces were filled, Mr. Corvera would like to install panels that would advertise "Office Space Available" (see attached Exhibit B).
 9. The type of sign being sought by the applicant is characteristic of sign styles located in commercial or industrial zone. The DRC's determination was that it would not be appropriate to establish a commercial/industrial type of sign in the residential/ OP overlay zone.

10. Examples of appropriate sign types for residential/OP zones are those approved for the Vine Street corridor (i.e. directory signs of uniform and ornamented character, allowing the listing of tenants for multi-tenant office professional offices, see attached Exhibit C & C-1).
11. The applicant was given design alternatives for a more appropriate sign at the DRC meeting of March 8, 1999. However, Mr. Corvera requested that the Development Review Committee deny his proposed sign and give him an explanation why (see attached DRC minutes of March 8, 1999).
12. The DRC denied the plastic "can style" sign on the grounds that it does not meet the character and intent of Section 21.18.080, Office Professional District (R3,OP zone), Design provisions. As far as having replaceable panels and temporary panels which advertise "space available" the DRC was not opposed to that as long as the size color and style would be the same as the rest of the sign. It was suggested to the applicant that a sign program could be established which would allow each tenant to know what is expected for their "panel".

Analysis and Conclusion:

The DRC concluded that a "can style" sign would be inconsistent with the purpose and intent of Chapters 21.18 and 21.18A of the zoning code. The finding was that plastic "can style" signs such as the one Mr. Corvera is proposing would be inconsistent with the residential character of the multi-family zone with an office (OP) overlay. The Planning Commission's unanimous vote to uphold the DRC's action reinforced this design direction for signs.

Chapter 21.18 A of the Municipal Code (Zoning Code) establishes the parameters for the Office Professional Overlay District. A copy of the code provisions is attached, with a highlighting of the purpose and intent (see Exhibits A & A-1).

Specific provisions of Chapter 21.18A of the Zoning Code include:

- a focus on "neighborhood compatibility and preservation of residential character"
- "new construction / remodeling shall not detract from existing character of the neighborhood"
- "The establishment of an office professional or related use shall, at a minimum, be subject to the same site development criteria, performance standards, design parameters and other governing regulations as contained within Chapter 21.18, office professional district, but additional standards and/or controls may be applied ...in order to maintain neighborhood compatibility"

Chapter 21.18 (Office Professional District) excerpts are attached and highlighted with regards to Design Provisions and Signage.

Specific provisions of Chapter 21.18 of the Zoning Code include:

- All new building construction, including site improvements in the office professional district shall be subject to review and approval by the development review committee prior to obtaining building permits. The purpose of the guidelines is to assure development that is compatible with the existing residential and historic neighborhood context that characterizes much of the office professional district.

- Design provisions shall be reviewed by the DRC, toassure neighborhood compatibility and strive to be compatible and sensitive to the immediate environment.....relative to architectural design, scale, bulk, density and unit size; in identity and neighborhood character;.... and visual integrity.
- Free standing signs (monument signs) may not exceed twenty four square feet in area and four feet in height (including the architectural integrated base) in order to be in proper scale and promotion to the residential character of this district.
- Signs shall not be internally illuminated. Exterior sign illumination shall be kept to a minimum and reviewed for appropriateness by the development review committee.

A new proposal, taking in consideration design provisions compatible with the residential neighborhood, would need to be submitted for DRC review. If a freestanding sign is proposed that lists more than two activities on the lot, the DRC can approve a free standing directory sign that lists the tenants in the office building, as long all the above mentioned criteria has been met.

Policy

Reference: Land Use Element of the General Plan; Zoning Code.

Fiscal

Impact: None

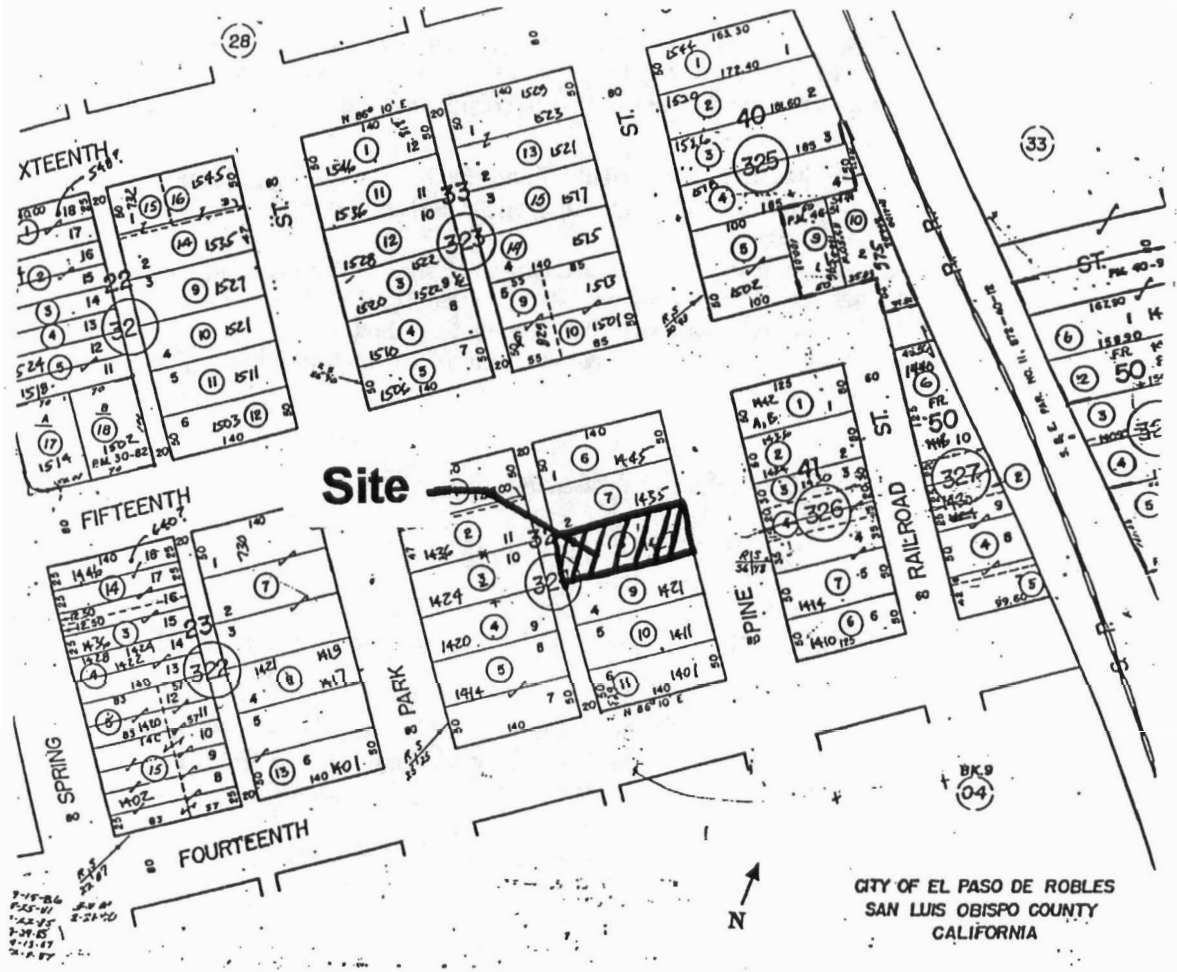
Options:

- After consideration of all public testimony, the City Council should consider the following options:
- a. Uphold the Planning Commission's May 25, 1999 decision to uphold the determination made by the Development Review Committee at their meeting on March 8, 1999, and deny the applicant's appeal.
 - b. That the City Council amend, modify, or reject the above options.

Attachments:

1. Vicinity Map
2. Draft Resolution denying the applicant's request to appeal
3. Exhibit A & A-1, Chapter 21.18A & Excerpts from 21.18
4. Exhibit B, Proposed Monument sign
5. Exhibit C & C-1, DRC approved monument signs in the OP district
6. DRC Minutes of March 8, 1999

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VICINITY MAP
Corvera Sign Appeal

RESOLUTION NO: _____

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
TO DENY APPEAL OF DEVELOPMENT REVIEW COMMITTEE
DECISION OF MARCH 8, 1999
(Jaime Corvera)
APN: 008-324-008

WHEREAS, at the Development Review Committee (DRC) meeting of March 8, 1999, Mr. Jaime Corvera presented designs for a monument sign to advertise his professional office building located at 1427 Pine Street, and

WHEREAS, the General Plan land uses designation is Multi-Family Residential, Medium Density (RMF-M) and the zoning is Multi-Family Residential with the Office Professional Overlay (R3,OP), and

WHEREAS, the proposed sign would consist of a metal frame "can-style" sign which would have four replaceable plastic panels that would change as the tenants of his office building changed, and

WHEREAS, the DRC denied the sign on the basis that the sign design did not meet the intent of the Office Professional Overlay District (Chapter 21.18A and 21.18 of the zoning code) in keeping with the residential character of the neighborhood, thereby, not meeting the intent of the General Plan and Zoning Code, and

WHEREAS, based upon the facts and analysis presented in the staff report at the Planning Commission meeting of May 25, 1999, the Planning Commission made the following findings and upheld the Development Review Committee's denial of the subject sign permit:

1. The proposed free standing sign does not focus on neighborhood compatibility and preservation of residential character, and therefore, would detract from the existing residential and historic neighborhood context that characterizes much of the office professional district.
2. The proposed free standing would not compatible and sensitive to the immediate environment.....relative to architectural design, scale, bulk, density and unit size; in identity and neighborhood character;.... and visual integrity.
3. Free standing signs (monument signs) would exceed twenty four square feet in area and four feet in height (including the architectural integrated base) and would not be in proper scale and promotion to the residential character of this district.

WHEREAS, the applicant, Mr. Jaime Corvera, filed an appeal of the Planning Commission's May 25, 1999 action to deny his sign permit appeal, and

WHEREAS, the applicant's appeal request was scheduled for consideration by the City Council at their meeting of July 20, 1999, and

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WHEREAS, based upon the facts and analysis presented in the staff report, and testimony received at the City Council meeting of July 20, 1999, the City Council makes the following findings:

1. The proposed free standing sign does not focus on neighborhood compatibility and preservation of residential character, and therefore, would detract from the existing residential and historic neighborhood context that characterizes much of the office professional district.
2. The proposed free standing would not compatible and sensitive to the immediate environment.....relative to architectural design, scale, bulk, density and unit size; in identity and neighborhood character;.... and visual integrity.
3. Free standing signs (monument signs) would exceed twenty four square feet in area and four feet in height (including the architectural integrated base) and would not be in proper scale and promotion to the residential character of this district.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby uphold the Development Review Committee's decision of March 8, 1999, and the Planning Commission's decision of March 25, 1999 to deny the proposed free standing sign, and deny the applicant's appeal.

PASSED AND ADOPTED THIS 20th day of July, 1999, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR DUANE J. PICANCO

ATTEST:

SHARILYN M. RYAN, DEPUTY CITY CLERK

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Chapter 21.18A

OFFICE PROFESSIONAL OVERLAY
DISTRICT

Sections:

- 21.18A.010 Purpose.
 21.18A.020 Uses permitted—
 Administrative approval.
 21.18A.030 Uses conditionally permitted—
 Planning commission approval.
 21.18A.040 Nonpermitted uses.
 21.18A.050 Conversion of residential
 structures.

21.18A.010 Purpose.

The office professional overlay district is intended to retain and provide for residential uses as the primary use in accordance with the base residential district (e.g. R-2 or R-3), but to act as a transitional district which could accommodate mixed office and residential uses. Approval of a conditional use permit is required in order to establish professional or medical office uses (or other related commercial service or retail uses ancillary to office). A conditional use permit may be approved if neighborhood compatibility and preservation of residential character can be demonstrated.

Innovative uses of existing structures shall be encouraged. All new activities and new construction/remodeling shall not detract from the existing character of the neighborhood, particularly with regards to design compatibility with buildings listed in the city's inventory of historic structures. (Ord. 677 N.S. § 6 (part), 1994)

21.18A.020 Uses permitted—Administrative approval.

Permitted uses in the office professional overlay district are as follows:

- a. Residential dwellings at densities permitted by the base residential district;

- b. All other uses permitted by the base residential district. (Ord. 677 N.S. § 6 (part), 1994)

**21.18A.030 Uses conditionally permitted—
Planning commission approval.**

Conditionally permitted uses in the office professional overlay district are as follows:

The granting of a conditional use permit would be dependent upon the specific land use proposed, its relative location as it relates to established neighborhoods and residential patterns, and the ability and degree to which neighborhood compatibility concerns can be resolved. For example, some uses which might be approved on Park Street might not be appropriate on Vine Street.

- a. Medical and dental offices, accessory uses;
 b. Business and professional offices, accessory uses;
 c. Activities of a cultural nature (e.g. galleries, art or photographic studios when of a neighborhood scale and orientation with no open storage of materials or equipment);
 d. Bed and breakfast establishments (subject to provisions of Chapter 21.15, Division II);
 e. Accessory buildings, compatible in design and function to main buildings;
 f. Churches;
 g. Other uses as determined by the planning commission as being similar in class and nature to conditionally permitted uses listed in this section. (Ord. 677 N.S. § 6 (part), 1994)

21.18A.040 Nonpermitted uses.

Nonpermitted uses in the office professional overlay district are as follows:

- a. Clinics, social services facilities;
 b. Emergency/urgent care centers including outpatient services;
 c. Hospitals;
 d. Other uses not specifically provided for within this chapter;
 e. Government offices. (Ord. 677 N.S. § 6 (part), 1994)

21.18A.050 Conversion of residential structures.

No structure originally designed as a residence, or as an accessory structure or addition to a residence, shall be used for any commercial or office uses unless the following criteria are met:

a. **Conditional Use Permit (CUP) Required.** Such office or commercial activity may be permitted only after first obtaining a conditional use permit. The establishment of an office professional or related use shall, at a minimum, be subject to the same site development criteria, performance standards, design parameters and other governing regulations as contained within Chapter 21.18, office professional district, but additional standards and/or controls may be applied through the conditional use permit process in order to maintain neighborhood compatibility.

b. **Additional Standards and Controls.** Additional standards and controls applied through the conditional use permit process may include, but may not be limited to: increased landscaping and screening requirements of structures and parking areas from adjacent dwellings; increased limitations on hours of business operation; limitation on the number of employees associated with a given use; limitation on client schedules or specialized techniques for site maintenance and/or development.

c. **Site Development Upgrades.** The building and site shall be improved to meet all code requirements for an office or commercial development. This includes such things as but not limited to building code requirements, fire code requirements and site development code requirements. Such site development upgrades shall be subject to review by the development review committee as part of the CUP process required by this chapter. (Ord. 677 N.S. § 6 (part), 1994)

d. Maintenance of Open Areas. All open areas shall be landscaped, surface or treated and maintained permanently in a dust-free condition.

e. Vibration. No operation or activity is permitted which will create vibration noticeable without instruments at the perimeter of the subject property.

f. Mechanical and Electrical Equipment. All such equipment, including air conditioners, antennas, pumps, transformers, heating and ventilating equipment shall be located and operated in a manner that does not disturb adjacent uses and activities.

g. Electrical Interference. No operation or activity shall transmit, generate, or otherwise cause any electrical, magnetic, or electromagnetic radiation disturbance that affects the operation of any use, equipment, or process employed by any use beyond the boundary of the site.

h. Fire or Explosive Hazard. All operations or activities shall conform with the minimum requirements of the uniform fire code, as adopted and amended by the city of Paso Robles.

i. Liquid and Solid Wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in conformance with guidelines adopted by the public works division.

j. Odors. No operation or activity shall be permitted to emit odorous gases or other odorous matter in such quantities as to be dangerous, injurious, noxious or otherwise objectionable and readily detectable without the aid of instruments at or beyond the lot line. (Ord. 677 N.S. § 5 (part), 1994)

21.18.080 Design provisions.

All new building construction, building additions, exterior remodel and site improvements in the office professional district shall be subject to review and approval by the development review committee prior to obtaining building permits. The purpose of these guidelines is to assure development that is compatible with the existing residen-

tial and historic neighborhood context that characterizes much of the office professional district.

a. Neighborhood Compatibility. The renovation of existing buildings, or the construction of new buildings, shall strive to be compatible with and sensitive to the immediate environment of the site and neighborhood relative to architectural design, scale, bulk, density and unit size; in identity and neighborhood character (historic, residential or other); in building orientation and setback; and visual integrity.

b. Historic Character Preservation. When altering or adding to existing buildings of local or national historic significance the historic character of the original structure shall be retained. Alterations and additions should not introduce new or conflicting/modern architectural elements. Every reasonable effort shall be made to preserve distinctive stylistic features, and to repair rather than replace deteriorated features. Contemporary design for alteration and additions to existing buildings should not be discouraged when such alterations and additions do not destroy the significant historical, architectural features and the design either emulates or proves to be compatible with the size, scale, color, material, and character of the property and its neighborhood context.

c. Signs Signs shall be permitted in accordance with Chapter 21.19 of this code with the following additions and exceptions:

1. Wall mounted signs are not to exceed two square feet in size, and their placement on the building shall be architecturally integrated.

2. Freestanding signs may not exceed twenty-four square feet in area and four feet in height (including any architecturally integrated base) in order to be in proper scale and proportion to the residential character of this district. When a business is located on any arterial street the development review committee may consider sign heights up to six feet and sign areas up to thirty-two feet square feet.

3. Illumination. Signs shall not be internally illuminated. Exterior sign illumination shall be

kept to a minimum and reviewed for appropriateness by the development review committee.

d. **Lighting.** On-site lights should provide a safe, functional and aesthetic design. Enough lighting should be provided to ensure a safe environment while at the same time not cause areas of intense light or glare. Fixtures and poles shall be designed and placed in a manner to avoid off-site glare consistent with the performance standards of this chapter.

e. **Access and Circulation.** Primary access to the site, along with parking and service areas, should be developed off of a public alley wherever possible. Driveway access from the front of a parcel to parking in the rear is discouraged.

f. **Detached Accessory Buildings.** Should be compatible in their function and architectural design to the main/primary building(s) on site, including such features as building style, materials and roofline.

g. **Fencing and Screening.** The use of fences and walls should be consistent with the overall design theme of on-site buildings. They shall be utilized for specific screening needs, but their design and placement must not conflict with safety and sight visibility/vehicular turning movement needs. (Ord. 677 N.S. § 5 (part), 1994)

21.18.090 Residential dwellings.

In the office professional district:

a. **Existing Residential.** Existing residential dwellings may be continued as a primary use, and may be expanded subject to review by the development review committee, provided such expansion is consistent with the development and design standards of this chapter.

b. **Conversion to Office—Retention of Residential.** When a residential dwelling is converted to an office use (other than the limited office use which is permitted under a home occupation permit), the building shall be upgraded as required by Section 12.18.040 of this chapter. The residential function may be continued, but will be considered as accessory to the commercial use regardless of ratio of floor area usage.

c. **New Residential as a Primary Use.** New residential as a primary use shall be subject to development review committee approval based upon it being demonstrated that the design of the dwelling is architecturally compatible with the historical characteristic of a neighborhood.

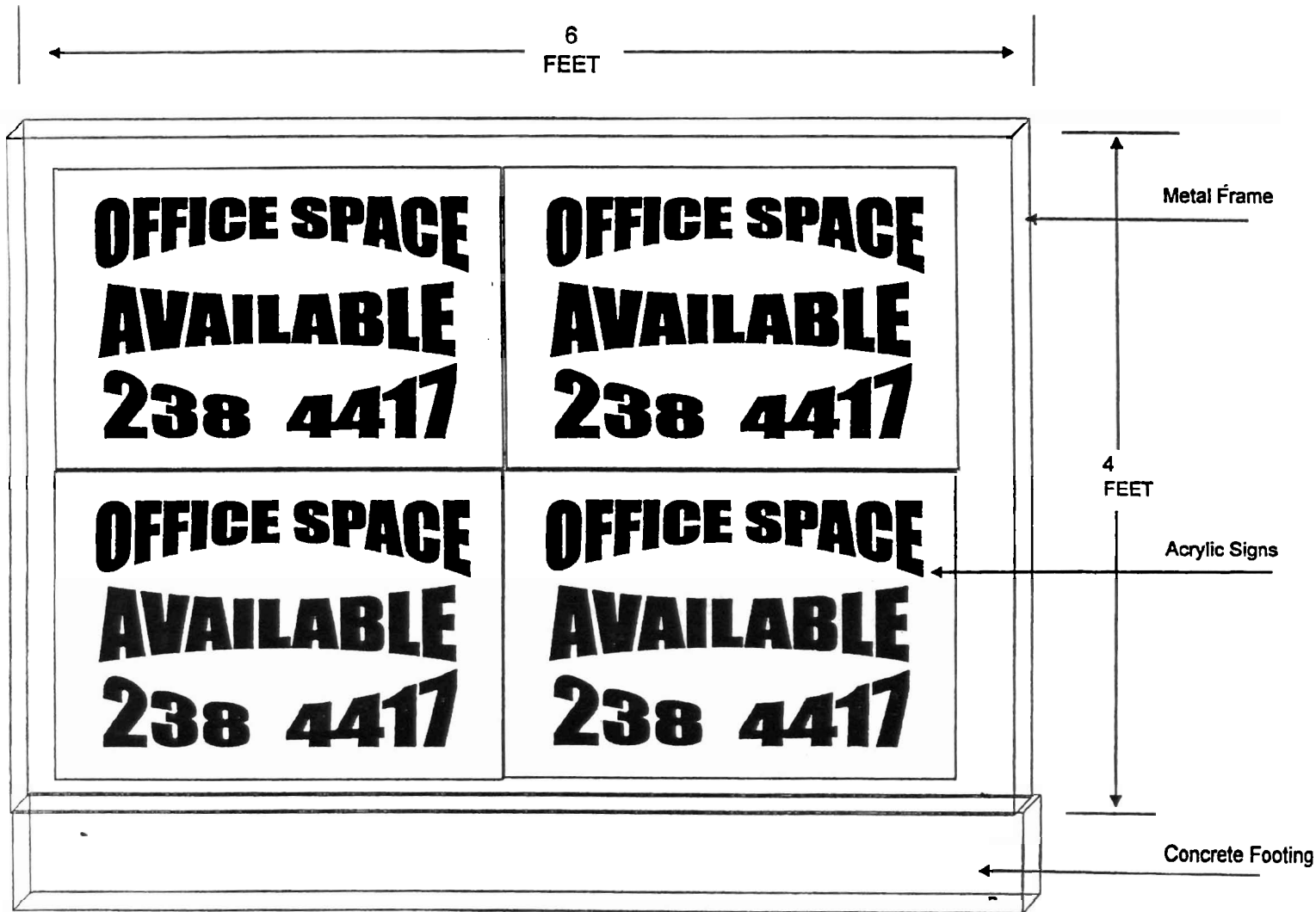
d. **New Residential as an Accessory Use.** A limit of one new residential dwelling, accessory to existing office/office related uses may be established subject to review by the development review committee (for exterior building or site design modifications), provided the new development is consistent with the development and design requirements of this chapter. Such secondary dwelling may be either detached or part of the main building containing the office professional use.

e. **More than one Dwelling on a Lot.** Existing multiple residential units shall be considered non-conforming and subject to the provisions of Sections 21.20.330 through 21.20.350 of this code. New/additional dwellings beyond one per parcel shall be subject to first obtaining a conditional use permit. (Ord. 677 N.S. § 5 (part), 1994)

21.18.100 Demolition of historic buildings.

Proposed demolition of residences and/or buildings in the office/professional district adapted for office or related uses which are of historic or cultural significance as defined by Chapter 17.16 of the municipal code shall adhere to the demolition permitting process of that chapter. (Ord. 677 N.S. § 5 (part), 1994)

CORVERA REAL ESTATE
SIGN APPROVAL REQUEST



RECEIVED

MAR 8 1999

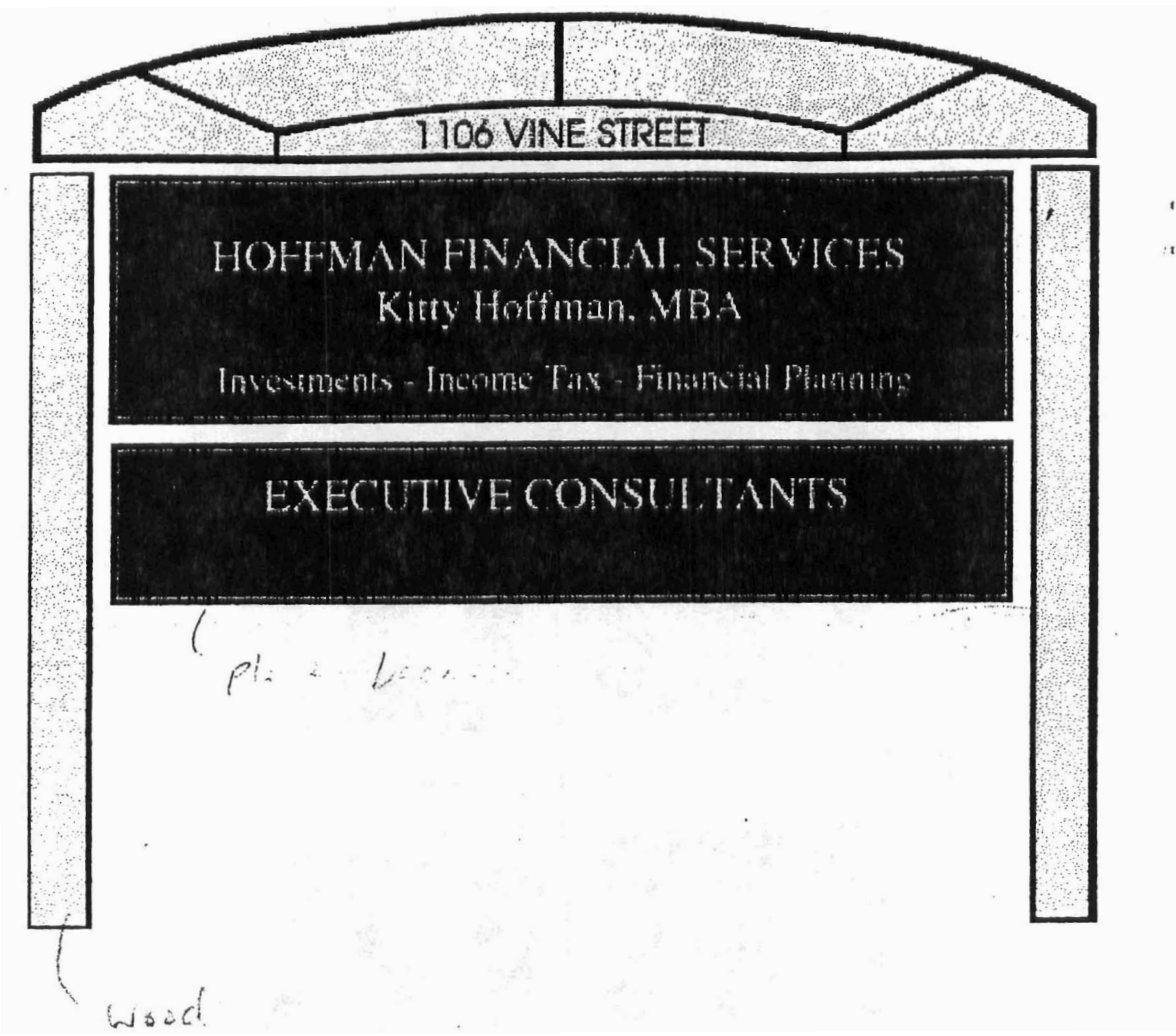
COMMUNITY DEVELOPMENT

EXHIBIT B
Proposed Free Standing Sign
Corvera Sign Appeal

RECEIVED

JAN 5 1999

COMMUNITY DEVELOPMENT



APPROVED BY DEVELOPMENT REVIEW COMMITTEE

[Signature] 1/19/99
[Signature] 1-19-99

EXHIBIT C
Samples of DRC Approved Signs
for OP District

2-12

SINSHEIMER, SCHIEBELHUT
& BAGGETT

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1200 VINE STREET

4.5"

2"

1.75"

2"

2.25"

1"

2.25"

1.5"

2.25"

1"

3.5"

2"x4" FRAME

4"x4" POSTS

APPROVED BY DEVELOPMENT REVIEW COMMITTEE

[Handwritten signatures]
Valerie Wambke

RECEIVED

JUL 31 1998

COMMUNITY DEVELOPMENT

EXHIBIT C-1

Samples of DRC Approved Signs
for OP District
Corvera Sign Appeal

- No illumination proposed -
- Sign face made of wood.

2-13
SCALE: 1 1/2" = 1'