



Legislation Details (With Text)

File #: #PC22-33 **Version:** 1 **Name:**

Type: PC RESOLUTION **Status:** Passed

File created: 11/7/2022 **In control:** Planning Commission

On agenda: 11/22/2022 **Final action:** 11/28/2022

Title: RESOLUTION APPROVING MAJOR DESIGN REVIEW AND A VARIANCE TO INCREASE THE MAXIMUM ALLOWABLE WALL SIGN AREA FROM 150 SQUARE FEET TO 457 SQUARE FEET (A 205% INCREASE), FOR A NEW 10,000 SQUARE FOOT COMMERCIAL BUILDING TO BE LOCATED IN THE SP-2, SAN PABLO AVENUE SPECIFIC PLAN, REGIONAL COMMERCIAL DISTRICT, ALONG WITH A FINDING THAT THE PROJECT IS EXEMPT UNDER CEQA GUIDELINES SECTION 15332 AS INFILL DEVELOPMENT, AT 13220 SAN PABLO AVENUE, SAN PABLO, APN: 417-211-012

Sponsors:

Indexes:

Code sections:

Attachments: 1. ATTACHMENT A. RES PC22-08 Draft, 2. ATTACHMENT B. Site Location, 3. ATTACHMENT C. PROJECT APPLICATIONS, 4. ATTACHMENT D. PLANNING SUBMITTAL, 5. ATTACHMENT E. Traffic Study Final_WSS Shoes_13220 SPA, 6. ATTACHMENT F. Crime Prevention through Environmental Design PD_Comments_WSS Shoes, 7. ATTACHMENT G. Welcome to San Pablo Signs, 8. ATTACHMENT H. Proof of Publication from West County Times

Date	Ver.	Action By	Action	Result
11/28/2022	1	Planning Commission	adopted	Pass

PREPARED BY: SANDRA CASTENADA-MARQUEZ **DATE OF MEETING:** 11/22/22
& MEL MACKSON

SUBJECT:

RESOLUTION APPROVING MAJOR DESIGN REVIEW AND A VARIANCE TO INCREASE THE MAXIMUM ALLOWABLE WALL SIGN AREA FROM 150 SQUARE FEET TO 457 SQUARE FEET (A 205% INCREASE), FOR A NEW 10,000 SQUARE FOOT COMMERCIAL BUILDING TO BE LOCATED IN THE SP-2, SAN PABLO AVENUE SPECIFIC PLAN, REGIONAL COMMERCIAL DISTRICT, ALONG WITH A FINDING THAT THE PROJECT IS EXEMPT UNDER CEQA GUIDELINES SECTION 15332 AS INFILL DEVELOPMENT, AT 13220 SAN PABLO AVENUE, SAN PABLO, APN: 417-211-012

Location: 13220 San Pablo Avenue
APN: 417-211-012
Zoning: SP-2, Regional Commercial
CEQA: Exempt under Section 15301, Class 1
Owner: Save Mart Supermarkets
Applicant: WSS
Agent for Applicant: Scott Tanner, Tri State General Contractors
Staff Contact: Sandra Castaneda-Marquez, Associate Planner; Mel Mackson, Assistant Planner

Conduct public hearing; adopt Resolution

REQUESTED ACTION

A request for approval of Major Design Review and a Variance to increase the maximum allowable wall sign area, to allow for the construction of a single-story commercial building with 10,000 square feet of commercial space located on an existing shopping center parking lot site in the San Pablo Avenue Specific Plan, Regional Commercial District. The proposed use for the commercial building is a stand-alone shoe store for the WSS ® retail chain (formerly known as Warehouse Shoe Sale).

According to the San Pablo Zoning Ordinance, Major Design Review by the Planning Commission is required for all commercial developments (San Pablo Municipal Code Section 17.20.030 Chapter 17.20)

<https://www.codepublishing.com/CA/SanPablo/#!/SanPablo17/SanPablo1720.html#17.20>
<<https://www.codepublishing.com/CA/SanPablo/>>

The applicant has also requested a sign Variance to allow an increase in the maximum allowable exterior wall sign area for the building. The Sign Ordinance, which is included in Title 18 of the San Pablo Municipal Code, states that the maximum overall sign area for a commercial use shall be no more than 150 square feet for all signs visible from the exterior of the building in a single building with multiple street frontages (Section 18.04.090.D). The requested Variance would approve a total of 457 square feet of wall sign area, which would be a 205% increase over the 150 square feet maximum allowed under the Code.

Staff has determined that the proposed project qualifies for a CEQA Exemption as an Infill Development Project, consistent with the provisions of CEQA Guidelines Section 15332.

Staff recommendation is for Planning Commission to conduct a public hearing and approve the Major Design Review and Variance, subject to the conditions of approval included in the resolution.

Surrounding Zoning and Land Uses:

The subject parcel is located in the South San Pablo Avenue focus area of the San Pablo Avenue Specific Plan. Surrounding zoning and land uses from the site are as follows:

- North: SP2-San Pablo Avenue Specific Plan - Regional Commercial/ Entertainment Overlay District (Planet Fitness/FoodMaxx)
- South: SP2-San Pablo Avenue Specific Plan - Commercial Mixed Use (Diaz Plaza); Barber College; Single-family residences
- East: SP2-San Pablo Avenue Specific Plan/General Plan - Medium Density Residential; Villa Alvarado Apartments; Casa Maria Townhomes
- West: SP2-San Pablo Avenue Specific Plan - Commercial Mixed Use El Pollo Loco; Office Building

PUBLIC HEARING NOTICE

Notices regarding this public hearing were mailed to owners of properties within a 300-foot radius of the site on November 9, 2022. In addition, a Public Hearing Notice was published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) on Saturday, November 12, 2022.

SITE LOCATION AND PROJECT DESCRIPTION

The project site is located in the southern portion of San Pablo on the northeast corner of San Pablo Avenue and Kirk Lane in a heavily commercial area. The new building will be located at the southwest corner of an existing shopping center site that is currently occupied by Planet Fitness, FoodMaxx grocery store, and one vacant store on the south end of the strip. The strip center building is set back from San Pablo Avenue and runs parallel to Contra Costa Avenue to the east. The project site where the WSS store is proposed is located in a part of the shopping center parking lot that is rarely occupied.

The site falls within the boundaries of the San Pablo Avenue Specific Plan, a document designed to guide development along the corridor surrounding the San Pablo Avenue arterial. The Plan designates the land use for this site as Regional Commercial.

The proposed project would consist of a new commercial building containing 10,000 square feet of floor space. The building would have one story and a maximum height of 26 feet. The building would be in a contemporary style with distinctive pediments and building articulation using large display areas and a mix of materials, including concrete masonry with stone accents. There would be an entry feature at the southwest corner of the building (at the street intersection) and entries on north and west facades. The building would be surrounded by a landscaped plaza area with direct access from sidewalks along San Pablo Avenue and Kirk Lane and immediately adjacent to an existing bus stop on San Pablo Avenue. Dedicated parking would be placed in rear (east) and north of the building with access from driveways off of Kirk Lane and San Pablo Avenue. The floor plan for the project shows large open display and sales areas, along with storage, break room, office, and restrooms. This proposed shoe store is consistent with the desired land uses within the Regional Commercial land use designation and will serve San Pablo residents and residents of the immediate region. The proposed retail building would constitute infill development as it would be situated in a portion of an existing parking lot on an already developed site including other Regional serving commercial uses.

The new building would be located within a larger proposed leased area in the southwestern portion of the larger shopping center property at 13220 San Pablo Avenue. This area is shown on the submitted site plan to include the proposed building plus the dedicated parking area immediately to the north and east. The property ownership would remain the same and no subdivision map would be necessary for the leasehold.

Along with the application form, the applicant has submitted a detailed plan set including site plan, floor plans, renderings, elevations, stormwater control plan, landscape and irrigation plan, and a Traffic Impact Analysis. (see Attachments D and E)

BACKGROUND

The overall site where the WSS is proposed is privately owned by Save Mart Supermarkets, which purchased it in 2002. It was previously owned by Carpenter Pension Trust Fund. The shopping center site is composed of two parcels - 13222 and 13220 San Pablo Avenue (APN 417-211-007 and 417-211-012, respectively). The parcel on the north side of the shopping center is addressed as 13222 San Pablo Avenue. This parcel contains the Planet Fitness building, and a section of the parking lot at the corner of San Pablo Dam Road and San Pablo Avenue. The parcel on the south side of the shopping center is 13220 San Pablo Avenue. This parcel contains the FoodMaxx and a vacant space (formerly Fallas Paredes), as well as the access road that runs behind the length of the building, parallel to Contra Costa Avenue, from San Pablo Dam Road to Kirk Lane. (see Attachment D, pg. 4 "Site Plan").

Two of the existing single-story commercial buildings were originally built in 1973 under Use Permit No. 896 and later expanded in 1997 under Use Permit No. 1657 to build the third commercial space that is currently vacant. Additional permits on record include new signs and refacing of existing signs for previous and existing tenants.

On February 18, 2020, as part of a larger Ordinance Amendment package, the City Council approved Ordinance 2020-002 which amended Chapter 18.04 of the Municipal Code regarding wall signage. This amendment was made in response to extensive business community requests to increase the City's wall signage allowance. The Ordinance amendment removed a wall sign limit of no more than 25 square feet for secondary frontages without a public entrance and no more than 35 square feet for secondary frontages with a public entrance and established a new overall maximum of 150 square feet for all signs other than pylon signs. This 150 square foot maximum has subsequently been the subject of two variance requests, including the current request.

In the immediate vicinity of the site, a variance was requested to allow increased signage for Planet Fitness, the tenant in the northern "end-cap" space in the strip center building at 13222 San Pablo Avenue. The Variance, which was granted under Resolution PC20-05 adopted by the Planning Commission on June 23, 2020, approved an increase in wall sign square footage for two signs, one of which was granted a 7% increase, and the other a 67% increase. It should be noted that this was the first larger-scale building wall signage with multiple frontages request made under the then-recently amended ordinance.

According to the Staff Report prepared for that Variance case:

"It should be noted that the proposed signage is the first larger-scale building wall signage proposal with multiple frontages that has been proposed under the recently amended ordinance. The proposal reflects a much smaller sign package than usually sought by this particular tenant in order to bring it closer to the City's sign regulations. This request may be an indication that the zoning ordinance will need to be further amended to better reflect typical commercial wall signage needs and expectations."

Other retail uses in the area appear to pre-date more updated signage regulations adopted in San Pablo in 2015 and modified in 2020, include pylon or monument signs to augment their wall signage, and/or are covered under City-approved Shopping Center Sign Programs that pre-date the current regulations.

There is an existing "Welcome to San Pablo" monument sign feature constructed with brick at the southwest corner of the existing parking lot, within the proposed lease area, that includes the identifying seals and logos of a number of local business and service groups. This sign was put in place during the construction of the existing commercial buildings on site during the 1970s. This "Welcome to San Pablo" sign is in disrepair and has been supplanted by newer signs that are placed at the City limits around San Pablo, including a new sign in the median of San Pablo Avenue located just one block south of the site, which design is consistent with the updated logo and branding that the City adopted in recent years (see Attachment F). The proposed development would include the removal of the existing monument sign that was erected as part of an earlier development on the site, but does not have any recorded land encumbrance or other maintenance requirements associated with it. Staff has notified the organizations that were involved in the construction of the original sign, including San Pablo Rotary.

GENERAL PLAN CONFORMANCE

The General Plan designation for the site is Regional Commercial. This designation is intended for

large-scale commercial development that serves local and regional needs. The proposed project of a retail shoe store is a use that would be harmonious with the designation of the General Plan. The following General Plan Guiding (G) and Implementing (I) policies apply to this request:

Economic Development:

ED-I-25

Strive for a balanced mix of local, regional, and national retailers that offer a diversity of product and pricing choices for residents.

Land Use and Physical Design

LU-G-2

Ensure planned land uses are compatible with existing uses and provide for appropriate transitions or buffers for new uses, as needed.

LU-G-3

Preserve and strengthen the City's overall image and create a safe, walkable and attractive urban environment for the current and future generations of residents.

LU-I-25

Identify and promote desirable sites for employment-generating commercial, industrial, and other business wishing to locate in San Pablo.

LU-I-9

Encourage new residential, commercial and related forms of development in a manner which fosters both day and appropriate night time activity; visual presence on the street level; appropriate lighting; and minimally obstructed view areas.

LU-I-10

Continue to involve the Police Department in the development review process to ensure new buildings are designed with security and safety in mind.

The proposed project would be responsive to these policies by developing a new commercial development that will serve the region and provide employment opportunities. WSS is a national chain and will offer retail apparel choices that are not currently available in San Pablo. The project would fit well into its surroundings and would provide infill of a currently unused portion of a surface parking lot. The project would add to the urban vitality of this portion of San Pablo Avenue by providing for a pedestrian-oriented commercial frontage that is accessible to pedestrians and transit, as well as to motorists. The project would be appropriately landscaped and would help to modernize and improve this important intersection. The proposed project will foster appropriate day time activities, providing more shopping opportunities to City residents and a visual presence on the street level. It would provide appropriate lighting, and will not obstruct view areas or access to the existing retail uses. The developer has received development review comments from the Police Department focused on security, safety and Crime Prevention through Environmental Design (CPED) recommendations (attached)

SAN PABLO AVENUE SPECIFIC PLAN CONFORMANCE

The site falls within the San Pablo Avenue Specific Plan area, which was adopted in September of 2011 to provide a vision, goals, and implementation measures for creating a vibrant, accessible, and sustainable mixed-use corridor. The plan aims to revitalize areas along San Pablo Avenue with higher-intensity development to promote stronger economic activity, street life, and transit ridership, among other goals. On a broader scale, Bay Area Metro (Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) is also focusing on San Pablo Avenue as one of three regional corridors to implement their Plan Bay Area Sustainable Communities Strategy (see

<https://www.planbayarea.org/>). The corridor is designated as a Priority Development Area.

The subject site is within an opportunity site and focus area identified as the “South San Pablo Avenue” area in the San Pablo Avenue Specific Plan. Opportunity sites are defined in the Plan as vacant or underutilized parcels that have the potential to undergo a land use or intensity change over a near- to long-term horizon. The Focus Areas of the Specific Plan have the greatest opportunities for development and illustrate what buildout opportunities might look like, in terms of their scale and character. The land use (and zoning) designation for the site is shown as Regional Commercial. As identified in the San Pablo Avenue Specific Plan, this designation allows for a range of commercial uses with an emphasis on regional-serving uses. The Specific Plan describes the South San Pablo Avenue opportunity site as follows:

This 18.5-acre area offers a cluster of several small opportunity sites and two large ones (the existing Big Lots/Food Maxx regional shopping center, and Dias Plaza). Located just south of San Pablo Dam Road and the I-80 ramps, and just north of the city’s border with Richmond, this intersection is a highly visible and well-trafficked gateway to the city.

Also indicated on the Specific Plan is the opportunity to create a new trail and open space connection across the existing larger shopping center site to the north of the proposed location and connecting the non-culverted portions of Wildcat Creek with an aspirational vision of daylighting this portion of the Creek (Figure 4-5). The proposed project would not include this feature, but would not prevent its implementation at some point in the future should the shopping center be redeveloped.

The following guiding (G) and implementing (I) policies of the San Pablo Avenue Specific Plan are relevant to the proposed project:

Land Use Policies:

2-G-1 *Promote development of San Pablo Avenue as an attractive boulevard, lined with a diverse array of uses that promote vibrant street life, and maintain eyes on the street at all times.*

2-G-3

Promote pedestrian- and transit-friendly development that enhances the public realm.

Urban Design and Building Development Standards:

4-G-7

Allow continued operation of the establishments at the Big Lots/Food Maxx site. Promote intensification of existing uses.

4-G-13

Encourage a building-to-street relationship that establishes a pedestrian-oriented environment along San Pablo Avenue and within all mixed-use developments.

4-I-25

Locate commercial uses at the street edge along San Pablo Dam Road and San Pablo Avenue. Corners should be emphasized through height and/or distinct architectural features.

4-I-46

Maintain a consistent street frontage along the length of San Pablo Avenue, with development brought to the property line and parking located at the side or rear of parcels.

4-I-50

For buildings with street frontage on San Pablo Avenue, ensure that the primary entrance is on San Pablo Avenue, visible from the right-of-way, and at-grade or accessible by ramps. Secondary entrances may be located on side streets or may be internal to master-planned developments on large parcels.

The proposed project would be consistent with the guiding goals and implementing policies of the San Pablo Avenue Specific Plan. The development would be well integrated into the established pedestrian-oriented context by providing commercial retail space along the street edge of San Pablo Avenue, promoting a more vibrant street life and connectivity between commercial spaces and the public realm. The main entrance to the proposed building is facing San Pablo Avenue and will be in keeping with the Development Standards included within the San Pablo Avenue Specific Plan. The project is also in close proximity to AC Transit stops on San Pablo Avenue at the corner of Tulare Avenue and just south of San Pablo Dam Road.

ZONING CODE CONFORMANCE

The property is in the SP-2 Regional Commercial District (San Pablo Avenue Specific Plan) and the General Plan land use designation is Regional Commercial. The Regional Commercial District is described as follows:

Regional Commercial. This designation is intended for large-scale commercial development that serves local and regional needs. Located near the intersection of San Pablo Avenue and San Pablo Dam Road, it is easily accessible by freeways and regional roadways. It is intended to include a range of goods and services such as retail, eating and drinking establishments, hotels and motels. Residential uses are not permitted. The maximum height is 30 feet, and the maximum permitted FAR is 0.75.

Development standards in the Regional Commercial area are set forth in Table 4-1 of the San Pablo Avenue Specific Plan. A breakdown of the relevant standards is provided in the table below:

DEVELOPMENT STANDARDS FOR SP-2 REGIONAL COMMERCIAL DISTRICT			
Standards	SP/Zoning Code Requires	Proposed	Complies?
Block Length	400 feet	NA ¹ (no new block being created)	NA ¹
Max Lot Coverage	90%	NA ¹ (no new lot being created)	NA ¹
Front Setback	0-5 feet min	7 feet - 5 inches	Yes
Side Yard Setback	0 feet, 10 min feet when abutting residential	15 feet- 5 inches	Yes
Rear Setback	0 feet, 10 min feet when abutting residential	660feet+	Yes
Maximum building height (feet)	30 feet	26 feet	Yes
Max Stories	Two	One	Yes

¹ Project is infill on an existing development site and is not creating a new lot or block.

As identified above, the proposed project would be in conformance with the applicable development standards for the SP2 - Regional Commercial district as an infill project. The proposal is a new freestanding building pad on an existing developed site. The new building will be located in the

southwest corner of a surface parking lot of an existing development, which includes three other commercial spaces. The new development will be placed within an area to be leased by the tenant from the owner on the existing parcel without creating a new parcel. There would be no new block or lot created with this infill development proposal, so that the development regulations regarding block length and lot coverage are not applicable in this instance.

Parking Compliance:

The proposed new building would be 10,000 square feet and will include access to 33 parking spaces within the project lease area on the existing site (see Site Plan). These spaces would have reciprocal use across the larger shopping center site for access and parking. The existing businesses contained within the strip center on the subject property will also continue to have sufficient parking to accommodate their needs.

Table 3-3 of the San Pablo Specific Plan provides off-street parking standards that are relevant to the site. Under this table, the proposed use would be considered “Retail Sales - Regional” and would require one space for every 400 to 666 square feet, with reference to the Municipal Code (Zoning Ordinance) for further details. Table 17.54-A Nonresidential Parking Requirements, of the Zoning Code includes the number of parking spaces required for each use classification. The use classification “Retail Sales, Regional” requires one space per 400 square feet of building area, which would be 25 spaces for the proposed 10,000 square foot building. This proposal will have the potential to serve the immediate region, as well as San Pablo residents, and per the definitions below, the proposal fits within the “Retail Sales, Regional” classification:

Retail Sales-Regional. The retail sales-regional use class consists of establishments engaged in retail sale of goods or provision of services not specifically listed under another use classification, and which are primarily oriented toward a regional customer base. The majority of sales and storage are conducted within an enclosed building. Up to twenty-five percent of sales can be conducted outside. Typical uses include large department stores, big box retail stores, big box hardware retail stores with outdoor-oriented retail outside, bulk food and household goods stores, and retail sales from warehouse-type structures.

Based on the use classification and the parking spaces provided, the 33 parking spaces within the project proposal would include eight more than the minimum required under “Retail Sales, Regional”.

The overall strip center has excess parking under both existing and proposed conditions. With more than 500 parking spaces on the larger shopping center property and 109,712 square feet of existing commercial area, the shopping center provides more parking spaces than are currently required or demanded by the existing uses. The existing commercial businesses will continue to have sufficient parking remaining outside of the lease area for the project. Reciprocal use agreements will pertain to these spaces under the terms of the Lease. This will allow visitors to the shopping center property to park in any portion of the parking lot, allowing for efficient parking and for multi-stop visits.

In addition to the designated parking area, the project would provide bicycle parking and would be adjacent to or in close proximity to transit stops. Under Section 17.54.050, proximity to transit can reduce parking requirements by 10 percent and provision of bicycle parking can reduce parking requirements by one space. However, more than enough parking will be provided by the proposed project so that these parking adjustments are not necessary for this project.

MAJOR DESIGN REVIEW

The applicant proposes to construct a new 10,000 square-foot commercial retail building at 13220 San Pablo Avenue. The new pad building will be located as a street-fronting out-lot within an existing

parking lot area of a strip-style shopping center.

Section 17.20.030(C) of the San Pablo Zoning Ordinance states that the Planning Commission shall ensure that the proposed development meet the following requirements:

1. *Design Guidelines.* The proposal is consistent with applicable design guidelines.
2. *Community Plans.* The proposal is consistent with any community design plan or specific plan.
3. *General Plan.* The proposal is consistent with the land use, physical design, and economic development element and the open space element of the general plan.
4. *Location and Design.* The location and design of proposed development gives particular consideration to privacy, views, and sunlight on adjoining properties and fosters the orderly and harmonious development and preservation of the public health and welfare of the city and its neighborhoods.
5. *Design and Colors.* The architectural design of structures and their colors and materials are visually harmonious with surrounding development, landforms, and vegetation.

The project's overall compliance with the San Pablo General Plan, San Pablo Avenue Specific Plan, and Zoning Ordinance are addressed above. Several of the policies within these plans are aimed at fostering the orderly and harmonious development and preservation of the public health and welfare of the City and its neighborhoods. The project would fit well within the San Pablo Avenue Specific Plan by offering an additional regional retail opportunity and intensifying an existing commercial development consistent with the Specific Plan vision. The architectural design of the structure, the colors, and proposed materials to be used would be visually harmonious with the surrounding development patterns.

As depicted in the elevations submitted as part of the Design Review application included in Attachment D, the proposed building would be single story and contemporary style with distinctive pediments and building articulation using large display areas and a mix of materials, including concrete masonry with stone accents. The proposed colors for the exterior of the building include greys, white and a decorative red stripe with earthy brown tones to the accent features of the building. The metal door and windows would be silver to compliment the primary color of the building, which would be a light grey. There would be an entry feature at the southwest corner of the building (at the street intersection) and entries on north and west facades. The building would be surrounded by a landscaped plaza area with direct access from sidewalks along San Pablo Avenue and Kirk Lane and immediately adjacent to an existing bus stop on San Pablo Avenue. The floor plan for the project shows large open display and sales areas, along with storage, break room, office, and restrooms.

The San Pablo Avenue Specific Plan does not require any particular architectural style, but does identify a variety of architectural design guidelines that are being applied to the project. Below is a discussion of the guidelines that are most pertinent to this development:

Building Height, Massing, and Articulation- At 26 feet in height, the proposed building complies with the maximum building height of 30 feet. The proposed building is a single story and up to two stories are allowed. The proposed pad building offers a prominent front entrance in a building corner facing San Pablo Avenue as well as articulation in the building walls facing public streets.

Building Orientation, Entries, and Façades- The building orientation locates the building entrance closest to San Pablo Avenue. The proposed building utilizes a variety of exterior materials that enhance the building façade and physical character of the building and its connectivity to the street and pedestrian access.

Parking- The proposed 10,000 square foot development will incorporate 33 parking spaces

within the lease area, which would more than meet the requirement of the San Pablo Zoning Ordinance for a minimum of 25 spaces. The existing three commercial buildings in the strip center on the property will continue to have sufficient parking to accommodate the existing businesses. This parking would be located alongside and behind the proposed building.

Landscaping- A landscaping plan was provided as part of the development application. The landscaping plan provides additional trees and bushes along Kirk Lane and within the parking lot that surrounds the proposed building.

VARIANCE

According to Section 17.20.050 of the Zoning Code, the variance process is available to provide relief to applicants where practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of the Zoning Code may result from the strict application of its provisions given unique circumstances regarding the particular parcel.

In order to grant any variance, after the conclusion of the public hearing, the Planning Commission shall make findings of fact showing that the following conditions exist:

1. *There are exceptional or extraordinary circumstances or conditions applying to the land or building referred to in the application, including size, shape, topography, location or surroundings, which circumstances or conditions do not apply generally to land, buildings and/or uses in the same district.*
2. *Because of these exceptional or extraordinary circumstances or conditions, the strict application of this title deprives the property of privileges enjoyed by other properties in the vicinity and within the same zoning district.*
3. *The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.*
4. *The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.*

The Planning Commission may impose such conditions in connection with the Variance as it deems necessary to secure the purposes of the Zoning Code and to ensure that the Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district.

Section 18.04.020(G) of the Municipal Code states that whenever any sign permit, variance, conditional use permit, sign program, or other sign-related decision is made by any exercise of official discretion, such discretion shall be limited to the non-communicative aspects of the sign, as defined herein, architectural compatibility of the proposed sign with the surrounding area, and other factors listed in the Chapter. When discretion is authorized, it may be exercised as to the following factors, as applicable: style or character of existing improvements upon the site and lots adjacent to the site; construction materials and details of structural design; the number and spacing of signs in the area; and the sign's display area.

The applicant has requested a sign Variance to allow an increase in the maximum allowable wall sign area for the building. The Sign Ordinance included in Title 18: Signs, of the San Pablo Municipal Code, states that the maximum overall sign area for a commercial use shall be no more than 150 square feet for all signs on a single building with multiple street frontages. According to Sections 18.04.090. D.2. and 3:

2. On building sites with multiple building frontages, the maximum sign area permitted shall be one square foot of sign area per one foot of lineal building frontage, plus one square foot per two feet of lineal building frontage on the secondary frontage(s), or no more than one hundred fifty square feet of sign area for all signs for a single business or organization, whichever is less, with the exception of pylon signs.

3. On building sites with a rear or side wall facing an on-site parking lot or visible from a public right-of-way, a sign no more than fifteen square feet may be permitted, in addition to the sign allowance set forth in subsection (D)(2) of this section.

As discussed in the Background section, this section of the Code establishing a 150 square foot maximum was added in an amendment adopted in February 2020 and was subsequently the subject of a successful Variance request by the Planet Fitness store directly to the north of the site. The currently requested Variance, along with the Planet Fitness request, are indicators that staff should further evaluate this section of the Ordinance's consistency with zoning practice in other communities, the City's overall planning and design policies, and contemporary business practices, and recommend potential additional amendments for future consideration.

Analysis of Proposed Signage

San Pablo Avenue is considered to be the Primary frontage and would have an allowance for one square foot per one lineal feet of frontage. With a lineal length of 91 feet, the sign allowance for this frontage would be 91 square feet. Kirk Lane is considered the secondary frontage with a lineal length of 126 square feet, for a signage allowance of 63 square feet. In addition, per D.3, above, an additional 15 square feet may be counted for the rear or side facing wall on the north and east sides of the building, yielding a total potential signage allowance of 169 square feet. However, because the signage allowance is capped at 150 square feet, the additional 19 square feet may not be counted in the total sign allowance for the project.

The requested Variance would approve a total of 457 square feet of wall sign area, which would be 307 square feet more (205%) than the 150 maximum square feet allowed under the Code.

On the San Pablo Avenue frontage, the applicant is proposing one sign depicting its logo and slogan "WSS; Shoes. Style. Selection." as well as two signs depicting images of athletic shoes. The logo/slogan sign measures 91 square feet. The two image signs measure 96 square feet each. Thus, the total proposed area of wall signage for the primary frontage on San Pablo Avenue is 283 square feet. On the Kirk Lane frontage, the applicant is proposing one sign depicting its logo and slogan "WSS; Shoes. Style. Selection." as well as one sign depicting an image of athletic shoes. The logo/slogan sign measures 63 square feet, and the image measures 96 square feet. Therefore, the total proposed area of wall signage for the secondary frontage on Kirk Lane is 159 square feet. On the east side of the building, facing Contra Costa Avenue, the applicant is proposing one sign depicting its logo "WSS", which measures 15 square feet.

Of pertinence to the Applicant's request are the definitions of "Sign", "Wall Sign", and "Indoor Sign", according to the Sign Ordinance Title 18.02.010,

"Sign" means any display, declaration, demonstration, graphic announcement, inflatable device, illustration or insignia used to advertise or promote the interest of any person when the same is placed out-of-doors, or on the inside of a window to be seen from the outside, in view of the general public; provided, that this definition shall not include display of the American or California flag in compliance with the standards set forth herein.

“Wall sign” means any single-faced sign, including a painted sign or a sign comprised of individual letters, which is attached to the wall of a building or face of a structure and parallel to the building or structure.

*“Indoor sign” means an interior sign that is **not located on the window or within three feet of the window**. These signs are generally installed within the store to advertise products and special sales. **[Emphasis added]***

According to the Applicant, the requested Variance would allow WSS to include graphic display windows depicting images of athletic shoes and its business logo to maintain the branding look that is important for its success in Northern California. WSS specifically designs its stores without any window access to the interior of the building from the exterior as a security measure. According to the Applicant, the standard operating procedures guiding the design of WSS stores for security purposes given the unique security risks associated with athletic shoe merchandise, combined with its remedy of building articulation and the appearance of windows, creates an exceptional circumstance applying to the building, which generally does not apply to other buildings in the same district.

To enhance the attractiveness of the building and its articulation, WSS designs display windows made of vision glass to project the look of a more typical retail storefront. However, as the display windows do not access the interior of the building and sales floor, its products cannot be seen from the display windows. In order to remedy this situation, WSS displays photos advertising its products. Such photos, or signs, are hung on the interior wall of the display windows, which are set back three feet six inches from the glass.

The applicant believes that this in effect distinguishes its proposed signage from more typical wall signs, as they will not be displayed along the exterior surface of the building or directly on the inside of the window, but instead would be set back from the window by more than three feet, as specified in the definition of an “Indoor Sign”. The applicant has argued that because of the three-foot, six-inch setback from the window front, the display windows could alternatively be considered a form of “indoor sign”, which are exempt from the sign permit requirements (Section 18.04.060.B.11).

Staff believe that while there is some merit to the Applicant’s argument that the display signs could be considered as a form of “indoor sign”, the signs could also be considered wall signs under the Ordinance language. For that reason, a Variance request was recommended for this aspect of the signage proposal. It can also be noted that when considering the logo/slogan signs apart from the display window signs, the Applicant’s sign proposal is only 19 square feet or 12.6% above the overall wall signage limit. The logo/slogan signs together total 169 square feet, and comply with requirements of one square foot of signage per lineal foot of the building’s primary frontage, and one half-square foot of signage per lineal foot of the secondary frontage, and one 15 square foot sign on a remaining wall facing a parking lot. However, as the ordinance states that 150 square feet is the maximum sign allowance, the logo/slogan signs would still not be compliant with the Sign Ordinance.

It should further be noted that the applicant has significantly scaled-down its sign proposal from its typical storefront design in order to bring it closer to the City’s sign regulations. This request may be an indication that the Sign Ordinance will need to be updated to better reflect typical commercial wall signage needs and expectations. The Sign Ordinance was last amended in 2020, but variances for sufficient visibility and other site-specific factors may still be necessary, as demonstrated by the Planet Fitness request, which was submitted after the Ordinance amendments in 2020 as Plan Case PLAN2005-0004. This variance was requested to allow for improved visibility of the wall signage as

seen from San Pablo Dam Road and San Pablo Avenue. The 150 square foot limit on the total signage on a large building with multiple frontages was also a factor in that request.

In addition, the display windows that contain the increased signage will provide additional articulation to the building façade, which is a desired policy outlined within the design guidelines set forth by the San Pablo Avenue Specific Plan.

ENVIRONMENTAL DETERMINATION

The proposed project has been determined to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), in accordance with CEQA Guidelines, pursuant to Section 15332, In-Fill Development Projects, as it involves development on a site that is five acres or less, is surrounded by urban uses, has no habitat value, is adequately served by all required utilities and public services, would not result in any significant effects on traffic, noise or air quality, and would be consistent with general plan and zoning regulations. Furthermore, development of the site as Regional Commercial was evaluated as part of the Environmental Impact Reports for the San Pablo General Plan and San Pablo Avenue Specific Plan, prepared in 2011.

The applicant has submitted a Focused Transportation Analysis for the WSS Development prepared by W-Trans which determined that the project would not have an impact on the Level of Service of the San Pablo Avenue/San Pablo Dam Road intersection and would not result in unacceptable increases in delay at this location. The study further noted that the project would less-than-significant Vehicles Mile Travel (VMT) impact.

Pursuant to CEQA Guidelines Section 15332, staff recommends that the Planning Commission find as follows: (a) the project is consistent with the applicable general plan, specific plan, and zoning designations, policies, and regulations; (b) the project occurs within City limits on a site that is less than five acres which is substantially surrounded by urban uses; (c) the project is located on a site that has no value as habitat for endangered, rare, or threatened species; (d) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality (see attached traffic study); and (e) the site can be adequately served by all required utilities and public services.

CONCLUSION

Staff recommends that the Planning Commission determine the proposed project to be categorically exempt from the provisions of CEQA and approve the Major Design Review and Variance for an increase in the total sign area, along with the conditions of approval identified in the attached proposed Resolution (Attachment A).

ATTACHMENTS

- A. Resolution PC22-08
- B. Site Location
- C. Project Applications
- D. Planning Submittal: Photographs, Site Plan, Floor Plans, Elevations, Renderings, Details/Materials, and Landscape Plan, Stormwater Control Plan, and Variance request narrative
- E. Traffic Impact Analysis
- F. Crime Prevention through Environmental Design Study
- G. "Welcome to San Pablo" Signs (proposed to be removed and existing newer sign)
- H. Proof of Publication from West County Times