Zoning Administrator
Agenda Item

March 28, 2012

TO: **Rick Otto,**
Zoning Administrator

THRU: **Leslie Aranda Roseberry,**
Planning Manager

FROM: **Doris Nguyen,**
Associate Planner

SUBJECT

Variance No. 2216-12 & Design Review Committee No. 4607-11 – Toyota of Orange Sign Program, 1400 N. Tustin Street

SUMMARY

The applicant proposes to demolish the existing wall and freestanding signs to construct new wall and freestanding signs. Variances are required for the wall and freestanding signs.

AUTHORIZATION/GUIDELINES

Section 17.10.040.D of the Orange Municipal Code (OMC) establishes that the Zoning Administrator has the authority to review and make determinations on applications for variances to waive sign requirements. For this project, the Zoning Administrator is also the final determining body for Design Review Committee No. 4607-11 application.

Findings for Variances: OMC Section 17.10.040 (E) requires the Zoning Administrator to make the following findings for granting a Variance:

1. That because of special circumstances applicable to the subject property, including size, shape, topography, locations or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification; and

2. That the variance granted shall be subject to such conditions which will assure that the authorized adjustment shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.

Findings for Design Review Committee:

3. The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards and their required findings.

PUBLIC NOTICE

On March 19, 2012, the City sent a Public Hearing Notice to a total of 217 property owners/tenants within a 300-foot radius of the project site, and persons specifically requesting notice. The project site was also posted in 2 locations with the notification on that same date.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15302 – Class 2 Replacement or Reconstruction.

RECOMMENDED ACTION

Staff recommends the Zoning Administrator approve Variance Application No. 2216-12 and Design Review Committee No. 4607-11.

DISCUSSION AND BACKGROUND

Background Information:

Applicant:	Toyota of Orange
Owner:	Toyota of Orange
Property Location:	1400 N. Tustin Street
General Plan Designation:	General Commercial (GC)
Zoning Classification:	Commercial Tustin Redevelopment (C-TR)
Existing Development:	Toyota and Scion car dealership
Property Size:	4.95 Acres (entire dealership)

Project Description:

The Toyota of Orange dealership is currently under construction as part of the façade remodel associated with DRC 4549-11. Condition 1 stated that "Any changes to the signage on-site shall require a new formal Design Review Committee application with deposit fees." This application was filed in compliance with that Condition of Approval.

The applicant is proposing to remove the existing 15' tall by 17'-6" wide freestanding monument and replace it with a 40' tall sign that is 193 SF. The actual sign area would be 20' tall by 10' wide on the face, with a curve at the top. It would stand on twin poles that are 20' tall by 1' wide so that drivers can see through it while queuing in the driveway. The sign would be 20" in depth on the side and internally illuminated with red and white LED. The sign would be placed 12' back from the public right of way, and 6' back from the private driveway.

The proposal includes the installation of 4 wall signs on the east elevation. (See Attachment 3 for photos of a dealership with completed signs.) There are no other signs proposed on the other elevations of the building. The wall signs are described below:

Sign Name	SF	Color	Sign type	Illuminated
Scion	16.52 (Scion)*; 86.25 SF back board (5' H x 17'-3" W)	Grey letters; black back board	Channel letter	Yes
Toyota & Logo	78.5	Red	Toyota-Channel letter; Logo-Molded logo	Yes
Orange	10.8	Black	Molded Channel letter	No
Service	4.4	Black	Channel letter	Less
Total	**179.95***			

**Scion back board counted as sign. Scion letters were not counted in total sign SF to avoid double counting.*

The application requires a Variance for the following items, which will be described in more detail in the Analysis section below:

Freestanding monument

a. Sign area: request for a 21% Variance. Proposed sign is 193 SF, Orange Municipal Code (OMC) permits a maximum 160 SF.
b. Sign height: request for a 167% Variance. Proposed sign is 40' tall, OMC permits a maximum height of 15'.

Wall signs

a. Number of signs on one elevation: request for a 100% Variance. Proposal of 4 signs; OMC permits 2 signs.
b. Sign height of the Toyota logo and letters: Request for 274% Variance for sign height and 16% for the lettering. Proposed height is 7'-5 13/16" tall, with 1'-8 13/16" tall lettering. The Tustin Street Design Standards permit a maximum height of 24" with lettering a maximum of 18" tall.

Analysis:

Issue 1 Proposed Freestanding Sign:

The applicant is proposing to construct one 40' tall freestanding sign to replace the existing 15' tall sign. The following table summarizes the freestanding sign requirements and what the applicant is requesting. The text below describes each requirement in detail.

	Permitted	Proposed	Variance Requested	Code Section
Number of signs	1	1	None	OMC 17.36.070.A
Sign Area	Max 160 SF	193 SF	21% increase	OMC 17.36.070.B
Sign Height	15' tall	40' tall	167% increase	OMC 17.36.070.C

The applicant is proposing a 40' tall sign that is 193 SF in sign area. Orange Municipal Code (OMC) Section 17.36.070.B.1 allows the maximum area of freestanding signs to be one-half square foot per lineal foot of parcel frontage upon the adjacent arterial street, with a maximum area of one hundred sixty (160) square feet. The parcel frontage is 776'-6" wide along Tustin Street. Since one-half would be 388.25SF, the applicant is allowed the maximum 160 SF, as permitted by Code. Since 193 SF is 33SF over the 160 SF permitted, the applicant is requesting a 21% Variance for sign area.

OMC Section 17.36.070.C states that when a parcel frontage measures one hundred (100) feet or more, freestanding signs are limited to a maximum height of fifteen (15) feet. Sign height is measured from the top of the adjacent curb to the top of the sign face area. The proposed 40' tall sign would require a Variance for 167% more sign height.

Other car dealerships in the City have freestanding signs that are similar in size as listed below:

- Villa Ford: 2 signs, 48' and 30' tall
- Selman Chevrolet: estimated at 60' tall
- Ford of Orange: 59' tall
- Stadium Nissan: 39' tall

The applicant feels that the proposed height and massing is in line with other car dealerships in the City and other retail stores on Tustin Street, such as the Michael's shopping center at the SE corner of Tustin Street and Katella Avenue and Firestone store on the SW corner of Taft Avenue and Tustin Street.

The design of the freestanding sign is in line with the colors and materials of renovation. The use of silver, red and white match the walls on the east elevation, which it most visible to the public. The height of the proposed sign is a dramatic change from the existing15' sign; however, the existing sign is blocked from view in the southbound direction by their palm trees that line Tustin Street.

<u>Issue 2 Proposed Wall Signs:</u>
The applicant is proposing to construct 4 wall signs on the eastern façade of the building. No wall signs are proposed on the north, south, or west elevations. The following table summarizes the wall sign requirements and what the applicant is requesting. The text below describes each requirement in detail.

	Permitted	**Proposed**	**Variance Requested**	**Code Section**
# of signs	2	4	100% increase	OMC 17.36.080.A
Sign Area	203 SF	180 SF	None	OMC 17.36.080.B
Sign Height	8' tall	None taller than 8'	None	OMC 17.36.080.C
Sign Height	sign height 24"; lettering height 18"	sign height 89"; lettering height 20"	274% increase for sign height; 16% increase for the lettering	Tustin Street Design Standards

Number of Signs:
OMC Section 17.36.080.A permits the number of wall signs on each building elevation to be no greater than the number of tenants in a building. No building shall be deemed to have more than four building elevations. One additional wall sign may be permitted for a singular tenant on any one wall, only when that tenant's frontage exceeds one hundred (100) lineal feet along said wall. Since the tenant's building frontage is 203' along Tustin Street, the business would be allowed to have a maximum of two signs. Since the applicant is requesting four signs facing Tustin Street, this will require a Variance for 100% more signs allowed on one elevation.

Prior to the remodel, the applicant had seven (7) total signs on the building, as shown on page 2 of the sign program (Exhibit 5). There was one sign on the north elevation, one on the south elevation, and five on the east elevation. The seven signs totaled 618.23 SF in sign area. The five signs on the east elevation totaled 492.23 SF. Four of the signs on the east elevation have been removed due to the façade remodel construction. The wall signs were originally approved in the year 2001 as part of the dealership expansion and corporate image update under CUP 2364-01, DRC 3608-01, and VAR 2096-01. The Variance was for two of the signs on the eastern elevation.

The applicant feels that they are reducing the number of wall signs from 7 to 4 signs and reducing the overall sign SF on the east elevation from 492.23SF to 179.95 SF. They are also losing their freeway visibility from the signage on the penthouse parapet.

Sign Height:
OMC Section 17.36.080.C permits the height of a wall sign to be limited by the height of the vertical surface to which it shall be displayed. A wall sign shall be limited by a ratio of 2:3, so that a sign is sufficiently buffered by space at the top and bottom. Sign height shall not exceed a dimension that is greater than two-thirds (2/3) of the height of the vertical surface (or plane) upon which it is located. The height of the sign area on the main building is 12', as measured from the top of the building to the top of the windows. This permits a maximum sign height of 8'. None of the three signs on the main building are 8' tall. The service canopy is 7' tall, which permits a maximum 4'-8" tall sign. The Service sign is 1' tall. Therefore, all the wall signs comply with the permitted sign height of the Orange Municipal Code. However, the Tustin Street Design Standards are more strict in that they permit a maximum wall sign height of 24" and the lettering within the signs can not exceed 18" in height. The Toyota logo and letters are the only wall sign that does not comply, because the overall sign is 7'-5 13/16" tall, with 1'-8 13/16" tall lettering. The Variances required are 274% more for the overall sign height and 16% more for the lettering. The signs meet the other Tustin Street Design Standards.

The fonts and red, black, and silver colors are part of the corporate rebranding of all dealerships in the country. This will unify all the locations with one modernized look. The Toyota and Scion are considered by the company to be separate brands and the Service sign is directional to lead patrons to the service area. Although, there are four signs, they do not seem to overpower the structure and they are spread apart across the 203' long building, with the Service sign setback over 100' from the rest of the east building elevation.

RECOMMENDATIONS

Staff recommends approval of the Applicant's request for Variance No. 2216-12 based on the following findings (required findings in *italics*):

Variance Required Findings:

1. *That because of special circumstances applicable to subject property, including size, shape, topography, locations or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.*

   The applicant is requesting Variances so that the signs will be in conformance with the nationwide corporate rebranding scheme. The new design is causing the applicant to lose their freeway visibility, previously achieved from the signs on the penthouse of the building. The additional signs tell the public that both Toyota and Scion are sold at that dealership. Also, the Service sign is directional and setback over 100' from the rest of the eastern building façade.

   The car dealership is a regional business; therefore, more traffic is generated because they are a destination location. Larger signs are easier to see and read; making it safer when driving faster speeds along a primary arterial such as Tustin Street. The dealership has a large frontage, 774'-6" along Tustin Street; therefore the freestanding sign would be proportionate to the size of the dealership. Approval of this application would not be detrimental to the surrounding neighborhood because the height of the freestanding sign is in proportion to the relative large size of the dealership and it is setback 12' from the public right-of-way.

   The proposed height and massing is in line with other car dealerships in the City and other retail stores on Tustin Street, such as the Michael's shopping center at the SE corner of Tustin Street and Katella Avenue and Firestone store on the SW corner of Taft Avenue and Tustin Street.

2. *That the variance granted shall be subject to such conditions which will assure that the authorized adjustment shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.*

   Allowing the Variances would not grant a special privilege to the subject property because many other car dealerships have signs that are taller than the proposed Toyota of Orange freestanding monument, as described in the Analysis section. The strict application of the zoning ordinance would deprive the business of the same opportunity to properly identify the services provided that other car dealerships have been granted.

Design Review Committee Required Findings:

3. *The project design upholds community aesthetics through the use of an internally consistent, integrated design theme and is consistent with all adopted specific plans, applicable design standards and their required findings.*

   This finding is fulfilled as determined by the Design Review Committee when, on February 15, 2012, they reviewed the project and recommended that the Zoning Administrator approve the project subject to Conditions of Approval.

   The new signs would be consistent with the adopted Tustin Street Redevelopment Design Standards for freestanding signs in that it is constructed on twin poles, internally illuminated, only one freestanding sign is proposed, and provides the address and identification of the tenant. It does not comply with the height or sign area that is listed in the Standards; therefore, requiring Variances.

   The proposed wall signs comply with the design and lighting criteria of the Standards, but do not comply with the number of signs or sign height; therefore, requiring Variances.

CONDITIONS

The approval of this project is subject to the following conditions:

1. Completely remove all existing wall signs and the freestanding sign prior to construction of the new proposed signs.
2. All construction shall conform in substance and be maintained in general conformance with plans and exhibits labeled Exhibit A in the staff report (date stamped received January 30, 2012), including modifications required by the conditions of approval, and as recommended for approval by the Design Review Committee and approved by the Zoning Administrator. Further, sign color and materials shall conform to the plans approved by the Design Review Committee on February 15, 2012. Any change to the signs from the approved plans shall be subject to review and approval by the Design Review Committee.
3. The applicant agrees to indemnify, hold harmless, and defend the City, its officers, agents and employees from any and all liability or claims that may be brought against the City arising out of its approval of this permit, save and except that caused by the City's active negligence.
4. The applicant shall comply with all Federal, State and local laws, including all City regulations. Violation of any of those laws in connection with the use will be cause for revocation of this permit.
5. Except as otherwise provided herein, this project is approved as a precise plan. After any application is approved, if changes are proposed regarding the location or alteration of any sign, a changed plan may be submitted to the Community Development Director for

approval. If the Community Development Director determines that the change complies with the provisions, spirit, and intent of the approval action, and that the action would have been the same for the changed plan as for the approved plan, the Community Development Director may approve the changed plan without requiring a new public hearing.

6. Prior to the issuance of building permits, the applicant shall pay all applicable development fees including but not limited to: City sewer connection, Orange County Sanitation District Connection Fee, Transportation System Improvement Program, Fire Facility, Police Facility, Park Acquisition, Sanitation District, and School District, as required.
7. Construction permits shall be obtained for all construction work, as required by the City of Orange, Community Development Department's Building Division and Public Works Grading Division. Failure to obtain the required building permits will be cause for revocation of this permit.
8. Applicant/developer shall be aware that all work within the public right-of-way requires the issuance of an Encroachment Permit. Such work includes, but is not limited to, work on the sidewalk, driveway construction, and utility laterals.
9. The final conditions of approval shall be reprinted on the construction documents when submitting to the Building Department for the plan check process.
10. If not utilized, project approval expires twenty-four months from the approval date. Time extensions may be granted in accordance with OMC Section 17.08.060. The Planning entitlements expire unless Building Permits are pulled within 2 years of the original approval.

ATTACHMENTS

1. Vicinity Map
2. Site Photographs
3. Photos of Other Dealerships with Completed Signs
4. Applicant Justification Letter
5. DRC Meeting Minutes from February 15, 2012

EXHIBITS ARE PROVIDED SEPARATELY TO THE ZONING ADMINISTRATOR

A. Site Plan, Floor Plans, Elevations, Roof Plan, Landscape Plan (date stamped received January 30, 2012)

cc: Toyota of Orange
ATTN: Joe Elhert
1400 N. Tustin St
Orange, CA 92689

Swain Signs
Attn: Robyn Bentley
1384 E. Fifth Street
Ontario, CA 91764

File