


# *City of Brisbane*

## *Planning Commission Agenda Report*

TO: Planning Commission For the Meeting of 10/9/14

FROM: Ken Johnson, Senior Planner, via  John A. Swiecki, Community Development Director

SUBJECT: **1000 Marina Boulevard**; Sign Review SR-7-14 and Variance V-2-14; Sign Review and Variance to allow two lighted, building-mounted signs for YOU Technology that would exceed the maximum permitted vertical dimension of 5 feet, by approximately 2 feet, in two lines of text; Terry Long, Ad Art, Inc., Fund VIII 1000 Marina LLC, owner; APN 007-165-010

**Request:** Ad Art, Inc. requests approval of two new lighted, wall signs for YOU Technology on the building at 1000 Marina Boulevard. One of these would replace the existing Neustar sign on the southwest side of the building. The signs would display the company logo and would be comprised of two lines of text, with "YOU" on the first and "Technology" on the second and a "U" symbol at the top right corner. At approximately 7 ft. in height, the signs would be over the 5 ft. height limit that's allowed for this zone of Sierra Point, the closest properties to the U.S. 101 Freeway, so both a sign review permit and a variance are required. Building signs at Sierra Point are regulated under the Koll Center Sierra Point Building-Mounted Signage Standards (Sign Program). Although over the height limit, the total area of each sign, approximately 120 sq. ft., would be within the maximum area allowed by the Sign Program of 176 sq. ft.

The signs would be located on the northwest and southwest sides of the building, as shown in the applicant's plans.

**Recommendation:** Conditionally approve Sign Review SR-7-14 and Variance V-2-14 via adoption of Resolution SR-7-14/V-2-14, with Exhibit A containing the findings and conditions of approval.

**Environmental Determination:** Placement of on-premise signs is categorically exempt from the provisions of the California Environmental Quality Act per Sections 15311(a) of the State CEQA Guidelines. The exceptions to the categorical exemptions referenced in Section 15300.2 do not apply.

**Staff Analysis:**

**Background:** The Sign Program allows sign dimensions of 5 ft. maximum vertical by 35 ft., 3 in. maximum horizontal, for a total area of up to 176 sq. ft. in Zone 1. The Sign Program includes three zones with the largest signs (7 ft in height) being at those sites farthest from the U.S. 101 Freeway and Zone 1 being those sites adjacent to U.S. 101.

While the proposed YOU Technology sign would be over the 5 ft height limit by 2 ft, at approximately 120 sq ft, it would only be approximately 68 percent of the allowable maximum sign area, since the length is only proposed at 14 ft 3 in, whereas a length of 35 ft. 3 in. is allowed. The YOU portion of the sign would have a blue lighted face 5 ft. by 14 ft. 3 in. and the Technology portion would be approximately 1 ft. 8 in. in height by 13 ft., beneath the YOU. The sign would also include a 2 ft. 6 in. by 2 ft. 6 in. "U" symbol at the top right corner.

The applicant has indicated that the request to exceed the maximum permitted vertical dimension, is to help assure that the sign will be "clearly visible from northbound or southbound traffic on Highway 101" per Section 4.4 of the Sierra Point Signage Standards.

The Sign Program also calls for single lines of text. However, imposing this requirement is not consistent with the company's trademark logo and the City is prohibited by law from modifying a registered trademark.

Findings:

Brisbane Municipal Code Section 17.46.010 contains two findings required for the granting of Variances and three sign review findings, detailed as follows.

*Variance Findings*

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

The combination of the distance from the building to the Freeway, the narrow sided building segments, and the two line company logo present a need for a variance which would not result in the granting of special privilege. Additionally, other properties have been granted variances for similar circumstances.

The Planning Commission has previously granted three similar variances to the maximum vertical dimension standard provided in the Sign Program. Previously, the Alliance Bancorp's logo sign for approximately the same size and at same building. These signs have since been removed. Also, the Hitachi sign was approved on the same building for two 6 ft., 10 in. tall signs, which will remain, and Wiley Technology, at 8000 Marina Boulevard, was approved to have two 11 ft., 3 in. tall signs. That site is located in Zone 2, where the maximum would otherwise be 6 ft in height. Like this application, both the Alliance Bancorp and the Wiley Technology approvals were to allow two-line logos.

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

The granting of the requested variance would deprive the business owner of the privilege enjoyed by others in that given its location from the U.S. 101 freeway, it would be required to reduce its logo to a small scale height that would not be readily legible from U.S. 101.

*Sign Review Findings:*

3. *All advertising signs must conform to the requirements of Table 17.36.020 and Figure 17.36.020A, unless specifically exempted in this chapter.*

BMC Section 17.36.050.B specifically exempts sign programs from the requirements of the figure and table.

4. *For all advertising signs subject to permit approval by the zoning administrator or the planning commission, it must also be found that:*
  - a. *The sign complies with all applicable city ordinances; and*
  - b. *The sign does not conflict with the building scale, colors, materials, architectural details and styles found in the specific neighborhood or area of the city in which the sign is proposed to be located.*

The signs would comply with the applicable City ordinances, with the requirement that a Building Permit shall be obtained prior to installation and it is consistent with the Sign Program requirements, except for those items for which the variance is requested, two lines of text and over the height limit. The signs shall comply with the Conditions of Approval that may be imposed by the Planning Commission through this variance and sign review application.

The signs would not conflict with the building or the neighborhood in which they are proposed. The colors represent the company's logo and as such should not be altered. Additionally, the logo will contrast well with the building and the size would fit well with the scale of the building. Note that the white sides of the YOU part of the sign are proposed to be painted metal, so this part will only appear as a white contrast setting off the blue face of the sign, as separate from the black background of the building during the daytime. At night, the YOU portion will appear as solid blue lighted face and the Technology portion will appear as solid white.

Also, the Sign Program specifically allows red, blue, green, white and black signage (Section 7.2.1).

5. *For illuminated or kinetic signs, it must also be found that:*
  - a. *The sign does not produce glare; and*
  - b. *The sign does not present a distraction or hazard to pedestrians, motorists, or the occupants of other neighboring properties; and*
  - c. *The sign does not otherwise cause a public nuisance.*

The signs will be illuminated and will not produce a glare or distraction or otherwise cause a public nuisance. The applicant has indicated that at 21,600 lumens, it will be similar to the existing sign which it will replace. The applicant has also indicated that they intend to install a dimmer, so the lighting level may be adjusted to ensure that it does not produce a glare.

Also, as required by the Sign Program, only internal illumination of wall signs is permitted, so as to avoid the potential for glare from exposed light sources. This application meets that requirement.

**Attachments:**

Draft Resolution SR-7-14/V-2-14 with Findings and Conditions of Approval

Aerial Photo/Site Vicinity

Staff Photo of Current Signage

Applicant's Plans and Photomontages

draft  
RESOLUTION SR-7-14/V-2-14

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING  
SIGN REVIEW PERMIT SR-7-14 & VARIANCE V-2-14  
TO ALLOW TWO WALL SIGNS LARGER THAN OTHERWISE PERMITTED  
AT 1000 MARINA BOULEVARD

WHEREAS, Terry Long, Ad Art, Inc., the applicant, applied to the City of Brisbane for sign review and variance approval to allow two signs for YOU Technology, exceeding the maximum vertical dimension permitted by the Koll Center Sierra Point Building-Mounted Signage Standards, at 1000 Marina Boulevard, such applications being identified as SR-7-14 and V-2-14; and

WHEREAS, on October 9, 2014, the Planning Commission conducted a hearing of the applications, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said applications, the application materials, the written and oral evidence presented to the Planning Commission in support of and in opposition to the applications; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Sign Review Permit and Variance.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of October 9<sup>th</sup>, 2014, did resolve as follows:

Sign Review Application SR-7-14 and Variance Application V-2-14 are approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this ninth day of October, 2014, by the following vote:

AYES:  
NOES:  
ABSENT:

KAREN CUNNINGHAM  
Chairperson

ATTEST:

JOHN A. SWIECKI, Community Development Director

draft  
**EXHIBIT A**

**Action Taken:** Conditionally approve Sign Review Permit SR-7-14 and Variance V-2-14 per the staff memorandum with attachments, via adoption of Resolution SR-7-14/V-2-14.

**Findings:**

1. The approval shall be subject to such conditions as will assure that the adjustment hereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district within which the subject property is located, such condition being the standard requirement for a building permit.
2. Because of special circumstances applicable to subject property, specifically its location from the freeway, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification, specifically logo signage reasonably legible from the freeway.
3. The proposed signage is exempt from the requirements of Table 1 and Figure 1 since it is regulated under a sign program, per Brisbane Municipal Code Section 17.36.050.B.
4. The proposed signage complies with all applicable City ordinances, in that per BMC Section 17.36.030.F.1, a building permit will be required to install the sign in compliance with the Uniform Building Code.
5. The proposed signage will not conflict with the building scale, colors, materials, architectural details and styles found in the specific neighborhood or area of the City in which the sign is proposed to be located, in that colors, size and details of construction are consistent with the intent of the Koll Center Sierra Point Building-Mounted Signage Standards.
6. The illuminated signs will not produce glare, will not present a distraction or hazard to pedestrians, motorists, or the occupants of other neighboring properties, and will not otherwise cause a public nuisance, because they will be only internally illuminated.

**Conditions of Approval:**

- A. Prior to installation of the signs, a building permit shall be obtained through the Brisbane Building Department, via separate permit, following the appeal period.
- B. The Neustar sign shall be removed prior to installation of the new southwest facing YOU Technology sign, which is to replace it.
- C. The signs shall be maintained in good repair and shall not have exposed lighting.
- D. The signs shall not alternate on and off, except to come on during the night and off at day-time.

- E. The lighting shall maintained at an illumination level such that they will not produce a glare or present a distraction or hazard.
- F. Minor modifications may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
- G. This Sign Review Permit shall expire one year from its effective date (at the end of the appeal period) if a building permit has not yet been issued for the approved project.

**SUPPORTING STATEMENTS**

**FINDINGS REQUIRED TO GRANT A VARIANCE**

Brisbane Municipal Code Section 17.46.010

Applications for variances from the strict application of the terms of this title may be made and variances granted when the following circumstances are found to apply:

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

B. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

What special circumstances, such as size, shape or topography of the property, or its location or surroundings, apply to your site?

N/A

THE "YOU" TECHNOLOGY LOGO IS STRUCKED

How do these special circumstances impact your site when the Zoning Ordinance is applied to the site?

THE SIGN CRITERIA SHOWS 5'-0" AND THE WORD TECHNOLOGY INCREASED THE 5'-0" DIMENSION

What privileges enjoyed by other properties in the vicinity and same zoning district would you be deprived of when the Zoning Ordinance is applied to your site, given its special circumstances?

OTHER PROPERTIES IN THE VICINITY WOULD SHOW THE SAME VERTICAL DIMENSION

What conditions of approval could be attached to the variance to assure that you comply with the intent of the Zoning Ordinance and other applicable regulations?

THIS VARIANCE TO THE SIGN CRITERIA FOR THIS LOCATION HAS BEEN PRECEDED BY OTHER VARIANCE APPLICATIONS WHICH WERE APPROVED BY THE P.C.