

City Council
Mayor Sarah Glade Gurney
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Planning Director
Kenyon Webster
Assistant Planner
Jonathan Atkinson
Administrative Assistant
Rebecca Mansour

City of Sebastopol Design Review Board Staff Report

Meeting Date: July 6, 2016
Agenda Item: 8C
To: Design Review Board
From: Jonathan Atkinson, Assistant Planner
Subject: Sign Review: Whole Body-Whole Foods Market
Recommendation: Denial
Applicant/Owner: Whole Foods Market - Ad Art/Fox Partners, LP
File Number: 2016-37
Address: 6910 McKinley Street
CEQA Status: Categorical Exemption: Section 15311: Class 11
General Plan: Downtown Core
Zoning: CD: Downtown Core

Introduction:

This is a Sign Review application, requesting approval to legalize a sign that was installed without a Sign Permit for Whole Body and Whole Foods Market at 6910 McKinley Street. Staff noticed that a large wall sign was painted on the west elevation of Whole Foods, and subsequently issued a letter on May 12, 2016. The letter informed store representatives that they were in violation of the Sign Ordinance, and gave them ten (10) days to either remove the sign or submit a Sign Review application for legalization. Whole Foods Market retained Ad Art and subsequently submitted an application for Board consideration. The application was initially scheduled for Board review on June 15, 2016 but was rescheduled at the applicants' request.

Project Description:

The project involves the following sign: One non-illuminated wall sign that measures 25 feet and 1¾ inch (width) by 17 feet (height), which has an approximate sign area of 427 square feet, and reads the following: "Whole Body: Body & Face Care, Vitamins, Gifts + More." The sign also reads: "Whole Foods Market."

Environmental Review:

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to the following:

Section 15311: Signage: Class 11 exempts the installation of onsite signs.

The project is consistent with this categorical exemption in that it involves the installation of one sign.

General Plan Consistency:

The General Plan Land Use Designation for the site is Downtown Core. The project does not have any land use implications because it only involves the legalization of a sign for existing businesses.

The project is subject to the following General Plan goal and policy:

Land Use Element

- *Goal 8: Create opportunities for economic development and redevelopment.*
- *Policy 28: Rehabilitate Existing Commercial Buildings: Rehabilitate existing commercial buildings and retrofit them to meet current market needs and code requirements.*

The project could be seen as consistent with this General Plan goal and policy in that the sign contributes to greater improvement efforts to an existing commercial building in Downtown Sebastopol.

Zoning Ordinance Consistency:

The application is subject to the following provisions of the Zoning Ordinance:

Section 17.230.040.A: Prohibited Signs

(11) Off-premise signs, except off-premise real estate signs as permitted by §17.230.030.A.10, and off-premise community directional signs as permitted by §17.230.030.A.13.

While Whole Body and Whole Foods Market are affiliated, both are separate establishments and located on separate parcels in Sebastopol: 6960 McKinley Street and 6910 McKinley Street. The sign is primarily for Whole Body and is an offsite sign in that it is located on the west elevation of 6910 McKinley Street. A Sign Exception is required.

Section 17.230.050.A: General Sign Standards and Regulations

(3) The width of a building frontage on a public street or right-of-way, excluding alleys or service ways, shall be used to calculate the allowable sign area.

The maximum sign area permitted for 6910 McKinley Street is 175 square feet, given that the building has a total frontage of 207 feet and 2 inches. This includes the south and east elevations of the building.

The two existing signs have a total sign area of 77 square feet: 42 and 35 square feet each. The third sign has a sign area of 427 square feet, which substantially exceeds the maximum allowance. A Sign Exception is required.

Section 17.230.060 C: Signs Permitted in Commercial and Office Districts

(2) A maximum of 2 window, awning, wall, or fascia business identification signs are permitted for each ground floor use or tenant. One of those 2 signs may be a projecting sign, providing that the sign does not exceed 6 square feet in area or 18" in height, and has a minimum clearance of 7 1/2 ' above the sidewalk.

Whole Foods Market currently has two approved signs. Approval of this application will result in a total of three signs, which exceeds the number of permitted signs. A Sign Exception is required.

Section 17.230.070.C: Murals and Graphics

(1) Wherein all, or any part of any mural or graphic may be considered signing, by reason of the depiction of specific words, symbols, merchandise or services, such mural or graphic, or part thereof shall be subject to the regulations described in this Ordinance.

The sign contains graphics but cannot be considered a mural based on its contents.

Public Comment:

The Planning Department received one comment from a member of the public prior to the Sign Review application submittal: A Downtown Sebastopol merchant commented that the sign is inappropriate for the site, due to its size and branding impact on the area.

City Departmental Comment:

The Planning Department has not received any City departmental comments as of writing the staff report.

Required Findings:

Design Review: Section 17.310.030.B.2 of the Zoning Ordinance establishes the following Design Review Procedure: In considering an application for design review, the Design Review Board, or the Planning Director, as the case may be, shall determine whether:

- a) The design of the proposal would be compatible with the neighborhood or and with the general visual character of Sebastopol.
- b) The design provides appropriate transitions and relationships to adjacent properties and the public right of way.
- c) It would not impair the desirability of investment or occupation in the neighborhood.
- d) The design is internally consistent and harmonious.
- e) The design is in conformity with any guidelines and standards adopted pursuant to this Chapter.

Sign Exception: Section 17.230.020.B.2 of the Zoning Ordinance states that the Design Review Board may grant a Sign Exception based on the following criteria:

- a) The exception will allow a unique sign of exceptional design or style that will enhance the area or building, or that will be a visible landmark; or
- b) The exception will allow a sign that is more consistent with the architecture and development of the site; or site context; or is appropriate given the nature of the business; or
- c) The granting of the exception will not constitute the granting of a special privilege inconsistent with the sign limitations upon other properties in the same vicinity and Zone District.

Analysis:

The project involves the legalization of a large wall sign, which was installed for Whole Body and Whole Foods Market, without a Sign Permit. The City commends Whole Foods Market for submitting an application in an effort to legalize the sign, obtain a Sign Permit, and beautify a blank elevation. However, the sign is inconsistent with multiple provisions of the Sign Ordinance in that it has an offsite location, substantially exceeds the maximum allowed sign area of 175 square feet, and exceeds the maximum number of permitted signs.

The Board could approve the sign with a Sign Variance but this may not be merited in that Whole Body occupies a small tenant space within a multitenant building in Downtown Sebastopol, and the sign is out of proportion with the adjacent business frontage. Furthermore, Whole Body is just one tenant in a multitenant building, and other tenants do not have permission or the opportunity to install large offsite commercial signs. Approval of this sign could be seen as a special privilege and/or a precedent for other businesses with small tenant spaces or obscure locations to install large commercial signage. The Board has approved large signs in the past but primarily for large businesses, such as The Feed Store, or development areas, such as The Barlow.

Recommendation:

Staff recommends that the Board deny the application based on the facts, findings, and analysis set forth in this staff report, if there is a consensus that the sign is incompatible with the site.

Alternatively, the Board may find that the sign is appropriate for the site and wish to approve the application. Staff recommends that the Board state its rationale for preparation of findings for approval, if the Board approves the application.

SIGN PERMIT: 2016-37
Whole Body and Whole Foods
Legalization of an Offsite Wall Sign without Illumination
6910 McKinley Street

Findings for Denial:

1. That the sign is inconsistent with the applicable Sign Regulations of the Zoning Ordinance in that it involves the legalization of a wall sign, which has an offsite location, substantially exceeds the maximum allowed sign area of 175 square feet, and exceeds the maximum number of permitted signs.
2. That the sign is inconsistent with the site context and development in that Whole Body occupies a small tenant space within a multitenant building in Downtown Sebastopol, and the sign is out of proportion with the adjacent business frontage.
3. That the sign will constitute the granting of a special privilege inconsistent with the sign limitations upon other properties within vicinity in that Whole Body is just one tenant in a multitenant building, and other tenants do not have permission or the opportunity to install large offsite commercial signs.

Attachments:

- Master Planning Application Form
- Sign Review Submittal



City of Sebastopol

Planning Department
7120 Bodega Avenue
Sebastopol, CA 95472
(707) 823-6167 (Phone) or (707) 823-1135 (Fax)
www.ci.sebastopol.ca.us

MASTER PLANNING APPLICATION FORM

PROJECT INFORMATION:

FOR CITY USE ONLY

ADDRESS: <u>6910 McTunley St.</u>	PLANNING FILE #: <u>2016 / 37</u>
PARCEL #:	DATE FILED: <u>05/23/16</u>
PARCEL AREA: <u>City of Sebastopol</u>	TOTAL FEES PAID: <u>\$ 115 --</u>
	RECEIVED BY: <u>JA</u>
	DATE APPLICATION DEEMED COMPLETE: <u>05/23/16</u>

APPLICANT OR AGENT:

Name: Whole Foods Market Co Advt

Email Address: David@advt.com

Mailing Address: 150 Executive Park Blvd., Ste. 2100

City/State/Zip: S.F., CA. 94134

Phone: 559-225-2181

Fax: 559-367-0381

Business License #: _____

Signature: [Signature]

Date: 5/17/16

OWNER OF PROPERTY

IF OTHER THAN APPLICANT:

Name: FOX PARTNERS, LP

Email Address: MOBILE.era@gmail.com

Mailing Address: 711 Angelus PL

City/State/Zip: Venice CA 90291

Phone: (415) 448-6017

Fax: (415) 532-2748

Business License #: N/A

Signature: [Signature]

I certify that this application is being made with my consent.

Date: MAY 19, 2016

OTHER PERSONS TO BE NOTIFIED: (Include Agents, Architects, Engineers, etc.).

Name: Steve Shores

Email Address: Steve.Shores@Whole-Foods.com

Mailing Address: 5980 Horton St., Ste. 200

City/State/Zip: Emeryville, CA. 94608

Phone: 510-679-9008

Fax: 510-428-7498

Name: _____

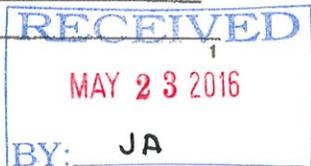
Email Address: _____

Mailing Address: _____

City/State/Zip: _____

Phone: _____

Fax: _____



PROJECT DESCRIPTION:

DESCRIBE IN DETAIL, the proposed project and permit request. (Attach additional pages, if needed):

Add non-illuminated wall decor per
graphics provided

This application includes the checklist for the type of application requested: Yes No

Please indicate the type(s) of application that is being requested (example: Use Permit, Design Review, Variance, Planned Community Rezone, etc.):

Design Review

Please describe existing uses (businesses, residences, etc.) and other structures on the property:

Retail, Bank, Pizza Restaurant, Grocery Store

DEVELOPMENT DATA:

SQUARE FEET BUILDING EXISTING:		<input checked="" type="checkbox"/> N/A
SQUARE FEET BUILDING DEMOLISHED:		<input checked="" type="checkbox"/> N/A
SQUARE FEET BUILDING NEW:		<input checked="" type="checkbox"/> N/A
NET CHANGE IN BUILDING SQUARE FEET:		<input checked="" type="checkbox"/> N/A
NUMBER OF DWELLING UNITS EXISTING:	<input type="checkbox"/> 0 Bedrooms	<input checked="" type="checkbox"/> 1 Bedrooms
	<input type="checkbox"/> 2 Bedrooms	<input checked="" type="checkbox"/> 3 Bedrooms
	<input type="checkbox"/> 4+ Bedrooms	<input checked="" type="checkbox"/> N/A
NUMBER OF DWELLING UNITS PROPOSED:	<input type="checkbox"/> 0 Bedrooms	<input type="checkbox"/> 1 Bedrooms
	<input type="checkbox"/> 2 Bedrooms	<input type="checkbox"/> 3 Bedrooms
	<input type="checkbox"/> 4+ Bedrooms	<input checked="" type="checkbox"/> N/A
NET CHANGE IN DWELLING UNITS:		<input checked="" type="checkbox"/> N/A
SETBACKS:	Existing:	Proposed:
	<input type="checkbox"/> Front Yard _____	<input type="checkbox"/> Front Yard _____
	<input type="checkbox"/> Side Yard _____	<input type="checkbox"/> Side Yard _____
	<input type="checkbox"/> Rear Yard _____	<input type="checkbox"/> Rear Yard _____
	<input type="checkbox"/> N/A	<input type="checkbox"/> N/A

EXISTING LOT DIMENSIONS:	Front: _____ Left: _____	Rear: _____ Right: _____	<input checked="" type="checkbox"/> N/A
PROPOSED LOT DIMENSIONS:	Front: _____ Left: _____	Rear: _____ Right: _____	<input checked="" type="checkbox"/> N/A
EXISTING LOT AREA:	_____ Square Feet		<input checked="" type="checkbox"/> N/A
PROPOSED LOT AREA:	_____ Square Feet		<input checked="" type="checkbox"/> N/A
BUILDING HEIGHT:	Existing: _____	Proposed: _____	<input checked="" type="checkbox"/> N/A
NUMBER OF STORIES:	Existing: _____	Proposed: _____	<input checked="" type="checkbox"/> N/A
PARKING SPACE (s):	Existing: _____	Proposed: _____	<input checked="" type="checkbox"/> N/A
ZONING	Existing: _____	Proposed: _____	<input checked="" type="checkbox"/> N/A

Will the project involve a new curb cut or driveway? Yes No

Are there existing easements on the property? Yes No

Will Trees be removed? Yes No

If yes, please describe (Example: Type, Size, Location on property, etc.)

Will Existing Landscaping be revised? Yes No

If yes, what is square footage of new or revised landscaping?

Will Signs be Changed or Added? *Added* Yes No

Business: Hours of Operation? Open: _____ Close: _____

Is alcohol service proposed? Yes No

If yes, what type of State alcohol license is proposed? _____

If yes, have you applied to the State Alcoholic Beverage Control for a license? Yes No

If this is a restaurant, café or other food service, bar, or nightclub, please indicate total number of seats: _____

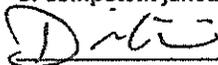
Is any live entertainment proposed? Yes No

If yes, please describe: _____

INDEMNIFICATION AGREEMENT

As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.



Applicant's Signature

5/17/16

Date Signed

2016 - 37

Planning File Number

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

NOTICE OF MAILING

Email addresses or facsimiles will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.

Please sign and acknowledge you have been notified of the Notice of Mailing for applications and have provided an email address or fax number.



Signature

David Esajian

Printed Name

NOTE: It is the responsibility of the applicant and their representative to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however the applicant has responsibility for determining and following applicable regulations.

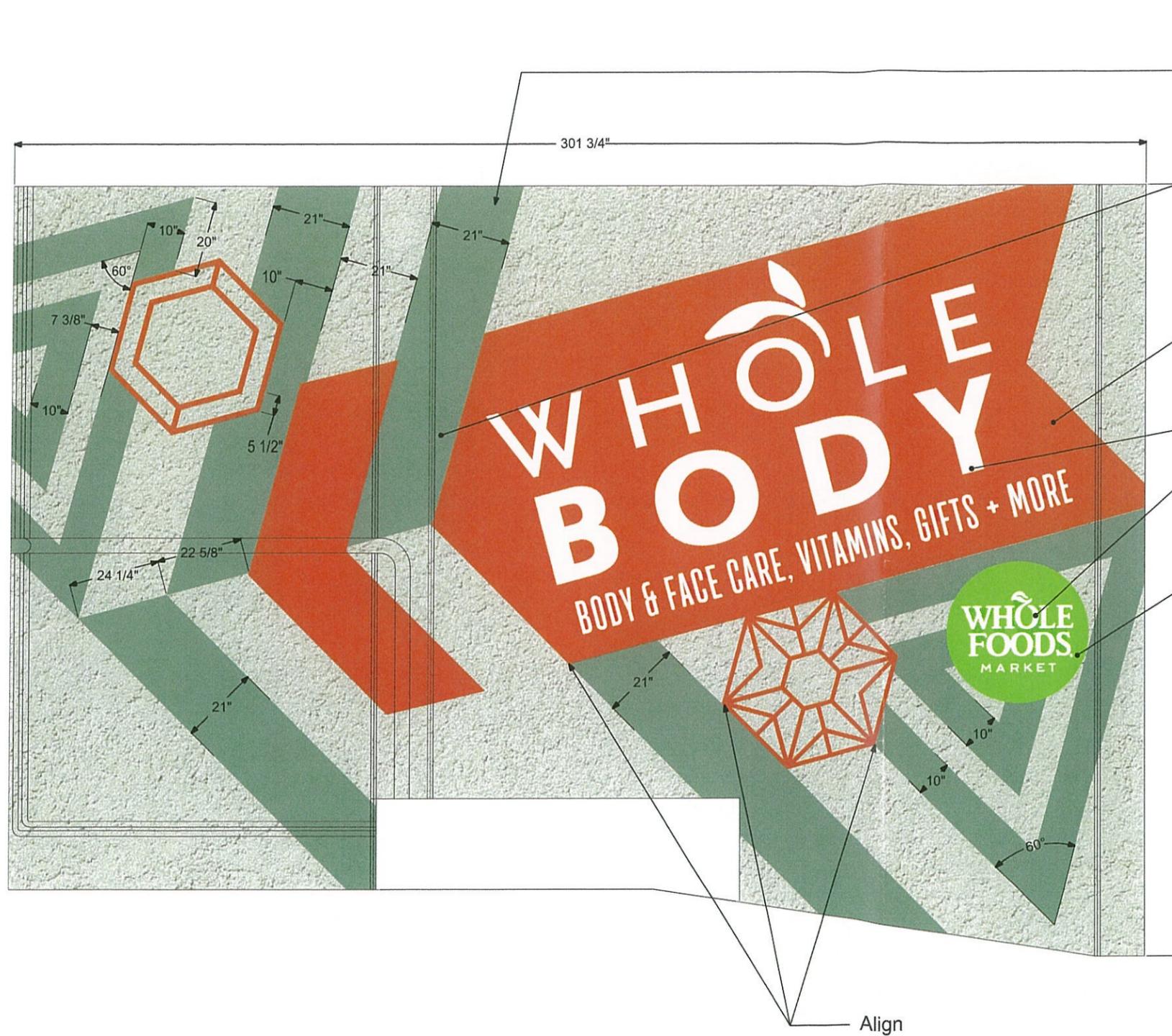


Photo Rendering - Scale: NTS

RECEIVED
MAY 23 2016
BY: JA

PROJECT:	REVISION	DATE	DESCRIPTION	APPROVALS
CUSTOMER: Whole Foods Market				SALES:
LOCATION: 6910 McKinley St. - Sebastopol, CA 95472				CUSTOMER:
DATE: 5/17/2016				LANDLORD:
SALES: David Esajian				
DESIGNER: James Franks				

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Paint overview
 Attach stencils first
 Tape off stripes and paint as indicated

- Dunn Edwards DE5719
"Ecological"
Flat Sheen
Exterior Paint
- Dunn Edwards DET449
"Citrus Notes"
Flat Sheen
Exterior Paint
- Dunn Edwards DEW380
"White"
Flat Sheen
Exterior Paint
- Dunn Edwards DE5559
"Chive"
Flat Sheen
Exterior Paint

DRAWING #	EXT 1.1a
FILE NAME:	EX_Stencil
JOB ID:	WFNC SEB00 16 MC3
DATE CREATED:	03/30/16
DATE ISSUED:	/ /
REVISIONS:	/ / by
	/ / by
	/ / by
DATE DUE:	/ /

**DL ENGLISH
 DESIGN STUDIO**
 WWW.DLENGLISHDESIGN.COM

167 WAVERLY DRIVE
 PASADENA CA 91105

[T] 626 795 2120
 [F] 626 795 2130

(SEB) Sebastopol, CA	DETAIL: WHOLE BODY EXTERIOR - Outside arrow stencil	DRAWN BY: RM	SCALE: 3/8" = 1' - 0"
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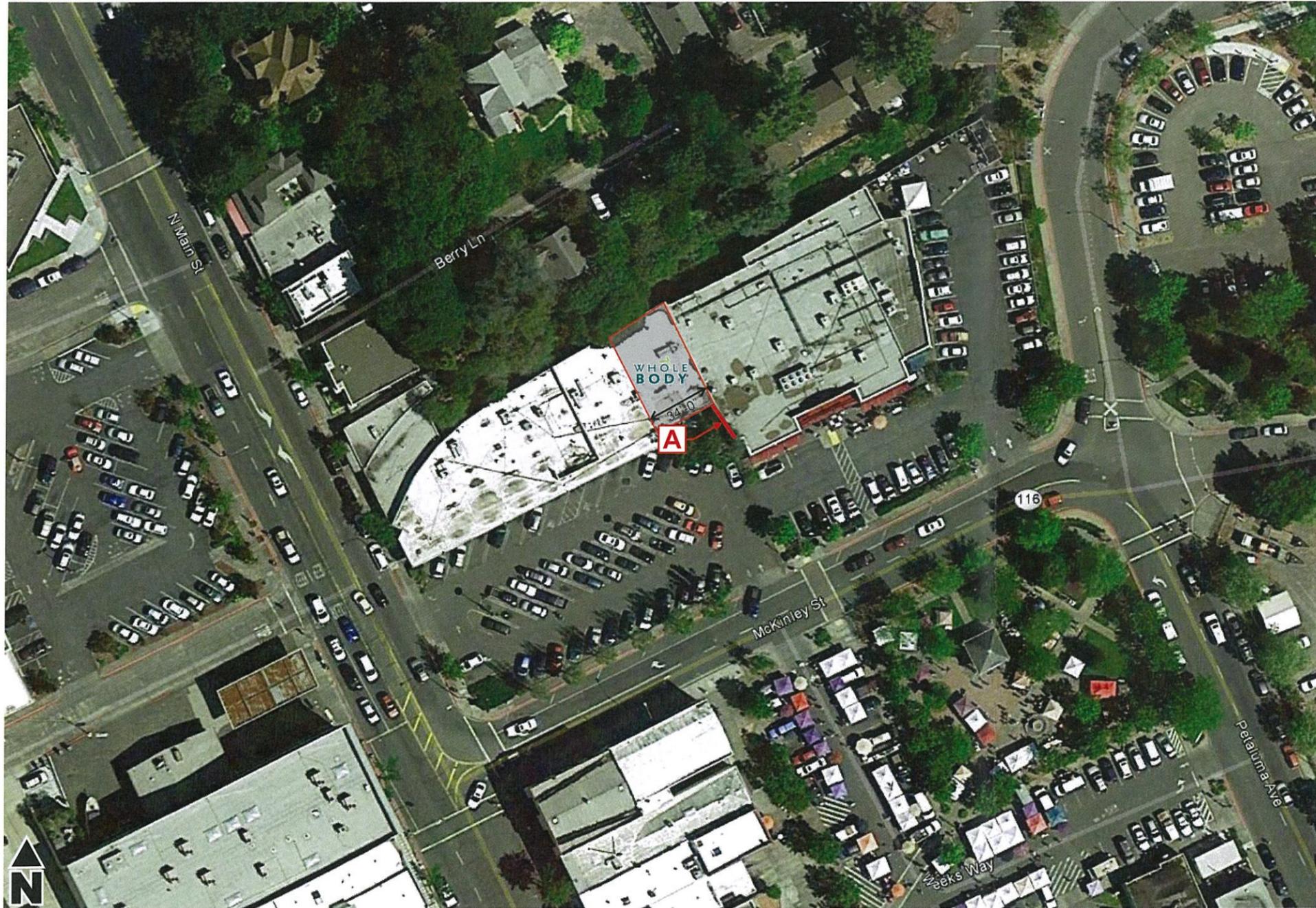
2670 W. SHAW LANE/SUITE 102
 FRESNO, CA 93711
 T 559.225.2183
 T 559.225.2186
 CA STATE CONTRACTORS LICENSE #826051 www.adart.com

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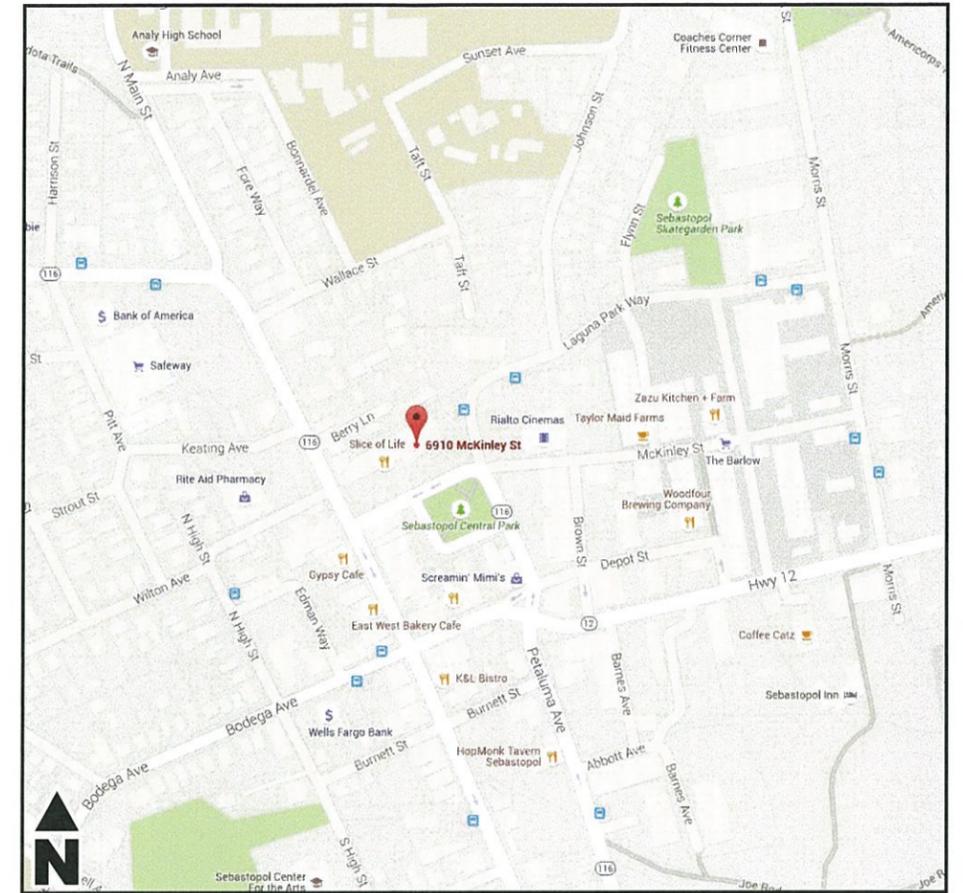
APPROVALS
SALES: _____
CUSTOMER: _____
LANDLORD: _____

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Site Plan - Scale: NTS



Vicinity Map - Scale: NTS

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CUSTOMER: Whole Foods Market
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DATE: 5/17/2016
SALES: David Esajian
DESIGNER: James Franks

REVISION	DATE	DESCRIPTION

APPROVALS
SALES:
CUSTOMER:
LANDLORD:

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