

PLANNING COMMISSION MINUTES OF MARCH 9, 2009

2008-1022 – Bubbles Car Wash [Applicant] **Behzad and Louise Askarinam** [Owner]: Appeal of a Miscellaneous Plan Permit denying canopy and ground signs for Bubbles Car Wash. The property is located at **696 West El Camino Real** (APN: 201-22-002) DO

Andrew Miner, Principal Planner, presented the staff report with staff recommending the Commission deny the appeal and uphold the decision of the Director of Community Development to deny the Miscellaneous Plan Permit.

Comm. Sulser discussed with staff the sign ordinance, the information items allowed on signs, and that there are too many items on the current ground sign. **Comm. Sulser** discussed with staff the current canopy signs facing El Camino Real and Hollenbeck. Staff said that the applicant needs to reduce the number of signs on the site to two and decrease the information items on the signs.

Comm. Hungerford discussed with staff the language on the signs and what is included in the design review of the signs. **Trudi Ryan**, Planning Officer, explained what types of information items would be considered essential business identification.

Vice Chair Chang discussed with staff the approved Use Permit, and that the Sign Permit has not been issued and is what the Commission is considering this evening.

Comm. Klein discussed with staff what information would need to be removed from the canopy signage and that the applicant would need to choose which two signs they want to keep. Staff clarified the signage regulations for corner lots.

Comm. McKenna discussed with staff how the applicant and staff have been working together to bring the current signs into conformance and that staff has had numerous meetings and conversations with the applicant since August 2008.

Chair Rowe discussed with staff the signage installed without permits and the kind of communications that occurred advising the applicant of the signage requirements.

Chair Rowe opened the public hearing.

David Edri, appellant/applicant, said he has been working with staff to comply with the signage permits adding that he thought the site could have the three

signs since they are a corner and that they were only building on the previous business' signage. He said there was a misunderstanding regarding the painting on the canopy and information can be removed from the canopy. He discussed how the signage could change if another business were added on the site.

Comm. Sulser discussed with the applicant the existing ground sign and the kind of information on the ground sign.

Comm. Travis discussed with the applicant changes that could be made to the canopy sign with staff explaining that the canopy is two signs, one facing El Camino Real, and one facing Hollenbeck. The applicant said he hopes he does not have to spend a lot of money to correct the signs as there is only 11 months left on the lease.

Comm. McKenna discussed with the applicant that staff says the lot can only have two signs and there are currently three. Mr. Miner said there cannot be two full wall signs and a ground sign and that the signage has to conform to today's standards. Ms. Ryan further clarified that a property that has frontage on two intersecting streets can have one wall sign and one ground sign or two wall signs, further a secondary wall sign is allowed and limited to 12 square feet. Ms. Ryan noted that the signs were installed before the permits were issued. Comm. McKenna confirmed with staff that the applicant could have a 12 square foot sign on the Hollenbeck side.

Steven Askari, property owner, said that this business changed a vacant lot with vandalism into a better use. He encouraged the Commission to allow leniency regarding the signage as this business will only be on this site for about a year as he has plans to redevelop the site.

Comm. McKenna discussed with Mr. Askari the vandalism that was occurring on the site.

Arthur Schwartz, a Sunnyvale resident, said with the current economy and short time remaining on the lease that he thinks the appellant should be allowed to retain the signs with minor changes to the canopy signage.

Mr. Edri said he would like to be able to keep the signs and just remove the price information on the sign.

Chair Rowe closed the public hearing.

Ms. Ryan clarified the decision that the Commission has available includes reviewing the design of the signs, and/or allowing more items of information on

the signs. She said the number and size of signs are set by code and there is no discretion on those items.

Comm. Sulser discussed with staff the problems with the signs including color, size of the type face, and number of items of information. Staff discussed the goals for signage along El Camino Real and that other applicants have had to comply with the code. Mr. Miner said when he met with the appellant in August of 2008 that the appellant was told not to put the sign up as it did not meet the criteria and the sign was installed.

Comm. Klein discussed with staff the color, size of lettering, the removal of excess information on the signs, and signage if other uses were offered on the site.

Chair Rowe discussed staff the alternatives listed in the report.

Comm. Klein moved Alternative 1 to deny the appeal and uphold the decision of the Director of Community Development to deny the Miscellaneous Plan Permit. Comm. Hungerford seconded the motion.

Comm. Klein said with staff and the applicant working together that a solution would be resolved outside of this meeting. He said no matter how short-term the business would be that the applicant needs to meet code. He commented on the possibility of modifying the current signs to meet code and design considerations.

Comm. Hungerford said the comment about the economy, and the need to keep the property productive, are good arguments, however the current signage provides the applicant a competitive advantage over other carwashes that are complying with the sign ordinance. He said allowing exception gives unfair advantage and the Commission has taken firm stands on signs before and needs to be consistent.

Chair Rowe said she agrees that equitable enforcement is very important.

ACTION: Comm. Klein made a motion on 2008-1022 to deny the appeal and uphold the decision of the Director of Community Development to deny the Miscellaneous Plan Permit. Comm. Hungerford seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This action is final.