



Planning Commission Staff Report

July 14, 2010
Item 6.a.

SUBJECT: PAP-145 (Appeal of PSDR-453)

APPELLANT: Lynn Ann Sorensen

APPLICANT: Lemoine Ranch Estates

PURPOSE: Appeal of the Zoning Administrator's approval for sign design review to install a new subdivision identification monument sign for Lemoine Ranch Estates.

GENERAL PLAN: Low Density Residential

ZONING: PUD-RDR/LDR (Planned Unit Development – Rural Density Residential/Low Density Residential), West Foothill Road Corridor Overlay District

LOCATION: 4456 Foothill Road

ATTACHMENTS:

- Exhibit A: Conditions of Approval
- Exhibit B: Elevations, Site Plan, and Lighting Detail dated "Received May 14, 2010"
- Exhibit C: Staff Approval Letter dated "June 15, 2010"
- Exhibit D: Letter of Appeal dated "Received June 23, 2010"
- Exhibit E: Lemoine Ranch PUD Conditions of Approval
- Exhibit F: Planning Commission Staff Report, Meeting Minutes, and City Council Staff Report regarding PSDR-76
- Exhibit G: Deed Restriction
- Exhibit H: Location Map
- Exhibit I: Noticing Map

BACKGROUND

Lemoine Ranch Estates Homeowner Association, referred to hereafter as Lemoine Ranch, applied for a Sign Design Review application to remove the existing subdivision sign along Foothill Road and install a new monument sign located on the south side of Oak Creek Drive and west of Foothill Road, closer to the entrance of the subdivision.

Staff supported the request because the design and location of the sign were similar to other subdivision signs located along Foothill Road and met the applicable requirements of the West Foothill Road Core Overlay District regulations, Planned Unit Development (PUD) development plan, and subdivision approval for Lemoine Ranch. Staff approved the application on June 16, 2010, and copied Lynn Ann Sorensen, a neighboring resident of the subdivision, on the approval letter (Exhibit C). Staff notes that Ms. Sorensen was copied on the letter because she has had active involvement with previous applications that pertain to Lemoine Ranch. Upon receiving the approval letter, Ms. Sorensen contacted staff and stated her opposition to the approval of the sign because she was granted a deed restriction that prohibited the placement of monument signs at the entrance of Lemoine Ranch. Ms. Sorensen filed an appeal (Exhibit D) of the Zoning Administrator's approval and, therefore, the application is before the Planning Commission for review and action.

Lemoine Ranch PUD

Lemoine Ranch was approved under Ordinance No. 1790 by the City Council on September 20, 1999 (Exhibit E). There is no specific language in the PUD development plan or in the tentative subdivision map which regulates the design and location of permanent subdivision signs for the approved development. The PUD does require City design review approval of any proposed signs, including subdivision identification, per condition of approval No. 37 of Ordinance 1790 which reads:

“If signing for the development is desired, a comprehensive signing program shall be submitted to the Planning Director for consideration under separate application.”

Sign Applications

On April 16, 2001, Mardel LLC, then property owner of Lemoine Ranch, applied for a Sign Design Review application (PSDR-76) for two monument signs proposed at the north and south side of Oak Creek Drive for its development. Although the Pleasanton Municipal Code (PMC) does not require public notification for sign applications (18.20.040 (B)(1)), Planning sent out notification cards to seven properties, one of which was Ms. Sorensen. Ms. Sorensen was in opposition to the location of the signs, the name “Lemoine Ranch Estates,” and stated that she had a private agreement with Mardel LLC and the Lemoines that the front entrance area remain as natural as possible and, thus, requested a public hearing.

After reviewing the proposed signs, private agreement, and listening to all public testimony, the Zoning Administrator approved the Sign Design Review application on May 24, 2001. Ms. Sorensen appealed the Zoning Administrator's approval to the Planning Commission. At its meeting on June 27, 2001, the Planning Commission considered the proposed signs and listened to public testimony regarding the location, name of the signs, and the private agreement. The Planning Commission agreed with the Zoning Administrator's approval, thereby denying Ms. Sorensen's appeal. Ms. Sorensen appealed the Planning Commission's approval to the City Council. At their

August 7, 2001, meeting, at the request of Ms. Sorensen's attorney, the City Council continued the appeal to a future date. On September 10, 2001, the applicant (Mardel LLC) withdrew their Sign Design Review request.

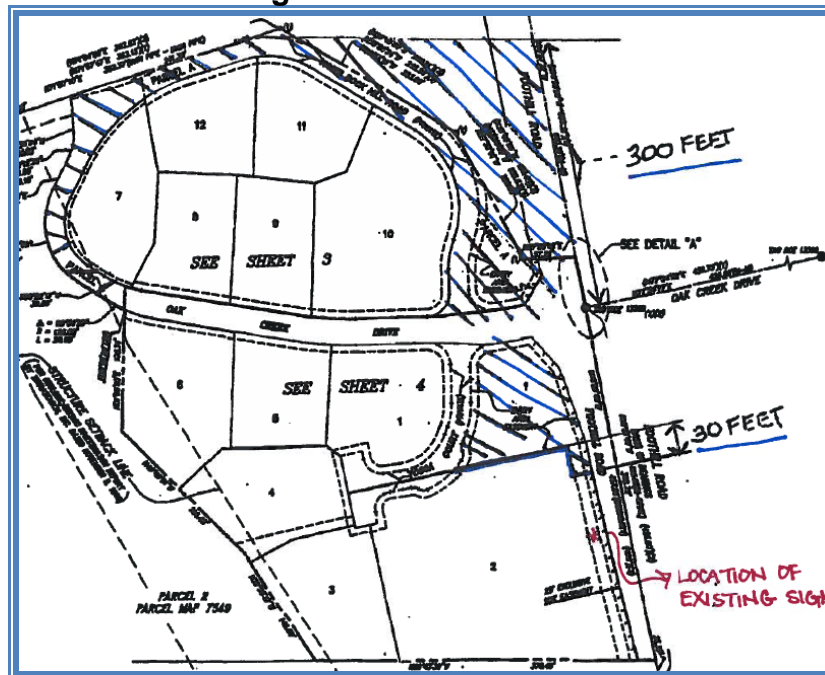
Please refer to Exhibit F for the Planning Commission and City Council staff reports and Planning Commission meeting minutes pertaining to PSDR-76.

In 2004, a new Sign Design Review application (PSDR-210) was applied for and approved by Planning staff on November 2, 2004. There is no record of notification cards being sent or Ms. Sorensen being notified via letter of the approval. No appeals were filed and the sign was installed, which is the sign currently located on Foothill Road approximately 220-feet south of the entrance to the development.

Monument Sign Deed Restriction

On November 25, 2003, Ms. Sorensen was granted a deed restriction by Mardel LLC, the developer of Lemoine Ranch, for Lot 1 (4476 Tosca Court), 30-feet of Lot 2 (4471 Tosca Court), and Parcel A of Lemoine Ranch which prohibits the placement of monument signs at the entrance of the subdivision. The deed restriction is attached as Exhibit G. Staff notes that the City is not a party to this agreement and, therefore, was not aware of the restriction when the approval was granted to install a monument sign in the restricted area (PSDR-453). The restricted area is shown in Figure 1 below for reference.

Figure 1: Restricted Area



Staff provided Lemoine Ranch a copy of the deed restriction, of which they were not previously aware, and recommended one of the following options:

- Option 1:* Amend the application and relocate the proposed sign outside of the restricted area.

- Option 2:* Withdraw the application (PSDR-453) and keep the existing sign that is located outside of the restricted area, or

- Option 3:* Allow the appeal to move forward knowing that there is a deed restriction that prohibits the placement of signs at the entrance.

Lemoine Ranch opted to allow the appeal to move forward.

PROJECT DESCRIPTION

Lemoine Ranch proposes to remove the existing monument sign along Foothill Road and install a new monument sign located at the entrance to the subdivision (Please refer to the location map, Exhibit H). The original address for Lemoine Ranch when it was being development was 4456 Foothill Road. Staff notes that the sign is proposed at 4476 Tosca Court, Lot 1 of Lemoine Ranch, and not 4456 Foothill Road. The highest point of the sign is five feet tall and would have stone cladding with aluminum letters mounted on a bronze painted panel. The sign would be illuminated at night with three spot lights as shown in Exhibit B.

The sign is proposed under the canopy of an English Walnut tree that was required to be preserved per the PUD. The tree is in declining health and excavation for the footings of the sign would likely damage roots, which will accelerate the decline and hasten the tree’s death. Accordingly, staff referred the proposal to the City’s Landscape Architect, Mike Fulford, for his review prior to taking action on the application. Upon visiting the site and assessing the tree’s condition, he was agreeable to allowing the sign with the understanding that the tree is already in poor health and probably would not live more than two to three years. Mr. Fulford recommended that Planning allow the removal of the tree and have two 24” box Western Redbud’s be planted for replacement trees as a condition of approval to PSDR-453. Staff notes that the property owner has already removed the tree.

ANALYSIS

Staff believes that all aspects of the proposed sign design are appropriate for the subdivision. The sign’s stone background would have a semi-rural appearance with the size and overall appearance of the sign being similar to other subdivision signs on Foothill Road. Staff evaluated the design proposal on the basis of its design merit and conformance with the applicable requirements of the approved PUD development plan and subdivision map and on this basis the Zoning Administrator approved the Sign Design Review application.

The PMC is not intended to interfere with or override any deed restriction, covenant, or other private agreement except in cases where the City’s Code imposes a greater restriction on use of the land than does the deed restriction or other private agreement.

The City may apply the Code notwithstanding the fact that the code may contradict a covenant, deed restriction or private agreement.

The placement of the Lemoine Ranch sign in the proposed location is permissible under the PMC. Staff, therefore, supports the application for this reason. However, staff notes that although there is a specific private deed restriction that prohibits placement of signs at the entrance of the subdivision, a City approval of the sign will not control over the private deed restriction. Thus, an approval of the sign application does not mean that the sign will ultimately be placed at the proposed location.

Public Notice

Public notices of this appeal were published in the newspaper and mailings were sent to properties within a 1,000-foot radius of the site (Exhibit I). At the time this staff report was written, staff had not received any additional public comments in regard to the application.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15311, Accessory Structures, Class 11 (a) which allows construction, or placement of on-premise signs. Therefore, no environmental document accompanies this report.

CONCLUSION

In staff's opinion, the sign is attractive and would be similar to others located on the western side of Foothill Road and would blend in with Foothill Road's semi-rural appearance. Nevertheless, if staff were aware of the deed restriction that limited where signs can be located, staff would not have supported the sign in its proposed location.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal (PAP-145), thereby upholding the Zoning Administrator's approval of the monument sign (PSDR-453) subject to the conditions of approval in Exhibit A.

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