



CITY OF BUELLTON

PLANNING COMMISSION AGENDA

Regular Meeting of August 16, 2012 – 6:00 p.m.
City Council Chambers
140 West Highway 246, Buellton, California

Materials related to an item on this agenda, as well as materials submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the office of the Planning Department located at 331 Park Street, during normal business hours.

CALL TO ORDER

Chair Fussel

PLEDGE OF ALLEGIANCE

Commissioner Witcher

ROLL CALL

Commissioners Craig Adams, Foster Reif, Gerald Witcher, Vice Chair Art Mercado and Chair Jason Fussel

REORDERING OF AGENDA

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of July 19, 2012

PUBLIC COMMENTS

Members of the audience wishing to address the Planning Commission on matters not on the agenda may do so at this time. No action will be taken on these items at this meeting. Please state your name and address for the record. Comments should normally be limited to three minutes.

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

- 2. Resolution No. 12-03 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Sign Ordinance Exemption (12-EXP-02) for a Pole Sign at Jack in the Box which is on a 0.58 Acre Site Located at 250 East Highway 246 (APN 137-200-084), and Making Findings in Support Thereof**

- ❖ This item pertains to an application for a Sign Ordinance Exemption. The request is for a 67.8 square foot, 30 foot high pole sign. *(Staff Contact: Angela Perez)*

OTHER BUSINESS

None

WRITTEN COMMUNICATIONS

PLANNING COMMISSIONER COMMENTS

PLANNING DIRECTOR REPORT

ADJOURNMENT

To the next regularly scheduled Planning Commission meeting of Thursday, September 6, 2012, at 6:00 p.m. in the Council Chambers located at 140 West Highway 246.

* Please note that the date of any Planning Commission decision starts an appeal period. During the appeal period either the applicant or any aggrieved party may appeal the application of a perceived onerous or unreasonable condition or the decision itself to the City Council as governed by the applicable section of the Buellton Municipal Code.

CITY OF BUELLTON

PLANNING COMMISSION MEETING MINUTES

Regular Meeting of July 5, 2012 – 6:00 p.m.
City Council Chambers, 140 West Highway 246
Buellton, California

CALL TO ORDER

Vice Chair Mercado called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Commissioner Reif led the Pledge of Allegiance

ROLL CALL

Present: Commissioners Craig Adams, Foster Reif, Gerald Witcher and
Vice Chair Art Mercado

Absent: Chair Jason Fussel

Staff: Planning Director Marc Bierdzinski
Public Works Director Rose Hess
Staff Assistant/Planning Technician Clare Barcelona

REORDERING OF AGENDA

None

APPROVAL OF MINUTES

1. Minutes of the regular Planning Commission meeting of July 5, 2012

MOTION:

Commissioner Reif moved and Commissioner Adams seconded the motion to approve the Minutes of July 5, 2012.

VOTE:

Motion passed by a 4-0 voice vote.

PUBLIC COMMENTS

None

CONSENT CALENDAR

None

CONTINUED PUBLIC HEARINGS

None

NEW PUBLIC HEARINGS

None

OTHER BUSINESS

2. Subdivision Map Act Training

Planning Director Bierdzinski gave a brief PowerPoint presentation to the Commission highlighting the different subdivision types including Lot Line Adjustments, Tentative Parcel Maps and Tentative Tract Maps. He also explained the approval process, time extensions and the recordation of the final map.

WRITTEN COMMUNICATIONS

None

PLANNING COMMISSIONER COMMENTS

None

PLANNING DIRECTOR REPORT

Mr. Bierdzinski updated the Commission on upcoming events and recent City Council actions including the next step in the Visioning Process which will be discussed at the City Council meeting on August 9th.

ADJOURNMENT

Vice Chair Mercado adjourned the meeting at 6:21 p.m. to the next regular scheduled meeting of the Planning Commission to be held August 2, 2012 at the City Council Chambers, 140 West Highway 246, Buellton, CA.

Art Mercado, Planning Commission Vice Chair

ATTEST:

Clare Barcelona, Planning Commission Secretary

An audio CD of this Planning Commission Meeting is available upon request

CITY OF BUELLTON
Planning Commission Agenda Staff Report

Planning Director Review: MPB
Planning Commission Agenda Item No.: 2

To: The Honorable Chair and Commission Members

From: Angela Perez, Assistant Planner

Date: August 16, 2012

Subject: Resolution No. 12-03 – “A Resolution of the Planning Commission of the City of Buellton, California, Approving a Sign Ordinance Exemption (12-EXP-02) for a Pole Sign at Jack-in-the-Box which is on a 0.58 Acre Site Located at 250 East Highway 246 (APN 137-200-084), and Making Findings in Support Thereof”

BACKGROUND/DISCUSSION

On June 5, 2008 the Planning Commission approved a Conditional Use Permit (07-CUP-02) for the development of Jack-in-the-Box, a 2,454 square foot fast food restaurant with a drive through lane, located at 250 East Highway 246 (APN 137-200-084) (see Attachment No. 1 – Vicinity Map). Jack-in-the-Box opened in September 2009. The existing monument sign is 14 feet high and includes a 37 square foot Jack-in-the-Box sign and 4 signs for off-site businesses. The off-site businesses are located to the south of Jack-in-the-Box. They share the private access road, but do not have any street frontage on Highway 246. The signs for the off-site businesses total approximately 20.4 square feet.

Pankaj Bhatia, owner of Jack-in-the-Box, has submitted a request for a Sign Ordinance Exemption to allow a pole sign (see Attachment No. 2 – Business Case). Jack-in-the-Box is not doing well financially and he feels that a pole sign would draw more people to the restaurant. The request is for a 67.8 square foot double-sided, 30 foot high pole sign to be located near the existing monument sign (see Attachment No. 3 – Sign Plans). The Sign Plans also include photos that include balloons that show the approximate location of the top of the pole sign. The sign is an internally illuminated sign with red, white, and grey colors. The existing Jack-in-the-Box sign on the monument sign is proposed to be removed. The other business signs on the monument sign would remain. The sign meets the height and size requirements for pole signs in the General Commercial (CR) zone (see Attachment No. 4 – Municipal Code Section 19.04.172(B)(1)(c) as noted below.

Regarding pole signs, Section 19.04.172(B)(1)(c) of the BMC states the following:

- c. “Freestanding Signs, Generally. Each site may have one freestanding pole sign, except for certain properties on Avenue of Flags as provided by subsection

(B)(1)(d) of this section. All pole signs larger than one hundred (100) square feet and/or more than thirty (30) feet in height shall be subject to review and approval of a planning commission exemption. In general, the planning commission shall not approve freestanding signs larger or taller than these standards; however, the planning commission may approve such signs if the following findings are made:

- i. That additional size or height is necessary to make the sign reasonably visible to potential customers given the location, topography, landscaping, orientation, or other circumstances related to the site; and
- ii. That the sign is compatible with and compliments the architecture, site design and landscaping on the site; and
- iii. That the sign will not have significant adverse impacts on neighbors, or the community, in general.

In cases where the planning commission approves a pole sign larger than one hundred (100) square feet or thirty (30) feet in height, the exemption shall not exceed a maximum increase of fifty (50) percent in sign area and/or fifty (50) percent in sign height. The commission shall further limit the additional area or height to the minimum practical to make the sign reasonably readable to potential customers pursuant to the findings in this section.

The Community Design Guidelines state that pole signs should not be used in commercial areas (see Attachment No. 5 – Community Design Guidelines Excerpt). However, there are existing pole signs at many of the fast food restaurants, gas stations, and other businesses in the area. Many of the pole signs in the area, including Taco Bell, Carl's Jr., and Burger King are 30 feet high. The proposed pole sign is similar in height and size as the existing pole signs and could fit in with the surrounding area as it would be consistent with what has been approved for other restaurants.

When the CUP was reviewed by the Planning Commission a master sign program was approved, which included a monument sign, three wall signs (one of these is an externally illuminated faux wood-grained sign), and directional signs. Per the Municipal Code, this site is allowed 240 square feet of sign area (150 feet of frontage along Highway 246, plus 90 feet along the private access road). The existing signs total approximately 172 square feet. The existing monument sign is 14 feet high and the Jack-in-the-Box sign on the monument sign is 37 square feet. The proposal includes removing the Jack-in-the-Box sign on the monument sign. The proposed pole sign is approximately 67.8 square feet. The total signage would be 202.8 square feet, which is within the maximum square footage that is permitted.

The proposed sign meets the standards of sub-section (c) above, and based on that and the above analysis, staff recommends that the Commission consider approving the sign.

The pole sign meets the standards for a freestanding sign in the General Commercial zone, which would generally be approved by staff. A Sign Ordinance Exemption was required in this case because of the inconsistency with the Community Design Guidelines

and because it requires a modification to the Master Sign Program which was included with the Conditional Use Permit and approved by the Planning Commission.

ENVIRONMENTAL REVIEW

The Project was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 et seq., the State CEQA Guidelines, 14 C.C.R. section 15000 et seq., and the City of Buellton Environmental Procedures, and it has been found that the project proposed is exempt from CEQA pursuant to section 15061 (b) (3) of the State CEQA Guidelines as an action which can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

RECOMMENDATION

That the Planning Commission consider the adoption of Resolution No. 12-03, "A Resolution of the Planning Commission of the City of Buellton, California, Approving a Sign Ordinance Exemption (12-EXP-02) for a Pole Sign at Jack-in-the-Box which is on a 0.58 Acre Site Located at 250 East Highway 246 (APN 137-200-084), and Making Findings in Support Thereof" by title only and waive further reading.

Alternative Action

If the Commission determines that the findings for approval of the pole sign cannot be met, then the Commission should continue the item to their next meeting and direct staff to prepare findings for denial.

ATTACHMENTS

- Attachment No. 1 – Vicinity Map
- Attachment No. 2 – Business Case
- Attachment No. 3 – Sign Plans
- Attachment No. 4 – Municipal Code Section 19.04.172.B.1.c
- Attachment No. 5 – Community Design Guidelines Excerpt
- Planning Commission Resolution No. 12-03



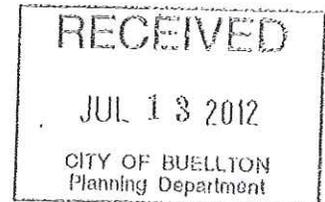
0 70 140 210 Feet

ATTACHMENT 1 – VICINITY MAP

Attachment No. 2

Page 1 of 2

Business Case
For
Pole Sign at Jack In The Box
250 E. Highway 246
Buellton, CA



SBF Foods, LLC ("SBF") was formed in December 2008 for the purposes of purchasing and building certain Jack In The Box ("JIB") restaurants being offered for sale in the Santa Barbara Market. In conjunction with the purchase of restaurants, SBF agreed to develop more restaurants in the Santa Barbara area.

Pursuant to the initial Development Deal, SBF opened Jack In The Box number 5411 in Buellton in September of 2009. This restaurant opened at very low sales numbers, and continues to perform at very low sales numbers- averaging sales between \$12,000 and \$15,000 per week since its opening. In order to break even the average Jack In The Box restaurant needs sales of approximately \$27,000 per week. This restaurant is wholly responsible for taking SBF from a profitable venture to a money losing venture. In its first full year of operations in 2010, Jack 5411 resulted in losses for SBF of more than \$215,502.00. In its second full year of operations in 2011, Jack 5411 resulted in losses for SBF of more than \$258,339.00. From January through May of 2012, Jack 5411's losses for SBF are already over \$58,928.00. Such losses simply cannot be sustained by SBF.

As a matter of fact, if SBF were to shut down Jack 5411 and continue to pay its rent obligations, SBF would curtail its losses to a much more manageable amount of \$7,000 per month. Though this may be the final option, SBF and its management want to consider any and all options prior to taking such a drastic step.

Visibility

One of the biggest hurdles faced by this restaurant is its visibility to those travelers that exit highway 101 looking for food options. Other quick service restaurants such as Taco Bell, McDonald's, Carl's Jr. and Burger King have better visibility and signage than Jack

Attachment No. 2

Page 2 of 2

5411. Many of them have pole signs that measure approximately 30 feet—which is the exact height of the pole sign that SBF is now requesting. SBF has also submitted photos taken with balloons at a height of 30 feet, giving some context of where the pole sign would be placed. From near the freeway exit of highway 101, the pole sign would now become much more visible, giving Jack 5411 a chance to be competitive with the other quick service restaurants in the area.

A variance for the 30 foot pole sign would give SBF a fighting chance to remain in business within the community of Buellton. At Jack 5411, SBF employs approximately 20 people from the local community, and is looking to increase its staffing if it can grow its sales. In the unfortunate instance where Jack 5411 would have to be shut down, these people in the local community would have to be laid off- adding to the unemployment woes in an already bad economy.

Assuming that the committee grants SBF a variance for the pole sign, and pursuant to its proposal, SBF would keep the monument sign intact for those businesses that are currently listed there. SBF believes in being a good neighbor, and would continue to support the businesses within the area.

SBF has enjoyed servicing and helping Buellton's community grow, and with this variance, SBF hopes that it will be here for a long time to come.

Sincerely,

A handwritten signature in black ink, appearing to read 'Pankaj Bhatia', with a long horizontal stroke extending to the right.

Pankaj Bhatia

Attachment No. 3

CNP
SIGNS & GRAPHICS
 4230 Mission Center Place
 San Diego, CA 92120
 Tel: 619.243.3101
 Fax: 619.243.3000
 Web: www.cnpusa.com



client

project
JACK IN THE BOX #5411

location
 250 E HWY 246
 BUELLTON, CA

purpose
 POLE SIGN

designer
 VIVIANA PEREGRINA
 ANDRE WRIGHT

date
 05/07/12 NOTED

revision
 01/01/2012/01/01/12

UNLESS SPECIFIED, THIS DRAWING IS NOT FOR CONSTRUCTION. THE INFORMATION SHOWN IS FOR INFORMATIONAL PURPOSES ONLY. THE INFORMATION SHOWN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

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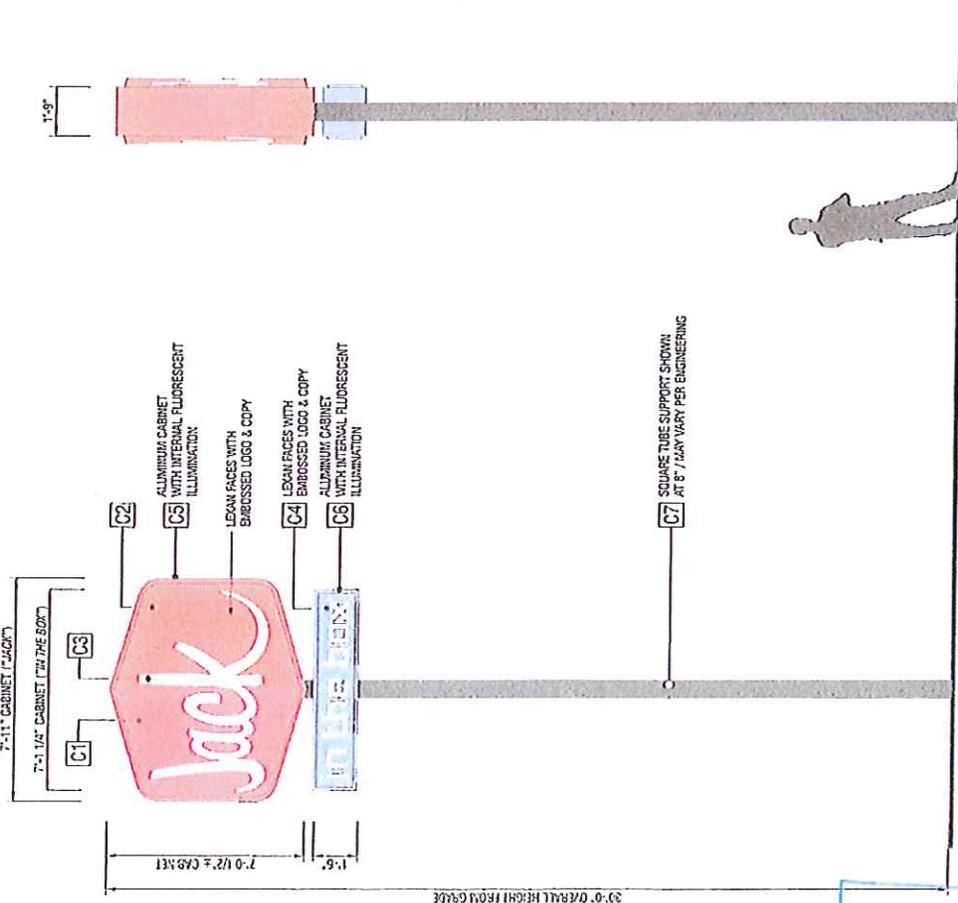
Project No.	12-538	Sheet No.	30-1457
Rev.	0	Date	08/08/12

REV	DATE	DESCRIPTION
1	08/08/12	ISSUE FOR PERMIT
2	08/08/12	ISSUE FOR PERMIT
3	08/08/12	ISSUE FOR PERMIT
4	08/08/12	ISSUE FOR PERMIT
5	08/08/12	ISSUE FOR PERMIT
6	08/08/12	ISSUE FOR PERMIT
7	08/08/12	ISSUE FOR PERMIT
8	08/08/12	ISSUE FOR PERMIT
9	08/08/12	ISSUE FOR PERMIT
10	08/08/12	ISSUE FOR PERMIT
11	08/08/12	ISSUE FOR PERMIT
12	08/08/12	ISSUE FOR PERMIT

REV 12

CONNECTIONS

TRANSPIRENT FACES - PAINT
C1 Lacey Series 400 100-4-040-41
C2 Lacey Series 400 443
C3 Lacey Series 400 443
C4 30-3325-01 "Star Gray" Translucent Vinyl
CABINETS & BASE - PAINT
C5 MP 64021 100 Red with Gloss Finish
C6 MP 02365 "Star Gray" with Satin Finish
C7 J01 Black with Satin Finish



SIDE VIEW

ELEVATION VIEW

D/F J67 POLE SIGN @ 30'-0" OAH

SCALE: 1/4" = 1'-0"

CUSTOMER APPROVAL

DATE

DATE

DATE

RECEIVED
 JUL 18 2012
 CITY OF BUELLTON
 Planning Department

Attachment No. 3

CNP
SIGNS & GRAPHICS
 4520 Mission College Blvd
 San Diego, CA 92120
 Tel: 619.233.2191
 Fax: 619.233.2593
 Web: www.cnpgraphics.com



PROJECT
 JACK IN THE BOX #5411

ADDRESS
 250 E HWY 246
 BUELLTON, CA

CLIENT
 MONUMENT MODIFICATION

DESIGNER
 VIVIANA PEREGRINA
DATE
 08/07/12 **NOTED**

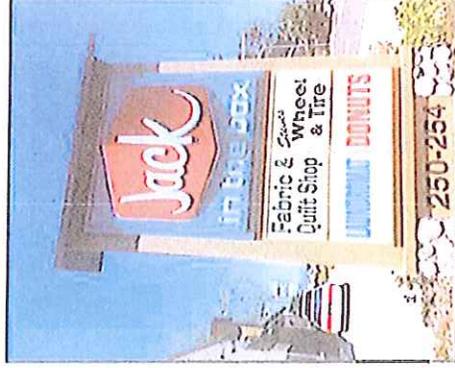
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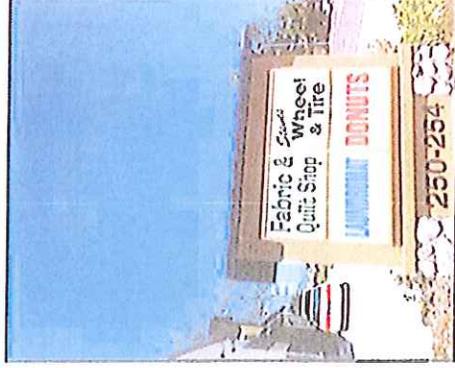
Project	12-538	Quantity	306457
Material	0	Order	000000

REVISIONS			
No.	Revised	By	Date
1	Initial	VP	08/07/12
2			
3			
4			
5			

KEY: 02

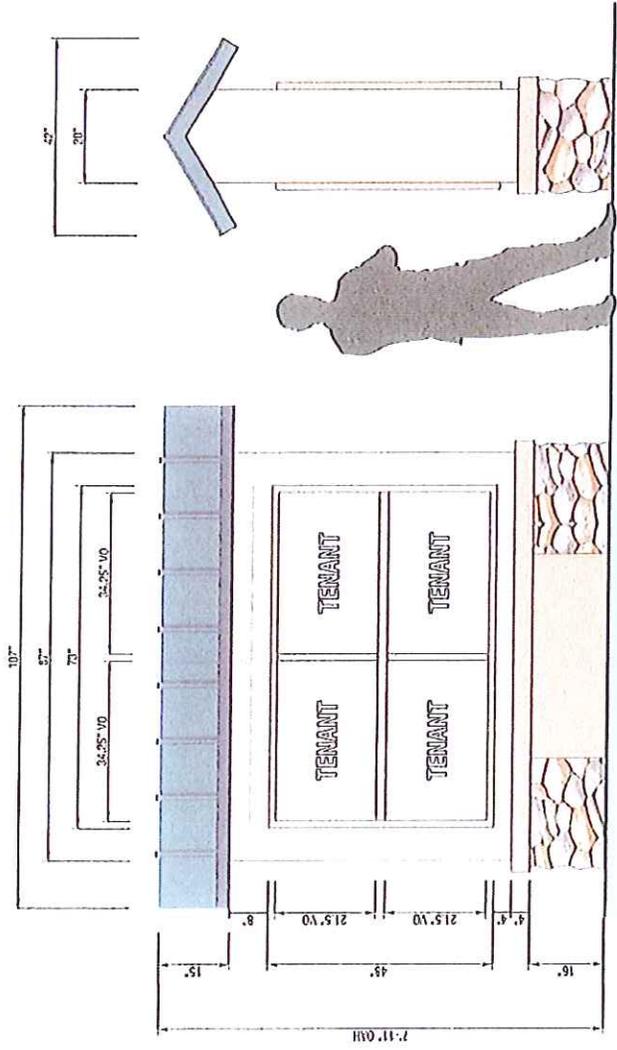


EXISTING SIGN



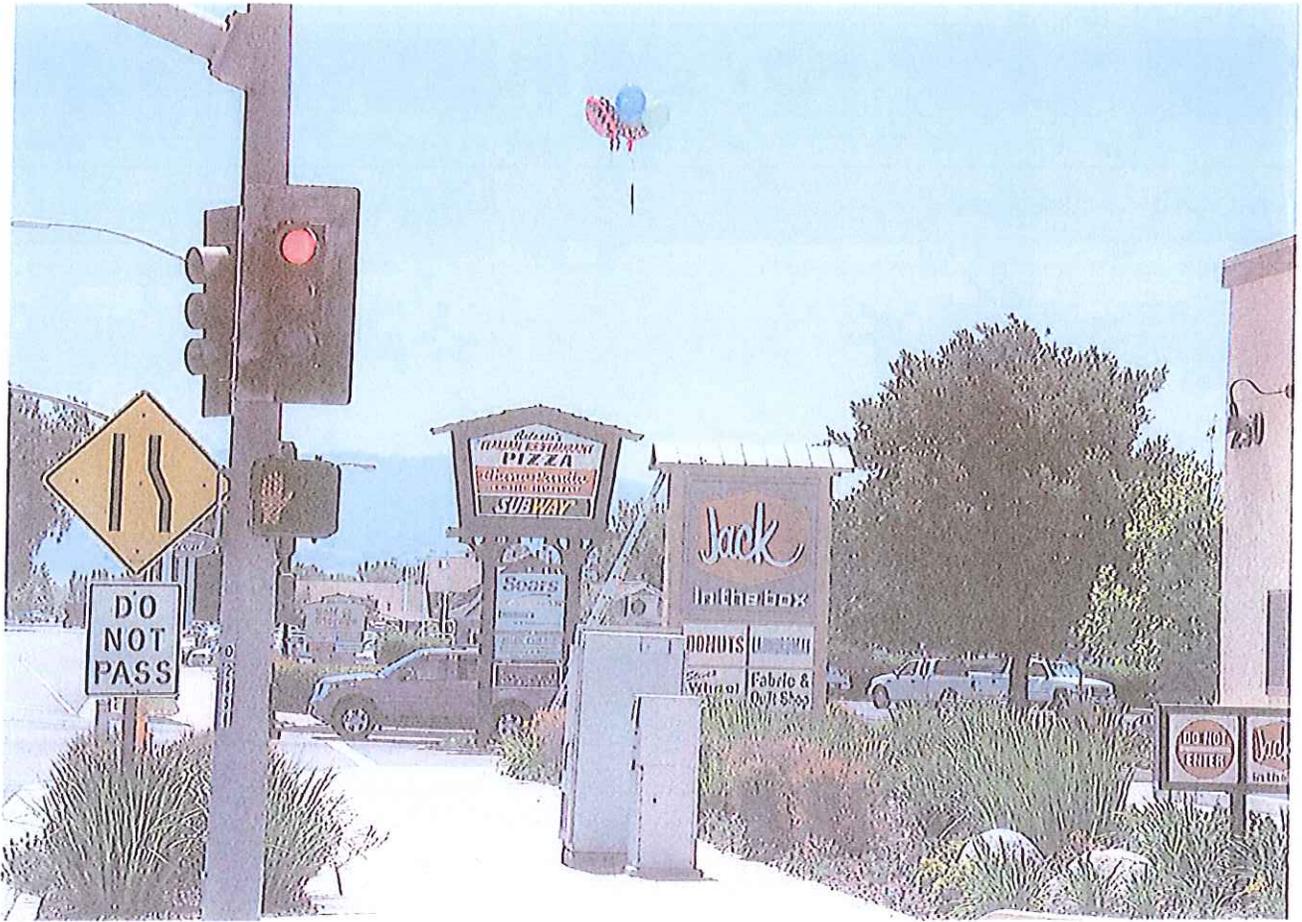
PROPOSED MODIFICATIONS

CUSTOMER APPROVAL DATE



MODIFY EXISTING MULTI-TENANT SIGN - REMOVE JACK IN THE BOX PORTION & LOWER ROOF CAP
 SCALE: 1/2" = 1'-0"

Attachment No. 3



Attachment No. 3



Attachment No. 3



Attachment No. 3



Attachment No. 3



Attachment No. 4

Buellton Municipal Code Buellton, California



Current through Ordinance 11-06 and the October 2011 code supplement. For more recent amendments to this code, refer to the [CodeAlert](#) page.

This document is provided for informational purposes only. Please read the full [disclaimer](#).

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Contact:

Buellton City Clerk: (805) 686-0137

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Buellton Municipal Code

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Title 19 ZONING

Chapter 19.04 GENERAL DEVELOPMENT REGULATIONS

19.04.172 Permitted signs and sign standards.*

* **CodeAlert:** This topic has been affected by [11-09](#). To view amendments and newly added provisions, please refer to the [CodeAlert Ordinance List](#).

A. General Sign Design Standards for All Zones.

1. Sign Copy. All sign messages shall relate to the business activity conducted on the same site. (Exception: See Section 19.04.170(E)6.)

2. Sign Design. All signs shall be of professional graphic and construction quality. Lettering and graphical elements of signs shall be legibly designed and produced. Signs shall be designed with scale and proportion appropriate for the size of the site and buildings. Each sign shall also be compatible and in harmony with the architectural design elements of the structure to which it principally relates, and the surrounding environment. All signs shall comply with the requirements of the community design guidelines.

3. Master Sign Program. Proposed developments with two or more tenants shall have an approved master sign program. All signs proposed for a site that requires a master sign program shall conform to the approved program. The planning director shall review all master sign program proposals. The planning director may approve a master sign program with or without conditions of approval. (See the definition of master sign program in Chapter 19.12 of this title.)

4. Temporary Signs.

a. Temporary business signs, including banners, may be in place for a maximum of thirty (30) continuous days, not more than once every one hundred eighty (180) days. Temporary business signs require approval of a zoning clearance (Section 19.08.100), and shall meet the following criteria:

- i. The temporary sign shall not exceed an area of thirty (30) square feet;
- ii. The temporary sign shall be affixed to a building; and
- iii. The temporary sign shall not exceed the roof eave line of the building to which it is affixed, but in no case shall the temporary sign be higher than thirty (30) feet.

b. Other temporary signs to announce community or nonprofit approved events may be allowed up to two weeks prior to the event and must be removed within two days after the event. These temporary signs do not require a zoning clearance.

5. Bus Bench Signs. Bus bench signs may be allowed in all zoning districts, with an approved sign permit.

6. Information Kiosks. One information kiosk may be allowed per site, in all zoning districts, subject to the approval of an exemption by the planning commission (Section 19.04.174(A)). They may be freestanding or wall-mounted (bulletin board style). Aggregate sign area may not exceed twenty (20) square feet. Such signs may contain handbills, posters, public agendas and general community information for temporary events.

B. Sign Design Standards by Zoning District.

1. Commercial Zones. The following signs are allowed in commercial zones with a maximum aggregate area per site of one square foot of sign area per lineal foot

Attachment No. 4

of the longest street property frontage, except where additional sign area is allowed by this section. For properties with more than one street frontage, one-half square foot of sign area may be allowed per lineal foot of side street frontage. However, any case for which the aggregate sign area exceeds four hundred (400) square feet shall require approval of a minor use permit. In approving the permit, the director (or the planning commission on referral or appeal) may restrict the number, type, location, or design of signs to achieve compatibility of scale and design with the subject property and other buildings and features on the property.

a. Wall Signs. Signs may be placed on each building wall facing a street or a parking lot, below the roof line.

b. Monument Signs. Each business may have one monument sign per three hundred (300) lineal feet of street frontage, or portion thereof. The maximum height of monument signs shall be eight feet, including the base/support structure. Monument signs shall be set back a minimum of five feet from a public right-of-way.

c. Freestanding Signs, Generally. Each site may have one freestanding pole sign, except for certain properties on Avenue of Flags as provided by subsection (B)(1)(d) of this section. All pole signs larger than one hundred (100) square feet and/or more than thirty (30) feet in height shall be subject to review and approval of a planning commission exemption. In general, the planning commission shall not approve freestanding signs larger or taller than these standards; however, the planning commission may approve such signs if the following findings are made:

i. That additional size or height is necessary to make the sign reasonably visible to potential customers given the location, topography, landscaping, orientation, or other circumstances related to the site; and

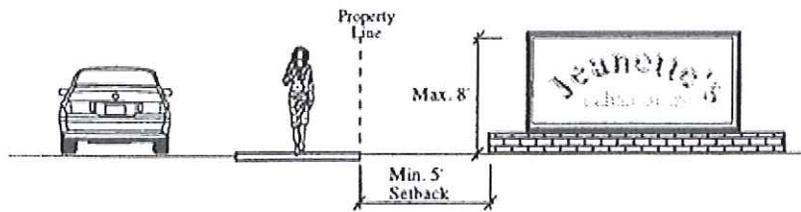
ii. That the sign is compatible with and compliments the architecture, site design and landscaping on the site; and

iii. That the sign will not have significant adverse impacts on neighbors, or the community, in general.

In cases where the planning commission approves a pole sign larger than one hundred (100) square feet or thirty (30) feet in height, the exemption shall not exceed a maximum increase of fifty (50) percent in sign area and/or fifty (50) percent in sign height. The commission shall further limit the additional area or height to the minimum practical to make the sign reasonably readable to potential customers pursuant to the findings in this section.

Attachment No. 4

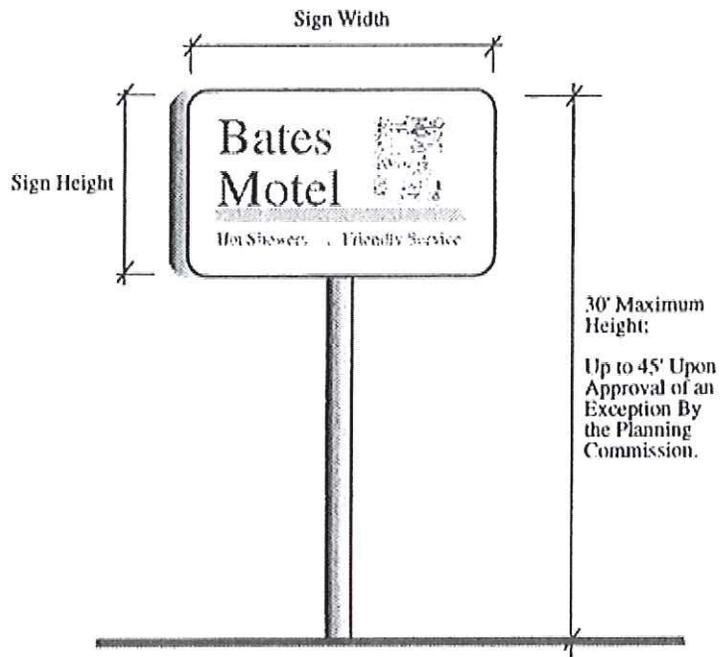
Monument Signs



One monument sign is allowed for every 300 lineal feet of street frontage of a business

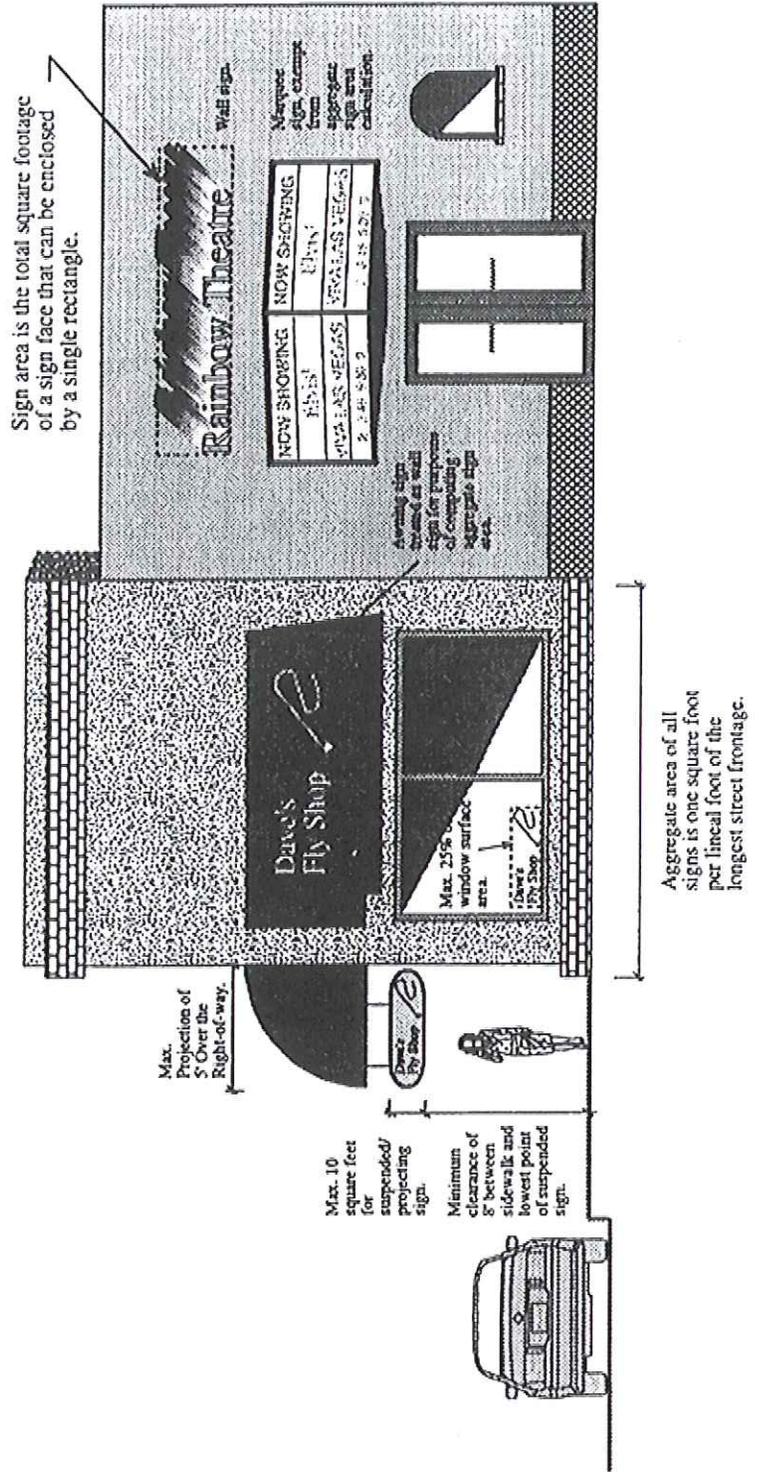
Total aggregate sign area (including monument signs) is 1 square foot per lineal foot of the longest street frontage

Free-Standing Pole Signs



Sign Height X Width = 100 square feet or less for pole-mounted signs.

Signs in Commercial Zones



d. Freestanding Signs, Avenue of Flags. New pole signs shall be prohibited on properties with street frontage on Avenue of Flags, except that properties within one hundred fifty (150) feet of the Highway 101 right-of-way may be allowed one such sign, subject to the approval by the planning commission, and provided that it is located on the half of the property nearest to the freeway.

e. Suspended or Projecting Signs. Businesses may have one suspended or projecting sign located under a canopy or eave, with a maximum area of ten square feet. The lower edge of such signs must be a minimum of eight feet above any underlying

PROJECT SIGNS

Building signs can either enhance the building façade or completely diminish the aesthetic appeal of a building. A sign program should be submitted with design review applications for new buildings. Every project should be designed with a precise concept for adequate signing. Provisions for sign placement, sign scale in relationship to the building, and the readability of the sign should be considered in developing the overall sign concept. Additional regulations for sign dimensioning and area limitations are provided in the Zoning Ordinance Section 1.01.170.

- All complexes with two or more tenants should create a unified sign program and file it with the City of Buellton Planning Department.
- Signs facing Highways 101 and 246 should be incorporated into the architectural design of the buildings and should be easily viewed from the Highway.
- Pole and roof-mounted signs should not be used in commercial areas.



Complexes should have a coordinated sign program



Signs should coordinate with building design, colors, materials, and scale



Signs that reflect the nature of the business through the use of shape design and graphics are encouraged

- Signs should be pedestrian-oriented in commercial areas.
- Wooden hanging signs with spot lighting is suggested under covered walkways.
- The placement and method of sign attachment should be incorporated into the building's overall design.
- Signs should coordinate with building design, colors, materials, and scale. Signs should not dominate the building façade.
- Signs that reflect the nature of the tenant's business through the use of shape design and graphics are encouraged.
- Electrical connections and hanging connections should not be visible.
- Buildings with historical significance should use signs and other accent features that are typical of the era of construction.



PLANNING COMMISSION RESOLUTION NO. 12-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BUELLTON, CALIFORNIA, APPROVING A SIGN ORDINANCE EXEMPTION (12-EXP-02) FOR A POLE SIGN AT JACK-IN-THE-BOX WHICH IS ON A 0.58 ACRE SITE LOCATED AT 250 EAST HIGHWAY 246 (APN 137-200-084), AND MAKING FINDINGS IN SUPPORT THEREOF

BE IT RESOLVED by the Planning Commission of the City of Buellton as follows:

SECTION 1: Pursuant to the Zoning Ordinance of the City of Buellton, an application has been filed by Pankaj Bhatia, applicant, and Steve Lykken, property owner (hereinafter referred to as "Applicant"), requesting approval for a Sign Ordinance Exemption (12-EXP-02) for a pole sign. The request is for a 67.8 square foot, 30 foot high pole sign and removal of the existing monument sign at Jack-in-the-Box which is located at 250 East Highway 246. The subject property is planned and zoned for General Commercial (CR) development

SECTION 2: The proposed Project consists of the following land use applications:

- A. Sign Ordinance Exemption:** The approval of a Sign Ordinance Exemption (Case No. 12-EXP-02), for a sign which consists of a 67.8 square foot, 30 foot high, double sided pole sign as shown on the sign plans dated June 7, 2012. The request also includes removal of the existing Jack-in-the-Box monument sign, but leaves the monument sign for the offsite businesses.

SECTION 3: All proceedings having been duly taken as required by law, and upon review of the information provided in the staff report, consideration of the testimony given at the public hearing, as well as other pertinent information, the Planning Commission finds the following:

- A. Record.** Prior to rendering a decision on the Project, the Planning Commission considered the following:
1. All public testimony, both written and oral, received in conjunction with that certain public hearing conducted by the Planning Commission on August 16, 2012 ("Public Hearing").
 2. All oral, written and visual materials presented by City staff in conjunction with that certain Public Hearing conducted by the Planning Commission on August 16, 2012, including the Planning Commission staff report.
- B. Public Review.** On the basis of evidence hereinafter listed, all administrative procedures and public participation requirements prescribed in the Buellton Zoning Ordinance have been lawfully satisfied:

1. A Notice of Public Hearing was published in a newspaper of general circulation on August 2, 2012 (the "Public Notice"), a minimum of ten (10) days in advance of the Public Hearing conducted on August 16, 2012.
 2. The Public Notice was mailed to the Applicant, affected public agencies, persons owning property within 300 feet of the Project site and others known to be interested in the matter on August 2, 2012, a minimum of ten (10) days in advance of the Public Hearing.
 3. The Public Notice was posted in three public locations on August 2, 2012, a minimum of ten (10) days in advance of the Public Hearing.
- C. Environmental Review.** The Project was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 *et seq.*, the State CEQA Guidelines, 14 C.C.R. section 15000 *et seq.*, and the City of Buellton Environmental Procedures, the Planning Commission has exercised its independent judgment and finds that the proposed Project is exempt from CEQA pursuant to section 15061 (b) (3) of the CEQA Guidelines as an action which can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.
- D. Consistency Declarations.** Based on (i) the evidence presented in the Staff Report (incorporated herein by reference), (ii) consultations with affected City Departments, and (iii) testimony and comments received in connection with the Public Hearing, the Planning Commission does hereby declare as follows:

1. Sign Ordinance Exemption.

a. Findings:

- i. The existing standards do not allow for effective business identification due to a special (physical) circumstance applicable to the site. Jack-in-the-Box is located further away from Highway 101 than many other fast food restaurants. Many travelers exit Highway 101 when looking for restaurants. In order for Jack-in-the-Box to be more competitive a higher sign is necessary to increase visibility. A pole sign is the only type that is permitted to be higher.
- ii. All other alternatives within the established sign standards have been examined, and the results would still not provide effective business identification. Jack-in-the-Box has a monument sign, however it is not seen as easily as other pole signs in the area. Jack-in-the-Box already has wall signs and additional ones would not help in identifying the restaurant to people who are far away from the restaurant.

- iii. The resulting sign proposal is visually compatible with the existing site and surroundings, and meets the intents and purposes of this chapter. Section 19.04.172(B)(1) of the BMC allows a maximum aggregate area per site of one square foot of sign area per lineal foot of the longest street property frontage for commercial property. For properties with more than one street frontage, one-half square foot of sign area may be allowed per lineal foot of side street frontage. Therefore, the property is allowed to have a maximum of 240 square feet of signage. The pole sign is 67.8 square feet in size and 30 feet high. The total amount of signage at the site is approximately 202.8 square feet. The sign is a similar size and design as the other pole signs at businesses along Highway 246.

SECTION 4: Based on the findings set forth in Section 3 and subject to the conditions attached hereto, the Planning Commission hereby approves a Sign Ordinance Exemption (12-EXP-02) for the pole sign at 250 East Highway 246.

PASSED AND ADOPTED this 16th day of August, 2012

Jason Fussel, Chairman

Clare Barcelona, Planning Commission Secretary

STATE OF CALIFORNIA)
 COUNTY OF SANTA BARBARA) SS
 CITY OF BUELLTON)

I, Clare Barcelona, Planning Commission Secretary of the City of Buellton, do hereby certify that the above and foregoing Resolution No. 12-03 was duly passed and adopted by the Planning Commission of said City at a regular meeting thereof, held on the 16th day of August, 2012, by the following vote, to wit.

- AYES: (0)
- NOES: (0)
- ABSENT: (0)
- NOT VOTING: (0)

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of August, 2012.

 Clare Barcelona
 Planning Commission Secretary

CONDITIONS OF APPROVAL

JACK IN THE BOX POLE SIGN SIGN ORDINANCE EXEMPTION (12-EXP-02)

A. GENERAL PROVISIONS

1. **Project Description.** The approval granted herein is based upon and limited to compliance with the Project Description, the sign plans dated June 7, 2012 and conditions of approval set forth below. The Project Description is as follows: This Project is a request by Pankaj Bhatia, applicant, and Steve Lykken, property owner, (the "Applicant"), for a Sign Ordinance Exemption (12-EXP-02) consisting of the addition of a 67.8 square foot, double sided, 30 foot high pole sign and the removal of the monument sign (the "Project"). The Project is located at 250 East Highway 246 (APN 137-200-084) (the "Property"). Any deviations from the Project Description, exhibits or conditions must be reviewed and approved by the City for conformity with this approval. Deviations may require formal modification of the approval and/or further environmental review. Deviations without the above-described authorization will constitute a violation of this approval. The following are the approvals:
 - **Sign Ordinance Exemption:** The approval of a 67.8 square foot, double sided, 30 foot high pole sign. The project is located at 250 East Highway 246 (APN 137-200-084), Case No. 12-EXP-02.
2. **Additional Permits Required.** Before using any land or structure, or commencing any work pertaining to the erection, moving, alteration, enlarging, or rebuilding of any building, structure, or improvement, the Applicant shall obtain a Zoning Clearance (hereinafter defined below). To the extent any condition or provision of the approval set forth herein is incompatible with or at variance with any other permit for the Project, the most restrictive condition and provision shall prevail.
3. **Terminology.** Except where otherwise noted, the terms appearing throughout the conditions of approval set forth herein shall have the meanings as defined below. Capitalization is used to identify defined terms and shall have the meanings as set forth below unless the context in which they are used clearly requires otherwise.
 - a. **"Applicant"** means Pankaj Bhatia, applicant, and Steve Lykken, property owner, and includes all agents, subdividers, developers, contractors, workers and personnel employed on the Project, as well as all successors and assigns of interest.
 - b. **"City"** means the City of Buellton and includes the City Manager, City Engineer, Planning Director and all other duly appointed officials having responsibility for land use matters, as well as their respective assignees

(e.g., Department staff members). Unless otherwise indicated, the Planning Department shall be the primary point of contact for the City.

- c. **“County”** means the County of Santa Barbara.
 - d. **“Project”** means and includes all of the actions described in the Project Description above.
 - e. **“Property”** means the land and improvements identified in the Project Description.
4. **Interpretations and Exceptions.** The Planning Director is authorized to render decisions as to the applicability or interpretation of the conditions set forth herein, including minor changes, when the strict application of the conditions conflicts with the underlying purpose of the conditions or creates undue hardship or administrative burden. Any administrative change granted shall be subject to such conditions as will: (i) assure that the adjustment thereby authorized shall appropriately implement purposes and objectives of the original conditions; and (ii) not change or compromise the effectiveness of the original conditions. As an example, and for illustrative purposes only, the Planning Director may modify the implementation timing of specific conditions at the mutual convenience of the City and Applicant. Minor changes authorized pursuant to this condition shall not require separate processing of a formal amendment.
 5. **Indemnity.** Applicant agrees, at its sole cost and expense, to defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants, from any claim, action, or proceeding brought by a third-party against the City, its officers, agents, and employees, which seeks to attack, set aside, challenge, void, or annul all, or any part, of the approval, decision or action of the City Council, Planning Commission, or other decision-making body, or staff action concerning the Project.
 6. **Legal Challenge.** In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the Applicant in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided for by law, this approval shall be suspended pending dismissal of such action, the expiration of the limitation period applicable to such action, or final resolution of such action.
 7. **Approval Limitations.** This approval is issued pursuant to the provisions of Title 19 of the Buellton Municipal Code and is subject to the foregoing conditions and limitations. Failure to comply with said conditions of approval may subject the Applicant to remedies and penalties specified in the Buellton Municipal Code.
 8. **Enforcement Costs.** In the event the City determines that it is necessary to take legal action to enforce any of the conditions of approval herein, and such legal action

is taken, the Applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with the Applicant to waive said fees or any part thereof.

9. **Failure to Comply.** In the event that the Applicant fails to comply with any order of the City issued hereunder or any injunction of the Superior Court, it shall be liable in accordance with Section 1.32 of the Buellton Municipal Code.
10. **Access to Records and Facilities.** As to any condition that requires for its effective enforcement the inspection of records or facilities by City or its agents, the Applicant shall make such records available or provide access to such facilities upon reasonable notice from City.
11. **Payment of Fees.** All applicable fees associated with development of the Project shall be paid by the Applicant at the time such fees become payable as provided by Buellton Municipal Code or otherwise stipulated in this approval (whichever date is sooner), and the amount payable shall be based on the those fee schedules adopted by the City and then in effect at the time such fees become payable.
12. **Acceptance of Conditions.** The Applicant shall acknowledge and agree to all conditions of this approval within 60 days of the notice of final action, evidenced by the Applicant's signature on the space provided at the end of this document. The Applicant shall record this document on title to the subject Property prior to or concurrently with the filing of a Zoning Clearance. The Applicant, and all successors or assignees, are responsible for complying with all conditions of approval. Any zoning violations concerning the installation, operation, and/or abandonment of the Project are the responsibility of the Applicant, and all successors or assignees.

B. LAND USE PERMIT CONDITIONS

13. **Sign Ordinance Exemption.** Approval of the Sign Ordinance Exemption (Case No. 12-EXP-02) (the "Permit") is granted to the Applicant for the Property as identified in the Project Description.
14. **Sign Maintenance.** The sign shall be maintained in a safe, legible condition, and shall not be in a state of disrepair. "Disrepair" shall include, but not be limited to, burned out lights, broken sign faces or sign structures, peeling paint, and weathered or discolored sign faces or structures.
15. **Sign Design.** The pole sign is 67.8 square feet and 30 feet high. The existing Jack-in-the-Box sign on the existing monument sign shall be removed and the off-site signs on the monument sign shall remain.
16. **Other Permits.** A building permit from the Santa Barbara County Building and Safety office shall be obtained for the sign. The Conditional Use Permit (07-CUP-

01) and the Master Sign Program for Jack-in-the-Box are amended to include the addition of the pole sign and the removal of the monument sign.

Project Applicant/Property Owner Acknowledgement of Required Conditions of Approval

Property Owner Signature

Date

Project Applicant/Agent/Representative Signature

Date