

DESIGN REVIEW BOARD STAFF REPORT

522 CENTER STREET

MEETING DATE: November 14, 2011

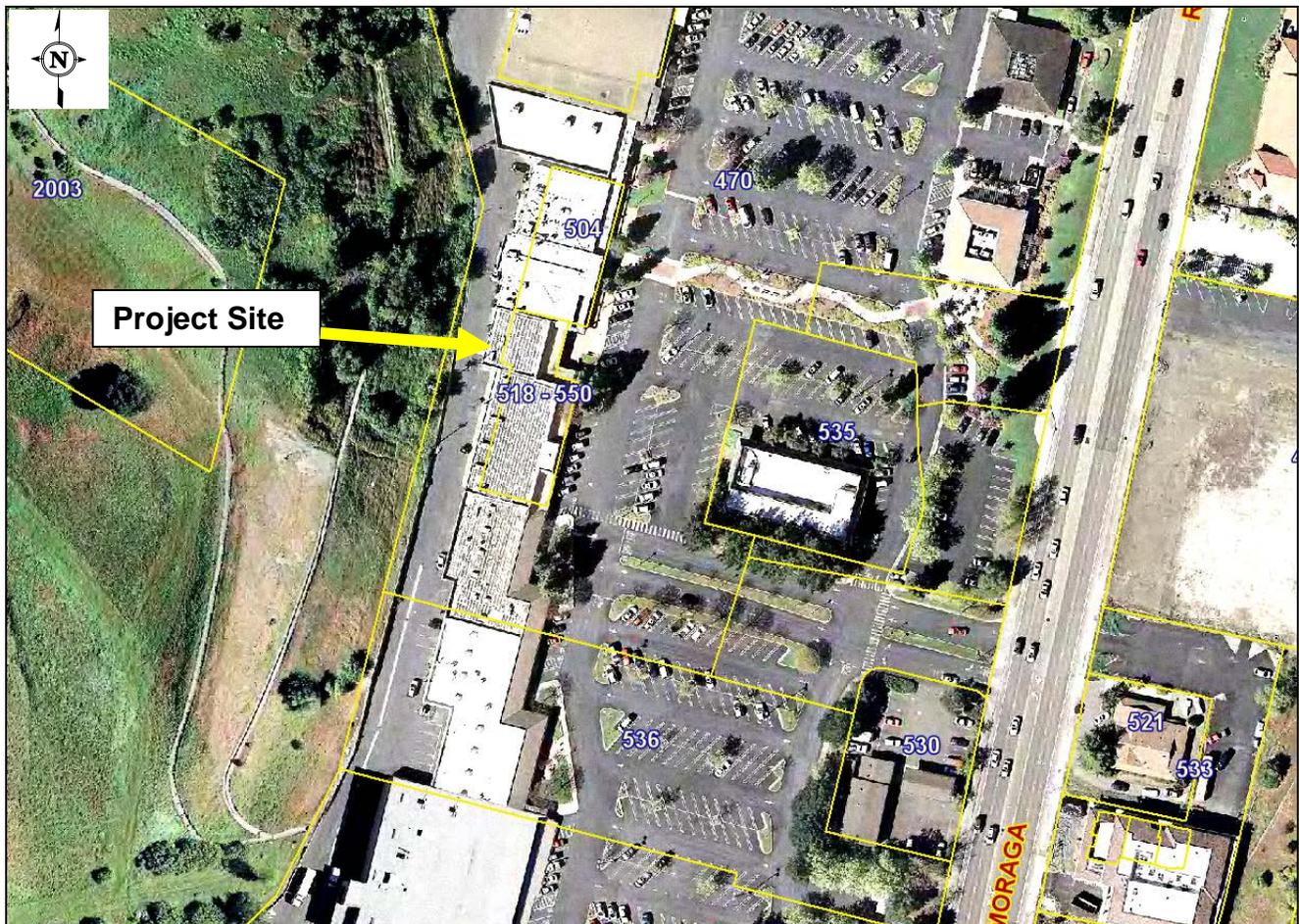
REPORT WRITTEN: November 9, 2011

ITEM NUMBER: VI. A. – DESIGN REVIEW

FILE NUMBER: UP-11-11 / Moraga Valley Kiwanis Foundation (Applicant), Kimco Realty (Owner), 522 Center Street. Design review to display a temporary banner on the front canopy for the Kiwanis See's Candies Holiday Fund Raiser from November 16, 2011 to December 24, 2011. Zone: Community Commercial. (APN: 255-160-012)

PUBLIC NOTICE AND MAILING LIST:

Notices were mailed to all property owners and residents within 300 feet of the subject property on November 3, 2011. The public notice, vicinity map, mailing list, and any correspondence are attached in **EXHIBIT A**.



BACKGROUND:

The Planning Commission made findings and approved a permitted use for the Moraga Valley Kiwanis Foundation to operate a temporary store selling See's Candies during the 2011 holiday season at its November 7, 2011 meeting; the approval will become final November 17, 2011 if there is no appeal. The store will operate from November 16, 2011 to December 24, 2011 and will be open every day from 10 A.M. to 5 P.M. except November 24, 2011 (Thanksgiving Day). All of the net proceeds from the sales will go to the organization's activities, including its financial support of charities, community service organizations, and the local Lamorinda schools.

DESCRIPTION:

The applicant proposes displaying a temporary banner during the store's operation, from November 16, 2011 to December 24, 2011 (total of 38 days). The banner requires Design Review Board (DRB) approval because (1) it would be in a scenic corridor, (2) the dates of display would exceed the fifteen (15) days maximum for a temporary banner allowed under Moraga Municipal Code (MMC) Section 8.88.240 (Special event/promotional signs), and (3) the Planning Commission approved the permitted use on the condition that any temporary sign shall be reviewed by the DRB.

The 10-foot by 2-foot vinyl banner would be mounted on the face of the wood canopy above the entrance to the commercial space at 522 Center Street (see photo mock-up below). The banner would read "See's Candies Kiwanis Holiday Fund Raiser" with "See's Candies" in the standard black See's Candies lettering (used in their patented logo), "Kiwanis" in thin blue lettering, and "Holiday Fund Raiser" in smaller thin black lettering.



DISCUSSION:

MMC Section 8.88.310 (Modifications) states that the DRB may grant a modification from the standards of this chapter if the applicant is able to demonstrate that the modification is necessary to provide proper signing because of unique circumstances relating to the site, such as building design, site configuration, visual access or vehicular access. In granting a modification the DRB shall make appropriate findings. The proposed temporary banner requires a modification from time limits set forth in MMC Section 8.88.240-A(3) .

MMC Section 8.88.240-A (Individual Businesses and Organizations) allows temporary signs advertising a special event or promotion by an individual business or organization under the following conditions:

1. No special event or promotional sign may be displayed without first obtaining an administrative permit issued by the zoning administrator, except window signs which cover twenty (20) percent or less of the window area.
Comment: The proposed temporary banner requires DRB review and approval because it would be displayed for more than 15 days. A modification from this standard can be granted by the DRB.
2. No business or organization may display such a special event or promotional sign more often than twice a year.
Comment: The proposed temporary banner would be displayed for one period of time.
3. No special event or promotional sign may be displayed for more than fifteen (15) consecutive calendar days.
Comment: The proposed temporary banner would be displayed for 38 consecutive calendar days (from November 16, 2011 to December 24, 2011). The applicant is requesting a modification from this standard, which requires DRB review and approval.
4. No business or organization may display a special event or promotional sign on more than two frontages of its premises.
Comment: The organization proposes one temporary banner on the canopy at the front of the store, above the entrance.
5. Special event or promotional signs placed in windows may have a total area up to, but not exceeding, fifty (50) percent of the area on which they are placed.
Comment: The organization is not proposing window signage.
6. Special event or promotional signs shall be two dimensional and must be displayed on the structure housing the business.
Comment: The organization proposes a two dimensional temporary banner on the canopy above the structure housing the fund raiser.
7. Other than window signs, signs shall not exceed thirty (30) square feet. The minimum clearance between the lowest point of a hanging sign and the finished grade may not be less than seven feet four inches.
Comment: The proposed temporary banner would measure 20 square feet. The banner would have a clearance of 7-feet 4-inches from the bottom of the sign to the finished grade below.

8. The following types of signs are prohibited: (a) signs consisting of moving or rotating parts, flashing lights such as, but not limited to, search or flood lights; (b) signs which are inflatable; (c) signs illuminated by electricity including, but not limited to, neon lights; and (d) prohibited signs under Section 8.88.360.

Comment: *None of the above prohibited signs are proposed.*

FINDINGS:

The findings listed below are required by MMC Section 8.88.280 (Findings required) in order to approve an application for sign review:

1. **The proposed sign has the same character and quality of design as the exterior architecture of the property and area where it is located.** *The sign is a temporary banner and its design and character are not consistent with the Rheem Shopping Center's architecture. However, it is a temporary sign for a seasonal sale, meets all of the requirements and conforms to the conditions listed in MMC Section 8.88.240-A except condition #3 (length of time). A modification is necessary because the applicant (a service club) proposes displaying the temporary banner during the holiday season.*
2. **The location of the proposed sign will not impair the use of the property or conflict with the visibility, location, or arrangement of existing adjacent signs** *because it is a temporary sign that does not interfere with other signs in the Rheem Shopping Center. The sign will be located on the front canopy above the entrance to the store where there is currently no signage. The front canopy is high enough so that the sign will be visible to shoppers and passersby.*

RECOMMENDATION:

Because the project is temporary and meets all the requirements, Staff recommends the Design Review Board approve Draft Action Memorandum (attached in **EXHIBIT B**), thereby adopting findings consistent with Moraga Municipal Code Section 8.88.280 (Findings required) and approving the proposed banner subject to conditions.

Prepared by Kelly Suronen, Assistant Planner

Reviewed by Shawna Brekke-Read, Planning Director

EXHIBIT A – Public Notice, Vicinity Map, and Mailing List

EXHIBIT B – Draft Action Memorandum

EXHIBIT A

**PUBLIC NOTICE, VICINITY MAP,
& MAILING LIST**



Design Review Board

Notice of Public Meeting

522 Center Street

UP-11-11 to display a temporary banner on the front canopy for the Kiwanis See's Candies holiday fundraiser from November 16, 2011 to December 24, 2011.

The Design Review Board of the Town of Moraga will hold a public meeting on the above matter, pursuant to Moraga Municipal Code Chapter 8.12.060-070, on **Monday, November 14, 2011** at the Moraga Library Community Meeting Room, 1500 St. Mary's Road (wheelchair accessible). The meeting starts at 7:00 p.m.

PROJECT DATA:

- 2-foot x 10-foot banner with a white background and red border reading "See's Candies Kiwanis Holiday Fund Raiser" in black and blue lettering.

PERMITS REQUIRED:

- Temporary Sign Permit

APPLICANT: Moraga Valley Kiwanis Foundation, P.O. Box 503, Moraga, CA 94556

PROPERTY OWNER: Kimco Realty Corporation, 3333 New Hyde Park Rd, #100, New Hyde Park, NY 11042

ZONING DISTRICT: Community Commercial (CC)

ENVIRONMENTAL REVIEW STATUS: Categorically exempt under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines (Class 1, "Existing Facilities.")

ATTACHMENTS: Vicinity map (the file for the project is available for public review; see "Further Information" below.)

PUBLIC COMMENT

Comments may be made verbally at the public meeting and in writing before the hearing. Written comments to the Board are encouraged and should be directed to:

Planning Department
329 Rheem Boulevard
Moraga, CA 94556

Fax: (925) 376-5203
E-mail: planning@moraga.ca.us

To assure distribution to the Boardmembers prior to the meeting, it is suggested that **correspondence be submitted by 12:00 noon, seven (7) days before the meeting.** Fifteen (15) copies must be submitted of any correspondence with more than ten (10) pages or any item submitted less than seven (7) days before the meeting.

COMMUNICATION ACCESS

To request a meeting agenda in large print, or on CD, call (925) 888-7040 (voice). Notice of at least five (5) business days will ensure availability. Agendas are also available on the Internet at: www.moraga.ca.us.

FURTHER INFORMATION

Questions about the project should be directed to the project planner, Kelly Suronen, at (925) 888-7040 or planning@moraga.ca.us. All project application materials can be viewed at the Planning Department, 329 Rheem Boulevard, during normal office hours.



UP-11-11
Mailed Public Notice

522 Center Street
Mailing List

Public Meeting

APN	Name	Address	City & Zip
255160018	Kimco Realty Corporation	3333 New Hyde Park Rd Ste. 100	New Hyde Park, NY 11042
255160036	Childrens Trust Hover	101 Church Street, Apt.#12	Los Gatos, CA 95030 6927
255471004	Allene Mossman	1817 Yale Drive	Alameda , CA 94501 1607
Applicant	Tim Freeman	P.O. Box 503	Moraga, CA 94556

VICINITY MAP AND AREA OF NOTICE

522 Center Street

File Number: UP-11-2011

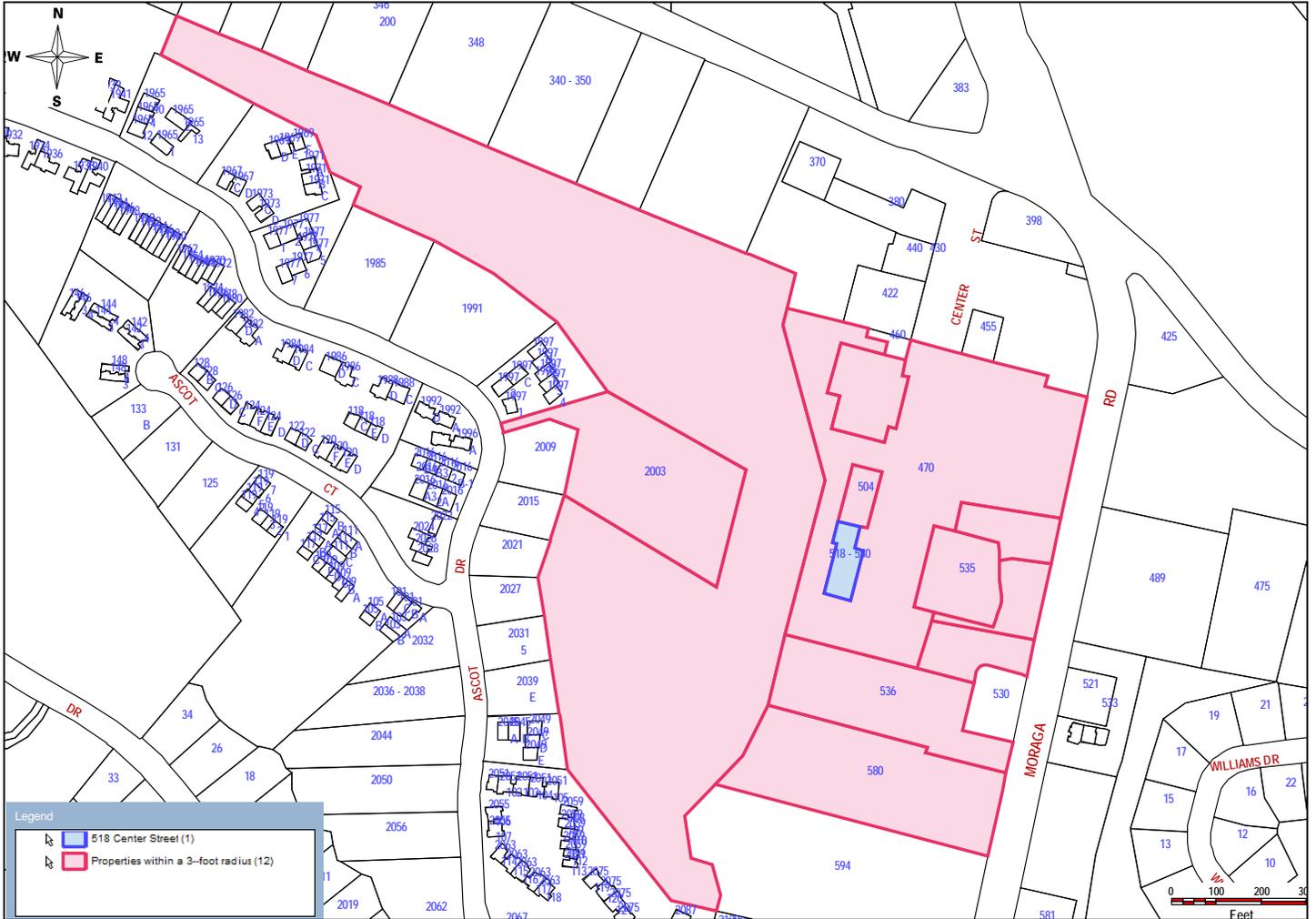


EXHIBIT B

DRAFT ACTION MEMO



Town of Moraga

PLANNING DEPARTMENT
329 Rheem Boulevard
MORAGA, CA 94556
(925) 888 - 7040

DESIGN REVIEW BOARD ACTION MEMORANDUM

On November 14, 2011 the Town of Moraga Design Review Board considered the application described below:

UP-11-11 / Moraga Valley Kiwanis Foundation (Applicant), Kimco Realty (Owner), 522 Center Street. Design review to display a temporary banner on the front canopy for the Kiwanis See's Candies Holiday Fund Raiser from November 16, 2011 to December 24, 2011. Zone: Community Commercial. (APN: 255-160-012)

DESIGN REVIEW BOARD ACTION:

DESIGN REVIEW BOARD APPROVAL is hereby granted for the proposed temporary banner at 522 Center Street subject to the findings and conditions listed below:

FINDINGS:

The findings listed below are required by Moraga Municipal Code (MMC) Section 8.88.280 in order to approve an application for sign review:

- 1. The proposed sign has the same character and quality of design as the exterior architecture of the property and area where it is located.** *The sign is a temporary banner and its design and character are not consistent with the Rheem Shopping Center's architecture. However, it is a temporary sign for a seasonal sale, meets all of the requirements and conforms to the conditions listed in MMC Section 8.88.240-A except condition #3 (length of time). A modification is necessary because the applicant (a service club) proposes displaying the temporary banner during the holiday season.*
- 2. The location of the proposed sign will not impair the use of the property or conflict with the visibility, location, or arrangement of existing adjacent signs** *because it is a temporary sign that does not interfere with other signs in the Rheem Shopping Center. The sign will be located on the front canopy above the entrance to the store where there is currently no signage. The front canopy is high enough so that the sign will be visible to shoppers and passersby.*

CONDITIONS OF APPROVAL:

1. The temporary banner shall be in accordance with the plans approved by the Design Review Board on November 14, 2011.
2. The temporary banner shall be displayed from November 16, 2011 to December 24, 2011 (a total of 38 days) and removed after December 24, 2011.
3. The temporary banner shall be maintained in a secure and safe condition for the duration of its display.

Action of the Design Review Board can be appealed to the Planning Commission within 10 calendar days after the date of the decision. Questions regarding the action of the Board can be directed to the Planning Department at (925) 888-7040.

DRAFT