

**Mayor**  
Willard Rodarmel  
**Mayor Pro Tem**  
John Plourde  
**Council Members**  
John Gordon  
John Murray  
William Siegel



**Planning  
Department**

711 Cinnamon Drive  
Lemoore CA 93245  
Phone (559) 924-6740  
FAX (559) 924-6708

**STAFF REPORT**

**Item # 4**

**To:** Lemoore Planning Commission  
**From:** Gloria A. Hobbs, Assistant Planner / Holly Smyth, Planning Director  
**Review Date:** July 23, 2012  
**Subject:** Application by Diocese of Fresno Education Corporation for Variance #2012-02 from Sign Regulations to allow flexibility from Sections 9-5F-5-B1 and B2

**A. General Information:**

1. Applicant/Owner: Diocese of Fresno Education Corporation  
1550 North Fresno Street  
Fresno, California 93703  
(559) 493-2872 office (559) 493-2875 Fax  
[ddurivage@dioceseoffresno.org](mailto:ddurivage@dioceseoffresno.org)
2. Location: The subject site is east of Lemoore Avenue and south of Club Drive at 884 N. Lemoore Avenue in Lemoore, California 93245 on the school's hall
3. Property Description: Assessor Parcel No: 021-320-002
4. Site Area: 9.85 Acres
5. Zone Districts: CF (Community Facility)
6. General Plan Designation: CF
7. Existing Use: MIQ School (Private School and Hall)

**B. Project Location & Description:**

Diocese of Fresno Education Corporation has submitted an application requesting a variance from Tables 9-5F-5-B1 and 9-5F-5-B2 Lemoore Zoning Code pertaining to sign height and electric copy wall signage in a CF (Community Facilities) zone district. The subject site is located at 884 N. Lemoore Avenue on the east side of North Lemoore Avenue and between Devon Drive to the south and Club Drive on the north. The applicant is requesting to allow a two stacked 5'-8" height x 8' wide (approximately 45 square foot) wall and electronic reader board sign with a 4" gap on the front portion of the Mary Immaculate Queen School (MIQ) hall, which is 24' in height. Currently, there is an 8" tall x 5'5" wide single letter wall sign (O'Doherty Hall) on the northern portion of the building facing west and a temporary banner (which will need to be removed within 30 days of installation).

**PLANNING COMMISSIONERS**

Chairperson –Ron Meade, Vice-Chair –Jeff Garcia  
Dave Brown, Bob Clement, Jim Marvin, Calvin Monreal, Bill Wynne

A sign submittal was approved for only a single 32" x 97 ½ " wall sign located at the top portion of the proposed combined signs on June 1, 2012 with seven (7) conditions. The original submittal included the combined wall and reader board sign which was not allowed per Table 9-5F-5-B2 due to it not complying with the old Zoning Ordinance. Therefore, the applicant decided to apply for a sign variance to allow both signs as shown in Exhibit A, which were received after the new Zoning Code took effect. The applicant is requesting to be allowed the combined wall and reader board sign, so that they may display announcements of school activities. According to the application, the message will change monthly and maybe daily depending on the message. As the top portion of this sign was already approved, the applicant will need to submit a letter to void that approval with this new request for a combined sign.

The applicant has submitted a Sign Variance application under Section 9-2B-16 which states that variances provide relief from the strict application of development standards and provisions if specified findings can be made. This code section allows the applicant to request to waive or modify a procedural requirement based on the above section based on the particular circumstances of that project alone. As part of this application procedure, a public hearing notice was published in the Hanford Sentinel and property owners within 300' of the proposed site were notified of the request being made by mail with the time, date, and location of the public hearing included as required by the City's Zoning Ordinance.

The applicant is requesting a variance from five provisions of the 2012 Zoning Code as follows:

Table 9-5F-5-B1	Residential and Special Purpose Districts → Other non-residential uses under Building Attached Signage	a) Only allows 1 building attached sign per establishment, applicant is proposing 3 total. b) Maximum sign area for use is 40 square feet, and with all 3 signs applicant is requesting to use would equal just under 49 square feet of signage. c) Building attached signs are required to be in scale with the overall building height and generally not take up more than 10% of the height of the building, while the applicant proposes to stack two signs to where the height would be 25% of the building height as shown in Exhibit A. Staff recommends putting signs side-by-by so that the height would be 13% of the building height and be more appropriately scaled to the building and visually compatible as shown in Exhibit B.
Table 9-5F-5-B2	Building Attached section → Marquee/Changeable Copy Sign (electric) → Nonresidential Uses in Residential and Special	Does not allow electric changeable copy signage in this zone district whereas the applicant wants a fully electronic reader board sign which has full color and animation capabilities, whereas other schools have just a single color minimal animation sign. May want to consider only having text copy used in signage and no full color animation to be equitable.
9-5F-4-B.6.d	Design Standards for Specific Sign Types → Wall Signs	Can signs on walls are prohibited, while the applicant is requesting the use of a can sign.

“In God We Trust”

The code (Table 9-5F-F-B2) currently does not allow Marquee Changeable copy sign (electric) under this zone district but does allow wall signs with no illumination facing residential use. Section 9-5F-2E.5 states that animated, flashing, scrolling, or video screen signs (e.g. electronic readerboard sign) where the message changes more frequently than once every seven (7) seconds are prohibited signs. Other types of signs such as barber poles or electronic reader board signs that change message less frequently than once every seven (7) seconds may be permitted when consistent with the requirements of this article. Under Section 9-5F-4-3 "Marquee or Changeable Copy Sign: These types of signs shall be considered to be the same as any other type of sign and shall be regulated based on their location; i.e., if located on a wall, they shall be deemed walls signs. ....Electric (digital) changeable copy sign shall not change message more than one time every seven (7) seconds and intensity shall be adjusted between day and night hours to not be a safety hazard."

Section 9-5F-4-2 under Sign Illumination states that the illumination of signs, either from an internal or external sources, shall be designed so as not to cast stray light on surrounding rights of way and properties. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties in direct line of sight to the sign; signs shall not have blinking, flashing, or fluttering lights, or other illuminated devices that have a changing light intensity, brightness, or color; colored lights shall not be used at a location or in a manner so as to be confused or constructed as traffic control devices; and light sources shall utilize energy-efficient fixtures to the greatest extent possible and shall comply with title 24 of the California code of Regulations.

### **C. Variance Review:**

**In accordance with Sections 9-2B-16D, the Planning Commission may approve and/or modify any variance application in whole or in part, with or without conditions, only if the applicant can demonstrate that the circumstances of their particular case can justify making all of the following findings:**

*Criteria #1 – There are special circumstances applicable to the property (e.g. location, shape, size, surrounding, topography, or other conditions) so that the strict application of this zoning code denies the property owner privileges enjoyed by other property owners in the vicinity and within the same zoning district:*

This site is zoned the same as other public schools within the community. Private schools are not afforded the same exemptions as public schools when it comes to following City regulations but have similar functions and events as a school does that need to be shared with student's families and the community. Because the public schools have the right to put reader boards in place (even though they were not approved by the City nor under the City's jurisdiction and therefore not subject to the City's regulations) and have the same function at MIQ, the applicant believes they should get to enjoy the same type of signage.

*Criteria #2 - Granting the variance is necessary for the preservation and enjoyment of substantial property rights enjoyed by other property owners in the same vicinity and zoning district and denied to the property owner for which the variance is sought:*

The applicant states that they are requesting to have the same property rights enjoyed by other schools that have reader boards to display messages. The applicant is aware that public schools are not under City's jurisdiction for implementing the sign regulation, and therefore the reader board signs they have installed were not under the City's jurisdiction or regulation. The application notes that the reader board will announce only school activities and would like MIQ to have this same luxury as the public schools.

"In God We Trust"

*Criteria #3 – Granting the variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the premises in question:*

To the west of this site is residential single family, to the north-west is multi-family and the Savemart Shopping Center, and to the south is the Saint Peter's Church. The front face of the Hall where the signs are proposed face the backyards of single family residential and multi-residential. However, there should not be a negative affect by the reader board due to the street, landscaping, sidewalk, and block wall buffer and 150' setback of the building from the road. The church to the south is in line with the hall and will not interfere as the sign faces west. The granting of the variance to allow the reader board and fixed sign would allow the school to advertise the school and promote activities and school functions.

If the reader board is approved, per Section 9-5F-4-B.3, the applicant will be required to adjust the intensity, by dimming the lights, at night hours to not be a safety hazard and not change more than once every 7 seconds.

*Criteria #4 – The variance is consistent with the general plan, any applicable specific plan or development agreement, and the intent of this title:*

The only sign policy direction in the General Plan comes from policy CD-I-18, "Update the standards in the Sign Ordinance to regulate all commercial signs, logos, banners, and other forms of commercial signage in Lemoore,...." and then further states that "the sign ordinance should encourage creative and well-designed signs that contribute in a positive way to the City's visual environment, express local character, and help develop a distinctive image for the City...". In order to understand the intent of the sign ordinance, one must look to Section 9-5F-1. The one that applies specifically to this project is to "promote signs and graphics that are attractive, pleasing, and harmonized with the physical character of the building and environment surrounding properties." Additionally, under Section 9-5F-2-E.3, Can signs, as defined in the title are Prohibited and Can sign are defined in Section 9-12-4 as "a sign which contains all the text and/or logo symbols within a single enclosed box cabinet that is mounted to a wall or other surface. It specifically does not include the sign cabinet that is part of a freestanding sign".

Based on these and previous discussed policies, regulations, intent and the type of changeable copy signage the public schools have, staff believes that to best meet the intent of the Sign Regulation, staff believes that the proposed two signs should only be allowed if they were side-by-side to each other and then a single frame, that matches the building window frames, be installed around the two signs to help them appear as one, as their sizes are off by about 5" and would look awkward within such adjustment (especially since it is staff's understanding that the signs have already were made prior to any application submittals being made to the City. The following Exhibit B would make the proposed signage generally consistent with City policy as it would:

- 1) Keep the height at 13% of the building height
- 2) Consolidate the two signs into one frame to utilize similar material and color of the existing building window frames and help eliminate the size difference between the two signs
- 3) Be an acceptable overage of signage at 49 square feet based on the site characteristics
- 4) Only allow general text on the reader board to be similar to the public schools so that they are not receiving rights the others do not have with the copy not changing more than once per 7 seconds, and the lighting automatically dimming at night to an acceptable level to not be a nuisance to traffic or adjacent residential uses.

"In God We Trust"

**D. Environmental Impact:**

The variance is generally categorically exempt from the California Environmental Quality Act as per Section 15311 of the State Guidelines.

**E. Recommendation:**

The Planning Commission should review the above application, open the scheduled public hearing to take comments and consider approving the attached Resolution 2012-10 which approves a categorical exemption for the project under the California Environmental Quality Act and approves Exhibit B with conditions of approval to allow the two side-by-side signs in the dimension shown with a frame added to match the existing windows and encompass both signs on the front portion of the Mary Immaculate School (MIQ) hall.

“In God We Trust”