

City of Santa Fe, New Mexico

memo

DATE: June 24, 2015 for the July 02, 2015 Planning Commission Meeting

TO: Planning Commission

VIA: Lisa D. Martinez, Director, Land Use Department
Greg Smith, Current Planning Division Director

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

4250 CERRILLOS ROAD SIGN VARIANCE

Case #2015-54. 4250 Cerrillos Road Sign Variance, JenkinsGavin Design & Development, agent for Santa Fe Mall Property Owner LLC, request a Variance to the maximum size of sign per Subsection 14-8.10(E)(6) "Wall Signs" and 14-8.10(G) "General Requirements for Signs According to District" to allow 169 square foot wall sign where 80 square feet is the maximum. (Dan Esquibel, Case Manager)

Case #2015-55. 4250 Cerrillos Road Sign Variance, JenkinsGavin Design & Development, agent for Santa Fe Mall Property Owner LLC, request a Variance to the maximum size of sign per Subsection 14-8.10(E)(6) "Wall Signs" and 14-8.10(G) "General Requirements for Signs According to District" to allow 136 square foot wall sign where 80 square feet is the maximum. (Dan Esquibel, Case Manager)

This report addresses variances for two different tenants at the mall, and both may be heard concurrently. However, a separate motion is required for each sign.

RECOMMENDATION:

Although similar variances have been approved in the past, it is not clear that the proposed signs meet the approval criteria for variances. If the Commission determines after holding a hearing that the required findings are supported, the Commission may approve the variance subject to obtaining building permits.

I. APPLICATION SUMMARY

The Mall Property Owner LLC is proposing to remodel northeast portion of the mall building formerly used for North Theater to accommodate two new retail tenants. The applicants are requesting a variances to allow Bed Bath & Beyond a 169 square foot wall mounted sign and Cost Plus World Market a 151.8 square foot wall mounted sign where each would normally be permitted only a single 80 square foot wall sign in addition to the mall's identification signs located at the driveway access points. The two businesses will be located side by side.

The submittal information also included a listing of signs and sign sizes for the mall building. The sign inventory indicates that many of the major tenants at the shopping center have similarly large signs, although staff has not confirmed that variances have been approved in each case. Although some of the signs were erected 20 to 30 years ago, the most recent variance to signs was approved by the Planning Commission on June 7, 2012 as Case #2012-42 - Sports Authority Sign Variance. That approval allowed two wall signs, each 151 square feet in size.

Staff has also been unable to locate any sign plan for the center, and it appears that the signs have been requested on a case-by-case basis without any attempt at consistency or unifying design. It seems likely that there will be future requests for still more sign variances as tenants change.

The frequency with which variances have apparently been approved for this mall and other shopping centers may indicate that amendments to the regulations are appropriate, since it is not clear that the mall site is significantly different from other commercial developments that are subject to the regulations. Amendments to the sign regulations are on the Land Use Department's long-term work program, but are not prioritized for the current fiscal year.

The application states that *"Adequate signage is necessary in order for the mall renovation and addition to move forward. The above referenced limitation is unreasonable for these large retailers, especially in light of the fact that the storefronts will be set back approximately 520 feet from Rodeo Road. Furthermore, since the topography slopes downward from north to south, the finished floor will be 20 feet lower than Rodeo Road. These conditions make drive-by identification difficult and render it necessary to add square footage to the signs for clear store identification from the street."*

II. APPROVAL CRITERIA

Santa Fe City Code 1987 14-3.16(C)(1) through (5) are required to grant a variance for the proposed signs (reference Exhibit B for Applicant's response to the variance criteria):

(1) One or more of the following special circumstances applies:

- (a) unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;*
- (b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;*
- (c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or*
- (d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).*

Applicant Response (to (a) above):

"The proposed Bed, Bath & Beyond space has limited visibility from Rodeo Road due to the topography of the land. The finished floor of the store will be 20 feet lower than the elevation of Rodeo Road. This limits visibility for vehicles and makes it essential to have

signage that is large enough to be clearly visible from the street. Furthermore, the north façade will be set back 520 feet from Rodeo Road. This creates a hardship for Bed, Bath & Beyond, who will be competing with the other anchor tenants with larger signs and greater street visibility. In addition, having a sign that does not relate to the others compromises the architectural consistency of the mall property.”

“Similarly to the proposed Bed, Bath & Beyond, the proposed Cost Plus World Market (“World Market”) space has limited visibility from Rodeo Road due to the topography of the land. The finished floor of the store will be 20 feet lower than the elevation of Rodeo Road. This limits visibility for vehicles and makes it essential to have signage that is large enough to be clearly visible from the street. Furthermore, the north façade will be set back 520 feet from Rodeo Road. This creates a hardship for World Market, who will be competing with the other anchor tenants with larger signs and greater street visibility. In addition, having a sign that does not relate to the others compromises the architectural consistency of the mall property.”

Staff Response:

Unusual terrain constraints can be used to qualify for a variance review. However, wall signs for interior tenants at malls are often screened from view by perimeter buildings and/or topography. The setback distance of 520 feet from Rodeo Road is more than average for Santa Fe malls, but is not extreme. Additional information from the applicant identified that the mall did not contain a directory sign along the public road; staff has not researched whether a larger entry sign would be permitted under the current regulations. Of the 16 wall mounted signs on the mall building, 11 exceed Chapter 14’s 80 square foot standards ranging from 95 to 309 square feet in size.

- (2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

Applicant Response:

“In order for the proposed addition to move forward, Bed, Bath & Beyond must ensure that they can adequately advertise their store via a sign that is both proportional to the building and clearly visible from Rodeo Road. The north facing building façade will be 4,489 square feet. An 80-square foot sign would comprise only 1.8% of the façade, which is insufficient for visibility from Rodeo Road and looks disproportionately small in relation to the façade. This percentage is clearly inadequate for effective building advertisement and street visibility, especially given the fact that the City Land Development Code allows for a wall sign to encompass up to 20% of the façade.”

“In order for the proposed addition to move forward, World Market must ensure that they can adequately advertise their store via a sign that is both proportional to the building and clearly visible from Rodeo Road. The north facing building façade will be 2,950 square feet. An 80-square foot sign would comprise only 2.7% of the façade, which is insufficient for visibility from Rodeo Road and looks disproportionately small in relation to the façade. This percentage is clearly inadequate for effective building advertisement and street visibility, especially given the fact that the City Land Development Code allows for a wall sign to encompass up to 20% of the façade.”

Staff Response:

Staff concurs that the circumstances discussed in criterion 1 above identify a less than optimal solution for advertising a single business within the center of a 27 acre Tract. However, the purpose of the SC3 District sign regulations is to develop a regional shopping centers i.e. a destination place not impulse stop. This puts the Mall in the position of advertising the shopping center versus using large signs for each business to promote themselves to nearby public roads. The standards state:

“For three or more business establishments on a legal lot of record, one sign is allowed for the purpose of general identification of the entire premises not to exceed one hundred fifty (150) square feet in corridor zone four. In addition, one wall mounted sign per business establishment is allowed having one (1) square foot of surface area for each one (1) lineal foot of building or lease space frontage, but in no case exceeding eighty (80) square feet per business establishment;”

The Planning Commission will need to evaluate the information provided to determine qualifying factors to the criteria specific to 14-3.16(C)(2) above.

- (3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

Applicant Response:

“The requested sign size of 169 square feet does not exceed that of other properties at the mall. In fact, it is smaller than any of the other current anchor wall signs. For example, Dillard’s has one sign comprising 281 square feet and one comprising 264 square feet, and JC Penney has two of the JC Penney 173 square foot signs.”

“The requested sign size of 151.8 square feet does not exceed that of other properties at the mall. In fact, it is smaller than any of the other current anchor wall signs. For example, Dillard’s has one sign comprising 281 square feet and one comprising 264 square feet, and JC Penney has two of the JC Penney 173 square foot signs.”

Staff Response:

There is no intensification to the underlying zoning (SC3). The applicant has provided evidence identifying that 11 of the 16 mall wall mounted signs exceed the standards that are subject to the same relevant provisions of Chapter 14. The Planning Commission will need to evaluate the information provided to determine qualifying factors to the criteria specific to 14-3.16(C)(3) above.

- (4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

- (a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

Applicant Response:

“The requested Variance is the minimum sign size that will make possible the reasonable use of the structure for Bed, Bath & Beyond’s purposes as a retail store.

The requested Variance is the minimum sign size that will make possible the reasonable use of the structure for World Market's purposes as a retail store."

Staff Response:

The variance requests are to allow two signs to exceed the standards by 47% and 52% respectively. Nothing has been provided that addresses the Mall's ability to comply with the standard for signage pursuant to 14-8.10 "Signs". The Planning Commission will need to evaluate the information provided to determine qualifying factors to the criteria specific to 14-3.16(C)(4)(a) above.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

Applicant Response:

"It is critical to the economic base of Santa Fe that the area's regional mall be redeveloped in a manner to ensure that it is reinstated as Santa Fe's most significant generator of Gross Receipts Tax. In order for the mall to continue its redevelopment, new nationally recognized anchors must be secured. As a catalyst to key mall redevelopment and expansion of Santa Fe's economic base, the requested sign variance is in alignment with the General Plan's goals of economic development and adaptive reuse."

Staff Response:

The sign regulations are established minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest from within the municipality. The number and size of signs are regulated to promote economic development in part by preventing sign clutter and insuring that competing businesses are given equal treatment.

(5) The variance is not contrary to the public interest.

Applicant Response:

"The requested sign variance is in the public interest, as the addition of Bed, Bath & Beyond will aid in furthering the redevelopment of the Santa Fe Place Mall, creating jobs and expanding Santa Fe's economic base, as well as offering greater local shopping opportunities for residents."

"The requested sign variance is in the public interest, as the addition of World Market will aid in furthering the redevelopment of the Santa Fe Place Mall, creating jobs and expanding Santa Fe's economic base, as well as offering greater local shopping opportunities for residents."

Staff Response:

The regulations are intended to protect the public interest; the preferences or even the requirements of a particular tenant for larger signs is not sufficient justification for a variance. The Planning Commission will need to evaluate the information provided to determine qualifying factors to the criteria specific to 14-3.16(C)(4)(b) above.

III. CONCLUSION

Staff is unable to support the proposed variances at this time as it is not clear that the applicants have satisfied the criteria for variance approval.

EXHIBITS

Exhibit A- Applicant's Data

Exhibit B - Maps

Packet Attachment -Plans and Maps

July 2, 2015
Planning Commission
Case #2015-54 & 55
**4250 CERRILLOS ROAD SIGN
VARIANCES**

EXHIBIT A

APPLICANT DATA



jenkinsgavin
DESIGN & DEVELOPMENT INC.

May 20, 2015

Greg Smith
City of Santa Fe Land Use Department
200 Lincoln Avenue
Santa Fe, NM 87501

**RE: SANTA FE PLACE MALL - SIGN VARIANCE
BED, BATH & BEYOND AND COST PLUS WORLD MARKET**

Dear Greg:

This letter is submitted on behalf of Santa Fe Mall Property Owner LLC in application for sign variances for the planned retailers Bed, Bath & Beyond and Cost Plus World Market, for consideration by the Planning Commission at their meeting of July 2, 2015. The stores will be located on Lot 1-A, a ±27-acre portion of the mall property at 4250 Cerrillos Road. The property is zoned SC-3 (Planned Shopping Center) and is located in Zone Four of the Cerrillos Road Highway Corridor Protection District.

Project Summary

In a critical step toward the much needed revitalization of the Santa Fe Place Mall, the new owners are redeveloping the space that formerly housed the UA North Movie Theater on the north side of the mall, adjacent to Dillard's. The new tenants will be the nationally known anchors Bed, Bath & Beyond and Cost Plus World Market ("the Tenants").

Clearly recognizable and visible building signs are a crucial element in attracting customers to any retail store. The Tenants need to ensure that they can adequately advertise their stores via signs that are proportionate to the building and clearly visible from Rodeo Road. To this end, they will each need a sign over their respective entrance on the north-facing façade. However, under Santa Fe Land Development Code §14-8.10(E)(6)(b), Specific Requirements for Permanent Wall Signs, and §14-8.10(G)(8)(b), Cerrillos Road Highway Corridor Protection district, Zone Four, they would each be limited to 80 square foot signs.

Adequate signage is necessary in order for the mall renovation and addition to move forward. The above referenced limitation is unreasonable for these large retailers, especially in light of the

fact that the storefronts will be set back approximately 520 feet from Rodeo Road. Furthermore, since the topography slopes downward from north to south, the finished floor will be 20 feet lower than Rodeo Road. These conditions make drive-by identification difficult and render it necessary to add square footage to the signs for clear store identification from the street.

Variance Requests

1. Bed, Bath & Beyond

A variance is requested from Santa Fe Land Development Code §14-8.10(E)(6)(b), Specific Requirements for Permanent Wall Signs, and Santa Fe Land Development Code §14-8.10(G)(8)(a), Cerrillos Road Highway Corridor Protection district, Zone Four, to allow for a 169 square foot wall sign.

The responses to the Variance Criteria are as follows:

(1) (a) Unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

The proposed Bed, Bath & Beyond space has limited visibility from Rodeo Road due to the topography of the land. The finished floor of the store will be 20 feet lower than the elevation of Rodeo Road. This limits visibility for vehicles and makes it essential to have signage that is large enough to be clearly visible from the street. Furthermore, the north façade will be set back 520 feet from Rodeo Road. This creates a hardship for Bed, Bath & Beyond, who will be competing with the other anchor tenants with larger signs and greater street visibility. In addition, having a sign that does not relate to the others compromises the architectural consistency of the mall property.

(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

N/A

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

N/A

(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

N/A

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

In order for the proposed addition to move forward, Bed, Bath & Beyond must ensure that they can adequately advertise their store via a sign that is both proportional to the building and clearly visible from Rodeo Road. The north facing building façade will be 4,489 square feet. An 80-square foot sign would comprise only 1.8% of the façade, which is insufficient for visibility from Rodeo Road and looks disproportionately small in relation to the façade. This percentage is clearly inadequate for effective building advertisement and street visibility, especially given the fact that the City Land Development Code allows for a wall sign to encompass up to 20% of the façade.

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

The requested sign size of 169 square feet does not exceed that of other properties at the mall. In fact, it is smaller than any of the other current anchor wall signs. For example, Dillard's has one sign comprising 281 square feet and one comprising 264 square feet, and JC Penney has two of the JC Penney 173 square foot signs.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

The requested Variance is the minimum sign size that will make possible the reasonable use of the structure for Bed, Bath & Beyond's purposes as a retail store.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

It is critical to the economic base of Santa Fe that the area's regional mall be redeveloped in a manner to ensure that it is reinstated as Santa Fe's most significant generator of Gross Receipts Tax. In order for the mall to continue its redevelopment, new nationally recognized anchors must be secured. As a catalyst to key mall redevelopment and expansion of Santa

Fe's economic base, the requested sign variance is in alignment with the General Plan's goals of economic development and adaptive reuse.

(5) The variance is not contrary to the public interest.

The requested sign variance is in the public interest, as the addition of Bed, Bath & Beyond will aid in furthering the redevelopment of the Santa Fe Place Mall, creating jobs and expanding Santa Fe's economic base, as well as offering greater local shopping opportunities for residents.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

N/A

2. Cost Plus World Market

A variance is requested from Santa Fe Land Development Code §14-8.10(E)(6)(b), Specific Requirements for Permanent Wall Signs, and Santa Fe Land Development Code §14-8.10(G)(8)(a), Cerrillos Road Highway Corridor Protection district, Zone Four, to allow for a 151.8 square foot wall sign.

The responses to the Variance Criteria are as follows:

(1) (a) Unusual physical characteristics exist that distinguish the land or structure from others in the vicinity that are subject to the same relevant provisions of Chapter 14, characteristics that existed at the time of the adoption of the regulation from which the variance is sought, or that were created by natural forces or by government action for which no compensation was paid;

Similarly to the proposed Bed, Bath & Beyond, the proposed Cost Plus World Market ("World Market") space has limited visibility from Rodeo Road due to the topography of the land. The finished floor of the store will be 20 feet lower than the elevation of Rodeo Road. This limits visibility for vehicles and makes it essential to have signage that is large enough to be clearly visible from the street. Furthermore, the north façade will be set back 520 feet from Rodeo Road. This creates a hardship for World Market, who will be competing with the other anchor tenants with larger signs and greater street visibility. In addition, having a sign that does not relate to the others compromises the architectural consistency of the mall property.

(b) the parcel is a legal nonconforming lot created prior to the adoption of the regulation from which the variance is sought, or that was created by government action for which no compensation was paid;

N/A

(c) there is an inherent conflict in applicable regulations that cannot be resolved by compliance with the more-restrictive provision as provided in Section 14-1.7; or

N/A

(d) the land or structure is nonconforming and has been designated as a landmark, contributing or significant property pursuant to Section 14-5.2 (Historic Districts).

N/A

(2) The special circumstances make it infeasible, for reasons other than financial cost, to develop the property in compliance with the standards of Chapter 14.

In order for the proposed addition to move forward, World Market must ensure that they can adequately advertise their store via a sign that is both proportional to the building and clearly visible from Rodeo Road. The north facing building façade will be 2,950 square feet. An 80-square foot sign would comprise only 2.7% of the façade, which is insufficient for visibility from Rodeo Road and looks disproportionately small in relation to the façade. This percentage is clearly inadequate for effective building advertisement and street visibility, especially given the fact that the City Land Development Code allows for a wall sign to encompass up to 20% of the façade.

(3) The intensity of development shall not exceed that which is allowed on other properties in the vicinity that are subject to the same relevant provisions of Chapter 14.

The requested sign size of 151.8 square feet does not exceed that of other properties at the mall. In fact, it is smaller than any of the other current anchor wall signs. For example, Dillard's has one sign comprising 281 square feet and one comprising 264 square feet, and JC Penney has two of the JC Penney 173 square foot signs.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:

(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;

The requested Variance is the minimum sign size that will make possible the reasonable use of the structure for World Market's purposes as a retail store.

(b) consistency with the purpose and intent of Chapter 14, with the purpose and intent of the articles and sections from which the variance is granted and with the applicable goals and policies of the general plan.

It is critical to the economic base of Santa Fe that the area's regional mall be redeveloped in a manner to ensure that it is reinstated as Santa Fe's most significant generator of Gross Receipts Tax. In order for the mall to continue its redevelopment, new nationally recognized anchors must be secured. As a catalyst to key mall redevelopment and expansion of Santa Fe's economic base, the requested sign variance is in alignment with the General Plan's goals of economic development and adaptive reuse.

(5) The variance is not contrary to the public interest.

The requested sign variance is in the public interest, as the addition of World Market will aid in furthering the redevelopment of the Santa Fe Place Mall, creating jobs and expanding Santa Fe's economic base, as well as offering greater local shopping opportunities for residents.

(6) There may be additional requirements and supplemental or special findings required by other provisions of Chapter 14.

N/A

In closing, it is worthwhile to note that the sign regulations in the City Land Development Code do not appear to contemplate the needs of a regional mall facility such as Santa Fe Place. For example, §14-8.10(G)(8)(c) states that "for three or more business establishments on the premises...one sign is allowed with one square foot of surface area for each one lineal foot of building frontage, not to exceed 80 square feet per business establishment." Santa Fe Place comprises 84 tenants. If the mall were to adhere to the aforementioned code section, each of the 84 businesses could have an 80 square foot sign on the mall façade, which is clearly not what the Code intends. In lieu of such excessive signage, we are only requesting some latitude in the sign regulations to allow anchor tenants adequate store identification from the street.

Granting this request will help to make possible the continuation of the planned redevelopment of Santa Fe Place Mall. This redevelopment will create local shopping opportunities, creating jobs and sparking a much needed increase in Santa Fe's Gross Receipts Tax revenue.

In support of this request, the following documentation is submitted herewith for your review:

- | | |
|----------------------------|--------------------------------------|
| 1. Variance Applications | 5. Development Plan |
| 2. Letter of Authorization | 6. Plans (6 sets + PDF) |
| 3. Warranty Deed | 7. Application Fees in the amount of |
| 4. Legal Lot of Record | \$1,030.00 |

Santa Fe Place
Sign Variance Application
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- \$1,000.00 Variance Application
(Planning Commission)
- \$30.00 Poster

Please contact me should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

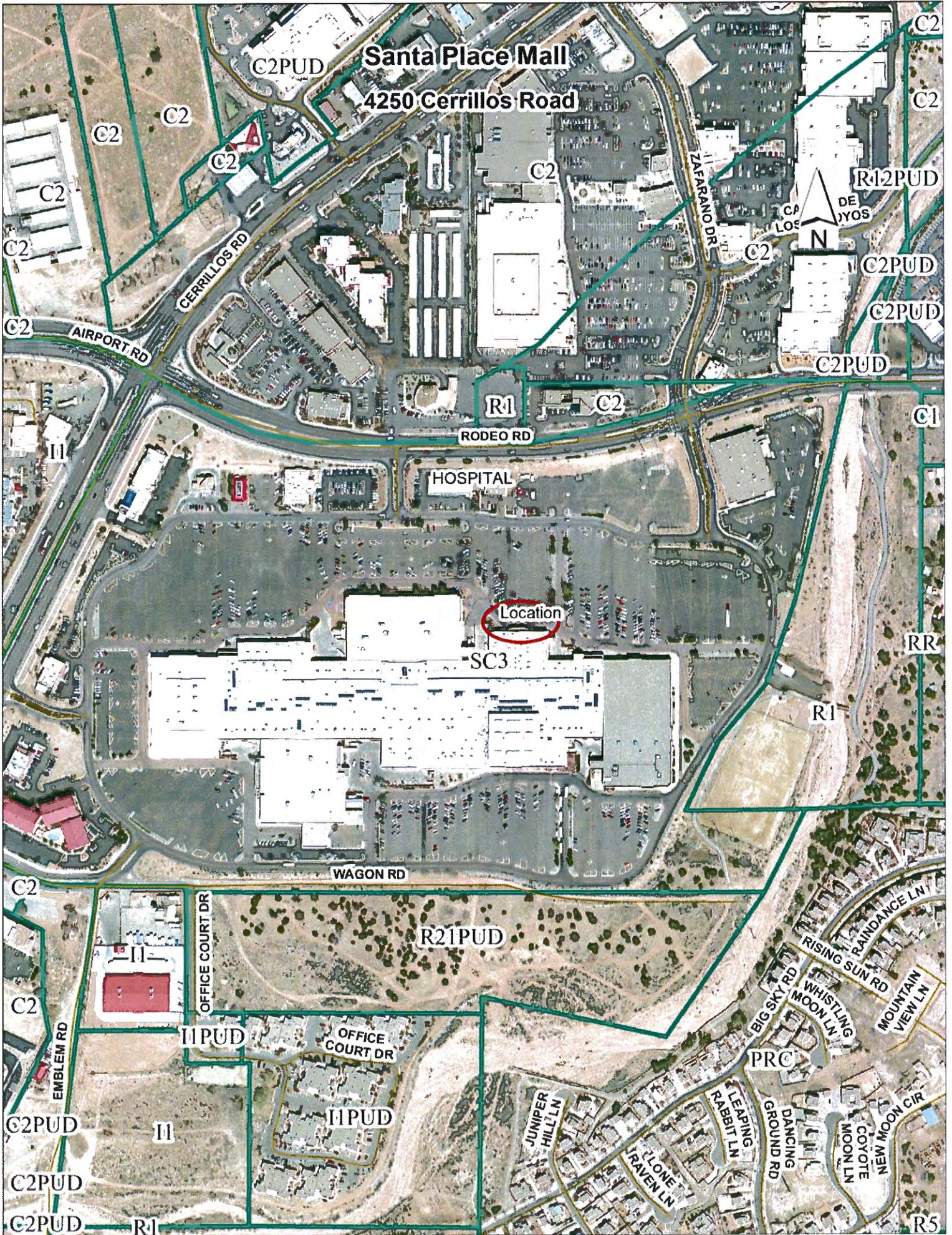
A handwritten signature in black ink, appearing to read "Hillary Welles". The signature is stylized with a large, looping initial "H" and "W".

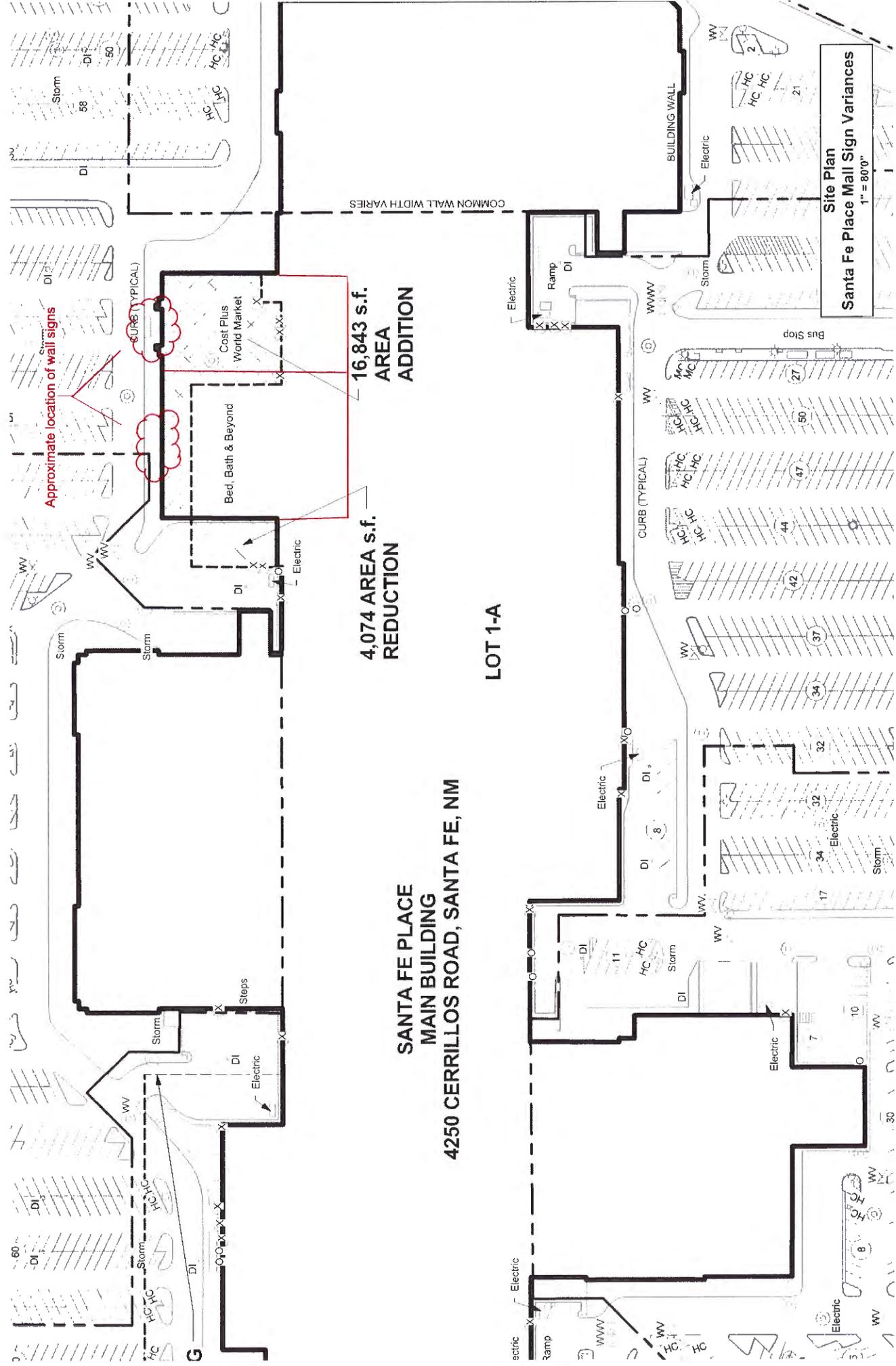
Hillary Welles

July 2, 2015
Planning Commission
Case #2015-54 & 55
**4250 CERRILLOS ROAD SIGN
VARIANCES**

EXHIBIT B

MAPS





**SANTA FE PLACE
MAIN BUILDING
4250 CERRILLOS ROAD, SANTA FE, NM**

LOT 1-A

**4,074 AREA s.f.
REDUCTION**

**16,843 s.f.
AREA
ADDITION**

Approximate location of wall signs

**Site Plan
Santa Fe Place Mall Sign Variances
1" = 80'0"**

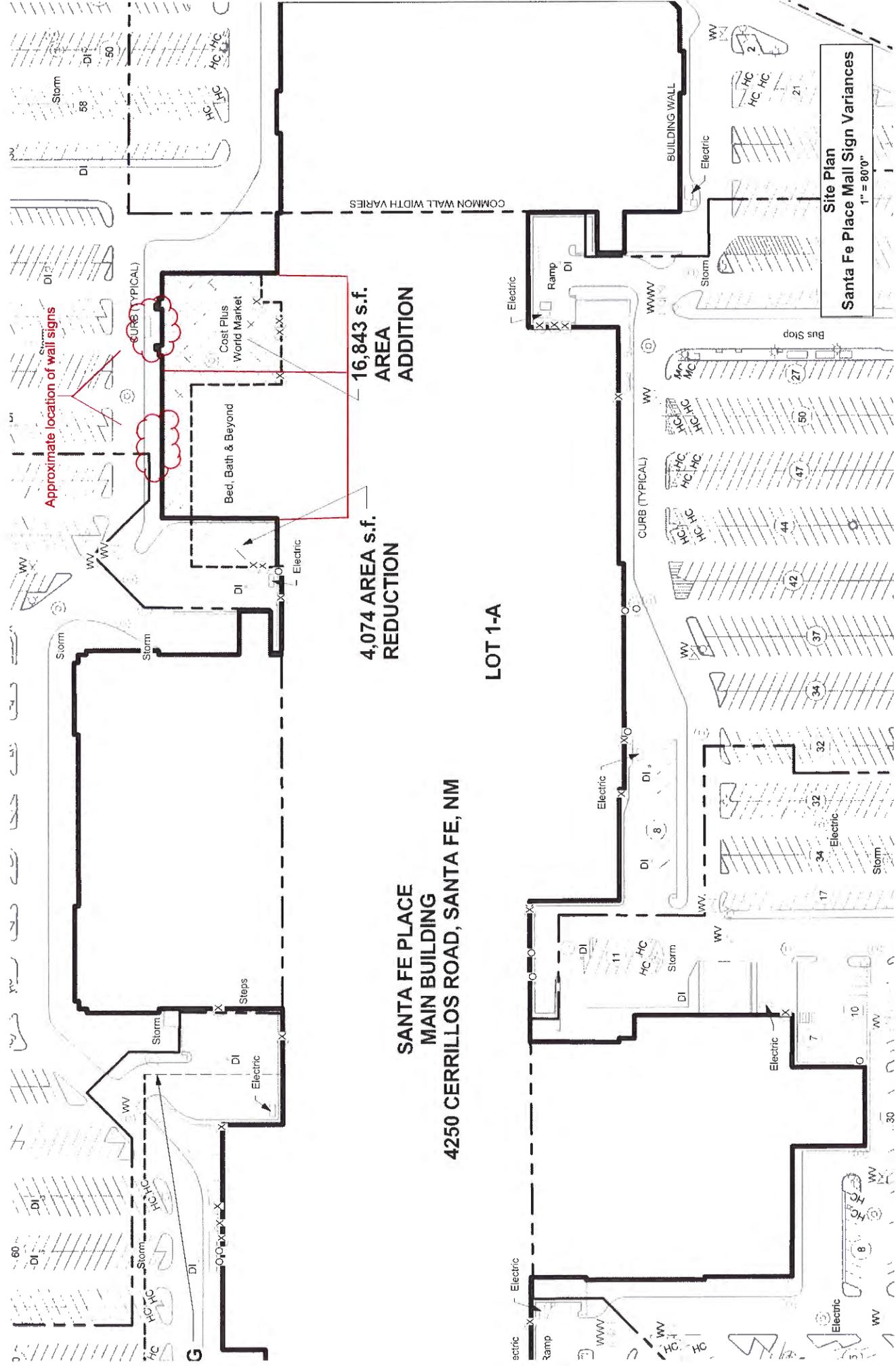
COMMON WALL WIDTH VARIES

Bed, Bath & Beyond
Cost Plus
World Market

CURB (TYPICAL)

CURB (TYPICAL)

BUILDING WALL



July 2, 2015
Planning Commission
Case #2015-54 & 55
**4250 CERRILLOS ROAD SIGN
VARIANCES**

APPLICANT ATTACHMENTS

APPLICANT DATA AND PLAN ATTACHMENTS