

**MINUTES OF THE 20 JUNE 2007
TRINIDAD PLANNING COMMISSION MEETING**

I. ROLL CALL

Chairman Morgan called the meeting to order. Commissioners in attendance were Johnson, Lake, Morgan, Kenny, and Rowe. Council Liaison Bhardwaj was in attendance. Parker and Martin represented staff in attendance.

II. APPROVAL OF MINUTES – May 16, 2007

Lake made a motion to accept the minutes as submitted. Johnson seconded. Kenny and Rowe abstained, as they were absent from the May 16 meeting. Motion carried 3-0.

III. APPROVAL OF AGENDA

Johnson moved to remove item 2b (Chevron 2007-01V) because he wanted more direction from the City Attorney and City Council before taking action. Other Commissioners stated that the issue could be discussed tonight without making a decision, and Johnson's motion was not seconded. Kenny moved to approve the agenda. Lake seconded. Motion carried 4-1.

IV. ITEMS FROM THE FLOOR

There were no items from the floor.

V. AGENDA ITEMS

PLANNING COMMISSION DISCUSSION / ACTION / PUBLIC HEARING ITEMS

1. Sterling 2007-03: Design Review and Coastal Development Permit to construct a 378 sq. ft. single-story addition to an existing 2-bedroom, 1,898 sq. ft. single-story residence on a 6,000 sq. ft. lot. 381 Ocean Ave.; APN: 042-062-14.

Parker introduced the project. The applicant proposes the addition of a family room to an existing single-story residence. The same project was approved by the Planning Commission in 1992, but construction was never begun and the approval has now expired. The property includes a 600 sq. ft. detached caretaker's residence that was converted from a garage in 1992. Because the garage conversion was approved as an extension of the existing, 1-bedroom residence and not as a separate dwelling unit, the existing residence is now considered to have 2 bedrooms. Parker stated that the main issue with this project is the floor-to-lot area ratio. The Planning Commission has an informal policy of allowing maximum 25% lot coverage due to concerns about visual "bulk" and stormwater runoff from impervious surfaces. The proposed house addition would result in a 38% floor-to-lot area ratio. Parker also noted that the 600 sq. ft. detached unit has been used as a vacation rental, which is legally permitted, but it cannot be used as a stand-alone dwelling unit.

Kenny stated his opinion that the increase in impervious surface area would not have any impact on water quality, because runoff would be coming from a roof and

not from a parking area or chemically treated lawn. Lake expressed concern that the additional bedroom could turn into another living space. Kenny and Morgan responded that this would be addressed by the proposed Condition of Approval No. 6, which Parker noted should be changed to include a single unit as well as a 2-bedroom limitation. It was also noted that the City was working on a new accessory dwelling unit (ADU) ordinance that might allow a second unit. Morgan and Lake said that the visual “bulk” of the proposed addition is not a problem because the house is relatively hidden.

The hearing was opened for public comment at this point. A member of the public spoke up against the idea of exceeding the informal 25% lot coverage threshold. The applicant presented a brief background of the project and stated that she had two requests of staff and the Commission. She wishes to 1) rip up the unused concrete parking space on her property at some future time, and 2) shorten the east-west axis of the proposed family room addition by several feet. Parker replied that a building permit will be needed to rip up the concrete, and during the application referral process it will have to be verified that 2 off-street parking spaces with all-weather surfaces (not counting garages) are available. Parker also stated that the Commission could approve the smaller addition that the applicant was suggesting.

Motion: Kenny made the following motion: Based on application materials, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings and approve the project as submitted and as conditioned below with the notation that the addition will be smaller than originally drawn on the plans. Rowe seconded. Motion carried 5-0.

2. Chevron 2007-01: Design Review and Coastal Development Permit to repaint building, install new sign faces, new canopy fascias, one with backlighting, install new pump valances, remove existing ‘flag’ price sign and install a new ‘monument’ price sign in a different location. In addition, review of several existing signs placed without approval will occur. Trinidad Chevron Station (at the intersection of Patrick’s Point Drive and Main Street); APN: 042-051-30. **Continued from the March, April, and May meetings.**

Parker summarized the project, stating that the submitted Staff Report is the same one drafted in March. She stated that repainting has already begun and is not subject to Design Review. She summarized the proposed remodeling activities and noted that the applicant has made some concessions to the Gateway Committee to improve aesthetics at the City’s entrance. Parker stated that part of this project involves consideration of some of the existing signs that were erected without approval, and which still require Design Review approval. She also noted that the total signage area at this point may be more than the allowed 300 sq. ft. She stated that the Commission should review the new signs as if they don’t exist. She pointed out that the City Zoning Ordinance contains unclear language regarding signs, and the Commission may wish to discuss some of those issues described in the staff report, such as whether signs are subject to setback requirements. She further stated that the lighting proposed by the applicant is an aesthetic matter not regulated by the Zoning Ordinance except through Design Review.

Initial discussion among the Commissioners involved square footage requirements for the signs, potential locations of the monument price sign, and the proposed lighting. Kenny stated, and others agreed, that each of the 4 canopy fascia panels should be counted individually for the purpose of calculating square footage. Rowe, who was not present at the previous month's meeting, asked for clarification of the Commission's options for making the signage compliant with zoning regulations. Morgan clarified that the applicant is allowed up to 300 sq. ft. of signage area. He said that the Commission would not be reviewing the 150 sq. ft. freeway logo sign until hearing of the next agenda item, but that it would count toward the total square footage under consideration. Johnson stated that he would like the applicant to submit a proposal for reducing signage to 300 sq. ft. He also said that the proposed lighting should fit with the ambient light of the area, and suggested that the lit canopy fascia panel should face Patrick's Point Drive. Lake stated that she prefers to place the price sign on Patrick's Point Drive because there is no need for it to be visible from Main Street. Morgan and Johnson said they were somewhat neutral on the price sign's location. Regarding the question of setback requirements, Kenny stated that they should not be applied to signs, which the Commission generally agreed with. Morgan stated that cleanup of Zoning Ordinance language regarding sign regulations should be considered at a separate meeting.

The hearing was opened for public comment at this point. The applicant stated that he is willing to remove signage from 2 of the 4 canopy fascia panels and can also remove the "24-Hour" sign. He emphasized the importance of having the price sign visible from Main Street and stated he will not agree to place it on Patrick's Point Drive. He is offering to either place it on the corner of Main and Patrick's Point, or move it to the planter on Main Street. Several members of the City's Gateway Committee spoke up with concerns about the aesthetic impacts of the proposed signage and lighting. They prefer to allow the smallest price sign legally permitted, to minimize light pollution, and to discourage preset architecture. The applicant stated that the light pollution resulting from this project would be lower than existing. Some members of the public spoke in the applicant's favor. Their arguments included 1) that Chevron is crucial to the City's economic well-being and should be able to advertise itself, and 2) that it would be unfair of the Commission to deny a slight exceedance of the 300 sq. ft. signage requirement after approving the Sterling project, which exceeded a lot coverage threshold by a significant amount. Commissioner Morgan responded that the maximum signage area is a regulatory maximum, whereas the floor-to-lot area ratio considered for the previous project was only a guideline.

The Commissioners discussed the issues raised by the Gateway Committee members. The applicant was asked to what degree the existing light pollution would be decreased after implementing the proposed design, and whether the canopy lights will be left on during the winter. He replied that lighting would be reduced by 2400 watts and that the canopy lights could not be turned off during winter because the pumps will still be open then. Kenny stated his preference for placing the monument price sign on Patrick's Point Drive and asked the applicant to clarify an earlier comment that he had made about "false advertising." The applicant replied

that he wishes to keep the price sign in a prominent location so consumers can see the prices and make a purchasing decision before pulling into the station. Kenny asked if the applicant would be willing to use local rock in the monument design, and the applicant said that he would. In response to a question from Morgan, he also stated that he might be willing to reduce the size of the price sign if the Commission agreed to let him place it on Main Street.

Rowe brought up several concerns about the size and design of the proposed signage. She asked Parker if the total proposed signage would exceed 300 sq. ft. after considering the applicant's offer to remove the "24-Hour" sign, the "Diesel" sign, and the lettering on 2 of the canopy fascias. Parker replied that the proposed signage still totals more than 300 sq. ft. The applicant said that the price sign should not be included in the square footage because it is required by State law. Parker stated that the City Zoning Ordinance exempts "legal notices" from the signage area allowance, and that the Commission may choose to interpret this as including legally mandated price signs for gas stations. Rowe asked the applicant if there was evidence that gas stations that incorporate alternative designs with smaller signs and lower-intensity lighting are less profitable than stations that use standard corporate design elements. The applicant replied that he has not seen any data on the subject, but it is intuitive that a more highly visible station would bring in more revenue. Rowe asked him if he would consider alternative designs that may help the station blend in with the community. He replied that alternative designs are unacceptable mainly because Chevron only makes certain signs and designs.

Further discussion took place regarding the area of the price sign. Kenny suggested that any square footage in excess of the legal minimum size should be counted in the total signage area. A member of the public asked if there was any purpose to having prices visible on both sides of the sign. Parker stated that according to State law, gas prices must be visible from all adjacent streets.

Parker began a point-by-point review of the project so Commissioners could discuss each item in turn. The first item, repainting the building, is not subject to Design Review. The second item involves installing new sign faces on 2 freestanding signs. Parker stated that this is not specifically subject to Design Review, but that the Commission should consider its effect on the gas station's overall appearance. She stated that this item requires a Coastal Development Permit (CDP) due to the cost not meeting the exemption amount, and clarified that the Commission can put conditions on its approval of a CDP. Parker recommended waiting for the City Attorney's input before acting on this item, since there are questions about the legality of the freestanding 70 ft. Chevron logo sign.

The third item involves installing new individual pump valences, which are proposed to be lit. Rowe asked for the dimensions of the valences. The applicant did not have the specifics, but said that they are of standard Chevron design. Johnson asked if the valences could be removed from the project proposal. The applicant replied that they are necessary for aesthetic reasons, but that they don't need to be lit. There was an informal consensus that Commissioners would approve the valences without lighting.

Some general discussion took place at this point. Parker provided clarification on the types of activities that require a CDP. Replacing sign panels is exempt when the work is valued at less than \$2,000, which the proposed project is not. Morgan reiterated to the other Commissioners that the project can be broken up so portions of it can be allowed to move forward. Johnson, addressing the public, stated that the Commission's role is to find a compromise between the applicant's needs and the general public's needs.

The fourth item up for review is replacing the canopy fascia panels. Parker stated that, like the sign panels, would not require a CDP except for the value. The Commissioners asked the applicant to clarify the proposed color and lighting schemes. Johnson stated that the lowest-intensity lighting possible should be used, and that he would prefer to consider the proposal as part of the overall light scheme. Kenny also stated a preference for considering the cumulative lighting impacts. Rowe was not in favor of the backlit fascia panel.

The final item is the relocation and replacement of the existing flag price sign with a monument price sign, which the applicant has offered in cooperation with the Gateway Committee. Kenny asked the applicant if he would agree to reduce the lettering height to the State minimum of 6 inches. The applicant said he would not, because Chevron does not offer a smaller sign to match the smaller lettering. Kenny asked what would occur if the City refused to allow the Chevron logo on the sign in an effort to reduce square footage. The applicant replied that he would keep the existing sign and refer the issue to Chevron's lawyers. Several Commissioners stated a preference for placing the sign on Patrick's Point Drive, and the applicant said he would not agree to that. Kenny asked representatives of the Gateway Committee if they would be willing to give up the planter on the corner of Main Street and Patrick's Point Drive as a possible site for a community garden, since one of the options of this project is to leave the price sign at its existing corner location. The Committee members said they do not need that corner planter. Commissioner Johnson suggested staging a mock-up of the possible locations for the sign, using an object of similar size. The applicant agreed to let Commissioners visit his property the following day to observe the different sign locations. The applicant also stated that the Commission may continue his project to the July meeting, although he won't be able to attend, but he would like a decision at that time. The Commission requested that prior to July's meeting, he provide them with specific information on the intensity of the existing and proposed lighting.

Motion: Kenny moved to continue this item to the following day, as it was determined that a quorum would be present during the site visit. Lake seconded. Motion carried 5-0.

3. Chevron 2007-01V: Design Review, Variance, Conditional Use Permit and Coastal Development Permit to remove the large 150 sq. ft., 70 ft. tall freeway sign and replace it with a shorter, smaller sign at 30 ft. high and 78 sq. ft. A Variance is needed because the sign will exceed the maximum size allowed, and the Use Permit

is needed to allow the sign to exceed the maximum building height. This project is a supplement to a pending application (2007-01).

The Commissioners discussed their concerns about the legal aspects of the project. Johnson reiterated that at the previous month's meeting, he had requested consultation with the City Attorney regarding the legality of the current freeway sign. He said that he was unclear as to how the Commission could proceed with a decision, because a denial of the Variance may result in leaving up an illegal sign. Morgan said that he would like to ask the attorney if the Use Permit originally granted for the sign is valid and whether a new Use Permit can be granted if the sign is illegal. He stated that the Commission has the authority to revoke Use Permits if the use in question is no longer desirable to the community. Kenny asked what harm it would cause to deny the Variance at that night's meeting instead of continuing it, as other Commissioners were suggesting. Parker stated that according to the City Zoning Ordinance, Use Permits can be revoked only if the original conditions of the permit have not been met, but that there may be other laws that allow a Use Permit to be revoked for other reasons. She clarified that denial of the Variance would not equate to an endorsement of the current freeway sign.

The floor was opened for public comment at this point. The chairman of the Gateway Committee stated that the freeway sign is unattractive and offered to pledge some of his own money to a fund that would pay for removal of the sign. Commissioner Morgan read a passage from Chevron's official position on "hallmark" signs indicating that freeway signs like the one currently under review are not required of individual stations. The applicant, addressing an issue that a member of the public had raised earlier in the meeting, clarified that a 1993 checklist erroneously stating that all signs were in legal compliance did not contain his signature and had in fact been filled out by the Planning Commission. A member of the Gateway Committee stated that the City has missed several opportunities to remove the nonconforming sign. He also stated that in case of conflicting regulations, the more restrictive should apply – in this case, he said conformance of the sign should be retroactively enforced.

The Commissioners reached a consensus that the required findings for granting a Variance could not be made in this case. Johnson agreed with this position but wanted to make sure that the legality is clear before making a decision.

Motion: Rowe made the following motion: Based on the information submitted in the application included in the Staff Report and public testimony, I find that Variance findings A, B, C, D and/or F cannot be made because the sign size is not limited because of the natural, physical characteristics of the property, the owner has other options, and/or has an existing viable use of the property, and I move to deny the project. Kenny seconded. Johnson abstained. Motion carried 4-0.

4. Review, discussion, action on various public educational and informational documents relating to the OWTS Management Program.

Johnson asked for clarification about what information was being submitted to the Commission. Parker stated that only public education materials, rather than technical documents relating to the OWTS Program, were being reviewed tonight. She also stated that the City Council has received drafts of the ordinance and appendices.

Motion: Johnson moved to continue this item to next month. Rowe seconded. Motion carried 5-0.

VI. **STAFF REPORT**

- Regarding the accessory dwelling unit (ADU) ordinance, Parker informed the Commission that she is working on a report showing how other jurisdictions have dealt with ADUs.
- Commissioners and staff reviewed the process for submitting agenda items. It was agreed that agenda items should be submitted to Chairman Morgan, who would forward the items to Parker. Parker, in turn, would submit the draft agenda to Morgan.
- Parker said that in light of the upcoming General Plan update, the Commission should consider meeting more frequently or creating a subcommittee to help with the workload. She stated that a General Plan update typically begins with town hall meetings and proceeds with joint City Council/Planning Commission meetings.

VII. **LIAISON REPORT**

- Personnel changes: a City Attorney has been hired, there is a vacancy on the City Council, and the City Building Inspector has submitted his resignation.
- Bhardwaj reviewed the items passed by the City Council at its last meeting.
- Mayor Chi-Wei Lin has asked what the Planning Department can do to facilitate the City Attorney's task of determining the legality of Chevron's freeway sign. Chairman Morgan asked Parker to provide the attorney with a brief history of the issue and a list of specific questions the Commission would like him to answer.
- Bhardwaj is conducting an informal survey of architectural styles within the City, so she may be seen taking notes around town.

VIII. **ADJOURNMENT**

The meeting was adjourned at 10:55 p.m.

Respectfully submitted by: Kristen Martin, Assistant City Planner
Secretary to the Planning Commission
City of Trinidad