

**MINUTES OF THE 21 MARCH 2007
TRINIDAD PLANNING COMMISSION MEETING**

I. ROLL CALL

Chairman Kenny called the meeting to order at 7:30 p.m. Other Commissioners in attendance were Johnson, and Morgan. Commissioner Lake was absent. Julie Fulkerson is no longer serving on the Planning Commission. Council Liaison Bhardwaj was absent. Parker represented staff in attendance.

II. APPROVAL OF MINUTES – February 21, 2007

Johnson made the motion to approve the minutes with one correction on the last line on page 4, correct from .05 to 0.5 in. of rain. Morgan seconded. Motion approved 3-0.

III. APPROVAL OF AGENDA

No changes were made to the agenda. Johnson made a comment that a new chair needs to be elected at the next meeting and to get that on the next agenda.

IV. ITEMS FROM THE FLOOR

1. Tom Noonan, 111397 S. Westhaven Dr.

As a general building contractor in the area he has run into problems recently with the lack of City enforcement on the regulation of requiring contractors to obtain general liability insurance and have appropriate licenses. He would like to bring to the City's attention that the City should address enforcement of the regulation and require contractors that work on City property and City right-of-ways to have the appropriate licenses general liability insurance so that all contractors are on equal footing.

V. AGENDA ITEMS

PLANNING COMMISSION DISCUSSION / ACTION / PUBLIC HEARING ITEMS

1. 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. The public hearing will include a presentation by the Gateway Committee. Trinidad Chevron Station (at the intersection of Patrick's Point Drive and Main Street); APN: 042-051-30.

Parker summarized project for the Planning Commission. The main purpose of the project involves updating the existing signage with the new Chevron logo. The price sign will be removed and replaced with a new monument sign, new valances over the pumps are proposed. In addition to signage changes the applicant plans to improve the overall face of the structure with general maintenance and upkeep, including painting the exterior of the building. The applicant has offered some onsite locations for the use of the Gateway Committee to improve appearances. The applicant stated that he will remove the pole lights at the driveway entrances. The

applicant is also willing to reduce the height of the freeway sign, but not at his cost. Several aspects of this project could be exempt from Coastal Development Permit requirements and Design Review. Repainting a building is normally considered exempt from both. Most of the changes proposed as part of this application are minor and involve only maintenance with slight change in the design of the Chevron logo. By themselves, some of the individual aspects of the project could be exempt; however, taken together, the overall project does constitute a change in the appearance of the property, therefore requiring Design Review.

Applicant / President of Redwood Oil Company, Peter Van Aylea, spoke briefly to say that he concurred with staff's analysis and stated that he is available to answer specific questions as they arise. Commissioner Kenny opened the hearing to public discussion. Cindy Lindgren (Tsurai Ancestral Society) gave an introduction from the Gateway Committee. Other members of the Gateway Committee include: Brad Twoomy (Citizen); Lori McKinnon (Yurok Tribe); Richard Johnson (Planning Commissioner / Citizen); Stan Binnie, Chair (City Councilman / Citizen); Shirley Laos (Trinidad Rancheria); Mark Mueller (Cal-Trans); and Terry Marlow (Citizen).

C. Lindgren accounted details of a trip she took to specifically observe some of the other 20 Redwood Oil Chevron Stations. She stated that Trinidad (and Humboldt County) stands alone in having a large 70' freeway sign and large price signs. She stated Sonoma County's stations are quite attractive with very minimal signage. She stated that even the station in Cloverdale does not have the extensive signage that occurs in Trinidad. She continued with the impressive facts that Mr. Van Aylea's company proudly states their commitment to the environment, such as contributing to ensuring clean water and a focus in giving to communities. A couple stations in particular are powered by solar energy and dedicated to bio-fuels. She hopes that Mr. Van Aylea will work with Trinidad to make the station more progressive in the stewardship movement.

Don Blue inquired as to whether Cindy took pictures of all the stations she visited and observed. He stated that presenting pictures would be more productive for her position. Cindy responded by stating that she did not take pictures but noted that pictures of each station can be found on the applicant's website.

L. McKinnon spoke on behalf of the Gateway Committee; She presented the committee's recommendations in review of the application and staff report. L. McKinnon extended appreciation to Mr. Van Aylea for his efforts in working with the Gateway Committee. The primary mission of the Gateway Committee is focused on the establishment of a gateway for Trinidad that represents the values, history, culture, and diversity of Trinidad. The Chevron station property and location is an extremely important area of concern to the Gateway of Trinidad. Goals of the committee include evaluating the Gateway in its entirety and reduction of signs and lighting that will enhance and beautify the gateway in its entirety.

L. McKinnon outlined specific recommendations of the committee starting from the bulleted items on page three of the Staff Report.

- Repainting the building: committee agrees and approves of the color scheme. The committee believes this will enhance the overall aesthetics ability of the Gateway.
- Installing new sign faces: defer comments until item 5 and 9.
- Install new individual valences: committee's recommendation is to not add any additional as this will increase signage and a goal of the committee is to reduce signage.
- Installation of new canopy fascia panels: the committee believes this item would detract from the enhancement of the Gateway.
- Relocation and replacement of the large flag price sign: the committee's preference would be to place a monument style sign in the island between the two driveways off Patrick's Point Dr. Additionally the committee ask for the minimum signage allowed within the guidelines and that the sign will be decorated with stone similar to what will be used for the underpass wall for the gateway.
- Applicant offering the Gateway Committee the use of the planter at the corner of Main St. and Patrick's Point Drive: the committee thanks Mr. Van Aylea for his offer of use for the site. Currently the gateway project is very narrowly defined to a specific project area and funding from the gateway project as it currently stands cannot be used for anything outside the gateway project area. However, fundraising could occur in the future to aid in additional project enhancement locations.
- Offering use of southeast corner of the building for a mosaic/mural. Again the committee thanks Mr. Van Aylea for the offer but again at this time the funding requirements for the gateway committee cannot be used for anything outside the existing defined project area. Future fundraising could occur that would allow for this type of enhancement.
- Removal of the three remaining pole lights at the driveway entrance: the Gateway Committee agrees with the removal of those poles as it certainly meets the goals of the gateway committee by reducing light and clutter.
- Reduce the height of the 70' tall freeway sign: it is the opinion of the Gateway Committee that this sign be eliminated. It's the most objectionable feature of the station. The sign emits unappealing light and blocks views of Trinidad Head. It can't necessarily be seen driving northbound on Hwy 101 and on southbound Hwy 101 you can see the entire station and therefore the sign is unnecessary. In addition there are Caltrans signs on both directions of the highway that notify drivers of the station.

L. McKinnon addressed the above views of the Gateway Committee and asked that these recommendations be considered and incorporated into a future proposal for enhancement of the Chevron Station. L. McKinnon also discussed additional issues not addressed in the staff report such as 1) the propane sales area, the screen should be moved to a less visible location; 2) the fence surrounding the property should be replaced or repaired; 3) the trash receptacles need to be replaced with

bird/animal proof containers; 4) improving the cleanliness of the station would encourage more business at the Gateway Committee. L. McKinnon concluded with the recommendation of the Gateway Committee to deny the current application as it stands and to have it modified, taking into consideration the above recommendations, and have it reviewed at a later date.

Brad Twoomy spoke on behalf of the City as both a long term resident of Trinidad a member of the Gateway Committee. He addressed his concern of the aesthetics of the City. He mentioned a few projects which have occurred in the recent years that are working to improve the aesthetics of the City: the Gateway Committee, the Museum/Library project, the park bond, and the infrastructure improvements (under grounding utilities). He stated that currently the two focal points of the entrance to the City involve the Chevron station and the utility pole, both representing the energy dependence of the 21st Century. These features are inappropriate for a significant coastal community. He stated that this summer, as part of the infrastructure improvements, the utility pole is going to be removed. Commissioner Kenny asked Brad to explain how, in his opinion, is the smaller sign nonconforming. Brad explained that the square footage of the face is greater than 50 sq.ft. and that signs and fences are not supposed to block views of Trinidad Head from public roads, these further support reasons to move the sign. B. Twoomy addressed the 70' freeway sign and stated that it is considered a "detached accessory structure" however that in his interpretation a detached accessory structure excludes signs, and therefore the sign as it exists does not meet all requirements of the ordinance. He states that the existing sign needs to be reviewed as a brand new application.

D. Blue addressed the commission with a couple of comments and concerns. He stated that each City has its own set of rules and regulations and they ought to be enforced as they are. Next, he addressed whether Commissioner Johnson should possibly recuse himself as he is a member of the Gateway Committee. He is concerned whether Johnson's position will accurately represent the views of the City and the regulations or whether his position will identify more specifically with his role within the Gateway Committee. He stated the Gateway Committee and the City are interested in beautification, but everything they want to do involves money and it all focuses on somebody who has to pay that money. He asks the community to acknowledge what they are asking Redwood Oil to do has a significant cost burden, and not to necessarily impose all the cost on the applicant. However, in taking the time to change the logo and to upgrade, now is the time to take the opportunity to do it right, to follow the City regulations. This is the time to set things right and to appeal to Chevron to go the extra mile cost wise and make the station appearance more in tune with the residences desires. He asks the commission to consider the responsibilities before them carefully upon making decisions.

The landlord of the property, Glen Saunders, stated it is a pleasure to have a tenant who does his part in keeping up the property and he appreciates the tenant's willingness and responsibility to work with and try to appease the City. He addressed the Planning Commission and reminded them that decisions made in the past are in

the past. That now is not the time to change decisions that were approved rightfully in the past just because someone may disagree with the decision now. He said we have to look toward the future. The applicant is attempting to make this corner more attractive. There are a lot of decisions at hand and it is up to the Planning Commission to try to help them through this. We should be thankful that we have this station and an applicant who is willing to work with the City and improve the station. And we, the City, should help them do what they want to do for the property.

Kim Binnie, resident of Trinidad, spoke in opposition of the 70' sign and her desire to have the sign removed. She stated that with Trinidad designated as one of twelve gateways to the California Coastal National Monument it is a shame that the gateway to the City is so commercialized and unattractive. Mr. Van Aylea would like to refresh the look of his station with new paint, valances, and signs and the citizens of Trinidad would like to refresh the look of town too. She said thanks to the efforts of the Gateway Committee proposed improvements that are in the works. It would be a real shame if after all the hard work is carried out to beautify the entrance of Trinidad that the 70' sign is allowed to remain. She states that she hopes Mr. Van Aylea will be a good neighbor to Trinidad and realize how important it is for the 70' sign to be removed. The timing is right to remove the sign so we can make the long overdue improvements to the gateway of our charming town and reclaim the beauty of our natural skyline.

Commissioner Morgan read a letter from Councilmember Julie Fulkerson. The focus of the letter addressed her desire to have the Trinidad station resemble the station in the City of Mendocino. She included pictures of the station and stated they indicate how the signs at this station gently project into this historic ocean village. She said the pictures provide a great example of how signage can be appropriate; advertise a service while not detracting from the village ambiance. With plans in place to improve the look of our village, now is the time to build back some of the historic roots of Trinidad. I hope we can reduce the signage impacts and enhance the village environment.

The Gateway Committee / B. Twoomy presented a slide show of pictures representing the station and City as is and others to show prospective improvements of the Gateway to Trinidad.

Peter Van Aylea spoke briefly to represent his position. He stated that the only component that he needs the City's permission to do has to do with the LED lighting on the canopy fascia which faces the intersection. The other components are within his purview to do without the Planning Commission's approval. He has made efforts to meet with the Gateway Committee on several occasions. In response to those meetings he wrote a letter to Trever with his proposal to assist the Trinidad Gateway Committee in their plans to beautify the entrance to Trinidad. He stated that he acknowledges the importance of his property to this overall endeavor. He offered to make additional changes, beyond those in his specific plans, and offered several locations to assist the Gateway Committee's efforts to improve the Gateway. These

are offered independent of any consideration for the approval of the Chevron image refresh project. He indicated that some of these changes he will incur at his cost. His willingness to reduce the height of the 70' freeway sign by 50 percent can occur but not at his cost.

Commissioner Kenny closed public hearings and the Commission proceeded with deliberations. The Commission discussed whether Johnson should be recused. After discussion among the Commission it was decided that there is no need for Commissioner Johnson to recuse himself. Deliberations continued with acknowledgment that the issue would not likely be resolved tonight but the time would be used to clarify the project and answer additional questions. Commissioner Kenny asked staff to guide them through the discussion and answer questions. Parker made a correction to a statement made by the applicant in regards to specific aspects of required design review. The applicant stated *'that the only component that he needs the City's permission to do has to do with the LED lighting on the canopy fascia which faces the intersection,'* Parker confirmed that this is incorrect and that while there are certain individual aspects that may be exempt from review, that the project as a whole does alter the exterior and therefore requires design review.

Kenny requested staff to clarify the project. Staff responded that the project involves the bulleted items 1-5 on pages 3 and 4. Items 6-9 on page 4 include the additional changes and improvements the applicant is willing to make to improve the appearance of the gas station property, incorporating some of the recommendations from the Gateway Committee. Kenny asked staff to further discuss the issue of whether signs are required to meet setbacks. Parker stated that most ordinances typically exempt signs from setbacks in a commercial zone. She read excerpts of the zoning ordinance and stated that accessory structures are exempt from setbacks. The definition of a sign qualifies as a structure. She discussed how the general plan addressed signs and stated, from her understanding, the point of excluding signs from accessory structures is that accessory structures are typically exempt from reviews. This policy therefore implies that signs are not accessory structures so they are not exempt from design review.

Commissioner Kenny suggested continuing this to the next meeting to allow further review of the General Plan and Zoning Ordinance in order to make the interpretations required of this project. Kenny stated that he accepts the argument that the large sign should not have been allowed to remain in 1993, and he wishes that it would disappear, however he doesn't believe that the Commission can use this process to make that happen. Parker added that in regards to the freestanding sign, the zoning ordinance states that permit issue violations of this ordinance are not valid and subject to an appeal process. Kenny stated the problem with the Commission reviewing decisions made by previous commissions is what limits them from reviewing any/all decisions, as the deem appropriate, as that would be inappropriate. Parker stated that the statute of limitation and due process are legal questions to consult with the City Attorney. Parker stated that two of the existing

Chevron signs exceed the 50 square feet limit. If a sign exceeds the maximum square footage then a variance is required. The applicant obtained a variance for the price, however for the 70' sign a use permit was obtained for the height of the sign but the applicant did not obtain a variance to exceed the square footage. Commissioner Kenny asked for clarification on the square footage of the 70' freeway sign. Staff stated that it is 100 square feet. Johnson asked staff to clarify the definition of a sign. Johnson read an excerpt from §17.08.610 "sign means any message, word, symbol, design picture or visual medium which is intended to draw attention to a product, service, business, person, institution, or location... and is placed or painted on the ground, or on any tree, wall, fence, rock, structure or thing whatsoever...so as to be visible from off premises..." Johnson stated that in his interpretation the first part describes a sign in terms of symbology and the second part discusses the fixture of a sign to a structure. Therefore, he interprets this to signify a difference between a sign and a structure. Johnson asked staff and the other commissioners for their input. Parker stated that a sign is a subset of a structure, as it meets the definitions of a structure (although it is specifically excluded from the definition of an accessory structure) and therefore a sign is a structure.

D. Blue added that when a sign is limited to a size that, for instance a 50 foot sign or 5' x 10', it is the symbology representing a company and it is not a structure. Brad Twoomy added that during the original hearing for the 70' sign that the process never went under proper public noticing, and therefore the public didn't have an opportunity to appeal. Commissioner Kenny stated that the Commission is not directed to take action on that issue. Parker clarified that the project is outside the coastal zone and is therefore not appealable to the Coastal Commission.

Discussion centered on the legalities of the price sign. Commissioner Kenny asked the applicant if the City passed an ordinance exempting his gas station from putting up the state required price signs if he would take them down. Mr. Van Aylea stated that would not be legal given that the State has senior jurisdiction over this municipality. Kenny clarified with assuming that the City could do that would he then consider removing the price sign. Mr. Van Aylea stated that it is a consumer's right to view the prices prior to pumping and therefore does not agree with the absence of a price sign. Parker clarified that jurisdictions are allowed (by ordinance) to exempt certain scenic corridors or historic preservation areas from these State requirements. The applicant added that he is proposing to replace the flag sign with a monument style sign and thus reducing the size of the price sign as well. Additional conversation clarified that the diesel sign could be added to the monument sign and thus the individual diesel sign could be removed.

Morgan asked staff to clarify how front yards (Patrick's Point Dr) and side yards (Main St) factor into the equation. Parker responded that for a corner lot the front yard is the shortest street frontage and that indicates Patrick's Point Dr as the front yard. Commissioner Kenny asked the other Commissioners their opinions on recommending the City Council pass an ordinance to eliminating the price sign. Morgan stated he would be for that given the scenic and historic nature of Trinidad.

Morgan stated thanks to Mr. Van Aylea for his cooperation with the City. He asked whether he would be willing to reduce the square footage of the 70' sign in addition to reducing the height. The applicant stated that he would consider that. Commissioner Johnson asked the applicant to consider reducing the wattage of the back lighting. The applicant stated that he has already reduced the wattage from 400 to 250 and 250 is appropriate.

Motion: Kenny made a motion to continue the hearing for 30 days to recommend the City Council pass an Ordinance exempting the City from the State regulations, and to allow the commissioners additional time for more background research in how to interpret the zoning ordinance. Commissioners requested memo's written in 2001-2002 and minutes from the March 2002 meeting. Johnson 2nd the motion. Motion passes 3-0.

2. Update on OWTS Ordinance

Parker stated that they have not met with the County yet, but that is in progress. She has recently been working on the guidelines and will begin case studies next. She mentioned they have secured additional grant funding and are working on tracking bacteria to human sources and how to correlate the results. She stated we've ordered a fluorometer with the Prop 50 funds and that is an additional method of research to explore.

VI. **STAFF REPORT**

None

VII. **LIAISON REPORT**

None

VIII. **ADJOURNMENT**

Commissioner Kenny adjourned the meeting at 10:07 p.m.

Respectfully Submitted by: Michelle Bedard, Assistant City Planner
Secretary to the Planning Commission
City of Trinidad