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Staff: Trever Parker  
Staff Report: June 3, 2008  
Commission Hearing Date: June 18, 2008  
Commission Action:

### **STAFF REPORT: CITY OF TRINIDAD**

APPLICATION NO: 2008-04

APPLICANT (S): Peter Van Aylea

AGENT: NA

PROJECT LOCATION: Chevron Station, corner of Main St. and Patrick's Point Dr.

PROJECT DESCRIPTION: Design Review and Coastal Development Permit to install new sign faces, new canopy fascias, one with backlighting, install new pump valances, remove existing freeway sign and light poles. In addition, review of several existing signs placed without approval will occur.

ASSESSOR'S PARCEL NUMBER: 042-051-30

ZONING: C – Commercial

GENERAL PLAN DESIGNATION: C – Commercial

ENVIRONMENTAL REVIEW: Categorically Exempt from CEQA per §15301 exempting maintenance and minor alterations of existing facilities and §15303 of the CEQA Guidelines exempting new construction of small structures.

APPEAL STATUS:

Planning Commission action on a coastal development permit, a variance or a conditional use permit, and Design Assistance Committee approval of a design review application will become final 10 working days after the date that the Coastal Commission receives a "Notice of Action Taken" from the City unless an appeal to the City Council is filed in the office of the City Clerk at that time. Furthermore, this project \_\_\_ is **X** is not appealable to the Coastal Commission per the requirements of Section 30603 of the Coastal Act.

## **SITE CHARACTERISTICS:**

The property is located on the northwest corner of the intersection of Main Street and Patrick's Point Drive and access is available from both streets. The site was developed as a service station in 1971. The gas station was torn down in 1992 and rebuilt in 1994. The current station has four pumps and a food mart building containing an 'Aztec Grill' and a variety of other standard gas station services, such as a pay phone and propane refilling tank. The lot is approximately one acre in size. Patrick's Point Drive and Highway 101 are located to the east of the site, Murphy's Market to the south and the Museum / Park property to the north and west. The site is generally flat and is constructed on fill placed during the construction of Hwy 101.

## **STAFF COMMENTS:**

The main purpose of this project is to update the gas station with the new Chevron logos as well as general maintenance and upkeep. You will recall that a very similar project took up many meetings last year, with significant public interest. Portions of that original request were approved, but the applicant was not satisfied with the stipulations of the approval, which changed and eliminated several aspects of his original proposal.

Referrals were sent to the Building Official and City Engineer for the previous, similar proposal. The Engineer had no comments. The Building Official noted that several elements of the project would require a building permit.

Several aspects of this project could be exempt from Coastal Development Permit requirements, and even Design Review. Simply replacing sign and canopy faces would be exempt, falling under 'normal maintenance', except changing the appearance technically requires Design Review. Keep in mind that for most projects, particularly residential, replacing something such as siding with similar materials and colors is considered exempt, even if there are some minor differences, especially in color. Most of the changes proposed as part of this application are similarly minor and involve only maintenance with a 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 requiring Design Review approval. Further, there is also a limitation of \$2,000 per year for maintenance to be considered exempt (1980 dollars, which in 2007 dollars would be approximately \$5,000 based on the Consumer Price Index, ranging from \$4,500 to \$10,000 based on the index used).

Most of the work being proposed is badly needed maintenance that is intended to improve the appearance of the station. Some of the components of the project are in conjunction with the change in the Chevron logo, some are simply maintenance and others are voluntary by the applicant in order to comply with previous Gateway Committee recommendations. The applicant expressed a willingness to work with the Planning Commission and Gateway Committee to negotiate changes to improve the appearance of the site during the last application. Concessions and compromises were

made on both sides, but no one ended up satisfied. The applicant took some time off the Trinidad project to work on his other stations and has now come back with a similar, but new proposal.

## **PROJECT DESCRIPTION**

Because this application is similar, but different from the previous application, I have provided a summary below of the currently proposed changes and how they relate to the previous application. I have arranged them as presented in the current application materials. I have also provided a list of the potential future projects that have been discussed.

### Currently proposed changes requested as part of the pending Design Review application, #2008-04

- Signs:
  - Removal of Freeway High Rise sign and poles: This was a major issue during the previous project hearings and is the biggest change to the new application. The applicant has agreed to remove the large freeway sign at his expense with no replacement signage.
  - Price Sign: Replacement in-kind of sign faces on the corner price sign; the structure and size the sign panels are to remain the same. The bottom panel that just has the 'Diesel' lettering will be replaced with diesel pricing similar to the pricing panels above, eliminating the need for the portable diesel price sign currently being used. Also, the "Food Shop" panel will be replaced with one that says "Aztec Grill." The application materials show the proposed changes. Because of the cost of removing the freeway sign, the applicant is no longer willing to also replace the existing flag price sign with a smaller monument sign.
  - Permit existing, unpermitted signs:
    - Aztec Grill
    - Two 3' x 3' pump island signs
    - Propane price sign
    - Redwood Market sign (replaced the previously permitted "Food Mart" sign)
- Removal of three entrance pole lights: Although this was not proposed as part of the original application, it did become part of the previous project by recommendation of the Gateway Committee. The applicant is still willing and proposing to remove these light poles at the driveway entrances.
- Removal of "Chevron" wordmark on the west canopy fascia: This is the blue side of the canopy that faces town (southwest). The applicant is willing to remove the lettering and will just replace the existing fascia with a solid blue one that is not backlit.

- Removal of “24 hours” lettering on the side of the building.
- Replacement of Chevron wordmark and blue canopy fascia that will add blue LED backlighting on the northeastern side facing the freeway. It is also proposed to add a 2’ x 2’ logo similar to the one on the south fascia on the northeast canopy. The two white canopy fascias will be replaced in-kind.
- Replace pump spanners with individual pump valances which will not be lit; three of these have already been installed. The old valances that were removed ran the entire width (approx. 37’ long by 3’ tall) of the canopy from pump to pump as shown on the approved 1993 plans (included in your packet). New valances will be / have been placed over each pump and be slightly wider than each pump, as shown on the current plans with the new Chevron logo on them.

#### Portions of Previous Project not Included

- Repaint the building: This part of the original project has already been completed. Painting is something that is exempt from Design Review.
- Relocation and replacement of the large, ‘flag’ price sign: This was not part of the original application, but the applicant agreed to do this at the request of the Gateway Committee and other community members. However, as stated above, due to the cost of removing the tall freeway sign, this part of the project is not longer feasible for the applicant.

In addition to the above proposed changes, the applicant has also expressed a willingness to make and allow other changes to improve the appearance of the gas station property and incorporate some of the recommendations of the Gateway Committee. The following projects are not being included as part of this approval, but the applicant is still willing to work with the community in implementing these projects. Design Review may be required in the future for these projects depending on their final form.

- Offering the use of the planter at the corner of Main Street and Patrick’s Point Drive for development / landscaping by the Gateway Committee: This would not be at the applicant’s cost, and the applicant is requesting final approval of whatever is proposed. Landscaping portions of this project would not require Design Review or other City approval and can be completed at the parties’ convenience. However, consideration needs to be given to the required vision safety triangle within 20’ of the intersection. Any structural additions, or changes to the directional signs in this location would require Design Review approval.
- Offering the use of the southeast, lower half of the corner of the building for a mosaic / mural: This would be designed and funded through the Gateway project at no cost to the applicant / business owner. Again, the applicant is requesting final approval of

the design. This project would require Design Review approval from the Planning Commission.

## TRINIDAD SIGN REGULATIONS

### Definitions:

§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, location and is placed or painted on the ground or on any tree, wall, fence, rock, structure, or thing whatsoever, and placed thereon whether indoor or outdoor so as to be visible from off premises, exclusive of legal notices, safety, and directional signs posted by public agencies."*

§17.08.020, "**Advertising Area**," *"means the total number of square feet within the boundaries of a parallelogram or triangle which encloses the message, work, symbol, design, picture or visual medium visible on the surface of any sign. For signs where the letters of a word are each located on separate surfaces facing in the same direction, the advertising area shall be the total number of square feet within the boundary of separate parallelograms enclosing each letter. Where a sign includes surfaces facing in different directions, the advertising area shall be the largest total of advertising area visible from any one direction, and in the case of a cylindrical or spherical shaped sign, the advertising area shall be the largest cross section thereof."*

§17.08.620, "**Sign, freestanding**" *"means a sign which is supported by one or more uprights, poles, or braces in or upon the ground, and which is self-supporting in a fixed location and not attached to a building or structure."*

§17.08.630, "**Off-premise sign**" *"means a sign other than an on-site sign and includes signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business."*

§17.08.650, "**On-premise sign**" *"means a sign relating in its subject matter to accommodations, services, commodities, or activities on the premises upon which it is located as distinguished from a sign which directs attention to or advertises an occupancy, accommodation, service, or activity supplied or originating on other premises."*

§17.08.690, "**Accessory structure**" *"means a detached building or structure, other than a sign, the use of which is accessory to the use of the lot."* (emphasis added).

§ 17.08.500, "**Nonconforming**," *"means a structure and/or land use which was lawfully established but which does not now conform to with the land use, yard, height, or other requirements and conditions of this chapter."*

## Signs:

§17.56.160:

*B. In the PD, VS and C zones, on-premise signs shall be permitted, subject to the following regulations and the review of the [Planning Commission]:*

- 1. The total advertising area permitted for any parcel of land shall be one square foot for each foot of street frontage, provided that any parcel shall be permitted at least twenty square feet, but in no case shall the advertising area for any parcel exceed three hundred square feet. No individual sign established after the adoption of the ordinance codified in this title shall be greater than fifty square feet in area.*
- 2. No freestanding sign shall exceed the maximum building height for the zone in which the sign is located. Signs attached to buildings shall not project more than three feet above the roof line.*
- 3. Signs projecting over public right-of-way...*
- 4. Signs that rotate, blink, sparkle...*

## Nonconforming uses and structures:

§17.64.010

*"The lawful use of lands or structures existing on the effective date of the regulations codified in this title, although such use or structure does not conform to the regulations applied to such property or structure, may be continued, except as provided as follows:*

- A. Any structure conforming as to use but not conforming as to lot area, yards, height or other requirements herein at the effective date of the ordinance codified in this title may be altered, repaired or extended provided that such alteration, repair, or extension shall not increase the existing degree of nonconformance.*
- B. If any nonconforming building is destroyed...*
- C. Any change of a nonconforming use shall be to a conforming use, and a nonconforming use which has been discontinued for a period of one year or more shall not be reestablished. A nonconforming use of a part of a lot or a structure shall not be extended throughout the lot or structure.*
- D. Any use for which a use permit is required by these regulations shall be considered a nonconforming use until a use permit is obtained.*
- E. Any signs, existing on the effective date of the ordinance codified in this title, but not conforming to the provisions of this title, shall be permitted to continue for a period of three years from the effective date of the ordinance codified in this title and shall be removed or conformed on or before that date. Signs advertising a discontinued use shall be considered nonconforming and shall be removed within thirty days of the discontinuance.*

## State Regulations

The State also regulates certain aspects of gas station signage. California Code §13531(a) (Business and Professions Code) requires that "every person offering for sale or selling any motor vehicle fuel to the public from any place of business shall

*display on the premises an advertising medium which complies with the requirements of this article and which advertises the prices of the three major grades of motor vehicle fuel offered for sale.”* One of these requirements is that the sign be clearly visible from each street adjacent to the service station. Note that the existing price sign is not fully in compliance with this section, as it is not clearly visible from Patrick’s Point Drive due to the angle. Another item of note is that jurisdictions are allowed (by ordinance) to exempt certain scenic corridors or historic preservation areas from these State requirements; Trinidad may want to consider this in the future. This option is not feasible at this time, because the scenic or historic designation must be specifically included in the General Plan, which is currently being updated. Code §13532 goes on to provide more specific requirements for these mandatory price signs. These include (but are not limited to): a) the price of each fuel in numerals not less than 6” in height; b) the brand of the gas at not less than 1/3 of the size of the price; and c) the type and grade of fuel. It has also been suggested that the City is obligated to exempt the State required pricing from the sign size calculations. However, this has not been included in Trinidad’s ordinances, I’m not sure of the square footage of the minimum required pricing, and it does not affect any of the sign’s legal standing, so I have not done so at this point.

## **EXISTING SIGNS**

The Planning Commission approved several signs as part of the application for the new Chevron Station in 1993. The only structures left standing from the previous service station was the 70’ tall sign, the logo portion of the existing ‘flag’ sign, the driveway light poles, and some mechanical equipment. Sign approval including the following:

- 418’ of street frontage = 300 s.f. maximum for total signage
- Signs considered by the Design Review Committee in 1993 are:
  - 150 s.f. 70’ tall logo / freeway sign (includes 150 s.f. of advertising area per side, which = 150 s.f. per §17.08.020. Note that this sign was thought be only 100 s.f. in 1993.)
  - 16.5 s.f. “Food Mart” on building
  - 82.5 s.f. freestanding Chevron logo and gas prices (the sign is actually quite a bit smaller than previously shown; see below)
  - 36.0 s.f. “Chevron” lettering on the canopy roof (lettering on both canopies, but only counted once, facing opposite directions – see discussion under Total Sign Area below)
  - 5.0 s.f. logo on the canopy roof
  - 4.0 s.f. logo on pump spanner (should have been counted twice – once for each spanner)
  - 294 s.f. total (298 with the 2<sup>nd</sup> spanner)

Since the 1993 approval, new signs have been added without proper Design Review approval required by §17.56.160.B. These include the circular ‘Aztec Grill’ sign, the ‘24 hours’ lettering on the building, various plastic squares and the portable diesel sign. Also, the originally approved ‘Food Mart’ has been replaced by ‘Redwood Market’ with a tree logo. Some of these signs are proposed to be removed, and others are included as

part of this application for Design Review. Please also see the discussion about what constitutes a sign under the Zoning and General Plan consistency section below.

Additional signage and approximate square footage includes (note that I did not take actual measurements of these signs, but estimated the size based on submitted plans and photos):

Unpermitted signs proposed to remain

- 'Aztec Grill' (12.5 sq. ft.)
- 2 sign squares by pumps (18 sq. ft. total)
- 'Redwood Market' replaced 'Food Mart' (16.5 sq. ft. – approx. same as previous)

Unpermitted signs to be removed

- '24 hours' lettering (16 sq. ft.)
- 2 Plastic squares on building (approx. 18 sq. ft. total)
- Portable Diesel sign (12 sq. ft.)

The existing signage at the Chevron Station, particularly the 70' tall freeway sign, has been the subject of some controversy over the past few years. The Gateway Committee is particularly concerned due to their impacts on the aesthetics of the entrance to town and how the signs affect their efforts to beautify this area. In 2001 a letter was written to the station operator explaining the purpose and goals of the Gateway Committee and requesting the consideration of downsizing the freeway sign. In 2002, the Committee provided a report to the City Council detailing their viewpoints on the necessity and legality of the tall sign. Staff responded with a memo dated March 14, 2002 that found no significant legal basis for the City to require that the sign be removed or altered. Several options were discussed at the March 2002 Planning Commission meeting, including further investigating and enforcing the 300 sq. ft. limit if it has been exceeded (Note – with the current proposal, the square footage will be well under the 300 sq. ft. maximum). The Planning Commission at the time determined that the best approach would be to attempt to work with the station owner on a voluntary basis to further the goal of uncluttering and improving the look of the entrance to town. It was decided to write another letter, again explaining the goals of the Gateway Committee, and also documenting how the situation has changed, making the sign's usefulness much lessened due to the growth of vegetation and addition of Cal-Trans signs. It is my understanding that the response from the operator was not favorable at the time, but has since changed, and the owner is now willing to remove the sign.

**ZONING ORDINANCE/GENERAL PLAN CONSISTENCY**

Planning Commission Determinations

Due to the unclarity of existing Zoning Ordinance language, there were several determinations that the Planning Commission made during the previous hearings in order to make the review of this and future projects clearer. Three questions were proposed to the Planning Commission in the staff report for the previous project (2007-

01), which are included below along with the Planning Commission's determination on each one:

- What constitutes a sign in terms of the Zoning Ordinance definition provided above which states "so as to be visible from offsite": In the previous staff report, I used a size of 3 sq. ft. as the cutoff for what constitutes a sign. This was based on the fact that Zoning Ordinance §17.56.160.A allows residences a up to a 2 sq. ft. nameplate and up to 3 sq. ft. for a home occupation without Design Review or other City approvals. It is reasonable to conclude that something less than 3 sq. ft. is not meant to be visible from off-premises. The Planning Commission concurred with staff's assessment.
- How do setbacks apply to signs: The Planning Commission determined that signs do not have to meet setback requirements. This decision was based on the fact that the Zoning Ordinance was silent as to sign setbacks, but there was some language implying that they would be allowed. Many signs in Trinidad are already located on the street and most City's allow signage along streets, particularly at gas stations where the prices are required to be readily visible. This determination does not affect the currently proposed project however, since the monument price sign has been dropped from the project and no new structures are proposed.
- How to count the square footage on the canopy fascia panels: The Planning Commission determined that any signage on opposite sides of the canopy should be counted twice, rather than being considered a two-sided sign where only one side is counted (§17.08.020). This was based on the fact that the canopy itself is not part of the sign structure or face, so that each advertisement is a separate sign.

### General

The property where the project is located is zoned C – Commercial. The purpose of this zone is to provide for the commercial services that meet the convenience and retail needs of the residents, visitors and the fishing industry. Service stations are a principally permitted use in this zone. The minimum lot size allowed in the C zone is 8,000 sq. ft.; the property is approximately 40,000 sq. ft. The maximum density allowed in the C zone is one motel unit per 2,500 sq. ft. of lot area, or one dwelling unit per 8,000 sq. ft. of lot area. The proposed project will not alter the density or lot size, and the existing improvements meet the current criteria.

### Valances

This portion of the project involves Design Review of the proposed valances that will replace the old spanner which have already been removed. Three of the valances have already been installed. As part of the previous project, the Planning Commission approved the proposed valances as long as they are unlit. There are no zoning issues such as height or size associated with the proposed valances. Due to concerns brought up during the previous project hearings, the valances are not proposed to be internally

lit. You may recall that one of the conditions of the previous approval was that all elements of the project had to be completed; the applicant could not pick and choose project elements to complete and not others. Since three of the valances have already been installed, this new project should be considered as an application for a modification to the previous approval. Alternatively, if this is considered to be a completely new project, then the valances would be an after-the-fact approval. The only condition that the Planning Commission included specifically for the valances in the last approval was that they be unlit, which is what is currently proposed and installed.

### Canopy Fascia Panels

Again, this portion is a straightforward Design Review. The three panels that are simply being replaced with new panels would generally be considered exempt from Design Review / Coastal Development Permit requirements under §17.72.070.C.2.g or §17.72.070.D allowing for repair, maintenance or remodeling that does not affect the external profile or appearance of a structure. However, the fourth panel, facing northeast toward the freeway, is proposed to be backlit with dark blue LED lighting. In addition, the Chevron lettering is proposed to be removed from the panel on the southwest side facing town and an additional logo placed on the northeast side. A photo has been provided of what this will look like. Zoning Ordinance §17.56.160.B.4 prohibits signs that *“rotate, blink, flash, sparkle, resemble traffic control signs...”* The proposed continuous lighting would not fall under this category of prohibited signs.

Lighting and light intensity is not specifically regulated in the Trinidad Zoning Ordinance, although it often is in other cities. The applicant did not submit any technical information as to how the overall lighting on the property will be changing. It appears that some lighting will be added, and but some will be removed. The applicant has stated that he has voluntarily reduced some of the lighting under the canopy in response to public comments. Also, the applicant is proposing to remove the pole lamps adjacent to the driveways for aesthetic reasons, but this would also help to offset the increased lighting as a result of the new fascia panel. Although Trinidad has no formal lighting standards, this issue can be addressed by the Planning Commission through the Design Review process. Lighting may be appropriately discussed under Design Review finding ‘C’ that deals with the compatibility of materials and color used in construction. The Planning Commission may require, for example, that lighting not be increased on the site as a result of this project, which can be made a condition of approval.

The previous Planning Commission approval included several stipulations regarding the canopy. The signage as currently proposed was approved by the Planning Commission. This included the Chevron lettering and one logo on the northeast side and one logo on the southeast side. The northeast side was allowed to be blue, but not lit under the previous approval. It was stipulated that the other three sides be either painted white or the same tan colors as the building. Other requirements included that the fascia not be plastic and can not exceed any of the dimensions (stick out further) of the existing panels. The Planning Commission also recommended that the applicant look into the possibility of modifying the canopy, using the Napa station as a model, to make it blend

better with the surrounding area. The Napa station has a pitched roof canopy with shingles.

### Price Sign

The applicant is no longer proposing to replace the existing flag price sign with a monument sign in an alternative location. This is due to the cost of removing the tall, freeway sign. Therefore, setbacks are no longer an issue, although the Planning Commission already made a determination that signs do not have to meet setbacks. The existing 'flag' sign is setback approximately 5' from the property line; the supporting pole is approximately 10' from the property line. The structure will not be altered except for the addition of new sign faces. These faces will be replaced in-kind and will be the same size as the existing panels. Minor changes include the update Chevron logo, the addition of the diesel price, where it now just says "Diesel," and "Aztec Grill" will replace "Food Shop". As part of the last project, the Planning Commission denied the proposed replacement of the sign faces on both the freeway and price sign because the signs block coastal views and consist of preset architectural styles.

There has been discussion in the past regarding the nonconformity of this sign as well as the freeway sign. The 1993 plans show the sign to be 82.5 sq. ft. in total size and more than 20 ft. tall. Because individual signs are not allowed to be larger than 50 sq. ft., it was thought that a variance or other measures should have been required in the past. In fact, the sign is a standard Chevron C-45, with much smaller dimensions. The sign has a total square footage of 48.6 including all the elements of the sign (food, gas prices, logo, etc.). This is under the maximum and therefore no variance is required. In addition, the sign is not nonconforming as previously thought. The price sign is only approximately 14 ft. tall and has the following sign elements and sizes:

- Hallmark (Chevron Logo): 4'-2" x 4'-8", 19.4 sq. ft.
- Aztec Grill APC: 4'-2" x 1'-2", 4.9 sq. ft.
- 3 Pricer: 4'-2" x 4'-8", 19.4 sq. ft.
- Diesel Pricer: 4'-2" x 1'-2", 4.9 sq. ft.
- Total Square Footage = 48.6

### Freeway sign

Anticipating a discussion about the tall freeway sign, I would like to provide some additional information beyond what is required for the review of the proposed project. It is true that prior to the 1993 approval granting a use permit for this sign, it should have been removed or made conforming on at least one previous occasion – three years after the Zoning Ordinance was certified in 1980 per the nonconforming regulations listed above (§17.64.010). There is also a requirement that signs advertising a discontinued use must be removed after thirty days of discontinuance, and the signs (both the price sign and freeway sign) should probably have been removed when the station was demolished in 1992. However, plans for the new gas station could have already been in the works, and therefore, the signs were not removed; this is really a moot point now. The sign was given Design Review approval in December 1993 after a noticed public hearing. In addition, the sign was also given a use permit to exceed the building height limitation, and this approval was not appealed. Although Zoning

Ordinance §17.76.020 states that any permits issued by staff in conflict with the regulations shall be null and void, Design Review approval was issued by the Planning Commission not staff, and the City could probably not legally enforce this provision more than 13 years later, especially since it was not timely appealed.

The maximum building height allowed in the C zone, by Zoning Ordinance § 17.44.070 is 25 feet, except that a greater height may be allowed subject to obtaining a use permit (note this and the PR (Public and Religious) are the only zones that allow a greater height). This appears to be the only other thing a use permit can be granted for other than uses listed under each zone as uses allowed with a use permit. Zoning Ordinance §17.08.010 dealing with interpretation states that *“the word ‘building’ shall include the word ‘structure.’”* This section therefore allows ‘structures,’ including signs, to exceed the building height with the approval of a use permit. Also, §17.56.160.B.2 states that no freestanding sign shall exceed the maximum building height. Therefore, this sign is no longer nonconforming as to height. However, it is still nonconforming as to size, since signs are not allowed to exceed 50 sq. ft. without approval of a variance (§17.56.160.B.1). Zoning Ordinance §17.64.010 clearly allows nonconforming structures to be *“altered, repaired or extended provided that such alteration, repair or extension shall not increase the degree of nonconformity.”* However, all of this should be a moot point now that the sign is proposed for removal at the applicant’s expense.

#### Existing Unpermitted Signs

The existing signs listed above as having been placed without Design Review approval should be reviewed under this application. They should be reviewed as though they have not already been constructed. These signs meet the size and other application regulations of the Trinidad Zoning Ordinance. The total sign square footage on the lot may not exceed 300 sq. ft., and these existing signs must still pass the Design Review criteria. Any existing signs not approved as part of this application will have to be removed.

#### Total Sign Area

The Zoning Ordinance definition of signs is rather broad as far as including a variety of content such as symbols and designs as well as actual lettering. However, the definition does include the caveat that signs only include advertising meant to be *“visible from off premises.”* Although this is somewhat ambiguous / subjective as to what is “meant” to be visible offsite, it should only include the larger of the signs and not every logo and advertisement included on individual pumps. Therefore, size may be an appropriate criterion to determine what constitutes a sign. Zoning Ordinance §17.56.160 allows residences a nameplate up to 2 sq. ft. and home occupations a sign up to 3 sq. ft, which may be an appropriate cutoff (and is what I have used herein). The Planning Commission agreed with staff’s analysis during the previous hearings.

The following is an accounting of the square footages of the signs that are part of this proposal:

- Price sign (48.6 sq. ft.)
- “Chevron” lettering on northeast canopy roof (36 sq. ft.)

- 5.0 sq. ft. (x2) logo on the northeast and southeast canopy (10 sq. ft. total)
- 'Aztec Grill' (12.5 sq. ft.)
- 2 sign squares by pumps (18 sq. ft. total)
- 'Redwood Market' replaced 'Food Mart' (16.5 sq. ft. – approx. same as previous)
- Propane sign (9 sq. ft.)
- Total station square footage: 150.6 sq. ft.

As noted above, the property has an allowable maximum of 300 sq. ft. of signage based on the 418' of street frontage. With the removal of the large freeway sign and several other signs, and the reduction in the calculated size of the price sign, the station is now well below its allowable 300 sq. ft. maximum. For this sign inventory, I only included signs in excess of 3 sq. ft. as explained earlier to meet the requirement of "so as to be visible from off-premises" included in the definition of a sign (17.08.610). This does not include the various advertisements placed in the windows or the door of the market, or the various smaller symbols included on each pump, etc. The Planning Commission may direct staff to make a different interpretation. Further, the applicant has expressed a willingness to comply with community aesthetics and work with the Gateway Committee to reduce, alter and / or reorganize signage at the station on a voluntary basis.

Other conditions included as part of previous approval not discussed above

There were several other conditions that the Planning Commission included as part of the previous approval that were not directly related to the above issues. These, along with the ones mentioned above and the standard project conditions have been included herein.

- One of the conditions was that the applicant must remove the two light poles at the driveways (not the one by the air and water pump) and remove the unused flagpole on Main Street. The removal of three light poles is currently proposed by the applicant as part of this project, but the flag pole is not mentioned. This can still be included as a condition.
- Additionally, to reduce light pollution in the area of the station, the Planning Commission required as a condition of the previous approval that the canopy lighting be recessed and / or shielded to minimize light spillage.
- Another condition was that the red striping on the building be removed; which has been done.
- The monument sign conditions are no longer applicable.

Other zoning issues

Parking in the Commercial Zone is governed by Zoning Ordinance (§ 17.56.180) and is generally based on the square footage of the use / business. In this case, existing parking is in compliance with applicable regulations and the square footage and uses are not changing, and so no change in parking is required.

The Trinidad General Plan and Zoning Ordinance protect important public coastal views from roads, trails and vista points and private views from inside residences located uphill from a proposed project from significant obstruction. The removal of the large

freeway sign will significantly improve views. The Price sign and other signs will not alter the viewshed as the signs already exist. The valances do block some views based on photos that were submitted, but are smaller than the previous spanners. Removal of the light posts and flag pole will also improve views.

No grading or excavation is required for this project.

### **SLOPE STABILITY / ALQUIST PRIOLO:**

The project site is not mapped as being unstable or of questionable stability on Plate 3 of the General Plan.

The project property lies within a Special Study (Fault Rupture) Zone, as designated by the State Division of Mines and Geology under the Alquist-Priolo Earthquake Fault Zoning Act. The purpose of the Zone is to ensure that local development patterns do not create seismic hazards. There are two fault zones within Trinidad: the Trinidad Head fault zone and the Anderson Ranch fault zone. Certain projects are exempt from these requirements, including new, single-story, single-family homes and alterations of existing structures. The proposed project falls under the latter exemption, and no studies are required. A geologic report was prepared for the 1993 reconstruction of the gas station and no evidence of fault rupture was found on the site.

### **SEWAGE DISPOSAL:**

No change in sewage flow will result from the proposed project. The existing septic system was originally built in 1972. It was upgraded in 1993 to accommodate the new mini-mart and again in 2001 to accommodate the Aztec Grill. The project site is located on fill from the construction of Hwy 101, and so can not support a standard leachfield. Therefore, the leachfield for the Chevron station is located on the adjacent Museum / Park parcel. The current system is sized appropriately for the existing use and no changes are required for this project.

### **LANDSCAPING AND FENCING:**

No changes in fencing or landscaping is proposed as part of this project. Required landscaping / screening is governed by §17.56.170. Subsection C requires screening along property lines separating a non-residential use from a residential use. It also requires screening of storage areas and screening of open areas with goods for sale from adjacent properties. None of these situations applies to this project. It has been suggested that the propane area be screened, and the Planning Commission may include a condition of approval to do so. Subsection E requires landscaping between parking areas (of five or more vehicles) and the street that includes a tree and protecting curb, which is already provided on the southwest corner. The vision safety triangles at street driveway intersections (§17.56.110.C) only regulate 'fences, walls and hedges' and not individual plants. Most of the existing vegetation is relatively low and does not interfere with vehicle safety. However, §17.56.110.F does regulate any / all

vegetation within 20' of a street intersection and requires that it not be more than 2.5' above the street grade. Some of the vegetation in the southeast planter appears to exceed this height. However, this vegetation does appear to be well-maintained, and there have been no safety complaints that I know of.

## **DESIGN REVIEW / VIEW PROTECTION FINDINGS:**

Because the project is located within the Coastal Zone and alters the external profile and / or appearance of some structures on the property, §17.60.030 of the Zoning Ordinance requires Design Review and View Protection Findings to be made as well as approval of a Coastal Development Permit. The applicant submitted application materials on January 8, 2007 and additional materials on February 8, 2007. Application materials show the proposed changes and provide a rationale for them. Recommended Design Review / View Preservation Findings are written in a manner to allow approval, without endorsing the project. However, if public hearing information is submitted or public comment received indicating that views, for instance, may be significantly impacted, or the structure proposed is obtrusive, the findings should be reworded accordingly.

### **Design Review Criteria**

- A. *The alteration of natural landforms caused by cutting, filling, and grading shall be minimal. Structures should be designed to fit the site rather than altering the landform to accommodate the structure.* Response: No grading is required for the proposed project.
- B. *Structures in or adjacent to open space areas should be constructed of materials that reproduce natural colors and textures as closely as possible.* Response: The project is not in or adjacent to any open space areas.
- C. *Materials and colors used in construction shall be selected for the compatibility both with the structural system of the building and with the appearance of the building's natural and man-made surroundings. Preset architectural styles (e.g. standard fast food restaurant designs) shall be avoided.* Response: The proposed changes do consist of 'preset architectural styles' that are used for most every other Chevron station. However, exterior materials and colors will be similar to the previously approved improvements. Changes basically consist of maintenance and an update of the Chevron logo. The removal of the freeway sign will be more compatible with the surrounding community than what currently exists. Reduction in the overall signage is also an improvement, particularly if some of the existing, nonpermitted signs are removed. Elimination of the Chevron color striping on the building has also been considered an improvement. The project is adjacent to the future City Park / Museum / Library parcel, which may be taken into consideration.
- D. *Plant materials should be used to integrate the manmade and natural environments to screen or soften the visual impact of new development, and to provide diversity in*

*developed areas. Attractive vegetation common to the area shall be used.*

Response: No change in landscaping is proposed. The existing landscaping is in compliance with the Zoning Ordinance, except for possibly exceeding the maximum height of 2.5' at the corner of Patrick's Point and Main Street (within 20'). The applicant has given written permission for the Gateway Committee to use the southeast planter as part of the Gateway project.

- E. *On-premise signs should be designed as an integral part of the structure and should complement or enhance the appearance of new development.* Response: This project mainly involves on-premise signs, which have been designed to be consistent with this and other Chevron stations. The signs are integral to operation of the gas station. Reduction and removal of signs will enhance the development. No new development or structures is proposed.
- F. *New development should include underground utility service connections. When above ground facilities are the only alternative, they should follow the least visible route, be well designed, simple and unobtrusive in appearance, have a minimum of bulk and make use of compatible colors and materials.* Response: Underground utilities are already provided to the site.
- G. *Off-premise signs needed to direct visitors to commercial establishments, as allowed herein, should be well designed and be clustered at appropriate locations. Sign clusters should be a single design theme.* Response: No off-premise signs are associated with this project.
- H. *When reviewing the design of commercial or residential buildings, the committee shall ensure that the scale, bulk, orientation, architectural character of the structure and related improvements are compatible with the rural, uncrowded, rustic, unsophisticated, small, casual open character of the community. In particular:*
- 1. Residences of more than two thousand square feet in floor area and multiple family dwellings or commercial buildings of more than four thousand square feet in floor area shall be considered out of scale with the community unless they are designed and situated in such a way that their bulk is not obtrusive.*
  - 2. Residential and commercial developments involving multiple dwelling or business units should utilize clusters of smaller structures with sufficient open space between them instead of a consolidated structure.*
- This project does not involve any new buildings.

## **View Protection**

- A. *Structures visible from the beach or a public trail in an open space area should be made as visually unobtrusive as possible.* Response: The project site is not readily visible from a beach, trail or open space area. Although the site of the future City Park is not officially zoned open space, it could be considered as such. That site is already generally screened from the station with fencing and landscaping. The

project involves an update and maintenance of existing structures. The removal of the freeway sign will make the station less obtrusive.

- B. *Structures, including fences over three feet high and signs, and landscaping of new development, shall not be allowed to significantly block views of the harbor, Little Trinidad Head, Trinidad Head or the ocean from public roads, trails, and vista points, except as provided in subdivision 3 of this subsection.* Response: The proposed project will not alter the external profile of any structures except for the price sign, which will be replaced with a smaller, lower sign.
- C. *The committee shall recognize that owners of vacant lots in the SR and UR zones, which are otherwise suitable for construction of a residence, are entitled to construct a residence of at least fifteen feet in height and one thousand five hundred square feet in floor area, residences of greater height as permitted in the applicable zone, or greater floor area shall not be allowed if such residence would significantly block views identified in subdivision 2 of this subsection. Regardless of the height or floor area of the residence, the committee, in order to avoid significant obstruction of the important views, may require, where feasible, that the residence be limited to one story; be located anywhere on the lot even if this involves the reduction or elimination of required yards or the pumping of septic tank wastewater to an uphill leach field, or the use of some other type of wastewater treatment facility; and adjust the length-width-height relationship and orientation of the structure so that it prevents the least possible view obstruction.* Response: The proposed project will not alter the external profile of any structures except for the pump valances which are smaller than the previous spanners and removal of the tall freeway sign which will improve views.
- D. *If a residence is removed or destroyed by fire or other means on a lot that is otherwise usable, the owner shall be entitled to construct a residence in the same location with an exterior profile not exceeding that of the previous residence even if such a structure would again significantly obstruct public views of important scenes, provided any other nonconforming conditions are corrected.* Response: There was no residence that was destroyed by fire associated with this project.
- E. *The Tsurai Village site, the Trinidad Cemetery, the Holy Trinity Church and the Memorial Lighthouse are important historic resources. Any landform alterations or structural construction within one hundred feet of the Tsurai Study Area, as defined in the Trinidad general plan, or within one hundred feet of the lots on which identified historical resources are located shall be reviewed to ensure that public views are not obstructed and that development does not crowd them and thereby reduce their distinctiveness or subject them to abuse or hazards.* Response: The proposed project is not within 100 feet of the Trinidad Cemetery, Holy Trinity Church, Memorial Lighthouse or the Tsurai Study Area.

## PLANNING COMMISSION ACTION

### Motion for Denial

If the Commission does not agree with staff's analysis or finds that one, or more the Design Review or View Protections can not be made, or if the public presents evidence that conflicts with the findings contained in this staff report, the Commission may choose to deny the project.

Based on public testimony and information included in the application, I find that the project is inconsistent with the City's Zoning Ordinance and General Plan and / or Design Review / View Protection Finding(s) "---" can not be made because ---, and I move to deny the project.

### Motion for Continuance

If the Planning Commission feels that additional information is needed in order to make a decision on this project, then it should continued to allow the applicant to incorporate public and Planning Commission input. The Planning Commission should give specific direction to the applicant as to what additional information or changes in the project are needed. The proposed motion might be similar to:

Based on the information submitted in the application, and included in the staff report and public testimony, I move to continue the project to the regularly scheduled (*month*) meeting and request that public input and Planning Commission comments be incorporated into an amended project proposal.

### Motion for Approval – Staff Recommendation

Barring community input, the proposed project can be found to be consistent with the City's General Plan and Zoning Ordinance. Therefore, staff recommends the Planning Commission may approve the project. If the Planning Commission agrees with the findings in the staff report, the proposed motion might be similar to the following:

Based on the information submitted in the application, and included in the staff report and public testimony, I move to adopt the information and findings in this staff report and approve the project as conditioned below:

## CONDITIONS OF APPROVAL

1. The applicant is responsible for reimbursing the City for all costs associated with processing the application. *Responsibility: City Clerk to place receipt in conditions compliance folder prior to building permits being issued.*
2. Based on the findings that community values may change in a year's time, design review approval is for a one-year period starting at the effective date and expiring thereafter unless an extension is requested from the Planning Commission prior to that time. *Responsibility: City Clerk to verify prior to building permits being issued.*

3. All project elements are approved as one project, are not severable and are contingent on completion of all permit elements to be commenced within one year or permit approval. *Responsibility: Building Official to confirm at time of building permit issuance.*
4. The applicant shall remove all light poles except the one adjacent to the air / water station. *Responsibility: Building Official to confirm at time of building permit issuance.*
5. The applicant shall remove the unused flag pole. *Responsibility: Building Official to confirm at time of building permit issuance.*
6. The canopy lighting shall be recessed and / or shielded to minimize light spillage. *Responsibility: Building Official to confirm at time of building permit issuance.*
7. Any new canopy fascia shall not be made o plastic and shall not exceed the dimensions of the existing fascia. *Responsibility: Building Official to confirm at time of building permit issuance.*