

CITY OF BELMONT
PLANNING COMMISSION
SUMMARY MINUTES

TUESDAY, DECEMBER 7, 2010, 7:00 PM

Chair Frautschi called the meeting to order at 7:00 p.m. at One Twin Pines Lane, City Hall Council Chambers.

1. ROLL CALL

Commissioners Present: Frautschi, Reed, Mercer, Parsons, Mathewson, Mayer, Horton

Commissioners Absent: None

Staff Present: Community Development Director de Melo (CDD), City Attorney Zafferano, (CA), Recording Secretary Turning (RS)

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) – None

4. CONSENT CALENDAR

4A. Minutes of November 1, 2010

Motion: By Commissioner Parsons, seconded by Commissioner Horton, to accept the Minutes of Tuesday, November 1, 2010, as presented. Motion passed 7/0 by a show of hands.

5. PUBLIC HEARINGS:

5A. CONTINUED FROM 11/16/10 PLANNING COMMISSION MEETING.

To consider Zone Text Amendments to Section 23 (*Sign Regulations*) and the addition of Section 23A – *Sign Standards for Public Property* of the City of Belmont Zoning Code. The purpose of these Sections are to establish standards and regulations regarding placement of signs on private property and property owned or controlled by the City (“City Property”), and on all public right-of-ways. (Appl. No. 2010-0030)

CEQA Status: Categorical Exemption per Section 15308 - Actions of Regulatory Agencies for the Protection of the Environment

APPLICANT: City of Belmont

PROJECT PLANNER: Carlos de Melo, (650) 595-7440

CDD de Melo reviewed the format used in the staff report to depict edits resulting from the November 16, 2010 meeting and noted the addition of Section 23A, Sign Standards for Public Property, to the Sign Regulations.

Chair Frautschi called attention to two code number corrections on page two of the staff report: (1) under 23.03.02.G, “Internally lighted cabinet signs would still be prohibited per 23.03.02.D” and (2) under 23.05.02, “Changeable Copy for Gas Station Fuel Prices” the added text should be shown as section 23.05.02.C.

Chair Frautschi stated that he would like to finish discussion of Section 23 by 8:00 p.m. and adjourn the meeting by 9:00 p.m. He asked Commissioners for any general questions they had that needed clarification.

Commissioner Mayer asked what the status will be of existing signage in Belmont after Council approval of the sign ordinance. CA Zafferano responded that there is no effect whatsoever on signs that currently exist that conform to the new ordinance. Permanent signs that currently exist that do *not* conform to the new ordinance are deemed to be legal non-conforming sign structures and, pursuant to section 23.05.07, those signs would be grandfathered and would be allowed to be continued in use. If those signs are abandoned for a certain period of time then under certain circumstances the City may require that the structure be removed after notice and a hearing to the property owner. Sign structures for *permanent* signs run with the land. There is no rule of existing non-conformity for *temporary* signs. There is no right to continue keeping a banner up that does not conform with this ordinance because it is not permanent. Content can be changed so long as the existing structure is maintained. The structure runs with the land – it does not run with the business or the type of use for the property.

Commissioner Horton asked if the City can ask that a sign be replaced if the property changes hands. CA Zafferano responded that from a legal standpoint the answer is “no” – the City could be subjected to liabilities. He added that there are amortization provisions in the ordinance that says that if the sign is abandoned for a certain period of time the City can make the owner get rid of it under certain circumstances. But the permanent structures run with the land just like every other fixture on the property. He further added that Section 23.05.07.F, Abandoned Nonconforming Signs, says that, after a notice and a hearing, the City can require that a sign *structure* be removed, regardless of whether it is conforming or not, if it has a message for more than 90 days that no longer identifies the business on the property. Additionally, he stated that Section 23.05.09, “Signs that Display Obsolete Commercial Messages,” has a different 90-day provision; if the business is no longer operating at the premises for 90 days or longer the City can require that the *copy* be removed.

Responding to Commissioner Horton’s question regarding recommended Section 23.05.07.E, Façade Improvement Funds, CDD de Melo stated that if a property owner takes advantage of City funds to redo a façade of a building, the City will require that all non-conforming facets of that sign come into compliance.

Responding to Commissioner Meyer’s question, CDD de Melo stated that a new owner would not be allowed to change an existing sign from one that is not internally lit to one that is internally lit if the new regulations do not permit internal lighting, but that the text could be changed.

Responding to Commissioner Horton’s question, CDD de Melo stated that if somebody wants to modify an existing non-conforming sign, Section 23.05.07.B, Alterations, states that no non-conforming sign can be moved, altered, enlarged or converted, adding that the ordinance does not regulate color.

Commissioner Mathewson asked if non-conforming signs such as the “Belmont” and “Lariat” signs can be rebuilt if they are trashed by a storm. CDD de Melo responded that Section 23.05.07.C of the ordinance does not take into account any particular kind of sign, whether there is historic value or not. It just indicates a percentage of destruction and the extent as to how that sign can be restored if it’s under or over 50%. Commissioner Mercer clarified that the 50% is based on the ratio - the estimated cost of restoring the sign to the estimated cost of making a new sign. Chair Frautschi added that the Commission had earlier suggested that when a subcommittee convenes to consider historical buildings, if there are some signs in Belmont that some people think are worthy of an historical nature, they could possibly be added there, but to give it a designation in the Sign Ordinance just clouded the issue.

Responding to Commissioner Reed’s question regarding 23.05.03.B, Time Controls, CDD de Melo stated that all commercial businesses are allowed to be open only from 7:00 a.m. to 11:00 p.m. unless extended hours are established by a Conditional Use Permit. Commissioner Mayer objected to forcing a business to turn its lights off, since they use signs to advertise their business. CDD de Melo responded that the sign consultant had concerns about energy usage and sustainability, and that at the community outreach meetings and after having had the benefit of reading the entire ordinance, the issue did not rise to a level of concern with business owners. Discussion ensued. Mention was made that this time limitation refers only to sign illumination, not to indoor lights, security motion lights or parking lot lights, etc. Commissioner Mayer reiterated his concern that this is over-regulation.

Chair Frautschi led the Commission in a discussion of each section as detailed in the staff report.

Unrelated to the sign ordinance, Chair Frautschi asked for Commission feedback on a request from the Chamber of Commerce at a public meeting regarding consideration of a kiosk displaying merchant names in a prominent public location, or seasonal light pole flags bearing sponsoring merchants’ names. Chair Frautschi stated his opposition to this request, believing that it is a method of using public right-of-ways for off-site advertising. He would feel differently if it were at the train station under the authority of CalTrain. Vice Chair Reed concurred and did not feel that Belmont lends itself to a kiosk because it has no central square to put it in, and that there are enough other possibilities for advertising in the City. All Commissioners concurred, commenting that a kiosk could become an eyesore if not maintained properly, advertising on light posts would contribute to clutter, and that it would commercialize something that was not intended to be commercialized.

CDD de Melo summarized the discussion on the Sign Ordinance as follows:

Section 23

Page 8, 23.03.01.O, Vehicle and Vessel Insignias, changed to be consistent with the section in 23A.

Page 12, 23.05.03.C, Internally Lighted Signs, will be changed to include a consistent or more standard term to define light output and a conversion factor, whether it is foot candles or candelas.

To be consistent with the Definitions section, the word internally *lighted* will be changed to internally *illuminated* throughout the document.

Page 15, 23.05.07.F, Abandoned Nonconforming Signs, the phrase “subject to notice and public hearing” will be added. (CA Zafferano confirmed that this would not apply to 23.05.09., Signs that Display Obsolete Commercial Messages.)

Section 23A

Page 3, 23A.03.01.C.3, Vehicle and Vessel Insignia, assure that language is consistent with 23.03.01.O.

Page 4, 23A.05, Commercial Displays, assure that that language is consistent with Section 23.

Page 5, Section 23A.06.01.C, Applications, the first sentence in that section will become a new D under 23A.06.02, titled Applications, reading that “Applications for Ralston Avenue sponsor banner display shall be made to the Community Development Department, together with any applicable fees.”

Page 5, Section 23A.06.01.C, Applications, the second sentence in that section will become the new D on page 6 under 23A.06.03, Sports Complex Sponsor Banners, reading that “Applications for Sports Complex sponsor banner display shall be made to the Parks and Recreation Department, together with any applicable fees.”

Page 5, Section 23A.06.01.B, Locations, insert the word “Council” after City in the next to last sentence, so that it reads “... or any other such location that the City Council may determine.”

Page 5, Section 23A.06.02.A, first sentence, add the language “...limited to commercial messages, not including sales promotions...” Also, add item 5 to the same section (or incorporate into item 2) “Messages sponsored by the City.” In item 1 of this section, add the word “substantially” so that it reads “Events suitable for all ages and open to the public on *substantially* the same terms as members of the sponsoring organization.

Page 6, Section 23A.06.03.A, Limitations of Use, add a line about not including sales promotions.

CDD de Melo stated that the above text edits will be incorporated into a new staff report that will be included in the December 21st meeting agenda packet, along with a resolution for adoption.

Responding to Vice Chair Reed, Chair Frautschi stated that he does not anticipate substantial discussion of this topic at the next meeting.

MOTION: By Commissioner Parsons, seconded by Commissioner Mathewson, to continue this Public Hearing to December 21st. Motion passed 7/0 by a show of hands.

6. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

6A. Ralston/US-101 Landscape Project

No update at this time.

6B. San Mateo Development – North Road/43rd Avenue

No update at this time.

6C. Parking Study – Downtown Village Areas

No update at this time.

6D. Emmett House

The quarterly update will be submitted at the next Council Meeting. It will provide expected completion dates on the interior work that will likely be done by the end of December, exterior work including finishes and landscaping projected for the end of January or middle of February. The application period for the two below-market rate units closes in the middle of January. CDD de Melo thanked Commissioners Horton and Parsons for all their work on this project, adding that a meeting is scheduled with the Landscape Architect for the following Monday at 4:00. This discussion will include plans for creating a pad for maintenance vehicles.

6E. US-101 Pedestrian/Bike Bridge Project

Continues to move along on schedule. There will be an update report on the next City Council agenda. The bridge is being constructed off-site and will be brought in for installation.

6F. High-Speed Rail (HSR)

Third meeting of the ad hoc committee scheduled for the following night at 6:45 in Conference Room 360. Council will receive an update from this committee at its next meeting. Commissioner Mercer added that she gave a presentation on this project to the Finance Commission where she asked that they get involved in pulling some valuation figures for the properties abutting the right-of-way. She also stated that she would be giving a neighborhood presentation the following night for the Sterling Downs neighborhood at 7:00 p.m. at Nesbit School and that a high priority of the ad hoc committee is to sponsor additional community events. CDD de Melo added that, due to the current focus on the central valley segment, the EIR for the peninsula segment now most likely will not be released until late spring, at the earliest.

Other Items

CDD de Melo announced that the **January 4th meeting will not be canceled** as previously announced. Since City Hall will be closed starting December 24th, packets will be delivered on the 22nd or 23rd of December. Commissioner Horton will not be here for the January 4th meeting.

8. CITY COUNCIL MEETING OF TUESDAY, DECEMBER 14, 2010

Liaison: Commissioner Parsons

Alternate Liaison: Commissioner Mayer

9. ADJOURNMENT:

The meeting was adjourned at 8:50 p.m. to a Regular Planning Commission Meeting on Tuesday, December 21, 2010 at 7:00 p.m. in Belmont City Hall.

Carlos de Melo
Planning Commission Secretary

*CD's of Planning Commission Meetings are available in the
Community Development Department
Please call (650) 595-7416 to schedule an appointment.*

I:/Planning Com/Min12072010