

CITY OF BELMONT
PLANNING COMMISSION
SUMMARY MINUTES

TUESDAY, NOVEMBER 16, 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, Mercer, Mathewson, Mayer, Horton

Commissioners Absent: Reed, Parsons

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

2. AGENDA AMENDMENTS - None

3. COMMUNITY FORUM (Public Comments) – None

4. CONSENT CALENDAR

4A. Minutes of October 19, 2010

Motion: By Commissioner Mayer, seconded by Commissioner Mathewson, to accept the Minutes of Tuesday, October 19, 2010, as presented. Motion passed 4/0/1/2 by a show of hands, with Commissioner Mercer abstaining and Vice Chair Reed and Commissioner Parsons absent.

5. OLD BUSINESS

5A. 708 Alameda de las Pulgas – Review of the Final Landscape Plan

SP DiDonato summarized the staff memorandum, recommending approval as proposed and conditioned, with the correction in the Resolution that an additional tree planting be included on the *right* side of the driveway rather than on the *left* side as indicated in the draft Resolution.

Responding to Commissioner Mercer's question, Nicki Fox, Landscape Architect for the project, responded that she did not believe the Oak tree would outgrow the retaining wall in the front.

MOTION: By Commissioner Mathewson, seconded by Commissioner Horton, to adopt the Resolution approving the Final Landscape Plan for 708 Alameda de las Pulgas (Appl. No. 2009-0022), including the additional columnar tree as stated in the Resolution.

Ayes: Mathewson, Horton, Mercer, Mayer, Frautschi

Noes: None

Absent: Reed, Parsons

Motion passed 5/0/2

Chair Frautschi announced that this decision is appealable within 10 calendar days.

6. PUBLIC HEARINGS:

6A. To consider Zone Text Amendments to Section 23 (*Sign Ordinance*) and the addition of Section 23A – *Sign Standards for Public Property* of the City of Belmont Zoning Code. The purposes 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-rights-of-way (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

Chair Frautschi established the course of action planned for this hearing, noting that the item will be continued to the December 7th meeting in order to have all Commissioners present for the final review.

CDD de Melo summarized the staff memorandum and turned the meeting over to Commissioner Mercer, who explained the rationale behind the organization of the attached documents.

Commissioner Mayer suggested that it would be useful to have the definitions at the beginning of the ordinance. Commissioner Mercer concurred.

Commissioner Mercer presented a slide show representing the various types of signs that are appearing on non-residential properties in the City, noting that many of the current signs will be grandfathered in but may not be allowed under the new ordinance. She called attention to the following potential sign issues that will need to be resolved during their discussion:

- Definition of “cabinet” signs as questioned by Commissioner Horton.
- Permanent sign cannot be made of cloth or canvas.
- There is no provision for temporary signs in non-residential areas aside from the categories that are expressly permitted – real estate, construction, a-frames on private property and promotional banners.
- Signage that is 6’ or more inside a window; it clearly serves as a sign from the exterior, however, as written, the current draft states that only signage within 3’ of the window that shows from the outside would count in the sign allowance.
- Smoke shop window was confusing; all off the signs are roughly only 10% of the window—it’s not the sign so much as the merchandise.
- Multiple neon signs. The ordinance as drafted allows neon signs to be up to 10% of the window – it does not say you can only have one.
- Windows that are not intended to be able to see the inside of the store but are merchandise display windows. It is not clear if these would be considered windows.
- Signs that are on cart depository posts in parking lots have not been addressed.

Responding to Commissioner Mathewson's question, Commissioner Mercer stated that she had not looked at neighboring cities, adding that many of the current signs in Belmont would not be allowed under the current ordinance.

Responding to Commissioner Mayer, CDD de Melo stated that there were 13 people in attendance at the last outreach meeting and that they did not see Commissioner Mercer's slide presentation. Notices were sent to over 750 properties—to every business licensee that has a commercial presence. Commissioner Mayer expressed concern that business owners will be surprised when the full impact of the new ordinance is felt, adding that he felt it goes too far; a business has a right to advertise itself and that the Commission needed to be sure that what they do does not come as a big shock to small businesses. CDD de Melo responded that when looking at the aggregate amount of signage it is not a profound change, noting that there were only 4 people at the March outreach meeting, and that it has not been from a lack of effort on trying to get the word out. Commissioner Mayer agreed that staff has bent over backwards to inform the community. Commissioner Horton felt that it is a matter of enforcement; the current ordinance has not been enforced.

With respect to permanent signs that would become non-conforming under the ordinance, CA Zafferano made it clear for the record that the permanent signs already in place are not illegal and will not be illegal after the ordinance is passed. He added that most of the impact will be on temporary signs which probably already are in violation under the current ordinance; the surprise will come not from knowing that the signs are illegal but from the enforcement activities. Further, he stated that once the ordinance gets to the Council level, the Staff Report will include a proposed program as to how staff intends to enforce it and get Council's direction, which will probably result in enforcement by area and giving people an opportunity to fix the problem first. Staff realizes that people who have had temporary signs for a long time now think they're permanent and that expectation needs to be changed as a result of the enforcement.

Chair Frautschi led the Commission on a section-by-section discussion of the "Sign Ordinance Policy Issues/Questions" and the "Draft Sign Ordinance" attachments to the Staff Memorandum. The following is a brief summary of the conclusions reached during the discussion.

23.02.02.G. - Internally Lighted Signs

CA Zafferano will search the ordinance for a reference to gas station prices. During the discussion CA Zafferano made the following points: 1) Variance findings would be difficult to make because it is related to the property, not related to the characteristics of the applicant. 2) There are State laws that require that corporations be allowed to use their corporate logos. Commissioners commented that they cannot legislate taste. Exceptions for historic signs should be considered as part of the historical building preservation package being discussed as part of the City's Priority Calendar rather than in the Sign Ordinance. Staff will provide a suggestion relative to individual letter signs when the full Commission is present.

Section 23.02.02.L - Roof Signs

Responding to the question if the Commission cares if the roof sign can be seen only from the air, CDD de Melo clarified that the definition of "seen from" could include someone standing on a hillside 3 blocks away. If the sign is on the roof it is not allowed.

23.02.01.A - Address Signs

Applicability of this section to two-fronted properties, such as the Doctor's Building and Totos, was discussed. Could be fixed by adding "one address per street frontage." Staff was asked to consider this and bring it back to the next meeting.

Regarding 23.02.01.J - Menu Displays

Change the sentence to include "doors" in the wording.

Regarding 23.02.02.H - Public Rights-of-Way, and 23.08.02.D - A-Frames on Private Property

CA Zafferano clarified the definition of "private property" with respect to sidewalks/easements/rights-of-way by stating that there is private property where there is a right-of-way over the private property so that the public can travel over a portion of that private property—for example, a sidewalk or driveway. You may not use your private property to place a sign on a public right-of-way; the City is making a policy decision that they want to use that right-of-way for public purposes and not for private commercial purposes. He added that the Commission could decide the opposite and allow signs in the public right-of-way.

23.04.02 - Changeable Copy

Responding to a suggestion made at the 10/28/10 Outreach Meeting, CA Zafferano stated that no purpose statement is required. Staff will report back on internally lit changeable copy signs.

23.04.03 - Illumination Standards

Input from Dyett & Bhatia is needed regarding 1) the necessity of the Lighting Standards table, and 2) the detailed definition of terms, an explanation of what the table does and does not allow and the insertion of LED lighting. Staff should return with a recommendation on internally lit signs, and all Commissioners present were in agreement that the Planning Commission can approve exposed lighting with a finding that it does not cause unreasonable glare or annoyance, etc.

23.04.03.B - Time Controls

No vote until all Commissioners are present. CDD de Melo noted that this is a policy question as to whether the Commission wants to impose a time control for signs that have lights.

23.04.07 - Non-Conforming Signs

CA Zafferano explained that this section is consistent with existing law and the possibility of an amortization plan to replace old non-conforming signs, and agreed to determine what other cities have done toward a goal of ultimately eliminating more non-conforming signs. He will also provide alternatives about giving a property owner the option to replace a sign that might be destroyed, or requiring the property owner to replace it.

23.04.07.E - Abandoned Non-Conforming Signs

CA Zafferano will investigate for a potential inconsistency between this section and the previous section. Chair Frautschi and Commissioner Horton felt that a damaged sign should be brought up to total current and acceptable standards and that staff should not be placed in the position of doing a ratio formula.

23.05.01 and 12.05.02 - Sign Standards for Nonresidential Districts

Commissioner Frautschi asked that the table in 23.05.01 be adjusted so that it is all on one page, and obtained Commissioners' approval of changes that had been made to these tables.

23.05.03 - Businesses Fronting El Camino Real

CA Zafferano will check with sign consultant on windows that are not visible from the inside of the store and are used primarily for product display.

Commissioner Horton raised the issue of signage on large commercial properties along Hwy. 101, and requested wording that no more than one roof sign per building elevation be allowed. CDD de Melo suggested that this issue should be a part of the Master Sign Program.

23.06.03.C - Standards for Detached Single Family, Duplex Units, and Individual Units in Multi-family Complexes – Location

Chair Frautschi suggested the addition of fences. Decision on whether signs will be allowed on fences deferred until all Commissioners are present.

23.08.01- General Provisions

Discussion ensued regarding message boards. Will be clarified with sign consultant.

23.08.06 – Garage Sale Signs

After discussion, no changes proposed.

23.08.05.D. Special Promotional Banners

Suggested rewording from “before displaying another banner” to “before displaying a banner again.”

23.10.01.A.- Authority for Review

Staff will work on wording to clarify that the issue is that only the sign is being reviewed, not the substantial exterior remodel.

Other Public Comments/Private Signage

CA Zafferano discussed the City’s inability to enforce zoning and municipal ordinances on another public entity, such as public school districts and post offices.

Ordinance does not address obscuring windows with paint because it is not a sign.

23.09.04 - Required Submittals.

Commissioner Horton suggested adding that a photo montage would be desired. She will edit the wording of this section prior to the next meeting.

23.09.02 - Projects Requiring a Master Sign Program

Staff will come up with language to define who is allowed to apply for a Master Sign Program.

Discussion of the Sign Ordinance was continued to the December 7th meeting of the Planning Commission.

7. REPORTS, STUDIES AND UPDATES:

CDD de Melo reported as follows:

7A. Ralston/US-101 Landscape Project

No update at this time.

7B. San Mateo Development – North Road/43rd Avenue

No update at this time.

7C. Parking Study – Downtown Village Areas

No update at this time.

7D. Emmett House

An engineering firm is working on final plans for improvements at 6th and O’Neil. Staff continues to be challenged by the ever-shrinking landscape plan based upon the actual placement of the building and the required walkways and patios. Advertising the availability of two below-market units is underway. Expected completion date is January of February.

7E. US-101 Pedestrian/Bike Bridge Project

On target – looking at April/May for the project to be completed.

7F. High-Speed Rail (HSR)

First meeting of the ad hoc committee had been held November 15th. Three members of the public attended. The next meeting is scheduled for November 30th. Commissioner Mercer will be giving her presentation to the Finance Commission on December 2nd.

Other Items

Chair Frautschi reminded everyone to keep their sign ordinance materials for the next meeting. Edits can be given to Commissioner Mercer, for return to Commissioners with their packets for the next review.

CDD de Melo stated that most likely the January 4th meeting will be cancelled. Commissioner Horton would not be able to attend if there is a meeting on that date, and Commissioner Mathewson expects to miss the December 21st meeting.

8. CITY COUNCIL MEETING OF TUESDAY, NOVEMBER 23, 2010

Liaison: Commissioner Horton

Alternate Liaison: Chair Frautschi

9. ADJOURNMENT:

The meeting was adjourned at 10:00 p.m. to a Regular Planning Commission Meeting on Tuesday, December 7, 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.*

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