



Agenda Item #:	4.A.
Meeting Date:	April 25, 2023
Prepared By:	Jeff Fisher, Assistant Planner
Reviewed By:	<i>Scott M. Duiven</i> Scott M. Duiven Community Development Director

REQUEST FOR PLANNING COMMISSION ACTION

PROJECT TITLE: Valero Gas Station Design Review Amendment

SUBJECT: Amendment to previously approved Design Review Application DR 2003-02

PROPERTY ADDRESS: 186 Dry Creek Road

ASSESSOR PARCEL NUMBER: 089-081-023

PROJECT SITE ZONING: Mixed Use (MU)

GENERAL PLAN DESIGNATION: Mixed Use (MU)

APPLICANT: Gus Ortega, Sign Development, Inc.

PROPERTY OWNER: J & L Properties, LLC

RECOMMENDED ACTION:

Conduct a public hearing on the requested amendment to previously approved Design Review Application 2003-02 and by motion approve a resolution based on the findings as identified in the attached resolution recommending approval of the proposed design review amendment (Attachment 1).

ORIGINAL PROJECT DESCRIPTION:

On January 10, 2023, an application was received to modify the existing canopy design at the Valero gas station located at 186 Dry Creek Road. The applicant proposes to modify the canopy to include Valero's trademark blue and yellow colors. In order to do so, the applicant is proposing to amend the design review approval from 2003 to remove the condition of approval which prohibits the use of "trademark colors" on the canopy fascia. The original proposal for the canopy structure colors are included as Attachment 3.

PREVIOUS PLANNING COMMISSION HEARING:

On April 11, 2023, this application was reviewed by the Planning Commission at its regularly scheduled meeting. Staff's recommendation was that the proposal should be denied based on the fact that staff found the project was not consistent with the Citywide Design Guidelines and the prior Planning Commission condition prohibiting trademark colors. After receiving the staff report and taking public testimony, the Commission deliberated on the application and voted to continue the item to the next scheduled hearing date of April 25, 2023. While the Commission did not vote on the amendment proposal, the primary points of discussion were as follows:

1. Whether to allow for parity with the other gas stations in town which have some level of trademark colors on the canopies;

2. Whether to allow all the proposed colors, including the yellow and white colors on the canopy; and
3. Whether to allow illumination on the canopy.

After deliberating, the general consensus of the Commission was as follows:

1. Prefer to create parity and allow some level of trademark color that would be subtler than the proposed and meet the intent of the Citywide Design Guidelines. The Commission felt that the “Valero blue” was understated and similar to blues used on other canopies in Healdsburg;
2. Prefer to not include the proposed yellow color on the canopy; and
3. Prefer to allow a small amount of illumination on the canopy. The Commission clearly stated that they did not prefer that the whole canopy be illuminated.

Subsequent to the meeting, staff requested that the applicant provide a revised canopy plan which would satisfy the preferences of the Commission noted above. The revised plan set is included as Attachment 4.

REVISED PROPOSAL:

As shown on the revised plan set, the canopy is painted blue only and does not include any of the yellow color proposed on the previous plan. Also, there is only a small section of illumination on the revised canopy. This includes a thin blue light bar on the very top of the canopy. Real-life examples of similar canopies as those being proposed are included as Attachments 6 and 7. These include a daytime view showing the canopy color and a nighttime view showing the proposed blue light bar illumination. These revisions appear to be consistent with the preferences of the Commission. The convenience store building will also be painted a tan color with a brown trim (see Attachment 4 – *Page 5*; and Attachment 5).

BACKGROUND:

According to City records, the project site was originally developed as a gas station in the early 1960’s. The gas station changed operators over the years and included an Exxon station (1990’s) and eventually a Valero station in the early 2000’s as it remains today. When Valero originally operated the station, modifications were made to the site which included an update to the canopy. As shown in Figure 1 below, the original canopy fascia was painted the Valero trademark blue color. The blue color was also included on the convenience store.

FIGURE 1: ORIGINAL VALERO APPROVALS



In 2003, an application for Design Review was submitted to the City to further renovate the gas station (DR 2003-02). As part of this application, the applicant requested to expand the convenience store and replace the canopy in-kind. The proposal was to keep the blue color on the fascia of the canopy and the convenience store.

The Planning Commission staff report for that application included the following section regarding the blue color on the building and the canopy:

[Excerpt from Design Guidelines]: “Buildings that are stylized in an attempt to utilize the building itself as advertising or that represent standardized building designs used elsewhere are discouraged.”

[Staff analysis of the above guideline]: The proposed blue colored fascia on the building and canopy is a Valero trademark color. The use of trademark colors as building color, including as a trim color on a building and canopy fascia, is discouraged as it constitutes brand advertising. Therefore, staff recommends that the color be modified to match or compliment the white and tan color of the building”.

As a result of this analysis, the staff report included Condition of Approval #15 as follows:

15. The color of the building and canopy fascia shall match or compliment the white and tan color of the building to the satisfaction of the Planning Director. Trademark colors are not allowed.

The applicant agreed to the condition and the building and canopy were subsequently painted a tan color and no blue was used as shown in Figure 2 below.

FIGURE 2: 2003 DESIGN REVIEW APPROVAL



In 2014, the owners of the Valero station approached the Planning Division with a request to repaint the convenience store building and the canopy. The owners provided staff with samples of the colors they wished to paint the structures. The colors included a light neutral gray with dark gray accents. The Community Development Director concluded that the proposed colors were consistent with the intent of the condition of approval noted above in that the Commission was not concerned with the base color of the structures, but only the use of “trademark” colors. As such, the Community Development Director determined that the new paint colors were a minor modification and were approved with the condition that the trademark blue and yellow colors were not to be used in the color scheme pursuant to the conditions of approval for DR 2003-02. The gray colors approved by the Community Development Director are what currently exists on the site.

FIGURE 3: EXISTING CONDITIONS



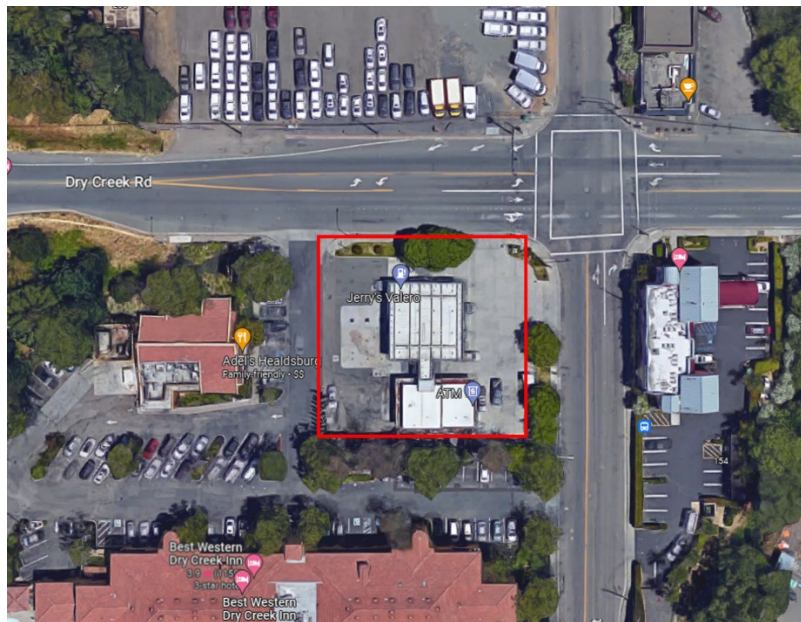
PROJECT REVIEW:

The review of this project includes the project’s compliance with the goals and policies of the 2030 General Plan, the development standards included in the Land Use Code (LUC), and the Citywide Design Guidelines.

SITE & VICINITY DESCRIPTION:

The project site is located on the southwest corner of Dry Creek Road and Grove Street. Surrounding land uses include a restaurant to the west, hotels to the south and east, a coffee shop on the northeast corner, and an auto storage yard to the north. The nearest residence is located on the second story of the coffee shop.

FIGURE 4: PROJECT LOCATION



APPLICABLE GENERAL PLAN AND LAND USE CODE INFORMATION:

General Plan

The project site is designated Mixed Use (MU). This land use classification provides for non-residential uses, including retail, office, services, visitor accommodations, public and quasi-public uses when compatible with the overall purpose and character of the designation, and similar and compatible uses that serve residents and/or visitors in a manner that does not undermine the role of the downtown as the commercial center of Healdsburg. The proposed project is consistent with the MU land use designation and furthers the following General Plan goals and policies:

Goal LU-A: Orderly development within well-defined urban boundaries maintained by the City’s adopted Urban Service Area/Urban Growth Boundary.

Policy CD-A-1: The City will encourage building design of high quality that is in scale with adjacent development and that harmonizes with surrounding development.

It should be noted that the General Plan does not include any policies regarding the use of trademark colors on gas stations or any other type of business.

Land Use Code

The Mixed Use (MU) zoning designation implements the MU land use designation of the Healdsburg General Plan. The special purposes of the district include:

- A. Implement the Mixed Use land use designation of the Healdsburg General Plan.
- B. Allow a range of commercial uses and limited food and beverage production that serve the day-to-day needs of residents, while providing uses and activities of interest to visitors to the community.
- C. Incorporate residential uses with commercial uses in appropriate locations.
- D. Ensure that mixed-use project include a commercial component that is adequate in terms of functionality and providing a commercial appearance.

The proposed project is consistent with the special purposes of the MU zoning district listed above. A service station (“Vehicle Services”) is a specifically listed use type permitted in the MU zoning district. The site has been developed with a gas station since the early 1960’s. The project includes proposed modifications to the existing canopy structure only. Therefore, the project will remain consistent with the standards of the Land Use Code noted above. No expansion of the facility is being proposed. It should be noted that the LUC does not include any standards, restrictions, or prohibitions on the use of trademark colors.

Citywide Design Guidelines

The subject site is located within *Character Area 7 – Healdsburg North Corridor*. This character area includes the Dry Creek Road Gateway which provides a primary entry into Healdsburg from the Dry Creek Valley. According to the guidelines, *“Colors and materials should be inspired by the agrarian and vineyard character found in the Dry Creek Valley to transition into the city from the rural areas to the west. Earth tone colors and natural materials such as wood, stone and stucco could all be utilized to provide an effective transition through building design”*.

It is important to note that the entirety of the Citywide Design Guidelines are based on “recommendations” not required standards as with those contained in the Land Use Code. Careful consideration has been taken to maintain muted earth tone colors along the Dry Creek Road Gateway including Hotel Trio, Plank Coffee, Dry Creek Inn, and the recently approved affordable housing project at 155 Dry Creek Road.

While staff has found the proposed blue color to be somewhat inconsistent with the surrounding development, color consistency is not required by the Citywide Design Guidelines, the General Plan, or the Land Use Code. The use of exclusively earth tone colors is also not required, but only a recommendation contained in the guidelines. Furthermore, staff finds that in order to achieve a degree of parity with other gas stations in the City, allowing the use of blue on the canopy is acceptable and consistent with the general consensus of the Commission stated at the previous

hearing. A small area of illumination (blue light bar) is also acceptable and will be consistent with the blue color of the canopy itself.

Chapter 6 of the Citywide Design Guidelines contains a section devoted to sign design. Section 6.78 contains guidelines related to “Canopy Signs.” These guidelines are as follows:

- A. Use lettering or graphics that fit within the canopy structure.
- B. Use colors that contrast with a canopy material.

The proposed Valero sign on the canopy is consistent with these guidelines. The addition of signage on the canopy, while maintaining the current color scheme, could be approved with a sign permit. In order to ensure compliance with the design guidelines and the LUC sign ordinance standards, the applicant will be required to submit a sign permit application to the Community Development Department.

FINDINGS:

Pursuant to Land Use Code section 20.28.125, the Planning Commission is required to make the following findings to approve a Major Design Review Permit; staff has provided suggested findings in *italics* below.

- A. The proposed development or use is consistent with all applicable policies and requirements of the General Plan and Land Use Code.

The proposed project does not include any new site development which would result in the gas station being non-compliant with the policies of the General Plan or the standards of the Land Use Code. There are no policies or Code standards related to the use of trademark colors on gas station canopies. Therefore, the canopy design and colors are consistent with this finding.

- B. The proposed design of the development or use, and all appurtenant structures, is consistent with the policies set forth in the Citywide Design Guidelines, as may be amended from time to time.

Color consistency is not required by the Citywide Design Guidelines, the General Plan, or the Land Use Code. The use of exclusively earth tone colors is also not required, but only a recommendation contained in the guidelines. Furthermore, staff finds that in order to achieve a degree of parity with other gas stations in the City, allowing the use of “Valero blue” on the canopy is acceptable and consistent with the general consensus of the Commission stated at the previous Planning Commission hearing. A small area of illumination (blue light bar) will be consistent with the blue color of the canopy itself. As such, the project as proposed will be consistent with the Citywide Design Guidelines.

- C. The proposed development or use is consistent with the purposes of the zoning district in which it is located.

The Mixed Use (MU) zoning designation implements the Mixed Use (MU) land use designation of the Healdsburg General Plan. The existing gas station use will remain and therefore will not have any impacts on the special purposes of the district MU district. Therefore, the project is consistent with this finding.

- D. The proposed development or use is consistent with all other conditions imposed by the Planning Commission or City Council with respect to any matter related to the purpose of design review.

The project as proposed will alter one of the conditions imposed by the Planning Commission as part of its 2003 approval which prohibited the use of trademark colors. The Planning Commission at its April 11, 2023 meeting noted that the condition was based on prior design guidelines no longer in effect and that with the proposed changes the blue canopy would be consistent with the current Citywide Design Guidelines and the prior condition should be removed.

ALTERNATIVES:

After public comment and deliberation, the Planning Commission may consider alternatives to address concerns provided from the public or the applicant. This may include approving the project as requested by the applicant or as modified by the Planning Commission, continuing the project to a later date to address design-related concerns, or denying the amendment request.

PUBLIC COMMENT:

As of the date of this report, staff has not received any public comment on the application.

ENVIRONMENTAL ANALYSIS:

The design review amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (exemption for existing facilities) because the amendment consists of a minor change to the existing facility, involving negligible or no expansion of the existing use.

ATTACHMENTS:

1. Resolution
2. Project Narrative
3. Original Canopy Elevations
4. Revised Plan Set
5. Revised Color Samples
6. Daytime Canopy Example
7. Nighttime Light Bar Example