

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

APPLICANT: County of Trinity

REPORT BY: Colleen O'Sullivan

PROPOSAL:

Update Section 29.5 of the Trinity County Zoning Ordinance and associated Guidelines for the construction, rehabilitation and preservation of commercial and residential structures within Special Treatment Areas.

LOCATION:

The ordinance update is to the County-wide Zoning Ordinance, but would be most applicable to the following areas:

- (a) All Districts or sites listed in the National Register of Historic Places;
- (b) Other sites of historic significant upon application of the property owners. Said areas or sites shall be zoned as "Special Treatment" (ST), or "Special Treatment Area" (STA) (which shall be applied as an overlay zone) upon approval of the Board of Supervisors.

BACKGROUND INFORMATION:

Architectural Review and Preservation is addressed in the Trinity County Zoning Ordinance in Section 29.5. This section pertains to all districts or sites listed in the National Register of Historic Places and to other sites of historic significance upon application of a property owner. These sites are called "Special Treatment" zones (See Exhibit A, Trinity County Zoning Ord. Sec. 29.5). For purposes of carrying out these provisions, the County is separated in three areas: Lewiston and north; Weaverville and west; and Hayfork and south. There are currently two Architectural Review Committees: Lewiston ARC (area I); and Weaverville ARC (area II). There is no committee for area III because there are no established historic districts in that area. The Ordinance established Architectural Review Committees to carry out the provision of the Architecture and Preservation ordinance. Members of the Committee include the Planning Commissioner from the area; an architect/contractor/builder; a Historical Society member; a member of the business community (who owns a business within a Special Treatment Area under the Committee's jurisdiction); and a representative of the artistic community. Members are appointed by the Board of Supervisors and serve four year staggered terms.

During its meetings with businesses desiring to make improvements to their property, the Committee has always been very accommodating to the needs and interests of the property owner while still carrying out its duties under the ordinance and guidelines. Allowances are frequently made where those changes will not detract from the integrity of the historic district.

For example, the use of modern building materials may be acceptable in some situations (perhaps for structural support or when painted), but not in other situations when visible to the public or obviously detracting from the character of the building or of the historic district.

Generally, amendments to the Zoning Ordinance may be initiated by the Planning Commission or Board of Supervisors. Amendments to the Architectural Review and Preservation Guidelines, on the other hand, may be initiated by the Architectural Review Committees (See Exhibit A, Sec. 29.5.F.1.(c)). Amendments to the Ordinance *and* Guidelines require Board approval. On June 5, 2007 the Board of Supervisors adopted Resolution 2007-68 directing that the Planning Department formally initiate proceedings to update both the ordinance and guidelines. In 2013 section 29.5 underwent a revision, which were adopted by the Board of Supervisors as Ordinance Amendment No. 315-800 and Resolution No. 2013-20.

DISCUSSION:

With new ownership of the Trinity Theater and its revival as a movie house, there have been several informal discussions regarding the reinstatement of white neon lights on the vertical “Trinity” sign attached to the front of the building. The Weaverville Architectural Review Committee (WARC) has held at least one meeting to discuss with the theater owner the prospect of re-installing the neon lights, as well as correspondence between the theater and planning staff (Carson Anderson) regarding the suitability of neon lights in the historic district (Figure 1). The owners have provided photos of the theater displaying white neon lights on the sign (Figure 2). At the time of planner Anderson’s departure from the county, he had contacted the State Office of Historic Preservation for an opinion on this matter (Figure 3). It was also his opinion that soft, white neon lights only would be acceptable in the district. WARC concurs with this.

Staff recently took up this matter again at the urging of the theater owners and the WARC. Staff followed up with the state regarding this issue and discussed it with state staff (personal communication with Tim Brandt, Senior Restoration Architect, 11/7/17). It is their opinion that if a contributing, historic structure to an historic district and its established time period originally had neon-illuminated signs, then if the jurisdiction’s guidelines allowed it the lights could be reinstalled.

The Trinity Theater opened in 1939 and installed neon lighting as part of its exterior signage. The theater is considered a contributing structure to the historic district, as are other buildings that were constructed after 1910 (the endpoint of the 1890-1910 established period of historic significance). It is believed that the Trinity Theater is the only building in this district that would have had neon lighting or signs as part of its original construction. Neon became a popular and ubiquitous lighting option after its widespread introduction and availability in 1920.

Section 29.5, K.3 of the STA Ordinance and Guidelines states: “Indirect light sources may be used, as approved by the Committee, but internally illuminated, (e.g., flashing, neon, LED, colored light) animated or moving signs *are specifically prohibited*”. (Added emphasis.) WARC recommends that the Ordinance and Guidelines language be amended to include neon lighting as appropriate. The WARC met on November 1 and December 6, 2017 to develop language to address this item. Staff and the WARC propose the following: “*An exception shall be granted to*

as part of the exterior lighting when it was originally constructed.” It is proposed that this sentence be added to Section 29.5.K.3 of Ordinance No. 315-800 through ordinance amendment and through a new Board of Supervisors resolution for “Commercial” buildings and other structures within special treatment areas in the Guidelines.

ENVIRONMENTAL EVALUATION:

The update of the ordinance is Categorically Exempt from CEQA per Guideline Section 15308 (Class 8), “Actions taken by regulatory agencies for protection of the environment.” No further environmental consideration is necessary.

STAFF RECOMMENDATION:

Staff recommends the following:

1. Find the project to be Categorically Exempt from CEQA, thereby determining that no further environmental consideration is necessary; and
2. Recommend that the Board of Supervisors adopt the Ordinance amending Section 29.5 of the Zoning Ordinance and adopt a new resolution for “Commercial” Guidelines by adding the following sentence to Section 29.5.K.3: “An exception shall be granted to allow an historic, contributing building (built post-1910) that had neon as part of the exterior lighting when it was originally constructed.”

ORDINANCE NO. 315-800

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING TRINITY COUNTY ZONING ORDINANCE NO. 315
PERTAINING TO ARCHITECTURAL REVIEW AND PRESERVATION
(Trinity County Planning Department, PW-11-01)**

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

SECTION 1. That the Trinity County Zoning Ordinance is hereby amended by deleting Section 29.5 (Architectural Review and Preservation: Special Treatment (ST)) in its entirety and substituting herewith the following:

**"SECTION 29.5. ARCHITECTURAL REVIEW AND PRESERVATION:
SPECIAL TREATMENT (ST)**

A. Purpose

The purpose of this Section is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuations, and use of improvements, buildings, structures, signs, objects, features, sites, places, and areas within the architectural, artistic, cultural, engineering, aesthetic, historical, political, social, and other heritage for the following reasons.

1. To safeguard the County's heritage as embodied and reflected in such resources;
2. To encourage public knowledge, understanding, and appreciation of the County's past;
3. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;
4. To promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the County;
5. To preserve diverse and harmonious architectural styles and design preferences reflecting phases of the County's history and to encourage complementary contemporary design and construction;
6. To enhance property values and to increase economic and financial benefits to the County and its inhabitants;
7. To protect and enhance the County's attraction to tourists and visitors (thereby stimulating business and industry);

8. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
9. To integrate the preservation of cultural resources into public and private land management and development processes;
10. To conserve valuable material and energy resources by ongoing use and maintenance of the existing historic environment.

B. Areas of Application

This section shall apply to: (a) all Districts or sites listed in the National Register of Historic Places; (b) to other sites of historic significance upon application of the property owner. Said areas or sites shall be zoned as "Special Treatment" (ST), or "Special Treatment Area" (STA) (which shall be applied as an overlay zone) upon approval of the Board of Supervisors.

C. District Boundaries

District I:

Siskiyou/Trinity County line, Shasta/Trinity County line, divide between Grass Valley Creek and Indian Creek, divide between Vitzhum Gulch and Tom Lang Gulch, unnamed ridge, Lime Kiln Gulch, Browns Mountain, Rush Creek Road, Highway 3, Rush Creek, divide between Canyon Creek and Stuart Fork, to the point of beginning.

District II:

Humboldt/Trinity County line, Siskiyou/Trinity County line, divide between Canyon Creek and Stuart Fork, Rush Creek, Highway 3, Rush Creek Road, Browns Mountain, Lime Kiln Gulch, unnamed ridge, divide between Vitzhum Gulch and Tom Lang Gulch, divide between Grass Valley Creek and Indian Creek, Shasta/Trinity County line, Hayfork divide, Hells Half Acre Creek, to the point of beginning.

District III:

Hells Half Acre Creek, Hayfork divide, Shasta/Trinity County line, Tehama/Trinity County line, Mendocino/Trinity County line, Humboldt/Trinity County line, to the point of beginning.

(Reference map attached hereto as Exhibit "A")

D. Per mitted Uses

All uses permitted in the underlying zone shall be permitted in the "ST" or "STA" overlay zone provided that review and approval is obtained from the appropriate

EX.A

Architectural Review and Preservation Committee for any proposal to tear down, demolish, construct, alter or remove any improvement, or any portion thereof, which lies within a Historical District or Special Treatment Area or which has been designated as a Landmark, or Special Treatment Site in agreement with the provisions of this Section; or to alter in any manner an exterior architectural element of any improvement within a Historical District or Special Treatment Area or Special Treatment Site; or to place, erect, alter or relocate any sign within a Historical District or on a Special Treatment Site; or to remove trees (larger than 3 inches diameter at breast height); or to locate, alter or remove any item affecting the general appearance of a Historical District or Special Treatment Area or Special Treatment Site.

E. Establishment of Architectural Review and Preservation Committee

There are established in the County three Architectural Review and Preservation Committees, each consisting of five members appointed by the Board of Supervisors. The members of each committee shall be residents of the County.

Each committee shall consist of a Planning Commission member from the affected district, an architect or contractor or builder, a Historical Society Member, a member of the business community (who owns a business within a Special Treatment Area under the committee's jurisdiction), and a representative of the artistic community. A Planning Department Staff Member shall serve as Secretary. Said Planning Staff Member shall be a non-voting member of the Committee.

Each committee shall have the power and authority to perform all the duties as described and provided in Subsection F. The original appointment of the members of the Committee shall be made for four-year staggered terms. If a member is unable to fulfill his/her term, the Board of Supervisors shall make an interim appointment to fill the unexpired term of that member and, where the member is required to have special qualifications, such vacancy shall be filled by interim appointment, in the manner described in this Section, with a person having those qualifications. Members may continue to serve upon reappointment by the Board of Supervisors.

In the event that the position has been posted and a qualified person has not applied within sixty (60) days of the position being posted then the Clerk of the Board shall re-post the vacancy. The public notice shall state that a qualified person has not applied for the position; therefore, the Board of Supervisors will accept applications from any individual having interest or experience in a similar field to the position being posted.

F. Committee Authority

1. The Committee shall have the following authority:

EX. A

- (a) To conduct any survey of local properties within the boundaries of the County, complying with all applicable standards and criteria of the statewide survey undertaken by the State Historic Preservation Office;
- (b) To serve in an advisory capacity to the Board of Supervisors when conducting studies and/or retaining consultants for projects within the Historic Districts or Special Treatment Areas.
- (c) To adopt specific guidelines for Landmarks, Special Treatment Sites, improvements within the Historical Districts or Special Treatment Areas.
- (d) To cooperate with Federal and State governments in the pursuit of the objectives of historic preservation;
- (e) To participate in the review and approval of land use, renewal, community or County improvements and other planning undertaken or approved by any agency or official of the County, State or Federal governments. (Applies only to areas or sites affected by this section)
- (f) To establish and maintain a detailed inventory or improvements, structures and buildings within the Historical Districts and Special Treatment Areas and of Landmarks, Landmark Sites and Special Treatment Sites within the County;
- (g) To establish rules and regulations which are necessary for the effective conduct of the business of the Committee;
- (h) To adopt guidelines for trees greater than three (3) inches in diameter;
- (i) To perform all other duties, responsibilities and functions outlined in this Section, and all other duties which are proper or necessary to the purpose of this Section. The Committee shall obtain approval from the Board of Supervisors prior to entering into any contractual relationship or incurring any expenses.

G. Review Criteria

The Architectural Review and Preservation Committee may approve a project or proposal for work as described in Subsection D if it determines that:

1. The proposed construction, removal, rehabilitation, alteration, remodeling, excavation, placement or exterior alteration conforms with the purposes of this section and specifically emphasizes the preservation of architectural

styles existing in the County circa 1900 (i.e., 1890-1910), or emphasizes other distinct or noteworthy architectural styles of the area or site.

H. Design Guidelines

Subject to approval by the Board of Supervisors, the Committee shall by resolution adopt minimum Design Guidelines to use in its review of applications within Special Treatment Areas and Special Treatment Sites relating to new construction, rehabilitation, preservation, restoration or reconstruction of any improvements, signs, streetscapes, trees, buildings or structures. Any such guidelines shall not be adopted or amended by the Committee without prior public hearing. Notice of the date, place and time and a general description of the proposal shall be published at least ten (10) days prior to such hearing in the local newspaper. There shall be guidelines for commercial improvements and residential improvements. These Design Guidelines shall pertain to the type of construction as it relates to historic use of property (e.g.: a house used for commercial purposes would need to meet guidelines for residential structures).

I. Application Procedures

Applications for approval of activities covered by this Section shall be accompanied by the following materials in addition to other information that the Committee may deem appropriate in making its decision:

1. An elevation of each exposed side of the existing or proposed building or buildings, drawn at a scale of one-eighth (1/8) of an inch equals one foot (1'), or larger, identifying all materials, textures and colors to be used;
2. Samples of all materials, including paint chips of the proposed exterior colors;
3. A site plan indicating existing topography, vegetation, structures and adjacent development, drawn at a scale of one-eighth (1/8) of an inch equals one foot (1') or larger;
4. Drawings of exterior details on buildings include: light standards and fixtures; screens for mechanical equipment or trash, meters and meter boxes; existing and proposed signs; and such other details as may exist on any building or property;
5. Drawings of the exterior of structures, displays (including window coverings, treatments or screening) or furniture or merchandise (located outside of a structure) to be located upon sites within the Special Treatment Area or Site, including fences, signs and lighting;
6. Site photographs indicating topography, vegetation, existing structures and adjacent development;

EX. A

7. True, correct and complete copies of old photographs or historical records if available pertaining to the existing building site or area;
8. Where the application involves grading or drainage work, a plan indicating existing (solid line) and proposed (dashed line) contours, at two foot (2') or five foot (5') intervals, and all existing features of the grade;
9. Conceptual landscape plans, including lighting, general type of vegetation, size and location of ground covers, trees and other vegetation, where changes of landscaping are proposed;
10. Development which will alter or interrupt in a significant manner views or vistas from a public street or way shall be visually apparent on the site plan. Documentation shall be submitted indicating that alternative ways of preserving sightlines have been considered;
11. Applications for signs shall include: a site plan showing the location of the building upon which the sign will be attached; an elevational drawing showing the location on the building where the sign ~~showing the location on the building where the sign will be placed~~ (drawn to scale); a rendition (drawn to scale) of the proposed sign, including size (length, width, depth), design height from ground, distance from other nearby signs; lighting, colors (paint chips); and lettering styles;
12. Any or all of the application requirements as written in this subsection may be waived at the discretion of the Committee.

J. Demolition or Removal

No improvement, structure, or building located within a Historic District, Special Treatment Area or Special Treatment Site shall be torn down, demolished or removed unless such improvement, structure or building is or has become so damaged or dilapidated, either from fire or other elements or from natural deterioration, that it is unusable and cannot reasonably be repaired or restored. Approval to demolish, tear down or remove shall be obtained from the Committee and is subject to the issuance of a demolition permit required by the County Building Department.

K. Signs - General Requirements

1. Lighting and signage located inside of windows and associated display areas designed to be seen from the building exterior shall be subject to the committee's review and approval.
2. All signs shall be constructed of wood or other materials commonly used in the affected district or general area circa 1900; provided, however, that composite board is an allowable sign material if painted.

3. Indirect light sources may be used, as approved by the Committee, but internally illuminated, (e.g.: flashing, neon, LED, colored light) animated or moving signs are specifically prohibited.
4. All signs shall be consistent in color, design, lettering and style traditionally used in the affected Special Treatment Area. Examples of pre-approved lettering styles and colors are available at the Trinity County Planning Department.

L. Non-Architectural Decorations

1. Holiday/Special Event Specific:

Holiday or special event specific decorations shall be removed within seven (7) days following the holiday or special event.

2. Non-holiday or Non-special Event Specific:

Non-holiday or non-special event specific decorations (e.g.: pin wheels, pennants, wind socks, and other decorations placed outdoors) are prohibited.

M. Variation from Building Code Requirement and Encroachments

The Building Inspector is authorized and directed, where applicable, to administer and enforce as alternative building regulations, those rules and regulations adopted in agreement with the Park and State Historical Building Code of Title 24 and building standards of California Code of Regulations as authorized in Sections 18950 through 18960 of the Health and Safety Code. Said direction shall apply to any area or site subject to the provisions of the Section.

N. Ordinary Maintenance and Repair

Nothing in this Section shall be construed to prevent the ordinary maintenance and repair of any improvement, sign or exterior architectural feature, which was constructed, placed, erected or located in conformance with this Section, in or on any property covered by this Section that does not involve a change in design, materials or exterior appearance; nor does this Section prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature, including trees greater than three (3) inches in diameter, when the appropriate authority (e.g.: Chief Building Inspector, certified arborist) certifies to the Committee that such action is required for the public safety due to unsafe or dangerous conditions and cannot reasonably be restored or repaired.

O. Disclosure

EX. A

It shall be the landlord's duty to disclose to his/her tenants information regarding the standards and guidelines applied to the Special Treatment Areas.

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrases be declared invalid.

SECTION 3. This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once in the Trinity Journal, a newspaper of general circulation published in the County of Trinity, State of California.

Introduced, passed and enacted by the Board of Supervisors of the County of Trinity after a public hearing duly noticed, on the 26th day of March, 2013, by motion, second (Fenley/Pflueger), and the following vote:

- AYES: Supervisors Pflueger, Fenley, Fisher, and Chapman
- NOES: Supervisor Morris
- ABSENT: None
- ABSTAIN: None
- RECUSE: None



DEBRA CHAPMAN, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

WENDY G. TYLER
Clerk of the Board of Supervisors

By:  Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:


David Prentice, County Counsel



FIGURE 1

TRINITY COUNTY PLANNING DEPARTMENT

P.O. BOX 2819 – 61 AIRPORT ROAD
WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 FAX (530) 623-1353
Email: canderson@trinitycounty.org

September 14, 2016

Ms. Angela Adrian, Trinity River Community Partners, Inc.
P.O. Box 1405
Weaverville, California 96093

Subject: Application to Re-illuminate the Trinity Theater Metal Wall Sign
(Planning File # WARC-16-01)

Good Day Ms. Adrian:

This is an update to the letter sent you date June 17, 2016 documenting the recommendations of the Weaverville Architectural Review Committee (WARC) made at its June 13, 2016 meeting. The Planning Department is writing to inform you that your submittal was granted conditional approval as revised to correct a misunderstanding. Approval is contingent on the following:

- Due to ambiguity in the wording of Zoning Code Section 29.5 regarding the permissibility of neon signage within the historic district on buildings constructed from the mid-1920s and later where neon was a character-defining design element, approval is contingent on County legal Counsel finding that neon is not precluded from reinstallation on a 1939 theater building, and;
- If neon is permissible per County Counsel opinion, the color for the sign shall be researched by your agent (Mary Jane Edge) and the results reported back to the WARC. The intensity of lighting must be the minimum required to achieve the lighting effect and lighting intensity shall be subject to further input from the WARC before it can be finalized. LED lighting is not acceptable unless it can be demonstrated that it would closely mimic the effect of the neon. Approval to use LED components rather than neon would require approval by the WARC.

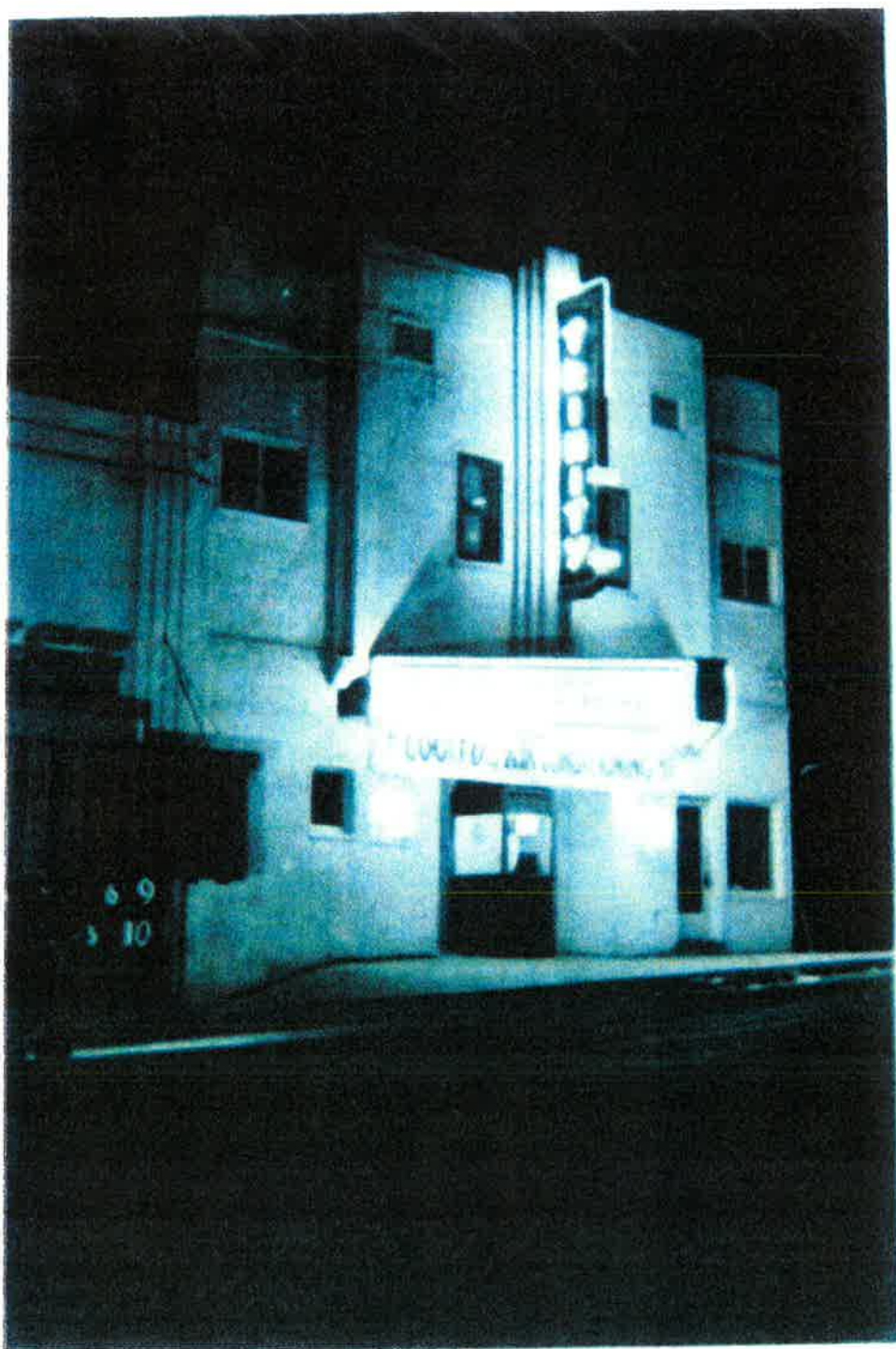
As of this time County legal counsel has declined to provide a determination on the question of whether reinstallation of neon signage is permissible within the Weaverville historic district. The matter has been submitted for consideration by the State Office of Historic Preservation. Planning staff will apprise you of any final interpretation that is provided on the neon issue and thanks you for your patience during this unintentionally protracted process.

Sincerely,


Carson Anderson
Senior Planner

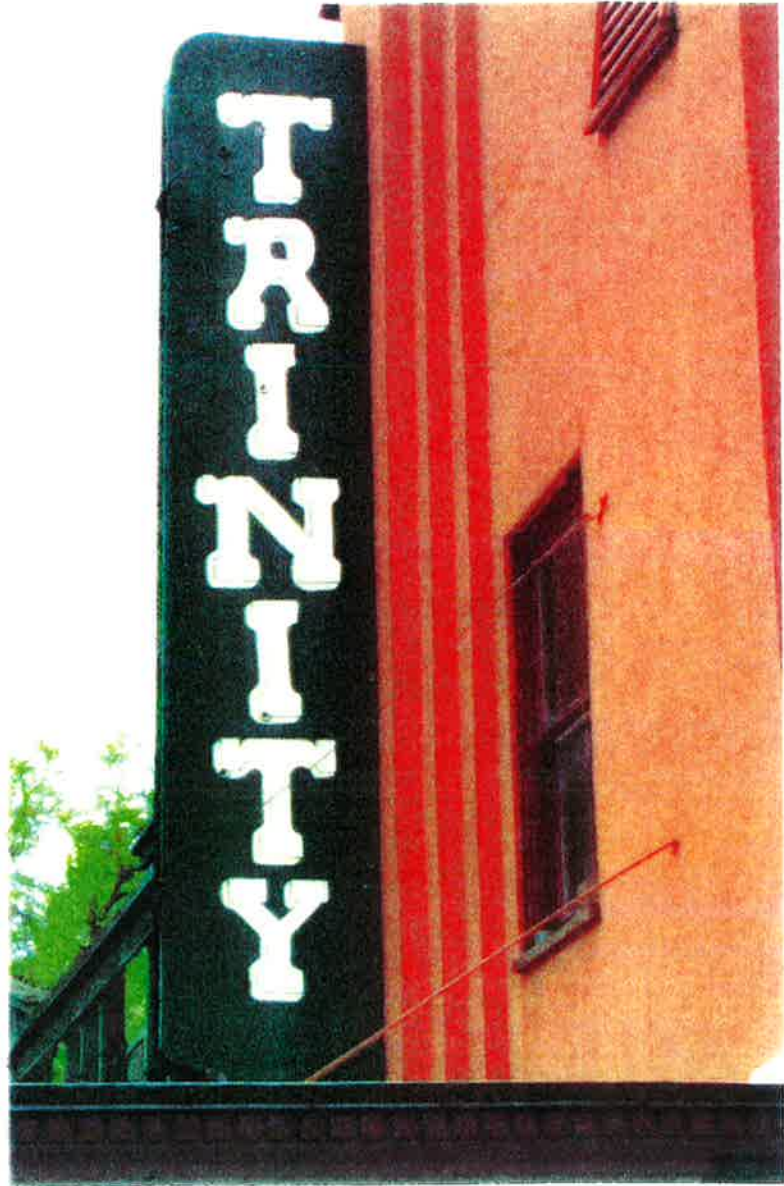
cc Mary Jane Edge, Agent, TRCP

FIGURE 2



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FIGURE 2



Brief History of Neon

Over the last 150 years the luminous tube industry has evolved from the simple laboratory experiments in the second half of the 19th century to an industry of world wide proportions. The first luminous tubes did not use neon or any other rare gas. In the late 1800's scientist developed reliable and somewhat safe high voltage supplies and began running high voltages through many things to observe what would happen. Often, they tested to see how wide of an air gap the spark could jump. It was quickly observed that the spark gap was inversely proportional to the pressure of the air and it soon became apparent, that an evacuated glass tube was the ideal method for viewing light from gas discharges.

When British reseacher William Ramsey discovered the 5 rare gases between 1894-98, receiving the Noble Prize in 1904, it became possible for a French scientist, Georges Claude, to note that noble gases could be made to produce light discharges when electrical discharges were passed through them. This was the long desired method that scientists had been looking for, a form of practical lighting by glowworm or phosphorescent light, "Light without heat".

By World War I, Claude had acquired many patents, but he had more on his mind than strictly scientific knowledge. He envisioned a lucrative market for his tubes in lighting and signage. Because neon gas produced the brightest light, it was used almost exclusively, and soon the generic "Neon Sign", was born. By 1924, "Claude Neon" franchises appeared in 14 major cities across the United States. And in 1927, out of a total of 750 neon signs in New York City, 611 had been made by Claude Neon Lights, Inc.

There was a great period of creativity for neon in the years that followed, a period when many design and animation techniques were developed. Unfortunately, the economic conditions caused by the depression, slowed neon's growth. However, one place neon did work its magic during this period, was on the exteriors of movie palaces, providing a colorfully glowing invitation to the fantasy world within.

Following World War II, and the advent of plastics, manufacturers began promoting Plexiglas shadow boxes with fluorescent lighting, neon's cousin, behind lettering and graphics. Neon was considered old fashioned, and was relegated to being used as a hidden light source. Today still, 75% of neon is used in this way.

During the last decade, neon has seen a rebirth, and artist, architects, and interior designers are begining to rediscover its exciting possibilities. One day, city planners will recognize neon's value as an element of urban vitality, and come to realize that the bleakness of city centers is due, in part, to the absence of this colorful element. Neon tube constuction hasn't changed much since the days of Claude Neon. Its still a handcrafted medium, and a glassbender heats and forms each letter one bend at a time. However, state of the art components, and much improved equipment, make the neon tube of today, superior to its predecessor.



TRINITY COUNTY PLANNING DEPARTMENT

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July 26, 2016

Mr. Tim Brandt, Senior Restoration Architect
Architectural Review and & Environmental Compliance Section
1725 23rd Street, Suite 100
Sacramento, CA 95816

Subject: OHP Policy Stance on Neon Re-illumination of Wall Signage Within Historic District with A 1890-1910 Period of Significance
(Trinity Theater, Weaverville, Trinity County, California – Planning File # WARC-16-01)

Hello Tim,

Just when you thought you knew where in the United States I was ensconced I have cropped up again in yet another unexpected locale – Trinity County.

In response to direction from the Planning Director, I am writing to get a reading from OHP staff concerning a design review matter that came before the Weaverville Architectural Review Committee (WARC), which serves as our historic preservation review board. On June 13, 2016, the WARC convened a meeting to look at the Trinity Theater building's existing metal wall sign, and to consider the proposal from the applicant to re-illuminate it with the now-absent neon components. The building was constructed in 1939 and is a very modest, builder-designed example of the Art Deco/1930s Moderne style (per the attached historic photo). It is considered a contributing resource within the local historic district.

I do not know whether you are familiar with the Weaverville Main Street historic district or not? It consists primarily of nineteenth and pre-1920s buildings – some of the buildings dating back to the middle of the nineteenth century (e.g., Trinity County Courthouse). Although there are post-1910 contributing resources within the district boundaries, such as the Trinity Theater, the period of significance for the district was pegged at 1890-1910. Due to ambiguity in the wording of Trinity County Zoning Ordinance Section 29.5 (see attached) regarding the permissibility of neon signage as a character-defining feature on buildings within the district constructed after the period of significance (and dating from the mid-20s or later), WARC approval was made contingent on obtaining a policy guidance for a finding that reinstallation of neon on a 1939 theater, in a manner consistent with the original c. 1939 neon sign treatment, conforms to OHP policy and does not place current or future state funding to the County at jeopardy (note that the County is not a Certified Local Government). Further, in the absence of OHP input, County Legal Counsel has declined to render an opinion on the matter.

FIGURE 3

I have explained that the neon can be considered a character-defining feature on a 1939 theater building, consistent with the Secretary of the Interior's Standards for Rehabilitating Historic Buildings and Guidelines for Rehabilitating Historic Buildings (Standards)(attached recital from the City of Sacramento), and that the prohibition of neon signage within the district is appropriate for, and was intended to apply to, the district's pre-1925 buildings. My sense, however, is that the Planning Director and Counsel want to hear this confirmed by OHP. Given this, and still pending action to finalize WARC approval of the Trinity Theater project, please advise at your earliest opportunity.

At some juncture in the not too distant future, we'll catch up our respective news. In the interim, however, please do accept my best wishes.

Sincerely,



Carson Anderson
Senior Planner

Attachments (3)

cc. Rick Tippett, Director of Planning, Trinity County
Margaret Long, Trinity County Legal Counsel
Bob Morris, WARC Chair

TRINITY COUNTY
ARCHITECTURAL REVIEW AND
PRESERVATION COMMITTEE
District II, Weaverville
November 1, 2017, at 3:00 p.m.
Planning office, Weaverville

MINUTES

CALL TO ORDER

Bob Morris called the meeting to order at 3:00 pm
Members present: Bob Morris, contractor/builder; Doris Hein, artist; Graham Matthews, area Planning Commissioner. (Weaverville Historic District Merchant position is vacant).
Staff: Colleen O’Sullivan, Planning Department – non-voting member

CURRENT BUSINESS

1. Discuss and/or take action regarding the desire of the Trinity Theater to re-install neon lights to their exterior sign and how this proposal conflicts with current prohibitions in the STA ordinance on neon lights.

There was a general discussion regarding this issue, as well as a letter that Carson Anderson sent to the State Office of Historic Preservation regarding this same. The letter is dated July 26, 2016 (attached). It was generally agreed that the Trinity Theater is considered an historic building and that neon is allowed to be re-installed if it originally had neon lighting (it did).

The concern with this issue lies with Ordinance No. 315-800, Section 29.5: “Architectural Review and Preservation: Special Treatment (ST), subsection K: *Signs – General Requirements, #3.: Indirect light sources may be used, as approved by the Committee, but internally illuminated, (e.g. flashing, neon, LED, colored light) animated or moving signs are specifically prohibited.* It is the general consensus of the committee that this language should be amended to allow historic, contributing buildings *that had neon as part of exterior lighting* (my emphasis) to re-install same lighting with Committee approval. It was generally agreed that the Trinity Theater is most probably the only building in the District that has this unique characteristic.

Colleen said that she would follow up with a phone call to the CA State Office of Historic Preservation (SHPO) regarding any follow up with Carson that might have occurred as a result of his 7/26/16 letter.

Postscript: I contacted Tim Brandt, Senior Restoration Architect, with SHPO, on 11/7/17. He stated that he had received Carson’s letter but had not responded. I described to him the situation and he agreed that a contributing structure to an Historic District and its established time period (which the movie theater is) could be allowed to re-install the neon lights. He did not know when flashing neon came

FIGURE 4

into existence. He agreed that just because a building was constructed during the advent and subsequent years of the neon era did not mean that they could add neon if it was not part of the original building.)

Staff has agreed to draft up language to amend the Special Treatment Ordinance to allow neon lights on buildings that originally had them (the movie theater probably being the only one).

OTHER BUSINESS

1. Bob raised the specter of trying to enforce neon OPEN signs violations in the district. Graham was supportive of it, but neither Bob nor Doris were. Staff is definitely not in favor of it. We will continue to discuss this ongoing nuisance.
2. There was a general discussion about the vacant Local Business Owner position on the WARC. Colleen volunteered to talk to Bridget about perhaps switching her position from Historical Society Representative to Local Business Owner rep, and having her solicit someone from the Historical Society to be that rep.

ADJOURN

Meeting adjourned at 4:03 p.m.