

# NOTICE OF REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the Planning Commission is hereby called for:

**Date/Time:** **Wednesday, March 28, 2012, 7:00 p.m.**  
(or as soon thereafter as possible)

**Location:** City Hall Council Chambers and Conference Room 109  
333 Civic Center Plaza, Tracy

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE

*In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Planning Commission Member to sponsor the item for discussion at a future meeting.*

1. OLD BUSINESS

**A. PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE SIGN REGULATIONS (TMC CHAPTER 10.08) AFFECTING SIGNS ON SCHOOL SITES – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0001**

2. NEW BUSINESS

**A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW TWO 157 SQUARE FOOT WALL SIGNS TO BE LOCATED ON A BUILDING IN THE TRACY PAVILION AT 2471 NAGLEE ROAD. APPLICANT IS CITY SIGNS. PROPERTY OWNER IS TRACY PAVILION, LLC. APPLICATION NUMBER CUP12-0002**

**B. DOWNTOWN SPECIFIC PLAN STUDY SESSION**

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

**March 22, 2012**

Posted Date

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development and Engineering Services Department located at 333 Civic Center Plaza during normal business hours.

## AGENDA ITEM 1-A

### REQUEST

#### **PUBLIC HEARING TO CONSIDER AN AMENDMENT TO THE TRACY MUNICIPAL CODE SIGN REGULATIONS (TMC CHAPTER 10.08) AFFECTING SIGNS ON SCHOOL SITES – THE APPLICATION IS INITIATED BY THE CITY OF TRACY – APPLICATION NUMBER ZA12-0001**

### DISCUSSION

#### Background

Section 10.08.4510(i) of the Tracy Municipal Code (TMC) prohibits electronic readerboard signs and electronic scrolling signs. Specifically, prohibited signs include any sign which “flashes, blinks, moves, changes color, appears to change color, changes intensity, or contains any part of an attachment which does the same, except that barber poles and time and temperature signs shall be permitted in the commercial and industrial zones.”

There are several sites within Tracy, however, that do utilize electronic readerboard signs. These sites are located on Tracy Unified School District property and advertise and announce various school-related events and activities.

On January 17, 2012, the Tracy City Council, at the request of City Council member Mike Maciel, discussed changing City standards to permit signs with scrolling, blinking, or other electronic changeable copy, such as ones installed at Tracy High School and Monte Vista Middle School. By a unanimous vote, the City Council expressed a desire to change City standards and directed staff to prepare an amendment to the Tracy Municipal Code to allow electronic readerboard signs such as LED (light emitting diode) or other electronic media on school sites.

The following amendments to the TMC are recommended to allow electronic readerboard signs on public and private school sites. The proposal contains a definition of “electronic readerboard sign” and provisions to permit them on public and private school sites with Planning Commission approval of a Conditional Use Permit. The proposal is shown in strike-through/underline format of selected, existing code sections to illustrate the proposed changes.

#### ***“Section 10.08.4440 Definitions***

...

*“Electronic readerboard sign” shall mean a changeable, moving message sign consisting of a matrix of lamps, light emitting diodes (LEDs), or similar devices.”*

#### ***“Section 10.08.4460, Standards by Sign Type***

*(h) Freestanding Signs*

*(1) Maximum height: Fifteen feet (15') feet.*

*(2) Maximum area: One hundred (100) square feet.*

*(3) Calculation of permitted area: One-half square foot of sign area for each lineal foot of parcel frontage.*

(4) Permitted zones: zones CS, CBD, GHC, M-1, M-2, and HS.; and school sites as described in subsection (7)(v), below.

(5) Sign permit needed: Yes.

(6) Sign location: No freestanding sign may be erected closer than fifteen (15') feet to any property line or closer than fourteen (14') feet to any driveway, alley, or vehicular access.

(7) Freestanding signs may only be permitted on the following sites or conditions:

(i) Shopping centers with four (4) or more individual establishments;

(ii) Office complexes including eight (8) or more suites or exceeding 15,000 square feet of floor area;

(iii) Any parcel with 200 or more feet of street frontage; and

(iv) As part of an overall sign program or plan.; and

(v) Upon issuance of a conditional use permit, a school containing any of grades 1 through 12, where the school site is one-half acre or more, and advertising is only for on-site, non-commercial activities or events.”

**“Section 10.08.4510, Prohibited Signs and Locations.**

*The following signs shall be absolutely prohibited:*

...

*(i) Any sign which flashes, blinks, moves, changes color, appears to change color, changes intensity, or contains any part of an attachment which does the same, except that for:*

(1) Standard barber poles and time and temperature signs shall be permitted in the commercial and industrial zones; and

(2) Upon issuance of a conditional use permit, one electronic readerboard sign on the property of a public or private school if the site is one-half acre or more and the school contains any of grades 1 through 12, to advertise only non-commercial, on-site activities and events. In evaluating the conditional use permit (TMC Section 10.08.4250 and following), the Commission shall consider appropriate hours of illumination, brightness, size, height, and other sign characteristics as they relate to the sign's location and surrounding land uses. Any electronic readerboard sign or other sign that flashes, blinks, moves, changes color, appears to change color, changes intensity, or contain any part of an attachment which does the same shall be removed within 90 days after the site is no longer used as a qualifying school;”

This proposed amendment is contained in the draft Ordinance, Exhibit 1 to the attached Planning Commission Resolution, Attachment A. For reference, the entire City sign ordinance is contained in Attachment B.

The proposal would allow public and private schools in Tracy to install electronic readerboard signs using flashing or blinking lights or changing copy upon approval of a Conditional Use Permit.

The proposal would also allow schools, regardless of zone district in which they are located, to install a Freestanding Sign, also upon approval a Conditional Use Permit. A Freestanding Sign is one allowed up to 15 feet in height and a maximum size of 100 square feet. Currently, Freestanding Signs are allowed only in non-residential zones. Most schools are located in residential zones. Typically, schools employ shorter and

smaller signs, consistent with the standards of a Monument Sign: six feet maximum height and 24 square feet maximum size.

The proposal includes limits on the schools that would qualify for electronic readerboard signs or a Freestanding Sign: a school site must be at least one acre in size and it must contain any of grades 1 through 12. There are currently 27 public and private schools in Tracy that would qualify to install electronic readerboard signs. The size and grade level limits are intended to prevent small sites, such as home schools in residential neighborhoods, from installing electronic readerboards or freestanding signs and to clarify that this proposal would not apply to day care centers or preschools.

### RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the proposed amendments to the Tracy Municipal Code regarding electronic readerboard signs and Freestanding Signs on school sites.

### MOTION

Move that the Planning Commission recommend that the City Council approve the attached Ordinance, amending the Tracy Municipal Code Sections 10.08.4440, 10.08.4460, and 10.08.4510 regarding electronic readerboard signs and Freestanding Signs on school sites.

Prepared by: Alan Bell, Senior Planner  
Reviewed by: Bill Dean, Planning Manager  
Approved by: Andrew Malik, Development and Engineering Services Director

### ATTACHMENTS

Attachment A – Proposed Planning Commission Resolution with Draft City Council Ordinance  
Attachment B – Tracy Municipal Code Sign Regulations (TMC Chapter 10.08, Article 35)

RESOLUTION 2012-\_\_\_\_\_

RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ORDINANCE  
AMENDING THE TRACY MUNICIPAL CODE SIGN REGULATIONS  
(TMC SECTIONS 10.08.4440, 10.08.4460, AND 10.08.4510)  
REGARDING FREESTANDING SIGNS AND  
ELECTRONIC READERBOARDS FOR SCHOOLS  
APPLICANT IS THE CITY OF TRACY – APPLICATION NUMBER ZA12-0001

WHEREAS, The Tracy Municipal Code (TMC) contains zoning regulations  
related to Signs (TMC Chapter 10.08, Article 35), and

WHEREAS, On January 17, 2012, the Tracy City Council directed that an  
Ordinance be prepared and reviewed to allow schools to construct Freestanding or other  
signs containing electronic reader board displays;

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby  
recommends that the City Council approves the TMC amendments to sign regulations  
regarding Freestanding Signs and electronic readerboard signs as indicated in Exhibit 1.

\* \* \* \* \*

The foregoing Resolution 2012-\_\_\_\_\_ was adopted by the Planning Commission on  
the 28<sup>th</sup> day of March, 2012, by the following vote:

AYES: Commission Members:  
NOES: Commission Members:  
ABSENT: Commission Members:  
ABSTAIN: Commission Members:

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Staff Liaison

## ORDINANCE \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 10.08.4440, 10.08.4460, AND 10.08.4510  
OF THE TRACY MUNICIPAL CODE  
REGARDING FREESTANDING SIGNS AND ELECTRONIC READERBOARD SIGNS FOR SCHOOLS

WHEREAS, The Tracy Municipal Code (TMC) contains zoning regulations related to signs (TMC Chapter 10.08, Article 35), and

WHEREAS, A number of Tracy public schools have installed Freestanding or Monument Signs using electronic readerboard signs that flash or change color, and

WHEREAS, The City Council wishes to allow schools (whether public or private) to construct Freestanding or other signs containing electronic readerboard displays that flash or change color to advertise on-site, non-commercial activities and events;

NOW, THEREFORE, The City Council hereby ordains as follows:

SECTION 1: Section 10.08.4440, Definitions, of the Tracy Municipal Code, is amended by adding a definition of “readerboard sign” in alphabetical order, to read as follows:

**“Section 10.08.4440 Definitions**

...

“Electronic reader board sign” shall mean a changeable, moving message sign consisting of a matrix of lamps, light emitting diodes (LEDs), or similar devices.”

SECTION 2: Section 10.08.4460, Standards by Sign Type, subsection (h), of the Tracy Municipal Code, is amended to read as follows:

**“Section 10.08.4460, Standards by Sign Type**

(h) Freestanding Signs

- (1) Maximum height: Fifteen feet (15’) feet.
- (2) Maximum area: One hundred (100) square feet.
- (3) Calculation of permitted area: One-half square foot of sign area for each lineal foot of parcel frontage.
- (4) Permitted locations: zones CS, CBD, GHC, M-1, M-2, and HS-; and school sites as described in subsection (7)(v), below.
- (5) Sign permit needed: Yes.
- (6) Sign location: No freestanding sign may be erected closer than fifteen (15’) feet to any property line or closer than fourteen (14’) feet to any driveway, alley, or vehicular access.
- (7) Freestanding signs may only be permitted on the following sites or conditions:
  - (i) Shopping centers with four (4) or more individual establishments;
  - (ii) Office complexes including eight (8) or more suites or exceeding 15,000 square feet of floor area;
  - (iii) Any parcel with 200 or more feet of street frontage; ~~and~~
  - (iv) As part of an overall sign program or plan-; and

(v) Upon issuance of a conditional use permit, a school containing any of grades 1 through 12, where the school site is one-half acre or more, and advertising is only for on-site, non-commercial activities or events.”

**SECTION 3:** Section 10.08.4510, Prohibited Signs and Locations, subsection (i) of the Tracy Municipal Code is amended to read as follows:

**“Section 10.08.4510, Prohibited Signs and Locations.**

The following signs shall be absolutely prohibited:

...

(i) Any sign which flashes, blinks, moves, changes color, appears to change color, changes intensity, or contains any part of an attachment which does the same, except that for:

(1) Standard barber poles and time and temperature signs shall be permitted in the commercial and industrial zones; and

(2) Upon issuance of a conditional use permit, one electronic readerboard sign on the property of a public or private school if the site is one-half acre or more and the school contains any of grades 1 through 12, to advertise only non-commercial, on-site activities and events. In evaluating the conditional use permit (TMC Section 10.08.4250 and following), the Commission shall consider appropriate hours of illumination, brightness, size, height, and other sign characteristics as they relate to the sign’s location and surrounding land uses. Any electronic readerboard sign or other sign that flashes, blinks, moves, changes color, appears to change color, changes intensity, or contain any part of an attachment which does the same shall be removed within 90 days after the site is no longer used as a qualifying school;”

**SECTION 4:** This Ordinance shall take effect thirty (30) days after its final passage and adoption.

**SECTION 5:** This Ordinance shall be published once in the Tracy Press, a newspaper of general circulation, within fifteen (15) days from and after its final passage and adoption.

\*\*\*\*\*

The foregoing Ordinance \_\_\_\_\_ was introduced at a regular meeting of the Tracy City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and finally adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



illumination, and maintenance of all types of signs and sign structures. This article presents criteria indicating whether or not signs conform to such intentions of suitability and safety. (Prior code § 10-2.3500)

#### 10.08.4440 Definitions.

As used in this article:

"Accessory sign" shall mean a sign which serves a directional or informational need.

"Bulletin board" shall mean a permanently constructed sign containing a surface area which may have interchangeable letters, words, or numerals displaying the name of the institution, events conducted upon, and/or the services offered upon such premises.

"Building face" shall mean the exterior surface of any building, regardless of frontage.

"Building frontage" shall mean the building elevations facing a street, plaza, or mall. Where the building contains multiple uses, "building frontage" shall mean the linear frontage of that portion of the building between the occupancy separation walls.

"Business" shall mean any non-residential use.

"Directional sign" shall mean a sign directing pedestrians or vehicles to specific on-site locations, such as parking spaces, special drive-up or walk-up services, public rest rooms, and the like.

"Directory sign" shall mean a sign erected to display the names of occupants engaged in professions or businesses or residing within such premises.

"Freestanding sign" shall mean a sign not attached to a building which sign is constructed upon, or affixed to, the ground by means of columns, poles, or similar structural components.

"Freeway sign" shall mean a freestanding sign designed to be viewed from vehicles travelling upon a freeway and located within 350 feet of the freeway.

"Height of sign" shall mean the distance from the curb grade at the base of the sign to the top of its highest element, including any structural element.

"Illuminated sign" shall mean a sign in which a source of light is used in order to make the message readable. "Illuminated sign" shall include internally and externally lighted signs and reflectorized, glowing, or radiating signs.

"Institution" shall mean all governmental, religious, and charitable organizations.

"Memorial sign or tablet" shall mean a sign or tablet displaying the name of a building and the date of erection when cut into masonry surfaces or constructed of bronze or other incombustible materials.

"Monument sign" shall mean a sign generally located flush with the ground or upon a base but otherwise hav-

### Article 35. Signs

#### 10.08.4430 Purpose.

Signs have an obvious impact on the character and quality of the City. As a prominent part of the scenery they attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone of the neighborhood.

In view of these facts, the City adopts the policy that the sign should serve primarily to identify the general nature of an establishment or to direct attention to a product, activity, place, person, organization, or enterprise. As identification devices, signs shall not subject the citizens of the City to excessive competition for their visual attention. As appropriate identification devices, signs shall harmonize with the building, the neighborhood, and other signs in the area. The City intends to encourage the installation of signs which improve the appearance of the building and the neighborhood and to enhance the economic effectiveness of signs. This article provides standards to safeguard life, health, property, and the public welfare in keeping with the character of the City by regulating the size, height, structural design, quality of materials, construction, location, electrification,

ing a clearance from the ground of not more than two (2') feet, and supported by a solid base, one or more uprights, braces, columns, poles, or other similar structural components placed on or into the ground, and not attached to a building. Monument signs shall not have more than two (2) faces.

"Off-site monument sign" shall mean a monument sign constructed or maintained off of the parcel on which the business, as identified on the monument sign, is located.

"Permitted nonconforming sign" shall mean a sign which existed as a legal sign prior to January 17, 1978, which is in conflict with the provisions of this chapter and continues to advertise a bona fide business.

"Pitch" (or peak) shall mean the highest point as in the highest point of a roof.

"Primary sign" shall mean a sign which carries the identification of the business name, a primary product, or service.

"Prohibited nonconforming sign" shall mean a sign which existed as a legal sign prior to January 17, 1978, which is in conflict with the provisions of this chapter but no longer advertises a bona fide business or a sign existing after January 17, 1978, which is in conflict with the provisions of this article.

"Projecting sign" shall mean a sign attached to, and projecting from, the face of, or above, or upon the roof of a building, structure, canopy, or marquee and shall include a roof sign.

"Roof sign" shall mean a sign erected upon a roof, or parapet wall of a building, and which is wholly or partially supported by such building.

"Sign" shall mean any medium, including its structure and component parts, which is used, or intended to be used, to attract attention to the subject matter for advertising purposes and shall include every announcement, declaration, demonstration, display, illustration, insignia, surface, or space when erected, painted, or maintained in view of the general public for identification, advertisement, or the promotion of the interests of any person.

"Sign area" shall mean the total surface space within a single continuous perimeter containing words, letters, figures, or symbols, together with any frame, material, or color forming an integral part of the display, but excluding support structures, the face of a building, and incidental parts not drawing attention to the subject matter.

"Sign structure" shall mean a structure which supports a sign.

"Temporary sign" shall mean a sign constructed of expendable material, such as paper, plastic, cloth, or wood, intended to be displayed for a short period of time. Pennants, banners, balloons, and similar devices shall also be included in this category.

"Time and temperature sign" shall mean a sign which displays the current time or outdoor temperature, or both, and which does not display any commercial advertising or identification.

"Under canopy sign" shall mean an identification sign attached to the underside of a canopy or marquee, protruding over public or private sidewalks or rights-of-way.

"Wall sign" shall mean a sign which is attached directly to, and parallel with, the building face or painted upon the wall of a building or structural part thereof.

"Window sign" shall mean a sign painted, printed, attached, glued, or otherwise affixed to a window.

"Flags for new subdivisions" shall mean signs permitted to identify new residential subdivisions.

"Off-site kiosk directional subdivision signs" shall mean signs used for directing the travelling public to new residential subdivisions.

"Regional freeway commercial signs" shall mean signs for commercial developments whose customers travel extended distances to the site on an infrequent basis.

"Temporary project identification signs" shall mean signs allowed on a temporary basis for a commercial development. (Ord. 995 §§ 1—3, 1999; prior code § 10-2.3501)

#### 10.08.4450 General requirements.

The general requirements and limitations shall be as follows:

(a) Construction materials. All permanent signs shall be constructed of wood, metal, plastic, glass, or like material (except wall signs painted upon the building) as approved by the Community Development Director; however, a sign permit may also be required by the Building Division.

(b) Area.

(1) A double-faced sign with parallel planes, back-to-back, not more than twenty-four (24") inches apart, shall count as a single sign, and only one side shall be counted for the total area.

(2) In cases of multi-face signs, add the outer dimensions of all the faces capable of presenting a sign. The sign area shall be the total area of all the faces.

(3) In the event a sign falls under more than one sign definition, the more restrictive sign regulations found in this article shall apply.

(4) Sign face changes which do not structurally alter the sign (including sign area and configuration) shall not require a sign permit, unless the sign is a nonconforming

sign, whereupon the sign face change shall comply with this article.

(5) The total sign area on a parcel shall be calculated as the sum of the sign areas of all types of signs on the parcel, except directional and temporary signs. The total sign area shall not exceed one-half square foot for each lineal foot of building frontage to which the signs pertain, except that individually-lettered wall signs shall be permitted a ratio of one square foot of sign area for each lineal foot of building frontage of business being advertised when individually-lettered wall signs comprise over fifty (50%) percent of the sign area of all sign types at such business being advertised.

(c) Location. All signs, except those so stated by this article, shall be erected upon the premises occupied by the person or business sought to be identified by such sign.

(d) Identification signs along major thoroughfares. Where the public convenience and necessity require, the Community Development Director may grant special use permits allowing identification signs along major thoroughfares entering the City, within 1,000 feet of the City boundaries, identifying the name of the community and the names of various nonprofit or civic organizations, provided the overall sign area is not greater than 100 square feet.

(e) Illumination. Illumination shall be allowed on all signs upon the approval of the Community Development Director, unless otherwise set forth in this article. (Prior code § 10-2.3502)

#### 10.08.4460 Standards by sign type.

(a) Wall signs.

(1) Maximum height: Not to exceed the pitch of the roof.

(2) Maximum area: 100 square feet.

(3) Calculation of area: One-half square foot of sign area per lineal foot of building frontage of business being advertised.

(4) Permitted zones: MO, POM, CS, NS, CBD, GHC, M-I, M-2, and HS.

(5) Sign permit needed: Yes.

(b) Roof signs.

(1) Maximum height: Four (4') feet above the eaves of the roof, but in no case higher than the pitch of the roof.

(2) Maximum area: Forty (40) square feet.

(3) Calculation of permitted area: One-half square foot of sign area for each lineal foot of building frontage of business being advertised.

(4) Permitted zones: MO, POM, CS, NS, CBD, GHC, M-I, M-2, and HS.

(5) Sign permit needed: Yes.

(c) Monument signs.

(1) Maximum height: Six (6') feet in the MO, NS, CS, and GHC Zones and in Use Group 30 in the RE, LDR, MDC, MDR, HDR, and POM Zones and four (4') feet for all other land uses and use groups in the RE, LDR, MDR, HDR, and POM Zones.

(2) Maximum area: Twenty-four (24) square feet in the MO, NS, CS, and GHC Zones and in Use Group 30 in the RE, LDR, MDC, MDR, HDR, and POM Zones and twelve (12) square feet for all other land uses and use groups in the RE, LDR, MDR, and HDR Zones.

(3) Calculation of permitted area: One-half square foot of sign area for each lineal foot of building frontage for which the sign pertains.

(4) Ground clearance: Monument signs will not have a ground clearance exceeding two (2') feet.

(5) Permitted zones: All zones with the exception of agricultural.

(6) Sign permit needed: Yes.

(7) Maximum number of signs permitted: Two (2) per parcel.

(d) Directional signs.

(1) Maximum height: Four (4') feet.

(2) Maximum area: Twenty-four (24) square feet.

(3) Calculation of permitted area with no business logo/theme: Permitted by site plan review to give functional information on directions.

(4) Permitted zones: All zones.

(5) Sign permit needed: No.

(e) Directory signs.

(1) Maximum height: Eight (8') feet.

(2) Maximum area: Fifty (50) square feet.

(3) Calculation of area: One-half foot of sign area for each lineal foot of building frontage to which the directory sign pertains.

(4) Permitted zones: All zones with the exception of agriculture.

(5) Sign permit needed: Yes.

(6) Sign location: No directory sign which is a free-standing sign may be erected closer than fifteen (15') feet to any neighboring property line or to any driveway or other point of ingress/egress.

(f) Political signs.

(1) Maximum height: Six (6') feet.

(2) Maximum area: Thirty-two (32) square feet.

(3) Calculation of area: One-half square foot of sign area for each lineal foot of parcel frontage.

(4) Permitted zones: All zones.

(5) Sign permit needed: No.

(6) Installation: Signs may not be erected sooner than forty-five (45) days preceding an election or political event.

(7) Removal: Signs shall be removed within five (5) days following an election or political event.

(g) Temporary signs.

(1) Maximum height: Not to exceed the roof line of the nearest building or the building affixed to, but in no case higher than thirty (30') feet.

(2) Maximum area: 300 square feet.

(3) Calculation of area for businesses: One-half square foot of sign area for each lineal foot of building frontage of business to which the sign pertains.

(4) Permitted zones: MO, POM, CS, CBD, GHC, M-1, M-2 and HS.

(5) Sign permit needed: No.

(6) Calculation of area for nonprofit organizations: No criteria.

(7) Permitted time: Temporary signs may not be utilized for more than thirty (30) days.

(8) Exceptions: These provisions shall not apply to temporary activity signs as set forth in subsection 10.08.4476(d).

(h) Freestanding signs.

(1) Maximum height: Fifteen feet (15') feet.

(2) Maximum area: 100 square feet.

(3) Calculation of permitted area: One-half square foot of sign area for each lineal foot of parcel frontage.

(4) Permitted zones: CS, CMD, GHC, M-1, M-2, and HS.

(5) Sign permit needed: Yes.

(6) Sign location: No freestanding sign may be erected closer than fifteen (15') feet to any property line or closer than fourteen (14') feet to any driveway, alley, or vehicular access. Freestanding signs may only be permitted on the following sites or conditions:

(i) Shopping centers with four (4) or more individual establishments;

(ii) Office complexes including eight (8) or more suites or exceeding 15,000 square feet of floor area;

(iii) Any parcel with 200 or more feet of street frontage; and

(iv) As part of an overall sign program or plan.

(i) Freeway signs.

(1) Maximum height: Fifteen (15') feet measured from the crown of the nearest freeway or forty-five (45') feet, whichever is less.

(2) Maximum area: 300 square feet per sign face.

(3) Minimum ground clearance: Eight (8') feet from the bottom of the sign.

(4) Permitted sites: The sign and the site(s) being advertised must be within 350 feet of a freeway.

(5) Permitted zones: GHC, CS, M-1, M-2, HS, and as permitted in a PUD zone, subject to first securing a conditional use permit.

(6) Sign permit needed: No. Requires a conditional use permit.

(7) Maximum number of signs permitted: One per parcel, advertising a business on the parcel or immediately adjacent to the parcel. No business may be advertised on more than one freeway sign.

(j) Under canopy signs.

(1) Height: Minimum eight (8') foot clearance under the sign.

(2) Maximum area: Four (4) square feet.

(3) Permitted zones: NS, CS, PUD and CBD.

(4) Maximum number of signs: One per parcel or business.

(k) Standard sign area. For all businesses with lineal building frontages which total less than twenty (20') feet, the maximum sign area shall be ten (10') feet. All other provisions of this chapter shall apply to signs with a standard sign area.

(l) Flags for new subdivisions. New subdivisions are permitted a cumulative total of ten (10) flags with logos (but without sign copy) and are to be located on the model home lots or sales office lot or clustered at the subdivision entryway on private property. Pole height is limited to twenty (20') feet and flag area to be no more than twenty-four (24') square feet per flag. Flags are to be replaced when the fabric is torn or otherwise determined by the City to be in a state of disrepair. No sign permit is required.

(m) Regional freeway commercial signs. A conditional use permit is required.

(1) The sign is for a business that attracts a regional draw of the retail market and is for a single user on a site of thirty-five (35) acres or greater, has an approved building area over 300,000 square feet and a freeway frontage of 1,000 feet or greater;

(2) The site has poor visibility to allow for adequate decision time to enable a safe maneuver from the freeway to a ramp;

(3) The proposed sign height is the lowest necessary to provide continuous visibility given a speed of fifty-five (55)/sixty-five (65) mph based on Caltrans standards for safe merging distances, but no taller than seventy (70') feet;

(4) The proposed sign area (maximum lettering height of six (6') feet) is the smallest necessary to provide visibility based on Caltrans standards and to allow for a safe transition to the exit ramp;

(5) The sign will have reverse pan halo lettering;

(6) The sign is within 350 feet of the freeway, and must have one freeway exit ramp greater than two (2) miles away;

(7) One sign per regional freeway commercial development;

(8) The sign is to be set back no less than the height of the sign from the freeway right-of-way;

(9) The sign shall have one continuous perimeter.

(n) *Off-site kiosk directional subdivision signs.*

(1) Kiosk locations in addition to the ten (10) locations approved below be approved by the Planning Commission by conditional use permit. One kiosk may be constructed per site located on private property only. A second kiosk may be approved by the Planning Commission through the conditional use permit process. The following ten (10) sites (within one-quarter mile radius) are hereby approved as kiosk locations and have their center at the intersections of:

(i) Corral Hollow Road and Grant Line Road;

(ii) Tracy Boulevard and Grant Line Road;

(iii) Tracy Boulevard and I-205;

(iv) I-205 and MacArthur Drive;

(v) MacArthur Drive and Grant Line Road;

(vi) Tracy Boulevard and Eleventh Street;

(vii) Eleventh Street and MacArthur Drive;

(viii) Corral Hollow Road and Cypress Drive;

(ix) Tracy Boulevard and Schulte Road; and

(x) Schulte Road and MacArthur Drive.

(2) Maximum of six (6) panels per subdivision, phase, tract or tentative map throughout the City and four (4) panels total per structure.

(3) Seven-inch minimum letter height, and twelve-inch maximum letter height. Height of structure not to exceed fourteen (14') feet. Sign must have a minimum ground clearance of three (3') feet. Sign area of each panel not to exceed sixteen (16) square feet and no panel is to be greater than eight (8') feet in length. Sign must be nonilluminated.

(4) A panel shall be removed from the sign structure(s) following close of the on-site sales office.

(5) Copy change or new panels not required to go before the Planning Commission. An administrative sign permit is required.

(6) Sign structure to be removed within sixty (60) days after sign advertises no subdivisions.

(o) *Temporary project identification signs.* Temporary project identification signs may be permitted on a

site after the owner of the site receives a sign permit for the signs. Temporary project identification signs may only be approved under the following:

(1) The site shall be at least thirty-five (35) acres.

(2) The site shall have an approved commercial project by the City for the entire site.

(3) Sign standards:

(i) Maximum area, 800 square feet;

(ii) Maximum height, twenty-five (25') feet;

(iii) No closer than 100 feet to any public right-of-way or property line;

(iv) The sign shall be nonilluminated;

(v) Two (2) signs per project or parcel whichever is less.

(4) Prior to installation of the sign, appropriate construction permit(s) to the satisfaction of the Building Official, shall be obtained.

(5) The temporary project identification sign shall be removed prior to the issuance of the first final inspection or certificate of occupancy for any structure in the project, or after one year from the date of sign permit approval, whichever occurs first. The owner may receive up to a one-year extension of the permit if a final inspection or certificate of occupancy has not been granted for any structure in the project and the owner provides written justification for the extension, to the satisfaction of the Community Development Director.

(6) No temporary project identification sign may be permitted on a site longer than two (2) years after original approval unless a new sign permit application, submitted with appropriate fee, is approved by the Community Development Director pursuant to this article.

(p) *Off-site downtown directional signs.* Up to sixteen (16) off-site directional signs for downtown Tracy shall be permitted at the locations indicated below. Said signs shall be installed in City of Tracy public right-of-way and maintained by the City. The specific siting in the public right-of-way at each location will be determined by normal City standards for traffic control signs regarding visibility, safety, and installation considerations. The design of said signs will be standard City of Tracy green and white street signs, approximately six (6') inches tall by thirty (30') inches wide, mounted approximately seven feet above sidewalk grade, containing the word "DOWNTOWN" with an arrow indicating the direction from the sign to the intersection

of Tenth Street and Central Avenue. The sixteen (16) locations at which signs will be permitted include the following:

- (1) On the westbound off-ramp of I-205 at Grant Line Road, pointing east;
- (2) On the eastbound off-ramp of I-205 at Grant Line Road, pointing east;
- (3) On the westbound off-ramp of I-205 at Tracy Boulevard, pointing south;
- (4) On the eastbound off-ramp of I-205 at Tracy Boulevard, pointing south;
- (5) On the westbound off-ramp of I-205 at MacArthur Drive, pointing south;
- (6) On the eastbound off-ramp of I-205 at MacArthur Drive, pointing south;
- (7) On westbound Pescadero Avenue at MacArthur Drive, pointing south;
- (8) On eastbound Grant Line Road at Tracy Boulevard, pointing south;
- (9) On eastbound Eleventh Street at Corral Hollow Road, pointing east;
- (10) On southbound Tracy Boulevard at Eleventh Street, pointing east;
- (11) On southbound MacArthur Drive at Eleventh Street, pointing west;
- (12) On westbound Eleventh Street at Holly Drive, pointing south;
- (13) On eastbound Eleventh Street at Central Avenue, pointing south;
- (14) On southbound East Street at Tenth Street, pointing west;
- (15) On Tracy Boulevard at the Tracy Municipal Airport directing traffic north;
- (16) On northbound Tracy Boulevard at Eleventh Street, pointing east.

(q) *Off-site monument signs.* Any business may construct and maintain one off-site monument sign if, and only if, all of the following requirements are met:

- (1) The business is not identified on a freeway sign or a freestanding sign; and
- (2) The parcel on which the business is located (the "business parcel") has a recorded easement, or other real property interest recorded against the parcel on which the off-site monument sign is located (the "sign parcel"), which provides: (i) access from the business to the public right-of-way across the sign parcel;

and (ii) the continued maintenance of the off-site monument sign in accordance with all City standards, including this article;

- (3) The off-site monument sign is located within the access easement referenced in subsection (q)(2), above;
- (4) The business is identified on no more than one monument sign on the business parcel, and no more than one off-site monument sign;
- (5) The sign parcel shall have no more than two (2) total monument signs;
- (6) The off-site monument sign is designed in accordance with all City standards, including Tracy Municipal Code section 10.08.4440 and subsection 10.08.4460(c). (Ord. 1027 § 1, 2001; Ord. 995 § 4, 1999; prior code § 10-2.3503) (Ord. No. 1132, § 1, 1-6-2009)

**10.08.4465 Banner signs on public property.**

(a) *Purpose.* The purpose of this section is to establish the manner by which banners may be displayed on public property to promote the City of Tracy, to promote co-sponsored, community-wide public events, and for beautification of the City.

(b) *Definitions.* For the purpose of this section: "Banner" means either of the following two (2) types:

- (1) "Street light banner" means a banner on a City street light pole, including a light pole on any City-owned property, and which is affixed by brackets.
- (2) "Over-the-street banner" means a banner traversing the public right-of-way at one of three (3) locations as set forth in subsection (d)(2) below.

"City-sponsored" means the City alone (including a City Board or Commission) is sponsoring the public event.

"Co-sponsor" means the City is co-sponsoring a public event in one of the following ways:

- (1) The City has entered into a memorandum of understanding (MOU) with an organization to cooperate in putting on the event (pursuant to Council Resolution No. 2005-076, or the successor co-sponsorship guidelines); or
- (2) The City has made a substantial contribution of money and or City services toward the event.

"Director" means the Director of Development and Engineering Services or his or her designee, unless stated otherwise.

(c) *City banners to promote or beautify the City.* The City may install street light banners throughout the City to promote the City or for beautification of the City. No sign permit is necessary.

(d) *Banners for City-sponsored or co-sponsored, community-wide events.* The City may install banners to advertise an upcoming community-wide event for which the City is a sponsor or co-sponsor. No sign permit is necessary. However, the applicant must obtain a special events permit from the Parks and Community Services Department, and the Parks and Community Services Director is authorized to approve the placement of banners and their conformance to the banner guidelines.

(1) Street light banners for City-sponsored or co-sponsored, community-wide events may be placed in any one or more of the following zones:

(A) *Zone 1:* Eleventh Street between Lammers Road and Corral Hollow Road;

(B) *Zone 2:* Tenth Street between A and East Streets;

(C) *Zone 3:* Central Avenue between Eleventh and Sixth Streets.

These three (3) zones do not include the four (4) street corners at Tenth Street and Central Avenue, which are reserved for City banners.

(2) Over-the-street banners for City-sponsored or co-sponsored, community-wide events may be placed in any one or more of the following locations, once the City has installed appropriate pole structures:

(A) In the center median of Eleventh Street between Lammers Road and Crossroads Drive;

(B) On Central Avenue between Eleventh Street and Tenth Street; and

(C) At Sixth Street and Central Avenue, upon completion of the Downtown Plaza.

(3) The Director shall establish banner guidelines, including banner specifications, length of time banners may be displayed, scheduling and utilization of the special event permit process. The Director may revise the banner guidelines as necessary, as long as they conform to this section.

(4) Banners shall be installed and removed by City staff. (Ord. 1115 § 1, 2008; Ord. 1110 § 1, 2007) (Ord. No. 1145, § 1, 3-16-2010)

#### **10.08.4470 Standards for miscellaneous signs.**

(a) *Construction project sign.* "Construction project sign" means a sign erected in conjunction with a construction project for the purpose of publishing the future occupants of a building, the architect, engineer, contractor, or other information pertaining to the construction project. Construction project signs shall not exceed thirty-two (32) square feet in area or eight (8') feet in overall height, unless legally required by governmental contract to be larger.

(b) *Real estate signs on private property.* Notwithstanding any other provision of this chapter, and consistent with California Civil Code section 713, signs advertising property for sale, lease or exchange including, but not limited to, the words "open house", may be placed upon property if the following conditions are met.

- (1) The sign contains the following information:
- That the property is for sale, lease, or exchange by the owner or his or her agent.
  - Directions to the property.
  - The owner's or agent's name.
  - The owner's or agent's address and telephone number.

(2) Residential property. On residential property of less than one acre, one real estate sign not to exceed six (6) square feet in area is permitted. On residential property of more than one acre, one sign not to exceed thirty-two (32) square feet in area per street frontage is permitted. In cases of properties with more than one frontage, not more than one sign may be placed along each frontage. Such signs shall be placed a minimum of 200 feet apart.

(3) Commercial property. On a commercial or industrial parcel of less than one acre, one sign of twelve (12) square feet in area plus one square foot of additional sign area for every ten (10) linear feet of street frontage up to, but not exceeding thirty-two (32) square feet in total sign area shall be permitted.

On a commercial or industrial parcel of one acre or more, one sign per frontage, not to exceed thirty-two (32) square feet in area per sign, is permitted.

(4) Open house signs. In addition to the signs allowed by subsections (2) and (3) of this subsection, an additional sign, not to exceed six (6) square feet in area or three (3') feet in height, with the words "open house" shall be allowed during daylight hours on a weekend and legal holiday.

(5) Location. Real estate signs may be located on the property for sale, lease or exchange, or on other property with that property owner's consent. The signs shall not adversely affect public safety, including traffic safety.

(6) Illumination. Real estate signs shall not be illuminated.

(7) Removal. Real estate signs shall be removed within seven (7) days of the sale (close of escrow), lease or exchange of the property.

(8) Number of signs. There shall be no more than four (4) off-site real estate signs for any open house event or property listing.

(c) Residential subdivision sign. One temporary real estate sign for a residential subdivision may be permitted on each arterial or collector street within a subdivision. When there are no arterial or collector streets within the subdivision, one such sign may be permitted on a local street within the subdivision. Temporary real estate signs shall meet the minimum front yard setback requirements, and shall not exceed 100 square feet in area, or be more than fifteen (15) feet in height. Such signs shall not be

illuminated. Such signs shall be removed immediately after the completion of the sales activity of the property or subdivision by the builder. A sign permit shall be obtained before the placement of such signs.

(d) Temporary activity signs on public property. A sign advertising a temporary activity may be placed in the public right-of-way if the owner complies with all of the following:

(1) Activity. This subsection (d) applies to temporary activity signs such as real estate open house or other activity that is permitted in an "R" residential zone.

(2) Temporary. With respect to subsection (d), "temporary activity sign" means a sign, such as a real estate direction sign to an open house sign, placed during daylight hours on a weekend and legal holiday.

(3) Location. The temporary activity sign may only be located within one mile of the property to which the sign applies, and within the public right-of-way in any residential zoning district in the following locations:

1. Along a major arterial street where there is a public soundwall, landscaping and pedestrian walkway separating the adjacent private property from the roadway.

2. Where the frontage is improved with a monolithic curb, gutter and sidewalk, behind the sidewalk on residential and collector streets.

3. Where the frontage is improved with vertical face curb, parkway and sidewalk, within the parkway between the curb and sidewalk on residential and collector streets.

The sign shall not be located:

- In a median;
- In a city park;
- On a sidewalk or pedestrian walkway;
- In the vehicular travel lane, bicycle lane, parking lane or red zone of the street;

- Within one foot of the curb;
- On a utility pole or fixture;
- On street signs or other public signs.

(5) Number of signs. For each activity, there shall be no more than a total of four (4) signs displayed on public property, and no more than one sign at an intersection. There shall be no more than a total of four (4) signs at any intersection or one sign on each corner.

(6) Size. The sign may not exceed six (6) square feet in area or three (3') feet in height. (Ord. 1027 § 2, 2001: Prior code § 10-2.3504)

#### **10.08.4480 Administration.**

Except as otherwise provided in section 10.08.4470 of this article, no sign may be placed or erected without written approval issued by the Community Development Director or his designee. In addition, building permits shall



be required for the erection of signs, except painted, wall, window, or temporary signs, following the issuance of written approval by the Community Development Director. (Prior code § 10-2.3505)

#### 10.08.4490 Sign approval.

(a) Applications: Form. Applications for sign approval shall be made upon forms provided by the Community Development Department in the manner thereon ascribed.

(b) Review of sign applications. Permission for signs shall be issued only after review by, and the approval of, the Community Development Director. The Community Development Director shall approve, disapprove, or conditionally approve the sign application on the basis that it conforms to the purpose and the requirements of this article.

(c) Appeals.

(1) In the event the applicant is not satisfied with the decision of the Community Development Director, the applicant, within ten (10) working days after the decision is rendered, may file an appeal with the Commission. Such an appeal shall be filed in writing with the secretary of the Commission.

(2) In the event the applicant is not satisfied with the decision of the Commission, within ten (10) working days after the decision is rendered, he may file an appeal in writing with the Council. The Council shall render a decision within forty-five (45) days after the filing of such appeal. (Prior code § 10-2.3506)

#### 10.08.4500 Nonconforming signs.

The lawful use of signs existing on January 17, 1978, although such use does not conform with the provisions of this article, may be continued; provided, however, a nonconforming sign which has been abandoned, or the use for which it is advertised has ceased to function for a period of ninety (90) days or more, shall be brought into conformity with the provisions of this article.

(a) No nonconforming sign shall be, in any manner, structurally altered, reconstructed, or moved without being made to comply in all respects with the provisions of this article; however, nothing in this subsection shall prohibit the painting, maintenance, or repairing of such sign, including the face and changing of copy, except that such repairs shall not exceed fifty (50%) percent of the value of such sign within any consecutive five (5) year period.

(b) If at any time any sign in existence or maintained on January 17, 1978, which sign does not conform with the provisions of this article, is destroyed by fire, accident, explosion, or act of God to the extent of more than fifty

(50%) percent of the value thereof, then, without further action of the City, such sign, from and after the date of such destruction, shall be subject to all the provisions of this article. For the purposes of this article, the value of any sign shall be the estimated cost and replacement of the sign in kind as determined by the Building Official. (Prior code § 10-2.3507)

#### 10.08.4510 Prohibited signs and locations.

The following signs shall be absolutely prohibited:

(a) Any sign designed for emitting sound;

(b) Any sign mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a special business establishment;

(c) Any sign or sign structure which has become a public nuisance due to inadequate maintenance, dilapidation, or abandonment;

(d) Any sign which obstructs in any manner the ingress to, or egress from, a required door, window, fire escape, or other required accessway;

(e) Any sign containing any obscene matter;

(f) Any sign unlawfully installed, erected, or maintained;

(g) Any sign now or hereafter existing which no longer advertises a bona fide business conducted or a product sold as prescribed in this chapter;

(h) Any sign which encroaches into any City right-of-way or easement, except an under canopy sign or a temporary activity sign provided for under section 10.08.4470(d).

(i) Any sign which flashes, blinks, moves, changes color, appears to change color, changes intensity, or contains any part of an attachment which does the same, except that standard barber poles and time and temperature signs shall be permitted in the commercial and industrial zones;

(j) Any freestanding or projecting sign erected at an intersection so as to intrude into a triangle formed by the projection of the curb line (if none, the property line) and an imaginary line twenty-five (25') feet from the intersection of such projecting lines, unless less than two (2') feet or more than eight (8') feet above the curb grade and the support is no more than eighteen (18") inches in diameter;

(k) Any sign not expressly permitted;

(l) Any sign located so that it interferes with visibility at an intersection, public right-of-way, driveway, or other ingress/egress;

(m) Any sign located or displayed on or over public property, except for:

(1) A banner sign approved under section 10.08.4465,

(2) A temporary activity sign provided for under section 10.08.4470(d), or

(3) A legally required traffic sign;

(n) Any sign attached to a tree;

(o) Any sign erected or maintained which has less horizontal or vertical clearance from communication lines or energized electrical power lines than that prescribed by the State or rules and regulations duly promulgated by agencies thereof;

(p) Any sign serving as a billboard;

(q) Any sign which, in the opinion of the Community Development Director, is in conflict with the spirit or intent of this article; and

(r) Any sign adversely affecting traffic control or safety. (Ord. 1110 § 2, 2007; Ord. 1027 § 3, 2001; prior code § 10-2.3508)

#### **10.08.4520 Removal of signs.**

A sign shall be removed under any of the following conditions:

(a) The sign no longer advertises a bona fide business, and the sign exists ninety (90) days after the cessation of such business;

(b) The sign was installed or painted illegally;

(c) The sign is a nonconforming sign and was destroyed in a manner reducing the value of such sign by fifty (50%) percent or more;

(d) The sign is in violation of any part of this chapter;

(e) The sign endangers the safety or welfare of citizens; and

(f) The sign is dilapidated, decayed, or otherwise neglected. (Prior code § 10-2.3509)

#### **10.08.4530 Nature of removal.**

(a) A sign subject to removal shall be removed in a safe manner.

(b) Notification of the removal of a sign shall be furnished in writing to the Building Official forty-eight (48) hours in advance of any removal for any sign requiring a sign permit, unless the sign places the City in immediate peril.

(c) Any accessory structures or foundations or mounting materials which are unsightly or a danger to the safety and welfare of citizens shall be removed at the time of the sign removal. (Prior code § 10-2.3510)

#### **10.08.4540 Scope of responsibilities.**

(a) The Community Development Director or his designee shall be responsible for the following functions:

(1) Interpretations of this chapter; and

(2) The review of sign permit applications for conformance with this chapter.

(b) The Building Official or his designee shall be responsible for the following functions:

(1) Inspections of signs and installations of signs;

(2) Inspections of purported violations of this chapter; and

(3) The enforcement of this chapter by issuing final inspection approval of sign installations and issuing notices or citations in the event of nonconformance with this chapter. (Prior code § 10-2.3511)

#### **10.08.4550 Enforcement.**

In the event a sign is found to not conform with this chapter, and such sign does not place citizens in immediate danger or peril, the Building Official or his designee shall serve the business owner (or property owner if the business has ceased) a written certified notice explaining the nature of such violation and demand compliance with this chapter (by the modification or removal of such sign) within thirty (30) days after the receipt of such notice. Should the business owner fail to comply with this chapter in the prescribed time, the Building Official shall issue a citation to such business owner and subject such owner to a fine prescribed by resolution, except when during such thirty (30) day notice period the business owner or his designee files a variance application with the Community Development Department. (Prior code § 10-2.3512)

#### **10.08.4560 Signs placing citizens in immediate peril or signs in public rights-of-way and/or easements.**

The Building Official or his designee shall immediately cause the removal of any sign which, in the judgment of either the Community Development Director or his designee or the Chief Building Official or his designee, is found to be within the public right-of-way and/or easements or found to place citizens in immediate peril by any or a combination of the following methods, using sound judgment under the circumstances:

(a) The removal or modification of such sign by City staff with the business owner to be billed for time and materials;

(b) Notification orally or in writing to the business owner causing the removal of such sign within a twenty-four (24) hour period or a lesser period of time, as prescribed by the Chief Building Official or his designee; or

(c) The immediate citation of the business owner or party responsible for such sign. (Prior code § 10-2.3513)

## AGENDA ITEM 2-A

### REQUEST

**PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO ALLOW TWO 157 SQUARE FOOT WALL SIGNS TO BE LOCATED ON A BUILDING IN THE TRACY PAVILION AT 2471 NAGLEE ROAD. APPLICANT IS CITY SIGNS. PROPERTY OWNER IS TRACY PAVILION, LLC. APPLICATION NUMBER CUP12-0002**

### DISCUSSION

#### Background

The I-205 Corridor Specific Plan establishes sign criteria and states that the area of any single wall sign shall not exceed 100 square feet. Total sign area shall not exceed one-half square foot of sign per lineal foot of building frontage. However, a wall sign of up to 250 square feet may be allowed upon securing a Conditional Use Permit, which demonstrates that:

1. The size of the sign is of an appropriate scale when compared to the building face on which it is proposed.
2. The total sign area for the building shall not exceed one square foot per lineal foot nor more than 75 percent of the building frontage. When 50 percent or more of the project signage is comprised of individual letters, the total signage shall not exceed 1.2 square feet of sign area per lineal foot of building frontage.

The Planning Commission previously granted Conditional Use Permits for wall signs exceeding 100 square feet for Home Depot, Best Buy, Costco, Marshall's, Linens-N-Things, and WalMart.

On March 1, 2012, City Signs submitted an application for Conditional Use Permit to allow two 157 square foot wall signs to be located on a building in the Tracy Pavilion at 2471 Naglee Road. The subject tenant space will be occupied by Staples.

#### Project Description and Analysis

The subject building is a multi-tenant building located in the Tracy Pavilion retail center that contains PetSmart and Anna's Linens (Attachment B: Sign Plans and Vicinity Map). Two 157 square foot wall signs are proposed above the building main entry, one on the east elevation and one on the south elevation.

The proposed signs require Planning Commission approval of a Conditional Use Permit. In order to receive approval of a Conditional Use Permit, the proposed signs must satisfy the criteria outlined above from the I-205 Corridor Specific Plan. The size and height of each sign appears to be appropriate to the size and scale of the building fascia upon which the signs are proposed to be located. The lengths of each sign do not exceed 75 percent of the tenant space frontages upon which they are proposed located. Because the proposed signs are individually lettered, the total sign area may be provided up to a ratio of 1.2 square feet of sign per 1 lineal foot of building frontage, where building frontage is defined as the lineal distance of the subject tenant space that fronts onto the

shopping center plaza in accordance with the Tracy Municipal Code. The total sign area proposed for the building tenant space is within this maximum allowed sign area.

Environmental Document

The proposed project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, pertaining to installation of small new equipment. No further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Conditional Use Permit to allow two 157 square foot wall signs to be located on a building in the Tracy Pavilion at 2471 Naglee Road, Application Number CUP12-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated March 28, 2012.

MOTION

Move that the Planning Commission approve the Conditional Use Permit to allow two 157 square foot wall signs to be located on a building in the Tracy Pavilion at 2471 Naglee Road, Application Number CUP12-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution dated March 28, 2012.

Prepared by: Kimberly Matlock, Assistant Planner

Approved by: Bill Dean, Assistant Development and Engineering Services Director

ATTACHMENTS

- A: Sign Plans and Vicinity Map
- B: Planning Commission Resolution



# STAPLES



# STAPLES

**HILTONDISPLAYS**

#0442  
TRACY CA  
11-14342

# STAPLES

## Master Sign Plan

### INDEX:

- PG. 2 SIGN LEGEND
- PG. 3 BUILDING ELEVATIONS
- PG. 4 BUILDING ELEVATIONS
- PG. 5 SIGN TYPE A (SPECIFICATIONS)
- PG. 6 SITE PLAN

**HILTON**DISPLAYS

**A 67" LETTERSET**

STAPLES

156.916 SQ. FT.

**B 67" LETTERSET**

STAPLES

156.916 SQ. FT.



SOUTH ELEVATION



WEST ELEVATION

PG. 2

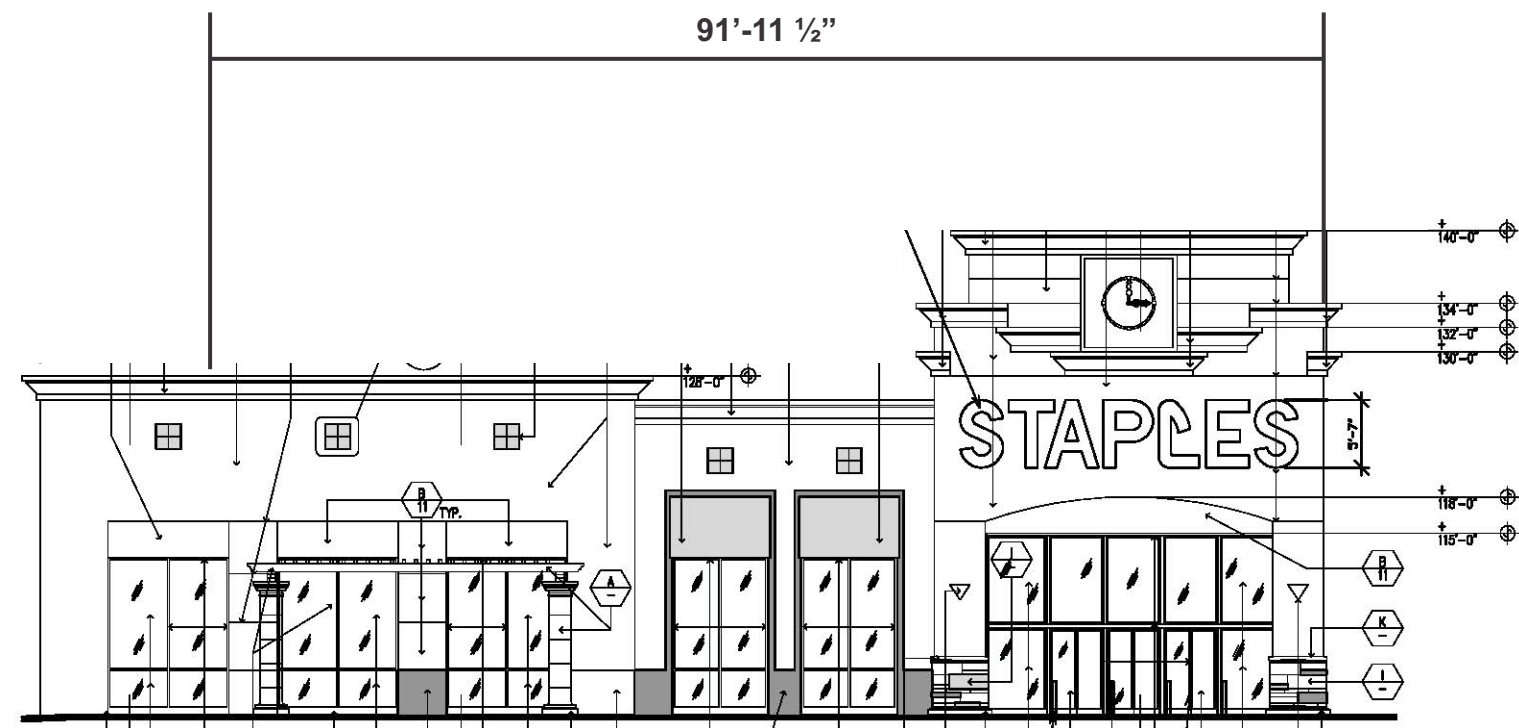
#0442  
TRACY CA  
11-14342



# STAPLES

**A 67" LETTERSET**

Elevations



PG. 3

**HILTONDISPLAYS**

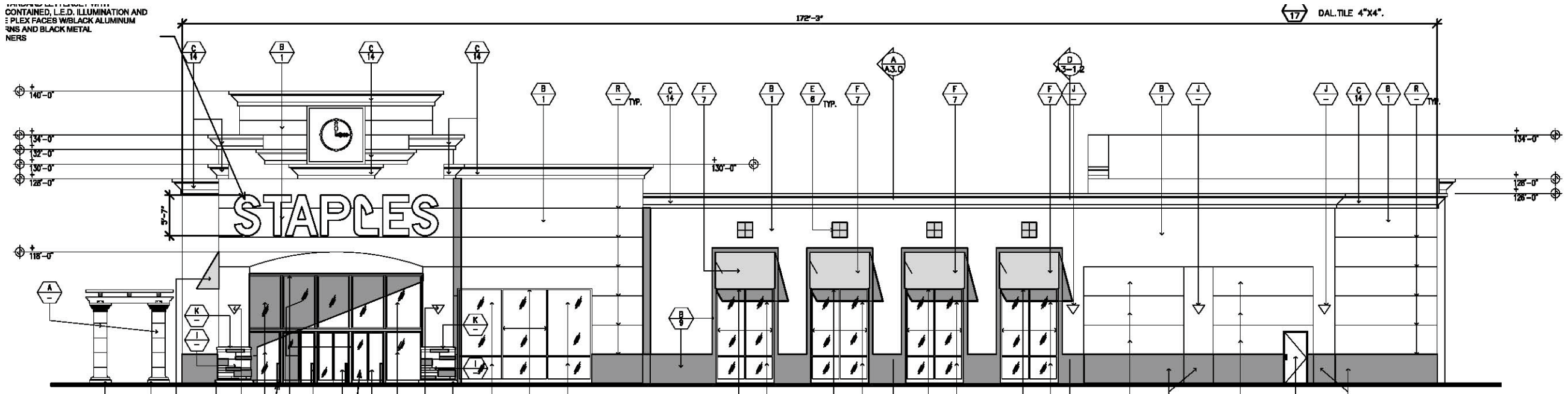
**#0442  
TRACY CA  
11-14342**

# STAPLES

Elevations

**B 67" LETTERSET**

CONTAINED, L.E.D. ILLUMINATION AND  
PLEX FACES W/BLACK ALUMINUM  
FRAMES AND BLACK METAL  
FINISHERS



PG. 4

**HILTONDISPLAYS**

#0442  
TRACY CA  
11-14342



# STAPLES

Primary Identification- 67" Internally Illuminated Letter Set

SIGN **A** **B**



163.3 SQ.FT.

**67"** Internally Illuminated Letter Set Layout

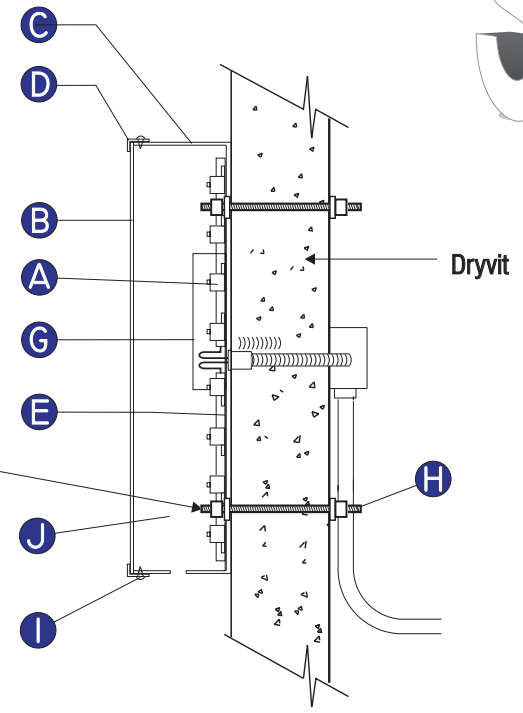
SQ. FT.: 156.916

<b>A</b> ILLUMINATION	TYPE	SLOAN L.E.D.
		*CL5 WHITE
	<b>*NO EXCEPTIONS OR SUBSTITUTES</b>	
<b>B</b> FACE	THICKNESS	3/16"
	COLOR	#7328 WHITE POLYCARB
	VINYL	N.A.
<b>C</b> RETURN	DEPTH	7"
	COLOR	BLACK
	THICKNESS	7.5" PRE-COAT COIL
<b>D</b> RETAINER	TYPE	ALUMINUM
	SIZE	LARGE
	COLOR	*BLACK POWDER COATED
		<b>*NO EXCEPTIONS OR SUBSTITUTES</b>
<b>E</b> BACKS	MATERIAL	ALUMINUM
	GAUGE	.063 WHITE PRE-COAT
<b>F</b> WIREWAY	SIZE	STANDARD
	TYPE	ALUMINUM
<b>G</b> POWER SOURCE		SLOAN MODULAR 60
<b>H</b> MOUNTING	INTERNAL	5/16-18 NC RIVNUT
	EXTERNAL	5/16-18 NC ROD/THRU BOLT
<b>I</b> SCREWS	SIZE	#8 x 1/2" PHILLIPS HD.
	COLOR	MATCH RETAINERS
<b>J</b> SWITCH	TYPE	DISCONNECT/TOGGLE

\*SPST DISCONNECT SWITCH LOCATE ON RETURN ON 4FT OR LARGER LETTER.  
\*2 WEEP HOLES PER LETTER REQUIRED (1/4" DIA.).

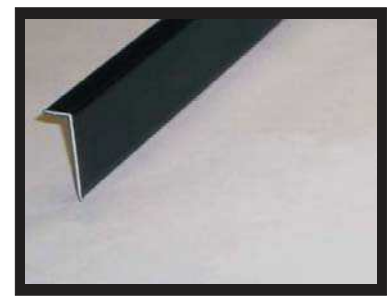


**STAPLES - SELF CONTAINED LETTER SECTION - L.E.D.**



5/16-18 NC Threaded rod/thru-bolt mounting

\* NOTE:  
Minimum (3) anchors per letter



Large Aluminum Retainer  
1/2" x 1.25"



Retainer Face View

PG. 5

**HILTON DISPLAYS**

**#0442  
TRACY CA  
11-14342**

**A** 72" LETTERSET

**B** 72" LETTERSET

## Subject Building



PG. 6

**HILTONDISPLAYS**

**RESOLUTION PC 2012-\_\_\_\_\_**

**APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW TWO 157 SQUARE FOOT WALL SIGNS TO BE LOCATED ON A BUILDING IN THE TRACY PAVILION AT 2471 N. NAGLEE ROAD. APPLICANT IS CITY SIGNS. PROPERTY OWNER IS TRACY PAVILION, LLC. APPLICATION NUMBER CUP12-0002**

WHEREAS, The I-205 Corridor Specific Plan area establishes criteria for exterior signs and requires a Conditional Use Permit for wall signs exceeding 100 square feet, subject to certain criteria, and

WHEREAS, On March 1, 2012, City Signs submitted a Conditional Use Permit application for two 157 square foot wall signs to be located on a building above the main entrance within the I-205 Corridor Specific Plan area, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303 pertaining to installation of small new equipment and no further environmental assessment is necessary, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider Conditional Use Permit application number CUP12-0002 on March 28, 2012;

NOW, THEREFORE BE IT RESOLVED, The Planning Commission hereby approves a Conditional Use Permit to allow two 157 square foot wall signs to be located on a building in the Tracy Pavilion at 2471 N. Naglee Road, Application Number CUP12-0002, as shown in the plans dated March 1, 2012 and based on the following findings:

1. There are circumstances or conditions applicable to the land, structure, or use which make the granting of a use permit necessary for the preservation and enjoyment of a substantial property right, because wall signs in excess of 100 square feet in size are permitted subject to specific criteria and the granting of a Conditional Use Permit as provided in Section 4.1.2.2.G.10.ii of the I-205 Corridor Specific Plan. The sign proposal meets those criteria because the size of the sign is of an appropriate scale when compared to the building face on which it is proposed, the sign lengths do not exceed 75 percent of the building face upon which each sign is proposed, and all proposed signage is comprised of individual letters that have a total sign area which does not exceed 1.2 square feet per lineal foot of building frontage, where building frontage is defined as the lineal distance of the subject tenant space that fronts onto the shopping center plaza in accordance with the Tracy Municipal Code.
2. The proposed location of the Conditional Use Permit is in accordance with the objectives of Chapter 10.08 of the Tracy Municipal Code and the purposes of the zone in which the site is located, because the location of the subject building and proposed signage is consistent with the intent of the General Plan designation of Commercial, the Tracy Municipal Code as modified by the I-205 Corridor Specific Plan, and the Planned Unit Development Zone District in which it is located.
3. The proposed location of the use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to, or inharmonious with, properties or improvements in the vicinity, because the signage, as designed, will be harmonious with the properties and improvements in the

vicinity and therefore will not have negative effects on property in the vicinity. The design is compatible with the existing building and is within the size range allowable for signs permitted under the I-205 Corridor Specific Plan. Furthermore, the proposed signs will meet the requirements of the California Environmental Quality Act, the California Building Code, and applicable provisions of the Tracy Municipal Code.

\* \* \* \* \*

The foregoing Resolution 2012-\_\_\_\_\_ was adopted by the Planning Commission on the 28<sup>th</sup> day of March 2012, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAIN:	COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
Secretary