



AGENDA
CITY OF GUSTINE
PLANNING COMMISSION
COUNCIL CHAMBERS, CITY HALL
352 5th STREET GUSTINE, CALIFORNIA
OCTOBER 14, 2015 – 7:00 P.M.

CALL TO ORDER - PLEDGE OF ALLEGIANCE

ROLL CALL

Commission Members: Martens, Oliveira, Hasness, Vice-Chairperson Marsigli,
Chairperson Gandy & Ex-Officio Anderson

PRESENTATIONS

ORAL COMMUNICATIONS

At this time, any person may comment on an item, which is not on the agenda. PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD. Members of the public, who have questions regarding a specific agenda item, may comment on that item before consideration of that item by the Planning Commission, when recognized to do so by the Chairman.

CONSENT CALENDAR

1. **Minutes, Planning Commission Meeting of September 9, 2015**
 1. Recommendation: Review and approve.

ADMINISTRATIVE AGENDA

2. **PUBLIC HEARING – Flag Regulations Code Amendment**
 1. Receive Staff Report
 2. Open the public hearing
 3. Receive public comment
 4. Close the public hearing
 5. Consider a motion to approve the resolution
3. **WORKSHOP - Discuss and Provide Direction on Freestanding Signs**
 1. Receive staff report
 2. Receive public comment
 3. Provide staff with direction on how to proceed

CITY PLANNER REPORT

PLANNING COMMISSION REPORTS

ADJOURNMENT

Note:

1. *In compliance with the Americans with Disabilities Act, a disabled person requesting a disability-related modification or accommodation to participate in this meeting, must contact City Hall at (209) 854-6471 or (209) 854-2127(fax). Requests must be made as early as possible, preferably one-full business day before the start of the meeting.*
2. *Any document provided to a majority of the Planning Commission regarding any open session item on this agenda is available for public inspection during normal business hours at the front counter of City Hall located at 352 5TH Street, Gustine, CA. Documents or writings received after the general distribution of the agenda are also available for inspection.*

CERTIFICATION

I, Melanie Correa, Deputy City Clerk, do hereby declare under penalty of perjury that the foregoing agenda was posted on the outdoor bulletin board at the Gustine City Hall, 352 5th Street, Gustine CA and made available for public review on this 8th day of October, 2015, at or before 5:00 p.m.



Melanie Correa

**MINUTES OF
PLANNING COMMISSION MEETING
SEPTEMBER 9, 2015**

CALL TO ORDER - PLEDGE OF ALLEGIANCE

Chair Mike Gandy called the meeting to order at 7:00 P.M. and conducted the pledge of allegiance.

ROLL CALL

Commission Members: Martens, Oliveira, Vice-Chairperson Marsigli, Chairperson Gandy, Ex-Officio Anderson

Commissioner Hasness was absent.

Staff Present: City Manager Sean Scully, Public Works Director Kathryn Reyes

PRESENTATIONS

ORAL COMMUNICATIONS

There was no oral communications.

CONSENT CALENDAR

1. Minutes, Planning Commission Meeting of August 12, 2015

1. Recommendation: Review and approve.

2. Minutes, Planning Commission Special Meeting of August 26, 2015

1. Recommendation: Review and approve.

Chairman Gandy introduced the consent calendar. Vice Chair Marsigli moved to approve the consent calendar. The motion was seconded by Commissioner Oliveira and carried 4-0 with Commissioner Hasness absent.

ADMINISTRATIVE AGENDA

3. WORKSHOP - Discuss and Provide Direction on Flag Signage

- 1. Receive staff report*
- 2. Receive public comment*
- 3. Provide staff with direction on how to proceed*

City Manager Scully presented the staff report. After a lengthy discussion in which each of the Commissioners, the Vice-Chair and the Chairman provided input, City Manager Scully advised that staff would work on bringing an administrative item pertaining to flag signage to a future meeting of the Planning Commission.

CITY PLANNER REPORT

City Manager Sean Scully gave an update on the status of the Self Help development and upcoming City centennial activities.

PLANNING COMMISSION REPORTS

Commissioner Oliveira advised that he had nothing to report.

Commissioner Martens advised that he had nothing to report.

Vice-Chair Marsigli advised that she had nothing to report.

Chairperson Gandy reminded everyone of the 9/11 Memorial Walk.

ADJOURNMENT

Vice Chair Marsigli made a motion to adjourn the meeting at 7:37 P.M. The motion was seconded by Commissioner Oliveira, and carried 4-0 with Commissioner Hasness absent.

ATTEST:

DEPUTY CITY CLERK



PLANNING COMMISSION AGENDA ITEM

OCTOBER 14, 2015

PREPARED BY: Sean Scully, City Manager

SUBJECT: Public Hearing - Code Amendment Flag Regulations

BACKGROUND/ DISCUSSION:

At the August 12th meeting the Planning Commission discussed temporary signage. One section that was discussed at length was the consideration of flags and whether or not flags should be allowed as a temporary or permanent signage. Currently the Gustine Zoning Code does not allow flags of any kind. The Planning Commission expressed some general receptiveness to changing provisions within the zoning code to allow for flags at some level. The discussion primarily revolved around to what degree (number, size, location etc) flags should be allowed.

At the September 9th Planning Commission meeting the Planning Commission debated a variety of different code amendments that would allow flags (without a permit) provided the flags met certain size and number limitations. The majority direction requested the following to be included in the code amendment:

1. Flag's shall be allowed within commercial zones in the City of Gustine without sign permit approval. Allowable flags include classic rectangular flags as well as "flutter" type flags. Flags shall be subject to following:

A. Flags shall be limited to one per commercial business with a single street frontage. Commercial businesses located on corner parcels with two street frontages shall be allowed two flags.

B. Flags shall only be displayed during normal business hours.

C. The total sign area for each flag shall not exceed 15 square feet.

D. Flag's may be displayed within the public right of way only within the boundaries of the applicable business' immediate street frontage. No permanent facilities shall be installed within the public right of way for placement of the flag. Flags within the public right of way shall not exceed 10' in height. The flag shall be positioned so that they will not:

i. Obstruct the sidewalk clearance required in compliance with the Americans with Disabilities Act (ADA);

ii. Impede any line of sight for motorists at vehicular public right-of-way intersections, as recommended by the Public Works Director; or

iii. Interfere with people exiting and entering parked cars.

iv. Any and all flags shall be kept in good condition with no visible signs of deterioration.

v. The City of Gustine reserves the right to request removal of flags at any time when display of flags conflicts with other public or previously authorized activity.

The code amendment also requests deletion of a section that disallows official flags in the public right of way as well as a section that lists flags as prohibited signage.

RECOMENDATION:

Planning Commission consider approval of the attached resolution with recommends to Council the aforementioned changes to the sign ordinance.

EXHIBIT:

A) Resolution (code amendment attached)

RESOLUTION NO. 2015-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GUSTINE
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A GUSTINE ZONING
ORDINANCE TEXT AMENDMENT OF PORTIONS OF §4-38 SIGNS - SPECIFICALLY
RELATING TO FLAG REGULATIONS - AS REFLECTED IN ATTACHMENT 1.**

WHEREAS, on September 9, 2015 the Planning Commission directed staff to prepare a code amendment relating to flag regulations; and

WHEREAS, this resolution shall act as the Planning Commissions written recommendation of approval regarding this text amendment to the City Council; and

WHEREAS, before making any findings or any consideration of the proposal on its merits, this Commission called for objections or comments on said document; and

WHEREAS, The City Clerk caused the legal advertisement to be published as is required by law at least ten (10) days prior to the Planning Commission hearing date; and

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF GUSTINE, AS FOLLOWS:

A. FINDINGS:

1. This Commission finds that the facts recited above are true and that this Commission has jurisdiction to consider the subject of this resolution; and
2. Pursuant to the California Environmental Quality Act (CEQA) §1537(b)(5) [Not Defined as a Project] the proposed ordinance is exempt from the provisions of CEQA.
3. The proposed amendment is consistent with the General Plan; and
4. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
5. The City Clerk caused the legal advertisement to be published as is required by law ten (10) days prior to the Planning Commission hearing date.

DECISION:

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Gustine held on the 13th day of October 2015, was approved, and the Resolution is hereby adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Deputy City Clerk

Planning Commission Chairman

Attachment 1 - Removed sections indicated by strikethrough, added sections indicated by underline.

Sec. 4-38-030. Subsection E

E. **Signs and sign changes allowed without a Sign Permit.** The following are permitted without a Sign Permit, provided that they comply with Section 4-38-050 (General Requirements for All Signs), and any required Building Permit is obtained.

1. **Nonstructural modifications, and maintenance.**

- a. Modifications to sign copy on conforming signs, or changes to the face or copy of conforming changeable copy signs;
- b. Nonstructural modifications of the face or copy of an existing conforming sign installed in compliance with a Master Sign Plan, provided that the modifications are consistent with the Master Sign Plan approved in compliance with Subsection C.;
- c. The normal maintenance of conforming signs, except as set forth in 4-38-090.B.

2. **Temporary signs.** Temporary signs in compliance with Section 4-38-070.G.

3. **Governmental signs.** Signs installed by the City, or a Federal or State governmental agency within a public right-of-way; and any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect public health, safety, and general welfare.

4. **Official flags.** Flags of national, State, or local governments, or nationally recognized religious, fraternal, or public service agencies, provided that the length of the flag shall not exceed one-fourth the height of the flag pole. The maximum allowed height of a flag pole in a residential zoning district shall be 12 feet; the maximum height of a flag pole in a non-residential zoning district shall be 30 feet. Additional height may be authorized through Architectural Review approval. ~~No flag shall be located within the public right-of-way.~~ Flags shall be allowed within the public right of way in commercial zones subject to section 5D.

5.. Flags shall be allowed within commercial zones in the City of Gustine without sign permit approval. Allowable flags include classic rectangular flags as well as "flutter" type flags. Flags shall be subject to following:

A. Flags shall be limited to one per commercial business with a single street frontage. Commercial businesses located on corner parcels with two street frontages shall be allowed two flags.

B. Flags shall only be displayed during normal business hours.

C. The total sign area for each flag shall not exceed 15 square feet.

D. Flags may be displayed within the public right of way only within the boundaries of the applicable business' immediate street frontage. No permanent facilities shall be installed within the public right of way for placement of the flag. Flags within the public right of way shall not exceed 10' in height. The flag shall be positioned so that they will not:

i. Obstruct the sidewalk clearance required in compliance with the Americans with Disabilities Act (ADA);

ii. Impede any line of sight for motorists at vehicular public right-of-way intersections, as recommended by the Public Works Director; or

iii. Interfere with people exiting and entering parked cars.

iv. Any and all flags shall be kept in good condition with no visible signs of deterioration.

v. The City of Gustine reserves the right to request removal of flags at any time when display of flags conflicts with other public or previously authorized activity.

5. **Political signs.** Political signs are allowed without a Sign Permit provided that the signs:
 - a. Are placed on private property, and shall not exceed 12 square feet in area within residential zoning districts and 32 square feet in area within nonresidential zoning districts;
 - b. May be installed on private property with the property owner's consent for up to 45 days prior to an election; and
 - c. Shall be removed within seven days following the election. Signs not removed shall be removed by the City at the expense of the political candidate or organization involved.
6. **Public directional signs and notices.** Signs showing the location of public facilities such as public telephones, restrooms, and underground utilities.
7. **Service station price signs.** Service station price signs required by State law.
8. **Street addresses.** Street address numbers not exceeding an aggregate area of two square feet.

Sec. 4-38-040. - Prohibited signs.

All signs not expressly permitted by this Chapter shall be prohibited. Examples of prohibited signs include the following:

- A. Abandoned signs;
- B. Animated signs, including electronic message display signs, and variable intensity, blinking, or flashing signs, except time and temperature displays (which are not considered signs);
- C. ~~Flags, except those allowed by Section 4-38-030.E.4~~
- D. Illegal signs;
- E. Moving signs, except barber poles;
- F. Obscene signs;
- G. Permanent off-site signs;
- H. Pennants;
- I. Pole signs and other freestanding signs over six feet in height;
- J. Roof signs;
- K. Because of the City's compelling interest in ensuring traffic safety, signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that interferes with, misleads or confuses pedestrian or vehicular traffic;
- L. Signs attached to or suspended from a vehicle parked within a public right-of-way, or in a location on private property that is visible from a public right-of-way, except a sign painted directly upon, magnetically affixed to, or permanently affixed to the body or other integral part of the vehicle; and
- M. Temporary and portable signs, except as allowed by Section 4-38-070.A, and 4-38-070.H.



PLANNING COMMISSION AGENDA ITEM

OCTOBER 14, 2015

PREPARED BY: Sean Scully, City Manager

SUBJECT: Discuss and Direction: Freestanding Signage

BACKGROUND/ DISCUSSION:

In recent months staff has received multiple comments regarding freestanding signage and in particular regulations relating to height and sign area. This item is intended to serve as a workshop for Planning Commission to discuss the current height and size limits for freestanding signs as well as discuss any potential code amendments. The following represents a section of the zoning code which applies to freestanding signage.

- D. **Freestanding signs.** The following standards apply to freestanding signs in all zoning districts where allowed by Section 4-38-060(Zoning District Sign Standards).
1. Each freestanding sign shall be a monument sign, with sign height not to exceed six feet. (See Section 4-38-050.B for measurement).
 2. Multiple signs shall be separated by a minimum of 75 feet to ensure adequate visibility for all signs. The Director may waive this requirement where the locations of existing signs on adjacent properties would make the 75-foot separation impractical.
 3. A sign shall not project over public property, vehicular easements, or rights-of-way, and shall not obstruct a traffic safety sight area, as determined by the Director.
 4. To assist emergency response personnel in locating the site, freestanding signs should contain an illuminated street address plate. Numbers should be a minimum of six inches in height. An address plate shall not be included in calculations of allowed sign area.
 5. An institutional use (e.g., school, religious facility), and a theater or auditorium may have a reader board as a freestanding sign, with a maximum area of 16 square feet. A reader board with more area shall require Use Permit approval.

RECOMENDATION:

Planning Commission to discuss and provide direction on any desired code amendments.