

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF JANUARY 5, 2006, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

- I. **ROLL CALL:** Commissioners Anderson, Savage, Sison, Sweeney and Chairperson Lew  
**ABSENT:** Commissioner Savage
- II. **APPROVAL OF MINUTES:** The regular Planning Commission Minutes of December 15, 2005 were approved with corrections.
- III. **ORAL COMMUNICATIONS:** None.
- IV. **WRITTEN COMMUNICATIONS:** None.
- V. **PUBLIC HEARINGS:**
- A. **CONTINUED HEARINGS:** None.
- B. **NEW HEARINGS:**
1. **CITY OF UNION CITY, CITYWIDE, Zoning Text Amendment AT-03-05;**  
The City is proposing to amend *Chapter 18.30, Sign Regulations*, to add clarifying language throughout the chapter, expand the temporary sign category, and modify the criteria for selected sign types. The project is exempt under Section 15061 of the California Environmental Quality Act (CEQA).

Avalon Evans, Assistant Planner, presented the staff report.

Commissioner Sison asked what a cabinet sign is.

Ms. Evans replied that it is a sign that does not have individual letters instead the sign is on a single face that is then mounted to the building.

Joan Malloy, Planning Manager, stated that they are typically plastic faced signs that are in a cabinet form with the graphic or text on the face with no relief.

Commissioner Sison asked what is the difference between natural illumination and unnatural illumination.

Ms. Evans replied that natural illumination would be the sun shining on the sign rather than having an artificial source of light illuminating the sign.

Commissioner Sison clarified that it is a prohibition of any unnatural illumination of a sign.

Ms. Evans stated that is correct.

Ms. Malloy stated that there would be no electrification of the sign.

Commissioner Sweeney referred to page 36 number 27 and asked what is corrugated plastic .

Ms. Evans replied that this is a plasticized version of corrugated cardboard.

Commissioner Sweeney asked what about signs that are just plastic without the corrugation.

Ms. Evans replied that those signs are covered because under the portable sign definition the examples are included but not limited to those signs.

Commissioner Sweeney asked why human held signs were not listed because they can be a problem for motorists and also pedestrians who have to use the sidewalks with these types of sign holders.

Commissioner Sweeney asked do we have any particular desire to place controls of any kind on that type of signage.

Mark Leonard, Director, Economic and Community Development, replied that that is a topic that the commission should discuss. Mr. Leonard stated that it had been thought of but it was such a temporary sign, only up for hours rather than days or weeks, that it was not significant to regulate.

Commissioner Sweeney suggested adding a regulation that use of that type of sign does not impair pedestrian movement. Commissioner Sweeney stated her concerns that these types of signs block safe pedestrian access and asked how it could be enforced.

John Bakker, City Attorney, replied that the City already has an ordinance pertaining to blocking the right of way. Mr. Bakker stated that he would have to review the City ordinances to see how it would apply. Mr. Bakker stated that he has seen regulations that deal with these handheld signs and there are some constitutional issues associated with it because there is a person holding the sign.

Commissioner Sweeney stated that she is not against the handheld signs she just wants to be sure that there is a mechanism to ensure pedestrian access on sidewalks.

Commissioner Sweeney referred to page 36 number 30 that refers to “realty development sign” and has no definition. Commissioner Sweeney asked what a “realty development sign” is.

Ms. Evans replied that it is intended to be the same as a real estate sign.

Commissioner Sweeney suggested using the wording that is already defined in the code.

Mr. Bakker suggested that it should include directional subdivision signs as well.

Commissioner Anderson asked what is the difference between that and item #10 in the same section.

Mr. Bakker replied that item #10 is just a directional sign with no commercial message while a directional subdivision sign refers a customer to homes for sale which would be a commercial message.

Commissioner Anderson asked how it is different from item #30.

Commissioner Sweeney stated that item 30 is something other than that type of sign.

Commissioner Anderson asked if something should be added to item #30 to clarify.

Mr. Bakker asked where the signs are regulated in the code.

Mr. Bakker stated that on page 41 item F, those signs are regulated differently than the other type of sign that is regulated under 18.30.060 E and real estate signs are regulated under D.

Commissioner Sweeney asked if in section 40 subsection D do we want to place a limit on the length of time that the holiday lights can be displayed.

Ms. Malloy replied that this covers more holidays than Christmas.

Commissioner Sweeney asked about section 40 item E and if the open house signs can be portable and also on a post in the ground on the property.

Mr. Leonard replied that the open house signs could be mounted on a post in the ground. Mr. Leonard stated that typically open house signs are the sandwich board type and then there is a panel placed on top of or below the existing for sale sign.

Commissioner Sweeney stated her concerns with the signs that are erected off of the property for sale.

Mr. Bakker clarified that her concern is with a realtor leaving a permanent pole at a certain location and using it to hang signs when they have a home for sale.

Commissioner Sweeney stated that this happens outside of developments where they may not be having an open house but there maybe a property for sale. Commissioner Sweeney asked if this situation is covered.

Mr. Bakker stated that he believes that those would be considered subdivision directional signs.

Commissioner Sweeney asked even if it is an individual property for sale.

Mr. Bakker stated that he believes that those signs would be prohibited.

Ms. Evans suggested adding section e.1 "One such real estate sign shall only be allowed on the property for sale."

Commissioner Sweeney suggested adding a definition for an open house sign and make it a temporary and/or movable sign.

Commissioner Sweeney referred to section 50 k Prohibited Signs, and stated that window graphics is not defined and asked if this section is referring to window signs.

Ms. Evans stated that is correct.

Mr. Leonard stated that they were trying to limit the amount of signage obstructing windows in storefronts.

Commissioner Sweeney suggested changing it to read "window signs" and/or changing the window sign definition to include graphics.

Mr. Leonard stated that we will add window graphics to the window sign definition.

Commissioner Sweeney stated that she just wants to make it clear that at least 75% of the glass will be clear to see through.

Commissioner Sweeney referred to section 60 e offsite directional subdivision signs and thinks that 12 months is too long to permit them to be up.

Commissioner Sweeney suggested six months with an application for an extension for those types of signs.

Ms. Malloy stated that in subdivisions six months is a very short time for build out of the project from the date that the sales office might open.

Commissioner Sweeney stated that is a very large development and she sees these signs being put up well in advance of even the sales office being opened and staying up for over 18 months or more.

Commissioner Sweeney asked what the process is for sign extensions.

Commissioner Sweeney stated her concerns that the signs are up for so long that the signs are deteriorating. Commissioner Sweeney asked if there is a way to force them to maintain those signs.

Mr. Leonard replied that in terms of maintenance staff can add a clause that the signs have to be maintained in good condition.

Commissioner Sweeney asked how they will know how long the signs are up and how will the maintenance be checked.

Commissioner Sweeney referred to section 70 b and asked who makes the decision that a sign is out of proportion to a building or site and when is that decision made.

Ms. Evans replied that according to section 100 c2 sign applications procedures, when an application is made for a sign, staff looks at the design criteria prior to approving the sign.

Commissioner Sweeney asked what the difference is if it is a proposed development instead of an existing development.

Mr. Bakker stated that section 70 in the first paragraph last sentence “the design criteria shall be used to evaluate all sign plans in all zoning districts by the applicable authority as defined in Section 18.030.100. Mr. Bakker stated that it makes sure that the design criteria are complied with and the application section states that all signs require plan approval.

Commissioner Sweeney suggested changing section 80 and the various subsections to clearly mention the cross reference that the maximums that are shown are subject to review under the design criteria. Commissioner Sweeney stated that she does not think that the applicants will read the entire sign ordinance and may miss this important detail.

Mr. Leonard stated that language could be added.

Commissioner Sweeney referred to section 80 and asked what districts are being referred to.

Ms. Malloy replied that if you are not in a zoning district listed in the preceding then you would be subject to the regulations of the district most similar to your district.

Commissioner Sweeney asked to change the wording in the first section to clarify the language.

Mr. Bakker suggested striking the phrase “not specifically listed in this section”.

Mr. Bakker suggested striking paragraph D the first sentence “signs permitted in all other zoning districts not listed above must comply with the limitations and conditions set forth as follows” because the applicability section says essentially the same thing.

Commissioner Sweeney suggested under number 2 strike “all other” and change to.

Commissioner Sweeney suggested the following language “uses in zoning districts not specifically listed in subsections a, b, c, d of this section shall be subject. . .”

Commissioner Anderson asked if there is a need for a section referring to all other zoning districts.

Mr. Bakker replied no because there is the applicability section above.

Commissioner Anderson stated that this section is meant to apply to something that doesn't exist and apply the same rules to it. Commissioner Anderson stated that he does not feel that it is necessary.

Commissioner Sweeney stated that it is trying to address the list that is there and it is needed to address signs that might be on agriculture zones or other zones.

Ms. Malloy stated it could be simplified to one section that reads “Signs permitted in all other zoning districts not specifically listed in subsections a, b, and c shall be subject to sign regulations of the zoning district deemed most similar in nature to the proposed use.”

Commissioner Sweeney agreed with that language.

Commissioner Sweeney referred to section 100 c2 and asked if there is any limit to the number of or length of extensions.

Mr. Leonard stated that typically when extensions are given they are equal to or less than the original time limit.

Commissioner Sweeney stated that there are many different time limits in the ordinance.

Commissioner Sweeney stated her concerns that if someone had a 60 day limit initially there would not be an open ended extension and that they would have to reapply if they need the sign displayed longer.

Mr. Leonard suggested “any extension granted shall not exceed the length of time of the original”

Commissioner Sweeney agreed with that change.

Commissioner Sweeney pointed out a typo in section 110 a line nine change “or” to “of”.

Chairperson Lew stated that she had sent in her comments to staff prior to the meeting.

Chairperson Lew suggested adding some definitions such as abandoned signs, automated teller machine signs, automated teller machine directional signs, awning signs, free speech signs and shingle signs.

Ms. Evans stated that she did a search of other cities for definitions of those types of signs and either the commission can choose definitions or staff can choose the clearest definition.

Mr. Bakker asked if those terms are used in the ordinance.

Chairperson Lew stated that one is but there are abandoned signs in the city and that the ordinance does not address them.

Mr. Bakker stated that we don't want to just add definitions; we would want to add definitions and regulations that regulate them.

Commissioner Sweeney stated that definitions are really only to clarify the regulations in the ordinance.

Chairperson Lew suggested adding abandoned signs to the prohibited signs section.

Commissioner Sweeney asked what action the City would take on an abandoned sign.

Chairperson Lew stated any time the sign is no longer needed; the property owner has not removed the sign or just left the sign there.

Chairperson Lew stated that signs contribute to blight or become blighted.

Commissioner Sweeney asked to clarify how the City would act.

Chairperson Lew asked what are the enforcement remedies and penalties because they are not stated in the violation section.

Mr. Leonard stated that an abandoned sign would be a sign that would be left on a building or a property where the use has actually ceased operation. Mr. Leonard stated that often buildings are reused rather quickly and the copy of those signs are thus changed. Mr. Leonard stated that if we require upon termination of use that the sign goes right away then it cannot be reused by the new occupant. Mr. Leonard stated that he is not sure that would be good from an Economic Development standpoint. Mr. Leonard stated that he is not sure where else in the City there would be abandoned signs.

Commissioner Sison stated that an abandoned sign would be one that was at one time in conformance and either because the time allowed for the sign has elapsed or anything, the sign is no longer in conformity and should be handled like other signs that are not in conformance.

Mr. Leonard stated that there is a section on non-conforming signs.

Commissioner Sison stated not necessarily non-conforming but the regulations for signs past their expiration time.

Mr. Leonard stated that those signs are already regulated because they have a certain time period that has expired. Mr. Leonard stated that we already have the tools to enforce their removal.

Commissioner Sison stated that it would be difficult to define an abandoned sign.

Chairperson Lew read a definition of an abandoned sign as "abandoned sign shall mean any sign used for advertising purposes where the business it advertises has ceased operation for 90 days".

Commissioner Sison pointed out that there is a section on advertising signs already.

Chairperson Lew believes that they are exempt. Chairperson Lew stated all the different categories of signs.

Chairperson Lew stated her concerns that the City needs to control blight from abandoned signs.

Ms. Evans asked to clarify that she means signs that are not being used anymore.

Chairperson Lew stated signs that advertise something for a business that is no longer there.

Mr. Bakker asked if this would be freestanding signs or for example a restaurant with a sign on the building and the restaurant goes out of business but leaves the sign up on the building. Mr. Bakker asked that if the space is not reused after 90 days, would someone have to go up and remove the sign.

Chairperson Lew stated that the restaurant sign is a good example and also if they left any signs in the windows when it is obviously a vacant space. Chairperson Lew stated that this is blight.

Ms. Evans asked if the commission would like to add a definition for abandoned signs and add these signs to the prohibited signs section.

Ms. Evans stated the following definition “a sign and its supporting structure remaining in place or not maintained for a period of six months which no longer advertises or identifies an ongoing business, product or service available on the business premise where the sign is located”.

Chairperson Lew stated that it seems to be inclusive.

Ms. Evans stated the following definition ‘ a sign located on a property or premise which is vacant and unoccupied for a period of 3 months or a sign which is damaged, in disrepair or vandalized and not repaired within 30 days of the date of the damaging effect.”

Ms Evans stated the following definition “a sign which is located on a property or premise which is vacant and/or unoccupied for six months”. Ms. Evans suggested the commission consider the time frame.

Chairperson Lew stated that the time frame would be difficult to figure out because we wouldn't know when the business left. Chairperson Lew stated the City would have to contact the property owner to determine that.

Commissioner Sison stated his preference for the definition that Ms. Evans provided.

Commissioner Sweeney stated that definition was very inclusive.

Ms. Evans suggested combining the two definitions.

Ms. Evans read the new definition; “ A sign located on a property or premise which is vacant and/or unoccupied for a period of six months or a sign which is damaged, in disrepair or vandalized and not repaired within 60 days of the damaging event and/or for which no legal owner can be found.”

Ms. Evans asked if that should be added to the prohibited signs.

Chairperson Lew stated that it should.

Chairperson Lew asked if the automated teller machine signs are already regulated or if they need to be.

Commissioner Sweeney asked what is the issue about an ATM sign that is different from any other sign associated with a bank.

Chairperson Lew stated that it should be visible from the parking lot and this should also include the directional sign as well.

Commissioner Sweeney asked if there is a particular site in Union City that would illustrate the problem.

Chairperson Lew stated that at Union Landing there are two banks and they should have directional signs. Chairperson Lew asked whether because it is an existing development it is already covered.

Mr. Leonard stated that all of the bank signs are regulated including the ATM sign. Mr. Leonard stated that a label above the ATM machine is not a problem.

Chairperson Lew asked how many signs is a bank allowed in an already established development.

Mr. Leonard replied that new facilities are allowed one sign per street frontage.

Mr. Leonard stated that they are also allowed certain accessory signs which are regulated in the ordinance.

Chairperson Lew agreed that ATM signs are already covered.

Chairperson Lew asked if awning signs are allowed.

Mr. Leonard stated that they are allowed and they count towards the total signage of that business.

Ms. Evans stated that they are listed in the definitions for building signs.

Chairperson Lew asked if free speech signs and election signs are allowed.

Mr. Leonard stated that some political signs are prohibited.

Mr. Bakker stated that the concept of a free speech sign would be captured by the new temporary sign in residential districts section. Mr. Bakker stated that it would be like having a candidates sign in a front yard.

Chairperson Lew asked to change the political definition to include free speech signs.

Chairperson Lew stated that free speech signs is a broader term than political sign.

Mr. Bakker stated that this would be a technical and constitutional area and should not be addressed at this time.

Chairperson Lew asked why they are limited to residential areas.

Mr. Bakker state that most of the time it only comes up in residential areas although it is possible it could occur in a commercial or industrial area.

Chairperson Lew read a definition of free speech signs “as non-commercial signs which solely set forth constitutionally protected free speech including but not limited to political and election signs”.

Chairperson Lew stated that she has raised this issue because she is looking ahead to the future and trying to be more creative so that we don't have to redo these things every time something new comes up.

Chairperson Lew stated that she is trying to anticipate problems we may have in the future. Chairperson Lew stated that the City is growing and we have many more people than when this ordinance was drafted.

Commissioner Sweeney asked what she is proposing in regards to the free speech signs.

Chairperson Lew replied that she wants a definition of free speech signs.

Commissioner Sweeney replied that the definition is only part of it; it only informs the change to the rest of the ordinance. Commissioner Sweeney asked how it would be addressed in the ordinance.

Chairperson Lew stated that free speech signs should be exempt.

Commissioner Sweeney clarified that they would be exempt from all control.

Chairperson Lew replied they would be exempt from requiring an application and fall under 18.30.040 section L.

Commissioner Sweeney clarified that there would be no restrictions on zone, unlimited size and unlimited time.

Chairperson Lew stated it is open for discussion.

Commissioner Sweeney stated that she has a problem with that.

Ms. Malloy stated that the political signs are specifically oriented towards election periods and must be removed within fourteen days after the election. Ms. Malloy stated that what Chairperson Lew is requesting is different than what the code currently represents as political signs.

Commissioner Sweeney stated that the erection of a sign with no limits on its size or how long it is displayed could be detrimental to the neighborhood. Commissioner Sweeney stated that if a person wanted to put a 120 square foot sign stating whatever their message is could have a huge impact on their neighbors especially if there is no requirement to maintain the sign.

Chairperson Lew stated that exempt signs are only exempt from the application process but they still need to conform to the City code.

Chairperson Lew stated that they can limit the time that free speech signs are displayed.

Commissioner Sweeney pointed out that if it is an exempt sign then it is not a temporary sign.

Chairperson Lew stated that it can be a temporary sign because it is only exempt from the application process.

Mr. Bakker stated that political signs are exempt only to the extent that they are temporary. Mr. Bakker stated that you cannot maintain a political sign after 14 days after the election. Mr. Bakker stated you could indicate that free speech signs are exempt provided that they are not maintained for more than 60 days or 14 days. Mr. Bakker stated that this would be different than the way the new section treats these signs in residential districts which would actually require a permit.

Chairperson Lew stated that it would be helpful to have a table that shows if a sign is exempt or prohibited or whether they require an application, it would make it easier to have it all in one place.

Commissioner Sison stated that the table might have to be changed weekly.

Chairperson Lew asked why it would need to be changed so often.

Commissioner Sison stated that there are always new signs coming up.

Chairperson Lew stated that she was referring to defining them.

Commissioner Sison referred to 18.30.34 that is the all encompassing definition of a sign.

Commissioner Sison stated that the key is “to communicate information of any kind to the public”.

Chairperson Lew stated that is definitely the purpose of signs that is why it is so important to regulate them.

Commissioner Sweeney stated that her understanding is that if they want to do something about free speech signs the commission cannot do it tonight. Commissioner Sweeney stated that staff needs to do more research.

Mr. Bakker concurred and suggested also section 18.30.060 b and asked whether the commission finds that that would be a appropriate way to regulate this type of sign. Mr. Bakker stated that this effectively allows people to put up whatever kind of signs that they want in a residential district. Mr. Bakker stated that once the City allows these types of signs they cannot regulate the content. Mr. Bakker stated that basically the City would be regulating the size and design criteria and this would allow the public to put up these types of signs.

Chairperson Lew stated that they can put up their signs anyway whether it is covered in the ordinance or not.

Mr. Bakker replied that is correct that there are issues with the First Amendment right to put up the signs and the City ordinance would not apply. Mr. Bakker stated that the City does have the right to regulate how the signs are put up.

Chairperson Lew wants to address the problem because other cities have already addressed the issue.

Mr. Bakker stated that this section does regulate the issue but it does require a permit. Mr. Bakker stated that some other cities may not require a permit for similar types of signs.

Chairperson Lew stated that this is only residential districts and asked what about the commercial districts.

Mr. Bakker stated that the commission should discuss the issue and decide what is appropriate.

Commissioner Sweeney clarified that Chairperson Lew is proposing to permit them in industrial and commercial districts as well.

Chairperson Lew wants them regulated.

Commissioner Sweeney stated that right now they would not be permitted other than in residential areas.

Chairperson Lew asked how they cannot be permitted and stated that political signs are allowed on private property that is zoned commercial.

Commissioner Sweeney stated that political signs as defined have to be removed after the election.

Chairperson Lew stated that free speech signs should be considered temporary signs.

Commissioner Sweeney stated that she wants to permit them in industrial and commercial areas. Commissioner Sweeney stated that at this time the permitting process only allows them in a residential neighborhood.

Mr. Bakker stated that the point that Chairperson Lew is trying to make is that if we don't regulate them, then our ordinance does not allow free speech signs which the United States Constitution allows and therefore there would be no rules applicable to those signs because we didn't regulate their display time, place, manner and size.

Chairperson Lew stated that she wants to be proactive.

Commissioner Sweeney stated that what you want to change is "signs other than..." rather than "in residential districts" that would then apply to any district.

Chairperson Lew stated that first she would like a definition and then find the right category and then it can be refined.

Commissioner Sweeney stated then we cannot act on it tonight because you are looking for more information than is available right now.

Commissioner Sweeney stated that the section referenced by Mr. Bakker was to cover signs not otherwise regulated.

Mr. Bakker stated that before that section was added those types of signs were not permitted at all.

Commissioner Sweeney stated she would support a change that does not specifically call out free speech signs as a particular definition but would support section b to remove "in residential districts" so that it covers signs other than those mentioned limiting their size, illumination, and the period of time that they can be erected.

Mr. Bakker stated that it is important to focus on the fact that they are non commercial signs.

Commissioner Sweeney replied then we need to specify non-commercial signs.

Commissioner Sweeney stated that she is just trying to broaden it from just the residential districts. Commissioner Sweeney stated it says you can have another sign other than the ones we mentioned but it has to be one sign per property; no more than 9 square feet, naturally illuminated and it can only be up for 72 hours.

Chairperson Lew asked if that is only for residential districts.

Commissioner Sweeney replied no, she would support it if the wording "in residential districts" is removed and Mr. Bakker is suggesting we limit it to non-commercial signs.

Commissioner Sweeney does not think we need a definition of a free speech sign unless there is a section that specifically addresses them separate from other signs.

Commissioner Sison stated that he would support Commissioner Sweeney's suggestion.

Chairperson Lew asked if they were going to allow any other free speech signs other than the political and election signs.

Commissioner Sweeney stated that if section 18.30.060 b is altered she believes that will cover it.

Ms. Evans stated that if you expand beyond the residential district then we might consider excepting all the other types of signs listed elsewhere in the chapter since that list of exceptions was just the signs that were permitted in residential districts.

Commissioner Sweeney asked if we say non-commercial signs what is left.

Ms. Evans replied any type of sign might apply.

Commissioner Sweeney stated that all the signs listed there are commercial signs of some type.

Ms. Malloy suggested that staff is just making sure that we are not missing any other types of signs that otherwise might be allowed.

Ms. Evans asked if staff should add a definition for commercial signs then or just say signs without a commercial message since that is the definition we have.

Commissioner Sweeney stated that would be fine.

Chairperson Lew asked Mr. Bakker if the term "free speech" is a volatile term.

Mr. Bakker stated that it is difficult to define and staff is not prepared at this time to fix a definition of what a free speech sign is.

Chairperson Lew asked if it is our goal to actually make a motion on this tonight.

Mr. Bakker stated that is correct.

Chairperson Lew asked about the shingle signs.

Commissioner Sweeney asked if that would be a projecting sign like item 29.

Commissioner Sison asked if it could be item 25 a pennant sign.

Chairperson Lew asked if staff wanted to compare definitions.

Ms. Evans asked Chairperson Lew to read her definition.

Chairperson Lew read "a sign suspended from a roof overhang of a covered porch or a walkway which identifies the tenant of the adjoining space." Chairperson Lew stated that a previous project may have had some shingle signs associated with it and shingle signs are not covered in the ordinance.

Mr. Leonard replied that they are prepared to add a definition of shingle signs into the ordinance and as part of that definition we could call them a sign which falls under the district regulations.

Ms. Evans stated that it could be a new section throughout district regulations. Ms. Evans stated that there are subsections for building signs and freestanding signs and we could add a new section beneath each of those sections to include shingle signs.

Commissioner Sweeney asked what is the difference between a projecting sign and a shingle sign.

Mr. Leonard stated that a projecting sign is usually attached perpendicular to the face of a building.

Mr. Leonard stated that a shingle sign is usually hung under a canopy on chains.

Commissioner Sweeney asked where would a shingle sign be permitted.

Ms. Evans stated that it would be added to 18.30.080.a “Commercial Districts”.

Commissioner Sweeney stated that would be fine.

Mr. Bakker asked if projecting signs are regulated specifically in the ordinance.

Ms. Evans replied that they are included as building signs.

Commissioner Sweeney suggested adding the shingle sign to the building signs instead of having a separately called out section for them.

Mr. Leonard agreed.

Ms. Malloy asked if it is the intention to allow shingle signs in addition to the building sign because typically they are quite small and hang under the arcade. Ms. Malloy asked if they want to allow both or just one.

Commissioner Sweeney replied that she preferred the “either or” approach and if there is a need for me then it would be a variance under our sign ordinance.

Commissioner Sweeney asked if that would be hard to administer.

Ms. Malloy replied that shingle signs tend to have a letter height of 3 – 4 inches and they are to help direct patrons once they are out of their cars and under the arcade whereas building signs traditionally are displayed on the building and visible from the public right of way. Ms. Malloy stated that the purposes are usually different.

Chairperson Lew thinks they are decorative and would like to see them as part of a developers sign plan.

Mr. Leonard asked if the intention is to allow shingle signs in addition to what is already allowed.

Chairperson Lew stated that if they are decorative in nature, directional, informative, and attractive.

Mr. Leonard asked for a consensus of the commission.

Commissioner Sweeney asked if they would be considered an accessory sign. Commissioner Sweeney pointed out that in commercial district we already permit a maximum additional sign area for accessory signs not to exceed twenty percent of the total building sign area.

Mr. Leonard stated that it could be handled that way and shingle signs could be included under the definition of accessory signs.

Chairperson Lew asked why school district signs, motor vehicle for sale signs and hand held directional signs were not included in the ordinance.

Chairperson Lew asked if the City exempts anything to do with the school district even if it is off site in the public right of way.

Mr. Leonard replied that we have dealt with this issue before. Mr. Leonard stated that if the sign is related to an educational activity we have no standing in regulating it. Mr. Leonard stated that if it relates to something other than an educational activity we can regulate it.

Chairperson Lew stated that the ordinance appears to be silent on anything related to the school district.

Mr. Leonard stated that where we can regulate the school district and they are regulated according to the district where the school is located.

Chairperson Lew stated that was fine.

Chairperson Lew asked about motor vehicle for sale signs.

Mr. Leonard stated that is regulated elsewhere in the municipal code.

Chairperson Lew asked to correct 18.30.040 which should be in bold to match the other section headers.

Chairperson Lew referred to page 38 section 18.30.040 f (3) suggested adding trees on the third line before utility poles.

Chairperson Lew referred to page 38 section 18.30.040 f (4) and asked to correct "side" to "sale".

Chairperson Lew referred to section 18.30.050 and asked what is the Union Landing pylon sign classified as.

Mr. Leonard replied that the sign is owned by the City and that this type of sign it is not permitted under the ordinance.

Chairperson Lew asked if that is why City signs are not included in the ordinance.

Mr. Bakker stated that government signs are exempt and city owned signs are government signs.

Chairperson Lew referred to section 18.30.05.a and asked to add "restaurant menu boards" to the section. Chairperson Lew stated that she thinks they are attractive.

Chairperson Lew stated that restaurant menu boards are changeable copy signs.

Commissioner Sweeney stated that she thinks changeable copy signs refer more to signs like the Logan High School sign.

Chairperson Lew read "a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign".

Commissioner Sweeney stated that she thinks it means electronic signs.

Chairperson Lew asked if the changeable copy sign definition includes restaurant menu boards.

Mr. Bakker asked if she means the chalk board type signs.

Mr. Leonard asked what is wrong with them.

Chairperson Lew replied that they are not addressed in the ordinance.

Mr. Bakker stated that her concern might be that they are covered in this section and therefore prohibited because they could be changeable copy signs.

Commissioner Sison suggested adding them so they are not prohibited.

Mr. Leonard stated that to be considered a changeable copy sign it would have to be electronic.

Commissioner Anderson stated that it wouldn't have to be electronic because gas stations have the removable letters and numbers that are changeable copy signs.

Commissioner Sison replied which is why gasoline price signs aren't included in the prohibition and maybe it should be changed to permit gasoline price signs only if the price goes down.

Commissioner Sweeney suggested leaving the restaurant signs alone until they become a problem.

Commissioner Sison stated that he likes to see the menu outside a restaurant outside before he goes inside.

Commissioner Anderson stated that there is still a problem with the changeable copy sign statement which prohibits them.

Chairperson Lew wants to deal with the issue now.

Commissioner Sison asked what is wrong with changeable copy signs.

Commissioner Anderson asked what is wrong with moving signs.

Chairperson Lew replied that for some reason the City prohibits them.

Commissioner Sison replied that maybe we should just leave it as is.

Chairperson Lew asked that restaurant menu signs be part of the exclusion and therefore permitted despite being changeable copy signs.

Ms. Malloy suggested adding the word "electronic" before "changeable" would better define the signs.

Commissioner Sweeney stated that was an excellent suggestion because she thinks that the intention is to prohibit signs of a distracting nature.

Commissioner Anderson thinks that it depends on where the sign is located as to whether it is distracting or not.

Commissioner Sison stated that electronic changeable signs may become more affordable in the future and he doesn't think they should be prohibited.

Commissioner Anderson asked what are we trying to avoid by prohibiting a moving sign.

Mr. Leonard stated that this is a fundamental question regarding the philosophy of signage in the community. Mr. Leonard asked do we want flashy signs. Mr. Leonard stated that in the past we had determined that we don't want flashy signs whether or not they are a distraction.

Commissioner Anderson asked if that was from City Council direction.

Mr. Leonard replied that it was.

Chairperson Lew argued that changeable copy signs are not necessarily flashy signs according to the definition you could just be changing letters in them.

Commissioner Sweeney stated that might be why adding "electronic" might address the issue directly.

Chairperson Lew replied that then the definition would have to be changed.

Commissioner Sweeney replied that it specifies a subset of changeable copy signs prohibiting electronic ones but not others.

Chairperson Lew argued that it seems to prohibit all of them.

Commissioner Sweeney agreed that without the word "electronic" that is true.

Commissioner Sison agreed with that.

Chairperson Lew asked if any other changeable copy sign is allowed.

Commissioner Sweeney replied yes.

Chairperson Lew asked if there should be a distinction made in the definition. Chairperson Lew stated that the only part of the definition that addresses electronic or mechanical signs is the time or temperature sign and it is not considered a changeable copy sign.

Commissioner Anderson stated that he is not sure that you even need the words "changeable copy sign" because the rest of the definition talks about the moving parts.

Chairperson Lew states that she doesn't think that changeable copy signs are the problem either. Chairperson Lew thinks that the moving signs, the animated signs, the flashing lights are the problem.

Commissioner Sweeney stated that she doesn't want to see a lot of electronic changeable copy signs cropping up around town unless they are permitted. Commissioner Sweeney thinks they are distracting and they are not in keeping with all the rest of what we promote with the sign ordinance.

Chairperson Lew stated that they could be regulated.

Chairperson Lew asked why not have them go through the application process rather than prohibiting them outright.

Commissioner Sweeney stated that we have them in Union City and they are permitted through the variance process or they fall under an exempt category like Union Landing.

Chairperson Lew stated that she has a problem where the City can do something but will not allow a private party to do the same thing.

Chairperson Lew doesn't mind moving "changeable copy sign" out of section a.

Commissioner Sweeney stated that she supports adding "electronic" to the section.

Commission Anderson thinks that adding changeable copy signs makes the section more confusing.

Mr. Leonard stated that we need to keep in mind the purpose of this text amendment which is to look at the "for Lease" signs. Mr. Leonard stated that is the reason that the City Council referred this to the commission. Mr. Leonard stated that the City Council did not ask them to do a philosophical change to the sign ordinance. Mr. Leonard stated that the City Council specifically directed staff to look at amending the standards to include regulations for the "for lease/for rent" signs. Mr. Leonard stated that in bringing this ordinance up staff tried to include the changes from the comprehensive update and make it consistent with the 2002 General Plan. Mr. Leonard feels that we are going off point by discussing details of other sections that the City Council has not brought to our attention as being a problem.

Commissioner Anderson stated that we don't have the authority to change anything; we are just giving advice to the City Council. Commissioner Anderson stated that it is up to the City Council to accept or decline the advice.

Commissioner Sweeney stated that we should leave it as it is and add comments to the City Council to review, stating that we had a difference of opinion on this particular item but since it was not a focus of this review it was left as it was.

Commissioner Anderson stated that we should focus on what is being changed.

Chairperson Lew referred to section 18.30.060.a and suggested also covering the display time.

Commissioner Sweeney asked if she was suggesting not putting the signs out not more than 30 days before the event. Commissioner Sweeney agreed with that.

Mr. Leonard suggested 5 days before the event and 5 days after might be more appropriate.

Chairperson Lew stated that she didn't think 5 days was enough time.

Chairperson Lew suggested 14 days instead.

Commissioner Sweeney suggested 14 days ahead of the event and take it down 5 days after.

Chairperson Lew asked if there is a fee for the temporary signs.

Ms. Malloy stated that there are no fees for sign permits unless it requires a building permit. Ms. Malloy stated that most signs are dealt with over the counter unless the sign requires Planning Commission review, and then there would be fees.

Mr. Leonard clarified that it will be 14 calendar days before the event and removal 5 calendar days after the event.

Chairperson Lew asked about riders to signs

Mr. Leonard asked what a rider is.

Chairperson Lew pointed out an example on a sign such as “coming soon” added to an off-site subdivision sign.

Commissioner Sison asked what is the issue with rider signs.

Commissioner Anderson asked if a rider counts towards the size signs are allowed.

Mr. Leonard stated that he looks at a rider as part of the size of the sign and it is included in the size limitation of the sign.

Commissioner Anderson stated that if it fits within the definition of the size what difference does it make whether it is a rider or a passenger or anything else.

Chairperson Lew wants to mention it because it is not mentioned in the ordinance.

Mr. Leonard referred to definition 34, the definition of a sign and it looks like it is included in that.

Mr. Bakker asked if her concern is that if these are added after the sign is approved because sometimes these are added after the fact.

Chairperson Lew replied that they might not be attractive and they were not approved with the original sign.

Mr. Bakker stated that they would require an amendment to the sign plan and presently they are prohibited.

Mr. Bakker stated that if they are not approved at the time the City approves the plan and someone goes out and puts a rider on the sign that is a violation of the sign ordinance.

Commissioner Sison stated that these are normally on temporary signs and they probably conform to the regulations and thinks it is informational only.

Chairperson Lew asked whether she should continue to discuss the rest of the items on her list. Chairperson Lew stated that the reason she sent them in to staff ahead of time was so that staff would know what her concerns are.

Mr. Leonard stated that he appreciated receiving her message today ahead of the meeting and that it was helpful.

Commissioner Sweeney stated that since none of the rest of the Commission has seen the list perhaps she should continue.

Chairperson Lew asked if riders are included in the sign definition.

Mr. Bakker stated that yes it is included.

Chairperson Lew argued whether it is part of the definition.

Mr. Leonard stated that the word “rider” could be added after “placard”.

Chairperson Lew referred to page 40 and asked to have the formatting fixed at the bottom of the page.

Chairperson Lew referred to page 42, section n and asked to add “and attractive” after “good structural”

Chairperson Lew referred to page 42, table in second column and asked if that is a ratio that refers to setbacks.

Ms. Malloy explained that this is a guide to assist in the review of signs to establish maximum areas and if the sign was set back 50 feet from the right of way, you would look at the lineal footage of the building or the tenant frontage and multiply it by one. Ms. Malloy explained how to use the table and stated that in most of the shopping centers where there are varying frontages from the street staff has sign plans that establish consistent letter heights for all tenants.

Chairperson Lew referred to page 47, non-conforming signs, and stated that it was very confusing. Chairperson Lew suggested adding on the sixth line at the end of the sentence “or the sign is removed, modified or replaced” and then delete the rest of the paragraph except for the last sentence. Chairperson Lew stated that she is not sure where the 25% would come from.

Mr. Bakker stated that non-conforming use is based on some technical legal requirements and the valuation is part of that. Mr. Bakker stated that the city can adopt a regulation that makes a particular type of existing structure or signage non-conforming, the City can require that non-conforming use be abated at some time in the future but we have to consider the value of the structure in determining when to eliminate it.

Chairperson Lew stated that she thought it would be easier to correct the non-conformity if the sign is going to be removed, modified or replaced anyway.

Mr. Bakker stated that language is not atypical of what you see in non-conforming use regulations.

Chairperson Lew referred to page 47, section c, asked if there is a cross reference that can be added regarding enforcement remedies and penalties.

Mr. Bakker replied that the municipal code provides that violations of the code are either infractions or misdemeanors depending on what the violation is. Mr. Bakker stated that this section could refer directly to the section that indicates whether it is an infraction or a misdemeanor. Mr. Bakker stated that they will include a cross reference to the actual municipal code section. Mr. Bakker stated that the City can also use Administrative citations. Mr. Bakker stated that the City can also go to court to get an injunction to remove a sign.

Chairperson Lew opened the public hearing.

Barry Ferrier, Union City, stated that the biggest problem with signs around town is driving. Mr. Ferrier stated that pedestrians are hidden by the signs and drivers don't see them. Mr. Ferrier gave a couple of examples of areas where this is a problem. Mr. Ferrier stated his concerns with lighted gasoline station signs that create hazards with bright lights shining into the motorists' eyes. Mr. Ferrier stated his concerns with the temporary signs around the City and placement of the signs. Mr. Ferrier stated his concerns that many of the signs are not in English and he feels that the signs should be in English first and then the other language and the English part should be more prominent. Mr. Ferrier stated that he has

seen "For Lease" signs on vehicles parked around town. Mr. Ferrier stated his concerns that vehicles with signs on them, such as contractors vehicles, are parking in residential neighborhoods.

Chairperson Lew closed the public hearing.

Mr. Leonard summarized the changes:

- Add a definition for abandoned signs
- Include shingle signs under accessory signs
- #6 add "electric" to changeable copy signs
- #30 "means any other sign than a real estate and directional subdivision sign"
- #34 place "rider" after placard and add a clause handheld signs can't hinder pedestrian movement.
- #39 add "window graphics"
- 18.30.040 bold the title
- Add a definition for open house signs and only allow them on sandwich board signs.
- Page 38 paragraph 3 put "trees" right before utility pole and paragraph 4 correct "side" and change it to "sale"
- Section K, page 39, change "window graphics" to "window signs"
- Page 39 add Section L "abandoned signs" under prohibited signs
- Section b under temporary signs change to "signs without a commercial message other than"
- Section a "such signs shall not be placed 14 calendar days before event and removed no later than 5 days after the event."
- Page 40 add more space to the charts
- Page 42 section N add "and attractive" after good
- 18.30.080 permitted sign areas are maximums
- Page 44 section D "Signs permitted in all other zoning districts not listed in A, B, and C above shall be subject to the sign regulations of the zoning district deemed most similar in nature to the proposed use.
- Page 46 #2 add "any extension granted shall not exceed the original time allotted for the sign"
- Page 47, line 9 correct "or" to "of"
- Page 47 add cross reference to the penalty sections of the Municipal Code.

Commissioner Sweeney made a motion to recommend to the City Council approval of Zoning Text Amendment AT-03-05, making findings 1 – 5, with the amended conditions of approval and adopt a resolution confirming this action.

Commissioner Anderson seconded the motion.

|         |                                   |
|---------|-----------------------------------|
| AYES    | 4 (Anderson, Lew, Sison, Sweeney) |
| NOES    | 0                                 |
| ABSENT  | 1 (Savage)                        |
| ABSTAIN | 0                                 |

**VI. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:** None.

**VII. REDEVELOPMENT AND ECONOMIC DEVELOPMENT REPORTS:** None.

**VIII. COMMISSION MATTERS:**

- A. Local Government Sunshine Bill – AB 1234, Salinas  
Establishing New Reimbursement and Ethics Training Requirements for Members of  
City Council and Boards and Commissions.

Mr. Bakker gave a presentation to the commission.

- B. Follow-up on Planning Commission referrals to the City Council.
- C. Upcoming applications for the Regular Planning Commission meeting of January 19,  
2006.

**IX. GOOD OF THE ORDER:**

Commissioner Sweeney asked why taxis at the BART station have permits from Fremont but not from Union City.

Mr. Leonard replied that we do issue permits for taxis.

Mr. Bakker stated that it may be that Fremont requires the permit to be prominently displayed and Union City does not.

Chairperson Lew stated that the Union City/Berkeley extension college is putting on a free presentation “Eco-city Building for a New Day” on January 21<sup>st</sup>, 9:30 am – 12:30 p.m. 95 3<sup>rd</sup> St. Room 235, San Francisco, CA.

Chairperson Lew stated the Department of Homeland security has grants available for high threat urban areas.

- X. **ADJOURNMENT:** 9:55 p.m.

**APPROVED:**

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**JO ANN LEW, CHAIRPERSON**

**ATTEST:**

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**MARK LEONARD, SECRETARY**