

**CITY OF MERCED**  
**Planning & Permitting Division**

**STAFF REPORT:** #20-11

**AGENDA ITEM:** 4.2

**FROM:** Kim Espinosa,  
Planning Manager

**PLANNING COMMISSION**  
**MEETING DATE:** June 17, 2020

**PREPARED BY:** Francisco Mendoza-Gonzalez,  
Associate Planner

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**SUBJECT:** **Conditional Use Permit #1243**, initiated by El Portal Owners Association and Leonard Ostericher, property owners. This application involves consideration of a Comprehensive Sign Package (including a 20-foot-tall double-sided pylon sign with digital boards) for the Plaza at El Portal. The site is generally located on the southwest and northwest corner of El Portal Drive and G Street, within Planned Development (P-D) #44, with an Office Commercial (CO) and Thoroughfare Commercial (CT) General Plan designation \*PUBLIC HEARING\*

**ACTION:** Approve/Disapprove/Modify

- 1) Environmental Review #20-11 (Categorical Exemption)
- 2) Conditional Use Permit #1243

**SUMMARY**

The applicant is requesting Conditional Use Permit (CUP) approval for a Master Sign Program for the existing Plaza at El Portal located at the northwest and southwest corner of G Street and El Portal Drive (Attachment A). This professional center consists of various building pads on approximately 20 acres (northern portion of plaza shown at Attachment B).

The subject site is located within Planned Development #44, with a General Plan designation of Office Commercial (19 acres) and Thoroughfare Commercial (1.25 acres), which allows Master Sign Programs incorporating pylon signs with digital boards (changeable copy signs) through a Conditional Use Permit reviewed and approved by the Planning Commission (Attachment E). The proposed double-sided pylon sign would be approximately 20 feet tall and 10 feet wide with a 50-square-foot digital board near the top portion of the pylon structure (Attachment D). The proposed Master Sign Program is being included to establish internal design standards for the plaza to ensure consistency with all signage types throughout the professional center for wall mounted signs, awning signs, monument signs, etc. (Attachment C).

City staff has reviewed the proposal and is recommending approval of the Conditional Use Permit subject to the conditions below.

## **RECOMMENDATION**

Planning staff recommends that the Planning Commission approve a Categorical Exemption for Environmental Review #20-11 and Conditional Use Permit #1243 (including the adoption of the draft Resolution at Attachment G) subject to the following conditions:

- 1) The proposed project shall be constructed/designed as shown on Exhibit 1 (Master Sign Program) and Exhibit 2 (Pylon Sign), - Attachments C and D of Planning Commission Staff Report #20-11, except as modified by the conditions.
- 2) The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
- 3) All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
- 4) The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
- 5) The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
- 6) No temporary freestanding or moveable signs shall be allowed, unless otherwise authorized by the Municipal Code.
- 7) As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.

- 8) The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
- 9) Additional shopping center signs and monument signs may be considered for the subject site as allowed by the Merced Municipal Code.
- 10) Final approval of each individual tenant sign shall require a sign permit and are subject to the Sign Criteria as spelled out in Attachment C of Planning Commission Staff Report #20-11.
- 11) The changeable copy sign shall comply with Merced Municipal Code Section 20.36.667.L.2.C – Free-Standing or Wall-Mounted Signs, including those provisions that allow for advertising for public events as determined by the City of Merced (Attachment E of Planning Commission Staff Report #20-11).
- 12) The proposed changeable copy sign shall not advertise private businesses that are located off-site. Only on-site businesses shall be allowed to advertise on the changeable copy sign, except as allowed for public events.
- 13) The changeable copy sign cannot include any type of signs deemed a traffic hazard by the City Engineer for vehicles driving along the frontage of this site. This may include the use of scrolling text, flashing signs, or rapidly rotating advertisements.
- 14) Future shopping center signs such as monument signs, shall be designed to match the pylon sign. This shall require using similar colors, textures, material, and overall aesthetic style.
- 15) Minor modifications to Master Sign Program may be reviewed and approved by the Director of Development Services, or if deemed necessary be referred to the Site Plan Review Commission, or Planning Commission.
- 16) In the event that the Master Sign Program conflicts with the Merced Municipal Code, the stricter of the two shall be implemented.
- 17) Final locations of all signs, including required setbacks from intersections and driveways as determined by the Municipal Code, are subject to Planning Division approval at the time of issuance of a sign permit.
- 18) The changeable copy sign shall not display videos.
- 19) Advertisement slides on the changeable copy sign shall be spaced apart in time by at least 30 seconds between rotations due to its location adjacent to residential uses. The timing between slides may be modified by the Director of Development Services or be referred to the Site Plan Review Committee if determined appropriate by the Director of Development Services.
- 20) The pylon sign shall be located outside the vision triangle area per Merced Municipal Code Section 20.30.030 – Corner Vision Triangles, and Table 20.32.2 Required Vision Triangle Distance by Street Type.
- 21) The pylon sign shall be finished with an anti-graffiti protective coat.

- 22) Prior to construction, an illumination study shall be submitted for the changeable copy sign and approved by the Director of Development Services or designee. The purpose of the study is to ensure that illumination levels of the sign are set at a level so as not to unduly impact surrounding residential uses.
- 23) The changeable copy sign shall be turned off from the hours of 10:00 p.m. to 7:00 a.m. daily so as not to disturb surrounding residential uses.

**PROJECT DESCRIPTION**

The applicant is requesting Conditional Use Permit (CUP) approval of a Master Sign Program for the Plaza at El Portal located at the northwest and southwest corners of G Street and El Portal Drive. The professional center consists of various building pads on approximately 20 acres. A CUP is being submitted to review a Master Sign Program for the entire center and to review the proposed 20-foot-tall freestanding pylon sign with digital board (“changeable copy sign”).

Surrounding uses are noted at Attachment A.

<b>Surrounding Land</b>	<b>Existing Use of Land</b>	<b>City Zoning Designation</b>	<b>City General Plan Land Use Designation</b>
North	Single-Family Homes	Low-Density Residential (R-1-6)	Low-Density Residential (LD)
South	Single-Family Homes	Residential Planned Development (RP-D) #34	Low-Density Residential (LD)
East	Single-Family Homes and Apartments (across G Street)	Low-Density Residential (R-1-6) and Planned Development (P-D) #11	Low-Density Residential (LD) and High to Medium Residential (HMD)
West	Single-Family Homes	Residential Planned Development (RP-D) #34	Low-Density Residential (LD)

**BACKGROUND**

Earlier this year, the City Council adopted various changes to the City’s Sign Ordinance. One of these changes allows commercial shopping centers or office complexes with a mix of office and retail uses (with minimum frontage and square footage requirements) to apply for a shopping center sign with “changeable copies” (digital boards). Merced Municipal Code Section 17.36.780 (C) – Use Permit Criteria, notes that a “Changeable Copy Sign” may be allowed if the property owner agrees to allow the City to advertise City or community sponsored events, or outreach



campaigns (e.g. Safe and Sane Fireworks during 4<sup>th</sup> of July, etc.) at the discretion of the City as part of a continuous rotation of advertising (Attachment E). Besides displaying City/community events, changeable copy signs may not advertise activities or businesses not occurring on premise. The property owner is aware of these requirements, which are being included under Conditions #11 and #12.

### **FINDINGS/CONSIDERATIONS:**

#### **General Plan Compliance and Policies Related to This Application**

- A) The proposed project complies with the General Plan designation of Office Commercial (CO) and Thoroughfare Commercial (C-T), with the Zoning designation of Planned Development (P-D) #44 with approval of this Conditional Use Permit.

#### **Public Improvements/City Services**

- B) Per Condition #7, Merced Municipal Code Section 17.04.050 and 17.04.060, requires full public improvements to be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations. The need for any new improvements or repairs to existing improvements would be determined by the Engineering Department at the building permit stage.

#### **Signage**

- C) All signs would be required to comply with the Merced Municipal Code. Building permits are required prior to the installation of any permanent signs. As stated in the proposed Master Sign Program, the professional center would require an internal review process with approval from the landlord or ownership group prior to tenants submitting signage proposals for City review. The landlord intends to be flexible with tenant signage, as some tenants may be trying to achieve a standard corporate design, but the ownership will try to ensure that signage throughout the professional center is cohesive, compatible, or complementary to achieve design balance for the entire plaza. The Master Sign Program includes several standards that are consistent with the North Merced Sign Ordinance (such as requiring individual channel letters), along with other specific internal regulations such as limiting the type of temporary or window signs that could be used by tenants. In the event that the Master Sign Program conflicts with the Sign Ordinance, the stricter of the two codes shall be implemented (Condition #16). This also applies to usage and duration of temporary signs.

#### **Professional Center Pylon Sign**

- D) The applicant has provided the Master Sign Program shown at Attachment C. Individual tenant signs would be reviewed by the landlord or ownership group before submitting sign permit applications to the Building Department to ensure a cohesive aesthetic between the various tenants - with consideration for design, materials, and colors. The proposed double-sided freestanding pylon sign would be approximately 20-feet-tall and 10-feet-wide,

providing visibility from both the north-bound and south-bound lanes along G Street. The pylon sign would be placed away from the vision corner triangle area (Condition #20). Each pylon elevation would be crowned with a decorative cornice that utilizes the earth tone color scheme exhibited throughout the buildings within the professional center. Below the cornice would be a digital board (changeable copy sign) that is approximately 5 feet tall and 10 feet wide, with a white LED lighting system displaying full color. Underneath the screen are independent channel letters that callout “The Plaza at El Portal” followed by “Welcome to Merced,” with Merced being written in the familiar font type utilized by UC Merced. The overall body and base of the sign will be made of aluminum textcot, and finished with an anti-graffiti protective coat (Condition #21).

Per MMC 17.36.667.L.2.C a free-standing sign may include a changeable copy (digital board) if it meets specific standards as shown at Attachment E, with the inclusion of periodically displaying City/community events or safety campaigns (and other matters) as directed by the City of Merced. Other pylon signs have been approved this year such as the future shopping center at G Street and Yosemite Avenue, and the Campus Parkway Plaza located near the Campus Parkway Exit.

### **Neighborhood Impact/Public Comments**

- E) Due to surrounding residential uses, staff has proposed several conditions (#19, #22, and #23) to minimize impacts of the sign on those uses. Staff mailed a public hearing notice to property owners within 300 feet of the subject site, and published the public hearing notice in the *Merced County Times*. As of the time this report was prepared, (6/12/2020), Planning staff has not received any comments from the public.

### **Conditional Use Permit**

- F) A conditional use permit (CUP) is required to allow a shopping center pylon sign with changeable copy. In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per Merced Municipal Code (MMC) 20.68.020 (E) Findings for Approval for Conditional Use Permits.

### **MMC 20.68.020 (E) Findings for Approval.**

- 1. The proposed use is consistent with the purpose and standards of the zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The proposed project complies with the General Plan designation of Office Commercial (CO) and Thoroughfare Commercial (CT), the zoning designation of Planned Development (P-D) #44 with approval of this Conditional Use Permit. This professional office site qualifies for a shopping center sign as it contains a few retail suites, a pharmacy, and a few restaurants.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

All signs shall be required to comply with the Merced Municipal Code and the proposed Master Sign Program ensuring consistent sign standards throughout the development. In addition, the color scheme, textures, and design of the pylon sign will match that of the buildings within The Plaza at El Portal.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for sign permits with the City's Building Department. Plans shall be submitted by a design professional and signage installation shall be done by a licensed contractor (license type as required by the California Building Code). Several conditions to limit the impacts of the changeable copy sign on surrounding residential uses have been proposed.

4. *The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.*

The proposed signs are located within the City and can be adequately served by existing services and infrastructure. The project will also comply with the following Code section regarding the Freestanding Pylon Sign:

“Merced Municipal Code Section 17.36.667.L.2.C – Free-Standing and Wall-Mounted Signs

Merced Municipal Code Section 17.36.667.L.2.C – Free-Standing and Wall-Mounted Signs note that a “Changeable Copy Sign” (synonymous with digital board sign described throughout this report) may be allowed if the property owner agrees to allow the City to advertise City/community sponsored events, or outreach campaigns (e.g. Safe and Sane Fireworks during 4<sup>th</sup> of July, etc.) at the discretion of the City as part of a continuous rotation of advertising. Besides this, changeable copy signs may not advertise activities or businesses not occurring on premise. The property owner is aware of this requirement, which is being included under Conditions #11 and #12.”

**Environmental Clearance**

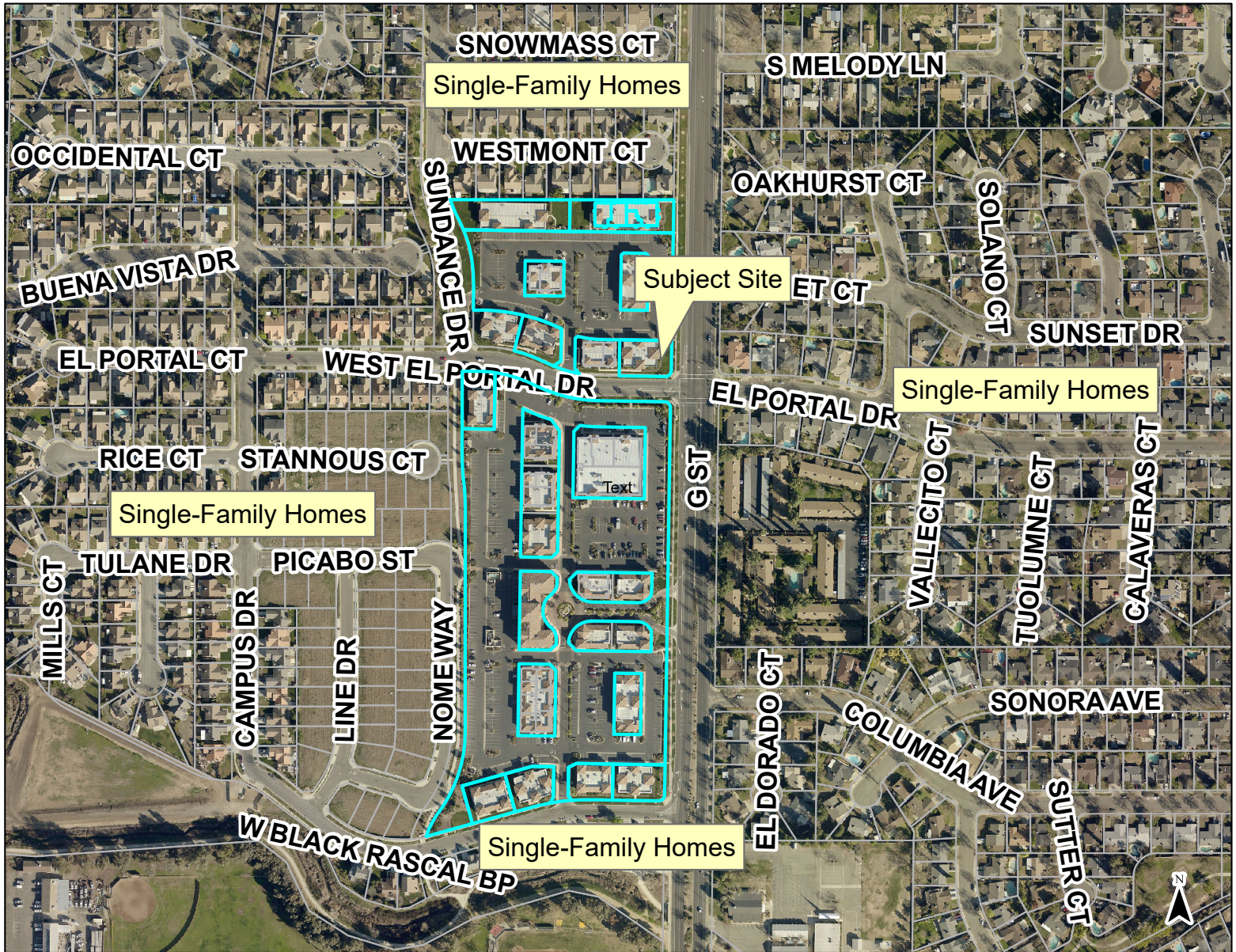
- G) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment F of Planning Commission Staff Report #20-11).

Attachments:

- A) Location Map
- B) Site Plan

- C) Master Sign Program
- D) Freestanding Pylon Sign
- E) MMC 17.36.667.L.2.C – Free-Standing or Wall-Mounted Signs
- F) Categorical Exemption
- G) Draft Planning Commission Resolution

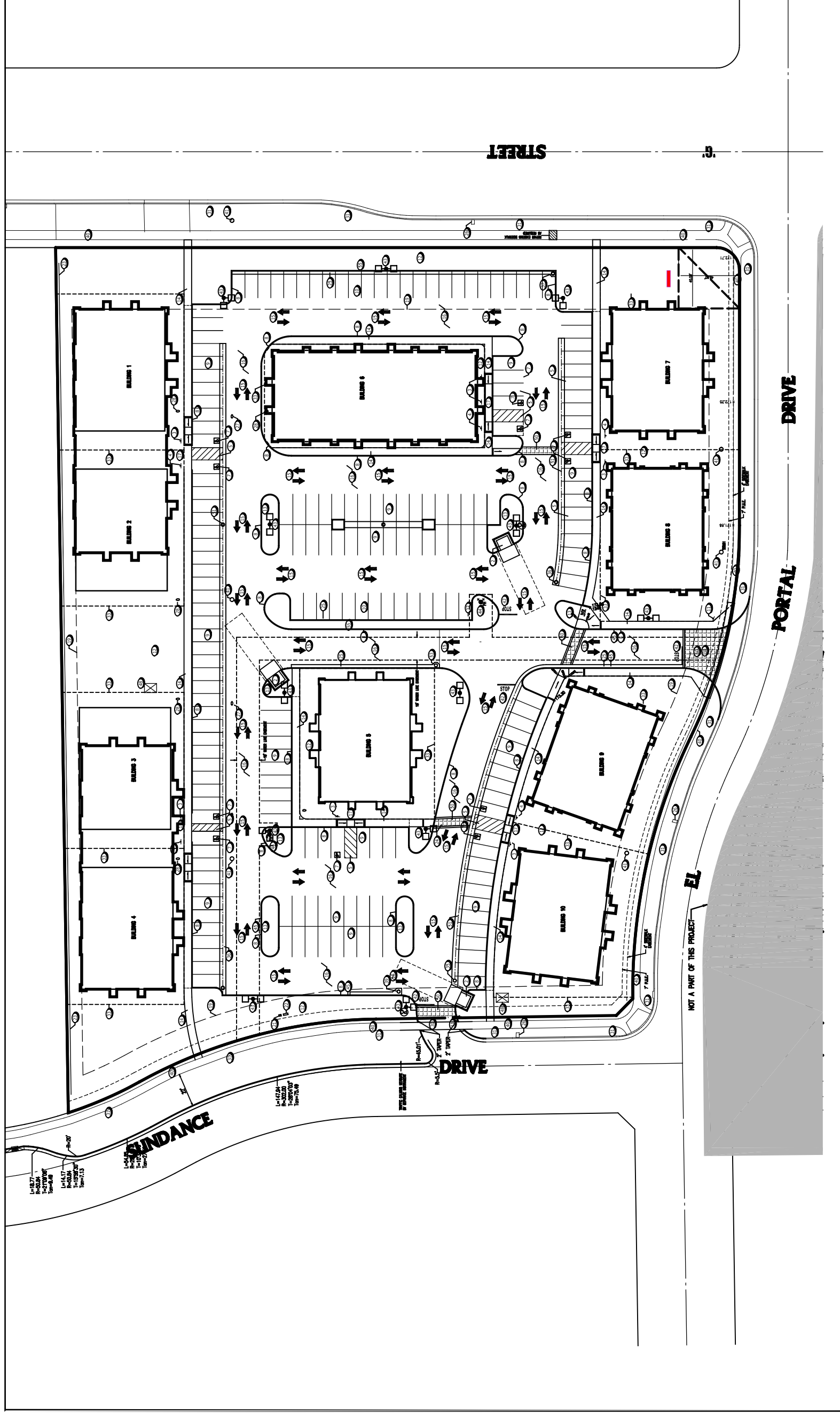






# The Plaza at El Portal

## Site Plan



# **The Plaza at El Portal**

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## **MOONLIGHT DEVELOPMENT GROUP, LLC**

**P.O. BOX 2344 MERCED, CALIFORNIA 95344**

### **MASTER SIGN PROGRAM**



Prepared by  
William Budnik & Charlie Gay

**CHARLIE GAY**

**209-595-1037**

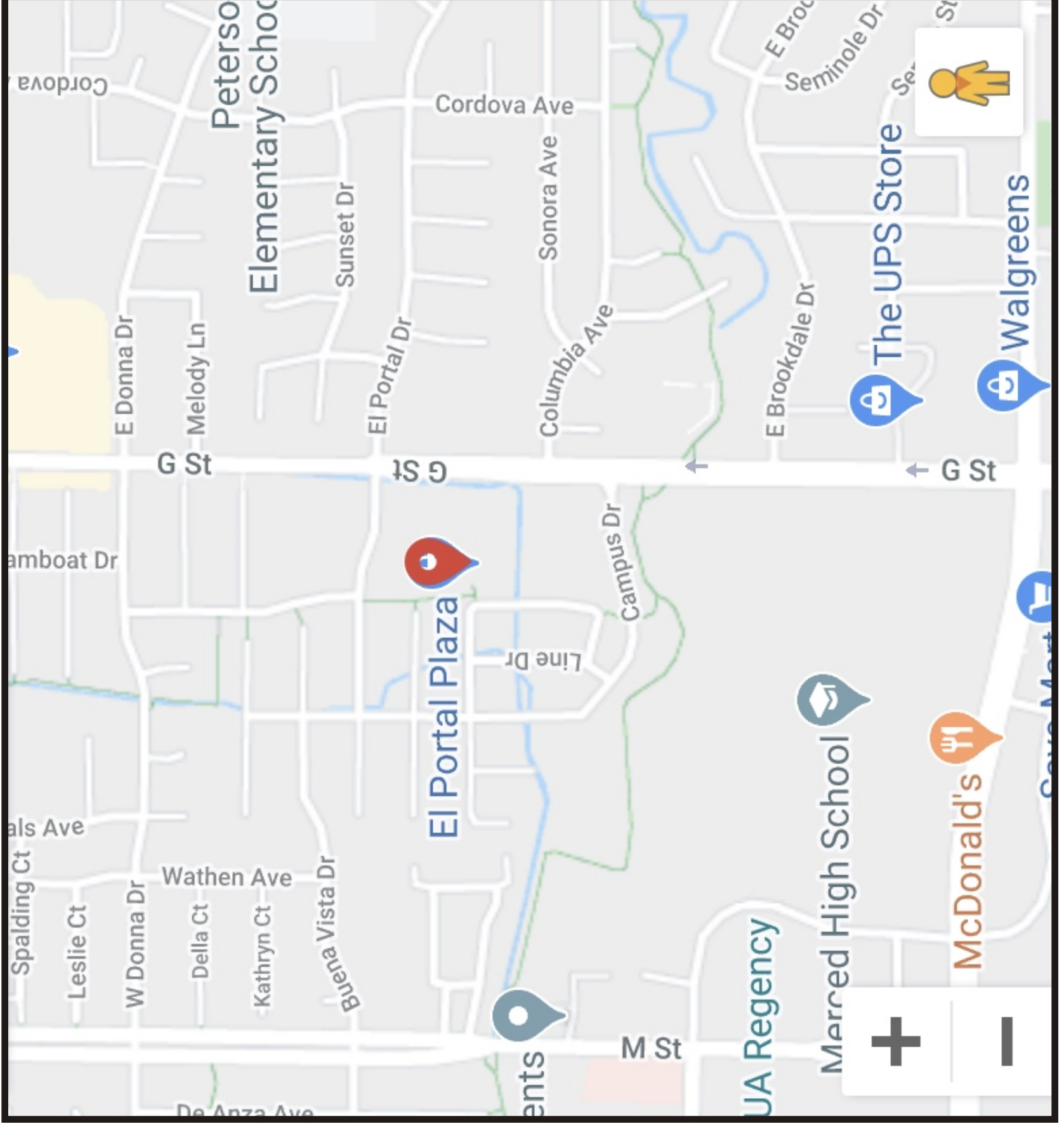
**246 MT. AIRY CT.**

**RIPON, CA. 95366**

**3/16/20**

# The Plaza at El Portal

## Vacinity Map





# The Plaza at El Portal

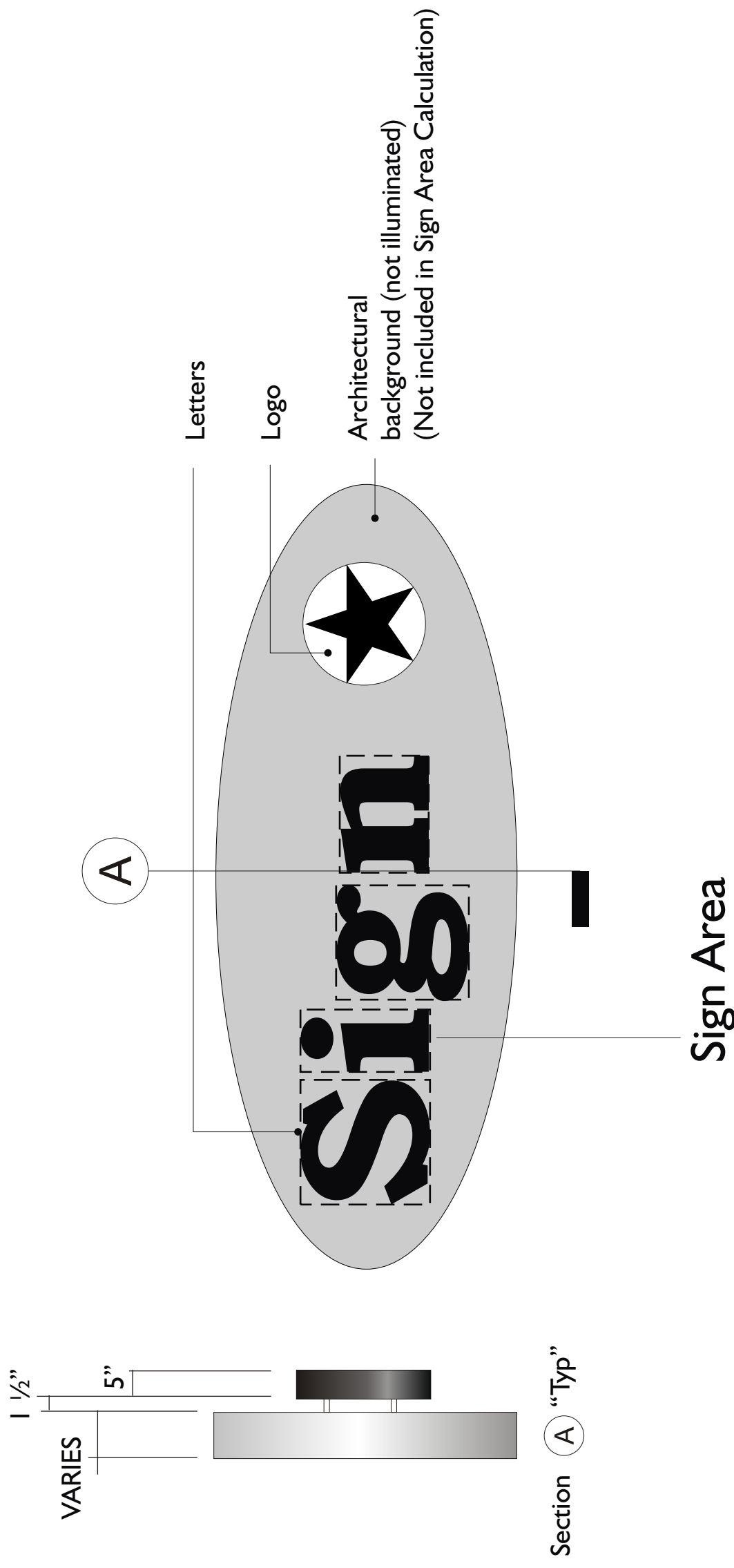
## Occupant Allowable Area Calculations

### Method of Sign Area Calculation:

Letters that compose the total signage shall measure individually.

A box may be drawn around each letter; therefore, the space between each letter is not counted as sign area.

“Occupant” shall be defined as the entity that controls a certain space within The Plaza at El Portal be it by ownership or leasing from an owner and member of The Plaza at El Portal Owners Association.



**Note: Letter Strokes May Exceed Max. Allowed Letter Height, Typical**

Note: All building signage will comply with North Merced ordinances.

# The Plaza at El Portal

## Allowable Wall Signs & Sign Area

### **Signage Design, Materials, Attachment:**

Creativity and quality are encouraged in the design of occupant wall signs.

Sign design will be evaluated on the basis of compatibility with the overall project architectural theme.

Raceways not permitted. Signs to comply with North Merced sign ordinances regarding sign area.

# The Plaza at El Portal

## Miscellaneous Occupant Signage

### **Sign Canisters:**

Sign canisters may be allowed for occupant logos only when any such logo constitutes a registered trademark or is part of the D.B.A. May not exceed maximum allowed by the city. All sign colors, lettering styles, graphics treatments, and mounting attachments will be considered against overall compatibility with the development and architectural theme. Specialty background panels are allowed and will not be calculated as part of sign area.

The Plaza at El Portal is not a shopping center with a general landlord over the whole project. Instead it is more like a common interest development. It is managed by The Plaza at El Portal Owner's Association, the "PEPOA", which has a governing board that meets monthly. Each Building has one vote in the PEPOA even though a Building may be condo's with several owner's. The various occupants answer to their property Owner, who must follow the rules and regulation of the PEPOA. The final design and size of signs will be at the discretion of the PEPOA and the property owner must be approved by the city. All decisions will be based on architectural compatibility. Any given building may be occupied by various tenants and/or building owner, who will be collectively referred to as "Occupant(s)".

### **Miscellaneous Tenant Building Signage:**

Each tenant will be permitted to place upon each entrance of it's store (inside storefront not more than 144 square inches of gold leaf or decal application lettering not to exceed 2" in height, indicating hours of business, emergency telephone numbers, etc.

No advertising place cards, banners, pennants, names, insignias, trademarks or other descriptive material shall be affixed or maintained upon glass panes and supports of the windows and doors, or upon the exterior walls without written previous approval of the PEPOA and the City, and must be in compliance with the City codes. No permitted banners shall be affixed to the front, rear, or sides of the building unless approved by the PEPOA and the City. A maximum (20%) of window area may be used for temporary promotional and sales signage, subject to PEPOA and City review and approval. Building numbers are all installed and shall be revised with PEPOA and the property owner's approval. Letter style to be Helvetica regular. Height to be (6") inches, securely mounted to the wall, and approved by the Building and Fire Departments.

### **Signage Construction and Installation:**

Letter fastening and clips are to be concealed and be galvanized, aluminum, brass or bronze metals.

# The Plaza at El Portal

## Sign Area Information

### **Sign Area Changes:**

- 1). The PEPOA has the authority to permit more than 50% of the total allowed signage to be placed on one wall.  
Up to 100% of a occupant's signage could be placed on one or two walls, upon approval of PEPOA and property owners.
- 2). Letters that composed total signage shall be measured individually.  
A box may be drawn around each letter; therefore, the space between the letter is not counted as signage area.

# The Plaza at El Portal

## Occupant Signage Criteria

### **Objective:**

The purpose of this sign criteria is to establish standards that assure occupant signage is harmonious, integrates with The Plaza at El Portal architecture, and provides coordinated proportional exposure for all occupants. This sign criteria also describes the responsibilities of the occupants with respect to sign review, approval, and installation. All work shall meet or exceed the minimum design intent and fabrication requirements shown in this document. Conformance will be enforced. A diversity of sign types is encouraged to allow for creative occupant signage. However, any non-conforming or disapproved signs will be brought into conformance at the expense of the occupant.

### **Requirements for Signage Implementation:**

Each occupant shall provide a minimum of one primary identification wall sign in accordance with the approved Master Sign Plan herein provided.

Occupant shall be responsible for the following expenses relating to signage for occupant's store:

- Plan check, permit processing and application fees.
- Fabrication and installation of signage.
- Maintenance and repair, to include; all costs relating to signage removal, including repair of any damage to the building.

There is a formal process for the creation, review and approval of occupant signs (see "Submittals and Approvals" section of this document).

The occupant shall provide the following information: store name, logo image and colors, intended sign materials, colors, and finishes.

Only those sign types provided for and specifically approved in writing by the PEPOA will be allowed.

The occupant will be required, at his expense, to correct, replace or remove any sign that is installed without PEPOA's approval and/or that is deemed not to be in conformance with the plans as submitted and with requirements and documents referenced herein.



# The Plaza at El Portal

## Submittals & Approvals

### **Approval Process:**

Prior to sign fabrication, occupant or his sign contractor shall submit for PEPOA approval three (3) sets of complete and fully dimensioned and detailed sign drawings. These drawings shall include:

- Elevation of storefront showing design, location, size and layout of sign, drawn to scale, indicating dimensions, attachment devices and construction detail.
- Section through letter and/or sign panel showing the dimensioned projection of the face of the letter and/or sign panel and the illumination.

Materials should be mailed to:

### **The Plaza at El Portal Owners Association**

**C/O Gonella Realty  
701 West Olive Ave.  
Merced, Ca. 95348**

All occupant sign submittals shall be reviewed by PEPOA and/or its agent for conformance with the provisions of the city approved Master Sign Plan. Within ten (10) business days after receipt of occupant's drawings PEPOA shall either approve the submittal, contingent upon any required modifications, or disapproved in writing by PEPOA prior to permit application to the City or sign fabrication.

Following PEPOA approval of proposed signage, occupant or his agent shall submit to the City sign plans signed by PEPOA and applications for all permits for fabrication and installation by sign contractor. Occupant shall furnish PEPOA with a copy of said permits prior to installation of occupant's sign(s).

Fabrication and installation of all signs shall be performed in accordance with standards and specifications outlined in these criteris and in the final approval plans and shop drawings. Any work deemed unacceptable shall be rejected and shall be corrected or modified at occupant's expense as required by the PEPOA or its agent.

# The Plaza at El Portal

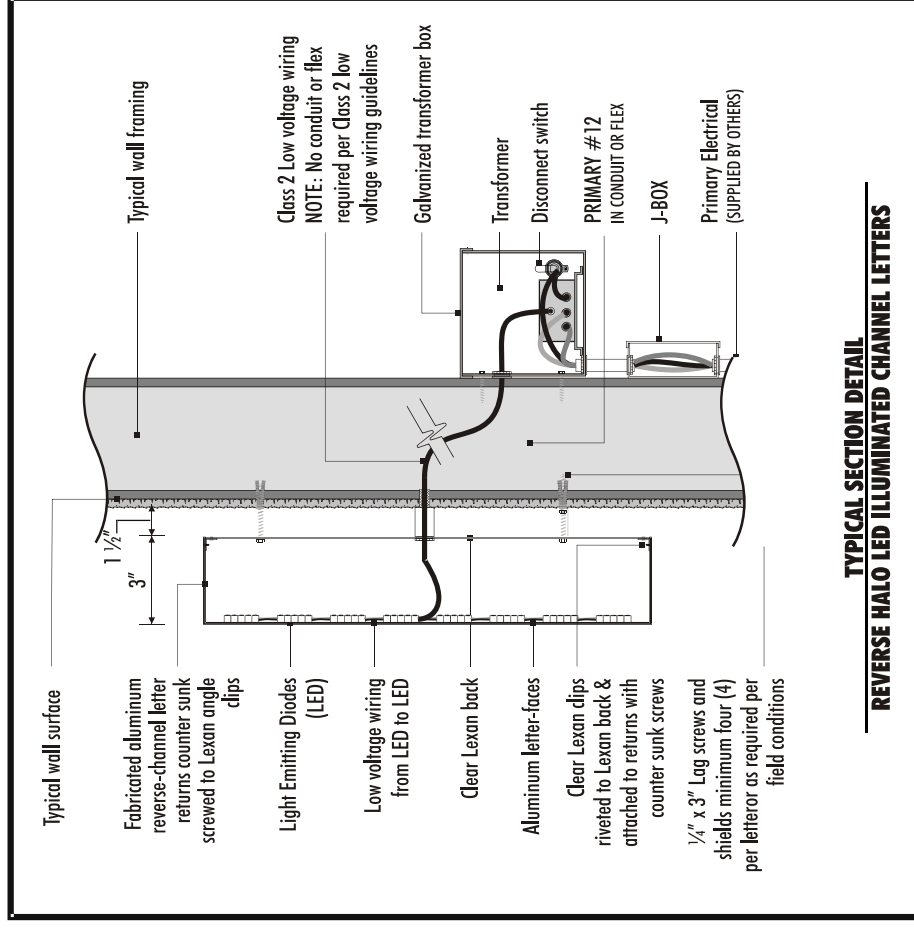
## Contractors & Responsibilities

### **The Occupant's Sign Contractor is Responsible to do the Following:**

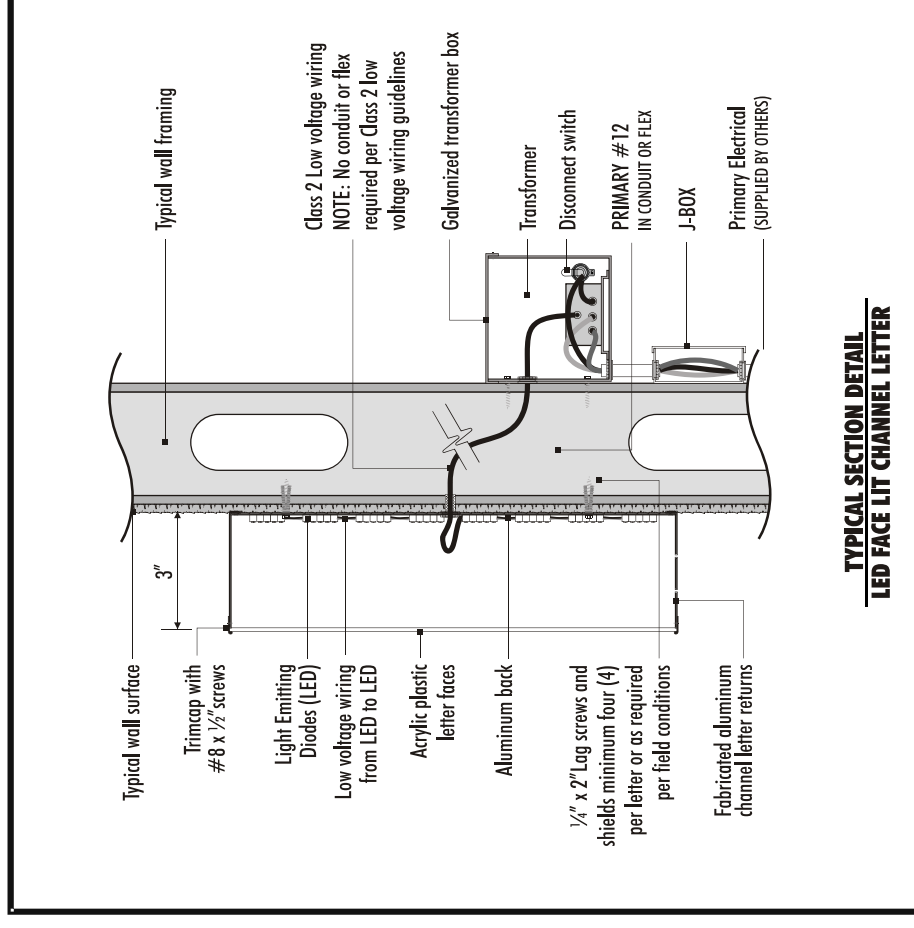
- Provide to the PEPOA, prior to commencing fabrication, an original certificate of insurance naming the PEPOA as "Additional Insured".
- Obtain approved sign permits from city prior to sign fabrication and deliver copies to the same PEPOA.
- Submit for approval prior to fabrication complete and fully dimensioned shop drawings.

# The Plaza at El Portal

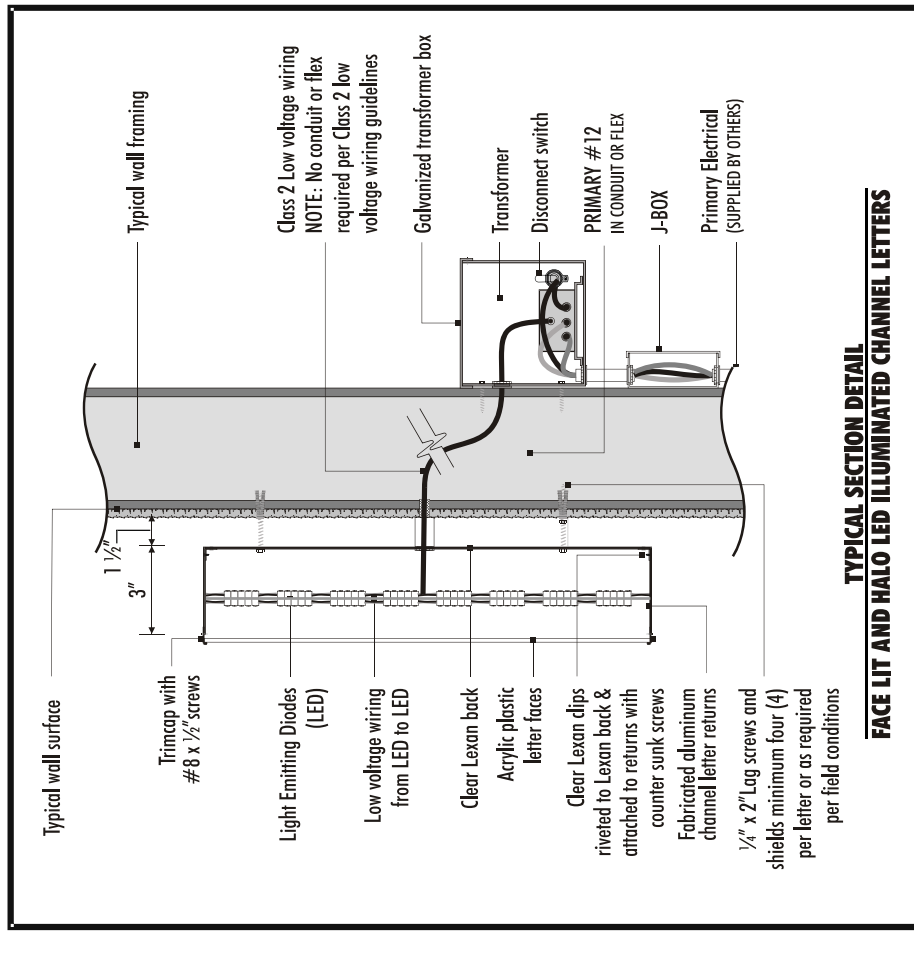
## Approved Sign Section Details



**Typical Building Sign Specifications - HALO LIT REVERSE CHANNEL LETTERS:**  
All sign installations facing residential development to be Halo Lit Reverse Channel Letters. Letters/logos to be fabricated of alum. with opaque alum. faces and alum. returns. Mount with space off from building facade for halo effect. Colors per tenant artwork. Letters/logo cabinets internally illuminated with low voltage white LED modules. Provide appropriate LED coverage to provide for uniform illumination. All control circuits to incorporate astronomical time clock, or combination of time clock and photo cell.



**Typical Building Sign Specifications - FACE LIT CHANNEL LETTERS:**  
Face Lit letters allowed only in locations which do not face a residential development. Letters/logos to be fabricated of alum. with translucent acrylic faces with translucent vinyl overlay and trim cap edges. Colors per tenant artwork. Letters/logo cabinets internally illuminated with low voltage LED modules. LED Color varies per tenant. Provide appropriate LED coverage to provide for uniform illumination. All control circuits to incorporate astronomical time clock, or combination of time clock and photo cell.



**Typical Building Sign Specifications - FACE LIT - HALO LIT REVERSE CHANNEL LETTERS:**  
Face Lit letters allowed only in locations which do not face a residential development. Letters/logos to be fabricated of alum. with translucent acrylic faces with translucent vinyl overlay and trim cap edges. Colors per tenant artwork. Letters/logo cabinets internally illuminated with low voltage LED modules. LED Color varies per tenant. Provide appropriate LED coverage to provide for uniform illumination. All control circuits to incorporate astronomical time clock, or combination of time clock and photo cell. Mount with space off from building facade for halo effect.



# The Plaza at El Portal

Illuminated channel letter examples with logos and secondary copy



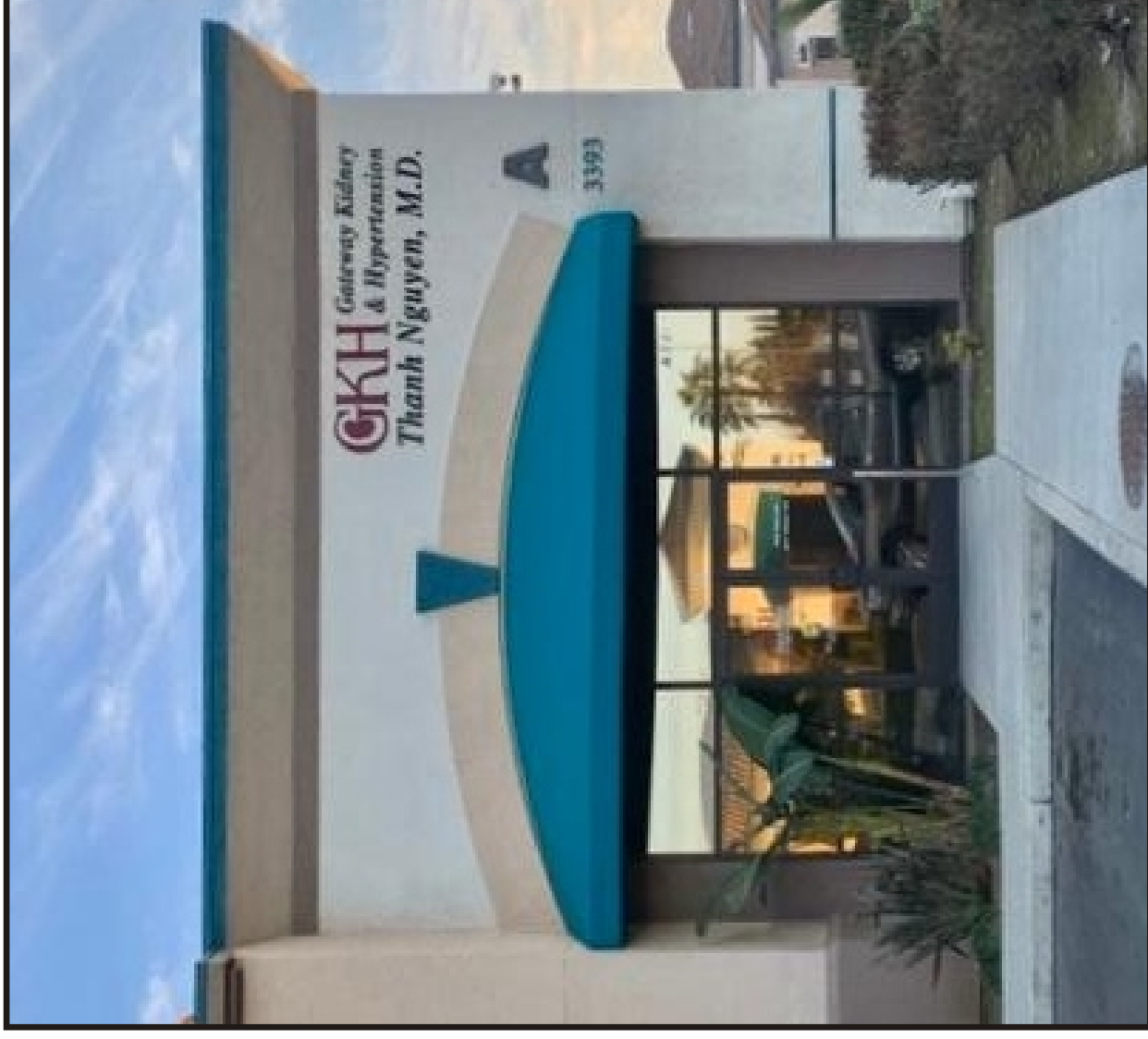
# The Plaza at El Portal

Use of logo with non-illuminated letters



# The Plaza at El Portal

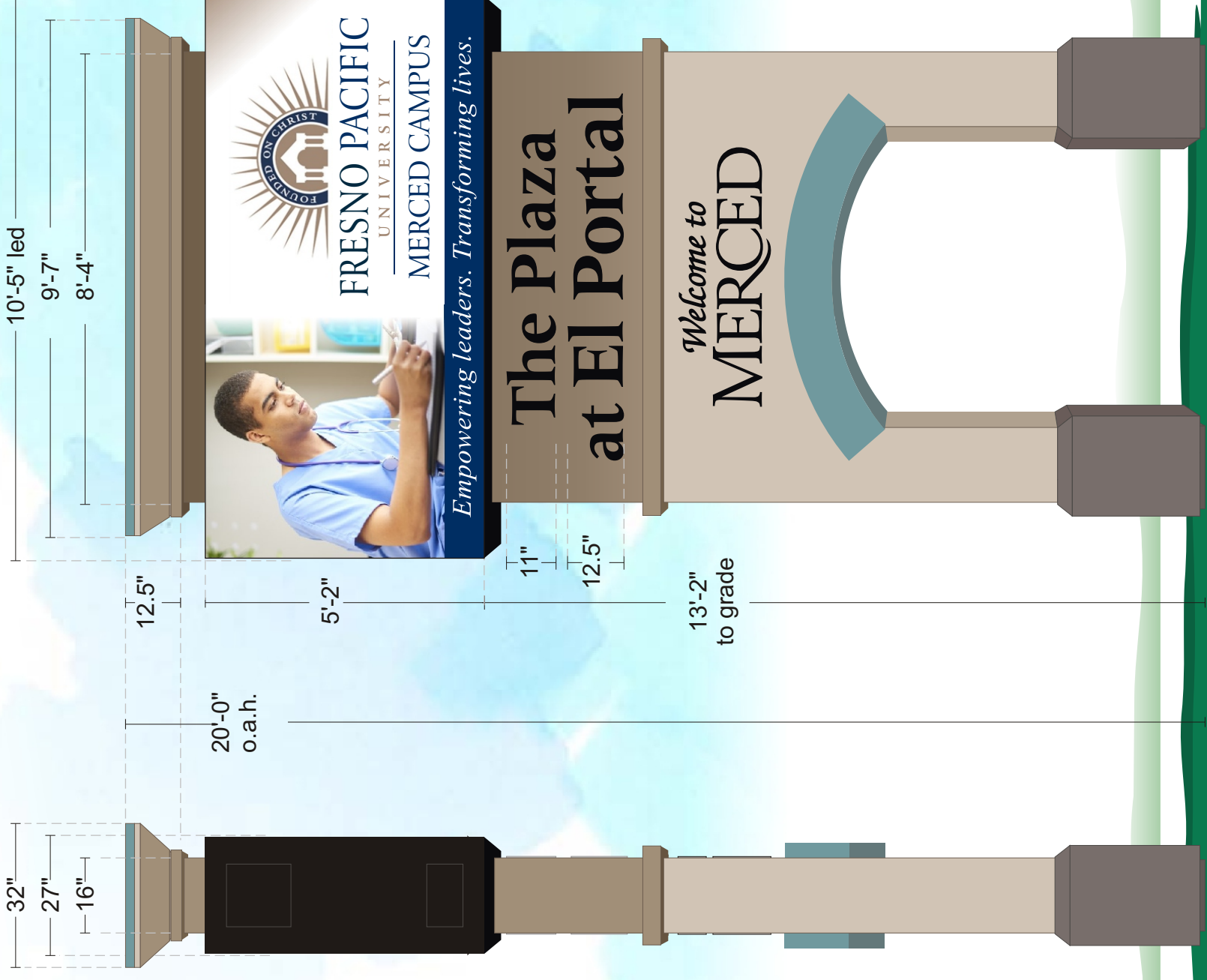
Other non-illuminated signage





# The Plaza at El Portal

Double Face Illuminated Free-Standing Pylon  
(G Street)



End View

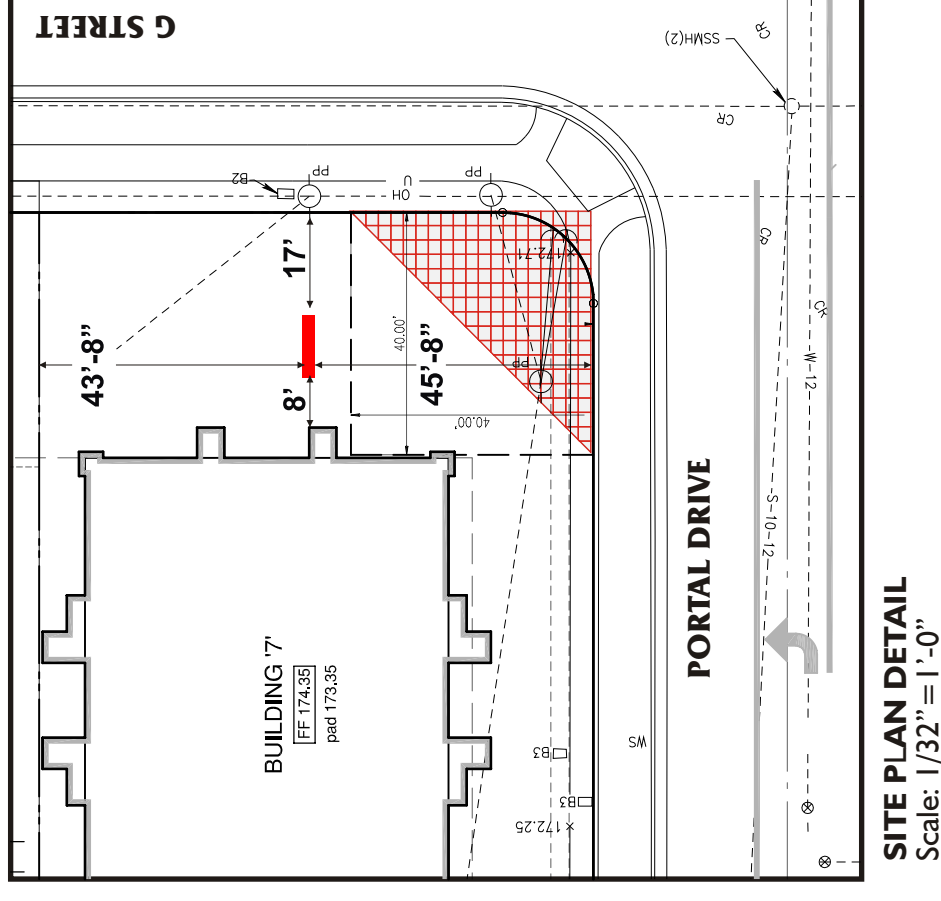
Sign A - D/F Illuminated LED Display  
Scale: 3/8" = 1'-0"

### Specifications

- LED EMC** - D/F 5'-2" x 10'-5" - 10mm, full color.
  - Cabinet** - D/F Aluminum textured & painted to match building.
  - Faces** - Aluminum textured & painted to match building.
  - Graphics** - Routed & push-thru 3/4" clear acrylic w/ 1st & 2nd surface vinyl overlays.
  - Letter Vinyl** - 3M "Dual-Color Film Black" #3635-222 (Perforated) (Black day/White night)  
2nd surface - 3635-70 Diffuser film
  - Illumination** - White LED lighting system.
  - Cornice** - Aluminum textured & painted to match building.
  - Cladding** - Aluminum textured & painted to match building.
  - Base** - Aluminum textured & painted to match building.
- Note: Anti Graffiti protective paint to be used\*

# The Plaza at El Portal

Double Face Illuminated Free-Standing Pylon  
(G Street)



**Merced Municipal Code Section 17.36.667.L.2.C**

**-Free-Standing or Wall-Mounted Signs**

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c. A 'Bonus' which would allow a "Changeable Copy Sign" of no more than 50 percent of the total sign area to be incorporated into the shopping center sign; and if the owner agrees to allow the City to advertise the City or community/City sponsored events, at the discretion of the City, on the sign on a continuous and ongoing basis as part of a continuous rotation of advertising or as otherwise defined by the Planning Commission. The Planning Commission may increase the total sign area and/or reduce the amount of City advertising for unique circumstances, such as motion picture/performing arts theaters. Other than those City events above, the Changeable Copy Sign shall not advertise any business, commodity, service, industry or other activity, which is not sold, offered, or conducted on the premises upon which the sign is located or affixed.

**NOTICE OF EXEMPTION**

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To: \_\_\_\_\_ Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

From: (Public Agency)  
City of Merced  
678 West 18th St.  
Merced, CA 95340

X  County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

**Project Title:** CUP #1243 (Environmental Review #20-11)

**Project Applicant:** El Portal Owners Association and Leonard Ostericher

**Project Location (Specific):** SWC and NWC of G St and El Portal Dr **APN:** 236-245-029 and 236-280-017

**Project Location - City:** Merced **Project Location - County:** Merced

**Description of Nature, Purpose, and Beneficiaries of Project:**

**Name of Public Agency Approving Project:** City of Merced

**Name of Person or Agency Carrying Out Project:** El Portal Owners Association and Leonard Ostericher

**Exempt Status:** (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State Type and Section Number: 15301 (a)
- Statutory Exemptions. State Code Number: \_\_\_\_\_.
- General Rule (Sec. 15061 (b)(3))

**Reasons why Project is Exempt:** As defined under the above referenced Section, the proposed project consists of minor interior/exterior alterations for a new shopping center, such as installing a pylon sign and implementing a master sign program, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a).

**Lead Agency:** City of Merced  
**Contact Person:** Francisco Mendoza-Gonzalez **Area Code/Telephone:** (209) 385-6858

**Signature:** *Francisco Mendoza* **Date:** 5-26-2020 **Title:** Associate Planner

X  Signed by Lead Agency Date Received for Filing at OPR: \_\_\_\_\_  
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code  
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

**CITY OF MERCED**  
**Planning Commission**

**Resolution #\_\_\_\_\_**

**WHEREAS**, the Merced City Planning Commission at its regular meeting (held via teleconference) of June 17, 2020, held a public hearing and considered **Conditional Use Permit #1243**, initiated by El Portal Owners Association and Leonard Ostericher, property owners. This application involves consideration of a Comprehensive Sign Package (including a 20-foot-tall double-sided pylon sign with digital boards) for the Plaza at El Portal. The site is generally located on the southwest and northwest corner of El Portal Drive and G Street, within Planned Development (P-D) #44, with an Office Commercial (CO) and Thoroughfare Commercial (CT) General Plan designation said property being more particularly described as a Portion of Parcels 1 through 11, and Parcels A through Q as shown on that certain Parcel Map for the Plaza at El Portal Group and Parcel Map for Moonlight Investments, recorded in Volume 95, Page 46, and Volume 90, Page 4, of Merced County Records; also known as Assessor’s Parcel Number (APN) 236-280-017 and 236-280-017; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings/Considerations A through G (Exhibit B) of Staff Report #20-11; and,

**WHEREAS**, the Merced City Planning Commission concurs with the Findings for Conditional Use Permits in Merced Municipal Code Section 20.68.020 (E) and other Considerations as outlined in Exhibit B; and,

**NOW THEREFORE**, after reviewing the City’s Draft Environmental Determination, and discussing all the issues, the Merced City Planning Commission does resolve to hereby adopt a Categorical Exemption regarding Environmental Review #20-11, and approve Conditional Use Permit #1243, subject to the Conditions set forth in Exhibit A attached hereto and incorporated herein by this reference.

Upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and carried by the following vote:

AYES:

NOES:



PLANNING COMMISSION RESOLUTION # \_\_\_\_\_

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June 17, 2020

ABSENT:

ABSTAIN:

Adopted this 17<sup>th</sup> day of June 2020

\_\_\_\_\_  
Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:

\_\_\_\_\_  
Secretary

Attachment:

Exhibit A – Conditions of Approval

Exhibit B - Findings

**Conditions of Approval**  
**Planning Commission Resolution # \_\_\_\_\_**  
**Conditional Use Permit #1243**

1. The proposed project shall be constructed/designed as shown on Exhibit 1 (Master Sign Program) and Exhibit 2 (Pylon Sign), - Attachments C and D of Planning Commission Staff Report #20-11, except as modified by the conditions.
2. The proposed project shall comply with all standard Municipal Code and Subdivision Map Act requirements as applied by the City Engineering Department.
3. All other applicable codes, ordinances, policies, etc. adopted by the City of Merced shall apply.
4. The developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, and any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof, from any and all claims, actions, suits, proceedings, or judgments against the City, or any agency or instrumentality thereof, and any officers, officials, employees, or agents thereof to attack, set aside, void, or annul, an approval of the City, or any agency or instrumentality thereof, advisory agency, appeal board, or legislative body, including actions approved by the voters of the City, concerning the project and the approvals granted herein. Furthermore, developer/applicant shall indemnify, protect, defend (with counsel selected by the City), and hold harmless the City, or any agency or instrumentality thereof, against any and all claims, actions, suits, proceedings, or judgments against any governmental entity in which developer/applicant's project is subject to that other governmental entity's approval and a condition of such approval is that the City indemnify and defend such governmental entity. City shall promptly notify the developer/applicant of any claim, action, or proceeding. City shall further cooperate fully in the defense of the action. Should the City fail to either promptly notify or cooperate fully, the developer/applicant shall not thereafter be responsible to indemnify, defend, protect, or hold harmless the City, any agency or instrumentality thereof, or any of its officers, officials, employees, or agents.
5. The developer/applicant shall construct and operate the project in strict compliance with the approvals granted herein, City standards, laws, and ordinances, and in compliance with all State and Federal laws,

EXHIBIT A  
OF PLANNING COMMISSION RESOLUTION # \_\_\_\_\_

regulations, and standards. In the event of a conflict between City laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.

6. No temporary freestanding or moveable signs shall be allowed, unless otherwise authorized by the Municipal Code.
7. As required by Merced Municipal Code Section 17.04.050 and 17.04.060, full public improvements shall be installed/repared if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations.
8. The premises shall remain clean and free of debris and graffiti at all times. Any damaged materials shall be replaced by matching materials.
9. Additional shopping center signs and monument signs may be considered for the subject site as allowed by the Merced Municipal Code.
10. Final approval of each individual tenant sign shall require a sign permit and are subject to the Sign Criteria as spelled out in Attachment C of Planning Commission Staff Report #20-11.
11. The changeable copy sign shall comply with Merced Municipal Code Section 20.36.667.L.2.C – Free-Standing or Wall-Mounted Signs, including those provisions that allow for advertising for public events as determined by the City of Merced (Attachment E of Planning Commission Staff Report #20-11).
12. The proposed changeable copy sign shall not advertise private businesses that are located off-site. Only on-site businesses shall be allowed to advertise on the changeable copy sign, except as allowed for public events.
13. The changeable copy sign cannot include any type of signs deemed a traffic hazard by the City Engineer for vehicles driving along the frontage of this site. This may include the use of scrolling text, flashing signs, or rapidly rotating advertisements.
14. Future shopping center signs such as monument signs, shall be designed to match the pylon sign. This shall require using similar colors, textures, material, and overall aesthetic style.

15. Minor modifications to Master Sign Program may be reviewed and approved by the Director of Development Services, or if deemed necessary be referred to the Site Plan Review Commission, or Planning Commission.
16. In the event that the Master Sign Program conflicts with the Merced Municipal Code, the stricter of the two shall be implemented.
17. Final locations of all signs, including required setbacks from intersections and driveways as determined by the Municipal Code, are subject to Planning Division approval at the time of issuance of a sign permit.
18. The changeable copy sign shall not display videos.
19. Advertisement slides on the changeable copy sign shall be spaced apart in time by at least 30 seconds between rotations due to its location adjacent to residential uses. The timing between slides may be modified by the Director of Development Services or be referred to the Site Plan Review Committee if determined appropriate by the Director of Development Services.
20. The pylon sign shall be located outside the vision triangle area per Merced Municipal Code Section 20.30.030 – Corner Vision Triangles, and Table 20.32.2 Required Vision Triangle Distance by Street Type.
21. The pylon sign shall be finished with an anti-graffiti protective coat.
22. Prior to construction, an illumination study shall be submitted for the changeable copy sign and approved by the Director of Development Services or designee. The purpose of the study is to ensure that illumination levels of the sign are set at a level so as not to unduly impact surrounding residential uses.
23. The changeable copy sign shall be turned off from the hours of 10:00 p.m. to 7:00 a.m. daily so as not to disturb surrounding residential uses.

**Findings and Considerations**  
**Planning Commission Resolution # \_\_\_\_\_**  
**Conditional Use Permit #1243**

**FINDINGS/CONSIDERATIONS:**

**General Plan Compliance and Policies Related to This Application**

- A) The proposed project complies with the General Plan designation of Office Commercial (CO) and Thoroughfare Commercial (C-T), with the Zoning designation of Planned Development (P-D) #44 with approval of this Conditional Use Permit.

**Public Improvements/City Services**

- B) Per Condition #7, Merced Municipal Code Section 17.04.050 and 17.04.060, requires full public improvements to be installed/repaired if the permit value of the project exceeds \$100,000.00. Public improvements may include, but not be limited to, repairing/replacing the sidewalk, curb, gutter, and street corner ramp(s), so that they comply with ADA standards and other relevant City of Merced/State/Federal standards and regulations. The need for any new improvements or repairs to existing improvements would be determined by the Engineering Department at the building permit stage.

**Signage**

- C) All signs would be required to comply with the Merced Municipal Code. Building permits are required prior to the installation of any permanent signs. As stated in the proposed Master Sign Program, the professional center would require an internal review process with approval from the landlord or ownership group prior to tenants submitting signage proposals for City review. The landlord intends to be flexible with tenant signage, as some tenants may be trying to achieve a standard corporate design, but the ownership will try to ensure that signage throughout the professional center is cohesive, compatible, or complementary to achieve design balance for the entire plaza. The Master Sign Program includes several standards that are consistent with the North Merced Sign Ordinance (such as requiring individual channel letters), along with other specific internal regulations such as limiting the type of temporary or window signs that could be used by tenants. In the event that the Master Sign Program conflicts with the Sign Ordinance, the stricter of the two codes shall be implemented (Condition #16). This also applies to usage and duration of temporary signs.

**Professional Center Pylon Sign**

- D) The applicant has provided the Master Sign Program shown at Attachment C. Individual tenant signs would be reviewed by the landlord or ownership group before submitting sign permit applications to the Building Department to ensure a cohesive aesthetic between the various tenants - with consideration for design, materials, and colors. The proposed double-sided freestanding pylon sign would be approximately

20-foot-tall and 10-foot-wide, providing visibility from both the north-bound and south-bound lanes along G Street. The pylon sign would be placed away from the vision corner triangle area (Condition #20). Each pylon elevation would be crowned with a decorative cornice that utilizes the earth tone color scheme exhibited throughout the buildings within the professional center. Below the cornice would be a digital board (changeable copy sign) that is approximately 5 feet tall and 10 feet wide, with a white LED lighting system displaying full color. Underneath the screen are independent channel letters that callout “The Plaza at El Portal” followed by “Welcome to Merced,” with Merced being written in the familiar font type utilized by UC Merced. The overall body and base of the sign will be made of aluminum textcot, and finished with an anti-graffiti protective coat (Condition #21).

Per MMC 17.36.667.L.2.C a free-standing sign may include a changeable copy (digital board) if it meets specific standards as shown at Attachment E, with the inclusion of periodically displaying City/community events or safety campaigns (and other matters) as directed by the City of Merced. Other pylon signs have been approved this year such as the future shopping center at G Street and Yosemite Avenue, and the Campus Parkway Plaza located near the Campus Parkway Exit.

### **Neighborhood Impact/Public Comments**

- E) Due to surrounding residential uses, staff has proposed several conditions (#19, 22, and 23) to minimize impacts of the sign on those uses. Staff mailed a public hearing notice to property owners within 300 feet of the subject site, and published the public hearing notice in the *Merced County Times*. As of the time this report was prepared, (6/12/2020), Planning staff has not received any comments from the public.

### **Conditional Use Permit**

- F) A conditional use permit (CUP) is required to allow a shopping center pylon sign with changeable copy. In order for the Planning Commission to approve or deny a conditional use permit, they must consider the following criteria and make findings to support or deny each criteria per Merced Municipal Code (MMC) 20.68.020 (E) Findings for Approval for Conditional Use Permits.

### **MMC 20.68.020 (E) Findings for Approval.**

1. *The proposed use is consistent with the purpose and standards of the zoning district, the general plan, and any adopted area or neighborhood plan, specific plan, or community plan.*

The proposed project complies with the General Plan designation of Office Commercial (CO) and Thoroughfare Commercial (CT), the zoning designation of Planned Development (P-D) #44 with approval of this Conditional Use Permit. This professional office site qualifies for a shopping center sign as it contains a few retail suites, a pharmacy, and a few restaurants.

2. *The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the subject property.*

All signs shall be required to comply with the Merced Municipal Code and the proposed Master Sign Program ensuring consistent sign standards throughout the development. In addition, the color scheme, textures, and design of the pylon sign will match that of the buildings within The Plaza at El Portal.

3. *The proposed use will not be detrimental to the public health, safety, and welfare of the City.*

To ensure the proposal is not detrimental to the public health, safety, and welfare of the City, the applicant shall subsequently apply for sign permits with the City's Building Department. Plans shall be submitted by a design professional and signage installation shall be done by a licensed contractor (license type as required by the California Building Code). Several conditions to limit the impacts of the changeable copy sign on surrounding residential uses have been proposed.

4. *The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.*

The proposed signs are located within the City and can be adequately served by existing services and infrastructure. The project will also comply with the following Code section regarding the Freestanding Pylon Sign:

“Merced Municipal Code Section 17.36.667.L.2.C – Free-Standing and Wall-Mounted Signs

Merced Municipal Code Section 17.36.667.L.2.C – Free-Standing and Wall-Mounted Signs note that a “Changeable Copy Sign” (synonymous with digital board sign described throughout this report) may be allowed if the property owner agrees to allow the City to advertise City/community sponsored events, or outreach campaigns (e.g. Safe and Sane Fireworks during 4<sup>th</sup> of July, etc.) at the discretion of the City as part of a continuous rotation of advertising. Besides this, changeable copy signs may not advertise activities or businesses not occurring on premise. The property owner is aware of this requirement, which is being included under Conditions #11 and #12.”

### **Environmental Clearance**

- G) Planning staff has conducted an environmental review of the project in accordance with the requirements of the California Environmental Quality Act (CEQA), and a Categorical Exemption is being recommended (Attachment F of Planning Commission Staff Report #20-11).