



City Of Riverbank
Special
Planning Commission Meeting
 City Hall North Council Chambers
 6707 Third Street • Riverbank • CA 95367

Agenda
Monday, February 29, 2016 – 6:00 P.M.

CALL TO ORDER: Chair: Villapudua

ROLL CALL: Chair: Villapudua
 Vice Chair: McKinney
 Commissioner: Stewart
 Commissioner: Tabacco
 Commissioner: King

CONFLICT OF INTEREST

Any Planning Commission/Authority Member and Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please address the entire Planning Commission Board.

2. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.A: Posting of the Agenda. The Agenda for the February 29, 2016, Special Planning Commission Meeting was posted on the City Chamber bulletin board, City Hall North & South bulletin board, Post Office and sent to the Library on February 25, 2016.

Item 2.B: Approval of the Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

Item 2.C: Approval of the Minutes. The Minutes of the January 19, 2016, Planning Commission Meeting having been read by the individual Commissioners and stands approved as submitted.

Recommendation: It is recommended that Planning Commission approve the Consent Calendar by roll call vote.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

3. COMMISSION ITEMS

Item 3.1: Designation of Chair and Vice Chair for the 2016 term, to be ratified by the Planning Commission.

Item 3.2: Project updates of items that have been forwarded on to city Council.

Item 3.3: Public Works Superintendent Michael Riddell to give an update on the watering situation and State mandates.

4. PUBLIC HEARING

Item 4.1: Galaxy Theaters Variance 01-2016 – Project Description: The request is to allow a proposed 530 square foot IMAX sign at 47 feet in height where a 300 square foot sign at 40 feet in height is permitted. Project location: 2525 Patterson Road, APN 075-008-029 and is zoned PD42 (Planned Development) District.

Recommendation: Recommend that the City Council finds the Project is categorically exempt under Section 15311, Class 11 Accessory Structures and approves a variance for a proposed 530 square foot IMAX sign at 47 feet in height where a 260 square foot sign at 40 feet in height is permitted or deny the variance if findings cannot be made.

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information Only – No Action)

None

6. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

Item 6.1: Diamond Bar West – Architecture & Site Plan review for the purposed homes to be built by McRoy Wilbur Communités on March 15, 2016.

Item 6.2: Diamond Bar West – Final Subdivision Map. Applicants are working on the plans for utilities and streets towards a grading permit.

Item 6.3: RFP process for comprehensive Zoning Code update, including the Sign Ordinance.

7. NEW BUSINESS (Information Only – No Action)

Item 7.1: Crossroads Shopping Center, Pad “C” Update - Panda Express (open), Chipotle (open), Dickey’s BBQ (open) Pit, AT&T Store (open), and Five Guys – should be open by mid March.

Item 7.2: Crossroads Shopping Center, Pad “G” Update – (next to Bevmo) America’s Tire plans in review.

8. ADJOURNMENT – The next regular Planning Commission meeting – March 15, 2016 @ 6:00 p.m.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board 72 hours prior to the meeting.

*Dated this 25th day of February, 2016
Janet Smallen, Sr. CDS*

NOTICE REGARDING AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Development Services Department at (209) 863-7128. Notification 3 business days before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

NOTICE REGARDING NON-ENGLISH SPEAKERS: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Planning Commission shall be in English and anyone wishing to address the Planning Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

GENERAL INFORMATION: The Riverbank Planning Commission meets on the third Tuesday of each month at 6:00 p.m.

COMMISSION AGENDAS: The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted. Additional documents that are part of this agenda and provided to a majority of the Planning Commission by the City will be made available to the public. The agenda is posted for public review at the City's website www.riverbank.org, at the Development Services Department, and on the exterior of both City Hall North & South buildings bulletin boards, 6707 & 6617 Third Street, Riverbank, CA. Subscription to receive the agenda can be purchased for a nominal fee through the Development Services Department.

PUBLIC HEARINGS: In general, a public hearing is an open consideration within a regular meeting of the Planning Commission, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.

QUESTIONS: Contact the Developmental Services Department at (209) 863-7128.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).



City of Riverbank
Planning Commission Meeting
6707 Third Street • Riverbank • CA 95367

MINUTES
Tuesday, January 19, 2016

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Chair Hughes, Commissioner McKinney, Commissioner Stewart and Commissioner Villapudua

Absent: None

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

None

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item No. 2.A: Posting of the January 19, 2016, Planning Commission Meeting.

ACTION: *By motion moved/second (Stewart / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

Item No. 2.B: The Agenda for the January 19, 2016, Planning Commission Meeting.

ACTION: *By motion moved/second (Stewart / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

Item No. 2.C: The Minutes of the November 17, 2015 Planning Commission Meeting.

ACTION: *By motion moved/second (Stewart / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

3. PUBLIC NOTICE

Item 3.1: PATTERSON ROAD PLAN LINE. PROJECT DESCRIPTION: The proposed Resolution will recommend to the City Council approval of the Interim and Ultimate Plan Lines for Patterson Road between Roselle Avenue to the west and Claus Road to the east in compliance with the City of Riverbank 2005-2025 General Plan.

- Donna M. Kenney introduced item 3.1 and John B. Anderson; consultant planner presented the staff report and PowerPoint.
- John B. Anderson asked the Planning Commission if they had any questions.
- Commissioner Villapudua asked some questions.
- Mr. Anderson responded to his questions.
- Public Hearing was opened at 6:22 p.m.
- Haskell Moore spoke on item 3.1 and had question on the number of lanes.
- Mr. Anderson responded to Mr. Moore's questions.
- Michael Monshien with Monshien Cabinets that is on the corner of Patterson and Roselle, commented on the signal light and suggested a pedestrian over pass and making the train to a quiet zone.
- Rosa Medrano stated that with the proposed new homes it will cause more traffic at Roselle and Patterson Roads. And was wondering if Roselle would become 4 lanes and concerned about no sidewalks.
- Vince Brown with Thunderbolt Wood Treating Services acknowledged the Planning Commission on their jobs and their decisions making on these difficult projects. He stated that they receive about 30 trucks a day to their business.
- Haskell Moore made additional comments on sidewalks and utility poles and that the traffic is due to the school kids.
- Mr. Anderson came up and responded to the questions asked and gave a recap of the concerns that were mentioned.

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- Planning Commission responded to John's recap and comments.
 - Chair Hughes asked Mr. Anderson some questions.
 - Commissioner Villapudua also asked Mr. Anderson some questions.
 - Mr. Anderson responded to the Commissioners questions.
 - Commissioner McKinney asked Mr. Anderson some questions about the railroad right away.
 - Planning Commission discussed item and asked Mr. Anderson additional questions.
 - Mr. Anderson responded to the Commissioner's questions.
 - Public Hearing Closed at 7:06 p.m.

ACTION: *By motion moved/second (Villapudua / Stewart / passed 4-0) was approved with adding special considerations to staff prior to going to City Council to examine pedestrian mobility and safety; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

Item 3.2: This was previously Item 3.4, was moved to Item 3.2 - WARD AVENUE VILLAS – GENERAL PLAN AMENDMENT 01-2015, REZONE 01-2015, AND VESTING TENTATIVE MAP 01-2015. PROJECT DESCRIPTION: Request for the development of 28 single family parcels and a storm water basin on 2.42 acres to be rezoned to Planned Development. Property is located at 2912 Ward Avenue, west of Roselle Avenue, APN 132-036-003 within an R-1 Single Family Residential Zoning District.

- Donna M. Kenney presented the staff report and PowerPoint on item 3.2.
- Public Hearing was opened at 7:37 p.m.
- Troy Wright with Windward Pacific Builders, applicant spoke on behalf of his project and the deciding factors and challenges they had with planning the project.
- Rod Hawkins with Hawkins & Associates Engineer applicants engineer spoke on behalf of the project and the storm basin.
- Commissioner Villapudua asked about the depth of the basin.
- Commissioner Stewart asked questions about the landscaping.
- Discussion on wood fencing verses vinyl fencing.
- Rosa Medrano that lives next to the project is concerned with her vinyl fence and 2 story houses looking into her yard.
- Commission and Mr. Wright discussed fencing issues.
- Rosa Medrano asked additional question and concerns to her fencing if damaged.

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- Donna Kenney stated that any fencing that is damaged during construction would be replaced like for like.
 - Lucrecia Castillo asked questions about the project and parking concerns.
 - Patricia Hughes read an email that was received by Judy Garcia into the public hearing comments.
 - Troy Wright continued through the amenities list of resolution 2016-006.
 - Rosa Medrano asked about utility poles.
 - Lucrecia Castillo also asked additional question to project.
 - Rosa Medrano asked what the homes would look like.
 - Public Hearing was closed at 8:42 p.m.

ACTION: Resolution 2016-004 - By motion moved/second (McKinney / Stewart / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

ACTION: Resolution 2016-005 - By motion moved/second (McKinney / Stewart / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

ACTION: Resolution 2016-006 – By motion moved/second (McKinney / Stewart / passed 4-0) was approved after staff made changes and recommendations; motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

Item 3.3: This was previously Item 3.2, was moved to Item 3.3 - RIVERBANK 2014-2023 HOUSING ELEMENT AND INITIAL STUDY/NEGATIVE DECLARATION. PROJECT DESCRIPTION: The Planning Commission will hold a Public Hearing to review and make recommendations to the City Council regarding: 1) Initial Study/Negative Declaration on the Housing Element Update 2014-2023; and 2) an amendment to the Riverbank General Plan to adopt the Housing Element Update for the 2014-2023 Planning Period. The Proposed project is an update to the Riverbank Housing Element. In compliance with Government Code Section 65580 *et sec.*, the proposed Housing Element Update, which supports goals and policies of the City's current Housing Element, provides policies and implementation programs under which new housing development would be allowed. The proposed Housing Element includes updated policies and programs that are intended to guide the City's housing efforts through the 2014-2023 planning period.

- Donna M. Kenney introduced item 3.3 and David Niskanen; consultant planner presented the staff report and PowerPoint.
- Chair Hughes asked the Commission if they had any questions.
- Commissioner McKinney asked how confident are they.
- Mr. Niskanen responded to McKinney's question that they have done all that has been asked of them so they are very confident.
- Commissioner Villapudua asked Mr. Niskanen some questions.
- Mr. Niskanen responded to his questions.
- Public Hearing was opened at 9:00 p.m.
- Being there was no comments the Public Hearing was closed at 9:01 p.m.

ACTION: *By motion moved/second (Stewart / McKinney / passed 4-0) was approved As submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

Item 3.4: This was previously Item 3.3, was moved to Item 3.4 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING THE RIVERBANK MUNICIPAL CODE BY REPEALING IN ITS ENTIRETY CHAPTER 153: VARIANCE OF TITLE XV: LAND USAGE AND SUBSTITUTING IT WITH A NEW CHAPTER 153: VARIANCE. PROJECT DESCRIPTION: The proposed Ordinance Amendment will update the City's Municipal Code to make the Planning Commission the deciding body of a variance request. An appeal of the Planning Commission's decision would still be heard in public hearing by the City Council.

- Donna M. Kenney presented the staff report and PowerPoint on item 3.4.
- Planning Commission discussed item.
- Public Hearing was opened at 9:05 p.m.
- Being there was no comments the Public Hearing was closed at 9:06 p.m.

ACTION: By motion moved/second (Villapudua / McKinney / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

5. COMMISSION ITEMS (Information Only – No Action)

Item 5.1: Planning Commissioner appointments were notified January 13th. They are Joan Stewart, Edward Tabacco and Larry King. Newly appointed Commissioners will be given the Oath of Office at the January 26th City Council meeting at 6:00 p.m. and the Council will also recognize Planning Commissioners Patricia Hughes and John Degele for their years of service on the Planning Commission Board. - Donna Kenney thanked Chair Hughes for her years of service on the Planning Commission Board.

6. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information Only – No Action)

Item 6.1: 39th Annual Stanislaus County Planning Commissioners' Workshop – Saturday, February 27, 2016. - Commissioners Villapudua, Stewart, McKinney and Hughes all stated they would want to attend this workshop.

7. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

Item 7.1: Diamond Bar West – Final Subdivision Map. Applicants are working on the plans for utilities, streets, hawk foraging land mitigation and oak tree mitigation.

Item 7.2: Diamond Bar West – Architecture and Site Plan Review. Application to be submitted within 2 weeks.

8. NEW BUSINESS (Information Only – No Action)

Item 8.1: Crossroads Shopping Center, Pad "C" Update - Panda Express (open), Chipotle, Dickey's BBQ Pit, AT&T Store (open), and Five Guys.

Item 8.2: Crossroads Shopping Center, Pad "G" Update – (next to Bevmo) America's Tire plans in review.

9. ADJOURNMENT – There being no further business, Chair Hughes adjourned the meeting at 9:15 p.m.

ATTEST:

APPROVED:

Donna M. Kenney
Recording Secretary

Carlos Villapudua, Chair
Planning Commissioner



City of Riverbank Development Services Department

Planning Division ≈ Building Division ≈ Neighborhood Improvement Division

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7128 FAX (209) 869-7126

PUBLISH DATE: February 19, 2016
DEPT: PLANNING

LEGAL

CITY OF RIVERBANK **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Riverbank Planning Commission will conduct a special public hearing to consider a Sign Variance, described below at 6:00 p.m. on Monday, February 29, 2016, in Council Chambers 6707 Third Street, Riverbank, California.

Project Descriptions:

1) **Variance 01-2016 Galaxy Theaters – 2525 Patterson Road (APN 075-0008-029). The request is to allow a proposed 530 square foot IMAX sign at 47 feet in height where a 300 square foot sign at 40 feet in height is permitted.**

The City of Riverbank will hold a Public Hearing as follows:

Special Planning Commission Meeting
February 29, 2016 at 6:00 pm
City Hall Council Chambers - 6707 Third Street - Riverbank, California

ALL INTERESTED PARTIES are invited to attend the public hearing on **February 29, 2016** at the time and place specified above to express opinions or submit evidence for or against the subject matter being considered. Written comments via e-mail to dkenney@riverbank.org by postal service, or hand delivered to **6707 Third Street, Suite A, Riverbank, California, 95367**, will be accepted by the Development Services Department up to 5:00 p.m. on said date. All written comments received by said time will be distributed to the Planning Commission for consideration. Oral comments will be received by the Planning Commission prior to the close of the Public Hearing on the subject matter being considered. The Planning Commission will receive all testimony prior to taking action. Testimony cannot be given over the telephone. If you challenge the City's action on these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing.

Meeting facilities are accessible to persons with disabilities. Any person requiring special assistance to participate in the meeting should notify the Administration Dept. at (209) 863-7122 or cityclerk@riverbank.org at least seventy-two (72) hours prior to the meeting. For questions regarding the public hearing matter contact Donna Kenney, Planning & Building Manager, at (209) 863-7124; dkenney@riverbank.org.

Any public record materials pertaining to the presentation of the subject matter being considered will be made available for review at the Development Services Counter at 6717 Third Street, Riverbank, and (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

ITEM NO: 3.1 **February 29, 2016**

APPLICATION: **Variance No. 01-2016** – Galaxy Cinemas-Riverbank – 2525 Patterson Road, Riverbank (APN 075-008-029).

PROPERTY OWNER: Galaxy Cinemas-Riverbank

APPLICANT REPRESENTATIVE: Rich Holmer, Representative

LOCATION: 2525 Patterson Road, Riverbank

GENERAL PLAN: Mixed Use

ZONING: C-2, General Commercial (PD-42)

ENVIRONMENTAL DETERMINATION: The proposed project will not have a significant effect on the environment and is categorically exempt under Section 15311, Class 11 Accessory Structures, the construction of minor structures accessory to existing commercial facilities, (a) on-premise signs.

PROJECT PLANNER: Donna M. Kenney, Planning and Building Manager

RECOMMENDATION: Recommend that the City Council finds the Project is categorically exempt under Section 15311, Class 11 Accessory Structures and approves a variance for a proposed 530 square foot IMAX sign at 47 feet in height where a 260 square foot sign at 40 feet in height is permitted or deny the variance if findings cannot be made (Attachments 1 and 2).

ACRONYMS: CEQA – California Environmental Quality Act
PD – Planner Development
RMC – Riverbank Municipal Code
SF – Square Feet or Foot

I. EXECUTIVE SUMMARY:

The applicant, Galaxy-Cinemas Riverbank (“Galaxy”) is seeking a variance for a proposed five hundred-thirty (530) square foot (sf) IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) sf sign at forty (40) feet in height is permitted. In conducting research for this staff report, it was determined that a conditional use permit could have been processed instead, requiring the approval of the Planning Commission only instead of hearings in front of both the Planning Commission and the City Council as is currently required for a variance.

II. ENVIRONMENTAL DETERMINATION:

The proposed project will not have a significant effect on the environment and is categorically exempt under Section 15311, Class 11 Accessory Structures, the construction of minor structures accessory to existing commercial facilities, (a) on-premise signs.

III. BACKGROUND AND ANALYSIS:

On May 5, 2015, the Planning Commission approved Conditional Use Permit No. 01-2015 for Galaxy, a request to modify the existing Development Plan for PD (42) to allow the construction of an 8,750 square foot addition to the existing 12–screen cinema complex to accommodate an IMAX theater. The structure is 48 feet in total height and construction began on it in late 2015.

On January 19, 2016 a signage application was completed and submitted with plans to Development Services (Attachment 3). Planning reviewed the documents and found the sign’s area was two hundred-seventy (270) sf over what was permitted for an eighty (80) foot addition and approximately seven (7) feet higher than what is permitted by Code in this zoning district. Staff denied the application based on the following calculations (RMC 153.285 (B)(1)(b)(2a and 3):

(2a) 80’ new building frontage	(3) Maximum height allowed = 40’
First 50’ = 4 sf / linear foot = 200 sf	Proposed height of sign = 47’
Second 50’ = 2 sf / linear foot = 60 sf	
Total = 260 sf allowed	
Total proposed signage = 530 sf	

In the approved Building Permit plan set, Sheet A.7.2 contains two notations concerning the IMAX sign. In the “Materials Legend,” #11 states that illuminated signage will be provided by Galaxy under a separate permit. Signage is normally processed under its own permit in the City. The second note states that the contractor will “coordinate with the sign manufacturer for the final locations of the tube steel sign supports” that connect the sign to the building. Unfortunately, the tube steel sign supports were placed into the south building elevation before the sign application was submitted to the City and before their locations were coordinated with the sign manufacturer (Attachment 4). Planning

staff found out the tube steel sign supports were already installed after denying the sign application. They are not just connected to the block wall but they go through the block wall and into the frame of the building, an expensive mistake to correct.

Pursuant to RMC Section 153.217 (a), the following Finding of Facts below shall be made in approving a variance. If a CUP had been processed for this project instead, only Finding #3 would be necessary.

1. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.

The Zoning development standards states that "Chimneys, communication towers, mechanical appurtenance, monuments, spires, campaniles, public and quasi-public buildings may be permitted in excess of height limits for the various districts". Thus taller structures are permitted for other commercial uses within the C-2 zone and within the general vicinity. There is no other theatre auditorium that has an IMAX screen within 55 miles of Riverbank (Dublin, Ca.). Our other properties that feature an IMAX screen have the same size exterior sign. This visual symbol will attract additional patronage and serve as a beacon for the economic success of present and future business throughout the City.

2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privilege.

The operation of a movie theatre relies on letting both pedestrians and motorists know they have reached an entertainment destination. The City General Plan recognizes the uniqueness of each business necessary for a vibrant local economy. For example the following General Plan policies are available for each and every Riverbank business:

a. Policy LAND-4.2 The City will encourage the revitalization of existing commercial areas through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement process, catalyst project, public-private partnerships and other means.

b. Goal DESIGN-12 The Patterson road corridor and existing commercial areas are Vital and Attractive Focal points of Community Activity.

The auditorium will become an entertainment destination thus benefitting all commercial establishments on Patterson Road (CA Highway 108) and throughout the City. Also, the granting of this variance will directly implement the aforementioned goals and policies of the General Plan and will not constitute a special privilege to Galaxy Theatre.

3. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The sign will be facing Patterson Road, away from residential neighborhoods. Illumination from the sign will be directed toward Patterson Road, making minimal or actually beneficial impacts, such as patron safety, created by the sign. The sign will be constructed according to the California Building Code thereby not injurious to property or other neighborhood improvements.

IV. PUBLIC NOTICE:

The Planning Commission hearing notice was published in the Modesto Bee on February 18, 2016 and posted at City Hall North and South on February 18, 2016. In addition, the applicant posted the site on February 19, 2016 and notices were distributed to residents and business within three hundred (300) feet of the Project site in accordance with City standard practices. At the time of the writing of this Staff Report (February 24, 2016), the City has not received any written public comment. Written comments received by the City shall be supplied to the Commission at the day of the meeting for the public record.

V. RECOMMENDATION:

Recommend that the City Council finds the Project is categorically exempt under Section 15311, Class 11 Accessory Structures and approves a variance for a proposed five hundred-thirty (530) sf IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) sf sign at forty (40) feet in height is permitted or deny the variance if findings cannot be made.

Attachments:

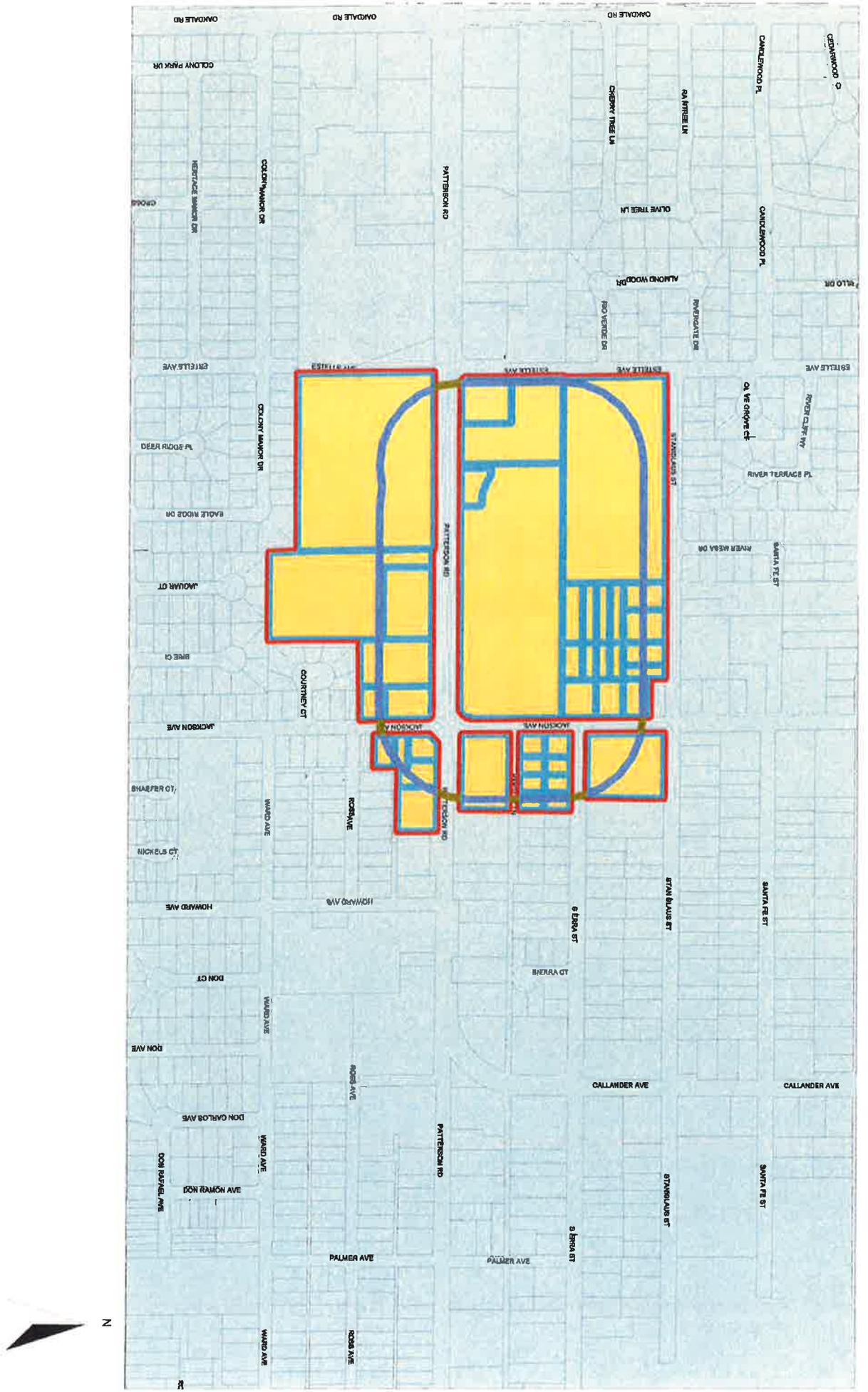
1. Resolution 2016-008, A Resolution Approving the Variance
2. Resolution 2016-009, A Resolution Denying the Variance
3. IMAX signage plans
4. South Elevation Photo, Tube Steel Sign Supports

Respectfully Submitted By:

Donna M. Kenney

Donna M. Kenney
Planning and Building Manager

300 Ft. Radius Map for Galaxy Theaters



NOTICE OF DEVELOPMENT

NOTICE IS HEREBY GIVEN that an application for a development permit for this property has been filed with the CITY OF RIVERBANK

Application For: Signage Variance

Site Location: 2525 Patterson Rd.

APN: 075-008-029

CEQA Environmental Assessment: Exempt from CEQA pursuant to Section 15311 (Class 11) of the State CEQA Guidelines related to

Description of Project: Requesting a variance for an IMAX sign at forty-seven (47) feet in height where only a sign at forty (40) feet in height is permitted.

You are invited to express your opinion at a Planning Commission Meeting tentatively scheduled for 6:00pm on February 29, 2016

Department of the City of Riverbank located at 66

PERMIT APPLICATION

Application for a development permit for IMAX SIGN

CEQA pursuant to Section 15311 (Class 11) of the State CEQA Guidelines related to
Necessary Strictures.

Proposed five hundred - thirty (530) sf sign at forty-seven (47) feet in height and two hundred - sixty (260) sf sign at forty (40) feet in height.

Planning Commission Meeting
February 29, 2016

Third Street., (209) 863-7128

**City of Riverbank
Planning Commission
Resolution No. 2016-008**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
FINDING AND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF
VARIANCE NO. 01-2016 FOR GALAXY-CINEMAS RIVERBANK**

Whereas, An application for a Variance has been received from Galaxy-Cinemas Riverbank (“Galaxy”) requesting to install a five hundred-thirty (530) square foot IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) square foot sign at forty (40) feet in height is permitted; and

Whereas, The property, 2525 Patterson Road, is zoned PD (42); and

Whereas, The Planning Commission held a public hearing on February 29, 2016 to consider the application; and

Whereas, Public Notice for the Public Hearing was published in the Modesto Bee on February 18, 2016 and notices to individual property owners within three hundred (300) feet were mailed on February 18, 2016; and

Whereas, The applicant, Mr. Rich Holmer, has provided evidence as part of his application, that the circumstance creates practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the PD (Planned Development) Zoning District; and

Whereas, The Planning Commission of the City of Riverbank believes the following three findings required under Riverbank Municipal Code Section 153.217, Variance can be supported:

1. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classifications; and
2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privileges; and
3. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and

Whereas, The Planning Commission of the City of Riverbank makes the following findings:

1. Notice has been given in the time and in the manner required by State Law and City Code; and
2. A variance requesting to install a five hundred-thirty (530) square foot IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) square foot sign at forty (40) feet in height is permitted is categorically exempt under Section 15311, Class 11 Accessory Structures, the construction of minor structures accessory to existing commercial facilities, (a) on-premise signs; and
3. The property is zoned PD (Planned Development 42) and is of level grade with no unique site characteristics; and
4. That the mandatory findings for granting a Variance, RMC Section 152.217, Variance, are found to exist and evidence is found to exist to support the request of Mr. Holmer to install a five hundred-thirty (530) square foot IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) square foot sign at forty (40) feet in height is permitted.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Variance Application No. 01-2016 and Resolution No. 2016-008 be forwarded to the City Council for approval.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a special meeting held on the 29th of February, 2016; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of _____:

Ayes:

Nays:

Absent:

Abstain:

Attest:

Approve:

Donna M. Kenney
Planning and Building Manager

Carlos Villapudua
Planning Commission, Chair

**City of Riverbank
Planning Commission
Resolution No. 2016-009**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
FINDING AND RECOMMENDING TO THE CITY COUNCIL DENIAL OF VARIANCE
NO. 01-2016 FOR GALAXY-CINEMAS RIVERBANK**

Whereas, An application for a Variance has been received from Galaxy-Cinemas Riverbank (“Galaxy”) requesting to install a five hundred-thirty (530) square foot IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) square foot sign at forty (40) feet in height is permitted; and

Whereas, The property, 2525 Patterson Road, is zoned PD (42); and

Whereas, The Planning Commission held a public hearing on February 29, 2016 to consider the application; and

Whereas, Public Notice for the Public Hearing was published in the Modesto Bee on February 18, 2016 and notices to individual property owners within three hundred (300) feet were mailed on February 18, 2016; and

Whereas, The applicant, Mr. Rich Holmer, has not provided evidence as part of his application, that the circumstance creates practical difficulties, unnecessary hardships and results inconsistent with the general purpose of the PD (Planned Development) Zoning District; and

Whereas, The Planning Commission of the City of Riverbank believes the following three findings required under Riverbank Municipal Code Section 153.217, Variance cannot be supported:

1. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classifications; and
2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privileges; and
3. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and

Whereas, The Planning Commission of the City of Riverbank makes the following findings:

1. Notice has been given in the time and in the manner required by State Law and City Code; and
2. A variance requesting to install a five hundred-thirty (530) square foot IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) square foot sign at forty (40) feet in height is permitted is categorically exempt under Section 15311, Class 11 Accessory Structures, the construction of minor structures accessory to existing commercial facilities, (a) on-premise signs; and
3. The property is zoned PD (Planned Development 42) and is of level grade with no unique site characteristics; and
4. That the mandatory findings for granting a Variance, RMC Section 152.217, Variance, are not found to exist and evidence is not found to exist to support the request of Mr. Holmer to install a five hundred-thirty (530) square foot IMAX sign at forty-seven (47) feet in height where a two hundred-sixty (260) square foot sign at forty (40) feet in height is permitted.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Variance Application No. 01-2016 and Resolution No. 2016-009 be forwarded to the City Council for denial.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a special meeting held on the 29th of February, 2016; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of _____:

Ayes:

Nays:

Absent:

Abstain:

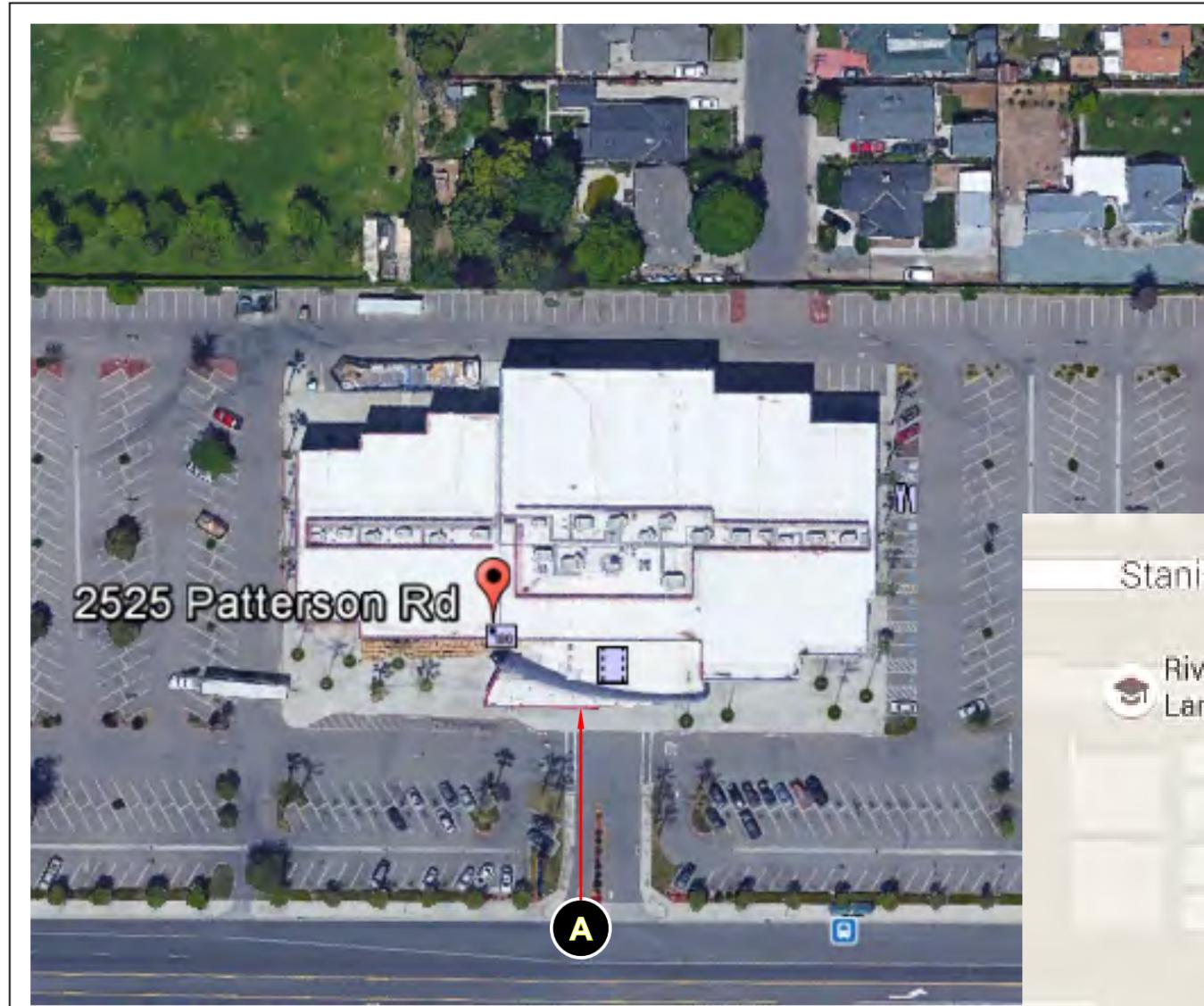
Attest:

Approve:

Donna M. Kenney
Planning and Building Manager

Carlos Villapudua
Planning Commission, Chair

Attachment 3



VICINITY & AERIAL MAP

N.T.S.



**TITLE 24
COMPLIANT**
State of California

Design #	0612057AR4
Sheet	1 of 4
Location	
Address	2525 PATTERSON RD RIVERBANK, CA 95367
Acct. Rep.	STAN MACRUM
Coordinator	JAMIE MACRUM
Designer	H. PAYNE
Date	11/23/15
Approval / Date	
Client	
Sales	
Estimating	
Art	
Landlord	
Engineering	

- Revision / Date
- R1(12/31/15)HP: ADDED ALTERNATE WALL MOUNTING ATTACHMENT FOR CHANNEL LETTERS.
 - I(12/21/15)HP: REMOVED SELF CONTAINED POWER OPTION, PER CUSTOMER REQUEST.
 - R2(12/30/15)JG: UPDATED CABINET SECTIONS PER ARCHITECT'S DRAWINGS, REV'D MOUNTING INFO
 - R3(01/13/16)HP: ADDED 1.5" RETAINER, AND "SPINE" ON EACH LETTER TO HOUSE POWER SUPPLY.
 - R4(12/25/16)JG: REMOVED RACEWAYS, ADDED PAGE BOXES, SHOWED WHIP LOCATIONS

Chandler Signs
Brand Image Begins Here.

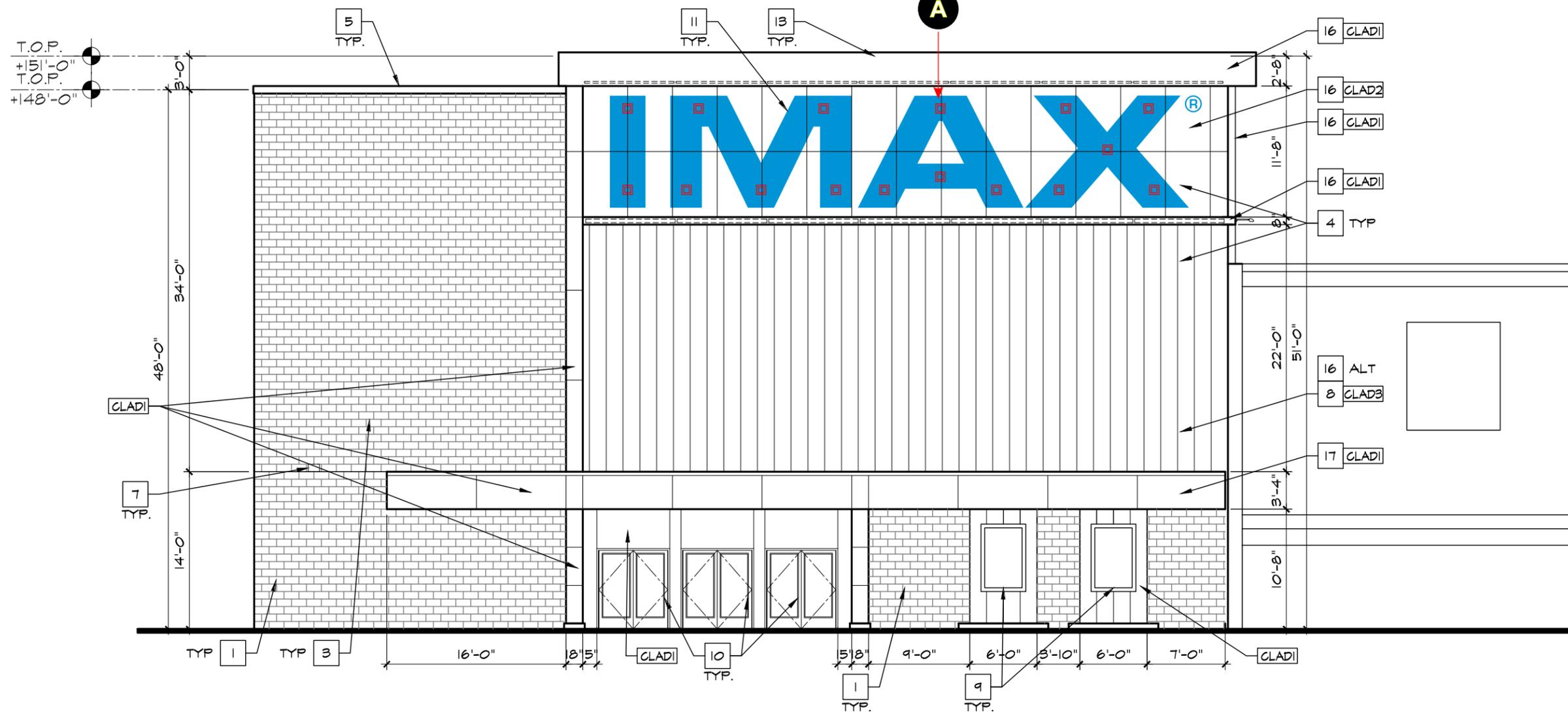
- 3201 Manor Way Dallas, TX 75235
214-902-2000 Fax 214-902-2044
- 17319 San Pedro, Ste 200 San Antonio, TX 78223
210-349-3804 Fax 210-349-8724
- 963 Baxter Avenue, Ste 200 Louisville, KY 40204
502-479-3075 Fax 502-412-0013
- 2584 Sand Hill Point Circle Davenport, FL 33837
863-420-1100 Fax 863-424-1160
- 37 Waterfront Park Court Dawsonville, GA 30534
800-851-7062 Fax 210-349-8724
- P.O. Box 125 206 Doral Drive Portland, TX 78374
361-563-5599 Fax 361-643-6533
- 1335 Park Center Drive, UNIT C Vista, CA 92081
760-967-7003 Fax 760-967-7033

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FINAL ELECTRICAL CONNECTION BY CUSTOMER

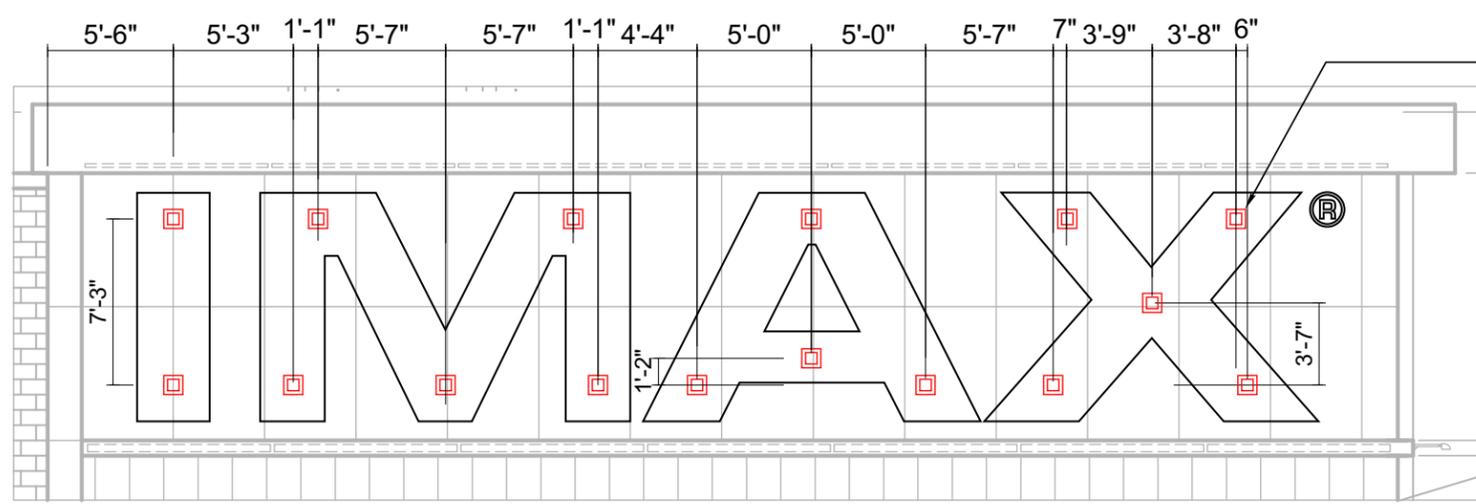
THIS SIGN IS INTENDED TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WILL BEAD IN LABEL(S).





SOUTH ELEVATION

SCALE: 3/32"=1'-0"



ENLARGED DETAIL

SCALE: 1/8"=1'-0"

Design #	0612057AR4
Sheet	2 of 4
Location	
Address	2525 PATTERSON RD RIVERBANK, CA 95367
Acct. Rep. Coordinator	STAN MACRUM JAMIE MACRUM
Designer	H. PAYNE
Date	11/23/15
Approval / Date	
Client	
Sales	
Estimating	
Art	
Landlord	
Engineering	
Revision / Date	

R1(12/31/15)HP: ADDED ALTERNATE WALL MOUNTING ATTACHMENT FOR CHANNEL LETTERS.
 I12(21/15)HP: REMOVED SELF CONTAINED POWER OPTION, PER CUSTOMER REQUEST.
 R2(12/30/15)JG: UPDATED CABINET SECTIONS PER ARCHITECT'S DRAWINGS, REV'D MOUNTING INFO
 R3(01/13/16)HP: ADDED 1.5" RETAINER, AND 'SPINE' ON EACH LETTER TO HOUSE POWER SUPPLY.
 R4(12/25/16)JG: REMOVED RACEWAYS, ADDED PAGE BOXES, SHOWED WHIP LOCATIONS

Chandler Signs
Brand Image Begins Here.

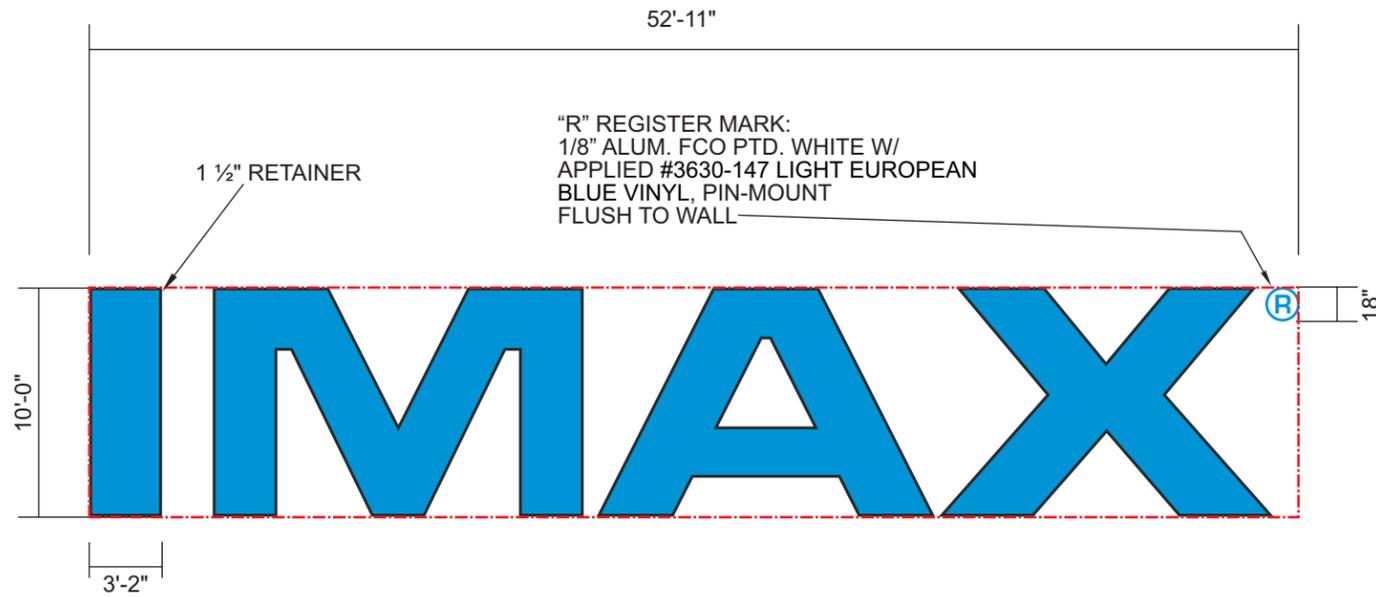
3201 Manor Way 214-902-2000	Dallas, TX 75235 Fax 214-902-2044
17319 San Pedro, Ste 200 210-349-3804	San Antonio, TX 78223 Fax 210-349-8724
963 Baxter Avenue, Ste 200 502-479-3075	Louisville, KY 40204 Fax 502-412-0013
2584 Sand Hill Point Circle 863-420-1100	Davenport, FL 33837 Fax 863-424-1160
37 Waterfront Park Court 800-851-7062	Dawsonville, GA 30534 Fax 210-349-8724
P.O. Box 125 206 Doral Drive 361-563-5599	Portland, TX 78374 Fax 361-643-6533
1335 Park Center Drive, UNIT C 760-967-7003	Vista, CA 92081 Fax 760-967-7033

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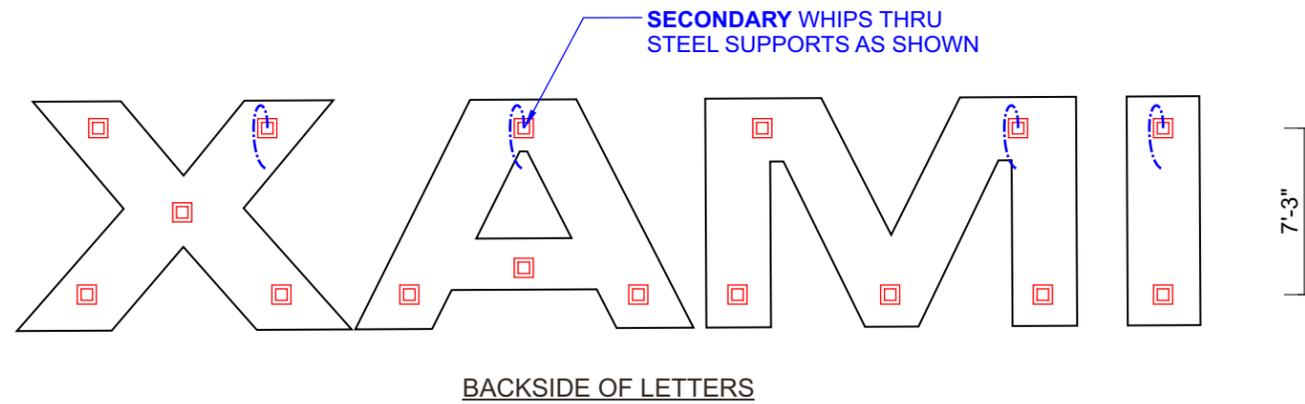
FINAL ELECTRICAL CONNECTION BY CUSTOMER

THIS SIGN IS INTENDED TO BE MANUFACTURED IN ACCORDANCE WITH ARTICLE 680 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING & BONDING OF THE SIGN. SIGN WITH "REAR UP" LABEL(S).

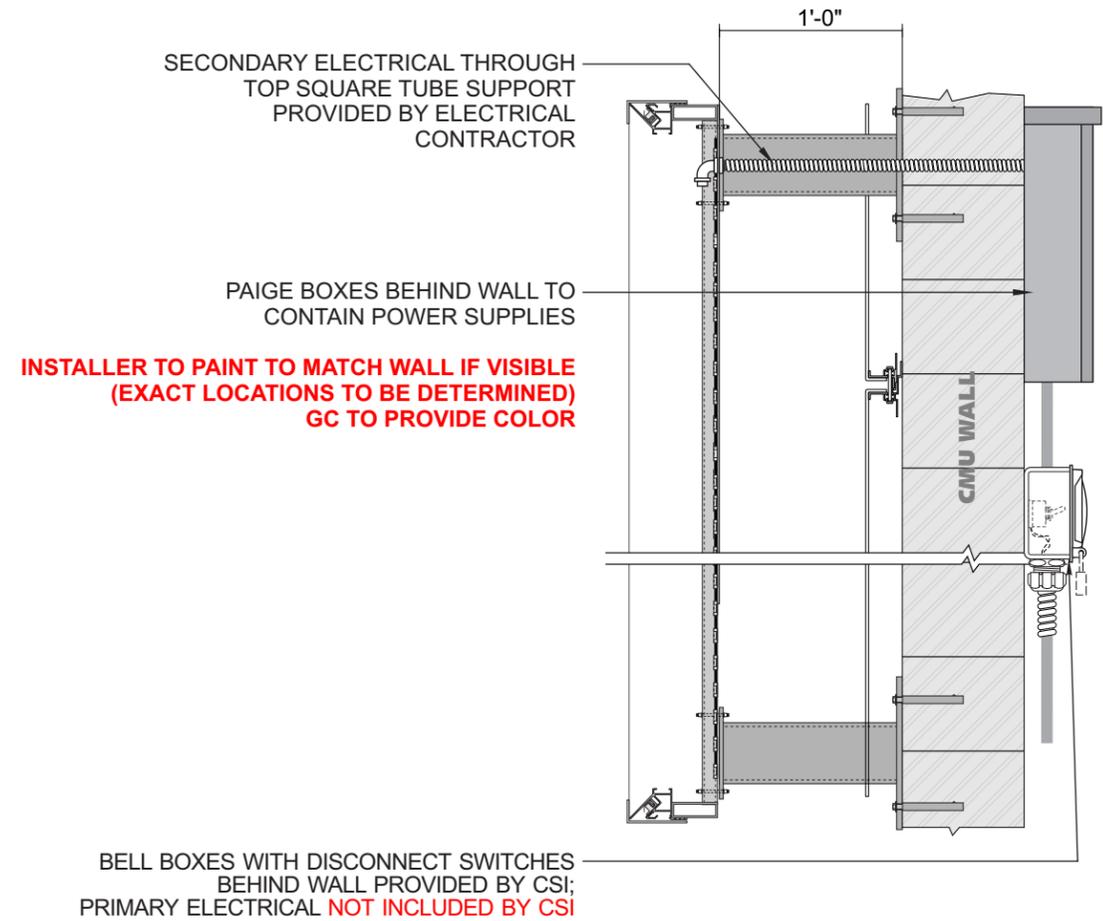
TITLE 24 COMPLIANT
State of California



SEE SECTION DETAILS ON NEXT PAGE



BACKSIDE OF LETTERS



INSTALLER TO PAINT TO MATCH WALL IF VISIBLE
(EXACT LOCATIONS TO BE DETERMINED)
GC TO PROVIDE COLOR

BELL BOXES WITH DISCONNECT SWITCHES
BEHIND WALL PROVIDED BY CSI;
PRIMARY ELECTRICAL NOT INCLUDED BY CSI

IMAX LETTER SECTION

SCALE 1"=1'-0"

GEN. CONTRACTOR TO PROVIDE ACCESS BEHIND WALL FOR LOCATION OF REMOTE POWER SUPPLIES

A REMOTE CHANNEL LETTERS SCALE: 1/8" = 1'-0"
ONE (1) REQUIRED - MANUFACTURE and INSTALL 530 TOT. SQ. FT.

STEEL SIGN MOUNTS TO BE PROVIDED BY GC

GELCORE TETRA MAX WHITE LED ILLUMINATION
TOTAL = .65 AMPS

Design #	0612057AR4
Sheet	3 of 4
Location	
Address	2525 PATTERSON RD RIVERBANK, CA 95367
Acct. Rep.	STAN MACRUM
Coordinator	JAMIE MACRUM
Designer	H. PAYNE
Date	11/23/15
Approval / Date	
Client	
Sales	
Estimating	
Art	
Landlord	
Engineering	

- Revision / Date
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 - R3(01/13/16)HP: ADDED 1.5" RETAINER, AND "SPINE" ON EACH LETTER TO HOUSE POWER SUPPLY.
 - R4(12/25/16)JG: REMOVED RACEWAYS, ADDED PAIGE BOXES, SHOWED WHIP LOCATIONS

Chandler Signs
Brand Image Begins Here.

3201 Manor Way 214-902-2000	Dallas, TX 75235 Fax 214-902-2044
17319 San Pedro, Ste 200 210-349-3804	San Antonio, TX 78223 Fax 210-349-8724
963 Baxter Avenue, Ste 200 502-479-3075	Louisville, KY 40204 Fax 502-412-0013
2584 Sand Hill Point Circle 863-420-1100	Davenport, FL 33837 Fax 863-424-1160
37 Waterfront Park Court 800-851-7062	Dawsonville, GA 30534 Fax 210-349-8724
P.O. Box 125 206 Doral Drive 361-563-5599	Portland, TX 78374 Fax 361-643-6533
1335 Park Center Drive, UNIT C 760-967-7003	Vista, CA 92081 Fax 760-967-7033

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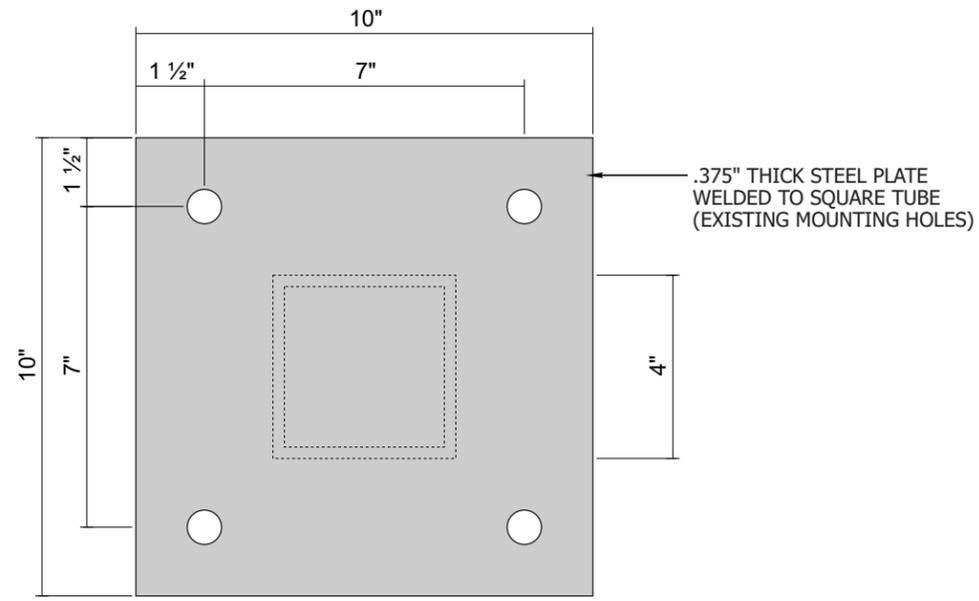


PLATE MOUNT SECTION - TO BUILDING SCALE: 3" = 1'-0"

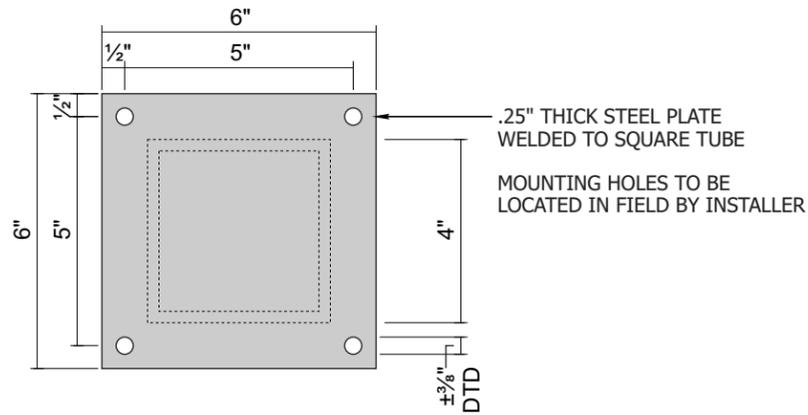


PLATE MOUNT SECTION - TO 'IMAX' LETTERS SCALE: 3" = 1'-0"

ALUMINUM EXTRUSION WITH 1 1/2" RETAINER. RETURNS RETAINERS AND BACKS PAINTED TO MATCH PMS 2925C BLUE, INSIDE WHITE L.E.F. (KICKERS BUILT INTO FRAME)

FLEX FACE WITH 1ST SURFACE APPLIED 3M 3630-147 LIGHT EUROPEAN BLUE VINYL

WHITE LED ILLUMINATION - POWER SUPPLIES TO BE CONTAINED IN PAIGE BOXES BEHIND WALL
INSTALLER TO PAINT TO MATCH WALL IF VISIBLE (EXACT LOCATIONS TO BE DETERMINED)
GC TO PROVIDE COLOR

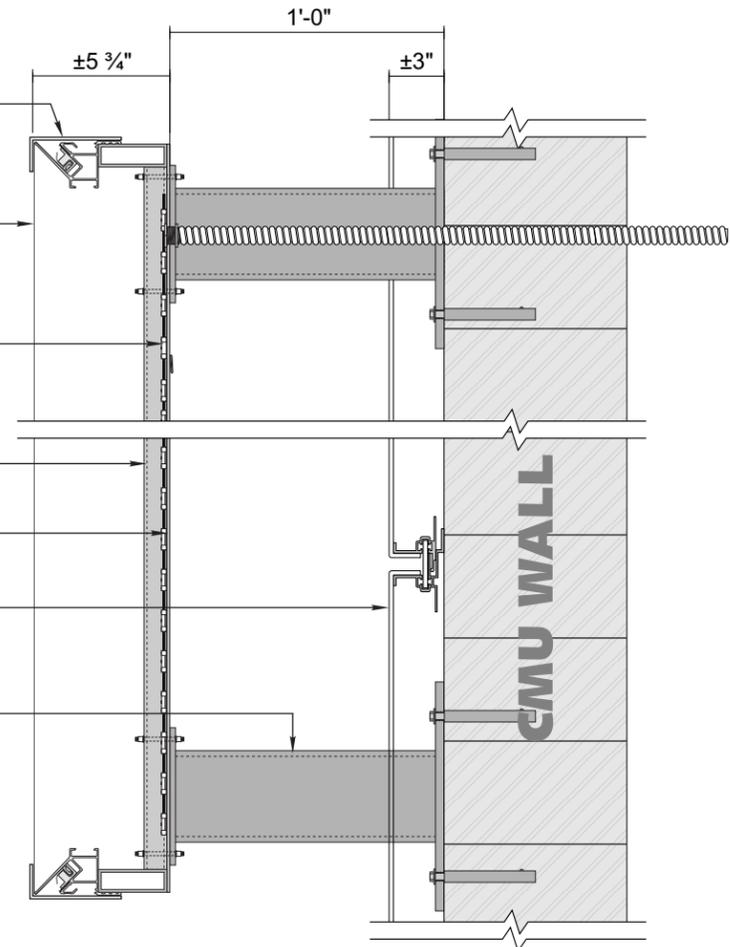
ALUMINUM FRAMING - MANUFACTURING TO DETERMINE

.125" ALUMINUM BACKS

ALPOLIC METAL COMPOSITE MATERIAL CLADDING TO BE INSTALLED BY CUSTOMER AFTER INSTALLATION OF MOUNTING PLATES

GALVANIZED STEEL SUPPORTS PROVIDED BY CUSTOMER - INSTALLED BY CSI WITH

FOUR (4) EA. .625" KB-3 CONCRETE WEDGE ANCHORS AND EPOXY 4" MINIMUM EMBEDMENT PER ARCHITECT'S DRAWINGS



IMAX LETTER SECTION

WATERPROOF DISCONNECT SWITCH REQUIRED
 (1) 20 AMP. 120v CIRCUIT REQUIRED

N.T.S.

Design #	0612057AR4
Sheet	4 of 4
Location	
Address	2525 PATTERSON RD RIVERBANK, CA 95367
Acct. Rep.	STAN MACRUM
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- R4(1/25/16)JG: REMOVED RACEWAYS, ADDED PAIGE BOXES, SHOWED WHIP LOCATIONS

Chandler Signs
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1335 Park Center Drive, UNIT C 760-967-7003	Vista, CA 92081 Fax 760-967-7033

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Attachment 4

