

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA# \*A-3

Urgent \_\_\_\_\_ Routine X

AGENDA DATE 1/23/01

CEO Concurs with Recommendation YES \_\_\_\_\_ NO \_\_\_\_\_  
(Information Attached)

4/5 Vote Required YES \_\_\_\_\_ NO \_\_\_\_\_

SUBJECT: APPROVAL TO SET A PUBLIC HEARING ON FEBRUARY 13, 2001, AT 9:25  
A.M. TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF  
ROOF-MOUNTED SIGNS

STAFF RECOMMENDATIONS:

1. APPROVE SETTING A PUBLIC HEARING ON FEBRUARY 13, 2001, AT 9:25 A.M. TO  
CONSIDER AN APPEAL BY GERRY HUGHES OF THE PLANNING COMMISSION'S  
DENIAL OF ROOF-MOUNTED SIGNS ON PROPERTY LOCATED ON PIRRONE ROAD IN  
SALIDA

FISCAL IMPACT: None.

BOARD ACTION

No. 2001-33

On motion of Supervisor Caruso, Seconded by Supervisor Simon

and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

Motion:

ATTEST: REAGAN M. WILSON, Clerk By: Christine Ferraro Deputy File No.



**BOARD OF SUPERVISORS**

**Pat Paul, 1<sup>st</sup> District**  
**Thomas W. Mayfield, 2<sup>nd</sup> District**  
**Nick W. Blom, 3<sup>rd</sup> District**  
**Raymond Clark Simon, 4<sup>th</sup> District**  
**Paul W. Caruso, 5<sup>th</sup> District**

1010 Tenth Street, Suite 6500, Modesto, CA 95354  
Phone: 209.525.4494 Fax: 209.525.4410

January 16, 2001

Gerry Hughes  
P.O. Box 97  
Salida, CA 95368

RE: Appeal of the Planning Commission's Denial of Roof-Mounted Signs

Dear Mr. Hughes:

This is to inform you that we received your letter on January 16, 2001, requesting an appeal of the Planning Commission's denial of roof-mounted signs on property located on Pirrone Road in Salida. An item will be going before the Board of Supervisors on January 23, 2001 requesting approval to set a Public Hearing on **February 13, 2001 at 9:25 a.m.** to consider this appeal.

For further information, please call Planning and Community Development at 525-6330 or the Board of Supervisors at 525-6415.

Sincerely,

Lillie L. Farriester  
Assistant Clerk  
Board of Supervisors

Cc: Planning and Community Development

\*A-3  
1/23/01

PLANNING  
DEPT.

01/16/01 2:34PM  
000E#1206

PLA PNTS \$315.00  
BOARD \$40.00

ITEMS 26  
CHECK \$575.00

# HUGHES

COMMERCIAL REAL ESTATE

B.M.  
1-16-01  
Rec # E-1206

January 10, 2001

Stanislaus County Board of Supervisors  
1010 10<sup>th</sup> Street  
Modesto, California 95354

Dear Supervisors:

On the evening of January 4, 2001, I appeared before the Planning Commission to appeal a decision by Ron Freitas to disallow roof signs on the property that Frank Denis and I developed on Pirrone Road in Salida. I have enclosed a copy of the letter I wrote to appeal this decision. As you are probably aware, I was turned down in my appeal. But that was not the worst thing that happened, at least in my opinion.

To begin with, I feel that Mr. Freitas in his opening remarks portrayed me more as a criminal than a real estate developer who made an effort to correct a problem and a misunderstanding. I tried to explain that what now appears on the building is a part of the building's steel structure, not an "add on" and that the sign frames were part of the building design. I was chastised by the chairperson of the commission for not building the building that she put her stamp of approval on.

The Commissioners expressed their dislike of the "unsightly sign frames." One commissioner made it clear that he was not going to set a precedent for "roof signs". That comment came after my question regarding all of the "pole signs" in the Salida area such as McDonalds. Mr. Freitas reiterated that each individual situation and application called for his approval. At that point it seemed to me it would have been useless to ask if the McDonald's sign didn't set a precedent, why would approval of my signs set a precedent.

January 10, 2001  
Board of Supervisors  
Page 2 of 3

Both my letter of appeal and my explanation that evening of why the building design had to be changed from the original design seemed to fall on deaf ears.

I have earned a living developing property in Salida for eleven years and believe that my record for creating attractive buildings is well established with buildings such as 4306 Sisk Road (Computer Tutor), 4260 Sisk Road (Verizon Wireless), 4400 Sisk road (Apria Health Care), 4731 Greenleaf Circle, 4718 Greenleaf Circle, 4911-4901 Cloutier Drive, and the building of discussion at 5301-5351 Pirrone Road.

I have always spent more money than I probably should have to create attractive as well as functional buildings so when criticized for creating something that is "unsightly" I take issue with that opinion.

I fear that perhaps my letter of appeal and verbal explanation to the commission of why the site plan had to be changed was not clear. After the plan was approved we found out that the cost to move the PG&E high-pressure gas line on the property would cost a staggering \$500,000.00. At this point our choice was either to abandon the project or redesign the site plan to work around the pipeline.

We finally came up with a design that could work but would no longer include the approved signs facing north on the one end and south on the other end of the building. Ms. Sutton-Berardi advised me that I would need to submit a new site plan to the planning staff but that there would be no problem with the change. We did not discuss the exterior design or roof signs. Our new site plan was approved and eventually the building plans. We had already committed for sale the building to the south and to the north. The buyers liked the end exposure because of the roof signs so it was necessary to modify the roof signs to fit the redesigned buildings. The sign faces were designed to serve only the one tenant on the north end and the one on the south.

January 10, 2001  
Board of Supervisors  
Page 3 of 3

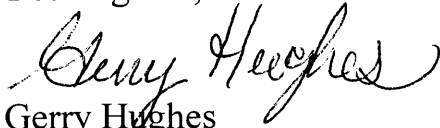
I had incorrectly assumed that my revised plan with the new sign faces had been approved when I received my building permit. However, the plan that I submitted for approval did not include the signs due to an error on the part of Modern Steel, our subcontractor. All the other sets did.

The first reason for Mr. Freitas' denial was that the signs would be "unsightly" and the second reason was they were "unnecessary". It was pointed out more than once in the meeting that signage on the front (freeway side of the buildings) was more than adequate; therefore the signs on the top of the building were not necessary. I mentioned numerous businesses along the freeway in Salida that have plenty of freeway exposure but also opted for large pole signs. Again, I was reminded that we weren't talking about pole signs. My logic was apparently lost. It concerns me when a staff of government employees determine what a business needs, and what they don't. My clients purchased the building to the north and south because of the additional exposure the roof signs offered and I have an obligation to them to pursue this matter.

Please review the enclosed photos of the existing sign frames and computer generated pictures of the finished signs.

Thank you for taking your valuable time to assist me in my decision.

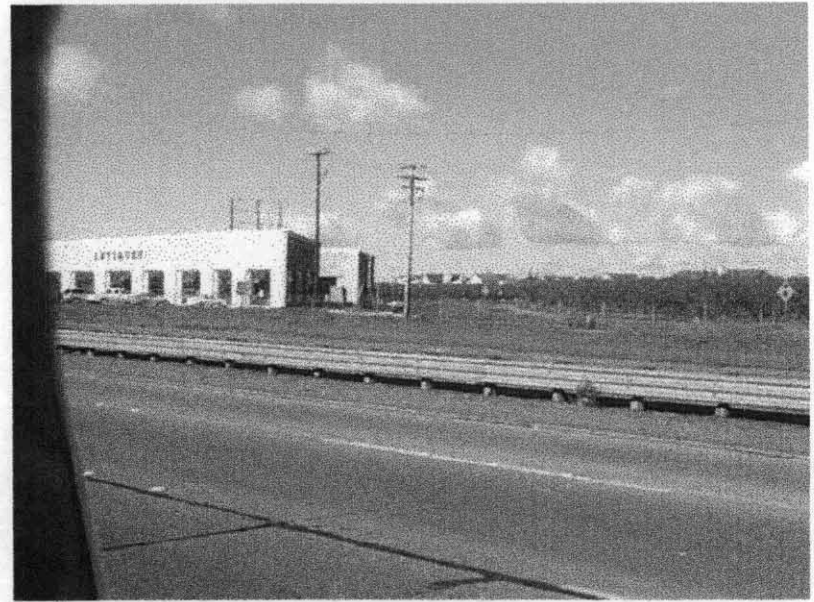
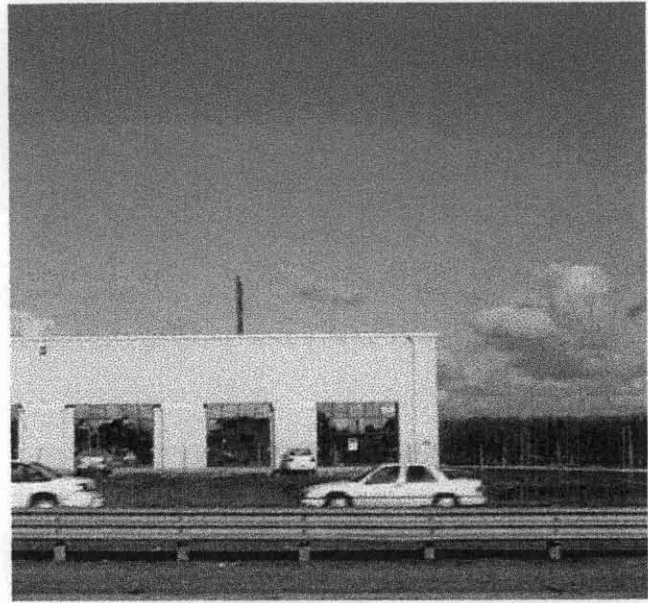
Best regards,

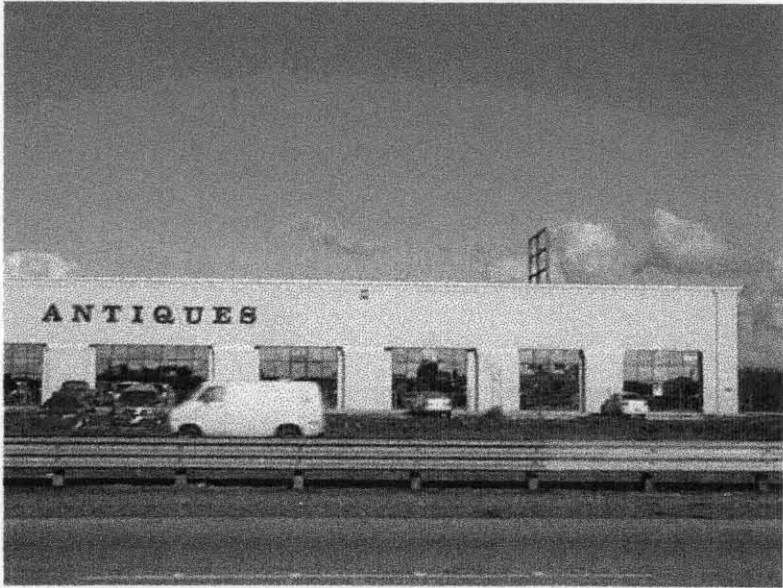


Gerry Hughes

GH:rls

Enclosures: 1) Letter of Appeal  
2) Photographs











# PROPOSAL

Date: October 18, 2000

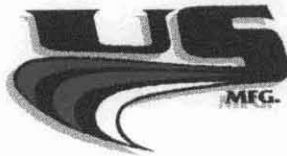
## ANTIQUE HUNTERS WAREHOUSE

Sign #1 (2) Sets of Trim Cap Plexiglass Letters  
Non-Illuminated - Stud Mounted  
1 Set for each side of Stucco Decorated Pinnacle.

Tenant: Antique Hunters Warehouse

Note: Sign Area Not To Exceed 16' - 0" Length  
and 6' - 0" in Height

## UNITED SPAS MANUFACTURING



Sign #2 (2) Sets of Trim Cap Plexiglass Letters  
Non-Illuminated - Stud Mounted  
1 Set for each side of Stucco Decorated Pinnacle.

Tenant: United Spas Warehouse

Note: Sign Area Not To Exceed 16' - 0" Length  
and 6' - 0" in Height

Curtis Graphics  
4836 Stratos Way, Suite H  
Modesto, CA 95356  
(209) 576-0877 Phone  
(209) 557-2928 Fax

CA. Lic. #691463

Proposal for:  
Hughes Commercial Real Estate  
5300 Pirrone Road  
Salida, CA 95368

### PROOF

Please review carefully. Your signature indicates your approval and releases CURTIS GRAPHICS of ALL responsibility. Any changes in composition or layout / design may require additional charges.

- Acceptable
- New proof requested
- Acceptable with changes

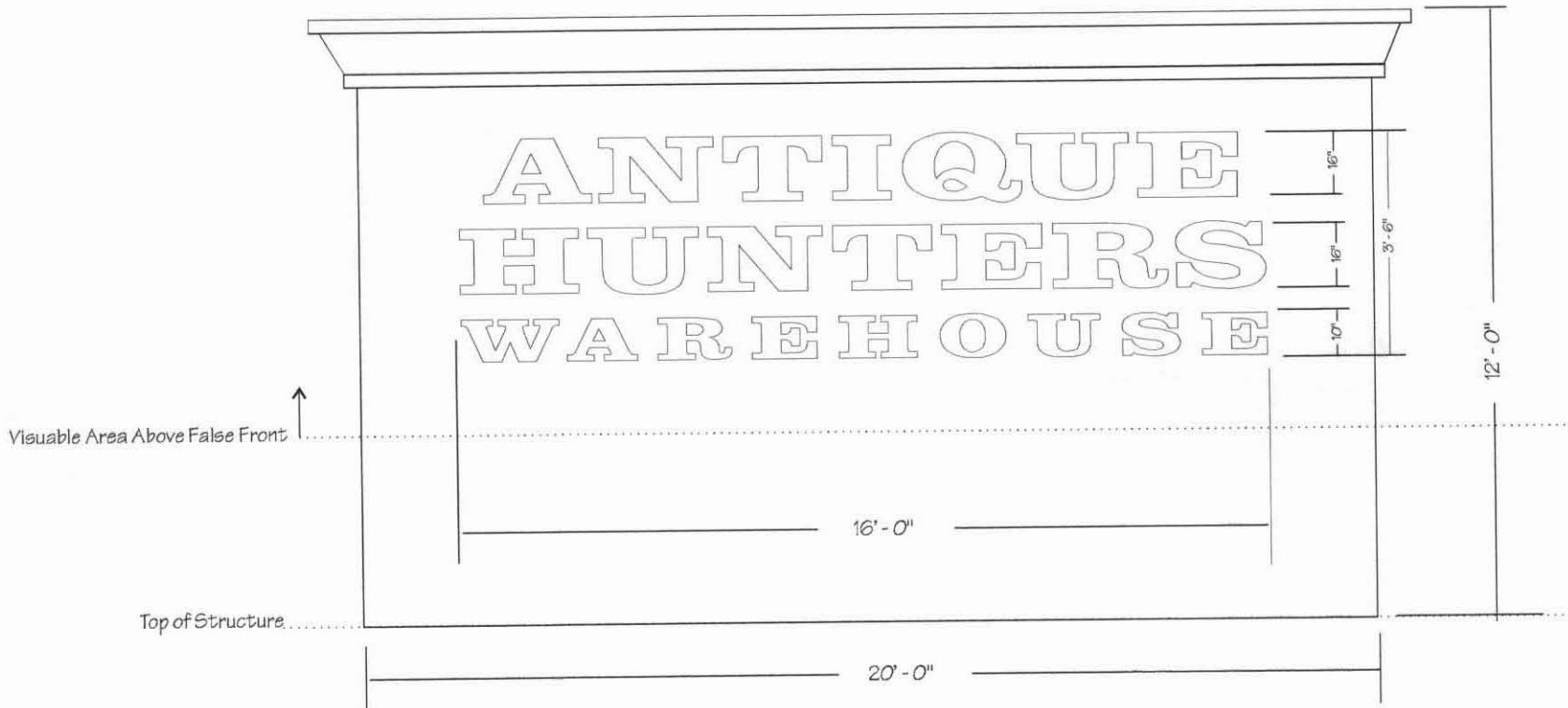
Signature of Tenant: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Building Owner / Property Mgt. \_\_\_\_\_ Date: \_\_\_\_\_



# PROPOSAL

Date: August 22, 2000



Curtis Graphics  
 4836 Stratos Way, Suite H  
 Modesto, CA 95356  
 (209) 576-0877 Phone  
 (209) 557-2928 Fax

CA. Lic. #691463

Proposal for: ANTIQUE HUNTERS  
 5351 Pirrone Road  
 Salida, CA 95368

Kent Mitchell  
 (209) 765-1309 Cell  
 (209) 545-4987 Off.  
 (209) 545-0007 Hm.

(2) Sets of Plexiglass Trim Cap Letters  
 Stud Mounted on to Decorated Stucco Pinnacle.

Note: This estimate includes all operations and materials to complete the work as specified based on standard trade customs. This proposal/estimate may be withdrawn by us if not accepted within 30 days. If charges are needed we will notify you.

## PROOF

Please review carefully. Your signature indicates your approval and releases CURTIS GRAPHICS of ALL responsibility. Any change in composition or layout / design may require additional charges.

- Acceptable
- New proof requested
- Acceptable with changes

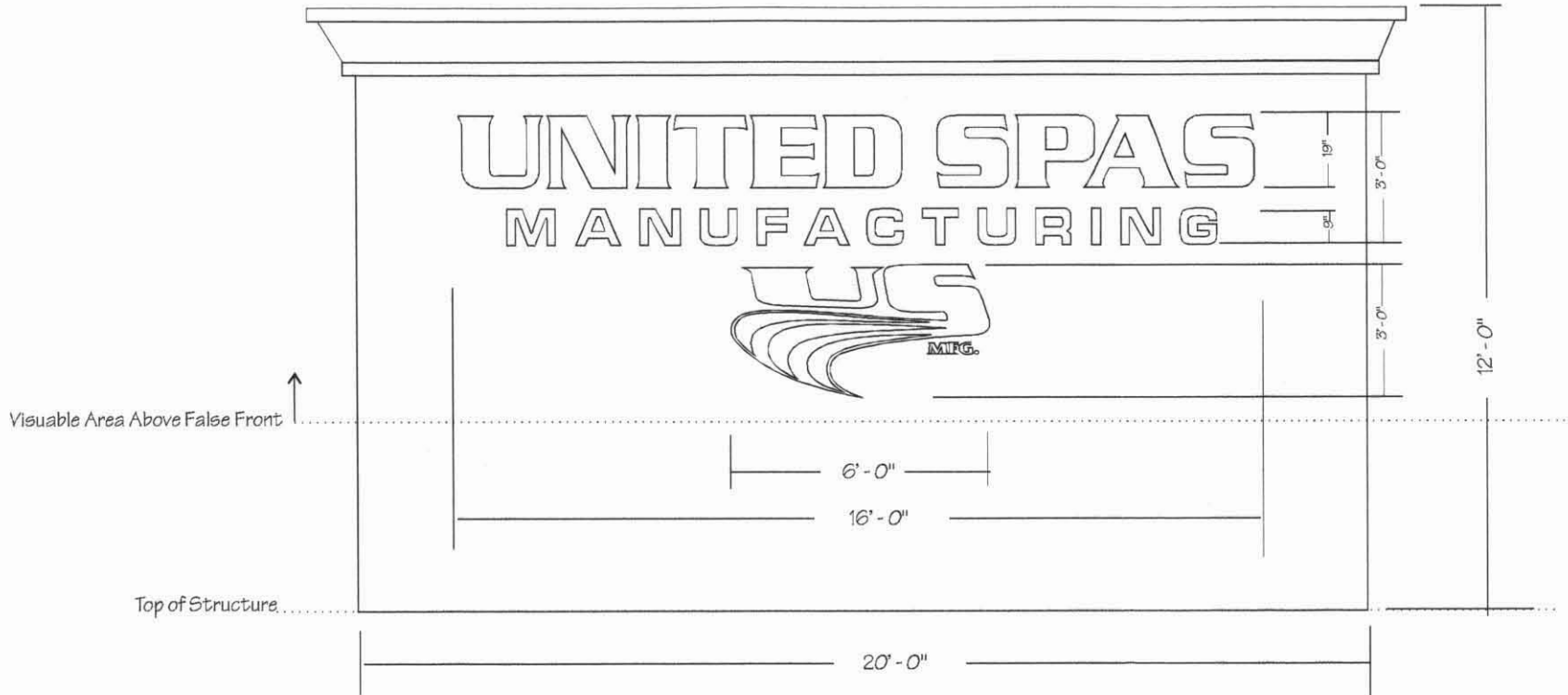
Signature of Tenant \_\_\_\_\_ Date \_\_\_\_\_

Signature of Building Owner / Property Mgt. \_\_\_\_\_ Date \_\_\_\_\_



# PROPOSAL

Date: August 27, 2000



Curtis Graphics  
 4836 Stratos Way, Suite H  
 Modesto, CA 95356  
 (209) 576-0877 Phone  
 (209) 557-2928 Fax

CA. Lic. #691463

Proposal for: United Spas Warehouse

Attn: Tim Kelly, Owner  
 613-5588

(2) Sets of Plexiglass Trim Cap Letters  
 Stud Mounted on to Decorated Stucco Pinnacle.

Note: This estimate includes all operations and materials to complete the work as specified based on standard trade customs. This proposal/estimate may be withdrawn by us if not accepted within 30 days. If charges are needed we will notify you.

## PROOF

Please review carefully. Your signature indicates your approval and release CURTIS GRAPHICS of ALL responsibility. Any change in composition or layout / design may require additional charges.

- Acceptable
- New proof requested
- Acceptable with changes

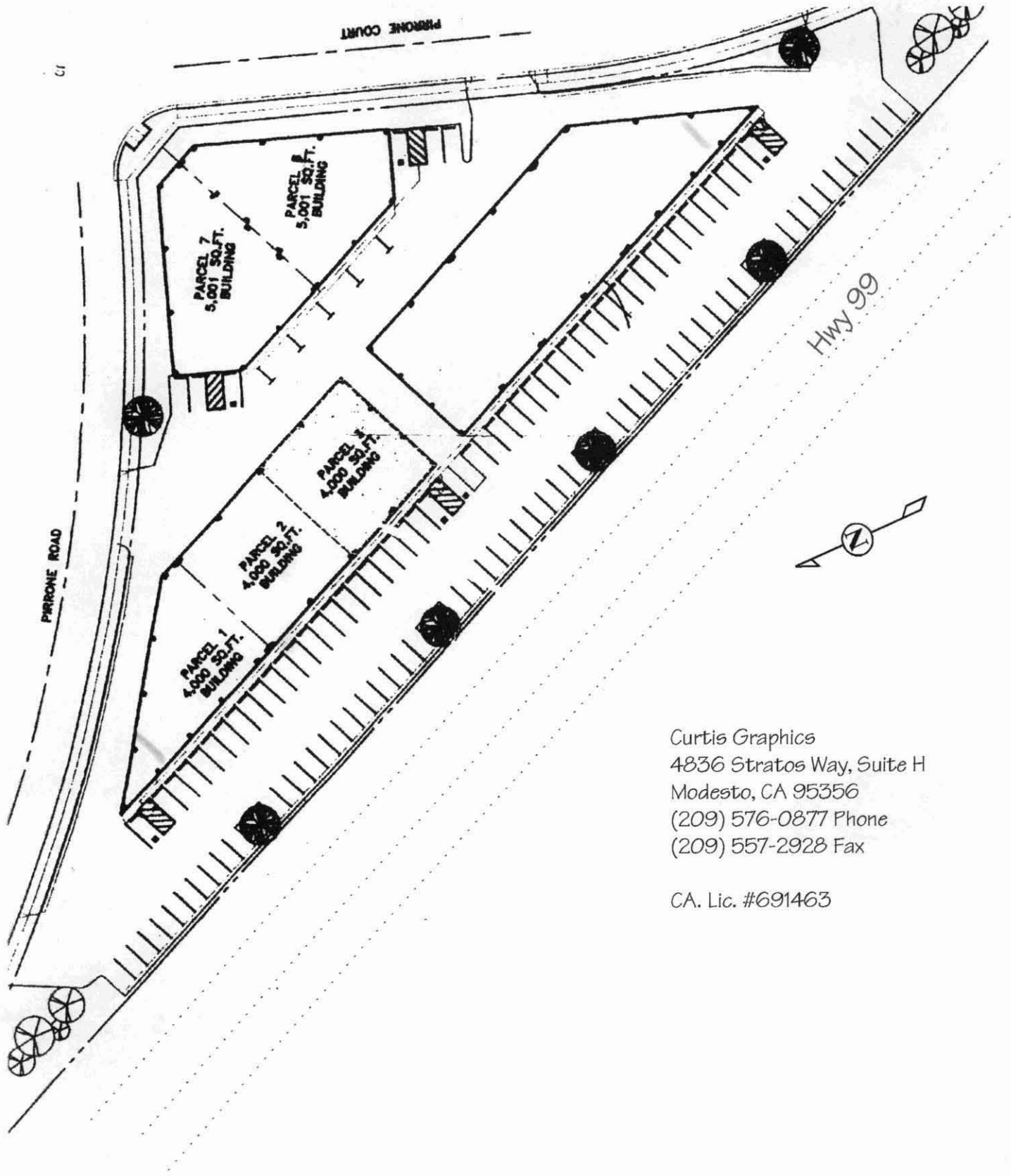
Signature of Tenant \_\_\_\_\_ Date \_\_\_\_\_

Signature of Building Owner / Property Mgt. \_\_\_\_\_ Date \_\_\_\_\_



# PROPOSAL

January 15, 2001



Curtis Graphics  
4836 Stratos Way, Suite H  
Modesto, CA 95356  
(209) 576-0877 Phone  
(209) 557-2928 Fax

CA. Lic. #691463

# HUGHES

COMMERCIAL REAL ESTATE

December 1, 2000

Stanislaus County Planning Commission  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Dear Commissioners:

The decision made by Ron Freitas, the Planning Director, to disapprove the "two roof-mounted signs" on the property at 5351 and 5321 Pirrone Road was a discretionary staff decision and I wish to appeal it.

My original approval included a sign face that extended twelve feet above the roofline and was just over sixty feet wide. The total square footage was approximately 600. The signs I am proposing are only 240 sq. ft. (12 ft high and 20 ft. wide.) The framework that is already installed is a part of the steel structure and not an add on. It was included in the original plans for the building but due to an error on the part of the steel builder there were two sets of plans submitted for approval by the Stanislaus County Building Department. One that included the sign face and one that did not. As luck would have it, the Building Department checked the set without the sign faces.

Assuming that we had approval by virtue of the fact that we received a building permit, we built the sign faces as per the plan. It was not until the building inspector caught the mistake that we were aware of the problem. The framework that now exists needs to be completed by applying a layer of sheetrock and then adding the stucco and trim cap to match the building. Please see Ms. Sutton Berardi for computer-generated drawings of the completed sign faces.

In the letter I received from Mr. Kachel, he states that the "building constructed on the property is not the same design as the one originally proposed for which a sign program was reviewed." The original approval included the 600 sq. ft. signs on the north and south ends of the project as well as signage along the freeway side. We were forced to change the design due to easements that affected the placement of the buildings. When we moved the buildings back away from the freeway because of the easements, it became necessary to bring the north and south ends of the project to a point. When we were forced to bring the buildings to a point, the original signs at either end had to be modified. In that process I made them smaller and moved them back away from the point. And as I have

already stated, the sign faces were a part of the plans we submitted. They just happened to be omitted on the one set the Building Department checked.

Signage is very important, even critical to most businesses. The tenants that have agreed to occupy the buildings involved in this misunderstanding were counting on those signs. So far I have been very fortunate to find good tenants for the properties I've developed in the County. It is important to me and my future developments in this county that I provide businesses with good exposure.

Please consider my request to allow the sign faces to remain and permit me to complete them in an attractive way.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerry Hughes". The signature is written in black ink and is positioned above the printed name.

Gerry Hughes

NOTICE OF PUBLIC HEARING REGARDING AN APPEAL BY GERRY  
HUGHES OF THE PLANNING COMMISSION'S DENIAL OF ROOF-MOUNTED  
SIGNS ON PROPERTY LOCATED ON PIRRONE ROAD IN SALIDA

NOTICE IS HEREBY GIVEN that on February 13, 2001 at the hour of 9:25 a.m., the Stanislaus County Board of Supervisors will meet in the Chambers located in the basement of Tenth Street Place County/City Administration Building at 1010 10th St., Modesto, CA, to consider an appeal of the Planning Commission's denial of roof-mounted signs on property located on Pirrone Road in Salida.

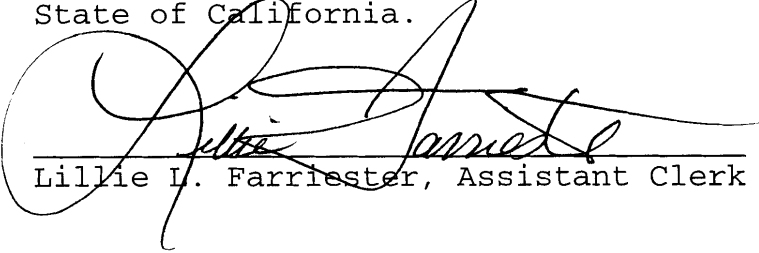
NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: January 23, 2001

ATTEST: REAGAN WILSON, Clerk of  
the Board of Supervisors  
of the County of Stanislaus,  
State of California.

BY:

  
Lillie L. Farriester, Assistant Clerk



**DECLARATION OF PUBLICATION**

(C.C.P. S2015.5)

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**


**I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the printer and principal clerk of the publisher of THE MODESTO BEE, printed and published in the City of MODESTO, County of STANISLAUS, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, under the date of February 25, 1951, Action No. 46453; that the notice of which the annexed is a printed copy, has been published in each issue thereof and not in any supplement thereof on the following dates, to wit:**

**FEBRUARY 3, 2001**

---

**I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at MODESTO, California, on**

**FENRUARY 3, 2001**  
(Date)

  
(Signature)

**NOTICE OF PUBLIC HEARING REGARDING AN APPEAL BY GERRY HUGHES OF THE PLANNING COMMISSION'S DENIAL OF ROOF-MOUNTED SIGNS ON PROPERTY LOCATED ON PIRRONE ROAD IN SALIDA**  
NOTICE IS HEREBY GIVEN that on February 13, 2001 at the hour of 9:25 a.m., the Stanislaus County Board of Supervisors will meet in the Chambers located in the basement of Tenth Street Place County/City Administration Building at 1010 10th St., Modesto, CA, to consider an appeal of the Planning Commission's denial of roof-mounted signs on property located on Pirrone Road in Salida.  
NOTICE IS FURTHER GIVEN that at the said time and place, interested persons will be given the opportunity to be heard. Material submitted to the Board for consideration (i.e. photos, petitions, etc.) will be retained by the County. If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board. For further information call (209) 525-6330.  
BY ORDER OF THE BOARD OF SUPERVISORS  
DATED: January 23, 2001  
ATTEST: REAGAN WILSON, Clerk of the Board of Supervisors of the County of Stanislaus, State of California.  
BY: Lillie L. Farriester, Assistant Clerk  
February 3, 2001

PROOF OF SERVICE BY MAIL - CCP 1013a, 2015.5

I declare that:

I am employed in the County of Stanislaus, California.  
(County where mailing occurred)

I am over the age of eighteen years and not a party to the within entitled cause; my business address is:

Stanislaus County Administration Building  
Department of Planning & Community Development  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

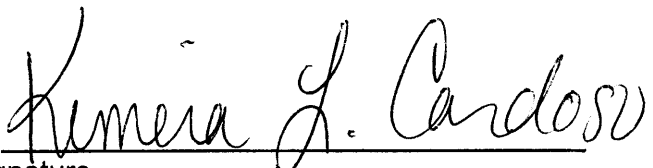
On FEBRUARY 2, 2001, I served the attached Notice of Public Hearing  
(Date)

APPEAL OF PLANNING COMMISSION DECISION OF ROOF MOUNTED  
SIGNS - GERRY HUGHES on the parties listed  
below in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage  
thereon fully prepaid, in the United States mail at Modesto, California, addressed as follows:

SEE ATTACHED LIST

I declare under penalty of perjury that the foregoing is true and correct, and that this  
declaration was executed on FEBRUARY 2, 2001, at Modesto, California.  
(Date)

KIMERA LYNN CARDOSO  
(Type or print name)

  
Signature



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA 95354  
Phone: 209.525.6330 Fax: 209.525.5911

February 2, 2001

NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN THAT** the Stanislaus County Board of Supervisors will hold a public hearing on **Tuesday, February 13, 2001**, starting at **9:25 A.M.** in the Joint Chambers, 1010 10<sup>th</sup> Street, Basement Level, Modesto, California, to consider the following:

**APPEAL OF PLANNING COMMISSION DECISION OF ROOF MOUNTED SIGNS - GERRY HUGHES** - Applicant appeal of Planning Director's decision to deny a request to place two roof-mounted signs located at 5351 and 5321 Pirrone Road, in the Salida area.

The property is further identified as Assessor's Parcel No. 036-08-33

The Board of Supervisors will also consider approval of a Negative Declaration for this item.

At the above noticed time and place, all interested persons will be given an opportunity to speak.

***Any written material, photographs, or other new information which you intend to present regarding this application should be submitted to this office ten days prior to the meeting. Presenting such information for the first time at the public hearing may lead to a continuance because Supervisors and other concerned parties may not be able to adequately review such new information during a meeting.***

Materials submitted to the Board for consideration (i.e., photos, slides, petitions, letters, etc.) will be retained by the County and cannot be returned.

If you challenge the above item in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Board, at or prior to, the public hearing.

For further information, please call (209) 525-6330.

I:\Kim\Lo-Notices\2001\BOS\02-13-01 - Hughes.wpd