

REPORT TO CITY COUNCIL

DATE: NOVEMBER 12, 2014

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *GR*

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT *MK*

SUBJECT: DISCUSSION OF TEMPORARY COMMERCIAL WINDOW SIGN PROVISIONS

The purpose of this agenda item is to provide the City Council temporary commercial window sign provision information and to seek direction on future standards, if any.

By way of background, in 2006 the City Council discussed enforcement activity and procedures relating to several components of the City Sign Ordinance, including commercial window signs. Staff had informed the City Council, at that time, that the City had received very few complaints regarding Code violations on commercial property. As directed by the City Council, the Code Compliance Officer monitors violation activity and enforcement of the Municipal Code, primarily to abate the more egregious violations. The most common violations found on commercial properties, at the time, concerned signage. Enforcement and compliance regarding the displays of banners, neon signs, and non-permitted real estate signs were achieved within short time periods. However, staff had noted that window signs remained prevalent.

The issue in enforcing the window sign provisions of the Sign Ordinance were not only that window signs were prevalent, but also that they are generally temporary and transitory in nature, thus requiring continued monitoring. Unlike temporary signs in the public right-of-way, which staff can remove immediately, temporary window signs are on private property and, thus, enforcement of violations must be done through due process.

The Zoning Ordinance provides for the following for temporary window signs: "One (1) sale sign per window, located on the inside of such window, is allowed on each public street frontage. Such sign shall be in addition to the total authorized sign area but shall not exceed twenty-five (25) percent of the total window area. The total window area shall include all windows in each individual storefront or tenant space. Said sign shall be compatible in terms of colors with the permanent signs, except fluorescent colors shall be prohibited."

To assist staff in enforcing the temporary window sign provisions of the ordinance, the City Council provided the following direction in 2006:

1. That the current single sign per window limitation and the current 25% window coverage limitation are appropriate, and that the window sign coverage be applied to the total window area on entire storefront elevation.
2. To institute a ban on painted fluorescent signs of any size, except during the holiday season, which was the City's current policy.
3. To institute an education component, similar to what was done for commercial real estate sign enforcement, in which staff would prepare a brochure with information for complying with the temporary window sign provisions of the Sign Ordinance.

After receiving this direction from the City Council, staff conducted an inventory of temporary commercial window signs and prepared and sent an informational brochure (see attached Exhibit A) to more than 300 commercial businesses which explained the requirements for temporary window sign displays. Staff received compliance from all but eight (8) businesses after conducting additional follow-up with the businesses.

After staff monitored window signage for 14 months, in 2008 the City Council provided additional direction to staff regarding several provisions of the window sign provisions and amending the Sign Ordinance to address the allowance of LED illuminated "open" and "closed" business signs, as well as changes to future occupancy/grand opening signs and non-profit event signs. The City Council also clarified that for temporary window sign purposes, the total aggregate limit of 25% window coverage should remain, however a business could use up 100% of an individual window panel for signage purposes, not to exceed one sign per window, provided that the overall window coverage does not exceed 25% for that business.

The Sign Ordinance also prohibits fluorescent colored window signs and requires window sign colors to be compatible with the business's permanent sign. In addition, the Sign Ordinance does not restrict the length of time of the window signs may remain. Staff acknowledges though, that most window signage is removed after the advertised events are over and we have not received complaints regarding colors of window signage.

The Code Compliance Officer has noticed retail businesses, on average, have two-thirds of their storefront elevations consisting of window area. During the first week of October of this year, the Code Compliance Officer surveyed 229 retail businesses and estimated the amount of window coverage each displayed. Eighty-seven percent (87%) of the businesses displayed window signs. The average amount of temporary window sign coverage for each business was 17% of the total window area. The Sign Ordinance allows up to 25% total window area coverage. The average amount of temporary window sign coverage on each window panel was 27%, although 100% coverage of the panel is allowed (not to exceed 25% overall window coverage).

These survey findings are averages and the amount of window sign coverage varied throughout the commercially zoned areas of the City. However, the highest use of window signs appeared to be in the Agoura Meadows and Agoura Hills City Mall shopping centers. What may be more noticeable to the public, though, are the window signs displayed in retail stores that are on freeway frontage roads, such as Canwood Street and Roadside Drive, which are highly visible from the freeway. Several of these stores have multiple, large-sized window panels that, when covered by signage, may appear excessive, even if they are within the 25% maximum allowable overall window sign coverage. This is because the temporary signage is concentrated on their storefronts that have the most visibility. These temporary signs, however, are allowed per the ordinance for the following reasons:

1. Because the ordinance counts all of a business's storefront, regardless of orientation, towards basing their sign allowance, businesses with multiple storefront (such as corner tenants or freestanding businesses, with multiple storefront elevations) can opt to concentrate all of their temporary window signage on their most visible storefront elevation in lieu of providing any temporary window signage on the less visible storefront elevations. (see attached Exhibit B).
2. The temporary window sign allowance is based on the amount of window area, i.e. 25% of the aggregate window area of a business. Moreover, a business can opt to cover the entire window panel with temporary signage, provided that the aggregate temporary window area coverage for the business does not exceed 25%. Therefore, businesses with more window area are allowed much larger temporary window signage than those with smaller window areas. (see attached Exhibit C).

While the provisions of the Sign Ordinance are intended to support and promote viable businesses by allowing signage that provides adequate identification and promote fairness in competition, such large window signs, often done in bright colors, may not necessarily promote and enhance the quality of the visual environment of the City, as intended of the Sign Ordinance.

Based on this information, the City Council is being asked to provide any desired direction on whether to further address the commercial window sign standards or enforcement. One option is keep the current temporary window sign coverage provisions in place, with no revisions. The Sign Ordinance currently provides for the following window signs: "One (1) sale sign per window located on the inside of such window is allowed on each public street frontage. Such sign shall be in addition to the total authorized sign area but shall not exceed twenty-five (25) percent of the total window area. The total window area shall include all windows in each individual storefront or tenant space. Said sign shall be compatible in terms of colors with the permanent signs, except fluorescent colors shall be prohibited."

As stated earlier, staff receives few complaints regarding window signage coverage; however eight (8) code enforcement cases regarding window sign coverage were opened this year for the more egregious violations. After notifying the businesses, compliance was met in each case. However, some business owners have been warned

several times in years past of window coverage violations, but the signs are usually removed following the end of the advertised event or product.

A second option is to direct staff to research and draft possible Sign Ordinance amendments to address temporary window sign coverage. Possible amendments staff could consider drafting include: 1) Redefining what is considered "window area" by possibly excluding from the aggregate window area allowance those windows which are not oriented parallel to the primary street serving the property; 2) Establishing a new standard for maximum window sign coverage per window panel; and 3) Establishing a maximum aggregate window sign size limit by square footage, in addition to the existing aggregate percentage limitation of 25%.

Staff welcomes any additional direction the City Council wishes to provide. If direction is given to revise the Sign Ordinance provisions, a draft zoning ordinance amendment will be prepared for review and a recommendation by the Land Use/Economic Development Committee and Planning Commission, prior to consideration by the City Council.

RECOMMENDATION

Staff respectfully requests the City Council provide direction regarding commercial window sign coverage standards.

Attachments: Exhibit A: Guide to Temporary Window Sign Displays
Exhibit B: Aggregate Window Allowance
Exhibit C: 25% Window Coverage

EXHIBIT A

City of
Agoura Hills

GUIDE TO
TEMPORARY
WINDOW
SIGN
DISPLAYS



30001 Ladyface Court • Agoura Hills, CA 91301
fax: (818) 597-7309 • tel: (818) 597-7337
<http://www.ci.agoura-hills.ca.us>



The following temporary window signs are

ALLOWED

One (1) temporary, non-illuminated, window sign per window, provided that the total sign area does not exceed 25% of the total window area of the storefront.

The following example is acceptable:



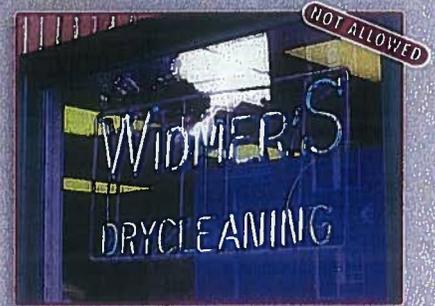
Other types of temporary window signs that are allowed include:

- Business address
- Hours and days of operation
- Open/closed signs
- Credit card information
- Emergency address and telephone numbers
- Name of business owners, operators and associates (not to exceed 3 square feet)

The following window signs are

NOT ALLOWED

1. Neon Signs
2. Fluorescent Colored Signs
3. Illuminated Window Signs

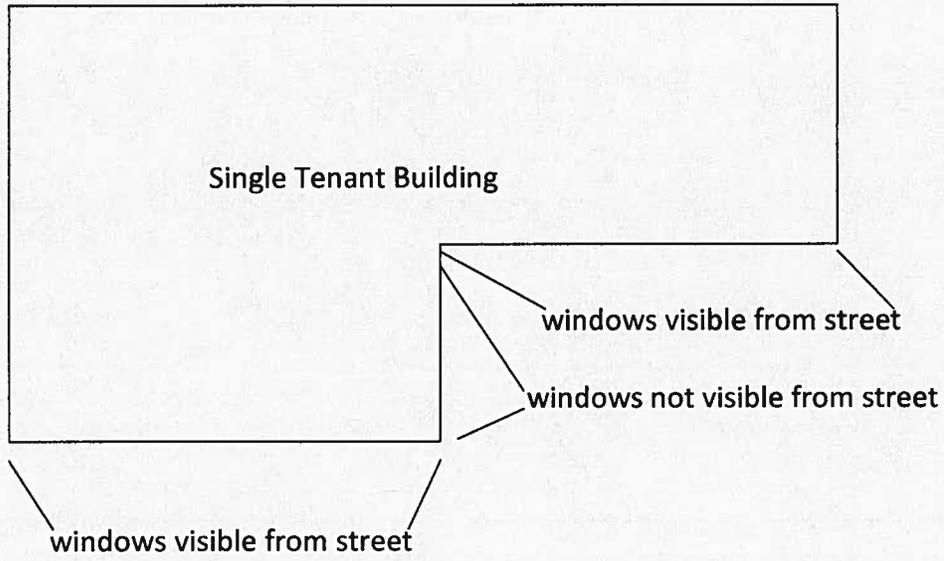


For further information, please contact the Planning Department at (818) 597-7309, or view the Municipal Code on the City website at: <http://www.ci.agoura-hills.ca.us/Index.aspx?page=87>

EXHIBIT B

EXHIBIT B

AGGREGATE WINDOW ALLOWANCE

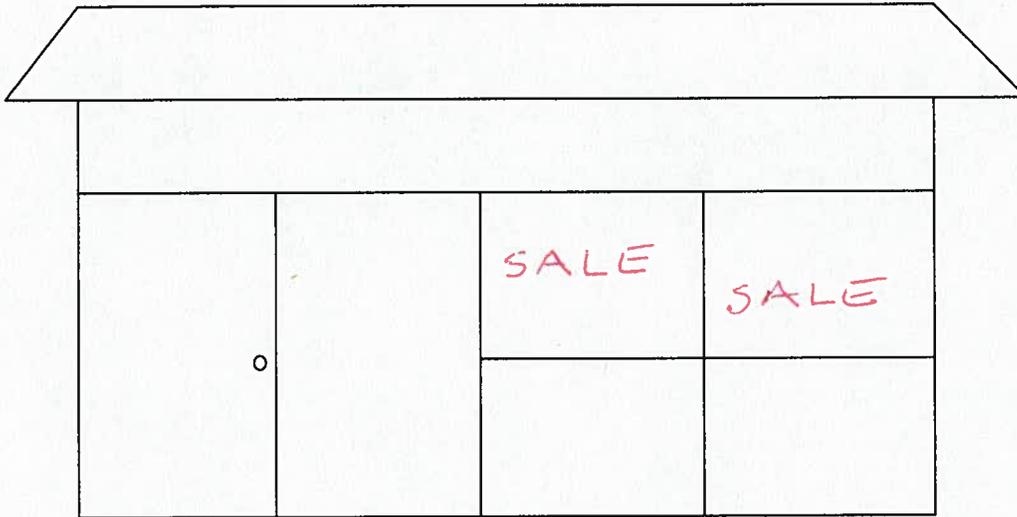


PRIMARY FRONTAGE STREET

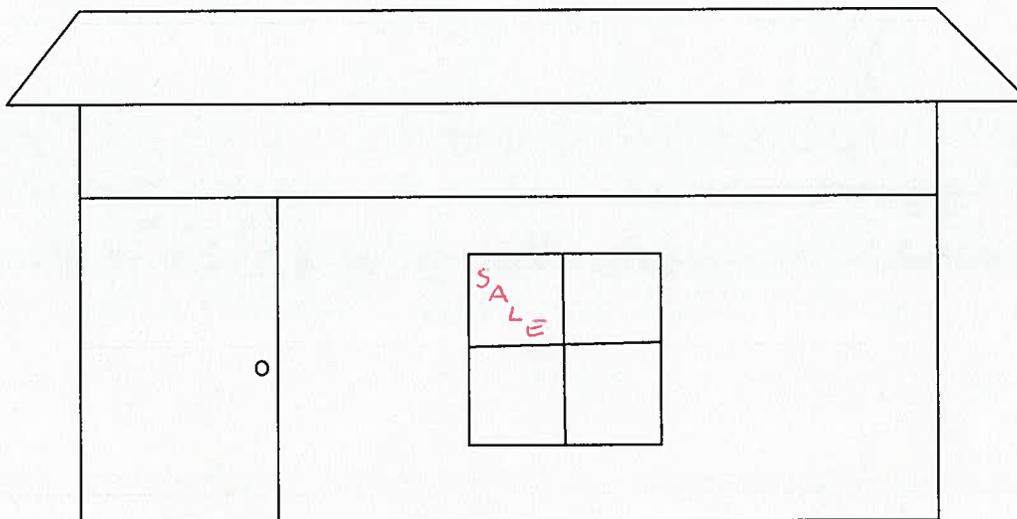
EXHIBIT C

EXHIBIT C

25% Window Coverage



Business with extensive glass storefront



Business with limited glass storefront