



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

ACTION DATE: January 15, 2015

TO: Planning Commission

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NO.: ZOA-01041-2014

LOCATION: Citywide

REQUEST: Request for the Planning Commission to recommend the City Council adopt an ordinance to correct codification errors and omissions within the Sign Ordinance and amend temporary window signs provisions by amending Zoning Ordinance Section 9655.4 of the Municipal Code, and making a finding of exemption under the California Environmental Quality Act.

ENVIRONMENTAL DETERMINATION: Exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission adopt the draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. ZOA-01041-2014.

I. PROJECT BACKGROUND AND DESCRIPTION

The City currently allows for temporary commercial window signs to be displayed without a sign permit for purposes of advertising products for sale on the premises. Criteria includes that the signs be non-illuminated; not exceed one sign per window; be located on the inside of such window; not exceed 25% of the total window area, which includes all windows in the storefront or tenant space; and be compatible in terms of colors with permanent signs, except fluorescent colors are prohibited.

On November 12, 2014, the City Council discussed the issue of temporary commercial window signs as a Pre-Screen Review agenda item and staff presented a survey of 229 retail businesses in

the City of which staff found the highest use of window signs to be in the Agoura Meadows and Agoura Hills City Mall shopping centers. What may have been more noticeable to the public, though, were the signs displayed in larger, free-standing retail stores that 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 maximum aggregate window sign coverage.

The City Council stated their desire to address possible revisions to the Sign Ordinance relative to such displays. The City Council summarized their comments for incorporation into an Ordinance as follows:

1. Define temporary commercial window signs.
2. Allow for a maximum size of temporary window signs, or percentage of window area, whichever is smaller.
3. Define how temporary window signs are measured.
4. Base the allowable maximum temporary window display area on the windows which directly face the primary street.

Following the City Council meeting, staff met with the City Council Land Use/Economic Development Sub-Committee on December 15, 2014, and received further direction that has been incorporated into the draft Ordinance for the Planning Commission's consideration.

II. STAFF ANALYSIS

The proposed Sign Ordinance amendments that pertain to temporary window signs are included in Section 2 (Zoning Ordinance Section 9655.4.E.) of the draft Ordinance. For reference purposes, the proposed amendments for the temporary window signs provisions are shown as follows (deletions are shown with strike-through and proposed new text is underlined):

“Temporary ~~W~~window signs. Temporary nonilluminated window signs advertising ~~products for sale~~ intermittent sales events or product promotions on the premises. ~~One (1) sale sign per window located on the inside of such window is allowed on each public street frontage.~~ Such signs shall be in addition to the total authorized sign area but shall not exceed twenty-five (25) percent of the total window area; shall not exceed one sign per window panel; and shall not exceed fifty percent (50%) of any individual window panel. The total window area shall include ~~all~~ only the windows in each individual storefront or tenant space that are parallel to the primary street frontage serving the property. If more than one street frontage serves the property, the primary street frontage for purposes of displaying temporary window signs may be determined by the business owner. Said signs may displayed on any window; shall be measured as defined for sign area in this article; and shall be compatible in terms of colors with the permanent signs, except fluorescent colors shall be prohibited.”

Definition of temporary commercial window signs

To address the intended temporary purpose of window signs, the draft Ordinance includes a specific definition for “*temporary window signs*” as noted above and it clarifies that such signs are for “advertising intermittent sales events or product promotions on the premises,” and “are in addition to the total permanent sign entitlements.”

Maximum size for temporary commercial window signs

The Sign Ordinance currently allows for 25% of the aggregate window area to be used for temporary signage purposes. This percentage is consistent with the Cities of Westlake Village, Thousand Oaks and Malibu. The City of Calabasas allows for 20% of the aggregate window area to be used for temporary signage purposes.

The Sign Ordinance also allows one sign per window panel, and 100% of an individual window panel may be for temporary signage purposes, provided the maximum 25% aggregate window area is not exceeded.

During their November 12, 2014 Pre-Screen Review discussion of this matter, the City Council expressed a desire to allow for a maximum size of temporary window signs, or percentage of window area, whichever is smaller. Staff found during our recent inspection survey of retail businesses that the average amount of temporary window sign coverage for each business was 17% of the total window area of the business storefront. The average amount of temporary window sign coverage on each window panel was 27%. As such, the LU/EDC supported retaining the maximum 25% aggregate window area for temporary signage purposes; reducing the maximum individual window panel coverage from the current 100% to no more than 50% of each window panel; and allowing for a maximum of one sign per window panel. The draft Ordinance reflects includes these amendments.

The City Council also stated their desire to include only those windows which face, or are parallel to, the primary frontage street for purposes of determining aggregate window area. The result would be that windows on a secondary building elevation, or facing a secondary street, would not be counted toward the total 25% maximum allowable temporary sign area. For example, if a retail business has 80 square feet of window area facing the primary frontage street, and 20 square feet of window area facing a secondary street, the business would allowed to display 25% of 80 square feet, not 25% of 100 square feet as is currently allowed. This amendment is included in the draft Ordinance, but it will still allow for individual temporary window signs to be located on any window panel, regardless of the window orientation.

Measurement of window signs

The City Council requested clarification on how window signs would be measured. The LU/EDC supported measuring the signs in the same manner as permanent business signs, which is to include the entire outer perimeter of the entire sign, as drawn in straight horizontal and vertical lines. Specifically, the Sign Ordinance definition of "*sign area*" is "the area in square feet determined by drawing a line around the outer perimeter of the writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. If the sign consists of more than one section or module, all of the area, including the area between the section or modules, shall be included in the computation of the sign area. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area."

Thus, staff is not proposing any amendments regarding how temporary window signs would be measured and would continue to measure such signs as currently defined in the Sign Ordinance.

Text Corrections

In 2013, after review by the Planning Commission, the City Council amended the temporary noncommercial signs and banners section of Zoning Ordinance Section 9655.4 to correct typographical errors. When the ordinance was codified, all other provisions in this section were incorrectly deleted, including temporary window signs. As such, staff's intent with this new proposed ordinance is to re-insert the previous code provisions and specifically amend the temporary window sign provisions of Subsection E. Because of the codification error, the draft ordinance is written such that nearly all subsections of Section 9655.4 are new text. However, the only new provisions being considered by the Planning Commission are those for temporary window signs.

Environmental Analysis

Staff reviewed the draft Ordinance and determined that it has no likelihood of causing a significant effect on the environment, nor would its effects from adoption. Staff concludes that the proposed Ordinance is exempt from the application of the California Environmental Quality Act (CEQA), pursuant to Section 15061 of the State CEQA Guidelines, which state as follows: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." This finding is premised on the fact that the project consists of proposed minor Ordinance amendments to correct typographical errors and omissions within the Sign Ordinance and amend temporary

window signs provisions and does not include proposed construction or proposed alteration to the physical environment.

Staff finds the Ordinance amendments are consistent with City General Plan 2035 Goal LU-13 which calls for retail centers and corridors that are well-designed and attractive, provide a positive experience for visitors and community residents, and fostering business activity. Staff also finds that the Ordinance amendments are consistent with the purposes of the City Sign Ordinance, including the support and promotion of viable businesses by allowing signage that provides adequate identification while also promoting and enhancing the quality of the visual environment; and

The Planning Commission's recommendation regarding the proposed Zoning Ordinance amendments will be forwarded to the City Council for final action to be taken in a public hearing.

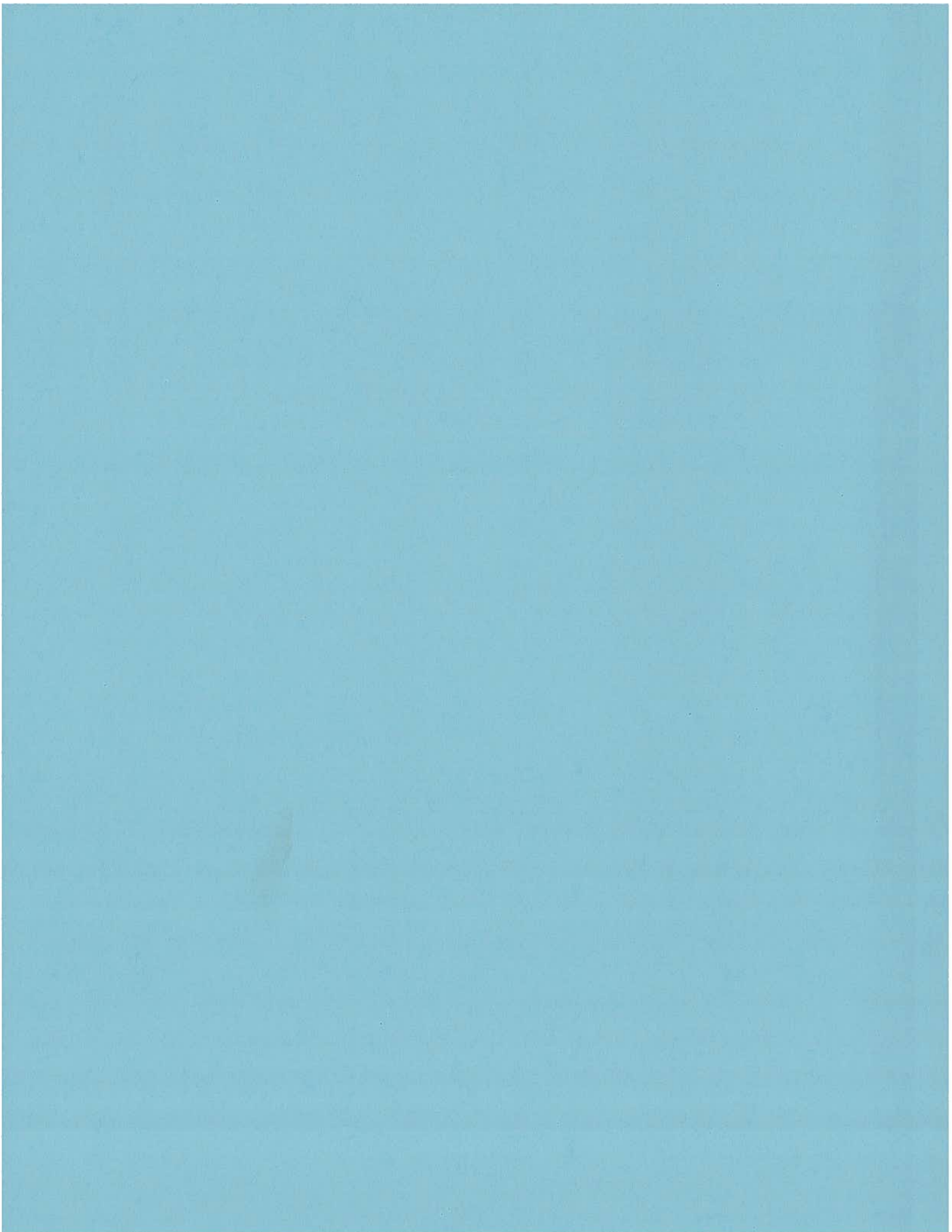
III. RECOMMENDATION

Staff recommends the Planning Commission adopt the attached draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. ZOA-01041-2014.

IV. ATTACHMENTS

- Draft Resolution and Draft Ordinance

Case Planner: Doug Hooper, Assistant Director of Community Development



DRAFT RESOLUTION NO. 15-_____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE, AMENDING SECTION 9655.4 OF DIVISION 5 (SIGN REGULATIONS), OF CHAPTER 6 (REGULATORY PROVISIONS) OF ARTICLE IX (ZONING), OF THE AGOURA HILLS MUNICIPAL CODE TO CORRECT TYPOGRAPHICAL ERRORS AND OMISSIONS WITHIN THE SIGN ORDINANCE AND AMEND TEMPORARY WINDOW SIGN PROVISIONS, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY (CASE NO. ZOA-01041-2014)

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

WHEREAS, the City of Agoura Hills initiated and prepared an Ordinance to amend Municipal Code Section 9655.4, to correct typographical errors and omissions within the Sign Ordinance and amend temporary window sign provisions. A public hearing was duly held on January 15, 2015, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid public hearing was duly given and published as required by state law; and

WHEREAS, evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing; and

WHEREAS, after the close of the public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff reports, the recommendations and all other pertinent documents and associated actions regarding the proposed ordinance amendments; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines promulgated thereunder, and the City's local CEQA Guidelines, the Planning Commission determines that the ordinance has no likelihood of causing a significant effect on the environment, nor would its effects from adoption. The Planning Commission concludes that the proposed Ordinance is exempt from the application of the California Environmental Quality Act (CEQA), pursuant to Section 15061 of the State CEQA Guidelines, which state as follows: "A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant on the environment, the activity is

not subject to CEQA.” This finding is premised on the fact that the project consists of proposed minor Ordinance amendments to correct typographical errors and omissions within the Sign Ordinance and amends temporary window signs provisions, and does not include proposed construction or proposed alteration to the physical environment.

WHEREAS, the ordinance amendments are consistent with City General Plan 2035 Goal LU-13 which calls for retail centers and corridors that are well-designed and attractive, provide a positive experience for visitors and community residents, and fostering business activity; and

WHEREAS, the ordinance amendments are consistent with the purposes of the City Sign Ordinance, including the support and promotion of viable businesses by allowing signage that provides adequate identification while also promoting and enhancing the quality of the visual environment; and

WHEREAS, the custodian of records for all materials which constitute the record of proceedings upon which the Planning Commission’s decision was based is the City Clerk of the City of Agoura Hills. Those documents are available for public review in the Office of the City Clerk located at 30001 Ladyface Court, Agoura Hills, California, 91301.

NOW, THEREFORE, BE IT RESOLVED, based on the findings and conclusions set forth above, that the Planning Commission of the City of Agoura Hills recommends the City Council adopt the draft Ordinance and make a finding of exemption under the California Environmental Quality Act.

PASSED, APPROVED, and ADOPTED this 15th day of January, 2015, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Michael Justice, Chairperson

ATTEST:

Doug Hooper, Secretary

ORDINANCE NO. 14-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTION 9655.4 OF DIVISION 5 (SIGN REGULATIONS), OF CHAPTER 6 (REGULATORY PROVISIONS) OF ARTICLE IX (ZONING), OF THE AGOURA HILLS MUNICIPAL CODE TO CORRECT TYPOGRAPHICAL ERRORS AND OMISSIONS WITHIN THE SIGN ORDINANCE AND AMEND TEMPORARY WINDOW SIGNS PROVISIONS, AND MAKING A FINDING OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01041-2014)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines, and the City's local CEQA Guidelines, City staff for the City of Agoura Hills determined that the proposed Ordinance to amend Article IX, Chapter 6, Division 5 (Sign Regulations), Section 9655.4 of the Agoura Hills Municipal Code has no possibility of causing a significant impact on the environment. Staff concludes that the proposed Ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061(b)(3), in that the activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. This finding is premised on the fact that the project consists of proposed minor Ordinance amendments to correct typographical errors and omissions within the Sign Ordinance and amend temporary window signs provisions, and does not include proposed construction or proposed alteration to the physical environment. Furthermore, the Ordinance will have no adverse environmental effects because such signage is temporary and applied to existing storefront windows. The City Council concurs with City staff's determination and therefore directs staff to prepare and file a Notice of Exemption with the County Clerk, pursuant to CEQA Guidelines Section 15062, within five days of the date of this action.

Section 2. Section 9655.4 of Division 5 (Sign Regulations), of Chapter 6 (Regulatory Provisions) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows:

"9655.4. Temporary noncommercial signs and banners. General entitlements.

The following non-illuminated, except as otherwise provided herein, do not require a sign permit in the applicable land use districts. Such signs shall be located in a manner that does not create a traffic hazard or a hazardous condition for persons using a public right-of-way, as determined by the city engineer.

- A. Government signs. Traffic, fire, and police related signs, temporary traffic control signs used during construction, utility facilities and substructure location and identification signs and markers required to protect said facilities, and other signs and markers required by the City of Agoura Hills, the state department of transportation, or any other public agency. Signs for historical locations, interpretive signs, or city-sponsored community events.
- B. Noncommercial flags. Flags bearing only noncommercial copy that meet the following criteria: 1) a maximum vertical dimension of five (5) feet; 2) a maximum horizontal dimension of eight (8) feet; 3) a maximum cumulative square footage of all flags on a parcel of forty (40) feet (one (1) side); a 4) a maximum of one (1) flag pole per site; and 5) a maximum height of thirty-five (35) feet. Flag poles are subject to the issuance of a building permit.
- C. Required signs. Official notices required to be posted by law, court, or other government agency.
- D. Informational signs. Signs within window areas that indicate addresses, hours and day of operation; whether a business is open or closed, credit card information and emergency address and telephone numbers. Such signs shall be located on the inside of the window and shall not require a sign permit, and shall not be used for the name of the business in excess of twenty-five (25) percent of said sign. "Open" and "closed" signs may be illuminated by light emitting diode (LED) or incandescent methods. Exposed neon illumination, exposed fluorescent illumination and scintillating, flashing, animating or revolving "open" and "closed" signs are prohibited.
- E. Temporary window signs. Temporary nonilluminated window signs advertising intermittent sales events or product promotions on the premises. Such signs shall be in addition to the total authorized sign area but shall not exceed twenty-five (25) percent of the total window area; shall not exceed one sign per window panel; and shall not exceed fifty percent (50%) of any individual window panel. The total window area shall include only the windows in each individual storefront or tenant space that are parallel to the primary street frontage serving the property. If more than one street frontage serves the property, for purposes of displaying temporary window signs the primary street frontage may be determined by the business owner. Said signs may be displayed on any window; shall be measured as defined for sign area in this article; and shall be compatible in terms of colors with the permanent signs, except fluorescent colors shall be prohibited.
- F. Business associate signs. In addition to the basic sign entitlement, each separate business shall be allowed, without a sign permit, lettering on or behind windows facing the public view indicating the owners, operators, or business associates exercising the use, provided that such lettering shall be enclosed within a single area and shall not exceed a total of three (3) square feet.

G. *Temporary open house and garage sale signs.* During an open house when real estate is offered for sale or rent and while a salesperson is physically present on the premises or during the time of a garage sale, one (1) nonilluminated three (3) square foot on-site sign indicating that an open house or garage sale is being conducted is permitted.

Off-site directional signs may be permitted only for an open house, subject to the following provisions:

1. Such signs shall not exceed three (3) square feet in area or four (4) feet in height;
2. No flags or banners shall be used;
3. A maximum of four (4) signs are allowed;
4. Such signs shall be located on private property and must be approved by the private property owner;
5. Such signs shall be allowed only during daylight hours; and
6. Such signs shall be located not less than five (5) feet from the inside line of the sidewalk or, if there is no sidewalk, from the property line.

H. *Temporary residential real estate advertising signs.* Residential properties may have one (1) real estate sign per unit being offered for sale, lease or rent. Such signs shall not exceed six (6) feet in height, and shall be designed and located in a manner approved by the director. Such signs shall be removed within seven (7) days after the property is sold or rented or the offer for the sale or rent is terminated. Property shall be deemed to be sold upon the close of escrow. No flags, balloons or banner may be utilized. Such signs shall not be illuminated or posted on trees, fence posts, or public utility poles, or located within any public right-of-way.

I. *Temporary noncommercial signs and banners.* Temporary noncommercial signs and banners shall be permitted only to advertise an upcoming civic, patriotic, nonprofit, charitable, or special event of general public interest taking place within the boundaries of the city. Temporary signs and banners are permitted in all zones subject to the following regulations: on each lot a maximum of two (2) temporary freestanding signs containing only noncommercial messages are permitted. The limitation on the number of signs shall be suspended during the thirty (30) days before and seven days after a local, state or national election. All temporary noncommercial signs or banners shall be removed within three (3) days after the event for which they are intended. Each temporary noncommercial sign or banner shall not exceed six (6) square feet in sign area

with a maximum height of six (6) feet. One (1) temporary sign or banner advertising an upcoming charitable or community event occurring within the boundaries of the city may be displayed on each street frontage per lot in all zones for a maximum of thirty (30) days per event, and shall not exceed thirty (30) square feet in size, ten (10) feet in length, and six (6) feet in height. Such signs are in addition to all other signage allowed in this chapter. Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.

J. Vending machine signs. Permanent signs painted on or attached to vending machines, gas pumps, ice containers or similar dispensing devices, may be displayed without a permit so long as they are oriented primarily to pedestrians on the property and not towards the street, and the message or copy thereon relates to the items vended by such machine. Vending machine signs may not display off-site commercial messages."

Section 3. If any provision of this ordinance, or the application thereof, to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end, the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2015, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Illece Buckley Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM

Candice K. Lee, City Attorney