

REPORT TO CITY COUNCIL

DATE: APRIL 26, 2006

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: CONDUCT A PRE-SCREEN REVIEW AND PROVIDE DIRECTION REGARDING AMENDMENTS TO THE SIGN ORDINANCE

The purpose of this item is to seek direction from the City Council on whether to proceed with a Zoning Ordinance Amendment to make further adjustments to the Sign Ordinance.

The Sign Ordinance was last updated in May of 2005, and thus the new provisions have been in place for almost one year. Staff has had the opportunity to closely monitor the application of the revised Sign Ordinance with the intent of requesting that the City Council modify components of the ordinance where necessary.

At this time, staff is requesting the City Council's direction on proceeding with amendments to the following provisions of the Sign Ordinance: 1) temporary commercial window signs; 2) political/campaign signs; 3) freeway facing signs; 4) fast service restaurant menu/reader boards; 5) secondary commercial signs; and, 6) real estate signs. Staff also respectfully requests direction from the Council on any other possible adjustments to the Sign Ordinance.

1. Temporary Commercial Window Signs (Zoning Ordinance Section 9655.4.D, E, F)

During a discussion by the City Council on February 22, 2006 regarding code enforcement activity, the proliferation of temporary commercial window signage was an expressed concern. Enforcement of the window sign provision of the Sign Ordinance remains difficult since such signs are generally temporary and transitory in nature, thus requiring continued monitoring. Moreover, in many instances, window signs are advertising posters that are provided by the corporation or the franchiser and come in pre-established sizes irrespective of window area. In shopping centers, many window signs are placed at a pedestrian level and are meant to be viewed by patrons on the walkway in front of the store. Also, unlike temporary signs on the public right-of-way which staff can remove immediately, temporary window signs are on private property, and thus enforcement of violations must be processed through regular channels.

Another issue with window signs is that the allowable window sign area provisions of the Sign Ordinance do not include a specific definition for window sign area. The sign area can be defined as the area within one window frame or pane, or the total aggregate area of all windows, or a portion of the windows on the building. How the window area is defined will play a significant role in the size of signs that can be displayed. For instance, if a retailer is allowed to display advertising on no more than 25% of the window area within a single window frame or pane, no single window would be completely covered with advertising. Alternatively, if the window area is defined as the total window space on the building or storefront, there could be multiple windows that are completely covered with advertising. While there are many instances of window sign violations in the city, staff has found the most visible and often incompatible window signs are those which are hand painted, often in fluorescent colors. As a policy, the City has allowed such displays only during the holiday season (November 15 to January 15).

Staff finds that the intent of the window sign provisions in the Sign Ordinance is to allow a reasonable amount of temporary advertising on the window without creating excessive visual clutter. If the City Council's direction is to commence with proactive enforcement of the allowable window sign provisions of the Sign Ordinance and if the Council finds that the current 25% temporary window sign coverage limitation is appropriate, staff recommends that the Sign Ordinance be amended to clarify that the 25% maximum coverage limitation for window signs be applied to the total window area on each single storefront elevation, rather than individual window panes. It is important to have clear and concise criteria in order for staff to efficiently apply code enforcement.

Staff also recommends deletion of the requirement for sale/special event window signs to be limited to a maximum period of fourteen (14) consecutive days per event, and to not exceed a total of four (4) said events per year. This provision of the Sign Ordinance has proven difficult as it would require continuous monitoring and enforcement. However, through proactive enforcement of the maximum allowable window sign area and the current prohibition of fluorescent colors, the potential visual clutter of such temporary signs are anticipated to be diminished.

Based on direction received from the City Council in February, the City Code Compliance Officer increased the number of hours in which weekend enforcement is conducted. In addition, staff has proactively enforced the prohibition of fluorescent window signs, banners, and neon signs. Staff has completed an inventory of existing commercial window signs and will enforce the Sign Ordinance provisions geographically per each commercial zoning district. It is also staff's intent to institute an education component regarding window sign criteria. This would be 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 Ordinance provisions.

2. Political Campaign Signs (Section 9655.4.I)

Prior to adoption of the Sign Ordinance revisions last May, political signs displays were allowed without a permit, subject to the following requirements:

“Political signs, when placed outside of a building, shall not exceed six (6) square feet in sign area and six (6) feet in height. Political signs may be placed anywhere on the inside of a window, provided the total sign area per window does not exceed six (6) square feet. Such signs shall not be placed more than thirty (30) days prior to an election and must be removed within seven (7) days after said election. Such signs shall not be permitted to be attached or affixed to any public property or public right-of-way, or posted on any privately owned property without the express prior consent of the property owner or other person controlling the property.”

The revised Sign Ordinance includes several areas in which regulations that were specific to sign content were deleted or amended. Such amendments included revisions to political signs, which were subsequently defined as “temporary, noncommercial signs and banners” and are not limited to political content. The Planning Commission had recommended to the City Council that temporary, noncommercial signs and banners be subject to the following regulations:

“Temporary noncommercial signs and banners are permitted in all zones subject to the following regulations: Two (2) temporary freestanding signs per lot containing only noncommercial messages are permitted at all times. In addition, one (1) temporary freestanding campaign sign shall be allowed for each political candidate or issue on each street frontage per lot. All campaign signs shall be removed within ten (10) days after the election for which they are intended. Each sign shall not exceed six (6) square feet in sign area with a maximum height of six (6) feet. Such signs are in addition to all other signage allowed in this chapter [Sign Ordinance]. Such signs shall not be illuminated or posted in trees, fence posts or public utility poles, or located within any public right-of-way.”

The City Council discussed this matter and considered the proposed revisions recommended by the Planning Commission prior to adopting further refinements regulating temporary noncommercial signs and banners. In addition, the Council considered the recommendations of the City Attorney about content neutrality of temporary noncommercial signs and banners in regard to campaign signs. The City Council amended this particular section of the Sign Ordinance to restrict noncommercial advertising to pertain only to events within the boundaries of the City, limiting the maximum number of temporary noncommercial signs (including political/campaign signs) to two (2) on any parcel, and requiring a more immediate removal of the signs after the event has taken place. The current requirements for display of noncommercial signs and banners (which includes political/campaign signs) are as follows:

“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. All temporary noncommercial signs and 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. Such signs are in addition to all other signage allowed in this chapter [Sign Ordinance]. Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.”

During the last municipal election period in November of 2005, staff received several inquiries regarding the size of campaign signs as well as the limitation of posting only two (2) signs per lot when there were more than two City Council positions that were open. In addition, there are often several other local and state campaigns that City residents and the business community may wish to display support.

To deal with these concerns while addressing content neutrality, one approach would be that the “temporary noncommercial signs and banners” provision of the Sign Ordinance be amended such that the limitations regarding the number of signs on private property and the maximum allowable size and height be suspended during a period of 30 days prior to and 7 days after an election. This would mean that for a period of 38 days, political campaign signs would be allowed without limitation on private property. Other temporary non-commercial signs would coincidentally be allowed without limit as well during this 38 day period. During all other times, the restrictive portion of this ordinance provision would apply.

Also, many homeowners and businesses are not aware that landscaped parkways, located between a sidewalk and the street curb, are most often within the public right-of-way and these areas are often used for posting of campaign signs. Therefore, staff recommends allowing for such temporary posting of campaign signs in the parkway areas. In addition, staff recommends a “clean-up” amendment of deleting the definition of a “political sign” from the Sign Ordinance since there is no specific reference to “political signs” elsewhere in the ordinance.

Staff would note that the State election laws prohibiting electioneering within 100 feet of a polling place on election day would still apply.

3. Freeway Facing Signs (Section 9655.8.B.1.k)

The City Council amended the Sign Ordinance to allow one (1) freeway facing sign for all commercial or business park buildings that either back or side upon the freeway, regardless of building size, which was a previous limitation for such signs. The amendment also included allowing for the freeway facing signs to be illuminated. All freeway facing signs are subject to review by the Planning Commission. The purpose of this provision was to allow greater flexibility and fairness in providing freeway identification and to give authority to the Planning Commission to review these requests on a case-by-case basis.

Prior to adoption of the updated Sign Ordinance, a few freeway facing signs were in place, including signage for Countrywide, Hampton Inn, Employers Direct, Teradyne and Symark, all located along Agoura Road. In the last year, the changes in the Sign Ordinance have provided authority to the Planning Commission to review and allow THQ on Agoura Road to display an illuminated sign facing the freeway, and FDSI on Dorothy Drive to display a non-illuminated sign facing the freeway. In reviewing these signs, the Planning Commission uses its discretion in design, size and location to ensure appropriateness and compatibility. Staff is requesting input from the City Council on whether any further refinements to the Ordinance are desired for freeway facing signs.

4. Fast Service Restaurant Menu/Reader Boards (Section 9655.9.A.2)

Fast service restaurants are currently allowed to display two (2) menu or reader board signs that do not exceed thirty (30) square feet. No height limitation is specified and staff recommends that this provision of the Ordinance be amended to restrict the height of menu or reader boards to seven (7) feet, including the base. This additional height is reasonable considering the increased height of cars, such as SUVs and vans. Also, menu and reader boards are intended to be viewed from within the site and not oriented to the public right-of-way.

5. Secondary Commercial Signs (Section 9655.8.B.1.j)

The Sign Ordinance currently allows for secondary business signage for businesses which have frontage on two or more streets. Specifically, the Sign Ordinance allows for a business located in a building having frontage on more than one (1) public right-of-way to use the basic sign entitlement (one primary business sign) on one (1) frontage and one-half of the allowance on the second public frontage.

Prior to the adoption of the updated Sign Ordinance, a ten (10) square foot sign was allowed for businesses that had a public entrance on a secondary frontage, even though that particular side of the building may not front a public right-of-way. Staff believes this provision of the Sign Ordinance was inadvertently deleted and recommends that the previous text be added to this section of the ordinance, which would state as follows:

“For the purposes of this paragraph, frontage shall include any entrance or exit to the premises upon which the subject business is located from a public right-of-way even though the subject business does not actually front such right-of-way. In addition, a business with a public entrance on a secondary frontage on a private right-of-way may have a sign located on such frontage which does not exceed ten (10) square feet.”

6. Real Estate Signs (Section 9655.4.H)

The Sign Ordinance prohibits the display of flags and banners when posting off-site open house real estate signs. However, this prohibition does not apply to the real estate signs posted on residential property while the home is listed for sale. Staff is requesting

direction from the City Council on whether the display of flags and banners should also be prohibited on the residential property listed for sale.

Staff would note that upon receiving direction from the City Council in February of 2006 regarding enforcement of real estate signs, staff has proactively shared the City's real estate sign regulations with the realtors. The Conejo Valley Association of Realtors (CVAR) has assisted staff by posting the City's real sign requirements on their website and reminding realtors who access their website that real estate signs which are improperly posted within the city are subject to removal. This assistance by the CVAR has prompted several realtors to contact staff to gain a further understanding of the City's requirements. Staff will also continue to distribute the real estate sign requirements to all realtors met by staff.

RECOMMENDATION

Staff respectfully requests the City Council provide direction regarding the possible amendments to the Sign Ordinance as identified above, as well as any other possible amendments. Upon receiving the Council's direction, staff will prepare a draft Ordinance that would include all proposed amendments. The draft can also be previewed by the City Council Economic Development Subcommittee for input. Hence, public hearings will be scheduled for the Planning Commission's recommendations concerning the proposed amendments, and final action by the City Council.

Attachments: Current Sign Ordinance

Photographs: Commercial window signs

Freeway facing signs

Fast food service restaurant menu/reader board signs

Secondary commercial signs

Real estate signs