



## REPORT TO CITY COUNCIL

**DATE:** FEBRUARY 25, 2015

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER 

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

**SUBJECT:** ADOPTION OF ORDINANCE NO. 15-415; 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) (CITY OF AGOURA HILLS, APPLICANT)

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At the February 11, 2015, City Council meeting, on a 5-0 vote, the Council introduced, read by title only, and waived further reading of Ordinance No. 15-415.

The Ordinance amends the Municipal Code to amend temporary window sign provisions and correct typographical omissions within the Sign Ordinance. Attached for your reference is a copy of Ordinance No. 15-415.

### RECOMMENDATION

Staff recommends the City Council adopt Ordinance No. 15-415, 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 Act.

Attachment: Ordinance No. 15-415

## ORDINANCE NO. 15-415

**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 signs, 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 non-illuminated 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)

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Illece Buckley Weber, Mayor

ATTEST:

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Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM

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Candice K. Lee, City Attorney