




## REPORT TO CITY COUNCIL

**DATE:** OCTOBER 23, 2019

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

**FROM:** GREG RAMIREZ, CITY MANAGER 

**BY:** NATHAN HAMBURGER, ASSISTANT CITY MANAGER   
DOUG HOOPER, PLANNING DIRECTOR 

**SUBJECT:** ADOPTION OF ORDINANCE NO. 19-444, AMENDING DIVISION 5 (SIGN REGULATIONS) OF PART 2 (SPECIAL REGULATIONS) OF CHAPTER 6 (REGULAORY PROVISIONS) OF ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE, AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CASE NO. ZOA-01663-2019) (CITY OF AGOURA HILLS, APPLICANT)

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At their meeting of September 25, 2019, on a 5-0 vote, the City Council introduced, read by title only, and waived further reading of Ordinance No. 19-444, amending the sign regulations of the Agoura Hills Municipal Code.

The Ordinance updates the sign regulations pertaining to: (a) the legal and technical issues related to content neutrality; and (b) miscellaneous administrative revisions to the sign ordinance, including reformatting. Based on direction given by the City Council at the September 25, 2019 meeting, Section 9655.10.F of Ordinance No. 19-444 includes the following amendment:

9655.10.F. "*Election Periods*. During the period from ~~forty five (45)~~ thirty (30) days before and seven (7) days after a local, state, or national election, additional temporary signs, not exceeding six (6) square feet in sign area and six (6) feet in height, are allowed on private property in all zones. A sign permit shall not be required for a temporary sign during this period."

### RECOMMENDATION

Staff respectfully recommends the City Council adopt Ordinance No. 19-444.

Attachment: Ordinance No. 19-444

**ORDINANCE NO. 19-444**

**AN ORDINANCE OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING DIVISION 5 (SIGN REGULATIONS) OF PART 2 (SPECIAL REGULATIONS) OF CHAPTER 6 (REGULATORY PROVISIONS) OF ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, on September 5, 2019, the Planning Commission conducted and concluded a duly noticed public hearing concerning this Ordinance as required by law at which the Planning Commission received testimony from City staff and all interested parties regarding the proposed amendments. Following the close of the public hearing, the Planning Commission adopted Resolution No. 19-1232, recommending approval of the draft Ordinance.

WHEREAS, on September 25, 2019, the City Council of the City of Agoura Hills conducted and concluded a duly noticed public hearing concerning the Ordinance as required by law.

WHEREAS, at the public hearing on September 5, 2019, the City Council received testimony from City staff and all interested parties regarding the proposed amendments.

WHEREAS, all legal prerequisites to the adoption of the Ordinance have occurred.

NOW, THEREFORE, the City Council of the City of Agoura Hills hereby ordains as follows:

**Section 1.** The facts set forth in the recitals of this Ordinance are true and correct.

**Section 2.** Pursuant to the California Environmental Quality Act ("CEQA"), and the City's local CEQA Guidelines, City staff has determined that this Ordinance (the "project") is covered by the general rule that CEQA applies only to projects that have the potential to cause a significant effect on the environment. City staff found that there is no possible significant effect related to the project since the Ordinance proposes to amend certain provisions of the City's current sign regulations to make minor text clarifications and text revisions. The administrative changes included in the Ordinance will not contribute to any physical changes to the environment; therefore, the project would not result in significant impacts to the environment. No further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)). The City Council has reviewed the project, and based upon the whole record before it, in the ex-

ercise of its independent judgment and analysis, finds that City staff has correctly concluded that it can be seen with certainty that there is no possibility the proposed Ordinance may have a significant effect on the environment.

**Section 3.** Division 5 (SIGN REGULATIONS) of Part 2 (SPECIAL REGULATIONS) of Chapter 6 (REGULATORY PROVISIONS) of Article IX (ZONING) of the Agoura Hills Municipal Code is hereby amended in its entirety to read as follows:

**“9655. Intent.**

The purpose and intent of these regulations is to establish uniform sign regulations to:

- A. Preserve and enhance the unique character and visual appearance of the city;
- B. Assure proper expression through visual communications involving signs that are compatible with the character and environment of the community;
- C. Enhance the visual quality of the city's scenic highways;
- D. Promote fairness in competition and retain identity in the business community while recognizing the importance of well-designed business signs;
- E. Recognize the integral part played by signs in the overall appearance of the city;
- F. Reduce possible traffic and safety hazards by prohibiting signs that are distracting to motorists;
- G. Recognize the function and importance of signs for businesses and the benefit of well-designed business signs to the community as a whole;
- H. Provide guidance and direction for sign users and sign designers as to what constitutes appropriate signs in the city;
- I. Implement the goals of the city's general plan, with particular regard to developing a city that is visually attractive and to preserving and enhancing the visual quality of the community's streets and highways; and
- J. Safeguard the life, health, property, and public welfare by regulating and controlling the design, quality of materials and construction, illumination, location, and maintenance of all signs in a content-neutral manner, while providing functional flexibility and promoting good design.

### **9655.1. Applicability.**

No person shall place, erect, modify, alter or repaint, or permit the placement, erection, modification, alteration or repainting of any sign, unless otherwise specifically exempted by this part, without first obtaining a sign permit in accordance with the provisions of this division. All signs shall be erected and maintained in conformity with this division. The standards regarding number and size of signs regulated by this division are maximum standards unless otherwise stated.

### **9655.2. Definitions.**

Notwithstanding the provisions of Section 9120 *et seq.* of this article, for the purposes of this part, the following words and phrases are defined as follows:

- A. *Area, sign* means 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 sections or modules, shall be included in the computation of sign area. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area. Only one (1) face of a double-faced sign with parallel opposing faces, and bearing identical copy shall be used in computing the area of a sign.
- B. *Awning sign* means any sign or graphic attached to, painted on or applied to an awning or awning canopy.
- C. *Banner* means a strip of cloth, thin plastic or other flexible material on which a sign is painted, printed, or otherwise displayed.
- D. *Changeable copy sign* means a sign or portion of a sign where it is possible to change the copy on a frequent basis.
- E. *Commercial or business park complex* means a group of two (2) or more tenants which are situated as an integral unit, on either a single parcel of land or separate parcels of land, where such businesses utilize common off-street parking or access.
- F. *Directional sign* means a sign located on private property, the sole purpose of which is to direct the flow of pedestrian and vehicle traffic, transmit parking information, or convey similar such information.
- G. *Director* means the director of planning and community development or such director's designee.
- H. *Externally lighted sign* means a sign whose immediate source of illumination is not enclosed by the surface of the sign structure.

- I. *Flag*. A piece of fabric, usually rectangular in shape, that is usually displayed hanging free from a staff or pole, to which it is attached by edge so that it will float, play, or shake in an air current.
- J. *Frontage, building* means the exterior building wall facing or oriented towards a public or private right-of-way. The amount of frontage shall be measured continuously along such building wall for the entire length of the subject business or use.
- K. *Frontage, primary* means the frontage, which provides the subject building with its main or principal orientation to a public or private right-of-way, whether or not such frontage has a public entrance to the building. In shopping centers or multiple tenant buildings, the primary frontage shall be established as part of a sign program.
- L. *Frontage, secondary* means any frontage, other than the primary frontage, that has a public entrance to the subject building.
- M. *Halo illumination* means a form of internal illumination where channel lettering is used and the light source is hidden behind and glows around the edges of letters or symbols giving the effect of a light halo.
- N. *Inflatable sign*. An object made of an airtight material, generally greater than eighteen (18) inches in diameter at its widest point, filled with air or gas to form a three (3) dimensional shape and used as a sign.
- O. *Internally lighted* means illumination produced by a light source contained within a sign and not directly visible from outside.
- P. *Legal nonconforming sign* means a sign that was originally erected or installed in compliance with all structural, locational, design, building, and electrical regulations at the time of its erection or installation, but which no longer conforms to the provisions of this division.
- Q. *Logo* means an individual sign, separated from the business letters, consisting of any name, symbol, trademark, letter style, words, figures, or decorative motifs.
- R. *Monument sign* means a sign that is completely self-supporting and has its sign face or base on the ground or a maximum of twelve (12) inches above the adjacent grade or base of the sign.
- S. *Neon sign* means an illuminated sign affected by a colorless, odorless light source consisting of a neon or gas tube, which is bent to form letters, symbols or other shapes.

- T. *Outdoor advertising display, structure or sign* means a commercial sign placed for the purpose of advertising products or advertising services that are not produced, stored, or sold on the property upon which the sign is located. This shall also mean a billboard.
- U. *Pole sign* means a freestanding sign that is supported by one (1) or more poles or uprights on the ground.
- V. *Portable sign* means any sign that is not permanently attached to the ground or any structure and is capable of being moved, including but not limited to "A-frame," "H-frame" or "sandwich board" type signs. A portable sign is not a temporary window sign as provided in section 9655.10.A.
- W. *Projecting sign* means a sign other than a wall sign suspended from or supported by a building or structure and projecting outward more than twelve (12) inches therefrom and oriented to pedestrians.
- X. *Revolving sign* means a sign that turns around or rotates, as on an axis.
- Y. *Right-of-way, public* means a public street or highway, but not including a freeway.
- Z. *Right-of-way, private* means an off-street parking area for a business or group of businesses that does not abut a public right-of-way.
- AA. *Roof sign* means a sign that is mounted on the roof of a building, or which is dependent upon a building for support, and which projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. Signs placed on flat surface integrated into the mansard roof design shall not be considered roof signs.
- BB. *Secondary sign* means any sign not located on a primary frontage.
- CC. *Sign* means any name, figure, painting, character, outline, spectacle, display, delineation, announcement, advertising, billboard, signboard, device, appliance or any other thing of similar nature to attract attention outdoors or on the face, wall or window of any building, and shall include all parts, portions, units and materials composing the same, together with the frame, background, support and anchorage therefor which is visible from outside the property. For the purpose of this part, a sign is not a sign if it is inside a building, located more than three (3) feet behind a window, and not facing a window in such a way as to be viewed from an outside public area.
- DD. *Sign face* means the surface or that portion of a sign that is visible from a single point as a flat surface or a plane and considered as such together with the frame and the background.

- EE. *Single tenant building* means a building used by one (1) occupant for an individual business.
- FF. *Temporary sign* means any sign addressed in Section 9655.10 and capable of being viewed from any public right-of-way, parking area, or neighboring property. A temporary sign is any sign consisting of cloth, canvas, light fabric, cardboard, wallboard, poster board, paint or other dispensable materials, with or without frames, and mounted or painted, if on a window, in a nonpermanent manner.
- GG. *Under canopy sign* means a sign attached to or suspended from the underside of a projecting canopy protruding over a public or private sidewalk or right-of-way.
- HH. *Wall sign* means a sign attached to or erected on the exterior wall of the building or structure with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall.
- II. *Window sign* means a temporary or permanent sign painted or attached to or within three (3) feet of the inside of the window upon the premises where the sign is displayed.
- JJ. *Yard sign* means a temporary sign placed in the ground or attached to posts, or poles and is not attached to any building. A yard sign is not a portable sign as defined in section 9655.2.V.

**9655.3. Prohibited signs.**

Except as otherwise provided in this division, the following signs are prohibited:

- A. Outdoor advertising displays, structures or signs.
- B. Portable signs.
- C. Exposed neon, flashing, or scintillating signs.
- D. Revolving signs.
- E. Any placard, bill, card, poster, sticker, banner, flag, sign, or other device affixed or attached to or located upon any public right-of-way area including street, walkway, crosswalk, curb, lamppost, hydrant, tree, telephone booth or pole, lighting system or any fixture of the police or fire alarm system. This prohibition does not apply to required government signs.
- F. Devices projecting or otherwise producing the image of a sign, as defined in section 9655.2.CC, on any surface or object.

- G. Signs that project or encroach into any existing or future public right-of-way.
- H. Automatic changing signs or electronic message signs.
- I. Streamers, banners, balloons, flares, flags, pennants, propellers, twirlers, and similar attention-getting displays or devices except as allowed by section 9655.10 (temporary signs).
- J. Pole signs, except for on-site directional signs.
- K. Signs or sign structures which by colors, wording, or location resemble or conflict with traffic control signs or devices.
- L. Signs that create a safety hazard by obstructing the view of pedestrian or vehicular traffic.
- M. Sign structures and supports no longer in use, for a period of sixty (60) days, by the owner, tenant, or lessee.
- N. Signs painted directly on an exterior wall, fence, fascia or parapet.
- O. Signs that display an obscene message or graphic representation of nudity or sexual acts.
- P. Roof signs.
- Q. Awnings that are internally illuminated.
- R. Inflatable signs.
- S. Signs that are installed after this date that do not conform to the provisions of these sections are prohibited.

**9655.4. General provisions.**

- A. *Sign area.* The maximum allowable sign area shall be 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 (1) section or module, all of the area, including the area between the sections or modules, shall be included in the computation of sign area. Supporting framework or bracing that is clearly incidental to the display itself shall not be computed as sign area. Only one (1) face of a double-faced sign with parallel opposing faces, and bearing identical copy shall be used in computing the area of a sign.



- B. *Sign height.* The maximum allowable sign height shall be measured by the distance from the average adjacent ground level within five (5) feet of the base of the sign to the top of the sign, including the superstructure and any design element.
- C. *Sign lighting.* No sign shall be illuminated after 11:30 p.m. or close of business, whichever occurs last.
- D. *Owner's consent required.* The consent of the property owner or person in control or possession of the property is required before any sign may be erected on any private property in the city.
- E. *Obstruction of public passage.* No signs shall be installed so as to obstruct any window, door, fire escape or other emergency exit of any building.
- F. *Maintenance of signs.* All signs shall be maintained in a neat and attractive, well-repaired condition. The display surface of all signs shall be kept clean, neatly painted and free from rust, cracking, peeling, corrosion or other states of disrepair.
- G. *Prohibited locations.* No signs shall be located in such a manner as to face in the direction of or be visible to property in a residential district when such sign would be less than two hundred (200) feet from such residential property unless such sign faces and is parallel to a public right-of-way.
- H. Any noncommercial message may be substituted for the copy of any commercial sign allowed by this Chapter. Any sign displaying a noncommercial message shall be deemed to be on-site.

**9655.5. Application and review procedures for permanent signs.**

- A. *Sign permit.* Permanent signs shall only be constructed, displayed or altered with sign permit approval by the director or appropriate decision-making body. Sign permits shall be prepared, filed, processed, and approved or denied in compliance with this section.
- B. *Application.* An application for a sign permit shall be made on the form provided by the department of planning and community development and shall be accompanied by the required fee. Such application shall set forth and contain the following information and materials:
  - 1. The location and size of any existing or proposed buildings or structures on the property, which are or will be under the ownership or control of the applicant.
  - 2. The location of off-street parking facilities, including major points of entry and exit for motor vehicles where directional signs are proposed.

3. The position of the proposed sign and its relationship to existing or proposed adjacent buildings and structures, which are or will be under the ownership or control of the applicant.
  4. The proposed design, size, exact colors, materials, orientation, and location of the sign or sign structure.
  5. The method of attachment to any structure.
  6. A statement showing sizes and dimensions of all other signs existing on the property under the ownership or control of the applicant.
  7. A statement showing the size and color relationships of such sign or sign structure to the appearance and design of existing or proposed buildings and structures on the property.
  8. Photographs of all sides of any building or renderings of proposed buildings.
  9. Such other information as the department of planning and community development may require to secure compliance with this part.
- C. *Review and approval authority.* A sign permit shall be approved or disapproved by the director in compliance with the criteria set forth in subsection D and the provisions of this part.
- D. *Criteria.* The following criteria shall be the only criteria used in reviewing an application for a sign permit:
1. That the sign is consistent with the provisions of this part and title;
  2. That the location and orientation of the proposed sign, as well as the design of its visual elements (lettering, words, figures, colors, decorative motifs, spacing, and proportions), are legible under normal viewing conditions prevailing where the sign is to be installed;
  3. That the proposed sign is consistent with the sign standards found in sections 9655.6 and 9655.7;
  4. That the proposed sign is consistent with the adopted sign design guidelines available at the planning and community development public counter.
- E. *Findings.* If a sign permit application is denied, specific and detailed findings setting forth the reasons why the proposed sign violates the criteria set forth above or other provisions of this division shall be prepared in writing and mailed to the applicant or his agent and sign contractor within ten (10) working days.

- F. *Appeals.* Any decision made by the director or the planning commission may be appealed in accordance with the provisions of this title. The decision of the city council on any appeal shall be final.

**9655.6. General sign standards for permanent signs.**

- A. Sign integration requirement. All permanent signs shall be designed as an integral part of the total building design.
- B. Number of colors. All permanent signs, except as hereinafter provided, shall contain no more than three (3) different colors. Different shades shall be considered separate colors. The planning commission may consider a sign program with a multi-color sign palette utilizing a maximum of five (5) colors. For the purposes of this section, black and white shall be considered colors. Logos with registered trademarked colors are exempt from this provision.
- C. Types of material. The types of materials for sign structures shall, if possible and practicable, be compatible with materials used in the related buildings.
- D. Illumination of signs. Unless otherwise prohibited by this part, signs may be illuminated subject to the approval of the director to ensure that such illumination does not create any public safety hazards. The approval of any illuminated sign shall not be final until thirty (30) days after installation during which period the director may order the dimming of any illumination found to be excessively brilliant, and no sign approval shall be valid until such order has been carried out to the satisfaction of the director. Illumination shall be considered excessive when it prevents perception of objects or buildings beyond or in the vicinity of the sign. In no case shall an illuminated sign or lighting device be placed or directed as to permit the beams and/or illumination therefrom to be directed or beamed upon a public street, walkway, or adjacent properties so as to cause glare or reflection that may constitute a traffic or safety hazard.
- E. Screening. To minimize the visual mass and projection of the sign, all electrical transformer boxes and raceways shall be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway shall be finished to match the background wall, or integrated into the overall design of the sign. All exposed conduit shall also be concealed from public view.

**9655.7. Standards for specific types of permanent signs.**

The following standards are in addition to the standards set forth in Section 9655.6 above.

A. Wall signs.

1. Location. The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.
2. Maximum area and height. The maximum area and height shall be as defined in Section 9655.8, permanent sign entitlement by land use. In no case shall the sign project above the edge of the roof of a structure.
3. Projection from wall. The sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than twelve (12) inches.

B. Monument signs.

1. Location. The sign shall be located a minimum of five (5) feet from any public or private right-of-way and shall comply with city standards for vehicular sight distance at the driveway intersection with the frontage street.
2. Maximum area. The sign shall be a maximum of forty-eight (48) square feet in area. Only one (1) side of a double-faced (back to back) sign shall be included when calculating sign area. Sign area calculations shall not include architectural treatments or support structures.
3. Maximum height. The maximum height of a monument sign shall be six (6) feet. Architectural treatments or support structures shall be included in the height measurement.
4. Materials and lighting. The use of plastic material as a background is not permitted. The sign background material shall be opaque, which means that any interior light source shall not penetrate the material and illuminate the background but shall be limited to illuminating the sign letters.
5. Landscape requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one (1) face of the sign. The director may reduce or waive this requirement if it is determined that the additional landscaping would contribute significantly to the overall aesthetic character of the project.

C. Awning and canopy signs. Signs on awnings and canopy signs may be allowed only as an integral part of the awning or canopy to which they are attached or applied, as follows.

1. Location. Signs may be placed only on awnings that are located on first story building frontages, including those fronting a parking lot or pedestrian way.

2. Maximum area. The sign area devoted to awning and canopy signs shall be included in calculation of the maximum allowable wall sign area pursuant to section 9655.8.B.1.
3. Overhead clearance. No structural element of an awning or canopy shall be located lower than eight (8) feet above finished grade.
4. Sign text or logo area shall not occupy more than thirty (30) percent of the awning panel.
5. Lighting. Awnings shall not be internally illuminated. Lighting directed downwards that does not illuminate the awning is allowed.
6. Required maintenance. Awning and canopy signs shall be regularly cleaned and kept free of dust and visible defects.

D. Under canopy signs.

1. Location. The sign shall be placed or hung only on a ground floor facade, near the main entrance of each leasable tenant space.
2. Overhead clearance. The lowest point of an under canopy sign shall be no lower than eight (8) feet above finished grade.
3. Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.

E. Projecting signs.

1. Maximum area. The sign area devoted to projecting signs shall be included the calculation of the maximum allowable wall sign area pursuant to section 9655.8.B.1. Size uniformity should be maintained along street frontages to the greatest extent possible. The text, copy and logo should not exceed seventy-five (75) percent of the sign background.
2. Overhead clearance. The lowest point of a projecting sign shall not be lower than eight (8) feet above the ground level.
3. Sign structure. Sign supports and brackets shall be compatible with the design and scale of the sign.

- F. Window signs. Window signs that are permanent and either painted on or affixed to the window, and which are visible from the public right-of-way or public areas, shall be allowed in addition to the total authorized sign area pursuant to section 9655.8.B.1. The cumulative sign area of this type of window sign shall not exceed five (5) square feet of the total window area. The total window area shall include the aggregate square footage of the vertical glass areas in the windows and entry doors in each individual storefront or tenant space. Exposed neon illumination, exposed fluorescent illumination and scintillating, flashing, animating or revolving signs are prohibited. Window signs are not subject to a sign permit.
- G. Directional signs. All directional signs shall be located a minimum of ten (10) feet from the street property line and shall not exceed three (3) feet in height and three (3) square feet in area.

**9655.8. Permanent sign entitlement by land use.**

*A. Residential land use districts.*

- 1. Multi-family developments. One (1) monument sign, maximum forty-eight (48) square feet and six (6) feet in height, may be erected on each public street frontage upon which the complex has public access. In addition, interior signs which are visible from any public right-of-way, may be approved by the director provided that such signs do not exceed six (6) square feet in area and four (4) feet in height. Interior signs not visible from any public right-of-way shall not be subject to the requirements of this paragraph.

*B. Commercial, business park and planned development land use districts.*

- 1. Walls signs for business park, office and retail uses. Each business park tenant, office tenant, or retail tenant shall be limited to one (1) wall sign per primary frontage integrated into the design of the building. Except as otherwise provided by this part, the following sign area limitations shall also apply:

*a. Buildings located within one hundred (100) feet of public right-of-way:*

- i. Office buildings shall be limited to one (1) business sign.

- ii. The maximum allowable sign area for each tenant located within one hundred (100) feet of any public or private right-of-way shall not exceed one (1) square foot of sign area for each foot of primary building frontage. In no event, however, shall the maximum sign area exceed fifty (50) square feet.

- iii. For tenants located in a multi-tenant building or center, the maximum sign length shall not exceed sixty-five (65) percent of the length of the tenant space in order to provide clear definition between signs and avoid a crowded appearance. The sign shall be generally centered over the storefront or tenant space.

- b. *Buildings located more than one hundred (100) feet from public right-of-way:*
- i. Office buildings shall be limited to one (1) business sign.
  - ii. The maximum allowable sign area for each tenant located more than one hundred (100) feet from any public or private right-of-way shall not exceed one (1) square foot of sign area for each foot of primary building frontage. In no event, however, shall the sign area exceed seventy (70) square feet.
  - iii. For tenants located in a multi-tenant building or center, the maximum sign length shall not exceed sixty-five (65) percent of the length of the tenant space in order to provide clear definition between signs and avoid a crowded appearance. The sign shall be generally centered over the storefront or tenant space.
- c. *Major tenants in shopping centers.* The maximum allowable wall sign area for a major tenants in shopping centers, which have a frontage greater than one hundred (100) feet, shall not exceed one (1) square foot of sign area for each foot of primary building frontage. In no event, however, shall the sign exceed two hundred (200) square feet.
- d. *Businesses located on second floor.* Businesses maintained exclusively on the second floor of a two (2) story commercial center building may be allowed one (1) wall sign, provided that the square footage of the wall sign not exceed one-quarter of the tenant frontage, or a maximum of ten (10) square feet, whichever is greater.
- e. *Frontage on two (2) or more streets.* A business located in a commercial or business park building having frontage on more than one (1) public right-of-way may use the applicable maximum allowable wall sign area in Section 9655.8.B.1 on one (1) frontage and one-half of the allowance on the second public frontage. Said allowance shall only be utilized on the frontage on which the allowance is based. For purposes, of this paragraph, frontage shall include any public entrance 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.

- f. *Freeway facing signage.* Subject to approval of a sign program, all buildings in commercial, business park, or planned development land use districts, which either directly back or side upon Highway 101, may be permitted a total of one (1) secondary sign, which shall not exceed twenty-five (25) square feet in sign area. The secondary sign may be increased up to fifty (50) square feet in lieu of a primary sign. A maximum of one (1) secondary sign shall be allowed for a tenant occupying multiple buildings in a business park or commercial complex. This provision does not apply to those buildings or uses, which are separated by a public frontage road from the freeway.
2. In addition to the wall sign allowances in section 9655.8.B. 1, monument signs are allowed as follows:
  - a. *Commercial and business complex, center or park with common name.* Any commercial and business complex, center or park that has a common name is permitted one (1) monument sign.
  - b. *Commercial and business complex, center or park larger than two (2) acres with frontage on two (2) or more streets.* Any commercial and business complex, center or park that has a common name and is in excess of two (2) acres in area, is permitted one (1) monument sign for each public street frontage.
  - c. *Single tenant building or office building.* For a single business totally occupying a building, which is not part of a larger complex, project, center or park, one freestanding monument sign is permitted.
3. In addition to the wall sign allowances in section 9655.8.B.1, the following signs on awnings, projecting signs, under canopy signs, on-site directional signs, off-site directional signs, and permanent window signs are allowed:
  - a. *Signs on awnings.* Painted, non-illuminated signs may be permitted on the borders of marquees, canopies, awnings, arcades, or similar structures or attachments. Such signs shall be counted toward the maximum wall sign area allowance pursuant to Section 9655.8.B.1.
  - b. *Projecting signs and under canopy signs.* One (1) projecting sign or under canopy sign shall be permitted. Such signs shall be counted towards the maximum wall sign area allowance pursuant to Section 9655.8.B.1.
  - c. *On-site directional signs.* On-site directional signs shall be limited in number to four (4) signs per frontage for any property that has more than one (1) frontage. The maximum area for such signs shall be three (3) square feet, and such signs shall not exceed three (3) feet in height.



- d. *Off-site directional signs.* Where the primary vehicular access for a property is located on an adjacent property and the point of access is not readily evident due to the configuration of the lot or topographical issues, one directional sign may be allowed on the adjacent property to identify access to the property. The maximum area of the sign shall be three (3) square feet and such signs shall not exceed (3) three feet in height.
- e. *Permanent window signs.* Window signs are allowed pursuant to Section 9655.7.F as permanent signs. Window signs are not subject to a sign permit.

C. Additional sign entitlement for specific uses. The following signs are permitted, with a sign permit, unless otherwise specifically prohibited:

1. Gasoline service stations. In addition to the signs allowed in Section 9655.8.B, gasoline service stations are allowed the following, in accordance with State law:
  - a. One (1) changeable copy sign per street frontage, placed on the ground, not to exceed twenty (20) square feet in area and six (6) feet in height. Such sign shall comply with Business & Professions Code Section 13530 et seq.
  - b. One (1) accessory wall sign not to exceed fifteen (15) square feet in area or one (1) accessory monument sign not to exceed fifteen (15) square feet in area and six (six) feet in height.
  - c. One (1) additional accessory wall sign not to exceed ten (10) square feet in area.
  - d. Sign at fuel dispensing pump. A maximum of one (1) sign shall be allowed on or above the actual fuel pumps not to exceed two (2) square feet in area.
2. Signs at a drive thru lane or window. Where there is such a facility, in addition to the signs allowed in Section 9655.B, two (2) changeable copy signs with a maximum area of thirty (30) square feet each, a maximum height of seven (7) feet, and oriented internally are permitted.

#### **9655.9. Sign program.**

- A. *Purpose.* A sign program is intended to (1) integrate the design of the signs proposed for a development project with the design of the structures, into a unified architectural statement; and (2) provide a means for defining common sign regulations for multi-tenant projects and other users of multiple signs, in order to encourage maximum incentive and latitude in the design and display of multiple signs, and to achieve, not circumvent, the intent of this chapter. For the purposes of this provision, a development project is a project involving the construction or remodeling of improvements on privately-owned property.

- B. *Applicability.* The approval of a sign program shall be required under the following circumstances, or whenever an applicant applying for a land use entitlement requests the approval of a sign program:
1. New multi-tenant developments of three (3) or more separate tenants that share either the same parcel or structure and use common access and parking facilities.
  2. New multi-family developments whenever five (5) or more signs are proposed.
  3. Whenever five (5) or more permanent signs are proposed for a new or existing development in the business park, commercial, or planned development zones;
  4. When an existing shopping center requests an increase in the size, height, location and number of a monument sign pursuant to subsection 9655.12.C.
  5. The director determines that a sign program is needed to ensure compliance with the provisions of this chapter.
- C. *Review and approval authority.* The planning commission may approve a sign program through the granting of a sign permit for a sign program.
- D. *Application requirements.* A sign permit application for a sign program shall include all information and materials listed in section 9655.5 and the filing fee set by the city's fee resolution.
- E. *Standards.* A sign program shall comply with the criteria established in subsection 9655.5.D. and the following standards:
1. The program shall comply with the purpose of this chapter and the overall intent of this section;
  2. The program shall accommodate future revisions that may be required because of changes in use or tenants; and
  3. The program shall comply with the standards of this chapter, except that a variance or modification is allowed with regard to sign area, number, location, or height to the extent that the comprehensive sign program will enhance the overall development and will more fully accomplish the purposes of this division.
- F. *Revisions to sign programs.* Revisions to a sign program determined to be minor in nature may be approved by the director with a standard sign permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new comprehensive sign program approved by the planning commission.

## **9655.10. Temporary signs.**

- A. *Temporary window signs.* Temporary non-illuminated window signs are allowed in the commercial, business park, and planned development zones and are allowed 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 (1) sign per window panel; and shall not exceed fifty (50) percent of any individual window panel. The total window area shall include the square footage of the aggregate vertical glass areas of windows and entry doors in each individual storefront or tenant space that are parallel to the primary street frontage serving the property. If more than one (1) 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. A sign permit is not required for these signs.
- B. *Yard signs.*
1. Residential and Open Space Zones. A maximum of two (2) yard signs per lot not exceeding six (6) square feet in area and six (6) feet in height for each sign are allowed in the residential and open space restricted zones for a period not exceeding 120 days in twelve (12) consecutive months. The Planning Director may approve an additional 120 days for the display of yard signs during the time of residential real estate marketing upon submittal of evidence of active sale, rent, or lease by the property owner. A sign permit is not required for these signs.
  2. Commercial, Business Park, and Planned Development Zones, with the approval of a sign permit. During the time that valid building permits exist for new construction or remodel, up to two (2) temporary yard signs, one not exceeding thirty-two (32) square feet in area and another not exceeding twenty-five (25) square feet, are permitted on the lot per street frontage. Such signs shall not exceed six (6) feet in height and removed before notice of completion is issued for the building(s) being constructed.
- C. *Charitable or Community Events.* For a maximum 30-day period prior to a charitable or community event occurring within the boundaries of the City and three (3) days after such event, one (1) temporary sign or banner not exceeding twenty (20) square feet may be displayed at a commercial complex in the Commercial Shopping Center – Mixed Use (CS-MU) zone along each street frontage for a maximum of thirty-three (33) days per event. In addition, such sign or banner may be displayed at the site of the event. Such signs and banners are in addition to all other signage allowed in this chapter. Such signs and banners shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way. A sign permit is not required for these signs or banners.

**D. *New Tenancies.***

1. During a period of ninety (90) consecutive days from issuance of the sign permit, the director may approve one banner not exceeding twenty (20) square feet in area for any pending or recent occupancies of new tenant spaces on a parcel in which the tenancy is located in the commercial, business park, and planned development land use districts. Such signs may consist of one (1) banner on the exterior wall of the building within which the subject tenancy is located. The content of the banner may be changed during the 90-day period.
2. In addition, during the first four (4) days of a grand opening event, captive balloons, without regard to number, may be permitted provided that such balloons do not extend beyond the lowest point of the roofline of the business, obstruct other business in the vicinity, or interfere with pedestrian vehicle traffic.
3. These restrictions shall not in any way prohibit any person from handing out or giving away balloons as part of the normal activities of a business as long as such balloons are not in a captive state attached to a structure.

**E. *Commercial and industrial real estate marketing period.***

1. Temporary on-site signs are allowed on properties in the commercial, business park, and planned development land use districts during the period of time when such properties are for sale, lease or rent on that parcel, if the property owner obtains a sign permit pursuant to the following requirements:
  - a. One (1) sign per parcel; or
  - b. One (1) sign per street frontage.
2. Such signs shall not exceed three (3) feet by three (3) feet, or a total of nine (9) square feet in area and four (4) feet in height if attached to the ground by a pole(s) or other support structure. All ground mounted signs shall be displayed on a permanent sign structure designed consistent with the design of the center or building on which the sign is placed. Wall or window signs shall not exceed two (2) feet by two (2) feet, or a total of four (4) square feet in area. Each sign shall be designed and located in a manner satisfactory to the director. No sign shall be illuminated and no banners are allowed. No other temporary yard signs shall be allowed beyond those allowed by this provision.

F. *Election Periods.* During the period from thirty (30) days before and seven (7) days after a local, state, or national election, additional temporary signs, not exceeding six (6) square feet in sign area and six (6) feet in height, are allowed on private property in all zones. A sign permit shall not be required for a temporary sign during this period.

#### **9655.11. Exempt signs**

The following are exempt from the requirement of this section.

A. *Government signs.* Government signs include 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.

B. *Flags.* Flags that meet the following criteria are exempt from the requirements of this Section:

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 a flags on a parcel of forty (40) feet (one (1) side);
4. A maximum of one (1) flag pole per developed site; and
5. A maximum height of thirty-five (35) feet in the commercial, business park, and planned development zones and a maximum height of twenty-five (25) feet in the residential and open space-restricted zones. 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.

#### **9655.12. Administration and enforcement.**

A. *Duty to enforce.* The director shall have the duty to enforce the provisions of this part.

B. *Modifications to sign standards.* Pursuant to division 6 (section 9676 through 9676.7), the planning commission may approve minor modifications to the regulations relating to the size, height, number, and location of new or existing signs after a public hearing in those cases where an applicant is faced with exceptional circumstances related to the type or location of its business, or is trying to achieve a special design effect. The applicant shall have the burden of proving that:

1. The sign is or will not be detrimental to surrounding uses or properties or the community in general; and
2. The approval of such modification is consistent with the purposes of the general plan and this part, the sign criteria set forth in subsection 9655.5.D and the adopted sign design guidelines.

Notwithstanding the foregoing, the size or height entitlement of a sign shall not be increased by more than thirty (30) percent.

C. *Special consideration for additional signs with landscape maintenance agreement.* To avoid conflicts between the visibility of signs in existing shopping centers and the city's parking lot shade coverage requirements, the planning commission may approve a modification to an existing sign program or a new sign program for an existing retail center or complex to allow modifications to the size, height, number, and location of monument signs if the property owner enters into a landscape maintenance agreement with the city. The landscape maintenance agreement shall among other items, include a provision to ensure that proper tree trimming methods are utilized. All proposed signage shall meet the following criteria:

1. The sign shall not be detrimental to surrounding uses or properties or the community in general; and
2. The approval of such modification shall be consistent with the purposes of the general plan and this part, the sign criteria set forth in subsection 9655.5.D and the adopted sign guidelines.

D. *Removal of unsafe signs.* Any sign that presents an immediate danger to the public health or safety may be removed by the city without prior notice. Alternatively, the director may issue a notice of violation and give the permit holder, property owner, or person in possession and control of the property forty-eight (48) hours to cure the violation. In the case of an unsafe sign removed by the city, the costs of such removal and storage shall be borne by the permit holder, property owner, or person in possession and control of the property, as applicable and may be collected by the city in the same manner as it collects any other debt or obligation. No unsafe

sign, which has been removed and stored by the city, shall be released until the costs of removal and storage have been paid. If an unsafe sign remains unclaimed for a period of thirty (30) days after notice of removal is sent to the permit holder, property owners, or person in possession and control of the property, it shall be deemed to be unclaimed personal property and disposed of in accordance with the law.

- E. *Removal of illegal signs on public property.* The director shall remove or cause to be removed any sign unlawfully placed or located on public property or in a public right-of-way. The director shall notify the owner of such sign, if such owner is known, that its sign is being held at city hall and that it will be destroyed if not claimed by the owner within ten (10) days after the date of such notice. In the event that the owner does not claim such sign within said ten-day period, the director may destroy or otherwise dispose of such sign.
- F. *Violations.* Violation of this chapter is a misdemeanor unless otherwise charged by the prosecuting attorney as an infraction and shall be punishable as provided in section 1200(b) of the Agoura Hills Municipal Code.

### **9655.13. Nonconforming signs.**

This section recognizes that the eventual elimination of existing signs that are not in conformity with the provisions of this chapter is as important as the prohibition of new signs that would violate these regulations.

- A. *Continuation of nonconforming sign.* A legally established sign that does not conform to the provisions of this chapter may continue to be used, except that the sign shall not be:
  - 1. Structurally altered to extend its useful life;
  - 2. Expanded, moved, or relocated;
  - 3. Re-established after a business has been discontinued for sixty (60) days or more; or
  - 4. Re-established after damage or destruction of more than fifty (50) percent of the sign value, as determined by the director.
- B. *Sign copy changes.* The sign copy and sign faces of a nonconforming sign may be changed upon obtaining a sign permit provided that the change does not include a structural change in the display.
- C. *Correction of nonconformities required.* Approval of any structures on a site or a change in the land use on a site shall require that all nonconforming signs on the site be brought into conformity with this chapter.

- D. Within sixty (60) days after a tenant vacancy in any commercial or industrial zone, all signs and support structures related to the prior tenant shall be removed.

**9655.14. Appeal of approval or denial of sign permit.**

- A. Any person seeking to appeal any decision of the director or planning commission must file a written notice of appeal with the city clerk and pay the applicable appeal fee established by city council resolution no later than fifteen (15) days after the date of the notice of the decision. The appeal notice shall state, with specificity, the factual and legal basis of the appeal. The city clerk shall expeditiously schedule a hearing before the city council and notify the appellant, in writing, of the day, time and location of the hearing, which shall be held not later than thirty (30) days after the notice of appeal is received by the city; provided, however, the hearing may be held after such thirty-day period upon the request or concurrence of the appellant. The time for compliance of any original order shall be stayed during the pendency of the hearing before the city council.
- B. The city council or planning commission shall provide the appellant with a written decision within ten (10) working days of the conclusion of the hearing. In the event any such sign approval, denial or revocation, or remediation or removal order is upheld by the city council, the approval, denial, revocation or order shall be effective on the date of the action by the city council, and that action shall be final and conclusive.”

**Section 4.** If any section, subsection, sentence, clause, portion, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, portions, or phrases of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, portion, or phrase without regard to whether any other section, subsection, sentence, clause, portion, or phrase of the Ordinance would be subsequently declared invalid or unconstitutional.

**Section 5.** The City Clerk shall certify the adoption of this Ordinance and cause its publication in accordance with applicable law.



PASSED, APPROVED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_  
2019, by the following vote to wit:

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

\_\_\_\_\_  
Linda L. Northrup, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, City Clerk, MMC

APPROVED AS TO FORM:

\_\_\_\_\_  
Candice K. Lee, City Attorney