

REPORT TO CITY COUNCIL

DATE: MAY 22, 2024

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: DENICE THOMAS, COMMUNITY DEVELOPMENT DIRECTOR
ROBBY NESOVIC, PRINCIPAL PLANNER

SUBJECT: ADOPT ORDINANCE NO. 23-472; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE FOLLOWING PROVISIONS OF ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE: 1) DIVISION 5 (SIGN REGULATIONS) IN CHAPTER 6 (REGULATORY PROVISIONS); 2) SECTION 9676.2 (APPLICATION PROCEDURES) AND SECTION 9676.7 (VARIANCE OR MODIFICATION RELATING TO USES AMORTIZED PURSUANT TO THIS CODE) FOR VARIANCES AND MODIFICATIONS IN CHAPTER 6 (REGULATORY PROVISIONS); AND 3) SECTION 9804.2 (PLANNING COMMISSION PUBLIC HEARING) AND SECTION 9804.3 (ZONING ADMINISTRATOR PUBLIC HEARINGS) IN CHAPTER 8 (ADMINISTRATION) AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

At the regularly scheduled City Council meeting held on May 8, 2024, the City Council held a continued public hearing where the City Council, by a vote of 4-1, waived full reading and introduced Ordinance No. 23-472, an Ordinance amending Article IX (Zoning) of the Agoura Hills Municipal Code related to signs and the review and approval authority for modifications, and making a determination of exemption under the California Environmental Quality Act.

FISCAL IMPACT

The sign ordinance update was included in the Community Development Department goals for Fiscal Year 2023-24, and money was allocated to Account No. 010-4305-5520 to pay for consultant services related to the project. Most funds for the project were expended prior to the current fiscal year, and expended funds for Account No. 010-4305-5520 are currently tracking to be under the allocated budget amount for Fiscal Year 2023-24. Additionally, staff time spent on long-term planning projects is anticipated in the annual budget. For those reasons, the project will have no impact on the Budget for Fiscal Year 2023-24.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Ordinance No. 23-472.

Attachment: Ordinance No. 23-472

ORDINANCE NO. 23-472

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING THE FOLLOWING PROVISIONS OF ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE: 1) DIVISION 5 (SIGN REGULATIONS) IN CHAPTER 6 (REGULATORY PROVISIONS); 2) SECTION 9676.2 (APPLICATION PROCEDURES) AND SECTION 9676.7 (VARIANCE OR MODIFICATION RELATING TO USES AMORTIZED PURSUANT TO THIS CODE) FOR VARIANCES AND MODIFICATIONS IN CHAPTER 6 (REGULATORY PROVISIONS); AND 3) SECTION 9804.2 (PLANNING COMMISSION PUBLIC HEARING) AND SECTION 9804.3 (ZONING ADMINISTRATOR PUBLIC HEARINGS) IN CHAPTER 8 (ADMINISTRATION) AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 1. Findings.

A. On July 20, 2023, 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. 23-1282, recommending approval of the draft Ordinance.

B. On August 23, 2023, the City Council of the City of Agoura Hills conducted a duly noticed public hearing concerning the Ordinance as required by law.

C. On May 8, 2024, the City Council of the City of Agoura Hills conducted a duly noticed public hearing continuing the August 23, 2023, meeting concerning the Ordinance.

D. At the public hearing on August 23, 2023, and May 8, 2024, the City Council received testimony from City staff and all interested parties regarding the proposed amendments.

E. It is the intent and purpose of the City's sign regulations to preserve and enhance the unique character and visual appearance of the City; to assure proper expression through visual communications involving signs that are compatible with the character and environment of the community; to enhance the visual quality of the City's scenic highways; to promote fairness in competition and retain identity in the business community while recognizing the importance of well-designed signs; recognize the integral part played by signs in the overall appearance of the City; reduce possible traffic and safety hazards by prohibiting signs that are distracting to motorists; recognize the function and importance of signs to the community as a

whole; provide guidance and direction for sign users and sign designers as to what constitutes appropriate signs in the City; 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 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. This Ordinance aims to further the objectives of the City's sign regulations as stated above, and to improve the general comprehensibility of the City's sign regulations.

F. Without adequate regulation signage can endanger the public, distract drivers, create confusion, and foster a negative image of the City on the part of the public. Moreover, excessive signage can damage view corridors, diminish property values, and detrimentally effect the quality of life of City residents and visitors.

G. In developing this Ordinance, the City Council has been mindful of developments in the law since the last amendment of the sign regulations. The City Council intends that this Ordinance continue the City's long-standing practice of regulating signage to advance the City's interests in traffic safety and community aesthetics.

H. The sign regulations imposed under this Ordinance are a matter of citywide importance and are not directed towards any particular business or property owner.

I. 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 2. The facts set forth in the recitals of this Ordinance are true and correct.

Section 3. 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 exercise 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 4. Section 9655.2 (Definitions) of 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 to read as follows:

“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 (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. *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. *BUG rating* means the type and amount of light spillage from the fixture's source. The B in BUG represents the backlight. Backlight is the amount of stray light behind the light source. The U represents upright, which is the amount of light that passes vertically beyond a horizontal plane of the light source, and G stands for glare, which is the light cast within a person's field of view where glare is produced.
- E. *Candelas (cd)* means the System of Units (SI) used to measure the brightness of a source of light (its luminous intensity).
- F. *Candela per meter² (cd/m²)* means the units of luminous intensity in the International System of Units (SI), defined as the luminous intensity per unit area.
- DG. *Changeable copy sign* means a sign or portion of a sign where it is possible to change the copy on a frequent basis.

- ~~EH.~~ *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.
- GI. *Director* means the director of planning and community development or such director's designee.
- HJ. *Externally lighted sign* means a sign whose immediate source of illumination is not enclosed by the surface of the sign structure.
- IK. *Flag* means 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.
- JL. *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.
- KM. *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.
- LN. *Frontage, secondary* means any frontage, other than the primary frontage, that has a public entrance to the subject building.
- ~~O.~~ *Fully Shielded (Light Fixture)* means a light fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal. Any structural part of the light fixture providing this shielding must be permanently affixed, and part of the fixture, not part of any surrounding building or architectural elements.
- MP. *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.
- ~~Q.~~ *Illuminance means the amount of light falling onto a unit area of the surface (luminous flux per unit area) – measured in foot candles.*
- NR. *Inflatable sign* means 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.
- OS. *Internally lighted illuminated* means illumination produced by a light source contained within a sign and not directly visible ~~from outside to the eye.~~

- PT. *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.
- QU. *Logo* means an individual sign, separated from the business letters, consisting of any name, symbol, trademark, letter style, words, figures, or decorative motifs.
- V. *Lumen* means the unit of luminous flux; used to measure the amount of light emitted by lamps.
- W. *Luminance* means the intensity of light reflected or emitted from a unit area of surface, such as a sign face – measured in cd/m².
- RX. *Monument sign* means a sign that is a ground-mounted sign, 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, with a solid base separating the sign copy from the grade. A monument sign can be single-sided or double-sided and only back-to-back faces shall constitute one monument sign.
- SY. *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.
- ‡Z. *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.
- UAA. *Pole sign* means a freestanding sign that is supported by one (1) or more poles or uprights on the ground.
- ‡BB. *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.
- WCC. *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 perpendicular to the building.
- XDD. *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.~~
- AAEE. *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.~~

GGFF. *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.

DDGG. *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.

EEHH. *Single tenant building* means a building used by one (1) occupant for an individual business.

FFII. *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.

GGJJ. *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.

HHKK. *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 LL. *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.

JJMM. *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.BB."

Section 5. Subsection F of Section 9655.3 (Prohibited Signs) of 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 to read as follows:

"F. Devices projecting or otherwise producing the image of a sign, as defined in section 9655.2-~~CG-FF.~~, on any surface or object."

Section 6. Subsection B of Section 9655.4 (General Provisions) of 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 to read as follows:

"B. *Sign height for ground-mounted signs.* The maximum allowable sign height for ground-mounted signs 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.~~

Section 7. Section 9655.5 (Application and review procedures for permanent signs) of 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 to read as follows:

"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. In addition to a sign permit, permanent signs may be subject to the issuance of a building permit if required by the Building Code.

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. When applicable, the 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~~ and renderings or photo simulations of proposed buildings.
 9. Such other information as the department of planning and community development may require to secure compliance with this ~~part~~ division.
- 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 below and the provisions of this ~~part~~ division.
- 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 division~~ division;
 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 for Denial.* 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 in subsection D, or other provisions of this division shall be prepared in writing and mailed to the applicant or ~~his~~ their agent and sign contractor within ~~ten (10)~~ thirty (30) working calendar days.
- F. *Appeals.* Any decision made by the director or the planning commission may be appealed in accordance with ~~the provisions of this title~~ section 9655.14. The decision of the city council on any appeal shall be final.”

Section 8. Subsection D of Section 9655.6 (General sign standards for permanent signs) of 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 to read as follows:

“D. Illumination of signs

1. Director review. Unless otherwise prohibited by this part, signs may be illuminated subject to the review and 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 bright. ~~and no sign approval shall be valid until such order has been carried out to the satisfaction of the director.~~ Illumination shall be considered excessively bright when it prevents the 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.

2. Standards for illumination of signs. Sign lighting shall be subject to the standards below:

a. Externally illuminated signs.

- i. Externally mounted light fixtures shall be fully shielded to eliminate unnecessary backlight, uplight, or glare (BUG) and have an uplight (U) BUG Rating of U=0.
- ii. Externally illuminated light fixtures shall not exceed a color temperature of 3000 Kelvin (K)
- iii. Externally illuminated light fixtures shall be restricted to white bulbs only.

b. Internally illuminated signs.

- i. Signs can be halo or concealed internally illuminated. Internal illumination can be used only when it is limited to lighting the sign letters and any state and/or federal registered trademark.
- ii. Lighting used for internally illuminated signs shall be restricted to white bulbs only.
- iii. Halo-illuminated signs shall not exceed a color temperature of 3000 Kelvin (K).
- iv. Internally illuminated signs shall not exceed a color temperature of 4000 Kelvin (K).

c. Sign Brightness.

- i. The maximum luminance value for any portion of a sign shall be 700 cd/m². This includes any point within a sign face no matter the color and is inclusive of glare points on externally illuminated signs.
- ii. Average Brightness. The maximum average luminance within a sign face shall be 300 cd/m². The average luminance within a sign face shall be calculated by adding together the luminance value of each unique illuminated sign feature or color, and then dividing the total luminance value by the total number of unique illuminated sign features or colors. (e.g., if a

sign's lettering is entirely red with a luminance value of 200 cd/m², while the sign's logo is entirely green with a luminance value of 300 cd/m², the average luminance of the sign would be 250 cd/m².

iii. For the purpose of compliance with this section, luminance values shall be measured 50 feet from the face of a sign.

d. Automatic dimmer control. All sign lighting must be equipped with:

i. An automatic dimmer control to produce the illumination change required by subsection (c) of this section; and

ii. A means to immediately turn off the display or lighting if the illuminated sign malfunctions."

Section 9. Subsections B (Monument signs) and G (Directional signs) of Section 9655.7 (Standards for specific types of permanent signs) of Division 5 (SIGN REGULATIONS) of Part 2 (SPECIAL REGULATIONS) of Chapter 6 (REGULATORY PROVISIONS) of Article IX (ZONING) of the Agoura Hills Municipal Code are hereby amended to read as follows:

"B. *Monument signs.*

1. *Location.* The sign shall be located a minimum of five (5) feet from any property line abutting a public or private right-of-way street and shall comply with city standards for vehicular sight distance at the driveway intersection with the frontage street as determined by the City Traffic Engineer.
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. The maximum allowable sign height shall be measured as the vertical distance from grade adjacent to the base of the sign footing, to the top of the sign, including the support structure and any design elements. In no case shall an artificial grade be established for the sole purpose of elevating the grade adjacent to the base of the sign footing for purposes of sign 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 not contribute significantly to the overall aesthetic character of the project. on sites with existing landscaped setbacks pursuant to division 6 (section 9676 through 9676.7) and section 9655.12.C.”~~

and

~~“G. *Directional signs.* All directional signs shall be located a minimum of ten ~~five~~ (10 ~~5~~) feet from the street property line, and shall not exceed three (3) feet in height and three (3) square feet in area.”~~

Section 10. Section 9655.8 (Permanent sign entitlement by land use) of 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 to read as follows:

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. a. 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.~~

- ~~b. Buildings located more than one hundred (100) feet from public right-of-way:~~
- b. One (1) square foot of signage is allowed per each linear foot of storefront, tenant space, or primary building frontage.
 - ~~i. Office buildings shall be limited to one (1) business sign.~~
 - ii.c. The maximum allowable sign area for each tenant located within one hundred (100) feet of any public or private right-of-way street 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. the maximum sign area shall not exceed fifty (50) square feet. For each tenant located more than one hundred (100) feet from any public or private street, the maximum sign area shall not exceed seventy (70) square feet.
 - iii.d. 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 Each sign shall be generally centered over the storefront or tenant space.
 - e.e. 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.f. Businesses located on second floor in shopping centers. Businesses maintained exclusively on the second floor of a two-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.
 - eg. 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 street 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.~~

- ~~h.~~ Two or more public entrances. A business with a public entrance on a secondary frontage on a parking lot may have a sign located on such frontage which does not exceed ten (10) square feet.
- ~~f.i.~~ 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 freeway-facing sign, which shall not exceed twenty-five (25) square feet in size sign area. The secondary freeway-facing sign may be increased up to fifty (50) square feet in size in lieu of a sign intended to be on the primary sign frontage. A maximum of one (1) secondary freeway-facing 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. Monument Signs. In addition to the wall sign allowances in section 9655.8 B.1, monument signs are allowed as follows:

 - a. ~~Commercial center and business complex, center or park with common name.~~ Any commercial center and business complex, center or park that has a common name is permitted one (1) monument sign.
 - b. ~~Commercial centers and business complex, center or parks larger than two (2) acres with frontage on two (2) or more streets.~~ Any commercial center and or business complex, center or park that has a common name and is in excess of two (2) acres in area, with two access driveways with an access driveway on a public street frontage is permitted one monument sign for each public street frontage with an access driveway.
 - 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 (1) freestanding monument sign is permitted.
- 3. Other signs. 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,~~ and signs at drive-thru lanes or windows 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 four (34) square feet, and such signs shall not exceed three four (34) feet in height.~~
- d. ~~*Off-site directional signs.* Where the primary vehicular access for a property is located on an adjacent private property and the point of access is not readily evident due to the configuration of the lot or topographical issues, one (1) directional sign may be allowed on the adjacent property, with permission by the property owner, to identify access to the property. The maximum area of the sign shall be three four (34) square feet and such signs shall not exceed three four (34) feet in height.~~
- ec. *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.
- d. *Signs at a drive-thru lane or window.* For a drive-thru facility, in addition to the signs allowed by Section 9655.8 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 away from the street are permitted.

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

~~4.C. *Gasoline service stations.* In addition to the signs allowed in section 9655.8, Gasoline service stations are allowed the following signs, in accordance with State law:~~

- a1. One (1) monument signs as allowed in section 9655.8 B.2. and 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. Digital lighting used for the text of changeable copy signs shall be restricted to white bulbs only. The changeable copy sign may be integrated into a monument that complies with the provisions of section 9655.8 B.2.
- 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 (6) feet in height.~~

- ~~c. One (1) additional accessory wall sign not to exceed ten (10) square feet in area.~~
- 2. Two (2) accessory wall signs. One accessory wall sign shall not exceed fifteen (15) square feet in size and the other accessory wall sign shall not exceed ten (10) square feet in size.
- ~~d3. Sign at fuel dispensing pump dispenser. A maximum of one (1) sign shall be allowed on or above the actual fuel pumps dispensers not to exceed two (2) square feet in area.~~
- 4. One island canopy sign per street frontage. The sign shall not exceed the height of the fascia and 10 square feet in size.
- ~~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."~~
- D. See Chapter 5, Part 6, for sign regulations for properties located in the Old Agoura Design Overlay District."

Section 11. Section 9655.9 (Sign program) of 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 to read as follows:

- "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. 2. Whenever five (5) or more permanent signs are proposed for a new or existing development in the multi-family, business park, commercial, or planned development zones;

- 4-3. When an existing shopping center requests an increase in the size, height, location, and number of a monument signs pursuant to a landscape management agreement as specified in subsection 9655 12.C.
- 4. Freeway facing signs pursuant to section 9655.8.B.1.i.
- 5. Certain monument signs and sign materials pursuant to section 9553.5 A. and C. in the Old Agoura Design Overlay.
- 6. Increase in the number of sign colors allowed pursuant to section 9655.6 B.
- 5-7. 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~~ shall have the authority to review and approve a sign program. through the granting of a sign permit for a sign program.
- D. *Application requirements.* ~~An 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 section 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 be designed in a manner to be able to 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~~ intent of this division.
- F. *Public hearing on proposed sign program.*
 - 1. A public hearing shall be scheduled and notice shall be provided pursuant to section 9804 et seq.
 - 2. The Planning Commission may approve, conditionally approve or deny a proposed sign program. The Planning Commission shall not approve the application unless the following findings are made:
 - a. The location of the proposed signs and the design of their visual elements are legible under normal viewing conditions prevailing where the sign is to be installed. Legibility shall be determined based solely on the elements of lettering, colors, decorative motifs, spacing, and proportion.

- b. The location and design of the proposed signs, their size, shape, illumination, and color are compatible with the visual characteristics of the surrounding area. Compatibility shall be determined based solely on the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size, and the size and style of lettering.
- c. The proposed sign program is consistent with the City's adopted sign design guidelines and any applicable design guidelines in any adopted Specific Plan.

FG. *Revisions to sign programs.* Revisions to a an existing 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.”

Section 12. Subsections D (New tenancies) and E (Commercial and industrial real estate marketing period). of Section 9655.10 (Temporary signs) of Division 5 (SIGN REGULATIONS) of Part 2 (SPECIAL REGULATIONS) of Chapter 6 (REGULATORY PROVISIONS) of Article IX (ZONING) of the Agoura Hills Municipal Code are hereby amended to read as follows:

“D. *New tenancies.*

1. During a period of ninety (90) consecutive days from the issuance of the sign permit, the director may approve one (1) 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 ninety-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 or vehicle traffic. No mylar or metallic balloons are allowed.
- ~~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.c. Such Ground mounted 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 with a solid base.~~
- d. 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.

Section 13. Section 9655.11 (Exempt signs) of 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 to read as follows:

“The following are exempt from the requirements of this ~~section~~ division.

- A. ~~*Government-signs-maintained signs.*~~ Government-maintained signs include signs erected and maintained by the City of Agoura Hills, the State of California or the County of Los Angeles and used for public safety, traffic, fire, and police related signs, temporary traffic control, public works or utility construction and maintenance, 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~~ division:
 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.

Section 14. Subsection B of Section 9655.12 (Administration and enforcement) of Division 5 (SIGN REGULATIONS) of Part 2 (SPECIAL REGULATIONS) of Chapter 6 (REGULATORY PROVISIONS) of Article IX (ZONING) of the Agoura Hills Municipal Code are hereby amended to read as follows:

~~"B. *Modifications to sign standards.* Pursuant to division 6 (section 9676 through 9676.7), the planning commission may approve minor modifications a variance 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. Notwithstanding the foregoing, the size or height entitlement of a sign shall not be increased by more than thirty (30) percent.~~

1. The director may administratively approve up to a 10% increase in the size of wall signs and the size and height of monument signs. This approval shall not be subject to the requirements in sections 9676 through 9676.7.
2. 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 Director may approve a sign modification for an increase from eleven (11) to fifteen (15) percent in the size of wall signs and the size and height of monument signs.
3. The applicant shall have the burden of proving that:
 - a. The sign is or will not be detrimental to surrounding uses or properties or the community in general; and
 - b. The approval of such modification is consistent with the purposes of the general plan and this part, the sign criteria set forth in section 9655.5 D., and the adopted sign design guidelines and/or the design guidelines in any adopted Specific Plans.
4. A sign modification shall be processed pursuant to division 6 (section 9676 through 9676.7).
5. A request for an increase in size or height of a wall or monument sign by more than fifteen (15) percent, a request for additional signs, or a request to allow the relocation of signs shall be made as an application for a variance.

Section 15. Section 9655.13 (Nonconforming signs) of 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 to read as follows:

“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 a legal 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 buildings 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.”

Section 16. Section 9676.2. (Application Procedures) of Division 6 (VARIANCE AND MODIFICATION) of Part 3 (SPECIAL PERMIT OR REVIEW) of Chapter 6 (REGULATORY PROVISIONS) of Article IX (ZONING) of the Agoura Hills Municipal Code is hereby amended to read as follows:

“The following procedures shall be followed in considering variance and modification applications:

- A. *Investigation and report.* The department of planning and community development shall make an investigation of each application that is subject ~~at a public hearing to this division~~ and shall prepare a report thereon which shall be submitted to the appropriate authority, and made available to the applicant prior to ~~the public hearing~~ approval or denial of the request.
- B. *Hearing responsibility* Modifications.
 - 1. Review authority.

~~4a.~~ Applications for modifications ~~solely~~ for the following regulations shall be heard considered and a determination shall be made by the director:

- ~~a.i.~~ Building site area;
- ~~b.ii.~~ Building site width;
- ~~c.iii.~~ Yards;
- ~~d.iv.~~ Off-street parking regulations;
- ~~v.~~ Projections into yards;
- ~~vi.~~ An increase in the size and height of a sign;
- ~~vii.~~ A reduction in the amount of landscaping provided at the base of a monument sign on sites with legal nonconforming landscape setbacks.

~~2.~~ ~~All other variances and modification applications shall be heard and a decision the planning commission shall make a determination.~~

~~3b.~~ A modification is any change to the terms or requirements of this article, which, if granted, would allow the following:

- ~~i.~~ ~~a.~~ A decrease of not more than ten (10) percent of the required building site area or width;
- ~~ii.~~ ~~b.~~ A decrease of not more than twenty (20) percent of the required width of a side yard or the yard between building;
- ~~iii.~~ ~~c.~~ A decrease of not more than twenty (20) percent of the required rear yard;
- ~~iv.~~ ~~d.~~ A decrease of not more than twenty (20) percent of the distance required between the front property line and the building line;
- ~~v.~~ ~~e.~~ A decrease of not more than ten (10) percent of the required parking spaces;
- ~~vi.~~ ~~f.~~ An increase of not more than ten (10) percent of the permitted projection of steps, stairways, landings, eaves, overhangs, masonry chimneys, and fireplaces, into any required front, rear side or yard between buildings;
- ~~vii.~~ ~~g.~~ An increase in the size and height, ~~number and location~~ of new or existing signs. The increase in size or height of a sign shall not exceed thirty fifteen (~~30~~15) percent.
- ~~viii.~~ A decrease of not more than thirty (30) percent in the amount of landscaping provided at the base of a monument sign on sites with existing landscape setbacks.

2. Administrative Decision. The director may approve, conditionally approve, or deny, without a public hearing, all applications for a modification. The director may elect to forward the matter to the planning commission for consideration of the application. Noticing

requirements for the director's consideration of a modification application for the items listed in section 9676.2 B.1.a. above shall be pursuant to section 9804.4.

~~E.3.~~ Modification Findings. The ~~planning commission or~~ director may grant a ~~variance or~~ modification to a regulation prescribed by this article if the following findings are made:

- ~~4~~a. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this article deprives such property of privileges enjoyed by thither property in the vicinity and under identical zoning classification.
- ~~2~~b. That the granting of the ~~variance~~ modification will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.
- ~~3~~c. That the strict interpretation and enforcement of the provisions of this article would result in practical difficulty or unnecessary hardship inconsistent with the objectives of this article.
- ~~4~~d. That the granting of the ~~variance~~ modification will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- ~~5~~e. That the granting of the ~~variance~~ modification will be consistent with the character of the surrounding area.

~~The planning commission may grant a sign modification if the following findings are made.~~

~~4.~~ Sign Modification Findings. The ~~planning commission~~ director may ~~grant~~ approve a sign modification for up to a 15% increase in the size and height number and location of new or existing signs if the following findings are made:

- ~~1~~a. The sign is or will not be detrimental to surrounding uses or properties in the community in general; and
 - ~~2~~b. The approval of such modification is consistent with the purposes of the general plan, the sign criteria set forth in section 9655.5 D, and the adopted sign guidelines.
- ~~5.~~ Action of the director. The director may grant a modification as the modification was applied for or in modified form, or the application may be denied. A modification may be granted subject to conditions as the director may prescribe.

~~C. *Public hearing.* The planning commission shall hold a public hearing on an application for a variance or sign modifications. The hearing shall be set and notice given as prescribed in section 9804.2. At a public hearing, the commission shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the variance and/or sign modification, prescribed in section 9876. Public hearing notice requirements shall be made as provided in section 9804.4.~~

~~D. *Action of the planning commission or director.* The planning commission or director may grant a variance or modification as the variance or modification was applied for or in modified form, or the application may be denied. A variance or modification may be granted for a limited time period, or may be granted subject to conditions as the commission or director may prescribe~~

C. *Variances.*

1. *Review authority for variances.* Applications for variances shall be heard and a determination shall be made by the planning commission.

2. *Public hearing.* The planning commission shall hold a public hearing on an application for a variance. At a public hearing, the commission shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the variance prescribed in section 9676.1. Public hearing notice requirements shall be made as provided in section 9804.4.

3. *Findings.* The planning commission may grant a variance to a regulation prescribed by this article if the following findings are made:

a. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of this article deprives such property of privileges enjoyed by thither property in the vicinity and under identical zoning classification.

b. That the granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

c. That the strict interpretation and enforcement of the provisions of this article would result in practical difficulty or unnecessary hardship inconsistent with the objectives of this article.

d. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

e. That the granting of the variance will be consistent with the character of the surrounding area.

4. Action of the planning commission. The planning commission may grant a variance as the variance was applied for or in modified form, or the application may be denied. A variance may be granted subject to conditions as the commission may prescribe.

FD. Appeals. A decision of the planning commission on a variance or sign modification may be appealed to the city council. A decision of the director on a modification may be appealed to the planning commission.

GE. Determination by city council or planning commission. The city council or planning commission shall hold a public hearing on a variance or modification as prescribed in chapter 8 if an appeal has been filed within the prescribed fifteen-day appeal period. The decision of the city council shall be final.

HF. Effective date of variance or modification. A decision of the planning commission or director on a variance or modification shall be effective fifteen (15) days after the date of the decision unless an appeal has been filed. Variance and/or modifications shall become effective immediately after they are granted by the city council.”

Section 17. Section 9676.7. (Variance or Modification related to uses amortized pursuant to this Code) of Division 6 (VARIANCE AND MODIFICATION) of Part 3 (SPECIAL PERMIT OR REVIEW) of Chapter 6 (REGULATORY PROVISIONS) of Article IX (ZONING) of the Agoura Hills Municipal Code is hereby deleted in its entirety.

~~9676.7. Variance or modification relating to uses amortized pursuant to this Code.~~

~~Where the variance application seeks relief from the provisions of section 9655.3 which prohibits pole signs and freestanding signs or section 9655.8 which provides for a seven year amortization period for such signs, in addition to the relief permitted under section 9676.2.E, the city may alternately grant an extension to the amortization period if the following findings are made:~~

- ~~1. The amortization period as applied to the applicant is legally unreasonable due to special facts or circumstances;~~
- ~~2. The extension of time granted is the minimum amount of time necessary to assure that the amortization period is reasonable; and~~
- ~~3. The extension of the amortization period will not have a significant adverse effect on the public health, safety or welfare.~~

~~In determining whether the period of amortization is reasonable as applied to an individual applicant, the city shall consider all relevant factors including, but not~~

~~limited to, such factors as the length of the amortization period, the extent of the nonconformity, the amount of the investment in the sign, construction dates, salvage value, remaining useful life, length and remaining term of any lease under which the sign or other nonconforming use is maintained, and harm to the public if the sign remains standing beyond the amortization period.~~

Section 18. Section 9804.2 (Planning commission public hearing) and 9804.3 (Zoning administrator public hearings) of Division 4 (PUBLIC HEARING PROCEDURES) of Part 1 (GENERAL) of Chapter 8 (ADMINISTRATION) of Article IX (ZONING) of the Agoura Hills Municipal Code is hereby amended to read as follows:

“9804.2 Planning commission public hearing.

The following matters shall be considered by the planning commission only after a public hearing:

- A. General plan and specific plan adoption and amendments;
- B. Change of zones;
- C. Zoning ordinance adoption and amendments;
- D. Conditional use permits;
- E. Variances;
- F. Mobile home permits;
- G. Low and moderate income housing permits;
- H. Development agreements;
- I. Sign Programs
- J. Appeals from the decision of the director that required a public hearing before the director.

9804.3 Zoning administrator public hearings.

- A. The following matters shall be considered by the director after a public hearing:
 - ~~1. Minor modifications; and~~
 - 21. Minor conditional use permits for wireless telecommunications facilities and/or wireless telecommunications collocation facilities.
 - 32. Amendments to minor conditional use permits for wireless telecommunications facilities and/or wireless telecommunications collocation facilities.”

Section 19. Severability Clause. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstances, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsections, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 20. Effective Date. This Ordinance shall take effect thirty (30) days after passage.

Section 21. Certification. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2024, by the following vote to wit:

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

Illece Buckley Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney