



DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

ACTION DATE: October 19, 2006

TO: Planning Commission

APPLICANT: City of Agoura Hills

CASE NO.: 06-ZOA-002

PROPOSAL: An amendment to Agoura Hills Municipal Code, Article IX-Zoning, Division 5.-*Sign Regulations*. Amendments are proposed in the following areas: definitions, window signs, temporary open house and garage sale signs, off-site directional signs, temporary noncommercial signs and banners, signs on multiple street frontages, off-site directional signs and menu boards.

REQUEST: That the Planning Commission formulate its recommendations to the City Council regarding a zoning ordinance amendment relative to the City's sign regulations.

ENVIRONMENTAL ANALYSIS: Addendum to the 1992 Certified Final Environmental Impact Report for the General Plan Update

RECOMMENDATION: Staff recommends that the Planning Commission adopt the attached Resolution recommending that the City Council approve Zoning Ordinance Amendment Case No. 06-ZOA-002.

I. BACKGROUND

The City's existing Sign Code was updated and adopted by the City Council in May 2005 after a comprehensive review by a sub-committee consisting of Planning Commission, City Council and Architectural Review Panel members. Since that date, staff identified sections in the Code that needed to be revised and/or clarified relative to sign criteria and standards. On April 26, 2006, the City Council conducted a pre-screen review regarding these proposed revisions and provided direction to staff. A discussion of the direction given to staff is provided below in the staff analysis.

Staff has now developed the text for the proposed revisions and is recommending approval of numerous amendments to the City's sign regulations. All of the proposed revisions, with deletions shown as strikeouts and new text shown as underlined, are attached to the staff report (Attachment B). In addition, typographical errors were also corrected.

II. STAFF ANALYSIS

Amendments are proposed to the following areas: definitions, window signs, temporary open house and garage sale signs, off-site directional signs, temporary noncommercial signs and banners, signs on multiple street frontages, off-site directional signs and menu boards. Some of the amendments are "clean up" items and others are amendments discussed at the Council pre-screen meeting.

During the pre-screen meeting, the Council also discussed freeway facing signs and indicated that no changes were needed to the revisions made in 2005 that allow one (1) freeway facing sign for all commercial or business park buildings that either back or side upon the freeway, regardless of building size, which was a previous limitation for such signs. The amendment also included allowing for the freeway facing signs to be illuminated. All freeway facing signs are subject to review by the Planning Commission. The purpose of this provision was to allow greater flexibility and fairness in providing freeway identification and to give authority to the Planning Commission to review these requests on a case-by-case basis.

Staff has provided a summary of the proposed amendments below, followed by a discussion of the rationale behind the proposed changes.

1. Definitions (Section 9655.2)

- a. Add new definitions for "noncommercial sign" and "noncommercial copy." The new definitions merely provide a definition for existing signs already identified in the Sign Regulations.

- b. Delete “political sign” and “primary sign” definitions as these terms do not currently exist in the Sign Regulations.

The above changes are “cleanup” items to ensure the Code is internally consistent.

2. Temporary Commercial Window signs (Section 9655.4 E.)

Temporary non-illuminated commercial signs advertising products for sale and special events are allowed in storefront windows and the allowed size of the sign is calculated using the size of the window area. The proposed amendment will clarify how the total window area is determined.

Changes to this section are, in part, in response to concerns raised by the City Council on the proliferation of temporary commercial window signage and a request by some Councilmember’s to begin a proactive enforcement of excessive window signs. It is important to have clear and concise criteria in order for staff to efficiently apply code enforcement. Currently the provisions on window signs do not include a specific definition for window sign area. The sign area can be defined as the area within one window frame or pane, or the total aggregate area of all windows, or a portion of the windows on the building. How the window area is defined will play a significant role in the size of signs that can be displayed. For instance, if a retailer is allowed to display advertising on no more than 25% of the window area within a single window frame or pane, no single window would be completely covered with advertising. Alternatively, if the window area is defined as the total window space on the building or storefront, there could be multiple windows that are completely covered with advertising.

Staff finds that the intent of the window sign provisions in the Sign Ordinance is to allow a reasonable amount of temporary advertising on the window without creating excessive visual clutter. Staff recommends the 25% apply to each building elevation, not to each window pane. There was consensus on the Council that there should be clarity on how to measure window sign coverage. Some Council members agreed with staff’s recommendation but others wanted to make sure that one window on an elevation is not overly covered. For instance, even though the aggregate window coverage on one elevation was 25%, if all the signage was concentrated on just one window then that window would look cluttered.

There are several options the Planning Commission could consider for measuring window sign area. These options include (1) allowing a maximum 25% of each window pane; (2) allowing a maximum 25% per elevation (a total of all windows in a storefront), but no more than 50% coverage per each individual window pane; or (3.) allowing a maximum 25% per elevation. While staff is recommending Option 3 because of ease of enforcement, a fourth option the Planning Commission could consider would be

Option 3, but with a provision that staff will return in 6-12 months with a report back on enforcement and that additional adjustments can be made at that time.

In addition to revising 9655.4 E. regarding window sign area, staff is recommending deletion of the time limits for such window signs. Currently, businesses are allowed such signs up to 4 times a year with 14 days per event. The proposed revision will eliminate this time provision and businesses will be allowed temporary window signs subject to size criteria discussed above.

The time limitation of temporary window signs has proven difficult to enforce because it requires continuous monitoring and enforcement. However, through proactive enforcement of the maximum allowable window sign area and the current prohibition of fluorescent colors, the potential visual clutter of such temporary signs is anticipated to be diminished.

Staff has completed an inventory of existing commercial window signs and will enforce the Sign Ordinance provisions geographically per each commercial zoning district. It is also staff's intent to institute an education component regarding window sign criteria. This would be similar to what was done for commercial real estate sign enforcement, in which staff would prepare a brochure with information for complying with the temporary window Sign Ordinance provisions.

3. Real Estate Signs (Section 9655.4.H)

Currently, the sign regulations are silent on whether flags, balloons or banners may be utilized on temporary residential real estate signs. The proposed amendment will clarify that these items are prohibited.

The Sign Ordinance currently prohibits the display of flags and banners when posting off-site open house real estate signs. However, this prohibition does not currently apply to the real estate signs posted on residential property while the home is listed for sale. The Council agreed with staff's recommendation to amend the Code to make it clear that the display of flags and banners are prohibited on residential property listed for sale.

4. Temporary noncommercial signs and banners (Section 9655.4.I)

Due to laws that require sign regulations to be content neutral, political campaign signs are classified as temporary noncommercial signs. Currently only two (2) temporary noncommercial signs and banners containing noncommercial messages are permitted on a property. The proposed amendment will suspend this limit during a period of 30 days before and seven (7) days after a local, state or national election.

The intent of this amendment is to allow residents to place multiple signs on their property in light of the fact that there could be multiple candidates or ballot issues. However, this suspension regarding the number of noncommercial signs or banners would apply to all noncommercial signs and banners. The Council generally supported this proposed revision.

At the pre-screen review the Council also discussed whether these signs should be allowed in the landscaped parkway located between a sidewalk and street curb. Many homeowners and businesses are not aware that these landscaped parkways are most often within the public right-of-way and these areas are often used for posting of campaign signs. Staff had asked the Council about allowing for such temporary posting of campaign signs in the parkway areas during the suspension period. Two of the council members expressed concern about allowing campaign signs in the parkway.

5. Frontage on two or more streets (Section 9655.8.B.1.j) and Definitions (Section 9655.2)

The proposed amendment to this section explains that “frontage” includes any entrance to the premises upon which a business is located from a public right-of-way even though the business may not actually front the 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 that does not exceed ten (10) square feet.

This provision is intended to address buildings located adjacent to a public street but oriented towards the interior of the shopping center with entry to the building visible from the interior of the lot. This provision is also intended to address corner lots where the building is visible from two (2) public streets. The proposed revision will provide a definition of “frontage” and provides discretion to the Planning Commission to further define primary frontage for shopping centers and multiple tenant buildings through review of sign programs. In addition, prior to the adoption of the updated Sign Ordinance, a ten (10) square foot sign was allowed for businesses that had a public entrance on a secondary frontage, even though that particular side of the building may not front a public right-of-way. This will allow businesses to place signs where the public enter and exit the business. Staff believes this provision of the Sign Ordinance was inadvertently deleted.

6. Off-site Directional signs (Section 9655.8 B.n.)

The proposed amendment would allow an off-site directional sign where the sole 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. The size of the sign, however, would be limited to the current size and height (3 square feet and 4 feet high) for directional signs and would be non-illuminated.

This is a new section that is being added to address unique situations where the access to a business is not on the same lot as the business. An example of this situation is the access driveway to the Sleep Shoppe on Reyes Adobe Road. The site takes access from the adjacent Mobil gas station parcel and given the topography of the site in relation to the roadway, it is difficult to identify the point of access. Staff allowed the Sleep Shoppe to have such a sign on a test basis and has found the sign to be effective in addressing the site and access constraints while not causing negative visual effects.

7. Menu boards (Section 9655.9A.2)

The existing regulations do not regulate the height of menu boards for fast food restaurants. The proposed amendment will establish a maximum height of seven (7) feet for menu boards including the base.

Fast service restaurants are currently allowed to display two (2) menu or reader board signs that do not exceed thirty (30) square feet. No height limitation is specified. Establishing a maximum height of 7 feet is reasonable considering the height of vehicles, such as SUVs, trucks and vans. Also, menu and reader boards are intended to be viewed from within the site and not oriented to the public right-of-way. The Council agreed with the proposed amendment.

ENVIRONMENTAL REVIEW

An Addendum to the 1982 Final Environmental Impact Report (EIR) for the General Plan Update was prepared in compliance with the California Environmental Quality Act (CEQA) and is included as Attachment C.

III. RECOMMENDATION:

Staff recommends that the Planning Commission adopt the attached draft Resolution recommending that the City Council approve Zoning Ordinance Amendment Case No. 06-ZOA-02 relative to sign regulations.

CONSULTING PROJECT PLANNER: Joyce Parker-Bozylinski

IV. ATTACHMENTS:

- A. Planning Commission Resolution
- B. Revised Sign Regulations
- C. Addendum to Final EIR
- D. Photos of Signs

