

REPORT TO CITY COUNCIL

DATE: AUGUST 13, 2008

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: INTRODUCTION AND FIRST READING OF ORDINANCE NO. 08-354, AMENDING SECTIONS 9655.4, 9655.4.D, 9655.4.I AND 9655.10.A.4 OF THE AGOURA HILLS MUNICIPAL CODE RELATING TO GENERAL SIGN ENTITLEMENTS, ILLUMINATED BUSINESS HOUR SIGNS, TEMPORARY COMMUNITY EVENT SIGNS/BANNERS, AND TENANT OCCUPANCY BANNERS.

Staff is requesting that the City Council conduct a public hearing to introduce Ordinance No. 08-354 for first reading. The ordinance would amend Municipal Code Sections 9655.4, 9655.4.D, 9655.4.I, and 9655.10.A.4 (Zoning Ordinance Sign Regulations) regarding general sign entitlements, illuminated business hour signs, community event signs/banners, and tenant occupancy banners.

On January 9, 2008, the City Council discussed Sign Ordinance enforcement activity procedures, including commercial window signs, pending development signs, and non-profit advertising. Staff was given direction regarding enforcement of various provisions of the Sign Ordinance. Some components of their direction required amendments to the existing Sign Ordinance. Specifically, the City Council directed staff to prepare changes to the following provisions of the Ordinance: 1) illuminated business “open” signs; 2) future development and tenant “opening soon” signs; and 3) charitable event advertising.

To assist staff in preparing the text amendments to the Sign Ordinance, staff received recommendations from the City Business Task Force, which were forwarded to the Planning Commission. The Planning Commission conducted a public hearing on June 19, 2008, and recommended approval of the following amendments to the Sign Ordinance as proposed by staff and supported by the Business Task Force.

1. Illuminated Business “Open” Signs

Staff had noticed an increase in the number of illuminated “open” signs which businesses are displaying in the city. The Sign Ordinance specifically states that window signs which advertise products may not be illuminated. However, a prohibition of illuminated information signs, including “open” signs, is not included.

The City Council expressed their willingness to consider allowing illuminated “open” business signs, but also expressed their reservation in allowing the neon signage, or signs that appear as neon. Based on this direction, staff proposed to the Business Task Force that “open” signs of any illumination method, except exposed neon or exposed fluorescent illumination, be allowed and treated as any other temporary window sign with regard to window coverage. Staff also proposed that other types of illuminated window signs, including neon signs and flashing/scintillating signs, etc., continue to be prohibited. The Business Task Force supported these proposals, with the recommendation that illuminated “closed” signs also be allowed and that the types of allowable and prohibited illumination methods be specified. Based on these recommendations, the Planning Commission recommends approval of the following amendments (underlined) to the “informational sign” provisions of the Sign Ordinance:

“The following signs if not illuminated, except as otherwise allowed herein, shall be permitted without the requirement of a sign permit in the applicable land use districts. Such signs shall be located in a manner that does not create a traffic hazard or a hazardous condition for persons using a public right-of-way, as determined by the City Engineer.

Informational signs. Signs within window areas that indicate addresses, hours and day of operation; whether a business is open or closed, credit card information and emergency address and telephone numbers. Such signs shall be located on the inside of the window and shall not require a sign permit, and shall be used for the name of the business in excess of twenty-five (25) percent of said sign. “Open” and “closed” signs may be illuminated by light emitting diode (LED) or incandescent methods. Exposed neon illumination, exposed fluorescent illumination and scintillating, flashing, animating or revolving “open” and “closed” signs are prohibited.”

2. “Opening Soon” Signs and Future Development Signs

The Sign Ordinance also allows the display of one 20-square-foot grand opening banner for a maximum 30-day duration to advertise the initial opening of a business. The ordinance currently does not provide for the display of “opening soon” signs which are intended to advertise the pending opening of a new business. Staff informed the City Council last January that certain businesses which are moving into existing buildings or are awaiting completion of a new building are interested in displaying “opening soon” banners. The City Council expressed their willingness to allow for the display of “opening soon” banners, provided the duration was limited.

Based on this direction, staff proposed to the Business Task Force that the ordinance be amended to allow “opening soon” signs and grand opening signs within a total 60-day period, subject to issuance of a sign permit. The Business Task Force emphasized to staff that the initial opening of retail businesses is critical to their success. As such, it was recommended that temporary “coming soon” or “grand opening” signs (or “occupancy” signs) be allowed with a sign permit during a consecutive 90-day period, during which time the business may change the content of the sign based on the status of their opening. The Business Task Force also recommended the signs be posted for a specific business, rather than to advertise vacant space for lease or

purchase. Based on these recommendations, the Planning Commission recommends approval of the following amendments to the “special purpose signs” provision of the Sign Ordinance:

“The following signs are permitted in any land use zone, with a sign permit for a temporary sign, unless otherwise specifically prohibited:

Grand opening Occupancy signs. During an authorized grand opening event, For the purpose of advertising pending and recent tenant occupancy for new businesses, temporary signs, not exceeding twenty (20) square feet in area may be approved by the Director. Such signs may consist of one (1) banner on the exterior wall of the building within which the subject business is located and shall specify the name of the tenant. Such signs shall not be displayed more than ~~thirty (30)~~ ninety (90) consecutive days from the issuance of the sign permit, during which time the content of the signs may change, but shall be in keeping with the purpose of this section.

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.

The 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.”

The Sign Ordinance also allows for the display of future development signs (i.e. “coming soon” signs) with a sign permit anytime after project entitlement is received from the City. These are usually painted wood signs with leasing or tenant information. One sign is allowed to be displayed per street frontage, and the size of the signs can vary from 25 square feet to 50 square feet, based on the size of the parcel. Such signs are required to be removed upon completion of the building, or when the project’s entitlement expires. Staff previously mentioned to the City Council that when considering final building design development, building permit issuance and construction, this time period can extend from two to three years, thus becoming less characteristic of a temporary sign. The Business Task Force considered the issue, but recommended no change to this allowance and found the size of the signs to be acceptable. The Business Task Force did, however, recommend staff review the condition of the signs when entitlement extensions are requested, and require a new sign permit for the sign if the Director of Planning and Community Development determines the sign has deteriorated in its appearance. Rather than amending the Sign Ordinance to address this issue, the Planning Commission supported the recommendation of the Business Task Force as an administrative policy. If the City Council concurs, no amendment to this provision of the Sign Regulations would be necessary.

3. Charitable and Community Event Advertising

Staff had noticed an increased interest by charity and non-profit organizations to display temporary banners in shopping centers, primarily facing public streets. Although the Sign

Ordinance prohibits outdoor advertising displays, the ordinance does allow for two (2) temporary charitable (“noncommercial”) signs advertising events in the city to be displayed on any commercial or residential lot. The signs are limited to six (6) square feet in size and six (6) feet in height and are required to be removed within three (3) days after the event. Charitable signs are currently allowed to be displayed without a sign permit. Thus, multiple charitable banners can be displayed on commercial lots throughout the city. The City Council stated their desire to allow for advertising of charitable events, but expressed concern with the appearance of multiple banners visible from the street. The City Council suggested that the advertising for charitable events be allowed solely for specific events within the city, and that the number of days the banner can be displayed be restricted.

The Business Task Force was asked to provide their input on this issue, however they recommended staff, instead, seek input from the organizations which frequently display charity event signs. Staff, subsequently, contacted representatives from American Youth Soccer Organization (AYSO), Pony League Baseball, Triunfo YMCA, and the City Community Services Department regarding their needs for banner displays in the City. Staff found that, with the exception of the City Community Services Department, the community organizations wish to display banners just a few times each year, and the size of the banners vary from 8 square feet up to 27 square feet. The Community Services Department advertises City events on a more frequent basis.

Based on this input and the direction given by the City Council, the Planning Commission recommends the Sign Ordinance be amended to allow the display of one (1) non-profit charitable event sign per street frontage, subject to the issuance of a sign permit. The Planning Commission also recommends the signs be displayed for a maximum 30-day period and that they advertise a specific charitable or community event within the city and that the allowable size of these signs be increased to 30 square feet, not to exceed 10 feet in length and 6 feet in height. The specific proposed amendments (underlined) to the “temporary noncommercial signs and banners” provisions of the Sign Ordinance are as follows:

“Temporary noncommercial signs and banners shall be permitted only to advertise an upcoming civic, patriotic, non-profit, charitable, or special event of general public interest taking place within the boundaries of the city. Temporary signs and banners are permitted in all zones subject to the following regulations: On each lot a maximum of two (2) temporary freestanding signs containing only non-commercial messages are permitted. The limitation on the number of signs shall be suspended during the thirty (30) days before and seven (7) days after a local, state or national election. All temporary noncommercial signs or banners shall be removed within three (3) days after the event for which they are intended. Each temporary noncommercial sign or banner shall not exceed six (6) square feet in sign area with a maximum height of six (6) feet. One (1) temporary sign or banner advertising an upcoming charitable or community event occurring within the boundaries of the city may be displayed on each street frontage per lot in all zones for a maximum of thirty (30) days per event, and shall not exceed thirty (30) square feet in size, ten (10) square feet in length, and six (6) feet in height. Such signs are in addition to all other signage allowed in this chapter.

Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.”

Another option for the City Council to consider is to limit the number of locations in the City in which the charitable or community event signs or banners can be displayed.

Staff has determined that the circumstances, impacts, and mitigation requirements identified in the General Plan Environmental Impact Report (EIR) remain applicable to the proposed Sign Ordinance Amendment, and the Amendment does not cause the level of impacts identified in the General Plan EIR to be exceeded. No changes are needed to the discussion of impacts or mitigation measures in the EIR. The Sign Ordinance Amendment consists of minor adjustments to the Sign Ordinance that was adopted in May 2005. The Amendment clarifies the intent and strengthens the enforceability of the Sign Ordinance. Therefore, an Addendum to the Final EIR prepared for the General Plan has been prepared for approval. This Addendum is consistent with the CEQA Guidelines and PRC Sections 15164 and 21166 in that none of the conditions outlined above that necessitate the preparation of a Subsequent EIR (CEQA Guidelines Section 15162) have been met. The proposed Sign Ordinance Amendment is a minor amendment that will not have any adverse impact on the environment.

RECOMMENDATION

Staff recommends that the City Council introduce, read by title only, and waive further reading of Ordinance No. 08-354, amending Municipal Code Sections 9655.4, 9655.4.D, 9655.4.I, and 9655.10.A.4 (Zoning Ordinance Sign Regulations) regarding general sign entitlements, illuminated business hour signs, community event signs/banners.

Attachments: Ordinance No. 08-354
Planning Commission Resolution No. 939
Planning Commission Meeting Minutes (June 19, 2008)
Planning Commission Staff Report (June 19, 2008)

ORDINANCE NO. 08-354

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING ZONING ORDINANCE SECTIONS 9655.4, 9655.4.D, 9655.4.I AND 9655.10.A.4 (SIGN REGULATIONS) (CASE NO. 08-ZOA-004)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Sections 9655.4 and 9655.4.D of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9655.4 General Entitlements.

The following signs if not illuminated, except as otherwise allowed herein, shall be permitted without the requirement of a sign permit in the applicable land use districts. Such signs shall be located in a manner that does not create a traffic hazard or a hazardous condition for persons using a public right-of-way, as determined by the City Engineer.”

“9655.4.D. *Informational signs.* Signs within window areas that indicate addresses, hours and day of operation; whether a business is open or closed, credit card information and emergency address and telephone numbers. Such signs shall be located on the inside of the window and shall not require a sign permit, and shall be used for the name of the business in excess of twenty-five (25) percent of said sign. “Open” and “closed” signs may be illuminated by light emitting diode (LED) or incandescent methods. Exposed neon illumination, exposed fluorescent illumination and scintillating, flashing, animating or revolving “open” and “closed” signs are prohibited.”

Section 2. Section 9655.4.I of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to read:

“9655.4.I. *Temporary noncommercial signs and banners.* Temporary noncommercial signs and banners shall be permitted only to advertise an upcoming civic, patriotic, non-profit, charitable, or special event of general public interest taking place within the boundaries of the city. Temporary signs and banners are permitted in all zones subject to the following regulations: On each lot a maximum of two (2) temporary freestanding signs containing only non-commercial messages are permitted. The limitation on the number of signs shall be suspended during the thirty (30) days before and seven (7) days after a local, state or national election. All temporary noncommercial signs or banners shall be removed within three (3) days after the event for which they are intended. Each temporary noncommercial sign or banner shall not exceed six (6) square feet in sign area with a maximum height of six (6) feet. One (1) temporary sign or banner advertising an upcoming charitable or community event occurring within the boundaries of the city may

be displayed on each street frontage per lot in all zones for a maximum of thirty (30) days per event, and shall not exceed thirty (30) square feet in size, ten (10) square feet in length, and six (6) feet in height. Such signs are in addition to all other signage allowed in this chapter.

Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.”

Section 3. Section 9655.10.A.4 of Part 2 of Chapter 6 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby added to read:

“9655.10.A.4. ~~Grand opening~~ Occupancy signs. ~~During an authorized grand opening event,~~ For the purpose of advertising pending and recent tenant occupancy for new businesses, temporary signs, not exceeding twenty (20) square feet in area may be approved by the director. Such signs may consist of one (1) banner on the exterior wall of the building within which the subject business is located and shall specify the name of the tenant. Such signs shall not be displayed more than ~~thirty (30)~~ ninety (90) consecutive days from the issuance of the sign permit, during which time the content of the signs may change, but shall be in keeping with the purpose of this section.

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.

The 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.”

Section 4. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this Ordinance are declared to be severable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

Section 5. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and said Ordinance shall become effective 30 days after its passage.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2008,
by the following vote to wit:

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

ATTEST:

BY:

Kimberly M. Rodrigues, City Clerk

John M. Edelston, Mayor

APPROVED AS TO FORM:

Craig A. Steele, City Attorney

RESOLUTION NO. 939

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF AGOURA HILLS
RECOMMENDING APPROVAL OF A ZONING ORDINANCE AMENDMENT
TO THE SIGN REGULATIONS
(CASE NO. 08-ZOA-004)**

**THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY
RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

WHEREAS, on January 9, 2008, the City Council directed staff to make changes to the City's Sign Regulations; and

WHEREAS, staff met with the Business Task Force on two occasions and consulted with local charitable organizations to receive input concerning the proposed revisions; and

WHEREAS, the Planning Commission has considered amendments to the Zoning Ordinance to amend Chapter 6, Part 2, Division 5 – Sign Regulations, Section 9655.4 and 9655.4.D. (General Entitlements and Informational signs), Section 9655.4.I. (Temporary noncommercial signs and banners), and Section 9655.10.A.4.(Special purpose signs) of the City of Agoura Hills Zoning Ordinance. A public hearing was duly held on June 19, 2008, in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the public hearing was duly given; and

WHEREAS, amendments to the Sign Regulations are necessary to maintain and strengthen the regulation of signage in the City. The proposed ordinance will attempt to accommodate the needs of the business community while maintaining and enhancing the City's aesthetic appearance. 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. Excessive signage can damage view corridors, diminish property values and detrimentally affect the quality of life of City residents, visitors and the traveling public; and

WHEREAS, the proposed amendments to the Sign Regulations are consistent with the purposes of the General Plan. The proposed ordinance serves to enhance the City's regulations with respect to the design, location, materials and maintenance of signs within the City. As such, the proposed ordinance will better implement the City's design and safety standards set forth in the General Plan; and

WHEREAS, the Planning Commission has considered the information contained in the Addendum to the General Plan Environmental Impact Report (EIR) prepared for this application and finds that an Addendum is appropriate because no significant impacts are anticipated that were not contemplated in the prior General Plan EIR and no additional substantial mitigation planning is necessary for project implementation.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Agoura Hills recommends the City Council adopt the attached amendment to Chapter 6, Part 2, Division 5. – Sign Regulations, Section 9655.4. and 9655.4.D. (General Entitlements and Informational signs), Section 9655.4.I. (Temporary noncommercial signs and banners), and Section 9655.10.A.4.(Special purpose signs) of the City of Agoura Hills Zoning Ordinance.

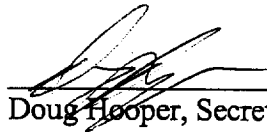
PASSED, APPROVED and ADOPTED this 19th day of June, 2008, by the following vote to wit:

AYES: (3) Nouzille, O'Meara, Zacuto
NOES: (0)
ABSENT: (2) Buckley Weber, Rishoff
ABSTAIN: (0)



John O'Meara, Chairperson

ATTEST:



Doug Hooper, Secretary



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION - AMENDED
June 19, 2008**

ROLL CALL

was amended – Vice Chair Zacuto was replaced with Chair O’Meara in the second paragraph.

CALL TO ORDER:

Chair O’Meara called the meeting to order at 6:31 p.m.

FLAG SALUTE

Commissioner Nouzille

ROLL CALL:

Chair John O’Meara, Vice Chair Curtis Zacuto, Commissioners Illice Buckley Weber, Cyrena Nouzille, and Steve Rishoff. Commissioner Buckley Weber and Commissioner Rishoff were absent.

~~Vice Chair Zacuto~~ Chair O’Meara stated that staff had received notification of Commissioner Rishoff’s and Commissioner Buckley Weber’s absence prior to the meeting and that they had requested the Commission excuse their absences. There were no objections to excusing the absence.

Also, present were Assistant Community Development Director Doug Hooper, Senior Engineer Jay Patel, Oak Tree and Landscape Consultant Ann Burroughs, Environmental Consultants Sean Wazlaw and Cori Thomas, and Recording Secretary Sheila Keckhut.

1. APPROVAL OF MINUTES:

~~June 5, 2008 Planning Commission Meeting~~

~~On a motion by Vice Chair Zacuto, seconded by Commissioner Nouzille, the Planning Commission moved to approve the Minutes of the June 5, 2008 Planning Commission Meeting. Motion carried 2-0-1. Chair O’Meara abstained. Commissioner Rishoff and Commissioner Buckley Weber were absent.~~

COMMENTS FROM THE PUBLIC ON ITEMS NOT LISTED ON THE AGENDA:

None

CONTINUED PUBLIC HEARING

2. REQUEST: Request for approval of a Conditional Use Permit to construct a 4,880 square foot, two-story, single-family residence a 463 square foot attached two-car garage, a 100 square-foot patio cover and a 125 square-foot balcony/deck; and a request for an Oak Tree Permit to remove one (1) oak tree and encroach in the protected zone of nine (9) oak trees for the proposed construction.
- APPLICANT: Sean Ben-Menahem
5000 N. Parkway Calabasas, Suite 106
Calabasas, CA 91302
- CASE NOS.: 03-CUP-016 & 03-OTP-017
- LOCATION: 6149 Palo Comado Drive
(A.P.N. 2055-023-073)
- ENVIRONMENTAL DETERMINATION: Categorically Exempt from CEQA per Section 15303.
- RECOMMENDATION: Staff recommended the continued public hearing for Conditional Use Permit Case No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017, be continued to the July 17, 2008 Planning Commission meeting.
- ACTION: On a motion by Vice Chair Zacuto, seconded by Commissioner Nouzille, the Planning Commission moved to continue Conditional Use Permit No. 03-CUP-016 and Oak Tree Permit Case No. 03-OTP-017 to the July 17, 2008 Planning Commission meeting. Motioned carried 3-0. Commissioner Rishoff and Commissioner Buckley Weber were absent.

CONTINUED SITE PLAN/ARCHITECTURAL REVIEW

3. REQUEST: Request for approval of a Site Plan/Architectural Review application to construct a first and second-story addition and a garage addition, totaling 1,672 square feet, to an existing two-story residence.
- APPLICANT: Robert Mahterian Architects
For Jen and Mitch Hesen
28351 Agoura Road, Suite A
Agoura Hills, CA 91301
- CASE NO.: 07-SPR-008
- LOCATION: 5575 Micaela Drive
(A.P.N. 2053-024-097)
- ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA per Section 15303
- RECOMMENDATION: Staff recommended the Planning Commission adopt a motion directing staff to return with a resolution of denial, or a resolution of approval, for Site Plan/Architectural Review Case No. 07-SPR-008, for adoption at the July 17, 2008 Planning Commission meeting.
- PUBLIC COMMENTS: Chair O'Meara opened the Public Hearing
The following person spoke in opposition of the project.
Mark McCoy, resident
Chair O'Meara closed the Public Hearing
- ACTION: On a motion by Vice Chair Zacuto, seconded by Commissioner Nouzille, the Planning Commission moved to have staff return with a resolution of denial for Site Plan/Architectural Review Case No. 07-SPR-008 at the July 17, 2008 Planning Commission meeting. Motioned carried 3-0. Commissioner Rishoff and Commissioner Buckley Weber were absent.

NEW PUBLIC HEARINGS

4. REQUEST: A request for approval of a Conditional Use Permit to construct seven (7), one-story, light industrial buildings totaling 103,070 square feet; a request for an Oak Tree Permit to remove one (1) oak tree and encroach within the protected zone of one (1) oak tree for the proposed construction; a request for approval of a Tentative Parcel Map to subdivide the 10-acre parcel into 25 commercial/industrial condominium units; and a request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program.
- APPLICANT: Gregory Alekian
Komar Investments, LLC
23 Corporate Plaza, Suite 247
Newport Beach, CA 92260
- CASE NOS.: 06-CUP-003; 06-OTP-005; and PM 65503
- LOCATION: 28701 Canwood Street (A.P.N. 2048-012-026)
- ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration
- RECOMMENDATION: Staff recommended approval of Conditional Use Permit Case No. 06-CUP-003; Oak Tree Permit Case No. 06-OTP-005; and Tentative Parcel Map No. 65503, subject to conditions, In addition, Staff recommends adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program.
- PUBLIC COMMENTS: Chair O'Meara opened the public hearing.
- The following persons spoke in favor of the project.
- Vache Hanessian, Komar Investments, applicant.
- Clint Knox, Project Director representing the applicant.
- Hugh Rose, Architects Orange representing the applicant.
- Hans Giroux Environmental Consultant representing applicant.
- Don Waite, Westland Civil representing applicant.

John Innes, Landscape Architect, and Oak Tree Consultant representing applicant.

Jack Dwyer, resident representing Ygal Levy.

The following person spoke neither for nor against the project

Steven Gittleman Annandale HOA spoke neither for nor against the project.

REBUTTAL:

Clint Knox, Project Director and Hans Giroux, Environmental Consultant representing the applicant gave rebuttal regarding the project and answered additional questions of the Planning Commission.

Chair O'Meara closed the public hearing.

RECESS:

Chair O'Meara called for a recess at 8:02 p.m.

RECONVENE:

Chair O'Meara reconvened the meeting at 8:16 p.m.

ACTION:

On a motion by Vice Chair Zacuto, seconded by Chair O'Meara, the Planning Commission moved to adopt the Resolution, approving Conditional Use Permit Case No. 06-CUP-003; Oak Tree Permit Case No. 06-OTP-005, subject to conditions and the adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program. Motion carried 2-1. Commissioner Rishoff and Commissioner Buckley Weber were absent.

On a motion by Vice Chair Zacuto, seconded by Chair O'Meara, the Planning Commission moved to adopt the Resolution, approving Tentative Parcel Map No. 65503 subject to conditions. Motion carried 2-1. Commissioner Rishoff and Commissioner Buckley Weber were absent.

5. REQUEST:

A request for the Planning Commission to provide a recommendation to the City Council regarding proposed amendments to the following Sections of the Sign Regulations of the Zoning Ordinance: 9655.4 (General Entitlements); 9655.4.D (regarding illuminated business hour signage); 9655.4.I (regarding community event

banners); and 9655.10.A.4 (regarding “grand opening” and “now open” banners).

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NOS.: 08-ZOA-004

LOCATION: Citywide

ENVIRONMENTAL DETERMINATION: Addendum to the 1992 Certified Final Environmental Impact Report prepared for the City of Agoura Hills General Plan Update

RECOMMENDATION: Staff recommended the Planning Commission recommend the City Council approve Zoning Ordinance Amendment Case No. 08-ZOA-004.

PUBLIC COMMENTS: Chair O’Meara opened and closed the public hearing.

ACTION: On a motion by Vice Chair Zacuto, seconded by Commissioner Nouzille, the Planning Commission moved to adopt the Resolution, recommending the City Council approve Zoning Ordinance Amendment Case No. 08-ZOA-004. Motion carried 3-0. Commissioner Rishoff and Commissioner Buckley Weber were absent.

ANNOUNCEMENTS ON ITEMS NOT LISTED ON THE AGENDA

(Planning Commission and Staff)

None

ADJOURNMENT

At 9:10 p.m., on a motion by Vice Chair Zacuto, seconded by Commissioner Nouzille, the Planning Commission moved to cancel the next Regular Meeting of the Planning Commission scheduled for July 3, 2008 and adjourned to 6:30 p.m., Thursday, July 17, 2008, for a Regular Meeting of the Planning Commission.



DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT

ACTION DATE: June 19, 2008

TO: Planning Commission

APPLICANT: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301

CASE NOS.: 08-ZOA-004

LOCATION: Citywide

REQUESTS: A request for the Planning Commission to provide a recommendation to the City Council regarding proposed amendments to the following Sections of the Sign Regulations of the Zoning Ordinance: 9655.4 (General Entitlements); 9655.4.D (regarding illuminated business hour signage); 9655.4.I (regarding community event banners); and 9655.10.A.4 (regarding "grand opening" and "now open" banners).

ENVIRONMENTAL DETERMINATION: Addendum to the 1992 Certified Final Environmental Impact Report prepared for the City of Agoura Hills General Plan Update

RECOMMENDATION: Staff recommends the Planning Commission recommend the City Council approve Zoning Ordinance Amendment Case No. 08-ZOA-004.

I. BACKGROUND

When requested of the City Council, staff reports on code enforcement activity and procedures and seeks direction as needed on prevalent issues that would assist in enforcing the Municipal Code. On January 9, 2008, the City Council discussed Sign Ordinance enforcement activity procedures, including commercial window signs, development signs, and non-profit advertising.

Staff was given direction regarding enforcement of various provisions of the Sign Ordinance. Some components of their direction require amendments to the existing Sign Ordinance. These amendments must first be reviewed by the Planning Commission for recommendations to the City Council prior to final approval by the Council. Specifically, the City Council directed staff to prepare changes to the following provisions of the Ordinance: 1) illuminated “open” signs; 2) future development and tenant “opening soon” signs; and 3) charitable event advertising.

To assist staff in preparing the text amendments to the Sign Ordinance, staff has requested recommendations from the City Business Task Force, which consists of several local business representatives appointed by the City Council to provide input on issues affecting the business community.

II. STAFF ANALYSIS

1. Illuminated “Open” Signs

Staff has noticed an increase in the number of illuminated “open” signs which businesses are displaying in the city. The Sign Ordinance specifically states that window signs which advertise products may not be illuminated. However, a prohibition of illuminated information signs, including “open” signs, is not included.

The City Council expressed their willingness to consider allowing illuminated “open” business signs, but expressed their reservation in allowing the neon signage, or signs that appear as neon. Based on this direction, staff proposed to the Business Task Force that “open” signs of any illumination method, except exposed neon or exposed fluorescent illumination, be allowed and treated as any other temporary window sign with regard to window coverage. Staff also proposed that other types of illuminated window signs, including neon signs and flashing/scintillating signs, etc., continue to be prohibited. The Business Task Force supported these proposals, with the recommendation that illuminated “closed” signs also be allowed and that the types of allowable and prohibited illumination methods be specified. Based on these recommendations, staff proposes the following amendments (underlined) to the “informational sign” provisions of the Sign Ordinance:

“The following signs if not illuminated, except as otherwise allowed herein, shall be permitted without the requirement of a sign permit in the applicable land use districts. Such signs shall be located in a manner that does not create a traffic hazard or a hazardous condition for persons using a public right-of-way, as determined by the city engineer.

Informational signs. Signs with window areas that indicate addresses, hours and day of operation; whether a business is opened or closed, credit card information and emergency address and telephone numbers. Such signs shall be located on the inside of the window and shall not require a sign permit, and shall be used for the name of the business in excess of twenty-five (25) percent of said sign. “Open” and “closed” signs may be illuminated by light emitting diode (LED) or incandescent methods. Exposed neon illumination, exposed fluorescent illumination and scintillating, flashing, animating or revolving “open” and “closed” signs are prohibited.”

2. “Opening Soon” Signs and Future Development Signs

The Sign Ordinance also allows the display of one 20 square foot grand opening banner for a maximum 30-day duration to advertise the initial opening of a business. The ordinance currently does not provide for the display of “opening soon” signs which are intended to advertise the pending opening of a new business. Staff informed the City Council that certain businesses which are moving into existing buildings or are awaiting completion of a new building are interested in displaying “opening soon” banners. The City Council expressed their willingness to allow for the display of “opening soon” banners provided the duration was limited.

Based on this direction staff proposed to the Business Task Force that the ordinance be amended to allow “opening soon” signs and grand opening signs within a total 60-day period, subject to issuance of a sign permit. The Business Task Force emphasized to staff that the initial opening of retail businesses is critical to their success. As such, it was recommended that temporary “coming soon” or “grand opening” signs (or “occupancy”) be allowed with a sign permit during a consecutive 90-day period, during which time the business may change the content of the sign based on the status of their opening. The Business Task Force also recommended the signs be posted for a specific business, rather than to advertise vacant space for lease or purchase. Based on these recommendations, staff is proposing the following amendments to the “special purpose signs” provision of the Sign Ordinance:

“The following signs are permitted in any land use zone, with a sign permit for a temporary sign, unless otherwise specifically prohibited:

Grand opening Occupancy signs. During an authorized grand opening event, For the purpose of advertising pending and recent tenant occupancy for new businesses, temporary signs, not exceeding twenty (20) square feet in area may be approved by the director. Such signs may consist of one (1) banner on the exterior wall of the building within which the subject business is located and shall specify the name of the tenant. Such signs shall not be displayed more than ~~thirty (30)~~ ninety (90) consecutive days from the issuance of the sign permit, during which time the content of the signs may change, but shall be in keeping with the purpose of this section.

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.

The restrictions shall not in any way prohibit any person for handing out or giving away balloons as part of the normal activities of a business as long such balloons are not in a captive state attached to a structure.”

The Sign Ordinance also allows for the display of future development signs (i.e. “coming soon” signs) with a sign permit anytime after project entitlement is received from the City. These are usually painted wood signs with leasing or tenant information. One sign is allowed to be displayed per street frontage, and the size of the signs can vary from 25 square feet to 50 square feet, based on the size of the parcel. Such signs are required to be removed upon completion of the building, or when the project’s entitlement expires. Staff mentioned to the City Council and Business Task Force that when considering final building design development, building permit issuance and construction, this time period can extend from two to three years, thus becoming less characteristic of a temporary sign. The Business Task Force considered the issue, but recommended no change to this allowance and found the size of the signs to be acceptable. The Business Task Force did, however, recommend staff to review the condition of the signs when entitlement extensions are requested, and require a new sign permit for the sign if the Director of Planning and Community Development determine if the sign has deteriorated in its appearance. Rather than amending the Sign Ordinance to address this issue, staff supports the recommendation of the Business Task Force as an administrative policy.

3. Charitable and Community Event Advertising

Staff has noticed an increased interest by charity and non-profit organizations to display temporary banners in shopping centers, primarily facing public streets. Although the Sign Ordinance prohibits outdoor advertising displays, the ordinance does allow for two (2) temporary charitable (“noncommercial”) signs advertising events in the city to be displayed on any commercial or residential lot. The signs are limited to six (6) square feet in size and six (6) feet in height and are required to be removed within three (3) days after the event. Charitable signs are currently allowed to be displayed without a sign permit. Thus, multiple charitable banners can be displayed on commercial lots throughout the city. The City Council stated their desire to allow for advertising of charitable events, but expressed concern with the appearance of multiple banners visible from the street. The City Council suggested that the advertising for charitable events be allowed solely for specific events within the city, and the number of days in the banner can be displayed be restricted.

The Business Task Force was asked to provide their input on this issue, however they recommended staff instead seek input from the organizations which frequently display charity event signs. Staff subsequently contacted representatives from American Youth Soccer Organization (AYSO), Pony League Baseball, Triunfo YMCA, and the City Community Services Department regarding their needs for banner displays in the city. Staff found that with the exception of the City Community Services Department, the community organizations wish display banners just a few times each year and the size of the banners vary from 8 square feet up to 27 square feet. The Community Services Department advertises city events on a more frequent basis. Based on this input and the direction given by the City Council, staff recommends that the ordinance be amended to allow the display of one (1) non-profit charitable event sign per street frontage, subject to the issuance of a sign permit. Staff also recommends the signs be displayed for a maximum 30-day period and that they advertise a specific charitable event within the city and that the allowable size of these signs be increased to 30 square feet, not to exceed 10 feet in length and 6 feet in height. The specific proposed amendments (underlined) to the “temporary noncommercial signs and banners” provision of the Sign Ordinance are as follows:

“Temporary noncommercial signs and banners shall be permitted only to advertise an upcoming civic, patriotic, non-profit, charitable, or special event of general public interest taking place within the boundaries of the city. Temporary signs and banners are permitted in all zones subject to the following regulations: On each lot a maximum of two (2) temporary freestanding signs containing only non-commercial messages are permitted. The limitation on the number of signs shall be suspended during the thirty (30) days before and seven (7) days after a local, state or national election. All temporary noncommercial signs or banners shall be removed within three (3) days after the event for which they are intended. Each temporary noncommercial sign or banner shall not exceed six (6) feet in square feet in sign area with a maximum height of six (6) feet. One (1) temporary sign or banner advertising an upcoming charitable or community event occurring within the boundaries of the city may be displayed on each street frontage per lot in all zones for a maximum of thirty (30) days per event, and shall not exceed thirty (30) square feet in size, ten (10) square feet in length, and six (6) feet in height. Such signs are in addition to all other signage allowed in this chapter.

Such signs shall not be illuminated or posted on trees, fence posts or public utility poles, or located within any public right-of-way.”

Environmental Review/ Mitigated Negative Declaration

The City’s existing Sign Code (Ordinance) was adopted in May 2005. Since that date, City Council has identified sections in the Code that need to be revised and/or clarified relative to sign criteria and standards. Therefore, an Amendment to the Agoura Hills Municipal Code Article

IX-Zoning, Division 5-Sign Regulations (Sign Ordinance Amendment) is proposed. The circumstances, impacts, and mitigation requirements identified in the General Plan Environmental Impact Report (EIR) remain applicable to the proposed Sign Ordinance Amendment, and the Amendment does not cause the level of impacts identified in the General Plan EIR to be exceeded. No changes are needed to the discussion of impacts or mitigation measures in the EIR. The Sign Ordinance Amendment consists of minor adjustments to the Sign Ordinance that was adopted in May 2005. The Amendment clarifies the intent and strengthens the enforceability of the Sign Ordinance. Therefore, an Addendum to the Final EIR prepared for the General Plan Update has been prepared for approval. This Addendum is consistent with the CEQA Guidelines and PRC Sections 15164 and 21166 in that none of the conditions outlined above that necessitate the preparation of a Subsequent EIR (CEQA Guidelines Section 15162) have been met.

This CEQA analysis focuses on the potential impacts of the proposed Amendment to the Sign Ordinance, and not on the impacts of subsequent development applications that are regulated by the Sign Ordinance. The City's General Plan EIR undertook a comprehensive analysis of the environmental impacts from the construction and operation of urban uses within the City. Further development applications will undergo a consistency analysis with the General Plan and its policies, and will be subject to permitting and project specific use, development and design conditions, and applicable project specific environmental review as governed by CEQA. Individual analysis of specific signs will occur in the future when such signs are proposed for construction and when CEQA review is conducted on projects defined to be within the scope of CEQA review. The proposed Sign Ordinance Amendment is a minor amendment that will not have any adverse impact on the environment.

III. RECOMMENDATION

Based on the forgoing review and analysis, it is recommended that the Planning Commission adopt the attached Resolution, recommending the City Council approve Zoning Ordinance Amendment Case No. 08-ZOA-004.

IV. ATTACHMENTS

- Draft Resolution
- Draft Ordinance
- Addendum to the Final EIR of the General Plan Update
- City Sign Ordinance

Case Planner: Doug Hooper, Assistant Director of Community Development