Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

James E. Hartl, AICP
Director of Planning

May 18, 2004

TO: Supervisor Don Knabe, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Zev Yaroslavsky
Supervisor Michael D. Antonovich

FROM: James E. Hartl, AICP
Director of Planning

SUBJECT: **Report and Recommendation by the Regional Planning Commission Regarding the Amortization Period for Non-Conforming Signs in the Rowland Heights Community Standards District (CSD)**
(Board Motion of March 16, 2004, Synopsis 2)

Background

At the March 16, 2004 meeting, your Board indicated its intent to continue, without discussion, the scheduled March 23, 2004 public hearing on the amendment to the Rowland Heights CSD. The public hearing was continued to May 25, 2004. It has now been continued to June 22, 2004. You also instructed the Regional Planning Commission to consider and provide a report back to your Board on the possibility of changing the amortization period for lawful non-conforming signs within the Rowland Heights CSD area from a ten-year period to a five-year period (copy of motion attached).

Concerns Identified

The establishment of a five year amortization period specific to the Rowland Heights CSD was requested to be considered because staff has encountered difficulties in administering elements of the sign provisions to new and existing signs. The current sign program provision lacks a clear deadline for submittal of a sign program for commercial centers, as well as any specific criteria needed to determine if the sign programs submitted are achieving their intended objective, which is to improve the appearance of signage in commercial areas by increasing the uniformity of signs in commercial centers and reducing visual clutter. To date compliance with the sign program provisions has been difficult to determine, so the sign provision language should be clarified to better serve its intent and to ease application and enforcement of the standards.

My staff has consulted with County Counsel regarding provisions of the California Business and Professions Code relating to limitations placed on the regulation of on-premises advertising signs to ensure that the current CSD sign provisions and any recommended revisions are consistent with the provisions in the Business and Professions Code.

Sign Provisions in Rowland Heights CSD

The sign provisions were included in the original CSD adopted by your Board in November, 2001. The objective of the sign regulations is to address aesthetic and public safety concerns raised by residents in Rowland Heights at the community meetings held during the CSD preparation process. Most of the comments at the community meetings and public hearings for the adoption of the CSD were made by residents in the community. Community residents were represented by the Rowland Heights Community Coordinating Council (RHCCC) which was a driving force behind the creation of the CSD. Very few comments were made by members of the business community in regards to the CSD provisions. At that time, there was no central business organization in Rowland Heights to represent the consolidated interests of the business community.

The CSD sign provisions alter the countywide sign provisions to create specific standards to address the concerns raised by Rowland Heights residents.
While preparing the CSD sign provisions, staff conducted several field visits to Rowland Heights to try to take into consideration trends in existing lawful signage in the area to minimize the number of nonconforming signs that might be created as a result of the new provisions.

Business Sign Program and Standards

The current sign provisions in the CSD include a maximum allowable sign size and height. It also requires that business signs use Roman alphabet characters and Arabic numerals to clearly display the name and street address of the business for public health and safety purposes. The CSD further requires that a sign program be established for commercial centers to coordinate business signage within each commercial center. This provision requires that a sign program be approved before new business signs are installed in a commercial center. It also requires that once a sign program is approved for a shopping center, all signs inconsistent with the program be replaced within five (5) years.

The ordinance currently does not identify a specific date by when a sign program must be submitted and approved, other than when a new sign is proposed for a commercial center. This has been a source of some confusion regarding enforcement of the sign program requirements because signs are required to comply with a sign program within five (5) years of its approval, but no deadline was specified for the submittal of a sign program. Another concern is that when a new sign is proposed for an existing commercial center, there could be a delay in approval if a sign program has not yet been submitted for the commercial center.

Currently, the sign provision states that "the owner or operator of a commercial center consisting of three or more businesses shall submit a sign program to the director to

coordinate business signage within the commercial center", that "the sign program shall illustrate locations, styles, and standards for potential business signs within the commercial center", and that "all new signs shall conform to the specifications set forth in the approved sign program". The language currently written in the CSD may not be specific enough to indicate to signage designers that the sign program should specify a combination of sign sizes, colors, font styles, sign design and materials to create uniform and/or harmonious signs for the commercial center.

Business and Professions Code

Any revisions to the CSD sign provisions must be in conformance with the provisions of the California Business and Professions Code which places certain limitations on a local jurisdiction's ability to more stringently regulate or require removal of lawful non-conforming signs. It states that no on-premises advertising signs, with specific exceptions, shall be required to be removed without fair and just compensation. It also states that prior to the application of any newly adopted or amended ordinance that regulates or prohibits the use of any on-premises advertising display that is more restrictive than existing law, an inventory of all displays within the county's territorial limits that are determined to be illegal or abandoned pursuant to the law that is in effect prior to the adoption of, or amendment to, the ordinance shall be completed. Upon completion of the inventory, a public hearing is required to consider whether there is a need for the ordinance or amendment to take effect. In cases where a new or amended ordinance only applies to new signs, an inventory does not have to be completed, as long as lawfully established existing signs are not impacted.

Regional Planning Commission Discussion

The Regional Planning Commission, at its May 12, 2004 meeting, discussed the possibility of establishing a five year amortization period in the Rowland Heights CSD. The Commission was concerned that, given the restrictions placed on existing sign regulations and removal, staff's recommendation to add clarifying language to the current CSD sign provisions and to remove provisions that may be inconsistent with the Business and Professions code, was not accomplishing the Board's objective to revise the sign provisions to address aesthetic issues concerning existing signs. The Commission suggested that should the Board wish, at some point in the future, to adopt an amortization period and require removal of existing signs inconsistent with the Rowland Heights CSD, a financing mechanism would need to be identified to compensate for the required removal of signs.

The Commission also expressed concern regarding the current CSD sign provision requiring Roman alphabet characters. The Commission thought that the regulation could be clarified to indicate that the requirement was not referring to a Roman font that must be used, but should indicate that the Roman alphabet characters are the same as those used by the English language. The intent of the provision is not to limit sign language that may be used, but to ensure for public safety reasons, that the sign's characters and the name and location of a business are legible and understandable to the general public. The current CSD provision regarding alphabet and characters is adequate. Descriptions of fonts, such as Roman and Latin, are not advisable because they may confuse the public.

Recommendation:
Due to the potential inconsistency with the provisions in the Business and Professions Code, the establishment of a five year amortization period is not recommended, unless a program for fair compensation of required removal of lawful nonconforming signs is developed. Instead, to address some of the concerns that were raised regarding the sign provisions, the Commission made the following recommendations:

1. Require that the sign provisions currently in the CSD only apply to new signs, as of the effective date of the ordinance.

2. Require that all commercial centers submit a sign program by January 1, 2006. This provision would establish a specific date for submittal of a sign program.

3. Add language to the CSD sign program provision to better reflect the intended purpose of requiring a sign program. The purpose of the sign program is to create a uniform look to the signs within a single center to reduce visual clutter and promote aesthetic harmony in the design of signage in the area.

To clarify and accomplish the objective of the sign provisions of the CSD, the Commission recommended amending the current CSD to include the following revisions: (Note: underlining indicates new wording and ~~strikeouts~~ indicate existing wording that is to be deleted.)

Section 22.44.132 (Subsections D.2 and D.3)

2. Zone C-1. Except as herein modified, all new signs shall conform to Part 10 of Chapter 22.52.

a. Roof signs shall be prohibited.

b. Freestanding Business Signs.

i. Freestanding business signs shall be permitted on any lot or parcel of land for each street frontage having a continuous distance of 100 feet or more.

ii. The maximum height of a freestanding business sign shall be 20 feet.

iii. The total sign area of a freestanding business sign shall not exceed 40 square feet per sign face plus one-fourth square foot of sign area for each one foot of street or highway frontage in excess of 100 feet.

iv. Freestanding business signs shall not be located in nor extend above any public right-of-way, including sidewalk areas.

c. Business signs.

i. Wall business signs shall be limited to one square foot for each linear foot of building frontage.

ii. To facilitate the identification or location of the premises in cases of emergency and for other public health, safety, and welfare purposes, business signs readable from a public right-of-way or parking area open to the general public shall include the following information on the sign: Street address and name of the business, using Roman alphabet characters and Arabic numerals, in digits which are readable from the right-of-way or parking area.

d. Awning signs. The total area of awning signs shall not exceed 25 percent of the exterior surface of each awning for the ground floor and 15 percent of the exterior surface of each awning for the second floor level.

e. Sign programs for commercial centers consisting of three or more businesses.

i. The owner or operator of a commercial center ~~consisting of three or more businesses~~ shall submit a sign program to the director to coordinate business signage within the commercial center. No new business sign shall be installed until the required sign program has been approved by the director.

ii. The sign program shall illustrate a similarity or harmonious combination of locations, styles, and other standards including, but not limited to specific or a range of: sign sizes; sign colors; font styles, and sign materials for potential business signs within a commercial center.

iii. All new signs shall conform to the specifications set forth in the approved sign program.

~~iv. Existing signs that are inconsistent with the approved sign program shall be replaced within five years of the approval of the sign program.~~ All commercial centers shall submit and obtain approval from the Director of Planning for a sign program according to the above specifications and consistent with the provisions in subsection D.2 by January 1, 2006.

3. Zone C-2.

a. The standards prescribed for Zone C-1, as contained in subsection D.2, shall apply to Zone C-2 with the exception of subsection D.2.b.iii.

b. Freestanding Signs. The total sign area of a new freestanding sign shall not exceed 80 square feet per sign face plus three-fourth square foot of sign area for each one foot of street or highway frontage in excess of 100 feet.

The Board of Supervisors should consider the Commission's report and recommendation when it considers the amendments to the Rowland Heights CSD. The Board may approve, modify, or disapprove the Commission's recommendation. A staff member from the Department of Regional Planning will be available at the public hearing when the Board considers the Rowland Heights CSD. If there are any questions, please call me or Julie Moore of my staff at (213) 974-6425.

JEH:RDH:JTM:AA

Attachment

cc: Executive Officer
County Counsel

AGN. NO.

MOTION BY SUPERVISOR GLORIA MOLINA

March 16, 2004

The Regional Planning Commission recently conducted a hearing regarding proposed revisions to the Rowland Heights Community Standards District, and our Board is currently scheduled to hold a hearing on those proposed revisions on March 23, 2004. However, it has come to my attention that the community and staff are continuing to discuss revisions and enhancements to the proposed District. Therefore, it is premature to conduct our hearing until those discussions are completed. Additionally, in order to ensure that the Board has the maximum flexibility to consider revisions to the District that will benefit the community, the Regional Planning Commission should be instructed to expeditiously consider and report back to us on the possibility of changing the amortization period for non-conforming signs within the District from the existing ten-year period to a five-year period.

Additionally, our Department of Public Works should also commence a study to identify community traffic improvements along Colima Road and design a mechanism to identify fair-share traffic mitigation fees to fund those improvements for projects within the boundaries of the District.

Finally, in light of our need to continue the hearing on revisions to the District, it will be necessary to consider extending the existing interim urgency ordinance, which is

MOTION

Molina _____

Burke _____

Yaroslavsky _____

Antonovich _____

Knabe _____

scheduled to expire on April 27, 2004, to protect the community from potentially incompatible development until we have come to agreement on the necessary revisions to the District.

I, THEREFORE, MOVE that the Board indicate its intent to continue, without discussion, our currently scheduled March 23, 2004, hearing on revisions to the Rowland Heights Community Standards District, to May 25, 2004.

I, FURTHER, MOVE that the Regional Planning Commission be instructed to consider, as a discussion item, the possibility of revising the current ten-year amortization period for lawful nonconforming signs within the District to five years, and provide a report back to the Board prior to our continued hearing date of May 25, 2004,

I, FURTHER, MOVE that the Department of Public Works be instructed to conduct an investigation to identify appropriate community/regional traffic improvement projects along Colima Road and to identify a possible fair share traffic mitigation fee that could be imposed on appropriate projects within the Rowland Heights Community Standards District, and report back to the Board and the Regional Planning Commission with such recommendations as soon as possible.

I, FURTHER, MOVE that the Department of Regional Planning and County Counsel be instructed to prepare the appropriate board letter and proposed ordinance to extend the existing interim urgency ordinance currently in effect in the Rowland Heights Community Standards District, so that it can be considered by the Board at a public hearing prior to April 27, 2004.

NE/sf