

## **AGENDA BILL**

Subject: Zoning Code Update – Chapter 17.48 (Signs)

Initiated by: Jen Daugherty, Associate Planner

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### **BACKGROUND:**

The purpose of this report is to allow the Town Council to review the draft Zoning Code chapter regulating signs. Certain chapters of the Zoning Code discuss subjects that require policy level discussion and direction from the Planning Commission and Town Council. This Sign Chapter is one of those, and we are seeking any questions or direction that will then allow us to address and proceed to a final draft chapter for public hearings.

The Planning Commission reviewed this draft chapter at a workshop on February 9<sup>th</sup>, and the comments raised during this workshop are described in the Analysis/Discussion section, below. Please see the attached Planning Commission staff report for additional background.

### **ANALYSIS/DISCUSSION:**

This agenda bill section focuses on the comments raised during the Planning Commission workshop, including Planning Commission consensus and recommendations. Please see the attached Planning Commission staff report for analysis/discussion regarding objectives of the sign code update, comparison codes, public outreach, existing issues, Zoning Code Users Group (ZCUG) review, and a summary of the major changes proposed to the Sign Chapter.

### ***Planning Commission Consensus/Recommendations***

Staff posed questions for Planning Commission discussion and the Commission's consensus and recommendations are identified below. Please see the attached Planning Commission staff report for the ZCUG's consensus; by and large, the Commission and ZCUG were in agreement.

1. Does the proposed draft sign chapter address the issues raised during the issues workshop and outreach efforts?

*PC Consensus: Generally, yes. However, sign issues related to topographic situations (e.g. property is located well below the*

*elevation of the street) and unusual building placement (e.g. buildings that are perpendicular to the street) still need to be addressed.*

2. Are the proposed substantive changes to sign regulations appropriate?

a. Is it appropriate to allow halo lit signs subject to the limitations in the draft chapter (Subsection 17.48.100.F)?

*PC Consensus: Yes.*

b. Is it appropriate to allow signs with neon details subject to the limitations in the draft chapter (Subsection 17.48.100.I)? Is the description of allowable neon details in Subsection 17.48.100.1 appropriate or should an additional description of intent be included (e.g. neon elements are intended to provide accessory graphics and artistic elements to a sign)?

*PC Consensus: Neon details are desired, and a refined description of neon details may be helpful but difficult to articulate.*

c. Is it appropriate to allow electronic message signs subject to the limitations in the draft chapter (Subsection 17.48.100.E)? Should these signs be allowed for public, quasi-public, and non-profit uses, or limited to only public and quasi-public uses?

*PC Consensus: Supportive of electronic message signs but concerned with the brightness and appropriate locations for these signs. Staff will continue to work with the Town Attorney to ensure the intent and limitations are legal.*

d. Is it appropriate to allow banners for sales and promotions subject to the limitations in the draft chapter (Subsection 17.48.100.N.1.b.iii)?

*PC Consensus: Yes.*

e. Should an increase in total allowable aggregate sign area be allowed if the building and sign are 140 feet from the centerline (Subsection 17.48.090.C.6)?

*PC Consensus: Yes.*

- f. Should one pedestrian-oriented sign not count towards allowable sign area (Subsection 17.48.090.C.7.h)?

*PC Consensus: Yes.*

3. Should projecting signs be allowed on the second story of a structure? Subsection 17.48.100.J.1 would only allow projecting signs for ground level businesses. Projecting signs are not currently allowed on or above the second floor of any structure.

*PC Consensus: Projecting signs would be allowed at pedestrian plaza levels even if they are located above a parking garage (e.g. The Village). Projecting signs should not otherwise be located on second stories.*

### **Public Comments**

#### Mr. Bill Taylor

Mr. Taylor's comments focus on amortization for nonconforming signs (e.g., pole signs) in the commercial zones. Amortization is the process of permitting a nonconforming sign to remain in use for a period long enough to allow the owner to fully depreciate the investment in lieu of providing compensation as required by the Fifth Amendment (i.e. private property cannot be taken without just compensation). Mr. Taylor lists the following questions directed at Commission and Council:

1. Are you concerned enough about the impact of the few remaining pole signs (or others) on the Town's image to act to have them removed?
2. Are you willing to adopt and enforce an amortization provision?
3. Are you willing to pay to have them removed?
4. Is attrition sufficient?

The Planning Commission's consensus was that nonconforming signs should be eliminated; however, there was no consensus as to which method of removal should be implemented.

#### Mammoth Lakes Board of Realtors, Inc

The Mammoth Lakes Board of Realtors, Inc (MLBR) provided comments on proposed regulations for temporary real estate signage. The Planning Commission discussed these comments and staff will work with the Town Attorney and MLBR to arrive at acceptable solutions.

## Other Public Comments

- Allowing more creative signs is desirable.
- Allowing flexibility in sign size is good.
- Topographic issues that impact sign visibility should be addressed (e.g. property is located well below the elevation of the street).
- Signs should be allowed on building walls that do not face street (e.g. perpendicular to street) or have a customer entrance if they face pedestrian or parking areas.
- There appears to be inequity with enforcement of sign regulations.
- Sign fees are too high.

Some of these items are included in the draft Sign Chapter, and others, like fee reductions will be handled through separate processes.

## **OPTIONS ANALYSIS**

This is a workshop item only; no options are presented.

## **VISION CONSIDERATIONS:**

Updating the Zoning Code to implement the General Plan, codify accepted neighborhood district plans, and provide clear and user-friendly regulations will ensure the provision of the very highest quality of life for our residents and the highest quality of experience for our visitors. The Sign Code update is a critical component of the Zoning Code Update and will advance community design standards and strengthen the identity of the community as a premier, year-round destination resort. The updated standards will address existing issues to the extent feasible and be more user-friendly, increasing satisfaction of all users with the Sign Code.

## **FINANCIAL CONSIDERATIONS:**

This work program is part of the CDD FY 2010-2011 work program and is funded by the General Fund. The Sign Code update is a one time cost.

## **STAFFING CONSIDERATIONS:**

The Zoning Code Update and the Sign Chapter are high priority items in the adopted CDD FY 2010-2011 work program.

### **ENVIRONMENTAL CONSIDERATIONS:**

The required California Environmental Quality Act (CEQA) review for the Sign Code update will be completed prior to public hearings. It is anticipated that the required CEQA will be a Negative Declaration or Mitigated Negative Declaration.

### **LEGAL CONSIDERATIONS:**

The Sign Code update will involve legal counsel review to ensure applicable laws are met. Specific questions for legal counsel have been identified in the draft Sign Chapter, and legal review is underway. Please see the attached Planning Commission staff report for additional discussion of legal considerations.

### **RECOMMENDATION:**

Therefore, it is recommended that the Town Council discuss the draft Sign Chapter, including Planning Commission consensus and public comments, and obtain consensus on the proposed draft Chapter 17.48 Signs.

### **Attachments:**

- Planning Commission Staff Report, February 9, 2011 (including attachments)
- Sign Code Update Comments
  - Bill Taylor, email 2/6/11
  - Mammoth Lakes Board of Realtors, Inc, letter dated 2/7/11