

**TOWN OF MORAGA**  
**JOINT PLANNING COMMISSION and DESIGN REVIEW BOARD**  
**SPECIAL MEETING**

Joaquin Moraga Intermediate School Library  
1010 Camino Pablo  
Moraga, CA 94556

April 15, 2014

7:00 P.M.

**MINUTES**

**I. CALL TO ORDER**

Chair Kuckuk called the Special Joint Meeting of the Planning Commission and the Design Review Board (DRB) to order at 7:00 P.M.

**ROLL CALL**

Planning Commission:

Present: Commissioners Comprelli, Levenfeld, Mamane, Onoda, Woehleke,  
Schoenbrunner\*, and Chair Kuckuk

\* Commissioner Schoenbrunner arrived at 7:08 P.M.

Absent: None

Design Review Board:

Present: Boardmembers Escano-Thompson, Glover, Zhu

Absent: Commissioner Kirkpatrick, Chair Helber

Staff: Shawna Brekke-Read, Planning Director  
Ella Samonsky, Associate Planner

By consensus, the members of the Design Review Board who were present requested that Planning Commission Chair Kuckuk chair the joint meeting.

**A. Conflict of Interest**

There was no reported conflict of interest.

**II. PUBLIC COMMENTS**

There were no comments from the public.

### III. ADOPTION OF THE MEETING AGENDA

On motion by Commissioner Levenfeld, seconded by Commissioner Marnane to adopt the meeting agenda, as shown. The motion carried by the following vote:

Ayes: Commissioners Comprelli, Levenfeld, Marnane, Onoda, Woehleke, Schoenbrunner, Chair Kuckuk and Design Review Boardmembers Escano-Thompson, Glover and Zhu  
Noes: None  
Abstain: None  
Absent: Design Review Boardmember Kirkpatrick and DRB Chair Helber

### IV. STUDY SESSION

#### A. **Consider and Discuss Amendments to Chapter 8.88 (Signs and Outdoor Advertising) of the Moraga Municipal Code (MMC) Title 8, Planning & Zoning**

Associate Planner Ella Samonsky presented the staff report dated April 15, 2014; recommended that the Planning Commission and DRB conduct the study session; allow public comment, Board/Commission comment, and discussion; provide direction to staff on the desired changes to the Draft Chapter 8.88 (Signs and Outdoor Advertising) of the Moraga Municipal Code (MMC) Title 8, Planning and Zoning; and provide feedback and direction on the staff recommendations regarding lighting and aggregate sign area standards, as follows:

- Should permanent window signs be allowed to be illuminated?
- Are internally illuminated channel letters desirable for wall signs and multistory office building signs?
- Should there be a maximum aggregate area for permanent signage?

In response to questions from the DRB and the Planning Commission, Ms. Samonsky explained that the current Sign Ordinance was very specific as to certain sign types. The proposed Sign Ordinance would be more comprehensive and included a streamlined process for review. She clarified the regulations for Master Sign Programs would outline location, size, sign type, and lighting, and may include additional features. Once a Master Sign Program for a site had been approved by the DRB, an applicant could pursue a more streamlined administrative approval by the Zoning Administrator for subsequent signs.

Planning Director Shawna Brekke-Read also clarified the definition of legal non-conforming signage and advised that existing signs that were legally installed or legal-

non-conforming would remain legal non-conforming once the new Sign Ordinance had been adopted.

Ms. Samonsky clarified the definition of projecting signs, signage on accessory structures such as on a trellis in a garden as an example, if not attached to a building would be identified as a freestanding sign requiring compliance with monument sign regulations. The Town prohibited signage moved manually by hand, air blowers, or signs which required physical animation. Hand-held signage used by Campolindo High School students for annual car washes, as an example, would also be prohibited by the Draft Sign Ordinance. She identified First Amendment Rights regarding signage and explained that the Town would have to be content neutral in regulating signage, and therefore could not explicitly permit animated signs for school fundraisers.

Ms. Brekke-Read explained that staff had worked extensively with the Town Attorney in the drafting of the Sign Ordinance

Ms. Samonsky commented that the Town may differentiate between commercial and non-commercial messaging since commercial messaging did not enjoy the same protections as non-commercial messaging.

#### PUBLIC COMMENTS OPENED

Kathe Nelson, Moraga representing the Moraga Chamber of Commerce, reported that the Chamber had published the agendas for the Planning Commission and DRB meetings, with an emphasis on the importance of the process. She thanked everyone for taking the time to address an important topic.

Joan Bruzzone, Moraga, clarified with staff that existing signs found to be non-conforming to the Draft Sign Ordinance would become legal non-conforming. She expressed concern with signage that had been erected in the 1960's, specifically those in her shopping center that had not been officially approved. She asked for a discussion on lighting for automated teller machines (ATMs) since the lack of lighting had become a safety issue. Based on her experience with a shopping center in the City of Lafayette, she noted that some businesses had been allowed to use their own specific sign based on a trademark and expressed concern that the Draft Sign Ordinance in Moraga could restrict businesses from using a specific logo or business trademark. She suggested that Moraga had not always been business friendly to potential businesses and she cited a number of examples and urged.

Ms. Brekke-Read clarified that any sign that had been permitted prior to the Town's incorporation, the Town's Zoning Ordinance which had been adopted in 1980, were considered legal. Anything erected after the Sign Ordinance had been adopted required DRB approval. If the signs were legal at the time of the ordinance and erected in a legal manner, the signs would remain legal even if they did not conform to the Draft

Sign Ordinance. She clarified that issue could be discussed further with the Town Attorney.

In terms of ATM signage, Ms. Brekke-Read acknowledged there had been some ATM signs erected in the Town which had been installed absent proper permits and staff was working with those banks to make needed corrections.

Ms. Nelson also reported that the Chamber of Commerce had used the services of an intern who worked with local businesses to outline the steps required for compliance with the Town's sign regulations and processes to be able to open a business in Moraga.

Edy Schwartz, Moraga, referenced an e-mail she had submitted to Planning staff dated March 23, 2014, which had been provided to the DRB and the Planning Commission. In speaking with members of the community, she emphasized the desire to retain the semi-rural feel in the community and the desire to avoid an overabundance of signage. She commented that it was difficult to see what businesses were available in the Moraga Center and Rheem Shopping Center due to the center's configuration. As an example, she cited signage for Home Goods and commented that while the sign was large, customers had initially been unable to locate the business in the center. She urged consideration of monument signs which would be compatible with the semi-rural environment; offered examples of signage that she suggested worked well and others that were not desired, as reflected in her e-mail; agreed that lighting should be discussed given the need to ensure safety; and given the number of retailers that needed identification stated that monument signs should be considered along Moraga Way and Moraga Road which could be designed in such a way to be natural in appearance and retain the feel of the Town while also providing much needed identification.

Ms. Schwartz referenced the March 17, 2014 Planning Commission workshop on the Draft Sign Ordinance, at which time a local pastor from Refuge Community Church had expressed concern with the adequacy of signage to identify the church. In that case, she found that the church had adequately sized signage which was visible to the public and which, in her opinion, appeared to be commercial in nature. She agreed that the Presbyterian Church needed better signage.

Ms. Schwartz also commented that she had worked with Saint Mary's College (SMC) over the years to improve the patronage of local businesses and restaurants, with many students unaware of the location of the Town's local shopping centers. She explained that signage had been placed in the community during SMC's graduation ceremonies in May 2013, to provide directions to local businesses. She requested consideration of permanent signage that could be placed in a visible location on Town property specifically for traffic coming out of SMC to advertise local Moraga shops and restaurants, with similar signage along St. Mary's Road and Rheem Boulevard.

Ms. Samonsky advised that directional signage on Town-owned property placed by the Town, would be exempt from the regulations.

Ms. Brekke-Read reported that a Way Finding Program had been proposed as part of the Capital Improvement Program (CIP) for 2014.

Dave Schnayer asked for a redline version to compare the Draft Sign Ordinance with the Town's current Sign Ordinance to identify the modifications that had been proposed. He agreed with many of the comments offered by Ms. Bruzzone and Ms. Schwartz and noted the difficulties with businesses obtaining signage, particularly when located within the scenic corridor since many businesses were set back from the scenic corridor. He found the existing Sign Ordinance to be antiquated, was uncertain monument signs would be appropriate given the speed of traffic along Moraga Road, emphasized that businesses needed and wanted visibility to be able to remain in business, and agreed that Moraga had not been particularly business friendly. He suggested that portions of the Draft Sign Ordinance had made the regulations clear but urged a checklist of not only the Town's regulations but also the County's regulations to allow prospective businesses to be adequately informed. He encouraged a streamlined process that would be more attractive to prospective businesses.

#### PUBLIC COMMENTS CLOSED

The DRB and the Planning Commission discussed the three questions outlined in the staff report and offered the following feedback on each question, as follows:

#### ***Should permanent window signs be allowed to be illuminated?***

- By consensus of the Planning Commission and the DRB, permanent window signs should be allowed to be illuminated as long as the illumination did not extend beyond the hours of business operation.
- There was support for examples from Tangelos and Starbucks, which were subtle; opposition to signs in the Rheem Shopping Center which were digital, animated, too bright, non-informational, and considered tacky; recognition that neon signs had been an issue in the past; and concern that window signs were to be placed at least six feet away from the window although many appeared to be against the window visible from a distance and within the scenic corridor inconsistent with the Town's guidelines.
- Suggested that well-designed, appropriately illuminated window signs could be reviewed and approved by the DRB; that the foot candle emitted by the window signs should be limited to avoid being too bright; concerns expressed with the type of window signs allowed; suggestion that a window sign in principle was meant for near visibility; that the size and number of window signs in a storefront be limited; suggestion that window signs be limited to a tasteful trademark or

logo; recognition that both of the Town's shopping centers were too dark, although a lone concern had been expressed that when walking through the centers at night the illuminated window signs were too bright and unnecessary; support for illuminated permanent window signs subject to restrictions; suggestion that one window sign per business should be permitted including informational signs, if illuminated the signs should be half the size allowed for a non-illuminated sign; and concern expressed that DRB review in the past had resulted in inconsistency with a suggestion for a non-arbitrary process.

Planning Commission Chair Kuckuk re-opened public comment on the question: *Should permanent window signs be allowed to be illuminated?*

Mr. Schnayer commented that the Draft Sign Ordinance had not addressed content, with nothing in the ordinance to prohibit illuminated window signs with content. He recommended that illuminated window signs be clarified, and allow the name of the business, logo, or a trademark. He suggested the discussion related to tenant identification signage, which signage should not exclude the name of the business. On the question of whether to allow two identical illuminated window signs on the frontage, he emphasized the need to clarify whether speaking of lineal frontage, something that wrapped around the corner, or permitting only one such sign per frontage. As to open signs and hours of operation signs, he suggested that had been addressed elsewhere in the ordinance. He understood the goal was not to have to come back to the Planning Commission or DRB for approval of such signage but seek staff approval. He sought a reasonable regulation in the hopes that a business owner would have signage that was tasteful. He otherwise suggested that current staff had done a great job with how signs looked and fit and that staff had considered the Town's best interests.

Mrs. Bruzzone emphasized that if the process was too difficult, tenants would go elsewhere. She referenced the process for the Dollar Tree Store, which had been a permitted use, but which had been required to go through a lengthy approval process. She also referenced past concerns with the condominium owners across from the Moraga Center, who had complained about the brightness of the shopping center lights. She was uncertain whether that remained an issue.

Ms. Schwartz suggested that illuminated window signs were necessary, should be nice, but were necessary particularly during the month of December. She urged that the business community be allowed to provide input on the use of illuminated open signs, as an example, since it would greatly impact the Town's businesses.

***Are internally illuminated channel letters desirable for wall signs and multistory office building signs?***

- By consensus of the Planning Commission and the DRB, internally illuminated channel letter signs were not considered to be desirable for walls signs and

multistory office building signs since they were too bright, too dominant, and not needed.

- Recognized the need to invite commercial enterprises while avoiding signs plastered all over the sides of a multistory building; suggested directory signage in a multistory building lobby, although there was support for internally illuminated channel letters for wall signs and multistory office building signs for a larger tenant, with concern that prohibiting such signs could limit design potential; support for a halo lit sign on the second story of the multistory building located at 533 Moraga Road; and a suggestion that external lighting could provide character on the buildings with more creativity than the use of channel letters.

Planning Commission Chair Kuckuk opened public comment on the questions:

*Are internally illuminated channel letters desirable for wall signs and multistory office building signs?* and *Should there be a maximum aggregate area for permanent signage?*

There were no comments from the public on the question *Are internally illuminated channel letters desirable for wall signs and multistory office building signs?*

Ms. Nelson stated that the Chamber of Commerce was in agreement with the staff recommendation as shown in the staff report on the question *Should there be a maximum aggregate area for permanent signage.*

***Should there be a maximum aggregate area for permanent signage?***

- By consensus of the Planning Commission and the DRB, there should be a maximum aggregate area for permanent signage; some expressed concerns that a business may be allowed a 150 square foot sign which would be out of proportion; request for more information on the regulations for semi-rural communities such as the City of Carmel's maximum aggregate; emphasis that a streamlined review was critical whether by the DRB or staff; and suggested that an illuminated window sign and an illuminated open sign offered too much illumination.
- Suggested that informational signs be included in the aggregate area calculation; and a discussion that 150 square feet made sense with guidelines for smaller frontages but large frontages should not be in excess of 150 square feet.

Ms. Samonsky clarified the staff recommendation to include monument and window signs in the calculation of aggregate maximum sign area of 150 square feet which functionally applied only to very large tenants that had over 100 feet of building frontage, with the smaller tenants limited by sign area relative to the building and lot frontages. She also clarified that the City of Carmel did not have an aggregate area calculation although Mill Valley and Menlo Park had used aggregate area calculations

as reflected in Attachment C to the staff report, Comparison of Sign Regulation. She explained that unlike the Town of Moraga, Carmel was extremely pedestrian oriented and designed for people on foot; Carmel's regulations were not appropriate for the type of development in Moraga.

Planning Commission Chair Kuckuk opened public comment to solicit feedback on informational and illuminated open signs.

Ms. Schwartz suggested that every illuminated open sign in Moraga was illegal. She referenced the past discussions to update the Sign Ordinance and noted that retailers felt strongly that illuminated open signs were critical and made a difference to the business. While she found such signs to be unattractive, she suggested that the DRB and the Planning Commission must find ways to support the Town's businesses.

As such, Ms. Schwartz recommended consideration of small, non-blinking but visible informational and illuminated open signs. She also suggested that a business should be allowed to have a small appropriate illuminated window sign, and an illuminated open sign.

Ms Nelson agreed that a non-blinking, standard sized illuminated open sign, one per location, could be supported by the Chamber of Commerce.

Ms. Brekke-Read stated for the record that businesses had previously been informed that the use of illuminated open signs was illegal, and the Town Council would consider code enforcement regulations at its next meeting.

Planning Commission Chair Kuckuk declared a recess at 9:40 P.M. The Joint Planning Commission and DRB meeting reconvened at 9:45 P.M. with Planning Commissioners Comprelli, Levenfeld, Marnane, Onoda, Schoenbrunner, Woehleke and Kuckuk present, along with DRB members Escano-Thompson, Glover, and Zhu.

The Planning Commission, the DRB, staff, and the public reviewed Attachment A to the staff report, Draft Sign Ordinance, Chapter 8.88 Signs, page by page and offered the following comments and/or direction to staff:

- Page 2, Definitions, Incidental sign: Staff clarified the intent of the definition to ensure it was not used as an exemption for a larger sign off the property, did not apply to the use of garage sale signs, applied to signage within a store such as store displays, informational signs in produce shops, gas stations as examples, and intended as small signs for convenience purposes separate from informational signs.
- Page 3, Definitions: Include a separate definition for awning signs, with staff to clarify whether the same requirements for a wall or window sign should apply;

- Page 4, Definitions, Sign: Add language whether the sign would be double or single sided and whether the area was adequate.
- Page 4, General Provisions: Staff clarified the intent of provisions (F) Billboard Policy, (G) Public agency exemption, and (H) Signs on Town Property, with staff clarifying signage used to advertise the annual fundraising efforts for local fireworks that had been displayed on Bruzzone privately-owned property required a permit, with staff to recommend that the Town Council consider a process for a permit for an entire year, or permanently, with a substitution of sign copy; staff offered examples of signage that would fall under the public agency exemption provision which may include signage from the Moraga School District (MSD) and the Central Contra Costa Sanitation District; acknowledged a suggestion the Town not exempt itself from its own Sign Ordinance; with a discussion of the Town Council's recent direction to consider an electronic reader board sign at the location of the current marquee sign.

It was noted that the Draft Sign Ordinance permitted an electronic reader board sign and the Town Council had directed DRB review of that signage. It was also noted that Town exemption was not an unusual practice in other municipalities.

- Page 4, General Provisions: There was a suggestion to add a new section applicable to public property as opposed to an exemption on Town property with provisions to be identified for recommendation to the Town Council;
- Page 6, General Provisions, (H) Signs on Town Property, (2): Staff clarified that the provision applied to political signs, staff was uncertain the Town had actually removed political signs located within the public right-of-way, with the exception of the removal of oversized signs;
- Page 6, Signs allowed without a permit: Staff advised that garage sale signs would fall under provision (H) Personal property sales sign, and clarified in discussions with the Town Attorney that barber poles were not considered to be signs;
- Pages 7 and 8, Sign review procedure: Staff provided an overview of the changes made to this section, with the current Sign Ordinance requiring almost all signs to have DRB review and approval. The Draft Sign Ordinance would allow approval of some signage as shown in (A) Zoning Administrator, and (B) Design Review Administrator approval, with (D) Findings, identifying the findings required to be met prior to approval of a sign permit. The changes, in a three-tier system, had clearly stated what body would review a sign application whereas the current system was unclear.

Speaking to Page 4, Section 8.88.030, General Provisions, (G) Public agency exemption, and (H) Signs on Town Property, Mr. Schnayer agreed that public agencies i.e. the Town should be held to the same standards and process as the public. He

suggested that if the Town was allowed to install an electronic reader board sign in the location of the current marquee and within the scenic corridor, and if allowed to display community messages, other entities should also be allowed the same opportunity.

Ms. Brekke-Read reported that a couple of people had expressed support for an electronic reader board sign at the time it had been discussed by the Town Council on April 9, 2014. She advised that anyone with concerns should contact the Town Council.

Ms. Samonsky clarified that the public could apply for the gateway electronic reader board sign. These signs would be available to inform the public as needed, particularly for emergency related electronic messaging.

Ms. Brekke-Read explained that an electronic reader board sign would fall under provision (C), Design Review Board, 6, Gateway signs and such signage would require DRB review and be allowed elsewhere in the community subject to review.

- Page 9, Master Sign Program (A), Requirement: Staff provided background on existing Master Sign programs that had been approved and noted that the requirements of those programs would remain in place with the adoption of the Draft Sign Ordinance, and with the provisions would apply to existing centers which did not have an existing Master Sign Program pursuant to the requirements as shown. Staff noted that the Rheem Center had an existing sign program which was out of date. It was also clarified that an update to or modification of the Master Sign Program would require review and approval from the DRB.

Mrs. Bruzzone expressed concern with another layer of municipal regulation pursuant to the provisions shown in Section 8.88.060, Master Sign Program. She preferred to have control over her own property and she found the provisions in that section to be upsetting given the time, money, and future investment where someone else could impact what she wanted done in her shopping center. She wanted to be able to make decisions for her property without a lot of political pressure.

On the discussion, Ms. Brekke-Read explained that in the past year, staff had found that some businesses desired monument signs but they were part of a larger shopping area. The DRB shared the concern of ending up with multiple monument signs for multiple tenants as opposed to a cohesive approach to signage in a shopping center. The building at 533 Moraga Road, as an example, did not have a Master Sign Program although the property owner had recently submitted a Master Sign Program with help from staff. The concern in that case was that there was one tenant desirous of having two to three different signs which could cause a precedent for future tenants, and which needed to be balanced with the desires of the community for semi-rural charm, consistency, and attractive signs. She acknowledged that it would be the purview of the Planning Commission to change the provisions being discussed.

- Page 9, Master Sign Program (A) 1): Given the concern that one monument sign per shopping center was considered to be inadequate, it had been suggested that one monument sign per street width with access to a shopping center would be minimal and one per driveway would be better (in recognition of the business community's need for signage), with any lettering to be at a size safe for the posted speed of the street, and with staff clarification that a Master Sign Program could include multiple monument signs pursuant to provisions contained in (B) Variations. There was no consensus for a mandate that a building owner place the name of all tenants on a monument sign, with the design of the monument sign to be the prerogative of the property owner;
- Page 10, Prohibited signs, (G): To be clarified by staff as related to signage that could be used by local community or service organizations for car wash fundraisers, as an example;
- Page 10, Prohibited signs, (D): Staff clarified, when asked, that the Safeway sign did not extend above the peak of the roof; the Rheem Theatre sign extended above the top of the roof but was a marquee sign;
- Page 10, Prohibited signs: Suggested adding a new section (L) to reflect that For Sale signs in an automobile or trailer placed along the scenic corridor shall be prohibited unless located on private property, with staff to verify with the Chief of Police the applicable vehicle codes;
- Page 13, Permanent signs, B) Specific sign standards, 4) Monument signs: To reviewed by staff to reflect that monument signs shall not be allowed off-site, with staff advising that there was a section for Off-Premises signs, with signs required on the premises unless there was an application for an off-premise sign which would be subject to specific criteria;
- Page 14, Permanent signs, B) Specific sign standards, 5) Projecting signs: Staff clarified that the provision did not apply to awnings, with an awning sign category to be added;
- Page 15, Permanent signs, B) Specific sign standards, 7) Portable signs: Staff clarified that signage for events such as the Community Faire would be addressed under temporary sign regulations under Section 8.88.030 General Provisions, which section clarified that an applicant may apply to place a sign on public property;
- Page 15, Permanent signs, B) Specific sign standards, 7) Portable signs, vi) Placement and Removal (1): Staff clarified that the regulation allowing for the placement of portable signs 20 feet away from a scenic corridor had come from the Town's Design Guidelines requirement for a 20 ft. landscape buffer, with the public expressing concern that standard would make it difficult for a sign to be

easily readable to passing traffic, that portable signs should not be allowed at all, and that monument signs that were semi-rural in appearance could be located at all entrances to shopping centers. There was also recognition that pedestrians in the shopping center would view portable signs, with a discussion that A-frame signs were not intended for passing motorists but pedestrians, with some support for tasteful A-frame signs for pedestrians or those pulling into parking spaces and some opposition to the use of A-frame signs altogether. Staff recognized there was no consensus on the use of A-frame signs;

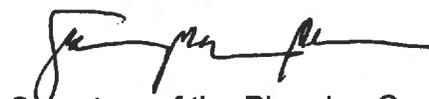
- Page 17, Temporary signs, (B) Specific sign standards, 2) Temporary wall and banner signs: Staff clarified that event banners; i.e. light pole banners, would fall under Section 8.88.030, General Provisions, (H) Signs on Town Property, with the temporary A-frame directional signs used for the Moraga Community Faire falling under the guidelines for Section 8.88.030, General Provisions, (M), Temporary freestanding signs, noncommercial, and if placed on Town-owned property would require permission to do so;
- Page 18, Abandoned or obsolete signs: Staff clarified that the 30-day period for the removal of abandoned or obsolete signs was a generally accepted practice after a business had closed and the signs must be removed; and
- Page 18, Enforcement: Concerns had been expressed absent active code enforcement by the Town that this section offered no weight, with staff reporting that the Town Council would be considering a new chapter for Administrative Citations which would address non-compliance with conditions of approval, land use regulations and the like, and which would include the potential for citations. Staff was also to bring to the Council updates to the Nuisance Abatement Ordinance. There was a recommendation for this section to include reference to the Town's enforcement provisions, when published, although staff noted that was not required pursuant to Town Attorney direction given that the Administrative Citations clause, once adopted, would address any violations of the Moraga Municipal Code.

Planning Commission Chair Kuckuk thanked everyone for their comments and input.

## V. ADJOURNMENT

On motion by Commissioner Marnane, seconded by Commissioner Onoda to adjourn the Joint Planning Commission and Design Review Board meeting at approximately 11:15 P.M.

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Secretary of the Planning Commission



