



<b>Town of Moraga</b>	<b>Agenda Item</b>
<b>Ordinances, Resolutions, Requests for Action</b>	<b>11. A.</b>

Meeting Date: June 10, 2020

**TOWN OF MORAGA**

**STAFF REPORT**

**To: Honorable Mayor and Councilmembers**

**From: Steve Kowalski, Senior Planner**

**Subject: Consider Waiving the First Reading and Introducing By Title Only an Ordinance Amending Chapter 8.88 – Signs, of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code to Streamline the Approval Process for Certain Types of Signs; Allow for New Master Sign Programs to Include Greater Variation from the Standards Prescribed by Chapter 8.88; and Amend Certain Specific Standards and Regulations for New Commercial Signage including Wall Signs, Monument Signs and Portable Signs (CEQA Determination: Exempt)**

**Executive Summary**

The Town Council is being asked to consider introduction of an Ordinance amending several sections of Chapter 8.88 – Signs, of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code in order to simplify and streamline the approval process for certain types of signs, allow for new master sign programs to include greater variation from the standards currently prescribed by Chapter 8.88; and amend certain standards and regulations for new commercial signage including wall signs, monument signs and portable signs.

The Planning Commission held a public hearing to consider the proposed amendments on May 18, 2020 and voted 6-0 (with one Commissioner absent) to recommend Council adoption, but with three minor changes. The draft Ordinance containing all the proposed amendments, including the three changes recommended by the Planning Commission, is attached hereto as Attachment A.

**Background**

On February 27, 2019, the Town Council adopted its Town Council and Community Goals for 2019. Included among the twelve adopted goals was a goal to “Enhance Moraga’s business environment and work collaboratively with the Chamber of Commerce and other stakeholders, including on the following priorities:

- Update the Zoning Code, as appropriate, to streamline the Town’s signage Ordinance.

- 1 • Evaluate the Planned Development-Commercial process and Community  
2 Commercial zoning to simplify the process for new businesses to open in  
3 Moraga.”  
4

5 This goal was included, in part, to address a common perception in the business  
6 community that the Moraga Municipal Code (MMC) contained numerous burdensome  
7 provisions regulating the opening of a new business in the Town that were acting as a  
8 deterrent to businesses that may have otherwise chosen to locate in Moraga.  
9

10 On September 11, 2019, the Council adopted Ordinance No. 284 which made  
11 significant changes to the Community Commercial and Limited Commercial Districts  
12 designed to simplify the land use regulations and approval processes for many types of  
13 new businesses wishing to open in the Town's two commercial zoning districts,  
14 including all of the Moraga Center and Rheem Valley Shopping Center. These changes  
15 were well-received by the three key stakeholders from whom staff solicited input while  
16 drafting the amendments: the Moraga Chamber of Commerce and the Town's two  
17 major commercial landowners who own the majority of both the Moraga Center and  
18 Rheem Valley Shopping Center.  
19

20 On January 22, 2020, the Council adopted the Town Council and Community Goals for  
21 2020 and continued the goal of enhancing Moraga's business environment. This goal  
22 did not specifically mention updating the sign ordinance, but the expectation was that  
23 staff would complete the work on Chapter 8.88 of the MMC (hereafter referred to as the  
24 "Sign Code") in order to finish achieving the Council's 2019 goal.  
25

26 Planning Commission Action: On May 18, 2020, the Planning Commission voted 6-0  
27 (with one Commissioner absent) to recommend Council adoption of all the proposed  
28 amendments, with the following three minor changes:  
29

- 30 1. The Commission was not comfortable allowing monument signs to be approved by  
31 the Design Review Administrator, and instead voted to keep such signs under the  
32 purview of the Design Review Board (Planning Commission)<sup>1</sup>. Staff had originally  
33 suggested modifying Section 8.88.060(A) to add monument signs that conform to  
34 the applicable standards prescribed by the Sign Code to the list of signs that can  
35 be approved by the Design Review Administrator. The Commission did not want  
36 to cede its approval authority of such signs. As such, monument signs (except  
37 those that conform to an approved master sign program) were left in the list of  
38 signs requiring Design Review Board approval in Section 8.88.060(C). (Monument  
39 signs - and all other types of signs – that conform to an approved master sign  
40 program are proposed to be approved ministerially by the Zoning Administrator.)  
41
- 42 2. The Commission suggested that an amendment to Section 8.88.060(G) was  
43 needed to ensure that any signs under the purview of the Zoning Administrator  
44 pursuant to Section 8.88.060(A) were not appealable.  
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<sup>1</sup> The Design Review Board and the Planning Commission were consolidated by Ordinance 287 on February 26, 2020.

1 3. The Commission also suggested that the new provision being proposed in Section  
2 8.88.070(B)(3) pertaining to the maximum allowable sign area that can be  
3 proposed for monument signs in new master sign programs be re-worded to clarify  
4 a maximum of 70 square feet per sign face (side). .  
5

6 Staff recommends that the first and third of these three changes be adopted and, as  
7 such, has included them in the draft Ordinance attached hereto as Attachment "A."  
8 However, staff has determined that even with the proposed change to Section  
9 8.88.060(G), the decision of the Zoning Administrator could still be appealed under  
10 Section 8.12.220 and/or Section 1.16.010. As such, staff is recommending that the  
11 second of the three suggested changes listed above be omitted to avoid possible  
12 confusion regarding appeal rights.  
13

### 14 **Discussion**

15  
16 Staff conducted a thorough review of the Sign Code over a period of several months  
17 and identified a number of possible changes to simplify and streamline the approval  
18 processes for certain types of signs and build in more flexibility for signage for those  
19 commercial property owners who wish to establish new master sign programs for their  
20 multi-tenant shopping centers and/or commercial buildings. The current requirements  
21 for business owners wishing to install even small signs to identify their businesses and  
22 for landowners who wish to create new master sign programs to regulate signage in  
23 multi-tenant shopping centers or commercial buildings are rigorous and, in some cases,  
24 inflexible.  
25

26 The amendments staff is recommending to the Sign Code are not extensive and would  
27 not significantly reduce the amount of discretion afforded the decision-making bodies  
28 that currently have approval authority over most types of signs under the existing  
29 regulations. Instead, they are intended to allow smaller signs and signs that conform to  
30 an already-approved master sign program<sup>2</sup> to be approved through a faster, easier and  
31 less expensive review process, since such signs have little or no potential to pose an  
32 adverse impact on the surrounding properties or the community as a whole. In addition,  
33 the proposed amendments are intended to afford greater flexibility for applicants  
34 proposing new master sign programs for multi-tenant commercial properties, while still  
35 requiring such programs to be approved by the Town's Design Review Board. Finally,  
36 they also include some minor clarifications intended to reduce confusion and remove  
37 some burdensome permitting and enforcement processes and procedures currently  
38 governing portable signs (e.g., the small signs often seen outside of restaurants and  
39 cafes advertising their daily menus or specials).  
40

### 41 **Summary of Proposed Amendments to Section 8.88.060 – Sign Review Procedure.**

42  
43 Currently, MMC Section 8.88.060 only allows three types of signs to be approved by the  
44 Planning Department (with no neighborhood notification or discretionary hearing  
45 procedures): (1) temporary freestanding, wall, banner, and traffic signs; (2) permanent,

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<sup>2</sup> A master sign program is defined in MMC Section 8.88.020 as a coordinated sign plan which includes details of all signs which are or will be placed on a site, including master identification, portable signs, individual business signs and directory signs.

1 non-illuminated window signs; and (3) signs that conform to an approved master sign  
2 program (excluding monument signs). All other types of signs must undergo  
3 neighborhood notification and/or are subject to a discretionary hearing by either the  
4 Design Review Board or Town Council before they may be approved. While these  
5 procedures may be entirely appropriate for large signs for a large, new commercial  
6 building, shopping center or business park, staff believes that the procedures are  
7 unnecessarily rigid, costly and time-consuming for those business owners who only  
8 want or need a small amount of signage to identify their establishments.

9  
10 A recent example of a new business that had to undergo a rigorous application process  
11 for a small sign was the Joy in Motion dance studio located at 1545 School Street. The  
12 owners of Joy in Motion proposed and obtained approval of a 19½-square-foot wall sign  
13 outside their main entrance along School Street in 2018, and were required to pay a  
14 \$500 sign permit application fee (this fee has since been reduced to \$350) and undergo  
15 a standard neighborhood notification process pursuant to MMC Section 8.88.060, which  
16 takes approximately one month to complete before the sign could be approved. During  
17 that time, if a neighbor wished to oppose the sign, that neighbor could have filed an  
18 appeal which would have required the matter to be considered by the Design Review  
19 Board. Such a hearing process would have taken an additional approximately two  
20 months to complete, and if either party was still unhappy with the outcome, there would  
21 have still been the possibility of an appeal to the Town Council.

22  
23 In staff's opinion, signs such as Joy In Motion's and other similarly-sized wall signs that  
24 conform to the applicable standards for such signs should be allowed to be approved by  
25 the Zoning Administrator (Planning Director) and be subject only to payment of the  
26 standard building permit application plan check fee (currently \$195.00). Thus, one of  
27 the proposed amendments is to allow all wall signs 25 total square feet or less in area to  
28 be approved by the Zoning Administrator. Similarly, staff is also proposing that wall  
29 signs greater than 25 square feet but less than 50 square feet continue to be approved  
30 by the Design Review Administrator (the Planning Director or his/her Designee) subject  
31 to the same process that Joy In Motion was required to undergo, with neighborhood  
32 notification and the affording of appeal rights to the Design Review Board to any party  
33 wishing to oppose the sign.

34  
35 Another change being proposed to MMC Section 8.88.060 would be to allow all  
36 monument signs, multi-story commercial signs, projecting signs, awning signs, marquee  
37 signs and portable signs that conform to an approved master sign program (MSP) to be  
38 approved by the Design Review Administrator as well. It is staff's opinion that all signs  
39 which conform to an already-approved MSP should be allowed to be approved without  
40 any neighborhood notification or the potential for discretionary hearings because the  
41 approval process for an MSP is already rigorous enough and subject to at least one  
42 public hearing with neighborhood notification before it can be approved by the Design  
43 Review Board. As such, any issues that the community or Design Review Board may  
44 have had with the signage proposed as part of an MSP should have been vetted and  
45 addressed during the discretionary approval process for that MSP. Afterwards, any  
46 business that proposes a sign that is consistent with that approved MSP should be able  
47 to do so through a quick and easy approval process.

1 The Planning Commission also proposed amending Section 8.88.060(G) to clarify that a  
2 person may only appeal a decision made under Sections 8.88.060(B) and (C) (the  
3 sections covering the Design Review Administrator’s and Design Review Board’s  
4 purviews), not a decision of the Zoning Administrator under the purview granted him/her  
5 under Section 8.88.060(A). However, even with this proposed change, the decision of  
6 the Zoning Administrator is still appealable under Section 8.12.220 and/or Section  
7 1.16.010. As such, staff is recommending that this particular amendment be omitted to  
8 avoid possible confusion regarding appeal rights.  
9

10 Summary of Proposed Amendments to Section 8.88.070 – Master Sign Program.  
11

12 MMC Section 8.88.070 contains the regulations governing MSPs. MSPs are individual  
13 sets of regulations and guidelines established for multi-tenant buildings, shopping  
14 centers or business parks that govern all types of signage that may be displayed,  
15 including individual tenant wall signs, portable signs (such as menu boards), and  
16 storefront window signs, as well as those large freestanding monument signs that are  
17 typically located at the major driveway entrances to the site which identify the complex’s  
18 name and its major tenants. MSPs are typically proposed by a commercial landowner  
19 or developer and provide each individual tenant some flexibility while still effectively  
20 regulating the overall degree, size and type of signage so that the outward appearance  
21 of the shopping center, business park or building maintains some uniformity and  
22 cohesiveness. Because they can have a significant visual impact on a streetscape  
23 along which the commercial property is located, MSPs are typically approved by either a  
24 Design Review Board or Planning Commission. In Moraga, pursuant to MMC Section  
25 8.88.060(C), all MSPs require approval of the Design Review Board (the same body as  
26 the Planning Commission).  
27

28 Section 8.88.070 is typical of many code sections governing MSPs, but it does contain  
29 two provisions that are unusually strict which staff is proposing to amend. The first of  
30 these is Section 8.88.070(B)(1), which currently requires all MSPs to adhere to the  
31 various maximum signage area limitations imposed by Section 8.88.090, with no  
32 exceptions. Staff believes this is overly strict and that subsection (B)(1) should be  
33 deleted altogether. By their nature, MSPs are intended to allow for some creativity and  
34 flexibility for the individual tenants, yet without compromising the overall appearance of  
35 the property or adversely impacting adjacent properties or neighborhoods. Staff  
36 believes that commercial landowners should be able to propose different degrees of  
37 signage area than what the standards prescribed by Section 8.88.090 allow, in light of  
38 the fact that the Planning Commission (acting as the Design Review Board) still retains  
39 the approval authority over what is ultimately permitted in the MSP.  
40

41 The second provision that staff is proposing to amend is Section 8.88.070(B)(4), which  
42 currently allows for multiple monument signs in MSPs, but which limits such signs to the  
43 maximum size prescribed by Section 8.88.090(B)(4) of 35 square feet per sign face (or  
44 side) and 70 total square feet for a sign having two faces (or sides). For large shopping  
45 centers with multiple anchor tenants such as the Rheem Valley Shopping Center (which  
46 has four major tenants in HomeGoods, CVS, Dollar Tree and TJ Maxx, as well as a  
47 number of popular everyday businesses including Starbucks and Taco Bell), a typical  
48 monument sign size can easily measure between 50-75 square feet per face in order to

1 contain ample surface area to advertise the name of the center itself, as well as its  
2 major tenants. Staff is proposing to reword this provision to allow MSP applicants to  
3 propose larger monument signs to meet their needs - up to a maximum of 70 square  
4 feet, or twice the current limits prescribed by Section 8.88.090(B)(4) - while still vesting  
5 the approval authority for any such signage (along with the rest of the components of  
6 the MSP) in the Planning Commission (in its role as Design Review Board). This will  
7 enable the applicant to work with staff and the Commission on a case-by-case basis to  
8 devise a plan for monument signs that meets its needs while ensuring that the amount  
9 and size of the signs do not pose an adverse impact on the aesthetic quality of the  
10 streetscape and surrounding neighborhoods.

11  
12 Summary of Proposed Amendments to Section 8.88.090 – Permanent Signs.

13  
14 In addition to the above changes, staff is also recommending a number of amendments  
15 to Section 8.88.090 in order to relax some of the standards and clarify some items  
16 contained therein. Specifically, the amendments to this Section would do the following:

- 17  
18 1. Amend Section 8.88.090(B)(1)(iii) to change the maximum wall sign height from  
19 15 feet above ground to 20 feet above ground (but continue to require such signs  
20 to be located below the eave or parapet of the building to which they are affixed).  
21 This change is being proposed because many new commercial buildings are  
22 being constructed with significantly higher ceilings and taller, more transparent  
23 storefront window systems to increase visibility from outside into the space, so  
24 increasing the maximum height to 20 feet would make it easier for commercial  
25 developers to build such storefronts while still providing sufficient room above  
26 them for appropriate signage.
- 27  
28 2. Amend Section 8.88.090(B)(2)(ii) to allow a multi-story commercial building that  
29 is located on a corner lot having two street frontages to have two multi-story  
30 commercial signs – one along each street frontage. This change is being  
31 proposed because it is reasonable to assume that a tenant occupying a  
32 commercial building located on a corner lot facing two public streets would prefer  
33 to have one sign facing each street to identify its location to approaching traffic.
- 34  
35 3. Amend Section 8.88.090(B)(7)(ii) to clarify that the standard limiting no more than  
36 one window sign per 15 linear feet of primary building façade is meant to be  
37 applied per tenant as opposed to per linear feet (this clarification is meant to  
38 avoid confusion in the event that two adjacent tenants both have window signs  
39 within 15 feet of each other – that scenario would be perfectly acceptable so long  
40 as each of those tenants otherwise complies with the standard as it is being  
41 clarified for their respective storefront windows).
- 42  
43 4. Amend Section 8.88.090(B)(8)(ii) to remove the requirement that portable sign  
44 owners obtain an annual permit in order to have an on-site portable sign  
45 identifying their establishment. This permit process has not been enforced for  
46 several years due to limited staffing resources, and there are already several  
47 standards contained in this same Section that govern portable signs which are  
48 sufficient to ensure that such signs do not pose a nuisance or visual blight.

- 1  
2 5. Amend Section 8.88.090(B)(8)(vii) to delete the provision that only allows for  
3 portable signs to be displayed for a maximum of 12 consecutive hours per day  
4 and, instead, only allow them to be displayed while an establishment is open for  
5 business. Policing businesses to ensure compliance with a 12-consecutive-hour  
6 limit is very difficult for Town staff, and staff believes it is more reasonable and  
7 appropriate to allow business owners to place their portable signs outside when  
8 they open for business and bring the signs back inside when they close. That  
9 way, if such a sign is left outside an establishment overnight, it is much easier to  
10 take enforcement action against the business owner. Furthermore, some  
11 businesses, particularly restaurants that offer breakfast, lunch and dinner, may  
12 be open for more than 12 hours in a day.  
13

14 ***Key Stakeholder Input***

15 Staff sought and obtained feedback on the proposed amendments to the Sign Code  
16 from the Chamber of Commerce and the Town's two largest commercial property  
17 owners, Dave Bruzzone of the Bruzzone family (primary owner of the Moraga Center),  
18 and Jay Kerner of U.S. Realty Partners, Inc. (primary owner of the Rheem Valley  
19 Shopping Center).  
20

21 *Input from the Moraga Chamber of Commerce*

22 The Chamber is supportive of the amendments as proposed. When asked by staff, the  
23 Chamber was unable to specify which sections of the current Sign Code had proven to  
24 be problematic for its members in the past. Nevertheless, they felt that proposed  
25 amendments would do much to simplify sign permitting procedures for businesses and  
26 commercial property owners. The Chamber's written feedback is attached to this staff  
27 report as Attachment B.  
28

29 *Input from Moraga Center's Primary Landowner*

30 Staff contacted Mr. Bruzzone in late April to solicit ideas he might have for how to  
31 amend the Sign Code in order to help businesses. Mr. Bruzzone was unable to provide  
32 input before the May 18 Planning Commission hearing because he did not have  
33 sufficient time to complete his review of the proposed amendments. He informed staff  
34 that he may provide comments prior to the Town Council, but he did not submit any  
35 prior to the publishing of this staff report.  
36

37 *Input from Rheem Valley Shopping Center's Primary Landowner*

38 On November 5, 2019, Mr. Kerner submitted an application for a new MSP for the  
39 Rheem Valley Shopping Center, along with a Design Review Board application to  
40 refresh the exterior of the shopping center's existing buildings that are under his  
41 company's ownership. After reviewing the proposed MSP, staff informed Mr. Kerner's  
42 design team in December 2019 that many of the new freestanding signs that the  
43 program proposed along the center's two street frontages on Moraga Road and Rheem  
44 Boulevard and the proposed new square footage allowances for tenant wall signs on  
45 the building facades could not be approved under the existing regulations because they  
46 exceeded the current square footage limitations prescribed by MMC Section 8.88.090.  
47

1 Staff then informed Mr. Kerner and his design team that it was in the midst of working  
2 on amendments to the Sign Code that, if approved, would enable many of the signs he  
3 was proposing to be allowable subject to Design Review Board approval. Upon hearing  
4 this, Mr. Kerner and his design team voiced their support for the proposed amendments  
5 to the Sign Code and are currently waiting for the Town Council’s consideration of the  
6 amendments before they proceed any further with their application in hopes that they  
7 will be able to keep much of what they are currently proposing. In particular, Mr. Kerner  
8 would like the regulations governing new shopping center identification monument signs  
9 (those freestanding signs typically located adjacent to the main driveway entrances to  
10 shopping centers which include the name of the center itself, and which identify the  
11 anchor tenants and other major tenants) to be amended to allow such signs to be larger  
12 than the current 35 square-foot maximum per sign face prescribed by MMC Section  
13 8.88.090(B)(4). As stated before, the proposed amendments would remove this  
14 maximum limit and allow MSP applications to propose larger monument signs but  
15 provide the Planning Commission (serving as the Design Review Board) approval  
16 authority over all such proposals on a case-by-case basis.

17  
18 **General Plan Conformance**  
19 One of the Core Values of the Town’s General Plan states that the citizens value their  
20 local business community and the convenient shopping and services, as well as their  
21 ongoing civic and community involvement. In addition, Guiding Principle #8 of the  
22 General Plan states:

23  
24 “Work closely with local businesses to ensure a positive business environment in  
25 keeping with local needs and priorities.”  
26

27 The aim of the proposed amendments is to streamline the approval process for certain  
28 types of signs and also allow for new MSPs to include greater variation from the  
29 applicable standards that are currently prescribed by the Sign Code for new signage in  
30 the Town’s commercial zoning districts. As such, the amendments would be consistent  
31 with the aforementioned Core Value in that they would make the Town’s business  
32 environment more attractive to prospective businesses by relaxing the approval process  
33 for new commercial signage. Furthermore, as the proposed amendments were shared  
34 with a number of key stakeholders, including the Chamber of Commerce and the two  
35 major commercial landowners, and their input was obtained prior to the Planning  
36 Commission meeting; the amendments are also consistent with Guiding Principle #8 of  
37 the General Plan.

38  
39 **California Environmental Quality Act**

40  
41 The proposed amendments to Chapter 8.88 of the MMC are exempt from the California  
42 Environmental Quality Act (CEQA) under the “common sense” exception (CEQA  
43 Guidelines Section 15061[b][3]) because it can be seen with certainty that there is no  
44 possibility that this action may have a significant effect on the environment.  
45 Furthermore, any signs that would be allowed to be erected pursuant to the proposed  
46 amendments are categorically exempt pursuant to CEQA Guidelines Section 15311 –  
47 Accessory Structures.

48

1 **Fiscal Impact**

2  
3 The proposed Ordinance would have no fiscal impact on the Town.  
4

5 **Alternatives**

- 6  
7 1. Find the proposed amendments to the MMC to be exempt from the California  
8 Environmental Quality Act, and waive the first reading and introduce by title only  
9 an Ordinance amending Chapter 8.88 – Signs, of Title 8, Planning and Zoning, of  
10 the Town of Moraga Municipal Code as proposed; or  
11  
12 2. Find the proposed amendments to the MMC to be exempt from the California  
13 Environmental Quality Act, waive the first reading, make revisions and then  
14 introduce by title only the proposed Ordinance; or  
15  
16 3. Provide direction to staff to amend the proposed Ordinance and continue the  
17 item to a date certain to introduce and waive the first reading of the Ordinance at  
18 a future meeting.  
19

20 **Recommendation**

21  
22 Staff recommends that the Town Council introduce by title and waive the first reading of  
23 an Ordinance Amending Chapter 8.88 – Signs, of Title 8, Planning and Zoning, of the  
24 Town of Moraga Municipal Code to Streamline the Approval Process for Certain Types  
25 of Signs; Allow for New Master Sign Programs to Include Greater Variation from the  
26 Standards Prescribed by Chapter 8.88; and Amend Certain Specific Standards and  
27 Regulations for New Commercial Signage including Wall Signs, Monument Signs and  
28 Portable Signs and find the proposed amendments to be exempt from CEQA per CEQA  
29 Guidelines Section 15061(b)(3).  
30

31 **Report reviewed by: Cynthia Battenberg, Town Manager**  
32 **Denise Bazzano, Assistant Town Attorney**  
33

34 **Attachments:**

- 35 A. Draft Ordinance Amending Chapter 8.88 – Signs, of Title 8, Planning and Zoning,  
36 of the Town of Moraga Municipal Code to Streamline the Approval Process for  
37 Certain Types of Signs; Allow for New Master Sign Programs to Include Greater  
38 Variation from the Standards Prescribed by Chapter 8.88; and Amend Certain  
39 Specific Standards and Regulations for New Commercial Signage including Wall  
40 Signs, Monument Signs and Portable Signs  
41 B. Planning Commission Resolution No. 07-2020  
42 C. Stakeholder Correspondence

ATTACHMENT A

**DRAFT ORDINANCE NO. \_\_\_\_**

**BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA**

In the matter of:

**Amending Chapter 8.88 – Signs, of Title 8, )  
Planning and Zoning, of the Town of Moraga )  
Municipal Code to Streamline the Approval )  
Process for Certain Types of Signs; Allow for )  
New Master Sign Programs to Include Greater )  
Variation from the Standards Prescribed by )  
Chapter 8.88; and Amend Certain Specific )  
Standards and Regulations for New )  
Commercial Signage including Wall Signs, )  
Monument Signs and Portable Signs )**

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**ORDINANCE NO. \_\_\_\_**

**WHEREAS**, on February 27, 2019, the Town Council adopted a goal to “Update the Zoning Code, as appropriate, to streamline the Town’s signage ordinance,” and

**WHEREAS**, after drafting a number of proposed amendments to MMC Chapter 8.88 - Signs, over a five-month period from December 2019 through April 2020, Town staff sought and obtained input from three key stakeholders on the proposed amendments, the Moraga Chamber of Commerce, and the Town’s two largest commercial landowners, and finalized the draft amendments for consideration by the Planning Commission and Town Council; and

**WHEREAS**, the proposed amendments to MMC Chapter 8.88 are exempt from the California Environmental Quality Act (CEQA) under the “common sense” exception (CEQA Guidelines Section 15061[b][3]) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment; and

**WHEREAS**, the Town published a public hearing notice in the East Bay Times, a newspaper of general circulation, on May 8, 2020 to advertise the Planning Commission hearing on May 18, 2020 in accordance with California Government Code Section 65091; and

**WHEREAS**, on May 18, 2020, the Planning Commission held a duly noticed public hearing, took public testimony, considered evidence submitted into the public record in the form of the staff report and adopted Planning Commission Resolution No. 07-2020 recommending the Town Council adopt the proposed amendments; and

**WHEREAS**, the Town published a public hearing notice in the East Bay Times, a newspaper of general circulation, on May 29, 2020 to advertise the Town Council hearing on June 10, 2020 in accordance with California Government Code Section 65091; and

**WHEREAS**, on June 10, 2020, the Town Council held a duly noticed public hearing, took testimony on, and considered the proposed amendments.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF MORAGA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** CEQA Determination. The Town Council finds that, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the proposed amendments are exempt from CEQA under the “common sense” exception because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment. Furthermore, any signs that would be erected pursuant to the proposed amendments to the Moraga Municipal Code would be categorically exempt pursuant to CEQA Guidelines Section 15311 – Accessory Structures.

**SECTION 2.** Required Findings. The Town Council hereby finds as follows:

- a. The change proposed is consistent with the objectives, policies, general land uses and programs specified in the general plan** in that one of the Town of Moraga General Plan’s Guiding Principles (Principle No. 8) states: “work closely with local businesses to ensure a positive business environment in keeping with local needs and priorities,” and one of the primary goals in its Land Use Chapter asserts that the citizens value their local business community and the convenient shopping and services, as well as their ongoing civic and community involvement. The proposed amendments would simplify and, in some cases, shorten the review and approval process for new commercial signage proposed by business owners and commercial property owners by increasing the number of signs that may be approved ministerially, and would also allow applicants for new master sign programs to propose signage having a greater degree of variation from the current standards. As such, the amendments would be consistent with the aforementioned General Plan Guiding Principle and primary goal.
- b. The change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district which it is approved** in that the amendments would only apply to signage being proposed in the Town’s commercial zoning districts that are intended to accommodate a broad range of businesses offering consumer goods and services that meet the everyday and specialized needs of Moraga and the surrounding communities. The proposed amendments are intended to facilitate the installation of new commercial signage for businesses and commercial property owners that have little or no potential to have an adverse impact on the environment, the surrounding properties, or the community as a whole, and to foster a greater variety of signage in the Town’s commercial districts.
- c. A community need is demonstrated for the changes proposed** in that the Town Council has expressed a desire to address a common perception in the business community that the Sign Code contains overly strict provisions regulating new commercial signage in the Town that are problematic for business owners and commercial landlords who may wish to install new signs to advertise their businesses

and commercial properties. The proposed amendments are consistent with one of the Core Values of the Town's General Plan which states that the citizens value their local business community and the convenient shopping and services, and with Guiding Principle #8 of the General Plan which calls for the Town to work closely with local businesses and stakeholders to ensure a positive business environment in keeping with local needs and priorities.

- d. **The adoption of the ordinance will be in conformity with public convenience, general welfare and good zoning practice** in that the proposed amendments would simplify and, in some cases, shorten the review and approval process for new commercial signage by allowing more signs that have little or no potential to have an adverse impact on the community to be approved ministerially for many businesses and commercial property owners that provide commercial services that meet the everyday needs of Moraga's citizens.

**SECTION 3.** Municipal Code Text Amendments. The Town Council hereby amends the following sections of Chapter 8.88 within Title 8 of the Moraga Municipal Code as follows, with new text shown as underlined and deleted text shown as ~~struck out~~:

#### **Chapter 8.88 - SIGNS**

**8.88.010 - Authority and purpose.** - No changes proposed to this section.

**8.88.020 - Definitions.** - No changes proposed to this section.

**8.88.030 - General provisions.** - No changes proposed to this section.

**8.88.040 - Signs on town property.** - No changes proposed to this section.

**8.88.050 - Signs allowed without a permit.** - No changes proposed to this section.

**8.88.060 - Sign review procedure.**

A sign permit shall be required to place or maintain a sign, or modify an existing sign, unless the sign is listed in Section 8.88.050, or is otherwise exempt, which sign permit shall be processed as follows:

- A. Zoning Administrator. A sign permit for the following types of signs shall be reviewed and approved by the Zoning Administrator:
1. Temporary freestanding commercial, wall or banner, and traffic signs;
  2. Permanent window signs (non-illuminated);
  3. Wall signs twenty-five (25) total square feet or less; and
  - ~~34.~~ All S-signs conforming to an approved Master Sign Program.
- B. Design Review Administrator. A sign permit for the following types of signs shall be reviewed and approved by the Design Review Administrator:

1. Wall signs of more than twenty-five (25) but less than fifty (50) square feet in area or less that comply with the standards set forth in Section 8.88.090(B)(1), except such signs conforming to an approved master sign program;
  2. Multi-story commercial building signs that comply with the standards set forth in Section 8.88.090(B)(2), except such signs conforming to an approved Master Sign Program;
  3. Projecting signs, that comply with the standards set forth in Section 8.88.090(B)(6), except such signs conforming to an approved Master Sign Program;
  4. Awning signs, that comply with the standards set forth in Section 8.88.090(B)(5), except such signs conforming to an approved Master Sign Program;
  5. Portable signs, that comply with the standards set forth in Section 8.88.090(B)(8), except such signs conforming to an approved Master Sign Program with permit issued on an annual basis; and
  6. Externally illuminated signs, except such signs conforming to an approved Master Sign Program.
- C. Design Review Board. A sign permit for the following types of signs shall be reviewed by the Design Review Board:
1. Monument signs, except such signs conforming to an approved Master Sign Program;
  2. Wall signs of greater than fifty (50) square feet in area, except such signs conforming to an approved Master Sign Program;
  3. Marquee signs, that comply with the standards set forth in Section 8.88.090(B)(3), except such signs conforming to an approved Master Sign Program;
  4. Community message board signs;
  5. Internally illuminated signs, except signs conforming to an approved Master Sign Program;
  6. Off-premises signs, which are only allowed in non-residential districts if necessary to provide visibility of the business(es) from the nearest arterial or commercial collector street;
  7. Initial review of, or subsequent amendments to, a Master Sign Program pursuant to Section 8.88.070; and
  8. Freestanding banner locations.
- D. Town Council. A sign permit for the following types of signs shall be reviewed by the town council:
1. Electronic message sign;
  2. Signs on town property per Section 8.88.040 (D);
  3. Appeals per the procedures set forth in Sections 8.12.150 to 8.12.260.

- E. Findings. Before approving a sign permit, the reviewing body must find that the following conditions are met:
  - 1. The sign complies with the requirements of this chapter and the Town of Moraga design guidelines;
  - 2. The sign has the same character and quality of design as the exterior architecture of the property and area where it is located; and
  - 3. The location of the sign will not impair the use of the property or conflict with the visibility, location or arrangement of existing adjacent signs.
- F. Scope of Review. Whenever a sign or lighting is reviewed by the design review administrator or the Design Review Board, the site context, including all existing signage and lighting at the premises may be considered in its review of the application. This does not mean the reviewing body may condition, or direct the removal, of a legal non-conforming sign or lighting.
- G. Appeal. A person may appeal a decision made under this chapter. The procedures set forth in Sections 8.12.150 to 8.12.260 shall govern such an appeal.

#### **8.88.070 - Master Sign Program.**

- A. Requirement. A Master Sign Program shall be required for a new multi-tenant site before any permanent sign is placed. For existing multi-tenant sites, a Master Sign Program for monument and marquee signs shall be required prior to approval of a monument sign or marquee sign, except for sign applications submitted prior to the effective date of the ordinance.
  - 1. Master Sign Programs shall include:
    - i. Location, sign type and maximum sign area for each tenant space;
    - ii. Calculation of aggregate maximum sign area per building and frontage;
    - iii. Proposed lighting and sign illumination; and
    - iv. Allowed locations for temporary freestanding signs.
  - 2. The owner of an existing development or a site shall submit a Master Sign Program to be reviewed and approved by the Design Review Board.
- B. Variations. A Master Sign Program may include certain variations from the standards of this chapter ~~subject to the following as follows:~~
  - ~~1. The master sign program must conform to the maximum sign area requirements set forth in Section 8.88.090.~~
  - 2~~1~~. The Design Review Board may allow an increase in wall sign or marquee sign area for individual tenants provided that the overall allowable sign area for the building is not exceeded and no individual tenant's maximum sign area is reduced by twenty-five (25) percent or more.
  - 3~~2~~. For a multiple building site, the Design Review Board may allow sign area to be transferred from one building frontage to another if the transfer does not exceed fifty (50) percent of the area allowed for a particular frontage or tenant.

43. The Master Sign Program may allow more than one monument sign and each monument sign may exceed the maximum sign area prescribed by Section 8.88.090(B)(4) up to a maximum of 70 square feet per sign face, subject to Design Review Board approval.
  54. The Master Sign Program may allow for any number of wayfinding signs that identify the businesses and facilities on site. The design, location, number, and spacing of such signs are subject to Design Review Board approval.
  65. The Master Sign Program may allow for any number of decorative, commercial temporary freestanding signs (such as "A" or "H" frames, menu boards, and small temporary promotional signs) on premises. The design, size, location, number, and spacing of such signs are subject to Design Review Board approval.
  76. The Master Sign Program may include more restrictive requirements, including methods of measurement, than prescribed by this chapter. If the Master Sign Program has more restrictive requirements than this chapter, the Master Sign Program shall be controlling.
- C. Existing Signage. The standards of an approved Master Sign Program shall not apply to existing and legal non-conforming signs. Approval of a Master Sign Program shall not condition or require the removal of existing and legal non-conforming signs.

**8.88.080 - Prohibited signs.** - No changes proposed to this section.

**8.88.090 - Permanent Signs.**

Permanent signs shall be subject to the following requirements, in addition to any other requirements set forth in this chapter:

A. General sign standards.

1. Calculating maximum sign area. In determining compliance with maximum sign area, the following general regulations apply:
  - i. Only one side of a building is used in calculating the primary building frontage. The zoning administrator may designate another side of a building or property as the frontage if it is determined that: (a) the primary access to the tenant spaces is from a side facing an interior side lot line; and (b) the interior lot line is longer than the front lot line.
  - ii. Only the street frontage that is developed or approved for development is counted for purposes of determining the maximum allowable sign area. Vacant land reserved for future development is not counted.
  - iii. No sign or sign area permitted on one frontage shall be transferred to another frontage except in accordance with a master sign plan prepared under Section 8.88.070.
2. Aggregate Maximum Sign Area. The maximum aggregate sign area of all monument, wall, multi-story commercial building, window and awning signs shall be one hundred fifty (150) square feet per premise.
3. Location. Signs shall be located on-site and only on the frontage of a premise. Signs may not be located on more than two frontages of any one premise.

4. Height—Projections. No part of a sign may project above the roof line or ridge line of the building to which it is attached.
  5. Design. The design shall be architecturally compatible with the building or complex it is serving.
  6. Lighting.
    - i. Light sources shall be shielded or screened from view.
    - ii. Lighting shall be directed against the sign and not shine onto adjacent property.
    - iii. Signs shall not have exposed neon or fluorescent tubes, LEDs or incandescent bulbs, except informational signs allowed under Section 8.88.050E.
    - iv. Signs shall be illuminated only during the hours of operation of the associated business or facility.
- B. Specific sign standards. Unless otherwise provided in a master sign program, the following sign standards shall apply:

1. Wall Signs.

- i. Sign Area. The maximum sign area for all wall signs is based on the zoning district in which the signs are located, as follows

Zoning District	Maximum Sign Area
Residential	Not Permitted
Community/Assembly Uses in Residential Districts	12 square feet per street frontage.
Commercial (CC, LC, and SO) College	1 square foot for each linear foot of primary building façade, up to 100 square feet.
MOSO, Open Space	12 square feet per street frontage.

- ii. Location. The wall sign must be located below an eave or parapet, including the eave of a simulated mansard roof;
  - iii. Height. The maximum wall sign height is ~~fifteen (15)~~ twenty (20) feet above ground.
  - iv. Projection. A wall sign may project a maximum of one foot from the face of the building.
  - v. Lighting. Wall signs with lighting shall use external or halo illumination.
2. Multiple-Story Commercial Building Sign. The following standards shall apply:

- i. Sign Area. The maximum sign area for all multi-story commercial building signs is based on the zoning district in which the sign is located, as follows

Zoning District	Maximum Sign Area
Residential	Not Permitted
Community/Assembly Uses in Residential Districts	Not permitted
Commercial (CC, LC, and SO) College	1 square foot for each linear foot of primary building façade, up to 100 square feet.
MOSO, Open Space	Not permitted

- ii. Number. A multi-story commercial building may have one multi-story commercial building sign per building, or two if the building is located on a corner lot, with one such sign facing each street frontage.
- iii. Location. Multi-story commercial building signs shall be located below the top of the parapet of the building at a height and scale architecturally in harmony with the building.
- iv. Lighting. Multi-story commercial building signs with lighting shall use external or halo illumination.
- v. Design. Only individual letters or a logo may be used.

3. Marquee Signs. The following standards shall apply:

- i. Sign Area. The maximum sign area for all marquee signs is based on the zoning district in which the sign is located, as follows

Zoning District	Maximum Sign Area
Residential	Not Permitted
Community/Assembly Uses in Residential Districts	16 square feet per street frontage.
Commercial (CC, LC, and SO) College	2 square feet for each linear foot of primary building façade, up to 200 square feet.
MOSO, Open Space	Not Permitted

- ii. Number. A theater, cinema or performance space may have one marquee sign.
- iii. Location. The marquee sign must be located below the top of the parapet at a height and scale architecturally in harmony with the building and above a public entrance to the building or facility.
- iv. Lighting. Marquee signs with lighting shall use external illumination, halo illumination, or internally illuminated channel letters and cabinet signs.
- v. Design.
  - (1) The marquee sign is to be mounted on an architectural projection or roof structure that is an integral part of the building façade.
  - (2) The marquee signs shall include only the facility's name and changeable copy related to current and future attractions.
    - (a) The facility name portion of the marquee sign shall not exceed fifty (50) percent of the total sign area.
    - (b) The changeable copy portions of the marquee sign shall not exceed eighty (80) percent of the total sign area.

4. Monument Signs. The following standards shall apply:

- i. Sign Area. The maximum sign area for all monument signs is based on the zoning district in which the sign is located, as follows:

Zoning District	Maximum Sign Area
Residential	Not Permitted
Community/Assembly Uses in Residential Districts	12 square feet on one face or 24 square feet on two faces of the sign.
Commercial (CC, LC, and SO) College	0.5 square foot for each lineal foot of street frontage up to a maximum of 35 square feet on 1 face or 70 square feet on 2 faces.
MOSO, Open Space	12 square feet per street frontage.

- ii. Number. A shopping complex, development or building under single ownership may have one monument sign.
- iii. Location. A monument sign may be placed on or off premises and must be located:
  - (1) At least one hundred (100) feet from another monument sign;
  - (2) More than one-half its height from an interior property line; and

- (3) In a landscaped area.
  - iv. Height. The maximum monument sign height is ten (10) feet in a nonresidential zoning district and six feet in a residential zoning district.
  - v. Projection. The monument sign shall be located, in its entirety on private property and outside the public right-of-way.
  - vi. Lighting. Monument signs with lighting shall use external or halo illumination.
  - vii. Design. The following design requirements apply:
    - (1) A maximum of two surfaces may be used;
    - (2) The support structure or base of sign must be at least fifty (50) percent the width of the sign; and
    - (3) The support structure or base and face made of natural materials, including wood, stone, and ceramic tile, and/or materials that have the appearance of natural materials.
5. Awning Signs. The following standards shall apply:
- i. Sign Area. Awning signs may cover a maximum of thirty (30) percent of the exterior surface of the awning.
  - ii. Location. Awning signs are permitted as follows:
    - (1) Commercial signs. Commercial awning signs are permitted in commercial zoning districts (including community commercial, limited commercial, suburban office and college) subject to the requirements of this section. No commercial awning sign is permitted in a residential or open space zoning district, except for an exempt sign under Section 8.88.050.
    - (2) Noncommercial signs. A noncommercial awning sign is permitted in all zoning districts if it complies with the standards of this section.
  - iii. Height. An awning sign must be located below an apparent eave or parapet, including the eave of a simulated mansard roof, and at least eight feet above the surface over which it projects.
  - iv. Lighting. Awning signs with lighting shall use external illumination.
  - v. Design. A maximum of two identical awning signs may be located on the same frontage.
6. Projecting signs. The following standards shall apply:
- i. Sign Area. The sign area of a projecting sign must be five square feet or less.
  - ii. Number. One projecting sign is allowed per business.
  - iii. Location. Projecting signs are permitted as follows:
    - (1) Commercial signs. Commercial projecting signs are permitted in commercial zoning districts (including community commercial, limited

commercial, suburban office and college) subject to the requirements of this section. No commercial projecting sign is permitted in a residential or open space zoning district, except for an exempt sign under Section 8.88.050.

(2) Noncommercial signs. A noncommercial projecting sign is permitted in all zoning districts if it complies with the standards of this section.

iv. Height. A projecting sign must be located below an apparent eave or parapet, including the eave of a simulated mansard roof, and at least seven feet four inches above the surface over which it projects.

v. Lighting. Projecting signs with lighting shall use external illumination.

vi. Projection. The projecting sign may project a maximum of six feet from the side of the building.

7. Window Signs. The following standards shall apply:

i. Sign Area. Window signs may cover a maximum of twenty (20) percent of the window area.

ii. Number. No more than one window sign per fifteen (15) linear feet of primary building façade is allowed per tenant.

iii. Location. Window signs are permitted as follows:

(1) Commercial signs. Commercial window signs are permitted in commercial zoning districts (including Community commercial, limited commercial, suburban office and college) subject to the requirements of this section. No commercial window sign is permitted in a residential or open space zoning district, except for an exempt sign under Section 8.88.050.

(2) Noncommercial signs. A noncommercial window sign is permitted in all zoning districts if it complies with the standards of this section.

iv. Lighting. Window signs with lighting shall use external illumination, halo illumination, or internally illuminated channel letters and cabinet signs.

(1) One illuminated window sign is allowed per building frontage, including illuminated informational signs in Section 8.88.050.

v. Design. A maximum of two identical window signs may be located on the same frontage.

8. Portable Signs. The following standards shall apply:

i. Sign area. The sign area of a portable sign must be six square feet or less per face, with a maximum of twelve (12) square feet.

ii. Number. ~~An annual permit may be issued for one~~ One on-site portable sign is permitted per business establishment.

iii. Location. Portable signs are permitted as follows:

(1) Commercial signs. Commercial portable signs are permitted in commercial zoning districts (including community commercial, limited

commercial, suburban office and college) subject to the requirements of this section. No commercial portable sign is permitted in a residential or open space zoning district, except for an exempt sign under Section 8.88.050.

(2) Noncommercial signs. A noncommercial portable sign is permitted in all zoning districts if it complies with the standards of this section.

- iv. Height. The portable sign height shall be a maximum of four feet.
  - v. Lighting. Portable signs shall not be lighted.
  - vi. Design. A portable sign must be made of durable materials.
  - vii. Placement and Removal. A portable sign shall not be permanently attached to the ground or other permanent structure, shall be located on-site, shall be erected and removed on the same calendar day, and may be displayed ~~for a maximum of twelve (12) consecutive hours during a day, only~~ during the hours of operation of the associated business or organization.
- (1) Portable signs shall be placed a minimum of twenty (20) feet from the curb of a scenic corridor roadway. Scenic corridor roadways are: St. Mary's Road, Canyon Road, Moraga Way, Moraga Road, Rheem Boulevard, Camino Pablo, Bollinger Canyon Road, and Donald Drive (along the ridgeline of Mulholland Hill.

## **END OF AMENDMENTS**

**SECTION 4.** Effective Date. This Ordinance becomes effective thirty (30) days after its final passage and adoption.

**SECTION 5.** Publishing/Posting. This Ordinance shall be published and posted according to law and shall take effect and be in force from and after 30 days after its passage and adoption.

**SECTION 6.** Severability. If any provision of the Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications of the Ordinance. To this end, the provisions of this Ordinance are severable. This Town Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

The foregoing Ordinance was introduced at a regular meeting of the Town Council of the Town of Moraga, California, held on June 10, 2020, and was adopted and ordered published at a regular meeting of the Town Council held on \_\_\_\_\_, 2020 by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

AFFIRMED:

\_\_\_\_\_  
Kymberleigh N. Korpus, Mayor

ATTEST:

\_\_\_\_\_  
Marty C. McInturf, Town Clerk

# ATTACHMENT B

## **PLANNING COMMISSION RESOLUTION NO. 07-2020**

BEFORE THE PLANNING COMMISSION OF THE TOWN OF MORAGA

In the Matter of:

Resolution No. 07-2020

**Recommending the Town Council Adopt an Ordinance Amending Chapter 8.88 – Signs, of Title 8, Planning and Zoning, of the Town of Moraga Municipal Code to Streamline the Approval Process for Certain Types of Signs; Allow for New Master Sign Programs to Include Greater Variation from the Standards Prescribed by Chapter 8.88; and Amend Certain Specific Standards and Regulations for New Commercial Signage including Wall Signs, Monument Signs and Portable Signs.**

2020 Sign Code  
Amendments

**WHEREAS**, on February 27, 2019, the Town Council adopted a goal to “Update the Zoning Code, as appropriate, to streamline the Town’s signage ordinance” and

**WHEREAS**, after drafting a number of proposed amendments to MMC Chapter 8.88 - Signs, over a five-month period from December 2019 through April 2020, Town staff sought and obtained input from three key stakeholders on the proposed amendments, the Moraga Chamber of Commerce, and the Town’s two largest commercial landowners, and finalized the draft amendments for consideration by the Planning Commission and Town Council; and

**WHEREAS**, the proposed amendments to MMC Chapter 8.88 are exempt from the California Environmental Quality Act (CEQA) under the “common sense” exception (CEQA Guidelines Section 15061[b][3]) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment; and

**WHEREAS**, the Town published a public hearing notice in the East Bay Times, a newspaper of general circulation, on May 8, 2020 to advertise the Planning Commission hearing on May 18, 2020 in accordance with California Government Code Section 65091; and

**WHEREAS**, on May 18, 2020, at a duly noticed public hearing, the Planning Commission considered the proposed amendments, received public testimony, and declared its intent to adopt a resolution recommending the Town Council adopt the proposed amendments.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the Town of Moraga that:

**SECTION 1.** The proposed amendments are exempt from the California Environmental Quality Act (CEQA) under the “common sense” exception (14 Cal. Code Regs. § 15061(b)(3)) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment. Furthermore, any signs that would be erected pursuant to the proposed amendments to the Moraga Municipal Code would be categorially exempt pursuant to CEQA Guidelines Section 15311 – Accessory Structures.

**SECTION 2.** Pursuant to Moraga Municipal Code Section 8.12.100, the Commission hereby finds as follows:

- a. **The change proposed is consistent with the objectives, policies, general land uses and programs specified in the general plan** in that one of the Town of Moraga General Plan’s Guiding Principles (Principle No. 8) states: “work closely with local businesses to ensure a positive business environment in keeping with local needs and priorities,” and one of the primary goals in its Land Use Chapter asserts that the citizens value their local business community and the convenient shopping and services, as well as their ongoing civic and community involvement. The proposed amendments would simplify and, in some cases, shorten the review and approval process for new commercial signage proposed by business owners and commercial property owners by increasing the number of signs that may be approved ministerially, and would also allow applicants for new master sign programs to propose signage having a greater degree of variation from the current standards. As such, the amendments would be consistent with the aforementioned General Plan Guiding Principle and primary goal.
- b. **The change proposed is compatible with the uses authorized in, and the regulations prescribed for, the land use district which it is approved** in that the amendments would only apply to signage being proposed in the Town’s commercial zoning districts that are intended to accommodate a broad range of businesses offering consumer goods and services that meet the everyday and specialized needs of Moraga and the surrounding communities. The proposed amendments are intended to facilitate the installation of new commercial signage for businesses and commercial property owners that have little or no potential to have an adverse impact on the environment, the surrounding properties, or the community as a whole, and to foster a greater variety of signage in the Town’s commercial districts.
- c. **A community need is demonstrated for the changes proposed** in that the Town Council has expressed a desire to address a common perception in the business community that the Sign Code contains overly strict provisions regulating new commercial signage in the Town that are problematic for business owners and commercial landlords who may wish to install new signs to advertise their businesses and commercial properties. The proposed amendments are

consistent with one of the Core Values of the Town's General Plan which states that the citizens value their local business community and the convenient shopping and services, and with Guiding Principal #8 of the General Plan which calls for the Town to work closely with local businesses and stakeholders to ensure a positive business environment in keeping with local needs and priorities.

- d. **The adoption of the ordinance will be in conformity with public convenience, general welfare and good zoning practice** in that the proposed amendments would simplify and, in some cases, shorten the review and approval process for new commercial signage by allowing more signs that have little or no potential to have an adverse impact on the community to be approved ministerially for many businesses and commercial property owners that provide commercial services that meet the everyday needs of Moraga's citizens.

**SECTION 3.** The Planning Commission hereby recommends that the Town Council amend the following sections of Chapter 8.88 within Title 8 of the Moraga Municipal Code as follows, with new text shown as underlined and deleted text shown as ~~struck out~~:

**Chapter 8.88 - SIGNS**

**8.88.010 - Authority and purpose.** - No changes proposed to this section.

**8.88.020 - Definitions.** - No changes proposed to this section.

**8.88.030 - General provisions.** - No changes proposed to this section.

**8.88.040 - Signs on town property.** - No changes proposed to this section.

**8.88.050 - Signs allowed without a permit.** - No changes proposed to this section.

**8.88.060 - Sign review procedure.**

A sign permit shall be required to place or maintain a sign, or modify an existing sign, unless the sign is listed in Section 8.88.050, or is otherwise exempt, which sign permit shall be processed as follows:

- A. Zoning Administrator. A sign permit for the following types of signs shall be reviewed and approved by the Zoning Administrator:
  - 1. Temporary freestanding commercial, wall or banner, and traffic signs;
  - 2. Permanent window signs (non-illuminated);
  - 3. Wall signs twenty-five (25) total square feet or less; and
  - 34. All S-signs conforming to an approved Master Sign Program.

- B. Design Review Administrator. A sign permit for the following types of signs shall be reviewed and approved by the Design Review Administrator:
1. Wall signs of more than twenty-five (25) but less than fifty (50) square feet in area or less that comply with the standards set forth in Section 8.88.090(B)(1), except such signs conforming to an approved master sign program;
  2. Multi-story commercial building signs that comply with the standards set forth in Section 8.88.090(B)(2), except such signs conforming to an approved Master Sign Program;
  3. Projecting signs, except such signs conforming to an approved Master Sign Program;
  4. Awning signs, except such signs conforming to an approved Master Sign Program;
  5. Portable signs, except such signs conforming to an approved Master Sign Program with permit issued on an annual basis; and
  6. Externally illuminated signs, except such signs conforming to an approved Master Sign Program.
- C. Design Review Board. A sign permit for the following types of signs shall be reviewed by the design review board:
1. Monument signs, except such signs conforming to an approved Master Sign Program;
  2. Wall signs of greater than fifty (50) square feet in area, except such signs conforming to an approved Master Sign Program;
  3. Marquee signs, except such signs conforming to an approved Master Sign Program;
  4. Community message board signs;
  5. Internally illuminated signs, except signs conforming to an approved Master Sign Program;
  6. Off-premises signs, which are only allowed in non-residential districts if necessary to provide visibility of the business(es) from the nearest arterial or commercial collector street;
  7. Initial review of, or subsequent amendments to, a Master Sign Program pursuant to Section 8.88.070; and
  8. Freestanding banner locations.
- D. Town Council. A sign permit for the following types of signs shall be reviewed by the town council:
1. Electronic message sign;
  2. Signs on town property per Section 8.88.040 (D);

3. Appeals per the procedures set forth in Sections 8.12.150 to 8.12.260.
- E. Findings. Before approving a sign permit, the reviewing body must find that the following conditions are met:
1. The sign complies with the requirements of this chapter and the Town of Moraga design guidelines;
  2. The sign has the same character and quality of design as the exterior architecture of the property and area where it is located; and
  3. The location of the sign will not impair the use of the property or conflict with the visibility, location or arrangement of existing adjacent signs.
- F. Scope of Review. Whenever a sign or lighting is reviewed by the design review administrator or the design review board, the site context, including all existing signage and lighting at the premises may be considered in its review of the application. This does not mean the reviewing body may condition, or direct the removal, of a legal non-conforming sign or lighting.
- G. Appeal. A person may appeal a decision made under Subsections (B) and (C) of this chapter. The procedures set forth in Sections 8.12.150 to 8.12.260 shall govern such an appeal.

**8.88.070 - Master Sign Program.**

- A. Requirement. A Master Sign Program shall be required for a new multitenant site before any permanent sign is placed. For existing multitenant sites, a Master Sign Program for monument and marquee signs shall be required prior to approval of a monument sign or marquee sign, except for sign applications submitted prior to the effective date of the ordinance.
1. Master Sign Programs shall include:
    - i. Location, sign type and maximum sign area for each tenant space;
    - ii. Calculation of aggregate maximum sign area per building and frontage;
    - iii. Proposed lighting and sign illumination; and
    - iv. Allowed locations for temporary freestanding signs.
  2. The owner of an existing development or a site shall submit a Master Sign Program to be reviewed and approved by the Design Review Board.
- B. Variations. A Master Sign Program may include certain variations from the standards of this chapter ~~subject to the following as follows:~~
- ~~1. The master sign program must conform to the maximum sign area requirements set forth in Section 8.88.090.~~
  21. The Design Review Board may allow an increase in wall sign or marquee sign area for individual tenants provided that the overall allowable sign area for the building is not exceeded and no individual tenant's maximum sign area is reduced by twenty-five (25) percent or more.

32. For a multiple building site, the Design Review Board may allow sign area to be transferred from one building frontage to another if the transfer does not exceed fifty (50) percent of the area allowed for a particular frontage or tenant.
  43. The Master Sign Program may allow more than one monument sign and each monument sign may exceed the maximum sign area prescribed by Section 8.88.090(B)(4) up to a maximum of 70 square feet per sign face, subject to Design Review Board approval.
  54. The Master Sign Program may allow for any number of wayfinding signs that identify the businesses and facilities on site. The design, location, number, and spacing of such signs are subject to Design Review Board approval.
  65. The Master Sign Program may allow for any number of decorative, commercial temporary freestanding signs (such as "A" or "H" frames, menu boards, and small temporary promotional signs) on premises. The design, size, location, number, and spacing of such signs are subject to Design Review Board approval.
  76. The Master Sign Program may include more restrictive requirements, including methods of measurement, than prescribed by this chapter. If the Master Sign Program has more restrictive requirements than this chapter, the Master Sign Program shall be controlling.
- C. Existing Signage. The standards of an approved Master Sign Program shall not apply to existing and legal non-conforming signs. Approval of a Master Sign Program shall not condition or require the removal of existing and legal non-conforming signs.

**8.88.080 - Prohibited signs.** - No changes proposed to this section.

**8.88.090 - Permanent Signs.**

Permanent signs shall be subject to the following requirements, in addition to any other requirements set forth in this chapter:

A. General sign standards.

1. Calculating maximum sign area. In determining compliance with maximum sign area, the following general regulations apply:
  - i. Only one side of a building is used in calculating the primary building frontage. The zoning administrator may designate another side of a building or property as the frontage if it is determined that: (a) the primary access to the tenant spaces is from a side facing an interior side lot line; and (b) the interior lot line is longer than the front lot line.
  - ii. Only the street frontage that is developed or approved for development is counted for purposes of determining the maximum allowable sign area. Vacant land reserved for future development is not counted.

- iii. No sign or sign area permitted on one frontage shall be transferred to another frontage except in accordance with a master sign plan prepared under Section 8.88.070.
  - 2. **Aggregate Maximum Sign Area.** The maximum aggregate sign area of all monument, wall, multi-story commercial building, window and awning signs shall be one hundred fifty (150) square feet per premise.
  - 3. **Location.** Signs shall be located on-site and only on the frontage of a premise. Signs may not be located on more than two frontages of any one premise.
  - 4. **Height—Projections.** No part of a sign may project above the roof line or ridge line of the building to which it is attached.
  - 5. **Design.** The design shall be architecturally compatible with the building or complex it is serving.
  - 6. **Lighting.**
    - i. Light sources shall be shielded or screened from view.
    - ii. Lighting shall be directed against the sign and not shine onto adjacent property.
    - iii. Signs shall not have exposed neon or fluorescent tubes, LEDs or incandescent bulbs, except informational signs allowed under Section 8.88.050E.
    - iv. Signs shall be illuminated only during the hours of operation of the associated business or facility.
- B. **Specific sign standards.** Unless otherwise provided in a master sign program, the following sign standards shall apply:

1. **Wall Signs.**

- i. **Sign Area.** The maximum sign area for all wall signs is based on the zoning district in which the signs are located, as follows

<b>Zoning District</b>	<b>Maximum Sign Area</b>
Residential	Not Permitted
Community/Assembly Uses in Residential Districts	12 square feet per street frontage.
Commercial (CC, LC, and SO) College	1 square foot for each linear foot of primary building façade, up to 100 square feet.
MOSO, Open Space	12 square feet per street frontage.

- ii. Location. The wall sign must be located below an eave or parapet, including the eave of a simulated mansard roof;
  - iii. Height. The maximum wall sign height is ~~fifteen (15)~~ twenty (20) feet above ground.
  - iv. Projection. A wall sign may project a maximum of one foot from the face of the building.
  - v. Lighting. Wall signs with lighting shall use external or halo illumination.
2. Multiple-Story Commercial Building Sign. The following standards shall apply:
- i. Sign Area. The maximum sign area for all multi-story commercial building signs is based on the zoning district in which the sign is located, as follows

Zoning District	Maximum Sign Area
Residential	Not Permitted
Community/Assembly Uses in Residential Districts	Not permitted
Commercial (CC, LC, and SO) College	1 square foot for each linear foot of primary building façade, up to 100 square feet.
MOSO, Open Space	Not permitted

- ii. Number. A multi-story commercial building may have one multi-story commercial building sign per building, or two if the building is located on a corner lot, with one such sign facing each street frontage.
  - iii. Location. Multi-story commercial building signs shall be located below the top of the parapet of the building at a height and scale architecturally in harmony with the building.
  - iv. Lighting. Multi-story commercial building signs with lighting shall use external or halo illumination.
  - v. Design. Only individual letters or a logo may be used.
3. Marquee Signs. The following standards shall apply:
- i. Sign Area. The maximum sign area for all marquee signs is based on the zoning district in which the sign is located, as follows

Zoning District	Maximum Sign Area
Residential	Not Permitted
Community/Assembly Uses in Residential Districts	16 square feet per street frontage.
Commercial (CC, LC, and SO) College	2 square feet for each linear foot of primary building façade, up to 200 square feet.
MOSO, Open Space	Not Permitted

- ii. Number. A theater, cinema or performance space may have one marquee sign.
- iii. Location. The marquee sign must be located below the top of the parapet at a height and scale architecturally in harmony with the building and above a public entrance to the building or facility.
- iv. Lighting. Marquee signs with lighting shall use external illumination, halo illumination, or internally illuminated channel letters and cabinet signs.
- v. Design.
  - (1) The marquee sign is to be mounted on an architectural projection or roof structure that is an integral part of the building façade.
  - (2) The marquee signs shall include only the facility's name and changeable copy related to current and future attractions
    - (a) The facility name portion of the marquee sign shall not exceed fifty (50) percent of the total sign area.
    - (b) The changeable copy portions of the marquee sign shall not exceed eighty (80) percent of the total sign area.

4. Monument Signs. The following standards shall apply:

- i. Sign Area. The maximum sign area for all monument signs is based on the zoning district in which the sign is located, as follows:

Zoning District	Maximum Sign Area
Residential	Not Permitted

Community/Assembly Uses in Residential Districts	12 square feet on one face or 24 square feet on two faces of the sign.
Commercial (CC, LC, and SO) College	0.5 square foot for each lineal foot of street frontage up to a maximum of 35 square feet on 1 face or 70 square feet on 2 faces.
MOSO, Open Space	12 square feet per street frontage.

- ii. Number. A shopping complex, development or building under single ownership may have one monument sign.
  - iii. Location. A monument sign may be placed on or off premises and must be located:
    - (1) At least one hundred (100) feet from another monument sign;
    - (2) More than one-half its height from an interior property line; and
    - (3) In a landscaped area.
  - iv. Height. The maximum monument sign height is ten (10) feet in a nonresidential zoning district and six feet in a residential zoning district.
  - v. Projection. The monument sign shall be located, in its entirety on private property and outside the public right-of-way.
  - vi. Lighting. Monument signs with lighting shall use external or halo illumination.
  - vii. Design. The following design requirements apply:
    - (1) A maximum of two surfaces may be used;
    - (2) The support structure or base of sign must be at least fifty (50) percent the width of the sign; and
    - (3) The support structure or base and face made of natural materials, including wood, stone, and ceramic tile, and/or materials that have the appearance of natural materials.
5. Awning Signs. The following standards shall apply:
- i. Sign Area. Awning signs may cover a maximum of thirty (30) percent of the exterior surface of the awning.
  - ii. Location. Awning signs are permitted as follows:
    - (1) Commercial signs. Commercial awning signs are permitted in commercial zoning districts (including community commercial, limited commercial, suburban office and college) subject to the requirements of this section. No commercial awning sign is

permitted in a residential or open space zoning district, except for an exempt sign under Section 8.88.050.

- (2) Noncommercial signs. A noncommercial awning sign is permitted in all zoning districts if it complies with the standards of this section.
  - iii. Height. An awning sign must be located below an apparent eave or parapet, including the eave of a simulated mansard roof, and at least eight feet above the surface over which it projects.
  - iv. Lighting. Awning signs with lighting shall use external illumination.
  - v. Design. A maximum of two identical awning signs may be located on the same frontage.
6. Projecting signs. The following standards shall apply:
- i. Sign Area. The sign area of a projecting sign must be five square feet or less.
  - ii. Number. One projecting sign is allowed per business.
  - iii. Location. Projecting signs are permitted as follows:
    - (1) Commercial signs. Commercial projecting signs are permitted in commercial zoning districts (including community commercial, limited commercial, suburban office and college) subject to the requirements of this section. No commercial projecting sign is permitted in a residential or open space zoning district, except for an exempt sign under Section 8.88.050.
    - (2) Noncommercial signs. A noncommercial projecting sign is permitted in all zoning districts if it complies with the standards of this section.
  - iv. Height. A projecting sign must be located below an apparent eave or parapet, including the eave of a simulated mansard roof, and at least seven feet four inches above the surface over which it projects.
  - v. Lighting. Projecting signs with lighting shall use external illumination.
  - vi. Projection. The projecting sign may project a maximum of six feet from the side of the building.
7. Window Signs. The following standards shall apply:
- i. Sign Area. Window signs may cover a maximum of twenty (20) percent of the window area.
  - ii. Number. No more than one window sign per fifteen (15) linear feet of primary building façade is allowed per tenant.
  - iii. Location. Window signs are permitted as follows:
    - (1) Commercial signs. Commercial window signs are permitted in commercial zoning districts (including Community commercial,

limited commercial, suburban office and college) subject to the requirements of this section. No commercial window sign is permitted in a residential or open space zoning district, except for an exempt sign under Section 8.88.050.

(2) Noncommercial signs. A noncommercial window sign is permitted in all zoning districts if it complies with the standards of this section.

iv. Lighting. Window signs with lighting shall use external illumination, halo illumination, or internally illuminated channel letters and cabinet signs.

(1) One illuminated window sign is allowed per building frontage, including illuminated informational signs in Section 8.88.050.

v. Design. A maximum of two identical window signs may be located on the same frontage.

8. Portable Signs. The following standards shall apply:

i. Sign area. The sign area of a portable sign must be six square feet or less per face, with a maximum of twelve (12) square feet.

ii. Number. ~~An annual permit may be issued for one~~ One on-site portable sign is permitted per business establishment.

iii. Location. Portable signs are permitted as follows:

(1) Commercial signs. Commercial portable signs are permitted in commercial zoning districts (including community commercial, limited commercial, suburban office and college) subject to the requirements of this section. No commercial portable sign is permitted in a residential or open space zoning district, except for an exempt sign under Section 8.88.050.

(2) Noncommercial signs. A noncommercial portable sign is permitted in all zoning districts if it complies with the standards of this section.

iv. Height. The portable sign height shall be a maximum of four feet.

v. Lighting. Portable signs shall not be lighted.

vi. Design. A portable sign must be made of durable materials.

vii. Placement and Removal. A portable sign shall not be permanently attached to the ground or other permanent structure, shall be located on-site, shall be erected and removed on the same calendar day, and may be displayed for a maximum of twelve (12) consecutive hours during a day, only during the hours of operation of the associated business or organization.

(1) Portable signs shall be placed a minimum of twenty (20) feet from the curb of a scenic corridor roadway. Scenic corridor roadways are: St. Mary's Road, Canyon Road, Moraga Way, Moraga Road,

Rheem Boulevard, Camino Pablo, Bollinger Canyon Road, and Donald Drive (along the ridgeline of Mulholland Hill).

**END OF AMENDMENTS**

**PASSED AND ADOPTED** by the Planning Commission of the Town of Moraga at a regular meeting held on May 18, 2020 by the following vote:

**AYES:** Chair Stromberg, Vice Chair Luster, D'Arcy, Hillis, Helber, Thiel

**NOES:**

**ABSTAIN:**

**ABSENT:** Lueder



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David Stromberg, Chair

Attest:



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Cynthia Battenberg, Town Manager

# ATTACHMENT C

## **STAKEHOLDER CORRESPONDENCE**

**Subject:** Fw: Sign Code Amendment

**Date:** Monday, May 18, 2020 at 5:56:42 PM Pacific Daylight Time

**From:** Raquel Segovia

**To:** David Stromberg

Thanks!

Raquel

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**From:** Kathleen Nelson <kathe@moragachamber.org>

**Sent:** Monday, May 18, 2020 11:41 AM

**To:** Raquel Segovia <rsegovia@moraga.ca.us>

**Subject:** Sign Code Amendment

Commissioner Stromberg

Planning Commission

Staff

The Chamber would like to acknowledge and thank Staff for their thorough review and proposed changes to the current Sign Ordinance. We believe that the added flexibility and ease in permitting to be key to a more contemporary ordinance and less cumbersome process. It also seems to reduce Town Staff time currently needed to approve even the most innocuous and easy to approve signs, from months to instant or automatic approval. Further, the reduction of fees, lessening the expense burden will be a very welcome change, particularly to our small businesses that are the backbone of our business community.

I did reach out to Mr. Kerner and Mr. Bruzzone for their input as it pertains to their specific properties, but did not receive a response. They may be communicating directly to the Commission, but overall the Chamber endorses these proposed changes and hope the Commission votes to accept.

Regards,

***Kathe Nelson***

Executive Director

Moraga Chamber of Commerce

Office: 370 Park Street 7B

Mail:1480 Moraga Road C #254

Moraga, CA 94556

925-323-6524