

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)

ORDINANCE NO. 291

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, considered the text of the proposed amendments, and voted to approve all of them with a small number of minor revisions.

WHEREAS, on June 24, 2020, the Town Council held a duly noticed public hearing, took testimony on, and considered adopting the proposed amendments, but ultimately voted to incorporate a small number of additional revisions to the text of MMC Section 8.88.060.

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 categorially 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 quickly and at little cost, 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 quickly and at little cost 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 on private property shall be reviewed and ~~approved~~issued upon approval 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 on private property, except such signs conforming to an approved Master Sign Program, shall be reviewed and approved issued upon approval 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);
 2. Multi-story commercial building signs that comply with the standards set forth in Section 8.88.090(B)(2);
 3. Projecting signs, that comply with the standards set forth in Section 8.88.090(B)(6);
 4. Awning signs, that comply with the standards set forth in Section 8.88.090(B)(5);
 5. Portable signs, that comply with the standards set forth in Section 8.88.090(B)(8) with permit issued on an annual basis; and
 6. Externally illuminated signs.
- C. Design Review Board. A sign permit for the following types of signs and programs on private property shall be reviewed and issued upon approval 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. A sign permit for an eElectronic message sign structure on private property shall be reviewed and issued upon approval of the town council;

2. Signs installed on town property shall be reviewed per Section 8.88.040(D); and
 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.~~
 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:

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 above pre-development grade in a nonresidential zoning district and six (6) feet above pre-development grade 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 e~~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 24, 2020 and adopted and ordered published at a regular meeting of the Town Council held on July 8, 2020 by the following vote:

AYES: Mayor Korpus, Vice Mayor McCluer, Councilmembers Sos, Woehleke and Wykle
NOES: None
ABSTAIN: None
ABSENT: None

AFFIRMED:


Kymberleigh N. Korpus, Mayor

ATTEST:


Marty C. McInturf, Town Clerk