



PLANNING COMMISSION STAFF REPORT

APPLICATION: Ord. No. 2015-09
PCR2015-05

AGENDA ITEM: PH-1

PREPARED BY: Steve Sizemore
Director of Community
Development

MEETING DATE: September 9, 2015

SUBJECT: Ordinance No. 2015-09
Planning Commission Resolution PCR2015-05

REQUEST: Amend subsection 17.28.135 (Electronic Message Boards) of Chapter 17.28 (Signs) of Title 17 (Zoning) of the Monrovia Municipal Code to allow Recreational Facilities in the Public/Quasi Public Zone (P/QP) to install Electronic Message Boards.

Determine that adoption of Ordinance 2015-09 is exempt from the California Environmental Quality Act (CEQA), as it is covered by the general rule that CEQA does not apply to activities that do not have a potential for causing a significant effect on the environment; and independently, that adoption of Ordinance 2015-09 is categorically exempt under CEQA Class 5.

APPLICANT: City of Monrovia
415 S. Ivy Avenue
Monrovia, CA 91016

BACKGROUND: In 2009, the City received two separate requests from a church and a private school requesting permission to install an electronic message board, similar to what you see at schools and civic facilities. The requests were a result of the introduction of LED (Light Emitting Diode) technology that makes LED signs more economical and energy efficient. After reviewing documentation, reports, and other ordinances, the City's Planning Commission recommended approval of an amendment to the Sign Ordinance that would allow electronic message boards, subject to certain regulations.

The 2009 Ordinance was developed to allow religious assemblies (churches) and private educational institutions to have electronic message boards, subject to the issuance of a Minor Conditional Use Permit. The Minor Conditional Use Permit process is intended to limit impacts to the community, and/or surrounding properties. The City Council reviewed the proposed revision to the Sign Ordinance on November 17, 2009, and approved the ordinance on a 5-0 vote.

In 2014, the City was approached by the YMCA, who indicated they would like to install an electronic message board. Because of this request, staff feels it's an appropriate time to review the Ordinance to see if it is accomplishing what it was intended to do and determine if the YMCA is an appropriate use for an electronic message board.

DISCUSSION/ANALYSIS: The revision to the Sign Ordinance allowing electronic message boards was put in place to allow churches and private schools the opportunity to take advantage of new technology to get their message out. The new regulations for electronic message boards were developed to lessen the impact to motorists and/or adjacent businesses and residents. In particular, the following regulations were put in place as protective measures:

- Electronic message boards shall be required to obtain a Minor Conditional Use Permit from the Development Review Committee.
- Structures or cages attached to electronic message boards are prohibited unless approved by the Development Review Committee.
- The Development Review Committee may review the Minor Conditional Use Permit if complaints are received from the public.
- The area of the electronic component(s) may not exceed 30% of the allowable sign area.
- An electronic message board sign shall contain only static displays.
- No lighted sign or message board shall have a luminance of greater than 300 foot-candles.

Currently there are two electronic message board signs in the City. One located at Mount Sierra College, 101 E Huntington Drive, and one located at the Monrovia Church of the Nazarene, 303 West Colorado Boulevard. Since the installation of these signs, staff has received only a few complaints and we are not able to document any traffic problems that have arisen since installation. On this basis, staff has initiated the proposed update to the Sign Ordinance. In addition to allowing a new use, there are additional enhancements that could be made to make the regulations more effective. The following analysis and discussion reviews the subject in more detail.

In evaluating the use of electronic message boards, traditional installation has been primarily institutional uses such as schools, churches and civic facilities. The primary use of an electronic message is to provide information versus advertising a product. With regards to the YMCA request, the City does not have a specific definition for the YMCA. The YMCA is a nonprofit organization for youth development, healthy living and social responsibility. However, it closely resembles the Recreational Facilities use. In order to differentiate the use from commercial uses, staff is recommending that the use be limited to non-profit uses located in the Public/Quasi Public (P/QP) Zone. Using this criteria, the use is similar to the other institutional uses that use the electronic message board to get their message out.

In addition to granting another use the authority to install reader boards, there are three additional areas staff has analysed. They are brightness of the sign, the ability to turn the sign off during a malfunction, and limiting the impacts to residential properties.

Electronic message boards that are too bright or malfunction can be offensive and ineffective. Currently, if this occurs, staff has to be made aware of the problem, either by a complaint or field inspection. City Staff then will contact the operator and/or property owner and get compliance. If this occurs on a weekend or at night, the impacts on surrounding

properties could be substantial. Advances in technology allow sensors to be put in the sign which will dim and/or freeze the signs operations. Staff is recommending that this technology be utilized. The following changes are being recommended:

(4) Daytime luminance of an Electronic Message Board shall not exceed 450 foot candles per square foot. During nighttime or reduced lighting, the maximum illumination level of an Electronic Message Board shall be 0.3 foot candles above ambient light levels. All permitted Electronic Message Boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be programmed to automatically dim to comply with the 0.3 foot-candle measurements. Prior to issuing any necessary permits for an Electronic Message Board, the applicant shall submit to the City written verification from the manufacturer that the Electronic Message Board is so designed and equipped.

(7) The Electronic Message Board shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately discontinue the display if it malfunctions, and the billboard owner must immediately stop the electronic message when notified by the City that it is not complying with the standards of this section. Prior to issuing any necessary permits for an Electronic Message Board, the applicant shall submit to the City written verification from the manufacturer that the Electronic Message Board is so designed and equipped.

Having these new regulations in place should protect adjacent properties. However, Staff is also recommending that hours of operation be limited during night time hours when a site abuts residential units or property zoned for residential uses. We have over 50 churches in the City and most of them are in residential areas. A condition prohibiting hours of operation during late night is being proposed to protect these residential properties. The condition will be as follows:

(10) An Electronic Message Board located on a lot adjacent to a Residential Unit(s) or lot(s) zoned for Residential Use shall be turned off between the hours of 10:00 pm and 6:00 am.

The proposed changes to the electronic message board sign regulations will improve staff's ability to ensure compliance with the sign regulations. In addition, surrounding properties and residential units will have a higher degree of protection from signage that has the potential to be too bright or malfunction. On this basis, Staff is recommending approval of changes to the Sign Ordinance regulating electronic message boards.

RECOMMENDATION: Staff is recommending that the Planning Commission adopt Resolution PCR2015-05 recommending approval to the City Council of Ordinance No. 2015-09. If the Planning Commission concurs with this recommendation then, following the public hearing, the adoption of the following resolution is appropriate:

MOTION:

Close the public hearing and adopt Planning Commission Resolution PCR2015-05.

PLANNING COMMISSION RESOLUTION NO. 2015-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONROVIA, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 2015-09 AMENDING SUBSECTION 17.28.135 (ELECTRONIC MESSAGE BOARDS) OF CHAPTER 17.28 (SIGNS) OF TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE TO ALLOW RECREATIONAL FACILITIES IN THE PUBLIC/QUASI PUBLIC ZONE (P/QP) TO INSTALL ELECTRONIC MESSAGE BOARDS

A. RECITALS

(i) In January 2015, City Staff initiated a review of the City Sign Code to determine the feasibility of allowing additional institutional uses to install Electronic Message Boards. Based upon this review, Staff prepared an amendment to the Monrovia Municipal Code pertaining to Electronic Message Boards in the Public/Quasi Public (P/QP) Zone. City Staff has prepared Ordinance No. 2015-09 to amend Title 17 (Zoning) of the City's Municipal Code specifically to amend subsection 17.28.135 (electronic message boards) of chapter 17.28 (signs) of title 17 (zoning) of the Monrovia Municipal Code to allow recreational facilities in the Public/Quasi Public Zone (P/QP) to install electronic message boards.

(ii) On September 9, 2015, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance 2015-09. At the hearing, all interested persons were given an opportunity to be heard. The Planning Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with this project.

(iii) Environmental Review

Pursuant to the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City's local CEQA Guidelines, City Staff has determined that adoption of Ordinance 2015-09 is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. City Staff has determined that the adoption of this Ordinance will not have a significant environmental effect and therefore, adoption of the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)), and independently, adoption of the Ordinance is categorically exempt (class 5) pursuant to Section 15305 of the State CEQA Guidelines (14 CCR § 15305). The Planning Commission has reviewed the project and based upon the whole record before it, in the exercise of its independent judgment and analysis, concurs that City Staff has correctly concluded that it can be seen with certainty that there is no possibility that the adoption of the Ordinance may have a significant effect on the environment, and independently, that adoption of the Ordinance meets the qualifications of a class 5 categorical exemption.

(iv) The custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California 91016.

(v) All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION

NOW, THEREFORE, the Planning Commission of the City of Monrovia hereby finds, determines and resolves as follows:

1. The Planning Commission finds that all of the facts set forth in the Recitals, Part A, of this Resolution are true and correct.
2. Adoption of Ordinance No. 2015-09 will not have a significant effect on the environment.
3. The project is in conformance with the environmental goals and policies adopted by the City.
4. Ordinance No. 2015-09 is consistent and compatible with existing land uses in the environs. This is based upon the conditions established in Ordinance 2015-09 which requires approval of a Conditional Use Permit prior to the installation of an Electronic Message Board. The Conditional Use Permit process and conditions of approval will insure compatibility with surrounding uses in those zones.
5. Ordinance No. 2015-09 is consistent with and necessary to carry out General Plan goals and policies set forth in the Land Use and other Elements of the General Plan, and to guide and direct orderly development of the City and the respective neighborhoods. Within the Land Use Element, Policy 13.6 encourages strict sign control for new development. Ordinance No. 2015-09 creates regulations that ensures new Electronic Message Boards in the Public/Quasi Public (P/QP) Zone will be reviewed for compatibility and design review thus making them consistent with the goals and policies of the General Plan Land Use Element.
6. Ordinance No. 2015-09 will not adversely affect the public health, safety, or welfare in that it will provide for orderly and consistent development in the City.
7. Based upon the findings and conclusions set forth above, the Planning Commission hereby recommends approval of Ordinance No. 2015-09 to the City Council as set forth in "Exhibit A" attached hereto and incorporated herein by this reference.

The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 9th day of September 2015.

Robert McClellan, Chair
Monrovia Planning Commission

ATTEST:

APPROVED AS TO FORM:

Steve Sizemore, Secretary
Monrovia Planning Commission

Craig A Steele, City Attorney
City of Monrovia

ORDINANCE NO. 2015-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING SUBSECTION 17.28.135 (ELECTRONIC MESSAGE BOARDS) OF CHAPTER 17.28 (SIGNS) OF TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE TO ALLOW RECREATIONAL FACILITIES IN THE PUBLIC/QUASI PUBLIC ZONE (P/QP) TO INSTALL ELECTRONIC MESSAGE BOARDS

THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA does ordain as follows:

SECTION 1. The City of Monrovia has initiated an application to amend Subsection 17.28.135 (Electronic Reader Boards), of Chapter 17.28 (Signs), of Title 17 (Zoning) of the Monrovia Municipal Code, to allow Recreational Facilities in the Public/Quasi Public Zone (P/QP) to install Electronic Message Boards.

SECTION 2. On September 9, 2015, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on the project, including Ordinance No. 2015-09. At the hearing, all interested persons were given an opportunity to be heard. The Planning Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with this project Ordinance No. 2015-09. Following the close of the public hearing, the Planning Commission adopted Resolution No. PCR2015-05 recommending approval of Ordinance No. 2015-09.

SECTION 3. On October 6, 2015, the City Council of the City of Monrovia conducted a duly noticed public hearing on the project, including Ordinance No. 2015-09. At the hearing, all interested persons were given an opportunity to be heard. The City Council received and considered the staff report and all the information, evidence, and testimony presented in connection with this project.

SECTION 4. Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City Staff determined that Ordinance 2015-09 is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. City Staff found that there is no possible significant effect directly related to Ordinance 2015-09 ("project"), therefore no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)), and independently, the project is categorically exempt (class 5) pursuant to Section 15301 of the State CEQA Guidelines (14 CCR § 15301). The City Council has reviewed the project and based upon the whole record before it, in the exercise of its independent judgment and analysis, concurs that City staff has correctly concluded that it can be seen with certainty that there is no possibility the proposed amendments to the Municipal Code and the effects derivative from that adoption may have a significant effect on the environment, because the provisions of this ordinance provide similar regulations as currently exist and will not in and of themselves cause any change in the environment, and independently, that the project meets the qualifications of a Class 5 categorical exemption.

SECTION 5. The custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the City Clerk. Those documents are available for public review in the Office of the City Clerk located at 415 South Ivy Avenue, Monrovia, California 91016.

SECTION 6. All legal prerequisites to the adoption of the Ordinance have occurred.

SECTION 7. Paragraph 17.28.135 of the Monrovia Municipal Code, is hereby amended in its entirety to read as follows:

(A) Religious Assembly, **Non-profit Recreational Facilities located on properties zoned Public/Quasi-Public (P/QP)** and Educational Institutions shall be allowed one Electronic Message Board located on an identification monument sign, subject to the approval of a minor Conditional Use Permit by the Development Review Committee. The Electronic Message Board shall be subject to the following conditions:

(1) An Electronic Message Board may contain a changeable message board as defined herein, that utilizes changeable text, images, pictures, and or symbols that may appear as an on/off message. ~~The area of the electronic component shall be included in calculating the total permitted sign area. The area of the electronic component(s) may not exceed 30% of the allowable sign area.~~

(2) **An Electronic Message Board shall be incorporated into a monument sign subject to the size regulations established by the City of Monrovia Sign Ordinance. The area of the electronic component(s) shall not exceed 30% of the approved sign area.**

~~(3)~~(2) An Electronic Message Board shall not contain or display animated, moving video, scroll, flash, blink, fly, or chase sign message into view or create a sense of motion. An Electronic Message Board sign shall contain only static displays.

~~(4)~~(3) ~~No lighted sign or message board shall have a luminance of greater than 300 foot-candles.~~ **Daytime luminance of an Electronic Message Board shall not exceed 450 foot candles per square foot. During nighttime or reduced lighting, the maximum illumination level of an Electronic Message Board shall be 0.3 foot candles above ambient light levels. All permitted Electronic Message Boards shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be programmed to automatically dim to comply with the 0.3 foot-candle measurements. Prior to issuing any necessary permits for an Electronic Message Board, the applicant shall submit to the City written verification from the manufacturer that the Electronic Message Board is so designed and equipped.**

~~(5)~~(4) Each message on an Electronic Message Board shall be displayed for at least 30 seconds, and a change of message shall be accomplished within two seconds with an on/off cycle. Fade out/fade in from one static image to another static image is allowed.

~~(6)~~(5) The Electronic Message Board shall display messages directly related to the on-site use. No off-site advertising is allowed on the Electronic Message Board.

~~(7)~~(6) ~~The Electronic Message Board component of a sign shall be automatically dimmed after dark. The Electronic Message Board must contain a default mechanism that freezes the sign in one position if a malfunction occurs; and automatically adjusts the intensity of its display according to natural ambient light conditions.~~ **The Electronic Message Board shall be designed and equipped to freeze the device in one position if a malfunction occurs. The displays must also be equipped with a means to immediately**

discontinue the display if it malfunctions, and the billboard owner must immediately stop the electronic message when notified by the City that it is not complying with the standards of this section. Prior to issuing any necessary permits for an Electronic Message Board, the applicant shall submit to the City written verification from the manufacturer that the Electronic Message Board is so designed and equipped.

~~(8)(7)~~ The owner of an Electronic Message Board shall provide the City with contact information for a person who is available to turn off the Electronic Message Board promptly after a malfunction.

~~(9)(8)~~ Any structures, visible devices, cages, or shielding related to or attached to an Electronic Message Board are prohibited unless reviewed and approved by the Development Review Committee prior to installation.

~~(10)~~ An Electronic Message Board located on a lot adjacent to a Residential Unit(s) or lot(s) zoned for Residential Use shall be turned off between the hours of 10:00 pm and 6:00 am.

~~(11)(9)~~ After approval of a minor Conditional Use Permit for an Electronic Message Board, the Permit may be reviewed and additional conditions and limitations may be imposed by the Development Review Committee, including without limitation, lighting, illumination, hours of operation or intensity of the electronic message board, if complaints, subject to verification by staff, are received from the public.

SECTION 8. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 9. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and said Ordinance shall become effective thirty (30) days after its passage.

Tom Adams, Mayor
City of Monrovia

ATTEST: _____

APPROVED AS TO FORM: _____

Alice D. Atkins, CMC, City Clerk
City of Monrovia

Craig A. Steele, City Attorney
City of Monrovia

**NOTICE OF PUBLIC HEARING
MONROVIA PLANNING COMMISSION
415 SOUTH IVY AVENUE
MONROVIA, CA 91016**

**ORDINANCE NO. 2015-09
PLANNING COMMISSION RESOLUTION NO. 2015-05**

A public hearing will be held by the Planning Commission of the City of Monrovia at 7:30 p.m. or as soon thereafter as possible on Wednesday, September 9, 2015, in the City Council Chambers, 415 South Ivy Avenue, Monrovia, California to consider Ordinance No. 2015-09, amending the Monrovia Municipal Code specifically, Title 17 (Zoning), Section 17.28 (Signs) of the Monrovia Municipal Code allowing a modification of the electronic reader board sign regulations.

Pursuant to the California Environmental Quality Act (CEQA), and the City's local CEQA Guidelines, City Staff determined that there is no possible significant effect directly related to the adoption of Ordinance No. 2015-09, therefore no further action is required under CEQA.

The Staff Report pertaining to this item will be available on Thursday, September 3, 2015 after 4:00 p.m. at Monrovia City Hall, 415 South Ivy Avenue, Monrovia, California, and Community Development Department and on the City's website at www.cityofmonrovia.org/planning.

The purpose of this public hearing is to afford the public an opportunity to be heard concerning the proposed Ordinance. If you challenge the Ordinance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing. If you need additional information on this matter or have questions, please contact the Planning Division at (626) 932-5565 or e-mail at planning@ci.monrovia.ca.us.

Este aviso es para informarle sobre una junta pública acerca de la propiedad indicada mas arriba. Si necesita información adicional en español, favor de ponerse en contacto del Departamento de Planificación al número (626) 932-5587.

Craig Jimenez
Planning Division Manager, AICP

PLEASE PUBLISH ON AUGUST 27, 2015