



DATE: May 11, 2023
TO: Planning Commission
FROM: Rachel Molina, Assistant City Manager
BY: Ryan Leonard, Senior Planner
SUBJECT: Development Code Amendment DCA23-00004; Applicant: City of Hesperia; Area affected: City-wide.

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2023-17 recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA23-00004 modifying development standards associated with on-site digital advertising signs.

BACKGROUND

The proposed Development Code Amendment is intended to incorporate needed revisions to the Municipal Code. Over the past few years, the City has seen an increase in the number of businesses wishing to construct new on-site digital display signs. Currently, the City Municipal Code does not contain any regulations or operational standards for on-site digital advertising displays. For example, the City's sign ordinance (Chapter 16.36 of the Municipal Code) contains various regulations regarding the size, placement, and type of signage that a site may qualify for (i.e. monument sign, pole sign, wall sign, etc.) however it does not contain any development standards as to the placement or operational characteristics of on-site digital display sign. This Development Code Amendment will provide additional standards for sites to be eligible for on-site digital advertising displays and contains regulations that address the operation of digital display signs.

Furthermore, as new digital advertising signs have been constructed, staff has received several complains from nearby property owners who are concerned with the lighting intensity of the signs, and the impacts that the signs could have on pass-by traffic.

ISSUES/ANALYSIS

Currently the Development Code allows all sites in the City that would otherwise qualify for a wall sign, monument sign, freestanding sign, or freeway sign to incorporate a digital advertising display as part of the signage. As previously mentioned, there are no regulations that would restrict a site from qualifying for a digital display sign.

While the use of digital advertising displays may be appropriate in certain instances, the over proliferation of digital advertising could lead to the aesthetic degradation along major commercial corridors. In many communities, digital advertising displays are regulated to mitigate negative impacts on surrounding rights-of-way and adjacent properties. For comparison, staff reviewed the regulations of other nearby cities to determine if they had similar or more restrictive regulations. The City of Victorville does not allow digital signs for any commercial use that is less than 50

acres in size. In addition, the Town of Apple Valley generally limits on-site digital advertising displays to only specified commercial zones and requires a minimum lot frontage of 100 feet in order to be eligible for an on-site digital advertising display. The Town of Apple Valley also contains numerous design standards and operational standards that are specific to on-site digital display signs.

The proposed Development Code Amendment would add new regulations that any digital advertising display that is included as a monument, freestanding or freeway sign may only be allowed on lots that exceed 5 gross acres in size and that are part of a multi-tenant shopping center with a defined anchor tenant. However, lots that are less than 5 acres in size would still qualify for a digital wall sign. It should be noted that the following types of uses would be exempt from the 5-acre minimum lot size requirement: gas stations (digital display limited to fuel pricing information only), churches, public and non-profit school facilities, movie theaters, public buildings, and private clubs and lodges (i.e. Moose Lodge, VFW, etc). The City's existing regulations currently allow monument, freestanding or freeway signs to be located a minimum of 1-foot away from the property line. The proposed 5 acre minimum lot size requirement for any digital display that is part of a monument, freestanding or freeway sign will reduce potential adverse impacts to nearby traffic and surrounding rights-of-way. Furthermore, the proposed regulations will maintain the City's existing standard that all sites throughout the City may still qualify for a digital wall sign.

The proposed Development Code Amendment also contains regulations that require a digital advertising display to be located a minimum of 150 feet away from any residentially zoned property. In addition, the proposed Development Code Amendment contains the following design standards:

- a. Signs visible from the public right-of-way shall not change at a frequency in excess of one alternation per five (5) seconds.
- b. Transition between slides shall not exceed one (1) second.
- c. No digital display may depict or simulate any motion or video (i.e., video clips, flashing, etc.).
- d. All digital advertising displays shall be equipped with a light meter to automatically adjust the display brightness to ambient light conditions.
- e. Digital advertising displays may not advertise off-site businesses.
- f. Digital advertising displays shall be subject to current Caltrans' specifications as to brightness, frequency of changeable copy and depiction of movement.
- g. Digital advertising displays may not be added to legal non-conforming signs.
- h. All digital advertising displays must comply with the illumination provisions of this Section.

Taken together these requirements will ensure that all new digital advertising displays are developed in an orderly and quality manner.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Development Code Amendment does not propose to increase the density or intensity allowed in the General Plan.

Conclusion: The Development Code Amendment complies with the General Plan. Furthermore, implementation of the proposed development standards will contribute towards a

visually pleasing environment along the City's major commercial corridors and will add clear development regulations that will ensure that future sites are developed in an orderly and quality manner

FISCAL IMPACT

There are no fiscal impacts identified with this action.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. PC-2023-17
2. Exhibit "A"

ATTACHMENT 1

RESOLUTION NO. PC-2023-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH ON-SITE DIGITAL ADVERTISING SIGNS (DCA23-00004)

WHEREAS, on January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, the City proposes to amend Chapter 16.36.060 of the City of Hesperia Municipal Code by adding specific regulations for on-site digital advertising displays; and

WHEREAS, the proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Development Code Amendment does not propose to increase the density or intensity allowed in the General Plan.

WHEREAS, on May 11, 2023, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan as it will enhance the quality of life by providing a visually pleasing environment and promote the public health, safety and welfare.

Section 3. The proposed development code amendment is necessary because the existing regulations do not contain any development standards as to the placement or operational characteristics of on-site digital display signs. The Development Code Amendment will provide standards for sites to be eligible for on-site digital advertising displays and contains regulations that address the operation of digital display signs.

Section 4. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA23-00004, adding new regulations that any digital advertising display that is included as a monument, freestanding or freeway sign may only be allowed on lots that exceed 5 gross acres in size and that are part of a multi-tenant shopping center with a defined anchor tenants shown on Exhibit "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 11th day of May 2023.

Roger Abreo, Chair, Planning Commission

ATTEST:

Maricruz Montes, Secretary, Planning Commission

EXHIBIT “A”

16.36.060 - Nonresidential signs (includes hotel and motel).

- A. The following signs shall be permitted for nonresidential uses. Deviations from the following standards and the sign menu in Section 16.36.130 shall be permitted subject to review and approval of a site sign plan to govern all signage on a site. Should the site plan contain requests for signs that exceed the requirements of Section 16.12.220(7) of the development code, then the sign plan shall be referred to the planning commission for review and approval.
- B. Total Sign Area. The total sign area for an individual use or combination of uses or buildings on a commercial or industrial site is computed as three-square feet of signage per one lineal foot of principal building(s) that fronts on a street, alley or parking lot with customer entrances. Institutional uses shall not be granted a cumulative total, but shall be allowed signs listed in the sign menu and described per this chapter.
- C. All signs must adhere to size, height and spacing limits per the type of sign as specified below:
 - 1. Attached (Wall or Integral Roof) Signs. Wall signs are permitted at two square feet of sign area per lineal foot of principal building(s) fronting the street(s) with a maximum area of one hundred fifty (150) square feet per sign. Wall signs must be attached to the building and may be designated as integral roof signs, but shall not extend above the roof. Wall signs shall be placed on the exterior wall of the tenant space. Any number of signs may be used but the maximum area allowed shall be the cumulative total of all wall signs.
 - 2. Monument Signs. Monument signs shall not exceed forty-eight (48) square feet in area or eight feet in height. Monument signs may be increased to nine feet in height and sixty (60) square feet if installed in a landscaped planter not exceeding three feet in height and at least six feet longer and wider than the sign. Any size site may have at least one monument sign. Multiple numbers of monument signs and freestanding signs allowed for a site shall not exceed one sign per one hundred fifty (150) feet of street frontage.
 - 3. Canopy and Pump Island Signs. Canopy signs are allowed ten square feet in area per side. Signs are to display logos or brand names only. Pump islands are allowed three square feet of sign area per pump.
 - 4. Banners. Banners used as permanent signs shall be attached to a principal building and shall be allowed in addition to attached, secondary, window or canopy signs. The area of these signs shall be counted against the site's allocation. Permanent banners shall not be permitted on separate stand-alone frames or structures, and shall not be attached or tied to perimeter walls, fences, monument signs or freestanding signs. Banners shall be made of canvas, vinyl or similar material of a minimum thickness of thirteen (13) ounces. The edges shall be folded, stitched or glued and equipped with eyelets or cords to facilitate mounting. Lettering, illustrations and logos shall be neat and professional in appearance. Banners shall be securely attached to buildings. Banners may be mounted inside windows. Any torn, faded, frayed or damaged banners shall be removed or replaced immediately.

5. Secondary Signs. Secondary signs such as food menus on fast food businesses or event or meeting signs shall not exceed fifty (50) square feet for any single sign (thirty (30) square feet for industrial uses)—unless approved as part of a site sign plan.
6. Secondary wall signs listing services offered such as nursery, pharmacy, tires, etc., with a maximum of fifty (50) square feet per sign.
7. Freestanding Signs. Freestanding signs are permitted whenever the project site exceeds two and one-half acres of land or the street frontage where the freestanding sign is proposed exceeds one hundred seventy-five (175) lineal feet. A site with less street frontage may also be eligible for a single freestanding sign should it be combined with at least one other adjacent property by merger, or with a least two other properties through the recordation of a reciprocal access and signage agreement. Properties so merged or combined shall form a continuous street frontage. Freestanding signs for commercial or industrial uses shall not exceed twenty (20) feet in height or two hundred (200) square feet in area. Multiple numbers of monument signs and freestanding signs allowed for a site shall not exceed one sign per one hundred fifty (150) feet of street frontage.
8. Bulletin or Directory Board. Bulletin board signs are monument style signs used to direct customers to tenants on a multiple tenant site. Bulletin boards shall not exceed thirty (30) square feet in area and six feet in height with one per entrance on the site.
9. Freeway Signs. Freeway signs are signs located within six hundred sixty (660) feet of the freeway. Freeway signs may be forty (40) feet high and two hundred (200) square feet in area. When two or more uses record an agreement to share signage, a freeway sign with two signs may be up to three hundred (300) square feet in area and fifty (50) feet in height. A freeway sign with three or more signs may be up to four hundred fifty (450) square feet in area and sixty (60) feet in height. Notwithstanding the paragraph above, freeway signs between sixty (60) and one hundred (100) feet in height and up to one thousand (1,000) square feet in area may be permitted, subject to a study to determine the optimal location in relation to freeway off-ramps, overpasses, existing development, and topography. Such signs must be located on, or within one thousand (1,000) feet of the premises of a development project consisting of at least thirty-five (35) contiguous acres. No more than two signs may be permitted per development. Signs incorporating digital displays may not be closer than one thousand (1,000) feet from another digital display on the same side of the freeway. Such displays are subject to current Caltrans' specifications as to brightness, frequency of changeable copy and depiction of movement. The location and design of freeway signs must be included in an approved site sign plan for the development to ensure consistency with the design and architecture of the project.
10. Institutional Uses in Commercial Designations. These uses, including schools, churches, hospitals and convalescent homes, shall be limited to a maximum of two square feet of attached sign area per principal building frontage. Monument signs shall be a maximum of forty-eight (48) square feet with one sign per driveway on public streets. Additional signage may be permitted when incorporated in a site sign plan.
11. Digital Advertising Displays (Digital Signs). Unless otherwise listed below, digital advertising displays installed as a part of any monument, freestanding or freeway sign may only be allowed on lots that exceed 5 gross acres in size and that are a part of a multi-tenant center with a defined anchor tenant. Lots that are less than 5 gross acres may be allowed one (1) digital wall sign. The following uses are not subject to the minimum lot size requirements for digital advertising displays: service stations (digital display limited to the portion of the sign conveying pricing information), churches and

other religious centers, public and non-profit school facilities, movie theaters, public buildings, public recreational buildings, private clubs and lodges.

All digital advertising displays shall be located a minimum of 150 feet away from any residentially zoned property, as measured from the sign to the residential property line. The digital displays will be limited to the same size limitations currently allowed in Section 16.36.060 for the respective sign type (i.e monument, freestanding, wall sign and/or freeway sign). All digital signs shall be subject to the following operational standards:

- a. Signs visible from the public right-of-way shall not change at a frequency in excess of one alternation per five (5) seconds.
- b. Transition between slides shall not exceed one (1) second.
- c. No digital display may depict or simulate any motion or video (i.e., video clips, flashing, etc.).
- d. All digital advertising displays shall be equipped with a light meter to automatically adjust the display brightness to ambient light conditions.
- e. Digital advertising displays may not advertise off-site businesses.
- f. Digital advertising displays shall be subject to current Caltrans' specifications as to brightness, frequency of changeable copy and depiction of movement.
- g. Digital advertising displays may not be added to legal non-conforming signs.
- h. All digital advertising displays must comply with the illumination provisions of this Section.