

City of Hesperia

STAFF REPORT



DATE: February 21, 2017
TO: Mayor and City Council
FROM: Nils Bentsen, City Manager **SECOND READING AND ADOPTION**
BY: Dave Reno, AICP, Principal Planner
SUBJECT: Consideration of Revision to Freeway Sign Regulations

RECOMMENDED ACTION

The Planning Commission recommends that the City Council approve and place on first reading Ordinance No. 2017-01, revising the City's freeway sign regulations.

BACKGROUND

Chapter 16.36 of the City's Development Code establishes sign regulations for a variety of uses in the City, including freestanding signs for commercial and industrial developments. Currently, the largest signs permitted for development within 660 feet of the freeway right-of-way is 60 feet high, 450 square feet in area. This is permitted provided that at least three uses are to be displayed on the sign.

In 2013, the City established new regulations for freeway pylon signs. These signs were to be located along the freeway and intended to permit any business within the City (not just those on the same site) to advertise. The intent was to permit businesses that would otherwise not have any exposure to benefit from visibility along the freeway.

These signs were to be privately owned and operated, but would have to do so in accordance with the City's freeway pylon sign regulations. An agreement with the City would be required for sign's owner to allow any business in the City to advertise. In 2014, the City granted a conditional use permit for a sign to be located adjacent to the Main Street freeway interchange. In accordance with the City's ordinance, the sign was to be 85 feet high and 750 square feet in area. The sign also featured a 364 square foot digital display.

Signs adjacent to freeways are subject to the Outdoor Advertising Act, and may require a permit from the California Department of Transportation (Caltrans). Because of the City's requirement to permit any business to advertise, Caltrans determined that the sign is an off premise sign (similar to a billboard). Therefore, it was subject to Caltrans' permitting requirements. The Outdoor Advertising Act prohibits off premise signs from being taller than 25 feet high. As this is not consistent with the City's design requirements, the City's freeway pylon sign program cannot be implemented as intended and be consistent with the Outdoor Advertising Act.

On December 8, 2016, the Planning Commission held a public hearing on the proposed ordinance. No one from the public spoke regarding the revised regulations and the Commission had a few questions on the difference between on premise signs and billboards. Following the hearing, the Commission voted unanimously to recommend adoption of the Ordinance.

On January 10, 2017, the City Council opened the public hearing and continued this item indefinitely to permit staff to revise the ordinance. The revision concerns the one previously permitted sign freeway pylon sign discussed above. The revision will permit this sign to be constructed, provided that the agreement with the owner is revised to remove the requirement to permit any business in the City to advertise on the sign, which will be consistent with this new ordinance.

ISSUES/ANALYSIS

On premise signs (advertising businesses on the same site) are permitted in the City's code and do not require a permit from Caltrans. The proposed ordinance will delete the adopted freeway pylon sign program and permits signs taller than 60 feet under limited circumstances. Freeway signs between 60 and 100 feet in height and up to 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 1,000 feet of the premises of a development project consisting of at least 35 contiguous acres. No more than two signs may be permitted per development. Signs incorporating digital displays may not be closer than 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.

An environmental initial study was completed, which concluded that adoption of these new regulations would not have significant negative impact on the environment. The signs are only intended for larger developments along the freeway corridor. Therefore, the number of signs possibly developed would be about the same as what was expected under the pylon sign program. As these signs must be approved as part of a site sign plan, they must be designed consistent with the architecture and theme of the associated development. Digital displays would still be subject to Caltrans limitations and must be no closer than 1,000 feet to any other digital display on the same side of the freeway, even those displays on existing billboards.

In conclusion, as the current City freeway pylon sign program does not comport with state regulations, it is necessary to eliminate those provisions. This ordinance is consistent with the City's policy objectives to enhance the development potential of the freeway corridor in order to establish sales tax generating businesses and create local jobs.

ALTERNATIVE(S)

1. The City Council may decide that the City's height limit for freeway signs be maintained at 60 feet. As these signs are intended to enhance the potential for larger developments, staff does not recommend this alternative.
2. Provide alternative direction to staff.

ATTACHMENT(S)

1. Negative Declaration ND-2016-06 and initial study.
2. Draft Ordinance No. 2017-01, with Exhibit "A"