

**PLANNING COMMISSION RESOLUTION PC 2016-19
Zoning Text Amendment 2016ZA05**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HAWTHORNE, CALIFORNIA, RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT NO. 2016ZA05, AMENDING TITLE 17 (ZONING) OF THE HAWTHORNE MUNICIPAL CODE, CHAPTERS 17.35 (ON-PREMISE SIGNS), RELATED TO THE REGULATION OF ELECTRONIC MESSAGE CENTER (EMC) SIGNS IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL ZONES.

WHEREAS, this is a City-initiated Resolution to amend Hawthorne Municipal Code (HMC) Chapter 17.35 (on-Premise Signs), specifically Sections 17.35.120 and 17.35.130. The amendment will eliminate the discretionary approval process by not requiring a Conditional Use Permit (CUP) for the establishment of Electronic Message Center (EMC) signs in residential, commercial, and industrial zones; and

WHEREAS, the City Council on June 28, 2011 adopted Ordinance 1986 requiring a Conditional Use Permit for the establishment of EMC signs in residential, commercial, and industrial zones; and

WHEREAS, current EMC sign technology includes standard features, such as dimming capability, eliminating the need for the City to impose an extra layer of review; and

WHEREAS, regulations contained in Sections 17.35.120 and 17.35.130 of the HMC provide appropriate measures mitigating any potential for increased light, glare and/or an increase in visual distractions for pedestrians and motorists; and

WHEREAS, the City also seeks to reduce onerous regulations in an effort to streamline the timeframe for EMC sign approvals; and

WHEREAS, these code amendments will not have an adverse effect, either individually or cumulatively, on wildlife or the habitat upon which wildlife depends, and that on the basis of substantial evidence the presumption of an adverse effect is rebutted.

THE PLANNING COMMISSION OF THE CITY OF HAWTHORNE HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

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

Section 2 The Planning Department Staff determined that the proposed amendments to the Hawthorne Municipal Code contained in this Resolution constitute a project within the scope of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 5 Project (Minor Alternations in Land Use Limitations) pursuant to CEQA Guidelines Section 15305 and thus are exempt from environmental review. This exemption is applicable because the amendment does not change

the land uses allowed on areas of slopes greater than 20% and do not change allowable land uses in a manner that could create a potentially significant impact on the environment.

Section 3 The Planning Commission finds and determines that the zoning text amendments set forth in the attached draft ordinance are consistent with the goals, policies, and standards of the General Plan.

Section 4. The Planning Commission hereby recommends that the City Council adopt Ordinance 2115 of the City of Hawthorne, California, Amending the Hawthorne Municipal Code related EMC signs.

Section 5. The documents and other materials that constitute the record of the proceedings upon which the Planning Commission's recommendations are based, which include, but are not limited to, the staff reports for the Project and all of the materials that support the staff reports for the Project, are located in the office of the Planning Director of the City of Hawthorne, at 4455 West 126th Street, Hawthorne, California 90250. The custodian of these documents is the Planning Director of the City of Hawthorne.

Section 6. The Planning Commission Secretary shall certify to the adoption of this Resolution and shall forward a copy to the City Council, City Clerk, City Manager and City Attorney.

PASSED, APPROVED, and ADOPTED this 20th day of April, 2016.



PATRICK T. CAREY, CHAIRPERSON
HAWTHORNE PLANNING COMMISSION

ATTEST:



GREGG MCCLAIN, SECRETARY
HAWTHORNE PLANNING COMMISSION

DRAFT ORDINANCE NO. 2115

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAWTHORNE, CALIFORNIA, AMENDING TITLE 17 (ZONING) OF THE HAWTHORNE MUNICIPAL CODE, CHAPTER 17.35 (ON-PREMISE SIGNS), RELATED TO THE REGULATION OF ELECTRONIC MESSAGE CENTER (EMC) SIGNS IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL ZONES.

WHEREAS, this is a City-initiated Ordinance to amend Hawthorne Municipal Code (HMC) Chapter 17.35 (on-Premise Signs), specifically Sections 17.35.120 and 17.35.130. The amendment will eliminate the discretionary approval process by not requiring a Conditional Use Permit (CUP) for the establishment of Electronic Message Center (EMC) signs in residential, commercial, and industrial zones; and

WHEREAS, the City Council on June 28, 2011 adopted Ordinance 1986 requiring a Conditional Use Permit for the establishment of EMC signs in residential, commercial, and industrial zones; and

WHEREAS, current EMC sign technology includes standard features, such as dimming capability, eliminating the need for the City to impose an extra layer of review; and

WHEREAS, regulations contained in Sections 17.35.120 and 17.35.130 of the HMC provide appropriate measure mitigating any potential for increased light, glare and/or an increase in visual distractions for pedestrians and motorists; and

WHEREAS, the City also seeks to reduce onerous regulations in an effort to streamline the timeframe for EMC sign approvals; and

WHEREAS, the code amendments will not have an adverse effect, either individually or cumulatively, on wildlife or the habitat upon which wildlife depends, and that on the basis of substantial evidence the presumption of an adverse effect is rebutted, and

WHEREAS, on April 20, 2016, the Planning Commission held a duly noticed public hearing on the project, and following the close of the public hearing, recommended to the City Council the approval of an ordinance implementing Zoning Code Amendment 2016ZA05; and

WHEREAS, the City provided published notice of a public hearing on April 28, 2016, and the City Council held a duly noticed public hearing on the project.

NOW, THEREFORE, the City Council of the City of Hawthorne does hereby ordain as follows:

Section 1. The facts set forth in the recitals are true and correct.

Section 2 The proposed amendments to the Hawthorne Municipal Code contained herein constitute a project within the scope of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines. The project qualifies as a Class 5 Project (Minor Alternations in Land Use Limitations) pursuant to CEQA Guidelines Section 15305 and thus are exempt from

environmental review. This exemption is applicable because the amendment does not change the land uses allowed on areas of slopes greater than 20% and do not change allowable land uses in a manner that could create a potentially significant impact on the environment.

Section 3. Section 17.35.120 (Electronic message center (EMC)) of Title 17 (Zoning) of the City of Hawthorne Municipal Code is hereby amended as follows:

17.35.120 Electronic message center (EMC)

~~A.~~ ~~A conditional use permit is required.~~

~~B.~~ A. Only one electronic message center sign shall be permitted per tenant, unless otherwise specified.

1. Electronic message center sign shall not exceed fifty percent of total sign allotment per tenant.
2. On multiple tenant developments, no permits for electronic message center signs shall be issued until approval of a master sign program is granted by the planning commission.
3. Only one electronic message center sign shall be permitted on a freestanding or monument sign. However, in the case of multitenant developments, the city will not restrict any/or all businesses within the development use of the EMC.
4. Where single tenant or multitenant development exists over multiple parcels, including parcels used for parking, no additional electronic message center signs shall be permitted on the basis of it being on a separate parcel.

~~C.~~ B. An electronic message center sign shall not exceed a maximum of fifty percent of the total sign area allotment permitted for the parcel.

~~D.~~ C. Limitations on electronic message center signs:

1. No sign shall display animated messages, including flashing, blinking, fading, rolling, shading, dissolving, or any other effect that gives the appearance of movement.
2. No sign shall include any audio.
3. Signs shall display static images only and, unless otherwise specified, shall not change more than once every five seconds.
4. Transitions from one static image to the next shall appear instantaneous, without the appearance of animation.

Signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on actual ambient light conditions. Measurement shall be taken at least thirty minutes past sunset, using a foot candle meter to record the ambient light reading for the area. This is done while the message center is off or displaying all black copy. No sign shall exceed a brightness level of 0.3 foot candles above ambient light. The reading shall be taken with the meter aimed directly at the message center at the appropriate pre-set distance. The measuring distance shall be calculated with the following formula:

$$D = \sqrt{a * 100}$$

D = Measurement Distance
a = Sign Area

Section 4. Section 17.35.130 (Exterior Colors) of Chapter 17.25 (C-1 Freeway Commercial/Mixed Use Classification) of Title 17 (Zoning) of the City of Hawthorne Municipal Code is hereby amended as follows.

17.35.130 Signs—Residential zones.

Signs in the residential zones shall be subject to the following provisions:

- A. Signs painted on the wall of buildings, projecting signs and freestanding, pole and ground, and electronic message center signs shall be prohibited for residential uses in all residential zones.
- B. Wall signs for identification purposes only, are permitted in residential zones, subject to the following limitations:
 1. All "R" Zones. One nonilluminated sign per dwelling unit, only, for purposes of identifying the occupants thereof. No permit shall be required for this identification sign.
 2. R-3 and R-4 Zones. One illuminated or nonilluminated sign per street frontage, only, for multiple-family dwelling developments, not more than thirty square feet in area, to advertise the name of or to identify said development. The sign shall be attached to the street front wall of the building and shall not exceed fifteen feet in height above the ground.
 3. Nonresidential uses such as boarding homes, boarding houses, convalescent homes, day care facilities, dental clinics and offices, fraternity houses, hotels, lodging houses, medical clinics and offices, mobile home parks, motels, nursing homes, private clubs, public libraries and parks, rest homes, sanitariums, schools and sorority houses

may be permitted one illuminated or nonilluminated sign per street frontage, not more than thirty square feet in area to identify the use.

C. Electronic message center signs, unless otherwise specified in Section 17.35.130, are prohibited in residential zones.

D. Private schools, Churches and assembly uses are subject to the following provisions:

1. Total sign area allotment permitted shall be two square feet of sign area for each one linear foot of qualified street frontage. Chargeable against the total sign area shall include, but not be limited to, wall, projecting, and monument signs. Electronic message center signs are subject to the provisions contained herein and Section 17.35.110(D).

a. Not more than one monument sign, per qualified street frontage, shall be permitted for each parcel.

b. The base of the monument sign shall be constructed with stone, concrete, metal, brick or other materials consistent with the building the sign is representing.

c. The base of the monument sign shall be a minimum height of twelve inches and may not exceed twenty-four inches.

d. The maximum height of a monument sign, including any architectural features, shall not exceed six feet.

e. The maximum depth of the sign, including any architectural features, shall not exceed five feet.

~~f. A conditional use permit is required for electronic message center signs.~~

~~g.f.~~ Only one electronic message center shall be permitted per parcel.

~~h.g.~~ Electronic message center sign shall display static images only and shall not change more than every five seconds, except as conditioned under a conditional use permit.

~~i.h.~~ Electronic message center sign may not operate between the hours of ten p.m. and seven a.m.

~~j.i.~~ Freestanding signs are prohibited.

~~k.j.~~ Electronic message center signs are prohibited on existing freestanding signs.

Section 16. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause a summary of the same to be published once in an adjudicated newspaper in

the City of Hawthorne and post a certified copy of the proposed ordinance in the City Clerk's office at least 5 days before the City Council meeting at which the ordinance is to be adopted. Within 15 days after adoption of the ordinance, a summary of the ordinance must be published with the names of the council members voting for and against the ordinance.

Section 17. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provision of this Ordinance are declared to be severable.

PASSED, APPROVED, and ADOPTED this 10th day of May, 2016.

ALEX VARGAS, MAYOR
City of Hawthorne, California

ATTEST:

NORBERT HUBER,
CITY CLERK
City of Hawthorne, California

APPROVED AS TO FORM:

RUSSELL I. MIYAHIRA,
CITY ATTORNEY
City of Hawthorne, California