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**REGULAR MEETING OF THE  
CITY OF CONCORD  
PLANNING COMMISSION**

**Wednesday, April 15, 2015  
7:00 p.m. – Council Chamber  
1950 Parkside Drive, Concord**

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Planning Commission Members:

Carlyn Obringer, Chair

John Mercurio, Vice Chair

Ernesto A. Avila, Commissioner

Robert Hoag, Commissioner

Tim McGallian, Commissioner

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**REGULAR MEETING  
7:00 p.m. – Council Chamber**

**I. ROLL CALL**

**II. PLEDGE TO THE FLAG**

**III. PUBLIC COMMENT PERIOD**

**IV. RECOGNITION OF COMMISSIONER JOHN MERCURIO**

**V. OATH OF OFFICE – For Commissioners Carlyn Obringer and Jason Laub.**

**VI. REORGANIZATION OF PLANNING COMMISSION**

1. Nomination and designation of the Chairperson of the Planning Commission for 2015/16.
2. Nomination and designation of the Vice Chairperson of the Planning Commission for 2015/16.

**VII. COMMISSION APPOINTMENTS**

1. Nomination and designation of Design Review Board Liaison and Alternate for 2015/16.
2. Nomination and designation of TRANSPAC Liaison and Alternate for 2015/16.

**VIII. ADDITIONS / CONTINUANCES / WITHDRAWALS****IX. CONSENT CALENDAR**

1. **3/18/15 Meeting Minutes**

**X. PUBLIC HEARINGS – None.****XI. STUDY SESSION**

1. **[Development Code Update – Temporary Signs and Display](#) – Andrew Mogensen, Principal Planner @ (925) 671-3332**

**XII. COMMISSION CONSIDERATIONS****XIII. STAFF REPORTS / ANNOUNCEMENTS****XIV. COMMISSION REPORTS / ANNOUNCEMENTS****XV. FUTURE PUBLIC HEARING ITEMS****XVI. ADJOURNMENT**

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**NOTICE TO PUBLIC**

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**ADA ACCOMMODATION**

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3031, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

**APPEALS**

Decisions of the Planning Commission on use permits, variances, major subdivisions, appeals taken from decisions of the Zoning Administrator or staff interpretations of the Zoning Code may be appealed to the City Council. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

**APPLICANT'S SUBMITTAL OF INFORMATION**

Submittal of information by a project applicant subsequent to the distribution of the agenda packet but prior to the public hearing may result in a continuance of the subject agenda item to the next regularly scheduled Planning Commission meeting, if the Commission determines that such late submittal compromises its ability to fully consider and evaluate the project at the time of the public hearing.

**CONSENT CALENDAR**

All matters listed under CONSENT CALENDAR are considered by the Commission to be routing and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Commissioner prior to the time Commission votes on the motion to adopt.

**CORRESPONDENCE**

Correspondence and writings received within 72 hours of the scheduled Planning Commission meeting that constitute a public record under the Public Records Act concerning any matter on the agenda is available for inspection during normal business hours at the Permit Center located at 1950 Parkside Drive, Concord. For additional information contact the Planning Division at (925) 671-3152.

**HEARINGS**

Persons who wish to speak on hearings listed on the agenda will be heard when the hearing is opened, except on hearing items previously heard and closed to public comment. Each public speaker should limit their comments to three (3) minutes or less. The Chair may grant additional time. The project applicant normally shall be the first person to make a presentation when a hearing is opened for public comment. The project applicant's presentation should not exceed ten (10) minutes unless the Chair grants permission for a longer presentation. After the public has commented, the item is closed to further public comment and brought to the Planning Commission level for discussion and action. Further comment from the audience will not be received unless requested by the Commission. No public hearing or hearing shall commence after 11:00 p.m. unless this rule is waived by majority vote of the Commission.

**MEETING RECORDS**

Planning Commission meetings are available for viewing on the City's website, [www.cityofconcord.org](http://www.cityofconcord.org) and at the Concord Public Library. Copies of DVDs of the Planning Commission Meeting are available for purchase. Contact the Planning Division at (925) 671-3152 for further information.

**NOTICE TO THE HEARING IMPAIRED**

The Council Chamber is equipped with Easy Listener Sound Amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the Easy Listener Phonic Ear Personal Sound Amplifier from the staff for personal use during Commission meetings.

**ROUTINE AGENDA ITEMS AND CONTINUED ITEMS**

All routine and continued items will be considered by the Planning Commission at the beginning of the meeting. There will not be separate discussions of these items unless a request is made prior to the time the Planning Commission considers the motions.

**SPEAKER'S CARD**

Members of the audience who wish to address the Planning Commission should complete a speaker's card available in the lobby or at the front bench. Submit the completed card to staff before the item is called, preferably before the meeting begins.

**TELEVISED MEETINGS**

All Planning Commission meetings are broadcast live on Astound Broadband channel 29 and Comcast channel 28. The meeting is replayed on the Thursday following the meeting at 8:00 a.m., 2:00 p.m. and 8:00 p.m. Replays are also broadcast on Fridays and Saturdays. Please check the City website, <http://www.cityofconcord.org/about/citynews/tvlistings.pdf> or check the channels for broadcast times.

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**NEXT PLANNING COMMISSION MEETINGS:**

May 6, 2015: 7:00 pm – Council Chamber  
May 20, 2015: 7:00 pm – Council Chambers

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## REPORT TO PLANNING COMMISSION

DATE: APRIL 15, 2015

**SUBJECT: STUDY SESSION REGARDING A-FRAME SIGNS**

**Recommendation:** Staff recommends that Planning Commission hear an update and provide direction. No formal action by the Planning Commission is required.

**I. Introduction**

This study session is intended to provide the Planning Commission with the opportunity to provide direction and feedback regarding potential allowances for A-frame signs beyond those currently permitted in conjunction with downtown sidewalk cafés. Staff will move forward with the development of a draft ordinance if there is clear direction.

**II. Background**

Following the recent economic downturn, a number of cities revisited their temporary sign provisions as a potential means to help local businesses. It was during this time that Concord established its policy to allow businesses a no-fee permit to display a temporary banner for up to 30 consecutive days, twice per year. Among Concord's immediate neighbors, only Pleasant Hill modified its sign ordinance to permit A-frame signs, through a provision which allows businesses to apply for a similar permit to display temporary signs (including banners and A-frames) for up to 20 consecutive days, six times per year.

For the past few years, Concord's policy has been for Code Enforcement to take a response-driven approach to enforcing temporary signs. As a result, officers only respond to an improperly placed or unpermitted temporary sign when a resident or business files a formal complaint. While this approach has freed up resources to respond to filed complaints, there has been a noticeable increase in the number of unpermitted temporary signs.

On February 4, 2015, the Planning Commission held a study session to provide Planning staff with direction and feedback regarding updates to the Temporary Sign and Temporary Use Ordinances in the Development Code. A number of interested residents and business owners provided comments, including a representative from the Chamber of Commerce and local Small Business Association.

At the study session, the Planning Commission discussed a number of topics including improving information for business promotion, continuing work on permit streamlining, identifying sidewalk sale provisions, continuing free temporary banner permits, adjusting window sign provisions, and developing new provisions to expand the allowance of A-frame signs. No consensus was reached regarding the design of A-frame signs and the Commission requested that staff return with another study session to specifically focus on A-frame signs at a future date.

Following the outcome of the Planning Commission's study session, Staff provided a report and presentation to the City Council on March 24, 2015. After the presentation, Council members provided a number of comments and were generally in agreement that temporary signs should be regulated with balance, fairness, and common sense. They were all supportive of efforts to simplify and streamline the permitting process, support small businesses, and to take a closer look at permit fees and requirements. Some of the Council members presented concerns about the impact temporary signs and sidewalk sales could have on the City's image. The Council did not provide specific direction regarding the language or details of the proposed code updates to be undertaken, but supported the general direction of the efforts and that they looked forward to reviewing the Planning Commission's recommendations.

### **III. Current Code Provisions**

The Development Code currently contains provisions regulating A-frame signs under Section 18.180.130(A) (Attachment 1), but restricts their use to downtown sidewalk cafés. A-frame signs are limited to 30 inches in width, 48 inches in height, and may not obstruct ADA sidewalk clearance, impede line of sight, interfere with parked cars, and must be stabilized to withstand windy conditions. Although no signs are permitted in the public right-of-way without prior approval from the City Engineer as per section §10.05.050, downtown sidewalk cafés require approval of both an Administrative Permit and an Encroachment Permit if located within the public right-of-way. Downtown A-frame signs are currently evaluated and approved in conjunction with this permit process.

The Development Code classifies A-frame signs under the broad definition of "Portable Ground Signs," meaning any sign which is movable and not permanently attached to the ground, a structure, or another sign. This definition includes real estate signs and signs on wheels.

### **IV. Discussion**

A-frame signs, sometimes referred to as "sandwich board signs," are an inexpensive and popular method of business advertising due to their low cost, portability, and simplicity. While individual A-frame signs are not a problem when responsibly used on an individual basis, problems related to safety and visual clutter often arise when regulations are ignored or misunderstood and enforcement is delayed. The Planning Commission should carefully consider the cumulative impact of allowing a wider use of A-frame signs, with the understanding that the changes may require additional City resources that are already constrained.

A-frame signs pose a different set of challenges than temporary banners in regards to their regulation and enforcement. Unlike temporary banner signs which must be affixed to a building, A-frame signs have a greater potential for misplacement because of their portability, confusion over regulations, and the difficulty in finding an appropriate location for placement. Most small business owners are not familiar with the myriad of codes that affect the proper placement of a portable sign. In order for any new A-frame ordinance to be effective, the City will need to develop a clear and understandable permitting system that evaluates the location of each A-frame sign on a case-by-case basis, re-examine the current response-driven Code Enforcement policy, and ensure that adequate information is provided to local businesses regarding the new provisions through an outreach program.

## V. Options for Consideration

Should the Planning Commission direct staff to proceed with new A-frame sign provisions, the following should be considered before providing further direction:

### Scale

A-frame signs are a pedestrian-scale form of advertising that should be viewed by pedestrians and not passing traffic. Allowing businesses to use A-frame signs as a means to attract passing vehicular traffic presents both a safety hazard and an image problem for the City. This also presents issues of equity and fairness to other businesses who may have invested in a permanent sign or the expense of a more visible business location. A-frame signs should not be used as a means of equalization for those businesses which may be at a disadvantage in terms of location or visibility. Should the Planning Commission opt to allow A-frame signs, they should be considered and regulated solely as a pedestrian-scale advertising supplement, rather than a replacement for other advertising options such as a permanent sign.

### Location and Placement

The City has a responsibility to maintain a safe and accessible public right-of-way. This responsibility includes ensuring access for the disabled, emergency egress from buildings, and maintaining the path of travel for both pedestrians and vehicles. The City is accountable and can be held liable for activities that occur in the public right-of-way. Activities that do occur in the right-of-way, such as utility work, sidewalk cafés, or street festivals, are regulated through the review and issuance of Encroachment Permits by the Engineering division. Encroachment Permit applications typically require professionally prepared plans with precise locations and a certificate of insurance with appropriate liability coverage that identifies the City as a covered party.

One of the challenges with allowing A-frame signs city-wide is the fact that every business has a different situation in regards to sidewalks, property lines, and storefront locations. While A-frame signs should be prohibited from being placed within the public right-of-way and corner intersection visibility areas, downtown businesses have a unique situation. Most businesses in Concord's Downtown Pedestrian (DP) and Downtown Mixed Use (DMX) zoning districts are in traditional storefront buildings that have no private sidewalk area and front the public right-of-way. Because of this situation, downtown businesses that lack private sidewalk areas would need special provisions to allow them to be able to have an A-frame sign in the public right-of-way, including approval of an Encroachment Permit from the City Engineer, similar to the permit process for downtown sidewalk cafés.

Permitting for downtown sidewalk cafés is currently done under very limited circumstances. Menu boards are not allowed to obstruct paths of travel, emergency egress, or ADA access. Sidewalk cafés require both an Encroachment Permit and an Administrative Permit and are only allowed in the downtown zoning districts (PD, DMX) where most of the buildings extend to the property line and public sidewalks are much larger and wider than in other parts of the city. They are also monitored regularly by City staff.

The placement of A-frame signs should be limited to within close proximity to the front door of a business while still accommodating ADA access, emergency egress, and an obstruction-free path of travel. Because every business has a unique physical layout, staff recommends the exact location of each approved A-frame sign be determined through a permit application on a case-by-case basis. Businesses should not be allowed more than one A-frame and staff should maintain the authority to revoke a permit for any business which fails to maintain their sign in an approved and permitted location. Staff will need to issue permits in conjunction with Engineering, Building, and the Fire Department due to the fact that they all have applicable code provisions.

### Size

A-Frame signs are typically sold as two 24"x36" plastic or wooden boards hinged together the top, providing about 6 square feet of sign area facing opposite directions. The current codified standard for A-frame signs in section §18.180.130(A) limits them to 30 inches in width and 48 inches in height (2.5'x4'), so as to not obstruct the visibility or mobility of passing pedestrians. Staff believes this current code standard is appropriate and should remain in place as written.

### Design

At the study session on February 4, 2015, there was no clear consensus regarding a preferred design for A-frame signs. The Commission directed staff to develop some suggestions. Because of the wide variety of A-frame signs in existence, some communities have gone so far as to establish specific design guidelines or require formal design review approval for temporary A-frame signs. These options involve substantial time and resources. Limiting the design of A-frame signs to one particular, consistent style would simplify the permitting process and allow for instant recognition of non-compliant signs.

The most popular style of A-frame signs with Concord's downtown sidewalk cafés are currently hand drawn chalkboard A-frame signs, most likely due to their practicality. From a regulatory perspective, the chalkboard-style A-frame sign is also preferable because the medium is consistent, the message is customizable, the product is relatively common, and the design is instantly recognizable. Establishing chalkboard A-frame signs as an approved design standard could also be easily communicated to the business community.

### Timeframe

As a temporary sign, A-frame signs should not serve as a replacement for a permanent sign, nor should they be displayed on a daily basis. Establishing time limitations on the display of A-frame signs should be required. The best timeframe limitation should be the easiest one to understand. Establishing the time limitation to be the same as temporary banner permits would be an ideal option, allowing display up to 30 days, two times per year. The Planning Commission could also consider allowing A-frame signs on a trial basis in order to assess their impact.

**VI. Fiscal Impact**

The Planning division's efforts to update the Development Code are supported by the General Fund. Modifying the Development Code to accommodate A-frame signs will have an effect on Planning and Code Enforcement resources. Costs related to the review, issuance and enforcement of any new permits may need to be evaluated with a separate fee study. Costs associated with Code Enforcement and sign removal efforts by Public Works crews are generally not recoverable.

**VII. Public Contact**

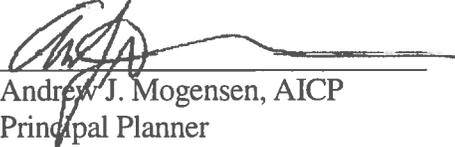
All appropriate public notices of this agenda item have been posted. Residents and members of Concord's business community who have expressed an interest in this topic have also been notified and emailed a copy of this staff report.

**VIII. Summary and Recommendations**

Amending the code to allow a wider use of A-frame signs presents a number of issues and challenges, most notably with safety, enforcement, and the effect on the City's image. Given the current response-driven policy for sign enforcement, limited staff resources, the temporary banner sign program currently in place, and the upcoming provisions for sidewalk sale permits and business outreach, staff does not recommend expanding the use of A-frame signs until the success of those programs can be evaluated.

Should the Planning Commission direct staff to amend the code to allow A-frame signs beyond the current provisions for sidewalk cafés, staff recommends maintaining the current A-frame standards referenced in Section 18.180.130(A), establish hand-drawn chalkboard A-frame signs as the approved standard design, require a permit, and codify a time limitation for the duration of their display. Special provisions to allow A-frame signs in the Downtown Pedestrian (DP) and Downtown Mixed Use (DMX) zoning will also be necessary. Every A-frame permit will need to include a site plan and photograph to establish an approved location for their display. A draft ordinance would be brought forward for Planning Commission consideration sometime later this summer, followed by City Council consideration one month later.

Prepared by:



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Attachment 1: Section 18.180.130(A), Standards for Specific Sign Types, A-Frame Signs.

**18.180.130 Standards for specific sign types.**

In addition to the sign requirements in CDC 18.180.090, 18.180.100, 18.180.110, and 18.180.120, the following requirements shall apply to the specific sign types:

A. A-Frame Signs. Allowed only at sidewalk cafes in the downtown. See CDC 18.200.190 (Sidewalk cafes and outdoor eating areas). A-frame signs shall conform to the following requirements:

1. No more than one A-frame sign per street frontage shall be allowed.
2. Each sign shall not exceed a width of 30 inches nor a height of 48 inches.
3. A-frame signs shall be placed so that they do not:
  - a. Obstruct required ADA sidewalk clearance;
  - b. Impede any line of sight for motorists or bicyclists at public street intersections; or
  - c. Interfere with people exiting or entering parked cars.
4. The signs shall be stabilized to withstand wind gusts or shall be removed during windy conditions.

B. Area Identification Signs. Area identification signs shall be allowed for any identifiable area, as defined in CDC 18.20.030 (Definitions) and shall conform to the following requirements:

1. The sign design, including the structural materials, shall be compatible with and complementary to the structure or area being identified; and
2. The sign base shall be located within a planter box or planting area, the design and location of which is to be approved by the planning division.

C. Awning Signs. Awning signs shall conform to the following requirements:

1. Signs on awnings shall be limited to ground level or second story occupancies only; and
2. Awnings shall not be illuminated unless they are the main sign for the establishment. Only direct exterior lighting shall be allowed; internal illumination shall be prohibited.

D. Changeable Copy Signs. Changeable copy signs shall conform to the following requirements: