

Commissioner Comments:	Staff Responses:
<p>1. You've identified a number of "shopping centers" which would be subject to the proposed changes. However, I cannot find a definition of "shopping centers" anywhere in Title 17 using a PDF search. Perhaps there's a definition elsewhere in the Municipal Code, but if so, then there should be a reference to the definition.</p>	<p>Per CMC 17.90.020, "Shopping center" means a group of retail stores and similar complementary commercial establishments on a site, planned and built as a coordinated unit with shared pedestrian and vehicular circulation and off-street parking.</p>
<p>2. Also, I'm not sure what a "commercial" shopping center would be, as opposed to a non-commercial shopping center. We need to be precise. I think the term "commercial" should be removed.</p>	<p>The existing sign ordinance utilizes the language "commercial shopping center"; the language of the proposed ordinance was written to maintain consistency throughout the ordinance.</p>
<p>3. Would Old Town be included as a shopping center?</p>	<p>Section 17.30.065 of the proposed ordinance includes that digital kiosk are permitted in the Commercial, Retail (CR) and Commercial Mixed-Use (CMU) zoning districts. Accordingly, digital kiosks will not be permitted in the Commercial, Old Town (CT) zoning district.</p>
<p>4. If no other cities or jurisdictions have an ordinance like this, why not? Why should we be in the forefront of allowing more signage, not to mention what are essentially flashing billboards?</p>	<p>While many cities do not have such an ordinance, there are some cities that do (Glendale and Culver City for example). A copy of sign ordinance in Glendale is attached as Exhibit B and a copy of the sign ordinance in Culver City is attached as Exhibit C for reference.</p> <p>Calabasas routinely establishes and applies regulatory programs and the City regularly is at the forefront for many programs, which includes many chapters and sections of the Calabasas Municipal Code and this would be no exception. Sign technology has evolved and the City's ordinances need to evolve as well. Digital kiosks with security cameras are an opportunity for the City to combine technological advancements to achieve a greater public good.</p>
<p>5. What's the origin of this proposal? Where did the Council members who asked for this item to be put on the agenda learn about kiosk signs with security cameras?</p>	<p>City Council members become aware of issues and opportunities from a wide variety of sources and staff cannot guess at what the impotence was originally for this request by the Council.</p>
<p>6. What's the exact size of the kiosks at the Commons?</p>	<p>The non-digital kiosks found at The Commons today are approximately 115" in height, 58" in width, and 35" in depth.</p>
<p>7. How would you possibly measure the size or the surface area of kiosks which are round, elliptical or other</p>	<p>Area measurements of digital kiosk and digital screen surfaces will not be a problem.</p>

<p>shapes? I haven't had algebra since high school, but I doubt anyone on our staff could easily measure those shapes, especially the surface area.</p>	
<p>8. How did you determine the proposed sizes? All of them seem too large. What are the standard sizes made by manufacturers? What are the standard sizes in private malls?</p>	<p>Allowable size will be determined ultimately by the City Council based on a recommendation from the Planning Commission and Staff. The size identified in the draft proposed ordinance is simply a starting point for the discussion. Digital kiosks are expected to be custom, and the technology is adaptable to any size that might be desired so “standard sizes” are not expected to play a role here.</p>
<p>9. What kind of revenue does each kiosk sign generate? In private malls, what kind of revenue do the landlords receive? Do they get revenue from the advertisers as well as the tenants?</p>	<p>Revenue potential for the property owners does not factor into the development of sign regulations. Property owners receive revenue from advertisers, as they already do with nondigital kiosks.</p>
<p>10. Can the City participate in the revenue? Calabasas would have to pay for the Sheriff to monitor the digital feeds. Nothing is free, and the City is apparently short on revenue.</p>	<p>To the extent that it would be feasible, revenue sharing is a decision to be determined by the City Council.</p>
<p>11. Who owns the kiosk signs? How much do they cost? Or are the kiosk signs leased from an outside company which leases out the signs? Can the City own them and receive revenue?</p>	<p>Cost depends on size, design, etc. and the cost will be borne by the property owners, not the City. Whether the digital kiosks are owned or leased is determined by the property owner and has no bearing on the ordinance. City owned and operated kiosks would have to be on City property and are not part of this proposal.</p>
<p>12. Has the Sheriff expressed that the live feeds from kiosk signs are a real benefit? How would they help stop the smash and grab burglaries? How would they help catch the burglars who walk in and take things out without paying? How would they deter that kind of criminal activity? How could the Sheriff respond in time to do anything?</p>	<p>Advancements in video surveillance technology allow the Sheriff to more quickly and thoroughly monitor the images and information provided from such surveillance network. This technology enhances the capability of law enforcement to respond quickly and appropriately.</p>
<p>13. Are the security cameras just a theoretical inducement to allow more signs? In other words, as one Commissioner suggested, is this proposal just a Trojan horse to install more signs and generate revenue, but of no real benefit in deterring certain types of crime?</p>	<p>Security cameras are an essential public safety need and purpose behind this proposal. That is why digital kiosks are <u>required</u> to incorporate security cameras.</p>

<p>14. Don't each of the "shopping center" owners already have their own security cameras? Are any of them monitored? Are any monitored around the clock?</p>	<p>Shopping centers likely already have their own security cameras and systems in place already. We do not know how such security systems are operating, including monitoring; however, we do know from the Sheriff's Department that there are systems in place for around the clock monitoring.</p>
<p>15. What does CPHA pay for the 24/7 monitoring for the security cameras it has installed around Calabasas Lake? Where I live (Calabasas Hills Estates), we looked into installing a number of peripheral cameras because of the burglaries we've had from the golf course. We received an estimate of a few thousand dollars for a number of cameras, and it would cost about \$500 per month for 24/7 monitoring. This seems like a miniscule amount for a "shopping center" owner, but we need to know both the cost and the revenue.</p>	<p>Refer to the responses to questions #9 and #11. Whatever system CPHA has installed and operates is unique to CPHA's needs, geographic coverage, etc.</p>
<p>16. In general, I would not support kiosks with digital signs. I think the landlords or their agents are just trying to generate more revenue for virtually no benefit. They should have 24/7 monitoring anyway, and a lot more onsite security. Look at Ulta Beauty...they are burglarized regularly. Their landlord certainly has the funds to hire adequate onsite security, which they apparently choose not to do.</p>	<p>Refer to the response for question #14.</p>
<p>17. If reasonably-sized kiosk signs are allowed by the City (a fraction of the sizes you've proposed), then the images should not be allowed to change more than once a day.</p>	<p>Refer to the response for question #8. There will be an image display rate standard in the ordinance. The exact parameters are something that we have yet to determine.</p>
<p>18. We were told that the City cannot control the content of the kiosk signs. I'd like a constitutional attorney to verify that. Otherwise, any signage should be limited to the tenants in the "shopping center". We don't need flashing billboards that don't even help our "shopping center" tenants.</p>	<p>Sign content is protected as free speech under the first amendment of the US Constitution. Refer to the US Supreme Court decision, <i>Reed vs Town of Gilbert (2015)</i>.</p>

<p>19. And if for some reason these digital signs are allowed (and not overturned by referendum or otherwise), can the City require that community events be posted on the signs for a certain period of time?</p>	<p>It is possible that advertising for City community events may be posted on the digital kiosks and included as a condition of approval; however, the City Attorney would need to determine the legal nexus.</p>
<p>20. Can we set parameters for how frequently the displays on the digital kiosks can rotate? This, along with brightness can limit how much the senses are assaulted, thereby at least partially addressing John and Michael's concerns...well, John actually just mentioned this in passing at the meeting.</p>	<p>Refer to the response for question #17. Agreed on brightness control – these limitations are already incorporated into the draft ordinance.</p>
<p>21. Does Council specifically want to have digital kiosks, or is the underlying goal to get the security cameras placed? If the latter, is there an alternative to digital kiosks in order to achieve this, without it costing the City?</p>	<p>The ultimate goal is to establish a security camera network to enhance public safety. This approach accomplishes the security and surveillance goals of the City Council at no cost to the City because the cost would be borne entirely by the private property owners. Costs incurred by the property owner to install the digital kiosks and surveillance systems will be funded using advertising revenue from the digital kiosks.</p>
<p>22. Page 5, Section 4 B: I think that the proposed new language needs to be clarified a bit. I am assuming that it is meant to convey that digital Kiosks are allowed at commercial shopping centers as part of an approved sign program, so long as the proposed digital kiosk(s) are compliant with the applicable provisions of the code. The way the proposed addition is worded, it is a little ambiguous regarding the fact that a digital kiosk is allowed "notwithstanding any requirements of an approved sign program." I think the language can be tightened up a bit to eliminate any ambiguity or confusion. I believe that it is dealt with more specifically on Page 10, Section 6 B.2.B (I think that last A and B should be small case lettering). However, to avoid confusion, I still think the Section 4 B language should be clarified a bit.</p>	<p>Noted, we will clarify the language to provide more clarity as we revise the proposed ordinance. The intention of the referenced section is to allow for digital kiosks without requiring the existing sign program be amended.</p>
<p>23. Page 8, Section 5 D: First sentence should be clarified a bit...perhaps "...and archived surveillance footage to "be</p>	<p>Noted, we will clarify the language to provide more clarity as we revise the proposed ordinance.</p>

transmitted to the City and law enforcement in real time."...Ok, on further reading, that is already in there. I would just eliminate that first sentence of the section, which is repetitive with the sentence after it.	
24. Is a feed to the Sheriff's Department required?	Yes.
25. What are the technical specifications for the feed?	Technical specifications are determined by the Sheriff.
26. What is the cost of the connection? Who pays?	Cost is determined on a case-by-case basis and is likely dependent on the number of cameras used. The property owner pays the cost.
27. Will the connection data be stored? For how long?	Use and storage of security data is determined and accomplished by the Sheriff's department.
28. The primary, maybe only purpose, is security. If so, shouldn't it be made available to more venues?	Refer to the response for question #21. The proposed parameters have been drafted to prompt discussion and can be revised accordingly following additional discussion.
29. Why is the proposal limited to large commercial shopping centers only?	The limitations within the proposed draft ordinance are simply a starting point for discussion. If desired and feasible to allow for digital kiosks in every shopping center, no matter how large or small, the proposed ordinance can be revised accordingly.
30. Does the City incur potential liability by limiting it to major shopping centers and stores?	No (City Attorney can explain further at the meeting if necessary).
31. Do the kiosks generate advertising revenue?	Yes, for the property owner (refer also to the response for question #21).
32. What is the City's proposed revenue from the project?	Refer to the response for question #10.
33. Is the purpose of revenue to defray connection costs?	Refer to the response for question #21.
34. Is kiosk advertising limited to products sold by the store that owns the kiosk?	No (refer also to the response for question #18).
35. Is 3rd party advertising prohibited? Should it be?	No (refer also to the response for question #18).
36. Should a camera link to the Sheriff's Dept without a digital kiosk be considered?	Security cameras may be linked to the Sheriffs' real-time monitoring system without the kiosks; however, permitting digital kiosks to include the security cameras provides an incentive to shopping center property owners to install the security cameras that feed to the Sheriffs' station. This will create a larger network of security footage that feeds to the Sheriff and increase public safety. Refer to the response for question #21.

<p>37. The proposed camera positioning is outward away from the store. This fails to record people entering or exiting the store. Why?</p>	<p>The location of the security cameras within the digital kiosks are to be determined and approved in consultation with the Sheriffs' Department to ensure that the cameras are placed in a manner that is the most beneficial for public safety.</p>
<p>38. Is the proposed "public information" in the kiosks a requirement or an option?</p>	<p>Digital kiosks display information, such as advertisements, to the public. The City cannot regulate the content (refer also to the response for question #18).</p>
<p>39. Maintaining a stable stream of municipal income is a stated purpose. What is the City's anticipated "take" from each kiosk? What is the process for monitoring and receiving the income?</p>	<p>The City Council will determine whether revenue sharing is a feasible option for the City (refer also to the response for question #10). The potential revenue and processes have not been determined. We can delete this language if the Council ultimately decides to not seek revenue sharing.</p>
<p>40. Finding No. 1. states that the kiosks will not contribute to visual blight because the kiosks will be pedestrian scale. Suggest revising to "the digital kiosks will not materially contribute to visual blight because the top of any kiosk shall not exceed X'."</p>	<p>This suggested revision has been incorporated into the revised draft ordinance.</p>
<p>41. Page 7 of 30, B, General Standards B2: I recommend that no kiosk shall exceed 8 feet or whatever is the top height of existing non-digital kiosks. Max. width should be determined as a proportion of kiosk height.</p>	<p>The Planning Commission may elect to set maximum allowable size standards for digital security kiosks that align with the maximum allowable size standards for non-digital kiosks. Staff agrees with the suggestion that the maximum allowable width should be proportional to the maximum allowable height.</p>
<p>42. Digital screen frames shall be designed to be consistent with the design style of the kiosk generally, and kiosks shall be designed to be consistent with the overall design of the shopping center in which the kiosk is located. The final design shall be approved by the [Director].</p>	<p>This suggested revision has been incorporated into the revised draft ordinance.</p>
<p>43. C5: Rather than setting a three-foot-candle maximum allowable light emission standard, could the ordinance simply state that light emission shall not be more intense than the light emitted by existing non-digital kiosks?</p>	<p>The City may set only <u>measurable</u> standards for maximum allowable light emissions. The 3-foot-candle standard is measurable, and is consistent with the provisions in CMC 17.27 (Dark Skies Ordinance)</p>

<p>44. Add C6: The display on the digital kiosk shall not change more frequently than once every 30 seconds.</p>	<p>Input/comment noted as one among several other Commissioner comments on the subject of display image change-over rates (see response to #17).</p>
<p>45. Security cameras shall be hidden within the kiosk to the maximum extent practicable. The cameras shall be approved the <u>Director</u>. Unlikely that a Sheriff employee will monitor the cameras constantly in real time. A private security firm will more likely provide continual surveillance and alert the police or sheriff of a crime or suspicious activity underway. Should the ordinance include advisory language to this effect?</p>	<p>The Sherriff’s Department informed the City Council that direct-feed video surveillance, as provided for by the proposed ordinance, does in fact provide for real-time monitoring. This not only contributes to reduced response time for law enforcement, but also helps inform first responders about the severity and magnitude of any particular event, thereby contributing to an appropriate deployment of resources.</p>
<p>46. Why make digital kiosks <u>exempt</u> from Sign Program amendment requirement, when non-digital kiosks are clearly not exempt?</p>	<p>Perhaps the language should be revised to allow for digital security kiosks that align with kiosk design requirements provided within an approved sign program for the shopping center; except that provisions within this section regarding digital displays and security cameras shall govern. Also, where an approved sign program has <u>not</u> been established for a shopping center, any proposed new digital security kiosk in the shopping center may be reviewed and approved via a Zoning Clearance.</p>
<p>47. Code limits on the number and spacing of digital kiosks should be the same as for non-digital kiosks. What would be the rational regulatory basis for not allowing standard (e.g., non-digital) kiosks in smaller centers, but allowing for digital security kiosks?</p>	<p>This brings up a valid point for Commission consideration. Given the fundamental purpose of establishing and maintaining a superior real-time security surveillance in the City’s commercial shopping centers, perhaps the ordinance should provide for at least one digital security kiosk in any shopping center, regardless of the shopping center size.</p>
<p>48. Has economic viability of digital kiosks been investigated? Are digital kiosks truly “the wave of the future”?</p>	<p>Economic viability of any advertising kiosk is dependent on a number of marketing factors about which the City has no control.</p>
<p>49. Clearly, security and surveillance are drivers in this proposed amendment. The ability to piggy-back on a private marketing endeavor to create more surveillance is fine, if allowable under general law. (I am not entirely sure a city could require a private billboard selling soft drinks to include a public service announcement to encourage people to always put on their seat belts, for example.) But assuming the City Attorney opines that the city can require anyone who qualifies to install a digital</p>	<p>Staff agrees in regard to PSAs. But this is deployment of actual security equipment and systems as integral components of the kiosks. As for requiring installation of security cameras in new non-digital kiosks, Staff is prepared to include this requirement in the new ordinance following further discussion by, and direction from, the Commission.</p> <p>The City Attorney is also available to respond to the legal aspect of requiring security cameras in new digital kiosks.</p>

<p>kiosk must include the Security Cameras, then I guess that's fine. But the City should make sure this is correct. And, if we think it's a good idea for digital kiosks to have security cameras, why can't we impose the same duty on non-digital kiosk owners or at least new applicants?</p>	
<p>50. There was a brief discussion at the meeting that the city cannot restrict content. Why not? I would think we can exclude advertisement for pornographic content on any kiosks, or certain other content otherwise protected by the First Amendment. Query whether we could restrict advertising for businesses not allowed in the City (e.g., cannabis shops or short-term property rentals?) Must kiosks in general only be used for commercial advertising as "commercial speech"? If not, what if a vendor wants to put in a digital kiosk with a political advertisement for a candidate or social political position. Is such advertising on any city kiosk permitted? Prohibited?</p>	<p>Like all other forms of advertising media, digital security kiosks would be restricted to content which does not transcend the limited restraints of free speech established under federal and state laws.</p>
<p>51. Concerned about visual pollution from digital kiosks. Investigate places that allow digital kiosk advertising now to see if, aesthetically, they really do fit within our City's aesthetic sensibilities. A good deal of research and thinking should be conducted when dealing with a form of public displays of light and fast changing electronic images.</p>	<p>Staff continues to research and investigate.</p>
<p>52. Do other jurisdictions participate in revenue or cost sharing?</p>	<p>The Americana Shopping Center in Glendale shares between 12-15% of the advertising revenue with the City.</p> <p>The City of Santa Monica is deploying a network of 30 digital kiosks located in the public right-of-way (city-owned property) as a franchise agreement with a selected vendor for 20-year period. Because the digital kiosks are located fully on city-owned property, and the Santa Monica has more than 5 million visitors annually, the City receives 50% of the advertising revenue. More information can be found on the City of Santa Monica's website: https://www.santamonica.gov/programs/digital-kiosks</p>