

EXCERPT

Planning Commission

Meeting Minutes

June 23, 2014

- 4** **14-0602** 2014-7023: Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code relating to Temporary Non-Commercial Message Signs; Find the Project exempt from CEQA pursuant to CEQA Guideline 15061(b)(3)

Andrew Miner, Principal Planner, presented the staff report.

Comm. Harrison confirmed with Mr. Miner that community complaints about the improper placement of signage are sent to the Neighborhood Preservation division and that he is aware of eight to ten complaints.

Vice Chair Olevson verified with staff that the parkway strip in front of homes is considered City property.

Comm. Rheaume confirmed with Mr. Miner that the complaints received were regarding signs placed in both residential and non-residential areas, and Mr. Miner added that the draft ordinance more clearly specifies allowed locations for signs.

Comm. Klein clarified with Mr. Miner the new requirement to obtain the adjacent property owner's approval to place a sign in the parkway strip in front of their property, and confirmed that if there is no landscaping, signage can be placed on other areas of a home.

Comm. Simons and Trudi Ryan, Planning Officer, discussed the enforcement of sign non-compliance and Ms. Ryan added that code enforcement is separate from the sign code.

In response to Chair Melton's request, Ms. Ryan provided examples of non-commercial message signs that are not election signs, and Chair Melton confirmed with Mr. Miner that during election season someone could display a non-commercial message sign that is not an election sign.

Vice Chair Olevson confirmed with Kathryn Berry that if the Rotary Club wanted to display a sign announcing a fundraiser it would constitute a type of commercial sign, and confirmed with Mr. Miner that changes are being made to the ordinance concerning allowing signage in the landscaped portion of commercial and industrial areas which is currently not allowed.

Chair Melton opened the public hearing.

Larry Alba, a Sunnyvale resident, said he is concerned that Mr. Miner is trying to

legislate via City ordinance whether or not he can put an election sign in front of his house in the parkway strip, to which he highly objects.

Terry Fowler, a Sunnyvale resident, asked that the Commission consider additional questions regarding the necessity and purpose of the proposed restrictions. Comm. Simons discussed with Mr. Fowler what major differences there are with and without the restrictions.

Chair Melton closed the public hearing.

Comm. Klein moved to recommend to City Council, Alternatives:

- 1) Find that the project is exempt from CEQA pursuant to CEQA Guideline 15060(b)(3); and
- 2) Introduce an ordinance to amend the sign regulations in Chapter 9.44 of Title 19 (Zoning) of the Sunnyvale Municipal Code, to clarify where temporary non-commercial signs can be placed in residential and non-residential zones.

Comm. Harrison seconded.

Comm. Klein said that while he understands the concerns of the public, he thinks this ordinance will be closing a loophole that was created a year ago with the previous ordinance. He said the public still has the capability to put a sign in their front yard and that has always been case. He noted that his neighbors once found signs for candidates they did not support in their parking strip, and he said he knows property owners think of it as their property, but he is glad that there is some concept of how this will be used on a property where there is no landscaped area or front yard and that they have the capability to put up signs to exercise their free speech. He said this is a step to curtail something that was misused in the last election.

Comm. Harrison said she understands that if you make radical changes you have to test them and often do not foresee all outcomes, but that this revision clarifies the intent of the original ordinance. She said it allows people to use free speech in front of their homes and businesses if it is their choice, so she will be supporting the motion.

Vice Chair Olevson said he will reluctantly not be supporting the motion, and that he supports and appreciates everything staff has done, but that 19.44.190 section (4d)(2) regarding restricting signage in the parkway strip in front of private property is too much a restriction of free speech. He said he thinks it should be allowed so he will not be supporting the motion.

Comm. Simons said he will support the motion, and that the main issue with having anyone place signs in the public planting strip if he is not around is that there are limited ways to safely walk across his planting strip and he would rather not have that issue at all for safety reasons. He said he understands the concerns about accessing signs, but that it is not stopping anyone from putting signs on their property. He said when it comes to the parking strip we are also talking about vision triangles, people crossing from the street to the sidewalk, and that for reasons not brought up that seem obvious he will support the motion.

Comm. Rheaume said he will be supporting the motion, and that while he agrees with Vice Chair Olevson that not allowing signs in the parkway strip in front of a residence is too much, what he does not like is having different policies for residential and non-residential. He said he does not think it should be done in commercial areas and that to keep it simple, he will be supporting the motion.

Chair Melton said he will be supporting the motion and said staff did a great job doing the clean up and that these things happen when making a complicated change which means fixing things before the next election. He said he is comfortable with where this is going in terms of clean ups for commercial properties, and he said he appreciates the public comments received, and to address the rhetorical question about what is to be accomplished with the new ordinance he said that when he looks at the park strip he sees City property. He said when he sees an election sign in the park strip he becomes concerned that it is some sort of implicit City endorsement of a particular candidate which makes him uncomfortable. He said if he sees it on landscaped land that is contiguous with the property and not separated by a sidewalk it is clear that a homeowner is expressing their right to free speech. He said for that primary reason and to close a bug that cropped up during the overhaul of the sign ordinance he will be supporting the motion.

MOTION: Comm. Klein moved to recommend to City Council, Alternatives:

- 1) Find that the project is exempt from CEQA pursuant to CEQA Guideline 15060(b)(3); and
- 2) Introduce an ordinance to amend the sign regulations in Chapter 9.44 of Title 19 (Zoning) of the Sunnyvale Municipal Code, to clarify where temporary non-commercial signs can be placed in residential and non-residential zones.

Comm. Harrison seconded. The motion carried by the following vote:

Yes: 5 - Chair Melton
Commissioner Harrison
Commissioner Klein
Commissioner Rheaume
Commissioner Simons

No: 1 - Vice Chair Olevson

Absent: 1 - Commissioner Durham