



File #: 14-0709, Version: 1

REPORT TO COUNCIL

SUBJECT

Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning), Adding Chapter 9.58 (Signs on City Property) of Title 9 (Public Peace, Safety or Welfare), and Amending Section 1.04.010 (General Penalty) of the Sunnyvale Municipal Code related to various clean-up items and adding provisions for signs on City property; Find that the project is exempt under CEQA pursuant to Guideline 15061(b)(3) - Continued from September 30, 2014.

BACKGROUND

On June 25, 2013, the City Council adopted a new sign code which resulted in a new format and different requirements than the prior code. Once the sign code was used by businesses, staff and the community, it became clear that some aspects needed to be clarified and corrected. One aspect, relating to non-commercial message signs (e.g. pre-election period signs) was revised by the Council on July 15, 2014. The current proposed set of amendments to the Sign Code address minor concerns in the code that have become obvious after using it for a year. Also, given the prior discussion about signs on City property, including the public rights-of-way, staff recommends adding a new, separate code section to regulate use of signs on City property.

The Planning Commission considered this item on September 8, 2014, at which time the Commissioners voted unanimously to recommend to Council to adopt the proposed ordinance. The Commission requested staff clarify the allowed sign size language in 9.58.060(c) (see revised language in Attachment 1).

EXISTING POLICY

General Plan:

Goal CC-2 *Attractive Street Environment*: Create an attractive street environment which will complement private and public properties and be comfortable for residents and visitors.

Policy CC-2.1: Maintain and provide attractive landscaping in the public right-of-way to identify the different types of roadways and districts, make motorists more comfortable and improve the enjoyment of residential neighborhoods.

Policy CC-2.2: Minimize elements which clutter the roadway and look unattractive.

Policy LT-2.1: Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.

Policy LT-4.13: Promote an attractive and functional commercial environment.

ENVIRONMENTAL REVIEW

Although modifications to ordinances may be considered a project under the California Environmental Quality Act (CEQA), staff has concluded that adopting the proposed ordinance is exempt from CEQA under Guideline 15061(b)(3) because it can be seen with certainty that it will not have a significant effect on the environment.

Projects that are subject to the requirements of the amended chapters will be environmentally evaluated on an individual basis.

DISCUSSION

There are two main aspects to the proposed ordinance: amendments to the zoning code (Title 19) to clarify and amend sections relating to signs on private property; and, a new chapter added to the Public Peace, Safety and Welfare code (Title 9) relating to signs on City property. (The draft ordinance is included as Attachment 1; for convenience and context, a copy of the entire modified sign code is included as Attachment 2.)

Amendments to Chapter 19.44, Sign Code

Chapter 19.44 provides regulations for signs on private property. Most of the proposed amendments are minor in nature and have come about after working with the code for a year. Amendments include clarifying standards, rearranging provisions and adding information to address omitted regulations. The overall format and content of the code remain the same. The most significant changes are described below:

Proposed Amendments

- **Flags.** Add a section related to commercial and non-commercial flags. Prohibit commercial flags in single-family zoning districts but allow them in multi-family residential and commercial zoning districts. Provide clear standards for all flag types.
- **Address numbers on ground signs.** The current code requires that address numbers be placed between four and 15 feet above ground level, but staff has received many requests for address numbers to be placed lower than four feet. In some cases, the requirement for a four foot minimum address number height has resulted in a taller sign being designed than desired by the applicant. The revised code would amend the minimum height for address numbers to two feet above ground level.
- **Awning and canopy signs.** Add a section detailing the standards for signs on awnings. These types of signs are distinct from wall signs and should have specific standards.
- **Place of assembly signs.** Clarify that places of assembly (churches, community centers, etc.) located in residential zoning districts are subject to the regulations applicable to signs in commercial zoning districts. This clarification will enable the use of temporary signs for church events, such as carnivals, book sales, etc., when the place of worship is located in a residential area.
- **Wall signs.** Allow buildings over 100 feet tall (currently only buildings in Moffett Park and hotels city-wide with an approved Use Permit) to have signs with taller lettering. Currently, all wall signs in office and commercial locations have the same allowance. But wall signs over 100 feet above ground may require taller letters in order to be seen from surrounding streets and highways. Allowing a maximum 60 inch copy height above 100 feet would resolve this issue.
- **Clean-up items.** There are many other minor, non-substantive changes that do not result in new policy, but make the sign code easier to use. For example, there are references to the new Chapter 9.58 (discussed below).

New Chapter 9.58, Signs on City Property

The City does not currently have regulations specifically for signs on City property. The proposed amendments would add a section to Title 9 clarifying the standards for signs on City property and on City structures.

Key aspects

- Intent. The intent of Chapter 9.58 is to balance the rights of free speech with the public interests of reducing visual clutter and addressing safety risks that can result from excessive signage.
- Personal carrying of signs. Section 9.58.060 imposes limited, content-neutral time, place, and manner regulations that apply to persons carrying and displaying non-commercial signs (i.e. the use of signs for demonstrating or picketing on public property). This section also acknowledges the constitutional right to use traditional public forum areas for free speech.
- Non-commercial message signs on City property. The new code would include some of the provisions related to non-commercial signage that were recently reviewed by Council, including pre-election period signs in the public right-of-way. It would also prohibit the use of City structures for non-City sponsored signs.
- South Murphy Avenue. The new ordinance would codify existing policy relating to signs within the Heritage Landmark District of the 100 block of South Murphy Avenue.
- Removal of illegal signs on City property. The proposed code provides clear regulations regarding the immediate removal of signs on City property, including charges for the cost of removal, a post-removal hearing process, and return of materials.

FISCAL IMPACT

The recommended changes to the Sign Code are minor in nature, including clarification of existing requirements, and would not create a fiscal impact to the City.

PUBLIC CONTACT

Public contact was made through posting of the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk, on the City's website, and by placing a notice in the *Sun* newspaper.

ALTERNATIVES

1. Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3).
2. Introduce an Ordinance, presented as Attachment 1, Amending Chapter 19.44 (Signs) of Title 19 (Zoning), Adding Chapter 9.58 (Signs on City Property) of Title 9 (Public Peace, Safety or Welfare), and Amending Section 1.04.010 (General Penalty) of the Sunnyvale Municipal Code related to various clean-up items and adding provisions for signs on City property.
3. Adopt an alternative with modifications.
4. Direct staff to return with significant changes to the revised sign code.
5. Make no changes to the current regulations.

RECOMMENDATION

Alternatives 1 and 2: 1) Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3); and 2) Introduce an Ordinance Amending Chapter 19.44 (Signs) of Title 19 (Zoning),

Adding Chapter 9.58 (Signs on City Property) of Title 9 (Public Peace, Safety or Welfare), and Amending Section 1.04.010 (General Penalty) of the Sunnyvale Municipal Code related to various clean-up items and adding provisions for signs on City property.

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Reviewed by: Hanson Hom, Director, Community Development

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Draft Ordinance
2. Sign Code
3. Planning Commission Minutes of September 8, 2014