



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

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)

BACKGROUND

On June 25, 2013, the City Council adopted a revised sign code. Concerns were raised after the new code took effect concerning how the new regulations applied to temporary non-commercial signage (including election signs) in residential and non-residential areas.

Under the prior code, election signs had not been allowed in the parkway strip in residential areas during the election period, defined as 90 days prior and 10 days after a general election. The parkway strip is the landscaped area between the street and the sidewalk. Although the parkway strip is normally maintained by the adjacent homeowner, it is typically within the City's right-of-way. The revised code adopted by the Council on June 25, 2013, allowed the adjacent homeowner to place temporary non-commercial signs (including election signs) in the parkway strip. This led to some complaints from the community.

The prior code also allowed commercial and industrial property owners to put election signs in landscaped areas of their properties. However, the revised code prohibited the placement of portable, temporary signs in landscaped areas in order to reduce visual clutter along the street.

On September 24, 2013, the Council discussed community concerns with the new code and directed staff to develop modifications to address temporary non-commercial signs (see Attachment 1).

During the November 2013 election, staff also discovered that the revised code was causing confusion because it allows temporary non-commercial signs in residentially-zoned landscaped areas, but not in commercial or industrial-zoned areas. These different standards are especially problematic in cases where a property may have a *use* that is different from the underlying zoning. For instance, there are properties with residential uses that have a non-residential zoning (and vice versa).

The Planning Commission, at its June 23, 2014 meeting, recommended, in accordance with the staff recommendation, to introduce the ordinance.

EXISTING POLICY

GENERAL PLAN:

Community Character

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.

Land Use and Transportation

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 the modifications to the ordinance are 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.

DISCUSSION

The current sign code allows temporary non-commercial signs in the right-of-way landscaping immediately adjacent to a residentially-zoned property. This area, also called the parkway strip, is located between the street and the sidewalk. The code does not allow any temporary signs to be placed in the private or public landscape area of commercial and industrial-zoned properties. No sign can be placed on other City property, specifically traffic medians, sidewalks, bicycle lanes or other travel way or paths, or attached to any utility pole, light pole, fire hydrant, utility box, or traffic control device.

Residential Zones (Temporary Non-Commercial Signs)

Current Code

- Allowed in landscaping, including the parkway strip;
- Allowed on structures and fences.

Proposed Amendments

- Allow in landscaping, excluding the parkway strip;
- Clarify that signs cannot be placed above fences or structures;
- Clarify that portable temporary signs cannot be higher than 3½ feet as measured from the ground.

Non-Residential Zones (Temporary Non-Commercial Signs)

Current Code

- Prohibited in landscaped areas.

Proposed Amendments

- Allow in landscaped areas during election periods.

Other Proposed Changes

- Regulate signs consistent with the use of the property for legal uses that differ from the underlying zoning;
- Clarify that the sign requirements for mixed-use properties are that the residential portion of the use follows the residential standards, and non-residential portion follows the non-residential standards;
- No signs allowed to be placed on trees.

PLANNING COMMISSION REVIEW

On June 23, 2014, the Planning Commission voted 5-1 to recommend that Council adopt the staff recommendations. One commissioner voted against the motion because of a concern about removing the opportunity for residents to place signs in a parkway strip, which the proposed amendment would specifically prohibit.

FISCAL IMPACT

The recommended changes to the Sign Code would not create a fiscal impact to the City. The changes contemplated affect temporary signs only, so no amortization program would be necessary.

PUBLIC CONTACT

Public contact was made by posting 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 and on the City's website. A notice was published in the Sunnyvale Sun newspaper and a notice and the report were sent to interested parties.

Two members of the public spoke on the item at the Planning Commission, both expressed concern about limiting free speech opportunities. One e-mail was received prior to the Commission hearing expressing an interest in allowing signs in the parkway strip because it makes signs easier to read.

ALTERNATIVES

1. Find that the project is exempt from CEQA pursuant to CEQA Guideline 15061(b)(3).
2. Introduce an ordinance to amend the sign regulations in Chapter 19.44 of Title 19 (Zoning) of the Sunnyvale Municipal Code (Attachment 2), to clarify where temporary non-commercial signs can be placed in residential and non-residential zones.
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.

PLANNING COMMISSION AND STAFF 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 to amend the sign regulations in Chapter 19.44 of Title 19 (Zoning) of the Sunnyvale Municipal Code (Attachment 2), to clarify where temporary non-commercial signs can be placed in residential and non-residential zones.

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Reviewed by: Trudi Ryan, Planning Officer
Reviewed by: Robert A. Walker, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Excerpt of Council Minutes September 24, 2013
2. Draft Ordinance
3. Planning Commission Draft minutes from the June 23, 2014 hearing