

REPORT TO CITY COUNCIL

DATE: FEBRUARY 22, 2006

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: DISCUSSION OF SIGN ORDINANCE ENFORCEMENT ACTIVITY AND PROCEDURES

The purpose of this agenda item is to provide the City Council with Sign Ordinance enforcement information and to seek direction on future Sign Ordinance enforcement activities.

The City Council last discussed code enforcement activity and procedures in April of 2005. At that time, the City Council discussed with staff the City's code enforcement policies, residential and commercial enforcement activity, and weekend code enforcement. While the Council agreed to continue code enforcement activity generally on a complaint basis, staff was directed to be more proactive in enforcing the City's Sign Ordinance regulations. Specifically, staff was directed to increase enforcement during the weekends and to enforce commercial real estate sign requirements. The following is a summary of staff's Sign Ordinance enforcement activity since receiving the City Council's direction.

Weekend Enforcement

When the City Council first discussed weekend code enforcement in 2002, there appeared to be a proliferation of temporary signs located within the public right-of-way during the weekends when staff did not conduct inspections. Most of these temporary signs were related to residential activity, including garage sales, lost pet notices, and advertising homes for sale. At the time, the city was occasionally blanketed with signs for itinerant commercial ventures or events. The City Council directed staff to continue with weekday clean-up activities to keep the right-of-way areas clear of temporary signs and to continue to monitor staffing needs for code enforcement.

Staff continued this policy by removing signs from the public right-of-way every Monday morning. Approximately 2 hours were spent collecting signs. Depending on the time of year, anywhere from 10 to 30 signs were collected. Additional time was spent during the rest of the week, as needed, for the collection of temporary signs.

During the City Council's discussion last April, the Council was informed that the number of visible code violations, in both residential and commercial neighborhoods, increased during the weekends. Not only were temporary signs and banners being displayed, but activities such as non-permitted temporary uses, outdoor display and various forms of non-permitted advertising were occurring when City Hall is closed.

The City Council directed staff to institute weekend code enforcement on a regular basis. A full time Code Compliance Officer was hired in July of 2005 to assist the Planning Department staff with enforcement duties that include residential and commercial code enforcement, as well as enforcement of the Sign Ordinance. In addition to working 34 hours on weekdays, the Code Compliance Officer works on both Saturdays and Sundays at random times totaling 6 hours. Weekend enforcement is concentrated primarily on achieving compliance with the Sign Ordinance. As directed by the City Council, among other city-wide inspections, the Code Compliance Officer removes garage sale signs, open house and other real estate signs, and business signs that are improperly located within the public right-of-way. On average, 30 garage sale signs, 13 real estate signs and 5 business signs are removed from the public right-of-way during each weekend. Real estate signs that are removed by the Code Compliance Officer are kept by staff for a two-week period in the event that the realtors wish to retrieve them. When real estate signs are retrieved, staff uses that opportunity to remind the realtors of the City's Sign Ordinance regulations.

Staff is seeking input and any further direction from the City Council regarding staff's weekend Sign Ordinance enforcement activity and procedures that have been implemented in the last six months.

Commercial Real Estate Signs

During the City Council's discussion last April, the Council noted a proliferation of commercial real estate signs (such as "for lease" signs) in the city, the majority of which were placed on private property without a City-issued sign permit. Also of concern were the sizes and appearances of these signs, which were considered visual distractions due to their temporary design. Staff was directed to enforce the new Sign Ordinance regulations which allow for one sign per street frontage. The size of the signs can not exceed 9 square feet (3' x 3') and 4 feet in height. The signs are required to consist of a permanent structure that is designed to be consistent with the commercial center or building on which the real estate sign is placed. All commercial real estate signs are subject to a sign permit that is issued by the Director of Planning and Community Development.

Upon receiving the Council's direction, Code Compliance staff found more than 70 violations. Staff first created an educational brochure and mailed them to the violators. Then we gave them notice to comply. Since that time, all but 24 of the non-permitted commercial real estate signs were with abated or replaced with permitted signs. Staff has begun forwarding the remaining violations to the City Prosecutor.

Commercial Window Signs

Staff receives very few complaints regarding Code violations on commercial property. As directed by the City Council, the Code Compliance Officer monitors violation activity and enforcement of the Municipal Code is conducted primarily to abate the more egregious violations. The most common violations found on commercial properties concern signage. Enforcement and compliance regarding the displays of banners, neon signs and non-permitted real estate signs are now achieved within short time periods. Window signs, however, remain prevalent.

The Sign Ordinance allows for three types of window displays on commercial property – informational signs, window signs and business associate signs. The Sign Ordinance states that the following signs, if not illuminated, shall be permitted without the requirement of a sign permit:

“Informational signs. Signs within window areas that indicate addresses, hours and day of operation; whether a business is open or closed, credit card information and emergency address and telephone numbers. Such signs shall be located on the inside of the window and shall not require a sign permit, and shall not be used for the name of the business in excess of the twenty-five (25) percent of said sign.

Window signs. Temporary nonilluminated window signs advertising products for sale on the premises. One (1) sale sign per window located on the inside of such window is allowed on each public street frontage. Such sign shall be in addition to the total authorized sign area but shall not exceed twenty-five (25) percent of the total window area. Said sign shall be compatible in terms of colors with permanent signs, except fluorescent colors shall be prohibited. Said sale/special event sign shall be limited to a maximum period of fourteen (14) consecutive days per event, not to exceed a total of four (4) said events per year.

Business associate signs. In addition to the basic sign entitlement, each separate business shall be allowed, without a sign permit, lettering on or behind windows facing the public view indicating the owners, operators, or business associates exercising the use, provided that such lettering shall be enclosed within a single area and shall not exceed a total of three (3) square feet.”

The issue in enforcing the window sign provision of the Sign Ordinance is not only that window signs are prevalent, but also because they are generally temporary and transitory in nature, thus requiring continued monitoring. Moreover, in many instances, window signs are advertising posters that are provided by the corporation or the franchiser and come in pre-established sizes irrespective of window area. In shopping centers, many window signs are placed at a pedestrian level and are meant to be viewed by patrons on the walkway in front of the store. Also, unlike temporary signs on the public right-of-way which staff can remove immediately, temporary window signs are on private property and thus enforcement of violations must be processed through regular channels.

Another issue with window signs is that the allowable window sign area provisions of the Sign Ordinance do not include a specific definition for window sign area. The sign area can be defined as the area within one window frame or pane, or the total aggregate area of all windows, or a portion of the windows on the building. How the window area is defined will play a significant role in the size of signs that can be displayed. For instance, if a retailer is allowed to display advertising on no more than 25% of the window area within a single window frame or pane, no single window would be completely covered with advertising. Alternatively, if the window area is defined as the total window space on the building or storefront, there could be multiple windows that are completely covered with advertising. While there are many instances of window sign violations in the city, staff has found the most visible and often incompatible window signs are those which are hand painted, often in fluorescent colors. As a policy, the City has allowed such displays during the holiday season (November 15 to January 15).

Staff finds that the intent of the window sign provisions in the Sign Ordinance is to allow a reasonable amount of temporary advertising on the window without creating excessive visual clutter. If the City Council's direction is to commence with proactive enforcement of the window sign provisions of the Sign Ordinance and if the Council finds that the current 25% temporary window sign coverage limitation is appropriate, staff recommends the following:

1. That the 25% window coverage limitation be applied to the total window area on each single storefront elevation.
2. To institute a ban on painted fluorescent signs of any size, except during the holiday season which is the City's current policy.
3. To institute an education component, similar to what was done for commercial real estate sign enforcement, in which staff would prepare a brochure with information for complying with the temporary window Sign Ordinance provision.

In addition, staff respectfully seeks any other direction from the City Council on this matter. On March 22, 2006, staff will present a Pre-Screen Review discussion item regarding proposed changes to the Sign Ordinance.

RECOMMENDATION

Staff respectfully requests the City Council provide direction regarding Sign Ordinance enforcement activity and procedures.

Attachments: Photographs of Open House and Real Estate Signs
Photographs of Commercial Real Estate Signs
Photographs of Window Signs