

REPORT TO CITY COUNCIL

DATE: JANUARY 9, 2008

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 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 procedures.

In 2006, the City discussed enforcement activity and procedures relating to several components of the City Sign Ordinance, including commercial window signs. Staff had informed the City Council at that time that the City had received 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, 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. However, staff noted that window signs remained prevalent.

The issue in enforcing the window sign provision of the Sign Ordinance is not only that window signs are prevalent, but also that they are generally temporary and transitory in nature, thus requiring continued monitoring. Unlike temporary signs in the public right-of-way, which staff can remove immediately, temporary window signs are on private property and thus enforcement of violations must be done through due process.

To assist staff in enforcing the temporary window sign provisions of the ordinance, the City Council provided the following direction in 2006 and requested staff to return with a monitoring report of the enforcement provisions:

1. That the current single sign per window limitation and the current 25% window coverage limitation are appropriate, and that the window sign coverage be applied to the total window area on each entire storefront elevation.
2. To institute a ban on painted fluorescent signs of any size, except during the holiday season which was 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 provisions of the Sign Ordinance.

After receiving this direction from the City Council, staff conducted an inventory of temporary commercial window signs and prepared and sent an informational brochure to more than 300 commercial businesses which explained the requirements for temporary window sign displays. A copy of the brochure is attached. After conducting additional follow-up with the businesses, staff received compliance from all but eight (8) businesses, which are currently pending further code enforcement action.

In staff's enforcement of the window sign provisions, it has been brought to our attention that there are a number of provisions of the Sign Ordinance listed below which, because of their subjective nature, require direction from the City Council. Staff's recommendations regarding each issue are also provided. Specifically, staff is seeking direction on the enforcement of illuminated business signs, the business names on windows, number of signs per window, product displays in windows, temporary banners displayed by non-profit organizations, future development signs and "opening soon" banners. The issues listed below were considered by the Business Task Force Committee. The Committee Members had various opinions in regard to providing recommendations to the City Council. However, the Committee expressed their own caution in recommending additional restrictions at this time for business signage.

1. Illuminated Window Signs

The Sign Ordinance specifies the types of non-illuminated signs allowed to be displayed without a sign permit. The ordinance specifically states that window signs which advertise products may not be illuminated. However, a prohibition of illuminated informational signs, including "open" signs, is not included in the ordinance. Thus, some businesses are displaying illuminated "open" signs.

Staff is seeking direction from the City Council on whether illuminated "informational" signs should be allowed, prohibited, or restricted. Also, if illuminated informational window signs are allowed, should the allowance be restricted to solely "open" signs or for other purposes? While the ordinance currently (and historically) prohibits any kind of neon sign, staff is seeking direction on whether "open" *neon* signs should be allowed as an informational sign. Staff would note that in some instances it is difficult to distinguish a neon open sign from other illuminated open signs of a similar design. Neon signs are specifically defined in the Sign Ordinance as "illuminated signs affected by a *colorless, odorless light source consisting of a neon or gas tube*, which is bent to form letters, symbols or other shapes."

Recommendation

Staff recommends that "open" signs of any illumination method except neon be allowed and treated as any other temporary window sign with regard to window coverage, and that other types of illuminated window signs, including neon signs, continue to be prohibited.

2. Name of Business

The Sign Ordinance allows for information signage in windows. Informational signs typically include hours of operation, credit card information, emergency contact information and names of business associates. In the past, staff has not enforced the information window sign provisions of the Sign Ordinance as they are typically meant to be viewed by pedestrians, especially within shopping centers. In many instances the names of businesses and product and service identification is permanently painted on windows. However, in certain instances, temporary window signs combined with the permanently painted window signs could create a cluttered visual effect.

The City Council is requested to determine whether business name displays on windows should be considered “informational” signage, which is allowed without restrictions on size. The Business Task Force Committee acknowledged that professionally designed business names on windows appeared less egregious than non-professionally designed signs. However, staff does not find business name signage on windows to be a prevalent problem at this time.

Recommendation

Staff recommends that business name window signs be allowed as informational signs. If the City Council wishes to regulate business name window signs, such signs could be counted against the business’ entitlement for wall signage relative to size.

3. Number of Signs per Window

The Sign Ordinance allows for one sale sign to be displayed per window pane. Clarification is requested from the City Council on whether interior banner signage which spans across several windows is considered one sign or multiple signs.

Recommendation

Staff recommends that any sign, including interior banners, which spans across multiple window panes be considered multiple signage, which would not allow for more signs to be posted within those particular windows.

4. Definition of Window Signs

Some businesses have displays in their windows which are not clearly defined as signage, but have the same visual impact as other types of window displays. Examples of these types of window displays include restaurants that display pictures of menu items; art galleries that display art work; and retail businesses that display interior banners which are visible from exterior public areas. The Sign Ordinance defines a *window sign* as “a sign directing attention to the principle business...attached to or within three (3) feet of the inside of the window upon the premises where the sign is displayed, or the type of products sold, manufactured or assembled, or to the services or entertainment offered on said premises. A *sign* is defined as “anything of visual

appearance primarily used for, or having the effect of attracting attention from the streets, sidewalks, or other outside public area for identification purposes. A sign *shall not mean* displays of merchandise, products for sale on the premises, ornamentation, design, recreational equipment, statuary, architecture, landscape pictures, paintings and other such art forms unless the display, because of location, size, use or nature thereof, has the substantial effect of attracting attention for identification purposes when viewed from an outside public area...”

Staff is seeking direction from the City Council on whether types of window displays noted above should be considered signage that is subject to the limitations of other types of window sign displays provided they are located within three (3) feet of the inside of the window.

Recommendation

In order to apply consistency and fairness amongst neighboring businesses, all window displays can be considered uniformly as window signs. Thus, displays of menus, art exhibits, etc., would be subject to the number and size regulations of any other business sign.

5. Temporary Banner Displays by Non-Profit Organizations

Staff is requesting direction from the City Council regarding advertising displays of non-profit organizations on commercial lots. Staff has noticed an increased interest by charity and non-profit organizations to display temporary banners in shopping centers, primarily facing public streets. Although the Sign Ordinance prohibits outdoor advertising displays, the ordinance does allow for two (2) temporary charitable signs advertising events in the city to be displayed on any commercial or residential lot. The signs are limited to six (6) square feet in size and six (6) feet in height and are required to be removed within three (3) days after the event. Charitable signs are currently allowed without a sign permit. Thus, multiple charitable banners can be displayed on commercial lots throughout the city. Staff requests the City Council inform staff whether any change in policy regarding the display of non-profit advertising is warranted.

In addition, staff respectfully seeks any other direction from the City Council regarding enforcement of non-profit sign displays on windows.

6. Future Development Signs and “Opening Soon” Banners

Staff is also seeking direction from the City Council regarding the display of future development signs and “opening soon” banners. The Sign Ordinance allows for the display of future development signs with a sign permit anytime after project entitlement is received from the City. One sign is allowed to be displayed per street frontage, and the size of the signs can vary from 25 square feet to 50 square feet, based on the size of the parcel. Such signs are required to be removed upon completion of the building, or when the project’s entitlement expires. This time period, however, can extend from two to three years, thus becoming less characteristic of a temporary sign.

The Sign Ordinance allows one 20 square foot grand opening banner for a maximum 30-day duration to advertise the initial opening of a business. The ordinance does not provide for

“opening soon” signs which are intended to advertise the pending opening of a new business. Certain businesses which are moving into existing buildings or are awaiting completion of a new building are interested in “opening soon” banners. If allowed, a concern would be the size and duration of such banners.

Recommendation

Staff requests the City Council inform staff whether any change in policy regarding the display future development signs and “opening soon” banners is warranted.

RECOMMENDATION

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

Attachments: “Guide to Temporary Window Sign Display” Brochure
Photographs of Illuminated Window Signs
Photographs of Business Name Window Signs
Photographs of Product Display Signs
Photograph of Non-Profit Banners