



Council Meeting: April 29, 2008

SUBJECT: 2008-0376 - Revisit the Implementation of the Sign Ordinance to Ensure That It Continues To Help Businesses Remain Competitive and To Look At Requiring Permits for the Use of Bounce Houses

REPORT IN BRIEF

This report reviews the sign code revisions that were put in place in April 2005 (see page 2 of this report for a list of the changes). The review includes a summary of sign permit activity, response from the business community and any implementation difficulties that have arisen. After speaking with the auto dealers and Chamber of Commerce and reviewing the sign applications received in the last three years, staff concludes that the code revisions have met the goals of meeting auto dealers' and large retailers' need for adequate signage, simplifying the code requirements where possible, and preserving the "boulevard" streetscape of El Camino Real.

Staff recommends some minor language changes to the section of the code addressing large inflatable objects and bounce houses to make it easier to use and more understandable to the public. This clarification will not result in any changes to the existing policy.

BACKGROUND

On March 1, 2005, the City Council adopted a set of changes to the sign code ordinance to respond to business concerns about restrictive sign regulations, particularly for auto dealers. Council requested staff to revisit these ordinance changes in three years to determine if they assist businesses in remaining competitive (see Attachment A, Minutes).

EXISTING POLICY

Land Use and Transportation Element Policy N1.3 – Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the City.

Community Design Sub-element Goal B - Create an attractive street environment which will complement private and public properties and be comfortable for residents and visitors.

The Precise Plan for El Camino Real Vision for El Camino Real (excerpt) – A strong vision for El Camino provides a context for uses and development. The

entire length of the street will be attractively landscaped within medians and along the street frontages of private property.

DISCUSSION

Changes Made to the Code in April 2005:

1. Simplify the ratio that determines wall sign area by the length of the building frontage with 0.66 sq. ft. of area for every one linear foot of building frontage, regardless of length, with a larger bonus for major tenants.
2. Increase copy height limitations for buildings set closer than 70 ft. to the property line and eliminate any copy height limitation for buildings set back greater than 70 ft.
3. Redefine logos to include integration of the business name. Eliminate logo height maximums for major tenants.
4. Increase ground sign height from 10 ft. to 25 ft. for properties in the Precise Plan for El Camino Real.
5. Increase the available sign size by 10 sq. ft. for all properties within the Precise Plan, and a 10 additional sq. ft. for all multi-tenant ground signs in the City.
6. Prohibit large inflatable objects (not including balloons) except in conjunction with the grand opening of a business and except bounce houses (a large inflatable structure which when filled with air provides a good surface for bouncing) during weekends and holidays. In the case of grand openings, do not allow the object for more than 16 consecutive days.
7. Increase the number of days that a temporary banner for permanent unenclosed uses (such as auto dealers, nurseries, etc.) may be displayed from 60 days (6.5 9-day events per year) to 80 days (9 9-day events) per year.
8. Work with businesses to allow on-site directional signs of up to 7 ft. in height.

Sign Permit Activity

Since April 2005, approximately 150 permits have been submitted for permanent wall or ground signs. Of those, one-third of the permits have been for the El Camino Real area, and another third for industrial areas in the City. Staff does not have numeric data about bounce houses because they do not require a permit on weekends.

Examples of the taller ground signs that have been added along El Camino Real since March 2005 include:

- Saab (1011 E. El Camino Real)
- Ford (650 E. El Camino Real)
- Comfort Inn (1071 E. El Camino Real)
- Toyota (898 W. El Camino Real).

Examples of larger wall signs include:

- Circuit City (111 E. El Camino Real)
- Dodge/Chrysler/Jeep (1035 W. El Camino Real)

According to discussion with the auto dealers, many of the dealers, including Lincoln Mercury, Dodge, Chevrolet, Ford and Nissan use bounce houses on the weekends to advertise their business. The auto dealers have not approached staff about expanding or modifying their directional signage.

Concerns/Issues with New Sign Code Provisions

Business Outreach: Staff sent an email to the auto dealers requesting their feedback on the new sign provisions. Only one auto dealer responded and he expressed satisfaction with the new sign code. In the last two years, staff has worked with almost all of the auto dealers in upgrading their signs under the new code allowances. During this process, one of the auto dealers expressed concern about the limited ground sign area.

Staff spoke with the Chamber of Commerce and they stated that they had not heard any concerns or comments regarding the new sign regulations from their membership.

Bounce Houses: Staff has concerns with the wording of regulations for bounce houses and large inflatable objects. The current wording and organization of bounce house regulations in the Zoning Code has led to some confusion on the part of the community and staff about the differing regulations for bounce houses and other large inflatable objects.

FISCAL IMPACT

No fiscal impact is expected.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, in the Council Chambers lobby, in the Office of the City Clerk, at the Library, Senior Center, Community Center and Department of Public Safety; posting the agenda and report on the City's Web

site; and making the report available at the Library and the Office of the City Clerk.

In addition, staff contacted the auto dealers in Sunnyvale and the Chamber of Commerce to get their feedback on the revised sign code regulations.

ALTERNATIVES

- A. Make no changes to the sign code.
- B. Direct staff to prepare an ordinance to amend Title 19 Zoning Code resulting in reorganization of the bounce house/large inflatable object code sections for easier communication to the public (see Attachment B, Draft Language). This draft ordinance will be noticed in the Sunnyvale Sun and brought to the Planning Commission and City Council.
- C. Direct staff to prepare a study issue paper for comprehensive review of other sections of the sign code.

RECOMMENDATION

Staff recommends Alternative B. Reorganizing the bounce house code sections will make it easier for staff and the public to understand and implement. This clarification will not result in any changes to the existing policy. Staff does not recommend making further changes to the ordinance for permanent signs. Overall, the additional sign allowances have made it easier for businesses to advertise their location while still meeting the aesthetic standards of the City.

Reviewed by:

Hanson Hom, Director, Community Development

Reviewed by: Trudi Ryan, Planning Officer

Prepared by: Diana O'Dell, Senior Planner

Approved by:

Amy Chan
City Manager

Attachments

- A. Minutes of City Council Meeting of April 5, 2005
- B. Draft Language Changes to SMC 19.44

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MINUTES

**SUNNYVALE CITY COUNCIL
March 1, 2005**

The City Council of the City of Sunnyvale adjourned from a 5:30 p.m. Redevelopment Agency Closed Session regarding Conference with Real Property Negotiator Pursuant to Government Code 54956.8; Property, Town Center Mall; Agency Negotiator: Executive Director, and met in regular session in the City Council Chambers, 456 West Olive Avenue, Sunnyvale, California at 7:00 p.m., with Mayor Chu presiding.

SALUTE TO THE FLAG

Mayor Chu led the salute to the flag.

ROLL CALL

PRESENT:

Mayor Dean J. Chu
Vice Mayor Ron Swegles
Councilmember Fred Fowler
Councilmember Julia Miller
Councilmember John Howe
Councilmember Melinda Hamilton
Councilmember Otto Lee

Staff Present:

Amy Chan, City Manager
Joan Borger, Interim City Attorney
Robert Walker, Assistant City Manager
Robert Paternoster, Director of Community Development
Curtis Black, Interim Director of Parks and Recreation
Trudi Ryan, Planning Officer
Diana O'Dell, Senior Planner
Susan Ramos, City Clerk

SPECIAL ORDER OF THE DAY

Mayor Chu presented a Certificate of Gratitude to Mr. Raj Bhanot of the Sunnyvale Hindu Temple, and Mr. Uday Nyak of SEWA International, for their efforts to raise donations for the Tsunami Relief.

Mayor Chu invited Ms. Benita Duran, Vice President and Director of State and Local Government Affairs at SH2M Hill, and Mark Janay, San Jose Area Manager for CH2M Hill, to the podium to give a brief presentation regarding the "Silver Award" for the 2004 James C. Howland Awards for Municipal Enrichment that was presented to the City of Sunnyvale at the National League of Cities "Congress of Cities" Conference last December.

Mayor Chu invited officials from the Republic of Lithuania to the podium and presented a Certificate of Welcome and Appreciation to Mr. Viktor Uspaskich, Minister of Economy of the

with Mr. Bernhardt and requested Council approve the plaque.

Kevin Fitzpatrick, President of Serra Little League, relayed his experience with Mr. Bernhardt and urged Council to approve the memorial plaque.

Mayor Chu Closed the Public Hearing at 8:12 p.m.

Councilmember Howe moved, Councilmember Miller seconded, to approve Alternative 1, authorize the installation of a 7" x 9" plaque in memoriam of Bob Bernhardt on the backstop of the Serra Park ball field as proposed by and at the cost of the Serra Little League. The motion carried with Vice Mayor Swegles recusing himself due to a potential conflict of interest.

At this juncture, Vice Mayor Swegles returned to the dais.



- 3. ORDINANCE NO. Study Issue: Introduction of an Ordinance to Revise the Sign
 2776-05 Code for Auto Dealerships and Large Retail Users
 RTC 05-064

Diana O'Dell, Senior Planner, assisted by Trudi Ryan, Planning Officer, presented the staff report.

Staff responded to questions posed by the Council regarding directional signs, the visibility of signs, the height of the signs, repair of existing signs, Sunnyvale banners, number of signs that are higher than fifteen feet, and areas impacted by the proposed ordinance.

Mayor Chu opened the Public Hearing at 8:30 p.m.

John Tze, a member of the public, stated he supports the proposed ordinance and urged the Council to approve it.

Arthur Schwartz, a member of the public, spoke in support of the ordinance and stated there should be a maximum on the size of wall signs. He stated he is opposed to restricted parking in front of dealerships and spoke in support of extending the curb.

Larry Meola, of Sunnyvale Ford, thanked staff for their work and distributed photos to the Council showing current signage for several dealerships and stated that they have had meetings with residents. He requested that signs be allowed to be twenty five feet in height and that bounce houses be considered for special occasions. He responded to questions from the Council.

Mark Balestra, of Pearson Buick-Pontiac-GMAC, stated they are in the process of remodeling their building and signs and expressed concern on reducing the height of their current twenty five foot sign. He requested the Council approve a twenty-five foot height limit for signs. He responded to questions from the Council.

Arthur Schwatz, a member of the public, stated the street numbers on the buildings were too small to see from the road.

Phyllis Fowler, a member of the public, expressed concern about insufficient directional signage and street numbers in front of the dealerships and advocated to retain the on street parking in front of dealerships.

Steve (name illegible), of Sunnyvale Lincoln/Mercury, expressed concerns about directional signs and the impact on customers, and advocated for the use of bounce houses for special

promotions as part of the temporary signage.

Mayor Chu Closed the Public Hearing at 9:15 p.m.

Councilmember Howe moved, and Vice Mayor Swegles seconded, to introduce the proposed Ordinance as recommended by staff with the following amendments: 1) Change the ground signs to a height of 25 feet only for businesses located on El Camino Real; 2) direct staff to work with various business establishments allowing directional ground signs up to 7 feet.

Vice Mayor Swegles offered a friendly amendment for the height to be a maximum of 25 feet. The amendment was accepted.

Vice Mayor Swegles offered a friendly amendment to exempt the use of bounce houses on site during weekends and holidays by any business in Sunnyvale from the proposed regulations. The amendment was accepted.

Councilmember Howe directed staff to revisit the implementation measures taken for this ordinance in 3 years to help ensure that it continues to help businesses remain competitive through signage and to look at requiring permits for the use of bounce houses.

Councilmember Howe amended his motion to include allowing staff to work with businesses on the location of their address numbering and lettering during the permit review process. Vice Mayor Swegles accepted the amended motion.

At the request of the Mayor, the City Clerk read the title of the Ordinance.

ORDINANCE NO. 2776-05 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING PORTIONS OF CHAPTER 19.12 AND CHAPTER 19.44 OF THE SUNNYVALE MUNICIPAL CODE RELATED TO ZONING DEFINITIONS AND SIGN REGULATIONS as amended tonight

The motion carried unanimously.

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| 4. | ORDINANCE
NO. 2775-05 | Adoption of an Ordinance Amending the Precise Zoning Plan, Zoning Districts Map, to Rezone Certain Property Located at 775 South Wolfe Road From R-3/PD (Medium Density Residential/Planned Development) to R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District |
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At the request of the Mayor, the City Clerk read the title of the ordinance.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN PROPERTY LOCATED AT 775 SOUTH WOLFE ROAD FROM R-3/PD (MEDIUM DENSITY RESIDENTIAL/PLANNED DEVELOPMENT) TO R-2/PD (LOW MEDIUM DENSITY RESIDENTIAL/PLANNED DEVELOPMENT) ZONING DISTRICT

Mayor Chu opened the Public Hearing at 9:40 p.m. and, there being no public comments, closed the Public Hearing.

Councilmember Howe moved, and Councilmember Fowler seconded, to adopt the ordinance. The motion carried unanimously.

NON-AGENDA ITEMS & COMMENTS

DRAFT LANGUAGE CHANGES

SECTION 1. SECTION 19.44.020 AMENDED. Section 19.44.020 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.44.020. Types of signs and related regulations.

(1) – (10) [Text unchanged.]

(11) Bounce Houses. A "bounce house" is a large inflatable structure which, when filled with air, provides a good surface for bouncing. Bounce houses are typically covered structures, and often their design incorporates a whimsical theme, such as a castle, car, dragon, etc.

(11) – (33) [Renumber (12) – (34), consecutively; text unchanged.]

~~(34) Large Inflatable Object. A balloon or other~~ An object that is inflated with air and exceeds fourteen inches in any dimension when inflated. ~~Large inflatable object includes objects do not include~~ "bounce houses." A "bounce house" is a large inflatable structure which, when filled with air, provides a good surface for bouncing. Bounce houses are typically covered structures, and often their design incorporates a whimsical theme, such as a castle, car, dragon, etc. ~~In commercial zones or with permitted commercial uses in nonresidential zones, a bounce house may be displayed without a permit provided that:~~

~~———— (a) The height of the bounce house does not exceed the height of the building in front of which it is displayed;~~

~~———— (b) There is only one bounce house displayed per business entity; and~~

~~———— (c) The bounce house is displayed only between the hours of 12:01 a.m. and twelve p.m. on Saturday and/or Sunday or federal holidays. Display of a bounce house on weekdays requires a temporary commercial sign permit.~~

(35) – (71) [Renumber (36) – (72), consecutively; text unchanged.]

SECTION 2. SECTION 19.44.120 AMENDED. Section 19.44.120 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.44.120. Temporary commercial signs.

A temporary commercial sign is not permitted on property zoned exclusively for residential use. On any commercially zoned lot or any lot in any

nonresidential zone for which a discretionary zoning permit has been issued for a commercial use, a temporary commercial sign may be permitted subject to the following:

(a) Permit. Permits for temporary commercial signs shall be required and shall be issued only to the owners of the property upon which the temporary sign is to be displayed. The applicant shall provide a description of each proposed display and must obtain approval by the director of community development of each display. The director shall be guided by the regulations set forth herein but may impose such other reasonable conditions as may be deemed in the public interest.

(b) Frequency. No more than nine temporary sign permits shall be issued per calendar year for any business.

(c) Duration. A temporary sign permit is valid for nine consecutive days, or in the event of a grand opening, for sixteen consecutive days. ~~Large inflatable objects are allowed only for grand openings for a maximum of sixteen consecutive days.~~ More than one temporary sign permit may be issued simultaneously, provided that signs are not displayed for more than thirty consecutive days or more than sixty days per calendar year. Permanent unenclosed uses may display temporary signage for not more than eighty days per calendar year.

(d) Location. No temporary sign display shall be permitted to extend beyond the property line of the applicant or into any public right-of-way. No temporary sign shall be displayed in the corner vision triangle.

(e) Number of Signs. No more than two temporary signs may be displayed per business. In centers with more than one business, the maximum number of temporary signs which may be displayed at any one time shall be in accordance with the following schedule:

2 to 5 tenants	one tenant display
6 to 15 tenants	two tenant displays
16 to 25 tenants	three tenant displays
more than 25 tenants	four tenant displays

For the purposes of announcing events which are sponsored by or are conducted by a shopping center as a whole, one additional temporary banner or sign may be displayed for the duration of the event.

(f) Specific Regulations According to Type.

(1) Banners. Banners may be displayed provided that:

(A) The banner is stretched taut or secured against the building;

(B) No banner exceeds sixty square feet in size;

(C) No more than two banners shall be displayed on the lot at any one time;

(D) No banner shall be attached to any trees, permanent ground or wall sign.

(2) Balloons. Balloons may be displayed provided that:

(A) The size of any balloon does not exceed fourteen inches in diameter;

(B) There are no more than five balloons shall be aggregated in a cluster;

(C) The maximum height is no more than ten feet above ground level (i.e., finished grade of the lot); and

(D) The permit and frequency restrictions shall not apply to balloons displayed between the hours of 12:01 a.m. and twelve p.m. on Saturday and/or Sunday or federal holidays. All other requirements of this chapter shall apply to balloons displayed on weekends.

(3) Pennants, Ribbons, Streamers and Other Objects that Move with the Wind. Such items may be displayed in any manner approved by the director of community development.

(4) Large Inflatable Objects. Large inflatable objects are allowed only for grand openings for a maximum of sixteen consecutive days.

(5) Bounce Houses. In commercial zones or with permitted commercial uses in nonresidential zones, a bounce house may be displayed without a permit provided that:

(a) The height of the bounce house does not exceed the height of the building in front of which it is displayed;

(b) There is only one bounce house displayed per business entity; and

(c) The bounce house is displayed only between the hours of 12:01 a.m. and twelve p.m. on Saturday and/or Sunday or federal holidays or is allowed for a grand opening for a maximum of 16 consecutive days. Display of a bounce house on weekdays requires a temporary commercial sign permit.

(g) Denial of Permit. A permit shall be denied, if, within the twelve-month period immediately preceding the date of the application for temporary signs, three or more complaints have been received by the city and resulted in written notices of violation being sent for violations of provisions of this section or Section 19.44.020 or 19.44.040, and the director of community development has determined that at least three such violations existed at the same location and were not corrected in a timely manner.

(h) Appeal. Any interested party may appeal the issuance or denial of a permit hereunder within fifteen days of the decision of the director of community development to the planning commission. The decision of the commission shall be final.

(i) All temporary commercial signs displayed without a permit are prohibited, except for civic event signs, grand opening signs, construction project signs, garage sale signs, produce stand signs, window signs, real estate signs, open house directional signs, temporary unenclosed or appurtenant use signs and unenclosed accessory use signs.