



Council Meeting: September 30, 2008

SUBJECT: 2008-0376 Amendments to Title 19 to Implement Policy Requirements for Bounce Houses Adopted by the City Council on April 29, 2008

REPORT IN BRIEF

On April 29, 2008, the City Council reviewed the sign ordinance changes put in place in April 2005 to ensure their effectiveness. The Council concluded that the changes were effective, but directed staff to clarify the language regarding the use of bounce houses. Staff recommends amending the code as shown in Attachment B. The Planning Commission considered this item at their hearing of September 8, 2008 and recommended approval with minor modifications (Draft Planning Commission Minutes, Attachment C).

BACKGROUND

In April 2005, the City Council approved a series of changes to the sign code ordinance. These changes included new provisions for ground signs along El Camino Real, wall sign areas in all commercial districts, and treatment of temporary bounce houses in commercial districts. The Council directed staff to return in three years for an update on the effectiveness of the sign ordinance.

On April 29, 2008, the City Council reviewed the effectiveness of the sign ordinance changes and concluded that the changes were effective (See Attachment A, Minutes from Council Meeting). However, they directed staff to clarify the language regarding the use of bounce houses. The attached proposed ordinance changes reflect the approved modifications to the zoning code (Attachment B).

EXISTING POLICY

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.

DISCUSSION

The following is a brief description of the changes made to Title 19.

- **Language Clarified Regarding Bounce Houses** – The description of requirements for bounce houses confused the public, so staff reorganized and reworded the section. The revisions include creating a separate

definition for bounce houses, removing regulations from the definition and listing them as a new type of temporary commercial sign.

Planning Commission Hearing: The Planning Commission considered this item on September 8, 2008. They recommended approval of the proposed code language with minor wording changes to the definitions sections and the permissible hours of display for bounce houses (see Attachment C, Planning Commission Minutes). Staff has incorporated that wording into the proposed code language (Attachment B).

FISCAL IMPACT

None 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.

ALTERNATIVES

1. Adopt the ordinance language as amended by Planning Commission (Attachment B).
2. Make further changes to the ordinance language.
3. Do not adopt the ordinance language and direct staff to return with additional information and/or changes.

RECOMMENDATION

Alternative 1.

Reviewed by:

Hanson Hom, Director, Community Development
Prepared by: Diana O'Dell, Senior Planner

Approved by:

Amy Chan
City Manager

Attachments

- A. City Council meeting minutes of April 29, 2008.
- B. Draft Code Amendments to Title 19.
- C. Draft Planning Commission Minutes of September 8, 2008

"The traffic engineer shall also have power and authority to suspend or modify existing parking limitations, **consistent with applicable traffic safety issues**, by erecting..."

with

add the following highlighted text to Section 10.16.030 (a) of the ordinance:

"In the event of an emergency, signs shall remain in place only during the existence of the emergency and the traffic engineer shall cause such signs..."

City Clerk Gail Borkowski read the title of the ordinance into the record.

VOTE: 7-0

4. RTC 08-124 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

Planning Officer Trudi Ryan presented the staff report.

Councilmember Howe verified with Planning Officer Ryan that the sign ordinance for bounce houses will remain the same in that parks have their own process, commercial use is contained within the ordinance, and private use does not require a permit. Planning Officer Ryan explained that a permit is necessary with any type of commercial activity.

Councilmember Lee verified with Planning Officer Ryan that staff will be returning to Council with a study issue in reference to sign limitations for those who rent spaces at the shopping mall.

Public hearing opened at 9:06 p.m.

No speakers.

Public hearing closed at 9:06 p.m.

MOTION: Councilmember Lee moved and Councilmember Howe seconded to approve Alternative B: Council directs staff to prepare an ordinance to amend the Title 19 Zoning Code resulting in reorganization of the bounce house/large inflatable object code sections for easier communication to the public. The draft ordinance will be noticed in the Sunnyvale Sun and brought to the Planning Commission and City Council.

VOTE: 7-0

5. RTC 08-125 Council Subcommittee Recommendation on Priority Rankings for FY 2008/2009 City Services and Projects

Finance Manager Grace Leung presented the staff report.

Councilmember Moylan and Councilmember Swegles asked questions about the attachments in the staff report. Director of Employment Development Mike Curran and Director of Finance Mary Bradley responded.

Public hearing opened at 9:14 p.m.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 19.44.020 (TYPES OF SIGNS AND RELATED REGULATIONS) AND SECTION 19.44.120 (TEMPORARY COMMERCIAL SIGNS) OF CHAPTER 19.44 (SIGNS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE PERTAINING TO SIGNS

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

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. and shall be regulated as "Temporary Commercial Signs".

(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) – (b) [text unchanged]

(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) – (e) [text unchanged]

(f) Specific Regulations According to Type.

(1) – (3) [text unchanged]

(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 11:59 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) – (i) [text unchanged]

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2008, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

ATTEST:

APPROVED:

City Clerk
SEAL

Mayor

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney

PLANNING COMMISSION MINUTES OF SEPTEMBER 8, 2008

2008-0376 - City of Sunnyvale [Applicant]: Make amendments to Sunnyvale Municipal Code Chapter 19.44 (Signs) to clarify the use of bounce houses in commercial zoning districts. These changes implement the policies adopted by the City Council on April 29, 2008. DO (*Continued from August 25, 2008*)

Diana O'Dell, Senior Planner, presented the staff report. She said staff recommends the Planning Commission recommend to City Council that the code be amended to clarify the definition of bounce houses and how they are able to be used, and to move the regulations regarding bounce houses from the definition section to the temporary sign section in the code.

Comm. Hungerford referred to Attachment B, page 1, regarding the definition of bounce houses and large inflatable objects and asked if both bounce houses and large inflatable objects are defined elsewhere as temporary commercial signs as the restrictions apply to temporary commercial signs. **Trudi Ryan**, Planning Officer, referred to Attachment B, page 2, section 19.44.120 which indicates regulations and said that large inflatable objects and bounce house regulations are located on page 3 and are subsets of temporary commercial signs. **Comm. Hungerford** discussed with Ms. Ryan that the definition could include that bounce houses and large inflatable objects are a form of temporary commercial signs including the items listed under 19.44.020. **Comm. Hungerford** referred to Attachment B, page 4, regarding bounce house hours for display and the length of a grand opening being restricted to 16 consecutive days, suggesting the City may also want to include a restriction on the number of grand openings allowed. Ms. Ryan said the definitions of when grand openings are allowed are when there is change of management, or a new business. **Comm. Hungerford** asked about bounce houses in residential areas, with staff confirming that a bounce houses rented for a party at residence would not be considered a commercial sign and would be considered a toy. Ms. Ryan said staff would not regulate bounce houses in residential areas as they would not be considered a sign and that bounce houses in a public park would require a permit from Parks and Recreation to assure the space is being used appropriately.

Comm. Klein referred to Attachment B, page 3, regarding "one bounce house" and confirmed with staff that two or more bounce houses would require a Use Permit to allow for a permanent use or for a period of time. **Comm. Klein** referred to Attachment B, page 4, and asked staff for a clarification regarding the hours of bounce house display shown. Staff commented that the times for bounce house

display would be corrected to read, "between the hours of 12:01 a.m. on Saturday to 11:59 p.m. on Sunday".

Chair Rowe opened the public hearing.

There were no public comments.

Chair Rowe closed the public hearing.

Comm. Klein moved for Alternative 2 to make changes to the ordinance language. He said the change would be to correct the hours in the ordinance under section 19.44.120, f.5.c to correct the hours accordingly. Vice Chair Chang seconded the motion.

Comm. Klein said that the ordinance changes would clarify some of the issues that the Planning Commission has faced in the past regarding bounce houses. He said this will help with the concept of a sign versus a bounce house. He said this should clarify what is normally allowed and when an applicant needs to apply for a Use Permit.

Vice Chair Chang said this is a good clarification and the amendments to the ordinance are timely with the holiday season coming up. He said he would be supporting the motion.

Comm. Hungerford offered a Friendly Amendment to add to section 19.44.020 a provision that makes it clear that bounce houses and large inflatable objects are considered to be temporary commercial signs. The Friendly Amendment was acceptable to the maker and seconder of the motion.

ACTION: Comm. Klein made a motion on 2008-0376 to recommend to City Council to adopt the ordinance language in Attachment B with modifications: to modify section 19.44.120, f.5.c changing the hours of bounce house display from 12:01 a.m. Saturday to 11:59 p.m. Sunday; and to add to section 19.44.020 a provision that bounce houses and large inflatable objects are considered to be temporary commercial signs. Vice Chair Chang seconded. Motion carried unanimously, 7-0.

APPEAL OPTIONS: This recommendation will be forwarded to City Council for consideration at the September 30, 2008 City Council meeting.