



**Draft for Planning Commission Review on  
September 8, 2008**

**Council Meeting: September 30, 2008**

**SUBJECT: 2008-0376 Amendments to Title 19 to Clarify Requirements for Bounce Houses. These Changes Implement the Policies 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.

**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. 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.

**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 proposed by staff.
2. Make 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.

"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.

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

(35) Large Inflatable Object. An object that is inflated with air and exceeds fourteen inches in any dimension when inflated. Large inflatable objects do not include "bounce houses."

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Deleted: A balloon or other

Deleted: 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:

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(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. 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.

Deleted: Large inflatable objects are allowed only for grand openings for a maximum of sixteen consecutive days.

(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;

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(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.

**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:

\_\_\_\_\_

\_\_\_\_\_

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City Clerk  
SEAL

Mayor

APPROVED AS TO FORM AND LEGALITY:

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David E. Kahn, City Attorney