



Agenda Item No. _____

File Code No. 640.02

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 15, 2011

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Sign Ordinance Revisions

RECOMMENDATION: That Council

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020, 22.70.030, and 22.70.040 of the Santa Barbara Municipal Code Relating to Sign Regulations; and
- B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending Sections 22.70.020, 22.70.030, and 22.70.040 of the Santa Barbara Municipal Code Relating to Sign Regulations for Digital Displays.

EXECUTIVE SUMMARY:

Certain provisions of the City's Sign Ordinance need to be updated to improve the public's understanding of the regulations and to address new sign technologies, such as digital display and projected light signs, which are not clearly defined or regulated. The majority of the proposed amendments would not modify staff's current interpretation or administrative practice for enforcement of the Sign Ordinance, but would simply clarify the regulations for the public and staff, and streamline enforcement efforts. The more substantive changes include expressly prohibiting inflatable signs and digital displays that present a message to the public or attract the public's attention. Recognizing a long-standing practice of realtors, staff recommends that temporary real estate "open house" signs be allowed in the public right-of-way under certain conditions. Given staff's concerns with the placement of objects in the public right-of-way without proper oversight and for periods often exceeding several months, staff recommends that temporary real estate "For Sale" signs continue to be prohibited in the public right-of-way.

The changes have been divided into two ordinances and two separate recommendations to allow separate discussion and Council action on the regulation of digital displays.

DISCUSSION:

On October 12 and November 9, 2010, the Ordinance Committee reviewed proposed amendments to Santa Barbara Municipal Code (SBMC) Chapter 22.70 (Sign Regulations). The Ordinance Committee forwarded the proposed amendments to Council for introduction and adoption with a request that staff include a prohibition on hand held signs or persons in costume who are attracting business for a commercial enterprise (e.g., a person dressed as a slice of pizza). They also directed staff to: 1) explore options for locating real estate "For Sale" signs in the public right-of-way; and, 2) explore options for including video devices into gas pumps. Correspondence received by the Ordinance Committee during their review is provided as an attachment to this report.

Background

The City recognizes that signs are an integral part of the cityscape and, as such, can detract from or enhance the City's image and character. The intent and purpose of the Sign Regulations are as follows:

"It is the intent of the City of Santa Barbara, through this ordinance, to protect and enhance the City's historic and residential character and its economic base through the provision of appropriate and aesthetic signing.... In view of these facts, the City of Santa Barbara adopts the policy that the sign should serve primarily to identify an establishment, organization or enterprise. As identification devices, signs must not subject the citizens of the City to excessive competition for their visual attention. As appropriate identification devices, signs must harmonize with the building, the neighborhood and other signs in the area."

With this purpose in mind, the City has a history of enforcing sign regulations and requiring Sign Committee approval, where necessary, to maintain the aesthetic quality of the City.

Sign Ordinance Revisions

The Sign Committee and staff have periodically identified issues with the enforceability of certain provisions of the Sign Ordinance. As a result, staff is proposing amendments to improve the public's understanding of the regulations in order to achieve voluntary compliance to a greater degree, update the ordinance to address new sign technology, and revise certain provisions to assist enforcement efforts.

The Sign Ordinance (SBMC Chapter 22.70) essentially has three categories of signs – Exempt, Prohibited, and those allowed subject to specific standards and review.

Exempt Signs (SBMC Section 22.70.030.B)

The Sign Ordinance currently allows 24 types of signs to be exempt from Sign Committee review, ranging from temporary construction signs to residential address signs, provided they meet certain requirements. Staff is proposing minor changes to these exempt signs, and adding one sub-category of exempt sign, as follows:

- Clarify that temporary holiday signage includes any related lighting, and that any signs or lights that require a building or electrical permit are not exempt and must be reviewed by the Sign Committee.
- Increase the maximum size of “for sale” or “for lease” signs from three square feet to four square feet.
- Expressly allow neon or LED “open” signs that meet certain standards outside of El Pueblo Viejo (EPV) Landmark District and, in EPV, such signs would be exempt only if located at least ten feet back from any window.
- Increase the number of allowed off-site “open house” signs from three to five.
- Allow temporary “open house” signs on public property, if placed in compliance with standards in the ordinance.
- Clarify that signage not required by law to be placed on gasoline pumps counts toward overall sign square footage allowed on the site, and is subject to review.
- Restrict the number of exempt flags allowed on each parcel to two.
- Clarify that temporary window signs shall not be illuminated.

The Sign Ordinance currently does not allow installation of signs on public property, including sidewalks and parkways, unless installed by a public agency. It is a long-standing practice of realtors to place temporary “open house” signs on street corners and sidewalks to direct people to a property. In recognition of this long-standing practice and limited staff resources to enforce this provision, staff proposes to allow up to five temporary “open house” signs on public property, in compliance with adopted standards for the safe placement of such signs.

Staff proposes to remove the reference to “gasoline pump” signage as an exempt sign in Section 22.70.030.B.15 to avoid confusion, as Section 22.70.030.B.20 already provides an exemption for signs specifically required by federal, state, or City law. California Business and Professions Code Section 13532 requires motor vehicle fuel establishments to advertise the price of fuel in numerals not less than six inches in height, the trademark or brand of the fuel, the word “gasoline,” and the grade designation of the fuel. These requirements would continue to be exempt from Sign Committee review and would not count toward the overall allowed signage on the property. The proposed change would make it clear that all other gas station signage is subject to review by the Sign Committee.

Prohibited Signs (SBMC Section 22.70.030.C)

The Sign Ordinance currently recognizes 24 types of signs that are prohibited in the City, ranging from banners to portable signs. Proposed changes to this category include:

- Expressly prohibiting inflatable signs.
- Clarifying that banners strung within ten feet of an open bay for the purpose of addressing the public are prohibited along with all other banners on the outside of buildings.
- Adding a prohibition of digital displays that allow video, moving pictures, or changing lighted copy.
- Continuing to prohibit “For Sale” signs in the public right-of-way

The Sign Ordinance currently prohibits signs that “rotate, move, glare, flash, change, reflect, blink or appear to do any of the foregoing...” For many years, staff has cited this prohibition when enforcing on balloons, as they are intentionally meant to attract attention by moving and rotating. However, for clarity in enforcement, staff proposes prohibiting inflatable signs including balloons. Staff considered the Ordinance Committee request to prohibit hand-held signs, including a person dressed in costume or wearing a sandwich board. After reviewing the current state of the law regarding sign regulation, and given the lack of a current problem with such signs in the City, staff recommends a wait-and-see approach. The primary difficulty with regulating such signs is crafting a regulation that does not make distinctions based on the content of the message.

Increasingly, staff has observed large banners being hung inside buildings so that the banners are visible through open bays (typically auto service repair bays or warehouses). In general, the City’s Sign Ordinance does not regulate signs inside buildings. However, the Sign Ordinance does regulate window signs that are hung inside buildings within four feet of a window or within the window display area. Businesses with open bays have taken advantage of the limited scope of the Sign Ordinance and have placed their banners just outside the reach of the regulations. However, these large banners are clearly designed to communicate to the general public and are very visible. Staff proposes revising the prohibition on banners, so that a banner hung within ten feet of an open bay or window in a manner so as to communicate to the public would be prohibited along with all other exterior banners.

The Ordinance Committee asked staff to explore options for locating temporary real estate “For Sale” signs in the public right-of-way. After further discussions with representatives from Public Works and Risk Management, staff continues to have safety and liability concerns with placing objects in the public parkway without any oversight, and recommends that “For Sale” signs remain prohibited in the public right-of-way, along with all other signs. Any object not thoughtfully placed in the right-of-way could present traffic safety issues. In addition, staff must be able to verify that a contractor working on public property has adequate insurance coverage, including an indemnification clause to protect the City against liability claims. Staff also needs assurances that public utilities would not

be impacted by the placement of an 8" to 10" stake in the ground to mount the sign and that the parkway strip would be returned to its original state once the temporary sign is removed.

General Requirements and Sign Standards

Due to new technology, signs may now include digital display and audio, electronic message boards, signs that are projected from a light source onto another surface, and mobile billboard signs, to name a few. The introduction of these types of signs, if unregulated, may have an overall negative impact on the character of the City. In order to stay current with new technology, staff proposes adding language to the definition of a sign to include "projection of light, digital display, or open flame." Staff also proposes new definitions of "digital display," "illuminated sign" and "projected light sign."

The Ordinance Committee asked staff to explore options for integrating video devices (i.e., digital signs) into gasoline pumps. This type of sign is currently prohibited, as it moves, flashes, changes, reflects, etc. Staff recommends that this type of sign remain prohibited, and be listed explicitly as such, as they would detract from the aesthetic quality of Santa Barbara and be in direct conflict with the intent of the Sign Regulations in that signs "should serve primarily to identify an establishment, organization or enterprise. As identification devices, signs must not subject the citizens of the City to excessive competition for their visual attention." In addition, the specific video device discussed at the November 9, 2010 Ordinance Committee meeting includes audio, which contributes to overall noise levels at these sites and beyond, as many of these devices can be heard from the public sidewalk and within a vehicle stopped at an adjacent intersection. Ultimately, the Ordinance Committee was not able to reach a consensus either in favor of allowing video display signs on gas pumps under certain criteria, or to prohibit them entirely.

The Ordinance Committee suggested this type of sign could be permissible if the standards for review required the signs to be neither visible nor audible from adjacent public sidewalks and streets. Staff has observed that the existing video display installations do not meet those standards and are particularly visible at night. The City Attorney's office has also advised that, as a practical matter, making a distinction for digital signs based on their volume levels at a property line would not be an enforceable or appropriate distinction to attempt to draft into the Sign Ordinance.

Businesses are also introducing lighting (e.g., neon tubing, rope lights) within their window display areas to draw attention to their property and products. This method of illumination can have the same detrimental aesthetic effect as exterior lighting or a sign out of character with the historic nature of the EPV Landmark District. While any exterior change in EPV requires review by the Historic Landmarks Commission (HLC), these interior displays have gone unregulated to date. Staff proposes expressly stating that such lights located within ten feet of a window are not allowed in EPV.

BUDGET IMPACT:

No significant expenditures are required to implement these revisions. Sign Ordinance clarifications will increase efficiencies in sign enforcement, which is helpful given recent reductions in Planning Division staffing levels dedicated to the enforcement program.

ATTACHMENT: Correspondence received by the Ordinance Committee

PREPARED BY: Renee Brooke, Zoning & Enforcement Supervisor

SUBMITTED BY: Paul Casey, Assistant City Administrator/ Community Development Director

APPROVED BY: City Administrator's Office



City of Santa Barbara
Community Development Department

ATTACHMENT

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Planning

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Rental Housing

Mediation Task Force
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Fax: 805.564.5477

630 Garden Street
PO Box 1990
Santa Barbara, CA
93102-1990

October 27, 2010

TO: City Council, Ordinance Committee Chair
City Council Ordinance Committee

SUBJECT: Proposal for Amendments to Sign Regulations

Dear Ordinance Committee Members:

On behalf of the Historic Landmarks Commission (HLC), I am forwarding the unanimous support of the Commission for the proposed Sign Ordinance amendments. These amendments, intended to strengthen sign enforcement related to nuisance lighting and the installation of LCD display monitors, have been described by Mr. Limon and discussed in committee at our last meeting

As a Commission, we felt it was important to convey to the Ordinance Committee our sentiments regarding the installation of these types of signs or devices. As described and as evidenced in current installations, they are intended primarily as a form of advertising and would detract from the ambiance of the City. Commissioners specifically expressed serious concerns regarding the potential visual and sound impacts particularly during evening hours as related to the LCD monitors that may be placed at exterior locations throughout the City.

The Commission also understands that these monitors are being touted as beneficial for displaying public service announcements and emergency information. The Commission believes there are other methods and ways to provide emergency broadcast information when necessary instead of utilizing these ubiquitous methods.

Although all exterior alterations are regulated by ordinance in El Pueblo Viejo, these types of lighting and sound-producing devices are often placed without any approvals from the various agencies. It is important the City enforcement staff have the necessary tools in place to identify these installations as signs, and for the City to maintain its philosophy of the importance of oversight.

In summary, the HLC does not believe the public benefit argument is sufficient to allow these types of sign, lighting, and sound installations in El Pueblo Viejo, which go beyond the intended purpose of signage and suggest advertising. We respectfully ask that you support all the proposed sign ordinance amendments.

Sincerely,

Susette Naylor, Chair
Historic Landmarks Commission

October 29, 2010

To: City Council Bendy White, Ordinance Committee Chair
City Council ordinance Committee

RE: Proposal for Amendments to the Sign Ordinance

Dear Ordinance Committee members,

On behalf of the Architectural Board of Review I am forwarding the unanimous support of the Board for the proposed Sign Ordinance amendments. We were given a presentation by Jaime Limon and reviewed the draft document with the proposed amendments. The amendments are intended to strengthen sign enforcement related to new and emerging technologies in signage. These signage technologies include lighting and sound technologies that can be used in static and projected installations.

As the Sign Committee directly falls under our Board's oversight, we feel it important for your committee to know that these proposed amendments have the full support of our board.

Members of our board have individually experienced existing sign installations outside the City that have greatly diminished the community ambiance surrounding these installations. Some of these advertising technologies show potential to have a very negative impact on any community as they are able to reach and affect people at ever increasing distances.

The Board understands that these technologies are being touted as beneficial for displaying public service announcements and emergency information, however it is the Board's belief that there many methods and ways to provide those necessary services and that the important element is to have regulatory oversight for the City to determine what is appropriate and acceptable in our community.

The Board feels that the regulation of these new and emerging types of signage technology does not result in loss of public benefit as they will still be available to be proposed and utilized, but with overall public and surrounding community benefit in mind, and as such we respectfully ask that you support all the proposed sign ordinance amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Manson-Hing". The signature is written in a cursive, flowing style with a period at the end.

Christopher Manson-Hing AIA, Chair
Architectural Board of review

STELLA LARSON

626 Litchfield Lane Santa Barbara CA 93109

stellalarson@cox.net

November 7, 2010

Mayor Schneider and City Council

RE: Mesa Fuel Depot Application, 1929 Cliff Drive, Santa Barbara 93109

Dear Mayor and Council:

I am writing this letter to object to the addition of any additional sound, amplified in particular, to the gas station. When this application came before the Planning Commission for the addition of a car wash, the Planning Commission was most specific and particular with concerns to noise. The Planning Commission directed the applicant to provide improvements to the property adjacent and behind to mitigate the effects of the car wash addition. Cliff Drive has a narrow area of commercial on either side with residential in very close proximity. In addition to this, it shares the particular situation of the conduction of noise to the Alta Mesa, not far away from Cliff "as the crow flies."

Recently Jan Hubbell and I took a road trip through the southwestern US. During this trip we had occasion to fuel at a chain of stations with the Grant's brand. These stations had audio, and it was not acceptable. The audio included some advertising for non profit purposes, but as I pumped our gas, I really felt more like complaining to the non profits rather than contributing to them.

Gas stations are for pumping gas. The non amplified advertising of the price of gas, of the mini mart and the car wash is appropriate. Adding amplified sound to further advertise is unnecessary and unwarranted.

Yes, the encouraging words to the runners in the recent marathon, were audible on the West Alta Mesa, as are the backup beeps of the trash collection, the parking lot cleaning, and occasionally the patrons of Cliff's and Co., a small restaurant with outdoor dining near the Mesa Fuel Depot.

Very truly yours,



Stella Larson



Santa Barbara Association of REALTORS®

November 9, 2010

Councilmember Bendy White
Councilmember Frank Hotchkiss
Councilmember Grant House
City Hall
De la Guerra Plaza
PO Box 1990
Santa Barbara, CA 93102

RE: Sign Ordinance Revisions

Dear Councilmembers,

The Santa Barbara Association of REALTORS® (SBAOR) commends City staff, in particularly Bettie Weiss and Renee Brooke, for working with us so diligently on the Sign Ordinance Revisions. The changes proposed reflect an ordinance that works for the City, REALTORS®, and property owners.

The remaining issue that SBAOR would like to bring to your attention is the placement of the "For Sale" signs. Currently the proposed ordinance change states:

67. A temporary **real estate** sign which indicates that the property is for sale, rent or lease. Only one such sign is allowed on each street frontage of the property. Such a sign may be single- or double-faced and is limited to ~~three (3)~~four (4) square feet or less on property in residential zones and twelve (12) square feet or less on property in nonresidential zones and shall not exceed the height limitations of a ground sign (**six feet (6')**).

In many instances within the City of Santa Barbara, the placement of the "For Sale" sign is an issue. Many properties have fences, trees, bushes, or hedges up to the sidewalk which makes it infeasible to place a "For Sale" sign on the property. SBAOR requests that these "For Sale" signs be placed within the exemption section of the ordinance following the standards specified in Section 22.70.030.B.15. Attached are examples of properties around the City that are unable to place a "For Sale" sign on their property.

Staff has voiced concern over having the "For Sale" signs placed in the right-of-way (ROW) because they are concerned about what other types of signs they may have to allow within the ROW. As is noted through the sign ordinance revisions, real estate signs are temporary and they have a very specific purpose. By having a "For Sale" sign, the property owner is able to inform the community of the availability of a "For Sale" property. Without this sign, it is extremely difficult to sell the home therefore leaving it on the market for a longer period of time and creating a financial burden to the seller.

Thank you for all of the hard work by staff and thank you for taking our recommendation under consideration.

Sincerely,

Elaine Abercrombie
President

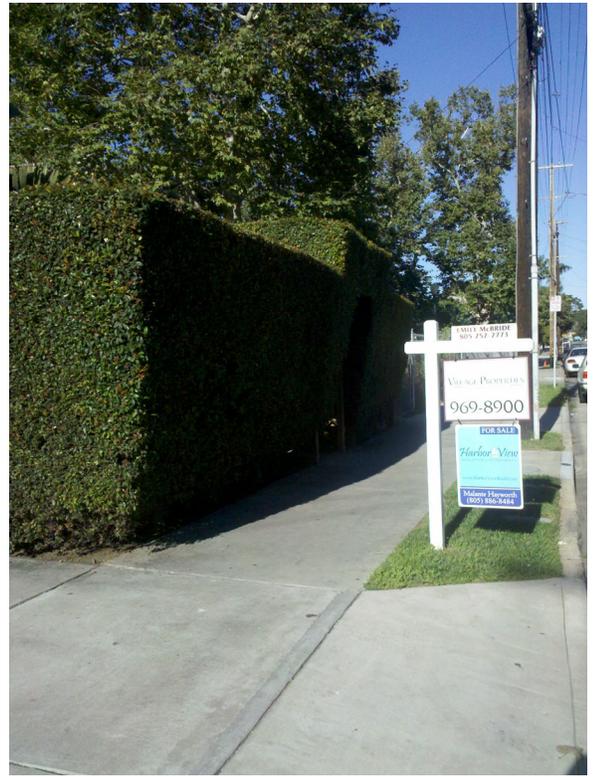
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Pedregosa at Laguna



Cota and Bath

Westside Properties



Westside Properties (cont.)

