

PLANNING & REDEVELOPMENT STAFF REPORT

DESIGN COMMITTEE MEETING November 15, 2007

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ITEM III-A:

SIGN ORDINANCE UPDATE - FILE 2007PL-037 (PROJECT OA-000010)

**REQUEST** 

Based on the direction provided by the Design Committee at the March workshop, the Planning & Redevelopment Department has prepared revisions to the Sign Ordinance for Design Committee review. Staff requests that the Design Committee review the draft Sign Ordinance and forward a recommendation to the City Council.

Applicant - City of Roseville, Planning & Redevelopment Department

SUMMARY RECOMMENDATION

The Planning & Redevelopment Department recommends that the Design Committee take the following action:

 Recommend that the City Council repeal the existing Sign Ordinance and adopt the proposed Sign Ordinance.

**BACKGROUND** 

At the beginning of the year, staff initiated an administrative "clean-up" of the City's Sign Ordinance. The existing Ordinance has been in place since 1986, and has been amended over time to address various situations. These previous amendments have caused various sections of the Ordinance to be modified, removed, or added, which impacts the "readability" and user-friendliness of the Ordinance.

With the administrative clean-up, Planning staff also proposes to make minor changes to sign standards, such as the addition of wall sign standards for corporate center buildings (consistent with Council

direction) and large footprint ("big box") users adjacent to Highways 65 and 80. Other changes in the proposed ordinance include:

- Implement administrative updates (re-formatting, correcting typographical errors, etc.)
- Clarify, expand, and add definitions
- Update graphics to clarify standards and to enhance "user friendliness"
- Establish criteria for wall signs for buildings exceeding three stories in Corporate Centers
- Establish standards for large footprint users adjacent to Interstate 80 and Highway 65
- Establish standards for signs at farmers markets
- Simplify the Planned Sign Permit Program process for signs in building complexes
- Create a process for an administrative Sign Exception in lieu of a Sign Variance
- Update to reflect recent legislation and case law
- Create a proprietary chapter to regulate signs on City property

# PUBLIC OUTREACH

The Design Committee held a public workshop on March 15, 2007 to solicit feedback on proposed changes to the Sign Ordinance. Staff mailed approximately 160 invitations to members of the sign, architectural, and business community to participate in the workshop. The community at large was also invited to attend the workshop and provide comments. Approximately six interested individuals attended.

Staff also made presentations to the Chamber's Economic Development and Local Government Committees and the Placer County Board of Realtors in April. Both meetings were well attended. No significant concerns were raised by either groups, and questions focused primarily on the proposed revisions to the banner sign and real estate sign regulations.

Staff made an informational presentation of the changes to the Planning Commission in August. The draft ordinance was released for a 30-day public review on October 15<sup>th</sup> and was posted in the public libraries, the City Clerk's Office, and on the City's website. Staff also mailed public hearing notices to the two known mobile billboard companies operating within the City limits. To date, no comments on the draft Ordinance have been received.

# THE SIGN ORDINANCE

The Sign Ordinance was originally adopted in 1969, and was overhauled in 1986. There have been various amendments since the 1986 overhaul to address different or unique situations. Most notably, these amendments included provisions for the Roseville Auto Mall signs, Historic District signs, temporary banners, the inflatable Snoopy balloon at the grand opening of the Roseville Galleria, and, most recently, programmable electric signs.

The goal of this Sign Ordinance update was to make minor changes to the document. In its current form, the Sign Ordinance has been working well for the City and business community. Given Roseville's historically successful economic climate, the Design Committee felt that a major overhaul of the Ordinance was not necessary or warranted. Based on the direction provided by the Design Committee at the workshop, the following changes have been incorporated into the document:

# Chapter 17.06.130(C)(2) – Increased Wall Sign Area for Freeway-Fronting Large Footprint Commercial and Office Users

The City has processed a number of Sign Variance requests for large floor plate users with freeway frontage, including Wal-Mart, Target, Lowe's, Sam's Club, Home Depot, Fry's, Toy's R Us/Costco, and Highland Pointe (AKA Panatonni buildings). In approving these Variance requests, the Design

Committee has concluded that additional wall sign area was reasonable and appropriate based on the location of the users (adjacent to Interstate 80 and State Route 65) and the size of the structures involved (100,000 s.f. and larger).

Rather than continue to process Sign Variances, the Design Committee directed staff to modify the Ordinance to include wall



sign standards for these uses. Based on precedent established through past Variance approvals, the Design Committee directed that the wall sign area allowed for these large floor plate users be increased to 300 square feet per building. The increased sign area would only be permitted for buildings that directly front onto Interstate 80 or Highway 65, and have a floor area exceeding 100,000 square feet.

Fairway Drive Home Denot

# Chapter 17.06.220 – Wall Signs for Building Complexes

#### **Background**

At the March 2007 workshop, several of the participants expressed a desire to create criteria that would address newer shopping center design that places in-line retail buildings at the back of the landscape corridor along streets. The current Ordinance permits a "freestanding pad building" with one tenant to have three wall signs; two or more tenants are permitted two wall signs each. By



definition, a freestanding pad building is a building in a complex not attached to a major tenant. That standard is fairly straight forward, has been working well, and is not proposed for change.

#### Issue

The difficulty is with smaller commercial sites that do not have a "major" tenant (having a floor area of over 40,000 square feet, or occupying more than 50% of the total floor area of the center). By definition, the buildings within these projects are considered neither freestanding pads nor major tenants. As such, they are permitted one wall sign each (corner tenants are permitted two). This standard was intended to address the "in-line" retail tenants attached to a major tenant (e.g., grocery store) in the traditional "L"-shaped strip center. These are the projects that commonly put their back to the rear property line where signage is not needed.

#### Approach

Staff looked into possible solutions to address signage needs for buildings backed up to the landscape corridor. The difficulty is creating standards to address multiple designs and building types without adding to the complexity of the Ordinance, creating unintended consequences, and making it more difficult to interpret or administer. In the past, these situations have been resolved through the Variance process, as it could be demonstrated that the project design resulted in a unique circumstance that warranted deviation from the Ordinance requirements. Rather than allow more signage by right (which would apply citywide), staff believes that the new Exception process (see Page 8) will provide enough flexibility to consider these unique situations on a case-by-case basis. As explained on page 8, the Exception process will replace the Variance

and public hearing process with an Administrative level of approval. This approach allows case-by-case review of each unique situation, and maintains the goal of the Sign Ordinance in reducing visual clutter and maintaining equity among sign users.

## Chapter 17.06, Article 2.5 — Corporate Center Office Buildings (4+ Stories)

A component of the City's recently adopted Economic Development Strategy is to designate corporate center locations in Roseville along Interstate 80, State Route 65 and major arterials for future multi-story office development. In response to this strategy, the City Council formed the Blue Ribbon Corporate Center Committee (BRCC), consisting of eight members



comprised of two councilmembers, representatives from the Transportation, Planning and Public Utilities Commissions, and three at-large appointees. One of the recommendations of the BRCC was to establish sign standards that allow increased wall sign area for taller corporate center buildings. The Committee did not specify an appropriate amount of wall sign area.

The Design Committee has taken action on Sign Variance requests for the four-story Panattoni office buildings, and more recently, the five story Stone Point office towers. Based on the precedent established with these approvals, the Design Committee directed staff to incorporate the following standards for corporate center buildings:

- Up to 3 floors would be allowed 200 square feet (no change from current standard),
- Four stories would be allowed 300 square feet, and
- Five stories or greater would be allowed 500 square feet (maximum).

On-site directional signage commonly associated with large office complexes and corporate centers is already provided by the current ordinance; no change in directional sign standards is recommended at this time. Other unique signage needs for corporate centers can be considered through the exception process.

At the public workshop in March, staff had suggested considering this wall sign standard for all office buildings over three stories. However, in keeping with the direction of the City Council, staff is recommending this standard for only those buildings located within Corporate Centers as defined by the proposed Zoning Ordinance updates and sites identified on the Corporate Center map adopted with the BRCC's report. Staff believes that an increase in wall sign area commensurate to number of floors is an appropriate standard for Corporate Centers, as taller buildings and larger campuses require larger signs to be legible from the street and parking lot level. Note that office buildings 100,000 square feet or larger and directly adjacent to freeways would still be entitled additional wall sign area under the revised criteria for large footprint users, regardless of Corporate Center site status.

# Chapter 17.06, Article 9 – Temporary Banner Signs

### Background

In 2002, the Sign Ordinance was amended in response to Council direction to revisit the then-current standards pertaining to "temporary special event signs" (banners). Prior to 2002, the Sign Ordinance permitted a maximum of three temporary signs per use, not exceeding a cumulative total of 80 square feet, 30 days per year and required business owners to obtain a "no-fee permit" from the City. Representatives from the Roseville Chamber of Commerce and other local business owners indicated that the provisions in effect at the time did not allow local businesses to effectively advertise special events. The focus of their concerns at the time is summarized as follows:

- The duration for posting a sign at 30 days per year was too short;
- > The square footage allowed was not equitable for larger businesses and should have an adjustable scale based on the building frontage; and,
- > It was an inconvenience to the business owner to go through this additional process and the paperwork associated with it.

Staff's concerns with the provisions at that time was the difficulty in keeping track of permitted temporary signs versus those which had not obtained a permit, and the number of signs allowed per business. Those issues made enforcement of these temporary signs difficult at best. In response to the needs of the business community and in recognition of administrative difficulties, the Ordinance was amended to allow the continuous display of one (1) banner sign per business, the size of which ranged from 60 square feet to 120 square feet, depending on building or tenant space frontage.

#### **Current Direction**

At the March 2007 workshop, the Design Committee directed staff to re-visit the ordinance section pertaining to temporary banner signs. The Committee and other workshop participants expressed concern with the current policy of allowing banners for an indefinite period of time (as adopted in 2002). Concerns expressed with the current provisions were:

- The policy is resulting in a proliferation of banner signs throughout building complexes and city;
- > "Permanent" banner signs have become de-facto second wall signs (which are often not permitted, depending on the circumstance);
- > The banners are not architecturally compatible and are detracting from the architectural quality of well-designed centers; and,
- Roseville is the only community in the region with no durational limits on banner sign display.

As a result of participant input and Committee discussion, the Design Committee directed staff to explore the feasibility of reinstituting durational restrictions on the display of temporary banners.

#### Approach

In response to the unanimous Design Committee direction, staff has drafted the Ordinance to restrict the display of temporary banners as follows:

Standard	Existing Code	Proposed Code
Number of Events per year	Continuous	Four
Duration of Sign Display	Continuous	Two Week Events
		(2 events may be combined for a
		continuous display period of four weeks)
Number of Signs Allowed	One sign	Unchanged
Maximum Sign Area	<ul> <li>Buildings or tenant space less than 50 linear feet of frontage are allowed 60 s.f.</li> <li>Buildings or tenant space less than 100 linear feet of frontage are allowed 80 s.f.</li> <li>Buildings or tenant space having more than 100 linear feet of frontage are allowed 120 s.f.</li> </ul>	Unchanged
Permits Required	No permit required when meeting standards	Permit Required

Staff remains concerned with the staff resources necessary to enforce the proposed banner sign criteria. The existing Ordinance exempts these signs from permit requirements, which eliminates the need for Permit Center staff time. The current provisions also make it easier for Code Enforcement staff to conduct "drive-by" inspections to identify signs that appear to be out of compliance with size requirements or are in a state of disrepair. There is no need under the current provisions for Code Enforcement staff to know whether a banner sign has been permitted.

The Building Division indicates that its current Code Enforcement staffing levels are determined by existing enforcement efforts. The Building Division indicates that the level of staff time necessary to enforce these provisions would require the allocation of at least one additional full time inspector. The fiscal impact of increased staffing levels versus the benefit of additional banner sign enforcement would ultimately need to be weighed by the City Council.

#### Other Options

Another option to address the banner sign issue would be to limit the area of a building to which banner signs may be attached. A common theme in the workshop participants' comments was that banners were being indiscriminately attached to buildings, particularly on the back and side of retail buildings facing a street, which was impacting the visual appearance of the buildings and shopping centers.

One possible solution to this design issue would be to continue to allow continuous banner display, but limit the display to the building façade containing the primary entrance (i.e., over the front door), and no longer allow banners to be attached to freestanding signs, fences, walls, and the non-accessible sides of buildings. This approach would help address the aesthetic concerns associated with the current banner policy, while maintaining flexibility for business owners and avoiding the burden of a permit. This would also allow Code Enforcement staff to continue with their proactive banner enforcement efforts, which relies primarily on visual inspection.

#### Chapter 17.10.230 – Farmer's Market Signs

The existing Sign Ordinance does not provide standards for signs located on a parcel with a farmer's market. The proposed Ordinance allows for signs for farmer's markets and the individual vendors who sell there. Each farmer's market is allowed two signs (each not exceeding 60 square feet) oriented to the public right-of-way. These signs are to advertise the entire market (e.g. "Foothill Farmers Market").

In addition, each seller is allowed one sign that can be attached to their booth or table. These signs can be a maximum of four square feet.

# Chapter 17.08, Article 2 - Planned Sign Permit Programs

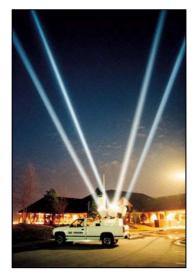
The existing Sign Ordinance contains standards for "individual uses" and "building complexes." A building complex is defined as a "development of four or more buildings, tenants, or uses intended to function in a joint manner, regardless of sequence of buildout" (RMC 17.04.060). In order to ensure consistency of signage within building complexes, the Sign Ordinance requires review and approval by the City of a Planned Sign Permit Program (PSPP). The PSPP identifies acceptable materials, colors, font style, maximum letter height and other pertinent criteria established by the landowner that is intended to ensure consistency and architectural compatibility of signage within a complex.

While PSPPs are necessary to ensure orderly and attractive sign development, the process for approval can often be cumbersome for applicants and requires a significant commitment of staff resources. Staff has found that the majority of staff time spent on PSPPs is devoted to modifications of existing sign programs. These modifications are typically minor in nature, yet require preparation of public notices and staff reports.

A goal of the Sign Ordinance update was to simplify the PSPP permitting process, but not eliminate it in its entirety. The Design Committee directed staff to research possible ways to maintain the intent of the PSPP review, while also streamlining the process. After further research, staff recommends requiring approvals for initial PSPP submittals, but permiting over-the-counter approvals of "minor" modifications to PSPPs. Minor modifications could include changes in copy type, return and face color, method of illumination, and increases or decreases in allowed area or height (provided the change complies with underlying Sign Ordinance standards). The design standards established in PSPPs are determined by the landlord in an effort to enhance the visual appearance of a center, and are often more restrictive than Sign Ordinance requirements. This approach will ensure that the City has an opportunity, up front, to review building complex signage for consistency with ordinance requirements, while reducing the burden on landowners for subsequent minor revisions.

#### Additional Prohibited Signs

For the past several years, Planning Department and Code Enforcement staff has received numerous complaints regarding searchlights, particularly in commercial centers adjacent to residential neighborhoods. Searchlights have proliferated in the City in recent years. During the spring of 2007, staff observed on any given weekend night three to four searchlights operating simultaneously within the City. The searchlights result in off-site glare and visual clutter, which is contrary to the objectives of the Sign Ordinance and Community Design Guidelines, disrupts the night sky, and often results in lighting impacts to residents. The proposed Ordinance would allow for searchlights to be used by a business for two (2) weeks surrounding a grand opening event. Any other use of searchlights (except



for law enforcement and public safety activities) would be prohibited. Note that enforcing a prohibition of searchlights presents administrative difficulties for the City, since searchlights operate at night after normal City business hours. The intent of the prohibition is to curb the proliferation of searchlights; enforcement would continue to be initiated on a complaint basis.

# Chapter 17.12.010(H) - Mobile Billboards

Another common complaint concerns "mobile billboards," or vehicles that are designed with static or rotating message boards that drive throughout the City with the sole purpose of advertising the products and services of paying customers. The common complaint is that the mobile billboards present a traffic safety hazard, as drivers focus on the advertisement displayed, rather than the road. Staff has researched this issue from a traffic safety standpoint and has found no conclusive evidence to support this argument.



Notwithstanding the traffic safety concern, proliferation of mobile billboards is likely to have negative aesthetic impacts contrary to the goals of the Sign Ordinance. Lastly, mobile billboards are often the same size and serve the same purpose as traditional roadside billboards, which the City has chosen in the past not to allow. Consistent with the Design Committee direction at the workshop, staff has added mobile billboards to the list of prohibited signs.

The Committee should note that similar to searchlights, mobile billboards also present administrative enforcement difficulties, as these signs are constantly mobile and Code Enforcement staff are not

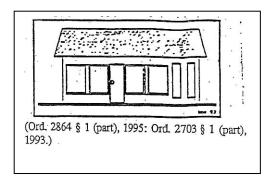
authorized to make vehicle stops. Mobile billboards could be cited in two ways. Roseville Police could make a traffic stop to issue a citation or Code Enforcement could write down license numbers and issue citations through the mail.

# Clarify and Expand Definitions / Add Graphics

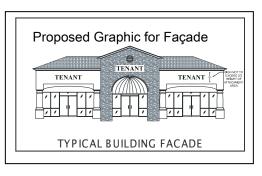
Another goal of the Ordinance update was to make the Ordinance easier to read and administer. A critical component of ease of use is how terms and standards are applied. A number of new definitions were included in the proposed Ordinance to clarify interpretations and address legal concerns in the current document. The new definitions are:

- "Advertising for hire" (17.04.020)
- "Billboard" (17.04.070)
- "Commercial message" (17.04.165)
- "Corporate Center" (17.04.180)
- "Establishment" (17.04.240)
- "Flag" (17.04.260)
- "General advertising" (17.04.310)
- "Mobile billboard" (17.04.430)
- "Non-commercial sign" (17.04.460)
- "Premises" (17.04.540)
- "Searchlight" (17.04.640)
- "Sign exception" (17.04.660)

In addition to new and expanded definitions, the graphics intended to clarify particular definitions and standards updated using current CAD capabilities. Updating the graphics is one of the strategies for creating a more user-ordinance for the community to understand, and staff to administer.



Existing Graphic for Façade



were

friendly

# Chapter 17.08.410 - Sign Exceptions

In keeping with the Design Committee's direction, the updated Sign Ordinance replaces the existing Sign Variance process with a new Sign Exception process. The legal findings for a variance require that the

particular *parcel* is different from the others to which the regulation applies due to its size, shape, topography, location, or surroundings. Often the reasons for a Sign Variance request are tied to the use rather than a physical aspect of the parcel. Due to this difference, the findings for a Variance are often not applicable to signs, and making the required findings is often difficult in those cases that warrant relief from Ordinance standards.

The proposed Sign Exception process would be similar to the Administrative Permit process which is typically approved by the Planning Director following public notice. The Director has the discretion to refer any application to the Design Committee; appeals of the Design Committee's decision would be referred to the City Council. The proposed Sign Exception process allows for findings that are specifically applicable to signs and sign issues.

The findings for the current Sign Variance are:

- There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or signs involved which do not generally apply to other land, buildings, or signs in the neighborhood.
- 2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.
- The granting of the application will not materially and adversely affect the health, safety, or welfare of persons in the neighborhood, nor be materially detrimental or injurious to property or improvements in the neighborhood.

The proposed findings for a Sign Exception are:

- 1. The requested sign is consistent with the purpose and intent of this Title.
- 2. The requested signs are in harmony with the individual building, and visually related to the buildings within a planned sign permit program and the surrounding development
- 3. The requested signs are consistent with the adopted Specific Plan sign guidelines for the applicable specific plan or other applicable regulations in which it is located.
- 4. There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, uses, or signs involved which do not generally apply to other land, buildings, uses, or signs in the neighborhood.

As noted above, staff believes the proposed findings are more applicable to the aesthetic considerations associated with signage. Further, the revised findings are more in line with the evaluation criteria contained in the Sign Ordinance.

## Consistency With State Statute and Case Law Decisions

As part of the Sign Ordinance update, the City Attorney's Office reviewed recent legislation and case law regarding signs and made recommendations for updates as necessary. As part of this legal review three new sections were added to the "adoption" section of the Sign Ordinance (Chapter 17.02). Changes were also made to create a section titled "temporary non-commercial signs" to replace the existing temporary political signs provisions. Modifications were also made to the off-site subdivision sign section. These changes are further detailed below.

# • 17.02 – Adoption of sign regulations

The changes proposed to the adoption section include the addition of a severability clause, a message substitution clause, and a section on basic policies for sign regulation. The severability clause maintains the enforceability of the remainder of the ordinance if a portion is deemed invalid. This is a common provision in most ordinances. Constitutional law necessitates the inclusion of a "message substitution clause," which allows for a non-commercial message to be substituted, in whole or in part, for any commercial message. The "basic policies" section discusses the regulatory scope and general policies of the ordinance.

### • 17.10.180 - Temporary non-commercial signs

The City Attorney's Office determined that the current Sign Ordinance would not withstand a constitutional challenge in regards to temporary non-commercial signs. The current ordinance defines these signs as "temporary political signs" and limits their use to the period immediately surrounding elections. The existing Ordinance does not allow for non-political, non-commercial speech. Non-commercial messages are those that relate to debatable matters of public concern, such as advocacy on politics, religion, arts, science, philosophy, commentary on governmental policy, etc. The revised Ordinance addresses this issue by renaming this section "temporary non-commercial signs" and allowing for these types of signs to be displayed year-round, subject to restrictions.

As proposed by the revised Sign Ordinance, six square feet of signs are allowed on a single parcel at any given time. However, ninety (90) days prior to and ten (10) days following an election, the allowable square footage increases to 128 square feet. The revised Ordinance also removes the requirement for a deposit to the City before placing any temporary non-commercial signs. This requirement was constitutionally questionable and is no longer necessary due to the administrative enforcement remedies (i.e. citations) adopted by the City in 2001. These administrative remedies were not available when the original "temporary political sign" section was drafted. The temporary non-commercial sign section maintains the intent of the current political sign provisions of the Ordinance (preventing proliferation of temporary signs) and allows constitutionally protected free speech, within certain limits, outside of election season.

## • 17.06.620 - Off-site subdivision sign regulations

The current ordinance requires that off-site subdivision signs be located on vacant property. State of California Civil Code §713 prohibits the City from differentiating between vacant and non-vacant properties in regards to real estate signs. While the new Ordinance allows for off-site subdivision signs located on occupied property, the area of the off-site subdivision sign counts as part of the allowable freestanding sign area for the occupied parcel. In other words, a parcel is generally allowed 150 square feet of freestanding sign area. If said parcel used 100 square feet of the allowable area, only 50 square feet would remain available for use by the off-site subdivision sign. This approach complies with the intent of Civil Code §713 by allowing off-site subdivision signs, while limiting the visual clutter resulting from them, consistent with the goals of the Sign Ordinance.

## Chapter 17.17 - Proprietary Chapter

This update to the Sign Ordinance includes the creation of a "proprietary chapter." This chapter applies only to signs that are located on public property. By separating these requirements from the requirements of signs on private property, the City maintains better control of the content of signs allowed on its property. All regulations relating to signs on public property or in the public right-of-way are now located in this chapter of the ordinance.

Some areas of public property are considered "traditional public forums." In these traditional public forums the City is required by law to allow non-commercial speech (such as picketers or other forms of civil protest or expression). These forums include the sidewalk system, streets in the City, City Parks, and the area surrounding public buildings. Other areas of public property are not considered traditional

public forums including but not limited to: interiors of buildings and properties, light and electric poles, buses, hydrants, bridges, and benches. In these non-traditional public forums the proprietary chapter allows the City to prohibit signs or control message content without impeding free speech.

## CONCLUSION

The revisions incorporate the changes and direction provided by the Design Committee at the March 2007 workshop. These proposed revisions strengthen the legal defensibility of the Ordinance while accomplishing the intent and purpose of the Sign Ordinance of encouraging a desirable urban character, preserving the appearance of the City, eliminating dangerous, distracting, or dangerous signs, promoting commerce, providing fair and equal treatment of sign users, and promoting ease of administration.

## RECOMMENDATION

While the substantive content of the Ordinance has not changed significantly, the Ordinance has undergone extensive reorganization, renumbering, and formatting. In the interest of clarity, Planning and City Attorney staff recommends that the existing Sign Ordinance be repealed in its entirety and replaced by the revised Ordinance. Therefore, staff recommends that the Design Committee take the following action:

a) Recommend that the City Council repeal the existing Sign Ordinance and adopt the proposed Sign Ordinance.

#### **ATTACHMENTS**

- 1. Current Sign Ordinance
- 2. Proposed Sign Ordinance