



CITY OF IONE CITY COUNCIL STAFF REPORT



FOR THE MEETING OF: NOVEMBER 12, 2008

DATE: NOVEMBER 7, 2008
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: CHRISTOPHER JORDAN, AICP, CITY PLANNER
SUBJECT: SIGN REGULATIONS FOR THE CITY OF IONE

RECOMMENDED ACTION:

Staff recommends that City Council and Planning Commission:

1. Review and consider the information on sign regulations and receive staff's presentation;
2. Take public comment; and
3. Provide direction to staff on the types of sign regulations to create as part of the Zoning Code Update.

BACKGROUND:

As authorized by the City Council in June 2008, staff is working on a comprehensive update to the City's zoning regulations (Title 17 of the Municipal Code). Part of this update includes the development of city-wide signage regulations. In order to provide staff with sufficient direction to proceed in creating sign regulations, the specific objectives of today's meetings are to achieve the following tasks:

1. Understand the purposes and functions of sign regulation and critically evaluate Ione's existing sign regulations; and
2. Provide direction on appropriate sign regulations for Ione.

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other _____

City Council for the City of Ione
Upon motion of Council Member
Seconded by Council Member
And carried _____ by those members present,
The Council hereby adopts the recommended action contained in this report.

PREVIOUS ACTION/REFERRAL:
Council Order No. _____
Meeting of: _____

Dated: _____
Janice Traverso, City Clerk
By: _____

Existing Sign Regulations in Ione

The City's Zoning Code, Title 17 of the Municipal Code, contains the regulations for signage within the City. Existing regulations are limited to signage within the Main Street historic area and signs at residences or as part of home occupations. There are currently no regulations for any other activities or signs within the City.

Signs in the Architectural Heritage and Historic Preservation District

Section 17.76.100 of the Municipal Code establishes sign regulations that *only* apply to signs within the historical district of Ione. The historical district is the area of Main Street between the intersection of Ione Street on the east and Sacramento Street on the west, as depicted in Figure 1 (Map of Architectural Heritage and Historic Preservation District). This area includes any buildings that front upon any streets or alleys immediately adjacent and contiguous to the area. These provisions are intended to preserve and enhance the Mother Lode architectural style in Downtown Ione.

Figure 1: Map of the Architectural and Historic Preservation District



Before a sign can be placed, erected, altered, or relocated on any property within the historical district, the action must first be approved through an entitlement (referred to as Historic Architecture Review). The entitlement is only granted after Planning Commission review and recommendation and City Council approval. For issuance of an entitlement, the sign must satisfy the following requirements:

1. Conform to the Mother Lode style in appearance.
2. Comply with the regulations governing sign type, size, placement, and lighting established in section 17.76.100.

Section 17.76.100 establishes numerous sign regulations for the historic district. These regulations are summarized below:

1. Only on-premise signs are allowed (signs on property can only advertise uses on that property).
2. Signs shall be attached to buildings (building attached) unless the building is set back from the street and the sign would not be visible.
3. Signs can project up to six feet from the face of the building, except where there is a porch or roof over the sidewalk, a sign may only project to within one foot of the outer edge of the porch or roof.
4. Signs shall not project over the eave or parapet line of the building.
5. The maximum sign area for any one sign is 25 square feet in area; the aggregate area allowed for all signs on any one business entity is also limited to 25 square feet, provided that a single entity having two public, customer entrances on two or more sides of a building may treat each as a separate entity.
6. The area of signs of an irregular shape shall be measured as the area of the smallest rectangle that can contain the entire sign.
7. Signs shall not have any flashing, blinking, or moving letters or other elements. The sign itself shall not move.
8. No sign shall contain any outline tubing or internal lighting.
9. Directional signs shall also be limited to a maximum size of 25 square feet, provided that all signs have a minimum clearance of eight feet above the sidewalk and a minimum setback of one foot from the curb line.

Signs in Residential Districts

In addition, the Zoning Code also provides for signs in residential districts. In section 17.16.020, Uses Permitted in the R-1a Zoning District, two types of signs are allowed:

1. One unlit sign up to a maximum of one-half square foot in area, which is attached to and parallel with the front wall of the building and only contains the name and title or occupation of the occupant; and
2. One sign advertising the premises for-sale, lease, or rent, not to exceed four square feet in area, and set back at least ten feet from the adjoining premises and five feet from the street line.

Home Occupations

The City's recently updated Home Occupations regulations prohibit the use of any signs with any home occupation.

ANALYSIS:

Sign regulation is the most complex portion of the Zoning Code. To achieve legally sound sign regulations, each jurisdiction must recognize that the purpose of the sign code should be to implement the jurisdiction's objectives without regulating content or prohibiting creativity. In addition to the obvious First Amendment/free speech concerns, numerous court cases and State laws define a local jurisdiction's regulatory scope, which determines how a jurisdiction can regulate signs.

The courts have identified a difference between so-called "commercial speech" (e.g. "Eat at Joes") and "non-commercial speech" (e.g. "Vote for Joe) in signs. In the most simple

terms, sign regulations of commercial speech may only regulate the “time, place, and manner” of the sign; that is, when the message is displayed, where it is displayed, and how it is displayed. Further, the courts apply the following test when sign regulations are challenged:

1. Are the restrictions justified without reference to the content of the speech? (Are the regulations “content neutral?” To be “content neutral,” standards must be established without regard to what information is included on the sign.)
2. Do the regulations serve a significant governmental interest?
3. Do the regulations leave open ample alternative channels for effective communication of the information? (Are there other options for communicating the information?)

There are additional regulations that affect a jurisdiction’s ability to regulate signs within the State’s Government Code, Business and Professional Code, Civil Code, and other sections. These regulations address:

1. Pricing for gas stations
2. Amortization and removal of signs
3. Signs advertising sale of real property (both on and off-site)

Mechanics of Sign Regulations

Generally, sign regulations are extremely complex, and should, at the least, address sign size, height, placement, and lighting requirements. Each regulatory aspect may not be applicable in every jurisdiction. The primary facets of sign regulations are summarized below.

Sign Typology

On-site versus off-site signs

On-site signs generally advertise goods, products, services, or activities that are located on the same premises as the sign. On-site signs, in some form, can *never* be completely banned. They are considered an accessory structure or feature in that they exist because of the activity that occurs on the premises; they are essentially a practical necessity that results from the use. Off-site signs advertise goods, products, services, or activities that are not actually located on the same site where the sign is located. Off-site signs are considered a separate activity distinct from what is being advertised and can be banned, although such a ban may be considered a taking that requires the City to provide financial compensation.

The existing sign regulations in Ione identify a prohibition for off-site signs; however, there are a number of existing off-site signs already located within the City, principally at the intersection of South Ione Street and Highway 104 near the elementary school (see Figure 2).

Figure 2: Existing Off-site Signage in Ione



Permanent and temporary signs

Temporary signs are signs that are changeable and not intended for permanent duration. They are usually subject to tighter regulations because of aesthetic, traffic safety, and pedestrian safety concerns. Temporary signs may include for-sale signs, signs of cardboard or plastic materials, large directional signs for subdivisions, or even home-made signs advertising garage sales. Permanent signs are signs that are intended for long-term duration. They are usually constructed of solid, weather-resistant materials, and are either attached to a building or are upheld by an independent foundation.

Ione's sign regulations do not provide provisions for temporary signs other than allowing on-site for-sale signs in residential districts. In the historical district no provisions for temporary signs are provided; only permanent building signs are allowed (see below).

Building signs and freestanding signs

Building signs are those signs that are permanently attached to a building, whether to a wall, canopy, or projected from a building by a blade or bracket. Building signs are often categorized as follows. Definitions and illustrations of different sign types are provided in Attachment 1.

1. A wall sign is a sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign parallel to the plane of such wall.
2. A canopy sign is any sign that is part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.
3. A blade or bracket sign is a small, pedestrian-oriented sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign).

A freestanding sign is a sign that is not attached to a building and is ground-mounted. There are several types of freestanding signs; some of the most common types are listed below. Definitions and illustrations different sign types are provided in Attachment 1.

1. A monument sign is a sign constructed upon a solid-appearing base or pedestal (typically stone, brick, or concrete).
2. A pole sign is supported by a sign structure from the ground. Generally, pole signs are supported by one or more metal or wood posts, pipes, or other vertical supports. The support structure is not integrated into the overall design of the sign.
3. A pylon sign is supported by a sign structure from the ground and is designed so that the support structure and the sign face are designed as one architecturally unified and proportional element.

In the historical district, Ione only allows building attached signs, and provides regulations that pertain to blade signs, bracket signs, and wall signs. Freestanding signs are not allowed in the historical district, except when the building is setback from the street and the sign would not otherwise be visible. In the residential districts, other than allowing for freestanding for-sale signs, the City only allows one building sign per property.

Commercial and non-commercial messages

Both signs containing commercial and non-commercial messages receive Constitutional protections, meaning that both types of messages are entitled to free speech, the equal protection of law, and due process. Whenever a jurisdiction creates a regulation that would possibly interfere with the Constitutional freedoms of both commercial and non-commercial signs, the judicial burden of justifying the regulation falls to the jurisdiction.

When regulating signs, as discussed below, a city can only legally regulate the time, place, and manner of the message, and can only do so if the regulation is justified without reference to the content of the speech, serves a substantial government interest and directly advances that interest, is narrowly constructed, and does not limit alternative channels for communication of the information.

Certain non-commercial signs enjoy greater protections; political and election signs cannot be prohibited on private property, but jurisdictions can establish reasonable limits on the duration and number of political signs that may be displayed, provided that these regulations are part of a comprehensive program to address aesthetic issues.

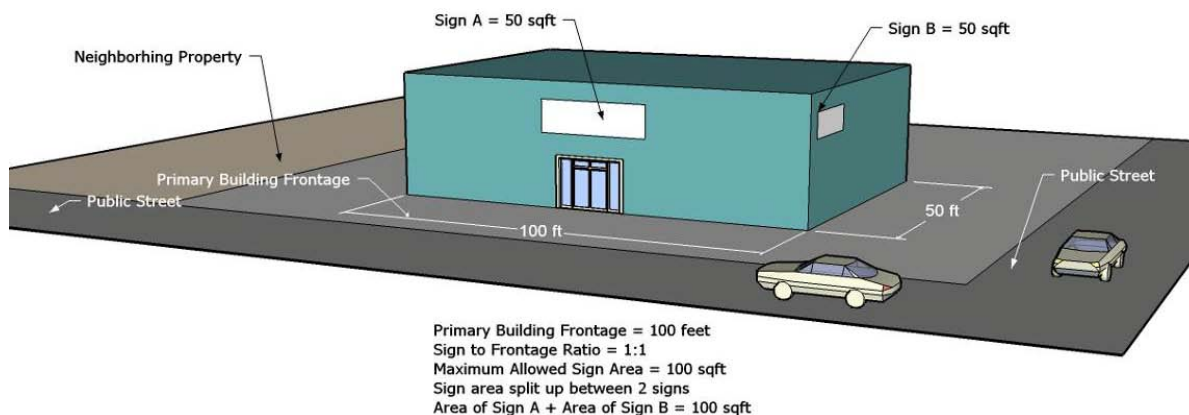
Area Regulations

Area regulations for signs determine the total allowed size of a sign. Often, the allowed area for signs is determined by the district the sign is located in or the land use of the property the sign is located on. When establishing area regulations, it is important to consider what portion of the sign the jurisdiction is actually concerned with: does the jurisdiction want to regulate the size of the entire sign structure, or perhaps just the text on the sign, or around the complete block of text?

The allowed area can be regulated through establishment of a flat sign area maximum based on land use. Alternatively, the maximum sign area can be determined proportionally, and based on a relationship to the scale of the building in addition to an

area maximum. For instance, the allowed sign area for a building attached sign may be 30 percent of total wall area per building frontage, but with a maximum allowed area of 50 square feet. In this case, if a sign had two walls with building frontage, with each wall having an area of 100 square feet, then each wall with building frontage would be allowed up to 30 square feet of signage (30 percent of 100 square feet), which is under the 50 square foot maximum. Another way may be to determine the maximum area based on the primary frontage (the side of the building with the primary entrance), but allow the allowed sign area to be distributed across the building at the owner's discretion.

Figure 3: Example Sign Area Regulation Based on Building Frontage



Ione's current sign regulations create few area restrictions, and each is based on a flat area maximum: for-sale signs in single-family residential areas are limited to 4 square feet in size, signs with the name and occupation of the resident in single family areas are limited to 1.5 square feet, and the cumulative area of signs on properties in the historical district is limited to 25 square feet. No area restrictions are established for other types of signs in the City. Due to this lack of regulation, staff suggests conducting an inventory of existing signs to determine existing sign sizes throughout the community. Using this survey, staff can create sign area restrictions that respect the current sign stock and avoid creating numerous legal-non-conforming signs. Legal non-conforming signs would be created if new regulations established sign area maximums that are smaller than current, legal signs (see below for further discussion).

Illumination

Sign lighting leads to effective communication at night, especially for commercial uses, which may be dependent on night-time commercial activity for revenue. Regulations should allow for adequate illumination because signs rely on lighting as the sole method of communication at night. Hence, as an aspect of sign communication, sign illumination is a protected form of speech that jurisdictions must allow for.

As long as regulations ensure that illumination does not create nuisances for nearby properties or uses, there is flexibility in how to approach regulation. Sign illumination should only be allowed to illuminate the sign, and be shielded to prevent a negative impact on nearby properties and uses. Illuminated signs should not create glare on roads or nearby residential properties. All light sources must also satisfy the requirements of Title 24 of the California Code of Regulations (California Building Standards Code) and utilize

energy efficient fixtures to the greatest extent possible. The City also has the flexibility to limit the hours of illumination to those during which the related establishment is open for business.

Ione provides only scant illumination regulations. In the historical area, internal or outline tubing lighting of signs is prohibited; and in residential areas, signs that list the resident's name and occupation must be unlit. By not establishing more measures to accommodate sign illumination, the City risks restricting the communicative ability of signs, and thus may prevent the exercise of free speech.

Design

Sign design can include many aspects, including architectural style, illumination, color, letter styles, sign materials, and other factors such as contrast between copy and background, and the proportion of the sign face that is covered in copy (copy is used to refer to the words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign). Unique regulations can also be applied based on sign type; for instance, allowing more variation of materials for freestanding signs.

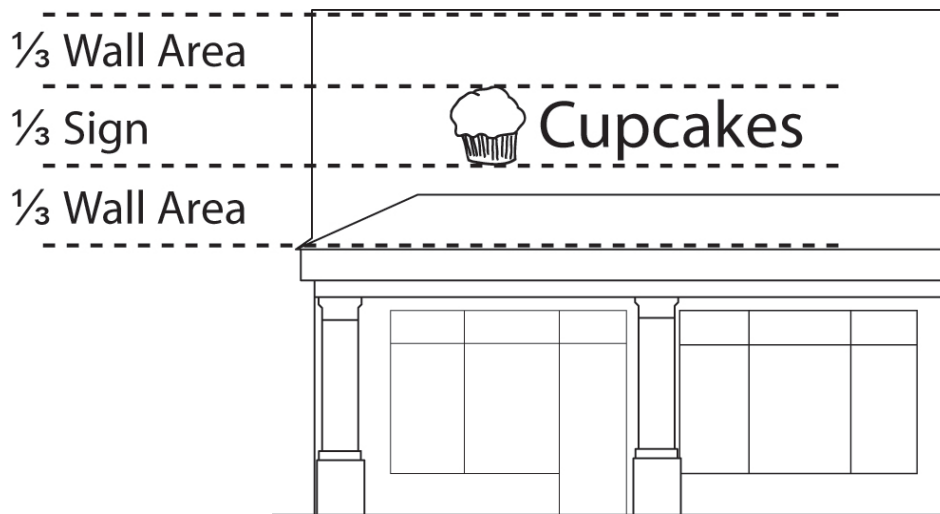
Regulations that govern sign design must be content neutral and can only be confined to time, place, and manner considerations. To avoid the possibility for discretionary decisions shaped by sign content, it is critical that sign design is governed through quantifiable thresholds that remain as general as possible. Overly restrictive sign design standards often penalize local merchants because large national chains with simple and recognizable logos are able to satisfy restrictive sign codes more easily, whereas local businesses must provide more information on signs to attract and inform customers.

Regulations governing sign design can be used to create a special sense of place. For instance, special design standards can be applied by district to foster unique sign design. These standards would respond to unique development patterns and types of uses within the district. Special district regulations can be targeted towards individual tenants and businesses within the district, and/or to a district-wide branding program through the use of gateway signs, wayfinding signs, kiosks, or other sign types. Existing Chapter 17.76 of the Municipal Code establishes unique sign regulations for the historical district that are geared towards tenants and businesses, and requires that all signs in the historical district conform to the Mother Lode architectural style.

Examples of design regulations include the following:

- Require a relationship between the design of the sign and the architecture of the building (e.g., require wooden signs in historic districts, rather than plastic or metal);
- Utilize consistent proportions between the text and logo scale of a sign and the scale of the building (see Figure 4);
- Prohibit certain types of signs, such as can signs;
- Restrict the maximum letter height; and
- For freestanding signs, require design consistency (e.g., materials, colors) between the building(s) and the sign.

Figure 4: Text/Building Scale



Subdivision/Real Estate Signs

Subdivision and real estate signs are temporary signs whose copy concerns a proposed economic attraction involving real property. Master-planned communities also utilize subdivision directional signs, which provide directions for vehicle traffic to the home sales of multiple lots with a single builder within a master-planned community. Signs advertising a proposed economic transaction involving real property are also protected by the California Civil Code (section 713); not only does the Code allow on-site advertising of real property, but it also allows for off-site advertisement on any private property.

A City can choose to regulate subdivision and real estate signs in numerous ways, but must be conscious of the protections established in the California Civil Code. For instance, a jurisdiction can allow on-site project identification, but prohibit inflatable signs and balloons. While not yet challenged in court, many jurisdictions interpret the law such that off-site subdivision signs can be regulated through time, place, and manner restrictions and only allow off-site identification and directional signs through joint use kiosks at specified locations, rather than through directional stake signs. Some jurisdictions allow for directional signs on a temporary basis, such as Friday through Monday. The intent of these regulations is to limit the visual clutter of stake signs and ensure motorist safety by limiting distractions.

Private Party Signs on City (Public) Property

Recently, the City Council asked staff to investigate ways to regulate political campaign signs on City property. While such regulations would be relevant given the nature of political campaign signs, the larger issue relates to the regulation of private party signs on City property. This includes not just political campaign signs, but also community interest signs, such as at Sutter Lane and Preston Avenue; special event banners, such as those hung over Church Street outside City Hall; and signage relative to events at Howard Park.

Under the right of free speech, the City must first determine if the City Property (public right of way) qualifies as a “traditional public forum” (“TPF”) and whether the sign is

inanimate (usually a stake sign that is left behind) or is it a hand held or personally attended sign or display.

Within public rights of way that are TPF areas, the City may enforce a rule which says not posting and leaving behind of inanimate signs. However, the rule must apply equally to all message types, not just political messages – it must be “content neutral.”

However, for hand held or personally attended signs in the public right of way or TPF, a complete ban is unconstitutional.

If the area is not TPF but is City owned, then a complete ban on all signs, both commercial and non-commercial, regardless of content, is valid.

For instance, the City could allow for a street banner program where organizations apply for a permit to hang their banner over the public right-of-way or from City light poles. The City could also allow for signage opportunities at Howard Park for special events, such as Homecoming, provided the signs are tied to the event permit. The City could limit the number and size of the signs, if it so chose.

Permit Process

The City could choose to implement a permit process for the placement of signs in the City. The permit process could be for one or more of the following:

1. Permanent signs on private property;
2. Temporary signs on private property; and
3. Temporary signs on public property.

The ideal permit process for permanent signs on private property is an administrative review as part of the building permit application. Most permanent signs require a building permit prior to installation. As part of the application process for the building permit, staff conducts a simple plan check to ensure the application meets all the provisions of the sign regulations (e.g., time, place, manner). This process is generally transparent to the applicant.

For temporary signs on either public or private property, the City could either require a special permit or not. Generally, because of their temporary nature, requiring a permit for temporary signs may be an onerous process for some owners; however, requiring a permit is the only way for the City to ensure that a temporary sign is established to standard.

Non-conforming Policy

After adoption of the new Zoning Code and sign regulations, a number of existing signs may be found to be inconsistent with the new standards. As such, the City could determine that they are “legal non-conforming” signs and that the property owner could continue to enjoy the sign for an indeterminate length of time until the owner was ready to replace the sign. As an alternative, the City could establish an amortization schedule that would require the signs to be brought into conformance within a set time schedule. If the City would like to discuss establishing an amortization program, staff can return with more information at a future meeting.

In the case of off-site advertising (e.g., billboards), in addition to the options of legal non-conforming or amortization, the City could also work with sign owners to establish relocation agreements for existing signs, moving them to more appropriate locations of the City.

POLICY DIRECTION:

All feedback provided at this meeting will be used by staff to draft new sign regulations for the entire City. The new regulations will be city-wide in their application and much more comprehensive than the existing regulations. Therefore, it is important that the Council and Planning Commission, provide staff with clear direction to ensure that an appropriate approach to regulation is used that addresses the City's primary concerns. These sign regulations will be used to inform and direct local merchants, developers, businesses, and residents in the use of signs, and will also be used by the City to evaluate sign proposals. These regulations will greatly impact commercial viability for many businesses, and will also shape and define the character of Ione.

To achieve sign regulations that meet the needs of all interests in the City, staff needs clear policy direction from the Council and Planning Commission. To guide this discussion, staff requests that the Council and Planning Commission provide policy guidance for the following policy questions:

1. Should there be
 - a. Unique standards for the historical district, and if so,
 - b. Should these standards require that signs comply with the Mother Lode architectural style?
2. Should the City establish some limited design requirements for signage, such as proportionality of sign size to building?
3. To what extent should the City allow and provide regulations for subdivision signs, real estate signs, and directional signs? Are there any approaches to these signs that seem best?
4. Are there any types of signs that the City should outright prohibit (e.g., pole signs, canopy signs, etc.)? And conversely, are there any types of signs that should be exempted from signs regulations (usually flags, government signs, holiday signs, and vehicles regularly used to transport persons or goods for a business)?
5. Should the City consider the establishment of an amortization schedule or other compensation program for any particular type of non-conforming sign or should they simply be determined as "legal non-conforming" signs?
6. With regard to signs on City property, the Council and the Commission should provide guidance as to what signs are regulated, and the location of the signs. For example, should the City:
 - a. Ban all staked signs (both commercial and non-commercial) on City Property?
 - b. Regulate all hand held or personally attended private party signs on City Property but with specific time, place, and manner restrictions?
 - c. Provide special regulations for street banners and special events at City-owned facilities such as Howard Park?

7. Permits:

- a. Should the City establish a permit requirement for permanent signs on private property?
- b. Should the City establish a permit requirement for temporary signs on private property?
- c. Should the City establish a permit requirement for temporary signs on public property (if such placement is allowed, even if restricted)?

ATTACHMENTS:

1. Directory of sign types

Attachment 1
Directory of Sign Types

Building Signs

1. Wall sign: A sign that is attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign parallel to the plane of such wall. See Figure 1 (Wall Sign).

Figure 1: Wall Sign



2. Canopy sign: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. See Figure 2 (Canopy Sign).

Figure 2: Canopy Sign



3. Bracket or blade sign: A small, pedestrian-oriented sign that projects perpendicular from a structure (bracket sign) or is hung beneath a canopy (blade sign). See Figure 3 (Bracket Sign) and Figure 4 (Blade Sign).

Figure 3: Bracket Sign



Figure 4: Blade Sign



4. Channel Letter Sign: A sign made up of individual letters that are independently mounted to a wall or other surface. The "air space" between the letters is not part of the sign structure but rather the building façade. A logo may also be considered a channel letter provided it is clearly distinguishable from other sign elements.

Figure 5: Channel Letter Signs



5. Can Sign. A sign which contains all the text and/or logo symbols within a single enclosed cabinet that is mounted to a wall or other surface. It specifically does not include the sign cabinet that is part of a freestanding sign.

Figure 6: Can Sign



Freestanding Signs

1. Monument sign: A sign constructed upon a solid-appearing base or pedestal (typically stone, brick, or concrete). See Figure 7 (Monument Sign).

Figure 7: Monument Sign



2. Pole sign: A sign supported by a sign structure from the ground. Generally, pole signs are supported by one or more metal or wood posts, pipes, or other vertical supports. The support structure is not integrated into the overall design of the sign. See Figure 8 (Pole Sign).

Figure 8: Pole Sign



3. Pylon sign: A sign supported by a sign structure from the ground and is designed so that the support structure and the sign face are designed as one architecturally unified and proportional element. See Figure 9 (Pylon Sign).

Figure 9: Pylon Sign



Temporary Signs

1. A-frame Sign: A sign made of wood, cardboard, plastic or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable.

Figure 10: A-Frame Sign



2. Banner Sign: Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. Flags are not be considered banners.

Figure 11: Banner Sign



3. Weekend Directional Sign: A temporary sign, usually made of paper or cardboard, and mounted to a wooden stake and placed along the roadway to direct vehicular traffic to pending first-time home sales as part of a master planned community.

Figure 12: Weekend Directional Sign

