

1. 06-11-13 Sign Ordinance Review Task Force Meeting Documents

Documents: [6-11-13 SOR ADDITIONAL MATERIALS.PDF](#), [6-11-13 SOR AGENDA.PDF](#),  
[6-11-13 SOR PACKET.PDF](#)

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

DENNIS BALLEEN; NICE TIE INC., a  
Washington corporation dba  
Blazing Bagels,  
*Plaintiffs-Appellees,*

v.

CITY OF REDMOND, a municipal  
corporation; CITY OF REDMOND  
PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT;  
ROBERTA LEWANDOWSKI, in her  
official capacity as Planning  
Director of the City of Redmond  
Dept of Planning and Community  
Development,  
*Defendants-Appellants.*

No. 04-35606  
D.C. No.  
CV-03-02580-MJP

DENNIS BALLEEN; NICE TIE INC., a  
Washington corporation dba  
Blazing Bagels,  
*Plaintiffs-Appellees,*

v.

CITY OF REDMOND, a municipal  
corporation; CITY OF REDMOND  
PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT;  
ROBERTA LEWANDOWSKI, in her  
official capacity as Planning  
Director of the City of Redmond  
Dept of Planning and Community  
Development,  
*Defendants-Appellants.*

No. 04-35758  
D.C. No.  
CV-03-02580-MJP  
OPINION

Appeal from the United States District Court  
for the Western District of Washington  
Marsha J. Pechman, District Judge, Presiding

Argued and Submitted  
June 6, 2006—Seattle, Washington

Filed September 15, 2006

Before: Richard C. Tallman and Jay S. Bybee,  
Circuit Judges, and Marilyn L. Huff,\* District Judge.

Opinion by Judge Tallman

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\*The Honorable Marilyn L. Huff, United States District Judge for the  
Southern District of California, sitting by designation.

**COUNSEL**

J. Zachary Lell, Seattle, Washington, for the defendants-appellants.

Steven M. Simpson, Arlington, Virginia, for the plaintiffs-appellees.

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**OPINION**

TALLMAN, Circuit Judge:

This First Amendment commercial speech case arises from a dispute between Blazing Bagels' use of outdoor advertising and the City of Redmond's commercial signage ordinance. The City of Redmond, Washington, and its Department of

Planning and Community Development (collectively “Defendants” or “the City” or “Redmond”) appeal the district court’s orders granting Plaintiff Dennis Ballen summary judgment and attorneys’ fees. Appellees Ballen and his business, Nice Tie, Inc., d/b/a Blazing Bagels (collectively “Ballen” or “Plaintiffs”), challenge the City’s sign ordinance (“Ordinance”), REDMOND COMMUNITY DEVELOPMENT GUIDE (“RCDG”) 20D.160.10-090, prohibiting all portable signs, with ten exceptions, *see* RCDG 20D.160.10-060, arguing, *inter alia*, that the Ordinance does not directly advance the government’s interest and, in the alternative, reaches further than necessary to accomplish the government’s interest. We must decide whether the Ordinance prohibiting the use of portable signs is a permissible restriction on commercial speech. The district court ruled the City’s Ordinance invalid and we affirm. We also uphold the fee award.

## I

On June 17, 1997, to promote the City’s dual goals of traffic safety and community aesthetics, *see* RCDG 20D.160.10-010, the City Council passed the Ordinance banning the display of most portable and offsite signs. RCDG 20D.160.10-090. The challenged provision of the Ordinance reads:

Portable Signs. All portable signs except real estate signs and other portable signs specifically allowed by RCDG 20D.160.10-060, Signs and Street Graphics, are prohibited. This prohibition includes, but is not limited to, portable readerboards, signs on trailers, sandwich boards, except as allowed by RCDG 20D.160.10-060(10), Signs and Street Graphics: Temporary Uses, and sidewalk signs.

RCDG 20D.160.10-090.

Ten categories of signage are exempt from this general prohibition: (1) banners on the Redmond Way railroad overpass,

(2) construction signs, (3) celebration displays, (4) banner displays in the city center neighborhood, (5) major land use action notices, (6) political signs, (7) real estate signs, (8) temporary window signs, (9) signs on kiosks, and (10) temporary uses and secondary uses of schools, churches, or community buildings. RCDG 20D.160.10-060.

On most weekday mornings from mid-November 2002 through January 2003, and again from mid-April 2003 to mid-June 2003, Ballen, owner of Blazing Bagels, hired an employee to stand on the sidewalk wearing a sign that read: "Fresh Bagels - Now Open." The employee directed the attention of passing motorists to Ballen's business premises and informed passing motorists of Ballen's available retail products.

But the City did not like the taste of Blazing Bagels' advertisement. On June 18, 2003, the City transmitted a letter to Ballen notifying him that he was in violation of the law and warning him that continued noncompliance would result in the initiation of code enforcement proceedings. The letter ordered Ballen to cease and desist using a portable sign to advertise his business.

Instead of baking up a more palatable method of advertising, Ballen produced a Complaint filed in the King County Superior Court on July 22, 2003, under 42 U.S.C. § 1983 and Washington's Uniform Declaratory Judgments Act. The City removed the case to the United States District Court for the Western District of Washington.

On April 20, 2004, the parties submitted Cross-Motions for Summary Judgment. On June 15, 2004, the district court entered a final Order and Judgment Granting Plaintiffs' Motion and Denying the City's Motion. This timely appeal followed.

Ballen subsequently moved for an award of attorneys' fees and costs, and declaratory relief and nominal damages pursuant to 42 U.S.C. § 1988. Over the City's opposition to the fee total requested by Ballen, the district court granted Ballen's Motion in full and awarded fees and costs in the amount of \$165,508. Another timely appeal followed.<sup>1</sup>

## II

A grant of summary judgment is reviewed de novo. *Sierra Club v. Babbitt*, 65 F.3d 1502, 1507 (9th Cir. 1995). We must "determine, viewing the evidence in the light most favorable to the nonmoving party, whether there are any genuine issues of material fact and whether the district court correctly applied substantive law." *United States v. City of Tacoma*, 332 F.3d 574, 578 (9th Cir. 2003). All reasonable inferences supported by the evidence must be drawn in the nonmoving party's favor. *Villiarimo v. Aloha Island Air, Inc.*, 281 F.3d 1054, 1061 (9th Cir. 2002). Both parties agree that this case should be decided as a matter of law on summary judgment as there are no genuine issues of material fact in dispute.

## III

[1] On December 6, 2005, the City passed a new sign ordinance that rescinded the ban that was the basis of Ballen's Complaint. Both parties agree, however, that this case continues to present a live controversy because Ballen seeks nominal damages in his Complaint, and his claim for damages and attorneys' fees is not mooted by the new ordinance. See *Bernhardt v. County of Los Angeles*, 279 F.3d 862, 872 (9th Cir. 2002).

Moreover, the City has threatened to re-enact the old Ordinance if it receives a favorable outcome on appeal. The City conceded in its notice to us and at oral argument that its new

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<sup>1</sup>The two appeals have been consolidated in this case.

ordinance was adopted only as an interim regulation in response to the district court's summary judgment ruling. Thus, this case is not moot. *See Jacobus v. Alaska*, 338 F.3d 1095, 1102-04 (9th Cir. 2003).

#### IV

[2] Commercial speech is defined as "expression related solely to the economic interests of the speaker and its audience," or as "speech proposing a commercial transaction." *Central Hudson Gas & Elec. Corp. v. Public Serv. Comm'n*, 447 U.S. 557, 561-62 (1980). Both parties correctly concede that Ballen's advertising sign satisfies this definition and thus contains pure commercial speech.

[3] Commercial speech enjoys a limited degree of First Amendment protection. *S.O.C., Inc. v. County of Clark*, 152 F.3d 1136, 1142 (9th Cir. 1998). In *Central Hudson*, the Supreme Court established a four-part test for reviewing governmental restrictions on commercial speech. Specifically, the validity of a restriction on commercial speech depends on the following factors: (1) "whether the expression is protected by the First Amendment," which requires the speech to "concern lawful activity and not be misleading"; (2) "whether the asserted governmental interest is substantial"; (3) "whether the regulation directly advances the governmental interest asserted"; and (4) "whether [the regulation] is not more extensive than is necessary to serve that interest." *Central Hudson*, 447 U.S. at 566.

[4] Everyone agrees that the first two prongs are satisfied in this case since the message conveyed by Ballen's advertising sign concerns lawful activity and is not misleading, and that the Ordinance's dual goals of promoting vehicular and pedestrian safety and preserving community aesthetics are substantial governmental interests. *See Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507-08 (1981) ("Nor can there be substantial doubt that the twin goals that the ordi-

nance seeks to further—traffic safety and the appearance of the city—are substantial governmental goals.”). The constitutionality of Redmond’s Ordinance, therefore, turns on applying the third and fourth prongs of the *Central Hudson* test.

#### A

The third prong of the *Central Hudson* test is “whether the regulation directly advances the governmental interest asserted.” *Central Hudson*, 447 U.S. at 566. Because we think it is clear that the Ordinance fails to satisfy *Central Hudson*’s fourth prong, we do not reach the issue of whether the Ordinance satisfies *Central Hudson*’s third prong.

#### B

[5] The fourth prong of the *Central Hudson* test is “whether [the regulation] is not more extensive than is necessary to serve that [governmental] interest.” *Central Hudson*, 447 U.S. at 566. This requires that there be a reasonable fit between the restriction and the goal, *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 416 (1993), and that the challenged regulation include “a means narrowly tailored to achieve the desired objective.” *Bd. of Trustees of State Univ. of N.Y. v. Fox*, 492 U.S. 469, 480 (1989). “A regulation need not be absolutely the least severe that will achieve the desired end, but if there are numerous and obvious less-burdensome alternatives to the restriction on commercial speech, that is certainly a relevant consideration in determining whether the fit between ends and means is reasonable.” *Discovery Network*, 507 U.S. at 417 n.13 (internal quotation marks and citation omitted). The City has the burden of proving that the Ordinance is narrowly tailored. *Id.* at 416.

In *Discovery Network*, the City of Cincinnati prohibited distribution of commercial handbills displayed in news racks on public property but permitted noncommercial handbills displayed in news racks. *Id.* at 413 & nn.2-3. Cincinnati

asserted that its ordinance was necessary to reduce the number of news racks in the city, which advanced its interests in safety and aesthetics. *Id.* at 418. Although the Court accepted Cincinnati's position that reducing the number of news racks increased safety and community aesthetics, the Court ruled that the ordinance failed to satisfy *Central Hudson's* fourth prong because the prohibited news racks were no more harmful than the permissible news racks. *Id.* at 424-25. As a result, Cincinnati's categorical ban on commercial news racks and its allowance of noncommercial news racks created a distinction that had "no relationship *whatsoever* to the particular interests that the city has asserted." *Id.* at 424. In addition, Cincinnati's adoption of a content-based ban rather than a valid time, place, or manner restriction indicated that the city had "not carefully calculated the costs and benefits associated with the burden on speech imposed by its prohibition." *Id.* at 417, 428-30 (internal quotation marks omitted).

[6] Here, the governmental interests served by the Ordinance include promoting vehicular and pedestrian safety and preserving community aesthetics. The exceptions to the City's portable sign Ordinance are all content based. Different signs are treated differently under the Ordinance based entirely on a sign's content. The City has failed to show how the exempted signs reduce vehicular and pedestrian safety or besmirch community aesthetics any less than the prohibited signs. As in *Discovery Network*, the City's use of a content-based ban rather than a valid time, place, or manner restriction indicates that the City has not carefully calculated the costs and benefits associated with the burden on speech imposed by its discriminatory, content-based prohibition.

[7] While some of the Ordinance's content-based exceptions are reasonable—political signs are subject to strict scrutiny, construction signs promote traffic and pedestrian safety, banner displays may enhance community aesthetics—others compromise the City's interests. More specifically, ubiquitous real estate signs, which can turn an inviting sidewalk into an

obstacle course challenging even the most dextrous hurdler, are an even greater threat to vehicular and pedestrian safety and community aesthetics than the presence of a single employee holding an innocuous sign that reads: "Fresh Bagels - Now Open." Cf. *Linmark Assocs., Inc. v. Willingboro*, 431 U.S. 85 (1977) (holding that a municipal ordinance prohibiting *onsite* "For Sale" and "Sold" signs is an invalid restriction on commercial speech). Here, the City has protected outdoor signage displayed by the powerful real estate industry from an Ordinance that unfairly restricts the First Amendment rights of, among others, a lone bagel shop owner. Additionally, temporary window signs and signs on kiosks are no less a threat to vehicular and pedestrian safety and community aesthetics than the ambulant bagel advertisement.

[8] The availability of narrower alternatives that intrude less on First Amendment rights is a factor to consider in determining whether the Ordinance satisfies *Central Hudson's* fourth prong. *Discovery Network*, 507 U.S. at 417 n.13. In *Discovery Network*, the Court held that a city ordinance prohibiting the distribution of commercial handbills displayed in news racks on public property failed to satisfy *Central Hudson's* fourth prong because news racks, whether commercial or noncommercial, were equally unattractive, and discrimination against the small number of commercial news racks was untenable when other alternatives (e.g., simply limiting the total number of news racks) were available. *Id.* at 425-26. In *Rubin v. Coors Brewing Co.*, 514 U.S. 476 (1995), the Court held that the Federal Alcohol Administration Act's ("FAAA") restriction prohibiting beer labels from displaying alcohol content failed to satisfy *Central Hudson's* fourth prong because the existence of alternative ways to prevent strength wars among brewers, such as "directly limiting the alcohol content of beers" or "prohibiting marketing efforts emphasizing high alcohol strength," indicated that the FAAA's ban was more extensive than necessary. *Id.* at 478, 490-91.

[9] Here, less restrictive alternatives exist that could have been used to advance the City's interests. The City could impose time, place, and manner restrictions on all commercial signs. Likewise, if the City found that signs with live people holding them are more distracting and therefore more hazardous than a silent sandwich board, it could ban such signs altogether.

*Metromedia* does not control this case. In *Metromedia*, the Court held that a City of San Diego ordinance that prohibits outdoor, offsite commercial billboards is a valid restriction of commercial speech. 453 U.S. at 493 & n.1, 512. The Supreme Court concluded that the ordinance directly advanced the city's interests in promoting traffic safety and preserving community aesthetics and was narrowly tailored, and therefore survived *Central Hudson's* four-part test. *See id.* at 510-12.

Although the temptation to apply *Metromedia* as controlling precedent is strong at first glance, further analysis reveals its applicability here to be misplaced. The Court in *Metromedia* cautioned that "[e]ach method of communicating ideas is a law unto itself and that law must reflect the differing natures, values, abuses and dangers of each method." *Id.* at 501 (internal quotation marks omitted). The Court then went on to qualify that "[w]e deal here with the law of billboards." *Id.* This distinction is significant because billboards are fixed, permanent structures that are more intrusive to community aesthetics than portable sandwich boards. The externalities of billboards include perdurable visual pollution that pervades a substantial volume of our eyesight and grows into an unignorable part of our cultural landscape. Portable signs can be removed at the close of business and standing advertisers can take a seat when their feet are tired.

[10] Moreover, the ordinance upheld in *Metromedia* banned *all* offsite commercial advertising, *id.* at 503, whereas the Ordinance in this case exempted several categories of

commercial advertising. In *Metromedia* the distinction that was challenged and upheld was between onsite and offsite billboards. It was a content-neutral distinction. The categorical nature of the ordinance in *Metromedia* precludes its application here. Instead, the inconsistent content-based nature with which the Redmond Ordinance distinguishes its interests and the availability of less restrictive alternatives to achieve the City's goals are fatal under *Central Hudson's* fourth prong.

[11] Thus, the Ordinance is not a reasonable fit between the restriction and the goal, and the Ordinance therefore fails *Central Hudson's* fourth prong.

## V

The City argues that the district court erred by excluding two statements from Redmond Code Enforcement Officer Deborah Farris ("Farris"). Evidentiary rulings made in the context of summary judgment motions are reviewed for an abuse of discretion. *Gen. Elec. Co. v. Joiner*, 522 U.S. 136, 141 (1997). The district court's ruling can only be reversed if it was both "manifestly erroneous and prejudicial." *Orr v. Bank of America*, 285 F.3d 764, 773 (9th Cir. 2002).

[12] A trial court may only consider admissible evidence in ruling on a motion for summary judgment. *Id.* Under Washington law, statements of ultimate facts, conclusions of fact, and conclusory statements of fact are insufficient for summary judgment purposes. *See Grimwood v. Univ. of Puget Sound, Inc.*, 753 P.2d 517, 519 (Wash. 1988). Indeed, the Washington Supreme Court has explained that "the emphasis is upon *facts* to which the affiant could testify from personal knowledge and which would be *admissible in evidence.*" *Id.* Here, the declarant states:

4. The City's ban on most portable and temporary signs . . . significantly and materially advances the

City's interest in traffic safety and community aesthetics. The aggregate number of portable and temporary signs displayed within the City's jurisdiction has severely decreased as a result of this prohibition.

5. The list of exemptions . . . has not materially detracted from or otherwise undermined the effectiveness of the City's general prohibition on portable signs. In my professional judgment, experience and observation, the signs subject to the City's ban represent both a significant amount and percentage — if not an outright majority — of the total portable signage that would otherwise exist in the Redmond community absent the prohibition.

There is no foundation of objective facts laid in these assertions to support the legal conclusions offered and the district court properly excluded these statements upon objection by Ballen.

Moreover, excluding Officer Farris's statements was not prejudicial to the City since the statements do not cure, or even address, the deficiencies of the Ordinance with respect to *Central Hudson's* fourth prong. Thus, the district court did not abuse its discretion when it excluded Farris's unsupported legal conclusions.

## VI

[13] The City argues that if the ban is unconstitutional because of the numerous exemptions, then the exemptions should be severed from the general ban on portable signs. But severing the Ordinance would subject activity that is currently authorized by the legislature to civil and criminal sanctions, would impermissibly restrict speech that is protected by a strict level of scrutiny, i.e., political speech, and would make those protected by the exemptions—realtors, politicians, etc.—indispensable parties to this proceeding. Thus, the district

court properly refused to sever the allegedly unconstitutional portion of the Ordinance from the rest of it.

## VII

The City challenges the district court's award of attorneys' fees. An award of attorneys' fees under 42 U.S.C. § 1988 is reviewed for an abuse of discretion. *Karam v. City of Burbank*, 352 F.3d 1188, 1192 (9th Cir. 2003). "An abuse of discretion occurs if the district court bases its decision on an erroneous legal standard or on clearly erroneous findings of fact." *United States v. Alisal Water Corp.*, 370 F.3d 915, 921 (9th Cir. 2004) (internal quotation marks omitted).

[14] "In any action or proceeding to enforce a provision of section[ ] . . . 1983[,] . . . the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs . . ." 42 U.S.C. § 1988. "The purpose of § 1988 is to ensure effective access to the judicial process for persons with civil rights grievances. Accordingly, a prevailing plaintiff should ordinarily recover an attorney's fee unless special circumstances would render such an award unjust." *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983) (internal quotation marks and citations omitted). Ballen is the prevailing party and is entitled to an award of attorneys' fees from the City pursuant to § 1988, and there are no special circumstances in this case that would render an award of attorneys' fees unjust. Thus, the district court properly awarded attorneys' fees to Ballen.

[15] Alternatively, the City argues that the district court's award of attorneys' fees was excessive. In the Ninth Circuit, the customary method of determining the permissible amount of attorneys' fees under § 1988 is the "lodestar" method. *Morales v. City of San Rafael*, 96 F.3d 359, 363 (9th Cir. 1996). The lodestar method multiplies the number of hours "the prevailing party reasonably expended on the litigation by a reasonable hourly rate." *McGrath v. County of Nevada*, 67

F.3d 248, 252 (9th Cir. 1995). After making that computation, courts then assess whether it is necessary to adjust the presumptively reasonable lodestar figure on the basis of twelve factors. *Id.* at 252 & n.4; *Cunningham v. County of Los Angeles*, 879 F.2d 481, 487 (9th Cir. 1988). The twelve factors are:

(1) the time and labor required, (2) the novelty and difficulty of the questions involved, (3) the skill requisite to perform the legal service properly, (4) the preclusion of other employment by the attorney due to acceptance of the case, (5) the customary fee, (6) whether the fee is fixed or contingent, (7) time limitations imposed by the client or the circumstances, (8) the amount involved and the results obtained, (9) the experience, reputation, and ability of the attorneys, (10) the “undesirability” of the case, (11) the nature and length of the professional relationship with the client, and (12) awards in similar cases.

*Id.* at 252 n.4 (citing *Kerr v. Screen Extras Guild, Inc.*, 526 F.2d 67, 70 (9th Cir. 1975)).

[16] Here, \$165,508, which the district court awarded, was the lodestar figure. The City argues that the lodestar figure should be reduced because “(1) the short duration of the lower court proceedings, (2) the minimal formal discovery necessitated by the case, [and] (3) the fact [that] the parties appeared jointly in court only once,” are compelling evidence that the hours claimed by Ballen’s counsel were “excessive” and thus “significantly inflated” the calculation. The City uses its own hours to support its claim, arguing that “the significantly fewer hours expended by the City’s counsel in defending this action” support the position that Ballen’s counsel overworked the case. We have previously said that only in rare circumstances should a court adjust the lodestar figure, as this figure is the presumptively accurate measure of reasonable fees. *Cabrales v. County of Los Angeles*, 864 F.2d 1454, 1464 (9th Cir. 1988); *see also Cunningham*, 879 F.2d at 484. District

courts possess the necessary discretion to adjust the amounts awarded to address excessive and unnecessary effort expended in a manner not justified by the case.

[17] The district court's attorneys' fee award was not excessive and there was no abuse of discretion in awarding the fees requested.

### VIII

Redmond's Ordinance fails to satisfy *Central Hudson's* four-part test. The Ordinance impermissibly discriminates against the commercial speech rights of businesses within the City in a content-based manner more extensive than necessary to serve Redmond's legitimate governmental interests. The district court's summary judgment and grant of attorneys' fees in favor of Ballen are AFFIRMED.



Community Development Department, 7351 Rosanna Street, Gilroy CA 95020 408/846-0451  
For additional information and attached reports visit our website at: [www.cityofgilroy.org](http://www.cityofgilroy.org)

**Sign Ordinance Review  
Task Force Meeting  
June 11, 2013 6:00 p.m.  
Gilroy Library Community Room, 350 W. Sixth St., Gilroy CA 95020**

Chair: Council Member Dion Bracco

Vice-Chair: Council Member Peter Arellano

Members: Planning Commissioner Elizabeth Sanford, Chamber of Commerce Member Katherine Filice, Real Estate Representative Nancy Robinson, Auto Dealership Representative Randy Scianna, Furniture Store Representative Jaime Rosso, First Street Business Representative/Community Member at Large Kelly Woodall and Downtown Business Representative/Community Member at Large Steve Ashford

## **Agenda**

- I. Welcome and Introductions
- II. Public Comment on Non-Agendized Matters:  
Please limit your comments to 3 minutes. This portion of the meeting is reserved for persons desiring to address the Task Force on matters not on this agenda. The law does not permit Task Force action or extended discussion of any item not on the agenda except under special circumstances. If Task Force action is requested, the Task Force may place the matter on a future agenda. All statements that require a response will be referred to staff for reply in writing.
- III. Minutes of February 12, 2013 (attached)
  - a. Approval of minutes as presented or as modified
- IV. Correspondence
- V. Downtown Specific Plan – A Board Sign Question
  - a. Staff Report
  - b. Public Comment
  - c. Discussion
  - d. Receive Report

- VI. Review Proposed Modifications to Sign Ordinance**
  - a. Staff Presentation/List of Changes
  - b. Public Comment
  - c. Discussion
  - d. Approval of the modifications as presented or modified
  
- VII. Determine Community Outreach Meetings Schedule (staff report attached)**
  - a. Staff Presentation/Calendar with Potential Dates
  - b. Discussion
  - c. Approve meeting schedule
  
- VIII. Adjournment to the Community Outreach Meeting**

In compliance with the American Disabilities Act (ADA), the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Clerk 72 hours prior to the meeting at (408) 846-0491.

Know your rights under the Gilroy Open Government Ordinance  
Government's duty is to serve the public reaching its decisions in full view of the public. Commissions, task forces, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that the City operations or deliberations are conducted before the people and that the City operations are open to the people's review. For information on your rights under the open Government Ordinance, to receive a free copy of the ordinance, or to report a violation of the Ordinance, contact the open Government Commission staff at (408) 846-0204 or e-mail [Shawna.freels@cityofgilroy.org](mailto:Shawna.freels@cityofgilroy.org)



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**City of Gilroy**  
**Sign Ordinance Review Task Force Meeting Minutes**  
**February 12, 2013**

**PRELIMINARY**

**Task Force Members Present**

Dion Bracco      Steve Ashford      Katherine Filice      Elizabeth Sanford      Nancy Robinson

**Staff Present**

Hipolito Olmos      Scott Barron

**Members Absent**

Peter Arellano      Randy Scianna      Jaime Rosso      Kelly Woodall

- I. **Welcome and Introductions:** Dion Bracco opened the meeting at 6:01 p.m.
- II. **Public Comment on Non-Agendized Matters:** There were no comments from the public.
- III. **Minutes of January 16, 2013:** Minutes were approved as presented.
- IV. **Correspondence – None.**
- V. **Continued Discussion of Banner Signs:** Code Enforcement Officer Scott Barron presented a handout with staff suggested starting points, as requested by the Task Force. The handout included an overview of existing regulations and proposed regulations that included a revision from the previous meeting from 30 days to 45 days for the allowance to maintain temporary banners, to cover holiday promotions. It also included a table proposing temporary banner size limitations based on building frontage and zoning districts. Officer Barron began by mentioning a discussion raised prior to the meeting regarding a previous request from the Task Force to bring additional information to them proposing that the scale of signs should change with distance from the freeway.

Task Force Member Ashford pointed out that during the previous meeting the task force requested information on the process that has been used in the past to allow signs to face the freeway.

Code Enforcement Officer Hipolito Olmos stated that those signs are generally allowed through the variance process.

Task Force Member Sanford stated that she recalled during the discussion of what signs could be visible from the freeway, Community Development Director Kristi Abrams stated there is a separate part of the code that states what can or can't be done; and that was what we were going to bring back. That way we weren't making recommendations on

things that were not allowed. She thought that was all they were waiting on.

As part of the Banner discussion, Officer Barron referred to Zoning Ordinance section 37.50 that states "no sign shall be mounted on the side of a building abutting and facing a freeway. Chairman Bracco asked, how does this section affect See Grins RV? They are facing the freeway however they are across the street. Task Force Member Sanford stated that they are not considered freeway facing.

Task Force Member Robinson asked about the signs on the back of the Gap facing the freeway. Officer Olmos stated yes those types of permanent signs would need a variance or be part of a PUD to be installed facing the freeway. Task Force Member Robinson mentioned the banners on Golds Gym. Task Force Member Ashford asked, so Golds Gym could request a variance for their banners? Officer Olmos responded yes.

Task force Member Filice stated isn't the question can they have a temporary sign facing the freeway. Chairman Bracco asked, by the rules they can't have a temporary sign facing the freeway. Officer Olmos stated, not currently.

Task Force Member Sanford stated, yes the question is should temporary banners be allowed facing the freeway and if they are allowed; what type of banner and how. Officer Olmos stated, yes if we were to allow them to face the freeway, how large should they be and should we use the table to determine the size.

Officer Barron concluded by reading proposed item 3, which still prohibits banners facing the freeway. Task Force Member Ashford stated, he is in favor of leaving it the way it is. Chairman Bracco asked, so the will of the group is to leave it as it is? Task Force Member Sanford stated, I just want to be clear what is allowable and if so what the process is. After a brief discussion of the Task Force, Chairman Bracco asked again, so we are in agreement, leave it as it is? Officer Barron asked, as it currently is proposed? The other Task Force Members agreed, Chairman Bracco answered, yes.

**VI. Presentation of Offsite Residential Open House Signs –Downtown Only:** Code Enforcement Officer Olmos made a presentation regarding offsite residential open house signs -Downtown Only that included photos of the intersections, the current sign regulations of the city as well as municipal code requirements regarding obstructing the passage over streets and sidewalks. He also provided information from the California Building Code regarding accessibility requirements for minimum sidewalk clearances and the City Engineers Standard specification on Visibility at Intersections.

Task Force Member Robinson , stated there are two types of signs in the downtown, A-Frame portable open house directional signs that are put out and signs from new construction. Task Force Member Ashford stated that when you look at the intersections with the bulb-outs there is not a good place to put the signs.

Task force Member Filice asked, is what you are proposing only for the downtown? Officer Olmos stated correct. Task Force Member Robinson, stated, but do we have the space at the corner is the issue we were concerned about.

Chairman Bracco asked, what does the Downtown Specific Plan say about these signs. Officer Olmos stated, the Downtown Specific Plan deals primarily with permanent signage

not with temporary signage such as portable a-board signs.

Task Force Member Ashford asked, can we confirm that the Downtown Specific Plan does not address A-Board signs, he understood that it did. In fact he thought it even contained specifics as to how far they can be from the doors. Task Force Member Sanford stated, I thought it was in the other sign code. Chairman Bracco stated, the downtown has its own sign ordinance right.

Task Force Member Filice stated, last week we agreed to allow no more than two portable offsite open house signs per corner. Officer Barron stated, I thought we did not limit the number of offsite open house signs. Task Force Member Sanford and Filice both stated, we did not limit the total number of signs but we did set a limit of two on the number of signs that could be placed at any one intersection except in the downtown.

Task Force Member Ashford stated you can't put the signs in the planters, you can't put them in the ramp areas and they have to be 12 inches from the curb. That leaves very few places. Officer Olmos stated, ADA requires 48 inches clearance for pedestrians; that would still allow some room. Task Force Member Robinson, no responsible agent would put a sign in the crosswalk area anyway. Officer Barron stated, by putting your portable signs only in the areas you mentioned, you would be substantially in compliance with our current code which prohibits them in the sidewalk intersections. Task Force Member Filice stated, she agreed, she would not like the signs in the clear corners. Officer Barron stated, in a previous meeting when discussing the portable signs in the Mama Mia shopping center it was decided to remove the signs from the sidewalks and place them in the planters. Task Force Member Filice stated, that is only along First St, the downtown is a different district they should be allowed on the sidewalks since the whole streetscape is different. Chairman Bracco stated, once they are on private property, the landlords will take care of them. Task Force Member Ashford asked, would they still have to come in at night? Task Force Member Filice stated, yes.

Task Force Member Robinson stated, my proposal is to allow one offsite real estate sign per parcel in the downtown, not in the clear corner areas along Monterey. Chairman Bracco stated, do we need a total number allowed at an intersection? Task Force Member Robinson stated, no. Task Force Member Sanford stated, I think the code takes care of it in terms of allowable clearance. Officer Barron asked, one in the downtown as opposed to one at an intersection? Task Force Member Sanford stated, right. Task Force Member Robinson stated yes one in the downtown.

**VII. Flags, Balloons and Streamers:** Code Enforcement Officer Scott Barron made a presentation on Flags, balloons and streamers. He presented a handout with staff suggested starting points, as requested by the Task Force. The handout included an overview of existing regulations and proposed regulations.

Task Force Member Filice stated, feather banners should not be allowed in the downtown. After examining the zoning map, Chairman Bracco stated, I think the prohibited area should just be the Historic Downtown. Task Force Member Filice stated, yes, that is my recommendation, they should not be allowed in the Downtown Historic District. Officer Barron asked, so you are saying no feather banners, streamers or pennants in the Downtown Historic District? Task Force Member Filice stated, yes. Officer Barron asked,

what about balloons? Task Force Member Filice stated no balloons. Chairman Bracco agreed.

Officer Barron asked, so what are we doing in the other areas of the City? Task Force Member Filice stated, in the other areas it feels like you are letting them have everything. Officer Barron stated, that is the way it is currently worded. I think we felt the task force was interested in moving in this direction so this was an attempt to create a framework to allow them. Task Force Member Filice stated, I think this would be chaos. I feel comfortable with feather banners however when we also say you can have balloons and streamers, it feels like a lot. Chairman Bracco stated, then it needs to be one or the other.

Task Force Member Filice stated, we need to exclude the auto dealerships from this, because where the dealerships are located it would be ok. Officer Olmos asked, any auto dealer? Task Force Member Filice stated, no, just at the auto mall. Task Force Member Robinson stated, in the auto industry they are commonplace. Chairman Bracco stated maybe they should just be allowed for the franchised dealers? Task Force Member Filice stated, I think it has more to do with the geography of the city not just on what they are selling. Task Force Member Sanford stated, because of where they are located they are not bothering anyone else. That makes it more appropriate; without creating a whole new district on the map, just calling it out in terms of geography should solve the problem of why it should be allowed for them. Task Force Member Filice stated, and it has to do with autos. Task Force Member Sanford stated, yes. Task Force Member Filice stated, the decision is for auto dealers in this geographic area. Officer Barron asked, they could have feather banners or streamers or pennants or balloons? Task Force Member Filice stated yes pretty much what they want. Task Force Member Ashford stated, I am for all this except the balloons. Maybe the used car dealers could come in and get a variance for to put up the streamers if they want them.

Task Force Member Filice stated; what if we limited the area of temporary signage, so that if you have a banner, an A-frame or feather banner, we could say per your store frontage you could this many square feet of such signs all together. You may not have enough square feet to use them all at the same time, but you mix and match as you go, so that sometimes you may have your A-frame out or feather banner or banner out at your choice.

Task Force Member Sanford stated, I think this code needs to reflect there are new ways of advertising, feather banners were not available before and they are very popular and if you are looking for something with movement then feather banners are it because streamers have the potential to not look very good. I believe it would be a fair compromise. I believe business owners would prefer a simple method such as can I put this up or not.

Task Force Member Filice stated, could we come up with a total square feet that could remain up. Task Force Member Sanford stated, I like the idea of stuff coming down, that way the whole First street corridor is not filled with banners and they are more likely to keep them in repair if they take them down regularly. Chairman Bracco stated, I don't think businesses will want to put them up for so many days then take them down for so many days, because they will say, that's their business. Officer Barron stated, the idea was that the feather banners were for special promotions and that they were not to be used constantly. Task Force Member Robinson stated but they are being used constantly. The used car dealers are the most prolific offenders.

Task Force Member Sanford stated, you have convinced me that it is inconvenient to put up and take down the feather banners, but if we did that I think it will help with some of the visual so there is not a constant tunnel of flags as you are driving in. But if that is too hard to enforce; how do you know when the two weeks start. If we limit them to no more than 1 per 25 feet of frontage and limit them to no more than one per 15 feet along the road, even if they stay up all the time, I think that will help with the visual but it could be tough to enforce. Officer Barron stated, yes it could be but I would go by what would work best visually.

Chairman Bracco asked, so what's the will of the group, limit them to the lineal footage of the frontage? Task Force Member Sanford stated, I think so.

Task Force Member Sanford stated, couldn't we just simplify it by saying no more than one per 10 or fifteen feet on the owners property to implement a spacing.

Chairman Bracco asked, so let's make a decision on feather banners.

Task Force Member Sanford stated, I think it will be easier to enforce and clearer to business owners if you use spacing rather than lineal footage determine number.

Task Force Member Filice stated; I think 25 feet is better, and can we say no to streamers and pennants. Task Force Member Sanford stated yes, streamers and pennants have been around for a long time, the argument can be made it's out with the old and in with the new.

Task Force Member Filice stated; so the only thing we have changed is to allow feather banners to the tune of one every 25 feet.

Officer Barron asked, so are we going to limit the number of days they can be up.

Chairman Bracco and Task Force Member Filice answered, no; Task Force Member Sanford stated, I think the spacing compromise was used instead.

Task Force Member Filice asked, so are we going to limit the total square footage that includes their banners, a-boards, and feather banners or not? Can I have a banner, feather banner and a-frame in my little 25 foot storefront. Chairman Bracco stated, I think if you have a banner up that is something different.

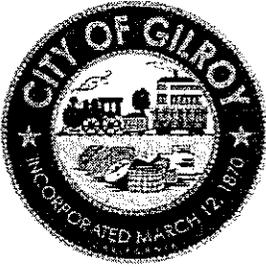
Chairman Bracco stated, I think if you have feather banners up you shouldn't have an a-board sign up, you should choose one or the other. Task Force Member Sanford stated, I think one or the other is fine. Task Force Member Filice stated, an a-frame or a feather banner.

Officer Barron asked, so you're ok with the prohibition on inflatable objects and balloons?

Task Force Member Sanford asked, what about those things that are way up there, are they inflatable objects or balloons. Task Force Member Robinson stated, we're going to leave them alone. Officer Barron stated, if we create a special district for the dealers we could allow them. Task Force Member Robinson stated, I would like to allow balloons in the special district for the auto dealers.

Task Force Member Filice stated, a-board signs are the same in the downtown except one realtor sign is allowed. Officer Barron asked, how did we decide which realtor gets the one downtown a-board sign. Task Force Member Filice and Task Force Member Sanford stated, each realtor gets one. Task Force Member Robinson stated, if there isn't room then we could pick up the signs.

- VIII. Determine Wrap Up and Community Outreach Meetings Schedule:** The Wrap Up meeting tentatively scheduled for March 13, 2013 was confirmed by Chairman Bracco and Task Force Member Kat Filice.
- IX. Adjournment:** The meeting was adjourned at 7:59 pm by Chairman Bracco.



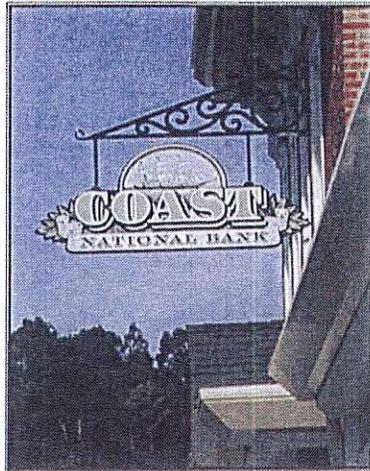
**City of Gilroy**  
STAFF REPORT

DATE: June 11, 2013  
TO: Sign Ordinance Task Force  
FROM: Kristi Abrams, Community Development Director   
SUBJECT: **Downtown Specific Plan – A-Board Sign Question**

A question was raised at the February 12, 2013 Task Force Meeting regarding whether A-Board Signs are addressed in the Downtown Specific Plan. The Downtown Specific Plan does not directly address A-Board Signs. The sections of the Downtown Specific Plan pertaining to signs are attached to this report as Attachment A.

Attachment A: Downtown Specific Plan – Sign Guidelines

# IV Design Guidelines



THE METHOD OF ATTACHING THE SIGN TO THE BUILDING SHOULD BE INTEGRATED INTO THE OVERALL SIGN DESIGN.



AWNING SIGNS ARE ENCOURAGED

## J. SIGNS

Signs play an important role in the success of any business by providing necessary identification and advertising. Signs integrated into the building design provide a personal quality that contributes to the ambiance of the commercial complex or streetscape, especially the more unique signs. Conversely, signs can intrude upon pleasant surroundings when applied as an afterthought. These guidelines are intended to balance the legitimate advertising needs of businesses with the need to prevent visual clutter.

- Signs should be in scale with and in proportion to the primary building façade so that the signs do not dominate the appearance.
- Sign colors, materials, and design should be compatible with that of the primary building façade.
- Painted wood and metal are appropriate materials for signs.
- Signs that reflect the type of business through design, shape, or graphic form are encouraged.
- The method of attaching the sign to the building should be integrated into the overall sign design.
- Signs on canopies and awnings are encouraged.
- Signs should not cover up windows or important architectural features.
- Window signs should be pedestrian-oriented and restricted to a maximum percentage of window area and letter height.
- A single development with more than five users should provide a unifying sign theme through a sign program.
- Where several tenants occupy the same site, individual wall-mounted signs should be used in combination with a monument sign identifying the development and address.
- Flush-mounted signs should be positioned within architectural features, such as the window panel above the storefront or flanking the doorways.

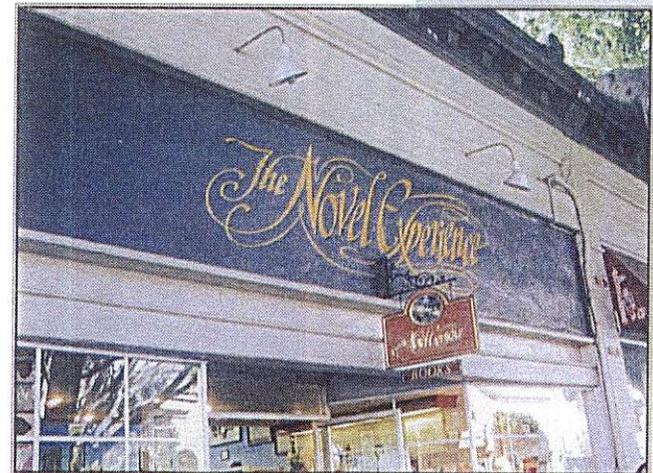
ATTACHMENT

A

- Signs incorporated into the paving at storefront entries are encouraged.
- Freestanding signs and displays in the public right-of-way can enhance retail presence on the sidewalk but may be further enhanced by non-textual, illustrative designs, displays of goods, or more sculptural alternatives. Sculptural and illustrative detailing in signs is encouraged and should be allowed in addition to strict square footage allowed by the code. Freestanding signs should be designed by a professional.
- A projecting sign may be located near the business entrance, just above the door or to the side of the door.
- Projecting signs should be small and should reflect the use of the business by incorporating symbols or logos of the business.
- For perpendicularly projecting hanging signs, there should be a minimum of eight feet from the bottom of the sign to ground level.
- Pole signs are strongly discouraged for both new construction and renovations.
- Lighting of all exterior signs should be directional to illuminate the sign without producing glare on pedestrians, autos, or adjacent residential units.
- Plastic, internally illuminated sign cabinets are strongly discouraged.
- Indirect illumination from an external, shielded lamp is preferred.
- Internal illumination of an entire sign panel is prohibited.
- Signs which rotate and flash may not be used.
- Electrical connections may not be visible on signs.



SMALL PROJECTING SIGNS ARE ENCOURAGED

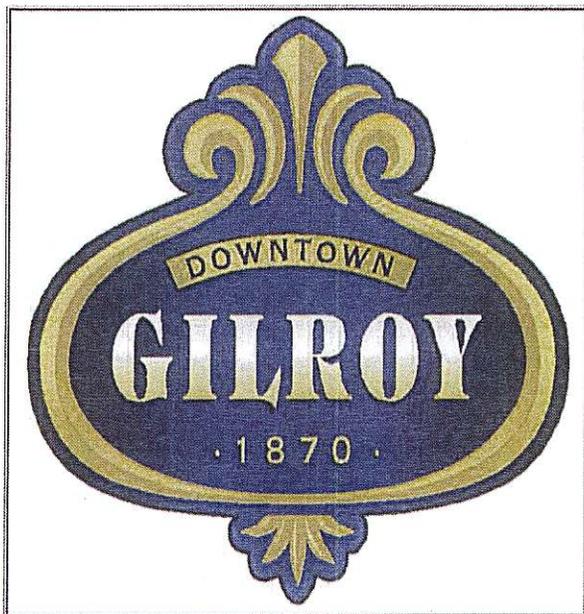


INDIRECT ILLUMINATION FROM EXTERNAL, SHIELDED LAMPS IS PREFERRED

## IV DESIGN GUIDELINES

## SIGNS

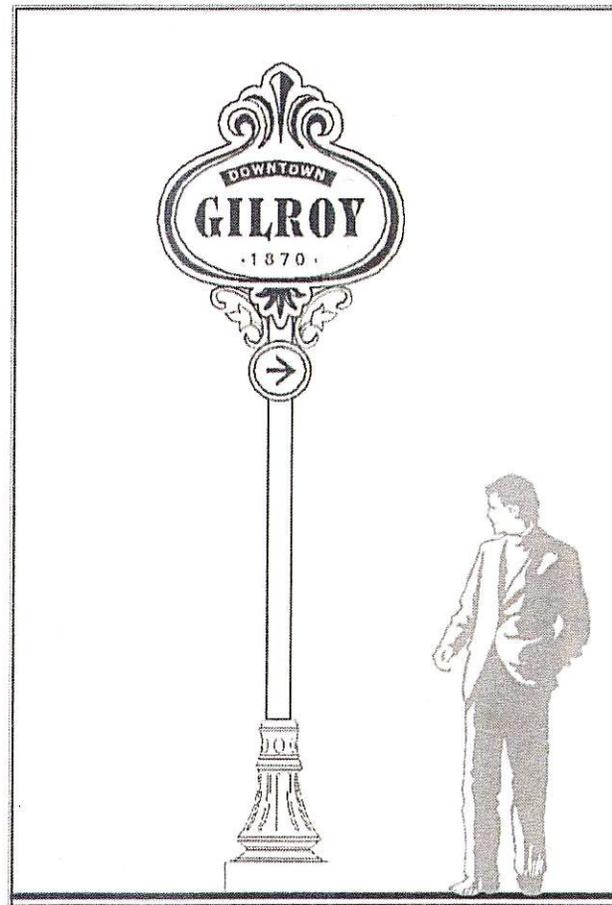
A strong sign program is one of the fastest ways to make an immediate impact and "brand" an urban area. A logo and sign program shall be established to help distinguish the Downtown from other areas of town. The logo shall be placed on gateways, signs, and banners to develop both a sense of place and an identity for the Downtown.



GILROY LOGO

### Lead-in Directional Signs

Lead-in directional signs will be located at key locations outside of the Specific Plan area throughout the City as well as near the freeway to direct residents and visitors to the Downtown.

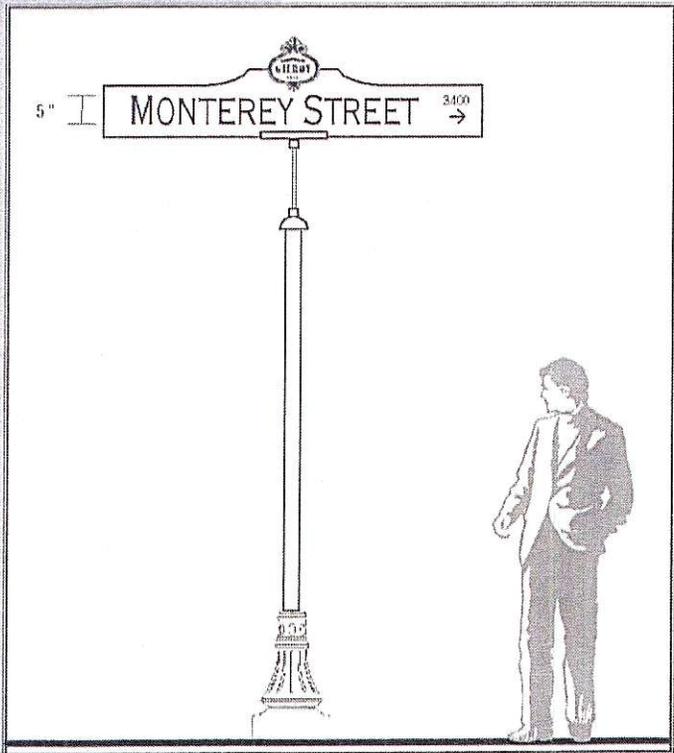


LEAD-IN DIRECTIONAL SIGN

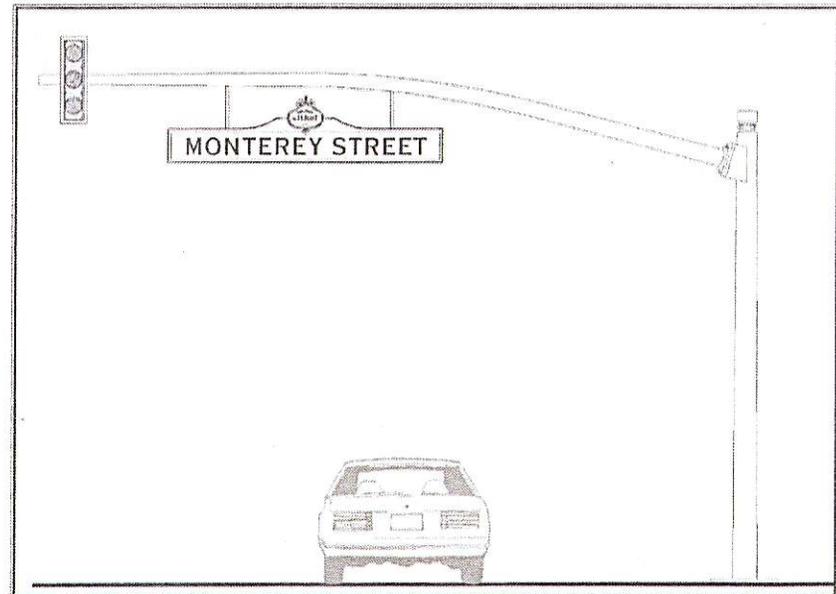
### Street Signs

Street signs are one of the best opportunities to provide a unifying element in the urban environment. Street signs shall be as specified by the Manual on Uniform Traffic Control Devices (MUTCD) or by special request, subject to the review and approval of the City Engineer. It is the intent of the Specific Plan to identify every street in the same way in order to provide a recognizable sense of repetition that clearly enables a motorist, bicyclist, or pedestrian to identify the Downtown as a special destination. The street sign program should include the following, as possible:

- A color unique to all Downtown signs
- A font selection consistent with the desired traditional Downtown character
- A design that reflects design components of the other Downtown signs



SAMPLE STREET SIGN



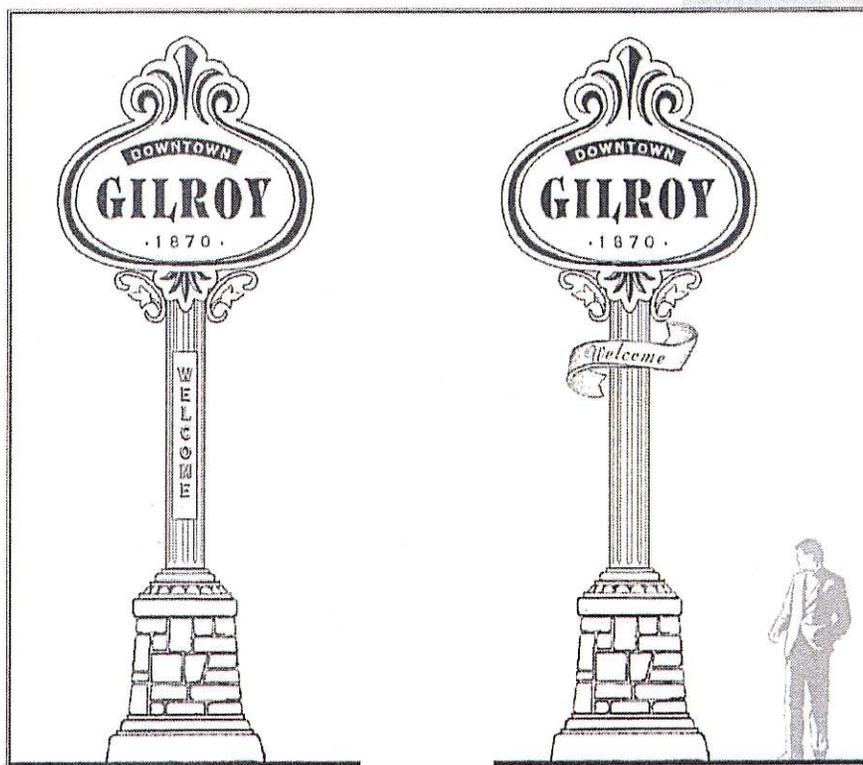
SAMPLE OVERHEAD STREET SIGN

## Gateways and Entry Monuments

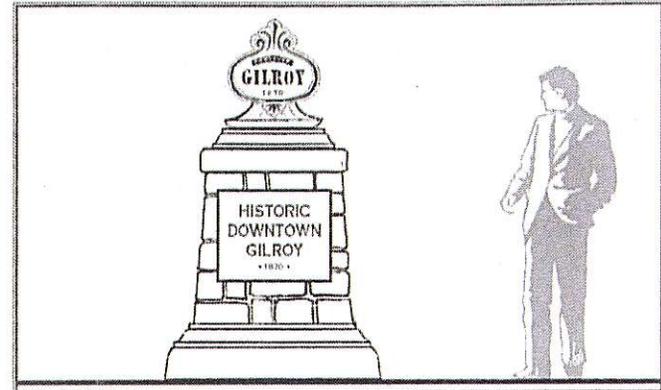
Gateways and entry monuments will be instrumental in providing a sense of arrival and transition into the Downtown. These visual gateway features are civic in emphasis and serve to identify and promote the distinct identity of the Downtown. Gateways announce entry into the Downtown area and entry monuments highlight entry into the more traditional and historic heart of Downtown. Gateway treatments are proposed to be located at the intersection of Monterey Street and First Street and at the intersection of Monterey Street and Tenth Street. Entry monuments are proposed to be located along Monterey Street at Third Street and Eighth Street.

In addition to serving as entryways, gateways and entry monuments are important places for directional and informational signs to guide motorists to their destinations. The visual design of gateways should be attractive as well as functional, conveying a ceremonial sense of entry that reflects the traditional importance of a downtown and conveys the unique identity of the Downtown.

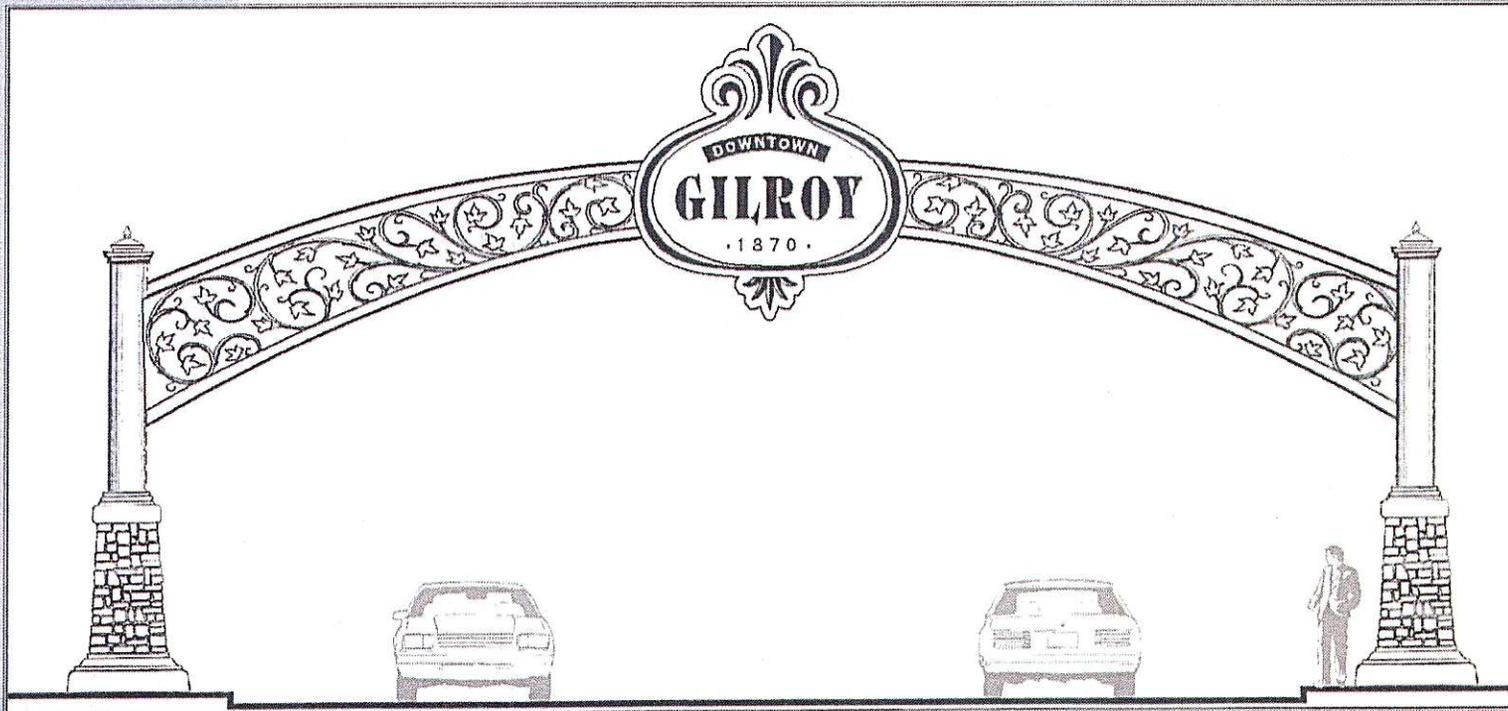
Physical elements of the entry, including medians, signs, archways, paving materials, and landscape planting materials, should function together to physically define the entry and establish a positive first impression of the Downtown. Increased landscaping at gateways and entry monuments will help emphasize that one is entering the Downtown.



GATEWAYS LOCATED AT THE INTERSECTION OF MONTEREY STREET WITH FIRST STREET AND TENTH STREET



ALTERNATIVE ENTRY MONUMENT LOCATED ON MONTEREY STREET AT THIRD STREET AND EIGHTH STREET

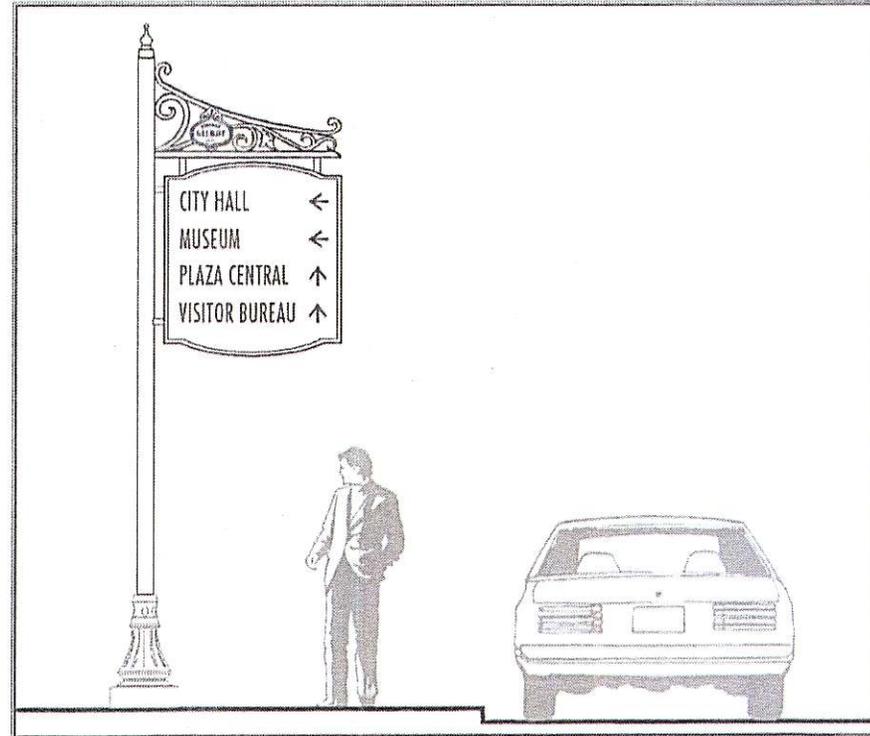


ENTRY MONUMENT/ARCH LOCATED ON MONTEREY STREET AT THIRD STREET AND EIGHTH STREET

## Directional Signs

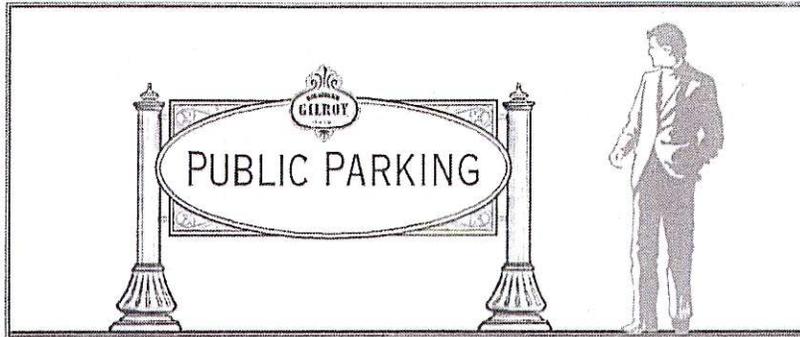
Of key importance in the Downtown is a clear and attractive directional sign system to provide direction to important services and destinations such as public parking, city hall, library, performance venues, parks, transportation facilities, etc. The following are guidelines for the development of a directional sign program for the Downtown.

- The sign program shall include a common directional sign with directional arrows and labeling to denote key shopping areas, public parking, civic buildings, and tourist attractions.
- Directional signs shall be oriented to vehicular traffic. Selected signs should be lit, landscaped, and placed permanently at roadsides or within medians at key locations around the Downtown. These signs shall be smaller than the City gateways but similar in style.
- The directional signs shall reflect design materials and components of the gateways, entry monuments, and street signs to provide consistency and unity.

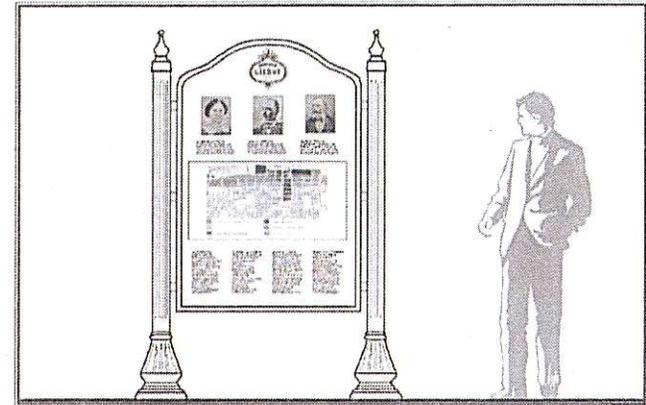


VEHICULAR DIRECTIONAL SIGN

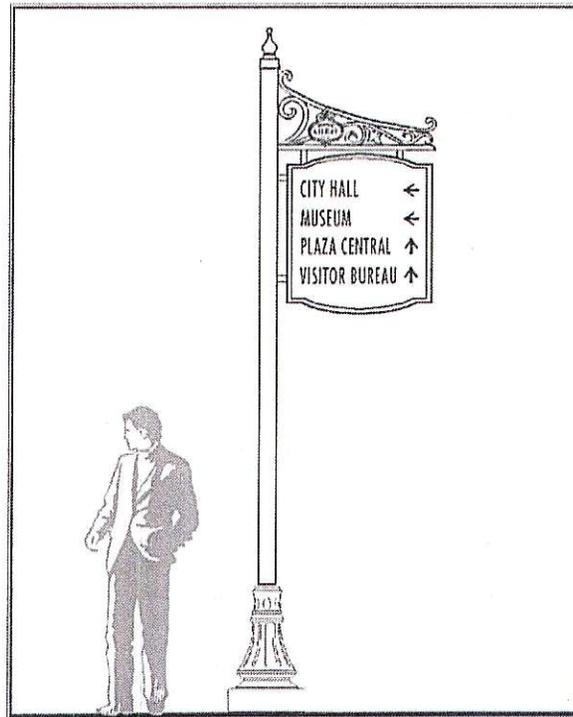
# VI Public Realm



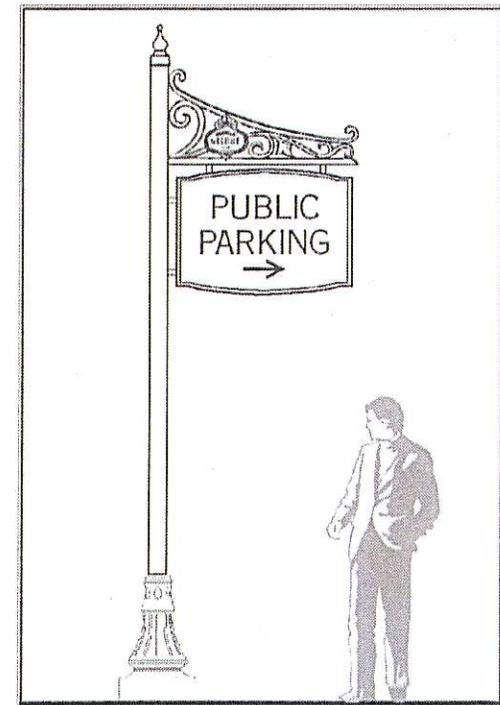
PARKING LOT IDENTIFICATION SIGN



PEDESTRIAN DIRECTORY SIGN



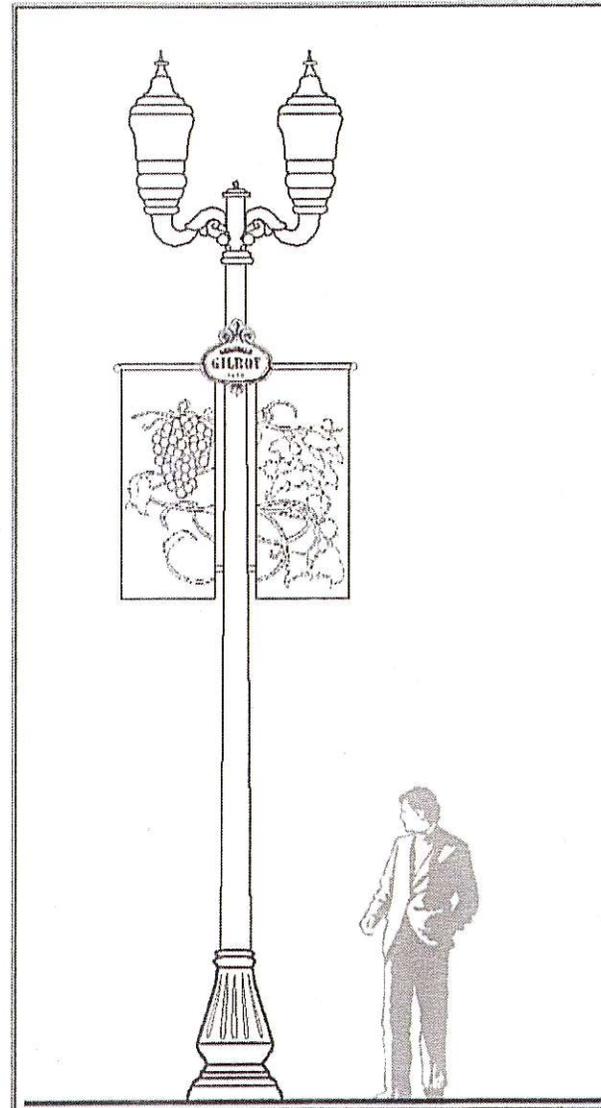
PEDESTRIAN DIRECTIONAL SIGN



PARKING DIRECTIONAL SIGN

## Street Banners

Banners or flags for use on area light standards shall be included in the sign program. Banners with an appropriate logo and graphic representing a community-wide special event or festival shall be developed. Banners may be changed periodically to provide advertisement for special events and promotions.



STREET BANNERS

# Item VI – Proposed Modifications

## SIGN ORDINANCE REVIEW TASK FORCE PROPOSED MODIFICATIONS

6/11/13

### Topics for Evaluation

1. Handheld Signs
2. A-frame/portable Signs
3. Off-site Residential Open House Signs
4. Flags, Balloons and Streamers
5. Temporary Banners
6. Temporary Signs Affixed to Vehicles
7. Window Signs

### Recommendations:

#### 1. Handheld Signs

##### a. Existing regulations

1. Section 37.21 Issuance states “Permits shall be required for all signs in Gilroy, except those specifically exempted by Section 37.24”. Section 37.24 does not exempt this type of sign.
2. Section 37.31 Prohibited Signs has the following prohibitions;
  1. Subsection (e) specifies that signs which are “designed to move” are prohibited. Since these signs are not fixed or permanently fastened to anything.
  2. Subsection (g) references “Any sign which because of ...motion or apparent motion”, “is a detriment to surrounding property” is prohibited.
  3. Subsection (p) lists “Any off-site advertising sign” as prohibited.

##### b. Proposed Modifications

1. 12-4-12 meeting, voted to make **no recommended change** to the existing regulations. Also requested that the staff report be included in the packet.

At the time this item was discussed, it was determined that due to the limited seasonal use of handheld signs it would not be addressed. Since that discussion, a growing number of handheld signs have been observed. The issue has been requested to be discussed again.

#### 2. A-frame/portable signs

##### a. Existing regulations

##### 1. Section 37.90 Portable Freestanding Signs

Except as provided under this section, portable freestanding signs are prohibited in all zoning districts:

(a) Portable freestanding signs are permitted in all commercial districts under the following conditions:

(1) Each tenant located within a commercial complex or building may have a portable sign, providing that their business has a distinct individual store front and separate front entrance for customers;

(2) Portable signs shall not be placed any closer than one foot from the street curb, and shall not be placed within a sidewalk intersection (as defined under Municipal Code section 20.60). A portable sign shall not be placed within any landscaped planter. In the core Downtown districts (DHD and DED), a portable sign may be placed anywhere on site, providing it does not block any alley right-of-way, driveway, parking stall, or building exit;

(3) A portable sign may be placed on a public sidewalk, immediately in front of a business store front, providing an open pedestrian path of at least four feet in width is maintained to the front entry and along the frontage of the business. Prior to placing of a portable sign on a public sidewalk, the business owner shall procure insurance and submit to the City a certificate of insurance in an amount and form acceptable to the City's Risk Manager, and adding the CITY OF GILROY as an additional insured to the owner's comprehensive general liability policy;

(4) The maximum height for a portable sign shall be 4 feet, with a maximum width of 2 1/2 feet. Portable signs shall be constructed of wood (or other stout material) and metal hardware, with all surfaces painted. Portable signs shall have no electrical, mechanical, or fixed attachments, including objects that move with the wind;

(5) A portable sign may advertise only the name of the business, type of business, special promotions, hours of operation, and/or phone number;

(6) A portable sign may be displayed only during hours that the business is open to the public, and shall be taken in during all other times;

(7) Portable signs shall not be attached or secured to public property, placed over any utility box, or within 36 inches of a fire hydrant.

b. Proposed Modifications

1. 10-30-12 meeting, recommend no changes in the downtown, all other locations, only one portable sign should be allowed and it must be placed on private property.
2. 2-12-13 meeting, the task force clarified, only along first street should the portable signs be removed from the sidewalks and placed on private property.

### 3. Off site residential open house signs

a. Existing regulations

1. Section 37.24 Exemptions

No sign permit will be required for the signs listed below.

(l) One (1) on-site real estate sign pertaining to the sale, lease, rental or display of a structure or of land which shall not exceed four (4) square feet in area.

Section 37.31 Prohibited Signs

Except as otherwise provided in this Ordinance, the following signs shall be prohibited throughout the City of Gilroy:

(p) Any off-site advertising sign, including billboards, in any district.

b. Proposed Modifications

1. 1-16-13 meeting, the task force agreed to allow up to two permanent offsite directional open house signs subject to removal at the request of the Community Development Director.

The task force agreed not to place a limit on the number of temporary offsite residential open house directional signs.

The task force added language that all placement of signage shall be ADA compliant and not be allowed in the median along Santa Teresa.

2. 2-12-13 meeting, the task force agreed to set a limit of two on the number of signs that could be placed at any one intersection except in the downtown.

The task force decided to allow one offsite real estate sign per realtor in the downtown, not in the clear corner areas along Monterey St.

Proposed Zoning Ordinance Revision approved by task force.

Section 37.24 Exemptions

(l) One (1) on-site real estate sign pertaining to the sale, lease, rental or display of a structure or of land which shall not exceed four (4) square feet in area. Portable open house signs may also be erected on the day(s) and time on which the property is available for public showing. Such signs may be off-site and shall comply with the requirements of Section 37.90(4)(7) Portable Freestanding Signs.

Portable real estate signs shall not be placed any closer than one foot from the street curb, and shall not be placed within a sidewalk intersection (as defined by Municipal Code section 20.60)

Prior to placing a portable sign(s) on a public sidewalk, the business owner shall procure insurance and submit to the City a certificate of insurance in an amount and form acceptable to the City's Risk Manager, and adding the CITY OF GILROY as an additional insured to the owner's comprehensive general liability policy;

Section 37.31 Prohibited Signs

(p) Any off-site advertising sign, including billboards, in any district except as exempted in Section 37.24 (l).

**4. Flags, Balloons and streamers**

a. Existing regulations

1. Section 37.31 Prohibited Signs

Except as otherwise provided in this Ordinance, the following signs shall be prohibited throughout the City of Gilroy:

(c) Flags, pennants, balloons, streamers, and objects designed to move with the wind, except for flags of the United States of America and the State of California on a flagpole for which a building permit has been issued.

b. Proposed Modifications

1. 2-12-13 meeting, task force determined that feather banners, streamers, pennants, Inflatable objects and balloons designed to move with the wind should not be allowed in the Downtown Historic District.

The task force determined that feather banners, pennants, Inflatable objects and balloons should be allowed for the franchised auto dealers on Stutz Way.

Proposed Zoning Ordinance Revision approved by task force.

Section 37.31 Prohibited Signs

- (c) Flags, pennants, balloons, streamers, and objects designed to move with the wind, except for flags of the United States of America and the State of California on a flagpole for which a building permit has been issued and as exempted in Section 37.24(f)(feather banners exemption) and Section 37.24 (?)(auto dealers exemption)

To be added to Section 37.24 (f)

Feather banners, may be used for special promotions subject to the following:

- a) Feather banners, may not be placed on vacant property or attached to public property or extend onto adjacent private property, and shall not be attached to utility poles or light standards within the public right-of-way.
- b) Feather banners must be securely installed and may not protrude into any public right-of-way, drive aisles, parking spaces or other areas required for vehicular or pedestrian accessibility. Exposed bracing, guy wires or cables are prohibited. Their total maximum height shall not exceed eleven (11) feet in height and two (2) feet six (6) inches in width.
- c) Feather banners, shall not create a visual obstruction over three (3) feet high adjacent to driveways, alleys or corners pursuant to the visual obstruction requirements of Municipal Code Section 20.60.
- d) The number of feather banners allowed on a site shall not exceed one (1) for every twenty-five (25) lineal feet of frontage along the adjacent public street. The lineal feet of frontage shall be that distance of site frontage facing a public street. Where the site fronts on more than one public street, the lineal feet of frontage shall be calculated by using the longer of any one such frontage.
- e) The placement and use of all feather banners, shall be subject to the approval of the Community Development Director.

**5. Temporary Banners**

a. Existing regulations

1. Section 37.24 Exemptions

No sign permit will be required for the signs listed below.

- (f) Temporary banners, and similar advertising devices located over private property to advertise business opening, sales and special promotions which are maintained for a consecutive period of less than thirty (30) calendar days. No

more than three (3) such signs shall be allowed for each business. Their size shall not exceed thirty (30) square feet each or ninety (90) square feet total. The total area for all permanent and temporary signs shall not exceed one hundred thirty (130) percent of the maximum allowable signage for the business. Such signs shall not be replaced within ninety (90) calendar days after removal.

b. Proposed Modifications

1. 1-16-13 meeting, the task force agreed to item number one proposed by staff with a change from 30 days to 45 days for banners other than grand opening or going out of business.

Proposed Zoning Ordinance Revision approved by task force.

Proposed revision to section 37.24(f)

Temporary banners, located over private property to advertise sales and special promotions which;

1. Are maintained for a consecutive period of no more than forty five (45) calendar days. A business may conduct no more than one Grand opening or Going Out of Business sale per location. Temporary banners for Grand Opening sales may be maintained for a consecutive period of no more than sixty (60) calendar days and temporary banners for Going Out of Business sales may be maintained for a consecutive period of no more than ninety (90) calendar days.
2. 2-12-13 meeting, the task force agreed to item numbers two and three proposed by staff and the included table.

Proposed Zoning Ordinance Revision approved by task force.

2. No more than three (3) temporary banners shall be allowed for each business.
3. Banners may be mounted on any side of a building, except no sign shall be mounted on the side of a building abutting and facing a freeway.

	COLUMN 1	COLUMN 2
	Maximum total banner area permitted (in square feet) for each lineal foot of building frontage.*	Maximum total banner area permitted (in square feet) regardless of building frontage*
PO and CCA Districts	1-½	90
C1, TD and CD Districts	1-½	90
DHD and DED Districts	1-½	150
C3, HC, CM and GD	2	150
M1, M2	2	150

\*Building frontage shall be defined pursuant to Section 37.50(b)

## 6. Temporary signs affixed to vehicles

- a. Existing regulations
  1. Section 37.10 Prohibited Signs
    - (r) Portable signs; including signs over three (3) square feet in area temporarily affixed to any one elevation of vehicle.
- b. 12-4-12 meeting, the task force agreed to recommend no changes to the existing regulations.

## 7. Window signs

- a. Existing regulations
  1. Section 37.24 Exemptions

No sign permit will be required for the signs listed below.

    - (g) Temporary signs on windows of commercial buildings provided no more than twenty-five percent (25%) of the window surface is covered, for a time period not to exceed fifteen (15) days.
- b. Proposed Modifications
  1. 12-4-12 meeting the task force agreed to keep the 25 % maximum window coverage, and eliminate the 15 day time period limitation. Task force also agreed to add the additional restriction "no faded or dirty signs" to Section 37.70 Maintenance.

# June

## SIGN TASK FORCE

# 2013

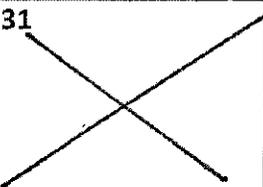
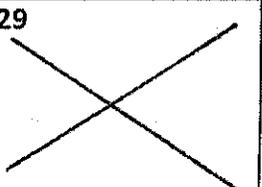
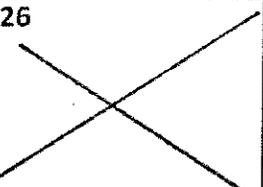
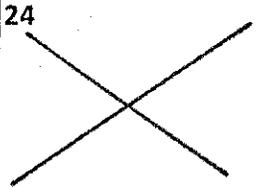
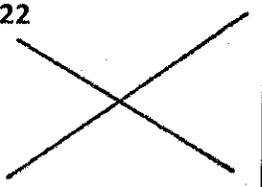
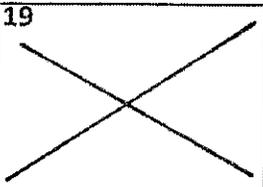
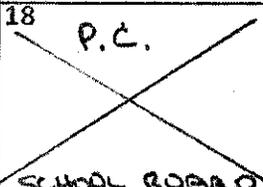
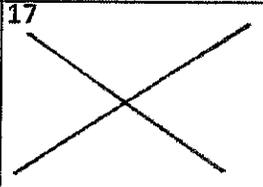
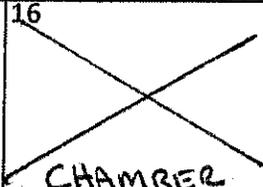
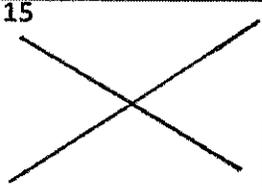
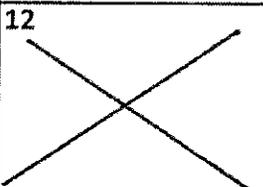
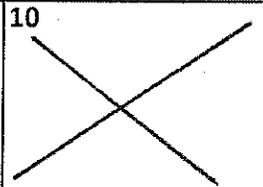
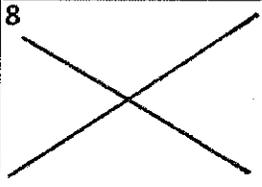
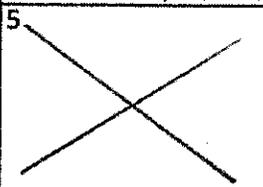
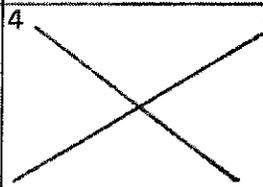
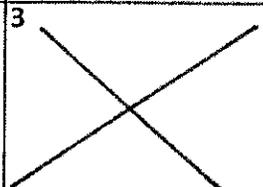
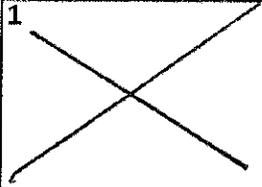
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						1
2	3 X	4	5 X	6 SCHOOL BOARD P.C. X	7 X	8
9	10 X	11 6:00 PM TASK FORCE MTG X	12 X	13 X	14 X	15
16	17 X	18 CHAMBER X	19 X	20 SCHOOL BOARD X	21 X	22
23	24 X	25	26 X	27	28 X	29
30						

# July

SIGN TASK FORCE

# 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			



# August

SIGN TASK FORCE

# 2013

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 X BOARD-SCHOOL	2 X	3
4	5 X	6 X	7 X	8	9 X	10
11	12 X	13	14 X	15 X SCHOOL BOARD	16 X	17
18	19 X	20 X CHAMBER	21 X	22 X	23 X	24
25	26 X	27 X	28 X	29 X	30 X	31