



City of Arts & Innovation

COMPREHENSIVE SIGN CODE UPDATE SIGN CODE REVIEW COMMITTEE MINUTES

Monday, April 14, 2014
4:00 p.m.

MAYOR'S CEREMONIAL ROOM, CITY HALL
3900 MAIN STREET

1. Attendance

Committee and Community Members: Sandy Austell, Robin Bell, Janice Bielman. Allison Dale, Mark Earley, Chris Fielder, Jennifer Gamble, Kim Hicken, Michael Johnston, Richard Kirby, Dennis Morgan, Rod Perry, Thomas Riggle, Claudia Rodriguez, Cindy Roth, Tina Teets, Larry Vaupel, Andrew Walcker, Steve Whyld, Dana Winant, Leni Zarate, Timothy Ralston

Staff: Planning Division: Doug Darnell, Steve Hayes & Frances Andrade
City Attorney's Office: Robert Hansen

Consultants: Randal Morrison, Sabine & Morrison; Vivian Kahn, Dyett & Bhatia

Chair Riggle called the meeting to order.

2. Approval of March 13, 2014 meeting minutes

The minutes of March 13, 2014 were approved as presented.

MOTION made by Andrew Walcker, **SECONDED BY** Robin Bell, **TO APPROVE** the minutes of March 13, 2014 as presented. **MOTION CARRIED:** Unanimously.

3. Oral Communications from the audience

Chair Riggle asked if there was anyone in the audience who would like to speak. There was no one in the audience requesting to speak.

4. Welcome, Introductions & Meeting Objectives

Doug Darnell welcomed everyone and stated the objective to get through the remainder of the Issues and Options report today and that everyone was provided a list of sign variances issued by the City within the last five years. This may give the Committee a sense of what type of standards those variances were issued for, and perhaps identify issues with the sign code.

He stated that last Friday, he emailed a table with the current Sign Code to all members. Staff went through this and identified sections they see as initial problem areas. He encouraged the Committee's participation in providing comments and identifying other issues.

5. Draft Report “Issues and Options for Sign Regulation”

Vivian Kahn, Dyett and Bhatia, announced there were a few remaining issues that she would be going over. She would also like to discuss the variance issue that will give the Committee some idea of where they may want to make adjustment when the regulations are revised.

A number of members felt that temporary signs, was an issue that should be addressed and is also one of the most complex. She pointed out that currently, portable signs and A-frame signs were only permitted in the Downtown Specific Plan area. The question is; should they be permitted outside of the Downtown. In her previous presentation she had questioned whether the regulations should distinguish among different commercial areas. It would seem that portable signs may well be appropriate in those districts which are intended to be pedestrian oriented. If portable signs were to be permitted outside of the Downtown, where and what should be the requirements? There would have to be restrictions to ensure compliance with ADA requirements. She opened this item up for discussion and requested the committee’s input.

Sandy Austell stated that the City has some heavy winds that brush through and asked if this would create any type of liability?

Randel Morrison replied that the A-frame and similar portable signs on public property should require insurance. The City could require a certificate of insurance that names the City as an additional insured. It would be up to the City’s risk manager to decide what the coverage should be. He indicated that not only do the winds create problems but bicycles, tricycles, and children playing on the street are also issues to be considered. There are definitely some danger and safety type issues with A-frames.

One Committee Member stated that the Arlington area requested those types of signs. She is part of the Arlington Business Partnership and tries to bring small businesses into the area. The sidewalks are very wide so that these types of signs would be advantageous in the Arlington area.

Cindy Roth, Riverside Chamber, added that not only in the Arlington area, but the Magnolia Center would also benefit. There is no question that portable signs should have insurance and other requirements but there are areas in the City where she felt they should be permitted.

Mr. Morrison commented that there is another issue that occasionally comes up. The public sidewalk is in a special category that the courts call “traditional public forum.” In those areas, the City must give equal display rights to the commercial speech and the non-commercial speech. This means that even though the great majority of a-frames will be “today’s sandwich special”, if somebody wants to display their religious or political message on the sign they can do it. Some people get upset when public property is used to promote some kind of religious or political view. It is a risk that cannot be avoided even though it is a small risk.

Ms. Roth asked what are other cities are doing in regard to the A-frame signs?

Ms. Kahn responded that they are very frequently allowed only on a temporary basis. Some cities do them for holiday sales. They may allow them only in arts districts where you have a lot

of people that are making things and will sell them for the holidays. They are becoming increasingly common in pedestrian oriented areas.

Jay Eastman, Principal Planner, explained that his experience has been that these are really pedestrian oriented signs. These normally have a changeable face such as chalk boards where they change the daily specials. These signs are in pedestrian environments and are typically not intended near vehicle movement because you just can't read them fast enough. There are some cities that allow for them on private properties and large shopping centers because that is private property and more contained. The liability is then carried by that private property owner.

Mr. Morrison commented that in previous sign programs he has worked with, the city has given in to the pressure from certain retailers to allow A-frames on the sidewalk but they are usually quite restricted. He agreed with Mr. Eastman, they are normally in pedestrian oriented places. A common rule is that the sign be on the sidewalk only when the store is open.

Mr. Eastman noted two very important issues to consider with these portable signs. A-frame signs are very accessible to most small businesses to provide additional signage and frequently, the signs that are placed out there are not the most beautiful signs or of high quality. This may not encapsulate what we think of as main street signage. The other issue is that these signs would be competing for space with utility meters, poles, traffic signs, etc. When we start adding these portable signs there is actually much less sidewalk space. How would you dictate who can have a portable sign and how would this be enforced? While on the one hand they are business friendly in terms of providing means and accessibility of signage, they do compete with the type of environment of clean, orderly space and pedestrian flow and that, in itself, can be a distraction for trying to attract pedestrians to a main street type environment. There are also difficult enforcement issues from a City staff perspective.

Chair Riggle asked if portable signs were allowed in one area; does it then, open the door for the entire City?

Mr. Morrison answered no. There can be defined areas with a set of rules and another defined area with a different set of rules.

Andrew Walcker stated he understood the applicability to the downtown but he has seen many other parts of the city where the signs are sitting in the grass, or in private landscape areas. These signs sit in the private right-of-way and do not encroach into the public right-of-way.

Mr. Eastman said that in his personal experience, those sandwich boards on the grass are not permitted. If the signs are put out, they are an enforcement issue.

Mr. Walcker questioned whether a temporary sign announcing a sale for that day and placed on private property was permitted?

Mr. Eastman replied that they are not permitted, yet people purchase them and put them out.

Mr. Morrison added that in cases where the City permits A-frame signs on the sidewalk, they have defined the area, size, and height but almost all cities say no to electricity, flashing lights and day-glow paint.

Robin Bell noted that the discussion is about A-frames and portable signs, which under the Code, one is permitted and the other one isn't?

Ms. Kahn reiterated that right now any kind of portable sign is only permitted as a temporary sign. What it says is: "All paper signs, banners, balloons, streamers, placards, pennants or portable signs that directly promote, attract, service or otherwise designed are prohibited except that they can be temporary signs."

Mr. Bell said he would be unable to give a developer a straight answer based on what he has heard.

Ms. Kahn agreed and stated that this is what is currently in the Code.

Mr. Bell stated that as far as he was concerned, where is it going to be put? That is what to begin with.

Mr. Eastman explained that Ms. Kahn has gone over the context of signage and tried to bring a certain level of pros and cons issues in a very broad context. He felt it has been difficult for everyone to discuss what is good and bad for a community without having a context for it. It is important for Ms. Kahn to provide that kind of education for the group, because some of the members do not have a signage background. Staff has asked Ms. Kahn not to touch on every issue in her "Issues and Options for Sign Regulation" that was distributed to everyone. This is not an effort to avoid these issues but at this point, they need to move on and actually talk about what their expectations of the Code are. Staff would like to spend time today discussing certain sections that may be an issue for them based on today's Code. At the next meeting the members will receive a first draft of the new Code to review and comment. Staff is trying to move from the contextual to the something more solid, based on today's Code and then move from there. He understands, under the present Code, portable signs are prohibited in the City. The question then becomes is that something the City wants to allow in the general context?

Committee Member asked if this would also pertain to open house signs for realtors because they are portable and they are A-frames on an average.

Ms. Kahn explained that there is a section of the Code that talks about real estate signs. They are a type of temporary sign that has more detailed requirements.

Dennis Morgan commented that businesses need A-frame signs and will do it whether it is allowed or not. Someone mentioned resources and the enforcement body for signs is Code Enforcement. He would prefer to use that resource effectively on bigger sign issues. He did not feel there should be controls on these signs as discussed. A-frames are a fact of doing business in most communities. The focus should be on how to do this district by district in a tasteful and responsible manner.

Ms. Kahn replied that they wanted was to get a sense of whether these types of signs would be ok in some places, particularly in areas which are pedestrian oriented, subject to requirements. They have not considered the issue of administration but when they provide the Committee with a recommendation, they will take this into consideration. Based on comments today, it appears as though these signs would be ok in certain areas subject to requirements.

Chair Riggle added that it would appear they should be specifically pedestrian, in his perspective. There are some areas that should be defined.

Ms. Roth agreed and between the Council Members and representatives, there are probably areas that could be recommended. She also agreed with Mr. Morgan and what the focus should be. It needs to be business friendly. People spend a lot of money on these, for them to be picked up and thrown in the trash. The businesses need to be made aware of the requirements.

Mr. Whyld asked for clarification and whether this would apply not only to public but also private property such as large centers?

Ms. Kahn replied affirmatively. They are currently allowed on private property if they are part of the sign program.

Mr. Eastman clarified that the City does have 16 specific plans. The administration of the code varies, depending on the area. Staff will try to work on this and make it clearer in terms of implementing this citywide.

Mr. Morrison explained that the Committee does not have to follow the existing zoning district boundaries. There is another zoning devise that can be used such as an overlay, or in this context a "Sign Overlay".

Ms. Kahn encouraged the Committee to provide staff with their suggestions for specific geographic areas. The other issue she wanted to go over was the rest of the temporary signs. As mentioned, signs, banners, balloons, streamers, placards are permitted if they are temporary but there are no guidelines. The issue is not only that in many cases there are no standards but there is no way to enforce them because the City doesn't know when somebody puts up a temporary sign. Also, the owner doesn't know, unless they sit down with the Sign Ordinance, whether what they are putting in their window, wall or in front of their business complies with Code. She questioned whether the City should require some kind of permit? There are ways to do this with minimal impact to staff and the applicant. What should be the standards for temporary signs?

Mr. Eastman expressed his opinion that most people don't like permits and it can be seen as another layer of bureaucracy. From staff's perspective, they would rather not issue a permit if it does not have an impact. Unfortunately, these signs can get out of control. As Ms. Kahn mentioned, some cities do self-certification. They are provided with standards and rules and with technology, a lot of this can be done on-line. It can become an issue when staff receives a complaint about a sign. Staff's objective would be to make this as least intrusive to the business owner because to a certain degree that becomes least obtrusive to staff.

One Committee Member inquired if there would be a fee?

Mr. Eastman replied that he did not anticipate a costly process. Mostly it will be an education process to make sure that the person putting up the sign understands what the impacts could be and what they need to do so that they do not create negative impacts.

One Committee Member stated that in trying to keep the business friendly model, anything staff can do to offer this on-line would be helpful. They also thought having the sign assigned or registered would go a long way but how is the City going to encourage this? Code Enforcement isn't going to look at every sign out there so are they truly doing anything by registering this sign?

Ms. Kahn responded that the City would be giving notice to everyone because a lot of people may not even know what the requirements are. The City can still enforce on a complaint only basis which is pretty typical of public agencies in California.

Chair Riggle made note of the time and suggested moving on in order to fit everything on today's agenda. He asked staff for a short version definition of "temporary".

Mr. Morrison explained that one way to define a temporary sign is to say it can only be on display for X number of days. Another way to do it is to focus on the physical nature of it. It is made of light weight flimsy materials, it is easily assembled with ordinary hand tools, its physical structure is not suitable for long term display. It is a policy choice, but most cities go with defining it based on how many days it can be on display.

Mr. Walcker asked if a business needs a permanent sign in order to apply for a temporary sign. It is not attached to a business or existing sign.

Ms. Kahn replied that there is nothing in the Code now.

Mr. Darnell explained that staff would not want to see somebody's grand opening banner turn into their permanent sign.

Mr. Walcker stated that this was his point. Shouldn't a temporary sign be tied to a permanent sign?

Ms. Kahn responded that the temporary sign is tied to a business and it should be a legally established use.

One Committee Member stated that they liked the idea of restricting it to the hours of operation. This makes it more temporary where they have to bring it in and put it out. A sign that is left out over a month, fading over time, is not acceptable.

Chair Riggle agreed that this should apply to portable signs.

Ms. Kahn said they would come back with recommendations for reasonable time periods for different types of temporary signs.

Ms. Kahn referenced the list of variances given over the last five years. She gave an overview of the issues and provisions in the code that were most frequently requested. Based on the list provided, she asked the Committee if any suggestions came to mind with regard to the variances granted. She questioned whether there should be a different process other than the variance process for these requests.

Ms. Kahn I think the problem, in part, is because you have to meet that tough legal test for getting a variance.

Ms. Roth indicated that the bulk of the variances appear to be for large complexes.

Mr. Whyld indicated that more than five years ago, the Galleria at Tyler was granted a variance for the extra monument sign along the street frontage. He pointed out that essentially all of the community regional center sites in the City have variances for signage.

Mr. Morgan stated he was dumbfounded because he was led to believe, before starting these last four meetings that staff was spending an inordinate amount of time processing variances.

Mr. Darnell explained that there are a lot of variances, these are only for signs.

Mr. Eastman explained that one of the things the City is looking at, in terms of process, is minor deviations. Minor deviations would show justification and reason to deviate slightly from the Code. He pointed out that none of the variances granted met the criteria as outlined by law. If somebody were to challenge these variances, there are grounds to overturn those decisions on signage. Staff believes these can be handled as minor deviations for those unique circumstances but staff does not have any criteria for this and is still looking into it.

Mr. Morrison noted that the variances on the list could probably be accommodated with the sign budget concept. There would be no need to go to any kind of variance, or deviation.

Mr. Hayes noted that if a larger retail center is given a choice between larger signs or more signs spread out across the frontage, almost unanimously their preference is to have more signs spread out across the frontage. Maybe the bigger issue is being able to offer the applicant a graduating ratio of frontage and driveways to provide a layout with more signs?

Ms. Kahn also addressed the height issue associated with the variances.

Mr. Eastman suggested looking at the large shopping centers in the City today. Most of the large shopping centers have a variance for signage and if you look at it, is it appropriate or not?

Mr. Morgan agreed with Mr. Hayes' comments. The trend he is seeing among cities is that they are trying to go away from the mega 75-foot signs, particularly in these larger shopping centers. Instead, they are opting for multiple pylon signs. With regard to the previous comment, he agreed that most of the retail components in the community have variances for their signs because the height limit is 6 feet.

Chair Riggle suggested a mixture with the sign budget for the large shopping centers where depending on the length of the frontage, every 250 feet, the center could have a monument sign. It does not have to be 250' and can be staged to relate to how large the property is within the total sign budget.

Mr. Morgan noted that wouldn't work because it is based on the traditional definition of a shopping center where you have a few anchors and a lot of shops. Retailers now have

changed and some shopping centers do not have any shops because they are the so called power centers.

Mr. Eastman explained that staff has been internally discussing the sign budget concept. The sign budget can be difficult to track for staff and the tenants. However, staff has discussed incorporating the sign budget concept with the sign program where there can be a unified theme and consistency in the shopping center and which only has to be done once. This can provide more flexibility and it provides a document that staff has at the counter where the Code has been adjusted per the sign program and established for that shopping center. It doesn't supersede the City Code but just allows for that sign budget.

Chair Riggle inquired if Mr. Morgan felt this concept was ok. He has found that the sign programs within retail centers tend to work fairly well because it establishes colors and materials and helps the developer nail down the tenants, so the tenants don't get out of control.

Mr. Morgan agreed that the budget concept could work well for the smaller tenants. It would be good to incentivize it somehow for developers and owners to have a sign program. He stated that the larger tenants were a whole different world and it should be addressed on a project by project basis.

Ms. Kahn indicated that a sign program is required for complexes now. One of the things we may want to look at is; do you want to incentivize sign programs?

6. Discussion of Variance List as it Relates to Current Code

Mr. Eastman stated that staff would like to provide a revised sign code to the Committee to make sure the Committee has the opportunity to provide their input. It would make it easier to follow along and see how the issues are applied. Based on the last couple of meetings, staff would like to bring a document that reflects what has been heard and discussed and provide the opportunity for further comments and clarifications. The Committee has been provided today with a draft Code. Staff has identified eight issues in the Code, based on variances granted, these sections have been highlighted in blue. Staff would like to discuss some of these issues today and request that the Committee provide their written comments on this to staff by next Monday. Staff would like their input as to whether they agree with the issues identified, disagree or have other areas in the existing Code that they believe are problems that have not been addressed. This is a big Committee and it is very hard for staff to receive input from everybody and build some consensus. This is an effort to actually have you provide your expertise so that staff can bring together something in terms of an annotated code to bring back at the next meeting. Staff is also requesting input from the current planning staff who work with signs on a day to day basis to provide their perspective as well.

He indicated that the comments do not necessarily have to be verbatim of what they would like to have changed but more of a description of what they believe the issues are. Staff's expectation is to make the Code simpler, cleaner and more implementable. He reiterated that the Committee will also have an opportunity to comment on the annotated Code.

One Committee Member asked; will their comments from the questionnaire form last month had been incorporated in this revised Code?

Mr. Darnell replied that to some extent yes. He thanked everyone who submitted those.

Mr. Eastman added that a few questionnaires were received late and those have not been incorporated.

One Committee Member asked; will their comments on this revised Code would be in addition to their previous comments?

Mr. Darnell explained that if they see something highlighted in blue, the next column provides staff's perspective of the issue and the last column is for the Committee to provide their comment.

Ms. Kahn asked if anyone needed some clarification on any issue in order to provide staff with a response.

Chair Riggle stated he had a question regarding ability to permit signs. He asked; if staff was considering any kind of record, bar code, for the permit that ends up in the field? Some sort of permit is needed on that sign so that when code enforcement goes out the information is on the sign.

Ms. Kahn stated that they usually recommend a number on the corner of the sign. It does help the City, if somebody has a question about a sign; it is easier to go to the record. This does not mean that the city will be doing more enforcement but it can be easily looked up if a complaint is received.

Mr. Whyld pointed out that there are all kinds of words like: freestanding sign, pylon sign, etc. which are very confusing to people. What is the difference? Can there be one definition for something other than a monument sign?

Ms. Kahn responded that they have already prepared a definition for pylon sign that will be provided in the new definitions.

Mr. Eastman explained that one thing they will see in the new Code is that it will have more graphics and exhibits than the current Code.

Mr. Eastman brought up the issue of amortization period for signs.

Mr. Morrison explained the amortization process. It is a very complex procedure that he has seen tried many times but only once has he seen it work.

Mr. Eastman indicated that staff is not recommending an amortization period and that this is just an issue the Committee should be aware of.

Ms. Kahn noted that currently sign poles are not prohibited in Riverside. There are other jurisdictions that do not allow pole signs.

Chris Fielder commented that, as the Sign Code draft moves forward, he would like to incorporate the City's "go green" goals. He did not know how this could be incorporated with signs. With regard to the digital signs, he is hesitant on this issue because, he asked, does the City want a street full of signs lighting up the sky? Is this update being done to bring the Code up to date or do they want to be ahead of the game and think beyond and into the future? What impacts will these signs have 20 years from now? Is that part of our thinking?

Mr. Eastman thanked Mr. Fielder for his comments and stated that those issues are within staff's thought process. He encouraged him to provide his comments particularly with changeable signs and digital reader boards so that staff will have some framework to work with when digital signs are brought to the Committee for review.

Chair Riggle stated that with regard to Mr. Fielder's comments, yes, the City does not expect to go through this process again for a long time. The Committee needs to look ahead as far as possible and be thoughtful of that.

Jennifer Gamble, Riverside Historical Society, referred to the slide in the presentation and stated, that the great thing about that sign on University Avenue, is that it does fit in the historical timeframe. Removing the sign and making it look more like a monument, would not fit in with the history of the business and would not be appropriate. The same would apply for the signs at the Brockton Arcade. Taking those out would ruin the architecture of the buildings. The City has a great history and we need to keep it.

Chair Riggle also noted that the sign at Plaza Automotive on Indiana Avenue near Madison Street. Just south of there, there is an old 60s style sign, it fits right in with the age of the building sitting there.

Mr. Eastman stated that with regard to variances issued, one of the stated findings that can be applied has to do with historic buildings. Applying the Sign Code to a historic building may not be applicable and so the historic restrictions on that property may prohibit someone having a sign that other people would enjoy under similar circumstances. Based on this, a variance could be granted for a different sign that would fit with the historic context. This is a very relevant context to look at in the sign standards for historic areas or buildings and warrants perhaps allowable deviations or framework for processing them.

Chair Riggle inquired if there was a definition for a historic sign in the current Code?

Ms. Kahn replied that there are special provisions for signs on designated properties. In addition to this the City may want to consider looking at properties that do not rise to the same level of significance but over the years have taken on a character that is representative of the area such as the Brockton Arcade.

Mr. Hayes referenced Victoria Gardens and how the signage purposely looks old to match the architectural theme. This is something that could be considered for Riverside; how could we get that type of consistent theme signage?

7. Current Sign Code Requirements – Identified Areas of Concern

Mr. Eastman stated that the committee has been provided a draft of the General Sign Provisions. Mr. Darnell will give a brief summary of the document. He asked if anyone had any questions, to please contact Doug Darnell.

Mr. Darnell went through the draft General Sign Provisions. He asked the members to make a note of their comments in the appropriate column in the document and either mail or email them to him.

Mr. Morrison explained that he has had a few clients decide that they do not want to make the distinction between temporary and permanent window signs. What they want is a formula for the percentage of window that can be covered up based on the total window space.

Mr. Eastman stated that the Committee has been given the first draft, based on their earlier comments received by staff either individually or as a group. This will change based on the comments received from the Committee and staff's further review. Staff expects to bring an annotated version of the General Sign Provisions that will look very different. He thanked the Committee for their patience and stated he looked forward to seeing everyone's comments.

Chair Riggle asked when the next meeting was and how many more meetings staff anticipated.

Mr. Darnell stated that the next meeting was May 12. Staff anticipates approximately two more meetings.

Chair Riggle asked if there was any objection to an additional meeting or two in order to accomplish this proposal.

Mr. Whyld suggested completing all meetings before the middle of June, otherwise July and August would be impossible to get at least 20 members together due to summer vacation.

8. Adjournment

Chair Riggle adjourned the meeting at approximately 6:00 p.m. to the next meeting, Monday, May 12, 2014 in City Hall, Mayor's Ceremonial Room, 7th Floor, at 4:00 p.m.