



Agenda Report

MEETING DATE: Tuesday, April 12, 2022

TO: City Council

FROM: COMMUNITY DEVELOPMENT DIRECTOR MERRIAM

SUBJECT: STUDY SESSION ON PROPOSED MODIFICATIONS TO
WATSONVILLE MUNICIPAL CODE CHAPTER 8-6 (SIGNS)

STATEMENT OF ISSUES:

There are many sections of the Sign Ordinance that have not been updated since 1967, even though there have been court rulings that require additional objectivity and First Amendment free speech allowances in sign regulations. As part of an ordinance update, staff will also review and make recommended changes to modify the way that sign applications are processed and permitted, design standards, and location of the sign ordinance in the Municipal Code.

RECOMMENDED ACTION:

Staff recommends that the City Council accept the report and direct staff to draft modifications to Chapter 8-6 (Signs) of the Watsonville Municipal Code which would come back to the City Council for approval at a later date.

DISCUSSION:

In conjunction with a review of the Watsonville Municipal Code, it was identified that the City's sign ordinance has not been updated since 1967. Because it has been many years since the City has reviewed the existing sign ordinance, staff also proposes a thorough review of the entire ordinance to determine its efficiency, whether it conforms with the General Plan, what is and is not working, and what the community wishes to see in the regulation of signage in the City.

There are minor changes needed to ensure it conforms with the U.S. Supreme Court case of *Reed v. Town of Gilbert* on the regulation of signs, particularly regarding what is acceptable regarding the regulation of different types of signs. Essentially, a sign ordinance may violate the First Amendment if it regulates based on the content of the sign. A regulation "is content based if [it] applies to particular speech because of the topic discussed or the idea or message expressed." (*Reed v. Town of Gilbert* (2015) 576 US 155 (finding that town's ordinance distinguishing between political, ideological, and temporary directional signs is content-based on its face and subject to strict scrutiny).) In other words, there cannot be different regulations for different types of signs, such as political signs, ideological signs or directional signs. The regulations should be limited to size, height, number, location, and physical attributes and should be content-neutral.

While the current Watsonville Sign Ordinance does not call out content specifically, it does treat signs differently based on what kind of sign it is – e.g. political, directional or ideological. Staff is now requesting approval to update the Sign Ordinance to conform to the current applicable law.

The Sign Ordinance implements the City’s policies and objectives to maintain and improve the aesthetic environment of the City, so as to improve the quality of life and the economic value of the City. The proposed Sign Ordinance Update (Attachment 2) clarifies sign regulations to allow a more uniform treatment of different types of signs in the City.

Environmental Review:

This study session is not considered a project under the California Environmental Quality Act (CEQA). The proposed Sign Ordinance Update is categorically exempt from the provisions of the CEQA pursuant to Section 15305 of the State CEQA Guidelines, because it will result only in minor changes in land use limitations regarding when a permit is required to display a temporary sign as allowed by Class 5 (Minor Alterations in Land Use Limitations) of Section 15305 of CEQA.

STRATEGIC PLAN:

This study session and subsequent update to the Sign Ordinance follows Strategic Plan Goal 4, by supporting the business community in providing updated regulations for signage.

FINANCIAL IMPACT:

The cost for attorneys to update the Sign Ordinance will be approximately \$10,000. This cost will be paid for from CDD revenues in excess of budget for FY 2022.

ALTERNATIVE ACTION:

City Council may choose:

1. To direct staff to undertake only those modifications to the Sign Ordinance necessary to comply with state law; or
2. The City Council may direct staff not to undertake any modifications to the Sign Ordinance, however this is not recommended, since there are sections of the Sign Ordinance that are not in compliance with state law.

ATTACHMENTS AND/OR REFERENCES (If any):

1. Current WMC Chapter 8-6 (Signs)
2. City of Watsonville Sign Ordinance Suggested Revisions