



CITY OF HUNTINGTON BEACH

City Council Meeting – Council Member Items Report

To: City Council
From: City Council Member Dan Kalmick
Date: May 7, 2024
Subject: **SIGN CODE UPDATE (HBZSO SECTION 233) – REQUEST ACTION**

On November 15, 2022, the City Council unanimously voted on the following:

“Direct the City Manager and City Attorney’s office to review our Sign Code (HBZSO Section 233) for compliance with” two U.S. Supreme Court rulings, Reed v. Town of Gilbert (decided in 2015, a month after the last Sign Code Update), and City of Austin v. Reagan National Advertising (decided in early 2022) “and any other rulings not listed here and bring back any necessary Zoning Text Amendments to the Planning Commission and City Council in Q1 2023. Additionally, direct staff to bring back by the end of 2023 an analysis of our noncommercial sign policy and make any recommendations for modification” (see Attachments A and B).

Election season tends to produce the most complaints from our residents about non-commercial signs placed in public rights-of-way. The timing of the above-described items was intended to (1) have a completed legal analysis of our current sign code in light of the Supreme Court rulings, (2) have staff’s analysis of other cities’ sign codes and how they addressed signage within their public rights-of-way, and (3) bring back all analyses to City Council for discussion, with sufficient time to implement any Council-approved changes before the March 2024 primary election.

Unfortunately, the tasks were not completed. I received an email from the City Attorney on February 22, 2024, a year after the task was supposed to be completed, stating that a legal memo was being prepared. I have yet to receive that legal memo but have been informed that our sign code is “compliant and consistent.”

Additionally, on February 22, 2024, I received a memo dated January 30, 2024 (see Attachment C) from the Community Development Department regarding staff’s survey of other cities and how their sign codes address non-commercial signs in the public right-of-way. In the ten cities that were surveyed, Huntington Beach is an anomaly with regard to allowing non-commercial signs in the public right of way.

As previously directed by Council, I request that this staff analysis be discussed tonight, along with all attachments referenced herein, for Council consideration and public inspection via this Council Member Item.

The Sign Code was originally created to control visual blight in the community. However, in the last two election cycles, candidates have been putting up signs in publicly owned rights-of-way for elections that they are not standing in, exacerbating the visual blight that residents complain about. Irvine, however, regulates “to the event,” (e.g., election) “to which the sign relates”, and is one of only two other cities in

staff's survey that allows signs in the public right-of-way (see Attachment D). We should not sacrifice our public land and public rights-of-way to this visual blight.

Moreover, during election season, our Code Enforcement staff expends a non-trivial amount of effort, cost, and energy dealing with non-commercial signs in the public right-of-way. These are resources better spent in other areas such as addressing unpermitted building, issues related to homelessness, and illegal short term vacation rentals.

As such, I believe that we should prohibit non-commercial signs in our public rights-of-way going forward. This would eliminate the "rush" for wall space to post signs, resident complaints, and the waste of code enforcement's time chasing down calls about people putting their signs out too early. I recommend that we eliminate Row 2 of HBZSO Section 233.08 (O) entitled "Non-Commercial signs in the public rights-of-way (see excerpt of Row 2 below)."

SITE CRITERIA	TYPE	MAX. NUMBER	MAX. SIGN AREA	MAX. SIGN HEIGHT	OTHER STANDARDS
Non-commercial signs in public rights-of-way	F/S or Wall	N/A	N/A	N/A	1. Cannot create traffic or safety hazards. 2. Non-commercial signs in public rights-of-way may be posted no sooner than 50 days before an Election Day and must be taken down no later than 10 days following the Election Day. Non-commercial signs in public rights-of-way may be removed by anyone beginning the Friday after Election Day.

Prohibiting non-commercial signs in the public right-of-way would also conform to our General Plan:

LU-7 (B) - Use street trees, **signage**, landscaping, street furniture, public art, and other aesthetic elements to enhance the appearance and identity of subareas, neighborhoods, corridors, nodes, and public spaces

LU-7 (C) – Minimize visual clutter along commercial corridors.

RECOMMENDED ACTION

- Direct the City Manager to present a Zoning Text Amendment to strike Row 2 of Huntington Beach Zoning and Subdivision Ordinances Section 233.08 (O) – Temporary Signs, entitled "Non-Commercial signs in the public right-of-way", by the July 16, 2024 City Council Meeting to ensure enough time to have the amended ordinance go into effect before the November 2024 election, as originally envisioned two years prior.
- Direct the City Attorney's Office to return to the City Council within 60 days with a legal memo on the Sign Code as was proffered in February of 2024.

Attachment A - Minutes

Attachment B - H-Item

Attachment C - Memo

Attachment D - Irvine Sign Code