



CITY OF HUNTINGTON BEACH
CITY COUNCIL MEETING – COUNCIL MEMBER ITEMS REPORT

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: DAN KALMICK, CITY COUNCIL MEMBER

DATE: NOVEMBER 15, 2022

SUBJECT: SIGN CODE UPDATE (HBZSO SECTION 233)

The last comprehensive update to our City's Sign Code was made on April 6th, 2015, approximately two months before the Supreme Court decision in Reed v. Gilbert, Arizona determined that content-based restrictions or restrictions that were applied differently depending on the message are prohibited. Since our Sign Code differentiates between commercial and non-commercial speech, which requires the City to 'read' the signs to differentiate between the two, I believe that we may need to review our sign code for compliance with this Supreme Court Case.

More recently on April 21st, 2022, the Supreme Court ruled in the case of Austin, Texas v. Reagan National Advertising. This case involved off-premise and on-premise signs and ruled that they are inherently content neutral, rather than location based. To better regulate signage in the City, I believe the City Attorney's Office should review and make recommendations regarding our Sign Code and this case as well.

Making sure our Sign Code is enforceable as well as limiting any legal exposure is paramount.

Finally, I believe it is prudent to review how the City treats noncommercial signage. Huntington Beach is one of the few cities in Orange County that allow noncommercial signs in the public right of way and our "if you can't beat 'em, join 'em" decision to allow this should be reviewed. Visual blight is not something the City should support in its rights of way. Additionally, the way we enforce signage in a time, place, and manner on private property, namely walls and fences should be reviewed, heavily leaning towards protecting first amendment rights while balancing aesthetics and safety.

RECOMMENDED ACTION

Direct the City Manager and City Attorney's office to review our Sign Code (HBZSO Section 233) for compliance with these two Supreme Court rulings 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 the 2023 an analysis of our noncommercial sign policy and make any recommendations for modification.