

ITEM 4.2: Historic Sierra Vista Neighborhood Association Community Identification Sign Appeal – 515 Tahoe Avenue – File #PL22-0258

REQUEST

The Historic Sierra Vista Neighborhood Association (HSVNA) wishes to locate a community identification sign on a parcel of land in the Single-Family Residential (R1) zoning district. The Director has determined that the community identification sign is prohibited pursuant to Roseville Municipal Code Section 17.08.610(C), which states “any type of sign not expressly permitted in this title is prohibited and erection and maintenance of such a sign is considered a violation of this title.” Title 17- Signs does not include any provisions to allow a neighborhood identification sign on a parcel of land in the Single Family Residential (R1) zoning district. The HSVNA wishes to appeal this interpretation of the Roseville Municipal Code.

Applicant – Ellen Debach-Riley, HSVNA
Owner – Geneva Rena Olano Trust

SUMMARY RECOMMENDATION

The Planning Division recommends the Design Committee take the following actions:

1. Deny the appeal of the Director’s determination that the Historic Sierra Vista Neighborhood Association community identification sign is prohibited pursuant to Roseville Municipal Code Section 17.08.610 C.

SUMMARY OF OUTSTANDING ISSUES

The Historic Sierra Vista Neighborhood Association has appealed the Director’s determination that the community identification sign is prohibited pursuant to Roseville Municipal Code Section 17.08.610 C.

BACKGROUND

The Historic Sierra Vista Neighborhood Association (HSVNA) installed a community identification sign at 515 Tahoe Avenue, on the northwest corner of Tahoe Avenue and Campo Street (see Figures 1 and 2). This sign was installed with the property owner’s approval on a parcel of land in the Single Family Residential (R1) zoning district. On June 28, 2022, the City received a code enforcement complaint (CE22-0857) regarding the community identification sign. A citation warning was provided to the property owner on June 30, 2022 with the direction that the sign was prohibited pursuant to Title 17-Signs of the Roseville Municipal Code (RMC). The HSVNA approached the City to determine how the sign could be permitted and allowed to remain at 515 Tahoe Avenue.

Section 17.02.060(A) of the RMC states that “The director is authorized and directed to enforce and administer the provisions of this title”, and in this case the director is the City’s Development Services Director. After reviewing the provisions of Title 17, the director could not find any provision that would allow the HSVNA sign on residentially zoned property and determined that the sign is prohibited pursuant to RMC Section 17.08.610(C), which states “any type of sign not expressly permitted in this title is prohibited and erection and maintenance of such a sign is considered a violation of this title”. The HSVNA subsequently appealed this determination to the Design Committee (see Attachment A).

Figure 1: Sign Location



Figure 2: Sign Design



INTERPRETATION OF TITLE 17-SIGNS

Title 17- Signs of the Roseville Municipal Code (RMC) was established to regulate signs on private property throughout the City. The Sign Ordinance (Title 17) can be found at this website:

https://cdn5-hosted.civiclive.com/UserFiles/Servers/Server_7964838/File/Government/Departments/Development%20Services/Planning/Citywide%20Planning%20Documents/Sign%20Ordinance.pdf

The purpose of these regulations is to “create a comprehensive and balanced system of sign regulation which will facilitate communication and simultaneously serve various public interests, including but not limited to safety and community esthetics” (RMC 17.02.030). Title 17 generally categorizes signs as those requiring permits (RMC 17.06), those exempt from permits (RMC 17.10), and types of signs that are prohibited (RMC 17.12). When evaluating a sign, the City determines which of these three categories apply. A prohibited type of sign, as described in RMC Chapter 17.12 is unlawful to erect and is considered a violation of the Municipal Code. A sign described in RMC Chapter 17.10, is exempt from the permit requirements and is considered a legal sign. All signs that are not exempt pursuant to RMC Chapter 17.10 must obtain a sign permit subject to the process outlined in RMC Chapter 17.08.

The review of the HSVNA community identification sign determined that this sign is not expressly permitted within RMC Title 17 and as such, is prohibited. The HSVNA sign does not meet any of the descriptions for a sign that is exempt from a permit and does not meet any of the descriptions for a sign that requires a permit. Therefore, the director has to rely on RMC Section 17.08.610(C), which states “any type of sign not expressly permitted in this title is prohibited and erection and maintenance of such a sign is considered a violation of this title”. Based on this determination, the HSVNA and the property owner of 515 Tahoe Avenue were issued a citation warning and notified that the HSVNA community identification sign is prohibited and must be removed.

APPEAL AND RESPONSE

The HSVNA appealed the Director’s determination and is now asking the City Design Committee to determine that the sign is in conformance with RMC Title 17-Signs and may remain. The appeal is found in Attachment A. This section of the staff report discusses the Chapters of RMC Title 17 that the HSVNA believes apply to the community identification sign as well as staff’s response to the points made.

Chapter 17.02 Adoption of Sign Regulations

Appellant’s points: The HSVNA lists several sections of this Chapter (17.02.015, 17.02.030 and 17.02.060) they believe provides language that could allow for their community identification sign. The HSVNA state that their sign is on private property, which falls under the regulatory scope of RMC Title 17. They state that one of the purposes of RMC Title 17 is to provide fair and equitable treatment of sign users, and they want to be treated similar to newer neighborhoods in the City. They state that they are requesting discretionary approval for a sign permit. This portion of the appeal asks if the property were rezoned, to mixed-use, would the sign be allowed.

Staff response: RMC Chapter 17.02 provides the overall regulatory scope, intent and policies that regulate signage in the City. This chapter provides a framework for the remaining chapters in RMC Title 17 that provide the detailed regulations and processes for signage in the City. It is within these remaining chapters that define the various types of signage that are allowed within the City and the process that is required to erect and allowable sign. It is important to point out that the last sentence of HSVNA’s comments regarding RMC Section 17.02.060 states that “Discretionary approval is requested given the sign is on private property, is neither commercial or non-commercial as defined and therefore is not described in this Title”. Staff agrees with this statement and has used this fact as the basis for relying on

RMC Section 17.08.610(C), which states “any type of sign not expressly permitted in this title is prohibited and erection and maintenance of such a sign is considered a violation of this title”.

Chapter 17.04 Definitions

Appellant’s points: The HSVNA lists several definitions that do not apply to the community identification sign. They do reference the definition for Sign Exceptions and state that the community identification sign is a unique situation that could be allowed through a sign exception.

Staff response: While RMC Chapter 17.04 provides for a definition of a Sign Exception, RMC Chapter 17.08 Article 4 provides the process and review criteria for a sign exception. RMC Chapter 17.08 relates to the procedures for sign permits, planned sign permit programs, exceptions, the public hearing process and violations, expirations and revocation. Sign Exceptions are allowed for signs requiring a permit (as described in RMC Chapter 17.06) and relate to sign standards (square footage, height or number). Sign Exceptions are not allowed for prohibited signs or signs not described in RMC Title 17.

Chapter 17.06 Signs Requiring a Permit

Appellant’s points: The HSVNA lists several Articles of this Chapter with questions and statements that a particular Article may apply. The HSVNA asks if Article 1, Individual Uses would apply in the neighborhood. They indicate that Article 6, Subdivision signs may apply and they indicate that Article 7, Miscellaneous Uses is the most applicable option. The HSVNA states that the community identification sign is a “non-residential use in a residential zone” and as such may be permitted.

Staff response: RMC Chapter 17.06 describes the wide variety of signage that may be permitted in the City of Roseville. Article 1 provides the signage criteria for an individual use of a property. An individual use is the primary use of a property. Among many examples, the following would be considered an individual use of a property, a fast-food restaurant, an office, or a single family home. These various uses are then allowed a certain amount of signage consistent with the provisions of Article 1. A sign is not considered a use of property. Article 6 provides the regulations for subdivision signs. Subdivision signs (both off-site and on-site) pertain to newer subdivisions and on-site subdivisions signs are located in open space or landscape lots, and not on individual residential properties. These signs are then maintained by a Homeowners Association, a community facilities district or lighting and landscaping district. Article 7 provides for signage for miscellaneous uses, which include multifamily residential projects and non-residential uses in residential zones. Contrary to the language in the appeal, a sign is not a use of property, as a sign is ancillary to the use. The use of 515 Tahoe Avenue is a single family home, which is a residential use of the property. Article 7 does not apply to the HSVNA community identification sign.

Chapter 17.06.08 Procedures

Appellant’s points: The HSVNA lists several Articles of this Chapter with questions and statements that a particular Article may apply. The HSVNA acknowledges that a sign permit must be obtained and again point out they believe an exception may be granted for the community identification sign pursuant to RMC Section 17.08.410 or the sign may be allowed as a non-residential use in a residential zone. The HSVNA cites RMC Section 17.08.610 related to violations and makes the argument this section denies fair and equal treatment.

Staff response: City staff agree that all signs not exempt pursuant to RMC Chapter 17.10 are required to obtain a sign permit. As described above, the HSVNA community identification sign does not qualify for an exception to the requirement of the RMC Title 17. Exceptions apply when there are unique situations related to site or building design or a physical restriction of land or a building and a property owner requests to deviate from the standard sign regulations. Exceptions do not apply in the case a sign is prohibited or not described in RMC Title 17. As described above the use of 515 Tahoe Avenue is a single family residential home and not a commercial use. A sign for a non-residential use in a residential

zone cannot be approved for this residential use. Finally, the purpose of RMC Title 17 is to regulate signage on private property throughout the City. Among the stated intents is to authorize the use of signs to promote fair and equal treatment of sign uses. Where signage is allowed, the regulations treat various users fairly and equally by providing clear and consistent standards.

CONCLUSION

The Historic Sierra Vista Neighborhood Association has not provided any evidence that the community identification sign is expressly permitted pursuant to RMC Title 17-Signs. The community identification sign has been erected on a parcel of land within the Single-Family (R1) Zoning District and the primary use of said parcel is a single family home. An exhaustive review of RMC Title 17 has found no provision for a community identification sign to be allowed on a parcel used as a single family dwelling in the R1 zone. The appeal letter itself acknowledges that the sign is “not described in this Title”.

In order to approve the appeal, the Design Committee would have to determine that RMC Title 17 does allow for community identification signs on properties used for residential purposes within a residential zone. This determination would allow any property owner with a similar use and zoning designation to apply for a permit to install a community identification sign. Approving the appeal to allow the community identification sign would run counter to the stated purpose and intent of RMC Title 17, which is to “authorize the use of signs which: A. Encourage a desirable urban character consistent with the General Plan; B. Preserve and improve the appearance of the city as a place to live, work and visit; C. Eliminate confusing, distracting, or dangerous sign displays which interfere with vehicular traffic and the safety of drivers, passengers and pedestrians; D. Promote commerce; E. Provide for fair and equal treatment of sign users; and F. Promote ease of sign ordinance administration”.

PUBLIC OUTREACH

A notice of the public hearing was published in the Roseville Press Tribune on August 5, 2022 and a notice of the hearing was also distributed to all property owners within 300 feet of the site and posted on the RCONA website. No comments have been received as of publication of the staff report.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment, or is otherwise not considered a project as defined by CEQA Statute §21065 and CEQA State Guidelines §15060(c)(3) and §15378. The appeal of the Director’s interpretation of Title 17 – Signs of the Roseville Municipal Code meets the above criteria and is not subject to CEQA. No additional environmental review is required.

RECOMMENDATION

The Planning Division recommends the Design Committee take the following actions:

1. Deny the Historic Sierra Vista Neighborhood Association’s Appeal of the Director’s Determination that the community identification sign is prohibited pursuant to RMC Section 17.08.610(C), which states “any type of sign not expressly permitted in this title is prohibited and erection and maintenance of such a sign is considered a violation of this title”.

ATTACHMENTS

- A. Appeal

Note to Applicant and/or Developer: Please contact Planning Division staff at (916) 774-5276 prior to the Design Committee meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Design Committee in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Manager at, or prior to, the public hearing.