

ORDINANCE NO. 667 N.S.
 AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
 AMENDING MUNICIPAL CODE REGULATIONS FOR
 FOR "STREET FURNITURE" IN THE
 PUBLIC RIGHT-OF-WAY
 (CODE AMENDMENT 93007)

WHEREAS, Title 11 of the Paso Robles Municipal Code contains regulations relative to "Streets and Sidewalks", including but not limited to permitted uses of the public right-of-way; and

WHEREAS, the Land Use Element of the General Plan contains policies that call for the revitalization of the historic downtown by encouraging specialty retail, office and entertainment land uses to locate within this area; and

WHEREAS, implementation of the City's adopted Economic Development Strategy calls for the City to support the Main Street Program in promoting and improving the downtown, and consultants to the Main Street Program have recommended that the City make provisions for portable signage and other temporary improvements within the public right-of-way; and

WHEREAS, current code requirements do not provide sufficient flexibility to allow the encroachment of signs, planters, tables, chairs, umbrellas, and similar improvements which are often referred to as "street furniture" which could be an asset to the City's efforts to revitalize the historic downtown; and

WHEREAS, the City Council finds that provisions for "street furniture", under adequate control as to design and location, could provide incentive for investment in the downtown, in addition to fostering a pedestrian orientation for future development; and

WHEREAS, the Paso Robles Main Street Program, Chamber of Commerce, and Paso Robles Planning Commission have recommended support for allowing "street furniture": and

WHEREAS, an informal review was conducted by the Planing Commission on October 11, 1993 and a noticed public hearing was conducted by the City Council on November 2, 1993, to consider facts as presented in the staff report and to accept public testimony regarding this proposed code amendment; and

WHEREAS, the proposed code amendment has been determined to be Categorically Except under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (c) (use of existing streets and sidewalks) and Section 15311 (c) (Placement of temporary use items).

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of El Paso de Robles, California, that Title 11 (Streets and Sidewalks) of the Municipal Code be amended as follows:

Section 11.30 "Street Furniture" in the Public Right-of-Way

Section 11.30.010. Purpose

The City Council finds and declares as follows:

(a) Certain portable signs, planters, tables, chairs, umbrellas, and similar improvements, which are often referred to as "street furniture", may, under certain circumstances, be appropriate encroachments into the public right-of-way. If public sidewalks are sufficiently wide, properly designed and located "street furniture" can be assets to the community in terms of improving aesthetic appearance, business identification, and economic vitality of commercial districts including but not limited to the historic downtown area.

(b) Without proper regulation, "street furniture" and other encroachments into the public right-of-way would cause problems of

congestion, tripping hazards, and unsightliness that would be a detriment to economic development and the use of nearby properties. It is therefore necessary to regulate "street furniture" in such a manner as to obtain their benefits for the City while at the same time minimizing potential problems.

(c) These provisions apply only to use of the public right of way; location and use of "street furniture" on private property; location of street furniture, including but not limited to signs, on private property shall be regulated by applicable provisions of the City's Zoning Code.

Section 11.30.011. Definition of Street Furniture

Street furniture shall consist of portable signs, planters, benches, bicycle racks, flag poles, tables, chairs, and umbrellas; other items of similar class and nature may be approved by the City's Development Review Committee (DRC), based on recommendations of the Main Street Board. Street furniture may be permitted to be located on public sidewalks in a manner that does not impede pedestrian traffic as determined by the Director of Public Works or his designee.

Section 11.30.012. Street Furniture Design and Maintenance

The colors, materials, and design of street furniture shall be compatible with the surrounding business district. All street furniture is subject to DRC approval in terms of the overall compatibility with surrounding areas.

All street furniture shall be maintained in a presentable manner. The Director of Public Works shall have the authority to order street furniture removed from the public right-of-way if he/she determines that the appearance of the street furniture is inconsistent with DRC approvals or is not presentable in appearance.

Section 11.30.013. Maximum Dimensions and Design of Portable Signs

Portable signs located as Street Furniture along the public sidewalk, shall be limited to no more than one sign, single or double sided, per adjacent property street frontage. The maximum size of any sign face shall not exceed twelve (12) square feet.

Portable signs shall be limited in content to advertising businesses, goods and/or services licensed to be sold in the immediately adjacent property. All portable signs shall be constructed of durable materials; lettering, colors, and design shall be prepared in a professional manner.

All portable signs shall be subject to design approval by the DRC; the DRC shall establish written Design Guidelines for signage in the public right-of-way, prepared in consultation with the Main Street Board of Directors or their designee.

Section 11.30.014. Where Permitted and Minimum Clearance

Street Furniture will only be allowed on public sidewalks of a width greater than six (6) feet from the curb face to the back of walk. In all instances Street Furniture shall be located in such a manner so as to ensure and maintain a minimum clearance width of four (4) feet along the public sidewalk. In no instance shall Street Furniture be located in such a manner so as to block access for the disabled or in a manner that the Street Furniture would constitute a tripping hazard or other hazards to the pedestrian.

Section 11.30.015. Indemnity for use of public right-of-way

Any business wishing to locate street furniture in the public right-of-way shall indemnify the City for liability for use of public right-of-way in a manner to be approved by the City Attorney.

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Section 11.30.016. Enforcement

The Director of Public Works and/or the Police Chief shall have the authority to cause any street furniture to be moved or removed if, in either of their opinions, the location of the Street Furniture constitutes a potentially hazardous situation or if its location in the public right-of-way constitutes a violation of this Section. All violations of this Section are misdemeanor violations and enforceable as same.

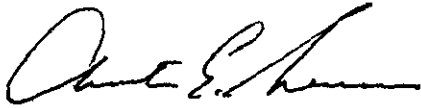
PASSED AND ADOPTED, This 7th day of December, 1993, by the following roll call vote:

AYES: Heggarty, Macklin, Martin, Picanco, and Iversen

NOES: None

ABSENT: None

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MAYOR CHRISTIAN E. IVERSEN

ATTEST:



RICHARD J. RAMIREZ, CITY CLERK

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