

City Council Meeting: March 25, 2025

Santa Monica, California

ORDINANCE NUMBER 2805 (CCS)

(City Council Series)

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MONICA AMENDING SANTA MONICA MUNICIPAL CODE CHAPTER 9.61: SIGNS TO MAKE MINOR CHANGES FOR SIGNAGE IN THE BAYSIDE CONSERVATION DISTRICT AND THIRD STREET PROMENADE AREA TO PROMOTE ECONOMIC RECOVERY

WHEREAS, the City's Sign Code was originally adopted in 1985 and as detailed in the administrative record and in Santa Monica Municipal Code (SMMC) Section 9.61.020, advances a variety of purposes and interests, including, but not limited to, protecting the health, safety, property, and welfare of the public; providing a neat, clean, orderly and attractive appearance of the community; improving the effectiveness of signs; providing for safe construction, location, erection, and maintenance of signs; preventing the proliferation of signs and sign clutter, and minimizing adverse visual safety factors to travelers of public streets and sidewalks; and

WHEREAS, in 2017, the City Council adopted the Downtown Community Plan, which sets forth a vision for the continued vitality of the Third Street Promenade as a major public space framed by a mix of retail, restaurant, and services that form unique experiences enjoyable to both residents and visitors; and

WHEREAS, the Third Street Promenade is unique in both its function and layout with the sidewalk and roadway open to pedestrians and with co-planar façades that make business visibility challenging to pedestrians; and

WHEREAS, allowing animated signs that face only the interior of the Promenade increases business visibility and enhances overall business promotion on the

Promenade, while maintaining the City's substantial interest in traffic and pedestrian safety and in aesthetics by limiting their applicability; and

WHEREAS, in October 2024 the City amended Chapter 9.61 to permit in the Third Street Promenade increased static signage by right, as well as certain animated signs, to increase business visibility and foster economic sustainability and continued vitality of the Third Street Promenade; and

WHEREAS, the economic impacts of the COVID-19 pandemic and subsequent economic downturn have devastated many of the City's revenue streams, including sales tax, transient occupancy tax, parking revenue, and business license revenue; and

WHEREAS, adopting business-friendly policies including encouraging the use of creative signs are critical in providing greater certainty to property owners and their existing tenants, along with prospective businesses considering locating within the Promenade area; and

WHEREAS, in response to feedback from property owners, the City desires to make further minor changes to Chapter 9.61 to simplify and make consistent the allowable animated and digital sign area for buildings facing the Promenade; and

WHEREAS, in revising Chapter 9.61, the City Council has been mindful of legal principles relating to regulating signs and does not intend to suppress or infringe upon any expressive activities protected by the First Amendment of the United States and California Constitutions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 9.61.200 of Chapter 9.61: Signs, is amended as follows:

9.61.200 Bayside Conservation District.

Notwithstanding anything to the contrary in this Chapter, all non-prohibited signs approved by the Review Body shall be permitted in some limited areas of the Bayside Conservation District on the following terms:

- A. There shall be no limit on the maximum total sign area of permitted signs for signs that face the Third Street Promenade and signs on mid-block buildings with frontage on the Third Street Promenade that wrap an upper-level building corner.
- B. Signs that cover windows that service an occupied tenant space shall be required to have 50% visual transparency. Areas of glazing above 15 feet on single story buildings are exempt from this requirement.
- C. Temporary signs shall be allowed in conformance with SMMC 9.61.160(E).
- D. Projecting Signs that face the Third Street Promenade must be placed at least ten feet above the sidewalk, and may not project more than 42 inches from the building façade. Three-dimensional signs are Projecting Signs and sign area shall not exceed 10 square feet. Sign area for three-dimensional signs shall be measured as viewed from the Third Street Promenade elevation.
- E. Notwithstanding anything to the contrary in this Chapter, the following prohibited signs are allowed in the Bayside Conservation (Third Street Promenade Area) District:
 - 1. Subject to Section 9.61.200(F), below, animated signs, including but not limited to digital display signs composed of a sign face, building face, and/or any building or structural component that displays still images, scrolling images, moving images, or flashing images, including video and animation, through the use of grid lights, cathode ray projections, light emitting diode displays, plasma screens, liquid crystal displays, fiber

optics, or other electronic media or technology that is either independent of or attached to, integrated into, or projected onto a building or structural component, and that may be changed remotely through electronic means.

2. On façades facing the Third Street Promenade, supergraphic signs consisting of an image projected onto a wall or printed on vinyl, mesh, or other material with or without written text, supported and attached to a wall by an adhesive and/or by using stranded cable and eye-bolts and/or other materials or methods.

3. For establishments with frontage on the Third Street Promenade, Portable signs not of the type prohibited by subsections (1) through (7) and (9) through (12) of Section 9.61.180(A). The sign shall be removed when the business is closed.

4. For establishments with frontage on the Third Street Promenade, Upper Level signs are allowed on façades facing the Third Street Promenade, so long as they are not of the type prohibited by subsections (1) through (9) and (11) through (12) of Section 9.61.180(A).

F. Animated signs permitted pursuant to this Section are allowed on the following conditions:

1. Sign must be located only on a façade facing the Third Street Promenade.

2. Maximum allowable sign area shall be the area above the storefront up to 5'0" in height for the width of the tenant space. The sign may be placed anywhere on the building façade so long as the sign does not project above the roofline and the maximum allowable sign area is not exceeded.

~~2. For one-story buildings: maximum allowable sign area and placement shall be the area above the storefront up to the roof line and for the width of the tenant space.~~

~~3. For buildings of two stories or greater, maximum allowable sign area shall be the area above the storefront up to the sill level of the second floor and for the width of the tenant space. The sign may be placed anywhere on the building façade so long as the maximum allowable sign area is not exceeded.~~

~~4~~ 3. Signs may not cover windows.

~~5~~ 4. Sign lighting shall not be of an intensity or brightness that will create a nuisance for properties in direct line of sight to the sign. Illumination is limited to 0.3 foot candles above ambient lighting at the property line, and a maximum brightness of 300 candelas per square meter at night (from sunset to sunrise), and 5,000 candelas per square meter during the day (sunrise to sunset).

~~6~~ 5. Signs must be dimmable.

~~7~~ 6. The sign luminance contrast ratio shall not exceed 30:1.

~~8~~ 7. The City may require a sign illumination plan in accordance with any adopted administrative regulations pursuant to this section as part of the application process to demonstrate compliance with all applicable standards.

~~9~~ 8. Animated sign faces shall operate only between the hours of 6:00 a.m. and 2:00 a.m., and shall be turned off between the hours of 2:00 a.m. and 6:00 a.m.

~~10~~ 9. Signs are not eligible for a sign adjustment under Section 9.61.130.


G. The City Manager shall have authority to adopt administrative regulations governing the specifications of signs permitted by this Section, including but not limited to regulations on brightness, refresh rate, and approval of a sign illumination plan including illumination testing protocols.

H. Nothing this Section would supersede the façade alteration requirements set forth in Santa Monica Municipal Code Section 9.55.

SECTION 2. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. Pursuant to Sections 615 and 619 of the City Charter, for reasons stated in the above recitals, the City Council declares this ordinance to be necessary as an emergency measure for preserving the public peace, health, and safety, with the result that this ordinance shall be introduced and adopted at the same meeting, shall become effective immediately upon its adoption.

APPROVED AS TO FORM:

DocuSigned by:

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Douglas Sloan, City Attorney

Approved and adopted this 25th day of March, 2025.

DocuSigned by:
Lana Negrete
A2023AA46AA4497...

Lana Negrete, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)

I, Nikima S. Newsome, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2805 (CCS) had its introduction and adoption at the Santa Monica City Council meeting held on March 25th, 2025, by the following vote:

AYES: Councilmembers Zwick, Hall, Raskin, Snell, Zernitskaya,
Mayor Pro Tem Torosis, Mayor Negrete

NOES: None

ABSENT: None

ATTEST:

DocuSigned by:
Nikima S. Newsome
7032651F371E430...

Nikima S. Newsome, City Clerk

3/31/2025

Date

A summary of Ordinance No. 2805 (CCS) was duly published pursuant to California Government Code Section 40806.