



Legislation Text

File #: 21-0212, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Mark Leyman, Parks and Recreation Director
Linda Robb, Management Analyst

SUBJECT:

Consideration of Subcommittee Recommendations to the City Banner Policy and Introducing an Ordinance Amending Manhattan Beach Municipal Code Chapter 9.60 - Banners in the Public Right-of-Way (Parks and Recreation Director Leyman).

INTRODUCE ORDINANCE NO. 21-0007

RECOMMENDATION:

Staff recommends that the City Council discuss and provide direction on the Ad-Hoc Banner Policy Subcommittee recommendations and consider introducing Ordinance No. 21-0007.

FISCAL IMPLICATIONS:

Street Banners

The applicant will pay all direct costs for street banners and installation. The street banner application of \$325 was established by the User Fee Cost Allocation Study and reflects the fully burdened rates for staff to review the application and install over-the-street banners.

Pole Banners

Applicants must produce the pole banners and hire a third-party vendor to install pole hardware and banners, at their own expense. There is currently a nominal pole banner rental-fee of \$25 per pole payable to the City. As part of the policy revisions for your consideration, staff is recommending a \$100 per day penalty for late removal of the pole banners.

BACKGROUND:

The City Council approved the current banner policy and ordinance on August 20, 2013. Prior to that, the City permitted street banners for "City-sponsored and recreation activities open to the public." In 2013, the City Council amended the policy to add City co-sponsored events and City-funded events, and removed recreational activities open to the public. Accordingly, the present policy allows for street banners (banners that span the width of the street) to be hung only for the purpose of publicizing City-sponsored, City co-sponsored, and City-funded events.

At the September 3, 2019, City Council meeting, Councilmembers Hadley, Napolitano, and then Mayor Pro Tem Montgomery requested that staff return to City Council with updated banner policy

language, a report on the street banner process, and a list of applicants.

On February 4, 2020, City Council considered a revised policy, and during the deliberations, concerns were raised regarding the length of display, definition of terms, and fee waiver exceptions. A subcommittee was formed to review the process consisting of Mayor Pro-Tem Hadley (currently Mayor) and former Councilmember Hersman. The subcommittee met with staff to discuss changes to the policy.

The Parks and Recreation Department administers reservations for street banner locations. Organizations may reserve banner space up to one year in advance of their event for up to four weeks of display. Parks and Recreation staff sends out weekly instructions for installation and removal of banners to Public Works.

In addition to street banners, the banner ordinance also allows for street pole banners (defined as banners that are mounted on a single pole). Since 2016, in the downtown area, street banners are permitted on a limited basis. More recently, the City's North Manhattan Beach Business Improvement District (NMB BID) hung 30 pole banners in the NMB BID business district. Overall, up to 153 pole banner locations are available throughout the City. Most of the existing hardware, except for the pole banners in use, are in need of removal or replacement.

The City co-sponsored events permissible to hang street banners currently include:

- Richstone Pier to Pier
- Skechers Friendship Walk
- Manhattan Beach Grand Prix
- Hometown Fair
- Grandview Gator 5K
- Manhattan Beach 10K
- American Martyrs Parish Fair
- American Martyrs 5K
- MBEF Wine Auction
- TedX

In addition, in 2016-2020, the following non-City-sponsored events were granted fee waivers for street banners:

- American Martyrs Sophisticated Snoops
- Sandpipers Holiday Home Tour
- Walk with Sally, White Light White Night

DISCUSSION:

Staff recommends the following revisions to the policy and ordinance in order to address the subcommittee concerns regarding the definition of terms, length of display, and fee waiver exceptions.

POLICY RECOMMENDATIONS

The subcommittee proposed:

- Limiting banner permits to “City Sponsored” and “Co-Sponsored Events.”
- Allowing banners only for events “free and open to the public.”
- Banners cannot represent an activity for which the City is precluded from spending public funds (such as political campaigns).

In the draft ordinance, “City-Sponsored” has been changed to “Civic Events.”

Under this new policy, the following events would no longer be eligible to hang street banners, as the events are not free and open to the public:

City-sponsored

- MBEF Wine Auction
- TEDx
- Grades of Green Fundraiser

Non-City-sponsored

- American Martyrs Sophisticated Snoops
- Sandpipers Holiday Home Tour
- Walk with Sally, White Light White Night

Due to the inability to hold events in 2020 because of COVID-19, if this change is implemented it is recommended to allow these organizations to hang their banners for their 2021 events upon request.

Street Banners

Language was added to clarify the display period and number of locations and now reads as follows:

Street Banners shall be hung for one display period of 14 days. City shall install and remove Banners on Mondays; if Monday is a holiday, the banner will be installed or removed on Tuesday.

Street Banners will be limited to a maximum of three simultaneous locations, no more than two in the Downtown area and one in North Manhattan Beach.

Pole Banners

Length of display: Pole Banners advertising an event shall be hung for a period not to exceed 14 days before the event. Longer term Awareness Campaigns may be approved by the City Council on a case-by-case basis. However, if any pole banner is not removed within three business days following the end of the permit, a \$100 per day fee will be applied.

Cost: Each pole banner has a \$25 rental fee for each 14-day display period. Pole Banners, including hardware, will be installed and removed by a vendor chosen by the customer and at customer expense, upon proof to the City of sufficient vendor liability insurance. Longer-term Awareness Campaign rental fees will be adjusted based on length of display, at the City Council’s discretion.

The permittee is responsible for providing hardware through a third party vendor doing the installation. The vendor is responsible for installing and removing the hardware. This is a common practice for banner installation vendors. This option provides flexibility of locations, increases the possibility for larger campaigns at no cost to the City, and decreases the City’s liability. Staff is no longer recommending the permanent installation of hardware on a few designated poles.

Note: existing agreement between the City and the Association of Volleyball Professionals (AVP)/Manhattan Beach Open, grants the AVP the right to hang pole banners 30 days prior to the event. The current agreement expires in 2022. AVP have not chosen to display banners in the past few years and may be open to a shortened display period.

ORDINANCE

Potential changes are as follows:

9.60.005 - A definitions section was added to define “Civic Events,” “City Co-Sponsored Events and Public Service Announcements.”

9.60.010 - removed “City Funded.” Banner permits shall be issued only for the purpose of publicizing Civic Events or City Co-Sponsored events, and Public Service Announcements (PSAs).

9.60.070 - language was added to differentiate street banners and pole banners with regards to removal. Upon termination of the permit, street banners shall be removed by the City, and pole banners shall be removed by the customer’s chosen vendor.

RECOMMENDATION:

Staff recommends that the City Council:

A. Discuss and provide direction on the Ad-Hoc Committee recommendations:

1. Updating the Definition of Terms
 - Remove “City Funded”
 - Specifying street and pole banner guidelines
2. Street Banner Guidelines
 - Change the length of display from a maximum of 28 days to 14 days
 - Setting a maximum of three locations for simultaneous display
3. Discontinue allowing banners for events that are not free and open to the public

B. Introduce Ordinance No. 21-0007, either as presented, or revised.

Pursuant to direction, staff will return with the policy at the City Council meeting where the Council considers second reading and adoption of the ordinance.

PUBLIC OUTREACH:

Organizations that have hung banners within the past two years and would be affected by the proposed changes have been notified.

ENVIRONMENTAL REVIEW:

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW:

The City Attorney has approved as to form the draft ordinance.

ATTACHMENTS:

1. Draft Ordinance No. 21-0007
2. Current Banner Policy
3. Banner Summary
4. PowerPoint Presentation