

Law Office of
STEWART D. JENKINS

Municipal Law, Estate Planning & Family Law
1336 Morro Street
San Luis Obispo, California 93401
Phone (805) 541-5763 Fax (805) 547-1608
Website www.stewjenkins.com

August 24, 2020

Mayor Ariston Julian and
Council Members Gina Rubalcaba,
Liliana Cardenas, Antonio Ramirez
And Eugene Costa

Re: Proposed Sign Ordinance Workshop, 8-25-2020 (proposed CHAPTER 18.51 SIGNS).

Honorable Mayor Julian
And Honorable Council Members:

Please accept these comments made to assist the City of Guadalupe to improve the proposal for adopting a new replacement Chapter 18.51 dealing with Signs within the city.

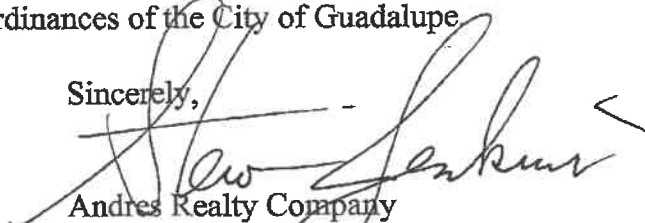
In General, while improving on the existing ordinance in significant ways, the proposed ordinance would benefit from being further amended in the following regards:

- The "Zoning Clearance for Signs" required by proposed Section 18.51.04, B. is the most troubling provision. This constitutes a proscribed *prior restraint* on speech & publication. That it is uniform regardless of whether a sign relates to a religious, political, or commercial purpose does not save the provision out violating the protection of the 1st Amendment, and the broader California Constitution's Article I, Declaration of Rights, both of which forbid prior restraint on free speech & publication. As night follows day, what will follow will be (1) an unnecessary burden on City staff and (2) imposition of a Zoning Clearance review "fee" on free speech for the City's staff performing the Zoning Clearance review.
 - Please consider removing the provision for a Zoning Clearance or *limiting* Zoning Clearance and permitting requirements to any sign *in excess of the maximum square feet allowed* in other provisions of the ordinance.
- 18.51.03, HH., is overbroad defining as sign as: "Any device, fixture ... or structure ... which draws attention to an object, ..., activity, opinion, person ... which can be viewed from any public street" Under this definition, absolutely anything from a trash dumpster to a mural of the founding of Rancho de Guadalupe is a sign, even though neither of those constitute an advertisement.
 - Simplifying the definition to cover only words and symbols that advertise a commercial offering of services, goods, or real estate would make the

- ordinance easier to follow for residents and easier for staff to administer.
 - This would also prevent the need for creating exceptions for religious and political signage elsewhere in the ordinance.
- At a time when the Nation is facing an economic depression, and the City is also considering how to avoid having vacant and/or dilapidated buildings depress economic activity, it is important that owners of commercial and residential buildings be able to freely advertise those buildings' availability. It is suggested that the Council add to 18.51.11 (Exceptions from signage limitations) a new subprovision: "F. Available For Lease, For Rent, or For Sale signs."
 - This will allow the free placement of signs on property available for lease, rental or for sale, without impeding or delaying the ability of potential residents, industrialists, agriculturalists and businesspersons from being able to lease, rent or buy and occupy buildings and homes in Guadalupe.
 - This will encourage commerce and economic activity, rather than delaying and discouraging new businesses and new residences, all new taxpayers.
- If no changes in the definition of what constitutes a "sign" are made, to keep faith with the U.S. Constitution's 1st Amendment, and the California Constitution's Article I, Declaration of Rights, it is suggested that the Council add to 18.51.11 (Exceptions from signage limitations) two other new subprovisions: "G. Public Art," and "H. Political and Religious advocacy."
 - This will clarify that the City of Guadalupe encourages the art that contributes to Guadalupe being such a wonderful, interesting, and attractive community.
 - This will clarify that the City of Guadalupe is not imposing prior restraint limitations on political/religious participation: such as placement of yard signs, window signs, and placards inviting people to church, urging people to vote for or against candidates, to support or oppose ballot measures, to answer the census, or to support/oppose unions like the UFW and Teamsters, or to support/oppose movements like LULAC or BLM.
- Simplification of the overall ordinance will reduce the strain on the City's resources and staffing needs. And will reduce strain on residents and businesses within Guadalupe.

I appreciate your consideration of these recommendations. If I can be of any further assistance, or answer any questions, please do not hesitate to contact me as you move forward with improvements to the ordinances of the City of Guadalupe

Sincerely,



Andres Realty Company
 Stew Jenkins, Secretary & General Counsel
 Owner 333 & 363 Guadalupe Street