



## Legislation Details (With Text)

**File #:** 17-531      **Version:** 1      **Name:**  
**Type:** Consent Item      **Status:** Passed  
**File created:** 10/16/2017      **In control:** City Council/Public Finance and Economic Development Authority/Parking Authority  
**On agenda:** 11/6/2017      **Final action:** 11/6/2017  
**Title:** SUBJECT: Temporary Encroachment Permit 17-01 - Request by the Merced Main Street Association to Allow Banners Promoting Seasonal Events and the Downtown on Multiple Light Poles on West Main Street

### REPORT IN BRIEF

This is a request to allow the installation of banners that promote seasonal events in the Downtown Area on certain City-owned light poles on West Main Street, between K and N Streets.

### RECOMMENDATION

City Council - Adopt a motion approving a Temporary Encroachment Permit to allow the installation and display of seasonal banners promoting events in the Downtown Area on specific light poles on West Main Street, between K and N Streets; and authorizing the City Manager or Assistant City Manager to execute the necessary documents.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 1. Location Map, 2. 2. Banner Locations, 3. 3. Banner Design, 4. 4. Sternberg Lightposts, 5. 5. Temporary Encroachment Permit

Date	Ver.	Action By	Action	Result
11/6/2017	1	City Council/Public Finance and Economic Development Authority/Parking Authority	approved	Pass

*Report Prepared by: Kimberly Nutt, Planning Technician II*

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## ALTERNATIVES

1. Approve, as recommended by staff; or,
2. Approve, subject to modifications as conditioned by Council; or,
3. Deny the request; or,
4. Refer back to staff for reconsideration of specific items (specific items to be addressed in City Council motion); or,
5. Continue to a future City Council meeting (date and time to be specified in City Council motion).

## AUTHORITY

Charter of the City of Merced, Section 200; and Merced Municipal Code Section 12.42.010, as follows:

“12.42.010 (excerpted):

*It is unlawful for any person to construct, erect, place, keep or maintain any sign, showcase, rack, frame, or other device for the storage, display or sale of any food or merchandise of any kind, or to construct any structure or obstruction of any type along, under, over or above any public street or alley ... without first obtaining an encroachment permit from the city manager or his designee. Notwithstanding ... encroachment permits shall be issued if all the requirements of this chapter are met and the city manager or his designee finds that the granting of such encroachment permit will not unduly interfere with the rights of the public or significantly contribute to any traffic or other safety hazards.”*

## CITY COUNCIL PRIORITIES

Not applicable.

## DISCUSSION

The Merced Main Street Association is requesting permission to periodically display seasonal and special event promotional banners on the City’s existing green “Sternberg” decorative light poles along W. Main Street, specifically the light poles in a three-block area between K and N Streets (Attachments 1 and 2).

The decorative Sternberg light poles are currently being used to display Downtown-promotional banners of the same size as proposed (30” x 36”). However, the existing banners are faded badly, and most of the brackets hang empty, so there is an existing need to display promotional material on them so that this valuable marketing tool for the Downtown can continue to be utilized (Attachment 4).

The first banner design proposed depicts a colorful and festive “Day of the Dead” (“Dia De Los Muertos”) graphic art theme, with the words “Explore Downtown!” along the bottom of the banner (Attachment 3). Subsequent seasonal banner designs were not submitted with this initial request; therefore, each new design will need to be reviewed and approved by Planning Department staff, with the City Manager’s final endorsement if needed, before the new banners are displayed on the light poles each season or special event. Banners may be re-used if still in good condition and not sun-faded or otherwise damaged.

The Encroachment Permit, if approved, will be valid for three years’ time, after which, if the Merced Main Street Association wishes to continue displaying seasonal and event banners, re-approval of this permit will need to be obtained (Attachment 5).

## **IMPACT ON CITY RESOURCES**

No appropriation of funds is necessary.

## **ATTACHMENTS**

1. Location Map
2. Banner Locations
3. Banner Design
4. Sternberg Lightposts
5. Temporary Encroachment Permit