

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO. 2020-01

**AN ORDINANCE OF THE ALBANY CITY COUNCIL REPEALING AND REPLACING
SECTION 20.32 “SIGNS” OF THE ALBANY MUNICIPAL CODE**

WHEREAS, Chapter 20 “Planning & Zoning” was comprehensively updated and adopted in 2004; and

WHEREAS, Chapter 20.32 “Signs” was established in 1978 and amended in 2014; and

WHEREAS, the Albany 2035 General Plan contains policies and an action item to address commercial signage and update the City’s Sign Ordinance:

Policy LU-3.7: Commercial Design

Encourage distinctive architecture in Albany’s commercial district, with massing, height, façade design, exterior materials, and lighting used to establish a strong sense of place and orientation.

Policy LU-6.5: Signage

Treat commercial signage as an integral part of building design, and an opportunity to enhance the visual character of the city.

Action LU-6.H: Sign Ordinance Revisions

Update Section 20.32 of the Municipal Code (Sign Regulations) to reflect best practices, ensure full compliance with recent court decisions, and address local objectives such as the elimination of billboards along major thoroughfares; and

1
2 **WHEREAS**, the United States Supreme Court decision in Reed vs. Town of Gilbert, AZ
3 in 2015 held that local sign ordinances cannot treat categories of non-commercial signs
4 differently based on the content of their messages; this decision requires amendments to Chapter
5 20.32 “Signs” to establish content neutrality for non-commercial signs while maintaining
6 reasonable time, place and manner regulations; and
7

8
9 **WHEREAS**, the proposed amendments are consistent with the City Council Strategic
10 Plan adopted in April 2019 which includes Goal 4 “Advance Economic Development and the
11 Arts” Objective 3 “Maintain an attractive atmosphere in Business District” Workplan Item 3
12 “Update Sign Ordinance”; and
13

14 **WHEREAS**, Goal 4 “Advance Economic Development and the Arts” Objective 3
15 “Maintain an attractive atmosphere in Business District” Workplan Item 3 “Update Sign
16 Ordinance” is contained in the 2019-2021 Strategic Plan; and
17

18 **WHEREAS**, the Planning & Zoning Commission adopted Planning & Zoning
19 Resolution of Intention No. 2019-07 to initiate amendments to Chapter 20.32 “Signs” of the
20 Albany Municipal Code on April 24, 2019; and
21

22 **WHEREAS**, a public hearing notice was published in the West County Times and posted
23 in three public places pursuant to California Government Code Section 65090 on October 11,
24 2019 for the public hearing held on October 23, 2019; and
25

26 **WHEREAS**, the Planning & Zoning Commission held a public hearing to discuss the
27 proposed changes on October 23, 2019 and continued the matter to a date certain of November
28 13, 2019; and

1 **A. Free Speech.** To accommodate and encourage the right of free speech
2 by sign display, while balancing this right against other public interests.

3
4 **B. Public Health and Welfare.** To serve the public health, safety, and welfare through
5 appropriate prohibitions, regulations, and controls on the design, location, and
6 maintenance of signs.

7
8 **C. General Plan.** To implement the sign-related goals, purposes and strategies of the
9 City's general plan.

10
11 **D. Regulation System.** To establish a comprehensive and reasonable system for
12 regulating signs integrated within the zoning code.

13 **E. Notice.** To provide public notice of rights and responsibilities related to sign display.

14
15 **F. Equal Rights.** To ensure that similarly situated persons have equal rights and
16 responsibilities regarding sign display.

17 **G. Community Aesthetics.** To serve the aesthetic interests of the City by minimizing
18 visual clutter which can be caused by excessive signs.

19 **H. Visibility.** To relate sign area and height to viewing distance and optical
20 characteristics of the eye.

21 **I. Safety.** To reduce safety hazards to drivers and pedestrians by minimizing the view
22 obstruction, distraction, and confusion that can result from inappropriate or
23 improperly placed signs.

24 **J. Structural Integrity.** To minimize safety risks by ensuring structural integrity and
25 proper maintenance of signs.

26
27 **K. Residential Tranquility.** To protect the peaceful, quiet, residential nature of
28 neighborhoods from intrusion or degradation by excessive commercial signs.

1 **L. Compatibility.** To ensure that sign structures are physically compatible with the
2 surrounding area.

3
4 **M. Property Values.** To protect and enhance property values by minimizing signs that
5 contribute to the visual clutter of the streetscape, such as oversized signs and
6 excessive temporary signs.

7
8 **N. Economic Value.** To enhance the economic value of the City and each area therein
9 by setting reasonable rules regarding sign size, location, design and illumination.

10
11 **O. Information.** To serve the public convenience by providing for directional and
12 functional information on signs.

13 **20.32.015 Regulatory Scope.**

14
15 This Chapter regulates signs that are mounted or displayed on public and private
16 property within the City of Albany.

17 **20.32.020 Definitions (A-Z).**

18
19 As used in Chapter 20.32 “Signs” this section:

20
21 **Awning** shall mean any structure made of flexible fabric or similar material covering a
22 frame attached to a building.

23
24 **Awning Sign** shall mean a visually communicative element placed upon an awning.



Awning

Banner shall mean any temporary sign of lightweight fabric or similar material that is mounted on a building wall (or construction fence if located at a construction site) at one or more edges for the purpose of attracting attention and/or displaying a visually communicative image.

Billboard shall mean a permanent structure sign in a fixed location, that meets one or more of the following criteria:

1. Is intended to be used for, or is actually used for, the display of general advertising or general advertising for hire, regardless of whether the display of the message is in exchange for cash or any other consideration, and regardless of whether a given message is categorized as commercial, non-commercial, or otherwise; or

2. Is intended to be used for, or is actually used for, the display of commercial advertising messages which pertain to products or services which are offered at a different location, also known as “off-site commercial” messages; or

3. Constitutes a separate principal use of the property, in contrast to an auxiliary, accessory or appurtenant use to the principal use of the property.

1 City Property shall mean land or other property in which the City of Albany holds a
2 present right of possession and control.

3
4 Commercial Message shall mean a visually communicative image on a sign, or a portion
5 of a sign, which proposes or encourages an economic transaction, or which concerns the
6 economic interests of the sign sponsor and/or the viewing audience. Contrast: non-commercial
7 message.

8
9 Development Sign shall mean a temporary sign listing the architect, landscape architect,
10 engineer, planner, contractor, or other person or firm participating in the development or
11 construction or financing of the project.

12
13 Exempt Sign shall mean a sign which may be legally displayed, erected or maintained,
14 but it is not subject to a sign permit. Exemption from the sign permit requirements does not
15 mean exemption from other applicable planning and zoning requirements. Exempt signs may
16 still be subject to rules about size, height, setback, illumination and other applicable
17 requirements of this chapter or code.

18
19 Flag shall mean any fabric, banner, or bunting containing distinctive colors, patterns, or
20 design that displays the symbol(s) of a nation, state, local government, company, organization,
21 belief system, idea or other meaning. The term is not restricted to official or government flags.

22 Freestanding Sign shall mean a permanent structure sign that is self-supporting in a
23 fixed location and not attached to a building. Freestanding signs are of two general types:
24 monument and pole.



Freestanding Sign

Fully Animated Signs means an on-premises identification sign with flashing, blinking, animated, rotating signs, or signs whose illumination or surface changes with time; this shall not include barber poles, reader boards or public service messages such as time and temperature.

Hold Harmless means an agreement between the property owner and the City which indemnifies and relieves the City of all financial responsibility, liability and other costs including attorney's fees, for any injury or damages that result by virtue of a claim against the City by a third party.

Illegal sign shall mean any of the following:

1. A sign erected without first complying with all ordinances and regulations in effect at the time of its construction and erection or use;
2. A sign that is unlawfully placed and causes a potential traffic hazard or obstructs site distance, the view of any authorized traffic sign, signal, or other such device.

1 **Illuminated Sign** shall mean a sign with an artificial light source incorporated internally
2 or externally for the purpose of illuminating the sign. The term includes signs made from neon
3 or other gas tubes that are bent to form letters, symbols, or other shapes.

5 **Marquee Sign** shall mean a permanent roof-like structure or canopy made of rigid
6 materials supported by and extending from the façade of a building.



Marquee Sign

17
18
19 **Master Sign Program** shall mean a comprehensive scheme for a consistent visual
20 theme applicable to multiple establishments located in a single development project. Such
21 programs often include standardized fonts, lighting, background, other elements of graphic
22 design, and placement rules. Also known as “sign program.”

23 **Monument Sign** shall mean a freestanding sign constructed upon a solid-appearing base
24 or pedestal.



Monument Sign

Mural shall mean a one-of-a-kind, hand-painted or hand-tiled image applied to and made integral to the exterior wall of a commercial or industrial building in commercial and industrial zones, in public view that contains no commercial message.

Nits shall mean the measurement of a surface brightness or candela per square meter.

Nonconforming Sign shall mean a sign that was lawfully erected but which does not conform to current law. The term does not apply to signs that were originally erected in violation of then current law.

Non-Commercial Message shall mean the message on a sign which concerns non-commercial matters, typically including commentary or advocacy on topics of public debate and concern, such as by way of illustration and not limitation, religion, politics, art, and social commentary. This definition shall be construed and interpreted in light of relevant court decisions. Non-commercial messages do not have a location factor such as on-site or off-site.

Contrast: Commercial Message

1 **Noncommunicative Aspects** shall mean those aspects of a sign which are not directly
2 communicative, such as the physical structure when not figurative or symbolic, mounting
3 device, size and height, setback, illumination, spacing, density, scale and mass relative to other
4 structures, etc.

5
6 **Off-site or Off-premises Sign** shall mean a sign that identifies, advertises or attracts
7 attention to a business, product, service, event, or activity sold, existing or offered at a different
8 location.

9
10
11 **On-Site or On-Premises Sign** shall mean any sign or portion thereof that identifies,
12 advertises or attracts attention to a business product, service, event or activity that is sold,
13 existing or offered upon the same property or land use as the sign.

14
15 **On-Site Advisory Sign** shall mean sign which provides information for the convenience
16 of the public such as services available, direction or courtesy information. Typical examples
17 include store entrances, walk-up windows and self-service operations, hours of operation,
18 handicapped accessibility, restroom, and directional signs for vehicles, bicycles, and
19 pedestrians.

20 **Partially Animated Signs** means flashing, blinking, animated, rotating signs or signs
21 whose illumination or surface changes with time, on a very limited basis. This shall not include
22 barber poles, reader boards or public service messages such as time and temperature.

23
24 **Pennant or Streamer** shall mean any lightweight plastic, fabric, or other material,
25 whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a
26 series, designed to move in the wind and attract attention. Flags are not within this definition.
27 Traditional pennants are triangular to “swallow tail” in form, and longer in the fly than in the
28 hoist or attachment.

1 **Permanent Sign** means one for which a sign permit is approved and issued with no time
2 restriction.

3
4 **Pole Sign** shall mean a freestanding sign supported by one or more metal or wood posts,
5 pipes, or other vertical supports. This includes signs whose supporting poles or pylons are
6 covered by cladding. This definition applies to pole signs even when the poles have been
7 covered by cladding.

8
9
10 **Portable Sign** shall mean a sign not permanently attached to the ground or other
11 permanent structure but is instead designed to be transported or easily moved, including but not
12 limited to signs designed to be transported by means of wheels, A-frames and balloons.

13
14 **Primary Building Face** shall mean that wall of a building which contains the principal
15 entrance or entrances to the building. If there are principal entrances in more than one wall, the
16 longest of the walls in which principal entrances are located shall be the primary building face.
17 “Primary building face” shall include not only the wall itself but all doors, windows, or other
18 openings therein and projections therefrom.

19 **Projecting Sign** means a sign affixed to the face of a building and projecting more than
20 twelve (12) inches either perpendicularly or at an angle from the surface.



Projecting Sign

Public Rights of Way shall mean all public rights of way, regardless of ownership. City property includes any curbstone, lamppost, pole, bench, hydrant, bridge, wall, tree, sidewalk, parking strip or structure in or upon any public street, alley, public right of way or any other public property.

Reader Board means a sign or portion of a sign designed for use with interchangeable letters.

Real Estate Sign shall mean any temporary sign displaying message which concerns a proposed sale, rent, lease, or exchange of real property. All signs described within California Civil Code Section 713 are within this definition.

Roofline shall mean the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Roof Sign shall mean a type of roof sign that is located on a roof of a building or having its major structural supports attached to a roof.

1 Sign means all letters, figures, symbols or objects designed or used to attract or direct
2 attention for identification, directional or advertising purposes. "Signs" include all banners,
3 placards, posters, strings of lights, outdoor displays and similar items used to attract attention.
4

5 Sign Area shall mean the display surface area including any background or backing
6 constructed, painted or installed as an integral part of the sign as follows:
7

- 8
- 9 1. Where separate backing or individual cutout figures or letters are used, the area shall
10 be measured as the area of the smallest polygon and not to exceed six straight sides
11 which will completely enclose all figures, letters, designs, and tubing which are part
12 of the sign.
- 13
- 14 2. Where separate or individual component elements of a sign are spaces or separated
15 from one another, each component shall be considered a separate sign.
16
- 17 3. The total sign area shall be measured to include all sides of a double-faced or multi-
18 sided sign.
- 19

20 Sign Permit shall mean a written authorization from the City to erect, maintain or
21 display a sign. A building permit issued for a sign is also considered a sign permit for that sign.
22

23 Special Public Events shall mean events such as public street closures, parades and
24 demonstrations.

25 Street Banner shall mean a sign made of material similar to heavy canvas or reinforced
26 plastic, attached to light standards, and suspended over a City street or sidewalk from time to
27 time.
28

1 Street Frontage shall mean the lineal distance of the property parallel to the street right-
2 of-way.

3
4 Suspended Sign shall mean a sign hung from beneath an awning, canopy, covered
5 walkway or arcade. This category also includes projecting signs.

6
7 Traditional public forum shall mean the surfaces of City-owned streets, the surfaces of
8 City-owned public parks (not including cemeteries), public sidewalks which are connected to the
9 City's main pedestrian circulation system, and the surface of the pedestrian area immediately
10 surrounding City Hall (not including the interior thereof). In consultation with the City attorney,
11 the Community Development Director shall interpret this term for compliance
12 with court decisions.

13
14 Temporary Commercial Sign shall mean a commercial sign intended for the display of
15 up to ninety (90) days. Area of temporary signs shall not be included in computation of
16 allowable area for permanent signing.

17
18 Temporary Non-Commercial Sign shall mean a sign which displays non-commercial
19 speech. Temporary non-commercial signs shall not be inflatable or air activated, projecting, or
20 roof mounted.

21
22 Wall Sign shall mean any sign attached to, erected against or painted upon the wall of a
23 building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall
24 signs also includes signs on a false or mansard roof.



Wall Sign

Window Sign- Permanent shall mean a sign displayed within three feet from the inside of the window face or on the window face, and that is visible from a public street or walkway, on display without change in image for more than 90 days per calendar year.



Window Sign

Window Sign – Temporary shall mean a sign displayed within one foot of a window face, and that is visible from a public street or walkway, on display less than 90 days per calendar year.

1 Yard Sign shall mean a freestanding sign displayed on private property displayed from
2 ground level.

3
4 **20.32.025 Evaluation Standard.**

5
6 Whenever any sign permit, master sign program, conditional use permit, zoning
7 administrator permit, or planning entitlement, or other sign-related decision is made by any
8 exercise of official discretion, such discretion shall be exercised only as to the
9 noncommunicative aspects of the sign, such as size, height, orientation, location, setback,
10 illumination, spacing, scale and mass of the structure, compatibility with the surrounding area,
11 etc.

12
13
14 **20.32.030 General Regulations.**

15
16 **A. Non-Transferable.** Each permit will be for a specific sign of a specific occupant and
17 will not be transferable from one location to another.

18
19 **B. Window Coverage.** In commercial zoning districts, window signs shall not exceed 20
20 percent of the window area and transparent door frontage on any building façade. Any
21 sign either hung within two feet of a window or attached to a display located within two
22 feet of a window shall be considered a window sign.

23
24 **C. Public Right of Way Projections.** All property owners who wish to install any signs
25 which project onto the City's public right-of-way shall be required to submit a hold
26 harmless agreement prior to sign installation that indemnifies and relieves the City, and
27 if necessary, the State of California, of all financial responsibility, liability and other
28 costs.

1 **D. Sign Placement.** Signs shall not be installed to cover architectural or character defining
2 features of the building. Where feasible, signs should be placed below transom level and
3 indirectly illuminated or halo lit.

4
5
6 **E. Removal of Illegal Signs.** Signs erected or placed contrary to the regulations of this
7 Chapter shall be removed promptly upon notice from the Community Development
8 Department.

9
10
11 **F. Immediate Removal.** Streamers, pennants, banners, nonconforming in-window signs
12 and signs which are dilapidated or abandoned shall be promptly removed.

13
14
15 **G. Owner's Consent.** No sign may be placed on private property without the consent of
16 the legal owner of the property and persons holding the present right of possession and
17 control (ex. Tenant or leaseholder).

18
19 **H. Responsibility for Compliance.** The responsibility for compliance with this Chapter
20 rests jointly and severally upon the sign owner and/or sponsor, all parties holding the
21 present right of possession and control (e.g., tenant or leaseholder) of property whereon
22 a sign is located, and the legal owner of the lot or parcel, even if the sign was mounted,
23 erected, or displayed without the owner's consent or knowledge.

24
25 **I. Prospective Regulation.** This Chapter applies only to signs whose structure or housing
26 is affixed to its intended premises after the date on which this Chapter takes effect.
27 However, this provision does not legalize signs which were originally installed without
28 full compliance with all then-applicable laws.

1 **J. On-Site and Off-Site Distinctions.** The distinction between on-site (or on-premises)
2 and off-site (or off-premises) within this Chapter applies only to commercial speech
3 messages.

4
5
6 **K. Applicability for Mixed Use Projects.** In any Zoning District where both residential
7 and nonresidential uses are allowed, the sign-related rights and responsibilities
8 applicable to any particular parcel or land use are as follows: residential uses are treated
9 as if they were located in a residential land use designation where that particular
10 residential use would be allowed as a matter of right, and nonresidential uses are treated
11 as if they were located in a nonresidential land use designation where that particular use
12 would be allowed, either as a matter of right or subject to a conditional use permit or
13 other discretionary process.

14
15
16 **L. Legal Nature of Signs Rights & Duties.** As to all signs attached to real property, the
17 sign rights, duties and obligations arising from this Chapter run with the property on
18 which a sign is mounted or displayed. This section is not intended to modify or affect
19 the law of fixtures, ownership of sign structures, or sign-related provisions in private
20 leases so long as they are not in conflict with this Chapter or other law. This section is
21 not intended to prevent or impede a sign owner from removing a sign structure from a
22 given location and installing it in another location, so long as all permit requirements
23 applicable to the new location are satisfied.

24 **M. Sign Removal.** Upon closure of a business, the sign shall be removed within 30 days of
25 the date of closure.

1 20.32.035 Message Neutrality

2
3 A. The purpose of this provision is to prevent any inadvertent favoring of
4 commercial speech over non-commercial speech or favoring of any particular protected non-
5 commercial message over any other non-commercial message. This provision prevails over any
6 more specific provision to the contrary.
7

8
9 B. Message substitution under this section does not:

10
11 1. Create a right to increase the total amount of sign area on a parcel, lot or land
12 use;

13
14 2. Affect the requirement that a sign structure or mounting device be properly
15 permitted under the building code;

16
17 3. Allow a change in the physical structure of a sign or its mounting device; or

18 4. Authorize the substitution of an off-site commercial message in place of an on-
19 site commercial message or in place of a non-commercial message.

20 C. Message substitution is a continuing right that may be exercised any number of
21 times. Substitution of message applies to the whole or any part of any legally existing
22 sign display area. The substitution right applies to the sign owner and to any other
23 message sponsor displaying any image on the sign with the owner's consent, regardless
24 of whether a fee or any other consideration is given for the display.
25
26
27
28

1 **20.32.040 Temporary Commercial Signs.**

- 2 A. **Time Duration.** Temporary commercial signs may be displayed for up to ninety
3 (90) days in commercial and industrial zoning districts.
- 4
- 5 B. **Location.** Signs shall be located on private property only and with permission of
6 the owner or occupant.
- 7
- 8 C. **Size Limitation.** Temporary commercial signs shall not exceed four (4) square feet
9 in area per sign.
- 10 D. **Public Right of Way.** Temporary commercial signs shall not be located on City
11 property or public right-of-way. Temporary commercial signs located on City
12 property or public right-of-way shall be subject to removal by the City of Albany.

13

14 **20.32.045 Temporary Non-Commercial Signs.**

- 15 A. **Time Duration.** Temporary non-commercial signs may be displayed without a time
16 duration in all zoning districts.
- 17 B. **Location.** Signs shall be located on private property only and with permission of
18 the owner or occupant.
- 19 C. **Size Limitation.** Temporary non-commercial signs shall not exceed sixteen (16)
20 square feet in area per sign.
- 21 D. **Public Right of Way.** Temporary non-commercial signs displayed shall not be
22 located on City property or public right-of-way. Temporary non-commercial signs
23 located on City property or public right-of-way shall be subject to removal by the
24 City of Albany.
- 25 E. **Exception.** City sponsored temporary non-commercial sign displays shall be
26 permitted for up to ninety (90) days on City property with prior notice and
27 authorization by the Community Development Director or their Designee. The
28 notice shall include the time duration for installation and locations of City property.

1 **20.32.050 Prohibited Signs.**

2 The following signs are not allowed:

3

4 **A. Fully animated signs**

5 **B. Dilapidated or abandoned signs**

6

7 **C. Off-premises signs**

8 **D. Pennants or streamers**

9

10 **E. Billboards**

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 **20.32.055 Signs Exempt from Permit.**

2 The following sign types are allowed in any land use designation without a sign permit. These
3 signs must comply with all applicable rules and structural and locational rules and requirements,
4 and as otherwise provided herein:

| | |
|--|--|
| 5 <u>Banners</u> | <u>Banners as defined by this Chapter are permitted for up to 30 days.</u> |
| 6 | |
| 7 <u>Commercial or Identifying Nameplates</u> | <u>Commercial or identifying nameplates not to exceed one (1) square foot in area.</u> |
| 8 | |
| 9 <u>Development Sign</u> | <u>Development Sign as defined by this Chapter. Such signs may be erected and maintained for the duration of construction and shall not exceed a total area of 20 sq. ft.</u> |
| 10 | |
| 11 | |
| 12 | |
| 13 <u>Flags</u> | <u>Flags as defined in this Chapter.</u> |
| 14 | |
| 15 <u>Memorials</u> | <u>Memorial signs or tablets, names of buildings and dates of erection, when cut into masonry surface or constructed of bronze or other incombustible materials.</u> |
| 16 | |
| 17 <u>Murals</u> | <u>Murals as defined by this Chapter.</u> |
| 18 | |
| 19 <u>Real Estate Signs</u> | <u>Real Estate Signs as defined by this Chapter.</u> |
| 20 | |
| 21 <u>Signs Located in Parking Lots</u> | <u>Directional signs located within parking lots identifying the entrance and exit and other directional information, except in residential districts. Not more than four (4) directional signs shall be posted in one (1) parking lot. Such signs in total shall not exceed twenty (20) square feet in area. Directional instructions painted on the pavement of the lot shall not be included in the measurement of permitted sign area.</u> |
| 22 | |
| 23 | |
| 24 | |
| 25 <u>Street Banners</u> | <u>Street Banners as defined by this Chapter.</u> |
| 26 | |
| 27 <u>Traffic Control</u> | <u>Traffic or other municipal signs, railroad crossing signs, danger, and such temporary emergency signs as may be approved by the City Engineer.</u> |
| 28 | |
| <u>Window Sign-Temporary</u> | <u>Window Sign-Temporary as defined by this</u> |

| | | |
|---|---|---|
| 1 | | <u>Chapter.</u> |
| 2 | <u>Temporary Non-Commercial Sign</u> | <u>Temporary Non-Commercial Sign as defined</u> |
| 3 | | <u>by this Chapter.</u> |
| 4 | <u>Yard Sign</u> | <u>Yard Sign as defined by this Chapter.</u> |

5

6

7 **20.32.060 Changes to Existing Permitted Signs.**

8

9 Except as provided in Section 20.32.035, a sign initially approved and for which a permit is

10 issued shall not thereafter be modified, altered or replaced, nor shall any design elements of any

11 building or lot upon which such sign is maintained be modified, altered or replaced if the

12 physical design elements constituted a basis for the sign approval, without an amended or new

13 permit first being obtained pursuant to this Chapter. If the original permit did not contain

14 physical design elements, and only the message or graphic design on the display face is

15 changed, a new or amended permit is not required. If the physical structure of a permitted sign is

16 changed, whether by repair, alteration, expansion, change in electrical supply, change in

17 physical method of image presentation, change in dimension or weight, or similar factors, then a

18 new permit or amendment to the existing permit is required.

19 **20.32.065 Authority for Review.**

20

21 The designated reviewing authority shall evaluate proposed signs for compliance with this

22 Chapter. The Community Development Director has the authority to refer applications to the

23 Planning & Zoning Commission. Administrative sign review does not require notification or a

24 public hearing. Review by the Planning & Zoning Commission requires a public hearing and

25 notification pursuant to California Government Code Section 65090.

26 **20.32.070 Application, Fees, and Accompanying Material.**

27

28

1 An application for a sign permit shall be made in writing on a form prescribed by
2 the Community Development Department and shall be accompanied by the required fee as
3 prescribed in the Master Fee Schedule. The applicant shall submit plans, drawings and other
4 supporting data as determined necessary by the Community Development Department. The
5 Community Development Department shall establish and maintain a submittal requirement
6 checklist for sign permit applications.
7

8
9 **20.32.075 Allowable Sign Area by Zoning District.**

10
11 Allowable sign area is determined by the underlying Zoning District. Each Zoning
12 District has different allowable signs area standards determined by the physical characteristics
13 including scale and context. The intent is to promote compatibility and cohesive sign
14 appearance in each Zoning District. The sign area provisions apply to permanent signage
15 associated with commercial operations. (Exception: See Sections 20.32.40 and 20.32.45 on
16 Temporary Signs).

17
18 **A. Residential Districts-** 8 square feet total per parcel and applies to “window
19 sign-temporary” only.

20
21 **B. Solano Commercial (SC)-** 1 square foot per 1 lineal foot of building frontage,
22 maximum of one (1) sign per business. Projecting signs and marquee signs are
23 strongly encouraged.

24
25 **C. San Pablo Commercial (SPC)-** 2 square feet per 1 lineal foot of building
26 frontage.

27
28 **D. Commercial Mixed Use (CMX) –** Reviewed by the Planning & Zoning
Commission on a case by case basis.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E. Waterfront (WF) - Reviewed by the Planning & Zoning Commission on a case by case basis.

F. Public Facilities (PF)- Reviewed by the Planning & Zoning Commission on a case by case basis.

20.32.080 Development Standards by Sign Type.

A. Freestanding. The maximum allowable height for a freestanding sign shall not exceed the maximum height for the Zoning District.

B. Monument. The maximum allowable height for a monument sign shall not exceed 10 ft.

20.32.085 Allowable Signs by Type & Zoning District.

- Key to Table:

P = Permitted subject to Community Development Director Administrative Review

PE= Permitted and Exempt from Review and Building Permit, See Section 20.32.060 for additional requirements.

PZ = Permitted subject to Planning & Zoning Commission Design Review

-- = Not Permitted

Table 1. 20.32.090

| | <u>Zoning District</u> | | | | | |
|--|------------------------|-----------|------------|-----------------------|-----------------------|-----------------------|
| | <u>R Districts</u> | <u>SC</u> | <u>SPC</u> | <u>CMX</u> | <u>WF</u> | <u>PF</u> |
| <u>Awning</u> | <u>--</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>--</u> | <u>P</u> |
| <u>Banner</u> | <u>--</u> | <u>PE</u> | <u>PE</u> | <u>PE</u> | <u>--</u> | <u>PE</u> |
| <u>Freestanding</u> | <u>--</u> | <u>--</u> | <u>PZ</u> | <u>PZ¹</u> | <u>PZ¹</u> | <u>PZ¹</u> |
| <u>Fully Automated Sign</u> | <u>--</u> | <u>--</u> | <u>--</u> | <u>--</u> | <u>--</u> | <u>--</u> |
| <u>Marquee Sign</u> | <u>--</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>--</u> | <u>P</u> |
| <u>Master Sign Program</u> | <u>--</u> | <u>PZ</u> | <u>PZ</u> | <u>PZ</u> | <u>PZ</u> | <u>PZ</u> |
| <u>Monument Sign</u> | <u>--</u> | <u>PZ</u> | <u>PZ</u> | <u>PZ</u> | <u>PZ</u> | <u>PZ</u> |
| <u>Projecting Sign</u> | <u>--</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>--</u> | <u>P</u> |
| <u>Roof Sign</u> | <u>--</u> | <u>--</u> | <u>--</u> | <u>PZ</u> | <u>--</u> | <u>PZ</u> |
| <u>Wall Sign</u> | <u>--</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>--</u> | <u>P</u> |
| <u>Window Sign-Permanent</u> | <u>--</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>--</u> | <u>P</u> |
| <u>Window Sign-Temporary</u> | <u>P</u> | <u>PE</u> | <u>PE</u> | <u>PE</u> | <u>--</u> | <u>--</u> |
| <u>Yard Sign and Temporary Non-Commercial Sign</u> | <u>PE</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> | <u>=</u> |

Notes Table 1.

1. Permitted as part of a Master Sign Program.

20.32.090 Master Sign Program Requirements.

A. Master Sign Program. A master sign program shall be required for all multi-tenant projects, be reviewed by the Planning and Zoning Commission and shall apply to the entire property. The master sign program shall include the total aggregate square footage of

1 sign area allowed for the project, the location, dimension, and design of the individual signs for
2 each tenant, and the design, size and, if proposed, location of a freestanding identification sign.
3 New tenants shall be required to comply with the requirements of an approved Master Sign
4 Program.

5
6 -
7 **20.32.095 Severability.**

8
9 If any provision of this Chapter, in whole or in part, is declared by a court of competent
10 jurisdiction to be unconstitutional, invalid, or inoperative for any reason, or is preempted by
11 legislative enactment, such court decision or legislative enactment shall not affect the validity of
12 the remaining provisions of this Chapter. The Albany City Council hereby declares that it
13 would have adopt this Ordinance and every provision herein, regardless of the fact that any
14 provision(s) might subsequently be declared invalid by a court decision or be preempted by a
15 legislative enactment.

16 **SECTION 2: PUBLICATION AND EFFECTIVE DATE.**

17 This ordinance shall be posted at three public places within the City of Albany and shall
18 become effective thirty days after the date of its posting.

19 **PASSED AND ADOPTED** by the City Council of the City of Albany at its meeting on
20 the __ day of _____ 2020, by the following vote:

21
22 AYES:

23 NOES:

24 ABSENT:

25 ABSTAIN:

26 _____
27 NICK PILCH, MAYOR