SUBJECT: Proposed Repeal and Replacement of Chapter 20.32 “Signs” of the Albany Municipal Code– First Reading

REPORT BY: Anne Hersch, AICP, Planning Manager

SUMMARY

The City Council identified an update to the Sign Ordinance in the 2019-2021 Strategic Plan. The current ordinance was written in 1978 and is inconsistent with recent federal case law related to signs and content neutrality. The draft of Chapter 20.32 “Signs” before the City Council has been rewritten to comply federal case law.

PLANNING & ZONING COMMISSION RECOMMENDATION

That the Council introduce for first reading Ordinance No. 2019-10 repealing and replacing Chapter 20.32 “Signs” of the Albany Municipal Code. The Planning & Zoning Commission adopted the following resolutions:


STAFF RECOMMENDATION


BACKGROUND

The Zoning Code was comprehensively updated in 2004 and adopted by the City Council. The Sign Ordinance as it exists was established in 1978. During the 2004 update effort, amendments to the sign ordinance were not prepared. Thus, the current regulations date back to 1978 and do not reflect modern signage regulations or consistency with recent case law.
As part of the Albany 2035 General Plan, there is a policy to address commercial signage and an implementation action to update the City’s Sign Ordinance.

**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.*

**Supreme Court Ruling**

In 2015, the Supreme Court issued a ruling in the case of Reed vs. Town of Gilbert, Arizona (See Attachment 5) which concluded that local jurisdictions may not create different rules for signage based on content. The ruling effectively requires strict content neutrality, provisions for on-site and off-site signage as well as commercial and non-commercial distinctions. A jurisdiction may regulate time, place, and manner but may not regulate content. Objective standards must be specified by zoning district.

**ANALYSIS**

The current sign ordinance was written in 1978 and was amended in 2014 to prohibit digital billboards. The ordinance lacks any language on content neutrality as well as distinctions between commercial and non-commercial signage. The City’s legal counsel has advised that the entire ordinance be repealed and replaced with an entirely new ordinance. Staff has worked with the Planning & Zoning Commission to draft an ordinance that modernizes sign regulations and demonstrates compliance with federal law. The draft establishes policies that encourage cohesive signage that is appropriately scaled for the respective zoning district. Additionally, updated regulations for signage during election periods are included.

**Planning & Zoning Commission Review**

Three Planning & Zoning Commission meetings have been held to discuss the draft and refine the ordinance content. The Commission initially reviewed draft regulations on April 24, 2019 and adopted a resolution of intention to amend the Zoning Ordinance. A second discussion was agendized on October 23, 2019 at which time the Commission provided extensive comments for refinement including modifying the order of the content, refining language for consistency, and eliminating redundancy within the draft. The Commission continued the matter to a date certain of November 13, 2019 to review the final draft and
adopted Resolution 2019-11 forwarding a recommendation to the City Council to adopt the
draft ordinance. The ordinance has been rewritten to include the following sections:

- Purpose
- Regulatory Scope
- New definitions with corresponding graphics
- General Regulations
- Evaluation Standards
- Election non-commercial signage time, place, manner restrictions
- Message Neutrality
- Review for authority
- Sign area requirements by Zoning District
- Sign area requirements by sign type
- Requirement for a master sign program

The Commission recommended refinements to the size requirements for each zoning
district as well as the integration of signage to preserve architectural features. The intent
with these amendments is to promote signage that is proportional to the building and
pedestrian scale. The allowable sign areas have been reduced:

San Pablo Commercial Zoning District
- Existing: 3 sq. ft. of signage for 1 linear foot of frontage
- Proposed: 2 sq. ft. of signage per 1 linear foot of frontage

Solano Commercial Zoning District
- Existing: 2 sq. ft. to 1 linear foot
- Proposed 1 sq. ft. to 1 linear foot.

**Election Period Sign Display**

Revised regulations for temporary non-commercial signage during election periods is also
addressed in the proposed ordinance. The current ordinance identifies “political signage.”
This is inconsistent with federal law as it defines a sign by content. The existing ordinance
also limits sign area to 16 sq. ft. total (approximately 4 campaign signs) on private property
and prescribes a time frame of 40 days prior to election and removal 15 days after the
election. The new ordinance allows displays up to 45 days prior to an election with
removal 10 days after the election date and no restriction on sign area or quantity.

**CEQA**

The Code amendments are exempt from CEQA pursuant to Section 15061(b)(3).

**SUSTAINABILITY/SOCIAL EQUITY IMPACT**

N/A
CITY COUNCIL STRATEGIC PLAN INITIATIVE

As part of the 2019-2021 Strategic Plan, the City Council included an objective to amend the Sign Ordinance. This amendment update is consistent with Goal 4, Objective 3 “Maintain an attractive atmosphere in Business District”, Workplan Item 3 “Update Sign Ordinance.”

FINANCIAL IMPACT

There are no financial impacts associated with this ordinance.

Attachments

1. Ordinance 2019-10 Chapter 20.32 “Signs”
2. Existing Version of Section 20.32 “Signs” of the Albany Municipal Code
3. Planning & Zoning Commission Meeting Minutes Excerpts
4. Western Cities Summary Article
5. Supreme Court Ruling
6. PZ Resolution 2019-07
7. PZ Resolution 2019-11