ORDINANCE NO. 2019-10

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

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

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

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

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

WHEREAS, the Planning & Zoning Commission held a public hearing to discuss the proposed changes on October 23, 2019 and continued the matter to a date certain of November 13, 2019; and
WHEREAS, the Planning & Zoning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, the Planning and Zoning Commission adopted Planning & Zoning Resolution No. 2019-11 forwarding a recommendation to the City Council to amend Chapter 20.32 “Signs” of the Albany Municipal Code; and

WHEREAS, a public hearing notice was published in the West County Times and posted in three public places pursuant to California Government Code Section 65090 on November 22, 2019 for the public hearing held on December 2, 2019; and

WHEREAS, the Albany City Council held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: CHAPTER 20 “PLANING & ZONING” OF THE ALBANY MUNICIPAL CODE, SECTION 20.32 TITLED “SIGNS” IS HEREBY AMENDED AS FOLLOWS:

SECTION 20.32 SIGNS

20.32.010 Purpose.

This Chapter creates a comprehensive and balanced system of sign regulation in the City of Albany which will facilitate communication by sign and simultaneously serve public interests, including but not limited to the following:
A. Free Speech. To accommodate and encourage the right of free speech by sign display, while balancing this right against other public interests.

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

C. General Plan. To implement the sign-related goals, purposes and strategies of the City’s general plan.

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

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

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

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

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

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

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

K. Residential Tranquility. To protect the peaceful, quiet, residential nature of neighborhoods from intrusion or degradation by excessive commercial signs.
L. **Compatibility.** To ensure that sign structures are physically compatible with the surrounding area.

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

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

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

**20.32.015 Regulatory Scope.**

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

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

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

- **Awning Sign** shall mean a visually communicative element placed upon an 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.
City Property and Public Rights of Way shall mean land or other property in which the City of Albany holds a present right of possession and control, plus 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.

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

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

Election Period shall mean the period of time which begins 45 days before and ends 10 days after any primary, general or special election in which Albany voters may vote.

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

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

Freestanding Sign shall mean a permanent structure sign that is self-supporting in a fixed location and not attached to a building. Freestanding signs are of two general types: monument and pole.
**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.
**Illuminated Sign** shall mean a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. The term includes signs made from neon or other gas tubes that are bent to form letters, symbols, or other shapes.

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

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

**Monument Sign** shall mean a freestanding sign constructed upon a solid-appearing base or pedestal.
**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 message do not have a location factor such as on-site or off-site. Contrast: **Commercial Message**
Noncommunicative Aspects shall mean those aspects of a sign which are not directly communicative, such as the physical structure when not figurative or symbolic, mounting device, size and height, setback, illumination, spacing, density, scale and mass relative to other structures, etc.

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

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

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

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

Pennant or Streamer shall mean any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention. Flags are not within this definition. Traditional pennants are triangular to “swallow tail” in form, and longer in the fly than in the hoist or attachment.
**Permanent Sign** means one for which a sign permit is approved and issued with no time restriction.

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

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

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

**Projecting Sign** means a sign affixed to the face of a building and projecting more than twelve (12) inches either perpendicularly or at an angle from the surface.
Public Property shall mean land or other property where the City is the owner or has the present right of possession and control including areas that are either designated as public rights-of-way or have long been used as public rights-of-way.

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

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

1. Where separate backing or individual cutout figures or letters are used, the area shall be measured as the area of the smallest polygon and not to exceed six straight sides which will completely enclose all figures, letters, designs, and tubing which are part of the sign.

2. Where separate or individual component elements of a sign are spaces or separated from one another, each component shall be considered a separate sign.

3. The total sign area shall be measured to include all sides of a double-faced or multi-sided sign.

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

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

Street Banner shall mean a sign made of material similar to heavy canvas or reinforced plastic, attached to light standards, and suspended over a City street or sidewalk from time to time.
**Street Frontage** shall mean the lineal distance of the property parallel to the street right-of-way.

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

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

**Temporary Commercial Sign** shall mean a commercial sign intended for the display of up to thirty (30) days. Area of temporary signs shall not be included in computation of allowable area for permanent signing.

**Temporary Non-Commercial Sign** shall mean a sign which displays non-commercial speech. This shall include signs displayed during election periods. Temporary non-commercial signs shall not be inflatable or air activated, projecting, or roof mounted.

**Wall Sign** shall mean any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also includes signs on a false or mansard roof.
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 45 days per calendar year.

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 45 days per calendar year.
**20.32.025 Evaluation Standard.**

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

**20.32.030 General Regulations.**

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

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

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

D. **Sign Placement.** Signs shall not be installed to cover architectural or character defining features of the building. Where feasible, signs should be placed below transom level and indirectly illuminated or halo lit.
E. **Removal of Illegal Signs.** Signs erected or placed contrary to the regulations of this Chapter shall be removed promptly upon notice from the Community Development Department.

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

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

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

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

J. **On-Site and Off-Site Distinctions.** The distinction between on-site (or on-premises) and off-site (or off-premises) within this Chapter applies only to commercial speech messages.
K. **Applicability for Mixed Use Projects.** In any Zoning District where both residential and nonresidential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use are as follows: residential uses are treated as if they were located in a residential land use designation where that particular residential use would be allowed as a matter of right, and nonresidential uses are treated as if they were located in a nonresidential land use designation where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or other discretionary process.

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

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

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

B. Message substitution under this section does not:

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

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

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

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

C. Message substitution is a continuing right that may be exercised any number of times. Substitution of message applies to the whole or any part of any legally existing sign display area. The substitution right applies to the sign owner and to any other message sponsor displaying any image on the sign with the owner’s consent, regardless of whether a fee or any other consideration is given for the display.
20.32.040 Temporary Commercial Signs.

A. **Time Duration.** Temporary commercial signs may be displayed for up to thirty (30) days in commercial and industrial zoning districts.

B. **Location.** Signs shall be located on private property only and with permission of the owner or occupant.

C. **Size Limitation.** Temporary commercial signs shall not exceed four (4) square feet in area per sign.

D. **Public Right of Way.** Temporary commercial signs shall not be located on City property or public right-of-way. Temporary commercial signs located on City property or public right-of-way shall be subject to removal by the City of Albany.

20.32.045 Temporary Non-Commercial Signs.

A. **Time Duration.** Except during election period (see Section 20.32.50), temporary non-commercial signs may be displayed for up to thirty (30) days in commercial, industrial, and public facility zoning districts.

B. **Location.** Signs shall be located on private property only and with permission of the owner or occupant.

C. **Size Limitation.** Temporary non-commercial signs shall not exceed four (4) square feet in area per sign.

D. **Public Right of Way.** Temporary non-commercial signs displayed shall not be located on City property or public right-of-way. Temporary non-commercial signs located on City property or public right-of-way shall be subject to removal by the City of Albany.

E. **Exception.** City sponsored temporary non-commercial sign displays shall be permitted for up to thirty (30) days on City property with prior notice and authorization by City of Albany staff. The notice shall include the time duration for installation and locations of City property.
20.32.050 Temporary Non-Commercial Sign Display During Election Periods.

A. **Time Duration.** Temporary non-commercial signs may be allowed to be displayed during the election period (as defined by this Chapter) which is forty-five (45) days before any primary, general or special election and ten (10) days after any primary, general or special election in which Albany voters may vote.

B. **Location.** Signs shall be located on private property only and with permission of the owner or occupant.

C. **Size Limitations.** Temporary non-commercial sign shall not exceed four (4) square feet in area per sign.

D. **Public Right of Way.** Temporary non-commercial signs displayed during election periods shall not be located on City property or public right-of-way. Temporary non-commercial signs located on City property or public right-of-way shall be subject to removal by the City of Albany.

<table>
<thead>
<tr>
<th>Location/Size/Time Duration</th>
<th>Restriction</th>
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<tbody>
<tr>
<td>Zoning Districts</td>
<td>Signs permitted in all Zoning Districts</td>
</tr>
<tr>
<td>Private Property</td>
<td>Permitted with property owner authorization</td>
</tr>
<tr>
<td>Public Right of Way/City Owned Property</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Quantity of Signs on Private Property</td>
<td>No limit</td>
</tr>
<tr>
<td>Maximum Sign Area Per Sign</td>
<td>4 sq. ft. per sign</td>
</tr>
<tr>
<td>Time Period for Display</td>
<td>45 days prior to election date</td>
</tr>
<tr>
<td>Time Period for Removal</td>
<td>10 days after election date</td>
</tr>
</tbody>
</table>

Table 1. Section 20.32.050 Temporary Non-Commercial Sign Display: Time, Place, Manner During Election Periods
20.32.055 Prohibited Signs.

- The following signs are not allowed:
  - A. Fully animated signs
  - B. Dilapidated or abandoned signs
  - C. Off-premises signs
  - D. Pennants or streamers
  - E. Billboards
### 20.32.060 Signs Exempt from Permit.

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

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Flags</strong></td>
<td>Flags as defined in this Chapter.</td>
</tr>
<tr>
<td><strong>Street Banners</strong></td>
<td>Street Banners as defined by this Chapter.</td>
</tr>
<tr>
<td><strong>Banners</strong></td>
<td>Banners as defined by this Chapter are permitted for up to 30 days.</td>
</tr>
<tr>
<td><strong>Commercial or Identifying Nameplates</strong></td>
<td>Commercial or identifying nameplates not to exceed one (1) square foot in area.</td>
</tr>
<tr>
<td><strong>Real Estate Signs</strong></td>
<td>Real Estate Signs as defined by this Chapter.</td>
</tr>
<tr>
<td><strong>Memorials</strong></td>
<td>Memorial signs or tablets, names of buildings and dates of erection, when cut into masonry surface or constructed of bronze or other incombustible materials.</td>
</tr>
<tr>
<td><strong>Traffic Control</strong></td>
<td>Traffic or other municipal signs, railroad crossing signs, danger, and such temporary emergency signs as may be approved by the City Engineer.</td>
</tr>
<tr>
<td><strong>Signs Located in Parking Lots</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Development Sign</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Window Sign-Temporary</strong></td>
<td>Window Sign-Temporary as defined by this Chapter.</td>
</tr>
</tbody>
</table>
20.32.065 Changes to Existing Permitted Signs.

Except as provided in Section 20.32.035, a sign initially approved and for which a permit is issued shall not thereafter be modified, altered or replaced, nor shall any design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if the physical design elements constituted a basis for the sign approval, without an amended or new permit first being obtained pursuant to this Chapter. If the original permit did not contain physical design elements, and only the message or graphic design on the display face is changed, a new or amended permit is not required. If the physical structure of a permitted sign is changed, whether by repair, alteration, expansion, change in electrical supply, change in physical method of image presentation, change in dimension or weight, or similar factors, then a new permit or amendment to the existing permit is required.

20.32.070 Authority for Review.

The designated reviewing authority for shall evaluate proposed signs for compliance with this Chapter. The Community Development Director has the authority to refer applications to the Planning & Zoning Commission. Administrative sign review does not require notification or a public hearing. Review by the Planning & Zoning Commission requires a public hearing and notification pursuant to California Government Code Section 65090.

20.32.075 Application, Fees, and Accompanying Material.

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

20.32.080 Allowable Sign Area by Zoning District.

Allowable sign area is determined by the underlying Zoning District. Each Zoning District has different allowable signs area standards determined by the physical characteristics including scale and context. The intent is to promote compatibility and cohesive sign appearance in each Zoning District. (Exception: See Sections 20.32.40, 20.32.45, 20.32.50 on Temporary Signs).

A. Residential Districts- 8 square feet total per parcel.

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

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

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

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.

20.32.085 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.
### 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

<table>
<thead>
<tr>
<th></th>
<th>R Districts</th>
<th>SC</th>
<th>SPC</th>
<th>CMX</th>
<th>WF</th>
<th>PF</th>
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<td>Awning</td>
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<td>Freestanding</td>
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<td>Fully Automated Sign</td>
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<td>Marquee Sign</td>
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<tr>
<td>Master Sign Program</td>
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<td>Monument Sign</td>
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<td>Projecting Sign</td>
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<td>Roof Sign</td>
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<td>Wall Sign</td>
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<tr>
<td>Window Sign-Permanent</td>
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<tr>
<td>Window Sign-Temporary</td>
<td>P$^2$</td>
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</table>

**Notes Table 1.**

1. Permitted as part of a Master Sign Program.
2. In window sign-temporary in R Districts may exceed a 45 day display period as part of a home based business.

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

20.32.105 Severability.

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

SECTION 2: PUBLICATION AND EFFECTIVE DATE.

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

PASSED AND ADOPTED by the City Council of the City of Albany at its meeting on the ___ day of _____ 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ROCHELLE NASON, MAYOR