

## MEETING OF DECEMBER 21, 2010



### AGENDA ITEM: 6C

Application No.: PA 2010-0030

Application Type: Amendment of Zoning Ordinance:  
Section 23 – Sign Regulations, and addition of Section 23A – Sign Standards for Public Property

Location: All City-wide Zoning Districts  
Applicant: City of Belmont  
Environmental Determination: Categorical Exemption per CEQA Section 15308 - Actions of Regulatory Agencies for the Protection of the Environment

### Summary/Background

As discussed at the November 16, 2010 and December 7, 2010 Planning Commission public hearings, the Commission provided feedback to staff regarding Belmont Zoning Ordinance (BZO) section 23 (Sign Regulations) and the addition of Section 23A (Sign Standards for Public Property).

The Commission previously conducted a number of study sessions in May & June of this year to assess outstanding issues. Since that phase of the work program concluded, staff has been working with the Commission Sub-committee (Chair Frautschi and Commissioner Mercer), and legal counsel to confirm content, wording, formatting, and policy matters for the draft Ordinance. In addition, staff conducted a second outreach event (October 28, 2010) for the business community to review the draft ordinance; please refer to the 11/16/10 Planning Commission Staff Report for specific comments from the outreach meeting – see Attachment IV.

As discussed earlier, over the last fifteen months, signage issues/discussion has been previously conducted via:

- Planning Commission Study Session – September 15, 2009
- Planning Commission Study Session – October 6, 2009
- City Council Study Session/Discussion & Direction – February 9, 2010
- Outreach Meeting – March 19, 2010
- Planning Commission Review of Outstanding Questions/Issues/Policies – May 4, 2010
- Planning Commission Review of Outstanding Questions/Issues/Policies – May 18, 2010
- Planning Commission Review of Outstanding Questions/Issues/Policies – June 1, 2010
- Planning Commission Review of Outstanding Questions/Issues/Policies – June 15, 2010
- Outreach Meeting – October 28, 2010
- Planning Commission Public Hearing & Review of Outstanding Questions/Issues/Policies – November 16, 2010
- Planning Commission Public Hearing & Review of Outstanding Questions/Issues/Policies – December 7, 2010

November 16, 2010 and December 7, 2010 Planning Commission Meetings

At the 11/16/10 and 12/7/10 Commission meetings, additional policy questions were raised, discussed, and suggested text language amendments were offered. All modifications to the Draft Ordinance based on Commission discussion/direction at the 11/16/10 and 12/7/10 meetings are noted in *italics*; please refer to Attachment II - Section 23, and Attachment III – Section 23A to view the associated text edits/additions. Staff has also attached the 11/16/10 and 12/7/10 Planning Commission Staff Reports to provide additional background on the subject Zone Text Amendments – See Attachment IV.

No members of the public were in attendance at the 11/16/10 and 12/7/10 Planning Commission meetings. Members of the public and business community have been in attendance at previous Commission study sessions and at the outreach meetings.

In summary, staff believes the recommended text edits for Section 23 (Sign Regulations) and the addition of Section 23A (Sign Standards for Public Property) will clarify how the City addresses signage review for both residential and non-residential properties.

A public hearing has been noticed for this item and staff recommends the Commission conduct the public hearing and provide recommendations to the City Council on the draft ordinance.

**Zone Text Amendment**

Staff recommends the Commission forward to the City Council the amendments to Belmont Zoning Ordinance Section 23 (Sign Regulations) as outlined in Attachment II and the addition of Section 23A (Sign Standards for Public Property) as outlined in Attachment III.

**Required Findings – Zoning Code Amendments**

The only required finding for a Zoning Ordinance amendment is that it must “...achieve the objectives of the Zoning Plan and the General Plan for the City” (Section 16.5). Staff notes that there is no Zoning Plan, per se; however, the Zoning Ordinance contains a purpose statement (Section 1.1) that represents the objectives of the City’s zoning regulations:

*1.1 PURPOSE – The following regulations for the zoning of land within the City are hereby adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and to provide a precise guide for the physical development of the City.*

The objectives of the Belmont General Plan are contained in its “General Community Goals and Policies”, several of which (listed below) are affected by this proposal. As noted above, the Commission must determine that they are achieved by the proposed amendment language.

## **GENERAL COMMUNITY GOALS AND POLICIES**

### Goal 1015.2

*“To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont’s residential neighborhoods”.*

### Goal 1015.4

*“To maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.”*

### Policy 1016.1

*“New development should be of a scale and character compatible with surrounding land uses and Belmont’s small city environment.”*

Staff believes the proposed text revisions achieve these goals and policies. Staff believes the aforementioned modifications to Section 23 and the addition of Section 23A clarify signage standards/requirements by:

- Providing clear direction to the applicant at the project design stage
- Streamlining the review process for signage projects in all zoning districts
- Allowing opportunities for appropriately dimensioned/sized planned development zoned properties to incorporate minor additions/projects for their respective sites

Staff believes that these sign ordinance revisions will remove uncertainty in determining thresholds for review, submittal requirements, and associated findings.

The recommended text amendments also provide for site- and case-specific review of issues raised in the General Community Goals and Policies cited above related to:

- location, timing, and design of new signage
- compatibility, scale, and character of associated development
- intensity of property use related to signage location/installation

By establishing more current and comprehensive property/development standards for signage for both residential and non-residential zoned properties, the proposed amendments would generally be more responsive to the physical environment, existing development, and needs of the community. Staff further believes the draft amendment language would assist in streamlining the signage review process while also maintaining local control over the size, scope, and character of residential and non-residentially zoned property. The proposed amendments support protecting and promoting the comfort, convenience, and general welfare of those who live and work in Belmont, and advance the goal of providing a precise guide for physical development of the city.

**Public Notice**

The City placed a public notice display ad in the San Mateo Times (local newspaper of general circulation) as per Section 16.4.1 (Amendments) of the BZO on November 6, 2010, for the scheduled public hearing by the Planning Commission on November 16, 2010.

**Environmental Clearance (CEQA)**

The proposed Zone Text Amendments are subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). Based on the proposed amendments and associated signage review that would be placed over both residential and non-residential zoned property, staff has concluded that the proposed project would be Categorical Exempt under CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment.

**Conclusion**

Based on this analysis, staff has concluded that the aforementioned amendments to BZO *Section 23 – Sign Regulations*, and the addition of *Section 23A – Sign Standards for Public Property* as discussed in this staff report, achieves the objectives of the Zoning Plan and General Plan for the City. A resolution recommending this position to the City Council is attached for Commission review and adoption.

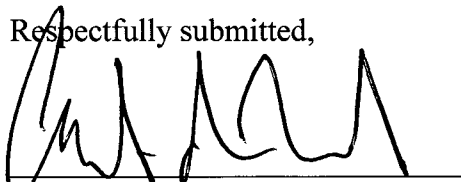
**Alternative**

The Commission may wish to discuss this matter further and continue to a future meeting date.

**Attachments**

- I. Planning Commission Resolution recommending City Council approval of Zone Text Amendments – Section 23 (Sign Regulations) and addition of Section 23A (Sign Standards for Public Property)
- II. Section 23 – Sign Regulations
- III. Section 23A – Sign Standards for Public Property
- IV. November 16, 2010 and December 7, 2010 Planning Commission Staff Reports

Respectfully submitted,



Carlos de Melo

Community Development Director

**ATTACHMENT I**

RESOLUTION NO. 2010 - \_\_

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT  
RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO SECTION  
23 (SIGN REGULATIONS), AND THE ADDITION OF SECTION 23A (SIGN STANDARDS  
FOR PUBLIC PROPERTY) OF BELMONT ZONING ORDINANCE NUMBER 360

WHEREAS, on November 16, 2010, December 7, 2010, and December 21, 2010, the Planning Commission, following notification in the prescribed manner, conducted public hearings, at which hearings the Commission considered public testimony and staff reports on amendments to *Section 23 – Sign Regulations*, and the addition of *Section 23A – Sign Standards for Public Property* of the Belmont Zoning Ordinance; and,

WHEREAS, the Planning Commission did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth.

WHEREAS, the Planning Commission hereby adopts the staff reports (dated November 16, 2010, December 7, 2010, and December 21, 2010) and the facts contained therein as its own findings of fact; and,

WHEREAS, the Planning Commission finds the proposed amendments to be Categorically Exempt pursuant to CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment; and,

WHEREAS, the Planning Commission after consideration of all testimony and reports hereby determines that the proposed amendments to *Section 23 – Sign Regulations*, and the addition of *Section 23A – Sign Standards for Public Property* of the Belmont Zoning Code achieves the objectives of the Zoning Plan and the General Plan for the City. These amendments would provide for more current and comprehensive signage/development standards for both residential and non-residential properties, and support protecting and promoting the comfort, convenience, and general welfare of the community, advancing the goal of providing a precise guide for physical development of the city, and fulfilling the General Community Goals and Policies of the General Plan.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission recommends the City Council amend Section 23 (Sign Regulations) of the Belmont Zoning Code as outlined in Attachment II.

NOW THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission recommends the City Council add Section 23A (Sign Standards for Public Property) to the Belmont Zoning Code as outlined in Attachment III.

\* \* \* \* \*

I hereby certify that the foregoing resolution was passed and adopted by the Planning Commission of the City of Belmont at a regular meeting held on December 21, 2010 by the following vote:

AYES,  
COMMISSIONERS: \_\_\_\_\_

NOES,  
COMMISSIONERS: \_\_\_\_\_

ABSENT,  
COMMISSIONERS: \_\_\_\_\_

ABSTAIN,  
COMMISSIONERS: \_\_\_\_\_

RECUSED,  
COMMISSIONERS: \_\_\_\_\_

\_\_\_\_\_  
Carlos de Melo  
Planning Commission Secretary

## **ATTACHMENT II**

### **Section 23 – Sign Regulations**

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*Italics* = sections rearranged or text added/edited

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## **Section 23.01 Purpose and Applicability**

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### **23.01.01 Purpose**

The purpose of this Section is to regulate signs as an information system that expresses the character and environment of Belmont and implements the General Plan, consistent with State and federal law. These regulations recognize the importance of business activity to the economic vitality of the City as well as the need to protect the visual environment. Specifically, these regulations are intended to:

- A. Provide adequate opportunity for the exercise of the free speech right by display of a message or an image on a sign, while balancing that opportunity with other community and public interests;
- B. Provide minimum standards to safeguard life, health, property, public welfare, and traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of signs and of sign structures;
- C. Reduce visual clutter and preserve and enhance the visual attractiveness of the City for residents, businesses and visitors;
- D. Protect and enhance property values and community appearance by encouraging signs that are compatible with the architectural style, character, and scale of the building to which they relate and with adjacent buildings and businesses;
- E. Restrict signs that may create a nuisance or violate privacy of nearby properties;
- F. Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on or near the same premises, rather than functioning as General Advertising (advertising for hire); and
- G. Prohibit signs that may cause traffic or pedestrian safety hazards, interfere with ingress and egress, or create unreasonable hazards or distraction for drivers.

### **23.01.02 Scope and Applicability**

Section 23 consolidates and updates all general provisions regulating signs throughout the City. This Section regulates all signs on private property and signs on public property that are not otherwise regulated by other Chapters and Sections of the Municipal Code.

### **23.01.03 Severability**

This Section is to be severable to the greatest extent provided by law. If any Section, sentence, clause, phrase, word, portion or provision of this Section is held invalid or unconstitutional or unenforceable by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other Section, sentence, clause, phrase, word, portion, or provision of this Section which can be given effect without the invalid portion. In adopting this Section, the City Council affirmatively declares that if it had been made aware of any invalid provision(s), it would have approved and adopted the remaining provisions, and that it desires all valid provisions to remain in force.

## Section 23.02 Definitions

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The following definitions apply within this Section (23: Sign Regulations), regardless of how the terms may be defined in the Belmont Municipal Code.

**Advertising.** The display of any image or message, the purpose of which is to attract attention of the public or potential customers for either commercial or non-commercial purposes.

**A-Frame Sign.** A portable sign capable of standing without support or attachment with a frame in the shape of the letter “A” is an A-frame sign. Also, within this definition are frames in the shapes of the letters “T” and “H”, and functionally similar structures.

**Animated Sign.** A sign with physically moving parts, or images that move or appear to move, or messages that visually change more frequently than once every twenty-four (24) hours, regardless of the method by which the visual change is produced. This includes video displays, electronic reader boards, and signs using technology that allows display of images that move, appear to move, or show a series of still images which change more often than once per 24 hour period. This definition does NOT include hand-held signs, personally attended signs, commercial mascots, or scoreboards.

**Apparel.** Apparel includes any type of personal clothing, but does not include items worn on a body or devices used for the support or mounting of signage.

**Assembly Uses.** A land use characterized by human assembly and changing programs. Common examples include theaters (both film and live stage), churches, assembly halls, schools, and convention centers. (Other examples you might list: nightclubs and concert halls, and studios featuring art, dance, or exercise, libraries, sports facilities.)

**Awning.** Any structure made of flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

**Awning or Canopy Sign.** Sign copy placed on an awning or any other projecting structure made of flexible fabric or similar material covering a metal frame supported by the ground or sidewalk.

**Billboard.** A sign that is mounted or displayed on a permanent structure and that meets any one or more of these criteria: (1) it is used for the display of off-site commercial messages; (2) it constitutes a principal, separate or secondary use, as opposed to an accessory or auxiliary use, of the parcel on which it is located; (3) it is a permanent structure outdoor sign used as general advertising for hire, e.g., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when the message on the sign qualifies as "on-site" as defined herein), for rent or other consideration. Authorized temporary signs that display off-site commercial messages are not within this definition.

**Cabinet Sign.** A sign constructed in the shape of a parallelogram box with internal lighting, the face of which is constructed of a semi-transparent surface displaying copy, such that the internal lights shine either through the copy or through the surface surrounding the copy.

**Changeable Copy.** The message display portion of a sign constructed or designed to allow for periodic changes of copy, and for which the copy or image is changed not more than once each twenty-four (24) hour period.

**Commercial Message.** A message on a sign, or portion of a sign, that promotes, informs, or proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or is intended to further discussion in the marketplace of goods and services.

**Commercial Mascot.** A person or animal attired or decorated with commercial insignia, images or symbols, and/or holding signs displaying commercial messages. Includes sign twirlers and sign clowns, but does not include hand-held signs displaying noncommercial messages.

**Construction Site Sign.** A temporary sign displayed on the site of a construction, remodeling, or major landscaping project during the period of time of actual construction activity.

**Copy.** Any letters, numerals, or symbols displayed on a sign face conveying a message to the public.

**Directional Sign.** Any sign, other than a highway marker or any sign erected and maintained by public authority or a public utility, which is designed, erected and maintained for the purpose of directing persons to a place, structure, or activity.

**Establishment.** Any legal use of land, other than long-term residential, that involves the use of structures subject to the building code. By way of example and not limitation, this definition includes businesses, schools, hospitals, and libraries but does not include single-family homes or living units in residential complexes or mixed-use buildings. Also, the definition does not include automated facilities such as power transformers and radio and television transmitters.

**Exempt Sign.** A sign, which may be legally displayed, erected or maintained subject to regulation, but is not subject to a sign permit requirement.

**Face.** The portion of a sign on which the copy is mounted or displayed.

**Flag.** Any fabric or banner 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.

**Freestanding Sign.** A permanent sign that is self-supporting in a fixed location and not attached to a building. This includes a sign connected or attached to a structure, fence, or wall that is not an integral part of a building. Freestanding signs are of two (2) types: monument and pole. Flags on flag poles are not within this definition.

**Garage Sale.** The occasional non-business public sale of used, secondhand or homemade household goods, conducted from a residential use, including estate, yard and moving sales events. Does not include any event for which a business license or an auctioneer's license or other business license is required.

**General Advertising.** The business of publicizing or promoting other businesses or causes using methods of advertising, in contrast to self-promotion, on-site sales, or on-site advertising; also known as advertising for hire.

**Government Sign.** Any temporary or permanent sign erected and maintained by or required by the City, county, regional, state, or federal government, or government transportation or transit agencies, for the purpose of providing official governmental information to the general public, including but not limited to: traffic direction, city entrance, or for designation of direction to any school, hospital, historical site, or public service, property or facility.

**Hand-held Sign.** A sign which is physically held by a person, or attached to the body of, a person or animal; not including on apparel or aspects of personal appearance. These are sometimes referred to as an “animate sign.” “Commercial mascots” are not within this definition.

**Illuminated Sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. Ambient lighting, by itself, does not make a sign “illuminated.”

**Master Sign Program.** A coordinated sign plan, together with details of all signs (not including exempt or temporary signs) that are or will be placed on a site, including master identification, individual establishment, Directory signs, and directional signs.

**Mobile Billboard.** Any vehicle, or wheeled conveyance which carries, conveys, pulls, displays, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or general advertising for hire.

**Name Plate.** A sign that identifies an occupant and/or address.

**Neon.** Any sign using neon or other inert gases under low pressure, which glows when exposed to an electrical current.

**Non-conforming Sign.** A sign lawfully erected and legally existing prior to the effective date of this Section, or of amendments thereto, but which does not conform to the provisions of this Section.

**Noncommercial Message.** A message or image on a sign, or portion of a sign, that displays noncommercial speech, *e.g.*, commentary or advocacy on topics of public debate and concern. This definition shall be construed and interpreted in light of relevant court decisions. Noncommercial messages do not have a location factor, such as on-site or off-site.

**Off-site or Off-premise Sign.** A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location (subject to the qualifications stated in the definition of "On-Site Sign"). The off-site/on-site distinction applies only to commercial messages.

**On-site or On-premise Sign.** Any sign or portion thereof that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same property or land use as the sign. The off-site/on-site distinction applies only to commercial messages.

- A. In the case of multiple tenant commercial or industrial developments, signs are considered "on-site" when located anywhere within the development.
- B. In the case of an approved Master Sign Program, a sign anywhere within the area controlled by the program is considered "on-site".
- C. In the case of a redevelopment project, any sign displayed within the redevelopment project area is considered “on-site”.
- D. In the case of temporary construction signs, all messages concerning parties involved in the construction project, and future uses of the development, are considered “on-site” when located anywhere within the building site.

**On-site Advisory Sign.** A sign that provides information intended to assist the public, such as the location of facilities (e.g., entrances, walk-up windows and self-service operations); courtesy information (e.g., hours of operation, handicapped accessibility, restrooms); and directional signs for vehicles, bicycles, and pedestrians.

**Outdoor Advertising Display.** (see Billboard)

**Pennant.** 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 and banners are not within this definition.

**Projecting Sign.** Any sign that is perpendicular to the face of a building. This category includes shingle, under awning, and under canopy signs.

**Promotional Banner.** Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. Flags and Sponsor Banners are not within this definition.

**Real Estate Sign.** Any sign, temporary in nature, with copy that concerns a proposed sale, rental, lease or exchange of real property. This definition does not include occupancy signs at establishments offering transient occupancy, such as hotels, motels and "bed and breakfast" facilities. All signs described in Civil Code 713 are within this definition.

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

**Roof Sign.** Any sign located on a roof or mansard of a building, or having its major structural supports attached to a roof or mansard.

**Sign.** Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right-of-way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information or an idea. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:

- A. Architectural features. Decorative or architectural features, foundation stones and cornerstones of buildings (not including lettering, trademarks or moving parts), that do not perform a communicative function;
- B. Fireworks, etc. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Code;
- C. Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;
- D. Personal appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, and masks, but not including commercial mascots or hand-held signs;
- E. Symbols embedded in architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are

permanently integrated into the structure of a permanent building, including stained glass windows on churches, carved or bas relief doors or walls, bells, and religious statuary;

F. Aerial banners towed behind aircraft;

G. *On street legal vehicles and properly licensed watercraft: license plates, license plate frames, and registration insignia.*

**Sign Area.** The area contained within a single continuous perimeter enclosing all parts of such sign copy, excluding any structural elements outside the limits of the sign required to support the sign (see Subsection 23.12.01 “Measuring Sign Area”).

**Sign Permit.** A written authorization from the City to erect, maintain or display a sign.

**Temporary Sign.** A structure or device used for the public display of visual messages or images, that is typically made of lightweight or flimsy materials, and that is not intended for, or suitable for, long term or permanent display.

**Traditional Public Forum.** The surfaces of city streets and city sidewalks, which are connected to the main pedestrian circulation system of the city, the surfaces of public parks, and the exterior surface of the pedestrian area immediately surrounding City Hall.

**Visibility Triangle.** An area requiring unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street or driveway lines. For the purposes of the sign ordinance, this area will be defined as the portion of both public and private property at any corner bounded by the edge of a roadway of the intersecting streets and a line joining points on the edge of the roadway fifteen (15) feet, unless otherwise determined by the traffic engineer, from the point of intersection of the edges of the roadway.

**Wall Sign.** 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.

**Window Sign.** Any sign painted, etched or otherwise affixed to an exterior window of a building, or in the interior of the building, within three (3) feet of a window, intended to be viewed from the exterior of such building. On-site advisory signs are not considered window signs.

## **Section 23.03 Exempt and Prohibited Signs**

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### **23.03.01 Signs Exempt from Permit**

The following signs do not require a permit and do not count toward the total sign area limit for a site, provided that they conform to applicable standards:

- A. **Address Signs.** Each residence and establishment may post one address sign, not to exceed two (2) square feet, facing the primary street frontage.
- B. **Commercial Mascots.** Only when on private property in front of the establishment with which they are associated.
- C. **Equipment Signs.** Signs incorporated into permitted displays, machinery or equipment by a manufacturer, distributor or vendor and identifying or advertising only the product

or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs) and gasoline pumps.

- D. **Flags.** Flags may be erected and located in accordance with the following standards:
1. **Maximum Number.** One flag pole per lot.
  2. **Location.** Flagpoles shall not be located within any required side or rear yard setbacks.
  3. **Maximum Flagpole Height.** Flag pole height shall not exceed 20 feet in residential districts, and residential uses in any district, or 30 feet in commercial districts, or the distance from the base of the pole to the closest lot line plus two (2) feet, whichever is less.
  4. **Maximum Flag Area.** The maximum total flag area on a lot is 30 square feet per side in residential districts and residential uses in any district, or 48 square feet per side in all other districts.
- E. **Government Signs.** Official notices issued by a court, public body or office; official notices posted by a utility or other quasi-public agency; signs erected by a governmental body to direct or regulate pedestrian or vehicular traffic; public hearing or meeting notices; seismic warning signs, or other signs required or authorized by law.
- F. **Historical Plaques.** Plaques, not to exceed two (2) square feet, commemorating the site of an historical event, the residence or workplace of an historical figure or a building whose architectural or historical character is recognized by the City as part of its cultural heritage.
- G. **Holiday and Cultural Observance Decorations on Private Property.** Decorations that are on display for not more than 45 calendar days per year (cumulative, per lot or use) and do not include commercial advertising messages.
- H. **Interior Graphics or Signage.** Visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof, or are located on the inside of a building and are at least three feet from the window.
- I. **Manufacturers' Marks.** Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale.
- J. **Menu Displays.** Display of a menu not exceeding two (2) square feet in area mounted on a wall, door, or in a window of an establishment serving food to customers who eat on the premises.
- K. **Name Plate and Home Occupation.** In a Residential District, each residence may post one permanent wall sign, not exceeding two (2) square feet, displaying a name or a licensed home-based business/occupation. Such sign may be wall mounted only.
- L. **On-site Advisory Signs.** On-site Advisory Signs not exceeding four (4) square feet in area are allowed except on single family and duplex properties.

- M. **Public Transit Graphics.** Graphic images mounted on duly licensed and authorized public transit vehicles and taxis that legally pass through the city.
- N. **Temporary Signs.** No permit required, however subject to regulations of Subsection 23.08.
- O. *Signs on Vehicles. Messages relating to the establishment of which the vehicle or vessel is an instrument or tool, and messages relating to the proposed sale, lease or exchange of the vehicle or vessel are exempt. However, the message shall not utilize changeable copy or special illumination, and the message shall not be general advertising for hire.*

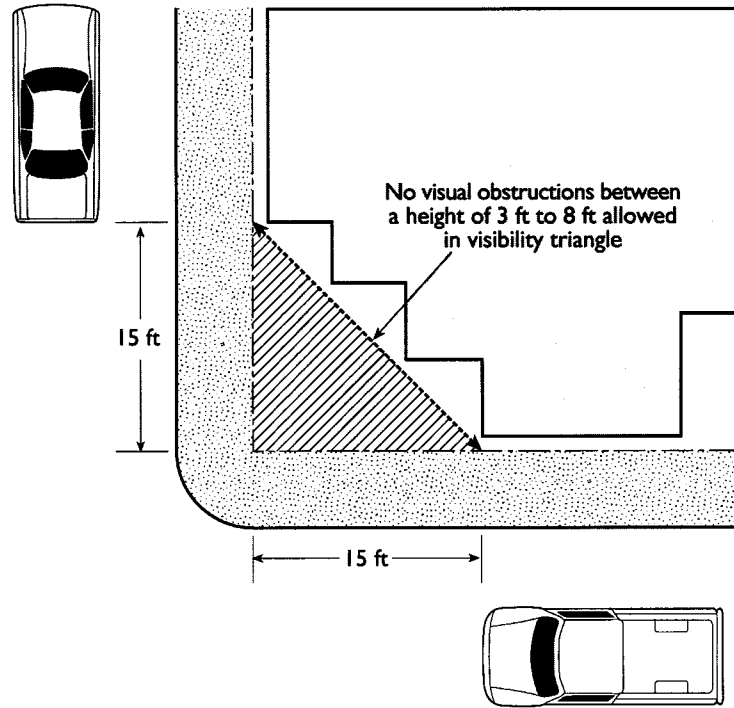
### **23.03.02 Prohibited Signs, Locations, Materials, and Sign Types**

Unless expressly allowed by another Subsection of Section 23 or other applicable law, or approved as part of a Master Sign Program, the following signs, locations and materials are prohibited:

- A. **Animated Signs.** Animated signs as defined herein are prohibited.
- B. **Banners, Pennants, Streamers, Balloons, Inflatable Signs and Other Attention-Getting Devices.** In Commercial districts, banners, streamers, pennants, and other signs made of lightweight fabric or similar material, designed to rotate or move with the wind, forced air or gas, except where expressly provided for in this Section (see Subsection 23.08.06). Signage or displays that are inflatable or activated by wind or forced air are prohibited.
- C. **Billboards.** Billboards as defined herein are prohibited. This provision, however, does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by Business and Professions Code Section 5412, so long as such agreements are not contrary to State or federal law.
- D. **Cabinet Signs.** Internally lit cabinet signs as defined herein are prohibited.
- E. **Exposed Lighting and Neon Signs.** Exposed lighting and neon signs are prohibited except as provided under Subsection 23.05.03
- F. **General Advertising (for Hire).** Signs shall not publicize or promote other businesses or causes using methods of advertising (in contrast to self-promotion, on-site sales, or on-site advertising). General advertising is also known as advertising for hire.
- G. **Locations that are Prohibited.**
  - 1. **Public Rights-of-Way.** Other than official government signs or warning signs required by law, or expressly allowed under Section 23A, no inanimate sign shall be placed in median strips or islands, on sidewalks, trees, retaining walls, bridges, benches, traffic signals, public fences, poles or utility equipment, street lighting, or utility poles or on traffic signs or traffic sign posts or supporting structures, or on utility poles, anchor wires or guy wires, or elsewhere within the public right-of-way.
  - 2. **Trees.** No sign shall be hung on, affixed to, or cut into any tree or other living vegetation.

3. **Terrain.** No sign may be cut, burned, planted, marked or displayed in any manner on a cliff or hillside.
- H. **Minimum Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines.
1. **Utility Easements.** Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.
  2. **Clearance from Electrical Power Lines.** Signs shall maintain clearance from energized electric power lines as prescribed by the California Public Utilities Code, the regulations of the California Public Utilities Commission, and the orders of the California Division of Industrial Safety, as now in force and as hereafter amended.
- I. **Mobile Billboards.** Mobile billboards as defined herein are prohibited.
- J. **Prohibited Materials.** Signs may not be made of roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping or decorative component.
- K. **Roof Signs.** Signs mounted or painted on roofs, including mansard roofs are prohibited.
- L. **Search Lights.** Lights used as attention attracting devices for commercial or special events are prohibited.
- M. **Signs That Produce Noise or Emissions.** Signs that produce noise or sound that can be heard at the property line, excluding voice units at menu boards, and signs that emit visible smoke, vapor, particles, fumes or odors are prohibited.
- N. **Signs Creating a Traffic Hazard or Affecting Pedestrian Safety.** Signs shall not be placed or located in such a manner as to constitute a safety hazard or to impede the public use of the public right-of-way.
1. **Exits and Entrances.** No sign shall be placed, mounted, erected or installed in any manner that obstructs the use of any door, window or fire escape.
  2. **Sidewalks.** No sign shall be mounted or displayed in such a manner that blocks or impedes the normal pedestrian use of public sidewalks. A minimum unobstructed width of four (4) feet shall be maintained on sidewalks at all times.
  3. **Intersections.** No sign shall be erected or maintained at or near any street intersection that obstructs the free and clear vision of drivers and pedestrians. Other than traffic control signals, no sign shall be installed in the visibility triangle at intersections, extending horizontally 15 feet from the corner of the intersection, and vertically from a height of three (3) feet to a height of eight (8) feet.

**FIGURE 23.03.02 VISIBILITY OBSTRUCTIONS AT INTERSECTIONS**



## Section 23.04 Permits Required

With the exception of exempt signs listed in Section 23.03, and temporary signs meeting the standards of Section 23.09, no person or entity shall erect, install, move, alter, or replace a permanent sign without first obtaining approval of a sign permit. Review and permitting procedures are established in Section 23.11.

## Section 23.05 General Regulations Applying in All Districts

### 23.05.01 Citywide Requirements

- A. **Maximum Sign Area.** The maximum allowable sign area for permanent signs, exclusive of area of exempt signs, is based on the zoning district in which the sign is located, the nature of the land use, and the physical type of sign structure. These standards are established in Section 23.06 (Nonresidential), Section 23.07 (Residential), Section 23.08 (Standards for Specific Sign Types), and Section 23.10 (Master Sign Program). Maximum sign area limitations for temporary signs are established in Section 23.09.
- B. **Noncommercial Messages.** Whenever an individual lot, parcel or land use has not used all of its allowable area for signs subject to a sign permit, then the unused portion may be used for signs displaying noncommercial messages; in such cases, a permit is required only if the sign qualifies as a structure, subject to a building permit under the Building

Code. Signs originally installed under this provision may not be converted to display commercial messages without a sign permit.

- C. **Applicable Codes.** In addition to complying with the provisions of this Section, all signs shall be constructed in accordance with the Uniform Building Code, the Electrical Code, and all other applicable laws, rules, regulations and policies.
- D. **Encroachment Permits.** Any sign, mounted on private property, which projects into or above public property or the public right-of-way, requires an Encroachment Permit approved by the Director of Public Works under the provisions of Chapter 22 of the Municipal Code.
- E. **Permanent, Legal Signs Run With Land.** As to all permanent signs attached to real property, the sign-related rights, duties and obligations arising from this Chapter attach to and travel with the land on which a sign is mounted, installed or displayed; such rights and duties do not travel with the permittee or sign owner. A sign permit is an official authorization to place a specific permanent sign on a specific parcel of land in a specific location. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases, or the ownership of sign structures. This provision does not apply to hand-held signs, personally-attended signs, or aspects of personal appearance. This provision does not prevent 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 and any permits and/or modifications thereof have been approved and issued.

### 23.05.02 Changeable Copy

Changeable copy, as defined herein, is prohibited except as follows:

- A. **On Nonresidential Properties Fronting El Camino Real.** See Subsection 23.06.03 (“Additional Sign Allowances for Nonresidential Properties Fronting El Camino Real”).
- B. **For Uses Characterized by Public Assembly and Changing Programs or Events.** Changeable copy signs are allowed on nonresidential property, subject to a sign permit, provided the copy area does not exceed 75 percent of the maximum allowable sign area.
- C. **Gas Station Fuel Prices.** *Changeable copy is allowed for fuel price signs provided the copy area does not exceed 25% (twenty-five) of the maximum allowable sign area for the establishment.*
- D. **Illumination.** Changeable copy signs are subject to the illumination standards of the district and use of the property on which they are located.
- E. **Maximum Frequency of Changes.** Copy shall not be changed more than once every 24 hours.

### 23.05.03 Illumination Standards

*The intent of these standards is to create a safe and comfortable nighttime environment, and ensure personal, pedestrian, and motor vehicle safety while reducing the negative effects of glare, light pollution and light trespass. The illumination of signs shall be designed, installed and*

maintained to avoid negative impacts on surrounding right-of-ways and properties. The following standards shall apply to all illuminated signs.

- A. **Light Sources and Shielding Requirements.** Light sources shall be concealed or shielded to prevent or to minimize light spillage, glare, momentary blindness, or other annoyance, disability or discomfort to persons within the view of such light sources. **Time Controls.** All illuminated signs shall be equipped with an automatic timed controller that prevents the operation of lighting fixtures between the hours of 11:00 p.m. and 7:00 a.m. unless a different time limit is established by a conditional use permit.
- B. **Internally Illuminated Signs.** *Except for address signs, internally illuminated signs are allowed for nonresidential uses only. On any internally illuminated sign, the sign background or field shall be opaque and of a non-reflective material. Internally illuminated signs shall be limited to a maximum brightness of 100 foot candles or 1000 candelas per square meter. Only the following internally illuminated structures are allowed:*
  - 1. *Stencil-cut Internal Illumination. This form restricts the illuminated portions of the sign to the lettering or logo. The remaining face of the sign is opaque.*
  - 2. *Channel Letter Internal Illumination. This style of sign is comprised of individual letters and symbols, each with its own internal illumination.*
  - 3. *Halo Lit Illumination – This channel letter sign has an opaque front, with an open or translucent back such that light from the letter is directed against the surface behind the letter, producing a halo lighting effect around the letter.*
- C. **Light Sources Adjacent to Residential Areas.** Illuminated signs located adjacent to any residential area shall be located and installed to reduce glare for residential buildings in the line of sight of the sign.
- D. **Properties Fronting El Camino Real.** For nonresidential properties fronting El Camino Real see Subsection 23.06.03 (“Additional Sign Allowances for Nonresidential Properties Fronting El Camino Real”).

### **23.05.04 Maintenance Required**

All signs and associated supporting structures shall be maintained undamaged and in good condition.

- A. **Deteriorated Signs.** Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated or otherwise dilapidated shall be promptly repaired to the satisfaction of the City, or removed.
- B. **Maintenance Standards.** All parts, portions, units and materials composing a sign, or a sign structure, including all braces, bolts, supporting frames, and fastenings, shall be maintained in a safe condition, painted, adequately protected from weathering, and reasonably free from deterioration, rot, rust, and loosening, so that they do not create a hazard to persons or property, or constitute a nuisance.
- C. **Summary Removal of Hazards.** Whenever any sign, by virtue of its physical nature and condition, poses an immediately and serious threat to public safety, the sign may be

removed or repaired by the City, to the extent necessary to protect public safety. The cost of such removal or repair shall be assessed against the sign owner.

### **23.05.05 Materials and Mounting Requirement**

- A. **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard, canvas and other materials subject to rapid deterioration may only be used for temporary signs.
- B. **Mounting Requirement.** All permanent signs shall be firmly anchored, shall comply with all requirements for public safety, and shall satisfy all applicable safety codes and all other applicable governmental enactments, rules, regulations, or policies.

### **23.05.06 Message Substitution**

A protected noncommercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message or any other protected noncommercial message. Any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.

- A. **No Additional Approval.** This message substitution may be made without any additional approval, permitting, registration or notice to the City. The purpose of this provision is to prevent inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular protected noncommercial message over any other noncommercial message.
- B. **Limitations.** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 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 noncommercial message.

### **23.05.07 Non-Conforming Signs**

- A. **Continuance and Maintenance.** Non-conforming signs that were legal when first installed, and which have not been modified so as to become illegal, may be continued, except as otherwise provided for in this Subsection.
  - 1. Routine maintenance and repairs may be performed on signs that are non-conforming.
  - 2. A sign that did not conform to law existing at the time of its erection shall be deemed an illegal sign and shall not be a non-conforming sign. The passage of time does not cure illegality from the outset.
- B. **Alterations and Additions to Non-Conforming Signs.** No non-conforming sign shall be moved, altered, enlarged, or converted to a different display technology or methodology unless required by law or unless the moving, alteration or enlargement will result in the elimination of the nonconformity.

**C. Restoration of a Damaged Sign.**

1. Whenever a non-conforming sign shall be destroyed by fire or other calamity to the extent of 50 percent (50%) or less, the sign may be restored to display the pre-existing sign area and the non-conforming use of the sign may be resumed, provided that restoration is started within one (1) year and diligently pursued to completion and the height of the restored sign conforms to the standards of Section 23.
2. Whenever a non-conforming sign shall be destroyed by fire or other calamity to a greater extent than 50 percent (50%), or shall be voluntarily razed or shall be required by law to be razed, the sign shall not be restored except in full conformity with Section 23.
3. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the sign to its condition prior to such damage or partial destruction, to the estimated cost of duplicating the entire sign as it existed prior thereto. Estimates for this purpose shall be made or shall be reviewed and approved by the Director of Community Development.

**D. Signs Rendered Non-Conforming by Annexation.** Any sign that becomes non-conforming subsequent to the effective date of this Section by reason of annexation to the City of the territory, upon which the sign is located, shall be subject to the provisions of this Section

**E. Façade Improvement Funds.** *For any project that City Façade Improvement Program funds are provided, all existing non-conforming signs on the subject property shall be brought into full compliance with existing sign standards at the time of the façade improvement as a condition for the receipt of City funding.*

**F. Abandoned Nonconforming Signs.** Any nonconforming sign structure which has carried no message for more than 90 days, or which no longer identifies a bona fide establishment, business, lessor or owner, shall be removed by the owner or lessee of the property, *after notice and hearing required by law.*

**23.05.08 On-site/Off-site Distinction**

Throughout Section 23, the distinction between on-site (or on-premise or point-of-sale) and off-site (or off-premise or non-point-of-sale) applies only to commercial messages.

**23.05.09 Signs That Display Obsolete Commercial Messages.**

Any sign copy that displays a commercial message identifying an establishment, lessor or owner whose use of the premises has ceased for more than 90 days, or which no longer identifies a bona fide establishment, lessor, service, owner, product, activity or event shall be removed by the owner or lessee of the property.

## Section 23.06 Sign Standards for Nonresidential Districts

This Subsection establishes standards for signs in Nonresidential Districts. These signs also are subject to the regulations in Section 23.05 (“General Regulations Applying in All Districts”) and in Section 23.08 (“Standards for Specific Sign Types”). Regulations for temporary signs are in Section 23.09.

### 23.06.01 Types of Signs Allowed in Nonresidential Districts

The following table establishes the types of permanent signs allowed in Village, Commercial, Manufacturing, Executive, and Planned Development Districts.

**TABLE 23.06.01: PERMITTED PERMANENT SIGNS BY DISTRICT – NONRESIDENTIAL<sup>1</sup>**

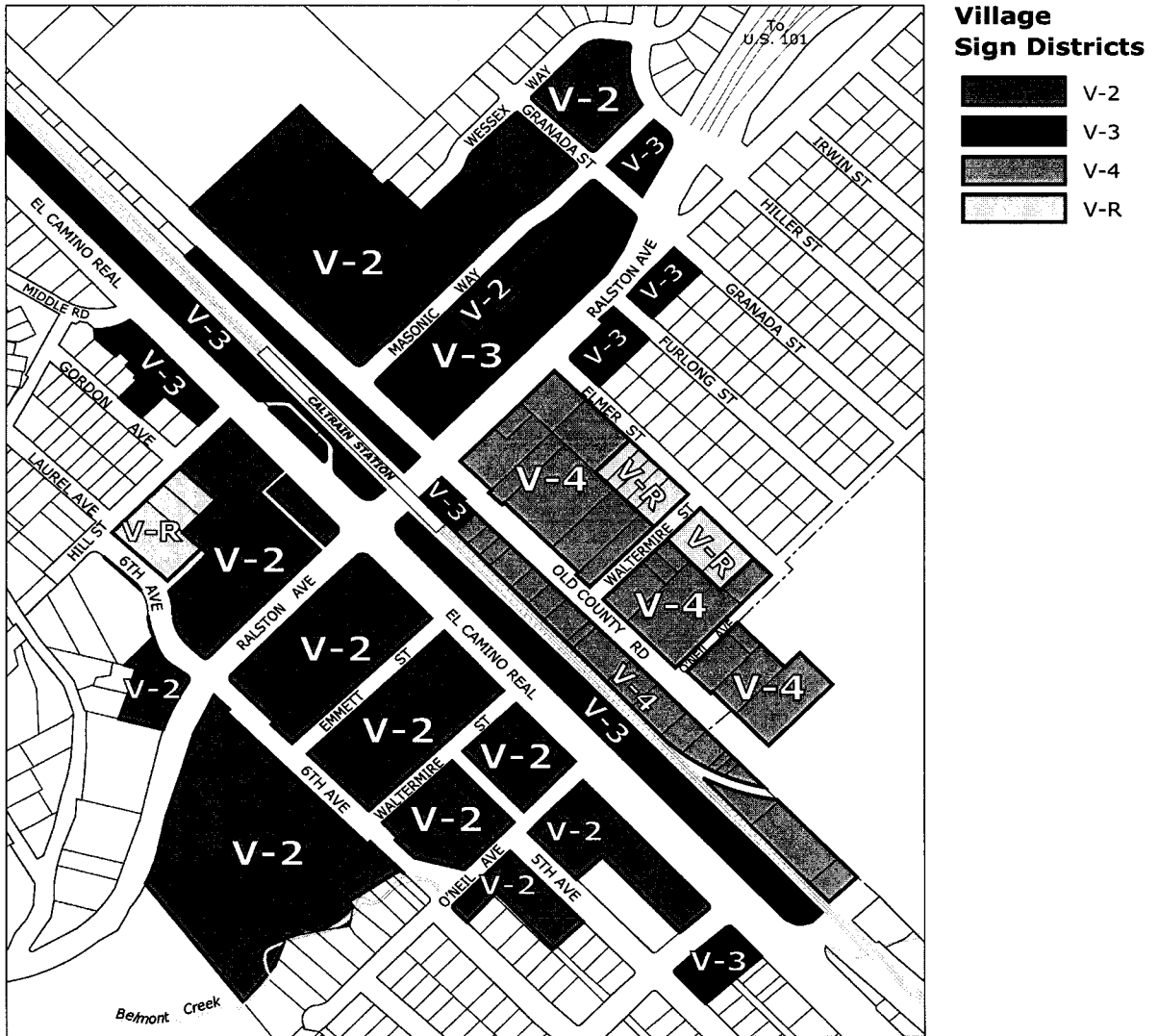
	<i>Village Sign Districts</i>				<i>Commercial Districts</i>		<i>Manufacturing Districts</i>	<i>Executive Administrative Districts</i>	Planned Dev.
	V2	V3	V4	VR	C1-C3	C4	M1-M2	E1-E2	PD
Awning & Canopy	■	■	■	■	■	■	■	■	□
Freestanding	□	□	□	□	□	□	□	□	□
Projecting	■	■	□	□	■	□	□	□	□
Wall	■	■	■	■	■	■	■	■	□
Window	■	■	■	■	■	■	■	■	□

■ Permitted (subject to compliance with this Section)

□ Permitted only as part of an approved Master Sign Program as described in 23.10.02

1. Additional allowances apply to signs on properties fronting El Camino Real; see Subsection 23.06.03.

FIGURE 23.06.01: VILLAGE SIGN DISTRICTS



**23.06.02 Dimensional Limits for Signs in Nonresidential Zoning Districts**

Table 23.06.02 establishes the dimensional standards for permanent signs allowed in Nonresidential zoning districts. Additional allowances apply to signs on properties fronting El Camino Real; see Subsection 23.06.03

**TABLE 23.06.02 : DIMENSIONAL LIMITS FOR SIGNS IN NONRESIDENTIAL DISTRICTS**

	<i>Village Sign Districts</i>	<i>Commercial Districts</i>	<i>Manufacturing Districts</i>	<i>Executive Administrative Districts</i>
Total Sign Area Allowed (sq. ft.)*	1.5 x ln.ft. of frontage	1.5 x ln.ft. of frontage	0.5 x ln.ft. of frontage	0.5 x ln.ft. of frontage
<b>Awning &amp; Canopy Signs</b>				
Maximum Ht (ft)	14	14	14	14
Minimum Clearance (ft)	8	8	8	8
<b>Freestanding Signs</b>				
Maximum Size (sq. ft)	36	60	25	25
Maximum Height (ft)	6	6	6	6
<b>Projecting Signs</b>				
Maximum Size (sq. ft)	16	16	16	16
Maximum Height (ft)	18	18	18	18
<b>Wall Signs</b>				
Maximum Elevation (ft)	15	15	15	15
Maximum Projection (in.)	12	12	12	12
<b>Window Signs</b>				
Maximum % of Window	10%	10%	10%	10%

\* Total Sign Area is based on an allowance in square feet per lineal foot of all street frontage.

**23.06.03 Additional Sign Allowances for Nonresidential Properties Fronting El Camino Real**

- A. Additional Wall Sign Allowed on Nonresidential Properties Fronting El Camino Real.** A maximum of one (1) additional wall sign per street frontage is allowed for buildings three stories or taller. The sign shall be mounted on the top floor level and shall

comply with all other applicable standards per Subsection 23.08.04 (“Wall Signs”). The total aggregate sign area for the property shall not exceed the allowed sign area as provided in this Section.

- B. Second Story Placement Allowed.** Signs are allowed on the second story of nonresidential buildings fronting El Camino Real, irrespective of the number of stories, provided the sign is not illuminated and conforms to all other standards for wall signs and projecting signs for the district where it is located per Subsection 23.08.04 (“Wall Signs”). The total aggregate sign area for the property shall not exceed the allowed sign area as provided in this Section.
- C. Changeable copy.** Changeable copy as defined herein is allowed on signs on properties fronting El Camino Real, provided that the changeable copy area is limited to no more than 20 square feet or 25 percent of the total allowable sign area, whichever is less.
- D. Exposed Lighting.** For nonresidential properties fronting El Camino Real, the Planning Commission may approve signs using exposed light sources such as neon tubing, unshielded light bulbs or fluorescent tubes, or any interior lighted sign with transparent or translucent faces, provided that the Commission finds that the light from the sign does not cause unreasonable glare, annoyance to passersby or neighbors, or safety hazards. Such lighting shall comply with the standards of Subsection 23.05.03 (“Illumination”).
- E. Neon Signs.** Neon signs are allowed as Window Signs on the first story of nonresidential buildings facing El Camino Real, subject to all other standards of Subsection 23.05.03 (“Illumination”), and Subsection 23.08.05 (“Window Signs”).

## **Section 23.07 Sign Standards for Residential Districts**

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This Subsection establishes standards for signs in Residential Districts and on legal residential uses located in other districts. Regulations for temporary signs are in Section 23.09.

### **23.07.01 General Regulations for Residential Districts and Legal Residential Uses Located in Other Districts**

- A. General Advertising Prohibited.** Signs in residential districts or on residential use properties shall not display general advertising for hire.
- B. Internally-lit Signs Prohibited.** Signs in residential districts or on residential use properties shall not be internally lit, except for address signs.
- C. No Permit Required.** Unless otherwise stated, signs allowed by this Section are not subject to a sign permit. A permit is required if the sign qualifies as a structure under the building code.

**23.07.02 Maximum Sign Area Allowed for Residential Uses**

Table 23.07.02 establishes the maximum sign area allowed on residential units in all districts.

**TABLE 23.07.02 : MAXIMUM ALLOWED SIGN AREA FOR RESIDENTIAL USES**

	<i>Total Sign Area (square feet)</i>
Detached Single Family and Duplex Units	8
Multi-family Complex - Each Unit	2
Master Unit of Multi-family and Mixed-use Complexes less than 20,000 sq. ft. parcel	12
Master Unit of Multi-family and Mixed-use Complexes 20,000 sq. ft. or larger parcel	24

**23.07.03 Standards for Detached Single Family, Duplex Units, and Individual Units in Multi-family Complexes**

- A. **Sign Area.** The total sign area is a maximum aggregate limit for ALL types of allowed signs and may be used for any combination of noncommercial messages. Temporary signs are included in the maximum sign area limit for residential uses, and are also subject to the regulations in Subsection 23.09 (“Temporary Signs”).
- B. **Sign Types.** Signs may be freestanding signs, window signs, or wall-mounted signs.
- C. **Location.** Signs may be posted or displayed from the yard, window, door, balcony, or outside wall of the residence, but may not be attached to trees, or plants.

**23.07.04 Additional Allowance for Master Unit of Multi-family and Mixed-use Residential**

- A. In addition to the signs allowed for individual dwelling units, one freestanding monument sign and one wall sign are allowed for each property, with a sign permit. The total sign area of all permanent signs shall not exceed the total allowed area for the District as shown in Table 23.07.02.
  - 1. **Freestanding Signs.** Freestanding signs are allowed with an approved Master Sign Program (Section 23.10). Maximum height four (4) feet. Freestanding signs shall not be located within ten (10) feet of any street line or five (5) feet of any interior lot line. All other provisions of Subsection 23.08.02 (“Freestanding Signs”) are applicable.
  - 2. **Wall Signs.** Wall signs are allowed with a sign permit, subject to the provisions of Subsection 23.08.04 (Wall Signs).

**23.07.05 Standards for Nonresidential Uses in Residential Districts**

Table 23.07.05 establishes the maximum sign area and permitted sign types allowed for nonresidential properties and uses in residential districts.

**TABLE 23.07.05: MAXIMUM ALLOWED SIGN AREA FOR NONRESIDENTIAL USES IN RESIDENTIAL DISTRICTS**

Total Sign Area Allowed (sq. ft)	24 sq. ft
<b>Freestanding Signs</b>	
Maximum Size (sq. ft.)	24 sq. ft
Maximum Height	4 ft
<b>Wall Signs</b>	
Maximum Elevation (ft)	15 ft
Maximum projection (in)	12 in

- A. **Freestanding Signs.** Freestanding signs are allowed with an approved Master Sign Program (Section 23.10), and shall not be located within ten (10) feet of any street line or five (5) feet of any interior lot line. All other provisions of Subsection 23.08.02 (“Freestanding Signs”) are applicable.
- B. **Wall Signs.** Wall signs are allowed with permit, subject to the standards of Subsection 23.08.04 (“Wall Signs”).
- C. **Changeable Copy.** Changeable copy as defined herein is allowed on uses characterized by public assembly and changing programs or events, subject to the standards of Subsection 23.05.02 (“Changeable Copy”).

**Section 23.08 Standards for Specific Sign Types**

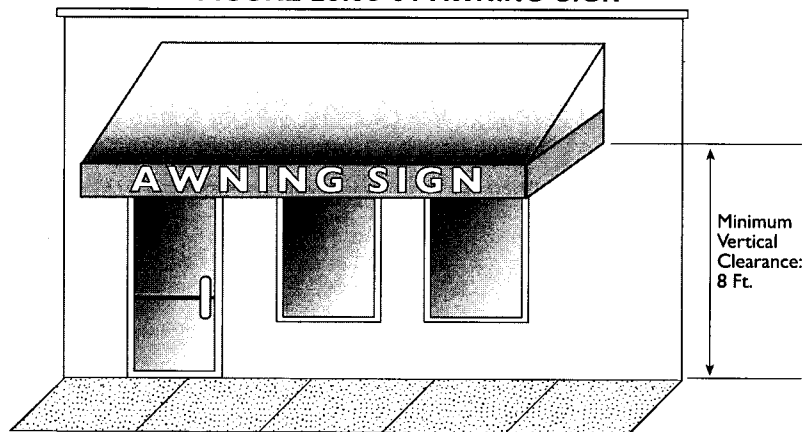
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**23.08.01 Awning and Canopy Signs**

Awning and canopy signs may be attached to or painted on the vertical edges of awnings, canopies, arcades, or similar features or structures. Awning and canopy signs are subject to the specific standards of the zoning district in which the sign is located, and the following additional standards:

- A. **Maximum Awning Height.** Fourteen (14) feet above the sidewalk.
- B. **Minimum Vertical Clearance.** Eight (8) feet above the sidewalk.

FIGURE 23.05-01 AWNING SIGN



### 23.08.02 Freestanding Signs

Freestanding signs are allowed as part of an approved Master Sign Program, subject to the specific standards of the zoning district in which the sign is located, and the following additional standards:

- A. **Where Allowed.** Freestanding signs are permitted only on a parcel of land with at least one-hundred-fifty (150) feet of continuous street frontage and where the main building is setback at least twenty (20) feet from the property line.
- B. **Maximum Number.** One (1) freestanding sign per street frontage.
- C. **Maximum Height.** Six (6) feet, unless a lower height is established for the zoning district where the sign is located
- D. **Maximum Area.** The sign area shall not exceed the limits established for the zoning district where the sign is located.
- E. **Landscaping Requirement.** All freestanding signs shall require landscaping at the base equivalent to two times the area of the sign copy. If necessary, planted landscaping shall have an automatic irrigation system.

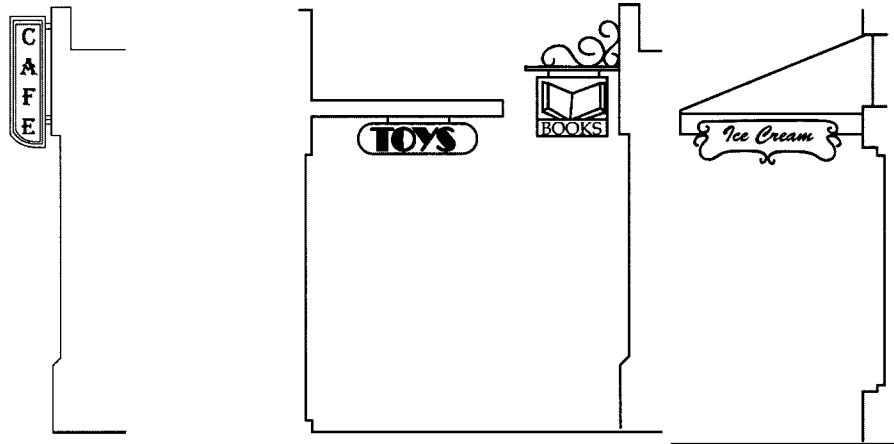
### 23.08.03 Projecting, Shingle, Under Canopy, or Under Awning Signs

A sign may project horizontally from the exterior wall of a building provided that such projection conforms to the specific standards of the zoning district in which the sign is located, and the following additional standards:

- A. **Maximum Number.** One (1) sign per building, or in multiple tenant buildings, one per tenant space.
- B. **Maximum Size.** Sixteen (16) square feet.
- C. **Maximum Height.** Eighteen (18) feet above the sidewalk, not to extend above the wall on which it is mounted, the roof-line, or the eave-line, whichever is lower.
- D. **Minimum Vertical Clearance.** Eight (8) feet above the sidewalk.

- E. **Projection Allowed.** A projecting sign cannot extend more than four (4) feet from the building to which it is attached and shall be designed and located so as to cause no harm to street trees.
- F. **Illumination.** No special illumination is allowed for projecting signs mounted under a canopy or awning.

**FIGURE 23.07-02 PROJECTING SIGNS**



**23.08.04 Wall Signs**

Wall signs are subject to the specific standards of the zoning district in which the sign is located, and the following additional standards:

- A. **Maximum Number.** One (1) sign per street frontage, or in multiple tenant buildings, one sign per tenant space.
- B. **Maximum Height.** Fifteen (15) feet above the sidewalk, not to extend above the wall on which it is mounted, the roof-line, or the eave-line, whichever is lower.
- C. **Orientation.** Wall signs shall be placed flat against the wall of the building.
- D. **Projection Allowed.** Wall signs shall not extend more than 12 inches beyond the face of the wall to which they are attached.
- E. **Placement.** No wall sign may cover, wholly or partially, any required wall opening.
- F. **Properties Fronting El Camino Real.** See Subsection 23.06.03 (“Additional Sign Allowances for Nonresidential Properties Fronting El Camino Real”).

**FIGURE 23.07-03 WALL SIGN**



### **23.08.05 Window Signs**

A permanent sign may be affixed to a window or mounted inside a window on the first or second floor only, subject to the specific standards of the zoning district in which the sign is located, and the following additional standards:

- A. **Maximum Number.** One (1) sign per window or in multiple tenant buildings, one sign per tenant space.
- B. **Maximum Area.** The sign structure and the copy area shall not exceed ten (10) percent of the total window area on the first and second floor only. The total aggregate sign area for the establishment shall not exceed the limits established for the zoning district where the sign is located.

## **Section 23.09 Temporary Signs**

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### **23.09.01 General Provisions**

- A. Temporary signs may be erected and maintained only in accordance with the provisions set forth below and the general regulations in Section 23.05 (“General Regulations Applying to All Districts”) to the extent they apply.
- B. Temporary signs must comply with all provisions of Subsection 23.03.02 (“Prohibited Signs, Locations, Materials, and Sign Types”), and Section 23A (“Signs on Public Property”).
- C. **In nonresidential districts,** no temporary signs other than these specifically described herein are allowed. The sign areas allowed for temporary signs described herein are in addition to the total sign area allowed per table 23.06.02 (“Dimensional Limits for Signs in Nonresidential Districts”).

- D. On residential use properties, temporary signs are included in the maximum allowable sign area as provided in Subsection 23.05 (“Signs in Residential Districts”).

### **23.09.02 A-Frame Signs**

Temporary A-frame signs are allowed in the Village Zoning Districts and for assembly uses subject to the following standards.

- A. **Placement.** A-frame signs shall be placed on private property on the same lot as the establishment that qualifies for such sign. A-frame signs are prohibited on the public right-of-way.
- B. **Maximum Number.** Each establishment shall not have more than one (1) A-frame sign.
- C. **Hours for Display.** A-frame signs shall be removed during hours when the establishment is not open to the public and shall not be displayed after the event with which they are associated is over.
- D. **Maximum Size.** Five (5) square feet.
- E. **Maximum Height.** Three (3) feet.
- F. **Materials.** The supporting structure of A-frame signs shall not be constructed from plastic, and shall be suitably weighted to prevent tipping or movement from wind.

### **23.09.03 Construction Site Signs**

A temporary sign related to on-going construction or landscaping work may be placed upon property where a building is being constructed or remodeled, or the landscaping is being installed.

- A. **Maximum Sign Area.** Construction signs shall be no more than:
  - 1. In Residential Districts: Four (4) square feet.
  - 2. In Nonresidential Districts: Twelve (12) square feet.
- B. **Duration.** Construction signs shall be removed within six months of installation, or upon completion of the project, whichever occurs first.

### **23.09.04 Real Estate Signs**

This Subsection is enacted to implement Section 713 of the California Civil Code.

- A. **General.** On a property that is available for sale, lease or exchange, a property owner or their agent may display or have displayed on the real property, or on real property owned by another with that person's consent, one sign that advertises the property for sale, lease or exchange, provided said sign meets the requirements of this subsection.
  - 1. Real estate signs are prohibited within the public right-of-way or on public property, and
  - 2. Real estate signs shall be removed within fifteen (15) days after such property is no longer for sale, lease or exchange.

**B. Maximum Sign Area.**

1. In Residential Districts: Four (4) square feet.
2. In Nonresidential Districts: Twelve (12) square feet.

**C. Directional Signs and Open House Signs.** During an open house event, up to three signs giving directions to the subject property or open house may be displayed on private property, while the property is on the market, subject to the following standards.

1. **Maximum size.** Three (3) square feet per sign; and
2. **Maximum height.** Five (5') feet above existing grade.

**23.09.05 Special Promotional Banners**

Temporary promotional banners are allowed for nonresidential establishments subject to the following:

- A. **Registration Required.** Applicant shall register the size, location, and time period for the banner with the Director of Community Development.
- B. **Maximum Number.** A maximum of one (1) banner is allowed per establishment at any given time.
- C. **Maximum Size.** The total banner area shall not exceed fifty (50) square feet.
- D. **Time Period.** No banner shall be displayed for more than thirty (30) days, and a period of thirty (30) days must lapse before displaying a banner again. Banners shall not be displayed for more than sixty (60) total days during a calendar year.
- E. **Location.** Banners are allowed only in locations where permanent signs are allowed.

**23.09.06 Garage Sale Signs**

In Residential Districts, a temporary sign related to an occasional non-business public sale may be placed upon private property. Such signs are prohibited in Nonresidential districts, on Public Property, and on Public Rights-of-Way.

- A. **Duration.** Garage sale signs may be posted one day before the event, until the sale closes, but not later than sunset.
- B. **Maximum Number of Signs.** Three (3).
- C. **Maximum Size per Sign.** Two (2) square feet.

**23.09.07 Temporary Window Signs**

*In nonresidential uses, up to two (2) square feet per establishment of temporary sign may be displayed in the interior of a window. Such sign shall be placed at the lowest corner of the window.*

## **Section 23.10 Master Sign Program**

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### **23.10.01 Purpose**

The purpose of a Master Sign Program is to provide a method for an applicant to integrate the design and placement of signs within a project into the overall development design to achieve a more unified appearance. Minor variations in dimensional standards and other limitations of this Section may be approved, provided the overall signage is consistent with the Purpose of this ordinance as stated in Subsection 23.01.01 (“Purpose”).

### **23.10.02 Projects Requiring a Master Sign Program**

A Master Sign Program is required, *and only allowable*, for the following types of projects:

- A. **New Multiple Tenant Projects.** All new nonresidential projects, or mixed-use residential projects, with multiple tenants.
- B. **Façade Remodels.** All multiple tenant commercial or mixed-use buildings where the entire facade is being remodeled after the effective date of this section.
- C. **Planned Developments.** Any project in a PD district or using the planned unit development provisions of the zoning ordinance.
- D. **Specified Sign Types.** Specific types of signs in certain nonresidential districts, as defined in Table 23.06.01.

### **23.10.03 Planning Commission Findings Required for Approval**

A Master Sign Program may be approved only if the Planning Commission finds that:

- A. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures and any adjoining signage on the site;
- B. Future tenants will be provided with adequate opportunities to construct, erect or maintain a sign for identification; and
- C. Directional signs are adequate to control pedestrian and vehicular circulation, and address signs provide clear identification for emergency responders.

Reasonable conditions of approval may be imposed by the Commission to achieve the purposes of this Section and ensure compatibility with adjacent land uses and signage.

### **23.10.04 Required Submittals**

An application of approval of a Master Sign Program shall contain the following information:

- A. A site plan showing the location of buildings, parking lots, driveways and landscaped areas;
- B. A computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed;

- C. An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;
- D. The sign dimensions (if tenants are not known, generic dimensions may be presented);
- E. The color schemes; lettering and graphic style (if tenants are not known, generic styles may be presented); and
- F. The lighting and sign construction materials.

### **23.10.05 Post-Approval Procedures**

After approval of a Master Sign Program, no signs shall be erected, placed, painted, or maintained, except in conformance with the approved program, and such program may be enforced in the same way as any provision in this Section.

- A. **Lease Agreements.** The Master Sign Program and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.
- B. **Individual Signs.** Any sign that conforms to an approved program may be approved by the Director of Community Development; however, approval of a Master Sign Program does not waive the permit requirements for individual signs.
- C. **Amendments.** The Director of Community Development may approve minor amendments to a Master Sign Program that are in substantial conformance with the original approval. All other amendments, including amendments to conditions of approval, shall be processed as a new application and be subject to review and approval of the Planning Commission.

## **Section 23.11 Permit Procedures**

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### **23.11.01 Permit Applications**

Applications for sign permits shall be submitted to the Director of Community Development and shall contain the following information:

- A. The names, addresses and telephone numbers of the applicant and the owner of the property on which the sign is to be erected or affixed;
- B. The location and address of the building, structure or property on which the sign is to be erected or affixed;
- C. The nature of the business or establishment;
- D. Three (3) copies of a scaled site plan showing the property and buildings involved, affected landscaping and electrical connection points, and the placement of the proposed signs. A total of eight (8) sets are required if the plans are to be reviewed by the Planning Commission pursuant to Subsection 23.11.03;
- E. Three (3) copies of scaled plans with specifications of the sign to be erected or affixed. These plans and specifications shall include details of the construction and attachment,

dimensions, height, materials, illumination, and color. A total of eight (8) sets are required if the plans are to be reviewed by the Planning Commission pursuant to Subsection 23.11.03;

- F. *The color schemes, lettering and graphic style, presented as a photo montage or graphic illustration (If tenants are not known, generic styles may be presented.);*
- G. If required by the building official, the applicant shall submit a copy of stress sheets and calculations prepared by, or approved by, a registered structural engineer licensed by the State of California, showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable ordinances of the City;
- H. The written consent (demonstrated by a signed letter or signed application form) of the owner (or owner's representative) of the property on which the sign is to be erected or affixed;
- I. Any other information required by the Director of Community Development to determine full compliance with this Section and any other applicable laws, rules, and regulations; and
- J. A statement asserting the applicant does not intend to use the proposed sign for general advertising for hire, i.e. to rent or lend display space for off-site commercial messages.

### **23.11.02 Review Process for the Issuance and Revocation of Permits**

#### **A. Authority for Review.**

1. Permit applications for signs to be located on new buildings, building additions, or buildings undergoing substantial exterior remodel shall require review and approval by the Planning Commission, as part of the design review process as stated in Section 13 of the Zoning Ordinance. *Permit applications for signs in conjunction with replacement, relocation, and/or additional windows, doors, awnings, and minor modification projects not adding floor area do not constitute a substantial exterior remodel and are subject to review as noted in 2 below.*
2. All other sign permit applications shall be reviewed by the Director of Community Development, *or his/her designee.*

**B. Review Process.** Upon the filing of an application for a sign permit, the Director of Community Development shall examine the plans, specifications and other submitted data for the proposed sign. If the application is not complete, the applicant shall be so notified in writing within 20 days of submission, with the notice listing all points of incompleteness. In such case the applicant will then have opportunity to cure the deficiencies within 30 days of notification. If the application request is not in compliance with all requirements and standards of this Section, then the application shall be denied, with notice and reasons given in writing.

**C. Scope of Review.** Whenever any sign permit, Master Sign Program approval, or other sign-related decision is made by any exercise of official discretion, such discretion shall be exercised only as to the physical aspects of the sign, such as size, height, orientation,

location, setback, illumination, spacing, scale and mass of the structure, and other criteria as specified under Subsection 23.11.03 (“Findings for Approval of a Sign Permit”).

- D. **Time to Permit Issuance.** At each level of review or appeal, the decision shall be rendered in writing within 30 calendar days. The time period begins running when a challenge is received, the application is complete (or is deemed complete because no notice of incompleteness has been given), an amendment is received, or the notice of appeal has been filed, whichever applies. The timely decision requirement may be waived by the applicant or appellant. If a decision is not rendered within the required time, then the application or appeal shall be deemed denied; in the case of an appeal, the lower level decision shall be deemed affirmed.
- E. **Revocation of Permit.** The Director of Community Development is authorized and empowered to revoke any issued sign permit on failure of the holder to comply with any provision of this Section, conditions of approval, or any other applicable statute, ordinance or regulation.

### **23.11.03 Findings for Approval of a Sign Permit**

The Director of Community Development or the Planning Commission, whichever has review authority, shall only approve a sign permit upon making all of the following findings:

- A. **Architectural Compatibility.** The sign (including its supporting structure, if any) shall be designed to be architecturally compatible with the building to which the sign relates and with surrounding structures. Any sign that spills over “natural” boundaries or architectural features, disrupts parts of upper floors of buildings, or is detrimental to visual order is not permitted.
- B. **Consistency with Area Character.** The size, materials, illumination, and other architectural features of the sign structure shall be in keeping with the visual character of the street or area in which it is proposed.
- C. **Legibility.** To insure that signs perform their essential communicative function appropriately, characteristics such as legibility and visibility from relevant vantage points will be considered.

### **23.11.04 Permit Fees**

Every application for a sign approval shall be accompanied by a fee, in an amount specified by the schedule of fees established by City Council resolution, and related provisions of the Belmont Building Code. Whenever a sign permit fee is required by this Subsection and work is started prior to obtaining a permit, the amount of fees shall be doubled for a permit subsequently issued to cover such work.

### **23.11.05 Interpretations and Appeals**

- A. Interpretations of this Section shall be made by the Director of Community Development, whose decision may be appealed in the same manner as any other sign-related decision. All interpretations of this Section are to be exercised in light of the message substitution policy and the purposes and intent of this Section.

- B. Appeals of any decision of the Director of Community Development or the Planning Commission shall be made in accordance with Section 15 of the Zoning Ordinance.

### **23.11.06 Enforcement of Standards**

All rules and regulations on the non-communicative aspects of signs, including sign structure, sign placement and the location, size, height, illumination, spacing and orientation of signs, stand enforceable independently of any permit or approval process.

## **Section 23.12 Rules for Sign Measurement**

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### **23.12.01 Measuring Sign Area**

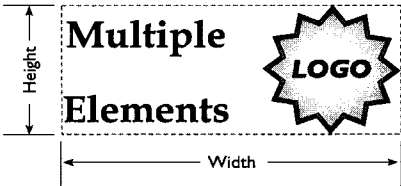
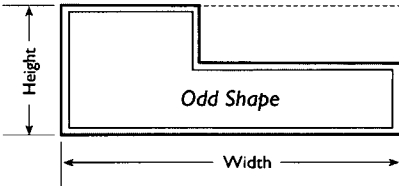
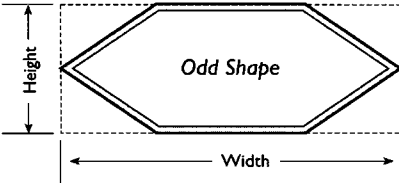
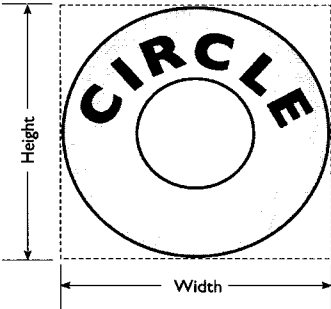
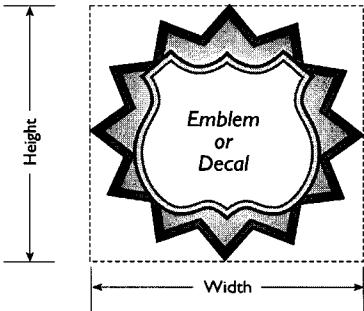
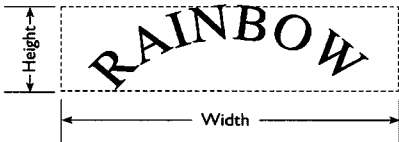
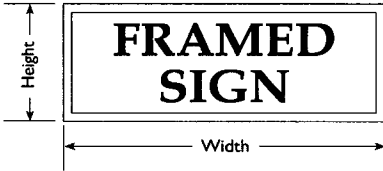
For purposes of this Section, sign area includes the entire face of a framed, outlined, or painted sign, but does not include the supporting structure, unless the supporting structure is designed to constitute a display device.

- A. **Architectural Features.** Architectural features of a freestanding sign that are not an integral part of the sign, such as the solid base, landscaping, or other structural form, shall not be counted as part of the sign area.
- B. **Two-sided Signs.** When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be calculated as the measurement of one of the two faces.
- C. **Multi-faced and Three-dimensional Signs.** The sign area of signs with two sides that are not back to back, or signs with three or more faces, or three-dimensional signs (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall be calculated as the sum of the surface area of all sign faces.
- D. **Measuring Sign Height/Maximum Projection from Grade.** The height of a sign is the vertical distance from the uppermost point used to measure sign area to the existing or finished grade immediately below the sign, whichever measurement is the greatest.
- E. **Measuring Vertical Ground Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.
- F. **Sites with Two or More Street Frontages.** For sites with two or more street frontages, the maximum allowable sign area shall be calculated separately for each street frontage.

### **23.12.02 Sign Measurement Examples**

FIGURE 23.11.02: SIGN MEASUREMENT EXAMPLES

Sign Area = Height x Width



## **ATTACHMENT III**

### **Section 23A – Sign Standards for Public Property**

# Section 23A

## SIGN STANDARDS FOR PUBLIC PROPERTY

*Italics* = text edits/additions

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## **Section 23A.01 Scope, Intent and Applicability**

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### **23A.01.01 Scope**

The purpose of this Section is to establish standards and regulations regarding private party placement of signs on property owned or controlled by the City (“City Property”), and on all public rights-of-way. Nothing in this Section limits in any way the City’s ability to use City property for expression of its own messages, or the messages of other parties which it may adopt as its own message, such as, by way of illustration only, by co-sponsorship of an event.

### **23A.01.02 Intent as to Public Forum**

It is the intent of the City of Belmont that all City property shall not function as a designated public forum, unless some specific portion of public property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.

### **23A.01.03 Applicability**

This Subsection applies only in traditional public forum areas. In consultation with the City attorney, the director of Community Development shall interpret this phrase for compliance with court decisions.

### **23A.01.04 Severability**

This Subsection is to be severable to the greatest extent provided by law. If any section, sentence, clause, phrase, word, portion or provision of this Section is held invalid or unconstitutional or unenforceable by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Section which can be given effect without the invalid portion. In adopting this Section, the City Council affirmatively declares that if it had been made aware of any invalid provision(s), it would have approved and adopted the remaining provisions, and that it desires for all valid provisions to remain in force.

## **Section 23A.02 Definitions**

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The definitions in Section 23 (“Sign Regulations”) apply to this Section unless the same term is defined herein, in which case the definition in this section shall apply to this section.

**Sponsor Banner.** A temporary sign made of material similar to heavy canvas or reinforced plastic, which indicates a sponsor.

**Traditional Public Forum.** The surfaces of city streets, city sidewalks, and city parks which are connected to the main pedestrian circulation system of the city, or to the pedestrian area immediately surrounding City Hall.

## Section 23A.03 General Regulations Applicable to All Public Forum Areas

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### 23A.03.01 Mobile Billboards Prohibited

- A. The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel. The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the city. This prohibition does not apply to commercial vehicles on public streets for purely transportation purposes such as moving people, animals or goods from one location to another, or using the streets for routine service calls.
- B. This provision prohibits only the use of the streets for advertising rather than transportation purposes.
- C. This section shall not apply to:
  - 1. Public Transit Graphics on properly licensed buses and taxicabs;
  - 2. *Signs Exempt per Section 23.03.01(O).*

### 23A.03.02 Commercial Displays Prohibited

Except as specifically provided herein, commercial displays are prohibited.

## Section 23A.04 Noncommercial Displays

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In areas qualifying as traditional public forums, private persons may display non-commercial message signs without a permit, subject to the following limitations:

- A. **Personally Held.** The signs must be personally held by one or more persons.
- B. **Permitted Times.** The signs may be displayed only during the time period of 7 a.m. to 7 p.m., except on occasions when the City Council and/or the Planning Commission or other City commissions, boards or committees are holding public hearings or meetings; on such occasions, the display period is extended to thirty minutes after such meeting is officially adjourned.
- C. **Permitted Size.** The maximum size of any one sign held by two or more persons shall not exceed six (6) square feet per person. The maximum aggregate size of all signs held by a single person shall not exceed six (6) square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count toward the maximum aggregate sign area. Apparel includes any type of personal clothing, but does not include any which are used for the support or mounting of signage.
- D. **Maximum Height.** The maximum height of any hand held sign shall not exceed 10 feet, measured from the sidewalk.

- E. **Sign Type.** The sign may not have more than two display faces and may not be inflatable or air-activated.
- F. **Traffic and Pedestrian Safety.** In order to serve the City’s interests in traffic flow and safety, persons displaying signs under this subsection:
  1. May not stand in any vehicular traffic lane when a roadway is open for use by vehicles; and
  2. Must provide at least four feet wide clearance space for pedestrians.
  3. The sign may not be located in the visibility triangle as defined herein.
  4. Signs and persons holding the sign(s) may not block the free and clear vision of drivers, bicyclists and pedestrians.
- G. **No Permit Required.** No permit is required for display of signs authorized by this subsection, as long as the foregoing rules are followed.
- H. **Message Substitution.** The message substitution policy of the Sign Ordinance (Subsection 23.06.07) applies to signs in traditional public forum areas, subject to the rules stated in this subsection.

## **Section 23A.05 Commercial Displays**

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### **23A.05.01 On Vehicles on Public Streets.**

Signs on vehicles may be displayed, provided that:

- A. The message pertains to the establishment of which the vehicle or vessel is an instrument or tool, and
- B. The message does not utilize changeable copy or special illumination; and
- C. The message is not general advertising for hire.

## **Section 23A.06 Sponsor Banners at Ralston Avenue and Belmont Sports Complex**

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### **23A.06.01 General Regulations Applicable to Sponsor Banners**

- A. **Intent as to Forum.** In adopting this Section, the City does not intend to open or designate a forum for expression on topics of public interest, or a forum for off-site advertising for business establishments, but instead intends to allow the City of Belmont or certain qualifying private parties to display Sponsor Banners within specific locations, times, and guidelines.
- B. **Locations.** Locations for sponsor banners are limited to: (1) across Ralston Avenue between El Camino Real and Sixth Avenue; or (2) across Ralston Avenue between Old

County Road and Granada Street, or (3) on the outfield fences of the Belmont Sports Complex athletic fields facing the playing fields, or any other such location that the City Council may determine. The City reserves the right to determine the specific location of any banner.

- C. **Right of Refusal and Appeals.** The Directors of Community Development and Parks and Recreation reserve the right to refuse to issue a Sponsor Banner Permit on the grounds that the Banner is inconsistent with this subsection.
1. In the event of such denial, the applicant may appeal directly to the City Manager or designee, who shall issue a decision within five (5) business days.
  2. If the applicant is not satisfied with the determination of the City Manager, then the applicant may appeal the City Manager's decision to the City Council for final determination. The City Council shall hear the matter at the next meeting when it can be properly noticed.
- D. **Permit Required.** All sponsor banner applications shall be made in writing to the Permit Center.
- E. **Installation.** All sponsor banners shall be mounted or installed and removed by the City only.
- F. **Construction and Insurance.** All sponsor banners must meet construction and material specifications and insurance requirements established by the City.

#### **23A.06.02 Ralston Avenue Sponsor Banners.**

- A. **Limitations on use.** Use of the Ralston Avenue sponsor banners is limited to commercial messages (*not including sales promotions*) that provide information on:
1. Events suitable for all ages and open to the public on *substantially* the same terms as members of the sponsoring organization;
  2. City-sponsored events;
  3. Events and activities of schools located in the City (pre-kindergarten through university, both public and private schools); or
  4. Events sponsored by organizations located in the City, or serving Belmont residents, that have received tax-exempt status pursuant to Internal Revenue Code Section 501(c)(6).
  5. *Messages sponsored by the City.*
- B. **Multiple Banners.** Applications may be made for one or two banners displayed at the same time. If two applications are made for Ralston Avenue banners for the same week, a permit will be given for one Ralston banner site for each applicant.

- C. **Time Limits.** Ralston Avenue Sponsor Banners may be displayed for up to two (2) weeks. No party may display a banner more than three (3) times in any calendar year.
- D. **Application Review & Fee.** *Applications for Ralston Avenue sponsor banner display shall be subject to review and approval by the Community Development Department. A fee, as adopted in the City's Master Fee Schedule, is required for this application.*

**23A.06.03 Sports Complex Sponsor Banners**

- A. **Limitations on Use.** The use of the Sports Complex outfield fence is limited to banners displaying commercial messages (*not including sales promotions*) that provide information on:
  - 1. City-sponsored events; or
  - 2. The business name of an entity that is sponsoring an official Belmont sports team, and the name of the official league team that is being sponsored. Establishments that are not open to all ages, pawn shops, check cashing establishments, gambling establishments, or those that sell primarily alcohol or tobacco are prohibited from displaying a banner.
- B. **Size.** Banners shall not exceed 15 square feet in area.
- C. **Time Limits.** Sponsor Banners may be displayed beginning one week before the official opening game of the sponsored league season, and ending one week after the last official game of the sponsored league season.
- D. **Application Review.** *Applications for Sports Complex sponsor banner display shall be subject to review and approval by the Parks and Recreation Department.*

**ATTACHMENT IV**

November 16, 2010 & December 7, 2010 Planning Commission  
Staff Reports

**CITY OF BELMONT  
MEMORANDUM**



**TO:** Planning Commission

**FROM:** Carlos de Melo, Community Development Director

**SUBJECT:** November 16, 2010 Planning Commission Meeting  
Agenda Item 6A – Public Hearing  
Belmont Sign Ordinance Amendments

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**Summary/Background**

Commensurate with the conduct of tonight's public hearing on comprehensive DRAFT amendments to the Belmont Sign Ordinance, a few outstanding questions/issues/policies require full Planning Commission input. A summary of these policy questions/issues is provided as Attachment I. The full DRAFT Ordinance is provided in two exhibits:

Attachment II – Section 23 – Sign Regulations

Attachment III – Section 23A – Sign Standards for Public Property (this is a new comprehensive section to be added to the Belmont Zoning Code)

The Commission previously conducted a number of study sessions in May & June of this year to assess outstanding issues. Since that phase of the work program concluded, staff has been working with the Commission Sub-committee (Chair Frautschi and Commissioner Mercer), and legal counsel to confirm content, wording, formatting, and policy matters for the draft Ordinance. In addition, staff conducted a second outreach event (October 28, 2010) for the business community to review the draft ordinance; specific comments/questions from that meeting are outlined below.

As discussed earlier, over the last fourteen months, signage issues/discussion has been previously conducted via:

- Planning Commission Study Session – September 15, 2009
- Planning Commission Study Session – October 6, 2009
- City Council Study Session/Discussion & Direction – February 9, 2010
- Outreach Meeting – March 19, 2010
- Planning Commission Signage Subcommittee Meeting – April 19, 2010
- Planning Commission Review of Outstanding Questions/Issues/Policies – May 4, 2010
- Planning Commission Review of Outstanding Questions/Issues/Policies – May 18, 2010
- Planning Commission Review of Outstanding Questions/Issues/Policies – June 1, 2010
- Planning Commission Review of Outstanding Questions/Issues/Policies – June 15, 2010
- Outreach Meeting – October 28, 2010 (see additional background below)

### **October 28, 2010 Outreach Meeting**

As discussed earlier, staff conducted this second outreach meeting to assess community input on the draft ordinance; a summary of comments/questions/issues follows below:

#### **Section 23 - Private Property:**

- **Exempt signs:**
  - Home occupation – want enforcement of the regulations which stipulate “licensed” home businesses to verify they have a license (concerns expressed that this may not be legally enforceable)
  - Flag allowance was discussed with no objections noted
  - Holiday decoration allowance of 45 days discussed with no objections noted
- **Prohibited signs:**
  - See changeable copy notes below
  - General agreement on ban of mascots, animated signs, temporary materials, offsite advertising, advertising for hire, etc.
  - Neon – general agreement that limiting neon to windows (10% of window area) was acceptable
- **Sign area and sign types:**
  - No strong concerns expressed over total area allowances or height limits, given grandfathering of non-conforming signs (see below)
  - Exterior signs masquerading as creative paint job – generally viewed as undesirable and asked if there were any regulations preventing this type of advertising/expression
  - Window signs masquerading as window coverings – viewed as undesirable and asked if they could be prevented.
- **Changeable Copy:**
  - Expressed sentiment that the ordinance should include a purpose statement regarding the reason for banning streaming digital signage
  - Emphasized that the same standards should apply to the schools, even those that have already installed streaming digital displays
- **Non-conforming signs:**
  - Discussed grandfathering of nonconforming signs, with concern expressed over losing existing pole signs and internally lit signs. General satisfaction that the 50% damage/replacement policy was adequate protection.
  - Emphasis on need that sign rights not be lost upon transfer of ownership or change in use.
- **Master Sign Program (MSP)** – emphasized that there will be increased use of an MSP and that many of the most visible establishments today fall under MSP standards. Suggested further clarification of whether MSP standards can exceed general regulations.

- Temporary signs:
- Draft does not clearly identify temporary sign rights for nonresidential uses in residential areas. Concern expressed over proliferation of temporary signs on schools. Suggested some permanent mounting surface for posting of temporary signs for schools only.
- General acceptance of ban on temporary signs in businesses but requested some provision for small changeable copy type sign for weekly promotions (in addition to 60 days of banner display)
- A-Frames – see below under Public Property
- Want same standards applied to schools.
- Realtor who attended agreed with 4 ft. limit on real estate signs and suggested tighter enforcement of sign add-ons that exceed 24”.
  
- Residential Districts:
- No general concern with residential standards
- Noted concerns over standards applied to schools – want them same as businesses for temporary signs and changeable copy.
- Want NDNU to have a display for changing events that is more permanent – requested City work with NDNU to facilitate a Master Sign Program (MSP).

#### Section 23A – Public Property:

- Differing opinions on ban of a-frames on public sidewalks. Requested provision to allow on Right-of-Way (ROW) sidewalks within strict 4 ft. pedestrian clearance rules. Suggested proliferation limits to mitigate clutter and clearance issues, but discussion revealed enforcement would be difficult. Realtor in attendance noted that Burlingame Police collect these signs and realtors must pay fine to get them back.
- Sponsor banners – confusion over draft language allowing commercial messages – believed this section needs clarification. Merchants want to post event notifications which are gray area (noncommercial promotional) which San Carlos allows.
- Concern expressed that sports sponsor banners appeared to be over-regulating.
- General support of ban on mobile billboards. Want it extended to parked vehicles.
- Request City consider kiosk on city ROW for rotating display of local businesses.
- Request City consider sponsored light post holiday flags – seasonal decor displaying name of the merchant that sponsored the flag.

#### Discussion

The purpose of tonight’s meeting is to confirm direction on outstanding questions/issues/policies as outlined herein. Commission and public feedback will continue to be incorporated for consideration as part of amendments to the Belmont Sign Ordinance as a whole. Based on this direction, staff will move forward with the comprehensive draft text amendments for public hearing presentation at the December 7, 2010 Planning Commission meeting.

Subsequently, a Planning Commission recommendation on the draft amendments will be forwarded to the City Council for their review/assessment as part of a public hearing expected to be held at the January 11, 2011 Council meeting.

**Conclusion/Recommendation**

Staff requests the Commission confirm direction on outstanding questions/issues/policies as outlined above. Commission/public feedback will be incorporated for consideration as part of comprehensive amendments to the Belmont Sign Ordinance, scheduled for public hearing review at the December 7, 2010 Planning Commission meeting.

**Alternatives**

1. The Commission may wish to discuss this matter further and continue to a future meeting.

**Attachments**

- I. Sign Ordinance Policy Issues/Questions
- II. Section 23 – Draft Sign Regulations
- III. Section 23A – Draft Sign Standards for Public Property

Respectfully submitted,

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## MEETING OF DECEMBER 7, 2010

### AGENDA ITEM: 5A



Application No.: PA 2010-0030

Application Type: Amendment of Zoning Ordinance:  
Section 23 – Sign Regulations, and addition of Section 23A – Sign Standards for Public Property

Location: All City-wide Zoning Districts  
Applicant: City of Belmont  
Environmental Determination: Categorical Exemption per CEQA Section 15308 - Actions of Regulatory Agencies for the Protection of the Environment

### Summary/Background

As discussed at the November 16, 2010 Planning Commission public hearing, the Commission provided feedback to staff regarding Belmont Zoning Ordinance (BZO) section 23 (Sign Regulations).

The Commission previously conducted a number of study sessions in May & June of this year to assess outstanding issues. Since that phase of the work program concluded, staff has been working with the Commission Sub-committee (Chair Frautschi and Commissioner Mercer), and legal counsel to confirm content, wording, formatting, and policy matters for the draft Ordinance. In addition, staff conducted a second outreach event (October 28, 2010) for the business community to review the draft ordinance; please refer to the 11/16/10 Planning Commission Staff Report for specific comments from the outreach meeting – see Attachment IV.

As discussed earlier, over the last fifteen months, signage issues/discussion has been previously conducted via:

- Planning Commission Study Session – September 15, 2009
- Planning Commission Study Session – October 6, 2009
- City Council Study Session/Discussion & Direction – February 9, 2010
- Outreach Meeting – March 19, 2010
- Planning Commission Signage Subcommittee Meeting – April 19, 2010
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- Planning Commission Review of Outstanding Questions/Issues/Policies – June 1, 2010
- Planning Commission Review of Outstanding Questions/Issues/Policies – June 15, 2010
- Outreach Meeting – October 28, 2010 (see additional background below)
- Planning Commission Public Hearing & Review of Outstanding Questions/Issues/Policies – November 16, 2010

November 16, 2010 Planning Commission Meeting

At the 11/16/10 Commission meeting, additional policy questions were raised, discussed, and suggested text language amendments were offered. A summary of edits to the Draft Ordinance based upon the discussion and Commission concurrence at this meeting follows below:

Definitions have been moved to the top of the ordinance (see Section 23.02), which resulted in a renumbering of all subsequent sections.

23.03.02 Prohibited Signs:

**G. Internally-lighted signs:** Current draft prohibits ALL internally lighted signs except addresses. Staff proposes *deletion of item 23.02.02. G* prohibiting internally lit signs, and enhancement of section 23.04.03 Lighting Standards to describe allowed internally lit styles and districts (see below).

- Internally lighted cabinet signs would still be prohibited per 23.02.02.D.

- Internally lighted signs would still be prohibited in residential districts and residential uses in all districts, per 23.06.01.

23.05.02 Changeable Copy for Gas Station Fuel Prices:

Previous version has no restrictions on changeable copy. An early draft classified fuel prices as non-electronic changeable copy and allowed 75% of total sign area to be changeable copy. Commission subsequently eliminated the distinction between electronic and non-electronic. Staff proposes the following additional item to allow changeable fuel prices (once per 24 hour period):

**23.04.04 C. Gas Station Fuel Prices.** *Changeable copy is allowed for fuel price signs provided the copy area does not exceed 25% of the maximum allowable sign area.*

23.05.03 Lighting Standards:

**A. Table 23.05.03 Requirements for Shielding and Filtering :** To simplify understanding staff recommends replacement of this table with the following text (*shown in italics*)

*The intent of these standards is to create a safe and comfortable nighttime environment, and ensure personal, pedestrian, and motor vehicle safety while reducing the negative effects of glare, light pollution and light trespass. The illumination of signs shall be designed, installed and maintained to avoid negative impacts on surrounding right-of-ways and properties. The following standards shall apply to all illuminated signs.*

**B. Time controls:** Current draft requires automatic timers to turn off lights from 11pm to sunrise. This is not a current regulation but was recommended by consultant as 'best practice' for environmental as well as aesthetic reasons. Staff concurs with consultant's recommendation, and recommends establishing a set Off time of 7:00 a.m.

**C. Internally Lit Signs:** Staff proposes for Planning Commission consideration, defining the types of internally lit signs allowed, and limiting the illumination. For reference, the standard HDTV emits 450-1000 candela per square meter.

- **23.05.03 C. Internally Lighted Signs.** *Except for address signs, internally lit signs are allowed on nonresidential uses only. On any internally lit sign, the sign background or field shall be opaque and of a non-reflective material. Internally lighted signs shall be limited to a maximum of 1000 candelas per square meter. Only the following internally lit structures are allowed:*
  - *Stencil-Cut Internal Illumination- This form restricts the illuminated portions of the sign to the lettering or logo. The remaining face of the sign is opaque.*
  - *Channel-Letters Internal Illumination- This style of sign is comprised of individual letters and symbols, each with its own internal illumination.*

#### 23.05.07 Non-conforming signs:

**C. Abandoned Non-Conforming Signs:** Given the property nature of sign structures it is not certain on the legality of this section. This section conflicts with section 23.05 E Permanent Legal Signs Run With the Land.

**Façade Improvement Funds:** Staff proposes additional provision requiring non-conforming signs be brought into compliance when City Façade Improvement funds are being used. This gives the city a tool to encourage elimination of nonconforming signs:

**D. Façade Improvement Funds:** *For any project for which City Façade Improvement Program funds are provided, any existing non-conforming signs on the subject property shall be brought into full compliance with existing sign standards at the time of the façade improvement as a condition for the receipt of City funding.*

#### 23.09 Temporary Signs:

PC requested proposal for additional temporary sign allowance for nonresidential uses. Staff proposes the following to be included as allowed temporary sign type (not counted in total sign area allowance for nonresidential uses):

**23.09.07 Temporary Window Signs.** *In non-residential uses, up to 2 square feet per establishment of temporary sign may be displayed in the interior of a window. Such sign shall be placed at the lowest corner of the window.*

#### 23.10.02 Master Sign Program:

23.10.02 Current draft wording does not limit types of properties that are eligible to apply for a Master Sign Program. Staff proposes additional text *in italics*:

**23.10.02. Projects requiring a Master Sign Program.** A Master Sign Program is required, *and only allowable*, for the following types of projects:

### 23.11 Permit Procedures:

**23.11.01 Permit Applications:** Planning Commission requested inclusion of photo montage requirement for submittals. Staff recommends added wording *in italics*:

*F. The color schemes; lettering and graphic style, presented as a photo montage or graphic illustration (if tenants are not known, generic styles may be presented.);*

**23.11.02 Review Process.** Current wording does not accurately describe policy. Staff proposes the following revised wording *in italics*:

#### A. Authority for Review.

1. Permit applications for signs to be located on new buildings, building additions, or buildings undergoing substantial exterior remodel shall require review and approval by the Planning Commission, as part of the design review process as stated in Section 13 of the Zoning Ordinance. *Permit applications for signs in conjunction with replacement, relocation, and/or additional windows, doors, awnings, and minor modification projects not adding floor area do not constitute a substantial exterior remodel and are subject to review as noted in 2 below.*
2. All other sign permit applications shall be reviewed by the Director of Community Development, *or his/her designee.*

Staff has incorporated the text modifications as described above for Section 23 – See Attachment II. New text is noted in *italics*, and text to be deleted is noted in ~~strikeout~~.

No members of the public were in attendance at the 11/16/10 Planning Commission meeting. Members of the public and business community have been in attendance at previous Commission study sessions and at the outreach meetings.

In summary, staff believes the recommended text edits for Section 23 (Sign Regulations) and the addition of Section 23A (Sign Standards for Public Property) will clarify how the City addresses signage review for both residential and non-residential properties.

A public hearing has been noticed for this item and staff recommends the Commission conduct the public hearing and provide recommendations to the City Council on the draft ordinance.

### **Zone Text Amendment**

Staff recommends the Commission forward to the City Council the amendments to Belmont Zoning Ordinance Section 23 (Sign Regulations) as outlined in Attachment II and the addition of Section 23A (Sign Standards for Public Property) as outlined in Attachment III.

### **Required Findings – Zoning Code Amendments**

The only required finding for a Zoning Ordinance amendment is that it must “...achieve the objectives of the Zoning Plan and the General Plan for the City” (Section 16.5). Staff notes that

there is no Zoning Plan, per se; however, the Zoning Ordinance contains a purpose statement (Section 1.1) that represents the objectives of the City's zoning regulations:

*1.1 PURPOSE – The following regulations for the zoning of land within the City are hereby adopted to promote and protect the public health, safety, peace, comfort, convenience and general welfare, and to provide a precise guide for the physical development of the City.*

The objectives of the Belmont General Plan are contained in its “General Community Goals and Policies”, several of which (listed below) are affected by this proposal. As noted above, the Commission must determine that they are achieved by the proposed amendment language.

### **GENERAL COMMUNITY GOALS AND POLICIES**

#### Goal 1015.2

*“To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont’s residential neighborhoods”.*

#### Goal 1015.4

*“To maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.”*

#### Policy 1016.1

*“New development should be of a scale and character compatible with surrounding land uses and Belmont's small city environment.”*

Staff believes the proposed text revisions achieve these goals and policies. Staff believes the aforementioned modifications to Section 23 and the addition of Section 23A clarify signage standards/requirements by:

- Providing clear direction to the applicant at the project design stage
- Streamlining the review process for signage projects in all zoning districts
- Allowing opportunities for appropriately dimensioned/sized planned development zoned properties to incorporate minor additions/projects for their respective sites

Staff believes that these sign ordinance revisions will remove uncertainty in determining thresholds for review, submittal requirements, and associated findings.

The recommended text amendments also provide for site- and case-specific review of issues raised in the General Community Goals and Policies cited above related to:

- location, timing, and design of new signage
- compatibility, scale, and character of associated development
- intensity of property use related to signage location/installation

By establishing more current and comprehensive property/development standards for signage for both residential and non-residential zoned properties, the proposed amendments would generally be more responsive to the physical environment, existing development, and needs of the community. Staff further believes the draft amendment language would assist in streamlining the signage review process while also maintaining local control over the size, scope, and character of residential and non-residentially zoned property. The proposed amendments support protecting and promoting the comfort, convenience, and general welfare of those who live and work in Belmont, and advance the goal of providing a precise guide for physical development of the city.

### **Public Notice**

The City placed a public notice display ad in the San Mateo Times (local newspaper of general circulation) as per Section 16.4.1 (Amendments) of the BZO on November 6, 2010, for the scheduled public hearing by the Planning Commission on November 16, 2010.

### **Environmental Clearance (CEQA)**

The proposed Zone Text Amendments are subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). Based on the proposed amendments and associated signage review that would be placed over both residential and non-residential zoned property, staff has concluded that the proposed project would be Categorical Exempt under CEQA Section 15308 – Actions of Regulatory Agencies for the Protection of the Environment.

### **Conclusion**

Based on this analysis, staff has concluded that the aforementioned amendments to BZO *Section 23 – Sign Regulations*, and the addition of *Section 23A – Sign Standards for Public Property* as discussed in this staff report, achieves the objectives of the Zoning Plan and General Plan for the City. A resolution recommending this position to the City Council is attached for Commission review and adoption.

### **Alternative**

The Commission may wish to discuss this matter further and continue to a future meeting date.

### **Attachments**

- I. Planning Commission Resolution recommending City Council approval of Zone Text Amendments – Section 23 (Sign Regulations) and addition of Section 23A (Sign Standards for Public Property)
- II. Section 23 – Sign Regulations
- III. Section 23A – Sign Standards for Public Property
- IV. November 16, 2010 Planning Commission Staff Report

Respectfully submitted,

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Carlos de Melo  
Community Development Director