



PLANNING COMMISSION

AGENDA REPORT

PLANNING AND BUILDING SERVICES DEPARTMENT

[Signature]
DATE:

July 17, 2014

SUBJECT: SIGN ORDINANCE ZONING TEXT AMENDMENT (PLN14-023): Zoning text amendment to allow and regulate digital signs & digital advertising billboard signs

PREPARED BY: Kieron Slaughter, Associate Planner

LOCATION: Citywide

APPLICANT: City of Richmond Planning Division

CEQA: Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Guideline 15061(b)(3).

STATEMENT OF THE ISSUE:

Staff has been directed to revise the Sign Ordinance (Section 15.06 of the Municipal Code) to allow and regulate LED Signs, Flashing Illuminated Signs, Changeable Copy Signs, Electronic Message Centers and Dynamic Signs (Collectively "Digital Signs"). These signs are prohibited under the current ordinance.

BACKGROUND:

Staff was directed to prepare a Zoning Text Amendment that would regulate digital signs (including LED signs) that are prohibited under the Sign Ordinance. The proposed zoning text amendment would standardize the review process, provide for public participation, establish development standards and identify corridors and districts where digital signs could be conditionally permitted. For the purpose of this report, Flashing Illuminated Signs, Digital Signs, Digital Advertising Billboard Signs, LED Signs, Changeable Copy Signs, Electronic Message Centers, and Dynamic Signs, will be referred to as either a "Digital Sign" or "Digital Advertising Billboard Sign".

In late 2007, the Hilltop Advisory Committee expressed a strong interest in replacing the then existing Hilltop Mall pylon sign with one that would list the names of major Hilltop business tenants, and include a digital advertising billboard.

On December 10, 2008, the Design Review Board approved a design for a new Hilltop Mall

Pylon that included a digital advertising billboard (see attachment 2). The proposal was reviewed by the City Council; however, budget constraints and easement restrictions delayed the project. Subsequently, in response to litigation brought by a sign company, all flashing illuminated signage was prohibited.

Since 2008, residents and business operators of the Hilltop community and business owners have expressed a strong desire to see the existing sign replaced with a modern, Digital Advertising Billboard with static tenant signs (see attachment 3). Staff has received an updated proposal for replacing the sign, however the application cannot be considered until the ordinance is amended. Existing Digital Advertising Billboard Signs (Pacific East Mall sign) would comply with the proposed ordinance provided they meet the lighting requirements and other development standards proposed in the updated sign ordinance.

DISCUSSION:

Currently LED technology, best known for producing elaborate, animated displays at sports stadiums, and casinos, has been embraced by multinational media companies for general advertising purposes. A less sophisticated version of this 'big screen' technology is used by schools, churches, public facilities, banks and gasoline stations to announce activities, display time and/temperature or display changes in pricing.

Signs composed of thousands of LED's (light emitting diodes) are capable of displaying a variety of messages and images on a single screen. This technology is replacing the traditional static billboard, which requires a crew to transport and physically remove and replace advertisements. The existing LED display located at *Pacific East Mall* is an example of a high technology display board intended for general advertising while the LED display located on Macdonald Avenue at *Richmond's Civic Center* is an example of a low technology LED sign intended for display of public service messages.

The term "Flashing Illuminated Sign" is defined in the existing sign ordinance and it includes LED signs. The proposed amendment defines "Digital Signs" and "Digital Advertising Billboard Signs" to include all displays that have changing digital displays, regardless of the technology used to illuminate the sign. Future technologies could include LCD, Plasma, AMOLED and TFT-LCD. The ordinance amendment is intended to create a process for reviewing signs through a public process that are based upon rapidly evolving LED and digital technology.

Many neighboring municipalities including Albany, Berkeley, Oakland, Fremont, Fairfield, Petaluma, San Jose and Rohnert Park (see attachment 4 for other Cities current policy on digital signs) have recently permitted construction of off-premises freeway oriented digital advertising billboard signs intended for general advertising in commercial and industrial areas (away from residential districts). Other cities, most notably San Francisco, continue to prohibit these signs. Freeway oriented Digital Advertising Billboard Signs have not appeared on I-280, I-680 south of SR-4 Concord or on SR 13 in Oakland or SR-101 in Marin County south of Novato.

GENERAL FRAMEWORK OF THE PROPOSED ORDINANCE AMENDMENT:

The amended zoning ordinance will allow and regulate signs that fall into two categories:

Digital Sign: A sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically that directs attention to a business, profession, commodity, service or entertainment that is conducted, sold, or offered at the lot or parcel where the sign is located.

Digital Advertising Billboard Sign: A sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically that directs attention to a business, profession, commodity, service or entertainment that is conducted, sold, or offered elsewhere than the parcel where the sign is located.

The existing signs at the *Hilltop Mall and the Macdonald 80 Shopping Center (Target)* are classified as non-digital Pylon Signs which are permitted with Planning Division/Design Review Board approval. These signs are composed of static sign panels that highlight major and minor tenants located in shopping malls/centers where the signs are located. However, the current trend is to replace these signs with digital billboard signs to allow the operator to display multiple advertisers and for efficiency when changing advertisements and content. In most cases, the updated replacement signs also incorporate static signs for tenants to have "24/7" displays (see Attachment 3).

The new ordinance would regulate digital signs and digital advertising billboard signs based on Zoning Districts. While digital signs intended for use as business identification signs would be regulated similar to existing business Identification signs, digital advertising billboard signs would be located in specific Zoning Districts and would be only be permitted in the C-3, Regional Commercial Zoning Districts where large scale shopping centers such as Hilltop Mall, Hilltop Plaza, Hilltop Auto Plaza and Pacific East Mall are located. In addition, one digital advertising billboard sign would be permitted in specific locations within the M-1, M-2, M-3 and M-4 Industrial Zoning Districts that are typically located near Highway 580.

The following development standards and guidelines have been included in the proposed Sign Amendment:

1. Spacing requirements and maximum number of signs permitted

The revised Sign Ordinance would conditionally permit highway oriented Digital Billboard Signs in C-3, Regional Commercial Zoning Districts with a minimum separation of 1,500 ft. In addition, a maximum of one (1) digital advertising billboard sign could be conditionally permitted in the M-1, Industrial/Office Flex, M-2, Light Industrial, M-3, Heavy Industrial or M-4, Marine Industrial Zoning Districts (in the general vicinity of I-580 between Harbour Way and Canal Blvd.)

2. Increased aesthetic and architectural considerations

All applications for digital advertising billboard signs would require Design Review Board and City Council approval. Digital signs for business identification and informational digital signs located in the permitted Commercial Zoning districts would follow the existing regulations and require Zoning Administrator or Design Review Board approval depending upon size, and intensity.

3. Size of Digital portion vs. static portion of a sign

Digital billboard signs shall include static, non-digital signage and/or structure at a minimum of a 2 to 1 ratio of static sign area and/or structure to digital sign area.

4. Minimum display times and brightness levels

Each message would remain on display for a minimum of 10 seconds in order to reduce driver distraction and brightness levels would automatically adjust in order to reduce glare and minimize disturbance to surrounding areas.

5. Removal of existing static billboard signs

Applicants that own or operate multiple static billboard signs in the City would be required to remove some existing static billboard signs at no fewer than a 10 to 1 ratio in exchange for an entitlement to erect one (1) digital advertising billboard sign (*Clear Channel* owns and operates thirty-seven (37) static billboards and *CBS Outdoor* owns and operates forty (40) static billboards) for a total of 77 existing static billboards. Based on feedback from the Planning Commission, Design Review Board and the amount of existing static billboard sites, staff believes that the proposed ratio is reasonable and will incentivize the removal of the old, existing static billboard signs from the City. The City Manager would be authorized to negotiate relocation agreements and make recommendations to the City Council.

6. Revenue sharing opportunities

Revenue sharing opportunities for the City are limited. Typically, billboard signs (digital or static) generate revenue for media companies through the rental of advertising space. If the underlying parcel is not owned by the media company, the property owner collects a monthly rent for allowing the sign and/or a share of the revenue generated by the sign. Generally, cities may only collect rent and/or a share of the advertising revenue if the sign is located on city owned property.

7. Environmental review and photometric studies required for proposed digital advertising signs

The proposed zoning text amendment is Categorically Exempt pursuant to the California Environmental Quality Act (CEQA) Guideline 15061(b)(3). While the text amendment itself does not have a significant effect on the environment, individual

applications for digital signs could have potential environmental impacts and will be evaluated under CEQA on a case by case basis. The Design Review Board will be required to make findings concerning General Plan consistency, Design Review Permit findings and potential impact on surrounding areas (nearby residences and scenic corridors, driver distraction, light pollution, etc...). In addition, digital advertising billboard signs and large digital signs would require completion of a photometric study. Furthermore, the Design Review Board would review the proposal for increased aesthetic and architectural considerations.

8. Scenic corridor regulations

Digital advertising billboard signs would not be permitted within 660 feet from the edge of the right-of-way of Interstate 580 between Central Avenue and Bayview Avenue nor would they be permitted within 660 feet from the edge of the right-of-way of the Richmond Parkway between Interstate 80 and Hensley Street (both routes were considered 'scenic corridors' according to previous General Plan and City Council resolutions: 1994 City of Richmond General Plan Technical Appendix Addendum 3 and Resolution No. 172-75).

The amended ordinance would allow digital signs to be regulated in commercial corridors (including San Pablo Avenue, Macdonald Avenue and 23rd Streets) for business identification (not to exceed height of structure), at assembly halls, religious facilities, and bus shelters. Bus stop shelter digital advertising signs would not be subject to provisions contained in the 'relocation agreement' section of the amended ordinance.

9. Energy savings/Green power requirements:

Digital signs that use LED technology can be more energy efficient than conventionally illuminated static billboards or traditional neon signs. LED technology allows light intensity to vary based upon time of day and can be positioned to reduce light pollution compared to conventional billboards illuminated from below that don't alter the light intensity at all. Applicants for LED signs would be required to submit energy use data along with their technical proposals and would be required to utilize "Green Power" programs if feasible.

Outreach and Public Participation:

On February 26, 2014, the proposed zoning text amendment was presented during a special joint Design Review Board/Planning Commission meeting. The Board and Commission members raised concerns about potential impact of large format Digital Advertising Billboard Signs on nearby residences. Questions were also raised about impact on passing motorists. The proposed ordinance was also presented to representatives of the Hilltop improvement district and the Richmond Chamber of Commerce. Comments from these organizations have been considered in preparation of the proposed amendment.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the zoning text amendment to the City of Richmond Municipal Code Section 15.06 of the Sign Ordinance of

the Zoning Ordinance in order to regulate digital signs and digital billboard signs. |

DOCUMENTS ATTACHED:

Attachments:

1. Resolution 14-09 recommendation for approval of the sign amendment to the City Council
2. Proposed Digital Sign Type Regulation Matrix - Richmond
3. Examples of Digital Sign Types
4. Digital Sign Regulations by City
5. Existing CBS Outdoor and Clear Channel Static Billboards in Richmond

LV/ks

PLN04-023 |

cc:

1. Richmond Neighborhood Coordinating Council
2. Richmond Chamber of Commerce
3925 Macdonald Ave
Richmond, CA 94805

RESOLUTION 14-09

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RICHMOND
RECOMMENDING AN UPDATE TO THE CITY COUNCIL OF THE CITY OF
RICHMOND OF AN ORDINANCE AMENDING RICHMOND MUNICIPAL CODE
SECTION 15.06 OF THE SIGN ORDINANCE OF THE ZONING ORDINANCE TO
REGULATE DIGITAL SIGNS AND DIGITAL ADVERTISING BILLBOARD SIGNS
(PLN14-023)**

WHEREAS, Planning staff was directed to prepare recommendations for a Zoning Text Amendment to allow and regulate digital signs and digital advertising billboard signs; and

WHEREAS, on July 17, 2014, the City of Richmond Planning Commission held a duly noticed public hearing; and

WHEREAS, on the basis of the materials, and testimony at or prior to the public hearing on June 5, 2014, the Planning Commission recommends the proposed Ordinance updating the City of Richmond Municipal Code Section 15.06 of the Sign Ordinance of the Zoning Ordinance to allow and regulate Digital signs and Digital advertising billboard signs be approved by the City Council; and

WHEREAS, the proposed amendment is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines §15601(b)(3), which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

WHEREAS, the amendment to the Zoning Ordinance is intended to protect the health, safety, comfort, convenience and general welfare of the public by providing criteria for the regulation of Digital signs and Digital advertising billboard signs in the City of Richmond with individual applications to be evaluated by CEQA on a case by case basis.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission does hereby approve the recommendation of the following Ordinance:

Section 15.06 of the Zoning Ordinance of the City of Richmond Municipal Code is hereby amended as follows (~~strikeout text~~ indicates deletion; underline text indicates insertion):

Chapter 15.06 USE AND DISPLAY OF SIGNS ^[4]

Sections:

15.06.010 Title.

15.06.020 Purpose.

15.06.030 Relation of chapter to other City ordinances.

15.06.040 Sign types and definitions.

15.06.050 Permits required.

15.06.051 Permits for multiple temporary signs.

15.06.055 Appeals.

15.06.060 Calculating sign area and height.

15.06.070 Exempted signs.

15.06.080 Design standards for signs.

15.06.090 Sign regulations by zoning district.

15.06.100 Special sign regulations.

15.06.110 Special regulations for closed business signs.

15.06.120 Sign maintenance.

15.06.130 Nonconforming signs.

15.06.140 Prohibited signs.

15.06.150 Variances.

15.06.010 Title.

This chapter shall be known as the Sign Ordinance of the City of Richmond.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.020 Purpose.

The purpose of this chapter is to protect and promote the health, safety and welfare of the citizens of the City of Richmond and to achieve the following objectives:

- (1) To implement the purposes, policies and programs of the Richmond General Plan and Specific Plans;
- (2) To promote and maintain strong commercial and industrial centers and property values therein by regulating the size, location, design, and illumination of signs and thereby avoiding unsightly signs that are incompatible in design and, as a result, detract from the aesthetics of these commercial and industrial centers;

- (3) To protect and enhance the character of residential neighborhoods, open views and vistas therefrom, and property values therein, by avoiding the erection of signs that are grossly incompatible with their surroundings;
- (4) To improve the visual appearance of city streets and the image of the city derived by residents and visitors;
- (5) To protect public safety by ensuring that signs are not constructed, located, erected, and maintained in a hazardous manner;
- (6) To protect public safety by ensuring proper location and design of signs to reduce distractions to motorists and other users of streets and highways;
- (7) To protect the rights of residents and businesses to communicate ideas and messages through signage as guaranteed by the United States and California constitutions;
- (8) To attract and direct the public to available activities, goods and services; and
- (9) To provide clear objective guidelines for minimizing the visual clutter of signs and maintaining the aesthetic integrity of Richmond neighborhoods.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.030 Relation of chapter to other City ordinances.

- (a) Zoning Ordinance. This chapter is supplemental to the Zoning Ordinance of the City of Richmond, set forth in Chapter 15.04 of this Code, and any term not defined in this chapter shall have the same definition and the same meaning as it has in Chapter 15.04
- (b) Additional Regulation. The regulations in this chapter are in addition to those set forth in Article IV of this Code, as amended.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.040 Sign types and definitions.

"A-board sign" means a temporary freestanding sign that is composed of two panels hinged at the top and capable of standing on its own frame without external support or attachment. "Sandwich board sign" has the same meaning as "A-board sign."

"Advertising sign" means a sign that directs attention to a business, profession, commodity, service or entertainment that is conducted, sold, or offered elsewhere than the lot or parcel where the sign is located.

"Balloon sign" means an inflatable device or a cluster of inflatable devices greater than three feet in height and/or length that directs attention to a business, profession, commodity, service or entertainment.

"Banner sign" means a sign that is painted or printed on lightweight flexible material and hung from a staff or other device by ropes, wires or similar means in a manner to minimize movement. A banner sign may be temporary or permanent.

"Building frontage" means an exterior wall of a building that faces a public street (not including a freeway). If no exterior wall of a building faces a public street, the exterior wall of the building containing the main entry is the building frontage. The length of frontage shall be measured at the base of the building wall.

"Building integrated sign" means a wall sign that is an integral part of a building structure rather than suspended from or mounted on a building or a building projection.

"Bus stop shelter digital advertising sign" means a digital advertising sign incorporated into a shelter at a designated place where buses stop for passengers to board or depart a bus.

"Digital sign" means a sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically that directs attention to a business, profession, commodity, service or entertainment that is conducted, sold, or offered on the lot or parcel where the sign is located.

"Digital advertising billboard sign" means a sign utilizing digital message technology, capable of changing the static message or copy on the sign electronically that directs attention to a business, profession, commodity, service or entertainment that is conducted, sold, or offered elsewhere than the lot or parcel where the sign is located.

"Finished grade" means the elevation of the sign site after all site grading is completed.

~~"Flashing illumination sign" means a sign illuminated by means of electric lights, luminous tubes, light emitting diodes (LEDs) or similar sources wherein such illumination is not maintained constant in intensity, color or pattern during all times the sign is illuminated.~~

"Freestanding sign" means a sign standing directly on the ground or attached to any support other than a building. Freestanding signs include A-board signs, monument signs, and pylon signs.

"Gateway sign" means a sign erected over a sidewalk, street, vehicle entry, or pedestrian path designed to allow pedestrian and/or vehicle traffic to pass underneath. Gateway signs over public streets shall have a minimum vehicle clearance of seventeen feet and eight inches (17'8"). Gateway signs shall not project above the maximum allowed building height for the zoning district.

"Hand-held sign" means a sign that is designed to be held or carried by a person, rather than placed on or in the ground or other support.

"Illuminated sign" means an internally or externally illuminated business sign, which uses a source of light in order to make the message readable and the illumination is maintained at constant intensity, color or pattern during all times the sign is illuminated.

"Legal nonconforming sign" means a sign that was lawfully installed before enactment of this chapter, or of any relevant amendment hereto, but does not comply with the requirements of this Sign Ordinance.

"Lot equivalent" means either an area of 5,000 square feet or a lot that is smaller than 5,000 square feet.

"Marquee sign" means a sign attached in any manner to, made part of, or painted on a hood or permanent construction that projects more than 18 inches from the wall of the building to which it is attached, usually above the entrance.

"Master sign program" means signage included as part of new building construction or as part of building modification subject to design review by the Zoning Administrator or Design Review Board.

"Mobile billboard sign" means an advertising display that is attached to a wheeled, mobile, non-motorized vehicle that carries, pulls, or transports a sign or billboard, and is used for the primary use of advertising.

"Monument sign" means a freestanding sign without a supporting structure of poles, posts or braces which separates the body of the sign from the ground. The foundation and supporting structure of such a sign is visually an integral part of the sign itself, which has the appearance of one continuous slab from the ground to the top of the sign.

"Moving sign" means a sign any visible portion of which rotates or moves in any way.

"Permanent sign" means a sign that is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall, or building.

"Portable sign" means a temporary sign that is capable of being moved easily and is not affixed to the ground or a structure. Portable signs include A-board (or "sandwich board") signs.

"Projecting sign" means a sign other than a wall, roof, or marquee sign that is supported by a building and projects outward therefrom.

"Pylon sign" means a freestanding sign that is detached from a building and permanently supported by one or more uprights, braces, or poles, or other similar structural components.

"Relocation agreement" means an agreement entered pursuant to Section 15.06.100(G) between the City and a digital advertising billboard sign operator that provides for a specified number of static billboards to be removed as mitigation for permitting a digital advertising billboard sign.

"Roof sign" means a sign that stands directly on the roof of a building, or on the parapet wall of a building.

"Sign" means a device, structure, or fixture which incorporates graphics, symbols, or written copy that is visible to the public and is intended to communicate information. Graphics, art work and seasonal decorations that do not relate to the use of a site or structure are not considered signs. A device, structure, or fixture is not "visible to the public" if it is located inside a building or structure and is not visible from a public street, park, walkway, or other public space through a window or building opening.

"Street frontage" means that portion of a lot that faces a street, road, path or public right-of-way (but not freeway) providing direct pedestrian and/or vehicular access to the lot.

"Temporary sign" means any sign, banner, pennant, valance or display constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without a frame, and any other type of sign not permanently attached to the ground or a structure, that is intended to be displayed for a limited period of time only.

"Wall sign" means a sign posted or painted on, suspended from or otherwise affixed in an essentially flat position to the wall of a building.

"Wind sign" means a display of streamers, pennants, whirligigs, windsocks or similar devices made of flexible lightweight material designed to move in response to air pressure. "Banner signs" and "flags" are not a wind signs.

"Window sign" means a sign that is posted or painted on or otherwise affixed to and is visible through or upon a window.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.050 Permits required.

- A. Except for those signs specifically exempted from the permit requirement, it is unlawful and a civil violation for any person to erect, construct, install, structurally alter or relocate any sign without first obtaining a permit pursuant to the provisions of this chapter.
- B. It is unlawful and a civil violation for any person to construct a sign that is not specifically allowed by this chapter or to erect, construct, maintain or allow to exist a sign in violation of the terms of the permit issued pursuant to this chapter.
- C. The permit required by this section is issued by the Zoning Administrator pursuant to the provisions of this chapter.
- D. In determining whether an application satisfies the criteria for issuance of a sign permit, the Zoning Administrator shall use the criteria set forth in this chapter.
- E. To be considered complete, an application for a sign permit shall include the following:
 - 1. A completed sign permit application form.
 - 2. The fee specified in the master fee schedule adopted by the City Council, unless exempted from the fee requirement pursuant to Section 15.06.070
 - 3. A site plan and/or building elevation plans drawn to scale and dimension showing the following (as applicable):
 - Existing structures
 - Driveways
 - Street and right-of-way

Existing signs

Proposed sign

Vision clearance

4. A proposed sign plan drawn to scale and dimension showing the following (as applicable):

Height

Width

Sign area, in square feet

Thickness

Size and style of letters

Color

Type of illumination

Materials

Sign copy

- F. Within ten business days after the **Planning Division's** receipt of an application for a sign permit, the Zoning Administrator shall inform the applicant in writing if the application is incomplete and will list the submittals required to complete the application. If the Zoning Administrator does not notify the applicant within ten business days after receipt that the application is incomplete, then the application will be deemed complete.
- G. The Zoning Administrator shall either grant or deny a sign permit within ~~45~~ **20** business days after receipt of a complete application.
- H. If a proposed sign complies with the requirements of this chapter, the Zoning Administrator shall grant the requested sign permit. If a proposed sign does not comply with the requirements of this chapter, the Zoning Administrator shall deny the requested sign permits. Any denial of a sign permit shall be accompanied by written findings stating the reasons for the denial and may be appealed in accordance with Section 15.06.055

(Ord. No. 29-09, § 2, 9-22-09)

15.06.051 Permits for multiple temporary signs.

- A. Notwithstanding any other provision in this chapter, any person seeking to erect on one or more sites or to distribute twenty-five (25) or more temporary signs at one time, either personally or by supervising employees or volunteers, must obtain a

sign permit. An applicant for a permit for multiple temporary signs must provide the following:

1. A completed sign permit application form, including the name and address of the person(s) responsible for erecting or distributing, maintaining and removing the multiple temporary signs;
 2. A description of the method of installation and support for each sign. If signs are to be freestanding and supported by a method other than wire no greater than 3 millimeters in diameter, the application must include a scaled drawing of the supporting structure;
 3. A copy, drawing, or photograph of the proposed temporary sign; and
 4. The fee specified in the master fee schedule adopted by the City Council, unless exempted from the fee requirement pursuant to Section 15.06.070
- B. Upon submittal of all of the items required in subparagraph (A), above, the Zoning Administrator shall issue a permit subject to the following terms and conditions:
1. The Zoning Administrator shall assign an identification number (ID#) to the sign plan, and such number shall be referred to in the permit;
 2. The permittee shall provide the Planning Department with a prototype of the sign marked with the ID#.
 3. All temporary signs and structures are to be removed within 90 days from the date the permit is issued.
- C. An application for a permit for multiple temporary signs shall be subject to the same time limits as set forth in Section 15.06.050, except that Zoning Administrator shall either grant or deny the application within one business day of the submittal of all of the items required in subparagraph (A), above. Any denial of a permit for multiple temporary signs shall be accompanied by written findings stating the reasons for the denial and may be appealed in accordance with Section 15.06.055
- D. A permit for multiple temporary signs issued pursuant to this section does not authorize the display of signs in a manner that violates any provision of this chapter or Richmond Municipal Code Article IV.
- E. No temporary sign shall be posted in a City right-of-way, landscaped area, parkland or any road median before the Superintendent of Parks has confirmed that a permit has been issued and that the proposed posting will not interfere with the ordinary use and enjoyment of the area, underground irrigation or utilities, or line of sight for motor vehicle, bicycle and pedestrian traffic. Placement of signs shall not harm landscape plantings or structures. The Superintendent may require the sign permittee to call for a USA marking confirmation of utilities prior to posting.
- F. The City may remove and destroy any sign that is posted without a permit. Signs for which a permit has been issued but that are posted on utility poles or on public property without authorization from the Superintendent of Parks will be stored at the Parks and Landscaping Division facilities at 3201 Leona Avenue for a period of thirty days.

(Ord. No. 29-09, § 2, 9-22-09; Ord. No. 18-10, § 1, 5-18-2010)

15.06.055 Appeals.

- A. Denial of a sign permit may be appealed to the Design Review Board by submitting a written appeal to the Planning and Building Services Director within ten days in accordance with Richmond Municipal Code Section 15.04.945.050.G. The appeal must be accompanied by the appeal fee published in the master fee schedule.
- B. The Design Review Board shall hear the appeal and render a decision within fifteen business days. The Design Review Board's review of the permit denial shall be governed by the criteria set forth in this chapter, and its decision shall be final. The Design Review Board shall issue written findings in support of its decision.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.060 Calculating sign area and height.

- A. The area of a sign shall include the area within a perimeter enclosing the limits of lettering, writing, representation, emblem, logos, trademarks, figures, character and lighted surface, but shall exclude essential sign structure, foundations or supports. The sign area shall be the total area of all faces. If the sign consists of more than one section or module, the areas of all sections and modules shall be included in calculating the total sign area. For window signs that are painted directly onto a window, the sign area shall include only the area of window covered by paint.
- B. The height of a sign shall be measured from finished grade.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.070 Exempted signs.

- A. Provisions of this chapter shall not apply to the placement of any of the following signs:
 - 1. Notices posted by public officers in performance of their duties.
 - 2. Traffic control and danger signs erected by a governmental entity.
- B. Except as specified in subparagraph (A), above, the provisions of this chapter shall apply to the erection, maintenance, or display of signs by a federal, state, or local public agency. However, no public agency shall be required to pay a permit application fee.

(Ord. No. 29-09, § 2, 9-22-09; Ord. No. 21-10 N.S., § 1, 6-15-2010)

15.06.080 Design standards for signs.

- A. Permanent signs shall be designed to be compatible with nearby signs, other elements of street and site furniture, surrounding landscaping and adjacent

structures. Compatibility shall be determined by the relationships of the elements of form, proportion, scale, color, materials, surface treatment, overall sign size and the size and style of lettering.

- B. Copy on signs visible from streets shall be designed to avoid distractions to motorists.
- C. Illumination of sign copy may be achieved by external or internal means. All illumination sources shall be integrated into the architectural or landscape features of a project such that they are not generally visible from the public right-of-way. Illuminated signs shall have a subdued light ~~than~~ [that] shall not exceed five foot-candles. The use of halogen as a light source is prohibited.
- D. The content of the message or information conveyed by a sign shall not be considered in determining whether the sign is compatible with its surroundings or is designed to avoid distractions to motorists.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.090 Sign regulations by zoning district.

- A. Signs Allowed in Any District. The following signs shall comply with all provisions and regulations of this chapter. However, no fee, permit or application is required to erect or maintain them.
 - 1. Permanent, rigid signs located on the fence of a park, playground, athletic field, or other outdoor assembly use, provided that they comply with the following limitations: Each sign shall be no more than sixteen (16) square feet in area and there shall be no more than two signs within any eight linear feet of fence, provided that two signs of equal dimensions placed back-to-back on either side of the fence shall constitute one sign for purposes of this paragraph. No sign shall project above the top of the fence.
 - 2. Flags displayed from freestanding or wall-mounted flagpoles that are designed to allow raising and lowering of flags. Unless a permit is granted by the Zoning Administrator, the maximum height of a free-standing flagpole shall be thirty (30) feet and there shall be no illumination of the pole or its surroundings. The number of flagpoles shall be limited to one per lot equivalent.
 - 3. Hand-held signs, up to nine (9) square feet in area, provided that the person carrying the sign does not interfere with, block, or impede traffic or pedestrian movement.
 - 4. Temporary signs, provided that:
 - a. No more than eight temporary signs per lot equivalent shall be displayed simultaneously.
 - b. The total area for all temporary signs displayed simultaneously shall not exceed sixteen (16) square feet per lot equivalent.
 - c. No temporary sign shall remain on display for more than ninety (90) days.

5. A-board signs, provided that unless otherwise stated in the regulations for the zoning district there shall be no more than one A-board per lot equivalent. No A-board sign erected, maintained or displayed in the City may:
 - a. Exceed six square feet of sign area per face;
 - b. Have more than two faces;
 - c. Exceed three feet in height;
 - d. Be illuminated;
 - e. Impede pedestrian movement or impair traffic safety;
 - f. Reduce an open path of travel to less than forty-eight (48) inches;
 - g. Violate the requirements of the Americans with Disabilities Act (ADA);
 - h. Be displayed or left outside during non-business hours; or
 - i. Be displayed in an area not directly adjacent to the lot; or**
 - j. Be secured to public streetlights, trees, or other street furniture or be bolted to the ground.**

6. Bus Stop Shelter Digital Advertising Signs, provided that they do not interfere with, block, or impede traffic or pedestrian movement.

B. Signs Allowed in All Residential Districts.

1. Signs Allowed Without a Permit. The following signs shall comply with all provisions and regulations of this chapter. However, no fee, permit or application is required to erect or maintain them in any residential district.
 - a. Permanent wall signs, provided that:
 - i. The total area of all signs authorized by this paragraph shall not exceed one square foot per building.
 - ii. No sign shall project more than six (6) inches from the building wall.
 - b. On any developed residential lot equivalent, permanent, non-illuminated freestanding signs, provided that:
 - i. The total area of all signs authorized by this paragraph shall not exceed one and one-half square feet per lot equivalent.
 - ii. No sign allowed pursuant to this section shall exceed six (6) feet in height.
 - c. At the entrance of any multi-tenant building, one permanent, non-illuminated wall sign not exceeding six (6) square feet in area and not projecting more than six (6) inches from the building wall.
 - d. Portable signs within the public right-of-way on Saturdays, Sundays, and holidays between the hours of ten a.m. and seven p.m., provided: (a) the signs do not interfere with, obstruct, or misdirect traffic or pedestrian

- movement; and (b) no person may erect or cause to be erected more than six portable signs at any one time.
- e. Window signs, provided they do not obstruct more than twenty-five percent (25%) of the area of any individual window or more than ten percent (10%) of the total fenestration on the building frontage of a commercial building.
2. Signs Allowed With a Permit. In addition to the signs allowed without a permit, the following signs may be erected, maintained and/or displayed in any residential district with a sign permit or as part of a master sign program:
- a. On residential lots where there are no more than two residential units, permanent, non-illuminated, freestanding signs, provided that:
- The total sign area for all signs allowed pursuant to this paragraph shall not exceed six (6) square feet per lot equivalent; and
 - No sign allowed pursuant to this paragraph shall exceed four (4) feet in height.
- b. On residential lots where there are three or more residential units, permanent, non-illuminated, freestanding signs, provided that:
- The total sign area for all signs allowed pursuant to this paragraph shall not exceed twelve (12) square feet per lot equivalent; and
 - No sign allowed pursuant to this paragraph shall exceed four (4) feet in height.
- c. At the entrance to a subdivision, permanent, freestanding signs, provided that:
- The total sign area for all signs allowed pursuant to this paragraph shall not exceed twenty (20) square feet per subdivision; and
 - No sign allowed pursuant to this paragraph shall exceed six (6) feet in height.
- d. On commercial or public buildings, wall signs, provided that:
- The total sign area for all signs allowed pursuant to this paragraph shall not exceed fifty percent (50%) of building frontage; and
 - No individual wall sign allowed pursuant to this paragraph may exceed sixteen (16) square feet in area.
- e. On lots containing commercial, public, or assembly uses, permanent, non-illuminated signs, provided that:
- The total sign area for all signs allowed pursuant to this paragraph shall not exceed sixteen (16) square feet per lot equivalent.
 - No sign allowed pursuant to this paragraph shall exceed six (6) feet in height.
3. Prohibited Signs. In addition to those signs prohibited in Section 15.06.140, the following types of signs shall not be permitted in any residential district:

- a. Projecting signs.
- b. Roof signs.
- c. Advertising signs.

C. Signs Allowed in the C-1, Neighborhood Commercial District.

1. Signs Allowed Without a Permit. The following signs shall comply with all provisions and regulations of this chapter. However, no fee, permit or application is required to erect or maintain them in the neighborhood commercial district:
 - a. Permanent wall signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed one square foot per building.
 - ii. No sign shall project more than six (6) inches from the building wall.
 - b. At the entrance of any multi-tenant building, one permanent, non-illuminated wall sign not exceeding six (6) square feet in area and not projecting more than six (6) inches from the building wall.
 - c. Window signs, provided they do not obstruct more than twenty-five (25) percent of the area of any individual window or more than ten percent (10%) of the total fenestration on the building frontage of a commercial building.
2. Signs Allowed With a Permit. In addition to the signs allowed without a permit, the following signs may be erected, maintained and/or displayed in the neighborhood commercial district with a sign permit or as part of a master sign program:
 - a. Permanent, freestanding signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this section shall not exceed twenty (20) square feet per lot equivalent; and
 - ii. No individual sign allowed pursuant to this paragraph shall exceed ten (10) feet in height.
 - iii. The base or supporting members of each freestanding sign shall be located in a planted landscaped area. The landscaped area shall be differentiated from adjoining paved areas by a border which is at least four (4) inches above the ground level. All planted landscaped areas shall be irrigated and maintained on a regular basis.
 - b. Wall signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed twenty (20) square feet per building;
 - ii. No wall sign may project more than twelve (12) inches from the wall to which it is attached; and

- iii. If a wall sign projects into a public right-of-way, it may not project more than six inches from the wall to which it is attached, and the bottom of projecting wall sign must be at least eight (8) feet above finished grade.
 - c. Marquee signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed six (6) square feet per street address; and
 - ii. No individual sign allowed pursuant to this section shall exceed two feet in height, or be located less than nine feet above finished grade.
 - d. Projecting signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed fifteen (15) square feet per street address;
 - ii. No individual sign allowed pursuant to this paragraph shall project over any public right of way or exceed three feet in height or eighteen (18) inches in thickness;
 - iii. Any sign allowed pursuant to this paragraph must be located at least nine feet above finished grade, and must not project farther than five feet from the building wall;
 - iv. The sign does not project above the maximum allowed building height for the district; and
 - v. Display surfaces of such projecting signs must be back-to-back.
 - e. Temporary banner signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed sixteen (16) square feet per building; and
 - ii. A temporary banner shall not remain on display for more than ninety (90) days.
 - f. Flagpoles greater than 30 feet in height and/or illuminated, provided that:
 - i. No flagpole shall project more than ten feet above the maximum allowed building height for the zoning district.
 - ii. Each flagpole shall be illuminated by a single source with a beam spread no greater than necessary to illuminate the flag(s). Flag lighting sources shall not exceed 20,000 lumens per flagpole.
- 3. Prohibited Signs. In addition to those signs prohibited in Section 15.06.140, the following types of signs shall be prohibited in the neighborhood commercial district:
 - a. Roof signs.
 - b. Advertising signs.
- D. Signs Allowed in the C-2, General Commercial, C-3, Regional Commercial, C-B, Central Business, and P-C, Public and Civic Uses, Districts.

1. Signs Allowed Without a Permit. The following signs shall comply with all provisions and regulations of this chapter. However, no fee, permit or application is required to erect or maintain them in the general commercial, regional commercial, central business, and public and civic uses districts:
 - a. For each lot equivalent, one permanent, freestanding non-illuminated sign not exceeding sixteen (16) square feet in area or six (6) feet in height.
 - b. For each building, one building integrated sign not exceeding six (6) square feet in area and not projecting more than six (6) inches from the building wall.
 - c. Window signs, provided they do not obstruct more than twenty-five percent (25%) of the area of any individual window or more than ten percent (10% **5%**) of the total fenestration on the building frontage of a commercial building.
2. Signs Allowed With a Permit. In addition to the signs allowed without a permit, the following signs may be erected, maintained and/or displayed in the general commercial, regional commercial, central business, and public and civic uses districts with a sign permit, or as part of a master sign program.
 - a. Permanent, freestanding signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed twenty (20) square feet per lot equivalent; and
 - ii. No individual sign allowed pursuant to this paragraph shall exceed ten (10) feet in height.
 - iii. The base or supporting members of each freestanding sign shall be located in a planted landscaped area. The landscaped area shall be differentiated from adjoining paved areas by a border which is at least four (4) inches above the ground level. All planted landscaped areas shall be irrigated and maintained on a regular basis.
 - b. For buildings with only one tenant, wall signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed sixty (60) square feet per building or thirty-three percent (33%) of building frontage, whichever is less.
 - c. For buildings with more than one tenant, wall signs, **on each frontage**, provided that:
 - i. The total sign area for all ~~signs~~ **for each tenant's sign** allowed pursuant to this paragraph shall not exceed sixty (60) square feet in area or thirty-three percent (33%) of **tenant space** building frontage, whichever is less; and
 - ii. No wall sign allowed pursuant to this paragraph may project more than twelve (12) inches from the wall to which it is attached. If a wall sign projects into a public right-of-way, it may not project more than six

inches from the wall to which it is attached, and the bottom of a projecting wall sign must be at least eight (8) feet above finished grade.

- d. Marquee signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed six (6) square feet per street address; and
 - ii. No individual sign allowed pursuant to this paragraph shall exceed two feet in height or be located less than nine feet above finished grade.
- e. Projecting signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed sixty (60) square feet per building or thirty-three percent (33%) of building frontage, whichever is less;
 - ii. No individual sign allowed pursuant to this paragraph shall exceed thirty-five (35) feet in height or twelve (12) inches in thickness;
 - iii. Any projecting sign must be located at least nine feet above finished grade, and must not project farther than five from the building wall;
 - iv. The sign does not project above the maximum allowed building height for the district; and
 - v. Display surfaces of projecting signs must be back-to-back.
- f. For buildings that have only one street address, one A-board sign per building frontage. For buildings with multiple street addresses, one A-board sign is allowed for every twenty-five (25) feet of ground floor linear building frontage.
- g. Banner signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed twenty-four (24) square feet per building;
 - ii. If the banner sign is attached to a building, it does not exceed two (2) feet in height above the roof or parapet wall to which it is attached; and
 - iii. If the banner sign is attached to a freestanding structure, it does not exceed thirty (30) feet in height.
- h. Two single-sided roof signs or one double-sided roof side [sign] per city block, provided that no roof sign shall be permitted within fifty feet of a residential district. Permits for roof signs shall be given out on a first-come, first-served basis to those applicants whose proposed signs comply with the requirements of this chapter. The bottom of a roof sign cannot be more than three feet above the upper edge of the building. The top of the sign cannot be more than twelve (12) feet above the upper edge of the building. No roof sign may exceed sixty (60) square feet in area if single-sided, or one hundred twenty (120) square feet in area if double-sided.
- i. Gateways signs.

- j. Flagpoles greater than 30 feet in height and/or illuminated, provided that:
 - i. No flagpole shall project more than ten feet above the maximum allowed building height for the zoning district.
 - ii. Each flagpole shall be illuminated by a single source with a beam spread no greater than necessary to illuminate the flag(s). Flag lighting sources shall not exceed 20,000 lumens per flagpole.

k. Digital signs, provided that:

- i. **The total sign area for each tenant's signs allowed pursuant to this paragraph shall not exceed sixty (60) square feet per building or thirty-three percent (33%) of tenant space building frontage, whichever is less.**

E. Signs Allowed in the M-2, Light Industrial, M-3, Heavy Industrial, and M-4, Marine Industrial, Districts.

1. Signs Allowed Without a Permit. The following signs shall comply with all provisions and regulations of this chapter. However, no fee, permit or application is required to erect or maintain them in the light industrial, heavy industrial, marine industrial, and coastline commercial districts:
 - a. For each lot equivalent, one permanent freestanding non-illuminated sign not exceeding sixteen (16) square feet in area or six (6) feet in height;
 - b. For each building, one building integrated sign not exceeding six (6) square feet in area and not projecting more than six (6) inches from the building wall; and
 - c. Window signs, provided they do not obstruct more than twenty-five percent (25%) of the area of any individual window or more than ten percent (10%) of the total fenestration on the building frontage of a commercial or industrial building.
2. Signs Allowed With a Permit. In addition to the signs allowed without a permit, the following signs may be erected, maintained and/or displayed in the light industrial, heavy industrial, and marine industrial districts with a sign permit, or as part of a master sign program:
 - a. Permanent freestanding signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed twenty (20) square feet per lot equivalent.
 - ii. No individual sign allowed pursuant to this paragraph shall exceed ten (10) feet in height.
 - iii. The base or supporting members of each freestanding sign shall be located in a planted landscaped area. The landscaped area shall be differentiated from adjoining paved areas by a border which is at least four (4) inches above the ground level. All planted landscaped areas shall be irrigated and maintained on a regular basis.

- b. Temporary banner signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed twenty (20) square feet per lot equivalent;
 - ii. No individual sign allowed pursuant to this paragraph shall exceed ten (10) feet in length; and
 - iii. The banners shall remain on display for no more than ninety (90) days.
- c. Gateway signs.
- d. Flagpoles greater than 30 feet in height and/or illuminated, provided that:
 - i. No flagpole shall project more than ten feet above the maximum allowed building height for the zoning district.
 - ii. Each flagpole shall be illuminated by a single source with a beam spread no greater than necessary to illuminate the flag(s). Flag lighting sources shall not exceed 20,000 lumens per flagpole.

e. Digital signs, provided that:

- i. **The total sign area for each tenant's each tenant's signs allowed pursuant to this paragraph shall not exceed sixty (60) square feet per building or thirty-three percent (33%) of tenant space building frontage, whichever is less.**

- 3. Prohibited Signs. In addition to those signs prohibited in Section 15.06.140, the following types of signs shall be prohibited in the light industrial, heavy industrial and marine industrial districts:

- a. Roof signs.
- b. Advertising signs, **except as authorized by a relocation agreement as provided in Section 15.06.100.**

F. Signs Allowed in M-1, Industrial/Office Flex, and C-C, Coastline Commercial, Districts.

- 1. Signs Allowed Without a Permit. The following signs shall comply with all provisions and regulations of this chapter. However, no fee, permit or application is required to erect or maintain them in the industrial/office flex and coastline commercial districts:
 - a. For each lot equivalent, one permanent freestanding non-illuminated sign not exceeding sixteen (16) square feet in area or six (6) feet in height;
 - b. For each building, one building integrated sign not exceeding six (6) square feet in area and not projecting more than six (6) inches from the building wall; and
 - c. Window signs, provided they do not obstruct more than twenty-five percent (25%) of the area of any individual window or more than ten percent (10%) of the total fenestration on the building frontage of a commercial building.

2. Signs Allowed With a Permit. In addition to the signs allowed without a permit, the following signs may be erected, maintained and/or displayed in the industrial/office flex and coastline commercial districts with a sign permit, or as part of a master sign program.
 - a. Permanent freestanding signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed twenty (20) square feet per lot equivalent; and
 - ii. No individual sign allowed pursuant to this paragraph shall exceed ten (10) feet in height.
 - iii. The base or supporting members of each freestanding sign shall be located in a planted landscaped area. The landscaped area shall be differentiated from adjoining paved areas by a border which is at least four (4) inches above the ground level. All planted landscaped areas shall be irrigated and maintained on a regular basis.
 - b. Non-illuminated projecting signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed six square feet per street address;
 - ii. No individual sign allowed pursuant to this paragraph shall exceed three feet in height or twelve (12) inches in thickness;
 - iii. All projecting signs must be located at least nine feet above finished grade, and must not project farther than five feet from the building wall;
 - iv. The sign does not project above the maximum allowed building height for the district; and
 - v. Display surfaces of projecting signs must be back-to-back.
 - c. Gateway signs.
 - d. Flagpoles greater than 30 feet in height and/or illuminated, provided that:
 - i. No flagpole shall project more than ten feet above the maximum allowed building height for the zoning district.
 - ii. Each flagpole shall be illuminated by a single source with a beam spread no greater than necessary to illuminate the flag(s). Flag lighting sources shall not exceed 20,000 lumens per flagpole.
 - e. **Digital signs, provided that:**
 - i. **The total sign area for each tenant's each tenant's signs allowed pursuant to this paragraph shall not exceed sixty (60) square feet per building or thirty-three percent (33%) of tenant space building frontage, whichever is less.**
3. Prohibited Signs. In addition to those signs prohibited in Section 15.06.140, the following types of signs shall be prohibited in the industrial/office flex and coastline commercial districts:

- a. Banner signs.
- b. Roof signs.
- c. Marquee signs.
- d. Advertising signs, **except as authorized by a relocation agreement as provided in Section 15.06.100.**

G. Signs Allowed in All Other Districts.

1. Signs Allowed Without a Permit. The following signs shall comply with all provisions and regulations of this chapter. However, no fee, permit or application is required to erect or maintain them in any district not listed in paragraphs B—F above.
 - a. For each lot equivalent, one permanent, freestanding non-illuminated sign not exceeding sixteen (16) square feet in area or six (6) feet in height.
 - b. For each building, one building integrated sign not exceeding six (6) square feet in area and not projecting more than six (6) inches from the building wall.
 - c. Window signs, provided they do not obstruct more than twenty-five percent (25%) of the area of any individual window or more than ten percent (10%) of the total fenestration on the building frontage of a commercial building.
2. Signs Allowed With a Permit. In addition to the signs allowed without a permit, the following signs may be erected, maintained and/or displayed in districts not listed in paragraphs B—F, above, with a sign permit, or as part of a master sign program:
 - a. Permanent, freestanding signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed twenty (20) square feet per lot equivalent;
 - ii. No individual sign allowed pursuant to this paragraph shall exceed ten (10) feet in height.
 - iii. The base or supporting members of each freestanding sign shall be located in a planted landscaped area. The landscaped area shall be differentiated from adjoining paved areas by a border which is at least four (4) inches above the ground level. All planted landscaped areas shall be irrigated and maintained on a regular basis.
 - b. Temporary banner signs, provided that:
 - i. The total sign area for all signs allowed pursuant to this paragraph shall not exceed twenty (20) square feet per lot equivalent;
 - ii. No individual sign allowed pursuant to this paragraph shall exceed ten (10) feet in length; and
 - iii. The banners shall remain on display for no more than ninety (90) days.

3. Prohibited Signs. In addition to those signs prohibited in Section 15.06.140, the following types of signs shall be prohibited in all districts not listed in paragraphs B—F, above:
 - a. Banner signs.
 - b. Roof signs.
 - c. Marquee signs.
 - d. Advertising signs.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.100 Special sign regulations.

- A. Purpose. The regulations contained in this section, in combination with the district regulations contained in this chapter, shall apply within the specified areas. The purpose of this section is to establish regulations to enhance and maintain the desired appearance of the City as viewed from selected locations.
- B. Residential District Proximity Regulations. Any advertising sign in a nonresidential district and located within fifty feet of a residential district shall be oriented to face away from the residential district.
- C. Richmond Parkway and Freeway Proximity Regulations.
 1. The Richmond Parkway is an arterial street that extends between Interstates 80 and 580. No advertising signs shall be permitted within 660 feet from the edge of the right-of-way of the Richmond Parkway.
 2. All advertising signs located within 660 feet from the edge of the right-of-way of any interstate or primary highway, as defined in California Business and Professions Code Sections 5202, 5405 and 5408, shall comply with the Outdoor Advertising Act (California Business and Professions Code Sections 5200 et seq.) in addition to the provisions of this chapter.
- D. Rapid Transit Route and Proximity Regulations. Rapid transit routes shall be designated by the City Council. No advertising signs may be erected, maintained, or displayed if they are located within 660 feet of any rapid transit route (including the Bay Area Rapid Transit District corridor) and oriented toward the rapid transit route.
- E. Scenic Street and Drive Proximity Regulations.
 1. Scenic streets and drives shall be so designated by the City Council. However, prior to making this designation a written notice shall be mailed to the abutting property owners along the portion of a street or road that is being proposed as a scenic street or drive. These property owners shall be advised in this notice of the date, time and place when the City Council will consider making this decision.
 2. The notice specified in paragraph 1 of this subsection shall be deemed served when it is deposited in the United States mail with postage prepaid, addressed to the owner or owners of each parcel which abuts upon the portion of a street

or road that is being proposed as a scenic street or drive, at the last known address as shown on the last equalized assessment roll of the County of Contra Costa, California, and if no such address is there shown or known, then to the parcel abutting the proposed scenic street or drive.

3. Any sign which is located wholly or in part within 200 feet or less of a scenic street or drive shall be subject to the regulations specified in Section 15.06.090(G), regardless of the zoning district in which it is located.

F. Digital Advertising Billboard Signs

1. **Digital Advertising Billboard Signs Authorized. Digital advertising billboard signs may be erected in the following numbers and in the following zoning districts:**
 - a. **In the M-1, Industrial/Office Flex; M-2, Light Industrial; M-3, Heavy Industrial; or M-4, Marine Industrial Zoning Districts, collectively, a total of one (1) digital advertising billboard sign with up to two screens.**
 - b. **In the C-3, Regional Commercial Zoning District, provided it is no less than 1,000 feet from any other digital advertising billboard sign**
 - c. **In the C-1, Neighborhood Commercial, C-2, General Commercial, C-3, Regional Commercial, P-C, Public and Civic Uses, M-1, Industrial/Office Flex; M-2, Light Industrial; M-3, Heavy Industrial; or M-4, Marine Industrial and C-C, Coastline Commercial Zoning Districts, any number of bus stop shelter digital advertising signs are permitted (a relocation agreement is not required).**
2. **Approvals Required. The following approvals must be received by an applicant prior to installing a Digital billboard.**
 - a. **Design Review Board review**
 - b. **Encroachment Permit if the sign is proposed in the Public Right-of-Way.**
 - c. **Sign relocation agreement approved pursuant to section 15.06.100(G).**
3. **Siting, Design, and Operational Limitations:**
 - a. **Digital advertising billboard signs shall not be permitted within 660 feet from the edge of the right-of-way of Interstate 580 between Central Avenue and Bayview Avenue nor would they be permitted within 660 feet from the edge of the right-of-way of the Richmond Parkway between Interstate 80 and Hensley Street.**

- b. Digital advertising billboard sign faces shall be oriented away from any residential area.
- c. Digital billboards that include static signs shall have a 2 to 1 ratio of static sign area to digital sign area.
- d. Ladders or catwalks for service shall be screened from public view.
- e. Displays on Digital billboards shall contain static messages only, and shall not have movement, or the appearance or optical illusion of movement during the static display period, of any part of the sign structure, design, or pictorial segment of the sign, including the movement or appearance of movement. Each static message shall not include flashing lighting or the varying of light intensity. Displays visible from California highways shall comply with all applicable state and federal laws, including the California Business and Professions Code, California Vehicle Code, California Department of Transportation regulations, and Federal Highway Administration regulations.
- f. Each message on the sign must be displayed for a minimum of ten seconds. Transition time between messages shall be no more than two seconds.
- g. Digital billboards shall utilize light sensors to adjust brightness for ambient light conditions. Billboards shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot candle meter at a pre-set distance. Pre-set distances to measure the foot candles impact vary with the expected viewing distances of each size sign. Measurement distance criteria:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign SF.} \times 100}$$

- h. The sign face shall not display light that is of such intensity or brilliance to cause glare or otherwise impair the vision of a driver. No sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device. Any violation of this section will result in the City requiring the sign owner to turn the sign off or show a "full black" image until the sign can be brought into compliance.
- i. The sign shall have a default mechanism or setting that will cause the sign to turn off or show a "full black" image if a visible malfunction or failure occurs.
- j. Height shall not exceed the allowable height of the General Plan Designation.
- k. Maintenance activities are limited to normal cleaning, painting, and repair of damaged parts, or other activities necessary to keep the facility in sound condition. Updates to display technology or enlargement of sign or display area shall be subject to a new

conditional use permit and amendment of the applicable sign relocation agreement.

- l. The digital advertising billboard sign operator shall use its best efforts to employ the latest photovoltaic technology to ensure the digital advertising billboard sign generates one hundred percent of electrical energy used by the facility, unless demonstrated by the applicant to be infeasible. Operator shall use "green power" programs if available and offered by utility provider.
- m. Consecutive messages on a single electronic changeable message sign face (digital slots) are prohibited when the second message answers a textual questions posed on the prior slot, continues or completes a sentence started on the prior slot, or continues or completes a story line started on the prior slot. Nothing in this subsection shall prohibit consecutive messages by the same advertiser or consecutive messages for the same product, provided that the second of such messages does not answer a textual question posed in the first advertisement, or continue a story line started on the prior slot.
- n. The digital advertising billboard sign shall achieve exceptional architectural design and be designed to be incorporated into the architectural style of the adjacent structure.
- o. Prior to the issuance of any approvals for a digital billboard advertising sign, the applicant shall provide a letter or other written documentation from the State of California Department of Transportation (CalTrans) stating that either the proposed sign is not subject to State regulation, complies with applicable State regulations, will comply as proposed with the applicable State regulations or the requirements are waived.
- p. In connection with the City's issuance of a notice of violation or other process pursuant to Chapter 15.06.100 of the Municipal Code, by which the City seeks to enforce the provisions of this Ordinance related to digital advertising billboard sign, six (6) hours shall be deemed a reasonable time for the owner or operator to cure a first-time alleged violation. Any time period in which the digital or electronic off-premise sign display is turned off while the owner or operator attempts to address or cure the alleged violation shall toll the running of the six (6) hour period. The fine for a violation of any provision of this Ordinance pertaining to a digital or electronic off-premise sign shall be not less than one thousand dollars (\$1,000) per day for the first violation, two thousand five hundred dollars (\$2,500) per day for the second violation, and five thousand dollars (\$5,000) per day for the third and subsequent violations.

G. Relocation Agreements.

- 1. Purpose. The purpose of a relocation agreement approved under this section is to ensure that the aesthetic and public safety impacts of installing new digital advertising billboard sign are fully mitigated by the removal of existing billboards within the City or comparable measures.**
- 2. Prior to the issuance of a building permit for construction of any digital advertising billboard, the operator shall enter into a relocation agreement with the City requiring the permanent removal of existing signs to offset the impact of authorizing a new sign.**
- 3. No fewer than ten (10) existing billboards shall be permanently removed for each digital advertising billboard face requested to be approved. All sign structures and faces of an existing billboard must be removed to qualify as a removed billboard. The agreement shall specify which existing billboard structures and faces shall be permanently removed and the location(s) of the requested digital or electronic off-premise sign faces. Only removal of signs that are legally existing at the time of the agreement, including legal non-conforming signs, shall support approval of a new digital advertising billboard sign.**
- 4. To the extent the applicant is not the owner of the property on which the signs proposed for removal are located, the applicant shall, at the time of application, either provide documentation of the consent of the owner(s) to the application or agree to indemnify the city against any and all claims from owner(s) concerning the processing and approval, should approval occur, of the relocation agreement application.**
- 5. The existing billboards identified for removal in a sign relocation agreement must be removed prior to the installation of the digital advertising billboard sign authorized by the agreement.**
- 7. The agreement shall require approval by the City Council.**

(Ord. No. 29-09, § 2, 9-22-09)

15.06.110 Special regulations for closed business signs.

- A. Purpose. The purpose of this section is to establish regulations that enhance the appearance of the City by requiring removal of closed business signs within a reasonable period after a business has closed or a building has been vacated.
- B. Applicability. This section shall apply to all single-occupant and multi-tenant buildings.
- C. A closed business sign is defined as any sign located on a building, in the window of a building, or on the same lot as a building that (1) advertises or identifies either

- (a) the owner or lessor of a building that has been vacated, or (b) a use, activity, business, service or product no longer offered or conducted in a building, and that (2) continues to be displayed more than thirty days after the owner or lessor has vacated the building or more than thirty days after the use, activity, business, service or product has ceased to be offered or conducted in the building.
- D. All closed business signs shall be removed or completely obscured from public view. A sign is "completely obscured from public view" when it has been completely covered with a solid material, such as plywood or lumber, that is securely fastened to the sign or its supporting structure and painted to match the color of the building in which or on which the sign is located. Plastic or fiber sheets shall not constitute a solid material that adequately obscures a closed business sign.
- F. Enforcement of this section shall be conducted in accordance with Section 15.04.950.
- (Ord. No. 29-09, § 2, 9-22-09)

15.06.120 Sign maintenance.

Every sign shall be kept up and maintained in a secure and safe condition. Signs shall be kept free of rust, corrosion, peeling paint, cracks, fading and other surface deterioration. Illuminated signs shall function as designed and permitted. If a sign is not maintained in accordance with this paragraph, the City may notify the owner of the property on which the sign is located or to the person responsible for the maintenance of the sign in writing that he or she must comply with this chapter. If the condition is not corrected or eliminated within the time specified in the notice, the City may revoke the permit for the sign and remove the sign in the manner provided in the notice.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.130 Nonconforming signs.

Nonconforming signs lawfully existing on the date this ordinance becomes effective need not conform to this [the] requirements of this chapter, except that if any such sign is altered, partially demolished or reconstructed, the provisions of this chapter shall apply. Normal repairs, copy replacement and maintenance that do not change the location or appearance of the sign may be made without conforming the sign to the requirements of this chapter.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.140 Prohibited signs.

- A. Except for legally nonconforming signs described Section 15.06.130, the following signs are prohibited:
1. Any sign that is contrary to any provision of this chapter.

2. Any sign that is constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress to or from a building or any exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner such that it will substantially limit access to the building in case of fire.
3. Any sign that is equipped or displayed with moving, flashing or intermittent illumination, except as authorized by this chapter.
4. Any sign that has or consists of any moving, rotating, or otherwise animated parts.
5. Any sign attached to a tree or vegetation.
6. Any non-public sign that:
 - a. Purports to be, is an imitation of, or resembles an official traffic sign or signal;
 - b. Attempts to direct the movement of traffic on the street; or
 - c. Hides from view any official traffic sign or signal.
7. Any sign that obstructs free and clear vision of the traveling public at the intersection of any street or driveway.
8. Any sign located on top of an awning, canopy, arbor or other non-structural exterior building feature.
9. Wind signs.
10. Balloon signs.

11. Mobile billboards.

12. Digital advertising billboard signs, except as authorized by Section 15.06.100(F).

- B. A sign that fails to comply with or violates any provision of this chapter, or is developed or maintained contrary to the terms of a sign permit, is hereby declared to be unlawful and a public nuisance and may be abated by appropriate proceedings, if the property owner fails to bring the sign into compliance within 90 days after the City notifies the owner that the sign is unlawful.

(Ord. No. 29-09, § 2, 9-22-09)

15.06.150 Variances.

- A. The Design Review Board may approve a variance to any requirement for a permanent sign upon finding all of the following:
 1. Strict application of the requirements of this chapter would deny the applicant a reasonable opportunity to communicate by sign in a manner similar to like persons or uses because of an unusual or unique circumstance relating to the

property or the proposal, such as site or building location, building design, physical features on the property, or some other circumstance;

2. The sign resulting from the variance will not affect the surrounding neighborhood or other property affected by the request in a manner materially inconsistent with the purpose and objectives of this chapter; and
 3. The extent of the variance from the requirement is limited to that reasonably necessary to alleviate the problem created by the unique or unusual circumstance identified pursuant to subsection (A), above.
- B. The Design Review Board's decision regarding a variance may be appealed to the City Council in accordance with Section 15.04.980, except that, within fifteen business days after the City's receipt of an appeal of a variance denial pursuant to this section, the City Council shall hear and decide the appeal. The City Council's review of the Design Review Board's shall be governed by the criteria set forth in this chapter. The City Council shall issue written findings in support of its decision.
- (Ord. No. 29-09, § 2, 9-22-09)

FOOTNOTE(S):


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Editor's note— Ord. No. 29-09, § 2, adopted Sept. 22, 2009, repealed the former Ch. 15.06, §§ 15.06.010—15.06.060, and enacted a new Ch. 15.06 as set out herein. The former Ch. 15.06 pertained to similar subject matter and derived from Ord. Nos. 343 N.S., 349 N.S., 3-70 N.S., 10-70 N.S., 7-75 N.S., 21-75 N.S., 4-76 N.S., 12-76 N.S., 23-78 N.S., 17-85 N.S., 20-86 N.S., 28-88 N.S., and 19-09 N.S. See also the Code Comparative Table and Disposition List. (Back)

598180.3

Attachment 2

SIGN EXAMPLES	SIGN TYPE	CITY COUNCIL REVIEW	PLANNING COMMISSION REVIEW	DESIGN REVIEW BOARD REVIEW	ZONING DISTRICTS	RELOCATION AGREEMENT REQUIRED
	Digital Billboard	Yes	Yes	Yes	C-3, M-1, M-2, M-3, M-4	Yes
	Digital Billboard Pylon Sign with On-Premise and Off-Premise Advertising	Yes	Yes	Yes	C-3, M-1, M-2, M-3, M-4	Yes
	Digital Billboard Pylon Sign with On-Premise Advertising	No	No	Yes	C-1, C-2, C-3, P-C, M-2, M-1, M-3, M-4, C-C	No

SIGN EXAMPLES	SIGN TYPE	CITY COUNCIL REVIEW	PLANNING COMMISSION REVIEW	DESIGN REVIEW BOARD REVIEW	ZONING DISTRICTS	RELOCATION AGREEMENT REQUIRED
	Pylon Sign	No	No	Yes	C-1, C-2, C-3, P-C, M-2, M-1, M-3, M-4, C-C	No
	Marquee Sign	No	No	Administrative Design Review	C-1, C-2, C-3	No
	Bus Stop Shelter Digital Advertising Sign	No	Yes	Yes	C-1, C-2, C-3, P-C, M-2, M-1, M-3, M-4, C-C	No

EXAMPLES OF DIGITAL SIGN TYPES

Digital Billboards – Includes Off-Site Advertisements



Previously approved Digital Advertising Billboard Sign with static signage proposal



Digital Advertising Billboard Sign with static signage



Digital Advertising Billboard Sign with static signage



Digital Advertising Billboard Sign with static signage



Digital Advertising Billboard Sign

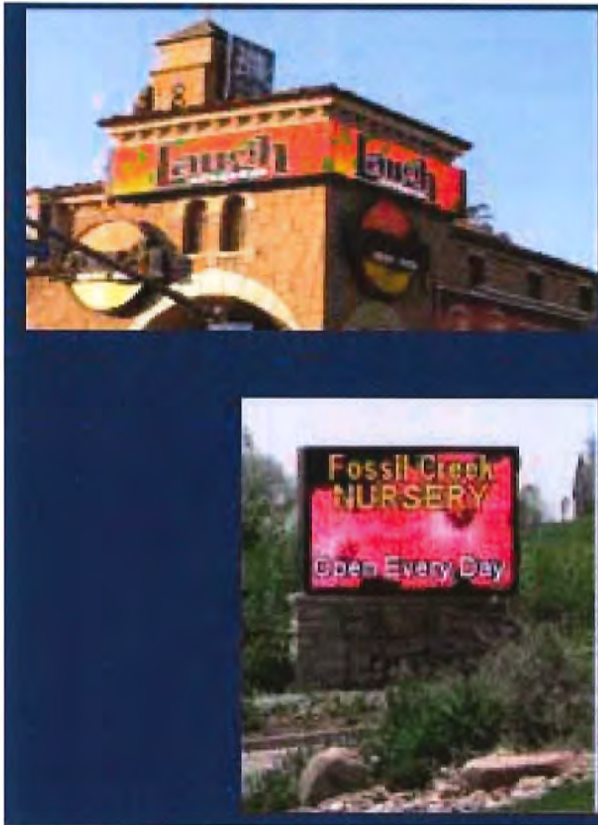


Digital Advertising Billboard Sign on City Property



Digital Advertising Billboard Signs

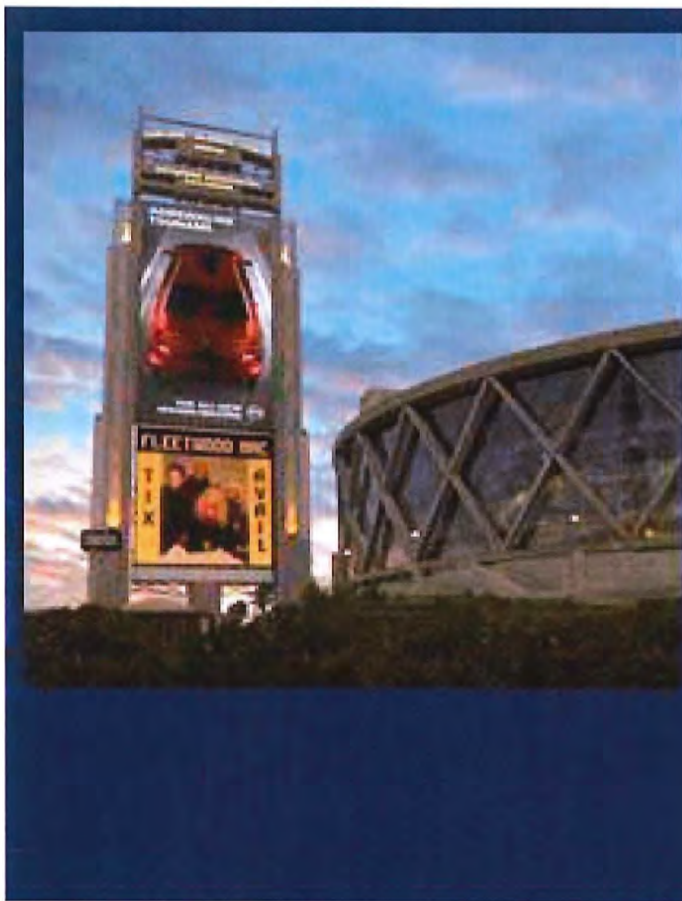
Digital Signs – Displays On-Site Business Identification Name, Products and Services



Digital Signs



Digital Sign



Digital Sign with Static Signage



Digital Sign with Static Signage



Digital Sign with Static Signage



Digital Sign with Static Signage



Digital Sign with Static Signage



Digital Sign with Static Signage

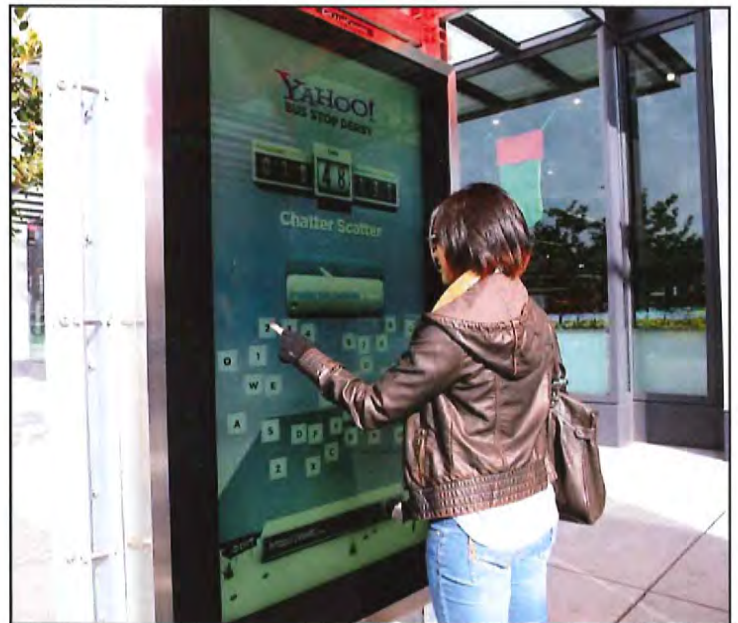


Digital Sign with Static Signage



Digital Sign with Static Signage

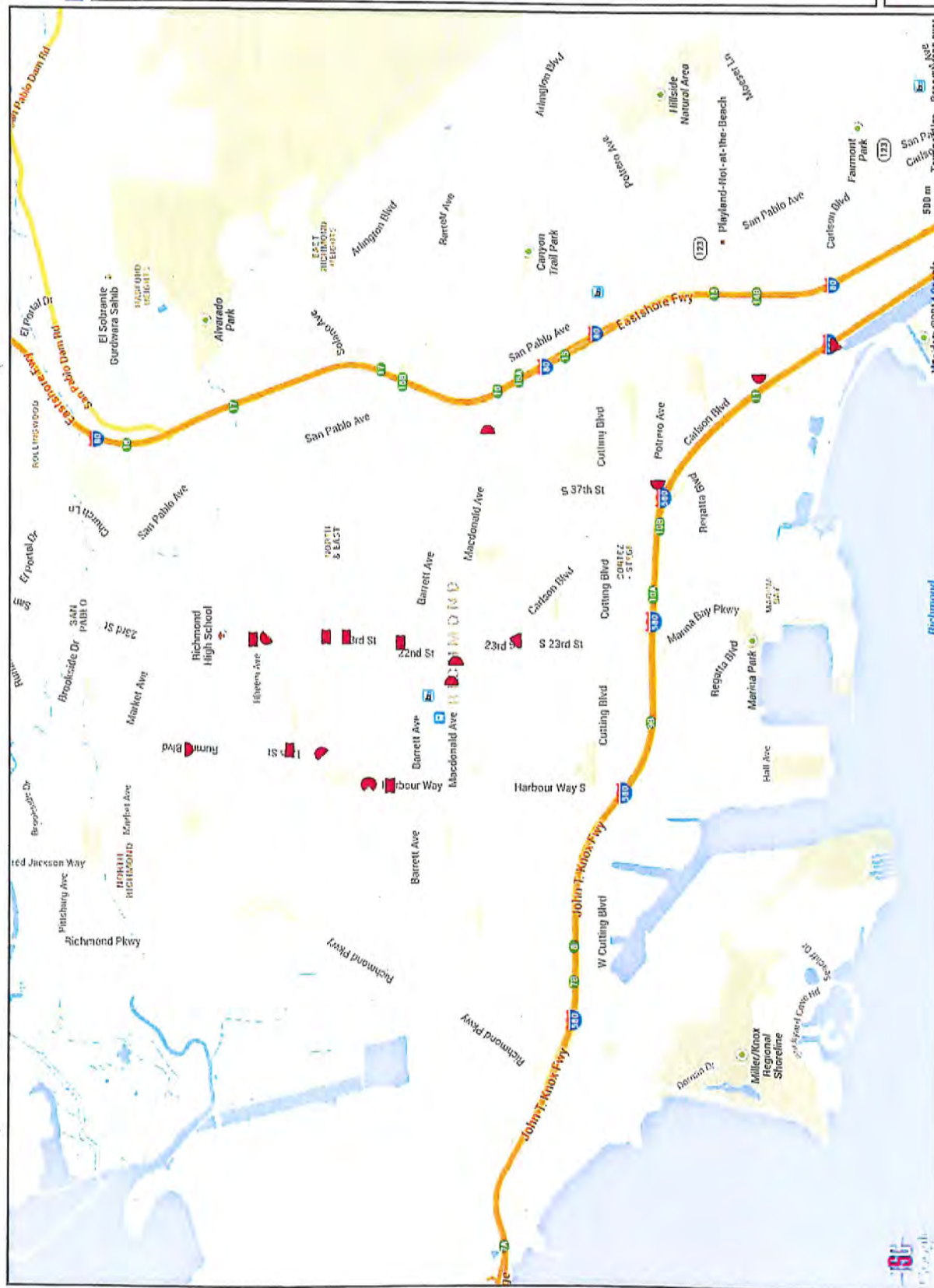
Bus Stop Shelter Digital Advertising Signs



JURISDICTION	DIGITAL SIGNS PERMITTED	DIGITAL SIGNS NOT PERMITTED
ALAMEDA COUNTY		
Alameda	Yes	
Albany	Yes	
Berkeley	Yes	
Dublin	Yes	
Emeryville	Yes	
Fremont	Yes	
Hayward		No
Livermore		No
Newark		No
Oakland	Yes	
Piedmont	Yes	
Pleasanton		No
San Leandro		No
Union City	Yes	
CONTRA COSTA COUNTY		
Antioch		No
Brentwood		No
Clayton		No
Concord	Yes	
Danville		No

El Cerrito	Yes	
Hercules		No
Lafayette		No
Martinez	Yes	
Moraga		No
Oakley	Yes	
Orinda		No
Pinole	Yes	
Pittsburg	Yes	
Pleasant Hill	Yes	
San Pablo		No
San Pablo Lytton Casino	Yes	
San Ramon	Yes	
Walnut Creek	Yes	
SOLANO COUNTY		
Benicia		No
Dixon	Yes	
Fairfield	Yes	
Rio Vista		No
Suisun City	Yes	
Vacaville	Yes	
Vallejo	Yes	

Existing CBS Outdoor and Clear Channel Static Billboards in Richmond



San Francisco/Berkeley

Proposed Listing
Client: All Richmond

Proposal No.: 0299372

AE:

Start: 01/01/2001

End: 01/01/2001

● Posters (28)

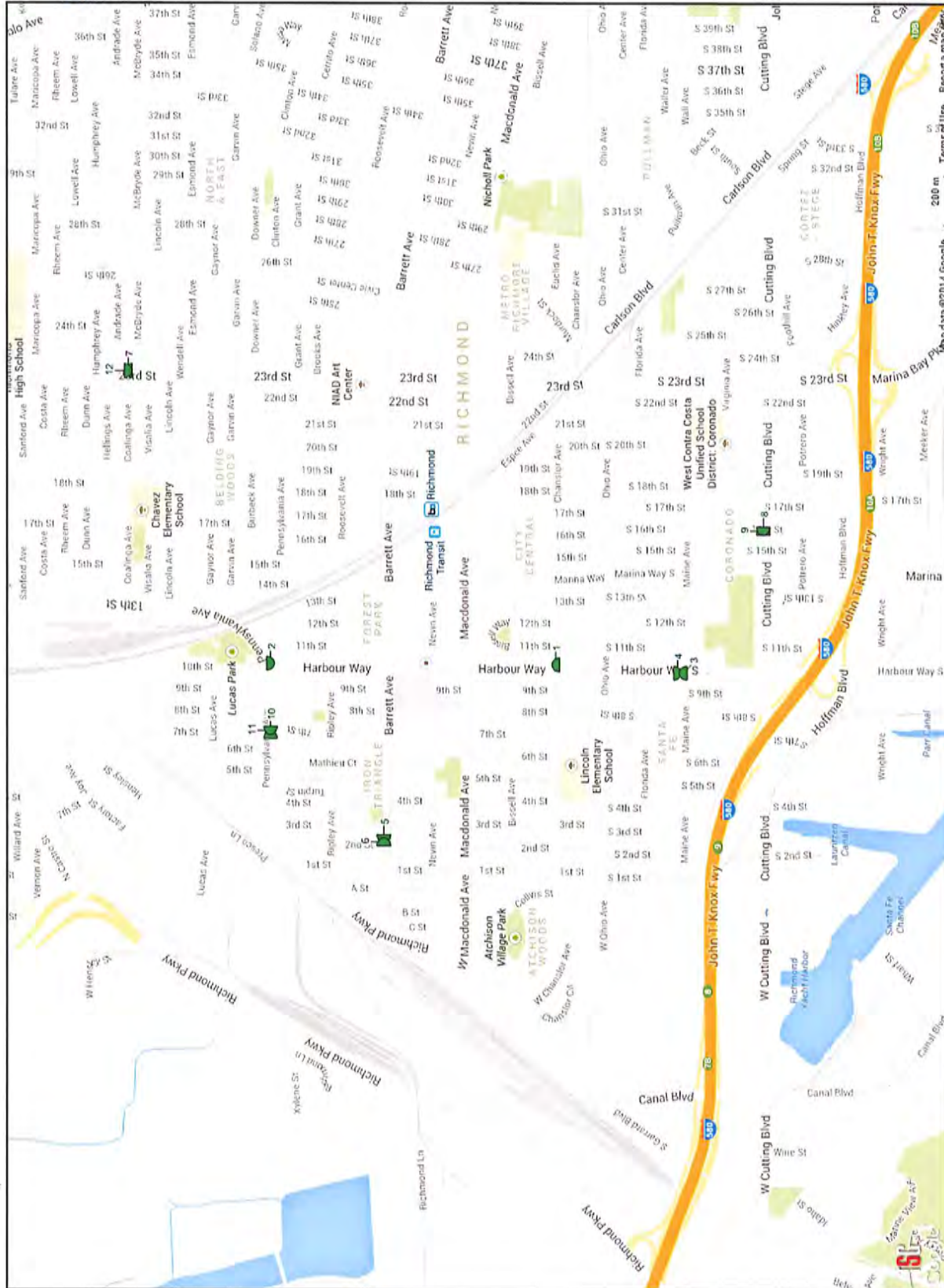




San Francisco/Berkeley

Proposed Listing
Client: All Richmond Jr.
posters
Proposal No.: 0460807
AE: 01/01/2001
Start: 01/01/2001
End: 01/01/2001

Junior Posters (12)



CLEAR CHANNEL EXISTING BILLBOARD LOCATIONS

30-SHEET

Panel# Description

2329	Barrett southline 90' west of San Pablo - facing east
2330	Barrett northline 887' east of 19th St - facing west
2331	Cutting southline 25' east of S. 2nd St - facing west
2332	Cutting southline 25' east of S. 2nd St - facing east
2333	Cutting SS 58ft E/O 12th St F/W - 1
2334	Cutting SS 58ft E/O 12th St F/E - 1
2335	Cutting northline 70' east of 18th St - facing west
2336	Cutting northline 70' east of 18th St - facing east
2337	Cutting southline 50' west of 23rd St - facing west
2338	Cutting southline 65' west of 31st St - facing west
2339	Cutting southline 65' west of 31st St - facing east
2340	Cutting southline 140' west of Carlson - facing east
2341	Cutting southline 140' west of Carlson - facing west
2342	Cutting southline 10' west of Stege - facing east
2343	Cutting northline 55' east of 34th St - facing west

- 2344 Cutting northline 105' east of 34th St - facing east
2349 Harbour eastline 126' north of Ohio - facing south
- 2350 I-580 Freeway southline 360' east of S. 10th St - facing west
3170 I-580 Freeway southline 400' east of S. 10th St - facing east
- 2352 Macdonald northline 45' west of 23rd St - facing west
2353 Macdonald northline 10' west of 23rd St - facing east
- 2356 Ohio northline 555' east of 1th St - facing west
2357 Ohio northline 555' east of 11th St - facing east
- 2360 San Pablo eastline 252' south of Glenn - facing north
2361 San Pablo eastline 150' south of Garvin - facing north
2362 San Pablo eastline 50' south of Solano - facing north
2365 San Pablo eastline 100' north of Clinton - facing south
- 2373 13th St eastline 50' south of Dunn - facing north
2374 13th St eastline 75' south of Lincoln - facing south
- 2377 23rd St westline 152' north of Burbeck - facing south
2378 23rd St westline 80' south of Grant - facing north

2379	23rd St westline 80' south of Grant - facing south
2380	23rd St eastline 100' south of Lincoln - facing north
2381	23rd St eastline 285' north of Florida - facing north
2382	23rd St westline 100' south of Cutting - facing south
3171	I-580 Freeway eastline 3' north of S 47th St - facing north
3172	I-580 Freeway eastline 3' north of S 47th - facing south